

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

JUL 14 2014

Appeal from Chester County
Court of Common Pleas
Brooks P. Goldsmith, Circuit Court Judge

S.C. Supreme Court

Trial Court Case Number 2011-CP-12-00595

SUPREME COURT NUMBER: 2014-001246

Mell Woods, Petitioner,

v.

John D. Hinson, Respondent.

Court of Appeals Number: 2012-212429

Rule 260(a) SCACR Motion to Reinstate Appeal

 ORIGINAL

1. Mell Woods the petitioner herein moves that the above-styled petition for Writ of Certiorari, be reinstated after being administratively dismissed by the Clerk of the Supreme Court. [Order on pg. 5] (of this Motion)

2. Rule 260(a), SCACR, requires that 15 days must first elapse before a remittitur is sent to the lower court, in this case the remittitur was issued the same day, instead of 15 days later. Since the remittitur was not *properly* sent, this case is still pending in the South Carolina Supreme Court.

3. Under Rule 262(a)(2) filing with the clerk of court is defined as "depositing the document in the U.S. Mail, properly addressed to the clerk, with sufficient first class postage attached. *The date of filing shall be the date of delivery or the date of mailing.*" [Rule 262(a), SCACR requires that petitions for rehearing and motions for reinstatement be actually received by the clerk to be timely filed, but for everything else the date of mailing is sufficient.]

4. In this case, (Number 2014-001246) the Clerk of Court, Mr. Shearouse wrote Petitioner a letter stating that the Petition for Certiorari, was received on June 30, 2014 and that the case was dismissed on June 27, 2014. [letter on pg. 6]

5. The box containing the petition for certiorari in this case was postmarked on June 19, 2014, and placed in the U.S. Mail on June 19, 2014, which made the filing timely. Petitioner shows the truth of this paragraph 5 by the documents appended hereto, and shown on pages 7, 8, and 9 & 10;

6. Petitioner previously obtained an extension to file the petition with appendix with the last day being June 19, 2014, the date of filing was extended to June 19, 2014. [extension Order shown on pg. 11]

The South Carolina Appellate Court Rules

do not require the clerk of court to become a detective or investigator to determine the day a document is filed with the Court. All that is required is the Rules and the case law. Since the clerk, Mr. Shearouse does not have personal knowledge of when the document in this case was placed in the mail, and thus filed, and petitioner does know the date of filing based on personal knowledge, the following case is illustrative of the point: in Curtis v. Blake 381 S.C. 189, 672 S.E.2d 576, the South Carolina Supreme Court reversed the Court of Appeals when the Court of Appeals Ruled that a document was not filed until *received* by the clerk of court, but instead the South Carolina Supreme Court Ruled that the document was filed on the day that it was placed in the mail without regard for the day *received* by the clerk of court.

The 7 documents referred to in this Motion are included in the next 7 pages; 5, 6, 7, 8, 9, 10, 11; the Conclusion and original signature on page 12; the Certificate of Service for this Motion is last, page 13.

The Supreme Court of South Carolina

Mell Woods, Petitioner,

v.

John D. Hinson, Christine E. Jones, John C. Hinson,
Kathy Huffstickle, Robert H. Hinson, Darrell W. Hinson,
Charles J. Hinson, William L. Hinson, Elaine H.
Hensley, William C. Hinson, Jr., John Does, (1-5), Jane
Does, (1-2), Respondents.

Appellate Case No. 2014-001246

The Honorable The Honorable Brooks P. Goldsmith
Chester County
Trial Court Case No. 2010CP1200595

ORDER

Petitioner has failed to file the Petition for Writ of Certiorari and Appendix, as required by Rule 242 of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed.

FOR THE COURT

BY



CLERK

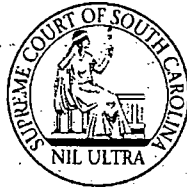
Columbia, South Carolina

June 27, 2-014

cc:

B. Michael Brackett, Esquire
Mell Woods
The Honorable Jenny Kitchings
The Honorable Sue Carpenter

- 5 -



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

www.sccourts.org

June 30, 2014

Mr. Mell Woods
PO Box 2603
Lancaster SC 29721

Re: Mell Woods v. John D. Hinson (2)
Appellate Case No. 2014-001246

Dear Mr. Woods:

This Court has received your petition for a writ certiorari and appendix today. Since this matter was dismissed by order dated June 27, 2014, no action will be taken on these documents. I note further that the Court of Appeals sent the remittitur on June 27, 2014.

I am returning your money order in the amount of \$100.

Very truly yours,

CLERK

Enclosure

cc: B. Michael Brackett, Esquire
The Honorable Jenny Abbott Kitchings

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SUPREME COURT OF SOUTH CAROLINA

Case Number 2014-001246

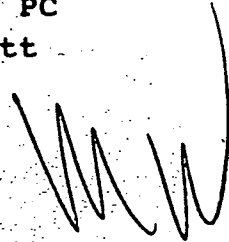
Proof of Service

Trial Court Case Number: 2010-CP-12-00595

Court of Appeals Internal Tracking Number: 2012 212429

I hereby certify that I have on the 19 day of June, 2014,
served the respondents with a true copy of the
within and foregoing *Petition for Certiorari with Appendix
attached*, by
placing the copy in the U.S. Mail with sufficient postage
addressed to:




Moses Koon & Brackett, PC
C/O: B. Michael Brackett
P.O. Box 100261
Columbia, SC 29202



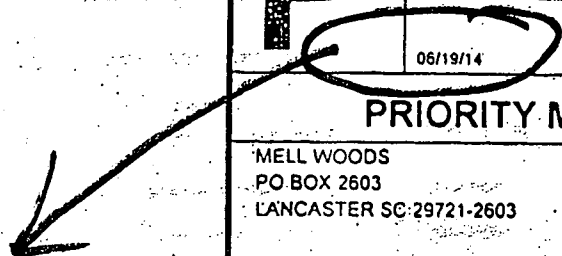
Mell Woods

P.O. Box 2603
Lancaster, SC 29721

STATES
SERVICE

 UNITED STATES POSTAL SERVICE		Click-N-Ship®	
P	usps.com 9405 5036 9930 0319 7810 95 0061 6012 0202 9211		Commercial Base Pricing
	\$6.16 US POSTAGE Regional Box B		
	06/19/14		
PRIORITY MAIL 2-DAY™			
MELL WOODS PO BOX 2603 LANCASTER SC 29721-2603		Expected Delivery Date: 06/21/2014 0024	
		B099	
SHIP TO: SOUTH CAROLINA SUPREME COURT PO BOX 11330 COLUMBIA SC 29211-1330			
USPS TRACKING #			
			
9405 5036 9930 0319 7810 95			
Electronic Rate Approved #038555749			

MAILED ON
6-19-2014



— 8 —

POSTNET

STATE OF SOUTH CAROLINA
IN THE SOUTH CAROLINA SUPREME COURT

Supreme Court Number 2014-001246

Mell Woods, Petitioner,

v.

John D. Hinson, Respondent.

Affidavit

State of South Carolina
County of Chester

Mell Woods, affiant herein after being first deposed makes the following statement upon the personal knowledge of the affiant:

On June 19, 2014 Mell Woods deposited a box containing the Petition for Certiorari with Appendix for filing with the South Carolina Supreme Court for the above case in the U.S Mail at post office 28209, there was not a postal clerk on duty, the time was about 9:15 p.m. the box was properly addressed, postpaid and placed in the box container provided for mailing boxes;

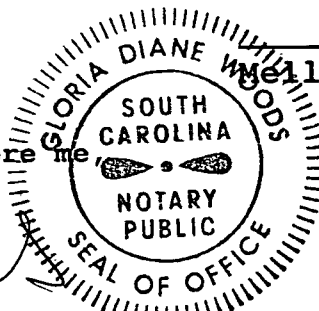
Further, affiant saith not.

Sworn to, and subscribed before me,

This 14 day of July, 2014,

Gloria Diane Woods

Gloria Diane Woods, Notary Public for South Carolina
my commission expires January 08, 2018





savings without sacrifice.

www.bi-lo.com

MR	MONEY ORDR DPT KEYNP	42.70
MR	MONEY ORDR DPT KEYNP	71.00
MR	MONEY ORDR DPT KEYNP	50.00
MR	MONEY ORDR DPT KEYNP	100.00
MR	MNEY ORD FEE DPT KNP	0.99
MR	MNEY ORD FEE DPT KNP	0.99
MR	MNEY ORD FEE DPT KNP	0.99
MR	MNEY ORD FEE DPT KNP	0.99
	TAX	0.00
	**** BALANCE	267.66
	CASH	267.66
	CHANGE	0.00
	TOTAL NUMBER OF ITEMS SOLD =	0
	06/19/14 03:08pm 5181 31 29	

YOUR CASHIER TODAY WAS AMANDA

THIS DOCUMENT CONTAINS A TRUE WATERMARK. HOLD UP TO LIGHT TO VIEW.

WESTERN UNION MONEY ORDER **WESTERN UNION FINANCIAL SERVICES INC. ISSUER**

Payable at: Wells Fargo Bank, Grand Junction - Downtown, N.A., Grand Junction, Colorado, Englewood, Colorado

BI-LO (ISSUING AGENT)

A 384095 D 061914
T 1508 05
148619407730 L 005181

14-861940773

\$ 100.00

PAY EXACTLY ONE HUNDRED DOLLARS AND NO CENTS

PAY TO THE ORDER OF SUPREME COURT S.C.A.P.O. LINA ACCOUNT #

MOLL WOODS SV. JOHN HINSON PURCHASER'S SIGNATURE MOLL WOODS

⑆102100400⑆ 40148619407730⑈

FIGURE # 0057200 0010

THANK YOU FOR SHOPPING BI-LO

-10-

The Supreme Court of South Carolina

Mell Woods, Petitioner,

v.

John D. Hinson, Christine E. Jones, John C.
Hinson, Kathy Huffstickle, Robert H. Hinson,
Darrell W. Hinson, Charles J. Hinson, William
L. Hinson, Elaine H. Hensley, William C.
Hinson, Jr., John Does, (1-5), Jane Does, (1-
2), Respondents.

Appellate Case No. 2014-001246

ORDER

The time for serving and filing the Petition for Writ of Certiorari and Appendix is hereby extended until June 19, 2014.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

June 10, 2014

cc:

B. Michael Brackett, Esquire

Mr. Mell Woods

The Honorable Jenny Kitchings




Conclusion

For the good cause shown by the documents appended to this Motion, petitioner respectfully asks that this appeal be reinstated.

Respectfully submitted,

This 14 day of July, 2014.



Mell Woods

P.O. Box 2603
Lancaster, SC 29721

 ORIGINAL

SOUTH CAROLINA SUPREME COURT

Supreme Court Number 2014-001246

Mell Woods, Petitioner, v. John D, Hinson, Respondent.

Appeal from Chester County
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I hereby certify that I have on the 14 day of July, 2014,
served the respondents with a true copy of the
within and foregoing *Rule 260(a) SCACR Motion to Reinstate
Appeal*
by placing the copies in the U.S. Mail with sufficient
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Moses Koon & Brackett, PC
c/o: B. Michael Brackett
P.O. Box 100261
Columbia, SC 29202

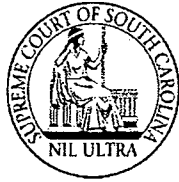


Mell Woods

P.O. Box 2603
Lancaster, SC 29721

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 ORIGINAL



The Supreme Court of South Carolina

Gloria Diane Woods

07/15/2014

RECEIPT #72864

Case No: 2014-001246
Case Short Title: Mell Woods v. John D. Hinson (2)
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 3265
Check/Money Order Date: 07/14/2014
Comments: