

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Administrative Law Court  
The Honorable H.W. Funderburk, Jr., Administrative Law Judge

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Appellate Case No. 2021-001162

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RECEIVED  
JAN 04 2021  
SC Court of Appeals

LARRY BLACKWELL, #176790..... APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND  
PARDON SERVICES,.....RESPONDENT

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**OBJECTION TO THE DESIGNATION OF  
MATTER SUBMITTED BY APPELLANT  
AND MOTION TO STRIKE**

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Respondent (the Department) would respectfully show unto the Court as follows:

Respondent respectfully submits that the materials in Appellant's Designation of Matter were not presented to the lower court, as required by SCACR 209(b): "the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]." Rule 210(c) states that the Record "shall not ... include matter which was not presented to the lower court or tribunal."

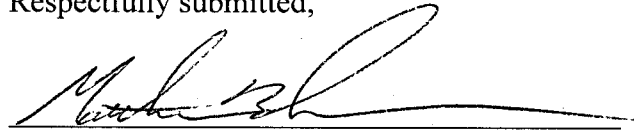
Consequently, the only materials that may be submitted and included in the record are the Record on Appeal of the Administrative Law Court's case of Blackwell v. S.C. Dept. of Probation, Parole and Pardon Services, 21-ALJ-15-0011-AP (June 21, 2021), which is No. 3 in Appellant's Designation of Matter. All other proposed materials is not permitted per the Appellate Court Rules.

It is important to note that the Designation of Matter prepared for the ALC is complete and in conformity to the Rules of the Administrative Law Court. "In appeals from decisions of the Probation, Pardon and Parole Board, the Department need only provide a copy of the agency decision, and where applicable, the decision following a motion for reconsideration." SCALC Rule 61 (Apr. 26, 2021).

If this objection is upheld, Respondent respectfully requests this Court order Appellant to amend its Designation of Matter to conform to the objection and strike all references in its brief to the improperly submitted materials.

Furthermore, Respondent respectfully requests all timelines for which to respond to Appellant's brief be held in abeyance pending a ruling on this Objection and Motion.

Respectfully submitted,



**Matthew C. Buchanan**  
**General Counsel**

South Carolina Department of Probation,  
Parole and Pardon Services  
P. O. Box 207  
Columbia, South Carolina 29202

December 29, 2021

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Administrative Law Court  
The Honorable H.W. Funderburk, Jr., Administrative Law Judge

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Appellate Case No. 2021-001162

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LARRY BLACKWELL, #176790..... APPELLANT

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S.C. DEPARTMENT OF PROBATION, PAROLE AND  
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**CERTIFICATE OF SERVICE**

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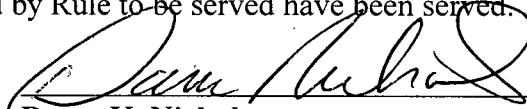
I, Dawn K. Nichols, Executive Assistant, hereby certify that I have served the within  
*Objection To the Designation of Matter Submitted by Appellant and Motion to Strike* on  
Appellant this 29<sup>th</sup> day of December, 2021, by depositing a copy of the same in the United States  
mail, postage prepaid, addressed to:

Jon Ozmint, Esquire  
The Ozmint Law Firm  
5205 Forest Drive, Suite 1  
Columbia, S.C. 29206

John Blume, Esquire  
Cornell Law School  
159 Charles Evans Hughes Hall  
Ithaca, NY 14853

Hannah Freedman, Esquire  
Justice 360  
900 Elmwood Ave, Suite 200  
Columbia, S.C. 29201

I further certify that all parties required by Rule to be served have been served.



**Dawn K. Nichols**  
**Executive Assistant**  
South Carolina Department of Probation,  
Parole, and Pardon Services  
P. O. Box 207  
Columbia, South Carolina 29202

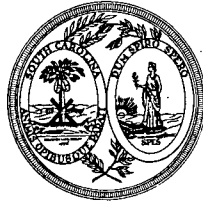
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JAN 04 2021

**SC Court of Appeals**

State of South Carolina  
Department of Probation, Parole and Pardon Services

HENRY McMASTER  
Governor



JERRY B. ADGER  
Director

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December 29, 2021

The Honorable Jenny Kitchings  
Clerk of the S.C. Court of Appeals  
P. O. Box 11629  
Columbia, South Carolina 29211

Re: Larry Blackwell v SCDPPPS

Dear Ms. Kitchings:

Please find enclosed the *Objection to Appellant's Designation of Matter and Motion to Strike* dated December 29, 2021, along with proof of service in the above referenced case.

Thank you for your cooperation in this matter.

Sincerely,

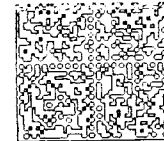
A handwritten signature in black ink, appearing to read "Matthew C. Buchanan", written over a horizontal line.

Matthew C. Buchanan  
General Counsel

Enclosures

cc: Hannah Freedman, Esq.  
John H. Blume, Esq.  
Jon Ozmint, Esq.

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SC Court of Appeals



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State of South Carolina

Department of Probation, Parole, and Pardon Services

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COLUMBIA, SOUTH CAROLINA 29202

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