

FLETCHER N. SMITH, LLC
ATTORNEY AT LAW



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112 WAKEFIELD STREET GREENVILLE, SOUTH CAROLINA 29601
(864) 232-6541 FAX (864) 232-8758

August 14, 2025

Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201
RE: Emergency Filing of Appellate Documents
Case: Jackson, et al. v. Smith, et al.
Circuit Court Case No.: 2019-CP-23-06363
Consolidated Cases: 2017-CP-23-05851; 2017-CP-23-06127
Court of Appeals Case No.: [To be assigned upon filing]

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SC Court of Appeals

105571;
105572; 105573

DEAR MR. SHEAROUSE:

I am counsel for Appellants in the above-referenced consolidated cases and hereby submit for filing the enclosed emergency appellate documents involving critical constitutional and jurisdictional issues requiring immediate Court attention.

DOCUMENTS SUBMITTED FOR FILING

A. Primary Appellate Documents

1. **Notice of Appeal** from Orders entered July 31, 2025, and subsequent post-trial orders
2. **Petition for Writ of Supersedeas** seeking emergency stay of circuit court orders
3. **Motion for Stay Pending Appeal** (alternative relief under Rule 221, SCACR)
4. **Memorandum in Support of Petition for Writ of Supersedeas** and emergency motions

B. Church Entity's Limited Appearance Documents

1. **Notice of Appearance and Limited Representation** for Non-Party Church Entity
(Enoree Fork Baptist Church)
2. **Motion to Stay Enforcement** of Orders Affecting Non-Party Church Entity
3. **Affidavit of Church Officer** establishing standing and authority to appear
4. **Memorandum in Support** of Limited Appearance and Motion to Stay

C. Supporting Documentation

1. **Certificate of Service** for all documents

2. **Verification and Notarization** where required
3. **Filing Fee** [payment method and amount]
4. **Court Orders**

NATURE OF EMERGENCY PROCEEDINGS

A. Constitutional Crisis Requiring Immediate Relief

These proceedings arise from unprecedented **judicial overreach** where the circuit court has:

- **Bound a religious organization** that was never named as a party or served with process
- **Directed internal church governance** in violation of First Amendment protections
- **Denied post-trial relief without hearing** despite constitutional issues presented

B. Time-Sensitive Constitutional Violations

Ongoing harm requiring emergency intervention:

- Daily violation of church's First Amendment religious autonomy rights
- Continuing due process violations against non-party entity
- Judicial supervision of religious activities violating church-state separation
- Irreparable harm to constitutional principles growing worse with each day

C. Emergency Relief Requested

Immediate stay sought to prevent:

- Further constitutional violations pending appellate review
- Irreparable harm to religious freedom and church autonomy
- Enforcement of orders entered without jurisdiction or due process
- Precedent-setting governmental interference with religious organizations

REQUEST FOR EXPEDITED PROCESSING

A. Constitutional Urgency

Given the **First Amendment and Due Process violations** involved, I respectfully request:

1. **Immediate docketing** of the appeal and assignment of case number
2. **Expedited consideration** of emergency supersedeas petition
3. **Priority scheduling** for any oral argument on emergency motions
4. **Prompt notification** to all parties of filing and case assignment

B. Emergency Calendar Consideration

The **constitutional nature** of these violations warrants:

- **Emergency calendar placement** for supersedeas petition

- **Expedited briefing schedule** if additional briefing required
- **Immediate service** of filed documents on all parties
- **Coordinated review** of church entity's limited appearance

SERVICE AND NOTICE INFORMATION

A. Parties to be Served

All documents filed herewith have been or will be contemporaneously served upon:

1. Counsel for Respondents:

Rustin B. Duncan, Esq.

King Law Offices PC

1320 West Poinsett Street

Greer, South Carolina 29650

864-877-3355

rduncan@kinglawoffices.com

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SC Court of Appeals

2. Clerk of Circuit Court:

Greenville County Clerk of Court

301 University Ridge

Greenville, SC 29601

B. Service Method

Service accomplished by:

- **Electronic filing and service** via South Carolina Electronic Filing System (where applicable)
- **First-class mail, postage prepaid** to all counsel ;
- **Hand delivery** where appropriate for emergency matters
- **Email transmission** for immediate notice of emergency filings

FILING FEE AND PAYMENT

A. Payment Information

Filing Fee: \$350.00 for Notice of Appeal and related filings

Payment Method: Check

Check Number: 6578

Payable to: South Carolina Court of Appeals

B. Fee Waiver Request (if applicable)

[Include if seeking fee waiver for constitutional issues or other grounds]

CONTACT INFORMATION FOR EMERGENCY MATTERS

A. Primary Contact

Attorney: Fletcher N. Smith, Jr., Esq.

Office Phone: (864) 232-6541

Cell Phone: 864-735-3306

Email: fnsmith@bellsouth.net

Fax: 864-232-6756

B. Alternative Contact

Office Address: 112 Wakefield Street, Greenville, SC 29603

Mailing Address: P.O. Box 10496, Greenville, SC 29603

Available for: Emergency hearings, oral argument, case conferences

SPECIAL REQUESTS

A. Case Management

1. **Coordinate with pending circuit court appeals** in related consolidated cases
2. **Schedule emergency motions** for prompt consideration
3. **Provide notice** of any scheduling for emergency relief
4. **Facilitate communication** between Court and counsel for urgent matters

B. Administrative Assistance

1. **Confirm receipt** of all filed documents
2. **Assign case number** and provide to all parties
3. **Schedule emergency calendar** if appropriate
4. **Coordinate service** of Court orders and notices

CERTIFICATION

I hereby certify that:

1. **All required documents** are included with this filing
2. **Proper service** has been or will be made on all parties
3. **Filing fees** have been paid or arrangements made
4. **Emergency nature** of proceedings justifies expedited processing
5. **Constitutional issues** require immediate Court attention

CONCLUSION

The constitutional violations presented in this case—particularly the unprecedented binding of a religious organization without due process—require immediate appellate intervention. The enclosed documents seek emergency relief to prevent ongoing First Amendment and due process violations while ensuring proper appellate review of these critical constitutional questions.

I respectfully request the Court's immediate attention to these emergency filings and appreciate the Clerk's assistance in expediting processing of these constitutional matters.

Thank you for your prompt attention and assistance.

Respectfully submitted,
s/ Fletcher N. Smith, Jr.
FLETCHER N. SMITH, JR., ESQ.
Attorney for Appellants
South Carolina Bar No. [Number]

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of this letter and all enclosed documents have been served upon the following by the methods indicated:

Rustin B. Duncan, Esq.
Counsel for Respondents
King Law Offices PC
1320 West Poinsett Street
Greer, South Carolina 29650
864-877-3355
rduncan@kinglawoffices.com

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**2. Clerk of Circuit Court:
Greenville County Clerk of Court
301 University Ridge
Greenville, SC 29601**

- Hand Delivery
- U.S. Mail, Postage Prepaid
- Electronic Filing and Service
- Facsimile Transmission
- Email

**Greenville County Clerk of Court
301 University Ridge
Greenville, SC 29601**

- U.S. Mail, Postage Prepaid
- Electronic Filing and Service
- Facsimile Transmission

This 14th day of August, 2025.

**s/ Fletcher N. Smith, Jr.
FLETCHER N. SMITH, JR., ESQ.**

ENCLOSURES

- Notice of Appeal
- Petition for Writ of Supersedeas
- Motion for Stay Pending Appeal
- Memorandum in Support of Supersedeas Petition
- Notice of Limited Appearance (Church Entity)
- Motion to Stay (Church Entity)
- Affidavit of Church Officer
- Memorandum in Support of Limited Appearance
- Orders of Judge Fant: Principal Trial Order and Order Denying SCRCF 59 Motion to Alter or Amend Judgment
- Certificates of Service for all documents
- Filing fee payment

I respectfully request **Court Administration's immediate attention** to this constitutional emergency and **expedited processing** to facilitate prompt judicial protection of fundamental rights.

Thank you for **your urgent assistance** in this matter of constitutional significance.

Respectfully submitted,
s/ Fletcher N. Smith, Jr.
FLETCHER N. SMITH, JR., ESQ.
Attorney for Appellants and Non-Party Petitioner
South Carolina Bar No. 5165

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Expedited Transcript Request has been served upon opposing counsel and relevant parties:

Counsel for Respondents:

Rustin B. Duncan, Esq.

[Address and service details]

Greenville County Clerk of Court

301 University Ridge

Greenville, SC 29601

Service by: Electronic Mail First-Class Mail Hand Delivery

This 14th day of August, 2025.

s/ Fletcher N. Smith, Jr.

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SC Court of Appeals

Fletcher N. Smith, Jr., LLC
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Greenville, SC 29603



The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

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