

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Appellate Case No. 2019-001067

RECEIVED
AUG 13 2019
SC Court of Appeals

The State.....Appellant,

v.

Christopher Huggins.....Respondent.

RETURN TO RESPONDENT'S MOTION TO DISMISS

Pursuant to South Carolina Appellate Court Rule 240(e), the State of South Carolina ("Appellant") submits the following Return in response to the Motion to Dismiss filed by Christopher Huggins ("Respondent").

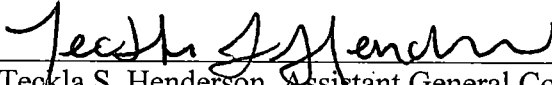
On June 28, 2019, Appellant filed its Notice of Appeal with the South Carolina Court of Appeals ("the Court") seeking relief from a final order issued by The Honorable Brian M. Gibbons of the Dorchester County Court of Common Pleas. The Court subsequently issued its initial letter acknowledging receipt of the appeal on July 9, 2019. Subsequently, Respondent filed a motion arguing that this appeal should be dismissed pursuant to South Carolina Appellate Court Rules 208 and 209. Specifically, Respondent asserts that this matter does not require the filing of a transcript and therefore, Appellant's

initial brief and designations to be included in the Record on Appeal have not been timely filed with the Court. Respondent's motion was received by Appellant on August 5, 2019.

In response, Appellant argues, contrary to Respondent's assertion, a transcript of the oral argument heard before Judge Gibbons is essential to this appeal to prove Appellant preserved specific issues of law for review by this Court. Appellant acknowledges that it had a duty to order the transcript within ten (10) days of service of its Notice of Appeal, or no later than July 8, 2019, and that it failed to do so. Rule 207(a)(1), SCACR. This delay was inadvertent and unintentional. Insofar as the underlying criminal charges giving rise to this appeal were dismissed, Respondent has not suffered any prejudice as a result of this technicality.

Based upon the foregoing, Appellant requests that Respondent's Motion to Dismiss be denied. Appellant is contemporaneously filing its Motion to Order Transcript Out of Time and prays that its motion be considered by the Court.

August 9, 2019


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PROOF OF SERVICE

I do hereby certify that I have served the Return to Respondent's Motion to Dismiss in the above-captioned action, by depositing it in the United States Mail, postage prepaid, on this 9th day of August, 2019, addressed to the Honorable Jenny Abbott Kitchings, Clerk of the Court of Appeals of South Carolina, Post Office Box 11629, Columbia, South Carolina 29211.

Paula Davis

Paula Davis, Paralegal
Office of General Counsel
South Carolina Department of Public Safety

Blythewood, South Carolina
August 9, 2019



South Carolina Department of Public Safety

OFFICE OF GENERAL COUNSEL

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August 9, 2019

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

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SC Court of Appeals

RE: The State of South Carolina, Appellant v. Christopher Huggins,
Respondent
Appellate Case No.: 2019-001067

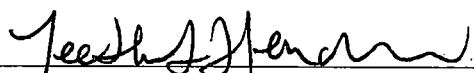
Dear Ms. Kitchings:

Enclosed for filing is a Return to Respondent's Motion to Dismiss and a Motion to Order Transcript Out of Time in the above case. Also enclosed is proof of service of the same on Respondent's counsel.

No filing fee is included pursuant to SCACR 240(d).

Please do not hesitate to contact me, should you have any questions or concerns.

Very truly yours,



Teckla S. Henderson,
Assistant General Counsel

cc: Adam J. Russo, Esquire
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(843) 606 - 2970
Attorney for Respondent