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Jan 06 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

Appeal from Marion County  
Court of Common Pleas

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

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

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.

**MOTION TO DISMISS APPEAL**

**NO TIMELY BRIEF, NO TIMELY RECORD DESIGNATION, NO COMPLIANCE.**

On November 21, 2024, his Court ordered Appellants to file their initial Brief and their Designation of Matter for the Record on Appeal by Friday, January 3, 2025. It is now January 6, 2025. No Brief has been filed. No Designation has been made for the Record on Appeal.

Appellant(s), or some of them, submitted a November 17, 2024 Motion for Extension,<sup>1</sup> which

<sup>1</sup> 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 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

was filed on November 18, 2024. Although the Court graciously granted that request by routine extension order in this case on November 21, 2024, the Respondents did submit a timely objection (received by the Court on November 25, 2024) to note their concerns with the Appellants repeated non-compliance with Court rules and procedures --- adding to the expense of the Respondents. Specifically, the Blevins' Respondents asked the Court to "exercise greater management of the *pro se* Appellants' costly meanderings." Appellants are still *not* taking the Court's time or the Court's basic rules seriously – and it is costing the Respondent Blevins attorneys' fees.<sup>2</sup>

***This Appeal should be dismissed for the Appellant's non-compliance with the Court's rules and Orders.***

January 6, 2025

Florence, South Carolina

By: /s/ J. Rene Josey

J. Rene' Josey (SC Bar No. 03230)  
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DR. TODD BLEVINS AND BLEVINS  
DENTISTRY

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extension until November 15, 2024; again, *no* Initial Brief and *no* Designation were filed within that gracious extension and, *in fact*, the extension motion was *not* even filed within that gracious window of time (it wasn't submitted until November 17, 2024 and filed on the 18th).

<sup>2</sup> 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 (jurisdictional) and flawed Petition for Supersedeas that each of them had to execute the Notice of Appeal under Rule 267(b) since they did not to employ counsel. In addition to protecting against the unauthorized practice of law, each signature (even for *pro se* "party"-litigants) is supposed to constitute a certificate of "reading" and good faith. 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. It does not matter whether Appellants have chosen to proceed *pro se* or been refused representation by counsel wishing to avoid a meritless appeal.

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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.

**CERTIFICATE OF SERVICE**

Pursuant to Section (d)(1) of the Supreme Court’s Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned employee of Turner, Padgett, Graham & Laney, P.A., counsel for the Respondents Dr. Todd Blevins and Blevins Dentistry, does hereby certify that service of Respondents Dr. Todd Blevins and Blevins Dentistry’s Motion to Dismiss Appeal in the above-captioned matter was made upon all counsel of record by US Mail and/or E-mail on this 6<sup>th</sup> day of January, 2025:

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

Thomas Betancourt  
618 S. Main Street  
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/s/ Jon Rene Josey, Esquire



**J. René Josey, Esquire**

REPLY TO  
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January 6, 2025

**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 Respondents Dr. Todd Blevins and Blevins Dentistry's Motion to Dismiss Appeal 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 via electronic mail. As well, please note that I am serving all Pro Se Appellants by US Mail.

Further, please be advised that my firm's check in the amount of \$50.00 has been placed in today's outgoing mail along with copies of the same.

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*

*January 6, 2025*

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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)