

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Case No. 2012-212914

Retha Pierce,
Appellant

v.

Atlantic Beach May 22, 2012 Election,
Horry County Election Commission,
South Carolina Election Commission,
Jake Evans, Charlene Taylor, Josephine
Isom, and Nikki Haley,
Respondents

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MAY 16 2013

S.C. SUPREME COURT

MOTION FOR RECONSIDERATION

To The Honorable Supreme Court:

By letter of this Honorable Court dated March 29, 2013, following Appellant's Motion in letter dated March 27, 2013 requesting to file her Initial Brief and Designation of Matter out of time and to hold all time limits concerning this appeal in abeyance pending a ruling on the Motion, the Appellant misconstrued "... any deficiency must be corrected within ten (10) days of the date of this letter: ... correct filing fee is \$25.00 ..." to be an indication that after completion of the review that she would be informed "granted" or "denied." With a "denied," the Appellant could have followed (if not understood) a requiring for the Initial Brief and Designation of Matter to immediately be filed since that was an alternative demand Appellant read in the only copy of an opposition letter to her Motion, by any of the Respondents, which was submitted from Horry County who has been in this matter wrongly with Appellant from Day One. Horry County's operation on this Pro Se victim's ignorance/misunderstanding in her effort to seek help by her Motion prior to the thirty(30) day period lapse in a quest for dismissal of Case No. 2012-212914 to enable their own win from any angle of said case on a technicality is a misuse of Rule 208(a)(4) SCACR as well as unorthodox judicial business- as -

usual from Horry County. Appellant, therefore, humbly and respectfully moves before this Honorable Court for reconsideration of the dismissal of Appellant Case No. 2012-212914. It is further moved that at least part of the number of days Appellant had remaining according to 208(a)(4)SCACR to submit her Initial Brief and Designation of Matter thought on hold at least until she would receive the results of the review of said Motion by this Honorable Court be reinstated. Appellant perceives this Honorable Court to have jurisdiction in this matter and this action to still be in compliance with 208(a)(4) SCACR for the following reasons:

Foremost, what is deemed a violation of Rule 208(a)(4) SCACR really is not. The Order to dismiss Appellant's Case No. 2012-212914 is contingent therein based on the opposition from only one of the Respondents, Horry County. It is Appellant's opinion that Horry County, in their quest to desperately get Appellant's case dismissed from any angle, has purposefully misused Rule 208(a)(4) in their attempt to gain. On the other hand, their knowledge of a more clear SCACR violation such as 207(a) SCACR and a blatant disregard of Rule 607, SCACR (Appendix 4) to help them relative to discrepancies addressed in the crucial transcript needed for Case No: 2012-212914, copied several times to Horry County and others, has gotten not a single squeak from them. Such ambiguity, moreover, actually contributed to Appellant's not really knowing how to understand how SCACR is used only for Horry County's wrongful dictate to the Court relative to Appellant's comprehension of 208(a)(4). Appellant genuinely thought that she would first be provided a decision from the review of her Motion based on the primary reason and/or extenuating variables submitted as basis for such Motion before any ultimatum and/or dismissal of Case No: 2012-212914 considering said Motion was submitted clearly within several days remaining of Rule 208(a)(4)SCACR

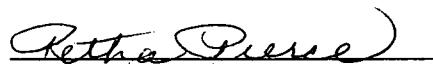
. As a result of being a Pro Se Attorney (with the word "attorney" only always used connotatively void of denotation since Appellant has never taken a single law course or training in law professionally), Appellant was not aware that the time utilized by this Honorable Court to make the decision to grant or deny her Motion was also including the days she had left with Rule 208(a)(4) SCACR.

It is true that Appellant had been advised in the letter dated February 27, 2013 from the Honorable Clerk that her Initial Brief and Designation of Matter to be included in the Record of Appeal was to be served within thirty(30) days of the letter. It was the added reality of being between a rock and a hard place when Appellant discovered on March 27, 2013 that there was still a violation of 207 SCACR: "When there is a challenge to the accuracy of a transcript the court will respond to the challenger in writing." As Appellant anticipated mailing her requirement and although other factors were also mentioned for consideration for the extension, the absence of an accurate transcript of the case remained the primary crippling factor. She had still not heard or received any kind of response from Henry Young, the court reporter from Horry County Court of Common Pleas, from her immediate written correspondence back to him pointing out obvious discrepancies in the transcript upon its receipt from him. But as with the several letters to the court reporter prior to Appellant's receipt of the inaccurate transcript in an out-of-time period, Appellant received nothing to her attempt to rectify the discrepancies of the transcript proceedings.

According to record, in spite of several correspondences to the court reporter (copied to Horry County and others), Appellant only has his correspondence relative to a response for a price for her verbatim transcript and an audio request along with the inaccurate transcript received out-of-time. Although the court reporter included printed on a sheet (unsigned and not dated) attached to the inaccurate transcript a note that he would send an invoice and a refund, to which neither item to date has ever been addressed again. However, still not having a valid transcript on March 27, 2013, Appellant considered this to be foremost the impediment for being adequately equipped to submit the required Initial Brief and Designation of Matter. Lacking an accurate version of the transcript from the Horry County Court of Common Pleas court reporter, Appellant submitted the Motion to allow her Initial Brief and Designation of Matter to be served and filed out-of-time to eliminate the complete running out of the days that would have really put her out of compliance with 208(a)(4) SCACR.

Furthermore, Appellant was not able to find in her search to file the Motion to allow her Initial Brief and Designation of Matter to be filed out of time any documentation to substantiate that the days remaining for Rule 208(a)(4) SCACR would be eliminated. Her basic knowledge of that rule is that one has thirty (30) days after receipt of the letter – not just the day the letter is dated. The letter dated February 27, 2013 was received by Appellant on or around March 7, 2013 out of one of her home's mailbox after her return from a short stay at her other home out of Horry County. Since February is a short month, this means that when Appellant filed on March 27, 2013, she was of the mindset that at least her Initial Brief and Designation of Matter was due by April 6, 2013. Befuddled especially with the transcript issue not resolved, she also added even other factors felt to contribute for consideration of an urgency for the motion. Some of Horry County's statements to qualify objections to some of the additional extenuating circumstances Appellant cited merely reiterated their inability to ever feel any compassion for Appellant or anyone they seek to win against which Appellant respectfully acknowledges. Their victory in a dismissal of Case No. 2012-212914, however, should not be allowed because of their continued expertise to always try to bend the law to suit their individual need or to satisfy an urge to win. The dominant aspect of the Case No. 2012-212914 which Horry County seeks to eliminate includes Respondent Nikki Haley. Yet, there has been no objection raised by this Respondent or any other Respondent relative to 208(a)(4) except Horry County who is known to follow their own version of law and even blatantly on an occasion defied a Supreme Court of South Carolina's Order, choosing to do what they preferred relative to a Town of Atlantic Beach Election Result in 2007. Therefore, Appellant moves again for reconsideration of the Order for dismissal of Case No: 2012-212914 based on aforementioned reasons and moves for the reinstatement of at least some of the remaining days of the then 208(a)(4) SCACR period to get her Initial Brief and Designation of Matter submitted according to a redirection of this Honorable Court.

Respectfully submitted,



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May 14 2013

North Myrtle Beach, South Carolina

Pro Se Attorney

THE STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

A Notice and Motion for Consideration was mailed by first class pre-paid postage to each of the following on May 14, 2013:

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Robert Tyson, Jr.

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Pro Se Attorney

May 14, 2013
Retha Pierce
Atlantic Beach, SC

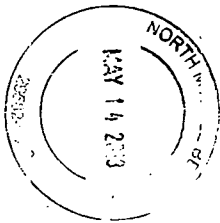
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