

No.

**In the
Supreme Court of the State of South Carolina**

Daniel D. Hawk,
Petitioner,

v.

Kenneth Kurowski,
Respondent,

RECEIVED

SEP 08 2020

S.C. SUPREME COURT

**On Petition for a Writ of Certiorari to the South Carolina Court of
Appeals**

PETITION FOR A WRIT OF CERTIORARI

Daniel D. Hawk, Petitioner, pro se
3812 N County Line Rd.
Oneida, WI 54155

Curtis Clark
414 Monument St., Suite A
Greenwood, SC 29646 [and]

C. Rauch Wise
305 Main St.
Greenwood, SC 29646

Defendants' Counsel

USPS
MAILER # 258 22874114

ORIGINAL

QUESTIONS PRESENTED

The Morrill Anti-Bigamy Act of 1862 makes it unlawful in the United States to marry another when already married because many harms arise from it such as having to financially support two or more families. It is also unlawful or in the alternative a Fourteenth Amendment constitutional deprivation when one is not given due process to attain a full and fair opportunity to litigate¹ and or is denied equal protections of the laws². In Abbeville County Probate Court, at the same hearing, the presiding Judge allowed two wives to testify. Is it, a *substantial Fourteenth Amendment constitutional issue* when the lawful wife is deprived of [her] property concomitant due process right to a “full and fair opportunity to litigate?”³ Is it, a *substantial Fourteenth Amendment constitutional issue* when the lawful wife has been deprived of [her] right to property concomitant equal protections as the legal spouse? Perhaps *novel questions of law* for consideration but these questions ought to be one-of-a-kind or in the alternative extremely rare because this Court knows bigamy⁴ is *contrary* and in *conflict* with both the State of South Carolina and federal laws. This Court will recognize that these questions are inherently federal questions but were disregarded by the Lower Courts, hence this petition for a Writ.

¹ *Burrell v. Armijo*, 456 F.3d 1159 (10th Cir. 2006) see also, *Marchant v. Pennsylvania R.R. Co.*, 153 U.S. 380 (1894).

² Fourteenth Amendment

³ See footnote 1.

⁴ South Carolina Code 16-15-10. Bigamy.

Table of Contents

Contents

QUESTIONS PRESENTED	1
Table of Authorities.....	iii
RULE 242(d)(3). STATEMENT OF THE CASE.....	1
RULE 242(d)(4). ARGUMENTS IN SUPPORT OF PETITION.....	2
RULE 242(e). APPENDIX.....	4

Table of Authorities

Cases

2009-ES-01-00196.....	1
<i>Bell Atl. Corp. v. Twombly</i> , 550 U.S. 544 (2007).....	4
<i>Burrell v. Armijo</i> , 456 F.3d 1159 (10th Cir. 2006).....	1
Case No. 2009-ES-01-00196.....	4
Case No. 2018-001067.....	2
Case No. 2018-CP-01-00069.....	1
<i>Marchant v. Pennsylvania R.R. Co.</i> , 153 U.S. 380 (1894).....	1, 3
<i>Wolf v. People of the State of Colo.</i> , 338 U.S. 25 (1949).....	2

Other Authorities

<i>Doctrine of Incorporation</i>	1
----------------------------------------	---

Rules

Exhaustion Rule.....	2
RULE 242(d)(3).....	1
RULE 242(d)(4).....	2
RULE 242(e).....	4

U. S. Constitution

Article III Standing to Sue.....	3
Bill of Rights.....	3
Fourteenth Amendment.....	1, 2, 3, 4

RULE 242(d)(3). STATEMENT OF THE CASE

The Petitioner's father Kenneth H. Kurowski (Respondent) already married to the Petitioner's mother Arletta J. Hawk Kurowski⁵ committed bigamy with Norma J. Schoonover. Ms. Schoonover pretended to be the Respondent's wife while knowing [he] was married. The Respondent and Ms. Schoonover also had children. The Respondent died⁶ the Petitioner is a beneficiary⁷ also children of Ms. Schoonover. The Probate Case is still open No. 2009-ES-01-00196 subsequent intermediate Appeal SC Court of Common Pleas⁸, Honorable Frank R. Addy, Jr., Circuit Court Judge, Abbeville County.

During a Probate Court Amended Order⁹ both Arletta Kurowski and Norma Schoonover testified as and to be the legal wife or spouse of the Respondent¹⁰. The result is that Norma Schoonover was made executor of the Respondent's Estate. Because of the Morrill Anti-Bigamy Act of 1862 and South Carolina law¹¹ it is impossible to have two legal wives or in the alternative two legal spouses and results in federal questions regarding the Fourteenth Amendment due process right to a full and fair hearing and equal protections for the spouse and all beneficiaries. The legal spouse concomitant legal family's Fourteenth Amendment rights were disregarded; the *Doctrine of Incorporation* was disregarded in Probate Court, i.e., state courts are not exempt from ensuring due process and equal protections. The Plaintiff believes this Court can Order the adherence of the *Doctrine of Incorporation* because the Plaintiff's Fourteenth Amendment is a

⁵ Married on October 18, 1958.

⁶ Respondent, Kenneth Howard Kurowski died on August 22, 2009, in the State of South Carolina. The surviving spouse listed on the Death Certificate (139-09-025072) was Norma Schoonover. Spelling with a "b".

⁷ In addition to the Petitioner and other siblings, Arletta J. Kurowski (legal spouse) is also a beneficiary.

⁸ Case No. 2018-CP-01-00069.

⁹ Amended Order dated October 25, 2012, and recorded on same day, Journal #12, page 84 scanned same day.

¹⁰ Marriage License dated December 24, 1962.

¹¹ See footnote 4.

requirement of federal law. Considering brevity, herein, infra are the necessary but short Arguments.

RULE 242(d)(4). ARGUMENTS IN SUPPORT OF PETITION.

1. The Petitioner states this Petition for Writ of Certiorari is within 30 days and is timely.
2. The Petitioner believes the Probate Court Case is still open and that Probate Court can still attempt to ensure the Plaintiff's Fourteenth Amendment rights are not continuously violated. Although not a *final decision* or *probate closure* due process and equal protections are required even for state probate courts. The Petitioner believes the Exhaustion Rule applies to Appeals on intermediate Orders &c. Thus, this Petition for Writ of Certiorari of the South Carolina Appellate Court¹².
3. It is common knowledge you cannot marry another when already married. Notwithstanding South Carolina State Law¹³ prohibiting bigamy, and as noted *supra*, the bigamy tenet arises from banning Mormons in the federal territory of Utah from polygamy.
4. The U.S. Supreme Court ruled that everyone has Fourteenth Amendment rights and they apply equally in state courts, thus, the Petitioner, as beneficiary has Article III Standing to Sue and is entitled to have the merits of the case resolved. See, *Wolf v. People of the State of Colo.*, 338 U.S. 25 (1949) at 25, 26.
5. The Probate Court made a clear error in allowing Ms. Schoonover to testify as being the legal spouse of the Respondent. The Probate Court should have held a hearing to determine who the legal spouse was. A hearing to determine the legal spouse would

¹² Case No. 2018-001067.

¹³ See footnote 4.

have provided the legal spouse (Arletta Kurowski) the required due process and equal protections to ensure “a full and fair hearing” on the merits.

6. The Appellate Court made a mistake; a clear error, because the Appellate Court disregarded or in the alternative ignored one’s U.S. Constitutional right to Fourteenth Amendment due process and equal protections in a Probate Court or afterwards, see *Marchant* at footnote 1, and *Wolf*.
7. As in *Wolf*, the Abbeville County Probate Court failed to ensure by *Doctrine of Incorporation*¹⁴ that the beneficiaries or in the alternative probate litigants were adorned with their U.S. Constitutionally required due process and equal protection rights.
8. The Petitioner, the son of the Respondent, has Article III Standing to Sue and was constitutionally deprived when a “full and fair hearing from the first instance and afterwards¹⁵” in probate court and from the first day of the Respondent’s death, i.e., the legal surviving spouse was Arletta Kurowski, not Norma Schoonover. For example, the unfairness of the latter along with the Probate Court Amended Order¹⁶ testimony from “two lawful wives” ought to raise Supreme Court red flags; something about this Case is wrong and requires lawsuits to bring about real and lawful merits of the Case.
9. **The Conclusion.** Based on the above concomitant attachments, the Petitioner argues, fairness, due process, and equal protection of the laws are a requirement of all state courts, to include probate courts. Therefore, the Petitioner prays, this Court decides that

¹⁴ The U.S. Supreme Court has made certain fundamental liberties protected by the Bill of Rights applicable to the states and is known as the *Doctrine of Incorporation*.

¹⁵ *Marchant v. Pennsylvania R.R. Co.*, 153 U.S. 380 (1894).

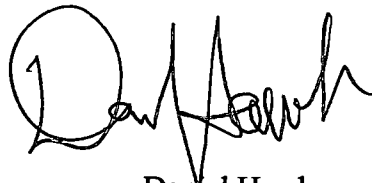
¹⁶ Footnote 9.

the Petitioner brings enough evidence¹⁷ to “raise the right of relief above a speculative level¹⁸,” that the Fourteenth Amendment was not afforded to the Petitioner or *sua sponte* to all beneficiaries in Probate Court Case No. 2009-ES-01-00196 as required in the *Doctrine of Incorporation*, and Order probate *de novo*.

RULE 242(e). APPENDIX.

The Petitioner certifies that two copies of the Appendix are filed with the Clerk of the Supreme Court: one unbound.

Dated; September 2, 2020

A handwritten signature in black ink, appearing to read "Daniel Hawk". The signature is written in a cursive, somewhat stylized font. The first letter "D" is large and loops around the "a".

Daniel Hawk, *pro se*

¹⁷ See Appendix, i.e., briefs, record on appeal, &c.

¹⁸ See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007) at 555.