

IN THE SOUTH CAROLINA COURT OF APPEALS

Tonya R. Blake, Personal Representative
of the Estate of Reco Miller,
Appellant,

v.

Brenda Burris,
Respondent.

Appeal From: York County Court of Common Pleas
Case No.: 2025-CP-46-001843

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APPELLANT'S INITIAL BRIEF (PRO SE)

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Statement of the Case

This appeal arises from the dismissal of Appellant Tanya R. Blake's civil action by the York County Court of Common Pleas on August 14, 2025.

The action concerned the death of Reco Miller, Appellant's husband, during a residential fire on April 26, 2022, at 821 Blackman Street in Rock Hill, South Carolina. The Appellant alleged that the landlord, Brenda Burris, failed to provide smoke detectors in the residence despite repeated requests and notice of the dangerous condition.

The trial court granted Respondent's Motion to Dismiss before discovery or presentation of evidence. Appellant seeks review of that decision.

Issues on Appeal

1. Whether the trial court erred in granting Respondent's Motion to Dismiss.
2. Whether dismissal was improper where Appellant alleged facts supporting negligence and wrongful death.
3. Whether the trial court failed to consider evidence showing Respondent had notice that smoke detectors were missing.

Statement of Facts

Appellant and her husband, Reco Miller, moved into the residence located at 821 Blackman Street in Rock Hill, South Carolina, on October 1, 2019.

At the time they moved into the property, smoke detectors were not installed in the residence. Because both Appellant and her husband suffered from health conditions limiting their ability to safely climb or install detectors, Appellant repeatedly requested that the landlord install smoke detectors.

On August 30, 2020, Appellant provided Respondent with a written letter requesting smoke detectors during a meeting at Jim 'N Nick's restaurant in Indian Land, South Carolina.

In addition to the written letter, text messages between Appellant and Respondent show that Appellant repeatedly notified Respondent that the home lacked smoke detectors and that Respondent stated she would bring fire alarms to the property.

Despite these requests, smoke detectors were never installed.

On April 26, 2022, a fire occurred in the residence while Appellant and her husband were sleeping. Because the home lacked smoke detectors, Appellant was not alerted to the fire until it had already spread significantly.

Reco Miller died as a result of the fire.

Appellant later filed suit alleging negligence and violations of landlord safety duties.

Standard of Review

An appellate court reviews the granting of a motion to dismiss to determine whether the complaint states facts sufficient to constitute a cause of action.

When considering a motion to dismiss, the court must accept the factual allegations in the complaint as true and view them in the light most favorable to the plaintiff.

Dismissal is improper if the complaint alleges facts that could entitle the plaintiff to relief under any legal theory.

Argument

South Carolina landlords have a legal duty to maintain rental property in a safe and habitable condition under the South Carolina Residential Landlord and Tenant Act.

Smoke detectors are basic safety devices required to alert occupants of fire hazards. The absence of smoke detectors creates a dangerous condition that significantly increases the risk of injury or death.

Appellant repeatedly notified Respondent that the rental home lacked smoke detectors. These notifications were made through verbal communication, written correspondence dated August 30, 2020, and multiple text messages.

Despite receiving notice, Respondent failed to install smoke detectors.

The fatal fire that occurred on April 26, 2022 demonstrates the severe danger created by the absence of these safety devices. Without smoke detectors, Appellant had no early warning of the fire.

The complaint alleges facts supporting negligence and wrongful death. These allegations, if proven, could entitle Appellant to relief.

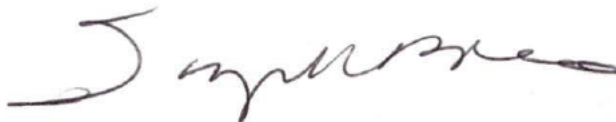
Because the complaint sufficiently alleged negligence and dangerous conditions on the property, the case should not have been dismissed before discovery and presentation of evidence.

Conclusion

For the foregoing reasons, Appellant respectfully requests that the Court reverse the dismissal entered by the York County Court of Common Pleas and remand the case for further proceedings.

Respectfully submitted,

Tonya R. Blake
Personal Representative of the Estate of Reco Miller
201 Sidney Street
Rock Hill, South Carolina 29730
Phone: 803-371-3324

A handwritten signature in dark ink, appearing to read 'Tonya R. Blake', is written over the typed name and address.

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

G. D. Morgan, Jr., Circuit Court Judge

Appellant Case No. 2025-001843
Civil Action Case No.
2025-CP-46-01222

Brenda Burris

Respondent,

v.

Tonya R. Blake, Individually
and as Personal Representative for
The Estate of Reco D. Miller

Appellant.

PROOF OF SERVICE

In response to the court order dated October 14, 2026, I certify that I have served the designation of matter and my initial brief on Brenda Burris by depositing a copy of it in the United States Mail, postage prepaid to her attorney, E. Raymond Moore III, on October 20, 2026, addressed to Murphy & Grantland, PA., PO Box 6648, Columbia, S.C. 29206.

October 20, 2026

Tonya R. Blake
201 Sidney Street
Rock Hill, South Carolina 29730
(803) 371-3324
Appellant

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