

Jun 18 2024

SC Court of Appeals

**From:** [Carol Ann Honeycutt](#)  
**To:** [Court Of Appeals Filings](#); [Transcripts](#); [Kevish, Julie](#); [auso2southcarolina.usa.com](#)  
**Subject:** NOTICE OF ERROR: ORDER OF JUNE 17, 2024, BY CLERK KITCHINGS WAS MADE IN ERROR  
**Date:** Tuesday, June 18, 2024 9:33:30 AM

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**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. **\*\*\***

**NOTICE OF ERROR:**

**THE ORDER OF JUNE 17, 2024, DISMISSING THIS APPEAL, IS  
MADE IN ERROR  
AS IT VIOLATES SCAC RULE 208(a)(1), RULE 240(e)(f), RULE 262(a)  
(3), and RULE 506.**

**June 18, 2024**

**by email and USPS**

Ms. Jenny Abbot Kitchings, Clerk  
Ms. Catherine Harrison, Chief Deputy Clerk  
The South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: The Transcript for this Case has not been completed.

Dear Clerk Kitchings and Deputy Clerk Harrison,

The Order of June 17, 2024, dismissing my case was done in violation of numerous SCAC Rules and is prejudicial. Seven issues with this Order are listed and explained in the following paragraphs.

Based on these Laws and Facts, the Appellant requests the Clerk to rescind this Order. Should this not be done, the Appellant will have to file a Motion to Reinstate. Each time a motion is required, it causes several months delay in getting this case done. Furthermore, the Clerk can work with Court Administration and the Transcript Office to get the Incomplete Transcript completed so the case can move forward. The Transcript could be completed in a few days, if the Court Administration would perform their duties.

The South Carolina Judicial System is not established by the State and paid for by the people of the state in order to provide a platform for the personal goals of the employees of the state. The Rules are established to give equal justice to all who come before the Court.

**I. ORDER OF JUNE 17, 2024, VIOLATES THE APPELLATE COURT  
RULE 208(a)(1):**

**Pursuant to SCAC Rule 208(a)(1), the Order of June 17, 2024, Dismissing this case violates Rule 208(a)(1).**

**Rule 208 - Initial Briefs states:**

**(a) Time for Serving and Filing Initial Briefs.**

**(1) Brief of Appellant. Within thirty (30) days after receiving the transcript . . .**

On Thursday, June 13, 2024, the SIXTH TRANSCRIPT LETTER TO CLERK KITCHINGS INCLUDING THE SCAC FORM 12 which is attached below was sent by email to the Court. The Court stamped it and a copy was sent back to Appellant by email. This email letter documented that Six Transcript Notices were sent to Clerk Kitchings, the Transcript Office, and Court Administration dated February 5, March 6, April 5, April 19, May 8, and June 13, 2024, that the Transcript for this case has not been completed.

Nothing was done by any of these offices to provide help obtaining a COMPLETE TRANSCRIPT, even after six notices.

This Sixth Letter is a Summary of the Required Motion assigned by deputy Clerk Harrison in her letter of May 14, 2024. The Summary clearly documents that the Transcript of April 24, 2024, was never completed. The Required Motion PROVES that the Transcript was never completed.

**II. THE ORDER OF JUNE 17, 2024, VIOLATES A  
SECOND APPELLATE COURT RULE 240(e)(f).**

**Pursuant to SCAC Rule 240, the Order of June 17, 2024, dismissing this case violates Rule 240 on Motions and Petitions.**

**Pursuant to SCAC Rule 240, time must be allowed for the Respondent to submit a Return to the Motion, Rule 240(e), and the Appellant to Reply to the Return, Rule 240(f).**

Clerk Harrison required that I write a Motion. Motions must meet all of the requirements of Rule 240.

Clerk Harrison's letter of May 14, 2024, required that I file a Motion documenting that the Transcript of April 24, 2023, was never completed. She wrote:

"To the extent you claim you have not received the appropriate transcripts,

you must file a motion containing documentation of the status of your request."

On June 13, 2024, within the 30 day time period for the Brief which could not be written because there was no complete transcript, I sent a summary of the REQUIRED MOTION to prove the Transcript remains Incomplete. This was sent on June 13, 2024, by email in accordance with SCAC Rule 262(a)(3). Clerk Harrison required this REQUIRED MOTION prior to setting a date for the Brief.

**III. THE ORDER OF JUNE 17, 2024, VIOLATES SCAC  
Rule 262(a)(2).**

**RULE 262 FILING AND SERVICE states the following:**

**(a) Filing. Except for petitions for rehearing (Rule 221) and motions for reinstatement (Rule 260), filing may be accomplished by: (2) Depositing the document in the U.S. mail, properly addressed to the clerk of the appellate court, with sufficient first class postage attached. The date of filing shall be the date of mailing; or, (3) Filing the document by electronic means in a manner provided by order of the Supreme Court of South Carolina.**<sup>1</sup>

The June 17, 2024, Order was made even though the email Motion Summary and SCAC Form 12 were received within the due date of the Brief. The due date of the Brief was wrongly set because the Transcript has not been completed. Clerk Harrison did not set a due date for the Motion she required.

#### **IV. THE CLERK'S OFFICE FAILED TO PERFORM THEIR REQUIRED DUTY**

The Clerk of Court page of the South Carolina Judicial Department website lists Clerk Kitchings as the Clerk of Court. This page lists the following duties for the Clerk of Court:

"The South Carolina Appellate Court Rules constitute the chief tool for this activity. In applying these rules, the Clerk's Office has frequent and regular contact with the litigants, whether attorneys or individuals representing themselves . . . . By assisting litigants in understanding the Rules, the Clerk's office ensures that the appeal reaches the Court in the form most accessible to the Judges, thus securing to the litigants a full and fair hearing (<https://sccourts.org/appeals/clerk.cfm>)."

The Appellant wrote six formal requests by email letters asking for help from the Clerks of the Court as well as from the transcript office and the Court Reporter Manager. The Clerks were given multiple opportunities to help the Appellant obtain a Complete Transcript for the case. The Clerks did not perform their duties as stated on the Appellate Court Website. Because the Appellant did not receive help from the Clerks to obtain the required Transcript, Clerk Kitchings wrote the Order of June 17, 2024, to Dismiss the Case.

#### **V. THE ORDER OF JUNE 17, 2024, IS PREJUDICIAL.**

It appears that the Order was made early in an untimely manner and in violation of SCAC Rules in order to Dismiss the Appellant's case. This is prejudicial against the Appellant and prejudicially benefits the Respondent and the Judges whose Orders are being appealed.

#### **VI. THE ORDER OF JUNE 17, 2024, BY VIOLATING THE ABOVE SCAC RULES, CONSEQUENTLY,**

**VIOLATES SCAC Rule 506: The Code of Conduct for . . . Law Clerks. Canon 1, Canon 2, and Canon 3.**

- [Canon 1 - A Staff Attorney or Law Clerk Should Uphold the Integrity and Independence of the Judiciary and of His Office](#)
- [Canon 2 - A Staff Attorney or Law Clerk Should Avoid Impropriety and the Appearance of Impropriety in All His Activities](#)
- [Canon 3 - A Staff Attorney or Law Clerk Should Perform the Duties of His Office Impartially and Diligently](#)

The Order of June 17, 2024, in violating the above listed canons demonstrates that the Clerk of Court, Ms. Kitchings, has used her power to take prejudicial actions against the Appellant in favor of the Respondent and in favor of Judge Curtis and Judge McCaslin whose orders are being appealed.

Additionally, Clerk Kitchings ruled against the requirements made by Deputy Clerk Harrison, that the Appellant was required to make a Motion to the Court proving that the Transcript was Incomplete and for the Completion of the Required Transcript.

Futhermore, Clerk Kitchings has violated the foremost responsibilities of her position which require that she assist the Appellant in obtaining the Required Transcript. Clerk Kitchings action have effectively blocked the Appellant from obtaining the Transcript. And, with an Incomplete Transcript, the Clerk has written the Order of June 17, 2024, to dismiss the case.

**VII. June 13, 2024, line Notation of the ACMS was deceptively labeled.**

**The Notation on the June 13, 2024, line of the Appellate Case Management System for this case appears to be deceptively labeled.**

**The following notation which appears on the ACMS bears no resemblance to the Motion summary document submitted by the Appellant. In fact, this Notation makes no sense.**

Correspondence - Incoming (Appellant's Response to  
Non-Dispositional Decision - Order Granting  
06/13/2024 Respondent's Motion - Relieve as Counsel (Henrietta U.  
Golding) and to Provide Initial Brief and Notification of  
A Motion)

The Notation would correctly state the "SIXTH TRANSCRIPT LETTER TO CLERK KITCHINGS AND SCAC FORM 12 . . . ."

This incorrect notation appears to be a strategy to cover-up the document submitted on June 13, 2024. The document submitted proved by way of the Required Motion that a complete transcript for this appeal has not yet been produced.

Additionally, it appears that this was a label to cover-up the fact that the Clerk's Office which is supposed to assist the Appellant in obtaining the transcript, neglected to respond to the Appellant's Six Letters requesting the Court's help to complete the Transcript.

Thank you for your thoughtful consideration of these issues.

***Carol Ann Honeycutt***

Carol Ann Honeycutt, Appellant

P.O.Box 8574

Myrtle Beach, SC 29578

843-254-5951

cc: Julie Kevish at [jkevish@sccourts.org](mailto:jkevish@sccourts.org)

Respondent: by USPS

25th Avenue Llc, Richard F. Williams

309 N. Highland Way,  
Myrtle Beach, SC 29572

**ATTACHMENT: SIXTH LETTER TO KITCHINGS REGARDING  
INCOMPLETE TRANSCRIPT**

**Sent:** Thursday, June 13, 2024 at 8:39 PM  
**From:** "Carol Ann Honeycutt" <auso2@southcarolina.usa.com>  
**To:** ctappfilings@sccourts.org, transcripts@sccourts.org, jkevish@sccourts.org,  
"auso2@southcarolina.usa.com" <auso2@southcarolina.usa.com>  
**Subject:** SIXTH TRANSCRIPT LETTER TO CLERK KITCHINGS INCLUDING SCACR FORM 12  
LETTER

**SIXTH TRANSCRIPT LETTER TO  
CLERK KITCHINGS  
INCLUDING THE SCACR  
FORM 12  
USPS  
Letter by email and  
June 13 ,  
2024**

Re: Appellate Case No.: 2023 – 001023  
consolidated with Re: Appellate Case No.: 2024 – 000131

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Debra R. McCaslin, Circuit Court Judge  
Kristi F. Curtis, Circuit Court Judge

Case No. 2020-CP-2605267

25th Avenue LLC., Respondent v. Carol Ann Honeycutt, Appellant

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Ms. Jenny Abbot Kitchings, Clerk  
Ms. Catherine Harrison, Chief Deputy Clerk  
The South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Dear Ms. Kitchings, Ms. Harrison,

There are four issues addressed in this letter which help to summarize the status of the Incomplete Transcript. The Required Motion provides all the evidence.

### **I. The Required Motion**

**This letter is sent in response to Clerk Harrison's letter of May 14, 2024, in which is stated the following:**

To the extent you claim you have not received the appropriate transcripts, you must file a motion containing documentation of the status of your request.

**I am completing that Required Motion stated in Clerk Harrison's letter and will send it by USPS. The Required Motion**

**is documented in detail. No where in all the documentation is one letter or email from Ms. Kevish stating that she has**

**submitted a completed Transcript. On June 12, 2024, I talked with Ms. Cordelia Coath. She stated that there is no record**

**of the completed transcript.**

### **II. An Incorrect Transcript**

In her letter of April 24, 2024, Clerk Harrison stated: "In your letter, you indicate you have not received all relevant transcripts

in this case. Our records reflect the last transcript was delivered on March 20, 2024." This is to state unequivocally to the Court that the

transcript which appeared on March 20, 2024, in the "Court Reporter Transcript Tracking System" was for the Hearing of February 21, 2024,

before Judge B. Alex Hyman; This hearing is not a part of the Appeal. This, too, is clearly documented in the Required Motion.

### **III. A Complete Transcript is Required for the Brief**

As stated in the Required Motion, there is a substantial amount of evidence omitted



On July 31, 2023, I sent a certified letter to Ms. Kevish informing her that the Transcript was/is incomplete, and I sent an

extensive list detailing what was missing from the Transcript.

Ms. Kevish has never completed the Transcript, she has not responded to related questions about the Transcript,

she has not copied me in on her correspondence with the Respondent, nor she has not copied me in on her correspondence

with the various offices of Court Administration.

On January 25, 2024, my Second Appeal on this Horry County case was filed on the Orders of Judge Debra R. McCaslin.

Subsequent to this second filing I placed a Second Order for the same Transcript with the Transcript Office of Court Administration;

Ms. Kevish was copied in on that order and she was copied in on my third letter to Clerk Kitchings which requested help to

obtain the Transcript.

From August 14, 2023, to the present, the only content in Ms. Kevish's communications to me consists of, "I have forwarded

your letter/email to Court Administration." The last email I received from Ms. Kevish was September 7, 2023. None of my emails

to her in 2024 have been acknowledged in any way.

Court Administration, the transcript office, and the Clerk of Court's Office have received six formal letters/emails from me

(including this one) that I needed help to get the complete transcript. No one responded or assisted me with this request. Ms. Kevish

notified Court Administration and the transcript\office (transcripts@sccourts.org) by forwarding eight emails and USPS correspondences from

me regarding the Incomplete Transcript. In her email to transcripts@sccourt.org on August 14, 2023, at 5:12:39 PM, Ms. Kevish wrote:

"Ms. Honeycutt. I have forwarded your transcript challenge to court administration for their review." If the "Transcript Office"

responded to Ms. Kevish's email, I was not copied in on that response nor from Ms. Kevish. The Court Administration/Transcript

Office received these fourteen communications and has never sent a response to me regarding the Incomplete Transcript.

Ms. Tammie Holmes, Court Reporter Manager, did respond to my email to her. She made an "off the record" email response to me

that she had no changes to make in the Incomplete Transcript. Ms. Holmes did not address all my questions to Ms. Kevish. Ms. Holmes

did not address all of the omissions. Some of Ms. Holmes responses were not consistent with the standards outlined in the SC

Court Reporters Manual. I believe Ms. Holmes response was "off the record" because she did not copy in Court Administration, the

Clerk's Office, nor the Transcript Office in her response. (She did copy-in Tiffany Rains.) I believe that Ms. Holmes did her best

to try to give a response which would keep Ms. Kevish out of trouble.

Ms. Kevish has made no attempt to complete the transcript. If she completed the transcript, it would mean that she lied on her

CERTIFICATE page:

"I, Julie A. Kevish, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true,

accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of Common Pleas for Horry County,

South Carolina, on the 24th of April, 2023. I do further certify that I am neither of kin, counsel, nor interest to any party hereto."

She signed the CERTIFICATE page, April 24, 2023.

## SUMMARY

From August 4, 2023, when Court Reporter Julie Kevish received my transcript challenge, to today, the Appellant

has not received a Complete Transcript from the Court Reporter, Ms. Kevish.

Thank you for your consideration of these issues,

***Carol Ann Honeycutt***

Carol Ann Honeycutt, Appellant

P.O.Box 8574

Myrtle Beach, SC 29578

843-254-5951

cc: Julie Kevish at [jkevis@sccourts.org](mailto:jkevis@sccourts.org)

Respondent:

25th Avenue Llc, Richard F. Williams

309 N. Highland Way,

Myrtle Beach, SC 29572

