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April 13, 2016

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SC Court of Appeals

Hand Delivered

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

RE: Mike Russell v. Randolph Gill and Pennsylvania Life Insurance Company
Civil Action No. 2011-CP-32-04981
Appellate Case No.: 2014-000671
Our File No. 15878/01509

Dear Ms. Kitchings:

I write in regards to Opinion No. 2016-UP-177 issued by the Court on April 13, 2016, and specifically to request clarification of footnote 5 of the Opinion. In that footnote, the Court states that "more than one hundred pages appear to have been omitted from the Record on Appeal." Specifically, "the missing pages contain part of the testimony of Russell's wife, all of Russell's trial testimony, and part of the testimony from one of the officers who appeared at the scene of the accident [Trooper Rothell]." I request clarification because those materials are included in the Record on Appeal on file with this Court.

Upon release of the Opinion, I accessed the filed copy of the Record on Appeal from this Court's Appellate Case Management System, C-Track. The file-stamped version of the Record on Appeal with the Court contains all the information that footnote 5 states was omitted. The requisite testimony can be located in the Record on Appeal maintained on C-Track as follows:

1. **Russell's Wife:**

- The complete trial transcript (direct, cross, and redirect) pages of Russell's wife can be located on pages R. 346-396, 402-416 of Volume 1 of the Record on Appeal. A

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review of those page on file with the Court show the consecutively numbered trial transcript testimony of Mrs. Russell with no page omissions.

2. Mr. Russell's Testimony:

- The complete trial transcript (direct and cross) pages of Mr. Russell can be located on pages R. 416-491 of Volume 1 of the Record on Appeal. A review of those page on file with the Court show the consecutively numbered trial transcript testimony of Mr. Russell with no page omissions.

3. Trooper Rothell:

- The complete trial transcript (direct, cross, and redirect) pages of Trooper Rothell can be located on pages R. 492-500 of Volume 1 of the Record on Appeal with resumption on R. 501-535 of Volume 2 of the Record on Appeal. A review of those page on file with the Court show the consecutively numbered trial transcript testimony of Trooper Rothell with no page omissions.

In sum, the filed copy of the Record on Appeal on C-Track shows no omissions from the Record on Appeal. Thus, footnote 5 should be removed from the Opinion. I ask that you circulate this letter to the members of the Panel for such corrective action.

Please do not hesitate to contact me should you have any questions or need additional information.

Very truly yours,



Michael J. Anzelmo

MJA:lpw

cc: S. Jahue Moore, Esquire