

COPY

THE SUPREME COURT OF SOUTH CAROLINA

Roger L. Whaley,

Appellant/Plaintiff,

v.

South Carolina Federal Union and Bank of America,

Respondents/Defendants.

) Appellate NEW Case no: 2014-000067
) Lower Trial Court case 2012-CP-1800539/A/P no. 12-213208
) Pages 1 of 3 - Attachments 10
) "Motions to...Dismiss" Appellate Order 1/31/2014¹ R-240(a)(b)
) [See Exh. A]; Due to Court's ERRED/Overlooked/or was a Bias²
) Decision when the Supreme Court ORDER! was Not
) SIGNED by more than ONE JUDGE/in order to be in
) COMPLIANCE with its own! provided Case Law
) "Aiken Speir, Inc., v. Henry"/SCACR Rule 226(a)³;
) As this SUPREME COURT Erred when it provided
) a NEW 2014!! Case Number, although it Accepted
) Appellant's NOTICE of APPEAL Since SEPT. 2012; [See Exh. Cc, Ccc]

COMES NOW again, this Appellant Whaley's timely files this said Motion to Dismiss (pursuant with SCACR Rule 240[a]&[b]) ("...RULE 240 MOTIONS AND PETITIONS GENERALLY (a) Applicability. This Rule governs ALL Motions or petitions filed in the Appellate Court, including but not limited to: motions for extension of time, motions to reinstate, petitions for rehearing, motions to be relieved as counsel or for substitution of counsel, petitions for supersedeas, Motions to remand or Dismiss...") involving this said Supreme Court's Order dated 1/31/2014, involving the above NEW Improper! entered CASE NUMBER 2014-000067, which was filed IMPROPERLY/or filed due to Bias within this said Supreme Court, when the attached Exhibits B &/or Bb always showed Appellant Whaley FIRST!! filed his NOTICE of APPEALS to be ONLY!! reviewed within this said Supreme Court dated SEPT. 28, 2012 (See Exh. C- under first "Ref."), regarding the said Appeals Court's in ERROR/could not have Jurisdiction/or could not Rule involving the Lower Trial Court's FINAL ORDER - "...involving a challenge on state or federal grounds to the constitutionality of a state law..." pursuant with SCACR Rule 203(b)(1)(A)(ii).

The claims above defeats!! this said Supreme Court 1-31-2014 Order, that Appellant Whaley was "...asking this Appeal be Transferred TO or CERTIFIED for REVIEW...under Rule 204..." SCACR; when at all time Appellant Whaley's said NOTICE of APPEAL dated Sept. 28, 2012, claims were shown to been HELD over about (8)/eight months, (within this said Supreme Court, without it provided an assigned Case Number in YEAR 2012, when it ERRED and assigned the said ABOVE Year! 2014!! New Case number 2014-000067), which caused! CONFUSION or/Bias in the Appeals Court ruling of 1-3-2014, regarding Appellant Whaley ALWAYS FILED TRANSCRIPT provided to all/and/or filed within this said Supreme Court/in accordance with RULE 204 & or 207 (SCACR), (See Exh. A, Aaa & B), supports! this Supreme Court NEVER!! RULED, regarding the Lower Trial Court's governing STATE LAWS being Challenged by Federal Laws. Which by Law, are matters that ONLY reviewed by this said Supreme Court, as Appellant Whaley always! FIRST filed his said NOTICE of APPEALS from the said FINAL ORDERS of the said Lower Trial Court..."(See Exh. B,Bb,C,Cc,Ccc), show Supreme Court never ruled before! its erred ORDER 1-13-14. R. 203(d)(1)(A)(ii).

¹ A Motion to Dismiss/a/k/a/Appellate "Order" 1-31-2014 under Rule 240(b); "...automatically STAY the time limits for perfecting the appeal until the motion is decided..."

and filing Appellant's "...Petitions for Supersedeas..."/means! "...A supersedeas bond, also known...a type of surety bond that a court requires from an Appellant who wants to Delay PAYMENT of a JUDGMENT ...";

According to the attached Exhibits B & Bb, shows the RECEIPT of Appellant Whaley PAID since 9/28/2012, Only!! this S.C. Supreme Court's FILING FEES so to hear his APPEAL from the Lower Trial Court's FINAL ORDER, which is CONFIRMED by "South Carolina Court of Appeals" LETTER dated "MAY 21, 2013", which is a Document obviously!! IGNORED!! in THIS! SUPREME COURT's written Order dated 1-31-2014 - when this SUPREME COURT PROVIDED!! Appellant Whaley with a 2014!! NEW!! CASE Number "2014-000067", which IS NOT Appellant Whaley's Supreme Court case number who filed with this said Supreme Court SINCE IN THE YEAR 2012; therefore this Supreme Court case number MUST have began with a 2012 Case number...Confirmed!! by the attached Exhibit B, LETTER dated "MAY 21, 2013" from S.C. Appeals Court Clerk "V. Claire ALLEN, DEPUTY". (See attach Exhibits, B, Bb,C, Cc, & Ccc).

² Pursuant with Rules of Canon 2 & 3, and the U.S. Constitution 14th Amendment...

³ Rule 226(a), SCACR The Issuance of the writ is a Discretionary Decision which REQUIRES the ASSENT of at!! LEAST!! TWO!! JUSTICES!! It may be Granted upon MOTION of ANY PARTY to the Case Or OWN the Court's OWN!! Motion." - "(See attach Exh. Aa) - in which this said Supreme Court applied the latter! which was in ERROR/or was a great! possible shown of Bias Conduct, Decision, -due! to! the said RESPONDENTS JOINT! in this said STATE COURT Governing LAWS involving a STATE! COURT Appointed RECEIVER/the staff partner of the Law Firm of NELSON, MULLINS, , Challenging FEDERAL!! LAWS, involving an alleged! FEDERAL RECEIVER- Mr. BEATTIE B. ASHMORE, who is ALSO a SUPREME COURT BOARD MEMBER...); but! according to the said RULE 225(a) the said Supreme Court MUST ALSO comply with its! own! provided Supreme Court provided Case LAW "Aiken Speir, Inc. v. Levern Henry..." which RULES that the Supreme Court's "...DISCRETIONARY DECISION...REQUIRES!! the Assent of AT LEAST!! TWO!! JUSTICES..." involving this said Supreme Court's ORDER date 1/31/2014...in order to uphold this Supreme Court's Order dated 1-31-2014...which is therefore MOOT/or can be considered as a FINAL ORDER - that can be a Petition for Certiorari to be REVIEWED by the U.S. SUPREME COURT.

RECEIVED

COPY

FEB 10 2014

SC Court of Appeals

As the following is further stated:

1. That Pro Se, Appellant Whaley's TIMELY FILES his Motion to Dismiss dated "February 7, 2014" to be filed within this said SUPREME COURT, which confirms that any and all the Lower Appeals Court's claims yet! pending, or yet unethically/or illegally being filed (as recent as February 5, 2014 ⁴by SCFCU within the said lower Appeals Court), are matters!! yet! at a AUTOMATIC STAY, pursuant with SCACR Rule 240(b), which is UPHELD by the said Respondents/Bank of America and South Carolina Federal Credit Unions' ⁵ own! (See attached **Exhibits D & Dd, dated 1-3-2014**) improperly/Unethical, and continued! untimely filed Motions, to be upheld by the SAME said provided Rule 240, which BOTH RESPONDANTS/and the said Lower Trial Court UPHELD that ALL MATTERS are at a AUTOMATIC!! STAY! until this pro se Appellant Whaley's timely! filed said Motion to Dismiss, must now! also be ruled on⁶ by this Supreme Court, which involves regarding its obvious Erred/and/or Bias Influenced! ORDER dated 1-31-2014.
2. This Supreme Court's ORDER (with ONLY ONE name JUDGE) dated 1-31-2014 erred/or due to Bias Interest did not comply with its own! provided Case Law "Aiken Speir, Inc., v. Henry...", which is also governed by SCACR 226(a) admits! "...The issuance of the WRIT is a DISCRETIONARY Decision which REQUIRES the assent of AT LEAST!! TWO!! JUSTICES."

WHEREFORE, in the fairness of justice, this said Supreme Court's 1-31-2014 ORDER must be Dismissed, and the allowance of this said matter must be allowed to CONTINUE to be heard within this said Supreme Court, as the Law Requires.

DATED: February 7, 2014

Respectfully Submitted,

R. Se L. Whaley

⁴ Although! Appellant Whaley do not claim this said Supreme Court rendered its 1-31-2014, DECISION involving the RESPONDENT/SCFCU's written lower APPEALS Court's filings on "February 5, 2014"; that said document DOES SHOW and SUPPORTS that the Lower APPEALS Court was CONFUSED!!/or had alleged "ISSUES" regarding Appellant Whaley's ALWAYS TIMELY REQUESTED "TRANSCRIPT(S)" - which Copy(s) were always provided to ALL the Respondent parties, as well as to this said SUPREME COURT before! the Appeals Court LETTER date "MAY 21 2013" which ADMITS there was an alleged problem with Appellant Whaley complying with RULE 204/and or 207, involving the said LOWER Trial Court's always provided TRANSCRIPT.

a): When SCRCU wrote that "...The NOTICE OF APPEAL was FILED in ...2012. Due to VARIOUS ISSUES!! with the TRANSCRIPT...Appellant's purported INITIAL BREIF was NOT! FILED! until! AUGUST!! of 2013. On October 24, 2013, BOA filed a MOTION to DISMISS or in the ALTERNATIVE a MOTION to STRIKE those PORTIONS of Appellant's INITIAL BRIEF and DESIGNATION of Matter...by ORDER filed NOVEMBER 27, 2013, this Court Denied Appellant's MOTION for JUDGMENT...and file an Amended Designation of Matter to be included in the Record on Appeals EXCLUDING!! the OFFENDING!! PORTIONS!!".

b): Although! Appellant/Whaley's (as well as both said Respondents) provided the APPEALS Court's ORDER dated 11/27/2013 - which CONTRADICT!!/or shows the INTENTIONAL!! UNTRUTH/or FRAUD!! CLAIMS written/and ADMENDED by RESPONDENT/SCFCU - when the said APPEALS COURT ORDER of 11/27/2013 - always WROTE that

"...See Rule 209(b), SCACR (noting that DESIGNATION of MATTER "MAY ONLY!! propose to INCLUDE...materials which MAY be PROPERLY included in the Records on Appeals"); RULE 210(c), SCACR ("The RECORD [on APPEAL] SHALL!! NOT!! , however, include matter WHICH WAS NOT! PRESENTED!! TO! the LOWER COURT or Tribunal".

c): As Appellant Whaley provided his COPY(S) of the Lower Trial Court's TRANSCRIPTS!! , as well as provided Appellant's Written filed LOWER Trial Court PLEADINGS which ALWAYS made and wrote Claims that the RESPONDENT/BOA's LAW FIRM ATTORNEYS were always! the STATE!! COURT'S!! APPOINTED RECEIVER(S) ONLY!! (and NEVER! the alleged! FEDERAL!! RECEIVER-BEATTIE B. ASHMORE's said Federal Laws - did not) involve the Appellant/Whaley's CASHIERS CHECKS named PAYEE/CCG Business(es) and CCG's named Subsidiaries and Affiliates the 3-Hebrew Boys Inc. and Daniel Development Group Inc...etc.al... involving Appellant/Whaley's SAME! MONIES and/or personal PROPERTIES, that were ALWAYS STATE!! COURT!! GRANTED IN FAVOR of ALL the Businesses - which also involved the RESPONDENT/BOA, which were JOINT! SAME! Claims of SCFCU, whereas BOTH said RESPONDENTS Parties legal Counselors were ALWAYS WITNESSES that the Appellant Whaley's claims were APPEALED were "...involving a challenge on state or federal grounds to the constitutionality of a state law ..." - which is pursuant with the JURISDICTION of this said SUPREME COURT under SCACR Rule 203(d)(1)(A)(ii).

⁵ As well as the said Lower Appeals Court's shown BIAS/or CONSPIRED signed "ORDER" dated "1-3-14", which is signed! on the SAME!! DATE! as RESPONDENT SCFCU's written LETTER!!! dated "January 3, 2014" which requested and RECEIVED SPECIAL FAVORS that requested the said APPEAL COURT to "...PLEASE ACCEPT this LETTER!!! - (that has NO REQUIRED "CAPTION" pursuant with Rule 238(a) states! - "CAPTIONS. ALL DOCUMENTS filed in the APPELLATE!! COURT shall BE HEADED by a CAPTION.") ...Required by RULE 240(e) as OUR!! BRIEF!! RETURN!! to the (Appellant Whaley's properly! filed -) MOTION! If! the Court! REQUIRES a MORE FORMAL!! RETURN!, PLEASE ADVISE and WE will provide the SAME." - said found ALWAYS KNOWN BIAS INTEREST of the said RESPONDENT(S) OWN! ADDED! Additional!! PARTIES, the said alleged FEDERAL RECEIVER/Mr. BEATTIE B. ASHMORE, who is also located on this SUPREME COURT's (who is a HIGHER COURT) BOARD, as being a MEMBER whose JOB DUTIES, are actually!! SCREEN, JUDGE(S) CANDIDATES, and! Discipline!! ATTORNEYS, in the State! of South Carolina, Resulted in the said LOWER Trial Court Acceptance!! of said RESPONDENT/SCFCU's 1-3-2014 requested!! SPECIAL FAVOR LETTER!! (See Exh. D)...which the said APPEALS COURT rendered its DECISION!! on that! SAME!! DATE! - without! allowing the said PRO SE Appellant! Whaley to PROPERLY timely! RESPOND! which DENIED Appellant Whaley also! the DUE PROCESS of the LAW, which again! is a CONSTITUTIONAL QUESTION of the LAW!, which the said Lower Appeals Court - has no! Jurisdiction to Rule, according with SCACR Rule 203(d)(1)(A)(ii).

⁶ Timely filed within the (10) days of this said Supreme Court's entered Order dated 1-31-2014. Makes any continued filings to be MOOT/BIAS and Unethically filed within the said Appeals Court, before! said (10) days, which upholds the said SCACR proper Rules.

Roger L. Whaley
Roger L. Whaley, Pro Se Appellant
8673 Laurel Grove Lane
North Charleston, SC 29420
la99mont@yahoo.com

CERTIFICATE OF SERVICE

I declare that all the parties in this said matter has been personally hand-delivered/and or faxed this said MOTION to DISMISS filed within this said South Carolina's Supreme Court, always filed the year! since 2012 pursuant under the Rule 203(d)(1)(A)(ii).

As well as it must brought to this said SUPREME COURT'S Attention, that although its Order 1/31/2014 shows the names of the ADDED Attorneys "Shelia Marlouvon Bias", Esquire"; and "Tara C. Sullivan, Esquire", who are filing their claims within the said APPEALS COURT, it has also been brought to the said lower Appeals Court's attention, that FACTS ARE, neither! of the said named ATTORNEYS involving both said named Respondents/BOA and SCFCU -

Whereas the said provided LOWER TRIAL COURT'S TRANSCRIPTS indeed shows and supports that neither! said named ATTORNEYS were NEVER! a named active attorney within the said lower trial Court, nor! has neither! said named Attorneys "Bias" nor "Sullivan" - NEVER!! legally placed either! of their REQUIRED!! WRITTEN APPEARANCES so to be within this said CIVIL Appeal Case matter/nor! has never been accepted as being REPLACEMENT Attorneys (by the said LOWER APPEALS COURT, nor! by the said Lower Trial Court) so to REPLACE the PRIOR entered attorneys Mr. "Jody Alan Bedenbaugh, Esquire"/for Respondent/BOA; nor Replaced Mr. (Mr. E. Caleb RISER, Esquire/in c/o Mr. DREW BUTLER, Esquire"/allegedly for SCFCU, and who ONLY placed his REQUIRED! Written Appearance within the said Lower Appeals Court, but! Mr. Drew Butler, Esquire, ALSO never! was a ACTIVE APPEARED!! ATTORNEY within the said Lower Trial Court/involving the Respondent/SCFCU;

And ONLY Respondent/BOA's Attorney!! Mr. "Jody Alan Bedenbaugh, Esquire" is the ONLY!! ATTORNEY who appeared within the said Lower Trial Court as the acting attorney. Therefore, to show! WHY! the said NON-PROPER APPEARED Legal Counselor(s) are indeed MIS-REPRESENTING/and or is in GREAT!! ERROR regarding the actual! TRUTH! as to the actual ORAL and WRITTEN Discussions that were indeed ALWAYS Discussed within the said Lower Trial Court's TRANSCRIPTS, involving the ALWAYS REQUESTED REMOVAL of the RESPONDENT/BOA's said Legal Counselors - with the LAW FIRM "NELSON, MULLENS..." located in Columbia S.C., which "...involving a challenge on state or federal grounds to the constitutionality of a state law...". Which said Non-proper written APPEARANCE is also against the Rule of Professional Conduct, and against the Rules of Canon 2 & 3 for the said Lower Appeals Court, and! within this said SUPREME COURT to have ONLY!! allowed ONE! JUDGE! *(See attach Exh. Aa) to have placed his/or her name (illegally/and/or Unethically) to the said ORDER(s) in this said Supreme Court on 1-31-2014, and within the said Lower Appeals Court Order of 1-3-2014.

Therefore, Appellant/Whaley files and attaches his said Exhibits, so to show that none of his claims are being frivolously, nor with absolutely no malice intent against no! party, nor their said named (alleged) Attorneys. As the said DOCUMENTED attached EVIDENCE/or Exhibits are indeed UNDISPUTED...

cc: BOA's Attorney/Mr. Jody Alan Bedenbauth, c/o illegal appearance of "Tara C. Sullivan, Esquire"
1320 Main Street/ 17th Floor
Columbia, S.C. 29201
803-799-2000 Fax no. 803-256-7500

SCFCU's Attorney/Mr. Drew Butler, Esq. - c.o illegal appearance of "Shelia Marlouvon Bias"
1900 Bannwell St.
Columbia, S.C. 29202
803-771-4400 Fax no. 803-779-0016

The South Carolina Court of Appeals
Attn: Mr. Jenny A. Kitchings
1015 Sumter Street
Columbia, South Carolina 29201

RECEIVED
FEB 10 2014
SC Court of Appeals

3

COPY

ATTACHED EXHIBITS - 10

MR. ROGER WHALEY's MOTION TO DISMISS

SUPREME COURT'S ORDER 1-31-2014

The Supreme Court of South Carolina

Roger L. Whaley, Appellant,

v.

South Carolina Federal Credit Union and Bank of
America, Respondents.

Appellate Case No. 2014-000067

Lower Court Case No. 2012-CP18-00539

ORDER

↓
The appeal in this case is currently pending before the South Carolina Court of Appeals.¹ Appellant has now sent this Court a document dated January 7, 2014.

↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
To the extent this document is asking that this appeal be transferred to or certified for review by this Court under Rule 204 of the South Carolina Appellate Court Rules (SCACR), that request is denied.

↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
To the extent appellant may be seeking a review of various rulings that the Court of Appeals has made in this appeal, that request is dismissed. *Aiken Speir, Inc. v. Henry*, 326 S.C. 268, 486 S.E.2d 492 (1997). Further, the request for a stay or supersedeas of the orders of the Court of Appeals is denied.

Finally, the request to waive any filing fee is denied as moot.


C.J.
FOR THE COURT

Columbia, South Carolina
January 31, 2014

cc: Mr. Roger L. Whaley
Drew Hamilton Butler, Esquire

COPY

¹ Before the Court of Appeals, the Appellate Case Number is 2012-213208

The South Carolina Court of Appeals

Roger L. Whaley, Appellant,

v.

South Carolina Federal Credit Union and Bank of
America, Respondents.

Appellate Case No. 2012-213208

ORDER

Appellant has filed a motion to relieve Respondent Bank of America's counsel.
After careful consideration, Appellant's motion is denied.


FOR THE COURT

Columbia, South Carolina

cc:

Roger L. Whaley
Drew Hamilton Butler
Erik Tison Norton
Jody Alan Bedenbaugh
Sheila Marlouvon Bias
Tara C Sullivan

FILED

1-3-14

Exh. Aa

AIKEN SPEIR, INC., v. HENRY

326 S.C. 268 (1997)

486 S.E.2d 492

AIKEN SPEIR, INC., Petitioner,

v.

Levern HENRY, United States of America (Federal Housing Authority), and Carol Blount f/k/a Carol Ann Henry, Defendants, of whom Levern Henry is, Respondent.

Supreme Court of South Carolina.

June 17, 1997.

ORDER

Petitioner seeks a writ of certiorari to review an order of the Court of Appeals reinstating respondent's appeal in this matter. Pursuant to Rule 226(a), SCACR, this Court will review only final decisions of the Court of Appeals. Since the order reinstating the appeal is not a final decision in the matter, the petition for a writ of certiorari is denied.

IT IS SO ORDERED.

/s/ Ernest A. Finney, Jr., C.J. /s/ Jean H. Toal, A.J. /s/ James E. Moore, A.J. /s/ John H. Waller, Jr., A.J. /s/ E.C. Burnette, III, A.J.

Rule 226(a), SCACR: The issuance of the writ is a discretionary decision which requires the assent of at least two justices. It may be granted upon motion of any party to the case or on the Court's own motion.

COPY

Exh. A-a
* This Supreme Court's Rule 204, SCACR
Amended w/ its Order - 13P-14

Amendments to the South Carolina Appellate Court Rules

- (1) Rules 224 through 230, SCACR, of the current rules are renumbered as Rules 240 through 246, SCACR. All references to these renumbered rules shall be amended in all other court rules and forms.
- (2) Rules 231 through 241, SCACR, of the current rules are renumbered as Rules 260 through 270, SCACR. All references to these renumbered rules shall be amended in all other court rules and forms.
- (3) The following is added:

RULE 247

CERTIORARI TO REVIEW DNA TESTING DECISIONS

(a) **Review by Writ of Certiorari.** A final order of the circuit or family court denying or granting DNA testing under the Access to Justice Post-Conviction DNA Testing Act (S.C. Code Ann. §§17-28-10 to -120) shall be reviewed upon petition of either party for a writ of certiorari according to the procedure set forth in this rule.

(b) **Notice of Appeal and Ordering Transcript.** The notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the final order. If review will involve testing relating to a case in which a sentence of death was imposed or will involve a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance, the notice of appeal shall be filed with the Supreme Court. In all other cases, the notice of appeal shall be filed with the Court of Appeals. Under Rule 204, SCACR, the Supreme Court may certify a case for review by the Supreme Court. Further, in the same manner and under the same time limitations as provided for appeals from the Court of General Sessions or the Family Court in juvenile delinquency cases in

2025 (d)(1)
(A)(ii)

Exh. B

* Showing Errors filed
By Appeals Court since
year 2012 and up to
about March or April 2013
when the Appeals Court First
Attempted to
Dismiss Appellant's
Notice of Appeal
due to incomplete
transcript was
Mediated by the
S.C. Supreme Court



The South Carolina Court of Appeals

JENNY ABBOTT KITCHENS
CLERK
V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 1192A
COLUMBIA SOUTH CAROLINA 29211
1015 S. INTER STREET
COLUMBIA SOUTH CAROLINA 29201
TELEPHONE 803 724 1890
FAX 803 724 1899
TDD 803 724 1892

May 21, 2013

Because of
Appellant's
Notice of Appeal
was not filed
in Supreme Court
when it was alleged
that the
Appeals Court
was not
let Mr. May
21, 2013

Roger L. Whaley
8673 Laurel Grove Lane
North Charleston SC 29420

Re: Roger Whaley v. SC Federal Credit Union
Appellate Case No. 2012-213208

Dear Mr. Whaley:

The Clerk of the South Carolina Supreme Court transferred your notice of appeal to the Court of Appeals after it was filed at the Supreme Court. Your case will remain in the South Carolina Court of Appeals.

Please advise as to the status of the transcript request. Pursuant to Rule 207(a) of the South Carolina Appellate Court Rules, the transcript must be ordered within ten days after the date of service of the notice of appeal. Failure to timely request the transcript may result in dismissal of your appeal.


Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Drew Hamilton Burler
Erik Eison Norton
Jody Ann Bedenbaugh

Exh. B6

 SOUTH CAROLINA
FEDERAL
CREDIT UNION
LIFE

P.O. Box 100012
N. Charleston, SC 29419-0012
Tel: 843-797-5500 Toll Free: 800-845-0432
scfcu.org


No. 704276

copy

Ryan L. Whaley
RECEIVED BY

memo

CHECKS ARE VOID IF NOT DEPOSITED

 SOUTH CAROLINA
FEDERAL
CREDIT UNION
P.O. Box 100012
N. Charleston, SC 29419-0012

OFFICIAL CHECK

No. 704276

PAY

NAME
NUMBER

VOID AFTER 180 DAYS

Atkins

⑈704276⑈ ⑆25327840⑆ ⑆4000000733⑆ 1000⑈

Exh. C

IN THE SUPREME COURT OF SOUTH CAROLINA
P.O. Box 11330
Columbia, S.C. 29211
(803) 734-1080

Pages 1 of 1 Exhibits - 7

Mr. Rodger Whaley
8673 Laurel Grove Lane
North Charleston, SC 29420

Ref: See attach Exhibits A, Aa, B, C, & Cc shows, FIRST filed NOTICE of APPEAL was PAID *(See Exh. B, C, & Cc) to be reviewed within SUPREME COURT¹ -dated Sept. 28, 2012 - but allegedly "Transferred May 21, 2013" (See Exh. D) to the S.C. Appeals Court in case no. 2012-213208, regarding Lower trial court case no. 2012-CP-1800539

REF: Appellant Whaley Request to file his "Interlocutory appeal..." in this Supreme Court WITHOUT another! PAY/or WAIVER of PAY to this Supreme Court involving Respondent/SCFCU's attached LETTER dated 1-3-2014, *(See Exh. D) in reference to an appeared! APPEALS Court's written "Interlocutory order" also dated 1-3-2014 - which is an order that addresses some intermediate matter and is issued before the said Appeals court's final order. Which Appellant requests also a STAY of all the Appeals Court's matters by "Supersedeas"², Rule 225(a), and must STAY all matters Until a response Letter is written from this said SUPREME COURT.

Dear Clerk; or any Proper Authority:

I, Mr. Roger Whaley, is asking this said Supreme Court's administration, and or any Supreme Court's proper authorities, to allow Appellant Roger Whaley to be excused from PAYING A SECOND TIME to FILE/or Transfer his said APPEALS within this said SUPREME Court (See Exh. B), so to file Appellant Whaley's Interlocutory Appeal³ of the Appeals Court's appeared to be an "Interlocutory ORDER" dated 1-3-2014 (which is "... An order that addresses some intermediate matter and is issued before the lower court's final order." pursuant also with Rule 225(a), as a required STAY must apply to all the said Appeals matters, until this Supreme Court respond to this Appellant's letter requesting to WAIVE any additional FEES in order to TRANSFER his matters BACK within this said SUPREME COURT/ so to review Appellant Whaley's filed INTERLOCUTORY APPEAL, which will be/or is timely filed concerning Appellant Whaley's always filed claims involves Constitutional Questions of Law, pursuant with 203(d)(1)(A)(ii) - in reference to the Respondent/South Carolina Federal Credit Union/SCFCU's LETTER which shows its reliance!! upon "Rule 240(e)"⁴, although! SCFCU only filed its attached LETTER dated 1-3-2014, and never filed a proper filed MOTION. (just as SCFCU's MANY OTHER improper exparte filed LETTERS!! filed in said APPEAL COURT, and never! filed a required MOTION⁵/with a required CAPTION⁶, to be filed pursuant with the rules of the said Appellate Court Rule.

Dated: January 7, 2014

Respectfully,

Roger L. Whaley
Mr. Roger Whaley, Pro Se Appellant

CC: Drew Hamilton Butler/Sheila M. Bias; Erik Tison Norton, Jody Alan Benenbaugh & Appeal Court Clerk;

¹ The Appeals Court's attached LETTER dated "May 21, 2013", and Appellant Whaley's attached "NOTICE OF APPEALS" dated SEPT. 28, 2012, supports that this said SUPREME COURT indeed HELD Appellant/Whaley's filed claims involves a CONSTITUTIONAL QUESTION of LAW (See Exh. C&C) filed ONLY in this said SUPREME COURT for over about (8) months, without this said SUPREME COURT NEVER provided ANY TYPE REQUIRED signed Case number within the said Supreme Court. As to WHY, Appellant Whaley can not provide above, any PRIOR Supreme Court ASSIGNED case number, NEVER rendered.
² RULE 225 - "STAY AND SUPERSEDEAS IN CIVIL ACTIONS" - and su-per-se-de-as means - "...A writ containing a command to STAY legal Proceedings..."

³ "Interlocutory appeal. An appeal that is filed before the lower court enters its final order on the entire case."

⁴ Which Respondent/SCFCU's Letter dated 1-3-2014 NEVER COMPLIED with the Appellate RULES, its own written RESPONSES pursuant with Respondent's- Rule 240(e) Return to Motion. states - "...Any party Opposing! a! Motion!! or petition shall have ten (10) days from the date of service thereof to file an Original and Six (6) COPIES of his RETURN with the Clerk and Serve on ALL PARTIES a copy of the Return; provided, however, a return to a petition or motion for rehearing under Rule 221 need not be filed unless requested by the court." SCFCU's Lt 1-3-14, indeed illegally requested Denial of Apl's filed Motion.

⁵ "Rule 224(j), SCACR, is amended to read: A judge or justice may grant or deny any MOTION or Petition on behalf of the court."; Which SCFCU's said LETTER dated 1-3-2014 indeed requested the said APPEALS COURT. to issue a DENIAL of Appellant Whaley's properly filed MOTIONS/or Petitions, although! SCFCU's said LETTER 1-3-14, and the Appeals Court's SHORT filed granted ORDER also! dated 1-3-2014 - acknowledges Appellant Whaley's "...MOTION to Relieve as COUNSEL - Respondent BOA's Attorneys and/or LAW FIRM NELSON MULLINS..." - which, Respondent SCFCU further ADMITS that "...BOTH!! RESPONDENTS" "...ADDED PARTIES Brought!! by BOTH RESPONDENTS" Bank of America/BOA and SCFCU! own! Added! PARTIES involved FEDERAL!! matters!, which Appellant Whaley's lower STATE!! Court LAWS, FILED COMPLAINT - never! brought any FEDERAL!! claims of LAWS which BOTH!! RESPONDENTS's Added! FEDERAL!! issues! Conflicts!! with Appellant ONLY filed STATE LAW filed claims. Which BOTH said RESPONDENTS said ADMITTANCE! as to their "ADDED PARTIES" - in Appellant Whaley said matters, which Appellant Whaley's filed attached NOTICE OF APPEALS, (See Exh. D.) shows Appellant Whaley ALWAYS filed within this said SUPREME COURT, Dated September 2012, supports Appellant's claims were always CONSTITUTIONAL QUESTIONS of LAWS concerning FEDERAL and STATE LAWS in conflicts, in which the said Lower Trial Court! and! NOW said APPEALS COURT ORDER(s) is in Great! ERRORS, and/or was MISLED! and or due to known BIAS Misconduct - overlooked! the UNDISPUTED!! FACTS, that Appellant Whaley's STATE!! APPOINTED "RECEIVER" and Attorney Law Firm of NELSON, MULLINS...etc.al (concerning Appellant Whaley's said MONEY CLAIMS in his Original and Amended Complaint) is also! illegally! and! UNETHICALLY the Respondent BOA's SAME! Atty's at the Law Firm, NELSON, MULLINS...).

Whereas, BOTH said RESPONDENTS BOA/and SCFCU, as well as the said APPEALS COURT's improperly written/or otherwise signed Bias ORDER(s) allowed RESPONDENT SCFCU's LETTERS!! to be filed (instead! of a properly filed MOTION/or Petition) which BOTH RESPONDENTS admits/or SCFCU's Letter 1-3-2014, supports Appellant's NOTICE of APPEALS claims involved CONSTITUTIONAL QUESTIONS of LAWS which only this said SUPREME COURT is allowed to Review, pursuant with Rule 203(d)(1)(A)(ii) - Which Appellant Whaley has ALREADY Paid in said Supreme Court since Sept. 2012.

⁶ (16) Rule 238(a), SCACR, is amended to read: "... (a) Captions. ALL Documents filed in the Appellate court shall be headed by a caption."

Exh. C

IN THE SUPREME COURT OF SOUTH CAROLINA
SUPREME COURT's NEW CASE No: Unknown
Lower Case No: 2012-CP-18-539
County of Dorchester Court of Common Pleas

Roger L. Whaley, Pro Se)
)
Plaintiff/Appellant.)
vs.)
)
South Carolina Federal Credit Union)
and)
BANK OF AMERICA)
_____)

Pages 1 of 2
Attachments - 6

NOTICE OF APPEALS

ATTENTION CLERK:

Please take notice that the research shows that this NOTICE OF APPEALS is being timely filed within the required (30) thirty days period, pursuant with SCRAP Rule 203(a)(b)(1)(d)(1)(A)(ii), appealing the Order of the lower trial court's State Circuit Court's appeared to be replacement Judge, Master of Equity Judge Maite D. Murphy's attach signed final Order stamped dated "September 17, 2012", although that said Order was not mailed to this said Plaintiff on that said date, whereas to say that this said appeals is being timely certified mailed on today's date September 28, 2012, so to be delivered to this said Supreme Court of Appeal's clerk, due to Plaintiff/appellant's "...NOTICE OF APPEAL shall be filed with the Clerk of the Lower Court and with the Clerk of the Supreme Court in...ANY FINAL Judgment involving a *Challenge on State or Federal Grounds to the Constitutionality of a State Law...*".

Therefore, please see also attached, a copy of said Final (2 page) Order that denied Appellant's post trial/motion for Reconsideration, dated "September 17, 2012". as well as is attached is a partial copy of the lower trial court's prior/first signed Order appeared to be stamp dated "June 27, 2012", as to the original Order in which this

COPY

Exh. Cee

Plaintiff/Appellant requested his Reconsideration, and is involving this said SUPREME COURT'S filings due to the said lower trial court Judge's Order(s) in her decision number 6, is CLEARLY a question that "...Challenge on State or Federal Grounds to the Constitutionality of a State Law...", when the said lower trial court's said presiding Judge Murphy is attempting to illegally FORCE a State court's ALREADY RESOLVED matter (since the YEAR 2007) to be intervened within a Federal Court in this year 2012- regarding the same! already! resolved, and Granted full Relief ONLY by a STATE! Court signed Judge(s), since the year 2007.

WHEREFORE, all the known proper parties in this said matter is being served this said NOTICE of APPEAL.

September 28, 2012

Respectfully Submitted,

Roger L. Whaley
Pro Se

Address: 8673 Laurel Grove Lan

City & State: North Charleston, SC 29420

Email address: la99mont@yahoo.com

CERTIFICATE OF SERVICE

I declare that all the below proper parties have been served with this said NOTICE of APPEAL, filed within this said State Supreme Court, pursuant with SCRAP Rule 203(d)(1)(A)(ii).

South Carolina's Dorchester's State Court

5200 East Jim Bilton Blvd.

St. George, SC 29477

(843) 563-0160

Mr. Jody A. Bedenbaugh, Attorney

1320 Main Street, 17 Floor

Columbia, S.C. 29201

(803) 799-2000

**S.C. Supreme Court of Appeals

P.O. Box 11330

Columbia, S.C. 29211

(803) 734-1080

Drew Hamilton Butler, Esquire

Post Office Drawer 7788

Columbia, South Carolina 29202

(803) 771-4400

EXH. D

RICHARDSON PLOWDEN

COLUMBIA 701 Broadway, 7th Floor • Columbia, SC 29201
Tel: 803.739.1100 • Fax: 803.739.1101

MYRTLE BEACH 1000 N. Beach Blvd. • Myrtle Beach, SC 29577
Tel: 843.666.4444 • Fax: 843.666.4445

CHARLESTON 1100 Market Street, Suite 210 • Charleston, SC 29401
Tel: 803.502.6600 • Fax: 803.502.6601

www.richardsonplowden.com

January 3, 2014

* BOA's Law Firm
Counselors Always
Known State!!
Appears with Appellants
Whaley's Support of the Lower Trial Court's
Final Order - Ruled
Appellant - Whaley
+ D-participate
with her
Federal.
Receives
MR. Beattie B.
ASHmore who is on this
H/SC
Supreme Court
Board - who
may have
lead of this
Supreme Court
officers -
Never Received
Whaley's...

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Columbia
Direct Dial: (803) 576-3718
sbias@RichardsonPlowden.com

Re: Roger L. Whaley v. South Carolina Federal Credit Union
C/A No.: 2012-CP-1800639
Appellate Case # 2012-213208
Our File No. 7130-36

Dear Ms. Kitchings:

Respondent South Carolina Federal Credit Union ("SCFCU") is in receipt of Mr. Whaley's "Motion to Relieve as Counsel - Respondent BOA's Attorneys and/or Law Firm Nelson Mullins..." ("Motion"). It appears this Motion is directed at another party. However, out of an abundance of caution and based on statements made in the Motion,

Please accept this letter (and the copies required by Rule 240(e)) as our brief Return to the Motion if the Court requires a more formal return, please advise and we will provide same.

In his Motion, Mr. Whaley contends that the removal of Bank of America's ("BOA") counsel should also include the removal of all claims and added parties brought by BOTH Respondents. (See Appellant's Motion p. 2). Appellant further argues SCFCU's claims must also be "relieved." Id. To the extent that Appellant's Motion seeks to vitiate SCFCU's claims and/or defenses at trial level and on appeal, same should be denied. The relief requested by Appellant is improper, inappropriate, without merit, and should be rejected by this Court. Even if Mr. Whaley's motion to relieve counsel were properly made, such a motion cannot serve as a vehicle to remove the claims, defenses, and/or arguments of another party to the action. Accordingly, any relief requested by Mr. Whaley as it applies to SCFCU must be denied.

By copy of this letter we are serving pro se Appellant with this response.

Thank you for taking the time to review this letter and with kind regards, I am

Sincerely,
Shella M. Bras
SC Bar # 100005

* BOA's Counsel
+ Law Firm
who is also!
Appellant
Whaley's
Name of Cashiers
Checks payee's
Name!
State!!
Court!
Appointed
Attorneys and
Same LAW!
Firm!! + a!!
Respondent!!
Appellant's
Whaley's
Home - money!
Interest in
claimed!! By
Respondent
BOA -
which is our
Intentional
Biff St. Paul
Court of Entitlement
and professional
M's should be
respondent!!
BOA's
the Appellants
3-2014

COPY