

STATE OF SOUTH CAROLINA

SOUTH CAROLINA COURT OF APPEALS

ROBERT EARL DILLARD#220045)
petitioners)
v.)
STATE OF SOUTH CAROLINA,)
Respondent,)

C/A 2022-000972-1490-1491.
MOTION TO EXECUTE.
JUDGMENT AS A MATTER OF LAW
PURSUANT TO S_J MOTION,

Petitioner ROBERT EARL DILLARD#220045, Motion this court to execute judgment as a matter of law for the following reasons;

- (1) petitioner filed a notice of appeal from a pickens county order that was issued on june 7, 2022.
- (2) petitioner raised the following issues in the pickens county general sessions court,
 - (1) false imprisonment.
 - (2) FALSE ARREST/false indictment.
 - (3) Reasonable doubt instruction.
- (3) This motion was filed on june 9, 2022. in the pickens county clerk of courts office
- (4) on october 17, 2022. petitioner was allowed to late file his initial brief. and designation of matter brief.
- (5) petitioner filed a motion for summary judgment on july 17, 2023. as of date, the Respondent have failed to respond to the petitioners claims for relief or offer some proof that a genuine issue of material fact (Exist).

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SC Court of Appeals

The Respondent was directed by the south carolina court of Appeal to submit on affirmative defense, Respondent asked/motioned for more time to respond, but have failed to respond Respondent was even granted more time to respond until july 7, 2023.

Petitioner request this court to grant him summary judgment as a matter of law because of the inaction of the Respondents, no one is above the law, including the south carolina attorney General, see attached motion for summary judgment.

This type of conduct by the Respondent by not timely responding or failure to respond to petitioners claims have established a patten of intertional delay without regard to petitioners due process rights being infringed upon.

Petitioner request this court to dismissal/ vacate his conviction and sentence for failue of the Respondent/ state to comply with the deadlines set by the south carolina court of appeals, THE Respondent deadline was August 7, 2023. see order by court.

Requesting a Hearing with appointment of counsel.

date 8-11 2023.

Robert Earl Dillard
Robert Earl Dillard #220045
perry correctional inst,
430 oaklawn road q4b/209
pelzer, s.c. 29669

STATEMENT

Petitioner ROBERT E, Dillard was convicted of two counts of murder during the march 1995. term of court pickens county General Session court before the Honorable Frank P, McGowan, Judge and jury, He was represented by Richard H, Warder, Esq. Following petitioner's conviction, judge McGowan sentenced him to two consecutive life sentence. petitioner appealed, But his conviction and sentences we affirmed. see state v. Dillard, op.no. '97-mo-012(S.C. Supp.Ct. file February 11, 1997). App.pp 1-691.

on october 30, 1997, petitioner filed an application for post-conviction Relief (PCR). on September 21, 1998, an evidentiary he hearing before the Honorable Larry R. Patterson, at which petitioner was represented by Scott D, Robinson, Eqs. by order dated Febuary 17, 1998, Judge Patterson denied the application. PCR, and PCR Counsel did not appeal. App.P.726.

on may 25, 1999, petitioner filed an Austin petition. on August 28, 2000, an evidentiary hearing was held before the Honorable John W, Kittredge, at which petitioner was represented by John D, Dejon, Esq. order dated August 29, 2000, Judge Kittredge granted petitioner a review pursuant to Austin v. State. App.p. 720.

on August 6, 2002, petitioner filed a second PCR application. A motion hearing was held on July 28, 2003, before the Honorable John C. Few, at which petitioner was represented by Cheree Gilles Esq. App.pp. 724-731.

on August 19, 2003, Judge Few issue an order denying petitioner application on the ground that it was untimely filed. App.pp.735-739. petitioner appealed. This motion and petition *Following*



ALAN WILSON
ATTORNEY GENERAL

July 7, 2023

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

Re: Robert E. Dillard v. State of South Carolina
Appellate Case No: 2022-000972

Dear Ms. Kitchings:

The Initial Brief of Respondent and Designation of Matter are due to be served and filed today, July 7, 2023. Undersigned counsel hereby request a 30-day extension in which to serve and file its Brief. Due to counsel's caseload, including addressing capital matters, counsel has been unable to complete the Brief.

I respectfully request this court grant an extension until August 7, 2023 to serve and file the Initial Brief of Respondent and Designation of Matter.

Sincerely,

s/Melody J. Brown

Melody J. Brown
Senior Assistant Deputy Attorney General

MJB/abb

cc: Robert E. Dilliard, #220045 (via US Mail)

The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

v.

The State, Respondent.

Appellate Case No. 2022-000972

The Honorable Perry H. Gravely
Pickens County
Trial Court Case No. 2022CP3900680

ORDER

The time for serving and filing the respondent's initial brief and designation of matter is hereby extended until July 7, 2023.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Robert Earl Dillard, 00220045
Alan McCrory Wilson, Esquire
Taylor Zane Smith, Esquire
Melody Jane Brown, Esquire

FILED
Jun 08 2023

THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

ROBERT EARL DILLARD#220045
petitioner

v.

STATE OF SOUTH CAROLINA
Respondent,

case no.2022-000972-1490-1491

PROOF OF SERVICE

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SC Court of Appeals

Petitioner certify that he served true copies of the Request for
Entry of motion to execute judgment as a matter of law pursuant
to s j motion. upon Respondent's attorney general office by
placing same in the mail U.S. postage prepaid addressed to;

Melody J, Brown
Senior Assistant Deputy
Attorney General
post office box 11549
Columbia, s.c. 29211-1549

south carolina court of Appeal
JENNY Abbott Kitching, clerk
post office box 11629
Columbia, s.c. 29211

ALAN WILSON, Attorney General
post office box 11549
Columbia, s.c. 29211-1549

CC:

date 8-11- 2023.

Robert E Dillard#220045
perry correctional inst.
430 oaklawn road q4b/209
pelzer, s.c. 29669

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STATE OF SOUTH CAROLINA
SOUTH CAROLINA COURT OF APPEALS

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SC Court of Appeals

JENNY ABBOTT KITGHING, CLERK
South carolina court of appeal
post office box 11629
Columbia, s.c. 29211

RE: ROBERT EARL DILLARD, V. STATE OF SOUTH CAROLINA
c/a no. 2022-000972-1490-1491.

Dear Clerk;

Enclosed find my original Request for motion to execute judgment as a matter of law, pursuant to sj motion,

date 8-11- 2023.


Robert Earl Dillard #220045

