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May 31 2023

**From:** [Ken Dippel](#)  
**To:** [Whitsett, Adam](#); [Court Of Appeals Filings](#); [agwilson@scag.gov](mailto:agwilson@scag.gov); [richj@horrycountysc.gov](mailto:richj@horrycountysc.gov); [wblitch@scag.gov](mailto:wblitch@scag.gov)  
**Subject:** Re: [EXTERNAL] RECORD ON APPEAL, APPELLANT'S FINAL BRIEF, AND APPELLANT'S FINAL REPLY BRIEF  
Appellate Case No. 2023-000048  
**Date:** Wednesday, May 31, 2023 1:26:16 AM

SC Court of Appeals

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Mr. Whitsett, adding the record with Item #4, as you have asked, will not make any difference either way in this case, unfortunately. The Judge directed me in the first hearing to refile the same document even when she granted to add the Petition for Expungement. I did not intentionally leave this out. **I wanted to avoid excessive redundancy.**

The Court, at the June 1, 2022 hearing, indicated it was granting my motion to alter or amend by adding a "*Petition for Expungement.*" **R. at 31.** I filed the "*Amended Petition for Expungement*" with an accompanying motion for summary judgment (**R. 115 - R. 141**). The Horry County Solicitor filed an answer and also moved for summary judgment. (**R. 142 - R. 147**). You, on behalf of SLED, in response, filed a Motion for Summary Judgment (**R. 148 - R. 148**).

In summary, you will see the same document in the ROA at **R. 115 - R. 141**. I utilized bookmarks so that you could when downloading the electronic file I sent you move through the ROA. The SC Court of Appeals, however, does not utilize Bookmarks in their PDF Filings.

I don't want to have to refile the entire ROA. Thank you for bringing this matter to my attention. I greatly appreciate your cooperation. If you have any more concerns, please don't hesitate to contact me.

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On Tue, May 30, 2023, 11:49 AM Whitsett, Adam <[awhitsett@sled.sc.gov](mailto:awhitsett@sled.sc.gov)> wrote:

Mr. Dippel:

In preparing Respondents' Final Brief, I discovered that your April 1, 2022 "Petition for Expungement" that I included in Respondents' Designation of Matter to be Included in the Record on Appeal did not make it into the Record on Appeal. For convenience, I have attached Respondents' Designation and the document in question is Item #4. I have also attached the April 1, 2022 Petition for Expungement in question. Pursuant to Rule 212, I would ask that you supplement the Record on Appeal to include this filing, which I am sure was unintentionally left out. By my count, this document would become pages 187-216 of the Record on Appeal.

Please let me know your position on this request, so that we can proceed accordingly.

Regards,

Adam Whitsett

Adam L. Whitsett

General Counsel

South Carolina Law Enforcement Division

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**From:** Ken Dippel <[krf28472@gmail.com](mailto:krf28472@gmail.com)>

**Sent:** Saturday, May 20, 2023 1:04 PM

**To:** Court Of Appeals Filings <[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)>; Whitsett, Adam <[awhitsett@sled.sc.gov](mailto:awhitsett@sled.sc.gov)>; [agwilson@scag.gov](mailto:agwilson@scag.gov); [richj@horrycountysc.gov](mailto:richj@horrycountysc.gov); [wblitch@scag.gov](mailto:wblitch@scag.gov)

**Subject:** [EXTERNAL] RECORD ON APPEAL, APPELLANT'S FINAL BRIEF, AND APPELLANT'S FINAL REPLY BRIEF Appellate Case No. 2023-000048

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Ladies and Gentlemen,

I've attached the unbound Record on Appeal, the Appellant's final brief, and the reply brief with proof of service. I have served all the Respondents by placing them in the USPC-certified priority mail with a return signature. Rule 210 (a) states: "Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief." The Record on Appeal contains all documents the Respondents requested in their Designation of Matter of Record and relevant material documents listed in the Appellant's Designation of Matter of Record submitted to the lower court. The Record on Appeal does not contain any irrelevant material.

I simultaneously submitted to the Court and served Respondents the Appellant's final brief and reply brief to save costs, save time, and preserve precious judicial resources. **Please note there is no rule requiring the Appellant to submit the final brief and reply**

**brief separately from the Record on Appeal.** The only requirement is to file with the Court and serve on Respondents the final brief and reply brief within 20 days after the service Record on Appeal, which I have done. **This fully complies with Rule 211(a), SCACR.**

**The cover of the attached Record on Appeal unbound is white. The cover of the attached unbound Final Brief is white, and the cover of the unbound final reply brief is white.**

You will be receiving bound copies as required by Rule 267, SCACR. The cover of the Record on Appeal **bound is white.** The cover for the Appellant's **final brief bound is blue.** The cover for the Appellant's **final reply brief bound is gray.**

The Supreme Court's August 25, 2021 order, has an exception to Rule 267(e), SCACR:

*"As an exception to Rule 267(e), SCACR, the covers of all briefs, whether submitted in paper or electronically, maybe white unless additional copies are requested under (d) below".* **Please see Rule 267 (b), SCACR:** <https://www.sccourts.org/whatsnew/displayWhatsNew.cfm?indexId=2622>

Please accept the Record on Appeal, the Appellant's final brief, and the Appellant's final reply brief. Please

feel free to contact me if you have any questions.

Respectfully submitted,

Kenneth Dippel