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SC Court of Appeals

No. 2024-002119

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**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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**John C Nelums: Delmarshi Nelums ..... Appellants**

v.

**Deutsche Bank/Altisource Solutions Inc, al.....Respondent**

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**ON APPEAL FROM RICHLAND COUNTY Court of Common Pleas  
Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar  
# 100576 Court of Common Pleas Judge (Lower Court Trial  
Court Case No. 2024CP4004715)**

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**Submitted: June 13,2024 Decided: November 14, 2024,**

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**APPELLANT'S AMENDED BRIEF**

**ORAL ARGUMENT REQUESTED**

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**Thursday, May 10, 2025**

**Respectfully submitted,**

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**John C. Nelums  
Delmarshi Nelums  
315 Bentwood Ln  
803-513-9903  
Columbia, SC 29229-8981  
Appellant pro se litigants**

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**PARTIES TO THE PROCEEDING**

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

Pursuant to rule 29.6 Corporate Disclosure, the Respondent Deutsche Bank National Trust Company has no lawful parent company nor is it registered and operating lawfully. Respondent, Deutsche Bank National Trust Company is a fiction being used in a scheme or artifice to defraud Plaintiff-Appellants of the subject property of this Instant case by a conspiracy of attorneys.

The undersigned Appellant pro se, certifies that All parties appear in the caption of the case on the cover page. persons and entities as described in the fourth sentence of Fourth Circuit Rule 28.2.1 has an interest in the outcome of this case. These representations are made so that the judges of this court may evaluate possible disqualification or recusal.

**LIST OF COUNSELS**

**Attorneys and Law Firms Representing Respondent**

- Mr. Daniel McLeod Coble, Counsel for Respondent,
- John S. Kay, Counsel for Respondent.
- Alan M. Stewart, Counsel for Respondent.

- Michael Brian Wren Counsel for Respondent.
- Davidson & Wren, PA
- HUTCHENS LAW FIRM
- Deutsche Bank/Altisource Solutions Inc

### **STATEMENT REGARDING ORAL ARGUMENT**

Appellants request oral argument pursuant to Federal Rule of Appellate Procedure 34(a)(1) and Fifth Circuit Rule 28.2.3, only to the extent it would aid the Court in understanding the factual background of this case and clarify the legal issues presented. Appellant suggests that the issues presented can be determined upon the record in Court,

### **STATEMENT OF JURISDICTION**

This Appeal is from FROM RICHLAND COUNTY Court of Common Pleas Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar # 100576 Court of Common Pleas Judge (Lower Court Trial Court Case No. 2024CP4004715). Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar # 100576. On November 14, 2024, at 2:00 p.m. Take Judicial Notice scheduled a Via Webex Hearing that violates Supremacy Clause of the U.S. Constitution. U.S. Const., art. VI, § 2. Exceeded his authority by violating The General Assembly in including the

specific requirements of section See FED. R. Civ. P. 53(b), 28 U.S.C. §§ 636(c)(1) & (c)(3). See 28 U.S.C. § 636(b)(2) 28 U.S.C. § 636(c)(4); 28 U.S.C. §636(c)(5), that must be satisfied before authority to Rule 28 U.S.C. §§ 636(c), the blind consent provision of 28 U.S.C.

§636(c)(2) as the South Carolina Supreme Court has held, "The term 'shall' in a statute means that the action is mandatory. [See Also the

Supreme Court ORDER) RE: Use of Remote Communication

Technology by the Trial Courts<sup>1</sup>Appellate Case No. 2021[See Also by

Violating the Supreme Court ORDER) RE: Use of Remote

Communication Technology by the Trial Courts<sup>1</sup>Appellate

Case No. 2021-**Id at Appendix 4**, (For the purposes of this Brief,

and Collectively referred to as the "State Defendants"), by and

through the undersigned attorneys Michael Brian Wren, S.C. Bar #

69669), John Kay, S.C. Bar # 7914, submit the following

Defendant's Motion to GRANTED herein pending a decision by the

United States Court of Appeals for the Fourth Circuit in Knowing

that John C Nelums: Delmarshi Nelums... Appellants v. Deutsche

Bank/Altisource Solutions Inc, defendant, et al...Respondent Case

No: 24-1678). The "State Defendants"), in the instant matter filed a

motion for 08/28/2024- and the Motion was GRANTED On November 14, 2024, at 2:00 p.m. The Appellants had request for an oral argument before the Fourth Circuit, but was denied on November 23, 2024, at which time the Appellants will Appeals the Fourth Circuit Court of Appeals decision to the Supreme Court of the United States 1 First Street, NE Washington, DC 20543

**\_\_\_\_\_**  
<sup>1</sup>Pending before the court is the “State Defendants”), order that reflects the Motion that was GRANTED On November 14, 2024, at 2:00 p.m. General as a named party-“State defendants”), that they violate the Supremacy Clause of the U.S. Constitution. U.S. Const., art. VI, § 2...

The court concluded with a motion for judgment, Take Judicial Notice Supreme Court of South Carolina ADMINISTRATIVE ORDER June 3, 2021, Rule 53(b) provides no authority for the order of reference in this case. In matters brought to our attention, the special A referee appointed by the circuit court is typically, a lawyer. See 28 U.S.C. § 636(c)(3); FED. R. CIV. P. 73(c), also See 28 U.S.C. §§ 636(c)(1) & (c)(3). on November 14, 2024. A timely Notice of Appeal (Case No: 2024CP4004715), The Court of Appeals Court is asked to exercise jurisdiction under 28

U.S.C. § 1291, This Court has appellate jurisdiction pursuant to 28 U.S.C. § 1291.

### **STATUTES INVOLVED**

#### **Fifth Amendment to the Constitution**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### **Fourteenth Amendment to the Constitution**

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprives any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **STANDARD OF REVIEW**

Because the master or special master, (“Special Referee”), concerns a “dispositive” matter, this Court’s review 28 U.S.C. § 1291 vests federal courts of appeal with jurisdiction over “All final decisions of the Circuit courts See. Fed. R. Civ. P. 72(b)(3). See also 28 U.S.C. § 636(b)(1), CPC Patent Tech. Pty Ltd. v. Apple,

Inc., 34 F.4th 801, 805 (9th Cir. 2022) Id at U.S.C. §636(c)(1)

**STATEMENT OF ISSUES ON APPEAL**

1. Did the circuit court have the authority under section 28 U.S.C. § 636(b)(1)(A)—i.e., authority to rule on); Fed. R. Civ. P. 72(b)(1) those that a magistrate judge may not decide without the parties' consent— “are dispositive a that the magistrate judge here lacked consent from the parties to rule on dispositive matters neither the Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar # 100576,) lack subject-matter jurisdiction. See 28 U.S.C. § 636(b)(2), under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). is not authorize nor the district court otherwise complied with the requirements and 28 U.S.C. §§ 636(c)(1) & (c)(3). of the sections?
2. Did the circuit court Judge err Under 28 U.S.C. § 636(c)(4); by not vacating the transfer “for good cause shown on its own motion, or under extraordinary circumstances shown by any party.” 28 U.S.C. § 636(c)(4); see also Fed. R. Civ. P. 73(b)(3). But § 636(c)(4)?
3. Did the circuit court clerk of court err Under U.S.C. § 636(c)(2), and Rule 73(c).: by not sending the form AO 85A Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge This notice provided that to consent to the jurisdiction of a special referee judge, a party must sign for the order of reference form and return it to the clerk's office See Id at Appendix-D?
4. Appellants is not the object of the statute charged violated and when jurisdiction is challenged it must be proven. There is no evidence of jurisdiction established in the record

5. Whether the existence of a federal law criminalizing behaviour, as part of a I greater regulatory scheme, triggers implied field pre-emption and prevents states from creating similar criminal provisions with a mirrored purpose?
6. Whether private parties have a private right of action for a violation of the Supremacy Clause when the federal law in conflict with state law contains no rights-creating language?
7. Did DBNTC, COBLE LAW GROUP, LLC, HUTCHENS LAW FIRM, intentionally conceal, with deception, the menacing the Appellants with a screwdriver?
8. The General Assembly in including the specific requirements of section See FED. R. Civ. P. 53(b), 28 U.S.C. §§ 636(c)(1) & (c)(3). See 28 U.S.C. § 636 (b)(2) 28 U.S.C. § 636(c)(4); 28 U.S.C. §636(c)(5), that must be satisfied before authority to Rule 28 U.S.C. §§ 636(c) as South Carolina Supreme Court has held, "The term 'shall' in a statute means that the action is mandatory.?" **Id at Appendix 1**

### **STATEMENT OF THE CASE**

#### I. Factual and Procedural Background

John C. Nelums and Delmarshi Nelums to IndyMac Bank, F.S.B, in the amount of Two Hundred Seventy Thousand Nine Hundred And 00/100 (\$270,900.00), dated January 27, 2003, and recorded in the Office of the Register of Deeds for Richland County in Book No. 00755, at Page 0615 on February 6, 2003.

John C. Nelums and Delmarshi Nelums executing a Mortgage containing a promise to pay The Nelums stopped making payments on this loan on May 4, 2015, MORTGAGE/DEED OF TRUST SATISFACTION PURSUANT TO SECTION 29-3-330(B)(3) OF THE SOUTH CAROLINA CODE OF LAWS, 1976, paid in full By Bank of America **Id at Appendix 2**, or otherwise disposing of Original. The Lender INDYMAC BANK F.S.B **Id at Appendix 3**, on July 1, 2008, Bank of America Corporation completed its purchase of Countrywide Financial Corporation and IndyMac Bank F.S.B. 12 years Later Thereafter, by virtue of an assignment dated December 2, 2020, recorded December 14, 2020, in Mortgage Book 2564 at Page 1571, Federal Deposit Insurance Corporation as receiver for IndyMac Federal Bank assigned said mortgage unto Deutsche Bank National Trust Company as Trustee for Residential Asset Securitization Trust 2005-A8CB Mortgage Pass-Through Certificates Series 2005-H Deutsche Bank, the holder of the Nelums' deed of trust, sought a declaratory judgment authorizing a non-judicial foreclosure sale pursuant to South Carolina law. After briefing and a bench trial, the magistrate judge held that Deutsche Bank could foreclose on the Nelums property, finding that "At no time has Deutsche Bank possessed any right, title, or interest in the Nelums' Mortgage and security interest." Plaintiffs filed motion for temporary

restraining order, preliminary injunction Against Deutsche Bank, The Plaintiffs timely appealed. The Mortgage was secured by a South Carolina Equity Security Instrument (deed of trust), signed by both John C. Nelums and Delmarshi Nelums, placing a lien on their property. Mortgage Electronic Registration Systems, Inc. (MERS) is the beneficiary named in the deed of trust. In the summer of 2008, the Office of Thrift Supervision closed IndyMac Bank and transferred substantially all of IndyMac Bank's assets to IndyMac Federal Bank, FSB. In the spring of 2009, the Federal Deposit Insurance Corporation placed IndyMac Federal in receivership, selling substantially all of its assets to One West Bank, FSB. During this period,

### **STATEMENT OF THE FACTS**

On November 14, 2024, the Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar # 100576, at 2:00 p.m. Take Judicial Notice scheduled a Via Webex Hearing that violates the Supremacy Clause of the U.S. Constitution. U.S. Const., art. VI, § 2. also Exceeded his authority by violating The General Assembly in including the specific requirements of section See FED. R. Civ. P. 53(b), 28 U.S.C. §§ 636(c)(1) & (c)(3). See 28 U.S.C. § 636(b)(2) 28 U.S.C. § 636(c)(4); 28 U.S.C. §636(c)(5), that must be satisfied before authority to Rule 28 U.S.C. §§ 636(c), the blind consent provision of

28 U.S.C. §636(c)(2) as the South Carolina Supreme Court has held, "The term 'shall' in a statute means that the action is mandatory.

[See Also the Supreme Court ORDER) RE: Use of Remote Communication Technology by the Trial Courts<sup>1</sup>Appellate Case No. 2021[See Also by Violating the Supreme Court ORDER) RE: Use of Remote Communication Technology by the Trial Courts<sup>1</sup>Appellate Case No. 2021-**Id at Appendix 4**, (For the purposes of this Brief, and collectively referred to as the “State Defendants”), by and through the undersigned Attorneys Michael Brian Wren, S.C. Bar # 69669), John Kay, S.C. Bar # 7914, submit the following Defendant's Motion to Dismiss is GRANTED herein pending a decision by the United States Court of Appeals for the Fourth Circuit in Knowing that John C Nelums: Delmarshi Nelums... Appellants v. Deutsche Bank /Altisource Solutions Inc, defendant, et al...Respondent Case No: 24-1678). The “State Defendants”), in the instant matter filed a motion for 08/28/2024- and the Motion was GRANTED On November 14, 2024, at 2:00 p.m. The Appellants had request for an oral argument before the Fourth Circuit, but was denied on November 23, 2024, at which time The Appellants

will Appeals the Fourth Circuit Court of Appeals decision to the Supreme Court of the United States 1 First Street, NE Washington, DC 20543

<sup>1</sup>Pending before the court is the “State Defendants”), order that reflects the Motion that was GRANTED On November 14, 2024, at 2:00 p.m. General as a named party-“State Defendants”), that they violate the Supremacy Clause of the U.S. Constitution. U.S. Const., art. VI, § 2...

The Circuit court concluded on a motion for judgment, Pursuant to Rules 53(b), of the South Carolina Rules of Civil Procedure, without the parties’ consent to the master reference. 28 U.S.C. § 636(b)(2), Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar # 100576) lack subject-matter jurisdiction. See 28 U.S.C. § 636(b)(2), under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). Was not authorize in the above-entitled case NO. 2024-CP-40-04715 The Circuit court concluded on a motion for judgment action against John C Nelums: Delmarshi Nelums located at 315 Bentwood Ln, Columbia, SC 29229-8981, See 28 U.S.C. § 636(b)(2)(1976)(magistrate special master Appointment). Appointment of special Masters to hear entire cases or evidence

on key motions is tightly restricted. Also See FED. R. Civ. P. 53(b) (Limiting nonjury master appointments to "exceptional" conditions); note 76 infra (construction of exceptional conditions). These restrictions apply to magistrates serving as special. Master's except when the parties' consent to the master reference. 28 U.S.C. § 636(b)(2) (1976); see note 43 infra. This subdivision implements the blind consent provision of 28 U.S.C. §636(c)(2) and is designed to ensure that neither the judge nor the magistrate attempts to induce a party to consent to reference of a civil matter under this rule to a magistrate with regard to the case-dispositive consent authority of magistrate judges, the Court added specifically, that "[c]onsistent with Our precedents, the Courts of Appeals have unanimously upheld at Appendix 1 constitutionality of 28 U.S.C. § 636(c)." Id. at 1948 n.12. Also See 28 U.S.C. § 636(c)(4); see also Fed. R. Civ. P. 73(b)(3). But § 636(c)(4) only applies once a case has been transferred, On November 14.2024 the Nelums Case:2024CP4004715) has been Appointed to the Special Referee for Richland County, Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar # 100576),

Mr. Coble failed to vacate the transfer “for good cause shown on its own motion. See House Rep. No. 96-444, 96th Cong. 1st Sess. 8 (1979). This subdivision implements the broad authority of the 1979 amendments to the Magistrates Act, 28 U.S.C. §636(c), which permit a magistrate to sit in lieu of a district judge and exercise civil jurisdiction over a case, when the parties Consent. **See McCabe**, *The Federal Magistrate Act of 1979*, 16 Harv. J. Legis. 343, 364-79 (1979). To exercise this jurisdiction, a magistrate must be specially designated under 28 U.S.C. §636(c)(1) by the district court or courts, he serves. The only exception to a magistrate's exercise of civil jurisdiction, which includes the power to conduct jury and nonjury trials and decide are positive motions, is the contempt power. A hearing on contempt is to be conducted by the district judge upon certification of the facts and an order to show cause by the magistrate. See 28 U.S.C. §639(e). In view of 28 U.S.C. §636(c)(1) and this rule, it is unnecessary to amend Rule 58 to provide that the decision of a magistrate is a “decision by the court” for the purposes of that rule and a “final decision of the district court” for purposes of 28 U.S.C. §1291 Governing appeals. Fed. R. Civ. P. 53), the Supreme Court stated, “it has always been within the power of a court of chancery, with the consent of parties,” to refer proceedings to a special master. 6 **Kimberly v. Arms**, 129 U.S. 512, 524-25 (1889, “The Court Take Judicial Notice the Supreme

Court of South Carolina ADMINISTRATIVE ORDER The power of The circuit court to appoint a referee is governed by Rule 53 of the South Carolina Rules of Civil Procedure. Subsection (b) of The Rule provides only that "causes of action in a case" may be referred to under the circumstances listed in the Rule. A discovery dispute is not a "cause of action." **Thus, Rule 53(b) provides no authority for the order of reference in this case.**

In matters brought to our attention; the special referee appointed by the circuit court is typically a lawyer.

#### **SUMMARY OF THE ARGUMENT**

The Plaintiffs-Appellant for Review should be granted, and the case Remanded Because Section 636 prescribes the jurisdiction of ("special referee.") judges. Subsection (b) relates to pretrial See FED. R. Civ. P. 53(b) (limiting nonjury master appointments to "exceptional" conditions); note 76 infra (construction of exceptional conditions). These restrictions apply to magistrates serving as special. Master's except when the parties' consent to the master reference. 28 U.S.C. § 636(b)(2) (1976); see note 43 infra. Under that provision, a district court may refer to certain pretrial 4 See 28 U.S.C. § 636(b)(1)(A) (providing "a judge may designate a magistrate judge to hear and determine any pretrial matter

pending before the court,” except in specified circumstances, including “a motion . . . for summary judgment”). These limited referrals do not require the consent of the parties. matters to a magistrate judge.<sup>1</sup> See 28 U.S.C. §636(b)(1)(A) (providing “Judge May designate a magistrate judge to hear and determine any pretrial matter pending before the court,” except in specified circumstances, including “a motion. . . for summary judgment”). These limited referrals do not require consent from the parties. Subsection 636(c) addresses referring to the entire case to the magistrate judges. Under that provision, a district court may refer the entire case to a magistrate judge, but only if all parties consent.<sup>2</sup> See 28 S.C. §636(c)(1) (empowering a magistrate judge to “Conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case” upon “consent of the parties”); see also Fed. R. Civ.P. 73(a) (providing that “a magistrate judge may, if all parties consent, conduct a civil action or proceedings. This case involves the referral of the entire case to the magistrate judge under §636(c). Section 636(c)(2) and Federal Rule of Civil Procedure 73 combine to provide the baseline procedure for obtaining consent to magistrate judge jurisdiction. Those procedures focus on the clerk of court—not the judges—to ensure consent is truly voluntary. See 28 U.S.C.

§636(c)(2) (explaining the purpose to protect “the voluntariness of the party’s ‘consent’”); Fed. R. Civ P. 73(b)(1) advisory committee’s notes to the 1983 amendments.

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<sup>1</sup>“[A] the Supreme Court of South Carolina ADMINISTRATIVE ORDER The power of the circuit court to appoint a referee is governed by Rule 53 of the South Carolina Rules of Civil Procedure. Subsection (b) of the Rule provides only that “causes of action in a case” may be referred under the circumstances listed in the Rule. A discovery dispute is not a “cause of action.” Thus, Rule 53(b) provides no authority for the order of reference in this case. In matters brought to our attention; the special referee appointed by the circuit court is typically a lawyer

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<sup>2</sup>“The entitlement to an article III adjudicator is ‘a personal right’ and thus ordinarily ‘subject to waiver.’” *Wellness Intern. Network, Ltd. v. Sharif*, 575 U.S. 665, 678(2015). A party waives their right to adjudication by an article III judge by convention goer jurisdiction of a magistrate judge.

Both require the clerk of court to notify the parties of the magistrate judge’s availability to exercise jurisdiction under §636(c). The parties may then communicate with their consent to The clerk of court by “jointly or separately fil[ing] a statement consenting to the referral. Fed. R. Civ P. 73(b)(1). Only “if all parties have consented to the referral” may the clerks inform a district court judge or magistrate judge of a party’s response. And both §636(c)and Rule 73 permit the district court to remind the parties

of the magistrate judge's availability.<sup>3</sup> Even after a case is referred entirely to a magistrate judge, the district court retains the ability to vacate the referral. Section 636(c)(4) provides that a district court may vacate the transfer "for good cause shown on its own motion, or under extraordinary circumstances shown by any party." *Id.* §636(c)(4); *see also* Fed. R. Civ. P. 73(b)(3). With that background in mind, STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, at Richland County the Clerk of Court, Thus, Rule 53(b) provides no authority for the **Order of Reference** in this case. In matters brought to our attention, the Special referee appointed by the circuit court is typically a lawyer Violated the procedural history of this case.

#### **ARGUMENT**

The U.S. Constitution declares that federal law is "the supreme law of the land supreme law of the land, The Supremacy Clause of the Constitution of the United States (Article VI, Clause 2) establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the" Supreme Law of the Land", and thus take priority over any conflicting state laws. As a result, when a federal law conflicts with a state or local law, the federal law will supersede the other law or laws. That his Constitution, and the Laws of the United States which shall be

made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [See: Supreme Court of the United States **Kimberly v. Arms**:129 U.S. 512 (1889, Holding a court may not, through appointment of a master or otherwise, "Abdicate its duty to determine by its own judgment the controversy presented **See McCabe**, *The Federal Magistrate Act of 1979*, 16 Harv. J. Legis. 343, 364-79 (1979). In order to exercise This jurisdiction, a magistrate must be specially designated under 28 U.S.C. §636(c)(1) by the district court or courts, he serves 28 U.S.C. §636(c)(2) and is designed to ensure that neither the judge nor the magistrate attempts to induce a party to consent to reference of a civil matter under this rule to a magistrate. **See House Rep. No. 96-444**, 96th Cong. 1st Sess. 8 (1979). The rule opts for a uniform approach in implementing the consent provision by directing the clerk to notify the parties of their opportunity to elect to proceed before a magistrate and by requiring the execution and filing of a consent form or form setting forth the election. However, flexibility at the local level is preserved in that local rules will determine how notice shall be communicated to the parties, and local rules will Specify the time period within which an election must be made See: U.S. Supreme Court decision in **Murphy Bros. v. Michetti Pipe**

**Stringing, Inc.** that the due process clause entitles a named defendant to procedural protections. Such protection includes choosing between an Article I and an Article III judge, **See In re Prudential Ins. Co. America Sales Practice Litig. Agent**, 278 F.3d 175, 181 (3d Cir. 2002). Were Bad faith a necessary predicate for a court to use its inherent authority, an untrue Statement is made in bad faith if the statement was made for a harassing or frivolous purpose. **Byrne v. Nezhat**, 261 F.3d 1075, 1125 (11th Cir. 2001). Bad faith can be inferred where an Attorney knowingly and deliberately makes blatantly incorrect statements. **See Crowe v. Smith**, 151 F.3d 217, 239 (5th Cir. 1998) (Finding adequate support in the record for the conclusion that an attorney acted in bad faith in providing “Blatantly incorrect discovery response” counsel Knew to be untrue at that the time it was offered). **See State v. Jeroid J. Price, 28177 (S.C. 2023), Smith v. Ocean Lakes Family Campground**, 315 S.C. 379, 381, 433 S.E.2d 909, 910 (Ct.App.1993) After The master has Exercised that authority, the order of reference terminates, and the power to Dispose Of the case returns to the circuit courts. Id **see also Cox v. Fleetwood Homes of Ga., Inc.**, 329 S.C. 157, 161, 494 S.E.2d 462, 464 (Ct.App.1997) (“[O]nce the Judge issues a ruling disposing of the case, ‘his jurisdiction of the Matter, except for the correction of merely clerical Errors, end[s] **Barnett v. Piedmont Shirt Corp.**, 230 S.C. 34, 38,94 S.E.2d 1, 3 (1956), cert. Pending. A master who

acts after the reference Terminates does so without subject Matter jurisdiction, and the resulting Orders are void. **Bunkum v. Manor Properties**, 321 S.C. 95, 99, 467 S.E.2d 758, 761 (Ct.App.1996) (After the master Had entered final judgment, He There was no subject matter jurisdiction to hear the Motion for assessment of costs, Fees, expenses and damages against an appeal Bond.). Issues relating to subject Matter jurisdiction may be raised at any time, cannot be waived even by consent and should be taken notice of by this court on Our own motion, **See Johnson v. State**, 319 S.C. 62, 64, 459 S.E.2d 840, 841(1995) 18. **See: Scheuer v. Rhodes**, 416 U.S. 232, 94 Sc.D. 1683, 1687 (1974) Note: By law, A judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). When a judge acts as a trespasser of the law, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges' orders are not voidable, but VOID, and of no legal force or effect. The U.S. Supreme Court stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States. **See Janove v. Bacon**, 6 Ill. 2d 245, 249, 218 N.E.2d 706, 708 (1955). Where service of

process was not made pursuant to statute and Supreme Court Rules, \_, 242 S.C.

528, 532, 131 S.E.2d 705, 707 (1963) ("A writ of certiorari is used to keep an inferior tribunal within the scope of its powers."

(Citing Ex parte Schmidt, 24 S.C. 363, 364 (1886); State ex rel.

**Martin v. Moore**, 54 S.C. 556, 560, 32 S.E. 700, 701 (1899);

**State v. Ansel**, 76 S.C. 395, 412, 57 S.E. 185, 191 (1907) ("The

The writ of Certiorari is issued by a superior Court to an inferior judicial or quasi-judicial tribunal or officer to certify the record of trial to the superior Court for its review to ascertain whether the inferior tribunal . . . exceeded its powers, or committed

substantial errors of law, but not to review the facts." (Citing Ex parte Riggs, 52 S.C. 298, 302, 29 S.E. 645 646 (1898). See State

ex rel. **McLeod v. Cnty. Ct. of Richland Cnty.**, 261 S.C. 478, 481,

200 S.E.2d 843, 844 (1973) ("The matters involved in this opinion

is before the Court as A result of writs of *certiorari*, issued by the

Chief Justice, ordering the Richland County Court to certify and

Return to this Court true copies of all Records- also **See in**

**Deutsche Bank Natl. Trust Co. v Castellanos**, 01/14/2008,

158 Misc3d 1115A, 2008 Slipup 50033(U), Judge Arthur M

Schack, on January 14, 2008, denied a renewed application

for a judgment of foreclosure and sale due to the plaintiff's lack of

standing because Deutsche Bank had sold the note and mortgage

to MTGLQ Investors, L.P., after filing a foreclosure action and had failed to notify the Court. Judge Schack noted the presence of an affidavit of merit executed by Mr. Jeff Rivas, who was identified as Deutsche Bank's "Vice President Default Timeline Management." He then noted the presence of a Mortgage assignment within the files executed the same date which identifies Mr. Jeff Rivas as the "Vice President Default Timeline Management" for Argent Mortgage Company, LLC, the assignor of the mortgage to Deutsche Bank. Judge Schack pointed out that if Mr. Rivas was acting as an officer of both the grantor and the grantee of the assignment that this would create conflict, rendering the conveyance void. Judge Schack also directed that Mr. Rivas' employment history be clarified in any future application for a foreclosure order. Judge Schack then referenced an earlier decision, issued in December 17, 2007 where he noted at 3: "with HSBC, OCWEN and MERS, joining with Deutsche Bank and Goldman Sachs at Suite 100, the Court is now concerned as to why so many financial goliaths are in the same space. The Court ponders if Suite 100 is the size of Madison Square Garden to house all of these financial behemoths or if there is a more Nefarious reason for this

corporate togetherness.” **In the Castellanos** case, Judge Schack stated: “Therefore, if Deutsche Bank’s seeks to renew its motion for a judgment of foreclosure and sale, it must provide an affidavit explaining why Suite 100 is such a popular venue for all of these corporations. Should Deutsche Bank fail to provide an adequate explanation in its affidavit, I will conclude that this corporate togetherness is evidence of corporate collusion, **See HSBC Bank, N.A. v Cherry**, 18 Misc. 3d 1102 (A), that the application of plaintiff, HSBC BANK N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2005-4, RENAISSANCE HOME EQUITY LOAN ASSET-BACKED NOTES, SERIES 2005-4, for an order of reference for the premises located at 3570 Canal Avenue, Brooklyn, New York (Block 6978, Lot 20, County of Kings), is denied without prejudice, and it is further also **See in Deutsche Bank Natl. Trust Co. v Maraj**, /31/2008, 18 Misc. 3d 1123(A), 2008 Slipup 50176(U), another foreclosure case decided by Judge Arthur Schack, the Judge noted many problems with the Assignment. As in the instant case before this Court, the Assignment was signed by an individual whose name and signatures appear regularly on mortgage-related documents, but she is “employed” by many different banks and mortgage

companies. Judge Schack observed and ruled: "The Assignment by MERS, on behalf of INDYMAC, was executed by Erica Johnson-Seck, Vice President of MERS. The notary public, Mai La Thao, stated in the jurat that the assignment was executed in the State of Texas, County of Williamson (Williamson County is in the Austin metropolitan area, and it's the county seat is Georgetown, Texas). The Court is perplexed as to why the assignment was not executed in Kansas City, the alleged "Principal place of business" for both the assignor and the assignee. Twenty-eight days later, on July 31, 2007, the same Erica Johnson-Seck executed. plaintiff's affidavit submitted in support of the instant application for a default judgment. Ms. Johnson-Seck, in her affidavit, states that she is "An officer of Deutsche Bank National Trust Company as Trustee under the Pooling and Servicing Agreement Series INDX 2006-AR6, the plaintiff herein." At the end of the affidavit, she states that she is a Vice President of DEUTSCHE BANK. Again, MaiLa Thao is the notary public, and the affidavit is executed in the State of Texas, County of Williamson. The Erica Johnson-Sack signatures on both July 3, 2007, assignment and July 31, 2007,

affidavit is identical. Did Ms. Johnson-Sack change employers from July 3, 2007, to July 31, 2007, or does she engage in self-dealing by wearing two corporate hats? the Court is concerned that there may be fraud on the part of plaintiff DEUTSCHE BANK, or at least malfeasance. Before granting an application for an order of reference, the Court requires an affidavit from Ms. Johnson-Sack, describing her employment history for the past three years.” Further, the Court requires an explanation from an officer of plaintiff DEUTSCHE BANK as to why, in the middle of our national subprime mortgage financial crisis, DEUTSCHE BANK would purchase a non-performing loan from INDYMAC, and why DEUTSCHE BANK, INDYMAC and MERS all share office space in Suite 400/500. With the assignor MERS and assignee DEUTSCHE BANK appearing to be engaged in possible fraudulent activity by having the same Person executes the assignment and then the affidavit of facts in support of the instant application; DEUTSCHE BANK's purchase of a non-performing loan from INDYMAC; and the sharing of office space in Suite 400/500 in Kansas City, the Court wonders if the instant foreclosure action is a corporate "Kansas City Shuffle...”

also **See In Deutsche Bank v HARRIS**, Judge Arthur M. Schack, Kings, Index No. 39192/2007 (05 Feb 2008), decided the following. month Judge Schack again raised the issue of “Troubling questions” he had about the representations in the Deutsche Bank application and denied Deutsche Bank’s application for a Default Judgment. Judge Schack Ordered that Deutsche Bank could renew its application upon presentation to the Court, within forty-five (45) days of his decision and order, only if it produced the following: “an affidavit from Erica Johnson-Seck describing her employment history for the past three years; and an affidavit from an officer of plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY, explaining why: Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY purchased a non-performing loan from INDYMAC BANK, F.S.B.; Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY shares office space at 460 Sierra Madre Villa, Pasadena, CA 91107 with MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., and INDYMAC BANK, F.S.B.; (3) Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY claims 460 Sierra Madre Villa, Pasadena, CA 91107 as its principal place of business in October 23, 2007, Assignment of the instant

mortgage, but executed the Assignment in Dakota County, Minnesota; and (4) Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY claims 460 Sierra Madre Villa, Pasadena, CA 91107 as its principal place of business in the affidavit in support of the instant application, but the affidavit was executed in Williamson County, Texas.” (Note: DEUTSCHE BANK claims a different Principal place of business in the instant case. It should also be Noted that the issue of the true employer of Erica Johnson-Sack This has also arisen in other Palm Beach County foreclosure cases, most recently, \_ et al., Case No. 50 2008 CA 037322XXXX MB, and were Johnson-Sack claimed to be an officer of IndyMac, not of Deutsche Bank.), **See In Deutsche Bank v. Ezagui**, Judge Arthur M. Schack, Kings, Index No. 03724/2007 (21 Dec 2007) Judge Schack noted that in an affidavit in support of a Deutsche Bank application for default, a Ms. Tamara Price identified herself as the "Vice President" of Deutsche Bank while also showing herself to be the Vice President of AMC Mortgage Services Inc. Judge Schack ordered Deutsche Bank to provide an affidavit within thirty days clarifying Ms. Tamara Price's

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employment history for the previous three years, as well as

explaining why Deutsche Bank seemed to have purchased a non-performing loan from Ameriques and why Deutsche Bank and Ameri quest seemed to be sharing office space with Ameriques at 505 City Parkway West, Orange, CA 92868. **See in Deutsche Bank National Trust Company v. Williams, et al.**, Case No. 1:2007cv03029, N.D. Ohio, Judge Christopher H. Boyko gave DEUTSCHE BANK NATIONAL TRUST COMPANY seven days to file a copy of an executed assignment showing that DEUTSCHE BANK was the holder and owner of the Note and Mortgage as of the date the Complaint was filed or face dismissal. The same action was taken in two other Deutsche Bank cases decided by Judge Boyko: **See Deutsche Bank National Trust Company v. Tonia Benitez, et al.**, Case No. 1:2007cv03000, N.D. Ohio, and **Deutsche Bank National Trust Company v. Dorphine Desouza, et al.**, Case No. 1:2007cv01474, N. D. Ohio. These cases and 14 others were dismissed when the lenders did not produce the Assignments as ordered. Amended General Order, No. 2006-16 (N.D. Ohio). On November 14, 2007, U.S. District Judge Kathleen M. Malley dismissed 32 foreclosures

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cases, including 24 cases filed by Deutsche Bank, in a mass

dismissal because documentation that the plaintiff was the owner and holder of the Mortgage and Note being inadequate. According to Judge O'Malley's Order, "Appropriate documentation" includes, but is not limited to, trust and/or assignment. documents executed before the action was commenced, or both as circumstances may require." As in the Instant case, many of the cases O'Malley dismissed involved Documentation that an assignment occurred, but occurred after the filing of the complaint, **See In Deutsche Bank National Trust Co., trustee for Goldman Sachs v. Pope**, Case No. 16-2007-CA-008285 (Duval Co., Fla., Cir. Ct.) Circuit Judge Lance Day dismissed a foreclosure brought by Deutsche Bank, ruling There were "inconsistencies" in the plaintiff's documents. **See In Deutsche Bank Trust Company Americas v. Peabody**, 2008 NY Slip Op 51286(U), decided on June 26, 2008, Saratoga County Supreme Court Judge Thomas Nolan denied Deutsche Bank's motion for summary judgment, noting: "Again, here, plaintiff offers no evidence that it took physical delivery of the note and mortgage before commencing this action, and again, the written assignment was signed after defendant was served. The

assignment's language is purporting to give it retroactive effect, absent a prior or contemporary delivery of the note and mortgage, is insufficient to grant it standing." **See In Re Robin Hayes**, Debtor, Case No. 07-13967-JNF, U.S. Bankruptcy Court, District of Massachusetts, United States Bankruptcy Judge Joan N. Feeney, also criticized Deutsche Bank National Trust Company and its documentation of a loan, stating (on pages 15-16): "Although courts have been addressing the issues raised by Bankruptcy Judge Rosenthal in the Nosek case for some time, **see in re Foreclosure Cases**, No. 1:07CV2282, 2007 WL 3232430 (N.D. Ohio Oct. 31, 2007), problems associated with the practices are amplified in the instant case. The mortgage lender, its affiliates, assignees, and agents involved in this case, through the convoluted process of securitization, the submission of a 191-page, incomplete PSA, and reliance upon back-dated, unrecorded assignments, have confounded the identity of the current holder of the mortgage for the purpose of filing the Motion for Relief from Stay, as well as the proof of claim. The Court and the Debtor are entitled to insist that the moving party

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establish its standing in a motion for relief from stay through the

submission of an accurate history of the chain of ownership of the mortgage. Absent such proof, relief from stay is unwarranted and a proof of claim filed by the wrong party, to which an objection is filed, must be disallowed.” See **In Deutsche Bank Trust Company Americas v. Domin Codio**, et al. (Kings County Supreme Court, Index No. 6839/2010), the law firm of Knuckles, Komosinski & Elliott LLP representing foreclosure plaintiff Deutsche Bank, the National Trust Company brought to our office a document that their attorney Finance John, Esq. claimed was an original promissory note that our client Dominic Codio, the homeowner signed when he received a mortgage loan. Mr. Codio, who was present for the inspection of the document, immediately recognized that his signature and initials at the bottom of each page had been forged and the document was a fake. See **Cpc Patent Technologies Pty Ltd v. Apple**, Inc., No. 21-16212 (9th Cir. 2022), But when a magistrate judge issues a report and recommendation on a dispositive matter, a district judge must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to

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which objection is made." *Id.* § 636(b)(1)(C); *see also*. Fed. R. Civ.

P. 72(b)(3), also See **SEC v. CMKM Diamonds, Inc.**, 729 F.3d 1248, 1260 (9th Cir. 2013) A decision that effectively denies “the ultimate relief sought” by a party or disposes of “any claims or defense’s” is dispositive. **Flam v. Flam**, 788 F.3d 1043, 1046 (9th Cir. 2015) (quoting **United States v. Reyna-Tapia** , 328 F.3d 1114, 1118 (9th Cir. 2003) (en banc)). When a magistrate judge rules on a non-dispositive matter, a district judge may "reconsider" that rule only if it is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); accord Fed. R. Civ. P. 72(a). But When a magistrate judge issues a report and recommendation On a dispositive matter, a district judge must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." Id. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(3). See **Flam v. Flam**, 788 F.3d 1043, 1046 (9th Cir. 2015) (quoting **United States v. Reyna-Tapia**, 328 F.3d 1114, 1118 (9th Cir. 2003) (en banc)). When a magistrate judge rules on a non-dispositive matter, a district judge may "reconsider" that ruling only if it is "clearly erroneous or contrary to law." 28 U.S.C. §

**32.**

636(b)(1)(A); accord Fed. R. Civ. P. 72(a). But when a magistrate

judge issues a report and recommendation on a dispositive matter, a district judge must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." Id. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(3). Also **See Wellness Intern. Network, Ltd. v. Sharif**, 575 U.S. 665, 678 (2015). A party waives Their right to adjudication by an article III judge by consenting to the jurisdiction of a magistrate judge. Both require the clerk of court to notify the parties of the magistrate judge's availability to exercise jurisdiction under § 636(c). The parties may then communicate their consent to the clerk of court by "jointly or separately fil[ing] a statement consenting to the referral." Fed. R. Civ P. 73(b)(1). Only "if all parties have consented to the referral" may the clerks inform a district court judge or magistrate judge of a party's response. And both § 636(c) and Rule 73 permits the district court to remind the parties of the magistrate judge's availability even after a case is referred entirely to a magistrate judge, the district court retains the ability to vacate the referral Section 636(c)(4) provides that a district

### 33.

court may vacate the transfer "for good cause shown on its own

motion, or under extraordinary circumstances shown by any party.” Id. § 636(c)(4); see also Fed. R. Civ. P. 73(b)(3). With that background in mind, Appellant John C Nelums: Delmarshi Nelums requested the procedural history of this case. That this matter be Followed by the Court in order to ensure that all Statutory rights and procedures are followed correctly, **Stock v. Medical Examiners 94 Ca 2d 751. 211 P2d 289 In Interest of M.V., 288 Ill.App.3d 300, 681 N.E.2d 532 (1st Dist. 1997)** "Where a court's power to act is controlled by statute, the court is governed by the rules of limited jurisdiction, and courts exercising jurisdiction over such matters must proceed within the structures of the statute." "The state citizen is immune from any and all government attacks and procedure, absent contract." see, **Dred Scott vs. Sanford, 60 U.S. (19 How.) 393** or as the Supreme Court has stated clearly, "...every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent. See: **SC Code Ann. § 14-3-310 (2012)**, the Supreme Court shall have power to issue writs or orders of injunction,

**34.**

Mandamus, quo warranto, prohibition, certiorari, habeas corpus

and other remedial and original writs. See: **S.C. Code Ann. § 22-3-20 (2023)**, Civil actions in which magistrate has no jurisdiction. Also See: **S.C. Const. art. I, § 9** All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained. (1970 (56) 2684; 1971 (57) 315.),

1. Attorney John Kay, S.C. Bar # 7914 County: Richland Law Firm of HUTCHENS LAW FIRM as the Counsel for Respondent Deutsche Bank Exceeded his authority by violating The General Assembly in including the specific requirements of section See FED. R. Civ. P. 53(b), 28 U.S.C. §§ 636(c)(1) & (c)(3). See 28 U.S.C. § 636(b)(2) 28 U.S.C. § 636(c)(4); 28 U.S.C. §636(c)(5), that must be satisfied before authority to Rule 28 U.S.C. §§ 636(c), the blind consent provision of 28 U.S.C. §636(c)(2) as the South Carolina Supreme Court has held, "The term 'shall' in a statute means that the action is mandatory.

[See Also the Supreme Court ORDER) RE: Use of Remote Communication Technology by the Trial Courts<sup>1</sup>Appellate Case No. 2021[See Also by Violating the Supreme Court ORDER) RE: Use of Remote Communication Technology by the Trial Courts<sup>1</sup>Appellate Case No. 2021-Id at Appendix 4

**35.**

2. ATTORNEY MICHAEL BRIAN WREN BAR #: 69669 COUNTY RICHLAND DAVIDSON & WREN, PA, as the Counsel for Respondent Deutsche

Bank Exceeded his authority by violating The General Assembly in including the specific requirements of section See FED. R. Civ. P. 53(b), 28 U.S.C. §§ 636(c)(1) & (c)(3). See 28 U.S.C. § 636(b)(2) 28 U.S.C. § 636(c)(4); 28 U.S.C. §636(c)(5), that must be satisfied before authority to Rule 28 U.S.C. §§ 636(c), the blind consent provision of 28 U.S.C. §636(c)(2) as the South Carolina Supreme Court has held, "The term 'shall' in a statute means that the action is mandatory.

[See Also by Violating the Supreme Court ORDER) RE: Use of Remote Communication Technology by the Trial Courts<sup>1</sup>Appellate Case No. 2021-**Id at Appendix 4**

### **CONCLUSION**

mandatory under section 28 U.S.C.§ 636(b)(1)(A)—i.e., authority to rule on); Fed. R. Civ. P. 72(b)(1) those that a magistrate judge may not decide without the parties' consent— “Are dispositive

Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar # 100576 judge here lacked consent from the parties to rule on dispositive matters neither the Pursuant to Rules 53(b) of the South Carolina Rules of Civil Procedure, without the parties' consent to the master reference. 28 U.S.C. § 636(b)(2), Hon

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Daniel Coble Chief Judge/ as Special Referee, Attorney Bar #

100576 lack subject-matter jurisdiction. See 28 U.S.C. § 636(b)(2), under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). is not authorize in the above-entitled case to this foreclosure action for 315 Bentwood Ln, Columbia, SC 29229-8981. [**See: at Id Appendix 1**, See 28 U.S.C. § 636(b)(2) (1976) (magistrate special master appointment). Appointment of special masters to hear entire cases or evidence on key motions is tightly restricted. See FED. R. Civ. P. 53(b) (limiting nonjury master appointments to "exceptional" conditions); note 76 infra (construction of Exceptional conditions). These restrictions apply to magistrates serving as special. Master's except when the parties' consent to the master reference. 28 U.S.C. § 636(b)(2) (1976); see note 43 infra. [**See: Id at Appendix -1**, otherwise complied with the requirements and 28 U.S.C. §§ 636(c)(1) & (c)(3). of the sections and Under 28U.S.C. § 636(c)(4); by not vacating the transfer "for good cause shown on its own motion, or under extraordinary circumstances shown by any party." 28 U.S.C. § 636(c)(4); see also Fed. R. Civ. P. 73(b)(3). But § 636(c)(4) error.

**37.**

Under U.S.C. § 636(c)(2), and Rule 73: by not sending the form

AO 85A Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge This notice provided that to consent to the jurisdiction of a magistrate judge, a party must sign the form and return it to the clerk's office, A record must be made in accordance with 28 U.S.C. §636(c)(5). error. Appellants ask this court to enter findings of fact, and conclusions of law based upon the record, consistent with the holding in **No. 2024-002119**, and to reverse and Vacate, Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar # 100576 fundamentally failed to follow the law; without satisfying any of the requirements set forth in the statute, The General Assembly in including the specific requirements of section See FED. R. Civ. P. 53(b), 28 U.S.C. §§ 636(c)(1) & (c)(3). See 28 U.S.C. § 636(b)(2) 28 U.S.C. § 636(c)(4); 28 U.S.C. §636(c)(5), that must be satisfied before authority to Rule 28 U.S.C. §§ 636(c) Also, (See Appendix 4, Order February 19, 2025, the Supreme Court of South Carolina RE: Use of Remote Communication Technology by the Trial Courts<sup>1</sup>Appellate Case No. 2021-001032, The John C. Nelums

**38.**

Delmarshi Nelums request that this Court be vacated and Void, Hon

**RECEIVED**

MAY 12 2025

SC Court of Appeals

Daniel Coble Chief Judge/ as Special Referee, Attorney Bar # 100576

Order because he fails to follow all statutory rights and procedures correctly.

Respectfully submitted,

**May 7, 2025**



John C. Nelums Delmarshi Nelums  
315 Bentwood Ln  
803-513-9903  
Columbia, SC 29229-8981  
Appellant pro se litigants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed into Action **No. 2024-002119**, and served on this 7<sup>th</sup> day of May 2025, as indicated on Wednesday, May 7, 2025, was served by Certified Registered which constitutes service on all parties.

WILLIAM SHEPRO AND ALTISOURCE  
SOLUTIONS, INC.DEUTSCHE BANK  
NATIONAL TRUST COMPANY AS  
TRUSTEE FOR RESIDENTIAL ASSET  
SECURITIZATION TRUST 2005-A8CB  
MORTGAGE PASS-THROUGH  
CERTIFICATES SERIES 2005-H

Mr. Michael Brian Wren  
**County: Richland**  
**Davidson & Wren, PA**  
Columbia, SC 292028568  
Office: (803) 806-8222  
Fax: (803) 806-8855  
**mwren@dml-law.com**

**39.**

John Kay, S.C. Bar # 7914

HUTCHENS LAW FIRM  
P.O. Box 8237 (29202)  
240 Stoneridge Drive, Suite 400  
Columbia, SC 29210  
Phone: (803) 726-2700  
Fax: (803) 726-2832  
Email: [john.kay@hutchenslawfirm.com](mailto:john.kay@hutchenslawfirm.com)  
Counsel William Shepro and Altisource solutions,  
Inc.

Hon. Mr. Daniel McLeod Coble  
COUNTY: RICHLAND  
CHIEF ADMIN JUDGES  
1701 Main Street  
Columbia, SC 29202  
Office: (803) 576-1773  
[dcoblej@sccourts.org](mailto:dcoblej@sccourts.org)

Richland County, Sheriff Leon Lott  
in His Official Capacity as The Sheriff of  
The Richland County Sheriffs Department  
and Civil Process Division  
5623 Two Notch Road Columbia, S.C. 29223  
phone: 803-576-3000.  
fax: 803-576-319

Richland County, Sheriff Leon Lott  
in His Official Capacity as The Sheriff of  
The Richland County Sheriffs Department  
ATTN: Sgt. Kyle Kovalchuk  
5623 Two Notch Road  
Columbia, S.C. 29223  
phone: 803-576-3000.

Coble Law Group, LLC  
ATTN: Attorney, Mr. Daniel Mcleod Coble  
6923 N. Trenholm Road  
Columbia, SC 29206  
Phone: (803) 200-2739  
803-576-1773

**RECEIVED**

MAY 12 2025

**CERTIFICATE OF COMPLIANCE**

SC Court of Appeals

This brief complies with the word limit of Local Rule 32.1(a)(4)(A) because, excluding the portions exempted by Fed. R. App. R. 32(f), this brief contains 9,458 words.

This brief also complies with the typeface requirements of Fed. R. App. P. 32 (a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman.

**APPELLANTS OPENING BRIEF FOR ORAL ARGUMENT REQUESTED**

**May 7, 2025**

Respectfully submitted,



\_\_\_\_\_  
John C. Nelums Delmarshi Nelums  
315 Bentwood Ln  
803-513-9903  
Columbia, SC 29229-8981  
Appellant pro se litigants

APPENDIX-1  
(AO 85A (Notice, Consent))

UNITED STATES DISTRICT COURT  
for the

_____	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No.
_____	)	
<i>Defendant</i>	)	

**NOTICE, CONSENT, AND REFERENCE OF A DISPOSITIVE MOTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings and enter a final order dispositive of each motion. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have motions referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's consideration of a dispositive motion.* The following parties consent to have a United States magistrate judge conduct any and all proceedings and enter a final order as to each motion identified below (identify each motion by document number and title).

Motions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<i>Printed names of parties and attorneys</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Reference Order**

**IT IS ORDERED:** The motions are referred to a United States magistrate judge to conduct all proceedings and enter a final order on the motions identified above in accordance with 28 U.S.C. § 636(c).

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

Print

Save As...

Reset

# APPENDIX-2

(MORTGAGE/DEED OF TRUST SATISFACTION)

May 4, 2015, Bank of America NA,

Angela Lucas-Johnson  
ReconTrust Company, N.A.  
4161 Piedmont Parkway  
NC4-103-01-32  
Greensboro, NC 27410  
(800) 340-2684



Book 2025-2153  
2015034195 03/06/2015 10:55:14:700  
Fee: \$6.00 County Tax: \$0.00 State Tax: \$0.00  
Distribution of Mortgage  
3015034195 John V. Bowles II  
Richmond County R.O.D.

Return To: JOHN C NELUMS  
DELMARSHI NELUMS  
315 BENTWOOD LN  
COLUMBIA SC 29229-8081

UID:  
DOCID# 313288

**MORTGAGE SATISFACTION**

State of South Carolina  
County of Richland

JOHN C NELUMS and DELMARSHI NELUMS

RMC office-Recorded on:  
09/21/2006, in Book 1232, Page 756

Bank of America, NA

STATE OF SOUTH CAROLINA MORTGAGE OF TRUST SATISFACTION  
PURSUANT TO SECTION 29-3-330(B)(6) OF THE SOUTH CAROLINA CODE OF LAWS, 1976

The undersigned being the mortgagee of record, the trustee of a deed of trust, or the legal representative, agent or officer, or attorney-in-fact of the mortgagee of record or the trustee of the trust, under a written agreement duly recorded, or either of the foregoing, certifies:

The debt secured by the mortgage/deed of trust in the office of the Clerk of Court or Register of Deeds of Richland County in book 1232 at page 756 is:

paid in full and the lien of the foregoing instrument has been released; or

the lien of the foregoing instrument has been released.

The Clerk of Court or Register of Deeds may enter this cancellation into record.

Under penalty of perjury, I declare that I have examined this affidavit this 4th day of May 2015 and, to the best of my knowledge and belief, it is true, correct, and complete.

WITNESS my/our hand this 5/4/2015

Witness:  
  
Marsha L. Cahill

Bank of America, NA  
By:   
Angela Lucas-Johnson  
Assistant Vice President

State of North Carolina, County of Guilford

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Angela Lucas-Johnson, Assistant Vice President of Bank of America, NA.

Date: 5/4/15

Angela Bowles, Notary Public



## APPENDIX-3

(IndyMac Bank. original Lender)

Return To:  
INDYMAC BANK, F.S.B.  
3465 EAST FOOTHILL BLVD./ATTN: DOCUMENT MANAGEMENT  
PASADENA, CA 91107

Return to:  
LWR Bauer  
828 Calhoun St  
Columbia SC 29201

Prepared By:  
INDYMAC BANK, F.S.B.  
3465 EAST FOOTHILL BLVD.  
PASADENA, CA 91107

Book 00755-0615

Register of Deeds  
Richland County, South Carolina  
Fee: \$25.00 County Fee: \$5.00 State Fee: \$5.00



Space Above This Line For Recording Data

### MORTGAGE

Loan Number: 1952313-PERN

#### DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

- (A) "Security Instrument" means this document, which is dated January 27, 2003 together with all Riders to this document.
- (B) "Borrower" is JOHN C. MELIUS AND DELMARSHI MELIUS.

Borrower is the mortgagee under this Security Instrument.  
(C) "Lender" is INDYMAC BANK, F.S.B. - Lender is a federally chartered savings bank organized and existing under the laws of THE UNITED STATES OF AMERICA

SOUTH CAROLINA - Single Family - Fannie Mae/Freddie Mac UNIFORM INSTRUMENT

Form 3041 1/01

(SBC) 000107

Page 1 of 18

Use MORTGAGE FORMS - 000127-7201

006-023



# APPENDIX-4

*(The Supreme Court ORDER)*

*RE: Use of Remote Communication Technology  
by the Trial Courts1Appellate Case No. 2021-001032*

# The Supreme Court of South Carolina

RE: Use of Remote Communication Technology by the Trial Courts<sup>1</sup>

Appellate Case No. 2021-001032

---

## ORDER

---

**(a) Purpose.** Pursuant to Rule 612 of the South Carolina Appellate Court Rules (SCACR), this Court may provide for the use of remote communication technology by the courts of this State to conduct proceedings, including, but not limited to trials, hearings, guilty pleas, discovery, grand jury proceedings, and mediation or arbitration under the South Carolina Court-Annexed Alternative Dispute Resolution Rules. The purpose of this order is to provide guidance on the use of remote communication technology by the trial courts, including appellate proceedings before the circuit court. Although this Court continues to believe the vast majority of proceedings should be conducted in person, utilizing remote communication technology to conduct certain court proceedings may preserve limited resources, reduce travel and wait times for parties, increase courtroom safety and security, and permit courts to conduct proceedings during emergencies where the travel to or the conduct of in-person proceedings may be difficult.

While this order addresses some specific types of matters, it is impossible for it to address every type of matter that can possibly come before a trial court. For matters not specifically addressed in this order, judges should consider the general guidance along with how this order deals with similar matters to determine if a particular use of remote communication technology is appropriate.

---

<sup>1</sup> This order was initially issued on August 27, 2021. A September 21, 2021 order amended sections (d)(9) and (d)(15) of that order. The February 19, 2025 amendments eliminate prefatory language based on the passage of time, provide instructions about the proper conduct of these proceedings, and clarify when judges have discretion to conduct proceedings using Remote Communication Technology in certain civil proceedings without the consent of all parties.

When this order indicates that a proceeding may be conducted in whole or part using remote communication technology, it means that the use of remote communication technology can range from allowing a single person, such as a witness or other participant in the proceedings, to participate by remote means, to a proceeding in which all of the participants (judge, counsel, parties, witnesses, etc.) are participating by remote means, or anything in between.

**(b) Definitions.** For the purpose of this order:

**(1) Judge:** a judge of the circuit court, family court, probate court, magistrate court and municipal court, including masters-in-equity and special referees.

**(2) Remote Communication Technology (RCT):** technology such as video conferencing and teleconferencing which allows audio and/or video to be shared at differing locations in real time. This can range from a telephone call or conference call which provides only audio to sophisticated software products like WebEx, Zoom or Microsoft Teams which allow both audio and video to be shared. When this order refers to using RCT, Enhanced Remote Communication Technology (ERCT) may be used instead.

**(3) Enhanced Remote Communication Technology (ERCT):** a form of RCT such as WebEx, Zoom and Microsoft Teams which allows audio and video to be shared at differing locations in real time. When this order indicates ERCT is to be used, that form of RCT must be used.

**(4) Trial Court:** the circuit court (including masters-in-equity court), family court, probate court, magistrate court and municipal court.

**(c) General Guidance Regarding Use of RCT.**

**(1) Discretion of Judges.** In various provisions of this order, the decision to allow RCT to be used rests in the discretion of the judge. Even when the language in this order indicates RCT may be used or the parties request it be used, the facts and circumstances in a particular case or matter may indicate that the use of this technology is inappropriate. To some extent, the exercise of this discretion will necessarily be influenced by the technical skill of the judge, attorneys, self-represented litigants, other case

participants and any supporting staff who will be using this technology. Finally, for some proceedings, this order may restrict this discretion. For example, this order may indicate that certain proceedings must be conducted using ERCT. Another example is that for some types of proceedings, especially certain criminal proceedings, the consent of the parties or a sufficient justification must exist before RCT of any type may be used.

**(2) Constitutional Rights of Parties.** In the absence of a waiver, judges should not allow RCT to be used in a manner which would violate the rights of a party under either the State or Federal Constitution.

**(3) Victims' Rights.** Victims' rights under Article I, Section 24 of the South Carolina Constitution and Article 15 of Chapter 3 of Title 16 of the South Carolina Code of Laws must be honored when RCT is used to conduct court proceedings. Nothing in this order shall be construed as preventing a judge, in the exercise of discretion, from allowing a victim to hear and/or view a proceeding or trial by RCT.

**(4) Public Access.** When a hearing, trial or other court proceeding is of a nature that it would normally be open to the public, the judge should take reasonable measures to provide public access to the portion of the proceeding that is being conducted using RCT. When a portion of a proceeding is being conducted in a courtroom open to the public, this requirement is satisfied if the testimony presented using RCT can be heard by any observers in the courtroom. In other situations, this may be accomplished by other methods such as live streaming the proceeding over the internet, broadcasting the proceeding at a publicly accessible room at a courthouse or other facility, or utilizing a process that permits members of the public to view and/or listen to the proceedings.

**(5) Use of ERCT.** Even when the use of ERCT, an enhanced form of RCT, is not required by this order, judges should consider using ERCT when the ability to both see and hear the persons participating remotely will assist in reaching a resolution of the matter under consideration.

**(6) Authority; Consent of the Parties.** In non-criminal matters, the judge, on motion of a party or on the judge's own initiative, may permit or require a proceeding to be conducted using RCT unless the judge finds the use of RCT would be likely to cause substantial prejudice to a party or

adversely affect the fairness of the proceeding. However, even when the parties have consented to or requested the use of RCT in a proceeding, the judge may find it is inappropriate to use RCT based on the specific facts and circumstances of the case, including, but not limited to, the number of parties in the case, the number of witnesses expected to testify, the complexity of the legal issues involved, or where a party may lack the means or ability to participate by RCT. A judge may not order a proceeding be conducted by RCT without obtaining the consent of the parties in cases where State or Federal Constitution or this order so requires.

**(7) Attorney-Client Communications.** If the use of RCT results in the attorney and the client being at different locations, a means must be available for the attorney and client to communicate confidentially while RCT is being used. This could be done outside of the RCT software using telephonic or text communication, and judges should allow persons to possess cell phones or other electronic devices in the courtroom when necessary for this purpose. Further, this private communication may be possible using the features of the RCT software, such as virtual breakout rooms. In any event, it is the responsibility of the attorney to ensure that an adequate method of communication is available.

**(8) Recording Remote Proceedings.** Other than the judge or court staff assisting the judge, no person shall record any court proceedings which are conducted using RCT except when the recording is authorized by the judge under Rule 605, SCACR.

**(9) Conducting Remote Proceedings to Facilitate Transcript Preparation in Courts of Record.** Where a court reporter or court monitor is unavailable, the judge shall conduct the RCT proceedings in a manner that will allow a court reporter to create a transcript at a later date. This would include, but is not limited to, making sure the names and spelling of all of the persons speaking or testifying are placed on the record; ensuring exhibits or other documents referred to are clearly identified and properly marked; controlling the proceeding so that multiple persons do not speak at the same time; and noting on the record the start times and the time of any recess or adjournment.

**(10) Remote Administration of Oaths.** Where this order authorizes a hearing, trial or other matter to be conducted by RCT, any oath necessary

during that hearing, trial or other matter may be administered using RCT. While it is preferable that the person administering the oath have both audio and visual communication with the person taking the oath, the oath may be administered if only audio communication is available, provided the person administering the oath can reasonably verify the identity of the person taking the oath. Notaries who are authorized to administer oaths may administer oaths utilizing RCT in the case of depositions. Nothing in this order shall be construed as authorizing remote administration of oaths for any other purpose than those contained in this order. For the purpose of this provision, the term "oath" includes an affirmation.

**(11) Powers and Decorum; Direct Contempt.**

**(A) Powers and Decorum.** Proceedings conducted using RCT shall have the same effect as if all of the participants had been physically present in the courtroom to the extent practicable and possible. Any remote location(s) from which participants appear shall be considered extensions of the courtroom. The judge's pronouncements, instructions, and rulings shall have the same force and binding effect as if all participants had been physically present in the courtroom. Participants—especially judges, lawyers, and court personnel—should wear the same professional attire they would in a courtroom and follow ordinary courtroom protocol to the extent practicable.

**(B) Contempt.** For the purpose of any direct contempt, a person participating by RCT shall be deemed to be in the presence of the judge.

**(12) Exhibits.** In the event an exhibit is to be introduced during the course of a proceeding conducted using RCT, the party introducing the exhibit must ensure that the judge, the other parties and counsel, and any court reporter all have a copy of the exhibit prior to the time it is introduced. This copy may be provided in paper or electronically. Nothing in this order shall be construed as preventing a judge from requiring the original of an exhibit to be presented to the court.

**(d) Guidance as to Specific Proceedings and Other Matters.**

**(1) County Grand Jury Proceedings.** The Solicitor or the Attorney General is authorized to present an indictment to the grand jury using RCT, and any necessary oath may be administered using RCT (see section (c)(10) above). Consistent with the law regarding the secrecy of county grand jury proceedings,<sup>2</sup> any recording feature in the RCT must not be used, and the person presenting testimony by RCT must be warned that no recording of any of the proceedings before the grand jury can be made.

**(2) South Carolina Court-Annexed Alternative Dispute Resolution Rules (SCADR).** RCT and ERCT may be used for Online Dispute Resolution under Rule 5(h), SCADR.

**(3) Discovery in Civil Cases.** The parties in a civil case may agree to use RCT to conduct any discovery under the South Carolina Rules of Civil Procedure. Further, in the exercise of discretion, a judge may require discovery in a case to be conducted using RCT, and may direct that ERCT be used.

**(4) Arrest and Search Warrants.** An officer seeking the issuance of an arrest warrant or search warrant may appear before a judge using RCT. During this appearance, the judge may administer the oath to the officer (see section (c)(10) above) and, if appropriate, may take sworn testimony to supplement the allegations in the warrant. The judge shall make a notation on the warrant indicating the oath was administered remotely and the officer was not available to sign the warrant in the presence of the judge. If probable cause is found, the judge shall sign the warrant and return the warrant to the officer for execution. While the officer may sign the warrant when it is returned, the failure to do so shall not affect the validity of the warrant. The warrant may be transmitted to the judge and returned to the officer by e-mail, fax or other electronic means. For the purpose of this section, the term "search warrant" shall also include applications under the South Carolina Homeland Security Act, S.C. Code Ann. §§ 17-30-10 to -145.

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<sup>2</sup> *Ex parte McLeod*, 272 S.C. 373, 377-78, 252 S.E.2d 126, 128 (1979) (In a case involving a county grand jury, the Court stated "the investigation and deliberations of a grand jury should be conducted in secret, and that for most intents and purposes all its proceedings are legally sealed against divulgence" and "the presence or use of a court stenographer in proceedings before the grand jury is likewise not permissible.").

**(5) Determination of Probable Cause Following Warrantless Arrest.** If after considering the affidavit submitted to support a warrantless arrest, a judge determines it is appropriate to supplement the affidavit with sworn testimony, a judge may take the testimony using RCT and administer the oath (see section (c)(10) above).

**(6) Bail Hearings in Criminal Cases.** At the discretion of the judge, a hearing to set bail, modify the terms of bail or to revoke bail for a criminal defendant may be conducted in whole or part using RCT.

**(7) Preliminary Hearings.** With the consent of the defendant and the representative of the State, a preliminary hearing may be conducted using RCT. Further, even without consent, a judge may allow a witness to testify at a preliminary hearing using RCT if the judge finds there is sufficient justification to do so.

**(8) Defense of Persons and Property Act.** A hearing under the Defense of Persons and Property Act (S.C. Code Ann. §§ 16-11-410, 16-11-440(C), and 16-11-450) can have far reaching consequences not only on the criminal case itself, but also on the civil remedies available to the victim. In light of this, any use of RCT in these hearings shall be limited to that provided by section (d)(12) below for non-jury trials.

**(9) Guilty Pleas.**

**(A) General Rule.** Except as provided in (B) below, the judge, the defendant, any counsel for the defendant, and the prosecutor must be physically present in the courtroom during a guilty plea. A judge may allow another person, including but not limited to a victim, interpreter, or law enforcement officer, to participate in the guilty plea by RCT. Once the plea has been accepted, the use of RCT in sentencing is governed by section (d)(13) below.

**(B) Incarcerated Defendants.** If the defendant is in pretrial confinement or other incarceration, the judge may, with the consent of the parties, conduct a guilty plea in whole or part using RCT. The consent shall be placed on the record during the proceedings.

**(10) Trials in General.** As a general rule, trials, whether jury or non-jury, should be conducted with all the necessary participants (i.e., judge, jury (if applicable), criminal defendant, counsel, self-represented litigant, etc.) being present in the courtroom, with witnesses appearing in the courtroom to testify. In addition to being consistent with our longstanding practice and tradition in this State, this Court continues to believe there is great value in conducting trials live and in-person. In light of this, the following provisions relating to jury and non-jury trials restrict the use of RCT in these trials.

**(11) Use of RCT in Jury Trials.**

**(A)** If all the parties consent, the judge may allow a witness to testify using ERCT. The consent shall be placed on the record and, in a criminal case, the judge must question the defendant to ensure this consent is being made knowingly and intelligently.

**(B)** Without the consent of the parties, a judge may allow a witness to testify using ERCT if the judge finds there is sufficient justification to do so. In a criminal case, this justification must rise to a level to satisfy the standard established by *Maryland v. Craig*, 497 U.S. 836 (1990).<sup>3</sup>

**(12) Use of RCT in Non-Jury Trials.**

**(A)** If all the parties consent, the judge may allow a non-jury trial to be conducted in whole or part using RCT or ERCT. The consent shall be placed on the record and, in a criminal case, the judge must question the defendant to ensure this consent is being made knowingly and intelligently.

---

<sup>3</sup> "That the face-to-face confrontation requirement is not absolute does not, of course, mean that it may easily be dispensed with. As we suggested in *Coy* [v. *Iowa*, 487 U.S. 1012, at 1021 (1988)], our precedents confirm that a defendant's right to confront accusatory witnesses may be satisfied absent a physical, face-to-face confrontation at trial only where denial of such confrontation is necessary to further an important public policy and only where the reliability of the testimony is otherwise assured." *Craig*, 497 U.S. at 850.

**(B)** Without the consent of the parties, a judge may allow a witness to appear by ERCT if the Court finds there is an adequate justification for allowing the witness to testify by ERCT. In criminal cases, this justification must rise to a level to satisfy the standard established by *Maryland v. Craig*, 497 U.S. 836 (1990) (see footnote 3).

**(13) Criminal Sentencing.**

**(A) Non-Capital Cases.** Consistent with the broad discretion given to judges in sentencing,<sup>4</sup> a judge may allow testimony or other information to be presented using RCT during sentencing in a non-capital case.

**(B) Capital Cases.** In capital sentencing proceedings, the use of RCT shall be limited to that provided by section (d)(11) above if sentencing involves a jury, or by section (d)(12) above if sentencing is by a judge without a jury.

**(14) Other Proceedings.** Except for those proceedings addressed in other sections of this order, judges may, in their discretion, use RCT, either in whole or part, for pretrial proceedings. This includes, but is not limited to, hearings on motions, proceedings on procedural matters such as rights advisements or waivers of those rights, and status conferences. Further, in the discretion of the judge, post-trial proceedings, including hearings on post-trial motions under Rule 29, SCRCrimP, or Rules 50, 52, 59 or 60, SCRCrP, may be conducted in whole or part using RCT.

**(15) Family Court Proceedings.**

---

<sup>4</sup> *State v. Gullledge*, 326 S.C. 220, 229, 487 S.E.2d. 590, 594 (1997) ("A court may consider any relevant information without regard to its admissibility under the rules of evidence applicable at trial, provided the information has sufficient indicia of reliability to support its probable accuracy."); *State v. Franklin*, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976) (in sentencing, "a judge may appropriately conduct an inquiry broad in scope, largely unlimited either as to the kind of information he [or she] may consider or the source from which it may come."); Rule 1101(d)(3), SCRE ("rules of evidence are inapplicable to sentencing except in the penalty phase of capital trials").

**(A) Juvenile Delinquency Cases.** During the adjudicatory hearing in a juvenile delinquency case, ERCT may be used to the same extent as permitted in a non-jury criminal case under section (d)(12) above. In the dispositional hearing, RTC may be used to the same extent permitted for non-capital sentencing under section (d)(13)(A) above. Further, for guilty pleas, RTC may be used to the same extent provided under section (d)(9) above.

**(B) Other Hearings or Proceedings.** In many situations, a provision of this order will be directly applicable, and the family court should follow the guidance given in that provision. Due to the wide ranging and diverse matters which come before the family court, it is simply impossible to provide specific guidance that can be made applicable to every situation that may come before the family court, and this order does not attempt to do so. Instead, for matters not specifically covered by this order, this Court is confident the family court judges will consider the general guidance and make analogies to the specific guidance given for similar proceedings to determine the extent to which RCT should be used.

**(16) Appellate Proceedings Before the Circuit Court.** In appeals to the circuit court, the circuit court may, in its discretion, conduct any necessary hearings either in whole or part using RCT.

This order is effective immediately, and shall remain in effect until modified or rescinded by this Court.

s/ John W. Kittredge C.J.

s/ John Cannon Few J.

s/ George C. James, Jr. J.

s/ D. Garrison Hill J.

s/ Letitia H. Verdin J.

**RECEIVED**

MAY 12 2025

SC Court of Appeals

**CERTIFICATE OF COMPLIANCE**

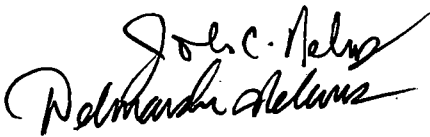
This brief complies with the word limit of Local Rule 32.1(a)(4)(A) because, excluding the portions exempted by Fed. R. App. R. 32(f), this brief contains 9,458 words.

This brief also complies with the typeface requirements of Fed. R. App. P. 32 (a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman.

**APPELLANTS OPENING BRIEF FOR ORAL ARGUMENT REQUESTED**

**May 7, 2025**

Respectfully submitted,



\_\_\_\_\_  
John C. Nelums Delmarshi Nelums  
315 Bentwood Ln  
803-513-9903  
Columbia, SC 29229-8981  
Appellant pro se litigants