

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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AUG 05 2019  
SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Summary Court

The Honorable Tera Richardson, Magistrate  
The Honorable Brian Gibbons, Circuit Court Judge in Appellate Capacity

Appellate Case No. 2019-001067

Christopher Huggins ..... Respondent,

v.

The State of South Carolina ..... Appellant.


**MOTION TO DISMISS**

Pursuant to Rule 260, SCACR, the Respondent Christopher Huggins (Huggins) moves for dismissal of this appeal due to Appellant's failure to timely file his initial brief and designation of matter to be included in the record on appeal.

The Notice of Appeal in this case was filed on or about June 28, 2019 pursuant to South Carolina Appellate Case Management System website. Rules 208 and 209, SCACR requires the Brief of Appellant and Designation of Matter to be Included in the Record on Appeal (hereinafter, "Designation") to be filed within thirty (30) days after service of the notice of appeal in cases in which no transcript needs to be ordered. In this

case, that means Brief of Appellant and Designation were due to be filed by no later than July 29, 2019.<sup>1</sup>

Thus, due to Appellant's failure to timely file Brief of Appellant and Designation, Respondent Huggins moves for dismissal of this appeal with prejudice.

  
ADAM J. RUSSO., SC Bar # 78676  
JAMES E. COURTNEY, SC Bar # 76185  
Drennan Law Firm  
1350B Chuck Dawley Blvd.  
Mount Pleasant, South Carolina 29464  
Telephone: (843) 606-2970  
Facsimile: (843) 606-2971  
adamrusso@drennanlawfirm1.com  
jimcourtney@drennanlawfirm1.com  
Counsel for the Respondent

August 1, 2019  
Mount Pleasant, South Carolina

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<sup>1</sup> The Notice of Appeal was served via US mail on June 26, 2019. The month of June has 30 days. Pursuant to the appellate case management system website, it was filed on June 28, 2019. Thus, normally the Brief of Appellant and Designation would have been due on July 28, 2019, but July 28, 2019 was a Sunday. So, pursuant to Rule 263, SCACR the time to file the Brief of Appellant and Designation automatically extended to Monday, July 29, 2019.

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Appellate Case No. 2019-001067

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Christopher Huggins.....Respondent,  
v.  
The State of South Carolina..... Appellant.

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PROOF OF SERVICE

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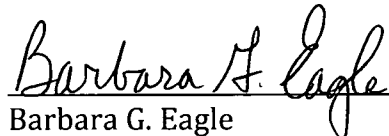
I do hereby certify that I have served the Motion to Dismiss in the above-captioned action, by depositing it in the United States Mail, postage prepaid on this 2<sup>nd</sup> day of August, 2019, addressed to:

Alan C. Wilson, Attorney General  
SC Attorney General's Office  
P.O. Box 11549  
Columbia, SC 29211-1549  
(803) 734-3596

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SC Court of Appeals



Barbara G. Eagle  
Case Manager Specialist  
Drennan Law Firm, LLC

Mt. Pleasant, South Carolina  
August 2, 2019

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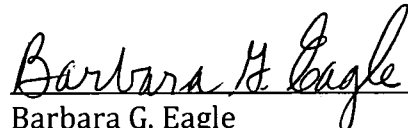
I do hereby certify that I have served the Motion to Dismiss in the above-captioned action, by depositing it in the United States Mail, postage prepaid on this 2<sup>nd</sup> day of August, 2019, addressed to:

Marcus Gore, General Counsel  
South Carolina Department of Public Safety  
Office of General Counsel  
P.O. Box 1993  
Blythewood, SC 29016  
(803) 896-7965  
Attorney for Appellant

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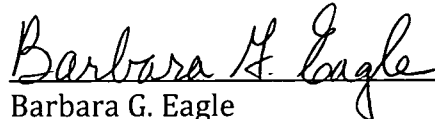
I do hereby certify that I have served the Motion to Dismiss in the above-captioned action, by depositing it in the United States Mail, postage prepaid on this 2<sup>nd</sup> day of August, 2019, addressed to:

Tekla Henderson, Assistant General Counsel  
South Carolina Department of Public Safety  
Office of General Counsel  
P.O. Box 1993  
Blythewood, SC 29016  
(803) 896-7965  
Attorney for Appellant

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Mt. Pleasant, South Carolina  
August 2, 2019

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August 2, 2019

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: State v. Christopher Huggins  
Motion to Dismiss Appeal  
Appellate Case No. 2019-001067

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Dear Clerk of Court:

Drennan Law Firm Represents the above-named defendant.

I am writing to you in regards to the above-referenced case. Please find enclosed an original and eight copies of the Motion to Dismiss Appeal and Certificates of Service for the same. I respectfully request that you file these documents and return any extraneous clocked copies to us in the enclosed self-addressed stamped envelope.

If you have any questions, please feel free to give our office a call.

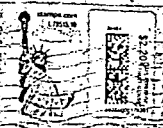
Sincerely,

Adam J. Russo, Esq.

ADJ/bge  
Enclosures

1350-B Chuck Dawley Blvd

1350-B Chuck Dawley Blvd  
Mt. Pleasant, SC 29464  
FRI 05 AUG 2019



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