

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

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DEC 16 2013

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

S.C. Supreme Court

W. Jeffrey Young, Circuit Court Judge

Case No. 2012-CP-430-1965

Regina M. Hunter,

Appellant.

v.

Sammie Taylor,

Respondent.

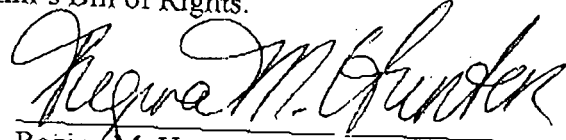
MOTION FOR LEAVE TO PROCEED
ON APPEAL WITHOUT PREPAYMENT OF COSTS

In the name of Allah, the Most Gracious, the Most Merciful, I, Regina M. Hunter state that because of the extraordinary physical and psychological injury; financial penalties and burdens; and acts of retaliation and reprisal I have already suffered, that I be granted leave to proceed without prepayment of the costs of said proceeding. My affidavit is attached. I believe I am entitled to extraordinary relief and the issues that I desire to present on appeal/review are as follows:

1. Appellant's argues that Sumter County Court of Common Pleas defied the Supreme Court of South Carolina Order (Appellate Case No. 2013-000374) issued on February 26, 2013 when it failed to "ensure that Petitioner's right of access to the court is not unnecessarily restricted and that her religious beliefs are adequately accommodated."
2. Thrice, Appellant's civil rights were violated on the basis of religion and race when denied access to the Sumter County Court of Common Pleas courtroom for wearing a *hijab*, a headscarf worn in observance of her Islamic religious beliefs and practices.
3. Appellant will demonstrate on the appeal that her right to civil due process and equal treatment under the following laws were hindered, obstructed, impeded and encumbered.
 - a. The Fourteenth (14th) Amendment of the United States Constitution;
 - b. The Fifth (5th) Amendment of the United States Constitution;

- c. The Civil Rights Act of 1964;
- d. Article 1, Section 3 of the South Carolina Constitution;
- e. The South Carolina Human Affairs Law;
- f. The South Carolina Equal Enjoyment and Privileges to Public Accommodation Law;
- g. The South Carolina Religious Freedom Act;
- h. And the South Carolina Victim's Bill of Rights.

December 16, 2013
13 Safar, 1435



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AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED
ON APPEAL WITHOUT PREPAYMENT OF COSTS

In the name of Allah, the Most Gracious, the Most Merciful, I, Regina M. Hunter, affirm under penalty of perjury that I believe I am entitled to the relief sought because I have suffered severe physical and psychological harm, financial penalties and burdens, retaliation and reprisal when I filed a Notice of Appeal in the Sumter County Court of Common Pleas.

Lower Court(s) Case Background:

1. On August 7, 2012, I, Regina M. Hunter, filed a Complaint for a Restraining Order against Mr. Sammie Taylor with the Sumter County Summary Court. A hearing was held on August 16, 2012. The Defendant, Sammie Taylor did not appear. The restraining order was granted by Chief Magistrate Kristi F. Curtis.
2. On August 24, 2012, the Chief Magistrate issued a summons for both parties to appear on September 6, 2012 after Mr. Taylor wrote of a letter explaining his oversight with the court date.

3. On September 6, 2012, Chief Magistrate reopened the case with my consent and heard the case on its merits. The Summary Court stated it had limited jurisdiction in matters pertaining to real estate. The previous restraining order was rescinded or denied although Mr. Taylor admitted his egregious acts in court. The Summary Court instructed both parties to have no contact. The Chief Magistrate encouraged Mr. Taylor to inquire with South Carolina Department of Transportation about the installment of an entrance to his property.
4. Aggrieved by the Magistrate Court's decision, on October 5, 2012, I, Regina M. Hunter filed Notice of Civil Appeal from the Magistrate's judgment with the Sumter County Court of Common Pleas. I paid a \$150 filing fee.
5. I, Regina M. Hunter, served the Defendant in a timely fashion, by certified mail and filed the Notice of Civil Appeal with the Court of Common Pleas Clerk's office on October 19, 2012.
6. The Court of Common Pleas sent docket notice on December 7, 2012 for a hearing scheduled on January 8, 2013, 75 days after service was completed.
7. The Magistrate's Return with CD was filed on January 4, 2013.
8. On January 8, 2013, my access to third floor courtroom was blocked for wearing *hijab* until permission was obtained from the Honorable Judge George C. James, Jr. by a court bailiff [*name unknown*]. I was separated from other litigants. I was made to sit outside the courtroom at a table until the court bailiff returned.
9. The Defendant did not appear at the January 8, 2013 hearing or file an answer. The Court Clerk, Mrs. Sherry Yow admitted a clerical error in open court. Mrs. Yow stated she failed to mailed docket notice to Defendant. A new hearing was set for February 5, 2013.
10. On February 5, 2013, I was told by one court bailiff [*name unknown*] I could not enter the courtroom unless I removed my *hijab*. When I asked why he said "it was court rules." Again, I was separated from other litigants, asked by a court bailiff to sit at a table outside the courtroom, and wait until he asked the judge. The court bailiff said "*I don't think we had any problem out of you before.*" He returned with the lead Court Bailiff, Mr. Joseph Bradley who then, in my opinion,

verbally assaulted and intimidated me on account of the exercise of my religious beliefs. Mr. Bradley repeatedly asked me "Do you have a knife with you?" Although disappointed, shocked, baffled by his line of questioning, I kept my composure and responded "I went through security screening when I entered the building." Mr. Bradley would not relent and repeatedly asked if I had a knife. I also believe I was discriminated on the basis of when I asked for his name. He asked "Can you read?" and pulled his jacket lapel with name tag towards my face. He insisted on going downstairs to security personnel at the entrance to check with them. In my opinion, his tone, line of questioning and treatment was discriminatory, inappropriate, unprofessional and unnecessarily excessive without justification. I remained calm and did not move from my seat at the table fearing any quick movements or gestures and I would be forcefully detained. After a few minutes, the first court bailiff returned and allowed me in the courtroom.

11. On February 5, 2013, after I was finally permitted in the courtroom, I was very scared, emotionally distraught and unable to concentrate on my oral arguments. I pleaded with the Honorable Judge R. Ferrell Cothran, Jr. for a continuance in open court while Deputy Sheriff Joseph Bradley, my attacker, sat inside the court. After pleading repeatedly to Judge Cothran, Jr., he granted a continuance. I ran very quickly out the courtroom and courthouse.
12. The Court of Common Pleas sent docket notice on February 5, 2013 for a rescheduled hearing on February 26, 2013 for 9:30 a.m.
13. On February 21, 2013, I wrote a grievance letter to the Governor, the Honorable Nikki R. Haley. I sent copies of my grievance by fax to (1) The Honorable Jean Hoefner Toal, Chief Justice, Supreme Court; (2) Mrs. Lesley M. Coggiola Disciplinary Counsel; (3) Mr. Leon Rodriguez, Director, Office for Civil Rights, United States Department of Health & Human Services; (4) Mr. James C. Campbell, Clerk of the Court; (5) Sammie Taylor c/o Moore Law Firm, L.L.C.; and (6) The Honorable Judge Kristi F. Curtis, Chief Magistrate, Summary Court.
14. Prior to the hearing and as of the morning of February 26, 2013, no written response was forthcoming from the Governor or any party copied. I had no

- written assurances of my *safety* and *access* to the Sumter County courthouse. I was afraid for my safety and concerned about reprisal.
15. On February 26, 2013, the Supreme Court of South Carolina issued an order in Appellate Case No. 2013-000374. It denied my request for a Change of Venue. It instructed the lower court to not unnecessarily restrict my access and to accommodate my religious beliefs and practices. However, I did not receive the written order in the mail until February 27-28, 2013, one-two days after the scheduled hearing.
 16. On February 26, 2013, concurrent with the Supreme Court of South Carolina order, the Honorable W. Jeffrey Young, unfairly dismissed my Notice of Appeal from the Sumter County Summary Court for failure to prosecute. Despite knowledge of the order, the Honorable W. Jeffrey Young proceeded with the dismissal. Afterwards, he further erred by failing to open and amend his order [judgment]. In my opinion, the lower court ignored the conduct the court bailiffs. I was unfairly treated as a disobedient party and prohibited from presented oral arguments on appeal.
 17. It is my opinion, that failure to prosecute should be reserved for egregious situations where the party has repeatedly failed to comply with SCRCF. As the lower court(s) case history demonstrates, it's the Defendant who repeatedly failed to appear. The case history demonstrates that I fulfilled my obligation to diligently pursue the prosecution of my appeal in a timely fashion *until* my ability to do was obstructed, hindered, impeded, hampered by discriminatory treatment on the basis of religion and race.
 18. On March 6, 2013, 14 days later, I received an inadequate written response from the Clerk of the Court, Mr. Campbell, pertaining to my February 19, 2013 grievance. The letter from Mr. Campbell did not remedy past injury.
 19. On March 12, 2013, I, Regina M. Hunter, was made to incur a '*financial penalty*' of \$25.00. The Sumter County Court of Common Pleas failed to adhere to the true spirit of justice espoused in the Supreme Court Order. My only legal recourse to seek justice for ongoing harassment and to preserve my right to appeal

was to file a Motion for a New Trial, Motion to Alter or Amend Judgment.

- a. Under emotional duress, I had to muster enough courage to re-enter the building and file a Motion for a New Trial, Motion to Alter or Amend Judgment.
 - b. My fears of reprisal and further intimidated were justified. At approximately 4:30 p.m. upon reentering the courthouse, a metal detector wand deliberated brushed over my breast when I entered the building and upon exiting I found my car in a tight squeeze from a running but void of personnel, law enforcement vehicle upon exiting. I was too afraid to say anything to the three male law enforcement officers because I dreaded being blocked from going upstairs to file a timely motion and thereby missing the 10-day filing deadline.
20. I was made to wait 95 days for a hearing date although I filed a Form Motion with the Court of Common Pleas on March 13, 2013. It's a fact that the Court of Common Pleas was scheduled to relocate to the new Judicial Center. However, according to Rule 77 of SCRCP, the Court is always deemed open and that the Court may hear matters in chambers. In my opinion, I was deliberately delayed as retaliation for filing my grievance.
21. On March 19, 2013 I filed a complaint for a Temporary Restraining Order (Harassment and Stalking) and Motion and Affidavit for an Emergency Hearing with the Court of Common Pleas when Mr. Taylor pointed an unidentified object out his car window at me and yelled violently. Judge W. Jeffrey Young refused my filing and deferred my second complaint to the Summary Court.
22. Therefore, on March 27, 2013, I filed a second Complaint and Motion for a Restraining Order (Harassment and Stalking). I also included a Motion and Affidavit for an Emergency Hearing.
23. On April 11, 2013, once gain, the Chief Magistrate, Kristi F. Curtis denied my complaint for a restraining order although Mr. Taylor admitted in open court that he initiated verbal contact and pointed an object outside his car window in defiance to her prior instructions.

24. On April 12, 2013, the Chief Magistrate, Kristi F. Curtis also denied a Motion for Relief of Judgment.
25. On April 17, 2013, I wrote the Honorable Rosalyn Frierson, Director of Court Administration demanding relief. It is my opinion that the Summary Court failed to perform its duties impartially and diligently when it made untimely (late notice) to Plaintiff as required under Rule 8 of SC Magistrate Court Rules. The Magistrate's Summons dated April 2nd was not postmark until April 9th and was not received by the Plaintiff [until] after trial on April 11, 2013. Similarly, I believe the Summary Court acted with impropriety when it failed to hold a hearing within 24 hours of receipt of Plaintiff's Motion for Emergency Hearing (Harassment/Stalking) according to SC Code §16-3-1760? The Summary Court failed to advise Mrs. Hunter of its decision to deny or defer ruling.
26. On April 12, 2013, I wrote a second grievance letter to the Third Circuit Administrative Judge, George C. James, Jr. In his April 29, 2013 response letter, he lauded the professional record of the Court Bailiff, failed to condemn the treatment I received, failed to exercise his discretion to remove the Court Bailiff in question under SC Code §14-15-210. According to SC Code §14-15-210 bailiffs are appointed by the Sumter County Sheriff's Department and may be removed by the circuit judge within his discretion.
27. Early May 2013, I filed an online complaint with the Sumter County Sheriff Department and subsequently met with Sheriff Anthony Dennis. Sheriff Dennis stated in his July 2, 2103 letter that the Court Bailiff is under the direct supervision of the Clerk of Court. He also stated "*Neither does it appear to me that there is probable cause that any criminal offense has been committed.*" The Sheriff Department has refused to even provide a complaint number and may not have followed standard operating procedures in a case of assault and intimidated.
28. According to my research, the bailiff assaulted and intimidated on account of my Islamic religious beliefs and practices. The bailiff violated SC Code § 16-17-560, 1(a) CDR 252 (*Criminal Data Report Code*), Assault or Intimidation On Account Of Political Opinions Or Exercise Of Civil Rights which is a Class B

Misdemeanor. SC Code § 16-17-560 states:

- a. "It is unlawful for a person to assault or intimidate a citizen, discharge a citizen from employment or occupation, or eject a citizen from a rented house, land, or other property because of political opinions or the exercise of political rights and privileges guaranteed to every citizen by the Constitution and laws of the United States or by the Constitution and laws of this State. The penalty for such offense is a fine of not more than \$1,000 or imprisonment for not more than two years, or both."
29. The Court of Common Pleas sent docket notice on May 21, 2013 for a hearing scheduled on June 17, 2013 at 2:30 p.m.
30. On June 17, 2013, I reported to the new Sumter Judicial Center building. However, the new edifice was only a façade the same discriminatory treatment persisted! For a third time, I was denied access to courtroom (#3B) by a court bailiff [*name unknown*]. Under severe anxiety and anguish, I, Regina M. Hunter unsuccessfully sought the escort of both the Sumter County Sheriff Department and Sumter County Police Department back to the courtroom. Thereafter, I suffered an acute anxiety attack witnessed by the Clerk of Court, the Honorable James C. Campbell and Deputy Clerk of Court [*name unknown*].
31. On June 17, 2013, I was treated at Tuomey Healthcare System and diagnosed with chest pain and acute stress reaction—*anxiety*. I incurred \$1,671.59 in medical costs as a result of the emotional duress and anguish I experienced over the course of six months.
32. On June 18, 2013, I filed a 27-page complaint with the state Office of the Crime Victims' Ombudsman (CVO). On June 26, 2013, the Director, Mrs. Debra Depra Curtis stated she lacked statutory jurisdiction and forwarded my complaint to the SC Court Administration.
33. On June 20, 2013, I wrote another letter to Chief Justice Toal whereby I sought a stay of proceedings. I had paid \$175 in court costs to have my oral arguments heard on appeal as a Plaintiff in the Sumter County Court of Common Pleas was impeded on more than three occasions.

34. On June 28, 2013, the Supreme Court of South Carolina issued an order denying my motion for a stay of the proceedings. The order stated that "...any concerns petitioner has about her treatment at the Sumter County Courthouse will need to be raised to and resolved by the county clerk or the Chief Judge for Administrative Purposes in the Third Judicial Circuit."
35. On July 15, 2013, Mrs. Linda Yuu Connor, Acting Regional Manager for the DHHS OCR determined that the appropriate agency to investigate my complaint was the U.S. Department of Justice, Civil Rights Division (DOJ-CRD). The DHHS OCR transaction number is 13-157317. This transfer may be verified by Mrs. Therese Martin at (206) 615-2292 or (800) 362-1710. A response of DOJ-CRD is pending.
36. On July 22, 2013, I notarized a formal charge of discrimination with the South Carolina Human Affairs Commission (SCHAC). My SHAC case number is 3-7-24-13-2. The investigation is pending.

Conclusion

As a Pro-se litigant, my legal and medical costs thus far with the Sumter County judicial system are as follows:

October 8, 2012	Notice of Civil Appeal	\$150.00	#37606
March 13, 2013	Motion for a New Trial	\$25.00	#38987
May 15, 2013	Complaint for Restraining Order	\$50.00	#451100
August 28, 2013	Motion to Withdraw	\$25.00	#40353
June 17, 2013	Tuomey Healthcare System	\$1,587.60	
June 17, 2013	Professional Pathology Services	\$54.00	
June 17, 2013	Sumter Radiological PA	\$29.99	
Varies	U.S. Postal Service (estimate)	\$35	
	Grand Total:	\$1,956.59	

Since August 7, 2012, or for 1 year and 4 months, I sought to protection and civil remedy from the lower courts in Sumter County to no avail. Mr. Taylor exhibited a pattern of harassment with hostile acts, intimidating, aggressive and egregious behaviors. He refuses to request the installation of entrance to his private property although the South Carolina Department of Transportation will do with costs to the property owner according to Engineering Directive 16 and S.C. Code of Law § 57-5-1140.

WHEREFORE, I, Regina M. Hunter, pray for an order granting leave to proceed on appeal without prepayment of costs. *Indeed, Allah is All-Hearing, All-Knowing, All-Seeing, Full of Strength, Able to Enforce His Will.*

December 16, 2013
13 Safar, 1435



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Appellant

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**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

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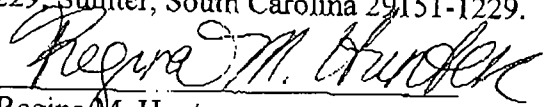
Sammie Taylor,

Respondent.

PROOF OF SERVICE

In the name of Allah, the Most Gracious, the Most Merciful, I certify that I have served the Motion for Leave to Proceed on Appeal Without Prepayment of Costs and the Affidavit in Support of the motion on Sammie Taylor by depositing a copy of it in the United States Mail, postage prepaid, on December 16, 2013, addressed to his attorney of record, Dwight C. Moore, Moore Law Firm, 26 North Main Street, P.O. Box 1229, Sumter, South Carolina 29151-1229.

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