

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM OCONEE COUNTY
Court of Common Pleas
The Honorable J. Cordell Maddox, Circuit Court Judge

Appellate Case No: 2016-001124

RECEIVED

MAR 17 2017

SC Court of Appeals

Dan Temple.....Appellant

v.

Oconee County Sheriff's Department.....Respondent

MOTION TO DISMISS

Dan Temple
Post Office Box 372
Fultondale, AL 35068
Pro Se Appellant

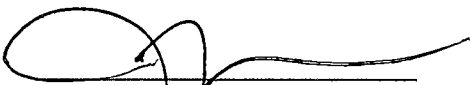
J. Victor McDade
Post Office Box 2125
Anderson, SC 29622
(864) 224-7111
Attorney for the Respondent

The Initial Brief of the Respondent was filed February 13, 2017. Appellant filed a Record on Appeal on March 7, 2017. The Record on Appeal does not meet the requirements of Appellate Court Rule 210 (c). The Record on Appeal is not numbered consecutively and does not contain the exhibits contained in Respondent's Designation of Matter filed February 13, 2017 and served on the Appellant. Without a proper Record on Appeal, the Respondent cannot submit a Final Brief which references the Record on Appeal. Respondent requests that Appellant's appeal be dismissed. In the alternative, the Respondent requests that the Final Brief be due twenty (20) days after service of a Record on Appeal which meets the requirements set forth in the Appellate Court Rules.

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: March 15, 2017

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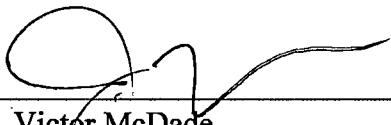
CERTIFICATE OF SERVICE

I certify that on March 15, 2017, I served a copy of this Motion to Dismiss on all parties, addressed as shown below:

Dan Temple
Post Office Box 372
Fultondale, AL 35068

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: March 15, 2017

DOYLE, TATE & McDADE, P.A.
Attorneys at Law
201 North Main Street, Suite 400
Post Office Box 2125
Anderson, South Carolina 29622

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

Phone: 864.224.7111
Fax: 864.226.1517
E-mail (McDade): jvmcdade@dotmlaw.com

March 15, 2017

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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IN RE: • Dan Temple v. Oconee County Sheriff's Dept.
• Appellate Case No.: 2016-001124

Dear Clerk of Court,

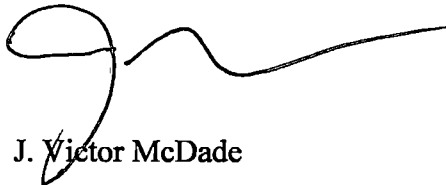
Enclosed please find an original and one copy of the *Respondent's Motion to Dismiss* along with the accompanying *Certificate of Service* for the above referenced matter. Please file the original, and return a certified copy to my office in the enclosed self addressed stamped envelope.

If you have any questions, please don't hesitate to contact me.

Best regards.

Very truly yours,

DOYLE, TATE & McDADE, P.A.



J. Victor McDade

JVM/mw
encl.



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

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