

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

Case No. 2014-CP-26-1665
Appellate Case No. 2018-000765

Ex parte Emily Carlson and Alice Preyer, Petitioners,

v.

John C. Dockery, III,

In re Emily Cheshire Dockery, an Alleged Incapacitated Person, Respondent.

REPLY TO THE RETURN TO THE PETITION
FOR A WRIT OF CERTIORARI

James F. McCrackin
SC Bar No. 064140
E-Mail: jim.mccrackin@nelsonmullins.com
3751 Robert M. Grissom Parkway / Suite 300
Post Office Box 3939 (29578-3939)
Myrtle Beach, SC 29577-6412
(843) 448-3500

Attorneys for Emily Carlson and Alice Preyer

Other Counsel of Record:

Thomas C. Brittain, Esq.
Mary Madison Brittain Langway, Esq.
4614 Oleander Drive
Myrtle Beach, SC 29577
Attorney for Respondent

V. Lee Moore, Esq.
P.O. Box 14737
Surfside Beach, SC 29587
Guardian ad Litem

Pursuant to Rule 242(g) of the South Carolina Appellate Court Rules, Petitioners Emily Carlson and Alice Preyer hereby file this Reply to Respondents' Return to Petition for Writ of Certiorari in the above captioned matter. Certiorari should be issued because the Court of Appeal's decision is contrary to Supreme Court precedent.

Argument

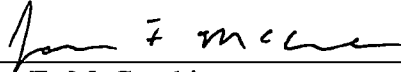
Respondent argues that there is no reason to grant certiorari in this case. The Court of Appeals has abandoned years of settled jurisprudence which requires the appellate court to uphold the trial judge's ruling on matters of discretion if there is any evidence in the record to support the ruling. (See Patterson v. Cook, 288 S.C. 220, 221, 341 S.E.2d 782, 782 (1986) and S.C. Code Section 62-5-410) The Court of Appeals created a new rule which apparently requires something the Court of Appeals calls "concrete evidence", which the Court of Appeals neglects to define, and for which the Court of Appeals cites no authority to support. This is clearly contrary to Supreme Court precedent. There is not just "any" evidence in the record, but substantial evidence in the record which Petitioners cited in the Petition for Writ of Certiorari.

Conclusion

Based on the foregoing, this Court should issue a writ of certiorari to review and reverse the Court of Appeals' decision in this matter and uphold the Probate Judge's appointment of a third party conservator.

[SIGNATURE TO FOLLOW]

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

James F. McCrackin

SC Bar No. 064140

E-Mail: jim.mccrackin@nelsonmullins.com

3751 Robert M. Grissom Parkway / Suite 300


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Attorneys for Emily Carlson and Alice Preyer

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, 2018

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CERTIFICATE OF SERVICE

I, the undersigned, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Emily Carlson and Alice Preyer, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

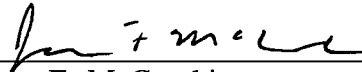
Pleadings:

Reply to the Return to the Petition for Writ of Certiorari

Counsel Served:

Thomas C. Brittain, Esq.
Mary Madison Brittain Langway, Esq.
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Myrtle Beach, SC 29577
Attorney for Respondent

V. Lee Moore, Esq.
P.O. Box 14737
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James F. McCrackin

June 1, 2018