

# The South Carolina Court of Appeals

The State, Respondent,

v.

Anthony Bernard Morris, Appellant.

Appellate Case No. 2022-000412

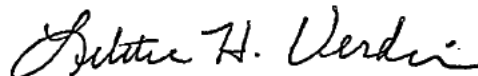
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## ORDER

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After careful consideration, Respondent's motion to strike is granted, in part, and denied, in part. Initially, Rule 208, SCACR, does not require the Appellant's initial brief include citations to the record on appeal. Rule 210, SCACR, requires Appellant to serve and file the record on appeal within thirty days *after* initial briefs are filed. Rule 211, SCACR, then requires the parties to file their final briefs within twenty days of service of the record on appeal, and requires the parties to include citations to the record on appeal in their final briefs. Accordingly, the State's motion to strike on the ground that Appellant failed to include references to the record to support the factual allegations in his initial brief is denied.

However, to the extent Appellant's initial brief references matters not presented to the lower court and not provided for by Rule 208(b)(1)(C), the State's motion to strike is granted as to those portions of Appellant's initial brief. *See* Rule 210(c), SCACR ("The Record on appeal 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."); Rule 208(b)(1)(c), SCACR (mandating what matters may be included in the parties' "statement of the case"). Within twenty days of the date of this order, Appellant shall file an amended initial brief that complies with this order.



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FOR THE COURT

Columbia, South Carolina

cc:

Reagan Singletary, Esquire

Michael Thomas Spears, Esquire

Alan McCrory Wilson, Esquire

Mark Reynolds Farthing, Esquire

**FILED**  
**Jan 09 2024**