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OCT 22 2019

MOTION FOR WRIT OF CERTIORARI

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

FROM CHARLESTON COUNTY
Court of Magistrate

Joanna Sumney, Magistrate

Case No. **2019CV1011401500 and 2019CP1002901**

BACCO, LLC

Respondent,

v.

Gary Weesner c/o Freedom
Transmissions Plus, LLC

Appellant.

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SC Court of Appeals

MOTION FOR WRIT OF CERTIORARI

A certiorari should be granted 507 U.S. 983 to resolve a conflict among the courts. The due process clause of the 5th amendment guarantees that no person shall be deprived of life, liberty, of property without due process of law. Our precedents establish the general rule that individuals must receive notice and an opportunity to be heard before government deprives them of property.

On the day of the illegal eviction a police officer with Charleston County advised me that the none of the property would be removed from inside the building at that time and that the landlord would set up a time for me to retrieve items from inside the building. Although they had my personal vehicle, which was parked inside the building, was on a tow truck and they refused to release it to me when I asked. I have been advised that all of my personal belongings have been removed from the building, were never placed

on the curb as stated should have happened in the warrant of ejection.
The Court of the Appeals the Ninth Circuit affirmed that the court was unamamoiys that the seizure of property without prior notice or a hearing violates the due process clause. This courts delay the circuit courts delay has caused myself to.bto.be deprived of.dof.due process to be illegally evicted over 100 thousand dollars worth of tools and equipment that I have accumulated over the past 20 years over 20 customers vehicles some of witch were in the middle of repair with bills totaling over 15000 to be hauled off illegally not to mention the time and money invested over the past 2 years nothing that has happens here has been within the scope of the law or just and only now after since day 1 of my fist motion to this court am I told that a lawyer has to represent my my lic witch is completely untrue. See following. Also that is denial of due process in and of it self. With all due respect I feel None of the judges have acted to uphold the law or there oaths and I have been ousted because of political ties that the landlords other company FESS FIRE has to the city of Charleston and north chas also the magistrates father being the mayor of north chas. I would appreciate at the very least a fair chance and not to be denied my god given rights for the reason of me not being a lawyer and just want my fair day in court.

SECTION 33-44-112. Nature of business and powers.limited liability company has the same powers as an individual to do all things necessary or convenient to carry on its business or affairs, including power to:

- (1) sue and be sued, and defend in its name;
- (2) purchase, receive, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with real or personal property, or any legal or equitable interest in property, wherever located;
- (3) sell, convey, mortgage, grant a security interest in, lease, exchange, and otherwise encumber or dispose of all or any part of its property;
- (4) purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, grant a security interest in, or otherwise dispose of and deal in and with, shares or other interests in or obligations of any other entity;

In an administrative order titled In re Unauthorized Practice of Law Rules Proposed by South Carolina Bar, 309 S.C. 304, 422 S.E.2d 123 (1992), we modified prior case law to “allow a business to be represented by a non-lawyer officer, agent or employee.”I am all of the above.

I have sent a copy of this motion to all involved parties via US Postal mail.

October 18, 2019

s/ Gary Weesner
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The South Carolina Court of Appeals

BACCO, LLC, Respondent,

v.

Gary Weesner, c/o Freedom Transmissions Plus, LLC,
Appellant.

Appellate Case No. 2019-001686

ORDER

Appellant has filed a notice of appeal from the magistrate's October 1, 2019 order. Because it appears the appeal from the magistrate's court remains pending before the circuit court, this court lacks appellate jurisdiction. Accordingly this appeal is dismissed.¹ The remittitur will be sent as provided in Rule 221, SCACR.

Jan Li

FOR THE COURT

Columbia, South Carolina

FILED

cc:

Gary Weesner

David W. Patterson, Esquire

The Honorable Roger M. Young, Sr.

The Honorable Julie J. Armstrong

October 14, 2019 S.S.

¹ Because we are dismissing this appeal, we decline to act on Appellant's petition for stay and supersedeas. Nothing prevents Appellant from filing the petition in the circuit court.