

The South Carolina Court of Appeals

James John Todd Kincannon, Appellant,

v.

Ashely Suzanne Griffith, Respondent.

Appellate Case No. 2022-001749

ORDER

Respondent has filed a motion to compel Appellant to file an amended record on appeal that includes two of Respondent's designated items currently missing from the record. Respondent has further requested leave to file an amended final brief.

Respondent's motion to compel is granted as to item (12), "Letter, Order and Certificate of Service from Lynn Ivey to Todd Kincannon of December 16, 2019." We find this item is proper for inclusion in the record on appeal. *See* Rule 210(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267."). However, the motion is denied as to item (7), "Email of T. Kincannon of May 22, 2023," as this email was sent months after the order on appeal was issued and this appeal filed; it is therefore not appropriate for this court's review. *See* Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal.").

Within thirty days of the date of this letter, Appellant shall serve and file a supplemental record on appeal that includes Respondent's designated item (12). Appellant may also contemporaneously file an amended final brief if he chooses. Within thirty days of service of the supplemental record on appeal, Respondent shall serve and file an amended final brief. Any amendments to the final briefs shall be limited to addressing and citing item (12).



FOR THE COURT

Columbia, South Carolina

cc:

James John Todd Kincannon

James Edward Bradley, Esquire

FILED
Apr 26 2024