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October 25, 2022

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OCT 25 2022

SC Court of Appeals

VIA: Hand Delivered

Jenny Abbott Kitchings, Clerk of Court

1220 Senate Street

Columbia, SC 29201

Dear Ms. Kitchings,

In light of the change of circumstances; i.e., we are about 2 weeks from the expiration date of the original Magistrate court order which is November 10, 2022, we are filing a motion to dismiss to Appellate Case No. 2022-000577. We are submitting a \$50 dollar filing fee.

Magistrate Court did not have jurisdiction. Family Court has the sole and exclusive jurisdiction to rule on matters determining visitation of minor children. When a court lacks subject matter jurisdiction, it should dismiss the action under SCRPC Rule 12(h)(3), even if the parties have not requested dismissal. If the action is not dismissed, ***any action by the court that lacks subject matter jurisdiction is void.*** Peake v. Peake, 284 S.C. 591, 327, S.E.2d 375 (Ct. App. 1985); State v. Funderburke, 259 S.C. 256, 191 S.E.2d 520 (1972). ***Emphasis added.***

In July 2022, the Court of Appeals remanded the case back to Laurens County regarding an incomplete transcript. Judge Griffith sent an email to Counsel for Appellant; and again; he reiterated that his ruling for reversal of Magistrate Order was based on subject matter jurisdiction and a matter of law. Judge Griffith stated he made his decision based upon statute and case law set forth in that order. He also suggested appellant could go back to Family Court and attempt to get provisions. Appellant has already unsuccessfully attempted to do just that in 2020 in Family Court. Appellant asked for a no contact with paternal grandparents to be put in mediation papers and she was denied. Appellant was able to get a Magistrate Judge (with no law degree) to give her what she could not get in Family Court. Respondents were unrepresented in Magistrate Court. It is a travesty and reprehensible. Respondents have included Judge Griffith's email.

We pray that in light of new circumstances with this timeline and November 10 a couple of weeks away, the Court will reconsider respondents' motion to dismiss this senseless, absurd appeal. Thank you.

Respectfully,

Greg and Amy Hopkins

Respondents

CC: Shanise Greenfield (first class Mail)

Tamika Cannon (first class Mail)

From: Griffith, Eugene <egriffithj@sccourts.org>
Sent: Wednesday, August 17, 2022 1:17 PM
To: Tamika Cannon <tamika@scvan.org>
Cc: Shanise Greenfield <greenfieldlawoffice@gmail.com>; trouppartridgelawfirm.com
<trouppartridgelawfirm.com>
Subject: RE: Incomplete Transcript

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Dear Ms. Cannon:

I understand your request regarding the audio of the hearing. I do not believe that I am allowed to stipulate to the transcript. Whatever is recorded is (whatever is audible) the record. I cannot suggest that it says anything (or does not say something) other than what is within the recording. You and Mr. Partridge may stipulate to the transcript. As I suggested in my earlier email, I made my decision to find that the Magistrate did not have subject matter jurisdiction as a matter of law and considered the motion. I made this decision based upon the statute and case law set forth in the order. I believe that my order references the appropriate law to support the order. I note that I generally do not put within my order references any law inconsistent with my ruling.

Would you like for me to sign an order which states that I denied your motion to reconsider my original order, a sentence regarding the stipulation of the "record" and include a sentence denying your motion to dismiss the appeal? If so, please prepare a proposed order to address the issues so that you may proceed with the appeal.

Best regards:

ECG

As an aside, certainly the magistrate's court can issue an order impacting the adults. I believe that my order is correct that the Magistrate Court does not have the authority (subject matter jurisdiction) to issue an order which impacts a child. I do not think the magistrates have authority to issue an order even with the protection of a guardian *ad litem*. How can a magistrate issue an order impacting a child when neither the family court nor the circuit court is not allowed to issue without the appointment of a guardian *ad litem* for the child? Would it not be simpler for your client to return to the family court and try to amend the order (presumably the final order includes a restraining order and or a visitation schedule) is in the family court file) to include provisions to address the visitation and communication issues.

From: Tamika Cannon <tamika@scvan.org>
Sent: Monday, August 1, 2022 2:21 PM
To: Griffith, Eugene <egriffithj@sccourts.org>
Cc: Shanise Greenfield <greenfieldlawoffice@gmail.com>; trouppartridgelawfirm.com
<trouppartridgelawfirm.com>
Subject: Incomplete Transcript

And/or on behalf of minor family member(s) or other protected persons:
(List name)
Riley Hopkins

F	W	DOB	State
EYES	HAIR	HEIGHT	
Blue	Blond or S	5'6"	

Relationship to Plaintiff: Daughter

Defendant's Address

*Indicates required information for entry into NCIC

CAUTION:

Weapon Involved

Weapon Present on Defendant's Property

Access to weapons

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, Defendant has been provided with reasonable notice and opportunity to be heard. Additional findings of this order are as set forth below.

THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing further acts of abuse or threats of abuse.

That the above named Defendant be restrained from any contact with the Protected Person as set forth on the attached pages.

The terms of this order shall be effective until

November 10

2022

WARNINGS TO DEFENDANT:

This order shall be enforced in any county of South Carolina and by the courts of any state, District of Columbia, any U. S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

State and federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922).

Only the Court can change this order.

FORM 7
PROOF OF SERVICE OF NOTICE OF APPEAL

MOTION TO DISMISS

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Case No. 2022-000577

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OCT 25 2022

SC Court of Appeals

Greg and Amy Hopkins

Respondent,

v.

Jaime Hood Hopkins

Appellant.

PROOF OF SERVICE

We certify that we have served the Notice of Appeal (Motion to Dismiss), Case no. 2022-000577, submitted October 25, 2022, Via first class mail to: Shanise Greenfield, 655 H Fairview Rd., PMB # 358 Simpsonville, South Carolina 29680 and Tamika Cannon, P.O. Box 170364 Spartanburg, SC 29301

October 25, 2022

Greg and Amy
Hopkins
108 Fairway Drive
Laurens, South Carolina 29360
(864) 871-2261
amynhop@netscape.net