

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County
The Honorable Paula Thomas, Circuit Court Judge

Appellate Case No: 2014-002775

RECEIVED
FEB 22 2016
SC Court of Appeals

THE STATE,

Respondent,

vs.

DAMEON MYERS,

Appellant.

**MOTION TO STRIKE AND COMPEL FILING OF COMPLETE RECORD ON
APPEAL**

The State hereby requests that this Court require Appellant to strike several items from Appellant's Record on Appeal and to file a complete Record on Appeal. Respondent received Appellant's Record on Appeal on February 11, 2016. Respondent is unable to complete its Final Brief due to several insufficiencies in the record on appeal. Firstly, Appellant never filed a Designation of Matter in this case. Appellant's Record on Appeal includes matter not included in Respondent's Designation of Matter in this case, which is the only Designation of Matter that has been filed in this case. Specifically, Appellant includes "December 19, 2013 Order," "June 4, 2014 Remittur (sic)," "May 19, 2014 Order," "September 07, 2014 Notice of Appeal," and "September 21, 2014 Notice of Appeal." Secondly, the Record on Appeal does not contain

the Record on Appeal does not include matter included by Respondent in its Designation of Matter. Specifically, Appellant has failed to include Judge Hyman's Order dated 8/12/14.

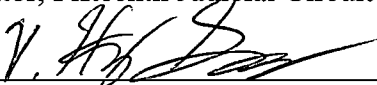
The State therefore requests that this Court strike the aforementioned matter not included in Respondent's Designation of Matter from the Record on Appeal. The State also requests this Court order Appellant to file a record on appeal that fully complies with the requirements of Rule 210 of the South Carolina Appellate Court Rules. The State requests this Court suspend the applicable deadlines in this case while this matter is resolved. In the event of further noncompliance by Appellant, the State requests that this Court dismiss this appeal with prejudice.

Respectfully submitted,

ALAN WILSON
Attorney General

V. HENRY GUNTER, JR.
Assistant Attorney General

JIMMY A. RICHARDSON, II.
Solicitor, Fifteenth Judicial Circuit

BY: 
V. Henry Gunter, Jr.
S.C. Bar No. 102259

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February 22, 2016

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA

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THE STATE,

RESPONDENT,

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DAMEON MYERS,


APPELLANT.

PROOF OF SERVICE

I, Norma Bigbee, certify that I have served the Respondent's Motion To Strike And Compel Filing Of Complete Record on Appeal on Appellant by depositing a copy of the same in the United States mail, postage prepaid, addressed to: Dameon Myers, #279666, Lieber Corr. Inst., P.O. Box 205, Ridgeville, SC 29472.

I further certify that all parties required by Rule to be served have been served.

This 22nd day of February, 2016.



Norma Bigbee
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

February 22, 2016

VIA HAND DELIVERY

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

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SC Court of Appeals

RE: **State of South Carolina v. Dameon Myers**
Appellate Case No: 2014-002775

Dear Ms. Kitchings:

Enclosed please find the Original Motion to Strike and Compel Filing Of Complete Record on Appeal in the above case.

Sincerely,

V. Henry Gunter, Jr.
Assistant Attorney General
Bar No: 102259

VHG/nb

Enclosures

cc: Dameon Myers, #279666
Trisha Allen