

IN THE STATE OF SOUTH CAROLINA COURT OF APPEALS
Case no: 2012-213208

Pages 1 of 2
Attachments 2

Appealed DORCHESTER COUNTY CIRCUIT TRIAL COURT
LOWER COURT CASE NO: 2012CP1800539
Master of Equity/serving as Circuit-JUDGE MAITE D. MURPHY

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Roger L. Whaley _____ Petitioner/Appellant,

SEP 03 2014

vs.

SC Court of Appeals

SOUTH CAROLINA FEDERAL CREDIT UNION
and BANK OF AMERICA, _____ Respondent/Defendants.

73418

NOTICE from PETITIONER/APPELLANT/Whaley has (15) DAYS (Pursuant with SCACR 221)¹
(The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed...SHALL NOT Send the Remittitur to the Lower Court -
Since APPELLANT/Whaley will be filing a Writ of Certiorari/or/a Extraordinary Writ of Mandamus WITHIN the UNITED STATES SUPREME COURT²)

COMES NOW, the Petitioner/Appellant, Roger L. Whaley (a/k/a Appellant/Whaley), advising the said Appeals Court that (pursuant with SCACR 221(b), the Remittitur "...remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court... unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed..."; and according with this Appellate Court's attached "Remittitur" Letter to "Honorable Cheryl L. Graham" dated "August 28, 2014" shows ONLY THIS Appellate court's case no. 2012-213208, and the lower court case no. 2012-CP1800539, this Appeals Court based its "Remittitur" Letter dated "August 28, 2014" wrote that -"The above Referenced matter is hereby remitted to the LOWER COURT or TRIBUNAL. A copy of the JUDGMENT!! of THIS! COURT! is Enclosed." Therefore! this said Appeals Court's "Remittitur" Letter is base only! on (ONE) alleged Judgment sent to Appellant/Whaley, dated "August 28, 2014" From! THIS!! (Appellate) South Carolina Appeals COURT! is the attached Appeals "Order" dated "2/27/2014", which ruled!! ONLY within this Appellant/Roger's favor, as to DISMISSED!! ONLY! the Respondents! or Defendants!! filed Motion to Dismiss, which this Appeals Court's AUGUST 28, 2014 LETTER provided only the supportive case law, "...Henning v. Kaye, 307 S.C. 436, 437, 415 S.E. 2d 794 (1992)", which actually!! ruled! that...

"...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" 408 as to the Hennings".

WHEREFORE, Appellant/Whaley is advising this said APPEALS Court that Appellant/Whaley will be filing within the United States Supreme Court a Petition for Writ of Certiorari/or/an Extraordinary of Mandamus within the required (15) days from the date "August 28, 2014", since that said date is the only! last date in which this Appeals Court issued it last known order/or "Remittitur".

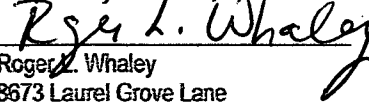
¹ scacr 221(b) Remittitur. The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal. If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.

² Although, in deciding appeals, the Supreme Court considers the transcript of the proceedings before the lower court, other relevant documents and exhibits... For those appeals which are decided by the Court of Appeals, an aggrieved party may seek a review of the decision of the Court of Appeals by filing a petition for a writ of certiorari with the Supreme Court... the Supreme Court may affirm, reverse or modify the decision of the Court of Appeals"; As this Lower Trial Court's "Remittitur" dated "August 28, 2014" ACKNOWLEDGES ONLY! ONE! Order or Judgment that it attached as being "...the JUDGMENT THIS COURT is ENCLOSED...", which is attached as Appellant/Whaley's exhibit, dated "2/27/2014", which that said Appeals Court's Order is dated MONTHS!! earlier!, which is indeed OVER 15 DAYS, in order for this Appeals Court to COMPLY with ANY this Appellate Court's Rule 221.

Please advise, if there is any other Order/or Judgment in which this Appeals Court has based its said decisions regarding this Appeals Court's "Remittitur" Letter involving the said Lower Trial Court, dated "August 28, 2014", since this Appeals Court's alleges that it only provided a COPY/attached of this Appeals Court ORDER/or "Judgment of ATHIS Court is ENCLOSED" which is dated 2/27/2014, and is indeed! written OVER (6) months ago signed by this said Appeals Court, and therefore, that said dated Letter "August 28, 2014" is shown ONLY as an (alleged! TIMELY Acknowledgment stating this Appeals Court "...Remitted to the Lower Court or Tribunal..."), and that said dated "Remittitur" (dated August 28, 2014) also NEVER had ANY written supported LAW, nor ANY supportive RULE, which does not comply with this said Appeals Court's Rules and Procedures, nor! with the terms of an "Remittitur" notice/or letter pursuant with SCACR Rule 221.

September 2, 2014

Respectfully submitted,


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

CERTIFICATE OF SERVICES

I declare that all proper parties has been faxed, mailed and/or hand-delivered this said "NOTICE from PETITIONER/APPELLANT/Whaley has (15) DAYS (Pursuant with SCACR 221)... **SHALL NOT Send the Remittitur to the Lower Court... until the time to petition for a writ of certiorari**"/and or filing an **Extraordinary Writ of MANDAMUS** within the **UNITED STATED SUPREME COURT**, which has been contacted in reference to Appellant/Whaley filing of his said Extraordinary writ of Mandamus.

cc: Drew Hamilton Butler, Esquire,
 Erik Tison Norton, Esquire,
 Jody Alan Bedenbaugh,
 Sheila M. Bias

Attachments/Enclosure: Two Exhibits dated August 28, 2014, and 2/27/2014

ATTACHMENTS - 2



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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August 28, 2014

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SEP 03 2014

The Honorable Cheryl L. Graham
5200 E Jim Bilton Blvd
St George SC 29477-8020

SC Court of Appeals

REMITTITUR

Re: Roger Whaley v. SC Federal Credit Union
Lower Court Case No. 2012CPI800539
Appellate Case No. 2012-213208

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

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

The South Carolina Court of Appeals

Roger L. Whaley, Appellant,

RECEIVED

v.

SEP 03 2014

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

SC Court of Appeals

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).

Joseph M. Custer AS
FOR THE COURT

Columbia, South Carolina

cc:

Roger L. Whaley
Drew Hamilton Butler
Erik Tison Norton
Jody Alan Bedenbaugh
Sheila Marlouvon Bias

FILED

2/27/14