THE STATE OF SOUTH CAROLINA
In The Supreme Court

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AUG 23 2016

S.C. SUPREME COURT

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
R. Lawton McIntosh, Circuit Court Judge

Appellant Case No. 2016-001474
Appellate Case No.: 2013-002056
Lower Court Case No 2011-cp-32-01010

Glenda Renee Couram..... Petitioner

v

Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Riebold, All Legal or Equitable Right, Title, state, Lien or interest in the Property Described in the Complaint Adverse to the Plaintiff's; Cox & Dinkins, Inc., Fair Builders/Developers, Inc. , Donald "Don" Rawls & Steve Fair in their individual capacities, Carolina Water Svc., (CWS), Carolina Trace Utilities, Inc., & Utilities, Inc., Corporate Offices Defendants

Of whom Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Reibold, Cox and Dinkins, Inc., Fair Builders/Developers, Inc. , and Donald "Don" Rawls and Steve Fair, in their official and individual capacities, are the Respondents

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APPELLANT'S REPLY TO ALL DEFENDANTS' AS NAMED IN THE CAPTION MOTION TO DISMISS PETITION FOR WRIT OF CERTIORARI

The SC Appeals Court state that the pro se did not object to the ruling of the trial judge, nor other court rulings in regard to the identified causes of actions that was before the court, that she lacked stability to allege claims of emotional distress and nuisance, etc., and denied her appellant review stating the claims were not preserved for review by the appellant court; the defendants echoed this in their response and they continue the injustice by asking this court to

allow this unjust ruling to stand by claiming the Writ Petition was not filed timely and to Dismiss. The Writ was timely filed as the proof of service clearly state.

PERSERVATION OF CLAIMS

The trial court allowed the changing of the location of the property at issue in the suit and then systematically dismissed the pro se claims under Directed Verdict and lack of expertise. In order for there to have been a negligence claim before the court there had to be an expert and certification there was none instead this action was based on the common knowledge of the pro se and the jury as the defendants had previously agreed to when the claims were dropped.

In denying the pro se complete protection as similarly situated individuals in the courts of South Carolina the trial court refused to allow the claims that was before it the trying of pro se title by the defendants both sets, claims of civil conspiracy by both sets of defendants, continuing trespass, continuing nuisance, etc., and thereby denying the pro se not only state constitutional rights but also federal rights and they violated property rights which is a fundamental right in the United States.

In the case of Cox and Dinkins, et.al they made this pro se property part of their survey and plat commissioned by Fair Builders/Developers and in doing so slandered the pro se title by filing it in the ROD *that included a rebar* that cut off 20 feet of the pro se land that was not on any other plat or survey filed and admitted into evidence by the pro se prior to 2004; and testimony of the pro se surveyor at the time she purchased her property in April 1994 that was admitted into evidence; a deed that showed the 20 feet was part of the pro se property that a common owner allowed to be used as an easement by Carolina Water Service to manage their well house appurtenant easement the necessity ended and by law the land reverted back to the

pro se their actions resulted in this legal action that without that survey the defendants would not have trespassed and claimed the pro se land as their own to which they testified.

The court refused to allow the jury to consider any documented evidence admitted into evidence by the pro se via the court (See Volume II of the ROA pages 495-549). Including a letter by the Rawls were he admitted that the pin was not on any plat prior to 2004.

I invite this court to read Volume II of the ROA pages 495-646 were the pro se did all she could to object and did so with the court interference and refusal to accept her evidence in favor of the Defendants.

The pro so appellant also strongly objected to the declaratory judgment of the trial judge to the point where the court once again became hostile and upset stating that she was arguing and where he disregarded her evidence in violation of the standard in granting a directed verdict. She could only do so much without the threat of contempt or even being tasered or arrested by showing disrespect in the courtroom such as arguing with the trial judge.

The pro se also so preserved her claims by filing a Rule 59 Motion which is accepted as the means to preserve claims for appeals in all courts to include the SC Appeals Court and The SC Supreme court in Buist v Buist, Opinion No,. 2746, filed December 3, 2014:

> It is well settled that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial court to be preserved." *Pye v. Estate of Fox*, 369 S.C. 555, 564, 633 S.E.2d 505, 510 (2006). While "a party is not required to use the exact name of a legal doctrine in order to preserve the issue," *Herron v. Century BMW*, 395 S.C. 461, 466, 719 S.E.2d 640, 642 (2012), the party nonetheless must be sufficiently clear in framing his objection so as to draw the court's attention to the precise nature of the alleged error, *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). If the party is not reasonably clear in his objection to the perceived error, he waives his right to challenge the erroneous ruling on appeal. *S.C. Dep't of Transp. v. First Carolina Corp. of S.C.*, 372 S.C. 295, 301, 641 S.E.2d 903, 907 (2007).

The pro se did not acquiescence to the trial jjudge she simply accepted what she could do nothing about except appeal. The court made its ruling right after the attorney for Cox and Dinkins and Donald Rawls gave his reason for a direct verdict his clients "were prominent citizens of South Carolina." As Volume II of the ROA proves the pro se was dealing with a judge who had no patience and did not want to allow a ruling in favor of the pro se even with a sitting jury he ruled as if this was a bench trial.

For example, when the pro se attempted to object to the ruling on her civil conspiracy claims she met all judicial requirements the judge asked if she knew what civil conspiracy was and as she attempted to answer she was interrupted by the court.

When the trial judge made the statement that he was making it a matter of record that she was objecting to all his rulings she accepted his decision as fact and it was made a part of the record that she objecting to all his rulings in favor of the Defendants. The pro se also knew that she could file a Motion to Reconsider to ensure her claims were before the court and ruled on by the court and she timely filed the Motion to Reconsider thus preserving her claims for appellant review. (It is to be noted the judge stated to pro se she could file a rule 59 Motion as to the trespass ruling by the jury but said nothing about the other claims he dismissed, see Volume II).

Would it have served any purpose to argue with the Judge after he made sure that the pro se objected to all his rulings but to accept his action which she did?

As to the claims by the defendants that the pro se had not alleged federal claims the US Supreme Court is the nucleus of all legal rulings and all courts are to abide by those rulings the trial court *Nor* the appeals court applied well established law in granting a directed verdict or declaratory judgment in this matter and by failing to do so it violated not only state law/standard/

precedent but the US Supreme Court in Granting a Directed Verdict and Declaratory Judgment as stated in the Writ timely filed on the court and the defendants.

As Volume II shows the trial court accepted nothing the pro se said as true, in violation of well established law nor did it accept any of the evidence introduced over the five year this matter was before the Lexington County Court nor the evidence introduced in the record by the pro se during the trial but it had no problem with accepting everything the defendants introduced as true. The trial court did not accept the testimony of the pro se witnesses as true nor the documents of proof of ownership, other court rulings that identified the land and quest of the pro se. The case was about try title, slander of title, trespass, nuisance, conversion, civil conspiracy, etc. The defendants' changing of this action to a claim of negligence is not supported by the record. At no time, did the pro se acquiescence to this being a negligence action but an action of theft of land as is clearly shown on the survey and plat of the defendants a survey filed with the ROD office and a survey and plat the "Neighbors" reliance on that filing caused harm to this pro se.

The ruling of the trial judge was a ruling that deprived this pro se litigant of the same rights and protections that is provided to others of similarly situated circumstances merely due to her pro se status, race and class-based discriminatory animus.

WRIT OF CERTIORARI

Considerations Governing Review. A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons. The following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicate the character of reasons which will be considered:

(1) Where there are novel questions of law.
(2) Where there is a dissent in the decision of the Court of Appeals.
(3) *Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.*
(4) *Where substantial constitutional issues are directly involved.*
(5) *Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.*

POSTMARK IS NOT PROOF OF SERVICE

Both sets of defendants ask this court to dismiss the Writ Petition for untimely filing and failure to submit a copy of the Writ to the SC Court of Appeals. The Court of Appeals denied the pro se Motion to Rehear Enbanc in an Order dated the 13th of June 2016. The pro se received the mailed court decision via mail on or about the 15th of June 2016.

In response to 2) Pro se is not to be held to the same standard as a "learned attorney" she in good faith called the Supreme Court to find out what was required to file the writ and was told to file the ROA, six copies and the addendum. The pro se did file the Writ within the thirty (30) days as required under rule 242(c), of the SCACR as the certificate of service states to the SC Supreme Court making the filing timely as dated on the proof of service.

In response to 3) Pro se did not comprehend she had to file a copy of the Writ on the SC Court of Appeals since she was denied by that court twice. The Supreme Court Clerk did not inform the pro se that she had failed to comply with any rules so was unaware of a failure to comply with the Appellate rules which it had done previously.

Upon learning that the SC Appeals Court had to be served as well by the opposing counsel the pro se served that court the minute she learned this and served notice to the Supreme court of her compliance and the opposing counsel that she complied with this requirement on or about the 15th of August 2016 but the Writ was timely filed to the SC Supreme Court.

Pro se received on or about the 15th of June 2016 via the USPS. SCRAP Rule 6(e) state:

(et.al) Additional Time After Service by Mail or Upon Statutory Agent. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail or upon a person designated by statute to accept service, *five days shall be added to the prescribed period.*

The pro se did file the Notice of Appeal timely and she contacted the Supreme Court and was told she did not have to file a Notice to file the Writ to the court.

While what the attorney state about his conversation with the Irmo Postal employee is interesting it is does not comply with *Green v. Green,* 320 S.C. 347, 465 S.E.2d 130 (Ct. App. 1995) (noting the postal service is not infallible and the postmark date on an envelope is not dispositive evidence of timely service).

This pro se could not find any case law that says that the postmark was absolute proof that a document was not timely mailed and mailed in "good faith." Pro se was also not aware that the defendants was required to respond to the Writ Petition unless and until the Supreme determine it would be heard but in any case the writ was filed timely.

The request of the opposing counsel to Dismiss the Writ Petition should be denied as this pro se did in fact properly and timely serve the SC Supreme Court and upon learning of her mistake in not serving the Court of Appeals she served that court promptly as well upon learning of the oversight this should not be grounds to dismiss the writ.

See Wilson v. Ortiz, 232 Ga.App. 191, 192(1)(a) (501 S.E.2d 247) (1998) ("If an action is filed within the period of limitation, but not served upon the defendant within five days or within the limitation period, the plaintiff must establish that service was made *in a reasonable and diligent manner in an attempt to insure that proper service is made as quickly as possible.*").

While the pro se did not know she had to file a copy of the Writ of Certiorari to the SC Appeals Court it should not be a reason to deny the Writ Petition, it should be understandable and it is established law that a pro se litigant would not know it all.

The pro se did not serve the defendants counsel outside the thirty (30) day requirement as the above case law states the postmark is not infallible and does not determine the timeliness of service the pro se served each counsel timely and unless there a different rule from Rule 6(e) she also filed timely with that exception for mailed petitions and papers as the pro se did not receive the response from the SC Court of Appeals until on about the 18th of June 2016, therefore her service should be upheld and timely filed pursuant to Rule 242 (c) and Rule 6 (e) SCACR, Therefore, this extremely important issue is not subject to dismissal for failure to timely file. Each set of Defendants were provided Notice of an Appeal and possible Writ as the pro se did file a Motion to Rehear Enbanc all filed timely as the Writ and she informed the defendants of her intention to file to both courts if she is not mistaken.

Pro se ask that this court not penalize her and other similarly situated pro se litigants and allow and unjust decision by the trial court in favor of these defendants due to her lack of knowledge about filing to the SC Court of Appeals pro se just did not understand that the SC Court Appeals needed to receive a copy of the Writ and the pro se standard[1] should forgive her

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[1] **PRO SE STANDARD** Pro se complaints are generally held to "less stringent standards than formal pleadings drafted by lawyers." Haines v. Kerner, 404 U.S. 519, 520 (1972); see also Vaizburd v. United States, 384 F.3d 1278, 1285 n.8 (Fed. Cir. 2004) (noting that pleadings drafted by pro se parties "should . . . not be held to the same standard as [pleadings drafted by] parties represented by counsel") (citation omitted). "Indeed, it has long been the traditional role of this court to examine the record 'to see if [a pro se] plaintiff has a cause of action somewhere displayed.'" Hunsaker v. United States, 66 Fed. Cl. 129, 132 (2005) (quoting Ruderer v. United States, 412 F.2d 1285, 1292 (Ct. Cl. 1969) (alteration in original)). Nevertheless, "[t]his latitude . . . does not relieve a pro se plaintiff from meeting jurisdictional requirements." Bernard v. United States, 59 Fed. Cl. 497, 499, aff'd, 98 Fed. Appx. 860 (Fed. Cir. 2004) (Table); see also Kelley v. Dep't of Labor, 812 F.2d 1378, 1380 (Fed. Cir. 1987) ("[A] court may not similarly take a liberal view of that jurisdictional requirement and set a different rule for pro se litigants only."). *In filing the Writ the pro se was not aware she had to file to the SC Court of Appeals as that court had denied her* claims and her Motion to Reconsider. This should not be used as a means to dismiss pro se should be allowed to submit those documents to that court. It is also to be noted the South Carolina Supreme Court accepted the Writ and did not inform the pro se that her Writ was untimely or send notice of a failure to serve the Appeals Court.

of this as she did timely file in this court and immediately corrected her mistake and filed to the SC Appeals court. Instead she ask this court to right a wrong and make it clear that all citizens even those acting pro se deserve the same rights and protections as all other citizens who has to resort to the legal systems for protection of rights.

IN CONCLUSION

This pro se did file the Writ timely as the proof of service state dated this 13th day of August 2016. And the fact that the defendants received the Writ beyond the 13th is the result of needing to use the US Postal Service as accepted in both the State and Federal Courts recognized when they changed the rules allowing 3 and 5 additional days for documents that are mailed using the postal service.

The pro se did in fact preserve all claims for appellant review with objection in the court before the Judge via the judges own acceptance but also in filing a Rule 59 Motion as the ROA attest and as the trial court failed to apply the correct standard in granting a Declaratory Judgment, a Directed Verdict, etc., therefore it would be appropriate for the both the SC Supreme Court and the US Supreme Court to review and ensure that the court well-established laws are applied appropriately for all citizens even pro se litigants a recognized class.

This pro se proved her case to the courts the defendants put up no defense, their own testimony was in favor of the pro se. The "Neighbors" admitted to the trespass on the property and the reason was the reliance on the survey and plat of the other defendants Cox and Dinkins, Rawls, Fair and Fair Developers.

However, on or about August 15th, when the pro se was made aware that she had not serviced that court she immediately sent the are required service on that court with proof of service to the Supreme Court, and the defense attorneys.

I ask that the court allow and enforce the rules of court to provide equal protections to all and not just to the prominent citizens of South Carolina and those who can afford attorneys. I also ask that the court forgive any typos or grammar mistakes. And, the court acknowledge the fact that this pro se did in fact and deed file her claims timely to this court, the defendants attorneys and accept her lack of knowledge on needing to file to the SC Court of Appeals.

This pro se at all times acted in good faith and reasonably.

Respectfully submitted by;

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Dated this 20th Day of August 2016
Lexington South Carolina

RECEIVED

AUG 23 2016

S.C. SUPREME COURT

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APPEAL FROM LEXINGTON COUNTY
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PROOF OF SERVICE

I, Glenda R. Couram, pro se, declare that on this 20th day of August, 2016, I have served a REPLY to the Defendants' Return, Motion for Stay, Motion to Dismiss and Response to the Petition for Writ of Certiorari pursuant to Rule 6(e) and applicable rules on the SC Supreme Court and the attorneys for the Defendants by depositing in the United States mail properly addressed to each and with first-class postage prepaid.

The names and addresses of those served are as follows:

continued on next page

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Respectfully submitted,

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