

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, *Administrative Law Judge*

**RECEIVED**

APR 16 2020

**SC Court of Appeals**

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

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

v.

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

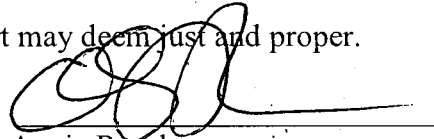
**OBJECTION TO APPELLANT'S DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

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, 2020 to which he attached six pages of records. These pages were marked Exhibits A-F by Appellant. On March 25, 2020, Appellant filed his Designation of Matter to be Included in the Record on Appeal in which he indicated his intention to include these exhibits in the Record in this case. 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 Court prohibit Appellant from including these documents in the Record on Appeal in this case. Additionally, Respondent requests that the Court disregard any references to these documents in Appellant’s other filings.

**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**

April 13, 2020

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Ralph King Anderson, III, *Administrative Law Judge*

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

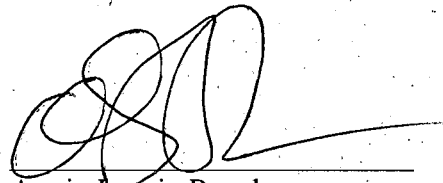
v.

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

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing **Objection to Appellant's Designation of Matter to be Included in the Record on Appeal** to Appellant by depositing a copy of same in the United States Mail, postage prepaid, on April 13, 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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Attorney for Respondent



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

April 13, 2020

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APR 16 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:

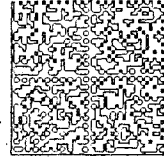
Enclosed, please find the original and seven copies of Respondent's Objection to Appellant's Designation of Matter to be Included in the Record on Appeal. Please file the original and return one clocked stamped copy to me in the enclosed self-addressed stamped envelope. Thank you.

Sincerely,

Annie Laurie Rumler, Esquire

Enclosure

cc: Kenneth Rivera, #318979



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**SOUTH CAROLINA**  
DEPARTMENT OF CORRECTIONS

*Office of General Counsel*

P.O. Box 21787 - 4444 Broad River Road - Columbia, SC 29221-1787

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APR 10 2020

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
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