

IN THE STATE OF SOUTH CAROLINA,

IN THE COURTS OF APPEALS

APPEAL FROM THE OCONEE COUNTY COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT

Order of Honorable Judge Lewton McIntosh

APPELLATE CASE NO: 2024-001241

JASON MICHAEL BOYLE----- Appellant,

V.

DANNY SINGLETON, “et al” -----Respondents

MOTION TO RECONSIDER

I respectfully submit this Motion to Reconsider the Court's decision to dismiss my appeal on August 12, 2024. The dismissal was based on the determination that the order being appealed is not appealable. However, I contend that the order in question, titled "Order of Release" and signed on July 17, 2024, Judge McIntosh of the Tenth Circuit Court of South Carolina, infringes on my substantial rights and causes harm and therefore is appealable.

BACKGROUND

The "Order of Release" suspends the last 20 days of my sentence until after the appeal hearing. Additionally, it imposes several conditions that directly affect my substantial rights, including:

- 1. Prohibition on Alcohol Consumption:** The order imposes a blanket prohibition on alcohol consumption, which severely restricts my personal freedom and autonomy, directly infringing on my substantial rights. This condition represents a significant overreach by the court, imposing a restriction on a lawful activity that bears no direct relation to the case at hand. Such a broad prohibition intrudes upon my right to make personal choices within the confines of my private life—choices that should not be subject to judicial oversight, especially when they have no bearing on the legal matters in question.

The blanket nature of this restriction is particularly troubling, as it implies a presumption of misconduct or potential risk on my part without any evidence to support such an assumption. This stigmatizes me unfairly, casting a shadow over my character and reputation, and potentially influencing how I am perceived in other areas of my life, both personally and professionally. It creates an unjustified narrative that I am somehow unfit or incapable of making responsible decisions, which is both demeaning and baseless.

Furthermore, this prohibition interferes with my ability to participate in normal social and cultural activities where alcohol may be present. Whether it's attending a family gathering, a community event, or even a simple dinner with friends, the court's order isolates me from these important interactions. Social and familial connections are vital to one's well-being, providing emotional support, a sense of belonging, and maintaining healthy relationships. By restricting my participation in these settings, the order effectively severs me from these crucial aspects of life, exacerbating feelings of isolation and alienation.

The imposition of this condition is not only punitive but also grossly disproportionate to the circumstances of my case. It places unnecessary and unjustified limits on my freedom, curtailing my ability to live my life as a free and autonomous individual. The restriction extends beyond any reasonable scope of judicial intervention, venturing into the realm of personal lifestyle choices that should be protected from such invasive oversight. The court's authority should not be used to impose moral judgments or to control behavior that is both legal and socially acceptable, especially in the absence of any demonstrated need to do so.

Additionally, the arbitrary nature of this restriction fails to account for the actual context and facts of my situation. There is no evidence to suggest that my consumption of alcohol has ever posed a risk or issue related to the legal matters at hand, making this prohibition entirely unwarranted. It creates an unnecessary burden on my daily life, forcing me to conform to an unjust standard that has no basis in the reality of my conduct or character.

In essence, this condition serves as a form of unwarranted punishment that unjustly infringes upon my personal liberty. It undermines my dignity and autonomy, stripping away the right to engage in a lawful activity that is a normal part of social life for many individuals. The

court's imposition of such a condition is a clear overstep of its authority and fails to respect the boundaries of individual freedom that are protected under the law.

The prohibition on alcohol consumption is an invasive and unjustified restriction that significantly infringes on my personal freedom and autonomy. It imposes unwarranted stigma, disrupts my social and familial interactions, and represents an overreach of judicial power into areas of life that should remain free from such control. This condition should be reconsidered and removed, as it is not only unnecessary but also harmful to my well-being and rights as an individual.

- 2. Prohibition on Possession of Weapons:** The order prohibiting me from possessing weapons, despite my status as a lawful owner of concealed firearms, represents a severe infringement on my constitutional right to bear arms as guaranteed by the Second Amendment. This restriction is not merely a legal technicality; it has profound and immediate implications for my personal safety and the safety of my family.

As someone who is actively engaged in numerous legal battles, I have faced explicit and implied threats from individuals who may seek to harm me. These threats are not hypothetical; they are real and present dangers that require me to be adequately prepared to defend myself and my loved ones. The prohibition on weapon possession leaves me entirely defenseless against these threats, stripping me of the essential means to ensure our protection. This order not only infringes upon my rights but also creates an environment in which my safety—and the safety of my family—is at significant risk.

Living in a rural area compounds these dangers. In such locations, law enforcement response times can be significantly delayed due to the distances involved and the limited availability of officers in the area. In critical situations, where every second counts, the ability to defend oneself can mean the difference between life and death. By depriving me of the legal right to possess firearms, this order effectively eliminates my capacity to respond to emergencies and protect my household from potential harm.

Furthermore, my family relies on me as their primary protector. The prohibition on weapons possession does not just endanger me personally; it also jeopardizes the well-being and security of those who depend on me. My responsibility to safeguard my family extends beyond mere legal obligations—it is a fundamental duty rooted in the most basic human

instincts to protect those we love. By stripping me of the ability to fulfill this duty, the order undermines my role as a provider and protector, leaving my family vulnerable in a time of heightened risk.

This prohibition is particularly egregious given the specific context of my situation. The legal battles I am involved in have escalated tensions, making the threat of retaliation or violence more pronounced. The order fails to consider the heightened risks associated with my circumstances, and instead imposes a blanket restriction that does not account for the very real and imminent dangers I face.

Moreover, the ability to possess firearms is a lawful and constitutionally protected right that plays a crucial role in self-defense, especially in scenarios where other forms of protection may not be readily available. The prohibition imposed by this order is a disproportionate response that disregards the legitimate need for self-defense in a climate of uncertainty and threat. It places me—and by extension, my family—in a precarious position where we are unable to take necessary measures to protect ourselves from potential harm.

The prohibition on the possession of weapons not only infringes on my constitutional rights but also places my life and the lives of my family members in serious danger. It is a reckless and unjustified restriction that exposes us to significant risks, especially given the unique circumstances of my legal and personal situation. This order should be reconsidered in light of the critical importance of self-defense and the constitutional protections afforded to individuals in their right to bear arms.

- 3. Gag Order:** The order imposes a sweeping gag order on me, my agents, employees, and legal counsel, prohibiting any of us from speaking publicly about this case to news agencies, on social media, or to anyone not directly involved in case preparation. This gag order is an extreme and unjustified restriction that severely infringes on my First Amendment right to free speech. It prevents me from sharing my side of the story with the public, effectively silencing my voice in the face of ongoing legal battles. This is particularly harmful given the slanderous accusations made by the Probate Court, which have damaged my reputation. Without the ability to speak out, I am unable to defend my character against these baseless claims, leaving the public with a one-sided and misleading narrative.

Moreover, this gag order does not just affect me; it also restricts the rights of those who wish to support and advocate for me. By preventing my agents, employees, and legal counsel from discussing the case publicly, the order limits their ability to rally public support, correct misinformation, and engage in public discourse that could positively influence the outcome of my case. This broad restriction also stifles potential legal discussions and consultations that could occur outside the immediate case preparation, further hampering my defense.

The gag order's impact is far-reaching, curtailing not only my rights but also the rights of others to freely express their opinions and support for my situation. This overreach by the court effectively isolates me, hinders my ability to garner public support, and obstructs the open exchange of ideas and information, which is a cornerstone of a free and democratic society. The order's chilling effect on speech and advocacy underscores a profound violation of fundamental rights, making it an unjust and oppressive measure that extends well beyond the bounds of what is necessary or appropriate in this case.

- 4. Travel Restriction:** The order imposes a strict prohibition on my ability to leave the state of South Carolina, which significantly infringes upon my fundamental right to travel freely and impacts numerous critical aspects of my personal and professional life.

This restriction gravely affects my familial responsibilities and obligations. As a native of Michigan, I have elderly parents in their late 70s who are in dire need of my support and care. My father is recovering slowly from a recent quadruple bypass surgery, facing several complications that require ongoing assistance and monitoring. Simultaneously, my mother suffers from congestive heart failure, necessitating regular care and emotional support that only close family can adequately provide. The inability to travel to Michigan prevents me from fulfilling my duty as a son to care for and support my aging parents during this vulnerable time in their lives, causing immense emotional distress for both them and myself.

Furthermore, this travel restriction hinders my capacity to maintain and support other vital family relationships. My aunt in Georgia is battling a serious heart condition, and my godfather in North Carolina is in the final stages of life, both of whom rely on familial visits for comfort and support during these challenging times. The order has already caused me to miss significant family events, including a maternal family reunion in Georgia on August 18, 2023, which serves as an important gathering for familial bonding and support. Additionally,

my spouse is Ugandan and resides in the United States, but my stepchildren live in Uganda. This restriction severely limits our ability to visit them, disrupting our family unity and preventing us from fulfilling our roles as parents and caregivers across international lines.

Professionally, the travel ban imposes substantial constraints on my livelihood and economic stability. My work frequently requires travel to neighboring states such as Georgia and North Carolina, where I have established professional relationships and employment opportunities essential for sustaining my income. The inability to pursue these opportunities due to the imposed travel restrictions leads to significant financial hardship, impeding my ability to meet personal and family financial obligations. This not only affects my current financial standing but also has long-term implications for my professional reputation and career advancement.

The comprehensive nature of this travel restriction is unduly punitive and lacks sufficient justification related to the circumstances of my case. It disrupts essential aspects of my life, including family support, emotional well-being, and financial stability. Such an extensive limitation on my freedom of movement is disproportionate and imposes unnecessary hardships that exacerbate the challenges I am already facing. The restriction fails to consider less restrictive measures that could achieve the intended purposes without causing such extensive personal and professional detriment.

In summary, the imposed travel restriction causes immediate and ongoing harm by severing critical family ties, obstructing essential caregiving responsibilities, and undermining my economic security. It constitutes a substantial infringement on my fundamental rights and liberties, warranting serious reconsideration and relief by the Court.

STANDARD OF REVIEW

The standard of review for immediately appealable interlocutory orders in South Carolina is governed by the South Carolina Code of Laws Section 14-3- 330 and South Carolina Appellate Court Rules 203(b). Rule 203(b) of the South Carolina Appellate Court Rules states that an interlocutory order may be immediately appealed if it affects a substantial right.

In South Carolina, the appealability of interlocutory orders is governed by a clear standard that requires the order to either involve the merits of the case or affect a substantial right. As

established in *Mid-State Distributors, Inc. v. Century Importers, Inc.*, 310 S.C. 330, 426 S.E.2d 13 (1992), the South Carolina Supreme Court emphasized that an interlocutory order may be immediately appealed if it impacts a substantial right integral to the party's legal position, particularly when the order could result in significant harm or irreparable injury if not reviewed before the final judgment. This principle was further reinforced in *Burkey v. S.C. Dep't of Health & Human Servs.*, 398 S.C. 232, 726 S.E.2d 231 (2012), where the Court reiterated that for an interlocutory order to be immediately appealable, it must “involve[] the merits of the case or affect[] a substantial right.” These cases underscore the necessity of immediate appellate review when an order critically impacts the rights and legal standing of a party, ensuring that substantial issues are addressed promptly to prevent undue prejudice.

Interlocutory orders affecting a substantial right may be immediately appealed pursuant to 14-3-330(2). Orders affecting a substantial right discontinue an action, prevent an appeal, grant or refuse a new trial, or strike out an action or defense.

ARGUMENT

A. Prohibition on Alcohol Consumption restricts my personal freedom, autonomy and infringes on my substantial rights.

The order imposes a blanket prohibition on alcohol consumption, which severely restricts my personal freedom and autonomy, directly infringing on my substantial rights. This condition represents a significant overreach by the court, imposing a restriction on a lawful activity that bears no direct relation to the case at hand. The blanket nature of this restriction is particularly troubling, as it implies a presumption of misconduct or potential risk on my part without any evidence to support such an assumption. This unjustly stigmatizes me, casting a shadow over my character and reputation.

The blanket prohibition on alcohol is not tailored to my case, lacks factual basis, and violates my right to autonomy in personal decisions, as protected under the South Carolina Constitution and broader principles of personal liberty recognized in *Griswold v. Connecticut*, 381 U.S. 479 (1965).

B. Prohibition on Possession of Weapons is unwarranted, severe and incantational

The order prohibiting me from possessing weapons, despite my status as a lawful owner of firearms, represents a severe infringement on my constitutional right to bear arms as guaranteed by the Second Amendment. Given the numerous legal battles I am engaged in, and the explicit and implied threats I have received, this prohibition places me and my family in immediate danger.

The U.S. Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), reaffirmed the fundamental right to possess firearms for self-defense in the home. This right is even more critical in my situation, where threats to my safety are not hypothetical but real and ongoing. The court in *Heller* made it clear that blanket prohibitions on firearm possession, especially when they impair self-defense, are unconstitutional. The order in question ignores the heightened risks I face and fails to provide any compelling justification for stripping me of my right to self-defense, thus violating both state and federal constitutional protections.

C. Gag Order imposed by court is an extreme violation of my first amendment right

The order imposes a sweeping gag order on me, my agents, employees, and legal counsel, prohibiting any of us from speaking publicly about this case. This gag order is an extreme and unjustified restriction that severely infringes on my First Amendment right to free speech. It prevents me from sharing my side of the story, defending my character, and countering the slanderous accusations made by the Probate Court.

In *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976), the U.S. Supreme Court struck down a gag order on the grounds that it was a prior restraint on speech, a practice highly disfavored under the First Amendment. The gag order imposed on me similarly constitutes an unjustified prior restraint, especially given that it was not narrowly tailored to serve a compelling governmental interest, as required under *Reno v. ACLU*, 521 U.S. 844 (1997). The order extends beyond reasonable limits, restricting not only my speech but also that of others who wish to advocate for me, which further exacerbates its unconstitutional overreach.

D. Travel Restriction significantly infringes on my fundamental right to travel and affects my familial responsibilities.

The order imposes a strict prohibition on my ability to leave the state of South Carolina, significantly infringing upon my fundamental right to travel freely. This restriction gravely

affects my familial responsibilities, particularly the need to care for my elderly parents in Michigan and to maintain other vital family relationships.

The right to interstate travel is a fundamental right protected by the Privileges and Immunities Clause of the U.S. Constitution, as recognized in *Saenz v. Roe*, 526 U.S. 489 (1999). The court in *Shapiro v. Thompson*, 394 U.S. 618 (1969), held that any state action that significantly impedes the right to travel must be narrowly tailored to serve a compelling governmental interest. The travel restriction imposed on me fails this test, as it is not justified by any substantial state interest and disproportionately impacts my ability to provide essential care to my family and to fulfill professional obligations that require interstate travel.

CONCLUSION

The conditions imposed by the "Order of Release" clearly affect my substantial rights and cause immediate harm. The prohibition on alcohol consumption unjustly limits my personal freedom; the prohibition on weapons possession endangers my safety and that of my family; the gag order infringes on my constitutional right to free speech; and the travel restriction disrupts my family obligations and professional life. These conditions are disproportionate, unjustified, and represent an overreach of judicial authority. I respectfully request that the Court reconsider its decision to dismiss my appeal and allow the appeal to proceed on the grounds that these substantial rights have been unjustly infringed.

PRAYERS FOR RELIEF

WHEREFORE, the Appellant, Dr. Jason Michael Boyle, respectfully requests that this Honorable Court grant the following relief:

1. Reconsideration of Dismissal: That the Court reconsider its decision to dismiss the appeal dated August 12, 2024, on the grounds that the "Order of Release" signed on July 17, 2024, by the Clerk of Judge McIntosh of the Tenth Circuit Court of South Carolina, imposes conditions that significantly infringe upon the Appellant's substantial rights and, therefore, is appealable.
2. Vacating or Modifying the "Order of Release":

- That the Court vacate or modify the condition prohibiting the Appellant from consuming alcohol, as it unjustly infringes upon the Appellant's personal freedom and autonomy without any demonstrated connection to the legal matters at hand.
 - That the Court vacate or modify the condition prohibiting the Appellant from possessing weapons, as it violates the Appellant's constitutional right to bear arms and places his life and the safety of his family in immediate danger.
 - That the Court vacate or modify the gag order, as it imposes an unconstitutional restriction on the Appellant's First Amendment right to free speech, preventing him from defending his character and publicly addressing the ongoing legal battles.
 - That the Court vacate or modify the travel restriction, as it unreasonably limits the Appellant's fundamental right to travel, thereby preventing him from fulfilling familial obligations and pursuing necessary professional activities.
2. **Declaratory Relief:** That the Court declare the conditions imposed by the "Order of Release" to be an overreach of judicial authority and a violation of the Appellant's constitutional rights.
 3. **Injunction:** That the Court issue an injunction preventing the enforcement of the aforementioned conditions pending the outcome of the appeal, to prevent further harm to the Appellant's rights, personal safety, and well-being.
 4. **Any Other Relief:** That the Court grant any other relief that it deems just and proper under the circumstances, including but not limited to the restoration of the Appellant's rights and liberties that have been unjustly infringed by the "Order of Release."

Respectfully Submitted, this August 25, 2024.



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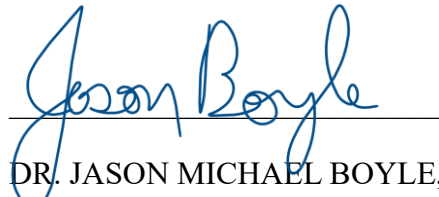
DANNY SINGLETON, "et al" -----Respondents

PROOF OF SERVICE

I hereby certify that on this August 25, 2024, a copy of the Motion to Reconsider was delivered to the following parties:

1. Jim Logan: logan@loganandjolly.com
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Respectfully Submitted, this July 25, 2024.



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