

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT  
The Honorable Carolyn Matthews, Administrative Law Judge  
13-ALJ-15-0042

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Case No. 14-00773

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Kenneth William Green, #116020 . . . . . APPELLANT,

v.

S.C. Department of Probation, Parole  
and Pardon Services . . . . . RESPONDENT.

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APPELLANT'S REPLY TO  
RESPONDENT'S MOTION TO DENY  
APPELLANT'S DESIGNATION OF MATTER

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AUG 25 2014

**SC Court of Appeals**

The Appellant, Kenneth W. Green, respectfully requests this Honorable Court to deny Respondent's motion to deny the inclusion of the affidavit of Senator Douglas Jennings, Jr. in the record on appeal.

Respondent asserts that the affidavit of Senator Jennings is in no way relevant to this case. Appellant contends that the affidavit of Senator Jennings was offered via motion to the Administrative Law Court and that Court issued a written order, thus preserving the matter for appellate review of its admissibility.

The task of designating is highly significant because it defines the scope of the record to be considered on appeal. Because only matters contained in the record, as

here, will be considered by the appellate court, the resolution of the case on appeal depends to a considerable extent on what is, or is not, included in the record, see Rule 210(h), SCACR. If Appellant fails to include in the record the matters presented below, he risks an adverse decision, see, e.g., Windsor Properties v. Dolphin Head Constr. Co., 331 S.C. 466, 498 S.E.2d 958 (1998).

The record must contain for each issue raised to the trial judge the arguments or grounds asserted in support of a motion and the trial judge's ruling on the arguments or grounds. This information is necessary because rules of preservation require that on appeal, the appealing party be limited to the arguments raised to, and ruled upon by the trial judge in support of a motion.

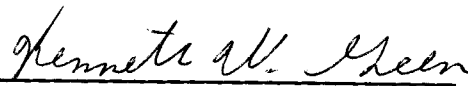
Appellant contends relevance is established where the ground itself is raised in Appellant's Initial Brief on appeal from the lower court regarding the same affidavit and the affidavit attests to voting procedures and vote reporting of the same parole board members that were involved in the case for which it was executed, thus bearing relevance. Counsel for Respondent seeks to argue the merits of the issue by way of a motion to dismiss a properly preserved and fairly presented issue.

Respondent also asserts an objection to "Secretary's Board Minutes" and a "Certified TRanscript" included in the record on appeal.

Appellant contends that the designation clearly states the motions for those items, also properly before the lower court, are relevant where they, too, are encompassed by Argument III of the Initial Brief. Respondent again attempts to argue the merits of this case before this Court by eliminating the properly preserved context of the claim in the motion to deny.

WHEREFORE, based on the documents objected to being raised and ruled upon by the trial court, they are relevant and properly contained in the record on appeal and Respondent's motion must be denied.

Respectfully submitted,



KENNETH W. GREEN

#116020

Lieber Corr. Inst. SA-29

PO Box 205

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APPELLANT, pro se

Ridgeville, SC  
August 18, 2014

Kenneth W. Green  
#116020  
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August 18, 2014

The Honorable V. Claire Allen  
Deputy Clerk  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Kenneth W. Green v. SCDPPPS  
Case No. 14-000773

Dear Ms. Allen:

Please find enclosed the original Reply Brief of Appellant; the original and six (6) copies of Appellant's Reply to Respondent's Motion to Deny Appellant's Designation of Matter; and proof of service in the above-referenced case.

If my understanding of the Appellate Rules is correct, in addition to the enclosed Reply Brief, I have thirty (30) days from the receipt of Respondent's August 7, 2014 Initial Brief (received August 11th) in which to file Appellant's Final Brief and Record on Appeal? If I am in error, please notify me so I may remain in conformity with the Rules.

As usual, your assistance is sincerely appreciated.

With kindest regards, I remain,

Sincerely,



Kenneth W. Green  
APPELLANT, pro se

Cc: Tommy Evans, Jr., Esquire

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S.C. Department of Probation, Parole  
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CERTIFICATE OF SERVICE

The undersigned pro se Appellant, Kenneth W. Green, hereby certifies that he has served a true and correct copy of APPELLANT'S REPLY TO RESPONDENT'S MOTION TO DENY APPELLANT'S DESIGNATION OF MATTER and REPLY BRIEF OF APPELLANT on counsel for Respondent by depositing it in the U.S. Mail, first-class postage affixed thereto, this 19<sup>th</sup> day of August 2014, addressed as follows:

Tommy Evans, Jr.  
Assistant General Counsel  
S.C. Department of Probation, Parole  
and Pardon Services  
PO Box 50666  
Columbia, SC 29250

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SC Court of Appeals

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**SC Court of Appeals**

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The Honorable V. Elaine Allen  
Deputy Clerk  
South Carolina Court of Appeal  
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Columbia, SC 29211