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**Mar 07 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

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Appellate Case No.: 2022-000622  
Circuit Case No.: 2022-CP-10-03684

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RUSSELL CRAWFORD,

Respondent,

v.

RAYMOND BABICH,

Appellant.

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**NOTICE OF MOTION TO DISMISS APPEAL FOR FAILURE TO COMPLY WITH  
COURT'S ORDER DATED FEBRUARY 15, 2023**

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**PLEASE TAKE NOTICE** that the Respondent, Raymond Babich, by his undersigned attorney of record, hereby moves this Court, pursuant to Appellate Court Rules 231, 224, 209, 210 and 212, for an Order dismissing this Appeal on the grounds that the Appellate, Russell Crawford, has failed to file the July 19, 2022 Order of Magistrate Mikell as part of the Record on Appeal despite being expressly directed and ordered to do so by this Court's February 15, 2023 Order. Appellate Court Rule 231 provides in pertinent part that "Whenever it appears that an appellant or petitioner has failed to comply with the requirements of these Rules, the Clerk shall issue an order of

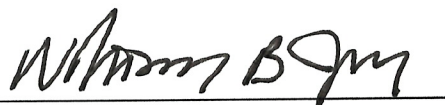
dismissal, which shall have the same force and effect of an order from the appellate court.” *Id.*

The February 15, 2023 Order of this Court provided as follows: “Appellant shall file a supplemental record on appeal including the July 19, 2022 order.” The Supplemental Record on Appeal filed by the Appellate does not include the July 19, 2022 Order which is the subject of this appeal. Instead, the Appellant attached a different order by Magistrate Mikell that is dated July 6, 2022. See pages 6-9 of Appellant’s Supplemental Record on Appeal.

The Appellant has had multiple opportunities to remedy his failure to include the actual Order which is the subject of this appeal. Given the repeated failure to include the full text of the July 19, 2022 Order in the Record on Appeal, Appellant’s recalcitrance can be deemed to be willful. For such reasons and pursuant to the authority provided by Appellate Court Rule 231, Respondent respectfully moves this Court to dismiss this Appeal.

Dated: March 7, 2023

Respectfully submitted,



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Attorney for the Respondent

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PROOF OF SERVICE

I, William B. Jung, Esq., certify under penalty of perjury that on March 7, 2023, I served a copy of the Respondent's Motion to Dismiss Appeal upon the Appellant by emailing and mailing a true and complete copy thereof the Appellant:

Raymond T. Crawford  
4683 W. Montague Ave., Lot 3  
North Charleston, S.C. 29418  
russellcrawfordsc@gmx.com.

Dated: March 7, 2023



William B. Jung, Esq. (#0068788)  
Attorney for the Respondent