

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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SEP 27 2018

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Thomas A. Russo, Circuit Court Judge

Appellate Case No. 2018-001581

Edward Spears.....Petitioner,

v.

R&R Cleaning Services and Natalie Harris.....Respondents.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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Attorney for Respondents

Pursuant to Rule 242(f), SCACR, the Respondents hereby file their Return to the Petition for Writ of Certiorari dated August 29, 2018, and personally served on counsel for the Respondents on that same date. A copy of the Petition for Writ of Certiorari that was received by counsel for the Respondents is attached hereto as Exhibit 1.

QUESTIONS PRESENTED

1. Did the Court of Appeals err when saying (Petitioner) should have included items 1 and 3 (in his) Record (on) Appeal?
2. Did Court of Appeals err when they said (Petitioner) only included the first page of motion to dismiss from Respondent dated August 4, 2016?
3. Did Court of Appeals err when they dismissed (Petitioner's) case for handwriting?

ARGUMENT

In Respondents' Designation of Matter to be Included in the Record on Appeal, the first item on that list was a copy of the original Complaint in the underlying Magistrate's Court case, which was specifically identified as follows: "Complaint dated December 31, 2015 in case number 2015CV2110108515." The third item listed in the Designation of Matter was "a letter from Michael S. Hopewell to Edward Spears dated June 23, 2016 and Certificate of Service of the same date."

In the Record on Appeal that the Petitioner filed with the Court of Appeals, those two items were not included. In addition, item 7 of the Designation of Matter identified the following: "Notice of Appeal dated October 17, 2016 filed by Respondents in Case Number 2016-CP-21-02533. Only the first page of this multi-page document is included and it is covered with handwriting of an argumentative nature...." A copy of pages 2

through 5 of Respondents' Motion to Strike dated January 8, 2018 are included in Petitioner's Appendix as Exhibits 32-35. A copy of page 1 of said motion, which was omitted from the Appendix, is attached hereto as Exhibit 2.

In an Order dated March 6, 2018, Chief Judge Lockemy, *inter alia*, denied the Respondents' Motion to Dismiss dated January 8, 2018, but granted Respondents' Request to Require Correction of the Record on Appeal and struck the previously filed Record on Appeal. Petitioner was instructed in the order to serve a corrected Record on Appeal including all matters designated by both parties and further ordered that the documents be free of any handwritten notations.

It does not appear that a copy of Judge Lockemy's Order was included in Petitioner's Appendix, therefore, a copy is attached hereto as Exhibit 3. After Petitioner's second copy of the Record on Appeal was still incomplete and in violation of Chief Judge Lockemy's Order, counsel for the Respondents filed a second Motion to Dismiss dated April 12, 2018. A copy of that motion is contained within the Appendix on pages 35-38.

Judge McDonald's Order of June 8, 2018, contained on page 39 of the Appendix, correctly ruled that Respondents' Order to Dismiss was granted. The appeal was ultimately dismissed for Petitioner's continued failure to follow the South Carolina Appellate Court rules and the Order of the Court of Appeals.

In his Petition, Petitioner does not cite any case law to indicate that the Order was wrongly decided or that he should not be required to file a proper Record on Appeal and follow the Order of the South Carolina Court of Appeals. Rather, he seems to argue that

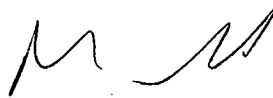
he is not required to include matter designated by the Respondents or follow the directive of the Court as contained in Chief Judge Lockemy's Order.

The arguments set forth in the Petition are baseless and without support of any kind.

CONCLUSION

The Petitioner's appeal was dismissed after he failed, though given multiple opportunities, to provide a proper Record on Appeal to the Court. There is no basis for this Court to review the matter. The Petition does not contain anything that could be construed to fall under Rule 242(b), SCACR, and while the Respondents understand that this Court has the authority to consider matters outside Rule 242(b), SCACR, there is nothing in the Petition that would rise to that level. Therefore, the Respondents urge that the Petition for a Writ of Certiorari be denied.

Respectfully submitted,



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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
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Pro-se

Aug 29, 2018

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

[Judge(s) was biased]

CONCLUSION

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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

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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-40). 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. *see APP 42, 43* Not only are the documents irrelevant but were never used in lower courts (see motion to reinstate A-P 44, 46 for more details).

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 209 ~~207~~ (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-~~416~~). 62


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Aug 29, 2018

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

The Honorable Thomas A. Russo

Trial Case No. 2016-CP-21-02533
Appellate Case No. 2017-000746

RECEIVED

JAN 09 2018

SC Court of Appeals

Edward Spears.....Appellant,

v.

R&R Cleaning Services and Natalie Harris.....Respondents.

**MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION TO
ORDER APPELLANT TO FILE A PROPER RECORD ON APPEAL;
AND MOTION FOR EXTENSION OF TIME TO FILE FINAL BRIEFS**

The Respondents, through their undersigned attorney, hereby move the South Carolina Court of Appeals to dismiss the appeal, or in the alternative, to order the Appellant to file and provide to counsel a proper Record on Appeal pursuant to the rules of this court. If the appeal is not dismissed, the Respondents further move the court to enter an order for extension of time to file Final Briefs in this matter. This motion is made pursuant to Rules 209, 210 and 211, SCACR.

The South Carolina Court of Appeals

Edward Spears, Appellant,

v.

R&R Cleaning Services and Natalie Harris, Respondents.

Appellate Case No. 2017-000746

ORDER

Respondents' motion to dismiss is denied. Respondents' request to require correction of the record on appeal is granted. The record on appeal that was previously filed is stricken. Within thirty days of the date of the order, Appellant must serve a corrected record on appeal and file a proof of service for the corrected record on appeal. The corrected record on appeal must include all matters designated by both parties and the documents must be free of any handwritten notations. Appellant's request to file a fewer number of copies of his final brief and record on appeal is granted to the extent that Appellant may file only seven copies of his final brief and seven copies of the record on appeal.

 C.J.
FOR THE COURT

Columbia, South Carolina

cc:
Edward Spears
Michael S. Hopewell, Esquire

FILED

March 6, 2018

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Thomas A. Russo, Circuit Court Judge

Appellate Case No. 2018-001581

Edward Spears.....Petitioner,


v.

R&R Cleaning Services and Natalie Harris.....Respondents.

PROOF OF SERVICE

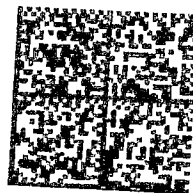
I certify that I have served the Respondents' Return to Petition for Writ of Certiorari on Edward Spears, pro se Petitioner, by depositing a copy of same in the United States Mail, postage prepaid, on September 26, 2018, addressed to 503 Roughfork Street, Florence, SC 29501.

September 26, 2018



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09/26/2018

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The Honorable Daniel E. Shearouse
Clerk of Court
The Supreme Court of South Carolina
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