

THE STATE OF SOUTH CAROLINA  
In The Supreme Court of South Carolina

---

APPEAL FROM LEXINGTON COUNTY  
Frank R. Addy, Jr., Circuit Court Judge

---

RECEIVED

NOV - 8 2016

Appellate Case No. 2016-001931

---

S.C. SUPREME COURT

Raymond Carter, ..... Petitioner,

v.

Donnie Myers, Solicitor, Lexington County; Tracey Carroll,  
Assistant Solicitor, Lexington County; Brian Buck, Irmo  
Police Department; Scott Franklin, Irmo Police Department;  
Timothy E. Stephenson, South Carolina Law Enforcement Division;  
the Estate of George White, Ex father-in-law, Tammy Scrogam,  
Barbara Keadle, (AKA: Diane Hinkle), Investigator Lexington County DSS;  
Francis Ross, Lexington County DSS; and Paulette Jolly, Guardian ad Litem,  
in their official and individual capacities,

..... Defendants,

Of whom, Donnie Myers, Solicitor, Lexington County, Tracey Carroll,  
Assistant Solicitor Lexington County, Brian Buck, Irmo Police Department,  
Scott Franklin, Irmo Police Department, Timothy E. Stephenson, SC Law  
Enforcement Division (SLED),..... Respondents.

---

**MOTION FOR PERMISSION TO FILE RESPONSE TO WRIT OUT OF TIME**

---

The Respondents, Brian Buck, Irmo Police Department and Scott Franklin, Irmo Police Department hereby move for permission to file their Response the Petitioner's Writ for Certiorari out of time. The Response was filed with the Clerk of the Supreme Court on October 27, 2016. The Petitioner had filed his Writ on two separate occasions. First, on or about September 14, 2016, the Petitioner initially filed his Writ by mailing it to the Court and the parties. By way of

letter dated September 20, 2016, the Clerk of the Supreme Court notified him that the required filing fee had not been submitted, the Record on Appeal had not been properly produced and the caption did not comply with the SCACR. He was instructed to correct those deficiencies within ten (10) days. A second letter from the Clerk's office followed on September 22, 2016, returning the Petitioner's check for the improper amount for the filing fee.

Thereafter, the Petitioner re-filed his Writ for Certiorari by placing it in the mail to the Supreme Court and the Respondents on September 28, 2016. Counsel for these Respondents received that on September 29, 2016, and presumed that the Court could not have received it any earlier than that date as it was placed in the mail the day before. There was no letter attached nor any indication of any change to the Record on Appeal or the inclusion of the appropriate filing fee. However, there was no follow-up correspondence from the Clerk of the Supreme Court indicating that there was any deficiency with this re-filing.

After receiving the second filing with no apparent deficiency noted by the Court, counsel for these Respondents diaried the Response to the Writ for 30 days from mailing of the second filing, or for October 28, 2016. The Response to the Writ was filed with the Clerk of the Supreme Court on October 27, 2016, which was timely if the second filing of the Writ was the effective starting date. These Respondents now believe that the correct deadline date for the Response may have been thirty (30) days from the first time the Petitioner filed his Writ, despite the deficiencies and his re-filing of the Writ. If so, then the filing of the Response on October 27, 2016, was not timely.

Given the deficiencies and the re-filing of the Writ, counsel for these Respondents acted in good faith, may have made a reasonable mistake and believes good cause exists to allow the filing of the Response on October 27, 2016. For those reasons, these Respondents respectfully

request permission to file the Response to the Writ out of time, and to have the Court accept the filing made on October 27, 2016.

Respondents' counsel has not been able to contact Petitioner, as he has not provided any telephone number or electronic mail address. Instead, he has provided only a street address. Because counsel wished to file this quickly, we did not attempt to contact the Petitioner by mail and then await a response.

MORRISON LAW FIRM, LLC  
By:   
David L. Morrison  
7453 Irmo Drive, Suite B  
Columbia, South Carolina 29212  
Phone: (803) 661-6285  
Fax: (803) 661-6289  
E-mail: david@dmorrison-law.com

ATTORNEYS FOR THE RESPONDENTS  
BRIAN BUCK, IRMO POLICE DEPARTMENT  
and SCOTT FRANKLIN

Columbia, South Carolina

November 4, 2016

THE STATE OF SOUTH CAROLINA  
In The Supreme Court of South Carolina

RECEIVED

NOV -8 2016

APPEAL FROM LEXINGTON COUNTY  
Frank R. Addy, Jr., Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2016-001931

Raymond Carter, ..... Petitioner,

v.

Donnie Myers, Solicitor, Lexington County; Tracey Carroll,  
Assistant Solicitor, Lexington County; Brian Buck, Irmo  
Police Department; Scott Franklin, Irmo Police Department;  
Timothy E. Stephenson, South Carolina Law Enforcement Division;  
the Estate of George White, Ex father-in-law, Tammy Scrogam,  
Barbara Keadle, (AKA: Diane Hinkle), Investigator Lexington County DSS;  
Francis Ross, Lexington County DSS; and Paulette Jolly, Guardian ad Litem,  
in their official and individual capacities,

..... Defendants,

Of whom, Donnie Myers, Solicitor, Lexington County, Tracey Carroll,  
Assistant Solicitor Lexington County, Brian Buck, Irmo Police Department,  
Scott Franklin, Irmo Police Department, Timothy E. Stephenson, SC Law  
Enforcement Division (SLED),..... Respondents.

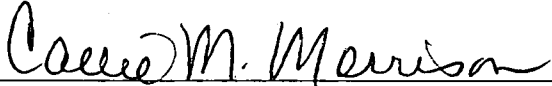
CERTIFICATE OF SERVICE

The undersigned employee of Morrison Law Firm, LLC, attorney for the Defendants,  
Brian Buck, Scott Franklin and the Irmo Police Department, does hereby certify that service of  
the **Motion for Permission to File Response to Writ Out of Time** in the above-captioned  
action was made upon the Plaintiff and all counsel of record by placing same in the United States

Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope  
this the 4<sup>th</sup> day of November, 2016, addressed as follows:

Raymond W. Carter  
2219 Leesburg Road  
Columbia, South Carolina 29209-3055

Andrew F. Lindemann, Esquire  
Post Office Box 8568  
Columbia, South Carolina 29202

  
Callie M. Morrison

Columbia, South Carolina