

# The South Carolina Court of Appeals

Alonzo C. Jeter, III, Appellant,

v.

State of South Carolina, Alan McCrory Wilson, Chelsey F. Marto, Joseph Derham Cole, Mark J. Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefler Toal, Donald W. Beatty, Respondents.

Appellate Case No. 2025-000762

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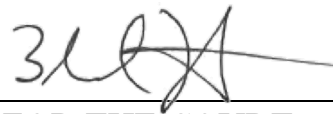
## ORDER

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On June 26, 2025, Appellant filed his initial brief and designation of matter. On July 24, 2025, Respondents filed a motion to strike Appellant's initial brief and designation matter and to stay the time for filing its initial brief. Respondents argued Appellant's designation of matter contained matters not presented to the lower court and Appellant's initial brief failed to provide references to the record and referred to matter not proper for inclusion in the record on appeal because it was not presented below. On August 13, 2025, Appellant filed a return, explaining he would amend his initial brief to include references to the record where there were none, and would remove citations to some matters that were not presented below but he believed some matter was presented and still planned to mention the existence of matter even if it could not be included in the record on appeal. That same day, Appellant filed his amended initial brief and designation of matter. Appellant did not file a motion to amend either his initial brief or designation of matter. Thereafter, on August 20, 2025, Respondents filed a reply, contending Appellant had "mostly agree[d] with Respondents' objections [to its designation of matter] with two exceptions"—a May 12 filing and a June 5, 2025 letter—but Appellant's amend initial brief was still improper.

After careful consideration, we grant Respondents' motion to strike the original brief and designation of matter. The court considered whether to accept the amended initial brief and designation of matter, filed August 13, 2025, despite

Appellant's failure to file a motion to amend; however, because the amended initial brief and designation of matter do not satisfy Rule 208 and Rule 209 of the South Carolina Appellate Court Rules, the documents will not be accepted as filed. Appellant shall serve and file a second amended initial brief and designation of matter within twenty days of the date of this order. Importantly, the designation of matter shall not include matters not presented to the lower court and the initial brief shall only include references to material which may be properly included in the record on appeal. *See* Rule 208(b), SCACR (explaining the content "initial briefs under this Rule and the final briefs under Rule 211 shall contain"); Rule 208(b)(4), SCACR ("The brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials *which may be properly included* in the Record on Appeal [see Rule 210(c)] to support the salient facts alleged." (emphasis added)); Rule 209(b), SCACR ("[T]he Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]."); Rule 210(c), SCACR ("The Record shall not, however, include matter which was not presented to the lower court or tribunal.").



J.

FOR THE COURT

Columbia, South Carolina

cc:

Alonzo C. Jeter, III, 282902  
J. Emory Smith, Jr., Esquire  
Harley Littleton Kirkland, Esquire  
Leon David Leggett, III, Esquire

**FILED**  
**Sep 08 2025**