

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of Common Pleas

The Honorable Donald B. Hocker

Appellate Case No. 2019-001514
Civil Action No. 2015CP3000624

Martha Foster Watts, Appellant

v.

Ricky W. Chastain, Sheriff Laurens County,
South Carolina, Respondent.

**MEMORANDUM IN SUPPORT OF
MOTION TO AMEND RESPONDENT'S
INITIAL BRIEF**

This appeal relates to a trial that was held in Laurens County on April 16, 2018 through April 19, 2018. The evidence at trial included a video deposition of Barton Holmes, who at the time relevant to the claim was a deputy with Laurens County but at the time of trial Barton Holmes was serving in the military at Fort Benning, Georgia. A video deposition of Barton Holmes was used at trial. By inadvertence the Initial Brief of the Respondent on Page 6 made reference to

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deposition testimony that was not actually published to the trial jury.

The Respondent respectfully requests leave of court to delete those references in its initial Brief and instead to insert quoted language from the transcript of the video deposition that was in fact played at trial from the video deposition consisting of testimony at Page 30, L 8 through L 23.

The amendment allows for the Respondent to correct its brief and delete reference to testimony that was not heard by the trial jury, and to insert sixteen (16) lines of deposition testimony that is part of the Appellant's Revised Designation of Matter to be Included in the Record on Appeal and which was played and/or heard by the trial jury.

This Motion is made in good faith to correct a mistake in the Respondent's Initial Brief and, upon information and belief there is not prejudice to the Appellant whatsoever should this amendment be allowed.

Respectfully submitted,

s/ Russell W. Harter, Jr.
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July 21, 2020

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IN THE COURT OF APPEALS

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APPEAL FROM LAURENS COUNTY
Court of Common Pleas

The Honorable Donald B. Hocker, Circuit Court Judge

Appellate Case Number: 2019-001514

Martha Foster Watts, Appellant,

v.

Ricky W. Chastain, Sheriff
Laurens County, South Carolina..... Respondent

PROOF OF SERVICE

I certify that I have served the Respondent's Motion to Amend Respondent's Initial Brief and Memorandum in Support of Respondent's Motion to Amend by depositing a copy of same in the United States Mail, postage prepaid, on July 21, 2020, addressed to the attorneys of record, as indicated below.

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July 21, 2020

Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
Post Office Box 11620
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RE: *Martha Foster Watts v. Ricky W. Chastain, Sheriff, Laurens County South
Carolina*
Appellate Case No.: 2019-001514
Lower Court Civil Action Number: 2015-CP-30-00624
SCAC Claim Number: EV2013005339

Dear Madam Clerk:

With regard to the above matter, please find enclosed herewith Motion to Amend Respondent's Initial Brief along with Memorandum in Support of Motion to Amend Respondent's Initial Brief along with filing fee of \$50.00. Also enclosed is our Proof of Service upon Appellant's counsel.

Warmest regards.

Yours very truly,
CHAPMAN, HARTER & HARTER, P.A.

Russell W. Harter, Jr.

/pfs
Enclosures

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