

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

William P. Keesley, Successor Circuit Court Judge

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Case No. 2013-CP-32-01272  
Case No. 2014-CP-32-00399

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Appellate Case No. 2015-001821

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APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

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Alexander Guice, Appellant,

v.

US Foodservice, Inc., Employer, and Ace American Insurance Company c/o  
Gallagher Bassett Services, Inc., Respondents.

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**MOTION FOR LEAVE TO STAY PENDING ADJUDICATION OF PETITION  
FOR WRIT OF PROHIBITION AND/OR MANDAMUS FILED WITH  
THE SUPREME COURT**

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Pursuant to Rule 240(b), SCACR; and/or other holding authorities, Appellant  
**ALEXANDER GUICE**, the *pro se* Appellant; the Injured Employee (“Petitioner” or “Injured  
Employee”), alleges the pleadings in this matter are being filed by Appellant *in propria persona*  
wherein pleadings are to be considered without regard to technicalities. Hulsey v. Ownes, 63  
F3d. 354 (5<sup>th</sup> Cir 1995); also see Conley v. Gibson, 355 U.S. 41 at 48 (1957). Specifically,  
Appellant seeks permission from this Court to hold the instant appeal in abeyance until such time  
as the Supreme Court has been afforded an opportunity to issue a ruling on Appellant’s ‘Petition

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**SC Court of Appeals**

for Writ of Prohibition and/or Mandamus', filed by Appellant regarding this matter, with the Supreme Court, wherein Appellant would further allege:

1. Appellant contends on June 24, 2016 this Court, by way of Hon. James Edward Lockemy, Chief Justice ("Chief Judge Lockemy"), issued an Order denying Appellant's March 8, 2016 "Motion to Strike Respondents' Initial Brief and Designation of Matter and Leave to Stay" ("Motion to Strike"). Motion to Strike dated 03/08/2016. Order dated June 24, 2016. Contained within the Record.

2. Appellant contends the action of a court, regarding a matter as to which it has no jurisdiction, is void. State v. Funderburk, 259 S.C. 256, 261, 191 S.E.2d 520, 522 (1972).

3. Appellant contends that this Court lacks subject matter jurisdiction over the instant workers' compensation appeal, based on "numerous" grounds, supported by statutory, regulatory and well settled principles of law which were well pled and appropriately articulated within Appellant's aforementioned Motion to Strike, wherein said jurisdiction of the instant workers' compensation appeal, before this Court, ended as of June 24, 2016. Motion to Strike.

4. Appellant contends that Chief Judge Lockemy had "ministerial duties" to perform which were created or imposed by law on June 24, 2016, under the Due Process Clause and the Equal Protection Clause, *inter alia* without regard to the discretionary authority or judgment of Chief Judge Lockemy; however, Chief Judge Lockemy failed to do so.


5. On November 1, 2016 Appellant duly filed a "Petition for Writ of Prohibition and/or Mandamus", with the Supreme Court, and in the Supreme Court's Original Jurisdiction, in direct response to Chief Judge Lockemy's June 24, 2016 Order issued for this Court, wherein Chief Judge Lockemy has been named as the Respondent in that Petition. See Signed copy of cover letter to Clerk of the Supreme Court confirming filing of Petition, Att. 1.

6. Appellant contends that because there are serious issues as it relates to the jurisdiction of this Court, or lack thereof, over the instant Workers' Compensation Appeal, as of June 24, 2016, that out of an abundance of caution, and in the interest of the administration of justice, the instant appeal should be held in abeyance and remain pending until such time as a ruling from the Supreme Court on Appellant's Petition for a writ of prohibition and/or mandamus has issued.

#### CONCLUSION

Based on the foregoing, Appellant moves this Court to grant this motion to stay the instant appeal. Further, Appellant request that the instant appeal be stayed until the Court has issued a ruling on this motion.

Respectfully submitted,

By:   
Alexander Guice  
U.S. African American Citizen  
Honorable Disabled Veteran  
Post Office Box 13281  
Tampa, Florida 33681  
(813) 562-0547  
[alguice@hotmail.com](mailto:alguice@hotmail.com)  
Appellant, Pro Se

November 1, 2016

# ATTACHMENT 1

Alexander Guice

P.O. Box 13281  
Tampa, FL 33681  
Phone: (813) 562-0547  
Email: [alguice@hotmail.com](mailto:alguice@hotmail.com)

November 1, 2016

Via Certified Mail

The Honorable Daniel E. Shearouse  
Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

Re: Alexander Guice v. Hon. James E. Lockemy  
Appellate Case No. \_\_\_\_\_

Dear Mr. Shearouse:

Please find enclosed with this cover letter an original and seven (7) copies of; A Complaint; A Petition for Writ of Prohibition and/or Mandamus; A Memorandum In Support of Petition for Writ of Prohibition and/or Mandamus (with attachments); A Notice; A Motion for Leave to Proceed In Forma Pauperis; A Sworn Affidavit of Alexander Guice; A Verification; and original and a copy of a Proof Service; a Proof of Service; and a prepaid self-addressed envelope in regards to the above-entitled action. Please forward to the appropriate personnel for processing, and please return clocked copies of the same to the undersigned in the pre-paid self-addressed envelope enclosed for your convenience.

By copy of this correspondence, the Honorable James E. Lockemy, the named Respondent, and Erin L. Hantske, Esq., counsel of record for US Foodservice, Inc., et al, an interested party, has been provided a copy of the same via certified mail with enclosures.

Should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Alexander Guice  
Petitioner, pro se

/ag

Enclosures: As stated

cc: Hon. James E. Lockemy  
Erin L. Hantske, Esquire

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
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Alexander Guice, Appellant,

v.

US Foodservice, Inc., Employer, and Ace American Insurance Company c/o  
Gallagher Bassett Services, Inc., Respondents.

PROOF OF SERVICE

I hereby certify that I provided a true copy of; a cover letter to the Clerk; a 'Motion for Leave to Stay Pending Adjudication of Petition for a Writ of Prohibition and/or Mandamus Filed with the Supreme Court'; a 'Motion for Leave to Proceed In Forma Pauperis'; a 'Sworn Affidavit of Alexander Guice'; and a proof of service, by depositing a copy of the same in the mail with the USPS, via regular mail, with sufficient first class and tracking postage affixed, to **Erin L. Hantske, Esq. and McAngus, Goudelock & Courie, LLC, Post Office Box 650007 Mt. Pleasant, SC 29465** on this 1<sup>st</sup> Day of November 2016.

By: 

Alexander Guice  
Post Office Box 13281  
Tampa, Florida 33681  
(813) 562-0547  
alguice@hotmail.com  
Appellant, Pro Se

November 1, 2016

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SC Court of Appeals

Alexander Guice

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Tampa, FL 33681  
Phone: (813) 562-0547  
Email: [alguice@hotmail.com](mailto:alguice@hotmail.com)

November 1, 2016

Via Certified Mail

The Honorable Jenny A. Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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**SC Court of Appeals**

Re: Alexander Guice v. U.S. Foodservice, Inc., et al  
Appellate Case No. 2015-001821

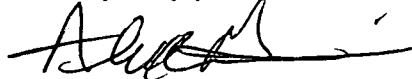
Dear Ms. Kitchings:

Please find enclosed with this cover letter an original and seven (7) copies of; A Motion for Leave to Stay Pending Adjudication of Petition for Writ of Prohibition and/or Mandamus Filed with the Supreme Court; a Motion for Leave to Proceed in Forma Pauperis; a Sworn Affidavit of Alexander Guice; a Verification; and a proof of service in regards to the above referenced appeal. Please forward to the appropriate personnel for processing, and please return clocked copies of the same to the undersigned in the pre-paid self-addressed envelope enclosed for your convenience.

By copy of this correspondence, Erin L. Hantske, Esq., the Respondents' counsel of record, has been provided a copy of the same via certified mail with enclosures.

Should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Alexander Guice  
Appellant, pro se

/ag

Enclosures: As stated

cc: Erin L. Hantske, Esquire