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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

S. Thompson Tucker III, Magistrate Court Judge

Magistrate Court Case No.: 2026CV041070006

Civil Action No. 2026-CP-04-00229

Court of Appeals Case No. 2026-000358

Supreme Court Appellate Case No. 2026-001408

Jacqueline Roberts,.....Petitioner-Appellant,

v.

Luigi Cerullo,.....Respondent.

AMENDED PETITION FOR WRIT OF CERTIORARI

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COMES NOW Petitioner Jacqueline Roberts, proceeding pro se, and respectfully submits this Amended Petition for Writ of Certiorari pursuant to Rule 242, SCACR, to correct the content deficiency identified in the Clerk's letter of June 25, 2026. Petitioner seeks review of the June 18,

2026, Order of the South Carolina Court of Appeals denying rehearing of the May 15, 2026, Order of Dismissal in Appellate Case No. 2026-000358. The Court of Appeals dismissed Petitioner's fully briefed appeal by applying a corporate-representation rule to a natural person, without addressing any of the six grounds for reversal presented in the Initial Brief. Petitioner respectfully prays this Court grant certiorari, reverse the dismissal, and reinstate her appeal to the Anderson County Court of Common Pleas.

QUESTIONS PRESENTED

I. Whether the Court of Appeals misapplied *Renaissance Enterprises v. Summit Teleservices, Inc.*, 334 S.C. 649, 515 S.E.2d 257 (1999), by dismissing the appeal of Jacqueline Roberts, a natural person, on the ground that she failed to obtain counsel for a corporate entity, where every document in the entire record of this proceeding, including Respondent's own Application for Ejectment, the Rule to Vacate issued by the Magistrate Court, the Magistrate's Answer to the Civil Appeal, and this Court of Appeals' own docket, captions Petitioner as "Jackie Roberts dba Crimson Events," a doing-business-as designation that identifies an individual, not a corporate entity. (R. Application for Ejectment; Rule to Vacate, Jan. 5, 2026; Magistrate's Answer to Civil Appeal, Feb. 6, 2026; Court of Appeals Docket, Case No. 2026-000358.)

II. Whether the Magistrate Court's February 10, 2026, Order of Dismissal is void ab initio because it was entered seven days after exclusive jurisdiction transferred to the Anderson County Court of Common Pleas upon docketing of the Notice of Appeal on February 3, 2026, pursuant to Rule 241, SCACR. (R. p. 2 [Initial Brief, Statement of the Case]; R. pp. 12-13 Initial Brief, Argument V.)

III. Whether the Circuit Court violated its mandatory obligation under S.C. Code Ann. Section 27-40-800(d) by failing to hold a hearing on Petitioner's timely Emergency Motion to Stay

Bond Order, Modify Bond, and Set or Remand for Prompt Bond Hearing, filed February 5, 2026, and whether any ejectment execution or dismissal entered while that statutory motion remained pending and unresolved is independently void. (R. Emergency Motion, filed Feb. 5, 2026; R. pp. 7-9 Initial Brief, Argument II.)

IV. Whether the dismissal must be independently vacated because the Dismissal Order recites that Petitioner signed the bond on February 4, 2026, a date appearing on neither of the two certified versions of the bond instrument in the record, one of which bears no tenant signature and the other of which bears a disputed signature, and Petitioner attests under oath she never signed any bond. (R. pp. 9-11 Initial Brief, Argument III; R. p. 6 Petition for Rehearing.)

V. Whether the Anderson County Clerk of Court violated Petitioner's fundamental constitutional right of access to the courts by refusing to accept her Emergency Motion to Reinstate Appeal on the ground that the Magistrate Court's void February 10, 2026, order was final, a legal conclusion no ministerial officer has authority to draw. *See Barnes v. State*, 433 S.C. 399, 859 S.E.2d 260 (2021). (R. pp. 13-14 Initial Brief, Argument VI.)

STATEMENT OF THE CASE

This is a commercial ejectment action arising in the Powdersville-Piedmont Summary Court in Anderson County. On January 5, 2026, Respondent Luigi Cerullo paid the \$40 civil filing fee and filed an Application for Ejectment captioning the defendant as "Jackie Roberts DBA Crimson Events LLC" at 602 Anderson Street, Piedmont, SC 29673. (R. Application for Ejectment and Receipt, Jan. 5, 2026.) The Application was directed at an individual at a street address, not at a corporate entity. On January 5, 2026, the Magistrate Court issued a Rule to Vacate or Show Cause directed to "Jackie Roberts dba Crimson Events LLC." (R. Rule to Vacate, Jan. 5, 2026.)

Service was acknowledged via phone call on January 12, 2026. On January 28, 2026, the Magistrate Court entered a default Judgment of Ejectment against Petitioner.

On January 29, 2026, Petitioner filed a timely Notice of Appeal to the Anderson County Court of Common Pleas. The Notice of Appeal was file-stamped and docketed February 3, 2026, vesting exclusive jurisdiction in the Circuit Court at that moment pursuant to Rule 241, SCACR. (R. p. 2 Initial Brief, Statement of the Case.)

On February 3, 2026, the same day the Notice of Appeal was docketed, and exclusive jurisdiction had transferred, the Magistrate Court issued, ex parte and without notice or hearing, a Bond to Stay Execution requiring Petitioner to pay \$10,500.00 within five days plus \$5,000.00 monthly. No findings were made as required by S.C. Code Ann. Section 27-40-800(b). Petitioner swears under oath she was given no notice of any bond proceeding and never executed any bond document. The record contains two certified versions of the bond instrument, both dated February 3, 2026: Version One bears no tenant signature; Version Two bears a disputed cursive signature. (R. pp. 9-10 Initial Brief, Argument III.)

Also on February 3, 2026, the Magistrate Court filed its Answer to the Civil Appeal in the Anderson County Court of Common Pleas. That Answer captions the defendant as "Jackie Roberts dba Crimson Events" and makes no reference to a corporate entity as the appellant. (R. Magistrate's Answer to Civil Appeal, Feb. 6, 2026.) The Answer states only that the appeal arises from a default judgment for ejectment and that Petitioner failed to raise any issues at trial. It does not treat Petitioner as a corporate party.

On February 5, 2026, Petitioner filed in the Anderson County Court of Common Pleas an Emergency Motion to Stay Bond Order, Modify Bond, and Set or Remand for Prompt Bond Hearing, file-stamped at 3:55 PM. (R. Emergency Motion, Feb. 5, 2026.) The Motion was

captioned "Jackie Roberts Dba Crimson Events, LLC," a doing-business-as designation, and expressly invoked S.C. Code Ann. Section 27-40-800(d). The Motion disputed the \$10,500.00 lumpsum amount as inconsistent with the periodic-rent structure required by Section 27-40-800(b), challenged the failure to credit the \$9,000.00 security deposit, and identified the failure to account for two rent-free months under the lease. That statute mandates a hearing and provides that no judgment for ejectment may be executed pending the hearing. The Circuit Court never ruled on the motion. (R. pp. 7-9 Initial Brief, Argument II.)

On February 10, 2026, seven days after exclusive jurisdiction had transferred, the Magistrate Court entered an Order of Dismissal. The order recites that Petitioner "signed this Bond on February 4, 2026," a date appearing on neither certified version of the bond instrument. The order directed reissuance of the writ of ejectment. On February 18, 2026, Petitioner appeared at the Anderson County Clerk's office to file an Emergency Motion to Reinstate Appeal. The Clerk refused, declaring the void order final. Petitioner filed her Notice of Appeal to the Court of Appeals the same day. Appellate Case No. 2026-000358 was assigned February 19, 2026. (R. pp. 2-3 Initial Brief, Statement of the Case.)

On March 18, 2026, Petitioner filed her Appellant's Initial Brief presenting six independently sufficient grounds for reversal. On April 14, 2026, the Clerk issued a deficiency letter concluding that the tenant header of the commercial lease, identifying "Crimson Events LLC," brought the appeal within *Renaissance*. On May 15, 2026, the Court of Appeals dismissed the appeal without reaching any of the six grounds in the Initial Brief. On May 18, 2026, Petitioner timely filed a Petition for Rehearing establishing three independent grounds that *Renaissance* does not apply to a natural person and that the underlying proceedings were infected by jurisdictional

and constitutional error. On June 18, 2026, a panel of three Justices denied rehearing. This petition follows.

ARGUMENT

I. THE COURT OF APPEALS MISAPPLIED RENAISSANCE BECAUSE EVERY DOCUMENT IN THE ENTIRE RECORD CAPTIONS PETITIONER AS AN INDIVIDUAL OPERATING UNDER A DOING-BUSINESS-AS DESIGNATION, NOT AS A CORPORATE ENTITY.

Special and important reasons exist to grant certiorari on this question. The Court of Appeals has extended *Renaissance Enterprises v. Summit Teleservices, Inc.*, 334 S.C. 649, 651, 515 S.E.2d 257, 258 (1999), to a natural person based solely on the header of a commercial lease, an application the rule's own holding and rationale do not support, and one that produced a constitutionally irreversible result: the physical ejection of a natural person without any merits review at any level of the proceedings.

The threshold question under *Renaissance* is not whether a corporate entity has some connection to the litigation, but whether the appellant itself is a corporate entity. In *Renaissance*, Summit Teleservices, Inc., a corporation, prosecuted its own corporate claims through a nonlawyer officer. The rule announced was narrow: a corporation may not prosecute its own claims through a nonlawyer. The rationale is that a corporation's legal existence is separate from its officers, and that conducting a corporation's litigation requires a licensed attorney. That rationale has no application to a natural person.

What makes this case uniquely compelling is that the corporate-representation rule was applied against the weight of every document in the complete record of the proceeding. Respondent's own Application for Ejectment, which initiated this case, names the defendant as "Jackie Roberts DBA Crimson Events LLC" and is directed at an individual at a residential street address. (R. Application for Ejectment, Jan. 5, 2026.) The Magistrate Court's Rule to Vacate or

Show Cause, issued the same day, is directed to "Jackie Roberts dba Crimson Events LLC." (R. Rule to Vacate, Jan. 5, 2026.) The Magistrate Court's Answer to the Civil Appeal, filed in the Circuit Court, captions the defendant as "Jackie Roberts dba Crimson Events" with no reference to a corporate entity as the appellant. (R. Magistrate's Answer to Civil Appeal, Feb. 6, 2026.) The Court of Appeals' own docket in Appellate Case No. 2026-000358 reads: "Jacqueline Roberts, Appellant." No LLC designation appears on the docket. The Magistrate Court's Order of Dismissal, the instrument under review, captions and refers to the appellant as "Jacqueline Roberts" throughout. The writ of ejectment runs against Jacqueline Roberts personally. She is the occupant who faces physical removal.

A doing-business-as designation is not a corporate entity. "Dba" is a trade name under which a natural person or sole proprietor conducts business. It creates no separate legal existence, no separate legal liability, and no separate procedural identity. *Renaissance* rests on the principle that a corporation is a separate legal entity distinct from its owners, requiring licensed counsel to speak in court on its behalf. A "dba" designation inverts that principle entirely: it is the individual who is the legal entity, and the trade name is merely descriptive. Applying *Renaissance* to a natural person operating under a dba designation extends the rule to a category of party it was never designed to reach and directly contradicts the corporate separateness rationale on which the rule rests.

Moreover, Petitioner signed the lease in her individual capacity. The signature page bears the names of Jacqueline Roberts and Byron Roberts signing personally, without any officer's title, "on behalf of" designation, or LLC execution block. Under South Carolina contract law, a signatory who signs without clearly indicating representative capacity assumes personal liability under the agreement. *Burwell v. South Carolina National Bank*, 288 S.C. 34, 340 S.E.2d 786

(1986). A party personally bound by a lease and personally named in the resulting ejectment judgment has individual standing to appeal that judgment in her own name without attorney representation. *Faretta v. California*, 422 U.S. 806, 818-19 (1975).

The harm is severe and concrete. Petitioner has not received a single hearing on the merits of her appeal at any level of this proceeding. The default judgment below was entered without a contested hearing. The Magistrate Court dismissed the appeal without subject matter jurisdiction. The Circuit Court never ruled on the pending statutory motion. The Court of Appeals dismissed without addressing any merits issue. The result is that Jacqueline Roberts, who personally signed the lease, paid a \$9,000.00 security deposit, and occupies the subject premises at 602 Anderson Street, Piedmont, faces physical ejection without any court ever having examined whether the proceedings against her complied with the law.

Furthermore, on June 26, 2026, the magistrate ordered the Anderson County Sheriff to forcibly remove the appellate and deposit her personal property at the roadside without prior notice, thereby causing additional harm, including irreparable injury, to the appellant. This action was taken prior to the transmittal of the “*Remittitur*” to the lower court and prior to the commencement of any thirty-day period within which the appellant was permitted to file the current petition.

II. THE MAGISTRATE COURT'S FEBRUARY 10, 2026, ORDER OF DISMISSAL IS VOID AB INITIO UNDER RULE 241, SCACR, BECAUSE IT WAS ENTERED AFTER EXCLUSIVE JURISDICTION HAD TRANSFERRED.

An order entered without subject matter jurisdiction is void ab initio and unenforceable. *Kosciusko v. Parham*, 428 S.C. 481, 497, 836 S.E.2d 362, 371 (Ct. App. 2019). Rule 241, SCACR, provides that the docketing of a notice of appeal vests exclusive jurisdiction in the appellate tribunal. Petitioner's Notice of Appeal was docketed in the Anderson County Court of Common

Pleas on February 3, 2026, transferring exclusive jurisdiction to the Circuit Court at that moment. The Magistrate Court's Order of Dismissal was entered February 10, 2026, seven days after that transfer. (R. pp. 12-13 Initial Brief, Argument V.) The Magistrate Court made factual findings about alleged bond noncompliance, asserted as true a signing date found on neither certified bond instrument, and ordered reissuance of a writ of ejectment. Every element of that order usurped the Circuit Court's exclusive jurisdiction. Under Rule 60(b)(4), SCRCP, a void judgment must be vacated at any time.

III. THE CIRCUIT COURT'S FAILURE TO CONDUCT A MANDATORY SECTION 27-40-800(d) HEARING INDEPENDENTLY BARS THE DISMISSAL.

S.C. Code Ann. Section 27-40-800(d) provides in mandatory terms that when either party disputes the amount or due date of the undertaking, the circuit court shall hold a hearing as soon as feasible after the filing of the motion, and that no judgment for ejectment may be executed pending a hearing on the motion. Petitioner's February 5, 2026, Emergency Motion, file-stamped at 3:55 PM, satisfied every statutory trigger. (R. Emergency Motion, Feb. 5, 2026.) The Motion specifically disputed the \$10,500.00 lump-sum amount, challenged the failure to credit the \$9,000.00 security deposit, identified the failure to apply two rent-free months, and moved before the Circuit Court, the forum designated by the statute. (R. pp. 7-9 Initial Brief, Argument II.)

The Legislature used "shall," not "may." Once the motion was filed, Section 27-40-800(d) created an absolute statutory bar to any ejectment execution. The Magistrate Court's February 10 dismissal, which reactivated the ejectment process while the Circuit Court's mandatory obligation remained unfulfilled, was entered in direct violation of that bar. The Circuit Court's inaction does not extinguish a statutory right; it compounds the constitutional injury. To hold otherwise would

permit a court's failure to act to nullify an express legislative protection, a result irreconcilable with the Legislature's clear directive.

IV. THE DISMISSAL ORDER RESTS ON A FACTUAL PREDICATE AFFIRMATIVELY DISPROVEN BY THE CERTIFIED RECORD AND CONSTITUTES MISREPRESENTATION ON THE COURT.

The February 10, 2026, Order of Dismissal recites that Petitioner "signed this Bond on February 4, 2026." That date appears on neither of the two certified versions of the bond instrument in the record. Both are dated February 3, 2026. Version One bears no tenant signature. Version Two bears a disputed signature. Petitioner attests under oath she never signed any bond document. (R. pp. 9-10 Initial Brief, Argument III; R. p. 6 Petition for Rehearing.) The order's central factual predicate is affirmatively disproven by the only two certified instruments on which it necessarily rests. Rule 60(b)(3), SCRCP, authorizes relief from a final judgment for misrepresentation. A dismissal grounded in a signing date found in neither underlying document, and contradicted by the only sworn statement of record, requires vacatur and an evidentiary hearing on the bond instrument's authenticity.

V. THE ANDERSON COUNTY CLERK'S REFUSAL TO ACCEPT PETITIONER'S EMERGENCY MOTION VIOLATED HER CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS.

S.C. Const. art. I, Section 9 guarantees every person the right to a remedy in the courts. The Clerk of Court is a constitutional officer whose filing function is ministerial. *In re McCracken*, 346 S.C. 87, 92, 551 S.E.2d 235, 238 (2001). This Court held in *Barnes v. State*, 433 S.C. 399, 859 S.E.2d 260 (2021), that clerks performing ministerial filing functions may not exercise unauthorized judicial discretion. The Anderson County Clerk refused Petitioner's Emergency Motion to Reinstate Appeal on the ground that the void February 10 dismissal order was "final," a legal determination the Clerk had no authority to make. Whether a lower court order entered

without subject matter jurisdiction is final and binding on a superior court is a judicial determination. (R. pp. 13-14 Initial Brief, Argument VI.) By preventing that filing, the Clerk eliminated Petitioner's only remaining vehicle to bring before the Circuit Court the evidence of two contradictory bond instruments, the false date in the dismissal order, and the pending statutory motion.

CONCLUSION

The Court of Appeals dismissed a fully briefed appeal by a natural person by applying a corporate-representation rule that not one party, not the Respondent who filed the ejectment, not the Magistrate Court that decided it, not the Circuit Court that received the appeal, and not the Court of Appeals' own docket, ever applied to this proceeding before the Clerk issued a deficiency letter based on a lease header. Every document from the original Application for Ejectment through the Magistrate's Answer to the Civil Appeal identifies the party as "Jackie Roberts dba Crimson Events," a doing-business-as designation that names an individual, not a corporate entity. The Court of Appeals' extension of *Renaissance* to this record is unsupported by that decision's holding or rationale, implicates substantial constitutional rights of self-representation, access to the courts, and due process, and is likely to recur in commercial tenancy disputes involving individuals who operate under trade names.

The underlying dismissal is independently void ab initio for lack of subject matter jurisdiction. The Circuit Court violated a mandatory statutory obligation that created an absolute bar to any ejectment execution. The Dismissal Order rests on a signing date found in neither certified bond instrument. The Clerk refused to accept Petitioner's emergency motion on a legal conclusion she had no authority to draw. Jacqueline Roberts has not received a single merit hearing at any stage of these proceedings.

WHEREFORE, Petitioner respectfully requests this Court:

1. Grant the Petition for Writ of Certiorari;
2. Reverse the May 15, 2026, Order of Dismissal of the Court of Appeals;
3. Vacate the Magistrate Court's February 10, 2026, Order of Dismissal as void ab initio for lack of subject matter jurisdiction;
4. Reinstate Petitioner's appeal to the Anderson County Court of Common Pleas;
and
5. Remand with instructions to the Circuit Court to: (a) rule on Petitioner's February 5, 2026, Emergency Motion; (b) conduct a bond modification hearing under S.C. Code Ann. Section 27-40-800(d) with proper notice to all parties; and (c) determine the appropriate periodic rent amount under Sections 27-40-780 and 27-40-800(b), crediting the \$9,000.00 security deposit and the two rent-free months under the lease.

Respectfully submitted,

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July 29th, 2026
Piedmont, South Carolina