

THE 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  
FEB 07 2018  
SC Court of Appeals

The State of South Carolina,

Respondant,

Vs.

Arnold Lea Ward,

Appellant,

MOTION FOR RECONSIDERATION  
OF  
DENIAL OF MOTION FOR DEFAULT

I, Arnold Lea Ward, Acting Pro-Se Attorney, would move before this Honorable Court with a "Motion for Reconsideration" on Court Order of denial recieved January 29,2018 on Appellants Motion of Default on respondants failure to timely file a brief, Objection's to Extensions of Time and Motion for Judgement on the pleadings... Appellant would show Courts Just cause of reversal as follows:

STATEMENT OF CASE

The records will reflect on October 2015, Appellant file a Notice of Appeal with this Court and on August 1,2017, submitted a Initial Brief of Appellant... On August 18,2017, Appellant was contacted by Courts stating deficiencies that parties had fail to recieve copies of Initial Brief... On August 31,2017, Appellant requested Extension of Time to obtain copies and September 7,2017, filed the duplicated copy of Initial Brief of Appellant and Designation of Matter, with a Proof of Service and/or Certificate of Service on Attorney General's office, Noting pursaunt to SCACR, rule §208-(a)-(2), That Due Date for reply brief of respondant was October 10,2017, Allowing (3) days extension for mailing purpose...

## SUPPORTIVE FACTS AND ARGUMENT

On November 15, 2017, Respondant file for Extension of Time and the Appellant Ojected to the Motion " Claiming " this request to be (35), day's after default and (68) day's after submission of Initial Brif of Appellant... (see): Time lines stated above and SCACR, rule § 208-(2)... On December 21, 2017, Appellant filed Motion for Default, showing beyond a reasonable doubt respondant failure to comply to SCACR, rule §208-(4), denied the right of any submission of briefing by the respondant as Time-Barred...

Appellant request this Court take notification of SCACR, rule §208-(4), " Quoting " Appellant's failure to file or serve the brief in a timely manner, subjects the Court Order of Dismissal... In viceversa, failure for respondant's to file or serve a brief in a timely manner, subjects a Court Order of the same nature, dismissing a submission of such briefing as Time-Barred... (see): State Vs. Tessnear 257 SC 290, 185 SE2d 611 (1971)...

Appellate Courts have reconized failure of respondant to timely file a brief is Deemed a waiver of right to assert it and Justifies reversal, (see): Plyer Vs, Brown 373 SC 637, 647 SE2d 188 (SC 2007)... Turner Vs. Santee Cement Carriers Inc. 277 SC 91, 282 SE2d 858 (1981), **Furthermore**, Where respondant has not timely file a brief it is construed, Per-Se a " Confession of Error " and a failure to plead a affirmative defense... **Thereby**, Courts have found it proper to address issue's as presented by Appellant as Unrebutted... (see): Parker Vs. Brown, 2008: WL: 9843970, Durham Vs. United Cos. Fin. Corp. 326 SC 463, 483 SE2d 786 (1997)..

In review of SCACR, rule §501, Canon #2. [Judicial Conduct], Quotes, A judge shall respect and comply with the Law and/or shall act at all times in a manner that promotes public confidence in the integrity and impartiality of judiciary... This rule was enacted to establish and/or promote the interest of fairness to a applicant when ever in pursuit of Justice...

The Motion for Default was fairly supported by SCACR, rule §208-(2)-(4), and a preponderance of evidence in case Law... (see): Motion for Default, filed December 21, 2017 and/or Appellants Reply to Return for Motion of Default, filed January 11, 2018...


Appellant contends the Appellate Courts failure to comply with such applicable Laws and/or Court Rules would be a Miscarriage of Justice, and prematurely failing to provide the applicant with a fair and/or a Justly adjudication of Law... (see): SCACR, rule §501, Canon #2. and rule §208-(2)-(4)...

CONCLUSION

FOR ALL REASONING STATED HEREIN ABOVE, Appellant would respectfully request this Honorable Court based on Law and Rules of Appellate Court to Grant the Motion for Reconsideration on Denial of Motion of Default and submit a Judgement on the pleading as a matter of Law...

Date: Febuary 2,2018:

Respectfully Submitted,

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

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Arnold Lea Ward,

Appellant,

PROOF OF SERVICE

I do certify that on the date addressed below, I have served the parties of record listed below with a " Motion of Reconsideration of the Denial of Motion for Default " by depositing copies of the same in the United States Mail, Postage prepaid...

Date: February 2, 2018:

Respectfully Submitted,

( Other parties of record ):

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

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

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

February 2, 2018

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

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SC Court of Appeals

RE: Ward Vs. State, Filing of Motion:  
Appellate Case No: 2015-002107

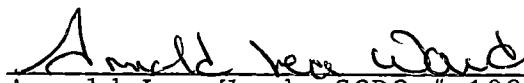
Dear Honorable Clerk,

Please find enclosed for filing in this respectful Court the copy of Appellants "**Motion for Reconsideration of denial on Motion for Default**" in the above referenced case...

Appellant would respectfully request the Motion be filed and a stamp Clocked copy and/or notification of such filing returned to the address listed above for personal files...

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 helping to procure the legal matter noted above...

Respectfully Submitted,

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

CC: 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  
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Columbia, South Carolina 29211

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