

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM DARLINGTON COUNTY  
Court of Common Pleas ,

Michael S Holt Circuit Court Judge

Case No. 2022-000261

**RECEIVED**  
OCT 17 2022  
SC Court of Appeals

Harold Wilson ,Appellate

v

Cynthia Barnett ,Respondent

INITIAL BRIEF APPELLATE HAROLD WILSON

I Harold Wilson am appealing the decision made on Jan 4,2022 in the Court of Common Pleas,and the Honorable Judge Micheal S,Holt,because I believe that my rights as a citizen of the United States were violated when a decision was made to dismiss my case without me being given the right to be heard,the right to cross examine,and the right call witnesses,etc,before a decision was rendered in this case.My case was transferred to the court of Common Pleas to be heard.I am appealing a order in the Darlington Probate court,Judge Marvin Lawson,in which He allowed a will to be probated that was not my mothers,Dorothy HATCHER, last will she executed before HER DEATH IN 2012.My mother had executed a will and a living will with Her Attorney at that time Kenneth Baker and with witness Rashanda Williams being present on September 10,2009.in which she stated in the will that all other previous wills be revoked.As I was waiting for my case to come up on the docket in the Court of Common Pleas,I received a notice from the clerk of court of the Court of Common Pleas in September 2021,that a hearing was scheduled on January 4,2022, for a motion to dismiss my case,filed by Attorney Gena Ervin on behalf of her client and Respondant Cynthia Barnett.My intentions was to attend the hearing to find out what was going on,but in late November I Contracted the Covid virus and was told by my docter to rest and quarantine for a while for it would be a process I would have to go through.In December of 2021 the symtoms from the virus was getting worst,as I was experiencing respiratory problems and high tempertures.I contacted the Clerk of Courts in the Court of Common Pleas and explained to them that I had contracted the covid virus,and my symptoms were getting worse.The lady I talked to at the Clerk of Courts office in the Court of Common Pleas told me the best thing to do is file a Motion for a Continuance,and pay the twenty five dollar filing fee,and give reason in my motion for why I was asking for a continuance,which I did explaining that I had contracted the COVID virus and my symptoms was getting worse.But the Common Pleas Court Jugde Micheal denied my request for a continuance,and went forward with the hearing on JAN 4,2022,without me there to have a chance to be heard.I was considering attending the hearing even in my condition,but when I taked to the guards at the front that check you in,and they told me that if my temperature was high they could not let me in, I figured it would be a waste of time if they were not going to let me in.

1

## Argument

Did the Common Pleas court err when it went forward with the hearing on Jan 4, 2022, without Appellant Harold Wilson there, that he may have a chance to be heard, before a decision was rendered?

### US Constitution Fourteenth Amendment

Section 1. All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It's clearly evident that Appellate Harold Wilson on ~~Jan 4, 2022~~ was denied his right to a fair trial and his right to be heard, a due process violation as party involved in this case. Parties whose rights are to be affected are entitled to be heard, "Baldwin v. Hale, 68 US (1 wall) 223,

233, (1863).

Court reminded that the right to a fair hearing is required that the observations of the parties must be heard and duly examined. According to the principle a court has the obligation to proceed to an effective examinations of the complaints arguments, and evidence offered by the Hager v. Reclamation, 111 U.S. 701, 708, (1884)

just to the parties affected. It must be pursued in the ordinary mode prescribed by law, it must be adopted to the end to be attained and whenever necessary to the protection of the parties. It must give them an opportunity to be heard respecting the justice of the judgment sought.

Any legal proceeding enforced by public authority, whether sanctioned by age or custom or newly devised in the discretion of the legislative power, which regards and preserves these principles of liberty of justice, must be held to be "due process of laws". id at 708 Accord

Hurtado v California, 110 U.S. 516-537 (1884), Twining v New Jersey, 211 US. 78,101 (1908):

Brown v New Jersey 175 U.S. 172. 175 (1899).

#### Due process requirements of laws

Some form of hearing is required before a individual is finally deprived of a property (or liberty) interest "701. This right is a basic aspect of the duty of government to follow a fair process of

decision making when it acts to deprive a person of his possessions. The purpose more particularly is to protect his use and possession of property from arbitrary encroachment...

"702 Thus, the notice of hearing and the opportunity to be heard must be granted at a

meaningful time and in a meaningful manner. "703, 697 Mullane v Central Hanover Trust Co,

339 US 306, 314 (1950) See also Richards v Jefferson County 517 US. 793 (1996).

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3

Conclusion

For the reasons stated, the Appellate Court should reverse the judgment of the Court of Common Pleas, and I'm asking that the remainder of my case be heard in the Court of Appeals

Oct, 8 2022

Respectfully submitted

s/ Harold Wilson

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Appellant

v.

Cynthia Barnett, Louise Sweet, and Hubert Wilson,

Respondent

**PROOF OF SERVICE**

I certify that I served an Initial Brief on  
respondents and Attorney Gena Ervin by depositing a copy of them in  
the United States mail postage prepaid on

Oct 8 2022

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SC Court of Appeals

The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia SC 29211

