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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Case No.: 2024-001241

THE MATTER OF JASON BOYLE, Appelant

Reply to State's July 31, 2025 Letter and Renewed Motion for Sanction

COMES NOW the Appellant, Jason M. Boyle, Ph.D., Pro Se, and respectfully replies to the State's July 31, 2025 response to his "Return to Motion to Dismiss," in which the State attempts to rely on Rule 222(f), SCACR, and *Matter of Martel* to evade responsibility for serious procedural violations and to avoid sanctions for its conduct in this appeal. Appellant seeks two distinct forms of relief: first, a return of filing fees wrongfully charged by the Court due to its misclassification of the case as civil; and second, sanctions against the Attorney General's Office for bad-faith litigation tactics that have caused reputational harm and consumed extensive time and resources. While the return of filing fees may arguably fall within the parlance of "taxation" in the context of Court-assessed costs, it has nothing whatsoever to do with the Attorney General's Office—and they know this. There is no proper basis for using the term "taxation" in connection with Appellant's request for sanctions. The State's invocation of Rule 222 is therefore a disingenuous attempt to conflate unrelated concepts, smear Appellant's legitimate motion, and distract from its own misconduct. This is yet another dirty tactic in a pattern of procedural abuse that only digs the State's hole deeper. The State's response is both factually and legally deficient

and reflects a continued effort to mislead the Court and reframe the nature of this case to its advantage—at the expense of truth, procedural fairness, and Appellant's constitutional rights.

The Attorney General's argument amounts to an implicit attack on the authority of this Court itself. By suggesting that no sanctions may be imposed because the matter has been retroactively deemed "criminal," the State is effectively asserting that this Court lacks the power to police abuse within its own proceedings. That argument is not only legally incorrect—it is institutionally corrosive. Courts retain inherent authority to sanction misconduct, regardless of how a case is classified. The Attorney General's attempt to shield itself from accountability by invoking procedural labels **undermines the dignity of this Court** and threatens the integrity of the appellate process as a whole.

Not only is the Attorney General's conduct a targeted act of persecution against Appellant, but it also represents a sustained and deliberate manipulation of this Court. The July 31 letter—improperly framed as informal correspondence rather than a formal motion—is merely the latest example. The State has previously wasted judicial resources through a series of meritless filings, including a fraudulent motion to dismiss and a second misleading submission sent in hard copy to avoid service. Each of these actions forced the Court to expend valuable time reviewing irrelevant, deceptive, or procedurally improper arguments. This pattern of abuse does not merely harm Appellant—it squanders taxpayer money, disrespects the rule of law, and degrades the integrity of the appellate system itself.

Preliminary Objection: The State's Use of a Letter to Argue Substantive Law Is Improper

Appellant respectfully notes that the State's July 31, 2025 submission is not a properly filed motion, response, or brief under the South Carolina Appellate Court Rules. It is instead presented as an informal letter to the Clerk of Court, yet it makes substantive legal arguments concerning Rule 222(f), *Matter of Martel*, and Appellant's pending motion for sanctions. This is procedurally improper. The Court's rules do not allow parties to bypass formal motion practice simply by labeling their arguments as a "letter."

The State's choice to present legal arguments in this manner appears calculated to avoid procedural scrutiny. If the State intends to oppose Appellant's motion for sanctions, it must do so by formal filing, not by informal letter laced with misrepresentations and unsupported legal conclusions. The Court should disregard the State's July 31, 2025 letter as procedurally defective or require the State to refile it in proper form.

I. The State's Argument Is Predicated on a Retroactive Reclassification Not Supported by the Record

At the heart of the State's argument is the assertion that Appellant's case arises from "criminal contempt" and is therefore a "criminal case" under Rule 222(f), SCACR. This mischaracterization is not supported by the record. However, even if the Court were to accept that this case was criminal in nature at all relevant times, the State's argument still fails: a motion for sanctions is not a motion to tax costs under Rule 222. Sanctions are rooted in the Court's inherent authority to deter misconduct, not in any prevailing-party cost recovery framework. The State's conflation of these distinct concepts reflects either complete professional incompetence or a deliberate effort to distort the nature of Appellant's claims.

Throughout all relevant proceedings in the Oconee County Probate Court and in the 10th Judicial Circuit Court, the matter was treated as **civil** in nature:

- Appellant was never provided a criminal case number;
- Appellant was denied counsel on the explicit basis that the matter was not criminal;
- The contempt order issued by Judge Danny Singleton did not identify any criminal rule or statute;
- No prosecuting authority was present at trial;
- No jury was empaneled;
- The Clerk of Court docket reflects a civil filing and classification;
- The summons used a civil probate case number;
- No valid probate case was ever initiated against Appellant in his own name;

- Filing fees were paid under the representation that this was a civil matter, including more than $400 in circuit court and $250 to initiate this appeal.

In other words, Appellant was stripped of every constitutional protection associated with a criminal proceeding—denied counsel, denied a jury, and denied notice of criminal charges—while being repeatedly told he was in a civil matter. Only after the fact did the Court of Appeals retroactively reclassify the case as criminal. The Attorney General cannot use that reclassification as a blank check to persecute Appellant or to escape accountability. To now invoke the criminal nature of the case to block sanctions and avoid responsibility is not just disingenuous—it is procedurally abusive and constitutionally dangerous. Worse still, the Attorney General's Office has now twisted Appellant's words and deliberately misrepresented his motion as an attempt to "tax costs" in yet another fraudulent communication to the Court. This is a bad-faith tactic intended to confuse the issues, defame the Appellant, and distract from the State's own misconduct.

II. Rule 222(f), SCACR Does Not Apply to Proceedings That Were Civil in Form and Substance

Rule 222(f) states that the rule regarding taxation of costs does not apply to "criminal cases or post-conviction relief cases." The State's application of this rule is premised on its unsupported assertion that Appellant's contempt was criminal. But the entire record contradicts this claim.

It is axiomatic that parties may not manipulate procedural classifications retroactively to suit their litigation objectives. If the State wishes to assert that the matter was criminal, then it must accept the burden of showing that proper criminal procedure was followed. It cannot have it both ways: denying Appellant the protections of criminal process while insisting on the penalties and restrictions that apply to criminal cases.

Furthermore, Appellant's request for sanctions is not governed exclusively by Rule 222. It is a separate and independent request grounded in:

- The Court's inherent authority to sanction bad-faith litigation (see *Goodson v. American Bankers Ins. Co.*, 295 S.C. 400 (1988));
- The Respondents' misuse of motion practice to mislead the Court and cause delay;
- The financial and reputational harm caused by improper classification and denial of basic rights under both state and federal law.

III. Matter of Martel is Inapposite and Undermines the State's Position

The State cites *Matter of Martel*, 444 S.C. 517, 909 S.E.2d 402 (2024), to argue that "criminal contempt is an offense against the State." This is true only when criminal contempt is actually charged and prosecuted according to law.

In *Martel*, the respondent was subject to criminal contempt under a clear procedural framework, with:

- A formal charging document,
- Notice of criminal allegations,
- The right to counsel,
- Full adversarial proceedings.

None of those safeguards were present in Appellant's case. In fact, the proceedings bore none of the hallmarks of criminal prosecution. *Martel* therefore reinforces the Appellant's position: criminal contempt requires criminal procedure. Appellant was denied every element of that procedure.

IV. The State's Arguments Under Rule 222(d) Are Misleading and Inapplicable

The State argues that Appellant's motion is improper because it precedes "a final ruling or remittitur," as required by Rule 222(d). This is both procedurally irrelevant and intentionally misleading.

First, Appellant is not seeking post-remittitur taxation of costs under Rule 222(d). Rather, Appellant is:

- Objecting to the State's Motion to Dismiss;
- Highlighting procedural misconduct and misrepresentations made to the Court;
- Seeking sanctions against the Attorney General's Office for bad-faith litigation tactics that have damaged Appellant's reputation and consumed significant time and labor;
- This letter to Mrs. Kitchings documents that these attacks are ongoing, with the Attorney General continuing to file mischaracterizations that force Appellant—acting pro se—to spend additional time and resources defending against them;

Second, Rule 222(d) does not preclude requests for sanctions based on misconduct. Sanctions are governed by the Court's inherent authority to manage its docket, deter abuse, and maintain the integrity of judicial proceedings.

V. The State's Conduct Warrants Sanctions

The ongoing procedural misconduct by the South Carolina Attorney General's Office in this matter is egregious, sustained, and calculated to obstruct justice. The Office has repeatedly abused its position of authority, weaponized procedure, and attempted to manipulate the record through fraudulent filings and misleading representations:

- They filed a fraudulent motion to dismiss that distorted the procedural history of the case and deliberately omitted key facts known to undermine their argument;
- They doubled down by submitting a second fraudulent filing—this time in hard copy, bypassing electronic service and attempting to hide the communication from Appellant;
- They now continue the pattern by filing a letter full of knowingly false statements, including the baseless claim that Appellant is attempting to "tax costs", despite clear language to the contrary;
- They have misrepresented controlling legal authority, including Rule 222 and *Matter of Martel*, in a deliberate effort to create procedural confusion and mislead the Court;
- They have used the Court's retroactive reclassification of this case as "criminal" as a sword to harass Appellant;
- They have burdened Appellant—acting pro se and residing overseas—with a stream of needless and retaliatory filings, fully aware of the time zone, logistical, and professional challenges he faces in responding. As a direct result, Appellant is again forced to work through the night—now approaching 2:00 a.m.—despite having professional obligations beginning at 7:00 a.m.;

- They have shown contempt for due process and candor toward the tribunal, violating their ethical obligations as officers of the Court.

This conduct is not merely negligent—it is malicious, strategic, and in direct violation of the Attorney General's duty to seek justice, not victory. The Office has undermined confidence in the appellate process and caused real harm: reputational injury, emotional distress, and extensive lost time for Appellant, who has been forced to defend himself against a government entity willing to distort the truth.

Not only is the Attorney General's conduct a targeted act of persecution against Appellant, but it also represents a sustained and deliberate manipulation of this Court. The July 31 letter—improperly framed as informal correspondence rather than a formal motion—is merely the latest example. The State has previously wasted judicial resources through a series of meritless filings, including a fraudulent motion to dismiss and a second misleading submission sent in hard copy to avoid service. Each of these actions forced the Court to expend valuable time reviewing irrelevant, deceptive, or procedurally improper arguments. And beyond the burden placed on the Court, the Attorney General's Office is also squandering public resources: taxpayer dollars are being used to fund the time of salaried attorneys who have chosen to engage in misconduct, retaliation, and procedural gamesmanship rather than uphold their duty to seek justice. This pattern of abuse does not merely harm Appellant—it wastes tax dollars, disrespects the rule of law, and undermines the integrity of South Carolina's appellate system.

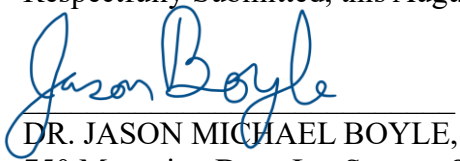
VI. Relief Requested

Appellant respectfully renews the requests made in his July 24, 2025 filing and seeks:

1. **Denial of the Motion to Dismiss** in its entirety;
2. **An Order finding that the State's conduct constitutes procedural misconduct** and bad-faith litigation;
3. **Sanctions against the Attorney General's Office**, including an award of **$3,875** for time, labor, and legal research made necessary by the State's misrepresentations and motion practice—including the time now required to respond to its improper July 31 letter;
4. **An award of $7,000** against the Attorney General's Office for reputational harm, emotional distress, and the loss of educational and professional opportunities caused by the State's wrongful classification of the case and continued procedural abuse;
5. **A full refund of all filing fees paid**—including probate, circuit, and appellate costs—due to the judicial misclassification of the case as civil, which denied Appellant constitutional protections and resulted in financial injury;
6. **Any additional relief the Court deems just and proper** to preserve its integrity, deter abuse of process, and restore fairness to these proceedings.

Respectfully submitted,

Respectfully Submitted, this August 1, 2025.



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PROOF OF SERVICE

I hereby certify that a copy of this reply was delivered to the following parties:

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Respectfully Submitted, this August 1, 2025.

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