

Dr. Walter T. Cardwell  
15 Dawnwood Drive  
Greenville S. C. 29615  
January 30, 2014

The Honorable Danny Bickell Clerk of the,  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543-0001

Re: Petition for a Stay to the Supreme Court of the State of South Carolina

Dear Mr. Bickell:


Enclosed please find an original and ten copies of the Petition for a Stay and Injunction to the South Carolina Supreme Court originally addressed to Chief Justice Roberts who has denied the stay. I ask that you forward this to Justice Scalia for his final decision on the matter.

The filing is as originally filed with Chief Justice Roberts but I have added a cover letter to Justice Scalia since there have been additional developments since the original was filed. It introduces no new information but only updates the status of the case and also addresses the denial of Chief Justice Roberts.

Again, time is of the essence here as the action to be stayed will occur on Monday February 3<sup>rd</sup> 2014.

Thank you again for your kind assistance in this matter.

Yours truly,

  
Dr. Walter T. Cardwell.

cc: M. Kevin McCarrell, Esquire  
William N. Nettles  
The South Carolina Supreme Court

**RECEIVED**

FEB 03 2014

**S.C. SUPREME COURT**

Dr. Walter T. Cardwell  
15 Dawnwood Drive  
Greenville S. C. 29615  
January 30, 2014

The Honorable Antonin Scalia,  
Associate Justice of the  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, D.C. 20543-0001

Re: Petition for a Stay to the Supreme Court of the State of South Carolina

Dear Justice Scalia:

The petition for a stay that you are being asked to decide has been rejected by Chief Justice Roberts. Unfortunately without a reason being given I must guess why my arguments were not persuasive. There seems to be two issues involved, does the case have merit and is it important enough for the Supreme Court to be involved with. At the time of filing the original petition for the stay, the petition for the Writ of Certiorari had not been filed. It has now if that matters. While on the surface it would seem like I am just another litigant complaining about losing, the issues in the case about the systematic denial of justice by the South Carolina Courts is of prime importance.

But the issue is made even more important due to the consequences of this wrongdoing. In this petition I have also discussed the impact that the denial of this petition will have on the security of this country due to a breakthrough in a technology that, it would seem, everyone is dismissing. As outlined in the attached Exhibit A, I do believe that development of this technology by an unfriendly nation before we do could be an existential threat to this country.

Why does the stay have any relevance to this threat? I have for over two years stalled the opening of a website that will make this information public. If my home is sold and I must leave South Carolina, the website will open in order to fund the relocation and continuing development of this technology. Do you really want to see Exhibit A on a website?

If the consequences are potentially so devastating why would Chief Justice Roberts deny the stay? 1. He has seen the petition for the Writ of Certiorari and concluded that it has no merit which if so I cannot argue against. 2. He believes the massive harm to others is either irrelevant or not real. 3. He has inside information that my fears are groundless. 4. He thinks I am a crackpot which I could very well be, but I assure you I am not.

So to me, what I hope you will weigh carefully is the balance between the bank being able to take my home now and risking the consequence of the website opening which cannot be undone. The Supreme Court should take the time to gather as much information as possible to be sure of the consequences of its decision. Normally money can help undo a wrong decision but not in this case. Once the website opens there is no putting the genie back in the bottle.

Finally, I wish to ask two things of you if you decide not to grant the stay until the Petition is decided. 1. Tell me that you are making the decision on knowledge that you have that the country will be safe so I will be able to sleep at night when the website opens. 2. The original petition for the stay to Chief Justice Roberts was lost by the Clerks office which is why this decision has been delayed so long. I do have the stamped return receipt postcard showing the Court did receive the petition for the stay. If possible I would ask for at least a stay until the end of February so that I will have time to have a mover pack things up properly where things will not be lost, stolen, or broken in the move.

In any case thank you for your valuable time reviewing this matter.

Yours truly,

Dr. Walter T. Cardwell.

cc: M. Kevin McCarrell, Esquire  
William N. Nettles  
The South Carolina Supreme Court

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In the Supreme Court of the United States

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Walter T. Cardwell, Jr. , Petitioner

vs.

The South Carolina Supreme Court, Respondent  
The Palmetto Bank, Respondent

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PETITION FOR A STAY AND TEMPORARY RESTRAINING ORDER TO THE  
SUPREME COURT OF THE STATE OF SOUTH CAROLINA

---

PETITION FOR A STAY AND TEMPORARY RESTRAINING ORDER

---

Dr. Walter T. Cardwell  
15 Dawnwood Drive  
Greenville, S. C. 29615  
(864) 567-3441  
Petitioner Pro Se

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Supreme Court Building  
1231 Gervais Street  
Columbia, South Carolina 29201

M Kevin McCarrell  
Smith Moore Leatherwood  
Post Office Box 87  
Greenville, South Carolina 29602  
Attorney for Respondent

William N. Nettles  
United States Attorney  
1441 Main St., Suit 500  
Columbia, SC 29201

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To the Honorable Chief Justice John Roberts

With utmost respect, Petitioner not being a lawyer and not knowing the proper procedures to bring these matters to the attention of the Court, prays that the Court will fully consider this petition. I am asking for a stay of Greenville County South Carolina Equity Court Judge Charles B. Simmons' order putting my home up for sale January 6<sup>th</sup> 2014 and a temporary restraining order ordering the Palmetto Bank not to put the house up for sale pending a decision on a petition for a Writ of Certiorari to the United States Supreme Court being prepared now asking them to certify that the recent denial of a Petition for a Writ of Certiorari to the South Carolina Supreme Court does not violate my United States Constitutional Rights to Due Process and Equal Protection under the Law as guaranteed to me by the Fourteenth Amendment to the United States Constitution. The deadline to file this petition occurs after the sale date of the house. The following three sections are copied from a motion for a stay and injunction to the South Carolina Supreme Court which was denied.

(A) BRIEF STATEMENT OF THE FACTS

The issue at hand concerns a foreclosure obtained by the Palmetto Bank, the Respondent, from the Master in Equity Court in Greenville with Judge Charles B. Simmons presiding. In the case, the Petitioner answered the original summons with a counterclaim asking for money damages for the misbehavior of the Bank in filing the foreclosure. Respondent obtained a compulsory order of reference and moved the case to the Master in Equity Court and Petitioner filed a motion to have the case restored to the jury trial docket. Judge Simmons denied the motion, went ahead with a trial and issued a judgement in favor of the Respondent and issued an order putting the Petitioner's property up for sale. His decision was appealed to the South Carolina Court of Appeals where the appeal was denied and a petition for a writ of Certiorari was filed with the South Carolina Supreme Court which was also denied by Chief Justice Toal.

(B) BRIEF STATEMENT OF THE ISSUES OF LAW

Petitioner is asking the court to delay the actions of the bank to allow the United States Supreme Court to rule on the two United States Constitutional issues that it will be asked to decide and that the issue not be made moot by the selling of the house before then. The two issues the U. S. Supreme court will be asked to decide are:

(1) Denial of Due Process.

As stated in petitioner's Reply to Petition for a Writ of Certiorari to the South Carolina Supreme Court:

'The three rules of the SCRPC that govern this dispute are **Rule 53 Masters and Special Referees, Rule 38 Jury Trial of Right, and Rule 39 Trial by Jury or by the Court.** Rule 38 states:

**(a) Right Preserved. The right of trial by jury as declared by the Constitution or as given by a statute of South Carolina shall be preserved to the parties inviolate. Issues of fact in an action for the recovery of money only or of specific real or personal property must be tried by a jury, unless a jury trial be waived.**

Rule 39 states:

(a) By Jury. When trial by jury has been demanded as provided in Rule 38, the action shall be designated upon the calendar and the clerk's filebook as a jury action. The trial of all issues so demanded shall be by jury, unless (1) the parties or their attorneys of record, by written stipulation filed with the court or by an oral stipulation made in open court and entered in the record, consent to trial by the court sitting without a jury or (2) the court upon motion or its own initiative finds that a right of trial by jury of some or all of those issues does not exist.

To preserve the right of trial by jury inviolate as stated in the South Carolina Constitution is it necessary that all issues of fact be tried by a jury? Taking the term inviolate to mean that all issues triable by right of jury must always be tried by a jury if so requested then why is it [not] mandatar(y)(sic) [mandatory] that ALL issues of facts must be tried by a jury if requested even facts that will determination(sic) [determine] whether an issue is triable by right of jury.

The South Carolina Constitution only guarantees the right to a jury trial not that a jury will render a "correct decision" Once the case has been brought to a jury, South Carolina has fulfilled its obligation. That any party including the Judge can request a jury trial, if a case is sent erroneously to a jury, no violation of anyone's rights has occurred. If it is determined by the facts presented to a jury that the case does not belong before a jury, the jury can be dismissed and the judge can then render his decision.

If whether an issue is triable by right of jury depends on facts of the issue in question, and if the determination of those facts can be made by a judge under rule 39 trumping rule 38's requirement that these facts must be tried by a jury, then if the judge errs in the determination of facts and rules the issue is not triable by right of jury when it is, then the judge has denied the party his inviolable right to a jury trial which is not only a violation of the South Carolina Constitution, but also a violation of the due process clause of the Fourteenth Amendment to the United States Constitution.

Triable by right of jury is not whatever a judge defines it to be but is a characteristic of the issue itself. The judge's proper role is not to define what is triable by right of jury but to determine if the issue is triable by right of jury based on the appropriate statutes that define which issues are triable by right of jury and which are not.

But if the triability of an issue depends on the facts in question and it is NOT required that those facts be determined by a Jury then effectively any judge on any issue can overrule any statute and all laws are then meaningless. One cannot state that a judge is constrained by the threat of an appeal because appellate courts do [not] consider the determination of fact, only a determination of law. It is for this reason that I believe I will prevail in the United States Supreme Court on this issue because if the United States Supreme Court were to take the South Carolina Supreme Court's view, then all laws would be totally meaningless.

## (2) Denial of Equal Protection Under the Law:

During the trial a representative of the Palmetto Bank did commit perjury. In checking with the County Solicitor and the Greenville County Sheriff's Office, Petitioner was told that only Judge Simmons could order an investigation into the alleged perjury. A motion was filed for a new trial based in part on the perjured testimony of the Bank's representative and specific details of where corroborating evidence could be found that only Judge Simmons could obtain and

that there was a potential witness. Judge Simmons denied the motion and did not have the matter investigated. A felony was committed and because Judge Simmons was the only one who could have investigated this matter according to the Sheriff's department, his failure to do so denied me my constitutional right to Equal Protection under the Law. I believe I will prevail in the United States Supreme Court on this issue as well.

These are the issues of law that will be presented to the United States Supreme Court to rule on in the Petition for a Writ of Certiorari that is now being prepared.

### (C) IRREPARABLE HARM TO SOUTH CAROLINA

If everything were on the up and up the Bank certainly would have a right to sell the property at the earliest possible time and any delay should be denied. But I do not for one minute believe that anything in this case is on the up and up and while the Court claimed that it was by denying the Petition for a Writ of Certiorari, the Court should wait before allowing my house to be sold for the United States Supreme Court to confirm the opinion of the South Carolina Supreme Court. Should the United States Supreme Court rule in my favor then it will open South Carolina up to unprecedented liability (see below). Even if the U. S. Supreme Court does not rule in my favor, the consequences for South Carolina if my house is sold will, I think, be devastating.

If this petition is either denied or not acted upon quickly, then the consequences for South Carolina will begin immediately. The full impact of this lawsuit and of other pending events on South Carolina are set forth on the website <http://corruption.snapphanar.com>. I am providing the Court access to the website so that it may accurately assess the harm that will eventually befall South Carolina by this information being made public. The website is closed because I am trying desperately to see that no one is hurt by what is contained on the website. Because of the sensitive nature of the information contained and because Mr. McCarrell already has access to the site, I will submit a user name and password for the Court to use to access this site in the cover letter sent to the Clerk of Court. In this way if the access is misused to bring harm to anyone, the source of that access can be traced.

The most relevant links on the website are,

- 1) <http://corruption.snapphanar.com/OpenLetterSC.php> – An open letter to the People of South Carolina that will be sent to the press if the Court does not act in order to give the People of South Carolina a chance to try and prevent what will happen if the house is sold. But once sent, everything

will come out in the open.

- 2) <http://corruption.snapphanar.com/IJet.php> – This is a very brief video clip introducing the new technology that can either make or break South Carolina if it is the last place on earth to receive I-Jet service..
- 3) <http://corruption.snapphanar.com/Future.php> – This link outlines the issues facing South Carolina and others in the future.
- 4) <http://corruption.snapphanar.com/Legal.php> – This link discusses in more detail the legal issues outlined above.

It must be made clear to the Court that even though I will be the one making this information public it is not done to cause harm to anyone, just the opposite. While the Bank has committed felonies against me, the consequences of those felonies does not stop at the harm done to me. It is the People of South Carolina who will suffer far greater harm by the failure of the South Carolina Judicial system to provide justice in this matter and if it continues not to do so, making this information available to the People of South Carolina is the only way they can possibly protect themselves from the consequences of what these people have done. They have a right to be made aware of what is being done to them and I will see that they do get this information.

Throughout these proceedings in every Court, I have made it a point to make everyone aware of the importance of these proceedings and that the outcome does not just affect me but may also affect others. That these warnings have been totally ignored shows either totally depraved indifference to human life or a believe that I am some crackpot flying car nut. I am not and the Court will be very foolish if it assumes that I am. I have a PhD in Electrical and Computer Engineering from Clemson University. I hold five patents related to what Motorola once called the Cardwell effect, an overlooked characteristic of multidimensional electrostatic fields. I have presented my findings to over 15 individuals who hold advanced degrees in either engineering or physics including the head of the Ion Propulsion division at NASA, the head of the Ion propulsion department at the University of Michigan, an Admiral in the United States Navy who holds advanced degrees in both electrical and aeronautical engineering, and others. Before the Court dismisses me again it had better understand that I am not a crackpot, the technology is real, and when it is commercialized it will have the consequences for South Carolina described on the web site. If the Court doubts my credentials the court can bring on any expert it wishes and I will answer any non-proprietary questions he or the Court may have.

South Carolina is at a crossroad here. If the Court chooses to let this sale proceed another years delay will be added to four years that have already been lost and another million people could potentially die. It is because of this fact that I must make every effort to see that this does not happen. If the Court decides not to

grant the petition then I will send off the "Open Letter" to the press so that if the Supreme Court will not protect the people of South Carolina, they can take whatever steps they so choose to try and protect themselves. But I truly believe that the people of South Carolina and the rest of the world will hold the South Carolina Courts accountable for not protecting them.

Because the Palmetto Bank did place an ad in the Greenville News on Friday December 20, 2013 to sell the house it is clear that they intend to go forward with this sale. The house will be sold on January 6, 2014 so time is of the essence. I will have to send the open letter to the press within a week of the date of this petition unless the Court grants at least a temporary injunction stopping the sale. If it wishes to do so they should inform me by e-mail at the e-mail address contained in the cover letter sent to the Clerk of Court. It is an address which only the court will have.

Finally, meaning no disrespect to Justice Toal, she should not be the one to decide this petition since it is her decision that is being appealed to the United States Supreme Court and she does therefore have a conflict of interest. Also the fact that she is running for re-election could potentially cloud the issue this petition is requesting be addressed in the mistaken belief that running me out of town before the campaign will prevent her decision from being addressed before the campaign. As you can see it will not but there may be a mistaken belief that it will all die out before the election. It will not.

In closing, I can only say that this Court has a duty to protect the citizens of South Carolina. It must not fail in its duty which can only be achieved by granting this petition. I am also sending a copy of this petition to the State Attorney General and I have no objection to the Court discussing this matter with him so that other State entities can have a chance to act to protect the people of South Carolina.

(D) BRIEF COMMENTS ON REJECTION OF THE MOTION FOR A STAY BY THE  
SOUTH CAROLINA SUPREME COURT.

A Copy of the South Carolina Supreme Court's Rejection is attached. As stated the stay was denied solely on the grounds that they do not believe that I will prevail in the United States Supreme Court. Based on the odds that is certainly a legitimate position for the Court to take based on A and B above. But not for C. The reason why a stay should have been granted is not

just for my benefit but for the benefit of every single citizen of South Carolina and by the Court's response they show that they care not one wit about the citizens they are charged with protecting. Does the South Carolina Supreme Court have the authority to act to protect the State and citizens of South Carolina? Of course they do. Are there many legitimate reasons why they could reject such a claim of harm to others? Of Course. But if we look at the Court's denial of the stay, the only possible stated reason for the denial of this claim of harm to others is that they will not look at information provided to them on a password protected website. But that clearly is not a reason for rejecting the stay but is instead an excuse as it does nothing to relieve them of the responsibility of protecting the citizens of South Carolina. To say we will not protect the citizens of South Carolina because the information was presented in an unacceptable format borders on criminal negligence. If it is not in an acceptable format the clerk could contact me to state that it is not so that the information can be presented in a format that is mutually acceptable.

Why was the information presented in this manner. First because one of the links is to a video clip. You can't put that on paper and submit it. Second, this is not a game we are playing here. The information is quite extensive. If printed it would vastly exceed the limits acceptable to the Court. So the court would like me to guess what issues the court would find compelling. If I guess wrong, the people of South Carolina suffer for my poor judgement. By presenting it in this manner, the court gets all the information available indexed and easily accessible but most importantly, to grant the stay the court only needs to accept one reason to grant the stay and it can stop as soon as it finds one saving them time but most importantly making sure that

all the information is available to them. If it needs a hard copy of what it based its decision on, I would hope that the South Carolina Supreme Court has a printer. The clerk could certainly print it out and make any stay conditional on me paying the copying fee. In any case, that the seriousness of the consequences of not granting a stay were stated in the petition itself, to not make every effort to make sure they did have that information shows that it was not a reason for rejecting the stay but an excuse.

The third reason for presenting this information in this way as stated in the petition is that this information could cause great harm if made public and presenting this information in the petition itself will make the information public. The Court must get sensitive information all the time that must not be made public. In fact when discussing discovery they address the issue of the Trial Judge keeping sensitive information private. Is it wrong to expect the Supreme Court to be able to do likewise?

Finally, in the petition I ask that it be decided by other than Chief Justice Toal because she does have a conflict of interest having signed the original denial of the original Petition for a Writ of Certiorari and her upcoming reelection may also influence a decision by her. The tone of the comments are that I was impugning her integrity which was not my intent. Conflict of interests occur all the time and it is neither improper nor meant as an insult to the individual involved to point out concerns about potential conflicts of interest so that they can be addressed as was done here by having an other Justice sign the denial. But I suspect the tone and signature of all five Justices was meant more to influence you your Honor knowing that a copy

of the denial must be attached to this petition.

(E) COMMENTS ON WHY A STAY SHOULD BE ISSUED.

I am going to do in this petition what I did in the Petition for a Stay to the South Carolina Supreme Court and drop the hot potato in your lap and you can tell me how you wish to handle it.

In (C) above I state the harm that will be done to the Citizens of South Carolina. But they are not the only ones who will be harmed. All the Citizens of United States have and will be further harmed if a stay is not granted. I know that what I am about to say will negatively impact Your Honor's consideration of this petition but it must be said. I am not a lawyer but an engineer and we are trained to state what we believe and not obscure those beliefs by "diplomatic" language so I will be blunt here and state my beliefs as clearly as possible without pulling any punches.

1) I believe that the issues to be decided by the Writ of Certiorari to the United States Supreme Court did not arise out of honest mistakes made by the Circuit Court, the Appellate Court and the Supreme Court of South Carolina but were deliberate acts by the individuals involved and that they have been engaging in Federal Crimes under Title 18 Section 242 of the United States Code that has already directly resulted in one death and could potentially result in millions more. The reasons for this belief are fully documented on the webpages whose links are listed above. To print them out will take over 50 pages and again there is sensitive

information there that should not be made public. I will again provide your court clerk a username and password so that you may access this information if you so wish. The South Carolina Supreme Court's and the Respondent's attorney's usernames and passwords are still valid and they can access the information if they so choose. If there is a problem accessing the information they can contact me at [lawsuit@snapphanar.net](mailto:lawsuit@snapphanar.net) as can your Honor or the Court Clerk. I do not know how else to present this information in the limited time available.

2) As I stated above, in all of the court proceedings I made a point of informing each and every court of the harm that their actions could bring and in every case they chose to ignore it. If everything were on the up and up and they were upholding the law then so be it. But they are not. That during all these proceedings just like in the attached denial of the stay, not one question, not one concern, not one opinion about this harm, it was just totally ignored and not on any grounds, just ignored. It is for this reason that I believe these are not honorable people who can be trusted with even more sensitive information. I will provide it to Your Honor in a separate exhibit that you can divulge if you so choose but I wouldn't risk it and am advising you not to do it either. The information in this exhibit concerns only the consequences to others and does not address any legal issues that are not contained either here or on the website. In any case, if they don't care about the people of South Carolina do you really think they will care about anyone else?

3) At the start of the original trial I stated that this could be the single most important case ever tried in South Carolina. It could be in the United States as well as you will see in the

attached exhibit.

### CONCLUSION

After reviewing the information provided I hope you will take it seriously and will issue a stay preventing the sale of my home until after the Supreme Court has had a chance to rule on the Petition for a Writ Of Certiorari. A million lives could be at stake.

Respectfully submitted,

January 2, 2013

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Dr. Walter T. Cardwell  
15 Dawnwood Drive  
Greenville, South Carolina 29615  
(864) 567-3441  
Petitioner Pro Se

# The Supreme Court of South Carolina

The Palmetto Bank, Respondent,

v.

Walter T. Cardwell, Jr., Coach Hills Homeowner's  
Association, Inc., United States of America, Defendants,

Of whom Walter T. Cardwell, Jr., is Petitioner.

Appellate Case No. 2012-213407  
Lower Court Case No. 2010CP2304560

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## ORDER

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This is a mortgage foreclosure case. After the South Carolina Court of Appeals affirmed the judgment of the circuit court directing the property to be sold, petitioner sought a writ of certiorari from this Court to review the decision of the Court of Appeals. This Court denied the petition for a writ of certiorari by order dated October 18, 2013. The remittitur was sent to the circuit court on October 28, 2013.<sup>1</sup>

Petitioner now asks this Court to stay this matter or grant a temporary restraining while he seeks review from the Supreme Court of the United States. He indicates that the sale of the property is take place on January 6, 2014.<sup>2</sup>

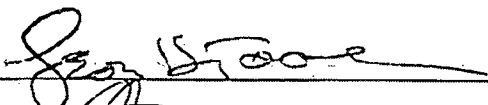
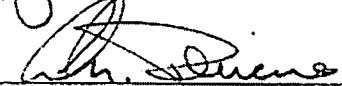
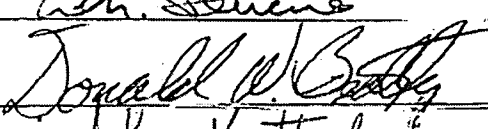
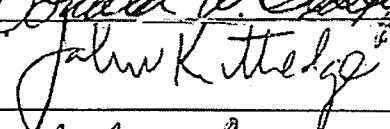
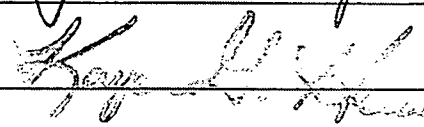
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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2012-213407.

<sup>2</sup> In his petition, petitioner invites this Court to consider a password protected website. This Court has not and will not consider this website in ruling on this motion. If there are other documents or other matters that are relevant to this request, they should have been filed with the motion.

Under Rule 23.3 of the Rules of the Supreme Court of the United States, a request for a stay must first be made to this Court. To obtain a stay under this Rule 23, petitioner must show that there is "a reasonable probability that four Members of the [United States Supreme] Court will consider the issue sufficiently meritorious to grant certiorari or to note probable jurisdiction." *Graves v. Barnes*, 405 U.S. 1201, 1203, 92 S.Ct. 752, 753-754, 30 L.E.2d 769, 772 (1972) (J. Powell, Circuit Justice).

We find that petitioner has failed to make a sufficient showing. Accordingly, the petition for a stay and restraining order is denied.

	C.J.
	J.
	J.
	J.
	J.

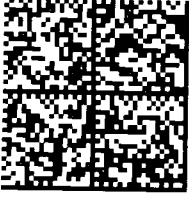
Columbia, South Carolina  
December 27, 2013

cc: Michael Kevin McCarrell, Esquire  
F. Marion Hughes, Esquire  
William Norman Nettles, Esquire  
Mr. Walter T. Cardwell, Jr.  
The Honorable Paul B. Wickensimer  
The Honorable Jenny Kitchings

Additionally, petitioner indicates that Chief Justice Toal has a conflict of interest in this matter. This is apparently based on the fact that the Chief Justice signed the order denying the petition for a writ of certiorari, and because she is seeking reelection as Chief Justice. All of the members of this Court voted to deny the petition for a writ of certiorari in this matter, and consistent with our longstanding practice, the order denying the petition was signed by the Chief Justice on behalf of the Court. There is simply no reason for the Chief Justice to recuse herself in this matter.

Dr. Walter T. Cardwell  
15 Dawnwood Drive  
Greenville, S.C. 29615

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\$ 1.61<sup>0</sup>  
JAN 30 2014  
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The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Supreme Court Building  
1231 Gervais Street  
Columbia, South Carolina 29201

