

THE SUPREME COURT OF SOUTH CAROLINA

Justin Pinson, Petitioner,

v.

State of South Carolina, Respondent.

Supreme Court Case No.: 2026-001480

Appellate Case No.: 2026-000749

PETITIONER'S REPLY TO THE STATE'S RETURN

Petitioner Justin Pinson, proceeding pro se, respectfully submits this Reply to the State's Return dated July 6, 2026.

I. THE STATE'S RETURN DOES NOT ADDRESS THE ACTUAL ERROR RAISED IN THE PETITION

The State's Return argues at length that Petitioner did not timely serve the Solicitor's Office within the deadline set by Rule 203, SCACR, and that this defect is jurisdictional under *Conner v. City of Forest Acres*, 348 S.C. 454, 560 S.E.2d 606 (2002), and *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974).

Petitioner does not ask this Court to excuse or extend that filing deadline. The Petition raises a separate and independent error: the Court of Appeals applied the wrong legal standard when it denied Petitioner's Motion for Reinstatement. The State's Return does not address this issue at all.

II. RULE 203(a)(3) EXPRESSLY CONTEMPLATES REINSTATEMENT UNDER RULE 260 — THE STATE'S "NO AUTHORITY TO EXTEND" ARGUMENT DOES NOT REACH THIS QUESTION

Rule 203(a)(3), SCACR, provides that where a notice of appeal is not timely filed, "the appeal shall be dismissed, and shall not be reinstated except as provided by Rule 260." The Rules themselves therefore anticipate exactly this situation — a dismissal for untimely filing — and provide a specific, rule-based avenue back into the case. This is not an equitable extension of the original filing deadline, which *Conner* and *White* correctly hold courts cannot grant. It is a distinct procedural mechanism that the Rules create precisely because dismissals for untimely filing happen and are not always the end of the case.

The Court of Appeals used this exact mechanism: it dismissed Petitioner's appeal and then considered a Motion for Reinstatement. The question before this Court is not whether the original deadline can be extended — it cannot — but whether the Court of Appeals correctly applied Rule 260 when Petitioner invoked it.

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III. THE COURT OF APPEALS APPLIED THE REHEARING STANDARD, NOT THE REINSTATEMENT STANDARD, AND THAT IS REVERSIBLE ERROR

Rule 260(a), SCACR, provides that a dismissed case "shall not be reinstated except by leave of the court, upon good cause shown." That is the only standard the Rule sets out.

Rule 221(a), SCACR, governs petitions for rehearing and asks only whether the court "overlooked or disregarded" a material fact or principle of law. Rule 221(a) further provides that "[n]o petition for rehearing shall be allowed from an order... denying a motion to reinstate under Rule 260." The Rules thus expressly treat a Rule 260 reinstatement motion and a Rule 221 rehearing petition as two distinct proceedings governed by two distinct standards.

The Court of Appeals' June 18, 2026 order denying Petitioner's Motion for Reinstatement states that the court was "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." That is the Rule 221 rehearing standard, applied verbatim, to a Rule 260 reinstatement motion. The order never asks the question Rule 260 actually requires: whether Petitioner showed good cause for reinstatement.

Because the Court of Appeals never applied the correct standard, it never actually decided the question presented to it. That is an independent basis for this Court to grant certiorari and remand for the Court of Appeals to evaluate the Motion for Reinstatement under Rule 260's good-cause standard — regardless of how this Court views the underlying service question.

IV. THE RECORD SUPPORTS GOOD CAUSE UNDER RULE 260

Petitioner acted diligently at every stage of this proceeding:

Petitioner filed his original Notice of Appeal with the Circuit Clerk on March 15, 2026.

When the Court of Appeals issued a deficiency letter on March 26, 2026 identifying five specific corrections, Petitioner cured all five, by certified mail, five days before the court's own deadline.

Upon dismissal, Petitioner promptly moved for reinstatement and served the complete record — including on the Eighth Judicial Circuit Solicitor's Office — by certified mail on June 2, 2026, sixteen days before the Court of Appeals ruled on the motion.

The State's Return does not identify any prejudice resulting from this timeline — no deadline it missed, no preparation it was unable to make, no action it was foreclosed from taking. A pro se litigant's diligent, good-faith effort to cure every defect the court itself

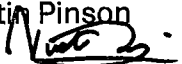
identified, followed by prompt correction of an additional defect once it came to light, is the kind of record Rule 260's good-cause standard exists to address.

CONCLUSION

WHEREFORE, Petitioner respectfully requests that this Court grant the Petition for Writ of Certiorari, vacate the Court of Appeals' June 18, 2026 order, and remand with instructions that the Motion for Reinstatement be evaluated under the good-cause standard actually set forth in Rule 260, SCACR.

Respectfully submitted,

Dated: July 9, 2026

Justin Pinson

Petitioner, Pro Se

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