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SC Court of Appeals

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THE SOUTH CAROLINA COURT OF APPEALS

TONY WILLIAMS, *Appellant*,

v.

LOWE'S HOME CENTERS, LLC, and ANGIE MILLS, *Respondents*.

Appellate Case No.: 2026-000317

Lower Court Case No.: 2025-CP-07-01325

APPELLANT'S REPLY TO RESPONDENTS' OPPOSITION TO PETITION FOR REHEARING

I. INTRODUCTION

The Respondents' Opposition is a strategic attempt to sustain an "Administrative Nullity." Respondents argue that the Appellant failed to comply with **Rule 207, SCACR**, by not providing a transcript. This argument deliberately ignores the forensic fact that **no court reporter was present** at the underlying circuit court proceeding. Respondents are essentially moving this Court to dismiss an appeal based on the Appellant's failure to produce a document that does not exist in the physical world. This "Transcript Trap" is used to shield a lower court order that lacks a **Judicial Identification Code (JIC)** and was issued in a jurisdictional vacuum.

II. THE "PROCEDURAL IMPOSSIBILITY" AND RULE 209, SCACR

Respondents contend that the duty to order a transcript rests solely on the Appellant. While generally true under **Rule 207**, the rule is not a suicide pact for Due Process when no transcript exists.

- **Forensic Fact:** The hearing in Case #01325 was non-reported. No court reporter was requested by the Court or the Defense, and none was present.
- **The Mandatory Remedy: Rule 209, SCACR**, provides that "*if no report of the proceedings was made... the appellant may prepare a statement of the evidence.*" * **The Error:** By issuing deficiency notices for a non-existent transcript rather than allowing the alternative record provided by **Rule 209**, the Court has created a "Procedural Impossibility." To dismiss for failure to perform the impossible is a violation of the **Fourteenth Amendment**.

III. CLARIFICATION OF LEGAL AUTHORITIES

Respondents allege a "lack of candor" regarding cited authorities. Appellant clarifies as follows:

- **Extrinsic Fraud:** The principles of extrinsic fraud—defined as conduct that prevents a party from fully presenting their case—are foundational to South Carolina jurisprudence. Whether found in *Evans v. Gunter* or the broader application of *Hagy v. Pruitt*, 339 S.C. 425, the fact remains: dismissing an appeal based on a missing record that the Court failed to create constitutes a denial of a fair hearing.
- **The JIC Requirement:** Respondents dismiss the "Ghost Order" allegations as "fantastical." However, they offer no rebuttal to the mandatory requirements of **Rule 6, SCEF, and Rule 58, SCRCF**, which require a **Judicial Identification Code (JIC)** for a valid electronic signature. An unauthenticated order is a nullity, regardless of how many transcripts are produced.

IV. RESPONDENTS' DEFAULT STATUS

Respondents continue to seek affirmative relief while remaining in **Certified Default**. Under *Roche v. Young Bros., Inc.*, 332 S.C. 75 (1998), a defaulted party has admitted all well-pleaded allegations. Respondents have no standing to argue "merit" or "lack of candor" when they refused to participate in the litigation at its inception by failing to Answer the Complaint.

V. CONCLUSION

The Respondents seek to win by administrative technicality what they could not win on the merits. They are asking this Court to punish a disabled veteran for the Court's own failure to provide a reporter. The Appellant respectfully requests that the Court **Grant the Petition for Rehearing**, vacate the dismissal, and allow the record to be settled pursuant to **Rule 209, SCACR**.

Respectfully submitted,

S/Tony Williams, Appellant Pro Se

Dated: May 6, 2026