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Jun 09 2025

SC Court of Appeals

**PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS**

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

R. Ferrell Cothran, Jr., Circuit Court Judge

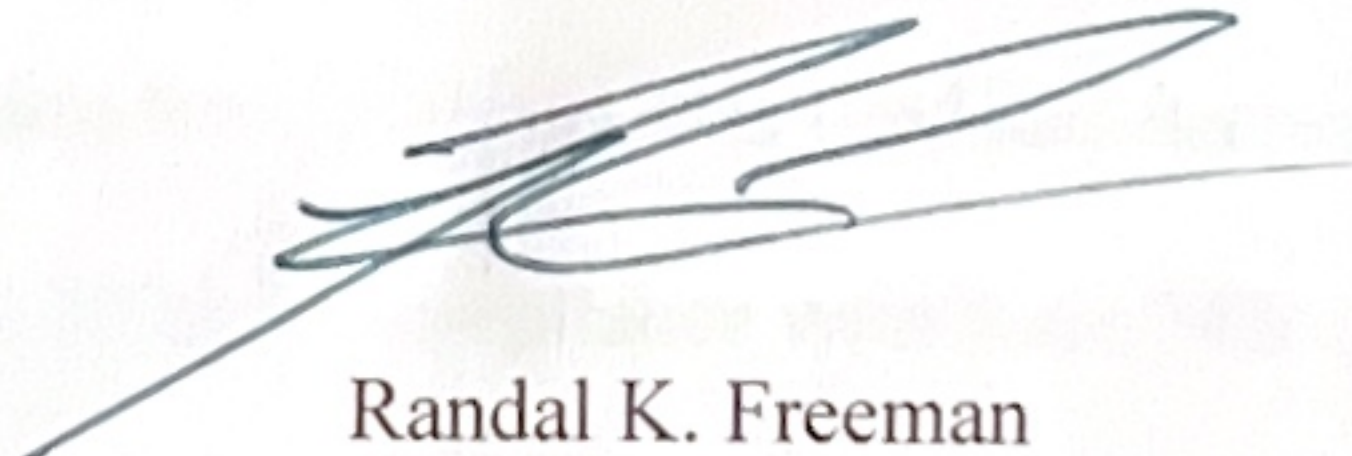
Order Filed June 6th 2025

Randal K. Freeman,
Petitioner,

v.

David Bryan Trapp,
Respondent.

PETITION FOR A WRIT OF CERTIORARI



Randal K. Freeman
16 Hilliard Drive
Sumter, South Carolina 29150
(224) 407-1660
Pro Se Petitioner

Other Counsel of Record:
J. Benjamin Cahill
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325 West Calhoun Street
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29150
Attorney for Respondent

STATEMENT OF THE CASE

Petitioner appealed a civil eviction judgment entered in Case No. 2024-CP-43-000366. The trial court ordered a bond to stay eviction, but when Petitioner attempted to pay, court clerks refused acceptance. Petitioner subsequently vacated the premises under duress. The Court of Appeals dismissed the appeal as moot on March 20, 2025. A timely Petition for Rehearing was filed, which the Court of Appeals denied on June 6, 2025.

ARGUMENT

1. THE COURT OF APPEALS MISAPPLIED THE MOOTNESS DOCTRINE AND FAILED TO APPLY ITS EXCEPTIONS.

South Carolina law recognizes multiple exceptions to mootness where a controversy continues to have collateral legal consequences, involves matters of public importance, or is capable of repetition yet evading review. The Court of Appeals failed to apply these exceptions despite Petitioner raising them directly. See *Sloan v. Friends of the Hunley, Inc.*, 393 S.C. 152 (2011); *Curtis v. State*, 345 S.C. 557 (2001); *State v. Carpenter*, 277 S.C. 309 (1982). Petitioner continues to suffer housing and reputational consequences stemming from the judgment, which remain actionable and justiciable under controlling law.

2. THE COURT OF APPEALS FAILED TO REMEDY A STRUCTURAL DUE PROCESS VIOLATION.

Petitioner attempted to comply with the trial court's bond order, but court clerks refused to accept payment, blocking access to appellate review. This administrative denial of

judicial process violates procedural due process under the Fourteenth Amendment and Article I, § 3 of the South Carolina Constitution. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Hinson v. Hinson*, 341 S.C. 574 (2000); *Ex parte Capital U-Drive-It, Inc.*, 369 S.C. 1 (2006).

3. THE COURT'S FAILURE TO PROTECT JUDICIAL ACCESS VIOLATES ARTICLE I, § 9 OF THE SOUTH CAROLINA CONSTITUTION.

Article I, § 9 guarantees that 'All courts shall be open, and every person shall have remedy by due process of law.' The Court of Appeals failed to review or remand a situation where administrative staff—without judicial oversight—denied a litigant's right to comply with a court order. This denial effectively terminated Petitioner's ability to appeal, without judicial explanation, order, or review.

4. THE DECISION SETS A DANGEROUS PRECEDENT THAT PERMITS NON-JUDICIAL ACTORS TO DENY JUDICIAL RIGHTS.

By allowing the dismissal to stand without addressing the clerk's denial of bond, the Court of Appeals implicitly authorizes non-judicial actors to restrict judicial access. This raises separation of powers concerns and opens the door for clerical staff to undermine judicial orders. As established in *Evitts v. Lucey*, 469 U.S. 387 (1985), when appellate rights are provided by the state, the state must ensure that access is meaningful and not arbitrarily obstructed.

5. PUBLIC CONFIDENCE IN APPELLATE FAIRNESS REQUIRES SUPREME COURT REVIEW.

This case presents a systemic failure of due process with implications that extend beyond Petitioner. If allowed to stand, this outcome would enable lower court personnel to silently extinguish appeal rights for any civil litigant—particularly pro se parties—without any meaningful judicial check. This Court’s review is essential to reaffirm that appellate process in South Carolina is not subject to arbitrary gatekeeping.

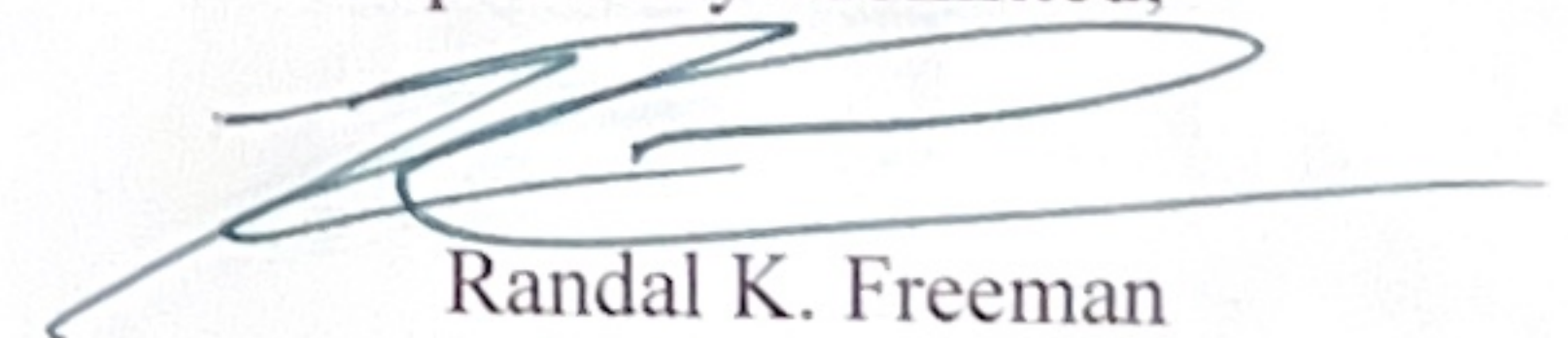
For the reasons stated above, and due to the systemic due process failures at both the trial and appellate levels, the Petitioner respectfully submits that this case involves matters of exceptional importance to the public interest, including the integrity of the judicial process and the right to appellate review unimpeded by administrative gatekeeping. The Court’s intervention is essential to uphold constitutional guarantees and preserve uniformity in South Carolina law.

CONCLUSION

For the reasons stated above, Petitioner respectfully requests that the South Carolina Supreme Court issue a Writ of Certiorari to review the decision of the Court of Appeals entered March 20, 2025, and its denial of rehearing on June 6, 2025, and grant such further relief as may be just and proper under the circumstances.

Dated: June 9th, 2025

Respectfully submitted,



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Plaintiff, Pro Se

**STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Randal K. Freeman,)
 Petitioner,)
vs.)
David Bryan Trapp,)
 Respondent.)
)
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)
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)


CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing **Petition for Writ of Certiorari** by placing the same in the United States Mail, first-class postage prepaid, addressed to:

J. Benjamin Cahill
Curtis & Croft, LLC
325 West Calhoun Street
Sumter, SC 29150

Dated: June 9th, 2025

Respectfully submitted,


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**South Carolina Judicial Department
South Carolina Supreme Court – Appellate Case Cover Sheet**

Appellate Case Type: Petition for Writ of Certiorari to the Supreme Court from the Court of Appeals

Case Title:

Randal K. Freeman, Appellant–Petitioner

v.

David Bryan Trapp, Respondent

Lower Court Case No.: 2024-CP-43-000366

Court of Appeals Case No.: 2024-000283

County: Sumter County

Circuit Judge: Hon. R. Ferrell Cothran, Jr.

Type of Appeal: Civil

Nature of Case: Appeal of Eviction Order; Due Process Violations; Mootness Doctrine

Relief Sought: Reversal of Court of Appeals decision dismissing appeal as moot; reinstatement of appeal for merits-based review

Party Filing Petition:

Name: Randal K. Freeman

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Filing Pro Se: Yes

Opposing Counsel:

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Address: 325 West Calhoun Street, Sumter, SC 29150

Filed Document: Petition for Writ of Certiorari, Certificate of Service

Filing Date: June 9th, 2025