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Oct 15 2024

S.C. SUPREME COURT

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Berkeley Homes 121 Marilyn street Moncks Corner SC 29461

C  
hase M Cooke PO Box 62975 North Charleston South Carolina 29419

B  
erkeley County Magistrate Court 223 N Live Oak Drive Moncks Corner SC 29461

S  
outh Carolina Court of Appeals 1220 Senate Street Columbia SC 29201

B  
erkeley county sheriff Office 223 N Live Oak Road Moncks Corner SC 29461

TABLE OF AUTHORITIES CITED

PAGE NUMBER

CASES

Berkeley County Sheriff

B

Berkeley County Magistrate

S

South Carolina Courts of Appeals

B

Berkeley County Circuit Court

B

Berkeley County Clerk of Courts

STATUTES AND RULES

I, Tevin Stevens has appealed and the circuit court affirmed the magistrate's grant of summary judgment to the Berkeley Homes. I Tevin Stevens has appealed the circuit court's order to the court of appeals, and Berkeley Homes moved to certify the case to this Court pursuant to Rule 204(b), SCACR. This Court granted Berkeley Homes motion, and Tevin Stevens raise the following issues for review:

I  
. Did the circuit court err in affirming the magistrate's grant of summary judgment to Berkeley Homes based on a finding that Landlord provided the proper notice for terminating the tenancy established by the lease agreement?

I  
I. Did the circuit judge err in failing to recuse himself in this matter?

I  
II. Should eviction proceedings require a court to find at least "clear and convincing proof" of a Tevin Stevens breach of a lease agreement?

I, Tevin Stevens appealed and the circuit court affirmed the magistrate's grant of summary judgment to the Landlord. Tenants appealed the circuit court's order to the court of appeals, and Landlord moved to certify the case to this Court pursuant to Rule 204(b), SCACR. This Court granted Landlord's motion, and Tenants raise the following issues for review:

I  
. Did the circuit court err in affirming the magistrate's grant of summary judgment to Landlord based on a finding that Landlord provided the proper notice for terminating the

JURISDICTION

[ ] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from state courts:

The date on which the highest state court decided my case was \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: 09/17/2024, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Sixth Amendment, made applicable to the state via the Fourteenth Amendment, guarantees a defendant right to counsel at the trial level and guarantees the right to effective assistance of counsel. The Fourteenth Amendment of the United States Constitution guarantees that no person shall be deprived of life, liberty, or property without due process of law.

STATEMENT OF THE CASE

In January 18, 2024, Landlord and Tenants entered into a residential lease agreement for a house owned by Landlord. The agreement included the following provision: This Lease Agreement shall be effective for a term of 12 months, beginning on the 18 day of January, 2024, and ending on the 18th day of January, 2024. Tenant shall provide a 30 day written notice prior to moving. (emphasis in original). Myself Tevin Stevens had family emergency that caused me to loose my job while caring for my sister kids. The landlord was very helpful and understanding at the beginning so I thought, After which I found out that the different church's and agencies that was trying to provide help to me and the kids she was declining payments. She then proceeded to come over everyday to take picture and tell me that no one was on the least but myself and that I was not allowed to have visitors or no time! she would harass my family members that would come in town to check on us! I never knew she was declining payments until I contact on church back that than explained to me that she told them she didn't want any payments because o was in violation of the lease because no of my nieces or nephews was on the least. Whej I sign the least all 4 children was on the least and still is. She told my older niece that they needed to leave her property because they're not on the least and they all was. At a hearing requested by Tenants, Tenants asserted a counterclaim that Landlord was unfairly not accepting the rent payment from different agencies, and requested a jury trial. Prior to trial, however, the magistrate granted Landlord's motion for summary judgment and ordered the eviction of Tenants, finding that the term of the original lease was broken due to none payment. The magistrate further held that and signed a writ of ejection. We are now requesting that the new Writ of ejection be paused or rescheduled until the case has settled! I am requesting a motion to stay due to not want these babies to be faced with homelessness as they have already been threw a lot of things this past year!

I  
Tevin Stevens is requesting a Emergency Motion to Stay be granted at this time or until the case is Heard!

I  
Tevin Stevens will suffer irreparable harm if the stay is not granted and the order is allowed to go into effect; I Tevin Steven do know that the other party will not suffer undue harm or prejudice if the stay is granted. I Tevin Steven need this stat to be granted because these kids are sickly they don't need to be homeless. I Tevin Stevens have my other sister come over to be overseen when her kids are not home because of the numerous health problems and has had 6 surgeries within the last few months! It has not been a easy road for none of us! I do stil have agencies that are still willing to help save the property but as I stated before they did not accept payments!

The petition for a writ of certiorari shall be granted.

Respectfully submitted,

Tevin Stevens

Date: 10/07/2024

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The Sixth Amendment, made applicable to the state via the Fourteenth Amendment, establishes a defendant right to counsel at the trial level and guarantees the rights to effective assistance of counsel. The Fourteenth Amendment of the United States Constitution protects citizens from being deprived of life, liberty, or property without due process of the law.

**REASONS FOR GRANTING THE PETITION**

To prevent homelessness and pay the rent that is owed to Berkeley Homes

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Tevin Stevens \_\_\_\_\_

Date: 10/07/2024 \_\_\_\_\_

No. 2024-CV-08-10400176 \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
South Carolina

Tevin Stevens \_\_\_\_\_ — PETITIONER  
(Your Name)

VS.

Berkeley Homes \_\_\_\_\_ — RESPONDENT(S)

**PROOF OF SERVICE**

I, Tevin Stevens \_\_\_\_\_, do swear or declare that on this date, October 08 \_\_\_\_\_, 2024, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Berkeley Homes, Chase M. Cooke, Courts of Appeals, Berkeley Magistrates Court, Berkeley county Sheriff,

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 8th \_\_\_\_\_, 2024.

Tevin Stevens \_\_\_\_\_

(Signature)