

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable Letitia H. Verdin, Circuit Court Judge

Case No. 2014-40-00993
Appellate Case No. 2016-001058

RECEIVED

NOV 15 2016

SC Court of Appeals

Justin T., a minor, by and through his parent
Caren D. Taylor

APPELLANT

vs.

Richland County School District One,
and Percy Mack

RESPONDENTS

**RETURN
MEMORANDUM OF LAW IN
OPPOSITION TO RESPONDENT'S MOTION TO
SUPPLEMENT THE RECORD ON APPEAL**

SC Appellate Court Rule 210 (c) provides in pertinent part:

(c) Content. The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. ...

Subsequently, **RESPONDENT'S MOTION TO SUPPLEMENT THE RECORD ON APPEAL** pursuant to SCAR 212(b) with the documents listed below cannot be added to the **RECORD ON APPEAL** pursuant SC Appellate Court Rule 210 (c) because they were not filed in the Richland County Circuit Court (Record pages 21 -24)¹:

1. Defendants' Memorandum of Law in Support of its Motion to Dismiss;

¹ The Richland County Common Pleas Case History For Case No. 2014CP40093 printed on 04/15/2016 & 05/10/2016 clearly shows that the documents requested to be supplemented to the **RECORD ON APPEAL** have never been filed in the Richland County Circuit Court.

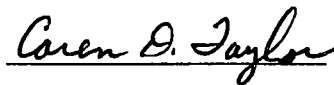
2. Letter's from the District's Hearing Officer to the Appellant's mother discussing Appellant's placement at Richland One Evening High School in lieu of expulsion;
3. The District Student Code of Conduct Policy on Level II offense: I-Sexual Misconduct; and
4. The Forest Acres Incident Report regarding charges filed against Appellant as a result of the incident giving rise to Appellant's transfer to Richland One Evening High School.

The Richland County Common Pleas Case History for case No. 2014CP40093 printed on 04/15/2016 and 05/10/2016 are attached as Exhibit 1 and Exhibit 2 respectively, and are incorporated herein by reference.

Additionally, Respondents assertions that Appellant "contends that the above referenced documents should be excluded because they were not in the Record on Appeal to the Circuit Court"², and that the documents listed above can be added to the Record on Appeal under SCAR 212(b) because they "were discussed either in Defendants' Memorandum of Law in Support of its Motion to Dismiss³, Appellant's Notice of Appeal, or Amended Notice of Appeal, and as such, are matters that were presented to the Circuit and are relevant to this Appeal" is frivolous. As a matter of law, the documents listed above are **EXHIBITS (not colloquy)** that were neither filed in the Circuit Court nor entered at the hearing on April 15, 2016. (Record page 14 lines 5 -6)

WHEREFORE, Appellant respectfully request that this Honorable Court deny **RESPONDENT'S MOTION TO SUPPLEMENT THE RECORD ON APPEAL** and Strike /exclude Respondents' **APPENDIX TO THE RECORD ON APPEAL** which was filed in the SC Court of Appeals on November 3, 2016.

November 14, 2016



Caren D. Taylor
2139 Oak Street
Columbia, South Carolina 29204
(803) 765-2107

Appellant *Pro Se*

² Appellant's primary issue is that the RECORD ON APPEAL was not filed by Defendants in the Circuit Court as required by SCRCR Rule No. 75; and the RESPONDENTS' DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL except for one Exhibit, the Exhibits in RESPONDENTS' MOTION TO SUPPLEMENT THE RECORD ON APPEAL and the Exhibits in the APPENDIX TO THE RECORD filed in this Court on November 3, 2016 have not been filed in the Circuit Court.

³ Defendants' Memorandum of Law in Support of its Motion to Dismiss was not offered as an Exhibit at the April 15, 2016 hearing and has never been filed in the Circuit Court. (Record page 14 lines 5-6, & Pages 21-24 Respectively)

Richland County Common Pleas
CASE HISTORY FOR CASE 2014CP4000993

EXHIBIT 1

Justin T Taylor , plaintiff, et al vs Richland County School District One , defendant, et al

FILED DATE: 2/19/2014

CASE TYPE: CP/Use AP Case Type-999

STATUS: Appeal

JUDGE:

CASE PARTIES:

Plaintiff Taylor, Justin T

Plaintiff Attorney Postic, Alexandre Thomas
PO Box 11926, Columbia, SC 29211

Defendant Richland County School District One

Defendant Mack, Percy

Plaintiff Taylor, Caren D

Plaintiff Gibson, Carl

Plaintiff Doe, John

Plaintiff Doe, Mary

Defendant Attorney Mazyck, Dwayne Traynor
PO Box 11367, Columbia, SC 292111367

CASE HISTORY FOR CASE 2014CP4000993

Taylor, Justin T

Age: Unknown
DL#:

DOB: Unknown
SSN: 000-00-0000

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Action: Petition/Filing Fee Required Civil Filing Fee County 44%/100%	\$44.00	\$0.00	\$44.00	999

Print Date: 04/15/2016
Print Time: 11:18:09AM
Requested By: EB232681

CaseHistory.rpt V6.1

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CASE HISTORY FOR CASE 2014CP4000993

Civil Filing Fee State 56%	\$56.00	\$0.00	\$56.00	999
SCJD Filing Fee Proviso \$50 / \$25	50.00	0.00	50.00	999
Action: Motion/Motion Filing Fee				
Motion/Order Filing Fee \$25	25.00	0.00	25.00	999
Total:	\$175.00	\$0.00	\$175.00	

DATE	TIME	EVENT DESCRIPTION
2/19/2014	2:25 PM	Filing recorded: Petition/Filing Fee Required
2/19/2014	2:26 PM	Appeal/Notice of Appeal
2/19/2014	4:30 PM	Filing recorded: Service/Certificate Of Service
2/19/2014	12:21 PM	Filing recorded: Appeal/Notice of Appeal
3/4/2014	11:16 AM	Filing recorded: Amended Notice of Appeal
3/11/2014	11:57 AM	Filing recorded: Motion/Motion Filing Fee
4/4/2014	10:39 AM	Filing recorded: Verification/Verified
2/19/2014	2:26 PM	Received payment of \$150 from Alexandre Thomas Postic for Justin T Taylor . Printed receipt #173480.
3/11/2014	11:58 AM	Received payment of \$25 from Childs for Justin T Taylor . Printed receipt #174684.
3/5/2014	12:00 AM	MORENOC recorded the following Case Note: Certificate of Service
3/8/2016	12:00 AM	AH233224 recorded the following Case Note: Motion APPNOA - Appeal/Notice of Appeal added to Roster: 941 - APPEAL ROSTER APRIL 15, 2016 Roster Begin Date 2016-04-15 - End Date 2016-04-15

**Richland County Common Pleas
CASE HISTORY FOR CASE 2014CP4000993**

EXHIBIT 2

Justin T Taylor , plaintiff, et al vs Richland County School District One , defendant, et al

FILED DATE: 2/19/2014

CASE TYPE: CP/Use AP Case Type 999

STATUS: Dismissed

JUDGE:

CASE PARTIES:

Plaintiff Taylor, Justin T

Plaintiff Attorney Postic, Alexandre Thomas
PO Box 11926, Columbia, SC 29211

Defendant Richland County School District One

Defendant Mack, Percy

Plaintiff Taylor, Caren D

Plaintiff Gibson, Carl

Plaintiff Doe, John

Plaintiff Doe, Mary

Defendant Attorney Mazyck, Dwayne Traynor
PO Box 11367, Columbia, SC 292111367

CASE HISTORY FOR CASE 2014CP4000993

Taylor, Justin T

Age: Unknown
DL#:

DOB: Unknown
SSN: 000-00-0000

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Action: Petition/Filing Fee Required Civil Filing Fee County 44%/100%	\$44.00	\$0.00	\$44.00	999

Print Date: 05/10/2016
Print Time: 4:37:37PM
Requested By: DW233612

CaseHistory.rpt V6.1

Page 1 of 2

CASE HISTORY FOR CASE 2014CP4000993

Civil Filing Fee State 56%	\$56.00	\$0.00	\$56.00	999
SCJD Filing Fee Proviso \$50 / \$25	50.00	0.00	50.00	999
<hr/>				
Action: Motion/Motion Filing Fee				
Motion/Order Filing Fee \$25	25.00	0.00	25.00	999
<hr/>				
Total:	\$175.00	\$0.00	\$175.00	

DATE	TIME	EVENT DESCRIPTION
2/19/2014	2:25 PM	Filing recorded: Petition/Filing Fee Required
2/19/2014	2:26 PM	Appeal/Notice of Appeal
2/19/2014	4:30 PM	Filing recorded: Service/Certificate Of Service
2/19/2014	12:21 PM	Filing recorded: Appeal/Notice of Appeal
3/4/2014	11:16 AM	Filing recorded: Amended Notice of Appeal
3/11/2014	11:57 AM	Filing recorded: Motion/Motion Filing Fee
4/4/2014	10:39 AM	Filing recorded: Verification/Verified
4/18/2016	2:44 PM	Form 4 Order Motion to dismiss is granted. Court does not
2/19/2014	2:26 PM	Received payment of \$150 from Alexandre Thomas Postic for Justin T Taylor . Printed receipt #173480.
3/11/2014	11:58 AM	Received payment of \$25 from Childs for Justin T Taylor . Printed receipt #174684.
3/5/2014	12:00 AM	MORENOC recorded the following Case Note: Certificate of Service
3/8/2016	12:00 AM	AH233224 recorded the following Case Note: Motion APPNOA - Appeal/Notice of Appeal added to Roster: 941 - APPEAL ROSTER APRIL 15, 2016 Roster Begin Date 2016-04-15 - End Date 2016-04-15
4/18/2016	12:00 AM	AH233224 recorded the following Case Note: Form 4 Order Motion to dismiss is granted. Court does not have subject matter jurisdiction

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable Letitia H. Verdin, Circuit Court Judge

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Caren D. Taylor

APPELLANT

vs.

Richland County School District One,
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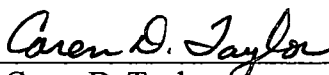
RESPONDENTS

PROOF OF SERVICE

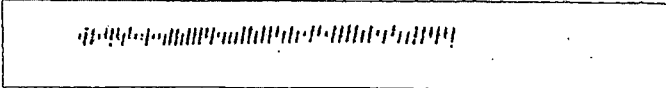
I certify that I have served a copy the **RETURN MEMORANDUM OF LAW IN OPPOSITION TO RESPONDENT'S MOTION TO SUPPLEMENT THE RECORD ON APPEAL** on Respondents Richland County School District One and Percy Mack by depositing a copy of it in the United States Mail, postage prepaid and return address clearly indicated, on November 14, 2016 addressed to the attorney of record:

Childs & Halligan, P.A.
Dwayne T. Mazyck, Esquire,
PO Box 11367
Columbia, SC 29211-1367

November 14, 2016


Caren D. Taylor
2139 Oak Street
Columbia, South Carolina 29204
(803) 765-2107

Appellant *Pro Se*



2139 Oak Street
Columbia, SC 29204



U.S. POSTAGE
\$2.62
FCM LG ENV
29201
Date of sale
11/14/16
06 2500
08282331

The Honorable Jenny Abbott Kitchens
South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

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NOV 15 2016

SC Court of Appeals