

78560

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

RECEIVED

FEB 01 2016

APPEAL FROM MARION COUNTY
Court of Common Pleas

SC Court of Appeals

SPECIAL REFEREE HAIGH PORTER

Case No. 2013-CP-33-306
Appellant Case No. 2015-002230

Anderson Brothers Bank,
Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South Carolina Department of Revenue and South Carolina Department of Motor Vehicles, Defendants,

Of whom Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Moniques Daniels Parson and A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr. are the Appellants.

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., Appellants

VERIFIED PETITION FOR REHEARING (EN BANC)

This Verified Petition for Rehearing (En Banc) is in accord with Rule 221(a), and 219(a)(1)(2) S.C.A.C.R. This Petition is based upon those certain points, factual and legal, which the Petitioners believe the court have overlooked or misapprehended, as shown by the ultimate facts supported by the evidentiary facts stated herein.

January 27, 2016

THE DECISION ON APPEAL

This decision of this Court was filed on January 13, 2016. To the extent allowed, Petitioners restates and by way of this reference reargues all matters set out in their Letter to the Court, Affidavit of Truth, and Memorandum in Support of Appealability previously received by Appellant Court. In this order it states, "because Appellants prior appeal has ended and Appellants no longer reside at the subject property the parties rights as to the property are settled and this court is unable to alter them." [sic] Petitioners respectfully submit that this court overlooked certain factual points, or misapprehended the points set forth below. "Rehearing is warranted when the court has overlooked or misapprehended an argument" Kennedy v. S.C. Retirement System 349 S.C. 531, 564 S.E. 2d 322 (2001). Petitioners move this court to grant Petitioners Verified Petition for Rehearing (En Banc) based off the facts stated herein

STATEMENT OF FACTS

The Appellant Court overlooked, misapprehended and/or both the fact that Appellants were in possession of said private real property at the onset of this appeal (i.e. when parties received notice of the appeal October 28, 2015.). Appellant Court also overlooked, misapprehended and/or both the fact that Appellants did not voluntarily abandon their private real property, and had it not been for such unlawful acts Appellants would still be in peaceful possession of said private real property. "In order to prove a denial of substantive due process, a party must show that he was arbitrarily and capriciously deprived of a cognizable property interest rooted in state law. Moore v. Moore (S.C. 2008) 376 S.C. 467, 657 S.E. 2d 743. Constitutional Law 3892

The Appellant Court overlooked, misapprehended and/or both the fact that by force of machine guns and sniper rifles Appellants were robbed of their private real property, kidnapped,

taken hostage, held for ransom and was not set free till ransom was satisfied. Due Process encompasses all rights which are of such fundamental importance as to require compliance with due process standards of fairness and justice and includes procedural rights of citizens against government actions that threaten the denial of life, liberty, or property. Ogburn-Matthews v. Loblolly Partners (Ricefields Subdivision)(S.C. App. 1998) 332 S.C. 551, 505 S.E. 2d 598. Constitutional Law 3870; The Supreme Court of South Carolina, in the case of State v. Byrd, 72 S.C. 104, 51 S.E. 542, 544(1905), affirmed a prior decision of the Court holding that: At common law, as a general rule, an arrest could not be made without warrant for an offense less than felony.... 3 Cyc.880; State v. Simms, 16 S.C. 486; An individual is "seized" within the meaning of the Fourth Amendment when an officer restrains his freedom, even if the detention is brief and falls short of arrest. Sikes v. State(S.C. 1994) 323 S.C. 28, 448 S.E. 2d 560.

The Appellant Court overlooked, misapprehended and/or both the fact that the actions that unlawfully deprived Appellants of their private real property taken place on November 2, 2015 is believed to have been done purposely, a vengeful act, and a form of retaliation. A complaint was filed with the Disciplinary Board that provided evidentiary facts that Special Referee had a duty to disqualify/recuse himself in light of his wife (with in the third degree of relationship) involvement with Anderson Brothers Bank (Lower Court Plaintiff). It appears she was the trustee in receivership for Anderson Brothers Bank at foreclosure sale, (Lower Court Plaintiff),as well as witness, and notary on the reconveyance documents dated October 16, 2013.(See Rules of Judicial Disiplinary Enforcement Rule 501 Cannon 3(E)(d)(i) SCACR; Cannon 2(B); Cannon 3B (1),(5); Commentary under Cannon 2 (A); Due Process of law requires that a person shall have a reasonable opportunity to be heard before a legally appointed and qualified impartial tribunal before any binding decree, order, or judgment can be made affecting

his rights to life, liberty, or property. State v. Brown (S.C. 1935) 178 S.C. 294, 182 S.E. 838. Constitutional Law 3880.

The Appellate Court overlooked, misapprehended and/or both the fact that this matter was never adjudicated on the merits. The appeal was dismissed (12/18/14) “for failure to comply” (respondents deceitfully motioned to correct the record for leaving out matter designated for record on appeal Pre Marked Exhibit E.) The original hearing in the lower court transcript shows that Pre Mark Exhibit E was entered on the record after hearing ended. Due process prohibits estopping some litigants who never had a chance to present their evidence and arguments on a claim, despite one or more existing adjudications of the identical issue which stands squarely against their position. Roberts v. Recovery Bureau Inc. (S.C. App. 1994) 316 S.C. 492, 450 S.E. 2d 616. Constitutional Law 4012; Judgment 713(1).

The Appellant Court overlooked, misapprehended and/or both the fact that these unlawful acts came by way of total disregard for S.C.A.C.R Rule 205 Effect on Appeal and 221(b) Remittitur. By “due process of law” is meant a process which, following the forms of law, is appropriate to the case and just to the parties to be affected. It must be pursued in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and whenever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of judgment sought. The clause question means, therefore, that there can be no proceeding against life, liberty, or property which may result in the deprivation of either without the observances of those general rules established in our system of jurisprudence for the security of private rights.” State v. Earle (S.C. 1903) 66 S.C. 194, 44 S.E.781.

This Petition is supported by all relevant South Carolina Constitutional Case Law, South Carolina Appellate Court Rules, Appellants Letter to the Court, Affidavit and

Memorandum previously submitted.

CONCLUSION

For all the reasons set out and referenced above, the Petitioners request that this matter be reheard by the Court of Appeals, and for any other relief entitled in law or equity.

We So Move,

All Rights Reserved

By: arnold: dazarhea: Parson
:arnold:dazarhea:parson
P O Box 776
Mullins, South Carolina 29574

STATE OF SOUTH CAROLINA)

VERIFICATION

COUNTY OF GEORGETOWN)
Notary

On this 1-28-16 date, a natural man/woman appeared in their true character, who identified themselves as :arnold: and :dazarhea: ., appeared before me Rita Powers, a notary public residing in Georgetown County, South Carolina state and attested to the veracity of this Verified Petition for Rehearing(En Banc) with their oath and autograph

Rita Powers
Notary Public

Commission Expires 12-29-2020



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

APPEAL FROM MARION COUNTY
Court of Common Pleas

SPECIAL REFEREE HAIGH PORTER

Case No. 2013-CP-33-306
Appellant Case No. 2015-002230

RECEIVED

FEB 01 2016

SC Court of Appeals

Anderson Brothers Bank,
Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South Carolina Department of Revenue and South Carolina Department of Motor Vehicles, Defendants,

Of whom Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Moniques Daniels Parson and A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr. are the Appellants.

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., Appellants

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on January 28, 2016 we served a Verified Petition for Rehearing (En Banc) by depositing copies of same USPS prepaid addressed to the following:

Counsel of Record:
Suzanne Griggs
1230 Main Street
Suite 700(29201)
PO Drawer 2426
Columbia, South Carolina 29202
Attorney for Respondent
(803-253-8277)

All Rights Reserved

By: Arnold: dazarhea: parson
Arnold: dazarhea: parson
P O Box 776
Mullins, South Carolina 29574

January 27, 2016

TOWN, SC 29140



7015 0640 0005 2787 4057



1000



29211

U.S. POSTAGE
PAID
GEORGETOWN, SC
29440
JAN 28 6
AMOUNT
\$6.85
R2305K142038-21

FIRST CLASS

South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED

FEB 01 2016

SC Court of Appeals

1/30

