

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

Case No. 2012-CP-32-3208

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SC Court of Appeals

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.

**MEMORANDUM IN SUPPORT OF
MOTION TO CORRECT THE RECORD ON APPEAL**

The Respondents have filed a motion seeking an Order requiring the Appellant to file and serve a corrected Record on Appeal that corrects the following deficiencies:¹

¹ The Respondent Myers does not waive or withdraw the relief requested in his Motion to Dismiss Appeal which remains pending per the Order filed March 18, 2014.

1. The Appellant prepared and included in the Record on Appeal new documents that were not submitted to the lower court nor filed as part of this appeal. The Record on Appeal as served on the Respondents includes sections titled "Opening Statement" and "Statement of Case" which are improper and should be stricken from the Record on Appeal.

2. The Record on Appeal as served on the Respondents does not include a complete copy of the transcript of the February 7, 2013 motion hearing. The Respondents designated the inclusion of the entire fourteen-page transcript. The Record on Appeal as served on the Respondents includes only pages 7 through 12 of that transcript.

3. The Record on Appeal as served on the Respondents does not include the "Plaintiff's Response to Co-Defendants Scott Franklin and Brian Buck Motion to Deny Relief" which was designated for inclusion by the Respondents Franklin and Buck.

4. The cover/title page to the Record on Appeal does not include the names and addresses of Respondents' counsel as required by Rules 210(d) and 238, SCACR.

5. The Record on Appeal as served on the Respondents does not include any sequential page numbering which violates Rule 210(c), SCACR. Rule 210(c) provides: "Each page of the Record on Appeal shall be numbered consecutively beginning with the Index." Without sequential page numbering, the Respondents cannot prepare their Final Briefs because they are unable to provide specific cites to the Record on Appeal.


6. The Record on Appeal as served on the Respondents does not comply with the Supreme Court Order relating to the redaction of personal data identifiers and other sensitive information in documents filed with the South Carolina appellate courts. The Appellant has made no attempt to comply with this Order. Personal data identifiers are unredacted in the Record on Appeal. The various records attached to the Complaint includes the unredacted names and identifiers of the minors who were victims of sexual abuse, including other sensitive

or confidential information regarding the victims that should be redacted or otherwise filed under seal. The Record on Appeal as served on the Respondents also includes the date of birth, Social Security number and other personal identifiers for the Appellant that have not been redacted.

The Respondents therefore request that the Court issue an Order requiring that these corrections to the Record on Appeal be made. The Respondents further request that the time for filing Final Briefs be held in abeyance until this motion is adjudicated.

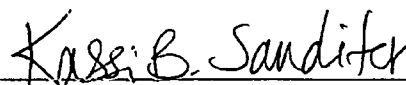
Respectfully requested,

DAVIDSON & LINDEMANN, P.A.

BY: 
ANDREW F. LINDEMANN
WILLIAM H. DAVIDSON, II
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

Counsel for Respondent Donald V. Myers

MORRISON LAW FIRM, LLC

BY: 
DAVID L. MORRISON
KASSI B. SANDIFER
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212
(803) 661-6285

*Counsel for Respondents Brian Buck and
Scott Franklin*

Columbia, South Carolina

April 8, 2014