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**Oct 09 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County  
Honorable Debra R. McCaslin, Circuit Court Judge  
Appellate Case No. 2025-000368

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THE STATE,

Appellant,

vs.

CHAD EUGENE GIBBS,

Respondent.

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**MOTION TO STRIKE  
FINAL BRIEF OF RESPONDENT  
AND REQUIRE FILING  
OF AMENDED FINAL BRIEF**

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Appellant (“the State”) would respectfully show unto the Court as follows:

**I.**

In February of 2020, Respondent Chad Eugene Gibbs was arrested following an investigation into allegations of sexual misconduct involving his fifteen-year-old stepdaughter. In August of 2020, the Lexington County Grand Jury indicted Gibbs for four counts of first-degree sexual exploitation of a minor, two counts of third-degree sexual exploitation of a minor, one count of attempted first-degree sexual exploitation of a minor, one count of criminal solicitation of a minor, three counts of third-degree criminal sexual conduct with a minor, and two counts of disseminating obscene material to a person under the age of eighteen. On February 24, 2025, Gibbs appeared in the Lexington County Court of General Sessions and—

based on negotiations with the State—entered guilty pleas to two counts of second-degree sexual exploitation of a minor before the Honorable Debra R. McCaslin, circuit court judge. The plea judge accepted Appellant’s guilty pleas and sentenced him to an eight-year term of imprisonment. In addition to that, the plea judge—at the request of Gibbs’s defense counsel and over opposition from the State—awarded Gibbs credit for time served in the amount of 1,831 days for time Gibbs spent while free on bond and subject to a monitoring requirement but *not* a house arrest requirement. The State then timely initiated an appeal. At present, the appeal is currently pending before this Court.

## **II.**

On appeal, both parties filed their initial briefs. Notably, Gibbs’s Initial Brief of Respondent was ten pages long, and it contained two primary sections (I. and II.) along with one subsection (A.) that was included in the first of those primary sections. Furthermore, in that initial brief, Gibbs’s substantive arguments concluded on page nine with only the signature block appearing on page ten.

## **III.**

After initial briefing was completed, the State filed the Record on Appeal, which contained all the matter designated by the parties. Along with that, the State filed its Final Brief of Appellant, which was substantively identical to the State’s initial brief outside of containing changes—like updates to record references—that were made pursuant to the requirements of Rule 211 of the South Carolina Appellate Court Rules.

In addition to the State’s filings, Gibbs filed his Final Brief of Respondent on October 3, 2025. Significantly, in that final brief as presently filed, Gibbs substantive arguments now extend onto page ten instead of stopping on page nine as before, and Gibbs has included an

entirely new subsection (B.) that was *not* contained at all in his initial brief. Furthermore, that new subsection contains arguments and citations<sup>1</sup> that previously did not appear anywhere in Gibbs's initial brief.

#### IV.

In our state, the South Carolina Appellate Court Rules govern the form and content of appellate briefs. Pursuant to Rule 211(b) of our appellate court rules, a final brief "shall be identical" to an initial brief previously served. Rule 211(b), SCACR. Meanwhile, that rule *only* permits the following changes to be made to a final appellate brief: (1) references to transcript pages can be changed to refer to the corresponding page of the Record on Appeal; and (2) typographical mistakes or errors can be corrected. Rule 211(b)(1)-(2), SCACR. Importantly, "[n]o other changes may be made." Rule 211(b)(2), SCACR (emphasis added).

#### V.

In its present form, Gibbs's Final Brief of Respondent contains significant changes from his Initial Brief of Appellant. And, those changes do not simply involve the correction of typographical errors or the updating of page references. Instead, the changes involve *substantive* alterations to the argument section of Gibbs's brief through the inclusion of an entirely new subsection containing previously unmade arguments and citations to authority. Respectfully though, such changes are simply not permitted based on the plain language of our appellate court rules. Id. Therefore, Gibbs's Final Brief of Respondent currently does not conform to the requirements of Rule 211(b). As a result, this Court should strike Gibbs's Final Brief of Respondent and require the filing of an amended Final Brief of Respondent that does fully comply with the requirements of Rule 211 and contains no changes from the originally-filed

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<sup>1</sup> The additional citations in Gibbs's final brief are reflected in his updated table of authorities, which is now longer than the one included in his initial brief.

initial brief outside of those authorized by the rule. 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.”).

**WHEREFORE**, Appellant prays that this Court will strike the Final Brief of Respondent as presently filed; require the service and filing of an amended Final Brief of Respondent conforming to the requirements of Rule 211 of the South Carolina Appellate Court Rules; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Senior Assistant Deputy Attorney General



BY: \_\_\_\_\_  
Mark R. Farthing  
S.C. Bar Number 76901

ATTORNEYS FOR APPELLANT

October 9, 2025

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**PROOF OF SERVICE**

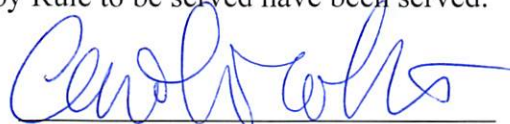
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I, Caroline Collins, certify I have served the Motion to Strike Final Brief of Respondent and Require Amended Final Brief on Respondent by sending an electronic copy via email to the addresses listed in AIS for the following individuals:

James Todd Rutherford, Esquire  
[todd@rutherford.law](mailto:todd@rutherford.law)

Austin D. Nichols, Esquire  
[austin@rutherford.law](mailto:austin@rutherford.law)

I further certify all parties required by Rule to be served have been served.  
This 9th day of October, 2025.



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CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General