

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM RICHLAND COUNTY
Court of General Sessions
Carmen T. Mullen, Circuit Court Judge

May 18 2020
S.C. SUPREME COURT

Appellate Case No. 2018-002128

Lower Court Case Nos. 2017-GS-47-35,
2017-GS-47-36, 2017-GS-47-37, and 2018-GS-47-49

The StateRespondent,

v.

James H. Harrison.....Appellant.

**APPELLANT’S OBJECTION TO ATTACHMENT 1 TO THE STATE’S RETURN TO
APPELLANT’S NOTICE OF SUPPLEMENTAL AUTHORITY**

Appellant James H. Harrison, by and through the undersigned attorneys, hereby objects to the inclusion of the memorandum attached to First Circuit Solicitor David Pascoe’s return to Appellant’s Notice of Supplemental Authority in the record of this appeal. This objection is made on the following grounds:

(a) Appellant’s notice was limited to certain filings in this Court in connection with State v. Quinn, Op No. 27966 (S.C. Sup. Ct. filed May 6, 2020) (Shearouse Adv. Sh. No. 18 at 78–98). Although declining to consent to the inclusion of these filings in the record in the present case, the Solicitor designated a Reply brief prepared by the State but not filed in the Quinn matter as “supplemental material” to also be included pursuant to Rule 212, SCACR. But the Order in

Quinn that required additional briefing did not provide for any reply by any party to the submissions of the others. See Order, State v. Quinn, App. Case No. 2018-000494, (S.C. Sup. Ct. filed Mar. 12, 2020). Because this Reply was never required by, submitted to, or filed with the Court in Quinn, it is not appropriate for inclusion in this record.

(b) The Reply responds to the memorandum submitted at the invitation of the Court by the Attorney General regarding, among other things, the authority of the Solicitor to investigate and prosecute matters beyond the “redacted legislators” referenced in Pascoe v. Wilson, 416 S. C. 628, 788 S.E.2d 686 (2016). Those issues have already been fully briefed in in the present case, and the inclusion in this record of the Reply would provide the State with the unfair advantage of an additional brief on the merits to which Appellant cannot respond.

(c) The Reply also accuses the Attorney General of a continuing conflict of interest and of attempting “to aid those at the center of the Investigation.” Reply at 1. In fairness, such allegations should not be made a part of the record in this case because the Attorney General will be unable to respond.

Therefore, because the Reply was neither invited by nor submitted to the Court in Quinn, and because neither Appellant nor the Attorney General can respond to the additional briefing on the merits of the present case, the Court should not include the unfiled Reply in the record of this present case.

(Signature page to follow)

Respectfully submitted,

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