

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Frank R. Addy, Jr., Circuit Court Judge

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Case No. 2012-CP-32-3208

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Raymond Carter, ..... Appellant,

v.

Donnie Myers, Solicitor, Lexington County; Tracey Carroll,  
Assistant Solicitor, Lexington County; Brian Buck,  
Irmo Police Department; Scott Franklin, Irmo Police Department;  
Timothy E. Stephenson, South Carolina Law Enforcement (SLED);  
George White, Ex father-in-law; Tammy Carter,  
(AKA Tammy Scrogam), Ex wife; Barbara Keadle  
(AKA Diane Hinkle) Investigator LDSS; Francis Ross, LDSS;  
Paulette Jolly, Guardian ad Litem, in their official and individual capacities, ..... Defendants,

Of whom, Donnie Myers, Solicitor, Lexington County;  
Brian Buck, Irmo Police Department; Scott Franklin, Irmo Police  
Department, are, ..... Respondents.

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**RETURN TO APPELLANT'S MOTION TO ALLOW  
LATE FILING OF RECORD ON APPEAL**

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**SC Court of Appeals**

The Respondent Donald V. Myers has previously filed a motion pursuant to Rule 260(a), SCACR, requesting the dismissal of the Appellant's appeal based upon the Appellant's failure to serve the Record on Appeal in accordance with the time requirements set forth in Rule 210(a), SCACR. Instead of responding to that motion, the Appellant has filed a motion seeking leave of

Court to allow the late filing of the Record on Appeal. However, still to date, the Appellant has not served the Record on Appeal.

The Appellant claims that he did not serve the Record on Appeal because he was still waiting on other "Respondents," namely Stephenson, Carroll, Kidd and White, to file their Initial Briefs. Even if that were true, the time (i.e., thirty days) allowed for those parties to file their Initial Briefs have long passed, and yet, the Appellant made no effort to serve the Record on Appeal on counsel for the Respondents who have appeared. Likewise, the Appellant made no effort to seek any guidance or otherwise communicate with Respondents' counsel or the Clerk of Court about the deadline for serving the Record on Appeal.

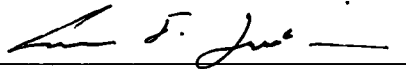
Furthermore, Stephenson, Carroll, Kidd and White are not even proper parties to this appeal and should not be considered "Respondents." None of those parties were ever properly served with the Appellant's Complaint nor made an appearance in the Circuit Court. The Defendant Tracey Carroll was never served with the Complaint and thus never entered a formal appearance. The Appellant claimed to have served Stephenson, Kidd and White, but Judge Frank Addy ruled that they had not been properly served and were not in default. *See*, Form Order filed February 8, 2003. That ruling by Judge Addy has not been appealed by the Appellant as is evident by a review of the statement of issues on appeal as set forth in Appellant's Initial Brief.

As the Respondent Myers has previously argued in his pending Motion to Dismiss Appeal, the Appellant has failed to comply with the South Carolina Appellate Court Rules by failing to serve the Record on Appeal. He had until September 11, 2013 (which was thirty days after service of Myers' brief) by which to serve the Record on Appeal and did not do so. He made no attempt to even seek an extension until more than two months later and only after Myers filed a motion seeking to dismiss the appeal. For these reasons, the Respondent Myers

respectfully requests that this Court deny the requested extension and dismiss the Appellant's appeal.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

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*Counsel for Respondent Donald V. Myers*

Columbia, South Carolina

December 2, 2013

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Case No. 2012-CP-32-3208

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Paulette Jolly, Guardian ad Litem, in their official and individual capacities, ..... Defendants,

Of whom, Donnie Myers, Solicitor, Lexington County; Tracey Carroll,  
Brian Buck, Irmo Police Department; Scott Franklin, Irmo Police  
Department, are, ..... Respondents.

CERTIFICATE OF SERVICE

RECEIVED

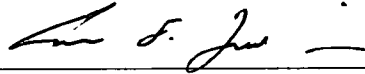
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SC Court of Appeals

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Respondent Donnie Myers, does hereby certify that service of the **Return to Appellant's Motion to Allow Late Filing of Record on Appeal** in the above-captioned matter was made upon the pro se Appellant and upon all known counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 2nd day of December 2013:

Mr. Raymond W. Carter  
2219 Leesburg Road  
Columbia, South Carolina 29209-3055

David L. Morrison, Esquire  
Morrison Law Firm, LLC  
7453 Irmo Drive - Suite B  
Columbia, South Carolina 29212



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# DAVIDSON & LINDEMANN, P.A.

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†Certified Mediator

December 2, 2013

Writer's Email: [alindemann@dml-law.com](mailto:alindemann@dml-law.com)

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Raymond Carter v. Donnie Myers, Solicitor, *et al.*  
Appeal Tracking Number: 2013-000449  
Civil Action Number: 2012-CP-32-3208  
Claim Numbers: 88832, 88837, 88839 and 88974  
Our File Number: 103.9071

Dear Ms. Kitchings:

Please find enclosed for filing the originals and seven copies of the **Return to Appellant's Motion to Allow Late Filing of Record on Appeal** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope. By copy of this letter, I am serving a copy on the *pro se* Appellant and all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb  
Enclosures

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
December 2, 2013  
Page Two

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cc: (w/ Enclosure)

Mr. Raymond W. Carter  
2219 Leesburg Road  
Columbia, South Carolina 29209-3055

David L. Morrison, Esquire  
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