

RECEIVED
Aug 15 2025
SC Court of Appeals

The Honorable Dale Van Slambrook, Circuit Court Judge

Olga Teslenko, Appellant,
v.
Joe Kocsis and Carpet King & Flooring, Respondents.

APPELLANT'S AMENDED INITIAL BRIEF

Appellant's brief exceeds the page limit because her July 28 motion for permission to exceed it, fully ripe for adjudication on the following day, has remained pending without a ruling for the past seventeen days. Appellant filed a Motion to Exceed the page limit under Rule 208(b)(1), SCACR, to ensure the preservation of all constitutional and evidentiary issues for appellate and potential certiorari review. As of the date of this filing, the Court has not ruled on her motion. Appellant has a documented neurological disability that substantially limits her ability to perform rapid document review and revision, and cannot safely reformat or trim the brief on minimal notice. Appellant files this brief under protest, preserving all objections to the Court's failure to rule in a timely manner, and reserving the right to seek further relief should the pending motions be denied or ignored.

Table of Contents

CONSTITUTIONAL PROVISIONS INVOLVED	3
TABLE OF AUTHORITIES	4
INTRODUCTION	5
FACTUAL BACKGROUND	5
STANDARD OF REVIEW	6
ISSUES ON APPEAL	7
ARGUMENT	7
1. THE MAGISTRATE’S JUDGMENT WAS BASED ON FABRICATED FINDINGS AND DELIBERATE SUPPRESSION OF EVIDENCE.	8
A. The magistrate intentionally coordinated to withhold his summary from the docket to deprive Appellant of the opportunity to object at the hearing.	8
B. The magistrate reviewed and admitted all Appellant’s exhibits without objection or exclusion.	13
C. The magistrate fully admitted the inspection report—not supported by live testimony at trial—and later dismissed it as hearsay.	19
D. The magistrate’s spoliation of Appellant’s trial exhibits created a false record designed to support his fabricated findings.	26
E. The magistrate’s findings of fact were knowingly false, deliberately fabricated to support his judgment.	32
F. The fraud committed caused actual prejudice and deprived Appellant of fundamental Constitutional rights.	50
2. THE CIRCUIT COURT ORDERS WERE OBTAINED THROUGH JUDICIAL FRAUD AND CLERICAL OBSTRUCTION.	52
A. The clerks withheld the summary and covertly backfiled after Appellant’s hearing.	52
B. The acting clerk committed perjury at the hearing and forged the hearing log.	69
C. The clerks barred evidence, gave prejudicial instructions, and miscaptioned filings to subvert review.	73
D. The law clerk deliberately misrepresented Appellant’s case and supplied the court with the fraudulent law analysis.	77
E. The profound resulting prejudice and deprivation of rights.	92
3. THIS FRAUD ON THE COURT CAUSED SYSTEMIC DEPRIVATION OF RIGHTS, RESULTING IN THE PERMANENT EXCLUSION OF TRIAL EVIDENCE, RETALIATION, AND STRUCTURAL COLLAPSE ..	94
A. Systemic deprivation of rights under color of law.	94
B. Permanent exclusion of admitted trial evidence.	98
C. Retaliation.	99
D. Structural collapse of the court system.	101
CONCLUSION	103

CONSTITUTIONAL PROVISIONS INVOLVED

This case involves the right of Appellant to be equally protected by law; the right to be free from discrimination; the right to due process, including the right to be heard at a meaningful time in the context of all the circumstances, and the right to present evidence necessary to proving her case, as well as the most fundamental right to own her private property and be safe in her home. These rights are secured by both the United States Constitution and the South Carolina Constitution:

No State shall...shall abridge the...immunities of citizens of the United States; nor shall any State deprive 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.

U.S. CONSTITUTION, Amendment XIV. The South Carolina CONSTITUTION also provides for due process protections:

The...immunities of citizens...shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

SOUTH CAROLINA CONSTITUTION, Article I, Section 3.

TABLE OF AUTHORITIES

Constitution

S.C. Const., art. I, § 3

S.C. Const., art. 5, § 5

Cases

Tennessee v. Lane,

541 U.S. 509 (2004)

Bounds v. Smith,

430 U.S. 817 (1977)

Richardson v. Town of Eastover,

922 F.2d 1152 (4th Cir. 1991)

S.C. Dep't of Soc. Servs. v. Wells,

Op. No. 2019-UP-350, (S.C. App. 2019)

Goldberg v. Kelly,

397 U.S. 254 (1970)

Brady v. Maryland (1963)

Tumey v. Ohio,

273 U.S. 522 (1927)

McNally v. United States,

483 U.S. 350 (1987)

Lawson v. Citizens & S. Nat'l Bank of S.C.,

259 S.C. 477, 481-82, 193 S.E.2d 124, 126 (1972)

Hazel-Atlas Glass Co. v. Hartford-Empire Co.,

322 U.S. 238 (1944)

Gucci America, Inc. v. Weixing Li,

768 F.3d 122 (2d Cir. 2014)

Music Company v. Glymph,

100 S.C. 200, 84 S.E. 715 (S.C. 1915)

Statutes

SCRE 103(a),.

S.C. Code § 18-7-130 (2024)

S.C. Code § 18-7-170 (2024)

S.C. Code § 18-7-80 (2024)

S.C. Code § 18-1-140 (2024)

CJC, Preamble, Rule 501, SCACR

CJC, Canon 3, Rule 501, SCACR

INTRODUCTION

This appeal arises from a contractual dispute involving the installation of glue-down luxury vinyl plank flooring that failed catastrophically within days of completion. At its core, however, the case concerns far more serious issues: sustained obstruction of access to the courts, manipulation of the official record, and conduct by court officials that deprived Appellant of due process and the opportunity to present her evidence fully and fairly.

After the magistrate court entered a judgment materially inconsistent with the evidence presented, Appellant timely appealed and uncovered extensive irregularities. Critical exhibits were omitted or selectively altered in the magistrate's return, essential evidence was rendered illegible or barred from review, and a key filing—purporting to contain the magistrate's findings—was covertly backfiled after the appellate hearing without notice to Appellant.

These practices not only violated procedural norms but also demonstrated a cumulative pattern incompatible with ordinary clerical error. The irregularities materially prejudiced Appellant's ability to prove her claim and to challenge the adverse judgment. Despite repeated efforts to correct the record and to secure impartial review, Appellant's attempts were obstructed at every stage.

This appeal therefore presents not only a question of contract law but also fundamental questions of procedural fairness, due process, and the integrity of the judicial process. Appellant respectfully submits that the record demonstrates fraud on the court and systematic deprivation of rights under color of law, warranting *de novo* review and equitable relief.

FACTUAL BACKGROUND

In November 2023, Appellant contracted with Respondent to install glue-down luxury vinyl plank (LVP) flooring in her condominium. The contract specified this method of installation. Shortly after completion, Appellant observed widespread lifting and peeling of the planks. Within ten days, the majority of the flooring had detached from the subfloor.

Respondent inspected the failed installation in person and admitted omitting critical installation steps. Although Respondent initially agreed to issue a full refund, he later rescinded that commitment. Appellant declined further unauthorized attempts to "patch" the installation and retained an independent, industry-certified inspector recommended by the flooring manufacturer. The inspector confirmed that Respondent's work failed to comply with published installation

standards, documenting systemic adhesive failure and noncompliance with critical installation protocols.

Appellant filed a pro se complaint in magistrate court seeking recovery for material breach of contract. During the March 2024 trial, Appellant submitted documentary evidence, photographic and video recordings on a flash drive, and inspection documentation, all of which were admitted without objection. The magistrate reviewed multiple videos and authenticated them in the presence of both parties.

The magistrate's judgment, however, reduced Appellant's recovery by half without explanation or findings of fact. The magistrate's initial return omitted critical evidence, including the flash drive and ~~key~~ documentary exhibits. Appellant promptly filed a corrective submission of the omitted materials and repeatedly objected to the defective record.

During the August 2024 circuit court appeal hearing, the presiding judge confirmed the return was incomplete and the magistrate's summary was missing, and took the matter under advisement. The following day, a new document containing the magistrate's summary appeared in the return docket entry without notice to Appellant. Appellant was not given any opportunity to respond.

The circuit court subsequently affirmed the magistrate's judgment, incorporating the magistrate's findings verbatim and misrepresenting that Appellant's corrected evidence was considered when it was not. Appellant filed a motion to reconsider, objecting to the backfiling of the magistrate's summary and the exclusion of evidence, but the motion was miscaptioned by the clerk and ultimately denied without further review.

Appellant timely filed this appeal, seeking relief from the judgment and the circuit court affirmance orders obtained through fraud, procedural irregularity and judicial misconduct.

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 who 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 Constitution which authorizes the de novo review in cases of equity: “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”. 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) (An appellate court reviews questions of law de novo). 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’S JUDGMENT BASED ON FABRICATED FINDINGS AND DELIBERATE SUPPRESSION OF EVIDENCE?
- II. WERE THE CIRCUIT COURT ORDERS OBTAINED THROUGH JUDICIAL FRAUD AND CLERICAL OBSTRUCTION?
- III. DID THIS FRAUD ON THE COURT CAUSED A SYSTEMIC DEPRIVATION OF RIGHTS, AND RESULTED IN THE PERMANENT EXCLUSION OF ADMITTED TRIAL EVIDENCE, RETALIATION, AND STRUCTURAL COLLAPSE

ARGUMENT

Appellant’s corrective exhibits—especially her flashdrive—were essential to proving her case (R. p. 69, 70, 87, 136–169). These exhibits contain direct, authenticated evidence of material breach and Respondent’s inability to cure it. Even though they were timely filed below, this Court refused to transfer them for appellate review, despite multiple filings demonstrating their evidentiary significance (R. pp. 170–171, 172–192, 194–195). Earlier, the magistrate court omitted Appellant’s trial exhibits from return, withheld summary, and denied transcript, while the circuit court failed to remedy this denial in accordance with case law (R. pp. 72–75, 69, 70, 97; see *Music Company v. Glymph*, 100 S.C. 200, 84 S.E. 715 (S.C. 1915), holding that “where there is no transcript, a new trial should be granted”). As the result, Appellant is compelled to reconstruct the full scope of judicial misconduct and fraud using layered circumstantial evidence, statutory presumptions, and the internal logic of the record.

1. THE MAGISTRATE’S JUDGMENT WAS BASED ON FABRICATED FINDINGS AND DELIBERATE SUPPRESSION OF EVIDENCE.

A. The magistrate intentionally coordinated to withhold his summary from the docket to deprive Appellant of the opportunity to object at the hearing.

In her motion for reconsideration, Appellant submitted two screenprints of the official public index case management website for her case, captured before and after the August 21, 2024 hearing (R. pp.50–51, 66–68). These screenprints were submitted as newly discovered evidence of the covert backfiling of a new document into the docket entry for magistrate’s return. Their contents were fully corroborated by the hearing transcript (R. pp.21-27 31–87). At the time, pro se Appellant was unaware of the requirement to expressly establish their authenticity and relevance. That foundation is now fully provided in Argument II, Section A.

The screenprints demonstrate that a portion of the magistrate’s return, withheld from the docket before the circuit court hearing, had been backfiled after the hearing (R. pp.50-51, 66-80). The backfiled, third, return document contained the previously unavailable magistrate’s summary of findings—which were entirely fabricated to support his judgment (R. pp.80-81). This could not have been an error—the circuit court gave Appellant no notice or opportunity to rebut the newly backfiled findings. Instead, this was a calculated act, deliberately done to prevent Appellant from identifying and challenging them (see Argument II(A)). Its intended purpose was achieved—Appellant had no knowledge of the magistrate’s fabrications and couldn’t raise any issues with them at the hearing. The covert backfiling of the magistrate’s summary deprived Appellant of any opportunity to respond to its fabrications and denied due process at a critical stage of the proceeding. (see *Goldberg v. Kelly*, 397 U.S. 254 (1970), holding that due process requires meaningful notice and opportunity to respond; *Hazel–Atlas Glass Co. v. Hartford–Empire Co.*, 322 U.S. 238, 245–46 (1944), holding that fraud on the court includes concealing the true basis of a judgment to prevent fair challenge; and *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that “a party cannot be deemed to have waived objections...which were not known...at the time”).

The magistrate’s judgment partitioned liability for the failed installation without explanation (R. p.1). The summary of fact finding, required by law to accompany the return, was missing when the return was filed (R. p.65, pp.50–51). At the circuit court hearing, Appellant three times expressly

objected to the missing summary:

APPELLANT: Sir, I'm appealing the judgment by the magistrate judge that ruled in my favor...I claimed a complete material breach of contract...but somehow discounted the amount of [my recovery] without any explanation.

(R. p.22, lines 16-21). And again: "There was no explanation provided for why [my recovery was reduced]" (R. p.25, lines 16-17). And, most specifically:

APPELLANT: as of this morning, the magistrate's return contained no summary. Okay? Or the magistrate's judgment contained no summary. I have copies of everything that was filed by the magistrate in their return.

THE COURT: All right. And that's what I'm saying...I need to look at the -- I need to look at that document and if it's not there then I'll consider that as well.

(R. p.28, lines 3–11). The Hon. Presiding Judge confirmed, on the record, that the summary was absent:

THE COURT: Is there a return that's filed from the magistrate on this [case]? I see an 'Appeal Return Received' on the end, and that looks like just the appeal documents. Is there a return in this that I'm overlooking? [...] 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 --

(R. p.21, lines 14–23). And earnestly scrolled through the filed documents:

THE COURT: Where is that at? [...]under the caption where it says 'appeal/appeal return received'? [...] And is it the first or second document identified? [...] Okay. Well, I'm trying to get this thing pulled up.

(R. p.21, line 25-p.22, line 11), but still finding it absent from the docket:

THE COURT: Okay. And I don't have the benefit of the order [summary]. I see the documents that were filed but I still don't see the return [summary].

(R. p.26, lines 14-16), and ultimately deciding to take the case under advisement pending the discovery of the summary:

THE COURT: Okay. I need the opportunity to review all of those documents that are in that return and -- and find the summary

portion of it as well, to see if there is a sufficient legal explanation for that reduction.

(R. p.27, lines 10-13).

Lacking the knowledge of the summary, Appellant could raise only general objections: to the omissions and distortions in the return, to the prejudicial judgment, and the magistrate court obstruction (R. p.22, line 21–p.24, line 14; R. p.24, line 16–p.25, line 20; R. p.26, line 20–p.27, line 6; R. p.28, lines 17–21). The Hon. Presiding Judge acknowledged the filing of her corrective exhibits, confirmed their authenticity, and stated his intention to review them upon finding the summary: “I see the motion that you’ve filed” and “I need the opportunity to...find the summary” (R. R. p.21, line 12; p.23, line 2–p.24, line 15; p.25, line 3-6; p.27, lines 10-12).

After the hearing, a new return document, containing the magistrate’s summary, was covertly back-filed into the docket without notice (R. pp.66–68, see Argument II(A)). The summary contained severely prejudicial and entirely fabricated findings, which were wholly absent from the record at the time of the hearing and had never been communicated to Appellant (R. pp.80-81, see Argument I(E)).

This backfiling could not have been an inadvertence or procedural error—it required deliberate action to file a new document into the old docket entry (R. pp.50–51, R. pp.66–68). Even though the summary contained a typographical error in Appellant’s name—creating a pretext for claiming it had been misplaced—the case number was printed correctly, making it impossible to file in any docket other than Appellant’s (R. p.81). The likelihood that this summary sat unfiled for three months is implausible. The subsequent back filing of the summary without notice—and its entirely fabricated findings—support the inference that its initial concealment before the hearing and covert back filing after, were coordinated acts intended to deny Appellant the opportunity to rebut these fabrications at the hearing (see Argument I(D, E)).

These deliberate coordinated acts indeed prevented Appellant from raising specific objections and demanding impartial review at the hearing. The prejudice is manifest—without the knowledge of the fabricated findings, Appellant could not know the purported basis for the magistrate’s judgment and therefore could not rebut his fabricated assertions:

APPELLANT: The magistrate court somehow ruled in my favor. Well, I understand how it ruled in my favor...At [trial], the magistrate judge had actually had my flashdrive reviewed. Several videos were

reviewed in the courtroom and showed, explicitly, that this installation was not at all actually installed. The planks were simply laid over the concrete, not rolled, not pressed. My videos show me lifting off each plank with one hand only while holding the telephone with the camera in the other hand. This was not even a mockery of installation, this was zero installation. So, the judge did have to rule in my favor—the amount of [my recovery] was what actually made me deathly concerned.

(R. p.24, line 25-p.25, line 13).

Had the summary been available as required, Appellant would have objected immediately and demanded an impartial review of her filed corrective exhibits—as she did in her motion for reconsideration (R. p.69, 70, 87, pp.31–47). Instead, Appellant was prevented from demanding impartial review and rebutting the fabricated findings—of which she had no knowledge at the time—thus being forced into the legal trap of, supposedly, waving her issues with these fabrications (R. pp.22-28).

By denying her the knowledge of the fabricated findings, this docket tampering determined the outcome of her appeal—at the hearing, Appellant didn't know she needed to demand impartial review of her corrective exhibits, and the Presiding Judge didn't review them personally. Had the magistrate's summary been available when the return was filed, Appellant would have seen its fabrications, exposed them at the hearing, and requested that the Presiding Judge personally review her corrective exhibits. Had the Presiding Judge personally reviewed her corrective exhibits, he would necessarily have discovered the deliberate spoliation of the magistrate's return and the falsity of the magistrate's fabrications, and could not have affirmed the magistrate's judgment (see Argument I(E)). Instead, by withholding the summary before the hearing and covert backfiling after, the magistrate deprived Appellant of any opportunity to demand impartial review and expose his fabrications at the hearing—before they were adopted verbatim in the circuit court affirmance (R. pp. 2–8). The circuit court dismissed Appellant's corrective exhibits wholesale, without any review—contrary to the presiding judge's intention and Appellant's objections raised at the hearing (R. pp.2-8, p.69, 70, 87, pp.144-160).

As soon as Appellant discovered this tampering, she objected to it in her motion for reconsideration, but the circuit court delayed her motion without review (R. pp. 88-90, 91, 92). Even despite Appellant's extraordinarily diligent efforts to correct the harm caused by the

magistrate court, the judgment—erected only on unrebutted fabrications and contrary to admitted trial evidence—remained affirmed (R. pp.2-8, R. pp.31-87).

This deliberate, coordinated and prejudicial tampering constitutes fraud on the court as recognized under both Federal and South Carolina law. The following sections contain a detailed examination of this fraud. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944), holding that fraud on the court includes conduct designed to prevent an adversary from fully presenting their case; *McNally v. United States*, 483 U.S. 350 (1987), holding that “a public official, acting as a fiduciary to the public, is guilty of fraud if they intentionally hide material information [leaving] the public being kept in the dark”; and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, 259 S.C. 477, 481, 193 S.E.2d 124, 126 (1972), holding that “A non-disclosure becomes fraudulent concealment when it is the duty of the party having knowledge of the facts to make them known to the other party to the transaction; and *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that “a party cannot be deemed to have waived objections...which were not known...at the time”.

This tampering was only one element in the overarching structure of fraud on the court which rewrote the trial record, deceived the Presiding Judge, and triggered a cascading pattern of coordinated fraud and misconduct, forcing Appellant’s case to fail by denying her due process and access to impartial review. See *Goldberg v. Kelly*, 397 U.S. 254 (1970), holding that due process requires meaningful notice and opportunity to respond; and *Richardson v. Town of Eastover*, 922 F.2d 1152 (4th Cir. 1991), holding that “A hearing need only be provided at a meaningful time and in a meaningful manner in the context of all the circumstances”; and *S.C. Dep’t of Soc. Servs. v. Wells*, Op. No. 2019-UP-350, (S.C. App. 2019), holding that “procedural due process requires...adequate notice...adequate opportunity for a hearing...the right to introduce evidence”, and that “the fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner”.

Appellant was subjected to continuous retaliatory pressures, including exclusion from the protection of the police, legal counsel, and—effectively—from any access to courts (R. pp. 201-203; see *Tennessee v. Lane*, 541 U.S. 509 (2004), holding that “the right is fundamental where court access is necessary to protect other constitutional rights”; and *Bounds v. Smith*, 430 U.S. 817 (1977), holding that “Right of meaningful access requires more than a theoretical right; it must be effective in practice”).

B. The magistrate reviewed and admitted all Appellant's exhibits without objection or exclusion.

The magistrate reviewed, authenticated, and admitted all of Appellant's evidence without objection, such that—prior to the discovery of the backfiled summary—Appellant was convinced that her evidence was properly admitted at trial. The record shows that Appellant consistently relied on this understanding throughout all proceedings. Her reliance was reasonable—knowingly induced by wholly uneventful trial, where the magistrate fully admitted her exhibits with no indication that they were deficient or going to be dismissed later. Upon discovering the defective return, Appellant filed corrective exhibits, assuming error, and testified at the circuit court hearing of their authenticity, but the imminent circuit court affirmance revealed that her exhibits were not reviewed. Her motion for reconsideration was similarly delayed without review. The magistrate's summary, backfiled after the hearing, revealed that the magistrate dismissed Appellant's evidence as "largely hearsay"—despite fully and properly admitting it at trial. This sequence of events supports the inference that the magistrate affirmatively misrepresented the court proceeding, and concealed his summary, to erase Appellant's valid evidence which contradicted his desired judgment.

Appellant appealed from the magistrate's judgment in the good faith belief that the magistrate had agreed with her claim: "this was a case of complete material breach of contract and the magistrate court recognized it as such" (R. p.9). At trial, Appellant submitted conclusive evidence—which the magistrate reviewed, authenticated, and admitted—and was convinced her claim was unequivocally established (R. pp.10-14). Respondent entered no evidence but a single exhibit with the contract (R. p. 133). Appellant's understanding was reinforced by the magistrate's own judgment: "a Judgment for the Plaintiff...was rendered" (R. p.1). Since Appellant claimed "complete material breach of contract" and the magistrate's judgment was "for the Plaintiff", the magistrate must have agreed with her claim (R. p. 9, 10–14). The same understanding is reflected in Appellant's testimony at the circuit court hearing, where she continued to rely on her exhibits as having been properly admitted at trial—because they had been reviewed and authenticated by the magistrate:

APPELLANT: I understand how [the judgment] ruled in my favor...the magistrate judge had actually had the flashdrive reviewed, several

videos were reviewed in the courtroom...so the judge did have to rule in my favor”

(R. p.24, line 16–p.25, line 17).

This reliance was reasonable, based on the unimpeded course of the trial proceeding and the magistrate’s affirmative representations of agreement. Throughout trial, the magistrate reviewed, authenticated, and admitted all of Appellant’s exhibits without any objection, instruction to correct, or ruling to exclude. Had the magistrate declined to admit any of Appellant’s exhibits, she would have known the reason why her recovery was reduced. Instead, even at the circuit court hearing she still had no idea: “So, the judge did have to rule in my favor; [but] the amount of the judgment was what actually made me deathly concerned” (R. p.25, lines 11–17). Had the magistrate instructed her of any deficiency, Appellant would have necessarily requested a continuance to correct it, which would have been reflected in the trial record. Instead, no such continuance was requested, and the magistrate’s summary contains no indication of any deficiency (R. p.80–81). The record demonstrates that Appellant’s consistent reliance on her evidence having been properly admitted at trial was reasonable. The conclusion is inevitable then that the magistrate reviewed, authenticated, and admitted Appellant’s exhibits without any objection at trial.

Appellant cares deeply about the outcome of her case because it “poses an existential threat to Appellant’s life and property, Appellant can’t give it up, and is forced to do it pro se” (R. p.197). The outcome of her case, if forced to fail, threatens Appellant’s wellbeing because it directly influences the wider overarching discrimination:

The entire local community in which [Appellant lives] knows of the continuous blatant discrimination, abuse and plunder, of which this appeal exposes only a small portion. If this Court reinforces the same manifest injustice and illegal practices as were reinforced at the trial court, public trust in the State government will be damaged even deeper than it has already been damaged.

(R. pp.173-174). Appellant is compelled to fight the magistrate’s judgment because it compromises her safety:

[Respondent] was acting in fraud from the beginning...setting [her] up for infinite continuous repairs. After the year-long warranty period, [Appellant] would have to become a paying subscriber to [Respondent]. By virtue of his inexperience in this type of installation, [Respondent] made it nearly completely unadhered, so nearly all of the planks came off within the first ten days. This magistrate's judgment allows this abuse to continue...If this

judgment is allowed to stand, [Appellant's] safety is compromised [because it] essentially allows contractors to be paid for damaging [her] property.

(R. p.46). This case of intentional damage to her property—not last in a series of many—forced Appellant to bring a narrowly-tailored complaint to the magistrate court, and then proceed, in extreme duress, experiencing retaliation and obstruction, to fight the rendered judgment: “whichever way Appellant tries to frame this new brief, it seems to be failing her case, and Appellant’s mind becomes drowned in depression” (R. p.209). The conclusion is inevitable then that Appellant cares very deeply about the outcome of her case. Had the magistrate instructed her of any deficiency with any of her exhibits, Appellant would have necessarily requested an opportunity to correct it. Instead, the record shows no such request. The magistrate admitted Appellant’s exhibits without any indication of any deficiency.

The evidence Appellant painstakingly organized and entered at trial was in the form of printed documents and a flashdrive (R. pp.10-14, R. p.23, line 2–p.24, line 15, p.25, line 3–6). Appellant’s opening statement—returned by the magistrate—described each exhibit in detail and proffered it to demonstrate that Respondent’s glue down installation failed catastrophically withing days, that this fundamental failure was material breach, and that Respondent couldn’t cure this breach when Appellant gave him that opportunity (R. pp.10-14; p.87, 106, 133; pp.213-215). Appellant entered her printed documents and flashdrive at trial. Had Appellant forgotten to bring her flashdrive, or any exhibit, she would have necessarily requested a continuance—given that this case was ‘an existential threat’ to her life and property. Instead, record shows no such request, while Appellant’s statement shows the exact exhibits entered at trial (R. p.10-14). The conclusion is inevitable then that Appellant’s exhibits—as specified in her opening statement—were submitted at trial.

Appellant’s videos, stored on her flashdrive, showed the catastrophic installation failure across the entire work area: “Nearly all of the planks...have lifted off within the first ten days after the installation. Please see Folder #2 for [these] videos” (R. p.10, 25). “In the following few days, most planks lifted off with no glue on the back” (R. p.12). “The planks in the full length of the install were lifting and peeling up. The edges are continuously lifting throughout the installed areas and creating a severe tripping hazard” (R. p.14, pp.146-160). Appellant’s flashdrive also contained a complete audio recording of Respondent’s inspection, during which he admitted non-compliance

with the required installation protocols and clearly showed he doesn't know how to cure the breach, and doesn't want to cure it according to the required protocols—when Appellant gave him that opportunity (R. p.10, 12, pp.40-41).

Had there been no such videos or such recording on Appellant's flashdrive at trial in March 2024, she wouldn't have filed this flashdrive again in July 2024, correcting the defective return (R. p.69, 70, 87). Instead, Appellant filed her corrective exhibits in July—still within the first year of the installation—and proposed that they be included in the record as “the evidence omitted in the magistrate's return” (R. p.69, 70, 38). Appellant knew that if the court “took a single look at the evidence on her flashdrive, [it] would know it to be...authentic” (R. p.39). She consistently emphasized it throughout all proceedings—that her corrective exhibits were identical copies of the admitted trial exhibits (R. p.22, line 22-p.25, line 12; pp.38-43). Appellant went to an extraordinary effort to file her corrective exhibits and testify to their authenticity—all to provide the court with the complete trial record (R. p.69, 70, 87; p.25, lines 2-1; R. pp.21-28; 38-43). Appellant's corrective exhibits, remaining in the circuit court custody, may still be reviewed today (R. pp.136-169). The videos on Appellant's flashdrive match the images on the inspection report photographs, returned by the magistrate, and show the catastrophically failed installation—within the warranty period—which defines it to be material breach under the state regulatory standards: “Resilient flooring should not loosen during the warranty period” (R. p.106). The audio recording of Respondent's inspection on Appellant's flashdrive reveals Respondent inspecting his failed installation and matches Respondent's returned testimony (R. p.15). Since Appellant's corrective flashdrive in July 2024 contained the videos described in Appellant's trial opening statement in March, and since their categorical significance depended only on whether or not they showed the failed installation during the warranty period, it follows with necessity then that her trial flashdrive contained the same substantive evidence as her corrective flashdrive.

In his turn, Respondent entered a single-page exhibit with the glue down installation contract (R. p.133), and claimed that his installation was done properly and that, when he inspected it, he thought Appellant damaged it intentionally (R. pp.15–17). To rebut that allegation, Appellant requested that the videos on her flashdrive be reviewed, and the magistrate had several videos reviewed in court (R. p.25, lines 2–22). The probability that Appellant failed to demand review of her videos in court—after she was accused of damaging the flooring herself—is absolutely implausible, given that her videos showed catastrophic breach (R. p.87). No rational jury could

believe that Appellant failed to request review of her videos when they showed “nearly all planks lifting off” immediately after installation—after she was alleged to have damaged them (R. pp.10-12). Indeed, Appellant requested that the videos on her flashdrive be reviewed. The probability that the magistrate could refuse to review Appellant’s videos—after she requested it specifically—is difficult to estimate. But it is clear that—had the magistrate not seen the videos on Appellant’s flashdrive—he would not have deliberately removed it from his return and triggered a cascading pattern of fraud and obstruction to exclude this flashdrive from review completely (see Argument I(D), R. p.4, 87, pp.136–143).

Indeed, the magistrate reviewed multiple videos in the courtroom and authenticated them with Respondent who agreed that they were accurate representations of his installation. No objections were raised. Had Respondent refused to authenticate these videos, his objection would have necessarily been reflected in the magistrate’s summary and Appellant would have necessarily requested a continuance to have the videos properly extracted. Instead, the record contains no such objection—which proves that Respondent authenticated the reviewed videos (R. pp.80-81). Appellant consistently maintained this throughout: “At magistrate court proceeding, [the] magistrate expressed no doubts about the authenticity of any of the provided photo and video evidence, having expressly authenticated two of the videos with Defendant” (R. p.44). At trial “the magistrate had actually had the flashdrive reviewed, and several videos were reviewed in the courtroom” (R. p.25, lines 2-6).

The same argument applies to Appellant’s paper exhibits—the independent inspection report, published installation instructions, and chapter on Resilient Flooring Standards, properly excerpted from the state regulatory document titled Residential Construction Standards (R. pp.10-14. 113-131, 146-160). At trial, Appellant requested review of her documentary evidence and the magistrate reviewed each of Appellant’s paper exhibits in court and authenticated it with both parties (R. pp.10-14). No rational jury could believe that Appellant failed to request review of her documentary exhibits when they proved that the failed flooring was not installed properly (R. pp.10-12). The probability that Appellant collected and organized these critically important documents both on her flashdrive and in printed form, described them specifically in her opening statement—and then neglected to request that they were reviewed in court, is implausible (R. pp.10-14, p.69, 70). The conclusion is inevitable then that Appellant’s exhibits—both, paper and flashdrive—were reviewed, authenticated and admitted at trial.

Appellant maintained this consistently throughout—the reason she felt unsafe when she received the magistrate’s judgment was that the magistrate actually reviewed and admitted all of her evidence at trial:

THE COURT: Were all of those documents submitted to the magistrate?

APPELLANT: Yes. Not only did [Appellant] submit the flashdrive at the hearing...but...distinctly critical documents were also printed and submitted in a printed package.

(R. p.22, line 21–p.24, line 15). “The magistrate judge had actually had the flashdrive reviewed, several videos were reviewed in the courtroom” (R. p.24, line 16–p.25, line 17). The magistrate admitted her exhibits, and no objections were raised. The magistrate nodded his agreement as he admitted each exhibit.

Had the magistrate ruled to exclude any of Appellant’s exhibits, Appellant would have necessarily addressed those issues contemporaneously or preserved them as discrete grounds for appeal. Instead, the record contains no objection or ruling to strike, and no issues preserved by Appellant (R. pp.80–81). Had the magistrate found any exhibit deficient, it was his obligation to inform Appellant and provide an opportunity to cure the deficiency or make an offer of proof. Instead, the record contains no instruction of deficiency (R. pp.80–81). See *Goldberg v. Kelly*, 397 U.S. 254, 267–68 (1970) (due process requires notice of adverse determinations and an opportunity to respond); SCRE 103(a) (party must be allowed to make an offer of proof to preserve the issue for review).

It is, therefore, an inevitable truth that the magistrate reviewed, authenticated, and admitted in evidence all of Appellant’s exhibits—as proffered in her opening statement—without objection, instruction or ruling to exclude. This induced Appellant’s reasonable and foreseeable belief that all of her evidence had been duly admitted and considered. Appellant consistently relied on this belief throughout all proceedings (R. p.69, 70; pp. 18–30, 31–87, 138–139, 172–173; 144, 145).

The magistrate’s summary later dismissed all of Appellant’s evidence as “largely hearsay”—when it had been reviewed, authenticated, and admitted by the magistrate at trial—supporting the inference of deliberate affirmative misrepresentation by the court itself, designed to obscure the intended treatment of the evidence. See *Hazel–Atlas Glass Co. v. Hartford–Empire Co.*, 322 U.S.

238, 245–46 (1944) (fraud on the court includes concealing the true basis of a judgment to prevent fair challenge); *Goldberg v. Kelly*, supra.

At trial, Appellant did not raise any objections to the magistrate’s intention to deem her evidence inadmissible later—because her evidence had been reviewed, authenticated, and admitted by the magistrate, who concealed his intention to dismiss Appellant’s evidence in his summary (R. pp.80-81). No waiver or forfeiture can arise where a defect has been concealed. See *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that “a party cannot be deemed to have waived objections...which were not known...at the time”.. The magistrate’s wrongful exclusion of Appellant’s admitted trial evidence had been a part of the fraud on the court he perpetrated to protect affiliated Respondent. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944), holding that fraud on the court includes conduct designed to prevent an adversary from fully presenting their case; *McNally v. United States*, 483 U.S. 350 (1987), holding that “a public official, acting as a fiduciary to the public, is guilty of fraud if they intentionally hide material information [leaving] the public being kept in the dark”; and *Lawson v. Citizens & S. Nat’l Bank of S.C.*, 259 S.C. 477, 481, 193 S.E.2d 124, 126 (1972), holding that “A non-disclosure becomes fraudulent concealment when it is the duty of the party having knowledge of the facts to make them known to the other party to the transaction;

This deliberate affirmative misrepresentation was material. Until after the hearing, when she discovered the covertly back filed magistrate’s summary, Appellant did not know her fully admitted exhibits had been dismissed—and therefore could not rebut this dismissal at the hearing—before the circuit court affirmed the magistrate’s summary nearly verbatim, dismissing her corrective filing (R. pp.2–8, pp. 80–81). Appellant objected and rebutted this deliberate misrepresentation and fraud in her motion for reconsideration (R. pp. 38–44).

C. The magistrate fully admitted the inspection report—not supported by live testimony at trial—and later dismissed it as hearsay.

(This section was previously presented as part of Argument I(B) in Appellant’s Initial Brief, but is re-organized here for clarity.)

The record demonstrates that the magistrate admitted Appellant’s independent inspection report without objection or instruction to cure—yet later dismissed it as hearsay in his summary, which was withheld before the circuit court hearing and backfiled after. The unqualified admission

of the report concealed its deficiency and deprived Appellant of any opportunity to correct it or make an offer of proof. After trial, the magistrate dismissed the admitted report as hearsay in his summary, concealed his summary from Appellant, and inscribed the report as if it were “proffer only” in his return. The sequence of events, leading to the dismissal of this critical valid exhibit, supports the inference that the magistrate’s unqualified admission and subsequent covert exclusion of the report were coordinated acts implemented to prevent Appellant from being able to use it in her appeal—as this critical evidence contradicted the magistrate’s judgment and establishing the cause of the installation failure.

During trial, Appellant entered an independent inspection report prepared by a certified flooring inspector, which documented pervasive noncompliance with manufacturer requirements and identified the causes of the catastrophic installation failure: “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” (R. p. 11, pp. 213–215). Appellant described this report in her opening statement as critical corroboration: “complete inspection report is included in Folder #9 on your flash drive as well as printed in full and included in your printed package” (R. pp. 11–14). The magistrate reviewed the report without objection, made no ruling to exclude it, and admitted it into the record without any instruction that the exhibit was retained for identification only—even though the report was not supported by live testimony at trial (R. pp.80–81).

No instruction was provided to cure this deficiency, and no indication was given that live testimony would be required to support admission. At no point did the magistrate notify Appellant that the report was subject to exclusion. The magistrate admitted the report without any objection or qualification, inducing the reasonable and foreseeable impression that it was properly in evidence. The probability that the magistrate instructed Appellant of this deficiency—and Appellant failed to request an opportunity to correct it—is absolutely implausible. Appellant relied on the inspection report to corroborate other evidence and establish the specific causes of the catastrophic installation failure (R. pp. 13–14). Had the magistrate advised Appellant that live testimony was required, she would have necessarily requested a continuance, an order to subpoena the inspector, or made an offer of proof to preserve the report for future review. Instead, no instruction was provided while the magistrate reviewed and admitted the report, unqualified—

inducing Appellant's reliance that the report was properly admitted.

When she discovered the filed magistrate's return and saw that the report had been rendered illegible in scanning, she filed it fully in her corrective package, including the color copies of the 45 photographs, and later authenticated it at the circuit court hearing: "[I submitted] not only the documents, but the flashdrive", "the flashdrive also contained the independent inspection report by...certified inspector, independent inspector recommended by the manufacturer" (R. p. 69, 70, 87, pp. 146-160; p. 23, lines 2-9).

It was the magistrate's duty to inform Appellant of this deficiency and provide an opportunity to cure it or make an offer of proof. Instead, the record contains no such instruction (R. pp. 80-81). The absence of any record to strike it for not having been supported by live testimony at trial, confirms that Appellant's reliance was reasonable (R. pp.80-81). See *Richardson v. Town of Eastover*, 922 F.2d 1152 (4th Cir. 1991), holding that "A hearing need only be provided at a meaningful time and in a meaningful manner in the context of all the circumstances"; and *S.C. Dep't of Soc. Servs. v. Wells*, Op. No. 2019-UP-350, (S.C. App. 2019), holding that "procedural due process requires...adequate notice...adequate opportunity for a hearing...the right to introduce evidence", and "the fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner"; and *Goldberg v. Kelly*, 397 U.S. 254 (1970), holding that due process requires meaningful notice and opportunity to respond; SCRE 103(a), asserting that a party must be allowed to make an offer of proof to preserve the issue for review.

Only upon discovery of the magistrate's summary—back filed into the docket after the hearing—did Appellant learn that it had dismissed the inspection report as a private opinion of "another flooring company" (R. pp. 50-51, R. pp. 66-68). The imminent circuit court orders did not give Appellant any opportunity to rebut this fabrication but affirmed the magistrate's judgment, copying his fabrications verbatim (R. pp. 2-8). Appellant objected to this dismissal in her motion for reconsideration—objecting to the wholesale exclusion of her properly admitted evidence. At the time, she still didn't understand why her evidence was admitted at trial and then dismissed, and didn't know that expert reports must be supported by live testimony at trial—as no such requirement had been disclosed to her when the magistrate reviewed and admitted the inspection report (R. pp. 32-40).

Appellant's complaint was her first experience with the legal system: "this is the very first time in my entire life that I have to interact with the judicial system" (R. p. 23, lines 14-16). Prior to

this experience, Appellant's treatment of evidence had been trained by her work in research, where live testimony only impedes analysis and is specifically controlled against. Not naturally aware of the importance of live testimony in legal proceedings, it took Appellant over a year to learn that expert reports must, by law, be accompanied by the expert's testimony. At trial, the magistrate did not disclose this requirement, but admitted the report in evidence, unqualified.

The certified flooring inspector failed to inform Appellant that his appearance at trial was mandatory, and failed to appear, despite this being a core professional responsibility. It is implausible that a certified flooring inspector—whose business depends on testifying to the accuracy of his inspections—could inadvertently fail to inform Appellant of this requirement and forfeit his fee by failing to appear. The probability of such an extraordinary lapse of self-interest, occurring at random, is vanishingly small. The probability that this extraordinary lapse randomly coincided with the magistrate's own extraordinary failure to advise Appellant of this fundamental deficiency—followed by the covert exclusion of the admitted report as hearsay in his summary—is even less plausible. Such a combination of extraordinary events, occurring in the same case and leading to the same exclusion of critical evidence, is not reasonably attributable to coincidence. Instead, this record supports the inference that the inspector's nonappearance, the magistrate's unqualified admission of the report at trial and subsequent covert dismissal later—were coordinated acts undertaken to ensure this critical evidence is permanently excluded from review.

The inspection report was the only exhibit in the magistrate's return, which bore a possible mark of being deficient—the handwritten letter "P", for "Plaintiff", on its front page was underscored; the underscoring possibly indicating deficiency. (R. pp.147–161 odd only, p. 213). This notation—possibly indicating deficiency—was inscribed without any notice. At trial, Appellant was never instructed of this exhibit having been found deficient, but instead the magistrate reviewed it, confirmed its authenticity, nodded agreement, and admitted into evidence. The inspection report was entered both in print and on the flashdrive. The magistrate reviewed it in print. Its findings and photographs, printed clearly in color, exactly matched the videos he had just reviewed on the big screen (R. p.25, lines 7-11; pp. 146–160 even only). The magistrate confirmed the certified inspector's credentials (R. pp. 212–215). This made the admission of the report completely logical and natural in Appellant's mind. The magistrate never explained or indicated that the report was being admitted as "proffer only" and was going to be dismissed later.

Had she been given any indication of this deficiency, Appellant would have necessarily

requested a continuance, an opportunity to correct it, issue a subpoena, or make an offer of proof—and a note of her request would have been entered into the record. Instead, she had been given no indication and the magistrate’s summary contains no such note nor any explanation of why the report had been excluded (R. pp. 80-81). The probability that the magistrate instructed Appellant of the report’s deficiency and she decided to forego correcting it—thus dismissing its findings and photographs, on which she relied to prove her case—is absolutely implausible (R. pp. 13-14). No reasonable jury could believe that the magistrate had instructed Appellant but—instead of making an offer of proof—she forfeited her right to correct the deficiency of the exhibit critical to determining the outcome of her case, when her case “poses an existential threat to Appellant’s life and property” (R. p.197; pp.44-46).

The record demonstrates that at the circuit court hearing—when the magistrate’s summary had not yet been backfiled—Appellant continued to rely on this report having been properly admitted at trial (R. p.23, lines 2-5). She continued to operate on the same good faith reliance for a year, even after the discovery of the backfiled summary (R. p. 216). Thus, the record confirms that the magistrate expressly admitted the inspection report at trial without any qualification, and then inscribed it as if “proffer only” in his return and dismissed it as hearsay, together with the rest of Appellant’s evidence, in his summary—which was concealed and backfiled only after the hearing (R. p.80-81, pp. 213-214).

This sequence of events supports the inference that the flooring inspector and the magistrate acted in coordination to exclude the inspection report from review, manufacturing a pretext to dismiss it (R. pp. 2-8). The scheme was harmful only for Appellant—the flooring inspector had been paid for inspecting the failed installation and producing the report, and forfeited only his court appearance fee. To protect his business reputation—the report bearing his company’s title, header and signature—the flooring inspector included only the true findings in his report, knowing that it will be wholly dismissed because of his nonappearance. Indeed, the intended purpose of this conspiracy was achieved—both the magistrate and the circuit court dismissed the report as a private opinion of “another flooring company”, despite conclusive evidence to the contrary (R. pp.80-81, p.2, pp.10-14, 213-215).

Because the accuracy and authenticity of the report’s photographs was confirmed by the inspector’s signature, which must be treated as his signed affidavit, Appellant will use them—as they were filed in the circuit court docket—to support her argument. Those images don’t require

live testimony to be admitted into evidence. The signed affidavit of their author and the date they were captured is provided in the inspection report—whose findings the magistrate obliterated by deliberately coordinated deception (R. p.213-215).

The intended purpose of this scheme was to erase the valid evidence establishing the cause of the installation failure. Had the inspector's nonappearance not been prearranged, the magistrate would have informed Appellant of this fundamental deficiency, and she would have necessarily requested a continuance or made an offer of proof (see SCRE 103(a) *supra*). Instead, the magistrate knew that the inspector was not going to appear—and confidently misrepresented full unqualified admission of the report into evidence. Had the report been truly inadmissible, the magistrate would have noted that deficiency in his summary. Instead, the magistrate's summary contains no mention of the inspection report at all, but falsely finds that "the evidence [Appellant] entered into evidence was largely hearsay and could not be considered by the court" (R. pp.80-81).

Had the magistrate not prearranged inspector's nonappearance at trial, he could not have rendered his judgment. His judgment portioned liability for the failed installation as if the failure was caused by both parties. But the inspection report contradicted this view: "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". This critical evidence establishing the cause of the installation failure had to be erased, and the magistrate prearranged the inspector's nonappearance.

This record cannot reasonably be explained as a combination of coincidences, extraordinary errors and lapses of self-interest. No reasonable jury could believe that the flooring inspector accidentally failed to appear at the same trial where the magistrate accidentally failed to instruct Appellant of this deficiency, inadvertently admitted the deficient report without instruction, then covertly dismissed it as hearsay later and concealed his summary—all of which served to obliterate Appellant's admitted evidence and support his judgment (R. pp. 80-81). These events cannot be random coincidences. Instead, this record supports the inference of deliberate coordination intended to invalidate a critical exhibit and deceive the appellate court.

This deliberate coordination was materially prejudicial. The inspection report corroborated the photographic and video evidence on Appellant's flashdrive and established Respondent's failure to follow contractual requirements. Its exclusion determined the outcome: had the report been

reviewed as admitted, the magistrate's judgment would necessarily have assigned full liability to Respondent. Instead, the magistrate had executed a scheme specifically designed to have Appellant pay for the report which will be dismissed later, still obliterating its critical evidence contradicting his judgment (R. p.1, pp.80–81).

This deliberate coordination was intended to prejudice Appellant's case, and it did—the circuit court adopted the magistrate's fabrication verbatim, despite conclusive evidence to the contrary (R. p.2). As such, this deliberate coordination constituted fraud on the court, which undermined the integrity of the court system, and deprived Appellant of her right to introduce evidence, her right to due process, and her access to courts. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944), holding that fraud on the court includes conduct designed to prevent an adversary from fully presenting their case; *McNally v. United States*, 483 U.S. 350 (1987), holding that “a public official, acting as a fiduciary to the public, is guilty of fraud if they intentionally hide material information [leaving] the public being kept in the dark”; and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, 259 S.C. 477, 481, 193 S.E.2d 124, 126 (1972), holding that “A non-disclosure becomes fraudulent concealment when it is the duty of the party having knowledge of the facts to make them known to the other party to the transaction; and *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that “a party cannot be deemed to have waived objections...which were not known...at the time”, and *Tennessee v. Lane*, 541 U.S. 509 (2004), holding that “the right is fundamental where court access is necessary to protect other constitutional rights”; and *Bounds v. Smith*, 430 U.S. 817 (1977), holding that “Right of meaningful access requires more than a theoretical right; it must be effective in practice”.

This fraud did not only deceive the court, but effectively obliterated Appellant's critical exhibit and the evidence it contained. The inspection report findings exposed Respondent's intentional neglect and—most significantly—his refusal to cure the failed installation to the installation protocols, when he was offered the opportunity to cure it. As such, this fraud destroyed Appellant's property and denied Appellant her right to be protected by the law. Indeed, Appellant subsequently experienced retaliation: the police don't take her report, attorneys deny engagement as soon as they learn her name or address, and more.

D. The magistrate's spoliation of Appellant's trial exhibits created a false record designed to support his fabricated findings.

After trial, the filed magistrate's return did not merely omit isolated documents. It systematically omitted, spoiled and truncated critical exhibits in a way that could not have been accidental. This spoliation erased the factual basis of Appellant's claim, transforming conclusive evidence into apparent hearsay and enabling the magistrate to mischaracterize the entire case. The deliberate alteration of these exhibits was material, outcome-determinative, and consistent with the magistrate's pattern of concealment and fraud described above.

At trial, the magistrate reviewed and admitted all of Appellant's exhibits—both paper documents and flashdrive—but only the inspection report was returned in full, covertly inscribed as deficient (R. p.22, line 21–p.26, line 12, see Argument I(C)). The remaining trial exhibits were either spoiled or entirely omitted—most significantly, the flashdrive containing evidence of the catastrophic installation failure within the warranty period, and more. Following instructions precisely, Appellant filed a corrective package containing copies of her original exhibits, as described in her opening statement (R. R. p.69, 70, 87; pp.10–14).

At the circuit court hearing—before the magistrate's summary had been back filed—Appellant objected to the omissions and distortions in the return (R. p.22, line 21–p.24, line 15; R. p.26, line 20–p.27, line 6). The presiding judge acknowledged Appellant's corrective filing (R. p.21, line 12) and confirmed that the exhibits were true copies of the original trial exhibits reviewed and admitted at trial:

THE COURT: Were all of those documents submitted to the magistrate?

APPELLANT: Yes. Not only did [I] submit the flashdrive at the hearing...but...distinctly critical documents were also printed out and...submitted in a printed package. The printed package also contained my [opening] statement.

(R. p.22, line 21–p.25, line 14). The Hon. Presiding Judge intended to review Appellant's exhibits after locating the magistrate's summary: "I need the opportunity to review all of those documents...and find the summary", for which purpose he took the case under advisement (R. p.27, lines 10–13). The imminent circuit court orders demonstrated that Appellant's exhibits were never reviewed (R. pp.2-8). Appellant filed a motion for reconsideration providing conclusive proof that her corrective exhibits are, of necessity, true copies of the trial exhibits. And therefore should be

reviewed, but her motion was delayed without review (R. pp.38–44).

Appellant’s corrective exhibits prove that they are not hearsay, and are—of necessity—identical to her trial exhibits. In her motion for reconsideration, Appellant specifically showed the provenance, content, and admissibility of these exhibits, citing the multiple references with which she proffered each exhibit at trial (R. pp. 10-14, 38–43). Her flashdrive contains video and audio recordings that independently, and precisely, corroborate the returned inspection report photographs and findings, as well as other documentary exhibits which it also contains in digital form—thus affirming mutual authenticity (R. pp. 10-14, 144-165). It is indisputable that all of these exhibits were reviewed, authenticated, and admitted into evidence at trial (see Argument I(B. C)). Had these materials been transferred to this Court for review, both their authenticity and complete admissibility would be established directly and conclusively. The continued exclusion of these exhibits impedes meaningful review and compels Appellant to prove the deliberate spoliation indirectly.

The comparison between the returned exhibits—and the corresponding corrective exhibits, even though both were scanned into illegibility, demonstrates deliberate spoliation of the magistrate’s return, designed to support his fabrication that all evidence Appellant “entered into evidence was largely hearsay” (R. p. 81, pp.145-165).

1. The state construction standards exhibit.

At trial, Appellant proffered the chapter on Resilient Flooring Standards, excerpted from the South Carolina Residential Construction Standards document: “please see Folder #5 for the S.C. Residential Construction Standards, which are also included in your printed package...The S.C. Residential Construction Standards define loosening of resilient flooring to be a defect only if it occurs after the normal warranty period of one year, ‘Resilient flooring should not loosen during the normal warranty period.’” (R. pp.106, R. pp.10–11). The South Carolina Residential Construction Standards is a 99-page state regulatory document. Appellant included it in full on her flashdrive and in excerpted form as a paper exhibit (R. pp.96-102, 103-109). Appellant’s exhibit consisted of seven pages: the first two – with the title page and table of contents of the entire state document, and the remaining five – with the complete chapter on Resilient Flooring Standards, properly excerpted, starting on page 36, where the chapter begins, and ending on page 40, where it ends (R. pp.96-102, 103-109).

But the construction standards exhibit, returned by the magistrate, contains only 3 pages. The first two pages of the returned exhibit match the first two pages of Appellant's exhibit, but the third page is different (R. pp.93-95). The third page of Appellant's exhibit is page 36, on which the chapter on Resilient Flooring Standards begins, with the heading RESILIENT FLOORING STANDARDS printed across the top (R. p. 98, 105). Whereas the third page of the returned exhibit is page 37, which comes from the middle of the chapter and therefore doesn't bear the chapter heading—thus making the return exhibit hearsay (R. p. 95). The third page of Appellant's exhibit, page 36, is followed by pages 37, 38, 39, and 40, on which the chapter ends. But the third page of the returned exhibit is, alas, its last. The returned exhibit is definitely hearsay (R. pp.93-95).

But Appellant's original exhibit—reviewed and admitted at trial—was not hearsay (R. pp.96-102, 103-109). A seven-page properly admitted trial exhibit had been transformed into a three-page inadmissible hearsay in the magistrate's return by removing a key page from the middle and truncating the end. This intricate mutilation unequivocally indicates deliberate spoliation: someone had to remove the specific pages 36, 38, 39, and 40, leaving only the pages 1, 2, and 37, thereby rendering the admissible exhibit inadmissible hearsay. (R. pp.93-95, 96-102, 103-109). Had the trial exhibit been spoiled by an inadvertence, it could only have been truncated—not excised selectively. Instead, the exhibit, returned by the magistrate, was excised selectively. Someone had to deliberately locate and remove the third, the fifth, the sixth, and the seventh pages, leaving only the first, the second, and the fourth—because in this composition the properly excerpted chapter becomes incomplete and cannot be admitted. This was not a mere truncation. It was an intentional excision requiring knowledge and deliberate intent. The intended purpose of this deliberate spoliation was to render valid, properly admitted evidence inadmissible hearsay.

This spoliation was material. Had Appellant's construction standards exhibit been considered, it would have shown that the failed flooring installation was not a mere defect—in which case the magistrate couldn't have penalized Appellant for not allowing Respondent to “complete repair work” (R. p.106, 81). Instead, Appellant's trial exhibit was spoiled in the return to become inadmissible hearsay—in order to match the fabricated finding in the magistrate's summary and support the allegation that the catastrophic failure was a mere defect.

2. The installation instructions exhibit.

At trial, Appellant proffered four complete official published documents containing

manufacturer guidelines, specifications, and installation instructions for the direct glue down installation method, along with a self-made summation document titled 'All Instructions', created for convenience: "please see Folder #6 for the Shaw installation instructions, adhesive specifications, and material specifications, which are combined in a single document All Instructions and included in your printed package" (R, pp.10-14, p.133).

Appellant's installation instructions exhibit consisted of 19 pages: the first three with the self-made summation document All Instructions, followed by the sixteen pages with official published manufacturer documents (R. pp.113-131). Whereas the exhibit, returned by the magistrate, contains only the 3 pages with the self-made summation document (R. pp. 110-112). The sixteen pages of the official published manufacturer documents had been removed from the returned exhibit. The magistrate even failed to return the document specifically cited in Appellant's opening statement by title: "the Shaw Floors 'Installation Guidelines for Residential Resilient Direct Glue' method...show what is defined as [luxury vinyl plank] glue down installation"—while Appellant's exhibit includes it as proffered (R, p.13, 117-123, 164-165).

Appellant's trial exhibit, containing four official publications, was not hearsay—while the corresponding exhibit, returned by the magistrate, was made hearsay by removing the official publications (R. pp. 113-131, 164-165, 110-112). A nineteen-page properly admitted trial exhibit had been transformed into a three-page inadmissible hearsay in the magistrate's return. This transformation, taken in isolation, could conceivably have occurred by mere inadvertence—if, for example, a nineteen-page exhibit had accidentally been truncated after page 3. But the probability that two exhibits were truncated—by mere inadvertence—in two different places of the record, with an additional key page removed from a third place, is implausible. No rational jury could believe that two trial exhibits had been inadvertently truncated—and also excised—in the same trial record to produce the same harmful effect of rendering them inadmissible hearsay. Instead, this spoliation was deliberate and required knowledge and intentional design. The intended purpose of this deliberate spoliation was to render valid, properly admitted evidence inadmissible hearsay.

This spoliation was material. Had Appellant's instructions exhibit been considered, it would have corroborated the inspection report, digital evidence, state standards, and revealed that the installation failed because the installers neglected the required installation protocols. For instance, the required subfloor preparation protocol stipulated that the subfloor must be "sound and properly

prepared concrete...clean, free of dust, dirt...paint, and...loose particles”, with “depressions and cracks...filled and leveled”, and that if “any other type of adhesive is present, it must be removed by the industry accepted methods such as mechanical removal” (R. p. 162, 164). Since all of Appellant’s photos and videos, inspection report, and Respondent himself show that “the only prep-work his company did before installation was scrap and sweep the slab”—the installation instructions would have necessarily shown that Respondent “did not follow the required protocol and guidelines set forth by the manufacturers” and that the ensuing failure is fundamental (R. p.13, 80, 87, 146-160, 106). The required post-installation rolling protocol stipulated that “All flooring must be rolled with a 100-lb roller after installation” (R. p. 123, p. 126, p.131). Since all of Appellant’s photos and videos, inspection report, and Respondent himself show that the flooring was not rolled—the installation instructions would have necessarily corroborated the inspection report’s finding that “all the problems.... indicate a failure to comply to the installation guidelines as required by the manufacturer” (R. pp.12-14).

3. The systemic spoilation and tampering.

When added to the complete removal of Appellant’s flashdrive and obliteration of the inspection report, this combined systemic spoilation unequivocally indicates deliberate tampering—undertaken to transform the trial record such as to support the fabricated findings in the magistrate’s summary. The intricate mutilation of Appellant’s standards exhibit, the blunt truncation of the instructions exhibit, the coordinated setup arranged to covertly dismiss the inspection report exhibit, and the disappearance of the flashdrive were deliberate acts of tampering with filed evidence—undertaken to create a record aligning with the fabricated findings in the magistrate’s summary. The magistrate’s summary relied on this tampered record to label Appellant’s evidence as “largely hearsay” and to justify the magistrate’s judgment (R. pp.80–81).

The magistrate split liability for the failed installation—despite the overwhelming conclusive evidence to the contrary. To dismiss this evidence, the magistrate’s summary of fact finding was fabricated to assert hearsay, and Appellant’s trial exhibits were spoiled to become hearsay in the magistrate’s return. Had the magistrate court not spoiled Appellant’s trial exhibits in its return, they would have necessarily clashed with the fabricated findings of fact in the magistrate’s summary, and the magistrate’s fabrications would not have survived scrutiny. Instead, the trial record was deliberately and intentionally spoiled specifically to support the allegation of hearsay and other

fabrications in the magistrate's summary (R. pp.93-95, 103-109, 110-112, 113-131, 145-165).

This evidence tampering was outcome-determinative. Had the record been preserved intact, the magistrate's findings could not have survived scrutiny. Instead, the circuit court used the obviously spoiled magistrate's return and fabricated summary to affirm the magistrate's judgment on the grounds that "Appellant did not introduce any evidence" to the contrary (R. pp. 2-8). This tampering materially prejudiced Appellant's ability to challenge the judgment, and deprived her of a meaningful opportunity to secure review based on the actual evidence admitted at trial. By spoiling Appellant's trial exhibits, the magistrate triggered a cascading pattern of coordinated fraud and misconduct, prejudiced Appellant's case and denied Appellant due process and meaningful access to appellate review. See *Tennessee v. Lane*, supra., and *Bounds v. Smith*, supra., *Brady v. Maryland* (1963) supra., *Tumey v. Ohio*, 273 U.S. 522 (1927); *Richardson v. Town of Eastover*, supra., and *S.C. Dep't of Soc. Servs. v. Wells*, supra., and *Goldberg v. Kelly*, supra.; *McNally v. United States*, supra., and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, supra., and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, supra., and *Gucci America, Inc. v. Weixing Li*, supra.

This systemic pattern of fraud denied Appellant the right to use her evidence and deprived her of any opportunity to be heard or have access to the court system itself—despite Appellant's extraordinary efforts to correct the record (R. p. 69, 70, 87, 31–87).

This deliberate spoliation constitutes fraud on the court. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944), holding that fraud on the court includes conduct designed to prevent an adversary from fully presenting their case; *McNally v. United States*, 483 U.S. 350 (1987), holding that "a public official, acting as a fiduciary to the public, is guilty of fraud if they intentionally hide material information [leaving] the public being kept in the dark"; and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, 259 S.C. 477, 481, 193 S.E.2d 124, 126 (1972), holding that "A non-disclosure becomes fraudulent concealment when it is the duty of the party having knowledge of the facts to make them known to the other party to the transaction; and *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that "a party cannot be deemed to have waived objections...which were not known...at the time".

It directly denied Appellant the fundamental right to due process, foreclosing any meaningful review of the evidence admitted at trial. See *Tennessee v. Lane*, 541 U.S. 509 (2004), holding that "the right is fundamental where court access is necessary to protect other constitutional rights"; and *Bounds v. Smith*, 430 U.S. 817 (1977), holding that "Right of meaningful

access requires more than a theoretical right; it must be effective in practice”; and *Brady v. Maryland* (1963), holding that suppression of evidence violates due process; *Tumey v. Ohio*, 273 U.S. 522 (1927), holding that “To subject a [citizen] to trial...involving his liberty or property before a judge having a direct, personal, substantial interest in convicting him is a denial of due process of law”.

E. The magistrate’s findings of fact were knowingly false, deliberately fabricated to support his judgment.

At trial, the magistrate reviewed, authenticated, and admitted all of Appellant’s evidence—both documentary exhibits and flashdrive (see Argument I (B, C)). Yet the judgment rendered was prejudicial and directly contrary to that evidence (R. p. 1). Although Respondent introduced no evidence, except for the one-page contract, the magistrate partitioned liability for the failed installation—against Appellant’s conclusive proof of material breach (R. pp. 10–14, 133). When Appellant appealed, the magistrate’s return was severely defective and contained no findings of fact (R. pp. 50–51, 65, 69, 70). Appellant filed a corrective record, and raised timely objections at the circuit court hearing (see Argument I(A)). The magistrate’s summary of findings appeared only after the hearing—covertly back filed without notice—and contained fabricated findings aligned to rationalize the judgment (R. pp. 66–68, 80–81). This concealment and covert back-filing deprived Appellant of any opportunity to expose these fabrications at the hearing—Appellant didn’t know the content of the magistrate’s summary. To the extent of her knowledge at the time, Appellant objected in her motion for reconsideration, which was delayed (R. pp. 31–87, 88–92). The circuit court affirmed the judgment without review of Appellant’s corrective exhibits (R. p. 2–8).

Because Appellant’s paper exhibits, just as the returned trial exhibits, were scanned to become illegible, and Appellant’s flashdrive is a physical exhibit, Appellant requested that the originals of her corrective exhibits be transferred to this Court for review, but her motion was denied (R. pp. 136–169, 170–171, 172–193). As the result, Appellant is compelled to rely on the few legible copies found elsewhere in the record. For example, some inspection report photographs appear within her motion to transfer originals, while other pages, or other exhibits, exist only in her original corrective submission and must be referenced via her trial opening statement (R. pp. 10–14, 136–169, see Argument I (B)). Appellant’s corrective exhibits, filed with the circuit court, are

exact duplicates of the trial exhibits reviewed and admitted into evidence (R. pp. 38–44, 69–70, Argument I (B)). Appellant proceeds on the understanding that this Court may order transfer of her original exhibits—particularly the flashdrive—should review become necessary (R. pp. 172–193).

Before turning to the specific falsifications in the magistrate’s judgment, it is important to note that each directly affected the outcome and collectively deprived Appellant of a fair trial. These were not clerical slips or harmless errors—they were deliberate falsification, designed to create a false record that could survive appellate review.

1. The “Hearsay” evidence.

The central fabrication in the magistrate’s summary was the claim that Appellant’s evidence was hearsay: “the evidence the plaintiff entered into evidence was largely hearsay and could not be considered by the court” (R. p. 81). This is demonstrably false. As established in Argument I(D, C), Appellant’s exhibits were not hearsay. As established in Argument I(B) and I(C), all Appellant’s exhibits, proffered in her opening statement, were reviewed and admitted at trial (R. p.10–14). The magistrate knew that Appellant’s exhibits were not hearsay—since he reviewed, authenticated, and admitted each exhibit without objection (see Argument I (B, C)).

This falsehood was deliberate—designed to obliterate evidence that contradicted his judgment. Had the magistrate acknowledged the admissibility of Appellant’s evidence, he would have been required to find fully for Appellant, as the evidence conclusively demonstrated material breach. Instead, the magistrate produced a desired judgment—and nullified all contradictory evidence by misrepresenting it as hearsay in his summary, and corrupting the trial record (see Argument I(A, D)).

By labeling all of Appellant’s admitted evidence as hearsay, the magistrate rewrote the trial record. The fabricated return—which omitted or corrupted all of Appellant’s essential exhibits—was then used to “confirm” this lie. This constituted fraud on the court. No impartial trier of fact could authenticate and admit exhibits at trial, then inadvertently declare them hearsay (see Argument I (B, C)). The only plausible explanation is intentional fraud designed to deceive the reviewing courts (see Argument I(D)). Had the magistrate not fabricated this finding and spoiled the return, his judgment could not have survived scrutiny (R. pp. 144–165).

This fraud was outcome-determinative and profoundly prejudicial. It exploited the

likelihood that a lay litigant would not know how to locate the filed return, recognize its omissions, or submit a corrective record. Indeed, Appellant discovered the defective return only by accident. Though she promptly filed objections and a corrective record, her exhibits were never reviewed (R. pp. 69–70, p. 87). The circuit court adopted the magistrate’s fabrications wholesale and used them to affirm the judgment: “Appellant did not introduce any evidence that the magistrate’s judgment was based on an error” (R. pp. 2–8). After discovering the covertly back filed summary, Appellant objected to this fraud in her motion for reconsideration, but it was delayed and ultimately denied without review (R. pp. 38–43).

2. The “Plank Replacement” contract.

The magistrate’s summary falsely claimed that Appellant had hired Respondent to “replace the carpet with shaw prime plank” (R. p. 80). This was a fabricated misrepresentation of the contract. The actual contract explicitly stipulated “LVT [Luxury Vinyl Tile] glue down installation” (R. p. 133). The glue down installation contract was entered by both Appellant and Respondent at trial, but it is Respondent’s exhibit that was returned by the magistrate inscribed with a handwritten letter “D” for “Defendant” (R. p. 133). The magistrate knew that the contract was for glue down installation—not plank replacement—because he reviewed and admitted this exhibit twice, and subsequently returned it (R. p. 133). All of Appellant’s exhibits—which the magistrate also reviewed and admitted—referenced solely the glue down installation (R. pp. 103–109, 113–131, 164–165). Even Respondent, who wrote the contract, confirmed the installation method in his answer: “[Appellant]...did not think we used enough adhesive...This was a 4-gallon Shaw 200 adhesive...This adhesive will get 240 square feet per gallon” (R. pp. 16–17). His statement also incidentally reaffirming his false belief that the concrete slab was non-porous (R. p. 130).

The magistrate inserted this fabrication twice in his summary—once as fact, and once falsely attributing it to Appellant’s testimony (R. p. 80). He knew that this, too, was a lie. Appellant described the contract solely as *glue down installation*, which is also known as *resilient direct glue*: “[Respondent]...emailed his offer E176 for this [luxury vinyl tile] glue down installation” (R. p. 11). She used the term *glue down* or *direct glue* nineteen times in her opening statement (R. pp. 10–14).

The difference is categorical: in glue down installations, the flooring must adhere permanently to the subfloor, and detachment within the warranty period constitutes fundamental failure, “resilient flooring should not loosen during the normal warranty period” (R. p.99,106). Glue

down installations are held to high standards: “enclosed here [are] the Shaw Floors ‘Installation Guidelines for Residential Resilient Direct Glue’ installation method [which] show what is defined as LVP glue-down installation” (R. p.12, pp. 162–164, 113–131). By contrast, “prime plank replacement” carries no such expectation and is not a recognized industry term. The magistrate’s substitution was deliberate—designed to void any expectation and standard by which the flooring could be judged a failure.

By substituting *glue down installation* with *prime plank replacement*, he nullified the core expectation that the flooring, upon installation, should be permanently glued down to the subfloor. This calculated substitution also nullified the industry standard requiring full adhesion and durability during the first year (R. p.99, 106). This substitution also invalidated all of Appellant’s evidence of the widespread detachment and catastrophic failure: “Nearly all of the planks...layed on the concrete slab...have lifted off within the first ten days after the installation” (R. p. 10). Had the magistrate not replaced the actual glue down installation with “prime plank replacement”, his findings could have evoked suspicion and been verified against the published manufacturer specifications (R. pp.113–131, 146–160, 162–164). Instead, the magistrate falsely reframed the contract as “prime plank replacement”, using a double-layered falsehood, which nullified the expectation and standards associated with glue down installation, and invalidated the evidence of the catastrophic failure—which could now be viewed as discretionally minor (R. p. 25, lines 7–11, p. 81). Had the magistrate acknowledged the true contract, his findings would not have withstood review.

This double-layered distortion constituted fraud on the court. No impartial trier of fact could review a contract that clearly states “LVT glue down installation,” hear an opening statement repeating that phrase nineteen times—and then conclude the agreement was merely to “replace carpet with prime plank” (R. pp. 10–14, 80, 133). The probability that this double-layered fabrication was an inadvertent error is implausible—especially when it directly supported his judgment and was part of a broader pattern of fabrications (see Argument I (A, B, C, D)). The only plausible explanation is deliberate fraud—intended to mislead the reviewing court.

This fraud was outcome-determinative and prejudicial. The circuit court adopted the magistrate’s fabrications and used the “prime plank replacement” fabrication to affirm the judgment, despite the original contract and opening statement having been returned as part of the record (R. pp. 2, 10–14, 133).

3. The “Irrational” Appellant.

The “plank replacement” fabrication helped the magistrate make another false assertion—again, twice, as fact and testimony—that Appellant “pulled multiple planks up...possibly causing more damage than was necessary” (R. p. 81).

These assertions were false—and the magistrate knew it. He had seen no evidence of Appellant pulling planks up—but had reviewed and admitted evidence that conclusively established the opposite—that the widespread installation failure was spontaneous (R. p. 87, pp. 146–160, Argument I (B, C)).

Similarly, Appellant could never suggest she pulled up any planks—because the failure occurred before Appellant touched anything: “Nearly all of the planks...layed on the concrete slab...have lifted off within the first ten days” (R. p.10). And again: “during that week, all of the planks...started to peel and lift off” (R. p.12). Appellant consistently described the spontaneous widespread failure: “these planks not only loosened but came off” and “nearly every plank is peeling fully off” (R. pp. 10-14). Appellant researched and provided the magistrate with National Floor Covering Association videos demonstrating the proper and failed bond test: “a bonded vinyl plank will not come off easily or in one piece if bonded properly. Please see the bond test videos in Folder 7” (R. p. 11). Because the detachment of the planks was so catastrophic that Appellant “tripped over them, they squelched under foot, or they gaped in sight”, Appellant collected the detached planks as they were drying off, and put them aside to minimize accidents (R. pp. 10–14). She explained this at trial and submitted photo and video evidence confirming it (R. p.87). Her account was corroborated by all other trial evidence the magistrate reviewed and admitted—including the state construction standards, manufacturer guidelines, and Respondent’s own admissions (R. pp. 10–14, 113–131, 146–160, 162–164, see Argument I(B), I(C)). Nothing in the record shows Appellant ever suggested she pulled planks—but the opposite it true (R. pp.10-14). Similarly, nothing in the record shows Appellant caused any damage.

Had the magistrate genuinely believed that Appellant caused any damage, he wouldn’t have removed Appellant’s flashdrive from his return (see Argument I(B, D)). After discovering the defective return in July 2024, Appellant filed an exact duplicate of her trial flashdrive with the circuit court—still within the first year of installation (R. p. 87, 70). The date of that filing meant that the evidence on the circuit court flashdrive—even without professional extraction of metadata—still

showed the failed installation during the warranty period. This necessarily meant that the evidence on the circuit court flashdrive was congruent to the evidence on the omitted trial flashdrive, as was shown in Appellant’s motion for reconsideration (R. pp. 40–43, p. 87, pp. 146–160, see Argument I(B)). That flashdrive should still remain in circuit court custody and can be reviewed, should this Court wish to review all the evidence admitted at trial. Had there been any evidence demonstrating that Appellant caused any damage, the magistrate would have preserved it in his return—not removed it. Nor would he have fabricated an elaborate network of falsehoods designed solely to manufacture a false reality in which Appellant “pulled up” multiple planks (see Argument I (A, B, C, D)).

Instead, the record shows no evidence that Appellant bore any responsibility for the catastrophic failure. The magistrate deliberately invented this allegation to manufacture a rationale for partitioning liability—in direct contradiction to the trial record. He then corrupted the trial record to dismiss the evidence that contradicted his judgment, and fabricated a network of falsehoods, where one replaced the actual terms of the contract with amorphous replacement of planks, and another found that Appellant damaged her own flooring—and even bragged about it—thus manufacturing a justification for his partitioning where none existed. The allegation itself was irrational—no homeowner would intentionally damage new flooring installed at her own expense. Yet that implausibility only heightened the prejudice: it portrayed Appellant as unstable and untrustworthy.

This deliberate falsehood constituted fraud on the court. No impartial trier of fact could review and admit evidence of spontaneous installation failure—and then claim that Appellant caused it (R. pp. 146–160). Nor could an impartial trier of fact review and admit a contract stipulating glue down installation—and then assert that Appellant pulled up planks which had been permanently glued to the subfloor (R. p. 133). The allegation was stated twice in the magistrate’s summary, underscoring its calculated role (R. p. 80). Had the magistrate not fabricated this claim, he would have had no basis to divide liability or undermine Appellant’s credibility. The only plausible explanation is deliberate fraud intended to deceive the reviewing court (see Argument I(A), I(B), I(C), I(D)).

This fraud was outcome-determinative and profoundly prejudicial. The circuit court adopted the magistrate’s fabrications and used this false allegation to affirm the judgment (R. pp. 2–8).

4. The “Almighty” Appellant.

The second instance of this fabrication appears in the magistrate’s summary in the paragraph recounting Appellant’s testimony—where, supposedly, Appellant stated “she could peel the flooring up with her bare hands” (R. p. 80).

This was a knowing—and belligerent—falsehood that directly contradicts the trial record. Appellant used the word *planks* fifteen times in her opening statement, each time describing their failure as spontaneous: “planks...lifted off,” or: “not only loosened but came off,” etc. (R. pp. 10–14). The independent inspection report, which the magistrate reviewed and admitted into evidence, confirmed the same: “insufficient adhesive transfer to the back of the planks,” “the installed planks did not have glue transfer on the back,” and “the planks in the full length of the install were lifting and peeling up” (R. pp. 146–160). Appellant’s other exhibits corroborated these findings.

Appellant’s flashdrive included two videos from the National Floor Covering Association demonstrating proper and failed bond tests. In the proper bond test video, a two-man crew struggles to pry off a bonded plank with a scraper—the plank can’t be pried off and tears: “Normally, a bonded vinyl plank will not come off easily or in one piece if bonded properly. Please see the Bond Test videos in Folder 7” (R. p. 10).

Appellant never suggested she could, or did, peel the flooring up at all, but consistently testified of the spontaneous failure: “the planks were simply laid over the concrete, not rolled, not pressed... My videos show me lifting each plank with one hand while holding the telephone with the camera in the other hand. This was not even a mockery of installation—this was zero installation” (R. p. 25, lines 7–12). Nothing in the record shows Appellant ever testifying to peeling the flooring up—to say nothing about “bare hands”.

This falsehood was deliberate and belligerent. By falsely attributing it to Appellant’s own testimony, the magistrate fabricated a finding which supported his broader fabrication—that Appellant “pulled planks up” and caused damage. This falsehood was inserted not only to rationalize his judgment but to make it appear as if Appellant herself had confessed it—falsely painting Appellant as irrational and unstable.

This deliberate—and blatant—rewriting of the trial record indicates egregious misconduct and disregard of the judicial system. The multi-layered fabrication of facts—where additional

supportive falsehoods are inserted in multiple locations to reinforce each other—indicates a system of fraud practiced with familiarity. The confidence and ease with which these fabrications were inserted in the summary suggests they were not anomalies, but part of a practiced and tolerated method.

This was fraud on the court. No impartial trier of fact could review and admit the glue down installation contract—and assert that Appellant pulled up planks that had been permanently glued down (R. pp. 133). Had the magistrate acted as an impartial judiciary, he could not have reviewed and admitted all of Appellant’s exhibits—documents, videos and photographs showing widespread spontaneous detachment—and assert that that detachment was caused by manual pulling of planks (R. pp. 146–160). Instead, the magistrate misrepresented the glue down installation contract as an agreement “to replace carpet with prime plank”, fabricated the claim that Appellant damaged that installation, and reinforced it with the false testimony—directly contrary to actual Appellant’s testimony. Had the magistrate not misrepresented the glue down installation as undefined “plank replacement,” the notion that Appellant could peel the glued down flooring up with her bare hands would have raised suspicion and exposed the fraud. The substitution of contract terms shielded his fraud from scrutiny. He then stripped the trial return of all Appellant’s evidence and fabricated the claim that it was hearsay (R. pp. 80–81, Argument I (D)). His multi-layered system of fabricated findings—with each fabrication reinforcing the others and each serving the same purpose—constituted deliberate fraud intended to deceive the reviewing courts (see Argument I (A, B, C, D)).

This fraud was outcome-determinative and profoundly prejudicial. The circuit court copied the magistrate’s fabrications and used this false attribution to affirm the judgment (R. pp. 2–8).

5. The “Completed” work.

The magistrate’s other consequential fabrication is the finding—asserted as fact—that “Respondent performed and completed the agreed upon work” (R. p. 81).

This was knowingly false and deliberately misleading. Appellant’s evidence—all reviewed and admitted at trial—showed that Respondent’s installation failed catastrophically within days (R.p.87, pp.10–14, pp.145–164, Argument I(B, C)). Under the South Carolina construction standards, a catastrophic failure during the first year constitutes material breach—not “completed work” (R. p. 99, 106). Respondent admitted it himself at inspection and agreed to issue a full refund, then changed his mind (R. p. 12, 87).

The contract stipulated glue-down installation of Luxury Vinyl Plank (R.p.133). The completion of a glue down installation is verified against the published installation instructions, which specify the required installation protocols (R. pp. 113–131, 162–164). This was done by a certified flooring inspector who found that that the widespread detachment indicated “failure to comply to...the required protocols and guidelines” (Argument I(C)). Appellant’s photo and video evidence corroborated the inspection report findings and photographs (R. p. 87, pp. 10-14, 144-160). The catastrophic failure of his installation was glaring proof that Respondent had not completed the agreed upon work properly—which caused the widespread installation failure seen in the photos and videos.

The magistrate knew his fabrication was false—because he reviewed and admitted all of Appellant’s evidence at trial (Argument I (B, C)). It is simply impossible to see the catastrophic installation failure—and genuinely believe it to be “completed work”. No reasonable jury could possibly see Appellant’s videos and inspection report photographs—and believe that this glue down installation had been completed (R. pp. 145–160). And the magistrate had seen all of Appellant’s evidence, including multiple videos (Argument I (B, C)). Had the magistrate truly not seen the evidence on Appellant’s exhibits, he would not have deliberately spoiled them in his return, excluding them from review and manufacturing false findings to justify this exclusion (Argument I (D)). Had the magistrate not understand that the catastrophic failure, shown in Appellant’s exhibits, means that the glue down installation contract had not been completed, he would not have had to exclude them from review at all.

Instead, the magistrate knew that Appellant’s evidence clearly showed the job had not been completed properly, and that the installation failure was—correctly—attributed to Respondent’s non-compliance with required protocols (R. p. 13–14, Argument I(C)). Had the magistrate truly believed that the inspection report contained erroneous findings, he would have objected to inspector’s non-appearance at trial, marked the report deficient, for identification only, and let Respondent contest its erroneous findings (Argument I (C)). Instead, the magistrate pre-arranged inspector’s non-appearance, reviewed and admitted the report into evidence, and covertly dismissed it later in his summary (Argument I (C)). No rational jury could believe that this pattern of conduct could be caused by random inadvertencies—the only plausible explanation is that the magistrate knew the report contained true findings, and arranged for it to be later dismissed in secret.

Moreover, the magistrate himself acknowledged Respondent's non-compliance: "Respondent stated that the only prep-work his company did before installation was scrap and sweep the slab"—which is a glaring violation of one of the most critical protocols: "The substrate must be structurally sound, clean, level...and properly prepared concrete...Fill depressions and cracks with a...patching compound" (R. p. 80, pp. 146–160, 162–164).

This fabrication was deliberate—intended to justify the partitioning of liability for the failed installation. By fabricating a finding that Respondent completed the agreed upon work—and also fabricating that Appellant damaged it by pulling planks up, the magistrate created the grounds for splitting liability. By misrepresenting the glue down installation contract as an agreement "to replace the carpet with prime plank", the magistrate invalidated the industry standards, by which the failed installation could never be deemed completed, and created a context where pulling planks up wasn't impossible. By claiming all of Appellant's evidence was "largely hearsay", the magistrate erased the evidence that contradicted his fabrications and judgment.

This intricately woven system of falsehoods constituted deliberate fraud on the court. Had the magistrate acted as an impartial trier of fact, he couldn't have reviewed the evidence of the catastrophic installation failure—and claim that this glue down installation was completed (R. p. 130, pp.144-161). Instead, the magistrate erected an intricate network of fabrications and misrepresentations to create a false record in which Respondent completed the job, but Appellant damaged it, at least in part. These multi-layered falsehoods each served the same purpose: to create the rationale for the magistrate's judgement—which could not possibly have been an inadvertence (Argument I (A, B, C, D)). The only plausible explanation is deliberate fraud, intended to deceive the reviewing courts.

This fraud was outcome-determinative and profoundly prejudicial. The circuit court adopted the magistrate's fabrications as the framework for affirming the judgment, stating that "Respondent performed and completed the work" (R. pp. 2–8). By accepting this falsehood—without any evidence—the circuit court ratified the entire structure of fraud erected beneath it. In doing so, the circuit court deprived Appellant of meaningful appellate review and upheld a judgment which was profoundly prejudicial and based on fraud.

6. Discretionally completed work.

Another central fabrication in the magistrate's summary was the claim—asserted as fact—

that “the [magistrate] court believes the flooring product was not installed 100% correct” (R.p.81).

This fabrication is knowingly false and deliberately misleading—Appellant’s evidence, reviewed and admitted at trial, demonstrated that the flooring was installed completely incorrectly (R.pp.13-14). Respondent violated the most critical installation protocols required by the manufacturer (R.p.106. R.pp.113-131, R.pp.162-164, R.pp.145-161). When Respondent inspected his failed installation, he admitted to failing to comply with these protocols and even to not knowing them (R.pp.10-14). Finally, Respondent himself effectively admitted his work was done completely incorrectly—when he stated that his installers applied adhesive at the wrong spread rate, and that the “only prep-work his company did before installation was scrap and sweep the slab”— each of which is a violation of the critical subfloor preparation protocol and trowel size selection requirement (R.p.15, 80, pp.113-131, 162-164, 124, 130). A glue down flooring, installed in violation of the required subfloor preparation protocol, will not stay glued—even if the proper size trowel had been used. The independent inspection report found all the causes of the catastrophic installation failure and attributed them squarely to Respondent (R. pp. 13-14).

This fabrication was deliberate—intentionally designed to shift the case into the domain of judicial discretion, as if Appellant entered no conclusive evidence and the magistrate had to estimate the truth based only on testimonies. By fabricating an intricate system of falsehoods—that all the evidence Appellant entered “was largely hearsay”, that Respondent “completed the agreed upon work” but Appellant “pulled multiple planks up”, causing more damage than was necessary, which was possible because they were not glued down but simply placed—the magistrate created the grounds to transfer the matter into the realm of his discretion, thus insulating his judgment from rigorous appellate review. By fabricating this finding—that his court believed “the flooring product was not installed 100% correct”—and weaving it into the overarching system of the other fabrications, the magistrate rewrote the trial record and transferred the case into the realm of his discretion.

This deliberate multi-layered fabrication of facts constituted fraud on the court. Had the magistrate acted as an impartial trier of fact, he couldn’t have reviewed and admitted Appellants’ exhibits—and then claim that the glue down installation was completed, even though subject to deficiencies (R.p.162, 146-160, 10-14). By fabricating this claim, the magistrate not only transferred the case into the realm of his discretion, but paved the way to further claim that Appellant should have allowed Respondent to repair these “deficiencies”.

This deliberate fraud—intended to deceive the court—was outcome-determinative and profoundly prejudicial. The circuit court adopted the magistrate’s fabrications as grounds to affirm his judgment, “Respondent performed and completed the work, but the work was subject to deficiencies...the magistrate estimated...”—without reviewing Appellant’s exhibits which contained conclusive evidence of complete material breach (R. pp. 2–8, Argument I (A, B, C, D)).

7. The “Denied Opportunity and Access”.

Some of the magistrate’s most prejudicial fabrications appear in his conclusion. Chief among them—asserted twice, as Respondent’s testimony and a conclusory finding—is the falsehood that Appellant denied Respondent “an opportunity to perform under the full contract by denying him access” (R. p. 81).

This fabrication was knowingly false and deliberately misleading. The full contract was returned by the magistrate (R. p. 133). It stipulates only the following labor items: “Take out and disposal carpet, pad & tack strip / Weave LVT in two door ways / LVT glue down installation” (R. p. 133). Since the magistrate himself claimed that Respondent “performed and completed the agreed upon work”, he couldn’t have simultaneously believed that Respondent was denied “an opportunity to perform under the full contract” (R.p.81).

Respondent was never denied access—neither during installation nor during his post-installation inspection—and the magistrate knew this. Respondent described his inspection in his answer: “I made an appointment to inspect the installation...when I entered...I noticed that [Appellant] pulled up many planks, may be 7 or 10” (R.p.15). Appellant described it in her opening statement, recounting how Respondent blamed the peeling and lifting on adhesive, claimed it was “normal and an easy fix,” proposed to “patch up the peeling spots”, blamed residual carpet glue, admitted they didn’t roll the installation—and warned her not to inspect further. He ultimately admitted that he is not the owner of Carpet King and Flooring and agreed to issue a full refund, “please see Folder 4 for the audio recording of [Respondent’s] inspection and admissions” (R. p. 10-12). The magistrate himself described Respondent’s inspection in his summary: “when the defendant arrived at the plaintiff’s residence, it was very obvious the plaintiff had intentionally pulled up multiple planks” (R.p.80).

The origin of the vague “denied access” claim, fabricated by the magistrate, is found in Respondent’s answer: “[Respondent] had [his] father, the owner, contact [Appellant]. He called her

to try to schedule an appointment to inspect the installation to rectify any issues and she refused to have him go to her home and inspect the install” (R.p.17). Appellant’s opening statement completes the picture: “[Respondent]...tried to intimidate [Appellant] into accepting his installation and into dealing with strange unknown people” (R.p.10). Appellant never met Respondent’s father because she entered into the contract with Respondent, who represented himself as the owner of Carpet King and Flooring. It was Respondent’s father—whom Appellant never met—who called and requested access, and whom she denied.

This fabrication was knowingly false and deliberately designed to create the impression that Respondent had been denied an opportunity to complete the contract. The additional note about Appellant, supposedly, denying access was purely punitive. The magistrate knew Appellant denied access only to Respondent’s father. He discussed this with Appellant during trial, when she explained that Respondent tried to intimidate her into accepting the failed installation and dealing with “strange unknown people” (R. p. 10). The magistrate confirmed that Appellant had dealt only with Respondent and, therefore, refused to negotiate with his father (R. p. 17). When Appellant discovered the back filed magistrate’s summary and learned that his judgment penalized her for “denying Respondent access”—Appellant knew that she was being knowingly penalized for denying access to Respondent’s father, not Respondent. Had the retaliatory pressures forced Appellant to accept this judgment, it would have had the effect of forcing her to allow strangers access to her home, lest she suffer further damages (R.pp.80-81). The magistrate’s judgment effectively punished Appellant for exercising her right to safety in her own home—setting a dangerous precedent when denying strangers access results in financial penalty.

This deliberate fabrication constituted fraud on the court. Had the magistrate acted as an impartial trier of fact, he could not have claimed Appellant denied Respondent the opportunity to “perform under the full contract”—and also claimed that Respondent “performed and completed the agreed upon work”, particularly after reviewing and admitting the contract, which plainly stipulated only “Luxury Vinyl Tile glue down installation” (R. p. 133). By fabricating this finding, the magistrate manufactured the false record that Appellant, somehow, denied Respondent the opportunity to complete the contract. By adding the punitive clause, the magistrate effectively created—or reinforced—a rule that denying access to certain strangers and refusing to negotiate “fixes” with them results in financial penalty.

This deliberate fraud was intended to deceive the court—and succeeded. The circuit court

adopted the magistrate's fabrications as grounds to affirm his judgment (R. pp. 2–8, Argument I (A, B, C, D)).

8. The “Warranted Repair Work”

The other profoundly prejudicial and consequential fabrication—asserted four separate times: as Respondent's testimony, twice as findings of fact, and once as a conclusory finding—is the falsehood that Appellant did not allow Respondent “to complete repair work covered by the warranty” (R. p. 81). First, the magistrate recounts it as Respondent's testimony: “he attempted to correct the issue, however the plaintiff would not allow” (R. p. 80). Then, the magistrate states it in his findings as two separate facts: “defendant responded to plaintiff's complaint, however was not fully allowed by the plaintiff to perform warranty work”, and “the Court believes the flooring product was not installed 100% correct, however the plaintiff did not allow the defendant to perform or cure the issue as the contractual warranty dictates” (R. p. 81). Lastly, the magistrate repeats it in his conclusion, stating that Appellant denied Respondent the opportunity to “perform under the full contract” by “not allowing him to complete repair work covered by the warranty.”

This fabrication—that Appellant refused to allow Respondent to “complete repair work covered by the warranty”—was knowingly false and deliberately misleading.

First, the magistrate knew that Respondent's warranty applied only to carpet installations: “This Warranty applies to new Carpet and Padding or other products purchased from [Respondent]”, and that the only contractual obligation was the glue down installation and payment (R.p.132, 133). The magistrate reviewed and admitted both the contract and warranty at trial, and returned them in his return.

The magistrate also knew that the installation failure was material breach—not a defect, as defined by the South Carolina construction standards—which require full adhesion of resilient flooring for the duration of the warranty period (R. p. 99, 106, pp. 103-109). He saw this material breach in Appellant's videos which showed catastrophic failure days after installation: “as you can see in [the] videos, these planks not only loosened but came off” (R. p. 11, 87, Argument I (B)). All of Appellant's evidence showed the catastrophic widespread installation failure: “The planks in the full length of the install were lifting and peeling up. The edges are continuously lifting throughout the installed areas and creating a severe tripping hazard” (R. p. 14, Argument I(C)). The magistrate's deliberate spoliation of the trial record confirmed his knowledge: had he not known the South

Carolina construction standards defined this failure as material breach, he would not have deliberately corrupted Appellant's exhibit to render it inadmissible hearsay (Argument I(D), R. pp. 93-95, 96-102, 103-109).

Finally, the magistrate knew that Appellant did give Respondent the opportunity to cure his failed installation and that Respondent clearly showed he couldn't cure it (R. p. 10, 12). Appellant recorded Respondent's admissions during inspection and proffered this audio recording on her flashdrive at trial: "please see Folder 4 for the audio recording of [Respondent's] inspection and admissions". The audio recording contained evidence of Respondent's continuous efforts to swindle Appellant—even in full view of his catastrophically failed installation. Appellant addressed it specifically at trial, explaining that she is aware of the South Carolina 'right to cure' law, but that Respondent continued to swindle her during his inspection—blaming the failure on the manufacturer adhesive, on the old residual carpet glue, and insisting it was "normal", "an easy fix", and doesn't require re-installation—when all evidence showed that the failure was fundamental and was caused by breaching fundamental installation protocols (R. pp. 10-14). Still, Appellant offered Respondent multiple times the opportunity to cure it, and asked what steps he would take, but Respondent continued to insist that: "all the planks that aren't adhered, we'd have to pull them up and put them back down" and "we can patch up all the peeling" (R. p. 87). The audio recording, included on Appellant's flashdrive "with short characteristic segments copied for convenience", contains evidence of this—as Appellant explained both in her opening statement and verbally in response to the magistrate's question (R. p. 12). The magistrate knew that Appellant gave Respondent the opportunity to cure his failed installation—and that Appellant's flashdrive contained evidence of it (R. p. 12).

Respondent did not wish to properly re-install the flooring. He repeatedly insisted on glueing the detached planks "back down"—still in violation of the installation protocols—clearly demonstrating he didn't know and didn't wish to cure the failed installation (R. pp. 162-164, 113-131). He didn't know the required subfloor preparation parameters or the correct adhesive spread rate—but continued to misrepresent them (R. p. 15, 130, 125). The audio recording shows clear evidence he intended to cut corners, again (R. p. 15-17, p. 87). Multiple times, Appellant pointed out: "the rest of this flooring is in the same condition as these planks" and "don't you think the rest of this flooring needs to come up?"—only to experience Respondent's continuous attempts to swindle her and convince that the catastrophic failure didn't need to be re-installed (R. p. 12). The

audio recording showed that Respondent deliberately misrepresented his expertise. eventually admitting he was not the owner of Carpet King and Flooring. Appellant refused his proposed method as violating installation requirements: “patching is not good...at all”, and requested full refund. Respondent agreed, but changed his mind later.

The magistrate knew that Respondent’s proposed method to cure the breach was to patch up the peeling planks (R. p. 12). The magistrate also knew that both the inspection report and the installation instructions showed that the installation failed due to inadequate subfloor preparation, among other reasons. Therefore, the magistrate knew that patching up the peeling spots was guaranteed to fail, again—and Appellant emphasized it at trial (R. pp. 13-14, 113-131, 162-164). In other words, the magistrate knew that Respondent couldn’t cure his failed installation and didn’t wish to do it properly. Had the magistrate not known it, he would not have deliberately removed Appellant’s flashdrive from the trial record—triggering a cascading pattern of fraud and obstruction aimed to exclude that flashdrive from review even after Appellant filed it to correct the omission in the magistrate’s return (Argument I(A, B, C, D), R. p. 4, 87, pp. 136–143, Argument II, III).

Instead, the magistrate knew that Appellant offered Respondent the opportunity to cure, and that Respondent insisted on a method which was guaranteed to fail—and still destroyed Appellant’s flashdrive and fabricated a false record where Appellant, supposedly, denied Respondent this opportunity. This knowingly false fabrication was deliberate and punitive—designed to create a false record which justified his judgment and also denied Appellant the right to recovery. Moreover, the magistrate knew that Respondent was in the carpeting business (R. p. 132). His bidding on a glue down flooring installation was an act of fraud, and Appellant emphasized it at trial: “some other evidence discovered later (enclosed in Folder 10) suggested that [Respondent] acted in bad faith from the beginning and his negligence was intentional” (R. p. 11).

When Appellant discovered the back filed magistrate’s summary and learned that his judgment penalized her for denying Respondent the opportunity to complete repairs—Appellant knew that she was being knowingly penalized for denying a fraudulent contractor infinite swindling opportunities, however damaging. Had the retaliatory pressures forced Appellant to accept this judgment, it would have had the effect of forcing her to allow swindlers infinite opportunities, lest she suffer further damages (R.pp.80-81). The magistrate’s judgment effectively punished Appellant for exercising her right to own her property—setting a dangerous precedent when denying fraudulent transactions results in financial penalty.

This deliberate fabrication constituted fraud on the court. Had the magistrate acted as an impartial trier of fact, he wouldn't have reviewed and admitted Appellant's evidence, particularly the flashdrive—and then spoiled that evidence in the return and fabricated falsehoods to create the false new record that Appellant denied Respondent the right to cure. By adding the punitive clause, the magistrate effectively created—or reinforced—a rule that denying certain contractors infinite swindling opportunities results in financial penalty. In Appellant's case, this punitive clause was effectively forcing Appellant to allow Respondent to repair his intentionally failed installation by patching up the peeling planks only—which was guaranteed to fail again, and lead to the need for continuous additional repairs, thus making Appellant a paying subscriber to Respondent's intentionally defective services (R. p. 44-46).

This deliberate fraud was intended to deceive the court—and it did. The circuit court adopted, and even embellished, the magistrate's fabrications as grounds for affirmance: “any attempt by Respondent to cure...defects was refused. Appellant would not let the company have access to her home” (R. pp. 2–8, Argument I (A, B, C, D)).

9. The fraud on the court.

The above shows that the magistrate knowingly and intentionally committed fraud designed to deceive Appellant and the court.

The magistrate's judgment split liability for the failed installation—against the conclusive evidence to the contrary. In order to explain his judgement, the magistrate had to show that Appellant was partially responsible. To this end, he spoiled the trial record in his return, falsely declared Appellant's evidence hearsay in his summary, and added a multi-layered structure of multiple falsehoods to manufacture a new record which supported his judgement. In this new, fabricated record, the contract was merely to replace the carpet with planks, which Respondent duly completed. The damage, according to this version, was then caused by Appellant—who refused Respondent access and denied him the opportunity to cure it, thereby forfeiting her right to recover. By adding the two punitive clauses in the conclusion of his summary, the magistrate effectively reinforced the rule that denying certain contractors infinite swindling opportunities, or refusing to negotiate “fixes” with certain strangers, results in financial penalty. In Appellant's case, the magistrate's judgment also effectively forced her to become Respondent's paying subscriber (R. p. 44-46). By adding the belligerent falsity that Appellant, supposedly, claimed she “peeled the

flooring up with her bare hands”, the magistrate fabricated a false record of Appellant’s “irrationality”—possibly paving a way to dismiss her complaints in the future.

The magistrate’s fabrications were intricately interwoven to reinforce one another, creating an illusion of internal consistency and truth. This intricate system of falsities replaced the trial record with a fabricated reality in which Appellant was partially responsible for the failed installation and guilty of denying Respondent the right to cure his discretionally failed installations. By excluding all of Appellant’s evidence from review, the magistrate insulated his judgment from scrutiny—recasting the dispute as one committed to his discretion, which is reviewed only for abuse and not de novo (R. pp. 170–171). By withholding, and then back-filing his findings after the hearing, the magistrate prevented Appellant from being able to expose his fraud at the hearing (Argument I(A, B, C, D, E)). See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944), holding that fraud on the court includes conduct designed to prevent an adversary from fully presenting their case; *McNally v. United States*, 483 U.S. 350 (1987), holding that “a public official, acting as a fiduciary to the public, is guilty of fraud if they intentionally hide material information [leaving] the public being kept in the dark”; and *Lawson v. Citizens & S. Nat’l Bank of S.C.*, 259 S.C. 477, 481, 193 S.E.2d 124, 126 (1972), holding that “A non-disclosure becomes fraudulent concealment when it is the duty of the party having knowledge of the facts to make them known to the other party to the transaction; and *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that “a party cannot be deemed to have waived objections...which were not known...at the time”

To invalidate Appellant’s inspection report, the magistrate acted in tandem with the out-of-state certified flooring inspector to ensure his non-attendance at trial (Argument I(C), R. p. 28, lines 17–21, pp. 72–76). This intricate system of fabrications, deceitful conduct and obstruction, aimed solely to effectuate a desired judgment in a narrowly-tailored dispute, was executed with the ease and confidence of a well-practiced routine—and triggered a cascading pattern of additional fabrications, deceitful conduct, and procedural obstruction, denying Appellant the very access to courts. Despite Appellant’s timely objections in her motion for reconsideration, the circuit court adopted and even embellished the magistrate’s fabricated findings—affirming the judgment despite the corrective record (R. pp. 2–8, 31–87, 69–70, 87). See *Tennessee v. Lane*, 541 U.S. 509 (2004), holding that “the right is fundamental where court access is necessary to protect other constitutional rights”; and *Bounds v. Smith*, 430 U.S. 817 (1977), holding that “Right of meaningful

access requires more than a theoretical right; it must be effective in practice”; and *Brady v. Maryland* (1963), holding that suppression of evidence violates due process; and *Tumey v. Ohio*, 273 U.S. 522 (1927), holding that “To subject a [citizen] to trial...involving his liberty or property before a judge having a direct, personal, substantial interest in convicting him is a denial of due process of law”.

F. The fraud committed caused actual prejudice and deprived Appellant of fundamental Constitutional rights.

The magistrate’s fraud did not end with his judgment. As soon as Appellant appealed, a coordinated effort began to suppress, distort, or destroy the evidentiary record on which her appeal depended. Appellant found she was unable to retain representation—counsel declined engagement immediately upon learning her name or address (R. p.71, 197, 201-203). This effort—just as the structure of the magistrate’s summary—was seemingly disjoined and coincidental, specifically so as to obscure the process and disorient Appellant. The magistrate had already removed Appellant’s flashdrive and spoiled her documentary exhibits—when Appellant filed a corrective record, the circuit court clerk scanned all of her paper exhibits into illegibility upon docketing, rendering them unreadable to the reviewing judge (R. p.69. 70, 87, 103–109, 113–131, 147–165 odd only). The clerks concealed the magistrate’s summary before Appellant’s hearing and covertly backfiled it after—to prevent her from exposing the magistrate’s fraud at the hearing and demanding impartial review of her filed corrective exhibits (see Argument I(A) and II(A)).

The presiding judge, the Hon. Dale Van Slambrook, acknowledged receipt of Appellant’s corrective filing and intended to review it (R. p.21, lines 11–13; p.23, lines 3–14; p.27, lines 10–13). But the order, affirming the magistrate’s judgment, proved that her exhibits were not reviewed (R. pp. 2-8). Instead, the circuit court order copied—and in some places embellished—the magistrate’s findings, without any independent review.

The voice of the order was entirely unlike the voice of the presiding judge at the hearing. Where the judge impartially acknowledged the incomplete return, the filed corrective exhibits, and expressed his intention to review everything—the written order dismissed the irregularities in the return, dismissed the corrective exhibits, and copied the magistrate’s fabrications, even embellishing them in the terms not used in the magistrate’s summary (R. p.2-8, 80-81). These divergences strongly suggest that the order was not written by the presiding judge himself, but by a

circuit court law clerk—one who coordinated with the magistrate to uphold a judgment known to be fraudulent.

The result of this coordination was catastrophic. Appellant's flashdrive and documentary exhibits were never reviewed. The appellate record was stripped of all essential evidence through deliberate acts of misfiling, misrepresentation, and destruction.

Appellant's trial exhibits—reviewed, authenticated, and admitted—were rendered invisible to the reviewing court. Her flashdrive was excluded. Her corrective record was rendered illegible. The order affirming judgment made no independent findings, but merely recited those fabricated by the magistrate, unrebutted.

This systematic suppression of evidence and fraud was not a series of accidents—each action directly aimed to cause the failure of Appellant's appeal. And they did, undermining the integrity of the court system and depriving her of the fundamental right to meaningful judicial review. Worse still, the magistrate's fabricated judgment effectively stripped Appellant of her right to be secure in her own home and to control her private property. By faulting her for refusing knowingly defective "repairs" from Respondent—the very party who breached the contract—the court's ruling functionally compelled Appellant to remain a paying subscriber to her own abuser.

By pre-arranging with the flooring inspector to ensure his non-attendance, then admitting his report at trial with no instruction and later covertly dismissing it as hearsay, the magistrate not only deceived the court but effectively obliterated Appellant's critical exhibit and the evidence it contained. The inspection report findings exposed Respondent's intentional neglect to follow the required installation protocols and—most significantly—his refusal and inability to cure the failed installation properly, when he was offered the opportunity to cure it. As such, this fraud destroyed Appellant's property and denied Appellant the right to be protected by the law. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944), holding that fraud on the court includes conduct designed to prevent an adversary from fully presenting their case; *McNally v. United States*, 483 U.S. 350 (1987), holding that "a public official, acting as a fiduciary to the public, is guilty of fraud if they intentionally hide material information [leaving] the public being kept in the dark"; and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, 259 S.C. 477, 481, 193 S.E.2d 124, 126 (1972), holding that "A non-disclosure becomes fraudulent concealment when it is the duty of the party having knowledge of the facts to make them known to the other party to the transaction; and *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that "a party cannot be deemed to

have waived objections...which were not known...at the time”.

As the result, Appellant was subjected to retaliatory pressures. Attorneys declined representation upon learning her name or address; police refused to take her report. Inquiries to her state representative, congressman, and the governor triggered threats of psychiatric intervention (R. p.71, 197, 201-203). These extrajudicial reprisals compounded the deprivation of due process and confirmed that the judicial misconduct was not accidental but part of a broader pattern of obstruction and retaliation. See *Tennessee v. Lane*, 541 U.S. 509 (2004), holding that “the right is fundamental where court access is necessary to protect other constitutional rights”; and *Bounds v. Smith*, 430 U.S. 817 (1977), holding that “Right of meaningful access requires more than a theoretical right; it must be effective in practice”; and *Brady v. Maryland* (1963), holding that suppression of evidence violates due process; and *Tumey v. Ohio*, 273 U.S. 522 (1927), holding that “To subject a [citizen] to trial...involving his liberty or property before a judge having a direct, personal, substantial interest in convicting him is a denial of due process of law”.

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

A. The clerks withheld the summary and covertly backfiled after Appellant’s hearing.

The magistrate’s fraud did not end with his judgment. Once Appellant appealed, a coordinated effort began to suppress, distort, or destroy the evidentiary record on which her appeal depended. At the magistrate court, she was warned against appealing and denied a transcript (R. pp.72–86, R. p.28, lines 15–21). At the circuit court clerk’s office, she was given prejudicial instructions and her filings were miscaptioned to sabotage review (R. pp. 69, 70, 88, 91, 92). These actions appeared coordinated, not random—achieving the single purpose of impeding Appellant’s progress. Several clerks even recognized Appellant without ever having seen her before.

The magistrate had removed Appellant’s flash drive and obliterated her documentary exhibits. When Appellant submitted corrective exhibits to the circuit court, the clerks scanned them into illegibility—rendering them unreadable and effectively obliterating them again (R. p. 69, 70, 87; 96–102; 113–131; 147–165 odd only). Still, the fraud did not stop there.

The magistrate’s summary, which was absent at the time of Appellant’s hearing, was covertly backfiled after the hearing—preventing her from exposing the magistrate’s fabrications

and blocking the judge from remanding the case for retrial (R. pp. 50–51; 66–68). Appellant received no notice or opportunity to respond, and the presiding judge was never informed of the backfiling—yet the circuit court affirmed the magistrate’s judgment (R. pp. 2–8).

The magistrate issued a highly prejudicial, precedential judgment and employed the fabricated hearsay mechanism to dismiss all of Appellant’s trial evidence that contradicted it (R. p. 1). To support this fraud, he crafted his summary to assert that Appellant’s evidence “was largely hearsay”—then obliterated the evidence in his return, leaving only the scraps that appeared to be hearsay in isolation (R. pp. 80–81; see Argument I(D, E)). The summary was not provided with the judgment, and the coordinated clerks had not filed it with the rest of the return on May 29, 2024, when two return documents were filed into the docket entry labeled “Appeal/Appeal Return Received” (R. pp. 50–51). Appellant could not know the contents of the summary but appeared at the August 21, 2024 hearing to object to its continued absence, the omissions in the return, and other irregularities.

APPELLANT: Sir, I'm appealing the judgment by the magistrate judge that ruled in my favor...I claimed a complete material breach of contract... but somehow discounted the amount of [my recovery] without any explanation.

(R. p.22, lines 16-21). The absence of the summary was so prejudicial that Appellant objected to it two more times: “There was no explanation provided for why [my recovery was reduced]”, and again:

APPELLANT: as of this morning, the magistrate's return contained no summary. Okay? Or the magistrate's judgment contained no summary. I have copies of everything that was filed by the magistrate in their return.

THE COURT: All right. And that's what I'm saying...I need to look at the -- I need to look at that document and if it's not there then I'll consider that as well.

(R. p.25, lines 16-17; p.28, lines 3–11).

The Honorable Judge Dale Van Slambrook presided at the hearing, with Ms. Keeling sworn and acting as clerk of court. Judge Van Slambrook, an excellent judge, carefully scrolled through each document filed in the return entry and narrated what he saw for the record. He confirmed there were exactly two documents, neither of which included the magistrate’s summary or bore the

required “RETURN” heading. Ms. Keeling, by contrast, appeared to see something the judge could not: she insisted the summary was present, that it occupied the first two pages of a 30-page document, was signed by the magistrate, and that the judge simply wasn’t seeing it—though she could:

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.

(R. p.21, line 13-p.22, line 11, emphasis added). Appellant checked the docket earlier that day and hadn’t seen the summary as well. The case was taken under advisement, “I need the opportunity to review all those documents...and find the summary portion”, - said the Judge (R. p.27, lines 10-12).

The following day, Appellant discovered that a new, third document had been backfiled into the May 29 docket entry for the magistrate’s return (R. pp.66–68). The previously missing magistrate’s summary occupied the first two pages of this newly added document (R. pp. 80–81). Appellant received no notice, as the circuit court issued orders affirming the magistrate’s judgment

without acknowledging the change (R. pp. 2–8).

The magistrate’s summary was covertly backfiled after the hearing to create the false impression that it had always been present—concealing its contents from Appellant and misleading the presiding judge. At the hearing, Ms. Keeling told the judge the summary was there and identified it by the magistrate’s name and signature, suggesting he simply couldn’t see it. After the hearing, the clerks backfiled the summary into the docket and changed the entry caption (R. pp.66-68). The judge was led to believe that Appellant had ample access to the magistrate’s summary and an opportunity to respond—when in fact she had never seen it. The law clerk then supplied the judge with a fraudulent legal analysis, which falsely asserted that Appellant “had the opportunity to be heard” but failed to raise any arguments or introduce any evidence “that the magistrate’s judgment was based on an error” (R. pp.2–8). The judge was thus misled into concluding that Appellant had been afforded due process and impartial review, and that the magistrate’s judgment was legally and factually sound. In truth, Appellant had been denied both, while the circuit court affirmed a knowingly fraudulent, prejudicial judgment.

Although Appellant uncovered this fraud and raised it in her motion for reconsideration, the motion was stalled by the clerks (R. pp. 32–86, 88–90, 91, 92). As the newly discovered evidence of this covert backfiling, Appellant proffered two screenprints of her docket—Exhibits E2 and E4—captured before and after the August 21 hearing (R. pp. 50–51, 66–68). The contents of these screenprints are fully corroborated by the hearing transcript (R. p. 21, line 13–p. 22, line 11). At the time, pro se Appellant was unaware she needed to formally establish their authenticity and relevance. That foundation is now provided below.

EXHIBITS E2 AND E4: AUTHENTICITY.

Exhibits E2 and E4 are screenprints of the official South Carolina Public Index case management website, created using the standard CTRL+P shortcut common to all modern operating systems. Simultaneously pressing CTRL and P saves the image of the current webpage directly to the user’s hard drive. Appellant generated both screenprints on her personal computer—E2 before the hearing, and E4 after. Because the Public Index is a government-operated website, its screenprints are self-authenticating¹.

¹ 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

Exhibits E2 and E4 may also be authenticated under the prima facie standard for website evidence. By entering Appellant's circuit court case number into the Horry County Public Index, any independent observer may access the Fifteenth Judicial Circuit's official case management webpage for Appellant's case, and verify that exhibits E2 and E4 bear the same insignia, labeling, and formatting as the official webpage and contain identical content. Both exhibits meet the required indicia of reliability: (1) they bear the distinctive design of the official site; (2) they present the same information in the same format; and (3) they include the same circuit court filings, listed under the same dates. Any observer can confirm that both screenprints display Appellant's case number, the names of both parties, and the same listing of filings. Accordingly, exhibits E2 and E4 faithfully reflect the contents of Appellant's docket and could not have originated from any other website or source.

Exhibit E2:

material or any other medium includes electronically stored information." Hence, data on governmental websites are self-authenticating. See also *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).



Horry County Fifteenth Judicial Circuit Public Index

[Horry County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

[Switch View](#)

Olga Teslenko VS Carpet King & Flooring , defendant, e

Case Number:	2024CP2602983	Court Agency:	Common Pleas
Case Type:	Appeal	Case Sub Type:	Magistrate Civil 910
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court
Disposition:		Disposition Date:	
Original Source Doc:		Original Case #:	
Judgment Number:		Court Roster:	

Case Parties

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	P
 Carpet King & Flooring	532 Broadway St Myrtle Beach SC 29577				Resp
 Carpet King & Flooring	532 Broadway St Myrtle Beach SC 29577				Resp Se
 Kocsis, Joe	532 Broadway St Myrtle Beach SC 29577				Resp Se
 Kocsis, Joe	532 Broadway St Myrtle Beach SC 29577				Resp
 Teslenko, Olga	100 Fountain Pointe Lane Unit 103 Myrtle Beach SC 29579				Appe
 Teslenko, Olga	100 Fountain Pointe Lane Unit 103 Myrtle Beach SC 29579				Appe

(R. p. 50). Even though Exhibit E2 does not bear a date stamp, its date is verified by its contents as being sometime after its last filing on July 5. The accuracy of its contents on the date of the August 21st hearing is verified by the official hearing transcript (R. p.21, line 13-p.22, line 11). At the hearing, the Honorable Presiding Judge specifically identified the docket return entry as captioned ‘Appeal/Appeal Return Received’ and the number of documents therein as exactly two documents—precisely matching the content of Exhibit E2 (R. p. 21, line 13–p. 22, line 11). It is therefore indisputable that Exhibit E2 accurately represents Appellant’s docket on August 21, 2024—the date of the hearing.

Exhibit E4 bears a date stamp reflecting a date after the hearing (R. pp.66–68). It is therefore indisputable that Exhibit E4 accurately represents the state of Appellant’s docket as it appeared on that later date, following the hearing.

Exhibit E4:

Teslenko, Olga	Data Entry/Response to Correct Data Entry Error	Filing		08/16/2024-10:51		
Teslenko, Olga	Data Entry/Request to Correct Data Entry Error	Filing		08/14/2024-14:47		
Kocsis, Joe	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		08/09/2024-15:26		
Teslenko, Olga	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		08/09/2024-15:26		
Carpet King & Flooring	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		08/09/2024-15:26		
Teslenko, Olga	Letter Submitting Exhibits Omitted in Lower Court's Return	Filing		07/22/2024-14:16		
Teslenko, Olga	Letter to Clerk of Court About Appellants Disability	Filing		07/22/2024-14:12		
Carpet King & Flooring	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:17		
Kocsis, Joe	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:16		
Teslenko, Olga	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:16		
Kocsis, Joe	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2024-09:44		
Carpet King & Flooring	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2024-09:44		
Teslenko, Olga	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2024-09:44		
Teslenko, Olga	Service/Affidavit Of Service on MB Magistrate Court	Filing		07/05/2024-16:17		
Teslenko, Olga	Return from Magistrate Court	Action		05/29/2024-13:32		
Teslenko, Olga	Appeal/Notice of Civil Appeal (Workflow)	Action		05/09/2024-15:27	05/25/2024-15:27	
Teslenko, Olga	Email Confirmation of Appeal Received	Filing		05/03/2024-09:34		
Teslenko, Olga	Motion/Appeal	Motion		04/29/2024-15:27	08/21/2024-15:27	
Teslenko, Olga	Appeal/Notice of Civil Appeal	Filing		04/29/2024-15:26		

(R. p. 67}. Thus, the contents of both Exhibits E2 and E4 are verifiably authentic and should be admitted into evidence under Rule 104(a)².

EXHIBITS E2 AND E4: RELEVANCE.

The relevance of Exhibits E2 and E4 lies in their documentation of the covert backfiling of a new return document after the August 21 hearing, when it was inserted into the May 29 docket entry for the magistrate's return (R. pp. 50–51, 66–68). Appellant received no notice and had no opportunity to respond. Yet the circuit court promptly affirmed the magistrate's judgment, citing the magistrate's summary—as if it had been available all along and Appellant had been afforded a meaningful chance to rebut it (R. pp. 2–8). This sequence—the absence of the summary at the hearing, the covert backfiling of a new return document after the hearing, the lack of notice, and an

² 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."

affirmance grounded solely on the fabricated findings from that backfiled summary—strongly supports the inference of deliberate tampering.

No reasonable jury could believe that these events were mere accidents—each was necessary to produce the same outcome, and all converged to ensure it. The circuit court affirmed the magistrate’s judgment based solely on the fabricated findings in his summary, which was not filed at the time of the hearing but was backfiled after without notice (R. p. 21, line 13–p. 22, line 11; R. pp. 80–81, 2–8). The withholding of the summary before the hearing, the covert backfiling of a new document, containing the summary, after the hearing, and the subsequent use of the summary to justify the affirmance of the magistrate’s judgment were coordinated steps in a deliberate operation to deceive the court and Appellant in order to cause the affirmance of the judgment. Had any one of these steps not occurred, the magistrate’s judgment would have been exposed as fraudulent and could not have been affirmed (see Argument I).

Exhibits E2 and E4 show that the new return document—containing the previously missing magistrate’s summary—was deliberately backfiled after the hearing to create the false appearance that it had always been part of the record. The covert nature of this operation, the absence of notice, and the court’s reliance on the summary to affirm the judgment confirm that its intended purpose was to prevent the Presiding Judge from remanding the case and to block Appellant from exposing the magistrate’s fabrications at the hearing (see Argument I(E)).

The fact of this covert backfiling is central to Appellant’s case. Had the magistrate and the clerk not concealed the summary—had it been filed with the magistrate’s return in May—Appellant would have discovered its fabrications and exposed them at the hearing (R. p. 69, 70, 87). She would necessarily have requested impartial review of her corrective exhibits and demanded a jury trial, just as she later did in her motion for reconsideration (R. pp. 32–86). Instead, the magistrate withheld his summary, and the clerk ensured it was not filed with the return—denying Appellant any opportunity to rebut its falsehoods (see Argument I).

Had the clerks not covertly backfiled the summary after the hearing, the Presiding Judge would have necessarily remanded the case for retrial, as he intended to do if he couldn’t locate the summary:

THE COURT: If there's not a sufficient explanation then I'll have to sort out how to handle that. It wouldn't necessarily mean that I would change the award. It may very well require that the matter be

reconsidered or reviewed by the magistrate after being remanded or returned to them. [...]

APPELLANT: I understand that you may have to...return this case back to the magistrate's court. However, I have evidence of the -- of that particular magistrate court doing something very incomprehensible for me. For instance, when I asked them about the rules to appeal, they told me that I was being ungrateful. It's incomprehensible...second instance when I asked them --

THE COURT: Whether they would handle it or not [is] something that would have to be dealt with down the road. I can't answer that question today.

(R. p.27, lines 16-20; p.28, lines 15–24). Instead, the clerks covertly backfiled the summary after the hearing—just as Ms. Keeling had insisted it was already there—and the law clerk followed by supplying a fraudulent analysis, leaving the Judge with no real opportunity to reach any alternative conclusion.

Thus, the intended purpose of this operation was fully achieved: the Presiding Judge, deprived of the true facts, did not remand the case; and Appellant, equally deprived, could not expose the fraud. In order to protect the magistrate—who had defrauded the court to produce a desired judgment—the clerks conspired to conceal and then covertly backfile the magistrate's summary. This makes Exhibits E2 and E4 centrally relevant: they directly evidence the fraud that denied Appellant her fundamental rights and induced cascading obstruction. (R. pp. 2–8, 170–171).

Exhibits E2 and E4 are verifiably authentic and centrally relevant to Appellant's case. They should therefore be admitted into evidence and included in the record on appeal as newly discovered evidence, contemporaneously filed below (R. pp. 31–87).

DOCKET TAMPERING.

Exhibits E2 and E4 are PDF screenprints of Appellant's Public Index case docket, captured by Appellant before and after the hearing. Like all PDF screenprints, Exhibits E2 and E4 preserve both visual content and embedded link information with the server location (URL) where each document is stored on the server. Each document, imaged in the screenprint, displays its storage path (URL) visible in the PDF capture when hovered over with a cursor. Exhibits E2 and E4, thus, demonstrate the precise mechanism by which the clerk accessed the old docket entry and filed a new document in it, without triggering alerts or disturbing its date and timestamp.

Exhibit E2 shows that, prior to the hearing, the May 29 return entry was captioned “Appeal/Appeal Return Received” and contained two documents (R. pp.50–51). This is confirmed at the August 21 hearing by the Presiding Judge (R. p.21, line 13–p.22, line 11). Exhibit E4, made after the hearing, shows that the same entry is now captioned “Return from Magistrate Court” and contains three documents (R. pp.66-68). The date and time stamp of the entry remained unchanged.

Thus, the two screenprints show that a new, third document was back filed into the old May 29th entry for magistrate’s return after Appellant’s hearing in August. To establish what document was back filed, we analyze the embedded link information with the server location (URL) where each document is, or was, stored on the server. This URL can be viewed by hovering the cursor over the image of the document.

The embedded link information in Exhibit E2 shows that the two documents filed in the May 29 entry “Appeal/Appeal Return Received” were 55 pages and 24 pages long:

E2: Rightmost return document, 24 pages.

Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	
Disposition:		Disposition Date:		Disposition :
Original Source Doc:		Original Case #:		
Judgment Number:		Court Roster:		

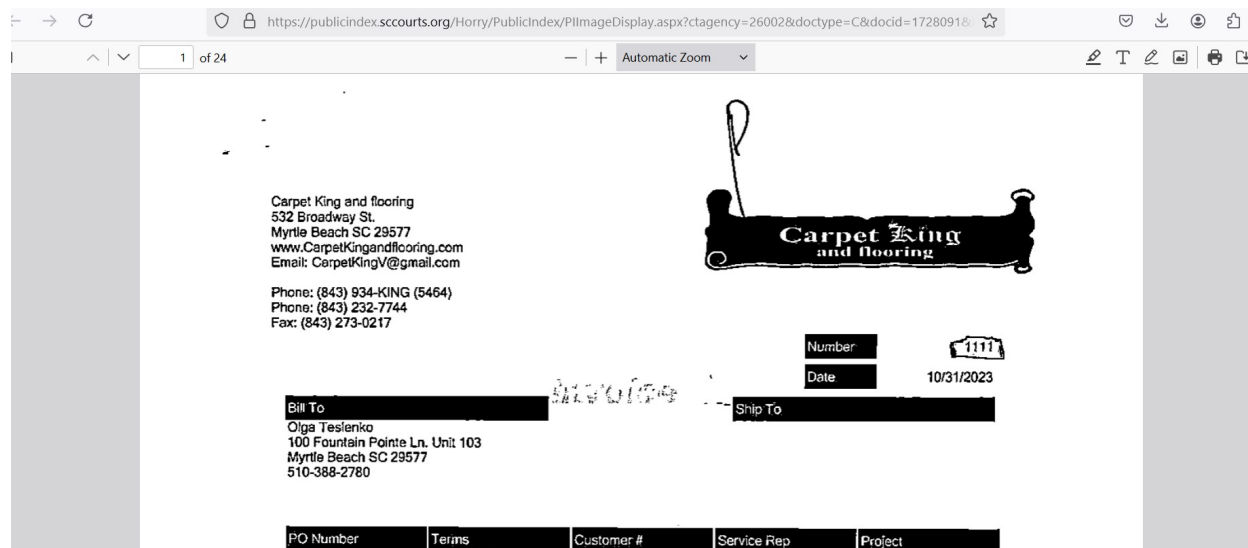
Case Parties					
Click the  icon to show associated parties.					
Name	Address	Race	Sex	Year Of Birth	Party Type
 Carpet King & Flooring	532 Broadway St Myrtle Beach SC 29577				Respondent
 Carpet King & Flooring	532 Broadway St Myrtle Beach SC 29577				Respondent Pro Se
 Kocsis, Joe	532 Broadway St Myrtle Beach SC 29577				Respondent Pro Se
 Kocsis, Joe	532 Broadway St Myrtle Beach SC 29577				Respondent
 Teslenko, Olga	100 Fountain Pointe Lane Unit 103 Myrtle Beach SC 29579				Appellant Pro Se

The URL for the rightmost return document embedded in the screenprint E2 is:

<https://publicindex.sccourts.org/Horry/PublicIndex/PIImageDisplay.aspx?ctagency=26002&doctype=C&docid=1726012&HKey=103894978821151191091139711882110104991211074970731209779744310243741071091001161148683707590871087081119>

Clicking on the image of a document on the PDF screenprint opens its URL in the user’s browser and returns a copy of the actual document stored on the court server at that location. Up until January 6, 2025, clicking on the image of the rightmost return document on exhibit E2 opened

the above URL and returned a copy of the actual document, stored on the court server at that location, which consisted of 24 pages with the logo 'Carpet King and flooring' and 'Number 1111' printed in large bold letters at the top of the first page:



(R. p. 134). The rightmost image on Exhibit E2 accessed the first, 24-page return document which started with the paid invoice exhibit "Number 1111".

E2: Leftmost return document, 55 pages.

Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	
Disposition:		Disposition Date:		Disposition
Original Source Doc:		Original Case #:		
Judgment Number:		Court Roster:		

Case Parties					
Click the  icon to show associated parties.					
Name	Address	Race	Sex	Year Of Birth	Party Type
☒ Carpet King & Flooring	532 Broadway St Myrtle Beach SC 29577				Respondent
☒ Carpet King & Flooring	532 Broadway St Myrtle Beach SC 29577				Respondent Pro Se
☒ Kocsis, Joe	532 Broadway St Myrtle Beach SC 29577				Respondent Pro Se
☒ Kocsis, Joe	532 Broadway St Myrtle Beach SC 29577				Respondent
☒ Teslenko, Olga	100 Fountain Pointe Lane Unit 103 Myrtle Beach SC 29579				Appellant Pro Se
☒ Teslenko, Olga	100 Fountain Pointe Lane Unit 103 Myrtle Beach				Appellant

The URL for the leftmost return document embedded in the screenprint E2 is:

<https://publicindex.sccourts.org/Horry/PublicIndex/PIImageDisplay.aspx?ctagency=26002&doctype=C&docid=1726009&HKey=981015072122811115710210611310012010879817768514810984113738290118100435211285677810253551077381104122115>

Clicking on the image of a document opens its URL in the browser and returns a copy of the actual document stored on the court server at that location. Up until January 6, 2025, clicking on

the image of the leftmost return document on exhibit E2 opened the above URL and returned a copy of the actual document, which consisted of 55 pages, with the first page showing a large full-page badly scanned photograph:



(R. p. 212). The leftmost image on Exhibit E2 accessed the second, 55-page return document which started with a large full-page illegibly scanned photograph.

The embedded link information in Exhibit E4 shows that the three documents, filed in the May 29 entry 'Return from Magistrate Court', are 30, 55, and 24 pages in length. The rightmost return document is the same 24-page document as was accessed through Exhibit E2, but its hyperlink shows that it is now stored at a different server location.

E4: Rightmost return document, 24 pages.

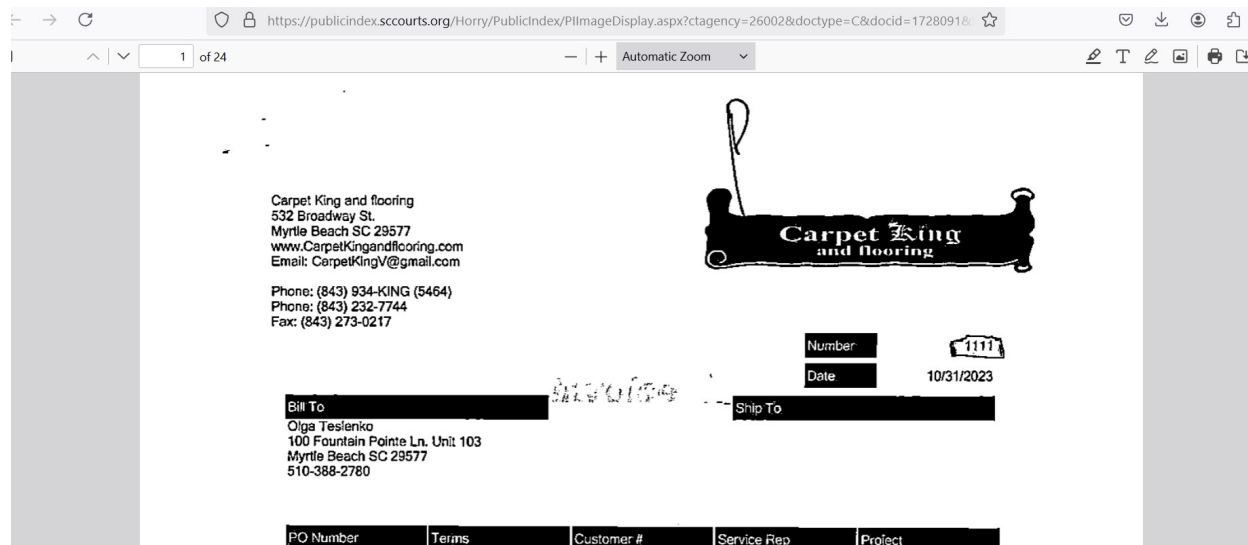
	Omitted in Lower Court's Return				
Teslenko, Olga	Letter to Clerk of Court About Appellants Disability	Filing		07/22/2024-14:12	
Carpet King & Flooring	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:17	
Kocsis, Joe	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:16	
Teslenko, Olga	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:16	
Kocsis, Joe	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2024-09:44	
Carpet King & Flooring	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2024-09:44	
Teslenko, Olga	8/19/2024_MOTION_Roster/	Action		07/17/2024-09:44	

The URL for the rightmost return document in Exhibit E4 is different from the URL of the

corresponding document in Exhibit E2:

<https://publicindex.sccourts.org/Horry/PublicIndex/PIImageDisplay.aspx?ctagency=26002&doctype=C&docid=1728091&HKey=12110181774874706911210987113122891028078561131121117985478810573749810674114119112811177083108551145377>

Clicking on the image of this document opens the above URL and returns a copy of the actual document, stored on the court server at that location, which consists of 24 pages, with the logo 'Carpet King and Flooring' and paid invoice 'Number 1111' printed in large bold letters on the top of the first page:



(R. p. 134).

The rightmost image on Exhibit E4 accessed the same 24-page return document as was accessed by clicking on the rightmost image on Exhibit E2, only this document was now stored at a different location on the court server.

The same is true of the 55-page document. The middle return document in Exhibit E4 is the same 55-page document, which occupied the leftmost position in the return entry on Exhibit E3, but its hyperlink points to a different location on the court server.

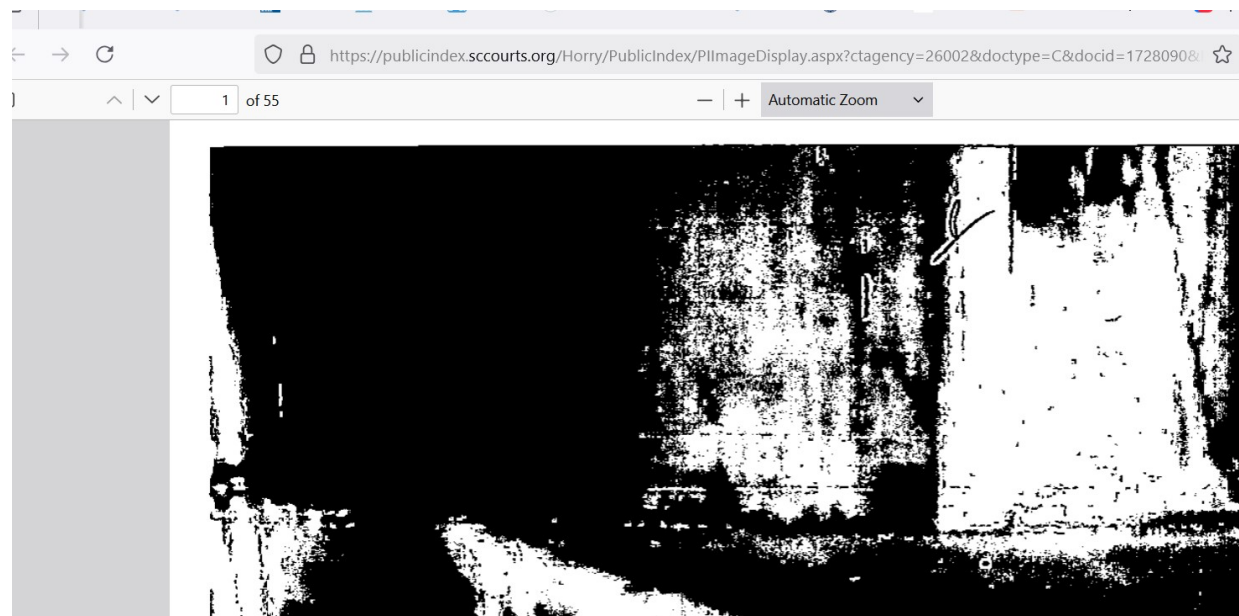
E4: Middle return document, 55 pages.

	Return				
Teslenko, Olga	Letter to Clerk of Court About Appellants Disability	Filing		07/22/2024-14:12	
Carpet King & Flooring	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:17	
Kocsis, Joe	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:16	
Teslenko, Olga	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:16	
Kocsis, Joe	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2024-09:44	
Carpet King & Flooring	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2024-09:44	
Teslenko, Olga	8/19/2024_MOTION_Roster/Notice of Motions Roster	Action		07/17/2024-09:44	

The URL for the middle return document in Exhibit E4 is stored as:

<https://publicindex.sccourts.org/Horry/PublicIndex/PIImageDisplay.aspx?ctagency=26002&doctype=C&docid=1728090&HKey=83511214366109122877443738811997103788311478534811755121498879655770777948487751121116113841145085>

Clicking on the image of the middle return document on Exhibit E4 opens the above URL and returns a copy of the actual document, stored on the court server at that location, which consists of 55 pages, with a large full-page badly scanned photograph on the first page:



(R. p. 212). The rightmost image on Exhibit E4 accessed the same 55-page return document as was accessed by clicking on the leftmost image on Exhibit E2, only this document was now stored at a different location on the court server.

The leftmost document on Exhibit E4 opens on the page with the magistrate's summary, bearing a large bold header "MAGISTRATE RETURN ON APPEAL" printed in capital letters on the

top, followed by large bold capital lettering for Appellant's case number, both parties' names, and the case type:

E4: New return document, 30 pages.

	Omitted in Lower Court's Return				
Teslenko, Olga	Letter to Clerk of Court About Appellants Disability	Filing		07/22/2024-14:12	
Carpet King & Flooring	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:17	
Kocsis, Joe	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:16	
Teslenko, Olga	Notice/Notice of Hearing and Service	Filing		07/17/2024-11:16	
Kocsis, Joe	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2024-09:44	
Carpet King & Flooring	8/19/2024_MOTION_Roster/Notice of Motions Roster Publication	Action		07/17/2024-09:44	
Teslenko, Olga	8/19/2024_MOTION_Roster/Notice of Motions Roster	Action		07/17/2024-09:44	

The URL for the new, leftmost return document on Exhibit E4 is stored as:

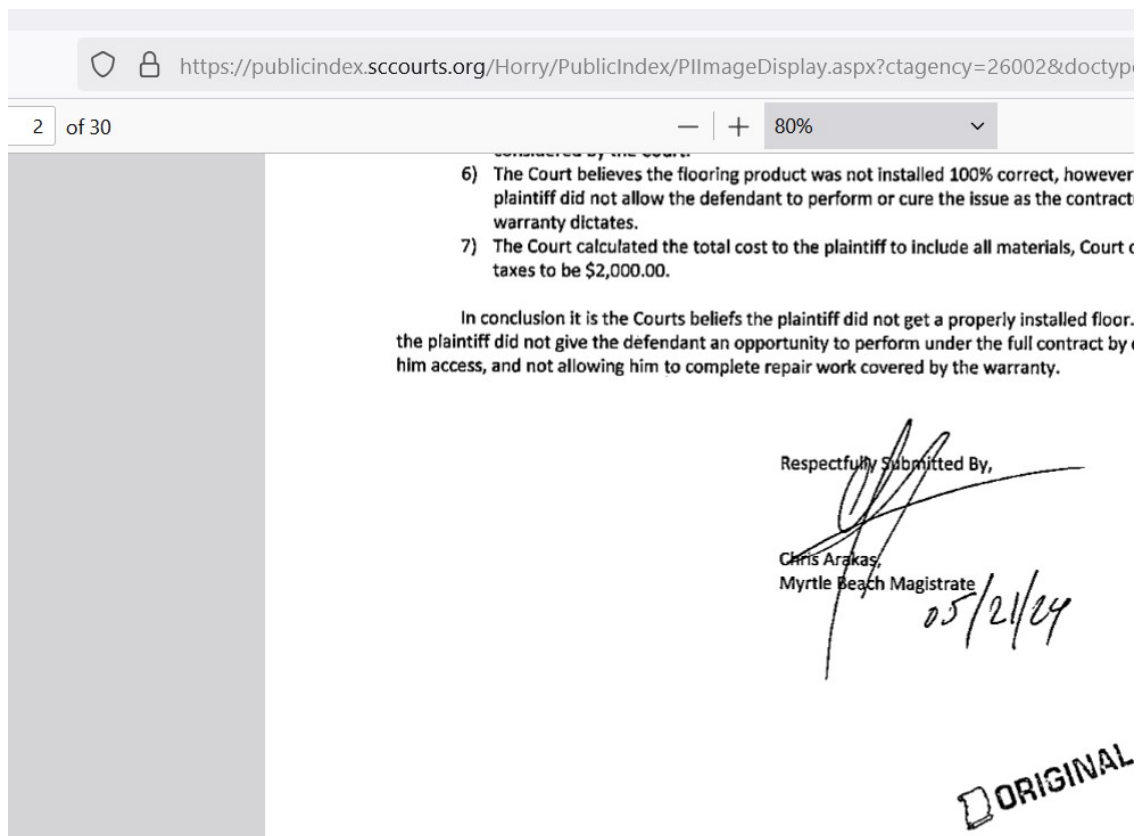
<https://publicindex.sccourts.org/Horry/PublicIndex/PIImageDisplay.aspx?ctagency=26002&doctype=C&docid=1728089&HKey=43115996587577112212211212111545411948768211755106816511749113108571099077978010850848311648765210085>

Clicking on the image of the new (leftmost) document opens this URL and returns a copy of the actual new document, stored on the court server at that location, which consists of 30 pages with the words MAGISTRATE RETURN ON APPEAL printed in capital bold letters on top of the first page:



(R. p. 80).

And the magistrate's signature on the bottom of the second page:



(R. p. 81). The leftmost document in the return entry on exhibit E4 is new, consists of 30 pages, and starts with the magistrate's summary.

This evidence shows that, sometime after the hearing, the May 29 return entry was accessed and its initial caption was changed. At the same time, its initial contents—the 24-page and the 55-page document—were deleted and then reuploaded together with a new 30-page document containing the magistrate's summary (R. p.134, 212, 80). The date and time stamp of the docket entry remained unperturbed (R. pp.50-51, 66-68).

Exhibits E2 and E4 prove that the clerks covertly backfiled a new return document after the hearing—a 30-page document containing the previously unavailable magistrate's summary (R. pp.80–81). The document hyperlink information in exhibits E2 and E4 proves this directly. The Presiding Judge confirmed the same at the hearing when he carefully and repeatedly scrolled through the two filed return documents, and other filed documents, and couldn't find the summary (R. p.27, lines 16-20; p.28, lines 15–24). Had the summary, hypothetically, been there—he would have necessarily recognized it immediately (R. p.134, 212, 80). No reasonable jury could compare the first page of the summary with the opening pages of the two originally filed return documents—and conclude that it could have been overlooked (R. p.134, 212, 80).

This covert backfiling was done knowingly and in coordination with the magistrate—to protect his fraud from exposure (see Argument I(D, E)). This operation could not have been an inadvertence or procedural error—it required several deliberate actions performed by several clerks in a coordinated sequence. First, the magistrate's return had to be deliberately scanned into three separate documents. Then the clerk filed only two of those documents in May, deliberately withholding the third document with the magistrate's summary. The clerk withheld this third document for three months, even though it had the correct case number on it. Then the clerk deliberately confused the judge at the hearing by telling him that the summary was there, and covertly backfiled the third return document, containing the summary, right after the hearing. To do that, the clerk accessed the May docket entry under the pretext of changing its caption, deleted the two documents in it and reuploaded them together with the third document (R. pp.50–51, R. pp.66–68). The lack on notice and the reliance of the affirmance solely on the fabricated findings in the backfiled summary prove that this sequence was a deliberate coordinated operation, executed to cause the circuit court to affirm the magistrate's judgment.

None of these actions was accidental: each was essential to securing the affirmance of the

fraudulent judgment—which the circuit court did (R. pp. 80–81, 2–8). This coordinated operation constituted fraud on the court, undertaken to protect the magistrate and ensure affirmance (R. p.1). Indeed, this fraud deceived the court and Appellant, and determined the outcome—the magistrate’s judgment was affirmed. Had any of part of this fraud not occurred, the judgement could never have withstood impartial review and been affirmed (see Argument I).

This fraud caused the court not only to affirm a knowingly fraudulent judgment, but to ratify the fraud itself, endorse the conspiracy that enabled it, and reinforce the unlawful practices that denied Appellant access to the courts and protection of the law (R. pp. 44–46). See *Tennessee v. Lane*, *supra.*, and *Bounds v. Smith*, *supra.*, *Brady v. Maryland (1963) supra.*, *Tumey v. Ohio*, 273 U.S. 522 (1927); *Richardson v. Town of Eastover*, *supra.*, and *S.C. Dep’t of Soc. Servs. v. Wells*, *supra.*, and *Goldberg v. Kelly*, *supra.*; *McNally v. United States*, *supra.*, and *Lawson v. Citizens & S. Nat’l Bank of S.C.*, *supra.*, and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, *supra.*, and *Gucci America, Inc. v. Weixing Li*, *supra.*

B. The acting clerk committed perjury at the hearing and forged the hearing log.

Exhibits E2 and E4 demonstrate how easily the Public Index case management system can be manipulated by clerks acting in bad faith. They also establish that the acting clerk of court committed perjury at the August 21, 2024 hearing.

At the hearing, the Honorable Presiding Judge made repeated careful efforts to locate the magistrate’s summary, which should have accompanied the magistrate’s return filed in May. He asked Ms. Keeling—who was sworn and serving in her official capacity as clerk of court—for assistance, as he could not find the summary despite carefully scrolling through the filed documents multiple times. He confirmed aloud that the return entry was labeled “Appeal/Appeal Return Received” and that it contained exactly two documents, neither of which included the magistrate’s summary or bore the required “RETURN” heading:

THE COURT: 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?

(R. pp. 50-51, R. p.21, lines 14-17). Ms. Keeling stated that she could see the summary the judge could not. She insisted that it was filed in the identified entry. The Honorable Presiding Judge reviewed the filed documents even more carefully, continuing to scroll through them in an effort to

locate what she described:

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 --

(R. p.21, line 20-p.22, line 8). Ms. Keeling affirmed that she could see the summary, even though the judge could not. She asserted that it was signed by the magistrate and comprised the first two pages of a 30-page return document—one of the two documents filed under the caption “Appeal/Appeal Return Received”:

THE CLERK: *Yes, it's from Judge Arakas [...] The [summary] is the first two pages [...] if you look there are 30 pages. [...]*

THE COURT: 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.*

(R. p.21, line 13-p.22, line 11, emphasis added). Appellant had checked the docket earlier that day and confirmed the summary was not present. During the ZOOM hearing, she was unable to toggle away from the session to recheck the Public Index docket and verify Ms. Keeling’s claims, but resolved to do so the following day.

The following day, Appellant discovered that a new document had been backfiled into the magistrate’s return entry, which had now been recaptioned as “Return from Magistrate Court” (R. pp. 66–68). The newly backfiled document contained the previously missing magistrate’s summary, which was almost entirely fabricated (R. pp. 80–81). Although Appellant initially assumed this might be standard court practice and that she would be provided an opportunity to respond—given her absolute lack of experience this was a natural assumption—she nonetheless saved a PDF screenprint of the docket as Exhibit E4 (R. pp. 66–68). She was never given the opportunity to respond; instead, the circuit court affirmed the magistrate’s judgment relying solely on the fabricated findings in the backfiled summary (R. pp. 2–8, 80–81).

As demonstrated in Argument II(A), the document hyperlink information in exhibits E2 and E4 proved conclusively that a new return document was backfiled after the hearing—a 30-page document containing the previously unavailable magistrate’s summary (R. pp.80–81). The Hon.

Presiding Judge confirmed the same at the hearing (R. p.27, lines 16-20; p.28, lines 15–24, p. 134, 212, 80). The visual and hyperlink information in Exhibits E2 and E4 is indisputable and aligns with the Presiding Judge’s express statements on the record. Ms. Keeling’s sworn statement at the hearing was thus demonstrably false.

Ms. Keeling’s sworn statements—that the magistrate’s summary was already present in the return docket entry, that it was “from Judge Arakas,” and that it occupied the first two pages of a 30-page document—were false. These statements were not an innocent mistake: they were detailed, emphatic, and clearly intended to override the Presiding Judge’s repeated confusion and hesitation. By falsely assuring the judge that the summary was already on file, Keeling prevented him from remanding the case then and there. The summary was then backfiled after the hearing, exactly as she had described it. Her false testimony at the hearing thus served to preempt any scrutiny, making the subsequent docket tampering appear legitimate—which went to the very merits of Appellant’s case.

Ms. Keeling’s perjury was part of a deliberate coordinated operation directed to cause the circuit court to affirm the magistrate’s judgment, and was essential to securing this affirmance. Therefore, Ms. Keeling’s perjury had to have been a knowing, deliberate act. The magistrate fabricated his findings to make them appear to support his judgment, and withheld the summary with his findings—until after the hearing when it had been backfiled into the docket as if always available there. Ms. Keeling’s perjury induced the Presiding Judge’s impression that the summary might be filed somewhere and the clerks will find it while he took the case under advisement. This coordinated multi-actor fraud on the court achieved its intended purpose—the circuit court affirmed the magistrate’s judgment relying solely on the fabricated findings in the summary backfiled after the hearing (R. pp. 80–81, 2–8). See *Hazel–Atlas Glass Co. v. Hartford–Empire Co.*, 322 U.S. 238, 245–46 (1944) (fraud on the court includes concealing the true basis of a judgment to prevent fair challenge).

Had any of part of this fraud not occurred, the judgement could never have withstood impartial review and been affirmed (see Argument I). Had Ms. Keeling not lied, under oath, to convince the Presiding Judge that the summary was somewhere there, he could have ordered remand there and then, or the summary’s sudden appearance after the hearing would have raised his suspicion—and then it could not have survived scrutiny and the magistrate’s judgment could not have been affirmed.

After the hearing, Ms. Keeling falsified the official hearing log by marking Respondent as ‘appearing’, when he had in fact failed to appear (R. p. 19, 37–38, p. 21, lines 2–11). This falsification served the same purpose as her perjury at the hearing: to prevent remand or an automatic decision in Appellant’s favor, in other words—to exclude Appellant from the protection of the law:

. . . the only realistic explanation was that this Court was supplied with a doctored hearing log, which could only [have been] doctored at this Court’s office. . . This is very serious. This breadth and depth of collusion proves [Appellant’s] fears are rational. [Appellant is] afraid. . . If this Court’s office can take upon itself the power to adjudicate cases with impunity, then, given [Appellant’s] previous experience, it is indeed true that [she] can rely on no protection from the law.

(R. pp. 37-38).

Her actions constituted fraud on the court whereby she acted in coordination with the magistrate to deceive the court. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944), holding that fraud on the court includes conduct designed to prevent an adversary from fully presenting their case; *McNally v. United States*, 483 U.S. 350 (1987), holding that “a public official, acting as a fiduciary to the public, is guilty of fraud if they intentionally hide material information [leaving] the public being kept in the dark”; and *Lawson v. Citizens & S. Nat’l Bank of S.C.*, 259 S.C. 477, 481, 193 S.E.2d 124, 126 (1972), holding that “A non-disclosure becomes fraudulent concealment when it is the duty of the party having knowledge of the facts to make them known to the other party to the transaction; and *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that “a party cannot be deemed to have waived objections...which were not known...at the time”

Their fraud deprived Appellant of any access to the judicial system and any protection of law. See *Tennessee v. Lane*, 541 U.S. 509 (2004), holding that “the right is fundamental where court access is necessary to protect other constitutional rights”; and *Bounds v. Smith*, 430 U.S. 817 (1977), holding that “Right of meaningful access requires more than a theoretical right; it must be effective in practice”; and *Brady v. Maryland* (1963), holding that suppression of evidence violates due process; and *Tumey v. Ohio*, 273 U.S. 522 (1927), holding that “To subject a [citizen] to trial...involving his liberty or property before a judge having a direct, personal, substantial interest in convicting him is a denial of due process of law”.

C. The clerks barred evidence, gave prejudicial instructions, and miscaptioned filings to subvert review.

When Appellant appealed from the magistrate's judgement, the return was severely defective (R. pp. 50–51, 69, 87, see Argument I(D)). Following the clerk's instructions, Appellant filed a corrective record, but it was miscaptioned to preclude review, and she had to request correction (R. p. 69, 70). In the process of docketing, her corrective exhibits were scanned into illegibility, to subvert review (R. pp. 99, 106, 113–131, 146–165). Her motion for reconsideration, initially captioned properly, was shortly re-captioned to indicate "Domestic Violence" and Appellant was told that "it takes three months to review these motions", which denied her the opportunity to be heard (R. pp. 88–90, 91, 92). The circuit court affirmed the magistrate's judgment without review of Appellant's corrective exhibits and based only on the uncontested summary, backfiled after the hearing (R. p. 2–8, see Argument I(A) and II(A)s).

Instruction to file corrective exhibits.

Appellant discovered the omissions in the magistrate's return and requested instruction on the proper method to file her copies of the original trial exhibits, reviewed and admitted into evidence at trial (see Argument I(B, C)). The clerk referred Appellant to case manager, Ms. Irene Keeling, who instructed Appellant to submit her original trial exhibits enclosed within a letter to the clerk, all together, documents and flashdrive, unnumbered (R. p.69, 87). Appellant complied, emphasizing that she was filing evidence originally submitted to the magistrate and admitted in court:

Without this evidence, the matter of {Appellant's case} cannot be ascertained, and therefore the risk of a miscarriage of justice exists. This evidence is included in a flashdrive and printed documents the same way [Appellant] submitted it to the magistrate court originally. [Appellant] would like to propose to include this evidence in the record on appeal as the [trial] evidence omitted in the magistrate's return.

(R. p.69, 87). Appellant's filing was miscaptioned as "Exhibits Not Reviewed in Lower Court," and Appellant hastened to request that this error be corrected, emphasizing that her corrective exhibits constituted the original trial record and were reviewed at trial (R. p.70). The same Ms. Keeling told Appellant that it was really alright and not to worry. Out of the abundance of caution, Appellant did request correction, and the captioning was corrected. Ms. Keeling's prejudicial

instructions had to have been knowing and deliberate.

Appellant's duty to correct the defective return is standing law, and Ms. Keeling confirmed she knew it. But instead instructing Appellant the proper way to move her corrective exhibits in evidence, Ms. Keeling gave her a fraudulent instruction deliberately designed to prevent the review of those exhibits. This was done willfully, with the intention to keep Appellant's trial evidence barred—to prevent the exposure of the magistrate's fraud. This was only one of the many instances of fraudulent concealment and misrepresentations Appellant experienced at the circuit court. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944), holding that fraud on the court includes conduct designed to prevent an adversary from fully presenting their case; *McNally v. United States*, 483 U.S. 350 (1987), holding that "a public official, acting as a fiduciary to the public, is guilty of fraud if they intentionally hide material information [leaving] the public being kept in the dark"; and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, 259 S.C. 477, 481, 193 S.E.2d 124, 126 (1972), holding that "A non-disclosure becomes fraudulent concealment when it is the duty of the party having knowledge of the facts to make them known to the other party to the transaction; and *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that "a party cannot be deemed to have waived objections...which were not known...at the time"

Not only did Ms. Keeling falsely instructed Appellant on how to enter her corrective exhibits into evidence—by using a letter to the clerk instead of the motion to admit—she instructed her to not number them and file all together, permanently subverting their review (see Argument III(D)). Appellant's corrective exhibits—identical copies of her admitted trial exhibits—remain locked and dismissed in circuit court custody (R. pp. 170-171).

Though she read literature emphasizing Appellant's duty to ensure the completeness of trial record, Appellant still doesn't know the proper method for an appealing party to correct a defective return—the clerk had sabotaged all Appellant's questions and referred her to Ms. Keeling who gave Appellant fraudulent instructions intended to prevent review. Appellant followed all instructions precisely. Had Appellant been given correct instructions—for instance, had Appellant been instructed to number her corrective exhibits before filing—she would have been able to carry out those instructions the same way she carried out all other instructions and processes, and she would have numbered her exhibits as easily as she had numbered them in her motion for reconsideration (R. pp. 49–87). Instead, Ms. Keeling knowingly and deliberately gave Appellant wrongful instructions intended to prevent or subvert review. Her intention was achieved—Appellant's corrective exhibits

were never reviewed in the two appellate courts (see Argument II(D), R. pp. 170–171).

Illegible scanning.

Appellant later discovered that her corrective exhibits were scanned into illegibility at docketing, but assumed that the reviewing judge will review her original exhibits—particularly the flashdrive (R. pp. 146–165, 87). At the hearing, the presiding judge acknowledged the filing of her corrective exhibits and confirmed that they were admitted and reviewed at trial—but couldn’t find any meaning when he scrolled through them (R. p.22, line 22-p.25, line 12). Clear, colored documentary exhibits Appellant filed to correct the omissions in the magistrate’s return were rendered completely illegible in scanning (R. pp. 147–165 odd only). This effort had to have been knowing and deliberate—it involved running the entered documents through a specifically adjusted copier first, and then scanning and docketing the illegible copies instead of the clear originals. This effort couldn’t have been done inadvertently. By docketing 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 fabrication that “Appellant did not introduce any evidence” raised no suspicion (R. pp. 2-8). This obstruction denied Appellant access to courts. See *Tennessee v. Lane*, 541 U.S. 509 (2004), holding that “the right is fundamental where court access is necessary to protect other constitutional rights”; and *Bounds v. Smith*, 430 U.S. 817 (1977), holding that “Right of meaningful access requires more than a theoretical right; it must be effective in practice”; and *Brady v. Maryland* (1963), holding that suppression of evidence violates due process; and *Tumey v. Ohio*, 273 U.S. 522 (1927), holding that “To subject a [citizen] to trial...involving his liberty or property before a judge having a direct, personal, substantial interest in convicting him is a denial of due process of law”.

“Domestic Violence”.

Intending to review the filed exhibits upon locating the summary, the Presiding Judge took the case under advisement, but the circuit court affirmed the magistrate’s judgment imminently and without review of her corrective exhibits (R. p. 2-8, R. p. 27, lines 10-13). Appellant objected to this wholesale exclusion of her trial evidence in the motion for reconsideration, demonstrating again that her corrective exhibits are, of necessity, identical to her admitted trial exhibits (R. pp. 38–44). Appellant’s motion, initially filed under the caption “Motion/Reconsider”, was shortly

recaptioned into “Motion/Reconsider (DV)”. The clerks misrepresented that this designation stands for the Honorable Dale Van Slambrook and that, normally, motions for reconsideration take three months to adjudge. Appellant’s motion was then queued into the wrong judge’s roster, to exclude it from review, and Appellant was forced to appeal higher (R. pp. 88–90, 91, 92).

This effort had to have been knowing and deliberate—the abbreviation “DV” cannot possibly stand for “Dale Van Slambrook”, and the clerk as good as acknowledged it when she finally changed it to “Van Slambrook”, the day before Appellant’s timeframe to appeal expired. By labeling Appellant’s motion with the letters “DV”, the clerk created a pretext to file it into the wrong roster—so that it doesn’t get reviewed. By misrepresenting the process of review, she intended to keep Appellant waiting in the dark, until the allowed timeframe to appeal higher expired. This deliberate obstruction denied Appellant an opportunity to be heard at a meaningful time. See *Richardson v. Town of Eastover*, 922 F.2d 1152 (4th Cir. 1991), holding that “A hearing need only be provided at a meaningful time and in a meaningful manner in the context of all the circumstances”; and *S.C. Dep’t of Soc. Servs. v. Wells*, Op. No. 2019-UP-350, (S.C. App. 2019), holding that “procedural due process requires...adequate notice...adequate opportunity for a hearing...the right to introduce evidence”, and “the fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner”; and *Goldberg v. Kelly*, 397 U.S. 254 (1970), holding that due process requires meaningful notice and opportunity to respond.

Fraud on the Court.

While Appellant did manage to file a timely notice of appeal with this Court, her corrective exhibits were excluded from review again, under the pretext that they were not numbered below—despite Appellant’s repeated explanations that she filed them exactly as instructed by the clerks (R. pp. 2–8, 170–171, 142–143, 172–175). Thus, a single fraudulent instruction by a circuit court clerk resulted in the complete denial of impartial forum and appellate review in two courts (R. pp. 44-46, see *Tennessee v. Lane*, *supra.*, and *Bounds v. Smith*, *supra.*).

Each of these actions were knowing, deliberate, calculated to achieve exclusion of Appellant’s trial evidence and denial of fair forum. Together, they determined the outcome—Appellant’s evidence had not been considered and Appellant was deprived of due process (see Argument II (D, E)). They could not have been accidental lapses. If the probability of any one of these obstructive events being an accidental inadvertence is rationally detectable—the probability

that they all occurred in the same appeal and shared the same prejudicial effect is implausible.

The opposite is true—these obstructive actions were coordinated and guided by the same principle, employed the same instruments, and aimed to achieve the same goal—to deprive Appellant of impartial review—demonstrating coordination and alignment with the magistrate, who deprived Appellant of impartial trial and subsequent review in order to protect his judgment from detection. This was fraud on the court (See *Tennessee v. Lane*, supra., and *Bounds v. Smith*, supra., *Brady v. Maryland (1963)* supra., *Tumey v. Ohio*, 273 U.S. 522 (1927); *Richardson v. Town of Eastover*, supra., and *S.C. Dep't of Soc. Servs. v. Wells*, supra., and *Goldberg v. Kelly*, supra.; *McNally v. United States*, supra., and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, supra., and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, supra., and *Gucci America, Inc. v. Weixing Li*, supra.).

It directly denied Appellant due process rights by foreclosing any meaningful review.

D. The law clerk deliberately misrepresented Appellant's case and supplied the court with the fraudulent law analysis.

At trial, the magistrate reviewed, authenticated, and admitted all of Appellant's evidence without limitation (see Argument I (B, C)). Yet the return omitted these exhibits entirely, retaining only inadmissible, illegible fragments (see Argument I(D)). Appellant objected to this spoliation, and requested instructions for filing corrective exhibits (see Argument II(C), R. pp. 38–44). Following the clerk's instructions precisely, she filed the omitted exhibits, identifying them as evidence "reviewed in court" and "constituting the original [trial] record," but "omitted in the magistrate's return" (R. pp. 69, 70, 87). At the circuit court hearing, Appellant reiterated this, and the presiding judge stated his intent to review both the corrective exhibits and the return: "I see the motion that you'd filed... I need the opportunity to review all of those files...and find the summary" (R. p. 22, lines 21–p. 24, line 15; p. 21, lines 11–12; p. 27, lines 10–12; pp. 22–26). Although all of Appellant's paper exhibits were scanned into illegibility, rendering them unreadable to the reviewing judge, she assumed the court would instead review her original, legible exhibits (R. pp. 93–95, 96–102, 103–109, 110–112, 113–131, 146–165). The circuit court's affirmance showed this had not occurred: her corrective exhibits—whether legible originals or illegible scans—had not been considered at all (R. pp. 2–8).

The circuit court's affirmance order copied—and in places embellished—the fabricated findings from the backfiled magistrate's summary, without conducting any independent review (see Argument I(A, E) and II(A, B)). Its tone and reasoning were wholly inconsistent with the presiding

judge's statements at the hearing. In court, the judge acknowledged the incomplete return, recognized that the corrective exhibits had been filed, and stated his intention to review all materials once the summary was located. In contrast, the written order disregarded the distortions in the return, ignored the corrective exhibits, overlooked the fact that the summary was absent at the hearing, and nevertheless copied its fabrications to affirm the judgment (R. pp. 2–8, 80–81). This affirmance contravened S.C. Code Ann. § 18-7-130 (2024) ("The appeal shall be heard by the court upon all the papers in the case...") and § 18-7-170 (2024) ("Upon hearing the appeal, the appellate court shall give judgment according to the justice of the case [on] the merits"), because it relied on a fabricated record stripped of Appellant's trial evidence (see Argument I(C, D)). The disconnect between the judge's conduct at the hearing and the order's content strongly indicates that the order was drafted not by the presiding judge, but by a circuit court law clerk who coordinated with the magistrate to uphold a judgment known to be fraudulent. By inducing the court to sign the order, the law clerk denied Appellant's constitutional rights and ratified both the fraudulent judgment and the system of illegal practices that produced it (R. pp. 44-46, see Argument I(A-F) and II(A, B)). See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245 (1944), holding that fraud on the court includes conduct designed to prevent an adversary from fully presenting their case; *McNally v. United States*, 483 U.S. 350 (1987), holding that "a public official, acting as a fiduciary to the public, is guilty of fraud if they intentionally hide material information [leaving] the public being kept in the dark"; and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, 259 S.C. 477, 481, 193 S.E.2d 124, 126 (1972), holding that "A non-disclosure becomes fraudulent concealment when it is the duty of the party having knowledge of the facts to make them known to the other party to the transaction; and *Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014), holding that "a party cannot be deemed to have waived objections...which were not known...at the time".

This section now turns to the specific falsifications in the circuit court's affirmance order. Each mirrors or compounds a corresponding fabrication in the magistrate's summary (see Argument I(E)), but here those falsifications were presented to an appellate court—under the court's own seal—and used to obliterate the trial evidence and rewrite the record, despite the presiding judge's stated intention to uphold its integrity. Taken together, these falsifications show that the law clerk— not the judge—decided the case and constructed an order designed to shield the magistrate's misconduct from review and deny Appellant the right to recover.

1. The Hearsay Evidence

The law clerk falsely implied that Appellant's corrective exhibits had been reviewed and found meaningless, when in fact they were never reviewed at all—and their exclusion was intentional.

The circuit court's order did not repeat the magistrate's "hearsay" fabrication outright but relied on it implicitly to justify excluding all of Appellant's corrective exhibits: "This Court finds that the Appellant did not introduce any evidence that the magistrate's judgment was based on an error of law or fact" (R. p. 4). This statement was demonstrably false. Appellant's corrective exhibits—filed to replace the admitted trial evidence the magistrate had omitted from his return—contained conclusive proof that the judgment was not merely erroneous but fraudulent (R. pp. 69, 70, 87; see Argument I(A–E)). Appellant testified to their authenticity and evidentiary significance: "Without this evidence, the matter of [Appellant's case] cannot be ascertained, and therefore the risk of miscarriage of justice exists" (R. p. 69, pp. 22–27; see Argument I(D) and II(C)).

The law clerk knew that Appellant's exhibits contained evidence which contradicted and exposed the magistrate's judgment. Had he not already known it, he would have reviewed them—as the presiding judge intended and as the law requires. That review would have shown: (1) photographs and videos on Appellant's flash drive matching the certified inspector's photographs returned by the magistrate; (2) state construction standards classifying the catastrophic detachment as a material breach—not a defect; (3) manufacturer installation instructions corroborating the inspection findings; (4) documentation proving Respondent's fraudulent intent; and (5) an audio recording of Respondent's inspection showing repeated attempts to swindle Appellant and a clear inability to cure the failed installation when offered the chance (R. pp. 10–14, 103–109, 113–131, 146–164; see Argument I(C, D, E)). This evidence was identical to that admitted at trial and directly undermined the judgment. Had the law clerk, then, genuinely believed the exhibits were hearsay or otherwise inadmissible, he would have said so plainly.

Instead, the law clerk fabricated a finding that implied the evidence had been considered but had "no evidentiary value," thereby concealing its exclusion from review. This calculated phrasing served a dual purpose: it ratified the magistrate's destruction of Appellant's trial evidence and concealed the law clerk's own refusal to consider her corrective exhibits. By misrepresenting the excluded evidence as if it had been reviewed and dismissed, the law clerk shielded the

underlying fraud from detection, leaving the presiding judge with no reason to suspect that the affirmance order he signed was based on a falsified record.

Had the law clerk acted impartially—consistent with the law and the presiding judge’s stated intention—he would have reviewed Appellant’s corrective exhibits and recognized that they conclusively proved both breach and fraudulent intent. No impartial trier of fact could have reviewed this evidence and affirmed the magistrate’s judgment. Instead, the law clerk knowingly and deliberately crafted language to suggest the exhibits had been reviewed and found meaningless—when in reality they were never considered at all.

This deception was deliberate – the law clerk’s phrasing was not accidental. It was chosen specifically to conceal the exclusion of Appellant’s evidence while creating the false impression that it had been reviewed and found irrelevant. This deception was intentional – the law clerk knew from the hearing transcript and standing law that Appellant’s corrective exhibits were intended to be reviewed (see *Rule 210(h)*, *SCACR*, placing on appellant the duty to ensure the record is complete, and *Rule 207(b)*, *SCACR*, permitting corrective filings when the magistrate’s return is defective). His wording shows intent to prevent that review. His deception was material – the excluded exhibits contained direct, corroborated proof of both breach and fraud. No impartial court could have affirmed the magistrate’s judgment if that evidence had been considered. His deception was prejudicial – the exclusion of this evidence determined the outcome. By removing from review every exhibit that proved Appellant’s case, the law clerk left nothing but the magistrate’s fabrications to support affirmance.

This deception constituted fraud on the court – the law clerk’s actions were coordinated with the magistrate’s prior destruction of trial evidence and the covert backfiling of the magistrate’s summary. See *Hazel–Atlas Glass Co. v. Hartford–Empire Co.*, 322 U.S. 238, 245–46 (1944), holding that fraud on the court includes concealing the true basis of a judgment to prevent fair challenge; and *Tennessee v. Lane*, *supra.*, and *Bounds v. Smith*, *supra.*, *Brady v. Maryland* (1963) *supra.*, *Tumey v. Ohio*, 273 U.S. 522 (1927); *Richardson v. Town of Eastover*, *supra.*, and *S.C. Dep’t of Soc. Servs. v. Wells*, *supra.*, and *Goldberg v. Kelly*, *supra.*; *McNally v. United States*, *supra.*, and *Lawson v. Citizens & S. Nat’l Bank of S.C.*, *supra.*, and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, *supra.*, and *Gucci America, Inc. v. Weixing Li*, *supra.* This was not a mere error but a deliberate scheme to deceive the court and subvert the judicial process itself. Its intended purpose was achieved - the circuit court signed the affirmance order without knowing that it was based on a falsified record, thereby

ratifying both the fabricated findings and the concealment of the magistrate’s summary and Appellant’s corrective exhibits—concealment that made appellate review impossible (see Argument I and II).

2. A Whole New Contract

The law clerk falsely rewrote the terms of the contract, replacing the actual requirement for “LVT glue down installation” with a fabricated “new plank installation” that appears nowhere in the record.

In his statement of the procedural and factual background, the law clerk asserted: “Respondent was to take out the Appellant’s carpet and install new ‘shaw prime plank’” (R. p. 2). This misrepresentation was demonstrably false. The original contract—returned by the magistrate—explicitly stated “LVT glue down installation” (R. p. 133). The same term appeared in four additional contract exhibits returned by the magistrate: two paid invoices entered by Appellant and two by Respondent (R. pp. 133–135). No impartial court could review five separate contract exhibits all specifying “LVT glue down installation” and mistakenly conclude that the agreement was merely to “install new prime plank.”

The law clerk knew that the actual contract specifically required glue down installation. The term was neither obscure or incidental—in glue down installation, vinyl planks are permanently glued down to the subfloor. “Glue down installation” (also known as resilient direct glue) was referenced nineteen times in Appellant’s opening statement, described in Respondent’s answer, and formed the basis for all trial exhibits (R. pp. 10–14, 15–17; see Argument I(C, E)). Glue down installation is regulated by state and industry standards, and installation protocols (R. pp. 103–109, 113–131, 106). By contrast, “new plank installation” is not an industry term, carries no regulatory standards or installation requirements, and does not imply permanence. No impartial court could review Appellant’s opening statement and the returned contract—each stating “LVT glue down installation” multiple times—and conclude it merely called for “new plank installation.”

Yet the law clerk substituted the actual contractual obligation for glue down installation with a fabricated term, stripping the contract of its regulatory context and performance requirements, and creating an entirely new agreement in place of the one the parties had executed. This was not a mistake but a calculated falsification intended to nullify the relevance of Appellant’s

trial evidence. Under this fiction, the state construction standards—requiring that resilient flooring remain securely bonded for the warranty period—became irrelevant. Manufacturer installation instructions, proving noncompliance, no longer applied. Photographs and videos of the catastrophic detachment could be reinterpreted as cosmetic defects under the fictitious “new plank installation” standard (R. pp. 10–14, 103–109, 113–131, 133, 164–165). By substituting the actual contractual “LVT glue down installation” with the fictitious “new plank installation” in his affirmance, the law clerk adopted the magistrate’s fabrication—copied from the backfiled summary—that Appellant had merely contracted to “replace the carpet with shaw prime plank” (R. p. 80, 133–135).

Had the law clerk acted impartially, he would have acknowledged the contract’s clear terms and recognized that the magistrate’s description was false. That acknowledgment would have required remanding the case (R. p. 133). Instead, he deliberately aligned himself with the magistrate’s fabrication, adopting the same fictitious term to achieve the same result: obliterating the trial evidence that contradicted the judgment and exposed the fraud.

This deception was deliberate – the substitution stripped the contract of its regulatory and industry context and destroyed the relevance of Appellant’s exhibits. It was intentional – the law clerk knew from the returned exhibits that the contract required glue down installation. His rewording shows intent to erase any requirements associated with the actual contract in order to support the magistrate’s summary, in which the magistrate had employed the same fabrication. This deception was material – the altered contract nullified the applicability of Appellant’s exhibits that contradicted the judgment and exposed the fraud. This deception was prejudicial – the altered contract removed the factual and legal foundation of Appellant’s case, ensuring affirmance of the magistrate’s judgment despite overwhelming contrary proof.

This deception constituted fraud on the court – the law clerk’s substitution of the actual contract with a specifically crafted fiction worked in concert with the magistrate’s identical substitution, showing coordinated deception aimed at deceiving the court and protecting the fraudulent judgment from exposure. It’s intended purpose was achieved - the presiding judge signed the affirmance order unaware that it was based on a falsified contract. See *McNally v. United States*, *supra.*, and *Lawson v. Citizens & S. Nat’l Bank of S.C.*, *supra.*, and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, *supra.*, and *Gucci America, Inc. v. Weixing Li*, *supra.*, and *Tennessee v. Lane*, *supra.*, and *Bounds v. Smith*, *supra.*, *Brady v. Maryland (1963)* *supra.*, *Tumey v. Ohio*, 273 U.S. 522 (1927); *Richardson v. Town of Eastover*, *supra.*, and *S.C. Dep’t of Soc. Servs. v. Wells*, *supra.*, and

Goldberg v. Kelly, supra.

3. “Another Flooring Company”

The law clerk dismissed the certified flooring inspection report the same way it had been dismissed in the backfiled magistrate’s summary—without any evidentiary basis to support this exclusion (R. p. 2, 80–81).

Although the report was returned by the magistrate in full, the law clerk reduced it to a single, misleading sentence in the procedural and factual background: “Appellant engaged another flooring company who opined that Respondent’s work in installing the flooring did not meet industry standards” (R. p. 2). The inspection report had not been considered: “Appellant did not introduce any evidence that the magistrate’s judgment was based on an error of law or fact” (R. p. 4).

This fabricated scheme was demonstrably false. The record contains no evidence of any “other flooring company” at all (R. 10-14, 15-17, 21-29). The backfiled summary mentions “another flooring company” once but does not associate it with the inspection report, and the report itself is never mentioned in the summary (R. pp. 80). In the magistrate’s return, the inspection report appears under the letterhead of the inspection company with a handwritten, underscored “P” on its front page (R. pp. 212-214). There are no accompanying notes, instructions, offers of proof, or rulings to strike it. No impartial court could have reviewed the return and found any reason to associate a non-existent “other flooring company” with the inspection report. No impartial court could have excluded the report solely on the basis of the underscored “P”, without any instruction or ruling to strike, or Appellant’s offer of proof anywhere in the record (R. pp. 80-81, 212-214). The underscored “P” could have been a clerical error. An impartial court would have sought to clarify the record before excluding material evidence. Instead, the law clerk equated the returned inspection report with a fictitious “other flooring company,” adopting the magistrate’s fabrication and ensuring the report’s exclusion without any record basis.

The record contains no evidence linking the certified inspection report to any “other flooring company.” That phrase appears only in the magistrate’s summary, where he fabricated it and falsely attributed to Appellant the statement that she “contacted another flooring company and they stated the flooring was installed incorrectly” (R. p. 80; see Argument I(C, E)). In reality, the magistrate orchestrated the exclusion of the report by ensuring the certified inspector’s non-

appearance, then misrepresenting at trial that the report had been fully and properly admitted into evidence. In his return, he marked the report with an underscored letter “P” (R. pp. 212–213) and later dismissed it in his summary by claiming that “all evidence [Appellant] entered was largely hearsay” (R. pp. 80–81). The summary makes no direct reference to the inspection report, and aside from the unexplained “P,” there are no other notations or rulings in the return concerning it (R. pp. 147–161 odd only).

By contrast, the return affirmatively documents Appellant’s payment to the certified flooring inspector and her consistent reliance on his report as having been properly admitted at trial. She stated on the record: “The flashdrive also contained the independent inspection report by...certified inspector, independent inspector, recommended by the manufacturer” (R. p. 23, lines 2–5), and again: “the planks contained the trowel marks and other evidence which was physical proof of what the inspector [had] found and put in his inspection report” (R. p. 24, lines 7–10). No impartial reviewer could conclude that the magistrate had stricken the report at trial—or that Appellant had failed to preserve the issue—while she continued to rely on it as properly in evidence.

The record shows that the inspection report originated from Tony Jones Flooring Inspections, a certified professional inspection service. It contained every *prima facie* indicium of authenticity: the company header, address, and contact information; detailed findings in proper format; and the inspector’s signature with his certification agency (R. pp. 212–213). No impartial reviewer could mistake Tony Jones Flooring Inspections for “another flooring company” mentioned in the magistrate’s summary out of context. Nor could an impartial court overlook the glaring contradiction between an allegedly deficient report and the complete absence of any trial ruling excluding it—or any offer of proof from Appellant to preserve the issue. Given the report’s authenticity, the lack of any exclusion ruling, and Appellant’s consistent reliance on it throughout, no legitimate basis existed to dismiss it solely on the handwritten underscored “P.”

Yet instead of flagging this procedural irregularity, the law clerk relied on the magistrate’s obscure fabrication to justify excluding the report from review. He equated Tony Jones Flooring Inspections with “another flooring company”—a connection nowhere supported in the record—and dismissed the inspection report, which was plainly self-authenticating and relied upon as properly admitted, without any evidentiary basis other than the handwritten underscored “P” on its first page (R. pp. 69, 70, 87, 80–81, 212–214). The only way the law clerk could know to make this

connection, and to target the report for exclusion, was by working in concert with the magistrate. Both knew that the inspection report contained accurate findings and photographs. Had the law clerk not known this, there would have been no reason to exclude it. Had he not excluded it, the report would have directly contradicted the magistrate's judgment and exposed the fraud.

To justify excluding the inspection report, the law clerk copied the magistrate's fabrication from the backfiled summary and even embellished it. He upgraded "contacted" to "engaged" after seeing the returned proof of payment to the inspector, and changed "was not installed 100% correct" to "did not meet industry standards." These embellishments confirm that the law clerk actually reviewed the returned exhibits and read the inspection report. The phrase "did not meet industry standards" could only have come from the report's finding that Respondent "failed to comply with the installation guidelines and required protocols" (R. pp. 13–14). The law clerk thus knew that Appellant had commissioned and paid for this report, that it documented a catastrophic installation failure, and that the magistrate had orchestrated its exclusion—and yet he excluded it again.

This deception was deliberate. The inspection report was critical: it identified the precise causes of the catastrophic, widespread detachment and corroborated every other piece of Appellant's trial evidence. Had the law clerk not dismissed it, the report would have necessarily exposed the magistrate's fraud and proved Respondent's breach. Rebranding Tony Jones Flooring Inspections into "another flooring company" and reducing its signed findings to a mere "opinion" was a calculated distortion, crafted to exclude the report and protect both the magistrate and Respondent. This deception was intentional—the law clerk reviewed the report, knew it was true, and knew it directly established fundamental material breach, yet chose language calculated to nullify its evidentiary force. This deception was material—the report was the only evidence establishing the causes of the fundamental installation failure. Erasing it from review not only destroyed Appellant's property and shielded the wrongdoers, but also denied Appellant any hope of recovery and guaranteed affirmance of a profoundly prejudicial, precedential judgment. This deception was prejudicial in itself—by removing the report from consideration, the law clerk eliminated the most direct proof of the magistrate's fraud, ensuring that the fraudulent judgment would stand.

This deception constituted fraud on the court—the law clerk acted in concert with the

magistrate to dismiss the inspection report, thereby obliterating critical evidence and rewriting the record. This coordinated deception was calculated to mislead the reviewing court and protect both the magistrate and Respondent. The law clerk's embellishments demonstrate actual knowledge of the fraud and deliberate participation in concealing it from judicial review. Its intended purpose was achieved—the court signed the affirmance order unaware that it was founded on a falsified record, thereby ratifying both the fabricated findings and the concealment that made appellate review impossible. See *McNally v. United States*, supra., and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, supra., and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, supra., and *Gucci America, Inc. v. Weixing Li*, supra., and *Tennessee v. Lane*, supra., and *Bounds v. Smith*, supra., *Brady v. Maryland* (1963) supra., *Tumey v. Ohio*, 273 U.S. 522 (1927); *Richardson v. Town of Eastover*, supra., and *S.C. Dep't of Soc. Servs. v. Wells*, supra., and *Goldberg v. Kelly*, supra.

4. The Infinite Swindling Opportunities and Denied Access.

The law clerk falsely asserted that Respondent was denied access and an opportunity to cure, directly copying the magistrate's fabrications—and even amplifying them—despite knowing they were false (R. pp. 2, 80–81)

He consolidated four separate fabrications from the backfiled magistrate's summary to improve their focus: “[when] notified of the floor’s defects...any attempt by Respondent to *cure* those defects was refused. Appellant would not let *the company* have access to her home...Appellant refused to allow the defendant to *cure* the issue as required by the *warranty*” (see Argument I(E), R. p. 3).

The magistrate's fabrications, copied into the law clerk's order, were the following four false findings—each stated in the magistrate's summary as if an objective fact (see Argument I(E)(7–8)):

1. Appellant denied Respondent “an opportunity to perform under the full contract by denying him access” (R. p. 81);
2. Appellant did not allow Respondent “to complete repair work covered by the warranty” (R. p. 81);
3. “defendant responded to plaintiff’s complaint, however was not fully allowed by the plaintiff to perform warranty work” (R. p. 81);
4. “the flooring product was not installed 100% correct, however the plaintiff did not allow the defendant to perform or cure the issue as the contractual warranty dictates” (R. p. 81).

These fabrications were demonstrably false (see Argument I(E)(7–9)). The record shows:

1. Respondent was never denied entry (R. p. 87, original exhibits);
2. Appellant offered Respondent the opportunity to cure, but he admitted he did not know how and displayed clear fraudulent intent—repeatedly pressuring Appellant into agreeing to sub-protocol fixes (R. p. 87, original exhibits);
3. Respondent alleged that he misrepresented himself as the owner of Carpet King and Flooring when the real owner was his father, and attempted to intimidate Appellant into negotiating with his father instead (R. p. 87, return document 2);
4. Respondent’s father was not a party to the contract and Appellant had never met him (R. pp. 42-43, 87);
5. Appellant refused only to meet with Respondent’s father (R. p. 17, 87);
6. Appellant declined to give Respondent further chances after she had already given him the opportunity to cure and he admitted he didn’t know the required protocols (R. p. 87).
7. Respondent’s “warranty” applied only to carpet installations and contained no provisions related to glue down installations (R. p. 132).

The law clerk knew these fabrications were false. Had he not known, he would not have excluded Appellant’s exhibits from review—constructing an elaborate structure of fraud in concert with the magistrate, against both the court and the Constitution (see Argument I, II). Without this deception, any impartial reviewer would have seen the direct evidence that Respondent was never denied access, that Appellant gave him the opportunity to cure, that he lacked any expertise in glue down installations, and more. A genuine review of Appellant’s exhibits would have inevitably exposed the magistrate’s fraud.

The law clerk integrated these fabrications in his affirmance order deliberately, with the intent to rewrite the trial record and permanently erase Appellant’s evidence. This was calculated to deny her the right to recover and to reinforce the perverse “rules” of the fiefdom—that a homeowner must grant fraudulent contractors unlimited opportunities to swindle, and grant unknown third parties access to her home, or suffer further loss.

Though Respondent always had full access to complete the contracted work, and Appellant accommodated every scheduling change, the magistrate’s judgment penalized her for “denying Respondent access” (R. p. 81). In affirming that judgment, the law clerk expanded the penalty, which was now imposed for denying “the company access” to her home—despite knowing that Appellant denied access only to a complete stranger who was not a party to the contract (R. p. 3). The law clerk’s affirmance of the fraudulent magistrate’s judgment compounded its prejudicial effect and affirmed the de facto rule that a homeowner must grant access to unknown persons, or

suffer amplified damages (R. pp. 2-3, 80-81). This affirmance punished Appellant for exercising her fundamental right to be safe in her home, setting a precedent in which refusing access to strangers results in financial penalty and judicial retaliation (R. pp. 2–3, 80–81).

Though Appellant offered Respondent the opportunity to cure his failed installation, the magistrate’s judgment penalized her for not allowing him “to complete repairs” (R. p. 81). In affirming that judgment, the law clerk imposed an even larger penalty, which was now levied for “refusing Respondent any attempt to *cure*”—despite knowing that Appellant refused only sub-protocol fixes, inherently defective and guaranteed to fail (R. p. 3). Respondent admitted on record that he didn’t know the required installation protocols, and insisted on sub-protocol spot repairs, which were guaranteed to fail continuously and could not correct the ongoing catastrophic failure (R. p. 87). The law clerk’s affirmance of the fraudulent magistrate’s judgment compounded its prejudicial effect and affirmed the de facto rule that forced homeowners to allow fraudulent contractors unlimited opportunities to implement sub-protocol repaints, however damaging, or suffer amplified damages (R. pp. 2-3, 80-81).

The catastrophically breached contract at the center of this appeal was only one in a pattern of intentional damages to Appellant’s property since her relocation. These acts are carried out openly, blatantly, and with impunity. When Appellant sought legal counsel to stop them, attorneys refused representation as soon as they learned her name or address (R. p. 71, 201-203). When she attempted to file a police report, in person or online, the police refused to take it. Against this backdrop, the law clerk’s affirmance effectively forced her to allow Respondent unlimited “attempts” to implement sub-protocol fixes, guaranteed to fail, locking her into perpetual dependance on, and perpetual payment to the same contractor who had intentionally set the installation up to require continuous repair (R. pp. 44-46, 146-165). This affirmance thus punished Appellant for exercising her right to own her property—establishing a dangerous precedent that denying fraudulent contractors infinite swindling opportunities results in financial penalty and retaliation.

Appellant’s flash drive, filed with the circuit court, contains all of her trial evidence—including the audio recording of Respondent’s inspection, the legible inspection report, manufacturer installation instructions, and state construction standards—each critical to establishing her case. This evidence proves that Respondent’s only proposed “cure” violated both

the contract and the governing industry protocols. The flash drive is not merely evidence—it is Appellant’s property, lawfully admitted at trial and essential to her right of recovery. By deliberately excluding it from review for nearly two years, the magistrate and the law clerk deprived Appellant of the ability to effectively prosecute her claim, while the ongoing loss and concealment of this evidence continues to obstruct any meaningful path to justice. This coordinated fraud deprived Appellant of her constitutional rights, excluded her from the protection of the law, and is being used to extort and control her property even now, imposing costs she would otherwise never have incurred.

This fraud was material—it supplanted the trial record with a false narrative in which Appellant allegedly prevented completion of repairs, thereby justifying affirmance and forcing her to forfeit any realistic opportunity to recover. The prejudice is manifest—the circuit court affirmed the magistrate’s judgement on the basis of the false narrative, while Appellant’s authentic trial evidence had been effectively obliterated. Nearly two years after the intentionally botched installation, this coordinated fraud has succeeded in obliterating her trial evidence and legitimizing the ongoing, systematic predatory acquisition of her property.

This was fraud on the court. Had the law clerk acted impartially, he would have necessarily reviewed Appellant’s corrective exhibits and acknowledged the conclusive evidence contradicting the magistrate’s judgment. Instead, the law clerk knowingly adopted and amplified the magistrate’s fabrications, ensuring his order obliterated Appellant’s evidence and supported the magistrate’s judgment. The law clerk worked in coordination with the magistrate to deceive the court and protect the magistrate and Respondent. Its intended purpose was achieved—the presiding judge signed the affirmance order unaware that it was based on coordinated fraud, thereby legitimizing the ongoing, systematic predatory acquisition of her property and leaving her with no practical means of restoring what was taken, despite any theoretical remedies in law. See *McNally v. United States*, *supra.*, and *Lawson v. Citizens & S. Nat’l Bank of S.C.*, *supra.*, and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, *supra.*, and *Gucci America, Inc. v. Weixing Li*, *supra.*, and *Tennessee v. Lane*, *supra.*, and *Bounds v. Smith*, *supra.*, *Brady v. Maryland (1963)* *supra.*, *Tumey v. Ohio*, 273 U.S. 522 (1927); *Richardson v. Town of Eastover*, *supra.*, and *S.C. Dep’t of Soc. Servs. v. Wells*, *supra.*, and *Goldberg v. Kelly*, *supra.*

5. The Discretionary Performance.

The law clerk falsely asserted discretionary jurisdiction by copying the magistrate's fabrication—knowing it was false (R. pp. 2, 80–81).

In his statement of factual background, the law clerk claimed: “The Magistrate found that the Respondent performed and completed the work, but the work was subject to deficiencies. Since Appellant refused to allow the defendant to cure the issue as required by the warranty, the Magistrate estimated...the total damage to the Appellant” (R. p. 3). This assertion was deliberately crafted to imply an innocent lapse in diligence—when in fact it was a calculated lie designed to reframe the case as purely within the magistrate's discretion, insulating it from meaningful review.

The magistrate had fabricated the claim that Respondent “performed and completed the work” but it “was not installed 100% correct” (R. p. 80). The law clerk, after reviewing the returned exhibits—including photographs of catastrophic, widespread failure and the certified inspector's findings—tightened this language to “did not meet industry standards” (R. pp. 13–14, 212–213). That phrase came directly from the inspection report, which concluded that Respondent failed to follow required installation protocols and created a severe tripping hazard. The law clerk's knowledge of these findings, and his simultaneous exclusion of the inspection report, shows deliberate coordination with the magistrate to obliterate critical evidence and preserve the fabricated framing of the case as purely “discretionary”.

The law clerk knew that the magistrate's fabrication was a lie and deliberately crafted his language to imply an innocent lapse of diligence. Had he believed the magistrate's summary was truthful, he would not have concealed the fact that the summary was backfiled after the hearing, nor inserted into his order a pattern of fabricated falsehoods to dismiss Appellant's exhibits, replace the terms of the contract, and rewrite the trial record. Instead, he knowingly built a false record in which Appellant supposedly denied Respondent an opportunity to cure—an assertion squarely contradicted by the excluded evidence (see Argument I(E)).

To insulate his judgment and shield Respondent from accountability, the magistrate manufactured a false record asserting (1) that Appellant's evidence was “largely hearsay,” (2) that Respondent “completed the work” but it “was not installed 100% correct,” (3) that Appellant denied him the chance “to complete repairs,” and (4) that the magistrate therefore had to estimate damages. By replicating and refining these fabrications, the law clerk manufactured a parallel system of falsehoods designed to affirm the magistrate's judgment and shield Respondent even

better, asserting now (1) that Appellant's evidence was reviewed but contained no proof, (2) that Respondent "completed the work" but it "was subject to deficiencies," (3) that Appellant "refused to allow [Respondent] to cure the issue," and (4) that the magistrate therefore had to estimate damages. These lies preserved the magistrate's fraudulent judgment as if the product of unreviewable judicial discretion, while completely shielding Respondent from accountability.

The fabrication was material—it recreated the false impression that the magistrate had to resolve the dispute solely through discretion, which would bar de novo review and leave the fraud intact. It was prejudicial—it ensured affirmance of the magistrate's judgment by eliminating any chance for the excluded evidence to be considered.

This deception constituted fraud on the court. The law clerk's construction of the "discretionary" scope was copied nearly verbatim from the magistrate's summary, crafted against the evidence on file, and designed to deceive the court. Its intended purpose was achieved—the circuit court signed the affirmance order unaware it rested on a coordinated fraud, in direct violation of the principle in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944), holding that fraud on the court "is a wrong against the institutions set up to protect and safeguard the public."

6. The fraud on the court

The above shows that the law clerk, knowingly and intentionally, committed fraud designed to deceive both Appellant and the court.

Acting in coordination with the magistrate, whose judgment he sought to protect, the law clerk embedded the magistrate's key fabrications into his affirmance order—copying them directly from the backfiled summary. As the magistrate had done, he placed these falsehoods throughout his order to replace the trial record with a fictitious one. In this manufactured record, Appellant's evidence was "reviewed" but contained no proof; Tony Jones Flooring Inspections became another flooring company; the certified inspection report was reduced to mere "opinion"; the case was framed as purely discretionary; the contract was rewritten as if it required new plank installation, which Respondent supposedly "performed and completed" with minor deficiencies but was denied both the opportunity to cure and his company access to Appellant's home. All of this was contrary to the filed record, which the law clerk dismissed as meaningless and excluded from review.

By dismissing Appellant's evidence as meaningless, the law clerk implied full reliance on the magistrate's summary—knowing that it had not been filed at the time of the hearing. The sudden appearance of this summary, backfiled into the old docket entry, raised no objection from him. Neither did the return of five glue-down contract exhibits, nor the legal impossibility of treating the professional inspection report as “proffer only” without any ruling or offer of proof. Knowing that the magistrate's judgment was fraudulent, the law clerk still asserted that Appellant denied Respondent the opportunity to cure and his company access—thereby forcing her to accept sub-protocol fixes and become a paying subscriber to continuous “repairs.” This enforced one of the “rules” of the fiefdom: that Appellant could not deny fraudulent contractors infinite swindling opportunities or refuse strangers entry into her home without suffering penalty.

The law clerk worked in concert with the magistrate to affirm a fraudulent judgment and shield it from detection, leaving the presiding judge with no reason to suspect that the affirmance order rested on a falsified record. This fraud on the court was profoundly prejudicial: the circuit court adopted the magistrate's fabrications as its legal framework, thereby ratifying the system of fraud and illegal practices it embodied. In doing so, the court deprived Appellant of fundamental constitutional rights and sanctioned the destruction of her property—precisely the kind of “wrong against the institutions set up to protect and safeguard the public” condemned in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944). See *McNally v. United States*, *supra.*, and *Lawson v. Citizens & S. Nat'l Bank of S.C.*, *supra.*, and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, *supra.*, and *Gucci America, Inc. v. Weixing Li*, *supra.*, and *Tennessee v. Lane*, *supra.*, and *Bounds v. Smith*, *supra.*, *Brady v. Maryland* (1963) *supra.*, *Tumey v. Ohio*, 273 U.S. 522 (1927); *Richardson v. Town of Eastover*, *supra.*, and *S.C. Dep't of Soc. Servs. v. Wells*, *supra.*, and *Goldberg v. Kelly*, *supra.*

E. The profound resulting prejudice and deprivation of rights.

The prejudice in this case is both legal and practical. Legally, Appellant was deprived of a fair hearing, due process, and meaningful appellate review. The magistrate suppressed or destroyed Appellant's evidence, dismissed it as hearsay in his summary, and fabricated a system of falsehoods to replace the actual trial record. This fabricated record recast the glue-down installation contract as a fictitious “new plank installation,” which Respondent supposedly “performed and completed” with minor deficiencies but was denied an opportunity to cure. In this false narrative, Appellant forfeited half of her recovery and her right to recover anything further—unless she agreed to

Respondent's sub-protocol fixes and became his paying subscriber (R. pp. 44–46).

When Appellant appealed, the law clerk replicated this fraud. At the hearing, the acting clerk falsely claimed that the magistrate's summary was already in the record, when in fact it was secretly back-filed after the hearing. The law clerk then incorporated its critical fabrications into his affirmance order, while taking special care to exclude from review the very evidence that proved those fabrications false. This included Appellant's flashdrive, filed with the circuit court, which contained the audio recording of Respondent's inspection, the inspection report, installation instructions, and state construction standards—evidence proving that Respondent's sole proposed cure violated both the contract and required industry protocols. By fraudulently excluding this evidence for nearly two years, the magistrate and law clerk destroyed property belonging to Appellant and foreclosed her ability to prove her claim.

The fraud and obstruction were deliberate. The magistrate and clerks knew their acts would prejudice Appellant's case: scanning exhibits into illegibility ensured the presiding judge could not meaningfully review them; concealing the magistrate's summary until after the hearing denied Appellant a fair appellate process; falsifying the hearing log ensured no procedural remedy could be triggered; and fabricating a new factual framework in the affirmance order cemented the false record. This was not negligence—it was a coordinated system of obstruction.

Practically, the prejudice is even more devastating. The contract at the center of this case is only one in a pattern of intentional damage to Appellant's property since her relocation—acts committed openly and with impunity. When she sought legal counsel to stop them, attorneys refused representation upon learning her name or address (R. pp. 71, 201–203). When she tried to file a police report, in person or online, the police refused to take it. The law clerk's affirmance thus operates as a standing order forcing her to accept fraudulent contractors' endless sub-protocol "fixes," guaranteed to fail, while paying for each one. It sets a dangerous precedent: that an owner who refuses to grant swindlers unlimited access to her home can be penalized in court.

Nearly two years after the intentionally botched installation, this coordinated fraud has obliterated Appellant's trial evidence, legitimized the ongoing, systematic predatory acquisition of her property, and left her without any practical means to restore what was taken. Though the law offers theoretical remedies, the combined legal and practical prejudice in this case operates as **institutional exclusion from the protections of law itself**—signaling to every actor in the system that Appellant may be defrauded without consequence and stripped of the status of a rights-bearing

citizen.

See McNally v. United States, supra., and Lawson v. Citizens & S. Nat'l Bank of S.C., supra., and Hazel-Atlas Glass Co. v. Hartford-Empire Co., supra., and Gucci America, Inc. v. Weixing Li, supra., and Tennessee v. Lane, supra., and Bounds v. Smith, supra., Brady v. Maryland (1963) supra., Tumey v. Ohio, 273 U.S. 522 (1927); Richardson v. Town of Eastover, supra., and S.C. Dep't of Soc. Servs. v. Wells, supra., and Goldberg v. Kelly, supra.

3. THIS FRAUD ON THE COURT CAUSED SYSTEMIC DEPRIVATION OF RIGHTS, RESULTING IN THE PERMANENT EXCLUSION OF TRIAL EVIDENCE, RETALIATION, AND STRUCTURAL COLLAPSE

A. Systemic deprivation of rights under color of law.

In order to protect affiliated Respondent from accountability, the magistrate produced a judgment which was discriminatory and criminal in nature, effectively legitimizing the systematic predatory acquisition of Appellant's property and depriving her of legal means to recover.

To produce this judgment, the magistrate willfully committed fraud on the court, denying Appellant both procedural and substantive due process, and setting a dangerous precedential rule:

The magistrate destroyed or excluded Appellant's admitted evidence (see Argument I(D)). This suppression of evidence denied Appellant impartial forum and the right to introduce evidence (R. pp. 38–43).

The magistrate coordinated with the flooring inspector to ensure his nonappearance at trial—a conspiracy spanning across state lines—to dismiss his report as hearsay later (see Argument I(C)). This conspiracy destroyed Appellant's property and denied protection of law.

The magistrate fabricated his findings of fact, supplanting the actual record with a fiction which excused Respondent's complete material breach and positioned him as entitled to payment for sub-protocol "repairs" (see Argument I(E)). This denied Appellant access to courts and the right to own her property and be safe in her home (see Argument I(F)).

The magistrate coordinated with the circuit court clerks to withhold from the docket his summary of findings until after Appellant's hearing (see Argument I(A) and II(A)). This concealment denied Appellant the opportunity to refute his fabrications at the hearing, thus denying her the opportunity to be heard at a meaningful time in the context of all the circumstances.

These actions, willfully conducted under color of law, prejudiced Appellant's case (see

Argument I(F) and II(E)). The circuit court affirmed the fraudulent magistrate's judgment, because the misconduct continued there:

The circuit court clerks willfully withheld the magistrate's summary from the docket until after the hearing, then secretly backfiled it (see Argument II(A)). This denied Appellant any opportunity to challenge its falsehoods, thereby depriving her of the opportunity to be heard (R. pp. 35–37).

The acting clerk gave the presiding judge fraudulent answers under oath at the hearing, to ensure safe backfiling of the magistrate's summary, and falsified the hearing log (see Argument II(B)). This egregious misconduct deprived Appellant of the protection of law and access to courts.

The circuit court clerks willfully gave Appellant fraudulent instructions and scanned her corrective exhibits into illegibility (see Argument II(C)). This denied Appellant impartial forum and access to courts (R. pp. 38–39).

The law clerk willfully fabricated his findings of fact affirming the magistrate's fabrications and corrupted return while dismissing Appellant's corrective exhibits, most significantly the flashdrive—the very evidence that proved his fabrications false (see Argument II(D)). This reinforced and amplified the same wrongs as had been caused by the magistrate's judgment: the denial of access to courts and the right to own her property and be safe in her home (see Argument II(E)).

The clerks willfully excluded Appellant's motion for reconsideration from review (see Argument II(C)). This denied Appellant any opportunity to challenge the law clerk's falsehoods at the circuit court level, thereby depriving her of the opportunity to be heard again.

With the inspection report prearranged to be slaughtered, the complete exclusion of Appellant's evidence, the manufactured false record, and the covertly backfiled summary, the circuit court's affirmance was signed under the court seal on the uncontested basis of the fabricated summary and law analysis.

This fraud and obstruction excluded Appellant from the protection of law, denied due process and access to courts not only at the magistrate court, but also at the appellate circuit court. She was blatantly denied her Constitutional protections even as the critical evidence, proving her case, was filed and in custody.

Procedural safeguards were denied not only to Appellant, who was stripped of notice, access to evidence, and a meaningful opportunity to be heard, but also to the presiding judge, who was “set up” to decide the case on a doctored and incomplete record—rendering the tribunal

neither impartial nor informed. This intentional denial of procedural safeguards ensured that the appellate tribunal's view of the case was shaped entirely by a falsified record. (motion for reconsideration).

Not only the procedural safeguards were denied—the coordinated fraud denied Appellant a fair forum at every stage. In both magistrate and circuit courts, she was denied neutral review, deprived of the ability to present her evidence, and barred from challenging fabricated findings. This fraud worked as a system of coordinated judicial and clerical misconduct that systematically denied Appellant access to courts.

Yet the prejudice didn't stop there. When she tried to stop the discrimination and predatory acquisition of her property, effectively legitimized by the magistrate's judgement:

Attorneys refused representation as soon as they learned her name or address (R. p. 71, 201-203). This retaliatory blacklisting excluded Appellant from the protection of law (R.pp.44-47).

The police refused to take her report, and even the online system was set up to recognize her name. This retaliatory blacklisting excluded Appellant from the protection of law (R. pp.44-47).

The Fourteenth Amendment guarantees that no person shall be deprived of life, liberty, or property without due process of law. At its core, procedural and substantive due process provides vital constitutional protections.

Procedural due process required that Appellant receive fair notice, an impartial tribunal, the opportunity to present and challenge evidence, and a decision made on a complete and accurate record. In this case, each of these core safeguards was deliberately bypassed. The magistrate concealed the requirement for the flooring inspector's appearance and ensured his absence; fabricated material findings of fact; and coordinated with clerks to omit, spoil, or miscaption critical exhibits. The circuit court, in turn, ratified the knowingly doctored record, accepted the law clerk's false legal analysis, and affirmed without permitting Appellant to contest the covertly backfiled magistrate's summary.

Substantive due process protects fundamental rights from arbitrary and abusive state action, including the right of meaningful access to courts, the right to equal protection of the law, and the right to retain and enjoy one's property free from predatory acquisition. The actions of the magistrate, the circuit court, and this Court's clerk—concealing and refusing review of decisive evidence, ratifying fraudulent findings, and insulating the perpetrators from accountability—nullified those protections. This conduct effectively foreclosed Appellant's access to the judicial

system as a forum for redress, stripped her of the law's protection, and left her property rights defenseless against organized fraud. In practice, the state's machinery was turned from a protector of rights into a facilitator of dispossession, operating as an instrument of predatory acquisition under color of law.

This denial of an impartial appellate tribunal was caused by the denial of procedural safeguards and the deliberate suppression of critical evidence. The same actors who fabricated the factual framework also controlled the record, ensuring that the materials capable of exposing their misconduct would never reach the reviewing court. These actions were targeted measures to prevent meaningful appellate review, cutting off the evidentiary foundation upon which due process depends.

The due process guarantee is hollow without the procedural safeguards that give it meaning—most critically, the right to present and have considered all relevant, admissible evidence. In this case, those safeguards were systematically dismantled. The magistrate began the process by excluding Appellant's original exhibits from the record, mischaracterizing admitted evidence as hearsay, and fabricating a factual framework that bore no relation to the actual trial proceedings. The clerks compounded this misconduct by scanning exhibits into illegibility and concealing the magistrate's summary until after the appellate hearing, thereby denying Appellant any chance to rebut its falsehoods.

The suppression of evidence was designed to ensure that the reviewing court would never see the materials disproving the magistrate's version of events. The flashdrive filed with the circuit court was excluded entirely from review, despite being timely filed, authenticated, and central to Appellant's claim. By blocking the transfer of this evidence to the Court of Appeals, the clerks ensured that the factual record before the higher court was the false one they had engineered.

The Fourteenth Amendment guarantees both notice and a meaningful opportunity to be heard before an impartial tribunal. Appellant was denied each of these safeguards. She was prevented from confronting or rebutting the magistrate's falsified summary because it was hidden until after the appellate hearing. The flashdrive and other original exhibits—timely filed and authenticated—were intentionally withheld from judicial review. The confidence and ease with which these acts were conducted prove they were not anomalies, but part of a practiced and tolerated system. This was a system built to preclude vindication of Appellant's rights.

The procedural rules governing appellate practice are not mere formalities; they embody

substantive safeguards designed to ensure that appellate review is meaningful, impartial, and grounded in a complete and accurate record. These safeguards protect litigants from arbitrary action and prevent courts from making determinations on incomplete or distorted facts.

In this case, the backfiling of critical materials without notice, the exclusion of duly admitted exhibits, and the refusal to adjudicate pending motions in a timely manner each constitute violations of these safeguards. These actions materially impaired Appellant's ability to be heard and deprived the appellate tribunal of the full factual and procedural context necessary for a lawful determination.

When these protections are ignored or undermined, the harm is not confined to a single litigant. It erodes the legitimacy of judicial decisions, deprives the appellate court of jurisdiction over the true case presented, and destroys public confidence in the fairness of the process. Such failures cannot be excused as clerical oversights or harmless error; they represent a breakdown in the very framework that separates lawful adjudication from arbitrary power.

B. Permanent exclusion of admitted trial evidence.

Appellant's flashdrive—filed in July 2024 with the circuit court and containing critical video evidence, inspection reports, installation instructions, and state construction standards—was never reviewed by any judge. The Court of Appeals has categorically refused to order its transfer into the appellate record, citing a non-existent “numbering” requirement never previously disclosed to Appellant. This refusal persists despite Appellant's repeated motions explaining that the exhibits are identical to those admitted at trial, that they were timely filed, and that they remain in the custody of the lower court.

By withholding this evidence, the Court of Appeals not only perpetuates the original fraud but also deprives itself of the ability to adjudicate the appeal on a complete record. Without the flashdrive, the Court cannot see the videos showing the flooring failure within the critical one-year warranty period—proof that the breach was complete and irreparable under state standards. Deferring decision until “the record is complete” is illusory if the circuit court never transmits the flashdrive; under the present posture, this transfer will never occur absent a direct order.

This ongoing suppression is systemic, not incidental. It denies Appellant a meaningful right to appellate review and signals to lower-level actors that their obstruction will be protected at the highest available state forum. The issue must therefore be preserved in this record for further

review, as it implicates due process, equal protection, and the right of access to courts under both the South Carolina and United States Constitutions.

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.

C. Retaliation.

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.

The magistrate's fraud did not end with his judgment. As soon as Appellant appealed, a coordinated effort began to suppress, distort, or destroy the evidentiary record on which her appeal depended. Appellant found she was unable to retain representation—counsel declined engagement immediately upon learning her name or address. This effort—just as the structure of the magistrate's summary—was seemingly disjoined and coincidental, specifically so as to

obscure the process and disorient Appellant. Cumulatively, it led to complete deprivation of Appellant's constitutional rights—under color of law.

The circuit court not only refused to correct the magistrate's fraudulent judgment—they actively obstructed any pathway for relief. This combination of falsification, concealment, exclusion and coordination deprived Appellant of the ability to be heard on the merits. This fraud prejudiced Appellant's case in this Court, whereby this Court excluded 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.

The doctrine of access to courts protects against precisely this kind of institutional sabotage. When state actors intentionally create procedural blockades that prevent a litigant's evidence from ever being heard, the injury is not merely to the litigant but to the integrity of the judicial system itself.

Access to the courts is meaningless if the factual record presented to the tribunal has been falsified, and the true evidence has been deliberately withheld. The suppression of Appellant's flashdrive—timely filed, authenticated at trial and the hearing, and containing direct proof of contractual breach—ensured that no reviewing court could evaluate the case on its merits.

When Appellant appealed higher, this Court refused to transfer the flashdrive and other original corrective exhibits, rendering the appellate process a hollow formality, conducted on a doctored record designed to fail. In practical terms, Appellant was denied the right to a true appellate review; in constitutional terms, she was denied the right to petition the government for redress of grievances.

Here, the injury is ongoing: unless remedied by an order compelling transfer and review of the original exhibits, the obstruction will continue to bar Appellant from meaningful relief, regardless of the merits of her claims.

What Appellant faces is not only one instance of judicial fraud but a continuing pattern of coercive property destruction—a predatory acquisition of her right to access courts and preserve evidence. Analogous to “killer-acquisitions” in antitrust law—where dominant firms acquire competitors to eliminate competition—Appellant's property rights and evidentiary foundation have been systematically undermined. See *Weyerhaeuser Co. v. Ross-Simmons*, 549 U.S. 312 (2007);

Brooke Group Ltd. v. Brown & Williamson, 509 U.S. 209 (1993); and academic commentary on “killer acquisitions.”

This coercive withdrawal of autonomy mirrors predatory land-contract practices aimed at dispossessing vulnerable homeowners—another form of institutionalized extraction and property deprivation.

Appellant’s case fits within the same conceptual framework: her property—tangible and evidentiary—has been preyed upon through institutional concealment and coercion, not by fair adjudication.

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.

D. Structural collapse of the court system.

The above violations are not confined to the magistrate and circuit court stages; they have been compounded by the Court of Appeals’ continuing refusal to transfer Appellant’s exhibits for review. This refusal is not an administrative oversight but an extension of the same coordinated obstruction that began in magistrate court. Unless remedied, it will continue to bar meaningful review in this case and, in practical terms, will cement Appellant’s exclusion from the protections of law.

Although her July 28 Motion to Exceed Page Limit was properly filed and became fully ripe the following day, it has not been queued for adjudication even at the time of the filing of this brief, forcing Appellant to exceed the 50-page limit at the risk of dismissal.

When a magistrate can omit admitted evidence from the return, fabricate material findings contrary to the record, and later have their altered “summary” surreptitiously inserted post-hearing without notice to the appellant, the judicial process ceases to be adjudication and becomes falsification. This conduct not only deprives litigants of a meaningful record for appeal, it actively

manufactures a false appellate history—ensuring that higher courts review a case that never actually occurred. Such actions collapse the trial-level safeguard that is meant to anchor the integrity of the entire appellate process, leaving no lawful foundation on which justice can rest.

When then court clerks can manipulate dockets without disclosure, withhold or misroute filings, and allow motions to languish until deadlines expire, the judicial process is no longer governed by law but by the unchecked discretion of administrative actors. This transforms courts from neutral arbiters into opaque gatekeeping systems where procedural sabotage can predetermine outcomes before any judge reaches the merits. Such conditions are incompatible with due process, create the appearance—and reality—of institutional capture, and extinguish public confidence in the judiciary’s ability to function as an independent branch of government.

When courts shield and legitimize the actions of criminal actors engaged in systematic, predatory acquisition of the property of vulnerable citizens, they cease to be arbiters of justice and become instruments of the very exploitation they are sworn to prevent. This protection not only emboldens organized wrongdoing, it normalizes it—turning the judicial system into a guarantor of lawlessness. Once the judiciary serves as a sanctuary for those who prey upon the weak, the structural integrity of the legal system collapses, leaving the rule of law hollow and the public defenseless.

When courts provide sanctuary to criminal actors, they actively participate in dismantling the very foundations of justice. This judicial protection transforms the bench into an enabler of organized theft, stripping the law of moral authority and leaving the most defenseless without recourse. The result is a structural collapse of the court system itself—its authority corrupted, its purpose inverted, and its promise of impartial protection rendered a dangerous illusion.

When courts shield criminals from accountability, they implicate the state itself in the wrongdoing. A judiciary that protects lawbreakers transforms the power of the state into an instrument of abuse, ensuring impunity for the guilty while depriving victims of lawful protection. The state, as the body ultimately responsible for the conduct of its courts, bears direct liability for the harm inflicted under its sanction. I will pursue every available avenue—domestic and international—to hold the state accountable for this betrayal of its constitutional and moral obligations.

CONCLUSION

The record demonstrates a coordinated series of acts—falsification of findings, spoilation of evidence, docket tampering, and obstruction of appellate review. Each of these acts was performed willfully with the purpose to deny Appellant impartial review and, consequently, all of these acts deprived her of the most fundamental, Constitutional rights: due process, both procedural and substantive, the right to be safe in her home and to own her property. This willful deprivation of rights by the magistrate and the clerks, acting under color of South Carolina law, excluded Appellant from the protection of law, obliterated her admitted trial evidence, and resulted in retaliation.

The prejudice caused by this fraud and obstruction is undeniable. The magistrate's judgment rests on the fabricated record and findings, which were withheld from the docket until after the hearing to prevent exposure. The circuit court's affirmance rests on the same fabricated record and findings, despite filed corrective exhibits. Appellant was prevented from impartial forum at every step of trial and appellate process. This Court's refusal to transfer Appellant's corrective exhibits for review locked her critical trial evidence in circuit court custody—the very court whose clerks excluded it from review and systematically deprived her of constitutional protections. This structure of obstruction effectively obliterated Appellant's admitted trial evidence and made any hope for recovery impossible.

Appellant's flashdrive contains critical video evidence documenting the installation failure within the first year of the project, and the fact that she gave Respondent an opportunity to cure. By barring this flashdrive from appellate review, the lower courts have not only suppressed Appellant's key evidence but imposed undue financial burdens, including procuring professional forensic extraction of file metadata to authenticate dates—an expense that would not have been necessarily had the circuit court fulfilled its duty to consider the evidence as submitted. Given Appellant's functional exclusion from any legal representation, pro se Appellant will exceed the three-year statute of limitation before being able to recover the damages caused by the botched installation, thus making Appellant's flashdrive functionally obliterated.

South Carolina law and the United States Constitution require more. Litigants are entitled to a fair proceeding before a neutral tribunal, with access to their trial evidence and a record free from tampering. When these basic guarantees collapse, the only appropriate remedy is to vacate the judgment and restore the litigant's right to an impartial adjudication.

Given the continuing obstruction of access to law enforcement and legal counsel, the falsification of the record, and the deliberate exclusion of Appellant's trial evidence from appellate review, this case cannot be remanded in reliance upon the same local actors who perpetrated or condoned the misconduct. Appellant has exhausted state-level reporting avenues without any meaningful investigation; the South Carolina Law Enforcement Division, local police, and the FBI's South Carolina field office have each declined to take her complaint once the location "Fountain Pointe" was identified. Under these circumstances, referral to the United States Department of Justice, Civil Rights Division, is the only viable means of securing an independent criminal review of the evidence. Transmission of Appellant's original flash drive and paper exhibits directly to the DOJ will ensure preservation of the evidence in its authentic form, outside the control of those who have already acted to suppress or alter it.

Accordingly, Appellant respectfully requests that this Court grant the following relief:

1. Compel the immediate transfer of Appellant's original corrective exhibits, including flashdrive, to this Court for review;
2. Order that Appellant's original corrective exhibits, especially flashdrive, be restored to the record;
3. Vacate the magistrate court judgment and the circuit court affirming orders;
4. Remand this matter for a new trial before an impartial tribunal;
5. Direct that all further proceedings comply scrupulously with due process and that any future tampering or obstruction be subject to sanction;
6. Order that Appellant's original corrective exhibits—together with the flash drive containing video evidence—be transmitted under seal to the United States Department of Justice, Civil Rights Division, for review of potential criminal obstruction of justice, evidence tampering, and deprivation of rights under color of law.
7. Grant any other relief this Court deems just and proper to redress the deprivation of Appellant's constitutional rights.

Appellant submits this amended brief under continuing duress and with a good faith belief that her claims are supported by the record and the governing law.

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