

STATE OF SOUTH CAROLINA

In The South Carolina Supreme Court of

PETITION FROM SUMTER COUNTY
COURT OF COMMON PLEAS

The Honorable R. Ferrell Cothran, Jr., 2144

Appellate Case No. 2021-001407
In the Supreme Courts Original Jurisdiction

Circuit Court Case No. 2021CP4301882

Reginald Evans,

Petitioner,

Vs.

Jaylin's Properties,

Respondent

RECORDED
2022 JUL -5 AM 10:25
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

ON PETITION FOR EMERGENCY EX PARTE WRIT OF SUPERSEDEAS
TO THE SOUTH CAROLINA SUPREME COURT

PETITION FOR EMERGENCY EX PARTE WRIT OF SUPERSEDEAS

Respectfully Submitted,

July 5, 2022

Reginald Evans, Pro Se
Beneficiary of Luven E. Rivers Estate,
12 East College
Sumter, SC 29150
(240) 416-0575
Appellant Pro Se

Other Counsel of Record:
Matthew A. Williamson
1 Law Range, Suite B
Sumter, SC 29150
Attorney for Respondent
(803) 774-5026

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SC Court of Appeals

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JURISDICTION

The purpose of a writ of supersedeas is to suspend a trial court's decision "to preserve the status quo pending" an appeal of that decision, and "to preserve to appellant the fruits of a meritorious appeal where they might otherwise be lost to him." *Graham v. Graham*, 301 S.C. 128, 130, 390 S.E.2d 469, 470 (Ct. App. 1990) (quoting parenthetically 4A C.J.S. Appeal & Error § 662, at 494–95 (1957)). Article V, Section 5 of the South Carolina Constitution vests this Court with jurisdiction to issue all "original and remedial writs," such as a writ of supersedeas. See also Rule 245(b), SCACR (vesting the Court with original jurisdiction to address extraordinary writs). Rule 241(d)(1), SCACR, further authorizes a litigant who has been adversely impacted by a judgment to seek an appellate court's intervention through a writ of supersedeas when, as here, the litigant has sought a stay with the circuit court, but the circuit court has delayed ruling on the motion for over three months while the contempt order has been repeatedly abused in the interim

INTRODUCTION

On June 23, 2022, South Carolina Court of Appeals order stated: "third petition for writ of supersedeas is denied, and this court will not act on further petitions for supersedeas in this underlying case. The Appellate Court erred in this opinion for the following reasons: Appellate Rule 205 Effect of Appeal; Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal. Nothing in these Rules shall prohibit the lower court, commission, or tribunal from proceeding with matters not affected by the appeal."

Secondly Appellate Rule 241 Stay and Supersedeas in Civil Action states that: (a) General Rule. As a general rule, the service of a notice of appeal in a civil matter act to automatically stay matters decided in the order, judgment, decree, or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision.

This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal. The Petitioner did file a petition for a Stay and Relief for the lower court December 5, 2021, order. March 25, 2022, the Respondent, and her attorneys wrote an order outside the scope of the March 7, 2022, motion hearing. The Respondent knew the December 5, 2021, order was being appeal. The Respondent knew the order was on appeal and there was an automatic stay in effect. The Respondent and her attorneys use the order with the help of Sumter Police and Sheriff Department to forceable remove the Petitioner for the property that have the Petitioner name on the Deed. The Respondent did this action to deny the Petitioner right to appeal an order and his right to a fair trial. *Exhibit (A)*

BACKGROUND

Petitioner Reginald Evans was the occupant of the property in Sumter County, South Carolina identified as: 10 and 12 East College Street, Sumter SC 29150. The Respondent called Sumter City Police to the property and the Police Officer told the Respondent that Petitioner had a legal right to be at the property. The Respondent with the aid of her attorneys submitted false affidavits to the court and wrote a bad faith court order, gave it to the Sumter County Sheriff's Office and had the Petitioner forceable removed the Petitioner from the property by the Sheriff's Deputies. As of this date Respondent and her attorneys violated Title 16 of South Carolina Code of Laws by taking Petitioner's real and individual property with a value of over three thousand dollars, under False Pretenses. When the Petitioner first occupied the property in October 2021, he was informed that the Respondent with the aid of her attorney placed an electric meter on the property from a different resident thus violated Title 16 Section 16-13-385.

The Respondent with the aid of her attorneys filed a summon and complaint in the Third Circuit Court in Sumter County on November 12, 2021. At a motion hearing December 3, 2021, Judge Kirk Griffen directed the Respondent's attorneys to write an order, a Temporary Restraining Order entered in this matter on November 19, 2021, be converted into a Preliminary Injunction and decreed that bond in the amount of \$15,000.00 shall be obtained by Respondent to secure the Preliminary Injunction in this matter. Although the Clerk mistitled the Defendant Reginald Evans filed with the Court and served the Respondent a Notice of Appeal on December 3, 2021. The Petitioner on December 6, 2021, answer the summon and complaint with a motion to dismiss. The Respondent and her attorneys filed a false affidavit which stated that he served the defendant on December 1, 2021. The Respondent and her attorneys who are officers of the court submitted false statements that the defendants were residents of Sumter County and South Carolina. Again, the Respondent and her attorney filed a false affidavit on January 13, 2022. Based on Patrick M. Killen and Mathew A. Williamson false affidavits and the Clerk of Court filed an Entry of Default on January 13, 2022, written by the Respondent's attorney. The Respondent and her attorney knowingly submitted the false affidavit confirmed by the Respondent and her attorneys by filing this motion for summary judgement. On February 1, 2022, Judge Kristi F. Curtis after a hearing on Respondent's Motion to Amend the terms of the "Temporary Injunction is GRANTED. Plaintiff may, in lieu of posting a bond, post cash with the Clerk of Court, or in the alternative may pledge property in an amount sufficient to cover the \$15,000 bond set by previous order of the court." The Petitioner on February 1, 2022, filed a Notice of Appeal of Judge Curtis order. The Respondent and her attorneys were aware the Third Circuit Court's Order was before South Carolina Court of Appeals and the Court of Appeals join both appeals into one.

The Respondent and her attorneys refused to answer interrogatories which was to list the properties Jaylin Properties owns and that will pledge. On February 1, 2022, Judge Curtis granted Petitioner's motion, "At Petitioner Reginald Evans' request, his pending motions (Motion to Dismiss, Motion to Amend, and Motion for Relief from TRO) are continued until the next term of court. The Respondent requested a 60 day continues. A hearing on the above motions appeared before Judge R. Ferrell Cothran via WebEx on Monday, March 7, 2022, at 9:30 a.m. On the multiple motions filed by Co-Defendant Reginald Evans. When the transcript and video is reviewed. The Petitioner appeared on the WebEx laying in a hospital bed. The Petitioner informed the Court that he just underwent Open Heart surgery ten days earlier. Although the hearing was about motions submitted by the Petitioner, the Respondent, her attorney, and court did not allow Petitioner to present his argument at the opening. The Petitioner is not an officer of the court, but the order suggests what the Petitioner said was not considered to be the whole truth. The judge directed the Respondent's attorney to write the order. The Respondent's attorney wrote a false statement in the order: "Motion for Continuance should be continued as he, Co-Defendant Evans, claimed to be in the hospital." Therefore, the motion for continuance due health condition made during the hearing was denied. There are numerous of false statements written by the Respondent's attorney that should be investigated. The order written by the Respondent's attorney wrote the following false statement: "NOW THEREFORE, based upon the foregoing, it is ordered that Co-Defendant Evans' Motion to Compel, Motion for Leave to Amend, Motion to Dismiss, Motion for Relief and Motion for Continuance are all denied. IT IS FURTHER ordered that service of this Court's December 10, 2021, Order may be accomplished by posting it, the December 10, 2021, Order, and all related pleadings on or near the front door of the property in question." The Respondent and her attorneys were aware that the December 10 and February 1, 2022, order was on appeal with the South Carolina Court of Appeals.

The Respondent and her attorney use this fraudulent court order to have Sumter Sheriff's Deputies to forceable remove the Petitioner from his resident. The Respondent and her attorney did write in the March 25, 2022, order: "5. That this action is not a landlord-tenant action and that Plaintiff had brought this matter in the appropriate venue;" The Petitioner agrees with this statement, this is case of ownership but do not agree it in the appropriate venue. Throughout this case the Respondent and her attorneys have filed false statements and affidavits. Now by filing a motion for summary judgement the goal is to deny the Petitioner his right to a jury trial. The Respondent and her attorney's denied the defendant use of resident to prevent Petitioner from completing his appeal and answering motion filed in Circuit Court. The Respondent and her attorney are doing everything to prevent Defendant from getting a fair trial.

ARGUMENT

No Jurisdiction: The circuit court lacked personal jurisdiction over Reginald Evans or the Other defendant because they were not and are not residents of South Carolina, nor was it ever served with process. The circuit court also lacked subject matter jurisdiction to address an estate issue, so the proper venue is Probate Court. The property was purchased for five dollars. The Respondent and her attorneys know that civil suit must be over twenty dollars.

A Dispute exists on Material Facts Regarding Good Title to the Property:

A fact is material it is essential to the resolution of legal questions in the case, and it affects the outcome of the proceedings. *Anderson v. Liberty a Lobby, Inc.*, 477 U.S. 242, 247-48 (1986) (interpreting F.R.C.P. 56(c), Also, a fact is "genuine" if a rational trier of fact could find in favor of the non-moving party on the evidence presented. *Anderson*, 477 U.S. at 248. In the instant case, the dispute exists regarding the title to the said property. Respondent has failed to sufficiently fulfill the burden of demonstrating they have good title, in light of Respondent's circumstances. There remains a doubt as to the validity of title to the property because said title was obtained fraudulently.

The Respondent Jaylin Property which is a shell company of Zona Jefferson. Respondent bought the Property from Jaylin Trust another shell company of Zona Jefferson for five dollars and the title clearly stated, "No Title Search was Conducted." Jaylin Trust brought the property from Zona Jefferson for five dollars. Zona Jefferson bought the property from Sumter County Treasury who fraudulently sold the property via tax sale. The Respondent with the aid and knowledge of her attorney deploy a practices of evading capital gain taxes. This is why the Respondent and her attorneys refused to provide tax documents request during discovery.

CONCLUSION

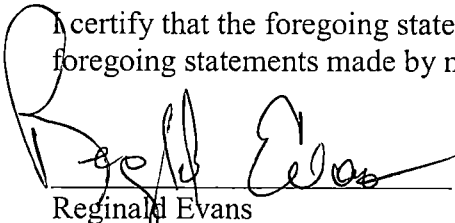
To maintain justice and preserve Petitioner's appellate rights, Respondent respectfully requests that the Court grant this petition and issue the requested writ of supersedeas. Order the return of Petitioner property, appropriate investigations, and damages.

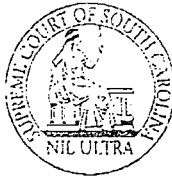
VERIFICATION

I, Reginald Evans, declare as follows:

1. I am Reginald Evans, Pro Se, Heir, and Beneficiary of Luven E. Rivers Estate, and authorized to submit this verification on behalf of Reginald Evans.
2. I have personal knowledge of the factual statements contained in this Petition For a Writ of Supersedeas based on a review of files and records in this case, and if called upon to testify, I would competently testify as to the matters stated herein.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.


Reginald Evans



The Supreme Court of South Carolina
OFFICE OF DISCIPLINARY COUNSEL

John S. Nichols
Disciplinary Counsel

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Senior Assistant Disciplinary Counsel

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May 17, 2022

PERSONAL & CONFIDENTIAL

Reginald Evans
12 East College Street
Sumter, SC 29150
Via Email Only: reggevans@gmail.com

RE: Lawyer: Matthew A. Williamson, Esquire
File Number: 22-DE-L-0526

Dear Mr. Evans:

We have received your complaint against Matthew A. Williamson, Esquire. We will conduct an investigation into the matters you have reported. You will not necessarily be contacted prior to a decision regarding your complaint; therefore, you should submit any additional information or documentation to support your allegations at this time.

The authority of this office and the jurisdiction of the Commission on Lawyer Conduct are limited to issues of whether a lawyer is subject to discipline pursuant to the Rules for Lawyer Disciplinary Enforcement, Rule 413, SCACR. Where misconduct is found, this disposition might include a confidential letter of caution or admonition, a public reprimand, suspension, or disbarment. If our investigation does not reveal evidence of lawyer misconduct, your complaint will be dismissed.

We take this opportunity to advise you of the limited role of this office and the Commission so that you will be aware that we cannot provide you with assistance or advice. You should promptly seek assistance or advice that you might need from legal counsel or other sources. If you do not have an attorney and believe that you need one, you should contact the South Carolina Bar Lawyer Referral Service at 1(800) 868-2284.

You will be notified of the final disposition of your complaint. It is often many months after receipt of a complaint before a final decision is made. In the meantime, feel free to contact me if you have any questions or concerns.

Sincerely,

s/Ericka M. Williams

Ericka M. Williams

EMW/clg

EXHIBIT (A)

The South Carolina Court of Appeals

Jaylin's Properties, LLC, Respondent,

v.

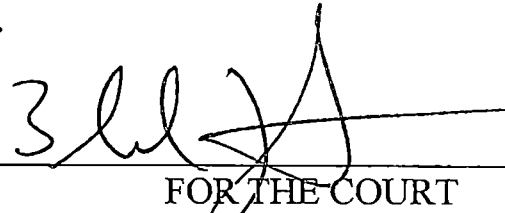
The Estate of Luven E. Rivers, Michelle Evans Jones,
Individually and as Personal Representative of the Estate
of Luven E. Rivers, Sheila Small, and Reginald Evans,
Defendants,

Of Whom Reginald Evans is the Appellant.

Appellate Case No. 2021-001407

ORDER

This court has previously denied Appellant's petition for supersedeas and a panel has denied Appellant's second petition for supersedeas, which this court construed as a petition for panel review. Appellant has now filed a third petition for supersedeas. The South Carolina Appellate Court Rules do not provide for successive petitions for supersedeas. Therefore, Appellant's third petition for supersedeas is denied, and this court will not act on any further petitions for supersedeas in this underlying case.



FOR THE COURT

Columbia, South Carolina

cc:
Reginald Evans
Matthew A Williamson, Esquire

FILED
Jun 23 2022

THE South Carolina Supreme Court

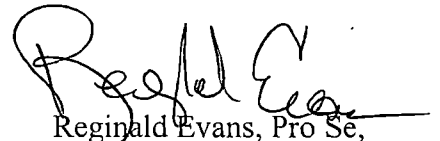
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PROOF OF SERVICE

RECORDED
2022 JUL -5 AM 10:25
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

I certify that I have served PETITION FOR EX PARTE WRIT OF SUPERSEDEAS
AND EXTENSION OF TIME by personally delivering a copy of it to his attorney of record,
Matthew A. Williamson, at his office at 1 Law Range, Suite B, Sumter, South Carolina 29150,
on July 5, 2022.



Reginald Evans, Pro Se,
Beneficiary of Luven E. Rivers Estate;
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Appellant Pro Se