

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Case No.: 2016-000650

RECEIVED

DEC 15 2016

SC Court of Appeals

Terrell L McCoy, 256070, Appellant

v.

North Charleston Police Department and
Sgt. Thomas Deckard, of which, North
Charleston Police Department is, Respondent

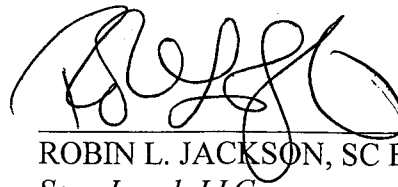
**RESPONDENT'S MEMORANDUM THAT IT CANNOT COMPLETE ITS
FINAL BRIEF WITHOUT DESIGNATED MATERIAL
IN THE RECORD ON APPEAL**

Respondent is in receipt of the court's Order filed December 8, 2016. Respondent files this memorandum to advise the court that no corrected Record on Appeal has been received by Respondent. When Respondent filed the motion to require the Appellant to correct the Record, counsel sent a letter to Appellant advising of the missing documents and asking him to add them to the Record and reserve it. In November, after Respondent filed the motion, the Appellant sent loose copies of the documents to counsel for Respondent. They contained no numbering, no index and no method for citing to them as

part of the Record on Appeal. Counsel for Respondent sent the documents back to Appellant along with a copy of SCAR 210 and 267, asking him to include the proper page numbers based on previous documents that he was including in the Record on Appeal, and an index. To date, counsel for Respondent has received no response.

The documents missing from the Record on Appeal are Respondent's designations #2 and #5. Both documents are cited in Respondent's brief and are important to this appeal. Additionally, the copy of the transcript from the May 7, 2015 hearing is illegible. Respondent asks that the Appellant be instructed to include these documents in the Record on Appeal and serve Respondent with a copy of the correctly numbered pages so Respondent may properly cite to such documents and file its final brief. Respondent also asks that Appellant be required to serve a legible copy of the transcript of the May 7, 2015 hearing on the court.

Because it is impossible for Respondent to properly file a final brief without a complete Record on Appeal, Respondent respectfully requests that the deadline for its final brief be held in abeyance pending a ruling and service of the corrected Record on Appeal.



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December 13, 2016

Attorney for Respondent

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of Respondent's Memorandum that it Cannot Complete its Final Brief without all Designated Material in the Record on Appeal has been served upon the pro se appellant by mailing a copy properly addressed with sufficient postage affixed thereto this 13th day of December, 2016, to the following:

Inmate Terrell L McCoy, 256070
Leiber Correctional Institution
Edisto #12
P.O. Box 205
Ridgeville, SC 29472



ROBIN L. JACKSON



Senn Legal
-LLC-
ATTORNEYS AT LAW

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Robin@sennlegal.com

December 13, 2016

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

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SC Court of Appeals

RE: McCoy v. North Charleston Police Department et al.
Case No.: 14-CP-10-770 APP: 2016-00650

Dear Madam Clerk:

I am in receipt of the Court's Order of December 8, 2016, asking that I submit a memorandum certifying that I still cannot complete the final brief with the Record on Appeal as it is now.

Please note that I am serving this on Inmate McCoy at Lieber, as that is where he is now being held. Lieber CI, Edisto #12, P.O. Box 205, Ridgeville, SC 29472. I understand from your office that you cannot change his address without him filing something, so as the inmate is copied on this letter, I am hopeful he will file a change of address if he has not already.

With kind regards, I am,

Sincerely,

Robin L. Jackson

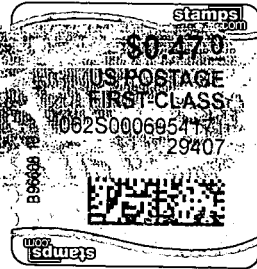
RLJ/mos

cc: Inmate Terrell McCoy

Robin L. Jackson, Esquire
Senn Legal, LLC
P.O. Box 42279
Charleston, SC 29412

CHARLESTON SC 294

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SC Court of Appeals

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