

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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OCT 13 2015

SC Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

John D. McLeod, Administrative Law Court Judge

Case No. 12-ALJ-30-0256-AP; Appellate Case No. 2014-002372

Lake City College Preparatory Academy, ..... Appellant,

v.

South Carolina Public Charter School District, ..... Respondent.

**RETURN TO MOTION TO REINSTATE APPEAL**

Rule 260 of the South Carolina Appellate Court Rules requires that Appellant show good cause for its appeal to be reinstated. It has abjectly failed to do so in this case based on its history of disregard for court deadlines and Orders by both this Court and the Administrative Law Court. Therefore, this Court must deny the petition to reinstate the appeal.

This is the second time that Appellant has moved to reinstate the appeal after dismissal based on its failure to comply with this Court's instructions, even though it moved for and was granted an expedited appeal. *See* Order dated December 12, 2014. The only basis to reinstate the appeal provided by Appellant is that its counsel relied on his paralegal to comply with this Court's prior instructions and rules. As admitted in Appellant's motion, the paralegal relied on by Appellant's counsel, Benita Dinkins-Robinson ("Dinkins-Robinson"), is a convicted felon, who was convicted of stealing

charter school funds and is currently serving time in federal prison for this offense. Appellant's counsel represented his paralegal in the criminal trial. Appellant was well aware of the criminal charges pending against Dinkins-Robinson because Dinkins-Robinson was confronted by news media regarding the criminal charges during Appellant's hearing before the District's Board of Trustees. *See Jason Old & Chad Mills, Former Charter School Director Indicted for Stealing Gov't Funds*, WISTV, <http://www.wistv.com/story/25466356/former-charter-school-director-indicted-for-stealing-govt-fund> (last updated Feb. 24, 2015) (noting that Dinkins-Robinson "ducked into a men's restroom" when asked about the indictment at the hearing).

A lawyer's reliance on his paralegal is not good cause for failing to comply with this Court's instructions. *See Perri-Clair v. Ace P'ship of Charleston SC*, No. 2:09-CV-1584-MBS, 2011 WL 765671, at \*3 (D.S.C. Feb. 23, 2011) (noting the general rule that "[c]ounsel bears the responsibility of ensuring that support staff complete the tasks delegated to them"). This is particularly true here, where Dinkins-Robinson was a known felon at the time the deadlines were missed and the lawyer had the opportunity to correct the deficiencies prior to dismissal. Dinkins-Robinson was convicted on March 12, 2015. *See* General Verdict Form, attached as *Exhibit A*. This Court identified deficiencies by letters dated June 30, 2015 and July 1, 2015, requiring them to be corrected by July 10, 2015. Respondents filed their motion stating the deficiencies had not been corrected and asking this Court to dismiss this action on July 13, 2015. Nonetheless, counsel for Appellants still failed to correct the deficiencies, despite being on notice of the issues since at least July 1, 2015. On September 16, 2015, this Court dismissed the appeal for

failure to comply with the Appellate Court Rules and the letters from the Court. *See*  
Order dated September 16, 2015

Therefore, Appellant has failed to show good cause for failing to comply with this  
Court's Rules and instructions, and the Motion to Reinstate must be denied pursuant to  
Rule 260.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Erik T. Norton *with permission MK*

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Attorneys for Respondent South Carolina Public  
Charter School District

Columbia, South Carolina

\_\_\_\_\_, 2015.

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

United States of America

v.

Benita Dinkins-Robinson

Crim. No. 3:14-cr-00300-TLW

**General Verdict Form**

1. As to the charge in Count 1 (Embezzlement of United States Department of Agriculture Funds), we, the jury, unanimously find the Defendant, ***Benita Dinkins-Robinson***:

Guilty:   X                        Not Guilty:       

2. As to the charge in Count 2 (Embezzlement of United States Department of Education Funds), we, the jury, unanimously find the Defendant, ***Benita Dinkins-Robinson***:

Guilty:   X                        Not Guilty:       

[REDACTED]

Foreperson

[REDACTED]

March   12  , 2015  
Columbia, South Carolina

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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**APPEAL FROM THE SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

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Case No. 12-ALJ-30-0256-AP; Appellate Case No. 2014-002372

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Lake City College Preparatory Academy  
(LCCPA)..... Appellant,

v.

South Carolina Public Charter School District  
(SCPCSD)..... Respondent.

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**PROOF OF SERVICE**

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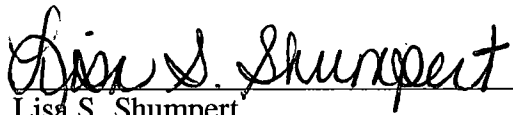
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for South Carolina Public Charter School District, do hereby certify that I have served all counsel in this action with a copy of the document(s) hereinbelow specified.

Document(s):           Return to Motion to Reinstate Appeal

Counsel Served:

Johnny E. Watson Sr.  
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Columbia, South Carolina 29204

Mark W. Buyck, III, Esquire  
Willcox Buyck & Williams PA  
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Lisa S. Shumpert  
Administrative Assistant

October 8, 2015

# Nelson Mullins

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October 8, 2015

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

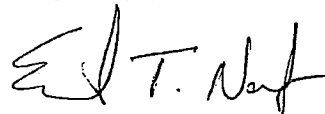
RE: Lake City College Preparatory Academy v. South Carolina Public Charter School District  
Civil Action No. 14-ALJ-30-0256  
Appellate Case No. 2014-002372  
Our File No. 41106/01503

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the Return to Motion to Reinstate Appeal. We would appreciate your filing the original and required copies and returning a filed copy via our courier.

By copy of this letter, we have served counsel with a copy of same.

Very truly yours,



Erik T. Norton

ETN:ls  
Enclosures

cc: Johnny Watson, Esquire  
Mark W. Buyck, III, Esquire

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The Honorable Jenny Abbott Kitchings  
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SC Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211