

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Administrative Law Court
The Honorable Deborah Brooks Durden
Richland County

Case Number 11-ALJ-21-0501-AP

RECEIVED
JUN 12 2013
SC Court of Appeals

Mark Schnee Appellant,

v.

South Carolina Department of Motor Vehicles and
West Columbia Police Department, Respondent.

MOTION TO COMPEL COMPLIANCE

Respondent, South Carolina Department of Motor Vehicles hereby files this Motion to Compel Appellant's compliance with the South Carolina Appellate Court Rules in the following particulars:

By order of this Court dated December 18, 2012, this matter was dismissed for the Appellant's failure to furnish the Court with transcript information or serve and file Appellant's Initial Brief and Designation of Matter as required by SCAC Rules 207, 208 and 209. Appellant petitioned for reinstatement and because he filed the transcript information and Appellant's initial brief and designation of matter, the Appellant's petition to reinstate this appeal was granted by order dated February 14, 2013.

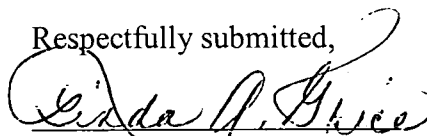
Respondent's Initial Brief and DSM was filed with the Court and served on the Appellant on February 25, 2013. To date, the Respondent, SCDMV has not been served

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with the Record on Appeal (ROA) as required by SCACR 210. The SCDMV did receive copies of correspondence dated April 08 and April 18 to the Appellant from the Clerks, Jenny Kitchings and Claire Allen, respectively, regarding deficiencies in the ROA and appellant's final brief. Since the Appellant's initial brief was served on the Respondent in February, the Respondent has only received a "Certificate of Counsel for the Final Brief" dated May 29, 2013. The Respondent is unable to determine the status of this matter. Apparently, the ROA and the Appellant's Final Brief have been filed with the Court. However, copies were not provided to the SCDMV. The Respondent is unable to complete the final brief in this matter without the record on appeal which the Appellant has not provided to the Respondent.

The Respondent, SCDMV requests that the Court issue an order compelling the Appellant to comply with the South Carolina Appellate Court Rules and to properly serve the Respondent with the Record on Appeal and Final Brief in this matter or alternatively to dismiss this matter for Appellant's blatant failure to follow the Rules throughout the course of this action.

Respectfully submitted,



LINDA ANNETTE GRICE

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June 07, 2013
Blythewood, South Carolina

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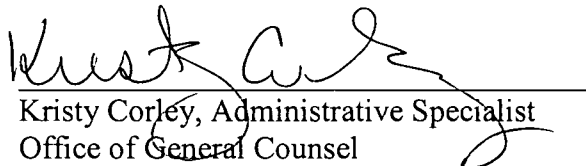
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PROOF OF SERVICE

PURSUANT TO SCACR, I HEREBY CERTIFY that today, June 10, 2013,
I served one (1) copy of the Respondent's Return to Motion to Stay Driver's License
Suspension by depositing with the United States Postal Service, correct postage prepaid,
to Counsel for the Appellant at the address indicated below:

T. Micah Leddy, Esquire
The Leddy Law Firm, LLC
2008 Lincoln Street
Columbia SC 29201

Counsel for Appellant



Kristy Corley, Administrative Specialist
Office of General Counsel
SC Department of Motor Vehicles

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Blythewood, South Carolina

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