

Petition for Writ of Certiorari

the state of South Carolina

In the Supreme Court

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SEP 09 2019

S.C. SUPREME COURT

Appeal from Richland County

Court of Common Pleas

Alison R. Lee Circuit Court Judge

C/A No: 2019-001344

, 2015-CP-40-6787, 2019-000056

Tyrone Perry - - - - - Petitioner

vs

SCDC - - - - - Respondent

Petition for Writ of Certiorari

Other Counsel of Record

Kyle McGinn

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Tyrone Perry 307793

430 Oaklawn Rd Q3A-110

Pelzer S.C. 29669

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Certificate of Counsel

The petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on July 31, 2019

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Questions Presented

1. Did the Court of Appeals err in holding that this action wasn't heard due to petitioner is indigent and can't afford the filing fee
2. Did the Court of Appeals violate the petitioner's due process by denying judicial review
3. Did the Court of Appeals violate Rule 9 of SCRPC due to no facts were disputed of the petitioner's mental state at the hearing

Statement of the Case

On January 16, 2018 the petitioner was placed in the mental hospital GPH. On May 21, 2018 the petitioner was transported from GPH to Richland County Court of Common pleas. The petitioner took a shot of Geodon and haloperidol hours prior to going to court. At the hearing the petitioner verbatim told the Judge he was incompetent and had no fiduciary on his behalf nor no type of mental health statement, but the Courts made the petitioner proceed violating Rule 9 of SCRPC and

the petitioner had to proceed with no discovery. The actions of the Courts violated procedural due process.

Argument

I. Due to the petitioner's indigent status he's being denied due process. The petitioner took a loss of property equivalent to equity and the Court of Appeals failed to hear or entertain the action due to the petitioner's failure to pay a filing fee although the petitioner's rights were violated.

II The South Carolina Constitution Article 1 section 3 offers due process and equal protection of the laws and Article 1 section 22 states no person shall be finally bound by a judicial decision affecting private rights without due notice an opportunity to be heard; nor shall he be deprived of liberty or property unless by a mode of procedure and he shall have in all such instances the right to judicial review. The petitioner was denied these rights safeguarded by the S.C. constitution.

III Pursuant to Rule 9(A) of SCRPC when a party desires to raise an issue as to the legal existence of any party or the capacity of any party to sue or be sued or the authority of a party to sue

or be sued in a representative capacity, he shall do so by specific negative averment which shall include such supporting particulars as are within the pleader's knowledge. The petitioner told the Courts he's housed in a mental hospital, under the influence of strong psychotropic meds, and has no fiduciary or mental health statement as to competency. The Courts violated Rule 9 and made the petitioner proceed violating due process.

Conclusion

For the reasons stated the petitioner asks the Court to grant the petition for a writ of certiorari and \$300 dollars for the loss of property and \$1,000.00 for liability damages.

sx Tyrone Perry 307793

Tyrone Perry 307793

430 Oaklawn Rd Q3A-110

Pelzer S.C. 29669

this 29th day of August 2019

The State of South Carolina

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S.C. SUPREME COURT

Appeal from Richland County

Court of Common Pleas

Alison R. Lee Circuit Court Judge

CIA 2019-001344, 2015-CP-40-6787, 2019-000086

Tyrone Perry - - - - - Petitioner

- vs -

SCDC - - - - - Respondent

Proof of Service

I certify that I have served this Petition for writ of Certiorari by depositing a copy of it in the U.S. mail postage prepaid to the following:

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South Carolina Supreme Court

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