

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas  
Thomas Cooper Circuit Court Judge  
PROOF OF SERVICE  
Case No. 2016-001627

RECEIVED

AUG 07 2017

SC Court of Appeals

Attn: Jenny Abbott Kitchen

I'm forwarding you a response to Attorney Cox Motion to dismiss, you will receive this by mail in a few days, this has been forwarded to Attorney Cox at Gallivan & White Boyd PA 1201 main street suite 1200 Columbia SC 29202

August 7, 2017

Sincerely

Jamaal A Gittens

1206 Marlene Street

Charlotte NC 28208

(704) 975-8173



\_\_\_\_\_

Type or printed notary name

\_\_\_\_\_ Seal

- Place Notary Signature Above -

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My commission expires

\_\_\_\_\_ Date

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SC Court of Appeals

Jamaal Gittens

V

John Rakowsky

Dismissal due to lack of improper services of summons

The argument shouldn't be that the documents wasn't sent restricted mail, it should be whether the recipient J Graham, forward it to John Rakowsky; if the defendant received the documents, there's no harm done. John Rakowsky couldn't be cross-examined, impeached; him not receiving service of summons is hearsay see SC civil procedures rule 801(c); Attorney Cox cannot admit affidavits in court, testify on behave of the witness, I wasn't aware the defendant John Rakowsky wasn't going to appear.

Dismissal Rule 210 SCACR

Attorney Cox should have moved for dismissal initially if he had concerns pertaining to Rule 210 SCACR, there's no detrimental reason for a dismissal, nothing has hindered the defense from presenting their legal argument; I did notify the court in Lexington that appeal will occur