

From: [Carol Ann Honeycutt](#)
To: [Court Of Appeals Filings; rfwms5006gmail.com; auso2southcarolina.usa.com](#)
Subject: COVER LETTER MEMORANDUM: CASE IS NOT MOOT
Date: Friday, May 8, 2026 5:16:53 PM

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May 8, 2026
VIA USPS & EMAIL

RECEIVED
May 08 2026
SC Court of Appeals

Re: Appellate Case No. 2026-00049
25th Avenue LLC, Respondent, v.
Carol Ann Honeycutt, Appellant
Appeal on Horry County Case No. 2020-CP-2605267

Ms. Jasmine D. Smith, Deputy Clerk
Ms. Amanda Siecinski, Case Manager
Court Administration
The South Carolina Court of Appeals
Court Administration
1220 Senate Street
Columbia, South Carolina 29201

Content of This Letter
Response to Deputy Smith's
Letter of April 27, 2026, and
Letter of April 28, 2026:
Defend Case is Not Moot

Dear Ms. Smith, et al.,

This letter, a response to your (Deputy Smith's) letters of April 27 and 28, 2026, (**Exhibits 1a and 1b**), asserts the responses to your challenge in the enclosed Memorandum to affirm that this appeal on the above numbered and captioned case is not moot. Sent by USPS mail is the Memorandum. There are several layers of responses required to your letters.

I. THE APPELLATE BRIEF WILL MAKE IT OBVIOUS THIS CASE IS NOT MOOT.

Your letter requiring the appellant/defendant to prove that the case is not moot is

actually requesting information that will obviously be part of the content of the appeal. Your letter of April 27, 2026, set the appellate brief due date as May 26, 2026. Your letter of April 28, 2026, now requires me to provide some of that content within ten days or my appeal will be dismissed. You should find it obvious that your demand is inappropriate if not patently unfair. Nevertheless, I have done my best to meet your requirements.

II. DUE DATE FOR THE APPELLATE BRIEF MUST ADVANCE TO A LATER DATE.

In view of the additional assignment to write a memorandum proving the case is not moot, Appellant is requesting that you advance the due date approximately by two weeks to June 15, 2026, without requiring the appellant to write a motion to extend the time and without requiring the appellant to pay the fifty dollar (\$50) filing fee for such a motion.

There is an additional, more disruptive, conflict inserted here by the demand for the memorandum. If you submit Appellant's Memorandum to the Court to be decided on before the appellant submits the brief, then the due date for Appellant's Brief should be set after the Court determines that the case is not moot (which it will certainly do.) However, it is obvious that the determination of mootness cannot be made without the entire brief which asserts all the laws, facts, arguments, and precedents of the case. Please respond to this conundrum.

III. THE JOB DESCRIPTION FOR THE CLERK OF COURT DOES NOT INCLUDE MAKING DISPOSITIONAL DECISIONS AND ORDERS.

You have required appellant to fulfill an arbitrary requirement, to write a memorandum defending the appeal as not moot, or have the appeal dismissed.

There are four legal errors in this assignment:

A. A clerk of court can only rule on non-dispositional decisions.

"A non-dispositional decision is a ruling by a court agency, or decision-maker that does not end or dispose of a case or matter. Unlike a *dispositional* decision, which resolves the case on its merits (e.g. by dismissing it or granting summary judgment), a non-dispositional decision manages procedural or administrative aspects without altering the substantive outcome." ("Understanding Non-Dispositional Decisions," online, legalhusk.com.) For this appeal, the merits are presented in the appellate brief and must be ruled on by the court. The appellate brief has not yet been submitted.

B. A clerk of court cannot rule on mootness which is a dispositional decision; the clerk's role is procedural.

(1) "In U.S. federal and state appellate practice, mootness is generally a matter for the appellate court itself to decide, not the clerk." ("Modern Mootness Doctrine: General Criteria of Mootness," Cornell Law: LII/Legal Information Institute, online.

(2) The role of the appellate clerk is procedural, to forward information to the court if

(a) a party to the case informs the clerk that the case is moot, (United States v. Munsingwear, Inc. 340 U.S. 26 (1950), and, "Walling v. Munsinger," *ibid*).

(b) the clerk can require that parties inform (not prove) of mootness.

(c) "[I]n some jurisdictions, a clerk may raise a mootness issue. ("The Mootness Doctrine," Thomas r. Newman and Steven J. Ahmuty, Duane Morris, LLP, NY Law Journal, March 5, 2024.) Again, in this case, the clerk nor this court has been given this information to determine this. The information to reject such a decision is implicit in the appellant's brief.

C. There are no South Carolina Appellate Laws or Rules that allow a clerk to dismiss a case as moot.

IV. THE MOTION FOR MOOTNESS MUST COME FROM THE PARTY WHO DESIRES AND BENEFITS FROM THE CASE TO BE MOOTED.

This fact provides the fourth legal error made in demanding that the Appellant prove the appeal is not moot.

A. There is no requirement in the law or in precedents which require the appellant to prove the appeal is not moot. In the law and procedures reported below, the burden of proof is on the party that wants the case dismissed. Obviously, the appellant believes there are numerous unsettle issues in this case and does not want the case dismissed.

B. The burden of proof that a case is moot is on the party who wants the case dismissed.

1. Obviously, the Respondent/Plaintiff wants this appeal dismissed to protect its interests from counterclaims, consequences of illegal actions taken during the case, and the liability for attorney's fees for the appellant/defendant.

"The burden [of proof] is on the party seeking dismissal for mootness to meet this standard, and the court will generally dismiss the case only if the burden is met. ("Modern Mootness Doctrine: General Criteria of Mootness," Cornell Law: LII/Legal Information Institute, online.)

2. Obviously, the invisible respondent(s) want(s) this appeal dismissed to protect their personal and professional interests.

3. The Respondent/Plaintiff did not move the Court to rule on mootness.

As required in III. B.3.a. above, "Mootness" is a defense or response which would be asserted by the respondent in this appeal. "Upon notice from counsel: If a party or attorney formally notified the clerk of a change in circumstances that make the appeal moot, the clerk may forward that information to the court for consideration." (Online article, "The Mootness Doctrine," Duane Morris LLP.) "The court then determines whether mootness applies and, if so, whether to dismiss the appeal." (Legalclarity.org, online article.)

V. THE RESPONDENT IS AND HAS BEEN IN DEFAULT SINCE MAY 14, 2024.

The Respondent is not represented and has not been represented since May 14, 2024, the date that Deputy Clerk Catherine Harrison of the Appellate Court issued the order relieving Respondent's former attorney Henrietta Golding from the case and informed and warned the respondent that a nonlawyer may not represent a corporation in the appellate courts. (*Renaissance Enters., Inc. v. Summit Teleservices, Inc.* 334 S.C. . . . (1999). See **Exhibit 2**.

The Respondent has not participated in the Horry County Circuit Court Case No. 2020-CP-2605267, nor in any appeals, including this one, Appellate Case No. 2026-00049, since it dismissed its attorney on April 14, 2024.

VI. A SERIOUS TIME DELAY IN THE APPEAL HAS BEEN CREATED BY THE DEMAND FOR A MEMORANDUM PROVING THIS CASE IS NOT MOOT.

The court has to review the Memorandum on Mootness.

Whereas, you, the clerk, cannot review the Memorandum on Mootness, nor can you make a dispositional decision. The Memorandum will have to be submitted to a panel of Appellate Court Judges. The Appellate Court judges cannot make a decision on mootness until they receive the entire appeal, read it, and determine the outcome based on the briefs and all follow-up briefs. So, your demand that the memorandum be submitted in ten days will not be effective because the memorandum will be insufficient information until the appeal documents have been submitted to the Court. Obviously, you have inserted a useless step that will delay this appeal.

VII. YOUR REQUIREMENT TO DEMAND APPELLANT TO WRITE A MEMORANDUM THAT THE APPEAL IS NOT MOOT IS VERY TRICKY.

You, Clerk Smith, have made a huge demand on the Appellant to write a Memorandum that the appeal is not moot and allowed only ten days (no transmittal time was built into the demand such as ten days from the receipt of the document) to complete this assignment or have my appeal dismissed. As shown above by law and cases cited,

1. This demand is not consistent with the laws or precedents documented above.
2. This demand interferes with the nature and time of appeal.
3. This memorandum is basically useless without the content contained in the brief.
4. You are not allowed to rule on the content of the memorandum.
5. You are not allowed to make dispositional decisions.
6. But, you turned what should be a question for a dispositional order into one controlled by a non-dispositional order. You made an order that my case can be dismissed by you for timing, alone, without any consideration for the merits of the case.
7. Furthermore, in that way, you are able to dismiss my case without submitting the memorandum to the Appellate Court judges for a dispositional decision.

Your job, as described on the South Carolina Judicial Website is to assist and promote the parties to an appeal to successfully move their case through the procedure, not trick them into losing their appeal by a tricky procedure you set up.

VIII. THE DEFAULT RESPONDENT/PLAINTIFF HAS NOT PARTICIPATED IN THE CASE FOR TWO YEARS. SO, WHO IS THE INVISIBLE RESPONDENT PROMPTING THIS ACTION WITHOUT A MOTION TO MOOT THIS APPEAL?

A. The timing of this demand is very curious.

It is curious that on April 27, 2026, you wrote a letter setting the appellant's brief due date as thirty (30) days from the date of that letter, (See **Exhibit 1a.**) and, a day later, you challenged the appeal by instructing me to write and file a memorandum with the court proving that the case is not moot. (See **Exhibit 1b.**)

B. What prompted you to write a letter one day later that requires the Appellant to prove her appeal is not moot?

It appears there is an outside interference, an invisible respondent/(s), to this case who are officer(s) of the court who are not party to this case but who would be damaged by information which will come out if this case is not dismissed.

There is one party who will be directly damaged when this appeal is completed. That party, Judge Debra R. McCaslin, is part of a group of attorneys and judicial officers who colluded and conspired to Obstruct Justice from the Appellant/Defendant in the underlying circuit court case.

The timing of your letter of April 28, 2026, fits the timing of the delivery of a second motion to Judge McCaslin. On April 28, 2026, at 9:58 A.M. (see **Exhibit 3**) a second Motion was delivered to Judge Debra R. McCaslin at her office in the Lexington County Court House asking her to order that The Complete Transcript and the Audio Recording of the motions hearing of April 24, 2023, be delivered to the defendant/appellant Carol Ann Honeycutt. The first motion was mailed to Judge McCaslin on March 18, 2026. The two motions together clearly confirm the law and the facts that Judge McCaslin is responsible to order that defendant be given The Complete Transcript and the Audio Recording of the motions hearing of April 24, 2023, held before her.

The defendant has been blocked illegally from receiving the full transcript since June 6, 2023. Is it possible that Judge McCaslin wanted the appeal to be considered moot to attempt to evade her duty to order the full transcript and audio recording?

If Judge McCaslin did not call the Appellate Court to "handle" this, perhaps, another official from the group mentioned above (who are trying to protect their own interests) may

have called. The "invisible respondents," judicial officers, non-parties, include Henrietta Golding and Taylor Voegel, the former attorneys for the respondent, and possibly other judges (Judge Kristi Curtis, now an Appellate Court judge, Judge Hyman, or retired Supreme Court Chief Justice Beatty). These officers of the court are connected to this case along with clerks of the Appellate Court who have aided those attorneys, and all of whom have colluded to obstruct justice from the defendant.

Appellate Judge Kristi Curtis could have contacted you to write the letter of April 28 2026. She is acting to defend her own interests and those of this group who do not want the facts and truth of the case to be brought to day light. She was part of the Horry County case and absolutely obstructed justice from the Appellant. I will submit an Affidavit of Prejudice against her to prevent her from participating as a judge in this appeal.

C. Appellant requests that you provide a response to the following question:

What influence prompted you, Deputy Smith, to write the letter demanding that Appellant "serve and file a memorandum explaining to the Court how this case is not moot," please write a letter explaining who or what prompted you to make this demand.

Your attention to the details of this letter are most appreciated.

Sincerely,

Carol Ann Honeycutt

Carol Ann Honeycutt

Appellant, Pro Se

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enc.: USPS: MEMORANDUM

The Exhibits