

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge H.W. Funderburk, Jr.

Case No. 2018-001293

Jakarta Deshon Young, #276572, Respondent,

v.

South Carolina Department of Corrections, Appellant.

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RETURN TO MOTION TO HOLD IN ABEYANCE

As detailed in Respondent’s Return in Opposition to Motion for Remand, it would be procedurally improper for the Court to remand this matter to the Administrative Law Judge (“ALJ”) to correct an error of law. Therefore, that motion should be denied.

If the Court denies the Motion for Remand, it should decline to continue holding the case in abeyance, and order that the matter will proceed under the deadlines provided by the South Carolina Appellate Court Rules. Respondent requests that the Court give Appellant 30 days from the date of the Order denying the Motion for Remand in which to file and serve its initial brief.

If the Court grants the Motion for Remand, Respondent consents to the Motion to Hold in Abeyance.

Signature on Following Page

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

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Attorneys for Respondent Jakarta Young

November 20, 2018

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PROOF OF SERVICE

I certify that I have served the *Return to Motion to Hold in Abeyance* on Appellant by depositing a copy of it in the United States Mail, postage prepaid, on November 20, 2018, addressed to **Kensey Barrett, Staff Attorney, Office of General Counsel, S.C. Department of Corrections, P. O. Box 21787, Columbia, SC 29221**, on November 20, 2018.

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Hand Delivered

The Honorable Jenny A. Kitchings
Clerk of Court, SC Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Jakarta Young, #276572 v. South Carolina Department of Corrections
Appellate Case No.
NMR&S File No. 033999.02078

Dear Ms. Kitchings:

Enclosed are the originals and eight copies each of 1) *Return in Opposition to Motion for Remand* and 2) *Return to Motion to Hold in Abeyance* in the above-referenced matter. We would appreciate it if you would file the originals and return to us a stamped copy of each Return via our firm's courier.

By copy of this letter to opposing counsel, we are hereby serving them with copies of the above referenced pleadings.

Very truly yours,

Blake T. Williams

BTW:kdm
Enclosures
cc: Kensity Barrett, Esquire