

The South Carolina Court of Appeals

Rosen Hagood, LLC, Respondent/Appellant,

v.

Albert T. Henson, Jr., Appellant/Respondent.

Appellate Case No. 2022-001070

ORDER

After careful consideration of Appellant/Respondent's March 21, 2023 correspondence, we amend our March 14, 2023 order granting Respondent/Appellant's January 12, 2023 motion to strike Appellant/Respondent's January 3, 2023 Initial Brief of Respondent and Designation of Matter.

Within twenty days of the date of this order, Appellant/Respondent shall file an amended Initial Brief of Respondent and amended Designation of Matter which do not contain or reference any matters not presented to the circuit court. Specifically, we strike Appellant/Respondent's matters (2), (3), (4), (9), and (10), and any references thereto. *See* Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."); Rule 210(h), SCACR ("Except as provided by Rule 212 and Rule 208(b)(1)(C) and (2), the appellate court will not consider any fact which does not appear in the Record on Appeal."); *State v. White*, 372 S.C. 364, 387, 642 S.E.2d 607, 619 (Ct. App. 2007) (finding a witness's "statement was not presented to the lower court and cannot be properly included in the Record on Appeal").



FOR THE COURT

FILED
Apr 05 2023

Columbia, South Carolina

cc:

Forrest Truett Nettles, II, Esquire

Desa Ballard, Esquire