

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
George M. McFaddin jr., Circuit Court Judge

Case No. 2022-CP-43-01870

Reginald Evans

Appellant,

v.

Sumter County Registration Election Board

Respondent,

**RETURN TO AND OPPOSITION OF
RESPONDENT'S MOTION TO DISMISS**

Reginald Evans
Appellant
PO Box 3388
Sumter, SC 29150
reggevans@gmail.com
(803) 847-6196

Danny C. Crowe,
SC BAR #1480 CROWE LAFAVE GARFIELD & BAGLEY
2019 Park Street
Columbia, South Carolina 29201
(803) 724-5728
danny@crowelafave.com
Attorney for Respondent

Come now, the Appellant would reply to Respondent's Return to Appellant's Motion's to Reconsider and Reinstate Appeal and respectfully asks this honorable court to grant the Appellant's motion to Reinstate this Appeal. And allow this appeal process to run its course, to preserve the interest of justice, the integrity of Sumter County's citizens Voting Rights and to ensure that every vote was counted. There cannot be any questions or doubts about fair elections when there is a presidential election in November 2024. The issue presented by the Respondent can be resolved on its merit. The Appellant respectfully asks the court to view the issues presented by the Respondent as a harmless error on the part of the Appellant and in no way damages the Respondent's or Appellant's right to due process.

In its Return to Appellant's Motions the Respondent makes the following assertion:

1. "Respondent urges that Appellant's Motions, Memorandum and Exhibits fail to provide any sound basis for granting reconsideration of the dismissal or reinstatement of the appeal. The Motions, Memorandum and Exhibits reveal no material fact or principle of law that was overlooked or disregarded by the Court."

RESPONSE: The Appellant made its request for a transcript on April 11, 2023 and filed it with this court on April 12, 2023. The Appellant's memorandum and exhibits show how the Appellant was attempting to secure the transcript. The Respondent filed a motion to dismiss on April 12, 2023. The Appellant awaited the court's rulings which put a stay on action of this appeal. The court never sent the Appellant any letters of deficiencies regarding transcript or gave the Appellant the opportunity to correct any deficiencies. On June 8, 2023, the court issued an order dismissing the appeal due to no transcript being ordered. The Appellant would ask this honorable court to allow the appellant to obtain a transcript. And view it as a harmless error on the part of the Appellant and in no way damages the Respondent's or Appellant's right to due process.

2. "Appellant's contention in his Memorandum that "Respondent has not served the Appellant with any motion to dismiss the appeal" is not supported by the filings in this case. Appellant filed a "Return to and Opposition of Respondent's Motion to Dismiss" on April 12."

RESPONSE: Yes Respondent did file the motion to dismiss on April 7, and the Appellant filed a return in opposition to that motion to dismiss on April 12. As of this date the Respondent has not reply to Appellant's opposition. In accordance with Rule 240(f) and (g), SCACR which states: (f) Reply. The moving party shall have five (5) days from the date of service of a return to file an original and six (6) copies of a reply with the clerk and serve on all parties a copy of the reply. The provisions of Rule 240(c) apply to a reply. And (g) Failure to Comply. Failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition. The Court should ruled the Respondent abandon its motion to dismiss. And because the Respondent failed to follow Rule 240(c), (1), (2) and (3) in its motion to dismiss, the court should reinstate the Appeal.

3. "Appellant's Exhibits accompanying his Motions and Memorandum show additional support for dismissal of this appeal. None of the Exhibits (which appear to represent communications concerning the transcript of the circuit court hearing) previously were filed or provided to Respondent's counsel or (to Respondent counsel's knowledge) to the Clerk of this Court."

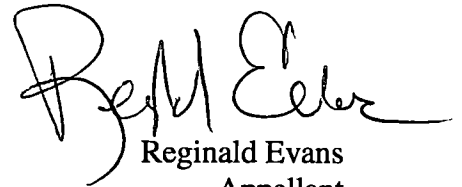
RESPONSE: The Appellant respectfully asks the court to view the issues present by the Respondent as a harmless error on the part of the Appellant and in no way damages the Respondent's or Appellant's right to due process.

Therefore, the Appellant prays this honorable court will grant Appellant's motion to Reinstatement and the appeal be allowed to run its course on the merits. The Appellant also requests that this court issue a scheduling order to ensure that the Respondent and Appellant comply with this court's rules and orders.

Respectfully Submitted,

June 26, 2023

By:



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Appellant
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JUN 26 2023
S.C. SUPREME COURT

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Appellant,

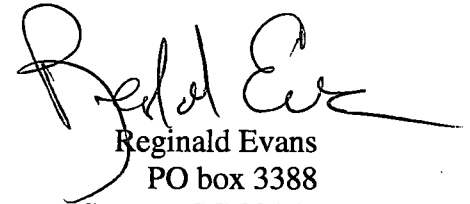
v.

Sumter County Registration Election Board

Respondent,

PROOF OF SERVICE

I certify that I have served the Appellant's Reply to Respondent's Return to Appellant's Motion's to Reconsider and Reinstate Appeal to the Chairman of Sumter County Election Commission's attorney Danny C. Crowe via first class mail at 2019 Park Street, Columbia, SC 29201 on June 26, 2023. I certify that I am above the age of 21 and competent to serve legal documents.



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