

From: [Carol Ann Honeycutt](#)
To: [Court Of Appeals Filings; auso2southcarolina.usa.com](#)
Subject: APPELLANT'S MOTION FOR A SECOND EXTENSION OF TIME
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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas, Honorable Kristi F. Curtis, Circuit Court Judge
and
Court of Common Pleas, Honorable Debra R. McCaslin, Circuit Court Judge

Appellate Case No. 2023 - 001023
consolidated with
Appellate Case No. 2024 - 000131

Case No. 2020-CP-26-05267

25th Avenue, LLC, Respondent

v.

Carol Ann Honeycutt, Appellant.

**APPELLANT'S MOTION FOR A SECOND EXTENSION OF TIME TO FILE
A MOTION FOR REINSTATEMENT OF THIS CASE PENDING RECEIPT
OF A COMPLETE TRANSCRIPT OF THE HEARING OF APRIL 24, 2023.**

Pursuant to Rule 240(a), SCACR, Carol Ann Honeycutt (hereinafter "Appellant") respectfully requests an enlargement of time within which to file a complete Motion to Reinstate. Included with this Motion for an Enlargement of Time is Proof of Service and the \$50.00 filing fee. The Appellant is requesting an extension of time through August 31, 2024, in order to obtain the Complete Transcript of the Hearing of April 24, 2023, and to file the Motion to Reinstate. The Incomplete Transcript provided to the Appellant is the underlying reason the Initial Brief and Designation of Matter could not be completed. The Complete Transcript provides evidence required for the completion of the Initial Brief and Designation of Matter. The Complete Transcript is required for the Motion to Reinstate. Through no fault of the appellant, and in spite of herculean efforts on the part of the appellant, the appellant has been denied a copy of the Complete Transcript upon which one part of this two part appeal is based. This motion for an enlargement of time is preceded by the motion filed on June 18, and June 28, 2024, and found on those dates in the ACMS for this case.

Pursuant to SCAC Rule 260, Dismissal and Reinstatement, the motion to reinstate the case was received in a timely manner in accordance with the rule: "a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing the order of dismissal (the day of filing being excluded)." The Order to Dismiss was filed June 17, 2024, by Clerk of Court Kitchings.

This requirement was met by Clerk Kitchings' letter of June 21, 2024, which stated: "Upon reviewing your Notice of Error, which the Court is construing as a motion to reinstate" Furthermore, this requirement was met on June 28, 2024, by Appellant by filing the Proof of Service on this, and by filing the Appellant's Motion for Enlargement of Time to File a Motion for Reinstatement. The Appellant wishes to submit a complete Motion to Reinstate with all the requirements for the motion including the arguments, citing of authorities, and supporting documents which requires the enlargement of time to prepare. The Appellant sees her letter of June 18, 2024, as a Notice of Motion for Reinstatement and has submitted a proof of service as required by Clerk Kitchings in her letter of June 21, 2024: "A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR."

THE MOTION FOR REINSTATEMENT

This progression of this case is dependent upon appellant's receipt of a Complete Transcript of the hearing of April 24, 2024, before Judge Debra R. McCaslin. On June 13, 2024, appellant submitted notice of this by the Sixth Letter to Clerk Kitchings and an attached Form 12 Notice that appellant had not received a complete transcript. That was followed on June 24, 2024, by the Motion for an Extension of Time to file the Initial Brief and Designation of Matter pending the receipt of a Complete Transcript. With the Exhibits, this document was over 180 pages in length, proving the appellant had not yet received the Complete Transcript. Subsequent to that motion, appellant has attempted to obtain the Complete Transcript by taking the actions listed below.

The sequence of this case has become complicated as it appears that the Clerk of Court's Office has produced instructions and orders that are contrary to, or at least, out of sequence, to the Rules of the South Carolina Appellate Court. Therefore, the Appellant asks for an enlargement of time to present a formal and complete motion to reinstate. This motion will address the Rules and will provide documents which will prove that the dismissal of the case was improper.

APPELLANT FILED TWO MOTIONS WITH THE HORRY COUNTY CIRCUIT COURT TO OBTAIN THE COMPLETE TRANSCRIPT

The Appellate Court Motion filed on line June 24, 2024, of the ACMS for this case contains the exhibit list for the Circuit Court Motions. **Exhibit 11** documents that Appellant filed two motions in Horry County Circuit Court to obtain the Complete Transcript from Court Reporter Julie Kevish. Exhibit 11 appears as shown below with an update from the July 24, 2024, hearing.

EXHIBIT 11: MOTIONS IN HORRY COUNTY CIRCUIT COURT TO COMPEL DISCOVERY FROM JULIE KEVISH

**11. a.: MOTION TO COMPEL DISCOVERY (Priority Matter) TO JULIE A. KEVISH,
Pages 1-6 OFFICIAL COURT REPORTER, STATE OF SOUTH CAROLINA.
Date Filed: August 30, 2023.**

Heard on: February 21, 2024. Respondent Attorney interrupted Appellant and falsely claimed the case was almost over. Appellant did not get to complete the presentation of the motion. Consequently, the judge denied the motion.

**11. b.: MOTION TO COMPLETE THE HEARING OF FEBRUARY 21, 2024, ON
Pages 1-3 MOTION TO COMPEL DISCOVERY AND
Date Filed: March 15, 2024.**

This motion was heard on July 24, 2024. Again, contrary to all laws and procedures related to obtaining a transcript, Judge Hyman denied appellant's motion to compel Ms. Kevisch to provide the Complete Transcript to the appellant. Judge Hyman filed a Form 4 Order on July 30, 2024.

There are no laws in South Carolina which restrict an appellant's/defendant's right to a complete transcript of the hearing upon which an appeal is based. All South Carolina statutes and the procedures outlined in the South Carolina Court Reporter Manual describe the proper procedures for obtaining the transcript. Appellant has met all of these requirements. Yet, Judge Hyman denied the appellant a Complete Transcript. (See **Exhibit 1** for both orders denying appellant/defendant's motion to compel.)

**APPELLANT ATTEMPTED TO OBTAIN THE COMPLETE TRANSCRIPT
BY SERVING A SUBPOENA ON COURT REPORTER KEVISH.**

On July 10, 2024, appellant obtained a subpoena from the Horry County Clerk of Court. It was served on Ms. Kevisch on July 12, 2024. This subpoena required Ms. Kevisch to present herself for the hearing of July 22, 2024, which was changed to July 24, 2024, due to technical issues in the Webex hearing. The subpoena also requested that she produce the Complete Transcript of April 24, 2023.

Attorney Henrietta Golding, on May 14, 2024, by Order of the Appellate Court, was relieved as counsel for the Respondent from this case. Nevertheless, she intervened in this case on or about July 15, 2024, by taking the subpoena served on Ms. Kevisch to Chief Justice Beatty, Chief Justice of the Supreme Court of South Carolina. He heard her motion to quash the subpoena, ex parte, and quashed the subpoena. Appellant was not notified until after the order to quash the subpoena was made. (See **Exhibit 2** for Chief Justice Beatty's order and the follow-up correspondence.)

Justice Beatty's order allowed a circuit court judge to issue an order for Ms. Kevisch to appear at a hearing and give testimony, and to produce the Complete Transcript. Judge Hyman refused to consider this order.

**APPELLANT ATTEMPTED TO OBTAIN THE COMPLETE TRANSCRIPT
BY WRITING TWO LETTERS TO THE CHIEF ADMINISTRATIVE
JUDGE OF HORRY COUNTY, JUDGE SEALS, JR.**

The South Carolina Court Reporter Manual directs a party to an action to obtain the assistance of the Chief Administrative Judge of the Circuit Court to allow a party to hear the audio/digital recording of a hearing. Additionally, appellant requested Judge Seals help in scheduling the hearing of July 22, 2024, to a court room setting, and assist appellant obtaining a Complete Transcript from court reporter Julie Kevish. Judge Seals passed the letters to Judge Hyman and did not provide the assistance requested. (See **Exhibit 3**, the letters to Judge Seals.) (All Exhibits are sent by USPS, only.)

THE ORDER OF DISMISSAL

Appellant wishes to respond to the Order of Dismissal filed by Clerk of Court,

Ms. Jenny Abbott Kitchings on June 17, 2024. Appellant believes that this Order violates the following South Carolina Appellate Court Rules: **Rule 208(a)(1), Rule 207, Rule 208(a)(1), Rule 240(e)(f), Rule 260(a), Rule 262(a)(3), Rule 506, and the instructions of Deputy Clerk Catherine Harrison's letter of May 14, 2024.** Therefore, Appellant respectfully requests an enlargement of time to August 31, 2024, to obtain the Complete Transcript and to file the Motion to Reinstate.

WHEREFORE, having fully set before this honorable Court the grounds for this motion, the Appellant moves for an Order granting an enlargement of time through August 31, 2024, for filing Appellant's Motion to Reinstate. Respectfully submitted,

Carol Ann Honeycutt

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July 31, 2024