

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

Harold Wilson ,Appellate

v

Cynthia Barnett ,Respondent

RECEIVED

AUG 04 2023

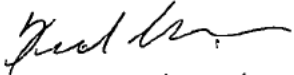
SC Court of Appeals

July 28, 2023

Appellants Record of Appeal  
Harold Wilson.

- Article ① Notice of hearing
- Article ② Motion For Continuance
- Article ③ Transcript of Hearing
- Article ④ Due Process laws

Gena Ervin  
504 S Coit Street  
PO Box 2527  
Florence SC, 29503  
843 667-6613

  
Harold Wilson  
1549 Country Manor rd  
Darlington SC 29532  
843 639-0661

Article ①

**NOTICE OF MOTION SCHEDULING**

STATE OF  
SOUTH CAROLINA

December 06, 2021



Motion "MDISMS - Motion/Dismiss" for Case: 2015CP1600622 - Harold Wilson VS Cynthia Barnett has been added to the following Motions Roster:

147 - Common Pleas Motions Roster January 4, 2022

This hearing of this motion has been scheduled for 1/4/2022 at 10:00 AM.

This matter is scheduled to be heard before The Honorable Michael S. Holt on January 4, 2022 at 10:00 a.m. If this motion should not be on the roster for any reason please notify me via email.

Thank you,  
Jennifer Glanz  
jglanz@darcosc.net

**RECEIVED**

AUG 04 2023

SC Court of Appeals

Mail Notice To:

Harold Wilson Pro se  
1549 Country Manor Road  
  
Darlington, SC 29532

Court Info:

Common Pleas  
1 Public Square, Rm B-4  
  
Darlington, SC 29532-9532

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843) 398-4330

Respectfully,

Scott B. Suggs  
Clerk of Court

TRUE CERTIFIED COPY,  
*Scott B. Suggs*  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, S.C.

Article 2

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF COMMON PLEAS.  
CASE NO: 15CP160622

Appeal From Darlington County Probate  
Court. CASE NO: 2012-E 516 - 287

Harold Wilson Appellant  
VS  
Cynthia Barnett, Louise Sweet, and Hubert Wilson  
Respondents.

FILED  
DEC 28 P.M.  
SCOTT B. SUGGS  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, S.C.

Motion For a Continuance

I Harold Wilson, Appellant, am asking the Court  
of Common Pleas and the Honorable Judge, Michael  
S. Holt, for a Continuance in the hearing scheduled  
for January 4, 2022. The reason for my request is  
I have contracted the COVID-19 virus and the  
symptoms from the virus seems to be getting worst  
than better, as I'm experiencing respiratory problems  
and other symptoms that my doctor told me was  
due to the virus. I also have another medical issue  
going on in which I have to have surgery in  
February. Due to my medical issues that I'm  
experiencing right now, I'm asking for a six month  
Continuance. Thank you.

Harold Wilson  
1549 Country Manor  
road, Darlington  
S.C 29532  
(843) 639-0661

TRUE CERTIFIED COPY,  
Scott B. Suggs  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, S.C.

Article ③

STATE OF SOUTH CAROLINA ) In Court of Common Pleas  
 ) Fourth Judicial Circuit  
COUNTY OF DARLINGTON ) 2015-CP-16-00622

APPEAL FROM THE PROBATE )  
COURT OF DARLINGTON )

COUNTY IN THE MATTER OF: )

DOROTHY W. HATCHER, )  
HAROLD WILSON, )

Appellant, )

v. )

CYNTHIA BARNETT, LOUISE )  
SWEET, AND HUBERT WILSON )

Respondents. )

Transcript of Record

Darlington, South Carolina  
January 4, 2022

B E F O R E:

The Honorable Michael S. Holt

A P P E A R A N C E S:

Ms. Geña Ervin, Esquire  
Attorney for Ms. Cynthia Barrett

Lisa Carter  
Court Reporter

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESSES

PAGE

(NO WITNESSES INTRODUCED DURING HEARING)

EXHIBITS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

NO.

DESCRIPTION

EV.

(NO EXHIBITS INTRODUCED DURING HEARING)

1 THE COURT: Court will come to order. Ms. Ervin?

2 MS. ERVIN: Yes, Your Honor, this is a problem that  
3 we've been having. This is a case where the hearing was  
4 originally held in September of 2012. He waited, basically  
5 -- well in September 24th, two days before the year was up,  
6 he filed a motion to modify or vacate the order which the  
7 Darlington County Probate Court denied. He did not show up  
8 for that hearing as well as numerous others. What he had a  
9 habit of doing was calling or having somebody to call the  
10 day of the hearing and say I'm sick and can't come and he  
11 did the same thing that day. He filed the Notice of Appeal.  
12 He got, at least, six extensions of time to file the brief  
13 and the transcript. I have never seen a copy of the  
14 transcript. I don't believe it's in the court's file either  
15 because we copies from them. So he is -- all he did was do  
16 an initial brief which there was a letter from the clerk's  
17 office and the Court of Appeals that said there are two  
18 things you've got to change before it's final, nothing,  
19 nothing has happened since then. So I just filed a motion  
20 to dismiss the appeal so that we can close the estate and  
21 be done with it. Like he didn't show up today.

22 THE COURT: All right. Anything further?

23 MS. ERVIN: Not unless you need some more dates.  
24 But, I mean, this is how it's been going for the last six  
25 years.

1 THE COURT: All right. It's so ordered.

2 MS. ERVIN: Thank you.

3 THE COURT: Thank you. Good to see you.

4 MS. ERVIN: You too.

5 (CONCLUSION OF HEARING HELD ON JANUARY 4, 2022)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

I, the undersigned Lisa S. Carter, Official Court Reporter for the Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit for Darlington County, South Carolina, on the 4th day of January, 2022.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

s/ Lisa S. Carter

Lisa Carter  
Circuit Court Reporter

May 21, 2022

Article 12

Due process of laws is process which following the forms of law, is appropriate to the case and 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).

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, 1821~~ 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)