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Jun 15 2023

SC Court of Appeals

D. Michael Mathison, Attorney
721 Huntington Avenue
Columbia, South Carolina 29205
Telephone: (843) 222-0456
Email: dmichaelmathison@yahoo.com

June 15, 2023
Via Email

The Honorable Jenny Abbott Kitchings
Clerk of the S.C. Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
Ctappfilings@sccourts.org

Re: T.D. v. Richland County School District Two; Appellate Case No. 2019-001603
Case No. 2019-CP-40-01615
Supplemental Citations pursuant to Rule 208(b)(7), SCACR.

Dear Clerk Kitchings,

Counsel for Appellants provides the following supplemental citations pertaining to this appeal pursuant to Rule 208(b)(7), SCACR, without additional argument. Proof of Service is also attached.

1. The following authority relates to arguments regarding the right of students to confront and cross-examine witnesses in school expulsion hearings under S.C. Code 59-63-240, which arguments are addressed in Appellants' Brief at pages 17-18 and 34 and in Respondent's Brief at pages 21-25.

Letter to Mr. M. Hayes Mizell, Member, Richland County School District No. 1 Board of Commissioners, South Carolina Attorney General's Office, November 5, 1973. 1973 WL 27634 (S.C.A.G.) (Opining that a right to confront witnesses exists in expulsion hearings under Act No. 543 of 1973 [now codified as S.C. Code 59-63-240]). (Retrieved on June 15, 2023, from <https://www.scag.gov/wp-content/uploads/2021/05/02546314.pdf>.)

2. The following authority relates to arguments regarding the right of students to confront and cross-examine witnesses in school expulsion hearings and the absence of subpoena power by school authorities addressed in Appellants' Brief at pages 17-17, 34 and 38 and in Respondent's Brief at pages 21-25.

JS, a minor by his parents, M.S. and D.S. v. Manheim Township School District, 231 A.3d 1044, 1044-1065 (Pa. Commw. Ct. 2020), affirmed by J.S. v. Manheim Twp. Sch. Dist., 263 A.3d 295 (Pa. 2021).

Respectfully Submitted,

Attachments

cc: Vernie L. Williams, Esq. (via email)
Jasmine R. Drain, Esq. (via email)

s\ D. Michael Mathison
D. Michael Mathison
Attorney for the Appellants.

1973 WL 27634 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 5, 1973

*1 Mr. M. Hayes Mizell

Member

Richland County School District No. 1 Board of Commissioners

401 Columbia Building

Columbia, South Carolina 29201

Dear Hayes:

In answer to your request for an opinion regarding the right of confrontation in student discipline hearings, I am of the opinion that such a right to confront witnesses exists only in hearings involving expulsion, as distinguished from suspensions. See Sections 2, 3 and 4 of 1973 Act bearing ratification No. 543.

Please contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.

Assistant Attorney General

1973 WL 27634 (S.C.A.G.)

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
L. Casey Manning, Circuit Court Judge

Appellate Case No. 2019-001603
Case No. 2019-CP-40-01615

T.D., by and through his
guardians, A.D. and J.D.,

Appellants,

v.

Richland County School
District Two,

Respondent.

PROOF OF SERVICE

I certify that I have served the Supplemental Citations on Richland County School District Two on June 15, 2023, by emailing a copy of same to its attorneys of record, Jasmine R. Drain and Vernie L. Williams, of Halligan, Mahoney & Williams, to their addresses listed in the Attorney Information System, in accordance with the Order of the Supreme Court dated March 20, 2020, and revised May 29, 2020, addressed as follows:

jdrain@hmwlegal.com
vwilliams@hmwlegal.com

s/ D. Michael Mathison

D. Michael Mathison
SC Bar # 101803
721 Huntington Avenue
Columbia, South Carolina 29205
Ph: (843) 222-0456
dmichaelmathison@yahoo.com
Attorney for Appellants