

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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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. 2018-002243

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**RECEIVED**  
JUL 09 2019  
SC Court of Appeals

JOHN K. MASSEY, JR., # 305341,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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**MOTION TO REQUIRE COMPLETED RECORD OR  
RESPONDENT TO SUPPLEMENT THE RECORD**

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Comes now Respondent, through undersigned counsel, and requests that this Court order Appellant to complete the Record or, in the alternative, allow Respondent to file a corrected or supplemental Record on Appeal. The relevant facts supporting this request are as follows.

Appellant served a Record on Appeal on June 5, 2019. The Record on Appeal, as received by Respondent, does not include many of the documents filed in the Administrative Law Court, some of which were cited to in Respondent's Brief. Due to these missing documents, Respondent is unable to file and serve a proper Final Brief of Respondent. *See* Initial Brief of Respondent, page 4. Accordingly, Respondent requests

that this Court require Appellant to complete the Record or allow Respondent to file an Amended Record on Appeal or a Supplemental Record on Appeal so that Respondent may file a proper Final Brief. Respondent will include in the Record all items designated in Respondent's Designation of Matter filed April 24, 2019, as required by South Carolina Appellate Court Rule 209(b) and Rule 210(c). Rule 210(c) states that "the Record on Appeal shall include *all matter designated to be included by any party* under Rule 209" (emphasis added).

Respondent respectfully requests that this Court hold the time period for filing the Final Brief of Respondent in abeyance pending the resolution of this motion.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

BY: 

**Kensey B. Evans**  
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**

July 9, 2019

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

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JOHN K. MASSEY, JR., # 305341,

APPELLANT,

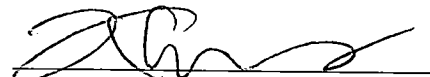
v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**CERTIFICATE OF SERVICE**

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the **Motion to Require Completed Record or Respondent to Supplement the Record** 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 B. Evans**  
Deputy General Counsel  
Office of General Counsel  
S. C. Department of Corrections  
Post Office Box 21787  
Columbia, S. C. 29221  
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July 9, 2019



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

July 9, 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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JUL 09 2019  
SC Court of Appeals

**RE: John K. Massey, Jr., #305341 v. South Carolina Department of Corrections**  
**Appellate Case No. 2018-002243**

Dear Ms. Kitchings:

Enclosed is the original and six copies of Respondent's **Motion to Require Completed Record or Respondent to Supplement the Record**, along with **Proof 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 B. Evans  
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