

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No: 2015-002107

RECEIVED

JAN 16 2018

SC Court of Appeals

The State of South Carolina,

Respondant,

Vs.

Arnold Lea Ward,

Appellant,

REPLY TO RETURN TO MOTION OF DEFAULT FOR FAILURE TO
TIMELY FILE, OBJECTION TO EXTENSIONS OF TIME AND
MOTION FOR JUDGEMENT ON THE PLEADINGS.

I, Arnold Lea Ward, Acting Pro-Se Appellant, Would move before this Honorable Court " Objecting " to the respondants return to Motion for Default for failure to timely file, Objection to Extension of time and Motion for Judgement on the pleadings... Appellant would show to this Court just cause for granting such Motions as Follows:

STATEMENT OF ISSUE'S

Appellant agree's with respondants submission of case and filings in section #1 through 6, as authentically true.. Although, section #7,8,9- of such form lacks supportive information of content that needs establishment so as to show just cause of respondants Default for failing to timely file a supportive return brief...

ARGUMENTS/FACTS

The record will clearly reflect in October of 2015, Appellant filed a timely Notice of Appeal with this Court and on August 1,2017 submitts a Initial Brief of Appellant... On August 18,2017, The Appellate Courts notified of deficiencies that parties of record had fail to recieve the supportive documents and requested that duplicate copies of the Initial Brief of Appellant and Designation of matter should be file within (15) fifteen day's to Attorney Generals office, pursaunt to SCACR, rule #208-(a) and rule #209-(a)...

On August 31,2017 Appellant requested for Extension of time to obtain duplicate copies of such documents lost by the South Carolina Department of Corrections mailing service... On September 7,2017, Appellant filed with the Attorney Generals office duplicate copies of the Initial Brief of Appellant and Designation of matter, with a Proof of service and/or a certificate of service, Notifying the Appellate Courts and all other parties of the record of such actions...


On the filing date of September 7,2017 it was noted by the Appellate Court and/or all other parties of record, pursaunt to **SCACR, rule # 208-(a)-(2)**, the **due date for respondants return reply** to Brief of Appellant and Designation of Matter was **October 10,2017**, Allowing (3) three extra day's for mailing purpose... Here, respondant fail to comply to **SCACR, rule #208-(a)-(2)**, **Defaulting by failing to timely file a return brief.** (see): respondants return, section #7...

On November 15,2017, Respondant file for Extension of time, (see): Respondants return, section #7... Appellant **Objected** to such Motion " **Claiming** "; this request to be **(35) thirty five day's after Default for failure to file timely** and requested Courts to deny such Motion due to **respondants failure to comply** to SCACR, rule #208-(2), [**Brief of respondant**]... Infurtherance, Appellant now **Objects** to respondants second Motion for Extension of time filed December 13,2017, Claiming this **Motion as moot** and a act of enlargement of time... (see): [the respondants return, section #7,8,9,10.]...

IN CONCLUSION

FOR ALL REASONS STATED HEREIN ABOVE, Appellant respectfully request this Honorable Court to **Deny respondants return** and to **Grant Appellant Motion of Default for failure to timely file, Objection to Extension's of time** and **Motion for Judgement on the pleadings**, vacating conviction and sentencing of Appellant for all the supportive facts set forth in this reply as a matter of Law...

Respectfully Submitted,


Arnold Lea Ward, SCDC, # 109169
Acting Pro-Se Appellant Attorney:

STATE OF SOUTH CAROLINA
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Appellant,

PROOF OF SERVICE

I certify that on the date stated below, I have served a copy of the Reply to return to Motion of Default for failure to timely file, Objections to Extension of time and Motion for Judgement on the Pleadings. on THE South Carolina Courts of Appeals and/or Attorney Generals office by depositing a copy of the same in the United States Mail, Postage prepaid to the address(es) listed below:

January 11, 2018:

Respectfully Submitted,


Arnold Lea Ward, SCDC, #109169
Acting Pro-Se Appellant Attorney:

(Parties and Counsels of record):

South Carolina Courts of Appeals
Ms. Jenny Abbott Kitchings, Clerk
Post-office Box 11629
Columbia, South Carolina 29211

South Carolina Attorney Generals Office
Mr. Alan Wilson, Attorney General.
Post-office Box 11549
Columbia, South Carolina 29211

Arnold Lea Ward, SCDC, # 109169
Allendale Correction Institution
Post-office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

January 11, 2018

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South Carolina Courts Of Appeals
Ms. Jenny Abbott Kitchings, Clerk
Post-office Box 11629
Columbia, South Carolina 29211

RE: State of South Carolina Vs. A. Ward: Reply to Return
Appellate Case No: 2015-002107


Dear Honorable Clerk,

Please find enclosed for filing in your Honorable Courts Appellant's Reply to Return to Motion of Default for failure to timely file, Objections to extension of time and Motion for Judgement on the Pleadings, on the above referenced case...

Appellant would respectfully request this Honorable court to please return a clocked stamped copy as proof of recipience of this enclosed Motion/ document...

Appellant would like to take a moment to thank you and your office in advance for any or all assistance that may be provided in procuring the legal matter stated above...

Respectfully submitted,


Arnold Lea Ward, SCDC # 109169.
Acting Pro-Se appellant Attorney:

CC: Other parties of record:

South Carolina Courts of Appeals:
Ms. Jenny Abbott Kitchings, Clerk.

South Carolina Attorney Generals Office
Mr. Alan Wilson, Attorney General.

Arnold Lea Ward, SCDC, # 109169
Allendale Correction Institution
Post-office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

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JAN 12 2018

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Columbia, South Carolina 29211

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