

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

RECEIVED

Edward W. Miller, Circuit Court Judge

NOV 28 2018

SC Court of Appeals

Appellate Case No.: 2017-002354

Phillip Andrew Bridges,Appellant,

v.

Simpsonville Police Department,Respondent.

MOTION TO REQUIRE APPELLANT TO SUPPLEMENT THE RECORD ON APPEAL; TO STRIKE FROM THE RECORD ON APPEAL ITEMS THAT WERE NOT DESIGNATED BY APPELLANT AND ARE IRRELEVANT TO THIS APPEAL; AND FOR AN ENLARGEMENT OF TIME TO FILE RESPONDENT'S FINAL BRIEF

Pursuant to Rule 202, SCACR, Respondent, Simpsonville Police Department, designated certain matter to be included in the Record on Appeal. On November 19, 2018, Appellant served Respondent with the Record on Appeal that he had prepared. The Record on Appeal does not include matter designated to be included by Respondent and includes matter that was not a part of the record before the Greenville County Court of Common Pleas and includes new matter in addition to that designated in Appellant's Designation of Matter to be included in the Record on Appeal.

Respondent moves this Court to require Appellant to prepare and file a correct and complete Record on Appeal as required by Rule 210(c), SCACR. Because Respondent is unable to file a final brief without a correct Record on Appeal, Respondent moves for an enlargement of time to file Respondent's final brief.

ARGUMENT

In 2017 Appellant filed an appeal with the Circuit Court for the Thirteenth Judicial Circuit from a 2005 conviction in the Simpsonville Municipal Court for criminal domestic violence. Appellant lost his appeal and has appealed to this Court. Appellant has appeared *pro se* during the pendency of his appeals.

Pursuant to Rule 202, SCACR, both Appellant and Respondent filed with this Court a Designation of Matter to be included in the Record on Appeal. Appellant served his designation on Respondent with his initial brief in July 2018. Appellant's designation listed six items, one of which was not filed with the Circuit Court nor introduced at the appeal hearing. Respondent's designation referenced only documents that had been filed with the Circuit Court.

A. RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent had designated that the ROA include Appellant's Notice of Intent to Appeal (filed 8/8/2017 consisting of 10 pages). ROA, Page 10, is the first page of Appellant's appeal filed on 8/8/2017; however, it does not include the filing stamps with the Circuit Court nor the other nine pages that were included with the filing. This item is available on the Greenville County court filings website for public inspection and

download. The ROA filed by Appellant contains blank pages (ROA, P. 9 through 20) on which the words “not sure” appear.

Respondent refers frequently to Appellant’s initial notice of intent to appeal in its brief. Appellant should be ordered to file an amended ROA to include these documents designated by Respondent.

B. NEW MATTER INCLUDED IN THE ROA NOT DESIGNATED BY APPELLANT NOR OF RECORD IN THE CIRCUIT COURT.

Appellant’s initial designation in July 2018 listed six items, the last of which was not filed with the Circuit Court nor introduced at the appeal hearing. Item number 6, “Notice of Ishmell proceeding document” (ROA, P. 1) was not filed with the Circuit Court and refers to a charge of simple possession of marijuana. Appellant’s appeal is from a conviction of criminal domestic violence. This should be stricken from the ROA.

Appellant also included in the ROA matter not designated by Appellant nor filed with the Circuit Court. Appellant has included:

- “Disposition Sheet” and “Receipt” for a charge of simple possession of marijuana. (ROA, P. 2-3)
- “Disposition Sheet” and “Receipt” for a charge of “drugs/unlawful to advertise for sale, manufacture.” (ROA, P. 4-5)
- “Request for a Jury trial.” (ROA, P. 29)
- Appellant’s Criminal History. (ROA, P. 41 & 42)
- “Magistrate’s Receipt.” (ROA, P. 43)
- SCDMV “Official Notice” dated 02/19/2010. (ROA, P. 44)
- SCDMV “Amended Notice of Driving Status” dated 03/30/2010. (ROA, P. 45)
- “Refunds.” (ROA, P. 46)

- “Vendor Activity Report.” (ROA, P. 47)
- City of Simpsonville Check #5336. (ROA, P. 48)
- “Attachment A.” (ROA, P. 49-50)

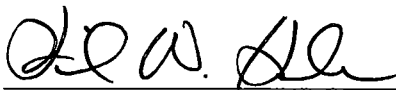
Appellant should be ordered to file an amended ROA that excludes these documents that were neither filed with nor introduced into the record in the Circuit Court. In addition, the documents itemized above were not designated by Appellant to be included in the ROA and are, in any event, irrelevant to this appeal.

C. EXTENSION OF TIME TO FILE RESPONDENT’S FINAL BRIEF.

Since Appellant has not filed an appropriate ROA as required by Rule 210(c), SCACR, Respondent is unable to file its final brief. Rule 240(b), SCACR states that the filing of a motion does not stay the time limits imposed by the Appellate Court Rules. Therefore, Respondent seeks an Order of this Court granting a stay or otherwise enlarging the time for Respondent to file Respondent’s final brief.

Respectfully submitted,

I SO MOVE:



David W. Holmes, SC Bar No. 2577
HOLMES LAW FIRM
712 North Main Street
Greenville, SC 29609
Telephone: 864.271.2381

Attorneys for Respondent
Simpsonville Police Department

November 26, 2018

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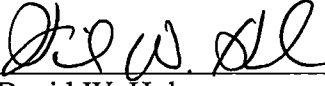
Simpsonville Police Department, Appellant.

CERTIFICATE OF SERVICE

I certify that a copy of the Respondent's Motion to Supplement the Record on Appeal were served on Appellant by placing a copy of same in the United States Mail, with proper postage affixed thereto and addressed as follows:

Phillip Andrew Bridges
217 Brentwood Circle
Greenville, SC 29605

November 26, 2018
Greenville, South Carolina



David W. Holmes
HOLMES LAW FIRM
712 N. Main Street
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City of Simpsonville Police Department

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November 26, 2018

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NOV 28 2018

SC Court of Appeals

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

**RE: Phillip Andrew Bridges v. Simpsonville Police Department
Appellate Case #2017-002354**

Dear Ms. Kitchings:

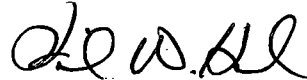
Please find enclosed the original and six (6) copies of Respondent's Motion to Supplement the Record on Appeal and Certificate of Service of same on Appellant for filing with your office. Since this appeal involves a criminal appeal, I understand that no filing fee is required.

Please let me know if you have any questions regarding this correspondence.

Thank you for your attention in this matter.

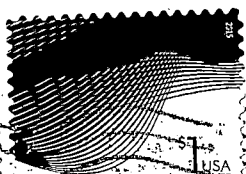
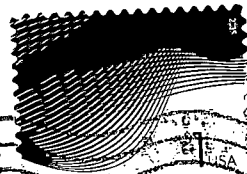
Sincerely,

HOLMES LAW FIRM

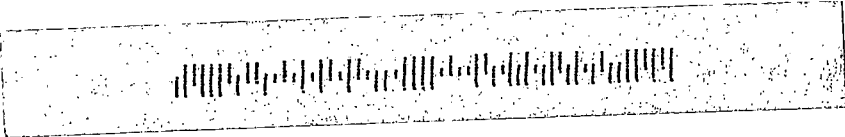


David W. Holmes

DWH/me
cc: Phillip Andrew Bridges
Attachments (as noted)



Greenville P&DC 296
MON 26 NOV 2018 PM



HOLMES LAW FIRM

712 NORTH MAIN STREET
GREENVILLE, SOUTH CAROLINA 29609

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Hon. Jenny Abbott Kitchen
Clerk of Court
South Carolina Court of Appeals
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