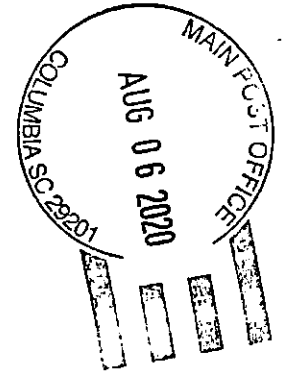


STATE OF SOUTH CAROLINA COURT OF APPEALS
FOR THE FOURTH CIRCUIT

APPEAL FROM LEXINGTON COUNTY
Common Pleas Court
Alison Renee Lee, Presiding Judge

Case No. 2016-CP-32-01385

Appellants Case No. 2018-002157



Richie D. Barnes,

Respondent,

v.

RESPONSE AND REPLY BRIEF

James Reese,

Appellant.

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STATEMENT OF ISSUES ON APPELLEE'S INTIAL REPLY BRIEF

Does the failure to answer adequately as instructed by the rules to the "Initial Appeal Brief" renders this matter decided on its face in favor of Appellant, Jame Reese?

Does the substance of testimony and results found and entered into the court by an expert forensic analysis supports and preserves James Reese's rights to a defense of appeal?

Can the lost of memory of Appellee and his witnesses in which inaccurate testimony of the specific accounts and transactions are the result as shown in the court's transcript, considered to confusion the jury's verdict?

Are objection's stated with grounds by James Reese a rule of exception to appeal to preserve his constitutional fundamental civilian due process of rights?

STATEMENT OF THE CASE

This suit was filed by Appellee, Richie D. Barnes ("Barnes"), on April, 2016. The Complaint was amended by Amended Complaint filed on October 16, 2017.

This case involves certain real property located in Lexington County, which is known as 41 Canterbury Court, Columbia South Carolina (the "Property"), which is property fraudulent claimed to be owned, in fee simple, by Barnes.

Based upon an expressed contractual agreement between the

parties, which they reached on March 9, 2013, Barnes agreed to allow James Reese to take property for valuable consideration with a evidencing declining balance for each payment toward the sale. The parties attempted to formalize their agreement, and this is where the dispute arises. There is no dispute over whether or not I, James Reese took possession of the property, or whether or not I, James Reese made the requisites payments, through January 2016. During this time frame, and thereafter, James Reese acted with good faith and intent with accordance with the expressed contract evidenced by declining receipts.

The dispute involves the validity of allegedly of two written documents ("contracts"), one determined by an expert forensic analysis to be authentic, signed by Richie Barnes and James Reese, to wit: Contract for Sale, dated March 9, 2013.

I, James Reese claims that the Sales Contract is the one effective contract between the parties involving the property and interest. I, James Reese, assert that there was no option to buy or lease and object to all related claims or assertions by Barnes.

Possession of the property was awarded in error to Barnes by the Order Granting Appellee's Motion for Partial Summary Judgment filed on February 15, 2018. This Order was prejudice against James Reese's rights and interest. It is apparent that Barnes breached the contract terms by refusing to take any further payments form me, James Reese, as of February 2018.

By Barnes's Second Cause of Action, Barnes sought a frivolous judgment against myself, James Reese for Barnes's fraudulent damages for past- due rent, false holdover rent, puffed attorney's fee and collection cost, all in accordance with the Residential Lease.

By Barnes's Third Cause of Action, Barnes sought a frivolous judgment against myself, James Reese, for his alleged damages and falsified cost and claims regarding the property.

This Fourth Cause of Action, Barnes sought a frivolous judgment against me, James Reese making false claims for additional rent for an appropriate time frame needed or repairs.

This Fifth Cause of Action, Barnes sought a frivolous judgment against Reese for punitive damages for making extensive damages to the property in a deliberate and malicious manner.

This case was tried before a jury November 5-7, 2018, I James Reese represented myself, as pro se, at the trial. As indicated

This and all the above causes of actions all have been adequately objected to with sufficient grounds and evidence to preserve my civilian due process of rights to an appeal. I, James Reese, was represented prior by an attorney who was later relived as counsel by Order filed on July 17, 2018; and said Order, the trial was set for a day certain (November 5, 2018).

At the conclusion of the trial, the jury, after deliberation, with clear confusion as to who the parties were in the cause of action, issued a verdict in error in favor of Barnes, as follows:

Actual Damages: \$82,815. 86; and

Punitive Damages: 8,200; and

finding for Barnes on James Reese Counterclaim.

The jury's verdict issued in error was based on the confusion of the parties interest in the property in dispute that now has created extreme prejudice against, James Reese, rights and interest.

STANDARD OF REVIEW

It is a fundamental rule of equity that equity acts in personam and aid those who are disabled for I, James Reese, am disabled in the rules of law and my substantive rights held in equity are in a conflict or variance with the rules of law, which equity shall prevail. Equity will not allow a statute be used as a cloak for fraud ,equity will not suffer a wrong without a remedy and does justice by wholes and not by halves.

ARGUMENTS

A.) I, James Reese, was instructed by the lower court to deliver to its possession within ten (10) days from the date of the courts decision to enter a motion into the court and after such instructions and delivery as requested by the lower court, I, James Reese delivered into the custody of the lower court a "Notice of Appeal". This notice of appeal was thereafter delivered by way of United States Post Office to "Barnes" attorney-at-law, at Jordan Law Firm.

I, James Reese, was not properly availed or given any further instructions regarding any latent defects or errors made regarding my expressed efforts to preserve all interest, rights, and defenses pertaining to this matter as protected by the constitution of the united States of America and the constitution of South Carolina union member state 1786 A.D. [Article 1 Section 3].

B.) I, James Reese, have never consented to waive my guaranteed special constitutionally protected rights ("Bill of Rights") [Const. Fifth Amendment and Sixth Amendment and South Carolina state constitution Article 1 Section 14] and have elected in my aid the fundamental equitable principles of justice in this matter per Haines v. Kerner, 404 U.S. 519, wherein the court has directed that those who are unschooled in law making pleadings and/or complaints shall have the court look to the substance of the pleadings rather than the form, and hereby makes the following pleadings or notices in the above referenced matter without waiver of any other equitable ("substantial") defenses or offenses. The court has directed those who are unschooled in law making pleadings shall have the court look to the substance of the pleadings rather than the form. Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers. Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938).

ARGUMENTS

C.) Furthermore, "Barnes" attorney, has yet to answer the initial brief enter into the court and such failure to give response is a serious waste of this superior court's time. It is now known as recorded on the lower courts record of , "Barnes" attorney, Jordan with Jordan Law Firm, who stated within his closing arguments the given transcripts enter as evidence, "that a sixth grader" can see that this is not my, James Reese, signature in conjunction with the certified forensic analysis handwriting expert who also testified under oath that this was not my, "James Reese's, signature on the now proven fraudulent lease. While the jury takes no part in deciding whether the writing was intended as an integration, if parol evidence (witness testimony) is admitted (i.e. the judge finds no integration), the jury alone weighs the effect of the parol evidence. This parol testimonial evidence was inconsistent and the parties lacked memory of specific substantive transactions and events in relation to the cause of action. It is well known that a written instrument is more reliable and accurate than human memory in establishing the terms of an agreement. The writing is material in determining the rights and obligations of the parties. It is a well known principle of justice that equity delights in equality and does not allow a wrong to suffer without a remedy.

CONCLUSION

The party with the burden of persuasion on an issue must end up with the preponderance of evidence on that issue in order to prevail with the trier of fact. Such evidence provided in my, James Reese, defense to the lower court outweighed on its face, along with expert examination, the irrelevant evidence or witness testimony provided to the lower court from the Appellee. It is evident on the face of the record that the Appellee presented false claims to the court and the lack of consistent testimony present a element of lack of memory that confused the jury on its decision causing prejudice against myself, James Reese.

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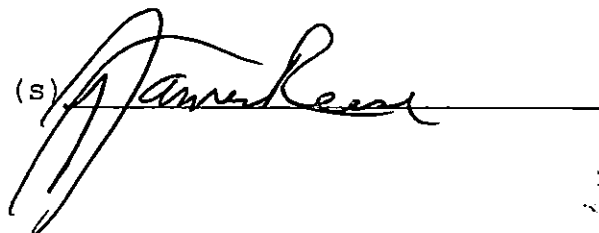
James Reese,

Appellant.

Initial Reply Brief is hereby given that I, James Reese in the above named case, hereby give this notice to the South Carolina Court of Appeals 4th Circuit entered in this action on the 5th day of

Aug 5th, 20 20

(s)



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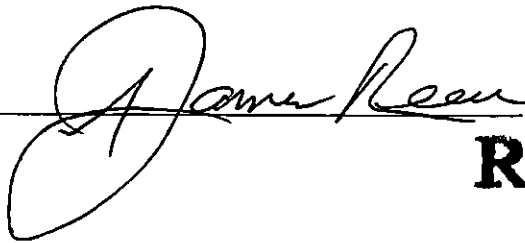
James Reese,

Appellant.

This proof of service is to Leonard Jordan Jr. Attorney-at-Law,
at the JORDAN LAW FIRM of James Reese Initial Response and Reply
Brief, I, James Reese in the above named case, hereby give this
notice by way of United States Postal delivered to 211 Veterans
Road, Columbia South Carolina 29209, on this 5th day of

Aug 5th, 20 20

(s)



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James Reese
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