

Horry County Common Pleas
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
U.S. Court of Appeals for the Fourth Circuit

Victoria Joy Stevens,
Appellant,

v.

Charles Ard,
Respondent.

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JUL 23 2026

SC Court of Appeals

MOTION TO STAY APPELLATE PROCEEDINGS AND REMAND

CASE # 2025-001237

Victoria Joy Stevens
4311 Bryant Street
Loris, S.C. 29569
(843) 516-1541
Pro Se Appellant

Charles Ard
2621 Simpson Creek Drive
Loris, S.C. 29569
Pro Se Defendant

Victoria Joy Stevens, Petitioner, respectfully moves this Court to stay the appellate proceedings in this matter and remand the case to the Horry County Court of Common Pleas for further proceedings. In support of this motion, Ms. Stevens states as follows:

- **Original complaint filed June of 2022, case put off continuously, until June 2025.**
- **On June 20, 2025, Petitioner Victoria Joy Stevens filed a notice of appeal from the Horry County's Common Pleas order dated June 16, 2025.**
- **Grounds for Remand: From the onset, and date of my filing, said case was exemplary of Abuses of Process.**
- **Opposing Counsel delayed, continued, and made this case become scheduled under his choice of Judge, the Honorable B. Alex Hyman.**
- **Opposing Counsel Misrepresented law (Defendant's Answers Closing paragraph, (August 11, 2022) A dismissal with prejudice is not about the merits of the plaintiff's claim, but about the legal basis for ending the case. The legal reasons for the case suffered from their failure to be addressed per Horry County Common Pleas. The Court of Common Pleas (or any trial court) is bound by the South Carolina Code of Laws and the South Carolina Constitution. If a statute is valid and applicable to the case, the court must recognize and apply it. Failing to do so can be a legal error — but whether it is a *clear* error depends on the circumstances. I had statement of these construction defects, immediately after completion, but due to cost it was necessary to wait until I had money to repair.**
- **This case needs be sent back due to Judicial ignorance Court Rules, Specifically SCRE 803(6)(B): Under Rule 803 - The South Carolina Judicial Branch of the South Carolina Rules of Evidence, sub-section (6)(B) outlines the business records exception to hearsay. It allows business documents to be admitted in court, provided the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling. (transcripts pages 35 through 30)**
- **The transcripts do not reflect the actual proceedings, the Jury's original verdict, nor the Judicial comments about said verdict, the jury being sent back to redeliberate, the Judicial NJOV, references to ex-parte communications from the bench, nor Judicial comments as to the integrity of the Plaintiff's witness are not within these transcripts.**

- **Granting this motion and remanding the case will not prejudice any party, but will instead promote judicial economy and conserve the resources of this Court and the parties.**
- **Counsel for the Respondent has not been retained for representation in the Appellate courts. He will be informed of requested Remand.**
- **Subpoena Duces Tecum , signed by Horry County Clerk of Court Renee Elvis was sent to Court Reporter Kay H. Richardson demanding she produce and deliver audio from which transcripts were derived was delivered certified mail 07/02/2026 at 1030am. These audio files are to be delivered to Clerk of Court Renee Elvis by month's end.**
- **Failure to apply statute that clearly applied to the facts of this case, as well as ignorance of a statute because it is not explicitly mentioned in the pleadings or evidence, when the statute is directly relevant are both legal errors. Said errors affected the outcome and the rights of this party.**
- **Inasmuch as in South Carolina, a Common Pleas Court (also called a Circuit Court) is a trial court with broad jurisdiction over civil and criminal matters. If the court misapplies a statute — meaning it interprets or applies the law incorrectly — that can be considered a procedural error under certain circumstances.**
- **if a South Carolina Common Pleas judge deliberately or negligently disregards a statute in a case involving a severely disabled female's living facilities, it can constitute a judicial error and potentially a violation of due process.**
- **Under Title 14 of the South Carolina Code of Laws, which governs courts, judges are bound by the rules of court, statutes, and constitutional provisions. Section 14-5-140 addresses "Neglect of duty as to holding terms, disobeying order of assignment, and other violations" and provides for proceedings when a judge fails in their duties. While this section focuses on procedural duties, judges are also expected to apply the law correctly in adjudicating cases.**
- **If a judge ignores or misapplies a statute — especially one that protects vulnerable individuals — it can be seen as:**
 - ✓ **Misapplication of law (a procedural error)**
 - ✓ **Neglect of duty under 14-5-140**
 - ✓ **Violation of due process if the statute is a substantive right (e.g., rights of persons with disabilities)**
 - ✓ **Due Process and Statutory Rights**

- In South Carolina, as in the U.S., the Fourteenth Amendment (via the Fourteenth Amendment to the U.S. Constitution) and SC Constitution Article I, Section 13 protect individuals from being deprived of life, liberty, or property without due process. If the statute in question is a substantive right — for example, a law ensuring adequate living conditions for persons with disabilities — and the judge's ruling undermines that right, it can be grounds for judicial misconduct or removal from office under the Judicial Conduct Act.
- The bottom line is a SC Common Pleas judge ignoring a statute in a case involving a severely disabled person's living facilities can be a court error, especially if it violates due process or substantive rights. The remedy depends on the nature of the statute, the judge's intent, and the harm caused.

CONCLUSION

In conclusion, and for the foregoing reasons, this Court should stay all appellate proceedings and remand this case to the Horry County Common Pleas for further proceedings

DATED July 20, 2026

Respectfully submitted,



Victoria Joy Stevens

Pro se Litigant

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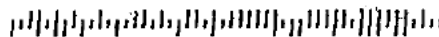
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