

**PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS**

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM KERSHAW COUNTY
Family Court

Monet Pincus, Family Court Judge

Order of Dismissal Dated August 16th, 2019

Liliya Moroz-Doran,

Respondent,

v.

Clint Eugene Doran,

Petitioner.

PETITION FOR A WRIT OF CERTIORARI

Clint E. Doran
28 Canterfield Lane
Lugoff, South Carolina 29078
(803) 549-5331
Pro Se Petitioner

Other Counsel of Record:
Kathryn Free
Post Office Box 65
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(803) 729-4250
Attorney for Respondent

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S.C. SUPREME COURT

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CERTIFICATE OF COUNSEL

Pro Se Petitioner certifies that the Order for Dismissal was made and finally ruled on by the Court of Appeals on August 16, 2019.

QUESTIONS PRESENTED

1. Did the Court of Appeals err in dismissing this case as the Pro Se Appellant did not receive a copy of the Motion to Dismiss submitted by Kathryn Free, Respondent's Attorney of Record, which is required by Rule 240(c) (d), SCACR?
2. Did the Court of Appeals err in dismissing this Appeal as the Respondent prevented the Pro Se Appellant from being able to respond to the Motion for Dismissal?
3. Did the Respondent's Attorney of Record, Kathryn Free, violate the Appellant's Procedural Due Process Rights knowingly in not sending him a copy of the Motion to Dismiss, after having him incarcerated by the Kershaw County Family Court which was in direct violation of the Court of Appeals November 20th, 2017 and December 4th, 2017 Orders in Appeal Case 2017-002045. Which removed Jurisdiction from the Kershaw County Family Court in all matters pertaining to the Appealed Final Divorce Decree?
4. Did the Appellant correct the issues in his Amended Final Brief and Amended Record on Appeal?

STATEMENT OF THE CASE

Clint Doran filed an Appeal on Oct. 3rd, 2017 pertaining to the Final Divorce Decree issued by Judge Monet Pincus. On Nov. 20th, 2017 the parties in this case received an order from the Appellate Court removing Jurisdiction from Kershaw County Family Court. On Dec. 4th, 2017 a clarification order was issued by the Appellate Court stating that the Nov. 20th, 2017 order abrogated Rule 241, SCACR on matters pertaining to the Final Divorce Decree and that the Appellate Court had sole jurisdiction on these matters. Kershaw County Family Court continued to hear issues brought before them by the Respondent's Attorney of Record on the final divorce decree including modifying the Pro Se Appellants

visitation. On Dec. 12th, 2018 Pro Se Appellant filed Proof of Service of his Final Brief and Record on Appeal. On Feb. 13th, 2019, this court denied Respondents' motion to dismiss but granted respondent's motion to strike the Record on Appeal and Appellant's Final Brief. This court ordered Appellant to serve an Amended Record on Appeal and Amended Final Brief, and that included a certification pursuant to Rule 201(g), SCACR.

Pro Se Appellant redacted all 15 copies of the Amended Record on Appeal and verified with the Clerk of Court that the Amended Final Brief was identical to the Initial Brief filed with the Clerk's Office and where in abeyance with this Courts previous Orders. On July 22, 2019 Respondent's Attorney had Appellant taken into custody for 5 ½ months on warrant's pertaining to issues stayed by this Court's previous Orders pertaining to the Final Divorce Decree. Following the Pro Se Appellants incarceration the Respondent's Attorney filed for dismissal of the Appeal knowing the Appellant was unable to prevent it. The Respondent's Attorney failed to copy the Pro Se Appellant on her Motion to Dismiss. Thereby preventing The Pro Se Appellant's Procedural Due Process Rights and Equality Under the Law. The Respondent's Attorney violated Rule 240(c) (d), SCACR.

The Court of Appeals dismissed this appeal of the family court. Clint Eugene Doran, as Pro Se Appellant, Appellate Case Number 2017-002045 (S.C. Ct. App. filed Oct. 03, 2017).
Petitioner seeks a writ of certiorari to review that decision.

ARGUMENTS

1. THE COURT OF APPEALS SHOULD HAVE HELD THAT THE PRO SE APPELLANT WAS UNABLE TO RESPOND TO RESPONDENT'S MOTION.

The Pro Se Appellant due to his unlawful incarceration was unable to respond to any motions filed by the respondent's attorney of record. Kathryn Free failed to follow Rule 240(c) (d), SCACR by not mailing a copy of her Motion to Dismiss to the Pro Se Appellant for him to respond to said motion. Kathryn Free was well aware that the Pro Se Appellant was unable to respond to any further motions filed by her pertaining to this case, thereby violating his Procedural and Substantive Due Process Rights under the Law.

2. THE PETITIONER DID CORRECT ALL ERRORS IN THE AMDENDED FINAL BRIEF AND RECORD ON APPEAL AS ORDERED BY THIS COURT.

The Pro Se Appellant did correct the Amended Final Brief and Amended Record on Appeal and had it verified by the Clerk of Court that all matters where in abeyance with this Courts orders. Appellant redacted as ordered the 2 sentences in the Guardian ad Litem Report by striking through them with a broad tipped marker, and corrected the Amended Record on Appeal as Ordered. Then had the Clerk of Court verify that all matters where in accordance with the Appeal Courts Order.

As to the specific of the Amended Final Brief, the Appeallant received a copy of his Initial Final Brief filed with the Court of Appeals and copied it, altering only the Cover Page of the document to coincide with the Rules of this Court and titeling it "Amdened Final Brief". And then filed it as ordered by this Court.

As to specific matters in the Appellant's Amended Final Record on Appeal, the Appellant informed this Court that the Guardian ad Litem Report he received from the Kershaw County Family Clerks Office was unredated. The Appellant did redact with a broad tipped Sharpy the two sentences in the Guardian ad Litem Report referencing Dr. Marc Harari's Phycological Report. The Appellant also informed this Court that all matters requested by the Respondent for the Record on Appeal were given to him as is by the Kershaw County Family Court Clerks Office. The Appellant requested all matters as the Respondent asked for in her Initial Motion to Strike dated December 18th, 2018 from the Kershaw County Family Court Clerks Office and received all matters in their possession labeled as requested by the Respondent's Attorney of Record, Kathryn Free.

3. KATHRYN FREE VIOLATED PROCEDURAL DUE PROCESS RULES BY NOT FOLLOWING RULE 240(c) (d), SCACR.

Kathryn Free, Attorney of Record for the Respondent knowingly had the Appellant incarcerated for 5 ½ Months on issues stemming directly from the appealed Final Divorce

Decree which were stayed by this Court's November 20th, and December 4th, 2017 Orders. Ms. Free continued to pursue these matters in the Kershaw County Family Court knowing that they were stayed in order to prevent this case from moving forward. And to have the Appellant removed from any further possibility from having his day in Court. Ms. Free failed to have the Appellant served with her Motion to Dismiss while he was incarcerated in the Kershaw County Detention Center, or having him sent a copy of it by mail. This in itself violated the Procedural Due Process Regulations afforded one under the U.S. Constitution. And as a matter of Law violated her obligations as an Attorney in South Carolina pursuant to Rule 240(c) (d), SCARC.

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

Respectfully submitted,

December 22nd, 2019



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Proof of Service

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM KERSHAW COUNTY
Family Court

Monet Pincus, Family Court Judge

Trial Case No. 2017-DR-28-709

Appellate Case No. 2017-002045

Clint Eugene Doran.....Appellant,

Vs.

Liliya Moroz-Doran.....Respondent.

PROOF OF SERVICE

I certify that I have served the Writ of Certiorari by depositing a copy of it in the United States Mail, postage prepaid, on June 27th, 2018, addressed to her attorney or record, Kathryn Free, 2524 Main Street, Elgin, South Carolina 29045.

December 23rd, 2019



Clint Eugene Doran
Pro Se Appellant
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