

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

2012-212525

Chad Dennis Burnette, SCDC ID 0344637.....Appellant,

vs.

Beaufort County Detention Center, Beaufort County Sheriff's Office
and Ernest Walker.....Respondent.

MOTION TO DISMISS

TO: CHAD DENNIS BURNETTE, SCDC ID 0344637, PRO SE APPELLANT:

The Respondents are in receipt of a Notice of Intent to Appeal and Proof of Service dated August 21, 2012 filed with the South Carolina Court of Appeals. The Order it purports to appeal was admittedly received by Appellant on June 14, 2012. On July 2, 2012 a Motion to Reconsider and Notice of Intent to Appeal was filed by the Appellant with the Beaufort County Clerk of Court. Upon information and belief, the Notice of Intent to Appeal was not filed at the Court of Appeals at that time. However, by letter dated July 24, 2012, the Court of Appeals indicates that a notice of intent to appeal had been filed with the court.

While the Respondents received the filing with the Beaufort County Clerk of

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Court, the Respondents did not receive notice of this filing pursuant to SCACR, Rule 203(d)(1)(B) with the Court of Appeals and based on the timing of the above correspondence, believe it is likely that notice of appeal with the Court of Appeals was not timely filed or filed within ten days of the service of the Notice of Appeal and Motion for Reconsideration filed with Beaufort County.

The Respondents would request that the Court review the filing dates with the court and, if appropriate, issue an order dismissing the Appellants appeal as it was not timely filed pursuant to the South Carolina Rules of Appellate Procedure.

HOWELL, GIBSON & HUGHES, P.A.

By: 

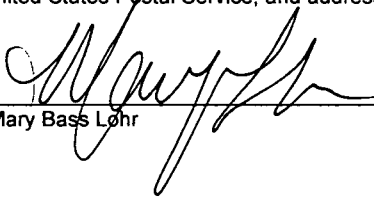
Mary Bass Lohr
Post Office Box 40
Beaufort, SC 29901
(843) 522-2400
Attorney for Respondent

Beaufort, South Carolina

August 27, 2012

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Motion to Dismiss upon opposing counsel by placing a true and correct copy, with adequate postage attached, with the United States Postal Service, and addressed to counsel's last known address the 27th day of August, 2012.



Mary Bass Lohr

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JAMES S. GIBSON, JR *
Of Counsel

* Certified Mediator

August 27, 2012

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Chad Dennis Burnette vs. Beaufort County Detention Center,
Beaufort County Sheriff, and Ernest Walker
Civil Action No.: 2012-212525
Our File No: 11028 MBL

Dear Hon. Kitchings:

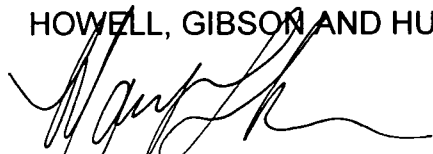
Please find enclosed herewith for filing an original and six copies of the Motion to Dismiss with regard to the above referenced matter. I have included a check in the amount of \$25.00 for the filing fee.

By copy of this letter, I hereby serve opposing counsel with a copy of the same.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Mary Bass Lohr
MBL/ad
Enclosure

cc: Mr. Chad Dennis Burnette-SCDC ID 00344637

SC Court of Appeals
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