

THE SOUTH CAROLINA COURT OF APPEALS  
&  
The South Carolina SUPREME COURT

Appellate Case 2012-213208  
Supreme Court Case no: 2014-000067 &  
Lower Court Case no: 2012-CP-18-539

**RECEIVED**

JUN 06 2014

**SC Court of Appeals**

Page 1 of 1  
Attachments-17

Roger L. Whaley, Pro Se )  
 ) Appellant/Whaley's **NOTICE of COURTEOUS**  
 ) that he WILL BE FILING within 30 days of 5/22/2014 a  
 ) WRIT of CERTIORARI – Appealing this APPEALS  
 vs. ) COURT's "ORDER"<sup>1</sup> dated "5/22/2014"  
 ) and this Appeals Court's LETTER to "Counsel" 5/22/2014  
 South Carolina Federal Credit Union )  
 and Bank of America, ) written Letter ONLY which filed with a - Rule 221(b)  
 )  
 Respondents/Defendants. )  
 )

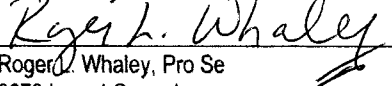
After speaking with the Supreme Court official(s), on today's date June 5, 2014, who agreed that it would not be improper, nor frivolous for Plaintiff/Appellant/Whaley to file also this said NOTICE of COURTEOUS so to bring to the attention of ALL proper court officials that this pro se Appellant/Whaley will be filing his writ of certiorari within the required (30) days, to be filed within both said courts. With the Original(s) filed required documents to be filed within the said Supreme Court, and a copy to this said Appeals Court.

Said notice is being filed, so not to repeat! the prior errors/or lack of knowledge of this appeals court official(s) time limitations in which this PRO SE Appellant/Whaley and ALL other parties are required to TIMELY and PROPERLY file their said pleadings in these said Appellate Court(s), and to make known that this Pro Se Whaley is quite aware of following the rules and laws of both said appellate courts, and will continue to do his best to comply with the said required laws and rules, but pray the SAME by both said Appellate courts to apply to all parties equally.

PRAYING only for fair and Equal Justice to be applied, with absolutely no! special treatments to neither acting party.

Dated: June 5, 2014

Respectfully submitted,

  
Roger L. Whaley, Pro Se  
8673 Laurel Grove Lane  
North Charleston, S.C. 29420

**CERTIFICATE of SERVICE:** I declare that all proper parties has been served this said Courteous Notice, by mail, fax, or hand-delivery. cc: Jody A. Bedenbaugh, Esquire; Erik Tison Norton, Esquire-1320 Main St, 17<sup>th</sup> Fl-Columbia, SC 29201; Drew Hamilton Butler, Esquire, Shelia M. Bias, 1900 Barnwell St.-Columbia, S.C. 29202

<sup>1</sup> This Appeals Court's "Order" dated 5/22/2014 Never! provided ANY! supportive! LAW nor RULE of Court, that could possibly support its said findings/or allegations written in its "ORDER" 5/22/2014, which is highly, improper for an APPEALS COURT Rulings, actually signed by more than one Appeals Court JUDGES.

THE SOUTH CAROLINA COURT OF APPEALS  
&  
The South Carolina SUPREME COURT

ATTACHMENTS – 17  
ROGER WHALEY/vs. SCFCU & BOA

*Original Notice that has all the  
Appellant's records filed for the Appellate Court  
Columbia*



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 1162H  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMNER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: 803.734.1666  
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May 22, 2014

Roger L. Whaley  
8673 Laurel Grove Lane  
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40 Calhoun Street  
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Ms. Sheila Marlouvon Bias, Esquire  
P.O. Drawer 7788  
Columbia SC 29202

Ms. Tara C Sullivan, Esquire  
Meridian 17th Floor  
1320 Main Street  
Columbia SC 29201

Mr. Caleb Martin Riser, Esquire  
1900 Bamwell St.

Columbia SC 29201

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

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*William Allen Deputy*

CLERK



Jody Alan Bedenbaugh, Esquire  
Sheila Marleuon Bias, Esquire  
Tara C Sullivan, Esquire  
Caleb Martin Riser, Esquire

**RULE 221**  
**REHEARING AND REMITTITUR**

**a) Rehearing.** Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court. No petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari under Rule 242, SCACR.

**b) Remittitur.** The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal. If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.

**c) Rehearing of Motions.** The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.

**RULE 242**  
**CERTIORARI TO THE COURT OF APPEALS**

**(a) Authority of the Supreme Court.** The Supreme Court, or any two (2) justices thereof, may in its discretion, on motion of any party to the case or on its own motion, issue a writ of certiorari to review a final decision of the Court of Appeals.

**(b) Considerations Governing Review.** A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons. The following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicate the character of reasons which will be considered:

(1) Where there are novel questions of law.

(2) Where there is a dissent in the decision of the Court of Appeals.

(3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.

(4) Where substantial constitutional issues are directly involved.

(5) Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.

**(c) Time for Petitioning and Filing Fee.** A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing or reinstatement has been acted on by the Court of Appeals. A petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals. An original and six (6) copies of the petition shall be filed with the Supreme Court. The copies filed with the Supreme Court shall be accompanied by the filing fee set by order of the Supreme Court. [1] No filing fee shall be required in criminal cases or petitions filed by the State of South Carolina or its agencies or departments.

**(d) Content of Petition.** The petition for writ of certiorari shall contain the following:

(1) Certification by counsel for petitioner that a petition for rehearing or reinstatement was made and finally ruled on by the Court of Appeals.

(2) The questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. Only those questions raised in the Court of Appeals and in the petition for rehearing shall be included in the petition for writ of certiorari as a question presented to the Supreme Court. A question presented will be deemed to include every subsidiary question fairly comprised therein.

(3) A concise statement of the case, containing the facts material to the consideration of the questions presented.

THE SOUTH CAROLINA COURT OF APPEALS

Appellate Case 2012-213208  
Lower Court Case no: 2012-CP-18-539

Pages 1 of 4  
Exhibits - 18

Roger L. Whaley, Pro se

Appellant/Plaintiff

v.

South Carolina Federal Credit Union  
and Bank of America.

Respondent/Defendants

- ) Appellant/Plaintiff Whaley's
- ) MOTION for Rehearing or Reconsideration
- ) Pursuant with Rule SCACR 221(a) 1
- ) UPHELD by Appeals Court's ONLY provided Case Law
- ) ("Henning v. Keye, 307, S.C. 436, 437, 415 S.E.2d 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

COMES NOW, pro se Appellant/Plaintiff Roger L. Whaley (Appellant/Whaley) filing timely the above said Petition/Motion regarding this Appeals Court's "ORDER" dated "2/27/2014" with its Only GOVERNING Case Law "Henning v. Keye, 307 S.C. 426, 437, 415 S.E.2d 794 (1992)", as Appellant/Whaley files pursuant with SCACR Rule 221(a) (b)&(c), to show this said Appeals Court's continued Overlooked Errors, and/or Misapprehensions/or/Intentional/research found Bias interest (pursuant under the Rules of Canon-for possible Misconduct) -which involves BOTH said RESPONDENTS/BOA and SCFCU's own! Documented alleged Evidence (provided within the said Lower Trial Court and within this said Appeal Court) involving this said Appeals (and Supreme) Court(s) Board Member/Mr. Beattie B. Ashmore/as being governed by an alleged FEDERAL!!! Court appointed Receiver Law - so to interfere with a STATE!!! Court appointed Receiver-Law, which said interference has caused GREAT CONFUSIONS with this said STATE!! Court(s)! case matter involving this Appellant/Whaley's ONLY! filed Claims, that were filed first! ONLY within the said Supreme Court pursuant with SCACR Rule 203(d)(1)(A)(ii). (See App. Ct's LT 5-21-13/Exh. 4-a)

1. SCACR 221(a) - 1. (a) Rehearing. Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240 and shall state with particularity the points supposed to have been overlooked or misapprehended by the court.

2. Edward L. HENNING...v. Herbert KAYE...Appeals ruled states: "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 MOTION to DISMISS..."

A. Whereas, the attached UNDISPUTED Appeals Court's OWN! signed documented EVIDENCE, as well as RESPONDENT's, and! the said LOWER TRIAL COURT'S REPORTER, own! shown! WRITTEN signed! ADMITTANCE!! (See Exhibits A, AA & AAA, Exh. 2, 4, 4-a, 5, 5-a, 5-aaa, 5-b, 5-b-2) shows Appellant/Whaley's always! COMPLIED (and CORRECTED!!) this Appeals Court's ORDERED/or Requested DEFICIENCIES, which IS! INCOMPLIANCE with this Appeals Court's RECENT! /or attached FINAL!! ORDER -Date 2-27-2014) ...which shows and DEFEATS this said Appeals Court's CONFUSION! and/or when this Appeals Court "OVERLOOKED or Misapprehensions" its OWN! ADMITTANCE!! in the attached APPEALS Court's LETTER dated "MAY 21, 2013" - SHOWING this said S.C. STATE SUPREME!! COURT!! (FOR OVER!! about a YEAR!!) had within the S.C. APPEALS COURT'S "PERSONAL!!" filed! POSSESSION!! Appellant/Whaley's actual FILED NOTICE OF APPEAL and AMENDMENT of his -Ordered/or Requested Amended NOTICE OF APPEAL - Held ONLY!! in the SUPREME COURT for the COMPLETE!!! YEAR 2012!! - UP until this said APPEALS COURT'S attach LETTER (Exh. - DATE! "MAY 21, 2013!!") - which this APPEALS COURT - in Error! or due to BIAS said PERSONAL!! INTEREST, of this Appeals & SUPREME Courts' OWN!! BOARD MEMBER!!/as being an alleged FEDERAL!!! RECEIVER - Mr. BEATTIE B. ASHMORE, whom!! this APPEALS COURT excepted! - ONLY!! BOTH!! said named RESPONDENTS!! BOA, and SCFCU - provided DOCUMENTED!! EVIDENCE!! - that Joined!! - FEDERAL!!! COURT LAW(s)/or QUESTION(s) that INTERFERED with an ONGOING/and/or completed STATE!!! Court's ALREADY! filed ORDERED Decisions - in which BOTH!! said RESPONDENTS! and! this said APPEALS COURT - alleges/or ADMITS! involves the SAME! identical CLAIMS - involving this Appellant Whaley's FILED!! STATE!! COURT! CLAIMS. Therefore, shows and supports WHY! Appellant/Whaley ONLY FILED his said NOTICE of APPEAL and AMENDMENT NOTICE OF APPEAL within the said SUPREME COURT - pursuant with SCACR - Rule 203(d)(1)(A)(ii) (See Exh. 1, 2) shows Appellant/Whaley ALWAYS CORRECTED any! requested/or ORDERED Deficiencies, as Ordered said COURT(s). Which (Defeats/or shows this said Appeals Court's continued OVERLOOKED ERRORS and/or Misapprehensions pursuant with SCACR 221(a)(b)&(c).

As the following is further numbered stated:

1. This Appeals Court's attached Final Order dated "2/27/2014" was written in ERROR/or/duo to Bias Interest fraudulently/or in error wrote that this Appeals Court's said Final Order of 2/27/2014 was governed/or ruled that its final decision was pursuant only with the State case law "Henning v. Kaye, 307 S.C. 436,437,415 S.E.2d 794(1992)", which in Error!!/or otherwise wrote! that - "...Appellate Court is **JUSTIFIED** in **DISMISSING** an Appeal based on an Appellant's **FAILURE** to **COMPLY** with the **South Carolina Appellate Court Rules**..." which is an Erred!! Overlooked/or Misapprehended NON-COMplete written above said QUOTED STATEMENT made (appeared Intentionally) by this said Appeals Court's said signed Officials , which the said ordered Ruling in that said matter involves the lower trial court's ORDERED TRANSCRIPT, by that said Appellant, pursuant with Rule 207(b)(4), which this Appeals Court did not COMPLETE its above said case law STATEMENT\*(See Exh. 6.6a,6b.) that's written -

"...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 **MOTION! TO! DISMISS!** \*438 as to the Hennings. **Instead, APPELLANT SHALL, within (15) days of this Order, serve and FILE an INITIAL BRIEF that does fully comply with Rule 207, SCACR. NO!!! CHANGES!! SHALL!! be MADE! to APPELLANT's ARGUMENTS! except that Appellant MAY!! ADD!! CITATIONS!! to! the Cases!! LISTED! in the Current!! Table of Authorities and References to the Record as provided in Rule 207(b)(4)."** <sup>3</sup>

2. Therefore the above said complete quotation in no. 1, shows this Appellate Court's said Final Order dated "2/27/2014" Overlooked/or/Misapprehended this Appeals Court's OWN! FILED! attached signed LETTERS dated "September 25, 2013"/ Exh. AA, "MAY 21, 2013", and "AUGUST 23, 2013", along with the attached Lower Trial Court's signed LETTER dated "November 10, 2012" (Exh. 4) from the said lower CIRCUIT COURT REPORTER, Ms. Brenda J. Sigwald, whom this said Appeals Court's officials were also in personal contacts, shows the Lower Trial Court's COURT REPORTER who wrote that the Appellant - "...Mr. Whaley...This is to acknowledge that on **NOVEMBER 9, 2012!!**. **I RECEIVED YOUR LETTER and PAYMENT for the TRANSCRIPT of Record in the above matter.**" - although! the SECOND! Different Court Reporter, did not type and delivered its requested Transcript until in the YEAR 2013, as to WHY this said Appeals Court allowed this Appellant/Whaley to file its INITIAL BRIEF and DESIGNATION of MATTER in the YEAR 2013.

\*(See attached Exh. 5-a, & Exh. AA from Apl Ct); supports Appellant/Whaley's motion for rehearing/or reconsideration must be Granted, pursuant with Rule 221[a],[b],[c], which is upheld by this Appeals Court OWN Case LAW "Henning v. Kaye, 307 S.C. 426,437,415 S.E.2d 794 (1992)".

2a). This Appeals Court's Final Order 2/27/2014 in Error/or otherwise, OVERLOOKED the FACT that Appellant/ Whaley requested TWO! DIFFERENT Transcripts!! from two different!! Lower Trial Court Reporters, which the last Transcript was not Delivered until in the YEAR 2013, which Appellant/Whaley immediately! provided to this Appeals Court, along with many other filed Lower Trial Court's pleadings attached with his Initial Brief & Designation of matter - but ALL said attachments were RETURNED!! by said Appeals Court to this Appellant/Whaley (See Exh. AA dated "September 25, 2013"), but SHOWS! this Appeals Court accepted!! Appellant/Whaley's INITIAL BRIEF although it showed Deficiencies to be CORRECTED, which ONLY! ordered Appellant/Whaley to file as his CORRECTION, Appellant/Whaley's said DESIGNATION of MATTER, in which this said Appeals Court indeed ACCEPTED \*(See Exh. AA), although! this said Appeals Court admits!! it RETURNED all! of Appellant/Whaley's ATTACHED DOCUMENTED EVIDENCE, which included Appellant/Whaley's

<sup>3</sup> SCACR Rule 207(b)(4) - states "... **Failure to Receive Transcript.** If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the clerk of the appellate court, and the administrative tribunal in writing."

Transcript(s). therefore made this said Appeals Court's RETURNING of Appellant/Whaley's said Documented EVIDENCE – when against SCACR Rule 210(a)&(c) \* And is pursuant with Case Law "Henning v. Kaye, 307 S.C. 436,437,415 S.E.2d 794(1992)" – which NEVER!! SUPPORTED for this said Appeals Court to "DISMISSED" Appellant/Whaley's Appeals Case matter. (See above QUOTE, in number 1)

3. WHEREAS, this Appeals Court's own! filed attached said above signed documents, along with the signed written admittance! also by the Respondent/SCFCU, in its document(s) dated "October 22, 2013", "September 10, 2013", shows and supports this Appeals Court's Overlooked the FACT, as to this Appeals Court's known and UNDISPUTED possible shown BIAS Personal INTEREST – actually!! Overlooked!! with BOTH said named Respondents BOA and SCFCU, Never! filed neither! of their Appeals ORDERED! Initial Briefs and Designations (See Exhibits AA, AAA; & Exh. 5), when SCFCU's hired Attorney(s) indeed ADMITS! for shows that this said Appeal Court's 2/27/2014 FINAL ORDER(as well as this said Appeals Court's prior filed Order(s) – provided SPECIAL FAVORS to the RESPONDENT/BOA – since! Respondent/SCFCU ADMITS that **SCFCU's hired Attorneys ONLY requested for** this said Appeals Court to Grant an EXTENSION to file its Initial Brief and Designation (of OCTOBER 4, 2013 ) so to filed on the DATE "November 4, 2013", but! SCFCU also! never! filed on the date November 4, 2013, and this said Appeals Court NEVER! Cancelled SCFCU the date November 4, 2013 for SCFCU so to have properly and legally filed its required/and ORDERED Initial Brief and Designation of matter by!! the date November 4, 2013. \*(See Exh. 5-a and Exh. AA) supports Appellant/Whaley's MOTION for Rehearing must be Granted!

3a): This Appeals Court in error/or otherwise OVERLOOKED its own! recorded records which shows the RESPONDENT/BOA - NEVER! filed for ANY KIND of EXTENSION from this Appeals Court's ORDER and/or LETTER dated SEPTEMBER 25, 2013" and "SEPTEMBER 27, 2013" which wrote that **"... OUR RECORDS REFLECT the RESPONDENTS'!!!! Initial Brief and Designation of matter ARE DUE!! on! OCTOBER 4, 2013..."** - which RESPONDENT/BOA MUST **have filed** BOA's UNTIMELY FILED **Motion to Dismiss before! or on the Date!! of OCTOBER 4, 2013**, although this said Appeals Court's officials IN ERROR/or due to known BIAS PERSONAL said INTEREST accepted RESPONDENT/BOA's untimely/and FRAUDULENT Claims in BOA's **Untimely filed MOTION TO DISMISS that was filed on the date "OCTOBER 22, 2013"**, in which this Appeals Court's own! filed 2/27/2013 CASE LAW "Henning v. Kaye, 307 S.C. 436,437,415 S.E.2d 794(1992)" shows that said APPEALS COURT "...DECLINED TO ...DISMISS...as to Hennings." and to "...SETS FORTH with!! SPECIFICITY the **EXHIBITS!!!!** and **OTHER!!! MATTER** he Wishes! to **INCLUDE!** in the RECORD on APPEAL."

\* Rule 210(c) – states "... Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, **pleadings, transcript**, charges, **EXHIBITS** and **other materials** or **DOCUMENTS**, and a certificate by appellant." -

WHICH indeed! this said Appeals Court OVERLOOKED the ACTUAL FACTS that this said Appeals Court ACCEPTED!! Appellant/Whaley's filed INITIAL BRIEF!! and FILED DESIGNATION!! as being CORRECTED Ordered Deficiencies. \*(See Exh. AA – when this Appeals Court ORDERED!! BOTH!! named RESPONDENTS!! to file WITHIN (30) days, OR by the date "OCTOBER 4, 2013" Each! of said Respondents! REQUIRED "Initial Briefs" and "Designation of Matters" – which this said Appeals Court officials in ERROR/or due to BIAS known personal INTEREST – NEVER! Enforced! NEITHER! said named RESPONDENTS to have COMPLIED! with the said South Carolina Appellate Rules and Procedures – to file NEITHER of their INITIAL BRIEFS and DESIGNATIONS. Due to RESPONDANTS! ONLY! Volunteered!! JOINT APPEARANCE of a (illegal and Unethical) FEDERAL!! Appointed (alleged) Receiver/Mr. BEATTIE B. ASHMORE (whom both said RESPONDENTS/BOA and SCFCU alleges has a SPECIAL INTEREST, and! who is also! located/as being ONE of this said S.C. Appeals and Supreme Courts' BOARD MEMBERS, who is allegedly involved with this Appellant/Whaley's STATE!! COURT! filed LAWS, which governs Appellant/Whaley's Complaint/Cashiers CHECKS, STATE!! Court appointed RECEIVER- (appointed BY STATE!! Court LAW!! to Represent ONLY! the alleged VICTIMS' same! MONEY and/or PROPERTY INTEREST, in which the said RESPONDENT/BOA – ADMITS!! it indeed has within its POSSESSION...) which included this Appellant/Whaley's said MONEY/or Personal PROPERTY) which provided DOCUMENTED RECORDS/and Court filed LOWER TRIAL COURT'S TRANSCRIPT[s] support/and or shows, the SAME said LAW FIRM NELSON, MULLINS are (illegally/and UNETHICALLY) also! REPRESENTING the RESPONDENT/BOA's said Interest, although! the said LAW FIRM NELSON, MULLINS ...was STATE!! APPOINTED!! to Represent! this said Appellant/Whaley's said STOLEN!! MONEY and PROPERTY Interest.

Which this said Appeals Court's ORDER dated 2/27/2014 OVERLOOKED that Appellant/Whaley's filed DESIGNATION and/or Initial Brief - timely, correctly filed those said claims along with UNDISPUTED DOCUMENTED EVIDENCE...in which this said Appeals court – IN ERRED RETURNED - \*(See Exh. AA) from this said Appeals Court letter dated "September 25, 2014"

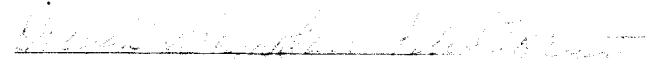
3b): This said Appeals Court OVERLOOKED and or due to Bias known said Interest, did not Consider/or must Grant this Appellant/Whaley's said Motion for Rehearing – when this said Appeals Court's in error/or otherwise Overlooked its own!!, ORDER/or LETTER dated "OCTOBER 10, 2013" which admits!! that Appellant/Whaley filed ALSO its MOTION FOR JUDGMENTS, and also! later! filed Appellant/Whaley's filed MOTION TO DISMISS, (which showed and AGAIN!! PROVIDED Appellant/Whaley's Lower Trial Court's filed documented pleadings/and already filed EXHIBITS) which always!! involved Respondent/BOA & SCFCU's UNTIMELY filed alleged MOTION(s) TO DISMISS, when, both! said RESPONDENTS filed MOTIONS to DISMISS were filed AFTER! the dates "OCTOBER 22, 2013", and "NOVEMBER 4, 2013" – which was AFTER!! the DATES! in which this said Appeals Court ORDERED!! the said Respondents to have filed EACH of their file INITIAL BRIEF/and Designation – by each of their given DEADLINE DATE, which was NEVER!! COMPLIED by Neither! named RESPONDENTS, although! this said Appeals Court DUE TO – BIAS known INTEREST – Overlooked those said above UNDISPUTED FACTS, and Granted the said RESPONDENTS Untimely filed MOTION TO DISMISS, and in ERROR/or said OTHERWISE DENIED Appellant/Whaley's MOTION T DISMISS - **which INDEED PROVIDED the Documented EVIDENCE attached with said EXHIBITS** – which showed Appellant/Whaley's INITIAL BRIEF and DESIGNATION of MATTERS indeed "...CONTAIN...MATTER(s)...PRESENTED TO! THE TRIAL!! COURT" - Which this said Appeals Court indeed! FIRST! ACCEPTED, than!! later!! (admitted! to have) RETURNED Appellant/Whaley's DOCUMENTED EVIEDENCE/and/or EXHIBITS/and Lower Trial Court's TRANSCRIPT(s) – which supported that ALL Appellant/Whaley's CLAIMS in his Initial Brief and DESIGNATION indeed were first "...PRESENTED TO THE TRIAL COURT..." Pursuant with Rule 209, 210, 207(b)(4).

4. Therefore this said Appeals Court 2/27/2014 FINAL ORDER in Error Overlooked/and due to said Bias known personal Interest, did not Consider, and or must Grant Appellant/Whaley's MOTION for REHEARING, when!! this Appeals Court's OWN! written signed! LETTER dated "SEPTEMBER 25, 2013" – admits!!! that indeed Appellant/Whaley's TIMELY and PROPERLY filed INITIAL BRIEF and DESIGNATION of MATTER's attached EXHIBITS and filed Documented Pleadings/which INCLUDED Appellant/Whaley's PAID LOWER TRIAL COURT'S TRANSCRIPT, showed and supported ALL Appellant/Whaley's claims were Claims ALWAYS Discussed also within the said LOWER TRIAL COURT, whereas is in compliance with this said Appeals Court's ONLY provided Case Law "Henning v. Kaye, 307 S.C. 436,437,415 S.E.2d 794(1992)" – **which RULED/and ORDERED and/or shows that/or this said APPEALS FINAL ORDER, dated 2/27/2014 – MUST!!! BE DENIED.**

WHEREFORE, attached is Appellant/Whaley's (6) copies, and known payment, so to file this timely and proper request to Granted this said Motion for Rehearing/and/or Reconsideration, pursuant with the above said S.C. Appellate Court Rules and Procedures. \*(If the said amount of payment is not correct, please contact, and any other immediate payment will be made)

Dated: MARCH 11, 2014

Respectfully Submitted,

  
Roger L. Whaley, Pro Se  
8673 Laurel Grove Lane  
North Charleston, South Carolina 29420

#### CERTIFICATE OF SERVICE

I, declare that all the proper parties has been timely and properly served by CERTIFIED/or OVERNIGHT MAIL, and/or FAXED. As Appellant's declare that ALL that is stated is true and believable and is attached with the documented evidence/and/or EXHIBITS which supports ANY and ALL his Claims, as he has always provided to this said Appeals Court and to the said Lower Trial Court.

cc: Jody A. Bedenbaugh, Esquire; Erk Tison Norton, Esquire, Drew Hamilton Butler, Esquire; Shelia M. Bias.  
1320 Main Street, 17<sup>th</sup> Floor – Columbia, SC 29201 1900 Barnwell St. – Columbia, S.C. 29202

*\* Appellate Court Appellate  
None shown Appellate  
Appellate*

*\* Appellate Court Appellate  
Appellate Court Appellate  
Appellate Court Appellate*

**RULE 267**  
**FORM OF PAPERS**

**(a) Captions.** All documents filed in the appellate court shall be headed by a caption. Except as provided below for appeals from administrative tribunals, the caption shall contain the name of the appellate court where the document is to be filed (i.e., Supreme Court or Court of Appeals); if the matter involves review of a lower court decision, the name of the county and judge from which the appeal is taken including the title of the judge (e.g., Circuit Court Judge; Family Court Judge, Master-in-Equity, Probate Judge, Special Referee, Special Circuit Court Judge); the title of the case (the party commencing the action in the lower court shall always appear first in the title regardless of whom is appellant or petitioner); the title of the document (e.g., RECORD ON APPEAL; APPENDIX; BRIEF OF APPELLANT; PETITION FOR WRIT OF CERTIORARI; MOTION TO DISMISS); and the name, address and phone number of the counsel submitting the document, or in the case of a Record on Appeal or Appendix, the names, addresses and phone numbers of all counsel in the case. The caption should be substantially in the form shown by this example:

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM RICHLAND COUNTY  
Howard S. Barnes, Circuit Court Judge

Paul L. Doe, ..... Appellant (or Respondent),

v.

Mary M. Roe, ..... Respondent (or Appellant).

RECORD ON APPEAL

John T. Smith, Esquire  
P.O. Box 123  
Columbia, SC 29000  
(803) 000-0000  
Attorney for Appellant

Wanda D. Jones, Esquire  
P.O. Box 456  
Columbia, SC 29000  
(803) 000-0000  
Attorney for Respondent

In appeals from administrative tribunals, the caption shall contain the name of the appellate court where the document is to be filed (i.e. Supreme Court or Court of Appeals); the name of the tribunal from which the appeal is taken (e.g., Administrative Law Court, Public Service Commission, etc.); the name of the administrative law judge (if applicable); the title of the case (the title shall remain the same as the title before the tribunal regardless of whom is the appellant); the title of the document (e.g., RECORD ON

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas/then/Replacement Master of Equity  
Judge Maite D. Murphy

Appellate Case No.: 2012-213208  
Civil Action No.: 2012-CP-13-533

Roger L. Whaley ..... Appellant.

vs.

South Carolina FEDERAL CREDIT UNION and BANK OF AMERICA ..... Respondents.

~~Appellant/Whaley's in Compliance to RESPONDENT/SCFCU's "March 20, 2014" Claims" written in SCFCU's MEMORANDUM IN OPPOSITION TO THE MOTION FOR RECONSIDERATION ON BEHALF OF RESPONDENT SOUTH CAROLINA FEDERAL CREDIT UNION, whose Memo! also! ADMITS!! this APPEALS COURT'S 2-27-2014 Ordered Case Law "Henning's DID NOT DISMISS the APPEAL..." and Henning's DENIED!! RESPONDENTS' MOTION to DISMISS and Filing~~

APPELLANT/Whaley IN RESPONSE!! to RESPONDENT/BOA's LETTER! dated "March 20, 2014" (which is against! SCACR Rule 267<sup>2</sup>) filed by Respondent/BOA's & Appellant/Whaley's (SAME Paid/or State! APPOINTED) LAW FIRM's ATTORNEYS, NELSON MULLINS, RILEY, & SCARBOROUGH LLP - doing UNDISPUTED/Conflict of Interest pursuant with ROPC 1.7(a)(1) - (been IGNORED by this said APPEALS Court Order 2-27-2014 & by the said Lower Trial Court's said Final Order-CONFIRMED! in Lower Trial Court's TRANSCRIPT(s)- involving Respondent/BOA's Same Attorneys' most recent filed IMPROPER/and Intentional! in Non-Compliance! WITH the SOUTH CAROLINA's APPELLATE Court's RULES and PROCEDURES Rule 240/and/or Rule 240(e)

NOW COMES "...for brevity purposes..." this pro se Appellant/Whaley is filing in Compliance to both Respondents! filed above said pleadings as Appellant's prior filed produced documents with claims filed in his Motion for Rehearing/and/or Reconsideration, speaks/and Confirms for themselves, whereas Respondent/SCFCU's own! above Memorandum page 2 admits! -

1. that "...the entire HISTORY of this matter as a full recital of the RELEVANT FACTS and Circumstances can be FOUND in Respondent SCFCU and Respondent BANK OF AMERICA's Respective MOTIONS! to DISMISS... Since...on February 27, 2014 this Court granted Respondents' MotionS to Dismiss based on Appellant's failure! to comply! with South Carolina Appellate Court Rules."<sup>3</sup> (Just!

<sup>1</sup> RESPONDENT/SCFCU's STATE!!! COURT's!!! filed Memorandum dated March 20, 2014 on page 2 ADMITS that "Appellant has filed a Motion for Reconsideration ASSIGNING ERROR to THIS COURT's USE of Henning v. Keyes, 307 S.C. 436, 415 S.E.2d 794 (1992)...". As the said Case Law Speaks for itself which actually written that "...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...as to the HENNING'S"; Just as Respondent/SCFCU's continue! to MISQUOTE SCFCU's provided TWO Criminal!! CASE LAWS, State v. Burton & State v. Holman, -which ADMITS that "...It is true that where one has conducted his defense in person technical rules are to be applied with much less stringency than where he has been represented by counsel," and states that "...But established Rules of Procedure ARE NOT to be DISCARDED, EITHER in the TRIAL COURT or ON APPEAL, merely because the Defendant has been his own lawyer. Our custom of long standing requires that we relax them in capital cases even when the defendant has been represented by counsel... but in cases not capital our power to do so SHOULD BE EXERCISED only when necessary to PREVENT A MANIFEST MISCARRIAGE of JUSTICE" As Respondent/SCFCU & BOA, continue! to be untruthful/defeatist, and INTENTIONAL non-compliance with this Appellate Rules

<sup>2</sup> SCACR Rule 267(a) Captions. "...ALL! DOCUMENTS!!! filed in the Appellate Court SHALL be headed by a CAPTION." - As the Respondent/BOA(and its hired Licensed Attorney(s)) LAW FIRM, "Nelson, Mullins, Riley & Scarborough LLP" LETTER of "MARCH 20, 2014" - PERSONALLY! WROTE! - (AND Continued to asks SPECIAL FAVORS) from this Appeals Court's CLERK "Ms. Kitchings" to "...PLEASE ALLOW THIS!! LETTER!!! to SERVE!! as OUR RETURN!! to Whaley's "MOTION for Rehearing/or Reconsideration Pursuant with RULE SCACR 221(a)..." Which is goes against!!! the South Carolina Appellate Rule 240(e) Return to Motion...which 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" - This said (Six pages) WERE NEVER! FILED by the said Respondent/BOA- yet! receiving SPECIAL FAVORS -Just! as BOA/NEVER filed this Court Ordered "Initial BRIEF" by "OCTOBER 4, 2013" (See Ex. B): Therefore, Although Appellant/Whaley is PRO SE, only! the said named ATTORNEYS in this matter, IS NOT in COMPLIANCE with this said Appeals Court's Rules and Procedures, and required Laws, Pursuant with Rules of Canon B (2)&(5), C (2), & E.(1)

<sup>3</sup> Respondent/SCFCU ADMITS! claims Differently! in its MOTION TO DISMISS that "...Appellant filed MOTIONS!!! for JUDGMENT against BOTH! RESPONDENTS...by Order filed November 27, 2013, this Court DENIED Appellant's Motion for Judgment as to Both Respondents...The Court further granted BOA's Motion to Strike and ORDERED Appellant to serve and file an Amended DESIGNATION of Matter...EXCLUDING!!! the OFFENDING!!! PORTIONS!!!"; OTHERWISE SCFCU ADMITS that this Appeals Court did not state that "...Appellant's failure! to comply! with South Carolina Appellate Court Rules..." but, instead this Appeals Court! JUST LIKE the Lower Trial Court - IGNORED! or OVERLOOKED - the provided DOCUMENTED TRUTH of

as this Appeals Court 2-27-14 Order Continues to Overlook, this Appeals Court's own Board Member Mr. B. B. Ashmore's ACTUAL PARTICIPATION within this Appellant/Whaley's Case matter involving his said Cashier's Checks named PAYEE/CCG and CCG's Subsidiaries, and Affiliates- BUSINESSES, name titles, 3-HEBREW BOYS, & Daniel Development Group, along with the said Businesses, Agents, Tony Pough, Minister, Timothy McQueen, and Pastor, Joseph Brunson whom ALL were brought ONLY into this said CIVIL STATE COURT Case matter, by BOTH said named Respondents, BANK of AMERICA, and SOUTH CAROLINA FEDERAL CREDIT UNION, along with the SUPPORT of this said Appeals Court prior granted ORDER[s] to the said Respondents, to allow a ONGOING STATE COURT MATTER, to be intervened by a Closed/and found to FRAUDULENT FEDERAL Case number 3:2007-MC-00135-MBS, involving BOTH said RESPONDENTS own Volunteered PRODUCED document [filed within the said Lower Trial Court, and WRITTEN within this said APPEALS COURT Records] dated OCTOBER 10, 2008, which ALSO shows/and has the NAME of this said APPEALS & SUPREME COURT'S BOARD MEMBER, Mr. Beattie B. Ashmore, as an alleged FEDERAL RECEIVER, [allegedly], involving Appellant/Whaley's said STATE COURT produced CASHIER'S CHECKS, and Whaley's said Cashier's Checks named PAYEE/CCG.

RESPONSE TO RESPONDENT/BOA's IMPROPER written LETTER 3/20/2014, and NON-COMPLIANCE WITH SCACR Rules 267(a) ("See Exh. J), & 208(a)(2)&(b); and SHOWS CONTINUE! ERRORS overlooked by Appeal Court

2. Respondent/BOA's most Recent IMPROPER FILED Letter ("See Exh. G- Exh. AA, Exhibits B, & B-1), is shown the continued requests/or allowed SPECIAL FAVORS - by this said Appeals Court's Officials - when this said Appeals Court OVERLOOKED/and or in ERROR - allowed the said Respondent(s) not to COMPLY to this said Appeals Court's written ORDER(s) or signed LETTERS, such as (See Exh. D- BOA's LETTER/dated "Oct. 24, 2013" supports) Respondent/BOA's UNTIMELY! filed "MOTION TO DISMISS", received SPECIAL FAVORS, and/or was a GREAT! ERROR! OVERLOOKED, by this said Appeals Court, when Respondent/BOA's said filed UNTIMELY filed MOTION TO DISMISSED Dated Oct. 24, 2013 - Upheld - in ERROR by this said APPEALS Court's ORDER dated - "February 27, 2014" - is shown to have NEVER COMPLIED with this Appeals Court's own ORDER/or Clerk's instructions ("See attach Exh. B") dated "SEPTEMBER 25, 2013" which ordered/or instructed BOTH said RESPONDENTS/which included! Respondent/BOA to have filed its "INITIAL BRIEF and DESIGNATION of MATTER ARE! DUE! on! OCTOBER 4, 2013". Which Respondent/BOA NEVER! COMPLIED (and filed its INITIAL BRIEF, as is REQUIRED! pursuant with SCACR Rule 208(b) but instead! this appeals court-in error allowed BOA's Untimely filed Motion to Dismiss dated "OCTOBER 24, 2014", which filed AFTER!/not! before! the Required time, which Respondent/BOA was to file its Initial Brief

3. This APPEALS COURT'S/ERROR!/and! OVERLOOKED! event! the RESPONDENT/SCFCU - always KNOWN! KNOWLEDGE! of Appellant/Whaley's filed TRANSCRIPT! that was being (in ERROR/or overlooked) HELD! within this STATE! SUPREME! Court-resulted in This Appeals Court Officials CONTINUED Threats of DISMISSAL! of this Appellant/Whaley's NOTICE OF APPEAL.

4. RESPONDENT/SCFCU's most! RECENT filed "MEMORANDUM in Support of MOTION TO DISMISS..." dated "February 5, 2014" - wrote/and/ADMITS! that "... APPELLANT filed a MOTION for Reconsideration on JUNE 28, 2012... a HEARING... Held! on August 29, 2012. ON September! 17, 2012, the TRIAL!!!! COURT!! entered an ORDER Denying Appellant's Motion for

Appellant/Whaley actually SPOKE in the OPEN Trial COURT TRANSCRIPT[s] that was PRODUCED, but RETURNED by this said APPEALS Court's CLERK ("See Exh. B).

1. As BOTH said named RESPONDENTS, BOA and SCFCU's Lower Trial Court, and filed also within this said Appeals Court's filed pleadings (are pursuant with SCACR - Rule 210)- also shows that this Appeals Court's BOARD MEMBER, Mr. BEATTIE B. ASHMORE, was APPOINTED as an alleged FEDERAL RECEIVER, Appointed by the INDIVIDUAL/a/k/a/U.S. District Court JUDGE, MARGARET B. SEYMOUR - whom BOTH said FEDERAL PARTIES, were introduced! in this said STATE! COURT matter(s) and -LAWS, Rules and PROCEDURES, to be GOVERNED by [interfered!!!] FEDERAL COURT LAWS, RULES, and PROCEDURES - [which is pursuant with SCRCOP 203(O)(1)(A)(i)] and AGAINST the Federal LAWS "ROOKER/FELDMAN DOCTRINES" - which are issues Only! the Respondent! both! own! written Pleadings PRODUCED! provided DOCUMENTS! that were filed within these! said STATE! COURTS! Proceedings (in the said Lower Trial Court & this said Appeals Court's) CIVIL! case matter(s), which also involves the RESPONDENT-BOA's PAID/LAW FIRM, Nelson, Mullins, Riley, & Scarborough LLP, - which Appellant/Whaley's PRODUCED DOCUMENTS (within the said LOWER TRIAL COURT, and within this said APPEALS COURT) shows/and SUPPORTS that RESPONDENT/BOA's hired SAME! said LAW FIRM is doing an INTENTIONAL! CONFLICT! of INTEREST, pursuant with the RULES of PROFESSIONAL CONDUCT Rule 1.7(a)(1).

1. As the Respondent/SCFCU's IMPROPER filed attach LETTER ("See Exh. E") dated "OCTOBER 31, 2013" shows RESPONDENT/SCFCU's also in INTENTIONAL! NON-COMPLIANCE with this Appeals Court's LAWS, and RULES and PROCEDURES under Rule 249(d), (e), and! request SPECIAL FAVORS, Confirmed by this said Appeals Court's own continued ERRED ORDERS and/or LETTERS/WHICH are provided DOCUMENTED EVIDENCE produced, in this Appeals court's Present! and past! ERRED ORDERS, such as "See again! Exh. B-1 & Exh. AA, AAA, & See Exh. AA-1 confirms! Appellant/Whaley's always COMPLIANCE with CORRECTION of this Appeals Court's ORDERED AMENDMENT[s]-and/or any filed Alternative-that may have filed under Rule 240(a)(b)" RECEIVED Special Favors from this said APPEALS court's CLERK[s]!

2. As attached Exh. C, from this Appeals Court's ORDER dated 9/27/2013/or SEPTEMBER 27, 2013, shows this Appeals Court's ORDER ONLY ordered (ONE) "RESPONDENT'S" INITIAL BRIEF and DESIGNATION of MATTER is hereby EXTENDED UNTIL November 4, 2013, which was Granted an Extension ONLY! to ONE! Respondent! SCFCU - who ONLY! written! for such an alleged Requested EXTENSION to file SCFCU's INITIAL BRIEF on NOVEMBER 4, 2013 - which RESPONDENT/SCFCU also NEVER! COMPLIED! with this said Appeals Court's ORDER of "9/27/2013" - WHEN! this said Appeals Court IN ERROR! otherwise, due to known BIAS Conduct (pursuant under the RULES of CANON) - never! CANCELED! Neither! RESPONDENTS! prior! written ORDER(s) or Clerk's instruction filed since the date "SEPTEMBER 25, 2013".

**Reconsideration. The NOTICE!!! of APPEAL was filed...in 2012. DUE to Various ISSUES with!!!! the TRANSCRIPT!!!!!!..."** \*(See Exh. B-)

5 RESPONDENT/SCFCU's most recent filed pleading dated "FEBRUARY 5, 2014" – was FILED!! BEFORE!! this said Appeals Court's ERRED!! final ORDER dated "FEBRUARY 27, 2014" – is ADMITTED!! by the RESPONDENT/SCFCU (that indeed!! this said APPELLANT/Whaley filed and or CORRECTED his Ordered "DEFICIENCIES" involving Appellant/Whaley's "INITIAL BRIEF" which RESPONDENT/SCFCU ADMITS!!/and or SHOWS that Appellant/Whaley INDEED properly! and CORRECTED his said INITIAL BRIEF filed since!! "AUGUST of 2013"!! and after!! Appellant/Whaley! received!! his LAST KNOWN!! DELIVERY!! to ALL PARTIES!! the said LOWER TRIAL COURT'S TRANSCRIPT(s)!! – which indeed showed! and SUPPORTED!! Appellant/Whaley's ALWAYS made known Claims involving the RESPONDENT/BOA's said CONFLICT of INTEREST Attorneys/NELSON, Mullins, Riley & Scarobrough – LLP's LAW FIRM- (which this said Appeals Court's officials by bias conduct/OVERLOOKED/and/or otherwise by ERROR did not review the UNDISPUTED FACTS always known in the said LOWER TRIAL COURT'S TRANSCRIPT(s) that – RESPONDENT/BOA's said law firm – were! the ONLY APPOINTED RECEIVER – in the STATE!! COURT! – and not! as in ERROR ordered by the said lower trial court, and! in ERROR upheld BOTH said RESPONDENTS! always known FRAUD CLAIMS – supported in the Orders/or Letters from this said Appeals Court's – in ERROR, granting of BOTH said named RESPONDENTS' Untimely filed MOTIONS to Dismiss, in this said Appeal Court's Order dated "February 27, 2014"

5a): As RESPONDENT/BOA's same! paid Attorneys/Nelson, Mullins...LAW FIRM, was also! STATE!! COURT! APPOINTED ONLY! to be the STATE!! COURT! appointed RECEIVER for Appellant/Whaley's said Cashier's Checks and named Payee CCG, and ALL its said named subsidiaries/and/or affiliates – MONEY FUNDS/and PERSONAL PROPERTYs that were!! being HELD ONLY!! within the said FIRST! CITIZEN! BANK! – during the SAME Relevant time period "OCTOBER 10, 2008" involving a FEDERAL CASE NO. 3:2007-MC-00135-MBS (pursuant with SCACR Rule 10(c)), provided by BOTH said RESPONDENTS/BOA and SCFCU – made intentional FRAUD/and or GREAT!! Erred Claims that an alleged FEDERAL!! RECEIVER- Mr. Beattie B. Ashmore was alleged PROPER RECEIVER in which Appellant/Whaley's said MONEY FUNDS were allegedly in Control. But! this said Appeals Court on the date "JANUARY 3, 2014", supported by the RESPONDENT/SCFCU's MEMO Feb. 5, 2014, ADMITS! THAT! the ONLY REASONS, this Appeals Court GRANTED its ORDER of FEBRUARY 27, 2014, so to AMEND Appellant/Whaley's INITIAL BRIEF and DESIGNATION of MATTER was to "...EXCLUDING!! the OFFENDING!! PORTIONS!!..." – which RESPONDENT/SCFCU's ADMITS!/and or shows - Appellant/Whaley's PROPERLY, and timely FILED his "MOTION TO RELIEVE COUNSEL of RESPONDENT/Bank of America, seeking the PROTECTION of RULE 240(b), SCACR...ATTEMPTING to STAY!! the PERFECTION of the APPEAL." –

5b): UNDISPUTED PROVIDED DOCUMENTED EVIDENCE PRODUCED, and FACTS SHOWS ! instead! this Appeals Court (due to said bias Interest/or due to continued ERRORS) – OVERLOOKED the UNDISPUTED FACTS, that the S.C. APPELLATE COURT RULES and PROCEDURES Rule 240(e), DID! NOT! provide! any! grounds! for this said APPEALS Court's Officials! to have INTERVENED!! this Appeals Court's personal!! written ORDER dated "JANUARY 3, 2014", which RESPONDENT/SCFCU's own! "MEMO" on page3, dated "February 5, 2014" (See Exh. H 3) admits! ONLY!!!! this said APPEALS COURT's OFFICIALS "DENIED" on "JANUARY 3, 2014" - WITHOUT!! ANY!! named RESPONDENTS/BOA nor SCFCU – NEVER!! FILED (Pursuant with Rule 240(e)) ?any! "...OPPOSITION..." /a/k/a/ Response(s) to Appellant/Whaley's TIMELY FILED "MOTION to RELIEVE COUNSEL of RESPONDENT Bank of America..." – which is WHERE! Appellant/Whaley COMPLIED!! with this said Appeals Court's ORDER to AMEND – Appellant's DESIGNATION of MATTERS - /and or to Clarify, and PRODUCE!! (again! ) DOCUMENTATION!!!/and lower Trial Court's TRANSCRIPT(s) – that showed and supported! ALL, of Appellant/Whaley's CLAIMS written in his INITIAL BRIEF and DESIGNATION of MATTER, were indeed Claims/ or issues that were either actually DISCUSSED in OPEN COURT, and written with ALL proper parties KNOWN KNOWLEDGE of all claims.

<sup>7</sup> SCACR Rule 240.(e) Return to Motion. "...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. The court may in its discretion enlarge or limit the time for filing the return. The provisions of Rule 240(c) shall apply to a return. FAILURE!! OF a PARTY to timely file a RETURN may be DEEMED a CONSENT BY that PARTY!! to the RELIEF!! SOUGHT!! in the MOTION or petition."


6. UNDISPUTED provided documented evidence, produced either by this Appellant/Whaley, or by both said named RESPONDENTS, always showed this said Appeals Court, that ONLY BOTH RESPONDENTS/BOA and SCFCU - FIRST! INTRODUCED within this said STATE! COURT! CIVIL! CASE matters, ALL the said named INDIVIDUALS - Beattie B. Ashmore, and Margaret B. Ashmore, together! with the RESPONDENTS/BOA and SCFCU's alleged involvements with EACH OTHER KNOWN KNOWLEDGE! which allegedly involved also! this said (Supreme Court and/or) Appeal Court's BOARD MEMBER-Mr. BEATTIE B. ASHMORE - who was allegedly APPOINTED FEDERAL! RECEIVER - named in BOTH RESPONDENTS/BOA and SCFCU's filed STATE! COURT! CIVIL! pleadings (involving the FEDERAL CASE NO. 3:2007-MC-00135-MBS/ dated 10/10/2008) placed in this said Appeals Court, and within the Lower Trial Court - with! the said RESPONDENTS! always making claims that ONLY! FEDERAL! alleged RECEIVER, allegedly controlled Appellant/Whaley's said (UNDISPUTED!) STOLEN! said MONEY FUNDS - which are ADMITTED! CLAIMS by BOTH said RESPONDENTS/BOA and SCFCU, which was indeed in ERROR and/or otherwise OVERLOOKED by this said Appeals Court's ORDER(s), including February 27, 2014 Order.

"(which RESPONDENT/SCFCU-admits! this Appeals Court TRUE! ORDERS! apparently FELT! that Appellant/Whaley's RESPONSIVE CLAIMS were "...OFFENDING PORTIONS..." filed in Appellant/Whaley's TIMELY and PROPER! filed Initial Brief and DESIGNATION of MATTERS, which involved the FEDERAL COURT (INDIVIDUAL!!!- person- Margaret B. Seymour)- whose name is written in the said Case no. 3:2007-MC-00135-MBS - and! that!! said FEDERAL CASE Number was found to be a INTENTIONAL FILED FRAUD! Case number where ABSOLUTELY!! NO! written COMPLAINT! was NEVER!! FILED- against NO! PARTY -including Appellant/Whaley's Cashier's Checks named PAYEE/CCG - (which made that! said Federal!! Case number/or ANY! Case number-filed WITHOUT A written COMPLAINT-in said COURT - to have been an ILLEGAL! said Case Number-therefore, SHOWS the INDIVIDUAL-Margaret B. Seymour- WAS NOT! ACTING! as a actual JUDGE, in the case no. 3:2007-MC-00135-MBS, who can be Subpoenaed! ALSO! as a MATERIAL!! WITNESS! concerning this said Civil Case matter - in which ONLY! the said RESPONDENTS/BOA and SCFCU and its said Legal Counsel/s ADMITS! is a PARTY named involving Appellant/Whaley's in this said case matter!)"

7. As RESPONDENTS/BOA and SCFCU's own filed motions to Dismiss, Granted in ERROR by this said Appeals Court on February 27, 2014, OVERLOOKED both! said RESPONDENTS/BOA and SCFCU's ADMITTANCE acknowledged in Respondent/BOA's own! filed motion to Dismiss that Appellant/Whaley's CLAIMS of CONSPIRACY and THEFT!! of his MONEY FUNDS, by the BANKS SCFCU and BOA, found in RESPONDENT/BOA's filed MOTION to DISMISS (Exh. 1-1) - ADMITS! "...Appellant Commenced...a COMPLAINT against RESPONDENTS!!...the allegations in the COMPLAINT...contains...of CIVIL CONSPIRACY, FRAUD, THEFT!! of MONEY, and Breach of Contract with RESPECT to CASHIER'S CHECKS issued!! by!!!!. RESPONDENT!! SOUTH CAROLINA FEDERAL CREDIT UNION ('SCFCU'),...". which can be CONFIRMED!! by RESPONDENT/BOA's ATTORNEYS/Watson, Mullins...who indeed ARE the ONLY!! STATE! COURT! named RECEIVER, involving Appellant/Whaley's said SAME Cashier's Checks, since that! said LAW FIRM was the ONLY!! APPOINTED!! STATE! COURT! ATTORNEY(S) LAW FIRM - shows, who was always aware!! as to WHAT!! BANK! and WHAT!! COURT! actually had the CONTROL of Appellant/Whaley's said MONEY FUNDS/(involving the said PAYEE/CCG, in the YEAR 2007 - before! or in the MONTH of JULY, before! any! alleged FEDERAL! Case no. 3:2007-MC-00135-MBS - existed - according to Federal Case number, provided ONLY by BOTH said named RESPONDENTS.

WHEREFORE, Appellant/Whaley is filing his said compliance, pursuant with SCACR Rule 240(e), which has (10) days to filed this said compliance/a/k/a/ "OPPOSITION". \*\*Supported by ALL ATTACHED - 27 -EXHIBITS A through - 1.\*\*

MARCH 27, 2014

  
Roger L. Whaley, Pro Se  
8673 Laurel Grove Lane  
North Charleston, South Carolina 29420

CERTIFICATE OF SERVICE

I, declare that all the proper parties has been served by MAIL, Fax, and or Hand-delivered. As Appellant/Whaley declare, as well as ALL the attached provided documented EXHIBITS supports that ALL that is stated above is True and Believable.

cc: Jody A. Bedenbaugh, Esquire, Erick Tison Norton, Esquire  
1320 Main Street, 17<sup>th</sup> Floor -Columbia, S.C. 29201

Drew Hamilton, Esquire, Shelia M. Bias  
1900 Barnwell St. - Columbia, S.C. 29202

# The Supreme Court of South Carolina

Roger L. Whaley, Appellant.

v.

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

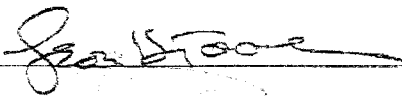

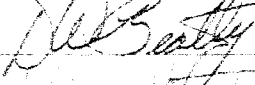
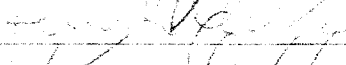
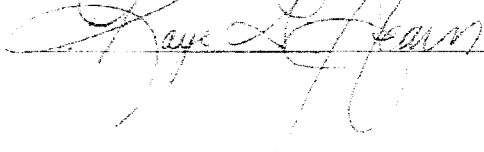
Appellate Case No. 2014-000067<sup>1</sup>

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## ORDER

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Appellant has filed a motion dated February 7, 2014, effectively seeking a rehearing of this Court's order dated January 31, 2014. The motion is denied.

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

Columbia, South Carolina  
February 22, 2014

cc: Mr. Roger L. Whaley  
Erik Tison Norton, Esquire  
Jody Alan Bedenbaugh, Esquire

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<sup>1</sup> The appeal in this matter is currently pending before the South Carolina Court of Appeals under Appellate Case Number 2012-213208.

# 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

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## ORDER

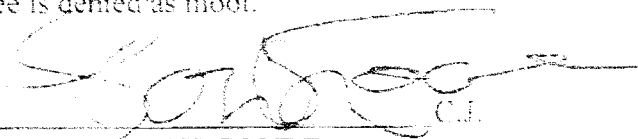
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The appeal in this case is currently pending before the South Carolina Court of Appeals. Appellant has now sent this Court a document dated January 7, 2014

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. *Atken Speltz, 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.



FOR THE COURT

Columbia, South Carolina  
January 22, 2014

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

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