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December 12, 2017

RECEIVED
DEC 15 2017
SC Court of Appeals

V. Claire Allen, Deputy Clerk
The South Carolina Court of Appeals
PO Box 11629
Columbia, South Carolina 29211

RE: Catherine Lyons v. Gregory Lyons
Appellate Case No. 2016-002549

Dear Ms. Allen:

I represent the appellee, Gregory Lyons, in the above-captioned appeal and I am responding to your letter to Scarlett Moore dated November 30, 2017, copied to me, to Judge Clark, and to Anne Marie Hempy, attorney at the trial for the appellant. The parties have not been able to stipulate to a record of proceedings which record is necessary for an appeal and, as a result, I would respectfully ask the Court of Appeals to dismiss this appeal.

There is authority, although I could find no state law on point, that a trial court's decision enjoys a "presumption of correctness" in the appellate court. When a claim of error comes before it, the appellate court must have a record that provides it enough information to review the evidence and the issues so as to determine whether the trial court erred. There is further authority that when the Order on appeal or the record clearly reflects error on its face (which is not the case here) the appellate court in that event is able to conduct a review without a transcript of the proceedings or a complete record on appeal. Otherwise, the appellant bears the burden to provide a record to the court which in this case she cannot do. As a result, the Court of Appeals should find the record insufficient in this case for review and appellee respectfully asks this Court to dismiss this appeal.

In the alternative and if, for the sake of argument, the Court of Appeals requires a new trial, appellee is of the belief that in order to have "a level playing field" to both parties, no additional witnesses from the initial trial should be permitted to testify and all documents admitted into evidence at the initial trial should remain admissible to both parties.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wm. Thurmond Bishop". The signature is fluid and cursive, with a large initial "W" and a long, sweeping underline.

Wm. Thurmond Bishop

WTB/jab

cc: Curtis G. Clark, Esquire
Scarlet B. Moore, Esquire
Anne Marie Hempy, Esquire

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