

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From York County

Court of Common Pleas

Daniel D. Hall, Circuit Court Judge

Appellate Case No: 2015-001004

Antonio Gordon,

Appellant,

v.

South Carolina Stal
THE STATE OF SOUTH CAROLINA,

Respondent,

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AUG 11 2016

SC Court of Appeals

Appellant's Motion Requesting this Court
Not to accept Respondent's Initial Brief
and Designation of Matter to be included
IN THE RECORD ON APPEAL

Comes Now, Appellant, pro se, Antonio Gordon, hereby moving this Honorable Court on a Motion Requesting this Court Not to accept Respondent's initial brief and designation of matter to be included in the record on Appeal. Appellant would show unto this Court the following:

I.

The Respondent's initial brief and designation of matter was due to be filed and served on "June 27, 2016". The clerk issued Respondent a order in a letter dated July 19, 2016, giving the Respondent (10) days of the date of the letter to file

1.

Respondent's initial brief and designation of matter "LaJong" with a motion to "Request Permission to file outside of the filing deadlines set forth by Rules 208 and 209 of the South Carolina Appellate Court Rules (SCACR). See FN1
ON JULY 31, 2016, Appellant filed a Reply in Opposition to the Respondent Petition to Relax Rule 243 (f), (g) and Request for "Extension".

Appellant argue to this Court the Respondent has "Failed" to comply with the clerk's order dated July 19, 2016 and that its initial brief and designation of matter to be included in the record on Appeal is "improperly" before the Court because Respondent has not asked this Court for "permission" to file outside of the filing deadlines set forth by Rules 208 and 209 of the South Carolina Appellate Court Rules (SCACR). See FN2 Therefore, Respondent's initial brief and designation of matter to be included in the record on Appeal should not be accepted and the relief requested by Appellant in his initial brief should be granted and on what such action this Court deems proper. See Turner v. Santee Cement Inc, 282 S.E.2d 858, 860 (1981); Durham v. United Cos, Fin Corp, 483 S.E.2d 786 (Ct. App. 1997), rev'd on other grounds, 503 S.E.2d 465 (1998).

FN1 ON JULY 22, 2016, the Respondent filed its "initial brief and designation of matter to be included in the Record on Appeal [Along] with a "Petition To Relax Rule 243 (f) and Request for Extension".

FN2 Appellant assents even though Respondent Petition this Court for "Extension of time"; this Petition cannot and should not be construed as a "Petition Requesting Permission to file outside of the filing deadlines set forth by Rules 208 and 209 of the SCACR because a Petition For Extension of time and a motion requesting to file outside of the filing deadlines set forth by Rules 208 and 209 of the SCACR's serve two different purposes and function in the Judicial System.

Conclusion

It is respectfully asked that this Court NOT accept Respondent's Initial brief and designation of matter because the Respondent has failed to file a motion requesting permission to file outside of the filing deadlines as set forth by Rules 208 and 209, within TEN days as instructed by the Clerk. See FN³

This 5 day of August, 2016.

Antonio Gordon

Antonio Gordon # 259798

4848 Goldmine Hwy

Kenshaws JC 29067

FN³ Appellant ask the Court to take Judicial Notice that this is an ongoing act of the Respondent as alleged by Appellant in his Reply in opposition to Respondent's Petition to Relax Rule 243 (f) and Request for Extension, dated July 31, 2016. It's clearly in the Record on Appeal that he was sixteen years of age when found violating a criminal law and taken into "custody" and was NOT "[c]harged" with a Class A, B, C, or D felony as defined in Section 20-7-605 (1). Prior to being taken into custody, Family Court "acquired" the "First" Jurisdiction over the subject matter and Appellant pursuant to Section 20-7-720.5 (A). Family Court should have been the sole Court for initiating action pursuant to Section 20-7-400 (A)(3). The Respondent "did not" file any Petition in Family Court initiating action and because Family Court Never relinquished its Jurisdiction, Appellant's guilty plea Judgment as an adult is void *Ab initio* pursuant to State v. England, 245 S.E.2d 608 (S.C. 1978), and he's entitled to his "Speedier and immediate" release pursuant to Section 20-7-400 (b). Thus, the Respondent instead of seeking Appellant's release, they are delaying Justice which has become a Due Process violation because he has been entitled to his immediate release over 13 years ago.

STATE OF SOUTH CAROLINA
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Appeal From York County
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Daniel E. Hall, Presiding Judge

Appellate Case No: 2015-001004

Antonid Gordon,

Appellant,

v.

THE STATE OF SOUTH CAROLINA,

Respondent.

Certificate of Service

I, Antonid Gordon, hereby certify that I served Appellant's motion
Requesting this Court NOT TO accept Respondent's initial brief and designation
of matter to be included in the record on Appeal on:

S.C. Attorney General Office

Justin James Hunter, Esq

P.O. Box 11549

Columbia, SC 29211

by depositing a copy in the mail with sufficient funds on this 5 day of
August, 2016.

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SC Court of Appeals

Antonid Gordon

Antonid Gordon # 259798

4848 Goldmine Hwy

Kershaw, SC 29067

Dear clerk:

Please find enclosed a motion requesting the court not to accept Respondent's initial brief and designation of matter to be included in the record on Appeal.

Antonie Gordon

Appellate Case No: 2015-001004

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SC Court of Appeals

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