

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court  
Case no: 2014-000067

APPEALING the South Carolina's APPEAL COURT  
Appellate Case no. 2012-213208

APPEAL of Dorchester County Circuit Trial  
Court of Common Pleas  
Master of Equity/serving as Circuit – Judge Maite D. Murphy  
Case no: 2012-CP-18000539

Roger L. Whaley .....Petitioner

vs.

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

Petitioner/Whaley's RESPONSE to Respondent,  
SOUTH CAROLINA FEDERAL CREDIT UNION's  
MEMORANDUM of LAW IN SUPPORT of  
Motion to Dismiss or, In the Alternative, Motion to Strike  
Appendix on Behalf of **RESPONDENT SOUTH CAROLINA FEDERAL CREDIT UNION**

Roger L. Whaley, Pro Se  
8673 Laurel Grove Lane  
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*Pro Se, Petitioner/Roger Whaley*

Date: July 18, 2014

**RECEIVED**

JUL 21 2014

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court  
Case No: 2014-000067

APPEALING the South Carolina's APPEAL COURT  
Appellate Case no. 2012-213208

Page 1 of 6 – Attachments-14

APPEAL of Dorchester County Circuit Trial  
Court of Common Pleas  
Master of Equity/serving as Circuit – Judge Marte D. Murphy  
Case no: 2012-CP-18000539

Roger L. Whaley .....Petitioner/Appellant,

vs.

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

Petitioner/Whaley's RESPONSE/or Reply to Respondent,  
SOUTH CAROLINA FEDERAL CREDIT UNION's Motion to Dismiss (and Memorandum in Support) or, In the  
Alternative, Motion to Strike Appendix on Behalf of **RESPONDENT SOUTH CAROLINA FEDERAL CREDIT UNION**

COMES NOW, Petitioner/Plaintiff/Appellant, Roger L. Whaley/a/k/a Petitioner/Whaley writing his responses/or Reply ONLY to the Respondent, South Carolina Federal Credit Union/a/k/a SCFCU, who ONLY filed SCFCU's said motion to dismiss/and said memorandum in support/a/k/a "Memorandum", to be reviewed by this said Supreme Court involving Petitioner/Whaley's filed and this Supreme court's acceptance of Petitioner's Writ of Certiorari and Appendix, after Petitioner Corrected this said court's requested "deficiency ..of the ..proof of service...", which Petitioner/Whaley did timely complied, as Petitioner/Whaley respond/or reply by the below numbered statements,

1. Respondent/SCFCU's filed motion to dismiss and Memorandum is not in compliance with the SCACR Rule 240(c)(3),<sup>1</sup> nor Rule 242(f) <sup>2</sup>, when SCFCU's complete motion and Memorandum does not address absolutely none of the required " **Argument on each Question** presented for Review .", written in Petitioner/Whaley's Writ of Certiorari, which Respondent/SCFCU ADMITS! was FAXED as filed in this said Supreme Court, with the date June 23, 2014, and admits, later was immediately Delivered by Petitioner, the Original Writ document to this Supreme Court. Therefore Respondent/SCFCU said Admittance! shows Petitioner's Writ of Certiorari was timely served, and properly accepted by this Supreme Court on the date June 25, 2014, pursuant with SCACR Rule 262(a)(2) <sup>3</sup>

2. Respondent/SCFCU's 7/8/2014 filed Motion to Dismiss & Memorandum, (see Exh. H-0), shows Respondent/SCFCU never Complied with its own! provided Rule, SCACR Rule 240(c), alleging "Petitioner's Petition for Writ of

<sup>1</sup> \* Rule 240(c) Form and Content of Motions and Petitions. (3) Where the Record on Appeal or Appendix has not been filed, or where the facts relied upon in support of the motion are not contained in the Record on Appeal or Appendix, the parties shall file affidavits and other documents in support of their positions

<sup>2</sup> \* (f) Return to Petition Within thirty (30) days after service of the petition, respondent shall serve a copy of his return on opposing counsel, and shall file with the Clerk of the Supreme Court The return shall include an argument on each question and may include a counter-statement of the case and of the questions presented for review "

<sup>3</sup> RULE 262 FILING AND SERVICE - (a) Filing Except for petitions for rehearing (Rule 221) and motions for reinstatement (Rule 260), filing may be accomplished by

(2) \* An electronically transmitted FACSIMILE COPY of a document may be ACCEPTED for filing, however, an original of the document must be immediately sent...to the clerk". Which Respondent/ SCFCU ADMITS! It " RECEIVED, VIA FAX, a COPY of a DOCUMENT..." of pro se Petitioner/Whaley's FAXED! Writ of Certiorari, " ADVISING the said above Court by .DOCUMENT DATED JUNE 23, 2014 " (See Exh. 2.), As Respondent/SCFCU ADMITS! pro se Petitioner/Whaley filed SEVERAL! NOTICES! to this SUPREME COURT, BEFORE! the Deadline Date of (30) days, which those! said NOTICES was considered as PRO SE/Petitioner Whaley " ..EFFORTS to SEEK an EXTENSION of TIME Pursuant with SCACR 240(a) states - " This Rule governs all motions or petitions filed in the appellate court, including but not limited to motions for extension of time , which event Respondent/SCFCU admits! in its said Motion's Memo cou! be ACCEPTED as an Extension of Time Which, this Supreme Court CLERK, provided pro se Petitioner/Whaley ON the DATE! June 6, 2014 that he had UNTIL "JULY 26, 2014" to file his Writ of Certiorari, which pro se Petitioner/Whaley HAND-DELIVERED to this Supreme Court, ON the date JUNE 6, 2014 (See Exh A), which Respondent/SCFCU ADMITS that "Petitioner filed, on JUNE 6, 2014, a NOTICE of COURTEOUS' advising the Court and the Parties that he would be filing his Petition for a Writ of Certiorari..." (See Exh 1), THEREFORE, ALL Proper parties and this said Supreme Court was GIVEN TIMELY! FAIR!! (Extension)/a/k/a NOTICES!, and was always in Compliance with the SCACR rule 240(a), and SCACR rule 242(c)

Certiorari as UNTIMELY Alternatively...moves to STRIKE the APPENDIX filed by Petitioner due to extraneous INFORMATION FOUND on the DOCUMENTS INCLUDED in the filed Appendix ", Whereas, Respondent/SCFCU's own provided Rule 240(c)(3) supports, Respondent/SCFCU never provided ANY required DOCUMENTATION from this Supreme Court's office, nor from Respondent/SCFCU's said Attorney(s)', which could possibly support SCFCU's claims alleged in its "Argument" on pages 3, & 4, that " The Petition for a Writ of Certiorari is UNTIMELY.. On! or about June 24!, 2014, counsel for Respondent/SCFCU Received, VIA FAX , a copy of a Document, attached as Exhibit B...document was dated June 23, 2014..."; (See Attached Exhibits 2,3,4)

2a) As the attached above exhibit documents in number 2, shows neither of Respondent/SCFCU's provided any alleged attached DOCUMENTED EVIDENCE, NEVER! showed Respondent/SCFCU received any Faxed document on the alleged date! June 24, 2014, as well as Respondent/ SCFCU never provided ANY DOCUMENT from this Supreme Court, showing any date other than the written date "June 23, 2014" when this Supreme Court received its Faxed!! copy of pro se Petitioner/Whaley's Writ of Certiorari Therefore shows Respondent/SCFCU never produced the required documents in order to uphold its allegations filed in its motion to dismiss. pursuant with SCACR Rule 240(c)(3).

3. Respondent/SCFCU ADMITS! pro se Petitioner/Whaley's provided EXHIBITS having also the HAND-WRITING Notes on side, Circles, Arrows are "Correspondence! and ORDERS!! RELATED!! to this! APPEAL!...", filed under Respondent/SCFCU's 7/08/2014 Supreme Court filed Motion to Dismiss or said Alternative . (appear to be on page 1, court stamp dated July 8, 2004, [See Exh. H-0], and/or on page 5, under "II, In the Alternative, SCFCU moves to STRIKE the APPENDIX"), which Respondent/SCFCU ADMITS! this said Supreme Court, as well as the Appeals Court, and! always!! filed also within the said LOWER COURT, are documents always accepted by ALL the PARTIES in the Lower Trial Court, which is pursuant with Respondent/SCFCU's own! provided RULE, 210, SCACR, when Respondent/SCFCU admits! that -

"Petitioner's 'EXHIBITS,' which this Court construed as the APPENDIX in this Matter, CONSIST! of various Correspondence! and ORDERS!! RELATED!! to this! APPEAL!. Although! these! ARE! ITEMS! which MAY! BE! typical of an APPENDIX, Petitioner.. Rather, most of the Documents have Petitioner-emphasized text by way of HANDWRITTEN NOTES, CIRCLED, and UNDERLINED Text, and ARROWS See Exhibit D Part 1, Petitioner's Filed Appendix. Petitioner has improperly altered these documents from their original state and his submission of such altered documents to this Court is IMPERMISSIBLE SEE Rule 210, SCACR " 4

Therefore, Respondent/SCFCU's above own! admittance! makes moot!/and/or shows must DENY Respondent/SCFCU's Move to Strike the Appendix, pursuant with its rule 210, or any of South Carolina Appellate Court rules. 5

4 As Rule SCACR 210(c) admits! that " (c) Content. The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267 The Record shall not, however, include matter which was not presented to the lower court or tribunal ", and

Rule 209 states that " (a) Time to Serve and File. At the same time a party serves his initial brief(s) under Rule 208, to include a reply brief, he shall also serve on all parties to the appeal a Designation of Matter to be included in the Record on Appeal which shall set forth with specificity those parts of the transcript, pleadings, orders, EXHIBITS, or OTHER MATERIALS which he proposes to include in the record on appeal One copy of this Designation with proof of service shall immediately be filed with the clerk of the appellate court " ,

5 Respondent/SCFCU's filed Motion to Dismiss filed in the Appeals Court (See Exh H-2,3,4) dated "February 5, 2014" under its "INTRODUCTION/ BACKGROUND" - ADMITS!!/or DO NOT DENY!/and/or SHOWS - in its First and last paragraphs, that it! always! ACCEPTED! and RELIED!! upon! pro se Appellant/Petitioner/Whaley's (HAND-WRITTEN NOTES!, Circles, Arrows, written on his ATTACHMENTS) with his Original COMPLAINT filed in the Lower Trial Court, and the SAME! type documents also within the said APPEAL COURT, shows same hand-writing, written on pro se PETITIONER/Whaley's provided CASHIER'S CHECKS, which Respondent/SCFCU's "INTRODUCTION/BACKGROUND" ADMITS! Petitioner/Whaley's CASHIER'S CHECKS, and ALL his other! RESEARCH/FOUND Documents (which also have hand-written notes located on it!/and/or CIRCLES, and Arrows) which shows the ACTUAL ORIGINAL written TYPED NAME Document with the Petitioner/Whaley's named PAYEE, whom Respondent/SCFCU ADMITS its CLEARLY!! UNDERSTOOD!! that Respondent/SCFCU made OUT to the " Entity known as CAPITAL CONSORTIUM GROUP ", Which are the SAME! exact type DOCUMENTS! filed and ACCEPTED within the Lower Trial Court, and! the Appeals Court, in which Respondent/SCFCU relied! upon! and actually! USED those said Documents as their alleged PROOF, involving the Petitioner's said CASHIER'S CHECKS

Although! Appeals court filed documents, shows neither! said named RESPONDENTS/SCFCU nor BOA, NEVER! complied! with Respondent/SCFCU's own! provided South Carolina Appellate Court Rule 210(c), nor Rule 209 ..INVOLVING the REPLY to pro se Appellant/PETITIONER/Whaley's TIMELY filed INITIAL BRIEF, which Respondent/SCFCU filed below ADMITS that.

\* The underlying action was COMMENCED on FEBRUARY 16, 2012, with APPELLANT filing a confusing COMPLAINT AGAINST BANK of AMERICA ('BOA') and SOUTH CAROLINA FEDERAL CREDIT UNION ('SCFCU'). It appears the allegations INCLUDED CLAIMS of Civil Conspiracy, Fraud, THEFT! of MONEY!, and BREACH of CONTRACT with respect to CASHIER'S!! CHECKS!! Issued! BY SCFCU!! to! an! ENTITY!! known! as CAPITAL CONSORTIUM! GROUP! and [allegedly] DEPOSITED into [Unknown] ACCOUNT at BOA .the NOTICE OF APPEAL was filed in OCTOBER 2012 Due to various ISSUES with the TRANSCRIPT, and FILING DEFICIENCIES, Appellant's purported INITIAL BRIEF was not filed until AUGUST of 2013 On October 24, 2013, BOA filed A Motion to Dismiss or in the Alternative a Motion to STRIKE those Portions of Appellant's INITIAL BRIEF and DESIGNATION of Matter to be INCLUDED in the RECORD on APPEAL . \*

4 This Supreme Court's ORDERS in its LETTER dated "June 25, 2014", shows and/or supports pro se Petitioner/Whaley, always! complied!! with CORRECTIONS! requested by the said Court(s), when this Supreme Court also! requested that – Petitioner/Whaley's "Deficiency must be CORRECTED of the accompanying PROOF OF SERVICE . in compliance with SCACR substantially in the FORMAT shown by FORM 7 in Appendix C to part II ", which Petitioner/Whaley complied, by or before the date "June 25, 2014", OTHERWISE this Supreme Court ordered/or stated that Petitioner/Whaley's filed Petition of Certiorari would have been dismissed, just! as ALL! the Deficiency ORDERS requested by the said APPEALS COURT officials always!! APPROVED! and ACCEPTED! All and ANY of Appellant/Petitioner/Whaley's CORRECTED Deficiencies, therefore shows that - Respondent/SCFCU's claims under its "Introduction" claimed that " . Petitioner's .filed the INSTANT APPEAL in OCTOBER of 2012. There were numerous filing DEFICIENCIES and! his INITIAL BRIEF was not filed UNTIL AUGUST of 2013"<sup>6</sup>, is pursuant with SCACR Rule 242(b)(2) " ..Where there is a dissent in the decision of the Court of Appeals."

**RESPONDENT/SCFCU's COMPLETE FILED MOTION TO DISMISS/and/MEMORANDUM and ALL its Supportive LAWS ONLY SUPPORTS, Respondent SCFCU's MOTION TO DISMISS must be "DECLINED"/or DENIED; and SUPPORTS pro se PETITIONER/Whaley's Writ of Certiorari to be Granted, since Respondent/SCFCU's Own provided Laws CONFLICTS with this said SUPREME COURT'S prior RULINGS and LAWS (pursuant with SCACR 242(b)(2)&(3))**

5 Respondent/SCFCU's July 8, 2014 filed motion to dismiss and Memorandum ADMITS that Petitioner/Whaley indeed, did TIMELY filed " his Initial Brief was filed . (in the above said Appeals Court, timely on) AUGUST of 2013 and Designation of Matter . ", and shown by the said APPEALS COURT's ORDER/or Letter of August 23, 2013 , that the APPEALS COURT ACCEPTED pro se filed "Initial Brief and Designation of Matter" as being PROPERLY FILED after! Petitioner CORRECTED any and all deficiencies requested by the Appeals Court for Petitioner to Correct Therefore Respondent/SCFCU provided Law dated July 8, 2014, requesting this Supreme Court to DISMISS Petitioner/Whaler's APPEAL, by repeated! the APPEALS Court's provided Law "Henning v Kaye .415 S E 2d 794 (1992)" that was entered in the Appeals Court's ORDER 2/27/2014, and (allegedly) supported by the Appeals Court's FINAL ORDER on 5/22/2014, shows the Appeals Court & Respondent's provided Law - "Henning v Kaye...415 S E 2d 794 (1992)" is pursuant with SCACR Rule 242(b)(3) " .. Where the decision of the Court of Appeals is in CONFLICT! with a prior decision of the Supreme Court."- WHEN this Supreme Court Henning V Kaye – DECLINED!! /or DENIED!! to Grant that! said Respondent(s)' MOTION to DISMISS – which indeed CONFLICTS! with Respondent/SCFCU and! the Appeals Court that Granted Respondents' MOTION to DISMISS 2/27/14 was pursuant with their ONLY!! above case LAW "Henning v Kaye "

6 Respondent/SCFCU's July 8, 2014 MOTION to DISMISS and Memo's written "Introduction" and "Argument" also! rely! upon the Appeals Court's provided LAW "Henning v Kay, 307 S C. 436, 415 S.E. 2d 794 (1992)" which is a LAW shown to be ONLY in FAVOR of pro se Petitioner/Whaley's Appeals MUST NOT be DISMISSED, pursuant with this Supreme

<sup>6</sup> Petitioner's attached Exh.b.1s Aa, AAA, AAA-1, shows, and ADMITS! in Respondent/SCFCU's LETTERS! dated "September 10, 2013", and "OCTOBER 22, 2013", "(Admitted) by SCFCU, WITHOUT ANY! SUPPORTIVE LAW! nor ANY! Supportive S C Appellate Court, that could! possibly support! SCFCU's Letter on Sept 10, 2013 stating that " Mr Whaley, pro se Appellant, FILED and SERVED his DESIGNATION OF MATTER on what appears to be SEPTEMBER 4, 2013, therefore pursuant TO THIS (Appeals) COURT'S AUGUST 23, 2013 LETTER, OUR!! Initial RESPONDENTS' Brief and Designation ARE CURRENTLY!! DUE! BY! Friday, OCTOBER 4, 2013 However, with a 30-day EXTENSION of time, by MY!! "(which shows! ONLY ONE! INDIVIDUAL, CALCULATIONS!! OUR INITIAL BRIEF and DESIGNATIONS would be DUE! ON! or BEFORE! November 4, 2013 ". Just! as SCFCU provided ABSOLUTELY NO! SUPPORTIVE LAW nor any Appellate Court Rule to support! the TIMES!! in which SCFCU! ADMITS! that " Subsequent (meaning- FOLLOWING! or LATER!!) to PETITIONER'S (pro se Whaley's) FILING of his INITIAL BRIEF, RESPONDENT BOA (or Bank of America) filed a MOTION TO DISMISS..."- which SCFCU Letter of "OCT 22, 2013" and shows was not Only! UNTIMELY filed, and SCFCU's LETTER dated "OCTOBER 22, 2013" ADMITS that " Respondent South Carolina Federal Credit Union is in receipt of Mr. Whaley's 'LETTER to the CLERK a/k/a MOTION!! for! JUDGMENT!! against! RESPONDENT! BANK! of! AMERICA! for Request to Remain [sic] That said RESPONDENT! MATTER! Back to Lower Trial Court with INSTRUCTION, to ENTER DIRECT JUDGMENT in FAVOR of PLAINTIFF/Appellant Roger Whaley Pursuant with SCRAP [sic] 208(a)(2), (4) &(7) ...It APPEARS this MOTION is DIRECTED at ANOTHER PARTY! HOWEVER, to the Extent Mr Whaley INTENDED the Motion be DIRECTED towards Respondent South Carolina Federal Credit Union, please ACCEPT! this LETTER as OUR BRIEF RETURN to the MOTION! THIS MOTION is not! PROPER vs against RESPONDENT!! South Carolina Federal Credit Union Respondent!! South Carolina Federal Credit Union MOVED this honorable COURT for an EXTENSION!! of TIME! in which to FILE our! INITIAL BRIEF This Court GRANTED the MOTION by ORDER! filed September 27, 2013 ACCORDINGLY!! Respondent!! SOUTH CAROLINA FEDERAL CREDIT UNION's!! INITIAL! BRIEF! is! NOT! due! Until! November 4, 2013 - - 13 DAYS from TODAY "

As, Respondent/SCFCU's September 10, 2013, LETTER shows Respondent/SCFCU is the ONLY! (Licensed! Attorney/or Individual/or) Respondent!!/Party in the APPEALS! COURT! that REQUESTED!! an EXTENSION of TIME, (and SCFCU 9/10/13 letter shows RESPONDENT-BANK OF AMERICA NEVER! Requested an EXTENSION!! nor FILED any kind of NOTICE of INTENT! just! a pro se Petitioner/Whaley-) although! the said document dated 9/10/2013, shows also! that absolutely! NO! licensed Attorney placed ANY REQUIRED!! RULE!! nor ANY LAW! under which SCFCU's requested its said EXTENSION, but! in accordance with Rule 240(a)(4) states (a)-" This Rule governs all motions or petitions filed in the appellate court, including but not limited to motions for extension of time and (b)- Unless otherwise provided by these Rules, or ordered by the appellate court, the time limits provided by these Rules SHALL NOT BE STAYED by the FILING!! of a! MOTION!! or petition." - DEFEATS! SCFCU's "Introduction" claims that "Subsequent to Petitioner's FILING of his Initial BRIEF, Respondent BOA (Bank of America) FILED!! a MOTION!! to! DISMISS!! or, in the ALTERNATIVE, a MOTION to Struck Petitioner's INITIAL BRIEF, and DESIGNATION OF MATTER..."

Court's prior decisions, pursuant with SCACR 242(b)(2)&(3); which now<sup>1</sup> on 7/8/14, the said Respondent/SCFCU has provided this said SUPREME COURT with a NEW case LAW "Cf. Elam v South Carolina Dept. of Transp , 361 S C 9, 602 S E 2d 772 (2004), which again<sup>1</sup> contradicts<sup>1</sup>/or shows that<sup>1</sup> said cas LAW "Cf Elam v S.C Dept of Transp..." also<sup>1</sup> FAVORS<sup>1</sup> the pro se Petitioner/Whaley, when this SUPREME COURT RULED<sup>1</sup> and admits<sup>1</sup> that " We granted the petition for a writ of certoran to review the Court of Appeals' unpublished order dismissing the appeal of the South Carolina Department of Transportation (SCDOT) as untimely *Elam v South Carolina Dept of Transp* , S C Ct App Order dated July 25, 2002 **We reverse** ", - which makes the Appeals Case pursuant with SCACR Rule 242(b)(3), which CONFLICTS<sup>1</sup> with a PRIOR RULING of this said Supreme Court's DISCISION

6a): Respondent/SCFCU's filed requests in their 07/08/2014 motion and memorandum, shows "...Where the decision of the Court of APPEALS is in CONFLICTS with a PRIOR DECISION of the SUPREME COURT- decided by this Supreme Court of South Carolina. Heard November 19, 2003 Decided September 13, 2004. in ELAM v. SOUTH CAROLINA DEPT. of TRANSP. NO. 25869., 361 S.C. 9 (2004), 602 S.E.2d 772, Hattie Rose ELAM, Respondent, v. SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, Petitioner, whereas makes Respondent/SCFCU's alleged DEADLINE Claims another<sup>1</sup> moot<sup>1</sup> and Conflicting claims by SCFCU, whose Motion to Dismiss must be denied/or "Declined" SEE "Rule 242(b), SCACR" - 7

Respondent/SCFCU ADMITS! THIS SUPREME COURT "construed"/or READ AS the APPENDIX in THIS MATTER - CONSIST of various CORRESPONDENCE and ORDERS! RELATED! TO! this APPEAL; which RESPONDENT/SCFCU's 07/08/2014 "Introduction" FOOTNOTE 1 SHOWS -Where substantial constitutional issues are directly involved; AND Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court; involving also as FEDERAL! RECEIVER-Mr. Beattie B. Ashmore who is also! EMPLOYED/or receives Benefits with THIS SUPREME COURT BOARD - Pursuant with 28 USC 958 (see Exh. C); and Conflicts with the STATE! COURT! LAW reference a Appointed RECEIVER-Law Firm of Nelson, Mullin, Riley & Scarborough, LLP

7. Respondent/SCFCU's 7/8/2014 motion to dismiss memorandum, on page 5, under its "In the Alternative, SCFCU moves to strike the Appendix", ADMITS that "Petitioner's 'EXHIBITS' in its Appendix in this matter, CONSIST of various Correspondence and Orders RELATED! to! this! APPEAL " Petitioner/Whaley provided the SAME attached documents given to this Supreme and Appeals Court -is! not! denied!! by Respondent/SCFCU/was given to the Appeals Court, provided with Appellant/Petitioner's filed along! with! the Lower Court's TRANSCRIPT(s), and other Documented EVIDENCE, that always SUPPORTED, Petitioner's SAME documents with all said handwritten notes-written, was also provided to the Lower Trial Court, which make ALL THOSE SAME said Documents Admissible! in this SUPREME COUR, as well within the said APPEAL COURT, involving the APPEALS COURT'S (alleged Final) ORDERS (which RESPONDENT/SCFCU admits the Court GRANTED both RESPONDENTS Motion to Dismiss involving the APPEAL Court) dated 5/22/2014 AND 02/27/2014, although! NEITHER!! said named RESPONDENTS! NEVER! Objected! to absolutely!! any! of the said HAND-WRITTEN NOTES, or Circles, and Arrows made on the SAME documents that were filed within the lower Trial Court, involving Petitioner's Cashier's Checks named PAYEE, whom Respondent/SCFCU admits it made out Petitioner's cashier's checks to the Entity Capital Consortium Group <sup>8</sup>

<sup>7</sup> SCACR 242(b) Considerations Governing Review. A writ of certoran is not a matter of rght. granted only where there are special and important reasons which will be considered

(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

<sup>8</sup> Respondent/SCFCU has actually used<sup>1</sup> the said WRITTEN DOCUMENTS as SCFCU's alleged documented EVIDENCE, so to allegedly support its allegabons involving PETITIONER/WHALEY'S provided CASHIERS CHECKS, named PAYEE/CCG, whom BOTH Respondents/or SCFCU's Motion to Dismiss filed in this SUPREME COURT dated 7/8/2014, page 2 "Introduction" FOOTNOTE 1, ALLEGED that " the trial Judge's ORDER on RESPONDENTS' Motion to Dismiss, PETITIONER's claims RELATE!! to! CONTRIBUTIONS he MADE, Via CASHIER'S CHECKS, to!! Capital Consortium, an ENTITY!! CONTROLLED!! BY! INDIVIDUALS!! (Pough, McQueen, Brunson-written in Respondent's pleadings and in LOWER TRIAL COURT's TRANSCRIPT(s)) Colloquially!! REFERRED to as the 'THREE HEBREW BOYS' In DECEMBER of 2010, the 'THREE HEBREW BOYS' were CONVICTED!! for THEIR INVOLVEMENT in an alleged!! PONZI SCHEME! involving!! the CONTRIBUTIONS! to!! CAPITAL CONSORTIUM and Other! Similar! ENTITIES" involving a FEDERAL!! COURT! said Case matters! that's! Interferng!! with! this! ON! GOING! STATE!! COURT! CASE MATTER(s), which RESPONDENTS/or SCFCU and the APPEAL COURT - said claims and decisions/or request involves " ..Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court " pursuant with SCACR Rule 242(b)(5),

8 Respondent/SCFCU's said Motion to Dismiss/Memorandum 07/08/2014, under its Footnote 1, makes its claims, (WITHOUT!! Respondent/SCFCU Never! PRODUCED!! absolutely NO! SUPPORTIVE DOCUMENTS), which Respondent/SCFCU'S own said Motion & Memo, says is required pursuant with SCACR Rule 240(c)/or 240(c)(3), which SCFCU's claims involve the Appeal Court's DECISIONS of 5/22/2014 and 2/27/2014, that involves a Question in this said matter, Pursuant with SCACR Rule 242(b)(4), **Where substantial constitutional issues are directly involved**, (pursuant also with SCACR Rule 242 (b)(2)(3)&(5), INVOLVING Respondent/SCFCU's 7/8/2014 FOOTNOTE 1 claims and allegations involving Petitioner/Whaley's -

*...Via Cashier's Check, to CAPITAL CONSORTIUM, and ENTITY Controlled (allegedly) by INDIVIDUALS (Pough, McQueen, Brunson, See Lower Trial Court Transcript, regarding Federal Law issues! brought by Respondents in this State! Court Laws hearing matters held, May, 2012) Colloquially referred to as the 'THREE HEBREW BOYS' In December of 2010, the 'THREE HEBREW BOYS' were CONVICTED as to for their INVOLVEMENT in an alleged!! PONZI SCHEME."/a/k/a which Petitioner's Original COMPLAINT/and filed in the Appeals Court, always! claimed "Conspiracy of "THEFT" of Money Funds" -*

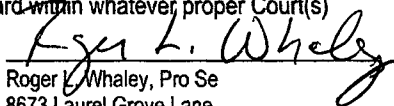
**\*\* (which involves ONLY! Respondent[s]! who JOINT! ADDED! PARTY [the alleged! Federal RECEIVER, Mr. Beattie B. Ashmore/who is also!! a MEMBER! on the BOARD!! of this said SUPREME COURT) whom RESPONDENT(S)/SCFCU's JOINT a FEDERAL!! Case Law Matters! with [a Prior Closed! STATE! COURT! Case Law MATTER] and this! present! ONGOING STATE! COURT! Case Law MATTER! that the said FEDERAL COURT Case said Laws interferes with this said ONGOING!! STATE! Court CASE Laws and Rules, which involves "...Where substantial constitutional issues are directly involved; AND Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court..."; pursuant with SCACR Rule 242(b)(4)(5),**

9 Respondent/SCFCU's 07/08/2014, Supreme Court filed Motion to Dismiss and Memorandum, under its footnote 1, makes allegations involving another! Court CASE MATTER, involving the said Respondent/SCFCU and the S C APPEAL Court's granted Orders of 5/22/2014 and 2/27/2014, ordered pursuant ONLY!! with a SUPREME STATE! Court Case LAW "Henning v Kay, 307 S C 436, 415 S E. 2d 794 (1992)", which RULED in FAVOR of pro se Petitioner/Whaley, as to this Supreme Court's ORDERED the RESPONDENT's Motion to Dismiss (and memo) to be "DECLINED"/or DENIED. Which is pursuant with SCACR Rule 242 (b)(2)(3)&(5)

10 Respondent/SCFCU's 07/08/2014, Supreme Court filed Motion to Dismiss and Memorandum, under its footnote 1 makes allegations involving another Court Case matter, which Respondent/SCFCU alleged involves Petitioner/Whaley's filing of his Writ of Certioran to be allegedly! UNTIMELY, which Respondent/SCFCU provided another SUPREME State! Court Case Law "ELAM v. SOUTH CAROLINA DEPT. OF TRANSP. NO. 25869 361 S C 9 (2004), 602 S.E 2d 772", which Ruled ALSO in FAVOR of pro se Petitioner/Whaley, when Elam v S C of Trans, ruled that " . " We granted the petition for a writ of certioran to review the Court of Appeals' unpublished order dismissing the appeal of the South Carolina Department of Transportation (SCDOT) as untimely. *Elam v. South Carolina Dep't of Trans., S.C. Ct.App. Order dated July 25, 2002. We reverse!!*; Which is pursuant with SCACR Rule 242 (b)(2)(3)&(5)

**WHEREFORE**, in Conclusion of Respondent/SCFCU's request to this said Supreme Court, have requested matters that "... the decision of the Court of Appeals is in CONFLICTS with a PRIOR DECISION of this SUPREME Court" Furthermore, shows that Respondent/SCFCU's motion to dismiss and its memorandum in support must be "DECLINED"/or Denied, and therefore shows this honorable Supreme Court must Grant pro se Petitioner/Whaley's Petition for Writ of Certioran, by upholding this Supreme Court's prior said Ordered decisions involving the LAWS provided by the said named Respondent/SCFCU, which all said LAWS were indeed in FAVOR of the pro se Petitioner/Whaley, involving also the Appeals Court's ordered decisions of May 22, 2014 involving its order of 2/27/2017, must be overruled, and REVERSE/and or remand this said very serious, case matter to be heard within whatever proper Court(s)

Dated July 18, 2014

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

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEALING the South Carolina's APPEAL COURT  
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APPEAL of Dorchester County Circuit Trial  
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Master of Equity/serving as Circuit – Judge Maite D. Murphy

Roger L. Whaley .....Petitioner

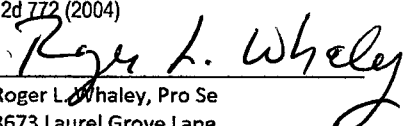
vs.

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

**CERTIFICATE OF SERVICE**

I, declare, that I, Roger L. Whaley, hand-delivered, mailed, and/or faxed his said Response/or Reply ONLY to Respondent/SCFCU's filed, motion to dismiss and Memorandum in Support, whose Legal Counselor's Law Firm, is Richardson, Plowden, Robinson, P.A , as the Appeals Court rulings nor any lower trial court's rulings, NEVER CONSOLIDATED/nor JOINT the said DEFENDANTS (SCFCU/ & Bank of America) Therefore only SCFCU's provided its Motion to Dismiss and Memorandum, which NEVER COMPLIED with the required Rule pursuant with SCACR RULE 242(f) <sup>1</sup>, regarding Respondent/SCFCU's motion & memo that was never upheld with SCFCU's own provided Laws Henning v Kaye 415 S E 2d 794 (1992), nor Cf Elam v South Carolina Dept of Transp., 361 S C 9, 602 S E 2d 772 (2004)

Date. July 18, 2014

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

Tara C Sullivan, Esquire  
Enk T Norton, Esquire  
Jody A. Bedenbaugh, Esquire  
**NELSON MULLINS RILEY & SCARBOROUGH, LLP**  
Post Office Box 11070  
Columbia, South Carolina 29211  
Sheila M Bias, Esquire

Drew H. Butler, Esquire  
Caleb M Riser, Esquire  
Sheila M Bias, Esquire  
**RICHARD PLOWDEN & ROBINSON, P.A.**  
1900 Barnwell Street (29201) for P.O. Drawer 7788  
Columbia, South Carolina 29202 - Phone - 803-771-4400

<sup>1</sup> - (f) **Return to Petition** Within thirty (30) days after service of the petition, respondent shall serve a copy of his return on opposing counsel, and shall file with the Clerk of the Supreme Court one original and six (6) copies of his return and proof of service showing that the return has been served. **The return SHALL INCLUDE an Argument ON EACH QUESTION** and may include a counter-statement of the case and **of the questions presented for review** .

WHEREAS, undisputed facts are, that Respondent/SCFCU's COMPLETE "ARGUMENT" addresses absolutely NONE of Petitioner/Whaley's provided " ..questions presented for review " , which again! (just as in the Appeals Court, and within the Lower Trial Court) Respondent/SCFCU Only makes up their own! **ADDED!** Claims, in which the Plaintiff/or Appellant/or Petitioner/Whaley – NEVER! claimed in his COMPLAINT-regarding any alleged Criminal claims involving an alleged FEDERAL! Ponzi Scheme, involving the alleged BUSINESS/!k/a/ADDED! PARTIES 3-Hebrew Boys, whom RESPONDENT/SCFCU continue! make said **ADDED CLAIMS, JUST AS RESPONDENT/SCFCU's Motion to Dismiss – and Memo – has not ADDRESSED/nor DENIED/nor ANSWERED, absolutely ANY!** of Petitioner/Whaley's provided Questions and Arguments written in Petitioner's Writ of Certiorari As Respondent/SCFCU's said motion and memo only address the alleged timeliness of Petitioner's already! filed! and accepted Writ of Certiorari, which this said Supreme Court accepted! a filed in this Supreme Court ONLY! after Petitioner/Whaley filed also this Supreme Court's REQUESTED CORRECTIONS, which was corrected and also filed within this said Supreme Court

ROGER WHALEY'S RESPONSE TO  
Respondent/SCFCU's MOTION TO DISMISS and MEMO

Part 1  
10 - Attachments

**RECEIVED**

JUL 21 2014

**SC Court of Appeals**

Exh. 1

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-CF-13-539

RECEIVED

JUN - 6 2014

S.C. Supreme Court

Page 1 of 1  
Attachments-17

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

Date: June 5, 2014

Respectfully submitted,

*Roger L. Whaley*  
Roger L. Whaley Pro Se  
3673 Laurel Grove Lane  
North Charleston, S.C. 29426

CERTIFICATE of SERVICE: I declare that all proper parties has been served this said Court's Notice, by mail, fax, or hand-delivered to: Jody A. Beenenbaugh, Esquire, Erik Tison Horton, Esquire-1323 Main St., 17th Fl-Columbia, SC 29201; Drew Hamilton Butler, Esquire- Sheela M. Bias, 1900 Barnwell St.-Columbia, S.C. 29202

\* This Appeals Court's "Order" dated 5/22/2014 "level" provided adequate support for A.W. per RULE of Court. The court positively supports said findings for obligations written in its "ORDER" 5/22/2014 which is highly improper for the APPEALS COURT. Publicly available, signed by more than one Appeals Court JUDGES.

TO: SUPREME and APPEALS COURT Clerk

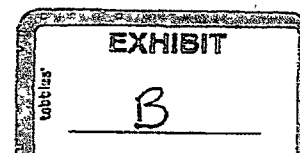
Exh. 2

From: Mr. Roger Whaley, 2012-213208

Date: June 23, 2014

21

Please be advised that I will be personally hand-delivering this complete Writ of Certiorari to these said above Court by 9:00 am. And has faxed, and will be hand-delivering to all Necessary Legal Counsel.

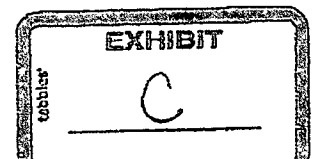


EMERGENCY NOTICE

Exh. 3

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



Exh. 4

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

Page 1 of 1  
Attachments-17

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

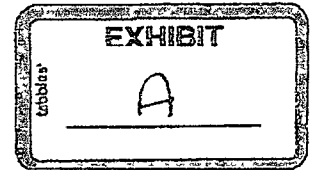
PRAYING only for fair and Equal Justice to be applied, with absolutely no special treatments to neither acting party.

Dated: June 5, 2014

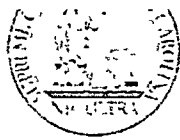
Respectfully submitted,  
*Roger L. Whaley*  
Roger L. Whaley, Pro Se  
8673 Laurel Grove Lane  
North Charleston, S.C. 29420

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. Bodenbough, Esquire; Earl Tyson Hanson, Esquire-1320 Main St, 17<sup>th</sup> Fl-Columbia, SC 29201; Drew Hamilton Butler, Esquire, Sheila M. Blaz, 1900 Bermuda 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



Exh. A



# The Supreme Court of South Carolina

DANIEL E SHEAROUSE  
CLERK OF COURT

BRENDA F SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 1133C  
COLUMBIA SOUTH CAROLINA  
29211  
1231 GERVAIS STREET  
COLUMBIA SOUTH CAROLINA 29201  
TELEPHONE (803) 734-1090  
FAX (803) 734-1499  
www.sccourts.org

June 25, 2014

Roger L. Whaley  
8673 Laurel Grove Lane  
North Charleston SC 29420

Re: Roger Whaley v. SC Federal Credit Union  
Appellate Case No. 2014-001371

Dear Mr. Whaley:

Upon reviewing your Petition for Writ of Certiorari and Appendix, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Shearouse", with a long horizontal flourish extending to the right.

CLERK

cc: Erik Tison Norton, Esquire  
Jody Alan Bedenbaugh, Esquire  
Tara C Sullivan, Esquire  
Drew Hamilton Butler, Esquire  
Sheila Marlou on Bias, Esquire  
Caleb Martin Riser, Esquire  
The Honorable Jenny Kitchings

Exh. Aa

RICHARDSON  
NEWBY

CREATED BY: J. B. ...

DATE: 09/10/2013

CHARLESTON, SC

Reply to Columbia  
Direct Dial: (803) 776-3718  
Fax: (803) 776-3718

See Exh. B + Exh. C

Respondent's

SCFCC

Re

BoA

Complied  
with this  
Appellate's  
Order in it  
Check's letter  
Dated Sept 25, 2013 - for  
BoA's response  
to filed motion  
I see SCFCC

Via Hand Delivery  
Dix Home at the corner of Kitchings  
Court, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

September 10, 2013

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

Dear Ms. Kitchings

I am counsel for Respondent SC Federal Credit Union in the above-referenced case. We respectfully request a 30-day extension of time in which to serve and file our Initial Respondent's Brief and Designation of Matter to be included in the Record on Appeal.

Mr. Whaley, our Appellant, filed and served his Designation of Matter on what appears to be September 4, 2013, in compliance with this court's August 28, 2013 order. Your Initial Respondent's Brief and Designation are currently due on Friday, October 4, 2013. However, with a 30-day extension of time, by my calculations, our Initial Brief and Designations would be due on or before November 4, 2013.

We find it necessary to request this extension due to our current financial condition. This is our first request for an extension of time to serve and file the Initial Respondent's Brief and Designation of Matter.

I am enclosing the \$25.00 filing fee and thank you for your consideration of this request. By copy of this letter, I am notifying Roger Whaley, pro se Appellant, of record of this correspondence.

Thank you for your assistance in this matter.

Sincerely,

Sandra M. Bias

Sandra M. Bias  
SC Bar # 100615

SMB:erb  
Enclosure  
cc: Roger Whaley pro se (with enclosure)

Paid for  
only

(1)  
Respondent  
Filing  
fee

Request  
for  
Extension

Case - Henning v. The South Carolina Court of Appeals

Exh. AA

Roger L. Whaley, Appellant,

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

Appellate Case No. 2012-213208

ORDER

Respondents South Carolina Federal Credit Union and Bank of America have each filed motions to dismiss this appeal. After careful consideration, this appeal is dismissed because Appellant has failed to comply with the South Carolina Appellate Court Rules. See Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) (noting an appellate court is justified in dismissing an appeal based on an appellant's failure to comply with the South Carolina Appellate Court Rules).

[Signature]
FOR THE COURT

Columbia, South Carolina

- cc: Roger L. Whaley
Drew Hamilton Butler
Erik Fison Norton
Jody Alan Bedenbaugh
Sheila Marlouvon Bias

Exh. AA

Research Shows...
See Attached Exhibit AA shows the Appeals Court in Error for otherwise due to Bias Bias Intentionally Returned Appellate Whaley's Attached Document Evidence that was Attached with the Requirements of Rule 210(c) SCACR - Attached with Appellate

APPX - Henning v.
Kaye - supporting Appellant's Appeal
Whaley's Appeal must not be dismissed - alleged error was alleged.
Deficiencies which were indeed v.
All corrected - by Whaley
Appellant - Whaley
Sub Attachments 1-5, b, 2
on see Attach Exh. AA

Design and his Initial Brief

Done with mt + 8

Diagram pursuant to Rule 210(b) (2)(b) + (c) which shows Appellate Error Data

2/27/14

Request for correction on Check Appellate Designation of Matter Clear

When Appellant's Whaley WAS RECALLED - compliance with 5.5 Appellate Court Rules

*Respondent SCFCU*

*Research Shows  
Respondent - SCFCU - Admits!  
It only filed for extension for SCFCU*

October 22 2013

*7/9/9*

*and that! Respondent  
Both who's who's!  
& complied with this*

Columbia  
Direct Dial (803) 576-3718  
shias@RichardsonPlowden.com

*Appellate's  
Court  
Order(s)  
Letters  
Dated  
9-25-2013  
Exh. AA;  
8-23-2013  
Exh. 5-C*

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: Roger L. Whaley v. South Carolina Federal Credit Union  
CIA No.: 2012-CP-1800539  
Appellate Case # 2012-213208  
Our File No. 7130-36

Dear Ms. Kitchings

Respondent South Carolina Federal Credit Union is in receipt of Mr. Whaley's "Letter to Clerk a/k/a Motion for Judgment against Respondent Bank of America or Request to Remain [sic] That said Respondent Matter Back to Lower Trial Court with instruction to Enter Direct Judgment in Favor of Plaintiff/Appellant Roger Whaley Pursuant with SCRAP [sic] 208(a)(2), (4) & (7)." (hereinafter "Motion") It appears this Motion is directed at another party however, to the extent Mr. Whaley intended the Motion be directed towards Respondent South Carolina Federal Credit Union, please accept this letter as our brief Return to the Motion. This Motion is not proper as against Respondent South Carolina Federal Credit Union. Respondent South Carolina Federal Credit Union moved this honorable court for an extension of time in which to file our initial brief. This Court granted the Motion by Order filed September 27, 2013. Accordingly, Respondent South Carolina Federal Credit Union's Initial Brief is not due until November 4, 2013—13 days from today. Consequently, to the extent Appellant's motion is directed toward Respondent South Carolina Federal Credit Union the motion is premature, without merit, and should be denied as against us.

By copy of this letter we are serving pro se Appellant with this response

Thank you for taking the time to review this letter and with kind regards, I am

Sincerely,

*Sheila M. Bias*

Sheila M. Bias  
SC Bar # 100005

SMB/afb

*was  
9-27-2013  
Exh. 5  
was  
↓  
w/ Appellant  
Whaley  
Complied  
w/ the Appellate  
Court request  
De p/er son's  
↓  
which  
shows  
Also  
compliance  
with  
Appellate  
Order  
2-27-2014*

*Therefore  
Shows  
Appellate  
Order  
2-27-2014  
is most  
or Bias  
written  
w/ own  
opinion  
re: on so.  
Appellant's Compliance  
with S.C. Appellate Rules*

*Miss Appellate Court's Error possible Bias  
Respondent BORA - Did not  
file its motion until after  
Motion to Dismiss until after  
The Date 10-22-2013 - when Appellate  
ordered its initial brief + Designation  
to be filed by 10-13*

Exh. AAA-1

The South Carolina Court of Appeals

Right to Write Appeal

South Carolina Circuit Court for the 13th Judicial Circuit  
A limited response to

Appellate Case No. 20-2-213205

The Honorable Judge D. [unclear]  
Docket No. [unclear]  
Circuit Court Case No. 20-202-50053

ORDER

The court is saying and filing the less ident's limited brief and deprecate of place in re SC Case No. 20-2-213205

FOR THE COURT

BY [Signature]  
CLERK

Clerk of the South Carolina

[Signature]  
[Signature]  
[Signature]  
[Signature]

*Nelson  
Mellon  
Hess  
Jimm*

→ SCFCU

**FILED**  
2-27-15

personal information.

*Edward L. Henning and Carol Sue Henning, Respondents  
v. Ekhi B*

Herbert KAYE and Max L. Hill Co., Inc., Defendants, of whom Max L. Hill Co., Inc. is Respondent, and Herber Kaye is Appellant.

Supreme Court of South Carolina. \*

March 11, 1992.

\*437 March 11, 1992.

ORDER

Respondents move the Court to dismiss this appeal. By return, appellant opposes the motion as to respondents Edward Henning and Carol Henning (the Hennings). Appellant does not oppose the motion as to respondent Max L. Hill Co., Inc. (Hill). The motion to dismiss as to Hill is granted.

The Hennings move to dismiss pursuant to Rule 231, SCACR. The Hennings claim that appellant's initial brief fails to comply with Rule 207, SCACR, and that his Designation of Matter to be Included in the Record on Appeal (Designation) is insufficient under Rule 208, SCACR.

By return, appellant's counsel asserts that he has substantially complied with the Rules and that instances of noncompliance were inadvertent technical errors and minor discrepancies. Counsel moves to amend his brief. Counsel further contends that his Designation is clear and specific.

Appellant's brief fails to comply with the Rule 207 in the following particulars: the components of the brief are incorrectly organized and labeled, the issues are not distinctively headed, the table of authorities is not alphabetized or referenced to the body of the brief, the statement of the case contains contested matter and omits required information, and the arguments contain no citations to the record or to the cases listed in the table of authorities.

Counsel is advised that the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.

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 fifteen (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 by Rule 207(b)(4).

With his brief appellant shall serve and file an amended Designation that sets forth with specificity the exhibits and other matter he wishes to include in the Record on Appeal. Appellant is reminded that the Record on Appeal shall not contain any matter not presented to the trial court. Rule 209(c), SCACR.

It is so ordered.

*Appellant provide us his Exhibits) The lower Trial Court's Transcripts as well as the Respondents' own filed pleadings that showed and supported ALL Pt. 4, may Appellant's initial brief and Designation of Matter - as well as Appellant provided other Documented Evidence - THAT was ignored or returned, incl. to Found by Appeals court.*

ROGER WHALEY'S RESPONSE TO  
Respondent/SCFCU's MOTION TO DISMISS and MEMO

Part 2  
9 - Attachments

**RECEIVED**  
JUL 21 2014  
**SC Court of Appeals**

28 U.S. Code § 958 - Persons ineligible as receivers

SCFCU's 7-8-2014 "Introduction" on page 2  
Footnote - 1 - Claiming

Current through Pub. L. 113-121. (See Public Laws for the current Congress.)

US Code

Notes

Updates

Exh. C

a Federal Receiver was allegedly appointed by the Central Bank of the United States. See SCFCU's Appeals Court Mt to Dismiss et granted by App prev | next

A person holding any civil or military office or employment under the United States or employed by any justice or judge of the United States shall not at the same time be appointed a receiver in any case in any court of the United States.

Shows Supreme Court's Board Member - Beattie B. Ashmore - could not be a Receiver - involves

Pro se Petitioner / Whaley; (State Court Filed) Dan Ashmore Checks - which

in which only! The Respondents / BOA + SCFCU Brought into for joined!

in Petitioner / Whaley's civil! state! Court! Case Matters.

Which Petitioner Always Responded - to Respondents!! By provisions the same LAW - without they Lower + Appeals Courts who over looked or bias interest ruled.

involve also a State Court Appointed Receiver. LAW Firm Nelson, Mullins & Co who serve as the hire of Paid Attorney

Exh. H-

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
The Honorable Maite D. Murphy

Appellate Case No.: 2012-213208  
Civil Action No.: 2012-CP-18-539

RECEIVED  
FEB 05 2014  
SC Court of App  
71

SCFCU provided  
NO! given SC,  
Rule Nov! Law  
that  
could  
support  
its

Roger L. Whaley.....Appellant,

vs.

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

Motion  
to

MOTION TO DISMISS ON BEHALF OF RESPONDENT SOUTH CAROLINA  
FEDERAL CREDIT UNION

Dismiss  
filed  
2-5-2014  
Nor

Respondent South Carolina Federal Credit Union ("SCFCU") hereby respectfully moves for a dismissal of Appellant's appeal. The ground for this Motion is Appellant's failure to perfect his appeal pursuant to the South Carolina Rules of Appellate Procedure and the Orders of this Court. The accompanying memorandum of law sets forth this ground in more detail.

Respectfully submitted,

Sheila M. Bias

Drew H. Butler, Esquire  
Caleb M. Riser, Esquire  
Sheila M. Bias, Esquire  
RICHARDSON PLOWDEN & ROBINSON, P.A.  
1900 Barnwell Street (29201)  
P.O. Drawer 7788  
Columbia, South Carolina 29202  
803-771-4400

Counsel for Respondent South Carolina Federal  
Credit Union

SCFCA  
provided

Absolutely

NO!

D.A.F.C.A. when Petitioner

Whaley

February 5, 2014

allegedly

Failure to Perfect his Appeal...

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

H.C.  
**RECEIVED**

APPEAL FROM DORCHESTOR COUNTY  
Court of Common Pleas  
Maite D. Murphy, Circuit Court Judge

JUL - 8 2014

S.C. Supreme Court

On Order of Dismissal (S.C. Ct. App. Filed Feb. 27, 2014)  
Appellate Case No.: 2014-001371

Roger L. Whaley .....Petitioner

vs.

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

MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO STRIKE  
APPENDIX ON BEHALF OF RESPONDENT SOUTH CAROLINA FEDERAL  
CREDIT UNION

Respondent South Carolina Federal Credit Union ("SCFCU") hereby  
moves this Court for an Order dismissing Petitioner's Petition for a Writ of

Certiorari as untimely Alternatively, and should this Court accept Petitioner's  
untimely filing, SCFCU moves to strike the Appendix filed by Petitioner due to  
extraneous information found on the documents included in the filed Appendix.

Pursuant to Rule 240(c), SCACR, the accompanying Memorandum of Law  
supports this Motion.

[SIGNATURE TO FOLLOW]

IN THE STATE OF SOUTH CAROLINA  
In The Supreme Court

---

Exh. H-2

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas  
Maite D. Murphy, Circuit Court Judge

---

On Order of Dismissal (S.C. Ct. App Filed Feb. 27, 2014)  
Appellate Case No. 2014-001371

---

Roger L. Whaley .....Petitioner

vs.

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

---

*W* MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS OR, IN  
THE ALTERNATIVE, MOTION TO STRIKE APPENDIX ON BEHALF OF  
RESPONDENT SOUTH CAROLINA FEDERAL CREDIT UNION

---

Drew H. Butler, Esquire  
Caleb M. Riser, Esquire  
Sheila M. Bias, Esquire  
RICHARDSON PLOWDEN & ROBINSON, P.A.  
1900 Barnwell Street (29201)  
P.O. Drawer 7788  
Columbia, South Carolina 29202  
803-771-4400

*Counsel for Respondent South Carolina Federal  
Credit Union*

July 8, 2014

INTRODUCTION

Exh. H-2

The instant appeal is before this Court on a Petition for a Writ of Certiorari from the Court of Appeals' dismissal of Petitioner's Appeal. The underlying matter was commenced on February 12, 2012, with Petitioner filing a confusing Complaint against Respondents South Carolina Federal Credit Union ("SCFCU") and Bank of America ("BOA"). The allegations appeared to be claims of civil conspiracy, fraud, theft of money, and breach of contract with respect to cashier's checks issued, at Petitioner's direction, by SCFCU to an entity known as Capital Consortium Group and deposited into accounts at BOA.<sup>1</sup> The matter was dismissed.

After Petitioner's Motion for Reconsideration was denied, he filed the instant appeal in October of 2012. There were numerous filing deficiencies and his Initial Brief was not filed until August of 2013. Subsequent to Petitioner's filing of his Initial Brief, Respondent BOA filed a Motion to Dismiss or, in the Alternative, a Motion to Strike Petitioner's Initial Brief and Designation of Matter to be Included in the Record on Appeal based on Petitioner's failure to comply with the Appellate Court Rules. The Court of Appeals held their ruling on BOA's Motion to Dismiss in abeyance and ordered Petitioner to file an Amended Initial Brief and Designation of Matter to be Included in the Record on Appeal.

<sup>1</sup> As found in the trial judge's Order on Respondents' Motions to Dismiss, Petitioner's claims relate to contributions he made, via cashier's check, to Capital Consortium, an entity controlled by individuals colloquially referred to as the "Three Hebrew Boys." In December of 2010, the "Three Hebrew Boys" were convicted for their involvement in an alleged Ponzi scheme involving the contributions to Capital Consortium and other similar entities

<sup>2</sup>

was due 10-4-2013 and filed BOA Mt to dismiss Appealant's Motion for Judgment -

See Appealant Whaley's numbered Complaint with the provided laws and Rules that support each of his claims.

which BOA filed order to comply - to the Court? BOA of course - same day. 2013 - in fact, the Court ruled in the Appealant's favor. Whaley was 100% correct.

The Appeal Court ordered BOA to file Initial Brief 10-4-2012!

Accordingly, he picks under canon and the RFR. Amendment said that parties must be treated equally and in the same way. Court rules as follows indeed! Respondents followed the Appeals Court Orders to have filed either their Initial Brief and Designation of the matter... Appeal's court never granted the Appeal's court never granted to 11-4-2013

Appeal's court never granted any Extension for BOA-Brief! BOA never! Filed for Ordered Initial Brief by Dec 4, 2013. SCFCU - only requested for extension - which was only granted by Appealant to SCFCU.

SCFCU's statement not accurate before BOA filed Motion to Dismiss. Filed Oct. 24, 2013. See Respondent SCFCU's Letter to Appeals Court. Filed Oct. 22, 2013.

Showing Appealant's Motion for Judgment -

the Court of Appeals and in this Court,<sup>2</sup> he failed to file an Amended Initial Brief and Designation of Matter to be Included in the Record on Appeal. SCFCU then filed a Motion to Dismiss based on Petitioner's failure to perfect his appeal. The Court of Appeals granted both BOA and SCFCU's Motions to Dismiss. The Court of Appeals denied Rehearing.

ARGUMENT

I. The Petition for a Writ of Certiorari is untimely and must be dismissed.

Rule 242(c), SCACR affixes the time for filing a Petition for a Writ of Certiorari as thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals. In this matter, the Court of Appeals' Order denying the Petition for Rehearing was filed on May 22, 2014. Given that date, the Petition for a Writ of Certiorari must have been served and filed by June 23, 2014<sup>3</sup>.

Petitioner was aware of this deadline as he filed, on June 6, 2014, a "Notice of Courtesy," attached as Exhibit A, advising the Court and the parties that he would be filing his Petition for a Writ of Certiorari "within 30 days of 5/22/2014." On or about June 24, 2014, counsel for Respondent SCFCU received, via fax, a copy of a document, attached as Exhibit B, advising that

<sup>2</sup> Petitioner's previous filings with this Court related to this matter were given the Appellate Case No. 2014-000067. In those filings, the Court construed Petitioner's requests as seeking a transfer of his case under Rule 204, SCACR, a review of the Court of Appeals' decision related to this matter, and a request for waiver of the filing fee. This Court denied all of Petitioner's requests.

<sup>3</sup> Thirty (30) days from the May 22, 2014 is actually June 21, 2014, however, that day was a Saturday. Pursuant to the Appellate Court Rules, the deadline was then the following Monday—June 23, 2014.

Respondent SCFCU's Only! (2) ~~PLEASE~~ Law Supports Petitioner

Exh. H-4

Petitioner would be hand-delivering "this complete Writ of Certiorari" to the said above Court by 9:00 a.m." The document was dated June 23, 2014; however, it was received and filed by this Court on June 24, 2014. On June 24, 2014, Petitioner faxed an "Emergency Notice,"<sup>5</sup> attached as Exhibit C, stating that due to transportation issues, he was unable to hand-deliver the Petition for a Writ of Certiorari, but would overnight mail the documents to the proper Courts. The Petition for a Writ of Certiorari was filed on June 25, 2014—two days after the filing deadline.

Whaley's Appeals Can NOT Be Dismissed! Because + reappears Reheard Decision on Respondent SCFCU's Motion to Dismiss Request goes against Supreme Court's own prior Rulings.

The Petition in this matter is untimely served and filed; therefore, it must be dismissed. See Rule 242(c), SCACR ("A Petition for a 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") (emphasis added). Petitioner made no efforts to seek an extension of time nor did he file any documentation requesting to file the Petition out of time. Moreover, Petitioner's filings indicate he was aware of the deadline for filing his Petition and aware that he missed the deadline for the filing of his Petition. "The South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this state." Henning v. Kave, 307 S.C. 436, 415 S.E.2d 794 (1992). Because the Petition was untimely, it must be dismissed. Cf. Elam v. South Carolina Dept.

SCFCU's out. CASL Law. Henning v. Kave Final Ordered Decision Also Ruled in Favor of Petitioner Whaley when the Supreme Court Denied! Responses to the Motion to Dismiss and/or

<sup>4</sup> Of note, the faxed documents included in this correspondence were not the same as the Petition for a Writ of Certiorari which was ultimately filed with this Court  
<sup>5</sup> The Emergency Notice included a copy of the Petition for Writ of Certiorari which was eventually filed with this Court, however, only the first page of the "Emergency Notice" is attached as the Exhibit.

"Decline" to Dismiss Appellant's Appeal...

Exh.  
H-5

~~of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004)~~ <sup>Speed</sup> The requirement of service of the

notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to 'rescue' the delinquent party by extending or ignoring the deadline for service of the notice.").

II. In the alternative, SCFCU moves to strike the Appendix.

Should this Court accept Petitioner's filing as timely, SCFCU respectfully moves to Strike the filed Appendix. Petitioner's "exhibits," which this Court construed as the Appendix in this matter, consist of various correspondence and Orders related to this Appeal. Although these are items which may be typical of an Appendix, Petitioner has not provided true copies of these documents. Rather, most of the documents have Petitioner-emphasized text by way of handwritten notes, circled and underlined text, and arrows. See Exhibit D, Part 1, Petitioner's Filed Appendix. Petitioner has improperly altered these documents from their original state and his submission of such altered documents to this Court is impermissible. See Rule 210, SCACR ("... (The Record [on Appeal] shall not, however, include matter which was not presented to the lower court or tribunal."); Rule 242(e), SCACR ("... The Appendix shall include the following: A copy of the Record on Appeal and briefs, . . . If the matter was dismissed by the Court of Appeals for procedural or other reasons, the Appendix shall also include any documents relevant to the dismissal. . . ."). Accordingly, the offending documents should be stricken from the Appendix.

Case law  
also not  
uphold  
SCFCU's  
said.  
Claims  
when the  
said case  
was  
actually  
ruled  
in a  
final  
Decision  
in  
I never  
saw  
any of  
it  
wholly  
the  
filed  
Claims  
were  
indeed  
'Timely'  
and  
the  
Supreme  
Court  
Remanded  
the  
Case to  
Ruled  
"We  
Reverse!"  
The Court  
of Appeals  
Order... and

Concludes SCOT  
Timely!! served,  
its Notice...

CONCLUSION

Exh.  
H-6

For the foregoing reasons, Respondent SCFCU respectfully requests an Order dismissing the Petition for a Writ of Certiorari as untimely. In the alternative, Respondent SCFCU requests an Order from this Court striking the filed Appendix.

Respectfully submitted,



---

Drew H. Butler, Esquire  
Caleb M. Riser, Esquire  
Sheila M. Bias, Esquire  
RICHARDSON PLOWDEN & ROBINSON, P.A.  
1900 Barnwell Street (29201)  
P.O. Drawer 7788  
Columbia, South Carolina 29202  
803-771-4400

*Counsel for Respondent South Carolina Federal  
Credit Union*

July 8, 2014

ROGER WHALEY'S RESPONSE TO  
Respondent/SCFCU's MOTION TO DISMISS and MEMO

Part 3  
5 - Attachments

**RECEIVED**  
JUL 22 2014  
**SC Court of Appeals**

Appellant's Complaint Always Shows  
was brought w/ the Laws & Rules  
supporting its claims.  
SCFCU - Mt to Dismiss  
Admitted in Appeals  
Court -

Exh. H-200

Respondent Admitted  
BOA Received Appellant  
Cashed checks - open alleg.  
"Deposited" Although Respondent  
admits the Complaint, we will  
Respondent's Receipt  
#2, 4, 4a, b, 7, in order to  
Plaintiff

Respondent alleges  
that Appellant's  
Complaint is  
Allegedly  
Confusing - but  
yet! Not only  
do Respondent(s)  
Admits! as to  
their understanding  
of each of  
Appellant's  
Claims; ~~Although~~  
therefore shows  
Appellant's  
Complaint is in  
compliance with  
Rule 8(a) SCRPC.  
Although Respondent(s)  
would admit  
Also to the Complaint  
provided that  
SCFCU  
Admits!  
Only!!  
Respondent  
BOA  
filed its  
untimely Filed  
Mt to Dismiss  
10-24-2013  
See Appellate  
Exh B. letter  
Shows BOA must have filed its  
Pleadings before! Oct. 7, 2011

INTRODUCTION/BACKGROUND

The instant appeal is the result of Motions to Dismiss filed on behalf of

Respondents at the trial level. The underlying action was commenced on February 16, 2012, with Appellant filing a confusing Complaint against Bank of America ("BOA") and South Carolina Federal Credit Union ("SCFCU"). It appears the allegations included claims of civil conspiracy, fraud, theft of money, and breach of contract with respect to cashier's checks issued by SCFCU to an entity known as Capital Consortium Group and deposited into accounts at BOA.

On March 7, 2012, SCFCU filed a Motion to Dismiss and on March 22, 2012, BOA filed its Motion to Dismiss or, in the Alternative, Motion for a More Definite Statement. After a hearing on these motions, the trial court granted the Motions to Dismiss with prejudice. The Order dismissing the Complaint essentially found the Complaint failed to meet the minimum pleading requirements of Rule 8(a), SCRPC, the Appellant lacked standing to sue as the purchaser of a cashier's check, and that Appellant's claims should be brought before the ongoing receivership action in federal court.

Appellant filed a Motion to Reconsider on June 28, 2012, and a hearing was held on August 29, 2012. On September 17, 2012, the trial court entered an Order denying Appellant's Motion to Reconsider.

The Notice of Appeal was filed in October 2012. Due to various issues with the transcript and filing deficiencies, Appellant's purported Initial Brief was not filed until August of 2013. On October 24, 2013, BOA filed a Motion to Dismiss or in the alternative a Motion to Strike those portions of Appellant's Initial Brief and Designation

Respondent  
BOA  
filed its  
untimely Filed  
Mt to Dismiss  
10-24-2013  
See Appellate  
Exh B. letter  
Shows BOA must have filed its  
Pleadings before! Oct. 7, 2011

Respondent Admits to bring in & his for sale! matter of Law,  
a Federal "Receivership"

Also  
B. Ashmore - Appeals  
non  
Gru  
IR  
#:  
Rec.  
in  
as  
C#  
FA  
286  
95

Ex. #26 \* SCFCU Below Mot. to Dismiss - Admits This

Appeals Court rendered ~~the~~ Dismissal of Respondents' Motion to Strike on Appellate what is undisputed in the lower trial court - that offered Respondents' Documented Evidence - on Claims that were filed in BOA's Attorneys - who in whole or ways

SCFCU Admits Appeals Court on final of the Rule 2 to SCFCU Respondent. But that Appeals Court went against the law and Rules of court when Respondent done Equal treatment of appellant with the respondent and the rule of court

of Matter to be included in the Record on Appeal which were not in compliance with the Appellate Court Rules (Exhibit A) and Respondents' known Appellate Court provided undisputed evidence - ruled in favor of Appellant. Appellant filed Motions for judgment against both Respondents simultaneously.

By Order filed November 27, 2013, this Court granted Appellant's Motion for judgment as to both Respondents (Exhibit B). The Court further granted BOA's Motion to Strike and ordered Appellant serve and file an amended Designation of Matter to be included in the Record on Appeal (evaluating the offending portions). The Order also indicated Appellant was to serve and file an amended Initial Brief that fully complies with Rule 208, SCACR, within thirty days. Finally, the Order stated that at the expiration of thirty days, the Court would consider BOA's Motion to Dismiss.

On Tuesday, December 24, 2013, Appellant filed a Motion to Relieve the Counsel of Respondent Bank of America seeking the protections of Rule 210, SCACR, thereby attempting to stay the perfection of the appeal. This Court denied the Motion to Relieve Counsel on January 3, 2014 (Exhibit C). Since that time, Appellant has filed various documents in this Court and the South Carolina Supreme Court, but has failed to file an amended Initial Brief or Designation of Matter to be included in the Record on Appeal.

ARGUMENT

Appellant has failed to perfect his appeal.

Pursuant to Rule 260(a), SCACR, Appellant moves this Court to dismiss the instant appeal because Appellant has failed to comply with the requirements of the South Carolina Rules of Appellate Procedure and Orders of this Court. Appellant has failed to perfect this appeal because he has not filed a proper Initial Brief and Designation of Matter to be included in the Record on Appeal as ordered by this Court (Rule 208(a)(4)).

SCFCU Admits Appellant wholly also failed under Rule 240 - Just AS - Both sides Respondents. protect me of Rule 240, SCACR, thereby he perfects it. SCFCU which SCFCU Admits Appellant wholly also failed under Rule 240 - Just AS - Both sides Respondents. protect me of Rule 240, SCACR, thereby he perfects it.

STATE



Exh. I

The South Carolina Court of Appeals

Roger L. Whaley, Appellant,

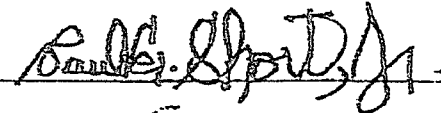


v.

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

Appellate Case No. 2012-213208

ORDER

This appeal was dismissed in an order dated February 27, 2014, and 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.

 J.  
 J.  
 A. J.

Columbia, South Carolina

cc:  
Roger L. Whaley  
Drew Hamilton Butler, Esquire  
Frik Tison Norton, Esquire

FILED  
3/22/14

Exh. I-1  
The South Carolina Court of Appeals

Roger L. Whaley, Appellant.

v.

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

Appellate Case No. 2012-213208

*\* Denied by Appeals Court official w/out any party objection!! to the said withdrawal pursuant to SCACR Rule 240(e) + (3) Appeals court's Show Bias and Personal Interest v Rule of Canon 2+3*

ORDER

Appellant has filed a motion to relieve Respondent Bank of America's counsel. After careful consideration, Appellant's motion is denied.

*Jasper M. Cranton, AS*  
FOR THE COURT

Columbia, South Carolina

- cc:  
Roger L. Whaley  
Drew Hamilton Butler  
Erik Tison Norton  
Jody Alan Bedenbaugh  
Sheila Mariouvon Bias  
Tara C Sullivan

FILED  
1-3-14

Exh. I-2

THE SOUTH CAROLINA COURT OF APPEALS

Roger L. Whaley, Appellant, Pro Se

v.

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

Attachments - 2  
\*Appeals Order/9/27/13  
and Respondent SCFCU Letter 9/10/13

Appellate Case No. 2012-213208

Presiding Lower Court Judge Maite D. Murphy  
Dorchester County  
Trial Court Case No. 2012CP-1800539

LETTER to CLERK/a/k/a (MOTION for Judgment) against RESPONDENT BANK OF AMERICA/or/REQUEST to REMAIN THAT said RESPONDENT MATTER BACK to Lower Trial Court with INSTRUCTION, to ENTER Direct JUDGMENT IN FAVOR of Plaintiff/Appellant Roger Whaley Pursuant with SCRAP 208(a)(2),(4)&(7)<sup>1</sup>

Dear Clerk:

Pursuant with SCRAP Rule 208(a)(4)&(7), by the understanding of this Pro Se, Plaintiff/Appellant Whaley, can write a LETTER/a/k/a/or MOTION FOR JUDGMENT against Defendant/RESPONDENT-BANK OF AMERICA /or Request to REMAIN that said Defendant/Respondent/Bank of America's MATTER BACK to Lower Trial Court with INSTRUCTION for the lower trial court Judge to Enter DIRECT JUDGMENT in FAVOR of PLAINTIFF/Appellant Roger Whaley, as in indeed the Respondent BANK OF AMERICA, has not/and or CAN NOT Denied any<sup>1</sup> of Appellant/Whaley's State of Facts/nor Arguments made in his Initial Brief/and/or Designation, as well as Respondent/Bank of America has FAILED to file its required Responsive Brief, pursuant with SCRAP 208(2), nor did Defendant/Respondent Bank of America never<sup>1</sup> requested any kind of extension of time to file any Response, as is required by SCRAP Rule 7, just as the Defendant/ Respondent South Carolina Federal Credit Union<sup>2</sup>

Therefore I, the Appellant, Roger Whaley is requesting this said APPEALS Court to Grant Plaintiff/Appellant/Whaley Motion for Judgment/and/or Requesting this Appeals Court Remain Respondent/ Bank of America's case matters Back before the said lower trial court with in SPECIAL INSTRUCTION to render Judgment in FAVOR of Plaintiff/Appellant Whaley, will not bias no party But will indeed show that this said Appeals Court is not biased against the Plaintiff/Appellant Whaley, as a Pro Se, non-attorney


Please find, attached also Plaintiff/Appellant Whaley's CASHIER'S CHECK for \$25 00, in case this said letter/or motion must be paid so to file in this said Appeals Court/or in order for this matter to receive such equal justice If there is any other information needed, please do not hesitate to write this said Pro Se Appellant/Whaley


September 30, 2013


Respectfully,  
Roger L. Whaley  
Roger Whaley, Pro Se

CC Drew Hamilton Butler, Enk Tison Norton, Jody A. Bedenbaugh, Sheila M. Bias,

<sup>1</sup> SCRAP Rule (7) Supplemental Citations. When pertinent and significant authorities come to the attention of a party after his initial brief(s) has been served and filed, the party shall promptly advise the clerk of the appellate court, by letter, with a copy to all counsel, setting forth the citations. There shall be a reference either to the page of the brief or to an issue to which the citations pertain, but the letter shall, without argument, state the reasons for the supplemental citations. Any response shall be made promptly and shall be similarly limited.  
<sup>2</sup> SCRAP Rule (4) Failure to File. Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260. Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.  
<sup>3</sup> Which this said Appeals Court Clerk could ONLY GRANTED the EXTENSION of Defendant/Respondent "SC Federal Credit Union" request for a 30 day Extension in which to SERVE and FILE (their/ONLY SCFCU's) Initial Respondent's Brief and Designation of Matter" when SCFCU's LETTER dated "September 10, 2013" shows it only!! requested in its said LETTER for the Extension for 30 days ONLY from the "COUNSEL" for "Respondent SC Federal Credit Union"

**Roger Whaley**  
8673 Laurel Grove Ln  
N Charleston SC 29420-6816

**Roger Whaley**  
8673 Laurel Grove Ln  
N Charleston, SC 29420-6816

 U S POSTAGE  
**\$19.65**  
PME 2-DAY  
29485 0007  
Date of sale  
07/18/14  
06 2S00  
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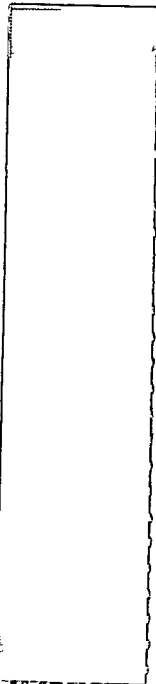
Scheduled Delivery  
07/21/2014

SC Court of Appeals  
1015 Sumter Street  
Columbia S.C. 29201

**RECEIVED**

JUL 21 2014

**SC Court of Appeals**



27124

