

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Oct 16 2026

S.C. SUPREME COURT

APPEAL FROM NEWBERRY COUNTY  
Circuit Court  
Samuel M. Price, Jr., Special Referee

Supreme Court Case No. 2026-002265  
Court of Appeals Case No. 2026-000716  
Circuit Court Case No. 2025-CP-36-00238

Enid A. Garcia,

Respondent,

v.

Reggie Jones,

Petitioner.

RESPONDENT'S RETURN TO PETITION FOR WRIT OF CERTIORARI

COUNTER-STATEMENT OF THE CASE

This matter arises from a contract-for-deed foreclosure action in Newberry County. Special Referee Samuel M. Price, Jr. entered an order of foreclosure in favor of Respondent and subsequently denied Petitioner's motion to set aside the judgment.

Petitioner appealed to the South Carolina Court of Appeals (Appellate Case No. 2026-000716). Throughout these proceedings, Petitioner has engaged in a consistent pattern of calculated delay tactics, submitting filings at the absolute last possible moment or missing statutory deadlines entirely. Petitioner failed to file and serve the mandatory Initial Brief and designation of matter within the time required by Rule 208(a)(1), SCACR. On July 8, 2026, the Clerk of the Court of Appeals issued an explicit 10-day cure directive under Rule 208(a)(4),

SCACR wherein it stated specifically that Petitioner must file his initial brief and designation of matter within ten (10) days. Petitioner failed to respond or file a brief, leading to dismissal of the appeal on July 29, 2026.

On August 3, 2026, Petitioner filed a Motion to Reinstate. Respondent filed her Return to Petitioner's motion on August 6, 2026. On September 14, 2026, the Court of Appeals issued an Order denying reinstatement pursuant to Rule 260(a), SCACR, finding that Petitioner failed to show good cause. On October 13, 2026, twenty-nine days later, Petitioner filed the instant Petition for Writ of Certiorari, followed by an unauthorized "Proposed Initial Brief" submitted to the Court of Appeals.

These procedural maneuvers are calculated to improperly string out the process as long as possible, allowing Petitioner to occupy the subject property rent-free while depriving Respondent of the rights and benefits commensurate with true ownership.

#### COUNTER-STATEMENT OF QUESTIONS PRESENTED FOR REVIEW

1. Whether the Court of Appeals properly exercised its discretion under Rule 260(a), SCACR, in denying reinstatement of a defaulted appeal where Petitioner failed to establish good cause?
2. Whether Petitioner's substantive challenges to the underlying foreclosure judgment are properly before this Court when the merits were never briefed or decided in the Court of Appeals due to Petitioner's procedural default?

#### LEGAL ARGUMENT

Petitioner's own Petition admits he failed to comply with Rule 260 of the South Carolina Appellate Court Rules. Petitioner then suggests because he is a pro se litigant, he should not be held to the same standard as an attorney.

However, 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 Petitioner is pro se does not relieve him of complying with the required time lines and procedures required of the South Carolina Appellate Court Rules.

Reinstatement of a dismissed appeal under Rule 260(a), SCACR, requires an affirmative showing of “good cause.” The Court of Appeals properly held that Petitioner’s stated justifications do not meet this standard.

According to Rule 242 of the South Carolina Appellate Court Rules, “A writ of certiorari, is not a matter of right, but of sound judicial discretion, and will be granted *only* (emphasis added) where there are special and important reasons.” Failure to abide by the South Carolina Appellate Court Rules because the litigant is pro se, is neither a special nor important reason to grant certiorari.

Furthermore, reinstatement is an equitable remedy, and Petitioner's conduct demonstrates a deliberate pattern of dilatory behavior. At every stage of litigation, Petitioner has waited until the last possible hour, or in several cases past the deadline, to file required documents or perform required acts. Respondent believes these actions are calculated to string out the appellate process indefinitely so Petitioner can continue occupying the home without paying rent or mortgage obligations. Meanwhile, Respondent owns a property she cannot sell, lease, possess, or

otherwise manage commensurate with true ownership. Granting certiorari or reinstating this defaulted appeal would reward bad-faith delay tactics and inflict ongoing financial and operational prejudice upon Respondent.

## II. Petitioner's Substantive Challenges to the Foreclosure Judgment Are Not Properly Before This Court.

Petitioner devotes much of his petition to arguing the merits of service by publication under Rule 4(e), SCRCPP. These substantive issues are not properly before this Court because the merits were never briefed, argued, or decided in the Court of Appeals due to Petitioner's procedural default. The sole issue properly raised is whether the Court of Appeals abused its discretion in denying reinstatement under Rule 260(a), of the South Carolina Appellate Court Rules.

## III. Late Submission of a Proposed Brief Does Not Cure a Defaulted Appeal.

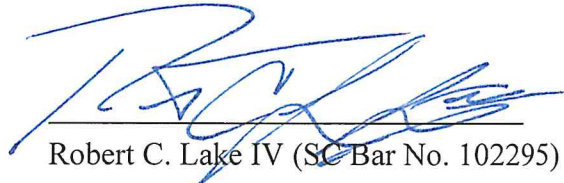
On October 13, 2026, Petitioner submitted an unauthorized "Proposed Initial Brief" to the Court of Appeals. Tendering a proposed brief after an appeal has been dismissed and reinstatement denied is procedurally null and cannot retroactively satisfy Rule 260(a).

### CONCLUSION & RELIEF REQUESTED

Respondent respectfully requests that this Court DENY and/or DISMISS the Petitioner's Petition for Writ of Certiorari and direct the Clerk of the Court of Appeals to immediately transmit the Remittitur to the Circuit Court for Newberry County pursuant to Rule 221(b) of the South Carolina Appellate Court Rules, so Respondent can enforce her judgment in the Court below.

Respectfully submitted,

Newberry, South Carolina  
October 16, 2026



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Attorney for Respondent Enid A. Garcia

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2026, I served a true and correct copy of the foregoing Respondent's Return to Petition for Writ of Certiorari upon the Petitioner by depositing a copy in the United States Mail, First-Class postage prepaid, and via Email addressed as follows:

Reggie Jones

403 Floyd Street

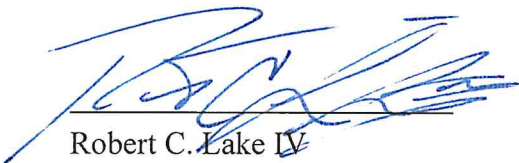
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Robert C. Lake IV

Counsel for Respondent