

INDEX

	Page
Certificate of Petitioner	i
Table of Authorities	iii
Questions for Review in the Petition	1
Statement of the Case	1- 4
Arguments	4 -9

Arguments

1. RESPONDENT’S LEGAL COMPETENCE, CONDUCT, AND ACTIONS IN HIS LEGAL REPRESENTATION AND ADVISING OF THE PETITIONER FELL FAR BELOW THE STANDARD OF CARE EXPECTED FOR SOUTH CAROLINA ATTORNEYS AND ROSE TO THE LEVEL OF LEGAL NEGLIGENCE AND LEGAL MALPRACTICE	4-5
2. THE GREENVILLE COUNTY COURT OF COMMON PLEAS ERRED IN NOT CONSIDERING THE EXTENT TO WHICH THE RESPONDENT’S ACTIONS AND MISCONDUCT CREATED EXTREME MITIGATING CIRCUMSTANCES FOR THE PETITIONER. THESE EXTREME MITIGATING CIRCUMSTANCES SHOULD HAVE BEEN GIVEN GREATER DELIBERATION IN THE GREENVILLE COUNTY COURT OF COMMON PLEAS’ CONSIDERATION OF PETITIONER’S MOTIONS FOR LEAVE OF COURT TO AMEND HER COMPLAINT, ADD AFFIDAVIT OF EXPERT WITNESS, AND ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT AND HER MOTION TO (SIC APPEAL) CHANGE VENUE OF THE WILSON VS. WILLIAMS CASE FROM GREENVILLE TO RICHLAND COUNTY	5-6
3. THE GREENVILLE COUNTY COURT OF COMMON PLEAS’ DISMISSAL OF PETITIONER’S COMPLAINT EXHIBITED A LACK OF JUDICIAL DISCRETION AND RESULTED IN A MISCARRIAGE OF JUSTICE	6-7
4. THE GREENVILLE COUNTY COURT OF COMMON PLEAS’ DENIAL OF PETITIONER’S MOTION TO ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT TO PETITIONER’S COMPLAINT FURTHER CONTRIBUTED TO THE MISCARRIAGE OF JUSTICE	7-9
Conclusion	9-11

TABLE OF AUTHORITIES

Page

CASES

Scognamillo vs. Olsen, 795 P.2d 1357, 1361 (Colo. App. 1990)..... 5

COURT RULES

ABA-MRPC Rule 2.1 5,6,7
Rule 3.4, RPC, Rule 407, SCACR 5
Rule 3.9, RPC, Rule 407, SCACR 5
Rule 8.4, RPC, Rule 407, SCACR 5,6,7

STATUTES

S.C. Code Section 15-7-30A(10) 8
S.C. Code Section 15-7-30A(11D1) 8
S.C. Code Section 15-7-100 8
S.C. Code Section 15-38-15(C)(3)(a) 8

QUESTIONS FOR REVIEW IN THE PETITION

1. IN THE WILSON VS. WILLIAMS CASE, DID THE HONORABLE JUDGE D. GARRISON HILL ERR IN EXERCISING JUDICIAL DISCRETION BY NOT GRANTING PETITIONER'S MOTION FOR LEAVE OF COURT TO ADD AFFIDAVIT OF PETITIONER'S EXPERT WITNESS?
2. DID THE HONORABLE JUDGE D. GARRISON HILL'S DISMISSAL OF PETITIONER'S COMPLAINT RESULT IN A MISCARRIAGE OF JUSTICE?
3. DID THE HONORABLE JUDGE D. GARRISON HILL ERR BY DISMISSING PETITIONER'S COMPLAINT AND NOT CONSIDERING PETITIONER'S MOTION TO ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT IN THE WILSON VS. WILLIAMS CASE SUPPORT A MISCARRIAGE OF JUSTICE?
4. DID THE HONORABLE JUDGE D. GARRISON HILL ERR BY NOT GRANTING PETITIONER'S MOTION TO ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT IN THE WILSON VS. WILLIAMS CASE OR ORDERING A CHANGE OF VENUE FOR THE WILSON VS. WILLIAMS CASE?

STATEMENT OF THE CASE

Petitioner filed original Complaint in Richland County Court of Common Pleas on May 22, 2013. Respondent filed an Answer to Complaint and a Motion to Dismiss along with a Motion to Change Venue to the Greenville County Court of Common Pleas on June 24, 2013.

On September 17, 2013, (sic) Order filed for hearing held August 28, 2013 before the Honorable Judge DeAndrea J. Benjamin of the Richland County Court of Common Pleas. The Court granted the Respondent's Motion to Change Venue from Richland to Greenville County, but did not hear the Respondent's Motion to Dismiss.

Respondent filed a Motion to Dismiss the Complaint with the Greenville County Court of Common Pleas on October 3, 2013.

Petitioner filed Motions for Leave of Court along with Memoranda in Support of Motions for Leave of Court to Amend Complaint, Add Affidavit of Expert Witness along with Motion and Memorandum in Support of Motion to Appeal Change of Venue with the Greenville County Court of Common Pleas on November 6, 2013.

Hearing was held November 12, 2013 in Greenville County Court of Common Pleas before the Honorable Judge D. Garrison Hill. The Court denied Petitioner's Motion to Amend Complaint, Add Affidavit of Expert Witness along with Petitioner's Motion to Appeal Change of Venue. The Court granted the Respondent's Motion to Dismiss the Complaint.

On November 18, 2013, Orders were filed with the Greenville County Court of Common Pleas. On November 26, 2013, Petitioner received written notification of the Orders filed with the Greenville County Court of Common Pleas.

Petitioner filed Notice of Appeal on December 18, 2013 with the South Carolina Court of Appeals. The South Carolina Court of Appeals granted Petitioner the right to appeal. Extreme extenuating circumstances prevented Petitioner from timely complying with Rules 208 and 209 of the South Carolina Appellate Court Rules to file and serve the Initial Brief and Designation of Matter.

On February 19, 2014, the South Carolina Court of Appeals dismissed Petitioner's Appeal due to Petitioner's failure to timely comply with Rules 208 and 209 of the South Carolina Appellate Court Rules.

On March 5, 2014, Petitioner filed Motion for Reinstatement of Appeals due to extreme extenuating circumstances that prohibited timely compliance with Rules 208 and 209 of the South Carolina Appellate Court Rules.

On April 11, 2014, Petitioner submitted request for court transcripts from the court transcribers from Richland and Greenville Counties Courts of Common Pleas.

On April 23, 2014, payments were tendered by Petitioner to the court transcribers from Richland and Greenville Counties Courts of Common Pleas. Transcripts were received from the court transcribers from Richland and Greenville Counties Courts of Common Pleas on April 28, 2014.

Petitioner filed Initial Brief and Designation of Matter on May 28, 2014.

Amount ultimately involved on appeal should the honorable members of the South Carolina Court of Appeals grant the Appellant's petitions and this case concludes successfully for the Petitioner is \$400,000 with any additional relief as the Court deems fit.

Petitioner filed Record on Appeal July 21, 2014.

Petitioner filed Final Brief August 5, 2014. South Carolina Court of Appeals Affirmed the Greenville Court of Common Pleas Orders of Judge D. Garrison Hill May 6, 2015.

South Carolina Court of Appeals Remitted case to Greenville Court of Common Pleas May 27, 2015.

Petitioner filed Motion for Leave of Court to the South Carolina Court of Appeals to file Motion for Recall of Remittur and for Extension of Time to file for Rehearing of Appeal by South Carolina Court of Appeals June 19, 2015. South Carolina Court of Appeals

Denied Petitioner's Motions for Leave of Court to Recall Remittur and Request

Extension of Time to Petition Rehearing of the Appeal August 6, 2015.

Petitioner files this petition for Writ of Certiorari September 4, 2015.

ARGUMENTS

1. RESPONDENT'S LEGAL COMPETENCE, CONDUCT, AND ACTIONS IN HIS LEGAL REPRESENTATION AND ADVISING OF THE PETITIONER FELL FAR BELOW THE STANDARD OF CARE EXPECTED FOR SOUTH CAROLINA ATTORNEYS AND ROSE TO THE LEVEL OF LEGAL NEGLIGENCE AND LEGAL MALPRACTICE.

Petitioner has a limited understanding of legal malpractice litigation in all its many aspects, including statutes of limitation and Leaves of Court. It is reasonable to assume that an attorney as astute in legal knowledge and training as Respondent would be aware that his callous and unconscionable actions while representing and advising Petitioner in matters related to Petitioner's criminal case and other legal matters not related to the criminal case including future employment, appeals of her criminal case, restitution payments, and financial viability following her plea agreement, were unethical, grossly negligent, and

could be disastrous to Petitioner's legal, professional, financial, emotional, and overall wellbeing (See Petitioner's Proposed Amended Complaint, pp. 3-8 (R. pp. 47-52 and R. pp. 65-70), S.C. Rule 8.4(d and e), S.C. Rule 3.4(a), and S.C. Rule 3.4(f)(2)). Respondent placed Petitioner at risk of financial peril greater than the risk of the underlying *prima facie* case (*Scognamillo vs. Olsen*, 795 P.2d 1357, 1361 (Colo. App. 1990)). It is reasonable to conclude that Respondent's legally negligent and morally reprehensible failure to properly represent and advise Petitioner in her criminal case rose to a level sufficient to constitute legal malpractice (See Affidavit of Expert Witness (R. pp. 109-111), pp. 3-13 of Petitioner's Proposed Amended Complaint (R. pp. 47-57, R. pp. 65-75), Exhibit E (R. p. 35), S.C. Rule 3.4(a), S.C. Rule 3.9, S.C. Rule 8.4(c, d, and e), and ABA-MRPC Rule 2.1).

2. THE GREENVILLE COUNTY COURT OF COMMON PLEAS ERRED IN NOT CONSIDERING THE EXTENT TO WHICH THE RESPONDENT'S ACTIONS AND MISCONDUCT CREATED EXTREME MITIGATING CIRCUMSTANCES FOR THE PETITIONER. THESE EXTREME MITIGATING CIRCUMSTANCES SHOULD HAVE BEEN GIVEN GREATER DELIBERATION IN THE GREENVILLE COUNTY COURT OF COMMON PLEAS' CONSIDERATION OF PETITIONER'S MOTIONS FOR

LEAVE OF COURT TO AMEND HER COMPLAINT, ADD AFFIDAVIT OF EXPERT WITNESS, AND ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT AND HER MOTION TO (SIC APPEAL) CHANGE VENUE OF THE WILSON VS. WILLIAMS CASE FROM GREENVILLE TO RICHLAND COUNTY.

It is reasonable to assume that the Presiding Judge hearing this case would find that the alleged actions of Respondent were legally, morally, and ethically flawed and were sufficient to constitute legal negligence and malpractice. Respondent's legally, ethically, and morally reprehensible actions greatly contributed to Petitioner's extreme mitigating circumstances, and should have compelled the Presiding Judge to grant Petitioner a Leave of Court to Amend her Complaint and Add the Affidavit of her Expert Witness to her Complaint. Failure to grant Petitioner Leave of Court given these extreme mitigating circumstances, despite the expiration of the statute of limitation, would result in a tremendous miscarriage of justice given the magnitude of Respondent's professional incompetence and negligence in his legal representation and advisement of Petitioner (See Proposed Amended Complaint, pp. 3-17 (R. pp. 47-61 and R. pp. 65-79), S.C. Rule 8.4(a, b, c, d, and e), ABA-MRPC Rule 2.1).

3. THE GREENVILLE COUNTY COURT OF COMMON PLEAS' DISMISSAL

OF PETITIONER'S COMPLAINT EXHIBITED A LACK OF JUDICIAL DISCRETION AND RESULTED IN A MISCARRIAGE OF JUSTICE.

As noted in discussion of Argument 2 above, the factors constituting legal negligence and malpractice by the Respondent and the subsequent extreme mitigating circumstances visited upon Petitioner as a consequence of Respondent's reprehensible ethical, moral, and legal misconduct begs additional judicial consideration be afforded Petitioner despite the expiration of the statute of limitation to allow Petitioner's Complaint be tried in court. Failure of the Greenville County Court of Common Pleas to grant Petitioner Leave of Court given these extreme mitigating circumstances, despite the expiration of the statute of limitation, would result in a tremendous miscarriage of justice given the magnitude of Respondent's professional incompetence and negligence in his legal representation and advisement of Petitioner (See Proposed Amended Complaint, pp. 3-17 (R. pp. 47-61 and R. pp. 65-79), S.C. Rule 8.4(a, b, c, d, and e), ABA-MRPC Rule 2.1).

4. THE GREENVILLE COUNTY COURT OF COMMON PLEAS' DENIAL OF PETITIONER'S MOTION TO ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT TO PETITIONER'S COMPLAINT FURTHER CONTRIBUTED TO THE MISCARRIAGE OF JUSTICE.

Haynsworth, Sinkler, Boyd, P.A. employed Respondent at the time of Respondent's legal representation of Petitioner. Haynsworth, Sinkler, Boyd, P.A. had a supervisory employer relationship with Respondent at the time of Respondent's legal representation of Petitioner and was vicariously responsible for the legal actions and conduct of Respondent (S.C. Code Section 15-38-15(C)(3)(a)). As an employer of Respondent, Haynsworth, Sinkler, Boyd, P.A. had a duty to supervise, review, and provide oversight of Respondent's legal activities (See Petitioner's Proposed Amended Complaint, pp. 1-2 (R. p. 45, lines 17-22; R. p. 46, lines 1-17 and R. p. 63, lines 17-22; R. p. 64, lines 1-17)). The majority of the meetings between Petitioner and Respondent occurred in Haynsworth, Sinkler, Boyd, P.A.'s Columbia, South Carolina office, located in Richland County, South Carolina. Therefore, per S.C. Code Section 15-7-30A(10) and S.C. Code Section 15-7-30A(11D1), Richland County, South Carolina is the appropriate Venue for this case (See Appellant's Proposed Amended Complaint, pp. 2 (R. p. 46, lines 7-11 and R. p. 64, lines 7-11)). Respondent as a non-resident of Richland County, South Carolina performed business while employed by Haynsworth, Sinkler, Boyd, P.A., a corporation in Richland County, South Carolina, while legally engaged by Petitioner in the case of State of South Carolina vs. Beverley D. Wilson, which gave rise to the course of action in this matter. Therefore, according to S.C. Code Section 15-7-100, Richland County, South Carolina is the proper Venue for this case (See

Petitioner's Proposed Amended Complaint, pp. 2 (R. p. 46, lines 12-17 and R. p. 64, lines 12-17)).


CONCLUSION

Petitioner respectfully asserts the SC Court of Appeals misapprehended the facts of my case and the Issues and Arguments raised in my Appeal and reiterates all of the Arguments as stated in the Appeal 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 Petitioner losing the Prima facie case in this appeal, constituted legal malpractice, and placed Petitioner in a greatly disadvantaged financial state making it nearly impossible for Petitioner to timely pursue legal action and timely procure an Expert Witness in order to timely perfect her Complaint. The merits of Petitioner's case are sound and, in the interest of justice, demand a jury trial to allow full adjudication of this case and the Court should not allow Respondent to escape justice by benefit of the artifice of creating such a financially disadvantaged client (Petitioner), that said 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.

Petitioner solemnly begs the Court's forgiveness for being unaware a Petition for Rehearing by the SC Court of Appeals was absolutely mandatory in this case and asserts the South Carolina Supreme Court has both appellate and original jurisdiction in South Carolina and the right to review decisions of the South Carolina Court of Appeals by granting a petition for a Writ of Certiorari pursuant to Rule 242(a), SCACR. Pursuant to Rule 240(b), "A motion to dismiss an appeal...shall...automatically stay the time limits for perfecting the appeal until the motion is decided." Pursuant to 242(c), "A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing or reinstatement has been acted on by the Court of Appeals. 'Then,' a petition for writ of certiorari shall be...filed...within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals." Petitioner timely filed Notice of Appeal December 18, 2013. The SC Court of Appeals Dismissed Petitioner's Appeal February 19, 2014. Petitioner timely filed Motion for Reinstatement March 5, 2014. The SC Court of Appeals made final disposition on Petitioner's Motion for Reinstatement by Dismissing the Appeal May 6, 2015. Petitioner respectfully contends that her petition for Writ of Certiorari presented to the Supreme Court of South Carolina for filing June 5, 2015 was appropriate and timely for filing following dispositioning of her Motion for Reinstatement by the South Carolina Court of Appeals May 6, 2015 and should have been received for filing on June 5, 2015 rather than Petitioner being directed to file a petition for rehearing of the Appeal by the SC Court of Appeals.

The wording of SCACR Rule 242(d)(2) is (potentially) ambiguous in that it states “Only those questions raised in the Court of Appeals and in the petition for rehearing shall be included in the petition for writ of certiorari as a question presented to the Supreme Court.”

Petitioner respectfully prays the South Carolina Supreme Court grants her Motion for Leave of Court to petition for Writ of Certiorari in this case and that the Honorable Members of the South Carolina Supreme Court would Reverse the South Carolina Court of Appeals Affirmation of the Honorable Judge D. Garrison Hill’s Dismissal of Petitioner’s Complaint and grant the Petitioner Leave of Court to Add Affidavit of Petitioner’s Expert Witness to Petitioner’s Complaint and Amend Petitioner’s Complaint to Add Haynsworth, Sinkler, Boyd, P.A. as a Codefendant in Petitioner’s Amended Complaint and grant Petitioner permission to Change the Venue of the case from the Greenville County Court of Common Pleas to the Richland County Court of Common Pleas and allow Petitioner the opportunity to have the issues raised in her Complaint be tried before a jury.

This  day of September 2015

Respectfully Submitted,


s/ Beverley D. Wilson

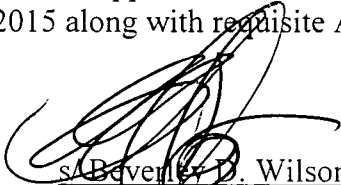
Beverley D. Wilson
Post Office Box 2865
Orangeburg, South Carolina 29115
(803)682-0697
Pro Se Appellant

Other Counsel of Record:
Michael D. Glenn
Glenn, Haigler, and Stathakis, LLP
121 West Benson Street
Anderson, South Carolina 29624
(864)226-1885
(864)226-0561, facsimile
Attorney for Respondent

Certificate of Petitioner

Beverley D. Wilson Motions for Leave of Court to Petition for Writ of Certiorari in the above referenced case regarding appeals filed December 18, 2013 and subsequent motion for Reinstatement of Appeals filed March 5, 2014 with the South Carolina Court of Appeals regarding hearing held November 12, 2013 in Greenville County Court of Common Pleas before the Honorable Judge D. Garrison Hill. The Court denied Petitioner's (formerly Appellant's) Motion for Leave of Court to Amend Complaint, Add Affidavit of Expert Witness along with Petitioner's Motion to Appeal (sic Request) Change of Venue. The Court Granted Respondent's Motion to Dismiss the Complaint in Orders filed November 18, 2013. The South Carolina Court of Appeals Affirmed the Honorable Judge D. Garrison Hill's orders May 6, 2015, Remitted the case back to Greenville County Court of Common Pleas May 27, 2015, and Denied Petitioner's Motion for Leave of Court to file Motions to Recall Remittur and Petition for Rehearing of the Appeal by the SC Court of Appeals August 6, 2015. Petitioner respectfully submits this Petition for Writ of Certiorari to the South Carolina Supreme Court for the aforementioned Orders of the South Carolina Court of Appeals Affirmed May 6, 2015, Remitted May 27, 2015, and Denied August 6, 2015 along with requisite Appendix and supporting documentation.

This 8th Day of September, 2015


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

Other Counsel of Record:
Michael D. Glenn
Glenn, Haigler, and Stathakis, LLP
121 West Benson Street
Anderson, South Carolina 29624
(864)226-1885
(864)226-0561, facsimile
Attorney for Respondent