

5

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

JAN 31 2017

APPEAL FROM GEORGETOWN COUNTY

SC Court of Appeals

Circuit Court

Judge Kristi Lea Harrington, Judge

Appellate Case No. 2014-002776

STATE OF SOUTH CAROLINA

Respondent,

Vs.

LouShonda Myers,

Appellant

SUPPLEMENT TO RECORD ON APPEAL

LouShonda Myers

In Propria Persona, Sui Juris Petitioner

27 Wateree Trail

Georgetown, South Carolina 29440

loushondamyers@yahoo.com

(843) 527-2100

Three empty rectangular boxes stacked vertically, likely for a signature or stamp.

INDEX

Notice of Appeal.....1
State's Memorandum.....7
Certificate of Service.....10
Certificate of Service.....11

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

GENERAL SESSIONS
15th JUDICIAL CIRCUIT

~~Dameon Myers~~
~~In Propria Persona,~~
~~Defendant in Error, Appellant~~

NOTICE OF APPEAL
CASE NO. 02-GS22861 THE 22864

FILED
GEORGETOWN COUNTY, S.C.
2014 SEP -9 PM 12:30
ALISA Y. WHITE
CLERK OF COURT

~~vs.~~

STATE OF SOUTH CAROLINA
~~Fictitious Entity, Appellee~~ Plaintiff

v s.
Dameon Myers
~~In Propria Persona~~ Defendant

In Propria Persona Petitioner, Dameon Myers, respectfully submits this petition to allow the late filing of his appeal. Petitioner asserts the following:

1. Dameon Myers's Notice of Appeal was timely filed and served upon the Clerk of Court of Georgetown County General Sessions Court and upon the Solicitor's Office in Georgetown County.
2. Dameon Myers intent is and was to appeal the decision as evident by the time stamped clock copies of the Notice of Appeal dated December 27, 2013 [submitted by Wendy Reed on his behalf], December 28, 2013 [submitted by Loushonda Myers on his behalf], and submitted December 27, 2013 and clocked on January 13, 2014 by Dameon Myers himself.
3. On December 19, 2013, no order was prepared as directed by the judge, and as of April 10, 2014 no order has been prepared and/or filed regarding the December 19, 2013 judgement. Ms. Loushonda Myers attempted to obtain the order for December 19, 2013 by going to both the Clerk of Court's Office and the Solicitor's Office in Georgetown, South Carolina. Ms. Myers was told on April 10, 2014 by Ms. Magdeline Salemno, an assistant in the solicitor's office, that Ms. Richardson had not had an opportunity to prepare the order and that she did not know when it will be ready.
4. After filing his Notice of Appeal and Motion to Allow Late Filing, Mr. Myers was notified by the South Carolina Court of Appeals that his appeal was premature due to the fact that no order was filed in the matter.
5. Mr. Myers responded back to the South Carolina Court of Appeals stating that no order was filed, but a final decision and/or judgement had been made pursuant to the SCRAP 201(a). However, the South Carolina Appeals Court stated that it was premature due to no written order.

6. Subsequently, Mr. Myers filed a complaint on Ms. Alicia Richardson for failing to comply with the judge's order, and timely issue a written order. This complaint was filed with the South Carolina Supreme Court's Commission on Lawyer Conduct.

7. Sometime after filing this complaint, Mr. Myers received a copy of an order signed by Judge Hyman on August 12, 2014 and time stamped on August 12, 2014.

8. Mr. Myers is now appealing as a matter of substantive Right from the December 19, 2013 hearing after being delayed, hindered, and/or obstructed for eight months.

9. A copy of the order is attached, as well as a copy of the POA for Dameon Myers.

10. Due to Mr. Myer's incarceration, a copy of this Notice of Appeal will be filed by Ms. Loushonda Myers, his attorney-in-fact, and followed by a signed copy by Mr. Myers. Mr. Myers is requesting to proceed In Forma Pauperis due to his status as an incarcerated human being that cannot afford the costs of an appeal.

11. This appeal involves issues of fraud and questions of Constitutionality.

This 1 day of September, 2014.

Dameon Myers
Loushonda Myers Attorney In Fact

Loushonda Myers Attorney-In-Fact/Private Attorney General on behalf of Dameon Myers

In Propria Persona, Apellant

Inmate # 279666

P.O. Box 205

Ridgeville, SC 29472

CERTIFICATE OF SERVICE

I, Loushonda Myers, certify that a copy of the foregoing has been hand delivered to the Georgetown County Solicitor's Office at 401 Cleland Street, Georgetown, South Carolina 29440; hand delivered to the Clerk of Court for General Sessions at 401 Cleland Street, Georgetown, South Carolina; and mailed to the South Carolina Court of Appeals addressed to P.O. Box 11629, Columbia, SC 29211.

This 7th day of September, 2014.

Dameon Myers Loushonda Myers Attorney In Fact

Loushonda Myers Attorney -In-Fact/Private Attorney General on behalf of Dameon Myers

In Propria Persona, Apellant

Inmate # 279666

P.O. Box 205

Ridgeville, SC 29472

GENERAL POWER OF ATTORNEY

~~THIS~~ GENERAL POWER OF ATTORNEY is given by Dameon L. Myers (hereinafter "Principal"), an individual residing in the County of Georgetown, State of South Carolina.

I, the undersigned, do hereby appoint Loushonda R. Myers to be my true and lawful ATTORNEY-IN-FACT (hereinafter "Agent"). If my Agent is unable to serve for any reason, I designate Yvonne Myers as my successor Agent.

Except as otherwise specified herein, my Agent shall have full power and authority to act on my behalf and to exercise all of my legal rights and powers, including all rights and powers that I may acquire in the future. Further, I authorize my Agent to execute, acknowledge, and deliver any instrument and do all things necessary to carry out the intent hereof, hereby granting to my Agent full power and authority to act in and concerning the premises as fully and effectually as I may do if present, provided, however that all business transacted by my Agent hereunder shall be transacted in my name, and that all endorsements and instruments executed by my Agent for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my Agent, and the designation "Attorney-in-Fact."

Provided, however, my Agent shall not have the power to:

1. Make, publish, declare, amend, or revoke my will;
2. Make, execute, modify, or revoke my living will declaration or advance health care directive
3. Make, execute, modify, or revoke any power of attorney;
4. Name beneficiaries of my life insurance policies or retirement accounts;
5. Require me, against my will, to take any action or to refrain from taking any action; or
6. Carry out any actions specifically forbidden by me while not under any disability or incapacity.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney. I authorize my Agent to indemnify and hold harmless any third party who accepts and acts under this Power of Attorney.

My Agent shall be entitled to reimbursement of all reasonable expenses incurred in connection with this Power of Attorney, and shall be entitled to reasonable compensation on account of the services performed hereunder.

My Agent shall provide an accounting for all funds handled and all acts performed as my Agent, if I so request or if such a request is made by any authorized personal representative or fiduciary acting on my behalf.

The effective date of this Power of Attorney is October 19, 2011.

This Power of Attorney shall be durable and this Power of Attorney and the authority of my Agent shall not terminate if I subsequently become disabled or incapacitated. This Power of Attorney may be revoked by me at any time by written notice to my Agent. This Power of Attorney shall automatically be revoked upon my death.

IN WITNESS WHEREOF, I have executed this Power of Attorney on this 19th day of October, 2011.

X Dameon Myers

SIGNATURE OF PRINCIPAL

X Dameon Myers

PRINTED NAME OF PRINCIPAL

Witness Signature: ~~Loushonda Myers~~ ^{S.M.} Sandra B. Mathison
Name: ~~Loushonda Myers~~ Sandra F. Mathison
Address: ~~27 Waderee Trail Georgetown, SC 29470~~ 411 North Alex Afford Drive
Georgetown S.C. 29440

Witness Signature: Wendy Folsom
Name: Wendy Folsom
Address: 3103 Hwy 17 Business Myrtle Beach SC 29570

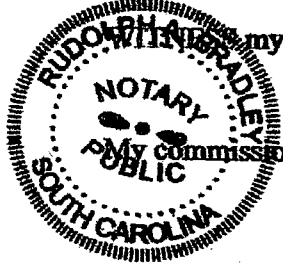
STATE OF South Carolina
COUNTY OF Georgetown

On 19th day of October 2011, before me, Reidolph Brantley, a Notary Public, personally appeared Dameon Myers, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the

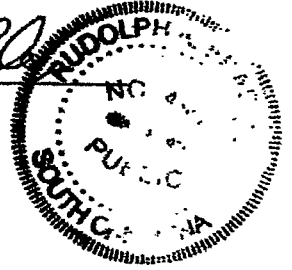
within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

_____ my hand and official seal.


Signature of Notary Public



My commission expires: March 30, 2019



STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

State of South Carolina,)
)
Plaintiff,)
)
v.)
)
Loushonda Myers,)
)
Defendant.)

MEMORANDUM IN SUPPORT OF MOTION
FOR RULE TO SHOW CAUSE AND A
FINDING BY THE CIRCUIT COURT THAT
DEFENDANT IS GUILTY OF CONTEMPT

The State of South Carolina, through the Office of the Attorney General of South Carolina, hereby submits this memorandum in support of its Motion for the Circuit Court of Georgetown County to issue a Rule to Show Cause and find Defendant in contempt of the Circuit Court.

BACKGROUND AND FACTS

During the PCR Term of Court beginning August 25, 2014, Loushonda Myers filed documents with the court that she drafted on behalf of Dameon Myers (Attachment A). Myers also appeared before the Court in an attempt to argue on behalf of those pleadings. Myers is not an attorney licensed to practice law in this state or any other state. The Circuit Court ordered Loushonda Myers from the bench to cease and desist such filings. Upon information and belief, Loushonda Myers has continued to file with the Circuit Court, an activity which is criminal and in contempt of prior Order of the Circuit Court. It is clear that Loushonda Myers engaged in a pattern of behavior that constituted the felony crime of the Unauthorized Practice of Law, in violation of S.C. Code of Laws 40-5-310, as amended.

1. The Honorable Judge Kristi Lea Harrington ruled from the Bench that the defendant was enjoined from her practice of drafting and/or filing and/or signing documents styled as

Motion for Discovery, Notice of Special Appearance, and Supplement to PCR Application.

Notwithstanding the Order of the Court, Loushonda Myers has refused to cease her unlawful activity. It is the State's position, and it has been the Circuit Court's position, that Defendant's actions constitute a fraud upon the court, interfere with the orderly administration of justice in Georgetown County, and were calculated to obstruct, degrade, and undermine the administration of justice. Her further actions continue the same pattern of contemptuous conduct, made worse by the fact that Defendant is clearly on notice that the court regards this conduct as both fraudulent and criminal.

AUTHORITY

The Circuit Court has jurisdiction to preside over a hearing regarding Loushonda Myers' criminal contempt. The South Carolina Supreme Court has recognized the power of the Courts of General Sessions to punish for contempt of court. In discussing the origin of such power, the Supreme Court stated"

There can be no doubt about the power of the courts of general jurisdiction in this State to punish for contempt. This power is not derived from any statute but from the common law which from its inception recognized this implied and necessary power, without which contumacious conduct could well destroy the authority of any Court.

State v. Goff, 228 S.C. 17, 88 S.E.2d 788 (1955) (emphasis added). In Goff, the Defendant was convicted of direct contempt in the Court of General Sessions, although the actions that the contempt was based upon occurred during a trial held in the Court of Common Pleas. In State v. Blanton, 278 S.C. 597, 300 S.E.2d 286 (1983), the Defendant was tried for contempt and the Supreme Court held the State could proceed "under the inherent contempt power of the Court of General Sessions" Blanton at 287,

Additionally, the Circuit Courts have jurisdiction to hear all contempt cases. "The Circuit Court may punish by fine or imprisonment at the discretion of the Court, all contempts of authority in any cause or hearing before the same" (emphasis added) S.C. Code § 14-5-320. It is in the discretion of the Court of General Sessions to hear all contempts, whether criminal or civil. The power to punish for Contempt based upon case law, statutes, and common law is inherent in the Courts of General Session in South Carolina and may be heard at the discretion of the Judge.

CONCLUSION

This Court has jurisdiction to hear this Contempt action. Defendant's present actions are detrimental to the functioning of the administration of justice and need to be addressed. Further, they are in direct contravention of the previous Order of the Circuit Court. "The primary purposes of criminal contempt are to preserve the court's authority and to punish for disobedience of its order." Poston v. Poston, 331 S.C. 106, 502 S.E.2d 86, quoting State v. Bevilacqua, 316 S.C. 122, 447 S.E.2d 213 (S.C.App., 1994). The Court should find the Defendant in Contempt and order such punishment as the Court finds just and proper.

RESPECTFULLY SUBMITTED,

BY: 

W. Allen Myrick
Asst. Deputy Attorney General

Columbia, South Carolina
Sept 16, 2014
PO Box 11549
Columbia, South Carolina 29211
(803) 734- 3642

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)
State of South Carolina)
v.)
Loushonda Myers)
DEFENDANT.)

IN THE CIRCUIT COURT
FIFTEENTH JUDICIAL CIRCUIT

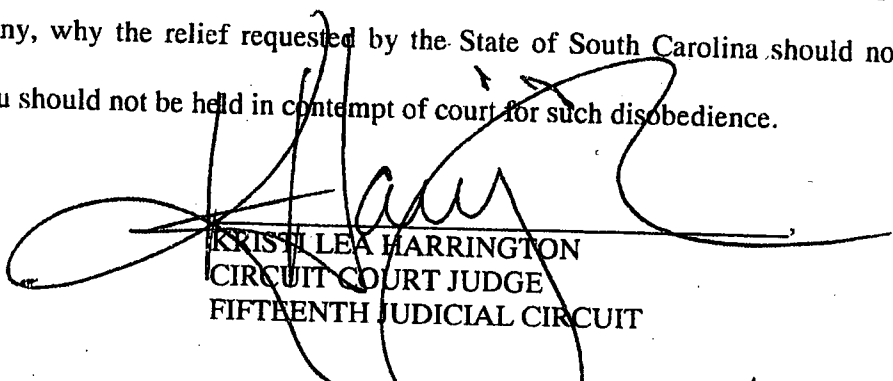
Re: 2012-CP-22-01132

RULE TO SHOW CAUSE

TO: LOUSHONDA MYERS

Based upon information before this Court, it appears that you have not obeyed certain Court Order(s). Therefore,

IT IS ORDERED THAT YOU APPEAR BEFORE THE GEORGETOWN COUNTY CIRCUIT COURT on the 26th day of September, 2014, at 10:00 a.m., and there to be prepared to show cause, if any, why the relief requested by the State of South Carolina should not be granted and why you should not be held in contempt of court for such disobedience.


KRISTI LEA HARRINGTON
CIRCUIT COURT JUDGE
FIFTEENTH JUDICIAL CIRCUIT

September 16, 2014
Marshes Corner, SC 29461