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Feb 25 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Administrative Law Judge S. Phillip Lenski

ALC Case No. 21-ALJ-04-0165-AP
Appellate Case No. 2021-001379

James Anthony Primus, #252315.....Appellant,

v.

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

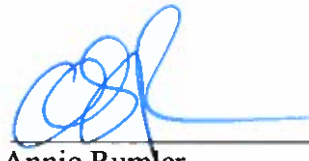
**MOTION TO FILE OUT OF TIME THE INITIAL BRIEF OF RESPONDENT
AND RESPONDENT’S DESIGNATION OF MATTER TO BE INCLUDED IN
THE RECORD ON APPEAL**

This matter is before the Court pursuant to James Anthony Primus’s appeal of Administrative Law Court Judge S. Phillip Lenski’s November 5, 2021 order affirming Respondent’s final agency decision.

Respondent respectfully requests to file the Initial Brief of Respondent and Respondent’s Designation of Matter to be Included in the Record on Appeal in this case out of time. Appellant served Respondent with the Initial Brief of Appellant and Appellant’s Designation of Matter to be Included in the Record on Appeal by placing said documents in the mail to Respondent on January 18, 2022. Pursuant to Rules 208 and 209 of the South Carolina Appellate Court Rules, Respondent had until February 16, 2022 to file and serve the Initial Brief of Respondent and Respondent’s Designation of Matter to be Included in the Record on Appeal. The below signed attorney for

Respondent made an error when entering this date into her calendar and missed the deadline. Respondent apologizes to the Court and Appellant for any inconvenience this has caused.

Thus, Respondent respectfully requests to file out of time the Initial Brief of Respondent and Respondent's Designation of Matter to be Included in the Record on Appeal in the above-captioned case.



Annie Rumler
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ATTORNEY FOR RESPONDENT

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date she mailed a copy of the **Initial Brief of Respondent and Designation of Matter to be Included in the Record on Appeal** to Appellant, addressed as follows: James Anthony Primus, SCDC # 252315, MacDougal Correctional Institution, Dorm-Room-Bunk: B1B-0013-A, 1516 Old Gilliard Road, Ridgeville, SC 29472.

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