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THE STATE OF SOUTH CAROLINA  
In: The Court of Appeals

**RECEIVED**

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Alison Renee Lee, Circuit Court Judge

SEP 20 2021  
SC Court of Appeals

Case No. 2020-CP-40-01980  
Case No. 2021-000804

Johnnie Cordero,

Appellant,

v.

Matthew Kisner, in his official capacity as  
Chair of The Richland County Democratic  
Party; and

The Richland County Democratic Party; and

Trav Robertson, Jr., in his official capacity as  
Chair of The South Carolina Democratic  
Party; and,

The South Carolina Democratic Party,

Respondents.

**MOTION FOR REINSTATEMENT OF APPEAL  
PURSUANT TO SOUTH CAROLINA RULES  
OF APPELLATE PROCEDURE RULE 260**

Comes now, Johnnie Cordero, Appellant pro se, who respectfully petitions this Honorable Court for reinstatement of the above referenced appeal for the set forth more particularly hereinafter.

## **FACTUAL/PROCEDURAL BACKGROUND**

This appeal was filed in timely fashion on July 17, 2021, along with the required filing fees

On or about August 20, 2021 a deficiency notice was received from the clerk of court which indicated I had 10 days to cure the deficiency.

On or about August 21, 2021, the deficiency was cured by submission of Proof of Service of the Transcript Request Form on Respondents and the Office of Court Administration as directed by depositing exact copies of the documents in the U.S. mail, properly addressed to the attorneys for the Respondents and the Office of Court Administration, with sufficient first class postage attached.

The envelope containing the documents clearly indicated my return address in the upper left hand corner of each. As of the date of this writing the letters have not been returned by the United States Postal Service. The letters were addressed as follows: . .

**Neki Shutt, Esq**  
**(Attorney for Defendants South Carolina Democratic Party and Trav Robertson, Jr,;)**

**Burnett Shutt & McDaniel, PA**  
**912 Lady Street**  
**PO Box 1929**  
**Columbia, SC 29202**  
**Tel.: (803) 850-0912**

**Grant Burnett Lefever, Esq.**  
**(Attorney for Defendants Matthew Kisner and the Richland County Democratic Party)**

**Burnett Shutt & McDaniel, PA**  
**912 Lady Street**  
**PO Box 1929**  
**Columbia, SC 29202**  
**Tel.: (803) 850-0912**

**The Office of Court Administration**  
**1220 Senate Street, Suite 200**  
**Columbia, SC 29201**

## Argument

### I. Appellant has complied with the clerk's order of August 18, 2021 and is therefore not in default.

The South Carolina Rules of Appellate Procedure permit an appeal that has been dismissed for failure to comply with the requirements of the rules to be reinstated upon good cause shown after notice to all parties. Rule 260(a) SCACR

The general rule is that a dismissal which is incorrectly made should not be set aside. Only an appeal that is erroneously dismissed should be reinstated. *5 C.J.S Appeal and Error § 660 (1993)*.

In the instant case Appellant with the rule by submitting the requested documentation as requested in a manner prescribed by law, well within the time limits indicated in the notice of deficiency in a manner prescribed by the rules, i.e., depositing the same in the United Post office properly addressed, first class postage prepaid.

Appellant contends that knowing it is the policy of the United States Postal Service to return all undeliverable mail to the sender and having clearly affixed his return address to the letters and having received no other indication that the documentation was not received he has done all that he was required to do.(See Proof of Service annexed as Exhibit A).

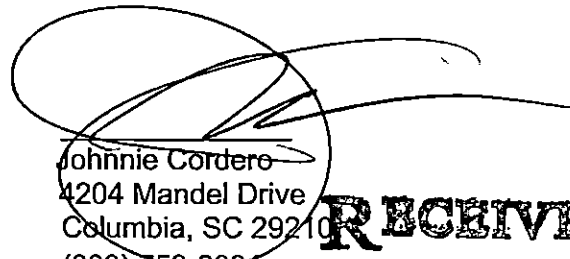
Appellant further contends that having complied with the Notice of Deficiency and rules he should not be penalized for circumstances beyond his control.

**II. Appellant's Sworn Affidavit establishes good cause for reinstatement and the appeal should be reinstated accordingly.**

Although Appellant cannot explain why the Proof of Service of the Transcript Request Form was not received he contends that whatever the reason it is not chargeable to him as he has fully complied with the notice of deficiency and the rules governing service.

Appellant submits herewith his sworn affidavit which sets forth in detail events surrounding the dismissal and the actions he has taken in timely fashion which he contends clearly demonstrates the requisite good cause for reinstatement of the appeal based on an erroneous dismissal. The error being that Appellant did comply with the requirements of the Notice of Deficiency.

*September 20, 2021*  
Dated: August 21, 2021  
Columbia, SC *J*

  
Johnnie Cordero  
4204 Mandel Drive  
Columbia, SC 29210  
(803) 753-8091  
Appellant, pro se

**RECEIVED**  
SEP 20 2021

**CERTIFICATE OF SERVICE**

**SC Court of Appeals**

I, Johnnie Cordero, certify that I have served a copy of the attached **MOTION FOR REINSTATEMENT OF APPEAL PURSUANT TO SOUTH CAROLINA RULES OF APPELLATE PROCEDURE RULE 260; APPELLANT'S AFFIDAVIT IN SUPPORT OF MOTION FOR REINSTATEMENT OF APPEAL PURSUANT TO RULE 260 SOUTH CAROLINA RULES OF APPELLATE PROCEDURE** on the Respondents' counsel by depositing it in the United States Mail, postage prepaid, on September 20, 2021 addressed as follows:

**Nekki Shutt, Esq**  
**(Attorney for Defendants South Carolina Democratic Party and Trav Robertson, Jr,;)**


**Burnett Shutt & McDaniel, PA**  
**912 Lady Street**  
**PO Box 1929**  
**Columbia, SC 29202**  
**Tel.: (803) 850-0912**

**Grant Burnett Lefever, Esq.**  
**(Attorney for Defendants Matthew Kisner and the Richland County Democratic Party)**

**Burnett Shutt & McDaniel, PA**  
**912 Lady Street**  
**PO Box 1929**  
**Columbia, SC 29202**  
**Tel.: (803) 850-0912**

**And by hand delivery on September 20, 2021 to the:**  
**The Office of Court Administration**  
**1220 Senate Street, Suite 200**  
**Columbia, SC 29201**

**Dated: 20 September '21**  
**Columbia, SC**

  
**Johnnie Cordero**  
**Appellant, pro se**

# **EXHIBIT A**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Alison Renee Lee, Circuit Court Judge

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Chair of The South Carolina Democratic  
Party; and,

The South Carolina Democratic Party,

Respondents.

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**PROOF OF SERVICE**

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I, Johnnie Cordero, certify that I have served a copy of the attached Transcript Request Form on the Respondents' counsel and the Office of Court Administration by depositing it in the United States Mail, postage prepaid, on August 21, addressed as follows:

**Neki Shutt, Esq**  
**Attorney for Defendants South Carolina Democratic Party**  
**and Trav Robertson, Jr.;**

**Burnett Shutt & McDaniel, PA**

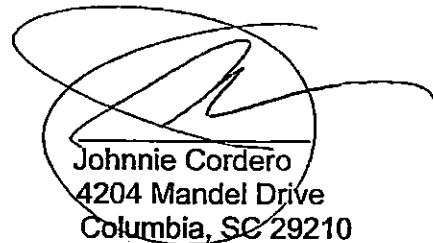
**PO Box 1929  
Columbia, SC 29202  
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**Grant Burnett Lefever, Esq.  
Attorney for Defendants Matthew Kisner  
and the Richland County Democratic Party**

**Burnett Shutt & McDaniel, PA  
912 Lady Street  
PO Box 1929  
Columbia, SC 29202  
Tel.: (803) 850-0912**

**The Office of Court Administration  
1220 Senate Street, Suite 200  
Columbia, SC 29201**

**Dated: August 21, 2021  
Columbia, SC**

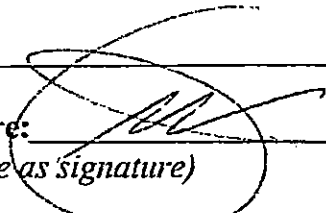


**Johnnie Cordero  
4204 Mandel Drive  
Columbia, SC 29210  
(803) 753-8091  
Appellant, pro se**

## Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>JOHNNIE CORDERO</u>	Phone Number <u>803 753 8091</u>	Email Address <u>CORDERO1018@ATTN.NET</u>	
Mailing Address <u>4204 MANDEL DRIVE</u>	City <u>COLUMBIA</u>	State <u>SC</u>	Zip Code <u>29210</u>
Transcript Information			
Docket Number <u>2020 CP 40-01980</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>CORDERO V. KISNER, ET AL</u>		
Date(s) of Proceeding <u>2/9/21</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>RICHLAND</u>	
Presiding Judge <u>ALISON RENEE LEE</u>	Expedited Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Court Reporter(s) _____	Opposing Counsel <u>NEEK SAUTH</u>		

Requestor's Signature:   
(Typed name will serve as signature)

Date: 8/2/21

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

# **AFFIDAVIT**