

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JAN 24 2014
SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
J. Mark Hayes, III, Circuit Court Judge

Case No. 2013-002360

John D. Hatcher,

Respondent,

v.

Ronald J. Ferguson,

Appellant.

PETITION FOR REHEARING

COMES NOW, Ronald J. Ferguson, pro-se, and moves of the Court pursuant to Rule 221 for a rehearing in this action. In support thereof the petitioner would show unto the Court the following:

The lower court action was brought against a single party identified as "Ron Ferguson" of a multiple party owned residence (Ronald E. Ferguson, Susan M. Ferguson & Ronald J. Ferguson) and such Order is allegedly requiring additional parties not named or before the Court to give up their rights under both State and Federal law and provide personal information without due process. Namely, to allow other persons into their personal residence with video recording equipment under the guise of determining what the square footage of such residence in an effort to determine whether there is a violation of a deed restriction on minimum square footage. Moreover, there is already a pending criminal case against one of the persons seeking access for repeatedly trespassing on such property.

The additional property owners possess a legally recognized interest under both State and Federal Law to certain inalienable rights which the Court lacks jurisdiction to violate by circumventing due process.

The Circuit Court judiciary failed to address the well established requirements that jurisdiction be determined prior to issuance of an Order compelling Discovery against any party or that named plaintiff(s) are recognized as person(s) under the existing case precedents of State and Federal law, have not stated a claim for damages or whether there was any standing.

The Circuit Court judiciary declined to address such standing except upon proper motion to the court.

United States Supreme Court precedent dictates the subject of standing, or whether the Court has jurisdiction to lawfully issue an order compelling Discovery, is something which can be brought up at any point in and even at every hearing to determine whether there a status change which affects the Court's jurisdiction.

The Petitioner is but one of two other property owners who had filed motions to be heard in the heard

in the case but due to a scheduling error such items were not on the Court's docket at that date and outright refused to be considered.

The Petitioner, in accordance with the appellate rules has previously ordered the transcripts of the hearing in which the Order was issued and provided notice of such to the Court(s).

While an Order compelling discovery may not generally be considered an appealable final order, when such Order was issued in a manner that fails to meet the muster of the requirements by law and/or the court lacked personal and/or subject matter to issue such then the Order is unlawful.


When the Court fails to determine the personal or subject matter jurisdiction prior to issuance of an Order then such has the effect of being dispositive to the existence and perpetuation of the case and thus, is in fact could result in an order of dismissal – which is a final order.

Since the matter involves a property dispute of which the petitioner is an owner, has been divested of his due process rights under both State and Federal law, a Federal action is currently processing to address the constitutional law violations by the Circuit Court and judicial immunity has been overcome against Judge J. Mark Hayes, II, as a result of the Order, which was appealed to the Court.

A refusal of the Court of Appeals to address the constitutionality of a Circuit Court judiciary's Order which divests citizens of recognized protections required by law will be something that is addressable by the Federal Court.

Wherefore, premises considered, the Petitioner would prayerfully submit that a rehearing to include briefing with the benefit of transcripts is just and required as a matter of law.

January 24, 2014



Ronald J. Ferguson
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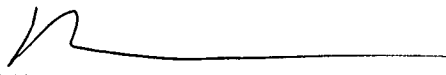
Ronald J. Ferguson,

Appellant.

PROOF OF SERVICE

I certify that I have served the Petition for Rehearing by depositing a copy of it in the United States Mail, postage prepaid, on January 25, 2014, addressed to his attorney of record, Rodney Brown, 210 South Main Street, Fountain Inn, South Carolina 29644.

January 25, 2014



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