

The South Carolina Court of Appeals

Bruce Schultze, Respondent,

v.

Stephen A. Brown, Individually and as manager of Pure Market Solutions, LLC, Pure Market Solutions, LLC, SLK, LLC, and John Doe, Defendants,

Of whom Stephen A. Brown, Individually and as manager of Pure Market Solutions, LLC and Pure Market Solutions, LLC, SKL, LLC, are the Appellants.

Appellate Case No. 2017-002504

ORDER

This appeal has been pending with this court since December 7, 2017. On January 17, 2018, this court remanded the case to the circuit court for the limited purpose of allowing the circuit court to hear the motions relating to sanctions that were pending at the time of the appeal. As of Respondent's last status update, the circuit court had scheduled a sanctions hearing for April 3, 2018; however, the circuit court had to continue the sanctions hearing because Appellant Stephen A. Brown could not be personally served at his last known address, his attorney refused service on his behalf, and Appellant Brown had not yet been picked up on his active bench warrant form June 30, 2017. Because Appellant Brown has remained a fugitive and Appellant Brown's fugitive status has significantly affected the appellate process he now seeks to utilize, this court finds it appropriate to dismiss this appeal pursuant to the fugitive disentitlement doctrine. *See Scelba v. Scelba*, 342 S.C. 223, 229, 535 S.E.2d 668, 671 (Ct. App. 2000) ("In order for an appellate court to invoke the fugitive disentitlement doctrine to dismiss an appeal, two prerequisites must be met: (1) the appellant must be a fugitive; and (2) there must be a connection between the fugitive status and the appellate process the appellant seeks to utilize."). The remittitur will be sent as required by Rule 221, SCACR.

Joseph M. McCulloch, Jr.
FOR THE COURT

Columbia, South Carolina

cc:
Frank Anthony Barton, Esquire
Joseph M. McCulloch, Jr., Esquire

FILED
January 9, 2019