

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED

Case Number: 2013-CP-10-3669
Appellate Case No.: 2014-001977

FEB 23 2017

SC Court of Appeals

Eugene Magwood Appellant

v.

J. Al Cannon Jr., in his official capacity as
Sheriff of Charleston County, Inspector
Anderson, Inspector Antonio, Charles Ghent,
And South Carolina Law Enforcement Division Respondents

RETURN IN OPPOSITION TO RESPONDENT'S BILL AND AFFIDAVIT OF COSTS

NOW COMES the Appellant, who, by and through his undersigned counsel of record listed below, hereby opposes Respondent's Bill and Affidavit of Costs in this matter. The basis for this opposition is as follows:

Respondents cite to SCAR Rule 242(j) as the sole basis for their request for fees and costs.

SCAR Rule 242(j) states in full:

(j) Costs When a Writ of Certiorari Has Been Granted.

(1) To Whom Awarded. Unless otherwise ordered by the Supreme Court or agreed to by the parties, costs shall be assessed against the appellant if the decision of the Supreme Court has the effect of affirming the judgment of the lower court or tribunal which was reviewed by the Court of Appeals. When the decision of the Supreme Court has the effect of reversing the judgment of the lower court or tribunal which was on

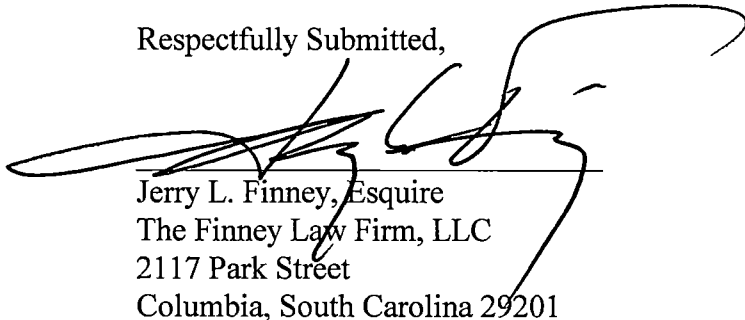
appeal, costs shall be assessed against the respondent before the Court of Appeals. When the decision of the Supreme Court has the effect of affirming or reversing in part or vacating the judgment of the lower court or tribunal which was on appeal, costs shall be allowed only as ordered by the Supreme Court.

(2) Costs Allowed. The party entitled to recover costs may recover all those costs specified in Rule 222(b), to include the attorney's fee provided by that rule. Additionally, the party may, to the extent the party actually incurred these costs, recover: (1) the filing fee paid under Rule 242(c); (2) the cost of printing the Appendix under Rule 242(e) and (i); and (3) the cost of printing the party's brief(s) under Rule 242(i). The party may also recover an additional attorney's fee in an amount which shall be set by order of the Supreme Court. [2] The allowance of additional costs will generally not be allowed except in the most extraordinary circumstances.

This matter does not involve a Writ of Certiorari and therefore would be completely inapplicable to this action. As such, Appellant would oppose any Order for Costs or Fees in this action.

Additionally, Appellant would oppose an award of costs in the amount of \$155.22 for printing or copying the brief in this matter as no receipt of documentation of the expense is attached to Respondents' Bill and Affidavit of Costs in order to provide documentation for the expense. Additionally, Appellant would oppose the award of costs in the amount of \$25.00 for a filing fee for Respondents' Bill and Affidavit of Costs as not contemplated or set out in any referenced Appellate Rule. Finally, Appellant would oppose the award of attorney fees in the amount of \$1,000.00 as not being supported by Respondents' Bill and Affidavit of Costs. The only basis for Respondents' request for fees in this matter is a reference to SCAR Rule 242(j) which, as stated above, does not apply to this action.

Respectfully Submitted,



Jerry L. Finney, Esquire
The Finney Law Firm, LLC
2117 Park Street
Columbia, South Carolina 29201

Phone: (803) 254-7408
Facsimile: (803) 254-1941
Counsel for Appellant

February 21, 2017

Other counsel of record
Robin L. Jackson, Esquire
Senn Legal, LLC
3 Wesley Drive
Charleston, South Carolina 29407
Post Office Box 12279
Charleston, South Carolina 29422
Phone: (843) 556-4045
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Counsel for Respondents

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In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
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The Honorable R. Markley Dennis, Jr., Circuit Court Judge

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SC Court of Appeals

Case Number: 2013-CP-10-3669
Appellate Case No.:2014-00197

Eugene Magwood Applicant/Appellant,

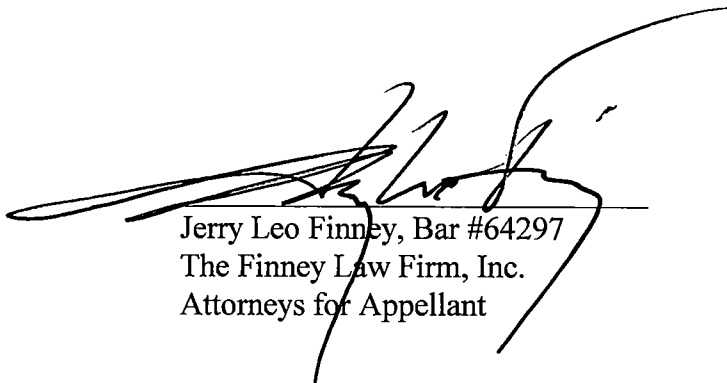
v.

J. Al Cannon, Jr. in his official capacity as
Sheriff of Charleston County, Investigator
Anderson, Investigator Antonio, Charles
Ghent, and South Carolina Law
Enforcement Division Respondents,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy **Return in Opposition to Respondent's Bill and Affidavit of Costs** in the above matter has been serviced on opposing counsel of record, by depositing a copy of the same in the United States Mail, postage prepaid, on February 21, 2017, addressed as follows:

Robin L. Jackson, Esquire
Senn Legal, LLC
Post Office Box 12279
Charleston, SC 29422



Jerry Leo Finney, Bar #64297
The Finney Law Firm, Inc.
Attorneys for Appellant

THE FINNEY LAW FIRM, INC.

Attorneys and Counselors at Law

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RETIRED CHIEF JUSTICE
SOUTH CAROLINA SUPREME COURT
ERNEST A. FINNEY, JR.
OF COUNSEL

February 21, 2017

Clerk of Court for the
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Reply to Columbia Office

Re: Eugene Magwood v. J. Al Cannon, Jr
Appellate Case No.: 2014-001977

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SC Court of Appeals

Dear Clerk of Court:

I hope this letter finds you well. Please find enclosed the original and six (6) copies of the Return in Opposition to Respondent's Bill and Affidavit of Costs, along with a certificate of service of the same. Please file the original and return a filed copy to me in the self-addressed and stamped envelope I have provided for your convenience.

If you should have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am

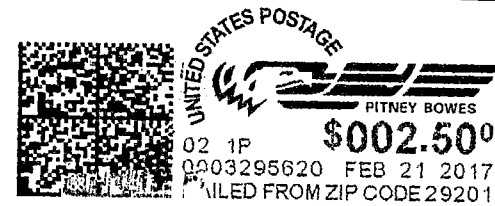
Sincerely,

Jerry L. Finney
Attorney at Law
JLF: ph

A handwritten signature in black ink that reads "Jerry L. Finney". The signature is written in a cursive style and is positioned to the right of the typed name.

Enclosures – listed in text

cc: Robin L. Jackson, Esquire



THE FINNEY LAW FIRM, INC.
Attorneys and Counselors at Law



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Columbia, South Carolina 29201



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