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The State of South Carolina
In the Supreme Court

SC Court of Appeals

Appeal from Richland County
Court of Common Pleas

Casey Manning Judge

Appellate Case No. 2019-001012

Carmen Morgan Petitioner,

✓

Kelly Seabrook Respondent,

Petition for a Writ of Certiorari

Carmen Morgan 2/4/2020
Carmen Morgan
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Index

Certificate of Counsel	1
Questions Presented	1
Statement of the case	2
Arguments	3, 4, 5
Conclusion	5

Petitioner certifies the motion to reinstate the appeal was ruled on by the Court of Appeals on January 15, 2020.

Questions Presented

1. Did the court err in failing to find the assigned member/ investigator did not finish the investigation?
2. Did the court err in failing to find the assigned member/ investigator did not give me the opportunity to submit evidence into the record which lead to a partial report, decision, and recommendation?
3. Did the court err in the finding of the fee dispute when it had been established and was not raised?

Statement of the Case

On August 15, 2017 I received written notice of the report and recommendation. On September 8, 2017 I filed an appeal to the Richland County Circuit Court/Common Pleas. On September 12, 2017 Respondent was served. By order dated May 20, 2019 Judge Casey Manning affirmed stating formal order to follow. On October 11, 2019 I filed an appeal with the Court of Appeals. On October 25, 2019 a order dismissing the case for lack of jurisdiction was filed. On November 1, 2019 I filed a motion to reinstate the appeal. On January 15, 2020 an order of denial to reinstate the appeal was filed. On February 4, 2020 I filed a petition for writ of certiorari.

Arguments

1. The assigned member/investigator said he would call back to discuss the case after he talked to the respondent. He never called back and never gave a response to the fees that are being disputed in his report. I have fees that the assigned member/investigator never investigated and the Court did nothing when the issue was presented.
2. I was overcharged for work done on my case, work that was not necessary, and without my approval. The Respondent charged me for work that the court done. The assigned member/investigator took respondent word and no supporting evidence. He did not try to collect additional information or evidence. The assigned member and court was partial in the decision. The evidence was not applied to the case.

I was not given the opportunity to submit evidence into the record. The assigned member / investigator collected an affidavit for respondent and presented it into record. I was not given the opportunity to reply, I had no knowledge of the affidavit or the respondent and Yvonne Murray Boyles discussing my case while out to eat. There was no mutual consent to relieve respondent as counsel. The issue was never raised in court. Respondent stated my case had been dismissed. I needed to file in Lexington. Respondent stated her paralegal was gone and this needed to be done right away and her friend Yvonne Murray Boyles would do it. The assigned member report state respondent referred petitioner Morgan to Yvonne Murray Boyles.

3. The court did not apply Rule 416 South Carolina Appellate Court Rules.

Rules of procedure South Carolina Bar Resolution of Fee Disputes Board. Rule 2 Jurisdiction (3) No fee dispute may be filed with the Board more than three (3) years after the dispute arose. The fee dispute started January 9, 2015. Respondent gave me a check for 336.53. The issue was never raised in court or to the assigned member/investigator. The fee dispute has been established as of January 9, 2015. The court did not apply the evidence.
Conclusion

Petitioner motion to reinstate was denied. It is correct for petitioner to jurisdiction of this court. For the reasons stated petitioner asks the court to grant a petition for a writ of certiorari.

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