

Dec 03 2025

SC Court of Appeals

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**To:** [Court Of Appeals Filings](#); [Mark Farthing](#); [McIntosh, Lawton Law Clerk \(Carson Neeves\)](#); [McIntosh, Lawton Secretary \(Tammy Jennings\)](#); [Jim Logan](#); [Kim Manley](#); [awilson@scag.gov](mailto:awilson@scag.gov); [Caroline Collins](#); [Susan Spencer](#); [Grace Sommer](#)  
**Subject:** Request for Clarification of Order Denying Motion to Strike Case No. 2024-001241  
**Date:** Wednesday, December 3, 2025 4:04:13 PM

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To the Honorable Court:

I respectfully request clarification regarding the Court's recent order denying Appellant's Motion to Strike the February 14, 2025 Notice of Appeal from the Record on Appeal.

In its August 25, 2025 order denying Respondent's motion to dismiss, the Court stated that Respondent may again present its argument concerning the service of the notice of appeal in its brief. It is unclear how Respondent may relitigate this issue. A denial of a motion to dismiss ordinarily resolves the jurisdictional question unless a timely motion for reconsideration is filed. None was.

Additionally, in its December 2, 2025 order, the Court expressly acknowledged that the February 14 Notice of Appeal and Proof of Service were not presented to the circuit court. Under Rule 210(c), SCACR, material not before the lower court *shall not* be included in the Record on Appeal. Yet the Court declined to strike these barred documents, stating only that including them will be "easier."

Respectfully, Appellant seeks clarification on how "ease" may override the mandatory language of Rule 210(c). Appellate review must be confined to the record before the lower tribunal.

The December 2 order further states that the Court may revisit jurisdiction sua sponte. While appellate courts may raise jurisdictional defects, this authority does not extend to reopening an issue that the Court resolved on August 25, particularly when no party sought reconsideration and the proposed basis for renewed review consists of materials Rule 210(c) prohibits.

These inconsistencies—inviting renewed briefing on a closed issue, including documents barred by Rule 210(c), and providing no legal basis for revisiting a resolved jurisdictional question—create a serious risk of the appearance of unequal application of the rules.

Accordingly, Appellant respectfully requests clarification on the following points:

1.

The procedural basis permitting Respondent to reargue jurisdiction after the August

25 ruling;

2.

The authority under which documents not presented to the circuit court may remain in the Record despite Rule 210(c); and

3.

The legal basis for revisiting jurisdiction sua sponte months after it was adjudicated.

Appellant further requests that the Court reconsider its denial of the motion to strike, to ensure full compliance with Rule 210(c) and to preserve confidence in the fairness and integrity of the appellate process.

Given these circumstances, Appellant is compelled to express concern that the cumulative procedural posture may create the appearance that the Court's actions align with Respondent's efforts to prevent this appeal from reaching the merits. Appellant's August 4, 2025 Motion for Referral to Disciplinary Counsel—submitted with detailed evidence of misconduct by Judges Singleton and McIntosh and by the Attorney General's Office—was denied on September 3, 2025 in a one-sentence order stating only, "After careful consideration, we deny Appellant's motion," without any explanation whatsoever. This is particularly troubling in light of the mandatory reporting obligations in Rule 501, Canon 2.15(B), and Rule 407, Rule 8.3(a), which require judges and attorneys who become aware of judicial misconduct to report it. The unexplained denial of a facially valid sanctions motion, combined with the Court's refusal to enforce Rule 210(c) and its willingness to revisit a jurisdictional issue already decided on August 25, could lead a reasonable observer to conclude that the Court is shielding lower-court judges from accountability and avoiding the discomfort of addressing judicial misconduct. Appellant respectfully requests clarification to dispel this appearance and to preserve confidence in the impartial administration of justice.

Appellant also notes that the Court's order on the Motion to Clarify Parties further contributes to this appearance of inconsistency and partiality. Although the Court indicated that the appeal should be treated as criminal—prompting the addition of the Attorney General as counsel of record—the Court nevertheless left private civil counsel Jim Logan, representing Judge Singleton, as a respondent. This unprecedented dual-counsel configuration has created ongoing confusion regarding whether the appeal is civil, criminal, or some undefined hybrid. No rule, statute, or precedent permits both the Attorney General and a judge's private attorney to appear simultaneously as respondents in a criminal contempt appeal. This inconsistency, left unaddressed, has materially prejudiced Appellant's ability to navigate the appellate process and adds to the concern that the

procedural irregularities in this case are not neutral but are operating to insulate lower-court actors from accountability.

Respectfully,

Jason M. Boyle, PhD