

IN THE SOUTH CAROLINA COURT OF APPEALS

Tonya R. Blake, Personal Representative
of the Estate of Reco Miller,
Appellant,

v.

Brenda Burris,
Respondent.

Appeal From: York County Court of Common Pleas
Case No.: 2025-CP-46-001843

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APPELLANT'S INITIAL BRIEF (PRO SE)

SC Court of Appeals

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Statement of the Case

This appeal arises from the dismissal of Appellant Tonya R. Blake's civil action by the York County Court of Common Pleas on August 14, 2025.

The action concerned the death of Reco Miller, Appellant's husband, during a residential fire on April 26, 2022, at 821 Blackmon Street in Rock Hill, South Carolina. The Appellant alleged that the landlord, Brenda Burris, failed to provide smoke detectors in the residence despite repeated requests and notice of the dangerous condition.

The trial court granted the Respondent's Motion to Dismiss before discovery or presentation of evidence. Appellant seeks review of that decision.

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Tonya R. Blake, Personal Representative
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APPELLANT'S INITIAL BRIEF (PRO SE)

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South Carolina Wrongful Death Statute

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Rules of Civil Procedure regarding Motions to Dismiss

Statement of the Case

This appeal arises from the dismissal of Appellant Tonya R. Blake's action by the York County Court of Common Pleas on August 14, 2025.

The action concerns the death of Reco Miller in a residential fire on April 26, 2022 at 821 Blackmon Street in Rock Hill, South Carolina. Appellant alleges that Respondent Brenda Burris failed to install smoke detectors in the residence despite repeated requests and notice of the dangerous condition.

The trial court granted Respondent's Motion to Dismiss before discovery or presentation of evidence.

Issues on Appeal

1. Whether the trial court erred in granting Respondent's Motion to Dismiss.
2. Whether dismissal was improper where Appellant alleged facts supporting negligence and wrongful death.
3. Whether the trial court failed to consider evidence showing Respondent had notice that smoke detectors were missing.

Statement of Facts

Appellant and her husband Reco Miller moved into the residence located at 821 Blackmon Street in Rock Hill, South Carolina on October 1, 2019.

At the time they moved into the property, smoke detectors were not installed in the residence.

Appellant repeatedly requested that the landlord install smoke detectors because Appellant and her husband had health conditions preventing them from safely installing detectors.

On August 30, 2020, Appellant delivered a written letter requesting smoke detectors during a meeting at Jim 'N Nick's restaurant in Indian Land, South Carolina.

Text messages between Appellant and Respondent also confirm that Respondent acknowledged the requests and stated she would bring smoke alarms to the property but failed to install them.

On April 26, 2022, a fire occurred while Appellant and her husband were sleeping. Because no smoke detectors were present, Appellant had no early warning that a fire had started.

Reco Miller died as a result of the fire.

Issues on Appeal

1. Whether the trial court erred in granting Respondent's Motion to Dismiss.
2. Whether dismissal was improper where Appellant alleged facts supporting negligence and wrongful death.
3. Whether the trial court failed to consider evidence showing Respondent had notice that smoke detectors were missing.

Statement of Facts

Appellant and her husband Reco Miller moved into the residence located at 821 Blackman Street in Rock Hill, South Carolina, on October 1, 2019.

At the time they moved into the property, smoke detectors were not installed in the residence. Because both Appellant and her husband suffered from health conditions limiting their ability to safely climb or install detectors, Appellant repeatedly requested that the landlord install smoke detectors.

On August 30, 2020, Appellant provided Respondent with a written letter requesting smoke detectors during a meeting at Jim 'N Nick's restaurant in Indian Land, South Carolina.

In addition to the written letter, text messages between Appellant and Respondent show that Appellant repeatedly notified Respondent that the home lacked smoke detectors and that Respondent stated she would bring fire alarms to the property.

Despite these requests, smoke detectors were never installed.

On April 26, 2022, a fire occurred in the residence while Appellant and her husband were sleeping. Because the home lacked smoke detectors, Appellant was not alerted to the fire until it had already spread significantly.

Reco Miller died as a result of the fire.

Appellant later filed suit alleging negligence and violations of landlord safety duties.

Standard of Review

An appellate court reviews the granting of a motion to dismiss to determine whether the complaint states facts sufficient to constitute a cause of action.

When considering a motion to dismiss, the court must accept the factual allegations in the complaint as true and view them in the light most favorable to the plaintiff.

Dismissal is improper if the complaint alleges facts that could entitle the plaintiff to relief under any legal theory.

Argument

South Carolina landlords have a legal duty to maintain rental property in a safe and habitable condition under the South Carolina Residential Landlord and Tenant Act.

Smoke detectors are basic safety devices required to alert occupants of fire hazards. The absence of smoke detectors creates a dangerous condition that significantly increases the risk of injury or death.

Appellant repeatedly notified Respondent that the rental home lacked smoke detectors. These notifications were made through verbal communication, written correspondence dated August 30, 2020, and multiple text messages.

Despite receiving notice, Respondent failed to install smoke detectors.

The fatal fire that occurred on April 26, 2022, demonstrates the severe danger created by the absence of these safety devices. Without smoke detectors, Appellant had no early warning of the fire.

The complaint alleges facts supporting negligence and wrongful death. These allegations, if proven, could entitle Appellant to relief.


Because the complaint sufficiently alleged negligence and dangerous conditions on the property, the case should not have been dismissed before discovery and presentation of evidence.

Conclusion

For the foregoing reasons, Appellant respectfully requests that the Court reverse the dismissal entered by the York County Court of Common Pleas and remand the case for further proceedings.

Respectfully submitted,

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Standard of Review

An appellate court reviews the granting of a motion to dismiss to determine whether the complaint states facts sufficient to constitute a cause of action.

All factual allegations in the complaint must be accepted as true and viewed in the light most favorable to the plaintiff.

Dismissal is improper if the complaint alleges facts that could entitle the plaintiff to relief under any legal theory.

Argument

South Carolina landlords have a duty to maintain rental property in a safe and habitable condition.

Smoke detectors are essential safety devices intended to warn occupants of fire. Failure to provide smoke detectors creates a dangerous condition that significantly increases the risk of death or serious injury.

Appellant repeatedly notified Respondent that the rental property lacked smoke detectors through written communication and text messages.

Despite this notice, Respondent failed to correct the dangerous condition.


Because Appellant alleged facts supporting negligence and wrongful death, the case should not have been dismissed before evidence could be presented.

Conclusion

For the foregoing reasons, Appellant respectfully requests that the Court of Appeals reverse the dismissal entered by the York County Court of Common Pleas and remand the case for further proceedings.

Respectfully submitted,

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3/30/26

INITIAL BRIEF OF APPELLANT (PRO SE)

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Statement of the Case

Appellant Tonya R. Blake, Personal Representative of the Estate of Reco Miller, appeals the Order filed August 14, 2025 by the York County Court of Common Pleas granting Respondent Brenda Burris' Motion to Dismiss.

SC Court of Appeals

This case arises from the death of Reco Miller in a residential fire on April 26, 2022 at 821 Blackmon Street in Rock Hill, South Carolina. Appellant alleges that Respondent failed to install smoke detectors in the rental home despite repeated requests. The lack of smoke detectors prevented early warning of the fire and contributed to the death of Reco Miller.

Issues on Appeal

1. Whether the trial court erred in granting Respondent's Motion to Dismiss.
2. Whether the court failed to consider evidence showing the Respondent had notice that smoke detectors were missing.
3. Whether dismissal was improper before the evidence could be presented.

Statement of Facts

Appellant and her husband Reco Miller moved into the residence located at 821 Blackman Street on October 1, 2019. At the time they moved in, no smoke detectors were installed in the home.

Appellant repeatedly requested that Respondent install smoke detectors because both Appellant and her husband had health conditions that prevented them from safely installing detectors themselves.

On August 30, 2020, Appellant provided Respondent a written letter requesting smoke detectors during a meeting at Jim 'N Nick's restaurant in Indian Land, South Carolina.

Text messages between Appellant and Respondent also confirm that Respondent acknowledged the requests and stated she would bring smoke alarms, but failed to install them.

On April 26, 2022, a fire occurred while Appellant and her husband were sleeping. Because no smoke detectors were present, Appellant had no warning that a fire had started until it had already spread. Reco Miller died as a result of the fire.

Argument

South Carolina landlords have a duty to maintain rental properties in a safe and habitable condition under the South Carolina Residential Landlord and Tenant Act.

Smoke detectors are basic safety devices required to protect occupants from fire. Respondent had notice that smoke detectors were not present in the home but failed to install them.

Evidence exists showing Respondent was notified through written correspondence and text messages. Despite this knowledge, the condition was not corrected.

The trial court dismissed the case before this evidence could be presented or reviewed. Because Appellant alleged facts supporting negligence and wrongful death, the case should not have been dismissed at an early stage.

Conclusion

Appellant respectfully requests that the Court of Appeals reverse the dismissal entered by the York County Court of Common Pleas and remand the case for further proceedings so that the evidence may be properly considered.

APPEAL PACKAGE

APPEAL DOCUMENT PACKAGE

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