

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )

STEPHANIE SANDS SMITH )  
 )  
 Plaintiff, )

vs. )

DEBRA S. SWITZER; SHIRLEE K. SANDS, )  
 DONALD EDWARD SANDS, DONALD W. )  
 SANDS, HANNAH LEIGH SMITH, AUSTIN )  
 W. SMITH, AND CARL HOCKER )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 SEVENTH JUDICIAL CIRCUIT  
 CASE NO.: 2014-CP-42-639

**MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET**

**RECEIVED**  
 APR 15 2016  
 SC Court of Appeals

Plaintiff's Attorney: Pro Se, Bar No. _____ Address: 360 Templeton Drive, Spartanburg SC 29306 Phone: 864-541-7745 Fax _____ E-mail: cityfire5082@yahoo.com Other: 864-216-1980	Defendant's Attorney: Richard H. Rhodes, Bar No. _____ Address: PO Box 3408, Spartanburg SC 29304 Phone: _____ Fax _____ E-mail: _____ Other: _____
--	--

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion: Motion to Amend/Alter Judgment  
 Estimated Time Needed: As soon as possible  
 Court Reporter Needed:  YES  NO

**SECTION II: Motion/Order Type**

Written motion attached  
 Form Motion/Order  
 I hereby move for relief or action by the court as set forth in the attached proposed order.

*Stephanie Sands Smith*  
 Signature of Attorney for  Plaintiff /  Defendant

May 15, 2015  
 Date submitted

M. HOPE BLANCHLEY  
 2015 MAY 15 PM 4:55  
 SPARTANBURG COUNTY

**SECTION III: Motion Fee**

- PAID - AMOUNT: \$ \_\_\_\_\_
- EXEMPT: (check reason)
  - Rule to Show Cause in Child or Spousal Support
  - Domestic Abuse or Abuse and Neglect
  - Indigent Status  State Agency v. Indigent Party
  - Sexually Violent Predator Act  Post-Conviction Relief
  - Motion for Stay in Bankruptcy
  - Motion for Publication  Motion for Execution (Rule 69, SCRPC)
  - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: \_\_\_\_\_
- Other: \_\_\_\_\_

**JUDGE'S SECTION**

Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_

JUDGE CODE \_\_\_\_\_  
 Date: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )  
IN THE MATTER OF: )  
SHIRLENE KENT KNOWLES )  
(Decedent) )

Stephanie Sands Smith, )  
Appellant )  
VS. )

Debra S. Switzer, Shirlee K. Sands, )  
Donald Edward Sands, Donald W. Sands, )  
Hannah Leigh Smith, Austin W. Smith, )  
And Carl Hocker, )  
Respondents )

IN THE COURT OF COMMON PLEAS  
SEVENTH JUDICIAL CIRCUIT

May 15, 2015

**MOTION TO ALTER/AMEND  
JUDGMENT**

Appeal Case No: 2014-CP-42-639  
Probate Case No: 2012-ES-42-1187

**RECEIVED**  
APR 15 2016  
SC Court of Appeals

The Plaintiff hereby moves to amend/alter judgment in the above-captioned case.

This motion is based upon the following grounds:

Grounds based on the South Carolina Rules of Civil Procedure (SCRCP); Rule 59 (e) which states: 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.

*Conley v. Gibson, 355 U.S. 41 at 48 (1957)*

"Following the simple guide of rule 8(f) that all pleadings shall be so construed as to do substantial justice"... "The federal rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." The court also cited Rule 8(f) FRCP, which holds that all pleadings shall be construed to do substantial justice.

2015 MAY 15 PM 4:55  
MILPESLAOKLEY  
SPARTANBURG COUNTY

*Davis v. Wechler*, 263 U.S. 22, 24; *Stromberb v. California*, 283 U.S. 359; *NAACP v. Alabama*, 375 U.S. 449

"The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."

*Haines v. Kerner*, 404 U.S. 519 (1972)

"Allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient"...

"which we hold to less stringent standards than formal pleadings drafted by lawyers."

*Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959); *Picking v. Pennsylvania R. Co.*, 151 Fed 2nd 240; *Pucket v. Cox*, 456 2nd 233

Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.

*Maty v. Grasselli Chemical Co.*, 303 U.S. 197 (1938)

"Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment."

Background: Motion for new trial based on newly discovered evidence was denied with explanation given that the evidence was in existence at the time of the hearing therefore with due diligence applied said evidence could have been discovered.

Reasons for respectfully requesting to amend/alter judgment:

#1 To quote the 21<sup>st</sup> United States Secretary of Defense: there are no "knowns." There are things we know that we know. There are known unknowns. That is to say there are things that we now

OFFICE OF THE CLERK  
2015 MAY 15 PM 4:55  
M. HOPE BLANKLE

know we don't know. But there are also unknown unknowns. There are things we do not know we don't know. So when we do the best we can and we pull all this information together, and we then say well that's basically what we see as the situation, that is really only the known knowns and the known unknowns. And each year, we discover a few more of those unknown unknowns.

The legal definition of newly/after discovered evidence according to Cornell University Law School Wex database is as follows: In a civil or criminal case, evidence that existed at the time of a motion or trial but that could not have been discovered with reasonable diligence prior to a court ruling upon the motion or the trial's completion. Upon later discovery, a losing party may assert after-discovered evidence, a.k.a. newly discovered evidence, as grounds for a court to reconsider a motion or order a new trial.

It has been discovered and proving medical records since secured, detailing the decedents Alzheimer's and Alzheimer's related dementia. Numerous doctor records from several doctors have been secured that specifically detailing the Alzheimer's and Alzheimer's related dementia the decedent was undergoing treatment for since 2007.

Given that the decedent's mental medical condition was unknown at the time of the trial, due diligence could not be exhausted.

*United States v. Keogh, 391 F. 2d 138*

#2 Withheld potentially favorable evidence from forensic document examiner, Marvin H. Dawson Jr. Check number 4724 dated May 24, 2012 was submitted to Mr. Dawson for examination however check number 1031 written by the decedent on the same date as the Will contested( June 9, 2012) according to Switzer's testimony, to Wade's restaurant in the amount of

2015 MAY 15 PM 4:55  
M. DOPE BLACKLEY  
SPRINGFIELD, CT 06111

\$14 was not given for examination. Since Switzer successfully secured ownership of the decedents checking account, Switzer was the only person with access to bank statements, account information and more specifically check 1031 that was signed by the decedent on the same day as the will contested. All forensic document examiners agree that "same day" signed documents are preferred for comparison. Given that Mr. Dawson is Switzer's expert witness, surely he advised her and her attorneys of such.

*Brady v. Maryland, 373 U.S. 83*

*Giles v. Maryland, 286 U.S. 66, 100*

#3 On page 171 of the court transcript (the last page of Mr. Dawson's testimony), Judge Anderson asked "so would it have been any help to you if you had had her signature from the day before or after she had already been injured?" Mr. Dawson answered "It could be. But at that particular time, injuries normally take several days to really kick in for swelling, fluid, etcetera, if you work forensics very much. The day after is an excellent idea. I'll be glad to give it a try."

On pages 139 and 140 of the court transcript Mr. Dawson gives a detailed accounting of his education and experience. Everything mentioned is a law enforcement involved or specifically pertaining to document forensics. Based on Mr. Dawson's last statement in his testimonial page 171 Mr. Dawson has perjured his testimony and committed further perjury by following his false statement with a fraudulent implication of education and/or experience in medical forensics when clearly, he has none. There is vast amounts of medical explanations available from Harvard, Stanford, MUSC, etc and all give the same information on the phases of wounding healing to include how and when the phases occur.. I have attached a print out from Medscape

2015 MAY 1 PM 5:50  
M. HOEBACHEN  
SPRINGFIELD COUNTY

that explains those phases with a more limited use of complicated medical terminology to accommodate all potential readers. A brief summary is as follows:

#### Inflammatory phase

The inflammatory phase begins at the time of injury and lasts 2-4 days. The phase begins with hemostasis and formation of the platelet plug. Platelets release platelet-derived growth factor (PDGF) and transforming growth factor beta (TGF-b) from their alpha granules to attract neutrophils and macrophages. Neutrophils scavenge for bacteria and foreign debris.

Macrophages are the most important mediators of wound healing. Macrophages continue to emit growth factors to attract fibroblasts and usher in the next phase of wound healing.

*Mooney v. Holohan, 294 U. S. 103*

#4 Multiple Subpoenas have been issued to secured the documents/evidence that will either prove or disprove the alleged perjury, fraud and theft on behalf of Switzer regarding her testimony and alleged actions to prevent my compliance with Judge Anderson's preliminary order to insure the home.

CONFIDENTIAL  
2015 MAY 15 PM 4:55  
M. HOPE BLACKLEY



Stephanie Sands Smith, Pro Se  
360 Templeton Dr.  
Spartanburg, SC 29306  
(864) 504-8226

Cc: Richard Rhodes  
PO Box 3408  
Spartanburg SC 29304  
Atty. for Debra Switzer