

(APPELLANT'S AMEND RETURN-Reply)

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
OCT 01 2015  
SC Court of Appeals

---

Appeal From The Richland County  
Court of Common Pleas From Orders of  
Honorable G. Thomas Cooper, Jr.,  
Fifth Judicial Circuit Court Judge

---

Appellate Case No.: 2015-000740

---

Case No.(s): 2013-CP-40-03078  
2007-CP-40-03742

Subsequent Interlocutory Orders of (Former) Circuit Court Judge,  
Honorable J. Michelle Childs:

Case No.(s): 2007-CP-40-03742  
2009-CP-40-02442

Subsequent Interlocutory Order of Circuit Court Judge,  
Honorable De Andrea Gist Benjamin:

Case No.: 2009-CP-40-02442

---

Clarence S. Gregory, . . . . . Appellant,

Verses

Riley Pope & Loney, LLC, Law Firm, Attorney(s) and Counselor(s)  
at Law; Individually and Individually named, Theodore D. Riley,  
T. Lowndes Pope, LeRoy Free Loney, Nikole H. Boland, Of Whom  
All are sued In Their Individual and Professional Capacities,  
Riley Pope & Loney, LLC, Limited Liability Contractor(s)(LLC);

AND

Heath McAlvin Stewart, III, Individually and Individually named,

Of Who, Formerly Employed with Riley Pope & Laney, LLC, Law Firm, An Agent Attorney Is Sued In His Individual and Professional Capacities, Et Al.;

All Whom are named as Defendants,  
Of Which Riley Pope & Laney, LLC, Is The Respondent.

(APPELLANT'S AMENDED RETURNED REPLY)  
RETURNED REPLY

---

APPELLANT'S RETURNED-REPLY TO AND OPPOSING  
RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE AND  
SERVE (RESPONSIVE BRIEF) INITIAL BRIEF AND  
DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL

---

COMES NOW, THE Appellant, by way of pro'se, and do hereby, respectfully request this Honorable Court, pursuant to Rule 240 (a), (b), and (c) (3), of the S.C. Appellate Court Rules (SCACR), to grant an Order, to deny Respondent's counsel said Motion for "Thirty (30) days," extension of time to file and serve their (Responsive Brief) Initial Brief And Designation of Matter To Be Included In The Record On Appeal, which is required by Rule 208 (a) (2), and the failure <sup>to</sup> file, is under Rule 208 (a) (4), of the S.C. Appellate Court Rules.

The grounds in support of Appellant's Returned-Reply, are set forth within, Rule 240 (b), and (c) (3), of the S. C. Appellate Court Rules as following:

(1) That, on/or about, September 23, 2015, the Respondents' Counsel, Damon C. Wlodarczyk, filed a "Via Hand-Delivery" notice and motion for extension of time to file and serve Initial Brief and Designation of Matter to be included in the Record on Appeal,

requesting for an additional thirty (30) days, pursuant to Rule 263 (b), of the S.C. Appellate Court Rules (SCACR);

(2) That, in Respondents' counsel Wlodarczyk's said motion, Respondents' counsel admits of the dead-line time to file is on, September 23, 2015;

(3) That, further in Respondents' counsel motion, paragraph 03, counsel makes his claims for not timely filing and serving Responsive Brief, due to the nature of pro'se Appellant's case and myriad of allegations set forth in Appellant's Initial Brief in addition to the undersigned's (Law Firm's) current caseload, in which, counsel claims of the need for additional time to complete their brief;

Appellant's Return-Reply, Opposition:

(4) That, Appellant asserts and argues, for the above Respondent's counsel reasons, the Respondent's counsel said motion is "not" proper before this Court to support their grounds for an extension of time, pursuant to Rule 240 (b), and (c) (3), of the S.C. Appellate Court Rules (SCACR), which provided in pertinent parts, held:

Rule 240 (b), provides: Titled, "Stay Of Time Limits."

"Unless otherwise provided by these Rules, or ordered by the Appellate Court, the "time limit" imposed by these Rules "shall not be stayed" by the filing of a motion or petition. A motion to dismiss an appeal or a motion to relieve counsel shall however, automatically stay the time limits for perfecting the appeal until the motion is decided."

The Appellant argues and asserts, filing a motion or a petition should not "tolled" the time limits, and especially in this matter, when Respondents' counsel failed to pursue a reasonable due diligence, at an "earlier time," and not on the last day or the required time to file their brief;

(5) The Appellant asserts, under Rule 240 (c), (3), SCACR, provided in pertinent parts, held:

Rule 240 (c), (3), provides:

"Form and Content of Motions and Petitions."

"Where the Record on Appeal or Appendix has "not" been filed, or where the facts relied upon in support of the motion are "not" contained in the Record on Appeal or Appendix, the parties "shall file affidavits and other documents in support of their positions."

The Appellant argues and asserts, the Respondent's counsel said motion is "not proper" before this Court, and the motion does not "comply" with Rule 240 (c)(3), SCACR; *and 240 (g), SCACR*

The Appellant has not "filed" his Record on Appeal and Respondent's counsel motion is not support by any affidavits or any other documents to support their claims or facts alleged in their motion;

The Appellant asserts under "procedural due process," requires this Court not to be bias and impartial and since Rule 240 (c)(3), requires a motion to be supported with affidavits and other documents, in support of the Respondent's counsel position, then permitting the Respondent's counsel otherwise would violates the Appellant's procedural due process right;

The Appellant respectfully asserts, the absent of what of is mandated or required by the State Court Rules, and in this matter, under Rule 240 (c) (3), is equalvant to a "failure to comply; and the Clerk of the Appellate Court shall insure compliaance with this Rule before accepting "any papers for filing, under Rule 267 (f), SCACR; and Rule 240 (g), SCACR;

The Appellant asserts, Respondent's counsel has "failed" to timely file their Responsive Brief, purporting on the last required date of September 23, 2015, and filing an "improper" motion for extension of time; and the filing of any affidavits or other documents would be a denial of due process and a denial of equal protection, under the U.S. Constitution of the 14th Amendment, because Respondent's would be outside of the time required to file, Rule 208 (a)(2), and such otherwise would be a failure to timely file, Rule 208 (a) (4), SCACR.

Finally, and under case law authorities, cited in, Marrett vs. Forrest, S.E.2d 2014, WL 2276060, S.C. App. 2014, the Appellant would respectfully request this Court to "reverse" or address the merits of the appeal in the Appellant's Initial Brief, and/or if this Court Orders the Appellant to provides the Final Brief and to includes the Record on Appeal.

For these reasons set forth herein, this amended request Returned Reply, Appellant prays that this Court would deny the Respondent's said motion, and take any other such action as it deems just and proper.

That, on this date, September 30, 2015, in this Amended  
Returned Reply, To and Opposing Respondent's Counsel said Motion,  
the Respondents' and this Court has been served.

Richland County,  
Columbia, South Carolina  
Zip Code 29210-4012

Respectfully Submitted, I am

s/ *Clarence S. Gregory*

CLARENCE S. GREGORY, #227394  
C/o BROAD RIVER CORRECTIONAL  
MURRAY UNIT, B-WING RM. 234  
4460 BROAD RIVER ROAD  
COLUMBIA, SOUTH CAROLINA  
ZIP CODE 29210-4012

APPELLANT PRO' SE

CASE NO.: 2015-000740

APPELLANT'S AMENDED RETURNED  
REPLY TO AND OPPOSING RESPONDENT'S  
MOTION FOR EXTENSION OF TIME TO  
FILE AND SERVE (RESPONSIVE BRIEF)  
INITIAL BRIEF AND DESIGNATION  
OF MATTER TO BE INCLUDED IN THE  
RECORD ON APPEAL

6

RECEIVED

OCT 01 2015

STATE OF SOUTH CAROLINA **SC Court of Appeals** IN THE SOUTH CAROLINA

COUNTY OF RICHLAND )

COURT OF APPEALS

AFFIDAVIT OF:

CLARENCE S. GREGORY

PERSONALLY APPEARED before me, CLARENCE S. GREGORY, #227394, who, being first duly Sworn, depose and says:

(1). That, pursuant to Rule 208 (a),(4), and Rule 240 (b), (c), (3), of the S.C. Appellate Court Rules, In support of Appellant's Notice and Motion For An Order to Deny Respondents' Counsel Damon C. Wlodarczyk's Motion for Extension of time to file and serve Initial Brief and Designation of Matter to be Included in the Record On Appeal;

(2). That, Appellant received Respondent's counsel Motion as aforesaid motion, on/or about, Monday, September 28th, 2015, at the Broad River Correctional Institution Mailroom, by Ms. Susan Frye, Mailroom Staff/Employee;

(3). That, the facts herein asserted are true and correct to the best of my knowledge and belief;

(4). That, Respondents' counsel deadline occurred on/or about, September 23, 2015, according to the date in receipt of Appellant's Initial Brief;

FURTHERMORE, Affiant saith naught!

*Amend Return Reply  
Sept 30, 2015*

Respectfully submitted,

s/

*[Handwritten Signature]*

CLARENCE S. GREGORY, #227394

Sworn and subscribed to and before me,  
This 29th day of September, 2015.

Susan A. Frye My Commission Expires  
My Commission Expires: March 5, 2018

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

OCT 01 2015  
SC Court of Appeals

Appeal From The Richland County  
Court of Common Pleas From Orders of  
Honorable G. Thomas Cooper, Jr.,  
Fifth Judicial Circuit Court Judge  
Court Case No.: 2013-CP-40-03078

Clarence S. Gregory, . . . . . Appellant,

Verses

Riley Pope & Laney, LLC, . . . . . Respondent,

CERTIFICATE OF SERVICE

This is to certify that I, CLARENCE S. GREGORY, #227394, Appellant in this action have this day caused to be served upon the person(s) named below the Appellant's Amended-Deleted, Return-Reply To And opposing Respondent's Motion For Extension of Time To File and Serve (Responsive Brief) Initial Brief And Designation of Matter to be Included in the Record on Appeal, in the above-captioned matter, via United States' Regular Mail, First-Class Postage pre-paid, to the following individuals:

The S.C. Court of Appeals  
C/o Honorable Jenny A. Kitchings, Clerk  
P.O. Box 11629  
Columbia, South Carolina 29211-1629

{ This 30th day of }  
{ September, 2015; }

Mr. Riley Pope & Laney, LLC, Law Firm  
C/o Mr. Dami C. Wlodarczyk, Attorneys And Counselors at law  
2838 Devine Street  
Post Office Box 11412  
Columbia, South Carolina 29211-1412

*Clarence S. Gregory*  
CLARENCE S. GREGORY, #227394

09/30/2015

Clarence S. Gregory, #227394  
C/o Broad River Correctional Inst., (BRCI)  
Murray Unit, B-Wing Rm. 234  
4460 Broad River Road  
Columbia, S.C. 29210-4012

RECEIVED  
OCT 01 2015  
SC Court of Appeals

Via U.S. Regular Mail

September 30, 2015

TO: The S.C. Court of Appeals  
C/o Honorable Jerry A. Kitchings  
Clerk of Court  
Post Office Box 11629  
Columbia, S.C. 29211-1629

RE: Gregory, Clarence S.#227394 vs. Riley Pope & Laney, LLC  
Etc./ Appellant's Case No.: 2015-000740

SUBJECT: Enclosed, Appellant's Amended-Deleted, Returned-Reply  
To And Opposing Respondent's Motion For Extension of  
Time to File And Serve (Responsive Brief) Initial Brief  
And Designation of Matter to be Included in the Record  
on Appeal.

Dear Honorable Kitchings/Clerk:

Please find enclosed an original Amended/Deleted, Appellant's  
"Returned-Reply" of the above-subject matter.

I apologized for submitting a "motion" to oppose, it rather  
should have been a Returned-Reply to the Respondent's said motion  
which was filed at your office by Via Hand-Delivered on/or about,  
September 23, 2015.

I also enclosed a Certificate of Service, by Via U.S.  
Regular Mail. I'm also sending a correspondence to the Respondent  
's Counsel, Damon C. Wlodarczyk, as well.

Please accept my apology in regards.

Thank you so kindly for your assistance and cooperation!

Respectfully submitted, I am

s/   
CLARENCE S. GREGORY, #227394

Clarence S. Gregory, #227394  
C/o Broad River Correctional Inst.,  
Murray Unit, B-Wing Rm. 234  
4460 Broad River Road  
Columbia, S.C. 29210-4012

RECEIVED

OCT 01 2015

SC Court of Appeals

Via U.S. Regular Mail

September 30, 2015

TO: Riley Pope & Laney, LLC  
C/o Mr. Damon C. Wlodarczyk, Attorneys And Counselors at law  
2838 Devine Street  
P.O. Box 11412  
Columbia, S.C. 29211-1412

RE: Gregory, Clarence S.#227394 vs. Riley Pope & Laney, LLC,ETC  
Appellant's Case No.: 2015-000740

SUBJ: Enclosed, Appellant's Amended-Deleted Returned-Reply To  
And Opposing Respondent's Motion, Etc.

Dear Mr. Wlodarczyk/Respondent's Counsel:

Please find a copy of the above-subject matter, corresponding  
with the Appellant's Case No.: 2015-000740.

I amended and deleted my cause, for it's an Returned-Reply  
and not a motion.

Thank you for your attention at this time!

Sincerely, I am

Richland County,

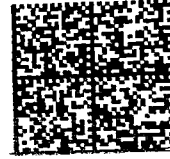
S/

Columbia, South Carolina 29210 CLARENCE S. GREGORY, #227394

This 30 day of September, 2015.

CLARENCE S. GREGORY # 22394  
C/O BROAD RIVER CORRECTIONAL INST.,  
MURRAY UNIT, B-WING RM. 234  
4460 BROAD RIVER ROAD,  
Richland County,  
Columbia, S.C. 29210-4012

VIA U.S. REGULAR MAIL



UNITED STATES POSTAGE  
FITNEY BOWES  
02 1M \$ 02.52  
0008003534 SEP 30 20  
MAILED FROM ZIP CODE 292

**RECEIVED**

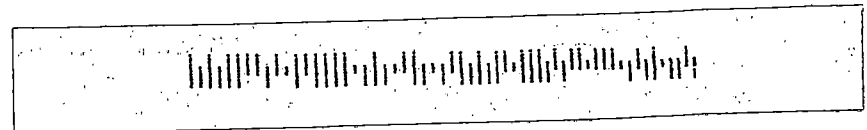
OCT 01 2015  
SC Court of Appeals

To: The S.C. Court of Appeals  
C/O Honorable Jenny A. Kitchings  
Clerk of Court,  
Post Office Box 11629  
Columbia, S.C. 29211-1629

**RECEIVED**

SEP 30 2015  
BRCI  
MAILROOM

**LEGAL MAIL**





THIS DEPT.  
ASSUME RESPONSIBILITY

UNRECORDED  
DOES NOT

BROAD RIVER CORRECTIONAL INSTITUTION  
S.C. DEPARTMENT OF CORRECTIONS



9 X 12

