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Aug 26 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Hon. Jessica A. Salvini, Circuit Court Judge

Case No. 2023-CP-10-00305
Appellate Case No. 2024-002176

John R. Nick,
Respondent,

v.

Emily Prioleau,
Appellant.

Appellant Case No. 2024-002176

MOTION TO AMEND DESIGNATION OF MATTER

Appellant Emily Prioleau, pro se, moves to amend her Designation of Matter filed June 30, 2025.

1. On August 1, 2025, Judge Jennifer B. McCoy entered an Order Relieving Counsel granting Attorney Matthew Billingsley's request to withdraw (Exhibit A).

2. On August 4, 2025, Appellant filed correspondence and attachments with the Court of Appeals. By letter dated August 15, 2025, the Clerk advised a motion is required if Appellant wishes to include that correspondence (Exhibit B).

3. On August 10, 2025 (filed August 11), Judge McCoy entered a Form 4 Judgment setting the appellate bond at \$0.00 and disposing of both pending motions (Exhibit C).

4. This motion is timely under Rule 210(c), SCACR, as the appellate record has not yet been filed.

Accordingly, Appellant requests leave to amend the Designation of Matter to include:

Exhibit A – Order Relieving Counsel (Aug. 1, 2025)

Exhibit B – Correspondence & Attachments (Aug. 4, 2025)

Exhibit C – Form 4 Judgment (Aug. 10/11, 2025)

Respectfully submitted,

Dated: August 26, 2025

/s/ Emily Prioleau
Emily Prioleau, Appellant pro se
5528 Flanders Avenue
North Charleston, SC 29406
(843) 693-0184
eprioleau1976@gmail.com

John Nick
PLAINTIFF(S)

Emily Prioleau
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (*CHECK REASON*):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (*CHECK REASON*):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter came before the Court upon the Request of Defendant's counsel, by and through attorney of record Matthew M. Billingsley with the consent of Defendant to withdraw as counsel for Defendant, filed 5/21/2025. Whereby the Court is satisfied that sufficient cause exists to grant Attorney Matthew Billingsley's request to be relieved, the motion is hereby GRANTED. Attorney Matthew Billingsley is responsible for ensuring the Clerk of Court has the Defendant's updated contact information.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/01/2025 .

Case Party Info Protected

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: John Nick VS Emily Prioleau

Case Number: 2023CP1000305

Type: Order/Electronic Form 4

So Ordered

s/Jennifer B. McCoy #2764

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Aug 04 2025

SC Court of Appeals

August 4, 2025

Clerk of Court

South Carolina Court of Appeals

P.O. Box 11330

Columbia, SC 29211

Re: Notice of Filing in Trial Court Relevant to Appeal

Appeal No. 2024-002176

Trial Court Case No. 2023-CP-10-00305

John R. Nick v. Emily Prioleau

Dear Clerk:

Please find enclosed a copy of a Motion to Supplement the Record with Affidavit of Emily Prioleau and Exhibits, filed on August 4, 2025, in the Charleston County Court of Common Pleas. This filing pertains to factual matters that occurred before and after the July 29, 2025 hearing and may bear on issues currently under appellate review.

This submission is provided for informational purposes only, to ensure transparency and preserve the integrity of the appellate record. No action is requested at this time.

Sincerely,



Emily Prioleau

5528 Flanders Avenue

North Charleston, SC 29406

(843) 693-0184

eprioleau1976@gmail.com

IN THE COURT OF COMMON PLEAS

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

John R. Nick,
Plaintiff,

v.

Case No.: 2023-CP-10-00305

Emily Prioleau,
Defendant.

2025 AUG -4 PM 12:37
CLERK OF COURT

**AFFIDAVIT OF EMILY PRIOLEAU REGARDING APPEARANCE AND
CONDUCT AT JULY 29, 2025 BOND HEARING**

I, Emily Prioleau, being duly sworn, depose and state as follows:

I am the Appellant in the above-captioned matter in the South Carolina Court of Appeals (Appeal No. 2024-002176) and was the Defendant in the underlying case in the Charleston County Court of Common Pleas (Case No. 2023-CP-10-00305).

I am appearing in this matter pro se. My Initial Brief of Appellant was submitted to the South Carolina Court of Appeals on June 30, 2025.

On July 29, 2025, I attended a hearing in the Court of Common Pleas for Charleston County before the Honorable Judge McCoy, concerning motions for a stay, an appeal bond, and a motion to relieve counsel.

My attorney of record in the Court of Common Pleas was Matthew N. Billingsley of South Carolina Legal Services. He filed an opposition on my behalf on July 18, 2025, related to the appeal bond motion.

Prior to the hearing commencing, while waiting for Judge McCoy in the courtroom, I personally and directly overheard a conversation between Attorney William B. Jung (counsel for the Plaintiff, John R. Nick) and Attorney Matthew N. Billingsley (my counsel of record in this Court).

During this conversation, Attorney Jung was not asking Attorney Billingsley what was in my appellate brief. Rather, he was stating its contents and suggesting that Attorney Billingsley should not continue to represent me on the motion that was being presented that day. I distinctly heard Attorney Jung say that I had asserted “witnesses were not called,” “evidence was not presented,” and that I claimed “ineffective counsel because we were in separate areas during the virtual hearing and I didn’t have access to him [Billingsley].” These statements directly refer to arguments I have raised in my appeal regarding trial counsel’s failures.

I could not discern Attorney Billingsley’s responses during the exchange because his back was turned to me, but Attorney Jung’s statements were clearly audible to me.

Shortly afterward, Attorney Billingsley approached me in the courtroom. I told him that I had overheard his conversation with Attorney Jung. Before I explained what I had heard, Attorney Billingsley preemptively stated, “Ineffective counsel pertains to criminal cases,” directly referencing one of the issues raised by Attorney Jung.

After the hearing concluded, as Attorney Jung was exiting the courtroom, he again spoke to Attorney Billingsley and stated, “I will send you [Billingsley] the records.”

Attorney Matthew N. Billingsley notified Attorney Jung in December 2024 that he would not be representing me in the appeal process.

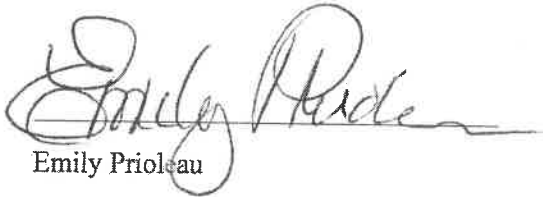
Despite being notified by formal order of the South Carolina Court of Appeals dated February 21, 2025, that Mr. Billingsley was relieved as appellate counsel, Attorney Jung was overheard commenting on the contents of my Initial Brief of Appellant and suggesting that the motion to relieve counsel should be heard first. This raises serious concerns as to why opposing counsel was commenting on or attempting to influence Attorney Billingsley—who remained counsel of record in the Court of Common Pleas—about appellate matters in which he was no longer involved.

On Friday, August 1, 2025, at approximately 4:00 p.m., Mr. Billingsley notified me by email that he had been relieved as counsel in the Court of Common Pleas and that no order had yet been entered on the bond-related motions heard on July 29, 2025.

Judge McCoy did not issue a ruling on the pending motions at the conclusion of the July 29 hearing.

I am indigent and was previously represented by South Carolina Legal Services. I currently do not have an attorney to represent me on appeal, nor for the current post-judgment/bond proceedings, and I believe my representation at the July 29 hearing was compromised due to the aforementioned conflict involving my counsel of record and the highly improper interference by opposing counsel.

I swear and affirm that the foregoing statements are true and correct to the best of my knowledge and belief.


Emily Prioleau

Subscribed and sworn before me
this 4th day of August, 2025.



Notary Public for South Carolina

My commission expires: 6-9-2031



EXHIBIT A

South Carolina Court of Appeals Order
Relieving Matthew N. Billingsley as Counsel
Dated February 21, 2025

The South Carolina Court of Appeals

John Nicks, Respondent,

v.

Emily Prioleau, Appellant.

Appellate Case No. 2024-002176

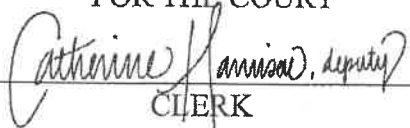
The Honorable Jessica Ann Salvini
Charleston County
Trial Court Case No. 2023CP1000305

ORDER

The Court received the motion to be relieved as counsel for the appellant from Matthew M. Billingsley, Esquire. This motion is Granted. Matthew M. Billingsley, Esquire is relieved as counsel of record for the appellant. This case will be held in abeyance for thirty (30) days for the appellant to obtain new counsel if desired. If the Court is not notified of any new counsel, appellant will be presumed to be proceeding pro se.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Matthew M. Billingsley, Esquire
William B. Jung, Esquire

FILED
Feb 19 2025

EXHIBIT B

Email from Matthew N. Billingsley to Emily Prioleau
Sent August 1, 2025 at 4:00 p.m.



Emily Prioleau <eprioleau1976@gmail.com>

order relieving me

1 message

Matthew Billingsley <matthewbillingsley@sclegal.org>
To: Emily Prioleau <eprioleau1976@gmail.com>

Fri, Aug 1, 2025 at 4:00 PM

Attached is the form 4 order relieving me for the common pleas case. There is no order yet on the bond motions.



Matthew Billingsley

Attorney/Housing Law Unit Head

South Carolina Legal Services

matthewbillingsley@sclegal.org

2803 Carner Avenue, North Charleston, South Carolina 29405

P: (843) 266-2174 | F: (843) 760-1090 | sclegal.org | lawhelp.org/sc



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order relieving counsel.pdf
239K

CERTIFICATE OF SERVICE

I, Emily Prioleau, hereby certify that I have served a true and correct copy of the **Notice of Filing in Trial Court Relevant to Appeal**, together with the attached **Motion to Supplement the Record and Affidavit filed in the Charleston County Court of Common Pleas**, on the following counsel of record by **U.S. Mail** on this **4th day of August, 2025**:

William B. Jung
Attorney for Plaintiff
1156 Bowman Road, Suite 200
Mount Pleasant, SC 29464



Emily Prioleau

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Aug 04 2025

SC Court of Appeals

John Nick
PLAINTIFF(S)

Emily Prioleau
DEFENDANT(S)

RECEIVED

Aug 12 2025

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 Affirmed; Reversed; Remanded;
 Other

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IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Plaintiff's Motion for Payment of Appeal Bond, filed 2/19/2025, and Motion to Stay per the Remittitur from the South Carolina Court of Appeals, filed 5/28/2025, was heard by this Court on 7/29/2025. The Appellate Bond is hereby set at \$0.00.

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So Ordered

s/Jennifer B. McCoy #2764

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SC Court of Appeals

CERTIFICATE OF SERVICE

I certify that I have served this Motion and attached Exhibits A–C by depositing a copy in the U.S. Mail, postage prepaid, on this 26th day of August, 2025, addressed to:

William B. Jung, Esquire
1156 Bowman Road, Ste 200
Mount Pleasant, SC 29464

/s/ Emily Prioleau

Emily Prioleau