THE STATE OF SOUTH CAROLINA

IN THE SOUTH CAROLINA COURT OF APPEALS

Appeal from the Eleventh Judicial Circuit

Lexington County South Carolina

Frank R. Addy, Circuit Court Judge

RECEIVED

OCT 28 2026

SC Court of Appeals

Case No. 2021-ES-32-02587
Appeal Case Number 2026-001754

Sonja L. Lewis.....Respondent

Isaac Smith Jr..... Appellant

INITAL BRIEF OF APPELLANT

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Table of Authorities.....ii

Statement of Issues on Appeal.....1

Statement of Case.....1

Facts.....1

Arguments:

1. BECAUSE THE COURT NEVER ACKNOLEDGED, ADDRESSED OR RULED ON THE MOTIONS OF THE APPELANT THE RULING OF THE COURT IN THE COURT ORDER DENIED THE APPELLANT HIS CONSTITUTIONAL RIGHT TO DUE PROCESS, EQUAL PROTECTION, AND FUNDAMENTAL FEARENESS. THE APPELLANT APPEALS

2. BECAUSE THE ORDER CANCELLING ALL ACTION OF THE APPELLANT AND THE OREDED OUTLINED BY THE FOLLOWING AS STATED BY THE COURT:

   HAVING REVIEWED THIS CASE FULLY, THE COURT FINDS IT NECESSARY TO DISMISS THIS MATTER WITH PREJUDICE. PLAINTIFF'S CLAIM THAT THE COURT HAS NO JURISDICTION TO DISMISS THIS CASE DUE TO A PENDING APPEAL IS FALSE. AN APPELLATE COURT ORDER DATED JULY 24, 2026 REMITTED THIS CASE BACK TO A LOWER TRIBUNAL GIVEN THAT PLAINTIFF'S APPEAL OVER A DISCOVERY MATTER DOES NOT QUALIFY AS AN IMMEDIATE APPEAL. THIS UNJUSTIFIED ATTEMPT AT AN APPEAL WAS ONLY ANOTHER AVENUE FOR WHICH THE PLAINTIFF COULD PROLONG THIS MATTER. THE COURT HAS PREVIOUSLY DISMISSED PLAINTIFF'S SIMILAR CAUSE OF ACTION AGAINST HIS NIECE IN LEXINGTON COUNTY WITH THE CASE NUMBER 2025-CP-32-01722. THE COURT LAID OUT THE NATURE OF THESE MATTERS IN THAT ORDER BUT IT BEARS REPEATING. TIME AND AGAIN, PLAINTIFF HAS LOST IN THE TRIAL AND APPELLATE COURTS OF THIS STATE, YET HE CONTINUES TO FILE NEW ACTIONS LITIGATING EXACTLY THE SAME GRIEVANCES WHICH THE COURTS HAVE RULED ARE UNFOUNDED TIME AND TIME AGAIN. THE PRESENT ACTION IS MERELY A REBRANDING OF SEVERAL CASES WHERE PLAINTIFF HAD SONJA LEWIS' CHILDREN SUBSTITUTED AS PARTY DEFENDANTS. FURTHERMORE, THE PLAINTIFF ALSO BROUGHT SUIT IN FULTON COUNTY, GEORGIA ON THE IDENTICAL FACTUAL BASES AS THE ABOVE REFERENCED LITIGATION. RES JUDICATA BARS THIS CURRENT ACTION, PLAIN AND SIMPLE. THE CONCLUDED LEXINGTON COUNTY PROBATE LITIGATION (SEE 2024-CP-32-00809) AND RICHLAND COUNTY PROBATE LITIGATION (2018-CP-40-00403 AND 2022-CP-40-05246) CONCLUSIVELY RULED AGAINST PLAINTIFF ON THESE ISSUES. HIS EFFORT TO

CHARACTERIZE THIS AS A DIFFERENT CASE SIMPLY BECAUSE IT WAS FILED SOLELY AGAINST HIS SISTER IGNORES THE FACT THAT THE RELIEF HE REQUESTS HAS BEEN FORECLOSED BY THE RESOLUTION OF THE ABOVE CASES, AS WELL AS 2019-CP-32-001270. PLAINTIFF STATED ON THE RECORD THAT HE CAN ACCEPT THE MATTER AS CLOSED IF HE TRULY HAS NO AVENUE TO CONTINUE PURSUING THIS ACTION. IF THE COURT MAY BE SO BLUNT, THIS MATTER IS RESOLVED, AND IT HAS BEEN FOR SOME WHILE. MR. SMITH MAY PURSUE WHATEVER ACTION HE DEEMS NECESSARY WITH THE APPELLATE COURT, AS IS HIS CONSTITUTIONAL RIGHT. HOWEVER, THIS COURT WILL NOT CONDONE WHAT AMOUNTS TO AN EGREGIOUS HARASSMENT CAMPAIGN AGAINST DEFENDANT AND OTHERS. THE PLAINTIFF HAS SPENT YEARS BEATING A DEAD HORSE TO NO AVAIL, AND THE COURT WILL NOT PERMIT THE CONTINUED ABUSE OF THE VARIOUS PARTIES, COURT OFFICIALS, LAWYERS, AND THE STATE'S LIMITED JUDICIAL RESOURCES. FURTHERMORE, PLAINTIFF'S PERSONAL ATTACK ON THE DEFENDANT'S ATTORNEY, MR. DAVIS, IS WHOLLY UNFOUNDED WHICH IS WHY THE COURT DID NOT ASK MR. DAVIS TO RESPOND AT THE HEARING. DUE TO PLAINTIFF'S ONGOING MULTI-YEAR HARASSMENT CAMPAIGN AGAINST THE VARIOUS DEFENDANTS, THIS COURT WILL CONSIDER SANCTIONS AGAINST MR. SMITH SHOULD HE ATTEMPT TO PURSUE THIS SAME LITIGATION IN THE FUTURE IN THIS STATE. PRIOR TO ACCEPTING FOR FILING, THE CLERK OF COURT IS DIRECTED TO FORWARD ANY COMPLAINT TO THE CHIEF ADMINISTRATIVE JUDGE WHICH MR. SMITH SEEKS TO FILE IN A PRO SE CAPACITY. THE COURT FURTHER DIRECTS THE LEXINGTON COUNTY CLERK OF COURT TO SEND A COPY OF THIS ORDER BY MAIL TO PLAINTIFF'S LOS ANGELES ADDRESS. THEREFORE, THE COURT DISMISSES THIS MATTER WITH PREJUDICE.

3. BECAUSE THIS ORDER BY THE MATTER IN WITCH DOES NOT FOLLOW ESTABLISHED LAW AND PROCEDURE THE COURT ERRED IN NOT DISMISSING THE ACTION AGAINST APPELLANT.....2

CASES

Tatnall V. Gardner, 564 S>E.2d 377, 378 (S,C. App. 2002.....2

State v. Devore, 416 S.C. 115 (S/C/ App. 2015), ...3

STATEMENT OF THE CASE

Appellant, Isaac Smith, Jr. appeals an order of the circuit court. The circuit court dismissed all the actions of the circuit court. The continuation of the actions no way affected the due process

or the respondent. The dismissal, however denied the appellant his constitutional right to due process. The Appellant appeals.

STATEMENT OF THE CASE

Appellant, Isaac Smith, Jr. appeals an order of the circuit court. The circuit court never ruled on the moutons of the Appellant. The circuit court dismissed all the actions of the circuit court. The continuation of the actions no way affected the due process or the respondent. The dismissal, however denied the appellant his constitutional right to due process. The Appellant appeals. Appellant, Isaac Smith, Jr. appealed the circuit court order cancelling a lis pendens and 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 dismissal of and all decisions of the court order denied the appellant his constitutional right to due process. The Appellant appeals. The Court order as stated: Having reviewed this case fully, the Court finds it necessary to dismiss this matter with prejudice. Plaintiff's claim that the Court has no jurisdiction to dismiss this case due to a pending appeal is false. An Appellate Court order dated July 24, 2026 remitted this case back to a lower tribunal given that Plaintiff's appeal over a discovery matter does not qualify as an immediate appeal. This unjustified attempt at an appeal was only another avenue for which the Plaintiff could prolong this matter. The Court has previously dismissed Plaintiff's similar cause of action against his niece in Lexington County with the case number 2025-CP-32-01722. The Court laid out the nature of these matters in that order but it bears repeating. Time and again, Plaintiff has lost in the trial and appellate courts of this state, yet he continues to file new actions litigating exactly the same grievances which the courts have ruled are unfounded time and time again. The present action is merely a rebranding of several cases where Plaintiff had Sonja Lewis' children substituted as party defendants. Furthermore, the Plaintiff also brought suit in Fulton County, Georgia on the identical factual bases as the above

referenced litigation. Res judicata bars this current action, plain and simple. The concluded Lexington County probate litigation (see 2024-CP-32-00809) and Richland County probate litigation (2018-CP-40-00403 and 2022-CP-40-05246) conclusively ruled against Plaintiff on these issues. His effort to characterize this as a different case simply because it was filed solely against his sister ignores the fact that the relief he requests has been foreclosed by the resolution of the above cases, as well as 2019-CP-32-001270. Plaintiff stated on the record that he can accept the matter as closed if he truly has no avenue to continue pursuing this action. If the Court may be so blunt, this matter is resolved, and it has been for some while. Mr. Smith may pursue whatever action he deems necessary with the Appellate Court, as is his constitutional right. However, this Court will not condone what amounts to an egregious harassment campaign against Defendant and others. The Plaintiff has spent years beating a dead horse to no avail, and the Court will not permit the continued abuse of the various parties, court officials, lawyers, and the State's limited judicial resources. Furthermore, Plaintiff's personal attack on the Defendant's attorney, Mr. Davis, is wholly unfounded which is why the Court did not ask Mr. Davis to respond at the hearing. Due to Plaintiff's ongoing multi-year harassment campaign against the various Defendants, this Court will consider sanctions against Mr. Smith should he attempt to pursue this same litigation in the future in this State. Prior to accepting for filing, the Clerk of Court is directed to forward any complaint to the Chief Administrative Judge which Mr. Smith seeks to file in a pro se capacity. The Court further directs the Lexington County Clerk of Court to send a copy of this order by mail to Plaintiff's Los Angeles address. Therefore, the Court dismisses this matter with prejudice.

The circuit court judge specifically said: "Having reviewed this case fully, the Court finds it necessary to dismiss this matter with prejudice. Plaintiff's claim that the Court has

no jurisdiction to dismiss this case due to a pending appeal is false. An Appellate Court order dated July 24, 2026 remitted this case back to a lower tribunal given that Plaintiff's appeal over a discovery matter does not qualify as an immediate appeal. This unjustified attempt at an appeal was only another avenue for which the Plaintiff could prolong this matter. The Court has previously dismissed Plaintiff's similar cause of action against his niece in Lexington County with the case number 2025-CP-32-01722. The Court laid out the nature of these matters in that order but it bears repeating. Time and again, Plaintiff has lost in the trial and appellate courts of this state, yet he continues to file new actions litigating exactly the same grievances which the courts have ruled are unfounded time and time again. The present action is merely a rebranding of several cases where Plaintiff had Sonja Lewis' children substituted as party defendants. Furthermore, the Plaintiff also brought suit in Fulton County, Georgia on the identical factual bases as the above referenced litigation. Res judicata bars this current action, plain and simple. The concluded Lexington County probate litigation (see 2024-CP-32-00809) and Richland County probate litigation (2018-CP-40-00403 and 2022-CP-40-05246) conclusively ruled against Plaintiff on these issues. His effort to characterize this as a different case simply because it was filed solely against his sister ignores the fact that the relief he requests has been foreclosed by the resolution of the above cases, as well as 2019-CP-32-001270. Plaintiff stated on the record that he can accept the matter as closed if he truly has no avenue to continue pursuing this action. If the Court may be so blunt, this matter is resolved, and it has been for some while. Mr. Smith may pursue whatever action he deems necessary with the Appellate Court, as is his constitutional right. However, this Court will not condone what amounts to an egregious harassment campaign against

Defendant and others. The Plaintiff has spent years beating a dead horse to no avail, and the Court will not permit the continued abuse of the various parties, court officials, lawyers, and the State's limited judicial resources. Furthermore, Plaintiff's personal attack on the Defendant's attorney, Mr. Davis, is wholly unfounded which is why the Court did not ask Mr. Davis to respond at the hearing. Due to Plaintiff's ongoing multi-year harassment campaign against the various Defendants, this Court will consider sanctions against Mr. Smith should he attempt to pursue this same litigation in the future in this State. Prior to accepting for filing, the Clerk of Court is directed to forward any complaint to the Chief Administrative Judge which Mr. Smith seeks to file in a pro se capacity. The Court further directs the Lexington County Clerk of Court to send a copy of this order by mail to Plaintiff's Los Angeles address. Therefore, the Court dismisses this matter with prejudice."

FACTUAL BACKGROUND

The Appellant, Isaac Smith, Jr, requested the circuit court reconsider the denial of the plaintiff's motion so 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.

The court never acknowledged or ruled on the Appellant's motion.

It is well documented and all parties have acknowledged the request in person that have 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 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 preceding to determine the merits of each action. Plaintiff seeds 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.

The court erred in granting the order cancelling a lis pendens and all decisions of the court order. The court further erred in never knowledge or ruling upon the motions of the Appellant. 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 constituently 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.

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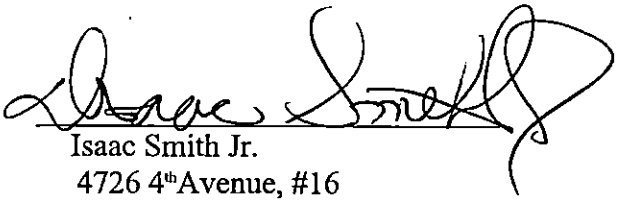
SC Court of Appeals

Respectfully Submitted



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Columbia, South Carolina
October 27 2026

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Sonja L. Lewis.....Respondent

Isaac Smith Jr..... Appellant

PROOF OF SERVICE

I, Isaac Smith, Jr., Appellant, served upon the Respondent this notice of the initial brief of the Respondent by placing the same in the United States Mail, first class postage prepaid, addressed to the following as shown below this 27th day of October, 2026.

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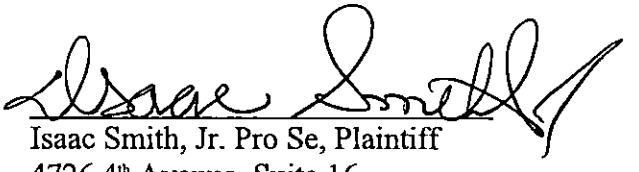
Respectfully Submitted



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