

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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NOV 28 2016

SC Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Judge L. Casey Manning, Fifth Judicial Circuit

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Appellate Case No. 2016—001239

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Biafra Monique Curtis.....Appellant

v.

South Carolina Department of Public Safety, Warren Ganjehsani, Mike Oliver, Leroy Smith, Kenneth Phelps, Anthony Grice, William Taylor, Nicklous King, Willie McCauley, Jr. Ada Schmidt, Aaron Canzater and Cherie young, individually and in their Official Capacities.....Respondents

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MOTION TO REFORM RECORD ON APPEAL TO COMPLY WITH  
Rule 210, SCACR AND TO STAY THE TIME OF FINAL BRIEFING UNDER RULE  
211, SCACR UNTIL THE RECORD ON APPEAL CAN BE SO REFORMED

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YOU WILL PLEASE TAKE NOTICE, RESPONDENTS, by and through their undersigned attorneys, will move the Court for an Order seeking to reform the Record on Appeal to comply with Rule 210, SCACR. This motion also seeks a stay of the twenty-day time to serve final briefs, under Rule 211(a), as the serious defects within the Record on Appeal will complicate the process of replacing references in the briefing to correspond to the Record.

Particularly, Respondents request the following matter be stricken from the Record on Appeal:

1. Amended Designation of Matter, dated November 21, 2016, which is an expansion of the matter previously designated, some of which is objectionable on the basis of its content, and all of which is objectionable for its timing, having been included in the Record on Appeal without having been so designated until this late date. Appellant has failed to comply with Rule 209 in failing to timely designate certain matter, and for this reason all materials proposed for inclusion for the first time on this Amended Designation of Matter, included concurrently with the Record on Appeal, should be stricken from the Record on Appeal. This includes: Page 2-3, Notices of Scheduling for Hearing; Page 11, SLED Letter from Captain John T. Bishop; Page 12, Chief K. D. Phelps Letter; Page 40-42, Amended Designation of Matter; Exhibit 2 (un-paginated accident reports); and Exhibit 3 (un-paginated witness statements). As to the SLED letter from Captain John T. Bishop, letter from Chief K. D. Phelps, accident reports and witness statements, none of these were submitted to the lower court for consideration at the hearing on this matter, and for that additional reason, these items should be excluded from the Record on Appeal.

2. The Record on Appeal produced to Respondents on November 24, 2016 is deficient, in that it includes Exhibits that are unnumbered and were not included within the Designation of Matter, required under Rule 209. The Record on Appeal fails to conform to Rule 210, SCACR and these material errors must be corrected before final briefs can be completed. Exhibit 1 includes portions of the

transcript of testimony, and should be properly included within the record.

However, Exhibit 1 is not paginated.

3. The Index is not organized pursuant to Rule 210(c), SCACR.

4. The Record on Appeal contains argumentative statements, for the first time, and a demand for a jury trial, both of which are inappropriate within the Record of Appeal. This matter should be excluded. It is included within the Record on Appeal on Page 6 of the Index.

This motion is based upon the Record on Appeal served on Respondents on November 21, 2016.

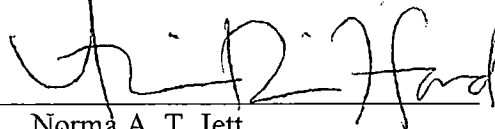
Rule 210(c), SCACR prohibits the inclusion within the Record on Appeal of matter that was not presented to the lower court, not included on the Designation of Matter, not relevant to this appeal, and not submitted in the proper format.

Respondents request an Order granting a temporary stay with respect to final briefing under Rule 211(a), SCACR, until these issues can be resolved.

November 23 2016

Respectfully submitted,

By:



Norma A. T. Jett

Alison Dennis Hood

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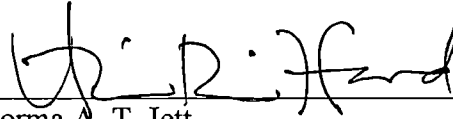
ATTORNEY FOR ALL RESPONDENTS

CERTIFICATE OF SERVICE

This is to certify that I, Alison Dennis Hood, Attorney for ALL RESPONDENTS, along with Norma A. T. Jett of Ness & Jett, LLC, have this date mailed via the U.S. Postal Service with first class postage prepaid, a true and correct copy of the within **MOTION TO Reform the Record on Appeal** in the matter captioned *Biafra Monique Curtis, Pro Se v. SCDPS, et al.*, Appellate Case Number: 2016-001239 to the following parties, at the following addresses:

Biafra Monique Curtis  
P.O. Box 21294  
Hilton Head, SC 29925

Bamberg, S.C.  
November 23 2016



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JULIUS B. NESS  
1916-1991

November 23, 2016

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

Re: *Biafra Monique Curtis v. SCDPS, et al.*  
*Appellate Case Number: 2016-001239*

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Dear Ms. Kitchings:

Please find enclosed an original and one copy of **Respondents' Motion to Reform Record on Appeal**, as well as a check for the filing fee.

By copy of this letter, I am serving a copy of these items on Appellant as shown below.

Thank you for your assistance.

Sincerely,

  
Alison Dennis Hood

ADH  
Enclosures

cc: Biafra Monique Curtis  
Appellant  
PO Box 21294  
Hilton Head Island, SC 29925

Ness & Jett, LLC  
PO Box 909  
Bamberg, SC 29003

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