

**RECEIVED**

**Jun 08 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

The Honorable Debra R. McCaslin

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Case No. 2023-CP-32-00881  
App. Case No. 24-315

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C.E. Holmes,

Appellant,

v.

C.N. Collie,

Respondent.

---

**Motion to Recall Remittitur and  
Motion Pursuant to Section 11(d)(3)(E), SCEF,  
With Abeyance Pending Resolution**

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C. Holmes  
PO Box 187  
Sullivans Island, SC 29482  
843.883.3010

As set forth more fully below, the Appellant respectfully moves this Honorable Court to:

1. **Recall the remittitur** issued in error due to mistake and inadvertence in administrative data entry by the clerk's office;
2. **Correct the electronic record** pursuant to South Carolina Electronic Filing Section 11(d), SCEF, to accurately reflect the data entered at the inception of the appeal and documented in the attached copy of the C-Track Public Access Docket Sheet in this appeal accessed on or about September 30, 2024, and showing the correct data entry is "Self Represented" as there is no notice of appearance and no counsel of record;
3. **Reverse the procedural default dismissal** because Appellant never received the underlying clerk's request for information due to this data entry error and system defect; and
4. **Grant abeyance** pending resolution of the motions.

#### STANDARD OF REVIEW

The statutory interpretation of court administration rules and guidelines is a question of law reviewed *de novo* with no particular deference. *Catawba Indian Tribe of S.C. v. State*, 372 S.C. 519, 524, 642 S.E.2d 751, 753 (2007); *New York Times Co. v. Spartanburg County Sch. Dist. No. 7*, 374 S.C. 307, 309, 649 S.E.2d 28, 29 (2007).

#### STATEMENT OF FACTS

1. At the inception of this appeal, Appellant was properly designated in the C-Track case management system as "Self Represented," as documented on the attached copy of the Public Access Docket Sheet in this appeal accessed on or about September 30, 2024.
2. Appellant was not an active member of the South Carolina Bar at the time of filing in the lower court, has no counsel of record, and has no legal representation agreement.
3. Following case inception, the clerk's office internally altered Appellant's classification of "Self Represented" without authorization or notice.
4. This clerical alteration along with software and system defect automatically suppressed Appellant's authorized contact data and PO Box.
5. Pursuant to SCEF Section 4(e)(2)(B), NEFs are strictly transmitted to "Authorized E-Filers who are counsel of record." There is no counsel of record in the instant case. Under South Carolina Appellate Court Rules (SCACR) Rule 262, self-represented litigants are barred from

- electronic filing and do not receive NEFs unless a specific written request is submitted. The record reflects no such request.
6. Because of this technical error including system defect, Appellant never received the clerk's request for information, leading directly to an unintended procedural default and subsequent dismissal. The overwhelming substance of the record demonstrates Appellant's pattern and practice of timely response upon required notice using the authorized contact information.
  7. On April 17, 2026, Appellant filed a formal request to correct this electronic data entry error. No timely response or Form SCCA 296, Response to Request to Correct Data Entry Error, was issued by the clerk under SCEF regulations, Section 11(d)(3), SCEF.
  8. The clerk's May 28, 2026, correspondence, copy with USPS postmark attached for ease of reference, misconstrues SCEF regulations including Section 11(d)(3), SCEF, misinterprets statutory timeliness, improperly rejects timely filings herein based on purported untimeliness, and fails to comply with the clerk's ministerial duties including facilitating appeals and litigants' filings. In the *Barnes* case, the Supreme Court expressly stated:
 

*"We take this opportunity to remind the clerks of court of their ministerial duty to docket filings irrespective of potential procedural flaws that may exist... a clerk of court does not have the authority to reject a filing based on ostensible or perceived failures."* *Barnes v. State*, 433 S.C. 399, 859 S.E.2d 260 (2021) (emphasis supplied).
  9. The record reflects the clerk's office has a potential conflict.

## ARGUMENT

### **I. The Court Retains Inherent Jurisdiction to Recall a Remittitur Sent by Clerical Mistake or Inadvertence.**

An appellate court loses jurisdiction once a remittitur is properly sent down. However, a remittitur issued due to a clerical blunder, internal mistake, software, or administrative inadvertence is a nullity and must be recalled. *See Wise v. S.C. Dep't of Corrections*, 372 S.C. 173, 642 S.E.2d 551 (2007); *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). Because the underlying default was caused by court data entry manipulation rather than litigant neglect, the resulting remittitur was issued in error and must be recalled.

### **II. A Ministerial Clerk Lacks Judicial Authority to Evaluate the Merits of a Correction Motion.**

The clerk's office postmarked rejection letter dated May 28, 2026, misconstrues SCEF Section 11. The South Carolina Supreme Court stands clear on this point: A clerk's duty is strictly ministerial.

Constitutional Judicial Officers have authority to evaluate the timeliness, legal merit, or substance of an application.

*"The Clerk of Court's duty is not discretionary. The Clerk of Court should not construe a filing... it is not within the Clerk of Court's authority to refuse to perform her duty based on her opinion that a filing lacks legal merit or is untimely."*

*Miller v. State*, 377 S.C. 99, 101, 659 S.E.2d 492, 493 (2008).

### **III. Due Process and the South Carolina Uniform Electronic Transactions Act (SCUETA) Mandate Non-Electronic Notice Access for Self-Represented Parties.**

Under S.C. Code § 26-6-195, state judicial agencies must account for parties lacking access to electronic communication channels. By changing contact information for a self-represented party without notification or authorization, the clerk's office bypassed the authorized contact information required by law. A procedural default cannot stand where the court failed to deliver required notice to the litigant's previously established and precedential use of authorized contact information from the inception of the appeal.

### **IV. The Constitutional Right to an Open Court and Adequate Remedy Demands Rescission of the Procedural Default.**

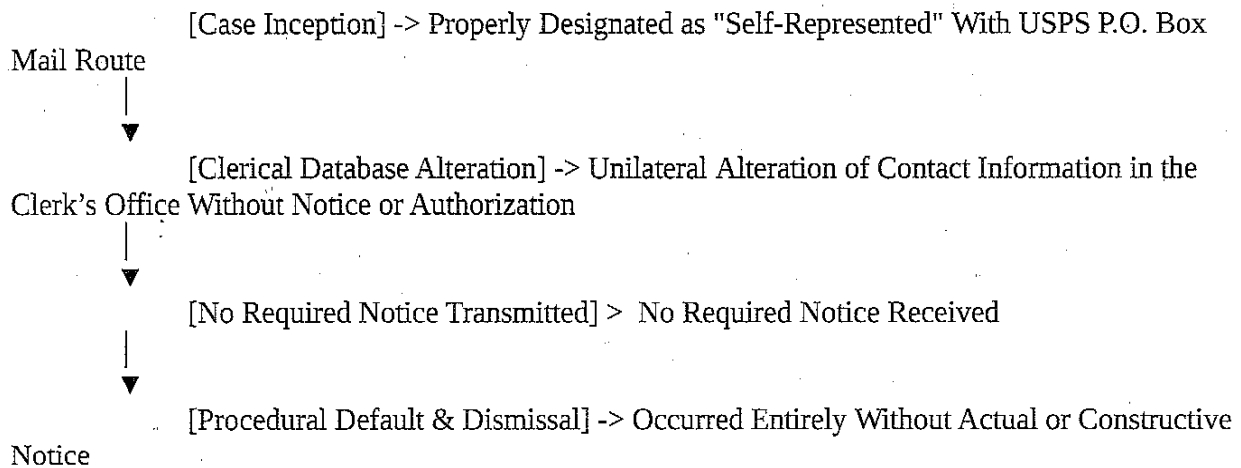
The South Carolina Constitution explicitly mandates that *"all courts shall be public, and every person shall have speedy remedy therein for wrongs which he may receive in his person, property, character or reputation."* S.C. Const. art. I, § 9. This constitutional guarantee of open access to the judicial system is completely hollowed out if an unprompted, internal software modification by an administrative office can silently alter a litigant's structural contact classification, sever the critical link to the notice loop, and deny litigants of their "day in court." In the present matter, Appellant did not waive appellate review, nor did Appellant sleep on their rights. Instead, an administrative automation protocol essentially locked the digital courthouse doors from the inside.

To let a dismissal stand under these specific circumstances transforms a tool of efficiency, that is, the C-Track case management system, into an unconstitutional instrument of forfeiture. When administrative procedures clash with clear, baseline constitutional protections, the court must resolve the conflict in favor of the Constitution. Therefore, the remittitur must be recalled to vindicate Appellant's fundamental right to a meaningful legal remedy under S.C. Const. art. I, § 9.

### **V. An Extrinsic Technical Anomaly Operating Wholly Outside the Litigant's Control Precludes the Enforcement of an Appellate Default.**

Under long-standing South Carolina jurisprudence, procedural default dismissals are heavy administrative sanctions reserved for instances of willful disregard, bad faith, or persistent neglect by a party. Conversely, where a default is manufactured by an "extrinsic error"—a factor completely outside the control of the litigant—such default cannot equitably or legally stand.

Here, the breakdown in communication was completely extrinsic to Appellant's conduct. Appellant properly initialized this appeal as a self-represented litigant, creating a clear expectation of service via standard United States Postal Service at the usual and customary PO Box pursuant to Rule 262 SCACR. Self-represented litigants are not allowed to file electronically in the lower court or the appellate court. Rule 262, SCACR, as amended. The technical system modification that occurred after case inception was a unilateral clerical change that failed to route physical notice to Appellant's designated post office box. Because Appellant had no knowledge of, input in, or control over this administrative database failure, the resulting procedural default is a direct product of an extrinsic defect. Punishing a self-represented litigant for an internal system anomaly defies the core principles of equity and due process. The chronology of events is as follows:



### **VI. This Court Possesses Inherent Authority to Correct Electronic Filing System Errors and Enforce the Strict Ministerial Duties of the Clerk.**

The South Carolina Supreme Court has strongly re-emphasized that the role of a clerk of court is strictly ministerial and entirely devoid of any discretionary or judicial function. In Barnes v. State, 433 S.C. 399, 402, 859 S.E.2d 260, 262 (2021), the Supreme Court directly stated:

*"We take this opportunity to remind the clerks of court of their ministerial duty to docket filings irrespective of potential procedural flaws that may exist... a clerk of court does not have the authority to reject a filing based on ostensible or perceived failures."*

This holding expands upon *Miller v. State*, 377 S.C. 99, 659 S.E.2d 492 (2008), clarifying that clerks cannot judge the timeliness, form, or substantive legal merits of an application. By issuing a postmarked administrative letter on May 28, 2026, which misconstrued SCEF Section 11 and refused to process Appellant's correction motion, the clerk impermissibly exercised an unauthorized judicial function.

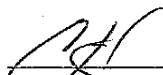
An electronic case management system is merely an administrative aid; it does not dictate substantive legal rights, nor does it strip an appellate court of its inherent power to maintain a true and accurate record. Because the remittitur was issued based on a cascade of technical errors and an overreach of clerical authority, this Court retains immediate jurisdiction under *Wise v. S.C. Department of Corrections*, 372 S.C. 173, 642 S.E.2d 551 (2007) to recall the remittitur, enforce compliance with *Barnes, supra*, and *Miller, supra*, and correct the public record.

### CONCLUSION

To prevent a severe miscarriage of justice affecting substantial rights, Appellant respectfully requests this Honorable Court **GRANT** the motions:

- 1. Recall the remittitur** issued in error due to mistake and inadvertence in administrative data entry by the clerk's office;
- 2. Correct the electronic record** pursuant to South Carolina Electronic Filing Section 11(d), SCEF, to accurately reflect the data entered at the inception of the appeal and documented in the attached copy of the C-Track Public Access Docket Sheet in this appeal accessed on or about September 30, 2024, and showing the correct data entry is "Self Represented." The record reflects there is no notice of appearance and no counsel of record;
- 3. Reverse the procedural default dismissal** because Appellant never received the underlying clerk's request for information due to this data entry error and system defect; and
- 4. Grant abeyance** pending resolution of the motions.

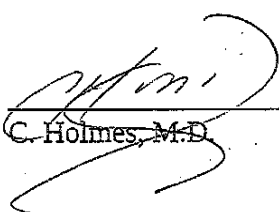
Respectfully submitted,

  
C. Holmes  
P.O. Box 187  
Sullivans Isd., SC 29482-0187  
843.883.3010

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

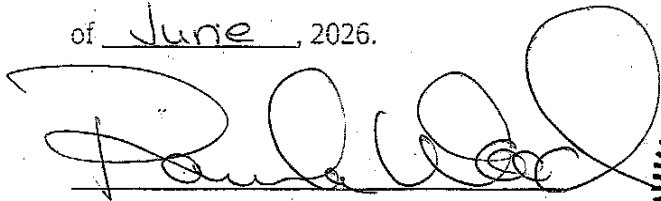
VERIFICATION

Being duly sworn, the undersigned says C. Holmes, M.D., has read the foregoing and knows the contents thereof, that the same is true of personal knowledge or on information and belief and to those matters believes them to be true.

  
\_\_\_\_\_  
C. Holmes, M.D.

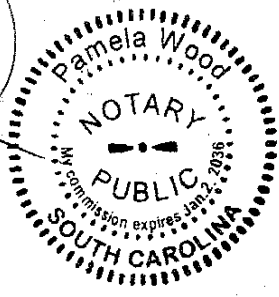
Subscribed and sworn to before me,

Notary Public, this 5 day  
of June, 2026.

  
\_\_\_\_\_

NOTARY PUBLIC

My commission expires: Jan 2 2036



EX. A

SELF REPRESENTED

**Short Title:** In the Matter of Nassiri-Hyder Coffie  
 Case Status: **Appealing Transcript**  
 View Full Title

**Consolidated:**

**Filed Date:** 08/04/2024  
**Disposition Date:**  
**Remittitur Date:**  
**Lower Court or Tribunal:** Eastington (2024-07-08-00000000)

**Dial Argument Date:**  
**Disposition Type:**

**Party Information**  
**Appellate Role:** Party Name: **Edmer**  
**Appellant:** Cynthia Holmes N  
**Respondent:** C. N. Cullie N  
**Attorney(s):** **Self Represented** \*  
**Robt A. Bralfovere**

**Views:** Display: Descending Gbl

**Event Information**

Filed Date	Event Information
03/24/2024	Correspondence - Outgoing (Transcript Overdue Letter)
05/09/2024	Non-Dispositional Decision - Order (No Action on Motion for Reconsideration of July 26, 2024 Letter)
05/06/2024	Motion - Resubmissions of July 26, 2024 Letter
07/16/2024	Non-Dispositional Decision - Withdrawn or Ended (No Action on Motion for Reconsideration)
07/19/2024	Motion - No Return - Reconsideration of 07/20/24 Letter
06/17/2024	Motion - Reconsideration of 07/2024 Letter
06/07/2024	Deficiency - Deficiency Letter Sent (Approved Motions of Appeal)

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

Ex. B  
(4 pp.)

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

The Honorable Debra R. McCaslin

Case No. 2023-CP-32-00881  
App. Case No. 24-315

C.E. Holmes,

Appellant,

v.

C.N. Collie,

Respondent.

**Motion for the Court's Disposition Pursuant to Section 11(d)(3)(E), SCEF**

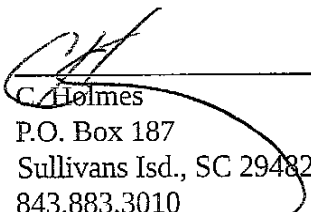
C. Holmes  
PO Box 187  
Sullivans Island, SC 29482  
843.883.3010

The undersigned hereby respectfully requests the Court's disposition on this motion for electronic data to be corrected because there is an error in the electronic data maintained by the clerk of court. The record reflects the undersigned's request to correct data entry error filed April 17, 2026, however, there is no response. Pursuant to Section 11(d)(3)(E), SCEF, the undersigned respectfully submits motion for the Court's disposition regarding correction of the following error:

1. The data entry error is: The record reflects no notice of appearance and no counsel of record for appellant. The attached copy of the C-Track Public Access Docket Sheet in the instant matter accessed on or about September 30, 2024, shows the correct data entry is "Self Represented."
2. Appellant hereby requests the following correction(s) to the data: Self Represented.

Pursuant to Section 11(d)(3)(E), SCEF, the appellant respectfully requests disposition by this Honorable Court and requests this motion be granted with abeyance pending resolution.

Respectfully submitted,

  
C. Holmes  
P.O. Box 187  
Sullivans Isd., SC 29482-0187  
843.883.3010

Case Status: **Awaiting Transcript**

In the Matter of **Meant-Hyer Cullie**

[View Full Title](#)

Consolidated:

Filed Date: **08/04/2024**

Disposition Date:

Remittitur Date:

Lower Court or Tribunal: **Essex County (2024-8000000)**

Oral Argument Date:

Disposition Type:

Appellate Role: **Party Name**

Appellant: **Conway-Gines**

Respondent: **C. N. Cullie**

Agency(s):

Self-Represented: **Robin A. Brillweate**

Views

Display: **Descending**

Event Information

Filed Date: **08/24/2024**

08/08/2024

08/06/2024

07/28/2024

07/19/2024

06/17/2024

06/07/2024

Correspondence - **Supplies (Miscellaneous) (08/24/2024)**

Non-Dispositional Decisions - **Order (No Action on Motion For Reconsideration of July 26, 2024 Letter)**

Motion - **Reconsideration of July 26, 2024 Letter**

Non-Dispositional Decision - **Withdrawn or Ended (No Action on Motion for Reconsideration)**

Motion - **No Return - Reconsideration of 08/22/2024 Letter**

Motion - **Reconsideration of 9/7/2024 Letter**

Deficiency - **Deficiency Letter Sent (Official Notice of Appeal)**

EX-A

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

The Honorable Debra R. McCaslin

---

Case No. 2023-CP-32-00881  
App. Case No. 24-315

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C.E. Holmes,

Appellant,

v.

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Respondent.

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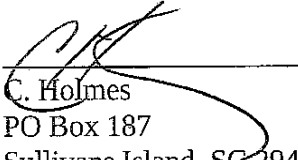
PROOF OF SERVICE

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I hereby certify that a true copy of the above document was served upon the attorney of record for the respondent by regular first class mail postage pre-paid on this date at this address:

Robin Braithwaite  
759 Richland Ave. W  
Aiken, SC 29801

Dated 5.4.26

  
C. Holmes  
PO Box 187  
Sullivans Island, SC 29482  
843.883.3010

Ex. 2

NOT FOR E-FILING

User Manual  
FAQs  
AIS Letter

# South Carolina JUDICIAL DEPARTMENT

Enter Bar Number  Search

Attorney Contact Law School/Admissions Certifications Specializations Search

Cynthia E. Collie  
Regular Member - Good Standing  
Not Registered for E-Filing **A**

Name: Ms. Cynthia E. Collie  
 Gender: Female  
 Race: White  
 Date of Birth: 03-21-1952  
 Ethnicity: Non-Hispanic  
 Attorney Type: Regular  
 Judge Type: N  
 Deceased: N  
 Deceased Notes:  
 Resigned Notes:

SC Bar Number: 1337  
 SC Bar Membership Class: Regular Member  
 SC Bar Membership Status: Good Standing  
 Deceased Date:  
 Resigned Date:

### Law Firm/Business/Government:

Primary Mailing Address (For Court Notices)  
 Address Type: Other  
 Foreign Address: N  
 Address Line 1: PO Box 187  
 Address Line 2:  
 Address Line 3:  
 City: Sullivan's Island  
 State: SC  
 County: Charleston  
 Zip: 29482

Alternate Mailing Address  
 Address Type:  
 Foreign Address:  
 Address 1:  
 Address 2:  
 Address 3:  
 City:  
 State:  
 County:  
 Zip:

Primary Phone Type: Business  
 1st Alternate Phone Type:  
 2nd Alternate Phone Type:  
 3rd Alternate Phone Type:

(843) 883-3010

Primary Email: (For Court Notices) rule.410\_retired@yahoo.com

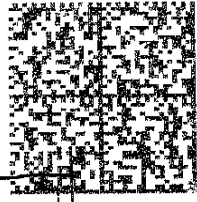
Alternate Email:

Notices will also be sent to this email but no attempt will be made to validate this email address. The email address can be used for a roster clerk or administrative assistant.

Exp. (Date)

na Court of Appeals  
KITCHINGS, CLERK  
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TH CAROLINA 29211

COLUMBIA SC 290  
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FIRST CLASS

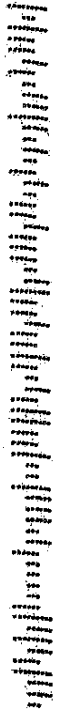


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CYNTHIA E. COLLIE  
PO BOX 187  
SULLIVAN'S ISLAND SC 29482



29482-018797



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

May 28, 2026

Dr. Cynthia E. Collie, Esquire  
PO Box 187  
Sullivan's Island SC 29482

Re: In the Matter of Naomi Hyler Collie  
Appellate Case No. 2024-000315

Dear Counsel:

We are in receipt of your request to correct data entry error and motion for the Court's disposition pursuant to section 11(d)(3)(E), SCEF. This Court issued the remittitur on October 15, 2025, which ended this Court's jurisdiction over this matter. No further action will be taken on your motion or correspondence. We are returning your check, number 3743, in the amount of \$50.00 to you along with this letter.

Very truly yours,

*Jasmine D. Smith, Deputy*  
CLERK

cc: Robin A. Braithwaite, Esquire

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Jun 08 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
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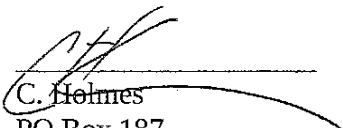
Respondent.

PROOF OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for the respondent by regular first class mail postage pre-paid on this date at this address:

Robin Braithwaite  
759 Richland Ave. W  
Aiken, SC 29801

Dated 6/6/26

  
C. Holmes  
PO Box 187  
Sullivans Island, SC 29482  
843.883.3010

Hard copy  
available  
on request -

Thy Co!

Fax Cover:

*C. Holmes*  
*P O Box 187*  
*Sullivans Island, SC 29482-0187*  
*843.883.3010*