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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS RECEIVED

MAR 28 2016

APPEAL FROM GEORGETOWN COUNTY

SC Court of Appeals

The Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2015-001023

THE STATE, RESPONDENT,

v.

LOUSHONDA MYERS, APPELLANT.

FINAL BRIEF OF RESPONDENT

LOUSHONDA MYERS

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STATEMENT OF ISSUES ON APPEAL

ARGUMENT

**WHETHER THIS APPEAL SHOULD BE DISMISSED AS AN IMPROPER
ATTEMPT TO REVIEW A CONTEMPT ORDER?**

STATEMENT OF THE CASE

Following a hearing on September 26, 2014, Appellant was found to be in contempt of court for violating a prior order of the court. (IBOA, p. 3) (ROA lacks consecutive numbering). Appellant filed a pleading captioned “Administrative Notice/Coram Nobis” that was filed on March 16, 2015. (ROA lacks consecutive numbering). The State replied to the coram nobis arguing it should be dismissed as improper. (ROA lacks consecutive numbering). Appellant responded to the State with a 37 page filing containing multiple attachments, filed April 20, 2015. (ROA lacks consecutive numbering). The lower court (not the court that found Appellant in contempt) issued an order dismissing the coram nobis on April 30, 2015. (IBOA, p. 4).

STANDARD OF REVIEW

“On appeal, the trial court’s ruling will not be disturbed absent a prejudicial abuse of discretion amounting to an error of law.” State v. Sheldon, 344 S.C. 340, 342, 543 S.E.2d 585, 585-586 (Ct. App. 2001). An abuse of discretion occurs where the trial court’s conclusions lack evidentiary support or are controlled by an error of law. State v. Elders, 386 S.C. 474, 480, 688 S.E.2d 857, 861 (Ct. App. 2010).

ARGUMENT

THIS APPEAL SHOULD BE DISMISSED AS AN IMPROPER ATTEMPT TO REVIEW A CONTEMPT ORDER

Appellant expressly acknowledges “[t]he basis for the Administrative Notice/Coram Nobis was to correct the judgement and/or order of Judge Kristi Harrington in which she held me in contempt of an order/judgement she entered.”¹ (IBOA, p. 5) (ROA lacks consecutive numbering). The lower court properly denied and dismissed Appellant’s coram nobis pleading. This is because “coram nobis” no longer exists as an available remedy. Rule 60(b)(5), SCRCF.

Appellant’s underlying coram nobis was an attempt to challenge a September 26, 2014 finding that she was in contempt. (IBOA, p. 3) (ROA lacks consecutive numbering). Ample procedure existed to timely challenge the legitimacy of her contempt. “Coram nobis” is not one of them. Appellant argues that Judge Culbertson erred by not correcting Judge Harrington’s contempt finding. However, “[o]ne Circuit Court Judge does not have the authority to set aside the order of another.” Enoree Baptist Church v. Fletcher, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986).

¹ While not paramount, Respondent does respectfully dispute Appellant’s assertion that she is not a “person.” (IBOA, p. 4).

CONCLUSION

For these reasons, Respondent submits this appeal should be denied and dismissed because the lower court properly denied Appellant's coram nobis as an attempt to challenge a contempt finding made by another circuit judge.

Respectfully submitted,

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Columbia, South Carolina
March 25, 2016

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Rule 211(b), SCACR Certificate of Counsel

The undersigned hereby certifies that the Final Brief of Respondent is identical to the Initial Brief of Respondent apart from the exceptions afforded per Rule 211(b), SCACR.

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March 28, 2016

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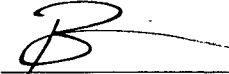
PROOF OF SERVICE

I certify that I have served the Final Brief of Respondent and Rule 211, SCACR certification by depositing a copy of it in the United States Mail; postage prepaid, on March 28, 2016, addressed to Appellant *pro se*:

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