

RECEIVED

Jun 29 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Shirley C. Robinson

ALC Case No. 19-ALJ-04-0077-AP
Appellate Case No. 2019-001751

ADAM WINNINGHAM, #268099,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**MOTION TO REQUIRE APPELLANT TO FILE A CORRECTED OR
SUPPLEMENTAL RECORD ON APPEAL**

Comes now Respondent, through undersigned counsel, and requests that this Court require Appellant 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 9, 2020. The Record on Appeal, as received by Respondent, does not include all of the documents filed in the Administrative Law Court. Appellant's sentencing sheets and jail time reports are missing from the Record on Appeal. (See Record on Appeal). Due to these missing documents, Respondent is unable to file and serve a proper Final Brief of Respondent, as Appellant's sentencing sheets were cited to in Respondent's Brief. (See Initial Brief of Respondent,

pages 4-5.) Accordingly, Respondent requests that this Court require Appellant to file an Amended Record on Appeal or a Supplemental Record on Appeal so that Respondent may file a proper Final Brief. Respondent requests that Appellant be required to include in the Record all items designated in Respondent's Designation of Matter filed February 27, 2020, as required by South Carolina Appellate Court Rule 210(c) ("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**



Imani Byas
Staff Attorney
Office of General Counsel
S.C. Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221
(803) 896-8508

ATTORNEY FOR RESPONDENT

June 29, 2020

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge Shirley C. Robinson

ALC Case No. 19-ALJ-04-0077-AP
Appellate Case No. 2019-001751

RECEIVED
Jun 29 2020
SC Court of Appeals

Adam Winningham, #268099.....Appellant,

v.

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

PROOF OF SERVICE

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the **Motion to Require Appellant to File a Corrected or Supplemental Record on Appeal** to Appellant via U.S. Mail addressed as follows:

Adam Winningham, #268099
Goodman Correctional Institution
B4-0007-B
4556 Broad River Road
Columbia, SC 29210



Imani Diane Byas
Staff Attorney
S.C. Dept. of Corrections
P.O. Box 21787
Columbia, SC 29221-1787
(803) 896-8508

Attorney for Respondent

June 29, 2020



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

OFFICE OF GENERAL COUNSEL

June 29, 2020

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

Jun 29 2020

SC Court of Appeals

RE: Adam Winningham, #268099, v. South Carolina Department of Corrections
Appellate Case No. 2019-001751

Dear Ms. Kitchings:

Enclosed please find the **Motion to Require Appellant to File a Corrected or Supplemental Record on Appeal** in the above captioned appeal, along with **Proof 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,

Imani Diane Byas
Staff Attorney
South Carolina Department of Corrections
S.C. Bar No. 103715

cc: Adam Winningham, #268099
Goodman Correctional Institution
B4-0007-B
4556 Broad River Road
Columbia, SC 29210