

STATE OF SOUTH CAROLINA)	IN THE SOUTH CAROLINA COURT
)	
COUNTY OF CHARLESTON)	OF APPEALS
)	
JOEL NDUNDA,)	
)	
APPELLANT,)	APPEAL FROM CHARLESTON COUNTY
)	CASE NO. 2025-CP-100-3621
v.)	
)	
BRANDI PFEIL, LP-A, CRISIS,)	APPELLATE CASE NO. _____
INTERVENTION EMPLOYEE,)	
INDIVIDUALLY AND OFFICIALLY;)	
CAITLIN MCGARTY, CRISIS)	
INTERVENTION EMPLOYEE,)	
INDIVIDUALLY AND OFFICIALLY;)	
SOUTH CAROLINA DEPARTMENT OF)	
BEHAVIORAL HEALTH AND)	
DEVELOPMENTAL DISABILITIES,)	
OFFICE OF MENTAL HEALTH; AND)	
CHARLESTON DORCHERSTER)	
MENTAL HEALTH CENTER,)	
)	
RESPONDANTS,)	
_____)	

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JAN 29 2026
SC Court of Appeals

NOTICE OF APPEAL, TENDER OF STATUTORY FEE, AND MOTION TO CURE PROCEDURAL DEFECT *NUNC PRO TUNC*
(Regarding: Constructive Denial of Access and Clerical Misinformation at Lower Court)

TO: THE CLERK OF THE SOUTH CAROLINA COURT OF APPEALS:

I. PRELIMINARY STATEMENT
The Appellant, Joel Ndunda, proceeding *pro se*, submits this filing to perfect the Appeal in the above-captioned matter. This filing is submitted directly to this Court to cure a procedural delay caused by the affirmative misconduct and erroneous legal instructions provided by the Clerk of the Court of Common Pleas (Lower Court).

II. COMPLIANCE AND OBSTRUCTION

A. Timely Filing with Lower Court (Rule 203(b)(1))

On **December 1st, 2025**, the Appellant physically filed the *Notice of Appeal* with the Clerk of the Lower Court. The document was accepted and stamped "FILED" (See **Exhibit A**).

B. The State-Created Impediment to Dual Filing (Rule 203(d)(1))

While the Appellant satisfied the initial filing requirement, the perfection of the appeal regarding the Appellate Court filing and fees was obstructed by Lower Court personnel:

1. **The "Venue" Misrepresentation:** The Lower Court Clerk erroneously instructed the Appellant that the Court of Common Pleas was *not* the proper venue for the filing, contradicting the plain text of **Rule 203(b)(1)**.
2. **The "No Fee" and Deferred Payment Misrepresentation:** The Appellant stood ready to tender the statutory filing fee. However, the Clerk affirmatively stated "**there is no fee**" for this filing and/or refused to process the payment.
3. **Selective Processing:** The Clerk processed a fee for a concurrent Motion (See Receipt, **Exhibit B**) but selectively processed the transaction to exclude the Appellate fee.

III. TENDER OF CURE

Pursuant to **Rule 203(d)(1)(B)** and the Order of the Supreme Court dated October 9, 2018 (Footnote 1 to Rule 203), the Appellant hereby tenders:

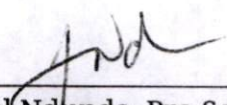
1. **THE NOTICE:** A certified/stamped copy of the Notice of Appeal filed in the Lower Court (**Exhibit A**).
2. **THE FEE:** A check/money order in the amount of **\$250.00 (Exhibit B)**, representing the full statutory filing fee.
3. **PROOF OF SERVICE:** A Certificate of Service confirming the Respondents were served within the statutory timeframe (**Exhibit C**).
4. The **Receipt** from the Lower Court

IV. MOTION FOR RELIEF *NUNC PRO TUNC*

The Appellant moves this Court to accept this filing as timely. The delay in transmitting the copy and fee to this Appellate Court was directly caused by the Appellant's reliance on the official instructions of the Lower Court Clerk. To penalize a *pro se* litigant for complying with the (erroneous) directions of a Court Officer would constitute a denial of Due Process.

WHEREFORE, the Appellant requests this Appeal be docketed effective as of **December 1st, 2025**.

Respectfully Submitted,



Joel Ndunda, Pro Se Appellant
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Charleston, SC 29414
843-822-4869
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2026, I served a copy of the foregoing **NOTICE OF APPEAL, TENDER OF STATUTORY FEE, AND MOTION TO CURE PROCEDURAL DEFECT *NUNC PRO TUNC*** upon the following counsel of record via **U.S. Certified Mail, Return Receipt Requested:**

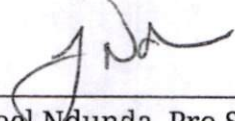
TO:

CLEMENT RIVERS, LLP
Zachery M. Kern, Esq., SC Bar #103731
P.O. Box 993, Charleston, SC 29402-0993

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SC Court of Appeals



Joel Ndunda, Pro Se Appellant

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