

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

\_\_\_\_\_  
Appeal from RICHLAND COUNTY

Deandra G. Benjamin, Circuit Court Judge

Court of Common Pleas

\_\_\_\_\_  
Case No. 2018-002167

**RECEIVED**  
DEC 20 2019  
SC Court of Appeals

Isaac Smith, Jr., .....Appellant

v.

Johnnie Mae Muller Newton, .....Respondent

\_\_\_\_\_  
**Appellant's Reply to Respondent's Motion to Dismiss or, in the Alternative, Strict or Correct Record on Appeal Past Time and Memorandum in Support Thereof**  
\_\_\_\_\_

Appellant, Isaac Smith, Jr., hereby replies to the respondent's motion of December 12, 2019.

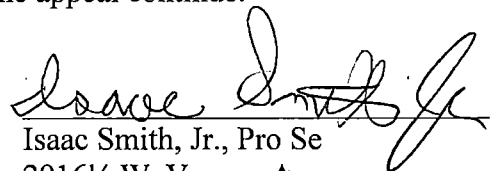
Appellant specifically denies intentionally causing any delay and expense to the Respondent.

Appellant is exercising his constitutional right to due process under the law. A dismissal would severely violate the Appellant's constitutional rights and Appellant will make any corrections deemed necessary. The appellant replies to the ground of the respondent's motion as follows:

1. The Appellant was never notified of the date to which the Record on Appeal was required.
2. The Appellant received the letter from the court of appeal giving 10 day to file the record on appeal and filed the record on appeal within the 10 days as required by the court of appeals.

2. The Appellant received the letter from the court of appeal giving 10 day to file the record on appeal and filed the record on appeal within the 10 days as required by the court of appeals.
3. Appellant acknowledges that the initial record on appeal filed did not have all the required documents and mistakenly was not signed and the appellant immediately made corrections.
4. Appellant acknowledges that after deficiency letter from the court of appeals, the appellant filed the corrected record on appeal.
5. Appellant disputes all allegation of Item # 5 of the respondent's motion, however, appellant promises to review and make all correction necessary. Appellant is operating pro se.
6. Respondent is in no position to object to the appellant motion to file out of time, especially since the respondent file the respondent's initial brief out of time because the respondent attorney was on vacation. The court of appeal did not deny the respondent motion to file out of time as the respondent mentions in item seven of his motion and therefore should not object to the Appellant's filing record out of time.
7. Appellant address item 9 of the respondent's motion by emphasizing the delays were caused by the respondent's untimely filing and motions that had no legal basis.
8. Appellant response to Item 10 and 11 of the respondent's motion by attesting all effort to adhere to the Rules and the merits of the appeal will be decided by the court of appeals and not the respondent.

For the foregoing reasons, Appellant respectfully asks the Court to deny the Respondent motion and the appellant receive due process and the appeal continue.



Isaac Smith, Jr., Pro Se  
2916¼ W. Vernon Avenue  
Los Angeles, CA 90008  
Telephone: (323) 295-9500

December 20, 2019

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

DEC 20 2019

SC Court of Appeals

\_\_\_\_\_  
Appeal from RICHLAND COUNTY  
Court of Common Pleas  
DeAndrea G. Benjamin, Circuit Court Judge

\_\_\_\_\_  
**Case No. 2018-0002167**  
\_\_\_\_\_

Estate of Johnnie Mae Muller Newton, ..... Respondent

v.

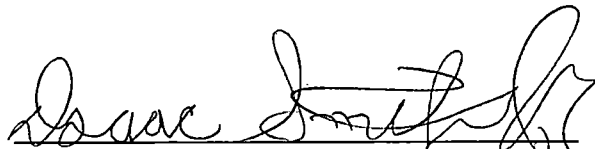
Isaac Smith, Jr., ..... Appellant

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

I certify that I have served a copy of the Reply to Respondent's Motion to Dismiss or, in the Alternative, Strict or Correct Record on Appeal Past Time and Memorandum in Support Thereof by depositing a copy of it in the United States Mail, by depositing a copy of the same into the United States Mail, first-class postage prepaid, addressed as follows:

Heather Cairns,  
Cairns Law Firm, LLC,  
2537 Gervais Street, Columbia, SC 29204

Adam T. Silvernail  
Law Office of Adam T. Silvernail  
Post Office Box 7995  
Columbia, South Carolina 29202



Isaac Smith, Jr, Pro Se Appellant  
2916¼ W. Vernon Avenue  
Los Angeles, CA 90008  
Telephone 323-295-9500

December 20, 2019