

The South Carolina Court of Appeals

State of South Carolina, Respondent,

v.

Fritz Allen Timmons, Appellant.

Appellate Case No. 2013-001415

ORDER

Respondent has filed a motion to strike portions of Appellant's initial brief and designation of matter and to require Appellant to file an amended initial brief including references.¹ Respondent's motion to strike portions of Appellant's initial brief is denied. However, Respondent's motion to require Appellant to file an amended initial brief including references pursuant to Rule 208(b)(4), SCACR, is granted. Appellant will file an amended initial brief complying with Rule 208(b)(4) within fifteen days of this order. Further, Respondent's motion to strike portions of Appellant's designation of matter is denied. However, after reviewing Appellant's filed record on appeal, it appears Appellant has either included matter in the record not designated or included matter in the record in a different form than it was presented to the trial court. Accordingly, the filed record on appeal is stricken and Appellant will serve an amended record on appeal including only matter properly designated by the parties in the form it was presented to the trial court within thirty days after service of the last brief. *See* Rule 210(a), SCACR ("Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on each party who has served a brief."); Rule 210(c), SCACR (noting the record on appeal shall not include matter which was not presented to

¹ Appellant has also filed a "motion to review the order of April 18, 2014," which this Court construes as a petition for rehearing. Because this Court does not entertain petitions for rehearing on motions that do not have the effect of dismissing or finally deciding an appeal, this Court declines to act on the petition for rehearing.

the trial court).


FOR THE COURT

Columbia, South Carolina

cc:
Fritz Allen Timmons
Adam M. Foard, Esquire
Salley W. Elliott, Esquire

FILED
