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Jul 29 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Roger M. Young, Jr., Circuit Court Judge

Appellate Tracking No.: 2024-001803

Case No.: 2023-CP-10-05002

Opinion No.: 2026-UP-353

City of North Charleston,

Respondent,

v.

Harold Simmons,

Appellant.

REPLY TO APPELLANT'S RETURN

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On July 28, 2026, Appellant, Harold Simmons, provided a copy of a “Motion to Deny Relief as Counsel,” on the undersigned. The undersigned is not sure what remedy Appellant seeks: a Motion to Compel counsel to continue to represent him, or filing a Return to the July 22, 2026, motion to be relived. Appellant is apparently asking the Court to compel a lawyer to provide lifetime representation without compensation. The undersigned does not believe a response is necessary, but Appellant’s filing contains inaccuracies that require correction. If the Court requires a response, the undersigned corrects Appellant’s material misstatements in the July 28, 2026 Motion/Return as follows:

1. *“The appellant hired the law firm to file his civil lawsuit against the City of North Charleston, which Mr. Goldstein agreed.”* This is not correct. As the record filed with this Court demonstrates, Appellant asked the undersigned to defend Appellant against 15 municipal citations. This initial court appearance resulted in a dismissal of all but two and a conditional discharge of those two (a \$50.00 fine and a 30-day suspended sentence conditioned on Appellant abating an alleged nuisance). While counsel and Appellant discussed a potential civil rights lawsuit against the City, it is obvious to everyone except Appellant that a pre-condition to asserting a successful civil rights lawsuit necessarily involved resolving the 15 pending municipal summonses Appellant hired the undersigned to address.

2. *“The appellant told Mr. Goldstein if he filed the civil lawsuit, it would stop the harassment from the City of North Charleston. But Mr. Goldstein insisted on doing it his way, which got the appellant with a new charge.”* The “new charge” is the Municipal Court’s imposition of the 30-day suspended sentence from the initial Municipal Court appearance. The “new charge” arose out of the City’s allegation that Appellant failed to adhere to the conditional discharge of the 15 municipal summons. The salient issues on appeal were whether the Municipal Court’s criminal jurisdiction had expired and/or whether there was sufficient evidence to impose

the 30-day suspended sentence. There was never a “new charge.” The Record on Appeal is clear. As to Appellant’s assertion that I “kept stalling,” the Record is clear what the issues are and what I was asked to do. While Appellant and I had many discussions about a proposed civil rights lawsuit, Appellant was well aware of my advice on that issue and he reviewed and approved the Record on Appeal and briefs prior to filing. There are nearly two thousand lawyers in the Charleston area, and if Appellant believes he has a meritorious civil rights action, he is free to arrange representation as he sees fit.

3. *“The appellant is being billed for over \$23,000.00, and the appellant has made payments on this bill.”* It is true the undersigned billed over \$23,000.00 for handling: (a) the 15 municipal citations, (b) the Municipal Court Rule-To-Show Cause/Sentencing enforcement hearing, (c) the appeal to circuit court, and (d) the appeal to the Court of Appeals. To date, Appellant has paid nothing toward this bill. In fact, the undersigned advanced costs (court reporter fee, filing fees, *etc.*) in the amount of \$1,109.25. Appellant was either unable or unwilling to reimburse costs despite repeated requests. Because Appellant would not repay advanced costs, the undersigned required Appellant to make separate arrangements with the printer for the Record on Appeal and Briefs. Appellant also refused to pay for the second transcript of the Rule-to-Show-Cause/Sentencing hearing. In response to the undersigned’s pleading for reimbursement, Appellant provided one cash payment of \$500.00 on May 6, 2024, \$100.00 of which turned out to be a counterfeit bill seized by First Citizens Bank and turned over to the United States Secret Service. (The undersigned is not accusing Appellant of intentionally transmitting a counterfeit currency; it is more plausible that Appellant was a victim.) After filing the July 22, 2026, motion to be relieved as counsel, Appellant sent \$100.00, which the undersigned returned.

4. At the time the undersigned filed the final briefs with the Court of Appeals, the undersigned explicitly informed Appellant that representation would end with the decision however it came

down. (I did agree to attend oral argument if scheduled.) Within hours of Opinion Number 2026-UP-353 being filed on July 8, 2026, I hand-delivered the Opinion to Appellant, reminded him I had previously returned the file, and advised him of the applicable deadlines. I made clear that I was not continuing further representation.

In summary, the relief requested in Appellant's July 28, 2026 Return/Motion is unclear. It appears Appellant is asking this Court to compel a lawyer to serve without pay and not exercise independent judgment. Since receiving this Court's July 8, 2026 Opinion, Appellant is now conveying threats and insults. Even if he were paying me, I would not continue to act as counsel. I cannot comprehend what Appellant is asking this Court to do other than require me to provide lifetime service without pay. It is embarrassing Appellant's intransigence forces us to divulge these matters to the Court, but the undersigned cannot leave Appellant's misstatements uncorrected. Leaving aside that Appellant is demanding a lawyer forfeit independent judgment and serve him without pay, his pleadings demonstrate that no possibility exists for a functioning attorney-client relationship. Appellant is free to prosecute his case as he sees fit or hire any one of the thousands of lawyers in this area, but he cannot demand that this Court compel the undersigned to continue to pay his litigation expenses, serve without pay, forfeit independent judgment, and be subject to threats and insults. The undersigned respectfully renews the request to be relieved as counsel.

Respectfully submitted,

July 29, 2026

/s/ Thomas R. Goldstein
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PROOF OF SERVICE

I certify that I have served the above Reply/Return to Appellant's Return/Motion opposing the July 22, 2026, motion to be relieved as counsel on Harold Simmons by depositing a copy of it in the United States Mail, postage prepaid on July 29, 2026, addressed to the Appellant and to Counsel for the City of North Charleston at the following addresses:

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