



# South Carolina Criminal Justice Academy

January 30, 2014

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

 ORIGINAL

RE: Cassandra Donaldson, Respondent v. South Carolina Criminal Justice Academy, Appellant,  
Case No. 2013-002612

Dear Ms. Kitchings:

Enclosed for filing, pursuant to your instructions in the letter dated January 27, 2014, is a new cover for Appellant's Initial Brief in the above referenced case.

Please return the extra copy to me via the enclosed self-addressed, pre-paid envelope.

Also, enclosed please find copies of Rules 208 and 267, SCACR. As you know, Rule 208(b)(8), requires all briefs to comply with Rule 267, except that the cover may be white and may be securely stapled or fastened on the top left hand corner. Upon reviewing this rule in preparing to file Appellant's Initial Brief, I then reviewed Rule 267, SCACR. I noted an example in Rule 267, SCACR that shows a Brief of Appellant from an Administrative Law Court decision that lists both attorneys' contact information on the front cover. This is why I listed my and Mr. Hutto's contact information on the cover for Appellant's Initial Brief. I now understand that contact information for all attorneys is only listed on the Notice of Appeal and Record on Appeal.

January 30, 2014



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**SC Court of Appeals**

**RULE 208  
INITIAL BRIEFS****(a) Time for Serving and Filing Initial Briefs.**

**(1) Brief of Appellant.** 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, and file with the clerk of the appellate court one copy of the brief with proof of service.

**(2) Brief of Respondent.** Within thirty (30) days after service of appellant's brief, respondent shall serve one copy of his brief on all parties to the appeal and file with the clerk of the appellate court one copy of the brief with proof of service.

**(3) Reply Brief.** An appellant may file and serve a brief in reply to the brief of respondent. If a reply brief is prepared, appellant shall, within ten (10) days after service of respondent's brief, serve one copy of the reply brief on all parties to the appeal and file with the clerk of the appellate court one copy of the reply brief with proof of service.

**(4) Failure to File.** Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260. Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.

**(b) Content.** The initial briefs under this Rule and the final briefs under Rule 211 shall contain:

**(1) Brief of Appellant.** The brief of appellant shall contain under appropriate headings and in the order here indicated:

**(A) Table of Contents and Cases.** A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with references to the pages of the brief where they are cited.

**(B) Statement of Issues on Appeal.** A statement of each of the issues presented for review. The statement shall be concise and direct as to each issue, and may be stated in question form. Broad general statements may be disregarded by the appellate court. Ordinarily, no point will be considered which is not set forth in the statement of the issues on appeal.

**(C) Statement of the Case.** The statement shall contain a concise history of the proceedings, insofar as necessary to an understanding of the appeal. The statement shall not contain contested matters and shall contain, as a minimum, the following information: the date of the commencement of the action or matter; the nature of the action or matter; the nature of the defense or of the response; the action of the court, jury, master, or administrative tribunal; the date(s) of trial or

hearing; the mode of trial; the amount involved on appeal; the date and nature of the order, judgment or decision appealed from; the date of the service of the notice of appeal; the date of and description of such orders, judgments, decisions and proceedings of the lower court or administrative tribunal that may have affected the appeal, or may throw light upon the questions involved in the appeal; and any changes made in the parties by death, substitution, or otherwise. Any matters stated or alleged in appellant's statement shall be binding on appellant.

**ORIGINAL**

**(D) Argument.** The brief shall be divided into as many parts as there are issues to be argued. At the head of each part, the particular issue to be addressed shall be set forth in distinctive type, followed by discussion and citations of authority. A party may also include a separate statement of facts relevant to the issues presented for review, with reference to the record on appeal, which may include contested matters and summarize the party's contentions.

**(E) Conclusion.** A short conclusion stating the precise relief requested.

**(2) Brief of Respondent.** The brief of respondent shall conform to the requirements of Rule 208(b)(1)(A)-(E), except that a statement of the issues or of the case need not be made unless the respondent is dissatisfied with the statement of the issues or of the case by appellant. If a respondent does not include his own statement of the case, he shall be bound by the matters stated or alleged in appellant's statement of the case. If a respondent does include his own statement of the case, he shall be bound by the matters stated or alleged in his statement of the case. Respondent's brief may also contain argument asking the court to affirm for any ground appearing on the record as provided by Rule 220(c).

**(3) Reply Brief.** All reply briefs shall contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with references to the pages of the reply brief where they are cited.

**(4) References to Record.** 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. References shall also be made to where relevant objections and rulings occurred in the transcript. In the initial briefs, these references should be to the page and line number of the transcript prepared by the court reporter or by the page of the material to be referenced; e.g., Answer p. 7, Motion for Judgment p. 2, Transcript p. 231. Intelligible abbreviations may be used. After the Record on Appeal is prepared, these references shall be revised as provided by Rule 211(b)(1).

**(5) Length of Briefs.** Except in cases in which a sentence of death has been imposed, principal briefs shall not exceed fifty (50) pages, and reply briefs shall not exceed twenty-five (25) pages. On motion, the appellate court may grant a party permission to exceed those limitations.

**(6) Joining in Briefs.** In cases involving more than one appellant or respondent,

including cases consolidated for appeal, any number of parties may join in a single brief, and any party may adopt by reference all or any part of the brief of another.

**(7) Supplemental Citations.** When pertinent and significant authorities come to the attention of a party after his initial brief(s) has been served and filed, the party shall promptly advise the clerk of the appellate court, by letter, with a copy to all counsel, setting forth the citations. There shall be a reference either to the page of the brief or to an issue to which the citations pertain, but the letter shall, without argument, state the reasons for the supplemental citations. Any response shall be made promptly and shall be similarly limited.

**(8) Form.** All briefs shall comply with the requirements of Rule 267, except that the cover of initial briefs may be made of white paper of not less than twenty pound weight and the initial briefs shall not be bound but shall be securely stapled or fastened on the top left hand corner.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.

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**RULE 267  
FORM OF PAPERS**



**(a) Captions.** All documents filed in the appellate court shall be headed by a caption. Except as provided below for appeals from administrative tribunals, the caption shall contain the name of the appellate court where the document is to be filed (i.e., Supreme Court or Court of Appeals); if the matter involves review of a lower court decision, the name of the county and judge from which the appeal is taken including the title of the judge (e.g., Circuit Court Judge, Family Court Judge, Master-in-Equity, Probate Judge, Special Referee, Special Circuit Court Judge); the title of the case (the party commencing the action in the lower court shall always appear first in the title regardless of whom is appellant or petitioner); the title of the document (e.g., RECORD ON APPEAL; APPENDIX; BRIEF OF APPELLANT; PETITION FOR WRIT OF CERTIORARI; MOTION TO DISMISS); and the name, address and phone number of the counsel submitting the document, or in the case of a Record on Appeal or Appendix, the names, addresses and phone numbers of all counsel in the case. The caption should be substantially in the form shown by this example:

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM RICHLAND COUNTY  
Howard S. Barnes, Circuit Court Judge

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FEB 03 2014

**SC Court of Appeals**

Paul L. Doe, .....Appellant (or Respondent),

v.

Mary M. Roe, .....Respondent (or Appellant).

**RECORD ON APPEAL**

John T. Smith, Esquire  
P.O. Box 123  
Columbia, SC 29000  
(803) 000-0000  
Attorney for Appellant

Wanda D. Jones, Esquire  
P.O. Box 456  
Columbia, SC 29000  
(803) 000-0000  
Attorney for Respondent

In appeals from administrative tribunals, the caption shall contain the name of the appellate court where the document is to be filed (i.e. Supreme Court or Court of Appeals); the name of the tribunal from which the appeal is taken (e.g., Administrative Law Court, Public Service Commission, etc.); the name of the administrative law judge (if applicable); the title of the case (the title shall remain the same as the title before the tribunal regardless of whom is the appellant); the title of the document (e.g., RECORD ON APPEAL; BRIEF OF APPELLANT; MOTION TO DISMISS); and the name, address and phone number of the counsel submitting

the document, or in the case of a Record on Appeal, the names, addresses and phone numbers of all counsel in the case. The caption should be substantially in the form shown by this example:

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
[In the Supreme Court]

APPEAL FROM THE ADMINISTRATIVE LAW COURT [OR NAME OF AGENCY]

George E. Brown, Administrative Law Judge



Case No. 05-ALJ-00-0000-CC

South Carolina Department of Revenue,  
Respondent,



FEB 03 2014

v.

Jane C. Roe, Appellant.



BRIEF OF APPELLANT

John E. Smith, Esquire  
P.O. Box 123  
Greenville, SC 29000  
(864) 000-0000  
Attorney for Appellant

Wanda D. Jones, Esquire  
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(803) 000-0000  
Attorney for Respondent

On motions or petitions, the name, address and phone number of counsel submitting the document shall be placed at the end of the document with his signature.

**(b) Signatures.** The original of a document or paper filed by a party or his attorney shall be signed by the party or the attorney. The signature of a party or attorney constitutes a certificate by him that he has read the document or paper; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay.

**(c) Paper and Type Size.** All papers or documents filed with the appellate court shall be typewritten or machine duplicated. Type size shall be standard 12-point or larger and double spaced on white bond paper of not less than twenty pound weight, 8 1/2 inches by 11 inches. With the exception of exhibits as provided in Rule 210(f), no photographic reduction of the Record on Appeal, brief or other paper is acceptable which reduces the size of the alphabet below that of pica type. Paper shall be of good quality, opaque and unglazed. Duplication through use of chemically treated paper, commonly referred to as "wet image or process copy", does not comply with this rule. Copy may be typed or reproduced on both sides if type or reproduction does not show through; provided, however, if the Record on Appeal or Appendix exceeds 100 pages, copy must be typed or reproduced on both sides of the paper. All copies must be clean, neat and clearly legible.

**(d) Margins and Bindings.** Typewritten papers or reproductions must have a blank margin of an inch and a half on the left. If more than two sheets are used, they shall be securely fastened on the left margin. While petitions or motions need not be bound, Records on Appeal, Appendices in post-conviction relief matters and briefs must be bound in volumes not exceeding 250 sheets each. If staples or clasps are used to bind the volumes, the spines of the volumes shall be bound with heavy tape. One copy of every Final Brief, Record on Appeal, Supplemental Record, or Appendix filed with the appellate court shall be filed unbound.

**(e) Covers.** Covers of the Record on Appeal and briefs shall be of a material not less than 50 pound weight and not glassine. The cover of the Record on Appeal shall be white; that of the brief of appellant blue; that of respondent red; that of an intervenor or amicus curiae green; and that of any reply brief gray. The front cover of a brief or Record on Appeal shall contain only the caption.

**(f) Compliance.** The clerk of the appellate court shall insure compliance with this Rule before accepting any papers for filing.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.

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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 2013-002612

Cassandra Donaldson,

Respondent,

v.

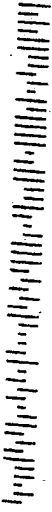
South Carolina Criminal Justice Academy,

Appellant.

INITIAL BRIEF OF APPELLANT

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