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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

IN THE MATTER OF JASON MICHAEL BOYLE,

Appellant.

FINAL BRIEF OF RESPONDENT

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RESPONDENT'S COUNTER-STATEMENT OF ISSUE ON APPEAL

Whether this Court has jurisdiction to reverse where Boyle failed to properly serve the State.

STATEMENT OF THE CASE

The underlying matter arises from a series of contempt findings. Between May 29, 2024, and June 17, 2024, Danny Singleton, Judge of Probate, issued several orders holding Boyle in criminal contempt. Boyle appealed to the Oconee County Court of Common Pleas on June 14, 2024. Boyle was released pending the appeal, and a gag order was issued prohibiting Boyle from publicly commenting on his case while it was pending on appeal. Subsequently, while Boyle's appeal from the probate judge's contempt orders remained pending, Judge R. Lawton McIntosh, Circuit Court Judge, found Boyle in contempt pursuant to the violation of the gag order.

On June 14, 2024, the Appellant, Jason Boyle, received an order of release conditioned upon the requirement that he maintain good behavior. As part of the good behavior requirement, Boyle was to refrain from alcohol use, drug use, criminal activity, and any contact with the Oconee County probate judge. Additionally, the court issued a gag order prohibiting Boyle from speaking publicly about the case.

Boyle filed a Notice of Appeal with this Court on July 25, 2024. On August 12, 2024, this Court issued an order dismissing Boyle's appeal, finding the order was not immediately appealable. Subsequently, on August 26, 2024, Boyle filed a motion to reinstate, arguing that the order infringed on his "substantial rights." With his motion, Boyle attached a certificate of service that did not include the Tenth Judicial Circuit Solicitor or the South Carolina Attorney General.

On September 16, 2024, Judge McIntosh found Boyle in contempt for violating the gag order as a condition of his bond. On June 2, 2025, the State filed a motion to dismiss the appeal. On August 25, 2025, this Court dismissed Boyle's appeal of the September 16, 2024, order, finding it interlocutory.

On February 7, 2025, Judge McIntosh issued a final order affirming the probate court's finding of contempt. The order vacated the remainder of Boyle's sentence to time served and dismissed all other pending motions. On February 14, 2025, Boyle filed a second Notice of Appeal which served (1) Jim Logan (previously opposing counsel), (2) the Oconee County Detention center, (3) the Oconee County Sheriff's Department, and (4) the Oconee County Administrator. On March 31, 2025, Boyle filed a motion to disqualify counsel and clarify parties. Boyle requested clarification on whether the State is an adverse party. On April 18, 2025, the State sent a letter requesting this Court add the State as the respondent. On May 30, 2025, this Court granted the motion to clarify the State as the proper respondent and amended the caption to: In the Matter of Jason Michael Boyle, Appellant. On June 2, 2025, the State filed a motion to dismiss the February 7, 2025, appeal. This Court denied the State's motion but stated that both parties may present the issue of jurisdiction in briefing.

STATEMENT OF FACTS

On June 17, 2024, Judge Singleton conducted a hearing to determine whether Boyle would be held in contempt. In the hearing, Judge Singleton noted that Boyle, on multiple occasions, improperly filmed in the Oconee County Courthouse. (R. p. 19). Additionally, Judge Singleton noted that the video Boyle recorded was posted on YouTube and emailed to him.¹ (R. p. 51-52). At the conclusion of the video, Judge Singleton asked Boyle if he would rather delete the video or be found in contempt of court; Boyle responded he would not delete the video. Judge Singleton also noted Boyle called South Carolina Court Administration and threatened Singleton, and that Boyle attempted to approach him at a church function. (R. p. 107-108). At the hearing, Boyle argued: (1) that the first time he filmed in the courthouse, he was unaware of the order outlawing filming; (2) that the second time he filmed in the courthouse, he was not near the clerk's window; and (3) the court may not have jurisdiction. (R. p. 59-61). Judge Singleton found Boyle in contempt and sentenced him to fifty days' imprisonment. (R. p. 106-107).

On January 31, 2025, Boyle appeared before Judge McIntosh regarding his appeal. Boyle argued Judge Singleton did not have jurisdiction to find him in contempt. (R. p. 182). Judge McIntosh indicated to Boyle that Judge Singleton did have jurisdiction and indicated his intent to deny relief regarding jurisdiction. (R. p. 183). Next, Boyle argued he had a right to a jury trial; Judge McIntosh explained that since Boyle received less than six months' he was not entitled to a jury trial. (R. p. 183). Additionally, while discussing procedure, Judge McIntosh explained "you were criminally sanctioned. It's no question in my mind that this was not civil contempt. It

¹ Boyle posted the video at the following address:
<https://www.youtube.com/watch?v=KaCpjgr4FpA>.

was criminal contempt.” (R. p. 189). Judge McIntosh also noted “I’m looking at this case solely as a criminal appeal.” (R. p. 194).

On February 7, 2025, Judge McIntosh issued a final order affirming the probate court’s finding of contempt. On February 14, 2025, Boyle filed a second Notice of Appeal which served (1) Jim Logan (previously opposing counsel), (2) the Oconee County Detention center, (3) the Oconee County Sheriff’s Department, and (4) the Oconee County Administrator. Importantly, Boyle did not serve the notice of appeal on the State of South Carolina or the South Carolina Attorney General as a representative of the State of South Carolina.

STANDARD OF REVIEW

On appeal from a finding of criminal contempt, an appellate court must treat the matter exactly like an appeal “from a judgment in a criminal case” and, thus, sits to review errors of law only. In re Moore, 79 S.C. 399, ___, 60 S.E. 947, 947 (1908). The determination of contempt ordinarily rests within the sound discretion of the trial judge. State v. Bevilacqua, 316 S.C. 122, 129, 447 S.E.2d 213, 217 (Ct. App. 1994).

ARGUMENT

This Court must dismiss Boyle’s appeal because Boyle failed to properly serve the State, a necessary party, and, thus, failed to comply with a fundamental jurisdictional requirement necessary for appellate jurisdiction over the matter to exist.

Boyle is currently attempting to appeal from a criminal contempt conviction. However, in initiating that appeal, Boyle failed to serve the notice of appeal on the Attorney General’s Office. Therefore, Appellant failed to serve his notice of appeal on all respondents as required by the mandates of our appellate court rules. As a result, Appellant’s failure to comply with the service requirements, which are jurisdictional in nature, prevented this Court from acquiring appellate jurisdiction over the matter, and, since appellate jurisdiction does not exist, the appeal necessarily must be dismissed.

Pursuant to Rule 203(b), SCACR, the notice of appeal in an appeal from a court of common pleas or general sessions proceeding must be served on all respondents within the pertinent timeframe of receipt of written notice of entry of the order or judgment being appealed. The requirements for the service of the notice of appeal are jurisdictional in nature. See Conner v. City of Forest Acres, 348 S.C. 454, 461, 560 S.E.2d 606, 609 (2002) (“Service of the notice of intent to appeal is a jurisdictional requirement, and the Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.”).

Critically, if an appellant fails to properly serve the notice of appeal within the mandated time limits, the appellate court does not possess jurisdiction to consider the appeal and has no discretion or authority to ignore or excuse a failure to comply with the mandatory service requirements. See Elam v. South Carolina Dep’t of Transp., 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (“The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party

misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.”). Boyle’s appeal concerns the imposition of criminal contempt, which is a matter involving an important and compelling interest of the State. See Juidice v. Vail, 430 U.S. 327, 335 (1977) (“A State’s interest in the contempt process . . . is surely an important interest. . . . The contempt power lies at the core of the administration of the State’s judicial system[.]”); Bloom v. Illinois, 391 U.S. 194, 201 (1968) (“[C]riminal contempt is a crime in every fundamental respect[.]”). Correspondingly, a notice of appeal from a criminal contempt conviction must be served on the Attorney General. In re Martel, 444 S.C. 517, 520, 909 S.E.2d 402, 404 (2024).

A contempt ruling ordinarily rests within the sound discretion of the trial judge. State v. Bevilacqua, 316 S.C. 122, 129, 447 S.E.2d 213, 217 (Ct. App. 1994). Although such power should not be lightly asserted, it is considered to be necessary and essential because, without it, “contumacious conduct could well destroy the authority of any court.” State v. Goff, 228 S.C. 17, 22, 88 S.E.2d 788, 790 (1955). Contempt results from the willful disobedience of a court order and before a person may be held in contempt, the record must be clear and specific as to acts or conduct upon which the contempt is based. Bevilacqua, 316 S.C. at 129. Whether contempt is classified as civil or criminal hinges on the underlying purpose of the contempt ruling. Ex parte Jackson, 381 S.C. 253, 258, 672 S.E.2d 585, 587 (Ct. App. 2009). “If the primary purpose of contempt is to coerce a party to do the thing required by the court for the benefit of the complainant, then the contempt is considered civil. However, if the principal function of the contempt is to preserve the court’s authority and to punish a party for disobedience of the court’s order, then it is criminal.” Id.

Here, Judge Singleton’s order found Boyle in criminal contempt because it punished Boyle for violating a court order.² Since Singleton held Boyle in criminal contempt, service upon the State was necessary. See Martel, 444 S.C. at 520. However, Boyle did not properly serve the Attorney General’s Office as the proper representative of the State and, thus, failed to serve a valid respondent even though he was required by the mandates of the South Carolina Appellate Court Rules to serve *all* respondents. See Rule 203(b), SCACR (instructing all respondents must be timely served with a notice of appeal when appealing an order issued in the Court of Common Pleas or General Sessions court proceeding); see also Limb v. Limb, 195 P.2d 263, 364 (Utah 1948) (“In [a criminal contempt] case the judgment is clearly one to uphold the dignity and authority of the court and the burden of vindicating such action should not fall upon a private citizen but it is the duty of the public officials such as the district attorney or attorney general to act in such a case and therefore *a notice of appeal must be served on one of these* so that the public may have its day in court.” (emphasis added)). Consequently, this Court never acquired proper jurisdiction to consider Boyle’s appeal, and the appeal must be dismissed based on Boyle’s failure to comply with the basic jurisdictional requirements of our appellate court rules. See Martel, 444 S.C. at 520. (“a notice of appeal from a criminal contempt conviction imposed on or after [November 13, 2024] must be served on the Attorney General”). Since Boyle failed to properly serve the State, this Court is without jurisdiction to consider the issues raised in Boyle’s Initial Brief of Appellant.³ Wallace v. Carter, 30 S.C. 610, ___, 9 S.E. 659, 659

² The record suggests that Boyle was informed the appeal stemmed from a criminal contempt finding. Judge McIntosh explained “you were criminally sanctioned. It’s no question in my mind that this was not civil contempt. It was criminal contempt.” (R. p. 189). Also, Boyle’s notice of appeal dated February 14, 2025 classifies the contempt finding as criminal. (R. p. 304-305).

³ Even if this Court retains proper jurisdiction to consider this case, Judge Singleton properly found Boyle in contempt because the record clearly established Boyle’s willful violation of an order in the presence of the court. See Ex parte Kent, 379 S.C. 633, 666 S.E.2d 921 (Ct. App.

(1889) (“[T]he failure to serve notice to appeal within the time required by law is one of those matters which *cannot be corrected* by the [appellate] court.” (emphasis added)); cf. Courier-Journal, Inc. v. Lawson, 307 S.W.3d 617, 620 (Ky. 2010) (“[F]ailure to name an indispensable party in a notice of appeal is a jurisdictional defect that *must* result in the dismissal of the appeal.” (emphasis added)).

This Court should dismiss Boyle’s appeal due to lack of appellate jurisdiction.

2008) (“Contempt results from the willful disobedience of a court order and before a person may be held in contempt, the record must be clear and specific as to acts or conduct upon which the contempt is based.”); Brandt v. Gooding, 368 S.C. 618, 628, 630 S.E.2d 259, 264 (2006) (“Direct contempt that occurs in the court’s presence may be immediately adjudged and sanctioned summarily.”).

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the appeal be dismissed for lack of appellate jurisdiction. However, even if the appeal is not dismissed for lack of appellate jurisdiction, the probate court judge's imposition of a criminal contempt sanction should be affirmed.

Respectfully submitted,

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