

THE STATE OF SOUTH CAROLINA

in the Supreme Court

PETITION
FOR
WRIT OF MANDAMUS

RECEIVED

MAY 13 2019

SC Court of Appeals

HAROLD E. BLACKWELL, JR.
945 N. COLLEGE STREET
CHARLOTTE, N.C. 28206
980 598-7105
PRO SE

PETITION FOR WRIT OF MANDAMUS

PETITION FOR ORIGINAL JURISDICTION

Petitioner, Harold E. Blackwell, Jr., appearing pro se, comes now to petition this court for a Writ of Mandamus pursuant to Rule 245(b) South Carolina Rules of Civil Procedure (SCRCP).

The purpose of the Writ of Mandamus is to direct the clerk of the South Carolina Court of Appeals, the Honorable Jenny Abbott Kitchings, to classify case numbered 2017-002635, Blackwell v. Woodard, as ready for consideration and to present the case to the South Carolina Court of Appeals for a decision.

The act of designating this case as “ready for consideration” is a ministerial act.

The jurisdiction of this court is right and proper as no remedy is available to Petitioner in a lower court. (Rule 245(a)).

Petitioner herein meets the requirements of Rule 240 SCRCP and Rule 267 SCRCP.

As such this court has jurisdiction in this matter.

Facts Alleged

Petitioner filed with the South Carolina Court of Appeals his final brief in case numbered 2017-002635 and the record shows the clerk recorded Petitioner’s final brief on May 16, 2018.

The record shows Petitioner has filed all the documents and met all the requirements as set forth by the South Carolina Rules of Civil Procedure to have the court render a decision in this matter.

Petitioner believes Respondent Woodard did not address Petitioner’s averments and the facts in this case are plain and obvious, therefore Petitioner opts to forego submission of a Reply.

The case is classified as "Final Briefing/Record," in the record and is reflected as such on the court's website.

RELIEF REQUESTED

WHERE AS, Petitioner has met the requirements of the South Carolina Rules of Civil Procedure to have his appeal decided by the South Carolina Court of Appeals, Petitioner petitions this honorable court to order the clerk of the South Carolina Court of Appeals to designate the case numbered 2017-002635 as "ready for consideration" and to present said case to the court for a ruling on the merits of the appeal.

So says Petitioner
Harold E. Blackwell, Jr., pro se

A handwritten signature in black ink, appearing to read "Harold E. Blackwell, Jr.", written over a horizontal line.

Harold E. Blackwell, Jr.

May 9, 2017

SUMMONS

In the state of South Carolina, county of Richland, in the Supreme Court of South Carolina, case numbered 2017-002635, Harold Estes Blackwell, Jr. v Toby Woodard, to the Honorable Jenny Abbott Kitchings, Clerk, South Carolina Court of Appeals:

Harold Estes Blackwell, Jr., 945 N. College Street, Charlotte, N.C. 28206, appellant in the above referenced matter, herein petitions the South Carolina Supreme Court for a writ of mandamus directing you to present the above referenced case to the SC Court of Appeals for a ruling. You have 20 days to respond to contest the SC Supreme Court's jurisdiction. Should you not respond the Court may consider such failure as consent to the jurisdiction of the South Carolina Supreme Court. Rule 240 of the South Carolina Rules of Civil Procedure states you have 10 days to file in opposition.



Harold Estes Blackwell, Jr.

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CERTIFICATE OF SERVICE

I, Harold Estes Blackwell, Jr., appellant in case numbered 2017-002635, did mail via U.S. Post, sufficient postage paid, a copy of the enclosed petition for a Writ of Mandamus to the Honorable Jenny Abbott Kitchings, Clerk of the South Carolina Court of Appeals at 1220 Senate Street, Columbia, SC 29201 and Amy Snyder, attorney for respondent Toby Woodard, Clawson and Staubes, LLC, 1000 E. North Street, Suite 200, Greenville, SC 29601, on May 9, 2019.



Harold Estes Blackwell, Jr.

Harold Estes Blackwell, Jr.
945 N. College Street
Charlotte, NC 28206

May 9, 2019

Honorable Daniel E. Shearouse, Clerk
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Dear Mr. Shearouse,

Please find enclosed 8 copies of the documents required to petition the SC Supreme Court for a Writ of Mandamus. Six of the copies are for the court. Please stamp two copies and return them in the self address stamped envelope enclosed.

Kindest regards,



Harold Estes Blackwell, Jr.

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SC Court of Appeals

copy

Harold F. Blackwell, Jr.
945 N. College Street
Charlotte, N.C. 28206



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Honorable Jenny Abbott Katchings, Clerk
S.C. Court of Appeals
1220 Senate Street
Columbia, S.C. 29201