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May 05 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM JASPER COUNTY
Court of Common Pleas

Curtis Coltrane, Special Referee

Appellate Case No. 2024-002209

Kevin Smith, Trent Smith, Cynara Smith Love,
Wayne Smith, and Valeria Woods Tuten, Appellants,

v.

Charles Woods, Respondents.

**REPLY TO RESPONDENT'S RETURN TO APPELLANT'S
MOTION TO STRIKE MATERIAL CITED WITHIN
RESPONDENT'S REPLY TO APPELLANT'S RETURN TO
RESPONDENT'S MOTION TO STRIKE**

Appellant Kevin Smith hereby replies to Respondent's (Charles Woods) Return to Appellant's ("Kevin Smith, Trent Smith, Cynara Love, Wayne Smith, and Valeria Tuten") Motion to Strike Material Within Respondent's Reply to Appellants' Return to Respondent's Motion to Strike, dated May 1, 2025.

Attorney Bess J. DuRant has provided evidence of post mark, which indicates that the United States Postal Service fails to provide the most expeditious service. Appellants agree that Postal Service appears inefficient, but due to lack of direct control over

the Postal Service operations, offer to file a DOGE request, with Attorney DuRant's endorsement, at the earliest opportunity to address this concern.

The Court is respectfully requested to avoid distraction by Attorney DuRant's USPS concerns and to focus on the true issue. Respondent's Reply to Appellant's Return to Respondent's Motion to Strike included an affidavit of attorney Karl Twenge, dated April 10, 2025, as Exhibit A. In his affidavit, Attorney Karl Twenge states "After the conclusion of the trial on November 8, 2024, I witnessed Appellant Kevin Smith approach the court reporter and order a copy of the transcript of the November 8, 2024 portion of the trial." This is not a true statement. No appellant ordered a transcript from the court reporter on November 8, 2024. For any individual to submit a false statement to the court is egregious. For an attorney to submit a false statement to the court demands the court address appropriately.

Attorney DuRant further claims that this false affidavit was submitted, not to impugn the credibility of Appellant Kevin Smith, but rather to "correct the record". Attorney DuRant did not state in the Reply that correction of record was sought, rather Attorney DuRant referenced attorney Twenge's unsubstantiated claim within Reply to Appellants Return to Respondent's Motion to Strike (page 2, footnote 1), stating "Interestingly, Appellant Kevin Smith did order a copy of the November 8, 2024 transcript". Clearly insinuating appellant to be untruthful.

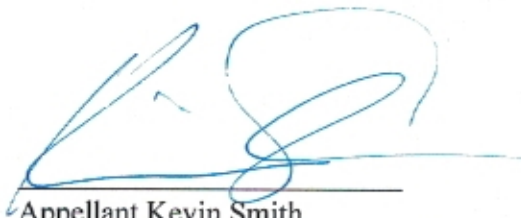
In short, Attorney DuRant could have simply verified Attorney Twenge's false claim prior to using the claim to suggest Appellant is not truthful. *Coastal Court Reporting, Inc.* has refused to provide the Court Reporter's name or contact information to allow verification. *Coastal Court Reporting, Inc.* has refused to validate the claim on behalf of

Appellants. Coastal Court Reporting, Inc. has confirmed that no record or invoice of a transcript order exists. *Coastal Court Reporting, Inc.* has confirmed that no cancellation of a transcript order exists. *Coastal Court Reporting, Inc.* has confirmed that no message was provided to Attorney Twengy that Appellants cancelled a transcript order.

Attorney DuRant submitted a false affidavit to the Court to sway Court opinion by stating Appellants were not being truthful. This action is morally corrupt at best, and heinous perjury at worst. As Appellants demonstrated, a simple phone call to *Coastal Court Reporting, Inc.*, prior to suggesting Appellants are untruthful, is not too much to require of a seasoned attorney.

Appellants pray the Court address submission of false affidavit by Attorney Twenge and the inclusion within Respondent's Reply and grant Appellants' Motion.

Respectfully Submitted,



Appellant Kevin Smith
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Email: uscsmith@hotmail.com

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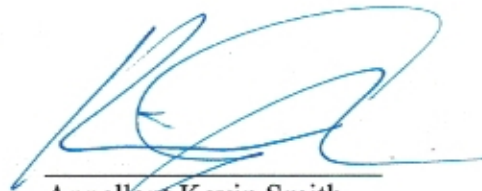
Kevin Smith, Trent Smith, Cynara Smith Love,
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Charles Woods,.....Respondent.

PROOF OF SERVICE

I, Appellant Kevin Smith, do hereby certify that on May 5, 2025, I served a copy of **APPELLANT'S REPLY TO RESPONDENT'S RETURN TO APPELLANT'S MOTION TO STRIKE MATERIAL CITED WITHIN RESPONDENT'S REPLY TO APPELLANT'S RETURN TO RESPONDENT'S MOTION TO STRIKE** in the above-captioned case on **Bess Jones DuRant** by First Class mail addressed to Bess J. DuRant, Sowell and DuRant, 1325 Park St. Ste 100, Columbia, SC 29201.



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May 5, 2025
Jacksonville, Florida