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SC Court of Appeals
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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
The Honorable Walton J. McLeod, IV, Circuit Court Judge

Appellate Case No. 2026-001043
Trial Court Case No. 2025-CP-41-00150

Hugh Parks Price, pro se
Appellant,

v.

Rebecca Bartley,
Respondent.

APPELLANT'S MOTION TO REINSTATE APPEAL

Appellant Hugh Parks Price, appearing *pro se*, respectfully moves this Court under Rule 260(a), SCACR, to reinstate the above-captioned appeal, which was dismissed by order filed July 6, 2026. In support of this Motion, Appellant states as follows:

I. BACKGROUND

1. This appeal arises from an order of the Saluda County Court of Common Pleas in Trial Court Case No. 2025-CP-41-00150. Appellant filed a notice of appeal and the matter was docketed in this Court as Appellate Case No. 2026-001043.

2. By letter dated June 16, 2026, this Court advised Appellant of the requirements of Rules 207, 208, and 209, SCACR. By order filed July 6, 2026, this Court dismissed the appeal for failure to notify the Court that the transcript had not been received, or to serve and file the appellant's initial brief and designation of matter.

3. Throughout the period leading to the dismissal, Appellant was incarcerated at the Aiken County Detention Center. His incarceration began on May 4th when he was taken into custody directly from a hearing at the Aiken County courthouse, and his incarceration ended on July 2nd (2026). This Court's own records reflect Appellant's change of address to the detention center, as documented in the related matter Appellate Case No. 2025-002567. During that period Appellant was without meaningful access to the case file, the transcript, or the copying and mailing resources necessary to prepare and serve appellate filings. These facts are set forth under oath in the accompanying Affidavit of Hugh Parks Price, filed herewith pursuant to Rule 240(c), SCACR.

4. Appellant has since been released from custody, and the criminal charges that occasioned his detention have been dismissed. He is now able to attend to this matter personally and to sign and file the required documents.

II. A TIMELY CURE WAS ATTEMPTED AND WAS NOT ACCEPTED SOLELY BECAUSE OF A SIGNATURE FORMALITY

5. Following the July 6, 2026 dismissal, a Motion to Reinstate was prepared and submitted to this Court. That motion was not accepted because it was signed by Appellant's mother, Sandra Holmwood, under a power of attorney, rather than by Appellant personally. Appellant understands that a party who is not a licensed attorney may not sign an appellate filing on another party's behalf, and he does not contend otherwise here.

6. The defect in that earlier submission was one of signature only. Its preparation and submission demonstrate that Appellant did not disregard this Court's dismissal, but rather attempted in good faith to cure it. Appellant now corrects the defect by presenting this Motion under his own signature, personally executed below.

III. TIMELINESS AND REQUEST TO ACCEPT THIS MOTION

7. Appellant acknowledges candidly that Rule 260(a), SCACR, provides that a dismissed case shall not be reinstated except by leave of the Court, upon good cause shown, and that the clerk remits the case unless a motion to reinstate is actually received within fifteen days of the filing of the dismissal order, excluding the day of filing. Fifteen days from July 6, 2026 was July 21, 2026.

8. Appellant respectfully represents that the remittitur has not yet issued in this matter, and that this Court therefore retains the case and the discretion to reinstate it upon good cause shown. A timely cure was attempted within the period contemplated by the Rule and was not accepted only because of the signature formality described above. Appellant respectfully asks the Court to accept this corrected Motion notwithstanding that it follows the rejected submission, and to exercise its discretion under Rule 260(a) to reinstate the appeal.

IV. GOOD CAUSE EXISTS FOR REINSTATEMENT

9. Good cause is established by the following circumstances taken together: (a) Appellant was incarcerated during the operative period and without access to the case file or the means to prepare appellate filings; (b) this Court's records reflect the change of address to the detention center; (c) Appellant is self-represented, and prior counsel does not act for him in this matter; and (d) Appellant attempted to cure the dismissal promptly, and the only impediment to that cure was a signature formality now corrected.

10. Appellant stands ready to serve and file **the initial brief and designation of matter** within any period the Court directs, and requests that the Court set a date certain for that filing.

V. POINTS AND AUTHORITIES

11. Rule 260(a), SCACR, governs reinstatement of a dismissed appeal and provides that a case shall not be reinstated except by leave of the Court, upon good cause shown. The same Rule provides that the remittitur is not sent, and the appellate court retains the matter, where the question of reinstatement remains before it. Because the remittitur has not issued, this Court retains jurisdiction over the appeal and the authority to grant the relief requested.

12. South Carolina's appellate courts favor the disposition of appeals on their merits where a default is curable and no party is prejudiced. In *Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992), the Supreme Court, confronted with numerous violations of the Appellate Court Rules, observed that dismissal would be justified but expressly declined to dismiss, affording the appellant a period within which to file conforming documents. The good cause shown here — incarceration during the operative period, lack of access to the case file, and a prompt but procedurally defective attempt to cure, now corrected — warrants the same measure of discretion in favor of a merits disposition.

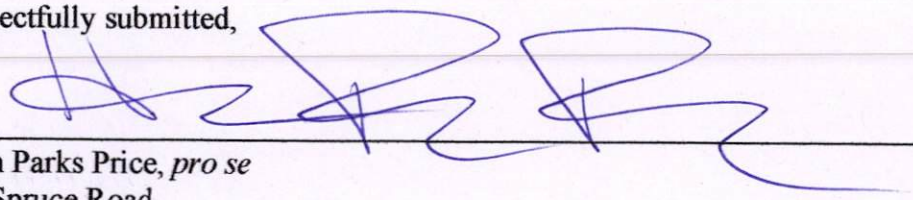
13. This Motion is supported by the accompanying Affidavit of Hugh Parks Price, submitted pursuant to Rule 240(c), SCACR, because the facts relied upon in support of the Motion do not appear in an appellate record, no Record on Appeal having been filed before dismissal.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the Court: (1) accept this Motion to Reinstate notwithstanding its filing after July 21, 2026; (2) reinstate the appeal in Appellate Case No. 2026-001043; (3) set a date certain by which Appellant shall serve and file the required

transcript notification and/or initial brief and designation of matter; and (4) grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



Hugh Parks Price, *pro se*
187 Spruce Road
Ward, SC 29166

Dated: JULY 31, 2026

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I served a true and correct copy of the foregoing Appellant's Motion to Reinstate Appeal upon counsel for Respondent by United States mail, first-class postage prepaid, addressed as follows:

William H. Davidson, II, Esquire
Davidson & Wren, P.A.
1611 Devonshire Drive, 2nd Floor
Post Office Box 8568
Columbia, South Carolina 29202

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Respectfully submitted,

Hugh Parks Price, *pro se*

Dated: JULY 31, 2026