

18-9623

No. 18-6693 / 18AT16

ORIGINAL

Supreme Court, U.S.
FILED

MAR 29 2019

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IN THE

SUPREME COURT OF THE UNITED STATES

ROBERT WILLIAM WARNEY, PRO-SE (FORCED) — PETITIONER
(Your Name)

VS.

J P MORGAN CHASE BANK, N.A. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF COMMON PLEAS OF SUMTER
COUNTY S.C. ; AND S.C. APPELLATE COURT.
MERITS OVERLOOKED; U.S. COURT OF APPEALS 4TH CIR.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ROBERT WILLIAM WARNEY, PRO-SE (FORCED)
(Your Name)

990 WISKEY HIGHWAY
(Address)

Bishopville SC 29010
(City, State, Zip Code)

403-428-2800
(Phone Number)

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QUESTIONS PRESENTED

PREFACE: In this case Defendant argues the Plaintiff refused mortgage payments from Defendants wife then came after the Defendant for the Money. The Defendant presented the payment evidence and the Court ruled in favor of the Plaintiff claiming the evidence was never presented. Defendant appealed but was systematically barred from appellate relief because he could not pay court fees due to inappropriate interference by the incursion of pre-trial freezing of Defendants untainted assets as a criminal defendant effected Defendants poverty. Defendant is barred from accessing the court which froze his assets by inappropriate actions of its Clerk.

The case was Removed then frivolously dismissed. Defendant was forced to Bankrupt (Intra. 18-1476(USCA4)) the property.

QUESTION 1) Wither have the courts by disregarding Defendants evidence and barring his relief through appeal abridged his 14th Amendment Due Process and Equal Protection Rights?

QUESTION 2) Has the indigent Defendant been subjected to a process which is required of indigent defendant and not of non-indigent defendant, being invidiously discriminatory and violative of Equal Protection guaranteed by the 14th Amendment of the U.S. Constitution?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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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

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 28, 2018.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 30, 2018, and a copy of the order denying rehearing appears at Appendix B.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including 3-29-18 (date) on 1-10-19 (date) in Application No. 18 A 716.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 2-28-18.
A copy of that decision appears at Appendix K.

☒ A timely petition for rehearing was thereafter denied on the following date: 1-11-18 AND 2-5-18, and a copy of the order denying rehearing appears at Appendix I, J.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED ~~STATES~~ STATES CONSTITUTION
AMENDMENTS 1, 8, AND 14,

BACKGROUND AND FACTS

Sharon and I began our relationship when I was seventeen (17). Sharon is twenty (20) years older than I and has two (2) children from a previous marriage, Ritchie and Christopher who are the same age as I am, I had never been married. After we began our relationship, Sharon separated from her husband and divorced. November 1, 1997 Sharon and I married and we were together over twenty (20) years, we built a life together accumulating wealth over the course of our marriage. Ritchie had three (3) children with his wife Angie and at some point during their marriage, Angie's step brother raped the oldest of the three children (Marian). I was told Department of Social Services (DSS) got involved and Angie's step-brother was "Never seen since Ha-Ha" [*1]. Angie left Ritchie to pursue 'crack' cocaine and sexual desires, they divorced, Ritchie kept the children. Over the years, as a single father, Ritchie abused the children and because he kept their home in "Dangerous condition" [*2] Sharon--who at this time had secretly planned divorce-- and I were granted guardianship (custody) of the three (3) children on or about September 2013 notwithstanding Sharon was retired and I got hurt at work, I had back surgery and lost my job from the on the job injury. Months after obtaining custody, Angie, who had disappeared for years, began to come around to make amends, rebuild relations, and trying to visit the children outside her allowed restraining order times. Sharon, now forgiving Angie for betraying her son Ritchie from years before, permitted Angie to take the children outside of such allowed times, and the children had some weekend visits with Angie. Angie complained she could not afford to feed the kids while they visited her so Sharon and I would regularly contribute food. The middle child (Wilson) was reported by Angie for inappropriately touching his younger sister Jasmine at my home, 2015 Hideaway Drive [see police report circa. late November / early December]. December 4, 2013 Jasmine was interviewed by authorities; afterwards, while I was dropping groceries off to the family [Angie, Her Mexican illegal alien husband, Marian, Wilson, and Jasmine; all of which were together to spend the night/visit etc.] in the parking lot of Sumter High School, I asked Jasmine how the interview went, Jasmine said:

"I told them everything mommy wanted me t..."

ABRUPTLY INTERRUPTED BY HER MOTHER ANGIE, JASMINE WAS GRABBED BY HER SHOULDER

and Angie answered for Jasmine saying everything went fine. Jasmine was then put in the back seat of their car along side with what looked like a forensic doll.

December 6, 2013, Sharon brought me to Sumter County Sheriffs Office for an "interview" where to my surprise, the falsehoods of a "believable story" [*3] and a failed lie detector test [*4] conducted on Jasmine, I was charged and taken to Jail for CSC [*5]. All the while and without my knowledge Sharon had obtained counsel to undertake a divorce.

NOTE: Form AO241 p.4 @ 11(a)(2), 6:18-2610-HMH-KFM pp. 33-44 Hereinafter PCR.

Notwithstanding my requests to the Authorities, I was denied permission to call an attorney and I was forced to attend a "Bond hearing" without counsel [*6] and denied "bail" [*7].

December 11, 2013, unexpectedly, John Keffer Attorney at Law (Keffer) visited and offered his services to me at the Jail; which I, given no other choice and knowing nothing of Keffer, accepted his services. I did not pay Keffer anything.

December 16, 2013 videotaped forensic interview conducted on Marian ('video') by request of the Sumter County Sheriffs Office to investigate me. In that 'video', admissions and statements made by Marian clearly confirm I performed no wrongdoing. Twenty-four days later, Marian wrote a statement at the police office alleging I drugged Sharon, alleging I committed sexual acts on Marian, alleging I threatened suicide, alleging I threatened Marian's life and lives of others, and Marian blamed her Pelvic Inflammatory disease on the alleged sexual actions [*8]. Her statement took over two hours to write.

NOTE: 'Video' conducted December 16, 2013 is the same day Angie discovered renewed custody of her children [*9].

Sharon filed for divorce January 10, 2014 serving Summons and Complaint 1-18-14 on me at the Jail [*10]. January 21, 2014 I showed Keffer the divorce papers, Keffer quickly took the papers saying:

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"I will take care of that"

At this point, I must intermit and interpolate what I find peculiar in addition to the timing of the aforesaid events:

Sharon, in her Affidavit, wrote:

"Because we are married, he has the potential to liquidate or interfere in any other manner with our property, both real and personal. ... I am very concerned that he will try to get his hands on our property in order to fund his criminal case ... my wish is for this matter to be quickly resolved ... [and] the Court restrain Robert from ... disposing of any assets ... and from incurring any debts ... I would also ask that I be allowed to maintain our marital home and all rental properties and to maintain sole possession of the rental income for all of the properties ... possession of all the vehicles on our property in both our names both jointly and individually ... and conduct title[s] to me ... and [] to make me irrevocable beneficiary of all [life insurance policies]" [*11]

So, by Ex Parte Order, the Court froze my assets based on my criminal charges unrelated to the crime [*12].

Sharon spent at least Forty-Thousand (\$40,000.00) dollars to retain and hire at minimum three (3) Attorneys [*13] to prosecute the divorce, and with my assets frozen as a criminal defendant, I could not pay Keffer or replace him, nor defend myself from any prosecution. Sharon claims she spent over Five-Hundred-Sixty-Thousand (560,000.00) dollars on expenses over three years and has never submitted

a financial declaration / statement. I have proof where she liquidated two of our business properties at two-hundred-thirty-thousand (\$230,000.00) dollars each, and now she is filing Chapter 7 Bankruptcy [*14] on the last piece of real estate with my name on it. This is indicative of conversion; and which I strongly feel my property has been and is being converted for the purposes of preventing my access to any funds so I may obtain counsel to free myself, for her own selfish desires, and so I may not bring suit [which I have attempted to file suit but was denied in forma pauperis by Chief Justice for S.C. Third Circuit, Judge R.F. Cotteran [*15] notwithstanding my frozen assets by the same Court house and same Clerk: JAMES C. CAMPBELL CLERK OF COURT, also to which whom against I have filed suit [*16]]. Additionally, Keffer failed to disclose he was a friend of Marians family until the second trial.

...Returning...

February 3, 2014 from Jail I was transported to court, Keffer did not show up and I never left the "bullpen / holding-cell".

February 5, 2014, Sharon visited me in Jail and Sharon said:

"I'm going to stop making payments on 2040 Hideaway Drive because I can no longer afford it."

she did not mention anything about payments on any of our other business properties or the family home, just 2040, the one property that is in my name only.

April 3, 2014, Sharon requested control of all real estate, restraining order, and other related relief.

April 10, 2014 I was two times indicted.

June 5, 2014, I was transported from jail to court, again Keffer did not show up, I was not told why I was transported and I never left the "bullpen / Holding-cell".

November 6 and 7, 2014 I was scheduled in detention centers computer (JMS) for court, I was never called or transported.

January 20, 2015 Ex Parte Order inappropriately incurred pre-

trial freezing of my untainted assets as a criminal defendant effecting my poverty [*17].

January 26, 2015, from Jail, I was transported to the court for a bond hearing, again Keffer did not show up, Sharon and Ritchie were there. While I was in the court-room and I heard from the courts well an officer of the Court speak to the Judge about Keffer and I having being some issue "It's contractual". I was instructed to leave without opportunity for "bail".

February 5, 2015, from Jail I was transported to Family Court, again Keffer did not show up. Judge Taylor called Keffer, Keffer told her to reschedule, Continuance was granted.

March 12, 2015 I was two times indicted.

March 17, 2015 Keffer offered me a plea agreement. I told Keffer I'm not pleading to anything which I did not do. I further complained to Keffer that he had not shown me any evidence about the case, Keffer became angry and frustrated then quit "representation" and as he was storming out of the visitation room he insisted that he had shown me "the video". Keffer lied to me, I had not seen the 'video', Keffer later admitted that he had never showed me the 'video' during March 20, 2015 visit [*18] and where he continued concealing the 'video' construction never showing me.

March 23-25, 2015 I was brought to trial for the false allegations. I complained of civil rights abridgments and procedural violations made by the officers of the Court and officers of the law.

Note: That part of the transcript is inaccurate, I read from a script at trial and it does not match up.

Court recessed and Keffer brought me to the front room of the Court upset and pissed off and yelled at me:

"What the f*** are you doing!?! ... "

Keffer and I argued, I told Keffer he is not doing anything to fight. I was then directed to a room with glass separating us to talk more. He asked if I still wanted to move forward with him, I felt I had no other choice but to say yes considering my circumstances. The trial ended in mistrial; I was escorted out of trial when that part was deliberated then escorted

back in, that is not in the transcripts either.

April 13-15, 2015 I was brought to trial again where I was denied a speedy trial [*19], denied the right to confrontation [*20], denied to have compulsory process for obtaining witnesses in my favor [*21], under duress of Keffer I was unable to testify to the Jury [*22], Keffer admitted his friendship with Marian and her family [*23], what testimony I did present was not in the transcripts and some of what Judge Murphy spoke is on record that I spoke words which I did not speak, and after I was misconvicted the State government never corrected the erroneous transcripts which I complained about made for the two trials had [*24].

NOTE: After I got to prison I sent several requests to Keffer to obtain my client file, Keffer responded with an incomplete client file by submitting only part of the criminal aspect and none of the divorce aspect of the two cases, he included the 'video' evidence which he had concealed from me, and which he admitted such concealment of construction on March 20, 2015 during his visit. Additionally, there was a second video, it was of Jasmine; It looked as if she was also interviewed: the video had no sound and could not be heard, I complained on the KIOSK system about the bad evidence, and I did not watch the whole video. I only seen Jasmine sitting in an office chair / couch.

April 21, 2015 The bail proceeding dated January 15, 2014 is filed with the Court.

April 22, 2015 I was transported to Family Court, Keffer did not show again, Keffer was called by Judge Taylor; Keffer came to Court and testified he "was not retained" as my counsel; April 29, 2015 Orders my assets remain frozen.

NOTE: Keffer offered no substantial opposition to the adversaries. It seems Keffer only delayed divorce proceedings until Judgment of the criminal case, and after it's Judgment, Keffer ran. After Keffer ran, I was left to fight alone without money or resources. Hence any proceedings had

thereafter could not be properly litigated by railroad et. al. tactics made by officers of the court. Additionally, I appealed many opinions to which I could not obtain transcripts for because I was forced into indigency and which indigency was many times not recognized at the convenience of the judiciary and which indigency has proven to be a burdensome and heavily disabling handicap.

After I got to prison, March 28, 2016 I obtained and viewed for the first time the 'video' Keffer concealed from me [*25] and which 'video' was inappropriately determined as inadmissible for trial [*26] and where such determination was made when after I was escorted out of the court room during trial [*27] further concealing from me the 'video' and its construction [*28] ... all of which impairing a fair trial.

The appeal process was also impaired where the State assigned appellate Attorney did not produce a complete record [*29] notwithstanding my many complaints about the erroneous transcripts of the two trials had [*30], and where appellate Counsel took the advise of untrustworthy trial counsel Keffer [*31] regarding issues for appeal. I filed complaints with South Carolina Commission on Indigent Defense (SCCID), none of them were responded to.

I filed lawsuit against the divorcing wife [*32], but the Court, notwithstanding my frozen assets, denied my in forma pauperis request preventing the lawsuit. I filed many appeals regarding the many cases and hearings but all were denied or dismissed for my not being able to pay Court fees, costs, or other frivolous and or procedural reasons [*33]. And while trying to access my assets, Sumter County Clerk Of Court, JAMES C. CAMPBELL CLERK OF COURT (Clerk), contrary to established laws, committed unreasonable actions involving reckless indifference with a pattern of abuse resulting in additional violations of my rights where the Clerk repeatedly breached its duty to perform the ministerial act of accepting technically sufficient papers, such as in forma pauperis papers to give to the Judges, inducing me not to present my case, not fulfilling its obligations to provide community-based services, and interposing substantial fees as a barrier to access to courts [*34]; further effecting my disability, denying my opportunity to be heard, frustrating my claims, further preventing my challenge

of conviction, inflicting chilling effect upon my pure speech, further depriving the Court of information, depriving my access to my property, subjecting me to a process which is required of an indigent defendant and not of a non-indigent defendant, being invidiously discriminatory-.

So, I filed lawsuit [*35] against Clerk because it was not giving my in forma pauperis Motions to the Judges when I sent them to the Court [seven (7) different times]. The District Court of S.C. opined to dismiss the case basing it's decision upon unpublished, non-binding court decisions [*36].

South Carolina Court of Appeals denied my criminal appeal after conducting review pursuant Anders v. California 386 S.C. 738 (1963) and denied certiorari based on the fact "that it will no longer entertain petitions for a writ of certiorari wher the Court of Appeals has dismissed an appeal after conducting an anders review. State v. Lyles, 381 S.C. 442."

I sent PCR to the Clerk, The Clerk sent my PCR back to me along with a blank application claiming it dose not have PCR. It never filed PCR with the Court. I complained and filed PCR with the South Carolina Supreme Court, that Court will not entertain PCR and they find no issue of importance that the Clerk refuses to file it. I complained to Chief Administrative Judge Cottheran, [he is the one who denied in forma pauperis when I tried to file suit against Sharon], he dosen't answer my repeated complaints [*37]. I sent PCR to the South Carolina Attorney General, they claim they cannot move forward until the Clerk files PCR with the Court. The Clerk [creditor] is acting contrary to law and holds financial interest in my convictions, and I [debtor] feel the Clerk is implementing disorder and or discord and delying my papers to prolong my release so It may profit upon its interests.

I filed Habeas Corpus (A0241) with the U.S. District Court claiming one ground; "Ground One" contains thirty-four (34) words of my pure speech and the Habeas Court only considered the first seventeen (17) of those 34 words failing to read "Ground One" in its entirety. The U.S. Supreme Court said that a constitutionally adequate Habeas Corpus proceeding must at minimum entitle the Petitioner to a meaningful opportunity to demonstrate that he is being held pursuant to erroneous application or interpretation of relevant law and give the Habeas Court the power to order the conditional release of an individual unlawfully detained and he must have the right

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to argue and present evidence [*38]. The Habeas Court, contrary to such established laws, considering only half of my pure speech moved to dismiss my Habeas petition based on the pure speech it left out [dismissing the case based on the seventeen words not considered], dismissal upon such absurdity [*39] is manifest error [emphasis added].

Summarily:

I was charged and incarcerated based upon false report and false oath,
-deprived of my property rights inflicting corruption of blood;

- Denied judicial protection
- Denied the right to a fair trial;
- Denied State remedies;
- Denied Federal remedies;
- Denied Access to Courts;
- Denied right to reply;
- Denied equal protection;

Forced into involuntary seritude and subjected to slavery;

- depriving my right to life;
- depriving personal liberty;
- depriving association;
- depriving family;
- depriving movement; and

-depriving progressive development of economic, social and cultural rights. And at no point in the judicial process have my claims been heard demonstrating no available State or Federal corrective process.

I cannot bring evidence or reply concerning violations of my rights to the State, and the Federal District Court ignores the evidence I present to it where there is no such State remedy; therefore there is a complete lack of corrective ~~process regarding judicial process ... no justice.~~

Instantly, I have been forced to enter a Court (U.S. Supreme Court) where I must play Judicial Lotto because such Court grants and hears argument in only about [one] 1% of the cases that are filed each term." and "The vast majority of petitions are simply denied by the court without comment or explanation. Denial ... signif[ying] only that the court has chosen not to accept the case for review ..."[*39] I am an unrepresented person, one not experienced with legal matters, I am untrained in the law. I am a misconvicted prisoner. I cannot access my money because the government inappropriately incurred pre-trial freezing of my untainted assets as a criminal defendant and which has effected my poverty. I am in need of legal representation, but I am unable to employ counsel because I am indigent,

and as a petitioner entering such Court with the stigma as a wrongfully accused and wrongfully convicted citizen, indigent by fault of Officers of the Court, embarrassing to the judiciary; I can only keep what faith I have left in this country's office. Whither will the continuing unconstitutional actions of perversion of due process cease?

~~...and as a petitioner entering such Court with the stigma as a wrongfully accused and wrongfully convicted citizen, indigent by fault of Officers of the Court, embarrassing to the judiciary; I can only keep what faith I have left in this country's office. Whither will the continuing unconstitutional actions of perversion of due process cease?~~

This case is collateral of the foregoing and was originally filed by the Plaintiff in the Court of Common Pleas of Sumter County South Carolina on 4-22-16 relating to foreclosure under case number 2016CP4300733.

October 6, 2015 I wrote to Chase asking for a statement of account and to send it to my new mailing address. (see, DEFENDANTS RETURN (11-15-16) p.5 of 76). Chase sent an account statement indicating the mortgage was months behind (Id. pp.13-17), so I disputed the validity of the debt because Sharon, by Action of divorce, is Court ordered to maintain the property (Id. p.72 @1). Sharon said

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she "mailed a check to Chase in early March 2016 ... and Chase never cashed her check." and she "contacted Chase to make a payment over the telephone" but "the bank would no longer accept payments from her."(Id. p.36 of 76 middle of page)(see, also, Id. p.2 @ April 18 and April 27).

Plaintiff motioned for Summary Judgment. At trial I complained the issues but the Judge never ruled on the issues of where payments were made. Court of Common Peas (CP) ruled in favor of the Plaintiff (JUDGMENT 1-10-17) disregarding my Motions "RETURN" and "DECLARATION OF PAYMENT PROOF" and "DECLARATION FOR LEAVE TO REMEDY". So I motioned to ALTER OR AMEND

JUDGMENT (1-30-17), JAMES C. CAMPBELL CLERK OF COURT (Clerk) returned my Motion because I did not include a cover sheet and said I needed to pay filing fees.

5-17-17 a hearing was held and was in progress before I made it into the court room; the Judge charged my GAL to not help me and the Judge said he was "not calling witnesses" which I asked to bring to support my claims. I complained to the Judge about the Clerk, the Judge said he did not receive my Motions and that he, the Judge, needed to be properly served. Thinking there was something I was not doing

proper, I asked "How?", the Judge said "read the South Carolina Rules of Court." In the Judges ORDER DENYING DEFENDANTS MOTION TO ALTER OR AMEND JUDGMENT he said I ^{never} presented the evidence, therefore I filed NOTICE OF APPEAL and transcript request with S.C. Court of Appeals (SC. COA)(6-21-17).

I requested transcripts repeatedly for the proceeding and when my request was replied to, there were no transcripts included, only court records, I complained but received no remedy.

NOTE: In a separate action

I filed a STOP ACTION INJUNCTION Motion with South Carolina Supreme Court (S.C.Sup.Ct.)(7-3-17) to put the foreclosure in a stay so it may be remedied. The action was dismissed (ORDER 8-16-17) because "no extraordinary reason existed to entertain" it. I filed the same again (10-5-17) with S.C. Dist. Ct., S.C. Dist. Ct. approved IFP and recommended dismissal (with some misunderstanding of my facts). So I Objected (3-19-18) that the injunction was necessary in aid of the federal courts jurisdiction, but

it was dismissed (ORDER 3-26-18) for "non-specific objections or merely restating arguments." For lack of understanding I did not appeal.

... Returning ...

After I appealed, S.C. COA denied IFP and transcript request (ORDER 9-14-17), I filed 59(e) but S.C. COA would not entertain it according to thier Rules (Oct. 4, 2017 Paper).

NOTE: I filed Bankruptcy on the property 9-28-17.

S.C. COA dismissed the case (ORDER 12-1-17) because I did not pay the filing fee notwithstanding my Affidavit Of Indigency. I filed PETITION FOR REHEARING (12-12-17) claiming indigency and arguing IFP, it was denied (1-11-18) by SC. COA.

I filed WRIT OF CERTIORARI with S.C. Sup. Ct.(2-1-18) arguing inability to pay court fees, IFP denied (2-5-18), I filed two affidavits (2-16-18 and 2-23-18) claiming and offering proof of indigency, S.C. Sup. Ct. dismissed my claims (2-16-18 and 2-28-18).

I filed NOTICE OF REMOVAL (3:18cv-921-HMH)(3-30-18) based on federal question jurisdiction and denial of civil rights pursuant 28 U.S.C. §§ 1331, 1367, 1443 and 1446.

NOTE: I filed NOTICE OF BANKRUPTCY (April 9, 2018) and COMPLAINT (April 11, 2018) with Common Pleas. A foreclosure hearing was set for April 12, 2018 in Common Pleas.

The Removal was recommended (4-13-18)

to be dismissed for multiple reasons. I objected to those reasons because the Magistrate got my Complaint twisted in many ways. (5-7-18). The S.C. Dist. Ct. simply agreed with the Report and Recommendation dismissing (5-14-18) the case. I filed NOTICE OF APPEAL (6-9-18)(18-6693) with U.S. Court of Appeals (4CCA) and I filed EMERGENCY STAY (6-12-18) to stop the foreclosure. I filed INFORMAL BRIEF (6-25-18) with 4CCA.

NOTE: The hearing set for April 12, 2018 was rescheduled for June 14, 2018. I intended to attend the hearing (6-9-18 Paper) to demonstrate

record of being under BANKRUPTCY, address my COMPLAINT, address again where Chase rejected payments, and seek damages. I was not transported to the hearing and it was had out of my presence, no notice of its Judgments (6-14-18 x2) were served on me. After I found out there was a ruling I filed 59(e)(7-12-18) which was denied (ORDER 7-24-18). I filed NOTCIE OF APPEAL (8-16-18) with S.C. COA.

... Back to 4CCA ...

After I filed INFORMAL BRIEF Chase filed MOTION TO DISMISS, I filed OPPOSITION (7-25-18), Chase Replied, I Motioned SUMMARY JUDGMENT (8-9-18), 4CCA Dismissed the appeal (8-28-18) basing its decision on S.C. Dist. Ct. opinion and failing to realize it has jurisdiction because the Removal falls within the exception of 28 U.S.C. § 1447(d) and 28 U.S.C. 1331 demonstrated in my PETITION FOR REHEARING (9-18-18). 4CA Denied (10-30-18) Rehearing, MANDATE (11-7-2018) issued.

NOTE: NOTICE OF APPEAL in State court pending action.

REASONS FOR GRANTING THE PETITION

The lower Court inappropriately incurs pre-trial freezing of my untainted assets as a criminal defendant (Luis v. United States, 136 S.Ct. 1083(2016)(Rambo v. Nogan, 2017 WL 3835670 [3rd party])(PETITION FOR REHEARING Case 18-6693 pp.11-12 (9-18-18)) effecting my poverty, JAMES C. CAMPBELL CLERK OF COURT ignores my many Motions of in forma pauperis inducing me not to present my case and depriving me the opportunity to be heard and depriving my access to counsel and depriving my access to my property. (see, U.S. Dist. Ct. C/A No. 6:18-2610-HMH-KFM (WRIT OF SUPERVISORY CONTROL, COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Both Motions 300+ pages))).

I bring my claims to a court where I am denied a fair trial and denied equal protection. I file appeal but I am denied access to the court because I cannot pay the court fees notwithstanding my requests for waiver (S.C. COA ORDERS: 9-14-17, 12-1-17, 1-11-18; S.C. Sup. Ct. ORDERS: 2-5-18, 2-18-18) which is also inappropriate (see, Giffin v. Illinois, 351 U.S. 12 (1956); Ex Parte Lexington County, 442 S.E.2d 589 (S.C. 1994); Boddie v. Connecticut, 401 U.S. 371 (a state may not make its judicial process available to some but deny them to others simply because they

cannot pay a fee. Cf. Harper v. Virginia Board of Elections, 383 U.S. 663 (1966)). I Remove the case but the S.C. District Court and U.S. Court of Appeals slun my issues by circumlocution (S.C.Dist.Ct.: 3:18-921-HMH-KFM Report and ~~re~~Commendation (4-13-18), OBJECTION (5-7-18), ORDER (5-14-18); 4CCA 18-6693: BRIEF (6-25-18), ORDERS (7-16-18),(8-28-18)).

No other Court will address my issues, therefore relief cannot be obtained in any other form or from any other Court.

ENDNOTES

- 1 Quoting Marian, see, Forensic Video Interview Of Marian Alexandria Hornak, Durant Childrens Center; see, also, Video DVD Interview of Victim December 6, 2013, RECORD ON APPEAL SUPPLEMENTAL p.237; SUPPLEMENTAL BRIEF OF APPELLANT pp. 171-173 Exhibit D, DD [Interview Summary]
- 2 See GAL Report; also, SUPPLEMENTAL BRIEF OF APPELLANT p.172 @ ¶2.
- 3 See Police Interrogation Video of Robert William Wazney; SUPPLEMENTAL BRIEF OF APPELLANT p.2 ¶5.
- 4 See RECORD ON APPEAL SUPPLEMENTAL p.237.
- 5 See, also, COMPLAINT [Wazney v. Wazney, Case# 2015-DR-43-0046 Sumter County Family Court dated 8-19-2016]
- 6 AO241 p.4 @ 11(a)(2), 6:18-2610-HMH-KFM pp.22-44 (PCR) @ 10(d), 11(d).
- 7 See, also, C/A 6:15-cv-01116-HMH-KFM.
- 8 SUPPLEMENTAL BRIEF OF APPELLANT p.3 ¶1.
- 9 See 'video'
- 10 Case# 2014-DR-43-0038
- 11 See COMPLAINT (Jury trial demanded) dated August 19, 2016 case# 2015-DR-43-0046; see, also, Affidavit of Plaintiff January 15, 2015.
- 12 PCR @ 10(b), 11(b); AO241 pp.iv-v ORDER FOR EX PARTE / EMERGENCY HEARING.
- 13 William A.W. Buxton w/Curtis & Croft; Ryan A. McLeod w/ McDougall & Self, LLP; and William Land w/Land, Parker, Welch, LLP., consecutively.
- 14 U.S. Bankruptcy Court District of S.C. Case # 18-06148-dd.
- 15 See, AO241 p.4 @ 11(a)(2), 6:18-2610-HMH-KFM pp.66-107, specifically p.83.
- 16 COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, and WRIT OF SUPERVIORY CONTROL [AO241 p.4 @ 11(a)(2) indicating 6:18-2610-HMH-KFM].
- 17 PCR @ 10(b), 11(b); AO241 pp.iv-v.
- 18 PCR @ 10(f), 11(f).
- 19 PCR @ 10(i), 11(i)

- 20 PCR @ 10(a)(g), 11(a)(g); U.S.Const.Amend.6.
- 21 PCR @ 10(a), 11(a); SUPPLEMENTAL BRIEF OF APPELLANT.
- 22 PCR @ 10(i), 11(i).
- 23 Keffer admitted his friendship with Marian and her family two days before trial April 11, 2015 during attorney visit, I had called my brother Ed afterwards and told him I had found something very big out and I was unsure what to do about it; see, also, April Transcript p.231 l.25, p.255 ll.10-16; Attorney visit audio from April 11, 2015.
- 24 SUPPLEMENTAL BRIEF OF APPELLANT pp.4-10,12; PCR @ 10(c), 11(c).
- 25 PCR @ 10(k), 11(k).
- 26 PCR @ 10(a),(t), 11(a),(t).
- 27 SUPPLEMENTAL BRIEF OF APPELLANT p.7 ¶1.
- 28 PCR @ 10(a),(g), 11(a),(g); SUPPLEMENTAL BRIEF OF APPELLANT pp.7-10; see, also, Holmes v. S.C., 547 U.S. 319, 324 (2006) denying my (right to "meaningful opportunity to present a complete defense") (quoting Crane v. Ky., 476 U.S. 683, 691 (1986)).
- 29 PCR @ 10(c), 11(c).
- 30 See, SUPPLEMENTAL BRIEF OF APPELLANT pp.4-10, 12; PCR @ 10(c), 11(c).
- 31 See attached p.
- 32 Sumter Court Common Pleas 2017-CP-43-569 S.C. Court of Appeals 2017-001112.
- 33 See Form A0241.
- 34 WRIT OF SUPERVISORY CONTROL pp.i-iv; Mid-State Homes, Inc. v. Portis, 652 F.Supp. 640.
- 35 6:18-2610-HMH-KFM and WRIT OF SUPERVISORY CONTROL.
- 36 U.S. Court of Appeals 19-6084 INFORMAL BRIEF filed February 1, 2019; see, also, APPLICATION FOR RELIEF filed January 23, 2019.
- 37 Form A0241
- 38 Boumediene v. Bush, 128 S.Ct. 2229.
- 39 see, 6:18-2825-HMH, OBJECTIONS (ECF 24), Ruling (ECF 27), 59(e) (ECF 30), RELIEF FROM JUDGMENT OR ORDER 60(b); compare: Whole-Statute-Rule (Blacks Law Dictionary p.1735 (9th ed. 2009)).

40 Supreme Court of the United States Guide for Petitioners for Writ
of Ceriorary @ II.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

~~ROBERT~~ ~~WILLIAM~~ ~~WATNEY~~, pro-se (FORCFO)

Date: MARCH 24, 2019