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S.C. SUPREME COURT

Justin Pinson,

Appellant/Petitioner,

v.

Abbeville Magistrate / State of South Carolina,

Respondent.

Appellate Case No.: 2026-000749

PETITION FOR WRIT OF CERTIORARI

Petitioner Justin Pinson, proceeding pro se, respectfully petitions this Court pursuant to Rule 226, SCACR, for a Writ of Certiorari to review the Court of Appeals' May 20, 2026 Order of Dismissal and its June 18, 2026 denial of Petitioner's Motion for Reinstatement. This Court's review is warranted for three independent reasons: first, the Court of Appeals dismissed a criminal appeal after the pro se Petitioner timely complied with every specific corrective instruction the court itself issued; second, the court applied the wrong legal standard when it treated Petitioner's Motion for Reinstatement as a Petition for Rehearing, thereby never actually evaluating whether reinstatement was warranted; and third, the dismissal and denial occurred despite documented certified mail proof that every relevant party had received actual notice, and despite the complete absence of prejudice to any party. These errors cannot be reconciled with this Court's precedents in *State v. Smalls*, 364 S.C. 343, 613 S.E.2d 752 (2005), and *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004), or with the due process guarantees of the United States and South Carolina Constitutions.

I. STATEMENT OF THE CASE

A. The Underlying Conviction and Timely Notice of Appeal.

This matter arises from a Breach of Peace conviction in the Abbeville County Magistrate Court. The Circuit Court affirmed the conviction and entered a final judgment on January 13, 2026. Petitioner received written notice of that judgment on February 12, 2026.

On March 5, 2026, Petitioner delivered a Notice of Appeal to the Circuit Clerk. The Clerk officially received, stamped, and docketed the Notice of Appeal on March 15, 2026 — within thirty days of receiving written notice of the judgment and well within the jurisdictional deadline. Petitioner simultaneously mailed a certified copy of the Notice of Appeal to the Abbeville County Magistrate Court, confirmed by USPS Certified Mail receipt attached hereto as Exhibit A.

B. The Deficiency Letter and Petitioner's Timely Compliance.

On March 26, 2026, the Court of Appeals Clerk issued a deficiency letter identifying five items requiring correction within ten calendar days — a deadline of approximately April 5, 2026. The five deficiencies were:

Proof of service not in proper format — must use Form 7, Appendix C, SCACR;

Order or judgment challenged on appeal not included;

Filing fee of \$250.00 not submitted;

Notice of Appeal missing respondent's counsel contact information; and

Notice of Appeal not in proper format — must use Form 1, Appendix C, SCACR.

Petitioner, proceeding entirely without counsel, immediately set about curing every identified deficiency. On March 30, 2026 — five days before the April 5 deadline — Petitioner mailed a complete Amended Notice of Appeal packet to the South Carolina Court of Appeals via United States Certified Mail, confirmed by USPS receipt attached hereto as Exhibit B. That packet included an Amended Notice of Appeal reformatted pursuant to Form 1, a Proof of Service formatted pursuant to Form 7, a copy of the Circuit Court judgment, and the \$250.00 filing fee. Petitioner simultaneously mailed a certified copy to the Abbeville County Magistrate Court on March 30, 2026, also confirmed in Exhibit B.

Petitioner complied with every specific instruction in the deficiency letter, within the court's own deadline, five days early.

C. The Unexplained 51-Day Dismissal.

Despite Petitioner's documented timely compliance, the Court of Appeals entered an Order of Dismissal on May 20, 2026 — fifty-one days after Petitioner's March 30 corrective filing. The dismissal order stated only that Petitioner failed to provide proof of timely service on Respondent, without acknowledging Petitioner's Amended Notice of Appeal, his certified mail receipts, his \$250 filing fee payment, or any of his corrective efforts. Notably, the dismissal order's own footnote acknowledged that the court was uncertain who the correct Respondent even was — yet proceeded to dismiss rather than seek clarification.

D. The Wrong Standard Applied to Reinstatement.

Upon receiving the dismissal, Petitioner filed a Motion for Reinstatement and on June 2, 2026 mailed certified copies of the complete record to the Abbeville County Magistrate, the

Eighth Judicial Circuit Solicitor's Office, and the South Carolina Court of Appeals, confirmed by three USPS Certified Mail receipts attached hereto as Exhibit C.

On June 18, 2026, a three-judge panel of the Court of Appeals denied relief using the following language: "the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing." This is the standard for a Petition for Rehearing — not a Motion for Reinstatement. The court never applied the correct reinstatement standard: whether the defect was cured, whether the appellant acted in good faith, and whether any party suffered prejudice. This Petition follows.

II. QUESTIONS PRESENTED FOR REVIEW

Did the Court of Appeals commit reversible error by dismissing a pro se criminal defendant's appeal on May 20, 2026, when that defendant had timely complied with every specific corrective instruction the court itself issued in its March 26, 2026 deficiency letter, submitting a complete corrective packet via certified mail five days before the court's own deadline?

Did the Court of Appeals commit an independent reversible error by applying the wrong legal standard — the rehearing standard — to Petitioner's Motion for Reinstatement, thereby never evaluating whether reinstatement was warranted under the correct good faith, cure, and prejudice standard established by this Court?

Under *State v. Smalls*, 364 S.C. 343, 613 S.E.2d 752 (2005), and *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004), does the permanent dismissal of a timely criminal appeal — where the pro se petitioner complied with the court's own deficiency instructions within the court's own deadline, every party received certified mail notice, and no party suffered any prejudice — violate the fundamental constitutional right to a first direct appeal and due process guarantees of the United States and South Carolina Constitutions?

III. ARGUMENT

A. The Court of Appeals Dismissed Petitioner After He Complied With Its Own Instructions — That Is Reversible Error.

On March 26, 2026, the Court of Appeals told Petitioner exactly what was wrong and exactly how to fix it. Petitioner did precisely that. On March 30, 2026 — five days early — he submitted a complete Amended Notice of Appeal via certified mail, including the reformatted notice under Form 1, the properly formatted proof of service under Form 7, the

Circuit Court judgment, and the \$250 filing fee. Every single deficiency identified in the March 26 letter was addressed.

The Court of Appeals waited fifty-one days and then dismissed him anyway, citing only a failure to prove timely service — without ever acknowledging the March 30 certified mailing that proved exactly that. A dismissal that ignores documented compliance with the court's own cure instructions is not the application of a procedural rule. It is a denial of due process.

B. The Court Applied the Wrong Legal Standard to Petitioner's Motion for Reinstatement.

This is an independent and significant reversible error. The June 18, 2026 order used the rehearing standard verbatim: the court found no "material fact or principle of law" had been "overlooked or disregarded." That is the standard under Rule 221, SCACR, governing petitions for rehearing. It is not the standard for a Motion for Reinstatement.

A Motion for Reinstatement requires the court to evaluate: whether the appellant acted in good faith; whether the defect was cured; and whether the opposing party suffered prejudice. See *Elam*, 361 S.C. at 15, 602 S.E.2d at 776. The Court of Appeals never asked any of those questions. It applied the wrong test entirely and reached a predetermined conclusion that had nothing to do with the legal standard actually governing Petitioner's motion. That is a textbook abuse of discretion requiring this Court's correction.

C. The Dismissal Violates *Elam* Because Every Party Had Actual Notice and No Party Suffered Any Prejudice.

This Court in *Elam* held that the purpose of service rules is "to provide the opposing party with notice so that they are not prejudiced." 361 S.C. at 15, 602 S.E.2d at 776. The certified mail record establishes that every relevant party received notice:

Abbeville County Magistrate Court — served March 2026 (Exhibit A), March 30, 2026 (Exhibit B), and June 2, 2026 (Exhibit C);

South Carolina Court of Appeals — served March 30, 2026 (Exhibit B) and June 2, 2026 (Exhibit C); and

Eighth Judicial Circuit Solicitor's Office — served June 2, 2026 (Exhibit C), sixteen days before the June 18 denial.

The State has identified no action it was prevented from taking, no deadline it missed, and no preparation it could not make. Prejudice is entirely absent. Under *Elam*, dismissal is an inappropriate remedy where notice was actual and prejudice was nonexistent.

D. A Criminal Defendant's Fundamental Right to Appeal Cannot Be Forfeited When He Did Everything the Court Told Him to Do.

This Court has declared that "[a] criminal defendant's right to a direct appeal is a fundamental constitutional right." State v. Smalls, 364 S.C. at 347, 613 S.E.2d at 754. Haines v. Kerner, 404 U.S. 519, 520–21 (1972), requires that pro se filings be held to less stringent standards. A pro se defendant who follows the court's own correction instructions to the letter, files five days early, pays his fee, and provides certified mail proof has done everything the law can reasonably ask. Permanently dismissing him after that compliance is not enforcement of a rule — it is the arbitrary denial of a constitutional right.

E. This Court's Equitable Authority Compels Reinstatement.

Petitioner did not sleep on his rights. He did not ignore instructions. He did not miss deadlines. He received a deficiency letter, acted immediately, reformatted every document to the specific forms required, paid his fee, and mailed everything certified, five days early. When dismissed anyway, he filed for reinstatement, served every party by certified mail, and attached the receipts as proof. At every turn he did exactly what was asked of him.

This Court's equitable powers exist for precisely this situation. The interests of justice, due process, and the constitutional right to appeal all demand that this dismissal be vacated and the appeal reinstated on the merits.

IV. CONCLUSION AND RELIEF SOUGHT

WHEREFORE, Petitioner respectfully requests that this Court:

GRANT this Petition for Writ of Certiorari;

VACATE the Court of Appeals' May 20, 2026 Order of Dismissal;

VACATE the Court of Appeals' June 18, 2026 denial of Petitioner's Motion for Reinstatement;

REINSTATE Appellate Case No. 2026-000749 for full review on the merits; and

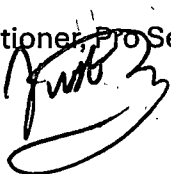
GRANT any further relief this Court deems just and proper.

Respectfully submitted,

Dated: June 28, 2026

Justin Pinson

Petitioner, Pro Se



660 Stevenson Road

Abbeville, SC 29620

Phone: 864-993-7689

Email: jpinson87@gmail.com