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SC Court of Appeals

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

APPEAL FROM LEXINGTON COUNTY

Master-In-Equity

Case No. 2022-CP-3200784

James O. Spence, Master in Equity Judge

Walton J. McLeod, Circuit Court Judge

Appeal Case No. 2026-001149

US Bank National Association, Palmetto Citizens Federal Credit Union, Joint Municipal Water and Sewer Commission, Lexington County Assessor's Office, Sunrun, Incorporated, Worldwide Enterprises 803LLC, Nayeli Gomez, Corey Short, Emily Short, John/Jane Doe, Respondents

v.

Tracie L. Green, Cardinal Pines Homeowners' Association, Inc, Defendants

Of which Tracie L. Green (aka Tracie L. Mitchem-Green) is the Appellant.

Initial Brief of Appellant

Tracie L. Mitchem-Green

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Table of Contents and Cases

<i>Table of Contents</i>	<i>Page</i>
Table of Contents	i
Table of Cases	i
Statutes	i
Other Authorities Cited	i
Statement of Issues on Appeal	1
Statement of the Case	1
Standard of Review	8
Argument	8
Conclusion	11, 12

Table of Cases

<i>The State v. Richard Alexander Murdaugh</i> (2), 2024 (Case Number 2024—000576, in the Supreme Court of South Carolina)	7-11
---	------

Statutes

S.C. Code Section 1-13-20	9
S.C Code Section 16-23-710	9

Other Authorities Cited

Constitution, Sixth Amendment	11
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Statement of Issues on Appeal

1. Is it possible for the defendant to have a fair trial when court officials promote the advancement of other parties during a civil trial?
2. Is it possible for the defendant to have a fair trial when it is discovered court officials committed perjury, entering a Referred to Master or Special Referee Order without mutual consent being obtained?
2. Is it possible for the defendant to have a fair trial when court officials secretly tamper with the docket by not filing submitted documents timely or at all; tamper with attorneys by permitting non-attorney on record to participate in the case; and tamper with parties by adding additional defendants without proper notice to all parties?

Statement of the Case

Tracie L.Green (aka Tracie L. Mitchem-Green) (“Appellant”) is an African American female who possesses a doctorate degree in nursing (DNP). Since obeying the law by reporting evidence and patient reports of abuse in 2017, the Appellant and her family has been subjected to targeting of various forms. In a federal related action, the Appellant wrote this state:

Currently, I live in a Homeless Shelter. Due to terrorism experienced since 2017, I exited Nursing (direct patient care) to keep the public safe, which severely affected my finances. Now that the government has been made aware of the terrorism, the terrorist are less likely to hurt anymore of my patients. However, the financial targeting against me is intense (i.e. high vehicle insurance, etc). The terrorism, coupled with the suspected murderous attempt on my lief [and my child if present] has taken a toll on my health and income, though I remain at functional capacity....

The Appellant believes the foreclosure of her home—initiated by US Bank National Association on March 4, 2022— is an extension of the terrorism. (The Lis Pendens submitted to this Court provides details of the Appellant’s home, at 123 Cardinal Pines Drive, Lexington, South Carolina

29073.) The case was officiated by the Lexington County Master-In-Equity, the Honorable James O. Spence, after an Order was entered by Deputy Clerk Mona Huggins on July 5, 2022. In summary, after multiple years of state and federal legal activity, on June 2, 2025, with a federal stay in place pending ruling with the Court of Appeals for the Fourth Circuit since May 29, 2025, Appellant's home was sold to Worldwide Enterprises 803 LLC (Nayeli Gomez), despite parties and Court officials being provided verification of the federal stay. Then, while federal action was in progress at the Middle District of Florida, the Appellant's home was sold a second time, to Corey and Emily Short, on either October 24, 2025 or October 25, 2025, with a timely submitted state stay and motion to reopen case pending with Lexington County Courthouse (Hon. James O. Spence) since July 26, 2025 (the case was closed on July 16, 2025). Again after federal and state related actions, including in this Court (2025-000179) and the Supreme Court of South Carolina (2025-001796), Hon. James O. Spence submitted his final order, disbursing the final surplus funds on April 30, 2026, despite multiple Appellant filings remaining unaddressed, including the July 26, 2025 Motion to reopen and stay. A Motion for Relief from Judgement was timely submitted on May 6, 2026, but remained unprocessed and could not be located on the docket, as with six other previously submitted documents. Changes were not readily apparent despite Court notification. The original notice of appeal to The Supreme Court of South Carolina was submitted to parties and the lower Court on May 7, 2026, given that this Court dismissed the case March 18, 2025 and remitted to lower Court on April 25, 2025 prior to the lower Court's final ruling issued on April 30, 2026 (Rule 203(d)1, SCACR). However, the Supreme Court transferred the case to the Court of Appeals on May 21, 2026. Additionally, given that The Supreme Court of South Carolina issued case number prior to case transfer, it is expected that the

informa pauperis application was approved as filing fee is required before a case number can be issued. (The Supreme Court of South Carolina docket of this case could not be readily located.), However, Appellant continues to service respondents/defendants served since initiation of case until further instructions are received. However, newly named respondents will require Court servicing.

On July 5, 2022, Mona Huggins Deputy Clerk Common Pleas for Lisa M Comer Lexington County Clerk of Court, entered a Referred to Master or Special Referee Order without mutual consent being obtained. Despite being notified on July 6, 2022 the Order was not amended.

Despite being **filed on July 6, 2022**, one day after the July 5, 2022, Clerk order, Referred to Master or Special Referee Order, *Motion: Trial by Jury (Second Request) with Certificate of Service* (which indicated this Defendants dissent to referral to Master) the error was not corrected.

As a second example of delayed filing, *Notice of Home Acquisition*, dated August 22, 2022, was not filed until September 1, 2022, being addressed by the trial court on addressed in part on January 29, 2025 (discussed in detail later in this filing).

On February 6, 2024, Appellant submitted a Motion to Move to Inactive Roster to Clerks Lisa Cromer and/or Mona Huggins, due to active federal appeal. Even with a follow-up on February 7, 2024, inquiring when the motion would be docketed, the motion was docketed two days later (a total of three days after being submitted), on February 9th and then again on February 12, 2024. This is in stark contrast to the Respondent US Bank National Association submitting a Motion and Order for Stay Due to Foreclosure Intervention, dated September 14, 2022 with the subsequent Order/Strike Case From Active Roster being signed by Hon. Walton J.

McLeod at “22:43:00” the same day, without awareness or inclusion of the Appellant.

According to the Introduction of the South Carolina’s Clerk of Courts Handbook, Clerk’s Lisa Cromer and/or Mona Huggins are tasked with ensuring filed documents are presented to the Court; therefore, for the Order to have been signed by a substitute judge so expeditiously is evidentiary of involvement of Clerk’s Lisa Cromer and/or Mona Huggins. The Motion and Order were docketed early morning the following day, September 15, 2022 at 9:39am. Additionally, Clerk’s Lisa Cromer and/or Mona Huggins did not issue an Order dismissing the case due to non-compliance with Hon. Walter J. McLeod’s order (nor is there any indication Clerk’s Lisa Cromer and/or Mona Huggins made the Court aware of the violation):

Failure to submit Motion and Order described in (1) – (3) above within 180 days from the date of the filing of this Order shall result in the case being dismissed without prejudice for non compliance. So dismissed, the case shall not be restored, but must be refiled.

Despite the Court receiving a copy of the documents submitted for filing, an error occurred when a final Order was issued on April 30, 2026, with multiple pleadings being unaddressed. On May 7, 2026, seven previously submitted documents could not be located on the docket—with submission dates as far back as February 2026. A response was not received to the Appellant’s inquiry regarding the missing documents. The missing documents include (in descending order):

- May 6, 2026 Petitioner's Motion for Relief from Judgement (17 pages + Appendix [14 zip files])
- April 29, 2026 Petitioner's Motion for Sanctions by Jury Trial (27 pages, includes Appendix)
- April 27, 2026 The Supreme Court of the United States, Supplemental Brief for the Petitioner To Petitioner's Motion to Supplement Pleading for Stay Pending Appeal (50 pages)

- April 18, 2026 Petitioner’s Motion to Supplement Pleading for Relief from Judgement (To Reopen Closed Application) (With Full Member Court Requested) (35 pages, Proof of Service 1 page)
- April 18, 2026 Petitioner’s Motion to Supplement Pleading for Stay Pending Appeal (With Full Member Court or Justice Samuel Alito) (17 pages)
- April 10, 2026 Motion for Clarification of Case Status with Certificate of Service (7 pages, includes Appendix)
- February 27, 2026 Letter to Court (1 page)

The Appellant’s January 20, 2026 Emergency Motion to Correct Public Record—which notified the Court July 16, 2025 is inaccurately listed as the sale date instead of June 2, 2025 on Lexington County, South Carolina public website—was docketed the following day on January 21, 2026.

Again, delayed filing and docketing of Appellant’s submitted documents reoccurred unopposed by the Court. For example, after the case was closed on July 16, 2025, several motions were timely filed on July 26, 2025 including but not limited to a Motion to Reopen Case; however, according to the docket, July 26, 2025 documents were docketed on August 11, 2025.

Evidence seems to indicate that the Respondents—US Bank National Association, Palmetto Citizens Federal Credit Union, Joint Municipal Water and Sewer Commission, Lexington County Assessor’s Office, Sunrun, Incorporated, Worldwide Enterprises 803LLC, Nayeli Gomez, Corey Short, Emily Short, John/Jane Doe—have colluded and/or participated in the unlawful activity (including outside of court proceedings) as detailed in documents submitted to this Court.

As referenced in *State v. Murdaugh*, (page 7, footnote):

...the State has objected to referring to former Colleton County Clerk of Court Rebecca Hill as a “state official.” Mr. Murdaugh does not mean that her improper motives or conduct should be imputed to the prosecution or law enforcement in this case. But it is inarguable that Ms. Hill acted in this case as an official of the State of South Carolina: She held an elected office created by Section 24 of Article V of the South Carolina Constitution...

The same is true for Clerk’s Lisa Cromer and Mona Huggins, they acted as officials of the State of South Carolina in the lower court case. In January 29, 2025, Hon. James O. Spence wrote in is order denying Appellant’s Motion to Vacate:

Allegations of Clerk of Court Fraud. Defendant argues that the Lexington County Clerk of Court has improperly filed, mislabeled or not filed certain un-specified documents, while filing all of Plaintiff’s documents as submitted.... The court finds no persuasive evidence that indicates Clerk of Court fraud or any other improper activity.

The lower trial Court remains silent regarding the May 6, 2026 notification of submitted

documents from as far back as February 2026 not being located on the docket. The Appellant

located the final Order issued on April 30, 2026 by reviewing the docket. A communication with

Clerk’s Lisa Cromer and/or Mona Huggins regarding not receiving the mailed copy of the final

order still remains unanswered.

Standard of Review

In *State v. Murdaugh*, (page 15) the standard of review is still applicable in this civil case:

“The decision whether to grant a new trial rests within the sound discretion of the trial court” and is reviewed for an abuse of discretion. State v. Mercer, 381 S.C. 149, 166, 672 S.E.2d 556, 565 (2009). “An abuse of discretion arises in cases in which the judge issuing the order was controlled by some error of law or where the order, based upon factual, as distinguished from legal, conclusions, is without evidentiary support.” Stewart v. Floyd, 274 S.C. 437, 440, 265 S.E.2d 254, 255 (1980).

When it is asserted the trial court’s order was controlled by an error of law, “a question of law is presented” and the “standard of review is plenary” and “without deference to the trial court.” State v. Cochran, 369 S.C. 308, 312–13, 631 S.E.2d 294, 297 (Ct. App.

2006) (*Kittredge, J.*) (citing S.C. Const. art. V, § 5 & 9; S.C. Code §§ 14-3-320, 14-3-330, & 14-8-200); *Crossmann Communities of N.C., Inc. v. Harleysville Mut. Ins. Co.*, 395 S.C. 40, 47, 717 S.E.2d 589, 592 (2011).

When reviewing the trial court's decision, the appellate court may not make its own findings of fact if the trial court's findings are "reasonably supported by the evidence." Cochran, 369 S.C. at 312–13, 631 S.E.2d at 297. "The appellate court does not re-evaluate the facts based on its own view of the evidence but simply determines whether the trial judge's ruling is supported.

Argument

An evidentiary hearing was not scheduled to address the Appellant's allegations against Clerks Lisa Cromer and Mona Huggins; this is inconsistent with standard practice as indicated in the *State v. Murdaugh* case. [Although the stated case was a criminal case, all allegations of Clerk misconduct or wrongdoing should be addressed by the same policy and procedure in this state.] Evidence shows Clerk's Lisa Cromer and/or Mona Huggins persistently tampered or permitted tampering with the case in various ways as outlined above.

Clerk's Lisa Cromer and Mona Huggins silence and lack of correction appears to indicate guilt as well as intent. The motivation appears to be terrorism and discrimination, as to the Appellant's knowledge Clerk's Lisa Cromer and Mona Huggins did not benefit financially from the foreclosure of the Appellant's home. Terrorism, as defined by this State (Section 16-23-710),

"includes activities that involve acts dangerous to human life that are a violation of the criminal laws of this State; appear to be intended to: intimidate or coerce a civilian population; influence the policy of a government by intimidation or coercion; affect the conduct of a government...; occur primarily within the territorial jurisdiction of this State."

This State declares the following regarding discrimination (Section 1-13-20):

The General assembly declares the practice of discrimination against an individual because of race, religion, color, sex, age, national origin, or disability as a matter of state concern and declares that this discrimination is unlawful and in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with the opportunities of the individual to receive ...

The Clerk's Lisa Cromer and/or Mona Huggins tampering did negatively affect the case, as previously detailed. But the trial court yet still ignored the motion for a new trial by (*State v. Murdaugh*, page 16)¹:

...committing legal error and by abusing its discretion” The trial court erred when it refused to presume document/docket, attorney, and party tampering by the egregious actions , “is prejudicial to the right of the defendant to a fair trial .The trial court abused its discretion when finding that the verdict was not affected by ... tampering despite ... uncontradicted...” [evidence]. And the trial court erred when it held that deliberate...tampering by a state official ...” [was not worthy of an evidentiary hearing]. The Court therefore should reverse the trial court’s orders [vacate the Appellant’s foreclosure, remand for new trial, and award punitive damages in the amount of \$3 million.]

I. WHEN A STATE OFFICIAL ADVOCATES THE PROMOTION OF OTHER PARTIES, INCLUDING BY PERJURY AND TAMPERING, DURING A CIVIL TRIAL, IRREFUTABLE EVIDENCE THAT PREJUDICE AND DISCRIMINATION EXISTS.

The trial court failed to process Appellant’s motion for a new trial, having been delay filed by three weeks (eleven business days), according to the docket. In addition, the trial court erred in not finding evidence of clerk fraud. In *State v. Murdaugh* (page 17):

When a state official communicates with [other parties] about a [civil] case during trial, the law presumes the tampering was prejudicial to the defendant’s right to a fair trial, unless the communication was completely innocuous. The burden shifts to the state show the communication was harmless. The State can meet that burden by, for example, showing the communication did not concern the merits of the case, that it was favorable to the defendant, or that it never reached a deliberating [judge—but not by an argument that evidence of clerk fraud was not present when indeed it was. As well, not by ignoring complaints of submitted documents not being located on the docket.] But where it is proven there was an improper communication by a court official to jurors about the merits of the case before them—ex parte advocacy by a state official—the presumption is

¹ Bracketed statements “[]” are inserts made by the Appellant in this current case

irrebuttable. State v. Cameron, 311 S.C. 204, 207–08, 428 S.E.2d 10, 12 (Ct. App. 1993) (Where “[t]here was the private communication of the court official to ..., an occurrence which cannot be tolerated if the sanctity of the ... system is to be maintained . . . a new trial must be granted unless it clearly appears that the subject matter of the communication was harmless and could not have affected the verdict.” (quoting Holmes v. United States, 284 F.2d 716, 718 (4th Cir. 1960)) (emphasis added)).

To withhold filing documents in the order received (which permitted the Plaintiff US Bank National to file for Summary Judgement); to recurrently tamper with the docket by not filing submitted documents timely or at all; to tamper with attorneys by permitting non-attorney on record to participate in the case (i.e Attorney Alan Stewart for US Bank National Association); and tamper with parties by adding additional defendants without proper notice to all parties (i.e. Joint Municipal Water and Sewer were added as an additional defendant on September 16, 2025) are all undeniably evidentiary that prejudice and discrimination exists.

Clerks Lisa Cromer and/or Mona Huggins continued to tamper with the case as evidenced by documents submitted since February 2026 not being profiled on the docket during a May 2026 inquiry. In the face of case tampering by a state official with knowledge of need to be impartial, a new trial must be granted. As stated in *State v. Murdaugh* [with Appellant’s wording in brackets]:

The trial court committed legal error by not presuming [Appellant’s] right to a fair trial was prejudiced by ... tampering. Applying the correct legal standard, the evidence— that an elected state official deliberately advocated for [other parties] during trial ...— supports only one reasonable inference—the presumption of prejudice to [Appellant’s] right to a fair trial is irrebuttable. The Court therefore should reverse the trial court and vacate [vacate the Appellant’s foreclosure, remand for new trial, and award punitive damages in the amount of \$3 million.].

The presumption of prejudice and discrimination cannot be overcome, which assisted Respondent’s in obtaining a favorable verdict. Because of the clear error in the trial court not

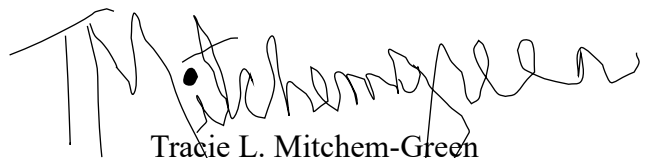
addressing or correcting the tampering of Clerks Lisa Comer and/or Mona Huggins, *this Court should hold the presumption of prejudice to [Appellant] right to a fair trial was not rebutted, vacate orders*—excluding informa pauperis for Appellant—, vacate Appellant’s mortgage foreclosure, remand for new trial, and award punitive damages in the amount of \$3 million. In *State v. Murdaugh* (page 46):

The public rightly sees ... corruption in South Carolina’s legal system and the citizens of South Carolina need more from this case than confirmation of their own social-media-fed ideas They need to see that their legal system actually works. ... the citizens of South Carolina need to see ... a process they would agree is fair if they were the defendants. No reasonable man would agree, if he were on trial ... that having the clerk of court secretly advocate against him ... would be a fair trial. Providing ... the fair trial that every citizen of South Carolina would expect for himself is necessary assure all that no one—powerful or humble, innocent or guilty, hated or beloved—is proscribed from due process and the equal protection of the law.

Conclusion

The Sixth Amendment of the Constitution of the United States assures the right to a fair trial, which is crucial for all litigants regardless whether a case is criminal or civil. Thereby, when court officials promote one party over another; tamper with documents, the docket, case parties, or even attorneys of record, a fair trial is denied and the law has been violated. This Court should follow the law, reverse the trial courts orders—excluding informa pauperis approval for Appellant—vacate the Appellant’s foreclosure, remand for new trial, and award punitive damages in the amount of \$3 million.

June 5, 2026


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