

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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

Appellate Case No. 2023-000382

Reginald Evans, Appellant,

RECEIVED

JUN 12 2023

v.

SC SUPREME COURT

Sumter County Election Commission, Respondent.

**APPELLANT'S RETURN
MOTION TO RECONSIDER, PETITION FOR REHEARING
WITH LEAVE TO FILE A MOTION TO REINSTATE APPEAL**

The Appellant hereby gives notices its motion and moves, pursuant to Rule 240(a)(i), SCACR, to Motion to Reconsider, Petition for Rehearing with Leave to File a Motion to Reinstate Appeal for this Court's Order dated June 8, 2023 which states:

"Respondent moves to dismiss Appellant's notice of appeal, citing Appellant's failure to comply with Rule 207(a)(1), SCACR, by failing to order the transcript of the circuit court hearing from January 6, 2023, from the court reporter within ten days after service of the notice of appeal. Respondent also moves to shorten the time for further filings by the parties. We grant the motion to dismiss and dismiss the appeal."

This motion is made on the grounds, fully set out in the Memorandum filed herewith, that the transcript of the circuit court hearing has been properly requested,

Memorandum in Support of Motion

The following are the Appellant took in filing its appeal:

1. On March 8, 2023 the Appellant filed a Notice of Appeal with the South Carolina Supreme Court.
2. On March 28, 2023 an extension of 15 days was given to properly file the Notice of Appeal.
3. On April 4, 2023 the Notice of Appeal was filed by the Appellant
4. On April 12, 2023 a Request for transcript was filed by the Appellant that the request was made to the circuit court on April 11, 2023 well within the ten days from April 4.
5. On April 16, 2023 by direction of the clerk of court for third circuit court I emailed a request for Transcript. Exhibit one.
6. On May 1, 2023 I received an email confirming that the Appellant requested a transcript. Exhibit two.
7. On May 3, 2023 I received an email confirming the cost of production of the Transcript.
8. On May 19, 2023 The Respondent filed a motion that the Appellant did request a transcript.
9. On May 30, 2023 the Appellant filed a motion to Respondent's motion filed on May 19, 2023.
10. On June 8, 2023 the Court granted a motion to dismiss the appeal. Without the Respondent filing a reply to the Appellant objection. Which should mean that the Respondent abandons it May 19, 2023 motion.
11. As of this date the Respondent has not served the Appellant with any motion to dismiss this appeal.

Therefore, because the Respondent has not served the Appellant with a motion to dismiss. And the court has not notified the Appellant to any deficiencies or gave the Appellant the opportunity to correct any such deficiencies. The Appellant requested a number of time for the court to rule on rather a transcript is required. The Appellant respectfully prays that this honorable court will grant its Motion to Reconsider, Petition for Rehearing with Leave to File a Motion to Reinstate Appeal to preserve the Appellant to due process. Appellant would also ask the court to set the date to file its Record of Appeal.

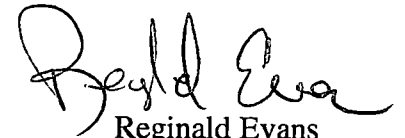
Respectfully submitted by

June 12, 2023

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SC SUPREME COURT



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