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Sep 30 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Circuit Court Judge for the Ninth Circuit

App. Case No. 2024-0600
Case No. 2021-CP-10-5478

J. K. Holmes,

Respondent,

v.

C.E. Holmes,

Appellant.

MOTION TO RECUSE FORMER FAMILY COURT JUDGE VINSON
WHO PRESIDED OVER THE CASE WHICH IS SEALED IN THE LOWER COURT
CONCERNING MATTERS ON APPEAL HEREIN AND
MOTION FOR ABEYANCE OF TIME LIMITS PENDING RESOLUTION

The appellant respectfully submits motion for abeyance of time limits pending resolution and motions for the recusal of the Former Family Court Judge Vinson who presided over this case which is sealed in the lower court concerning matters on appeal herein. A prior action is pending between the same parties for the same claim. This matter raises issues of great public importance including confidentiality, preservation of privacy rights, and/or substantial rights for Family Court litigants and the citizens of South Carolina. Judges as litigants in the South Carolina Family Court should and would expect confidentiality and protection of privacy rights in their own Family Court matters. Family Court matters are subject to confidentiality and privacy rights in the lower court below as well as the lower appellate court which is hereby requested. The appellant appeals herein on behalf of similarly situated citizens of this great State and requests, under the facts, that folks on the Court of Appeals who have presided over the matter on appeal herein be disqualified herein. The appellant is prejudiced thereby. But for the denial of substantial rights including the right to recusal of the Former Family Court Judge Vinson who presided over this case which is sealed in the lower court concerning matters on appeal herein, the outcome should and would be in appellant's favor. The appellant requests non-participation by the Former Family Court Judge who presided in the Family Court over matters on appeal herein. The case of *Burgess v. Stern*, 428 S.E.2d 880, 311 S.C. 326 (S.C., 1992) provides as follows regarding impermissible direct or indirect ex parte communication including impermissible direct or indirect ex parte contact regarding confidential Family Court matters:

“South Carolina case law and rule-making authorities are well synchronized on the prohibition against ex parte contacts. In *Herring v. Retail Credit Co.*, 266 S.C. 455, 224 S.E.2d 663 (1976), the judicial practice of merely signing an order prepared by counsel of one party was condemned. This Court advised the Bench and the Bar that not only do such orders deprive the reviewing Court of adequate records on appeal, but also deny to the deprived party an opportunity to be heard in matters which affect them. *Id. Aiken County v. BSP Div. Of Envirotech Corp.*, 866 F.2d 661, (4th Cir.1989), evinces the Fourth Circuit Court of Appeals' disapproval of ex parte contacts of this type.... Canon 3(A)(4), Rule 501, Code of Judicial Conduct, SCACR, states: ‘A judge should ..., except as authorized by law, neither initiate or consider ex parte or other communications concerning a pending or impending matter.’ While Canon 3(A)(4) guards against ex parte indiscretion, it also strives to

eliminate the appearance of impropriety. This issue was discussed succinctly in the case of *In re: Wisconsin Steel*, 48 B.R. 753 (D.Ill.1985). The Court in *Wisconsin Steel* noted:

It is rarely possible to prove to the satisfaction of the party excluded from the communication that nothing prejudicial occurred. The protestations of the participants that the communication was entirely innocent may be true, but they have no way of showing it except by their own self-serving declaration. This is why the prohibition [311 S.C. 331] is not against "prejudicial" ex parte communications, but against ex parte communications. *In re: Wisconsin Steel*, 48 B.R. 753 (D.Ill.1985)."

Burgess v. Stern, 428 S.E.2d 880, 311 S.C. 326 (S.C., 1992).

Accordingly, the appellant respectfully submits motion for abeyance of time limits pending resolution and motion to recuse the Former Family Court Judge Vinson who presided over this case in the Family Court which is sealed in the lower court concerning matters on appeal herein. Accordingly, it is respectfully requested the motions be granted.

INTRODUCTION

The Great Statesman, Rep. Elijah Cummings, may he rest in peace, observed, "When we're dancing with the angels, the question will be asked, in 2024, what did we do to make sure we kept our democracy intact?" Emphasis supplied. Along with Rep. John Lewis, may God rest his soul, it is fitting to remember these lifetimes of steadfast bravery and unremitting courage. It is fitting, as well, to remember the beginnings of that democracy. The framers of our state and Federal Constitutions risked life, limb, and liberty to escape abuses by the British government.

Both state and Federal Constitutions were deliberately crafted to foreclose those abuses here. The framers did not need computers, tablets, or cell phones to discern the basic tenets of fundamental fairness and due process. An impartial decision-maker was seen as a non-negotiable requirement for preventing such abuses. The letter and spirit of our cherished Constitution categorically prohibit deprivation of life, liberty, or property without due process of law, nor shall any person be denied equal

protection of the laws. The right of trial by jury shall be preserved inviolate. As a corollary, another requirement, deemed mandatory and prohibitory, is that no single individual, whether British monarch or government official shall have absolute authority over a citizen's life, liberty, or property without being subject to the right of appeal with meaningful judicial review.

In the instant case, appellant timely reserves, preserves, does not waive, and expressly requests fundamental fairness and substantial rights including but not limited to, meaningful opportunity to be heard at a meaningful time and full, fair, and meaningful review. There are examples of unrepresented parties and/or traditional filers subjected to a separate second-class system of so-called justice, where the South Carolina Rules of Court are gleefully and cavalierly used as a trap for the unwary. Significantly and materially, there is an abundant body of law decisively declaring separate is never equal. Systemic institutional biases are acknowledged, including but not limited to, prejudice and unequal treatment with favoritism under Alex Murdaugh's rules of law where the so-called officer of the court enticed judges to authorize his wrongdoing. Unequal treatment, lack of even-handedness, lack of transparency, and/or lack of fundamental fairness threaten our democracy and feed the appearance of the proverbial "rigged" system. This issue is of exceptional importance as it is capable of repetition, capable of evading judicial review, and incapable of adequate remedy on appeal. The following inscription is found at the Four Corners of Law in Charleston, SC: Where the rule of law ends, tyranny begins. The Judge J. Waties Waring Judicial Center is named for the renowned crafter of divine dissents lying in repose in Charleston, who must be turning over in his grave at the historically persistent lawlessness of the Four Corners of Law. As set forth more fully below, it is respectfully submitted our democracy depends on the basic tenets of fundamental fairness and due process just as much, if not more so, in this age of cell phones, tablets, computers, and extraordinary and unprecedented public health and affiliated economic emergencies ongoing and still unfolding.

DISCUSSION

To the extent there is no inconsistency in the provisions, the undersigned incorporates in full by reference the contents of this document. The appellant asserts recusal is addressed to the Former Family Court Judge Vinson who presided over this case in the Family Court which is sealed in the lower court concerning matters on appeal herein. The record reflects a reasonable person should and would have serious questions about impartiality regarding the Former Family Court Judge who presided over Family Court matters now on appeal precisely because he presided over that confidential matter in the Family Court and, even more so, in a confidential matter that is sealed by the lower court. It is respectfully submitted the question is not whether he is impartial in fact, but rather whether reasonable men/women might question impartiality under all circumstances. *Roche v. Young Bros., Inc.*, 332 S.C. 75, 504 S.E.2d 311 (1998); *United States v. Gigax*, 605 F.2d 507 (10th Cir. 1979). Under Canon 3(E)(1)(a), a judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to, instances where he has presided over the case in the lower court and/or has favoritism/bias or prejudice for or against a party. *Roche v. Young Bros., Inc.*, 332 S.C. 75, 504 S.E.2d 311 (1998); Canon 3(E)(1)(a), CJC, Rule 501, SCACR. Moreover, pursuant solemn oath and sworn duty, a good faith response on personal knowledge as well as adequate explanation for meaningful objective review is respectfully requested. *See, e.g., Fidrych v. Marriott Int'l, Inc.*, 952 F.3d 124, 146 (4th Cir. 2020) (remanded for lack of adequate explanation for meaningful review because the decision was "quite abbreviated, and the court disposed of the substance of the issue in a single sentence. See J.A. 252. We need more explanation to conduct meaningful appellate review of the court's disposition of the motion."). Accordingly, it is respectfully requested the motions be granted. "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).

Significantly and materially, the untrustworthy Family Court attorney defendant has not denied and cannot in good faith deny that the Former Family Court Judge presided over the Family Court matter in the lower court. See affidavit filed herewith and the attached redacted copy of signed agreement by consent submitted to Former Family Court Judge Vinson. Defendant's current tax returns confirm support payments made by him pursuant to written agreement. To the extent the attached copy of the signed agreement by consent submitted to Former Family Court Judge Vinson is misplaced in the lower court, Rule 5(e), SCRCF, provides, "(T)he judge may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the clerk." If misplaced, it is curious but not dispositive, and raises more questions than it answers. Material to review, the record reflects radio silence on this issue from untrustworthy Family Court attorney defendant. In any case, it evidences a family court agreement signed by both parties regarding matters on appeal herein. Accordingly, it is respectfully requested the motions be granted.

The motion to recuse is addressed to the Former Family Court Judge, now Court of Appeals Judge, who presided in the Family Court over confidential Family Court matters which are sealed in the lower court regarding the prior matter between the same parties for the same claim. To the extent the lower court matter is unsealed/improperly disclosed, the appellant objects to denial of substantial rights including privacy rights, due process, required notice, and meaningful opportunity to respond. In

the appellate practice book, Former Chief Justice Toal quotes with approval regarding recusal from the United States Supreme Court case of *Caperton v. A.T. Massey Coal Co.*:

The difficulties of inquiring into actual bias, and the fact that the inquiry is often a private one, simply underscore the need for objective rules. Otherwise there may be no adequate protection against a judge who simply misreads or misapprehends the real motives at work in deciding the case. The judge's own inquiry into actual bias, then, is not one that the law can easily superintend or review, though actual bias, if disclosed, no doubt would be grounds for appropriate relief. In lieu of exclusive reliance on that personal inquiry, or on **appellate review of the judge's determination** respecting actual bias, the Due Process Clause has been implemented by objective standards that do not require proof of actual bias. In defining these standards the Court has asked whether, under a realistic appraisal of psychological tendencies and human weakness, the interest poses such a risk of actual bias or prejudice that the practice must be forbidden if the guarantee of due process is to be adequately implemented. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) (internal citations omitted) (internal quotation marks omitted).

Toal *et al.*, *Appellate Practice in South Carolina*, Third Ed. (2016), p. 240-241 (emphasis supplied).

Accordingly, under these facts, the Former Family Court Judge Vinson who presided over Family Court matters now on appeal herein is disqualified from participation in the lower appellate court which is hereby requested.

The *Caperton, supra*, case underscores the Due Process Clause and its requirement of adequate explanation for judicial review of recusal in order to apply objective, not subjective, legal standards on appellate review of a judge's decision on recusal as guaranteed under State and Federal statutory and Constitutional law. *See, e.g., Fidrych v. Marriott Int'l, Inc.*, 952 F.3d 124, 146 (4th Cir. 2020) (remanded for lack of adequate explanation for meaningful review where the court's analysis was "quite abbreviated, and the court disposed of the substance of the issue in a single sentence. See J.A. 252. We need more explanation to conduct meaningful appellate review of the court's disposition of the motion."). It is respectfully submitted a lower appellate court judge cannot in good faith claim he does not know the importance of adequate explanation for meaningful review. Substantial rights including but not limited to, confidentiality in Family Court matters and individual privacy rights for citizens of this great State are matters of great public importance. S.C. Const. art. I, sec. 10. Accordingly, motion to recuse is respectfully submitted. "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, 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).

Moreover, the attached redacted signed agreement by consent is entered for the purpose of corroborating that Judge Vinson presided over the matter on appeal herein in the Family Court below. Further, it corroborates the fact that the case with the same claim was then pending with no objection from the untrustworthy Family Court attorney defendant or the Former Family Court Judge Vinson and without any Family Court Form SCCA 468 Benchmark notice ever provided nor noticed. The record reflects the attorney defendant does not deny jurisdiction in the Family Court. The record reflects arbitrary and capricious, if not gleefully cavalier, disregard for confidentiality and/or privacy issues regarding Family Court matters and privacy rights of citizens of this great State which are vested in the intended beneficiaries, i.e., Family Court litigants including the appellant. Applicable confidentiality laws and/or individual privacy rights are at issue. The Family Court matter is sealed by the Family Court and there is no notice or opportunity to be heard at a meaningful time that the Former Family Court Judge Vinson would participate in the appeal. The appellant is prejudiced thereby, takes exception, and respectfully submits under the facts, recusal laws and/or Canons are implicated. Canon 3(E)(1)(a), CJC, Rule 501, SCACR. and generally. Moreover, a reasonable person should and would have serious questions regarding impartiality as reflected in the record and documented in the appellant's supporting affidavits as well as affidavits in the record which are incorporated in full by

reference. Under these facts, the Former Family Court Judge who presided over the matter in the Family Court should be disqualified from participation in this appeal regarding the prviously filed and currently pending Family Court matter between the same parties for the same claim. Rule 12(b)(8), SCRPC. Pursuant to binding precedent as well as State and Federal statutory and Constitutional law, under the facts, non-participation is required in this and in similarly-situated appeals by Family Court litigants of this great State which is hereby requested. Accordingly, it is respectfully requested the motions be granted. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) (internal citations omitted) (internal quotation marks omitted); *Burgess v. Stern*, 428 S.E.2d 880, 311 S.C. 326 (S.C., 1992); *Toal et al., Appellate Practice in South Carolina*, Third Ed. (2016), p. 240-241; "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, 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).

Meaningful review requires that a judge not participate in the appeal when he heard the case in the lower court. Occasionally, a recently appointed Appellate Court Judge or recent Supreme Court Justice will find him or herself in the position of potentially reviewing an Order that he or she authored. In these cases, the Judge or Justice will recuse him or herself from that case. A judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." *Rule 3(E)(1)*, *CJC, Rule 501, SCACR*. Disqualification is required if a reasonable factual basis exists for doubting the

judge's impartiality. *Ríce v. McKenzíe*, 581 F.2d 1114, 1116 (4th Cir. 1978) (emphasis supplied). The appellant reasonably questions impartiality herein. In the *Ríce* case, then Chief Judge Haynsworth further ruled that, "For many years a federal judge has been prohibited from sitting to hear or determine an appeal in a case or issue tried by him. 28 U.S.C.A. § 47. To say the least, it would be unbecoming for a judge to sit in a United States Court of Appeals to participate in the determination of the correctness, propriety and appropriateness of what he did in the trial of the case. After rendering decisions, some judges remain open minded, and some are unreluctant to confess previous error, but a reasonable person has a reasonable basis to question the impartiality of a judge who sits in a *lower appellate court* to review his own *case* as a trial judge." *Id.* At 1117 (emphasis supplied). The inquiry is whether a reasonable person would have a reasonable basis for questioning the judge's impartiality, not whether the judge is in fact impartial. *Id.* at 1116. Granted, this is a Fourth Circuit case, but the principle from this oft-cited case is well-stated, sound, and universally accepted as logical and fair. "There is another way to look at the case, however: as one in which the losing litigant appeals from a ruling by Judge X to an appellate panel that includes Judge X; and it is considered improper—indeed it is an express ground for recusal, see 28 U.S.C. Sec. 47--**in modern American law** for a judge to sit on the appeal from his own case. On this ground the Fourth Circuit held in *Ríce* that section 455(a) required the district judge to recuse himself. [*Ríce v. McKenzíe*, 581 F.2d 1114, 1116 (4th Cir. 1978).] We agree with this result." *Russell v. Lane*, 890 F.2d 947 (7th Cir. 1989) (emphasis supplied). Similarly, in this case, "(t)o say the least, it would be unbecoming" for the Former Family Court Judge to participate. *Ríce v. McKenzíe*, 581 F.2d 1114, 1117 (4th Cir. 1978). Moreover, overarching principles incorporated in the State and Federal Constitutions by the framers are implicated including but not limited to, due process. Ambiguity regarding the requirement of non-participation is a denial of due process. To the extent there is ambiguity, the rule of lenity supports appellant's position.

Former Justice Sandra Day O'Connor warned the public about the importance of judicial independence. She wrote "... many Americans today do not see the need for independent judges. Many

prefer a judiciary that acts merely as a reflex of popular will.” O’Connor, Sandra Day, “Judicial Independence and 21st Century Challenges,” *The Bench*, July/August 2012. As she explained, “The reason why judicial independence is so important is because **there has to be a safe place** where being right is more important than being popular; where fairness triumphs strength. That place, in our country, is the courtroom. It can only survive so long as we keep out political influences.” *Id.* (emphasis supplied). Public policy, legislative intent, statutory authority, governing case law, State and Federal Constitutional law, the Rules of Court, the SCACR, and fundamental fairness support non-participation by the Former Family Court Judge who presided over the case in the Family Court regarding matters on appeal herein. A prior action and appeal in the Family Court between the same parties for the same claim is currently pending. Confidentiality is required for all Family Court matters in the Family Court and in the Court of Appeals. Accordingly, confidentiality is respectfully requested and it is respectfully requested that the motions be granted.

The plain language of the Decree of Divorce unambiguously reserves and preserves family court jurisdiction regarding marital property. No one would pretend that the family court did not reserve and preserve jurisdiction of matters involving the minor children just as it did for the marital property herein. In addition, the jurisdictional issue herein affects ability to transfer clear title, adversely impacts the marketplace, and/or adversely impacts prospective third parties. The Legislature intended to and did enact Legislation to foreclose Family Court deadbeat defendants, including the untrustworthy Family Court attorney herein who is the defendant, from filing in droves in the circuit court to evade jurisdiction of the family court. S.C. Code §§ 63-3-510 to 530; *Moseley v. Mosier*, 279 S.C. 348, 306 S.E.2d 624 (1983). To the extent there is ambiguity, the rule of lenity supports the undersigned’s position. Accordingly, it is respectfully requested that the motions be granted.

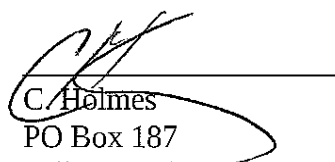
In sum, the jurisdictional question herein is material to denial of substantial rights including denial of confidentiality and other individual, property, and/or civil rights. The Family Court attorney defendant’s duplicative claim herein impairs the transfer of clear title to real property of the marriage

which arbitrarily and capriciously reduces market value. By analogy, the Biblical story and the phrase “split the baby” has its roots in Hebrew lore in the story of two mothers claiming before King Solomon that each was the real mother of an infant son. The story from 1 Kings 3:16–28 states that two mothers living in the same house, each the mother of an infant son, came to Solomon. One of the babies had been smothered, and each claimed the remaining boy as her own. Calling for a sword, Solomon declared his judgment: The baby would be cut in two, each woman to receive half. It was the love of the mother that proved the truth of the matter asserted. If the Family Court attorney defendant’s motives were pure, he too should and would object to arbitrarily and capriciously reducing market value. Instead, he elects to conduct ambush litigation to evade the merits, to evade the jurisdiction of the Family Court, and to evade the Decree of Divorce, now the law of the case which the Family Court incorporated into the Decree and which the Family Court attorney defendant did not appeal. Accordingly, it is respectfully requested that the motions be granted.

CONCLUSION

For the foregoing reasons and for substantial justice affecting substantial rights, the appellant respectfully requests this Honorable Court grant the motion for abeyance pending resolution of the motion for the Former Family Court Judge’s recusal regarding prejudicial denial of substantial rights capable of repetition, capable of escaping review, and incapable of vindication on appeal.

Respectfully submitted,


C. Holmes
PO Box 187
Sullivans Island, SC 29482
803.883.3010

App. Case Nos. 2024-0600 and 2022-1146

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

AFFIDAVIT

Personally came and appeared before me, Notary Public, C. Holmes, who upon being duly sworn did depose and say the following:

1. I am the appellant, of legal age, and competent to state the matters herein. This affidavit is based on personal knowledge and on information and belief. It is submitted in support of the attached motions in App. Case Nos. 2024-0600 and 2022-1146.

2. The undersigned objects to impermissible conflict and/or impermissible direct or indirect ex parte contact regarding the conflicted Former Family Court Judge, the subject of the attached motion to recuse, who presided over this case in the Family Court which is sealed in the lower court concerning matters on appeal herein.

3. A reasonable person should and would have questions regarding impartiality.

4. The undersigned is informed and believes the conflicted Former Family Court Judge lacks impartiality and timely objects to lack of impartiality.

5. The undersigned is prejudiced thereby and respectfully submits motion for his recusal.

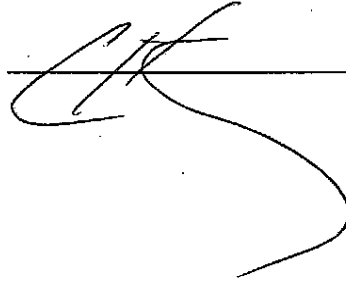
6. These are matters of great public importance including denial of substantial rights, capable of repetition, capable of evading judicial review, and incapable of vindication on appeal as well as denial of individual rights, including confidentiality and privacy rights afforded all citizens of this great State in the Family Courts, as well as other property and civil rights.

7. The attached copy of the consent order is a true copy of the redacted agreement signed by both parties pursuant to the hearing before Former Family Court Judge Vinson on or about July 31, 2006. The Family Court file with that order was destroyed without notice which raises more questions than it answers. In any case, it evidences the Family Court agreement signed by both parties pursuant to the hearing before Former Family Court Judge Vinson on or about July 31, 2006.

8. Moreover, this matter is not being presented for any improper purpose; the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; the factual contentions have evidentiary support or, should and would have evidentiary support after a reasonable opportunity for investigation or discovery. The motions request recusal with abeyance regarding denial of substantial rights including neutral-decision makers akin to the right to a particular mode of trial which is incapable of vindication on appeal. *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989) (when an arguable question of law is raised, which the court ultimately finds is correctly resolved, questions regarding the interpretation of law are not frivolous); *Ross v. Baron*, 493 F. App'x 405, 406 (4th Cir. August 22, 2012).

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FURTHER THE AFFIANT SAITH NOT.

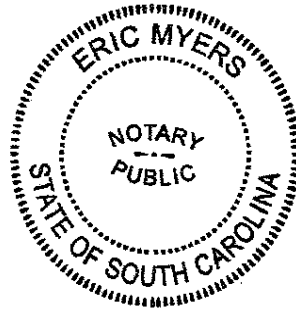
A handwritten signature in black ink, consisting of a stylized 'E' and 'M' followed by a long horizontal line that curves downwards at the end.

Subscribed and sworn to before me,
Notary Public, this 24th day
of September, 2024.

A handwritten signature in black ink, consisting of a stylized 'E' and 'M' followed by a long horizontal line that curves downwards at the end.

NOTARY PUBLIC

My commission expires: June 9th, 2032



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Sep 30 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Circuit Court Judge of the Ninth Circuit

App. Case No. 2022-1146 and 24-0600
Case No. 2021-CP-10-5478

J. K. Holmes,

Respondent,

v.

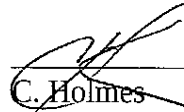
C.E. Holmes,

Appellant.

PROOF OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for the respondent by regular first class mail postage pre-paid on this date at this address: 1 Carriage Ln., Bldg. H, Chas., SC 29407.

Dated 9/30/2024



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

Hand copy
available
on request -

Thank
you!

Fax Cover:

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