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May 04 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 2026-0000317

Tony Williams

Appellant,

v.

Lowe's Home Centers, LLC and
Angie Mills,

Respondents.

REPLY IN OPPOSITION TO
APPELLANT'S PETITION FOR
REHEARING AND NOTICE OF
PROCEDURAL IMPOSSIBILITY AND
CLERICAL COLLUSION

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Attorney for Respondents

Respondents respectfully submit this Reply in Opposition to Appellant’s Petition for Rehearing and Notice of Procedural Impossibility and Clerical Collusion. The central defect in this matter remains unchanged. Appellant failed to order the necessary transcripts as required by the South Carolina Appellate Court Rules, and the appeal was therefore properly dismissed.

Appellant filed his Notice of Appeal on February 10, 2026. The thirty-day deadline for requesting the transcript expired on March 10, 2026. The Court’s April 8, 2026 Order required Appellant to provide proof of having ordered the transcript, along with proof of having made arrangements to pay the court reporter by April 18, 2026. Appellant failed to order the transcript, and the Court dismissed this Appeal on April 27, 2026.

Appellant then filed an Emergency Petition for Rehearing and Motion to Vacate, followed by a “Notice of Procedural Impossibility and Clerical Collusion.” Neither filing remedies the dispositive defect that resulted in dismissal, and both rely on unsupported, conclusory, and, at times, fantastical assertions that do not withstand even minimal scrutiny.

In his Petition for Rehearing, Appellant asks the Court to vacate the April 27, 2026 Order of Dismissal, asserting that the Order was the result of “extrinsic fraud” and “clerical collusion.” He contends that the dismissal was “predetermined” and part of a coordinated effort involving the Clerk’s Office and Respondents’ counsel to deprive him of his rights. In addition, Appellant claims that there was “interference” with service of filings, asserting that opposing counsel prevented him from receiving notices and thereby contributed to his alleged noncompliance. The Petition further asserts that the underlying proceedings in the trial court involved a “forgery” or otherwise invalid order lacking required identifying information, and that the dismissal was intended to prevent review of that issue.

The following day, Appellant filed his Supplemental Notice, which expands on these assertions. In that filing, Appellant claims that the dismissal for failure to provide a transcript was a “procedural impossibility” because, according to him, no hearing ever took place and no court reporter was present. The Notice also introduces the assertion that the underlying order being appealed is a “Ghost Order,” which Appellant defines as an order allegedly lacking a “Judicial Identification Code” and purportedly issued outside the presence of the parties. Finally, the Supplemental Notice reiterates and amplifies Appellant’s claims of coordinated misconduct, alleging a “procedural loop” in which the Court and Clerk’s Office allegedly demanded a transcript they knew could not exist and then dismissed the appeal when it was not produced.

Even taking Appellant’s allegations at face value, however, neither filing addresses the dispositive issue before the Court. The dismissal was based on Appellant’s failure to comply with the South Carolina Appellate Court Rules and this Court’s April 8, 2026 Order requiring proof that the transcript had been ordered and that payment arrangements had been made. Appellant does not provide that proof in either filing, nor does he demonstrate that he complied with any approved alternative procedure for preparing the record on appeal. Rule 207(a)(2) makes clear that the duty to order the transcript rests squarely on the appellant. The rule provides in full:

The appellant shall, within thirty (30) days after filing the notice of appeal, order from the court reporter a transcript of the proceedings not already on file as the appellant deems necessary for the appeal. The request shall be in writing and shall be delivered to the court reporter. The court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request. Records shall be transcribed by the court reporter in the order in which the requests for transcripts are made.

This language unequivocally places the burden on the appellant to initiate the request. Respondents

have no duty to order transcripts on his behalf, nor does their silence relieve Appellant of his obligations.

Appellant's cited authorities likewise do not support reinstatement of this appeal and further underscore the absence of any valid legal basis for the relief he seeks. Appellant relies on *Ex Parte: United States Automobile Ass'n*, 307 S.C. 328 (1992) for the proposition that a judgment is void if entered in violation of due process. That citation, however, does not correspond to any reported South Carolina decision. Counsel for Respondents has conducted a thorough search of Westlaw, LexisNexis, and publicly available legal databases and has found no such case. Instead, the citation aligns with *State v. Silver*, 307 S.C. 326, 414 S.E.2d 813 (Ct. App. 1992), aff'd as modified, 314 S.C. 483, 431 S.E.2d 250 (1993), a criminal case addressing evidentiary procedure that has no relevance to appellate dismissal or the issues raised here.

Appellant's reliance on *Evans v. Gunter*, 294 S.C. 525, 366 S.E.2d 44 (Ct. App. 1988), is similarly misplaced. While that case exists, the specific quotation Appellant attributes to it, namely that an order procured by extrinsic fraud "must be vacated," does not appear in the opinion in any version located by Respondents' counsel. Moreover, Appellant invokes the case for a general proposition without identifying any evidence in the record that would support a finding of extrinsic fraud, much less conduct that prevented him from fairly presenting his appeal.

These deficiencies are not merely clerical or technical. They demonstrate that Appellant's arguments are not grounded in the actual authorities he cites and do not provide a cognizable basis for rehearing. By relying on a case that does not appear to exist and by attributing language to an opinion that it does not contain, Appellant fails to present accurate legal support for his claims. Such misrepresentations reflect a lack of candor to the Court and implicate Appellant's obligations of good faith in presenting legal authority.

In sum, Appellant bore the responsibility to order the transcript within thirty days of filing his Notice of Appeal. He did not do so. Rule 207(a)(2) is clear in its mandate, and Appellant's failure to comply required dismissal. His subsequent attempts to recharacterize the appeal as one presenting purely legal issues, or to rely on distinguishable or misquoted authority, cannot overcome the fundamental procedural deficiency.

For these reasons, Respondents respectfully request that the Court deny Appellant's motions and allow the dismissal of the appeal to stand. Further, for the sake of judicial efficiency and to avoid further unnecessary motion practice, Respondents respectfully advise the Court that they do not intend to respond to what they anticipate will be Appellant's continuing stream of non-meritorious notices, correspondence, or motions unless expressly ordered to do so by the Court.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via U.S. Mail, postage prepaid, this May 4, 2026, addressed as follows:

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Pro Se

/s/ Michelle E. Gaston, Esq.
COUNSEL FOR RESPONDENTS