

EMERGENCY NOTICE

TO: ALL CONCERN, due to Vehicle transportation problems, Mr. Roger Whaley is not able to HAND-DELIVER the attached Writ of Certiorari; but will be OVERNIGHT MAILED to the proper Courts and Faxed to ALL proper Legal Counselors

Ref: Supreme Court Prior Case no. 2014-000067; & Appeals case no. 2012-CP-18-539

RECEIVED

JUN 25 2014

S.C. Supreme Court

PETITION FOR A WRIT OF CERTIORARI

Attachments - 45

To Review Decisions of the South Carolina Court of Appeals

Case no: 2012-213208

THE STATE OF SOUTH CAROLINA

In The Supreme Court

Prior Case no: 2014-000067

RECEIVED

JUN 25 2014

S.C. Supreme Court

APPEAL FROM DORCHESTER COUNTY

Court of Common Pleas

REPLACEMENT MASTER of EQUITY JUDGE Maite D. Murphy

Case No: 2012-CP-18-539

Roger L. Whaley, Pro Se Petitioner,

v.

SOUTH CAROLINA FEDERAL CREDIT UNION and BANK of AMERICA - RESPONDENTS

PETITION FOR A WRIT OF CERTIORARI

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North Charleston, South Carolina, 29420

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QUESTIONS PRESENTED

1. Did the S.C. Appeals Court Err in its Final Denied Ordered Decision dated May 22, 2014, cause a **CONFLICT** with a **PRIOR DECISION** of the **Supreme Court**, when the Appeals Court's 5/22/2014 ORDER Admits! also! that it DENIED Appellant/Whaley's "PETITION FOR REHEARING", claiming the Appeals Court was "...UNABLE to DISCOVER that ANY Material FACT or Principle of LAW has been...Overlooked or Disregarded..." although this Appeals Court 5/22/2014 ORDER also ADMITS! it first! DISMISSED "...This Appeal..." for Appellant/Whaley's Notice to APPEAL, on "February 27, 2014" which provided Only! the **PRIOR SUPREME COURT'S Decision** involving the Case Law "...Herring v. Kaye, 307 S.C. 436, 437, 415 S.E. 2d 794, 794 (1992)..." which RULED Only! in FAVOR! of Appellant/Whaley's Notice of Appeal to yet! be Active! and NOTI TO BE DISMISSED, when the case law "Herring v. Kaye..." ONLY! supported to "...DECLINE!! to...DENY (it Respondent's) MOTION TO DISMISS...?"
2. Did the S.C. Appeals Court's Denied Order dated 5/22/2014, which admits to also involves the Appeals Court's Dismissed Order 2/27/2014 - err in its Ordered Decisions due to there is a Dissent (or possible Bias interest) in the Decision of the Court of Appeal regarding ONLY! the said Respondents! who ALWAYS added that the NAME of one of the Appeals Court's Board Member/Mr. Beattie B. Ashmore/as an alleged FEDERAL!! APPOINTE "RECEIVER" - having a personal interest regarding the OUTCOME of Appellant/Whaley's Notice of Appeal, whom the said RESPONDENTS! ADMITS in their MOTION to DISMISS filed in the Lower Trial Court, and upheld by this Appeal Court's Orders of 5/22/2014 & 2/27/2014, upheld Respondents' claims that Appellant/Whaley's Cashier's Checks' named PAYEE/CCG, and/or CCG's Agents!, Tony Pough, Timothy McQueen and Joseph Brunson's Civil actions & Criminal imprisonments, involves this Appeals Court's ONLY provided above case law "Herring v. Kaye..." which ruled only! in favor of the Appellant/Whaley's Notice of Appeal regarding this SUPREME COURT PRIOR DECISION - which always! "DECLINED!" to DISMISS Appellant's Notice of Appeals?
3. Did the S.C. Appeals Court err in its Final DENIAL Order dated May 22, 2014 involving Appellant/Whaley's Petition for REHEARING, when the Appeals Court Order of 5/22/2014 NEVER provided absolutely NO! written Law nor any written Rule that could possibly! support the Appeals Court's written claims in its Order dated May 22, 2014 - which supports a CONSTITUTIONAL QUESTION, involving a STATE & FEDERAL LAW, when the Appeals Court's ORDER of 5/22/2014 GRANTED the said named RESPONDENTS! filed Motion(s) to Dismiss claims to be reviewed by a FEDERAL! Law APPOINTED RECEIVER-Beattie B. Ashmore, to be involved with Appellant/Whaley's ONLY! known! STATE!! COURT filed Cashier's Checks named PAYEE/CCG's STATE!! COURT! APPOINTE RECEIVER! with ONLY! the LAW FIRM Nelson Mullins Riley & Scarborough LLP - whom Appellant/Whaley timely! and properly! filed in his Initial Brief and Designation of Matter/as well as filed Appellant/Whaley's filed his MOTION to "RELIEVE!! RESPONDENT!! BANK of AMERICA's COUNSEL..." the LAW FIRM NELSON, Mullins....who was DOING an Intentional CONFLICT OF INTEREST - but, (in error/or otherwise) Denied! by the Appeals Court's ORDER dated 1-3-2014, although! BOTH!, RESPONDENT/BANK of AMERICA/and!! APPELLANT/Whaley's appointed STATE!! Court Legal REPRESENTATIVE!! Nelson, Mullins...LAW FIRM involves! Appellant/Whaley's SAME said Cashier's Checks' and Cashier's Checks named PAYEE/CCG, and its said above named CCG's Agents, Pough, McQueen and Brunson's also!! STATE!! and FEDERAL!! Same! claims! which involved ALSO a CONSTITUTIONAL QUESTION involving a STATE! and FEDERAL Law?

STATEMENT OF THE CASE

Respondent(s) both filed Motion(s) to Dismiss filed in the above lower trial court, and in the said S.C. Appeals Court since March 2011 & Oct. 24, Oct. 31, 2013, & Feb. 5, 2014, along with Respondents signed personal LETTERS dated Jan. 3, 9, 2014, Oct. 31, Oct. 22, Oct. 24, & Aug. 23, 2013, all were filed pleadings reviewed by the Appeals Court, resulted in S.C. Appeals Court's Final Order dated May 22, 2014, which ADMITS it relied on its Order also! dated 2/27/2014 - which provided as it ONLY supportive attached Case Law - "Herring v. Kaye, 307 S.C. 436, 437, 415 S.E. 2nd 794, 794 (1992) - which states! and ADMITS that "...Although this Court would be completely JUSTIFIED in DISMISSING this APPEAL based on APPELLANT's Numerous violations of the Rules, WE!! DECLINE!! To! Do! So!, and! DENY!! the (Respondents!) MOTION TO DISMISS."

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ARGUMENT

1. The Appeals Court's Order 5-22-2014 date, names also Appeals Court Order dated 2/27/2014 Decision(s).

which the Appeals Court Order of 5-22-2014 ADMITS!!/or is quoted! that the Appellant/Whaley "...filed what this Court construes as a PETITION FOR REHEARING. After Careful Consideration of the PETITION for REHEARING, the Court is UNABLE to DISCOVER that ANY!! Material!! FACT! or Principle of LAW has been either OVERLOOKED or DISREGARDED, and hence, there is NO! BASIS! for GRANTING a REHEARING! Accordingly, the PETITION for REHEARING is DENIED." - although! Appellant/Whaley's attached! first! PAGE of his Motion for Rehearing/or Reconsideration, along with PRODUCED Court(s) TRANSCRIPTS", as well as Appellant/Whaley quoted the lower S.C. APPEALS COURT'S OWN! PROVIDED Only! Case LAW - "UPHELD by... 'Henning v. Kaye, 307, S.C. 436, 437, 415 S.E. 2nd 794 (1992) ACTUALLY! SUPPORTS! Appellant/Whaley's Motion for Rehearing, MUST! BE GRANTED!...due also to Appeals Court's Shown CONTINUED! ERRORS/or BIAS- See Exh. A, AA, AAA; Exhibits 1,2,4,4-a,5,5-a";

1a): Appellant/Whaley PRODUCED also a COPY of Appellant/Whaley's filed "AMENDMENT to NOTICE OF APPEALS" attached as being filed in S.C. Supreme Court RECORDS, dated NOV. 2012, (which later! produced from the Supreme Court records as allegedly being Supreme Court Case no: "2014-000067") - which shows and supports the S.C. Appeals Court NEVER!! CONSIDERED! S.C. Appeals Court's own! ADMITTANCE! in S.C. Appeals Court's LETTER from its CLERK, dated "MAY 21, 2013", that admits! -

"...THE CLERK! of the SOUTH CAROLINA SUPREME COURT TRANSFERRED your (Appellant/Whaley's)... NOTICE of APPEAL to! the COURT of APPEALS... (which Caused GREAT! CONFUSIONS!! and Damages to Appellant/Whaley's FIRST! filed NOTICE of Appeals in the Supreme Court records/claims, Filed ONLY! admitted! about a YEAR!!) ... AFTER! it was FILED AT!! the SUPREME!! COURT!. Your Case will REMAIN in the South Carolina Court of Appeals...as to the STATUS of the TRANSCRIPT REQUEST, Pursuant to Rule 207(a) of the South Carolina Appellate Court Rule..." -

1b): Facts are Appellant/Whaley has ALWAYS COMPLIED with the SCACR Rules and South Carolina's Code of LAWS, regarding his claims filed FIRST!! in his Pleading within this said Supreme Court RECORDED RECORDS, which also this honorable SUPREME COURT In ERR!, DID! NOT! COMPLY with this Supreme Court's own! produced Ordered! RULE which 204(a) which also resulted in THE DECISION OF THE COURT OF APPEALS is in CONFLICT with a PRIOR DECISION OF the SUPREME COURT,¹ which the Supreme Court wrote "Appellant...sent this (Supreme) 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 (Supreme) Court under!! RULE 204 of the South Carolina Appellant Court Rules (SCACR) that request is Denied." - "(See Supreme Court's attached Order dated "Jan. 31, 2014");

1c): This said S.C. Supreme Court Recorded Records and! the S.C. Appeals Court's above said recorded records, shows and supports, this said SUPREME COURT never! wrote/nor! never! provided absolutely! ANY! kind of Supreme Court ORDER! that ever LEGALLY!! nor! PROPERLY TRANSFERRED!! Appellant/Whaley's NOTICE of APPEALS, and! Appellant/Whaley's filed! AMENDED!! NOTICE of APPEAL, pursuant with SCACR Rule 204(a), which supports that there is THERE IS A DISSENT IN THE DECISION OF THE COURT of APPEAL...as is stated/or Conflicts/when it ADMITTED! in this Supreme Court own! signed Order, dated January 31, 2014, showing the said Supreme Court NEVER! provided the S.C. APPEALS Court with any! Legal!! Authority!! so to have heard, nor to have been Governed by the S.C. Appeals Court- which NEVER! TRANSFERRED! Appellant/Whaley's NOTICE of APPEAL to be heard/nor GOVERNED by the said S.C. Appeals Court - pursuant with SCACR Rule 204(a) -

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CONCLUSION

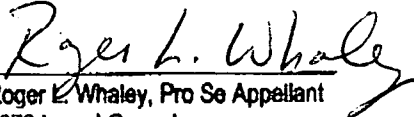
WHEREFORE, the CONCLUSION is that - S.C. Appeals Court's ILLEGALLY, as well as improperly DISMISSED Appellant/Whaley's NOTICE of APPEAL (for the S.C. Appeals Court's salways known! illegal/and also! Unauthorized Reasons, were also ALWAYS UPHELD by the S.C. Appeals Court own! provided case law, pursuant with "Henning v. Kaye..." - which

¹ SCACR Rule (a) Improperly Filed Cases. In the event that the NOTICE OF APPEAL is filed in the WRONG APPELLANT Court, the Appellate Court in which the matter is filed SHALL!! ISSUE!! AN! ORDER!! TRANSFERRING!! the CASE to! the Appropriate!! Appellate Court!!

RULED in FAVOR! of Appellant/Whaley) on the date! 2/27/2014, joint with S.C. Appeals Court's Final Decision dated May 22, 2014, which the said SUPREME COURT'S KNOWN CONFUSION by never! legally/or properly TRANSFERRING Appellant/Whaley's NOTICE of APPEAL and AMENDED APPEAL to the said S.C. Appeals Court, resulted also! in Appellant/Whaley's attached filed MOTION FOR JUDGMENT filed against Respondent(s), BANK of America, and later! filed against South Carolina Federal Credit Union, resulted in both said Respondents! continued! conspired, THEFT, and of Appellant/Whaley's MONEY FUNDS, in which NEITHER! named RESPONDENTS! is UNDISPUTED, and/or ADMITS!! in BOA's filed Motion to Dismiss dated "10/24/2013", and written in SCFCU's Motion to Dismiss dated "February 5, 2014", shows Appellant/Whaley's UNDISPUTED CLAIMS of "...included claims ofTHEFT!!! of MONEY...and BREACH!! of CONTRACTI with respect to Cashier's Checks issued by SCFCU...and (illegally)...deposited into (unknown!!) Accounts AT!! BOA."

Dated June 23, 2014

Respectfully Submitted:


Roger L. Whaley, Pro Se Appellant
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CERTIFICATION OF SERVICE

I, declare that all proper parties and proper courts has been faxed, hand-delivered, and/or mailed this said PETITION FOR A WRIT OF CERTIORARI, timely and properly provided to all.