

5
June 18, 2015

Beverley D. Wilson
P.O. Box 2865
Orangeburg, SC 29116
(803)682-0697
Email: wilsonfam63@yahoo.com

RECEIVED
JUN 19 2015
SC Court of Appeals

Mr. Paul B. Wickensimer
Greenville County Clerk of Court
305 E. North Street, Suite 232
Greenville, SC 29601

Re: Beverley D. Wilson, Appellant vs. Stephen P. Williams, Respondent
Original Case Number: 2013-CP-23-5177 (formerly Case Number: 2013-CP-40-3101)
Appellate Case No: 2013-002688

Dear Mr. Wickensimer:

I respectfully submit a copy of the letter submitted to the South Carolina Court of Appeals Clerk of Court, Jenny Abbott Kitchings along with copies of the items listed below in the above referenced Appellate Case:

MOTION FOR LEAVE OF COURT TO

1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION REHEARING OF APPEAL

MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE OF COURT TO

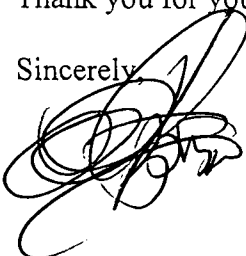
1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION REHEARING OF APPEAL

SOUTH CAROLINA COURT OF APPEALS JUDGMENT ORDER FILED MAY 6, 2015

Along with a copy of the Proof of Service submitted via Certified Receipt U.S. Mail to opposing counsel Mr. Michael D. Glenn, Esquire. Please time stamp these documents and immediately file them with the Greenville County Court.

Thank you for your attention in this matter,

Sincerely,



Beverley D. Wilson

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUN 19 2015

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

SC Court of Appeals

D. Garrison Hill, Circuit Court Judge

Appellate Case No: 2013-002688
Original Case No. 2013-CP-23-5177

Stephen P. Williams, Respondent,

v.

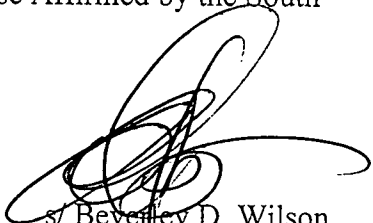
Beverley D. Wilson, Appellant.

MOTION FOR LEAVE OF COURT TO

1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION REHEARING OF APPEAL

I, Appellant Beverley D. Wilson, respectfully submit this Motion Leave of Court to Request Motion for Recall of Remittitur and Request Motion for Extension of Time to Petition Rehearing of Appeal in the above referenced case Affirmed by the South Carolina Court of Appeals May 6, 2015.

This 19th Day of June, 2015



s/ Beverley D. Wilson
Beverley D. Wilson
Post Office Box 2865
Orangeburg, SC 29116
(803) 682-0697
Pro Se Appellant

Other Counsel of Record:

Michael D. Glenn
Glenn, Haigler, and
Stathakis, LLP
121 West Benson Street
Anderson, SC 29624
Attorney for Respondent
(864) 226-1885
(864) 224-9677

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

JUN 19 2015

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Appellate Case No: 2013-002688
Original Case No. 2013-CP-23-5177

Stephen P. Williams, Respondent,

v.

Beverley D. Wilson, Appellant.

MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE OF COURT TO

1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION REHEARING OF APPEAL

I, Appellant Beverley D. Wilson, respectfully submit this Memorandum in Support of Motion for Leave of Court to Request Motion for Recall of Remittitur and Request Motion for Extension of Time to Petition Rehearing of Appeal in the above referenced case Affirmed by the South Carolina Court of Appeals May 6, 2015.

Appellant did not timely file Motion for Rehearing of Appeal per Rule 221 SCACR due to extreme extenuating personal circumstances, stringent time constraints to file legal documents in a concurrent legal case in which I am a Pro Se Plaintiff, now Pro Se Appellant, extremely limited finances stressed further secondary to preparing for a

jury trial April 22, 2015 in that case, in addition to being unaware that a rehearing of the denied appeal by the SC Court of Appeals was a mandatory requisite to Petition for a Writ of Certiorari from the SC Supreme Court per Rule 242 (c).

Briefly, Appellant had requested and had been assured a jury trial by the presiding judge of the concurrent case which was originally filed November 2013. On the first day of trial, April 22, 2015, the presiding judge reversed her granting of a jury trial and attempted to proceed with a bench trial. I adamantly objected, declined to proceed with the bench trial, and began diligent legal research to determine the most appropriate course(s) of action to secure my right to a jury trial and appeal my case to address other contended issues during court proceedings prior to the trial date.

In addition to intensely researching, presenting, and defending the merits of this concurrent case as a Pro Se litigant, Appellant is also the sole provider for three adult children, all of whom are in college with the oldest two graduating and preparing for graduate school. The eldest child requires additional care and assistance with all of his living expenses due to a recent exacerbation of his Post-Traumatic Stress Disorder. None of the children receive child support and our family is tremendously financially encumbered and disadvantaged. These expenses and the unexpected additional expenses required to file an appeal, request court transcripts and recordings of all proceedings and hearings in this concurrent case as well as time required to perform a thorough review of the appropriate legal statutes and tenets to properly prepare an appeal and perform a thorough review of the record, legal statutes and tenets for a petition by Appellant for possible sanctions of the judge in the concurrent

case for abuse of judicial process, denial of Appellant's right to a jury trial, judicial misconduct, and possible collusion with the Defendants while simultaneously:

(1) readying a Pro Se Petition for Writ of Certiorari to the South Carolina Supreme Court of the final order entered by the South Carolina Court of Appeals May 6, 2015 (same completed, but was unable to be filed with South Carolina Supreme Court June 5, 2015 due to absence of documentation of Denial of Rehearing per verbal communication with SC Supreme Court Clerk of Court office personnel per Rule 242(d)(1) SCACR); (2) preparing, filing, and litigating a separate case between myself as Pro Se plaintiff versus my ex-spouse/children's biological father early April to early May of 2015, following the conclusion of which in early May 2015, their biological father and his attorney asked Plaintiff if he could reinitiate contact with the now adult children of their union, the eldest two of whom he sexually abused. (Upon my presentation of their biological father's request to my children, each was significantly distressed emotionally for the ensuing several days as, for the last ten years, Plaintiff and her children have lived under the protection of a strict restraining order prohibiting all forms of contact physical, electronic or otherwise between my ex-spouse/their biological father as we have struggled to recover


from the devastating effects of years of sexual abuse and rape of the eldest child resulting in PTSD and severe anxiety in the second eldest child secondary to molestation by their biological father and his ex-girlfriend); (3) addressing concerns and disturbing effects of senile dementia in my elderly adopted father who has engaged of recent in very destructive behavior towards me and members of my immediate family; (4) ensuring emotional stability of my eldest child as he battles with PTSD, aggravated of recent, while struggling to complete his undergraduate degree and graduate this summer and attend graduate school this fall; (5) continuing to manage my relocated medical practice in Columbia, SC following armed robbery of my former medical practice December 2013 while living in Orangeburg, SC; and (6) preparing for the five year judicial review and dispositioning of the *prima facie* case in this appellate case which concluded May 24, 2010

have taken a very exacting toll emotionally and physically upon the Plaintiff resulting in emotional exhaustion and marked hypertension which, in addition to greatly diminished/strained finances, have limited Appellant's ability to complete the aforementioned tasks and timely present a Motion for Rehearing of my appeal to the South Carolina Court of Appeals.

Appellant solemnly petitions the SC Court of Appeals for Motion for Leave of Court to Request Motion to Recall Remittitur and Request Motion for Rehearing of my Appeal per Rule 221 (c) SCACR on the basis that the SC Court of Appeals misapprehended the facts of my case and the Issues and Arguments raised in Appellant's Appeal and that the SC Court of Appeal's Affirming of the lower court's decision would effectively Dismiss/end my case. Appellant begs the Court's Rehearing of all of the Issues as stated in the Appeal while reiterating all of the Arguments as stated in the Appeal and stating with emphasis that the Causes of Action cited in the Complaint along with the Respondent's actions/lack of action, lack of appropriate, effective legal representation significantly contributed to Appellant losing the *prima facie* case in this appeal, constituted legal malpractice, and placed Appellant in a greatly disadvantaged financial state making it nearly impossible for Appellant to timely pursue legal action and timely procure an Expert Witness and Affidavit from that Expert Witness in order to timely perfect her Complaint. The merits of Appellant's case are sound and, in the interest of justice, demand a jury trial to allow full adjudication of this case and the South Carolina Appeals Court should not allow Respondent to escape justice by benefit of the artifice of creating such a financially disadvantaged client (Appellant), that that client would not be able to seek legal remedy with a fully perfected Complaint (i.e., including attached Affidavit of Expert Witness) for the wrongs committed by Respondent prior to expiration of the statute of limitations in this case.

Appellant solemnly begs the Court's forgiveness for being unaware a Petition for Rehearing by the Court was absolutely mandatory in this case and prays the South Carolina Court of Appeals grants her Petition for Rehearing of her Appeal and Reverses the Ruling of the lower court.

This 19th Day of June, 2015



s/ Beverley D. Wilson

Beverley D. Wilson
Post Office Box 2865
Orangeburg, SC 29116
(803) 682-0697
Pro Se Appellant

Other Counsel of Record:
Michael D. Glenn
Glenn, Haigler, and
Stathakis, LLP
121 West Benson Street
Anderson, SC 29624
Attorney for Respondent
(864) 226-1885
(864) 224-9677



RECEIVED

JUN 19 2015

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 27, 2015

The Honorable Paul B. Wickensimer
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: Beverley Wilson v. Stephen Williams
Lower Court Case No. 2013CP2305177
Appellate Case No. 2013-002688

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: Beverley D. Wilson
Michael D. Glenn, Esquire
The Honorable D. Garrison Hill

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Beverley D. Wilson, Appellant,

v.

Stephen P. Williams, Respondent.

Appellate Case No. 2013-002688

Appeal From Greenville County
D. Garrison Hill, Circuit Court Judge

Unpublished Opinion No. 2015-UP-236
Submitted February 1, 2015 – Filed May 6, 2015

AFFIRMED

Beverley D. Wilson, of Orangeburg, pro se.

Michael D. Glenn, of Glenn, Haigler & Stathakis, LLP,
of Anderson, for Respondent.

PER CURIAM: Beverley Wilson sued her former attorney, Stephen P. Williams, for professional negligence. Wilson appeals the trial court's dismissal of her case, arguing it erred in (1) not considering her motion to add Haynsworth, Sinkler, Boyd, P.A., as a codefendant, (2) denying her motion to appeal the change of venue, (3) denying her motion to amend her complaint to add an expert affidavit,

and (4) granting Williams's motion to dismiss. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to the denial of Wilson's motion to add Haynsworth, Sinkler, Boyd, P.A., as a codefendant: *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("[A]n issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review."); *West v. Newberry Elec. Coop.*, 357 S.C. 537, 543, 593 S.E.2d 500, 503 (Ct. App. 2004) (stating where the trial court did not explicitly rule on the appellant's argument and the appellant did not raise the issue in a Rule 59(e), SCRCPP, motion to alter or amend the judgment, the issue was not preserved); Rule 59(e), SCRCPP ("A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order.").

2. As to the denial of Wilson's motion to appeal the change of venue: *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 93-95, 529 S.E.2d 11, 13-14 (2000) (finding an order affecting the venue of a case is not immediately appealable and may be appealed only after the case is concluded in the trial court).

3. As to the denial of Wilson's motion to amend her complaint to add an expert affidavit and the granting of Williams's motion to dismiss: *Rydde v. Morris*, 381 S.C. 643, 646, 675 S.E.2d 431, 433 (2009) ("On appeal from the dismissal of a case pursuant to Rule 12(b)(6), [SCRCPP,] an appellate court . . . construe[s] the complaint in a light most favorable to the nonmovant and determine[s] if the facts alleged and the inferences reasonably deducible from the pleadings would entitle the plaintiff to relief on any theory of the case." (internal citations and quotation marks omitted)); *Duncan v. CRS Sirrine Eng'rs, Inc.*, 337 S.C. 537, 542, 524 S.E.2d 115, 118 (Ct. App. 1999) ("Courts have wide latitude in amending pleadings and '[w]hile this power should not be used indiscriminately or to prejudice or surprise another party, the decision to allow an amendment is within the sound discretion of the trial court and will rarely be disturbed on appeal. The trial [court's] finding will not be overturned without an abuse of discretion or unless manifest injustice has occurred.'" (citation omitted) (quoting *Berry v. McLeod*, 328 S.C. 435, 450, 492 S.E.2d 794, 802 (Ct. App. 1997))); S.C. Code Ann. § 15-36-100(B) (Supp. 2014) ("[I]n an action for damages alleging professional negligence against a professional licensed by or registered with the State of South Carolina . . . , the plaintiff must file as part of the complaint an affidavit of an expert witness[,] which must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit."); S.C. Code Ann. 15-

36-100(G) (Supp. 2014) (stating section 15-36-100 applies to attorneys at law); S.C. Code Ann. § 15-36-100(F) (Supp. 2014) (stating if a plaintiff fails to file the required expert affidavit and, contemporaneously with its initial responsive pleading, the defendant files a motion to dismiss the complaint for failure to file the affidavit, the complaint cannot be renewed after the applicable period of limitation expires "unless a court determines that the plaintiff had the requisite affidavit within the time required pursuant to [section 15-36-100] and the failure to file the affidavit is the result of a mistake").

AFFIRMED.¹

SHORT, LOCKEMY, and McDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appellate Case No. 2013-002688

The Honorable D. Garrison Hill
Greenville County
Trial Court Case No. 2013-CP-23-5177

RECEIVED
JUN 19 2015
SC Court of Appeals

Beverley D. Wilson, Appellant,

v.

Stephen P. Williams, Respondent.

PROOF OF SERVICE

Beverley D. Wilson
Post Office Box 2865
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(803) 536-6008 (fax)
Pro Se Appellant

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STATHAKIS, LLP
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29624
Attorney for the Respondent
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(864) 224-9677 (office)
(864) 226-0561 (fax)

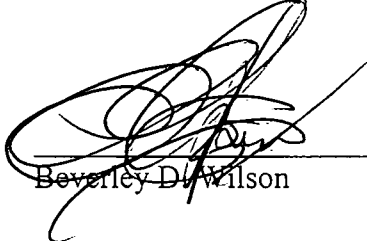
I hereby certify that copies of the following items:

1. Letter to South Carolina Court of Appeals Clerk of Court, Jenny Abbott Kitchings dated June 18, 2015;

2. Letter to Greenville County Clerk of Court, Paul Wickensimer dated June 18, 2015;
3. MOTION FOR LEAVE OF COURT TO SC COURT OF APPEALS TO
 1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
 2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION REHEARING OF APPEAL
4. MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE OF COURT TO SC COURT OF APPEALS TO
 1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
 2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION REHEARING OF APPEAL
5. SOUTH CAROLINA COURT OF APPEALS JUDGMENT ORDER FILED MAY 6, 2015

in the above action have been served upon opposing counsel by Certified Return Receipt U.S. Mail today

This 19th Day of June, 2015


Beverley D. Wilson

3
June 18, 2015

Beverley D. Wilson
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(803)682-0697
(803)536-6008 (fax)
Email: wilsonfam63@yahoo.com

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SC Court of Appeals

South Carolina Court of Appeals
Clerk of Court
Jenny Abbott Kitchings
1205 Pendleton Street
Columbia, SC 29201
(803)734-1890
(803)734-1839 (fax)

Re: Beverley D. Wilson, Appellant vs. Stephen P. Williams, Respondent
Original Case Number: 2013-CP-23-5177
Appellate Case No: 2013-002688

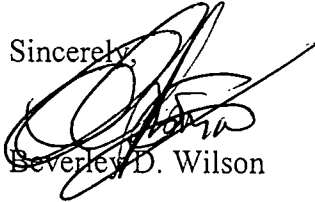
Dear Ms. Kitchings:

I respectfully submit for filing the original and six (6) copies of the following items listed below to be submitted to the South Carolina Court of Appeals in the above referenced case:

1. MOTION FOR LEAVE OF COURT TO
 1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
 2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION REHEARING OF APPEAL
2. MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE OF COURT TO
 1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
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3. SOUTH CAROLINA COURT OF APPEALS JUDGMENT ORDER FILED MAY 6, 2015

I enclose herewith a copy of the letter mailed to the Greenville County Clerk of Court, Paul Wickensimer today and a copy of the Proof of Service submitted via Certified Return Receipt in today's U.S. mail to Mr. Michael D. Glenn, Esquire. Please time stamp these documents and immediately file them with the South Carolina Court of Appeals.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly D. Wilson", written over the word "Sincerely,".

Beverly D. Wilson

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Appellate Case No: 2013-002688
Original Case No. 2013-CP-23-5177

Stephen P. Williams, Respondent,

v.

Beverley D. Wilson, Appellant.

MOTION FOR LEAVE OF COURT TO

1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
 2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION REHEARING OF APPEAL
-

I, Appellant Beverley D. Wilson, respectfully submit this Motion Leave of Court to Request Motion for Recall of Remittitur and Request Motion for Extension of Time to Petition Rehearing of Appeal in the above referenced case Affirmed by the South Carolina Court of Appeals May 6, 2015.

This 19th Day of June, 2015

s/ Beverley D. Wilson
Beverley D. Wilson
Post Office Box 2865
Orangeburg, SC 29116
(803) 682-0697
Pro Se Appellant

Other Counsel of Record:

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Glenn, Haigler, and
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