

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM SUMTER COUNTY
The Honorable W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2013-002794
Appellate Case No. 2013-002646 (*consolidated*)

RECEIVED

JUL 11 2014

Regina M. Hunter.....Appellant.

SC Court of Appeals

v.

Sammie Taylor.....Respondent.

PETITION FOR WRIT OF CERTIORARI

Regina M. Hunter
3390 Highway 261 North
Rembert, SC 29128-8540
(803) 883-0600
reginahunter@ftc-i.net
Appellant, Pro-Se

Counsel of Record, Attorney for Respondent
Dwight C. Moore, Esquire
Moore Law Firm
26 North Main Street
P.O. Box 1229
Sumter, SC 29151-1229
(803) 778-6520

South Carolina Government Sumter County
Johnathan W. Bryan, County Attorney
Administration Building
13 East Canal Street
Sumter, SC 29150-4925
(803) 774-3877

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Appendix D (Motion to Vacate Order) (see <http://sccourts.org/acms/>) 13

CERTIFICATION BY PETITIONER

1. The Petitioner certifies that she filed a Motion for Reinstatement on March 18, 2014 that was construed by the Court of Appeals as a Petition for Rehearing.
2. Subsequently, the Petitioner filed Motion to Amend her Motion for Reinstatement on April 16, 2014.
3. The Petition for Rehearing was denied by the Court of Appeals in an order dated June 11, 2014. The Court of Appeals also refused to consider the Petitioner's Motion to Amend her Motion for Reinstatement but did not refund her motion fee.
4. The Petitioner then filed a Motion to Vacate Order on July 9, 2014 because she did not have a fair opportunity to present her case or perfect her appeal.
5. At the time of filing, the Motion to Vacate Order is pending.

QUESTION PRESENTED FOR REVIEW:

Question 1: Is treating the jurisdictional appeal deadline as inexcusable or non-waivable sound judgment in the case when the Appellant's constitutional rights to public access to the courts was obstructed on the basis of religion?

Arguments: **Motion to Vacate Order** (*see pdf available online at SCACMS*)

Argument 01: Constitutional Right to Public Access to Courts

Argument 02: Constitutional Right to Religious Freedom

Argument 03: Due Process, Equal Protection of the Laws, and Uniform Jurisdiction

Argument 04: Unreasonable Delays—Lower Courts Noncompliance to Court Rules

Argument 05: SCACR Rules Language Distinguishes between Motion for Reinstatement and Petition for Rehearing

Argument 06: Suggestion of Rehearing En Banc not Afforded

Argument 07: Right to Perfect Appeal not Afforded

Argument 08: Timing of Interlocutory Order was Critical

Arguments: **Motion for Reinstatement** (*see pdf available online at SCACMS*)

Argument 1: Exhaust Administrative Remedies Doctrine

Argument 2: Inconsistent Security Policies in Courthouse Buildings

Argument 3: Lack of Uniformity of the Courts Decisions

Argument 4: Substantial Constitutional Issues Are Involved

Argument 5: Abuse of Discretion in Lower Courts

Argument 6: Reinstatement Would Not Prejudice Any Party

Argument 7: Delay Not Due to Petitioner's Culpable Negligence

Argument 8: Petitioner's Rights in Circuit Court Was Affected by Race or Color

Argument 9: Sumter County Government, a "Body Politic & Corporate" is an Interested Party

Argument 10: Supreme Court Exercised Personal Jurisdiction Over the Parties

Argument 11: Denial of Petitioner's Right to Prosecute Her Matter on Her Own Behalf

Argument 12: Circuit Court Clerk Breach of Responsibilities to Perform Services

The Court of Appeals holds the opinion that if a post-judgment motion is withdrawn and fails to toll the time for appeal, then the notice of appeal filed after the withdrawal is untimely and the Court will have no equitable discretion to excuse the untimeliness. This Court should to preserve the Appellant's right to appeal rather than eliminate it. The background principle that the post-judgment withdrawal invalidates the tolling effect is inherently flawed but also a technical trap and jurisdictional failure that this Court must seek to overcome.

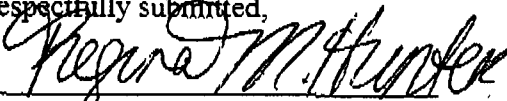
This Court should grant a writ of certiorari because the voluntary withdrawal of a post-judgment motion does wipe the slate clean and leaves the records as if the motion were never filed. The S.C. Code of Laws states that the Circuit Court is a court of record. The post-judgment motion is not removed from the Clerk of Court's records as though it was never filed. The disposition of the withdrawn motion is either granted or denied. Judge W. Jeffrey Young, Jr. granted her order which included specific language that the Plaintiff sought to appeal to a higher court.

Depriving the Appellant of her right to appellate review is not what the General Assembly intended. As the law provides today, it's true the Court is without power to alter jurisdictional deadlines. Yet, it also true that the dress code policies of the lower court violated the Appellant's U.S. and state constitutional rights.

WHEREFORE, the Appellant, requests that this Court issue a Writ of Certiorari reinstating of her notice of appeal based on the violation of her constitutional rights. *Indeed, Allah is Best Disposer of Affairs.*

July 11, 2014
14 Ramadan, 1435 A.H.

Respectfully submitted,


Regina M. Hunter, Appellant, Pro-Se
3390 Highway 261 North
Rembert, SC 29128-8540
(803) 883-0600
reginahunter@ftc-i.net

THE STATE OF SOUTH CAROLINA
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APPEAL FROM SUMTER COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2013-002794

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SC Court of Appeals

Regina M. Hunter,

Appellant.

v.


Sammie Taylor,

Respondent.

PROOF OF SERVICE (1)

In the name of Allah, the Most Gracious, the Most Merciful, I certify that I have served the Petition for Writ Certiorari on Sammie Taylor by depositing a copy of it in the United States Mail, postage prepaid, on July 11, 2014, addressed to his attorney of record, Dwight C. Moore, Moore Law Firm, 26 North Main Street, P.O. Box 1229, Sumter, South Carolina 29151-1229.

July 11, 2014
14 Ramadan, 1435 A.H.


Regina M. Hunter
3390 Highway 261 North
Rembert, SC 29128-8540
(803) 883-0600
Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
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APPEAL FROM SUMTER COUNTY
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SC Court of Appeals

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Appellant

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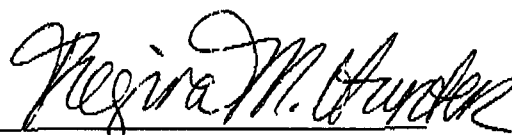
Sammie Taylor,

Respondent.

PROOF OF SERVICE (2)

In the name of Allah, the Most Gracious, the Most Merciful, I certify that I have served the Petition for Writ of Certiorari on the Circuit Court by depositing a copy of it in the United States Mail, postage prepaid, on July 11, 2014, addressed to the Clerk of Court, James C. Campbell, 215 North Harvin Street, Sumter South Carolina 29150.

July 11, 2014
14 Ramadan, 1435 A.H.



Regina M. Hunter
3390 Highway 261 North
Rembert, SC 29128-8540
(803) 883-0600
Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2013-002794

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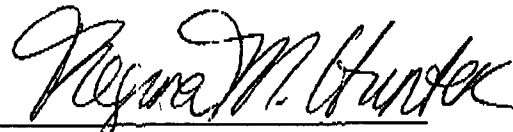
Sammie Taylor,

Respondent.

PROOF OF SERVICE (3)

In the name of Allah, the Most Gracious, the Most Merciful, I certify that I have served the Petition for Writ of Certiorari on Sumter County South Carolina Government by depositing a copy of it in the United States Mail, postage prepaid, on July 11, 2014, addressed to its attorney of record, Johnathan W. Bryan, 13 East Canal Street, Administration Building, Sumter, South Carolina 29150-4925.

July 11, 2014
14 Ramadan, 1435 A.H.



Regina M. Hunter
3390 Highway 261 North
Rembert, South Carolina 29128-8540
(803) 883-0600
Appellant

APPENDIX
A

The South Carolina Court of Appeals

Regina M. Hunter, Appellant,

v.

Sammie Taylor, Respondent.

AND

Regina M. Hunter, Appellant,

v.

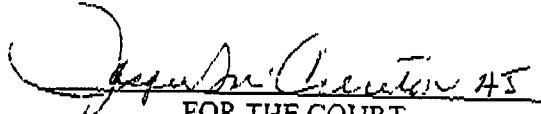
Sammie Taylor, Respondent.

Appellate Case No. 2013-002646

ORDER

On December 16, 2013, Appellant served a notice of appeal from a February 26, 2013 order of Judge Young dismissing the case due to failure to prosecute. On August 27, 2013, Judge Young issued an order granting Appellant's request to withdraw her motions for a new trial and to alter or amend judgment. Pursuant to Rule 203 of the South Carolina Appellate Court Rules, a notice of appeal must be served within thirty days after written receipt of the entry of the order or within thirty days of written receipt of the order *granting or denying* a timely motion to alter or amend or a motion for a new trial. Here, Judge Young neither granted nor denied her motion to alter or amend or motion for a new trial; rather, Judge Young allowed Appellant to withdraw those motions. Accordingly, the time for service of the notice of appeal was not tolled by the filing of the motion to alter or amend or motion for a new trial. Because Appellant has failed to timely serve the notice of appeal, this appeal is dismissed.

Because this appeal is dismissed, this court declines to act on Appellant's pending motions.


FOR THE COURT

Columbia, South Carolina

cc:
Regina M. Hunter
Dwight Christopher Moore, Esquire
Regina M. Hunter

FILED

3/3/14 *tao*

APPENDIX
B

The South Carolina Court of Appeals

Regina M. Hunter, Appellant,

v.

Sammie Taylor, Respondent.

AND

Regina M. Hunter, Appellant,

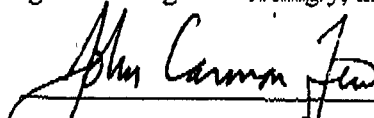
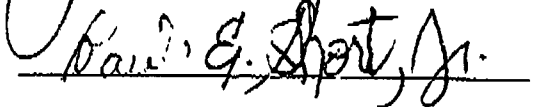
v.

Sammie Taylor, Respondent.

Appellate Case No. 2013-002646

ORDER

In a March 3, 2014 order, this Court dismissed this appeal because Appellant failed to timely serve Respondent with the notice of appeal. Subsequently, Appellant has 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.¹

 _____ C.J.
 _____ J.

¹ This Court also declines to act on Appellant's motion to file an amended petition for rehearing.

Regina M. Hunter A.J.

Columbia, South Carolina

FILED
6/11/14

cc:
Regina M. Hunter
Dwight Christopher Moore, Esquire
Regina M. Hunter

APPENDIX C & D

1. The Appellant's Motion for Reinstatement is available online in .pdf format at the South Carolina Appellate Court Case Management Public Index <http://sccourts.org/acms/>.
2. The Appellant's Motion to Vacate Order is also available online in .pdf format at <http://sccourts.org/acms/>.
3. Please include the hyphen in the Appellate Case No. search field as follows.
(2013-002794)
4. Both documents may be downloaded using a current version of Adobe Acrobat Reader <http://get.adobe.com/reader/>.
5. Note: You must read, understand and agree to be bound by the terms and conditions of access established by the South Carolina Judicial Department.

THE STATE OF SOUTH CAROLINA
[In The Supreme Court]

Sumter County Probate Court
The Honorable Judge Dale Atkinson

Appellate Case No. 2014-001116

RECEIVED

JUL 11 2014

SC Court of Appeals

Regina M. Hunter,

Appellant.

v.

Sammie Taylor,

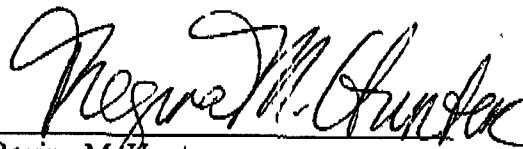
Respondent.

MOTION & AFFIDAVIT FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF COSTS
ON PETITION FOR WRIT OF CERTIORARI

In the name of Allah, the Most Gracious, the Most Merciful, I, Regina M. Hunter state that because her claim involves the violation of a several constitutional rights she be granted leave to proceed without prepayment of the costs of said proceeding (Martin v. State, 321 S.C. 533, 471 S.E. 2d 134 (1995)).

- 1. Appellant's argues that her constitutional right to public access to courts was violated.

July 11, 2013
14 Ramadan, 1435



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Petitioner, Pro-Se