

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**RECEIVED**

MAR 27 2019

SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

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ALC Case No. 17-ALJ-04-0163-AP  
Appellate Case No. 2018-001293

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JOHN K. MASSEY, JR., # 305341,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**MOTION TO FILE OUT OF TIME**

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The Initial Brief of Respondent and Designation of Matter were due to be served and filed on March 16, 2019. Due to an oversight on the part of the undersigned, Respondent has not filed its brief. Respondent is hereby requesting to file a Motion for Extension for Time out of time. No previous motions, other than the Motion for Extension for Time filed with this motion, have been filed on behalf of Respondent. This motion is not being made for the purpose of delay; instead, it is being made to ensure that the issues raised in this appeal are properly researched and briefed.

**WHEREFORE**, Respondent respectfully requests that this Court allow the Motion for Extension for Time be filed out of time.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

A handwritten signature in black ink, appearing to read "Kensey E. Barrett", is written over a horizontal line.

**Kensey E. Barrett**  
Deputy General Counsel  
Office of General Counsel  
S.C. Department of Corrections  
Post Office Box 21787  
Columbia, South Carolina 29221  
(803) 896-1805

**ATTORNEY FOR RESPONDENT**

March 27, 2019

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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 File out of Time** to Appellant via U.S. Mail addressed as follows: **John K. Massey, Jr. #305341**, MacDougall Correctional Institution, 1516 Old Gilliard Road, Ridgeville, South Carolina, 29472.



**Kensey E. Barrett**  
Deputy General Counsel  
Office of General Counsel  
S. C. Department of Corrections  
Post Office Box 21787  
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(803) 896-8508

March 27, 2019



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

March 27, 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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MAR 27 2019  
SC Court of Appeals

**RE: John K. Massey, Jr., #305341 v. South Carolina Department of Corrections**  
**Appellate Case No. 2018-001293**

Dear Ms. Kitchings:

Enclosed is the original and six copies of Respondent's **Motion to File out of Time and Motion for Extension of Time**, along with **Proof of Service** of each, in the above captioned appeal.

Additionally, please include the undersigned as counsel of record in this case.

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 E. Barrett  
Deputy General Counsel  
South Carolina Department of Corrections

cc: John K. Massey, Jr. #305341  
MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville, South Carolina, 29472