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**Aug 14 2025**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
IN THE CIRCUIT COURT

The Honorable Patrick C. Fant III  
**Court of Appeals Case No.:**

**Circuit Court Case No.: 2019CP2306363**  
**Consolidated with Civil Action No.: 2017-CP-23-06127**

**SYLVESTER JACKSON, KAREN ROBINSON, MICHAEL ROBINSON,  
DOROTHY WILLIAMS, JOHN WOODFOLK, ERNEST "TERRY" MURRAY,  
DONALD COX, TIMOTHY MCBEE, DERRICK COX, REGINALD JACKSON,  
WILLIE FOSTER, CYNTHIA ROBINSON, ZELMA BROWN, TELEK COBB,  
SARAH THOMASON, and THURSHIA JAMISON-JACKSON,**

Respondents,

v.

**CHARLES "BENNIE" SMITH, ROBIN SMITH, LARRY DAWKINS, MABLE  
DAWKINS, JIMMY DAVIS, BRENDA DAVIS, DOROTHY THOMASON, L.C.  
THOMASON, and JAMES SIMS,**

Appellants.

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NOTICE OF INTENT TO APPEAL

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Notice is hereby given that Appellants Charles "Bennie" Smith, Robin Smith, Larry Dawkins, Mable Dawkins, Jimmy Davis, Brenda Davis, Dorothy Thomason, L.C. Thomason, and James Sims appeal to the South Carolina Court of Appeals from the following orders of the Honorable Circuit Court for Greenville County:

**ORDERS APPEALED FROM**

1. **Order entered July 31, 2025** (the "Primary Order"), which:

Purports to bind Enoree Fork Baptist Church as an entity despite it never being named as a party

Orders the church to conduct a court-supervised congregational meeting

Reinstates individuals to church membership and leadership positions

Retains ongoing judicial supervision over church governance

2. **Order entered August 12, 2025**, denying Appellants' Motion to Alter or Amend Judgment under Rule 59, SCRCF
3. **Order entered August 12, 2025**, denying Appellants' Petition for Writ of Supersedeas and Motion to Stay without hearing
4. **Order entered August 12, 2025 denying Motion to Alter or Amend Judgment, For Rehearing or Vacatur(Rule 59, SCRCF).**
5. Order entered August 12, 2025 denying the Appellants' Supplemental Rule 59 Motion.
6. Implied Order of August 12, 2025 denying the Non-Party Enoree Fork to Enter a Special Appearance with a due process hearing.

### **GROUNDS FOR APPEAL**

This appeal is taken on the following grounds:

#### **I. SUBJECT MATTER JURISDICTION**

The circuit court lacked subject matter jurisdiction to enter orders binding Enoree Fork Baptist Church as an entity when said church was never named as a party, served with process, or brought before the court.

#### **II. CONSTITUTIONAL VIOLATIONS**

The circuit court's orders violate:

- The First Amendment to the United States Constitution (Establishment and Free Exercise Clauses)
- Article I, Section 2 of the South Carolina Constitution
- Due process rights under the Fourteenth Amendment and South Carolina Constitution

### **III. FAILURE TO JOIN INDISPENSABLE PARTY**

The circuit court erred by failing to dismiss the action when Enoree Fork Baptist Church, an indispensable party under Rule 19, SCRCF, could not be joined due to statute of limitations.

### **IV. PROCEDURAL DUE PROCESS VIOLATIONS**

The circuit court denied Appellants' post-trial motions without providing due process, including:

- Denial of Rule 59 motion without hearing
- Denial of supersedeas petition without hearing
- Failure to consider constitutional and jurisdictional arguments

### **V. ERRORS OF LAW**

The circuit court committed reversible errors by:

- Improperly relying on interlocutory summary judgment ruling as dispositive
- Exceeding authority in declaratory judgment action
- Mandating ongoing judicial supervision of religious organization
- Violating church autonomy doctrine

### **PRESERVATION OF ISSUES**

All issues raised in this appeal have been properly preserved through:

- Pre-trial motions and objections
- Trial proceedings and post-trial motions
- Constitutional and jurisdictional challenges
- Rule 59 motion and supersedeas petition

s/Fletcher N. Smith, Jr  
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Greenville, South Carolina  
Dated: Tuesday, March 4, 2025