

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, III, Circuit Court Judge

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MAY 08 2017

SC Court of Appeals

Case No.: 2016-CP-46-2414
Appellate Case No.: 2016-002534

Ralph L. Erwin, Appellant,

v.

South Carolina Department of Probation, Parole, and Pardon Services, and State of South Carolina, Respondents.

MOTION TO STRIKE
APPELLANT'S FINAL BRIEF

Respondents South Carolina Department of Probation, Parole, and Pardon Services and the State of South Carolina will move the Court for an order striking Appellant's Final Brief pursuant to Rule 211(b) of the South Carolina Appellate Court Rules. This motion is based upon the following grounds:

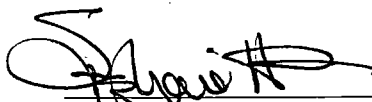
1. On April 26, 2017, Appellant served Appellant's Final Brief. The South Carolina Appellate Court Rules require that each party's "final brief(s) shall **be identical to the brief(s) previously served** under Rule 208..." Rule 211(b), SCACR. There are only two exceptions. First, the Final Brief shall indicate where the material appears in the Record on Appeal. Rule

211(b)(1), SCACR. Second, a party may correct obvious typographical errors and misspellings from the previously submitted initial brief(s). Rule 211(b)(2), SCACR.

2. Appellant's Final Brief contains new content that is not in Appellant's Initial Opening Brief or Appellant's Initial Reply Brief.

3. Accordingly, Respondents are entitled to an order of this Court striking Appellant's Final Brief and instructing Appellant to file a Final Brief that complies with Appellate Court Rules.

Respectfully submitted,



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*Attorneys for Respondents South Carolina
Department of Probation, Parole and Pardon
Services and State of South Carolina*

May 4, 2017
Spartanburg, South Carolina

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Ralph L. Erwin,

Appellant,

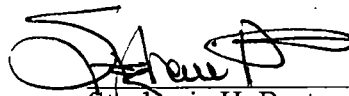
v.

South Carolina Department
of Probation, Parole and Pardon
Services and the State of South Carolina,

Respondents.

PROOF OF SERVICE

I certify that I have served the Respondents Motion to Strike Appellant's Final Brief on Ralph L. Erwin by depositing a copy of them in the United States Mail, postage prepaid, on May 4, 2017, addressed to him at 140 W. Centennial Street, Apartment 38-B in Spartanburg, SC 29303.



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Attorneys for Respondents

May 4, 2017

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May 4, 2017

The Honorable Jenny A. Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

Re: Ralph L. Erwin v. South Carolina Department of Probation, Parole, and Pardon Services
and State of South Carolina
C. A. No.: 2016-CP-46-2414
Appellate Case No.: 2016-002534

Dear Ms. Kitchings:

We are enclosing for filing the original and one copy of the following:

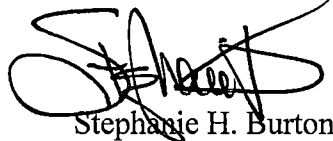
1. Respondents' Motion to Strike Appellant's Final Brief; and
2. Proof of Service for same.

We are also enclosing our firm's check in the amount of \$25.00 for the required motion filing fee. We would appreciate you filing these papers and returning the clocked copies to us in the enclosed envelope.

With kind regards,

Yours very truly,

GIBBES BURTON, LLC



Stephanie H. Burton

SHB/bre

Enclosures

cc: Mr. Ralph L. Erwin (w/enclosures)(by US Mail)



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1220 Senate Street
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