

STATE OF SOUTH CAROLINA
In The Court Of Appeals

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Mar 28 2024

SC Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
The Honorable Edgar Dickson

Appellate Case No. 2020-000451

Rufus Rivers and Merle Rivers _____ Appellants

VS.


James Smith, Jr. _____ Respondent

MOTION TO ENFORCE JUDGMENT

On June 21, 2023, this court rendered its decision by reversing the lower court's decision in the above-referenced matter(OP. 05992). No remittitur has been issued and respondent has not filed a motion to stay the decision. Respondent filed for rehearing and was denied and has since filed a petition for review of that decision, which is still pending. Time has now expired and the respondent has initiated a new case in the circuit court regarding the same issues. Appellants now moves this court to enforce its judgment. **Appellants invoked res judicata** in the circuit court. However, appellants does not know the outcome, appellants may be tasked with filing an appeal that places them at a disadvantage for lack of funds. This is not justice when the plaintiff's attorney and the magistrate are withholding the appellants' funds in escrow while a new case is being re-litigated in the circuit court. For the sake of **due process**, appellants ask this court to issue an order enforcing its decision which would allow appellants to move forward in prosecuting their case. Respondent is using the writ of certiorari as the reason for withholding appellants' funds while not filing a motion to stay enforcement


of the Court of Appeals decision, which should raise some ethical concerns. Even though, appellants does not have a crystal ball, it will serve them well to resolve this issue before having to re-litigate the present matter that is looming. Appellants have asked the ODC to intervene, and has received a response that the matter was dismissed by them and therefore will not be re-visited which is not clear to appellants.

March 27, 2024



Rufus Rivers, pro se

Attorney for respondent
Kathleen McDaniel, Esq.
P.O. Box 1929
Columbia, South Carolina



Merle Rivers, pro se

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Appellants

VS.

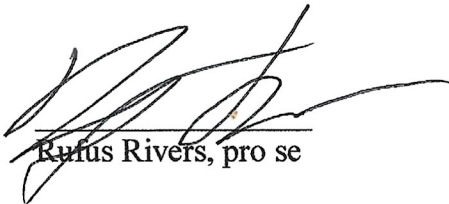
James Smith, Jr.

Respondent

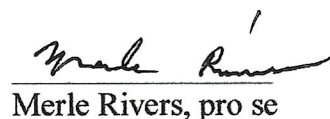
PROOF OF SERVICE

Rufus Rivers and Merle Rivers hereby certify service of their motion to enforce judgment made to defendant James Smith, Jr. by depositing same in the U.S. Mail, in an envelope with proper postage affixed and addressed to his attorney of record at P.O. Box 1929, Columbia, South Carolina, 29202.

March 27, 2024



Rufus Rivers, pro se



Merle Rivers, pro se