

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY

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Court of Common Pleas
J. Derham Cole, Circuit Court Judge

JAN 23 2014

Supreme Court Case No.: 2013-002627

S.C. Supreme Court

Launeil Sanders Petitioner,

v.

Janneth E. Sanders, Burts Turner & Rhodes, and Spartanburg County Respondents.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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County

Other Counsel of Record:
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Inman, SC 29349
Petitioner

William H. Rhodes, Esq.
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Attorney for Janneth E. Sanders and Burts Turner & Rhodes

STATEMENT OF THE CASE

Respondent Spartanburg County concurs with the Procedural History and Facts of the Case as set forth by Respondents Janneth Sanders and Burts Turner & Rhodes in their Return to Petition for Writ of Certiorari and incorporates the same by reference.

ARGUMENT

1. THE COURT OF APPEALS DID NOT ERR IN DISMISSING PETITIONER'S APPEAL.

Petitioner's underlying appeal was dismissed by the Court of Appeals after his repeated failure to correct the Record on Appeal. In his Petition, Petitioner raises two issues: (1) whether the trial court erred in declining to enter default judgment against Janneth Sanders and (2) whether the Court of Appeals erred in dismissing his appeal on administrative grounds. To the extent Petitioner's default judgment issue involves Respondent Spartanburg County, the issue is not properly before this court as no final ruling was made on the issue by the Court of Appeals. See Rule 242(a), (c), SCACR ("The Supreme Court . . . may in its discretion . . . issue a writ of certiorari to review a final decision of the Court of Appeals."). No decision, much less a final one, was made on the issue; thus, the only issue properly before this court is whether the Court of Appeals erred in dismissing Petitioner's appeal on procedural grounds.

The decision to deny a petition for a writ of certiorari rests within the sound discretion of the court and will only be granted "where there are special and important reasons." Rule 242(b), SCACR. In this instance, Petitioner presents neither novel questions of law nor argues a substantial constitutional issue. See id. Petitioner also does not allege the decision of the Court of Appeals is in direct conflict with a prior decision of the Supreme Court. See id. In sum, this petition lacks the character of a case that should be reviewed by this court and Respondents respectfully request that this petition be denied.

Petitioner's appeal was complicated by numerous procedural and administrative difficulties. Ultimately, the Court of Appeals dismissed the appeal for Petitioner's repeated failure to comply with the requirements of Rule 210, SCACR. Specifically, Petitioner included documents that were not designated by any parties' Designation of Matter and failed to include documents that were designated by the Respondents. The appellant has the burden of providing an adequate Record on Appeal. Solley v. Navy Fed. Credit Union, Inc., 397 S.C. 192, 214, 723 S.E.2d 597, 608 (Ct. App. 2012); Rule 210, SCACR. Here, despite the many opportunities granted him by the Court of Appeals, Petitioner failed to shoulder this burden and properly compile the Record on Appeal. Accordingly, the Court of Appeals made no error in dismissing the appeal.

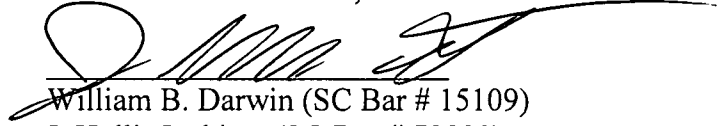
Additionally, Petitioner has failed to file and serve an Appendix as required by Rule 242(e), SCACR. To the Respondent's knowledge, no Appendix was filed with the court at the time the Petition for Certiorari was filed. Moreover, as this matter involves the dismissal of Petitioner's appeal for procedural reasons, Petitioner is required to serve the Appendix on counsel for Respondents. No Appendix has been served on Respondent Spartanburg County. As at the Court of Appeals, Petitioner has disregarded the most basic procedures set forth in the Appellate Court Rules and his Petition for Writ of Certiorari should be denied.

CONCLUSION

Based on the foregoing, Respondents respectfully request that the petition for writ of certiorari be denied.

[SIGNATURE PAGE FOLLOWS]

HOLCOMBE BOMAR, P.A.



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January 21, 2014

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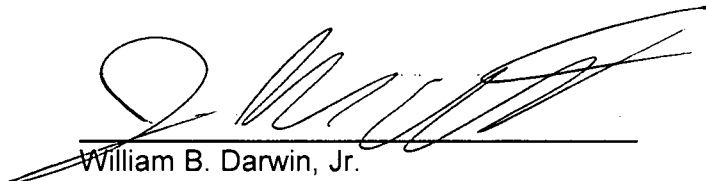
JANNETH E. SANDERS, SPARTANBURG COUNTY, BURTS, TURNER AND RHODES
c/o RICHARD RHODES, Respondents.

PROOF OF SERVICE

I certify that I have served the Return to Petition for Writ of Certiorari on the following parties by depositing a copy of it in the United States Mail, postage prepaid, on January 21, 2014, addressed to the attorneys of record listed below:

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Richard Rhodes

A handwritten signature in black ink, appearing to read 'William B. Darwin, Jr.', is written over a horizontal line.

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January 21, 2014