

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM DORCHESTER COUNTY  
Maité Murphy, Circuit Court Judge

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Case No. 2013-CP-18-01268

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**RECEIVED**  
NOV 17 2014  
**SC Court of Appeals**

Mack Neil Myers, ..... Appellant,

v.

South Carolina Department of Corrections, ..... Respondent.

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**RESPONDENT'S RETURN TO APPELLANT'S  
MOTION REQUESTING TRANSCRIPT**

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The Appellant Mack Neil Myers has filed a motion entitled "motion requesting transcript in the above civil action." To the extent that motion is read as a motion requesting that the Court relieve him of the requirements of Rule 207, SCACR, the Respondent South Carolina Department of Corrections would oppose the Appellant's motion.

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From a historical standpoint, the Supreme Court has previously refused to excuse filing requirements and expenses for an appellant. This is true even when the appellant was granted *in forma pauperis* status. The Appellant in this appellate proceeding has not been granted *in forma pauperis* status, but even if he had, he would not be entitled to a waiver of the costs of the transcript.

In *Quillian v. Evatt*, 308 S.C. 555, 419 S.E.2d 783 (1992), the Supreme Court wrote: “Appellant is reminded that the scope of a grant to proceed *in forma pauperis* extends only to those fees associated with filing the appeal and related motions with this Court. The costs of the court reporter's transcript and of copying the record and brief remain the responsibility of the appellant.” 419 S.E.2d at 783. This Court, relying on the *Quillian* language, has held “[a] litigant proceeding *in forma pauperis* is only entitled to filing fees, not court reporter’s costs or copying costs.” *Lakes v. State*, 333 S.C. 382, 385, 510 S.E.2d 228, 230 (Ct. App. 1999)

In this appeal the Appellant has moved for *in forma pauperis* status, and the Respondent has filed a Return opposing that motion. However, as is stated above, even if the Appellant were granted *in forma pauperis* status, that would not excuse him of his obligations associated with ordering the transcript of the matters at issue. Furthermore, the Respondent believes it is important to note that this appeal was filed following the grant of a directed verdict at the close of the Appellant’s case in chief at the July 21, 2014 trial. The Respondent believes that any appellate

review of that decision would necessarily have to include a review of the transcript from that trial.

In sum, to the extent the Appellant's motion, entitled "motion requesting transcript in the above civil action," is read as a motion requesting that the Court relieve him of the requirements of Rule 207, SCACR, the Respondent South Carolina Department of Corrections would oppose the Appellant's motion, and assert that said motion must be denied.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

\_\_\_\_\_  
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Post Office Box 8568  
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*Counsel for Respondent SCDC*

Columbia, South Carolina

November 13, 2014

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**PROOF OF SERVICE**

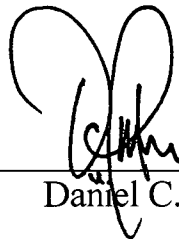
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The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Respondent, does hereby certify that service of the **Respondent South Carolina Department of Corrections' Return to Appellants Motion Requesting Transcript** in the above-captioned action was made upon all parties of record by placing same in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 13th day of November, 2014,



addressed as follows:

Mack N. Myers, #241427  
Lee Correctional Institution  
Room #140, South Wing S.M.U.  
990 Wisacky Highway  
Bishopville, South Carolina 29010

A handwritten signature in black ink, appearing to read 'Daniel C. Plyler', is positioned above a horizontal line. The signature is stylized with large loops and a cursive script.

---

Daniel C. Plyler

# DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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Andrew F. Lindemann\*  
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Of Counsel  
Kenneth P. Woodington

November 13, 2014

Writer's E-Mail: [dplyler@dml-law.com](mailto:dplyler@dml-law.com)

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

RE: Mack Myers, #241427 v. South Carolina Department of Corrections  
Appellate Case No. 2014-001943  
Claim Number: T82740  
Date of Incident: October 21, 2010  
Our File Number: 103.8935

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**SC Court of Appeals**

Dear Ms. Kitchings:

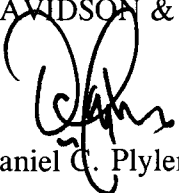
Please find enclosed for filing the original and seven copies of the **Respondent South Carolina Department of Corrections' Return to Appellants Motion Requesting Transcript** and a **Proof of Service** relative to the above matter. Please file the originals and 6 copies of each document, returning a clocked-in copy of each document in the enclosed return envelope.

By copy of this letter, I hereby serve copies of the above documents upon the Appellant.

Thank you for your assistance in this matter. Please contact me with any questions or concerns.

Very truly yours,

DAVIDSON & LINDEMANN, P.A.

  
Daniel C. Plyler

Enclosures

The Honorable Jenny Abbott Kitchings  
November 13, 2014  
Page Two

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cc: (w/Enclosures)

Mack N. Myers, #241427  
Lee Correctional Institution  
Room #140, South Wing S.M.U.  
990 Wisacky Highway  
Bishopville, South Carolina 29010



**DAVIDSON & LINDEMANN, P.A.**

*Attorneys and Counsellors at Law*

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Columbia, South Carolina 29202-8568

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