

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
George M. McFaddin jr., Circuit Court Judge

Case No. 2022-CP-43-01870

Reginald Evans

Appellant,

v.

Sumter County Registration Election Board

Respondent,

**RETURN TO AND OPPOSITION OF
RESPONDENT'S MOTION TO
SHORTEN TIME FOR FURTHER FILINGS**

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MAY 30 2023

S.C. SUPREME COURT

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Reginald Evans
Appellant
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Danny C. Crowe,
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Attorney for Respondent

Appellant respectfully asks this honorable court to deny the Respondent's motion to Shorten Time for Further Filings. And allow this appeal process to run its course to preserve the interest of justice, the integrity of Sumter County's citizens Voting Rights and to ensure that every vote was counted. There cannot be any questions or doubts about fair elections when there is a presidential, Sumter's mayoral and city council elections in November 2024. The issue presented by the Respondent can be resolved on its merit. The Appellant respectfully asks the court to view this as a harmless error on the part of the Appellant and in no way damages the Respondent's or Appellant's right to due process.

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In its motion to Dismiss the Respondent makes the following assertion:

- 1. Respondent's grounds for motion are:** *"that the transcript of the circuit court hearing has not been properly requested."* The Appeal hearing was held in Circuit Court in Sumter County on January 6, 2023.

RESPONSE: The Appellant has and will make every effort to comply with all Rules and orders of the court. The Appellant has not received any letter from this court of any deficiencies in ordering a transcript nor was the Appellant given the opportunity to correct any such deficiencies from this court. Therefore, the Respondent motion to Shorten Time for Further Filings is premature. The Appellant filed a timely notice of appeal on March 7, 2023. The Appellant was then informed that a filing fee is required and was given until April 4, 2023 to pay the filing fee. The Appellant paid the filing fee in a timely manner and also filed its initial brief and its preliminary Designation of Matter to be included in the Record on Appeal on April 4, 2023, which included the transcript of the Respondent's hearing held on November 21, 2022. The Circuit Court denied the Appellant motion for reconsideration on February 7, 2023 which stated that no hearing was conducted therefore no transcript is available or requested.

The Respondent in its motion made the following statement:

“The filings to date in this case include Appellant's Request for Transcript dated April 11, 2023. However, this Request is addressed to and directed to the Circuit Court Judge, and not to the court reporter as required by Rule 207(a), SCACR. Respondent is aware of no response from anyone in reply to this Request which now has been pending for more than thirty days.”

It is the duty of the Respondent not this honorable court or the Appellant to determine the status of Request for Transcript for the Respondent. The Respondent is free to check with the court reporter on the status of transcript. Therefore, the Appellant asks this court to conclude the Respondent knows or should have known the status of transcript which makes the grounds for this motion moot.

- 2. Respondent's grounds for motion are:** *“That the transcript of the circuit court hearing has not been designated for inclusion in the Record on Appeal by either party and is not required for this appeal.”*

RESPONSE: Pursuant to Rule 210(a), SCACR states:

Time for Service. Within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief.

The Appellant filed a Reply to the Respondent Initial Brief on May 12, 2023.

Therefore, it is Appellant's understanding that The Record on Appeal is not due until June 12, 2023. This motion is somewhat confusing to the Appellant because on April 7, 2023, the Respondent made a motion to dismiss this appeal because no transcript was requested and now the respondent is motioning to expedite the appeal because no transcript is required. The Appellant and Respondent should defer the question of transcript to the court for a ruling on the requirement of a transcript. The Respondent is free to request a transcript of the January 6, hearing and provide a copy to the court and Appellant.

Pursuant to Rule 212(b), SCACR: *"With the written consent of all attorneys of record, a party may supplement the Record on Appeal at any time before argument commences."* Therefore, the Respondent motion to Shorten Time for Further Filings is premature.

3. **Respondent's grounds for motion are:** *"That an expediting of the time for further filings is justified due to the circumstance that the continuing pendency of this case continues to delay the swearing-in the individual elected to represent the City of Sumter's Ward One (which has no incumbent) in the November election runoff."*

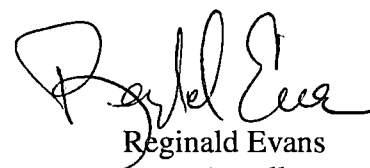
RESPONSE: The Appellant comes now to pray for this honorable court's wisdom. The respondent's is asking this court to grant a motion on laws that do not exist. The Respondent cites no law or case ruling that addresses one: what happens when an election is under protest and the incumbent is not available to remain in office until the appeal process is completed. The Respondent offers no evidence that because the Appellant appeared on two ballots that all votes were correctly counted. That the runoff election had the correct candidates. That all statutory requirements were met by the Respondent.

Therefore, the Appellant request that the Respondent's motion to Shorten Time for Further Filings be denied and the appeal be allowed to run its course on the merits. The Appellant also requests that this court issue a scheduling order to ensure that the Respondent and Appellant comply with this court's rules and orders.

Respectfully Submitted,

By:

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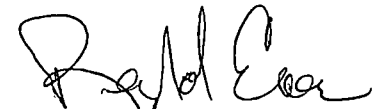
v.

Sumter County Registration Election Board

Respondent,

PROOF OF SERVICE

I certify that I have served the Appellant's RETURN TO AND OPPOSITION OF RESPONDENT'S MOTION TO DISMISS Chairman of Sumter County Election Commission attorney Danny C. Crowe via first class mail at 2019 Park Street, Columbia, SC 29201 on May 30, 2023. I certify that I am above the age of 21 and competent to serve legal documents.



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