



The South Carolina Court of Appeals

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January 27, 2025

Cynthia Holmes
Post Office Box 187
Sullivan's Island SC 29482-0187

Re: James Kevin Holmes v. Cynthia Elaine Holmes
Appellate Case No. 2024-001450

Dear Ms. Holmes:

Enclosed is a copy of an order of the panel denying your petition for rehearing. Your petition for rehearing en banc was distributed to the judges, but it has been rejected. *See* Rule 219, SCACR.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy". The signature is written in a cursive style.

CLERK

cc: Barry I. Baker, Esquire
Kyle T Varner, Esquire

The South Carolina Court of Appeals

James Kevin Holmes, Respondent,

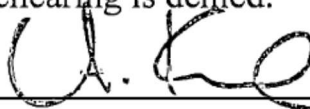
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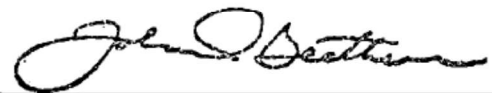
Cynthia Elaine Collie n/k/a Cynthia Elaine Holmes,
Appellant.

Appellate Case No. 2024-001450

ORDER

On September 10, 2024, we dismissed this appeal because the order on appeal was not immediately appealable. On September 20, 2024, Appellant filed a motion to reconsider, which we construe as a petition for hearing. Appellant argued the order on appeal is immediately appealable because it affects her mode of trial. However, this court's review of the public index reveals the circuit court referred Appellant's motion for a jury trial to the master-in-equity or special referee, and no decision on the motion has been rendered yet. After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.¹


_____ J.


_____ J.

¹ This court previously addressed a similar motion filed in *Holmes v. Holmes*, 2020-000976. At that time, after reviewing the records of this court and the family court, we concluded recusal was not appropriate. In the instant matter, Appellant has not presented any evidence to support her motion to recuse. Therefore, we conclude recusal is not appropriate.


_____ J.

Columbia, South Carolina

cc:

Cynthia Holmes

Barry I. Baker, Esquire

Kyle T. Varner, Esquire

FILED
Jan 27 2025