

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2015-CP-26-8179
Appellate Case No. 2016-002175

RECEIVED
APR 17 2017
SC Court of Appeals

Robert DeCiero,.....Appellant,

v.

Horry County, State of South Carolina,.....Respondent.

MOTION TO QUASH AMENDED NOTICE OF APPEAL

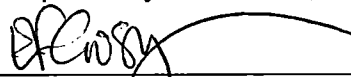
TO: Thomas C. Brittain, Attorney for Appellant

YOU WILL PLEASE TAKE NOTICE the Respondent, by and through undersigned counsel, hereby moves before the Court of Appeals for an Order quashing the Amended Notice of Appeal served March 31, 2017.

The grounds for this motion are the "Amended Notice of Appeal" dated March 29, 2017, served March 31, 2017, purports to appeal the circuit court's June 22, 2016 Order, filed July 19, 2016. This Notice of Appeal is time-barred. Rule 203(b)(1) SCACR. "The requirement of service of the notice of appeal is jurisdictional," *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004). The Amended Notice of Appeal, filed without a motion or leave of this Court, is out of time and should be quashed.

Rule 11 certification Counsel does not believe consultation with Appellant presents any reasonable chance for successful resolution.

Respectfully submitted,



Elise F. Crosby
CROSBY LAW FIRM, LLC
405 Dozier Street
Georgetown, South Carolina 29440
(843) 546-3103
Attorney for Respondent

Date: April 12, 2017
Georgetown, South Carolina

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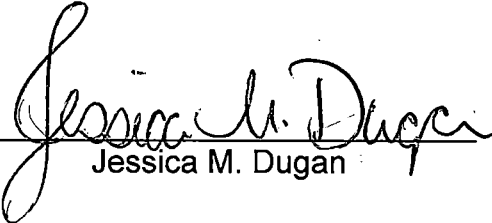
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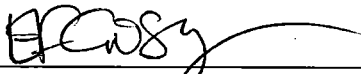
PROOF OF SERVICE

I, Jessica M. Dugan do hereby certify that I am an employee of THE CROSBY LAW FIRM, LLC, attorney for the Respondent in the above-referenced action, do hereby certify that I did this 12th day of April, 2017, by first class mail, postage prepaid, serve a copy of the **Motion to Quash Amended Notice of Appeal** on the following Attorney, addressed as follows:

Thomas C. Brittain, Esquire
The Brittain Law Firm, P.A.
4614 Oleander Drive
Myrtle Beach, SC 29577


Jessica M. Dugan

Sworn to before me this
12th day of April, 2017.


Notary Public for South Carolina
My Commission Expires: 10/10/2026



JOE M. CROSBY
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405 DOZIER STREET
GEORGETOWN, S. C. 29440
TEL: (843) 546-3103 FAX: (843) 546-0747
www.crosbyfirm.com

ELISE F. CROSBY*
ecrosby@crosbyfirm.com
*Certified Family Court Mediator

April 12, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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RE: *Robert DeCiero vs. Horry County, State of South Carolina*
Appellate Case No.: 2016-002175

Dear Ms. Kitchings:

Enclosed please find for filing in regards to the above-referenced case the original and six (6) copies of Respondent's Motion to Quash Amended Notice of Appeal, along with the Proof of Service and the \$25 filing fee.

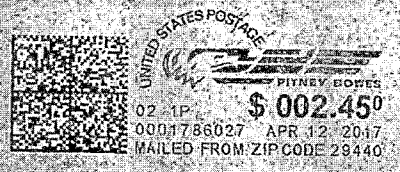
With kindest regards,

Respectfully yours,

Elise F. Crosby
Elise F. Crosby

EFC/jmd
Enc

cc: Thomas C. Brittain, Esquire ✓



Crosby Law Firm, LLC
405 Dozier Street
Georgetown, SC 29440

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