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Jul 15 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM WILLIAMSBURGH COUNTY
Court of Common Pleas

Hon. George M. Mc Faddin, Jr., Circuit Court Judge

Case No. 2016-CP-45-00590, Circuit Court

Appeals Court Docket No. 2021-00849

Cassandra Selph, appellant, vs.

Barbara Boatwright, Margaret S. Daniels, Individually and as
Personal Representative of the Estate of Eli Selph, Eli Maurice
Selph, and Dwayne Selph, respondents

**REPLY IN RESPONSE TO OPPOSITION TO MOTION TO
STRIKE THE REQUEST OF RESPONDENT DANIELS FOR
INCLUSION OF ADDITIONAL MATERIAL IN RECORD ON
APPEAL PURSUANT TO SCAR RULE 210**

Comes now on the motion and attaching an affirmation of Bernard M.
Alter, SC Bar No. 78125, dated July 15, 2022,

Dated: Brooklyn, N.Y.
July 15, 2022



Bernard M. Alter, Esq., SC Bar No. 78125
ALTER & BARBARO, ESQS.
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Personal Representative of the Estate of Eli Selph, Eli Maurice
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AFFIRMATION OF
BERNARD M. ALTER

STATE OF NEW YORK, COUNTY OF KINGS) ss.:

Bernard M. Alter, being an attorney duly admitted to practice in the
Courts of the State of South Carolina, hereby affirms and certifies under
penalty of perjury as follows:

1. I am one of the appellant's attorneys, fully familiar with the facts, and
make this reply to their request pursuant to SCAR Rule 210 to strike
the respondent's request in its entirety for inclusion on the record on
appeal on the grounds that those documents are not part of the filed
lower court record.
2. I filed the appellants brief and record on appeal timely.

3. Respondent, Daniels, has responded to the motion and I am submitting this reply.
4. With respect to the first two documents, they were included in the electronic docket apparently as one document.
5. That was a bit confusing and caused me to include those two documents as part of my motion to strike.
6. Having now reviewed the opposition, I can see those documents were included in the electronic docket and will file them, consisting of five (5) pages as the supplemental record pursuant to Rule 211.
7. However, that supplemental record filing must await the determination of this motion.
8. The opposing papers admit the last three documents are not part of the electronic document and argue that they do not need to be part of the docket.
9. In the first place, that argument is without merit because it would defeat the purpose of the lower court's maintenance of foiled documents that would be considered by the court.
10. The second issue is counsel argues that the three documents were part of the lower court's record but fails to state where they were introduced and considered by the lower court.
11. Counsel's conclusory statement that they were part of the lower

court's record and considered by the court below is without merit without a showing of where they were introduced and considered by the lower court.

12. Accordingly, the last three documents should be struck.

WHEREFORE, pursuant to SCAR Rule 210, the request by respondent, set forth above as **Exhibit A to the main mtion**, should be rejected for items 3 through 5 and that portion of the request stricken.

Dated: Brooklyn, New York
July 15, 2022



BERNARD M. ALTER
SC BAR No. 78125

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AFFIRMATION and CERTIFICATE OF SERVICE

The undersigned being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and works at Brooklyn, New York, and is a duly licensed attorney in the State of South Carolina, and affirms as follows under the penalty of perjury as follows:

That on July 15, 2022 deponent served the reply affirmation on the motion on:

1. Gary Crawford, Esq
Attorney for Dwayne Selph, respondent
By sending the documents using E-mail directed to the e-mail address designated by said attorney to receive such e-mail, namely: kitco@msn.com; and

2. Boykin and Davis, LLC
Attorneys for respondent, Margaret Daniels
By sending the documents using E-mail directed to the e-mail address designated by said attorneys to receive such e-mail, namely: kdavis@boykinlawsc.com, cjboykin@boykinlawsc.com, tgoodwyn@boykinlawsc.com, and hgerald@boykinlawsc.com; and

3. Curry Law Firm, LLC
Attorneys for appellant Selph
By sending the documents using E-mail directed to the e-mail address designated by said attorneys to receive such e-mail, namely: currylawfirm@bellsouth.net, cpinckney.currylawfirm@gmail.com, cgraham@thecurrylawfirmllc.com, and currylawfirm@currylawfirmllc.com

No other party has appeared who is entitled to notice.

Dated: Brooklyn, N.Y.
July 15, 2022



BERNARD MITCHELL ALTER
SC Bar No. 78125