

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM RICHLAND  
Court of Common Pleas  
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Jocelyn Newman, Circuit Court Judge  
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Case No: 2022-CP-400-1906

Appellate Case No: 2026-000276  
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JUL 06 2026

SC Court of Appeals

Thurmond Guess Sr.-----Appellant,

v.

Pastor Darrell Jackson Sr, Marshall Green, Rosa A. English, Alfred t. Guess, Marjorie Guess,  
of Whom Marshall Green, Alfred T. Guess, and Marjorie Guess are the -----Respondents.

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INITIAL BRIEF OF APPELLANT  
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PRO-SE- APPELLANT

THURMOND GUESS SR.

1115 CARTER STREET APT. 224

COLUMBIA, SOUTH CAROLINA 29204

(803) 238-2025

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### CASES

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RULE 38 OF SOUTH CAROLINA OF RULE CIVIL PRECEDURE.

## STATEMENT OF CASE

The plaintiff, Thurmond Guess Sr., proceeding pro se, filed this action in the Circuit Court for Richland County against the respondents in 2022.

The respondents, Alfred T. Guess and Marjorie Guess, represented to members of the Guess family that they had received an Easement Right-of-Way Deed from Richland County in 2021. Alfred T. Guess and Marjorie Guess stated that they intended to refinance their personal residence in 2021 and that their mortgage company required proof that they owned property located at 3004 Dell Drive, Columbia, South Carolina 29204. However, that property was owned by Arthur Guess and Lila Mae Guess.

The plaintiff questioned Alfred T. Guess about what his parents' property had to do with Alfred T. Guess's and Marjorie Guess's personal property. The plaintiff later discovered that Alfred T. Guess and Marjorie Guess were allegedly attempting to use the property belonging to Arthur Guess and Lila Mae Guess as collateral. At that time, the respondents were reportedly worth between \$1 million and \$2 million.

The plaintiff further discovered that Darrell Jackson Sr., Marshall Green, and Rosa A. English filed an affidavit stating that they witnessed Arthur Guess and Lila Mae Guess sign, seal, and deliver the Easement Right-of-Way Deed to Richland County. The plaintiff alleges that this affidavit was false. The plaintiff further alleges that Richland County has refused to return the property to the Guess family.

Arthur Guess died in 1976. However, the Easement Right-of-Way Deed is dated 1990, approximately 14 years after his death. In addition, the plaintiff alleges that the deed incorrectly identifies his mother's name as "Lillie Mae Guess" instead of her correct legal name, "Lila Mae Guess," and further alleges that the deed and related documents were altered or falsified.

All respondents were served by the Richland County Sheriff's Department on April 15, 2022. Respondent Marshall Green never filed an Answer to the Summons and Complaint. A default judgment was entered against Marshall Green on June 7, 2022. Marshall Green did not appear at any hearings in this case and died on September 7, 2024.

Respondents Alfred T. Guess and Marjorie Guess filed an Answer but failed to appear at any hearings. The deposition of Alfred T. Guess was taken on October 25, 2022, and the plaintiff has a copy of that deposition.

This case was called for trial on July 3, 2025, and again on July 14, 2025. None of the respondents appeared for trial, nor were they represented by counsel. Alfred T. Guess died on July 25, 2025. Thereafter, the Circuit Court granted the plaintiff's motion to substitute the proper parties for Alfred T. Guess and Marshall Green.

In December 2025, respondent Marjorie Guess retained the Johnson Law Firm. Madeline Green, as the substituted party for Marshall Green, also retained counsel. Both attorneys filed motions to dismiss pursuant to Rule 12(b)(6), SCRPC, even though the case had already been called for trial and the respondents had previously failed to appear.

On January 5, 2026, the Honorable Jocelyn Newman granted the respondents' motions to dismiss while also granting the plaintiff's motion to substitute parties. The plaintiff appeals that order because the case had already been called for trial before Judge Coble on July 3 and July 14, 2025. See the trial transcripts for those dates. The plaintiff contends that the Circuit Court violated his constitutional and civil rights and abused its discretion by dismissing the case after it had already been called for trial.

#### STATEMENTS OF ISSUE ON APPEAL

1. Did the circuit court abuse of its discretion?
2. did the circuit court violated the 7. Amendments rights to the constitution. Trial by jury.
3. did the circuit court err on rule 55 of South Carolina rule of civil procedure.
4. did circuit err by Moven the respondents out of default.
5. did circuit court violated the appellant constitutional 14<sup>th</sup> amendments on equal protection law.

#### REASONS FOR GRANTING AND REVERSING THE LOWER COURT ORDER.

In the appellant appeal, appellant has shown and produce law facts that valid basis for the court should review and remand and reverse the order of the lower court. See Wilkins v. United States of America state that the lower have rights to hear case outside statutory limit when it come quiet title acts, or fraud. The circuit court did not have jurisdiction to rule on a 12-(b)(6) motion when both respondents were in default under South Carolina rule 55 judicial branch. The lower court did abuse of its discretion by not following the law of the State of South Civil procedure Rule 38,55,8,14<sup>TH</sup> Amendment of the constitutional right's equal protection of the law to have a right to trial by jury 7<sup>th</sup> Amendments of Constitution. Under rule 55 when a party to a law suit default and fail answer the to the complaint, they cannot contest the allegation of the complaint.

## CONCLUSION

For the foregoing reason, the Appellant Thurmond Guess Sr. submit that the order of the circuit court should be remanded and reverse. And that the judge of this ORDER, should not hear any other matter in this case.

THURMOND GUESS SR.

  
1115 CRATER STREET APT. 224

COLUMBIA, SC 29204

(803) 238-2025

I, THURMOND GUESS SR. DO HEREBY CERTIFY THAT A TRUE COPY OF THE INITIAL BRIEF OF THE APPELLANT HAS BEEN SERVED ON THE UNDER COUNSEL OF RECORD BY PLACING A PRE STAMP IN THE US, MAIL AT THE ADDRESS BELOW ON JULY 6, 2026.

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THURMOND GUESS SR.

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