

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, *Administrative Law Judge*

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ALC Case No. 19-ALJ-04-0446-AP  
Appellate Case No. 2020-000251

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**RECEIVED**  
MAR 26 2020  
SC Court of Appeals

Kenneth Rivera, #318979.....Appellant,

v.

South Carolina Department of Corrections.....Respondent.

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**MOTION TO STRIKE CERTAIN DOCUMENTS FILED AS EXHIBITS TO THE  
INITIAL BRIEF OF APPELLANT**

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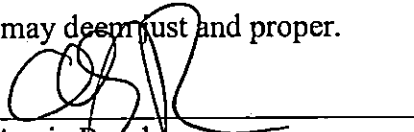
This matter is before the Court pursuant to Kenneth Rivera’s appeal of Administrative Law Court Judge Ralph King Anderson’s February 3, 2020 dismissal order.

On February 13, 2020, Appellant filed his Notice of Appeal with this Court. He then filed the Initial Brief of Appellant on March 16, 202 to which he attached six pages of records. These pages were marked Exhibits A-F by Appellant. Exhibits E and F, a two-page Daily Alternate Diet Roster dated October 21, 2019, were not presented to or considered by the Administrative Law Court in the case being appealed here.

South Carolina Appellant Court Rule 210(c) states that the Record on Appeal “shall not” include anything “which was not presented to the lower court or tribunal.” As such, Respondent requests that the not consider these records or any references thereto in

any of Appellant's filings. Additionally, to the extent that Appellant intends for these exhibits to be the Record on Appeal, Respondent requests that Exhibits E and F be struck from the Record.

**WHEREFORE**, Respondent prays that this Court not consider the above referenced documents and, to the extent they are part of the Record, strike them from the Record on Appeal and for further relief as this Court may deem just and proper.



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

**ATTORNEY FOR RESPONDENT**

March 24, 2020

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, *Administrative Law Judge*

ALC Case No. 19-ALJ-04-0446-AP  
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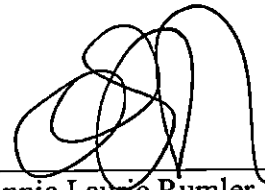
v.

South Carolina Department of Corrections.....Respondent.

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing **Motion to Strike Certain Documents Filed as Exhibits to the Initial Brief of Appellant** to Appellant by depositing a copy of same in the United States Mail, postage prepaid, on March 24, 2020, addressed as follows:

Kenneth Rivera, #318979  
Dorm-Room-Bunk: WA-0225-B  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia, SC 29210



Annie Laurie Rumler  
Deputy General Counsel  
S.C. Dept. of Corrections  
P.O. Box 21787  
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(803) 896-8508

Attorney for Respondent



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

March 24, 2020

**RECEIVED**

MAR 26 2020

**SC Court of Appeals**

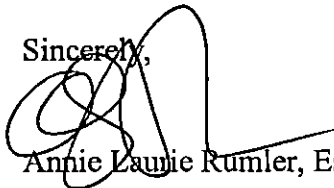
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Reference: App. Case No.: 2020-000251 (*Kenneth Rivera, #318979*  
*v. South Carolina Department of Corrections*)

Dear Madam Clerk:

Enclosed, please find the original and seven copies of Respondent's Motion to Strike Certain Documents Filed as Exhibits to the Initial Brief of Appellant. Please file the original and return one clocked stamped copy to me in the enclosed self-addressed stamped envelope. Thank you.

Sincerely,



Annie Laurie Rumlér, Esquire

Enclosure

cc: Kenneth Rivera, #318979



**SOUTH CAROLINA**  
**DEPARTMENT OF CORRECTIONS**  
*Office of General Counsel*  
P.O. Box 21787 - 4444 Moss River Road - Columbia, SC 29221-1787

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The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

