



# Regina M. Hunter El



Notice to the Principal is Notice to the Agent; Notice to the Agent is Notice to the Principal

16 August 2022 CE, 18 Muharram 1444 AH

## NOTICE: CLERK'S MISAPPLICATION OF COURT RULES

Via 1<sup>st</sup> Class USPS Mail & Email

Ms. Jenny Abbott Kitchings, Clerk  
Ms. V. Claire Allen, Deputy Clerk  
The South Carolina Court of Appeals  
1200 Senate Street  
Columbia, S.C. 29201  
Tel. (803) 734-1890  
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RECEIVED

Aug 17 2022

SC Court of Appeals

Dear Ms. Kitchings, et. al.:

The Appellant holds the Clerk of Court erred in its 20 April 2022 docket entry "*Transcript Documents – Transcript Ordered*" when it held that the transcript was ordered. This is inconsistent with the South Carolina Court Administration (SCCA) Court Reporter Manual (CRM), as amended, which states "*Before any transcribing is begun, court reporters may require advance payment. The date such advance payment is received will be considered the transcript request date.*" Here, it is a fact that no such '*advance payment*' was ever sent to Ms. Julie Cendroski ("Cendroski") which she requested. Cendroski was instructed to perform transcription services by Ms. Tammie Holmes, the Court Reporter Manager without prepayment (see Holmes' 18 May 2022 letter). Ms. Holmes acted without my written or expressed consent to form a contract for transcription services. Further, Cendroski knowingly acted without consideration. As such, there was no actual transcript order by the Appellant, nor was any transcript completed for the Appellant.

Thus, the Appellant request that the Clerk of Court correct its, 20 April 2022, docket entry to read "*Transcript Documents – Other Correspondence.*"

On 15 July 2022, the Clerk of Court wrote the Appellant stating the Court's records indicated that transcript was '*completed*'. However, the Clerk of Court did not support this statement with any evidence that Cendroski received an advance payment from the Appellant to perform transcription services. As stated above, no transcript was ordered nor completed for the Appellant. The Clerk of Court also stated the appeal would be dismissed within 10 days if satisfactory payment arrangements were not made. The 10 days expired on or about 25 July 2022 and no dismissal pursuant to SCACR Rule 260 occurred then. Again, the Clerk of Court 15 July 2022 docket entry titled "*Outgoing Correspondence – Requesting Proof of Payment for*

*Transcript*” was in error based on the fact pattern on record. The Clerk of Court knew the Appellant was addressing issues with Ms. Kohn, the State Court Administrator.

Thus, the Appellant request the Clerk of Court identify how it concluded the Appellant’s transcript was ‘*complete*’ in accord with the rules and policies in the Court Reporter Manual and withdraw its request for proof of payment to Cendroski.

The 1 August 2022 docket entry confirms receipt of the Appellant’s 20 July 2022 letter given to the Chief Justice Donald W. Beatty, administrative head for the SCJB. This letter details the Appellant’s history with SCCA and asks to identify a private court reporter to make satisfactory payment arrangements. However, no response was received by the Chief Justice prior to dismissal and the grievance remains unresolved.

Thus, the Clerk of Court should ascertain the Chief Justice’s response to the grievance which is outstanding since Rule 207(a) requires *contemporaneously* communications with the Office of Court Administration, which he heads (S.C. Const. Art. V, §4).

On 11 August 2022, the Clerk Allen issued a dismissal order under SC Appellate Court Rule (SCACR) 260(a) for the Appellant’s apparent failure to comply with Rule 207 which required her to make satisfactory arrangements for payment of a transcript in the matter of *Hunter El v. Hunter* (Case No. 2021-001128). SCACR Rule 260 only permits the Appellant to file at motion for reinstatement, showing good cause, at costs. However, the Appellant should NOT have to bear the responsibility for the Clerk of Court’s misapplication of Court rules. Here, the record does not indicate that the Appellant failed to comply with Rule 207(a) but rather acted diligently address her grievances under the First Amendment right guaranteed by the U.S. Constitution and the South Carolina Constitution<sup>1</sup>, Art. 1, §2.

Thus, the Appellant holds that the Clerk of Court erred when she failed to use an objective standard to determine any semblance of noncompliance with Rule 207(a). Art. V, § 4 of the South Carolina Constitution states the rules governing the procedure in all such courts is subject to the statutory law.

Respectfully,



I Am: Regina M. Hunter El

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A Natural Person, In Full Life, In Propria Persona, Sui Juris

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Cc: State Court Administrator, Elijah Hunter