

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

DEC 21 2015

APPEAL FROM LEXINGTON COUNTY
G. Thomas Cooper, Jr., Circuit Court Judge

SC Court of Appeals

Case No. 2013-CP-32-3371

Jo Pradubsri, Appellant,

v.

The Lexington County Sheriff's Department, Respondent.

**RETURN TO APPELLANT'S REQUEST TO
ORDER LESS THAN ENTIRE TRANSCRIPT**

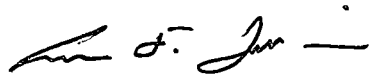
The Appellant Jo Pradubsri, who is proceeding *pro se*, has made a request pursuant to Rule 207(a)(1), SCACR, to order less than the entire transcript of the motion hearing held before Judge G. Thomas Cooper, Jr. on June 16, 2015. The motion hearing in question includes arguments on three motions: (1) Respondent's motion for summary judgment, (2) Appellant's motion for appointment of counsel,

and (3) Appellant's motion to compel. The Appellant is seeking to order only the portion of the transcript pertaining to the Respondent's motion for summary judgment. The Respondent will consent to that request to order less than the entire transcript on two conditions: (1) the court reporter is able to determine what portions of the transcript pertain only to the motion for summary judgment, and (2) the Appellant affirmatively waives his right to appeal Judge Cooper's rulings on the motion for appointment of counsel and the motion to compel.

Under the South Carolina Appellate Court Rules, the appealing party is required to set forth the issues for appeal at the first instance *in its initial brief* and not earlier in the appellate process. *See*, Rule 208(b)(1)(B), SCACR. Therefore, the Respondent really has no knowledge at the present time what issues the Appellant intends to pursue in his initial brief. However, if the Appellant affirmatively waives his right to appeal the rulings on the motion for appointment of counsel and the motion to compel, then the Respondent will consent to less than the full transcript being ordered. However, if the Appellant will be appealing Judge Cooper's rulings on the motion for appointment of counsel and/or the motion to compel, the Respondent will insist that the full transcript be ordered.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
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*Counsel for Respondent
Lexington County Sheriff's Department*

Columbia, South Carolina

December 21, 2015

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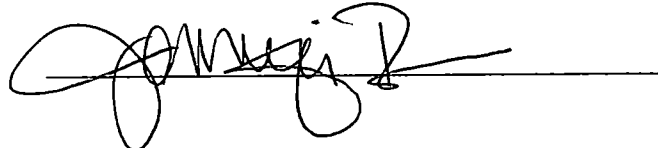
v.

The Lexington County Sheriff's Department, Respondent.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondent, does hereby certify that service of the **Return to Appellant's Request to Order Less Than Entire Transcript** in the above-captioned matter was made upon all the *pro se* Appellant by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 21st day of Decemger 2015:

Jo Pradubsri, #181097
Lee Correctional Institution
F5 - A252
940 Wisacky Highway
Bishopville, South Carolina 29010



DAVIDSON & LINDEMANN, P.A.

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*Also Admitted In North Carolina
†Certified Mediator

December 21, 2015

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

RE: Jo Pradubsri v. The Lexington County Sheriff's Department
Appellate Case Number: 2015-002320
Civil Action Number: 2013-CP-32-3371
Claim Number: 93493
Our File Number: 103.9162

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Return to Appellant's Request to Order Less Than Entire Transcript** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am serving a copy on the *pro se* appellant. Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosure

The Honorable Jenny Abbott Kitchings
December 21, 2015
Page Two

cc: (w/ Enclosure)

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Bishopville, South Carolina 29010