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DOCUMENT 2: THE PETITION

THE SUPREME COURT OF SOUTH CAROLINA

TONY WILLIAMS, Appellant,

v.

LOWE'S HOME CENTERS, LLC; Andrew Melling Respondent.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appellate Case No.: 2026-000079

(Lower Court Case No.: 2025CP0701666 - Beaufort County)

PETITION FOR WRIT OF CERTIORARI

TABLE OF AUTHORITIES

- **Constitutional Provisions:** U.S. Const. amend. XIV (Due Process Clause).
- **Cases:** *Bowman v. Richland Memorial Hosp.*, 335 S.C. 88 (1999); *Christy v. Christy*, 317 S.C. 145 (1994); *Cricket Cove Ventures, LLC v. Gilland*, 390 S.C. 312 (2010); *Roche v. Young Bros., Inc.*, 332 S.C. 75 (1998).
- **Rules:** Rules 12, 55, 58, SCRCP; Rules 209, 221, 240, SCACR; Rule 6, SCEF.

I. INTRODUCTION

This petition presents a critical breakdown of appellate procedure that strikes at the heart of due process and jurisdictional integrity. The Appellant seeks review of a structural collapse where the Court of Appeals sanctioned three "administrative nullities": (1) dismissing an appeal for failure to provide a transcript from a non-reported hearing; (2) exercising jurisdiction over an order missing mandatory JIC and Rule 58 formatting; and (3) granting affirmative relief to a Respondent remaining in legal Default. To allow this to stand is to permit the "administrative nullification" of a citizen's right to be heard.

II. QUESTIONS PRESENTED

1. **The Transcript Requirement:** Did the Court err by requiring a transcript from a non-reported hearing, thereby violating the alternative record-building remedies of Rule 209, SCACR?
2. **Subject Matter Jurisdiction:** Did the Court lack jurisdiction to rule on an order missing a Judicial Identification Code (JIC) and failing the Rule 58, SCRCP "separate document" requirement?

3. **The Remittitur Bar:** Does a Circuit Court have the authority to "proceed" when the Remittitur has not returned under Rule 221(b), SCACR?
4. **Defaulted Party Participation:** May a party in legal default seek sanctions without first moving to set aside the default under Rule 55, SCRCP?

III. STATEMENT OF THE CASE

Respondent failed to answer the complaint, entering legal default. A circuit court hearing followed without a court reporter. The resulting order lacked a JIC and was not on a separate document. Despite a Rule 240 motion informing the Court of Appeals that no transcript existed, the court issued deficiency notices and dismissed the appeal. Rehearing was denied on April 8, 2026. On May 5, 2026, while the Remittitur was stayed, the Circuit Court proceeded with a hearing *coram non iudice*.

IV. ARGUMENT

A. Due Process and Procedural Impossibility.

Under Rule 209, SCACR, an appellant may prepare a "statement of evidence" when no reporter was present. Penalizing the Appellant for the court's failure to record the proceeding creates a "procedural impossibility" violating the Fourteenth Amendment.

B. Jurisdictional Nullity under Rule 58 and Rule 6, SCEF.

As established in *Bowman v. Richland Memorial Hosp.*, a judgment is only effective when set forth on a separate document. Furthermore, Rule 6, SCEF mandates a JIC for valid electronic signatures. Absent these, the order was not a final judgment, and the Court of Appeals lacked subject matter jurisdiction.

C. The Remittitur and Rule 221(b).

Per *Christy v. Christy*, a lower court re-acquires jurisdiction **only** when the remittitur is filed. Because the remittitur is held by the Appellate Clerk pending this Petition, the Circuit Court's May 5th proceedings are *Void Ab Initio*.


D. Affirmative Relief for Defaulted Parties.

Under *Roche v. Young Bros., Inc.*, a defaulted party waives the right to contest liability. Respondent has no standing to seek sanctions while the entry of default remains unchallenged and un-lifted.

V. CONCLUSION

The judicial process below was a series of administrative nullities that deprived the Appellant of a fair hearing. The Appellant respectfully requests that this Court grant this Petition, vacate the decision of the Court of Appeals, and remand this matter for entry of judgment.

Respectfully submitted,

 5/7/26
/s/ Tony Williams

Tony Williams, Appellant Pro Se

Dated: May 6, 2026