

STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APR 19 2023

SC Court of Appeals

APPELLATE CASE NO. 2022-000641

APPEAL FROM GREENVILLE COUNTY

Court of General Sessions

The Honorable Frank R. Addy, Jr., Circuit Judge

Trial Court Case No. 2002-GS-23-09233, 2002-GS-23-09234,

2002-GS-23-09235, 2002-GS-23-09239

STATE OF SOUTH CAROLINA RESPONDENT,

V.

PATRICK LEE BOOKER APPELLANT.

RETURN TO MOTION TO STRIKE

NOW COMES the Appellant with this Return to the Motion to Strike filed February 24, 2023, by Respondent, who responds as follows:

The Respondent acknowledges that Appellant has asserted that all listed matters proposed by Appellant are relevant to this appeal. The Respondent does not dispute the relevancy of the matters but rather the Respondent objects to the inclusion of those matters, and to the Court's consideration of those matters, on the basis that the

matters were neither referenced in the Orders appealed from nor made exhibits at either hearing in this matter. Further the Respondent objects to the Appellant's proposed inclusion of the audio/visual recording of the August 15th 2022 hearing on the basis that the same was created by Appellant himself and therefore not certified or authorized.

The Appellant submit that, despite not being referenced in the Orders appealed from or made exhibits at the hearings in this matter, the "several memoranda and documents" referred to by Respondent are **relevant to this appeal and were presented to the lower court**. The certified transcripts from the hearings will reflect that, contrary to the Respondent's contention, the Appellant did indeed ask and receive permission from Judge Addy to present the several memoranda and documents: those matters were, at that time, served upon the State and handed to the clerk who, in turn, handed the same to the judge who accepted them and promised to consider them in connection with his ruling. Although they were not formally designated as exhibits¹ by the pro se party, and although the judge did not reference the matters in his Orders, there can be no dispute by the Respondent that the pro se Appellant served a copy of the same upon the State, at the same time that he presented the same to the Court. Nor can the State dispute the relevancy of the matters. Finally, the pro se Appellant's initial brief makes reference to those matters designated to be included in the record on appeal. Hence, the matters ought to be included in the record.

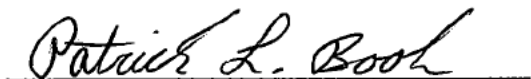
The audio/visual recording was indeed created by the pro se Appellant using his tablet². The Appellant first sought and obtained the judge's permission to record that August 15th, 2022, hearing. The audio/visual recording is an exact replica of the transcribed proceeding and, therefore, is relevant to this matter.

WHEREFORE, having made this Return--which shows that all the matters listed in the designation are relevant to this appeal and were presented to the lower court, the Appellant respectfully requests this Court to deny the motion to strike.

April 15, 2023

Greenwood, South Carolina

2.



Patrick L. Booker

¹ Memorandums of law are not considered exhibits. The "Notice Letter to Debtor" is from the SCDPPPS, and the Appellant sought present the same to the lower court which the **audio/visual recording will prove**.

² The Appellant will **certify the authenticity** of the audio/visual recording as being the unaltered original recording.

STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APR 19 2023

SC Court of Appeals

APPELLATE CASE NO. 2022-000641

APPEAL FROM GREENVILLE COUNTY

Court of General Sessions

The Honorable Frank R. Addy, Jr., Circuit Judge

Trial Court Case No. 2002-GS-23-09233, 2002-GS-23-09234,

2002-GS-23-09235, 2002-GS-23-09239

STATE OF SOUTH CAROLINA RESPONDENT,

V.

PATRICK LEE BOOKER APPELLANT.

CERTIFICATE OF SERVICE

The Appellant hereby certifies that he did this date serve the Return to Motion to Strike upon the Respondent by depositing a copy of the same in the U.S., postage prepaid, addressed as follows: Alan C. Wilson, Attorney General of South Carolina; and Jessica E. Kinard, South Carolina Department of Probation, Parole, and Pardon Services.

April 17, 2023



Patrick L. Booker, Appellant

Patrick L. Booker
103 Rock Knoll Drive
Greenwood, S.C. 29649

RECEIVED

APR 19 2023
SC Court of Appeals

S.C. Court of Appeals
Clerk's Office
P.O. Box 11629
Columbia, S.C. 29211

GREENWOOD

17



UNITED STATES
POSTAL SERVICE

RDC 99



29211

U.S. POSTAGE PAID
FCM LETTER
GREENWOOD, SC
29646
APR 17, 23
AMOUNT

\$0.87

R2305K141918-03

29211-11629

