

State of South Carolina
County of Lexington

Nathaniel A. Hunter #372378
Petitioner

v.

State of South Carolina
Respondent

Supreme Court of
South Carolina

Appellate Case No.
2023-001611

Petitioner Reply to
Respondent's Motion To
Seal or Redact Filings

Petitioner's Reply to Respondent's Motion to
Seal or Redact Filings

Now comes the Petitioner replying to Respondent's motion to Seal or Redact filings.

Respondent was not specific in her Motion to Seal or Redact filings when she failed to explain why she needs any filing with the office of Disciplinary Counsel or any letters or correspondence from the office of Disciplinary Counsel to Petitioner be filed either under Seal or any and all references to the office of Disciplinary Counsel be redacted.

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S.C. SUPREME COURT

Respondent has failed to show why any mention, letters or correspondence from ODC to petitioner should be sealed and why the public should not have access to it. The burden is on the party who seeks to overcome the presumption of access to show that the interest in secrecy outweighs the presumption. Under the Federal Constitution, our state constitution and our common law, court records are presumptively open to the public, and these records may only be sealed by a court based on specific findings that the need for secrecy outweighs the presumption of openness.

Respondent failed to show a need for secrecy that outweighs the presumption of openness that pertains to Petitioner's complaint with the office of Disciplinary Counsel against Respondent.

Also, for the record, Petitioner would like to bring ^{to} this court's attention that Respondent's reliance on the South Carolina Appellate Court Rule 413, Rule 12(d) in support of her motion to seal or redact filings was misapplied based upon the following facts:

South Carolina Appellate Court Rule 413, Rule 12(d)
Disclosure Necessary for withdrawal as counsel states:

"When it is necessary to obtain the permission of a tribunal to withdraw from representation, a lawyer may reveal the fact that client filed a complaint with disciplinary counsel to help establish good cause for withdrawal." Respondent has failed to file a motion to be relieved as Petitioner's Counsel as Rule 413, Rule 12(d) requires.

Respondent's reference to Rule 413, Rule 12 (d) states,
"After deciding the motion to be relieved, the tribunal shall insure that either the record is sealed or that all reference to the complaint are deleted from the record available to the public.

--- No members of the tribunal or its staff who learn of the complaint shall reveal that fact to any other person."

The language in this rule stating "after deciding the motion to be relieved" is "key" considering the fact that Respondent has not filed a motion to withdraw as counsel nor has she filed a motion to be relieved as Petitioner's counsel. According to Rule 413, Rule 12 (d), Respondent first must motion the court to obtain the permission of a tribunal to withdraw from representation in which Respondent has failed to do. Petitioner has not received Respondent's motion to be relieved as counsel nor is there any record of Respondent's motion to be relieved as counsel.

Based on the aforementioned facts Petitioner respectfully requests that Respondent's motion to seal or redact filings be denied.