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SC Court of Appeals

**UNITED STATE DISTRICT COURT FOR APPEALS  
DISTRICT OF COLUMBIA CIRCUIT  
File Number \_\_\_\_\_**

**on petition for writ of certiorari to**

**Appeal from South Carolina Court of Appeals  
Case No. 2019-001420**

Original Case No. 2019-CP-07-01326  
Beaufort County, Court of Common Pleas  
Judge, Marvin H. Dukes III

South Beach Village Bluff Apartment Horizontal Property Regime No. 56 Inc., Plaintiff

v.

Zbigniew Marek Drzazgowski and Alicja Anna Drzazgowski , Defendants

of whom Zbigniew Marek Drzazgowski

Zbigniew Marek Drzazgowski

9 West District Rd.

Unionville, CT, 06085

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## **Table of Contents**

Questions Presented.....	1
Index of Appendices.....	2
Table of Authorities.....	3
Petition of writ certiorari.....	4
Opinions below.....	4
Statement of the Case.....	5,6
Reasons for Granting the Petition.....	7

## QUASTIONS PRESENTED

1. Why the Court of Beaufort, the Court of Common Pleas opened the Case and made its decision without a confirmation of the signed summons delivery form to respondent's .
2. Why the Court of Beaufort, Court of Common Pleas did not apply existing Rules to respect Defendant's rights to self defense.
3. Why the South Carolina Court of Appeals made two decisions of dismissal of my Appeal without mandatory retrospection of the Case, March 18, 2020 and September 02, 2021.
4. Why the South Carolina Court of Appeals rewrote suggestions of Respondent's attorney in the March 18, 2020 to dismiss my Appeal.
5. Why the South Carolina Court of Appeals did not inform me about the Federal Court decision regarding the possibility of using the email in the correspondence and instead used ten days Rules in the process of dismissing my Case.
6. Why the South Carolina Court of Appeals did not present required forms to fulfill the proper layouts of the Form requirements.
7. Why during the Appeal Case process I received two letters the same day, which was September 02, 2021. First one, sent to me via e-mail, contained a permission for extension of decision of my Case and the second letter dated July 27, 2021, sent to me via mail, definitely dismissed my appeal for extension of the case.
8. Why the South Carolina Court of Appeals did not accept my request dated July 10, 2021 for extension of the time for decision, ( twelve days before next extension expired ) and dismissed my case on September 02, 2021.
9. Why in the both decisions the South Carolina Court of Appeals did not acquaint itself with the base issue of my appeal.
10. Why in the entire process, the South Carolina Court of Appeals had never read the content of my appeal.
11. Where I can find a Judge who would respect the self defense provided by a normal citizen of the United States of America and who would approve the form in which he would present the case.

## INDEX OF APPENDICES

1. Appendix A - Decision of The South Carolina Court of Appeals from March 18, 2020 regarding Appeal Case No. 2019-001420 .
2. Appendix B - Second decision of The South Carolina Court of Appeals from September 02, 2021 .
3. Appendix C - My answer and corrections of facts from decision of SC Court of Appeals from September 02, 2021.
4. Appendix D - Two opposite statements from SC Court of Appeals regarding request of extension of time for decision.
5. Appendix E - South Carolina Code of Laws, Title 15 – Civil Remedies and Procedures, Chapter 9, Summonses, Orders of Publication and Service of Papers Generally.
6. Appendix F - USPS Coronavirus Updates: Expected Delivery Changes, April 17, 2020 .
7. Appendix H - Transcript of Hearing in State of SC , Court of Beaufort, in the Court of Common Pleas, October 08, 2019 .

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TABLE OF AUTHORITIES

Rule 4(h)(2).....3

Rule 4(h)(3).....3

Rule 4(e)(2).....3

Rule 4(l)(1).....3

Rule 4 Notice of law suit and Request of Waive Service of Summons.....3

Rule 4 Waiver of the Service of Summons.....3

Title 15 - Civil Remedies and Procedures, Chapter 9 , sec.15-9-210.....3

Title 15 - Civil Remedies and Procedures Chapter 9, sec.15-9-280..... 3

Description of Hearing Court Of Common Pleas 14<sup>th</sup> Judicial Circuit  
No. 2019-CP-07-01326 October 8, 2019 .....3

Delivery by Commercial Delivery services. Rule 4(d)(9) SCRCP.....3

Confirmation(Certified Mail Receipts) regarding “Proof of Service” .....3

Service by Certified Mail, Rule 4(d)(8).....3

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

[1] For case from Federal Court:

The two decisions of the United States South Carolina Court of Appeals appears at Appendix A, to the petition and is unpublished.

The decision of the United States Court of Beaufort, Court of Common Pleas, appeals at Appendix B, is unpublished.

## STATEMENT OF THE CASE

### First Decision of the South Carolina Court of Appeals

“ On January 31, 2020, this court sent Appellant a letter, noting several deficiencies relating to Appellant's second amended initial brief. This court explained that “failure to comply with this court's request within ten days [would] result in the dismissal of this appeal.” Although Appellant has filed a third amended initial brief, Appellant still has not filed a designation of matter or a proof of service showing the amended initial brief was served on Respondent. Accordingly, this appeal is dismissed. The remittitur will be sent as provided in Rule 221, SCACR.”

1. The statement regarding my response to the court letters: The US Post Service on April 17, 2020, Article Number 000004253 issued a statement to customers information “USPS Coronavirus Updates: Expected delivery Changes. “ USPS products and packages may require more time to be delivered due to limited transportation availability as a result of the ongoing COVID-19 impacts”. The next statement states that “ First Class Mail two and three day service commitments will be extended to three and four days respectively.”

2. Supreme Court issued an order supplementing and altering current practices regarding the operation of the appellate courts. See RE: **Operation of the Appellate courts During the Coronavirus Emergency** (SC. Sup. Ct. Order dated March 20, 2020, amended May 29, 2020). It allows to use emails in communication with Appellate Courts. I was informed about those changes on **March 15, 2021**.

3. Next, the reason of my appeal was dismissed because “**Appellant still has not filed a designation of matter or proof of service showing the amended initial brief was served on Respondent.**”

After few requested changes from SC Court of Appeals on July 01, 2020, my Appellant's petition to reinstate appeal was granted with designation of matter. On July 08, 2020 I got information that initial brief and designation of matter are due within thirty days.

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4. On November 18, 2019, SC. Court of Appeals stated “Accordingly, the time for service and filing of the appellant's initial brief and designation of matter has expired and December 31, 2019,. SC, Court of Appeal stated “appellant's initial brief and designation of matter outside of the filing deadlines.”

After that SC. Court of Appeals on July 01, 2020 said “After careful consideration and because the designation of matter has been filed, Appellant's petition to reinstate is Granted.”

5. Designation of matter (in acceptable form, for SC. Court of Appeals) was accepted July 19, 2020. Before July 19, 2020 I was sending copies of Certified Mail Receipts to all the persons which this case required and SC. Court of Appeals.

## Second Decision to dismiss my Case by South Carolina Court of Appeals

“On July 9, this court directed Appellant to file the Record on Appeal and Proof of Service by July 23, 2021. this court warned no future extensions would be granted and failure to comply would result in the dismissal of this appeal. Appellant has failed to comply. Accordingly , Appellant's fifth motion for extension is denied and this appeal is dismissed. The remittitur will be sent as required by Rule 221(b), SCACR.

1. On July 10, 2021. (twelve days before the extension expired) I sent a request for the extension of the time for consideration and decision of the Appellate Case No. 2019-001420. Extension expired July 23, 2021.

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## Reasons for Granting the Petition

1. Decision of the Court of Beaufort was done without giving me a chance to self defense. I did not receive summons and I did not have 30 days for answer.
2. Both decisions of the Court of Appeals have been manipulated and not based on existing facts of the case.
3. The SC Court of Appeals did not inform me about a possibility of using email as a form of communication . In this situation the ten days Rules problem in our communication stopped being a legal base to dismiss my Case.
4. The SC Court of Appeals has never read existing facts of my case and based its decisions on the fabricated evidence.

September 19, 2021

Sincerely

  
Zbigniew Marek Drzazgowski

cc:

Clerk of SC Court of Appeals, 1220 Senate  
St. Suite 201 Columbia SC 29201

Jannine M. Mutterer, 21 Promenate St. Suite  
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Clerk of Court, Court of Beaufort, Court of  
Common Pleas, P.O. Box 1128,  
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