

IN THE SUPREME COURT
COURT OF APPEALS

Rufus Rivers and Merle Rivers, Appellants, pro se

v.

James Smith, Jr., Respondent.

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JUN 22 2026

SC Court of Appeals

NOTICE OF APPEAL

Appeal From: The Court of Common Pleas Orangeburg, South Carolina Case No.:2018-CP-38-01339

TO: THE CLERK OF THE SOUTH CAROLINA COURT OF APPEALS 912 Lady Street
Columbia, South Carolina 29201

AND TO: ALL COUNSEL AND PARTIES OF RECORD

Pursuant to **Rule 203(b)(1), South Carolina Appellate Court Rules**, Appellant Rufus Rivers hereby gives notice of appeal to the South Carolina Court of Appeals from the Circuit Court's failure to rule on Appellant's properly filed Rule 60 motions, which were submitted on:

- **Date(s) of Rule 60 filings:** 09/19/2025

The Circuit Court conducted proceedings and issued subsequent orders **without ruling on the pending Rule 60 motions**, thereby preventing the entry of a final, appealable order and affecting Appellant's substantial rights.

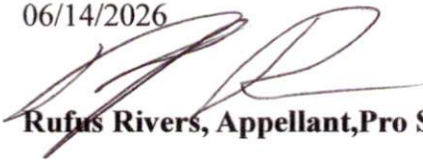
The issues on appeal include, but are not limited to:

1. **Whether the Circuit Court erred by failing to rule on Appellant's pending Rule 60 motions.**
2. **Whether the Circuit Court's refusal to rule constitutes a denial under South Carolina law and is therefore appealable.**
3. **Whether any subsequent orders or writs issued while Rule 60 motions remained unresolved are procedurally improper or void.**

A copy of this Notice of Appeal is being served on all parties as required by Rule 203(d), SCACR.

Respectfully submitted,

06/14/2026


Rufus Rivers, Appellant, Pro Se


Merle Rivers, Appellant, Pro Se

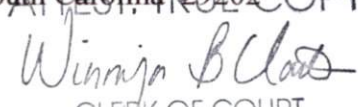
1429 Legrand Smoak Street, Cordova, SC 29039

Attorney for Respondent

Kathleen McDaniel, esq.

912 Lady Street

Columbia, South Carolina 29201

ATTEST: TRUE COPY

CLERK OF COURT
ORANGEBURG COUNTY, SC

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PROOF OF SERVICES

Appellants hereby certify that a copy of the attached Notice of Appeal was served on Respondent James Smith, Jr. through his attorney of record, Kathleen McDaniel, esq. At her last known address 912 Lady Street, Columbia, South Carolina 29201 by depositing the same in the U.S. Mail with certified receipt.

06/14/2026



Rufus Rivers, Appellant, Pro Se


Merle Rivers, Pro Se

1429 Legrand Smoak Street

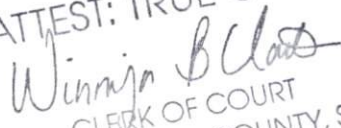
Cordova, South Carolina 29039

Attorney For Respondent

Kathleen McDaniel, esq.

912 Lady Street

Columbia, South Carolina 29201

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CLERK OF COURT
ORANGEBURG COUNTY, SC

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1429 Legrand
Cordova, SC 2



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SC Court of Appeals

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