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Jun 10 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Oconee County  
Honorable Danny Singleton, Probate Court Judge  
Appellate Case No. 2024-001241

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IN THE MATTER OF JASON M. BOYLE,

Appellant.

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**RETURN TO APPELLANT'S MOTION TO EXTEND DEADLINE TO REPLY TO  
STATE'S MOTION TO DISMISS AND REQUEST FOR RETRACTION OF SAID  
MOTION**

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Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

**PROCEDURAL HISTORY**

At present, Appellant Jason Boyle's appeal is currently pending before this Court. The underlying matter arises from a series of contempt findings. Between May 29, 2024, and June 17, 2024, Danny Singleton, Judge of Probate, issued several orders holding Boyle in criminal contempt. Boyle appealed to the Oconee County Court of Common Pleas on June 14, 2024. Boyle was released, and a gag order was issued prohibiting Boyle from publicly commenting on his case while it was pending on appeal. Subsequently, while Boyle's appeal from the probate judge's contempt orders remained pending, Judge R. Lawton McIntosh, Circuit Court Judge, found Boyle in contempt pursuant to the violation of the gag order. The appeal now pending before this Court was initiated through three separate pro se notices of appeal or amendments to notices of appeal. Those notices of appeal relate to (1) the order of release; (2) the subsequent

violation thereof; and (3) the Circuit Court's appellate order which affirmed the original contempt findings.

The first appeal, filed July 25, 2024, concerned the imposition of a bond condition and was dismissed by this Court on August 12, 2024. The second appeal concerned a Circuit Court order finding Boyle violated the gag order as a condition of his bond. The order specifically stated the Court would "refrain from issuing sanctions presently until the matter is concluded at the Circuit Court level." With his motion, Boyle attached a certificate of service that did not include the Tenth Judicial Circuit Solicitor or the South Carolina Attorney General as a representative of the State of South Carolina. On February 3, 2025, Boyle filed his Initial Brief of Appellant, which he likewise did not serve upon the State. The third appeal concerned the Circuit Court's final order affirming the Probate Court's finding of contempt. The order vacated the remainder of Boyle's sentence to time served and dismissed all other pending motions. Boyle filed a another Notice of Appeal. Again, Boyle did not serve the Notice of Appeal on the Solicitor or the South Carolina Attorney General as a representative of the State of South Carolina.

On March 31, 2025, Boyle filed a motion to disqualify counsel and clarify parties. Boyle requested clarification on whether the State is an adverse party. On April 18, 2025, the State sent a letter requesting the Court of Appeals add the State as the respondent. On May 30, 2025, The Court of Appeals granted the motion to clarify the State as the proper respondent and amended the caption to: In the Matter of Jason Michael Boyle, Appellant. On June 2, 2025, the State filed a motion to dismiss Boyle's appeal due to lack of jurisdiction. The State argued that the first appeal was properly dismissed as not properly appealable; the second appeal was both a non-final order and not properly served upon the state; and the third appeal was not properly served

upon the State. Subsequently, Boyle filed a motion seeking an extension of time and recovery for cost incurred on appeal.

**APPELLANT’S REQUEST FOR EXTENSION**

The State takes no position as to Boyle’s request for a sixty-day extension in addition to the ten days permitted by Rule 240 (e), SCACR, and wishes to leave the matter to the sound discretion of this Court.

**APPELLANT’S REQUEST FOR WITHDRAWAL**

The State respectfully stands by the arguments made in its Motion to Dismiss. The State maintains that this Court lacks jurisdiction to consider this appeal pursuant to the arguments made in its Motion to Dismiss and submits that Boyle’s allegations of bad faith, unethical conduct, and improper procedural maneuvering are unfounded. The State has yet to take a position with respect to the merits on appeal because if the Court lacks jurisdiction, it cannot proceed to consider the merits of the case. See 32A Am. Jur. 2d Federal Courts § 581 (2007) (Jurisdiction is “the authority to decide a given case one way or the other. Without jurisdiction, a court cannot proceed at all in any cause”). Accordingly, this Court should not strike or order the State to withdraw its Motion to Dismiss.

**REASONS WHY APPELLANT’S MOTION SEEKING RECOVERY OF COST  
INCURRED SHOULD BE DENIED**

First, in response to Boyle’s claim of unethical conduct, the State stands by its argument based upon the notices of appeals and other pertinent court documents. The State maintains that Boyle’s allegations of bad faith, unethical conduct, and improper procedural maneuvering are without merit. Boyle has filed a motion seeking recovery for costs incurred due to the State’s “violations of their duty of candor to the tribunal as well as for the willful waste of judicial resources and the chilling effect such motions have on pro se litigants[.]” In doing so, Boyle requests this Court sanction the State and award \$500 for time, labor, and travel cost incurred in

preparing and filing his motion. The proper remedy for Boyle’s request is not properly accessible through sanctions but rather through Rule 222, SCACR. Yet, such costs are not taxable against the State in the underlying action because the action arose from a criminal contempt matter, which is specifically exempted by Rule 222(f), SCACR. Further, Boyle’s motion improperly precedes a final ruling or remittitur.

Rule 222, SCACR, sets forth the procedure for the recovery of cost incurred on appellate matters. Yet, Rule 222(f) specifies that the: “Rule does not apply to criminal cases or post-conviction relief cases.” The clear intent of the Rule is to provide an exemption from costs where the State of South Carolina is a party to the action that arose from a criminal or post-conviction relief matter whether that violation is tried in magistrate court, municipal court, the court of general sessions, common pleas or even probate court. In fact, post-conviction relief cases, which are included in this exemption, originate as civil matters in the court of common pleas. 17 S.C. Jur. Post-Conviction Relief § 16. The Rule does not require the action arise from the court of general sessions or only apply to certain criminal offenses but specifically uses the broad term “criminal cases.” As a result, it is clear the intent is to exempt the State—or opposing parties—from being taxed costs to the other party in criminal cases. A finding by this Court that the State is responsible for costs to an appellant in a case arising from appellant’s adjudication regarding a criminal offense would set a dangerous precedent and could stifle appeals filed by appellants if they are subject to paying costs in the event of an adverse decision. The State submits the intent of the Rule is neither party in a case such as the instant case is responsible for costs because Rule 222(f) exempts the taxation of costs in all criminal cases.

Boyle’s appeal concerns criminal contempt, which plainly falls within the term “criminal cases” used in Rule 222 (f). See Matter of Martel, 444 S.C. 517, 520, 909 S.E.2d 402, 403 (2024)

(“criminal contempt is an offense against the State”); see also Juidice v. Vail, 430 U.S. 327, 335 (1977) (“A State’s interest in the contempt process . . . is surely an important interest. . . . The contempt power lies at the core of the administration of the State’s judicial system[.]”); Bloom v. Illinois, 391 U.S. 194, 201 (1968) (“[C]riminal contempt is a crime in every fundamental respect”). Irrespective of the setting, general sessions or probate court, the action began because of a criminal act, thereby exempting this case from Rule 222.

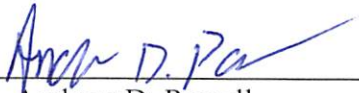
Additionally, Boyle’s request improperly seeks costs before the imposition of a final dismissal or judgment. Rule 222, SCACR (d) specifies “A party desiring costs to be taxed shall, within fifteen (15) days of the issuance of the remittitur, serve and file a motion requesting that costs be assessed under this Rule.” Here, this Court has not issued a remittitur or reversed Boyle’s conviction. Even if Rule 222 applied to this case, costs cannot be taxed at this time because a final outcome is necessary to determine which party would be taxed. Accordingly, costs should not be imposed against the State because this case is exempt from Rule 222 and Boyle’s request is not timely.

**WHEREFORE**, Respondent prays the Court hold Rule 222(f), SCACR, does not allow for the taxation of costs against the State in this action; deny Appellant’s Motion for Costs; deny Appellant’s request for an order of withdrawal; and for any such other relief the Court deems necessary and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

ANDREW D. POWELL  
Assistant Attorney General

By:   
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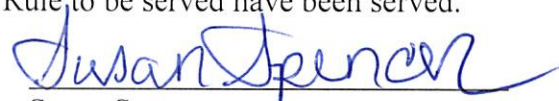
**PROOF OF SERVICE**

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I, Susan Spencer, certify I have served the within Return To Appellant's Motion To Extend Deadline To Reply To State's Motion To Dismiss And Request For Retraction Of Said Motion on Appellant by sending a copy of the same to:

Jason Michael Boyle  
750 Mourning Dove Ln.  
Seneca, SC 29678

I further certify that all parties required by Rule to be served have been served.  
This 10<sup>th</sup> day of June, 2025.



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