

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM NEWBERRY
COUNTY
Court of Common Pleas

Samuel M. Price, Jr., Special Referee

Case No. 2025-CP-36-00238
APPELLATE CASE NO. 2026-000716

Enid Garcia,

Respondent,

v.

Reggie Jones,

Appellant.

**RETURN TO APPELLANT'S
MOTION/PETITION FOR HEARING
TO REINSTATE**

s/Robert C. Lake, IV

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Aug 06 2026

SC Court of Appeals

Respondent Enid A. Garcia ("Respondent"), by and through her undersigned counsel, respectfully submits this Return to Appellant Reggie Jones's ("Appellant") *Motion/Petition for Hearing to Reinstate Appellant Case No. 2026-000716*.

The Clerk's Order of Dismissal dated July 29, 2026, was properly entered pursuant to **Rule 260(a), SCACR**, after Appellant defaulted on the initial briefing deadline under **Rule 208, SCACR**, and subsequently failed to respond to this Court's explicit 10-day notice issued on July 8, 2026. Because Appellant fails to establish "good cause" under Rule 260(a), the Motion must be denied.

PRELIMINARY STATEMENT & OBJECTION TO UNAUTHORIZED SIGNATURE

As an initial matter, Respondent's counsel brings to the Court's immediate attention that Appellant's Motion improperly includes the electronic signature line "/s/ Robert C. Lake IV" under the heading "OTHER COUNSEL OF RECORD." **Respondent's counsel did not sign, endorse, authorize, consent to, or support Appellant's Motion in any respect.** Counsel for Respondent unequivocally opposes the relief requested by Appellant. The inclusion of Respondent's counsel's electronic signature block on Appellant's filing was entirely unauthorized and should be disregarded or stricken by the Court.

ARGUMENT

Under **Rule 208(a)(4), SCACR**, when an appellant fails to file and serve the initial brief within the prescribed time, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260. Rule 260(a) requires Appellant to make an affirmative showing of **good cause** before reinstatement may be allowed. Appellant's stated grounds—a seven-year-old medical history and reliance on a non-

attorney neighbor acting under a Power of Attorney—do not establish good cause under those Rules.

I. Misplaced Reliance on a Power of Attorney or Lay Proxy Does Not Constitute Good Cause and Violates South Carolina Law.

Appellant asserts that he requires "assistance from my neighbor and friend who is also my power of attorney" to litigate this appeal. This argument fails as a matter of law:

1. **A Power of Attorney Cannot Delegate Authority to Practice Law:** Under South Carolina law, a Power of Attorney may create an agency relationship for authorized personal or financial acts, but it does not authorize a non-attorney to practice law or represent another person in court. (*see* S.C. Code Ann. § 40-5-310; *State v. Buyers Serv. Co.*, 292 S.C. 426, 357 S.E.2d 15 (1987)). The Supreme Court of South Carolina in *State v. Buyers Service Co.*, stated in relevant part: "This court in *In re Duncan*, 83 S.C. 186, 189, 65 S.E. 210, 211 (1909) held the practice of law includes '... conveyancing, the preparation of legal instruments of all kinds, and, in general, all advice to clients, and all action for them in matters connected with the law.' See also *State v. Wells*, 191 S.C. 468, 5 S.E.2d 181 (1939); *Matter of Easler*, 275 S.C. 400, 272 S.E.2d 32 (1980)."
2. **Lay Representation Constitutes Unauthorized Practice of Law:** Preparing, managing, or submitting appellate filings on behalf of another person involves legal judgment and advocacy and falls within the concerns addressed by S.C. Code Ann. § 40-5-310 and *State v. Buyers Service Co.* Appellant may represent himself, but he may not shift responsibility for compliance with appellate rules to an unlicensed layperson and then rely on that arrangement as good cause for reinstatement under Rule 260(a).

3. **Pro Se Standard:** This Court has routinely held that a pro se litigant is held to the same standard as if he/she was an attorney. (See *State v. Burton*, 356 S.C. 259, 589 S.E.2d 6 (S.C. 2003) “A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.”); see also *Goodson v. Am. Bankers Ins. of Fla.*, 295 S.C. 400, 403, 369 S.E.2d 687, 689 (Ct. App. 1988) (“Lack of familiarity with legal proceedings is unacceptable and the court will not hold a layman to any lesser standard than is applied to an attorney.”). The fact this is Appellant’s first time filing an appeal is irrelevant and should not be considered.
4. **Unauthorized Practice of Law:** For clarity, Respondent relies on the plain text of the South Carolina Appellate Court Rules and the cited South Carolina authorities only to show that Appellant has not established good cause for reinstatement. Respondent does not ask this Court to impose any separate sanction for unauthorized practice of law; rather, the unauthorized-assistance point demonstrates why Appellant’s reliance on a lay proxy cannot excuse his failure to comply with appellate deadlines.

II. A Seven-Year-Old Medical Condition Does Not Excuse a Present Procedural Default.

Appellant further cites a stroke suffered in 2019 as grounds for reinstatement. However:

1. **Lack of Temporal Connection:** Rule 260(a) states “A case shall not be reinstated except by leave of the court, upon good cause shown....” Thus, Appellant must provide more than a bare request for reinstatement. Appellant must show this Court compliance with the rule was impractical or impossible within the timeframe. Neither Appellant nor Ms. Paige has made that showing. A static medical event from 2019 does not explain or excuse the failure to respond to a specific 10-day cure directive issued on July 8, 2026.

Moreover, the stroke did not prohibit or impede Appellant or more likely Ms. Paige, from timely filing the Notice of Appeal or responding timely to this Court's request to file the Record of Hearing.

2. **Lack of Incapacity:** Appellant, or rather Ms. Paige, stated on the record at the hearing of Appellant's motion to reconsider that Appellant is actively employed and drives a moped to work. Furthermore, upon information and belief, Appellant resides in his home by himself. Further, Appellant is able to perform daily activities for himself. Appellant now mentions a stroke from seven (7) years ago for no other purpose than to seek sympathy from this Court for something that was a non-issue until Appellant failed to follow the rules of this Court. Appellant possesses full legal capacity and remains personally accountable for monitoring court notices and adhering to procedural rules.

III. Failure to Attach Proposed Appellant's Brief.

Significantly, Appellant defaulted under Rule 208(a)(4), SCACR, by failing to file and serve an initial brief, and his Motion confirms he remains unprepared to proceed because he asks this Court to reinstate the case merely "so that I may provide the documents required." Reinstatement would reward continued noncompliance, prolong an appeal that has already been dismissed, and impose further delay on Respondent without a showing of good cause.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court:

1. **STRIKE** or **DISREGARD** the unauthorized signature block of Respondent's counsel improperly placed on Appellant's filing;

2. **DENY** Appellant's Motion to Reinstate Appeal; and
3. Direct the Clerk of Court to issue the Remittitur to the Circuit Court pursuant to **Rule 221(b), SCACR.**

Respectfully submitted,

August 5, 2026

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