

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
In the Court of Common Pleas
Carmen T. Mullen, Circuit Court Judge

RECEIVED

MAY 29 2018

Magistrate Court Arrest Warrant 2015A0710400456

Intermediate Appellate Case No. 2016-CP-07-1856

SC Court of Appeals

Appellate Case No. 2017-001046

THE STATE OF SOUTH CAROLINARESPONDENT,

v.

BRIAN J. MACDERMANT.....APPELLANT.

RESPONDENT’S MOTION TO STRIKE APPELLANT’S
FINAL BRIEF AND “INITIAL REPLY BRIEF”

I.

Respondent, the State of South Carolina, hereby moves, pursuant to Rules 208(a), 208(b), 211(a), & 267(e), of the South Carolina Appellate Court Rules, to strike Appellant’s “Final Brief” and Appellant’s “Initial Reply Brief,” both of which are dated April 12, 2018, and were recently submitted to this Court.

II.

In regard to Appellant’s Final Brief, the State moves to strike for three reasons. First, it does not “include proof that the final brief(s) has been served.” Rule 211(a), SCACR. Second, it does not include “a certificate that his final brief(s) complies with Rule 211(b).” Rule 211(a),

SCACR. Finally, it does not satisfy the required Form of Papers set forth in Rule 267 of the Appellate Court Rules because it does not have a proper cover. Rules 208(b)(8), 211(b), & 267(e), SCACR.

III.

In regard to Appellant's "Initial Reply Brief," the State moves to strike for two reasons. First, it was not timely filed or served "within ten days after service of respondent's brief." Rule 208(a)(3), SCACR. Second, it is not accompanied by a certificate of service. Rule 208(a)(3), SCACR.

IV.

WHEREFORE Respondent, the State of South Carolina, respectfully requests that this Court strike both Appellant's April 12, 2018 "Final Brief" and Appellant's April 12, 2018 "Initial Reply Brief."

Respectfully submitted,

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General

ISAAC MCDUFFIE STONE, III
Solicitor, Fourteenth Judicial Circuit

BY: 
J. Benjamin Aplin
S.C. Bar No. 8729

Office of the Attorney General
Post Office Box 11549
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(803) 734-3727

ATTORNEYS FOR RESPONDENT

Columbia, South Carolina
May 29, 2018

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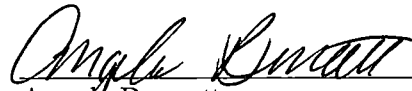
BRIAN J. MACDERMANT.....APPELLANT.

PROOF OF SERVICE

I, Angela Bennett, Legal Coordinator, hereby certify that I have served the within *Motion to Strike Appellant's Final Brief and "Initial Reply Brief*, dated May 29, 2018, on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record:

Brian MacDermant, *pro se*
15 Dulamo Bluff
St. Helena Island, South Carolina 29920

I further certified that all parties required by Rule to be served have been served. This 29th day of May, 2018.



Angela Bennett
Legal Coordinator

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

May 29, 2018

Brian MacDermant, *pro se*
15 Dulamo Bluff
St. Helena Island, South Carolina 29920

RECEIVED
MAY 29 2018
SC Court of Appeals

Re: State v. Brian J. MacDermant
Appellate Case No. 2017-001046

Dear Mr. MacDermant:

It has come to our attention that our *Motion to Strike Appellant's Final Brief and "Initial Reply Brief"* was sent to your previous address. I apologize for this mistake. We are herewith enclosing two (2) copies of the motion in the above-referenced case.

Sincerely,

J. Benjamin Aplin
Senior Assistant Deputy Attorney General
S.C. Bar No. 8729

JBA/ab
Enclosures

cc: Honorable Jenny A. Kitchings (original enclosed)
Victim Advocacy Division