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THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Case Tracking No. 2016-1627

APPEAL FROM LEXINGTON COUNTY
Civil Action No. 2016-CP-32-263
G. Thomas Cooper, Circuit Court Judge

Jamal Gittens.....Appellant

vs.

John R. RakowskyRespondent

**MOTION TO DISMISS FOR
FAILURE TO COMPLY WITH APPELLATE COURT RULES**

A. Johnston Cox, SC Bar # 9081
Jessica A. Waller, SC Bar # 100256
Alonzo J. Holloway, SC Bar # 101755
GALLIVAN, WHITE & BOYD, P.A.
Post Office Box 7368
Columbia, SC 29202
(803) 779-1833

Attorneys for Respondent John R. Rakowsky

RECEIVED

JUL 25 2017

SC Court of Appeals

YOU WILL PLEASE TAKE NOTICE that Respondent, through his undersigned counsel, hereby gives notice of his intent to move, and does so move, for an Order of this Court dismissing the Appeal of Appellant pursuant to Rule 260(a) of the South Carolina Appellate Court Rules. The grounds for this motion is that Appellant has continually failed to comply with the Appellate Court Rules, including but not limited improper service of documents, improper briefing, and now, Appellant has currently failed to timely provide Respondent with the Record on Appeal as required by Rule 210, SCACR. In light of Appellant's repeated failure to comply with the requirements of the Appellate Court Rules, the appeal should be dismissed. *See State v. Burton*, 356 S.C. 259, 266, 589 S.E.2d 6, 9, n.5 (2003) ("A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.").

AND IT IS SO MOVED.

GALLIVAN, WHITE & BOYD, P.A.

By: 

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Attorneys for Respondent John R. Rakowsky

July 25, 2017

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PROOF OF SERVICE

I, the undersigned employee of Gallivan, White & Boyd, P.A., do hereby certify that I have caused the below referenced to be served via U.S. mail, postage prepaid, to the Appellant at the address shown below.

Motion to Dismiss for
Failure to Comply with Appellate Court Rules

Jamaal Gittens
1206 Marlene Street
Charlotte, NC 28208


Pro Se Appellant

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SC Court of Appeals

Date: July 25, 2017



Legal Assistant



Complex experience for complex matters

JESSICA A. WALLER
A member of the South Carolina Bar
Direct Dial: 803.724.1722
jwaller@GWBlawfirm.com

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SC Court of Appeals

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: *Jamaal Gittens v. John R. Rakowsky*
Appeal from Lexington County Case No. 2016-CP-32-263
SCCOA Case Tracking No. 2016-1627
GWB File No. 15-412

Dear Ms. Kitchings:

Enclosed for filing with your office is the original and seven copies of Respondent's Motion to Dismiss for Failure to Comply with Appellate Court Rules.

I would appreciate you filing the original and returning a clocked copy to me via our courier.

By copy of this letter, I am serving the above-referenced upon the *pro se* Appellant.

With kind regards, I am

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.

Jessica A. Waller

Enclosures

cc: Jamal Gittens (via U.S. Mail)

\$25⁰⁰ Check enclosed