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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JUL 25 2016

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
The Honorable Paul M. Burch, Circuit Court Judge

SC Court of Appeals

Appellate Case No: 2016-001181

Dennis Temple.....Appellant

v.

South Carolina Department of Corrections.....Respondent

MOTION TO DISMISS

Dennis M. Temple, # 274802
430 Oaklawn Road
Pelzer, SC 29669
Pro Se Appellant

J. Victor McDade
Post Office Box 2125
Anderson, SC 29622
(864) 224-7111
Attorney for the Respondent

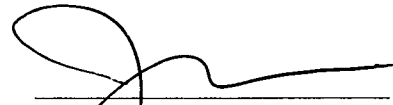
Appellant filed his Initial Brief on June 28, 2016 without the required Designation of Matter to be Included in the Record of Appeal. On June 29, 2016 this Court issued a deficiency letter advising the Appellant that the deficiency must be corrected within ten (10) days of the date of the letter or the appeal would be dismissed. The Court issued a second letter dated July 19, 2016 advising the Appellant that he had not served and filed a Designation of Matter to be Included in the Record on Appeal. Appellant was advised that he has ten (10) days from the date of that letter to correct the deficiency or the appeal would be dismissed.

The Order from The Honorable Paul M. Burch was mailed June 23, 2016, making Respondent's Initial Brief due on or before July 28, 2016. The Respondent requests that Appellant's appeal be dismissed for failing to designate documents to be included in the record on appeal. A record is necessary for the Respondent to address the issues raised by the Appellant and for the Court's reference. In the alternative, Respondent requests its brief be due fifteen (15) days after service of the Designation of Matter to be Included in the Record on Appeal.

Respectfully submitted,

DOYLE, TATE & MCDADE, P.A.

By:



J. Victor McDade
SC Bar No.: 03768
Post Office Box 2125
Anderson, SC 29622
(864) 224-7111
Attorney for the Respondent

Dated: July 22, 2016

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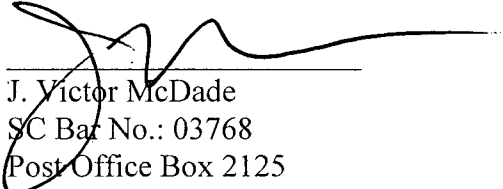
CERTIFICATE OF SERVICE

I certify that on July 22, 2016, I served a copy of this Motion to Dismiss on all parties, addressed as shown below:

Dennis M. Temple, # 274802
430 Oaklawn Road
Pelzer, SC 29669

DOYLE, TATE & MCDADE, P.A.

By:



J. Victor McDade
SC Bar No.: 03768
Post Office Box 2125
Anderson, SC 29622
(864) 224-7111
Attorney for the Respondent.

Dated: July 22, 2016

DOYLE, TATE & MCDADE, P.A.
Attorneys at Law
201 North Main Street, Ste. 400
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Anderson, South Carolina 29622

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SC Court of Appeals

CARY C. DOYLE (1931-2012)
RAYMOND A. TATE, JR.(1954-2013)
J. VICTOR MCDADE

Phone: (864) 224-7111
FAX: (864) 226-1517
E-Mail: jvmcdade@dotmlaw.com

July 22, 2016

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk
Post Office Box 11629
Columbia, South Carolina 29211

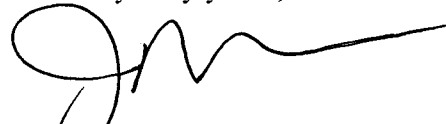
IN RE: Dennis Temple vs. South Carolina Department of Corrections
Appellate Case No.: 2016-001181

Dear Ms. Kitchings,

I am enclosing the original and six (6) copies of my Motion to Dismiss in the above referenced case along with my Certificate of Service to the Appellant. I am also including a check for the filing fee of \$25.00.

Best regards.

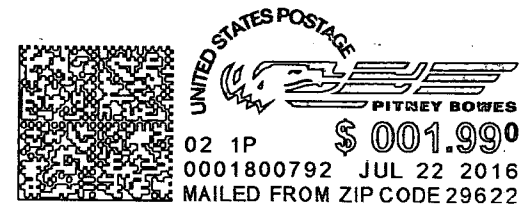
Very truly yours,



J. Victor McDade

JVM/mw
cc: Dennis Temple, #274802
Kelly Bryant
Christina Bryant

DOYLE, TATE & McDADE, P.A.
ATTORNEYS AT LAW
Post Office Box 2125
ANDERSON, SOUTH CAROLINA 29622



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The Honorable Jenny Abbot Kitchings
South Carolina Court of Appeals Clerk
Post Office Box 11692
Columbia, SC 29211

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SC Court of Appeals

