

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM HORRY COUNTY
Family Court

Melissa Buckhannon, Family Court Judge

Case No. 2021-DR-26-02006

Kimberly Brook Crissey, Respondent,

v.

Nicolas Jay Genest, Appellant.

Motion to Stay

COMES NOW the Appellant, **Nicolas Jay Genest**, appearing **pro se**, and respectfully moves this Honorable Court pursuant to Rule 241, South Carolina Appellate Court Rules, and applicable law, for an Order dated September 2, 2025 staying enforcement, pending the outcome of an appeal.

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 6, 2026

Nicolas Genest

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Pro Se

CC:

Kimberly Brooke Crissey

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Exhibits Included

Nicolas Jay Genest



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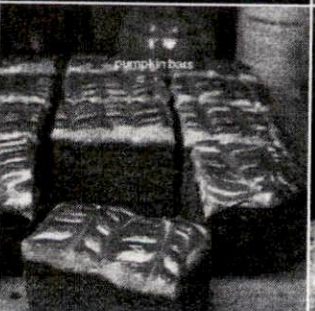
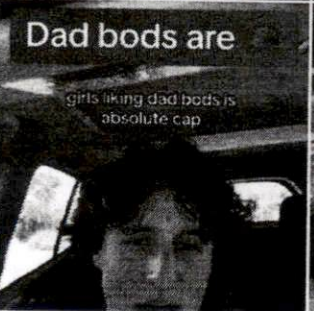
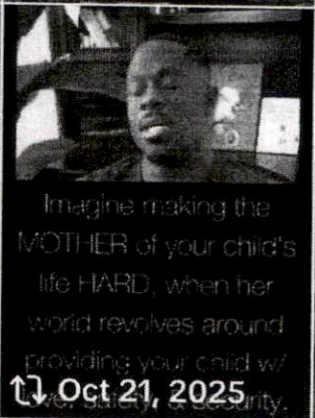
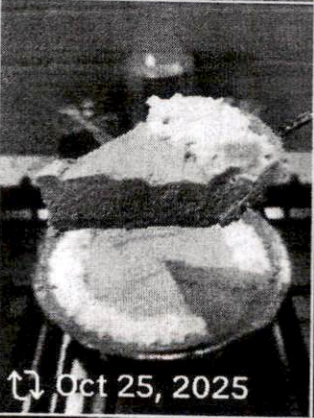
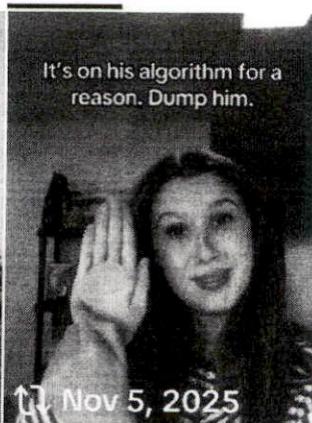
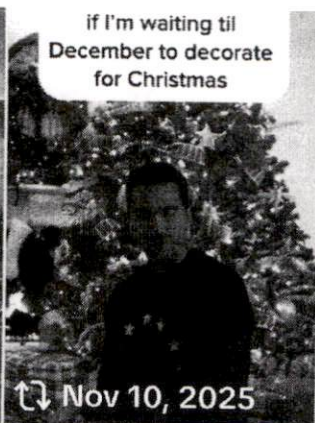
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Appellant.

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I certify that I have served the Motion to Stay on Kimberly Brooke Crissey by depositing a copy of it in the United States Mail, postage prepaid, on April 6, 2026 addressed to 386 Carolina Farms Blvd Myrtle Beach, SC 29579

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