

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Clarendon County
The Honorable W. Jeffrey Young, Circuit Court Judge
Appellate Case No. 2014-000449

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DEC 08 2014

SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT OF
MICHAEL LAWYER,

Appellant.

**MOTION TO REQUIRE APPELLANT TO CORRECT THE RECORD ON
APPEAL AND INCLUDE ITEMS DESIGNATED BY RESPONDENT**

Respondent State of South Carolina hereby moves for an order requiring Appellant to correct the Record on Appeal served on December 1, 2014, and received by Respondent on December 5, 2014. Rule 210(c), SCACR, expressly provides “[t]he Record on Appeal shall include all matter designated to be included by any party,” and it “shall not, however, include matter which was not presented to the lower court or tribunal.” The Record on Appeal Appellant served contains an Annual Review Report dated June 6, 2014, which was not before the circuit court.

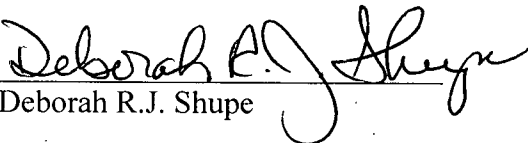
The Record does not include a May 3, 2013, letter to Judge James, with attachments/enclosures, which was designated by Respondent. The omitted documents include the annual review report dated April 17, 2013, which was the basis for the annual review hearing and order at issue in this appeal, and are therefore, essential to this Court’s consideration of the issues raised by Appellant. The documents are cited in Respondent’s Brief, and are necessary for preparation of the Final Brief of Respondent.

Based on the foregoing, Respondent requests the Court order Appellant to serve and file a corrected Record on Appeal. Respondent further requests that the deadline to serve and file the Final Brief of Respondent be held in abeyance pending resolution of this motion and receipt of a corrected Record on Appeal.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
S.C. Bar No. 5098

BY: 
Deborah R.J. Shupe

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3797

ATTORNEYS FOR RESPONDENT

December 8, 2014

STATE OF SOUTH CAROLINA

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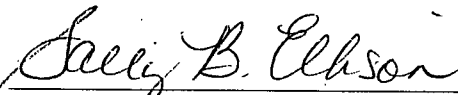
PROOF OF SERVICE

I, Sally B. Ellison, certify I served Respondent's Motion to Require Appellant to Correct the Record On Appeal and Include Items Designated by Respondent on Appellant by depositing a copy in the United States mail, postage prepaid, addressed to:

Charles T. Brooks, Esquire
PO Box 3512
Sumter, South Carolina 29151

I further certify that all parties required by Rule to be served have been served.

This 8th day of December, 2014.



SALLY B. ELLISON
Legal Assistant

Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-4156

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ALAN WILSON
ATTORNEY GENERAL

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December 8, 2014

SC Court of Appeals

VIA HAND DELIVERY

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

Re: In the Matter of the Care and Treatment of Michael Lawyer
Appellate Case No. 2014-000449

Dear Ms. Kitchings:

Enclosed for filing are the original and two (2) copies of the Respondent's Motion to Require Appellant to Correct the Record On Appeal and Include Items Designated by Respondent, with proof of service, in the above-referenced appeal.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe
Enclosures

cc: Charles T. Brooks, Esquire (w/ enclosure)
Victim Services (w/ enclosure)