

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Appellate Case No. 2026-000365

Robert William Wazney,

Petitioner,

v.

James C. Campbell,

Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

G. Murrell Smith, Jr., SC Bar No. 66263
Jonathan M. Robinson, SC Bar No. 68285
Shanon N. Peake, SC Bar No. 102723
Smith Robinson Holler DuBose
and Morgan, LLC
2530 Devine Street
Columbia, SC 29205
(803) 254-5445 – telephone

ATTORNEYS FOR RESPONDENT

RECEIVED

Apr 17 2026

S.C. SUPREME COURT

TABLE OF CONTENTS

	<u>PAGE</u>
TABLE OF AUTHORITIES	iii
COUNTER-STATEMENT OF THE QUESTION PRESENTED	1
COUNTER-STATEMENT OF THE CASE	1
ARGUMENT	2

TABLE OF AUTHORITIES

	<u>PAGE</u>
<u>CASES</u>	
<i>Tillman v. Tillman</i> , 420 S.C. 246, 801 S.E.2d 757 (Ct. App. 2017).....	2
<u>STATUTES & RULES</u>	
Rule 201, SCACR	2
Rule 203, SCACR	2

COUNTER-STATEMENT OF THE QUESTION PRESENTED

1. Whether the Court of Appeals properly dismissed this appeal where Petitioner did not submit an order to be challenged on appeal or a filing fee with the notice of appeal as required by Rule 203, SCACR?

COUNTER-STATEMENT OF THE CASE

This Petition stems from the Court of Appeals' dismissal of a Notice of Appeal that failed to comply with Rule 203, SCACR. On May 12, 2025, Robert Wazney ("Petitioner") filed a "Notice of Protective Appeal (Precautionary Appeal) Following Denied Intervention." In the Notice, he states:

Notice is hereby given that Robert W. Wazney, hereby appeals for protective purposes only to the Supreme Court of South Carolina from the judgement of Meghan Walker Dayson, Executive Director of the South Carolina Ethics Commission dated April 23, 2025. Appellant received a copy of this decision on April 28, 2025.

The appellant previously appeals from the judgment herein dated April 25, 2025 denying his motion for leave to intervene, and that appeal is currently pending in the South Carolina State Ethics Commission as Case No _____. The sole purpose of the present appeal is to preserve appellant's rights in the event the South Carolina Supreme Court should hold that the forgoing intervention was improperly denied.

(Notice of Appeal.) Petitioner filed the Notice in this Court, and the Court transferred it to the Court of Appeals. (May 14, 2025 Or.) On June 10, 2025, the Court of Appeals sent a letter to Petitioner noting the following deficiencies: (1) the notice of appeal was not accompanied by the orders/judgments challenged on appeal and (2) the required filing fee had not been submitted. (Deficiency Letter.) The Court of Appeals directed Petitioner to correct the deficiencies within ten days.

Petitioner did not correct the deficiencies. Instead, he submitted a letter explaining that he could not afford the filing fee and there was no final order to be challenged on appeal. (June 26, 2025 Letter). Specifically, Petitioner stated: "I filed a precautionary appeal, so I do not have the

final order of the State Ethics Commission yet, I am waiting on their answer to my Motion for Leave to Amend Complaint by Interlineation motion I sent to them on May 27, 2025, so I do not have a final order yet.” The Court of Appeals dismissed the appeal on August 28, 2025. (Or.)

Petitioner filed a letter on September 9, 2025, in response to the dismissal order, which the Court of Appeals construed as a motion to reinstate the appeal. Petitioner reiterated that there was no final order. The Court sent a series of deficiency letters related to the motion to reinstate on September 12, October 7, and October 24, 2025. On January 16, 2026, the Court of Appeals issued an order denying the motion to reinstate, which it construed as a petition for rehearing from the dismissal of the appeal.

Petitioner filed the Petition for Writ of Certiorari with this Court on March 10, 2026.

ARGUMENT

The Court should deny the Petition because the Court of Appeals correctly dismissed the appeal.

Pursuant to Rule 201 of the South Carolina Appellate Court Rules, an “[a]ppel may be taken . . . from any final judgment, appealable order or decision” only by an aggrieved party. “A final judgment is one that ends the action and leaves the court with nothing to do but enforce the judgment by execution.” *Tillman v. Tillman*, 420 S.C. 246, 249, 801 S.E.2d 757, 759 (Ct. App. 2017). In order to appeal, an aggrieved party must file a notice of appeal that complies with Rule 203 of the South Carolina Appellate Court Rules. The notice of appeal must be accompanied by a filing fee, proof of service, and a copy of the decision or order to be challenged on appeal. *Id.*

Petitioner did not comply with Rule 203 when he filed the notice of appeal. As the Court of Appeals properly found, Petitioner did not submit an order to be challenged on appeal or a filing fee with his notice of appeal. The Court of Appeals gave Petitioner an opportunity to correct these deficiencies. However, he did not do so. In fact, he cannot do so because, as Petitioner admits,

there is no order to be challenged on appeal. Petitioner states he filed the appeal as a precautionary matter to preserve his ability to appeal an order that has not yet been issued in an unidentified State Ethics Commission matter. A party cannot appeal an order that has not been issued. Therefore, the Court should deny the Petition for Writ of Certiorari.

RESPECTFULLY SUBMITTED,

SMITH | ROBINSON, LLC
Smith Robinson Holler DuBose and Morgan, LLC

s/Shanon N. Peake

Jonathan M. Robinson

Shanon N. Peake

3200 Devine Street

Columbia, SC 29205

803-254-5445

Jon.robinson@smithrobinsonlaw.com

Shanon.peake@smithrobinsonlaw.com

G. Murrell Smith, Jr.

PO Box 580

Sumter, SC 29151-0580

murrell@smithrobinsonlaw.com

Counsel for Respondent James C. Campbell

April 17, 2026.