

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Appeals

The Honorable Judges: Geathers, Hill, and Lockemy (acting)

Appellate Case No. 2022-000881
Court of Appeals Case No. 2021-000511
Circuit Court Appellate Case No. 2020-CP-23-05996
Case No. 2020-CV-23-10201384

**Petition for Writ of Mandamus Seeking Compliance
with South Carolina Appellate Court Rule 242(c)**

Raymond A. Wedlake, as a Member of Woodington
Homeowners' Association, Inc. and on behalf of all other
similarly situated members of Woodington Homeowners' Association, Inc., Appellant,

v.

Board of Directors of Woodington Homeowners' Association, Inc.,
comprised of Mona Craigo, Edward Decker, and Sandra LaCroix;
McCabe, Trotter, & Beverly, P.C.; and State Farm Fire and Casualty Company, Respondents.

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MEMORANDUM WITH CITATION OF AUTHORITIES

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PREFACE

Pursuant to requirements found in Rule 240, SCACR, Raymond A. Wedlake (Appellant, *Pro Se*) submits this “Petition for Writ of Mandamus” seeking compliance with Rule 242(c) by the Clerk of Court. Appellant asks for an Order directing the Clerk of Court to accept Appellant’s “Petition for Writ of Certiorari” on or before July 23, 2022.

ADMINISTRATIVE HISTORY

As filed 06/23/22, the Court of Appeals issued an Order denying Appellant’s petition for rehearing (Exhibit NOA.2). On 06/28/22, the S.C. Supreme Court received from Appellant “Form 1 Notice of Appeal in a Civil Case” (NOA, Exhibit MRC.1). On 06/30/22, Appellant received a letter dated 06/28/22 from the Honorable Patricia A. Howard, Clerk of Court (Exhibit MRC.2).

FACTS

1. Appellant’s NOA (Exhibit MRC.1, p. 1 par. 1) quoted as stated in Rule 203, SCACR, requiring: “... party intending to appeal must serve and file a notice of appeal ...”.
2. Appellant’s NOA (Exhibit MRC.1) quoted as stated in Rule 242(c), SCACR, allowing a **thirty (30)-day interval** before a “Petition for Writ of Certiorari” must be filed (excerpted, emphasis added):

RULE 242 CERTIORARI TO THE COURT OF APPEALS
(excerpted, emphasis added)

(c) Time for Petitioning and Filing Fee. ... A petition for **writ of certiorari** shall be served on opposing counsel and **filed ... within thirty (30) days** after the **petition for rehearing** or reinstatement is **finally decided by the Court of Appeals**. ... (Exhibit MRC.1, p. 2 par. 3)

3. It is not until **after July 23, 2022**, that this thirty-day interval has elapsed.

ARGUMENT

4. This “Petition for Writ of Mandamus” is appropriate to command the Clerk of Court to perform, or refrain from performing, a particular act, the performance or omission of which is required by law as an obligation:

4a) The Clerk of Court must perform to comply with Rule 242(c), SCACR, and recognize the specified **thirty - (30) - day interval** before Appellant must file a “Petition for Writ of Certiorari”;

4b) Until after July 23, 2022, the Clerk of Court must refrain from performing and acting against Appellant, upon any claims such as: “... the following deficiency or deficiencies have been noted ...”, because filing of a petition for writ of certiorari is pending at this date;

4c) Until after July 23, 2022, the Clerk of Court must refrain from performing and acting against Appellant to dismiss his case, based upon grounds that violate Rule 242(c).

5. Appellant is granted **until July 23, 2022** to file a “Petition for Writ of Certiorari” pursuant to Rule 242(c).

6. Before July 23, 2022, the Clerk of Court can **NOT** construe Appellant’s NOA as a petition for writ of certiorari.

7. Before July 23, 2022, the Clerk of Court has no grounds, nor basis, upon which to construe Appellant’s NOA, legitimately filed pursuant to Rule 203, SCACR, as a petition for writ of certiorari.

8. Appellant notes that up to seventy (70) days may elapse before "... the matter is then ready for this Court to determine if the petition for a writ of certiorari will be granted or denied." per "Supreme Court Order 2014-07-16-01" (excerpted, emphasis added):

Under Rule 242 of the South Carolina Appellate Court Rules (SCACR), a **party may seek review of a decision of the South Carolina Court of Appeals** by filing a petition for a writ of certiorari and appendix with this Court. In response, the **respondent may file a return** to the petition for a writ of certiorari, and the **petitioner may file a reply** to the return. Under the rule, this **entire process is to be completed not later than seventy (70) days after the Court of Appeals denied the petition for rehearing or reinstatement in the appeal.** When the petition and any return or reply have been filed, the **matter is then ready for this Court to determine if the petition for a writ of certiorari will be granted or denied.**

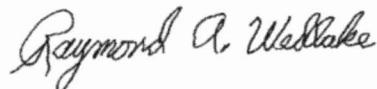
(Order 2014-07-16-01)

9. In the event the Clerk of Court ignores Rule 242(c), SCACR, and dismisses this case before July 23, 2022, then Appellant believes the Court must **censure** the Clerk's action, pursuant to Rule 242(c).

CONCLUSION

The Clerk of Court must comply with Rule 242(c) and allow up to **thirty (30) days** for Appellant to file his "Petition for Writ of Certiorari", which expires on the date of July 23, 2022. Appellant asks the Court to **GRANT** this "Petition for Writ of Mandamus", and to issue an Order directing the Clerk of Court to accept Appellant's "Petition for Writ of Certiorari", on or before July 23, 2022.

July 7, 2022



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