



South Carolina
Department of
Corrections

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

October 17, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
OCT 18 2018
SC Court of Appeals

Reference: App. Case No.: 2017-001484 (*Vincent Jermaine Rice*, #316178
v. South Carolina Department of Corrections)

Dear Madam Clerk:

Please accept this letter as an informal reply to Appellant's allegations regarding law library access contained in his August 24, 2018 "Motion to Dismiss Order and Make Judgment on Submitted Evidence."

Appellant has been given several opportunities to properly file his Final Brief and the Record on Appeal in this case. On February 7, 2018 Appellant filed his Final Brief in this matter. Respondent then filed a Motion to Strike Final Brief of Appellant and Require the Filing of a Final Brief Conforming to the Requirements of Rule 211, SCACR on February 16, 2018. The Court granted this motion on March 29, 2018 and ordered Appellant to file a final brief within thirty days. On May 4, 2018, outside of the Court's prescribed timeframe, Appellant filed his Amended Final Brief. However, this Brief also failed to comply with Rule 211, SCACR so Respondent filed a Motion to Strike Amended Final Brief of Appellant and Require the Filing of a Final Brief Conforming to the Requirements of Rule 211, SCACR on May 18, 2018. The Court granted this motion on June 20, 2018 and ordered Appellant to file another Amended Final Brief and a Supplemental Record on Appeal by July 20, 2018. On August 24, 2018, a month after the Court's latest filing deadline, Appellant filed a document styled "Motion to Dismiss Order and Make Judgment on Submitted Evidence."

In June of this year, the South Carolina Department of Corrections contracted with CoreCivic to house 48 South Carolina inmates in CoreCivic's Tallahatchie County Correctional Facility in Tutwiler, Mississippi. Appellant was among those 48 inmates and was transferred on June 19, 2018. In his above referenced Motion, Appellant claims that he does not have access to South Carolina law or legal resources at Tallahatchie County Correctional Facility. This is not true. South Carolina inmates housed at Tallahatchie County Correctional Facility have access to South Carolina specific legal resources via law library computers equipped with LexisNexis. Please see the enclosed affidavit of Kamala Grant, Assistant Warden of Tallahatchie County Correctional Facility.

Sincerely,

Annie Laurie Rumber, Esquire

Enclosure

cc: Vincent Jermaine Rice, #316178

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, *Administrative Law Judge*

ALC Case No. 16-ALJ-04-0869-AP
Appellate Case No. 2017-001484

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SC Court of Appeals

Vincent Jermaine Rice, #316178.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

AFFIDAVIT OF KELLY H. DURHAM

PERSONALLY APPEARED BEFORE ME, Kamala Grant, who, being duly sworn, states as follows:

1. I am employed by CoreCivic, a private company which provides correctional, detention, and residential reentry services to governmental entities. I am the Assistant Warden of CoreCivic's Tallahatchie County Correctional Facility in Tutwiler, Mississippi.

2. As Assistant Warden, I am familiar with the contract between CoreCivic and the South Carolina Department of Corrections by which 48 South Carolina inmates are housed in the Tallahatchie County Correctional Facility.

2. CoreCivic provides legal resources to Tallahatchie County Correctional Facility inmates via a contract with LexisNexis. When CoreCivic contracted with the South Carolina Department of Corrections to house South Carolina inmates, South Carolina specific resources were added to the LexisNexis resources available at Tallahatchie County Correctional Facility.

3. South Carolina inmates housed at Tallahatchie County Correctional Facility have access to South Carolina specific legal resources via law library computers equipped with LexisNexis.

Kamala Grant

Kamala Grant
Assistant Warden
Tallahatchie County Correctional Facility
415 U. S. Highway 49 North
Tutwiler, MS 38963

Sworn to before me this 16th day
of October 2018

Shirley D. Speight

Notary Public for Tallahatchie County

My Commission Expires: NOV. 16, 2018





Office of General Counsel

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Columbia, South Carolina 29221-1787

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