

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM RICHLAND
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No: 2022-CP-400-1906
Appellate Case No: 2026-000276

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.

REPLY FINAL BRIEF OF APPELLANT

PRO-SE- APPELLANT
THURMOND GUESS SR.
1115 CARTER STREET APT. 224
COLUMBIA, SOUTH CAROLINA 29204
(803) 238-2025

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TABLE OF AUTHORITIES

CASES

WILKINS V. UNITED STATE OF AMERICA (UNITED STATES SUPREME COURT CASE 2022).

SOUTH CAROLINA RULE OF CIVIL PRECEDUE RULE 8.

RULE 55 OF SOUTH CAROLINA JUDICIAL BRANCH.

7 MENDMENTS OF CONSTITUTION.

RULE 38 OF SOUTH CAROLINA OF RULE CIVIL PRECEDURE.

Dentin v. Kearny Mess AMC/jeep Renault Inc, (1984) 155 CAL, W.A. ROSE CO, V. MUN, CT (1959) 176
CAL APP. 2D 67-71.

Green V, Johnson 2025 CASE SOUTH CAROLINA SUPEME COURT.

STATEMENT OF CASE

The Appellant Thurmond Guess Sr., Proceeding Pro- Se, filed this action in the Circuit Court for Richland County against the Respondents in 2022. R..01,02-03.

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. R.04,05. R. 08.,2-73.

The Appellant questioned Alfred T. Guess about what his parents' property had to do with Alfred T. Guess's and Marjorie Guess's personal property. The appellant 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. R..08,2-73. R. .04,05.

The Appellant 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 Appellant alleges that this Affidavit was false. R.12.85-86. The Appellant further alleges that Richland County has refused to return the property to the Guess family. R.14, 88.

Arthur Guess died in 1976. R.13,87, However, the Easement Right-of-Way Deed is dated 1990, 1991 R.12. 85-86. approximately 14 years after his death. In addition, the Appellant 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. R..12, 85-86.

All Respondents were served by the Richland County Sheriff's Department on April 15,18, 2022. R, 06, 07. Respondent Marshall Green never filed an Answer to the Summons and Complaint. A default judgment was entered against Marshall Green on June 7, 2022. R. 22,.109-111. Marshall Green did not appear at any hearings in this case and he died on September 7, 2024. Id R.20, Pages 115-117.

Respondents Alfred T. Guess and Marjorie Guess filed an Answer but failed to appear at any hearings. R. 15. 90. R. 09,74-78. The Deposition of Alfred T. Guess was taken on October 25, 2022, and the appellant has a copy of that Deposition. R. 08, 2-73, Alfred T. walk out of Deposition R. 08 Page72 line 25 .

This case was called for trial on July 3, 2025, and again on July 14, 2025. R. 15 PAGE 90, R. 09 .74-78, None of the Respondents appeared for trial, nor were they represented by counsel. Alfred T. Guess died

on July 25, 2025. Id, Thereafter, the Circuit Court Granted the Appellant Motion to Substitute the proper parties for Alfred T. Guess and Marshall Green. R. 09. Pages 74-78. R.15. Page 90.

In November 12, 2025, Respondent Marjorie Guess retained the Johnson Law Firm. Madeline Green, as the substituted party for Marshall Green, also retained counsel Abigail Rogers December 2025, both attorneys filed Motions R.16, 91-92, R.17.93-94. R.18.95-96. R.19,97-100, R. 20,101-105. R. 21. 103-107. to dismiss pursuant to Rule 12(b)(6), SCRCp, even though the case had already been called for trial and the Respondents had previously failed to appear. R. 09,74-78. R. 90.

On January 5, 2026, the Honorable Jocelyn Newman "Granted" the Respondents' Motions to Dismiss while also Granting the Appellant's motion to substitute parties. The Appellant 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. R. 09, 74-78. R.19, 99-102. The Appellant 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. R.09, 74-78. Respondent has never filed any Motion to set aside default Rule 55, 55-c they filed 12(b) 6 Motions four months after jury trial hearing on July 3, 2025 R.16, R.17, 93-94, R.,19, 97-100, R.18.95-96, R.20,101-105. Appellant Motion for Damages July 10, 2025, R. 24. 116-117, R.15,Page 90, R. 09,Transcripts Pages 74-78.

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 14th Amendments on Equal Protection law.
6. Did the Lower court Erred on "Standing".

REASONS FOR GRANTING AND REVERSING THE LOWER COURT ORDER.

In the Appellant appeal, Appellant has shown and produce laws, 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 which 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 subject matter of jurisdiction to Rule on a 12-(b)(6) Motion when all of the 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, Rule 55 Rule, 8, 14TH Amendment of the Constitutional Right's Equal Protection of the law to have a Right to trial by jury 7th Amendments of Constitution. R. 09, 74-78. Under Rule 55 when a party to a law suit default and fail answer to the Summons and Complaint, they cannot contest or protest the allegation of the Complaint. And if the Respondents answer and not show up court to defend their answer default should be held against them for no show. No answer by Marshall Green, and no show by Alfred T. Guess, Marjorie Guess. R.09, Pages 74-78, R.15, 90 R.08,90, R. 08,Pages 1-73, Marjorie Guess and Alfred T. Guess was sued separate. R. 01,02,03.

Argument and Reason for Granting and Reverse of the Lower Court concerning "Standing".

The lower court erred on "Standing" and abuse of Discretion by violation of the law on Rule 55 SCRPC of the judicial Branch of the Government and Legislations. The lower court judge erred and has Circumvent and change the law to help the Respondent come out of Default. The lower court judge does not have a Rights to make laws or rewrite laws from the Bench. See Green v. Johnson 2025 case South Carolina Supreme Court.R.09, Pages 74-78, R. 15,90, R. 08, Pages 1-73. The Appellant has a right to protect his interests as an heir.

CONCLUSION

For the foregoing Reason, the Appellant Thurmond Guess Sr. submit that the order of the Circuit Court should be Remanded and Reverse. And "REVERSE" the judge of the lower court "ORDER" the judge, should not hear any more matter in this case if the appellate remanded its orders. The appellate court have the authority to Grant the Appellant a judgment against the Respondents at this time. See affidavit of the Appellant.

RESPECTFULLY SUBMITTED



THURMOND GUESS SR.

1115 CRATER STREET APT. 224

COLUMBIA, SC 29204

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