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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT AND FLORENCE COUNTY
Kenneth E. Fulp, Jr. Circuit Court Judge
Roger L Couch, Circuit Court Judge

Case Nos. 2016-ES-01-00302, 2016-CP-21-1435, 2015-ES-21-00778
Appellate Case No. 2017-002290

Deborah B. Harwell, Respondent/Appellant,

v.

Robert Bryan Harwell, individually and as the
Personal Representative of the Estate of
David W. Harwell; and the South Carolina
Department of Health and Environmental Control,
Division of Vital Records, Defendants,

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APR 01 2019
SC Court of Appeals

Of whom Robert Bryan Harwell, individually
and as the Personal Representative of the
Estate of David W. Harwell is the Respondent/Appellant,

And the South Carolina Department of
Health and Environmental Control,
Division of Vital Records is the Respondent,

v.

Law Office of Deidre W. Edmonds, P.A.
And Deidre W. Edmonds, Individually,Appellants/Respondents.

MOTION TO REMAND AND DECLARATION OF A MISTRIAL

ARGUMENT

My name is Deborah Harwell. I am the legal widow of David W. Harwell, the retired Chief Justice of the SC Supreme Court and the step-mother of US District Judge Bryan Robert Harwell from Florence, SC and attorney Baxter Harwell, originally from Florence, SC. My husband and I lived in Horry County for nearly 20-years. He died while residing at the Methodist Manor Nursing Home in Florence. The Florence Probate office were transferred to the Beaufort County Probate Office as a result of a conflict in the Florence Probate Office. My step-son District Judge Bryan Robert Harwell has filed an appeal against me and is asking for additional sanctions in a case that I was not included in the lower court hearings in Florence circuit court, changed from Florence Probate Court, changed to Beaufort Probate County, held in Spartanburg Circuit Court, Charleston, Circuit Court, Marion Circuit Court and Horry Family Court. Sanctions were issued in a Spartanburg, SC courtroom by Circuit Court Judge Roger Coach, who practiced in Florence, SC circuit court for some years. These sanctions were handed down prior to any trial or court hearing presenting evidence or testimony. When called to his attention, he just said "Oh I thought it had been," and weeks after the hearing; he said he had lost documents in his chambers while moving. Scheduled to testify in the hearing in Spartanburg, SC was USC Law School Professor Emeritus Burnele Venable Powell. He spent 35-years in academia teaching law and is a national legal consultant and expert witness. He was convinced that this case had progressed through the wrong court. This would have caused the case to be dismissed. Judge Coach refused any testimony from anyone, including the other defendant, former Probate Judge Deirdre Edmonds from Horry County. She was prepared to testify. He denied all requests.

Then another hearing was scheduled in Charleston, SC and that surprisingly was before Judge Roger Coach again on a reconsideration of handing down higher sanctions that was requested by District Judge Bryan Robert Harwell and I was emailed the wrong date. I was called from the courtroom wanting to know if I was in the Charleston courthouse. When I told them my email stated another date for the hearing and I was six hours away; there was no way to get to Charleston, SC and I was totally left out of any testimony or the presenting of evidence. My evidence included information from the person who physically prepared the Death Certificate and settles all arguments. Now, at the Court of Appeals level, evidence can't be presented. I also got an Order from Judge William H. Seals in Marion, SC, signing to allow my attorney to withdraw. I called Judge Seals office and told them that I had no notification of any hearing. His office told me that they were not responsible for notifying me of a hearing. I ordered the transcript of the hearing and it was stated that I agreed to the withdrawal of counsel. I called back to say that I absolutely did not agree and object and what did I need to do. They stated it was too late. This hearing, I believe was in Marion, SC.

On a hearing in Florence, SC., before Judge Brooks P. Goldsmith, I called to find out the time of the hearing. When I walked into the courtroom, the Bailiff stopped me saying that Judge Goldsmith was selecting a Jury and there was no Harwell matter taken up before the court. When going out into the hall, I believe I saw my step-son and his attorney and others walking swiftly out of the courthouse door toward the Barth Harwell old law office in Florence. I called the Court later to ask for a transcript and found that the hearing was held in private chambers and the Judge ruled that my husband's assets could be revealed but that the wife could not see her husband's assets, even though we filed a joint IRS Tax report every year. Also, CPA Buddy Lindsey had a 4th tax return that was presented and they claimed to be unaware of that return, even though both

step-sons had taken the funds. 10-months after my husband's death; my step-son filed a suit against me with contempt for viewing my husband's body at the funeral home (where I found that his body was naked and hidden in a storage closet from Wednesday to Saturday at the ordering of my step-son), having my own cell phone that I paid for myself and several other ridiculous reasons that I do not believe violated any law. Not Probate Court, but Family Court Judge Melissa Johnson Buckhannon charged me with civil contempt, making me go into the courtroom for 95% of the court hearing without an attorney and without any files because the attorney I hired, signed a contract with and paid \$5,000, Carrie Warner, disappeared. She sent a text message 48-hours before the Contempt trial stating she found an unstated conflict and continued to retain my files. Family Court Judge Melissa Jones Buckhannon charged me with Civil Contempt and had me handcuffed, chained and sent me to the county jail for a 45-day sentence, ironically on the morning of the same day as the 60-B hearing that I now could not attend and the 60-B somehow disappeared and I still do not know how that happened. But when my step-son Judge Robert Bryan Harwell and his attorney wrote the Order for the Judge, he filed the charge of Criminal Contempt instead of Civil Contempt and Judge Buckhannon signed the Order; thus catapulting me into another level of Constitutional Rights protection. Judge Buckhannon never advise me of any rights in the courtroom and threatened me with Contempt if I used the 5th Amendment. She actually yelled at me telling me that she did not believe me when I testified on the stand that I was told if I sued, I would find myself indicted or dead or both. Judge Buckhannon even ruled that I could not get my own mail and my step-son District Court Judge Bryan Harwell proudly testified that "someone" had put their hands literally inside my mail box and taken my mail for months. This box is a business box opened only by me, paid only by me and used only for me for years before our marriage. My car insurance was cancelled. My dental insurance was cancelled. IRS notices

to me were taken. They did everything to make life dangerous through jail and miserable. Jail time presented a full blown AIDS patient that was mentally ill causing concern for health issues. The guards warned of diseases spread from the showers of sick people. The identity theft prisons followed me to the machines. Then the female gang members arrived and I was sequestered, being the "Mother" they believed of the Federal Judge. My private parts were examined for drugs. My photo in orange was spread everywhere, from my hometown to the newspaper, causing me to be discredited for the rest of my life as they planned. I know how to cook casseroles and entertain the family for holidays. I have never even thought about trying any drug. This was more than a life changing experience. It destroyed me for the rest of my life. I am 69-years old. This was done illegally and I have begged over 1100 attorneys to help me. But who wants to get sued or their careers ruined? The Chief Judge of the Court of Appeals James E. Lockemy from the Pee Dee and next door neighbor to the beach front home that the step-sons owned, signed an Order withdrawing my attorney from the Court of Appeals. I formally filed papers opposing her dismissal because no one wanted this case because it would hurt their legal career, their legal firm's status or their children's legal careers if they practiced in Federal Court. I had one attorney even fearful that it would result in his daughter being turned down for law school. I never heard back from the court on opposing my attorney's dismissal.

The Court of Appeals ruled with my step-son to bifurcate these cases; thus assuring me no attorney for this case and separating the evidence. In 2016, I found that my name was left off of my husband's death certificate with no correction attempted by the funeral home, after asking them, and an actual resistance to my name being put on my husband's death certificate by the Informant as SC law requires. As I was told by the health department that without it; I would have no status in life as I would not be single, widowed, divorced, just non-existent. Leaving my name off caused

problems with any retirement or social security funds as they required my name to be on the death certificate. Any federal form that I would fill out for the rest of my life would not be accurate and could cause criminal charges. I never will remarry but it also would not be legal to do so because I would not be widowed, divorced, single but had no status on the Death Certificate of my legal husband. I searched and searched for an attorney just to get my name on my husband. Finally, the former Probate Judge for Horry County Deirdre Edmonds agreed to represent me. The Health Department said the only person that could change the information was the Informant Bryan R. Harwell and he refused. We had to file an actual suit to get the information changed. Attorney Edmonds was extremely knowledgeable and to go forward with "The Plan" of me having no "Free Speech," "No Attorney Representation" and "No funds"; my step-son Bryan R. Harwell sued Judge Edmonds for conspiracy for helping me causing her to have a conflict and having to resign. She is one of the most honorably people I have ever met. It sent a signal to all attorneys and attorneys that I approached were afraid they would be sued too. My Step-Son Bryan R. Harwell screamed at his father for two years saying they had to get started on "The Plan." All I knew of "The Plan" was that our Pre-nuptial Agreement would not hold. I did not know why until this court case began because of the omission of the wife's name on the Death Certificate; and I was totally stunned beyond belief to find out why and that anyone would concoct this type of plan. Now, I firmly know that there was a significant plan with multiple parties involved, many not knowing why, to keep me from having any legal representation, to keep me from testifying, to try to cause me extreme financial hardships and possible bodily harm, to limit my abilities to go through the courts. They had to discredit me and keep me from going to a 60-B hearing by putting me in jail illegally. I also found my name left out of my own husband's obituary. I was threatened in writing that if I came to my own husband's visitation, I would be taken away for trespassing.

My sweet husband, who dedicated his life to public service, looked forward to his funeral that we planned and planned. I remember asking him if he wanted his casket open at the visitation. He said, "Of course I do. If they went to the trouble of coming to see me, I sure want them to be able to see me. I can't wait for you to hear all the stories of the people that I have helped." He wanted the mantel dusted off and a picture taken down in the showing room. He deserved better, a lot better. My husband deserved a proper funeral and dignified burial. I won't change my name from Harwell because of my deep love for him to this day. I want to request an immediate full and total vote of the Court of Appeals to remand this case for dismissal. I had a right to counsel like any other citizen of the United States. I had a right to acquire witnesses. I have the right to testify. I have a right to present evidence. I had a right to be told that I could have the jury trial that I requested. All due process and equal protection was completely disregarded. I am guaranteed Freedom of Speech and they have repeatedly taken it away from me in writing and in court. The only way to correct the multiple violations of Due Process in this case and a lack of legal counsel protection is to immediately remand it for dismissal by a vote of the entire Court of Appeals, with the exception of any attorney on the court that represented either the Defendant or Plaintiff or any member that participated in ex parte' discussions directly with either the Defendant, Plaintiff or persons representing either.

ACTION REQUESTED

To Remand to lower court for a mistrial as a result of multiple Due Process Rights violations and no legal representation possible after the Circuit Court and Court of Appeals dismissed my legal representation without Widow Harwell's consent and after thousands of dollars paid to attorneys. This document was written and submitted by a pro-se litigant with no legal training.

Deborah B. Harwell
Deborah B. Harwell

March 20, 2019

A. K. Burt
Witness

March 20, 2019

Deborah B. Harwell, *Pro Se*
1459 River Highway
 Mooresville, NC 28117

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served the counsel of record with a copy of the Motion to Remand and Declaration of a Mistrial by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

Blake A. Hewitt
BLUESTEIN THOMPSON SULLIVAN, LLC
Post office Box 7965
Columbia, South Carolina 29202

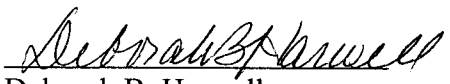
Barber J. Wagner
M. Dawes Cooke, Jr.
Barnwell Whaley Patterson & He3lms, LLC
P.O. Drawer H
Charleston, SC 29402-0197

John Harleston
S.C. Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Kevin Barth
Barth Ballenger Law Firm
205 N. Irby Street
Florence, SC 29501

March 25, 2019

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Deborah B. Harwell
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Deborah B. Harwell
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March 20, 2019

The Honorable Jenny A. Kitchings, Clerk
The SC Court of Appeals
PO Box 11629
Columbia, SC 29211
Certified Mail

RE: COC Case: 2017-002290

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Dear Ms. Kitchings:

Please accept this Motion to Remand and Declaration of a Mistrial with a certified check for \$50.00.

Most kindly,



Deborah Harwell

Harwell, D.

Q.L.

1459 River Hwy
Mooresville, NC 28117

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SC COURT of Appeals

The S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211