

Original

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MCCORMICK COUNTY

Donald Hocker Circuit Court Judge, Eleventh Circuit

Case No. 2017-000203

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JUN 01 2017

SC Court of Appeals

R. Jay Lagroon, Appellant,

v.

SBA Communications Corp., Respondent.

INITIAL REPLY BRIEF OF APPELLANT

Robert J. Lagroon
Pro Se Appellant
791 SC Hwy 7
McCormick SC 29835

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STATEMENT

As set forth in the Brief of the appellant, this appeal involves only the issues of whether the Circuit Court Erred in reaching its instant decision:

1. That the cashier's check issued by First Citizens Bank was the funds of the Respondent SBA.
2. That the Motion to Reconsider and pending appeal did not deprive the Magistrate Court of subject matter Jurisdiction.
3. The denial of the Motion for Continuance based on the heavily medicated state of the Appellant because of the sexual abuse of his minor child.
4. The Magistrates Court record does not contain documents presented at trial which is contrary to the Magistrates Courts return and lacks defendants exhibit that are specifically relied upon in the Court findings.

ARGUMENT

1. The Appellant reiterates that the appealed portion of the lower court's ruling was founded on substantive legal error, and that the finding of the cashier's check issued was the funds of SBA and should be reversed for that reason. The Court below was simply wrong as a matter of fact and of law to conclude the money used to generate the cashier's check was the funds of SBA.
2. Appellant argues and reiterates the Motion to Reconsider and Pending appeal deprived the Magistrate Court of subject matter jurisdiction to conduct trial which is clearly established in the South Carolina Rules of Civil Procedure as argued in the Appellants initial brief.
3. The Appellant reiterates the Motion for continuance based on the heavily medicated state of the Appellant because of the sexual abuse of his minor child should have

been granted. The South Carolina Supreme Court has long maintained the right of both the Plaintiff and Defendant to be “mentally and physically fit” to present or defend their case at trial.

4. Appellant argues and reiterates the Magistrates Court record does not contain documents presented by the Plaintiff at trial which is contrary to the Magistrates return. The defendants exhibit that are specifically relied upon in the Court findings are NOT contained in the Original Record of the Magistrate Courts file.

CONCLUSION

For the foregoing reasons, the Court should reverse and remand the decision of the Circuit Court and any other relief the Court deems just and proper.

BY: 

Robert J. Lagroon
Pro Se Appellant
791 SC Hwy 7
McCormick SC 29835
706-401-4893

CERTIFICATE OF COUNSEL

The undersigned Pro Se Appellant certifies that the Appellant's Initial Reply Brief complies with Rule 211(b), SCACR.

BY: 

Robert J. Lagroon
Pro Se Appellant
791 SC Hwy 7
McCormick SC 29835
706-401-4893

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CERTIFICATE OF COMPLIANCE

The undersigned Pro Se Appellant certifies that the Initial Reply Brief of Appellant complies with the Supreme Court's Order of August 13, 2007, regarding personal identifiers and sensitive information.

BY: 

Robert J. Lagroon
Pro Se Appellant
791 SC Hwy 7
McCormick SC 29835
706-401-4893

CERTIFICATE OF SERVICE

The undersigned Pro Se Appellant does hereby certify that service of the Initial Reply **Brief of Appellant** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this 30th day of May, 2017, addressed as follows:

BY: 

Robert J. Lagroon
Pro Se Appellant
791 SC Hwy 7
McCormick SC 29835
706-401-4893

May 30, 2017

Counsel of Record

Graham Billings
Nelson Mullins
Meridian 17th Floor
1320 Main Street
Columbia, SC 29201

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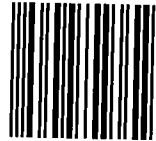
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