

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM PICKENS COUNTY

The Honorable Perry H, Gravely

AUG 16 2024

SC Court of Appeals

ROBERT EARL DILLARD,

APPELLANT,

V,

THE STATE

RESPONDENT,

Appellate case no;2022-000972

Rule 12, SCRPC

RULE 12. DEFENSES AND OBJECTIONS-WHEN AND HOW
PRESENTED-BY PLEADING OR MOTION-MOTION FOR JUDGMENT
ON PLEADINGS

Appellant, Robert Earl Dillard, was convicted by a pickens Count jury in 1995 on two counts of murder. He is currently serving two consecutive life terms as imposed on March 2, 1995, by the Honorable Frank P, McGowan, Jr. Appellant has since that time filed numerous challenges such that his ability to file additional challenges has been limited. This appeal center on Whether Judge Gravely abused his discretion in finding Appellant failed to present a basis for waiving the required fee for Appellant's attempted 2022 motion. The initial brief have been filed. However, Appellant has failed to prepare, serve and file a proper record on appeal.

On or about July 1, 2024, Appellant filed a document Rule 267 Record on Appeals! He attempted additional argument and referenced various rules. Appellant included one of the documents designated by Respondent as Exhibit [A]-1' to his filings. Respondent may not complete its final brief until Appellant complies with the requirements as set out in Rule @!), SCACR. In support of its motion, Appellant would respectfully submit;

First, because a Record on Appeal was filed on May 9, 2024. to the Court of Appeals and the Attorney General office, to assist, Melody Jane Brown, Esq. From her filing of her Initial brief & Designation of matter brief, on November 13, 2023. and back to The Appellant objection Reply brief to the Respondent brief on November 21, 2023.

(b) How presented. Every defense, in law or fact, to a cause of action in any pleading, whether a claim, counterclaim, cross-claims or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion; (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state facts sufficient to constitute a cause of action, A motion making any of these defenses shall be made before pleading if a further pleading is permitted. no defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion. if a pleading sets forth a cause of action or defense to which an adverse party is not required to serve a

responsive pleading, he may asserting at the trial any defense in law or fact to that cause of action or defense. if, on a motion asserting the defense numbered (6) to dismiss for failure of the pleading to state facts sufficient to constitute a cause of action matters outside the pleading are presented to and not excluded by the Court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pretinent to such a motion by Rule 56.

THEREFORE, based on the foregoing , Appellant moves to strike the improper designated compel by the Respondent fail to comply by the Law on default to the Initial Brief & Designation of matte of the Appellant Brief, Appellant respectfully submits that if the deficiency is not cured within a reasonable time s set by this Court, that the Court should dismiss the motion. Appellant requests permission to file a final Brief to be citation to the record on appeal. If the Respondent record is found insufficient the fault of that insufficiency should rest solely on the Respondent.Schultze, supra.

date 8-14- 2024.


Robert Earl Dillard #220045

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RESPONDENT,

Appellate Case no. 2022-000972

CERTIFICATE OF SERVICE

I, Willie James Harper, 214828 not a friend but GOD Love of the Appellate, hereby certify that as the motion to strike the improper designated compel by the Respondent fail to comply by law on fault to the Initial Brief & Designation of matter of the Appellate Brief. & Certificate of Service has been forwarded to Respondent addressed as follows;

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PCI MAILROOM

Attorney General Office
MELODY J, BROWN
post office box 11549
Columbia, S.C. 29211-1549

I further certify that all parties required by Rule to be served have been served.

this 8 of 14 2024.

Willie James Harper
Willie James Harper#1

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SC Court of Appeals

Court of Appeals
Aenny A, Kitchings, Clerk
post office box 11629
Columbia, S.C. 29211

Dear Clerk

please enclosed that I am sending you my motion to be
filed in your office & Certificate of service & RECORD ON APPEALS.

date 8-14- 2024


Robert Earl Dillard#220045

ROBERT EARL DILLARD#220045
perry correctional inst,
430 oaklawn Road q4b-209
pelzer, S.C. 29669

THE SOUTH CAROLINA COURT OF APPEALS
Jenny Abbott Kitchings, Clerk
post office box 11629
Columbia, S.C. 29211

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PCI MAILROOM

LEGAL MAIL