

STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from Oconee County Court of Common Pleas

J. Cordell Maddox, Circuit Court Judge
Case No. 2016-CP-37-0060

APPEAL CASE NO. 2018-000625

Michael Davis, Mitchell Davis,
aka Mike Davis,

RESPONDENT.

v.

Susan Harrison, Connie McKee,
Desimber Wattleton & Christopher Jones,
Of which Christopher Jones is the Appellant,

APPELLANTS.

REPLY BRIEF OF APPELLANT

Christopher Jones, Appellant
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SC Court of Appeals

Comes Now the Appellant, Christopher Jones, submitting this Reply Brief in response to Respondents Answer and Motion for Lift of the Stay of Execution of Judgment.

1. ARGUMENT IN REPLY

The Appellant hereby requests leave to expand Rule 208(5) which governs the maximum number of pages (25), which may be required in the Reply of Appellant. The reply Brief itself will not exceed the 25 page limitations; however, exhibits and affidavits may cause the entire brief to exceed the 25 page limitation. On the basis of respect for this Honorable Court, and for judicial economy, this Appellant seeks authorization to preserve the Issues on Appeal, remaining briefs and arguments for the Designation of Matter and Final Brief stages of this appeal without waiving any right of inclusion at the Initial Brief stage of such matters that may be pertinent to establishing a bona fide showing to the Court of Appeals.

2. ABANDONMENT OF CHALLENGE TO STAY PENDING APPEAL

The Respondent failed to comply with the requirements of Rule 208 S.C.A.C.R. because there are no sworn statements nor affidavits to support respondents' assertions or position. The short statements made by the Respondent do not address the Stay as outlined by the Rule. Therefore, the matter of the Stay pending appeal is considered abandoned by Respondents pursuant to Johnson v. Sam English Grading, 412 S.C. 433 77 S.E.2d 544 (2015). Respondent failed to cite any relevant authority to challenge the Stay of Execution of Judgement pending appeal. Accordingly, argument may be deemed conclusory and abandoned. Jacob v. Jackson, Unpublished Op. No. 2005 UP 547; Glasscock, Inc. v. U.S. Fidelity and Guar. Co. 348 S.C. 76, 81 551 S.E.2d 689, 691, (Ct. App.2001): South Carolina law clearly states that short conclusory statements made without supporting authorities are deemed abandoned on appeal and therefore not presented for review." State v. Colf, 332 S.C. 313, 504 S.E.2d 360 (Ct. App 1998)

Broad general statements may be disregarded by the Appellate Court. "Ordinarily, no point will be considered on appeal which is not set forth in the statement of the issues on appeal." Rule 208(b)(1)(B), SCACR. "At the head of each part, the particular issue to be addressed shall be set forth in distinctive type followed by a discussion of authority." Rule (b)4) S.C.AC.R. The brief shall contain references to the transcript, pleadings, orders, exhibit, or other materials which may

be properly included in the Record on Appeal. (See Rule 210(a) to support the salient facts alleged alleged”) State v. Burton, 356 S.C. 259, 265, n. 5 589 S.E.2d 6, n9.5(2000).

On April 5, 2018, the Honorable Judge Maddox signed the proposed Order of the attorney for the Respondent. The proposed order was not proper as it contained matters and interests that are not a part of the instant suit. The instant suit did not involve any property matters of the Church. The only issue before the Court was the single matter of the termination of the Pastor as well as the many false allegations filed against this Appellant.

This Appellant was and continues to be falsely accused of adding Plaintiffs, practicing law without a license, theft of Church funds inter alia. The Appellant hired former SLED Forensic Expert Marvin Dawson to evaluate the instruments claimed by the Respondent to be forged. Mr. Dawson concluded that these claims were indeed false and issued the Court an Affidavit. (See Record of the Case). Appellant then filed motion with the Court for a Show Cause Hearing, as well as an additional Motion for Sanctions due to the multiple misrepresentations made to the Court to harm this Appellant. Respondent filed nearly twenty (20) false charges against the Appellant in multiple jurisdictions including Oconee County, Greenville County, Lexington County, and Pickens County.

Since March 2015, Appellant has been and continues to be a member of Cornerstone Cathedral, formally Truth Outreach of West Union, South Carolina. On more than one occasion, the Respondents have been caught lying to the Court and did submit a motion claiming that “Appellant has informed Counsel for the Respondent that he does not desire to pursue the case and request that the case be closed.” Mr. O’Connell signed this Motion To Dismiss and submitted it to the Court. Appellant filed his opposition and made a Motion for Sanctions.

The Respondent made several claims in his Answer and Counterclaim that the Court lacked jurisdiction to hear and decide the case. Respondents’ position is that the case involves ecclesiastical matters and that the Church is a congregational church whereby the Church itself is the final authority.

The Respondent further states that “**only members of the Church can bring suit**”. This may explain why the Respondent is determined to convince the Court that the Plaintiffs and this Appellant are not, and never were “members” of the Church. And not only the Plaintiffs, but that

there are no other members of the Church at all, (See Respondents' Answer and Counterclaim Page 5 Section 23), which states, "Defendant Mike Davis is the only remaining member of the Church and only members can bring any suit as to the church, the suit must be dismissed with prejudice according to the Constitution and By Laws of The Truth Outreach Church and Ministry."

3. SUBJECT MATTER JURISDICTION

Subject matter jurisdiction is the power a court has to hear cases in the general class to which the proceedings in question belong. Altman v. Griffith, 372 S.C. 388, 396 n.2, 642 S.E.2d 619, 623n.2 (Ct.App.2007). The Respondents' have made repeated claims that the Court lacked subject matter jurisdiction because the matter involves ecclesiastical matters of a congregational church: A congregational church is an independent organization governed solely within itself, either by a majority of its members or by such other local organism as it may have instituted for the purpose ecclesiastical government, while a hierarchical church may be defined as one organized as a body with other churches having similar faith and doctrine with a common ruling convocation or ecclesiastical head....Under the congregational form of governmentthe local church is not subject to the control of any higher ecclesiastical judicature and is self-governed in its religious function. Seldon v. Singletary, 284 S.C. 148, 149, 326 S.E.2d 147, 148 (1985); Id. At 149-50, 326 S.E.2d at 148-149; Williams v. Wilson. The congregation is the highest authority. The law is clear that the majority controls the decisions of a congregation church.

In Morris Street Baptist Church v. Dart, 67 S.C. 338, 343, 45 S.E.2d 753, 754 (1903), a case involving the dismissal of a pastor, our Supreme Court held that the only questions it had the power to consider were; (1) whether the congregation met, and (2) whether the congregation disposed of the defendant as pastor. If the answers were yes in the affirmative, the court had no jurisdiction to hear the case.

In Pearson v. Church of God, 325 S.C. 45, 53, 478 S.E.2d 849, 853 (1996), as cited by the Respondent, our supreme court held that it was not proper for this court to "determine whether the Church acted consistently with its religious laws and doctrines, its system of discipline and administration in revoking the minister's ministry...because that would be a quintessentially ecclesiastical matter over which the Court could not exercise jurisdiction."

The lack of subject matter jurisdiction can be raised at any time, can be raised for the first time on appeal, and can be raised sua sponte by the Court. *Town of Hilton Head Island v. Godwin* 370 S.C. 221,223, 634 S.E.2d 59, 60-61 (Ct. App. 2006).

Respectfully, the Honorable Judge Maddox lacked jurisdiction to restore Defendant as pastor, pursuant to established South Carolina precedent involving Church matters. The Respondent has never once argued that a vote did not take place. The Respondent has never once argued that the church did not vote for his termination. The Respondent's only argument has and continues to be that there were no members, which means he is claiming he was literally pastoring no one, and that he was the only person on the Church Board although this statement has been contradicted by the Respondent and his attorneys on several occasions. However, the fact remains, there were members, and those members voted to terminate Michael Davis as Pastor of The Truth Outreach of West Union due to multiple failures in Moral Turpitude, and the decision of the church members and the vote should stand. **(See Exhibit A – Petition for Removal)**

On January 14, 2016, exactly one month prior to the filing of the action in the Oconee County Court of Common Pleas, the Defendant/Appellant went on a cruise with a woman other than his wife. The evidence from the Cruise Line demonstrated that Michael Davis and Maris Davis shared a cabin on the ship and had drinks during this vacation. Michael Davis was married to Sharon Davis at the time of the cruise. Sharon Davis subsequently filed for and was granted a complete divorce from Respondent. **(See Exhibit B – Complaint for Divorce, Davis v. Davis)**

The notion that Respondent was and is the “only member of the Church” and one of two Board members is pure absurdity. When questioned by the Court at the February 22, 2018 hearing, Respondent repeated these falsehoods to the Judge without any hesitation. At all times prior to and relevant to the instant action, The Truth Outreach and Cornerstone have enjoyed membership, tithes and offerings of up to 50 members since the start of this action and throughout. At no time, prior to this action and up to the present was the Respondent ever the “only” member of Church. In support of this fact, Appellant offers the following:

1. Respondent states that a majority vote was taken by the members to change the name of the Church from Cornerstone Cathedral to The Truth Outreach. This is a clear contradiction of his claim that he is the only member, as there could not possibly have been a majority vote or any other kind of vote if the Respondent was the only member, as only members can vote on matters pertaining to the church.

2. Respondents' signature is affixed to the document titled The Truth Outreach Church Resolution. (See Exhibit C – Truth Outreach Resolution & Authorization)

(a)Accordingly, Christopher Jones, Judy Rogers, Marvin Peeler and Elizabeth Estes (collectively the "Trustees"). Is clearly executed by multiple members and officers of the Church, including Respondent Michael Davis.

4. APPELLANT'S LEGAL STANDING AND RIGHT TO APPEAL

As members and officers of the Church, the Plaintiffs had a legal right to sue the Respondent in their individual capacities. In Elmore v. McCammon, 640 F. Supp. 902 (1986); the right to file a lawsuit pro se is one of our most important rights under the Constitution and Laws. There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights. Shurer v. Cullen, 481 F.2d 946 (1973); Davis v. Wechsler, 263 U.S. 22, 24; In Simmons v. U.S. 390 U.S. 377 (1968). The claim and exercise of a Constitutional Right cannot be converted to a crime"...a denial of them is a denial of due process of law.

S.C. Code Ann. 14-3-330 (2012): Pursuant to (1) of (4), The order involves the merits of this case and is therefore immediately appealable. Pursuant to Subsection (2) of 14-3-330, the Order affects substantial rights and is therefore immediately appealable.

Appellant has standing to bring this suit in his individual capacity pursuant to the Constitution of the United States, First Amendment, Sixth Amendment, and Fourteenth Amendment to pursue his claims. See Summers v. Adams, I Believe: C/A No. 3:08-2265-CMC November 10, 2009, the U.S. Constitution confers on all persons the right to file suit. Appellant as a member and as an officer of the Church has every right to bring this suit. The Respondent cannot dispute that members can bring suit. (See Respondents' Answer and Counterclaim Document Page 5, Section 23). In Lujan v. Defenders of Wildlife, 504 U.S. 555, 559-61 (1992), Appellant satisfies the three (3) part test for qualifying as a Plaintiff in the instant action, specifically:

(1) Plaintiff must have suffered an injury-in-fact or an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual and imminent, not merely "conjectural or hypothetical", (2), there must be a causal connection between the injury and the conduct complained of, the injury has to be fairly traceable to the challenged action of the defendant and

not the result of the independent action of some third party not before the Court. (3), it must be likely as opposed to merely speculative that the injury will be redressed by a favorable decision. The linchpin of this analysis is that the plaintiff must have a personal stake in the litigation, not merely nominal or a technical one. Sea Pines Assoc. for the Prot. Of Wildlife, Inc. v. S.C. Dept. of Natural Resources, 345 SC 594, 601 S.E.2d 289 291 (2001); Georgetown County League of Women Voters v. Smith Land Company, Op. No. 22006 July 11, 2011.

5. CONCLUSION

Appellant has a right to bring suit for his own interests. At no time has the Appellant stated to anyone that he represents the remaining Plaintiffs or any Church. The transcript will show that statements made by Appellant were singular and not corporate. The Respondents have misrepresented the truth to the lower Court and to the South Carolina Court of Appeals. The record of the case will clearly demonstrate the veracity of Appellants' statements. The Appellant has countered each of the following false and unsupported assertions of the Respondent:

- a) Respondent was and is the only member of the Church;
- b) Respondent is one of two Board members;
- c) That Appellant was not, and is not a member or officer of the Church;
- d) That the Appellant added Plaintiffs without permission; is practicing law without a license; and
- e) The complete and total fabrication that the Police "removed" the Respondent from the Church. Respondent's claims have no foundation in truth. Under no circumstances would local law enforcement have the authority to remove any person from the Church absent a warrant or valid ejection.

The Respondent, Michael Davis, was removed by a duly authorized vote after the required 14 day Notice of which Appellant was a "witness" to such notice being given to the Respondent by Elder Susan Harrison. Deputies from the Oconee County Sheriff's Department were requested by the members of the church to be present on February 14, 2016 to ensure a peaceful proceeding in order to allow the vote to go forth without incident. Not at any time did the Officers intervene in the proceeding or remove the Respondent as he has claimed.

Following the public reading of the allegations against Mr. Davis, which was then verbally affirmed by two witnesses, the proclamation was made that Michael Davis would be terminated as the Pastor of The Truth Outreach of West Union effective immediately, all in favor gave a verbal agreement of "I", with none opposed, the meeting was adjourned, and everyone left willingly without incident.

Furthermore, Appellant has never alleged that "he is only a witness and not a Plaintiff" as falsely presented by the Respondent. The Respondent filed for Dismissal on the basis that Appellant has informed Respondents that he does not wish to continue the case. This Motion was immediately challenged by the Appellant and sanctions were also sought. Various motions that have been paid for and duly submitted to the Court and were not heard before the ruling on Respondents' Motion to Dismiss.

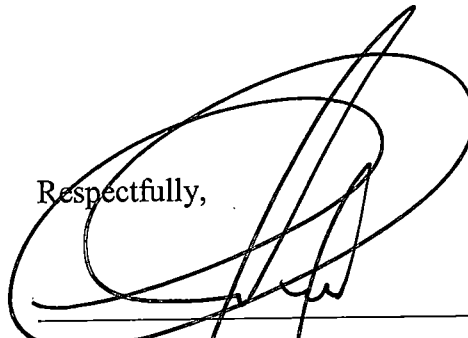
WHEREFORE, on the basis of the forthcoming delivery of the transcripts, affidavits, and additional supporting documentation and memorandums, the Appellant prays that this Court of Appeals will affirm the Stay pending Appeal, and strike Respondents' Return for blatantly misrepresenting the truth to this Honorable Court of Appeals. On many occasions have the Respondents demonstrated a willful contempt of the Rules and Ethics throughout this case by submitting the many outright falsehoods and misrepresentations.

While the Respondent has continued to attack the character of the Appellant, the fact remains that the Appellant's past is not relevant to matters pertaining to this suit, nor is the Appellant's past a disqualifying factor as it pertains to grounds for filing the suit. The Appellant has always maintained that he is representing himself, his vote, and his own interests related to the malicious actions of the Respondent. This has been clear from the beginning and is a matter of record.

The Respondent, Michael Davis, was officially terminated as the Pastor of The Cornerstone Cathedral, formerly The Truth Outreach of West Union, for reprehensible, immoral conduct in office. His conduct is indefensible, and therefore the Respondent seeks to discredit anyone who voted for his removal by any means necessary. For the statements of the respondents that have been invalidated by the Appellant, the Appellant now prays that Respondents' Return be stricken from the Record and disallowed pursuant to applicable South Carolina Court of Appeal Rules.

May 14, 2018

Respectfully,

A handwritten signature in black ink, appearing to read 'Christopher Jones', is written over a horizontal line. The signature is stylized and somewhat cursive.

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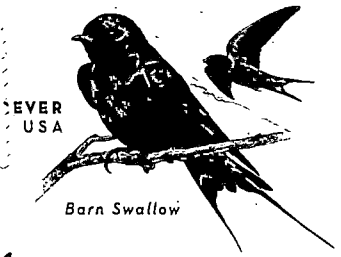
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