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May 19 2023

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2023-000382

Reginald Evans,

Appellant,

v.

Sumter County Election Commission,

Respondent.

**MEMORANDUM IN SUPPORT OF MOTION TO
SHORTEN TIME FOR FURTHER FILINGS**

The Respondent Sumter County Election Commission, properly designated as the Sumter County Registration/Election Board (hereinafter sometimes referred to as “the Board”), submits this Memorandum in Support of its Motion, pursuant to Rule 263(b), SCACR, to shorten the time required for further filings by the parties, including the time required for filing the transcript of the circuit court hearing, the time for filing of the Record on Appeal, and the time required for the filing of Final Briefs of the parties.

As stated in the Board’s Motion, the grounds for the Motion are (1) that the transcript of the circuit court hearing has not been properly requested, (2) that the transcript of the circuit court hearing has not been designated for inclusion in the Record on Appeal by either party and is not required for this appeal, and (3) that an expediting of the time for further filings is justified due to the circumstance that the continuing pendency of this case continues to delay the swearing-in of

the individual elected to represent the City of Sumter's Ward One (which has no incumbent) in the November election runoff.

The filings to date in this case include Appellant's Request for Transcript dated April 11, 2023. However, this Request is addressed to and directed to the Circuit Court Judge, and **not** to the court reporter as required by Rule 207(a), SCACR. Respondent is aware of no response from anyone in reply to this Request which now has been pending for more than thirty days.

Respondent further submits that the Designations of Matter to be Included in the Record on Appeal, filed by both parties, show no designation of all or any portion of the transcript of the hearing in circuit court. If no portion of the transcript has been designated, then it is unnecessary to delay further filings for a transcript. The Record on Appeal and the Final Briefs can be filed without either party's possession of the transcript of the Circuit Court hearing.

Finally, Respondent urges that an expediting of this appeal by way of shortening future filing times is justified by the circumstance that this municipal election appeal has delayed, **since November 2022**, the swearing-in of the candidate who won the runoff election and his participation in the deliberations and voting of the Council. Since the incumbent Councilmember for Ward One is deceased, the further effect of this appeal is to deprive voters in Ward One of the benefit of a resident Councilmember. If a delay in office-taking by a fellow candidate is the object of this appeal, then it has been successful for six months and counting.

Respectfully submitted,

May 19, 2023

s/Danny C. Crowe

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