

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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JAN 23 2020

**SC Court of Appeals**

APPEAL FROM DORCHESTER COUNTY

Summary Court

The Honorable Tera Richardson, Magistrate

The Honorable Brian Gibbons, Circuit Court Judge in Appellate Capacity

Appellate Case No. 2019-001067

Christopher Huggins ..... Respondent,

v.

The State of South Carolina ..... Appellant.

**MOTION TO DISMISS**

Pursuant to Rule 260, SCACR, the Respondent Christopher Huggins (Huggins) 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.<sup>1</sup> When the State failed to timely file the Designation by that date, Respondent Huggins filed an initial Motion to Dismiss, which was denied November 7, 2019. Subsequently, on December 20, 2019, the State, by and through William M. Blich, Jr., a Senior Assistant Deputy Attorney General, filed with the Court of Appeals a letter indicating that the transcript had been received by the state on December 16, 2019, and that, “[The State has] calendared the Initial Brief of Appellant and Designation of Matter to be due in thirty days from the date of receipt. If this date, **January 15, 2020**,<sup>2</sup> is incorrect or inconsistent with your records, please contact [the Attorney General’s] office.” (Emphasis in original.) (Please see attached Exhibit A.)

As of the time of this writing, it is now January 21, 2020, and there is no indication that the court has received anything from the State, even though that puts the State far beyond the initial thirty (30) days allotted for its Initial Brief and Designation, and even beyond the State’s own timeline for when it would send to the court said Initial Brief and Designation.

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

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[SIGNATURE BLOCK FOLLOWS ON SUBSEQUENT PAGE.]

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<sup>1</sup> 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.

<sup>2</sup> Pursuant to a review of the appellate case management system website.



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Counsel for the Respondent

January 21, 2020  
Mount Pleasant, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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MOTION TO DISMISS  
Court of Common Pleas

The Honorable Brian Gibbons, Circuit Court Judge in Appellate Capacity

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Appellate Case No. 2019-001067

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Christopher Huggins.....Respondent,  
v.  
The State of South Carolina..... Appellant.

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PROOF OF SERVICE

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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 21st day of January, 2020, addressed to:

William M. Blich, Jr.  
Senior Assistant Deputy Attorney General  
SC Office of The Attorney General  
P.O. Box 11549  
Columbia, SC 29211-1549  
(803) 734-3596

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**SC Court of Appeals**

*Barbara G. Eagle*

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Barbara G. Eagle  
Case Manager Specialist  
Drennan Law Firm, LLC

January 21, 2020  
Mt. Pleasant, South Carolina

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January 21, 2020

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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**SC Court of Appeals**

RE: State v. Christopher Huggins  
Motion to Dismiss  
Appellate Case No. 2019-001067

Dear Clerk of Court:

As you know, the Drennan Law Firm Represents the above-named defendant.

I am writing to you in regards to the above-referenced case. Please find enclosed an original and seven copies of the Motion to Dismiss the Appeal and Certificates of Service for the same. I respectfully request that you file these documents and return any extraneous clocked copies to us in the enclosed self-addressed stamped envelope.

If you have any questions, please feel free to give our office a call.

Sincerely,

Adam J. Russo, Esq.

ADJ, bge  
Enclosures