

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM DORCHESTER COUNTY

AUG 23 2019

Summary Court

The Honorable Tera Richardson, Magistrate **SC Court of Appeals**

The Honorable Brian Gibbons, Circuit Court Judge in Appellate Capacity

Appellate Case No. 2019-001068

Tyler Evans. Respondent,

v.

The State of South Carolina Appellant.

MOTION TO DISMISS

Pursuant to Rule 260, SCACR, the Respondent Tyler Evans (Evans) 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, 2019.¹

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



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JACK C. FROST, SC Bar # 103633
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Counsel for the Respondent

August 13, 2019
Summerville, South Carolina

¹ 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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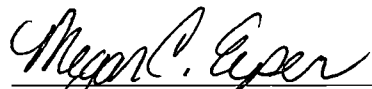
Tyler Evans. Respondent,

v.

The State of South Carolina Appellant.

PROOF OF SERVICE

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 13th 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.


Megan C. Euper, Paralegal
Frost Law Group, LLCp

August 13, 2019
Summerville, South Carolina

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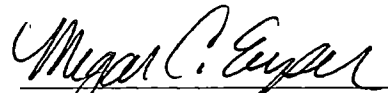
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I do hereby certify that I have served the Motion to Dismiss in the above -captioned action, by depositing it in the United States Mail, Postage prepaid, on this 13th day of August 2019, addressed to Teckla S. Henderson, Assistant General Counsel, South Carolina Department of Public Safety, Office of General Counsel, Post Office Box 1993, Blythewood, South Carolina 29016.


Megan C. Euper, Paralegal
Frost Law Group, LLC

August 13, 2019
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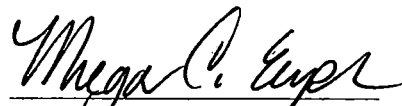
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PROOF OF SERVICE

I do hereby certify that I have served the Return on Appellants Motion/Motion to Dismiss in the above -captioned action, by depositing it in the United States Mail, Postage prepaid, on this 22nd 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.


Megan C. Euper, Paralegal
Frost Law Group, LLC

August 22, 2019
Summerville, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM DORCHESTER COUNTY

Summary Court

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The Honorable Brian Gibbons, Circuit Court Judge in Appellate Capacity

Appellate Case No. 2019-001068

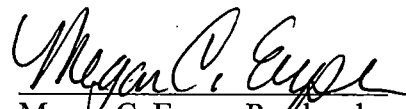
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PROOF OF SERVICE

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Megan C. Euper, Paralegal
Frost Law Group, LLC

August 22, 2019
Summerville, South Carolina



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August 22, 2109

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

Re: The State of South Carolina, Appellant v. Tyler J. Evans, Respondent
Appellate Case No.: 2019-001068

Dear Judge Kitchings:

Enclosed for filing is Respondent's Return on Appellants Motion/Motion to Dismiss in the above referenced matter. Also enclosed is the proof of service of the same on Appellant counsel.

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

Please do not hesitate to reach out to our office with any questions or concerns.

Best regards,

Megan C. Euper
Paralegal to Tara L. Frost Esquire
Paralegal to Jack C. Frost Esquire

Cc: Teckla S. Henderson, Assistant General Counsel
South Carolina Department of Public Safety
Office of General Counsel
Post Office Box 1993
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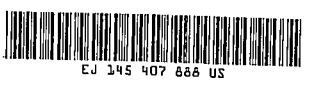
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