

Dr. Walter T. Cardwell
15 Dawnwood Drive
Greenville S. C. 29615
December 21, 2013

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED

DEC 23 2013

S.C. SUPREME COURT

Re: The Palmetto Bank v. Cardwell, Walter
2010-CP-23-4560

Dear Mr. Shearouse,

I am filing this **Petition for a Stay and Temporary Restraining Order to the Supreme Court** to bring the matters discussed in this petition to the attention of the Court. Time is of the essence as you can see if you read the petition and I ask that it be acted upon as soon as possible and that I be informed as quickly as possible at scsc@snapphanar.net. Also in the petition I am providing the court access to a password protected website and the necessary user name and password are,

username scsc
password TP90VBwrTGX

Also, as discussed in the petition, I do believe that Chief Justice Toal has a conflict of interest in deciding this petition and I ask that Justice Pleicones rule on this petition if he is available or one of the other Justices if he is not.

I greatly appreciate you expediting this matter so that it can be acted upon in time.

Thank you.

Yours truly,



Walter T. Cardwell.

cc: M. Kevin McCarrell, Esquire (with the e-mail address and access codes changed)
William N. Nettles (with the e-mail address and access codes changed)

PETITION FOR A STAY AND TEMPORARY RESTRAINING ORDER TO THE
SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Master in Equity Court

Charles B. Simmons Master in Equity Court Judge

Case No. 2010-CP-23-4560

Palmetto Bank,

Respondent,

v.

Dr. Walter T. Cardwell Jr.,

Petitioner.

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DEC 23 2013

S.C. SUPREME COURT

PETITION FOR A STAY AND TEMPORARY RESTRAINING ORDER TO THE
SUPREME COURT

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Greenville, South Carolina 29602
Attorney for Respondent

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United States Attorney
1441 Main St., Suit 500
Columbia, SC 29201

With utmost respect, Petitioner not being a lawyer and not knowing the proper procedures to bring these matters to the attention of the Court, prays that the Court will fully consider this petition. I am asking for a stay of Judge Simmons' order putting my home up for sale January 6th 2014 and a temporary restraining order ordering the Palmetto Bank not to put the house up for sale pending a decision on a petition for a Writ of Certiorari to the United States Supreme Court being prepared now asking them to certify that the recent denial of a Petition for a Writ of Certiorari to the South Carolina Supreme Court does not violate my United States Constitutional Rights to Due Process and Equal Protection under the Law as guaranteed to me by the Fourteenth Amendment to the United States Constitution. The deadline to file this petition occurs after the sale date of the house.

(A) BRIEF STATEMENT OF THE FACTS

The issue at hand concerns a foreclosure obtained by the Palmetto Bank, the Respondent, from the Master in Equity Court in Greenville with Judge Charles B. Simmons presiding. In the case, the Petitioner answered the original summons with a counterclaim asking for money damages for the misbehavior of the Bank in filing the foreclosure. Respondent obtained a compulsory order of reference and moved the case to the Master in Equity Court and Petitioner filed a motion to have the case restored to the jury trial docket. Judge Simmons denied the motion, went ahead with a trial and issued a judgement in favor of the Respondent and issued an order putting the Petitioner's property up for sale. His decision was appealed to the South Carolina Court of Appeals where the appeal was denied and a petition for a writ of Certiorari was filed with the South Carolina Supreme Court which was also denied by Chief Justice Toal.

(B) BRIEF STATEMENT OF THE ISSUES OF LAW

Petitioner is asking the court to delay the actions of the bank to allow the United States Supreme Court to rule on the two United States Constitutional issues that it will be asked to decide and that the issue not be made moot by the selling of the house before then. The two issues the U. S. Supreme court will be asked to decide are:

(1) Denial of Due Process.

As stated in petitioner's Reply to Petition for a Writ of Certiorari to the South Carolina Supreme Court:

'The three rules of the SCRPC that govern this dispute are **Rule 53 Masters and Special Referees, Rule 38 Jury Trial of Right, and Rule 39 Trial by Jury or by the Court.** Rule 38 states:

(a) Right Preserved. The right of trial by jury as declared by the Constitution or as given by a statute of South Carolina shall be preserved to the parties inviolate. Issues of fact in an action for the recovery of money only or of specific real or personal property must be tried by a jury, unless a jury trial be waived.

Rule 39 states:

(a) By Jury. When trial by jury has been demanded as provided in Rule 38, the action shall be designated upon the calendar and the clerk's filebook as a jury action. The trial of all issues so demanded shall be by jury, unless (1) the parties or their attorneys of record, by written stipulation filed with the court or by an oral stipulation made in open court and entered in the record, consent to trial by the court sitting without a jury or (2) the court upon motion or its own initiative finds that a right of trial by jury of some or all of those issues does not exist.

To preserve the right of trial by jury inviolate as stated in the South Carolina Constitution is it necessary that all issues of fact be tried by a jury? Taking the term inviolate to mean that all issues triable by right of jury must always be tried by a jury if so requested then why is it [not] mandatory(sic) [mandatory] that ALL issues of facts must be tried by a jury if requested even facts that will determination(sic) [determine] whether an issue is triable by right of jury.

The South Carolina Constitution only guarantees the right to a jury trial not that a jury will render a "correct decision" Once the case

has been brought to a jury, South Carolina has fulfilled its obligation. That any party including the Judge can request a jury trial, if a case is sent erroneously to a jury, no violation of anyone's rights has occurred. If it is determined by the facts presented to a jury that the case does not belong before a jury, the jury can be dismissed and the judge can then render his decision.

If whether an issue is triable by right of jury depends on facts of the issue in question, and if the determination of those facts can be made by a judge under rule 39 trumping rule 38's requirement that these facts must be tried by a jury, then if the judge errs in the determination of facts and rules the issue is not triable by right of jury when it is, then the judge has denied the party his inviolable right to a jury trial which is not only a violation of the South Carolina Constitution, but also a violation of the due process clause of the Fourteenth Amendment to the United States Constitution.

Triable by right of jury is not whatever a judge defines it to be but is a characteristic of the issue itself. The judge's proper role is not to define what is triable by right of jury but to determine if the issue is triable by right of jury based on the appropriate statutes that define which issues are triable by right of jury and which are not.

But if the triability of an issue depends on the facts in question and it is NOT required that those facts be determined by a Jury then effectively any judge on any issue can overrule any statute and all laws are then meaningless. One cannot state that a judge is constrained by the threat of an appeal because appellate courts do consider the determination of fact, only a determination of law. It is for this reason that I believe I will prevail in the United States Supreme Court on this issue because if the United States Supreme Court were to take the South Carolina Supreme Court's view, then all laws would be totally meaningless.

(2) Denial of Equal Protection Under the Law:

During the trial a representative of the Palmetto Bank did commit perjury. In checking with

the County Solicitor and the Greenville County Sheriff's Office, Petitioner was told that only Judge Simmons could order an investigation into the alleged perjury. A motion was filed for a new trial based in part on the perjured testimony of the Bank's representative and specific details of where corroborating evidence could be found that only Judge Simmons could obtain and that there was a potential witness. Judge Simmons denied the motion and did not have the matter investigated. A felony was committed and because Judge Simmons was the only one who could have investigated this matter according to the Sheriff's department, his failure to do so denied me my constitutional right to Equal Protection under the Law. I believe I will prevail in the United States Supreme Court on this issue as well

I include this brief discussion of the issues of law being presented to the United States Supreme Court so that this Court understands that one of the reason why this petition should be granted is because an appeal of this Courts decision on the Petition for a Writ of Certiorari is now being prepared.

(C) IRREPARABLE HARM TO SOUTH CAROLINA

If everything were on the up and up the Bank certainly would have a right to sell the property at the earliest possible time and any delay should be denied. But I do not for one minute believe that anything in this case is on the up and up and while the Court claimed that it was by denying the Petition for a Writ of Certiorari, the Court should wait before allowing my house to be sold for the United States Supreme Court to confirm the opinion of the South Carolina Supreme Court. Should the United States Supreme Court rule in my favor then it will open South Carolina up to unprecedented liability (see below) . Even if the U. S.

Supreme Court does not rule in my favor, the consequences for South Carolina if my house is sold will, I think, be devastating.

If this petition is either denied or not acted upon quickly, then the consequences for South Carolina will begin immediately. The full impact of this lawsuit and of other pending events on South Carolina are set forth on the website <http://corruption.snapphanar.com>. I am providing the Court access to the website so that it may accurately assess the harm that will eventually befall South Carolina by this information being made public. The website is closed because I am trying desperately to see that no one is hurt by what is contained on the website. Because of the sensitive nature of the information contained and because Mr. McCarrell already has access to the site, I will submit a user name and password for the Court to use to access this site in the cover letter sent to the Clerk of Court. In this way if the access is misused to bring harm to anyone, the source of that access can be traced.

The most relevant links on the website are,

- 1) <http://corruption.snapphanar.com/OpenLetterSC.php> – An open letter to the People of South Carolina that will be sent to the press if the Court does not act in order to give the People of South Carolina a chance to try and prevent what will happen if the house is sold. But once sent, everything will come out in the open.
- 2) <http://corruption.snapphanar.com/IJet.php> – This is a very brief video clip introducing the new technology that can either make or break South Carolina if it is the last place on earth to receive I-Jet service..
- 3) <http://corruption.snapphanar.com/Future.php> – This link outlines the issues facing

South Carolina and others in the future.

- 4) <http://corruption.snapphanar.com/Legal.php> – This link discusses in more detail the legal issues outlined above.

It must be made clear to the Court that even though I will be the one making this information public it is not done to cause harm to anyone, just the opposite. While the Bank has committed felonies against me, the consequences of those felonies does not stop at the harm done to me. It is the People of South Carolina who will suffer far greater harm by the failure of the South Carolina Judicial system to provide justice in this matter and if it continues not to do so, making this information available to the People of South Carolina is the only way they can possibly protect themselves from the consequences of what these people have done. They have a right to be made aware of what is being done to them and I will see that they do get this information.

Throughout these proceedings in every Court, I have made it a point to make everyone aware of the importance of these proceedings and that the outcome does not just affect me but may also affect others. That these warnings have been totally ignored shows either totally depraved indifference to human life or a believe that I am some crackpot flying car nut. I am not and the Court will be very foolish if it assumes that I am. I have a PhD in Electrical and Computer Engineering from Clemson University. I hold five patents related to what Motorola once called the Cardwell effect, an overlooked characteristic of multidimensional electrostatic fields. I have presented my findings to over 15 individuals who hold advanced degrees in either engineering or physics including the head of the Ion Propulsion division

at NASA, the head of the Ion propulsion department at the University of Michigan, an Admiral in the United States Navy who holds advanced degrees in both electrical and aeronautical engineering, and others. Before the Court dismisses me again it had better understand that I am not a crackpot, the technology is real, and when it is commercialized it will have the consequences for South Carolina described on the web site. If the Court doubts my credentials the court can bring on any expert it wishes and I will answer any non-proprietary questions he or the Court may have.

South Carolina is at a crossroad here. If the Court chooses to let this sale proceed another years delay will be added to four years that have already been lost and another million people could potentially die. It is because of this fact that I must make every effort to see that this does not happen. If the Court decides not to grant the petition then I will send off the "Open Letter" to the press so that if the Supreme Court will not protect the people of South Carolina, they can take whatever steps they so choose to try and protect themselves. But I truly believe that the people of South Carolina and the rest of the world will hold the South Carolina Courts accountable for not protecting them.

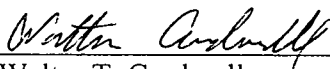
Because the Palmetto Bank did place an ad in the Greenville News on Friday December 20, 2013 to sell the house it is clear that they intend to go forward with this sale. The house will be sold on January 6, 2014 so time is of the essence. I will have to send the open letter to the press within a week of the date of this petition unless the Court grants at least a temporary injunction stopping the sale. If it wishes to do so they should inform me by e-mail at the e-mail address contained in the cover letter sent to the Clerk of Court. It is an

address which only the court will have.

Finally, meaning no disrespect to Justice Toal, she should not be the one to decide this petition since it is her decision that is being appealed to the United States Supreme Court and she does therefore have a conflict of interest. Also the fact that she is running for re-election could potentially cloud the issue this petition is requesting be addressed in the mistaken belief that running me out of town before the campaign will prevent her decision from being addressed before the campaign. As you can see it will not but there may be a mistaken belief that it will all die out before the election. It will not.

In closing, I can only say that this Court has a duty to protect the citizens of South Carolina. It must not fail in its duty which can only be achieved by granting this petition. I am also sending a copy of this petition to the State Attorney General and I have no objection to the Court discussing this matter with him so that other State entities can have a chance to act to protect the people of South Carolina.

Respectfully submitted,
December 21, 2013



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Petitioner Pro Se

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THE HON. DANIEL E. SNEAROUSE
CLARK S.C. SUPREME COURT
SUPREME COURT BLD
1231 COLUMBIA ST.
COLUMBIA, S.C. 29201

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