

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM WILLIAMSBURG COUNTY

Court of Common Pleas

Ferrell Cothran

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Case No. 2012-212819

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Marion L. Driggers

Appellant

v.

Daniel Shearhouse Clerk of Supreme Court

Honorable Jean Teal

Honorable Costa Pleicones

Respondent

Honorable Donald Beatty

Honorable John Kittredge

Honorable Kay Hearne

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BRIEF OF APPELLANT

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Marion L. Driggers – Prose

3497 Hebron Road

Lake City, South Carolina 29560

(843) 598-0735

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**SC Court of Appeals**

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## **CASES**

Richard Freemantle V. Joey Poston

Appellate Case No. 2010-181306 Opinion No. 27138

## **Statutes**

S.C. Code 30-4-10-165

S.C. Code 30-8-240

S.C. Code 30-8-250

## **Statement of Issues on Appeal**

- 1.) Is the Supreme Court a Public body?**
  
- 2.) Does the Supreme Court abide by state Statutes?**
  
- 3.) When the Supreme Court reviews a writ or a certification does it go into executive session?**
  
- 4.) Can a Circuit Court Judge disregard State Statutes?**
  
- 5.) Can a Circuit Court Judge refuse to hear an FOIA case and then dismiss it?**

## STATEMENT OF THE CASE

This case evolved from case no. 210-165946, which was a case under Rule 242 (Certiorari to the Court of Appeals.) I read that there were five guidelines for Certiorari. I believe that I qualified for three of the five guidelines. Two of the guidelines, I believed were very crucial to the case. One was that there was a prior decision of the Supreme Court that conflicted with this decision of the Court of Appeals. The other was about Constitutional issues. When I questioned Mr. Shearhouse about why these issues were not considered, he told me they were not required to give a reason for their decision. This is when I began to question the openness of the courts. That's when I filed an FOIA case on December 20, 2011. This is when the court and Mr. Shearhouse hired the firm of Sowell & Gray. I am not sure why they did not use the Attorney General's office, other than it seems his opinions agree with mine.

(p 23 L 9)  
This is when Mrs. Cundari tried to make this case look as though it is using the Circuit Court to review the Supreme Court, when in reality it is only an FOIA case. Then she continues on about all the information has been released to me, but I have no information about my three reasons for certiorari. Next she moves to the issue of immunity for the Justices, but Opinion No. 27138 deals with this in Section IV that immunity must be proven at trial.

She then moved for dismissal to the Honorable Ferrell Cothran in Williamsburg County. The dismissal hearing was held on June 28, 2012. The Judge refused to hear the FOIA case, but was very quick to dismiss it. This seems very strange to me that he was able to dismiss a case when State Statute 30-4-10 says it is his duty to hear it.

I presented case No. 2010-181306 to him where the situation was identical on the issues and even issued a Motion to reconsider, but this Motion was decided before we ever made it to Court.

### CONCLUSION

This case is probably the end of a very long battle to seek Justice in this state. Openness in a society is paramount to the success of any state. If the people do not trust their government then nobody wins.

Marion L. Driggers

3497 Hebron Road

Lake City, South Carolina 29560

(843) 598-0735

## **ARGUMENTS**

- 1.) The State of South Carolina requires all information to be released with section 30-4-10 and 14-8-240 & 250 and this was not done.**
- 2.) Circuit Court Judges are required to hear FOIA cases in South Carolina.**
- 3.) A Circuit Court Judge cannot dismiss a case he refuses to hear.**

CERTIFICATE OF COUNSEL  
THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM Williamsburg County

Court of Common Pleas

Appellate Case No. 2012-212819

Marion L. Driggers,  
Plaintiff,

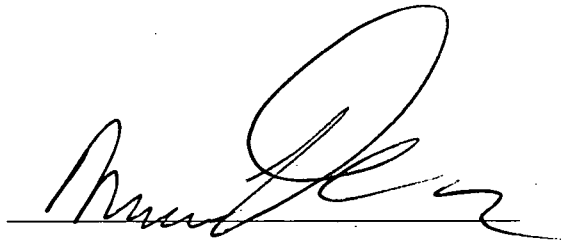
v.

Daniel Shearhouse, Honorable Jean Toal,  
Honorable Costa Pleicones, Honorable  
Donald Beatty, Honorable John Kittredge,  
Defendants.

CERTIFICATE OF COUNSEL

The undersigned certified that this Brief of Appellant complies with Appellate Court Rules.

December 19, 2012



Marion L. Driggers  
3497 Hebron Road  
Lake City, South Carolina 29560  
(843) 598-0735

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STATE OF SOUTH CAROLINA

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IN THE COURT OF APPEALS

COUNTY OF WILLIAMSBURG

)

Marion L. Driggers,

)

Appellate Case No.: 2012-212819

Plaintiff,

)

v.

)

)

**CERTIFICATE OF SERVICE**

)

Daniel Shearhouse, Honorable Jean Toal,

)

Honorable Costa Pleicones, Honorable

)

Donald Beatty, Honorable John Kittredge,

)

Defendants.

)

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I, Marion L. Driggers Pro Se Plaintiff, do hereby certify that I have served all counsel in this action with a copy of the document below by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Document: Brief of Appellant

Counsel: Tina Cundari Sowell & Gray

P O Box 11449

Columbia. South Carolina 29211



Marion L. Driggers

3497 Hebron Road

Lake City, South Carolina 29560

(843) 598-0735

December 19, 2012

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