THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Clifton B. Newman, Circuit Court Judge

Opinion No. 2014-UP-365 (S.C. Ct. App. filed October 22, 2014)

Fatima Karriem, through her court-appointed guardian, Phillip Simmons,.....Petitioner,

v.

Sumter County Disabilities and Special Needs Board,..... Respondent.

PETITION FOR WRIT OF CERTIORARI

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December 18, 2014

Professional Services of Tuomey
P.O. Box 162145
Atlanta, Georgia 30321-2145

RE: Our Client: Annette Boyd
Incident Date: 9/24/2014
Date of Service: 9/25/2014

Dear Sir/Madam:

This office has been retained to represent the above named individual for injuries suffered as a result of an automobile wreck which occurred on the above captioned date.

Please provide copies of my client's complete itemized bill for treatment, your UB-92 and/or the CMS 1500/HCFA, for services rendered to date. Enclosed is an authorization, signed by my client, allowing me to receive this information.

With warm regards, I am

Sincerely,

Mary J. Johnson
Paralegal to J. Thomas McElveen, III

/mjj
Enclosure as cited above

CERTIFICATE OF COUNSEL

Counsel for Petitioner certifies that the Petition for Rehearing was denied by the Court of Appeals on November 21, 2014.

QUESTIONS PRESENTED

I. DID THE COURT OF APPEALS ERR IN HOLDING THAT NO GENUINE ISSUE OF MATERIAL FACT EXISTED AS TO WHETHER THE RESPONDENT WAS GROSSLY NEGLIGENT IN FAILING TO PROTECT, SUPERVISE, AND MONITOR THE PETITIONER?

II. DID THE COURT OF APPEALS ERR IN HOLDING THAT THE PETITIONER FAILED TO PLEAD A PREMISES LIABILITY CAUSE OF ACTION, THAT THE PETITIONER'S PREMISES LAIBILITY CAUSE OF ACTION WAS NOT RULED UPON BY THE CIRCUIT COURT, THAT THE PETITIONER'S PREMISES LIABILITY CAUSE OF ACTION WAS NOT PROPERLY PRESERVED FOR APPEAL, AND THAT SUMMARY JUDGMENT WAS PROPERLY GRANTED BY THE CIRCUIT COURT ON THE PETITIONER'S PREMISES LAIBILTY CAUSE OF ACTION?

STATEMENT OF THE CASE

Fatima Karriem is a severely handicapped female, who has mental retardation functioning in the profound range intellectually and the severe range adaptively, cannot talk, and requires constant monitoring, assistance, and supervision. Fatima has a history of aggressive behavior, and has a very large personal space zone and can be very shy and skittish when others approach her closely. [R. at page 153-155]. For approximately a ten (10) year period prior to April 25, 2006, Fatima had been a client/patient of the Respondent, and was always under the care, supervision, custody, and control of the Respondent's employees, while she was at their facility in Sumter County. [R. at page 153-155].

On or about April 25, 2006, Fatima was attending the day program at the Respondent's facility, and was under the care, supervision, custody, and control of the Respondent's employees when she was seated outside in the loading and unloading area of the Respondent's facility. [R. at p.153-155]. While she was seated outside in the loading and unloading area of

the Respondent's facility, she was approached from behind by another consumer at the Respondent's facility, became startled, stood up from her seat and began to run away, and as she was running, she tripped and fell over a water hose that was lying on a sidewalk in the loading and unloading area of the Respondent's facility. [R. at page 60-61]. As a result of her fall, Fatima suffered cuts to her face and a broken arm. At the time of her fall at the Respondent's facility, the Respondent's employee attempted to examine Fatima, but was unable to examine her. [R. at p. 61]. Following Fatima's fall, the Respondent's employees provided no additional medical assistance and made no attempts to contact anyone about Fatima's fall or injuries.

After Fatima fell on April 25, 2006, she was transported home, where she lives with her uncle, Phillip Simmons, from the Respondent's facility. [R. at page 61]. After arriving home, Fatima began acting uncharacteristically, and appeared to be in distress. [R. at page 61]. Due to Fatima's abnormal and uncharacteristic behavior, Phillip Simmons sought medical attention for Fatima, and learned from her medical providers that she had suffered radial/ulnar shaft fractures of her right arm, which required surgical intervention and further medical treatment. [R. at page 61]. At no time was Phillip Simmons ever informed by the Respondent that Fatima had fallen and may have been injured.

On April 27, 2006, Phillip Simmons contacted the Respondent in an attempt to discover the cause of Fatima's broken arm and to inquire about her daily activities. At this time, Phillip Simmons was notified by the Respondent that Fatima had fallen on or about April 25, 2006 at the Respondent's facility. The Respondent provided no reason or excuse to Mr. Simmons for their failure to contact him regarding Fatima's fall.

In light of all these facts and circumstances, on April 24, 2008, the Petitioner filed a Summons in Complaint against the Sumter County Disabilities and Special Needs Board. The

Petitioner's Complaint alleged both common law and statutory causes of actions involving negligence and gross negligence. On November 11, 2008, the Sumter County Disabilities and Special Needs Board filed its Answer. On March 16, 2012, the Sumter County Disabilities and Special Needs Board filed a motion for summary judgment that contained no basis for its motion other than stating that no genuine issues of material fact existed. At that time, no memoranda or affidavits accompanied the Sumter County Disabilities and Special Needs Board's motion for summary judgment. On July 9, 2012, a hearing on the Sumter County Disabilities and Special Needs Board's motion for summary judgment was held before the Honorable Clifton B. Newman. On the day of the hearing, the Respondent provided a Memorandum in Support of its Motion for Summary Judgment, which contained the basis of its Motion for Summary Judgment. In anticipation of the Sumter County Disabilities and Special Needs Board's motion for summary judgment, the Petitioner prepared a Memorandum in Opposition to the motion for summary judgment. Following the arguments at the July 9, 2012 hearing, the Petitioner provided the Court with a Supplemental Brief in Response to the Sumter County Disabilities and Special Needs Board's Summary Judgment arguments, and the Sumter County Disabilities and Special Needs Board was permitted to file a Reply Brief to the Petitioner's Supplemental Brief.

On October 3, 2012, the Sumter County Disabilities and Special Needs Board served an Order, signed by the Honorable Clifton B. Newman, granting summary judgment to the Sumter County Disabilities and Special Needs Board on the Petitioner. The court in granting the motion for summary judgment concluded that no genuine issues of material fact existed that demonstrated that the Sumter County Disabilities and Special Needs Board or its employees, agents, and /or servants acted in a negligent or grossly negligent manner. As a result of the

court's ruling, the Petitioner filed a Notice of Appeal on October 31, 2012 appealing the court's order.

The South Carolina Court of Appeals affirmed the judgment of the circuit court. Fatima Karriem, through her court appointed guardian, Phillip Simmons v. Sumter County Disabilities and Special Needs Board., Op. No. 2014-UP-365 (S.C. Court of App. Filed October 22, 2014.) The Petitioner petitioned for a rehearing. The request was denied on November 21, 2014.

ARGUMENTS

I. THE COURT OF APPEALS SHOULD HAVE HELD THAT GENUINE ISSUES OF MATERIAL FACT DID EXIST THAT THE RESPONDENT WAS GROSSLY NEGLIGENT IN FAILING TO PROTECT, SUPERVISE, AND MONITOR THE APPELLANT

Summary judgment was not appropriate on the Petitioner's claims against the Respondent for failing to protect, monitor, and supervise Fatima Karriem. Clearly, more than one reasonable inference existed as to whether the Respondent was grossly negligent in protecting, monitoring, and supervising Fatima Karriem in light of her physical and mental limitations as well as her special supervision requirements.

The South Carolina Supreme Court has defined gross negligence in a number of ways. In Anderson v. Ballenger, 166 S.C. 44, 55, 164 S.E. 313, 317 (1932), the South Carolina Supreme Court held that it was "the failure to exercise slight care." In subsequent cases, it has been defined as "the intentional, conscious failure to do something which it is *incumbent* upon one to do or the doing of a thing intentionally that one ought not to do." Richardson v. Hambright, 296 S.C. 504, 506, 374 S.E.2d 296, 298 (1988) (Emphasis supplied). The South Carolina Supreme Court has also stated that "[g]ross negligence is a relative term, and means the *absence of care that is necessary under the circumstances.*" Hicks v. McCandlish, 221 S.C. 410, 415, 70 S.E.2d 629 (1952) (Emphasis supplied).

"Gross negligence is ordinarily a mixed question of law and fact." Faile v. S.C. Dept. of Juvenile Justice, 350 S.C. 315, 334, 566 S.E.2d 536, 546 (2002) (citing Clyburn v. Sumter County School Dist. # 17, 317 S.C. 50, 451 S.E.2d 885 (1994)). "When the evidence supports but one reasonable inference, it is solely a question of law for court, otherwise it is an issue best resolved by the jury.... In most cases, gross negligence is a factually controlled concept whose determination best rests with the jury." *Id.* at 332, 566 S.E.2d at 545.

In Hollins v. Richland County Sch. Dist. One, 310 S.C. 486, 490, 427 S.E.2d 654, 656 (1993), the South Carolina Supreme Court held that whether the School District exercised "slight care" in sending a note home from school with an eleven year old girl informing the girl's mother that her daughter's bus privileges had been suspended was a question for the jury.[1] Specifically, the South Carolina Supreme Court held that it was for the jury to determine whether the School District's failure to ensure that the girl's mother received actual notice of her daughter's bus suspension constituted gross negligence. In footnote two (2) of the Hollins opinion, the South Carolina Supreme Court distinguished the factual circumstances of Richardson v. Hambright, 296 S.C. 504, 506, 374 S.E.2d 296, 298 (1988) that were held to constitute "slight care." The basis for the Court's distinction in addressing whether a jury question existed in determining whether the School District exercised "slight care" dealt with the young age of the girl who was killed in Hollins, as opposed to high school ages of the Plaintiffs in Richardson.

[1] In Hollins, an 11-year-old girl was killed while crossing a highway on her way home from school. Prior to her death, the girl's bus privileges had been suspended and a note had been given to the girl by her principal, but the note was never provided to the girl's mother.

As stated in the Hicks opinion cited above, in determining whether or not an entity has exercised slight care, consideration must be given to the factual circumstances of a particular case. This reasoning and analysis was applied in the Hollins decision, which held that the age of an individual was to be considered in determining whether slight care was exercised under the circumstances. Like the South Carolina Supreme Court's consideration of the child's age in Hollins, the lower court must consider the particular circumstances involved, including Fatima Karriem's age, her mental capacity, and her overall limitations, in determining whether or not the Sumter County Disabilities and Special Needs Board exercised slight care in monitoring, protecting, and supervising Fatima Karriem. As stated in the Respondent's Memorandum in Support of Summary Judgment, the Respondent acknowledged that Fatima has a number of physical and mental limitations as well as special supervision requirements. The Respondent knew Fatima could be easily startled and was skittish, yet they allowed her to be approached from behind by another consumer in an area that presented perils in her surroundings that she could not appreciate. [R. at page 153-155]. Specifically, Fatima was in an area that was used for loading and unloading vehicles, was or had been undergoing some landscaping, and had an item, such as a water hose, that was not properly stored and was lying about the area. By the Respondent's own admission, this created a fall hazard not only for Fatima, but for others as well. [R. at page 159].

These are certainly factual circumstances that should have been considered by the lower court in determining whether slight care was exercised by the Respondent in supervising, monitoring, and protecting Fatima Karriem from harm given all of her physical and mental limitations. For instance, Scotty Merritt testified that Fatima was non-verbal, could be aggressive, could become startled, and was not able to appreciate her surroundings like a normal

person. [R. at page 162-165]. He added that Fatima needed to be monitored, could not be left alone, and had different safety concerns than an ordinary person. [R. at page 165, lines 7-21 and page 171, lines 1-21.].

Joyce Jackson also testified that she was aware that Fatima had problems when individuals were in her personal space and that this could cause her to become startled. [R. at page 176, lines 7-10]. The Respondent's employees, by their own admission, were aware of and had personal knowledge of Fatima's limitations, her supervision requirements, her propensities to become startled when her personal space was invaded, yet the Respondent and the Respondent's employees had Fatima Karriem along several other customers at the facility in the loading and unloading area of the Respondent's facility, where landscaping work was being performed or had been performed and where equipment was lying about and not properly stored. This clearly presents genuine issues of material fact as to whether the Respondent was grossly negligent in supervising, monitoring, and protecting Fatima Karriem given her mental and physical limitations and propensities.

It is certainly forseeable that if a water hose is left lying about and is not properly stored, then someone could trip and fall and injure themselves. This is especially true for individuals with the physical limitations, mental capacity, and the propensity to become startled like Fatima Karriem. It is also clear that the Respondent's employees knew that the water hose was on the sidewalk in a high traffic area, that the area where Fatima was seated was or had been undergoing recent landscaping, that the water hose was not being used, that leaving the water hose on the sidewalk created a dangerous condition, and that consumers and other individuals at the Respondent's facility would likely encounter this condition. This also creates genuine issues

of material fact as to whether the Respondent's employees exercised "slight care" in supervising, monitoring, and protecting Fatima Karriem.

In his deposition, Scotty Merritt testified that he completed an Incident Report. Mr. Merritt testified that all landscaping in the area where Fatima fell had been completed, that the water hose was not being used at the time of Fatima's fall, that the water hose was not being used when he arrived after Fatima's fall, and that the water hose did not need to be left out if it was not being used. [R. at page 166-168]. Additionally, Mr. Merritt testified that the water hose was a trip hazard for not only Fatima, but that it could be a trip hazard for him as well. [R. at page 170, lines 7-25]. Despite recognizing that the water hose was a trip hazard, Mr. Merritt did not remove the water hose from the area following Fatima's fall. [R. at page 172, lines 1-23].

As stated earlier in the Petitioner's petition, Scotty Merritt's testimony regarding the storage of the water hose and the hazards that leaving it on the sidewalk presented to consumers at the Defendant's facility was corroborated by Joyce Jackson. Ms. Jackson acknowledged that if the water hose was not being used, then it should have been put away. [R. at page 177-178]. Ms. Jackson also testified that she did not know how long the water hose had been on the sidewalk in the loading area. [R. at page 177-178]. When questioned, Ms. Jackson also agreed that leaving a water hose on a sidewalk creates a trip hazard, which in turn creates a dangerous condition for a consumer at the Respondent's facility. [R. at page 178-179]. She confirmed that the Incident Report prepared by Scotty Merritt stated that water hoses are to be rolled up and/or put away until needed. [R. at page 180-181]. Ultimately, Ms. Jackson stated that in her opinion if the water hose was not being used, then it needed to be stored away, that leaving the water hose out could present a trip-and-fall hazard, and that leaving the water hose on the sidewalk

would make the consumers' use of the premises more dangerous than if it were put away. [R. at page 187].

In addition to her testimony regarding the storage of the water hose that caused Fatima's fall, Ms. Jackson testified that the incident report documenting Fatima's fall was not properly completed, that Fatima's family should have been contacted, but were not, and that these steps should both have been completed in accordance with the Defendant's policies and procedures. [R. at page 182-185].

Based upon the facts and circumstances surrounding the Respondent's knowledge of Fatima Karriem's mental and physical limitations and propensities combined with the facts and circumstances surrounding her fall and her injuries, there is clearly plenty of evidence that the Respondent acted in a grossly negligent manner in supervising, monitoring, and protecting Fatima Karriem, and, therefore, the Respondent's Motion for Summary Judgment should have been denied.

II. THE COURT OF APPEALS SHOULD HAVE HELD THAT THE PETITIONER DID PLEAD A PREMISES LIABILITY CAUSE OF ACTION, THAT THE PETITIONER'S PREMISES LAIBILITY CAUSE OF ACTION WAS RULED UPON BY THE CIRCUIT COURT, THAT THE PETITIONER'S PREMISES LIABILITY CAUSE OF ACTION WAS PROPERLY PRESERVED FOR APPEAL, AND THAT SUMMARY JUDGMENT WAS IMPROPERLY GRANTED BY THE CIRCUIT COURT ON THE PETITIONER'S PREMISES LAIBILTY CAUSE OF ACTION.

According to Rule 8 (a), South Carolina Rules of Civil Procedure, [a] pleading... shall contain (1) a short and plain statement of the grounds including facts and statutes upon which the court's jurisdiction depends unless the court already has jurisdiction to support it, (2) a short and plain statement of the facts showing that the pleader is entitled to relief, and (3) a prayer or demand for relief to which he deems himself entitled..." Additionally, Rule 8(f), South Carolina Rules of

Civil Procedure states that "[a]ll pleadings shall be so construed as to do substantial justice to all parties."

In the present case, the Petitioner clearly pled a cause of action for premises liability. Specifically, the Petitioner pled in Paragraph 5 of her Complaint that "[o]n or about April 25, 2006, Fatima was at the Defendant Sumter County Disabilities and Special Needs Board's facility as a client/patient, and was under the care and supervision of the Defendant Sumter County Disabilities and Special Needs Board and/or its employees and/or agents when, due to the negligence of the Defendant and its employees and/or agents, she suffered a fall which resulted in serious injuries." In Paragraph 9 of the Petitioner's Complaint, the Petitioner stated [t]he Defendant Sumter County Disabilities and Special Needs Board and/or its agents and/or employees owed a duty to Fatima under the common law as well as by statute and regulation. This duty includes, but is not limited to, one or more of the following:..." Paragraph 10 of the Petitioner's Complaint added "[t]he Defendant Sumter County Disabilities and Special Needs Board and/or its employees and/or agents breached their duty to Fatima, in one or more of the particulars set forth above, by negligent and grossly negligent conduct. Finally, the Petitioner stated in Paragraphs 11 and 12 of the Complaint that the negligent conduct of the Defendant was a proximate cause of the Petitioner's injuries and damages.

In order to properly "[p]reserve an issue for appeal, it must be: (1) raised to and ruled upon by the trial court, (2) raised by the appellant, (3) raised in a timely manner, and (4) raised with sufficient specificity." *S.C. Dep't of Transp. v. First Carolina Corp. of S.C.*, 372 S.C. 295, 301–302, 641 S.E.2d 903, 907 (2007) (citing Jean Hoefer Toal et al., *Appellate Practice in South Carolina* 57 (2d ed.2002)). In the present case, the Petitioner argued in her Memorandum in Opposition to Summary Judgment, at her oral argument, and in her Supplemental Memorandum

in Opposition to Summary Judgment that this was a premises liability case. [R. at pp. 114-152, R. at pp.188-198, and R. at pp. 20-56].

The Petitioner was not required to file a motion to reconsider because the cause of action for premises liability was properly raised before the Circuit Court and the Circuit Court judge ruled on the issue. In Judge Newman's Order dated September 24, 2012, he stated that he considered all oral arguments, briefs, and supplemental briefs in making his ruling. [R. at p. 1]. In the pleadings, at the oral argument, in the depositions taken by the Petitioner, and in all of the Memorandum in Opposition to Defendant's Motion for Summary Judgment, the cause of action for premises liability was raised to the Circuit Court.

It is clear that Judge Newman ruled on all of the causes of action pled by the Petitioner and that his ruling encompassed all causes of action, including premises liability. Specifically, Judge Newman's Order states "[t]here is no evidence to suggest the Defendant knew or could foresee that the Plaintiff would get startled, run from her chair to an area where yard work was being done and fall over a hose. There is no evidence Defendant or any staff member knew the hose was a trip hazard at the time the Plaintiff was injured..." [R. at p. 7]. Additionally, in his Order, Judge Newman stated that "[t]he Court also notes that the Plaintiff has failed to produce any evidence, be it expert witness testimony or reports, that the water hose created a danger or unsafe environment at the time the Plaintiff ran to the area where the hose was located and fell. While not controlling this Courts decision, the Court further notes our sister states have determined that a water hose lying in an open area, in plain sight was easily observable and did not create a foreseeable risk of unreasonable harm..." [R. at p. 7]. Finally, in his Order Judge Newman stated unequivocally that "[t]herefore, it is the ruling of this Court that all causes of action alleged as to the Sumter County Disabilities and Special Needs Board are hereby dismissed with prejudice, and

the Defendant's Motion for Summary Judgment is [granted]." [R. at p.11]. The Order sufficiently addresses the Petitioner's arguments to warrant the immediate filing of a notice of appeal. *See* Smith v. Squires Timber Co., 311 S.C. 321, 324, 428 S.E.2d 878, 879-880 (S.C., 1993).

Furthermore, not considering the Petitioner's cause of action for premises liability against the Respondent violates Rule 1, South Carolina Rules of Civil Procedure. Rule 1, South Carolina Rule of Civil Procedure states: "[t]hese rules govern the procedure in all South Carolina courts in all suits of a civil nature whether cognizable as cases at law or in equity, with the exceptions stated in Rule 81. They shall be construed to secure just, speedy, and inexpensive determination in every action."

For instance, the decision rendered by the Court of Appeals in its October 22, 2014 opinion will result in unnecessary and expensive litigation. Based upon the reasoning in the present case, common form orders or one sentence denied orders will all be called into doubt and will require a motion to reconsider be filed. This would result in unnecessary motions for reconsideration and will eliminate the ability of judges to issue one sentence denied orders.

The decision of the Court of Appeals is also unjust. A portion of this appeal is that the Circuit Court was wrong in granting summary judgment on the Petitioner's premises liability cause of action. It is clear that the premises liability issue was always before the Circuit Court. There were no deceptive tactics being employed by the Petitioner to avoid a ruling on the issue. The Court of Appeals' decision is unreasonable and unjust to the Petitioner because this is a case where an individual tripped and fell over a water hose and was injured. The Court of Appeals assumption that the Circuit Court overlooked and did not rule upon the premises liability claim asserted by the Petitioner is unfair, unjust, and could not be further from the truth.

For instance, the Respondent never raised issue preservation as a grounds to defeat or end the Petitioner's appeal. Had the Respondent believed that this was a grounds to end or defeat the Petitioner's appeal, the Respondent would have certainly raised this issue in its brief to the Court of Appeals. Clearly, by its own actions, the Respondent knew that the premises liability cause of action had been sufficiently raised and ruled upon by the Circuit Court; therefore, asserting an issue preservation argument would be disingenuous and contrary to the South Carolina Rules of Civil Procedure.

In Spence v. Wingate, 381 S.C. 487, 489, 674 S.E.2d 169, 170 (2009), "[t]he Court of Appeals held that an issue was not preserved for review because petitioner failed to file a Rule 59(e), SCRCP, motion to alter or amend the judgment. Initially, the Court of Appeals held the issue was not preserved because the trial judge did not mention petitioner's alternative theory of liability that, as a former client of respondents, the petitioner had a continuing fiduciary relationship with the respondents.

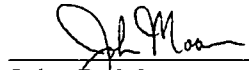
However, in Spence v. Wingate the South Carolina Supreme Court held that the Court of Appeals erred in finding the issue was not preserved for appeal. The trial judge's order granted the respondents' motion for summary judgment on *precisely* the grounds argued by the respondents at the summary judgment hearing. While that order did not restate the ground on which the petitioner opposed the motion—a duty based on the existence of a prior attorney-client relationship—the order explicitly addresses that argument by ruling the respondents "owed no duty or obligation" to the petitioner. The South Carolina Supreme Court held that the trial court's ruling was sufficient to preserve the petitioner's argument that the respondents owed a duty to the petitioner, and the petitioner was not required to file a Rule 59(e) motion to alter or amend in order to preserve the issue for appeal.

Just like the petitioner in Spence, the Circuit Court's ruling in the present case was sufficient to preserve the Petitioner's argument that the Respondent was negligent and breached its duty to maintain its premises, and this breach resulted in damages to the Petitioner. As stated above, Judge Newman's Order stated "[t]here is no evidence to suggest the Defendant knew or could foresee that the Plaintiff would get startled, run from her chair to an area where yard work was being done and fall over a hose. There is no evidence Defendant or any staff member knew the hose was a trip hazard at the time the Plaintiff was injured..." [R. at p. 7]. Additionally, in his Order, Judge Newman stated that "[t]he Court also notes that the Plaintiff has failed to produce any evidence, be it expert witness testimony or reports, that the water hose created a danger or unsafe environment at the time the Plaintiff ran to the area where the hose was located and fell. While not controlling this Courts decision, the Court further notes our sister states have determined that a water hose lying in an open area, in plain sight was easily observable and did not create a foreseeable risk of unreasonable harm..." [R. at p. 7]. Finally, in his Order Judge Newman stated unequivocally that "[t]herefore, it is the ruling of this Court that all causes of action alleged as to the Sumter County Disabilities and Special Needs Board are hereby dismissed with prejudice, and the Defendant's Motion for Summary Judgment is [granted]." [R. at p.11]. Just like the petitioner in Spence, the trial court's ruling in the present case was sufficient to preserve the Petitioner's argument that the Respondent was negligent and breached its duty to maintain its premises.

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for writ of certiorari.

Respectfully submitted,



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v.

Fatima Karriem, through her court-appointed guardian, Phillip Simmons,.....Petitioner.

PROOF OF SERVICE

I certify that I have served the Petitioner's Writ of Certiorari on the Respondent, by hand delivering a copy on December 19, 2014, addressed to their attorney of record, G. Murrell Smith, Jr., Esquire, at his office located at 126 North Main Street, Sumter, South Carolina 29150.

December 19, 2014
Date

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