

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

R.Ferrell Cothran, Jr., Circuit Court Judge

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Case No. 2024-CP-43-000366

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Randal K Freeman, Appellant,

v.

David Bryan Trapp, Respondent.

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**APPELLANT'S RETURN TO RESPONDENT'S REPLY TO EMERGENCY MOTION  
FOR INJUNCTION AND RESTRAINING ORDER**

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**COMES NOW** the Appellant, **Randal K. Freeman, Pro Se**, and submits this Return in opposition to Respondent's Reply to Appellant's Motion for Emergency Injunction and Restraining Order. Respondent has failed to present sufficient legal grounds to warrant denial of Appellant's motion. Furthermore, Respondent's claims rely on misinterpretations of South Carolina law and fail to account for the constitutional and statutory protections afforded to tenants. Appellant hereby refutes the arguments set forth in Respondent's Reply and provides supporting case law to demonstrate why the requested relief should be granted.

## I. RESPONDENT'S MISAPPLICATION OF S.C. LANDLORD-TENANT LAW

### **A. S.C. Code § 27-40-530(c) Does Not Justify Unfettered Access**

Respondent asserts that under S.C. Code § 27-40-530(c), he is entitled to conduct an inspection and appraisal because written notice was provided. However, South Carolina law is clear that a landlord's right of access **does not override a tenant's Fourth Amendment rights** nor does it permit inspections without reasonable cause.

- **State v. Counts, 413 S.C. 153 (2015)** holds that **tenants have a reasonable expectation of privacy in leased properties**, and any attempt to enter without clear and reasonable justification constitutes an unlawful search.
- **Watson v. Sellers, 299 S.C. 426 (1989)** explicitly states that **repeated and unwarranted actions by a landlord can constitute harassment**, which is precisely the pattern of conduct demonstrated by Respondent.

Respondent's repeated attempts to gain access to Appellant's home, **despite prior access being granted and no emergency existing**, are a violation of both **tenant privacy protections** and the **Temporary Restraining Order (TRO)** currently in place.

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## II. RESPONDENT'S CLAIMS OF FINANCIAL LOSS DO NOT WARRANT FORCED ENTRY

Respondent claims that he has incurred **appraisal fees, rate lock extensions, and attorney's fees** due to Appellant's refusal to allow additional entry. However, financial inconvenience does not override constitutional and statutory protections:

- **Camara v. Municipal Court, 387 U.S. 523 (1967)** states that administrative convenience **cannot override Fourth Amendment protections** against unlawful searches and seizures.
- **State v. Missouri, 352 S.C. 121 (2002)** confirms that **photographing and documenting private property without legal authority constitutes an unlawful search**, further supporting Appellant's right to refuse unwarranted inspections.

A property owner's private financial matters **do not justify repeated intrusions into a legally occupied dwelling**, particularly when alternative means, such as remote appraisals or tenant-submitted documentation, are available.

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## III. RESPONDENT'S ATTEMPTED INSPECTIONS VIOLATE THE TEMPORARY RESTRAINING ORDER

The **Temporary Restraining Order (TRO)** issued on **September 4, 2024**, remains in effect and prohibits **harassment and unwarranted intrusion** by Respondent. Respondent's repeated

requests for entry, despite the absence of an emergency, directly contradict the provisions of this order.

- S.C. Code Ann. § 16-3-1700(A) defines harassment in the first degree as intentional, substantial, and unreasonable intrusion into a person's private life.
- S.C. Code Ann. § 16-9-340(A)(1) makes it unlawful to intimidate or impede a litigant in a legal proceeding.

Given that Appellant is currently engaged in an ongoing appeal, Respondent's actions appear calculated to disrupt Appellant's ability to complete his legal filings and subject him to undue stress. Furthermore, given that a Motion for Relief of Bond on 8 Warren Ct., Sumter, SC 29150 has been filed, the TRO should be extended to any address where the Appellant resides.

Additionally, the Court should extend the TRO protections to Appellant's family, school, place of employment, and any future residence as Respondent has been using employees and relatives to intimidate and harass Appellant's family.

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#### IV. RESPONDENT'S ACTIONS EXACERBATE APPELLANT'S HEALTH CONDITION

As noted in Appellant's original motion, he has a history of stroke and ongoing medical conditions, which are being worsened by Respondent's harassment and stress-inducing legal

requests for entry, despite the absence of an emergency, directly contradict the provisions of this order.

- **S.C. Code Ann. § 16-3-1700(A)** defines **harassment in the first degree** as **intentional, substantial, and unreasonable intrusion into a person's private life.**
- **S.C. Code Ann. § 16-9-340(A)(1)** makes it unlawful to **intimidate or impede a litigant** in a legal proceeding.

Given that Appellant is currently engaged in an ongoing appeal, Respondent's actions appear calculated to **disrupt Appellant's ability to complete his legal filings** and subject him to undue stress. Furthermore, given that a **Motion for Relief of Bond on 8 Warren Ct., Sumter, SC 29150** has been filed, the **TRO should be extended to any address where the Appellant resides.**

Additionally, the Court should **extend the TRO protections to Appellant's family, school, place of employment, and any future residence** as Respondent has been using employees and relatives to **intimidate and harass Appellant's family.**

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#### **IV. RESPONDENT'S ACTIONS EXACERBATE APPELLANT'S HEALTH CONDITION**

As noted in Appellant's original motion, he has a **history of stroke and ongoing medical conditions**, which are being **worsened by Respondent's harassment and stress-inducing legal**

**maneuvers.** Courts have recognized that actions resulting in undue stress and health complications can constitute **irreparable harm**:

- **Hilton v. Braunskill, 481 U.S. 770 (1987)** holds that a **stay or injunction is appropriate when irreparable harm is likely to occur without immediate court intervention.**
- **Doe v. Barr, 975 F.3d 850 (9th Cir. 2020)** found that when a party's health and well-being are jeopardized, emergency relief is warranted.

Given these precedents, the Court should **weigh the immediate health risks posed to Appellant against Respondent's claim of financial inconvenience** and grant the requested injunction.

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## V. REQUESTED RELIEF

For the foregoing reasons, Appellant **respectfully requests** that this Court:

1. **Deny Respondent's request to enjoin Appellant from restricting access to the premises.**
2. **Grant Appellant's Emergency Motion for Injunction and Restraining Order, prohibiting further attempts at forced entry.**
3. **Issue a ruling confirming that Respondent's continued attempts to inspect and appraise the property violate the TRO.**
4. **Extend the TRO to cover any residence where Appellant resides, as well as his family's school, workplace, and home to prevent further harassment.**

5. Award Appellant any further relief this Court deems just and proper.

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February 25, 2025

Respectfully submitted,

/s/ Randal K. Freeman  
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**PROOF OF SERVICE**

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I certify that I have served the a copy of the **APPELLANT'S RETURN TO RESPONDENT'S REPLY TO EMERGENCY MOTION FOR INJUNCTION AND RESTRAINING ORDER** on David Bryan Trapp by depositing a copy of it in the United States Mail, postage prepaid, on February 26<sup>th</sup>, 2025, addressed to his attorney of record, J.Benjamin Cahill, Curtis & Croft, LLC 325 West Calhoun Street, Sumter SC 29150.

February 26<sup>th</sup>, 2025

/s/Randal K Freeman  
Randal K Freeman  
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