

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

RECEIVED

JAN 02 2020

SC Court of Appeals

Appellate Case No. 2017-002621

John Gilbert Singletary, Appellant,

v.

The State, Respondent.

OPPOSITION TO MOTION TO REINSTATE APPEAL

The State comes now to advise the court that it is in receipt of the Order providing the appellant with twenty additional days to file and serve his final briefs. This is an order in response to a motion that the State now knows was filed on November 4, 2019. The State asserts that at no time between November 4 and the date of this filing has the below signed attorney ever received any service of the November 4, 2019 motion, and had no knowledge of it until she received the December 19, 2019 Order on December 24, 2019. Additionally, the State points out that the last page of the motion with the certificate of service, is not even for the documents that he filed on November 4, 2019.

The State opposes any request to re-open this appeal or to allow the Appellant to file his final briefs at this time. This opposition is based on the following timeline:

July 15, 2019 – Record on Appeal filed by Appellant’s former counsel

July 16, 2019- the Undersigned was notified by Mr. McMullen that Mr. Singletary had terminated his representation and that he would be filing a motion to be relieved

July 24, 2019 – Motion to be relieved as counsel filed by Appellant’s former counsel

August 7, 2019 – Order relieving Mr. McMullen as counsel and staying the appeal for thirty days for new counsel to appear

September 18, 2019 – Letter from the Court setting the deadline for final briefs within 20 days

September 24, 2019- Respondent State filed its final briefs

October 23, 2019 – when no final brief was filed by the Appellant, the Court issued an order dismissing the matter¹

This appeal has been going on for almost two years and the Appellant has already been granted one opportunity to completely start over with his briefing. Appellant’s counsel was relieved in July. Mr. Singletary had access to the entire Record on Appeal and the briefs as they were already filed with the court. Additionally, the undersigned has received confirmation from Mr. McMullen that he provided copies of all documents to Mr. Singletary as far back as July, 2019. Additionally, the Record on Appeal was e-mailed to both the undersigned and the Mr. Singletary. The undersigned does not know about any USB stick, but does assert that even if the Appellant

¹ This is a mini timeline of the last sequence of events. This timeline does not include the fact that this appeal was completely started over with a second round of initial briefs at the beginning in April 2019 after four extensions of time for the Appellant on the first round of briefs.

hires new counsel, the briefs are already submitted and the only remaining task after the filing of the Record on Appeal was to update the brief with cites to the record and submit the final brief. Appellant has provided no legitimate argument for why he did not file his final brief. Any further motions to start the appeal over yet again or further amend the briefs, are opposed by the State and the State further asserts that such would be unreasonable in light of the fact that nothing has changed throughout either briefing process. Appellant's unsupported conspiracy theories are not sufficient to delay this matter further and put the State to additional time and expense to re-brief this matter for a third time.

Further, Appellant had two months after his attorney was relieved as counsel to obtain the USB stick from his attorney if it was important to him. At no time between July 24, 2019 and the deadline set by the court for the filing of final briefs in October, did Mr. Singletary ever make any effort to notify the court of his alleged difficulties. Instead, he waited until almost two weeks after the Court dismissed the Appeal and issued a remittitur to ask for more time and make unsupported allegations that have nothing to do with the underlying appeal itself. Because there is no legitimate basis to reinstate this appeal, the State asks this court to deny Appellant's motion.



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December 30, 2019

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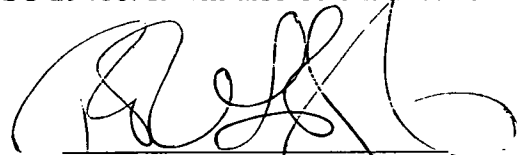
John Gilbert Singletary, Appellant,

v.

The State, Respondent.

PROOF OF SERVICE

I certify that I have served the State's Opposition to Appellant's Motion to Reinstate Appeal, 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 December 30, 2019, addressed to John G. Singletary, 4321 Waterview Circle, North Charleston, SC 29418. It will also be e-mailed to him at John@Singletaryphotography.com



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December 30, 2019

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

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SC Court of Appeals

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

Dear Madame Clerk:

Enclosed for filing please find Respondent's Opposition to Appellant's Motion to Reinstate Appeal. One additional copy is also included to be filestamped and returned to me in the enclosed self-addressed, stamped envelope. The *pro se* Appellant is being served with a copy of the final brief on today's date as referenced by the Proof of Service.

Thank you and with kind regards, I am,

Sincerely,

Robin L. Jackson

RLJ/vs
Enclosures

cc: John Singletary, *Pro Se*