

**RECEIVED**  
**Sep 09 2021**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

---

Maite Murphy, Circuit Court Judge

---

Appellate Case No. 2020-000405

Case No. 2019-CP-38-00655

---

Jacquita Funchess

..... Appellant,

v.

Glenfield Apartments

..... Respondent,

---

**RESPONDENT'S REPLY TO APPELLANT'S RETURN TO THE SECOND MOTION  
TO DISMISS APPEAL**

---

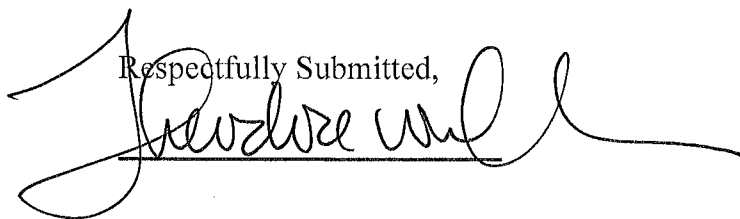
The Respondent, Glenfield Apartments, hereby Replies to Appellant's Return to Respondent's Second Motion to Dismiss pursuant to 240 SCACR.

1. The above matter is an appeal from the Circuit Court. By Order dated February 7, 2020, The Honorable Maite Murphy dismissed Appellant's appeal of the Magistrate Court's eviction for failure to obtain a Return as required by SC Code of Laws 18-7-60.
2. Respondent filed its Second Motion to Dismiss Appellant's appeal on June 22, 2021, on the following grounds:
  - a. Improper pagination despite a Deficiency Letter dated May 21, 2021.

- b. Appellant's failed to properly include the documents designated to be included in the Record on Appeal pursuant to Rule 210(c).
  - c. Appellant included numerous documents in the Record on Appeal which are in what appears to be a random order and do not reflect the items specified by Appellant.
  - d. Appellant failed to properly identify the items in the Index of the Record on Appeal pursuant to Rule 210(e).
  - e. The pagination in Appellant's Index in the Record on Appeal does not match the documents bates stamped within the Record on Appeal.
  - f. Appellant included portions of the Transcript from the Circuit Court, however the Transcript was not in order, and did not include the Transcript in its entirety.
  - g. Appellant failed to properly paginate the Record on Appeal. Appellant's Record on Appeal is in no discernable order and cannot be used as a reference for the requisite Final Briefs pursuant to Rule 211(b)(1).
  - h. As a result of the improper format of the Record on Appeal, Respondent cannot properly prepare a Final Brief.
3. Appellant filed her response to the Second Request for Dismissal on July 2, 2021. In her response, Appellant does not address the serious, repeated failures to properly prepare a Record on Appeal which prevents Respondent from properly preparing its brief.
  4. Appellant's response is a request to the trial judge as to the facts of the underlying eviction and does not address the issues under appeal or the failure to comply with the Appellate rules.
  5. Appellant has repeatedly failed to comply with the appellant rules or even to address the proper issue before the Court. The Court must therefore "grope in the dark in order to identify errors which in actuality may not exist. Such a predicament has often been deplored by our State's highest Court and used by that tribunal as a basis for the dismissal of an appeal." *Smith v. S.C. Dep't of Social Services* 284 S.C. 469, 327 S.E.2d 348 (1985).

WHEREFORE, Respondent prays for an order dismissing the appeal based on Appellant's failure to prosecute and the substantive failures by Appellant as set forth above.

Respectfully Submitted,



Columbia, South Carolina

September 9, 2021

B. LINDSAY CRAWFORD, III  
THEODORE VON KELLER, SC BAR NO. 5718  
B. LINDSAY CRAWFORD, IV  
POST OFFICE BOX 4216  
COLUMBIA, SOUTH CAROLINA 29240  
(803) 790-2626  
ATTORNEYS FOR RESPONDENT

**RECEIVED**

**Sep 09 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No. 2020-000405

Jacquita Funchess

..... Appellant.

v.

Glenfield Apartments

..... Respondent.

**PROOF OF SERVICE**

I certify that I served Respondent's Reply to Appellant's Return to the Second Motion to Dismiss Appeal in this case by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Jacquita Funchess  
1303 Glenfield Circle Apartment  
Apartment J2  
Orangeburg, SC 29118



THEODORE VON KELLER, SC BAR NO. 5718  
CRAWFORD & VON KELLER, LLC  
POST OFFICE BOX 4216  
COLUMBIA, SOUTH CAROLINA 29240  
(803) 790-2626  
ATTORNEYS FOR RESPONDENT

September 9, 2021