

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Tanya A. Gee, Circuit Court Judge

Appellate Case No. 2016-000066
Case No. 2015-CP-40-3381

RECEIVED
APR 21 2017
SC Court of Appeals

Terry Douglas Campbell, Appellant,

v.

The State of South Carolina, Director of South Carolina
Department of Corrections, Bryan Stirling, Warden Bernard McKie,
Officers Lt. McLaughlin and Aubrey Pounds, Respondents.

MOTION TO DISMISS APPEAL

Respondents the State of South Carolina, Director of South Carolina
Department of Corrections, Bryan Stirling, Warden Bernard McKie, Officers Lt.
McLaughlin and Aubrey Pounds respectfully move this Court for an Order
dismissing this appeal pursuant to Rule 260(a), SCACR, based on a failure by
Appellant to comply with the South Carolina Rules of Appellate Procedure.

Respondents' motion is based on the following grounds:

Following a motion by Respondents seeking a corrected record on appeal, this Court issued an Order, dated February 8, 2017, which provided Appellant with 20 days in which to file and serve a corrected record on appeal. According to the certificate of service on file with the Court, Appellant served the corrected record on appeal on February 21, 2017. Based on Rule 211(a), SCACR, Appellant then had until March 13, 2017 to file and serve his final brief.

To date, Appellant has not filed or served a final brief despite the passage of more than 30 days from its due date. Because this is the second motion necessitated by a failure to comply with the requirements of the Rules, Respondents respectfully submit that dismissal is warranted.

WHEREFORE, Respondents respectfully request that this Court enter an order dismissing this appeal Rule 260(a), SCACR, for failure by Appellant to comply with the South Carolina Rules of Appellate Procedure.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

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Counsel for Respondents

Columbia, South Carolina

April 21, 2017

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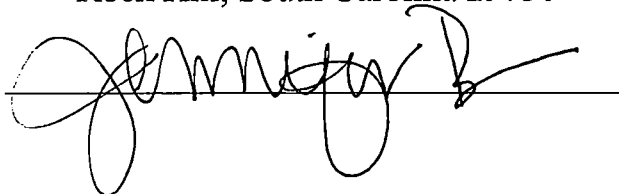
v.

The State of South Carolina, Director of South Carolina
Department of Corrections, Bryan Stirling,
Warden Bernard McKie, Officers Lt. McLaughlin
and Aubrey Pounds..... Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents, does hereby certify that service of the **Motion to Dismiss Appeal** in the above-captioned matter was made upon the *pro se* Appellant by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 21st day of April 2017:

Terry Douglas Campbell, #281286
Catawba Pre-Release
1030 Milling Road
Rock Hill, South Carolina 29730



DAVIDSON & LINDEMANN, P.A.

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April 21, 2017

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APR 21 2017

SC Court of Appeals

Hand Delivered

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

RE: Terry Douglas Campbell v. The State of South Carolina; Director of South Carolina Department of Corrections, Bryan Stirling; Warden Bernard McKie; Officers Lt. McLaughlin and Aubrey Pounds
Court of Appeals Number: 2016-000066
Civil Action Number: 2015-CP-40-3381
Claim Number: 09897
Our File Number: 103.9744

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion to Dismiss Appeal** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have not enclosed my firm's \$25.00 check for the filing fee since the Respondents are exempt from that fee.

By copy of this letter, I am serving copies on the *pro se* Appellant. Thank you for your assistance in this matter.

Very Truly Yours,

DAVIDSON & LINDEMANN, P.A.



Steven R. Spreewers

SRS/jmb
Enclosures

cc: Terry Douglas Campbell, #281286 (w/ Enclosure)