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SC Court of Appeals

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

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Dale Van Slambrook, Circuit Court Judge

Appellate Case No. 2024-001734

OlgaTeslenko,
Appellant,

v.

Joe Kocsis, Carpet King & Flooring,
Respondents

APPELLANT'S INITIAL BRIEF

Appellant respectfully submits this Brief pursuant to Rule 208 of the South Carolina Appellate Court Rules in support of her appeal from the judgment of the magistrate court and the affirming orders of the circuit court. This appeal arises from a contract dispute concerning a materially defective flooring installation and involves substantial questions of fraud on the court, obstruction of justice, and the denial of constitutional rights.

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INTRODUCTION

Background.

Appellant is a naturalized U.S. citizen who arrived in America thirty years ago on a Green Card, after completing a master's degree in Mathematics in her home country. With no family or resources, Appellant settled in Pennsylvania, where the people taught her to speak English and helped her develop trust in America. While working multiple labor jobs, Appellant earned a second degree in Mechanical Engineering from Penn State and built a career in the IT industry, later transitioning to teaching. After a second rewarding career in teaching, Appellant's hereditary neurological disability forced her to retire. Appellant invested her savings into a condominium in Myrtle Beach, South Carolina, intending to live modestly, write, and volunteer.

Local conspiracy & persecution.

Appellant was drawn into a real estate fraud and extortion scheme by her realtor, home inspector, and HOA management company. This scheme appears to operate covertly in Myrtle Beach involving a network of realtors, inspectors, property managers, and other various professionals. This scheme targets selected new condo owners by repeatedly flooding their units and causing other intentional damage, while denying them access to master insurance and applying other forms of pressure, ultimately coercing sales at dramatically reduced prices, effectively extorting their property. Appellant was targeted with particular cruelty due to her mixed ethnic background, which was viewed with hostility, and her disability, which was falsely perceived as fabricated.

A year after relocating and in the scope of the next six months, Appellant's condo endured five major floods from external sources. Appellant's HOA management company misadvised her, subverted efforts to repair or obtain estimates, caused multiple day delays in emergency resolution with underground backup water standing in Appellant's condo, and refused to authorize master insurance claims for Appellant, while authorizing such claims for other affiliated owners. When Appellant sought to clarify any possible

miscommunication, she was subjected to a military interrogation attack by the property manager—a psychological warfare technique used in military intelligence. This term is not metaphorical: this technique induces immediate psychological paralysis, designed to shatter a person’s autonomy and resistance. Appellant was frozen and traumatized to the core.

Systematic pressures and damages inflicted on Appellant and Appellant’s property included continued flooding from external sources, account balance manipulation, attempts of extortion, pervasive harassment, coordinated fraud by multiple service providers and select medical providers which led to medical neglect at the time of acute illness. Appellant and Appellant’s dog became severely ill, but even after the first fraud inserted in her medical record was corrected, new coordinated falsehoods appeared inserted again. Appellant received death threats, but found herself blacklisted such that attorneys disengaged as soon as they learned Appellant’s name or address. At the same time, Appellant discovered that the police repeatedly refused to file her report. When she reported this obstruction to her state representative and the Governor, seeking assistance, Appellant’s contact information was forwarded to a mental health facility which called to inquire if Appellant had any “problems”. Appellant has no history of mental illness, and has never received psychiatric treatment. No assistance came from the government officials other than this psychiatric intimidation in retaliation for her whistleblowing. Appellant remains excluded from legal representation and the protection of law enforcement, while subjected to continued persecution and discrimination.

Judicial fraud & appeal crisis.

When Appellant’s condo was intentionally damaged again, Appellant sought legal recourse in the local magistrate court, but the resulting judgment was fundamentally unlawful and prejudiced Appellant to increased persecution—effectively legalizing the ongoing extortion of Appellant’s property. On appeal, Appellant uncovered evidence of judicial fraud by the magistrate and circuit court clerks, who decided Appellant’s case by denying Appellant access to the court and the due process. Even though this evidence had been timely filed below, it was subsequently blocked from review by the Clerk of the Court of Appeals, effectively foreclosing meaningful review altogether.

This refusal to consider critical evidence—timely filed in the lower court—permits the Court of Appeals to exploit procedural loopholes in order to suppress the exposure of the judicial fraud below. As a result, Appellant is filing this brief under extreme duress, without access to the very evidence that directly proves her claims. Appellant respectfully asks this Court to recognize the grave constitutional implications at stake, including the violation of due process, access to courts, and protection from fraud and discrimination. This case arises not from a simple contractual dispute, but from a system of fraudulent and criminal conduct effectively legalized by the judgment below. At stake is not only a breach of contract, but the question of whether the State can allow this systematic fraudulent and criminal conduct which resulted in the massive judicial fraud exposed in this case. Underlying this case is the question whether courts can ignore admitted evidence of wrongdoing without sabotaging their own integrity.

Appellant's suit seeks to overturn the fraudulently obtained magistrate's judgment and circuit court orders, and set her case for a new trial at an impartial venue.

FACTUAL BACKGROUND

Contract, Installation, Failure, and Inspection.

Appellant (Plaintiff) accepted Respondent's (Defendant's) offer to install glue-down luxury vinyl plank (LVP) flooring and, in November, 2023, Defendant completed the installation and Plaintiff paid the agreed price (**E23**). The following morning, Appellant discovered widespread peeling and bubbling throughout the installed areas. Over the following ten days, the planks, supposed to have been permanently glued to the subfloor, lifted off entirely. The photo and video evidence documenting this failure is included in Folder 2 of Appellant's flashdrive (**E12**), inspection report (**M1**), and Plaintiff's email to Defendant.

Plaintiff notified Defendant, who inspected the installation a week later, and admitted he skipped critical installation steps, didn't know how to remedy it, and intended to apply only superficial spot fixes when given a second chance. Plaintiff declined that proposition, and also declined to meet with unknown parties after Defendant tried to coerce her into allowing a third party to enter her home and negotiate "a fix". At the end,

Defendant agreed to refund the full payment, but changed his mind the following day and told Plaintiff she must negotiate a fix with an unknown third party (**E10, E11, E13**). The complete audio recording of this inspection and Defendant's admissions is included in Folder 4 on Plaintiff's flashdrive (**E12**).

Plaintiff retained an industry-certified flooring inspector, recommended by the manufacturer, who confirmed multiple violations of installation requirements which caused installation failure throughout the installed areas (**E11, M1**). The inspection report showed planks were lifting continuously across the installed areas, and documented Defendant's failure to comply with official installation requirements.

Despite damage to the subfloor and evidence of fraudulent intent, Plaintiff filed a narrowly tailored pro se complaint for material breach of contract in magistrate court, seeking only the return of her original payment. Plaintiff limited her claim due to fear of retaliation, illness, and lack of legal support (**A4**) (**M2**).

Magistrate Court Proceeding.

At the March 27, 2024 hearing, Plaintiff and Defendant appeared pro se. Plaintiff submitted a packet of printed documents, a flashdrive containing video and audio evidence, and several physical vinyl planks. All Plaintiff's exhibits, excluding the physical materials, were admitted into evidence (**E5, T1**). Defendant submitted a single page exhibit with installation contract, which was admitted into evidence. In her opening statement, Plaintiff claimed material breach and proffered multiple exhibits to establish every aspect of her claim (**E11**). In his response, Defendant alleged installation was done properly and accused Plaintiff of intentionally damaging the flooring (**E13**).

Upon Plaintiff's request, the Magistrate reviewed several of Plaintiff's videos and all documentary exhibits, as proffered in her opening statement. The Magistrate authenticated the reviewed videos with Defendant who agreed they were accurate, and documentary exhibits with Plaintiff who supplied the information proving they were accurate. The Magistrate nodded his agreement to every exhibit he reviewed, and admitted every exhibit. Neither the Magistrate nor Defendant raised any objections to any of Plaintiff's exhibits.

The videos reviewed in court demonstrated full installation failure, which was confirmed by the documentary exhibits reviewed by the Magistrate. Plaintiff requested that

the audio recording of Defendant's inspection be heard in court, but the Magistrate reported everything understood, and concluded the hearing.

Plaintiff believed her claim was established beyond doubt. Neither Defendant nor the Magistrate raised any objections, and the Magistrate nodded his agreement with all of Plaintiff's exhibits (**E11**). However, the mailed judgment contradicted this agreement, and reduced Plaintiff's recovery by half—effectively rewarding Defendant for the failed installation—without providing any rationale or summary of fact finding (**E1**). Contrary to all admitted evidence and unsupported by any evidence, this judgment rewarded Defendant for damaging Plaintiff's condo, effectively ratifying a known scheme of fraudulent extortion, and subjecting Plaintiff to further damage.

Circuit Court Appeal.

In April, 2024, Plaintiff timely appealed to the circuit court (**E24**). Unfamiliar with court procedures, Plaintiff discovered the filed magistrate's return only in July, after stumbling upon the public index filing system. The return was defective: key paper exhibits and flashdrive were omitted entirely, while other key exhibits were missing selective pages. The magistrate's summary was still missing. Plaintiff contacted the clerk's office and, precisely following instructions from Case Manager Ms. Keeling, on July 22, 2024, filed a corrective package with all of the omitted exhibits, including flashdrive, within a letter *Submitting Exhibits Omitted in Lower Court's Return* (**E5**). Though miscaptioned by the clerk as *Exhibits Not Reviewed in Lower Court*, Appellant corrected the record and reiterated that these exhibits had in fact been reviewed by the magistrate (**E6**).

These original Plaintiff's exhibits, especially flashdrive, were essential to proving Plaintiff's claim. Plaintiff's flashdrive contained video evidence of the full installation failure occurring right after the installation. Both the content and the date stamps of these videos were clear and conclusive proof of Plaintiff's claim. The content of the videos showed the scope of the installation failure, which lifted off throughout, and the absence of adherence between the planks and the subfloor, whereas the date stamps showed that this failure occurred during the first year of the installation. The South Carolina Residential Construction Standards required that "resilient flooring should not loosen during normal warranty period" of one year (**E19**). Therefore, the date stamps qualified the demonstrated

failed flooring as installation failure, not a defect. Since Plaintiff entered these videos into evidence in magistrate court during the normal warranty period, their date stamps didn't need to be forensically extracted. Similarly, since Appellant filed the same flashdrive in the circuit court in July 2024—still within eight months of the November 2023 installation—their date stamps could also be inherently dated within the first year of the installation, and didn't need to be forensically extracted. This precluded any attempt to re-qualify this installation failure into a “defect”.

Plaintiff's flashdrive also contained the full audio recording of Defendant's inspection, his critical admissions, intention to apply superficial spot fixes when given a second chance, and much more substantive evidence.

At the August 21, 2024 circuit court hearing, the Honorable Judge Dale Van Slambrook presided, with Ms. Keeling acting as the clerk of court. Appellant appeared pro se, but Respondent failed to appear (**T1**). Appellant objected to the continued absence of the magistrate's summary, the spoiled return, the local obstruction of justice, and the prospect of remand to the same magistrate court (**T1**). The Honorable Dale Van Slambrook noted the absent Respondent, acknowledged the omitted exhibits and Appellant's filed correction, and confirmed that Appellant's exhibits were original Plaintiff's exhibits, admitted, reviewed and authenticated by the magistrate. The Honorable Dale Van Slambrook also explicitly confirmed that the filing entry for magistrate's return contained exactly two documents, none of which included the magistrate's summary (**E2**). The Honorable Dale Van Slambrook couldn't find that summary anywhere and took the case under advisement.

The following day, a new, third document appeared backfiled into the old May 29 docket filing entry for magistrate's return (**E4**). The previously missing magistrate's summary occupied the first two pages of this new return document (**E10**). The discovery of this new document had not been disclosed to Appellant and raised questions of docket manipulation. Yet Appellant believed she will be given notice and an opportunity to respond. The circuit court, however, never notified Appellant and never gave Appellant an opportunity to be heard, but issued orders affirming the magistrate's judgment (**E9**).

Appellant timely moved for reconsideration, objecting to the back filing of the new

return document, denial of a meaningful hearing, hearing log tampering, and deliberate spoliation in the magistrate's return (**M2**). The motion was miscaptioned as domestic violence motion and queued it into the wrong judge's roster (**E14**). Appellant corrected the caption (**E15, E16**) but was forced to appeal further.

Court of Appeals appeal.

On October 11, 2024, Appellant filed a notice of appeal with this Court. Because Appellant's paper exhibits were rendered completely illegible at the circuit court, and because Appellant's flashdrive had to be reviewed by this Court, on November 11, 2024, Appellant filed a motion to transfer her original exhibits to this Court, followed by a motion for abeyance (**M1**). On January 14, 2025, both were denied on the ground that Appellant's exhibits had not been numbered below—the first time Appellant heard of this requirement (**A1**). Appellant requested clarification, explaining again that she had followed the clerk's instructions precisely, that her flashdrive contains critical evidence, and that excluding her critical evidence effectively denied appellate review (**A2**). The Clerk permitted submission of Appellant's own exhibits in place of the illegible circuit court scans but categorically refused to consider the flashdrive and warned against petitioning for rehearing, declaring that such petition will be automatically returned (**A15**), (**A3**).

These original Plaintiff's exhibits, especially flashdrive, were essential to proving Plaintiff's claim. Plaintiff's flashdrive contained video evidence of the full installation failure occurring right after the installation. Both the content and the date stamps of these videos were clear and conclusive proof of Plaintiff's claim. The content of the videos showed the scope of the installation failure, which lifted off throughout, and the absence of adherence between the planks and the subfloor, whereas the date stamps showed that this failure occurred during the first year of the installation. The South Carolina Residential Construction Standards required that "resilient flooring should not loosen during normal warranty period" of one year (**E19**). Therefore, the date stamps qualified the demonstrated failed flooring as installation failure, not a defect. Since Plaintiff entered these videos into evidence in magistrate court during the normal warranty period, their date stamps didn't need to be forensically extracted. Similarly, since Appellant filed the same flashdrive in the circuit court in July 2024—still within eight months of the November 2023 installation—

their date stamps could also be inherently dated within the first year of the installation, and didn't need to be forensically extracted. This precluded any attempt to re-qualify this installation failure into a "defect".

Appellant's flashdrive (**E12**), filed with the circuit court in July 2024, contains video evidence of the full installation failure occurring right after the installation, and is therefore clear and conclusive proof of Appellant's case. The videos show the massive scope of this installation failure, which lifted off throughout the installed areas, and the absence of adherence between the planks and the subfloor. The fact that Appellant filed this flashdrive with the circuit court in July 2024, still within the normal warranty period of one year, allows these videos to establish the failed flooring as installation failure, not a "defect".

Appellant's flashdrive also contains the full audio recording of Defendant's inspection, his critical admissions, lack of expertise, intention to apply superficial spot fixes when given a second chance, as well as other critical evidence.

This emphasis on Appellant's flashdrive is deliberate: that flashdrive goes to the very core of this case. None of its critical essential evidence was reviewed in the circuit court. And now this Court barred it from the record entirely. This refusal to review Appellant's flashdrive denied Appellant's constitutional rights, effectively decided Appellant's case, and prejudiced it to fail. If this Court reviewed Appellant's flashdrive, Appellant's case would be established directly and completely. Refusal to review Appellant's flashdrive also imposed an unnecessary financial burden on Appellant, who will now have to procure costly forensic extraction to authenticate the date stamps on the evidence already preserved in custody of the circuit court.

STANDARD OF REVIEW

Appellant's case is a suit in equity to set aside the magistrate's judgment and the circuit court orders for their extrinsic fraud upon the court. Appellant is seeking to overturn that judgment and orders because the judicial process was fraudulently subverted by the magistrate and the circuit court clerks which denied Appellant due process and access to courts—and prejudiced Appellant to continued persecution.

Questions of law and constitutional violations are reviewed de novo pursuant to

Article V, § 5, of the South Carolina Constitution¹ which authorizes the de novo review “in cases of equity...except in cases where the facts are settled by a jury”. Appellant’s case has never been tried by a jury. See also *State v. Dykes*, 403 S.C. 499, 744 S.E.2d 505 (2013)². Likewise, where fraud or misconduct by court officers is alleged, courts apply a heightened standard of scrutiny to ensure fairness and procedural integrity.

Because Appellant seeks equitable relief from fraudulently obtained judgment and orders, and because the lower courts denied Appellant due process and access to courts, de novo review is warranted.

ISSUES ON APPEAL

- I. WAS THE MAGISTRATE COURT’S JUDGMENT OBTAINED THROUGH JUDICIAL FRAUD AND PROCEDURAL MISCONDUCT?
- II. WERE THE CIRCUIT COURT ORDERS OBTAINED THROUGH JUDICIAL FRAUD AND CLERICAL OBSTRUCTION?
- III. DID THIS JUDICIAL FRAUD AND OBSTRUCTION CAUSE STRUCTURAL JUDICIAL COLLAPSE WHICH DENIED APPELLANT IMPARTIAL REVIEW AND VIOLATE APPELLANT’S CONSTITUTIONAL RIGHTS?

ARGUMENT

Appellant’s original exhibits, especially Appellant’s flashdrive, are essential as they prove Appellant’s case directly (M1). This Court refused to transfer them for review despite their critical evidential content (A1, A2, A3). Earlier, the magistrate court denied Appellant the transcript and the circuit court failed to act on this denial according to case law. (E8). This forces Appellant to establish her case though consistent, multi-layered corroborative circumstantial evidence, statutory presumptions, and the logic of procedural expectations.

¹ “The Court shall have appellate jurisdiction only in *cases of equity, and in such appeals, they shall review the findings of fact as well as the law*, except in cases where the facts are settled by a jury and the verdict not set aside”. S.C. Const. art. V, § 5

² *State v. Dykes*, 403 S.C. 499, 744 S.E.2d 505, 507 (2013) (“An appellate court reviews questions of law de novo.”)

I. WAS THE MAGISTRATE COURT'S JUDGMENT OBTAINED THROUGH JUDICIAL FRAUD AND PROCEDURAL MISCONDUCT?

- A. Did the magistrate court commit fraud by spoiling Plaintiff's exhibits in the magistrate's return on appeal?

Plaintiff's exhibits were reviewed and admitted into evidence by the magistrate.

At the magistrate court hearing, Plaintiff submitted a packet of printed documents and a flashdrive, and read in her opening statement referencing ten folders on the flashdrive and several documents, with specificity and describing their relevance (E11). These references are deliberate because they establish every aspect of Plaintiff's claim, which is, that Defendant materially breached his glue down flooring installation contract (E23). Plaintiff's statement refers the court to each exhibit using the words 'your flash drive' and 'your printed package', because by the time she was to read her statement, her flashdrive and paper exhibits will have already been entered into the magistrate's possession (E11). Plaintiff's opening statement, returned by the magistrate, is indisputable (E11). Can a reasonable jury believe that Plaintiff read in her opening statement, but failed to enter her flashdrive and paper exhibits, described in it? No, this scenario is not possible. No litigant would organize files on a flashdrive and print documents, reference them in a detailed, methodical, outcome-determinative way only to forget to bring them. It is therefore equally indisputable that Plaintiff entered her flashdrive and paper exhibits into the court. Plaintiff's opening statement calls on the magistrate to review each of her exhibits, paper and digital, "Nearly all of the planks [Defendant] laid on the concrete slab in [Plaintiff's] condo, have lifted off within the first ten days after the installation. Please see Folder #2 for my date-stamped pictures and videos", again, and again, and again.

In his response, Defendant entered a single-page exhibit with the glue down installation contract, and claimed his installation was properly done and that, when he inspected it, he thought Plaintiff damaged it intentionally (E13). Since Plaintiff's flashdrive contains videos showing "nearly all" of the planks "lifting off within the first ten days after the installation", can a reasonable jury believe that Plaintiff failed to request the magistrate review these videos in court after Defendant's allegations? Absolutely not. And since Plaintiff's exhibits, paper and digital, include the published installation instructions, state construction standards, and

independent inspection report, which describe the same installation failure if protocols are not followed, can a reasonable jury believe that Plaintiff didn't request the magistrate review these documents? Absolutely not. It is therefore indisputable that the magistrate had to review Plaintiff's entered exhibits, paper and flashdrive.

As Plaintiff maintained throughout all the ensued legal process (E5, E6, M2, T1, M1, A2, A4), the magistrate reviewed several of the videos on her flashdrive, = which he authenticated with Defendant who agreed they were accurate; and every paper exhibit, - which he authenticated with Plaintiff. No issue arose with the authenticity of Plaintiff's exhibits and no objections were raised. If the magistrate found any of Plaintiff's exhibits deficient, he would have instructed Plaintiff to correct that deficiency or forgo the exhibit. If the magistrate refused to admit any exhibit into evidence, Plaintiff wouldn't have found herself appealing the magistrate's judgment while still believing the magistrate agreed with her claim, "this was a case of complete material breach of contract, and the Magistrate Court recognized it as such" (E24). If any of her exhibits weren't authenticated and admitted, Plaintiff would know why the magistrate's judgment partitioned the responsibility for the failed installation. Instead, even at her circuit court hearing, Plaintiff had no idea what caused that partitioning, still believing the magistrate agreed with her claim (T1, 7:16-6:17). The magistrate's summary of fact finding was being concealed from Plaintiff (Appellant) and she objected to its absence at the hearing, and later in her motion for reconsideration (T1, M2). After her hearing, Plaintiff discovered this summary backfiled into the old docket entry for magistrate's return, and began to slowly understand what really happened.

But at the magistrate court proceeding, all of Plaintiff's exhibits were admitted. Months later, Plaintiff understood that one of her exhibits shouldn't have actually been admitted, - the independent inspection report performed by a certified, manufacturer-recommended, supposedly independent inspector, who failed to inform Plaintiff his appearance in court was mandatory for his report to be admitted. Plaintiff didn't know. Plaintiff sincerely brought this inspection report to court as one of her key exhibits, not knowing she had been set up and it will be dismissed as hearsay because the inspector didn't appear to testify to its credibility. Significantly, however, the magistrate didn't instruct Plaintiff of this deficiency and didn't object

to it, but reviewed the report, nodded his agreement, and admitted it, - or pretended to admit it. That inspection report was actually returned by the magistrate in the second, 55-page return document, which proves that the magistrate admitted it, or pretended to admit it. The magistrate allowed that inspection report to remain in the record because he knew it can't be used to argue against his judgment, - it hadn't been supported by testimony at trial. Everything else that can be used to argue against his judgment, the magistrate removed from the record. But this report, it was nice and long, the magistrate will let it remain. The clerks will scan its photographs so dark, no one will be able to see anything. The clerks know how to scan exhibits to make them illegible. Ergo, the certified inspection report was returned and filed, while the magistrate, indeed, dismissed it in his summary as "another flooring company's" opinion (E10). Why did that report end up in the magistrate's return if it couldn't be admitted, the magistrate couldn't say. Plaintiff couldn't comprehend anything yet, and still relied on it as late as the circuit court hearing, believing that inspection report had been perfectly admitted at trial (T1, 6:2-14).

It is clear, therefore, that Plaintiff's exhibits, described in her opening statement, were reviewed and admitted into evidence by the magistrate.

The magistrate court spoiled Plaintiff's return record to support the magistrate's findings of fact.

Appellant discovered the filed magistrate's return was defective, excluding all of her key exhibits, and requested instruction on the proper method to file her copies of original Plaintiff's exhibits. The clerk referred Appellant to case manager, Ms. Irene Keeling, who instructed Appellant to submit original Plaintiff's exhibits enclosed within a letter to the clerk all together, the documents and the flashdrive, unnumbered (E5, E6). Appellant filed her copies of original Plaintiff's exhibits on July 22, 2024 (E12). Even though her exhibits were, again, scanned illegible, they still offer evidence that the spoliation of the return was intentional and deliberate (M1).

The magistrate used the mechanism of Hearsay to dismiss all Plaintiff's evidence which contradicted his judgment. To this end, the magistrate modified his return such as to make remaining Plaintiff's exhibits fall into the category of hearsay (M2). Most of Plaintiff's exhibits

had to be removed from return completely, but some were modified more selectively, like, the South Carolina Residential Construction Standards (“state standards”) exhibit. A comparison between the State Standards exhibit returned by the magistrate (E17) and the State Standards exhibit filed by Appellant (E18), demonstrates the intent and purpose of the return spoilation.

In Plaintiff’s opening statement, Plaintiff proffers the South Carolina Residential Constructions Standards, which is a state regulatory document of 99 pages long, and the chapter on Resilient Flooring Standards excerpted from this document, “[Plaintiff] consulted the South Carolina Residential Construction Standards for Resilient Flooring, please see Folder #5 for SC. Residential Construction Standards, which are also included in your printed package” (E11, p.1). Plaintiff proffered this document in full on Plaintiff’s flashdrive, as well as in print in excerpted form. Plaintiff’s (Appellant’s) State Standards exhibit consists of 7 pages, with the first two pages occupied by the official title page and the table of contents of the entire complete regulatory document, and the remaining five pages occupied by the fully excerpted chapter on Resilient Flooring Standards, which starts at the beginning of the chapter, on page 36, with the words **RESILIENT FLOORING STANDARDS** printed in large bold capital letters on the top, and ends at the end of the chapter, on page 40, thus fully meeting the requirements for proper excerption (E18). Appellant happened to be familiar with these particular requirements because Appellant had, for decades, had to make properly excerpted presentations.

Whereas the state standards exhibit returned by the magistrate consists only of 3 pages (E17). Could this be an inadvertent error, an honest mistake? It is easily conceivable to imagine an overworked clerk reaching into a crammed file cabinet and pulling out only part of the needed documents, inadvertently.

The State Standards exhibit returned by the magistrate (E17) shows the same first two pages as the State Standards exhibit filed by Appellant (E18), but its last, third, page is not the same as the third page of Appellant’s exhibit. The third page of Appellant’s exhibit (E18) is page 36 where the chapter on Resilient Flooring Standards begins, with the words **RESILIENT FLOORING STANDARDS** printed in large bold capital letters on the top of this page. Whereas the third, and last, page of the magistrate’s exhibit (E17) is page 37, which comes from the middle of the chapter and therefore doesn’t bear the chapter’s title, - which makes it inadmissible into

evidence as hearsay.

But Plaintiff's exhibit admitted by the magistrate, consisted of 7 pages, with the chapter on Resilient Flooring Standards fully excerpted from its beginning on page 36, to its end on page 40. The third page of Plaintiff's State Standards exhibit is page 36, which bears the chapter title in large bold capital letters on the top of the page. The last, seventh, page of Plaintiff's state standards exhibit is page 40, which clearly ends the chapter. Plaintiff's exhibit, thus, is fully admissible into evidence for it offers an official state document with a properly excerpted chapter (E18).

This means Plaintiff's exhibit was deliberately spoiled by the magistrate court in order to make it into inadmissible hearsay (E17). The above comparison shows that someone had to reach into a crammed filing cabinet, pull out the complete set of Plaintiff's exhibits, thumb through them page by page, and remove the pages 36, 38, 39, and 40 from Plaintiff's exhibit, leaving only the pages 1, 2, and 37, - because in this composition this exhibit becomes hearsay and cannot be admitted into evidence.

This spoilation could not be caused by an inadvertence. If Plaintiff's evidence was spoiled by an inadvertence, the original Plaintiff's exhibit could only have been truncated, not thumbed through and excised selectively. But the State Standards exhibit returned by the magistrate was thumbed through and excised selectively. Someone had to thumb through its original seven pages and remove the third, the fifth, the sixth, and the seventh page, leaving only the first, the second, and the fourth. That is crafty work requiring fine motor skills and a definite intention. Simple inadvertent truncation couldn't have created this object of art. The intended purpose of this spoilation is to make a valid exhibit into invalid, so that the spoiled return supports the magistrate's summary which is based on the fabricated finding that "the evidence the plaintiff entered into evidence was largely hearsay and could not be considered by the court" (E10). When in reality Plaintiff's state standards exhibit was not hearsay and was fully admissible. Later, the circuit court order, in turn, simply claimed that "the Appellant did not introduce any evidence that the magistrate's judgment was based on an error", when in reality Appellant's exhibits which exposed the spoilation of the magistrate's return were not considered (E9).

The same or simpler spoliation was done to the rest of Plaintiff's exhibits. For example, all of the official manufacturer installation instructions in Plaintiff's paper exhibits were removed, and only Plaintiff's own summation document, which she included for the magistrate's convenience, was left remaining in the magistrate's return, - because the official installation instructions directly contradict the magistrate's judgment and expose the fraud in the magistrate's summary. Here is how Plaintiff proffered these official installation instructions in Plaintiff's opening statement, "[Plaintiff] also downloaded Shaw installation instructions, please see Folder #6 for Shaw installation instructions, adhesive specifications, and material specifications, which are combined in a single document All Instructions and included in your printed package. Both the SC Residential Construction Standards and the manufacturer's instructions confirmed that this [failed installation] is not a defect but a complete material breach of contract" (E11, p.1). Here, Plaintiff proffers four official published documents with the manufacturer installation guidelines, specifications, and instructions for direct glue down installation method, and a self-made document named All Instructions which combined all relevant instructions in a single document, for convenience. All of Plaintiff's installation instruction documents were included in Folder 6 on Plaintiff's flashdrive and in Plaintiff's printed exhibits, admitted by the magistrate. Appellant filed all of Plaintiff's installation instruction exhibits with the circuit court after Appellant discovered the spoliation of the magistrate's return (A5), (A6), but has to forego including all of them here because Appellant's (Plaintiff's) installation instructions exhibits consisted of 19 pages, with the first sixteen pages occupied by the official published manufacturer's documents, admissible into evidence, and with the last three pages occupied by Plaintiff's own summation document All Instructions, made not for evidence but for convenience, as Plaintiff explicitly described in her statement.

Whereas the magistrate's return contains only the 3 pages of the All-Instructions summation document. It contains no exhibits with the official published manufacturer's installation instructions, guidelines, and specifications, which would necessarily be admitted into evidence by an impartial judiciary.

To add insult to injury, the magistrate failed to return even the document Plaintiff explicitly names in her opening statement, "[Plaintiff] enclose here the Shaw Floors "Installation

Guidelines for Residential Resilient Direct Glue" installation method to show what is defined as LVP glue-down installation" (E11, p.3). Appellant's exhibits, on the other hand, do contain an official manufacturer's document titled 'Installation Guidelines for Residential Resilient Direct Glue' (E21). Appellant happened to include the first page of this document into Appellant's motion for the release and transfer of the original exhibits (M1, p.29), where both spoliations may be seen at once, the removal of this document by the magistrate, and the crafty scanning of this document by the circuit court clerk (M1, p.30).

By removing all of the official installation instructions from Plaintiff's exhibits, the spoiled magistrate's return is made to corroborate the magistrate's summary which claims that "the evidence the plaintiff entered into evidence was largely hearsay and could not be considered by the court" (E10). This spoliation follows the same logic as the spoliation of the State Standards exhibit, and achieves the same result – fully admissible Plaintiff's exhibit is rendered inadmissible hearsay, and therefore, can't be used to argue against the magistrate's judgment.

It is possible that a single Plaintiff's exhibit was inadvertently truncated to achieve this result. But the probability that all Plaintiff's exhibits were inadvertently spoiled to achieve this same result, is zero. Instead, the above spoliations, together, demonstrate an organized and coordinated effort which is following the same logic and therefore can't be dismissed as a series of random inadvertencies. This coordinated effort is employed to alter Plaintiff's record such that it cannot be used to argue against the magistrate's judgment. And this effort achieved its intended purpose, - Appellant's exhibits were dismissed by the circuit court law clerk (E9).

- A. Did the magistrate court commit fraud by misrepresenting Plaintiff's exhibits as hearsay, when they had been admitted and authenticated at trial?

Magistrate's judgement is fraudulent.

In order to protect affiliated Respondent, the magistrate produced a judgment which partitioned the responsibility for the failed installation between Respondent and Appellant, even though Respondent entered no evidence to support this partitioning, while Appellant entered overwhelming and conclusive evidence in opposition of this partitioning, proving her claim of material breach by Respondent. In order to produce this judgment, the magistrate

fabricated his findings of fact, ensured non-attendance by the flooring inspector, spoiled Plaintiff's exhibits in his return, and coordinated clerical obstruction on several levels.

The magistrate's summary substitutes the nature of the flooring contract, referring to it as the contract to install "shaw prime plank" – when the contract exhibit, returned by the magistrate, stipulates this installation as "LVT glue down installation" (E10, E23). In the glue down installation, the vinyl planks are permanently glued down to the subfloor. The magistrate's summary hid this fact in order to support the magistrate's judgment and the allegation that Plaintiff "pulled multiple planks up with her bare hands" (E10, E13). Plaintiff described "nearly all planks" coming off and lifting off the subfloor within days (E11), and even the defective magistrate's return contains inspection report photographs that, though massacred in scanning, still show swaths of flooring lifting off and having no adhesion to the subfloor (M1, 11-28). These photographs don't concur with a properly done glue down flooring installation, as is claimed by Respondent and alluded to by the magistrate. The videos on Plaintiff's flashdrive don't support that idea at all. Better lose the flashdrive and call this installation simply "shaw prime plank".

The summary claims that "Plaintiff pulled multiple planks up ... causing more damage than was necessary", but there is absolutely no evidence to support that idea. However, with Plaintiff's flashdrive lost and Plaintiff's exhibits spoiled, there isn't much evidence to contradict it, either. Only Plaintiff's statement, which describes the massive installation failure in detail and refers to the specific exhibits to prove it, contradicts that claim, and the subsequent Appellant's objections to the spoliation in the magistrate's return, corroborate Plaintiff's statement (M2, M1).

The summary claims that "Plaintiff did not give Defendant an opportunity to perform under the full contract by denying him access, and not allowing him to complete repair work covered by the warranty", - when Defendant performed under the full contract (E23) and completely breached it. When Defendant had full access to inspect his installation, inspected it, and agreed to return Plaintiff's money (E11). And when Defendant's warranty does not have any coverage for vinyl plank flooring installations (E22).

II. WERE THE CIRCUIT COURT ORDERS OBTAINED THROUGH JUDICIAL FRAUD AND CLERICAL OBSTRUCTION?

A. Did the law clerk misrepresent Appellant's case and supply the court with fraudulent law analysis?

Appellant disputed the magistrate's judgment which split the responsibility for the failed flooring installation approximately 50/50 percent between Appellant and Respondent. Respondent entered no evidence to support this partitioning. Appellant claimed complete material breach by Respondent and entered evidence to support her claim. The magistrate admitted her documentary exhibits and flashdrive, and reviewed each document and several videos. Yet the magistrate's return contained none of that evidence, omitting key Plaintiff's exhibits entirely, and retaining only illegible scraps. Appellant objected to this spoliation, and the clerk instructed her to file a corrective package containing original Plaintiff's exhibits. Following the clerk's instruction, Appellant filed omitted Plaintiff's exhibits in a letter to the clerk, proposing to include them in the record on appeal as "exhibits omitted in the magistrate's return" (E5), and then reiterating that these exhibits were reviewed and admitted by the magistrate at trial and "constitute the original record" (E6). Appellant reiterated the same to the presiding judge at the circuit court hearing, "THE COURT: Where all of those documents submitted to the magistrate? – APPELLANT: Yes. Not only were they submitted, the flashdrive was also submitted. . .and several videos were reviewed in the courtroom" (T1, 5:21-8:16), and the Honorable Presiding Judge intended to review Appellant's exhibits, "I see the motion that you'd filed" (T1,4:12).

Yet the circuit court order, affirming the magistrate judgment, proved Appellant's exhibits had not been reviewed (E9). Neither Appellant's documentary exhibits, nor video or audio exhibits on Appellant's flashdrive had been reviewed, while every statement in the circuit court order contradicted this evidence. The circuit court order referred to the flooring contract as the contract to "install new. . .prime plank" – when the contract, returned by the magistrate, states that this is specifically "glue down installation" (E9, E23). The magistrate's summary also hid the fact that this contract was glue down flooring installation. In the glue down installation, the vinyl planks are permanently glued down to the subfloor. The magistrate's summary hid this fact in order to support the magistrate's judgment. Yet Appellant keeps describing nearly all

planks coming off and lifting off the subfloor within days (E11, T1), and even the defective magistrate's return contains inspection report photographs that, though massacred in scanning, still show swaths of flooring lifting off and having no adhesion to the subfloor (M1, 11-28). After describing this massive installation failure to the presiding judge at the hearing (T1,8:8-12), the Honorable Dale Van Slambrook intended to review the filed exhibits, "I need the opportunity to review all of those documents that are in that return, and find the summary portion of it as well, to see if there is a sufficient legal explanation" (T1, 10:10-13). Even if the presiding judge reviewed only the magistrate's return, even the spoiled inspection report photographs couldn't fail to raise his suspicion if he knew that this flooring was supposed to have been permanently glued down to the subfloor. Better hide the fact that it was glue down flooring. And dismiss all Appellant's exhibits as they show that this flooring happened to come unglued across nearly all of the installed areas.

The circuit court order even dismissed the evidence still remaining in the spoiled magistrate's return. The magistrate returned Plaintiff's opening statement, in which Plaintiff claims complete material breach by Defendant, and refers to the specific documentary and video exhibits on her flashdrive and in printed exhibits to establish her claim. Plaintiff refers to the inspector she retained to inspect the failed installation as an "independent flooring inspector, recommended by the manufacturer and certified by FCITS" (E11, 2). The second 55-page return document contains this inspector's certification and full report including photographs. The inspection report bears the title of "Tony Jone's Flooring Inspections" – yet the circuit court order represents this inspector as "another flooring company" and represents his report as "opinion". The magistrate's summary, incidentally, alleges the same, "another flooring company" who simply stated their opinion. Yet Plaintiff's statement consistently describes this inspector as "[manufacturer]-recommended FCITS-certified independent inspector" who conducted a professional inspection which found that "all the problems at this jobsite indicate a failure to comply to the installation guidelines as required by the manufacturer. All the problems inspected are jobsite and installation related issues. The installers did not follow the required protocol and guidelines set forth by the manufacturers". The magistrate did return this report, together with its photographs, even though spoiled in

scanning. Still the circuit court order dismissed this report, and these photographs, and Plaintiff's opening statement, and Appellant's filed exhibits, including original Plaintiff's flashdrive.

The magistrate set Plaintiff up by coordinating with the flooring inspector to ensure his absence in court. Plaintiff had no idea about courts or rules of evidence, and therefore didn't know her inspection exhibit is not admissible if it is not supported by the inspector's testimony. That inspection report was only Plaintiff's exhibit which should not have been admitted by the magistrate. The magistrate should have instructed Plaintiff of that deficiency and allowed her to correct it. Instead, the magistrate admitted the inspection report, - or pretended to admit it, - so as to prevent Plaintiff from taking corrective action. His intention was to partition the responsibility for the intentionally botched installation to protect Defendant and teach Plaintiff the rules. When Plaintiff appealed to the circuit court, the magistrate coordinated with the circuit court clerks, removed key exhibits from his return on appeal, but allowed the inspection report to remain because he knew it had not been supported by testimony and therefore can't be used against his judgment.

But the law clerk had no way of knowing this.

Nowhere in the magistrate's summary, or other returned documents, or any filed exhibits is there information about the flooring inspector failing to appear in court. Yet the law clerk dismissed that inspection report as "another flooring company", even though it bears the heading of "Tony Jone's Flooring Inspections". An impartial, unbiased judiciary could not have dismissed an inspection report that says it is an inspection report, looks like an inspection report, contains all the function, information, and format of an inspection report, is corroborated by Plaintiff's statement and flashdrive, and is returned by the magistrate, meaning it was admitted into evidence at trial. Yet the law clerk dismissed that inspection report as "another flooring company's opinion".

This is possible only if the law clerk is coordinated with the magistrate, and the magistrate told him the flooring inspector didn't testify at trial.

The circuit court order proves that its author, the law clerk, did review the magistrate's return, because it uses the phrase "Respondent's work...did not meet industry standards" to

describe inspector's "opinion", while the magistrate's summary uses the phrase "Defendant installed the flooring incorrectly" to describe the same. Both the circuit court order and the magistrate's summary dismiss the inspection report as "another flooring company's" opinion, and the magistrate's summary contains no other mention of it. Only the inspection report itself and Plaintiff's statement contain the phrasing "installers did not follow the required protocol and guidelines set forth by the manufacturers", which is semantically the same as "Respondent's work...did not meet industry standards". This shows that the law clerk had reviewed the magistrate's return, seen the flooring inspector's credentials, the photographs and the findings, the contract for the "LVT glue down installation", and Plaintiff's statement with references to specific exhibits on her flashdrive demonstrating Defendant's fraudulent conduct and misrepresentations, - and deliberately misrepresented this evidence in his law analysis. In his law analysis, which he used to craft the affirmative order, the law clerk hid the true nature of the contract and misrepresented that Appellant "did not introduce any evidence" in support of her claim. The law clerk fabricated a notion that "any attempt by Respondent to cure those defects was refused. Appellant would not let the [Respondent's] company have access to her home" (E9), when even the magistrate's summary and Defendant agree that Defendant inspected his installation (E10, E13). Plaintiff describes this inspection as well, "[Defendant] admitted that they did not roll the installation, which is one of the most crucial manufacturer requirements, and finally agreed to return my money. Please see Folder #4 for the audio recording of [Defendant]'s inspection and admissions" (E11, 1), and again, "[Defendant] said that the peeling and lifting was the adhesive's fault, or that it was due to the old carpet glue which was on the subfloor, that this is normal and an easy fix, and that they can patch up the peeling spots, and they may need to bring a roller this time, which they didn't have before, but it looks like it would help, and if [Plaintiff] insist they would even bring a straightedge, but that [Plaintiff] shouldn't look for more peeling planks or collect them. [Plaintiff] disagreed on all counts, pointing out that. . .nearly every plank is peeling fully off. Then [Defendant] admitted he is not the owner of Carpet King & Flooring" (E11, 3). Plaintiff kept referring to the conclusive evidence on her flashdrive, admitted by the magistrate, "In Folder 4 on your flash drive [Plaintiff] enclose a complete audio recording of [Defendant's] inspection, with short

characteristic segments copied for convenience.” (E11, 3). The law clerk was now in possession of this flashdrive, but chose to dismiss it, in the same way he dismissed all other Appellant’s exhibits, and even the evidence of the fraud in the magistrate’s return and summary. The law clerk’s intention was not to review and analyze the filed evidence but to force the circuit court to sign the order, affirming the judgment, which the law clerk fabricated along with his fraudulent law analysis, and supplied to the circuit court.

Given Plaintiff’s opening statement (E11), Appellant’s filed exhibits (E12, M1) and all the objections raised (T1, M2), the very content of this order shows that the law clerk was acting in collusion with the magistrate in order to force the court to affirm the magistrate’s judgment. For this purpose, the law clerk misrepresented key evidence and fabricated the fraudulent analysis, asserting that “Appellant did not introduce any evidence” of error, of law or fact in the magistrate’s judgment. Supplied with the fraudulent analysis by the law clerk and obstructed by the clerks, the Presiding Judge was forced to sign the order affirming the magistrate’s judgment.

This judicial fraud deprived Appellant of a fair trial and appellate review, and indeed ensured that Appellant’s case failed, despite all the filed evidence.

B. Did the clerks bar Appellant’s exhibits from review, gave fraudulent instructions, and miscaption filings?

When Appellant discovered the filed magistrate’s return, it was defective: key Plaintiff’s exhibits, admitted and reviewed at trial, were omitted. Appellant requested instruction on the proper method to correct these omissions. The clerk of the circuit court directed Appellant to Case Manager Ms. Keeling who instructed Appellant to submit original Plaintiff’s exhibits, admitted at trial but omitted in the return, enclosed within a letter to the clerk all together, the packet of documents and the flashdrive, unnumbered (E5, E6). Ms. Keeling intended to exclude those exhibits from review, and therefore didn’t think it necessary to instruct Appellant to number them. Appellant’s exhibits, indeed, were not reviewed by the circuit court, and were consequently barred from review by the Clerk of this Court, - on the pretext that they were filed below unnumbered (A1), (A2), (A3). Thus, a single fraudulent instruction of a circuit court clerk resulted in the complete denial of impartial forum and appellate review.

Appellant's filings were miscaptioned twice, both times in the direction prejudicial to Appellant's case. First, the clerk miscaptioned Appellant's exhibits, filed as "Exhibits Omitted in Lower Court's Return", to be captioned instead as "Exhibits Not Reviewed in Lower Court", intending to exclude them from review through this caption (E5). When Appellant objected, Ms. Keeling told Appellant it was alright and not to worry. Out of the abundance of caution, Appellant did file a request for data entry error correction, and the captioning was corrected back (E6). The Presiding Judge saw Appellant's filing and confirmed, at the hearing, that the filed exhibits were admitted and reviewed at trial (T1). But the law clerk excluded Appellant's exhibits from review anyway, claiming that "Appellant did not introduce any evidence" and relying on the complete illegibility of the filed scans (E9). Clear, colored documentary exhibits Appellant filed to correct the omissions in the magistrate's return were rendered completely illegible in scanning (M1). This effort had to be deliberate because it involves running the submitted documents through a specifically adjusted copier first, and then scanning the illegible copies instead of the originals. By filing illegible scans in place of Appellant's legible exhibits, the clerks ensured that the Presiding Judge wouldn't find them informative as he scrolled through them at the hearing. This, in turn, ensured that the subsequent law clerk's assertion "Appellant did not introduce any evidence" raised no suspicion (A9). Appellant demonstrated this spoliation in Appellant's motion for the transfer of the original exhibits (M1).

Later, the clerks recaptioned Appellants motion for reconsideration, initially filed with the caption "Motion/Reconsider", into "Motion/Reconsider (DV)", and misrepresented that this designation stands for the Honorable Dale Van Slambrook. Appellant's motion was then queued into the wrong judge's roster, and Appellant was forced to appeal higher.

C. Did the clerks covertly backfile the magistrate's summary after Appellant's hearing?

The magistrate used the mechanism of Hearsay Fraud to dismiss all Plaintiff's evidence which contradicted his judgment. To this end, the magistrate crafted his summary of fact finding to assert that all Plaintiff's evidence "was largely hearsay" (E10), and modified his return on appeal such as to make remaining Plaintiff's exhibits fall into the category of hearsay (M2). Then the coordinated clerks' fraudulent instructions and tampering with the filed evidence (E2, E4),

the law clerk's fraudulent law analysis (E9), and even the forgery of the hearing log, completed this fraud (M2). Appellant's case lost.

The magistrate intended to keep his summary concealed from Appellant prior to Appellant's hearing, so she can't see the fraudulent fabrications in it and can't report them to the presiding judge at the hearing. To this end, the magistrate did not provide his summary with the judgment, and the coordinated clerks did not file his summary with the rest of the return on May 29, 2024, when the first two return documents were filed into the docket entry "Appeal/Appeal Return Received" (E2). Appellant, indeed, couldn't know the grounds for disputed magistrate's judgment (E24) and attended the hearing to raise objections to the continued absence of the summary and the omissions in the return. At the August 21, 2024, hearing, the Honorable Judge Dale Van Slambrook presided, with Ms. Keeling sworn and acting as clerk of court. The Honorable Dale Van Slambrook, being an excellent judge, actually scrolled, repeatedly, through each of the two documents filed in the entry for magistrate's return, and verbalized everything he saw for the record, confirming there were exactly two documents, none of which included the summary labeled RETURN on the top. Ms. Keeling, on the other hand, advised the judge that the summary was in fact right there, the judge just couldn't see it but Ms. Keeling could see it, and it was signed by the magistrate:

THE COURT: [...] Ms. Keeling maybe you can help me out on this one as well. Is there a return that's filed from the magistrate on this? **I see an 'appeal return received' on the end, and that looks like just the appeal documents. Is there a [summary portion] in this that I'm overlooking?**

THE CLERK: Let me look. The appeal returned received is the return, **if you look there are 30 pages.**

THE COURT: **Is that just the documents or is there an actual summary with an outline of information signed by the magistrate?** I'm not sure if I -- because I scrolled through it, I'm just not -

THE CLERK: **Yes, it's from Judge Arakas.**

THE COURT: Where is that at?

THE CLERK: *The [summary portion] is the first two pages and then the rest is documents.*

THE COURT: All right. *And are you saying that that's under the caption where it says appeal/appeal return received?*

THE CLERK: *Yes, sir.*

THE COURT: *And is it the first or second document identified?*

THE CLERK: *I believe it's the first.*

THE COURT: Okay. Well, I'm trying to get this thing pulled up.

(T1, 4:9-5-11). Appellant didn't see any summary that morning. The case was taken under advisement.

The following day, Appellant discovered that a new, third document appeared backfiled into the old May 29 docket entry for magistrate's return (E4). The previously missing magistrate's summary occupied the first two pages of this new document (E10). The circuit court had not notified Appellant, but issued orders affirming the magistrate's judgment (E9).

The magistrate's summary is covertly backfiled into the old docket entry to convince the Presiding Judge it had always been there. For this purpose, Ms. Keeling advised the Judge at the hearing that the summary was there, he just couldn't see it, and then backfiled it into the old docket entry right after the hearing. Thus, the presiding judge is acting under the impression that Appellant had ample opportunity to know the magistrate's finding of fact, while Appellant has never seen them. Then the law clerk supplies the Judge with the fraudulent analysis which asserts that Appellant failed to raise any specific issues, - and the Judge is forced to agree that the magistrate's summary and judgement contain no errors of law. No one will believe a pro se appellant she had no knowledge of the magistrate's summary, if the summary sits perfectly filed in the months' old entry for magistrate's return. Thus, targeted appellants are excluded from the equal protection of the law by fraudulent magistrates and clerks. Even though Appellant

caught this fraud (E2, E4, M2) and objected to it in her motion for reconsideration, Appellant's motion was stalled by the clerks and Appellant was forced to appeal to this Court (E14, E15, E16).

Exhibits E2 and E4 are verifiably authentic and centrally relevant to Appellant's case, and therefore should be admitted into evidence and made part of the record on appeal as the newly discovered evidence, contemporaneously filed below (M2).

EXHIBITS E2 AND E4: AUTHENTICITY.

Exhibits E2 and E4 are screenprints of the official public index case management website, made by the standard instrument of the CTRL+P shortcut, common to all operating systems. Simultaneously pressing CTRL and P saves the image of the current website onto the user's hard drive, in PDF format. Exhibits E2 and E4 were thus made by Appellant at home using Appellant's computer before and after Appellant's hearing. The public index case management website is the official State government website, and therefore its screenprints are self-authenticating³. Exhibits E2 and E4 show Appellant's case number, Appellant's and Respondent's names, and contain the filings Appellant filed on the same dates, which means these screenprints accurately reflect the contents of the official public index case management website for Appellant's case⁴.

The contents of exhibit E2 show that it was made sometime after July 5 and before any filings in August. These contents are confirmed by the Honorable Presiding Judge at Appellant's hearing (T1, 4:9-5-11). It is therefore indisputable that exhibit E2 is an accurate representation of the public index case management website for Appellant's case on August 21, 2024, the date of Appellant's hearing. Exhibit E4 bares the date stamp, and its internet address stamp matches

³ Under Rule 902(5) (Official Publications), "[a] book, pamphlet, or other publication purporting to be issued by a public authority" is self-authenticating. Rule 101(b)(6) provides that "a reference to any kind of written material or any other medium includes electronically stored information." Hence, data on governmental websites are self-authenticating. See *Williams v. Long*, 585 F. Supp.2d 679, 686-88 & n. 4 (D. Md. 2008) (cases indicating that postings on government websites are inherently authentic or self-authenticating).

⁴ *Foreword Magazine, Inc. v. OverDrive Inc.*, No. 1:10-cv-1144, 2011 WL 5169384, at *4 (W.D. Mich. Oct. 31, 2011) (admitting screenshots from websites, accompanied only by the sworn affidavit of an attorney, given "other indicia of reliability (such as the Internet domain address and the date of printout)"); accord *Lebewohl v. Heart Attack Grill, LLC*, 890 F. Supp. 2d 278 (S.D.N.Y. 2012).

the internet address of the official public index case management website for Appellant's case. It is therefore indisputable that exhibit E4 is an accurate representation of that website on the date stamped on it.

Thus, the contents of both exhibits E2 and E4 are verifiably authentic, and therefore exhibits E2 and E4 should be admitted into evidence under Rule 104⁵(a).

EXHIBITS E2 AND E4: RELEVANCE.

The relevance of exhibits E2 and E4 stems from the fact of the clerks' tampering with the filed evidence. An old, May, docket entry was accessed after Appellant's hearing in August and a new document was backfiled into the entry, without disturbing its date and time stamp. This was done in order to backfile the magistrate's summary, which had been previously concealed from Appellant to prevent her from raising objections at the hearing. Exhibits E2 and E4 are direct proof of this tampering. The fact of this tampering is central to Appellant's case. If the clerk had not concealed the magistrate's summary, Appellant would have seen the fabrications in it, and would have raised the alarm, reported it to the presiding judge and requested a jury trial, the way she did in her motion for reconsideration (M2). In order to protect the magistrate, who defrauded his fact findings to produce a desired judgment, the clerk conspired to conceal the magistrate's summary. Therefore, by this extension, exhibits E2 and E4 become circumstantial proof of the magistrate's fraud, which deprived Appellant of her fundamental rights and caused the courts above to do the same.

TAMPERING WITH FILED EVIDENCE.

Exhibits E2 and E4 demonstrate the exact mechanism by which the clerk accessed the old docket entry and filed a new document in it, without setting alarms or disturbing its date and time stamp. As all PDF screenprints, exhibits E2 and E4 contain visual and metadata evidence. The visual evidence obtained from exhibit E2 shows that, prior to Appellant's hearing in August, the docket entry for magistrate's return, created on May 29, 2024, was captioned

⁵ Fed. R. Evid. 104(a) provides: "The court must decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the court is not bound by evidence rules, except those on privilege."

“Appeal/Appeal Return Received” and contained two documents. This is corroborated by the Presiding Judge at Appellant’s hearing (T1, 4:9-5-11). The visual evidence obtained from exhibit E4 shows that, after Appellant’s hearing in August, the old docket entry for magistrate’s return is captioned “Return from Magistrate Court” and contains three documents. Its date and time stamp are the same.

The metadata evidence⁶ obtained from exhibit E2 shows that the two documents, filed in the docket entry “Appeal/Appeal Return Received”, were 55 and 24 pages long. The 24-page rightmost document opened on the first page with the logo CARPET KING and flooring. The 55-page leftmost document opened on first page with a large full-page illegible black photograph.

The metadata evidence obtained from exhibit E4 shows that the three documents, filed in the docket entry “Return from Magistrate Court”, are 30, 55 and 24 pages long. The 24-page rightmost document opens on the first page with the logo CARPET KING and flooring, but is stored at a different location on the server than before. The 55-page middle document opens on first page with a large full-page illegible black photograph, but is stored at a different location on the server than before. The 30-page leftmost document opens on the first page with the label **MAGISTRATE RETURN ON APPEAL** printed in bold capital letters on the top.

The above analysis shows that sometime after Appellant’s August 21 hearing, the old docket entry for magistrate’s return, created on May 29, was accessed and its initial caption was changed. At the same time its initial contents were deleted, reuploaded, and a new, third document, was uploaded. Its date and time stamp remained unperturbed.

D. Did the clerk commit perjury at the hearing and forge the hearing log?

Exhibits E2 and E4 show the ample fluency with which the public index case management system can be manipulated by court clerks. Exhibits E2 and E4 also prove the clerk’s perjury at Appellant’s hearing, where Ms. Keeling, sworn and acting in her official capacity, told the presiding judge that the magistrate’s summary was filed, that it was the first two pages of a 30-page document, and that it was “from Judge Arakas”. When in reality the 30-page document with the magistrate’s summary had not been backfiled into that entry yet.

⁶ Appellant provided this analysis in her Petition for Certification to the South Carolina Supreme court.

After the hearing, Ms. Keeling forged the hearing log by marking Respondent as APPEARING when Respondent was actually absent (T1, M2).

E. The result.

The fraud and obstruction demonstrated above were committed knowingly and willfully. The clerks knew what they were doing, and expected each of their actions to prejudice Appellant's case. The preponderance of the clerks' actions directed to prejudice Appellant's case proves they were not random inadvertencies but coordinated systematic actions. Each of their actions corrupted the judicial process: by scanning Appellant's exhibits illegible, the clerks ensured the Presiding Judge couldn't find them informative as he scrolled through them at the hearing. By concealing the magistrate's summary from Appellant and covertly back filing it after the hearing, the clerks ensured that Appellant was denied a meaningful hearing and appellate review. By logging Respondent "appearing" the clerk ensured that Appellant's case won't be granted automatically. By dismissing all of Appellant's evidence and fabricating his case analysis, the law clerk caused the affirmative decision.

These actions ensured Appellant didn't have impartial due process at the circuit court, and prejudiced Appellant's case in this Court, which already barred Appellant's original exhibits from review.

III. DID THE MAGISTRATE COURT'S FRAUD AND THE CLERKS' OBSTRUCTION AND FRAUD CAUSE STRUCTURAL JUDICIAL COLLAPSE WHICH DENIED APPELLANT IMPARTIAL REVIEW AND VIOLATE APPELLANT'S RIGHTS TO DUE PROCESS, ACCESS TO COURTS AND EQUAL PROTECTION UNDER THE LAW?

A. Was Appellant denied due process in magistrate court and in circuit court, and did it cause the collapse of the judicial system?

In order to protect affiliated Respondent, the magistrate produced a judgment which is discriminatory and criminal in nature. In order to produce this judgment, the magistrate fabricated his findings of fact, ensured non-attendance by the flooring inspector, and coordinated clerical obstruction on several levels. This fraud and obstruction denied Appellant impartial forum and due process not only in the magistrate court, but in the subsequent circuit court as well, where Appellant was blatantly denied her Constitutional protections even as the

critical evidence, proving Appellant's case, was filed in possession of the circuit court. Furthermore, this fraud and obstruction already prejudiced Appellant's case in this Court, whereby this Court felt compelled to exclude Appellant's flashdrive from review, in order to protect the fraudulent magistrate. Appellant demonstrated above that she had no opportunity to correct the magistrate's judgment in the circuit court. Even when Appellant remedied most of the obstructive clerical conduct and the spoliation of her record, even then the law clerk simply dismissed all evidence and caused the court to affirm.

Exhibits E2 and E4 are direct proof of the clerks' tampering with filed evidence. A May docket entry was accessed in August under the pretext of correcting its caption, and a new document was backfiled into the entry, without disturbing its date and time stamp. This tampering was committed after Appellant's hearing, in order to backfile the magistrate's summary, which had been previously concealed from Appellant to prevent her from raising objections at the hearing. The clerk conspired with the magistrate to conceal the magistrate's summary in order to protect the magistrate who fabricated his findings of fact to produce a desired judgment. Therefore, the fact of this tampering with the docket system is, by extension, circumstantial proof of the magistrate's fraud (E2, E4).

The evidence in exhibit E2 is corroborated by the official transcript of Appellant's hearing (T1). Appellant proffered these exhibits to the circuit court as newly discovered evidence, but was forced to appeal to this Court, where the Clerk barred Appellant's original exhibits from review on an insubstantial pretext (A1, A2, A3). Appellant's original exhibits had already been excluded from review by the magistrate, and then by the circuit court clerk, because they prove the magistrate's fraud directly and unequivocally. By excluding Appellant's original exhibits from this Court's review, the Clerk demonstrated the collapse of the judicial system, which appears to be unable to protect Appellant's Constitutional rights. Exhibits E2 and E4, therefore, become circumstantial proof of this collapse, which appears to be inevitable.

B. Did Appellant suffer consequent and proximate injury?

The magistrate's judgement disputed by Appellant is fraudulent, discriminatory, and criminal because it was obtained by judicial fraud, denied Appellant impartial forum, and

ratified extortionist schemes, effectively forcing her to forfeit her right to own her property and her right to be safe in her home. This magistrate's judgement rewarded Respondent for defrauding Appellant and causing damage to her property, and penalized Appellant for not allowing a fraudulent contractor infinite opportunities, and unknown third parties into her home to negotiate fixes. When Plaintiff brought a narrowly tailored complaint to the magistrate court, the magistrate court set Plaintiff up and forced her to incur extraordinary financial and physiological burdens. When Appellant appealed, the circuit court clerks obstructed the judicial process, spoiled Appellant's exhibits, and defrauded law analysis to force Appellant's case to fail. When Appellant appealed higher, the Clerk of this Court felt it necessary to protect the fraudulent organization below, and barred Appellant's original exhibits from review, including Appellant's flashdrive. This judicial collapse inflicts even more extraordinary financial and physiological burdens. Without Appellant's flashdrive included in Appellant's record, Appellant will have to procure professional forensic extraction services, which Appellant wouldn't have to do if the Clerk ordered the transfer of Appellant's original exhibits to this Court.

Appellant continues to be persecuted. Appellant's medical record is defrauded again. The police refuse to file Appellant's report. Attorneys disengage as soon as they learn Appellant's name. Appellant's complaint to the Governor's office resulted in retaliation and threats. The judicial collapse Appellant experienced on every level makes Appellant completely excluded from all access to courts or protection of law. Appellant doesn't know how to live like that. Appellant's condo is still being flooded from an external source and Appellant is still being discriminated against. Appellant is faltering under the burden of this hostility. This persecution, protected by the courts, has destroyed Appellant's soul.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests this Court to:

1. Recognize the severe constitutional violations presented in this case, including the denial of due process, obstruction of access to the courts, and the failure to protect against fraud and discrimination;
2. Vacate the magistrate court's judgment and the subsequent circuit court orders obtained through judicial fraud and procedural misconduct;

3. Order recovery of court related costs and other appropriate damages
4. Remand this case for a new trial at an impartial venue, with an order that Appellant’s original flashdrive—timely filed in the circuit court in July 2024—be restored to the record and reviewed in full. This flashdrive contains critical video evidence documenting the installation failure within the first year of the project, making it directly relevant under applicable state flooring standards. By barring this flashdrive from appellate review, the lower courts have not only suppressed key evidence but have imposed an undue financial burden on Appellant, who will be forced to pay for professional forensic extraction of file metadata to authenticate dates—an expense that would not have been necessary had the circuit court fulfilled its duty to consider the evidence as submitted.
5. Restore Appellant the protection of the law. Issue order to law enforcement to allow Appellant to file a police report.
6. Provide Appellant with impartial counsel
7. Provide any other relief that this Court deems just and proper under the circumstances.

Appellant submits this brief under extreme duress, without access to key evidence essential to directly proving her claims, and therefore urges this Court to act to uphold the integrity of the judicial process and protect fundamental constitutional rights.

This brief is in compliance with Rule 209, SCACR.

Respectfully submitted,

/s/ Olga Teslenko
Appellant, Pro Se
100 Fountain Pointe Ln
Unit 103
Myrtle Beach, SC 29579
Email: osenochen@gmail.com
Tel: (510) 388-2780

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