

THE STATE OF SOUTH CAROLINA

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In The Court of Appeals

JUL 25 2018

**SC Court of Appeals**

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2017-002618

Harold Estes Blackwell, Jr..... Appellant,

v.

Anita Jane Miller..... Respondent,

APPELLANT'S INITIAL REPLY BRIEF

Harold E. Blackwell, Jr.  
315 Glendale Road  
Union, SC 29379  
864-303-7000  
Pro se

M. Lee Daniels  
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Suite A-3  
Greenville, South Carolina  
29607

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## Statement of Issues on Appeal

1. Constitutionality of 10 day limit for pro se litigant.
2. Did the Court err in not providing Appellant any consideration due to his *pro se* status?
3. Did the Court err abuse its authority by dismissing the instant case at this juncture?
4. Did the Court err in finding Defendant Fisk was not acting in a fiduciary role?
5. Did the Court err in analyzing respondents' conduct regarding Appellant's claims of outrage?

## Statement of the Case

Plaintiff received notice of both Court's orders granting Defendants Fisk and Miller dismissal of Plaintiff's claims against them, pursuant to Rule 12(b) (6), on November 14, 2017, and could not file this motion pursuant to Rule 59(e) SCRPC and/or Rule 52 SCRPC, due to time constraints imposed by having to produce so many complex legal documents within the Rule's 10 day filing limit. Among Plaintiff's legal disabilities is no legal software or subscription to a legal data service or "boilerplate" recommendations of any kind, in addition to being a *pro se* litigant.

Plaintiff, as a *pro se* litigant, has been required to produce and file complex legal documents with this Court in order to litigate two cases before Judge Stilwell. Maintaining the appealability of all the issues Plaintiff might raise to the Court of Appeals has been denied Plaintiff as both cases now seem to run concurrently where previously staggered litigation processes made the work load manageable. The other case was filed on November 16, 2016, the instant case on July 7, 2017.

### Appellant's Initial Reply Brief Argument

The Appellant comes now before the Court in reply to Respondent Miller's Initial Brief and Designation of Matter. It appears Respondent Miller, in her initial brief, seeks to argue the merits of the case to the exclusion of the matters listed in Appellant's initial brief.

Apparently conceding the point, Respondent Miller makes no argument against Appellant's claim the Court erred by holding a hearing to decide matters in a case with a *pro se* litigant in which the arguments from two cases were interspersed with each other.

Again, apparently conceding the point, Respondent Miller makes no argument against Appellant's averment that pro se litigants' complaints are due a less stringent reading than a complaint drafted by a lawyer. Respondent Miller does not allege a less stringent reading was provided Appellant. Respondent Miller does not contest Appellant's averment he was afforded a much more stringent reading than typically afforded attorneys.

Also missing are any comment or mitigating light provided to rebut Appellant's averment the Court misquoted Plyer in its order and that the misquote was material.

Respondent Miller also does not refute Appellant's contention he should be given the opportunity to amend his complaint under the authority of Foman v. Davis, 371 U.S. 178, 182, 83, S. Ct., 227, 9 L. Ed.2d 22 (1962), nor makes any argument in support of the Court's dismissal of the claims against Miller with prejudice, which is not the typical practice of the Court.

Respondent Miller does not allege the matters cited in each of her arguments cannot be remedied by an amended complaint.

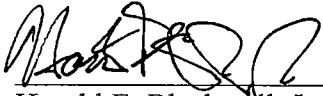
As to Respondent Miller's argument number one, alleging Appellant's complaint does not state a claim for outrage, Appellant would list Miller's effort to entrap him using the Oconee County Sheriff's office and frame the facts of Miller's conduct, instead of her acts. In this argument opposing counsel references the trial court's standard of review without the standard of review for an appeal which is a moot point.

As to Respondent Miller's second argument, that the complaint does not state a claim for defamation, each issue is easily cured by an amended complaint. Given the record there can be no doubt Miller defamed Appellant.

### Conclusion

Appellant again notes the absence of any rebuttal to his claims regarding the Court's bias, Appellant's pro se status or justification for not allowing Appellant to amend his complaint. Therefore, Appellant asks this be remanded and Appellant granted leave to amend his Complaint.

So says Appellant, pro se,



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Union, SC  
July 22, 2018





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July 13, 2018

Harold Estes Blackwell, Jr.  
315 Glendale Road  
Union SC 29379

Re: Harold Blackwell, Jr. v. Miracle Hill Ministries, Inc.  
Appellate Case No. 2017-002618

Dear Mr. Blackwell:

We received your letter in reply to the respondent's initial brief dated May 1, 2018, which this Court construes as your appellant's initial reply brief. Upon reviewing your appellant's initial reply brief, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The appellant's initial reply brief does not contain a cover.
- The appellant's initial reply brief does not contain a table of contents, statement of issues on appeal, statement of the case, argument, and conclusion.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

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JUL 25 2018  
SC Court of Appeals

July 22, 2018

Claire Allen, Deputy Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Case No. 2017-002618

Dear Ms. Allen,

Please find enclosed the Initial Reply Brief produced in response to your letter of July 13, 2018. A cover is added to the Initial Reply Brief. I added the statement of issues and statement of the case from the initial brief. A table of contents was added and the reply submitted earlier incorporated. For the Conclusion a heading was inserted before the last paragraph and a sentence added to specify precisely what Appellant is asking of the Court.

If there are any questions please let me know.

Kindest regards,



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