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**Jan 13 2022**

**SC Court of Appeals**

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. 21-ALJ-04-0164-AP  
Appellate Case No. 2021-000879

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JAMES PRIMUS, # 252315,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

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

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Comes now Respondent, through undersigned counsel, and requests that this Court require Appellant to file a corrected Record on Appeal. The relevant facts supporting this request are as follows.

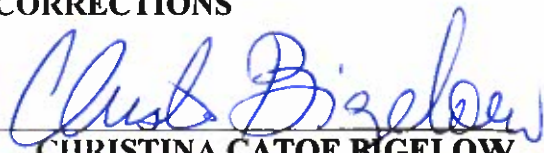
In attempting to prepare Respondent's Final Brief, undersigned counsel realized that Appellant's Record on Appeal fails to contain the ALC Order at issue in this case. Both parties designated this Order in their Designations of Matter, but the Order is still not included in the Record on Appeal as required by SCACR, Rule 210(c). In addition, the first several pages of the Record on Appeal are not consecutively paginated as required by SCACR, Rule 210(c).

Because Appellant has not filed a proper Record on Appeal, Respondent cannot file a proper Final Brief of Respondent with correct record references, and this Court cannot properly consider the case. Accordingly, Respondent respectfully requests that this Court require Appellant to file a corrected Record on Appeal as described above. Respondent further requests that this Court hold the time period for any filings in abeyance pending resolution of this motion.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT  
OF CORRECTIONS**

BY:



**CHRISTINA CATOE BIGELOW**

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**

January 13, 2022

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JAMES PRIMUS, # 252315,

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,


RESPONDENT.

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**CERTIFICATE OF SERVICE**

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Undersigned counsel hereby certifies that on today's date, she mailed a copy of the **Motion to Require Appellant to File a Corrected Record on Appeal** to Appellant via U.S. Mail addressed as follows: James Primus, # 252315, MacDougall Correctional Institution, 1516 Old Gilliard Road, Ridgeville, South Carolina, 29472.

  
Christina Catoe Bigelow  
Deputy General Counsel  
Office of General Counsel  
S. C. Department of Corrections  
Post Office Box 21787  
Columbia, S. C. 29221  
(803) 896-8508

January 13, 2022



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

HENRY McMASTER, Governor  
BRYAN P. STIRLING, Director

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**Jan 13 2022**

**SC Court of Appeals**

**OFFICE OF GENERAL COUNSEL**

January 13, 2022

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

**RE: James Primus, # 252315, v. South Carolina Department of Corrections**  
**Appellate Case No. 2021-000879**

Dear Ms. Kitchings:

Enclosed please find Respondent's **Motion to Require Appellant to File a Corrected Record on Appeal**, 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,

Christina Catoe Bigelow  
Deputy General Counsel  
South Carolina Department of Corrections

cc: James Primus, # 252315  
MacDougall Correctional Institution  
1516 Old Gilliard Road  
Ridgeville, South Carolina 29472