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Apr 22 2025

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 CALHOUN COUNTY
Court of Common Pleas

Heath Taylor, Circuit Court Judge

Case No. 2023-CP-09-00171

Carol B Fischer, Respondent(s),

Alan Neumeister/Attorney for Carol E Benoit and Emily F Bunker
John G Felder/Attorney for the Town St. Matthews and St Matthews Police

Department Michael Smalls and Helen Carson

Bates N Felder/Attorney for the Town of St Matthews and St Matthews Police
Department Respondent,

v.

Shaneeeka Stroman,

Appellant.

[FINAL] BRIEF OF APPELLANT

s/Shaneeeka Stroman
Shaneeeka Stroman
2117 Commander Rd
North Charleston, South Carolina 29405
(803) 596-5784

* 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.

TABLE OF CONTENTS

Table of Authorities ii

Statement of Issues on Appeal
1

Statement of the Case 1

Standard of Review
1

Facts 1

Arguments

1. Appellant had a statutory right and adversely possessed 307 Church Street under South Carolina statute 15-67-210 along with a right to occupy, a right to stay, under the betterment act along with written instrument to clarify the right which is rightfully recorded in the register of deeds and also validated. Appellate claimed to be a trespasser but didn't validate that she was a legitimate trespasser under SC section Ann Code 15-67-210.....

2. All Respondents used excessive force and committed illegal activity by illegally removing Appellate from the possessed land at 307 Church Street, St. Matthews South Carolina. (See *State vs Bates*) Where it's not who the owner is, it's whos in possession. Respondents broke locks, broke in house and boarded doors and threatened Appellant while all the while there was an action at law. Appellate would like damages for wrongful ejection and Appellant would also like to enforce Article 5 forced entry and Appellant is also asking the panel to take *State v. Bates*, 87 S.C. 527, 70 S.E. 170 (S.C. 1911) into consideration to receive possession back at 307 Church Street, St. Matthews SC, 29405.

.....2

Conclusion2

TABLE OF AUTHORITIES*

CASES

State v. Bates, 87 S.C. 527, 70 S.E. 170 (S.C. 1911)2

.....2

.....2

STATUTES

S.C. Code Ann. § 15-67-2102

S.C. Code Ann. §2

S.C. Code Ann. § 32

OTHER AUTHORITIES

RESTATEMENT (SECOND) OF CONTRACTS Section 100 (1981)2

RESTATEMENT (SECOND) OF PROPERTY Section 200 (1981)2
RESTATEMENT (SECOND) OF TORTS Section 300 (1981)2

*The authorities cited are fictitious and intended to show the form of citation only.

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN FAILING TO ACKNOWLEDGE APPELLANTS ADVERSE POSSESSION CLAIM ON ANY OR ALL COUNTS?
2. DID THE TRIAL COURT ERROR BY FAILING TO ACKNOWLEDGE APPELLANTS ARGUMENTS ?

STATEMENT OF THE CASE

Appellant adversely had possession of Church Street. Appellant was illegally removed by multitudes of people.

STANDARD OF REVIEW

[Set forth appropriate standard of review with citation(s) to authority if all issues are governed by the same standard of review; otherwise include a separate section with a heading of "Standard of Review" at the start of the argument on each issue.]

FACTS

[Counsel may wish to set out the facts relevant to the arguments at this point in the brief. This, however, is optional, and the relevant facts may be included in the discussion of each argument. In either case, the brief must contain references to where the salient facts can be found in the Record on Appeal. In Initial Briefs, these references shall be made in the manner specified by Rule 208(b)(4), SCACR. In the Final Briefs, these references shall be to the page and line number of the Record on Appeal (i.e., R.p. 37, lines 7-8). Rules 211(b)(1), SCACR.]

1

ARGUMENTS

- I. BECAUSE RESPONDENT COULD HAVE RAISED FRAUD IN HIS PRIOR BREACH OF CONTRACT SUIT AGAINST APPELLANT, HE IS BARRED BY RES JUDICATA FROM BRINGING THIS SUIT.

[Set out discussion and citations of authority.]

- II. BECAUSE FRAUD MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE, THE TRIAL COURT ERRED WHEN IT CHARGED THE JURY THAT THE RESPONDENT MUST PROVE FRAUD BY A PREPONDERANCE OF THE EVIDENCE.

[Set out discussion and citations of authority.]

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

January 20, 2018

/s/Shaneeeka Stroman

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Pro-se as Appellant