

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable Alex Kinlaw, Jr., Circuit Court Judge

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Case No.: 2018-CP-23-02513  
Appellate Case No.: 2018-001600

**RECEIVED**

Appellant, **APR 24 2019**

**SC Court of Appeals**

Gregory T. Christian,

vs.

Anna Healy,  
Greenville Police Officer Andrew League,  
City of Greenville, South Carolina,

Defendants.

Of whom Anna Healy is the Respondent.

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RESPONDENT'S REPLY TO APPELLANT'S RETURN TO MOTION TO  
REQUIRE CORRECTION OF RECORD ON APPEAL

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Gregory T. Christian  
15 Gullivan Street  
Greenville, SC 29601

Appellant, *Pro Se*

Carl F. Muller SC Bar 4131  
Carl F. Muller, Attorney at Law, P.A.  
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Attorney for Respondent


The Appellant attempts to sidestep the fact that he did not designate “Complaint, Second Copy” for inclusion in the Record on Appeal. That lack of candor and evasiveness is typical of his approach to this case from the day of the yard sale itself. He will not face up to a situation that he himself has created. Under Rule 209, SCRAP the “Complaint, Second Copy” is not to be included in the Record on Appeal. His Certification under Rule 210(g), SCRAP is incorrect, if not false.

The Appellant did not present the “Complaint, Second Copy” to the trial court. In fact, his use of the title “Complaint, Second Copy” is misleading to the Court of Appeals. He titled the document “Amended Complaint”. His cited references to the Record on Appeal do not show that he presented the document to the trial judge. Nor do they show that he argued its contents to the trial judge. He cannot argue matters for the first time on appeal.

“Second, a great number of reported cases in South Carolina for at least four generations, and more recently the appellate court rules and rules of civil procedure, have emphasized the importance and absolute necessity of ensuring that all issues and arguments are presented to the lower court for its consideration. Issues and arguments are preserved for appellate review only when they are raised to and ruled on by the lower court. *E.g., Wilder Corp. vs. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1988). (“It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review.”); *Long v. Dunlap*, 87 S.C. 8, 65 S.E. 801 (1910) (Supreme Court will not consider any point which was not presented and considered below unless it involves jurisdiction of the court); *Gaffney v. Peeler*, 21 S.C. 55 (1884) (question of law which was not presented to or passed upon by the trial court cannot be raised on appeal); Rule 210(c) SCACR (record on appeal shall not include matter which was not presented to lower court).” *Elam vs. SC Dept. of Transp.*, 362 S.C. 9, 602 S.E.2d 772 (2004)

The Appellant is intelligent and versed in legal procedure. His attempt to slide improper material and argument into his appeal should not be rewarded. The Respondent respectfully

requests the Court of Appeals to order him to correct the Record on Appeal by removing the  
“Complaint, Second Copy.”



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Attorney for Respondent

April 23, 2019

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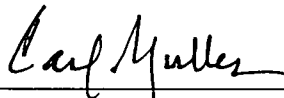
Defendants.

Of whom Anna Healy is the Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's Reply to Appellant's Return to Motion to Require Correction of Record on Appeal on Appellant by depositing a copy to him in the U.S. Mail, postage prepaid, on April 23, 2019, at his address at:

15 Gallivan Street  
Greenville, SC 29609



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April 23, 2019

**VIA FEDERAL EXPRESS**


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

Re: Gregory T. Christian v. Anna Healy  
Appellate Case No.: 2018-001600

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of my Respondent's Reply to Appellant's Return to Motion to Require Correction of Record on Appeal.

Very truly yours,

  
Carl F. Muller

CFM:dph  
c: Mr. Gregory T. Christian  
Enclosure

**RECEIVED**

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SC Court of Appeals