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Mar 21 2025

SC Court of Appeals

In The State of South Carolina
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Commons Pleas
Hon. Michael G. Nettles, 12th Judicial Circuit Court Judge

Case No. 2021-CP-21-02121

Appellant Case No. 2024-001454

Hannah Secka individually and o/b/o (M.Y.S.) Appellants-Plaintiffs

v.

Florence School District One (FSD1)
Florence County Sheriff Department (FCSD)
Appellee-Defendants

MOTION TO REINSTATE

Pursuant to SCACR Rule **Rule 260**: If an appeal is dismissed, a motion to reinstate can be filed within 15 days of the dismissal order. The appellants Hannah J. Secka, individually and as parent and guardian for the minor. M.Y.S. move for a Motion to Reinstate our case from this Court's Order of March 13, 2025. The Appellant respectfully suggests that this Court overlooked and misapprehended two pivotal points in concluding that Appellant has not made arrangements for payment of the transcript.

RULE 260
DISMISSAL AND REINSTATEMENT

(a) Involuntary Dismissal and Reinstatement. Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).

ARGUMENT

(1) The Court overlooked or misapprehended long-standing precedent. Regarding the first error, when the Court Clerk (Jenny Abbott Kitchings) overlooked or misapprehended long-standing precedent regarding constitutional interpretation. Most significantly, the Clerk/Court failed to recognize that a constitutional provision must be construed in light of the intent of its framers and the people who adopted it. See Ansel, 171 S.C. 432, 172 S.E. at 436; see also Miller v. Farr, 243 S.C. 342, 346, 133 S.E.2d 838, 841 (1963). The Clerk/Court thus must construe a constitutional provision “in the light of the history of the times in which it was framed, and with due regard to the evil it was intended to remedy, so as to give it effective operation and suppress the mischief at which it was aimed.” Kirkland v. Allendale County, 128 S.C. 541, 123 S.E. 648, 650 (1924). Stated differently, “constitutional amendments should be interpreted in order to effect the purpose for which they are obviously intended.” Holland v. Kilgo, 253 S.C. 1, 5, 168 S.E.2d 569, 571 (1969). In determining whose intent matters, this Court is “guided by the principle that both the citizenry and the General Assembly have worked to create the governing law.” State v. Long, 406 S.C. 511, 514, 753 S.E.2d 425, 426 (2014); see also Neel v. Shealy, 261 S.C. 266, 273, 199 S.E.2d

(2) This Clerk/Court overlooked evidence of the Office of Court Administration failure to notify Appellant or ignored it as an inconvenient truth. To do so was an error. There was a change in mode of contact and no ample proof provided to Appellant regarding the alleged contact between the Office of Court Administration regarding payment for transcript. Appellant has provided evidence of her efforts and attempts of obtaining the transcript from the Office of Court Administration and no court reporter responded to the request for clarification and explanation sent on February 3, 2025 for payment of the transcript. Hence, there is no proof of service.

CONCLUSION

While Court Clerks are responsible for the custody and keeping of the record of the Court it should not obfuscate settled principles of constitutional law. Because a majority of the Court overlooked or misapprehended these principles, the Appellant respectfully petitions for the case to be reinstated and to move forward without the transcript since efforts are intentionally being deprived and are a direct violation of statutory and constitutional law.

Respectfully submitted,

/s/ Hannah L. Secka

Hannah L. Secka (pro se litigant)

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Date: March 17, 2025

Resubmitted March 21, 2025

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Florence County Sheriff Department (FCSD)
Appellee-Defendants

PROOF OF SERVICE

I certify that I have on this date caused to be served a copy of the (MOTION TO REINSTATE) Originally DATED March 17, 2025; Deficiency Notice Corrections DATED March 18, 2025 and Resubmitted March 21, 2025, on the following counsel of record via Electronic Mail and USPS Mail addressed to: Duff, Freeman, and Seibert Law Firm, 3700 Forest Drive #201, Florence South Carolina 29204.

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