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**Subject:** PETITIONER'S REPLY TO RESPONDENTS' RETURN IN OPPOSITION TO THE PETITION FOR WRIT OF CERTIORARI  
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## IN THE SUPREME COURT OF SOUTH CAROLINA

Case No. 2026-001111

Tony Williams,

*Petitioner,*

v.

Lowe's Home Centers, LLC and Andrew Melling,

*Respondents.*

### PETITIONER'S REPLY TO RESPONDENTS' RETURN IN OPPOSITION TO THE PETITION FOR WRIT OF CERTIORARI

#### INTRODUCTION

#### TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF SOUTH CAROLINA:

The Petitioner, Tony A. Williams, acting *pro se*, respectfully submits this Reply to Respondents' Return in Opposition to the Petition for Writ of Certiorari. Respondents' Return is anchored upon a foundational, easily disprovable misstatement of fact regarding this Court's jurisdiction, designed to deceive this Court into executing a blind dismissal. Respondents boldly assert that the Petition is procedurally barred as untimely, choosing to deliberately substitute the Clerk's physical mail-processing date for the unalterable jurisdictional mailing rules of this state.

Furthermore, Respondents urge this Court to accept a dangerous procedural fiction: that a non-reported hearing can trigger a fatal transcript penalty under Rule 207, SCACR, and that a text entry on a public index completely lacking a Judicial Identification Code (JIC) fulfills the mandate of Rule 58, SCRCP. Most egregious, however, is the identity of the

drafting counsel. Michelle E. Gaston, Esq., has submitted this Return under the guise of an objective officer of the court, while intentionally concealing that she is a named, personal Defendant facing claims of professional misconduct in a closely related, parallel action—**Case No. 2025CP0702967**—directly involving the Petitioner.

This Court must reject Respondents' mischaracterizations and self-serving distortions. The Court of Appeals explicitly refused to review the substantive merits of this action, choosing instead to issue a mechanical dismissal based solely on a non-existent transcript. The Petition is timely, the structural defects below are severe, and counsel is fundamentally conflicted. Review must be granted to preserve the integrity of the appellate process.

## **LEGAL ARGUMENT**

### **I. APPELLANT'S PETITION IS JURISDICTIONALLY TIMELY PURSUANT TO THE MANDATORY "MAILING RULE" OF RULE 263(c), SCACR.**

Respondents lead their Return with a fatal error, asserting on page 4 that because the physical envelope was received by the Clerk on May 12, 2026, the Petition is untimely and jurisdictionally barred. This argument directly violates the plain language of the South Carolina Appellate Court Rules.

Pursuant to **Rule 263(c), SCACR**, the execution of appellate filings via the United States Postal Service is explicitly protected by the "Mailing Rule":

*"Filing by mail shall be deemed timely if the document is deposited in the United States mail, properly addressed to the clerk, with sufficient first class postage fastened, within the time allowed for filing."*

The Court of Appeals denied rehearing on April 8, 2026. The 30-day jurisdictional window under Rule 242(c), SCACR, expired on May 8, 2026. The Petitioner possesses unalterable, federal verification via United States Postal Service tracking that the complete Petition package was deposited, properly addressed, and postmarked on **May 8, 2026**—the exact day of the statutory deadline. (Certified Mail Tracking Number USPS: 9589 0710 5270 3530 4128 90)

Under longstanding South Carolina law, a postmark completely satisfies an appellate deadline regardless of when the Clerk physically processes or stamps the envelope. See *State v. Broadus*, 319 S.C. 285, 287, 460 S.E.2d 567, 568 (1995) (affirming that the date of mailing controls compliance with mandatory appellate timeframes). Respondents' reliance on the physical delivery date of May 12 reflects a reckless disregard for Rule 263(c), and their jurisdictional objection must be rejected as a matter of law.

### **II. THE COURT OF APPEALS ERRANTLY DISMISSED THE APPEAL PURELY ON A**

## **TRANSCRIPT TECHNICALITY WITHOUT EVER REVIEWING THE MERITS.**

Respondents' Return attempts to litigate the substantive merits of the underlying action, but this is a structural shell game. The dispositive fact is that the Court of Appeals **never reached the merits of the case**. Instead, the lower court simply and blindly predicated its entire dismissal on a technical transcript requirement under Rule 207, SCACR.

This mechanical enforcement constitutes a clear error of law and a denial of due process. The law does not require, nor can it enforce, the production of a non-existent record. Because the underlying circuit court proceeding lacked an official court reporter, generating a hearing transcript was a physical and procedural impossibility.

By completely refusing to review the merits of the appeal and failing to apply the alternative record-building remedies explicitly provided under **Rule 209, SCACR**, the Court of Appeals allowed a technicality to completely choke out a *pro se* litigant's right to appellate review. This Court has long held that procedural rules should not be used as a trap to evade a review of the merits. See *Atlantic Coast Builders and Contractors, LLC v. Lewis*, 398 S.C. 323, 330, 730 S.E.2d 282, 285 (2012) (stressing that appeals should be decided on the merits rather than technical dimensions whenever possible); see also *Bunkum v. Manor Care*, 412 S.C. 247, 771 S.E.2d 859 (Ct. App. 2015). Because the Court of Appeals dismissed this action purely on a transcript technicality without ever addressing the structural defects below, Certiorari must be granted to prevent an administrative injustice.

## **III. RESPONDENTS' COUNSEL HAS AN UNDISCLOSED, INHERENT CONFLICT OF INTEREST AS AN ACTIVE DEFENDANT IN PARALLEL LITIGATION.**

On page 8 of the Return, Respondents attempt to defend the Circuit Court's unauthorized May 5, 2026 hearing by claiming it took place under entirely "separate actions," specifically naming **Case No. 2025CP0702967 (Tony Williams v. Michelle E. Gaston, Steptoe & Johnson PLLC, and Lowe's Home Centers, LLC)**.

In making this argument, counsel openly exposes her own disqualifying conflict of interest. Michelle E. Gaston, Esq., is not a detached, objective legal advocate in these proceedings; she is an active, named **Defendant** in Case No. 2025CP0702967, facing direct allegations of professional negligence and procedural misconduct arising from the handling of the Petitioner's claims.

Under the *South Carolina Rules of Professional Conduct*, Rule 407, SCACR, Rule 1.7, an attorney cannot represent a client if the representation involves a concurrent conflict of interest, particularly where the lawyer's own personal and legal interests are deeply intertwined with the litigation. By personalizing the defense and drafting filings designed to insulate orders lacking a Judicial Identification Code (JIC), Ms. Gaston is actively defending her own legal exposure under the cover of representing Lowe's Home Centers. Her

personal status as an adverse litigant against the Petitioner creates an incurable structural taint over these proceedings that cannot be ignored by this Court.

#### **IV. AN INDEX ENTRY LACKING A JUDICIAL IDENTIFICATION CODE (JIC) IS A NULLITY UNDER RULE 58, SCRPC.**

Respondents rely heavily on *Bowman v. Richland Memorial Hospital*, 335 S.C. 88, 515 S.E.2d 259 (Ct. App. 1999) to argue that the presence or absence of a JIC is a mere "formatting feature" or electronic technicality. This completely misconstrues *Bowman* and the operational mandate of Rule 58.

*Bowman* unequivocally establishes that an order is "**of no effect**" until it is properly written and entered by the clerk. *Id.* at 91, 261. In a mandatory electronic filing paradigm, the **Judicial Identification Code (JIC)** is not a formatting choice; it is the **judge's legal signature**. Without a JIC embedded in the electronic file, the document is the digital equivalent of an unsigned draft check.

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- **Rule 58, SCRPC** requires a separate, legally executed document to make a judgment effective.

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- An entry on the Public Index labeled "Order" that contains a blank completion field and no JIC fails to satisfy Rule 58.

A party cannot enforce an unauthenticated, unsigned electronic shell of an order against an opposing party, and the Court of Appeals erred by treating an entry devoid of verified judicial authority as a final, effective judgment.

#### **CONCLUSION**

The Respondents' Return is built upon a provable misrepresentation of this Court's mailing rules, an omission of counsel's personal status as a Defendant in Case No. 2025CP0702967, and a persistent effort to obscure the absence of lawful, signed judicial orders in the lower court record. Petitioner has met every standard "decently and in order," preserving the record and executing his filings in strict compliance with the postmark mandates of Rule 263(c), SCACR.

The Court of Appeals failed to conduct any review of the substantive merits, electing instead to issue a procedural dismissal based on a non-existent transcript. The issues presented in this Petition strike at the foundational requirements of judicial signatures, conflict-free counsel, and due process for *pro se* litigants facing systemic barriers. For the reasons stated herein, the Petitioner respectfully requests that this Court **GRANT** the

Petition for Writ of Certiorari, vacate the order of dismissal, and review this matter on the true merits.

Respectfully submitted,

Dated: June 3, 2026

**S/Tony Williams**

*Petitioner Pro Se*

145 Fort Sullivan Drive

Ridgeland, SC 29936

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Appellant's Reply to Respondents' Return has been served this 3rd day of June, 2026, via United States First Class Mail, postage prepaid, addressed to counsel for Respondents as follows:

Michelle E. Gaston, Esq.

STEPTOE & JOHNSON PLLC

P.O. Box 30240

Myrtle Beach, SC 29588

**S/Tony Williams**

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