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Dec 15 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

G.D. Morgan, Jr., Circuit Court Judge

Case No. 2025-CP-46-01222

Appellate Case No. 2025-001843

Tonya R. Blake, Individually and as
Personal Representative of the Estate of
Reco D. Miller,

Appellant,

v.

Brenda Burris,

Respondent.

**RESPONDENT'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF RESPONDENT'S MOTION TO DISMISS**

Respondent hereby moves the Court pursuant to Rule 240, SCACR, for leave to file a supplemental memorandum in support of Respondent's Motion to Dismiss Appellant's appeal. In support of this Motion, Respondent states that additional evidence supporting one of the bases for Respondent's Motion to Dismiss has become available after the Motion to Dismiss was filed. Specifically, Respondent would supplement the Motion to Dismiss with the following supporting evidence: **Supplemental Exhibit A**, video opening sealed package from *Pro Se* Appellant; **Supplemental Exhibit B**, Affidavit of Sherri N. Harvey; and **Supplemental Exhibit C**, contents of USPS package received November 26, 2025. This additional evidence showing Appellant's

continued failure to serve required documents supports Respondent's argument that the instant appeal must be dismissed for lack of appellate jurisdiction since Appellant failed to serve her Notice of Appeal within thirty (30) days as required by Rules 203 and 262, SCACR. A copy of the proposed Supplemental Memorandum in Support of Respondent's Motion to Dismiss is attached hereto as **Supplemental Exhibit D**.

For the foregoing reasons, Respondent respectfully requests that this Court grant leave to file her proposed Supplemental Memorandum to Respondent's Motion to Dismiss.

MURPHY & GRANTLAND, P.A.

s/ Santino U. Ambrosini

E. Raymond Moore, III, Esquire (SCB 11609)
Santino U. Ambrosini, Esquire (SCB 106857)
P.O. Box 6648
Columbia, SC 29260
Phone: 803-782-4100
Email: ermoore@murphygrantland.com;
sambrosini@murphygrantland.com
Attorneys for Respondent Brenda Burris

Columbia, South Carolina
December 15, 2025

(Space holder for Sup. Exhibit A)

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Appellant,

v.

Brenda Burris,

Respondent.

AFFIDAVIT OF SHERRI N. HARVEY

I, Sherri N. Harvey, being first duly cautioned and sworn, state as follows:

1. I am over the age of 18 and am competent to testify to and have personal knowledge of the facts set forth herein.
2. I submit this Affidavit in support of Respondent Brenda Burris' Motion to Dismiss in the matter of *Tonya R. Blake, Individually and as Personal Representative of the Estate of Reco D. Miller, Appellant, v. Brenda Burris, Respondent*, Appellate Case No. 2025-001843, currently pending in the South Carolina Court of Appeals.
3. I am the full-time legal assistant to attorneys E. Raymond Moore, III, and Santino U. Ambrosini at the law firm of Murphy Grantland, PA.

4. As part of my normal job duties at Murphy Grantland, I am responsible for receiving mail and packages addressed to Messrs. Moore and Ambrosini.

5. On November 26, 2025, I received a USPS package addressed to the attention of Messrs. Moore and Ambrosini. The return address on this package read: Tonya Blake; 201 sidney street, rock hill SC 29730-3941.

6. The USPS package was sealed and unopened when I received it.

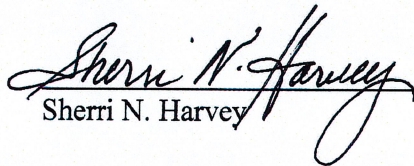
7. Upon opening the package, the only document inside the package was a single-page "FORM 7 – PROOF OF SERVICE OF A NOTICE OF APPEAL." No other documents were contained in the package.

8. The video recording attached hereto as **Supplemental Exhibit A** is a true, complete, and accurate recording which shows me opening this USPS package and removing the document contained therein.

9. The document referenced a motion to compel. However, there was no copy of any motion or other document included in the package.

10. A true, accurate, and complete copy of the package I received, and all documents contained within it, is attached hereto as **Supplemental Exhibit C**.

Further Affiant sayeth naught.



Sherri N. Harvey

SWORN TO and subscribed before me this

15th day of December, 2025

Sandra Branson (L.S.)

Sandra Branson
Notary Public for SC (State)

My Commission Expires: 2-24-32

**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

G. D. Morgan, Jr., Circuit Court Judge

Appellant Case No. 2025-001843
Civil Action Case No.
2025-CP-46-01222

Brenda Burris

Respondent,

v.

Tonya R. Blake, Individually
and as Personal Representative for
The Estate of Reco D. Miller

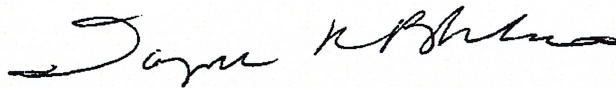
Appellant.

PROOF OF SERVICE

I certify that I have informed Brenda Burris that I have filed a motion to compel with the SC Appeals Courts by sending Attorneys Raymond Moore and Santino Ambrosini this notice to 4406B Forest Drive, Columbia, SC 29206 by depositing a copy of it in the United States Mail, postage prepaid, on November 24, 2025.

November 24, 2025

Tonya R. Blake
201 Sidney Street
Rock Hill, South Carolina 29730
(803) 371-3324
Pro se Appellant



**EXHIBIT
C**

G

US POSTAGE & FEES PAID IMI
4 OZ. GROUND ADVANTAGE RATE
ZONE 2
Commercial

Stamps.com
06350014850615
20773937
FROM 29730



11/24/2025

USPS GROUND ADVANTAGE™

Tonya Blake
201 sidney street
rock hill SC 29730-3941

0001

SHIP TO: MURPHY AND GRANTLAND
4406B FOREST DRIVE
ATTN ATTORNEY E. RAYMOND MOORE LLL
AND SANTINO U AMBROSINI
COLUMBIA SC 29206-3104



USPS TRACKING #



9400 1502 0621 7391 5237 18



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In the Court of Appeals

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Respondent.

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF RESPONDENT'S MOTION TO
DISMISS APPEAL**

Pursuant to this Court's order granting leave to file a supplemental memorandum and Rule 240, SCACR, Respondent hereby submits this Supplemental Memorandum in support of Respondent's Motion to Dismiss. As argued in Respondent's Motion to Dismiss, this appeal is not within the jurisdiction of the Court because Respondent was not served with a valid notice of appeal within thirty (30) days of entry of the order of dismissal as required by Rule 203(b)(1), SCACR.

**EXHIBIT
D**

Supplemental Argument

***Pro Se* Appellant's most recent attempts at service demonstrate that she continues to fail to serve copies of her filings on Respondent as required by Rule 262, SCACR.**

As argued in Section I of Respondent's Motion to Dismiss, Appellant sent proof of service but never served a notice of appeal on Respondent. *See* Respondent's Motion to Dismiss, 4. Instead, Appellant Blake sent a UPS package containing a proof of service (Form 7) certifying that she had served a copy of her Notice of Appeal on Respondent's counsel by mail. *Id.* Another proof of service (Form 7) was included in the same package certifying that Appellant Blake had served a copy her motion to proceed *in forma pauperis*. *Id.* However, *no notice of appeal was served with Appellant's two proofs of service. Id.*

Pro Se Appellant continues to fail to serve copies of her filings on Respondent, instead serving only a proof of service. As demonstrated by *Pro Se* Appellant's most recent filing (which the Court construed as a Motion to Compel), Appellant again failed to serve the document(s) which she purportedly served on Respondent. As with the notice of appeal, Appellant served only a proof of service of her Motion to Compel and did not serve the actual motion itself. **Supplemental Exhibit A**, video opening sealed package from *Pro Se* Appellant. This proof of service was the only document contained in the sealed package Appellant sent to Respondent's counsel. *Id.*; **Supplemental Exhibit B**, Affidavit of Sherry Harvey; **Supplemental Exhibit C**, contents of USPS package received November 26, 2025. *Pro Se* Appellant's most recent failure to serve her Motion to Compel is further indication that, just as with the failure to serve a notice of appeal, Appellant fails to serve her filings on Respondent as required by Rule 262, SCACR.

Conclusion

For the foregoing reasons and those contained in Respondent's Motion to Dismiss, Respondent respectfully requests that this Court dismiss the Appellant's appeal for lack of appellate jurisdiction.

MURPHY & GRANTLAND, P.A.

E. Raymond Moore, III, Esquire (SCB 11609)
Santino U. Ambrosini, Esquire (SCB 106857)
P.O. Box 6648
Columbia, SC 29260
Phone: 803-782-4100
Email: ermoore@murphygrantland.com;
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Attorneys for Respondent Brenda Burris

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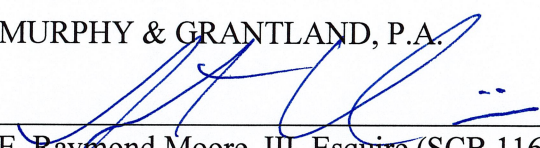
Respondent.

PROOF OF SERVICE

I certify that I have served Respondent's Motion for Leave to File Supplemental Memorandum in Support of Respondent's Motion to Dismiss on *Pro Se* Appellant Tonya R. Blake by depositing a copy of it in the United States Mail, postage prepaid, on December 15, 2025, addressed to her as follows: 201 Sidney Street, Rock Hill, South Carolina 29730.

December 15, 2025

MURPHY & GRANTLAND, P.A.



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Santino U. Ambrosini, Esquire (SCB 106857)
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Attorneys for Respondent Brenda Burris