

**FINAL BRIEF OF APPELLANT**  
**THE STATE OF SOUTH CAROLINA**

In The Court of Appeals

**APPEAL FROM RICHLAND COUNTY**  
**Court of Common Pleas**

DeAndrea Gist Benjamin, Circuit Court Judge

**CASE NO. 2022-001512**

Edward Tyrone Hills, Appellant,

v

Dean, University of South Carolina, Respondent

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**FINAL BRIEF OF APPELLANT**

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**RECEIVED**

APR 10 2023

SC Court of Appeals

Edward Tyrone Hills  
4711 Forest Drive  
Suite 3, P.O. Box 221  
Columbia, SC 29206  
1 (803) 599-9152  
HillsEdward06@gmail.com

**FINAL INITIAL BRIEF OF APPELLANT**

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**REFERENCE REVISED RECORD ON APPEAL IN INDEX**

**R. p. 1, Summons**

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**R. p. 3, Copy of Envelope mailed February 7, 2022, received February 10, 2022.**

## **FINAL INITIAL BRIEF OF APPELLANT**

### **STATEMENT OF ISSUES ON APPEAL**

Edward T. Hills (Appellant) appeals the Order of Judge DeAndrea Gist Benjamin. The Appellant is hereby appealing the Default Motion order on the dismissal of the Default Motion procedures for the Summons.

### **STATEMENT OF CASE**

The Respondent is in default, because the Respondent is not in compliance with answering the Summons in a timely manner and honoring the directives of the Summons as a legal procedure.

### **STANDARD OF REVIEW**

The Respondent received the Affidavit on January 7<sup>th</sup>, 2022. The Appellant received the answer to the complaint on February 10<sup>th</sup>, 2022; therefore, Respondent is in default. Electronic filing of the Summons has nothing to do with the Appellant receiving the Summons. The Summons is a legal document that should be answered by the Respondent in written form and delivered to the Appellant. Filing a document electronically on the 7<sup>th</sup> and mailing it on the 7<sup>th</sup> does not mean that the Appellant received it on the 7<sup>th</sup> – PER SUMMONS, see references in Index.

## STANDARD OF REVIEW (CONTINUED)

This should happen simultaneously. Again, the Appellant received the answer to the complaint on February 10, 2022.

### ARGUMENT

The Appellant, Edward T. Hills, submits this Brief, for the reasons set forth below and the Court should grant Edward T. Hills Motion.

The "Summons" is a legal document. It is a "absolute" document. The Summons says "YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you and TO SERVE a copy of your answer to this complaint upon the subscriber at the address shown below, with 30 days after service hereof, exclusive of the day of such service and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint."

### CONCLUSION

The Appellant had a hearing on September 21<sup>st</sup>, 2022. The Appellant never received the information concerning the directions for entering a Brief or Memorandum to

## CONCLUSION (CONTINUED)

the Judge, the paperwork did not get to the Appellant until September 15, 2022, which the date to file a Brief or Memorandum was September 14<sup>th</sup> to the Judge. This was a flagrant breach of court proceedings during the hearing. The Appellant never had an opportunity to defend himself. The judge had already found the default judgment in "Judgment for the Respondent". The appellant had to object when the judge allowed the defendant to start their opening statement, stating their Memorandum, and to let her know that the Appellant never had the opportunity to file a Brief or Memorandum due to the Clerk of Court never sent the Appellant the paperwork in time. The Respondent is in default not because of the electronic filing but because the Summons "an absolute document" which states that they had to have a written answer to the complaint within 30 days or judgment and relief is for the Appellant in this case it will be \$100 Million dollars.

DATE: April 10, 2023

s/Edward T. Hills  
Edward T. Hills  
4711 Forest Drive,  
Ste 3, Box 221  
Columbia, SC 29206  
1 (803) 599-9152  
Hillsedward06@gmail.com

Rachel Moore Hutchens, Esquire  
Monteith Powell Todd, Esquire  
PO Box 11449  
Columbia, SC 29211  
1 (803) 231-7823  
Attorney(s) for Respondent  
[rhutchens@robinsongray.com](mailto:rhutchens@robinsongray.com)  
[mtodd@robinsongray.com](mailto:mtodd@robinsongray.com)

CERTIFICATE OF COUNSEL

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According to SCACR 210(g), I, Edward Tyrone Hills, certify that the FINAL BRIEF OF APPELLANT does not contain any matter that is irrelevant to the appeal.

April 10, 2023

s/Edward Tyrone Hills

4711 Forest Drive,

Ste 3, P. O. Box 221

Columbia, SC 29206

803 599-9152

Hillsedward06@gmail.com

Ms. Rachel Moore Hutchens

Mr. Monteith Powell

P.O. Box 11449

Robinson Gray, Litigation & Business

Columbia, SC 29211

Attorney(s) for the Respondent

1(803) 929-1400

rhutchens@robinsongray.com

mtodd@robinsongray.cm