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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

S. Ct. Appellate Case No. 2026-001400

South Carolina Community Bank,.....Respondent,

v.

Salon Proz, LLC, Columbia Empowerment Zone, Inc. d/b/a The Columbia
Empowerment Zone, and Frank Mitchell, Defendants,

Of whom Salon Proz, LLC is the.....Petitioner.

REPLY TO RETURN TO PETITION
FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

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ARGUMENT IN REPLY

Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.

William Butler Yeats, “The Second Coming,” from Michael Robartes and the Dancer (1921), and available at <https://www.poetryfoundation.org/poems/43290/the-second-coming>.

There is what is happening here on the surface, and there is what is happening here in the deep that is under the surface. On the surface, I write on behalf of Salon Proz, LLC (the only entity, besides the Respondent, over which the lower court ever obtained jurisdiction), Yvonne Jones, Office Suites, LLC, and The Event Hall, LLC to seek this Court’s review of an extrajudicial ruling that ignores cherished fundamentals of our law.

Under that, in the deep, I write to ask this Court to do what it can to prevent Yeats’ words above from proving true.

Most all that is said in the Respondent’s return is either addressed already in the petition or is on its face so incorrect that reply would be a belt to the existing suspenders. But the Respondent has from the first in its return invoked the notion that this Court should let the Court of Appeals’ decision lie because it is unpublished. That asks for commentary.

To be sure, the effect of the Court of Appeals’ opinion would be worse and stronger if it had been published. But the fact that the Court of Appeals routinely issues unpublished opinions that quite deliberately abandon the law’s required analysis and

affirm obviously incorrect lower court decisions – or reverse correct ones – is part of a problem that is much larger than this case.

The thought, it seems, is that a court undertaking to violate the law is fine as long as no one is looking. I dare say that is not what an unpublished opinion is for. Rule 220(b)(1), SCACR.

Surely you know by now that I have a dangerous habit of calling a spade a spade. And you know that I know that those who hold judicial positions in this state typically demand what they call respect, which, if examined, turns out actually to be deference.

Now, I do not come with pristine hands. I am not the best person to bear to you unvarnished truth. But a spade is a spade is a spade is a spade. I will not say otherwise.

So, let me look at this squared-off shovel made for digging holes and call it the spade it is. I began this law career with respect for the Court of Appeals, for the trial courts, and for this Court. I gave that respect without waiting for it to be earned. I gave it because I believed these institutions, even if they did not always get it right, performed their dedicated functions honestly and with integrity.

Oh, what a Pollyanna I was. As time went on, it became painfully and then frighteningly ever clearer that, with a few notable exceptions, the members of this state's judiciary were willing to subordinate their sworn fidelity to the law, Canon 3B(2), S.C. Code of Judicial Conduct, to other interests: financial or political power, upholding the status quo, or even their own extralegal or outright unlawful ideas of how things ought to be.

My respect for them did not die easy. But, having been thoroughly smothered these many years by men and a few women in robes, it has not been able to continue

breathing. I lament its death every day. My lungs burn from what seem increasingly vain attempts to breathe for it and bring it coughing back.

So, this particular spade. I have never been a judge, but I imagine the adulation and deference one receives has quite an intoxicating effect – as surely does the wielding of the awesome power of the state. Judge Hocker was drunk on the exhilaration of that power, as was the panel of the Court of Appeals that issued the opinion of which review is sought. And, as has many a drunken reveler, they forgot their obligations. See id.

A drunken man may be forgiven for the damage he causes without appreciating what he is doing. Still, he needs to be led to bed, so that he harms no further and can wake clear-eyed and sensible in the morning to begin repairing his wrongs. I know a lot about that. I have been that drunken man more times than ever I could count.

I am here to ask you to take the Court of Appeals by the hand and lead it to a blanket and a soft pillow. You need not do so with a rough hand. Gentleness will suffice. It is the slumber and the waking that matter most.

Everybody knows that a person's rights cannot be affected by a court unless that court has jurisdiction of that person. E.g., Limehouse v. Hulsey, 404 S.C. 93, 104, 744 S.E.2d 566, 572 (2013); BB&T v. Taylor, 369 S.C. 548, 551, 633 S.E.2d 501, 503 (2006). *Everybody knows*. Everybody knows that something (usually service of a summons or a rule to show cause) has to be done for a court to gain jurisdiction over a person. E.g., Stearns Bank Nat'l Ass'n v. Glenwood Falls, LP, 373 S.C. 331, 644 S.E.2d 793, 796 (Ct. App. 2007); Ex parte S.C. Dept. of Revenue, 350 S.C. 404, 407-08, 566 S.E.2d 196 (Ct. App. 2002). *Everybody knows*. Anyone who reads this record knows that, with regard to Yvonne Jones, Office Suites, or The Event Hall, no such

thing was ever done and no such jurisdiction was obtained. (R. pp. 2, 24-33, 101-06, p. 135, p. 192 ln. 1-8.)

Does this departure from the most basic principles of law not warrant even review?

My faith that the Court of Appeals will render true and honest decisions is gone. It has by now run so far into the woods that I cannot hear it, and I do not believe it will come back. Things with this Court, though, are different. I still have some faith in this Court, though it hangs by a gossamer thread. Will you seek to thicken that thread into the strong cord it can be? Or will you cut it, and let me fall?

What will you do?

Look to your oath.

CONCLUSION

If my words have offended, know that to give offense was not my purpose. Please do not mistake my bitter sadness for anger. I have already made that mistake enough. Rather, prove me wrong.

Respectfully submitted,

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