

No. _____

IN THE
SUPREMEM COURT OF THE UNITED STATES

Edward Spears – PETITIONER

vs.

R & R Cleaning and Natalie Harris – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SOUTH CAROLINA SUPREME COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

Edward Spears
(Your Name)

503 Roughfork Street
(Address)

Florence, SC 29501
(City, State, Zip Code)

843-496-3711
(Phone Number)

RECEIVED
FEB 25 2019
SC Court of Appeals

QUESTION(S) PRESENTED

S.S.
Did the Supreme Court deprive me of my constitutional rights of equal protection of the law?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF AUTHORITIES CITED

CASES

Gideon V. Wright.....

PAGE NUMBER

(See Supreme Court
Appendix PP ~~4-6~~)
5-7

STATUTES AND RULES

Rule 210.....

(See State Court
Appendix ~~PP~~ P5

OTHER

Judicial Actism.....
Ultra Vires.....

(See Supreme
Court Appendix
PP 3 and 4

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APPENDIX F

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Court of Appeals court appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was Nov 28.
A copy of that decision appears at Appendix 2.

A timely petition for rehearing was thereafter denied on the following date: Nov 28, and a copy of the order denying rehearing appears at Appendix A. Supreme Court

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT XIV

SECTION 1

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

This case comes from the Court of Appeals to the Supreme Court on August 29, 2018. It is captioned Edward Spears (plaintiff) vs. R & R Cleaning Service (defendant) a company I was suing for harassment and wrongful termination. The defendant's lawyer made a motion requesting that I include, in my record of appeals, a document never used in lower courts to be included in my record of appeals. The documents contained the name of Robinson who was unknown and was not on the lawsuit (see appendix A pp 3 & 4). The motion was granted and on March 6, 2018 I was ordered by Judge Locomey of the Court of Appeals to include all documents requested by defendant's lawyer in order to have what he defined as a corrected record of appeals. (see appendix A state court page 1). South Carolina Civic Court rule 210 prohibits any matter never used in lower courts to be included in one's record of appeals (see appendix A state court page 5 highlighted). The case was later dismissed. After petitioning the South Carolina Court of Appeals for a rehearing I was denied (see appendix A state court page 2). I then appealed the case to the South Carolina Supreme Court where I was denied in a vote for a writ of certiorari (see appendix A Supreme Court page 1).

Rule 210 is very instrumental law not only in this case but in any civil or criminal case. Why? Because it allows only relevant information in an existing case. This case takes on imperative public importance, because many innocent people are behind bars or have lost land mind cases because judges have allowed irrelevant information or evidence in a court hearing.

REASONS FOR GRANTING THE PETITION

I believe I should be granted a writ for the simple fact that the S.C. Supreme Court deprived me of my fundamental rights of due process and equal protection of the law as stated in section I of the fourteenth amendment of the constitution. In this case they should begin by applying procedure due process by analyzing the case to make sure the March 6th court order was that of fairness and was I deprived of any fundamental rights of the constitution. The answer should be a fat yes! Under section I of the 14th amendment it states no state should make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. The March 6th order of the Court of Appeals deprived me the benefits of rule 210.

Substantive
Next the court should have applied substantial due process to see if any state laws legislation deprived me, in any way, of my constitutional fundamental rights. To do so they should have applied the strict scrutiny standard to see if the state had any compelling reason on interference of my privilege and benefits under rule 210. If indeed the state had some compelling reason to interfere my fundamental rights under rule 210 the S.C. Supreme Court carried the burden of proof. The court gave no reason of their vote no, which makes their vote ultra vires, or that of judicial activism. Therefore, ~~their vote~~ ^{Writ} should be granted.

Once the due process was finished and concluded there were not reasons for the state to interfere with my fundamental rights under rule 210. The state should then apply the equal protection clause of the constitution (see appendix A supreme page 2).

Many state Supreme Court cases have been overturned by the U.S. Supreme Court because of the fourteenth amendment. One case that is very similar to mine is the case of Gideon V. Wainwright. Clarence Gideon was charged in Florida state court with felony breaking and entering. When he appeared in court without a lawyer, he requested the court appoint one for him. Under Florida state law at that time attorneys may only be appointed to indigent defendants in capital cases. Gideon later filed his case in the Florida Supreme Court arguing his constitutional right to be represented by counsel. The Florida Supreme Court denied his request. He then filed his case in the U.S. Supreme Court. They concluded the Florida law deprived Mr. Gideon to have an appointed attorney under section one of the fourteenth amendment of equal protection (see appendix A supreme page 4-7). Another famous case Brown vs. Board of Education (1954) is another case where the state courts decisions were overturned by the U.S. Supreme Court under the equal protection clause of the constitution.

The question involved is did the S.C. Supreme court deprive me of my constitutional right of equal protection? The answer is yes! Without due process how can one know the facts or circumstances surrounding a case? The courts offered no reason for their vote. Due process would have answered all pertinent questions. To deny due process is to deny equal protection. Even though judges have discretion to review or not to review cases in the supreme court but what about the citizens? Don't they have rights to under the constitution? Even if the case is reviewed, no decision or vote can be made without laws and legislation applied otherwise their vote is that of judicial activism (see appendix supreme page 3).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edward J. Speer

Date: 2-21-19

No. _____

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FEB 25 2019

SC Court of Appeals

IN THE
SUPREME COURT OF THE UNITED STATES

(Your Name) — PETITIONER

VS.

— RESPONDENT(S)

PROOF OF SERVICE

I, Edward Spears, do swear or declare that on this date, Feb 22, 2019, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

- S.C. Supreme 1231 Gervais St, Columbia, S.C. 29201
- Supreme Court of U.S. 1 First St. NE Washington D.C. 20543
- Court of Appeals 1220 Senate St, Columbia, S.C. 29202
- hand deliver MIKE Hopewell 470 Evans St. 29501

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Feb 22, 2019


(Signature)

Edward Spears
ABC Fundraising Representative
503 Rough Fork St.
Florence, SC 29501

Edward Spears
503 Rough Fork St.
Flo., S.C. 29501



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~~Edward Spears~~

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