

STATE OF SOUTH CAROLINA
In The Court of Appeals

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JAN 24 2015

SC Court of Appeals

Appeal from Charleston County
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2013-002379

Ronald Coulter, #300410,

Appellant,

v.

State of South Carolina,

Respondent.

RETURN TO RESPONDENT'S MOTION TO DISMISS
FOR FAILURE TO COMPLY RULE 210, SCACR

The Appellant hereby makes his Return to the Respondent's Motion to Dismiss for Failure to Comply Rule 210, SCACR. The Appellant would show unto this Court that the Respondent's motion be denied based on the following:

The Appellant respectfully submits to this Court that he is in no position, financially, to reproduce the in excess of over 8800 pages of amended material, at an estimated cost of over \$2200.00.¹ The Respondent has unduly enlarged the record on appeal by requiring the inclusion of much unnecessary material

¹ South Carolina Department of Correction's correspondence policy requires a fee of \$0.25 per page for copies of any legal material requested by its inmate population.

never cited in its initial brief, nor presented to the lower court; although, the Respondent certified that its designation contained no matter which is irrelevant to the appeal.

In addition, this Court's reliance on State v. Hunter, 82 S.C. 153, 63 S.E. 685 (1909), as the authoritative grounds for granting the Respondent's motion to amend the record on appeal was unreasonable, and constituted a severe financial hardship which fatally restricts the availability of appellate review of the denial of habeas corpus for the indigent appellant. It was unclear how this Court's authority to take judicial notice of facts not established by admissible evidence demanded the amendment of the record on appeal; where, the authority to take judicial notice involves the power to accept a well-known and indisputable fact, for purposes of convenience, without requiring a party's proof.

The indigent Appellant cannot afford to perfect the amended record on appeal in this appellate review of the denial of his habeas corpus, as required by this Court's order granting the Respondent's motion to amend the record on appeal.

In view of the foregoing, the Appellant respectfully request this Court to deny the Respondent's motion to dismiss, and take any other action deemed appropriate in review of this habeas corpus proceeding.

January 26, 2015.

Respectfully submitted,
Ronald Coulter

Ronald Coulter, #300410

BRCI Wateree 195

4460 Broad River Road

Columbia, SC 29210

Appellant, Pro Se

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—
PROOF OF SERVICE
—

I certify that I have served the Return to Respondent's Motion to Dismiss for Failure to Comply Rule 210, SCACR, on the State of South Carolina by depositing a copy of it in the United States Mail; postage prepaid, on January 26, 2015, addressed to the attorney of record, Ashleigh R. Wilson, Asst. Attorney General, Post Office Box 11549, Columbia, SC 29211.

January 26, 2015.



Ronald Coulter, #300410
BRCI Wateree 195
4460 Broad River Road
Columbia, SC 29210

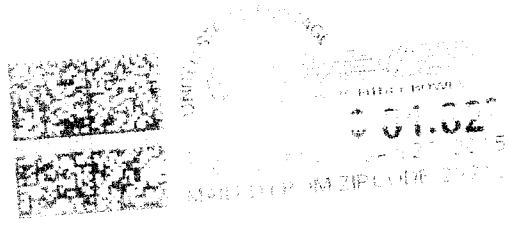
Appellant, Pro Se

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SC Court of Appeals

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