

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUN 06 2016

SC Court of Appeals

APPEAL FROM YORK COUNTY
COURT OF COMMON PLEAS

Lee S. Alford, Circuit Court Judge

Appellate Case Number: 2015-0000130

The State of South Carolina,

Respondent,

v.

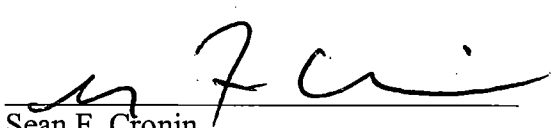
Neal Nessmiller,

Appellant.

MOTION TO DISMISS

Appellant, Neal Nessmiller, through his undersigned counsel, moves the Court to dismiss this appeal for the following good cause: The defendant, Neal Nessmiller, is deceased. A copy of the death certificate is attached to this Motion.

June 2, 2016


Sean F. Cronin

The Law Offices of Michael L. Brown, Jr.

P.O. Box 1025

Rock Hill, SC 29731

(803)328-8822 p (803)328-0523 f

Attorney for Appellant

Other Counsel of Record:

Paula Knox Brown
Assistant Solicitor
201 E. Main St., 3rd Floor
Rock Hill, SC 29730
(803) 329-5641
Attorney for Respondent

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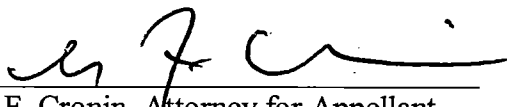
Appellant.

PROOF OF SERVICE

I certify that on June 2, 2016 I mailed, via first class mail, postage prepaid, a true and correct copy of the foregoing MOTION TO DISMISS to the following:

Paula Knox Brown
Assistant Solicitor
201 E. Main St., 3rd Floor
Rock Hill, SC 29730

June 2, 2016


Sean F. Cronin, Attorney for Appellant
The Law Offices of Michael L. Brown, Jr.
P.O. Box 1025
Rock Hill, SC 29731
(803)328-8822 p (803)328-0523 f

DEATH CERTIFICATION

STATE FILE NUMBER: 139-15-043504

DECEDENT'S NAME: *NEAL ALAN NESSMILLER*

AKA's: NA

ARMED FORCES: NO

DATE OF BIRTH: OCTOBER 09, 1960

TYPE OF PLACE OF DEATH: HOSPITAL- INPATIENT

NAME AND ADDRESS OF PLACE OF DEATH: PIEDMONT MEDICAL CENTER, ROCK HILL, SC 29732

PLACE OF DISPOSITION: GREENE CREMATION CENTER

DISPOSITION LOCATION: ROCK HILL, SOUTH-CAROLINA

METHOD OF DISPOSITION: CREMATION

DECEDENT'S RESIDENCE: 1729 RUE DE VILLE, ROCK HILL, YORK COUNTY, SC, 29732

PLACE OF BIRTH: NEW YORK

SURVIVING SPOUSE'S NAME: LINDA KAY FISHER

FATHER'S NAME: MELVIN MORRIS NESSMILLER

MOTHER'S NAME PRIOR TO FIRST MARRIAGE: VERA MAE CLARK

INFORMANT'S NAME: LINDA NESSMILLER

MAILING ADDRESS: 1729 RUE DE VILLE, ROCK HILL, SC, 29732

FUNERAL HOME: GREENE FUNERAL HOME NORTHWEST CHAPEL, PO BOX 37537, ROCK HILL, SC, 29732

FUNERAL DIRECTOR: PAT G. STURGIS

EMBALMER'S NAME: NOT

ACTUAL OR PRESUMED DATE OF DEATH: DECEMBER 09, 2015

ACTUAL OR PRESUMED TIME OF DEATH: 0540

CAUSE OF DEATH - PART I:

ANOXIC BRAIN INJURY

RESPIRATORY FAILURE

CARDIAC ARREST

SEPSIS AND RENAL FAILURE FROM SEPSIS

OTHER SIGNIFICANT CONDITIONS - PART II:

NA

CORONER CONTACTED? YES

AUTOPSY PERFORMED? NO

AUTOPSY AVAILABLE? NA

DATE OF INJURY: NA

TIME OF INJURY: NA

INJURY AT WORK? NA

PLACE OF INJURY: NA

LOCATION OF INJURY: NA

HOW THE INJURY OCCURRED?

NA

CERTIFIER NAME AND TITLE: DR. MANISH SHARMA

LICENSE NUMBER: MD36852

CERTIFIER'S ADDRESS: 222-S. HERLONG AVE. ROCK HILL, SC, 29732

DATE FILED: DECEMBER 11, 2015

DATE OF ISSUANCE: DECEMBER 14, 2015

SPECIAL INSTRUCTIONS:

NA

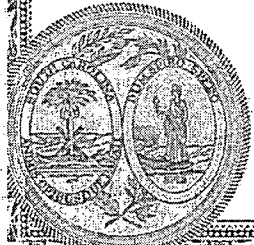
SC04771030

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

Catherine E. Heigel
Catherine E. Heigel
Director and State Registrar

This is watermarked paper. Do not accept without noting watermark. Hold to light to verify watermark.

Revision Date: 07/31/2015



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SC Court of Appeals

The Law Offices of
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Telephone: (803)328-8822

Facsimile: (803)328-0523

June 2, 2016

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

RE: State v. Neal Nessmiller, Case No.: 2015-00130

Dear Ms. Kitchings,

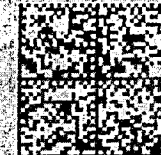
Please find the enclosed Motion to Dismiss and Proof of Service in the above-captioned matter. I have enclosed extra copies for clocking along with a pre-paid envelope for their return. If you require anything further, please let me know.

Sincerely,



Sean F. Crowin, Esquire
Attorney for Appellant

cc: Ms. Paula Knox Brown



UNITED STATES
 PITNEY BOWES
 02 1P
 \$ 001.57⁰
 0004433489 JUN 02 2016
 MAILED FROM ZIP CODE 29730

The Law Offices of Michael L. Brown, Jr.
 223 Main Street
 One Law Place, Suite 550
 Post Office Box 1025
 Rock Hill, SC 29731

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The Honorable J. Travis Kitchings
 Clerk of Court
SC Court of Appeals
 South Carolina Court of Appeals
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