

RECEIVED**Dec 03 2024****SC Court of Appeals****MOTION FOR NEW EVIDENCE**THE STATE OF SOUTH CAROLINA
In The Court of Appeals

[In The Supreme Court]

Honorable Marvin Dukes III, Circuit Court Judge

Appellate Case No. 2023-001519

James Reid and Saraina Reid,

Respondent,

v.

Carrie G. Henderson,

Appellant.

To the Honorable Court of Appeals:

I, **Carrie Gaston Henderson**, the Defendant in the above-referenced case, respectfully petition this Court to **deny the motion to dismiss** filed by the Plaintiffs, James and Sarania Reid, and to consider newly discovered evidence that exposes misrepresentation, conflicts of interest, and fraudulent conduct by the Plaintiffs and their legal representatives.

I. Newly Discovered Evidence**1. Conflict of Interest – Attorney Chereese Handy**

- In 2008, while operating as Chereese Chisolm, Attorney Handy performed a title search for me at the request of Attorney Horace Jones, charging \$300 for the service. No records or documentation of the title search were ever provided.
- Simultaneously, Horace Jones charged \$7,500 for legal services that were never rendered. Following intervention by the South Carolina State Bar, I obtained a refund in 2011.
- Despite her direct prior involvement in this case, Attorney Handy now represents the Plaintiffs, James and Sarania Reid. This constitutes a **clear conflict of interest** and violates ethical standards governing legal practice.

2. Misrepresentation and Collusion

- I allege that Attorney Handy, along with Attorney Thurmond Kirchner and the firm Timbes, P.A., has engaged in **deceit and concealment** throughout these proceedings. These actions have deprived me of a fair and impartial adjudication of my claims.

II. Supporting Documents

Accompanying this motion, I have attached the following documents as evidence:

1. A check written by me to Attorney Horace Jones and Cherese Chisolm Handy for services that were never performed.
2. A letter demanding a refund of these fees.
3. Correspondence from Spencer & Spencer Law Firm regarding my dispute over these charges.
4. The refund check from Jones & Associates LLC for \$7,500, issued after Bar intervention.

These documents demonstrate the unethical conduct and conflicts of interest impacting this case.

III. Supplemental Allegations of Attorney Misconduct

This Court should also consider the pervasive conflicts of interest and misconduct involving other attorneys linked to this case, including:

- Attorney Darrell Johnson
- Attorney Louis O. Dore
- Attorney Scott Graber
- Attorney Gary Brown
- Attorney Thayer Rivers
- Attorney Thomas Mickell

Each attorney's actions have compromised the integrity of the proceedings and merit scrutiny.

IV. Relief Requested

In light of this newly discovered evidence, I respectfully request the following:

1. That this Court **deny the motion to dismiss** filed by the Plaintiffs.
2. That this Court **disregard and discredit** any filings or representations made on behalf of the Plaintiffs by Attorney Cherese Handy, Attorney Thurmond Kirchner, or Timbes, P.A., due to their unethical and conflicting involvement in this case.
3. That this Court allow the case to proceed for a full and fair resolution.

V. Conclusion

This case involves decades of legal disputes that have been tainted by misconduct and inequity. I urge this Honorable Court to consider the evidence provided and ensure that justice prevails.

Respectfully submitted,

Carrie Gaston Henderson

[Signature]

[Address]

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Carrie Gaston Henderson
316 E. 35th St
Savannah, Ga. 31401

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SC Court of Appeals

**FORM 13
BRIEF OF APPELLANT**

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

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

The Honorable Marvin H. Dukes, III

Case No. 2020CP0701507

James Reid and Sarania Reid,

Respondent,

v.

Carrie Gaston Henderson,

Appellant.

[INITIAL] BRIEF OF APPELLANT

* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor -green.

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- Cain and Sinda Knox Property Purchase* (1887)
- Quiet Title Action, *Georgia Pacific Timber Clearing* (1981)
- Judge Thomas Kemmerlin Jr. 's Decision* (1991)
- South Carolina Appellate Decisions (1994, 1998, 1999)
- Statutes Governing Conflict of Interest
- Case Law Supporting Legal Malpractice Claim

STATEMENT OF ISSUES ON APPEAL

1. Did the trial court err in allowing Judge Marvin H. Dukes III to preside over this case despite allegations of bias and conflict of interest?
2. Was the original Quiet Title Action of 1981 and subsequent representation by Attorneys Gary Brown and Darrell Johnson Jr. tainted by conflicts of interest and ethical breaches?
3. Have Respondents (James and Sarania Reid) benefited unlawfully from prior fraudulent activity by attorneys involved in the case?
4. Does the involvement of Attorney Cherese Tommae Handy in the current proceedings constitute a conflict of interest due to her prior work for Horace Jones?

STATEMENT OF THE CASE

History of the Land Ownership:

- In 1887, Cain and Sinda Knox purchased 115 acres in Beaufort County, South Carolina.
- By 1981, a Quiet Title Action was initiated by Cecil Gaston Jr., intending to confirm his ownership. However, the legitimacy of his exclusive claim was challenged by other heirs of the Gaston family.

Key Events in Litigation:

- **1981:** Georgia Pacific Timber Clearing agreement initiated by Cecil Gaston Jr. with Attorney Darrell Johnson Jr. managing legal paperwork.
- **1991:** Judge Kemmerlin Jr. awarded the land to heirs of Herman Gaston and Carrie Gaston Sr., creating a dispute over the distribution of proceeds and ownership.
- **1998-2000:** Various appeals resulted in evictions and transfers of property ownership, culminating in the forcible removal of Carrie Henderson and other defendants.

Present Issues:

- Appellant, Carrie Gaston Henderson, argues that prior conflicts of interest, judicial bias, and fraudulent practices have irreparably tainted the case's outcome.

STANDARD OF REVIEW

The appellate court reviews de novo any claims of judicial bias and abuse of discretion related to conflicts of interest in representation. The court also evaluates factual determinations for clear errors.

ARGUMENT

I. Judicial Bias and Conflict of Interest

Judge Marvin H. Dukes III presiding over the case raises questions of impartiality due to past interactions with parties involved. Specifically, Dukes was involved in Case No. 2017-CP-07-00413, where similar allegations of conflict of interest were raised.

II. Attorney Misconduct and Breaches of Duty

Appellant asserts that Attorneys Darrell Johnson Jr., Gary Brown, Louis O. Dore, and Cherese Handy engaged in unethical practices, including representing opposing parties, misrepresentation, and mishandling client funds.

III. Fraudulent Transactions and Resulting Harm

Horace Jones, a key figure in the prior proceedings, was convicted of fraudulent practices and later implicated in related cases. Appellant argues that the continuation of this pattern of behavior invalidates subsequent property transfers.

CONCLUSION

Appellant respectfully requests that this Court:

1. Vacate prior orders related to eviction and property transfer due to identified conflicts of interest and judicial bias.
2. Remand the case for reconsideration before an impartial judge.
3. Grant a stay of enforcement actions, including the destruction of Appellant's mobile home.

December 1, 2024

Respectfully submitted,

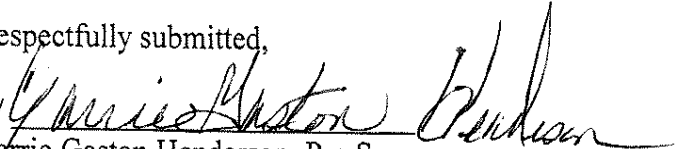
/s/ 
Carrie Gaston Henderson, Pro Se

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Statutes Governing Conflict of Interest

Case Law Supporting Legal Malpractice Claim

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SC Court of Appeals

**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

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

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Honorable Marvin Dukes III, Circuit Court Judge

Case No. 2023-001519

James Reid,

Respondent,

v.

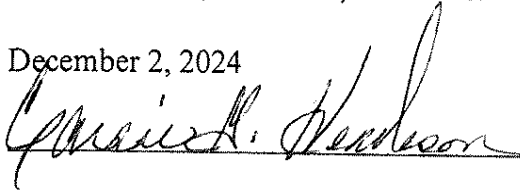
Carrie G. Henderson,

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Attorney Chereese Chisolm Handy, Attorney Thurmond Kirchner & Timbes P.A., James & Sarania Reid by depositing a copy of it in the United States Mail, postage prepaid, on December 2, 2024, addressed to the Appeals Court 1220 Senate St, Columbia, SC 29201.

December 2, 2024



s/ Carrie G.
Henderson

Carrie G.
Henderson, Pro
Se



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Date *December 3, 2024*

Total pages _____

Job number _____