

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

Jun 20 2023

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

S.C. SUPREME COURT

Appellate Case No. 2023-000382

Reginald Evans,

Appellant,

v.

Sumter County Election Commission,

Respondent.

**RETURN TO APPELLANT'S MOTIONS TO
RECONSIDER AND TO REINSTATE APPEAL**

The Respondent Sumter County Election Commission, properly designated as the Sumter County Registration/Election Board, submits this Return in opposition to Appellant's Motions, filed on June 12, 2023, to reconsider and to reinstate the appeal dismissed by the Court's Order of June 8, 2023.¹

Respondent urges that Appellant's Motions, Memorandum and Exhibits fail to provide any sound basis for granting reconsideration of the dismissal or reinstatement of the appeal. The Motions, Memorandum and Exhibits reveal no material fact or principle of law that was overlooked or disregarded by the Court.

¹ Respondent is aware of the provision of Rule 221(a) that "No return to a petition for rehearing may be filed unless requested by the appellate court." and the provision of Rule 240(e) that "a return to a petition for rehearing may only be filed if permitted under Rule 221(a)." In light of those provisions, Respondent directs this Return to Appellant's Motions to reconsider and to reinstate the appeal.

The Court's Order of June 8 correctly determined that Appellant failed to request the transcript of the circuit court in a timely manner or to the correct party. Appellant did not request the transcript from the court reporter within ten days after the filing of the appeal on March 7, 2023, as required by Rule 207(a), SCACR. Rather, the April 11 Request for Transcript filed by Appellant was directed to the Circuit Court Judge. Contrary to Appellant's assertion in his supporting Memorandum, the Court's previous Order in this case of March 27 granted Appellant an extension of time for payment of the filing fee and did not extend the date of the filing of the notice of appeal.²

Similarly, Appellant's contention in his Memorandum that "Respondent has not served the Appellant with any motion to dismiss the appeal" is not supported by the filings in this case. Appellant filed a "Return to and Opposition of Respondent's Motion to Dismiss" on April 12.

Further, Appellant's Exhibits accompanying his Motions and Memorandum show additional support for dismissal of this appeal. None of the Exhibits (which appear to represent communications concerning the transcript of the circuit court hearing) previously were filed or provided to Respondent's counsel or (to Respondent counsel's knowledge) to the Clerk of this Court. Moreover, Exhibits 3 and 3(a) reveal that Appellant was advised by the court reporter on May 1 that she had prepared an estimate of the number of pages of the hearing transcript (40 pages) and the total cost for the transcript (\$170) and was prepared to provide the transcript upon payment. Appellant, in the last of his May 3 e-mails to the court reporter, advised that he should be able to

² Appellant admitted, in his April 12 Return to Respondent's Motion to Dismiss, at page 2, that "The Appellant filed a timely notice of appeal on March 7, 2023."

get the amount to her "by 21 May." However, it appears that Appellant has made no effort to pay for and obtain the transcript.³

Respondent urges that this Court deny Appellant's Motions.

Respectfully submitted,

s/Danny C. Crowe

Danny C. Crowe, SC Bar #1480
CROWE LAFAVE GARFIELD & BAGLEY, LLC
2019 Park Street
Columbia, SC 29201
803-724-5728
danny@crowelafave.com
Attorneys for Respondent

June 20, 2023

³ In his May 30 Return to Respondent's Motion to shorten the time for further filings, Appellant, at page 2, after stating that it was "the duty of Respondent" to determine the status of the request for transcript, offered that "The Respondent is free to request a transcript of the January 6 hearing and provide a copy to the court and Appellant."