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**Aug 15 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

Case No. 2019-001428

APPEAL FROM EDGEFIELD COUNTY

Court of Common Pleas  
Alison Renee Lee, Chief Administrative Circuit Court Judge

Case No. 2016-CP-19-00141

Rufus Lyndell Griffin,

Appellant

v.

Thomas Mosley, Quinnie Mosley,  
Walter Mosley, Timothy Mosley,  
And Paquita Mosley, Individually and  
as Personal Representative  
of the Estate of Ellec Mosley,

Respondents

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**RESPONDENT'S RETURN  
TO APPELLANT'S PETITION FOR REHEARING**

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Due Process Violations. Appellant opines it was reversible error for the trial court to omit the name of a party, Betty Mosely, in the caption of the trial court's final order because the omission infringed on due process rights. For purposes of brevity, even if you assume a due process violation, which we do not assert, Appellant, the plaintiff below, lacks standing to argue for the constitutional rights of an opposing party.

"Standing refers to a party's right to make a legal claim or seek judicial enforcement of a duty or right." Powell ex rel. Kelley v. Bank of Am. , 379 S.C. 437, 444, 665 S.E.2d 237, 241 (Ct. App. 2008) ).

Subject Matter Jurisdiction. Appellant fails to understand the concept of subject matter jurisdiction and make claims that the finding of a lack of subject matter jurisdiction is not dispositive of his claims for a variety of reasons. First, he appears to allege that the reversal of the probate court's decision on the limited issue of Appellant's inheritance rights, if any, negates the probate court's exclusive subject matter issue over whether assets are within or outside of the estate. Second, Appellant argues that because the parties in the civil case below were different than the parties in the probate case, the probate court lacks subject matter jurisdiction over the claims Appellant pursued in Common Pleas. Finally, Appellant argues because his case lasted for several years, and subject matter jurisdiction was not recognized by an earlier judge, that Judge Lee lacked the authority to find that the trial court lacked subject matter jurisdiction.

Despite all reasons set forth by Appellant, without subject matter jurisdiction,

which can be raised at any time including on appeal, the trial court lacked the power to act on all of Appellant's claims, regardless of any of these concerns, and there was no option but to dismiss the entire lawsuit. Nix v. Mercury Motor Express, Inc., 270 S.C. 477, 242 S.E.2d 683 (1978).

Appellant's Failure to Protect the Record. Appellant failed to protect the record below and on appeal regarding numerous issues. By failing to do so, Appellant has not preserved these issues for consideration by this Court. Moore v. Moore (In re Estate), 435 S.C. 706, 869 S.E.2d 868 (S.C. App. 2022); Rule 210(h), SCACR. This Court is not required to prepare Appellant's case for him.

Respondent reasserts that Appellant's arguments in this Petition for Rehearing, like those made in his original brief, are frivolous as anticipated by Rule 269, SCACR. Respondent respectfully requests this Court affirm its Opinion issued on June 15, 2022, and dismiss Appellant's Petition for Rehearing.

August 15, 2022

s/ Rachael A. Dain, Esq.

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Representative of the Estate of Ellec Mosley,

Respondents

**CERTIFICATE OF SERVICE**

I did transmit the following document(s) in the manner described below:

Date: **August 15, 2022**

Enclosed: **Respondent's Return to Appellant's Petition for Rehearing**

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