

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 2026- 001489

Tony Williams

Appellant,

v.

Lowe's Home Centers, LLC and
Angie Mills,

Respondents.

RETURN IN OPPOSITION
TO APPELLANT'S PETITION
FOR WRIT OF CERTIORARI

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COUNTER-STATEMENT OF THE CASE

This matter comes before the Court on Appellant Tony Williams's Petition for Writ of Certiorari seeking review of the Court of Appeals' dismissal of Appellate Case No. 2026-000317. The underlying appeal arose from an order granting Respondents' motion to dismiss based on insufficient service of process and resulting lack of personal jurisdiction. The Court of Appeals' April 8, 2026 order states that the order on appeal reflected that counsel for Respondents was present at a December 12, 2025 hearing and that Appellant did not appear.

After filing his notice of appeal, Appellant advised the Court of Appeals that he did not intend to order the transcript. The Court of Appeals then issued a March 11, 2026 letter advising Appellant that, under Rule 207, SCACR, he was responsible for ordering the transcript of the entire proceedings below unless the parties agreed otherwise in writing. Appellant thereafter filed a motion to proceed without a transcript, Respondents opposed that request, and Appellant moved to strike Respondents' return.

On April 8, 2026, the Court of Appeals denied Appellant's motions and ordered him to provide proof within ten days that he had ordered the transcript and made arrangements to pay the court reporter. The Court of Appeals expressly warned that the appeal would be dismissed if Appellant failed to provide that proof within the time allowed. The Court of Appeals also stated that it would not consider Appellant's separate omnibus motion for summary reversal, disqualification of counsel, and ODC referral or his motion for sanctions and conflict-related relief until after Appellant provided proof that he had ordered and paid for production of the transcript.

Appellant did not satisfy the Court of Appeals' transcript directive. He instead continued to argue that the December 12, 2025 proceeding was a "ghost hearing," that no transcript could exist, and that Respondents and counsel had engaged in alleged record manipulation, fraud, and conflicts of interest. Appellant then sought rehearing after the dismissal of the appeal, contending that the dismissal was void and was the product of alleged "extrinsic fraud," "clerical collusion," and other asserted procedural irregularities.

The Court of Appeals denied rehearing on June 5, 2026. In doing so, the Court of Appeals stated

that, after careful consideration of the petition for rehearing, it was unable to discover that any material fact or principle of law had been overlooked or disregarded. Appellant now seeks certiorari review by reframing his failure to comply with the Court of Appeals' transcript directive as a constitutional, jurisdictional, and ethical controversy

QUESTIONS PRESENTED BY APPELLANT

1. Whether the Court of Appeals properly dismissed the appeal after Appellant failed to comply with its order requiring proof that he had ordered the transcript and made arrangements to pay the court reporter.
2. Whether Appellant's allegations of a "ghost hearing," docket manipulation, and procedural impossibility excuse his failure to comply with the Court of Appeals' transcript directive.
3. Whether Appellant's collateral allegations concerning conflicts of interest, default, companion cases, and alleged public-index irregularities present any basis for certiorari review of the Court of Appeals' procedural dismissal.

ARGUMENT

I. The Petition Does Not Present a Substantial Question Warranting Certiorari Review.

The Petition should be denied because it does not present a substantial question warranting this Court's discretionary review. The Court of Appeals dismissed the appeal after Appellant failed to comply with a clear procedural directive requiring proof that he had ordered and arranged payment for the transcript. The Court of Appeals then considered Appellant's petition for rehearing and concluded that no material fact or principle of law had been overlooked or disregarded.

Rather than addressing the procedural basis for the dismissal, Appellant attempts to transform this matter into an unfounded investigation of alleged docket manipulation, conflicts of interest, and fraud. But the issue before the Court of Appeals was narrow: Appellant was directed to provide proof that he had ordered the transcript and made payment arrangements, and he did not do

so. His disagreement with the transcript requirement does not convert noncompliance with the appellate rules and the Court of Appeals' order into a cert-worthy legal issue.

The Petition also relies heavily on accusations that are collateral to the dismissal order. Appellant alleges that court records were manipulated, that the December 12, 2025 proceeding did not occur, that defense counsel had conflicts of interest, and that companion cases show a broader "common scheme." Those allegations do not change the dispositive procedural fact that the Court of Appeals required Appellant to take specific action regarding the transcript and warned that dismissal would follow if he failed to do so. Certiorari should therefore be denied.

II. The Court of Appeals Properly Required Appellant to Comply with Rule 207 and Its Transcript Order.

The Court of Appeals' April 8, 2026 order reflects a measured and appropriate response to Appellant's refusal to order the transcript. The order states that, after filing the notice of appeal, Appellant notified the Court of Appeals that he did not intend to order the transcript. The order further states that the Court sent Appellant a March 11, 2026 letter advising him of his responsibility under Rule 207, SCACR, to order a transcript of the entire proceedings below unless the parties agreed otherwise in writing.

The Court of Appeals did not immediately dismiss the appeal. Instead, it denied Appellant's motion to proceed without a transcript and gave him ten days to provide proof that he had ordered the transcript and made arrangements to pay the court reporter. The Court of Appeals expressly informed Appellant that dismissal would result if he failed to comply. Appellant therefore received notice of the deficiency, notice of the action required to cure it, and notice of the consequence of failing to comply.

That record supports dismissal. Appellant's obligation was not optional, and it was not satisfied by asserting that the transcript should not be required. Once the Court of Appeals ordered

Appellant to provide proof of ordering and payment arrangements within ten days, Appellant was required to comply with that directive or face dismissal. The Court of Appeals' subsequent denial of rehearing confirms that it considered Appellant's arguments and found no overlooked material fact or principle of law.

III. Appellant's "Procedural Impossibility" Argument Does Not Excuse Noncompliance.

Appellant's principal argument is that compliance with the transcript requirement was impossible because the December 12, 2025 hearing allegedly never "legally or physically occurred." He further asserts that the public index contains conflicting hearing notices, that "WebEx" was listed as the court reporter, and that no certified court reporter was present.¹ From those assertions, Appellant concludes that the Court of Appeals violated due process by requiring him to produce a transcript of a non-existent event.

The Court of Appeals' order reflects otherwise. The April 8, 2026 order states that the order on appeal indicated counsel for Respondents was present at a hearing on December 12, 2025, and that Appellant did not appear. The Court of Appeals therefore proceeded from the record before it, not from Appellant's later characterization of the proceeding as a "ghost hearing." Appellant's contrary assertions do not establish that the Court of Appeals erred in enforcing its transcript directive.

¹ Appellant's assertion that a hearing conducted through WebEx could not have generated a transcript misstates both South Carolina procedure and the Supreme Court's orders governing remote proceedings. Rule 612, SCACR, expressly authorizes South Carolina courts to conduct hearings and other proceedings through "remote communication technology," including video-conferencing platforms such as WebEx. Moreover, the Supreme Court's Order Regarding the Use of Remote Communication Technology by the Trial Courts specifically identifies WebEx as an approved form of Enhanced Remote Communication Technology ("ERCT") and recognizes that court proceedings may be conducted remotely through such platforms. The Order further contemplates the preparation of transcripts from remote proceedings and directs that, where a court reporter or court monitor is unavailable, "the judge shall conduct the RCT proceedings in a manner that will allow a court reporter to create a transcript at a later date." *In re Use of Remote Communication Technology by the Trial Courts*, App. Case No. 2021-001032, § (c)(9) (S.C. Sup. Ct. amended Feb. 19, 2025). Thus, the fact that a hearing occurred by WebEx, or that the platform rather than an individual reporter may have appeared on a docket entry, does not establish that no transcript existed or could be produced.

Even accepting Appellant's premise for purposes of argument, his remedy was not to disregard the Court of Appeals' order. The Court of Appeals denied his motion to proceed without a transcript and ordered him to provide proof of transcript arrangements within ten days. A litigant cannot avoid dismissal by unilaterally declaring compliance impossible after the appellate court has rejected that position and ordered compliance. Appellant's "procedural impossibility" theory therefore provides no basis for certiorari review.

IV. Appellant's Allegations of Conflict, Default, Fraud, and Companion-Case Irregularities Are Collateral to the Dismissal.

Appellant devotes substantial portions of the Petition to allegations that Respondents and counsel manipulated public records, concealed conflicts of interest, and sought to avoid the consequences of an alleged "Total Historical Default." He also relies on alleged docket activity in companion cases and asserts that those matters show a broader pattern of record manipulation. Those accusations are not the issue presented by the Court of Appeals' dismissal.

The Court of Appeals' April 8 order expressly recognized that Appellant had filed an "Omnibus Motion for Summary Reversal, Disqualification of Counsel, and ODC Referral" and an "Appellant's Consolidated Motion for Sanctions Against Respondents and Counsel for Systemic Extrinsic Fraud and Unwaivable Conflict of Interest." The Court of Appeals declined to consider those motions until after Appellant provided proof that he had ordered and paid for production of the transcript. Thus, the Court of Appeals did not dismiss the appeal based on any finding about counsel, conflicts, default, or companion-case activity; it dismissed the appeal because Appellant failed to satisfy the transcript requirement.

Appellant cannot obtain certiorari by shifting attention away from the dispositive procedural defect. His allegations about counsel and companion cases do not undermine the Court of Appeals' authority to manage its docket, require compliance with the appellate rules, and dismiss

an appeal when an appellant fails to comply with a direct order. Nor do those collateral allegations show that the Court of Appeals overlooked or disregarded any material fact or principle of law when it denied rehearing.

V. Appellant Grossly Misreads the Authorities He Invokes.

Appellant's authorities do not support the extraordinary relief he seeks. Rather than identifying any rule or decision that excused his failure to comply with the Court of Appeals' transcript directive, Appellant cites cases for broad propositions and then stretches those propositions far beyond their holdings. The cases he invokes address materially different issues: hybrid self-representation in a criminal trial, domestic-relations recusal and evidentiary-burden issues, attorney discipline for uncivil advocacy, and personal jurisdiction through service of process. None of them holds that an appellant may disregard a Court of Appeals order requiring compliance with Rule 207. His argument depends on treating ordinary appellate administration as a constitutional violation, treating alleged docket irregularities as established fraud, and treating unrelated or collateral procedural theories as grounds to excuse noncompliance with a direct appellate order.

Appellant's reliance on *State v. Sanders* is misplaced. *Sanders* did not involve a missing transcript, a non-reported hearing, Rule 207, or any alleged public-index manipulation. The question in *Sanders* was "the interpretation of Article 1, Section 14 of the South Carolina Constitution" and whether the defendant could act as co-counsel with his public defender in a criminal prosecution. *State v. Sanders*, 269 S.C. 215, 216 (1977). The Supreme Court held only that the trial judge's procedure "did not violate appellant's rights under Article 1, Section 14 of the South Carolina Constitution," and separately held that "the trial judge had no authority to impose a condition on parole." *Id.* at 218. Nothing in *Sanders* authorizes an appellant to disregard an

appellate court's transcript order based on his own assertion that the hearing was a "ghost hearing." To the contrary, the Court of Appeals ordered Appellant to comply with Rule 207 by providing proof that he had ordered the transcript and made payment arrangements, and it warned that dismissal would follow if he failed to comply.

Appellant's reliance on *Patel v. Patel* is similarly misplaced. *Patel* was a domestic-relations appeal involving recusal, custody, alimony, child support, attorney's fees, and litigation expenses; it did not create a free-standing exception to the appellate rules whenever an appellant claims the record is incomplete or unavailable. *Patel* confirms the opposite of Appellant's premise: "Our broad scope of review does not relieve the appealing party of the burden of showing that the family court committed error." *Patel v. Patel*, 359 S.C. 515, 523 (2004). *Patel* also rejects unsupported assertions of bias, explaining that "[i]t is not sufficient for a party seeking disqualification to simply allege bias; the party must show some evidence of bias or prejudice." *Id.* at 524. Here, the Court of Appeals did not dismiss this appeal because of some hidden defect outside Appellant's control; it dismissed the appeal only after Appellant notified the court that he did not intend to order the transcript, was advised of his Rule 207 responsibility, and was given an opportunity to cure.

Appellant's reliance on *In re White* is also a distortion of those authorities. Appellant cites disciplinary and candor principles as if they establish that Respondents manipulated the public index or procured a fraudulent appellate dismissal. But *White* was an attorney-discipline case arising from a lawyer's insulting letter to third parties, and the Supreme Court emphasized that disciplinary charges must be "proven by clear and convincing evidence." *In re White*, 391 S.C. 581, 587 (2011). The Court held that "an attorney may not, as a means of gaining a strategic advantage, engage in degrading and insulting conduct that departs from the standards of civility and professionalism required of all attorneys," and further explained that zealous advocacy carries a "corresponding obligation to opposing parties, the public, his profession, the courts, and others to

behave in a civilized and professional manner.” *Id.* at 588–89. White therefore does not establish fraud, docket manipulation, or any excuse for ignoring Rule 207; it is a disciplinary decision requiring evidence and addressing lawyer conduct. Appellant’s Petition offers accusations, not findings. The Court of Appeals did not make any finding of record manipulation, counsel misconduct, or fraud; it enforced a transcript directive and later denied rehearing after finding no overlooked material fact or principle of law. Neither White nor Runyan permits Appellant to convert unsupported allegations about counsel into a basis for avoiding the consequences of his own appellate noncompliance.

Appellant’s reliance on *BB&T v. Taylor* likewise fails. *BB&T* addressed whether a default judgment was void for lack of personal jurisdiction because the defendant had not been properly served with process. The Supreme Court explained that “[a] judgment is void if a court acts without personal jurisdiction,” and that Rule 4 “serves at least two purposes”: it “confers personal jurisdiction on the court and assures the defendant of reasonable notice of the action.” *BB&T v. Taylor*, 369 S.C. 548, 551–52 (2006). The Court ultimately held that, although strict compliance with service rules is not always required, “there must be something more than a mere suspicion of a defendant’s refusal to accept the summons and complaint” before service by nontraditional means will suffice. *Id.* at 555. That holding has nothing to do with Rule 207, appellate transcripts, or dismissal for failure to comply with a Court of Appeals order. The order at issue here was not a default judgment entered without personal jurisdiction; it was a procedural order entered by the Court of Appeals in the appeal before it. Nothing in *BB&T* permits a litigant to declare an appellate order void merely because he disagrees with the court’s enforcement of the appellate rules.

Ultimately, Appellant’s citation to authorities involving fraud, due process, and court records cannot substitute for a record showing reversible error. Appellant asks this Court to accept his labels—“ghost hearing,” “extrinsic fraud,” “clerical collusion,” and “unwaivable conflict”—as

if those labels establish the facts necessary for certiorari. But the Court of Appeals' orders show a far narrower and more routine procedural history: Appellant was ordered to comply with the transcript requirement, failed to do so, and then failed to show on rehearing that any material fact or principle of law had been overlooked or disregarded.

CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Court deny Appellant's Petition for Writ of Certiorari. The Court of Appeals gave Appellant notice of his Rule 207 obligation, denied his request to proceed without a transcript, ordered him to provide proof of ordering and payment arrangements within ten days, and warned that dismissal would follow if he failed to comply. Appellant did not satisfy that directive and instead continued to advance collateral allegations of procedural impossibility, fraud, conflict, and docket manipulation. The Court of Appeals denied rehearing after finding no overlooked material fact or principle of law. The Petition should therefore be denied.

Respectfully Submitted,

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