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Aug 27 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

Appellate Case No. 2026-001576

Robert William Wazney,

Petitioner,

v.

South Carolina State Ethics Commission and Sumter County Clerk of Court of Common Pleas,

Respondents.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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COUNTER-STATEMENT OF THE QUESTION PRESENTED

1. Whether the Court of Appeals properly dismissed this appeal where Petitioner did not submit an order to be challenged on appeal or a filing fee with the notice of appeal as required by Rule 203, SCACR?

COUNTER-STATEMENT OF THE CASE

This Petition stems from the Court of Appeals' dismissal of a Notice of Appeal that failed to comply with Rule 203, SCACR. On April 5, 2025, Robert Wazney ("Petitioner") filed a complaint with the South Carolina Ethics Commission. (Complaint). The Complaint was dismissed as the Ethics Commission found it lacked jurisdiction. (Ethics. Comm'n Order).

On April 4, 2026, Petitioner filed a brief with the Court of Appeals, challenging the Commission's dismissal. (App. Brief). On February 20, 2026, the Court of Appeals sent a deficiency letter, informing Petitioner his proof of service did not comply with the Appellate Court Rules and that he did not include a copy of the order challenged on appeal. (Feb. 20, 2026 Ltr.).

On March 2, 2026, Petitioner submitted another deficient proof of service. (March 2, 2026 Proof of Service). On March 9, 2026, the Court of Appeals sent another deficiency letter, explaining the proof of service did not comply the Rules and that he failed to include a copy of the challenged order. (March 9, 2026 Ltr.). Again, Petitioner failed to correct the issues as he did not send an updated proof of service and attached an order from this Court denying a motion to reinstate as well as a copy of the Ethics Commission dismissal. (May 5, 2026 Attachments). Because Petitioner failed to correct the deficiencies, the Court of Appeals subsequently issued an order dismissing the appeal. (April 7, 2026 Or.). Petitioner then filed a petition for rehearing, which was denied. (June 22, 2026 Or.).

Petitioner filed this Petition for Writ of Certiorari with this Court on August 24, 2026.

ARGUMENT

The Court should deny the Petition because the Court of Appeals correctly dismissed the appeal.

In order to appeal, an aggrieved party must file a notice of appeal that complies with Rule 203 of the South Carolina Appellate Court Rules. The notice of appeal must be accompanied by a filing fee, proof of service, and a copy of the decision or order to be challenged on appeal. *Id.*

As the Court of Appeals properly found, Petitioner did not comply with Rule 203 when he failed to submit a proof of service indicating he served Respondent's counsel with either the notice of appeal or the challenged order. The Court of Appeals gave Petitioner at least two opportunities to correct these deficiencies. However, he did not do so. Therefore, the Court should deny the Petition for Writ of Certiorari.

RESPECTFULLY SUBMITTED,

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