

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**APPEAL FROM DORCHESTER COUNTY
COURT OF COMMON PLEAS**

JUDGE ALISON LEE , FIRST CIRCUIT

**CASE # 2015-CP-18-1891
APPELLATE CASE # 2017-000803**

RECEIVED
OCT 05 2017
SC Court of Appeals

RENE McMASTERS.....RESPONDENT

vs.

HOWARD W. CHARPIA.....APPELANT

INITIAL BRIEF

**Howard W. Charpia
717 Old Trolley Road Suite 6 # 360
Summerville , SC 29485**

TABLE OF AUTHORTIES

Rule 4 (d)(1) , SCRCP

Rule 5 (b)(1) , SCRCP

Transcript of hearing on February 6, 2017

Affidavit from Charleston County Sheriff's Department

STATEMENT OF THE ISSUES

- 1. Judge Lee and the Court erred in their jurisdiction of this case .**
- 2. Judge Lee and the Court erred in the Plaintiff's "due process" .**
- 3. Judge Lee and the Court failed to follow the statutory rules for the Court and the state of South Carolina.**
- 4. Judge Lee and the Court erred in the Plaintiff's "due process" by not allowing the Plaintiff to "cure" his Complaint upon motion .**

STATEMENT OF THE CASE

Judge Alison Lee presided over a hearing on February 6, 2017 in St. George , SC which falls within the First Judicial Circuit . Charpia challenged Judge Lee's jurisdiction at said hearing .

Charpia made numerous attempts to serve McMasters via USPS , the Sheriff's Department , certified mail , and serving said Summons and Complaint upon McMasters Attorney , Frank M. Cisa ; pursuant to the rules and laws of South Carolina .

FACTS

McMasters attorney , Frank M. Cisa was served by the Charleston County Sheriff's office on September 28 , 2015 . (affidavit)

Charpia paid and had a Certified "adult signature restricted delivery" issued by the USPS on January 8 , 2016 . (certified mail receipt)

Charpia challenged "jurisdiction" at hearing on February 6, 2017 with Judge Lee . (transcript)

Charpia made a "motion" to cure Complaint with Judge Lee at said hearing. (transcript)

Judge Lee states in a letter to Charpia dated February 9 , 2017 that she is not assigned to the case and will not hear the merits on this matter. (letter)

ARGUMENTS

Pursuant to Rule 4 (d)(1) , SCRCP ; “service may be made by delivering a copy to an agent authorized by appointment or by law to receive service of process “. Charpia paid and had service by the Charleston County Sheriff’s Department . (affidavit)

Pursuant to Rule 5 (b)(1) , SCRCP ; “ whenever under these rules service is required or permitted to be made upon a party represented by an Attorney the service shall be made upon the Attorney “ .

Charpia had initiated a civil action against the First Judicial Circuit Before hearing of February 6, 2017 ; thus causing a “conflict of interest” for the 1st Circuit to address this matter .

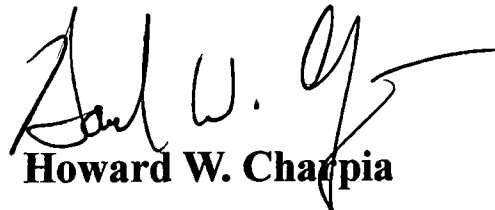
Pursuant to S.C. Code 15-9-710 , Charpia by affidavit (2-6-17) ; did Request an Order that service be made by “publication” of the Complaint.

CONCLUSION

Charpia prays that this Court take careful consideration on this matter and Appeal .

Charpia has made every attempt by the SCRCPC , the laws of South Carolina and verbal motion (s) to Judge Lee .

Charpia prays that this Appellant Court reverse the lower Court's decision and allow the Plaintiff to continue his action in the lower Circuit Court .


Howard W. Charpia

**cc: Attorney Frank M. Cisa
Dorchester County Clerk of Court
South Carolina Court of Appeals**

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PROOF OF SERVICE

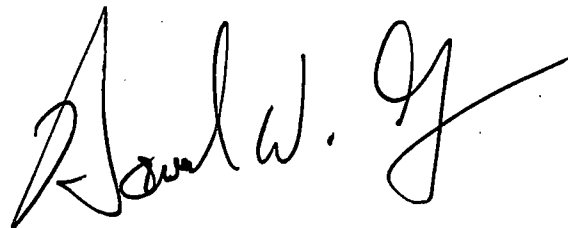
I, Howard W. Charpia , hereby certify that I mailed the Initial Brief to :

Attorney Frank M. Cisa
858 Lowcountry Blvd. Suite 101
Mt. Pleasant , SC 29464

South Carolina Court of Appeals
1220 Senate Street
Columbia , SC 29201

Dorchester County Clerk of Court
5200 East Jim Bilton Blvd.
St. George , SC 29477

Date mailed 10-3 , 2017



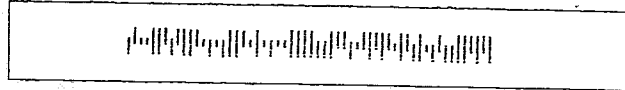
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