THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM HORRY COUNTY
Circuit Court

Honorable Larry B. Hyman, Circuit Court Judge
Honorable Steven H. John, Circuit Court Judge

Appellate Case No. 2015-001621

Retha Pierce Sturdivant,..... Appellant,

-vs.-

City of Conway,..... Respondent.

REPLY TO MOTION OF APPELLANT

O. Terry Beverly
SC Bar No. 00691
1202 Third Avenue
Conway, South Carolina 29526
Phone: (843) 248-7576
Attorney for Respondent

REPLY TO MOTION

The Respondent, City of Conway, by and through its attorney, O. Terry Beverly, by way of Reply to Motion, designated by Appellant as "Response to and Counter-Motion for Motion to Dismiss,", objects to the granting of Appellant's motion dated February 8, 2016, in the following particulars:

1. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 260(a), SCACR. By letter of the South Carolina Court of Appeals dated August 25, 2015, the Appellant was advised of the necessity of compliance with the requirements of Rule 267, SCACR. Additionally, Appellant was provided with a website address in order to allow her access to the necessary rules. A pro se litigant is held to the same standard as an attorney. *Hill v. Dotts,* 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct. App. 2001). Appellant's willful failure to avail herself of the public resource available constitutes grounds for denial of the Appellant's motion and dismissal of this appeal.

2. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 269, SCACR. Appellant's motion contains various allegations of alleged injustices, complaints and alleged instances that fail to rise to the level of legal grounds for the granting of Appellant's motion.

3. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 267, SCACR. Appellant's motion fails to comply with the requirements as to form of papers.

4. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 240(e), SCACR. Appellant did not file a timely Return to Respondent's Motion to Dismiss. Respondent served notice of its Motion to Dismiss

upon the Appellant by certified mail, which was delivered to the Appellant's address on January 16, 2016 as shown by the attached certified mail receipt and USPS Tracking (Exhibit A).

5. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 208(a)(1), SCACR. Appellant did not timely file her initial brief within 30 days from receipt of the transcript as required by Rule 208(a)(1), SCACR. Appellant attempts to raise a challenge to the transcript by asserting that Appellant received an "abridged" transcript. By letter dated January 21, 2016, the court reporter notified the Appellant that Appellant was provided the full, complete, unedited, original verbatim transcript. Appellant acknowledges receipt of a transcript from the court reporter. Her unsupported allegations concerning the transcript fail to rise to the level of legal grounds for the granting of Appellant's motion.

6. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 240(c), SCACR. The Appellant failed to state meritorious grounds for Appellant's motion and refers to matters irrelevant to the appeal.

7. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 240(g), SCACR. Appellant failed to comply with acts as required by South Carolina Appellate Court Rules, which constitutes abandonment of the appeal.

8. Appellant's motion should be denied and her appeal dismissed for failure to properly serve Respondent as required by Rule 262, SCACR. Appellant mailed her letters dated December 20, 2015 and December 24, 2015 to the Municipal Court for the City of Conway, South Carolina. Appellant acknowledges use of an incorrect address by her letter to the Court of Appeals dated February 6, 2016, as follows: "... Appellant has

begun to use for the address for her only known Council of Record, which she learned after appealing to the state level for the aforementioned case as follows: O. Terry Beverly; [sic] 1202 Third Avenue; [sic] Conway, South Carolina 29526. However, in what Appellant has entitled, "Response to and Counter-Motion for Motion to Dismiss," Appellant makes reference to mailing a copy of all correspondence to Respondent at the address of: 229 Main Street; [sic] Conway, SC 29526. Appellant has received numerous letters or copies of letters on the letterhead of Respondent, with the address clearly set forth thereon.

9. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 208(b)(1)(D), SCACR. Appellant failed to include her argument of issues on appeal in her filing entitled "Appellant's Initial Brief." Moreover, Appellant failed to include her Initial Brief, which is admitted in Appellant's reply to the Respondent's motion.

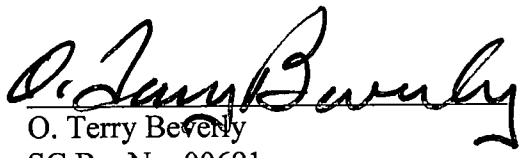
10. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 208(b)(1)(A), SCACR. Appellant failed to file an Initial Brief, setting forth the legal precedent or statutory basis upon which Appellant bases her issues on appeal.

11. Appellant's motion should be denied and her appeal dismissed for failure to comply with Rule 208(a)(1), SCACR. Appellant failed to include Appellant's Initial Brief in her letter to the Court of Appeals dated December 20, 2015, a copy of which was received by the Respondent on January 4, 2016. By letter to the Court of Appeals dated December 24, 2015, postmarked December 29, 2015, which was received by the Respondent on January 6, 2015, Appellant admits her failure to include the Initial Brief in

Appellant's letter dated December 20, 2015, to the Court of Appeals. However, Appellant again failed to include her Initial Brief in her copy of the correspondence to the Respondent.

WHEREFORE, for the reasons set forth above, Appellant's motion should be denied and the Respondent's motion to dismiss the Appellant's appeal should be granted.

RESPECTFULLY submitted this 15th day of February, 2016, by:



O. Terry Beverly
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1202 Third Avenue
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Phone: (843) 248-7576
Facsimile: (843) 248-8829
Email: beverlylaw@sccoast.net
Attorney for Respondent

February 15, 2016

Exhibit A

7015 1520 0000 8028 8432

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee
$ 3.45

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$ .71

Total Postage and Fees
$ 4.61

Postmark Here

Sent To Retha Sturdivant

Street and Apt. No., or PO Box No. 412 32nd Ave. South

City, State, ZIP+4® Atlantic Beach, SC 29582

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Tracking Number: 70151520000080288432

Updated Delivery Day: Saturday, January 16, 2016

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
January 30, 2016 , 10:36 am	**Delivered**	**NORTH MYRTLE BEACH, SC 29582**
Your item was delivered at 10:36 am on January 30, 2016 in NORTH MYRTLE BEACH, SC 29582.		
January 16, 2016 , 4:08 pm	Notice Left	NORTH MYRTLE BEACH, SC 29582
January 16, 2016 , 10:11 am	Out for Delivery	NORTH MYRTLE BEACH, SC 29582
January 16, 2016 , 9:07 am	Sorting Complete	NORTH MYRTLE BEACH, SC 29582
January 16, 2016 , 5:21 am	Arrived at Unit	NORTH MYRTLE BEACH, SC 29582
January 15, 2016 , 4:09 pm	Departed USPS Facility	COLUMBIA, SC 29201
January 14, 2016 , 10:35 pm	Arrived at USPS Facility	COLUMBIA, SC 29201

Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

70151520000080288432

Track It

Manage Incoming Packages

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City of Conway,..... Respondent.

PROOF OF SERVICE

I certify that I have serve Respondent's **REPLY TO MOTION OF APPELLANT**, by depositing a copy of it with the United States Post Office, via Certified Mail Receipt 7015 1520 0000 8028 8449 and Regular Mail, postage prepaid, on February 15, 2016, addressed to Appellant, **Retha Pierce Sturdivant, 412 32nd Avenue South, Atlantic Beach, South Carolina 29582-4716.**

February 15, 2016

O. Terry Beverly
SC Bar No. 00691
1202 Third Avenue
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Phone: (843) 248-7576
Facsimile: (843) 248-8829
Attorney for Respondent

O. Terry Beverly
Attorney at Law

Telephone (843) 248-7576
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1202 Third Avenue
Conway, South Carolina 29526

Certified Family Court Mediator
E-mail: terryb@sccoast.net

February 15, 2016

RECEIVED
FEB 18 2016
SC Court of Appeals

Honorable V. Claire Allen, Deputy Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

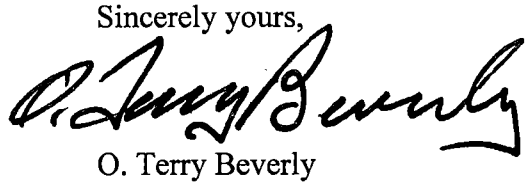
Re: *Retha Pierce Sturdivant v. City of Conway*
Appellate Case No.: 2015-001621

Dear Ms. Allen:

Enclosed for filing please find one (1) original and six (6) copies of Respondent's **REPLY TO MOTION OF APPELLANT** and **PROOF OF SERVICE** of the same. Upon filing, I respectfully request that you please return a clocked copy to me in the enclosed self-addressed and stamped envelope. By copy of this letter with stated enclosures, via U.S. Certified Mail and Regular Mail, I have served a copy of the Reply upon Appellant, Retha Pierce Sturdivant.

Thank you for your assistance with this matter.

Sincerely yours,



O. Terry Beverly

OTB/ejs
Enclosures

cc: Retha Sturdivant
412 32nd Avenue South
Atlantic Beach, South Carolina 29582-4716

O. Terry Beverly
Attorney at Law
1202 Third Avenue
Conway, South Carolina 29526-5106

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SC Court of Appeals

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