



THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2020-000458

Civil Action No. 2017-CP-36-00214

James L. Braswell, Sr., Respondent – Appellant,

v.

James F. Amick, Appellant - Respondent.

MOTION TO CORRECT RECORD ON APPEAL AND EXTENSION OF TIME FOR FILING
OF RESPONDENT-APPELLANT’S FINAL BRIEF

Upon examination of the Record on Appeal, it was determined that two (2) pages of trial transcript was omitted from the record., specifically pages 397 and 398. These pages were included in the Respondent-Appellant’s Designation of Matter that was filed with the Court. Copies of the omitted pages are attached to this Motion. The undersigned hereby requests that an Order be issued requiring the Record on Appeal to be corrected to include the omitted trial transcript. In addition, the undersigned requests an extension of time to file the Respondent-Appellant’s Final Brief so the corrected Record on Appeal can be referenced in the Final Brief of

the Respondent-Appellant. The undersigned hereby requests a Twenty (20) day extension to file Respondent-Appellant's Final Brief upon receipt of the corrected Record on Appeal.

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Attorney for the Respondent-Appellant

1 hostile?

2 A Between--

3 Q Mr. Amick and Mr. Braswell?

4 A Yes, sir. And also toward me, yes sir.

5 Q Thank you, Ms. Amick. Answer any questions that Mr.
6 Dibble has. Just so that the record is clear, when we are
7 talking about, we are talking about 2011 to present?

8 A Yes sir, we are.

9 Q Thank you.

10 THE COURT: Mr. Dibble, any cross-examination?

11 MR. DIBBLE: Yes, ma'am.

12 CROSS-EXAMINATION

13 By Mr. Dibble:

14 Q Ms. Amick, I am Bob Dibble, we met a year ago or so.

15 A Yes, sir.

16 Q You testified this morning that Mr. Amick, you
17 observed Mr. Amick object to Mr. Braswell's use of the
18 road across his property, is that correct?

19 A Yes, sir.

20 Q In spite of those objections Mr. Braswell continued
21 to use the road to access his property?

22 A He did, yes sir.

23 Q And despite your objections Mr. Braswell continued to
24 use the road to access his property?

25 A He did, yes sir.

1 Q And he accessed his property with trucks, is that
2 correct?

3 A Not only trucks, there were other people. There were
4 people, we actually had one that had a fishing boat in the
5 back of their truck that came out and we have had men and
6 women, older men and women, several people have come
7 across our property.

8 Q So, those are invitees of Mr. Braswell?

9 A I assume, I don't know, I am assuming.

10 Q And they would come across the property and access
11 Mr. Braswell's property?

12 A Yes, sir.

13 Q You observed that?

14 A Yes, sir.

15 Q Between 2011--

16 A Yes sir, 2011, yes sir.

17 Q And you also observed Mr. Braswell having some farm
18 equipment coming down?

19 A I did, yes sir.

20 Q And did you see a combine coming down the road?

21 A I have been told that is what it was, I don't know
22 but I have been told that is what it is.

23 Q You saw a piece of equipment and somebody told you it
24 was a combine?

25 A Yes, sir. I don't know, yes sir, I have been told it