

Larry A. White (371303)) Supreme Court of South Carolina **RECEIVED**
 Petitioner) A/C NO: 2026-001101 JUL 15 2026
 v.)
 State of South Carolina) S.C. SUPREME COURT
 Respondent)
) Petitioner's Reply To Respondent's Motion
) To File Return, & Motion To Dismiss

Petitioner respectfully asks this Court to deny the Respondent's Motions on the following grounds:

Rule 208 of the South Carolina Appellate Court Rules (A) (2) states, within thirty (30) days after service of appellant's brief, respondent shall serve one copy of his brief on all parties to the appeal and file with the clerk of the appellate court one copy of the brief with proof of service. Rule (A)(4) states, upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated as provided by Rule 260. Upon the failure of Respondent to timely file a brief, the appellate court may take such action as it deems proper. If ~~app~~ the Petitioner were to have missed his deadline his appeal would have been no doubt dismissed. The Respondent said so itself that its return was due to be filed and served on June 26, 2026. Due to a calendaring error counsel missed the deadline. This Court has previously held that such actions such as this did not constitute excusable neglect. See *DeMault V. Holloway Builders, Inc.*, 271 S.C. 468 (1978). In a default action, confusion of corporate defendant's president due to his receipt of two complaints in same week and his mistaken assumption that both were served on same day, which confusion ~~extenuated~~ resulted in corporation's late serving answer to complaint, did not constitute "excusable neglect" entitling corporate defendant to relief from default judgment. Courts have constantly held the neglect of counsel is neglect of the client. Therefore, Respondent's motion to file Return out of time should be denied. To be fair, if the Petitioner were to have missed his deadline to file his brief his action would have been dismissed. The Respondent and its counsel are well experienced in this field of actions such as this and know better. However, Petitioner is a Pro se litigant and no slack would have been cut for him.

So the Respondent and its counsel should be treated equally if not to be held more responsible. As to Respondent's motion to dismiss, Petitioner want to point that this court does in fact have Jurisdiction to hear this matter. On June 16, 2025 Petitioner filed an Petition with this Honorable Court to Vacate his conviction and sentence for lack of subject Matter Jurisdiction, invalid arrest warrants, and affidavits, lack of probable cause, violation of due process, and indictment, conviction, and sentence being a product of the Fruit of the Poisonous Tree Doctrine. On July 21, 2025

this Honorable Court signed an order declining to entertain the matter pursuant to Rule 245 of the South Carolina Appellate Court Rules. Rule 245 (A) states in part, The supreme court will not entertain matters in its original jurisdiction when the matter can be determined in a lower court in the first instance. Petitioner being Pro se and having limited knowledge of the law interpreted that Rule as, the lower court should hear such claims first. Petitioner then filed the similar petition in the lower court. In May of 2025 before such petition Petitioner filed a motion for a Franks hearing. After not hearing anything on that Franks hearing, Petitioner filed an writ of Mandamus with this court against the Marion County clerk of court so that this Honorable court would compel her to put his motion on the docket. Petitioner was given an hearing on April 14, 2026 to which he argued both motions / petitions. The clerk of court however, filed them under a Post-conviction action instead of General sessions matters. On April 23, 2026 Judge seals denied Petitioner relief. This appeal followed thereafter. Rule 201 of the South Carolina Appellate court Rules states, Appeal may be taken, as provided by law, from any final judgment, appealable order or decision. The procedure for petitioning for writ of certiorari to review final judgments in post-conviction relief cases is provided by 243. Further ~~the~~ section (B) states, Only a party aggrieved by an order, judgment, sentence, or decision may appeal. Therefore, this Honorable court does have jurisdiction to hear this matter because Petitioner in fact has a right to appeal and if he is denied that right would be a due process violation and a First amendment violation ~~of~~ of his right to redress the Government of grievances because he is aggrieved. Further, the United States Supreme court in Franks v. Delaware, 438 U.S. 154 (1978) has held that, Where a defendant makes substantial preliminary showing that false statement knowingly and intentionally, or with the reckless disregard for the truth was included by affiant in warrant affidavit, and if allegedly false statement is necessary to finding of probable cause, The Fourth and Fourteenth amendment requires that a hearing be held at defendant's request. If, after evidentiary, defendant establishes by a preponderance of evidence that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by affiant in warrant affidavit, and with false

material set to one side, the affidavits remaining content is insufficient to establish probable cause, warrant must be voided and the fruits excluded to the same extent as if probable cause was lacking on the face of the affidavits. Petitioner has shown this standard. And at the same time has shown that both warrants and affidavits are lacking probable cause on their faces, which means the fruits of such warrants should be excluded, meaning the conviction and sentence. Petitioner has shown by a preponderance of evidence that his rights have been violated and that he was illegally arrested and unlawfully imprisoned. However, the Respondent and Counsel still wants to persuade the court to allow him to stay confined even though there is obvious violations to the United States Constitution and the Constitution of this state. Failing to take action will seriously effect the integrity of our judicial system. The Respondent and its counsel is seeking to ask that the Chief Justice and any concurring Justices to violate their oath under Rule 501.1 of the South Carolina Appellate Court Rules, which states that, "I do solemnly swear (or affirm) that: I will, to the best of my ability, will preserve, protect and defend the Constitution of this state and of the United States, so help me God." Judges have pledged to seek Justice, and Justice alone. The Court of Appeals transferred this case / appeal to the Honorable Court due to the fact this case involves issues of significant public interest or a legal principle of major importance.

Wherefore, Petitioner asks that this Honorable court denied the Respondent's motions and proceed to the reviewing of Petitioner's questions raised.

Respectfully submitted
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