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Alvin A. Coleman (1930-1995)

January 22, 2013

•Certified Mediator/Arbitrator  
+Also Admitted District of Columbia

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
P. O. Box 11629  
Columbia, SC 29211

RE: Stewart Buchanan, #69848 vs. Robert Brown, in his individual capacity, Sandra S. Bowie, in her individual capacity, and David Tatarsky, in his individual capacity  
C/A No.: 2010-CP-40-5896  
Appellate Case No.: 2012-211917  
AB File No.: 28740

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JAN 24 2013

**SC Court of Appeals**

Dear Ms. Kitchings:

Please allow this to follow our recent correspondence of January 9, 2013 wherein we submitted an original and one copy of Respondents' Response in Opposition to Appellant's Motion to Strike Irrelevant Matter in connection with the above-referenced matter.

Upon recent review of the South Carolina Appellate Court Rules, we discovered that we should have previously sent six (6) copies of the above-referenced return to Appellant's motion with the original. Accordingly, enclosed herewith you will find six copies of Respondents' Response in Opposition to Appellant's Motion to Strike Irrelevant Matter. In the event you should require anything further from us in connection with the above-referenced return to Appellant's motion, please advise and we will be happy to follow any instructions the court may have.

Additionally, we note that Appellant has recently submitted a document entitled Final Brief based upon the incomplete Record on Appeal that was submitted contemporaneously with Appellant's Motion to Strike Irrelevant Matter. It is our position that the Record on Appeal submitted by Plaintiff is not compliant with the *South Carolina Appellate Court Rules* inasmuch as Appellant has unilaterally chosen to exclude documents identified in Respondents' Designation of Matter. Accordingly, we have not prepared a final brief based upon Appellant's Initial Record on Appeal that we believe to be incomplete and would respectfully request some clarification from the court regarding Respondents' obligation to submit a final brief based on Appellant's Initial Record on Appeal, if any. While we recognize that Rule 240(b) of the *South Carolina Appellate Court Rules* provides that the time limits imposed by the rules are not ordinarily stayed by the filing of a motion, we do not want to submit a final brief based upon an incomplete Record on Appeal if such a

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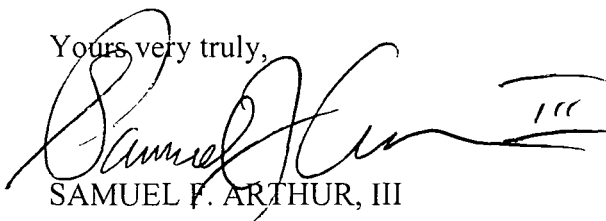
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submission could be construed by the court as a waiver of any objections to the Record on Appeal. Accordingly, we would greatly appreciate some clarification from the court regarding the status of Appellant's motion and the impact of said motion on the time limits for Respondents to submit a final brief. Additionally, to the extent necessary, we would respectfully request an extension of time within which to submit a final brief on behalf of Respondents in the event the court deems that the time for submission for Respondents' final brief is currently running or has expired.

As always, thank you for your assistance and cooperation. Should you have any questions or concerns regarding any of the above, please do not hesitate to contact me. Otherwise, I will look forward to hearing from the court regarding the issues described above.

With kind regards,

Yours very truly,



SAMUEL F. ARTHUR, III

SFAIII/twd

Enclosures

cc: Mr. Stewart Buchanan, #69848  
McCormick Correctional Institution  
386 Redemption Way  
McCormick, SC 29899

*(Without enclosure)*