

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J. C. Nicholson, Jr., Circuit Court Judge
Trial Court Case No. 2017-CP-10-03226

Appellate Case No. 2017-002621

RECEIVED
AUG 07 2019
SC Court of Appeals

John Gilbert Singletary,Appellant,

v.

The State,Respondent.

RESPONSE IN OPPOSITION
TO MOTION FOR LEAVE TO FILE SECOND AMENDED INITIAL BRIEF

NOW COMES the State and opposes the Appellant’s motion for leave to file a second amended initial brief. The State notes as an initial matter that the Motion, along with a motion to terminate and a request for sanctions was filed with the court on July 23, 2019. There is no date on the certificate of service showing when they were served on the State, but the envelope in which the motions arrived at the undersigned counsel’s office on July 29, 2019, was dated July 27, 2019, four days after it was filed with the court.

According to the motion, Appellant Singletary has now terminated his second attorney on this appeal. Up to now, Singletary has been represented by counsel at all stages in this appeal. This motion to file a second amended initial brief is yet another of the Appellant’s many delay tactics

designed to prevent this court from considering the appeal and is based solely on an unsupported conspiracy theory. This appeal was initially filed December 27, 2017, and is an appeal of a municipal court conviction from 2010. The timeline of this appeal has included three extensions on the original initial brief and three extensions on the Record on Appeal. On the eve of the deadline on the third extension of time to file the Record on Appeal, Mr. Singletary hired attorney Michael McMullen.

McMullen filed a motion to cancel out the first eight months and three briefs of this appeal and start the appeal from the beginning by submitting a new initial brief and designation of matter. The court granted the motion. Mr. McMullen timely submitted his initial brief, the undersigned submitted a Response and McMullen submitted a Reply as well as an Amended Reply. The undersigned provided a copy of all documents designated by her to McMullen to assist him in preparing the Record on Appeal. The Record was filed on July 15, 2019. On July 16, 2019, Mr. Singletary apparently terminated Mr. McMullen's services (per letter filed by Mr. Singletary). Now, on the eve of the deadline to file Final Briefs, Mr. Singletary is asking for yet a third bite at this appellate apple. He wants more time to hire yet another attorney to submit yet another initial brief. This should not be permitted.¹

Appellant's argument in his *pro se* motions, is that there is some kind of conspiracy between McMullen and the undersigned. There is no basis for such an allegation. Neither attorney even knew the other existed until McMullen entered his appearance in this matter. There is no evidence of collusion or conspiracy. As to the remaining allegations – request for default, request for sanctions, request for discover [sic] – the State opposes all. First, there is no basis upon which to enter any type of default in this court. There is no basis on which to ask for discovery at this

¹ For further information on the history of this appeal, please see Respondent's opposition to the first Motion to file Amended Initial Brief.

late stage. Counsel for the State also asserts that Appellant has stated no basis for sanctions as to any attorney involved in this matter. Appellant has concocted conspiracy theories that include people too numerous to list here, many of whom have never even met. *See Singletary v. North Charleston et al.* 2:15-cv-04463-MBS (D.S.C.) (dismissed at motion to dismiss stage). Now he has included counsel in this vast and never-ending conspiracy.

The State consents to the motion to relieve Michael McMullen as counsel for Mr. Singletary, but opposes all other motions (request to amend initial brief, request for default, request for sanctions, request for discover [sic], and request find new counsel). Appellant is not entitled to multiple do-overs. He hired his counsel, and based on the e-mails that he filed, it appears that he had quite a bit of input into the briefs that were filed. It is unreasonable to allow Appellant to re-start this appeal over and over again. Two attorneys have already filed briefs in this case, and the briefs are substantially the same. Nothing new has developed in this case to support a request for another round of initial briefing.²

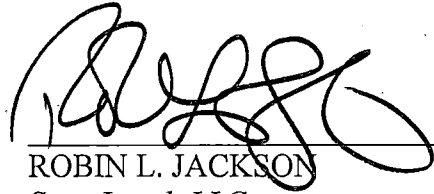
The State asks this court to deny the motion and give the Appellant ten (10) days to file his Final Brief or have the appeal dismissed.³

{Signature Page Follows}

² The e-mail from Mayer to Judge Coleman is not new. Singletary's own submission shows that Mayer forwarded that e-mail string to Mr. Singletary on June 16, 2017 "for your records". Therefore, Singletary has had this e-mail correspondence since before this appeal was filed.

³ In the alternative, if the court considers allowing the Appellant to submit a second amended Initial Brief, Respondent asks that the Appellant be ordered to pay for Respondent's attorney's fees and costs for the preparation of the original brief and designation of matter, the second initial brief and the second designation of matter and further order that they be paid prior to the submission of second amended briefs. The undersigned is willing to submit an affidavit of fees and costs on this issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rob L. Jackson', written over a horizontal line.

ROBIN L. JACKSON

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Attorney for the State (Respondent)

August 5, 2019
Charleston, SC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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J. C. Nicholson, Jr., Circuit Court Judge
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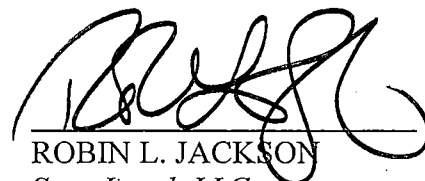
John Gilbert Singletary, Appellant,

v.

The State, Respondent.

PROOF OF SERVICE

I certify that I have served the State's Opposition to Appellant's Motion to File Second Amended Initial Brief, and for other miscellaneous relief on the *pro se* appellant, by depositing a copy of the same in the United States Mail, postage prepaid, on August 5, 2019, addressed to John G. Singletary, 4321 Waterview Circle, North Charleston, SC 29418.



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August 5, 2019

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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RE: John Gilbert Singletary v. The State
Appellate Case No. 2017-002621

Dear Madame Clerk:

Enclosed for filing please find Respondent's Response in Opposition to Appellant's Motion for Leave to File Second Amended Initial Brief along with six (6) copies pursuant to SCAR Rule 240(e). If you would, please file the same. One additional copy is also included to be filestamped and returned to me in the enclosed envelope. Counsel for Appellant is being served with copies of these pleadings on today's date as referenced by the attached Proof of Service.

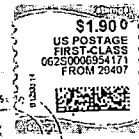
Thank you and with kind regards, I am,

Sincerely,

Robin L. Jackson

RLJ/vs
Enclosures

cc: John Singletary, Pro Se



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Post Office Box 12279
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The Honorable Jenny Abbott Kitchings
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