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SC Court of Appeals

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

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BERKELEYCOUNTY
Court of Common Pleas

The Honorable Judge, Jenifer B. McCoy

Opinion No.2019-000507 (S.C. Ct. App. filed May12, 2021)

WAL- MART STORES,INC .; Walmart- Neighborhood Market;
Wal-Mart Stores East,LP; and Wal-Mart Supercenter
Respondent,

v.

MELVINA ROBINSON

Petitioner.

PETITION FOR A WRIT OF CERTIORARI

Melvina Robinson
110 Gatehouse Drive
Summerville, South Carolina 29486
(843) 934-3694
Po Se for Petitioner

Other Counsel of Record:
Kelly T Evans, Amy L. Gaffney, Randi L Roberts

3700 Forest Drive Ste 400 Columbia, SC 29204
(803) 790-8838
Attorney for Respondent

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Counsel for petitioner is Pro Se and certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on May 21, 2021

QUESTIONS PRESENTED

1. Did the Court of Appeals err in holding that this action is not barred by res judicata?
2. Did the Court of Appeals err in holding that petitioner had failed to timely object to the trial judge's charge on the burden of proof?

STATEMENT OF THE CASE

On June 6, 2017, Melvina Robinson brought this action. . . .

[Set forth facts relevant to the questions presented. Counsel may wish to simply give a brief history of the case at this point and set forth the facts in the argument on each question. Reference should be made to where the salient facts can be found in the Record on Appeal (i.e., R.p. 37, lines 7-8).]

The Court of Appeals affirmed the judgment of the circuit court. David Popowski Esquire, as Personal Representative Melvina Robinson v. Wal-Mart Corp Op. No.019-000507 (S.C. Ct. App. filed May 12, 2021). Petitioner seeks a writ of certiorari to review that decision.

1. THE COURT OF APPEALS SHOULD HAVE HELD THAT THIS ACTION IS BARRED BY RES JUDICATA.

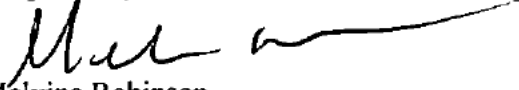
This is Walmart's Mission Statement... can be summarized as "helping people around the world save money and live better – anytime and anywhere – in retail stores and through eCommerce." While its vision is to "make every day easier for busy families." Walmart defines "busy families" as the bull's eye of its business strategy.

2. PETITIONER DID TIMELY OBJECT TO THE TRIAL JUDGE'S ERRONEOUS CHARGE ON THE BURDEN OF PROOF.

CONCLUSION

My attorney David Popowski Esquire, advise me to make my case a slander and false imprisonment instead of racial discrimination. Please view Orginal complaint of discrimination to SC department of Human Services please review the document he did not have my best interest in this case he always appeared to be siding with the defense throughout the trial and showed no interest in preparing for my case I deemed his lack of interest as Ineffective Council.

Respectfully submitted,



Melvina Robinson

June 28,2021

110 Gatehouse Drive
Summerville, South Carolina 29486
(843) 934-3694
Pro Se for Petitioner



STATE OF SOUTH CAROLINA
HUMAN AFFAIRS COMMISSION



Raymond Buxton, II
Commissioner

1026 Sumter Street, Suite 101 (29201)
Post Office Box 4490
Columbia, South Carolina 29240-4490
(803) 737-7800 (803) 737-7835 Fax

www.state.sc.us/schac
(800) 521-0725 In-State

October 27, 2015

Ms. Melvina Robinson
110 Gatehouse Drive
Summerville, SC 29483

INTAKE NUMBER: _____ (for internal use only)
TELEPHONE NUMBER: (843) 804-1625

Dear Sir/Madam:

The laws governed by this Agency make it unlawful to discriminate against a person because of race, color, religion, age (40 and above), sex, national origin, or disability. If you believe you were treated differently because of one of these reasons, please complete and return the enclosed INITIAL INQUIRY QUESTIONNAIRE and any other relevant information to the Commission within ten (10) days.

Upon receipt of your completed questionnaire, a staff person will be assigned to assist you. We will make NO CONTACT with the party your complaint is against at this time. Contact with the other party will be made ONLY if we prepare a formal complaint, which you would be required to sign and have notarized. Normal turnaround time for preparing a formal complaint is within a range of 90 days or less.

Please be advised that a signed and notarized formal complaint must be received by this office prior to the 180th day from the date of the first alleged violation.

If you have any questions, please contact us at (803) 737-7800 or 1-800-521-0725.

Sincerely,

Angela D. Adams
Intake & Referral Division

ENCLOSURE

Employment



Raymond Buxton, II
Commissioner

STATE OF SOUTH CAROLINA
HUMAN AFFAIRS COMMISSION

1026 Sumter Street, Suite 101 (29201)
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www.state.sc.us/schac
(800) 521-0725 In-State

February 12, 2016

Ms. Melvina Robinson
110 Gatehouse Drive
Summerville, SC 29483

RE: In the matter of Melvina Robinson / Walmart Stores Inc.
SHAC # 1-2-10-16-14

Dear Ms. Robinson:

Enclosed is a copy of your charge of discrimination in the above-referenced matter. Please use the case number listed above when contacting our office about your claim. The South Carolina Human Affairs Commission ("SCHAC") is processing your claim under Section 1-13-90(e) of South Carolina's Human Affairs Law and under Section 45-9-110 of the South Carolina Public Accommodations Law.

SCHAC will contact the other party in this matter and will advise you of the results. Please allow us time to work to resolve your claim. Cases are processed in the order in which they are received in consideration of the Commission's caseload and available resources.

Your full cooperation is needed to process your complaint. You must let SCHAC know if you change your address or telephone number or if you will be away from home for an extended period of time.

Please call me at 1-800-521-0725 or (803) 737-7805 if you have any questions.

Sincerely,

Erin Wilson

Erin Wilson
Investigator

Enclosure

Our mission is to eliminate and prevent unlawful discrimination in employment, housing and public accommodation.

STATE OF SOUTH CAROLINA,)
COUNTY OF Berkeley)
Melvina Robinson)
Plaintiff)

IN THE COURT OF SUPREME
9th JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS**

Walmart Stores, INC; vs. Walmart East Stores LP;
Walmart Neighborhood Market)
Defendant.)

FILE NO. 2019-000507

I, MELVINA ROBINSON being duly sworn, state that I am the Plaintiff and that

I do not have the funds available to pay the costs of filing and service in the present matter. I

hereby request that the complaint be filed and service made without costs.

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JUL 01 2021

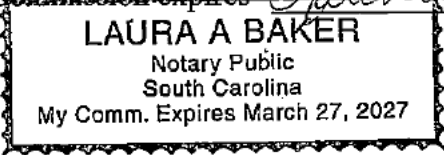
SC Court of Appeals

Sworn to and Subscribed before me)
this 29 day of JUNE, 2021)

Laura A Baker)
Notary Public for South Carolina)

Melvina Robinson
Signature of Plaintiff or
Person Filing Complaint on Behalf of
Plaintiff

My Commission expires March 27, 2027)



ORDER

Leave is *granted* to proceed in forma pauperis without payment of the filing fee.

Leave is *granted* to proceed in forma pauperis without payment of the service cost.

Leave is *denied* to proceed in forma pauperis.

Dated: _____, 2 _____
_____, South Carolina
JUDGE/CLERK OF COURT

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

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SC Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

The Honorable Judge, Jennifer B. McCoy, Circuit Court Judge

Case No. 2019-000507 S.C. Ct. App. filed May 12, 2021

WAL-MART STORES, INC.;
WAL-MART NEIGHBORHOOD MARKET Respondent,
WAL-MART STORES EAST, LP;
AND WALMART SUPERCENTER v.


MELVINA ROBINSON Appellant.

PROOF OF SERVICE

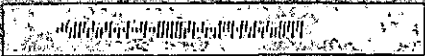
I certify that I have served the Notice of Appeal on WAL-MART STORES, INC. by depositing a copy of it in the United States Mail, postage prepaid, on JUNE 28, 2021, addressed to their attorney by delivering a copy of it to his attorney of record, Kelly T Evans, Amy L. Gaffney, Randi L Roberts, at their office 3700 Forest Drive Ste 400 Columbia, SC 29204

June 28, 2021

Melvina Robinson


110 Gatehouse Drive
Summerville, South Carolina 29486
(843) 934-3694
Pro Se for Appellant

cc: Honorable Jenny Abbot
Kitchings



Melvin Robinson
 110 Gatehouse Dr
 Sunmerville SC
 29486

RECEIVED
 JUL 03 2021
 SC Court of Appeals

The Honorable Jenny
 Abbot Ketchings
 1220 Senate St
 Columbia, SC
 29201