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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

March 3, 2025

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Anthony Bernard Morris – Appellate Case No. 2022-000412

Dear Ms. Kitchings:

Earlier today, the State received a motion from appellate counsel for Anthony Bernard Morris, the appellant in the above-referenced criminal appeal, entitled “Appellant’s Motion to Strike the Respondent’s Improper Filing of a Reply to Return to Motion to Strike and Require Filing of Amended Record on Appeal.” Through that motion, Morris asks this Court to strike a reply filed by the State as “procedurally improper” because “the South Carolina Appellate Court Rules do not allow for a reply to a return without first obtaining leave of the Court, as stated in Rule 240, SCACR.” Please accept this letter in lieu of a formal return.

On December 6, 2024, the State filed a motion to strike the Record on Appeal as presently filed in Morris’s case due to several deficiencies. On February 13, 2025, Morris filed a return to the State’s motion. On February 21, 2025, the State filed a reply to Morris’s return addressing the various arguments raised within it.

Significantly, the State filed the reply to Morris’s return pursuant to Rule 240(f) of the South Carolina Appellate Court Rules. In total, that rule reads: “The moving party shall have five (5) days from the date of service of a return to file a reply with the clerk and serve on all parties a copy of the reply. The provisions of Rule 240(c) apply to a reply.” Rule 240(f), SCACR.

Thus, by filing its reply to Morris’s return in the case at bar, the State acted in a manner fully consistent with the plain language of Rule 240. Furthermore, the State similarly complied with the requirements of Rule 263 of the South Carolina Appellate Court Rules when filing that reply. See Rule 263(a), SCACR (“When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturday, Sundays and holidays shall be excluded in the computation.”). Therefore, Morris’s motion to strike the State’s reply as “procedurally improper” is not correct and should be denied.

Thank you very much, and, if you should have any questions or concerns or if a more formal return is desired, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MRF', with a stylized flourish at the end.

Mark R. Farthing
Senior Assistant Deputy Attorney General
S.C. Bar Number 76901

MRF/

cc: Reagan Singletary, Esq.
Victim Advocacy Division