

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal From The Administrative Law Court
The Honorable S. Phillip Lenski, Administrative Law Judge

SC Court of Appeals

Case No: 2018-ALJ-21-0201

Appellate Case No. 2019-000389

ALIEO GARGA-RICHARDSON APPELLANT

v.

SOUTH CAROLINA DEPARTMENT OF PROBATION,
PAROLE AND PARDON SERVICES and
SOUTH CAROLINA DEPARTMENT
OF MOTOR VEHICLES RESPONDENTS

MOTION TO DISMISS.

Comes now, the Department of Probation, Parole and Pardon Services via its counsel with this Motion to Dismiss, and shows the Court as follows:

The Appellant moved for an extension of time in which to file the Record on Appeal (the Record). The Court granted this motion with an order filed October 11, 2019 extending time to

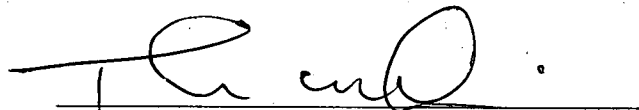
file the Record through November 8, 2019. As of today's date, the Respondent has not been served with a copy of the Record, nor does it appear to have been filed with the Court.¹

The Court's October 11 order is not the first extension of time to file the Record the Court has granted. The Appellant initially failed to make a timely filing of the Record, but was granted an extension of time to file it on September 11, 2019. After that the Appellant filed the Record, but was advised by the Clerk in a letter dated September 23, 2019 of various deficiencies he was to remedy within ten days of that date. He failed to do so, but moved the Court for a further extension, which was granted in the October 11 order. Now he has failed to comply with the October 11 order.

The Respondent is mindful of the challenges facing pro se litigants. However, a person who knowingly decides to represent himself "assumes full responsibility for complying with substantive and procedural requirements of the law." State v. Policao, 402 S.C. 547, 558, 741 S.E.2d 774, 779-80 (Ct. App. 2013) (quoting State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003)). "Lack of familiarity with legal proceedings is unacceptable and the court will not hold a layman to any lesser standard than is applied to an attorney." Goodson v. American Bankers Ins. Co. of Florida, 295 S.C. 400, 403, 368 S.E.2d 687, 689 (Ct. App. 1988).

For these reasons the Respondent respectfully requests that the Court dismiss the appeal.

Respectfully submitted,



Thomas W. Nicholson, Esq.
Legal Counsel

South Carolina Department of Probation,

¹ By review of the public records available via the South Carolina Appellate Case Management System.

Parole and Pardon Services
P.O. Box 50666
Columbia, South Carolina 29250
(803) 734-9220

Attorney for the Respondent

Columbia, South Carolina
November 15, 2019

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
The Honorable S. Phillip Lenski, Administrative Law Judge
Case No.: 18-ALJ-21-0201

Appellant Case No. 2019-000389

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ALIEO GARGA-RICHARDSON.....RESPONDENT

v.

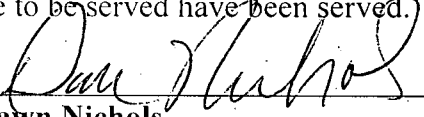
S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES,.....APPELLANT

CERTIFICATE OF SERVICE

I, Dawn K. Nichols, Executive Assistant to counsel for Respondent, certify that I have served the within Motion to Dismiss dated November 15, 2019, on Appellant this 15th day of November, 2019, by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Alieo Garga-Richardson, Pro Se
1435 Ebinport Road
Rock Hill, S.C. 29732

I further certify that all parties required by Rule to be served have been served.



Dawn Nichols
Executive Assistant
South Carolina Department of Probation,
Parole, and Pardon Services
P. O. Box 50666
Columbia, South Carolina 29250

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JERRY B. ADGER
Director

293 GREYSTONE BLVD
POST OFFICE BOX 207
COLUMBIA, SOUTH CAROLINA 29202
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.dppps.sc.gov/

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SC Court of Appeals

November 15, 2019

The Honorable Jenny Kitchings
Clerk of the S.C. Court of Appeals
P. O. Box 11629
Columbia, South Carolina 29211

Re: Alieo Garga-Richardson v. SCDPPPS

Dear Ms. Kitchings:

Enclosed please find the original and six copies of Respondent's Motion to Dismiss in the above captioned matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas W. Nicholson".

Thomas W. Nicholson
Legal Counsel

TWN:dn

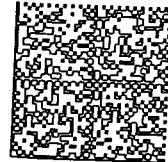
Enclosures

cc: Alieo Garga-Richardson, Pro Se

State of South Carolina

Department of Probation, Parole, and Pardon Services

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The Honorable Jenny Kitchings
Clerk of the S.C. Court of Appeals
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