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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY  
Daniel Coble, Circuit Court Judge

Appellate Case No. 2026-001911  
(Court of Appeals Case No. 2026-000980;  
Lower Court Case No. 2026CP4001896)

Homes of Hope, .....Respondent,

v.

Shasha Rawlinson, .....Petitioner.

RETURN TO PETITION FOR WRIT OF CERTIORARI

Raford W. Bussey, Jr. (S.C. Bar No. 103943)  
Holder, Padgett, Littlejohn + Prickett, LLC  
P.O. Box 1804  
Greenville, SC 29602  
(864) 335-8808  
rbussey@hplplaw.com  
*Attorney for Respondent*

## **COUNTER-STATEMENT OF THE QUESTION PRESENTED**

The petition does not state a question presented. The only question preserved under Rule 242(d)(1), SCACR, is:

Did the Court of Appeals err in dismissing Petitioner's appeal for failure to pay the notice-of-appeal filing fee required by Rule 203(d)(1)(B)(iii), SCACR, and by its order of April 22, 2026, and in denying her motion to reinstate, which it construed as a petition for rehearing?

## **COUNTER-STATEMENT OF THE CASE**

*Proceedings in the magistrate and circuit courts.* On February 4, 2026, Homes of Hope, Inc. ("Homes of Hope") applied to the Olympia Magistrate for ejectment of Petitioner Shasha Rawlinson from 1812B Wiley Street in Columbia. The only ground was that the term of Petitioner's tenancy had ended; nonpayment of rent was not alleged. The magistrate heard the matter on February 17, 2026, ruled for Homes of Hope, and issued a writ of ejectment. Petitioner appealed to the circuit court on March 24, 2026. (Return of Civil Appeal filed Apr. 13, 2026; Rule to Vacate or Show Cause dated Feb. 4, 2026; Writ of Ejectment dated Feb. 17, 2026.) On April 17, 2026, the circuit court dismissed that appeal "for failure to comply." (Cir. Ct. Form 4 Order signed Apr. 17, 2026, and filed Apr. 21, 2026.)

*Proceedings in the Court of Appeals.* On April 21, 2026, Petitioner filed a notice of appeal from the circuit court's order, along with a motion to stay the ejectment and a motion to waive fees "due to hardship, disability, caring for autistic children." (Mot. to Waive Costs filed Apr. 21, 2026.) On April 22, 2026, the Court of Appeals temporarily granted the stay and remanded to the circuit court for an expedited hearing on the stay and determination of any appeal bond under S.C. Code Ann. § 27-40-800(f)(1) (2007). In the same order, the court denied

the motion to proceed in forma pauperis under *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995), and directed: “The filing fee must be paid within fifteen days of the date of this order.” (Ct. App. Order dated Apr. 22, 2026.) That morning, the Court of Appeals emailed the order to Petitioner at shasharawlinson08@aol.com, the email address she listed on her notice of appeal. (Pet’r’s email to Ct. App. filed Aug. 27, 2026, forwarding the Apr. 22, 2026 transmittal.) The fifteen-day period ended May 7, 2026.

On remand, after a May 5, 2026 hearing, the circuit court ordered Petitioner to pay rent of \$1,490.00 per month, due on the fifth of each month, with \$3,483.00 (May’s rent plus past-due rent) due May 12, 2026. (Cir. Ct. Form 4 Order dated May 5, 2026.)

Petitioner did not pay the filing fee. On May 26, 2026, the Court of Appeals dismissed the appeal: “Appellant has failed to provide the notice of appeal filing fee, as required by Rule 203 of the South Carolina Appellate Court Rules (SCACR) and this Court’s order dated April 22, 2026. Accordingly, this appeal is dismissed.” (Ct. App. Order dated May 26, 2026.) That day Petitioner emailed the court: “I was told by the clerk the fee would be waived.” (Pet’r’s email filed May 26, 2026.) The Clerk replied that the in forma pauperis motion had been denied and that “[i]f you wish to request relief from this Court, you must serve and file a motion pursuant to Rule 240 of the South Carolina Appellate Court Rules.” (Ct. App. Letter dated May 28, 2026.)

On June 4, 2026, Petitioner filed a motion to reinstate and a motion to stay. The motion to reinstate stated its grounds in full: “no transportation, financial hardship & unable to retrieve mail due to not recording a key upon move in date.” (Mot. to Reinstate filed June 4, 2026.) On August 18, 2026, the Court of Appeals construed the motion as a petition for rehearing and denied it, stating that “the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded.” The court declined to address the motion to stay. (Ct.

App. Order dated Aug. 18, 2026, & n.1.) Petitioner then filed a motion for emergency stay citing recent surgery. The Court of Appeals declined to act on it because this petition was pending. (Ct. App. Letter dated Sept. 8, 2026.)

*Proceedings in this Court.* Petitioner filed her petition by email on August 27, 2026, and served it on Homes of Hope by mail on August 28, 2026. (Pet.; Pet'r's Proof of Service dated Aug. 28, 2026.) On August 31, 2026, the Clerk of this Court notified Petitioner that "[y]ou must provide the \$250 fee for filing certiorari" within ten days. (Clerk's Letter dated Aug. 31, 2026.) That period ended September 10, 2026. On September 2, 2026, Petitioner asked by email for more time to pay the fee. (Pet'r's email dated Sept. 2, 2026.) In a letter received September 8, 2026, she asked that the fee be waived or, in the alternative, that she be given more time to pay it. (Pet'r's letter received Sept. 8, 2026.) Both requests remain pending, and the fee has not been paid.

## **ARGUMENT**

### **I. The petition cannot proceed because the filing fee has not been paid, and no statute or constitutional provision permits waiver.**

A petition for writ of certiorari "filed with the Supreme Court shall be accompanied by the filing fee set by order of the Supreme Court." Rule 242(c), SCACR. The fee is \$250. *Id.* n.1. When a petition is filed electronically, "a check or money order for the fee must be mailed or delivered to the appellate court within five days of the filing." *Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024)*, S.C. Sup. Ct. Order dated Apr. 24, 2024, ¶ (c). Petitioner filed by email on August 27, 2026. She has not paid the fee, and her motion to proceed in forma pauperis is pending. If the fee remains unpaid once that motion is decided, Rule 260(a) supplies the consequence: when a

petitioner fails to comply with the Appellate Court Rules, “the clerk shall issue an order of dismissal.” Rule 260(a), SCACR.

Petitioner’s request for a waiver is foreclosed by *Ex parte Martin*, the same decision the Court of Appeals applied when it denied her earlier request to waive the notice-of-appeal fee. In *Martin*, this Court held that “[i]n the absence of a statutory provision allowing the general waiver of filing fees, . . . motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions.” 321 S.C. at 535, 471 S.E.2d at 134–35. Petitioner identifies no statute authorizing waiver of the certiorari fee in a civil landlord-tenant matter, and Homes of Hope is aware of none. *Martin* also distinguished the narrow circumstances in which the Constitution requires court access for an indigent litigant from ordinary appellate filing fees, which the Constitution permits. *Id.* at 535, 471 S.E.2d at 135 (comparing *Boddie v. Connecticut*, 401 U.S. 371 (1971), with *Ortwein v. Schwab*, 410 U.S. 656 (1973)). This Court reaffirmed *Martin* in *Sullivan v. South Carolina Department of Corrections*, explaining that “[t]he General Assembly is the body charged with the power to waive filing fees.” 355 S.C. 437, 446, 586 S.E.2d 124, 128 (2003).

Homes of Hope does not ask the Court to disregard Petitioner’s circumstances. An extension would serve no purpose, however, because the petition could not be granted even if the fee were paid.

**II. The petition does not comply with Rule 242(d), which is itself a sufficient reason to deny it.**

A petition must set out “[t]he questions presented for review,” “[a] concise statement of the case,” and “[a] direct and concise argument” that includes “citation of authority and specific reference to pertinent portions of the Record on Appeal.” Rule 242(d)(1)–(3), SCACR. “Failure

of a petitioner to present with accuracy, brevity, and clarity the information and arguments that are essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.” Rule 242(d)(3), SCACR.

The petition’s index lists sections for the issue presented, the standard of review, and the argument, but none of those sections appears in the body. The petition states no question, cites no authority, and makes no specific reference to the record. It identifies the decision under review as an “Opinion” filed April 21, 2026. That is the date Petitioner filed her notice of appeal and the date the circuit court’s Form 4 order was filed; the decisions under review are the Court of Appeals’ orders of May 26 and August 18, 2026. Its central assertion about the Court of Appeals is that Petitioner “paid the filing fee because [her] motion for hardship was denied to have the fees waived” (Pet. ¶ 6). That assertion is contrary to the order dismissing her appeal for nonpayment of that fee. The only fees the record shows Petitioner paid in the Court of Appeals are the \$50 fees for each of her June 4, 2026 motions, which the Clerk’s June 16, 2026 letter no longer listed as deficient. (Ct. App. Letters dated June 5 and June 16, 2026; Ct. App. docket entry dated June 12, 2026.)

Petitioner represents herself, and Homes of Hope does not suggest that her petition should be judged by the standards of style expected of counsel. But Rule 242(d) exists so that the Court can identify what it is being asked to decide and why. The petition does not do that.

**III. The only question preserved for review is the dismissal for nonpayment of the filing fee, and the Court of Appeals did not err.**

**A. The petition’s complaints about the magistrate proceedings and court personnel are not preserved.**

“Only those questions raised in the Court of Appeals and in the petition for rehearing shall be included in the petition for writ of certiorari as a question presented to the Supreme Court.” Rule 242(d)(1), SCACR. Applying the same language, then numbered Rule 242(d)(2), this Court has held a question “not preserved for review because it was not raised in the petition for rehearing to the court of appeals.” *Mazloom v. Mazloom*, 392 S.C. 403, 403, 709 S.E.2d 661, 661 (2011); *see also Isaac v. Onions*, Op. No. 28274 (S.C. Sup. Ct. filed Apr. 23, 2025) (applying Rule 242(d)(1) and *Mazloom* to decline review of arguments not raised by petition for rehearing in the Court of Appeals).

Petitioner’s petition for rehearing (her motion to reinstate) raised three grounds: lack of transportation, financial hardship, and inability to retrieve her mail. It said nothing about the claim that the ejectment was retaliatory; the magistrate’s denial of her request to continue the February 17 hearing; the virtual hearing; the conduct of the magistrate’s court staff; any refused tender of payment; or the identity or signatures of Court of Appeals staff. (*Compare* Mot. to Reinstate filed June 4, 2026, *with* Pet. ¶¶ 1–5, 7–8, 14.) None of those matters is before the Court, nor did the Court of Appeals ever reach them. Its dispositive rulings addressed only whether the appeal could go forward without payment of the filing fee.

**B. Dismissal was required.**

A notice of appeal filed with the appellate court must be accompanied by “[a] filing fee as set by order of the Supreme Court.” Rule 203(d)(1)(B)(iii), SCACR. “If the notice of appeal is

not timely filed or the filing fee is not paid in full, the appeal shall be dismissed, and shall not be reinstated except as provided by Rule 260.” Rule 203(d)(3), SCACR. The Court of Appeals considered Petitioner’s request for a waiver, denied it under *Martin*, and gave her fifteen days to pay. She did not pay within those fifteen days or in the nineteen days that followed before the appeal was dismissed. Apart from Petitioner’s own unsupported assertions that she paid it (Pet. ¶ 6; Pet’r’s email to Ct. App. filed Aug. 27, 2026), nothing in the record reflects that she has paid the notice-of-appeal fee at any time, including with her motion to reinstate. Under Rule 203(d)(3), dismissal followed as a matter of course.

Petitioner has since said a clerk told her the fee would be waived. (Pet’r’s email filed May 26, 2026.) The April 22 order said the opposite, in writing. Petitioner’s own petition acknowledges that she knew her waiver request had been denied: she describes paying “the filing fee because [her] motion for hardship was denied to have the fees waived.” (Pet. ¶ 6.)

**C. The petition for rehearing identified no point the Court of Appeals overlooked or misapprehended.**

A dismissed appeal may be reinstated only “by leave of the court, upon good cause shown.” Rule 260(a), SCACR. A petition for rehearing “shall state with particularity the points supposed to have been overlooked or misapprehended by the court.” Rule 221(a), SCACR. Petitioner’s motion offered no reason the April 22 order should not be enforced. Financial hardship was already before the Court of Appeals when it denied her waiver request under *Martin*. Lack of transportation does not explain a failure to pay a fee that may be paid by mail, as Petitioner did with the fees for her June 4 motions. (Pet. ¶ 9 & attached email dated June 16, 2026.) Inability to retrieve mail does not explain why she did not act on an order the Court of Appeals emailed to her the day it was filed.

The Court of Appeals correctly found that it had overlooked no material fact or principle of law.

**IV. No special and important reason supports review.**

A writ of certiorari “is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons.” Rule 242(b), SCACR. None of the considerations listed in Rule 242(b) is present. There is no novel question of law; Rule 203(d)(3) prescribes the result. There is no dissent; a three-judge panel denied rehearing without dissent. There is no conflict with this Court’s decisions; the Court of Appeals applied *Ex parte Martin*. And there is no constitutional or federal question; the petition identifies none, and under *Martin* the fee requirement raises none.

What remains is a request to excuse a litigant from an order that was emailed to her the day it issued and that she did not follow. That is not a reason for this Court’s review.

**V. The petition’s request for relief from the writ of ejectment provides no basis for review.**

The petition asks for a “90 day extension” and “to have the writ of ejection dismissed.” (Pet. ¶ 15.) Certiorari cannot provide either form of relief on this record. The writ rests on the magistrate’s judgment of February 17, 2026. No appellate court has reviewed that judgment on the merits, because each of Petitioner’s appeals ended on a threshold requirement. An appeal also does not stay execution of an ejectment order. Rule 241(b)(10), SCACR. “Upon appeal to the Supreme Court or to the court of appeals, a court shall not stay an execution of a judgment for ejectment unless the tenant files an affidavit with the proper appellate court, in which the tenant promises to pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered.” S.C. Code

Ann. § 27-40-800(f)(1) (as amended by 2026 S.C. Act No. 252, § 4, effective June 30, 2026).

Petitioner has filed no such affidavit in this Court. Homes of Hope has not executed the writ while this petition has been pending.

### **CONCLUSION**

Homes of Hope respectfully asks the Court to deny Petitioner's requests to waive the filing fee or extend the time to pay it, and to dismiss the petition for writ of certiorari or, in the alternative, to deny it.

Respectfully submitted,

s/ Raford W. Bussey, Jr.

Raford W. Bussey, Jr. (S.C. Bar No. 103943)

Holder, Padgett, Littlejohn + Prickett, LLC

P.O. Box 1804

Greenville, SC 29602

(864) 335-8808

[rbussey@hplplaw.com](mailto:rbussey@hplplaw.com)

*Attorney for Respondent*

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