

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SEP 24 2026

SC Court of Appeals

Appeal from Eleventh circuit

LEXINGTON COUNTY

Frank R. Addy, Circuit Court Judge

Appellate Case No. 2026-000683

Dax Lewis and Doren Lewis..... Respondent

Isaac Smith Jr..... Appellant

INITIAL BRIEF OF APPELLANT

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1. BECAUSE THE ORDER CANCELLING A LIS PENDENS. THE APPELLANT RECEIVED NOTICE OF THE ORDER ON FILED MARCH 4, 2026. APPELLANT FURTHER APPEAL ALL DECISION OF THE COURT CONTAINED IN THE ORDER DATED MARCH 4, 2026 TO WHICH THE COURT APPLIED THE DECISION OF THE ORDER CANCELLING THE LIS PENDENS TO THE ORDER DISMISSING ALL ACTIONS OF THE APPELLANT DESPITE THE LIS PENDENS HAVING NO RELATION TO THE ACTIONS OF CASE NUMBER 2025-CP-32-01722. THE CANCELLATION OF THE LIS PENDENS UNRELATED TO THE ACTIONS OF CASE NUMBER 2025-CP-32-01722. THE DECISION APPEALED REPRESENTS A BLATANT DENIAL OF THE APPELLANT’S CONNOTATIONAL RIGHT TO DUE PROCESS THE COURT ERRED IN NOT DISMISSING THE ACTION AGAINST APPELLANT.....	2

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STATEMENT OF THE CASE

Appellant, Isaac Smith, Jr. appealed the circuit court order cancelling a lis pendens and all decisions of the court order. The circuit court dismissed the decision of the court without any consideration of the due process Appellant, Isaac Smith, Jr. The lis pendens and all decisions of

the court order denied the appellant his constitutional right to due process. The Appellant appeals.

FACTUAL BACKGROUND

The Appellant, Isaac Smith, Jr, requested the circuit court reconsider the denial of the plaintiff's motion so as to ensure the plaintiff's right to due process under the constitution of the United States. Plaintiff moved for a Continuance of the In-Person Hearing scheduled for 2:00 A.M., Thursday, July 26, 2023. The Plaintiff received notice only two (2) weeks before the scheduled hearing. The Plaintiff was out of town and had just returned from South Carolina when he received the notice.

It is well documented and all parties have acknowledged the request in person that has been asked for previously to which the clerk of court has never addressed by the Lexington Clerk of Court before. Constitutionally, the court seeks that the court and the clerk of court constitutionally address these constitutional issues.

Appellant's due process rights were severely violated. As further justification of the denial of the Appellant's due process the Motion for Continuance, the Appellant a pro se represented client had twice (2) previously constitutionally requested to be entitled to an in person pro se hearing. The Appellant believes that the Circuit court should be able to give the Plaintiff a timely notice of any proceeding, at least to an in-person hearing. With the Plaintiff living out of state in California, two (2) weeks is not adequate notice, requiring the Appellant attend a hearing at 2:00 A.M., Thursday, July 26, 2023 continuance would be a blatant violation the Plaintiff's Constitutional Due Process Rights. The Respondent made a verbal motion to

dismiss the Motion of the Plaintiff for lack of service of Process even though he acknowledges timely receipt of the notice of the Plaintiff's Motion. The Counsel for the Respondent's only objection to seeking denial of the Motion was an incorrect number in the address of the Counsel for the Respondent. The dismissal of the lis pendens represents a severe miscarriage of justice.

As further justification of the Motion for Continuance, the Plaintiff a pro se represented client and has twice (2) previously constitutionally requested to be entitled to an in person pro se hearing. The Plaintiff believes that the Circuit court should be able to give the Plaintiff a timely notice of any proceeding, at least to an in-person hearing. With the Plaintiff living out of state in California, two (2) weeks is not adequate notice, requiring the Plaintiff attend a hearing at 2:00 A.M., Thursday, July 26, 2023 continuance would be a blatant violation the Plaintiff's Constitutional Due Process Rights.

Appellant does not have access to electronic filing therefore all communication with the Plaintiff does not have access to electronic filing therefore all communication with the Appellant does not have access to electronic filing therefore all communication with the Appellant hand to be made through the mail. The Appellant was entitled to a timely notice through the mail of any in person hearing and those should be the only type of hearings scheduled for the Appellant because the Plaintiff is pro se.

does not have access to electronic filing therefore all communication with the Plaintiff must be through the mail. The Appellant was entitled to a timely notice through the mail of any in person hearing and those should be the only type of hearings that should have been scheduled for the Plaintiff because the Plaintiff is pro se.

The Appellant previously made motions to stay this and all action until completion of Richland County CASE NO.: 2022-CP-40-05246, Isaac Smith, Jr. Plaintiff, v. Richland County, South Carolina, The Honorable Amy McCulloch, Individually and in her capacity as Probate Judge for Richland County, Barbara Gail Hampton, Individually and in her capacity as Personal Representative of the Estate of Johnnie Mae Muller Newton, and Elnora Dean, Defendants.

The action filed Richland County CASE NO.: 2022-CP-40-05246 involved the unethical and illegal activity of Defendant, Elnora Dean on behalf of her client Sonja L. Lewis and her children Dax Lewis and Doren Lewis resulted in adverse to the Plaintiff, Isaac Smith in the above referenced action. Because of the ruling adverse to the Appellant in the above-Captioned action was aided by the unethical and unlawful activity of the Respondents, the Appellants was entitled to a stay in the ruling on this action until the Richland County action against the Defendant can be fully adjudicated and the illegal and unlawful actions of the Respondents that adversely effected the case that resulted in an order dismissing the lis pendens and all orders the accompanies the lis pendens. be properly dealt with. The Plaintiff requested a stay until the Richland County Rule on Case NO.: 2022-CP-40-05246 is completed was never granted.

ARGUMENT

Appellant contends the court never explained how a hearing on the Plaintiff the Seventh Amendment grants a right to a jury trial can result in the dismissal of case involving different matters involving other issues and how such a ruling is not a blatant denial of the Plaintiff's due process rights.

The order raises another question of judicial equity. The order cancelled a Lis pendens

filed under Case Number 2022-LP-32-00448. A Lis pendens is a notice of a pending action that involves real estate. The other cases dismissed concerned personal jurisdiction. The Lis Pendens involved in rem jurisdiction. The court had no authority to dismiss any of the other actions without a proceeding to determine the merits of each action. Plaintiff seeks clarification as to how as a result of a hearing on a jury trial can produce a dismissal of action involving both personal and in rem jurisdiction.

The Appellant asked the Lexington County Circuit Court for a motion to stay and for a Default Judgement in this case. They were denied October 16, 2025. The Appellant appealed to the South Carolina Court of Appeals. The Court of Appeals denied the plaintiff motion to stay and motion for Default Judgement. The Court of Appeals sent the case back for a jury trial before the Lexington County Circuit to continue the trial by jury.

The Appellant initially requested a jury trial in his initial complaint and subsequent after the denial of the Plaintiff's appeal made a second request for his constitutionally required right to a jury trial. After the initial complaint was filed, the Appellant made a motion that was denied by the court. Subsequently, the Appellant appealed the denial of the Appellant's motion. The Court of Appeals denied the Motion to Stay and upheld the denial of the default judgment. The Court of Appeals denied the Appellant's appeal and remanded the case to the circuit court. In remanding the case to the circuit court, the appeals court did not take away the Appellant's right to a jury trial. The Court of Appeals made it clear that the case should be heard.

At the hearing scheduled the lower court never addressed the jury trial reequested by the appellant. Basically, the judge denied the constitutional right of the appellant granted by the

United States Constitution. That was an example of the many errors made in the decision of the lower court in this appeal. Further, the respondent never filed and pleaded and in reply to my motion. Their denial of any not producing any responsive pleading in itself should have been enough for the denial of this ruling of the ruling the lower court

The court erred in granting the order cancelling a lis pendens and all decisions of the court order. The circuit court dismissed the decision of the court without any consideration of the due process Appellant, Isaac Smith, Jr. The lis pendens and all decisions of the court order denied the appellant his constitutional right to due process.

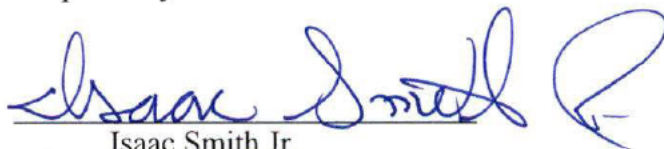
CONCLUSION

WHEREFORE the Appellant respectfully requests that the court reverse the final order granting the cancellation of the lis pendens and all decisions of the court order that accompanied the lis pendens. The court should rule in the interest of fairness and justice and in the interest giving the Plaintiff's constitutently guaranteed right to due process. The order cancelling the lis pendens and all orders that accompanied the order should be reversed.

Certificate of Counsel

The undersigned hereby certifies that the Initial Briefing complies with Rule 211(b), SCACR.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read "Isaac Smith Jr.", followed by a large, stylized flourish or checkmark-like mark.

Isaac Smith Jr.
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Columbia, South Carolina
September 22, 2026

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Isaac Smith Jr..... Appellant

vs.

Dax Lewis.....Appellee

PROOF OF SERVICE

I, Isaac Smith, Jr., Appellant, served upon the Respondent this notice of the initial brief by placing the same in the United States Mail, first class postage prepaid, addressed to the following as shown below this 23rd day of September, 2026.

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Respectfully Submitted

A handwritten signature in blue ink, appearing to read "Isaac Smith, Jr.", with a stylized flourish at the end.

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Columbia, South Carolina
September 23, 2026