

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal No. 2016-001063

**APPEAL FROM HORRY COUNTY
Court of Common Pleas**

Benjamin H. Culbertson, Circuit Court Judge

CASE NUMBER 2009-CP-26-3596

Ronald Jarmuth

Appellant,

v.

The International Club

Respondent

**APPELLANT'S REPLY TO
RESPONDENT'S RETURN TO
"APPELLANT'S MOTION TO STRIKE
THE RESPONSE BRIEF BECAUSE OF HOA PERJURY
ABOUT CONTROLLING FACTS IN APPEAL
AND FOR FURTHER RELIEF"**

**Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
Appellant, Pro Se**

**Henrietta U. Golding
Alicia F. Thompson
2411 Oak Street; Suite 206
Myrtle Beach, SC 29577-3164
843-444-1107
Attorneys for Respondent**

RECEIVED

MAR 20 2017

SC Court of Appeals

1. Appellant asserts that he is entitled to the relief sought in the underlying motion – striking the Response Brief – because

(a) Respondent has conceded all of Appellant’s allegations of fact and assertions of law by failing to controvert anything at all stated by Appellant in his motion;

(b) Appellant is entitled to the relief sought on the merits as stated in Appellant’s Motion.

2. In response to the Motion Respondent states only that the Respondent objects to the relief sought without stating exactly what their objection is and the basis in law or in fact for that objection.

3. Anne Bowen Poulin, Professor of Law at the Villanova University School of Law, stated in the Penn State Law Review Volume 116:2 that

“The corrupting impact of false testimony on the justice system is profound and corrosive. The Supreme Court has long-since held that the due process clause protects against ... (claims) based on testimony that the ... (claimant) knew or should have known was false.”

Profession Poulin cited Giglio v. United States, 405 U.S. 150, 152 (1972); and Kyles v. Whitley, 514 U.S. 419, 437, to make the point that

“The Supreme Court’s use of the words ‘knew or should have known’ in describing the due process protections protects a defendant from the ... use of false testimony”

Appellant’s Motion to Strike makes the point that the HOA’s attorneys who signed the Initial and Final Response Briefs had actual knowledge of the falsity of the central underlying facts.

Profession Poulin goes on to make the point that a litigator’s “awareness of the falsity increases the likelihood that the falsity was material” citing to

Talamante v. Romero, 620 F.2d 784, 788 (10th Cir. 1980) (noting that bad faith may affect materiality determinations); United States v. Butler, 567 F.2d 885, 891 (9th Cir. 1978) (“[A] finding of intentional (conduct) ... would carry with it a strong presumption that the ... (litigator) and members of his staff had perjured themselves.”).

4. The Due Process provisions of the state and federal constitutions is directed at the courts, not the litigants. The Supreme Court of the United States has construed this as an affirmative duty of courts to protect a litigant from violations of due process by the opposing party, specifically when the opposing party resorts to perjury and false evidence.

5. The Court of Appeals is asked to do its’ duty and to grant the relief sought by Appellant.

CONCLUSION

6. Conclusions.

a. The Respondent has not controverted any of Appellant’s assertions of fact or of law and has thus conceded the points raised by Appellant.

b. Appellant is entitled to the relief sought as a matter of fact and of law.

c. The Court has an affirmative due process duty to grant that relief.



Ronald Jarmuth, Appellant Pro Se
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
March 20, 2017

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal No. 2016-001063

RECEIVED

MAR 20 2017

**APPEAL FROM Horry COUNTY
Court of Common Pleas**

SC Court of Appeals

Benjamin H. Culbertson, Circuit Court Judge

CASE NUMBER 2009-CP-26-3596

Ronald Jarmuth

Appellant,

v.

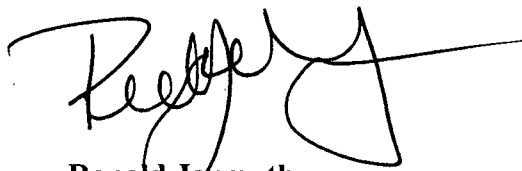
The International Club

Respondent

PROOF OF SERVICE

I certify that on March 20, 2017 I served Appellant's Reply to Respondent's Return to Appellant's Motion "To Strike The Response Brief ..." by depositing a copy of same in the United States Mail, postage prepaid, addressed to Respondent's attorney of record, Henrietta Golding; McNair Law Firm, P.A.; 2411 Oak Street; Suite 206; Myrtle Beach, SC 29577-3164.

March 20, 2017



**Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
Appellant, Pro Se**

Ronald Jarmuth
249 Pickering Drive
Murrells Inlet, SC 29576
843-314-4355
March 20, 2017

RECEIVED

MAR 20 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211-1629
803-734-1890

Re: Appellant's Reply to Respondent's Return to Appellant's
"Motion to Strike The Response Brief ..."
2009CP263596 in the Court of Common Pleas, Horry County
Appellate Case No. 2016-001063

Dear Madam Clerk:

Please file the attached "Appellant's Reply to Respondent's Return to Appellant's
*"Motion to Strike The Response Brief Because of HOA Perjury About
Controlling Facts in Appeal And For Further Relief"*,
which I provide as one unbound plus six bound copies.

Thank you for your attention to this matter.

Sincerely,



Ronald Jarmuth
Appellant Pro Se
249 Pickering Drive
Murrells Inlet, SC 29576

Enc: as

Cf: Henrietta Golding, Attorney for Respondents