

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY
Court of Appeals

S.C. SUPREME COURT

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 CERTIORARI

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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July 21, 2022

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PREFACE

Pursuant to Rules 242{b(3, 4)} and also Rules 242 (d, e), SCACR, Appellant Raymond A. Wedlake (*Pro Se*) submits this “Petition for Writ of Certiorari”. This Court must recognize the decision to affirm dismissal by the Court of Appeals (CAP) is in conflict with prior decisions of the Supreme Court {Rule 242(b)(3)}. Substantial constitutional issues {Rule 242(b)(4)} are involved:

- a) denial of “due process” and “equal protection of the laws” (Amendment XIV) resulting from dismissal of Appellant’s case, done without regard to discovery still pending;
- b) denial of a **constitutional right to a jury trial** resulting from dismissal from the bench;
- c) denial of Civil Rights resulting from discrimination against Appellant due to the fact he is a *Pro-Se* party, and is not part of the “Legal Brethren Buddy Buddy Club”.

ADMINISTRATIVE HISTORY

On 06/28/22, the decision by CAP affirming dismissal was filed with Appellant’s “Notice of Appeal” for 2021-000511, along with three previous Orders required by court rules (Exhibits NOA.1, NOA.2, NOA.3, and NOA.4, where re-filing of the last two is not replicated as part of this Writ). Included as exhibits to this Writ are CAP’s decision “2022-UP-184” of 04/27/22 (Exhibit NOA.1), and “Order Denying Petition for Rehearing 06/23/22” (Exhibit NOA.2).

On 10/20/21, CAP filed two volumes of the “Record On Appeal” (references denoted by “R.”). On 11/08/21, CAP filed Appellant’s “Brief of Appellant” (BOA, Exhibit PWC.1). On 05/11/22, CAP filed Appellant’s “Petition for Rehearing” (Exhibit PWC.2).

OVERVIEW

Appellant firmly believes that issues presented in this Petition require resolution by the Supreme Court, and are fully appropriate before the Supreme Court. Appellant believes issues herein are of extreme public interest. Thus, the Supreme Court has an obligation to provide resolution. Appellant cites issues that have been decided differently by lower courts, **contrary to authority of the Supreme Court**. Such has thereby created confusion and necessitates a uniform interpretation of the law. Only the Supreme Court can provide a uniform interpretation. Consequently, this Petition appropriately brings matters for consideration by the Supreme Court.

Appellant firmly believes CAP has **misapplied and misapprehended** the law in arriving at its decision. CAP acted contrary to their own precedent stated in “*Mictronics*”, and ignored several rationales that required reversal and remand, had they been properly understood.

South Carolina has a policy “favoring the disposition of issues on their merits rather than on technicalities” (*Microtronics, Inc. v. S.C. Dep’t of Revenue*, 345 S.C. 506, 548 S.E.2d 223). The Order (R. pp. 43 - 45), itself, affirms this concept by citing statute (excerpted):

Section 18-7-170. ... the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. ... (R. p. 638)

([correcting typographical errors]: *Mictronics v. South Carolina Dept. of Rev.*, BOA Exhibit PWC.1 p. 2 par. 1);

A primary purpose for a Court of Law does **not include simple dismissal** of cases, which denies resolution of disputes, and denies constitutional rights. (BOA Exhibit PWC.1 p. 2 par. 2).

For this “Writ”, Appellant takes a “less is more” approach, and touches only on a few-key-selected issues where the CAP misapprehended and/or overlooked pertinent facts and evidence.

I. CONTENT REQUIRED BY RULE 242(d)

A) Required by Rule 242(d)(1) : Certification

1. Appellant certifies that his “Petition for Rehearing ...” was filed by CAP on 05/11/2022 (Exhibit PWC.2).

2. Appellant certifies that his “Petition for Rehearing ...” was denied by CAP on 06/23/2022 (Exhibit NOA.2).

B) Required by Rule 242(d)(2) : Questions presented for review ...

B1. Sixteen “Issues on Appeal” were presented to the CAP

3. Appellant listed an entire Section: “I. Required by Rule 208(b)(1)(B): Statement of Issues on Appeal”, stating issues AA, AB, AC, and A - M (BOA Exhibit PWC.1 pp. 3 – 5)

B2. Petition for Rehearing (Exhibit PWC.2) gave specific documentation about how CAP misapprehended and/or overlooked issues

4. In an orderly manner, Appellant’s Petition for Rehearing further clarified and commented upon all sixteen issues as part of “II. ARGUMENT” (Exhibit PWC.2 pp. 4–11 par. 7-31). Appellant gave specific documentation about how CAP misapprehended and/or overlooked issues.

C) Required by Rule 242(d)(3) : Statement of the case ...

5. Appellant includes by reference this section from the “Record On Appeal”

(R. pp. 649 - 650).

II. ARGUMENT IN SUPPORT OF CERTIORARI

D) Required by Rule 242(d)(4) : ARGUMENT in support

D1. Premature dismissal denied pending discovery

6. Pursuant to Rule 242(b)(3), the Supreme Court must be bound by its own precedents which were overlooked, misapprehended, or ignored by CAP. In CAP’s “Opinion 184”

(O184), only one reference (“Park v. Safeco. ...”) to a Supreme Court case exists. **Discovery was overlooked and ignored** by O184; no mention related to discovery appears there.

Appellant’s Brief (BOA Exhibit PWC.1) pointed out that **discovery** necessarily trumps a premature dismissal:

C6. Appellant as the “Claimant” (R. p. 658)

Appellant would have shown that he is stated as the “Claimant” in his claim against SF [State Farm], but SF withheld requested statements of filed claims from Appellant. Discovery to obtain such information was thwarted by premature dismissal of C1384 [2020-CV-23-10201384]. Appellant thus cannot produce such evidence for the Court. MOP3 (R. pp. 272 - 281) cited *Dawkins v. Fields* (R. p. 275) and *Evening Post Publ'g Co. v. Berkeley County Sch. Dist* (R. p. 275), among others, relative to wrongful denial of discovery. (R. p. 658)

7. Appellant highlights that pending discovery was ignored, and subverted without so much as “lip service” being given by the Magistrate in C1384:

... Plaintiff [Appellant] requested a “... full and fair opportunity to complete discovery ...” via “Motion for a Continuance to Postpone a 11/24/2020 Scheduled Hearing to Allow Discovery” dated 10/30/2020 ... (R. pp. 274-275).

See also: “Motion for a Continuance to Postpone a 11/24/2020 Scheduled Hearing to Allow Discovery”, R. pp. 233-236, and its Exhibits MC.1 – MC.3, R. pp. 594-599; “Request for Production of Documents from Defendant State Farm Fire and Casualty Company”, (R. pp. 410-413).

D2. Premature dismissal denied Constitutional Rights

8. Pursuant to Rule 242(b)(3), the Supreme Court must be bound by its own precedents which were overlooked, misapprehended, or ignored by CAP. CAP can **NOT** affirm dismissal based upon other, technical grounds, and by citing CAP precedents from other CAP cases. Appellant cited the Supreme Court in *Sandel v. Cousins*: “... a meritorious case is not disposed

of on technical grounds.” Full argument appears in BOA (BOA Exhibit PWC.1, “IV AB) The Judge erred by denying Constitutional rights of Appellant”, p. 10 par. 2) .

D3. Denial of a constitutional right to a jury trial resulted from dismissal from the bench

9. Pursuant to Rule 242(b)(3), the Supreme Court must be bound by its own precedents which were overlooked, misapprehended, or ignored by CAP. Where viewpoints differ, then “... it is for **the jury to determine ...**” :

... If the question is one **on which reasonable minds might differ**, then it is for **the jury to determine** which of the two permissible views they will take. ... [from *Holtzscheiter v. Thomson Newspapers, Inc.*, 506 S.E.2d 497, 332 S.C. 502, 507, September 22, 1998] (BOA Exhibit PWC.1 p. 15 [IV] G; R. p. 661)

D4. Discrimination against a *Pro-Se* party; the “Legal Brethren Buddy Buddy Club”

10. Denial of Civil Rights resulted from discrimination against Appellant due to the fact he is a *Pro-Se* party, and is not part of the “Legal Brethren Buddy Buddy Club”. One such example is seen in the “Record On Appeal” (R. pp. 260-261 par. 7c).

11. Pursuant to Rule 242(b)(3), the Supreme Court must be bound by its own precedents which were overlooked, misapprehended, or ignored by CAP. In reaching their conclusion to affirm dismissal, **CAP acted contrary** to Supreme Court precedent stated in “*Livingston*”, as CAP did not “... review the evidence and all inferences in the light most favorable to the unmoving party. [Appellant]” {*W.R. Livingston v. Noland Corporation, et al*, 9293 S.C. 521, 362 S.E.2d 16 (SC Sup. Ct. 1987)} (BOA Exhibit PWC.1 p. 2 par. 1; R. p. 652).

III. CONTENT REQUIRED BY RULE 242(e): APPENDIX

E) Required by Rule 242(e)(1) : Record on Appeal

12. Found from “South Carolina Appellate Case Management System”, Appellant includes, in entirety by reference, two volumes of the “Record On Appeal”, as filed on 10/20/21 for CAP Case: 2021-000511 .

F) Required by Rule 242(e)(3) : Decision of Court of Appeals

13. Appellant seeks certiorari relative to the “Unpublished Opinion No. 2022-UP-184”, filed April 27, 2022 (Exhibit NOA.1).

G) Required by Rule 242(e)(4) : Petition for Rehearing; Court of Appeals Denial

14. Appellant certifies that a “Petition for Rehearing ...” (Exhibit PWC.2) was filed on 05/11/22, and was denied by CAP on 06/23/22 (Exhibit NOA.2).

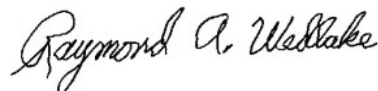
CONCLUSION

The Supreme Court must, as can only be done by the Supreme Court, annul the travesties of justice perpetrated by lower courts to date, and affirm that “Courts of Law”:

- a) are obliged to apply precedents made by the Supreme Court {Rule 242(b)(3)}, particularly when lower Courts go against **authority established by the Supreme Court**, itself;
- b) can **NOT** issue Orders which are **contrary to Supreme Court** Orders;
- c) are obliged to uphold the “Constitution of the United States”, and can **NOT** deny from a litigant **US Constitutional Rights**;

The Supreme Court **must restore integrity** to the judicial process by reversing the finding and affirmations of dismissal, to provide Appellant's **RIGHT TO A JURY TRIAL!**

Dated this 21st day of July 2022.



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