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SC Court of Appeals

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

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Dale Van Slambrook, Circuit Court Judge

Appellate Case No. 2024-001734

Olga Teslenko, Appellant,

v.

Joe Kocsis and Carpet King & Flooring,
Respondents.

APPELLANT’S AMENDED INITIAL BRIEF

Appellant respectfully submits this Amended Initial Brief pursuant to Rule 208 of the South Carolina Appellate Court Rules in support of her appeal from the judgment of the magistrate court and affirming orders of the circuit court. This appeal is a suit in equity to set aside the magistrate's judgment and circuit court orders for extrinsic fraud, raising due process violations and systematic denial of access to courts.

Appellant submits this brief under continuing duress due to this Court’s refusal to transmit for review her original trial exhibits—the physical flashdrive and original documents, timely filed below—forcing her to prove the constitutional claims on the altered record devoid of her trial evidence. Without the trial evidence, the current record is materially incomplete due to the omission of the flashdrive and the illegibility of scanned documents, and guarantees that Appellant’s brief is unsupported. This effectively erases her constitutional claims and forces her appeal to fail, regardless of its merits.

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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, as guaranteed by the United States Constitution, Amendment XIV, § 1, "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," and the South Carolina Constitution, Article I, § 3, "The privileges and immunities of citizens of this State and of the United States under this Constitution 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."

TABLE OF AUTHORITIES

Constitution

- S.C. Const., art. I, § 3
- S.C. Const., art. 5, § 5

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

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)

INTRODUCTION

When a simple contract dispute in the magistrate court resulted in a judgment contrary to the admitted trial evidence, this appeal evolved to expose the lack of integrity of the judicial process itself. The process, which began with the magistrate's judgment based on an altered record and fabricated findings, has culminated in this Court's refusal to review Appellant's original trial evidence and permit a reasonable page limit. This refusal compels Appellant to submit her brief under extreme duress, attempting to prove her claims on the fabricated record devoid of her admitted trial evidence, which effectively guarantees her brief is unsupported. Appellant proceeds in order to preserve this refusal and her claims for further review.

The magistrate's return omitted and altered admitted trial evidence, circuit court clerks withheld the magistrate's summary before the hearing and covertly backfiled it after, law clerk dismissed Appellant's corrective filing and affirmed the unrebutted judgment. At every stage, Appellant was systematically denied due process and the opportunity to be heard on the merits.

This appeal therefore presents fundamental questions of procedural and substantive fairness, due process, and the integrity of the judicial process. Because the documented pattern of misconduct violates constitutional rights, Appellant seeks de novo review and equitable relief from the magistrate's judgment and circuit court's affirmance procured through extrinsic judicial fraud. Appellant respectfully submits that her original trial evidence, timely filed below, directly demonstrates this judicial fraud and systematic deprivation of rights under color of law, warranting reversal and a new trial.

FACTUAL BACKGROUND

In November 2023, Appellant contracted with Respondent to install glue-down luxury vinyl plank (LVP/LVT) flooring in her condominium. The contract specified this method of installation (R. pp. 133–135). Immediately after completion, Appellant observed widespread lifting of the planks (R. p. 10, 12). Within ten days, the majority of the flooring had detached from the subfloor (p. 25, line 2-13; 46; 152–167).

Respondent inspected the failed installation in person, confirmed omitting critical installation steps, and expressly intended to omit them again when offered to cure (R. p. 10, 12; 16–17; 87). Appellant declined the proposed plan to violate required protocols and Respondent agreed to issue a full refund, but later rescinded (R. p. 12, 17, 87). Appellant declined to negotiate with Respondent's father whom she never met, and retained an independent, industry-certified inspector recommended by the flooring manufacturer (R. p. 11–14; 17; p. 23, lines 3–13; 138). The inspection report confirmed that Respondent's work failed to comply with published installation protocols, documenting systemic failure and noncompliance (R. p. 13–14; p. 24, lines 7-14; 136–137).

Unable to engage counsel, Appellant filed a pro se complaint in the magistrate court seeking recovery for material breach of contract (R. p. 2, 71, 144–147). At March 2024 trial, Appellant entered paper documents and a flashdrive, and proffered them with specificity in her opening statement (R. pp. 10–14; p. 24, line 13–15). The magistrate reviewed, authenticated and fully admitted each of her trial exhibits, including the flashdrive (R. p. 22–26). Throughout the circuit court proceedings prior to the discovery of the backfiled summary, Appellant reasonably believed all of her admitted exhibits were properly in evidence (R. p. 2; 22–26).

Appellant's flashdrive contained digital copies of her paper exhibits and critical video evidence of the widespread fundamental failure within days of installation (R. pp. 38-43; 87). The flashdrive also contained the complete audio recording of Respondent's inspection, his admissions of pervasive noncompliance with required protocols, and intention to violate them again when offered to cure the failed installation (R. p. 10, 12, 17). The magistrate reviewed and authenticated the videos with Respondent before admitting the flashdrive in evidence (R. p. 70, 87). As late as the circuit court hearing, Appellant reasonably relied on her flashdrive having been properly admitted in evidence (R. p. 22, line 22-p.26, line 22).

Another exhibit, admitted at trial, was the seven-page excerpt from the South Carolina

Residential Construction Standards regulatory document (R. pp. 103–109). The exhibit consisted of the first two pages of the regulatory document, bearing its seal and table of contents, and the five pages with the complete chapter on Resilient Flooring Standards, properly excerpted from beginning to end (R. p.10, 11, 41–42). This exhibit confirmed that the state standards defined loosening of resilient flooring to be a defect only if it occurred after the normal warranty period of one year (R. pp.106). The magistrate reviewed and authenticated it with Appellant before admitting it in evidence (R. pp. 80–81). As the hearing, Appellant reasonably relied on her exhibit having been properly admitted in evidence (R. p. 24, line 16-21).

Another admitted exhibit was the nineteen-page installation instructions exhibit, which combined three complete manufacturer documents with installation instructions, Appellant’s self-made summary enclosed for convenience of reference, and photographs of the manufacturer labels on the glue bucket (R. pp. 10–13, 113–131). This exhibit specified necessary installation protocols required for glue-down resilient flooring, and corroborated with Appellant’s videos and the findings of the inspection report. The magistrate reviewed and authenticated the exhibit with Appellant before admitting it in evidence (R. pp. 80–81). As the circuit court hearing, Appellant reasonably relied on her instructions exhibit having been properly admitted in evidence, and objected to its absence in the magistrate’s return (R. p. 27, line 2-3).

The flooring inspection report exhibit detailed pervasive noncompliance with manufacturer requirements (R. pp. 12–14, 136–137, 152–167). The magistrate reviewed and admitted the report without objection or qualification—despite it not having been supported by live testimony (pp. 80-81). The magistrate failed to instruct Appellant of this deficiency. Appellant is a lay person not trained in jurisprudence (R. p. 38). The complaint was her first experience with law and courts (R. p. 23, line 14–16). Appellant reasonably believed the report itself was sufficient to be admitted (R. pp. 11–14; 23–24; 136–137). At the hearing, Appellant still reasonably relied on the report being properly in evidence (R. p. 23, line 2–9; p. 24, line 7-12). The flooring inspector failed to inform Appellant of the statutory requirement for his live testimony, as well as failed to properly format his report and provide proper certification document (R. pp. 136–138; 211).

The magistrate’s judgment, received in the mail, partitioned liability for the failed installation without explanation and against the admitted evidence (R. p. 1; 10–14). By doing so, it effectively ratified the ongoing predatory acquisition of Appellant’s property, setting a dangerous legal precedent (R. p. 22; 44-46; 141; 184-185). On appeal to the circuit court, the magistrate court denied

the transcript (R. p. 28, line 17–21; 72–76). The filed magistrate’s return was defective, containing no summary and entirely omitting the flashdrive and key selective pages from critical paper exhibits (R. p. 35-43).

The inspection report was returned in full, but bore an underscored letter “P”—the underscoring made without any notice to Appellant (R. p. 136). The returned state standards exhibit contained only three pages. The pages removed from the original seven-page exhibit were the non-consecutive pages with the beginning of the chapter, bearing its title, and the end, thus rendering the returned exhibit inadmissible (R. pp.93–95). The returned installation instructions exhibit contained only the self-made Appellant’s summary. The sixteen pages removed from the original nineteen-page exhibit were the pages with the manufacturer documents and labels, thus rendering the returned exhibit inadmissible hearsay (R. pp. 110–112). Appellant had no notice of these alterations to her admitted exhibits and reasonably believed them to be properly in evidence (R. p. 2; 22–27).

To correct the omissions in the magistrate’s return, and upon instruction from clerk Ms. Keeling, Appellant re-filed her trial evidence on July 22, 2024 (R. pp. 69, 70, 87). The re-filed evidence included the state standards exhibit (R. pp. 103–109), the installation instructions exhibit (R. p. 168, 170), and the flashdrive (R. p. 87). Appellant also re-filed the inspection report, as the returned exhibit was completely illegible (R. pp. 152-167). Appellant's paper exhibits were again scanned into illegibility on the docket (R. pp. 96–102, 113–131; 169, 171)

At the August 21, 2024, circuit court hearing, Appellant objected to the missing summary (R. p.22, lines 16–21; p.25, lines 16–17; p.28, lines 3–11) and defective return (R. p.24, line 16–p.25, line 17; p. 26, line 20–27, line 6). The Presiding Judge confirmed the absence of the summary (R. p. 27, lines 10-12; p. 28, lines 3-10), the identity of her re-filed trial exhibits (R. p. 23, line 6–14), acknowledged the filing as a motion to admit (R. p. 21, line 11–12), and intended to review it (R. p. 27, line 10–12).

The Presiding Judge scrolled several times through every page of the two documents, filed in the docket entry for the magistrate’s return, but had been unable to locate the summary (R. p. 21, line 13–p. 22, line 11). Appellant agreed with the Judge, noting that no summary was visible on the docket that morning (R. p. 28, lines 3–11). In contrast, acting clerk Ms. Keeling stated under oath that she could see the summary, that it was signed by the magistrate, that it comprised the first two pages of a 30-page return document, but that she couldn’t identify which of the two documents it was (R. p. 21, line 13–p. 22, line 11). Still unable to locate the summary, the Presiding Judge took the case

under advisement to further investigate the matter (R. p. 27, line 10–p. 28, line 11).

Respondent had not appeared at the hearing and no objections to Appellant’s re-filed trial evidence were raised (R. pp. 21–29).

The following day, Appellant discovered that a new, third document had been backfiled into the May 29 docket entry for the magistrate’s return without notice (R. pp. 50–51; 66–68). The previously missing magistrate’s summary occupied the first two pages of this newly added 30-page document (R. pp. 80–81). The summary revealed fabricated findings and the retroactive dismissal of all of Appellant’s admitted evidence as hearsay (R. pp. 80-81).

On September 9, 2024, without any notice, the circuit court issued orders affirming the magistrate’s judgment (R. pp. 3–9). The orders asserted that Respondent appeared at the hearing, both parties had the opportunity to be heard, but Appellant failed to raise any issues or introduce any evidence in support of her claim (R. pp. 3–5).

The circuit court affirmance order copied the magistrate’s summary nearly verbatim and dismissed Appellant’s re-filed trial evidence (R. pp. 3–5; 80–81). Both the magistrate’s summary and circuit court order replaced the actual glue down LVT installation contract with undefined “plank replacement” or “plank installation” (R. pp. 133–135; 3, 80). Both claimed that this work was “performed and completed” but “subject to deficiencies” (R. p. 4; 80–81). Both shifted the matter into the magistrate’s discretionary jurisdiction by dismissing admitted Appellant’s evidence as “largely hearsay” or non-existent (R. p. 3; 81).

The voice of the circuit court order was entirely unlike the voice of the Presiding Judge at the hearing. Where the judge acknowledged the defective return, re-filed corrective exhibits and intended to review them, the circuit court order dismissed the irregularities in the return and re-filed corrective exhibits (R. pp. 3–5, 80–81; 22–27). These divergences strongly suggest that the order was not written by the Presiding Judge himself, but by a circuit court law clerk.

Where the magistrate claimed that Respondent “performed and completed the work” but it “was not installed 100% correct”, the law clerk tightened this language to “the work was subject to deficiencies” (R. p. 4, 81). Neither the magistrate nor the law clerk explicitly declared the inspection report to be “hearsay”. Instead, the magistrate claimed that “the evidence the plaintiff entered into evidence was largely hearsay” and that she testified of contacting “another flooring company” who “stated that the defendant installed the flooring incorrectly”—a testimony Appellant never made as she never contacted any other flooring company (R. pp. 80-81, 10-14, 21-29). In his turn, the law clerk

claimed that “Appellant engaged another flooring company who opined that Respondent’s work in installing the flooring did not meet industry standards” (R. p. 3).

Both the magistrate’s summary and the circuit court order assigned the responsibility for the failed installation to Appellant. The magistrate claimed that Appellant denied Respondent “an opportunity to perform under the full contract by denying him access and not allowing him to complete repair work covered by the warranty” (R. pp. 80-81). The law clerk claimed that “Since Appellant refused to allow the defendant to cure the issue as required by the warranty, the Magistrate estimated...the total damage” (R. p. 5). The trial record demonstrated that Respondent was never denied access or opportunity to fulfil his contractual obligations, was offered the opportunity to cure his failed installation, but repeatedly proposed to violate the required installation protocols again (R. pp. 10–14, 16–17, 106, 133–135). Respondent’s warrantee was tailored for carpeting installations only (R. p. 132).

On September 20, 2024, Appellant filed a motion for reconsideration, enclosing the newly discovered evidence of the backfiling, and citing the denial of due process, materially incomplete record, and procedural irregularities (R. pp. 31–87, 50–51, 66–68). The newly discovered evidence in her motion for reconsideration were the screenprints E2 and E4 of the case docket she made before and after the hearing, which were corroborated by the Presiding Judge at the hearing (R. p. 21, line 13–p. 22, line 11; p. 27, line 10–p. 28, line 11).

The embedded link data, viewed by hovering the cursor over the image of a document on Screenprint E2, showed that, on the day of the hearing, the magistrate’s return entry contained two documents (R. pp. 50–51). The rightmost, 24-page document opened on the paid invoice exhibit bearing the large black ‘**Carpet King and flooring**’ logotype (R. p. 134). The leftmost, 55-page document opened on the full-page **black** illegible photographic exhibit (R. p. 139).

The embedded link data, captured in Screenprint E4, showed that after the hearing, the magistrate’s return entry had been recaptioned and contained three documents (R. pp. 66–68). The first two documents were the same 24-page and 55-page documents as before, but were now stored at new locations on the server (R. p. 134, 139). The new, third document was 30 pages long and opened on the magistrate’s summary bearing the large bold ‘**MAGISTRATE’S RETURN ON APPEAL**’ logotype (R. p. 80).

Appellant’s motion for reconsideration, initially correctly captioned when filed on September 20, was miscaptioned to indicate Domestic Violence and queued in to the wrong judge’s motions

roster (R. p. 88). Two weeks after filing, Appellant requested to correct the caption (R. p. 91). A week later, the circuit court clerk issued an order removing the Domestic Violence notation, citing that the initial caption was upgraded with that notation because “DV stands for the judge’s initials, Dale Van Slambrook”, and upgrading the caption to “Motion/Reconsider (Van Slambrook)” (R. p. 92).

On October 11, 2024, Appellant filed a notice of appeal with this Court, seeking equitable relief from the magistrate's judgment and circuit court orders for their extrinsic fraud and raising due process violations.

On November 12, 2024, Appellant filed her first motion for the release and transfer of the original exhibits (R. pp. 132–174). The motion was re-branded as a motion for transportation, and on January 14, 2025, denied by a judicial order, signed by the Chief Judge, citing unnumbered exhibits: “Although Appellant provided a detailed list of the items she wishes to have transported to this court, she did not provide any specific exhibit numbers... to have item 16 [flashdrive] transported to this Court for review, she must provide the exhibit number from the circuit court” (R. pp. 181–182). Appellant filed objections and demonstrated that the denial was dispositional (R. pp. 183–204). The Clerk responded to Appellant’s request for clarification by phone, disregarded Appellant's objections, asserted that transmission was impossible, and actively discouraged rehearing (R. p. 205; 206).

Appellant attempted to build a brief without her key trial evidence, arriving at an oversized brief. Her motion to exceed the page limit undecided by the briefing deadline, Appellant was compelled to file the supplement and email it directly to the Chief Judge, explaining the procedural trap (R. pp. 209–214). Still with no ruling, Appellant filed an oversized brief conditionally, exposing the coordinated structure of judicial fraud across multiple courts and systemic deprivation of rights under color of law (see Appellant’s amended initial brief (stricken) on the Court of Appeals docket, Appellate Case No. 2024-001734, filed on August 15, 2025). Her motion to exceed was denied without explanation and brief stricken. Appellant was permitted thirty days to reduce her brief to the standard page limit. She filed a motion to reconsider this denial, showing that reduction in argumentation without access to trial evidence will lead to an unsupported brief, which effectively erases her constitutional claims, perpetuating extraordinary injustice.

On August 25, 2025, Appellant filed her second motion to compel transmission of the original exhibits, reaffirming the history and citing due process violations. The motion was docketed as a motion for reconsideration and denied in a Clerk’s letter on August 27.

On August 28, 2025, Appellant filed the third motion to compel transmission of the original

exhibits, which was denied in a September 3 letter as a motion for reconsideration.

On September 4 Appellant filed the fourth expedited motion to transmit the flashdrive and original exhibits, citing the pattern of obstruction, reciting the history, and emphasizing constitutional violations (see Appellant's expedited motion to transmit original exhibits on the Court of Appeals docket, Appellate Case No. 2024-001734, filed on September 4, 2025). The motion became ripe on September 8.

With no ruling by September 17, the briefing deadline, Appellant is filing this brief under extreme duress due to this Court's denial of her constitutional right to introduce evidence, which is forcing her to prove the judicial fraud below on the altered record—falsified by the very fraud she must prove—devoid of her trial evidence. Without access to her trial evidence and forced to confine to the ordinary page limit, Appellant's brief is prejudiced to be unsupported and constitutional claims erased, effectively forcing her appeal to fail, perpetuating the extraordinary injustice caused by the fraud below.

STANDARD OF REVIEW

This Court reviews all questions of law *de novo*. Furthermore, because this is a suit in equity seeking relief from a fraudulently obtained judgment and orders, both the findings of fact and the law must be reviewed *de novo*, as mandated by Article V, § 5 of the South Carolina Constitution: "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."

Where judicial fraud or misconduct is alleged—such as the spoliation of the trial record, docket tampering, and denial of due process—a heightened standard of scrutiny is applied to ensure procedural integrity. The subsequent obstruction by the appellate court itself, through its refusal to transmit original trial evidence, is an independent due process violation that further compels a thorough *de novo* review of the entire matter.

Because Appellant's constitutional rights to due process and access to the courts have been systematically denied by a pattern of misconduct at multiple judicial levels, the proper standard of review is *de novo* for all legal conclusions and for the factual findings underlying the equitable claim of fraud.

ISSUES ON APPEAL

- I. Was the magistrate's judgment based on fabricated findings and mutilated record?
- II. Was the Circuit Court affirmance based on coordinated judicial fraud?

- III. Was the Court of Appeals' refusal to transmit admitted trial evidence unconstitutional and did it deny Due Process and complete the collapse of the court system?

ARGUMENT

To the extent possible, pro se Appellant has made every effort to adhere to proper citation form. Without access to legal research tools, Appellant cites the following cases for the general legal principles they establish. Appellant will reference these cases by name in the following arguments and asks for the Court's indulgence in relying on the full text of the decisions for the specific articulations of these principles, as Appellant lacks the resources to provide more detailed pinpoint citations.

I. THE MAGISTRATE'S JUDGMENT WAS BASED ON FABRICATED FINDINGS AND MUTILATED RECORD.

1. The magistrate reviewed, authenticated, and fully admitted Appellant's exhibits at trial, even the deficient report.

The record shows that at trial the magistrate reviewed, authenticated, and fully admitted Appellant's exhibits without any instruction or qualification (R. pp. 80–81). Had the magistrate moved to dismiss any exhibit at trial, Appellant would have necessarily objected and preserved the exclusion for future appeal. Throughout the proceedings, prior to the discovery of the backfiled summary, Appellant reasonably believed all of her admitted exhibits were properly in evidence (R. p. 2; 22–26).

The magistrate reviewed and fully admitted Appellant's independent inspection report without objection or instruction to cure—even though the flooring inspector had failed to appear (R. pp. 10–14). Appellant reasonably believed the report itself was sufficient to be admitted, because it was produced by a professional certified flooring inspections company and bore all the necessary insignia (R. pp. 11–14; 23–24; 136–137). The magistrate had failed to instruct Appellant of this fundamental deficiency (R. pp. 80–81). As late as the circuit court hearing, Appellant still reasonably relied on the report having been properly admitted in evidence (R. p. 23, line 2–9; p. 24, line 7–12).

The certified flooring inspector had failed to inform Appellant that his appearance at trial was mandatory, and failed to appear, which was his core professional responsibility. It is implausible that a professional inspector, whose business depends on testifying to the accuracy of his inspections, could inadvertently fail to inform Appellant of this requirement and forfeit his trial fee. The probability of such an extraordinary lapse of self-interest, occurring spontaneously, is unreasonable. The probability that this extraordinary lapse of self-interest spontaneously coincided with the

magistrate's own extraordinary failure to instruct Appellant of this fundamental deficiency—followed by the covert inscription with an underscored “P” and exclusion as “hearsay” in his summary—is implausible. The unqualified admission of the report concealed its deficiency and denied Appellant any opportunity to correct it or make an offer of proof. 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 failure to inform Appellant and appear at trial, the magistrate's unqualified admission of the report and subsequent covert dismissal later—were willful coordinated acts undertaken to ensure this critical evidence, materially contradicting the magistrate's judgment, is permanently excluded from review (R. pp. 136–138; 211). The flooring inspector and the magistrate acted in coordination to exclude the inspection report from review, manufacturing a pretext to dismiss it (R. pp. 80-81).

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 summarily dismissed due to his nonappearance.

This deliberate coordination was materially prejudicial. The inspection report documented Respondent's failure to follow contractual obligations and corroborated the video evidence on Appellant's flashdrive, state standards and installation instructions (R. pp. 13–14; 152–167). Its exclusion determined the outcome: the magistrate fabricated his findings knowing that the report will not be considered by the circuit court. Indeed, 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; 3; 136-138).

Had the report been reviewed by an impartial magistrate, Appellant would have been instructed to correct its deficiency and would have secured the inspector's testimony, which would have led to the acknowledgement of material breach. Instead, the magistrate had executed a scheme specifically designed to obliterate this critical evidence contradicting his judgment (R. p.1, pp.80–81).

This willful coordination constituted fraud on the court, which undermined the integrity of the court system, deprived Appellant of fundamental constitutional rights, and erased a critical part of the trial record from review, setting the ground for the false fabrications in the magistrate's summary. See *Richardson v. Town of Eastover*, (4th Cir. 1991), *Goldberg v. Kelly*, (1970), SCRE 103(a),

McNally v. United States, Hazel–Atlas Glass Co. v. Hartford–Empire Co., Gucci America, Inc. v. Weixing Li., Tennessee v. Lane, 541 U.S. 509 (2004), *Goldberg v. Kelly*, 397 U.S. 254 (1970)); *Bounds v. Smith*, 430 U.S. 817 (1977).

2. The magistrate removed and mutilated Appellant’s key evidence.

Appellant’s seven-page exhibit, admitted at trial and containing a properly excerpted chapter from the state construction standards, was returned by the magistrate as three unconnected pages, clearly inadmissible in that composition (R. pp. 93–95, 96–102, 103–109). To render the properly made excerpt inadmissible, the magistrate had to remove its third, fifth, sixth, and seventh pages with the beginning of the chapter, bearing its title, and the end. The returned exhibit included only the first, second, and fourth page of the original Appellant’s exhibit. This precise selective excision of non-consecutives pages could not have been an accidental truncation. This act could only have been accomplished deliberately and knowingly. The willful spoliation rendered a properly admitted exhibit inadmissible hearsay, directly supporting the magistrate’s fabricated finding that Appellant’s evidence was "largely hearsay" (R. p. 81).

The spoliation was material and highly prejudicial. Had the complete and properly admitted standards exhibit been included in the return, it would have conclusively shown that the failed installation was a material breach of contract under state standards (R. p.106). By surgically mutilating the admitted exhibit, the magistrate erased the critical evidence, contradicting his judgment, from the record (R. p. 95).

Appellant’s nineteen-page admitted exhibit, containing installation instruction documents and a self-made summary, explicitly proffered for convenience of reference, was returned by the magistrate as the three self-made reference pages only, clearly hearsay in that composition (R. p. 10; 110–112, 113–131). The magistrate failed to return even the document Appellant explicitly cited in her opening statement, and which she included in her corrective filing (R. p. 12, 170–171). To render the properly admitted exhibit hearsay, the magistrate had to remove its first, fifth, and remaining fourteen pages with the official manufacturer documents and labels, which contradicted his judgment and could not have been dismissed as “hearsay” if allowed to remain. This precise selective excision of non-consecutives pages could not have been an accidental truncation. The deliberate spoliation rendered another key admitted exhibit inadmissible hearsay, again supporting the magistrate’s fabricated false findings (R. p. 81).

The spoliation was material. Had the complete and properly admitted instructions exhibit been included in the return, it would have corroborated the inspection report and Appellant's videos, and shown that Respondent neglected to comply with critical required protocols, confirming that the failed installation was a material breach under the manufacturer instructions (R. p.168, 170; 113-131).

The probability that two exhibits were inadvertently spoiled by selective excision of key pages in two different locations in the record is implausible. Instead, this record supports the inference that the surgical spoliation of key trial exhibits in a way that rendered them hearsay, and the subsequent covert dismissal of these exhibits in the magistrate's summary as hearsay—were deliberate and knowing coordinated acts undertaken to ensure this critical evidence, contradicting the magistrate's judgment, is permanently erased from the record.

Had the report been reviewed by an impartial magistrate, Appellant would have been instructed to correct its deficiency and would have secured the inspector's testimony, which would have led to the acknowledgement of material breach. Instead, the magistrate had orchestrated a scheme specifically designed to obliterate this critical evidence, contradicting his judgment (R. p.1, pp.80–81).

Appellant's admitted flashdrive, reviewed and authenticated at trial, was not returned by the magistrate at all (R. p. 70, 87). As late as the circuit court hearing, Appellant reasonably relied on her flashdrive having been properly admitted in evidence (R. p. 22, line 22-p.24, line 21). This omission was highly prejudicial. The video evidence on Appellant's flashdrive corroborated the inspection report and industry documents, and directly contradicted the magistrate's judgment (R. pp. 10-14; 38-43). The videos of the failed installation showed widespread catastrophic detachment days after installation (R. pp. 22-24). The audio recording of Respondent's inspection confirmed the inspection report findings and proved that Respondent intended to neglect required protocols again, when given the opportunity to cure his installation (R. pp. 11-13).

The spoliation was material and highly prejudicial. Had the flashdrive been included in the return, it would have corroborated the inspection report, state construction standards and installation requirements, and directly shown the widespread fundamental failure days after installation, as well as Respondent's express intention to neglect critical installation protocols again, when given the chance to cure (R. p.1, pp.80–81).

This removal of Appellant's flashdrive, added to the complex scheme to obliterate inspection

report and mutilate key documentary exhibits strongly supports the inference of deliberate evidence tampering—undertaken to replace the trial record with a fiction that supports the fabricated findings in the magistrate’s summary. The magistrate’s summary relied on this fiction to label Appellant’s evidence as “largely hearsay” and justify the judgment (R. pp.80–81).

This willful coordinated tampering erased the evidentiary basis of Appellant’s claim and determined the outcome of her appeal—the circuit court law clerk affirmed the magistrate’s judgment on the mutilated record (R. pp. 3-9). See *Richardson v. Town of Eastover*, (4th Cir. 1991), *Goldberg v. Kelly*, (1970), SCRE 103(a), *McNally v. United States*, *Hazel–Atlas Glass Co. v. Hartford–Empire Co.*, *Gucci America, Inc. v. Weixing Li*, *Tennessee v. Lane*, 541 U.S. 509 (2004); *Goldberg v. Kelly*, 397 U.S. 254 (1970)); *Bounds v. Smith*, 430 U.S. 817 (1977).

3. The magistrate’s judgment was based on fabricated findings and mutilated record.

Although Respondent entered only a single-page contract at trial, the magistrate partitioned liability for the failed installation—against Appellant’s conclusive evidence of material breach (R. pp. 10–14, 133, 152–167; 1; 2). To erase this evidence, the magistrate’s summary was fabricated to assert that the evidence was “largely hearsay”, Appellant’s flashdrive was removed from the record, and paper exhibits mutilated to become hearsay in the magistrate’s return. Had the magistrate not spoiled Appellant’s trial evidence in the return, it would have clashed with the fabricated findings in his summary and his summary would not have survived scrutiny. Instead, the trial record was willfully spoiled to support the allegation of hearsay and other fabrications in the magistrate’s summary, while the summary itself was withheld from the docket until after the hearing, when it was covertly backfiled (R. pp. 93-95; 103-109; 110-112; 113-131; 87; 50-51; 66-68). When Appellant discovered the backfiled summary, it revealed fabricated findings aligned to rationalize the judgment (R. pp. 80–81; 1).

a) The “plank replacement” contract.

The summary replaced the glue down LVT installation contract with undefined “plank replacement” (R. pp. 133-135, 80-81). The magistrate knew that the contract was for glue down installation—not plank replacement (R. pp. 10-14; 16-17; 103–109, 113–131; 136-137). Knowing that the difference between glue down LVT installation and “plank replacement” is categorical, the magistrate inserted this false fabrication twice in his summary: as a finding, and as, supposedly, Appellant’s testimony—a testimony Appellant never made and couldn’t make (R. pp. 10-14, 80-81).

The magistrate knew Appellant never used any other term than glue down installation, which is cited nineteen times in her opening statement.

The false substitution of the glue down installation contract with undefined “plank replacement” was a deliberate, calculated act intended to obscure the significance of the widespread installation failure. 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 (R. p.106). Glue down installation is held to high standards, whereas “plank replacement” carries no expectation and is not a recognized industry term (R. p.12, pp. 162–164, 113–131). The magistrate’s substitution was deliberate—designed to void any standard by which the flooring could be judged a material breach.

No impartial trier of fact could review a contract that states “glue down LVT 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 magistrate’s double-layered fabrication directly supported his judgment and was part of a broader pattern of fabrications and evidence tampering. The only plausible explanation is deliberate fraud—intended to mislead the reviewing court.

b) The hearsay evidence.

The summary claimed, as fact, that Appellant’s evidence was “largely hearsay” (R. p. 81). The magistrate knew that this fabrication was false. Had he not known, he wouldn’t have substituted the glue down installation contract with obscure “plank replacement”, mutilated trial evidence in his return, and coordinated with the flooring inspector to ensure his non-appearance at trial. The false fabricated finding was central to the structure of falsities in the magistrate’s summary, and was a deliberate, calculated fabrication, intended to obliterate all trial evidence contradicting his judgment and set the ground for shifting the case into his discretionary jurisdiction. To match this fabricated finding, the magistrate deliberately mutilated Appellant’s key evidence in his return. No impartial trier of fact could review, authenticate, and admit Appellant’s evidence at trial without objection, and then conclude that it was inadmissible hearsay (R. pp. 103–109, 113–131; 136-137). This false fabricated finding directly supported the magistrate’s judgment by insulating it from any scrutiny evoked by the contradictory evidence.

c) The discretionally completed work.

The magistrate claimed to have found, as fact, that “defendant performed and completed the

agreed upon work” (R. p. 81). The record contains no evidence in support of this fabrication. The magistrate knew that there the was no evidence for it and that the contract had not been completed. The false finding was a deliberate, calculated act, intended to transition the case into the magistrate’s discretionary jurisdiction. To complete this transition, the magistrate added another fabricated finding, claiming that he believed that “the flooring product was not installed 100% correct”. The magistrate knew that this fabrication was also false, and inserted it deliberately to complete the transition of the case into his personal discretionary jurisdiction, as if Appellant hadn’t entered any evidence to the contrary, or as if Respondent entered any evidence in support. These fabricated findings directly supported the magistrate’s judgment by justifying the discretionary partitioning of liability for the catastrophically failed installation.

The magistrate reinforced the notion that the complaint belonged in his personal discretionary jurisdiction by inserting two more falsities in his summary. The “plank replacement” fabrication allowed him to claim—twice, as fact and testimony—that Appellant “pulled multiple planks up...possibly causing more damage than was necessary” and that she supposedly testified “she could peel the flooring up with her bare hands” (R. p. 80-81). Appellant never testified anything of the sort, but always maintained the opposite (R. pp. 10-14). The magistrate knew the fabrication was a lie. Had he genuinely believed Appellant caused any damage, he wouldn’t have coordinated the inspector’s non-appearance at trial and removed Appellant’s flashdrive from the record—the flashdrive containing videos of widespread catastrophic detachment he reviewed at trial. Had there been any evidence 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” permanently glued down planks.

These fabrications were inserted deliberately to reinforce the transitioning of the complaint to his personal discretionary jurisdiction necessary to justify the discretionary partitioning of liability in his judgment.

d) “Another Floring Company”.

The magistrate never declared the inspection report to be hearsay. Instead, he claimed that Appellant’s trial evidence was “largely hearsay” and that she supposedly testified that she “contacted another flooring company” who “stated that the defendant installed the flooring incorrectly”—another testimony Appellant never made and couldn’t make (R. pp. 80-81, 10-14, 21-29). The magistrate knew Appellant had not contacted any other flooring company and had not made that

statement (R. pp. 10-14). He inserted this fabrication deliberately to justify the dismissal of the inspection report implicitly, through the underscoring of the inscribed “P” and this allegation, supposedly uttered by Appellant herself. This false fabricated testimony directly supported the magistrate’s judgment by providing a context reinforcing the exclusion of the inspection report on the basis of the underscored “P”.

e) The Precedential Judgment.

Ultimately, the magistrate assigned the responsibility for the failed installation to Appellant by claiming that Appellant denied Respondent “an opportunity to perform under the full contract by denying him access and not allowing him to complete repair work covered by the warranty” (R. pp. 80-81). This fabrication was inserted in the summary four times: as Respondent’s testimony, two separate findings, and conclusion. The magistrate knew this fabrication was false, as he reviewed and admitted the trial record, including Respondent’s answer, which demonstrated that Respondent was never denied access or opportunity to fulfil his contractual obligations, was offered the opportunity to cure his failed installation, but repeatedly proposed to violate the required installation protocols again (R. pp. 10–14, 16–17, 106, 133–135). Respondent’s warrantee was tailored for carpeting installations only (R. p. 132).

The magistrate deliberately inserted these fabrications to directly justify the partitioning of liability for the failed installation, and penalize Appellant for refusing to negotiate fixes with Respondent’s father and refusing to allow Respondent infinite swindling opportunities (R. p. 10, 17, 12). The magistrate discussed this at trial and knew that Appellant denied access only to Respondent’s father whom she never met and who wasn’t a party to the contract. Accepting the judgment meant she was going to have to allow strangers access to her home, lest she suffer further damage. The magistrate knew that Respondent misrepresented his expertise in glue down LVP installations. Appellant’s flashdrive contained evidence of Respondent fraudulent intent (R. p. 87). Yet his judgment was fabricated such that Appellant was going to have to allow fraudulent contractors infinite swindling opportunities, lest she suffer further damage. The magistrate’s judgment effectively penalized Appellant for exercising her right to safety in her own home and right to own her property—setting a dangerous legal precedent when denying strangers access or fraudulent contractors infinite swindling opportunities results in financial penalty. The magistrate’s judgment effectively forced Appellant to retain Respondent to implement sub-protocol fixes, guaranteed to fail, setting her up for continuous additional repairs as a paying subscriber (R. p. 44-46).

4. The prejudice, deprivation of rights, and permanent obliteration of evidence.

In order to explain his judgement, the magistrate had to show that Appellant was partially responsible. To this end, he spoiled her trial evidence in his return, falsely declared it hearsay in his summary, and inserted a multi-layered structure of falsehoods to manufacture a false record which supported his judgement. The only plausible explanation is that he did it deliberately and knowingly. 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.

The 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. This fraud was intended to prejudice Appellant’s case, and it did—the circuit court adopted the magistrate’s fabrications nearly verbatim, despite conclusive evidence to the contrary (**R. p.2**).

The 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 disjointed 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 on the docket, rendering them unreadable to the reviewing judge (**R. p.69, 70, 87, 103–109, 113–131, 152–167**).

The magistrate insulated his fraud from Appellant’s objections by coordinating his summary be withheld from the docket until after the circuit court hearing, when it was to be covertly backfiled. The circuit court clerk confused the Presiding Judge by claiming, under oath, that the summary had been on the docket, when it had only been backfiled after the hearing.

Prior to discovering the backfiled summary, Appellant had no knowledge of the magistrate’s findings and genuinely assumed error, when she discovered the defective return (**R. pp. 35-37; 65**). The coordinated structure of extrinsic judicial fraud, evoked with the magistrate’s intention to render a fraudulent judgment, denied Appellant due process, protection of law, and access to courts.

The result of this coordination was extraordinarily prejudicial. Appellant’s flashdrive and documentary exhibits were never reviewed. The appellate record was stripped of all essential

evidence through deliberate acts of misfiling, misrepresentation, obstruction, and fraud. 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, un rebutted.

Each action directly aimed to fatally prejudice Appellant’s appeal. And they did, undermining the integrity of the court system and depriving her of the fundamental right to meaningful judicial review. The magistrate’s fabricated judgment effectively denied Appellant the right to be secure in her own home and to control her private property, by penalizing her for refusing knowingly defective “repairs”.

Even after Appellant discovered the tampering and objected in her motion for reconsideration (R. pp.38–44), the harm remained. The clerk miscaptioned the motion to prevent judicial review.

The magistrate’s fraud erased Appellant’s trial evidence, and permanently obliterated the inspection report and flashdrive. Appellant re-filed the flashdrive with the circuit court in July 2024—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 (R. pp. 40-43). To shield the magistrate from scrutiny, the circuit court law clerk dismissed the filed corrective record and affirmed the magistrate’s judgment. The Court of Appeals has subsequently refused to transmit the flashdrive into the record. Thus, the magistrate’s fraud has permanently denied Appellant access to her own evidence, admitted at trial.

Appellant was subjected to retaliatory pressures. Attorneys declined representation upon learning her name or address (R. p.71, 197, 201-203). These extrajudicial reprisals compounded the deprivation of her constitutional rights under color of law. See *Richardson v. Town of Eastover*, (4th Cir. 1991), *Goldberg v. Kelly*, (1970), SCRE 103(a), *McNally v. United States*, *Hazel–Atlas Glass Co. v. Hartford–Empire Co.*, *Gucci America, Inc. v. Weixing Li.*, *Tennessee v. Lane*, 541 U.S. 509 (2004); *Goldberg v. Kelly*, 397 U.S. 254 (1970)); *Bounds v. Smith*, 430 U.S. 817 (1977).

II. THE CIRCUIT COURT AFFIRMANCE WAS BASED ON COORDINATED JUDICIAL FRAUD AND OBSTRUCTION.

1. **The clerks withheld the summary and covertly backfiled it 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 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—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 flashdrive and mutilated 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; 152–167). Still, the fraud did not stop there.

The magistrate’s summary was withheld from the docket before the August 21, 2024 hearing. Not knowing the magistrate’s findings, Appellant could raise only general objections: to the absence of the summary (R. p.22, lines 16–21; p.25, lines 16–17; p.28, lines 3–11), and defective return (R. p.24, line 16–p.25, line 17; p. 26, line 20–27, line 6). The Presiding Judge confirmed the absence of the summary (R. p. 27, lines 10-12; p. 28, lines 3-10), the defective return (R. p. 26, line 20–p. 27, line 5), the identity of her re-filed trial exhibits (R. p. 23, line 6–14), acknowledged the filing as a motion to admit (R. p. 21, line 11–12), and intended to review it (R. p. 27, line 10–12).

The Presiding Judge scrolled several times through every page of the two documents, filed in the entry for the magistrate’s return under the caption “Appeal/Appeal Return Received”, but could not locate the magistrate’s summary (R. p. 21, line 13–p. 22, line 11). Appellant agreed with the Judge, noting that no summary was visible on the docket that morning (R. p. 28, lines 3–11). In contrast, acting clerk Ms. Keeling stated under oath that she could see the summary, that it was signed by the magistrate, that it comprised the first two pages of a 30-page return document, but that she couldn’t identify which of the two documents it was:

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).

Not being able to see the summary, the Presiding Judge took the case under advisement to further investigate the matter (R. p. 27, line 10–p. 28, line 11).

Respondent had not appeared at the hearing and no objections to Appellant's re-filed trial exhibits were raised (R. pp. 21–29).

The following day, Appellant discovered that a new, third document had been backfiled into the May 29 docket entry for the magistrate's return without notice (R. pp. 50–51; 66–68). The previously missing magistrate's summary occupied the first two pages of this newly added 30-page document (R. pp. 80–81). The summary revealed fabricated findings and the retroactive dismissal of all of Appellant's admitted evidence as hearsay (R. pp. 80-81).

Appellant received no notice or opportunity to respond, and the presiding judge was never informed of the backfiling, when the circuit court issued orders affirming the magistrate's judgment (R. pp. 3–9). The orders asserted that Respondent appeared at the hearing, both parties had the opportunity to be heard, but Appellant failed to raise any issues or introduce any evidence "that the magistrate's judgment was based on an error of law or fact" (R. pp. 3–5).

This sequence—the absence of the summary at the hearing, the covert backfiling of a new return document with the summary after the hearing, the lack of notice, and an affirmance grounded solely on the defective return and fabricated findings copied from the backfiled summary—strongly supported the inference of deliberate tampering.

Appellant filed a motion for reconsideration, enclosing the newly discovered evidence of the backfiling, and raising objections to the docket and hearing log tampering, denial of due process, and materially incomplete record (R. pp. 31–87, 50–51, 66–68). The newly discovered evidence in her motion for reconsideration was the screenprints E2 and E4 of the case docket she made before and after the hearing, which were corroborated by the Presiding Judge at the hearing (R. p. 21, line 13–p. 22, line 11; p. 27, line 10–p. 28, line 11).

Appellant reasonably relied on the circuit court to process the motion in due manner. At filing, the motion was captioned correctly. Later, however, it was recaptioned to indicate Domestic Violence, and queued in to the wrong judge’s motions roster (R. p. 88). Pro se Appellant didn’t understand this immediately. Two weeks after filing, Appellant requested to correct the caption (R. p. 91). A week later, the circuit court clerk issued an order removing the Domestic Violence notation, citing that the initial caption was upgraded with that notation because “DV stands for the judge’s initials, Dale Van Slambrook”, and upgrading the caption to “Motion/Reconsider (Van Slambrook)” (R. p. 92).

This obstruction denied Appellant’s motion judicial, substantive review by the Presiding Judge. The circuit court clerk removed the notation for Domestic Violence the day before Appellant’s deadline to appeal higher, and then denied the motion when Appellant filed her notice to appeal with this Court. Had her motion been handled properly and reviewed by the Presiding Judge, the screenprints would have been admitted in to the record. Instead, the clerk, responsible for the docket tampering and hearing log tampering reported in the motion, tampered again and effectively adjudicated the motion on her own, denying Appellant due process and access to courts, again.

Screenprints E2 and E4 were filed with Appellant’s motion for reconsideration timely and properly as newly discovered evidence of the backfiling of a new return document into the docket. The clerk's deliberate prejudicial miscaptioning and misrouting constituted an active effort to prevent that evidence from being considered by the Presiding Judge. The clerk, indeed, succeeded, her fraudulent act upon the court effectively obliterated the screenprints as evidence by denying them proper review.

Yet the core of Appellant’s argument is that judicial fraud was committed. The screenprints are the primary evidence of that fraud, showing that the magistrate's summary was backfiled after

the hearing. Considered together with the acting clerk's perjury at the hearing and the county clerk's obstruction of justice later by deliberately delaying Appellant's motion for reconsideration, these events should not be treated as harmless coincidences. They demonstrate pervasive judicial fraud and deprivation of rights under color of South Carolina law.

This Court must exercise its inherent authority to investigate serious allegations of fraud upon the court, to protect the integrity of the justice system. The screenprints are part of the filed record—a motion alleging fraud—a motion that was deliberately mishandled (R. pp. 32-87). This Court must review the record, including that motion and its exhibits, to determine if the alleged fraud occurred, and give pro se Appellant an opportunity to correct any deficiencies with the screenprints, if there are any, because it was due to this fraud that Appellant was denied that opportunity before (R. pp. 500-51, 66-68). The contents of the screenprints, when considered alongside the clerks' misconduct, constitute evidence of pervasive fraud on the court.

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 precise 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 backfiled into the old May 29th entry for magistrate's return after Appellant's hearing in August. To establish what document was backfiled, we analyze the embedded link information for each return document, showing the location on the server where the document was stored at the time. 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.

The rightmost, 24-page document was stored at the URL:

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

and opened on the paid invoice exhibit bearing the large black ‘**Carpet King and flooring**’ logotype (R. p. 134). The leftmost, 55-page document was stored at the URL:

<https://publicindex.sccourts.org/Horry/PublicIndex/PIImageDisplay.aspx?ctagency=26002&doctype=C&docid=1726009&HKey=98101507212281115710210611310012010879817768514810984113738290118100435211285677810253551077381104122115>

and opened on the full-page black illegible photographic exhibit (R. p. 139).

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 first two documents captured on Exhibit E4 were the same 24-page and 55-page documents as before, but were now stored at new locations on the server:

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

(R. p. 134), and:

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

(R. p. 139). The new, third document was 30 pages long, was stored at the URL:

<https://publicindex.sccourts.org/Horry/PublicIndex/PIImageDisplay.aspx?ctagency=26002&doctype=C&docid=1728089&HKey=431159965875771122122112121111545411948768211755106816511749113108571099077978010850848311648765210085>

and opened on the magistrate’s summary bearing the large bold ‘**MAGISTRATE’S RETURN ON APPEAL**’ logotype (R. p. 80).

This evidence shows that, sometime after the hearing, the May 29 docket 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, 139, 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 couldn’t find the summary (R. p.27, lines 16-20; p.28, lines 15–24). Had the summary been on the docket—he couldn’t have not recognized it (R. p.134, 139, 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, 139, 80).

This covert backfiling was done knowingly and in coordination with the magistrate—to protect his fraud from exposure. 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 summary. The clerk withheld this third document for three months, even though it had the correct case number on it. Then the acting clerk deliberately confused the judge at the hearing by telling him that the summary had been on the docket, and covertly backfiled the third return document with the summary right after the hearing. To accomplish that, the clerk accessed the May docket entry under the pretext of changing its caption, deleted the two documents in it and re-uploaded them together with the third document (R. pp.50–51, R. pp.66–68). The lack of any 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, 3–9). 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.

Had the magistrate and the clerk not concealed the summary—had it been properly 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 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.

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 (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 had already been—and the law clerk followed by supplying the 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 deception denied Appellant any opportunity to challenge the magistrate's findings and led to the exclusion of crucial evidence from the appellate review, causing unconscionable harm. 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.

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

At the hearing in August, 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 defective return and fabricated findings in the backfiled summary (R. pp. 2–8, 80–81).

The embedded hyperlink information in exhibits E2 and E4 proved conclusively that a new return document, backfiled after the hearing, was the 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 had already been on the docket in the return 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. This perjury 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 reasonable 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 defective return and fabricated findings in the summary backfiled after the hearing (R. pp. 80–81, 3–9).

Had any of part of this fraud not occurred, the judgement could never have withstood impartial review and been affirmed. 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 the collusion proves that my fears are rational. . .If this Court's office can take upon itself the power to adjudicate cases with impunity, then, given my previous experience, it is indeed true that I can rely on no protection from the law” (R. pp. 37-38).

Ms. Keeling's actions constituted fraud on the court whereby she acted in coordination with the magistrate to deceive the court. Their fraud deprived Appellant of any access to the judicial system and any protection of law. See *Richardson v. Town of Eastover*, (4th Cir. 1991), *Goldberg v. Kelly*, (1970), SCRE 103(a), *McNally v. United States*, *Hazel–Atlas Glass Co. v. Hartford–Empire Co.*, *Gucci America, Inc. v. Weixing Li.*, *Tennessee v. Lane*, 541 U.S. 509 (2004); *Goldberg v. Kelly*, 397 U.S. 254 (1970)); *Bounds v. Smith*, 430 U.S. 817 (1977).

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

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.

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).

Later, Appellant 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”.

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.

Had the motion been properly handled, Screenprints E2 and E4 would have been admitted in evidence and Appellant’s case remanded for a new trial in an impartial venue where this fraud may be avoided. The clerk’s fraudulent misconduct prejudiced Appellant and undermined the integrity of the process.

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

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

As the magistrate’s summary had been backfiled on the docket, Appellant received no notice or opportunity to respond, and the presiding judge was never informed of the backfiling, when the circuit court issued orders affirming the magistrate’s judgment (R. pp. 3–9). The orders asserted that Respondent appeared at the hearing—contrary to the hearing transcript, that both parties had the opportunity to be heard—impossible without the summary, and that Appellant failed to raise any issues or introduce any evidence in support of her case—when Appellant profusely objected to the defective return and the Presiding Judge acknowledged her motion to admit and re-filed trial exhibits (R. pp. 3–5).

At the hearing, the presiding judge acknowledged the missing record, yet failed to secure a complete return or transcript—the magistrate court denied it. Later Appellant learned that, where a magistrate court fails to provide the full transcript, South Carolina law dictates that the proper

remedy is to grant a new trial (*Music Company v. Glymph*, 100 S.C. 200, 84 S.E. 715 (1915)). Instead of following this clear precedent, the court willfully affirmed the judgment based on defective record and knowingly un rebutted summary.

The circuit court affirmance order copied the magistrate's summary nearly verbatim and dismissed Appellant's re-filed corrective record (R. pp. 3–5; 80–81). Both the magistrate's summary and circuit court orders replaced the actual glue down LVT installation contract with obscure "plank replacement" or "plank installation" (R. pp. 133–135; 3, 80). Both claimed that this work was "performed and completed" but "subject to deficiencies" or "not 100% correct" (R. p. 4; 80–81). Both shifted the matter into the magistrate's discretionary jurisdiction by dismissing admitted Appellant's evidence as "largely hearsay" or non-existent (R. p. 3; 81).

The order copied the fabricated findings without conducting any independent review. 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, dismissed 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. 3–9, 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 indicated 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 *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".

Just like the magistrate in his summary, the law clerk replaced the contract for glue down LVT [luxury vinyl plank/tile] installation with fabricated obscure "new plank installation" that appears nowhere in the record and is not recognized in the industry (R. p. 3, 80). The law clerk inserted this substitution in the statement of procedural and factual background in his order, thus replacing the trial record completely. Given that the contract exhibit was returned by the magistrate in legible form, the law clerk couldn't have not known that the contract was specifically for glue down installation. The substitution was deliberate, implemented for the same purpose as the magistrate's—to void any expectation or industry standard by which the flooring could be judged a material breach. The substitution was material – the voided the clearly defined criteria for proper glue down installation.

Just like the magistrate in his summary, the law clerk had to dismiss Appellant's corrective record. The law clerk accomplished it intricately. Where the magistrate simply stated, as fact, that all of Appellant's evidence was "largely hearsay and could not be considered by the court", the law clerk falsely implied that Appellant's exhibits had been considered—and found meaningless. When in fact they were never reviewed at all. Their exclusion was intentional. Had the law clerk not dismissed Appellant's re-filed corrective record wholesale as if considered but insignificant, Appellant would have objected to any other specific pretext for such dismissal. This dismissal was intricate, stated as a conclusory finding as "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 as required by § 18-7-170". It was deliberate, implemented with the same intent as the magistrate's – to obliterate the trial evidence contradicting the judgment.

The law clerk's phrasing was deliberate, 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.

Just like the magistrate in his summary, the law clerk shifted Appellant's complaint into the magistrate's discretionary jurisdiction by replicating the magistrate's fabrications and asserting, in the procedural and factual background section of his order, that "the Magistrate found that the Respondent performed and completed the work, but the work was subject to deficiencies" (R. p. 4). The law clerk knew that this statement was false. Had he not known it, he wouldn't have dismissed Appellant's corrective exhibits. His deception was deliberate, intended to reinforce the magistrate's judgment which was discretionally arbitrary.

Just like the magistrate in his summary, the law clerk dismissed the certified flooring inspection report as a private opinion of "another flooring company"—without any evidentiary basis to support this finding (R. p. 2, 80–81). Nowhere in the record is there any reference to "another flooring company". Neither Appellant nor Respondent ever asserted anything of the sort. The only document where "another flooring company" appeared was the backfiled magistrate's summary. But the inspection report bears no marking to be referred to as "another flooring company's report" (R. pp. 136-137). Had the law clerk not been coordinated with the magistrate, he would not have associated "another flooring company" in the magistrate's summary with the "Tony Jones Flooring Inspections" report. The only way the law clerk could know to make this attribution was if the magistrate advised him.

Just like the magistrate in his summary, the law clerk 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). This fabrication was deliberate, inserted to assign the responsibility for the failed installation to Appellant. By claiming in conclusion that: "Since Appellant refused to allow the defendant to cure the issue as required by the warranty, the Magistrate estimated that the total", the law clerk reinforced the confinement of Appellant's case to the magistrate's discretion and the false fabrication that Appellant denied Respondent the opportunity to cure (R. p. 4). The law clerk knew that this statement was false and that Appellant's flashdrive contains evidence to the contrary, but worked in coordination with the magistrate to reinforce the magistrate's rule that denying certain fraudulent contractors infinite access and swindling opportunities results in financial penalty.

Knowing that they were false, 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*" (R. p. 3). 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. Had he not actively worked to exclude Appellant's exhibits, any impartial reviewer would have seen the direct evidence that Respondent was never denied access or opportunity to cure. An impartial 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.

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. 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).

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). 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 allow fraudulent

contractors unlimited opportunities to implement sub-protocol repairs, however damaging, or suffer amplified damages (R. pp. 2-3, 80-81). This affirmance penalized Appellant for exercising her fundamental right to be safe in her home and to own her property, setting a dangerous precedent that denying fraudulent contractors infinite swindling opportunities results in financial penalty and retaliation.

5. The fraud on the court

Each of his falsifications was prejudicial and achieved the intended purpose—reinforcing the magistrate’s fabrications as if independently reviewed and found sound, and affirming the judgment.

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

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.

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.*

6. 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.

This fraud permanently obliterated key evidence. 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.

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.*

III. SYSTEMIC DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

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. This suppression of evidence denied Appellant impartial forum and the right to introduce evidence.

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. 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". This denied Appellant access to courts and the right to own her property and be safe in her home.

The magistrate coordinated with the circuit court clerks to withhold from the docket his summary of findings until after Appellant's hearing. 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. 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. 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. 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. 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. 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.

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.

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. 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. 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 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.

When a magistrate can omit admitted evidence from the return, fabricate findings contrary to the record, and later have his fabricated summary surreptitiously inserted post-hearing without notice to the appellant, the judicial process ceases to be adjudication and becomes falsification.

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 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, spoliation 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 protected by law, be safe in her home and 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 and raised objections. 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 flooring failure within

the first year of the installation, 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 trial evidence submitted to correct the omissions in the magistrate's return. 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.

South Carolina Civil Rule (SCCR) 60(b), gives courts the power to set aside a judgment for "fraud upon the court" and does not have a time limit for such actions. The South Carolina Supreme Court has defined "fraud upon the court" as a "species of fraud which does, or attempts to, subvert the integrity of the Court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication

Given the continuing obstruction of access to 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.

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. 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 due to this court's refusal to transmit her original trial exhibits, legible documents and the flashdrive, for review.

This brief is in compliance with Rule 208, SCACR.

Respectfully submitted,

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