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**SC Court of Appeals**

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

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
The Honorable Dale Van Slambrook, Circuit Court Judge

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Appellate Case No. 2024-001734

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Olga Teslenko, Appellant,

v.

Joe Kocsis and Carpet King & Flooring,  
Respondents.

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**APPELLANT'S AMENDED INITIAL BRIEF**

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Appellant respectfully submits this Amended Initial Brief pursuant to Rule 208, SCACR, 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.

For over a year, this Court denied Appellant's requests for the transmission of the trial record, before ultimately permitting her to transmit her copies of the original paper exhibits and flashdrive. The completion of the record necessitated its supplementation with a transcript and Appellant's testimony, which had been suppressed from review below. However, Appellant's Emergency Motion to Supplement remains unjudged, providing a pretext for excluding, again, key evidence of fraud, already in the record.

Appellant submits this brief under continuing extreme duress and under protest. This Court's effective refusal to consider evidence of judicial fraud—timely filed below but barred from the record by the very actors who committed the fraud—has resulted in an impaired and fundamentally obstructed briefing process, inflicting extraordinary ongoing harm.

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**CONSTITUTIONAL PROVISIONS INVOLVED**

This appeal involves the following constitutional guarantees:

- **U.S. Const. amend. 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."
- **S.C. Const. art. I, § 3:** ". . . 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."
- **S.C. Const. art. I, § 9:** "All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained."

**TABLE OF AUTHORITIES**

**Constitution**

S.C. Const., art. I, § 3  
S.C. Const., art. 5, § 5  
S.C. Const., art. I, § 9

**Statutes**

SCACR 210.  
S.C. Code § 18-7-130  
S.C. Code § 18-7-170  
S.C. Code § 18-7-80  
S.C. Code § 18-1-140

CJC, Preamble, Rule 501, SCACR  
CJC, Canon 3, Rule 501, SCACR

### **Cases**

*Tennessee v. Lane*, 541 U.S. 509 (2004)  
*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)  
*Hagy v. Pruitt*, 339 S.C. 625 (2000)  
*Chewing v. Ford Motor Co.*, 354 S.C. 1 (2003)  
*Gucci America, Inc. v. Weixing Li*, 768 F.3d 122 (2d Cir. 2014) (“a party cannot be deemed to have waived objections...which were not known...at the time”)  
*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 the altered record and fabricated findings, culminated in the circuit court’s obstruction of Appellant’s trial evidence and affirmance based on extrinsic fraud. For over one year, this Court’s initial refusal to transmit Appellant’s admitted trial exhibits compelled Appellant to proceed under extreme duress, attempting to brief her claims on a fabricated record devoid of her trial evidence. While this Court eventually permitted transmission of the exhibits, it continued to obstruct critical supplemental records, made necessary by the constitutional violations below.

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

This appeal presents fundamental questions of procedural and substantive fairness under the South Carolina and United States Constitutions. Because the documented pattern of misconduct

constitutes extrinsic judicial fraud, Appellant seeks de novo review and equitable relief. Appellant respectfully submits that the trial evidence, once fully considered, demonstrates a 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 flooring. The contract specified this method of installation (DOM 13). Immediately after completion, Appellant observed widespread lifting of the planks (DOM 5, 20, 30: Flashdrive, Folder 1, 2). Within ten days, the majority of the flooring had detached from the subfloor (DOM 7: p. 25, line 2-13; DOM 15, 30).

Respondent inspected the failed installation in person, confirmed omitting critical installation requirements, and expressly intended to omit them again when offered to cure (DOM 5, 6, 30, 30: Flashdrive, Folder 4, Supp.1). Appellant declined the proposed plan to violate required protocols and Respondent agreed to issue a full refund, but later rescinded and requested that Appellant negotiate fixes with his father (DOM 5,6,9, 30: Flashdrive, Folder 4, Supp.1). Appellant declined to negotiate with Respondent's father, whom she never met, and retained an independent, industry-certified inspector, recommended by the flooring manufacturer (DOM 13, 9, DOM 7: R. p. 11-14; 17; p. 23, lines 3-13). The inspection report confirmed that Respondent's work failed to comply with published installation protocols, documenting systemic failure and noncompliance (DOM 7: R. p. 13-14; p. 24, lines 7-14; DOM 30).

Unable to engage counsel, Appellant filed a narrowly-tailored pro se complaint in the magistrate court seeking recovery for material breach of contract (DOM 2, E7, 19). At March 2024 trial, Appellant entered paper documents and a flashdrive, and proffered them with specificity in her opening statement (DOM 5, 7: p. 24, line 13-15). The magistrate reviewed, authenticated and fully admitted each of her trial exhibits, including the flashdrive (DOM 2,5,7). Throughout the circuit court proceedings, prior to the discovery of the covertly backfiled summary, Appellant reasonably believed all of her admitted exhibits were properly in evidence (DOM 2, 7).

Appellant's flashdrive contained digital copies of her paper exhibits and critical video evidence of the widespread fundamental failure within days of installation (DOM 30: Flashdrive). The flashdrive also contained the complete audio recording of Respondent's inspection, his admissions of pervasive noncompliance with required protocols, and express intention to violate them again when

offered to cure (DOM 30: Flashdrive, Folder4; Supp.1). The magistrate reviewed and authenticated the videos with Respondent before admitting the flashdrive in evidence (DOM 5, 7, 10, 11, 15, 30). At the circuit court hearing, Appellant reasonably relied on her flashdrive having been properly admitted and preserved in evidence, and objected to its absence in the filed return (DOM 2, 7).

Another exhibit, admitted at trial, was the seven-page full chapter excerpt from the South Carolina Residential Construction Standards regulatory document (DOM 5, 7, 10, 30). The exhibit consisted of the first two pages of the main regulatory document, bearing its seal, title and table of contents, followed by the five pages with the complete chapter on Resilient Flooring standards, properly excerpted from beginning to end (DOM 10, 30). ‘Resilient flooring’ and ‘direct glue’ are standard industry terms referring to glue down vinyl flooring installation (DOM 10, 30). 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 (DOM 10, 30). The magistrate reviewed and authenticated the exhibit with Appellant before admitting it in evidence (DOM 7, 15:pp.). At the circuit court hearing, Appellant reasonably relied on her state standards exhibit having been properly admitted and preserved in evidence, and objected to its omission from the filed return (DOM 7, p. 24, line 16-21).

Another admitted exhibit was the nineteen-page installation instructions exhibit, which combined three complete manufacturer instructions documents, Appellant’s self-made summary enclosed for convenience of reference, and photographs of the manufacturer labels on the glue bucket (DOM 5, 7, 10, 30). This exhibit specified necessary installation protocols, required for glue-down resilient flooring, and corroborated Appellant’s videos and the findings of the inspection report (DOM 5, 7, 10, 30, 30: Flashdrive, Folder 1,2). The magistrate reviewed and authenticated the exhibit with Appellant before admitting it in evidence (DOM 7, 15). As the circuit court hearing, Appellant reasonably relied on her instructions exhibit having been properly admitted and preserved in evidence, and objected to its absence in the filed return (DOM 7).

Appellant’s exhibit, containing the inspection report, detailed pervasive noncompliance with manufacturer requirements (DOM 5, 7, 9, 10, 30). The magistrate reviewed and admitted the report without objection or qualification—despite it not having been supported by live testimony (DOM E10). The flooring inspector failed to inform Appellant of the statutory requirement for his live testimony (DOM 10, 30). Appellant is a lay person not trained in jurisprudence (DOM 15). The complaint was her first experience with law and courts (DOM 7 p. 23, line 14–16). She reasonably

believed the report itself was sufficient to be admitted (DOM 5, 7, 15, 10, 30). The magistrate failed to instruct Appellant of this deficiency (DOM E10).

The magistrate's judgment, received in the mail, partitioned liability for the failed installation without explanation and contrary to the admitted evidence (DOM 1, 5). The magistrate's summary was not included in the filed return (DOM 7). The judgment effectively ratified the ongoing predatory acquisition of Appellant's condominium, setting a dangerous legal precedent (DOM 5, 7, 15, 19, 23, 25, 26, 27, 30). On appeal to the circuit court, the magistrate court denied the transcript (DOM E8, 7, p. 28, line 17–21).

The filed return was defective and fundamentally deceptive; it contained no summary and entirely omitted the flashdrive and key paper exhibits (DOM 7, 8,9, 15, 20). While the inspection report was included in the return, its photographs were scanned into illegibility and its first page bore an underscored letter 'P'—the underscoring made without notice to Appellant (DOM 9).

Because the magistrate reviewed and authenticated the inspection report with Appellant before expressly admitting it in evidence, Appellant reasonably relied on the report having been properly admitted, when filing an appeal with the circuit court (DOM 2). Upon discovering the defects in the filed return, Appellant re-filed the full original report to correct the filed illegible scans—still believing it being properly in evidence (DOM 10, 11). Because the magistrate's summary was not included in the filed return, even at the circuit court hearing Appellant still reasonably relied on the report having been properly in evidence (DOM 7: p. 23, line 2–9; p. 24, line 7-12).

The state standards exhibit, installation instructions exhibit, flashdrive, Appellant's statement and magistrate's summary of findings were fully omitted in the filed return, prompting Appellant's specific objections at the hearing (DOM 7).

To correct these omissions and upon instruction from clerk Keeling, Appellant re-filed her trial evidence on July 22, 2024 (DOM 10, 11). The re-filed evidence included her original trial statement, state standards exhibit, installation instructions exhibit, inspection report and flashdrive (DOM 10). Appellant's paper exhibits were again scanned into illegibility on the circuit court docket (DOM 10, 30)

At the August 21, 2024, circuit court hearing, Appellant objected to the missing summary (DOM 7. p.22, lines 16–21; p.25, lines 16–17; p.28, lines 3–11) and defective return (DOM 7. p.24, line 16–p.25, line 17; p. 26, line 20–27, line 6). The Presiding Judge confirmed the absence of the summary (DOM 7. p. 27, lines 10-12; p. 28, lines 3-10), the identity of her re-filed trial evidence (DOM 7. p. 23,

line 6–14), acknowledged the filing as a motion to admit (DOM 7. p. 21, line 11–12), and intended to review it (DOM 7. p. 27, line 10–12) after the summary was located.

The Presiding Judge scrolled several times through every page of the two documents, filed in the return docket entry, but had been unable to locate the summary (DOM 7. p. 21, line 13–p. 22, line 11). Appellant agreed with the Judge, noting that no summary was available on the docket that morning (DOM 7. p. 28, lines 3–11). In contrast, acting clerk 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 filed documents it was (DOM 7. 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 (DOM 7. p. 27, line 10–p. 28, line 11, DOM 14).

Respondent had not appeared at the hearing and no objections were raised to Appellant's re-filed trial evidence (DOM 7).

The following day, Appellant discovered that a new, third document had been backfiled into the May 29 return docket entry—without notice (DOM E2, E4). The previously missing magistrate's summary occupied the first two pages of this newly added 30-page document (DOM 13). The summary revealed fabricated findings and the retroactive dismissal of all Appellant's admitted evidence as hearsay (DOM E10).

The previously missing state standards exhibit was partially included in this new backfiled return document, containing only three pages (DOM 13). The pages removed from the original seven-page admitted exhibit were the non-consecutive pages with the beginning of the Resilient Flooring chapter and the end, thus rendering the returned exhibit inadmissible hearsay (DOM 10).

The previously missing installation instructions exhibit was partially included in the new backfiled return document, containing only the three pages with Appellant's self-made reference (DOM 13). The sixteen pages removed from the original nineteen-page exhibit were the non-consecutive pages with the manufacturer documents and labels, thus rendering the returned exhibit inadmissible hearsay (DOM 10).

Appellant's flashdrive, admitted at trial, remained omitted in the return (DOM 15, E12). Appellant had no notice of these alterations to her admitted exhibits and reasonably believed the Presiding Judge will review her corrective filing as he intended (DOM 10, 7).

On September 9, 2024, without any notice, the circuit court issued orders affirming the magistrate's judgment (DOM 3). 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 (DOM 3).

The circuit court affirmance order copied the magistrate's summary nearly verbatim and dismissed Appellant's corrective filing without review (DOM 3, 15: E10). Both the magistrate's summary and circuit court order replaced the actual glue down luxury vinyl plank installation contract with undefined "plank replacement" or "plank installation" (DOM 3, E10). Both claimed that this installation was "performed and completed" but "subject to deficiencies" (DOM 3, E10). Both shifted the matter into the magistrate's discretionary jurisdiction by dismissing Appellant's admitted evidence as "largely hearsay" or non-existent (DOM 3, E10).

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, Appellant's corrective record and intended to review it, the circuit court order dismissed Appellant's corrective record without review and failed to note the irregularities in the return (DOM 3, 7, E10). 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" (DOM 3, E10). Neither the magistrate nor the law clerk explicitly declared the inspection report to be "hearsay". Instead, the magistrate claimed that Appellant 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 (DOM 5, 7, 10). 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" (DOM 3, E10).

Both the magistrate's summary and the circuit court order assigned the responsibility for the failed installation to Appellant and shifted the matter solely to the magistrate's discretionary jurisdiction. The magistrate claimed that "the evidence the plaintiff entered into evidence was largely hearsay" and that she 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" (DOM E10). The law clerk claimed that Appellant "did not introduce any evidence" in support of her appeal and "refused to allow the defendant to cure the issue as required by the warranty" which compelled the magistrate to estimate the damage (DOM 3).

Yet Appellant's admitted evidence demonstrated that Respondent was never denied access

or opportunity to complete his contract (DOM 5, 30, Suppl.1). Appellant’s flashdrive contained an audio recording of Respondent’s inspection showing his admissions of pervasive negligence and express intention to violate the required protocols again, when offered to cure the failed installation (DOM 30: Flashdrive, Folder4; Supp.1). Even Respondent’s answer, returned by the magistrate, confirmed it, while Respondent’s warrantee, returned by the magistrate, contained provisions only for carpeting installations (DOM 6, 13).

On September 20, 2024, Appellant filed a motion for reconsideration, enclosing the newly discovered evidence of the docket backfiling—screenprints E2 and E4 of the case docket she saved before and after the hearing—and citing the denial of due process, materially incomplete record, and procedural irregularities (DOM 15: E2, E4). The evidence in the screenprints was fully corroborated by the Presiding Judge at the hearing (DOM 15, 7: p. 21, line 13–p. 22, line 11; p. 27, line 10–p. 28, line 11).

The embedded hyperlink data in Screenprint E2 showed that, before the hearing, the magistrate’s return entry contained two documents (DOM E2). This was confirmed by both the Presiding Judge and Clerk Keeling at the hearing (DOM 7). The hyperlink data showed that the rightmost, 24-page document opened on the paid invoice exhibit bearing the large bold logotype ‘**Carpet King and flooring**’ (DOM 8, Supp.2). The leftmost, 55-page document opened on the full-page illegible black photograph (DOM 9, Supp.2). This was also confirmed at the hearing (DOM 7).

The embedded hyperlink data in Screenprint E4 showed that, sometime after the hearing, the magistrate’s return entry acquired a new caption and contained three documents (DOM E4). The embedded hyperlink data showed that the first two documents, right to left, were the same 24-page and 55-page return documents as before, but were now stored at new locations on the server (DOM Supp.2). The new, third document was 30 pages long and opened on the magistrate’s summary bearing the large bold logotype ‘**MAGISTRATE’S RETURN ON APPEAL**’ (DOM 13, Supp.2).

Appellant’s motion for reconsideration, initially correctly captioned when filed, was subsequently re-captioned as a ‘Domestic Violence’ motion and queued into the wrong roster (DOM Supp.3). Appellant requested to correct the miscaptioning (DOM 17). The day before the appealing deadline, the circuit court clerk issued an order removing the notation for ‘Domestic Violence’ and stating that it was added because “DV stands for the judge’s initials, Dale Van Slambrook” (DOM 18). The next day, on October 11, 2024, Appellant filed a notice of appeal with this Court (DOM 4).

On November 12, 2024, because the circuit court scans of Appellant’s corrective filing were

made illegible on the docket and her flashdrive was a physical exhibit, Appellant filed her first motion for the release and transfer of the original trial exhibits (DOM 10, 20, 21). 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" (DOM 22). Appellant filed objections and demonstrated that the denial was dispositional (DOM 23). The Clerk responded to Appellant's request for clarification by phone, disregarded Appellant's objections, asserted that transmission was impossible, and actively discouraged rehearing (DOM 24). Appellant was compelled to proceed, briefing on a fictional record, while the circuit court held her trial evidence hostage.

Attempting to build a brief without her key trial evidence, Appellant arrived at an oversized brief. Her motion to exceed the page limit unruly by the deadline, Appellant was compelled to file the supplement and email it directly to the Chief Judge, explaining the procedural trap (DOM 25, 26). Still with no ruling, Appellant filed the 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, effectively erasing her constitutional claims and perpetuating the extraordinary injustice, but the motion was denied (see Appellant's Motion to Reconsider 8/18/25 Order, on the Court of Appeals docket, Appellate Case No. 2024-001734, filed on 8/20/2025).

On August 25, 2025, Appellant filed her second, renewed motion to compel transmission of her trial evidence, reaffirming the history and citing due process violations. The motion was docketed as a 'Motion to Reconsider' and denied in a Clerk's letter (see Appellant's Motion to Reconsider 1/14/25 Order on the Court of Appeals docket, Appellate Case No. 2024-001734, filed on 08/25/2025, and this Court's Correspondence -Outgoing- Letter Regarding Appellant's Motions, filed on 08/28/2025).

On August 28, 2025, Appellant filed the third motion to compel transmission, which was

denied in a Clerk's letter as a motion for "reconsideration of decisions previously issued by this Court" (see Appellant's Motion to Compel Transmission on the Court of Appeals docket, Appellate Case No. 2024-001734, filed on 8/28/2025, and this Court's Correspondence -Outgoing- No Action Letter, filed on 09/03/2025).

On September 4, 2025, Appellant filed the fourth, expedited, motion to transmit her trial flashdrive and paper exhibits, citing the pattern of obstruction, reciting the history, and emphasizing constitutional violations (DOM 28).

With no ruling by the briefing deadline, Appellant filed her brief, reduced to the standard page limit and based on the severely incomplete and false record, devoid of her essential trial evidence (see Appellant's Amended Initial Brief on the Court of Appeals docket, Appellate Case No. 2024-001734, filed on 09/19/2025). Without access to her trial evidence and forced to confine to the ordinary page limit, Appellant's brief was prejudiced to be unsupported and constitutional claims erased, effectively forcing it to fail, perpetuating the extraordinary injustice caused by the fraud below (DOM 25, 26).

On November 26, 2025, this Court granted the alternative relief for Appellant's previously denied third motion to compel transmission, and Appellant filed her copies of the original trial evidence on December 1, 2025 (DOM 29, 30).

Because the trial evidence was transmitted in the same raw, un-transcribed format as originally admitted, the audio recording of Respondent's inspection required the filing of a supplemental record with its official transcription (DOM 35, Supp.1). This transcription is not new evidence, but the transcript of trial evidence already in the Court's custody (DOM Supp.1). The audio recording of Respondent's inspection proves the magistrate's fraud directly and shows that Respondent was never denied access or opportunity to cure (DOM 30: Flashdrive, Folder 4).

Because the circuit court clerk obstructed adjudication of Appellant's motion for reconsideration—which contained exhibits E2 and E4 capturing docket tampering—Appellant was deprived of her right to proffer the formal legal foundation for these exhibits. This necessitated now the filing of a supplemental record with Appellant's sworn testimony containing the legal foundation and analysis of the hyperlink data, embedded in Exhibits E2 and E4 (DOM 35). This testimony is not new evidence, but the testimony for the trial evidence already in the Court's custody, which Appellant was barred from making by the clerical obstruction below (DOM Supp.3, 17, 19). The hyperlink data in Exhibits E2 and E4 proves docket tampering directly and shows that in January 2025, the circuit

court's server was re-hauled, following Appellant's filing of the motion (DOM Supp.2).

The audio recording on Appellant's trial flashdrive and the hyperlink analysis of Exhibits E2 and E4 are the primary evidentiary pillars of this case. Without a comprehensive review of these materials, any appellate inquiry is incomplete, as the merits of the appeal are inextricably tied to this evidence, suppressed in the lower courts. Yet this Court failed to permit the requested supplemental records prior to the briefing deadline (DOM 35, 36).

Consequently, Appellant submits this Amended Initial Brief under extraordinary procedural and physical duress. The systemic denial of constitutional rights, compounded by the extreme hardships of her neurological disability and crippling illness, have turned a standard appellate process into an excruciating struggle for justice and the preservation of the rule of law. Appellant files this brief under protest, asserting that the record remains impaired by the Court's failure to formally adjudicate her pending emergency motion to supplement.

#### **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 and clerical obstruction?
- III. Was Appellant denied Access to Courts and excluded from the Protection of Law?

### **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 (DOM 5, 7, E10). No ruling excluding any exhibit appears in the record (DOM E10). Had the magistrate moved to dismiss any exhibit at trial, the dismissal would have been noted in his summary—and Appellant would have necessarily objected and preserved the exclusion for future appeal, the complaint being existential to her (DOM 15,19, 20, 21, 23). Instead, the magistrate fully admitted Appellant's exhibits at trial without any instruction or restriction, inducing Appellant's reasonable belief that all of her trial exhibits were properly in evidence (DOM 2, 7, 15, 19, 28). The subsequent characterization of Appellant's evidence as "largely hearsay" in the summary was not preceded by any notice or ruling, depriving Appellant of the opportunity to respond (DOM E10).

##### a) Inspection Report

The magistrate reviewed and fully admitted the flooring inspection report without objection or instruction to cure—even though the flooring inspector had failed to appear (DOM 5, E10). No ruling was made excluding the report, requiring live testimony, or indicating that the exhibit was received only conditionally (DOM E10). The report was treated as admitted evidence. Appellant reasonably believed the report itself was sufficient to be admitted, because it was produced by a professional certified flooring inspections company recommended by the manufacturer and bore all

the necessary *prima fascia insignia* (DOM 5, 7, 9, 15, 30). The magistrate had failed to instruct Appellant of this fundamental deficiency (DOM E10).

Appellant reasonably relied on the inspection report being properly in evidence when filing her appeal to the circuit court (DOM 2). At the circuit court hearing—when the magistrate’s summary had not yet appeared on the docket—Appellant continued to rely on the report as properly admitted evidence (DOM 7: p. 23, line 2–9; p. 24, line 7-12). Even in her motion for reconsideration, *pro se* Appellant wasn’t cognizant that the report had been dismissed as hearsay: she didn’t know it was deficient (DOM 15). Appellant stumbled on the statutory requirement for expert’s live testimony only in a year (DOM 32, also see Appellant’s amended initial brief (stricken) on the Court of Appeals docket, Appellate Case No. 2024-001734, filed on August 15, 2025).

The certified flooring inspector, recommended by the manufacturer, 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 underscoring of the “P” and exclusion of the report as “hearsay” in the summary—is completely 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 prejudicial exclusion of critical evidence, is not reasonably attributable to coincidence (DOM 9, E10).

The only possible explanation is that the inspector’s failure to inform Appellant and to 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 judgment, is permanently excluded from review (DOM 9, 30, E10). The record shows that, had the inspector informed Appellant of the statutory requirement for his live testimony, Appellant would have necessarily hired him to appear at trial (DOM 19, 19, 20, 21, 23, 27). Had the magistrate instructed Appellant of this glaring deficiency, Appellant would have necessarily subpoenaed the inspector or offered proof (DOM 19, 20, 21, 23, 27, E10). Instead, the certified inspector failed to

inform Appellant of the statutory requirement for his live testimony and the magistrate failed to instruct Appellant of this glaring deficiency, expressly admitting the report in evidence (DOM E10).

b) Extrinsic Fraud on the Court

Where an exhibit is admitted at trial without limitation and later treated as inadmissible in the findings—without any intervening ruling or notice—the integrity of the appellate record is compromised. The magistrate’s summary and Appellant’s consistent reasonable reliance on the evidentiary status of the report are materially inconsistent. The effect of this inconsistency was structural. The written summary supplanted the trial record by retroactively altering the evidentiary framework without affording Appellant an opportunity to respond. This deprived Appellant of meaningful appellate review and prevented correction of any evidentiary deficiency. Had the report been reviewed by an impartial judiciary, Appellant would have been instructed to correct its deficiency and would have secured the inspector’s testimony.

This sequence of events supports a compelling inference of collusion to exclude the inspection report from review (DOM E10). The Magistrate’s unqualified admission of the report at trial affirmatively misrepresented its status and induced Appellant’s detrimental reliance. Such deliberate coordination is the essence of extrinsic fraud, as it subverted the judicial process and ensured that critical evidence was permanently excluded from appellate review.

This fraud 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. The inspection report documented Respondent’s pervasive failure to follow installation instructions, and corroborated video evidence on Appellant’s flashdrive and other exhibits (DOM 5, 9, 30: Flashdrive, Folder 1, 2). See *Richardson v. Town of Eastover*, (4th Cir. 1991), *Goldberg v. Kelly*, (1970), *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).

c) Admissibility of Documentary Evidence within the Report

Notwithstanding the absence of live testimony, the photographic evidence contained within the report was independently authenticated by Appellant’s trial testimony and is fully corroborated by the video evidence on the trial flashdrive (DOM 5, 30: Flashdrive, Folder 1, 2). Under SCRE 1001-1004, these photographs constitute independent documentary evidence of the physical state of the flooring, which the Magistrate had no legal basis to exclude or ignore.

**2. The magistrate removed or mutilated Appellant’s key evidence.**

a) The State Standards exhibit.

Appellant's seven-page exhibit containing a properly excerpted chapter from the state construction standards, admitted at trial, was initially omitted from the filed return and later appeared in the backfiled document as three disconnected pages (DOM 30, 13). The version returned in the backfiled document is structurally altered—the omitted pages are nonconsecutive: pages 3, 5, 6, and 7 are missing, while pages 1, 2, and 4 remain (DOM 13, 30). This pattern is not consistent with a scanning error, routine clerical mishandling or inadvertence, which typically produce contiguous truncation or uniform defects. Instead, the omission removed the very pages that supplied the excerpted chapter's identifying title and conclusion, thereby transforming a properly admitted exhibit into inadmissible disconnected fragments (DOM 30, 13). This alteration changed the evidentiary character of the exhibit and materially prejudiced Appellant by removing record evidence that contradicts the judgment. It required knowledge and intent. The willful spoliation rendered a properly admitted exhibit inadmissible hearsay, directly supporting the magistrate's fabricated finding that Appellant's evidence was "largely hearsay" (DOM E10).

The alteration was material and highly prejudicial. Had the complete admitted exhibit remained in the return, it would have shown that the failed installation was a material breach of contract under state standards (DOM 30). By removing select pages from the admitted exhibit, the return eliminated record evidence contradicting the judgment. (DOM 30, 13).

b) The Installation Instructions exhibit.

Appellant's nineteen-page exhibit containing manufacturer installation instructions together with Appellant's self-made summary, admitted at trial, was initially omitted from the filed return and later appeared in the backfiled document reduced to three self-prepared reference pages only (DOM 5, 30, 13). The returned version failed to include even the document explicitly referenced in Appellant's opening statement (DOM 5, 30). The nonconsecutive pages removed—pages 1, 5 and the remaining fourteen pages—contained the official manufacturer instruction documents, bearing the manufacturer's titles and labels (DOM 13, 30).

This pattern is not consistent with a routing scanning error or inadvertence—the omission removed the nonconsecutive pages containing the official manufacturer's instructions, while only the self-made reference pages remained (DOM 30, 13). This alteration changed the evidentiary character of the exhibit, transforming a properly admitted exhibit into inadmissible hearsay (DOM 13, 30).

The alteration was material. The admitted exhibit corroborated the inspection report and video evidence and documented the required installation protocols Respondent admitted to violating (DOM 30, Supp.1). By omitting the manufacturer documents and leaving only summary pages, the return eliminated record materials contradicting the judgment and directly supported the fabricated finding that Appellant's evidence was "largely hearsay" (DOM E10).

The probability that two exhibits were inadvertently spoiled by selective omission of key pages in two different locations in the record is implausible. The recurrence of selective, nonconsecutive omissions in multiple admitted exhibits within the same return undermines any explanation based on inadvertent administrative error. The resulting record distortion directly supported the summary's characterization of Appellant's evidence as "largely hearsay." (DOM E10). This record supports the inference that the surgical spoliation of key trial exhibits in a way that rendered them inadmissible hearsay, and the subsequent covert dismissal of these exhibits in the findings 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 (DOM 13, 30, E10).

c) The Flashdrive.

Appellant's flashdrive, reviewed, authenticated and admitted at trial, was not included in the magistrate's return (DOM 5, 10, 11, 15). Nevertheless, the flashdrive was not transmitted with the return, and Appellant was not notified of any exclusion.

Believing the omission to be clerical error, Appellant re-filed her original flashdrive with the circuit court in July 2024 as instructed (DOM 2, E12). At the circuit court hearing—at which the magistrate's summary was still absent from the docket—Appellant reasonably relied on the flashdrive having been properly admitted in evidence and objected to its omission (DOM 7: p. 22, line 22–p. 24, line 21).

The omission was material. The flashdrive contained video evidence of widespread detachment shortly after installation (DOM 30: Flashdrive, Folder 1), and an audio recording of Respondent's inspection in which Respondent acknowledged negligent deficiencies and proposed corrective measures inconsistent with required protocols, when offered to cure (DOM 30: Flashdrive, Folder 4; Supp.1). This audiovisual evidence corroborated the inspection report and manufacturer instructions and directly contradicted the findings adopted in the magistrate's summary (DOM E10,

30: Flashdrive).

The absence of the flashdrive from the return was complete: no digital media was transmitted, and no ruling excluding it appears in the magistrate's summary (DOM E10). The return thus omitted an entire admitted exhibit (DOM 5, 7). The omission materially altered the appellate record by removing dispositive evidence from review, again (DOM 10, 11, 30).

When considered together with the selective alteration of Appellant's documentary exhibits, the coordinated obliteration of the inspection report—the failure to transmit the admitted flashdrive further compromised the integrity of the appellate record and deprived Appellant of meaningful review. The return eliminated all of Appellant's admitted evidence which contradicted the judgment, strongly supporting the inference of deliberate evidence tampering—undertaken to replace the trial record with a fiction that supported the magistrate's findings (DOM E10). The magistrate's summary relied on this fiction to label Appellant's evidence as “largely hearsay” and justify the judgment (DOM 1, 5, E10).

This evidence 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, despite Appellant's objections and Presiding Judge's intention to review her corrective filing (DOM 3, 7). See *Richardson v. Town of Eastover*, (4th Cir. 1991), *Goldberg v. Kelly*, (1970), *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).

### **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 (DOM 1, 2, 13, 30). To erase this evidence, the magistrate fabricated a finding that Appellant's evidence was “largely hearsay”, removed Appellant's flashdrive from the record, and mutilated her paper exhibits to render them hearsay in the magistrate's return (DOM 8, 9, 30). Had the magistrate not spoiled Appellant's trial evidence in the return, it would have clashed with his fabricated findings 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 in the return entry (DOM E2, E4, Suppl.2, 13, 15, 30). When Appellant discovered the backfiled summary, it

revealed fabricated findings aligned to rationalize the judgment (DOM 1, E2, E4, E10).

**a) The “plank replacement” contract.**

The summary replaced the glue down LVT installation contract with undefined “plank replacement” (DOM E10). The magistrate knew that the contract was for glue down installation—not plank replacement—because he included it in his backfiled return document (DOM 13). Appellant cites glue down installation or resilient glue installation, which are congruent industry terms, nineteen times in her opening statement (DOM 5). And even Respondent cites glue down installation in his answer (DOM 6).

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 (DOM 30). Glue down installation is held to high standards, whereas “plank replacement” carries no expectation and is not a recognized industry term (DOM 30).

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 (DOM 5, E10). The magistrate knew Appellant never used any other term than glue down installation (DOM 5). No impartial trier of fact could review a contract that states “glue down installation”, hear an opening statement repeating that phrase nineteen times—and then conclude the agreement was merely to “replace carpet with prime plank” (DOM 5, 13, E10). No impartial judge could inadvertently replace the actual contract with a fictitious one. Instead, the substitution was deliberate and calculated—designed to void any standard by which the installation could be judged a material breach and obscure the significance of the widespread installation failure.

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. Its intended purpose was accomplished—the circuit court affirmed that the contract was for mere “plank replacement” (DOM 3).

**b) The hearsay evidence.**

The summary claimed, as fact, that Appellant’s evidence was “largely hearsay” (DOM E10). The magistrate knew that this fabrication was false because he reviewed, authenticated, and admitted all of Appellant’s exhibits without any qualification (DOM 30). 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 (DOM 8, 9, 13). The false 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 because it contradicted his judgment, and set the ground for shifting the case into his discretionary jurisdiction (DOM 1, E10). To match this fabricated finding, the magistrate deliberately mutilated Appellant's key evidence in his return and coordinated to withhold his summary from the docket until after the hearing (DOM 8, 9, 13, E2, E4). No impartial trier of fact could review, authenticate, and admit Appellant's evidence, and then conclude that it was inadmissible hearsay (DOM 30, E10). The false finding directly supported the magistrate's judgment by insulating it from any scrutiny evoked by the contradictory evidence. The fraud was severely prejudicial as the circuit court affirmed it by stating that "Appellant did not introduce any evidence that the magistrate's judgment was based on an error of law or fact" (DOM 3).

**c) The discretionally completed work.**

The magistrate claimed to have found, as fact, that "defendant performed and completed the agreed upon work" (DOM E10). The record contains no evidence in support of this fabrication, while Appellant's evidence demonstrated the opposite (DOM 8, 9, 13, 30). The magistrate knew that the contract had not been completed—had he not known, he wouldn't have replaced the actual "glue down installation" contract with obscure "plank replacement" and wouldn't have mutilated Appellant's evidence to dismiss it as hearsay (DOM E10). 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 fabrication, claiming he believed that "the flooring product was not installed 100% correct"—as if Appellant hadn't entered any evidence to the contrary or Respondent entered any evidence in support (DOM E10). These fabricated findings directly supported the magistrate's judgment by justifying the discretionary partitioning of liability for the catastrophically failed installation (DOM 1).

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, as fact, 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"—another testimony she never made (DOM E10). Appellant always maintained that the planks "lifted", "peeled", "bubbled", and "detached" spontaneously (DOM 5, 7). 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 (DOM 10, 11, 30: Flashdrive). 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” planks, permanently glued down to the slab, “with her bare hands” (DOM E10, 4, 7, 30).

These fabrications were inserted deliberately to reinforce the transitioning of the complaint to the magistrate's personal discretionary jurisdiction necessary to justify the discretionary partitioning of liability in his judgment. Their intended purpose was accomplished—the circuit court affirmed the magistrate's discretion by affirming his judgment because “the Magistrate estimated the total damage” (Dom 3).

**d) “Another Flooring Company”.**

To mitigate any risk to the flooring inspections 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”—one more testimony Appellant never made and couldn't make (DOM 5, 7: pp, 21-29, 15:E10). The magistrate knew Appellant had not contacted any other flooring company and had not made that statement (DOM 5). He inserted this fabrication deliberately to justify the dismissal of the inspection report implicitly, through the undisclosed underscoring of the “P” and this allegation, supposedly uttered by Appellant herself (DOM 9, E10). This fabricated testimony directly supported the magistrate's judgment by providing a pretext to exclude the inspection report on the basis of the underscored “P” (DOM E10). Its intended purpose was achieved—the circuit court affirmed the judgment, claiming that “Appellant engaged another flooring company who opined that the Respondent's work in installing the flooring did not meet industry standards” (DOM 3).

**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” (DOM E10). 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 confirmed Respondent was never denied access or opportunity to fulfil his contractual obligations, and the audio recording of Respondent's inspection, which showed he was offered the opportunity to cure but repeatedly proposed to violate the required protocols again (DOM 6, 30, 30: Flashdrive, Folder 4, Suppl.1:p. line.). The magistrate knew that Respondent's warrantee was tailored only for carpeting installations while the state construction standards defined failure during warranty period to be material breach (DOM 13, 10, 30). Had the magistrate not known this, he wouldn't have mutilated the admitted state standard exhibit (Dom 13, 30).

The magistrate deliberately inserted these fabrications to directly justify his judgment, in which he charged Appellant for the failed installation (DOM 1). The magistrate knew that Appellant denied access only to Respondent's father, whom she never met and who wasn't a party to the contract, and that she offered Respondent an opportunity to cure but he repeatedly proposed to repair the failed installation in patches, in glaring disregard of the manufacturer instructions (DOM 5, 6, Suppl.1). The magistrate's judgment effectively compelled Appellant to retain Respondent for all future sub-protocol fixes, guaranteed to fail, setting her up for continuous additional repairs as a paying subscriber (DOM 15: pp. 44-46).

By adding these fabrications in his summary, and charging Appellant for the botched installation in his judgment, the magistrate effectively penalized Appellant for refusing to negotiate fixes with complete strangers and refusing to accept fraudulent repairs (DOM 6, 30:Folder 4, Suppl.1:p. line.). In doing so, it 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 swindling opportunities results in financial penalty. Accepting the judgment would mean Appellant was going to have to pay for botched installations, allow strangers access to her home, and allow fraudulent contractors infinite swindling opportunities, lest she suffer further damage (DOM 2, E10).

The intended purpose of the magistrate's fabrications was achieved—the circuit court affirmed the judgment because “any attempt by Respondent to cure those defects was refused. Appellant would not let the company have access to her home” (DOM 3).

#### **4. The extrinsic judicial fraud, 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 (DOM 2). To this end, he spoiled her trial evidence in his return and falsely declared it hearsay in his summary, where he inserted an intricate, multi-layered structure of falsehoods manufacturing a fictitious record which supported his judgement (DOM E10, 15). Each of these acts was done deliberately and knowingly. The confidence and ease with which trial evidence was spoiled and findings falsified, suggests they were not anomalies, but part of a well-practiced and tolerated method.

By contrast, Appellant had no knowledge of the magistrate's fabrications as the magistrate expressly authenticated and admitted her exhibits at trial, and then concealed his summary until it was covertly backfiled after the circuit court hearing, completely depriving her of any opportunity to rebut it (DOM 15, E3). Prior to the discovery of the backfiled summary, Appellant had no knowledge of the magistrate's findings and genuinely assumed error (DOM E3, 15: pp. 35-37).

The multi-layered system of fabricated findings, with each fabrication reinforcing the others and each serving the same purpose, constituted extrinsic fraud intended to deceive Appellant and the reviewing courts. This fraud was committed to support the desired judgment and prejudice any appeal. It's intended purpose was achieved—the circuit court adopted the magistrate's fabrications nearly verbatim, despite conclusive evidence to the contrary (DOM 3, E10, 30).

Had Appellant's complaint been tried by an impartial judiciary, the trial record would have necessarily proved the complete material breach and Appellant would have been awarded the money she paid for the botched installation (DOM 2). Instead, the magistrate manufactured a false record and produced a judgment which shielded Respondent from accountability and penalized Appellant, compelling her to subscribe to Respondent's pervasive sub-protocol fixes (DOM 1, E10),

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 (DOM 10, 11). 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 (DOM 11, 17, 18). The magistrate had already removed Appellant's flashdrive and spoiled her documentary exhibits; when Appellant filed her corrective record, the circuit court clerk scanned all of her paper exhibits into illegibility on the docket, rendering them unreadable to the reviewing judge, and removed the flashdrive, again (DOM 13, 30).

The magistrate insulated his fraud from Appellant's objections by coordinating to withhold his summary from the docket until after the circuit court hearing (DOM E2, 3, 4, Suppl.2). 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 (Suppl.2).

The coordinated structure of this judicial fraud and obstruction, evoked with the magistrate's intention to render a fraudulent judgment, further denied Appellant due process, protection of law, and access to courts (DOM 15).

The result of this coordination was extremely prejudicial. Appellant's flashdrive and documentary exhibits were never reviewed (DOM 3). The appellate record was stripped of all essential evidence through deliberate acts of misfiling, misrepresentation, obstruction, and fraud (DOM 10, 11, 15). Appellant's exhibits, reviewed, authenticated, and admitted at trial, were rendered invisible to the reviewing court and her flashdrive excluded (DOM 7). Her corrective record was rendered illegible (DOM 10, 30). Appellant was denied Due Process (DOM E2, E4). The order affirming the judgment dismissed all evidence without review, made no independent findings, but recited those fabricated by the magistrate, un rebutted (Dom 3).

Each action directly aimed to fatally prejudice Appellant's appeal, undermining the integrity of the court system and depriving her of the fundamental right to meaningful judicial review. This intended purpose was achieved—the circuit court affirmed the un rebutted magistrate's judgment which denied Appellant the right to be secure in her own home and to control her private property (DOM E10, 3).

Even after Appellant discovered the docket tampering and objected in her motion for reconsideration, the harm continued (DOM 15: pp.38–44). The clerk miscaptioned the motion to deny judicial review, thus depriving Appellant of the opportunity to testify to the newly discovered evidence of docket tampering, which effectively erased it (DOM 16, 17, 18). Even this Court failed to permit the submission of the supplemental testimony for this evidence, thus erasing it, again (DOM 35, 36).

The magistrate's fraud erased Appellant's trial evidence, and permanently obliterated the inspection report. Appellant's flashdrive, re-filed with the circuit court in July 2024—still within the first year of installation—meant that its evidence, even without professional extraction of metadata, still showed the failed installation during the warranty period (DOM 15: pp. 40-43). To shield the magistrate from scrutiny, the circuit court law clerk dismissed the filed corrective flashdrive as containing no evidence (DOM 3). Subsequently, the Court of Appeals has, for over a year, refused to transmit the flashdrive into the record, until it permitted Appellant to transmit her original copy

(DOM 19, 22, 23, 24, 27, 28, 29). With the flashdrive now in the record, this Court still failed to permit the submission of the supplemental transcript for the audio recording of Respondent's inspection on the flashdrive (DOM 35, 36).

Had Appellant's appeal been reviewed by the Presiding Judge, the appellate record would have necessarily proved the complete material breach and the magistrate's fraud would have been revealed (DOM 2). Instead, the circuit court clerks manufactured a false record which caused the court to affirm the fraudulent judgment, ratifying the magistrate's fraud and ongoing predatory acquisition of Appellant's property and setting a dangerous legal precedent (DOM 1, E10),

Appellant was subjected to retaliatory pressures. She found she was unable to retain representation—counsel declined engagement immediately upon learning her name or address (DOM E7, 15, 19, 20, 21, 22, 25, 26, 27, 28). She found she was unable to file a police report—the three attempts to report ongoing predatory acquisition of her condo resulted in false fabrications inserted in her reports to undermine her credibility and administratively foreclose. False fabrications were inserted in various parts of her official records—quite similarly to the way the magistrate inserted his fabrications in various parts of his summary—resulting in fundamental denials of rights. These extra-judicial 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), *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).

## **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.**

At the magistrate office, Appellant was denied transcript and warned against appealing (DOM E8, 7: 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 (DOM 10, 11, 12, 16, 17, 18).

The filed return omitted the magistrate's summary of findings. Not knowing the findings, Appellant could raise only some objections at the hearing: to the absence of the summary (DOM 7: p.22, lines 16–21; p.25, lines 16–17; p.28, lines 3–11), and her key admitted exhibits (DOM 7: p.24, line 16–p.25, line 17; p. 26, line 20–27, line 6). The Presiding Judge confirmed the absence of the

summary (DOM 7: p. 27, lines 10-12; p. 28, lines 3-10), the defective return (DOM 7: p. 26, line 20–p. 27, line 5), the identity of her corrective record (DOM 7: p. 23, line 6–14), acknowledged the filing as a motion to admit (DOM 7: p. 21, line 11–12), and intended to review it (DOM 7: p. 27, line 10–12).

At the hearing, neither the Presiding Judge nor Appellant had been able to find the magistrate’s summary on the docket (DOM E2, DOM 7: p. 21, line 13–p. 22, line 11; 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, and that it comprised the first two pages of a 30-page return document, but that she couldn’t identify which of the two filed 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.

(DOM E2, 7: 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 (DOM 7: p. 27, line 10–p. 28, line 11).

Respondent had not appeared at the hearing and no objections to Appellant’s corrective record were raised (DOM 7).

The following day, Appellant discovered that a new, third document had been backfiled into the May 29 return entry without notice (DOM E4, E2). The newly backfiled document was 30 pages

long and opened on the previously missing magistrate’s summary, which occupied the first two pages (DOM 13). The summary revealed fabricated findings and the retroactive dismissal of all Appellant’s admitted evidence as hearsay (DOM 13, E10). The new document also contained the previously missing exhibits altered to conform to the fabricated findings (DOM 7).

Appellant received no notice or opportunity to respond, and the presiding judge was never informed of the back-filing, when the circuit court issued orders affirming the magistrate’s judgment (DOM 3). 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” (DOM 3).

This sequence—the confirmed absence of the magistrate’s summary at the hearing, the post-hearing appearance of a new return document containing that summary, the lack of notice to Appellant, and the affirmance relying upon the summary’s findings without affording an opportunity to respond—reflects a material alteration of the appellate record after the matter was taken under advisement.

The affirmance order further stated that Respondent appeared at the hearing and that Appellant failed to introduce evidence in support of her case—notwithstanding the transcript reflecting Respondent’s absence and the Presiding Judge’s acknowledgment of Appellant’s corrective filing and his stated intention to review it—and overlooked the glaring inconsistencies in the magistrate’s return, reflecting a record of deliberate misrepresentation (DOM 3; DOM 7).

Appellant filed a motion for reconsideration, enclosing the newly discovered evidence of the backfiling, and citing docket tampering, hearing log forgery, denial of due process, and materially incomplete record (DOM 15: pp. 31–87, E2,3,4). The newly discovered evidence in her motion 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 (DOM 7: 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 as “Motion/Reconsider”. Later, however, it was re-captioned as a ‘Domestic Violence’ motion and queued into the wrong roster (DOM Supp.3). Pro se Appellant didn’t understand this immediately. Two weeks after filing, she requested that the miscaptioning was corrected (DOM 17). Another week later, the day before the statutory deadline to appeal higher, the circuit court clerk issued an order removing the notation for Domestic Violence and citing that it was

added because “DV stands for the judge’s initials, Dale Van Slambrook” (DOM 18).

This was a deliberate misrepresentation as the notation ‘DV’ stands for ‘Domestic Violence’ in American courts. Additionally, no rational jury could abbreviate ‘Dale Van Slambrook’ as ‘DV’ in the English language. This sequence—the re-captioning of “Motion/Reconsider” to “Motion/Reconsider ‘DV’”, the inordinate delay in its adjudication, and the deliberate misrepresentation of the meaning of ‘DV’—most strongly suggested the inference that the clerk deliberately re-captioned the motion to manufacture a pretext for subverting its adjudication within the 30-day appeal window (DOM 18, 4). By re-captioning the motion as 'Domestic Violence,' the Clerk ensured that the evidence of docket tampering was diverted away from the civil appellate roster, effectively insulating her fraud from judicial review.

This deliberate obstruction denied Appellant’s motion judicial, substantive review by the Presiding Judge. Had her motion been processed properly and reviewed by the Presiding Judge, Appellant would have been given the opportunity to testify to the legal foundations and evidentiary value of the screenprints, which would have then been admitted into the record. Instead, the clerk, responsible for the tampering reported in the motion, tampered again and effectively adjudicated the motion on her own, denying Appellant due process and access to courts, again (Supp.3, 17, 18).

Screenprints E2 and E4 were filed within Appellant’s motion for reconsideration timely and properly as newly discovered evidence of the backfiling of a new return document after the hearing (DOM E2, E4). The clerk's deliberate prejudicial miscaptioning and misrouting constituted a calculated effort to prevent that evidence from being admitted. The clerk, indeed, succeeded—her obstruction obliterated the screenprints as evidence by denying them proper review by the Presiding Judge.

Yet the core of Appellant’s argument is that judicial fraud was committed—not only in the magistrate court but also in the circuit court—demonstrating an inordinate degree of coordination and practice. The screenprints are the direct evidence of that fraud. Their hyperlink analysis showed that the new return document, backfiled after the hearing, contained the magistrate's summary—also confirming that acting clerk Keeling deliberately misrepresented to the Presiding Judge while under oath at the hearing (DOM Supp.2).

The acting clerk’s perjury, backfiling of the undisclosed summary, and subsequent affirmance based solely on its fabricated findings, required knowledge, intent, and coordination. Each action in isolation was an extraordinary instance of misconduct, yet each aimed at one and the same outcome—to prejudice Appellant’s case and affirm the judgment. Their intended purpose was

achieved (DOM 3, E10).

It is the duty of this Court to exercise its inherent authority to investigate serious allegations of fraud upon the court and protect the integrity of the justice system. The screenprints are part of the filed record—a motion alleging fraud—which was deliberately mishandled (DOM 15, 17, 18). 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 below (DOM Supp.3, 17, 18). 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 (DOM Supp.2). Like all PDF screenprints, Exhibits E2 and E4 preserve both visual content and hyperlink information with the precise location where each document is stored on the server, called URL. Each document, captured in the screenprint, displays its storage path (URL) visible 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 time stamp (DOM E2, E4, Supp.2).

Exhibit E2 shows that, prior to the hearing, the May 29 return entry was captioned "Appeal/Appeal Return Received" and contained two documents (DOM E2). This is confirmed at the August 21 hearing by the Presiding Judge (DOM 7). Exhibit E4, made after the hearing, shows that the same entry is now captioned "Return from Magistrate Court" and contains three documents (DOM E4). The date and time stamp of the entry remained unchanged, while a new, third document was backfiled into docket after the hearing (DOM Supp.2). The embedded hyperlink information in Exhibit E2, up through January 6, 2025, showed that the two documents filed in the May 29 entry "Appeal/Appeal Return Received" were, right to left, 24 pages and 55 pages long:

- the rightmost, 24-page document (DOM 8) was, through January 6, 2025, stored at:

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

- the leftmost, 55-page document (DOM 9) was, through January 6, 2025, stored at:

<https://publicindex.sccourts.org/Horry/PublicIndex/PIImageDisplay.aspx?ctagency=26002&doctype=C&docid=1726009&HKey=981015072122811115710210611310012010879817768514810984113738290>

[118100435211285677810253551077381104122115](https://publicindex.sccourts.org/Horry/PublicIndex/PIImageDisplay.aspx?ctagency=26002&doctype=C&docid=1728091&HKey=12110181774874706911210987113122891028078561131121117985478810573749810674114119112811177083108551145377)

These documents opened to the paid invoice exhibit bearing the large bold logotype ‘**Carpet King and flooring**’ (DOM 8), and the full-page illegible black photograph (DOM 9), which was also corroborated at the hearing (DOM 7). This is confirmed at the hearing by the Presiding Judge who repeatedly scrolled through these documents, unable to find the summary (DOM 7). The hyperlinks in Exhibit E2 continued to return these documents up through January 6, 2025. When Appellant checked these hyperlinks on January 30, they already stopped working and returned error pages (Supp.2), which proves that the court’s server was re-hauled sometime between January 6 and January 30.

The embedded hyperlink information in Exhibit E4 showed that the three documents filed in the May 29 entry “Return from Magistrate Court” are, right to left, 24 pages, 55 pages, and 30 pages long, where the first two documents are the same as had initially been filed in the entry, but are now stored at different locations on the server:

- the rightmost, 24-page document (DOM 8) is now stored at the new URL:

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

- the middle, 55-page document (DOM 9) is now stored at the new URL:

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

- and the leftmost, 30-page document (DOM 13) is stored at:

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

and opens on the magistrate’s summary bearing the large bold logotype ‘**MAGISTRATE’S RETURN ON APPEAL**’ on the top of the first page and the magistrate’s signature on the second page (DOM 13).

This evidence shows that, sometime after the August 21 hearing, the May 29 return entry was accessed for the purpose of editing its caption. At the same time its contents: the two initially filed return documents 24 and 55 pages long, were deleted and then re-uploaded together with the new

30-page document. When the first two documents were re-uploaded, they were assigned new locations on the court servers, which is shown in their embedded hyperlinks. The date and time stamp of the docket entry remained unperturbed as retroactive accessing for the purpose of correcting the caption is permitted on the docket (DOM E2, E4, Supp.2).

The new 30-page document contained the magistrate's summary and other, previously missing exhibits—altered to conform to the summary—which Appellant identified at the hearing as omitted in the filed return (DOM 13, 7).

This covert backfiling required special knowledge and intent—it was done in coordination with the magistrate to insulate his fraud from exposure. 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 was labeled with the correct case number. At the hearing, the acting clerk deliberately confused the judge by insisting, under oath, that the summary had been on the docket, and then covertly backfiled the third return document with the summary 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 (DOM E2, E4). The lack of any notice and the reliance of the affirmance solely on the fabricated findings in the backfiled summary strongly suggest that this sequence was a deliberate coordinated operation, executed to deny Appellant the opportunity to rebut the fabricated findings and cause the circuit court to affirm the magistrate's judgment (DOM 3, E10).

None of these actions was accidental: each was essential to securing the affirmance of the fraudulent judgment—which the circuit court did (DOM 3). This coordinated operation constituted extrinsic fraud on the court, undertaken to protect the magistrate and ensure affirmance (DOM 1). Indeed, this fraud deceived both the Judge 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 (DOM 15).

Had the magistrate and 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 (DOM 15). 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 (DOM 15). Instead, the

magistrate coordinated with the clerk to ensure the summary was not filed with the return in May but covertly backfiled after the hearing in August—denying Appellant any opportunity to rebut its falsehoods (DOM 7).

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 (DOM 7: p.27, lines 16-20; p.28, lines 15–24). Instead, the clerks covertly backfiled the summary after the hearing—just like Ms. Keeling had misrepresented it had already been—and the law clerk supplied the Judge with the fraudulent analysis, leaving the Judge with no opportunity to reach an impartial conclusion.

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 (Supp.2).

This deception denied Appellant any opportunity to challenge the magistrate's findings and led to the exclusion of crucial evidence from review, causing unconscionable harm. This fraud caused the court not only to affirm a blatantly 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 (DOM 15: pp. 44–46). See *Tennessee v. Lane*, 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: "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?" (DOM E2, 7: 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: "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" (Dom 7: p.21, line 20-p.22, line 8). Ms. Keeling affirmed that she could see the summary, even though neither the Judge nor Appellant could. She asserted that it was signed by the magistrate, whom she cited by name, and that it comprised the first two pages of a 30-page return document—one of the two documents filed under the caption "Appeal/Appeal Return Received" (DOM Supp.2).

Appellant had checked the docket earlier that day and confirmed the summary was not present. During the ZOOM hearing, Appellant 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" (DOM E4). The newly backfiled document was 30 pages long and opened on the previously missing magistrate's summary, which occupied the first two pages (DOM 13). Although Appellant initially assumed this might be standard court practice and 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 (DOM E4:). 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 (DOM 3, E10:).

The embedded hyperlink information in exhibits E2 and E4 shows that the new return document, backfiled after the hearing, was 30 pages long and contained the previously unavailable summary and other exhibits, altered to conform to the summary, which Appellant identified at the hearing as missing from the filed return (DOM 13, Supp.2).

The same is corroborated by the Presiding Judge at the hearing when he scrolled several times through every page of the two documents, filed in the return entry, but had been unable to locate the summary (DOM 7. p. 21, line 13–p. 22, line 11). At the hearing, the Presiding Judge was confused by the emphatic assertions of acting clerk Keeling who stated under oath that she could see the summary, which was signed by the magistrate, but couldn't identify which of the two filed documents

it was (DOM 7. p. 21, line 13–p. 22, line 11) (DOM 7). Clerk Keeling deliberately misrepresented to confuse the Judge and obscure the absence of the summary. Had the summary been filed on the docket, the Presiding Judge would have necessarily identified it, and there would have been no reason to backfile a new return document after the hearing (DOM 13. E2, E4).

Both the hearing transcript and Exhibits E2 and E4 prove that the magistrate’s summary had not been filed on the docket at the time of the hearing, contrary to Ms. Keeling’s assurances (DOM 7: p.27, lines 16-20; p.28, lines 15–24). The visual and hyperlink evidence in Exhibits E2 and E4 is indisputable and aligns with the Presiding Judge’s express statements on the record (DOM 7). Ms. Keeling’s sworn statements at the hearing were thus demonstrably false (Supp.2).

Ms. Keeling’s sworn statements—that the magistrate’s summary had already been on the docket, that it was “from Judge Arakas,” and that it occupied the first two pages of a 30-page document—were false. These statements couldn’t have been an innocent mistake—at the hearing, the 30-page document had not been filed in the return entry (Supp.2). Ms. Keeling’s statements were detailed, emphatic, and clearly intended to override the Presiding Judge’s repeated confusion and prevent immediate remand. 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 backfiling appear legitimate (DOM E2, E4). This perjury went to the very merits of Appellant’s case, because its intended purpose was to deny Appellant any opportunity to rebut the fabricated findings—in order to affirm the magistrate’s judgment despite the conclusive trial evidence (DOM 30).

Keeling’s perjury was part of a deliberate coordinated operation directed to cause the circuit court to affirm the magistrate’s judgment, and was an essential step to securing this affirmance. The magistrate fabricated the findings to make them appear to support his judgment, and coordinated with the clerk to withhold the summary from the docket—until after the hearing when it had been backfiled as if always available there (DOM E2, E4, 13). Ms. Keeling’s perjury at the hearing induced the Presiding Judge’s reasonable impression that he was just unable to find it, but the clerks will find it later while he took the case under advisement (DOM 14:). 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 backfiled summary (DOM 3, E10).

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 would have ordered remand there and then, or the summary's sudden appearance after the hearing would have raised his suspicion—then it could not have survived scrutiny (DOM 7).

After the hearing, Ms. Keeling falsified the official hearing log by marking Respondent as 'appearing', when he had in fact failed to appear (DOM 7: p. 2, DOM 15: 37–38, DOM 7: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" (DOM 15: pp. 37-38).

Ms. Keeling's perjury was extrinsic fraud on the court whereby she acted in coordination with the magistrate, clerk, and law clerk to cause the court to affirm the knowingly fraudulent judgment, legalizing the systematic deprivation of rights under color of law. This 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), *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).

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

In July 2024, Appellant discovered the omissions in the magistrate's return and requested instruction on the proper method to file her copies of the trial exhibits, reviewed and admitted into evidence at trial (DOM 15). The clerk referred Appellant to case manager Ms. Keeling who instructed her to submit her original trial exhibits enclosed within a letter to the clerk, all together, documents and flashdrive, unnumbered (DOM 10). Appellant complied, emphasizing that she was filing evidence, reviewed, authenticated and admitted at trial: "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" (DOM 10). 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 which was reviewed and admitted at trial (DOM 11). Same Ms. Keeling told Appellant that the caption was really alright and not to worry. Out of the abundance of caution, Appellant did request the correction, and the captioning was corrected.

Appellant’s duty to correct the defective return is standing law, and Ms. Keeling knew it. Ms. Keeling knew that evidence must be filed in a motion to admit, exhibits must be numbered, and exhibits reviewed at trial is not the same as exhibits not reviewed at trial. Her prejudicial instructions and miscaptioning had been willful, coordinated with the clerk and the magistrate to prevent the review of Appellant’s corrective filing. The magistrate had already excluded Appellant’s trial evidence from review by slandering it as “hearsay” in his summary and mutilating it in his return—now the clerks gave Appellant wrong instructions and miscaptioned her filing to keep her trial evidence excluded from review.

Later, Appellant discovered that her corrective exhibits were scanned into illegibility on the docket, but assumed that the Presiding Judge would review her original re-filed exhibits, particularly the flashdrive (DOM 7, 20, 10, 30). 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 see anything when he scrolled through their scans on the docket (DOM 7: p.22, line 22-p.25, line 12, 10, 30). Appellant’s clear, colored documentary exhibits were rendered completely illegible in scanning (DOM 10, 30). This effort had to have been knowing and deliberate—it involved running the entered documents through a specifically set copier first, and then scanning the illegible copies instead of the clear originals. This effort couldn’t have been done inadvertently. By docketing illegible scans in place of 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 (DOM 3, 30). This obstruction denied Appellant access to courts and protection of law. See *Tennessee v. Lane*, 541 U.S. 509 (2004), holding that “the right is fundamental where court access is necessary to protect other constitutional rights”; *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 corrective record upon locating the summary, the Presiding Judge took the case under advisement, but the circuit court affirmed the magistrate's judgment without review of Appellant's corrective record (DOM 3, 7: 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 those admitted at trial (DOM15:pp.38-44).

Appellant's motion, initially filed under the caption "Motion/Reconsider", was subsequently recaptioned into "Motion/Reconsider (DV)". When Appellant asked for clarification, the clerks misrepresented that 'DV' stands for Dale Van Slambrook and that, normally, motions for reconsideration take three months to adjudicate. Appellant's motion was indeed queued into the wrong judge's roster and thus completely excluded from review. Pro se Appellant didn't understand this immediately. Appellant reasonably relied on the circuit court to process the motion in due manner. Two weeks after filing, she requested to correct the caption (DOM 17). Another week later, the day before the deadline to appeal higher, the circuit court clerk issued an order removing 'DV' and citing that it was added because "DV stands for the judge's initials, Dale Van Slambrook" (DOM 18).

This order proved her knowledge and deliberate intent to deny Appellant the opportunity to be heard, for 'DV' stands for 'Domestic Violence' in American courts, and the clerk knew it. The clerk deliberately misrepresented the meaning of notation 'DV' as it is used in American courts. The pattern of her misconduct—the re-captioning of the motion into a 'Domestic Violence' motion, the inordinate delay in its adjudication, and the deliberate misrepresentation of the meaning of 'DV'—strongly suggested the inference that the clerk deliberately subverted its adjudication to compel pro se Appellant to miss the 30-day appeal window (DOM 18, 4). By re-captioning the motion as 'Domestic Violence,' the Clerk ensured that the evidence of docket tampering, reported in the motion, was diverted away from the civil appellate roster and ultimately erased.

The clerk's obstruction excluded from the record direct evidence of docket tampering, filed within the motion, by denying Appellant an opportunity to testify to its legal foundation before the Presiding Judge (DOM Supp.3, 17, 18). 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 fraud may be avoided.

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 (DOM 15, 3, 23, 24,

25). They could not have been random coincidences. If the probability of any one of these actions, ensuing randomly, 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. The magistrate’s fraud evoked more fraud at the circuit court, resulting in the complete denial of impartial forum and appellate review in two courts (DOM 15: pp. 44-46). See *Tennessee v. Lane*, *supra.*, *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); and *Goldberg v. Kelly*, 397 U.S. 254 (1970).

While Appellant did manage to file a timely notice of appeal with this Court, her corrective exhibits were excluded from review for over a year—under the pretext that they were not numbered below, and her motion to supplement the record with her testimony, denied review by the circuit court clerk’s obstruction, remains unjudged, effectively excluding Exhibits E2 and E4 again (DOM 20, 21, 22, 23, 24, 35, 36).

**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 (DOM 3). 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 the re-filed trial evidence (DOM 7).

At the hearing, the Presiding Judge acknowledged the missing record, yet failed to secure the magistrate’s summary. There was also no trial transcript—the magistrate court denied it (DOM E8). 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 with no trial transcript and based solely on defective record and knowingly un rebutted summary (DOM 3).

The affirmance order copied the magistrate's summary nearly verbatim and dismissed Appellant's re-filed corrective record wholesale, without review (DOM 3, E10). Both the magistrate's summary and circuit court orders replaced the actual glue down installation contract with obscure "plank replacement" or "plank installation" (DOM 13; 3, E10). Both claimed that this work was "performed and completed" but "subject to deficiencies" or "not 100% correct" (DOM 3, E10). Both shifted the matter into the magistrate's discretionary jurisdiction by dismissing admitted Appellant's evidence as "largely hearsay" or non-existent (DOM 3, E10).

The order copied the fabricated findings without 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 record had been filed, and stated his intention to review all materials once the summary was located (DOM 7). In contrast, the written order disregarded the distortions in the return, dismissed the corrective record, overlooked the absence of the summary at the hearing, and nevertheless copied its fabrications to affirm the judgment (DOM 3, E10). 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 (DOM 15).

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 (DOM 15: pp. 44-46).

Just like the magistrate in his summary, the law clerk replaced the contract for glue down luxury vinyl plank installation with fabricated obscure "new plank installation" that appears nowhere in the record and is not recognized in the industry (DOM 3, E10). The law clerk inserted this substitution in the statement of factual background in his order, thus replacing the trial record completely (DOM 3). Given that the contract exhibits were included in the backfiled return document together with the magistrate's summary, which the law clerk copied, he couldn't have not known

that the contract was specifically for glue down installation (DOM 13). The substitution was deliberate, implemented for the same purpose as the magistrate's—to void any expectation or industry standard by which the installation could be judged a material breach (DOM 30). The substitution was material – it voided the clearly defined criteria for proper glue down installation and allowed the law clerk to affirm the judgment that penalized Appellant for the failed installation (DOM 3, E10).

Just like the magistrate in his summary, the law clerk had to dismiss Appellant's trial evidence. 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 fabricated an implication 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 corrective record wholesale, as if considered but insignificant, Appellant would have appealed any other specific pretext for such dismissal, and the law clerk's fabrication wouldn't have withstood scrutiny. The law clerk stated his intricate fabrication as a conclusory finding: "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", demonstrating that his fraud was deliberate, implemented in coordination with the magistrate to obliterate the trial evidence contradicting the judgment (DOM 3, E10). The phrasing was chosen specifically to conceal the exclusion of Appellant's evidence while creating the false impression that it had been reviewed and found irrelevant. This deception was intentional – the law clerk knew from the hearing transcript and standing law that Appellant's corrective exhibits were intended to be reviewed<sup>1</sup>. His phrasing served to prevent that review. His deception was material – the excluded exhibits contained direct and corroborated proof of both material breach and fraud (DOM 30). No impartial court could have affirmed the magistrate's judgment if that trial 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 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" (DOM 3, E10). The law clerk knew

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<sup>1</sup> 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

that this statement was false. Had he not known it, he wouldn't have dismissed Appellant's corrective exhibits and obliterated them from the record. 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 (DOM 3, E10). 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 in the record was the backfiled magistrate's summary, where the magistrate falsely manufactured it (DOM E10). But the inspection report bears no markings of "another flooring company" (DOM 9, 30). Instead, it bears the prima facie insignia of a professional flooring inspections company. At the hearing, Appellant reasonably relied on that report being properly in evidence and described it as an independent certified flooring inspector, recommended by the manufacturer (DOM 7). The record showed no way of knowing that the magistrate referred to that inspector as "another flooring company" (DOM 9, E10). Had the law clerk not been coordinated with the magistrate, he could not have associated "another flooring company" in the magistrate's summary with the "Tony Jones Flooring Inspections" report in the return. The only way the law clerk could know to make this association was if the magistrate advised him (DOM 32).

Just like the magistrate in his summary, the law clerk falsely asserted that Respondent was denied access and an opportunity to cure, directly copying the magistrate's fabrications, despite knowing they were false (DOM 3, E10). Appellant's flashdrive contained the audio recording of Respondent's inspection, during which Respondent admitted to pervasive negligence and expressly intended to violate the required protocols again when offered the opportunity to cure (DOM 30: Flashdrive, Folder4; Supp.1). Had the law clerk not known that, he would not have dismissed Appellant's flashdrive as "no evidence" (DOM 3). By claiming, in conclusion of his order, that "[s]ince Appellant refused to allow the defendant to cure the issue as required by the warranty, the Magistrate estimated" the penalty, the law clerk reinforced the fabricated fiction that Appellant denied Respondent access or the opportunity to cure, and affirmed the confinement of Appellant's case to the magistrate's personal discretion (DOM 3). The law clerk worked deliberately in coordination with the magistrate to deny Appellant's right to recover and reinforce the magistrate's rule that denying certain strangers access and certain contractors sub-protocol repairs results in financial penalty (DOM 3, E10).

Knowing that they were false, the law clerk 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*" (DOM 3). Had he not known that these fabrications were false, he would not have excluded Appellant's exhibits from review—constructing an elaborate structure of fraud in concert with the magistrate (DOM 30). 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 (DOM 5, 6, Supp.1). An impartial review of Appellant's exhibits would have inevitably exposed the magistrate's fraud.

The law clerk deliberately integrated these fabrications in his affirmance order—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 magistrate's fiefdom: that a homeowner must grant fraudulent contractors unlimited opportunities to swindle, and unknown third parties access to her home, or suffer further loss.

The law clerk's false affirmance constituted fraud on the court. His actions were coordinated with the magistrate's prior destruction of trial evidence and the covert backfiling of the magistrate's summary. This 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 and manufactured findings, concealed from the docket and then backfiled after the hearing (DOM 3, E2, E4).

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 damages are caused openly and with impunity. When Appellant sought legal counsel to stop them, attorneys refused representation as soon as they learned her name or address (DOM E7, 19). When she attempted to file a police report, the police refused to take it. Against this backdrop, the law clerk's affirmance effectively legalized the ongoing predatory acquisition of Appellant's property, forcing her to pay for Respondent's sub-protocol fixes, which were guaranteed to fail, and thus locking her into perpetual payments to the same contractor who had intentionally set the installation up to require continuous repairs (DOM 15, 30, Flashdrive, Folder 1, 2, 4).

The law clerk's affirmance of the fraudulent magistrate's judgment compounded its

prejudicial effect and affirmed its precedential rule that a homeowner must retain fraudulent contractors, intent on implementing sub-protocol repairs, or suffer amplified damages—thus penalizing her for exercising her fundamental right to be safe in her home and to own her property.

#### **5. The extrinsic fraud on the court**

Each of the law clerk's falsifications was prejudicial and achieved the intended purpose—reinforcing the magistrate's summary, as if independently reviewed, and affirming the judgment.

The record shows that the law clerk, knowingly and intentionally, worked in coordination with the magistrate to defraud Appellant and the court. By contrast, Appellant had no knowledge that the circuit court law clerk worked actively to prejudice her appeal.

Had the law clerk acted impartially, he would have necessarily reviewed Appellant's corrective exhibits and acknowledged the evidence contradicting the magistrate's judgment (DOM 30). Instead, the law clerk intricately obliterated it from the record and adopted the magistrate's fabrications, to protect the magistrate and Respondent (DOM 3). His intended purpose was achieved—the presiding judge signed the affirmance order, unaware that it was based on coordinated fraud, thereby legitimizing the ongoing criminal practices below.

This fraud was material—it supplanted the trial record with a false narrative in which Appellant allegedly prevented completion of repairs, thereby 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. Two and a half years after the intentionally botched installation, this coordinated fraud has succeeded in legitimizing the ongoing predatory acquisition of her property (DOM 15).

Acting in coordination with the magistrate, whose judgment he sought to re-enforce, the law clerk embedded the magistrate's fabrications into his affirmance order—copying them directly from the backfiled summary (DOM 3). As the magistrate had done, he placed these falsehoods throughout his order to better replace the trial record with a fictitious one (DOM E10). In this manufactured record, Appellant's evidence was "reviewed" but contained no proof; the case had to be framed as purely discretionary; Tony Jones Flooring Inspections became "another flooring company"; the certified inspection report was reduced to a private "opinion"; the contract was rewritten as if simply requiring any new plank installation—not glue down, which Respondent "performed and completed"

with minor deficiencies but was denied both the opportunity to cure and access to Appellant's home. All of this was contrary to the filed record, which the law clerk obliterated 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 (DOM 7). The sudden appearance of the backfiled summary raised no objection from him (DOM E2, E4). 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 to dismiss or offer of proof (DOM 13, 9, E10). 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.”

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 extrinsic 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., *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, supra., *Gucci America, Inc. v. Weixing Li*, supra., *Tennessee v. Lane*, supra., *Brady v. Maryland (1963)* supra., *Tumey v. Ohio*, 273 U.S. 522 (1927); *Richardson v. Town of Eastover*, supra., *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 trial, due process, meaningful appellate review and access to courts. 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. In this fabricated record, Appellant forfeited half of her recovery and her right to recover anything further, and was compelled to agree to Respondent's sub-protocol fixes and become his paying subscriber (DOM 15, 30: Flashdrive, Folder 4; Supp.1).

When Appellant appealed, the law clerk replicated this fraud (DOM E10, 3). At the hearing, the acting clerk falsely claimed that the magistrate's summary was already on the docket, when in fact it was secretly backfiled only after the hearing (DOM E2, E4, Supp.2). The law clerk then incorporated its key fabrications into his affirmance order, while taking special care to exclude from review the very evidence that proved those fabrications false (DOM 3). This included Appellant's flashdrive, 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 (DOM 30). By fraudulently excluding this evidence for nearly three years, the magistrate and law clerk effectively destroyed Appellant's property and foreclosed her ability to prove her claim.

This 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 the opportunity to rebut it; falsifying the hearing log ensured no procedural remedy could be triggered; and copying the magistrate's fabrications in the affirmance order cemented the false record. This was a coordinated system of fraud and obstruction.

Nearly three years after the intentionally botched installation, this coordinated fraud effectively denied disabled pro se Appellant the right to prosecute her claim and recover the damages—by exhausting her physical ability to do so before the statute of limitation expires—thus legitimizing the fraud itself and the ongoing predatory acquisition of her property. Though the law offers theoretical remedies within the three-year statute of limitation, the combined legal and practical prejudice in this case operated as **institutional exclusion from the protections of law**—signaling to every actor in the system that Appellant may be defrauded and stripped of the status of a rights-bearing citizen without consequence. This coordinated fraud is still being used to extort and control Appellant's property even now, imposing further damages and costs she would otherwise never have incurred.

Practically, the prejudice is even more devastating. The material breach of contract at the center of this case is only one in a pattern of intentional damages to Appellant's property since her relocation, committed openly and with impunity. The law clerk's affirmance operates as a standing order forcing her to accept and pay for perpetual sub-protocol "fixes", however damaging.

See McNally v. United States, supra., Lawson v. Citizens & S. Nat'l Bank of S.C., supra., Hazel-

Atlas Glass Co. v. Hartford-Empire Co., supra., Gucci America, Inc. v. Weixing Li, supra., Tennessee v. Lane, supra., Brady v. Maryland (1963) supra., Tumey v. Ohio, 273 U.S. 522 (1927); Richardson v. Town of Eastover, supra., S.C. Dep't of Soc. Servs. v. Wells, supra., and Goldberg v. Kelly, supra.

### **III. APPELLANT WAS DENIED ACCESS TO COURTS AND EXCLUDED FROM PROTECTION OF LAW.**

#### **A. Systemic deprivation of rights under color of law.**

Appellant was denied the protections guaranteed by the Fourteenth Amendment to the United States Constitution and by Article I, §§ 3 and 9 of the South Carolina Constitution. The cumulative actions of the magistrate court, the circuit court, and related clerical officers deprived her of procedural due process, substantive due process, equal protection of the laws, and meaningful access to the courts.

Under the Fourteenth Amendment and its South Carolina counterparts, no person may be deprived of property without due process of law. Due process requires, at minimum, fair notice, an impartial tribunal, a meaningful opportunity to present evidence, and a decision rendered upon a complete and accurate record. It further prohibits arbitrary and abusive exercises of state power.

In this case, those constitutional guarantees were systematically violated.

The record demonstrates that admitted evidence was excluded or rendered unusable; material findings were replaced with fabricated or altered statements; critical filings were withheld or back-filed after hearings; corrective submissions were miscaptioned or obstructed; and review was conducted on a record that omitted the very materials necessary to test the accuracy of the lower court's judgment. These actions, taken under color of state authority, deprived Appellant of a meaningful opportunity to be heard at a meaningful time and in a meaningful manner.

Article I, § 9 of the South Carolina Constitution guarantees that the courts of this State shall be open and that every person shall have remedy by due course of law. Meaningful access to the courts requires more than physical entry into a courtroom; it requires that a litigant's properly submitted evidence be received, preserved, and considered. When the evidentiary foundation of a case is deliberately distorted or withheld, access to courts becomes illusory.

Article I, § 3 further guarantees equal protection and due process of law. The coordinated exclusion of Appellant's evidence and the insulation of the challenged judgment from meaningful review placed her outside the protection of ordinary judicial safeguards. The same actors whose

conduct was at issue controlled the record on which review depended. This structural conflict eliminated neutrality and deprived Appellant of equal treatment within the judicial process.

Substantive due process protects individuals from arbitrary state action that interferes with fundamental property interests and the right to seek redress through the courts. By affirming a judgment grounded on a distorted record while preventing effective review of the evidence demonstrating material breach, the State's judicial machinery functioned not as a neutral arbiter, but as an instrument of dispossession under color of law.

The resulting harm was not procedural irregularity but constitutional injury. Appellant was deprived of her property interests without lawful process, denied meaningful appellate review, and excluded from the protection of law guaranteed by both the United States and South Carolina Constitutions.

When the actors responsible for adjudication also control and alter the record in a manner that forecloses review, the deprivation is systemic. Such conduct cannot be dismissed as harmless error or clerical oversight. It represents a breakdown of the constitutional safeguards that distinguish lawful adjudication from arbitrary power.

See *Goldberg v. Kelly*, 397 U.S. 254 (procedural due process requires meaningful opportunity to be heard); *Tennessee v. Lane*, 541 U.S. 509 (constitutional right of access to courts); *Tumey v. Ohio*, 273 U.S. 522 (neutral and detached tribunal required); *Lawson v. Citizens & Southern Nat'l Bank of S.C.*, 259 S.C. 477, 193 S.E.2d 124 (remedy by due course of law under S.C. Const. art. I, § 9). See also *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (courts possess inherent power to set aside judgments obtained through fraud affecting the integrity of the judicial process).

#### **B. Continued impairment of meaningful appellate review.**

Although this Court ultimately permitted transmission of Appellant's copies of her trial evidence, certain supplemental materials necessary to contextualize that evidence remain unruled and excluded.

By failing to supplement the record with Appellant's testimony for the evidence of docket tampering—filed below but denied review—this Court effectively excluded that evidence from review, again. By failing to supplement the record with an official transcript of the audio recording of Respondent's inspection on the trial flashdrive—admitted at trial but excluded from review—this Court effectively excluded that recording from review, again.

The delay in transmission and the refusal to supplement the record with these necessary materials impaired Appellant's ability to obtain meaningful appellate review. Where the evidentiary foundation necessary to test the accuracy of lower court findings is absent or incomplete, appellate review becomes constrained and constitutionally diminished.

This issue is preserved because it implicates the same guarantees discussed above: procedural due process, equal protection, and the constitutional right of access to courts under the Fourteenth Amendment and Article I, §§ 3 and 9 of the South Carolina Constitution.

Appellant respectfully submits that meaningful review requires consideration of the complete evidentiary record as it existed at trial, including evidence of docket tampering, timely filed below but denied review. See *Goldberg v. Kelly*, 397 U.S. 254, *supra.*; *Tennessee v. Lane*, 541 U.S. 509, *supra.*; and *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, *supra.*

### **C. Structural collapse of the court system.**

The violations described above are not confined to a single procedural moment. The exclusion of admitted evidence, the distortion or withholding of material filings, and the impairment of meaningful appellate review collectively deprived Appellant of the constitutional guarantees of due process, equal protection, and open courts secured by the Fourteenth Amendment and Article I, §§ 3 and 9 of the South Carolina Constitution.

When admitted evidence is omitted from the return, when material findings are insulated from timely challenge, and when appellate review proceeds on an incomplete or distorted record, the adjudicative process is compromised at a structural level. The right to be heard becomes formal rather than meaningful, and access to courts becomes decorative rather than substantive.

Due process requires not merely the existence of courts, but the faithful preservation and consideration of the record upon which judicial decisions depend. Where the evidentiary foundation necessary to test the accuracy of findings is withheld or rendered inaccessible, the reviewing tribunal cannot perform its constitutional function.

The cumulative effect of these actions was to impair the neutrality, completeness, and reliability of the adjudicative process. Such conditions are incompatible with the constitutional mandate that courts remain open, impartial, and governed by law rather than administrative irregularity.

The issues preserved herein implicate willful misconduct amounting to fraud upon the judicial

process itself, resulting in the structural deprivation incompatible with constitutional due process. Meaningful relief is therefore necessary to restore the integrity of judicial review and the constitutional protections to which Appellant is entitled. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, *supra*.

### **CONCLUSION**

The record reflects intentional acts that altered, withheld, and distorted material portions of the trial and appellate record. These actions were not isolated procedural irregularities but willful misconduct that compromised the integrity of the judicial process and deprived Appellant of procedural and substantive due process under the Fourteenth Amendment and Article I, §§ 3 and 9 of the South Carolina Constitution.

The magistrate's judgment rested on findings unsupported by a complete and accurate record. The circuit court's affirmance relied upon the same compromised record despite corrective submissions and preserved objections. The cumulative effect was the denial of a neutral and meaningful adjudication based upon the evidence admitted at trial.

South Carolina law and the United States Constitution require that litigants receive a fair proceeding before an impartial tribunal, with access to their evidence and a record capable of meaningful appellate review. Where the integrity of the judicial process has been intentionally compromised, the resulting deprivation is structural.

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

1. Vacate the magistrate court judgment and the circuit court's affirming orders on the grounds that they were procured through fraud upon the court;
2. Remand this matter for a new trial before a different and impartial judicial officer, with reassignment outside the original magistrate division and change of venue as necessary to ensure a neutral forum;
3. Direct that any further proceedings be conducted upon the completed and accurate appellate record now transmitted and in this Court's custody; and
4. Grant any other relief this Court deems just and proper to redress the deprivation of Appellant's constitutional rights.

This brief is in compliance with Rule 208, SCACR.

**Respectfully submitted,**

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