

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
The Honorable Edgar Dickson

Appellate Case No. 2025-000451

Rufus Rivers and Merle Rivers.....Appellants

VS.

James Smith,Jr.....Respondent

**REPLY TO JAMES SMITH JR'S RETURN TO RUFUS AND MERLE RIVERS'
REQUEST FOR MANDATE**

In response to Smith's return to Appellants' request for mandate. Smith's request for re-hearing automatically stayed the opinion. However, when it was denied, that stay was no longer valid without Respondent Smith filing a motion to stay the opinion and possibly post bond pursuant to Rule 41. The writ of certiorari petition does not automatically stay the opinion unless a motion to stay is filed within the specified period of time as outlined in Rule 41. Appellants did abide by Rule 241 and the decision was rendered by the Court of Appeals. Respondent chose to request review after the Court of Appeals decision. Respondent's counsel is unlawfully holding Appellants' escrow money. There was nothing in the Court of Appeals decision remanding the matter back to the magistrate. However, the opinion did affirm that the magistrate lacked subject matter jurisdiction. That means the funds should not have been held in escrow at all. Appellants have requested that the Clerk issue a mandate.(See attached letter).

In conclusion, we are asking this court to do its duty and issue a mandate so that appellants can obtain their funds held in escrow without requesting a forensic accounting. Respondents have

recently filed a Summons and Complaint in circuit court regarding this same matter. This is unconscionable. Case no. 2023-CP-38-01749. Appellants have made request to respondent's counsel and the magistrate for the return of the funds. Appellants has also requested that the clerk of the Court of Appeals issue a mandate as the time has expired.

Appellants pray that this court order a mandate so that Appellants can obtain their funds held in escrow. It appears that the return of funds are being delayed for no reason. The Court of Appeals' decision should have been enough.

December 7, 2023

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Rufus Rivers, pro se

Merle Rivers, pro se