

**NOTICE OF APPEAL FROM COURT OF COMMON PLEAS REGARDING A
FINAL ORDER AFFIRMING JUDGMENT ON APPEAL AND WRIT OF EJECTMENT
FROM MAGISTRATE'S COURT**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appellate Case No. 2019-000422

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Walton J. McCleod, Circuit Court Judge

Appellate Case No. 2018-CP-40-04557

Caroline Streater, Magistrate Court Judge

Original Trial Case No. 2018CV4010800184

Aspyre Assembly Station

Respondent

V.

Travis Stewart

Appellant

Amended *BC* 4/12/19
MEMORANDUM FOR NOTICE OF APPEAL

Travis Stewart appeals the Final Order of the Honorable Walton J. McCleod, Richland County Court of Common Pleas, issued February 15, 2019 Affirming Judgment on Appeal and the *Writ of Ejectment* issued by the Honorable Caroline Streater in Richland County Central Magistrate's Court August 21, 2018 in which Appellant was present. Appellant has received written notice of entry of Judge McCleod's Final Order Affirming Judgment on Appeal and the *Writ of Ejectment* and is timely filing this Notice of Appeal within the timeframe stipulated by South Carolina Appellate Court Rule 203.

Respondent executed the *Writ of Ejectment* August 24, 2018. The *Writ of Ejectment* was stayed during the pendency of that appeal. Appellant's rent was kept current during the

pendency of the appeal and remains current. Respondent has blatantly committed actions consistent with disability discrimination against Appellant since February 2018, including assault and battery by Respondent's assistant manager Tiffany Maddox June 25, 2018 resulting in an acute exacerbation of Appellant's spectral PTSD, a prolonged course of hospitalization from June 25 to July 27, 2018, and prolongation of Appellant's tenure as a student at the University of South Carolina to complete his Master's of Science Degree in Biomedical Engineering.

Appellant's financial demise was precipitated by inappropriate obstructive actions and falsehoods by Amanda Bidinger, assistant manager for the University of South Carolina's Office of Student Conduct, that prevented Appellant's re-enrollment at the University of South Carolina January 2019 for the Spring 2018 semester and subsequent receipt of financial aid for the Spring 2018 semester which were absolutely essential for Appellant to timely tender rent to Respondent for Aspyre Apartment 3106 and other expenses. Additionally, Appellant lacked transportation to meaningfully pursue and engage in employment opportunities after recovery status post his hospitalizations in August to September 2017 and September to October 2017 because Respondent had Appellant's car towed from Aspyre's Garage during Appellant's September to October 2017 hospitalization despite the then manager Taylor (? Last name)'s assurance to Appellant's mother he would safeguard Appellant's interests as those interests related to Aspyre during Appellant's hospitalization.

The Honorable Judge Harold Cuff, Olympia Magistrate Court, Denied Respondent's request to Execute the *Writ of Ejectment* and Granted Appellant's Petition for a Jury Trial in this matter April 16, 2018 subsequent to Appellant's payment of the requisite bond. Judge Cuff did not memorialize his April 16, 2018 Order Granting Appellant's Petition for Jury Trial to writing. The April 16, 2018 hearing was not recorded. Judge Streater asserted she telephoned the Clerk of Olympia Magistrate Court from her judge's chamber during court August 21, 2018 and "asked [that] clerk to recall to the best of her knowledge what Judge Cuff ordered/stated." Judge Streater subsequently returned to Court and asserted Judge Cuff did not Grant Appellant a Jury Trial and that the Clerk improperly transferred the Venue of the trial from Olympia Court to the Richland County Central Magistrate's Court without authorization by Judge Cuff. Judge Streater then abruptly concluded Court August 21, 2018, Denied Appellant's Petition for a Jury Trial, and Denied Appellant's Petition for Leave of Court for Excusable Neglect due to technical difficulties resulting in 1 day of tardiness on 4 separate occasions, two of which were at the Olympia Court's directive, one was due to Appellant's engine failure and inability to get to Court, and the fourth due to multiple motor vehicle accidents en route to Court Friday, August 3, 2019 resulting in Appellant failure to make his rental payment to the Court due to arrival a few minutes after 5:00 p.m. August 3, 2018. No extension was granted by Court to Appellant to tender his rental payment on the following Monday, when the 5th fell on a weekend.

Respondent's assistant managers Andy Walter and Tiffany Maddox have egregiously discriminated against Appellant due to his disabilities and have openly admitted to Appellant's mother and Power of Attorney that Aspyre's refusal to renew Travis' lease was initially, according to Respondents' Maddox' and Walter's own words, "mainly for [Appellant's] failure to pay rent timely," "but, now, it's not about the money, we just don't want him here." Neither assistant residential manager of Aspyre retracted their statement

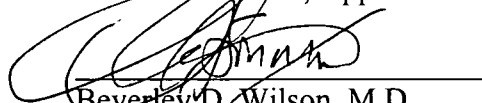
when Appellant's mother informed each, individually, Appellant suffered from mental illness, was recovering, and was in outpatient therapy for his mental illness - even though Appellant's mother informed both their statements and actions were blatantly disability discrimination against Appellant due to his mental illness and were illegal. Additionally, Respondent's attorney, Thomas I. Howard, Jr., falsely informed SCE&G that Appellant had been ejected from his Aspyre Apartment 3106 after being served the Notice of Appeal August 27, 2018. SCE&G subsequently assigned Appellant's utilities to a third party, South Carolina Student Rental Housing Authority October 19, 2018. Appellant is unable to tender his rent to SCE&G, is unable to and does not desire to engage in transactions for utility payments with Respondent Aspyre given Respondent Aspyre's egregious and onerous discriminatory behavior, acts, and statements toward Appellant.

Appellant is in his final year of study as a graduate student and candidate for the Master of Science Degree in the Biomedical Engineering Department at the University of South Carolina. Appellant is in his eighth year of tenancy at Aspyre at Assembly Station and desires to remain at Aspyre to pursue doctoral studies at the University of South Carolina. The Court's allowance of Respondent's Execution of the *Writ of Ejectment* would foreclose Appellant's ability to receive the benefits of a successful appeal of this case and cause irreparable harm to Appellant's ability to complete his final year of his graduate studies and pursue further studies at the University of South Carolina.

Therefore, Appellant Motions and fervently Prays to the Court for a Stay of Respondent's Execution of the *Writ of Ejectment* during the pendency of these appeal proceedings, an immediate Order Compelling Respondent to allow Appellant to continue tenancy and to facilitate transfer of Appellant's SCE&G utilities account for Aspyre Apartment 3106 back to SCE&G for reassignment to Appellant, and to Sanction opposing Counsel Thomas I. Howard, Jr. for Lack of Candor to the Court and dishonest behavior and acts that fall beneath acceptable standards of behavior expected for a practicing South Carolina attorney. Please see the attached Motion and Memorandum for further details regarding Stay of Execution of Respondent's *Writ of Ejectment*, Appellant's continued tenancy in Aspyre Apartment 3106, SCE&G utility reassignment to Appellant, and Sanctions requested for attorney Thomas I. Howard, Jr.



Travis G. Stewart, Appellant



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and submitted
Signed this 12th day of April 2019.
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Other Counsel of Record

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