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Sep 30 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Case No.: 2024-001241

The Matter of Jason Michael Boyle

**APPELLANT’S MOTION TO STRIKE NOTICES OF APPEAL FROM THE RECORD
ON APPEAL**

Appellant, Jason M. Boyle, respectfully moves, pursuant to Rule 210, SCACR, to strike from the Record on Appeal all designated Notices of Appeal and related Proofs of Service. Specifically, Appellant seeks to strike (1) the July 25, 2024 Notice of Appeal listed in Appellant’s own DOM, and (2) the February 14, 2025 Notice of Appeal and Proof of Service listed in Respondent’s DOM. Appellant makes this motion in the interest of candor and fairness to the Court, acknowledging his own error as a pro se litigant and highlighting Respondent’s parallel misstep. In support, Appellant shows the following:

INTRODUCTION

This appeal reviews the February 7, 2025 ruling of the Oconee County Court of Common Pleas, which upheld the contempt ruling of the Oconee County Probate Court. Therefore, the Record on Appeal is limited to the filings, orders, transcripts, and exhibits before the Court of Common Pleas, as well as the underlying probate orders incorporated into that proceeding.

Both parties mistakenly included appellate filings as part of the Record on Appeal. Appellant designated the July 25, 2024 Notice of Appeal, and Respondent designated the February 14, 2025 Notice of Appeal and Proof of Service. Upon reflection, Appellant recognizes that neither filing properly belongs in the Record on Appeal under Rule 210, SCACR.

STANDARD AND GOVERNING RULES

Rule 210(b)–(c), SCACR, confines the Record on Appeal to material that was presented to the lower court and necessary to fairly present the issues on appeal. Appellate filings, such as Notices of Appeal filed with this Court, are not part of the lower-court record.

ARGUMENT

I. Appellant’s Inclusion of the July 25, 2024 Notice of Appeal Was a Pro Se Error.

Acting without counsel, Appellant designated the July 25, 2024 Notice of Appeal in his DOM. This was an honest mistake. While the notice predated the February 7, 2025 order, it was an appellate filing, not a pleading or exhibit considered by the Court of Common Pleas in its ruling. Appellant respectfully asks the Court’s forgiveness for this error, noting the challenges pro se litigants face navigating complex procedural rules.

II. Respondent's Inclusion of the February 14, 2025 Notice of Appeal and Proof of Service Was Improper.

Respondent designated the February 14, 2025 Notice of Appeal and Proof of Service in its DOM, even certifying that the designation contained “no matter which is irrelevant.” This designation was improper for the same reason: the documents were appellate filings and not part of the Common Pleas record. Unlike Appellant, who erred as a layman, Respondent's attorneys are officers of the court bound by Rule 407, SCACR, and should be expected to understand the limits of Rule 210.

III. The August 25, 2025 Order Did Not Authorize Expanding the Record.

On August 25, 2025, this Court denied Respondent's motion to dismiss based on alleged defective service but permitted the parties to brief the service issue. Appellant complied and addressed it in his reply brief. Nothing in the Court's order authorized either party to insert appellate filings into the Record on Appeal. The service question belongs in briefing, not in the Record.

IV. Equal Treatment Favors Striking Both Notices.

Striking both the July 25, 2024 and February 14, 2025 notices ensures consistency, preserves the integrity of the Record on Appeal, and prevents confusion over what materials were properly before the lower court. This approach treats both parties evenhandedly, acknowledges Appellant's pro se mistake, and underscores that Respondent's professional obligations should have led to a more accurate designation.

REQUESTED RELIEF

Appellant respectfully requests that the Court:

1. **Strike** from the Record on Appeal both the July 25, 2024 Notice of Appeal (designated by Appellant) and the February 14, 2025 Notice of Appeal and Proof of Service (designated by Respondent); and
2. Direct the parties to proceed on a Record on Appeal limited to material actually presented to the Court of Common Pleas in reaching its February 7, 2025 ruling.

Respectfully Submitted, this September 30, 2025.



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IN THE STATE OF SOUTH CAROLINA,

IN THE COURTS OF APPEALS

APPEAL FROM THE OCONEE COUNTY COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT

Order of Honorable Judge Lewton McIntosh

APPELLATE CASE NO: 2024-001241

The Matter of Jason M. Boyle

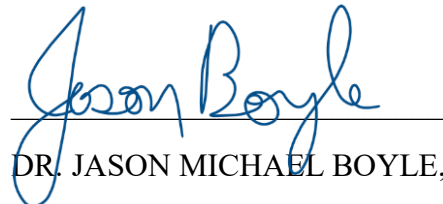
PROOF OF SERVICE

**APPELLANT'S MOTION TO STRIKE NOTICES OF APPEAL FROM THE RECORD
ON APPEAL**

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

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Respectfully Submitted, this September 30, 2025,



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