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Sep 05 2023

SC Court of Appeals

The State of South Carolina

In The COURT OF APPEALS

original

APPEAL FROM Berkeley County

COURT OF Common Pleas

EDWARD VON SLAM BROOK MASTER IN EQUITY

CASE NO. 2020 CP 28-01945

Kenneth S. Pinckney

Appellant

v.

Leroy Pinckney

Respondent

Motion to Ask the Appeal/Appellate Court to Clarify
IT'S ORDER, filed on Aug 25 2023. Appellant's motion
to hold this appeal in Abeyance is denied. I'm seeking
of the Court to know the reason for its decision order. In Law
I feel that it's only fair and just to know the reason why abeyance
was denied. As a matter of LAW, please clarify.

At this time I am requesting additional time to bring forth
Appellant's initial brief and designation of matter
that are due from August 25, 2023. I hope this
this request will be granted.

Attorney Scott Andrew Westhous, Judge Diane Schacter Goodstein,
Attorney J. Chris Lemming, Attorney Thomas Brush, Master
in Equity, Edward Von Slam Brook and possible Judge Evidene
Wholey. There are complaints for these officers at the
Court at the Office of Disciplinary Counsel (January 2023,
December 2022 and June 24-August 14, 2023. This is a great
burden to bear for the process of the Law and to be heard, subject
matter Jurisdiction, Violation of Rule 53, an order of Contempt. Is
the final judgement to the Appellate or Supreme court?

Decisions could come down that clearly show unprofessional conduct, misconduct, abuse of discretion and other greater or lesser discipline that directly affect my due process rights equal protection of the law. Subject matter Jurisdiction and violation of Rule 53. There are matters that deal with the missing transcripts. Two (2) of 8 sep 22 (1) 2020 CP 08-01945 and 2022 CP 08-00478. And the Affidavits of the hearing. This do include misconduct of Court reporters, Laura Lacour and Molly Powell. It is my hope that the Appellate will not look away, but gaze the eye of Justice (Lady) and the human behavior of curiosity. Please see Attachment of Notice To Quit Premises and Note To Show Cause, signed by Jerry Pinckney, Defendant of this Appeal. Notarized by Veronica Beck on 22 May 2023. Not dated or signed by magistrate Judge. Respondent Jerry Pinckney back out of decision to go to the magistrate Court. Decision says settled on 7 Jun 23. There was no magistrate hearing. Though I showed up.

September 2, 2023

Kenneth S. Pinckney

Kenneth S. Pinckney
270 ST. JULIAN DRIVE
CROSS S.C. 29436
(843) 753-7154

STATE OF SOUTH CAROLINA)

COUNTY OF BERKELEY)

CASE NUMBER 2023CV01080

232

Jeroy P. Pinckney
PLAINTIFF

vs
Kenneth Pinckney
DEFENDANT

NOTICE TO QUIT PREMISES
AND RULE TO SHOW CAUSE



Jeroy Pinckney the Plaintiff in this action being sworn state that I am the owner of the premises herein described. I further state that the premises is within the magisterial jurisdiction of Berkeley County located At 271 St. Julian Dr. Cross SC 29436 and that a Landlord-tenant relationship does not exist between the parties described as evidence by the following facts:

- The defendant does not pay rent for occupancy.
- The defendant is occupying premises without consent of the owner.
- The defendant has refused to leave and is hereby trespassing.

Sworn to before me this 22 Day of May 2023

Kevin D. Rock
Notary Public for South Carolina
Commission Expires 1/29/32

Jeroy Pinckney
Plaintiff
Phone: 843-697-0811
Address: 265 St. Julian Dr. Cross SC 29436

To The Defendant Named Above:

Upon the Affidavit of the Plaintiff and in accordance with S.C. Law 15-67-610, you are hereby Ordered to show cause before **Berkeley County Summary Court, 113 Ravenel Dr. St. Stephen, SC 29479 (843) 567-7400** within five days from the date of service of the Notice and Rule to Show Cause why you should be allowed to remain at said location. If you fail to show cause you are ordered to vacate said location no later than the **sixth** day after service of this notice.

Dated: _____

MAGISTRATE

Mr Kenneth Powell
270 St. Julian Drive
Cross S.C. 29436

3 Sep 23

Brush Law Firm
J. Chris Lanning
12-A Carriage Lane
Charleston S.C. 29407

Dear Attorney J. Chris Lanning:

I am requesting that your firm and you send to me the Appellate or Supreme Court, and Court Administration. The Transcripts and Exhibits of the master-in-equity hearing of 8 Sep 22, the 9:30 hearing of which I paid Attorney Lanning and was a defendant, case # 2022 CP 08 00478. Also transcripts and exhibits (which you took back after the hearing) Exhibits for case # 2020 CP 08-01945. Somehow at 2020 case and a 2022 case were here on the same day with the 2022 case being heard before the 2020 case. This was a sham kangaroo courts with no reference orders, not having my signature, who did the referral.

The court reporters both Laura Locom and Molly Powell, associated with Magna Legal Services out of Philadelphia, were who you orchestrated with for the transcripts and the exhibits. Please show good faith and professional integrity to the Appellate or supreme court.

In Jesus Name
Sincerely
Kenneth Powell
12/1/22
DSC, 1922
CS Jefferson

Search all cases and statutes...

JX

Statutes, codes, and regulations

South Carolina Court ...

South Carolina Rules ...

Trials

S.C. R. Civ. P. 53

 Download

As amended through June 6, 2023

Rule 53 - Masters and Special Referees

(a) **Master and Special Referee Defined.** The term “master” means the master-in-equity for the county. The term “special referee” means a member of the South Carolina Bar to whom a matter has been referred under S.C. Code Ann. § 14-11-60.

(b) **References.** In an action where the parties consent, in a default case, or an action for foreclosure, some or all of the causes of action in a case may be referred to a master or special referee by order of a circuit judge or the clerk of court. In all other actions, the circuit court may, upon application of any party or upon its own motion, direct a reference of some or all of the causes of action in a case. Any party may request a jury pursuant to Rule 38 on any or all issues triable of right by a jury and, upon the filing of a jury demand, the matter shall be returned to the circuit court. A case shall not be referred to a master or special referee for the purpose of making a report to the circuit court. The clerk shall promptly provide the master or special referee with a copy of the order of reference.

(c) **Powers.** Once referred, the master or special referee shall exercise all power and authority which a circuit judge sitting without a jury would have in a similar matter.

(d) **Compensation of Special Referees.** The compensation of the special referee shall be paid by the parties in such amount as shall be set by the special referee, subject to review by the

S.C. R. Civ. P. 53

Last Amended by Order effective 9/1/2002.

This Rule 53 follows the Federal Rule as to form but is considerably modified to conform to State practice and needs. References in Federal Courts are rare, but absolutely necessary in State Courts, particularly to handle a large volume of State litigation such as foreclosures, partitions, and other equity matters. The State practice allowing judgment to be entered on the master's report in appropriate cases is preserved, as is the allowance of 10 days to file exceptions to the report. Other post-trial motions, such as a motion to amend judgment under Rule 52(b), would apply when the order of reference directs that judgment be entered on the master's report, just as they apply in actions tried by the court.

Note to 1986 Amendment:

Rule 53(c) is amended to make clear that the master has the same powers as a court sitting without a jury unless the order of reference limits his authority. Changes in that paragraph as well as Rule 53(d) leave the scheduling of the time and place of the hearings to the master. Rule 53(e)(1) is amended to remove the need for filing the transcript of proceedings if one has not been prepared, but Rule 53(e)(2) allows any party to obtain the transcript of proceedings before any hearing on exceptions to the master's report. Rule 53(e)(5) now authorizes the master to request briefs or proposed orders from counsel.

Note to 1994 Amendment:

This Rule 53(b) amendment clarifies the authority of the clerk of court to issue orders of reference in default cases and where all the parties consent.

Note to 1999 Amendment:

This amendment substantially revises this rule. It eliminates the practice of referring a matter for the purpose of making a report to the circuit court. Under the revised rule, the master or special referee will enter final judgment on any matter which is referred and any appeal from a decision of the master or special referee is to the Court of Appeals or the Supreme Court as provided by the South Carolina Appellate Court Rules. The detailed discussion of the powers of masters and special referees, and the procedure to be followed in matters pending before them, has been eliminated as unnecessary since the master or special referee has all the powers that a circuit court judge sitting without a jury would have in the matter and the procedure is that provided by the South Carolina Rules of Civil Procedure.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APPEAL FROM Berkeley COUNTY
EDWARD VAN SLAMBROOK MASTER-IN-EQUITY

Case No. 2020 CP DB 01945

Kenneth S. Pinckney

Appellant

v.

Leron Pinckney

Respondant

PROOF OF SERVICE

I certify that I have served the following: Motion to request clarification of why the request to halt the Appeal-Abeyance until the Office of Disciplinary Counsel make their disciplinary decision on Attorney Jeffrey Weathers, Judge Diane Schaefer Goodstein, Attorney J Chris Conning, Attorney Thomas Brush, Master-In-Equity, Edward Van Slambrook and Allegedly Judge Eynonne Whaley.

I look forward to your decision and request additional time to do the initial brief and designation of matter if the Appellate Court does not change its

Order of Filed order of Aug 25, 2023

Appellant depositing a copy in the United States mail Certified mail, return receipt, addressed to the (Postage paid) Court of Appeals, 1226 Senate St. Columbia SC 29201

Sep 4, 2023

Kenneth S. Pinckney
Kenneth S. Pinckney
270 St Julian Dr
Columbia S.C. 29436
843-753-7154