

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

ALC Case No. 17-ALJ-04-0572-AP
Appellate Case No. 2018-001741

SHAWNDELL MONTE MCFARLIN, # 200701,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

MOTION TO FILE OUT OF TIME

Comes now Respondent, through undersigned counsel, and requests leave to file its Initial Brief and Designation of Matter out of time. It appears that Respondent's Initial Brief and Designation is overdue to be served and filed. However, undersigned counsel (who did not handle this case before the Administrative Law Court) has no record of receiving any documents either from the Court or from Appellant since November 19, 2018, with the exception of this Court's March 18, 2019 letter, which was discovered today, paper-clipped to the back of an unrelated document in a four-inch stack of court orders/closing letters from the South Carolina Attorney General's Office. Undersigned counsel immediately began working to complete the Initial Brief of Respondent and Designation of Matter and is submitting it today along with this Motion.

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In light of the foregoing, Respondent respectfully requests that this Court permit it to file the accompanying Initial Brief of Respondent and Designation of Matter outside of the filing deadlines set forth in Rules 208 and 209 of the South Carolina Appellate Court Rules. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). Undersigned counsel apologizes to this Court and to Appellant for any inconvenience this request has caused. However, Respondent does not believe any prejudice to Appellant will result if the request is granted.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY:



CHRISTINA CATOE BIGELOW
Deputy General Counsel
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

April 1, 2019

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

ALC Case No. 17-ALJ-04-0572-AP
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APPELLANT, SC Court of Appeals

SHAWNDELL MONTE MCFARLIN, # 200701,

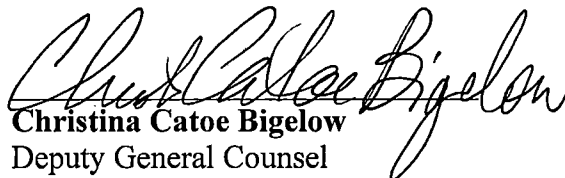
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the Respondent's **Motion to File Out of Time** to Appellant via U.S. Mail addressed as follows: Shawndell Monte McFarlin, # 200701, Evans Correctional Institution, 610 Highway 9 West, Bennettsville, South Carolina, 29512.



Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
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April 1, 2019



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

April 1, 2019

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

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SC Court of Appeals

RE: Shawndell Monte McFarlin, # 200701, v. South Carolina Department of Corrections
Appellate Case No. 2018-001741

Dear Ms. Kitchings:

Enclosed please find the **Initial Brief of Respondent and Designation of Matter** in the above captioned appeal, along with **Proof of Service**. Also enclosed is a **Motion to File Out of Time** and a corresponding **Proof of Service**.

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

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections

cc: Shawndell Monte McFarlin, # 200701
Evans Correctional Institution
610 Highway 9 West
Bennettsville, South Carolina 29512