

**RECEIVED**

**Apr 21 2025**

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Ninth Judicial Circuit Court Judge

---

App Case No. 2025-000486  
COA Case No. 24-1450 and 22-1146  
Circuit Court Case No. 2021-CP-10-05498

---

J. K. Holmes,

Respondent,

v.

C. E. Holmes,

Petitioner.

---

**REPLY AND  
SECOND EXPEDITED AMENDED MOTION**

---

C. Holmes  
P.O. Box 187  
Sullivans Isd., SC 29482-0187  
843.883.3010

The appellant timely submits Reply and Second Expedited Amended Motion addressed to the Chief Justice. Specifically, the record reflects the other side has not filed or served respondent's Return due on or before April 15, 2025. Rule 242, SCACR. The Petition for a Writ of Certiorari is timely served and filed on March 16, 2025, per the attached affidavit. Rule 240(e), SCACR, provides, "Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition." Rule 240(e), SCACR. The law of the case in the prior appeal, COA Case No. 22-1146, copy attached, provides for appeal of the June 9, 2022, trial court order after the then-pending Rule 59(e), SCRCP, motion is denied which is respectfully requested. *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986). Moreover, new case law in the *Maybank* case supports petitioner's appeal. *Maybank v. Zurlo*, 444 S.C. 47, 906 S.E.2d 94 (Ct. App. 2024). Accordingly, the record reflects no opposition from the other side and the petitioner respectfully requests law of the case, copy attached, on prior appeal with reinstatement including COA appeal of the June 9, 2022, trial court order. "The touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), or denial of fundamental procedural fairness, see, e.g., *Fuentes v. Shevin*, 407 U.S. 67, 82 (1972) (the procedural due process guarantee protects against "arbitrary takings"). *County of Sacramento v. Lewis*, 523 U.S. 833, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998). See *Moore v. Moore*, 376 S.C. 467, 657 S.E.2d 743 (2008) (procedural due process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; and (4) the right to confront and cross-examine witnesses). See S.C. Const. art. I, sec. 2, 3, 4, 9, 10, and 14; S.C. Const. art. V, sec. 4; S.C. Const. art. V, sec. 5; U.S. Const., Article I, sec. 9 and 10; U.S. Const. amend. I, IV, V, VII, and XIV. See *Hicks v. Feiock*, 108 S.Ct. 1423, 485 U.S. 624, 99 L.Ed. 721, 56 U.S.L.W. 4347 (1988).

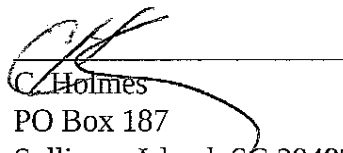
In addition, the petitioner incorporates the timely filed Expedited Amended Motion Addressed to the Chief Justice for Reconsideration in full by reference regarding timely filed and served request

for extension to file certiorari petition herein. Specifically, that extension request was timely served, timely filed in the superior appellate court on February 23, 2025, and timely docketed in the Court of Appeals Case No. 24-1450 on February 24, 2025, copy attached. Due in whole or in part to interruption in service for the Rule 262, SCACR, Supreme Court Fax Number, 803.734.1499, C-Track Public Access did not timely capture the filing of the extension request on February 23, 2025, which inadvertently shows March 12, 2025, but should show February 23, 2025. The Court of Appeals (COA) received and docketed the superior appellate court's notice of the extension request in COA Case No. 24-1450 on February 24, 2025, thereby vesting jurisdiction in the superior appellate court on February 24, 2025. Accordingly, recall of remittitur sent in error on March 5, 2025, is respectfully requested.

### CONCLUSION

For substantial justice affecting substantial rights, the petitioner respectfully submits and requests law of the case on prior appeal, copy attached, reinstating appeal of the June 9, 2022, order as well as recall of remittitur sent in error.

Respectfully submitted,

  
C. Holmes  
PO Box 187  
Sullivans Island, SC 29482  
843.883.3010