

THE STATE OF SOUTH CAROLINA
In The 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,

RECEIVED

MAR 18 2014

v.

Ronald J. Ferguson,

Appellant.

SC Court of Appeals

APPELLANT'S REPLY TO
RESPONDENT'S RETURN OPPOSING APPELLANT'S
PETITION FOR REHEARING

COMES NOW, Ronald J. Ferguson, pro-se, and would enter unto the Court record the following Appellant's Reply to Respondent's Return Opposing Appellant's Petition for Rehearing.

The appellant, Ronald J. Ferguson, is a resident of South Carolina and property owner at 103 Mill Creek Road, Piedmont, South Carolina, 29673, in the County of Greenville, South Carolina.

The appellant was not a named party to the original lawsuit filed by Hatcher's counsel Rodney M. Brown which is styled as John D. Hatcher v Ron Ferguson; 2013CP2301810.

At the time of the hearing before Judge J. Mark Hayes, III, the appellant had filed a Motion for Joinder to be heard in the action – which Judge Hayes did not entertain at that time for unknown reasons.

Plaintiff's named "Ron Ferguson" as the defendant in their original complaint. There are three person's with interest to the property – Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson.

There has been no lawful determination of who "Ron Ferguson" is as subject to an Order of the

Court. As this case prepares to proceed in United States District Court it has been noted that without a lawful property owner named then not only are local law enforcement not lawfully capable of enforcing any Order, but the judiciary who enter such without meeting the jurisdictional nexus are subject to forfeiture of judicial immunity and superior order bringing their conduct into compliance with the law. That shall also include the S.C. Rules of Civil Procedure 33, Judiciary repeatedly having one sided contact with Mr. Brown without knowledge or presence of opposing parties, Judiciary accepting the mere word of Bar members despite multiple documents contrary to such oral presentation, and permitting the repeated entry of false information to a Court by a Bar member. These items obviously can't be addressed in this forum as Judge Hayes never allowed the Appellant due process or even addressed whether the Court has lawful jurisdiction of the matter.

Whereas, the appellant has had to file a Motion for Joinder (heard January 27, 2014, and granted by Judge Alison Renee Lee), plus consolidated a separate civil action Ronald J. Ferguson v. Hatcher, et al; 2013CP2305908, the appellant would submit he has not been subject of any Court order.

Hatcher's counsel Brown alleges that an end run interlocutory appeal is not permissible as this is merely an "Order dealing with discovery." The fact remains under South Carolina Supreme Court precedent and United States law, if the Court lacked personal or subject matter jurisdiction to enter an Order, then such is unlawful and the action is not subject to proceed with discovery and thus, ends the case. So it is Appellant's contention such appeal is not interlocutory in nature. And even if it were, the Order affects the Appellant without any form of constitutional protections required by law.

Counselor Brown also alleges that he did not receive a copy of the petition for rehearing in a timely manner. As is typical of Brown, this is yet another of his multitude of lies to a Court. Not only was Mr. Brown mailed a copy of the Petition on January 25, 2014, but was given a copy, in person, before the Court being presided over by Judge Alison Renee Lee on January 27, 2014.

In sum, the law requires:

First, the plaintiff must have suffered an "injury in fact"—an invasion of a legally

protected interest which is (a) concrete and particularized, and (b) "actual or imminent, not 'conjectural' or 'hypothetical.' " Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be “fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court.” Third, it must be “likely,” as opposed to merely “speculative,” that the injury will be “redressed by a favorable decision.”

Smiley v. South Carolina Dep't of Health & Env'tl Control, 374 S.C. 326, 329, 649 S.E.2d 31, 32-33 (2007) (quoting Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992) (alteration in original)). “The party seeking to establish standing carries the burden of demonstrating each of the three elements.” Sea Pines Ass'n for the Protection of Wildlife, Inc. v. South Carolina Dep't of Natural Res., 345 S.C. 594, 601, 550 S.E.2d 287, 291 (2001).

Judge J. Mark Hayes, III, failed to adhere to the mandatory constitutional minimums required to determine jurisdiction in a case that involves the rights of multiple parties who were not named or allowed to opportunity to address their constitutional rights under State and Federal laws. In fact, he admits such in the Court;

“Mr. Ferguson: I guess we are not addressing jurisdiction and standing?”

The Court: Right now this is on my docket to address his motion to compel and that's what I am addressing. It's my understanding that jurisdiction can be raised at any time but jurisdiction is not raise by somebody simply walking into court saying jurisdiction, jurisdiction. We have schedules we have to keep, dockets get printed, so we will be address but I'm here today on a motion to compel.”

Quoting Transcript Hatcher v. Ferguson, page 15.

In fact, the United States Supreme Court has ruled that jurisdiction can be raised at any time and is mandatory if question of jurisdiction exists. If scheduling is a problem the Circuit Court certainly possesses the authority to continue the case to another time.

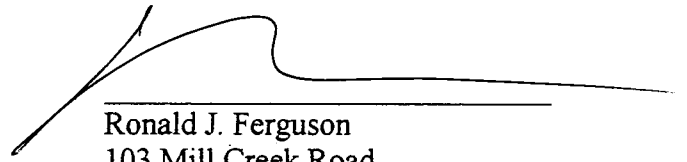
Judge J. Mark Hayess, III, entered an Order Compelling Discovery against “Ron Ferguson” to allegedly allow Brown and Hatcher to enter a residence at 103 Mill Creek Road, Piedmont, South Carolina, 29673 and owned by Ronald E. Ferguson, Susan M. Ferguson and Ronald J. Ferguson under the guise of performing “discovery” for pursuing alleged civil claims against those owners.

A refusal of the Court of Appeals to address the fundamentally rank actions of a Circuit Court judiciary's Order which divests citizens of recognized protections required by law will be something

that is ready for review 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.

March 14, 2014

A handwritten signature in black ink, appearing to read 'Ronald J. Ferguson', is written over a horizontal line. The signature is stylized with a long, sweeping horizontal stroke that extends to the right.

Ronald J. Ferguson
103 Mill Creek Road
Piedmont, SC 29673
864-509-0169

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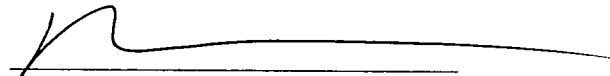
Ronald J. Ferguson,

Appellant.

PROOF OF SERVICE

I certify that I have served the Appellant's Reply to Respondent's Return Opposing Appellant's 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.

March 14, 2014



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Piedmont, SC 29673
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Piedmont, SC 29673



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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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