

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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OCT 30 2017

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas
Brian Gibbons, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2017-000423
Case No. 2016-CP-29-1418

Jackie HarrisAppellant,

v.

Lancaster County Election Commission, Lancaster Municipal Election Commission, and Linda
Blackmon-Brace Respondents.

**RESPONDENT LINDA BLACKMON-BRACE'S REPLY TO APPELLANT JACKIE
HARRIS' RETURN IN OPPOSITION TO RESPONDENT'S MOTION FOR COSTS**

Pursuant to Rule 240(f), SCACR, Respondent Linda Blackmon-Brace (Respondent) submits the following reply to Appellant Jackie Harris's (Appellant) untimely return in opposition to her motion for the reasonable costs and attorney's fees she incurred in defending this action. For the reasons set forth below, Respondent respectfully requests that the Court grant her motion.

Respondent writes only to clarify a few points raised in Appellant's return. First, this case was not decided solely upon preservation grounds. Although the Court held Appellant failed to preserve two of the issues raised in her brief for appellate review, the Court also ruled upon the third issue in her brief and cited the familiar authorities demonstrating the hearing before the Lancaster County Election Commission (the Commission) was held in accordance with the law. Contrary to Appellant's assertions, that constitutes a ruling on the merits. Respondent, therefore,

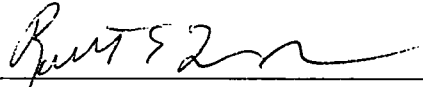
takes issue with Appellant's repeated insinuation that this Court did not consider the merits of this case. Second, Appellant still complains that she was not afforded an opportunity to subpoena witnesses and receive responses to subpoenas served upon the Office of Voter Registration. As Respondent noted in her Final Brief, Appellant is unable to cite any authority in support of her assertion that subpoenas were necessary or required in the context of a municipal election protest hearing. More importantly, though, Appellant knew the statute required the Commission to hold the hearing within forty-eight hours and the law required her to act with more than ordinary diligence in challenging the results of the election. Third, Respondent's motion for costs is not solely based upon Appellant's "motives in bringing the appeal." While that issue is certainly part of her motion, Respondent also cited myriad objective legal principles that demonstrate Appellant's appeal of the circuit court's decision was manifestly without merit.

Appellant invites this Court to "take[] a cursory glance at the merits of this case" and boldly argues that the case was "not fully considered." Contrary to Appellant's assertions, she did not lose before the Commission, the circuit court, and this Court because no authority looked at the evidence she provided. Appellant lost because (1) she failed to prove her case before the Commission, (2) the Commission held its hearing in accordance with the law, and (3) she disregarded the rules governing appeals in this state. Notwithstanding these inconvenient truths, Appellant continued to fight the inevitable and, instead of raising legal arguments, used her filings to recite a host of unfounded allegations against Respondent in an attempt to smear her name.

Based upon the foregoing, as well as the arguments set forth in Respondent's motion for costs, Respondent respectfully requests that the Court award her the reasonable costs and attorney's fees she incurred in defending this meritless appeal pursuant to section 7-17-275(b) of the South Carolina Code (Supp. 2016) or Rule 269, SCACR.

Respectfully submitted,

SOWELL GRAY ROBINSON STEPP & LAFFITTE, LLC

By:  _____

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October 30, 2017

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In the Supreme Court

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Case No. 2016-CP-12-1418

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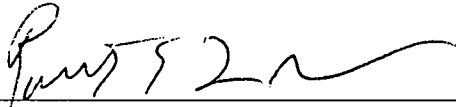
PROOF OF SERVICE

I, the undersigned of Sowell Gray Robinson Stepp & Laffitte, LLC, attorneys for Respondent Linda Blackmon-Brace, certify that I have served a copy of the Respondent's Reply to Appellant's Return in Opposition to Respondent's Motion for Costs against Appellant upon all parties by depositing a copy in the United States Mail, postage prepaid, on October 30, 2017, addressed as follows:

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