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SC Court of Appeals

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February 1, 2021

VIA FACSIMILE – 734-1839
AND EMAIL – jkitchings@sccourts.org
and ctappfilings@sccourts.org
Ms. Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
Post Office Box 11629

RE: Kenneth L. Barr v. Darlington County School District
Appellate Case No: 2018-001237

Dear Ms. Kitchings:

While I believe that my letter is in full compliance with SCACR Rule 208(b)(7) by referencing that it is concerning the issue of due process and the right of cross examination in an Administration hearing, I will quote from the Supreme Court in the City of Spartanburg v. Parris, 251 S.C. 187, 161 S.E.2d 228 (1968) at S.E.2d page 229 as relied upon by this Court in the McIntyre decision:

“The right to cross examine witnesses in quasi-judicial or adjudicatory proceedings is a right of fundamental importance which, in regard to serious matters, exists even in the absence of express statutory provision, as a requirement of due process of law or the right to a hearing, and no one may be deprived of such right, even in an area in which the Constitution would permit it if there is no explicit authorization therefore. 2 Am. Jur. 234, Administrative Law, §424”.

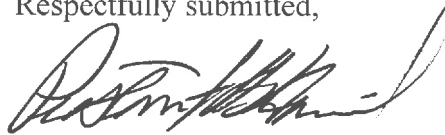
This Court, in applying Parris in McIntyre v. Securities Comm’r of S.C., 425 S.C. 439, 823 S.E.2d 193 (2018) after stating that one of the fundamental requirements of due process is the right to confront and to cross examine witnesses, Judge Hill, speaking for the Court went on to quote in a case that is close and dear to my heart McNabb v. United States, 318 U.S. 332, 334 63 S. Ct. 608, 87 L. Ed. 819 (1943) quoting:

Jenny Abbott Kitchings
February 1, 2021
Page 2

“The history of Liberty has largely been the history of observance of procedural safeguards.”

I look forward to the argument and I am only sorry I will only be able to see everybody virtually. A copy of this Reply is being sent via fax and email to counsel for the Respondents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Preston F. McDaniel", written in a cursive style.

Preston F. McDaniel
Attorney for Appellant

PFM/kay

cc: Gerald Malloy, Esquire
Kirsten L. Barr, Esquire (via fax and email)