

# The South Carolina Court of Appeals

Marcus Riley, Appellant,

v.

Dorothy Riley, individually and Dorothy Riley, in her  
role as Personal Representative of The Estate of Marion  
F. Riley, Jr., Respondent.

Appellate Case No. 2023-001281

---

## ORDER

---

On December 20, 2024, we dismissed this appeal because Appellant failed to serve and file his final brief. On February 4, 2025, remittitur was sent. Respondent has now filed a motion for costs pursuant to Rule 222 of the South Carolina Appellate Court Rules seeking to recover \$279 for the cost of the court reporter's transcript, \$2,500 in attorney's fees, and \$350 in "filing fees for numerous [m]otions to [d]ismiss; [s]trike; and [r]eform." Appellant did not file a return.

After careful consideration, we grant the motion in part. *See* Rule 222(a), SCACR ("Unless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed."). We award \$2,500 in attorney's fees and \$279 for the cost of the court reporter's transcript to Respondent. *See* Rule 222(b), SCACR (permitting an appellate court to award attorney's fees and the cost of the court reporter's transcript). However, we deny Respondent's request to recover the cost of filing fees because Rule 222(b) only allows for recovering the cost of the notice of appeal filing fee, which Respondent did not pay. *See* Rule 222(b), SCACR (allowing the recovery of "the filing fee paid under Rule 203(d) [of the South Carolina Appellate Court Rules]"). The Allendale County Clerk of Court is directed to add this award of costs to the remittitur.



---

FOR THE COURT

Columbia, South Carolina

**FILED**  
**Mar 11 2025**

cc:

Ittriss J. Jenkins, Esquire

James Martin Harvey, Jr., Esquire

Richard Aaron Ness, Esquire

Elaine Sabb

The Honorable Brooks P. Goldsmith