

**RECEIVED**

**Aug 15 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lee County  
Honorable R. Ferrell Cothran, Jr., Circuit Court Judge  
Appellate Case No. 2019-000969

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The State,

Respondent,

vs.

Kevin Herriott,

Appellant.

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**MOTION TO STRIKE FINAL BRIEF OF APPELLANT**

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Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

Appellant served his Final Brief of Appellant on July 21, 2022. His brief does not comply with Rule 211(b) of the South Carolina Appellate Court Rules. Rule 211(b) requires the brief to be identical to the initial brief previously served, except for references to the Record on Appeal and corrections of typographic mistakes. A review of his Final Brief demonstrates it is not identical to his initial brief.

Further, his Final Brief contains Exhibits which are not permitted under the South Carolina Appellate Court Rules and should be struck. If he desires to add to the Record on Appeal as prepared, he would need to serve and file a motion to supplement the Record on Appeal to include the Exhibits attached to his current Final Brief.

II.

The State asks this Court to strike Appellant's Final Brief of Appellant. This Court should require an Amended Final Brief of Appellant which complies with Rule 211(B), SCACR. Additionally, this Court should not accept any Exhibits attached to Appellant's Final Brief of Appellant and require Appellant to serve and file a motion to supplement the Record on Appeal to the extent he seeks to add additional Exhibits to what is being considered by the Court on Appeal.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, strike Appellant's Final Brief of Appellant; require Appellant to serve and file an Amended Final Brief of Appellant in compliance with Rule 211(b); require Appellant to serve and file a motion to supplement the Record on Appeal if he desires to have additional Exhibits considered by the Court; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Senior Assistant Deputy Attorney General

BY: 

William M. Blitch, Jr.  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

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**PROOF OF SERVICE**

I, Caroline Collins, certify that I have served the Motion to Strike on Appellant by depositing a copy in the U.S. mail, postage prepaid, addressed to:

Kevin E. Herriott, #t97826, pro se  
NCCI Gardner  
Post Office Box 466  
Gardner, MA 01440

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

This 15<sup>th</sup> day of August, 2022.



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CAROLINE COLLINS  
Administrative Coordinator  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727



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**SC Court of Appeals**

ALAN WILSON  
ATTORNEY GENERAL

August 15, 2022

**VIA ELECTRONIC FILING**

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

Re: State v. Kevin Herriott

Dear Ms. Kitchings:

Enclosed please find the Motion to Strike along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.  
Senior Assistant Deputy Attorney General

Enclosures

cc: Kevin E. Herriott, pro se  
Victim Advocacy Division