

The South Carolina Court of Appeals

The State, Respondent,

v.


Anthony Bernard Morris, Appellant.

Appellate Case No. 2022-000412

ORDER

On December 6, 2024, Respondent moved to strike the record on appeal, arguing it both contained matter not designated by the parties and failed to contain matter designated by the parties. After numerous extensions were granted, Appellant filed a return on February 13, 2025. Appellant argued, among other things, that although the matters included in the record on appeal that were not designated were not admitted into evidence during the circuit court proceedings, they should be included in the record on appeal. Respondent filed a reply on February 21, 2025. Appellant then filed a motion to strike Respondent's reply as untimely. Respondent filed a letter in lieu of a formal return indicating the reply was timely filed because Rule 240(f) of the South Carolina Appellate Court Rules provides the moving party with five days from the date of service of a return to file a reply, and under Rule 263(a) of the South Carolina Appellate Court Rules, when the time prescribed is less than seven days, Saturday, Sunday, and federal holidays shall be excluded in the computation of time. After careful consideration, we deny Appellant's motion to strike Respondent's reply, and we grant Respondent's motion to strike the record on appeal. To the extent Appellant seeks leave to amend his designation of matter to include matters from a related civil case, we deny that request. Within twenty days of the date of this order Appellant shall serve and file an amended record on appeal. The record shall include only those matters designated by the parties in their designations of matter. *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: The Record shall not, however, include matter which was not presented to the lower court or tribunal."). Thereafter, the parties shall serve and file their final briefs

within twenty days of the date of service of the amended record on appeal.
Appellant's failure to comply with this order will result in the dismissal of the
appeal.



FOR THE COURT

Columbia, South Carolina

cc:
Reagan Singletary, Esquire
Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire

FILED
Apr 01 2025
