

The South Carolina Court of Appeals

Katrina Morrison, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-000703

ORDER

Respondent has moved to strike portions of Appellant's initial brief and designation of matter, arguing Appellant referred to and designated matter not presented to the circuit court. No return was filed. After careful consideration, we grant Respondent's motion in part. We strike item 2, "E-mail chain between attorney Timothy Kirk Truslow and Appellant," from Appellant's designation of matter. Although Appellant did not designate the affidavit she attached to her designation of matter, we note the affidavit may not be designated, included in the record on appeal, or referred to in the brief. We also strike the portions of Appellant's brief that refer to Appellant's designated item 2 and to the affidavit attached to the designation of matter. Finally, we strike the portions of Appellant's brief that refer to matters that were not before the circuit court, such as the purported activity at Appellant's counsel's office and out-of-court communications between Appellant and Appellant's counsel. *See* Rule 209(b), SCACR ("A party shall not include any matter in his [d]esignation which is not relevant to the appeal."); Rule 210(c), SCACR (explaining the record on appeal . . . must not "include matter which was not presented to the lower court or tribunal"). Within thirty days of this order, Appellant must serve and file an amended initial brief and designation of matter that comply with this order and the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

FILED
Mar 01 2024

cc:

Katrina Morrison

Alan McCrory Wilson, Esquire

Mark Reynolds Farthing, Esquire