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South Carolina Court of Appeals
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SC Court of Appeals

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IN THE COURT OF APPEALS OF SOUTH CAROLINA
PETITION FOR WRIT OF CERTIORARI — Word Document

SHAWN P. ADAMO,
Petitioner/Appellant,
v.
EDWARD COOK and BRENDA COOK,
Respondents/Appellees.

Court Below: Horry County Circuit Court, 15th Judicial Circuit
Circuit Court Case No.: 2025CP2609938
Circuit Court Judge: The Honorable B. Alex Hyman, Circuit Judge
Circuit Court Order Date: April 3, 2026
Magistrate Court — First Filing: Magistrate Livingston, Horry County Magistrate Court
Magistrate Court — Second Filing: Magistrate Arakas, Horry County Magistrate Court
Date of Filing: April 29, 2026

I. INTRODUCTION AND QUESTIONS PRESENTED

Petitioner Rev. Shawn P. Adamo, CPA, appearing pro se, respectfully petitions this Court for a Writ of Certiorari to review the April 3, 2026 order of the Honorable B. Alex Hyman, Circuit Judge, Horry County Circuit Court, affirming Magistrate Arakas's dismissal with prejudice of Petitioner's claim against Respondents Edward Cook and Brenda Cook for recovery of \$3,000.00 in debt owed.

The questions presented are:

- Whether Magistrate Arakas committed reversible error by dismissing Petitioner's claim with prejudice when both Respondents submitted written false statements to the court prior to the hearing date, falsely claiming the prior case had been dismissed with prejudice — a misrepresentation Magistrate Arakas was required to leave the bench, verify in the prior court record, and return to correct before the hearing could proceed.

- Whether Magistrate Arakas erred in accepting Respondents' unsupported oral claim that the \$3,000.00 constituted a "gift" over Petitioner's documentary text message evidence, which showed that Petitioner raised the debt repeatedly, that Respondent Edward Cook never once denied it or characterized it as a gift, and that Cook's only response was to agree to meet on Sunday to discuss the matter — a meeting Cook never attended.
- Whether Judge Hyman erred in affirming the magistrate's ruling without independent legal analysis, effectively ratifying a dismissal with prejudice obtained through Respondents' coordinated false written submissions to the court.

II. JURISDICTION

This Court has jurisdiction pursuant to Rule 243, SCACR, governing petitions for writ of certiorari from Circuit Court decisions sitting in their appellate capacity over magistrate court judgments. Judge Hyman entered the final order on April 3, 2026. This Petition is filed within thirty (30) days of that order and is therefore timely under Rule 243(c), SCACR.

III. PROCEDURAL HISTORY

A. First Filing — Magistrate Livingston

Petitioner filed an initial claim against Respondents in Horry County Magistrate Court for recovery of \$3,000.00 in debt owed. Neither Edward Cook nor Brenda Cook filed any response whatsoever. Neither Respondent appeared at the pre-trial conference. Neither Respondent appeared for the scheduled jury trial. No jury was present. No proceeding was conducted on the merits. Despite Respondents' complete and total non-participation, Magistrate Livingston dismissed the case without prejudice rather than entering default judgment in Petitioner's favor as the law required.

B. Second Filing — Magistrate Arakas

Petitioner refiled the claim in Horry County Magistrate Court before Magistrate Arakas. Prior to the hearing date, both Edward Cook and Brenda Cook submitted written responses to the court. The substance of both written submissions was identical and false: that the prior case had been dismissed with prejudice. This was a knowingly false representation. Magistrate Arakas was required to leave the bench, retrieve and review the prior court record, and return to the bench to correct Respondents' misrepresentation before the hearing could proceed. The prior record confirmed exactly what Petitioner had represented all along: the first case was dismissed without prejudice. Both Respondents' written submissions were proven false by the court's own record review.

At the hearing, Respondents offered only an oral, unsupported claim that the \$3,000.00 was a gift. Petitioner presented documentary text message evidence demonstrating the

following: Petitioner raised the debt and the need to address payment on multiple occasions; Respondent Edward Cook never once denied the debt, disputed the amount, or characterized the money as a gift in any of those exchanges; and Cook's sole response to Petitioner's repeated demands was to agree to meet on a Sunday to discuss the matter — a meeting Cook never attended. This conduct is wholly inconsistent with the position of a person who believes he received a gift. Magistrate Arakas nonetheless dismissed the case with prejudice, accepting Respondents' unsubstantiated oral gift defense without making any factual findings on the record and without weighing Petitioner's documentary evidence against Respondents' uncorroborated testimony.

C. Circuit Court Appeal — Judge Hyman

Petitioner appealed to the Horry County Circuit Court. By order dated April 3, 2026, Judge Hyman affirmed Magistrate Arakas's ruling, finding no reason to overturn the magistrate based on the record below. Judge Hyman conducted no independent legal analysis of the errors committed below.

IV. ARGUMENT

A. Magistrate Arakas Erred in Dismissing With Prejudice When Both Respondents Submitted Coordinated False Written Statements to the Court.

A dismissal with prejudice is the most severe sanction available and permanently bars Petitioner from pursuing a legitimate claim. Both Respondents submitted written statements to the court prior to the hearing that were proven false by the court's own record review. The entirety of Respondents' written participation in this proceeding consisted of coordinated, demonstrably false representations that required the court to interrupt proceedings to correct. Dismissing an active plaintiff's meritorious claim with prejudice — in favor of respondents whose only written submissions were false — is reversible legal error.

B. Magistrate Arakas Erred in Accepting an Unsupported Oral Gift Defense Over Documentary Evidence Without Making Factual Findings.

Respondents offered no documentary evidence, no witnesses, and no corroboration for their claim that \$3,000.00 was a gift. Petitioner's text messages tell a different story entirely: Petitioner raised the debt on multiple occasions; Respondent Edward Cook never once denied the debt, disputed the balance, or described the money as a gift in any text exchange; and Cook's only response to repeated payment demands was to agree to meet on a Sunday to discuss the matter — and then not appear. This conduct is wholly inconsistent with a gift defense. A person who received a gift has no debt to discuss, no meeting to schedule, and no reason to go silent when asked about payment. Magistrate Arakas accepted the unsupported oral defense without making any findings on the record as to credibility, the weight of the documentary evidence, or the legal standard applied. This constitutes reversible error.

C. Judge Hyman Erred in Affirming Without Independent Legal Analysis.

A Circuit Court sitting in its appellate capacity must independently review the magistrate record for legal error and evidentiary sufficiency. Judge Hyman's April 3, 2026 order reflects no independent analysis — it simply deferred to Magistrate Arakas's ruling without examining whether the documented errors warranted reversal. Affirming a dismissal with prejudice — entered against an active plaintiff whose documentary evidence was never weighed, in favor of respondents whose only written submissions were proven false — without independent legal analysis constitutes an abdication of the Circuit Court's appellate function and warrants reversal.

V. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

- Grant the Writ of Certiorari and review Judge Hyman's April 3, 2026 order.
- Reverse Magistrate Arakas's dismissal with prejudice and remand with instructions to enter judgment in favor of Petitioner, or in the alternative, for a new hearing before a different magistrate.
- Refer the coordinated false written submissions by both Respondents to the appropriate authority for investigation of fraud upon the court.
- Award such other and further relief as this Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted,

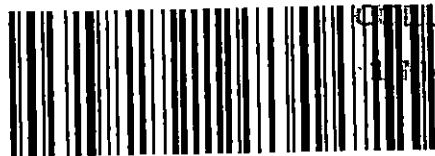


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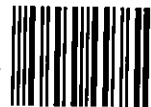
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