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SC Court of Appeals



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The Item: Jack Osteen	jack@theitem.com
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WIS TV 10	News Tip Line

Dear gentlemen

I'm reaching out as a last-ditch effort for someone to pay attention to the complete injustice that I have endured for the past year and a half

I am currently in an eviction battle with a tenant (Randal K. Freeman) that refuses to get out of my house (8 Warren Ct.) and the court system has completely failed in this instance.

Background:

Randall moved to Sumter SC in November of 2021 along with his wife and three kids as well as a whole other family That included 7 additional adults and two children.

Randall agreed to rent my fixer upper until the end of the year and then purchase it for \$180,000. As that time approached, he made-up excuses as to why he would like to rent it for a year and then buy it and I agreed. We set up a lease agreement that began February 1st of 2022 and was up on February 1st of 2023.

His criminal case:

During that time Randall came to work with my company Trapp Construction and Remodeling he was managing all the business operations and the financial operations.

Long story short he embezzled approximately \$150,000, didn't pay vendors equaling \$140,000. And left the company in virtually financial ruin. Which I had to pull my life savings and kids college funds into the company to keep it afloat as well as take on large unsecured debt that I'm still trying to climb out of. He was arrested in March of 2023 by Investigator John Litaker of the Sumter Police Dept. for breach of trust over \$10,000 and is out on bond. That case is currently at the solicitor's office since that time, and I haven't heard anything since.

He was also convicted in Illinois for a similar crime that included fraud, his judgment was \$215,000 which he only paid \$46,000 then he moved to South Carolina.

The Hearing:

In the meantime, when his lease was up I gave him 30 days to the end of March to move out. He refused to move out, and forged a new lease that didn't end until February 1st 2024. My lawyer, Ben Cahill, began trying to get a hearing, which took five months, as Randall's lawyer, William Brunson, kept delaying the schedule on three different occasions. On August 8th of 2023 we finally had a hearing with Magistrate Judge Griffin who did not give either side much time to plead their case he agreed to read the evidence and make a ruling over the next couple of days, we spent less than 15 minutes in that court room. Judge Griffin's order required Randall to only pay \$1700 for August and the additional \$1600 a month from that point on so the previous four months of \$6,400 of rent just got overlooked. He also guaranteed that he would have a meeting with both lawyers in early October to schedule a jury trial in late October, as Brunson had requested. I waited patiently for two months to see when this court date would happen, but when October came, and we questioned Griffin about the court date he said his schedule was too busy to set a date and didn't guarantee any other dates at that point going forward. If I had done that I would be arrested for perjury.

The Evection:

In November Randall failed to pay his rent of \$1600 by the 10th as required. A week and a half later judge Griffin finally signed the eviction notice and a week after that Randall was served with eviction papers by the Sheriff's Department. He quickly went to the Magistrate Court and filed an appeal, which then delayed this even further. Judge Griffin set bond for only the November payment and the December payment of \$1600 each still not making the four months of not paying rent an issue.

The Appeal in Circuit Court:

Circuit Court date for the appeal was set for January 20th of 2024 with judge Cothran, I'm not really sure at this point exactly what happened and why judge Cothran didn't make a ruling. Something having to do with not enough evidence that he didn't try to pay in November, so he sent this issue back to Judge Griffin for Judge Griffin to rule on. **(can anyone say circus at this point?)**

On February 14th, 2024, we met again with Judge Griffin, he commented on how he had met us for the first time that day, he tried to settle this issue with both attorneys since the fraudulent lease was supposed to be up on February 1st, 2024, had passed and **he didn't even pay February's rent**. Judge Griffin wanted to civilly resolve this case, but Brunson refused to do that because he has now come up with another lease that he fraudulently made that says his lease ends in 2025. Now we're talking two fraudulent leases one of them not even put into evidence and this judge doesn't even think to throw this out.

At this point Judge Griffin stands by his ruling to evict and sends it back to Judge Cothran at the Circuit Court which wasted another 30 days. Judge Cothran didn't even hear the case he confirmed it, but neither Judge Griffin nor Judge Cothran has forced Randy to Pay February's rent which is against state law and should be grounds for final eviction. So now at this point Randy has appealed that ruling to the appeals court.

The Appeals Court:

Now that this is in the appeals court my lawyer Ben Cahill had written a motion to dismiss backing up all the evidence that happened up to this point and why this should be a moot point and they should throw this out.

In late April the appeals court clerk promised my lawyer Ben Cahill that the judge would have a ruling on this case on May 28th or before. So, another 30 days we wait patiently to get an answer. When May 28th rolls around they did not have an answer and said they would have an answer by the end of the week because it was on the judge's desk. Well by that Friday the end of the week the clerk would not tell my lawyer anything and asked him not to call back that this would get handled in its own time.

I guarantee you that when the appeals court finally gets around to making a ruling on this Randall will appeal that ruling to the Supreme Court of South Carolina.

My Frustration:

At this point I just want to see him move out so I can sell the house and recoup a fraction of the money that he stole from me and pay off the original construction loan, not mortgage, that I've had to extend five times during this process. This has cost me 16,000 per year for extension fees and interest and this has been going on for a year and a half.

The Judicial System:

As far as the judicial system goes, I think Randall has made a mockery and of all of you guys, and you should be ashamed to think this is OK or the Norm.

I think Judge Griffin should be disbarred for his sheer incompetence and laziness to just simply do his job.

I think Judge Cothran should look back at the February rent he allowed him to not pay and do his job and evict him.

And I think the appeals court should get off their brains and dismiss this case as quickly as possible.

I think the Supreme Court should laugh in the face of Randal trying to appeal this because I know he will.

Common Sense:

I know for a fact that if this had happened to anyone of you, you would not have allowed this to go on this long, 90 days max., and you wonder why hard-working people and law-abiding people like me get frustrated with lawyers and politicians that act like they're above the law.

If I took a year and a half to remodel your kitchen, you would sue me and probably win. I don't understand why ya'll think this is ok to treat people this way.

If any one of you can see that this is a complete injustice of this system and that a criminal is getting away with breaking the law right in front of your face, please get on the phone and do whatever it is you do, and get this matter resolved.

If you have any more questions or want more information on any of these cases, you can call Ben Cahill with Cahill Law Firm at 803-316-8697 – bcahill@cahill-lawfirm.com and he can give much more information than this.

Thank you for your time,

Sincerely,



David B Trapp

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