

Case # 2016-000562

RECEIVED

JUN 30 2017

SC Court of Appeals

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

NANCY C. PEREZ

Petitioner

Vs

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

Respondent

MOTION OBJECTING TO THE JUNE 23, 2017 ORDER

Nancy C Perez, respectfully objects to the June 23rd 2017 Order, letter in which the Appellate Court threatens to administratively dismiss the Appeal if she fails to provide proof that she has served the record on appeal within 10 days therefrom. Ms Perez adamantly but respectfully objects. As grounds for the objection Ms Perez shows:

- 1- By Order dated July 27th 2016 the Court of Appeals stated “ **All timelines for perfecting the Appeal are held in abeyance pending a ruling on your Motion [regarding Ordering the transcript]**”¹.
- 2- Rule 5(d) SCRCPP, administrative dismissals only apply to dismissals of an action for failure to serve the summons and complaint². No explanation was provided for threatening to dismiss the appeal where , as here, the summons and complaint , are not at issue.
- 3- Rule 210 (h) , SCRAP, states that the only penalty imposed by the Rules is that the appellate court will not consider any fact which does not appear in the Record on Appeal. The Appellate court did not identify the reason Appellate rule 210(h) is inapplicable
- 4- The Court of Appeals did not identify the reason Ms Perez position is not considered **good cause** the meaning of Rule 260, of the SC Rules of Appellate Procedure. 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 Mandamus

¹ Attachment 1

² Beckham v. Durant, 387 SE 2d 701, 704 (Ct. App. 1989)

5- Secondly, The Appellate Court's ruling is based upon an error of law ³

because (1) the trial court order that Ms. Perez is appealing is written, so the Court Reporter's transcript is unnecessary⁴; (2)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 (3) the Court of Appeals have failed or refused to identify the authority to tax Ms. Perez in order to benefit a private third party, i.e., the court reporter. Ms Perez respectfully submits that Court of Appeals may not tax Ms. Perez Federal and State rights to access courts in order to seek redress of grievances⁷. The Texas Supreme Court has ruled that " We hold that filing fees that go to state general revenues -- in other words taxes on the right to litigate that pay for other programs besides the judiciary -- are

³ *State v. Sims*, 405 SE 3d 377, , 380 (1991)).

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)

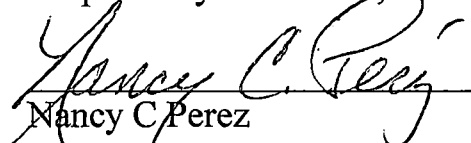
⁵ *State v. Ladson*, 644 S.E.2d 271, 373 S.C. 320 (S.C.App. 04/09/2007 citing *In re D.W.*, 615 SE 2d 90, 94 (N.C. Ct. App. 2005)

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)

⁷ *Ryland v. Shapiro*, 708 F.2d 967 (5th Cir. 07/05/1983)

unreasonable impositions on the state constitutional right of access to the courts.”⁸

Respectfully Submitted,

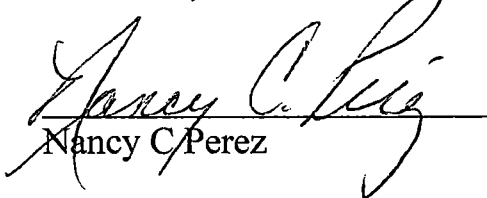

Nancy C Perez
713 E. Greenville St – D220
Anderson, SC 29621
281-979-8356

RECEIVED
JUN 30 2017
SC Court of Appeals

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing “Nancy C Perez’ Motion objecting to the June 23rd, 2017 Order - “ was delivered by mailing a copy thereof on this 27th day of June 2017 to:

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


Nancy C Perez

⁸ LeCroy v. Hanlon, 713 SW 2d 335 342 (Tex. 1986)

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



1000



29211

U.S. POSTAGE
PAID
SANDY SPRINGS, SC
29677
JUN 28 17
AMOUNT

\$0.49

R2305K139962-03

RECEIVED

JUN 30 2017

SC Court of Appeals

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

D

SC Court of Appeals