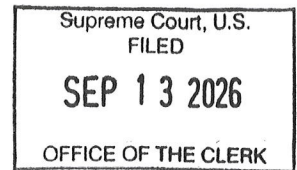


original

No. 25-7647

IN THE SUPREME COURT OF THE UNITED STATES



GINA PATRICIA BORNEMANN,

Petitioner,

v.

PAUL HERBERT BORNEMANN,

Respondent.

On Petition for a Writ of Certiorari to the
Court of Appeals of South Carolina

BRIEF IN OPPOSITION

Paul Herbert Bornemann

Respondent, pro se

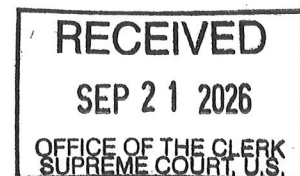
2819 Duncan Street

Columbia, SC 29205

803-470-6711

bornfp@gmail.com

September 2026



PARTIES TO THE PROCEEDING

The parties are Gina Patricia Bornemann, petitioner, and Paul Herbert Bornemann, respondent.

Both are named in the caption. Respondent appears on his own behalf.

RECORD REFERENCES

Citations to “Pet.” and “Pet. App.” refer to the petition and appendix filed in this Court. “Pet. IFP Mot.” refers to petitioner’s motion for leave to proceed in forma pauperis filed in this Court.

Other record citations identify the filing by title and date. Page citations count from the first page of the identified filing, excluding transmittal letters and compilation pagination. Thus, the November 5, 2024 order comprises two pages following its transmittal letter; Final Decree at 1–2 refers to its opening two pages. The separate Supplemental Appendix reproduces identified portions of the sealed orders, preserving their original page and paragraph references.

RELATED PROCEEDINGS

The following proceedings arise from the same family-court case and supplement the petition's related-proceedings information.

In the Family Court for Richland County, Fifth Judicial Circuit, Paul Herbert Bornemann v. Gina Patricia Bornemann, No. 2021-DR-40-1369: the sealing order was entered February 16, 2024, and the final decree May 1, 2024. The December 31, 2024 consolidation order also identifies underlying orders issued March 7, March 9, June 22, June 23, and June 26, 2023.

In the Court of Appeals of South Carolina, Paul Herbert Bornemann v. Gina Patricia Bornemann, Nos. 2024-000505, 2024-000940, and 2023-000464: consolidation was ordered November 5 and December 31, 2024, under No. 2024-000505; the consolidated proceeding was dismissed March 18, 2025; reinstatement was denied July 25, 2025. Orders of Nov. 5 and Dec. 31, 2024; Pet. App. A–B.

In the Supreme Court of South Carolina, Paul Herbert Bornemann v. Gina Patricia Bornemann, No. 2025-001638: certiorari and reinstatement were denied November 18, 2025. Pet. App. C.

In the Supreme Court of South Carolina, Paul Herbert Bornemann v. Gina Patricia Bornemann, No. 2023-001072: mandamus and habeas corpus were denied August 10, 2023. Order of Aug. 10, 2023, at 1–2.

Petitioner also identifies an earlier Supreme Court proceeding as No. 2023-000876. Her August 15, 2025 state petition, at 2, does not supply a judgment date for that reference. Respondent has not verified a separate disposition under that number.

TABLE OF CONTENTS

PARTIES TO THE PROCEEDING.....	i
RECORD REFERENCES.....	i
RELATED PROCEEDINGS.....	ii
TABLE OF AUTHORITIES.....	iv
INTRODUCTION.....	1
STATEMENT OF THE CASE.....	1
REASONS FOR DENYING THE PETITION.....	4
I. The decree does not terminate parental status within the holding of <i>M.L.B.</i>	4
II. The access precedents do not establish the proposed extension to this decree.....	6
III. The petition does not establish a compelling reason to extend the rule in this case.....	7
IV. The trial-process allegations do not independently warrant review.....	9
CONCLUSION.....	10

TABLE OF AUTHORITIES

Cases

<i>Boddie v. Connecticut</i> , 401 U.S. 371 (1971).....	6, 7
<i>Griffin v. Illinois</i> , 351 U.S. 12 (1956).....	3, 4, 6
<i>J.R.T. v. Harrison County Family Court</i> , 749 So. 2d 105 (Miss. 1999).....	6
<i>Lindsey v. Normet</i> , 405 U.S. 56 (1972).....	7
<i>Little v. Streater</i> , 452 U.S. 1 (1981).....	6, 7
<i>Mayer v. City of Chicago</i> , 404 U.S. 189 (1971).....	7
<i>M.L.B. v. S.L.J.</i> , 519 U.S. 102 (1996).....	1, 4, 5, 6, 8, 9
<i>Ortwein v. Schwab</i> , 410 U.S. 656 (1973).....	6

Constitutional provisions

U.S. Const. amend. XIV.....	5, 6, 7
-----------------------------	---------

Statutes and rules

S.C. Code Ann. § 63-7-2590(A).....	5
Supreme Court Rule 10.....	7, 9
South Carolina Appellate Court Rule 207(a)(1).....	3
South Carolina Appellate Court Rule 221(c).....	4
South Carolina Appellate Court Rule 260(a).....	4

INTRODUCTION

The petition should be denied. Petitioner's strongest claim is that inability to obtain the required transcript foreclosed appellate review of an order prohibiting all present contact with her children. Even accepting that asserted financial barrier for purposes of the legal argument, *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996), does not itself resolve this case. That decision distinguished permanent destruction of parental status from restrictions governing an existing parental relationship. *Id.* at 121, 127–128. [REDACTED]

[REDACTED]

[REDACTED]

Questions One and Two concern access to appellate review; Question Three concerns the underlying proceedings. The Court could address transcript access without deciding every allegation about experts or trial participation. Respondent submits that this petition does not justify extending *M.L.B.* to this custody decree.

[REDACTED] A later modification proceeding would not supply review of the original decree's lawfulness. Those limits make the asserted financial barrier important; they do not eliminate the distinction between regulation of an existing parental relationship and permanent termination of parental status.

STATEMENT OF THE CASE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner alleges that medical circumstances prevented attendance at the final trial and that her requests for a continuance and remote participation were denied. Pet. 8–9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Those recitals do not resolve the asserted medical inability to attend or establish the disposition of the alleged remote-participation request.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Court of Appeals consolidated the sealing-order appeal, No. 2024-000505, with the final-decree appeal, No. 2024-000940. Order of Nov. 5, 2024, at 1. It later added No. 2023-000464, covering orders concerning recusal, counseling and reunification, a protection-related motion, a continuance, and amendment and sanctions. Order of Dec. 31, 2024, at 1–2. The consolidated proceeding retained No. 2024-000505.

The Court of Appeals granted petitioner’s motions to proceed in forma pauperis on August 14, 2024, in No. 2024-000940. Petitioner’s motion for leave to proceed in forma pauperis filed in this Court (Pet. IFP Mot.), Ex. A. In its November 5 order, the Court of Appeals recorded her assertions that she could not afford the final-trial transcript and could not access the sealed file. In the portion addressing the final-decree appeal, it denied her requests to proceed without ordering the transcript and to forward the record, citing the transcript rule and the sealing order’s access mechanism. Order of Nov. 5, 2024, at 1–2.

Rule 207(a)(1) of the South Carolina Appellate Court Rules required satisfactory written arrangements with the reporter concerning preparation and payment. It presumptively required the entire transcript unless the parties agreed otherwise in writing. Its remedy for an unjustified refusal to agree to a shorter transcript allows a request for costs of unnecessary transcription; it does not itself supply funds to obtain the transcript initially.

On February 13, 2025, the Court of Appeals denied petitioner’s motion to exclude the final-trial transcript and decree. Her February 20 motion for reconsideration invoked *Griffin v. Illinois* and alternatively requested a feasible solution addressing her financial constraints. Motion for Reconsideration of Feb. 20, 2025, at 3–4. A February 25 letter declined to entertain rehearing of

the nonfinal ruling under Rule 221(c) and again required proof that the transcript had been ordered. On March 18, the court dismissed for failure to provide that proof. Order of Feb. 13, 2025; Letter of Feb. 25, 2025; Pet. App. A.

Petitioner moved to reinstate on March 26, eight days after dismissal. She argued, among other things, that earlier documents permitted review without the final-trial transcript. Motion for Reinstatement of Mar. 26, 2025, at 3. The Court of Appeals denied reinstatement on July 25 for failure to show good cause under Rule 260(a). Pet. App. B. The order did not find the reinstatement motion untimely.

Petitioner's August 15, 2025 state Supreme Court petition invoked *Griffin* and *M.L.B.* Her accompanying motion requested reinstatement and exemption from the final-trial transcript requirement or, alternatively, an order requiring respondent to bear the expense. State Pet. for Certiorari of Aug. 15, 2025, at 13, 17; Motion to Reinstate and Exempt Transcript of Aug. 15, 2025, at 2–3. The state Supreme Court granted leave to proceed in forma pauperis on September 10. Pet. IFP Mot., Ex. B. Neither that order nor the August 14 order expressly directed payment of transcript costs. On November 18, the state Supreme Court denied certiorari and reinstatement. Pet. App. C. These dispositions did not provide appellate merits review of the family-court findings.

REASONS FOR DENYING THE PETITION

I. The decree does not terminate parental status within the holding of *M.L.B.*

M.L.B. required a record sufficient to appeal a decree permanently terminating parental status. 519 U.S. at 107, 128. The Court expressly distinguished loss of custody from destruction

of the legal parent-child relationship. *Id.* at 121, 127–128. That distinction concerns the judgment’s legal effect. It does not depend on who initiated the action: *M.L.B.* itself involved a privately initiated termination proceeding. *Id.* at 116 n.8.

An order terminating the parent-child relationship divests both parent and child of their legal rights and obligations toward one another, except that the child retains inheritance rights until a final adoption order. S.C. Code Ann. § 63-7-2590(A). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respondent submits that the distinction drawn in *M.L.B.* should govern the requested extension here. Permanent termination of parental status extinguishes the relationship within which custody and contact can be regulated. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A state court of last resort has applied that distinction to a request for a free appellate transcript. *J.R.T. v. Harrison County Family Court*, 749 So. 2d 105, ¶¶ 13–16, 26–29 (Miss. 1999), rejected the asserted entitlement where parental status had not been terminated. The father there retained supervised visitation, so the decision does not resolve the greater restrictions here. It nevertheless supports treating the custody-termination distinction as legally consequential rather than assuming that *M.L.B.* covers every parental dispute.

II. The access precedents do not establish the proposed extension to this decree

Griffin v. Illinois, 351 U.S. 12, 18–20 (1956), protects adequate appellate review of criminal convictions against exclusion based on inability to purchase the necessary record. *M.L.B.* extended that protection to termination of parental status while retaining the ordinary framework for civil appellate costs. 519 U.S. at 120–124. The inquiry considers the individual interest and the justification for the charge. Petitioner seeks financial accommodation, including her later alternative request that respondent pay, rather than necessarily public financing. Her fee-waiver orders do not decide whether the Constitution requires that accommodation for this decree.

The Due Process and Equal Protection Clauses of the Fourteenth Amendment require attention to the interest and the challenged barrier. *Ortwein v. Schwab*, 410 U.S. 656, 658–661 (1973), upheld a civil appellate fee in a welfare-benefits dispute after administrative hearings. It supplies the ordinary civil-cost baseline, while its different interests and prior hearings distinguish it from petitioner’s parental-interest and participation claims.

Boddie v. Connecticut, 401 U.S. 371, 380–383 (1971), protected access to the state process necessary to obtain a divorce. *Little v. Streater*, 452 U.S. 1, 13–17 (1981), required assistance obtaining blood-test evidence under particular paternity procedures bearing on accurate

adjudication. Those decisions make petitioner's meaningful-participation allegations relevant. Assessing those allegations requires examination of the actual requests and rulings. The occurrence of a hearing alone does not resolve them.

Lindsey v. Normet, 405 U.S. 56, 74–79 (1972), invalidated an arbitrary additional appeal-bond requirement. An appellate record requirement, in contrast, ordinarily serves accurate review of the challenged adjudication. Petitioner's absence from the final hearing does not itself make that hearing's record irrelevant; the record may be necessary to evaluate the procedural and evidentiary errors she alleges. The relevance of a transcript does not establish that the entire transcript was necessary or resolve who must pay for it.

Mayer v. City of Chicago, 404 U.S. 189, 194–195 (1971), requires an adequate appellate record for an indigent criminal appellant and permits sufficient alternatives to a complete transcript. Once a colorable need for a complete transcript is shown, the State bears the burden of showing that a lesser record will suffice. *Mayer* itself vacated and remanded where questions about alternatives remained. *Id.* at 198–199. Unresolved record questions therefore are not a categorical obstacle to review. The question here is whether that constitutional protection extends to this custody judgment.

III. The petition does not establish a compelling reason to extend the rule in this case

Rule 10(c) permits review of an important unsettled federal question; an inter-court conflict is not indispensable.

The consolidated appeals involved different issues and potentially different record needs. The November 5 order's transcript discussion expressly addressed the final-decree appeal. [REDACTED]

[REDACTED]

[REDACTED] A challenge to that evidentiary basis could require the trial record. A challenge to the terms of the access restrictions could present a different question. This connection establishes transcript relevance, not the necessity of the entire transcript for every consolidated issue.

The same distinction applies to the earlier interlocutory appeals identified in the December 31 order. Their consolidation does not itself establish a common record requirement. The petition does not identify, issue by issue, which sealing-order challenges could be decided without the final-trial transcript or explain how the requirement operated differently across the consolidated appeals. Those omissions limit its account of the requested relief; they do not establish that every issue required the same record.

Petitioner's assertion that earlier records were sufficient did not itself demonstrate that they could substitute for later testimony relevant to an evidentiary challenge. Nor does describing that evidence as prejudicial establish that an appellate court should exclude it. Asking to exclude evidence differs from asking for help obtaining the transcript. Motion for Reconsideration of Feb. 20, 2025, at 2–4; Motion for Reinstatement of Mar. 26, 2025, at 3; Motion to Reinstate and Exempt Transcript of Aug. 15, 2025, at 2–3.

[REDACTED] Its motion-and-hearing mechanism does not establish petitioner's actual access, affordability, or the availability of an adequate substitute. Repeated demands to order a transcript do not cure inability to pay.

Petitioner identifies no conflicting appellate decision involving an order of this character. Her assertion of nationwide recurrence supplies no decisions applying a competing rule. Pet. 9–14. [REDACTED]

[REDACTED]

█ Respondent submits that this presentation does not supply a compelling reason to enlarge *M.L.B.*'s rule for termination of parental status.

IV. The trial-process allegations do not independently warrant review

█
█
█
█
█
█

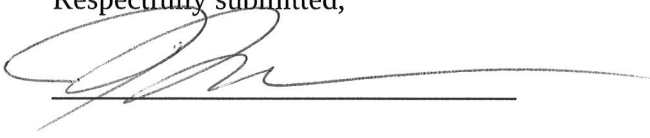
Question Three alleges both one-sided control over expert selection and a lack of meaningful opportunity to contest the evidence. Pet. i. Respondent's alleged proposal of particular professionals does not by itself establish control over the court's evidentiary decisions. The participation allegation is distinct and remains unresolved without the relevant appointment orders and hearing record. Notice and nonappearance likewise do not settle the medical and remote-participation allegations. Pet. 8–9; Final Decree at 1–2.

Some challenges to an order's written restrictions may present legal questions without resolution of every underlying factual dispute. Question Three depends on disputed allegations about expert selection and participation in this proceeding. The petition does not explain why those case-specific allegations independently present a compelling reason for review under Rule 10, apart from the appellate-access questions already addressed.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Bornemann', is written over a horizontal line.

Paul Herbert Bornemann

Respondent, pro se

2819 Duncan Street

Columbia, SC 29205

803-470-6711

bornfp@gmail.com

Date: 9/13/2026