

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

104433

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

RECEIVED

The Honorable R. Keith Kelly, Circuit Court Judge  
The Honorable Perry Gravely, Circuit Court Judge

APR 10 2025

SC Court of Appeals

Trial Court Case No. 2017-CP-11-00735  
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District One,

Respondent.

**RESPONDENT'S MOTION FOR LATE FILING OF RETURN TO APPELLANT'S  
MOTION TO AMEND INITIAL BRIEF**

Pursuant to Rule 240(e), SCACR, Respondent, Cherokee County School District ("the District"), submits this Motion for Late Filing of Respondent's Return to Appellant's Motion to Amend Initial Brief ("Motion"). The District respectfully requests the Court grant the Respondent's Motion for Late Filing of its Return to Appellant's Motion to Amend Initial Brief filed with the Court on April 3, 2025. (Attachment A).

The ground for this Motion is due to a clerical miscalculation error based on the filing date and not the date of service. Appellant was obviously not prejudiced because she did not argue as such in her Reply to her Motion to Amend her Initial Brief filed on April 7, 2025. Despite emailing other items throughout this appeal, Appellant did not email the Motion to Amend on March 21, 2025, to our office; thus Respondent did not have notice of her Motion to Amend her

Initial Brief until receiving it via mail on March 26, 2025. (Attachment B). Lastly, the Respondent did not receive notice of the Appellant's filing or a clocked copy of Appellant's Motion to Amend Initial Brief from the S.C. Court of Appeals filed on March 25, 2025.

For good reason, respectfully requests the Court to consider and grant our Motion for late filing of Respondent's Return to Appellant's Motion to Amend Initial Brief filed on April 3, 2025.

*Respectfully submitted,*



---

Andrea E. White (SC Bar ID #11891)  
J. Alexander Sherard (SC Bar ID #103276)  
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*Attorneys for Respondent Cherokee County  
School District One*

April 10, 2025  
Columbia, South Carolina

# Attachment A

*Respondent's Return*

*filed April 3, 2025*

**RECEIVED**

**Apr 03 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge  
The Honorable Perry Gravely, Circuit Court Judge

Case No. 2017-CP-11-00735  
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District,

Respondent.

**RESPONDENT'S RETURN TO APPELLANT'S  
MOTION TO AMEND AMENDED INITIAL BRIEF**

By and through its undersigned counsel, Respondent Cherokee County School District submits this return ("Return") pursuant to Rule 240(e), SCACR in response to Appellant Sharon Brown's March 25, 2025, Motion to Amend her Amended Initial Brief ("Motion to Amend"). Respondent respectfully requests the Court deny Appellant's Motion to Amend.

Respondent, by and through undersigned counsel, respectfully submits this Return in opposition to Appellant's Motion to Amend her Amended Initial Brief. Appellant has failed to show good cause justifying her Motion to Amend, and this Court should deny the motion.

**PROCEDURAL HISTORY**

1. Appellant filed *seven* motions for an extension of time to file her initial brief.
2. Appellant filed her Initial Brief on May 28, 2024.

3. Respondent filed a Motion to Dismiss Appellant's appeal based on the deficiencies of her Initial Brief. In response, the Court ordered Appellant to cure her Initial Brief of deficiencies as outlined in Respondent's Motion to Dismiss.
4. Appellant filed her Amended Initial Brief on December 2, 2024.
5. Respondent filed its Initial Brief on February 12, 2025, pointing out, among other issues, that Appellant failed to identify the appropriate standard of review—an omission fatal to her arguments.
6. Appellant now seeks to amend her Amended Initial Brief for a second time, despite having already amended once and after the deadline for initial briefs has passed.

## **ARGUMENT**

### **I. The Motion is Untimely and Procedurally Improper**

Under Rule 208(a), SCACR, "Within thirty (30) days after receiving the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal, appellant shall serve one copy of his brief on all parties to the appeal. . . ." Under Rule 2010(a), SCACR, "Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief." Here, Appellant filed her Amended Initial Brief on December 2, 2024, and Initial Reply Brief on February 24, 2025. The time to seek second amendments of initial briefs has passed, and the appeal has entered into the phase of final briefin and filing of the Record on Appeal. See Rules 210 and 211, SCACR.

In her Motion to Amend, Appellant argues the need to amend her Amended Initial Brief because she wishes to add "additional standards of review" and make an "additional argument under Plain Error" in regard to issues I-IV of her appeal. Appellant has not provided any justifiable reason for failing to include the correct standard of review in her Amended Initial Brief. Mere

oversight or a response to arguments raised in the Respondent's Brief is not sufficient to demonstrate good cause or justification for not including the correct standards of review in her Amended Initial Brief.

## **II. Appellant Has Already Amended Her Brief Once**

Appellant has previously been permitted to amend her Initial Brief. Repeated amendments, particularly for substantive changes such as correcting the standard of review, are not contemplated by the appellate rules and should not be allowed absent extraordinary circumstances. Here, Respondent's Initial Brief argues extensively on Appellant's lack of proper standard of review—to the extent Appellant abandoned issues I-IV in her appeal. (Respondent's Initial Brief §§I-II, pp.10-21). Here, Appellant even admits that the reason she is seeking to Amend her Amended Initial Brief is because, "[Respondent] has argued that issues 1-4 of Appellant's [Amended Initial Brief] are not preserved for appeal." Allowing a second amendment now—solely in reaction to Respondent's brief—would undermine the integrity of the briefing schedule and unfairly prejudice Respondent.

## **III. Prejudice to the Respondent**

If the Court were to allow this amendment, Respondent would be prejudiced, having already expended resources in responding to the deficiencies in Appellant's Amended Initial Brief. Moreover, allowing the amendment would disturb the orderly appellate process, inviting a piecemeal and strategic approach to briefing rather than adherence to established rules and deadlines.

## **CONCLUSION**

Appellant has failed to demonstrate good cause or justification for a second amendment to her Initial Brief, and the deadline for filing initial briefs has long expired. Accordingly, Respondent

respectfully requests that this Court DENY Appellant's Motion to Amend her Amended Initial Brief.

*Respectfully submitted,*  
**WHITE & STORY, LLC**

By: 

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J. Alexander Sherard (SC Bar # 103276)  
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Columbia, SC 29202  
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[asherard@sodacitylaw.com](mailto:asherard@sodacitylaw.com)

*Attorneys for Cherokee County School District*

April 3, 2025  
Columbia, South Carolina

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**Apr 03 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge  
The Honorable Perry Gravely, Circuit Court Judge

Trial Court Case No. 2017-CP-11-00735  
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District One,

Respondent.

**CERTIFICATE OF COUNSEL**

This is to certify that Respondent Cherokee County School District One's Return to Appellant's Motion to Amend her Initial Brief complies with Rule 240(c), SCACR.



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[asherard@sodacitylaw.com](mailto:asherard@sodacitylaw.com)  
*Attorneys for Respondent Cherokee County  
School District One*

April 3, 2025  
Columbia, South Carolina

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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
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Trial Court Case No. 2017-CP-11-00735  
Appellate Case No. 2022-001582

Sharon Brown,

Appellant,

v.

Cherokee County School District One,

Respondent.

**PROOF OF SERVICE**

I certify that I have served *Respondent Cherokee County School District One's Return to Appellant's Motion to Amend Initial Brief and Certificate of Counsel*, by emailing a copy to Appellant, Sharon Brown, to [Sharon.Brown21@yahoo.com](mailto:Sharon.Brown21@yahoo.com) and mailing a copy via Certified U.S. Mail Tracking No. 7021 2720 0000 6117 3333.



Andrea E. White (SC Bar ID #11891)  
J. Alexander Sherard (SC Bar ID #103276)  
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[asherard@sodacitylaw.com](mailto:asherard@sodacitylaw.com)  
*Attorneys for Respondent Cherokee County  
School District One*

April 3, 2025  
Columbia, South Carolina

Andrea E. White  
Ashley C. Story  
J. Alexander Sherard  
Michael D. Davidson  
Dylan A. Crossland  
Ryan K. Hicks



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[asherard@sodacitylaw.com](mailto:asherard@sodacitylaw.com)

April 3, 2025

**VIA EMAIL FOR FILING**

The Honorable Jenny Abbotts Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

**Re: Sharon Brown v. Cherokee County School District One  
C/A No. 2017-CP-11-00735 / Appellate Case No. 2022-001582**

Dear Ms. Kitchings:

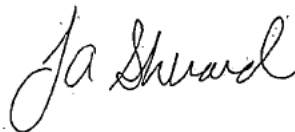
In response to the Appellant's Motion to Amend her Initial Brief clocked on March 25, 2025, regarding the above-referenced matter, please find the following documents for filing:

- 1) Respondent's Return to Appellant's Motion to Amend her Initial Brief;
- 2) Respondent's Proof of Service; and
- 3) Respondent's Certificate of Counsel.

If we need to submit an original copy to the Court or if there are any issues with the filings, please let me know and I will take care of it before the close of business today.

Thank you for your assistance in this matter.

Sincere regards,



J. Alexander Sherard

Enclosures

c: Andrea E. White, Esq. (w/o enclosures)  
Sharon Brown, *Appellant* (w/enclosures)

# Attachment B

## *Affidavit*

**ATTACHMENT B**

**Affidavit of Mendy Young**


Under penalty of perjury, I, MELINDA "MENDY" YOUNG, having first been duly sworn, depose and say the following:

1. My name is Melinda "Mendy" Young, and I am over 18 years old.
2. I am a citizen of Richland County, South Carolina.
3. I have personal knowledge of and am competent to swear to the facts set forth in this affidavit.
4. I have worked for the law firm of White & Story, LLC, since 2017, as a Litigation Paralegal.
5. I received the Appellant's Motion to Amend Initial Brief in the regular U.S. Mail on March 26, 2025. (Exhibit A)
6. I do not have any knowledge of receiving a copy of the Appellant's Motion to Amend prior to March 26, 2025.
7. I give this affidavit based upon my own personal knowledge and am competent to do the same.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 10<sup>th</sup>, 2025.

FURTHER AFFIANT SAYETH NOT.

  
Melinda "Mendy" Young

SWORN AND SUBSCRIBED BEFORE ME  
THIS 10<sup>th</sup> DAY OF APRIL 2025.

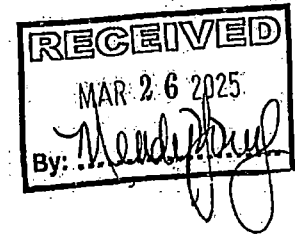
Notary Signature: *Luke Hopkins*

Notary Printed Name: Luke Hopkins

NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission expires: 03/13/2034

Affidavit  
*Exhibit A*

South Carolina Court of Appeals  
ATTN: Jenny Abbott Kitchings, Clerk of Court  
P.O. Box 11629  
Columbia, S.C. 29211



Re: Sharon A. Brown, Appellant vs. Cherokee County School District One, Respondent.  
Docket No. 2017- CP-11-00735  
Appellate Case No: 2022-001582

March 21, 2025

Dear Clerk of Court,

Enclosed you will find 1 (one) original and 6 (six) copies of *Appellant's Motion to Amend Initial Brief*. Additionally, you will find a check in the amount of \$50 dollars and a Certificate of Service. Please feel free to contact me if you have any questions.

Sincerely,

  
Sharon Brown, Appellant

Enclosure(s)

Cc:

Ms. Andrea E. White/Mr. J. Alexander Sherard, Esquire

---

**CERTIFICATE OF SERVICE**

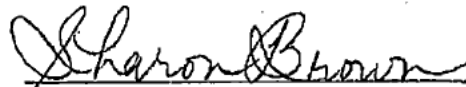
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I, Sharon Brown, hereby certify that I have this 21<sup>st</sup> day of March served a copy of the herein below listed document to the address listed below by depositing a copy of same in the United States Postal System, postage prepaid, and mailing same to:

PLEADING(S): Appellant's Motion To Amend Initial Brief

PARTY SERVED:

Ms. Andrea E. White, Esq.  
Mr. J. Alexander Sherard, Esq.  
P.O. Box 7036  
Columbia, S.C. 29202



SHARON BROWN  
216 Ardmore Road  
Spartanburg, S.C. 29306  
sharon.brown21@yahoo.com  
(864)253-9975  
Appellant

March 21, 2025

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

---

**Appeal From Cherokee County  
Court of Common Pleas**

**Perry Gravely, Circuit Court Judge  
R. Keith Kelly, Circuit Court Judge**

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**Docket No.: 2017-CP-11-00735**

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**Appellate Case No. 2022-001582**

---

Sharon Brown,

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Cherokee County  
School District One,

Respondent.

---

**APPELLANT'S MOTION TO AMEND INITIAL BRIEF**

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Appellant, Sharon Brown, hereby moves the Court for an order to Amend her Initial Brief. Additionally, the Appellant requests that the timeline fo perfecting the appeal be held in abeyance until this motion is decided.

Appellant wishes to add an additional standard of review for arguments 1-4 of her initial brief. The additional standard, the appellant wishes to add, is the Plain Error Standard for Issues 1-4. Additionally, Appellant wishes to make an additional argument, Plain Error, on issues 1-4.

Upon belief, Judge Gravely should have seen that Brown's substantial rights were violated. Rule 61 SCRPC entitles Appellant relief from Judge Gravely's actions.

It is to be noted that the respondent school district has argued that issues 1- 4 of Appellant's Brief are not preserved for appeal. Appellant's trial counsel did not make a formal objection to Respond District's charge/accusation of unsatisfactory performance in the classroom during the trial before Judge Gravely.

Appellant was never given notice of this charge/accusation until the trial before Judge Gravely. Brown asserts that plain error and Rule 61 SCRPC apply to this situation, along with other arguments listed in her initial brief. Brown's substantial rights were violated. Judge Gravely, upon belief, knew that Brown was never charged with unsatisfactory performance by Cherokee County School District One. Therefore, he had a duty to stop the trial and reinstate Brown to her teaching position when CCSD introduced the charge/accusation. Additionally, appellant rights were violated under our South Carolina Teacher Employment and Dismissal Act.

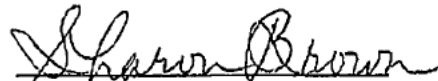
Our South Carolina Supreme Court has recognized circumstances in which it reviewed issues raised for the first time on Appeal. See *Toyota of Florence, Inc. v. Lynch*, 314 S.C. 25, 442, S.E. 2d 611 (1994); *State v. Pace* 316 S.C. 71, 447 S.E. 2d 186 (1995).

Moreover, Judge Gravely's failure to act, denied Brown a meaningful and fair trial. Brown was handicapped with the prejudicial charge of unsatisfactory performance before the jury. Despite, the fact that this school district has a chain of below performing schools. Surely, Brown did not teach at all the schools.

Appellant believes that refusing to allow Brown to address this error by Judge Gravely would result in a miscarriage of justice and seriously affect the fairness and integrity of our judicial system proceedings.

Wherefore, Appellant moves the Court for an order to allow Appellant to Amend her Initial Brief.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sharon Brown".

SHARON BROWN  
216 Ardmore Road  
Spartanburg, S.C. 29306  
(864)-253-9975  
sharon.brown21@yahoo.com  
**APPELLANT**

March 21, 2025

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM CHEROKEE COUNTY  
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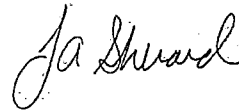
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CERTIFICATE OF COUNSEL

This is to certify that Respondent Cherokee County School District One's Motion for Late Filing of Respondent's Return with Attachments A-B complies with Rule 240(c), SCACR.



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J. Alexander Sherard (SC Bar No. 103276)  
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[asherard@sodacitylaw.com](mailto:asherard@sodacitylaw.com)  
*Attorneys for Respondent*

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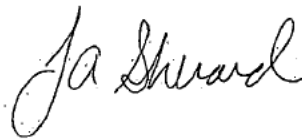
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Cherokee County School District One,

Respondent.

**PROOF OF SERVICE**

I certify that I have served *Respondent Cherokee County School District One's Motion for Late Filing of Respondent's Return with Attachments A-B, and Certificate of Counsel*, by emailing a copy to Appellant, Sharon Brown, to [Sharon.Brown21@yahoo.com](mailto:Sharon.Brown21@yahoo.com), and mailing a copy via First-Class U.S. Certified Mail (#7021 2720 0000 6118 0508).



Andrea E. White (SC Bar No. 11891)  
J. Alexander Sherard (SC Bar No. 103276)  
WHITE & STORY, LLC  
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[asherard@sodacitylaw.com](mailto:asherard@sodacitylaw.com)  
*Attorneys for Respondent*

April 10, 2025  
Columbia, South Carolina

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Ashley C. Story  
J. Alexander Sherard  
Michael D. Davidson  
Dylan A. Crossland  
Ryan K. Hicks



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J. Alexander Sherard  
[asherard@sodacitylaw.com](mailto:asherard@sodacitylaw.com)

April 10, 2025

**VIA PERSONAL COURIER**

The Honorable Jenny Abbotts Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

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**Appellate Case No. 2022-001582**

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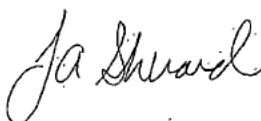
Please find the following documents for filing in the above-referenced matter:

- 1) Respondent's Motion for Late Filing of Return with Attachments A-B;
- 2) Respondent's Proof of Service;
- 3) Respondent's Certificate of Counsel; and
- 4) \$50.00 Motion's Filing Fee.

If there are any issues with the filings, please let me know and I will take care of it before the close of business today.

Thank you for your assistance in this matter.

Sincere regards,



J. Alexander Sherard

Enclosures

c: Andrea E. White, Esq. (w/o enclosures)  
Sharon Brown (Via email & U.S. Certified Mail #7021 2720 0000 6118 0508)