

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

[In the Supreme Court]

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SC Court of Appeals

APPEAL FROM THE HORRY COUNTY COURT OF COMMON PLEAS

Victoria Joy Stevens, Pro Se Litigant

Case No. 2025-001237

Victoria Joy Stevens,	Appellant,
v.	
Charles Ard,	Respondent.

INITIAL BRIEF OF APPELLANT

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TABLE OF AUTHORITIES

CASES.

- **Callis J. Anderson Jr. (2023):** A contractor pleaded guilty to defrauding a small town, a crime the Attorney General said disproportionately hurts smaller communities. Anderson was ordered to pay \$115,000 in restitution after pleading guilty to breach of trust and other felony charges.
- **Robert Michael Boyce (2025):** The South Carolina Law Enforcement Division (SLED) charged the 71-year-old Florence man with forgery and five counts of obtaining goods

under false pretenses. Boyce, who had no contractor's license, took large sums of money from multiple homeowners, including over \$72,000 from one family, but left their projects unfinished.

Kennedy v. Columbia Lumber & Manufacturing Co. (1987) 299 S.C. 335 (1989)384 S.E.2d 730

Issue: This case addressed a builder's liability for construction defects and the legal duties owed to a homeowner. Precedent set: The South Carolina Supreme Court affirmed that builders have

both contractual duties and independent legal duties to adhere to building codes and industry standards.

Significance: This ruling concluded that a plaintiff can sue a builder under both contract and tort theories of liability, potentially recovering for both property value diminution and physical harm, even without personal injury.

Caron Pinwell (2025): The owner of Casted Design Group in Greenville County was arrested for breach of trust and unlawful practice of a regulated profession. Pinwell received over \$260,000 for electrical work but completed only about \$15,000 of it before investigators discovered his company was not authorized to perform the work.

This case, heard by the South Carolina Court of Appeals, provides a clear example of homeowners successfully suing

Facts: Tommie and Helen Summers hired Alwin Harrison of Harrison Construction for a home renovation project. After paying Harrison over \$16,000, the work was left poorly performed and incomplete. The building permit was improperly obtained in the homeowner's name, in violation of state regulations.

Rule: Various Statutes SC Code of Laws

Verdict: A jury ruled in favor of the Summers. On appeal, the court focused on the county planning department's liability but reaffirmed the homeowners' successful suit against the builder for construction issues.

Tomlinson v. Mixon d/b/a Pavillion Custom Homes and All American Homes (2003): 367 S.C. 467 , 469 (Jan 9, 2006)

Issue: Homeowners filed a complaint alleging multiple claims, including negligent misrepresentation and violation of the SCUTPA, related to construction defects.

Rule The SCUTPA claim was one of several brought forward,

Application: This case illustrates how SCUTPA can be used alongside other legal theories to seek redress for construction negligence.

Conclusion: A jury found in favor of the Tomlinsons on the breach of contract and negligent misrepresentation claims, awarding damages of \$46,146 and \$73,416.67, respectively.

Court of Appeals of South Carolina Opinion No. 4070.

Issue:: Homeowners, the Tomlinsons, filed a lawsuit against an unlicensed builder operating as Pavillion Custom Homes and All American Homes. The plaintiffs alleged multiple claims, including negligent misrepresentation, and violation of the SCUTPA, related to construction defects after suffering significant damages to their home.

Outcome: The jury sided with the homeowners, awarding damages for both negligent misrepresentation (\$73,416.67) and breach of contract (\$46,146.00). The court found that even though the builder, Mixon, had defaulted, the company he operated under was liable.

The SCUTPA claim was one of several brought forward, illustrating how it can be used alongside other legal theories to seek redress for construction negligence.

Jurisdictional Statement

This court has jurisdiction over the appeal under . The trial court was Common Pleas of Horry County entered it's judgement on June 11, 2025. The Honorable B, Alex Hyman presided over the trial proceedings.

STATUTES

In South Carolina, builders have legal duties including being licensed, ensuring construction complies with codes, guaranteeing the quality and habitability of their work, and being responsible for defects. Key statutes governing these duties include the general requirement for a residential builder's license.

SC Code § 40-59-30. License requirement; enforcement of contracts; restraining orders.

(A) A person or firm who engages or offers to engage in the business of residential building or residential specialty contracting without first having registered with the commission or

procured a license from the commission, which has not expired or been revoked, suspended, or restricted or who knowingly presents to, or files with, the commission false information for the purpose of obtaining a license or registering with the commission is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than ten thousand dollars or imprisoned for not less than thirty days, or both.

(B) Notwithstanding **Section 29-5-10**, or another provision of law, a person or firm who first has not procured a license or registered with the commission and is required to do so by law may not file a mechanics' lien or bring an action at law or in equity to enforce the provisions of a contract for residential building or residential specialty contracting which the person or firm entered into in violation of this chapter.

(C) Pursuant to Article 5, Chapter 23, Title 1, the commission may petition an administrative law judge to issue a temporary restraining order enjoining a violation of this chapter, pending a full hearing to determine whether the injunction must be made permanent. (Please note- For general and mechanical contractors, the licensing requirement was enacted by the 1998 Contractor's Licensing Act, which created the South Carolina Contractor's Licensing Board.)

SC Code § 40-59-20 (7) "Residential specialty contractor" means an independent contractor who contracts with a licensed residential builder, general contractor, or individual property owner to do construction work, repairs, improvement, or reimprovement which requires special skills and involves the use of specialized construction trades or craft, when the undertakings exceed five hundred dollars and are not regulated by the provisions of Chapter

11. A residential specialty contractor is not authorized to construct additions to residential buildings or structures without supervision by a residential builder or other appropriately licensed person or entity. Residential specialty contracting includes the following areas of contracting and other areas as the commission may recognize by regulation:

(a) plumbers;

(b) electricians; (many more, but none relative to this case)

SC Code § 39-5-140 (2024) *(Please note; The South Carolina Unfair Trade Practices Act (SCUTPA) is codified in the South Carolina Code of Laws at § 39-5-10 et seq., starting with the short title and definitions in § 39-5-10 and continuing through sections that detail prohibited unfair or deceptive acts, such as § 39-5-20.)*

(a) Any person who suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of an unfair or deceptive method, act or practice declared unlawful by **Section 39-5-20** may bring an action individually, but not in a representative capacity, to recover actual damages. If the court finds that the use or employment of the unfair or deceptive method, act or practice was a willful or knowing violation of **Section 39-5-20**, the court shall award three times the actual damages sustained and may provide such other relief as it deems necessary or proper. Upon the finding by the court of a violation of this article, the court shall award to the person bringing such action under this section reasonable attorney's fees and costs.

(b) Upon commencement of any action brought under subsection (a) of this section, the clerk of court shall mail a copy of the complaint or other initial pleading to the Attorney General and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the Attorney General.

(c) Any permanent injunction, judgment or order of the court made under **Section 39-5-50** shall be prima facie evidence in an action brought under **Section 39-5-140** that the respondent used or employed a method, act or practice declared unlawful by **Section 39-5-20**.

(d) For the purposes of this section, a willful violation occurs when the party committing the violation knew or should have known that his conduct was a violation of **Section 39-5-20**.

SC Code § 39-5-20. Unfair methods of competition and unfair or deceptive acts or practices unlawful; application of federal act.

(a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.

Construction negligence

South Carolina law recognizes that anyone involved in building a new home, such as a contractor, architect, or engineer, guarantees that their work was performed sufficiently. If their work is faulty, they can be held liable.

To prove construction negligence, you must demonstrate the builder's duty of care, a breach of that duty, causation of damage due to the breach, and resulting financial damages.

Construction fraud

Fraud claims in construction can arise from intentional misrepresentations by a builder that cause a homeowner a loss. South Carolina's statute of repose is not a defense for fraud, gross negligence, or recklessness, and the statute of limitations for fraud starts upon discovery of the fraudulent facts, not project completion.

In South Carolina, there are statutes and rules addressing frivolous defenses, primarily under the **South Carolina Frivolous Civil Proceedings Sanctions Act (S.C. Code § 15-36-10)** and the **South Carolina Rules of Professional Conduct (Rule 3.1)**. The Act allows courts to sanction parties or attorneys for pursuing frivolous defenses after a trial or judgment, while Rule 3.1 imposes an ethical duty on lawyers to only bring or defend proceedings with a factual and legal basis. A defense is considered frivolous if there's no good faith argument for its basis in law or fact, or if it's intended merely to harass the other party.

South Carolina Unfair Trade Practices Act (SCUTPA)

SCUTPA prohibits unfair or deceptive acts in trade or commerce. A party proving a willful violation can recover triple the actual damages, plus attorneys' fees and court costs. A successful SCUTPA claim in construction requires showing an unfair or deceptive act in trade or

commerce, an impact on the public interest (such as potential for repetition), and monetary or property loss caused by the act.

Attorneys are subject to ethical rules that prohibit misrepresenting law to *pro se* litigants, particularly **Rule 4.3 of the Model Rules of Professional Conduct**, which requires lawyers to make reasonable efforts to correct misunderstandings and bars them from giving legal advice to unrepresented persons who are adverse to their client. Violations can lead to professional discipline.

In South Carolina, legal standards for builder responsibility and liability for negligent acts are found primarily in **Title 40, Chapter 59 for builder regulations, and Title 15 for the statute of repose that governs construction defect actions**. The specific liability for negligent acts is largely defined by common law but is also addressed by statutes related to construction defects.

Legal standards for building code violations

Title 40, Chapter 59, Section 40-59-110

This section allows for the suspension or revocation of a builder's license based on misconduct. A pattern of failing to comply with construction standards, such as building codes, is grounds for disciplinary action.

S.C. Code § 40-11-200:: (A) A person who practices or offers to practice in this State in violation of this chapter; or without a license or under the false pretense of impermissibly using another licensee's license; or who knowingly submits false information for the purpose of obtaining a license is guilty of

a misdemeanor felony and, upon conviction, must be imprisoned not more than for one year or and fined not more than twenty-five thousand dollars.

(B) It is a violation of this chapter for an awarding authority, owner, contractor, or an agent of an authority, owner, or contractor to consider a bid, sign a contract, or allow a contractor to begin work unless the bidder or contractor has first obtained the licenses required by this chapter. Bids A bid or contracts contract submitted by contractors may a contractor must not be reconsidered or resubmitted to an awarding authority, contractor, or owner if the contractor was not properly licensed at the time the initial bid or contract was submitted.

Title 40, Chapter 59, Section 40-59-820(3)(b)

This section, part of the South Carolina Notice and Opportunity to Cure Construction Dwelling Defects Act, defines a "construction defect" to include violations of applicable building codes in effect at the time of construction.

Title 6, Chapter 9, Section 6-9-60

This statute states that a contractor is liable to a residential property owner for failure to construct a building in accordance with the applicable building code.

OTHER AUTHORITIES

Canon 3 of South Carolina's Code of Judicial Conduct requires judges to perform the duties of their office impartially and diligently, including avoiding manifesting bias or prejudice, ensuring staff also maintain these standards, and maintaining judicial independence. This canon includes specific rules for judges' participation in extra-judicial activities, such as business or financial dealings, to prevent conflicts of interest or the appearance of impropriety.

STATEMENT ISSUES ON APPEAL

1. Did Judge Hymn err when he did not recognize the Defendant had broken the law, from first discussion of taking this job, which created the specifics of this case? Judge's failure to instruct the jury on Defendant's illegal status in even discussing a residential renovation job without licensure. There is also the **South Carolina Frivolous Civil Proceedings Sanctions Act (S.C. Code § 15-36-10)** and the **South Carolina Rules of Professional Conduct (Rule 3.1)**. Which address the Judge's conduct and Defendant's Counsel's conduct.

2. Is it an Abuse of discretion that Judge Hyman failed to recognize, from the Defendant's own testimony that he has violated law, as his only means of income 50 years? (Transcripts pages 121 and 122, lines 23 through 25 and lines 1 thru 4.) **clearly erroneous** standard of review to

address a trial judge's failure to recognize a defendant's testimony about violating a law. This standard applies when reviewing a trial court's findings of fact in a bench trial.

3. Is it an abuse of discretion that Judge Hyman references Defendant's health (Transcripts pages 123, lines page 124, lines 1 thru 12), but never during the hearing mentions the Plaintiff's severe, permanent disability. The reason she hired, and paid the Defendant to complete bathroom accommodations within this shed, were five total joint replacements. bias does not need to be proven as fact but rather as a "probability, rather than the mere appearance, of actual bias". To determine this, the reviewing court would likely examine the trial transcript to answer the following questions:

- Did the judge's statements or conduct demonstrate bias or prejudice?
- Did the judge improperly rely on facts or evidence outside the established record to make their decision?

4. Is this a bifurcated issue within Standard of Appeal? Inasmuch as the Judge declared evidence, admissible under Court Rule 803(6), inadmissible, is it a question of law, or is this abuse of discretion? Bifurcated Issue

1. De Novo

2. Abuse of Discretion

Based on legal precedent, a judge's ruling on the admissibility of evidence under Rule 803(6) is reviewed on a bifurcated standard, using both de novo review and the abuse of discretion standard. The specific standard used depends on the nature of the judge's error.

Bifurcated standard of appeal

Abuse of Discretion (Judgment Call): A judge has discretion to exclude evidence under Rule 803(6) if the "source of information or the method or circumstances of preparation indicate a lack of trustworthiness". The judge's evaluation of the record's trustworthiness is a factual determination that is reviewed for abuse of discretion.

Therefore a judge can't exclude a record under Rule 803(6) not because they misinterpret the rule, but because they believe the circumstances of its creation indicate it is unreliable, despite the proponent's attempts to lay the foundation: thus an appellate court would only reverse this ruling if it finds the judge's assessment of trustworthiness was unreasonable.

I have explained, with references, the difference in trustworthy professional testimony, and expert testimony. I would like to add this was an objection of opposing Counsel that I was not allowed to address. Another point which leads me to highlight ex-parte communications, and judge shopping. Therefore the entire discretionary mode of this trial has the appearance of impropriety. Thus my appeal should be granted, the verdict overturned, and the Jury's want of damages be trebled in accordance with SCUPTA

In conclusion I refer to the standards applied in SCUTPA

STATEMENT OF CASE

Provide a concise history of the proceedings necessary for the court to understand the appeal.

This includes:

- This action was filed June 27, 2022. Defense Counsel refused mediation. Then he made a severely disabled female wait nearly three years to address reconstruction of an accommodation that could have killed her. Court was June 9, 2025. Attempts at misrepresenting law in order to scare Plaintiff into dropping suit, can be seen in Defendant's Answer, closing paragraph(Defendant's Answer August 11, 2023.)These tactics and this wait were viewed by Plaintiff as an act of Judge shopping, in order to get a judge who would violate court rules, cannons, ethics, and disregard court records. Which Judge Hyman did from exclusion of evidence , to violations judicial cannons, to ex parte communication while I am on the stand. The Jury found the Defendant not liable, but the Judge's evidentiary rulings and instructions forced them to. They asked for the repair bills to award damages, but the finder of fact excluded my evidence, in violation Court Rule 803(B), telling them they were ruling on emotion, not law. This was not a case of law, this was a travesty of law.

FACTS OF CASE

- Defense Counsel answered my claim August 11, 2022. (This is in evidence)Wherein he states I never admitted, qualified, or explained allegations, that they are denied and

strict proof is demanded thereof. Legal admission is relaying as fact, and I have two inspections. My statements are qualified as they need addressing, and failed inspection, I explained they are of the Defendant's work.

- Defense Counsel seeks to scare me into dropping suit, in Defendant's Answer of August 11, 2022, by praying "that such complaint be dismissed with prejudice, and that the relief sought by the Plaintiff be denied, that Judgement be rendered in favor of the Defendants, that Plaintiff be assessed with all costs of this action, Defendants be awarded any fees, and that Defendants have such and further relief as this court deems just and proper."
- Courts will not, by statute, **SC Code § 40-59-30(B)** allow an unlicensed builder to "file a mechanics' lien or bring an action at law or in equity to enforce the provisions of a contract for residential building or residential specialty contracting which the person or firm entered into in violation of this chapter."
- This is in Defendant's answer, however threats which are lies do not dissuade me, as in South Carolina an unlicensed builder cannot file suit. But his attorney can misrepresent law. Judge Hyman said, in court that's what attorneys do().
- I see now why Opposing Counsel had a disabled woman wait nearly three years to take this case to court.
- He knew this case to be frivolous, given his clients lack of license therefore he waited to get a Judge whom he knew would be favorable to him. **South Carolina Frivolous Civil Proceedings Sanctions Act (S.C. Code § 15-36-10) and the South Carolina Rules of Professional Conduct (Rule 3.1).**

- To defend an unlicensed builder for negligence and fraud is a frivolous defense when they have broken the law in the subject matter of said case, and their license status is proof of negligence in the eyes of the law. **South Carolina Frivolous Civil Proceedings Sanctions Act (S.C. Code § 15-36-10) and the South Carolina Rules of Professional Conduct (Rule 3.1).**
- Judge Hyman would not hear my claim of fraud, even though this builder did six jobs on my property, several on Mother's property, before letting me know he was not licensed:
- This egregious behavior only occurred after Mother's death and an inheritance. My Mother helped me pay him and his partner for three jobs prior to her death.
- Judge Hyman refused my claims of sexual harassment, saying I did not follow discovery. Inasmuch as all filed with the court was mailed to opposing counsel on the same day as filing, I do not know what to say.
- Opposing Counsel and Judge Hyman told me of sexual harassment, I did not mention it until after we pulled a Jury June 9, 2025. It was in an amended complaint June 6, 2025, and Opposing Counsel told me on the phone told me of sexual harassment it was not a crime in fall of 2023, it was November 11, that is a date which lives in infamy and I recall that. Perhaps Counsel can check Rivertown Law's call logs.
- Also included inTo write the argument section of an appellate brief, you must clearly present your legal arguments by explaining the trial court's procedural history, why it was legally erroneous, how the error harmed your client (prejudice), and what relief you are requesting from the appellate court. Organize your arguments logically with a roadmap (e.g., a summary of the argument and clear point headings) and use

persuasive, concise language that focuses on the law, not personal attacks. Ensure your writing is accessible, adheres to local court rules, and includes citations to the record and controlling legal authorities. .

- CCC correspondence dated 12.5/23, I am in horrid pain, I think I dated wrong: filed with court 12/27/22 with notarized messages transcripts that he needed the actual messages of.
- Please reread the correspondences dare, and the filing date, I am in so much pain, on my fifth joint replacement, I work out daily, and try to walk, this is not just an action for money lost, but for unfair trade practices
- A lawsuit will be brought for negligence and SCUTPA.
- Inasmuch as even discussing building without a license is not legal, is proof of negligence, and is against public policy, I have a strong cause of action.
- The requirement for contractors to be licensed is based on the government's interest in protecting the public's health, safety, and welfare by ensuring builders meet minimum standards of competence.
- For the Defendant to work for decades in this trade (Transcripts case 2022Cp2604125 June 9&10, page 122, line 2), when licensing is required, shows no respect for the law, or safety of others.
- That is the definition of an unfair, illegal trade practice. Operating as an unlicensed builder is both illegal and can be considered an unfair or deceptive trade practice in many jurisdictions, particularly in South Carolina where the user is located. Licensing laws are designed to protect the public from fraudulent, unsafe, and dishonest work.

- Municipal Inspection of 5/19/22 was filed with my initial complaint, I thought I had mailed this to Rivertown Law as well
- The day of the trial (June 6, 2025) The Jury wanted the bills, so as to award me. But Judge Hyman declared them Hearsay, violating Court Rule 803 (6).
- June 11, 2025, the Jury found in the Defendant's favor.
- Notice of appeal was served on 6/23/25.

Standard of review

I. Did Judge Hyman err when he did not recognize the Defendant had broken the law, from first discussion of taking this job, which created the specifics of this case?

De Novo-

"The proper interpretation of a statute is a question of law. In a case raising a novel question of law, this court is free to decide the question with no particular deference to the lower court."

The finder of fact either ignored or misconstrued that **SC Code § 40-59-30** states specifics concerning licenses, these are, "**License requirement; enforcement of contracts; restraining orders.**

(A) A person or firm who engages or offers to engage in the business of residential building or residential specialty contracting without first having registered with the

commission or procured a license from the commission, which has not expired or been revoked, suspended, or restricted or who knowingly presents to, or files with, the commission false information for the purpose of obtaining a license or registering with the commission is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than ten thousand dollars or imprisoned for not less than thirty days, or both."

Any statements made, such as Judge Hyman did in common pleas court, June 9, 2025, that I hired the Defendant, and should have known better, are futile. Had the Defendant been conducting his business legally this would never have happened!

I would have asked him did he want this project, and the Defendant would have told me, " SC Law says I can't even **"offer to engage in the business of residential building or residential specialty contracting without first having registered with the commission or procured a license from the commission!"** Plus, they can prosecute me and if I am convicted, although it's a **"misdemeanor"**, I **"must be fined not less than five hundred dollars or more than ten thousand dollars or imprisoned for not less than thirty days, or both."**

We can agree I am somewhat stupid for not checking the Defendant's license status. But I had used the Defendant six times before, five times with no problem whatsoever. Stupidity is not a legal error. I had knowledge of him through a Contractor, so ethical, he has half of my hometown's security codes! I never dreamed, due to the fact water and

electricity had been worked on, in combination, on previous jobs, such as what has occurred, could have ever occurred. There

2. Was it a mistake when Judge Hyman failed to recognize, from the Defendant's own testimony that he has violated law, as his only means of income, 50 years? Licensure requirement was put into law in 1998. Therefore, it can be definitively surmised that the Defendant has violated the law for 27 years, does so as a means of income, thus the courts should penalize him for violating statutory regulations, and penalize him the maximum defined by law (Transcripts pages 121 and 122, lines 23 through 25 and lines 1 thru 4).

Furthermore,

Clearly Erroneous-

"The "clearly erroneous" standard of review is the highly deferential standard applied by an appellate court when reviewing a lower court's findings of fact".

Again, the finder of fact ignored or misconstrued that **SC Code § 40-59-30** states specifics concerning licenses, these are, "**License requirement; enforcement of contracts; restraining orders.**

(A) A person or firm who engages or offers to engage in the business of residential building or residential specialty contracting without first having registered with the commission or procured a license from the commission, which has not expired or been

revoked, suspended, or restricted or who knowingly presents to, or files with, the commission false information for the purpose of obtaining a license or registering with the commission is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than ten thousand dollars or imprisoned for not less than thirty days, or both."

A judge's failure to recognize or consider a defendant's testimony would likely be reviewed under the **clearly erroneous** standard. A successful appeal would require that it be shown that the trial judge's failure to consider the evidence, and its subsequent admission of violations of state law, was a prejudicial error that likely affected the outcome of the case. The clearly erroneous standard of review covers this ignorance of testimonial evidence. Under this standard, an appellate court reviews a trial court's findings of fact in a bench trial, including those based on oral testimony, and will not overturn them unless it has a "definite and firm conviction that a mistake has been committed". Therefore, the appellate court gives great deference to the trial court, which had the opportunity to observe the witnesses' demeanor and judge their credibility. But respect cannot be shown to one who has habitually violated law as a means of income; thus the lower courts rulings were in errors, nor backed by statute. Therefore, applicable law must be perused, thus the decision will be reached that the law states it is the Defendant's responsibility to not offer to do any residential construction, which is a statute he has habitually violated, according to his own testimony. Therefore, the facts he gave in this testimony do little to heighten his credibility, thus concern for regulatory code, the law, or safety of his clients. It is a

truthful statement that this is a long time for the Defendant to violate the law, unencumbered by our courts.

He says in testimony (PAGE 123, LINED 10-13) he has never been sued. When I filed suit, he refused to give me an address to serve him. In discussion with the officer who served him, I informed this officer of a few habits the Defendant has. Nothing illegal, just habitual, which I knew from people who knew him well. That worked.

3. Was it a plain error when Judge Hyman mentions the Defendant's Health, in detail (Transcripts pages 123, page 124, lines 1 through 12), but never during the hearing mentions the Plaintiff's severe, permanent disability. The reason she hired and paid the Defendant to complete bathroom accommodation within this shed, were five total joint replacements. bias does not need to be proven as fact but rather as a "probability, rather than the mere

appearance, of actual bias". To determine this, the reviewing court would likely examine the trial transcript to answer the following questions:

Did the judge's statements or conduct demonstrate bias or prejudice?

Did the judge improperly rely on facts or evidence outside the established record to make their decision?

Abuse of discretion-

While there is no specific "standard of review" for this exact scenario, it falls under the rules governing judicial misconduct and appeals based on judicial bias. These paths address the specific improprieties of a judge displaying prejudice and improperly weighing evidence related to health or disability.

In reviewing a trial judge's discretionary decisions for abuse of discretion. A judicial bias that likely affected the outcome of the case can qualify as an abuse of discretion, particularly if the judge's improper comments or actions harmed one party's case and assisted another's. A judicial bias that likely affected the outcome of the case can qualify as an abuse of discretion, particularly if the judge's improper comments or actions harmed one party's case and assisted another's. An appellate court could reverse or vacate the lower court's decision if it finds that bias improperly influenced the proceedings. Judge Hyman excluded evidence inadmissible as it was Hearsay. Court Rule 803(6) does not exclude records of regularly conducted activity but rather allows them to be entered into evidence under the Hearsay exception.

Reservations concerning this judge's impartiality. Attorney Smith waited nearly 3 years to get this judge from what I can find on court rosters scourts.org. My disability is from an MVA n '90 which left me comatose 1.5 years. I have undergone a total of eight orthopedic surgeries since '90.

I feel as though the Judge's conduct and statements demonstrated both bias and prejudice. He allowed opposing Counsel to make comments not related to proceedings to him, while I am on the stand; Attorney Smith inquires has he been fishing lately? Court Reporter and Jury are out of the court room. Judge Hyman made them leave numerous times over mention Sexual harassment, as he and Attorney Smith say I have not mentioned that. A statement untrue, according to numerous court records. It is included in my initial complaint. written 6/25/22, filed with court and mailed to opposing counsel's office June 27, 2022, I reference Defendant's sexual aggression a number of times in correspondence, but they say I never mention it. Attorney Smith even told me this was not a crime on September 11, 2022. I have also mailed him call notarizations. But Hyman still would not allow it; I see now the three year's wait reason.

I am in constant pain; this suit is over a builder's failure to provide accommodation which was to code and safe. This builder sexually harassed me endlessly, calls, messages, visits after hours.

Therefore, I plead with these courts to take action assure me I am no longer subject to this type professional discrimination., thus my rights are not trampled

4.. Is this a bifurcated issue within Standard of Appeal? Inasmuch as the Judge declared evidence, admissible under Court Rule 803(6), inadmissible, is it a question of law, or is this abuse of discretion?

Bifurcated Issue

1. De Novo Is this failure to allow evidence which meets the Hearsay Exclusion a question of failure to properly apply the law? De Novo would mean application of exclusions to Hearsay such as 803(6). excludes records of regularly conducted activity. These were all licensed professionals who came as soon as I could pay. My first inspection I did not use. My friend no longer is licensed and effused to sign a statement, /but he did save my life. This, although highly unethical, is a question of law I ask the court to review and formalize a new decision

2. Abuse of Discretion I do not understand this decision by a Judge with Hyman's years on the bench. /he states in court (page 22 lines 20-24) that "I'm not gonna—I don't believe you can lay a foundation, and have an expert come in.". My experience and knowledge of that required in big, high profile law suits is this: Professional witnesses rely on their experience in a specific field, while expert witnesses possess specialized knowledge or skills. Expert witnesses have advanced degrees, certifications, or extensive research, providing credibility and assurance. I told attorney Smith I did not need expert testimony, and I did not. The entire reasoning behind Rule 803 is that certain types of out-of-court statements possess inherent **circumstantial guarantees of trustworthiness** that make them reliable enough to be admitted as evidence, even if the person who made the statement (the declarant) is unavailable to testify. This applies

to licensed professionals. This rule allows for the admission of reliable hearsay statements to promote fairness and justice in legal proceedings by providing accurate evidence to the court. Licensure in a trade satisfies that prerequisite. Expert testimony would be someone like Dr.. Zeke Walton, formerly of MUSC Orthopedics, who rebuilt or replaced rather than amputate. Usually in cases of drug-resistant super bugs like Klebsiella Pneumonia, For a Judge to make such a procedural error is atrocious. Electrical expertise you might find in a case where an industrial electrician was called in to rewire the feed for the traffic lights which had gone totally out during Hurricane Katrina, and need for improvisation to stabilize current flow in high winds was needed. His expertise is professional, industrial strength was not an issue, but remote feeds stability was. Seen in huge electrical projects oil refineries due to the high-voltage systems, hazardous environments, and complex machinery involved. A residential or commercial electrician lacks the specialized training and experience needed for this type of work. My brother takes specialized knowledge suits, I know the difference between expert and professional testimony, and am stunned Attorney Smith, nor Judge Hyman did.

ARGUMENT

Inasmuch as letter of the law has been blatantly ignored, and procedures unfair to a pro se litigant practiced within this case, reference to law should prevail in further decisions.

Substantial proof has been furnished to the court to rule in the Plaintiff's favor, Proof that sullies the character of the court. From the inception of this matter, frivolous defense has been practiced, and allowed per the courts. methods have been used to stall justice, rules have been ignored, and legal terminology misstated in order to build a stronger case. Repetitive untruths and Bad Faith have highlighted Defense Counsel's way. Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful, they gave been addressed as they were needed. At a period in my life when high standards were needed to assure this plaintiff's recovery, bedrock standards were delivered, sans any worry for their effect. Therefore the specifics addressing SCUTPA apply , thus these courts must rule in the Plaintiff's favor ensuring she is awarded for the Bad Faith displayed by all on the opposing side.

CONCLUSION

In Conclusion, I choose to use An Abuse of Discretion Standard. Statutory requirements, Judicial Cannons, and Court Rules were violated, in other words law was broken, impartiality was violated, therefore the lower courts' ruling was based on clearly erroneous facts, thus the decision reached was illogical. I request damages be trebled, in accordance with SCUTPA which prohibits unfair or deceptive acts in trade or commerce. As this party has proven a willful violation I can recover triple the actual damages incurred. With this SCUTPA claim in construction I have met the requirement of showing an unfair or deceptive act in trade or commerce not only with the Defendant's licensure status, but also his attempts at specialty construction, his legal counsel's attempts to misrepresent fact and law, make the Plaintiff wait nearly three years to get the judge he wanted. and these facts ability to have an impact on the public interest (such as potential for repetition), and monetary or property loss caused by the act. South Carolina's unfair trade Practices Act is the law which best addresses this.

CC: Department of Justice

American Bar Association

South Carolina Judicial Disciplinary Counsel

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