

MOTION TO STRIKE MATTER IN THE RECORD

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Circuit Court Judge

Case No. 2011198189

The State of South Carolina..... Respondent,
v.
Travis N. Buck,.....Appellant.

MOTION TO STRIKE MATTER IN THE RECORD

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MAY 08 2012

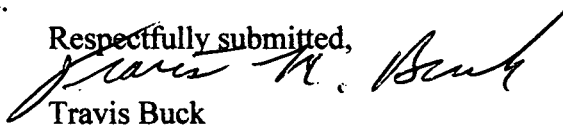
SC Court of Appeals

Appellant now moves for this Court to strike matter in the Record on Appeal. The Appellant moves that the Magistrate's summary of testimony presented at trial be struck. It is not supported by a recording of the trial in Magistrate's court nor testimony signed by the witnesses as required by SC 22-3-790.

CONCLUSION

Pursuant to SC 22-3-790, Appellant requests this court to strike the Magistrate's summary of testimony presented at trial. It is neither complete nor correct and there is no testimony signed by the witnesses.

Respectfully submitted,



Travis Buck
499 Woodall Shoals Road
Longcreek, South Carolina 29658
(864)647-9085
Appellant, Pro Se

APPELLANT'S OPPOSITION TO MOTIONS OF RESPONDENT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals.

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Circuit Court Judge

Case No. 2011198189

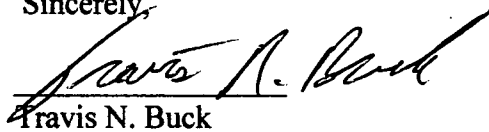
The State of South Carolina,.....Respondent,
v.
Travis N. Buck,.....Appellant.

APPELLANT'S OPPOSITION TO MOTIONS OF RESPONDENT

I received the various motions from David Spencer today. I feel like I should address these matters with the Court. As to including the Magistrate's summary: neither a recording of the trial nor written testimony signed by the witnesses exist as required by SC 22-3-790. I am prejudiced by this fact and it is seriously hampering my ability to defend myself when the council for the Respondent is basing his argument on a summary of testimony that is neither complete nor correct. The summary is not supported by law as a substitute for the recorded record.

As to the Respondents Motion to Strike: The Motions included in the Record on Appeal were designated. They were raised at the trial as to be preserved for appeal. They would have been included in the recording of the trial in Magistrate's court. As you know the recording was destroyed even though notice of the appeal was presented to the Magistrate on the day of the trial. The fact that the recording was destroyed has created a situation in which I am prejudiced and cannot reasonably defend myself. As to the case report, this was also raised at trial to demonstrate the charge was specific to 16-17-430(A)(1). This also would have been included in the recording of the trial in Magistrate's court. I respectfully request that the Court deny the Respondent's motions. I appreciate your consideration in this matter.

Sincerely,



Travis N. Buck
499 Woodall Shoals Road
Longcreek, South Carolina 29658
(864)647-9085
Appellant, Pro Se

May 4, 2012

cc: David Spencer, Sr. Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Circuit Court Judge

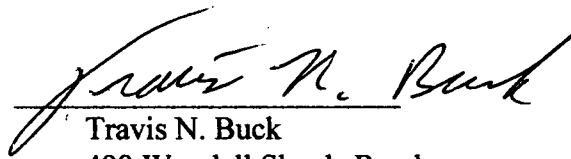
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Travis N. Buck,.....Appellant.

PROOF OF SERVICE

I certify that I have served the Motion To Strike Matter In the Record on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on May 7, 2012, addressed David Spencer, Sr. Assistant Attorney General, P.O. Box 11549, Columbia , SC 29211.

May 7, 2012



Travis N. Buck
499 Woodall Shoals Road
Longcreek, South Carolina 29658
(864) 647 9085
Appellant, Pro Se

May 4, 2012

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

Re: The State v. Travis N. Buck

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of Appellant's Return of Motion and the original and six (6) copies of the Motion To Strike Matter In the Record along with proof of service in the above referenced case.

Sincerely,



Travis N. Buck
Appellant, Pro Se

cc: David Spencer

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