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Aug 19 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

R.Ferrell Cothran, Jr., Circuit Court Judge

Case No. 2024-CP-43-000366

Randal K Freeman, Appellant,

v.

David Bryan Trapp, Respondent.

**REPLY TO RESPONDENT'S RETURN TO APPELLANT'S EMERGENCY
MOTION TO HOLD IN ABEYANCE AND MOTION FOR EXTENSION OF TIME TO
FILE INITIAL BRIEF AND DESIGNATION OF MATTER**

COMES NOW, the Appellant, Randal K. Freeman, pro se, in reply to the Respondent's Return to the Appellant's Emergency Motion to Hold in Abeyance and Motion for Extension of Time to File Initial Brief and Designation of Matter, and respectfully states as follows:

- 1. Timeliness of Filing:** The Appellant asserts that the Emergency Motion to Hold in Abeyance and Motion for Extension of Time to File Initial Brief and Designation of Matter was timely filed with the South Carolina Court of Appeals on or before August 5th, 2024. This motion is still pending as of August 18th, 2024, contrary to the Respondent's claim of failure to file the initial brief per the deadline of August 7th, 2024.
- 2. Transcript from Summary Court of Sumter County:** The Appellant confirms that he ordered and paid for a full transcript of the trial proceedings from the Summary Court of Sumter County on March 1st, 2024. Despite the Respondent's claim, the Appellant has not received the full transcript as required for the preparation of his appeal. The Appellant received the Court of Common Pleas full transcript from Ms. Weaver on June 11th, 2024,

but this did not include the full transcripts of case CV-43-10101594 as ordered from the Summary Court.

3. **Denial of Opt-Out of Court Reporter:** The Appellant denies any opt-out by his counsel or through his knowledge of opting out of a court reporter. No such option to have a court reporter was given to the Appellant, rendering the matter null and void.
4. **Ordering of Transcript:** Pursuant to SC Ct of Appeals Rule 207, the Appellant did order the transcript from the Summary Court of Sumter Clerk on March 1st, 2024, as evidenced by the letter provided to the court and the form on file for case CV-43-10101594. The Appellant was instructed by the Summary Court clerk that he would receive the transcripts once ordered, as identified in his correspondence to the court on March 1st, 2024.
5. **Compliance with Rule 208(a)(4):** The Respondent's claim that the Appellant failed to follow Rule 208(a)(4) is incorrect. There are two motions pending: one to hold the case in abeyance until the court deems how to remedy the Summary Court clerk's failure to provide the transcripts ordered on March 1st, 2024, and the Motion for Extension of Time to File Initial Brief and Designation of Matter. Both were filed before August 7th, 2024.

WHEREFORE, the failure of the Summary Court of Sumter County to provide the necessary transcripts has significantly impacted the appellant's ability to proceed with his appeal. Based on the precedent and rules cited, the appellant respectfully requests that this Honorable Court grant the Emergency Motion to Hold in Abeyance & Motion for Extension of Time to File Initial Brief and Designation of Matter. Alternatively, if the court directs the appellant to hire a private court reporter approved by the Court of Appeals, the appellant respectfully requests that the court provide instructions on the proper documentation and submission process to ensure compliance with appellate rules.

August 18th, 2024

/s/Randal K Freeman
Randal K Freeman
8 Warren Ct
Sumter SC 29150
(224) 407-1660

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PROOF OF SERVICE

I certify that I have served the Reply to the Respondents Return to the Appellants' Emergency Motion to hold in Abeyance and Motion for Extension of Time to File Initial Brief and Designation of Matter on David Bryan Trapp by depositing a copy of it in the United States Mail, postage prepaid, on August 18th, 2024, addressed to his attorney of record, J. Benjamin Cahill, 693 N. Guignard Drive Sumter, South Carolina 29150.

August 18th, 2024

/s/Randal K Freeman
Randal K Freeman
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