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OCT 09 2018  
SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LAURENS COUNTY  
Court of Common Pleas

Frank R. Addy, Jr. Circuit Court Judge

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C.A. No. 2017-CP-30-0008  
Appellate Case No. 2017-001831

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MOSI BUNDU AND MALCOLM DJ WATTS..... Appellants,

v.

RICKY CHASTAIN, AS LAURENS COUNTY SHERIFF,  
MICHAEL GAINEY, SOCRATES D. LEDDA, AS LAURENS CITY  
POLICE CHIEF, JOHN DOE(S), LAURENS COUNTY SHERIFF'S  
DEPARTMENT, LOGAN KANIPE, AND LAURENS CITY POLICE  
DEPARTMENT..... Respondents.

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MOTION FOR DISMISSAL PURSUANT TO SCACR 260  
AND/OR MOTION TO CORRECT RECORD ON APPEAL

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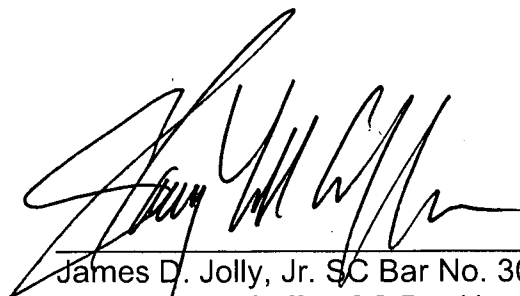
The Appellants have repeatedly failed to comply with the Appellate Court rules with regard to request of the transcript, service of documents, content of documents, and form of documents and have been given repeated opportunities to correct the deficiencies. Each deficiency that needs to be corrected results in additional time and cost for the Respondents. Based thereon, the Respondents hereby request a dismissal of the appeal pursuant to SCACR 260(a) due to the

Appellants' repeated failure to comply with the requirements of the Appellate Court rules.

In the alternative, Respondents object to the Appellants' Record on Appeal based on the following grounds:

1. To date, the Record on Appeal has not been served on the Appellants. This applies to the Record filed on September 24, 2018 as well as the Record filed on October 1, 2018.
2. The Record on Appeal does not include the following documents which were listed in the Respondents' Designation of Matter:
  - a. Answer on behalf of Socrates Ledda, Sgt. Michael Gainey, and Officer Logan Kanipe, filed February 16, 2017;
  - b. Motion to Dismiss Under 12(b)(6), filed February 16, 2017;
  - c. Memorandum in Support of Motion to Dismiss under Rule 12(b)(6);
  - d. Transcript of Motion to Dismiss hearing held before Judge Frank Addy, Jr. on June 1, 2017;
  - e. Request/Motion to Vacate filed by Appellants on June 2, 2017;
  - f. Transcript of hearing held before Judge Frank Addy, Jr. on August 1, 2017.
3. The Record on Appeal filed on October 1, 2018, presumably in response to the Clerk of Court's deficiency letter dated September 28, 2018, inexplicably fails to comply with the clear instructions of the letter pertaining to proof of service, pagination, certificate of counsel, and form of the caption.

At a minimum, Respondents request that the Appellants be directed to include the documents, listed above, from the Appellants' Designation of Matter in their Record on Appeal, to comply with the filing requirements as set forth in the Clerk's letter, and to re-serve the Record of Appeal.



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Attorneys for Attorneys for Respondents  
Ledda, Gainey, Kanipe, and Laurens City  
Police Department

Anderson, South Carolina  
Date: October 4, 2018

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MOSI A. BUNDU AND MALCOLM DJ WATTS..... Appellants,

v.

RICKY CHASTAIN, AS LAURENS COUNTY SHERIFF,  
MICHAEL GAINEY, SOCRATES LEDDA, AS LAURENS CITY POLICE CHIEF,  
JOHN DOE(S), LAURENS COUNTY SHERIFF'S DEPARTMENT, LOGAN  
KANIPE, AND LAURENS CITY POLICE DEPARTMENT..... Respondents.

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**PROOF OF SERVICE**

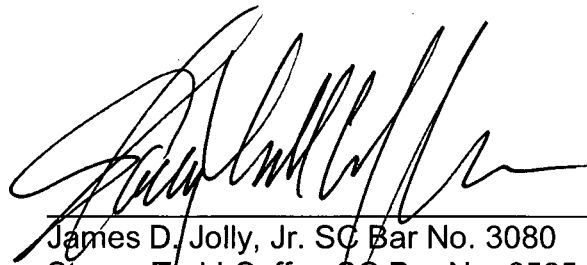
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I certify that I have served the MOTION FOR DISMISSAL PURSUANT TO SCACR 260 AND/OR MOTION TO CORRECT RECORD ON APPEAL on the above-named *pro se* Appellants, and counsel for Respondent Chastain by mailing to them, first-class postage pre-paid, at the following addresses:

Mosi A Bundu  
206B Mock St.  
Laurens, SC 29306

Malcolm DJ Watts  
1935 Curry Road  
Laurens, SC 29360

Russell W. Harter, Jr.  
Chapman, Harter & Harter  
14 Lavinia Ave.  
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Attorneys for Respondents Ledda,  
Gainey, Kanipe, & Laurens City Police Dept.

Anderson, South Carolina

Date: 10/4/18

# LOGAN & JOLLY, L.L.P

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October 4, 2018

Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

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Re: Mosi A. Bundu and Malcolm DJ Watts v. Ricky Chastain, as Laurens County Sheriff, Michael Gainey, Socrates D. Ledda, as Laurens City Police Chief, John Doe(s), Laurens County Sheriffs Department, Logan Kanipe, and Laurens City Police Department  
Case No. 2017-CP-30-0008  
Appellate Case No. 2017-001831

Dear Ms. Kitchings:

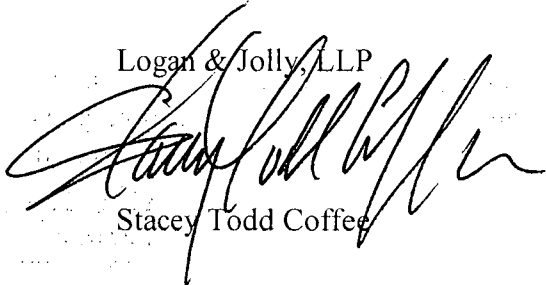
Please find enclosed for filing and consideration the Respondents' Motion for Dismissal and/or Motion to Correct Record on Appeal, as well as a Certificate of Service in the above-referenced matter. Please return a clocked in copy of the same to me in the enclosed self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me.

With kind regards, I remain,

Yours very truly,

Logan & Jolly, LLP

  
Stacey Todd Coffee

STC:hgc

Enclosures

cc: Mosi A. Bundu  
Malcolm DJ Watts  
Russell Harter, Esq.



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