

WHALEY'S REPLY TO BOA'S "RETURN" TO
WRIT OF CERTIORARI

PART 8
ATTACHMENTS-13

STATE!! TRIAL COURT TRANSCRIPT
in –AUGUST 29, 2012 –OPEN COURT HEARING

Showing BOA's VOLUNTEERED BROUGHT FEDERAL Case LAW CLAIMS to be JOINT
within an ONGOING YET PENDING Open Court STATE! COURT! LAW ISSUES –
THEREFORE shows - "Where substantial constitutional issues are directly involved" SCACR 242(b)(4)
Involving Whaley's STATE! COURT! CLAIMS of "THEFT" of Cashier's Checks' named
PAYEE/CCG

See Transcript 8/29/2012 – pages – Shows WHALEY ALWAYS DISCUSSED
CLAIMS THAT BOA's ATTORNEYS are ALSO WHALEY/and/or Whaley's CASHIE'S
CHECKS' NAMED PAYEE/CCG's APPOINTED!! STATE!! COURT! "RECEIVER"
to Represent the alleged VICTIMS/whom BOA Admits! is also Mr. Roger L. WHALEY

See attach 8/29/2013, TRANSCRIPT Pages 1,4,5,6,7,9,10

*Exh. XVII

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF DORCHESTER) COURT OF COMMON PLEAS
No. 2012 CP 18 0539

3
4 ROGER L. WHALEY)
5 Plaintiff)

6 versus)

TRANSCRIPT OF RECORD *

8 SOUTH CAROLINA FEDERAL)
9 CREDIT UNION and)
BANK OF AMERICA)

10 Defendants)

11 St. George, South Carolina)
12 August 29, 2012)

13 B E F O R E :

14 HONORABLE MAITE MURPHY, Presiding Judge

16 A P P E A R A N C E S :

17 For the Plaintiff:

Appearing Pro Se

18 For the Defendants:

19 Bank of America

ERIK NORTON, Esq.

20 Credit Union

CALEB RISER, Esq.

21 Reporter Present:

HARRY A. WALKER

22 HARRIET P. BENNETT
23 Reporter, S. C. Court Administration
24 46 Regency Oaks Drive
25 Summerville, S.C. 29485

*Appearance of New Replace Attorneys
within Appeal Court Records
without placing their Appearance
in accordance w/ Appellate Rules
& procedure in Appeal's Court
New Attorneys
Never Recognized
Replacement*

*New Plaintiff
Rep BOA
Attorney
in Appeal
Court
Never
Recognized
Replacement
Attorney
Riser Never
Appeared
in
Appeals
Court
Records
& SCFC's*

EXH. XVIII

I N D E X

1		
2		
3	Mr. Whaley	Page 4, 5, 9
4	Mr. Riser	4, 8
5	Mr. Norton	8
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* Exh. XIX

EXHIBITS

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NOTE: No Exhibits are marked nor proffered
by any party

transcript
page 11/and 12
* * See Court Judge - Admits!
~~Plaintiff~~ - Whaley
Did produce documents for
Exhibits - offered as his
evidence - ; As well as
plt Whaley admits in
this said transcript
that he provided "Exhibits"
or documents - to be
received by this said
Court - in both -
said Hearings - Heard
in this court...

* Exh. XX

1 (The within matter came before the Court for hear-
2 ing on August 29, 2012, before the Honorable Maite
3 Murphy, Presiding Judge, in the Dorchester County Court
4 of Common Pleas, Non-Jury)

5 THE COURT: The next case is Roger L. Whaley ver-
6 sus South Carolina Federal.

7 Good morning, gentlemen.

8 MR. WHALEY: Good morning.

9 MR. NORTON: Good morning, Judge.

10 MR. RISER: Good morning.

11 CLERK: This is case number 5.

12 THE COURT: Yes, and we are here on a motion, is
13 that correct?

14 MR. WHALEY: Yes.

15 MR. RISER: Yes, Your Honor. I believe this is
16 Mr. Whaley's motion, and we are opposed to Mr. Whaley's
17 motion.

18 THE COURT: All right. Mr. Whaley, it is your
19 motion, sir.

20 MR. WHALEY: The Bank of America is the one who
21 this is . . .

22 MR. RISER: Yes, Your Honor. This is a motion
23 filed by Mr. Whaley, and I believe the Defendant it is
24 directed at is the Bank of America.

25 I represent the South Carolina Federal Credit

*Different!
BOA's Attorney
appeared
w/out
open court
at 11:00
st*

*replaced
prev
Both*

Bedenburgh 5-8-2012

*Again
shows
opinion
favors
of*

*Trial
Court
Judge's
Reasons*

*Why
Whaley
Request
Trial Court
Judge's
Disqualification*

*who
Ruled on per
Disqualification
Filed by Whaley's*

*Reason for the
Hearing held Aug. 29, 2012 -
see pg -*

st

XX

Exh. XXI

Shows and Admits!

Whaley's Motion filed and heard 8-29-2012 - Admits! was filed to discuss Disqualification of Judge.

2 Judge.

* * *

3 MR. WHALEY: Okay. Well, the reason I'm here is
4 because I asked them for the disqualification of the
5 Judge.

Lower Court... which the Lower Court

6 THE COURT: Mr. Whaley, I need you to speak up,
7 sir. My Court Reporter needs to take down everything
8 that you say.

Order's Administrative prepared

9 MR. WHALEY: Well, first, I want to tell you I am
10 not a lawyer.

By BOA's Attorney

11 THE COURT: Okay. Yes, sir.

Nelson Mullin

12 MR. WHALEY: And I represent myself, and the reason
13 I ask for disqualification in this case is because I
14 find out that -- not meaning to be disrespectful, but
15 it seems like that the Court is being biased toward
16 me for a person licensed as a lawyer in the case.

Never addressed the TRUE and Only!

17 And that -- I can't really say, but it does seem
18 like things are not right.

Reason for Lower Court

Handwritten arrow pointing to line 19

19 The Court has Emailed me, and, you know, said
20 that -- okay, saying that upon review of the pleadings
21 -- sorry. Okay, upon review of the pleadings and evi-

Hearing of 8-29-2012

22 dence presented, and the argument of the parties, I
23 would request that counsel for the Defendants, South
24 Carolina Federal Credit Union and Bank of America, to
25 please prepare proposed Orders that include the following

which shows the

Both Order of 5-8-2012 & 8-29-2012 were signed. Hearings were held. What written orders of Judge.

Exh. XXII

Plt Whaley Shows why! his Request for
Inequality of Fed Court Doing Special Favors
and INSTRUCTING the Licensed
Attorneys

1. facts and conclusions of law.

2. Now, when I hear that, it seems like the Court was
3. mostly representing the lawyers over here, which is
4. licensed lawyers, and I am just a
5. regular guy.

6. And it seems like the Court just giving them the
7. more privilege in writing up the law, even though when
8. they write up the law a lot of the stuff they will say
9. and the conclusion of law will say a lot of stuff not
10. true.

11. And I'd like to say also that it seems they almost
12. lie to the Court when the Court have them to write up
13. conclusions of law, saying that Mr. Ashmore was ap-
14. pointed as a Receiver on May the 21st. The's the Fed-
15. eral Receiver.

16. My Receiver is back over at Nelson and Mullions, BOA's
17. and they were my Receiver in State Court. LAW FIRM

18. So how they try to say that a Federal Receiver --
19. it come before a Federal Receiver when this case was
20. decided in State Court? or completed/or final decision

21. The case was over since September 26, 2007, and
22. the Federal Government didn't get involved in this
23. case until about three months later.

24. So when they say that -- well, that's all I can
25. really say.

Plt Whaley's
Admits that
BOA's Lawyers
at
Nelson &
Mullions
was the
State
Court
Named
Receiver
and that
Federal
Receiver!

ALSO
ERROR of
Reporter

BOA's
LAW FIRM

*Exh. XXIII

Plt Whaley admits! S.C. Fed credit union - untruthfully alleged that BOA - legally! Deposited CCB's Money - up

1 Like I say, I'm not a lawyer, and I am represent-
2 ing myself. Until May 21, 2007

3 What happened here is when they decide to put their
4 motion in this Court, they say to this Court that the
5 -- the South Carolina Credit Union is saying that Capitol
6 Starship Group deposit in Bank of America, and all of
7 that is really untrue

8 If you look at my checks, the check was there to
9 Capitol Starship Group from Roger L. Whaley, not Cap-
10 itol Starship Group from South Carolina Credit Union.

11 But still they're taking and saying that this --
12 the Bank is saying this Company must deposit in Bank of
13 America

14 Then if you look at the back of the check, you do
15 not see no signature from the person I send it to.
16 It is just a stamp from Bank of America.

17 So how could they say that they deposit that money
18 when there's no signature on the back of that check
19 there?

20 But mostly I am asking the Bank of America to
21 prove to me why they have the authority to cash my check
22 that I send to Capitol Starship Group.

23 You know, I want to know how they can do that, and
24 I just want some evidence saying they can do that, and
25 that's all I've got to say right now.

Requested
The Court
to get
BOA to
produce
it's
Alleged
Proper Authority
to have
Plt Whaley's
Checks

7
as plt - Requested Produced -
Evidence from BOA - Denied
By Court Judge - One.
to BOA - Does Special
for BOA Atty...
Had or yet! Had an open acct with BOA as of May 21, 2007

* Error
Language
Reports
Replaced

* who do! Long
Be Never!
produce that
CCB
Ever!

Exh. XXV

1 argument of Mr. Norton.

2 I don't really believe that the motion today nor
3 his argument today address the South Carolina Federal
4 Credit Union, but to the extent his motion to recon-
5 sider does we would again ask Your Honor to deny that
6 motion.

7 THE COURT: All right, Mr. Whaley. Do you have
8 anything further?

9 MR. WHALEY: Oh, yes.

10 THE COURT: All right, sir.

11 MR. WHALEY: Why I said the Bank of America and
12 Capital Starship were paying the Defendants was because
13 according to the documents they start in their busi-
14 ness ever since August the 9th of 2006, and sometime

15 in January they had completely resolved their busi-
16 ness.

17 But still checks was coming in into the Bank of
18 America, and instead of that money returned back to
19 the investors the Bank of America decided to go ahead
20 and keep it.

21 Now, just like I say, this case was resolved
22 ever since September 26th of 2007, and in my talking
23 about it -- why this take place today is some of the
24 people just find out that they can file in the Court
25 because when they turn over that -- when Bank of America

Mr. Whaley Admits BOTH Plaintiff & Defendant S.C. Federal Credit Union

ISSUES the contempt - to Isidor which supports Plf's Claims of Fraud & Conspiracy of Theft - in Complaint.

Mr. Whaley acknowledged S.C. Fed Credit Union never cancelled his Cashiers Checks w/ N. required 20 Day since his payee CCB - never received his money...

* Exh. XXVI

shows BOA and CCG End their
alleged Business Arrangements...
But yet BOA continued to stamp

turn over -- when Bank of America and Capital Starship
end their business, Bank of America turned over -- to
round that off - Sixty-three Million Dollars to the
First Citizens Bank under the account of Daniel Devel-

opment Company.
Now, that money was frozen in the State Court on
May 21st by Judge Lee, and just a year ago that money
was sent to the State Department of Revenue.

Now, in my documents right here I write to the
Arizona State Revenue and they give me a response back,
like -- you know, they're saying that Capital Starship
Group deposit that money. There's no way they deposit
that money.

Now, just like I say before, I have asked for
documents to show that Capital Starship Group give to
them the right to process and cash my check when the
Bank of America and Capital Starship end their busi-
ness.

THE COURT: Thank you, Mr. Whaley.
Mr. Whaley, hearing your argument again and also
counsel's arguments again, I certainly do recall when
you were here last time.

I want to assure you that there is no bias because
you are not an attorney. Certainly you are very well
spoken and articulate.

Although BOA
skye
they were
discussed
and trial
I want to have
w/ court

Admits
BOA
Turned
over
CCG
Money
to
First
Citizens
Bank
Therefore
shows
BOA
could
not
have
yet
cash
pled
Whaley's
checks
w/ out
BOA
proceeding
a copy
of same
for
admission
of BOA
BOA
which
Honey
pled
Whaley's
claims
could never! with Whaley contact
showed expertise and skill
w/ court

BOA's Home on
checks
& put
were
Direct
Deposited
in
BOA
Instead
of
BOA
Transfer
CCG
money
to
First
Citizens
Bank
These
issues
were
discussed
by
Whaley
in
First
Court
Hearing
Although
BOA
skye
they were
discussed
and trial
I want to have
w/ court

Requested Discovery
Court Refused Plt
Discovery

requeste a...
Judge...
discussed
and trial
I want to have
w/ court

* Exh. XXV4 Court again Admits, plt presented his Documents! and Case matter clearly - But! yet Transcript says

Judge ruled
Admitted
When
Against
the Law!
As - A pro
se Attorney
is not
At the
Same
Standards
as an
Attorney

You have presented your documents, and your case last time very clearly, and I certainly do recall that you did.

Documents
Not
Evidence
was
produced
in the
SHEP
Court.
Hearings

When you represent yourself, you are held to the same standard as if you are an attorney. So I have to follow the same standards as far as the rules of law and the rules of procedure, as far as that is concerned.

Whether you are an attorney or not, everybody is held to the same standard.

Errata
Judge's Quote the Law

I do recall in earlier reviewing your documentation and the pleadings, and I thought that my ruling was accurate.

Judge
Admits
to

I stand by that ruling.

Reviewing
plt's Documents
but this

As far as having counsel draft a proposed Order, that is very customary, especially since I don't have a law clerk.

Transcript
Claims
NO,
Documents
were
provided

With the volume of cases that sometimes come in, it really just puts extra work on them. It doesn't make them change the facts or change the law, because I certainly review everything that is submitted before it is signed.

got on Paid for a
Law Clerk job duties.
Lawyer acted as
Judge's Law Clerk
accounting to
Judge

Judge's
Rulings
in
written Orders
agreed!
Plenary
ruled on
Judge's
Disqualification

So I would respectfully deny your motion to reconsider.

MR. NORTON: Thank you, Your Honor.

Showing
Bias

Judge Admits to personal!
90 pers - lawyers) did show
for Judge's preference shows
AUS 9 be as conducted
and personal interest yours.

Exh. XXVIII

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MR. RISER: Thank you, Your Honor.

MR. NORTON: Your Honor, would you like me to
~~draft another Order?~~

THE COURT: It you would just draft a short form
Order, that would be great.

-----END OF REQUESTED TRANSCRIPT OF RECORD-----

Agrees
50
70
Consult.
pro
se
J.H. W Haley

Attorney
Showing
special
for
Judge -
Judge
Adv Nat
Request
second!
dependent
to
Man
up
to
Order
to
Be
signed
Send
Both
dependent's
Had
Attorney

12 Independent!
in this said case matter...

EXH. XXIX

CERTIFICATE

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I, HARRIET P. BENNETT, Official Court Reporter for South Carolina Court Administration, hereby certify that the foregoing Transcript was prepared from the records of Harry A. Walker to the best of my ability, having been heard in the Court of Common Pleas, Non Jury, for Dorchester County, on August 29, 2012.

FURTHER, I certify that I am neither of kin nor counsel to any party to this action, nor do I have any interest in the same.

June 18, 2013

Harriet P. Bennett