

The Supreme Court of South Carolina

Ex parte: Robert W. Harrell, Jr., Respondent,

v.

Attorney General of the State of South Carolina,
Appellant.

In re: State Grand Jury Investigation.


Appellate Case No. 2014-001058

ORDER

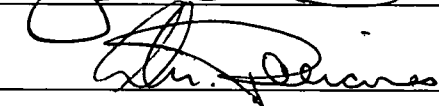
Appellant asks this Court to seal items (11), (12), and (13) of his Designation of Matter to be Included in the Record on Appeal. In addition, he asks that the documents be sealed from the view of respondent and his counsel. Respondent opposes the motion to seal and asks the Court to strike the items appellant wishes to have sealed.

Pursuant to this Court's order dated May 23, 2014, the Record on Appeal was served and filed on May 27, 2014, with the documents at issue temporarily filed separately under seal. In addition, the Record on Appeal served on respondent did not include the temporarily sealed items.

Because the documents appellant seeks to have sealed were not presented to the circuit court in this action, they should not be included in the Record on Appeal. Rule 210(c), SCACR (the Record on Appeal shall not include matter which was not presented to the lower court or tribunal). Accordingly, the motion to seal is denied as unnecessary, and the motion to strike is granted. Appellant is directed to strike items (11), (12), and (13) from the Record on Appeal and to retrieve the sealed documents filed with this Court.



C.J.



J.

Donald Beatty J.
John W. McIntosh J.
Wayne G. Myrick J.

Columbia, South Carolina

May 29, 2014

cc:

Alan McCrory Wilson, Esquire
John W. McIntosh, Esquire
Robert D. Cook, Esquire
Wayne Allen Myrick, Jr., Esquire
S. Creighton Waters, Esquire
E. Bart Daniel, Esquire
Gedney M. Howe, III, Esquire
Brian T. Petrano, Esquire
Robert E. Stepp, Esquire
Robert E. Tyson, Jr., Esquire
Roland M. Franklin, Jr., Esquire