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Nov 25 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Marion County  
Court of Common Pleas

The Honorable H. Steven DeBerry, IV, Circuit Court Judge 2771

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Appellate Case No. 2024-000868  
Civil Action No. 2023-CP-33-00500

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Thomas Betancourt, Nicole Betancourt, Jimmy Boatwright, Arnie Boatwright, Norman Whetzel  
and Kristana Whetzel.....Appellants,

v.

City of Mullins Zoning Board, Dr. Todd Blevins and Blevins Dentistry.....Respondents.

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**TIMELY RESPONSE (OBJECTION)  
TO MOTION FOR EXTENSION OF BRIEFING**

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The instant motion of Appellant(s) was submitted November 17, 2024 and filed November 18, 2024. Under SCACR 240(e), the Respondents are allowed 10 days from service to respond to a motion. That time has *not* expired. While the Blevins Respondents are aware that the Court often grants extensions (and undersigned counsel generally consents) and the Blevins Respondents are also aware that the Clerk (or deputy) entered such a routine extension order in this case on November 21, 2024, Counsel nevertheless respectfully files this timely objection hoping the Court will reconsider the extension and/or exercise greater management of the *pro se* Appellants' costly meanderings.

**THE MOTION IS FILED TOO LATE.**

The trial court reporter provided the Appellants with the transcript on or before October 2, 2024; this was acknowledged by letter of the *de facto* lead advocate (non-lawyer) for the *pro se* Appellant group dated October 2, 2024 and e-filed with the Court that same day. Thus, under SCACR 208(a)(1), the Appellant’s initial brief and designation of matter for the record on Appeal was to be filed November 1, 2024 (the 30<sup>th</sup> day). The Initial Brief and Designation were *not* filed when due. The instant motion for extension was *not* filed within the Initial Brief filing window either. When the Initial Brief was not timely received by the Court, the Court graciously provided the Appellant’s with a letter reminder (November 5, 2024) allowing a gracious extension until November 15, 2024; again, *no* Initial Brief and *no* Designation were filed within that gracious extension and, *in fact*, the instant extension motion was *not* even filed within that gracious window of time (it wasn’t submitted until November 17, 2024 and filed on the 18<sup>th</sup>). Appellants are *not* taking the Court’s time or the Court’s basic rules seriously – and it is costing the Respondent Blevins attorneys’ fees.

**THE BASIS OF THE MOTION HAS NO APPELLATE LEGITIMACY.**

In the November 17, 2024 Motion for Extension, the Appellants argue the extension is needed for them to secure “documents from the City of Mullins” and the Appellants filed with their Motion a copy of a Freedom of Information Request directed to the City of Mullins. The requested documents and the corresponding FOIA request were *not* part of the trial record (since the earliest FOIA request, as filed with this Court, was June 14, 2024 – and therefore *not* even made *until after* the Notice of Appeal was filed on May 28, 2024).

Because the FOIA request was not part of the trial court presentation, it obviously not

allowable as part of the Record on Appeal,<sup>1</sup> and it simply is *not* legitimate to delay briefing because of the Appellants’ desire to receive and introduce matter outside the trial court record. Although the Appellants also suggest that an extension is appropriate because the matter is “complex” and there are upcoming “holidays”, this review of a simple administrative decision is *not* complex and the briefing rules, of which the Appellants have been repeatedly reminded, are also *not* complex. In their November 17 letter/motion, Appellants also advise that they miscalculated the deadline for Briefing – but the Court’s letter of grace on November 5, 2024 could not have been more clear. Of course, Rule 208 is also available on-line and the first sentence thereof is equally clear; moreover, it is the Appellants who have proceeded *pro se* in a litigated matter where their procedural disregards have drastically increased the Respondent’s legal costs.<sup>2</sup> Continual grace and forgiveness of the Appellants’ missteps is not rendering their appeal any more meritorious (it is not) and is only escalating Respondent’s legal costs.

**THE MOTION WAS (AGAIN) NOT SUBMITTED BY ALL APPELLANTS.**

The instant November 18<sup>th</sup> Motion for Extension was not signed by each of the *pro se* Appellants. From day one of this appeal, the Appellants were advised by two courtesy deficiency letters (each dated May 30, 2024) following their flawed Notice of Appeal (arguably jurisdictional) and flawed Petition for Supersedeas that each of them had to execute the Notice of Appeal under Rule 267(b) since they chose not to employ counsel. In addition to protecting against the unauthorized practice of law, each signature is supposed to constitute a certificate of “reading” and

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1 See SCACR 210(c) (“**The Record shall not, however, include matter which was not presented to the lower court or tribunal.**”) (emphasis added).

2 It does not matter whether Appellants have chosen to proceed *pro se* or been refused representation by counsel wishing to avoid a meritless appeal.

good faith.

Despite belatedly correcting the Notice of Appeal (again arguably jurisdictional), the Appellants have done it *again* and *again* as their excessive and costly court interactions indicate – including the instant Motion for Extension.<sup>3</sup> The non-lawyer Appellants have been allowed to submit and file materials electronically and the submissions have consistently come from *one* of the *pro se* Appellants – despite not having a license or training in legal advocacy. This is not fair to the other Appellants, the other litigants, or the Court.

November 25, 2024

Florence, South Carolina

By: /s/ J. Rene Josey

J. Rene' Josey (Bar No. 03230)

Turner Padget Graham & Laney, P.A.

Post Office Box 5478

Florence, SC 29501

Phone: (843) 656-4451

Fax: (843) 413-5818

Email: jjosey@turnerpadget.com

ATTORNEYS FOR RESPONDENTS  
DR. TODD BLEVINS AND BLEVINS  
DENTISTRY

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<sup>3</sup> Respondent Blevins has chosen not to address the issue each and every time in order to limit his own, already excessive, legal fees.

STATE OF SOUTH CAROLINA

COUNTY OF MARION

Thomas Betancourt, Nicole Betancourt, Jimmy Boatwright, Arnie Boatwright, Norman Whetzel and Kristana Whetzel,

Appellants,

vs.

City of Mullins Zoning Board, Dr. Todd Blevins and Blevins Dentistry,

Respondents.

IN THE COURT OF COMMON PLEAS  
C/A # 2023-CP-33-00500

CERTIFICATE OF SERVICE

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Nov 25 2024

SC Court of Appeals

The undersigned employee of Turner, Padgett, Graham & Laney, P.A does hereby certify that service of the Respondents' Timely Response (Objection) to Appellants' Motion for Extension of Briefing in the above-captioned matter was made upon all parties by US Mail and/or E-mail on this 25<sup>th</sup> day of November, 2024:

Nicole Betancourt  
618 S. Main Street  
Mullins, SC 29574  
*Pro Se Appellant*

Arnie Boatwright  
107 E. Lloyd Street  
Mullins, SC 29574  
*Pro Se Appellant*

Hampton Grainger Tiller, Esq.  
PO Box 653  
Mullins, SC 29574  
[hampton@whittingontiller.com](mailto:hampton@whittingontiller.com)  
*Co-Counsel for Respondents  
Dr. Todd Blevins and Blevins  
Dentistry*

Thomas Betancourt  
618 S. Main Street  
Mullins, SC 29574  
*Pro Se Appellant*

Norman Whetzel  
701 S. Main Street  
Mullins, SC 29574  
*Pro Se Appellant*

John Paul "JP" Williams, Jr.,  
Esq.  
PO Box 883  
Marion, SC 29571  
[jpwlawoffice@att.net](mailto:jpwlawoffice@att.net)  
*Counsel for Respondent City of  
Mullins*

Jimmy Boatwright  
107 E. Lloyd Street  
Mullins, SC 29574  
*Pro Se Appellant*

Kristana Whetzel  
701 S. Main Street  
Mullins, SC 29574  
*Pro Se Appellant*



Ashley Britt, Legal Assistant for  
Jon Rene Josey, Esquire



**J. René Josey, Esquire**

REPLY TO

E-Mail: [JJosey@TurnerPadget.com](mailto:JJosey@TurnerPadget.com)

Writer's Direct Dial: (843) 656-4451

Writer's Direct Fax: (843) 413-5818

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**Nov 25 2024**

**SC Court of Appeals**

November 25, 2024

**VIA EMAIL ONLY (ctappfilings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: Thomas Betancourt, Nicole Betancourt, Jimmy Boatwright, Arnie Boatwright,  
Norman Whetzle and Kristana Whetzel v. City of Mullins Zoning Board,  
Dr. Todd Blevins and Blevins Dentistry  
SCCA Action No.: 2024-000868  
Civil Action No.: 2023-CP-33-00500  
TPGL File No.: 18280.101

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, please find enclosed for filing my Timely Response (Objection) to Appellants' Motion for Extension of Briefing and Certificate of Service in the above-referenced matter. In accordance with Section (d)(1) of this same Order, I am hereby serving copies on all counsel of record. As well, please note that I am serving all Pro Se Appellants by US Mail.

If you have any questions, please advise.

Sincerely,  
TURNER PADGET GRAHAM AND LANEY P.A.

*/s/ J. Rene Josey*

J. René Josey, Esquire

JRJ:alb/Enclosures



*Letter to South Carolina Court of Appeals*

*Re: Betancourt v Blevins*

*November 25, 2024*

*Page 2*

cc: Nicole Betancourt (via US Mail) (w/ enc)  
Thomas Betancourt (via US Mail) (w/ enc)  
Jimmy Boatwright (via US Mail) (w/ enc)  
Arnie Boatwright (via US Mail) (w/ enc)  
Norman Whetzel (via US Mail) (w/ enc)  
Kristana Whetzel (via US Mail) (w/ enc)  
Hampton Grainger Tiller, Esq. (via E-Mail) (w/ enc)  
John Paul "JP" Williams, Jr., Esq. (via E-Mail) (w/ enc)