

**RECEIVED**

**Apr 06 2021**

**SC Court of Appeals**

**INITIAL BRIEF OF APPELLANT**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

Edward Miller, Circuit Court Judge

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Case No. 2020-CP-46-02401

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Mardi Wright,

Appellant,

v.

Carl Anderson,

Respondent,

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**INITIAL BRIEF OF APPELLANT**

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April 04, 2021

/s/ Mardi Wright  
Reverend Dr. Mardi Wright  
P. O. Box 2781  
Rock Hill, South Carolina 29732  
(803) 322 - 0665  
*Pro Se* for Appellant

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### Amendment IV (4) U.S. CONSTITUTION - **Search and Seizure**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### Amendment XIV (14) U. S. CONSTITUTION, Section 1 { **“Equal Protection of the laws”** }

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### 18 U.S.C. 242 - Deprivation of Rights under the color of law

- Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

### TITLE 18, U.S.C., SECTION 242

*Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities*

*secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.*

Source: <https://www.justice.gov/crt/deprivation-rights-under-color-law>

The United States Department of Justice

18 U.S.C. 241 – Conspiracy to deprive rights under the color of law  
Section 241 of Title 18 is the civil rights conspiracy statute. Section 241 makes it unlawful for two or more persons to agree together to injure, threaten, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same). Unlike most conspiracy statutes, Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime.

The offense is punishable by a range of imprisonment up to a life term or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

#### **TITLE 18, U.S.C., SECTION 241**

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;...

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Source: <https://www.justice.gov/crt/conspiracy-against-rights>

The United States Department of Justice

South Carolina Codified Laws

Rule 60 of South Carolina Rules of Civ. Procedure

Rule 501 and Rule 502 South Carolina Appellate Court Rules (SCACR)

Section 18-7-60

Section 18-7- 80 - Return; Further Return when original is defective

Section 22-1-150

Section 22-1-160

Section 22-3-20 ***Civil actions in which magistrate have no jurisdiction.*** No magistrate shall have cognizance of a civil action..(2) When title to real property come into question..

Section 27-37-10 Grounds for ejectment of tenant

Section 27-37-20 Ejectment Proceedings

Section 27-40-120(2)

Section 27-40-130

Section 27-40-530 Access

Section 27-40-60

Section 40-57-135 B, C(3), E(1)(2), **H(2)(3)(4), I(1), I(2) + (2)(a)(b)(c)(D)(e)(f)(g)(h)(i)(j)(k)(l), (l)(5), L**

**Section 40-57-350, A, A(1)(2)(3)(4)(5), G(1), l(1), L(2)(a)(D)(e)(f)(ii), L(4)(a)(c)(d)(e)**

Section 40-57-37 A(1)(2), B, C, **E,**

Section 40-57-710 A(2)(3)(4)(5)(6)(8)(13)(14)(15)(16)(20)

Rule 33 of South Carolina Rules of Civil Procedure

Rule 34 of South Carolina Rules of Civil Procedure

Rule 501 SCACR, Canon 1 A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY, CANON 2 A JUDGE SHALL AVOID IMPROPRIETY IN ALL OF THE JUDGES’S ACTIVITIES +

Rule 502 SCACR +

South Carolina Rules of Professional Conduct: 1.1, 1.3, 1.4, 1.5, 3.1, 3.4, 4.1, **4.2, 4.4**, 8.4, 3.4

Frivolous Proceedings Act S.C. Code Ann. Section §15-30-10, et. seq.

Unfair Trade Practices Act - Code Ann. § 39-5-10 to -160 (1991)

Code of Ethics and Standards of Practice, National Board of Realtors, Article 1, 1-1,1-2,1-5,1-8, 1-13, 2,3,3-8,3-9,5,6,7,9,10,11 (1)(2), 13,16-14

Case Law

*Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857) – *See Argument P. 12 #4*

*Mapp v. Ohio*, 367 U.S. 643 (1961) {*Mapp finalized the incorporation of fourth Amendment protections into the due process clause of the Fourteenth Amendment*}

*Townes Assoc., Ltd. v. City of Greenville*, 266 S.C. 81, 86, 221 S.E.2d 773, 775 (1976)

*Plessy v. Ferguson*

*Brown v. Board of Education*

*Bradley v. Fisher* 80 US. 335, 13 Wall. 335, 351-352, 20 L.ED. 646 (1871).

*{ “A distinction must be here observed between excess of jurisdiction and the clear absence of all jurisdiction over the subject-matter. Where there is clearly no jurisdiction over the subject-matter any authority exercised is a usurped authority, and for the exercise of such authority, when the want of jurisdiction is known to the judge, no excuse is permissible” }*

*STUMP v. SPARKMAN* 435 U.S. 349, 356; 98 s.Ct. 1099; 55 L.Ed.2d 331 (1978)

## STATEMENT OF ISSUES ON APPEAL

1. Do the proceedings of this case deny or deprive appellant an impartial administration of justice?
  - A. Administration of Catawba/Ebenezer magistrate court disallowed appellant access to her material subpoenaed witness testimony, Response of Appellant; Respondent's Response to Appeal, 08/21/2020, Notice of Appeal, Appeal Hearing Testimony transcript +
  - B. EXCEPTIONS TO CIVIL APPEAL – Exceptions are not recognized in proceedings by Circuit Court, error is alleged of magistrate, bias is alleged of magistrate, gross error is alleged of magistrate; motion for Return granted then null and voided, compounded prejudiced alleged favorable respondent Anderson
  - C. MAGISTRATE BERINSKY ADVOCACY – magistrate on record entering evidenced for respondent, alleged impartial treatment.
    - RECORD ENTRIES – *phantom* rental agreement (phantom is term used because appellant alleges rental agreement appears from unknown source potentially an ex-parte communication favorable respondent), motion to dismiss from previous case 2020CV4610302785
    - RETURN OF CIVIL APPEAL – was not timely filed by magistrate as prescribed by law.
    - RECORDING OF HEARING – was delayed being entered into record by magistrate court; appellant discharged her counsel then magistrate court sent flash drive with hearing to circuit court.
    - WITNESS DISALLOWED – subpoenaed witness was called to appear during hearing but was not permitted into court house by constable.
    - MISSING AFFIDAVIT – appellant submitted a packet of exhibits; top page was pictures of interior of 1129 Hoyle Street and then there was an affidavit notarized and signed 08/11/2020 and there were several pages of text messages between appellant and respondent and appellant and real estate agent Woods.
    - MISSING TEXT MESSAGES - appellant submitted a packet of exhibits; top page was pictures of interior of 1129 Hoyle Street and then there was an affidavit notarized and signed 08/11/2020 and there were several pages of text messages between appellant and respondent and appellant and real estate agent Woods.
    - MISSING MOTION TO VACATE & DEFAULT JUDGMENT – Proceedings section of Return of Civil appeal is missing Default Judgment

issued and motion to vacate default judgement; Recording of hearing and hearing transcript begins with magistrate stating “*Okay, let’s see. Going back to the 9:30 schedule Carl Anderson versus Mardi Wright case number 2020CV4610302875. Previously had granted that by default, apparently tenant showed up a few minutes late, the landlord has now come back to the court house. So I will vacate that default and we will proceed.*” { **Special Notation:** Case stated by magistrate is for previous case heard on July 10, 2020 this case is 2020CV4610303014}

2. Is respondent Anderson, entitled to writ of ejectment against appellant Wright, while respondent is not title owner of property and he has not entered into record of these proceedings any documentation that he is representative of limited liability corporation that claims ownership to title of 1129 Hoyle Street, Rock Hill SC 29732?
3. Is Appellant wright deprived of her 4<sup>th</sup> Amendment rights of protection to be secure in her home from unlawful seizure of her home and property that was not particularly described as premises in jurisdiction of York County, under color of South Carolina law?
4. Does 11/13/2020 order sustaining magistrate’s issuance of writ of ejectment include **judicial input**, other than Judge Edward Miller’s electronic signature.
5. Does magistrate gain *cognizance*, as referenced in Section 22-3-20 by reviewing sales document during moments of silence with hearing recording and hearing transcript.
6. Is this case entitled to a amended or further Return of Return of Civil appeal?
7. Did magistrate court have jurisdiction to issue writ of ejectment to respondent Anderson?
8. Did magistrate trial court err in exercising jurisdiction over property possession dispute between Respondent Anderson and Appellant Wright who had two separate agreements involving disputed property of 1129 Hoyle Street, Rock Hill SC 29732; *one agreement was **Real Estate Sales Contract** for said property that included earnest monies received by respondent from appellant, and the other agreement was a **month to month rental agreement** of same property that allowed appellant to take possession and occupy said property while she finalized sale of her previous home 294 Berry Street, and while she secured mortgage financing to purchase the property that parties dispute possession of in this case?*

9. Did magistrate judge lack jurisdiction authority to exercise any jurisdictional authority over disputed property because respondent failed to describe any particular premises or property 1129 Hoyle Street, Rock Hill, SC 29732 where appellant resided with possession of said property?
10. Does magistrate introduce evidence into record favorable respondent Anderson at 45:21 mark into hearing?
11. Is it proper for magistrate to take documents from an already adjudicated case file such as with Case No 2020CV4610302785 and use them to make argument for a party in another case such as in this instance?
12. Is it reasonable for appellant to be ejected from her home when application for ejection does not describe the premises of the residence of her home; is she denied due process?
13. Is appellant denied or deprived due process with disallowance of subpoenaed witness?

### **STATEMENT OF THE CASE**

**Introduction:** This appeal is brought to South Carolina Court of Appeals by appellant Wright who claims that magistrate court erred hearing the case because he lacked subject matter jurisdiction due to equity created and magistrate is barred by law **Jurisdiction of magistrate;** Section 22-30-20 - Civil action in which magistrates has no jurisdiction; the title to real property come into question. This case is about Appellant Wright attempting to purchase 1125 and 1129 Hoyle Street in City of Rock Hill that was her childhood home that she was somehow maneuvered out of heir status by relatives. With the aid of real estate agent Darron Woods of Rinehart Realty appellant entered into purchase contract with respondent, however financing approvals and the global pandemic caused delays and affected timing of closing to which respondent was under other contractual constraints needing to sell property. Respondent had agreed to allow appellant move into property Oct. or Nov. 2020 under month to month terms

until her house, 294 Berry Street sale was finalized and she was able to obtain financing for the balance to purchase 1129 Hoyle Street. Communication challenges and financing approval delays ensued along with global pandemic about March and April 2021. Respondent could not wait any longer and issued appellant 30 day notice to vacate on or about May 18, 2020 and then filed application for ejectment against appellant on or about June 18, 2020 with case number 2020CV4610302785 prior to expiration of the 30 day notice which allowed that case to be dismissed upon defendant's motion of lack of subject-matter jurisdiction (*defendant Wright at that time had support of legal aid who prepared motion and represented her at hearing*). Respondent Anderson then filed another application for ejectment on or about July 10, 2020, case number 2020CV4610303014 that was heard by magistrate bench trial on 08/11/2020 where magistrate Berinsky issued writ of ejectment and Wright appealed on 08/14/2020 grounds of subject-matter jurisdiction and denial of due process due to disallowance of subpoenaed witness Darron Woods, the real estate agent that was not allowed into building by court pandemic protocols. Appellant Wright enlisted counsel Neil T. Phillips to file appeal and represent her at appeal hearing of 10/28/20 by Webex. Respondent Anderson was represented at appeal hearing by J. Camron Halford. Special note here; on or about 09/08/2020 Respondent's limited liability company, Anderson 22 Properties, LLC, through his attorney J/ Camron Halford filed another civil lawsuit 2020-CP-46-02401 ANDERSON 22 PROPERTIES, LLC v. MARDIE WRIGHT, et. al. against appellant Wright and her against her adult daughter, JXXXXX JXXX, that lives in the State of New York. Lawsuit was served to appellant at 1129 Hoyle Street during time while she was represented by Neil T. Phillips and J. Camron Halford was aware that appellant was represented by counsel (SCR Prof. Conduct Rule 3.1, 4.4). On or about 11/03/2020 appellant

discharged Attorney Phillips for alleged negligence (failing to include transcript into record, failing to make exceptions know to court on record, etc) and alleged incompetence and alleged disobedience (SCRPC 1.2(a), 1.4) failing to follow her instructions of representation. Appellant filed Affidavit of Exceptions to Return on 11/03/2020, paid motion's fee, and motioned court to direct Amended or Further Return 11/04/2020. Next day on 11/5/2020 flash drive received by circuit court from lower court with digital audio recording of 8/11/2020 hearing. 11/06/2020 Judge Daniel Hall granted appellant's motion to Direct magistrate or amend or further return Civil Appeal to correct errors, omissions, and otherwise defective elements of original Return. 11/06/2020 Attorney Phillips files Transcript from Magistrates court hearing with circuit court. 11/10/2020 Judge Daniel Hall files form 4 making null and void order directing magistrate to amend and further return civil appeal. It was at this time discovered that application for ejectment did not describe premises particularly on respondent's application for ejectment (*entire section was left blank*). 11/13/2020, 9:00 am clerk for Judge Miller informs counsel via email that Judge Miller affirms Berinsky's ruling and requests a proposed order from Attorney Halford. Halford's proposed Order sent via email at 10:13 am and Judge Miller accepts it and signs it verbatim, no edits at 10:53 am. 11/23/2020 appellant files motion to vacate and affidavit in support of motion to vacate inclusive of new founded information that application for ejectment did not list any premises described particularly and on 12/14/2020 appellant appealed Judge Miller's ruling on grounds of omissions and errors and false statements in order and lack of subject-matter jurisdiction due to ejectment application's failure to describe premises particularly to warrant jurisdiction to county court over appellant's premises that she resided in as home.

1. Appellant alleged intentional bias and abuse of discretion by magistrate that was not corrected in the record prohibiting circuit court accurate picture of case.
  - a. Appellant allege magistrate engaged in Gross Error prejudicial practices - Introducing evidence favorable one party over the other phantom rental agreement (ex-parte communication?), magistrate's return attribute's rental agreement introduced by appellant Wright.
  
2. **Appellant claims actual real injury sustained as court user** by Catawba/Ebenezer Magistrate Court Administrators, Title 18 Section 242 Deprivation of rights under the color of law and Title 18 Section 243 and Title 18 Section 241 Conspiracy to deprive and appellant claims actual real injury sustained as court user by Circuit Court judge, Title 18 Section 242 Deprivation of rights under the color of law. ***Appellant claims the seizure of her home and belongings was unreasonable*** { *Mapp v. Ohio, 367 U.S. 643 (1961)* } due to fact that Respondent's application for ejection did not *particularly describe the location to be seized*; Return of Civil Appeal, 9/25/2020 p.7 ¶ 1.
  - a. 11/24/2020 Appellant Wright sought Federal US District Court Protections against her civil rights being violated by York County Courts and Judges Case No. 0:
  
3. Appellant claims magistrate engaged in impartial conduct by taking documents from 2020CV4610302785 case that was dismissed and using them for advantage of Respondent Anderson against appellant Wright. (*Dredd Scott v. Sanford*)

### **STANDARD OF REVIEW**

**Introduction:** In this instance of appeal Rules 501 and 502 supercede standards with judicial responsibility upholding the integrity of the judiciary +

**Common Standard:** Court of Appeals checks to see if anything in record warrants favorable ruling by lower court.

**Purposes of Justice:** *Res ipsa loquitur* appellant claims to have suffered negligence and prima facia victimization as court user within the unified judicial system of these United States with this case.

### **FACTS**

1. Appellant Wright was raised as a child at property disputed with this case, 1129 Hoyle Street, Rock Hill, SC 29732 by her Aunt, Lucille Mayfield and her Uncle Harry Cassell.
2. Appellant Wright testified at August 11, 2020 hearing that her relatives “*got greedy and did some maneuvering and knocked her out of the will*” with respect to her being an heir to 1129 Hoyle Street.
3. Property in dispute 1129 Hoyle Street, was vacant for approximately 19 years prior to a sales transaction in or about the month of July 2019 that transferred ownership rights to ANDERSON 22 PROPERTIES LLC, a foreign corporation from the state of North Carolina.
4. Appellant Wright and Respondent Anderson engaged in discussions during summer and fall of 2019 about Wright purchasing property from Anderson.
5. Carl Anderson the designated representative of ANDERSON 22 PROPERTIES LLC and he is majority or sole owner of said LLC.
6. Respondent and Appellant entered into a month to month lease contract for \$700.00 per month until Appellant’s sale of her other house, 294 Berry Street, was finalized and until she secured financing to purchase 1129 Hoyle Street.
7. Real Estate agent Darron Woods of Rinehart Realty Inc. was real estate agent that assisted Appellant Wright with professional real estate services with sale of her 294 Berry Street property.
8. Real Estate agent Darron Woods of Rinehart Realty Inc. was real estate agent that was assisting Appellant Wright with professional real estate services with the purchase of 1129 Hoyle Street property from Respondent Anderson.
9. Real Estate agent Darron Woods of Rinehart Realty Inc. caused two invoices to be paid out of the proceeds of the sale of Appellant Wright’s 294 Berry Street property to be disbursed to vendors in the amount of \$10,500.00 consulting fee to Guaranteed Homes and \$2,500.00 to Provident Homes service fee.
10. Real Estate agent Darron Woods of Rinehart Realty Inc. promised appellant Wright that he would and could secure mortgage funding for her to purchase 1129 Hoyle Street through his associates in the industry.
11. Real Estate agent Darron Woods of Rinehart Realty Inc. became acquainted with Respondent Anderson through his association with appellant Wright.
12. Real Estate agent Darron Woods of Rinehart Realty Inc. entered into contract with ANDERSON 22 PROPERTIES LLC to list and sell 1129 Hoyle Street while appellant Wright was residing at

1129 Hoyle Street.

13. Respondent Anderson submitted affidavit into these proceedings stating that “Plaintiff was asked by the Darron Woods was outside of courthouse on August 11, 2021 waiting to be called into court for purposes of providing witness testimony in this matter of property dispute between appellant Wright and respondent Anderson.
14. Appellant Wright filed Affidavit of Exceptions with motion to vacate, 11/23/2020.
15. Respondent Anderson says “**I would like to call Darron Woods**” (*subpoenaed witness*) at 48 minutes and 26 seconds into (*48:26 mark into recording*) 08/11/2020 hearing.
16. Magistrate was person to introduce lease agreement document into record during 8/11/2021 ejectment hearing. Rule 501 SCACR Canon 3(7)(a)(ii), 18 USC 241 AND 242,
17. Title to the real property of 1129 Hoyle Street had come into question with this case at the magistrate level.
18. Appellant Wright, with her motion to vacate claimed “record of these proceedings are defective with errors, bias, omissions, and inadequacies that, in the interest of justice and fair dealing, qualify for a demand of **SECTION 18-7-80** Return;...”

### ARGUMENTS

1. **Magistrate lacked jurisdiction instance 1:** Because Appellant established equity interest in disputed real property where title comes into question due to appellant’s earnest money \$3,500.00 deposit and with appellant’s significant financial investments into property improvements magistrate’s court lacked subject matter jurisdiction in accordance South Carolina State Law Section 22-3-20 *Civil actions in which magistrate have no jurisdiction*. No magistrate shall have cognizance of a civil action..(2) When title to real property come into question.. Mem. Supp. Civ Appeal, 11/27/2020 p.1-2 at #'s 1 through 9.
2. **Magistrate lacked jurisdiction instance 2:** Respondent’s application defective with material omission and fails to particularly describe premises to be vacated in jurisdiction of York County where property is situate; Section 27-37-10 Grounds for ejectment of tenant, Section 27-37-20 Ejectment Proceedings

Wright did not waive any of her equity rights and or claims to 1129 Hoyle Street with the

Motion filed by the legal aid person and used July 10, 2020, Magistrate abused his discretion waiving appellant's rights to equity of earnest monies deposited with respondent and equity of monies invested into improvements of 1129 Hoyle Street property.

3. Because Respondent's application for ejectment was defective on its face by its failing to provide any location within jurisdiction of Magistrate's court and or any location within jurisdiction of York County Circuit Court; both Judges Berinsky and Miller acted in clear absence of all jurisdiction by respectively ordering and sustaining a writ of ejectment against Appellant in favor of Respondent that displacement Appellant from her home.
4. Judge Miller's order finding of facts are flawed with by and through reliance on motion from case that was dismissed in favor of appellant Wright which only stated the facts necessary for that instance and Wright did not waive any other rights with motion to dismiss, see also Mem. Supp. Civ Appeal, 11/27/2020 p.1-2 at #'s 1 through 9. Miller omits equity established argument by appellant Wright.
5. Judge Miller's order p.2 line 2 states "there is no record evidence supporting Appellant's claims to property as heir"; however Judge Berinsky was presented with a packet of exhibits not just one page with pictures and one of those exhibits we'll call WRIGHT MISSING AFFIDAVIT OF 08/11/2020; see paragraphs 1-8 of missing affidavit.  
Furthermore,
6. Judge Miller's order errors with finding of fact p. 2 line 3 "the Magistrate heard and denied defendant's motion to dismiss, evidencing notice with appearance and the opportunity to be heard." See **ORDER OF DISPOSITION 07/10/2020 Dismissed – Defendant's Motion to Dismiss – Granted, Case No. 2020CV4610302785.**  
Furthermore,
7. Judge Miller's order error p2. line 10 *record confirms that a witness appeared at the magistrate court, but was not called for testimony by either Wright or Anderson.* However, hearing recording at **48 minute 26 second mark** respondent answers magistrate question "...One of you want to call him as a witness?" **Anderson replies "I would like to call Darron Woods."** Furthermore,
8. Judge Miller's order p.2 line 21 states that *There is nothing novel about the facts in the case pertaining to eviction for nonpayment rent.* However this case in not about nonpayment of rent, respondent's application for ejectment listed **Grounds for**

**ejectment are: the terms of tenancy has ended..**, see Return of Civil Appeal p.7 line 7.  
Furthermore,

9. Judge miller's order references Townes Assocs. Ltd. V. City of Greenville which is a case where the City of Greenville was relying on their "EXCEPTIONS" to the lower court's findings; however in this case Appellant Wright did not benefit from such a right as her exceptions were given consideration the erased with a null and void order. See Judge Daniel Hall's orders 11/06/2020 and 11/10/2020 respectively. (*Dredd Scott similarities experienced by appellant*)
10. Because circuit court deprived Appellant opportunity and rights to an accurate record from magistrate's court and relied upon inadequate/defective **Return of Civil Appeal** this case should be remanded for corrected record.
11. Because Appellant was deprived due process with denial of testimony of subpoenaed witness *{Blackman supposedly doing appellant wrong is not allowed by court to testify}* and because appellant's counsel argument of equity established in memorandum and appeal hearing transcript *{Blackman supposedly doing appellant right is not acknowledged by court, Order 11/13/2021 ommits any review of equity established argument by appellant counsel}*; **Dred Scott v. Sandford**, 60 U.S. (19 How.) 393 (1857) – argument sake of similarity to “black has no rights that a white man is bound to respect; comparable in this case where Wright claims that U.S. Constitutional rights bound to her as citizen that should be protected, **are not respected**. Synchronistic with case of woman chasing justice in Luke:18: 1-27, appellant Wright pleas to not have her inheritance stolen *twice*. Unfair Trade Practices Act - Code Ann. § 39-5-10 to -160 (1991)
12. IF MAGISTRATE JUDGE WOULD HAVE DEFFERED JURISDICTION OF RESPONDENT'S APPLICATION CIRCUIT COURT IS PROPER FOR MATTERS THAT COME INTO QUESTION OF TITLE TO PROPERTY IN SOUTH CAROLINA. See Mem. Support of Civ. Appeal 1-9

## CONCLUSION

For the reasons stated, this Honorable Court should reverse the judgment of the circuit court and order the following:

1. In the interest of justice and fair dealing this case should be remanded to Circuit Court for adjudication of equity interest owed to appellant, and restore appellant possession of title question real property disputed situate 1129 Hoyle Street, Rock Hill SC 29732.
2. Award attorney's fees to appellant to be paid by Respondent, plus cost, and refund of \$3,500.00 earnest money equity deposited with respondent.
3. Circuit Court ordered to determine status of title to disputed property concerning any heir rights due to appellant Wright.
4. Catawba/Ebenezer Magistrate court ordered to Amend and Further Return to correct record to satisfaction of Circuit Court and Appellant.
5. Counsel for Respondent ordered sanctions for serving lawsuit to appellant while aware that appellant was represented by counsel and sanctioned for meritless lawsuit against appellant's relative that resides in State of New York.
6. Referral for Investigation or Report to Attorney General of South Carolina respective Unfair trade practices, Housing Discrimination, Harassment and Intimidation suffered by appellant.

**PROOF OF SERVICE OF INITIAL BRIEF OF APPELLANT**

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Edward Miller, Circuit Court Judge

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v.

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*Respondent,*

**PROOF OF SERVICE**

I certify that I have served **Initial Brief of Appellant** on Respondent Carl Anderson by emailing an accurate and true copy of to *cam@hoblaw.com* his attorney of record, J. Camron Halford, 4609 Charlotte Highway, Suite 1, Lake Wylie, South Carolina 29710, Lake Wylie, South Carolina 29710, on April 05, 2021.

April 05, 2021

/s/ Mardi Wright

Mardi Wright

Post Office Box 2781

Rock Hill SC, South Carolina 29732

(803) 322- 0665

*Pro Se* for Appellant

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**INITIAL BRIEF & DESIGNATION OF MATTERS**

2 messages

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**Mardie Wright** <mardiewright1129@gmail.com>  
To: Cam Halford <cam@hoblaw.com>





Tue, Apr 6, 2021 at 11:47 PM

Mr. Halford attached are Initial Brief and Designation of Matters to be Included on Appeal.  
Have a nice Day.

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**SC Court of Appeals**

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**4 attachments**

-  **INITIAL BRIEF OF APPELLANT.pdf**  
916K
-  **Proof of Service Initial Brief of Appellant.pdf**  
258K
-  **DESIGNATION OF MATTERS TO BE INCLUDED ON RECORD OF APPEAL.pdf**  
399K
-  **Proof of Service Designation of Matters Included in Record of Appeal.pdf**  
254K





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**Mardie Wright** <mardiewright1129@gmail.com>  
To: Mike Muhammad <mike.muhammad@gmail.com>

Tue, Apr 6, 2021 at 11:50 PM

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**4 attachments**

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