

John Alden Bauer III  
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Columbia, South Carolina 29219

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FEB 10 2017

SC Court of Appeals

February 8, 2017

Jenny Abbott Kitchings  
Clerk of Court  
PO Box 11629  
Columbia, SC 29211

Re: John Alden Bauer, III v. Beaufort Co. Sch. Dist.  
Appellate Case No. 2016-000955

Dear Ms. Kitchings,

I am enclosing a page from my Supplemental Record on Appeal. In this format I can put four pages on one sheet, cutting cost and paper by 75%. It is clear and legible. If this format is acceptable I will proceed with the copying.

Please let me know.

Very truly yours,



John Alden Bauer III  
copies: David T. Duff, Esquire  
Dr. John Bauer, Jr.

Moss vs. Bauer  
Board Hearing held April 30 to May 2, 2015

SHEET 4 PAGE 13

1 Board in making any rulings concerning those objections and  
2 advising me and the Board on all procedural matters that  
3 may arise during these proceedings.

4 At the outset of the hearing, each party will be  
5 permitted to make an opening statement to the Board. At  
6 the conclusion of the evidence presentation, counsel or the  
7 party also will be permitted to make closing arguments or  
8 summations.

9 I ask at this time that all witnesses other than  
10 the parties themselves leave the hearing room. I think  
11 that's the case. We don't have any witnesses in the room  
12 at this time?

13 GENERAL PUBLIC: (No response.)

14 CHAIRMAN EVANS: Are there any questions or other  
15 matters to come before the Board before we begin the  
16 opening statements?

17 MR. WILLIAMS: Mr. Chair, there was one  
18 preliminary matter that the administration wanted to  
19 discuss prior to --

20 CHAIRMAN EVANS: Mr. Williams, if you'd come to  
21 the microphone, please?

22 MR. WILLIAMS: Thank you. Mr. Chair, members of  
23 the Board, Mr. Duff, on the administration's behalf, we  
24 submitted to Mr. Duff what's referred to as a "motion in  
25 limine," and we are raising it at this point, Mr. Chair,

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1 proceedings, we think whether they strictly apply or not,  
2 just the general principles are good principles to abide  
3 by, and the principles there are, if it's in a minor  
4 offense and has nothing to do with honesty and it's old,  
5 then that's not the kind of offense that a witness should  
6 be questioned about as it relates to their honesty on the  
7 witness stand.

8 And so, again, there are other exhibits to which  
9 we would object, and we would -- if it's the Board's  
10 desire, we can object as those exhibits are sought to be  
11 introduced. But as it relates to the record of the  
12 misdemeanor offense, we would want to make our objection to  
13 that be known for reasons that I just stated. I'd be happy  
14 to respond to any questions about that.

15 CHAIRMAN EVANS: Okay. Go ahead.

16 MR. DUFF: Mr. Bauer, you heard that the motion  
17 in limine has now been limited to one item. You've heard  
18 Mr. Williams discuss that one item. Do you have a response  
19 to the complainant's request that that item be excluded and  
20 that any ref -- I don't know who the witness is, but that  
21 any -- and if you're going to respond, Mr. Bauer, do not  
22 use the name of this witness. So do you have a response to  
23 the request to exclude some document that apparently  
24 characterizes or represents a dated misdemeanor traffic  
25 offense?

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1 because sometimes parties in their opening statements will  
2 refer to certain pieces of evidence. If that was going to  
3 be the case, there is one teach -- one document that was  
4 being offered that we had an objection to, and so we didn't  
5 want there to be a reference to it in opening statements  
6 without a ruling by the Board regarding its admissibility.  
7 There are other documents, as well, but we think it  
8 probably best to object to those as they come up.

9 The specific document that we're talking about  
10 relates to a misdemeanor offense on a person's record that  
11 we assume is going to be offered for purposes of what's  
12 referred to as "impeaching the witness." So, in other  
13 words, the witness testifies, and then you ask them, you  
14 know, "Were you convicted of this misdemeanor offense?"

15 The rules of evidence are fairly strict on the  
16 types of offenses you can ask questions of a witnesses  
17 about. It basically says the offense needs to be something  
18 that's punishable by at least a year, or something that  
19 deals with honesty, and it needs to be within a -- within a  
20 ten-year period of time. The particular offense we're  
21 talking about is a traffic-related offense for which the  
22 punishment is a maximum of 30 days, and the offense  
23 occurred in 2000, which was about 15 years ago.

24 So, while there's some disagreement about whether  
25 or not the rules of evidence strictly apply in these type

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1 MR. BAUER: If you could give me just one minute  
2 to look over something, I'd appreciate it.

3 CHAIRMAN EVANS: Certainly. Go right ahead.

4 MR. BAUER: (Examines file.) Yes, as far as --

5 MR. DUFF: Mr. Bauer, again, please do not use  
6 the name of the witness.

7 MR. BAUER: I will not.

8 MR. DUFF: Okay.

9 MR. BAUER: As far as the motion in limine, there  
10 were some other items that they objected to. Are they now  
11 no longer objecting to those items? Or are you saying that  
12 you'll bring them up at the time?

13 MR. WILLIAMS: I'm saying we're objecting to  
14 those items, but because of the number of documents  
15 involved, in terms of the ease of proceeding, it might be  
16 most efficient just to object as those documents are sought  
17 to be introduced.

18 MR. BAUER: Should I make a defense of those  
19 documents that he will object to now, or should I --

20 CHAIRMAN EVANS: No, the proper thing, Mr. Bauer,  
21 is, as he objects to them, we will then give you the  
22 opportunity --

23 MR. BAUER: All right.

24 CHAIRMAN EVANS: -- at any of those objections to  
25 bring up your arguments that oppose his objection.

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