

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM GREENWOOD COUNTY  
JUDGE FRANK R. ADDY, JR.

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REGINALD M. GILLIAM, #240636, )  
APPELLANT, )

VS. )

JUDY BURNS AND INDEX JOURNAL )  
NEWSPAPER, )  
DEFENDANT. )

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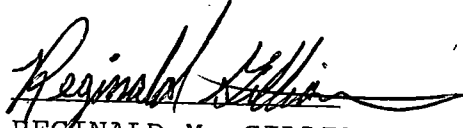
C/A No.: 11-CP-24-442

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AMENDED FINAL BRIEF

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CC:  
STEVEN M. PRUITT, ESQ.  
414 MAIN STREET  
P.O. BOX 1547  
GREENWOOD, S.C. 29648

  
REGINALD M. GILLIAM  
386 REDEMPTION WAY  
McCORMICK, S.C. 29899

CC:  
S.C. COURT OF APPEALS  
P.O. BOX 11629  
COLUMBIA, S.C. 29211

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TABLE OF AUTHORITIES

Moore v. Benson, 700 S.E.2d 275, 277 (Ct.App. 2010)

5

QUESTION ON APPEAL

Whether the Trial Judge erred in finding that the Plaintiff did not meet the two (2) year deadline?

STATEMENT OF FACTS

On June 15, 2011, a hearing was held on this matter, at which time Plaintiff appeared pro see and Steven M. Pruitt, Esquire, appeared on behalf of Defendants. The lower Court dismissed this action pursuant to Rule 12 (B) (6), SCRCP.

## ARGUMENT

The Trial Judge erred in ruling that the Plaintiff did not meet the two (2) year deadline because this evidence was newly discovered legally notary sealed September 2009 and filed within the applicable statute of limitations.

The Plaintiff submits to this Court's attention that his claim does "not" fail because a person in the Plaintiff's position could "not" have known of a potential claim in relation to the article which was printed on March 19, 1997 due to the fact of the Plaintiff being placed in the custody of the State March 16, 1997 while on trial for murder. The Court of Appeals state according to the discovery, the statute of limitations begins to run when a person could or should have known, through the exercise of reasonable diligence that a cause of action might exist. Moore v. Benson, 390 S.C. 153, 161, 700 S.E.2d 273, 277 (Ct.App.2010).

In the present case the Plaintiff was "not" aware of the March 19, 1997 newspaper article and a reasonable person could "not" have been on notice at the time that a cause of action existed due to being in the custody of the State. This Court should find that the Plaintiff could "not" have discovered the March 19, 1997 newspaper article through the exercise of reasonable diligence and the Plaintiff's action should "not" be barred by the statute of limitations.

CONCLUSION

Based upon the foregoing argument this matter should be remanded back to the lower Court for a trial and for the relief demanded in his complaint that the Court deems just and proper.

Respectfully submitted,

S/ 

Reginald Manvel Gilliam #240636

McCormick Corr. Inst. F2B-146

386 Redemption Way

McCormick, S.C. 29899

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IN THE COURT OF APPEALS

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IN THE COURT OF COMMON PLEAS  
JUDGE FRANK R. ADDY JR.

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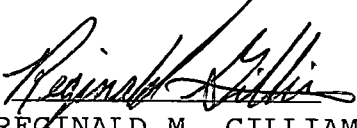
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CERTIFICATE OF COUNSEL

I, REGINALD M. GILLIAM #240636 PROCEEDING PRO-SE AND HEREBY CERTIFIES THAT HE IS COUNSEL OF RECORD AND THAT THE AMENDED FINAL BRIEF WAS SERVED ON OPPOSING COUNSEL BY DEPOSITING A COPY OF THE SAME IN THE UNITED STATES MAIL POSTAGE PREPAID AND ADDRESSED TO:

*Dated May 31, 2012*

CC:  
STEVEN M. PRUITT, ESQ.  
414 MAIN STREET  
P.O. BOX 1547  
GREENWOOD, S.C. 29648

  
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Appeal from Greenwood County  
Judge Frank R. Addy, Jr.

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SC Court of Appeals

Reginald Manvel Gilliam, #240636, )  
Appellant, )  
v. )  
Judy Burns and Index Journal )  
Newspaper, )  
Defendant. )

PROOF OF SERVICE

C/A No.: 11-CP-24-442

I, Reginald Manvel Gilliam #240636, Appellant do hereby certify that, under penalty of perjury, that I have served a copy of AMENDED FINAL BRIEF by U.S. Mail, via McCormick mailroom personnel with postage prepaid, this exact date, on the following: (1) The S.C. Court of Appeals, P.O. Box 11629, Columbia, S.C. 29211, (2) Steven M. Pruitt, Esquire, 414 Main Street, P.O. Box 1547, Greenwood, S.C. 29648.

SWORN AND SUBSCRIBED to before me  
this 31 day of may 2012  
Franklin  
Notary Public

Respectfully submitted,

Reginald M. Gilliam

Reginald M. Gilliam #240636

McCormick C.I. F2B-146

386 Redemption Way

McCormick, S.C. 29899

My Commission Expires: 12.16.2019

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