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September 26, 2017

**RECEIVED**

SEP 26 2017

S.C. SUPREME COURT

**Via Hand Delivery**

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, SC 29201

Re: Jackie Harris v. Lancaster County Election Commission  
Appellate Case No. 2017-000423  
Lower Court Case No. 2016-CP-29-01418  
Our File No. 7019/1500

Dear Mr. Shearouse:

As counsel for Respondent Linda Blackmon-Brace (Respondent), I am writing to request that the Court dispose of Appellant Jackie Harris's (Appellant) two pending filings in an expeditious manner as explained in greater detail below.

With respect to Appellant's Motion to File the Reply Brief Out of Time, Respondent does not oppose her request because the Court's consideration of the reply brief will have no effect on the outcome of this appeal. Appellant's preservation argument represents a fundamental misunderstanding of the well-settled law requiring that an issue must be raised to and ruled upon by the circuit court to be preserved for appellate review. The remainder of the Reply Brief is a conclusory recitation of the factual arguments raised in Appellant's Final Brief, and the Court already has considered and rejected these arguments.

As to Appellant's petition for rehearing, Respondent hereby notifies the Court that she does not intend to submit a response. See Rule 240(e), SCACR (stating that "a return to a petition or motion for rehearing under Rule 221 need not be filed unless requested by the court"). Again, the Court already considered and rejected Appellant's arguments, and Respondent declines to address the points raised in the petition.

Given the lack of opposition to Appellant's motion to file her reply brief out of time and Respondent's notification of her intent not to file a response to the petition for rehearing, both filings are ripe for review and Respondent respectfully requests that the Court immediately rule upon them.

On November 8, 2016, Respondent received the most votes for a seat on Lancaster City Council. Since then, Appellant has done everything in her power to



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prevent the voters' will from being honored. As this Court is aware, under the statute, Appellant remains in the seat Respondent won so long as she continues to challenge the election results. The present motion and the contemporaneously filed petition for rehearing represent Appellant's latest efforts to prevent Respondent from being sworn in to represent the constituents of District Three on Lancaster City Council.

With this in mind, Respondent respectfully requests that the Court quickly rule upon the motion and petition, and issue the remittitur in this case, to put an end to Appellant's attempts to stall the inevitable. Respondent simply wants to be sworn in to the seat to which she was duly elected.

Sincerely,

Robert E. Tyson, Jr.

RET:

cc: Elizabeth A. Hyatt, Esq.  
John L. Weaver, Esq.  
Mitchell A. Norrell, Esq.