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Oct 24 2025

SC Court of Appeals

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

**IN RE: PETITION FOR WRIT OF MANDAMUS
FROM THE COURT OF COMMON PLEAS,
SEVENTH JUDICIAL CIRCUIT,
SPARTANBURG COUNTY, SOUTH CAROLINA**

Sylecia McIntyre, Petitioner

v.

Hon. Durham Cole, Jr., Administrative Judge, Respondent

**PETITION FOR WRIT OF MANDAMUS FOR JUDICIAL INCOMPETENCE AND STATUTORY
MISAPPLICATION**

To the Honorable Justices of the South Carolina Court of Appeals:

COMES NOW, the Petitioner, McIntyre Sylecia, appearing as agent on behalf of principal Sylecia McIntyre, and respectfully requests this Honorable Court to exercise its supervisory jurisdiction over the 7th Circuit Court of Common Pleas in Spartanburg County due to the presiding judge's failure to timely rule on an emergency Temporary Restraining Order (TRO) with accompanying Rule to Show Cause, filed in accordance with the South Carolina Rules of Civil Procedure.

GROUND FOR SUPERVISORY INTERVENTION:

1. Unreasonable Delay in Emergency Relief

Petitioner properly filed a TRO on October 20, 2025, citing irreparable harm, with supporting exhibits and a Rule to Show Cause directed at opposing parties who had allegedly violated prior judicial orders dated October 13, 2025. Despite the urgency of the matter, no expedited ruling has occurred.

2. Violation of Procedural Timing

Despite Rule 65(b) of the South Carolina Rules of Civil Procedure requiring expedited handling of emergency injunctive relief (typically within 10 days), the presiding judge has scheduled a hearing for November 17, 2025—over 30 days out—on the same day as a bond reconsideration hearing, with no docketed indication that a Rule to Show Cause has been issued or served upon any party.

3. Evidence of Statutory Misapplication

Petitioner previously filed motions and emergency pleadings under the South Carolina Residential Landlord and Tenant Act, S.C. Code Title 27, Chapter 40. Despite the Court of Appeals affirming the applicability of this statute and remanding the bond matter to be reconsidered under its provisions, the same statute governs Petitioner's pending motions for injunctive relief. Yet, those statutory protections have not been extended to Petitioner—neither before the court's October 10, 2025 dismissal, nor after, and not even following the Court of Appeals' remand. This continued failure to apply consistent statutory authority reflects a misapplication of law and raises serious concerns regarding judicial discretion and statutory comprehension.

4. Pattern of Bias, Partiality, or Dereliction of Duty

Petitioner submitted a formal Notice of Judicial Misconduct and Request for Judicial Reassignment to the Administrative Judge of the 7th Circuit. Despite procedural delays and prior Court of Appeals review, no reassignment or corrective measure was undertaken. The judge's continued refusal to acknowledge or schedule pending equitable pleadings suggests active bias, prejudice, or abandonment of judicial duty.

5. Unheard Injunctive Relief

Prior to the lower courts dismissal on October 10, 2025, Petitioner had also filed an Amended Motion for Injunctive Relief in Lieu of Bond, which was never ruled upon or scheduled for hearing. This adds to the cumulative concern regarding consistent judicial disregard for emergency and equitable pleadings.

6. Public Harm and Due Process Concerns

The inaction by the lower court undermines Petitioner's right to due process, places her domicile and minor dependents in ongoing risk, and erodes public confidence in the judiciary—especially when time-sensitive relief is procedurally required but intentionally delayed.

RELIEF REQUESTED:

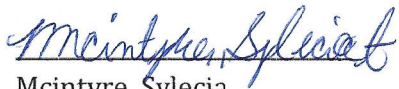
Petitioner respectfully requests that this Honorable Court:

Exercise its supervisory authority to compel the lower court to immediately address the TRO and Rule to Show Cause, or

Issue an order to show cause to the presiding judge as to why emergency relief has not been ruled upon within the procedural time frame, or

In the further alternative, grant this Petition for Original Writ of Mandamus and reassign the underlying matter to a competent judicial officer, as continued inaction and statutory misapplication have prejudiced the Petitioner and denied access to due process.

Respectfully submitted,



McIntyre, Sylecia

Agent on behalf of Principal

1855 E Main St.

Spartanburg, SC 29307

(803) 662-8281

Date: October 23, 2025

Syleciamcintyre@gmail.com

AFFIDAVIT OF REFERENCE TO JUDICIAL INDEX FILINGS

State of South Carolina
County of Spartanburg

I, McIntyre, Sylecia, agent for principal Sylecia McIntyre, being duly sworn, do hereby affirm and declare under penalty of perjury that the following statements are true and correct to the best of my knowledge:

1. This affidavit serves to reference filings already present in the official Spartanburg County Judicial Index that relate to the underlying matter for which a Writ of Mandamus, Judicial Misconduct, and Emergency Restraining Orders were sought.
2. On August 4, 2025 at 8:41 AM, the original Motion for Temporary Restraining Order and Injunctive Relief was filed and appears in the judicial index labeled as "Notice of Appeal." This filing included exhibits, supporting facts, and cited irreparable harm and statutory violations under the SC Residential Landlord Tenant Act.
3. On September 30, 2025, an Amended Motion for Temporary Restraining Order was filed and is currently located in the index behind the tab titled "Brief in Support of Amended Injunction." This filing includes arguments under S.C. Code § 27-40-330 and § 27-40-780 and supports the request for injunctive relief and waiver of bond.
4. The following related filings were made on October 2, 2025, and are entered under the respective names and titles:
 - Motion to Expedite Emergency Temporary Restraining Order Hearing (motion type – listed under Judge Cole, Jr.)
 - Judicial Notice and Request for Administrative Review and Reassignment
 - Judicial Notice of Statutory Classification
 - Clerk's Notice of Hearing
 - Certificate of Service
 - Motion Filing Fee Waived
 - Filing Fees Waived
5. On October 23, 2025, a Notice of Intent to Seek Writ of Mandamus for Incompetence was filed and appears under my name in the index.
6. These filings remain publicly accessible and viewable via the official South Carolina Judicial Branch index under my name (McIntyre, Sylecia) and collectively document a pattern of judicial avoidance, administrative delay, and statutory noncompliance that supports the necessity of mandamus and further injunctive relief.

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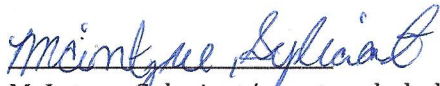
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This affidavit is filed in lieu of resubmitting each exhibit individually and serves as a sworn statement for purposes of judicial reference and inspection.

FURTHER AFFIANT SAYETH NAUGHT.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sylecia McIntyre".

McIntyre, Sylecia, t/agent on behalf of principal

Date: October 24, 2025

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Affidavit of Reference to Judicial Index Filings by placing a true and correct copy thereof in the United States Mail, with proper postage affixed thereon, addressed as follows:

Judge Durham Cole Jr.
Spartanburg County Court of Common Pleas
180 Magnolia Street
Spartanburg, SC 29306

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SC Court of Appeals

Honorable Administrative Judge
7th Circuit Court – Spartanburg County
180 Magnolia Street
Spartanburg, SC 29306

Executed on this the October 24, 2025 at Spartanburg County, South Carolina.

McIntyre Sylecia f.

McIntyre, Sylecia, t/agent