

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge H. W. Funderburk, Jr.

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ALC Case No. 18-ALJ-04-0184-AP  
Appellate Case No. 2018-001776

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BRETT CURTISS, # 373259,

**RECEIVED**  
MAR 13 2019  
SC Court of Appeals  
APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**MOTION TO AMEND INITIAL BRIEF, OR IN THE ALTERNATIVE,  
MODIFY FINAL BRIEF**

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The Initial Brief of Respondent was filed on January 25, 2019. The Final Brief of Respondent is due March 14, 2019. South Carolina Appellate Court Rule 211 states, "The party may correct obvious typographical errors and misspellings which were contained in the initial brief. *No other changes may be made.*" (Emphasis added). Respondent's Initial Brief included the assertion, "Appellant's current projected maxout date is November 5, 2024, which is approximately seven years seven months and twenty-four days from his sentence start date." Resp. Initial Brief, p. 7. At the time the Initial Brief was filed, that statement was correct. However, Appellant's maxout date was changed on March 11, 2019 to February 16, 2025, which is approximately seven years

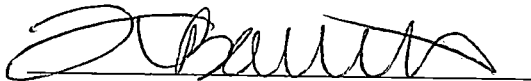
and eleven months from his sentence start date. This change in Appellant's maxout date is due to a change in the rate of his earned work credits. To modify this statement would be a violation of Rule 211. However, to leave this statement unchanged would be a misrepresentation to the Court.

Therefore, Respondent respectfully requests that this Court allow the Initial Brief to be amended or, in the alternative, to allow Respondent's Final Brief to reflect the updated maxout date.

Furthermore, Respondent requests that this Court hold in abeyance the filing deadline for the Final Brief of Respondent, pending resolution of this motion.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**



**Kensey E. Barrett**  
Staff Attorney  
Office of General Counsel  
S.C. Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221  
(803) 896-8508

**ATTORNEY FOR RESPONDENT**

March 13, 2019

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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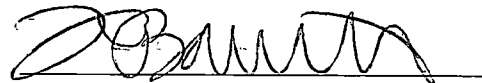
RESPONDENT.

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**CERTIFICATE OF SERVICE**

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Undersigned counsel hereby certifies that on today's date she mailed a copy of the Motion to Amend Initial Brief, or in the Alternative, Modify Final Brief to Appellant, addressed as follows: Brett Curtiss, Tyger River Correctional Institution, 100-200 Prison Road, Enoree, SC 29355, US-0114-X.



**Kensey E. Barrett**  
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Office of General Counsel  
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March 13, 2019



**SOUTH CAROLINA**  
DEPARTMENT OF CORRECTIONS  
*Safety, Service, and Stewardship*

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

March 13, 2019

The Honorable Jenny A. Kitchings  
Clerk of Court, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
MAR 13 2019  
SC Court of Appeals

**RE: Brett Curtiss, # 373259, v. South Carolina Department of Corrections**  
**Appellate Case No. 2018-001776**

Dear Ms. Kitchings:

Enclosed is the original and six copies of Respondent's **Motion to Amend Initial Brief, or in the Alternative, Modify Final Brief**, along with **Certificate of Service**, in the above captioned appeal.

Thank you for your attention to this matter, and please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Kensey Barrett  
Deputy General Counsel  
South Carolina Department of Corrections  
S.C. Bar No. 102215

cc: Brett Curtiss, #373259  
Kirkland Correctional Institution  
4344 Broad River Road  
Columbia, SC 29210