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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2024-CP-18-01500  
Appellate Case No.: 2026-001558

Allison Coaxum,.....Petitioner,

v.

SMC WESCOTT d/b/a COVEY HOMES WESCOTT,.....Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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### **STATEMENT OF THE CASE**

This case pertains to an eviction based upon Petitioner failing to timely/sufficiently pay rent owed to Respondent pursuant to a written rental agreement between Petitioner and Respondent.

### **STATEMENT OF THE FACTS**

At the eviction hearing held before the magistrate, it was found that Respondent satisfied Respondent's appropriate burden of proof to establish that Petitioner failed to timely/sufficiently pay rent owed to Respondent pursuant to a written rental agreement between Petitioner and Respondent. As a result the magistrate, issued a writ of ejectment so that Petitioner would be dispossessed of the rented premises.

### **PROCEDURAL HISTORY**

Petitioner appealed the above-referenced magistrate's ruling to the circuit court, resulting in the magistrate's finding being affirmed.

Petitioner appealed the magistrate's ruling to the court of appeals.

After appealing to the court of appeals, Petitioner's appeal has since become subject to dismissal on more than one ground: (1) Petitioner failed to timely/sufficiently pay bond as set by the circuit court, resulting in the circuit court issuing an order on June 23, 2026 to, *inter alia*, dissolve the stay of eviction and dismiss the appeal, returning possession of the premises to Respondent (via § 27-40-800 (i.e., execution of the judgment for possession)); and (2) Petitioner failing to comply with multiple appellate rules of procedure, for which numerous / ample opportunity has been provided by the court, ultimately / specifically resulting in the Court of Appeals issuing an order on April 23, 2026 providing that due to Petitioner failing to comply

with Rules 208 and 209, SCACR.

After the Court of Appeals issued the above-referenced dismissal, on or about May 5, 2026, Petitioner attempted to have the appeal reinstated via motion, claiming (but context indicating Petitioner was/is *feigning*) ignorance, presumably to continue what has amounted to a profoundly systematic abuse of the rules / process in an effort to remain housed without paying rent for many, many months.

On or about June 18, 2026, the Court of Appeals denied Petitioner's motion to reinstate the appeal.

On or about July 15, 2026, Petitioner initiated this petition for writ of certiorari.

### **ARGUMENT ON QUESTION(S) PRESENTED**

In the petition, it appears Petitioner erroneously included two questions presented that do not even pertain to this case: "1. Did the Court of Appeals err in holding that this action is not barred by res judicata? N/A" and "2. Did the Court of Appeals err in holding that petitioner had failed to timely object to the trial judge's charge on the burden of proof? N/A" – these appear to be form / irrelevant / inapplicable questions and therefore should not justify / require any response from Respondent, besides a brief recognition of this fact and that based on, *inter alia*, this error / failure to comply with SCACR, Petitioner's petition should be denied. To the extent the court would opine that Respondent should furnish a response / argument to Petitioner's petition based upon the content of what Petitioner pled in Petitioner's "Statement of Case[.]" further argument is provided below.

Petitioner claims Petitioner's filings have been on time, when to the contrary, little to no filings have been timely/sufficient and thus required the Court of Appeals to provide Petitioner with repeated opportunity to amend/cure defects in Petitioner's pleadings. Petitioner has

repeatedly / systematically made claims that are unsubstantiated, irrelevant to the pertinent facts and/or questions of law for cases of this nature, and the content of Petitioner's petition is no different.

Petitioner attempts to make unsubstantiated emotional / irrelevant statements about Petitioner's personal circumstances and conveniently claims that Petitioner was misled regarding procedure based on communications from court personnel which cannot be confirmed, nor would those persons ever be authorized to provide legal advice, which it appears Petitioner is claiming that certain persons would have done based on content / context of Petitioner's allegations insomuch as Petitioner would allege that court personnel directed Petitioner to take action that is not in compliance with the rules that Petitioner has already well-established her inclination to disregard.

Additional / more specific arguments below.

**I. A Grant of Certiorari is Not Justified Based on Five (5) Factors Enumerated in SCAR 242(b) or General Considerations Related Thereto.**

SCAR(b) provides five (5) factors that might suggest when Certiorari is appropriate. These factors are: novel questions of law, dissent at the court of Appeals, a conflict between the Court of Appeals and the Supreme Court, the presence of constitutional issues, and a federal question of which the SC Court of Appeals ruling differs from the ruling of the United States Supreme Court. Petitioner's Petition for Certiorari does not appear to fall within any of these five (5) categories.

**II. A Grant of Certiorari is Not Justified As It Does Not Comply With SCAR 242(d)(2) and (242)(d)(3).**

SCAR(d) sets forth the contents that a Petition for Certiorari shall contain the following:

(1) the questions presented for review, expressed in terms and circumstances of the case

but without unnecessary detail;

(2) a concise statement of the case, containing the facts material to the consideration of the questions presented;

(3) a direct and concise argument in support of the petition, in which the argument on each question shall include citation of authority and specific reference to pertinent portions of the Record on Appeal.

Here, the Petition for Certiorari does not satisfy the requirements of SCAR(d)(2), nor SCAR(d)(3). The Petition does not satisfy SCAR(d)(2), as the Petition does not present a concise statement of the case, nor does it contain facts material to the consideration of the questions presented.

Additionally, the Petition does not satisfy SCAR(d)(3), as the Petition for Certiorari does not provide a “direct and concise argument in support of the petition.” Moreover, the Petition for Certiorari does not contain appropriately articulated argument sections on each question presented that includes citation of authority, nor does the Petition reference to specific portions of the record on appeal.

### **III. A Grant of Certiorari is Not Justified Because The Petition for Certiorari Does Not Contain An Appealable Issue.**

Ultimately, granting certiorari is not justified because the Petition for Certiorari does not contain an appealable issue. Petitioner seeks to make arguments by attempting emotional appeal, not legal arguments upon issues that are of consequence. More specifically, virtually any/all argument(s) proffered by Petitioner fail to sufficiently articulate and/or establish any error in law or fact as determined by any court, namely the magistrate court, that constitutes an appealable issue.

## **CONCLUSION**

Upon review of the procedural history, including the filed pleadings, appeals, and orders issued by the Dorchester County Magistrate Court, Dorchester County Circuit Court, and the South Carolina Court of Appeals, it is evident from the tedious history of this matter, Petitioner is shamelessly effectuating an abuse of process / the legal system to perpetuate Petitioner's residency for as long as possible all the while knowing that Petitioner should have, but has not been, paying rent and/or bond pursuant to contract and law, resulting in a substantial rental balance that continues to accrue on a per diem basis.

As this well-informed and esteemed court likely already knows, whenever a tenant seeks to appeal an eviction to the circuit court and/or court of appeals, bond must be set and then paid by the tenant to maintain that appeal. When it comes to the above-referenced bond, in general, ignorance of the law is not an excuse; however, Petitioner is acutely aware of how bond works because bond was set *and paid* by Petitioner for Petitioner's appeal to the circuit court. Concerningly, Petitioner initiated Petitioner's appeal to the Court of Appeals where once again bond was set by the court; however, Petitioner has failed to pay bond and/or comment upon same in Petitioner's Petition, either, indicating Petitioner has no means and/or intent of paying what now is presumably an insurmountable balance.

Additionally, and with all respect due to the Circuit Court, there were notable delays, of several months in total, between the date(s) on which the Circuit Court was provided draft order(s) (i) to set bond and (ii) to order the writ of possession to be issued based upon Petitioner's failure to comply with bond, and the dates on which the above-referenced orders ((i) and (ii)) were ultimately issued. The concern here is that, and while this cannot be said with complete certainty, the facts and circumstances indicate the Circuit Court, despite the content of /

procedures outlined by pertinent law, has been reluctant to timely / formally issue the above-referenced orders, resulting in notable financial impact as well as due process delays for Respondent. For example, once Petitioner failed to timely/sufficiently pay bond, the appropriate filings (e.g., motions and proposed order) were submitted to the Circuit Court for review/signature (to provide for the writ to be issued so that Respondent court obtain possession) on March 20, 2026. Not only did Circuit Court not formally issue this order until three (3) months afterwards on June 23, 2026, coincidentally right after the Court of Appeals denied Petitioner's motion to reinstate the appeal on June 18, 2026, but per the very language of the Circuit Court's order, and upon information and belief, the Circuit Court has still not effectuated re-issuance of the writ by the magistrate court as of this date, allowing Petitioner to remain in possession. Thus, it is undersigned counsel's belief that the Circuit Court may benefit from some clarity and direction / articulation on how it may facilitate re-issuance of the writ regarding orders of this nature because the circumstances indicate some unspecified hesitance to act and unfortunately, this has resulted in a financial impact upon Respondent – should this court agree, to avoid unnecessary repetition of the same outcome and in the interest of justice, and since there is certainly a prospect of these same delays re-occurring, Respondents respectfully request that this court clarify how the Circuit Court can facilitate re-issuance of the writ of ejectment upon ordering same, so that those in the position of Respondent do not incur same / similar avoidable outcomes. Respectfully, it is quite difficult for Respondent to rationalize from a financial and due process standpoint how the writ of ejectment was not re-issued many months ago pursuant to the Circuit Court's own order, which incidentally could have mooted some and/or all action items now before *this* court.

*Inter alia*, the Petition for Writ of Certiorari submitted by Petitioner is not justified based on the five (5) factors enumerated in SCAR 242(b) and/or the general considerations related



thereto, the Petition for Writ of Certiorari does not comply with SCAR 242(d)(2), nor 242(d)(3), and the Petition for Writ of Certiorari does not contain an appealable issue. Accordingly, the Respondent respectfully requests that this Court deny the Petition for Writ of Certiorari and kindly, in the interests of justice and judicial economy, provide specific articulation to the Circuit Court on how it should effectuate re-issuance of the writ as appropriate so that no further unnecessary delay and/or financial impact is incurred by the Respondents, who have been exceedingly patient despite incurring damages on a per diem basis under these circumstances.

Respectfully submitted,

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August 14, 2026  
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