

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge H.W. Funderburk, Jr.

ALC Case No. 18-ALJ-04-0293-AP
Appellate Case No. 2018-002013

RECEIVED
APR 18 2019
SC Court of Appeals

LUTHER BRIAN MARCUS, # 218408,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**MOTION TO ALLOW RESPONDENT TO FILE AN
AMENDED RECORD ON APPEAL**

Respondent, through its undersigned counsel, would respectfully show unto the Court as follows:

In its Designation of Matter, Respondent properly designated the entire record that was before the Administrative Law Court for inclusion in the Record on Appeal. Thereafter, on March 30, 2019, the Record on Appeal was served on Respondent. This Record on Appeal, in addition to not being properly paginated, did not contain all of the material from the Administrative Law Court record. Consequently, Respondent cannot complete its Final Brief because it cannot include proper references to the Record on Appeal.

Because properly designated matter was inadvertently omitted from the Record on Appeal, and due to improper pagination issues, Respondent believes it is necessary to file an Amended Record on Appeal. See Rule 210(c), SCACR (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209[.]”). Respondent is willing to submit a complete Amended Record on Appeal rather than requesting that Appellant, who is acting *pro se*, do so. For the foregoing reasons, Respondent asks this Court to permit it to file an Amended Record on Appeal that is properly paginated and contains all of the properly designated matter. Respondent would respectfully request twenty (20) days from the date this motion is ruled upon in which to file and serve the Amended Record on Appeal.

WHEREFORE, Respondent prays that this Court will allow Respondent to file and serve an Amended Record on Appeal and for such other and further relief as the Court may deem just and proper.

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

April 18, 2019

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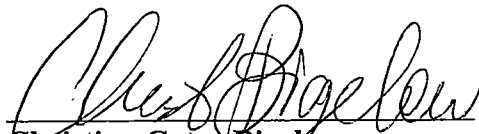
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on this date, she mailed a copy of the **Motion to Allow Respondent to File an Amended Record on Appeal** to Appellant, addressed as follows: Luther Brian Marcus, # 218408, Lee Correctional Institution, 990 Wisacky Highway, Bishopville, South Carolina, 29010.



Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
Columbia, S. C. 29221
(803) 896-8508

April 18, 2019



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

April 18, 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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RE: Luther Brian Marcus, # 218408, v. South Carolina Department of Corrections
Appellate Case No. 2018-002013

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of Respondent's **Motion to Allow Respondent to File an Amended Record on Appeal** in the above captioned matter, along with a **Certificate 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: Luther Brian Marcus, # 218408,
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010