

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM LANCASTER COUNTY  
COURT OF COMMON PLEAS

Robert W. Davis, Special Referee

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Appellate Case No. 2012-212695

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Mamie Sue Knight a/k/a Mamie  
Sue Cauthen,

Appellant,

v.

Charles R. Cauthen,

Respondent,

Warren M. Knight,

**RECEIVED**

OCT 19 2012

**SC Court of Appeals**

Appellant.

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RETURN TO MOTION FOR NEW TRIAL

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The Respondent having received Appellants' Motion for New Trial by mail on October 8, 2012, makes the following return to Appellants' Motion.

The unavailability of a transcript of the trial proceedings for whatever reason does not necessarily require a remand for a new trial.

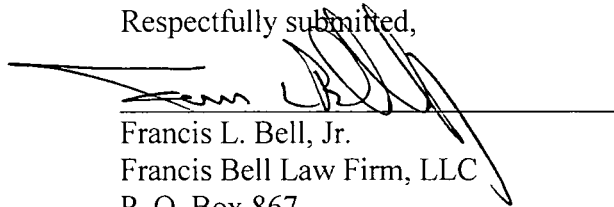
The Court has the authority to make inquiry of the appeal going forward without a transcript, but with exhibits that still exist. In the alternative, the Court has the authority to remand

to the Special Referee to seek under Rule 212 SCACR a supplemental record based on the trial court's notes in conjunction with the attorneys to establish a supplemental record. The unavailability of the trial transcript is not in and of itself sufficient ground that the evidence cannot be reported to the Court of Appeals.

October 16, 2012

Lancaster, South Carolina

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis L. Bell, Jr.", is written over a horizontal line. The signature is stylized and somewhat cursive.

Francis L. Bell, Jr.  
Francis Bell Law Firm, LLC  
P. O. Box 867  
Lancaster, SC 29721  
803-283-8476  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
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Mamie Sue Knight a/k/a Mamie  
Sue Cauthen,

Appellant,

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Appellant.

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CERTIFICATE OF SERVICE

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I hereby certify that on October 16, 2012, I served the Return to Motion for New Trial on Attorney for the Appellants by placing in the United States Mail, postage prepaid, addressed to the person named below:

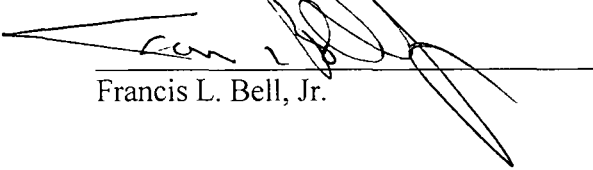
Bruce M. Poore  
Attorney at Law, P.A.  
P. O. Box 11808  
Rock Hill, SC 29731

RECEIVED  
OCT 19 2012

SS Court of Appeals

October 16, 2012

Lancaster, South Carolina

  
Francis L. Bell, Jr.

**FRANCIS BELL LAW FIRM, LLC**

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D. GLENN YARBOROUGH  
(1919 – 1979)

OF COUNSEL:  
WILLIAM C. TINDAL  
[wtindal@fbell-law.com](mailto:wtindal@fbell-law.com)

October 16, 2012

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

Re: *Mamie Sue Knight a/k/a Mamie Sue Cauthen v. Charles R. Cauthen v. Warren M. Knight*  
*Appellate Case No. 2012-212695*

Dear Ms. Kitchings:

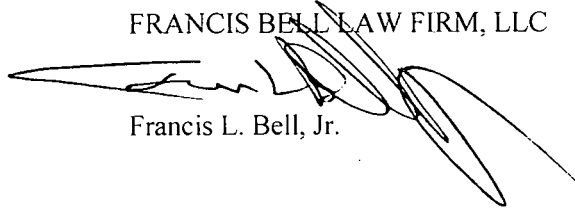
I enclose the original + 6 copies of *Return to Motion for New Trial* in the above matter, together with Certificate of Service.

Also enclosed is one additional copy together with a return envelope. Please use to send me a stamped copy.

Very truly yours,

FRANCIS BELL LAW FIRM, LLC

Francis L. Bell, Jr.



FLBjr:ym  
Enclosures

Cc: Bruce M. Poore (w/encs.)  
George W. Speedy (w/encs.)

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**SC Court of Appeals**