

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2019-001175
Case No. 2019-CP-40-2137

RECEIVED
JAN 28 2020
SC Court of Appeals

George M. Adams, #181283, Appellant,

v.

Richland County Sheriff's Department, Respondent.

**RESPONDENT'S RETURN TO APPELLANT'S
MOTION FOR FAILURE TO FILE INITIAL BRIEF**

The Appellant George M. Adams has filed a motion pursuant to Rule 208(a)(4), SCACR, alleging that the Respondent Richland County Sheriff's Department failed to timely serve and file its Initial Brief and Designation of Matter to be Included in the Record on Appeal. The Appellant is mistaken.


The procedural history reflects the Clerk of the Court of Appeals sent the Appellant a deficiency letter on November 18, 2019, with respect to his Initial

Brief. That letter gave the Appellant ten days to correct the identified deficiencies. After receiving no response, the Court issued an Order on December 10, 2019, stating that “[t]he time for serving and filing the deficiency corrections for the appellant's initial brief and designation of matter is extended until January 2, 2020.” The Appellant then served a corrected Initial Brief with proof of service on December 19, 2019. In accordance with Rule 208(a)(2), SCACR, the Respondent then had thirty days from that date to serve its Initial Brief. The thirtieth day fell on January 18, 2020, which was a Saturday, and the following Monday was a state holiday. Therefore, in accordance with Rule 263(a), SCACR, the Respondent’s Initial Brief was due on Tuesday, January 21, 2020, which is the date that the Respondent filed and served its Initial Brief.

In sum, the filing and service of the Respondent’s Initial Brief was proper and timely. The Appellant’s motion should be denied.

Respectfully submitted,

LINDEMANN, DAVIS & HUGHES P.A.

BY: 
ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

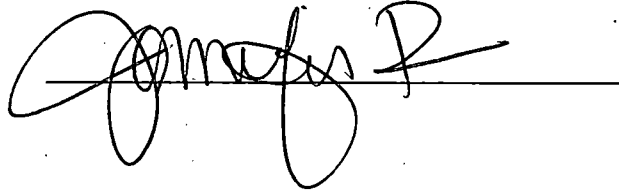
Counsel for Respondent

January 27, 2020

CERTIFICATE OF SERVICE

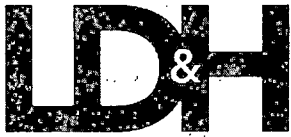
The undersigned employee of Lindemann, Davis & Hughes, P.A., counsel for the Respondent, does hereby certify that service of **Respondent's Return to Appellant's Motion for Failure to File Initial Brief** was made upon the *pro se* Appellant by placing copies in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 27th day of January 2020:

George M. Adams, #181283
Broad River Correctional Institution
4460 Broad River Road
Columbia, South Carolina 29210



A handwritten signature in black ink, appearing to read "George M. Adams", is written over a horizontal line.

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**LINDEMANN
DAVIS &
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5 Calendar Court, Suite 202 (29206)
Post Office Box 6923
Columbia, South Carolina 29260

January 27, 2020

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

RE: George M. Adams, #181283 v. Richland County Sheriff's Department
Court of Appeals Case Number: 2019-001175
Civil Action Number: 2019-CP-40-2137
Claim Number: Risk Management
Our File Number: 314.20191

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Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of **Respondent's Return to Appellant's Motion for Failure to File Initial Brief** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope. By copy of this letter, I am serving a copy on the *pro se* Appellant.

Thank you for your assistance. If you have any questions, please advise.

Sincerely,

LINDEMANN, DAVIS & HUGHES, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

cc: (w/ Enclosure)

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South Carolina Court of Appeals
Clerk of Court
PO Box 11629
Columbia SC 29211-1629



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