

January 8, 2025

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SC Court of Appeals

Via E-Filing

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29211

Re: Muhammad Nathaniel Wilson, Pro Se v. Hanahan Police Department
C/A No. and Jurisdiction: 2022-CP-08-02508, Berkeley CP
Appellate Case No. 2023-001837
HLF File No. 1.361

Dear Ms. Kitchings:

As the Court's records will show, on December 11, 2024, the Respondents filed and served a Motion to Strike the Appellant's Record on Appeal and to dismiss the appeal on the ground that the Record on Appeal (submitted on December 2, 2024) was not timely served within the time required under Rule 210(a), SCACR. The Appellant served a "new" Record on Appeal dated December 12, 2024, which still does not comply with Rule 210. [See Respondents' letter of December 19, 2024 as to continued noncompliance.]

In their December 11th motion, the Respondents also objected to the final brief submitted by Appellant on December 2nd along with the Record on Appeal on the ground that it contained substantive revisions, and moved the Court to compel the Appellant to serve a final brief in compliance with Rule 211, SCACR. On December 20, 2024, the Appellant filed yet another newly revised final brief. By letter dated December 23, 2024, the Court advised the Appellant that he would need to file a motion to amend his brief. The Appellant has submitted a letter dated January 2, 2025, which might arguably be considered a Motion to Amend. The Respondents submit this letter in response, opposing any Motion to Amend the Appellant's final brief other than to comply with Rule 211.

As previously noted, the final brief served and filed by the Appellant on December 2nd does not comply with Rule 211, because it has been substantively revised beyond corrections of typos and misspellings in his initial brief. Likewise, the final brief submitted on December 20th still does not comply with Rule 211 and contains additional substantive revisions.

The Court's file will show that there has been a protracted period of missteps by the Appellant in perfecting his appeal including the filing and service of multiple initial briefs, until eventually, the Court directed the Respondents to respond to the initial brief served/filed by Appellant on August 14, 2024. Whereupon the Respondents served and filed an initial brief with references and citations to the August 14th brief. It should be noted that the Appellant did not submit a reply brief. To allow the Appellant to file an amended, substantively revised final brief at this stage of the appeal would deprive the Respondents of the opportunity to respond to the new arguments or unfairly require the Respondents to submit a new brief - either of which would further prolong this appeal.

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The Respondents renew their request for the Court to dismiss the appeal, or to compel the Appellant to submit a Record on Appeal and final brief that comply with Rules 210 and 211. Thereafter, any further failure by the Appellant to comply with the Appellate Court Rules should justify dismissal of his appeal.

Please advise if the Court deems it necessary that the Respondents file a formal return to the January 2, 2025 letter. Otherwise, we await the Court's ruling on the pending motion to dismiss the appeal, or in the alternative, to compel the Appellant to comply with Rules 210 and 211.

Kind regards,

Yours truly,

/s/ Ellore A. Ganes

Ellore A. Ganes

EAG/mde

cc: Muhammad N. Wilson [*Via E-Mail*]