

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No: 2015-002107

RECEIVED
FEB 02 2018
SC Court of Appeals

The State of South Carolina,

Respondant,

Vs.

Arnold Lea Ward,

Appellant,

APPELLANTS OBJECTION
AND
MOTION TO DISMISS
INITIAL BRIEF OF RESPONDANT

I, Arnold Lea Ward, Acting Pro-Se Appellant, Would move before this Honorable Court " Objecting and requesting a dismissal " to the submission of " Initial Brief of Respondant " Claiming such as Time-Barred.. Appellant filed a supportive " Motion of Default " showing that beyond any reasonable doubt respondant fail to comply with the South Carolina Appellate Court Rule, rule §208-(2), failing to file a reply brief in a Timely manner... (see): Appellant Motion for Default filed December 21,2017...

SUPPORTIVE FACTS

The Appellant Claims it was established respondant's first request for " Extension of Time " to be Moot and a act of enlargement of time. The Appellants reply to return of Motion of Default filed January 11, 2018, Clearly clarified respondants first request for Extension of time to be filed with courts (35) Thirty five Day's after Default... Thereby, The respondant fail to meet the requisite standards of Appellate Court Rules... (see): SCACR, rule §208-(2), [Reply Brief] and the Respondant's Return Motion of Default, Section #7, filed January 4,2018...

Appellant respectfully request from this Honorable Court please take notification of SCACR, rule §208-(4), "Quoting" that upon the failure of Appellant to file or serve a brief in a timely manner, would subject the Court Order of Dismissal... Thereby in viceversa, The failure of the respondent to file or serve a brief in a timely manner, should subject the Court Order of the same nature, Dismissing a submission of such a brief as Time-Barred... (see): State Vs. Tessnear 257 SC 290, 185 SE2d 611 , (1971)...

South Carolina Appellate Courts have reconized the failure of the respondent to timely file a brief is Deemed a waiver of right to assert it any further and Could Justify reversal... (see): Plyer Vs. Burns, 373 SC 637, 647 SE2d 188, (SC 2007), Turner Vs. Santee Cement Carriers Inc. 277 SC 91, 282 SE2d 858, (1981)... Furthermore, Where the respondent has not timely file a brief it is construed, Per-Se a "Confession of Error" and failing to Plead an affirmative defense... Thereby, Appellate Courts has found it proper to address the issue's as presented in Appellant's Brief as Unrebutted... (see): Parker Vs. Brown 208: WL: 9843970... Durham Vs. United Cos. Fin. Corp. 326 SC 463, 483 SE2d 786 (1997)...

South Carolina Appellate Court Rules, rule §501, Canon # 2-(A), The Judicial conduct rules, "Quoting" A Judge shall respect and/or comply with the law and shall act at all times in a manner that would promote public confidence in the integrity and impartiality of judiciary... The inactment of such rule is established to promote the interest of fairness to a applicant in pursuit of justice... (see): SCACR, rule § 501-Canon 3 2. [Commentary notes]...

Appellants submission of Objection and/or Motion to dismiss, Initial Brief of respondent as time-barred, is fairly supported by a perponderance of evidence in case law and/or the South Carolina Appellate court Rules, Through each and every application/petition that was submitted unto this respectful court... (see): Motion of default and objections to Extension of Time, filed december 21,2017 and Appellant's Reply to Return of Motion of Default, filed January 11,2018..Appellant Contends Courts failure to comply with such applicable Laws and/or Court Rules would be a miscarriage of Justice, failing to provide a fair and Justly adjudication on such legal action matter noted above... (see): SCACR, rule §208-(2)-(4)... (see): Initial Brief of Appellant and supportive documents in Designation of Matter... (see): Motion for Order Compelling Discovery for Grand Jury Transcript as Evidence, filed January 17; 2018...

CONCLUSION

FOR ALL SUBSTANTIAL REASONING STATED HEREIN ABOVE, Appellant would respectfully request this Honorable Court based on Rules of Courts to Grant the Motion to Dismiss the Initial Brief of Respondant as Time - Barred and submit a Judgement on the pleadings as Unrebutted, Applying the relief requested in the original Motion as a matter of Law...

Respectfully Submitted,



Mr. Arnold Lea Ward, SCDC #109169
Acting Pro-Se Attorney:
Allendale Correction Institution
Post-office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

Date: January 26, 2018:

(Other Parties of Record):

South Carolina Courts of Appeals:
Ms. Jenny Abbott Kitchings, Clerk"

South Carolina Attorney Generals Office:
Mr. Alan Wilson, Attorney General:

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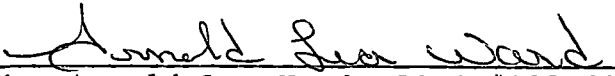
Appellant,

PROOF OF SERVICE

I do hereby certify that on the date addressed below, I have served the Parties of record listed below with Appellant's "Objection and Motion to Dismiss Initial Brief of Respondant"; By depositing copies of the same in the United States Mail, Postage prepaid....

Date: January 26, 2018:

Respectfully Submitted,


Mr. Arnold Lea Ward, SCDC #109169
Acting pro-Se Attorney:
Allendale Correction Institution
Post-Office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

(Other Parties of Record):

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Post-Office Box 11629
Columbia, South Carolina 29211

South Carolina Attorney Generals Office:
Mr. Alan Wilson, Attorney General:
Post-Office Box 11549
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Mr. Arnold Lea Ward, SCDC, # 109169
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January 26, 2018

South Carolina Court of Appeals:
Ms. Jenny Abbott Kitchings, Clerk
Post-Office Box 11629
Columbia, South Carolina 29211

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RE: Filing of Application:
Ward Vs. State: Appellate Case:2015-002107

Dear Honorable Clerk,

Please find enclosed for filing in your respectful Courts the Appellant **Objection and Motion to Dismiss Initial Brief of Respondant**, with a **Proof of Service** on all parties of record...

Appellant would respectfully request such be file and a clocked stamped copy and/or notification of recipience of such application be returned to the address listed above for personal files...

Appellant would like to take a moment to thank you and your office in advance for any or all assistance that may be provided in the helping to procure the legal matter stated herein above...

Respectfully Submitted,



Mr. Arnold Lea Ward, SCDC # 109169
Acting Pro-Se Attorney:

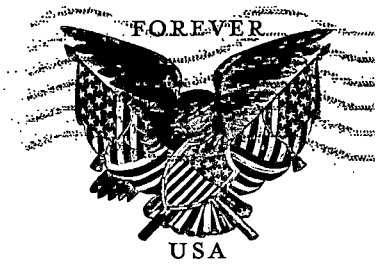
(Other Parties of record):

South Carolina Court of Appeals:
Ms. Jenny Abbott Kitchings, Clerk:

South Carolina Attorney Generals Office:
Mr. Alan Wilson, Attorney General:

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