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SC Court of Appeals

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Cc: compliance@lowes.com; [Melling, Andrew](#); [Michelle Gaston](#); [ODCmail](#)
Subject: MOTION TO VACATE AND STRIKE VOID ORDER
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N THE COURT OF APPEALS FOR SOUTH CAROLINA

CASE NO: 2026-00317

APPELLANT'S EMERGENCY MOTION TO VACATE AND STRIKE THE VOID ORDER OF APRIL 08, 2026, FOR EXTRINSIC FRAUD AND JURISDICTIONAL NULLITY

I. INTRODUCTION: THE NULLITY OF THE APRIL 8th ORDER

The Appellant, Tony Williams, hereby moves this Court to **VACATE** and **STRIKE** its own Order dated April 08, 2026. This Order is a "Structural Error" predicated upon a physical impossibility and a jurisdictional fiction. The Court has ordered Appellant to pay for a transcript of a "**Ghost Hearing**" held on December 12, 2025, where **no court reporter was present**. Furthermore, the Order on appeal is a **Rule 58 nullity**, lacking the mandatory **Judicial Identification Code (JIC)**. This Court cannot enforce a deadline based on a document that does not legally exist within the Unified Judicial System.

II. GROUNDS FOR VACATING AND STRIKING THE ORDER

1. The Doctrine of Physical Impossibility

There is **no transcript to order**. Respondents intentionally waived a court reporter to insulate their **\$30,000,000.00 Certified Default** from appellate review. As Appellant clarified in the initial filing, the 10-day deadline to "provide proof of payment" to a non-existent reporter is a violation of Due Process under *Griffin v. Illinois*, 351 U.S. 12 (1956). You cannot be compelled to buy a ghost.

2. Rule 58 and the "Missing JIC DNA"

Under **Rule 58, SCRPC**, and *Upchurch v. Upchurch*, 367 S.C. 16 (2005), a judgment is ineffective until properly entered. The Circuit Court order lacks a **JIC electronic tracking code**. Petitioner alleges the signatures are **pasted fabrications**. An order that never legally entered the system cannot be the basis for an appellate mandate.

3. The Jurisdictional Bar of Pending Recusal

The December 12th hearing was presided over by a judge (Newman) with a **pending Motion for Recusal**. Under *State v. Murphy*, 322 S.C. 321 (1996), any action taken while a recusal is pending is **Void Ab Initio**. A void hearing cannot produce a valid transcript requirement.

4. Lack of Standing of the Movant

The "Return" which induced this Court to issue the April 8th Order was filed by an attorney (Melling) officially designated as "**Former**" (N) on the Supreme Court docket. An attorney with zero standing cannot trigger a Rule 207 transcript requirement.

III. CONCLUSION

The April 08, 2026 Order is a "paper trap" built on a foundation of sand. Appellant moves this Court to **STRIKE** the Order from the record and **VACATE** the 10-day deadline. The only legitimate document in this chain is the **Certified Default**. This Court must move to the merits of the **Summary Reversal** and cease the enforcement of a jurisdictional nullity.

Respectfully Submitted,

s/ Tony Williams

Petitioner Pro Se