

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUN 08 2015

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable R. Markley Dennis, Jr.
Chief Administrative Judge, Ninth Judicial Circuit

Case No.: 2014-002243

City of Charleston, Charleston Police & Fire
Departments,.....Respondents.

v.

Derrell Beckley.....Appellant.

MOTION TO CORRECT RECORD ON APPEAL

CHRISTOPHER T. DORSEL
SC Bar #72504
Senn Legal, LLC
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045
Attorney for the Respondent

Derrell Beckley
1501 Manley Avenue
North Charleston, SC 29405
(240) 498-5766
Pro Se Appellant

Comes now the Respondents moving this honorable court for an Order requiring Appellant to correct the Record on Appeal. As grounds for this motion, Respondents would submit that Appellant has not followed Rule 210, SCACR, and Respondents cannot complete their final brief until the Record is corrected. As a matter of first course, the Record on Appeal does not have page numbers. Rule 210, SCACR, states that “[e]ach page of the Record on Appeal shall be numbered consecutively beginning with the index.”¹ Respondents are required by Rule 211, SCACR, to file final briefs with page references to the Record on Appeal. Due to the current form of the Record on Appeal, Respondents will be unable to comply with the Appellate Court Rules.

In addition to the formatting issues with the Record on Appeal, Appellant has also included voluminous records that were not part of the record in the lower court. Rule 210, SCACR, requires that the Record include all matters designated by the parties. “The Record shall not, however, include matter which was not presented to the lower court or tribunal.” Rule 210(c), SCACR. The only documents presented in the lower court that are relevant to this appeal are as follows:

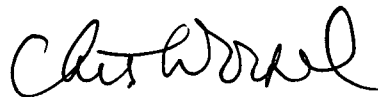
1. Affidavit and Motion to Proceed Informa Pauperis
2. Order Granting Motion to Proceed Informa Pauperis
3. Summons and Complaint
4. Motion to Dismiss
5. Order granting Motion to Dismiss

¹ The record also has no index, and it appears to be arranged chronologically rather than in the order mandated by Rule 210, SCACR.

In addition to the above list of documents, the only other document relevant to this appeal is the Transcript of Record for the hearing on Respondents' Motion to Dismiss. Appellant attaches the Transcript of Record to his brief rather than in the Record on Appeal.

Appellant includes in the Record on Appeal a myriad of documents that were not presented to the lower court and therefore, should be excluded from the Record on Appeal. Appellant includes documents related to a separate federal lawsuit, documents related to his prior legal representation, and documents from the City of Charleston and City of Charleston Police Department. Appellant also includes cover letters from the undersigned and Respondents' Initial Brief. All of these documents are irrelevant to the current appeal and should be excluded from the Record on Appeal.

Based on the foregoing, the Respondents respectfully move this Honorable Court for an Order requiring Appellant to correct the Record on Appeal to only include the Transcript of Record and the documents in the above numbered list. The Respondents also respectfully request that Appellant be ordered to bring the Record on Appeal into proper form so that Respondents may comply with the Appellate Court Rules in filing their final brief. Finally, Respondents respectfully request that the deadline for filing final briefs be extended until an Order is entered on this motion, and that Respondents be given appropriate time to file their final brief after Appellant complies with any such Order on this Motion.



CHRISTOPHER T. DORSEL
SC Bar No. 72504
Senn Legal, LLC
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045
Attorney for Respondents

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**RESPONDENTS CITY OF CHARLESTON & CHARLESTON POLICE & FIRE
DEPARTMENTS' PROOF OF SERVICE**

I certify that I have served copies of Respondents City of Charleston and Charleston Police & Fire Departments' *Motion to Correct Record on Appeal* by depositing a copy of same in the United States Mail, postage prepaid, on *June 5th, 2015* addressed to Derrell Beckley, 1501 Manley Avenue, North Charleston, SC 29405, Pro Se Appellant.



CHRISTOPHER T. DORSEL
Senn Legal, LLC
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045
Attorney for Respondents



Senn Legal

-LLC-

ATTORNEYS AT LAW

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SC Court of Appeals

*Sandra J. Senn
Robin L. Jackson
Christopher T. Dorsel
Kevin M. DeAntonio*

*3 Wesley Drive
P.O. Box 12279
Charleston, SC 29422
(843) 556-4045
F: (843) 556-4046*

chris@sennlegal.com

June 5, 2015

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

RE: *Derrell Beckley v. City of Charleston, et al*, South Carolina Court of Appeals
(Case No. 2014-002243)

Dear Clerk:

Enclosed for filing on behalf of Respondents City of Charleston and Charleston Police & Fire Departments, please find an original and one copy of the following:

- (1) Motion to Correct Record on Appeal; and
- (2) Proof of Service of the above.

I have additionally included a \$25.00 check representing the filing fee for this request. Please file the original and return file-stamped copies to me in the self-addressed, stamped envelope enclosed for your convenience. If you should have any questions, please do not hesitate to contact me.

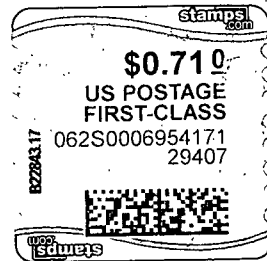
Sincerely,

Christopher T. Dorsel

llc
Enclosures

cc: *(with copy of enclosures)*
Derrell Beckley
1501 Manley Ave.
North Charleston, SC 29405

Christopher T. Dorsel, Esquire
Senn Legal, LLC
Post Office Box 12279
Charleston, SC 29422



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