

97051

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE FIRST JUDICIAL CIRCUIT
Dorchester County Court Of Common Pleas
Honorable Edgar W. Dickson, Presiding
Trial Court Case No. 2022CP1800473

RECEIVED
SEP 02 2022
SC Court of Appeals

Appellate Case No. 2022-000877

Robert Pimentel,Appellant,

v.

Town of Summerville,Respondent.

RESPONDENT'S MOTION TO DISMISS APPEAL

Robert Pimentel
152 Owens Drive
Ridgeville, SC 29472
(843) 934-3832
Appellant, *Pro se*

G. Waring Parker, Esquire
Town of Summerville
200 South Main Street
Summerville, SC 29483
(843) 695-6510
gparker@summerville.sc.gov
Attorney for Respondent

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM THE FIRST JUDICIAL CIRCUIT
Dorchester County Court Of Common Pleas
Honorable Edgar W. Dickson, Presiding
Trial Court Case No. 2022CP1800473

Appellate Case No. 2022-000877


Robert Pimentel,Appellant,
v.
Town of Summerville,Respondent.

RESPONDENT'S MOTION TO DISMISS APPEAL

Respondent's through its undersigned attorney hereby moves this Honorable Court to dismiss the Appeal of Appellant for failure to comply with the South Carolina Appellate Court Rules of Procedure and the Appeal itself is without merit.

Grounds for this Motion are set forth in the accompanying Memorandum.

Respectfully submitted,



G. Waring Parker S.C. Bar No. 4438
Town of Summerville
200 South Main Street
Summerville, SC 29483

(843) 695-6510
gparker@summervillesc.gov
COUNSEL FOR RESPONDENT

August 31, 2022
Summerville, South Carolina

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM THE FIRST JUDICIAL CIRCUIT
Dorchester County Court Of Common Pleas
Honorable Edgar W. Dickson, Presiding
Trial Court Case No. 2022CP1800473

Appellate Case No. 2022-000877

Robert Pimentel,Appellant,

v.

Town of Summerville,Respondent.

**RESPONDENT’S MEMORANDUM IN SUPPORT OF ITS
MOTION TO DISMISS APPEAL**

The undersigned attorney submits this Memorandum in support of Respondent’s Motion to Dismiss this appeal.

FACTS

1. Appellant was convicted in a Summerville Municipal Court Bench Trial on July 8, 2021 of violating S.C. Code Ann. § 56-5-1538(G).
2. Appellant was advised by the Municipal Judge at the conclusion of his trial he had the right to appeal the decision by filing notice within ten (10) days. *See Exhibit 1. Municipal’s Return of Criminal Appeal (“Return”) by the Honorable Lawrence G. Jameson, III.*

3. Appellant then appealed his conviction to the Court of Common Pleas, First Judicial Circuit on February 9, 2022, some six (6) months later. The sole issue raised was the lack of jurisdiction.

See Exhibit 2. Notice of Civil Appeal from Municipal's Court.^{F/N -1}

4. The Appeal was heard by the Honorable Edgar W. Dickson on June 2, 2022 who dismissed the Appeal for having been filed some six (6) months after the statutorily required date. *See Exhibit 3. Order of Dismissal dated June 10, 2022.* Judge Dickson did not address the jurisdictional issue but, as will be noted below, had he done so, it was clear the Municipal Court did in fact have jurisdiction.

5. On June 21, 2022 Appellant filed an affidavit and brief with the S.C. Court of Appeals ("Court") which the Court interpreted to be a notice of appeal. *See Exhibit 4. Letter of Chief Deputy Clerk, V. Claire Allen ("Chief Deputy Clerk") dated June 27, 2022.*

6. On June 27, 2022 Chief Deputy Clerk by letter notified Appellant there were four (4) deficiencies to be corrected within ten (10) days or the appeal would be dismissed. Appellant was also given an example of the correct format to file his notice of appeal. *See Exhibit 5. Letter of Chief Deputy Clerk dated June 27, 2022.*

7. On July 18, 2022, rather than file the correct notice of appeal, Appellant attempted to file a "Record of Appeal" and a Proof of Service. A filing fee of Two Hundred Fifty and 00/100 Dollars (\$250.00) was submitted at this time.

8. On August 4, 2022 Chief Deputy Clerk issued a deficiency letter notifying Appellant his Proof of Service was not in conformance with Rule 262(2)(3), SCACR. *See Exhibit 6. Letter of Chief Deputy Clerk.* Appellant then filed a Proof of Personal Service. The Proof of

Footnote-1: Appellant's attorney erroneously captioned this appeal to Circuit Court. There are no civil matters heard in Municipal Court.

Service, however, was for a document entitled “Record on Appeal”, not a Notice of Intent to Appeal.

9. On August 8, 2022, Chief Deputy Clerk notified Appellant by letter he had not cured all of the deficiencies cited in the letter of June 27, 2022 nor had he ordered the transcript as required by Rule 207, SCACR. As a result, the document entitled “Record on Appeal” was not accepted. *See Exhibit 7. Letter of Chief Deputy Clerk.*

ARGUMENT

I. TIMELINESS

It has now been over sixty (60) days since Appellant was given ten (10) days notice to cure the deficiencies noted in the Court’s letter of June 27, 2022.

He has failed to file the correct notice of appeal in compliance with Rule 203(b)(1), SCACR even though he was advised by the Chief Deputy Clerk as to how to file the correct form. SCACR Rule 203 (d)(3) provides: “If the notice of appeal is not timely filed ... the appeal shall be dismissed...”.

He has failed to file a request for a transcript of the hearing in order to conform to Rule 207, SCACR, after being specifically instructed to do so by the Chief Deputy Clerk. *See Exhibit 7, supra.*

Appellant has failed to comply with Rule 203 (d)(B) by not filing the notice of appeal with the Clerk of the lower Court. *See Exhibit 8. Dorchester County Trial Judicial Pubic Index.*

Appellant has failed to file with this Court a copy of the lower Court’s Order in order to comply with SCACR Rule 203(d)(B)(ii).

II. APPEAL IS WITHOUT MERIT

Appellant was represented by Daniel C. Boles, Esquire in the appeal before Judge Dickson. The only issue raised before lower Court was the Municipal Court's lack of jurisdiction. *See Exhibit 2, supra.* Judge Dickson based his ruling on tardiness, not addressing Appellant's argument the Municipal Court lacked jurisdiction. It is clear, however, the Municipal Court had jurisdiction based on the following finding of fact in the Return filed by the Municipal Court:

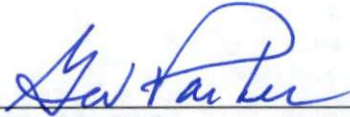
"I asked the Defendant if there was anything further. The Defendant then stated the officer lacked jurisdiction of the event under S.C. Code Ann. § 23-1-15 Parking Lot Jurisdiction. The Defendant stated there was no signage in the parking lot providing Summerville Police Department with jurisdiction over the parking lot under the statute. After a review of the statute from the bench, and by Officer Tomlinson, it was stated by Officer Tomlinson that he could not verify whether there was in fact signage in the parking lot to provide jurisdiction. However, the statute also states "[i]n any such area, the law enforcement agency concerned shall have the authority to enforce all laws or ordinances relating to the unlawful operation of motor vehicles which such agency has with regard to public streets and highways immediately adjoining or connecting to the parking area." It was then discussed whether the roadway connecting Highway 78 with the parking lot was a public street as provided in the statute. **[Based on testimony from Officer Tomlinson and a review of the maps, I determined that the connecting roadway was a public street for purposes of the statute, and therefore law enforcement did have jurisdiction for the case at hand.]**" (*emphasis mine*)

The Municipal Court made a finding of fact that the offense occurred on a public street and not in the shopping center parking lot. Judge Jameson therefore rejected Pimentel's jurisdictional argument under S.C. Code Ann. § 23-1-15. *See Exhibit 1, supra.*

In criminal cases, the Appellant Court sits to review errors of law only. *State v. Baccus*, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). This court is bound by the circuit court's factual findings unless they are clearly erroneous. *State v. Northcutt*, 372 S.C. 207, 215, 641 S.E.2d 873, 877, (2007). The Return of the Municipal Court clearly addressed the jurisdictional issue finding as a fact that the offense occurred on a public road and hence the officer had jurisdiction to issue the traffic ticket to Appellant.

CONCLUSION

Based upon the above, Respondent prays the appeal be dismissed subject to Rule 260, SCACR.



G. Waring Parker S.C. Bar No. 4438
Town of Summerville
200 South Main Street

Summerville, SC 29483
(843) 695-6510
gparker@summervillesc.gov
COUNSEL FOR RESPONDENT

August 31, 2022
Summerville, South Carolina

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM THE FIRST JUDICIAL CIRCUIT
Dorchester County Court Of Common Pleas
Honorable Edgar W. Dickson, Presiding
Trial Court Case No. 2022CP1800473

Appellate Case No. 2022-000877

Robert Pimentel,Appellant,

v.

Town of Summerville,Respondent.

**RESPONDENT’S EXHIBIT LIST TO MEMORANDUM
MOTION TO DISMISS APPEAL**

- Exhibit 1.** Municipal’s Return of Criminal Appeal (“Return”) by the Honorable Lawrence G. Jameson, III...pages 8 thru 9.
- Exhibit 2.** Notice of Civil Appeal from Municipal’s Court. ^{F/N-1}...pages 10 thru 11.
- Exhibit 3.** Order of Dismissal dated June 10, 2022...pages 12 thru 13.
- Exhibit 4.** Letter of Chief Deputy Clerk, V. Claire Allen (“Chief Deputy Clerk”) dated June 27, 2022...pages 14 thru 15.
- Exhibit 5.** Letter of Chief Deputy Clerk dated June 27, 2022...pages 16 thru 17.
- Exhibit 6.** Letter of Chief Deputy Clerk...page 18.
- Exhibit 7.** Letter of Chief Deputy Clerk...page 19.
- Exhibit 8.** Dorchester County Trial Judicial Pubic Index...pages 20 thru 21.

Footnote-1: Appellant’s attorney erroneously captioned this appeal to Circuit Court. There are no civil matters heard in Municipal Court.

STATE OF SOUTH CAROLINA)
)
)
 ROBERT PIMENTEL,)
 Appellant)
)
 v.)
)
 TOWN OF SUMMERVILLE,)
 Respondent)
 _____)

IN THE COURT OF COMMON PLEAS

Municipal Court# 20212690222355

MUNICIPAL'S RETURN OF
 CRIMINAL APPEAL

2022-CP-18-00473

2022 JUN 18 PM 2:17

FILED

As the presiding Judge for the above-referenced case, I provide the following summation of the case. The Defendant's initial court date was scheduled for May 13, 2021, for ticket number 20212690222355 for Endangering Emergency Services Personnel. During his hearing, the Defendant stated he wanted to plead Not Guilty. He was provided the Faretta Warning in which he circled he did not wish to be screened for a court-appointed attorney, and that he wanted to proceed with his trial. If during the first court date a Defendant states he or she pleads Not Guilty, the case is then rescheduled for the officer's next court date. The Defendant's bench trial was scheduled for June 10, 2021, but was heard on July 8, 2021.

On July 8, 2021, the Defendant's case was called. Officer Anthony Tomlinson, the ticket issuing officer, provided testimony and video evidence of the alleged violation and traffic stop. Officer Tomlinson and the Defendant both reviewed the footage prior to the start of the bench trial and agreed upon its accuracy of the events. Officer Tomlinson began his testimony setting the jurisdiction of for the case. According to Officer Tomlinson's testimony, he was assisting another officer with a traffic stop that evening on a short roadway that connects Highway 78 in Summerville, South Carolina with the parking lot for a shopping center on the corner of Berlin G. Myers Parkway and Highway 78. The shopping center includes Palmetto Armory, Planet Fitness, and a Spinx. That traffic stop was approximately a few hundred feet from Highway 78, and the short connecting roadway has a curve to it as well. Officer Tomlinson was near the door of his car when the Defendant turned into the short connecting roadway on his moped and did not make a wide turn around either emergency vehicle, and nearly hit the door of one of the police vehicles. Officer Tomlinson in his police vehicle then proceeded to follow the Defendant into the parking lot with his lights flashing to pull the Defendant over for the perceived infraction. The video evidence provided by Officer Tomlinson was an accurate representation of the events, and was viewed multiple times during the State's case-in-chief. Based on video footage, it was apparent that the Defendant did not try to put any distance between his moped and the police vehicle door, and almost appeared to move closer to the vehicle instead.

In his case-in-chief, the Defendant stated that he did try to go around the police vehicles but was unable to due there being a known pothole between the roadway and the dirt and grassy area near the curve where the officers' vehicles were located. He further stated it was difficult for him to navigate safely away from the vehicles. The Defendant provided a map of the area as well as an aerial view of the area for the court's review but did not offer it into evidence. The pothole was visible on the aerial and was determined to be located above and across the roadway from the officers' vehicles. We reviewed the video footage again in light of this to determine where the

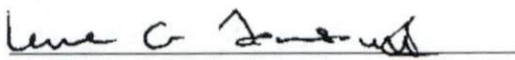
CERTIFIED COPY
 2022 JUN 30 11:18 AM
 CLERK OF COURT
 SUMMERVILLE, SC
 CHRISTOPHER J. ...

EXHIBIT
 1

pothole was in relation to the first occurring traffic stop. I determined that while the pothole was in the area, the Defendant still was able to move his moped at a much safer distance from the police vehicles and again that it appeared the Defendant was moving towards one of the vehicles and not away from it. The Defendant also stated he had been on that roadway many times and knew about the existence of the pothole prior to him turning onto it that evening.

I asked the Defendant if there was anything further. The Defendant then states the officer lacked jurisdiction of the event under S.C. Code Ann. § 23-1-15 Parking Lot Jurisdiction. The Defendant stated there was no signage in the parking lot providing Summerville Police Department with jurisdiction over the parking lot under the statute. After a review of the statute from the bench, and by Officer Tomlinson, it was stated by Officer Tomlinson that he could not verify whether there was in fact signage in the parking lot to provide jurisdiction. However, the statute also states "[i]n any such area, the law enforcement agency concerned shall have the authority to enforce all laws or ordinances relating to the unlawful operation of motor vehicles which such agency has with regard to public streets and highways immediately adjoining or connecting to the parking area." It was then discussed whether the roadway connecting Highway 78 with the parking lot was a public street as provided in the statute. Based on testimony from Officer Tomlinson and a review of the maps, I determined that the connecting roadway was a public street for purposes of the statute, and therefore law enforcement did have jurisdiction for the case at hand. I further determined that the Defendant was guilty of Endangering Emergency Services Personnel as provided under the statute, as he not only did not move over to provide a safe distance from the officers' vehicles when he was able to, but also that he appeared to move closer to the vehicles instead. After finding him guilty, I lowered the fine to \$500. The Defendant was advised of his right to appeal within ten (10) days of my decision and sent to the Clerk's window to set up a payment plan and receive the paperwork to appeal if he so chose.

Respectfully Submitted,


Lawrence G. Jameson, III
Municipal Court Judge

CITY Summerville, STATE South Carolina
March 14, 2022

STATE OF SOUTH CAROLINA)
)
)
ROBERT PIMENTEL,)
)
Defendant/Appellant)
)
v.)
)
TOWN OF SUMMERVILLE,)
)
Respondent/Plaintiff)

IN THE COURT OF COMMON PLEAS
Municipal's Court # 20212690222355
Circuit Case #:
**NOTICE OF CIVIL APPEAL
FROM MUNICIPAL'S COURT**

NOW COMES Defendant Robert Pimentel, ("Appellant") by and through the undersigned counsel, and hereby appeal the Judgment of the Honorable Lawrence Grover Jameson, III in the Town of Summerville Municipal Court, rendered on July 8, 2021 for Town of Summerville. A Notice of Motion and Motion for Relief from Judgment was timely filed on January 31, 2022. On February 8, 2022, Appellant received a handwritten memo indicating that this motion was denied. The handwritten memo is dated February 1, 2022.

Appellant's issues of appeal are set forth as follows:

- 1. The trial court lacked subject matter jurisdiction.

WHEREFORE, Appellant would humbly ask this Court to:

- 1. Vacate the Municipal Court Judge's order, or
- 2. Order a new trial on the merits, and
- 3. Award Defendant the costs of this appeal under § 18-7-220; and
- 4. Award Defendant any such other and further relief as this Court deems just and fair.
- 5. This Notice of Appeal shall be supplemented by a Memorandum in Support

[Signature page to follow]

FILED
2022 MAR 18 PM 2:17
CLERK OF COURT
DORCHESTER COUNTY

2022 AUG 30 AM 9:14
CERTIFIED COPY
CLERK OF COURT
DORCHESTER COUNTY




BOLES LAW FIRM, LLC

Daniel C. Boles
3870 Leeds Avenue, Suite 104
North Charleston, SC 29405
248 E. Washington Street
Walterboro, SC 29488
843.576.5775 *office*
800.878.5443 *fax*
dan@boleslawfirmllc.com

February 9, 2022
Charleston, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)	CIVIL ACTION NO.: 2022-CP-18-00264
)	CIVIL ACTION NO.: 2022-CP-18-00473
Robert Pimentel,)	Municipal Court Case # 20212690222355
Defendant/Appellant,)	
)	
v.)	ORDER OF DISMISSAL
)	
Town of Summerville,)	
Respondent/Plaintiff.)	

This Appeal came to be heard before me on June 2, 2022. Present were Daniel C. Boles representing Appellant, Robert Pimentel, and G.W. Parker representing Respondent, the Town of Summerville. Mr. Parker brought to the Court's attention this Appeal had been filed twice, one by hand delivery and the other electronic. Case Number 2022-CP-18-00473 is the operative case number.

Appellant was found guilty by the Honorable Lawrence G. Jameson, III of violating S.C. Ann. §56-5-1538(G) Endangering Emergency Services Personnel at a Bench Trial on July 8, 2021. After handing down his verdict, Judge Jameson informed Appellant of his right to appeal by filing notice within ten (10) days.

This complied with the requirement of S.C. Code Ann. §14-25-95. Thus Appellant had until July 18, 2021 to file an appeal of his conviction. I have reviewed the Briefs submitted by the attorneys and weighted their respective oral arguments. I find persuasive the argument this appeal was not filed until February 9, 2022, some six (6) months after the statutorily required date.

THEREFORE, I conclude as a matter of law that:

- (1) This Appeal is dismissed for not being timely filed.

JUDGE'S SIGNATURE PAGE TO FOLLOW.

2022 AUG 30 AM 9:14
 CERTIFIED COPY
 CLERK OF COURT
 DORCHESTER COUNTY





Dorchester Common Pleas

Case Caption: Robert Pimentel VS Summerville Town Of
Case Number: 2022CP1800473
Type: Order/Dismissal

So Ordered

s/ Edgar W. Dickson #2153

Electronically signed on 2022-06-20 11:26:38 page 2 of 2



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 27, 2022

Robert Pimentel
152 Owens Drive
Ridgeville SC 29472

Mr. Daniel Carson Boles, Esquire
3870 Leeds Avenue
Suite 104
North Charleston SC 29405

Re: Robert Pimentel v. Town of Summerville
Appellate Case No. 2022-000877

Dear Mr. Pimentel and Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals.



The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter should read as follows:

Robert Pimentel, Appellant,

v.

Town of Summerville, Respondent.

All future records in this matter should reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

V. Claire Allen

CLERK

cc: G. Waring Parker, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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June 27, 2022

Robert Pimentel
152 Owens Drive
Ridgeville SC 29472

Mr. Daniel Carson Boles, Esquire
3870 Leeds Avenue
Suite 104
North Charleston SC 29405

Re: Robert Pimentel v. Town of Summerville
Appellate Case No. 2022-000877

Dear Mr. Pimentel and Counsel:

Upon reviewing the notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- The notice of appeal does not comply with Rule 203(e), SCACR. Specifically, the notice of appeal is not in the correct format. You must serve and file an amended notice of appeal substantially in the format shown by Form 1 in Appendix C to part II of the SCACR. A copy of this form has been enclosed for your convenience.
- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken.



- The required filing fee has not been submitted. The correct filing fee is \$250.00.
- A proof of timely service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. A copy of this form has been enclosed for your convenience.

Very truly yours,

V. Claire Allen

CLERK

cc: G. Waring Parker, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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FAX: (803) 734-1839
www.sccourts.org

August 04, 2022

Robert Pimentel
152 Owens Drive
Ridgeville SC 29472

Re: Robert Pimentel v. Town of Summerville
Appellate Case No. 2022-000877

Dear Mr. Pimentel:

Upon reviewing your corrections of the notice of appeal dated July 18, 2022, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

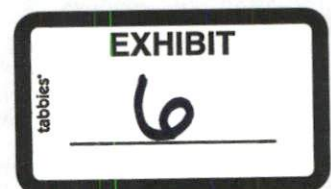
- The accompanying proof of service is not in compliance with the SCACR. Pursuant to Rule 262(c)(3), SCACR, and *Re: Methods of Electronic Filing & Service Under Rule 262 of the South Carolina Appellate Court Rules*, S.C. Sup. Ct. Order dated May 6, 2022, only lawyers admitted to practice in South Carolina may serve other lawyers using the lawyer's primary email address in AIS.

Very truly yours,

V. Claire Allen

CLERK

cc: G. Waring Parker, Esquire





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

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August 08, 2022

Robert Pimentel
152 Owens Drive
Ridgeville SC 29472

Re: Robert Pimentel v. Town of Summerville
Appellate Case No. 2022-000877

Dear Mr. Pimentel:

We received your document titled Record on Appeal dated July 18, 2022, which this Court construes as an appellant's initial brief. Our records indicate you have not cured all the deficiencies cited in the letter of June 27, 2022, nor have you ordered the transcript from the court reporter. Therefore, we decline to accept your appellant's initial brief at this time and are returning this document to you.

Very truly yours,

V. Claire Allen

CLERK

cc: G. Waring Parker, Esquire





Dorchester County First Judicial Circuit Public Index



EXHIBIT

8

[Dorchester County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

Robert Pimentel VS Summerville Town Of

Case Number:	2022CP1800473	Court Agency:	Common Pleas	Filed Date:	03/18/2022
Case Type:	Appeal	Case Sub Type:	Appeal/Other 999	File Type:	Non-Jury
Status:	Dismissed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Other / Circuit Civil	Disposition Date:	06/20/2022	Disposition Judge:	Dickson, Edgar W.
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Boles, Daniel Carson	3870 Leeds Avenue Suite 104 North Charleston SC 29405				Appellant Attorney		03/18/2022
<input checked="" type="checkbox"/> Lafond, Benjamin Andre	120 S. Magnolia St. Summerville SC 29483				Respondent Attorney		04/08/2022
<input checked="" type="checkbox"/> Parker, G. Waring	G. Waring Parker Law Firm, LLC 518 W. Carolina Avenue Summerville SC 294836632				Respondent Attorney		05/12/2022
<input checked="" type="checkbox"/> Pimentel, Robert					Appellant		06/20/2022
Summerville Municipal Court					Other Party to Case		03/18/2022
<input checked="" type="checkbox"/> Summerville Town Of					Respondent		06/13/2022

Associated Cases

Agency	Case #	External	Relationship	Description	Case Filed Date	Disposition Date	Case Status	Disposition
Common Pleas	2022CP1800264	N	OTHR	Other	02/09/2022	06/20/2022	Dismissed	Other / Circuit Civil

Actions

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Summerville Town Of	NEF(06-20-2022 02:25:13 PM) Order/Dismissal	Filing		06/20/2022-14:25	06/20/2022-14:25	
Summerville Town Of	Order/Dismissal	Order		06/20/2022-14:25	06/20/2022-14:25	
Summerville Town Of	NEF(06-13-2022 12:38:47 PM) Order/Order Cover Sheet \$25....	Filing		06/13/2022-14:16	06/20/2022-14:16	
Summerville Town Of	Order/Order Cover Sheet \$25.00	Filing		06/13/2022-12:38	06/20/2022-12:38	
Summerville Town Of	NEF(06-01-2022 03:54:42 PM) Reply/Other	Filing	20	06/01/2022-16:30	06/20/2022-16:30	

Summerville Town Of	Reply/Appellant's Memorandum	Filing		06/01/2022-15:54	06/20/2022-15:54	
Pimentel, Robert	NEF(05-31-2022 04:41:57 PM) Memo/Memo in Support	Filing		05/31/2022-16:52	06/20/2022-16:52	
Pimentel, Robert	Memo/Memo in Support of Notice of Appeal	Filing		05/31/2022-16:41	06/20/2022-16:41	
Summerville Town Of	NEF(04-11-2022 11:38:53 AM) Service/Certificate Of Servi...	Filing		04/11/2022-12:22	06/20/2022-12:22	
Summerville Town Of	Service/Certificate Of Service	Filing		04/11/2022-11:38	06/20/2022-11:38	
Summerville Town Of	NEF(04-08-2022 10:49:36 AM) Trial Brief	Filing		04/08/2022-12:08	06/20/2022-12:08	
Summerville Town Of	Respondent's Brief	Filing		04/08/2022-10:49	06/20/2022-10:49	
Summerville Town Of	NEF(04-08-2022 10:46:50 AM) Notice/Notice of Appearance	Filing		04/08/2022-10:47	06/20/2022-10:47	
Summerville Town Of	Notice/Notice of Appearance	Filing		04/08/2022-10:46	06/20/2022-10:46	
Pimentel, Robert	Appeal/Notice of Appeal (Workflow)	Action		03/28/2022-13:59	03/24/2022-13:59	
Summerville Municipal Court	Return	Filing		03/18/2022-16:23	06/20/2022-16:23	
Pimentel, Robert	Appeal/Appeal Returned Issued	Filing		03/18/2022-16:19	06/20/2022-16:19	
Pimentel, Robert	Filing Fees Wavied	Filing		03/18/2022-14:01	06/20/2022-14:01	
Pimentel, Robert	Motion/Appeal	Motion		03/18/2022-13:59	06/20/2022-13:59	
Pimentel, Robert	Appeal/Notice of Appeal	Filing		03/18/2022-13:53	06/20/2022-13:53	

Financials

Summary

Fine/Costs:	\$25.00	Total Paid for fine/costs:	\$25.00	Balance Due:	\$0.00
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Costs

Description	Cost Code	Amount	Charge Action	Disbursed Amount
Motion/Order Filing Fee \$25	MOTION	\$25.00		\$25.00

Payments

Payment Date	Receipt Number	Entered By	Transaction Type Code	Payment Amount
06/13/2022	113189	C18RSTEVEN	PY	\$25.00

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE FIRST JUDICIAL CIRCUIT
Dorchester County Court Of Common Pleas
Honorable Edgar W. Dickson, Presiding
Trial Court Case No. 2022CP1800473

RECEIVED
SEP 02 2022
SC Court of Appeals

Appellate Case No. 2022-000877

Robert Pimentel,Appellant,

v.

Town of Summerville,Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I have served the **Respondent's Motion to Dismiss Appeal, Respondent's Memorandum in Support of Its Motion to Dismiss Appeal, and Respondent's Exhibit List with Exhibits** on Robert Pimentel by depositing a true and correct copy of it in the United States Mail, first class postage prepaid, on August 31, 2022, properly addressed to his address of record, Robert Pimentel, 152 Owens Drive, Ridgeville, SC 29472.

Respectfully submitted,

Kerrie M. Specht

Kerrie M. Specht
Paralegal to G. Waring Parker, Esq.
Counsel For Respondent

Signed the above document on the 31st
day of August 2022.

Beth Messervy
Notary Public for South Carolina
My Commission expires December 3, 2024



Mayor
Ricky Waring

Councilmembers:
Bob Jackson, Mayor Pro Tem
Russ Touchberry
Aaron Brown
Kima Garten-Schmidt
Bill McIntosh
Terry Jenkins



Town Administrator
Lisa Wallace

Town Clerk
Beth Messervy

Town Attorney
G.W. Parker

TOWN of SUMMERVILLE

August 31, 2022

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
SEP 02 2022
SC Court of Appeals

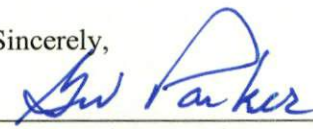
RE: Robert Pimentel v. Town of Summerville
Case No.: 2022-000877

Dear Ms. Kitchings,

Enclosed for filing is a motion to dismiss appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the motion to dismiss appeal on the appellant.
- (2) Memorandum in support of motion.
- (3) Exhibit list with exhibits attached.
- (4) A filing fee of \$50.00.

Sincerely,


G. W. Parker, Esquire
200 South Main Street
Summerville, South Carolina, 29483
(843) 695-6510
Attorney for Respondent

cc: Robert Pimentel
152 Owens Drive
Ridgeville, South Carolina 29472
Pro Se Appellant

Town of Summerville
G. W. Parker Attorney
200 S. Main St.
Summerville, SC 29483



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Columbia, South Carolina 29211