THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SEP 23 2016
SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H Dukes, III, Maser in Equity and Special Circuit Court Judge

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Case No. 2015-CP-07-1343
Appellate Case No. 2016-000955

John Alden Bauer, III, Appellant,

v.

Beaufort County School District, Respondent.

RESPONDENT'S RETURN TO APPELLANT'S MOTION TO EXCLUDE UNCHARGED ACCUSATIONS

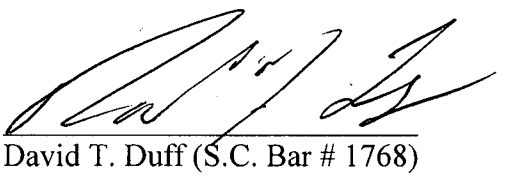
Pursuant to Rule 240(e), Respondent Beaufort County School District hereby submits its Return to Appellant's Motion to Exclude Uncharged Accusations. Appellant's motion is improper for several reasons and should be denied. First, Appellant's motion is improper because it seeks to exclude documentary and testimonial evidence that was presented during the teacher dismissal hearing before the Respondent's school board, the decision of which is challenged in this appeal. Respondent's motion explicitly states that the "accusations" were presented at the hearing. Accordingly, this information is part of the record of this case.

The motion is also improper because it includes, and presumably seeks to introduce into the record, an affidavit from Dr. Laura Rosenbaum-Bloom. The affidavit was not in evidence before the school board, nor could it have been, as it was not created until March 2016, nearly a

year after Appellant's hearing before the school board.[1] Because this document was not before the school board, it should not be considered in this appeal of the board's decision.

For the reasons stated herein, Respondent requests the Court deny Appellant's Motion to Exclude the Uncharged Accusations.

Respectfully Submitted,



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Attorneys for Respondent Beaufort County School District

September 23, 2016

[1]Appellant also included this document in his Second Amended Designation of Matter. Respondent's Motion to Strike Portions of Appellant's Second Amended Designation of Matter, which is currently pending before the Court, specifically cites Dr. Rosenbaum-Bloom's letter as one of the several documents that were not evidence before the school board and which, therefore, have no place in this appeal.

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PROOF OF SERVICE

I certify that I have served Respondent's Return to Appellant's Motion to Exclude Uncharged Accusations, by depositing a copy of it in the United States Mail, postage prepaid, on September 23, 2016, addressed to *pro se* Appellant John Alden Bauer, III, 5 Gumtree Road E-11, Hilton Head Island, South Carolina, 29926.

September 23, 2016

SEE SIGNATURE NEXT PAGE

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V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

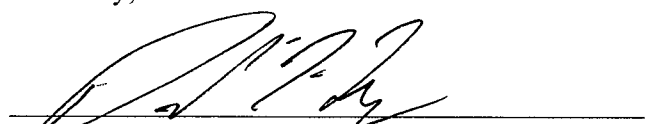
Re: John Alden Bauer, III, v. Beaufort County School District
C.A. No. 2015-CP-07-1343
Appellate Case No. 2016-000955

Dear Ms. Allen:

Enclosed for filing is the original and six copies of Respondent's Return to Appellant's Motion to Exclude Uncharged Accusations with Proof of Service for same.

Thank you for your assistance in this matter.

Sincerely,



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Enclosures

c: *Via U.S. Mail*
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Appellant

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