

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM FLORENCE COUNTY
Court of Appeals

Stephanie McDonald, Court Judge

R & R Cleaning and
Natalie Harris

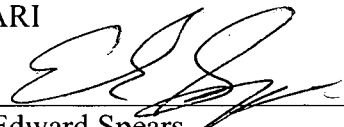
Respondent

V.

Edward Spears

Petitioner.

PETITION FOR A WRIT OF CERTIORARI


Edward Spears
503 Roughfork Street
Florence, SC 29501
843-496-3711
Pro-se

Aug 29, 2018

RECEIVED

AUG 31 2018

SC Court of Appeals

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[Judge(s) overlooked rules 210, 209, and 267 in their decision]
[Judge(s) was biased]

CONCLUSION

P3

Certificate of Counsel.....
[Counsel for petitioner certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on August 3, 2018.]

Questions Presented:

Did the Court of Appeals err when saying I should have included items 1 and 3 in my Record of Appeals?

Did Court of Appeals err when they said I only included the first page of motion to dismiss from respondent dated August 4, 2016?

Did Court of Appeals ^{err} ~~was~~ when they dismissed my case for handwriting?

P1

Statement of Case:

I appeal this case in the Court of Appeals up from the Court of Common Pleas. The case is captioned R & R Cleaning and Natalie Harris V. Edward Spears. The appeal happened March 27, 2017 (see A.P3). I filed my initial brief on October 27, 2017 along with my designation of matter. The respondent filed his initial brief and designation of matter on November 22, 2017 (see both designations for it plays an important part of this case A.PP 2, 31). I filed my Record of Appeals on December 29, 2017 which is the heart of this case (see A-1-30).

Mr. Hopewell has since filed 2 motions to dismiss on this case, one on January 9, 2018 and on April 12, 2018. In both motions he claims I did not include, in my Record of Appeals items, that he would like to see included in my Record of Appeals. He also complained of me not including certain documents from court orders and letters he sent to me. Also of handwriting on documents (see A-PP 32-38). The case was dismissed on June 8, 2018 by Judge McDonald of the Court of Appeals (see A-P39). On June 21, 2018 I filed a motion to reinstate (see A-39). In her order I left out item 1 and 3 of the respondent's designation of matter. That is because items 1 and 3 were never used in lower courts. Rule 210 give me that right (see A-P41). The names on the documents 1 and 3 are Natalie Robinson not Natalie Harris the person who I was suing. Not only are the documents irrelevant but were never used in lower courts (see motion to reinstate A-P 44, 46 for more details). AP40
APP42, 43
APP43

Judge McDonald also claims I left out pages of motion to dismiss by respondent dated August 4, 2017. Again, she eroded. If you look at document 13A it states that a copy of Judge Langely's order is attached. The order is included in Record of Appeals (see APP 9, 47). Besides that Rule 210 gives me the discretion to include any part of an order a party may think relevant to his case. (See motion to reinstate A.P 44-46)

Finally Judge McDonald claims that there was handwriting on the documents. Rule 210 and Rule 267 sets the guidelines and requirements for any paperwork coming thru the doors of the court or accepting of any papers for filing. That means paperwork must be neat, clean, and legible. According to rule 267g (see A-P48). It's the clerk of the appellate court job (not the judge) to ensure all paperwork meets the requirements of rules 210 and 267. Diagrams and photographs are welcomed under rule 210(f). The majority of handwriting as noted on her decision more than once was done by Judge Langely, a white judge, who at the time was being investigated for ethics violations and racial discrimination (see A-49-51). I am not saying her decision is racially motivated but it very well could be a factor. (See motion to reinstate more details page 44-46)

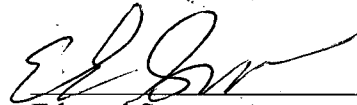
ARGUMENTS

The answers to the questions presented are easy to answer. Let's take them one by one. 1). Did the courts err saying I should include items 1 and 3 in my Records of Appeals? The answer is yes, the documents were never used in lower courts. 2). There were more than one pages included in the respondent's motion to dismiss dated August 4, 2016 (see A-P47) and (see A-P9). 3). Did the Court of Appeals error when they dismissed my case for handwriting? The answer is yes, the judge over stepped her boundaries. All the paperwork according the rule 267g

(see A P-48) are handled by the clerk. I know this to be true first hand because I have dealt with the court many times before. If paper doesn't meet the requirements they are returned. Then the part is given 10 to 15 days to correct of the case is dismissed. I never got such request from the Clerk of Court.

CONCLUSION

I believe the judge used bias judgment in all three questions presented in her June 8th decision (see A-P39). Suppose every judge dismissed a case where the appellant refused to put in his or her Record of Appeals? What the opposing party desires, that would benefit him or her. We would have more murders, crooks, and outlaws than we could count. That is why rules 210 and 209267 (see A P-41, 52) allows one to include subject or matter he or she believes to be relevant. The judge made references that Record of Appeals must include all matters designated by both parties. I believe the judge is a little confused on that statement. While both parties may agree on certain subjects or matters to include in Record of Appeals the subject or matters don't have to be identical. If a party thinks a subject or matter is left out the other party's Record of Appeals then they themselves should enter the subject or matter in their own Record of Appeals or designation of matter. No judge should ever dismiss any party case because he didn't include what the opposing party wants in his Record of Appeals. That will be total bias. The respondents must have conceded to the arguments or they had no more arguments in my motion to reinstate(see A P-44-46) 62.



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Aug 29-2018

P3

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In The Supreme Court

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Stephanie McDonald, Court Judge

Case No. 2017-000746

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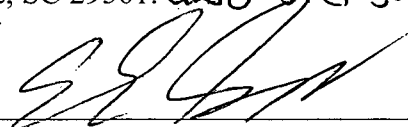
Edward Spears

Petitioner.

PROOF OF SERVICE

I certify that I have mailed a copy of the petition for a writ of certiorari and a copy of appendix to South Carolina Court of Appeals; 1220 Senate St., Columbia, SC and hand delivered the same to Mike Hopewell, 470 West Evans Street, Florence, SC 29501. *also S.C. Supreme Court 1210 Geneva St Columbia, S.C. 29201*

August 28, 2018


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