

The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

v.

The State, Respondent.

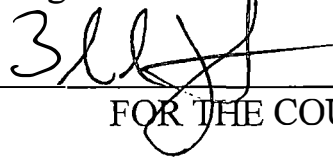
Appellate Case No. 2022-000972

ORDER

On July 1, 2024, Appellant served and filed the record on appeal. On August 5, 2024, Respondents filed a motion to strike the record on appeal and compel the filing of a record on appeal with the matter as designated. On August 9, 2024, Appellant filed a "Motion Pursuant to Rules 240c of the South Carolina Appellate Court Rules for Relief"; this court sent a deficiency letter on August 13, 2024, explaining Appellant's motion was not in compliance with Rule 240(c) of the South Carolina Appellate Court Rules and an amended motion that stated the grounds on which the motion was being made must be provided. On August 12, 2024, Appellant filed a "motion to 240c & [f] Reply Return to Motion," seeking to include his initial brief and designation of matter document in the record on appeal, as well as a "Notice of Appointment for Legal Counsel." On August 16, 2024, Appellant filed a motion for judgment on the pleadings. On August 21, 2024, Appellant filed a motion to amend the record on appeal in response to this court's August 13, 2024 deficiency letter and subsequently served and filed an amended record on appeal.

After careful consideration of the filings, we hold the following: To the extent Appellant is requesting a judgment on the pleadings in his August 16, 2024 motion, we deny the request. To the extent the August 16, 2024 motion is intended to be a return arguing this court should deny Respondent's motion to strike, we deny the request. Appellant's August 12, 2024 "motion to 240c & [f] Reply Return to Motion," seeking to include his initial brief and designation of matter document in the record on appeal is also denied. We grant Respondent's motion to strike Appellant's record on appeal filed July 1, 2024. Additionally, we grant Appellant's

August 21, 2024 motion to amend the record on appeal, but we decline to accept the amended record on appeal. Within thirty days of the date of this order, Appellant shall serve and file a second amended record on appeal that includes all matters designated by the parties. *See* Rule 210(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party"). Thereafter, the parties shall serve and file their final briefs within twenty days of the date of service of the amended record on appeal. Appellant's failure to comply with this order will result in the dismissal of the appeal. Additionally, we deny Appellant's request to appoint counsel. *See* Rule 608(g), SCACR (providing counsel should not be appointed for an indigent unless the indigent has a right to appointed counsel under the state or federal constitution, a statute, a court rule, or the case law of this state); *Ex parte Dibble*, 279 S.C. 592, 310 S.E.2d 440 (Ct. App. 1983) (holding there is no constitutional right to counsel in civil cases).



FOR THE COURT

Columbia, South Carolina

cc:

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

FILED
Nov 08 2024