

(S)
Case # 2016-000562

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY, SOUTH CAROLINA
COURT OF COMMON PLEAS

HON R. SCOTT SPROUSE, CIRCUIT JUDGE
Case # 2014-CP-04-01780

RECEIVED

MAY 26 2017

NANCY C. PEREZ

SC Court of Appeals

Petitioner

Vs

SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION –
BOARD OF NURSING

Respondent

MOTION TO REINSTATE APPEAL

Nancy C Perez, respectfully objects to the May 17th, 2017 letter in which the Clerk of Court threatens to dismiss the Appeal. The Clerk of Court directed Ms. Perez to provide proof of service of the Record on Appeal within 10 days. As grounds for the objection Ms Perez shows:

1- Whether an action should be dismissed is left to the discretion of the

Appellate Court and its decision will not be disturbed, except upon a clear

showing of an abuse of discretion¹. An abuse of discretion occurs (1) when the court's ruling is based upon an error of law, such as application of the wrong legal principle; (2) when based upon factual conclusions, the ruling is without evidentiary support; (3) when the court is vested with discretion, but the ruling reveals no discretion was exercised; or (4) when the ruling does not fall within the range of permissible decisions applicable in a particular case².

- 2- Firstly, The issue of whether or not Ms. Perez was required to include the Court Reporter's transcript in the Record on Appeal was finally disposed of on May 2nd 2017, when the South Carolina Supreme Court denied Ms. Perez' Petition for a writ of Mandamus³.
- 3- By letter dated May 11th, 2017 Ms. Perez requested that the Court Reporter provide her with a copy of the Transcript. Rule 207 (a)(2) states that the Court Reporter has 60 days within which to comply with the request. Accordingly, there is no way that Ms. Perez can produce a complete Record on Appeal within 10 (ten) days

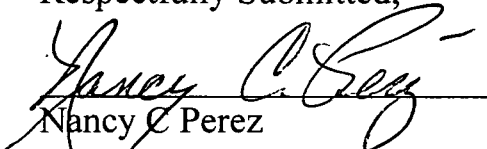
¹ McComas v. Ross, 626 SE 2d 902 , 904 (Ct. App. 2006).

² Ex parte: Capital U-Drive-It, Inc., 630 SE 2d 464, 467 (2006).

³ Attachment 1, Supreme Court Order dated May 2nd 2017.

- 4- Secondly, The Appellate Court's ruling is based upon an error of law because the trial court order that Ms. Perez is appealing is written, so the Court Reporter's transcript is unnecessary⁴;
- 5- Thirdly, The Court of Appeals has previously ruled that a transcript is required when a litigant establishes that it is necessary for "meaningful appellate review"⁵ But before a litigant can establish meaningful appellate review he must identify a specific appellate claim that the appellate court would be unable to review effectively without the transcript.⁶ The Appellees failed or refused to comply with the aforementioned rulings.
- 6- Ms. Perez' position is based on good cause within the meaning of Rule 260, of the SC Rules of Appellate Procedure. So , if the Clerk of Court dismisses the Appeal then Ms. Perez respectfully submits that it be reinstated,

Respectfully Submitted,


Nancy C Perez
713 E. Greenville St – D220
Anderson, SC 29621
281-979-8356

⁴ Woodson v DLI Properties, LLC, et al, 753 S.E.2d 428 (S.C. 2014) citing Ford v. State Ethics Comm'n , 545 S.E.2d 821, 823 (2001)

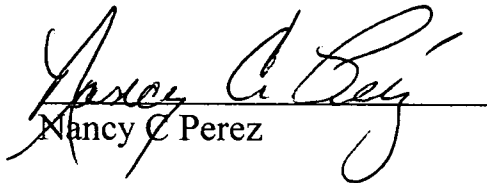
⁵ State v. Ladson, 644 S.E.2d 271, 373 S.C. 320 (S.C.App. 04/09/2007 citing In re D.W., 615 SE 2d 90, 94 (N.C. Ct. App. 2005)

⁶ State v. Asbury, 493 S.E.2d 349 (1997) ; State v. Ladson, 644 S.E.2d 271, 373 S.C. 320 (S.C.App. 04/09/2007) citing *Sweat v. Crawford*, 356 S.E.2d 147, 149 (Ct. App. 1987)

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "Nancy C Perez' Motion to reinstate the Appeal " was delivered by mailing a copy thereof on this 24th day of May 2017 to:

Donnel G. Jennings, Esq
PO Box 11329
Columbia, SC 29211-1329


Nancy C Perez

RECEIVED

MAY 26 2017

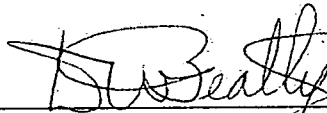
SC Court of Appeals

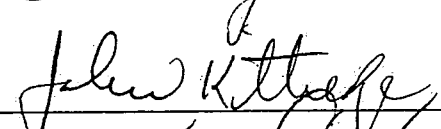
The Supreme Court of South Carolina


ORDER


The following matters are dismissed pursuant to *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356 (1991), because no extraordinary reason exists to entertain them in this Court's jurisdiction:

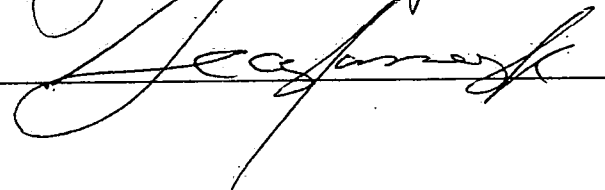
1. *Nancy Perez v. South Carolina Court of Appeals*. Petition for a Writ of Mandamus dated April 12, 2017. Appellate Case No. 2017-000895.
2. *Marcus Hill v. Bryan Sterling [sic] Commissioner, South Carolina Department of Corrections*. Petition for Original Jurisdiction dated April 21, 2017. Appellate Case No. 2017-001026.


_____ C.J.


_____ J.


_____ J.


_____ J.


_____ J.

Columbia, South Carolina

May 2, 2017

Columbia, South Carolina

May 2, 2017

CC:

Nancy C. Perez

Ms. Donnell G. Jennings, Esquire

Mr. Marcus Hill

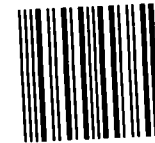
RECEIVED

MAY 26 2017

SC Court of Appeals



1000



29211

U.S. POSTAGE
PAID
SANDY SPRINGS, SC
29677
MAY 24 17
AMOUNT

\$2.24

R2305K139962-03

Nancy C Perez
713 E. Greenville St - D220
Anderson, SC 29621

Hon. Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia SC 29211

