

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

71613

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

Appellate Case No. 2013-002794

Regiina M. Hunter.....Appellant.

v.

Sammie Taylor.....Respondent.

MOTION FOR REINSTATEMENT

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SC Court of Appeals

PARTIES TO THE PROCEEDING

The Petitioner here and in the South Carolina Court of Appeals, is a citizen of the United States of America.

The Respondent here is as follows: Sammie Taylor. The Counsel on Record is Dwight C. Moore, Esquire.

The other parties to the matter before the Court are The Honorable James C. Campbell, Sumter County Clerk of Court, The Honorable W. Jeffrey W. Young, Third Circuit Judge; and The Honorable Kristi F. Curtis, Chief Magistrate for Sumter County Summary Court.

The Petitioner contends that Sumter County South Carolina Government is an interested party.

- 1) The County of Sumter is a political subdivision of the State of Carolina; a “body politic and corporate” according to S.C. Code § 4-1-10.
- 2) The Sumter County South Carolina Government is established and authorized under S.C. Code § 4-9-30.¹ The County of Sumter is listed as the 100% tax-exempt owner of Sumter County Judicial Center on the property card available online.² The parcel number is 2490902002.
- 3) The County has covenanted to comply with requirements of the nondiscriminatory regulations of the Internal Revenue Code of 1986 in the conduct of business when it Issued municipal bonds against the full faith, credit, resources and taxing power of the County.

1. Sumter County South Carolina Government, About Us: Laws Governing Sumter County South Carolina, available at <http://www.sumtercountysc.org/?Q=about/laws-governing-sumter-county-south-carolina> (Last Visited March 14, 2014).

2. Sumter County South Carolina Government, Sumter County, Electronic Government Access, Property Cards, available at <http://www.sumtercountysc.org:8080/egsv2smtr/pcsearch.do> (Last Visited March 14, 2014).

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SC Equal Enjoyment and Privileges to Public Accommodation Law § 45-9-30
South Carolina the Religious Freedom Restoration Act of 1993
South Carolina Victim's Bill of Rights Act

Other Authorities

U.S. Const. amend I
U.S. Const., amend. XIV, §1
U.S. Const., amend V
S.C. Const, Art. 1, § 2, §3
S.C. Const, Art. V, § 4
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S.C. Code Ann. § 14-8-200 (a) (1979)
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JURISDICTION

Pursuant to Rule 204(a), SCACR, The Supreme Court of South Carolina transferred this appeal to the South Carolina Court of Appeals in an order dated January 3, 2014. Accordingly, under S.C. Code Ann. § 14-8-260 (1979), this Court has jurisdiction “in the event the Supreme Court determines that a notice of appeal should have been filed with the court of appeals, it shall issue an order transferring the case to the court of appeals.”

Accordingly, under S.C. Code Ann. §14-8-200, this Court has jurisdiction “over any case in which an appeal is taken from an order, judgment, or decree of the circuit court...”

On March 3, 2013, the Court issued and filed an order to dismiss the notice of appeal. Rule 260, SCACR vest appellate jurisdiction with the Court of Appeals to reinstate case upon good cause shown, after notice to all parties, when a motion to reinstate the appeal has been actually received by the Court within fifteen (15) days of the filing of order of dismissal (the day of filing being excluded).

Further, under S.C. Code Ann. §18-9-270, this Court has the authority to “reverse, affirm or modify the judgment, decree, or order appealed in whole or part and as to any or all of the parties...” with remittitur to the lower court for enforcement according to law.

ARGUMENTS
[Statement of Points]

With the Name of Allah, Most Gracious, Most Merciful, Pursuant to Rule 260, SCACR, Appellant, Regina M. Hunter, respectfully petitions this Honorable Court for the reinstatement of her Notice of Appeal with extraordinary good cause.

Although, the Court dismissed the Petitioner's Notice of Appeal for failure to timely file, pursuant to Rule 203 (d) (3), SCACR, the case should be reinstated under Rule 260, SCACR with extraordinary good cause. The Petitioner understands the timely notice of appeal is a non-waivable jurisdictional requirement and sets forth her reasons why a reinstatement should be granted below.

- Argument 1: Exhaust Administrative Remedies Doctrine
- Argument 2: Inconsistent Security Policies in Courthouse Buildings
- Argument 3: Lack of Uniformity of the Courts Decisions
- Argument 4: Substantial Constitutional Issues Are Involved
- Argument 5: Abuse of Discretion in Lower Courts
- Argument 6: Reinstatement Would Not Prejudice Any Party
- Argument 7: Delay Not Due to Petitioner's Culpable Negligence
- Argument 8: Petitioner's Rights in Circuit Court Was Affected by Race or Color
- Argument 9: Sumter County Government, a "Body Politic & Corporate" is an Interested Party
- Argument 10: Supreme Court Exercised Personal Jurisdiction Over the Parties
- Argument 11: Denial of Petitioner's Right to Prosecute Her Matter on Her Own Behalf
- Argument 12: Circuit Court Clerk Breach of Responsibilities to Perform Services

Argument 1: EXHAUST ADMINISTRATIVE REMEDIES DOCTRINE

- 1) The Court should reinstate the case because despite Petitioner's adherence to The Supreme Court of South Carolina's formula for redress of her constitutional rights, the lower court continued to restrict and burden the exercise of her religious freedoms on June 17, 2013. A copy of the February 26, 2013 Supreme Court order is attached (see Appendix A).
 - a) The February 26, 2013 order instructed the Petitioner to address her concerns with the Clerk of Court, Mr. James C. Campbell and then if necessary, the Third Circuit Administrative Judge, the Honorable George C. James.
 - b) On March 6, 2013, the Clerk of Court sent a vague, non-specific letter that failed to address the court bailiff's conduct. The letter neither provides assurance for her safety from reprisals (see Appendix B).
 - c) In his letter dated April 29, 2014, Judge James failed to exercise his authority to remove the court bailiff (see Appendix C)
- 2) After suffering assault and intimidation on account of wearing her hijab, the Petitioner was justifiably concerned for her safety and acts of reprisal. On June 20, 2013, she sought and was denied a stay of proceedings in the June 28, 2013 South Carolina Supreme Court order. Thereafter she sought the intervention of more than seven state government agencies for more than six months to no avail.
- 3) The Petitioner, in good faith, sought the intervention of 1) The Sumter County Sheriff's Office; 2) The Sumter County Council; 3) The Governor, Office of the Governor; 4) The South Carolina Governor's Office of the Ombudsman; 5) The South Carolina Court Administration; 6) The Office of the Governor, State Office of Victim Assistance and 7) The South Carolina Human Affairs Commission.
- 4) Reinstatement should be granted because the Court was not briefed on the statuses of the Petitioner's complaints of religious and racial discrimination with multiple federal and state agencies. Herein, the Petitioner provides supplemental information of the outcomes that the Court did not consider.

- a) Sumter County Sheriff, Mr. Anthony Dennis refused to charge the bailiff or even issue a complaint number for the record although the Petitioner filed an online complaint (for a copy of his letter July 2, 2013 see Appendix D)
- b) On July 5, 2013, the Petitioner wrote and received no response from Sumter County Council, Chair Mr. Larry Blanding. The Petitioner asked the Sumter Council under its current leadership to support religious freedoms and its own Proclamation issued on September 17, 2012 titled "*Citizenship Day and Constitution Week*" (see Appendix E) in conjunction with the national commemoration. Disappointingly, the Petitioner did not hear from the Council Chairman Mr. Larry Blanding. On September 23, 2013, the Petitioner wrote and received no response from Sumter County Council Member, District 1 representative, Mrs. Naomi Sanders.
- c) The Honorable Governor Nikki R. Haley, Office of the Governor cited the separation of powers doctrine and has declined intercession. The offices of the Governor have also yielded no resolutions.
- d) In her June 26, 2013 letter, Mrs. Debra Depra Curtis, Crime Victim's Ombudsman stated the Petitioner's complaint was outside the statutory jurisdiction of her office and forwarded the complaint to Court Administration (see Appendix F).
- e) On February 24, 2014, Mrs. Lena Grant, Program Assistant for the Office of the State Ombudsman confirmed that Court Administration received the Petitioner's information in their office on June 27, 2013. However, Mrs. Rosalyn W. Frierson, Director of Court Administration is mute towards the Petitioner and remains so now for nine months (see Appendix G).
- f) The Petitioner spoke with Dr. Larry Barker in The Office of the Governor, State Office of Victim Assistance. Dr. Barker, a very kind person, suggested contact with the State Ombudsman and Court Administration. Although helpful, as stated above both of these venues for dispute resolution were dead ends.
- g) Additional evidence that the Petitioner has exhausted her administrative remedies to address and resolve her complaint of discrimination with the Sumter County

Court of Common Pleas is illustrated by the “Notice of Right to Sue” issued by the South Carolina Human Affairs Commission on February 21, 2014. The Commission was unable to resolve the charge of discrimination made on July 22, 2013 (see Appendix H).

- 5) The Petitioner’s also sought assistance on the federal level. She contacted the U.S. Department of Health and Human Affairs (DHHS) from the onset of her grievance. The DHHS Office of Civil Rights transferred the Petitioner’s correspondence to the U.S. Department of Justice (DOJ), Civil Rights Division. When the Petitioner had not heard from DOJ after the brief government shutdown in October 2013, she wrote a follow-up letter to the Attorney General of the United States, Eric J. Holder, Jr. Mr. Michael L. Alston, Director of the U.S. DOJ, Office of Justice Programs—Office for Civil Rights (OJP-OCR) replied on October 24, 2013 (see Appendix I). Subsequently the Petitioner filed a formal complaint with the DOJ, Office for Civil Rights; Office of Justice Programs on February 21, 2004. The complaint is pending.
- 6) The exhaustive of remedies is a rule of comity, or courtesy.³ Then and now, it is the intention of the Petitioner to resolve her grievance with the lower court without litigation. Yet the lower court remains mute, unapologetic, non-conciliatory and unwilling to take corrective measures to prevent civil rights violations from occurring again.
- 7) At present, it is the Petitioner’s belief, the Commission improperly handled the her complaint depriving the Petitioner of the ability to develop a good case file from written statements, documents, exhibits and other items pertinent to the subject matter .
- 8) Further, the Petitioner has wrote to the Commission and Chair, Mr. John A. Oakland for reexamination with copy to the chairs of the SC House Ways and

1) West’s Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved; available at <http://legal-dictionary.thefreedictionary.com/Exhaustion+of+Remedies> (last visited March 18, 2014).

Means Committee and the SC Senate Finance. The Commission and board are established and derives its statutory authority from the SC Human Affairs Law— act of the State General Assembly appearing as Chapter 13 of Title I of the 1976 Code, as amended.

Argument 2: INCONSISTENT SECURITY POLICIES IN COURTHOUSE
BUILDINGS

- 1) The Petitioner was not obstructed in county's Summary Court, but in the Circuit Court. It is a fact that there are two different security practices towards public access to judicial services in Sumter County courts.
 - a. In actions before the Summary Court located at 115 North Harvin Street, the Petitioner was not required to pass through a metal detector or subject to a metal detector wand device screening.
 - b. In the building at 115 North Harvin Street, the Petitioner was able to bring her cell phone into the building and the contents of her personal belongings were not scrutinized or ever searched upon entry or randomly thereafter.
 - c. In Summary Court, the civil desk is located down a long corridor whereby patrons pass by offices occupied by Magistrates and other court personnel. In the Petitioner's opinion, this is not safe for the judges, court employees or the public.
 - d. The only time the Petitioner recalls she encountered deputy sheriffs is when Summary Court is in session and a judge is on the bench. Even then, the Petitioner only observed one deputy in a court populated by over 25 plus persons at roll call.
 - e. In the former building at 141 N. Main Street and the new Judicial Center at 215 North Harvin Street, the Petitioner observed multiple sheriff deputies and metal detectors at every entry point to the buildings and was subject to search.
 - f. In the Summary Court, the Petitioner observed persons become verbally aggressive and upset when making traffic ticket payments and annoyed with Magistrates on the bench while court is in session. On particular occasion, in a matter before the Court, the Petitioner was concerned for her own safety as well.
 - g. Were judges, court personnel and public safety in the building housing the Summary Court of less regard than the judges, court personnel and public in the former and new Circuit courthouse building? What impact, if any, did these

varying security policies bear on the Petitioner's ability to prosecute her appeal without unnecessary burdens upon her religious freedoms?

- i) On February 5, 2013, although the Petitioner successfully cleared security screening, Mr. Joseph Bradley, the head court bailiff, further security interrogation on the third floor indicates he lacked confidence in the Circuit courthouse' own security protocols.
- 2) In contrast to the Circuit Court, in the Summary Court, no judge or court personnel asked the Petitioner to ever remove her *hijab* or questioned why the Petitioner wore it. The free exercise of the Petitioner's religious beliefs was not restricted or burdened in the Summary Court building. Yet, the policies and treatment experienced in the Circuit courthouses were the complete antithesis. The experience of two different public access policies was then and still is perplexing.
- 3) In the July 2013 quarterly edition of "County Focus" the editor W. Stuart Morgan, III wrote the cover page article on the new Sumter County Judicial Center and Sheriff's Office. Mr. Morgan stated that:
 - a. "Sumter County's previous courthouse, built in 1907, was remodeled and enlarged during the early 1960s. But the historic courthouse was not designed to handle all of the security needs required under federal and state law for judges, court staff and jurors. In fact, the S.C. Supreme Court in recent years had directed counties across the state to address safety issues in courthouses."⁴
 - b. In the article, Mr. James Campbell alludes to the security deficiencies in the old building. He stated:
 - i) "It has been designed to meet the needs of our court staff, judges, attorneys and the public. It features advanced security and technological systems that should help ensure the utmost safety for all staff and court personnel, and the public."⁵
- 4) The August 31, 2005 SC Court Administration Court News reports on the creation of County Court Security Committees established to address security concerns pursuant

⁴ W. Stuart Morgan, III Editor. "*Sumter County's New Judicial Center and Sheriff's Office.*" County Focus Magazine. South Carolina Association of Counties. July 2013, p. 7.

to the provisions of SC Constitution Art. V, § 4. In part, the order (see Appendix J) signed by Chief Justice Jean Hoefner Toal states:

- a. “Each Court Security Committee shall be responsible for performing a security audit of each building where court is held. A comprehensive checklist will be provided to each committee to perform the assessment. The committee will also be responsible for developing a security plan for every facility where court is held.”
- b. At the time of this filing, the Petitioner has made a Freedom of Information Act request to the SC Court Administration for the right to inspect and copy of the Sumter County courthouses security plans as drafted and amended.
- c. The Petitioner hereby request leave of court to appendix those security plans, with notice to parties, if available before a decision, judgment, order is rendered by the Court.

ARGUMENT 3: LACK OF UNIFORMITY OF THE COURTS DECISIONS

- 1) Albeit a seemingly late appeal, the Court of Appeals decision to dismiss lacks uniformity with prior decisions of the Supreme Court. The Supreme Court prescribed a roadmap to a resolution to the Petitioner's grievance while the Court's dismissal order had the effect of finally deciding the Petitioner's appeal.
- 1) It was reasonable and fair for the Petitioner to seek the assistance of third parties to mediate her grievance with Court of Common Pleas. The circuit court clerk did not respond in writing to the Petitioner's grievance until March 6, 2013 after the Supreme Court ruling was made on February 26, 2013. Finding his response nonspecific and inadequate pertaining to the verbal assault and intimidation suffered on account of the free exercise of her religious freedoms, the Petitioner wrote the Third Circuit Administrative Judge George C. James. Likewise, his response was appalling and very disheartening. Instead of condemning discriminatory treatment, he instead lauded the court bailiff.
- 2) Similarly, circuit Judge Young's unwillingness to exercise his discretion to reopen his judgment, amend his decision or take new findings at his own discretion conflicts with February 26, 2013 Supreme Court of South Carolina order
- 3) The Supreme Court's February 26, 2013 order and the Sumter County Court of Commons Pleas February 26, 2013 judgment in the matter *Hunter v. Taylor*, 2012-CP-43-01965 occurred concurrently. The Petitioner was grateful to hear from the Supreme Court in writing as there was no written response from the lower clerk prior to the matter of *Hunter v. Taylor* being placed back on the appeals roster.
- 4) The Court of Appeals' order of dismissal overlooks the formula prescribed by the Supreme Court and the steps taken by the Petitioner to adhere to his formula.

Argument 4: SUBSTANTIAL CONSTITUTIONAL ISSUES ARE INVOLVED

Below, the Petitioner delineates the substantial constitutional issues involved in her claim of discriminatory treatment based on religion and race.

1. Petitioner asserts the violation of her First Amendment Rights, U.S. Constitution
2. Petitioner asserts the violation of her Fourteenth Amendment Rights, U.S. Constitution
3. Petitioner asserts the violation of her Fifth Amendment, U.S. Constitution;
4. Petitioner asserts violation of her civil rights, under The Civil Rights Act of 1964, Title II, and Title III (as amended) Public Accommodations and Facilities—prohibits discrimination in places of public accommodation because of race, color, religion, or national origin. Public facilities are facilities owned, operated or managed by state or local governments, like courthouses or jails.
5. Petitioner asserts violation of The Voting Rights Act of 1965 (as amended) which prohibits discrimination in voting practices or procedures because of race and color. The Act also prohibited literacy tests and poll taxes which had been used to prevent blacks from voting.
6. Petitioner asserts violation of her liberty under Article 1, Section 3 of the South Carolina Constitution states, in part—
 - “...the privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”
7. Petitioner asserts violation of The South Carolina Human Affairs Law § 1-13-20 declares the practice of discrimination against an individual because of race, religion, color, sex, age, national origin, or disability is unlawful
8. Petitioner asserts violation of The South Carolina Equal Enjoyment and Privileges to Public Accommodation Law: §45-9-30 the “Deprivation of right to equal enjoyment of and privileges to public accommodations [is] prohibited.”—

- “No person shall withhold, deny, or attempt to withhold or deny, or deprive, or attempt to deprive any person of any right or privilege secured by the provisions of Section 45-9-10; or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by the provisions of Section 45-9-10; or punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by the provisions of Section 45-9-10.”

9. Further, according to SC Equal Enjoyment and Privileges to Public Accommodations Law, §45-9-10 (A) and (C) S.C. Code of Laws.

- “(A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in Article 1 of this chapter, without discrimination or segregation on the ground of race, color, religion, or national origin.”
- (C) "Supported by state action" means the licensing or permitting of any establishment or any agent of an establishment listed above, subject to the exclusion provided in Section 45-9-20, which has or must have a license or permit from the State, its agencies, or local governmental entities to lawfully operate.”

10. Petitioner asserts violation of The South Carolina Religious Freedom Act—§ 1-32-40 titled “Restriction on state's ability to burden exercise of religion” states:

- “The State may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the State demonstrates that application of the burden to the person is:
 - (1) in furtherance of a compelling state interest; and
 - (2) the least restrictive means of furthering that compelling state interest.

11. The South Carolina Victim's Bill of Rights Art. 1, §24 (A) preserves and protects victims' rights to justice and due process regardless of race, sex, age, religion, or economic status. It further defines a 'victim' as "a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a crime against him." Despite sufficient evidence the Sumter County Sheriff's Office failed to conduct a full and complete investigation.

Argument 5: ABUSE OF DISCRETION IN LOWER COURTS

- 1) Judge W. Jeffrey Young under Article V, Sec. 20 of the South Carolina State Constitution had the same powers in Chamber as in open court.
 - a. Judge Young should have decided the Petitioner's the Motion for a New Trial, Motion to Alter or Amend Judgment in chamber to expeditiously discharge an appeal of a complaint of harassment and stalking from the Summary Court.
 - b. The Petitioner originally submitted a form motion to be heard in chamber on March 13, 2013. However, at its discretion, the at-large Judge W. Jeffrey Young, Jr. decided not to render decision in chamber, but deliberately delayed a complaint regarding harassment for more 85+ days.
 - c. Deputy Clerk, Sherry Yow admitted in open court that she failed to issue notice of hearing to the Respondent for the January 8, 2013 hearing. The Deputy Clerk further failed to indicate the correct date and time stamp on the Petitioner's March 13, 2013 filing, and did not process the Petitioner's form motion.
- 2) Chief Magistrate Kristi F. Curtis, a party to the appeal before the Circuit Court, did not within her own discretion recuse herself from hearing the Petitioner's second complaint of harassment/stalking, but rather mishandled the Petitioner's right to notice of hearing.
- 3) Was it a conflict of interest for the Chief Magistrate Curtis to presiding over the second complaint of harassment/stalking when the Summary Court was a party to the matter on appeal in the Circuit Court?

Argument 6: REINSTATEMENT WOULD NOT PREJUDICE ANY PARTY

- 1) A reinstatement of the case would not prejudice any party because the constitutional issues surrounding the Petitioner's access to the courts do not pertain to the subject-matter in *Hunter v. Taylor*, 2012-CP-43-01965 before the lower court.
- 2) Judge Young's order to dismiss the appeal for failure to prosecute was premature, in consideration of the concurrently Supreme Court order issued on February 26, 2013.
- 3) The Petitioner believes that failure to prosecute should be reserved for egregious situations where the party has repeatedly failed to comply with SCRCF.
- 4) As the lower court(s) case history demonstrates, it's the Respondent who repeatedly failed to appear. The case history demonstrates that Petitioner fulfilled her obligation to diligently pursue the prosecution of my appeal in a timely fashion until her ability to do was obstructed, hindered, impeded, hampered by discriminatory treatment on the basis of religion and race.

ARGUMENT 7: DELAY NOT DUE TO PETITIONER'S CULPABLE NEGLIGENCE

- 1) The Petitioner worked to save the case, the delay is not due to the Appellant's culpable negligence.
 - a. The Petitioner contends that there is ample evidence that she diligently prosecuted her case.
 - b. The Plaintiff's track record of compliance with rules pertaining to service upon the Defendant is a fact.
 - c. As a Plaintiff, in circuit court, she respectfully move the Court for an order for a new trial or to alter or amend judgment, pursuant to Rule 59(a), (b), (e) SCRCF which permits the Court to take additional testimony, to amend or make new findings and conclusions of law, and direct the entry of a new judgment. Her motion was filed in accordance with Rule 59(b) and Rule 52(b) SCRCF that requires in non-jury matters that a motion be made within 10 days after receipt of written notice of entry of judgment or of the filing of an order disposing of the action.
 - d. The Plaintiff was present at the hearing schedule on January 8th when the Clerk's office omitted sending notice to the Defendant.
 - e. On February 8th, the Plaintiff moved for a continuance in open court when distraught over treatment from court personnel.
- 2) Indeed, the Plaintiff was not slack concerning the prosecution on her case, but vigilant. Plaintiff's rights to prosecute her appeal were encumbered absent remedy from the Sumter County Clerk of Court with original jurisdiction.

Argument 8: PETITIONER'S RIGHTS IN CIRCUIT COURT WAS
AFFECTED BY RACE OR COLOR

1. On February 5, 2013, the head court bailiff, Mr. Joseph Bradley interrogated the Petitioner's literacy. When the Petitioner asked Mr. Joseph Bradley for his name, Mr. Bradley pulled his name badge on his jacket lapel closer to the Petitioner's face and asked whether she could read. The Petitioner believes her literacy level was questioned on account of her race.
2. S.C. Const. Ann. § 14-1-100 (1962) is titled "Rights in court shall not be affected by race or color" and states:
 - a. "Whenever authority has heretofore been conferred by law upon any free white person or persons to institute any suit or proceedings or to prefer any information or complaint in any matter, civil, penal or criminal, the same rights shall be enjoyed by and the same remedies shall be applicable to all persons whatsoever, regardless of race or color, subject to the same conditions and none other."
3. The Voting Rights Act of 1965 prohibits discrimination in voting practices or procedures because of race and color. The Act prohibited literacy tests and poll taxes which had been used to prevent blacks from voting.
 - a. Although the Petitioner was not at the circuit court to vote, to register to vote, to update her voter registration with the Sumter County Voter Registration office housed in the same building, she was regarded as illiterate on account of her race by the head court bailiff.
 - b. As a constitutional officer, the county sheriff takes an oath of office according to §23-11-20 (S.C. Code of Laws) to preserve and protect and defend the Constitution of this State and of the United States." Both the State Constitution and the Constitution of the United States 1) uphold religious freedom and prohibit laws that prohibit the free exercise thereof; 2) guarantee it citizens 2) due process, equal protection of laws.

- c. Further, according to SC Code §16-17-560, 1(a) CDR 252 (Criminal Data Report Code), Assault or Intimidation On Account Of Political Opinions Or Exercise Of Civil Rights which is a Class B Misdemeanor states:
- i. “It is unlawful for a person to assault or intimidate a citizen, discharge a citizen from employment or occupation, or eject a citizen from a rented house, land, or other property because of political opinions or the exercise of political rights and privileges guaranteed to every citizen by the Constitution and laws of the United States or by the Constitution and laws of this State. The penalty for such offense is a fine of not more than \$1,000 or imprisonment for not more than two years, or both.”

Argument 10: SUPREME COURT EXERCISED PERSONAL JURISDICTION OVER
THE PARTIES

- 1) Although, the Court did not exercise original jurisdiction, citing Rule 245, SCACR in its February 26, 2013 order, it exercised personal jurisdiction over the parties to the case when Petitioner requested a change of venue.
- 2) Similarly, the Petitioner asserts that the Supreme Court exercised personal jurisdiction over the parties to the case when it issued its June 28, 2013 order denying a stay of proceedings.
- 3) The Petitioner argues that the number of contacts with the parties compels the lower court to adequately address her grievances.
- 4) After the June 17, 2013 incident, the lower court provided no explanation for the conduct of the court bailiff assigned to Courtroom #3b. The Circuit Court acted as if nothing occurred and scheduled the matter of *Hunter v. Taylor*, 2012-CP-43-01965, on the September event calendar.
- 5) On June 17, 2013, unable to gain escort back to the building from the City of Sumter Police Department and Sumter Sheriff's Office, the Petitioner was treated for chest pains at the Tuomey Healthcare System and diagnosed with an acute stress reaction.

Argument 11: DENIAL OF PETITIONER'S RIGHT TO PROSECUTE

- 1) The right to prosecute and defend oneself in a right preserved in the South Carolina State Constitution, S.C. Code Ann. § 40-5-80.
- 2) The lower court repeatedly denied the Petitioner's right of access to courtroom thereby denying her right to prosecute her matter on her own behalf.
- 3) The lower court failed to demonstrate it how the Petitioner's hijab created a compelling burden upon the courthouse security.
- 4) On each occasion, the Petitioner entered the Sumter County courthouse buildings, she successfully compiled with and met the requirements of the security screening procedures.
- 5) The Petitioner is aggrieved because there is a lack of fair play. Unlike the lower court, the Petitioner did not abridge the Court's right to due process of the Lower Court when she sought to resolve her grievance before the South Carolina Human Affairs Commission.

Argument 12: CIRCUIT COURT BREACH OF RESPONSIBILITIES TO
PERFORM SERVICES

- 1) The Sumter County Clerk of Court is in fundamental breach of his responsibilities to perform the services the Petitioner paid for.
 - a. The Petitioner asserts there is an express contract between her and the Circuit Court as a receipt was issued for \$150 in acceptance of her filing notice of appeal from the Summary Court; 2) a receipt was issued for \$25 for her filing a post-trial Motion for a New Trial/Motion to Amend or Alter Judgment; and 3) a receipt was issued for \$25 for her to file a Motion to Withdraw when the Court failed to perform its services.
- 2) Similarly, the Third Circuit Administrative Judge failed to exercise his discretion to remove the court bailiffs or remedy past injuries.
 - a. According to South Carolina Code of Laws, Title 14. Courts: Chapter 15. Court Stenographers and Bailiffs, Article 3. Bailiffs (SC Code §14-15-210) that bailiffs are appointed by the Sumter County Sheriff's Department and may be removed by the circuit judge within his discretion.
 - b. According to South Carolina Code of Laws, Title 14: Courts: Chapter 9: County Courts (SC Code §14-9-100) that the presiding judge of the county appoints a sufficient number of bailiffs to attend upon the court.
- 3) The lower Court's indifference to work towards a final resolution has denied the Petitioner's right to prosecute her matter on appeal and lessen the Court's ability to address a serious complaint of harassment in a timely fashion. The Petitioner paid \$200

in filing files and other legal costs but never had her appeal decided in chamber or in open court.

WHEREFORE, I, Regina M. Hunter, pray for an order reinstating the Notice of Appeal. *Indeed, Allah is All-Hearing, All-Knowing, All-Seeing, Full of Strength, Able to Enforce His Will.*

March 18, 2014

17 Jumada Al-Awwal, 1435 A.H.



Regina M. Hunter

3390 Highway 261 North

Rembert, South Carolina 29128-

8540

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Appellant, Pro-Se

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

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Case No. 2012-CP-430-1965

Regina M. Hunter,

Appellant.

v.

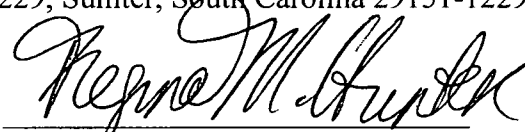
Sammie Taylor,

Respondent.

PROOF OF SERVICE (1)

In the name of Allah, the Most Gracious, the Most Merciful, I certify that I have served the Petition for Reinstatement on Sammie Taylor by depositing a copy of it in the United States Mail, postage prepaid, on March 18, 2013, addressed to his attorney of record, Dwight C. Moore, Moore Law Firm, 26 North Main Street, P.O. Box 1229, Sumter, South Carolina 29151-1229.

March 18, 2013
17 Jumada Al-Awal, 1435A.H.



Regina M. Hunter
3390 Highway 261 North
Rembert, South Carolina 29128-8540
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Appellant

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MAR 18 2014
SC Court of Appeals