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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.

**Motion to Reconsider and
Supporting Affidavit**

C. Holmes
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843.883.3010

The appellant respectfully requests reconsideration supported by affidavit and previously unavailable evidence regarding correction of manifest error appearing in the C-Track Public Access Case View for the instant case, South Carolina Supreme Court Case No. 2025-000486. Specifically, inadvertent delay resulted in erroneous initial filing date of March 11, 2025, instead of the correct and timely initial filing date of Monday, February 24, 2025. But for inadvertent delay with error/omission, C-Track Public Access Case View for the instant case, South Carolina Supreme Court Case No. 2025-000486, would show the timely initial filing date of Monday, February 24, 2025, which should and would result in a different outcome reversing dismissal of the timely served and filed Petition for a Writ of Certiorari. The appellant is prejudiced thereby. Specifically, the Petition for a Writ of Certiorari herein is timely served and filed on March 16, 2025, before dismissal. Reversal of dismissal is respectfully requested.

Further, Section 11(e) of the South Carolina Electronic Filing Policies and Guidelines provides as follows:


11(e) Construction. These Policies and Guidelines shall be liberally construed to ensure substantial justice for all parties, and that cases are disposed of on the merits *including based on lack of jurisdiction*. Guideline 11(e), SCEFPG (emphasis supplied).

Jurisdiction can be raised at any time and jurisdiction cannot be waived. *Dove v. Gold Kist, Inc.*, 314 S.C. 235, 442 S.E.2d 598 (1994). The record reflects there is no jurisdiction/statutory authority for the COA's return of remittitur after this Honorable Court's February 24, 2025, notice, copy attached, filed and received by the COA on February 24, 2025, in COA App. Case No. 24-1450. Moreover, pursuant to Code §§ 63-3-510 to 530, the plain language of the Decree in the family court reserves and preserves jurisdiction over the marital property herein and is subject to family court confidentiality and privacy which is hereby requested. Accordingly, there is lack of jurisdiction/statutory authority in the trial court herein. "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, 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. *Hicks v. Feiock*, 108 S.Ct. 1423, 485 U.S. 624, 99 L.Ed. 721, 56 U.S.L.W. 4347 (1988).

For substantial justice affecting substantial rights including but not limited to, lack of jurisdiction, the undersigned respectfully requests reconsideration supported by affidavit and previously unavailable evidence.

Respectfully submitted,


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