

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

JUN 08 2023

S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No.: 2023-000763

James Kevin Holmes, Respondent,

v.

Cynthia Elaine Collie, Petitioner.

RESPONDENT'S RULE 269, SCACR, MOTION FOR SANCTIONS

The Respondent, by his undersigned attorneys, moves before this Honorable Court for an Order pursuant to Rule 269, SCACR, ruling the Petitioner in on ten (10) days' notice to show cause, if any she can, why she should not be held in contempt of court and why sanctions should not be imposed. This motion will be based upon the grounds that the Petitioner deliberately misrepresents material facts. Her impertinent and scandalous insinuation that the action was dismissed "at the impermissible direct or indirect behest of untrustworthy attorney defendant" is

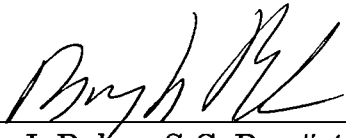
completely unsupported. She deliberately fails to attend noticed Court hearings, then protests she's been denied the right to be heard. She attempts to shroud herself with the constitutional mantle of such civil rights heroes as Congressman Elijah Cummings, Congressman John Lewis, and the Honorable J. Waring Waites, while despicably accusing the legal system of applying "Alex Murdaugh 'rules of law'" and "persistent lawlessness."

Rule 269, SCACR, provides "Where an appeal, petition, or motion is frivolous or taken solely for the purpose of delay, or is not in compliance with these Rules, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require." The Petitioner has not been discouraged by her disbarment nor by multiple sanctions being imposed for filing frivolous lawsuits. Her immediate appeal from any intermediate order not to her liking, followed by motions for additional time and stays, motions for rehearing often *en banc*, and petitions for certiorari serve only to delay. To be effective, sanctions should disincentivize the benefit of her delay tactics.


In order to discourage such conduct in the future and help prevent future frivolous appeals, this Court could appoint a Special Master to preside over this case and require a written statement from such Master stating he or she has entered a final decision or order or a decision or an order denying a mode of trial before the Petitioner can file a subsequent appeal. This Court could disincentivize the

Petitioner's delay tactics in the future by retaining jurisdiction so any appeal that is filed will be heard directly by the Court thereby eliminating the inherent delay in the normal appellate process.

Respectfully submitted,

By: 
Barry I. Baker, S.C. Bar # 482
BAKER & VARNER, LLC
One Carriage Lane, Bldg. H
Charleston, SC 29417-1265
(843) 766-9007
bbaker@bakerlawsc.com
Attorneys for the Respondent

Charleston, South Carolina


7 day of June, 2023.