

STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2016-002367

Cedric L. Woods#265789,.....Appellant.

v.

State of South Carolina,.....Respondent.

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**MOTION TO DISMISS**

**&**

**MEMORANDUM IN SUPPORT OF MOTION TO DISMISS<sup>1</sup>**

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The State files this motion to dismiss under Rule 240(a), SCACR

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<sup>1</sup> Under Rule 240(c)(1)-(3), a motion shall include a certificate of service, a memorandum with citation of authorities, and, “where the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their positions.” Although the Record on Appeal or Appendix has not been filed, the State does not think affidavits or other documents are necessary, because the motion and memorandum reference the date upon which the Appellant filed his amended initial reply brief, which is part of the appellate record. If the Court disagrees, the State will accordingly supplement the motion and memorandum.

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**MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

Mr. Woods served his amended initial reply brief on August 16, 2018, and it was filed with the Clerk of Court on August 21, 2018. Then, Mr. Woods had to file the Record on Appeal within thirty days after service of the last brief, which was his amended initial reply brief. Rule 210(a), SCACR. The record on appeal was due on September 17, 2018. Mr. Woods failed to file the record on appeal. Neither Mr. Woods nor the State can submit their final briefs without the record on appeal. Rule 211(b)(1), SCACR. Ample time has passed for Mr. Woods to file the record on appeal. Consequently, this Court should dismiss Mr. Woods' appeal.

**CONCLUSION**

Mr. Woods' did not file the record on appeal on time and has yet to file it. This prohibits the parties from filing final briefs. Consequently, the Court should dismiss this appeal.

Respectfully submitted,

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October 8, 2018

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**PROOF OF SERVICE**

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I certify that I served the Appellant with copies of the Respondent's Motion to Dismiss and Response to Motion for Summary Judgment via U.S. mail. The copies were sent to the following address:

Cedric Woods #00265789  
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P.O. Box 1151  
1057 Revolutionary Trail  
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OCT 08 2018

**SC Court of Appeals**

Mailed October 8, 2018

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