

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Case No.: 2024-001241

**Jason M. Boyle, Ph.D.,
Appellant**

v.

**Danny Singleton, Probate Judge,
Respondent**

MOTION FOR CLARIFICATION UNDER S.C. APP. CT. R. 240

COMES NOW, the Appellant, **Jason M. Boyle, Ph.D.**, pro se, and respectfully submits this Motion for Clarification pursuant to **S.C. App. Ct. R. 240** of the South Carolina Appellate Court Rules. The Appellant requests that this Court clarify the scope of the automatic stay imposed by the appeal of the **July 17, 2024, emergency release order**, as well as the limits of the circuit court's jurisdiction to enforce the contested order. In support of this motion, the Appellant states the following:

FACTUAL BACKGROUND

1. On July 17, 2024, an emergency order was issued by the circuit court, granting the appellant a personal recognizance bond.
2. The release order, however, imposed significant restrictions on the appellant's First and Second Amendment rights as well as limitations on freedom of travel, among other conditions.

3. On **July 25, 2024**, the Appellant **filed a notice of appeal** contesting the release order. This appeal triggered an **automatic stay** under **S.C. App. Ct. R. 241**, which remains in effect unless formally lifted.
4. On **August 12, 2024**, the Court of Appeals **denied the appeal** as interlocutory. However, the Appellant did not receive notice of this denial until **August 22, 2024**.
5. On **August 25, 2024**, the Appellant filed a **motion for reconsideration** with this Court, arguing that the restrictions imposed by the release order infringe upon the Appellant's substantial rights. This **motion remains pending** before the South Carolina Court of Appeals.
6. Despite the pending motion, on **September 16, 2024**, Judge McIntosh of the 10th Circuit Court held the Appellant **in contempt of the release order** for an alleged violation that occurred on **September 8, 2024** while appellant's appeal is pending.

ARGUMENT

The Appellant contends that the circuit court does not have jurisdiction to enforce the **July 17, 2024, release order** while the appeal is pending. **S.C. App. Ct. R. 241** establishes that the filing of a notice of appeal results in an **automatic stay** of the appealed order and any relief granted therein. The following provisions of Rule 241 are directly applicable:

“The service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree, or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision.”

This provision makes clear that the filing of the notice of appeal triggered an **automatic stay** of the relief ordered on the July 17, 2024, release order.

Accordingly, “This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court.”

No such order lifting the stay has been issued in this case, and the **automatic stay remains in place.**

“The effect of the granting of a supersedeas is to suspend or stay the matters decided in the order, judgment, decree, or decision on appeal and, where a prior order or decision was in effect at the time the appealed order was filed, to revive the terms of the prior order.”

This reinforces that the parties must be returned to the **status quo** prior to the appealed order.

“The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal, including the authority to enforce any matters not stayed by the appeal.”

As the restrictions imposed by the July 17 order are directly subject to the appeal, the court **does not have jurisdiction to enforce** them.

Accordingly, any enforcement of the release order, including the **September 16 contempt ruling**, is **outside the jurisdiction** of the circuit court and violates the stay under Rule 241.

RELIEF REQUESTED

The Appellant respectfully requests that the **South Carolina Court of Appeals**:

1. **Clarify** that the **automatic stay under Rule 241** applies to the July 17, 2024, release order.
2. **Instruct the 10th Circuit Court** that it **lacks jurisdiction** to enforce the release order or hold the Appellant in contempt while the appeal is pending.
3. Confirm that the **status quo prior to the release order** must be maintained, and the **restrictions imposed by the order are not enforceable** at this time.

CONCLUSION

For the foregoing reasons, the Appellant requests that this Court grant the relief requested and **clarify the scope of the automatic stay and the limits on the circuit court's jurisdiction.**

Respectfully submitted,

Respectfully Submitted, this October 10, 2024.

A handwritten signature in blue ink that reads "Jason Boyle". The signature is written in a cursive style and is positioned above a horizontal line.

DR. JASON MICHAEL BOYLE, Ph.D., Appellant
750 Mourning Dove Ln. Seneca, South Carolina 29678
jasonboyle03@gmail.com
(864) 245-3278

RECEIVED

Oct 30 2024

SC Court of Appeals

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

PROOF OF SERVICE

I hereby certify that on this October 30, 2024, a copy of the Motion for Clarification was delivered to the following parties:

1. Jim Logan: logan@loganandjolly.com
1805 N Boulevard, Anderson, SC. 29621
2. Oconee County Detention Center: jchapman@oconeelaw.com
300 S Church St, Walhalla, SC 29691
3. Oconee County Sheriff's Department: mcrenshaw@oconeelaw.com
300 S Church St, Walhalla, SC 29691
4. Oconee County Administrator: abrock@oconeesc.com
415 S. Pine St. Walhalla, SC 29691

Respectfully Submitted, this October 30, 2024.



DR JASON MICHAEL BOYLE, Ph.D., Appellant.
750 Mourning Dove Ln. Seneca, South Carolina 29678
jasonboyle03@gmail.com