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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Appellate Case No. 2016-000285
Administrative Law Court Docket No. 12-ALJ-04-00143-AP

Thomas J. Torrence, #094651 Respondent,

v.

South Carolina Department of Corrections Appellant.

**APPELLANT’S MOTION TO FILE OUT OF TIME
ITS REPLY TO THE RESPONDENT’S RETURN TO
ITS PETITION FOR REHEARING**

By and through its undersigned counsel, the Appellant in the instant matter, the South Carolina Department of Corrections [“SCDC”], filed and served its Petition for Rehearing with the Court on January 10, 2019.

The office of the Appellant’s undersigned counsel didn’t receive the Respondent’s Return to the Appellant’s Petition for Rehearing until February 12, 2019. However, the Respondent dated his Return on February 4, 2019, and the Respondent dated his Return’s allied Proof of Service on February 6, 2019.

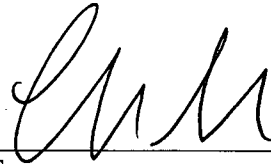
Thus, by the time the office of the Appellant’s undersigned counsel received the Respondent’s Return, the five (5) days afforded the Appellant’s undersigned counsel to file the

Appellant's Reply to the Respondent's Return under South Carolina Appellate Court Rule 240(f) had already elapsed.

Moreover, the Appellant's undersigned counsel didn't have the opportunity to review the Respondent's Return until February 14, 2019, as he had been out of the office since Monday, February 11, 2019 with an illness.

Accordingly, the Appellant, by and through its undersigned counsel, respectfully moves the Court to file and serve its Reply to the Respondent's Return to its Petition for Rehearing in the instant matter out of time, and the Appellant's undersigned counsel, for the above-stated reasons, respectfully seeks a deadline of **Tuesday, February 19, 2019** by which to file and serve the Appellant's Reply.

RESPECTFULLY SUBMITTED:



February 14, 2019

Lake E. Summers
Malone, Thompson, Summers & Ott LLC
339 Heyward Street, Suite 200
Columbia, South Carolina 29201
Office: (803) 254-3300
Fax: (803) 254-0309
E-mail: summers@mtsolvfirm.com

Counsel for the Appellant

Pro se Respondent:

Thomas J. Torrence
#094651
Perry Correctional Institution
430 Oaklawn Drive
Pelzer, South Carolina 29669

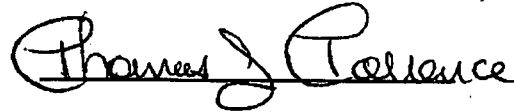
VIII.

CONCLUSION

Torrence respectfully suggests that the January 20, 2016 Order of the ALC is a final order. Torrence suggests that alternatives posed by SCDC are matters settled by the ALC order and provide no further guidance.

If this Court elects to rehear this matter, Torrence respectfully requests this Court affirm the January 20, 2016 Order of the ALC.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink that reads "Thomas J. Torrence". The signature is written in a cursive style with a large initial 'T' and 'J'.

Thomas J. Torrence
#094651
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

RESPONDENT, *Pro se*

February 4, 2019
Pelzer, South Carolina

LAW OFFICES

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

FEB 12 2018

MALONE, THOMPSON
SUMMERS & OTT, LLC

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Deborah Brooks-Durden, Administrative Law Judge

Appellate Case No. 2016-000285
Administrative Law Court Docket No. 12-ALJ-04-00143-AP

Thomas J. Torrence, #094651 RESPONDENT,

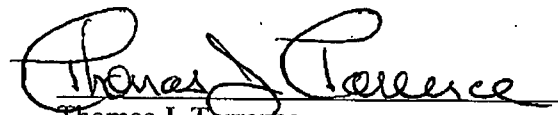
v.

South Carolina Department of Corrections APPELLANT.

PROOF OF SERVICE

I certify that I have served Respondent's **Return to Appellant's Petition for Rehearing** on counsel for the above-named Appellant by depositing a copy in the US Mail, first-class postage affixed that on this 6th day of February, 2019, addressed as follows:

Lake E. Summers, Esq.
Malone, Thompson, Summers, & Ott, LLC
339 Hayward Street, Suite 200
Columbia, South Carolina 29201



Thomas J. Torrence
#094651
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

Respondent, Pro se

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Thomas J. Torrence, #094651 Respondent,

v.

South Carolina Department of Corrections Appellant.

PROOF OF SERVICE

I certify that I have served the **APPELLANT'S MOTION TO FILE OUT OF TIME ITS REPLY TO THE RESPONDENT'S RETURN TO ITS PETITION FOR REHEARING** on the above named *pro se* Respondent by mailing a copy to him, first class postage pre-paid, at the following address:

Thomas J. Torrence, #094651
Perry Correctional Institution
430 Oaklawn Drive
Pelzer, South Carolina 29669

February 14, 2019



Lake E. Summers