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May 27 2025

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Sheena Paige,
Appellant,

Appellate Case No.: 2025-000744

v.

Newberry County Animal Control,
Respondent.

MOTION FOR LEAVE TO FILE TRANSCRIPT ORDER OUT OF TIME

(Pursuant to Rule 207(b), SCACR)

COMES NOW, Sheena Paige, Appellant, appearing *pro se*, and respectfully moves this Honorable Court pursuant to Rule 207(b), South Carolina Appellate Court Rules (SCACR), for an order permitting the filing of the transcripts ordered outside the prescribed deadline. In support of this Motion, Appellant states the following:

I. INTRODUCTION

1. The Appellant, **Sheena Paige**, appearing *pro se*, and respectfully moves this Honorable Court, pursuant to Rule 207(b) of the South Carolina Appellate Court Rules (SCACR), for leave to file the transcripts orders out of time in the above-captioned appeal. Appellant seeks to have the transcript orders, submitted on May 21, 2025, deemed timely filed due to good cause and excusable neglect.

2. Appellant is a self-represented litigant actively pursuing my appeal in good faith and without any intent to delay or prejudice the process. The failure to order transcripts within the ten-day window prescribed by Rule 207(a), SCACR, was not the result of willful disregard but rather a good-faith misunderstanding of appellate procedures. This confusion was further compounded by my reliance on the Court's ruling on a concurrently filed Petition for Writ of Mandamus (submitted May 5, 2025), which Appellant believed, if granted, would obviate the need to proceed further with transcript ordering. That petition was denied on May 16, 2025, and within five days—upon receipt of the Court's May 14, 2025, letter advising of the deficiency—Appellant promptly ordered the necessary transcripts on May 21, 2025.

3. The transcripts pertain to the following lower court matters:

- Common Pleas Case No. 2024CP3600217, Transcript Request ID #164996551
- Common Pleas Case No. 2024CP3600502, Transcript Request ID #1190580379

4. Confirmation of both transcript orders was sent to Court Administration. I received at the same time the letter confirming criminal classification of my appeal and waiver of the \$250 filing fee.

5. Appellant respectfully submits that the short delay, caused by procedural misapprehension and exacerbated by my *pro se* status and ongoing financial hardship, constitutes good cause under Rule 207(b), SCACR. Denying this motion would result in dismissal of the appeal on purely procedural grounds, thereby foreclosing substantive review and undermining the interests of justice. Accordingly, I pray that this Court will exercise its equitable discretion and grant the requested relief.

II. LEGAL FRAMEWORK

6. Appellant respectfully submits that this Court has both the legal authority and a sound equitable basis to grant leave for the late transcript orders pursuant to Rule 207(b) of the South Carolina Appellate Court Rules (SCACR). This provision explicitly empowers the Court to relieve a party of procedural default where good cause is shown. As the rule states: Rule 207(b), SCACR: *“Upon good cause shown, the appellate court may relieve the appellant of the consequences of failure to comply with the requirements of this Rule.”*

7. This rule reflects the South Carolina judiciary’s longstanding commitment to ensuring that substantive justice is not sacrificed on the altar of rigid procedural formality. In this case, Appellant, proceeding *pro se*, did not willfully ignore the rule, but instead I made a good-faith error based on reasonable reliance on the outcome of my concurrently filed Petition for Writ of Mandamus, filed on May 5, 2025. Believing that the petition—if granted—would moot or resolve the need for transcript ordering, Appellant awaited direction from the Court. Upon receiving the denial of the writ on May 16, 2025, and the transcript warning letter dated May 14, 2025, Appellant acted immediately and in good faith, ordering the relevant transcripts by May 21, 2025, only days after the oversight was brought to her attention.

8. This is not a case of negligence, indifference, or abuse of process. Rather, it is a textbook example of excusable neglect, supported by South Carolina precedent. In *Ex parte Antonelli*, 355 S.C. 346, 352, 585 S.E.2d 289, 292 (2003), the South Carolina Supreme Court emphasized that *“strict application of procedural rules should not be used to foreclose appellate review where the interests of justice weigh in favor of leniency, especially when a party proceeds in good faith and promptly attempts to cure any procedural defect.”* My situation I believe falls squarely within this principle.

9. Moreover, the Court in *Pelzer v. State*, 300 S.C. 368, 370, 387 S.E.2d 681, 682 (1989), held that a delay caused by misunderstanding or confusion about procedural obligations—particularly by self-represented litigants—can constitute sufficient grounds for relief. This

reasoning applies with even greater force where, as here, Appellant diligently took corrective action upon becoming aware of the oversight and acted without delay to remedy the default.

10. It is also well established that courts in South Carolina interpret procedural rules liberally in favor of pro se litigants, recognizing the inherent complexity of legal systems and the lack of formal training among unrepresented parties. In *Burgess v. State*, 297 S.C. 419, 377 S.E.2d 578 (1989), the Court noted that while pro se parties must comply with procedural rules, their filings and conduct are to be “*construed with leniency and fairness in order to avoid injustice.*” To deny Appellant’s motion on a technicality—despite her prompt corrective action—would run afoul of this guiding judicial philosophy.

11. Further supporting this view, in *Deutsche Bank Nat’l Tr. Co. v. Evans*, 420 S.C. 508, 804 S.E.2d 371 (Ct. App. 2017), the Court of Appeals excused procedural error where the party acted in good faith, and where enforcing the technical default would cause disproportionate harm. Likewise, in *Holley v. Patterson*, 405 S.C. 74, 747 S.E.2d 881 (Ct. App. 2013), the Court recognized that the equitable powers of the judiciary should be exercised to protect the integrity of appellate review, especially when the error is minimal and promptly corrected.

12. In this case, Appellant did not delay for weeks or months; I ordered the transcripts within a matter of days after learning of the need to do so. The delay did not prejudice the Respondent, nor did it disrupt the appellate process. The only result of denying this motion would be to punish a self-represented litigant for a technical misstep that I swiftly and responsibly corrected.

13. In light of the foregoing, Appellant respectfully submits that this Court has the authority under Rule 207(b), SCACR, and the equitable discretion under the *Antonelli*, *Pelzer*, and *Deutsche Bank* lines of authority to grant the requested relief. To do otherwise would result in a manifest injustice and would deny Appellant a meaningful opportunity to obtain review of serious constitutional and procedural concerns raised in my underlying appeal.

III. STATEMENT OF GOOD CAUSE

14. Appellant, Sheena Paige, respectfully submits that good cause exists under Rule 207(b), SCACR to excuse the untimely ordering of the transcripts in this matter. The circumstances that led to the delay are rooted not in neglect or inaction, but in a reasonable and good-faith belief that no transcripts would be necessary while my Petition for Writ of Mandamus was pending before this Court.

15. Appellant filed my writ on May 5, 2025, asking the Court to compel the lower courts to dismiss the charges and related restitution based on an expressed statement made by Respondent's counsel Joanie Winters that her client—the Newberry County Administrator—had directed the dismissal of all charges. Given the extraordinary nature of the writ, and believing that it would result in dismissal of the case or a remand order that would render the transcript unnecessary, Appellant made the reasonable decision to await the outcome of that petition before incurring further legal expense or initiating transcript proceedings.

16. This belief was reinforced by Appellant's pro se status, my lack of formal legal training, and the complex interplay between the appellate and mandamus procedures. Appellant's understanding of Rule 207(a), SCACR, was shaped by my reading of judicial materials and prior court orders—none of which, at that point, had definitively advised me that transcript ordering should proceed concurrently with the writ.

17. Once Appellant received the May 14, 2025 letter from the Clerk of the Court of Appeals indicating that the transcript deadline had passed, and the subsequent May 16, 2025 order denying her Petition for Writ of Mandamus, I acted with immediate diligence. Within just five (5) days, on May 21, 2025, I submitted transcript requests for both underlying trial court cases:

- 2024CP3600217, Transcript Request ID #164996551
- 2024CP3600502, Transcript Request ID #1190580379

18. The record confirms this rapid response. Appellant did not attempt to delay or manipulate the process. I acted as soon as I had clear information about the procedural status and immediately complied. This short delay, less than two weeks, was promptly cured, and no prejudice has occurred to the Respondent or to the Court's calendar.

19. Moreover, Appellant faces documented financial hardship, having already paid \$755 to retrieve my dog Whiskey in the underlying matter and, as of this motion, paid \$230 for the transcript in Common Pleas Case No. 2024CP3600217. While Appellant initially anticipated being required to pay a \$250 appellate filing fee, the South Carolina Court of Appeals has since reclassified the matter as criminal in nature, and confirmed in its May 14, 2025 letter that no filing fee applies in this appeal. Nonetheless, the cost of transcripts and litigation continues to impose a material burden, especially for a self-represented litigant of limited means.

20. In similar cases, South Carolina courts have found good cause where a party acts in good faith, where the delay is brief, and where the error is promptly corrected upon notice. See *Ex parte Antonelli*, 355 S.C. 346, 352, 585 S.E.2d 289, 292 (2003); *Pelzer v. State*, 300 S.C. 368, 387 S.E.2d 681 (1989).

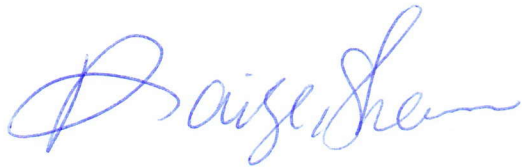
21. Denying Appellant's appeal due solely to this minor and promptly remedied error would result in the kind of procedural injustice Rule 207(b), SCACR, was designed to avoid. Given the constitutional concerns, financial hardship, factual disputes, and the efforts Appellant has made to cure the default in a timely and sincere manner, this Court should find that good cause clearly exists to excuse the late transcript order and permit this appeal to proceed on the merits.

IV. PRAYER FOR RELIEF

WHEREFORE, based on the foregoing, Appellant Sheena Paige respectfully prays that this Honorable Court:

1. GRANT this Motion pursuant to Rule 207(b), South Carolina Appellate Court Rules (SCACR);
2. DEEM the transcript orders filed on May 21, 2025, relating to Common Pleas Case Nos. 2024CP3600217 and 2024CP3600502, as timely and sufficient for purposes of perfecting this appeal;
3. ALLOW this appeal to proceed on the merits, and not be dismissed for procedural default;
4. In the alternative, issue any such relief or further instruction as this Court deems just, equitable, and appropriate in the interests of justice.

Respectfully submitted this 27th day of May 2025.



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CERTIFICATE OF SERVICE

I, Sheena Paige, hereby certify that on this 27th day of May, 2025, I served a true and correct copy of the foregoing **Motion for Leave to File Transcript Order Out of Time** on the following parties by First-Class U.S. Mail and/or electronic mail:

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