PETITION FOR REHEARING

EDWARD SPEARS, APPELLANT

V.

R & R CLEANING SERVICE &
NATALIE HARRIS, RESPONDENT

CASE NO. 18-8342

STATEMENT OF THE CASE

This case comes to the U.S. Supreme Court up for the S.C. Court of Appeals then the S.C. Supreme Court where a writ of certiorari was denied but should have been given. The S.C. Supreme Court failed its duty to apply due process to see if there were any constitutional violations involved. Due process would have revealed (both procedure and substantive) that my constitutional rights were deprived from use by the S.C. Court of Appeals. Also procedure ~~of~~ due process would have revealed that I was treated unfairly and dishonest by the judges and clear of this court. I am sending a brief statement and facts that lead up to this petition to see if the U.S. Supreme Court would allow a rehearing.

The heart of this petition involves court order dated March 6, 2018 and court decision dated June 8, 2018 (see exhibit 1 & 2) pages 1 & 2.

I filed my initial brief and designation of matter on October 27, 2017 and my final brief on January 19, 2018.

The respondent never, never sent a final brief and to this day refused to send a final brief. Instead he filed a motion on January 9, 2018 that featured eight complaints and requests. A few of the requests were that I include in my record of appeals certain items he wanted me to include. (note, he said the items he wanted me to include not items of Rule 210 that governs the contents of record of appeals). He also requested that he be allowed an extension on sending his final brief for 20 days but only if I send a corrected record of appeals featuring items he wanted me to include. It seems as the court was letting the respondent have his way. This was total bias behavior by the S.C. Court of Appeals (see exhibit 3 page 3).

The court however ordered me to correct or address the complaints in a 30 day period (see exhibit 1 page 1) on April 2, 2018. I sent seven copies of Amended Record of Appeals (ink free) as well as newly requested four final briefs and an avadavat addressing the eight complaints (see page 7 and 8).

The respondent under Rule 240 F and G has 5 days to comply if dissatisfied with a return motion. The respondent failed to apply therefore, according to rule 240G, the motion was abandon (see Rule 240 page 9). Therefore the March 6 order should have been stricken off the record for two reasons, it was abandon and the motion was denied according to the statement at the top of exhibit 1.

The Court of Appeals continued their rampage of obstruction by allowing the respondent to file a second motion to dismiss (see page 10) without ever filing a petition for a rehearing as requested in Rule 221. My God who is running the courts the respondent or the judges? I responded to the April 12, 2018 thru a remotion on April 27, 2018. Again the respondent failed to reply under Rule 240 F and G (see page 15-17). The June 8th decision to dismiss should be stricken from the record simply because the motion was already denied on March 6th. No judge can change their decision on cases without a rehearing also a petition must be filed according to Rule 221 (see page 18).

ARGUMENTS

The March 6th order should be stricken from the records. The order itself states the motion was denied which was speaking of the January 9, 2018 motion to dismiss file by respondent which contained the same complaints on the order. That means the order and the motion to dismiss were the same and the respondent failed to file a reply in the given five days under Rule 240. Therefore, the motion was abandon. Again the respondent failed to reply after my return to motion answers were sent on April 2, 2018. When a case is abandon it is the same was being dismissed.

The June 8th decision should also be stricken. The courts should not have allowed the respondent to file the April 12th motion. No petition was ever filed under Rule 221 (see page 18). In the June 8th decision the judge made it clear he was demonstrating preference to the defendant's April 12th motion (or the second motion) which should not be allowed by the respondent. The March 6, 2018 motion by the respondent was dismissed. The respondent then had the chance of rehearing of motions or Rule 221 (c). However, the court would only entertain the petitions if the action of the court has the effect of dismissing or deciding a party's appeal. The respondent never attempted to file any petitions for rehearing of motion. Therefore, the April 12th motion to dismiss should have been obsolete as well as the June 8, 2018 decision (see exhibit 2 page 2).

CONCLUSION

This rehearing is based on rather the March 6, 2018 and the June 8th decisions were valid. It is also based on the motions to dismiss filed by the respondent on January 9, 2018 and April 12, 2018. The January 9th motion to dismiss was denied (see exhibit 1 page 1). Once a motion is decided it is final unless the respondent, as in this case, has filed a petition for rehearing. No rehearing. No rehearing, no other motion to dismiss, point blank!! (see rule 221, page 18) That makes the June 8th order to dismiss invalid. The respondent had no permission from the court to file a second motion to dismiss.

I hope and pray the U.S. Supreme Court takes a serious look at the evidence and facts then sends this case back for rehearing.