

90554

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

9th Judicial Circuit Court Judge

RECEIVED
AUG 13 2019
SC Court of Appeals

App. Case No. 2019-000880
Circuit Court Case No. 2002-CP-10-1448
and after change of venue:
Circuit Court Case No. 2007-CP-10-01444

J. Doe (CHolmes),

Appellant,

v.

James Y. Becker, Manton Grier,
and Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

Respondents.

MOTION

The appellant respectfully requests the Clerk's office to forward this motion with abeyance request to the Court for kind disposition and interpretation of the law which is beyond the scope of the ministerial duties of the Clerk's office. Per the attached copy of appellant's canceled check, the filing fee for this appeal has been paid in full. The amended notice of appeal was timely filed after Rule 59, SCRPC, motion in compliance with Rule 203, SCRPC. No additional filing fee is required. *Hudson v. Hudson*, 290 S.C.

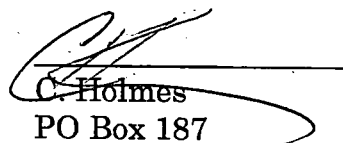
215, 349 S.E.2d 341 (1986); *Appellate Practice in South Carolina* (1999), Toal *et al*, p.

120. The Clerk's request for additional fee is in error. Accompanying this Motion is a check for \$250.00 to be held in escrow pending disposition. As the party who has paid the filing fee in full and who has provided a copy of the canceled check to prove it, appellant respectfully requests the Court interpret the law for the Clerk on this procedural, not substantive, issue.

Significantly and materially, the Clerk/Deputy Clerk knew or should have known counsel of record in Washington State would not timely receive the correspondence arbitrarily and capriciously demanding actual receipt of payment within three business days. By the Clerk's design, counsel of record in Washington State will not receive notice before the arbitrary and capricious deadline, thereby guaranteeing impossibility of performance. Significantly and materially, the Clerk's pattern and practice in the past has not been to collect additional filing fees for Amended Notice of Appeal and the Clerk's wrongdoing smacks of violation of State and federal constitutional protections. It is respectfully submitted the Clerk is violating her sworn oath to uphold the SCACR and to facilitate appeals with transparency, even-handedness, and fundamental fairness. In any case, the Clerk is conflicted and is requested not to have any direct or indirect involvement with this case at all.

For substantial justice affecting substantial rights, appellant respectfully requests the Court grant this motion.

Respectfully submitted,


C. Holmes
PO Box 187
Sullivans Island, SC 29482
843.883.3010

C. HOLMES
PO BOX 187
SULLIVANS ISLAND, SC 29482
943-883-3010

2516
67-0882

5/8/19 Date

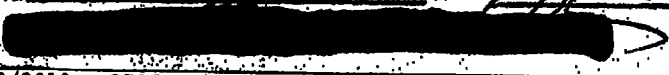
NO CHECK NUMBER

Pay to the Order of S.C. COA, Clerk \$ 250.00

Two Hundred Fifty and 00/100 Dollars

 **SOUTH STATE BANK**
SouthStateBank.com

Gold Checking

For Thank you!


89826

5/23/2019 - 2516 - \$250.00

ENDORSE HERE

X

State Treasurer's
General Deposit Account
(B04 Judicial Department)

0910056229
2019-05-23

5/23/2019 - 2516 - \$250.00

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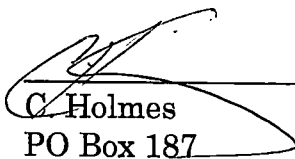
James Y. Becker, Manton Grier,
and Haynsworth Sinkler Boyd, P.A.,
as successor to Sinkler & Boyd, P.A.,

Respondents.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served as follows by regular first class mail postage pre-paid on this date at this address: MM Caskey, 1201 Main St., #2200, Columbia, SC 29201.

Dated 8/12/19


C. Holmes
PO Box 187
Sullivans Island, SC 29482
843.883.3010

Fax: 803.734.1839

Clerk, South Carolina Court of Appeals
1220 Senate St.
Columbia, SC 29201

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SC Court of Appeals

Re: Holmes v. Becker et al
App. Case No. 2019-000880
Circuit Court Case No. 2007-CP-10-1444

Dear Sir/Madam:

Enclosed for filing is the original with abeyance request in the above case. Also, enclosed are the following:

- 1) Proof of Service,
- 2) The filing fee of \$50.00,
- 3) Seven (7) copies, and
- 4) SASE for return of the file-marked copy, and
- 5) Escrow check for \$250.00.

Thank you for your kind attention to this matter. With best personal regards, I remain

Very truly yours,

