THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED
Sep 16 2026
SC Court of Appeals

Richard Bowman, Appellant,

v.

Cosima MacLean, Respondent.

Appellate Case No. 2026-001128

APPELLANT'S REVISED RETURN IN OPPOSITION TO RESPONDENT'S MOTION TO DISMISS AND REQUEST FOR LEAVE TO CURE TRANSCRIPT DEFICIENCY

Appellant Richard Bowman, proceeding pro se, respectfully submits this Return in Opposition to Respondent's Motion to Dismiss. Appellant does not seek to avoid the transcript requirements of Rule 207, SCACR. He asks the Court to deny dismissal and permit a reasonable opportunity to cure a transcript deficiency that arose while he was represented by former counsel and of which Appellant was unaware until Respondent's Motion specifically identified it.

Respondent's Motion states that the sanctions hearing occurred over two days, February 4 and April 1, 2026, and that former counsel's transcript request identified only April 1. Respondent further asserts that the February 4 proceeding is material because Appellant testified that day and the circuit court relied in part upon that testimony and demeanor in the order being appealed.

After receiving Respondent's Motion on September 16, 2026, Appellant promptly contacted former counsel, Darrell T. Johnson, Jr., regarding the transcript issue. Former counsel then confirmed in writing: **"I only made one transcript request."** Former counsel further stated that because the requested transcript has not been received, he would expect that amending the request would suffice because, in his view, there is no prejudice or delay yet, and he instructed Appellant to include his willingness to pay for both transcripts. Appellant presents those statements as facts concerning what former counsel did and advised, not as a request that this Court determine whether former counsel committed professional negligence or malpractice.

Appellant unequivocally confirms that **he is willing and prepared to pay the required costs for both the February 4, 2026 and April 1, 2026 transcripts** and requests an opportunity to make the necessary arrangements immediately.

1. The Transcript Deficiency Arose While Appellant Was Represented by Counsel

The transcript request was prepared and submitted while Appellant was represented by counsel. Respondent's exhibits reflect a request dated May 15, 2026 and an updated request dated May 22, 2026 under the same request identification number. Both identify the proceeding as April 1, 2026. Neither identifies February 4, 2026.

Appellant did not prepare or submit those requests and did not knowingly elect to exclude the February 4 proceeding. Former counsel did not move to withdraw until May 28, 2026. Thus, the transcript request and the omission now relied upon by Respondent occurred during the period in which Appellant remained represented by counsel.

Appellant asks the Court to consider that chronology in determining the appropriate remedy. Appellant is not asking this Court to adjudicate any separate claim concerning former counsel's professional responsibility. The relevant point for this Motion is that the omission was not a knowing procedural choice made by Appellant and that Appellant acted promptly after learning of it.

2. Former Counsel Has Now Confirmed That He Made Only One Transcript Request

On September 16, 2026, after Appellant received Respondent's Motion to Dismiss and contacted former counsel, former counsel stated in writing: **"I only made one transcript request."**

That statement is consistent with the transcript-request documents attached to Respondent's Motion, which use the same request identification number and identify only the April 1 proceeding. Former counsel also advised Appellant that, because the requested transcript had not yet been received, he expected the request could be amended and specifically instructed Appellant to state his willingness to pay for both transcripts.

Appellant does not rely upon former counsel's opinion regarding whether amendment is legally sufficient as a determination binding upon this Court. Appellant provides the communication because it confirms the factual circumstances surrounding the original request and demonstrates Appellant's immediate effort to investigate and cure the deficiency once it became known to him.

3. The April 1, 2026 Transcript Was Requested but Has Still Not Been Received by Appellant

The April 1, 2026 transcript was requested while Appellant was represented. Respondent's exhibits describe the requested portion as **"Entire Hearing"**, with regular delivery and PDF/email delivery. Nevertheless, Appellant has never received the April 1 transcript.

The Court's August 24, 2026 correspondence advised Appellant that Court records indicated the transcript should have been delivered and instructed him to contact the Office of Court Administration if it had not been received. Appellant advised the Court in his August 26 filing that he had not received the transcript. At the beginning of September 2026, Appellant emailed the transcript office concerning the missing transcript. As of this filing, Appellant still has not received it.

Accordingly, this is not a situation in which Appellant received the requested transcript and simply failed to proceed. The transcript that former counsel did request remains unavailable to Appellant.

4. Appellant Was Unaware That the February 4, 2026 Proceeding Had Been Omitted

Respondent's Motion specifically identifies the February 4 omission and argues that the omitted proceeding matters because Appellant testified that day and the circuit court relied upon his testimony and demeanor. Appellant did not previously know that former counsel's request omitted that proceeding.

Upon learning of the omission, Appellant immediately contacted former counsel. Former counsel's written confirmation that he made only one transcript request establishes that Appellant did not separately direct that February 4 be excluded. Appellant now seeks the February 4 transcript and asks the Court for leave to cure the deficiency rather than dismissal of the appeal before he has had a reasonable opportunity to do so.

5. Appellant Is Willing and Prepared to Pay for Both Transcripts

Appellant expressly represents to the Court that he is willing and prepared to pay the required costs for preparation of both the February 4 and April 1 transcripts. He is prepared to make the required written arrangements with the appropriate court reporter or transcriptionist and to pay any required deposit or invoice.

Appellant is not requesting that the Court excuse the cost of the transcripts. He requests sufficient time to add or separately request the February 4 proceeding, determine the status of the already-requested April 1 transcript, make satisfactory payment arrangements, and obtain the transcripts required for appellate review.

6. Appellant Has Not Received His Complete Client File From Former Counsel

Appellant's ability to reconstruct the transcript history and determine what occurred during the representation has also been impaired by the continuing absence of his complete client file. On August 26, 2026, Appellant made a formal written request for that file and subsequently repeated the request.

Former counsel later stated that he believed electronically stored materials had been sent. Appellant advised former counsel that he had not received the complete electronic materials. Appellant still has not received all emails and electronic communications constituting or relating to his client file and has not yet received his complete paper file.

After Respondent filed the Motion to Dismiss, Appellant requested from former counsel all transcript-related communications, including requests, acknowledgments, invoices, payment communications, delivery communications, and communications with court reporters or the Office of Court Administration. Appellant also asked former counsel to explain why the February 4 transcript and any other potentially relevant hearing transcripts, including relevant 2025 proceedings, were not requested, and to provide any such transcripts in his possession.

Appellant has provided notice that he intends to pick up his complete paper client file on September 23, 2026. He has also requested that the file be provided in the organizational condition in which former counsel maintained it, together with any existing indexing and organizational materials, so that further delay in reviewing the record can be minimized.

7. Appellant Previously Notified This Court of the Missing Transcript and Missing Client File

Appellant did not wait until Respondent filed this Motion to advise the Court of the difficulties affecting his appeal. After receiving the Court's August 24 correspondence, Appellant filed a written response dated August 26 and received by the Court on August 27. In that filing, Appellant advised the Court that prior correspondence had been sent to an incorrect address, that he had not received the transcript, that he

had requested but had not received his complete client file from former counsel, and that he needed those materials to prepare his appellate filing. He requested additional time and asked that the appeal not be dismissed while those problems were being corrected.

Those earlier communications demonstrate that Appellant was attempting to prosecute the appeal and address the missing materials before he learned through Respondent's September 16 Motion that the February 4 proceeding had also been omitted from former counsel's transcript request.

8. Appellant Acted Immediately After Learning of the February 4 Omission

Respondent's Motion provided Appellant with information he did not previously possess. On the same day the Motion was filed, Appellant contacted former counsel about the transcript deficiency. Former counsel confirmed that he made only one transcript request and advised Appellant regarding amendment and payment for both proceedings.

Appellant is prepared to take the corrective steps required by the Court without delay. He respectfully requests an opportunity to cure rather than dismissal before those corrective efforts can be completed.

9. The Court Has Authority to Permit a Limited Cure Period

Appellant recognizes Respondent's reliance on Rule 207, SCACR, including the requirement concerning the proceedings to be transcribed and satisfactory arrangements for preparation and payment. Appellant does not ask the Court to disregard those requirements.

Appellant instead respectfully requests that the Court exercise its authority under Rule 263(b), SCACR, to allow a limited extension for the transcript-related acts at issue. The Notice of Appeal is not at issue here; the requested relief concerns subsequent transcript procedures.

10. A Cure Period Would Permit Review on a Complete Record Without Rewarding Delay

The deficiency identified by Respondent is capable of correction. Appellant affirmatively seeks the February 4 transcript rather than attempting to proceed without it. The April 1 transcript was already requested but has never been received by Appellant. Appellant is willing to pay for both.

A limited cure period would allow the appellate record to be completed and would permit the appeal to be resolved on the record. Dismissal would instead terminate appellate review before Appellant has received even the transcript that was timely requested by his former counsel and before Appellant has had a reasonable opportunity to correct the newly discovered February 4 omission.

11. Appellant Preserves the Factual Record Without Asking This Court to Decide Any Claim Against Former Counsel

For purposes of this Motion, Appellant relies on the documented chronology: former counsel controlled the transcript process while representing Appellant; only the April 1 proceeding was identified in the request; former counsel has now confirmed that he made only one transcript request; Appellant did not know February 4 had been omitted; the April 1 transcript still has not been received; and Appellant acted promptly upon learning of the omission.

Appellant respectfully submits that those facts are relevant to whether dismissal is warranted. Appellant does not request a finding in this proceeding that former counsel was negligent, committed malpractice, or violated a professional rule. Appellant expressly preserves all rights and remedies he may have arising from the representation, while asking this Court only for the relief necessary to cure the transcript deficiency and prosecute this appeal.

CONCLUSION AND REQUEST FOR RELIEF

For the foregoing reasons, Appellant respectfully requests that the Court **DENY Respondent's Motion to Dismiss** and enter an order permitting Appellant a reasonable opportunity to cure the transcript deficiency.

Specifically, Appellant requests fourteen (14) days from the Court's order to submit or confirm the appropriate request for the February 4, 2026 transcript and to make satisfactory payment arrangements for that transcript and any outstanding payment requirement concerning April 1, 2026; a reasonable period thereafter for preparation and delivery of both transcripts; an extension or stay of Appellant's initial-brief deadline until the necessary transcripts have been received and Appellant has had a reasonable opportunity to review them; permission to notify the Court if either transcript remains unavailable for reasons outside Appellant's control despite diligent compliance; and such other relief as the Court deems appropriate.

Appellant submits this request in good faith. He has not abandoned his appeal. He has repeatedly informed the Court of the missing transcript and client file, immediately investigated the newly disclosed February 4 omission, and is willing and prepared to pay for both transcripts and comply promptly with the Court's directions.

Respectfully submitted, Th

Richard Bowman
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St. Simons Island, GA 31522

Date: 09162026 no

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Appellant's Revised Return in Opposition to Respondent's Motion to Dismiss and Request for Leave to Cure Transcript Deficiency** upon counsel for Respondent by electronic mail and/or another method permitted by the South Carolina Appellate Court Rules:

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SC Court of Appeals

Date of Service: 09162026

Richard Bowman
Appellant, Pro Se