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April 22, 2016

Jeanette Kitchings, Clerk of Court  
S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

APR 25 2016

SC Court of Appeals

Clarence Jenkins Jr  
945 Wire Rd.  
Neeses, SC 29107  
(803) 263-4514

Re: 2015-002356

Dear Ms. Kitchings:

I would like to outline some examples of S.C. Court of Appeals information that are confusing. Rule 209 states that a reply brief need to be part of initial brief but how can that be. The Appellant reply brief should be a response to Respondent initial brief to provide a proper response. In my research there seems to be no difference between Reference to the Record and Record on Appeal except for the title. In Rule 211 states that within twenty (20) days after service of Record on Appeal each party shall serve their final brief that is highlighted with lines. Rule 210 states within thirty (30) days after service of last brief, the Appellant serve a copy of the Record on Appeal on each party who has served a brief that is highlighted with lines. Rule 210 and Rule 211 are contradictory to each other which has lead to my which has lead to my confusion because Record on Appeal is issued before and after final brief depends on the rule. The Final Brief is issued before and after Record on Appeal depends on the rule.

**RULE 209**

**DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

- (a) Time to Serve and File.** At the same time a party serves his initial brief(s) under Rule 208, to include a reply brief, he shall also serve on all parties to the appeal a Designation of Matter to be Included in the Record on Appeal which shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which he proposes to include in the record on appeal. One copy of this Designation with proof of service shall immediately be filed with the clerk of the appellate court.
- (b) Content.** The Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal.

**(c) Certification.** The Designation shall be accompanied by a certificate signed by the party's counsel of record that the Designation contains no matter which is irrelevant to the appeal.

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### **RULE 211 FINAL BRIEFS**

**(a) Time to Serve and File.** Within twenty (20) days after the service of the Record on Appeal, each party shall serve a copy of his final brief(s) on every other party to the appeal, and file fifteen (15) copies of the final brief(s) with the clerk of the appellate court. As provided by Rule 267(d), one copy filed with the appellate court shall be filed unbound. The party must also file with the clerk proof that the final brief(s) has been served, and a certificate that his final brief(s) complies with Rule 211(b). The appellate court may require a party to file additional copies of its brief(s).

**(b) Content.** The final brief(s) shall be identical to the brief(s) previously served under Rule 208, except for the following:

**(1) References to the Record.** The references in the initial brief shall be revised to indicate where the material appears in the Record on Appeal. These revised references may be in place of or in addition to the initial references, and shall be in the form indicated by the following examples: (R. p. 15, line 4) (R. p. 75, lines 8-20) (R. p. 90, line 1-p. 101, line 14) (R. pp. 29-31).

**(2) Correction of Typographical Errors and Misspellings.** The party may correct obvious typographical errors and misspellings which were contained in the initial brief. No other changes may be made.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date

### **RULE 210 RECORD ON APPEAL**

**(a) Time for Service.** Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief. Proof of service of the Record shall be immediately filed with the clerk of the appellate court.

**(b) Time for Filing.** The appellant must file with the clerk of the appellate court fifteen (15) copies of the Record on Appeal no later than the date his brief(s) are due under Rule 211. As provided by Rule 267(d), one copy filed with the appellate court shall be filed unbound. The appellate court may require an appellant to file additional copies of the Record on Appeal.

**(c) Content.** The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, pleadings, transcript,

charges, exhibits and other materials or documents, and a certificate by appellant. Each page of the Record on Appeal shall be numbered consecutively beginning with the index. Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included. When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading shall be included in the Record, to include the caption and signature(s); provided, however, that the portion of a pleading showing verification or service shall not be included unless relevant to the appeal. If the original court reporter's numbering has been deleted, the Record on Appeal shall contain ellipses or other notation indicating when pages of the court reporter's transcript have been omitted.

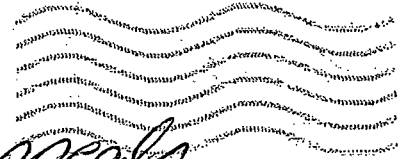
A handwritten signature in cursive script, appearing to read "Clarence Jenkins Jr.", written in black ink.

Clarence Jenkins Jr.

Chambers H  
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COLUMBIA, SC 290

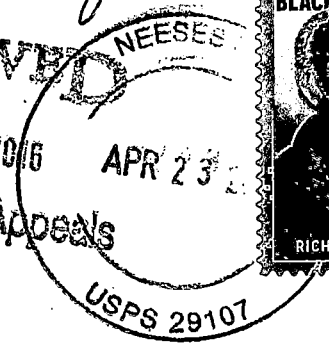
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