

**RECEIVED**

**Jul 25 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Circuit Court Judge of the 9<sup>th</sup> Judicial Circuit

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App. Case No. 2023-000296

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J. Doe,

Appellant,

v.

Design Review Board (DRB)  
and the  
Town of Sullivans Island (SI),

Respondents.

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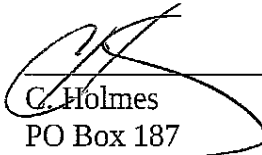
MOTION TO REINSTATE

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Pursuant to Rule 260(a), SCRPC, appellant respectfully submits motion to reinstate for good cause shown. The record reflects the order filed July 11, 2024, is based on inadvertent error or omission in violation of Rules 208 and 209, SCACR. Pursuant to Rules 208 and 209, SCACR, the record reflects appellant's brief as well as designation of matter is timely served and filed. The orders

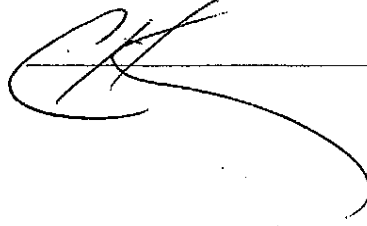
on appeal state the matter came to hearing before the court. Appellant's brief as well as designation of matter is filed within 30 days of receiving the court reporter's response to timely request for transcript which bears a postmark date of June 17, 2024. Rules 207, 208 and 209, SCACR. Accordingly, the order filed July 11, 2024, is reversible as a matter of law. "The touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), or denial of fundamental procedural fairness, see, e.g., *Fuentes v. Shevin*, 407 U.S. 67, 82 (1972) (the procedural due process guarantee protects against "arbitrary takings"). *County of Sacramento v. Lewis*, 523 U.S. 833, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998). See *Moore v. Moore*, 376 S.C. 467, 657 S.E.2d 743 (2008) (procedural due process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; and (4) the right to confront and cross-examine witnesses). See S.C. Const. art. I, sec. 2, 3, 4, 9, 10, and 14; S.C. Const. art. V, sec. 4; S.C. Const. art. V, sec. 5; U.S. Const., Article I, sec. 9 and 10; U.S. Const. amend. I, IV, V, VII, and XIV. See *Hicks v. Feiock*, 108 S.Ct. 1423, 485 U.S. 624, 99 L.Ed. 721, 56 U.S.L.W. 4347 (1988).

Dated 7/25/2024

  
C. Holmes  
PO Box 187  
Sullivans Island, SC 29482  
843.883.3010  
For Appellant

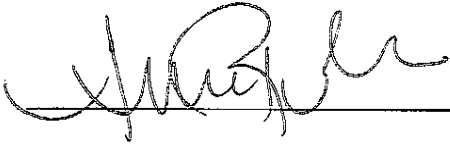


FURTHER THE AFFIANT SAITH NOT.



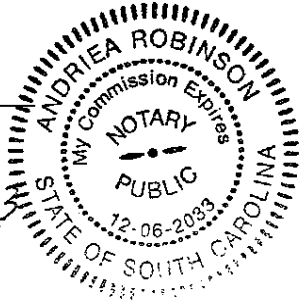
Subscribed and sworn to before me,  
Notary Public, this 25<sup>th</sup> day

of July, 2024.



NOTARY PUBLIC

My commission expires: 12/06/2033





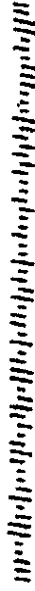
Ms. Elizabeth Harris  
3801 Hanson Ave  
Columbia, SC 29204

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Dr. C. Holmes  
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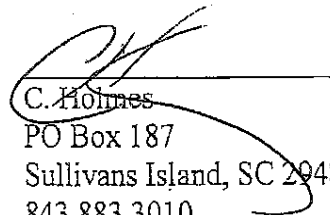
**SC Court of Appeals**

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Dated 7/25/2024

  
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Hard copy  
available  
on request.

Thank  
you!

Fax Cover:

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