

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

HONORABLE ALEX KINLAW, JR.

2019-000458

DONNA BOYD,

PETITIONER,

against

STATE OF SOUTH CAROLINA,

RESPONDENT.

RECEIVED
MAY 02 2019
S.C. SUPREME COURT

MOTION TO REINSTATE

The Petitioner respectfully submits that the Court's decision, in this case, overlooked or misapprehended points that are essential to the determination of issues, and moves for the reinstatement of this appeal based on the following:

The Petitioner appealed the denial of her Post- Conviction Relief. The Post-Conviction Relief Action heard by Honorable Alex Kinlaw, Jr., Circuit Judge on October 26, 2018, and Order denying the Petitioner's Post-Conviction Relief issued on January 24, 2019, and filed on January 31, 2019. The Petitioner received notice of the judgment on February 7, 2019. Pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, the Petitioner on February 14, 2019, respectfully moved the PCR court to alter or amend its Order dated January 24, 2019. The PCR court received the motion on February 19, 2019, and summarily denied the Petitioner's Rule 59 (e) motion on February 20, 2019. The Petitioner received the order denying the motion on February 23, 2019, notably Form 4 missing.

The Petitioner reasserted the Rule 59(e) motion on March 4, 2019. The PCR court again failed to address the Rule 59(e) motion. Notably, the State filed a proposed order of dismissal on November 6, 2018. And the Petitioner filed an email response to the State's proposed order to dismiss on November 15, 2018. On January 9, 2019, the PCR court without notice to the

Petitioner requested another order of dismissal from the State. The State submitted the order of dismissal on January 22, 2019.

Notably, the order of dismissal was in editable word format and unsigned. The PCR court signed the State's Order of dismissal on January 24, 2019. The Petitioner informed this Court through the notice of appeal filed on March 21, 2019, that the transcript ordered on March 14, 2019.

Also, the Petitioner enclosed two postage prepaid envelopes and requested that this Court send clocked documents to the Petitioner. Notably, the Petitioner did not receive notice from this Court acknowledging receipt of the notice of appeal. Also, the Petitioner did not receive the prepaid postage envelopes with clocked documents. On **April 3, 2019**, the Petitioner called the Court to inquire about the documents and the notice of appeal. The Petitioner informed this Court that she had not received a case number for the appeal.

The Petitioner told she needed to speak with the case manager (Ashley). The Petitioner left a voicemail for Ashley requesting that she call. About a minute later the Petitioner received a call from Ashley. The Petitioner informed that she did not have a case number and that she had not received the prepaid envelopes with clocked copies. Ms. Ashley said that she didn't know why the Petitioner had not received and assured the Petitioner that these documents would be sent.

The Petitioner received the documents in an envelope dated April 3, but this Court did not return the clocked documents in the postage-paid envelopes provided by the Petitioner. Also, notably, the notice acknowledging receipt of the Petitioner's appeal still missing. The Petitioner asserts that this Court failed to provide a case number and never acknowledged receipt of her appeal. Consequently, there was no date to reference as to when the clock started on the Petitioner's appeal.

However, on **April 22, 2019**, this Court dismissed the Petitioner's appeal alleging that the Petitioner failed to provide this Court with a copy of correspondence with the court reporter showing that the transcript timely ordered from the court reporter (including agreement regarding payment for the transcript) as required by Rules 243(b) and 207(a)(1) of the South Carolina Appellate Rules (SCACR). The Clerk of Court (Daniel Shearouse) has demonstrated a bias against the Petitioner since the inception of her case. **Notably, this Court deliberately failed to notice the Petitioner that her notice of appeal received and assigned a case number.**

The Petitioner reviewed several Supreme Court cases and noted that in all of these cases this Court provided notice to the Petitioner without fail. Further, the Petitioner noted that whenever a deficiency noted this Court warned the Petitioner before it dismissed the Petitioner's case.

However, this Court failed to notice the Petitioner of an alleged defect and without warning summarily dismissed the Petitioner's case alleging that she had not timely ordered the transcript.

The Petitioner informed the clerk of court in her notice of appeal that she requested the transcript on **March 14, 2019**. However, Court Reporter Hollie Jenkins did not acknowledge receipt of this request until the Petitioner emailed Ms. Allen about the status of the record. Also, the Petitioner told the Court through letters dated April 4, 2019, and April 17, 2019, that she requested the transcript and that she was waiting on the transcription of the record.

Also, the Petitioner submits email correspondence between her, Court Reporter Hollie Jenkins and Court Reporter Manager Ms. Desiree Allen showing that she inquired about the court reporter's failure to acknowledge the request and inordinate delay to transcribe the record. The Petitioner asserts that Court Reporter Hollie Jenkins has purposely delayed transcribing the record for more than forty-five (45) days. (**EXHIBIT A, EMAIL, PAGES 1-11**).

It is apparent that the clerk of court purposely delayed and when it saw an opportunity it seized upon that opportunity. Case in point, the clerk of court, failed to provide notice that it received the notice of appeal on **March 21, 2019**. But, the Petitioner noted that the South Carolina Commission On Indigent Defense was informed somehow of the Petitioner's appeal. And the Petitioner received a letter dated **March 25, 2019**, from SCCID asking if the Petitioner wanted SCCID to represent her. The Petitioner sent a letter dated **April 4, 2019**, declining the offer.

Remarkably, the Petitioner received another letter from SCCID dated **April 9, 2019**. The SCCID feigned concern about the Petitioner representing herself. But it is evident that SCCID wants to represent the Petitioner so it can control the appeal in the same manner that it controls the Petitioner's brother's appeal. Also, the State is using this fake concern as a ploy to delay the submission of the Petitioner's appeal. The Petitioner also noted that when she filed the notice of appeal, the record showed that her appeal was "pending," which explained why the Court failed to acknowledge receipt of the Petitioner's appeal.

The Court suspended the Petitioner's matter allowing Mr. Dudek time to persuade the Petitioner to let SCCID represent her. In response to Mr. Dudek's correspondence dated April 9, 2019, the Petitioner faxed response to Mr. Dudek on **April 17, 2019**. The Petitioner said that she did not submit the affidavit of indigency because she didn't trust SCCID or any agency that proved that is not working in the interest of justice, the Petitioner or her brother, Mr. Billy Roy Boyd.

Moreover, the Petitioner said that her brother has representation, and yet the State has failed to decide his case for almost four (4) years. Further, Mr. Boyd's writ of certiorari filed with the

Supreme Court on **May 21, 2018**, and on October 3, 2018, without notice to Mr. Boyd, inexplicably, the State transferred Mr. Boyd's case to the South Carolina Court of Appeals where Mr. Boyd's case has allegedly awaited consideration almost seven (7) months. The Supreme Court/Taylor Smith received the Petitioner's April 4, and April 17, 2019, letter on April 22, 2019. Coincidentally, the same date the Clerk of Court dismissed the Petitioner's appeal.

However, the Petitioner received a letter dated **April 23, 2019**, acknowledging receipt of the Petitioner's notice of appeal, and informing the Petitioner of the assigned case number. The Petitioner noted that the date appeared to be written over. The Petitioner's appeal pending since March 21, 2019? So, why would the State delay one month to acknowledge receipt of the Petitioner's appeal?

More importantly, how can the Court dismiss the Petitioner's case on **April 22, 2019**, and on **April 23, 2019**, the Court acknowledges receipt of the Petitioner's appeal? The Clerk of Court dismissed the Petitioner's appeal on April 22, an appeal that it had not recognized as filed before April 23, 2019. It is apparent that the Clerk of Court is working with the State to deny the Petitioner due process and thwart the judicial process. (**EXHIBIT C, ORDER, APRIL 22, 2019, AND NOTICE OF APPEAL, APRIL 23, 2019**).

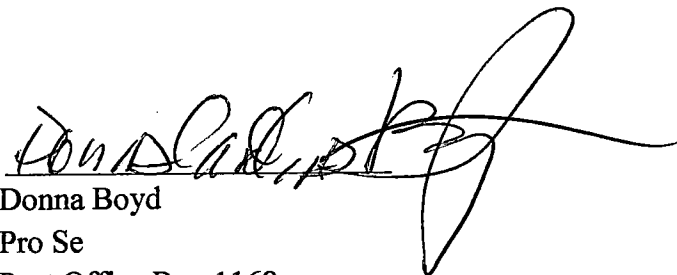
Remarkably, on **September 16, 2016**, the Petitioner's former counsel colluded with the State, (including Justice John Cannon Few) and faked to file a writ of certiorari concerning this same criminal matter. (**EXHIBIT B, APPELLATE CASE NO. 2016-001942, 16 PAGES**). The Court acknowledged receipt of the petition for writ of certiorari on September 22, 2016. But the Petitioner noted that there is no initial letter of notice of appeal dated **September 16, 2016**, in the record. Also, the record indicated that there was no request for the transcript. The evidence showed that Daniel Shearouse through the office of the Clerk Court facilitated this unlawful action. This ploy was one of many employed by the State to deny the Petitioner due process and thwart the judicial process. The Petitioner makes this motion to reinstate even though the Court acknowledged the Petitioner's notice of appeal on April 23, 2019.

Dated April 30, 2019

RECEIVED

MAY 02 2019

S.C. SUPREME COURT



Donna Boyd

Pro Se

Post Office Box 1168

Mauldin, South Carolina 29662

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

HONORABLE ALEX KINLAW, JR.

2019-000458

DONNA BOYD,

PETITIONER,

against

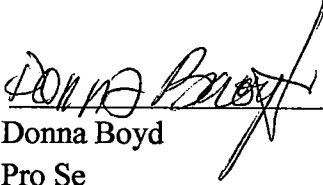
STATE OF SOUTH CAROLINA,

RESPONDENT.

AFFIDAVIT OF SERVICE

I certify that I have served MOTION TO REINSTATE on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, certified mail on ~~April 29~~, ^{MAY 1, 2019} 2019, addressed to their attorney of record. Megan Jameson, Office of Attorney General State of South Carolina, Post Office Box 11549, Columbia, SC 29211-1549.

Dated ~~April 29~~, 2019


Donna Boyd

Pro Se

Post Office Box 1168

Mauldin, South Carolina 29662

dcb

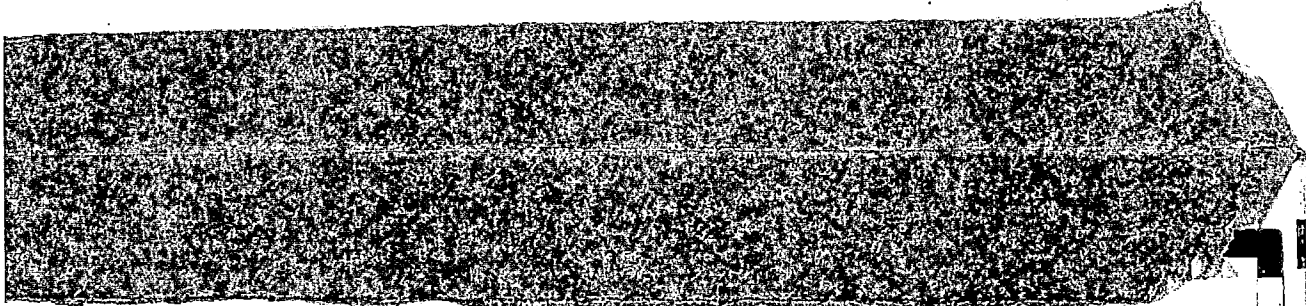
Enclosures

cc: Supreme Court
Taylor Smith
South Carolina Court Administration

RECEIVED

MAY 02 2019

S.C. SUPREME COURT



U.S. POSTAGE PAID
PM 2-Day
MAULDIN, SC
29662
MAY 01, 19
AMOUNT

\$3.05

R2304M115816-92



1024



29201

U.S. POSTAGE PAID
PM 2-Day
MAULDIN, SC
29662
MAY 01, 19
AMOUNT

\$7.35

R2304M115816-92

FROM:

D. Boyd
P.O. Box 1168
Mauldin SC 29662

TO:

Reliable for use in sending Priority Mail® shipments.
© U.S. Postal Service; July 2013; All rights reserved.