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Oct 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County
Honorable Danny Singleton, Probate Court Judge
Appellate Case No. 2024-001241

IN THE MATTER OF JASON M. BOYLE,

Appellant.

**RETURN TO APPELLANT'S AMENDED MOTION TO STRIKE NOTICE OF APPEAL
FROM THE RECORD ON APPEAL**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

This appeal from a series of contempt findings is currently pending before this Court. On June 2, 2025, the State filed a motion to dismiss the February 7, 2025, appeal, arguing this Court lacked jurisdiction due to Appellant’s failure to properly serve the State his February 14, 2025, Notice of Appeal. This Court denied the State’s motion but stated that both parties may present the issue of jurisdiction in briefing. On August 25, 2025, Boyle filed his Initial Brief of Appellant along with his Designation of Matter.¹ Boyle designated thirty-three items to be included in the Record on Appeal. Subsequently, the State filed its Initial Brief of Respondent and Designation of Matter. In its Initial Brief of Respondent, the State argued this Court did not

¹ Boyle also filed different Initial Briefs and different Designations of Matter on April 3, 2025, and February 3, 2025.

have jurisdiction due to Boyle's failure to serve the State the February 14, 2025 Notice of Appeal.

II.

In its Designation of Matter, the State designated for inclusion in the Record on Appeal several items including the Notice of Appeal and Proof of Service dated February 14, 2025.

III.

On September 27, 2025, Boyle emailed this Court a link in an attempt to file the Record on Appeal for this matter. This Court informed Boyle that his email did not constitute a proper filing of the Record on Appeal. Subsequently, on the night of September 30, 2025, Boyle filed a Motion to Strike the Record on Appeal. Later, on the morning of October 1, 2025, Boyle filed an Amended Motion to Strike the Record on Appeal. In Boyle's Amended Motion to Strike, he argued that the February 14, 2025, Notice of Appeal and Proof of Service "were never before the Court of Common Pleas and therefore cannot be included in the Record on Appeal[.]" And, thus, constituted matter presented to the lower court in this case.

IV.

Pursuant to Rule 210(c) of the South Carolina Appellate Court Rules the Record on Appeal "shall include all matter designated to be included by any party under Rule 209[.]" Rule 210(c), SCACR. Additionally, our Appellate Court Rules emphasize that the Record should "not, include matter which was not presented to the lower court or tribunal." SCACR, 208. Our appellate rules also plainly dictate that a "notice of appeal shall be filed with the clerk of the

lower court and the Clerk of the Court of Appeals. SCACR 203. Here, the February 14 Notice of Appeal was filed with the Circuit Court.²

V.

In the Record on Appeal as presently proposed would improperly fail to include all of the items designated by Respondent. Here, as our rules dictate, the notice of appeal was filed with the circuit court. Accordingly, the notice of appeal and accompanying proof of service are proper matter to be included in the record on appeal. Accordingly, based on the plain mandates of South Carolina law, Boyle's motion to strike properly designated matter should be denied and the Record on Appeal must include all the matter properly designated by the parties for inclusions, including the February 14, 2025, Notice of Appeal and Proof of Service. Rule 210(c), SCACR; See State v. Burton, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003) ("A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law."). Correspondingly, the Record on Appeal without the designated Notice of Appeal and Proof of Service would be incomplete. Germain v. Nichol, 278 S.C. 508, 509, 299 S.E.2d 335, 335 (1983) ("Appellant has the burden of providing [an appellate court] with a sufficient record upon which [the appellate court] can make its decision."); Rule 210(c), SCACR. Consequently, Boyle should be required to file a Record on Appeal which complies with our Appellate Court Rules, and his motion to strike properly designated matter should be denied. Rule 210(c), SCACR; see Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) ("[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in

² The pertinent Notice of Appeal can be found on the Oconee County Public Index. <https://www.sccourts.org/case-records-search/>.

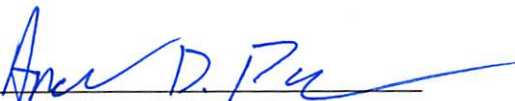
this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.”).

WHEREFORE, State prays this Court deny Appellant’s motion; require the service and filing of a Record on Appeal that complies with all the requirements of Rule 210 of the South Carolina Appellate Court Rules; hold the time period for service and filing of the Final Brief of Respondent in abeyance pending a ruling on this motion; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

ANDREW D. POWELL
Assistant Attorney General

BY: 
Andrew D. Powell
Bar # 106415

October 3, 2025

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PROOF OF SERVICE

I, Grace Sommer, certify I have served the within return to appellant's amended motion to strike notice of appeal from the record on appeal on Appellant by sending a copy of the same to:

Jason Michael Boyle
750 Mourning Dove Ln.
Seneca, SC 29678

I further certify that all parties required by Rule to be served have been served.
This 3rd day of October, 2025.



Grace Sommer
Legal Assistant

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