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Aug 08 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Case No.: 2024-001241

THE MATTER OF JASON BOYLE, Appellant

SUPPLEMENT TO MOTION FOR REFERRAL TO DISCIPLINARY COUNSEL AND

EXPEDITED REVIEW

(Addressing Unconstitutional Obstruction of Access to the Court Through Service Restrictions on

Pro Se Appellant and Unequal Enforcement of Procedural Rules)

COMES NOW the Appellant, Dr. Jason M. Boyle, appearing pro se, and respectfully submits this supplement to his Motion for Referral to Disciplinary Counsel and Expedited Review filed August 2, 2025.

This supplement addresses an additional barrier to meaningful appellate participation — the rules governing service under Rule 262(c)(3), SCACR, as applied to self-represented litigants — and the Court’s unequal enforcement of procedural rules between Appellant and the State. Together, these practices impose unconstitutional burdens on Appellant’s ability to prosecute this appeal, particularly where liberty interests and ongoing constitutional violations are at stake.

I. BACKGROUND

1. Appellant is actively pursuing a criminal appeal in this matter while residing outside the United States. (I am back in America for the next 3 weeks)
2. On August 7, 2025, the Clerk of Court issued a deficiency notice advising that the proof of service attached to Appellant's August 2 motion did not comply with Rule 262(c)(3), SCACR, and the Supreme Court's May 6, 2022 Administrative Order on electronic service.
3. Specifically, the rules prohibit a self-represented litigant from serving pleadings via email to an attorney's primary address in the Attorney Information System (AIS), absent that attorney's written consent.
4. Appellant has sought to streamline service by offering to use email, but the Attorney General's Office has not provided consent.
5. This forces Appellant — unlike licensed attorneys — to serve pleadings by physical mail, resulting in substantial costs, extended delays, and reduced ability to meet expedited timelines, especially from abroad.
6. By elevating procedural form over substantive justice, this rule imposes an additional barrier that obstructs a pro se litigant's ability to obtain review on the merits, in direct conflict with the principle that courts should resolve cases on substantive grounds rather than technicalities.

II. UNEQUAL ENFORCEMENT OF PROCEDURAL RULES

7. On July 31, 2025, the Attorney General's Office submitted a substantive legal response to Appellant's July 24 filing in the form of an informal letter to the Clerk of Court.
8. That letter contained legal argument on Rule 222(f), SCACR, was filed outside the format required by Rule 240, SCACR, and **contained no proof of service in the Form 7 format.**
9. Despite these omissions, the Court accepted the State's letter without issuing any deficiency notice or requiring corrective action.
10. In contrast, when Appellant submitted a motion to expedite on August 1, 2025, also without a Form 7 proof of service, the Court issued a deficiency notice threatening non-consideration unless cured within 10 days.
11. The Court's selective enforcement of procedural rules against only one party — the pro se appellant — creates the appearance of partiality and undermines public confidence in the appellate process.
12. Such disparate treatment violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment and breaches Rule 501, Canon 3(B)(5), SCACR, which prohibits bias or prejudice in judicial duties.

III. ARGUMENT

A. Due Process Violation — Fourteenth Amendment

The service restrictions of Rule 262(c)(3), SCACR, as applied, impose a substantial and unnecessary burden on Appellant's ability to participate in appellate proceedings. When liberty is at stake, any procedural rule that impedes timely and meaningful access to the courts must be narrowly tailored to serve a compelling interest. *Bounds v. Smith*, 430 U.S. 817, 828 (1977); *Lassiter v. Dep't of Soc. Servs.*, 452 U.S. 18, 27 (1981).

There is no compelling reason to deny a pro se litigant the ability to serve opposing counsel via the same secure email system attorneys are permitted to use.

B. Equal Protection Violation — Fourteenth Amendment

The current scheme creates a two-tier system: attorneys may use fast, no-cost electronic service, while self-represented litigants must absorb cost, time, and logistical hurdles. This disparity is compounded when the Court enforces procedural rules strictly against the pro se party while overlooking similar or more serious omissions by the State. Such unequal treatment cannot survive constitutional scrutiny. See *M.L.B. v. S.L.J.*, 519 U.S. 102, 124 (1996).

C. Heightened Harm in Criminal Cases

The burden is particularly acute where an appellant faces incarceration and ongoing enforcement of orders already challenged as unconstitutional. In such circumstances, delays caused by mailing requirements increase the risk of irreparable harm, prolong constitutional violations, and deprive the appellant of a fair opportunity to respond in real time.

IV. REQUEST FOR RELIEF

Appellant further emphasizes that this issue is urgent. Each new procedural obstacle—such as the service restrictions at issue here—delays resolution of an appeal that already involves ongoing constitutional violations and imminent threats to Appellant’s liberty. The State is aggressively persecuting Appellant through retaliatory litigation, unconstitutional orders, and selective enforcement of procedural rules. Relief from this Court is not merely warranted—it is necessary to prevent continued harm. Every additional delay deepens the constitutional injury and rewards the State’s tactics of obstruction over resolution on the merits.

Appellant respectfully requests that this Court:

1. **Recognize** that the service restrictions of Rule 262(c)(3), SCACR, as applied to a self-represented criminal appellant residing abroad, impose an unconstitutional barrier to meaningful access to this Court;
2. **Acknowledge** that selective enforcement of procedural rules in this case — accepting the State’s non-compliant filings while rejecting similar filings from Appellant — violates the principles of due process, equal protection, and judicial impartiality;
3. **Authorize** Appellant to serve the Attorney General’s Office via its primary AIS-listed email addresses for purposes of this appeal; **or, in the alternative:**
4. **Certify** to the South Carolina Supreme Court that this appeal presents a substantial constitutional question regarding unequal service rules for pro se litigants in criminal matters and the selective enforcement of procedural requirements; and

5. **Grant** any other relief necessary to ensure equal procedural footing and protect Appellant's rights under the Due Process and Equal Protection Clauses.

Respectfully submitted,

Respectfully Submitted, this August 8, 2025.

A handwritten signature in blue ink that reads "Jason Boyle". The signature is written in a cursive style and is positioned above a horizontal line.

DR. JASON MICHAEL BOYLE, Ph.D., Appellant
750 Mourning Dove Ln. Seneca, South Carolina 29678
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THE MATTER OF JASON BOYLE, Appellant

**SUPPLEMENT TO MOTION FOR REFERRAL TO DISCIPLINARY
COUNSEL AND EXPEDITED REVIEW**

PROOF OF SERVICE

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

1. Jim Logan: logan@loganandjolly.com
2. AG's Office, Susan Spencer: susanspencer@scag.gov
3. AG Attorney, Andrew Powell: andrewpowell@scag.gov
4. AG's Office, Grace Sommer: gracesommer@scag.gov

Respectfully Submitted, this August 8, 2025.



DR. JASON MICHAEL BOYLE, Ph.D., Appellant.
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jasonboyle03@gmail.com

Cover Letter

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

Case No.: 2024-001241

August 8, 2025

Clerk of Court

South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC 29211

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Aug 08 2025

SC Court of Appeals

Re: Filing of *Supplement to Motion for Referral to Disciplinary Counsel and Expedited Review* and Notice of Forthcoming Corrected Motion

Dear Clerk of Court,

Enclosed please find my *Supplement to Motion for Referral to Disciplinary Counsel and Expedited Review (Addressing Unconstitutional Obstruction of Access to the Court Through Service Restrictions on Pro Se Appellant and Unequal Enforcement of Procedural Rules)* for filing in the above-referenced matter.

I am in the process of preparing a corrected version of the original *Motion for Referral to Disciplinary Counsel and Expedited Review* to address the proof-of-service issue noted in the Court's deficiency letter. I intend to mail the corrected motion later today after speaking with Mrs. Singleton, the assigned case manager, to confirm procedural details.

The corrected motion will include an updated proof of service listing only Attorney James W. Logan, Jr. and Assistant Attorney General Andrew Powell. I have removed other names previously listed, as I am proceeding under the assumption that this case will not be reclassified as civil. The State, however, has continued to keep Mr. Logan listed, and I will therefore do the same, though the necessity of his continued inclusion is unclear to me. Physical copies of the corrected motion will be mailed to Mr. Logan and Mr. Powell today.

It is my understanding, upon reviewing Rule 262(c)(3), SCACR, that physical service is required only for a **new motion** filed by a self-represented litigant, and not for supplements to a motion already pending or for evidentiary exhibits filed in support. If this understanding is incorrect, I respectfully request written clarification from the Court.

I submit this filing under duress. I have been held in contempt for allegedly violating a gag order that was legally stayed by this Court and remains stayed. I urgently require relief. I am currently in the United States for only three weeks and am deeply concerned for my safety and that of my family while here.

At a minimum, I request that this Court clearly confirm to all lower courts that the gag order, travel restrictions, and the numerous other probation-like conditions currently imposed upon me are without effect while on stay and cannot be enforced. I have already been held in contempt for an alleged violation of this gag order while it was legally stayed due to one of these pending appeals, underscoring the urgent need for immediate clarification and relief.

Thank you for your immediate attention to this matter.

Respectfully Submitted, this August 8, 2025.

A handwritten signature in blue ink that reads "Jason Boyle". The signature is written in a cursive style and is positioned above a horizontal line.

DR. JASON MICHAEL BOYLE, Ph.D., Appellant.
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