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Jul 15 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM JASPER COUNTY
Court Of Common Pleas
The Honorable R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2023-000790

THE STATE,

Respondent,

v.

STEVEN FRANTZ,

Appellant.

**MOTION TO DISMISS AND STRIKE AMENDED
RECORD ON APPEAL AND
REQUIRE FILING OF THIRD
AMENDED RECORD ON APPEAL**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

On September 30, 2021, a Jasper County Magistrate found Appellant Steven Frantz guilty of trespassing and imposed a \$260 fine.¹ Frantz filed a notice of appeal with the Jasper County Circuit Court on October 28, 2021. The Circuit Court found the appeal was not perfected due to Frantz’s failure to comply with S.C. Code Ann. § 18-3-30.

¹ Due to a potential clerical error, Appellant’s \$260 fine was waived.

II.

On June 1, 2024, Frantz filed the original version of his Initial Brief of Appellant along with his Designation of Matter. Frantz subsequently amended his Designation of Matter on June 18, 2024. In his Amended Designation of Matter, Frantz designated: (1) the transcripts from his circuit court hearing; (2) a notice of transcript request; (3) a notice of public records request; (4) a notice of FOIA request; (5) his notice of appeal; (6) a Jasper county letter dated April, 20, 2022; (7) a discovery motion dated April 20, 2021; (8) a discovery motion dated May 19, 2021; (9) a DNR arrest report; (10) pictures of the arrest site; (11) an order from Judge Joanne McDonald; (12) a Notice of Motion of Dismissal; (13) a Notice of Motion to Change Venue; (14) a Notice of Motion dated February 26, 2023; and (15) a letter from Quatray Truesdale. (App. Des.).

III.

Subsequently, the State filed its Initial Brief of Respondent and later amended its Designation of Matter. In its Amended Designation of Matter, the State designated the following for inclusion in the Record on Appeal: (1) Magistrate's Return and Notice of Appeal; (2) Transcript dated April 20, 2023; and (3) Circuit Court order dated April 26, 2023.

IV.

On January 8, 2025, Frantz filed the Record on Appeal with this Court. In that record, Frantz included the items designated in his Amended Designation of Matter as well as items not designated by either party. Yet, Frantz did not include the Magistrate's Return and Notice of Appeal from Magistrate Court Documents as designated by the State. Also, Frantz failed to comply with the formatting requirements of the South Carolina Appellate Court Rules.

V.

The State then filed a Motion to Strike requesting Frantz file an amended Record on Appeal. On March 10, 2025, this Court issued an order granting the State's motion and required Frantz to file an Amended Record on Appeal.

VI.

On April 17, 2025, Frantz filed a Second Amended Record on Appeal with this Court. In that record, Frantz failed to include the items designated in his Amended Designation of Matter. Additionally, Frantz failed to include the Magistrate's Return and Notice of Appeal from Magistrate Court Documents as designated by the State. Furthermore, although not designated by either party, Frantz also included in the Record on Appeal a Notice of Motion Scheduling, another Notice of Motion Scheduling, a letter from the Jasper County Clerk of Court, and a Notice of Appeal dated.

VII.

The State then filed a motion to strike requesting Frantz file an amended Record on Appeal. On May 6, 2025, this Court issued an order granting the State's motion and required Frantz to file an amended Record on Appeal. The order stated that failure to comply would result in dismissal of the appeal.

VIII.

On July 7, 2025, Frantz filed what appears to be an amended Record on Appeal with this Court. His third attempt at filing a record on appeal was titled "Appellant's Required Filing of a Record on Appeal Brief in Support". In that document, Frantz failed to include any items

designated by either party. Instead, he simply included a list of his view of the facts along with some personal opinions and commentary.

IX.

In the Record on Appeal as presently filed, Frantz has improperly failed to include any of the items designated by either party and instead included a bullet-point list of legal arguments. Thus, the Record on Appeal as presently filed is currently incomplete. Germain v. Nichol, 278 S.C. 508, 509, 299 S.E.2d 335, 335 (1983) (“Appellant has the burden of providing [an appellate court] with a sufficient record upon which [the appellate court] can make its decision.”); Rule 210(c), SCACR. Consequently, this appeal should be dismissed due to Frantz’s failure to comply with this Court’s order dated May 6, 2025.

X.

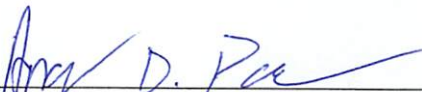
Alternatively, should the Appeal not be dismissed, the Amended Record on Appeal as presently filed does not currently comply with the plain mandates of our state’s appellate court rules and must be stricken. Rule 210(c), SCACR; see Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) ([T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.”). Therefore, this Court should strike the Amended Record on Appeal as presently filed and require Frantz to file a third amended Record on Appeal including all the properly designated matter and nothing else.

WHEREFORE, the State prays this Court dismiss the appeal due to Appellant's failure to comply with this Court's order. Alternatively, the State prays this Court strike the Record on Appeal as presently filed; require the service and filing of a third Amended Record on Appeal that complies with all the requirements of Rule 210 of the South Carolina Appellate Court Rules; hold the time period for service and filing of the Final Brief of Respondent in abeyance pending a ruling on this motion; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

ANDREW D. POWELL
Assistant Attorney General

BY: 
Andrew D. Powell
Bar # 106415

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PROOF OF SERVICE

I, Susan Spencer, certify that I have served the within Motion to Dismiss and Strike Amended Record on Appeal and Require Filing of Third Amended Record on Appeal on Steven Frantz, pro se Appellant via U.S. Mail.

Steven Frantz
536 S. Summit Street
Smithville, OH 44677

I further certify that all parties required by Rule to be served have been served.

This 15th day of July, 2025.



Susan Spencer
Legal Assistant

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