

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Family Court

Melissa J Buckhannon, Family Court Judge

Case No. 2021-DR-26-02006

Kimberly Brooke Crissey,

Respondent,

v.

Nicolas Jay Genest,

Appellant.

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APR 06 2026

SC Court of Appeals

In Forma Pauperis

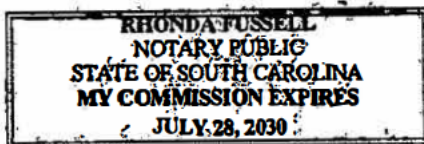
I, Nicolas Genest, being duly sworn, state that I am the Appellant and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
this 15th day of April, 2026)

Rhonda Fusell)
Notary Public for South Carolina)

My Commission expires July 28, 2030)

Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff



1. Procedural Background

There are currently a case that can or will have an effect on the appellant. That case number is 2021-DR-26-02006. The Defendant has filed a Notice of Appeal challenging this decision.

2. Legal Basis for This Motion

Filing an appeal alone does **not** automatically stay enforcement of the judgment. Therefore, Appellant respectfully seeks a stay under South Carolina law to prevent enforcement of the order pending appellate review.

To justify a stay, the Court considers the following factors:

1. **Likelihood of success on the merits;**
 2. **Irreparable harm** to the movant if the stay is denied;
 3. **Lack of undue harm** to the opposing party; and
 4. **Public interest** favoring the stay.
-

3. Grounds Supporting This Motion

Appellant submits that the Family Court's order violates procedural due process protections under the **Fourteenth Amendment** and controlling U.S. Supreme Court precedent:

- In **Turner v. Rogers**, 564 U.S. 431 (2011), the Supreme Court held that before incarcerating a parent for failure to pay child support, the trial court must make an express finding as to the defendant's ability to pay, and **must ensure fair procedures**.
- In this case, the trial court **failed to make any clear findings** or factual explanation regarding Defendant's present ability to pay child support, in violation of Turner V Rogers and fundamental due process rights.
- Defendant is indigent, and was unrepresented at the hearing.

Accordingly, there is strong likelihood of success on appeal.

Enforcement of the order would cause **irreparable harm** to the Defendant, including unlawful incarceration, loss of wages, and damage to parental and constitutional rights.

Granting this stay will not unduly harm the opposing party, as this motion merely preserves the status quo while appellate review is pending, and has shown that the Respondent does not have any current financial difficulties.

Finally, the **public interest** strongly favors upholding constitutional due process protections in family court proceedings.

4. Requested Relief

For the reasons set forth above, Defendant respectfully requests that this Court:

1. **Grant a stay** of enforcement of the order dated September 2, 2025, pending resolution of the appeal;
2. **Suspend any incarceration or enforcement measures,**
3. Grant such other and further relief as the Court deems just and proper.

April 1, 2026

Nicolas Genest

PO Box 875

North Myrtle Beach, SC 29597

703-232-8716

Ngenest0001@hotmail.com

Pro Se

CC:

Kimberly Brooke Crissey

386 Carolina Farms Blvd

Myrtle Beach, SC 29579

(703)498-7522

Leave is *granted* to proceed in forma pauperis without payment of the filing fee.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is *denied* to proceed in forma pauperis.

Dated: _____, 2 _____
_____, South Carolina

JUDGE/CLERK OF COURT

April 10, 2026

Nicolas Genest

Post Office Box 875

N Myrtle Beach, SC 29597

(703)232-8716

CC:

Kimberly Brooke Crissey

386 Carolina Farms Blvd

Myrtle Beach, SC 29579

(703)498-7522



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STATE OF SOUTH CAROLINA

COUNTY OF _____

SC Court of Appeals

IN THE FAMILY COURT OF THE JUDICIAL CIRCUIT

Appeals Court

Kimberly Brooke Crossen
Plaintiff,

Nicolas Jay Gerest
vs.
Defendant.

FINANCIAL DECLARATION
OF Nicolas Gerest

Docket No. _____

HUSBAND/FATHER		WIFE/MOTHER	
Address	<u>PO Box 875 N. Myrtle Beach, SC 29581</u>	Address	<u>386 Carolina Tracms Blvd Myrtle Beach, SC 29579</u>
Age	_____	Age	_____
Occupation	<u>Artist</u>	Occupation	_____
Employer	<u>Self employed</u>	Employer	_____
Employer Address	<u>N/A</u>	Employer Address	_____

Gross Monthly Income	Husband/Father	Wife/Mother
Principal Earnings from Employment ¹	<u>~59.72</u>	_____
Overtime, Tips, Commission, Bonuses ²	_____	_____
Pensions, Retirement, and Annuities income	_____	_____
Additional Employment income	_____	_____
Social Security Benefits (SSA) and VA Benefits	_____	_____
Disability and Worker's Compensation Benefits	_____	_____
Unemployment and AFDC	_____	_____
Spousal or Child Support (from other marriage/relationship)	_____	_____
Dividends, Interest, Trust Income, and Capital Gains	_____	_____
Rental Income and Business Profits	_____	_____
Other (Specify):	_____	_____
TOTAL GROSS MONTHLY INCOME	<u>~59.72</u>	_____

Payroll Deductions from Monthly Income	Husband/Father	Wife/Mother
Federal Income Tax ³	_____	_____
State Income Tax	_____	_____
Social Security and Medicare Tax (FICA)	_____	_____
Self-Employment Tax	_____	_____
Health and Dental Insurance (Adult)	_____	_____
Health and Dental Insurance (Child)	_____	_____
Union Dues	_____	_____
Voluntary Retirement Contribution (401(k), 457, IRA)	_____	_____
Mandatory Retirement Contribution	_____	_____
Savings Plan	_____	_____
Other (Specify):	_____	_____
TOTAL MONTHLY DEDUCTIONS	<u>0</u>	_____
NET MONTHLY INCOME ⁴	<u>~59.72</u>	_____

Estimate monthly expenses. Specify which party is the custodial parent and list name and relationship of all members of household whose expenses are included:

MONTHLY EXPENSES ⁵	Husband/Father	Wife/Mother
Residential Rent Payment		
Note or Mortgage Payment on Residence(s)		
Food and Household Supplies ⁶		
Utilities, Water, and Garbage Collection		
Telephone and Cellular Phone	165	
Medical, Dental and Disability Insurance Premiums (not deducted from paycheck)		
Life Insurance Premiums (not deducted from paycheck)	75	
Child Support (from other relationship)	900	
Work Related Day Care		
Spousal Support (from prior marriage)		
Auto Payment	650	
Auto Insurance, taxes, gasoline, and maintenance ⁷	116	
SUBTOTAL:	1841	
Real Property Tax on Residence(s)		
Maintenance for household ⁸		
Adult Clothing		
Children's Clothing ⁹		
Cable Television, Satellite, and Internet/Online Services		
Laundry and Dry Cleaning ¹⁰		
Medical and Dental Expenses (not paid by insurance)	50	
Prescriptions, Glasses, and Contacts (not paid by insurance)		
Children's incidental expenses ¹¹		
School lunches, supplies, field trips, and fees ¹²		
Entertainment ¹³		
Adult Incidental expenses ¹⁴		
All Installment payments ¹⁵		
Other (Specify):		
SUBTOTAL:	50	
TOTAL MONTHLY EXPENSES	1891	

Installment Loan Payments Section

Creditor	For	Monthly Payment	Balance	Owed by ¹⁶
Chrysler Corp	Vehicle	650	2000	M. Gervest



Other Debts and Obligations *not* payable in monthly installments

Creditor	For	Date Payable	Balance	Owed by ¹⁶

Are you currently in Bankruptcy? YES NO

Are any obligations listed above, including mortgage and note payments, in arrears? YES NO

If yes, please list the obligations in arrears: Schools in copastion

All Marital Property Known to Parties

Assets	Husband/Father	Wife/Mother	Joint
Cash and Money in Checking Account(s)	<u>0</u>		
Money in Savings Account(s), Credit Union, Money Market, or Cert. of Dep.			
Value of Voluntary Retirement Account(s)			
Value of Pension Account			
Value of Publicly Held Stocks, Bonds, Securities, Mutual Funds			
Value of Privately Held Stocks and Other Business			
Value of Real Estate – Net of Mortgage Balances			
Value of All Other Property ¹⁷			
TOTAL ASSETS	<u>0</u>		

Any Non-Marital Property Known to Parties

Description of Asset	Title Owner	Date of Acquisition	Source of Funds to Acquirer	Estimate Present market Value
<u>Vehicle</u>	<u>N. Gresh</u>	<u>3/22</u>	<u>Wage</u>	<u>12,000</u>

If total assets are less than \$300,000.00, sign and have notarized.

If total assets are greater than \$300,000.00, itemize assets by completing additional sections below and sign and have notarized.

Financial Accounts Section¹⁸

Owner	Name of Institution	Type of Account	Balance



Voluntary Retirement Accounts and Pension Accounts Section

Type of Account	Value

Publicly Held Stocks, Bonds, Securities, Mutual Funds Section (Non-Retirement)¹⁹

Name of Company	Number of Shares/Type of Account	Value

Real Estate Section²⁰

Owner	Address	Value	Mortgage Balance	Mortgage Equity

Other Property Section¹⁷

Owner	Description of Asset	Value	Loan Balance	Equity

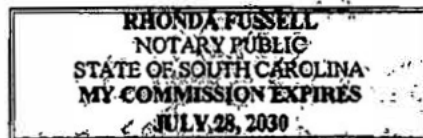
Signature

Sworn to before me this 1st day of Apr. 1, 2026.

Rhonda Fussell (SEAL)
Notary Public for South Carolina

Printed Name: Rhonda Fussell
My Commission Expires: July 28, 2030

Custodial Parent (if applicable): _____





1. A recent paystub should be attached to the Financial Declaration. To compute Principal Earnings from Employment, first determine whether you are paid semi-monthly, biweekly, or weekly. If you are paid semi-monthly, multiply the gross amount of your pay check by two. If you are paid biweekly, multiply the gross amount of your pay check by 26 and then divide by 12. If you are paid weekly, multiply the amount of your paycheck by 52 and divide by twelve. Round to the nearest whole dollar.
2. To compute Overtime, Tips, Commission, and/or Bonuses, take an average of your monthly earnings from overtime, tips, commission, bonuses, etc. from the past three years or the length of employment if employed less than three years (including this year).
3. To compute State, Local, and Social Security Tax deductions, use the same formula used to compute principal earnings in endnote 1 above, or consult or have your attorney consult an accountant.
4. Net monthly Income is equal to Total Gross Monthly Income minus Total Monthly Deductions.
5. Do not include any expense in the Monthly Expenses section that has already been included in the Deductions from Gross Monthly Income on page one of the Declaration.
6. Food Expense is to include the cost of groceries, toiletries, cleaning supplies, and casual eating out.
7. Auto Expenses are to include gasoline, oil changes, tune-ups, tire replacement, maintenance, and related items.
8. Maintenance for Household is to include appliance and household repairs, landscaping, house cleaning, pest control, pool service, alarm service, and other related items.
9. Clothing Expense is to include shoes and clothing purchases, clothing repair and alterations, and related items.
10. Laundry Expense is to include the cost of laundry service, dry cleaning, and related items.
11. Children's Incidental Expenses are to include allowance, summer camp, baby sitters, lessons, activities, participatory sports, and related items.
12. School Expense is to include tuition, supplies, field trips, dues, tutors, locker rentals, school lunches, and other related items.
13. Entertainment is to include movies, theater, vacations, sporting events, compact discs, digital video discs, and related items.
14. Adult Incidental Expenses are to include cosmetics, hair and nail care, books, magazines, newspapers, business dues, memberships, pets, charity, religious dues or tithes, gifts, bank charges, hobbies, and related items.
15. All Installment Loan Payments is the total amount itemized in Installment Loan Payments Section, which should include all loan payments not already listed as a monthly expense. Examples: home equity loan, credit cards, etc.
16. Indicate which spouse legally owes the payment (husband, wife, or joint).
17. Other property is to include automobiles (minus loan balance), boats (minus loan balance), furniture, furnishings, china, silver, jewelry, collectibles, and other personal property.
18. Itemize Financial Accounts such as checking, savings, credit union, money market, or certificate of deposit accounts in the Financial Accounts Section.
19. Itemize Publicly Held Stocks, Bonds, Securities, Stock Options and Mutual Funds (excluding retirement accounts) in the Publicly Held Stocks, Bonds, Securities, Mutual Funds Section.
20. Itemize each parcel of Real Estate in the Real Estate Section.



1515 3rd Street

San Francisco, CA 94158

Uber Tax ID Number: 45-2647441

NICOLAS JAY GENEST

Code: nicolasg447ue

Tax Summary for 2026/1

Thanks for earning on the Uber platform in 2026/1. Below is a breakdown of your earnings over the month that may help you file your taxes. Please see the Tax Information FAQ section for more information

Driving Totals	28	372
Online Miles are the miles that you have driven while online and include all miles driven while waiting for your next trip or delivery, driving to the pickup location, and completing the trips or deliveries.	COMPLETED TRIPS	ONLINE MILES



Your Gross Payment

The total amount paid to you from your customers for completed trips/deliveries, tips, plus any additional earnings. See Table 2 and Table 3 for more details.



Expenses, Fees and Tax

Total expenses, fees and tax. See Table 1 for more details



Your Net Payout

Not for tax filing purposes. This amount represents what was paid in your bank account.

Reportable Payments

Gross Trip Earnings* + \$365.84
 Total Additional Earnings** + \$23.85

\$389.69

Expenses, Fees and Tax

+ \$142.40

\$142.40

Net Earnings

+ \$247.29

\$247.29

This is not an official tax document. Uber does not offer any tax advice.

Consult with an independent tax professional for guidance on your tax return preparation and filing

* For Gross Trip Earnings breakdown see more details in Table 3

** For Additional Earnings breakdown see more details in Table 2



1515 3rd Street

San Francisco, CA 94158

Uber Tax ID Number: 45-2647441

NICOLAS JAY GENEST

Code: nicolasg447ue

Tax Summary for 2026/1

Table 1 - Expenses, Fees, Tax and Reimbursement

Items marked with a * may be tax-deductible, including your online mileage. Please see the Tax Information page for more information. Consult with an independent tax professional for guidance on your tax return preparation and filing.

Expenses, Fees and Tax

Uber service fee/other adjustments*	\$134.25
Booking fee*	\$1.50
Airport and city fees collected*	\$2.50
Sales tax and other taxes*	\$2.90
Instant pay charges*	\$1.25

TOTAL EXPENSES, FEES, TAX AND REIMBURSEMENTS*	\$142.40
--	-----------------

Uber Service Fee / Other Adjustments includes both the Uber Service Fee and certain other items such as: 1) pricing adjustments due to Uber-provided rider promotions, or 2) differences between the rider's upfront price and your earnings.

Table 2 - Additional Payments from Uber or Subsidiaries

Incentives	\$23.85
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TOTAL ADDITIONAL EARNINGS	\$23.85
----------------------------------	----------------

Table 3 - Gross trip earnings

Gross trip earnings	\$301.34
Tips	\$64.50

TOTAL GROSS TRIP EARNINGS	\$365.84
----------------------------------	-----------------

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Check with a tax professional or see the Tax Information FAQ section for more information.



1515 3rd Street

San Francisco, CA 94158

Uber Tax ID Number: 45-2647441

NICOLAS JAY GENEST

Code: nicolasg447ue

Tax Summary for 2026/2

Thanks for earning on the Uber platform in 2026/2. Below is a breakdown of your earnings over the month that may help you file your taxes. Please see the Tax Information FAQ section for more information

Driving Totals	51	686
Online Miles are the miles that you have driven while online and include all miles driven while waiting for your next trip or delivery, driving to the pickup location, and completing the trips or deliveries.	COMPLETED TRIPS	ONLINE MILES



Your Gross Payment

The total amount paid to you from your customers for completed trips/deliveries, tips, plus any additional earnings. See Table 2 and Table 3 for more details.



Expenses, Fees and Tax

Total expenses, fees and tax. See Table 1 for more details



Your Net Payout

Not for tax filing purposes. This amount represents what was paid in your bank account.

Reportable Payments	Expenses, Fees and Tax	Net Earnings
Gross Trip Earnings* + \$591.26	+ \$242.74	+ \$383.87
Total Additional Earnings** + \$35.35		
\$626.61	\$242.74	\$383.87

This is not an official tax document. Uber does not offer any tax advice.

Consult with an independent tax professional for guidance on your tax return preparation and filing.

* For Gross Trip Earnings breakdown see more details in Table 3

** For Additional Earnings breakdown see more details in Table 2



1515 3rd Street

San Francisco, CA 94158

Uber Tax ID Number: 45-2647441

NICOLAS JAY GENEST

Code: nicolasg447ue

Tax Summary for 2026/2

Table 1 - Expenses, Fees, Tax and Reimbursement

Items marked with a * may be tax-deductible, including your online mileage. Please see the Tax Information page for more information. Consult with an independent tax professional for guidance on your tax return preparation and filing.

Expenses, Fees and Tax

Uber service fee/other adjustments*	\$220.61
Booking fee*	\$1.00
Airport and city fees collected*	\$15.00
Sales tax and other taxes*	\$4.88
Instant pay charges*	\$1.25

TOTAL EXPENSES, FEES, TAX AND REIMBURSEMENTS	\$242.74
---	-----------------

Uber Service Fee / Other Adjustments includes both the Uber Service Fee and certain other items such as: 1) pricing adjustments due to Uber-provided rider promotions, or 2) differences between the rider's upfront price and your earnings.

Table 2 - Additional Payments from Uber or Subsidiaries

Incentives	\$35.35
------------	---------

TOTAL ADDITIONAL EARNINGS	\$35.35
----------------------------------	----------------

Table 3 - Gross trip earnings

Gross trip earnings	\$534.94
Tips	\$56.32

TOTAL GROSS TRIP EARNINGS	\$591.26
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This is not an official tax document. Uber does not offer any tax advice.

Check with a tax professional or see the Tax Information FAQ section for more information.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Horry COUNTY
Family Court

Melissa J Buckhannon, Family Court Judge

Case No. 2021-DR-26-2006

Kimberly Brook Crissey

Respondent,

v.

Nicolas Jay Genest

Appellant.

PROOF OF SERVICE

I certify that I have served the In Forma Pauperis on Kimberly Brooke Crissey by depositing a copy of it in the United States Mail, postage prepaid, on April 1, 2026 addressed to 386 Carolina Farms Blvd Myrtle Beach, SC 29579.

April 1, 2026

Nicolas Genest

PO Box 875

North Myrtle Beach, SC 29597

703-232-8716

Ngenest0001@hotmail.com

Pro Se

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APR 06 2026

SC Court of Appeals

April 1, 2026

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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APR 06 2026

SC Court of Appeals

RE: Kimberly Brook Crissey Respondent, v. Nicolas Jay Genest, Appellant,
Case No. 2021-DR-26-2006

Dear Ms. Kitchings,

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the Respondent.
- (2) Proof of Service of the Designation of Matter on the Respondent.
- (3) Proof of Service of the In Forma Pauperis on the Respondent.
- (4) Proof Of Service of the Motion to Stay on the Respondent.
- (5) Proof of Service of the Notice of Appeal on the Horry County Family Court
c/o Mellissa J Buckhannon
- (6) A copy of the judgment which is to be challenged on appeal.
- (7) A filing of In Forma Pauperis
- (8) A filing of Motion to Stay.
- (9) A filing of the Designation of Matter.

CC: Kimberly Brooke Crissey

386 Carolina Farms Blvd

Myrtle Beach, SC 29579

Sincerely,

Nicolas Jay Genest

PO Box 875

North Myrtle Beach, SC 29597

703-232-8716

Ngenest0001@hotmail.com

CERTIFIED MAIL



9589 0730 5270 3666 7575 77

Retail



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SO Council Appeals

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