

ORIGINAL

18-9814

No. 18A715 (18-6466)

Supreme Court, U.S.
FILED

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APR 15 2019
S.C. SUPREME COURT

IN THE

SUPREME COURT OF THE UNITED STATES

ROBERT WILLIAM WAENKY, PRO-SE (Arrest) — PETITIONER
(Your Name)

SHARON REEVE WAENKY 9/1/9 VS.
SHARON REEVE CHOBASSOLK — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

MERITS NEVER CONSIDERED

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ROBERT WILLIAM WAENKY, PRO-SE (Arrest)
(Your Name)

990 WISACKY HIGHWAY

(Address)

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(City, State, Zip Code)

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(Phone Number)

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1) HAS GOVERNMENT ACTION RESTRICTED THE CONTENT OF MY PUBLIC SPEECH VIOLATING MY U.S. CONST. AMEND. 1
~~Guarantees~~ ~~Guarantees~~ ?
- 2) HAS GOVERNMENT ACTION RESTRICTED MY ACCESS TO COURT VIOLATING MY ~~const.~~ U.S. CONST. AMEND. 1
RIGHT TO PETITION THE GOVERNMENT FOR ADDRESS OF GRIEVANCES ?
- 3) HAS GOVERNMENT ACTION VIOLATED MY GUARANTEED U.S. CONST. AMEND. 14
RIGHT TO DUE PROCESS ?

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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APPENDIX E 3-26-18, ORDER, S.C. DIST. CT.

APPENDIX F 3-27-18, ORDER, S.C. DIST. CT.

APPENDIX G 10-19-17, NOTICE OF REMOVAL, Rule 18
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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 is unpublished.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 is unpublished.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.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 8-28-18.

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: 9-18-18, 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 1-10-18 (date) in Application No. A.

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 _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

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 CONSTITUTION
AMENDMENT 1

UNITED STATES CONSTITUTION
AMENDMENT 14

Starting off the case

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 and I were granted guardianship (custody) of the three (3) children notwithstanding Sharon was retired and I got hurt at work and lost my job and just had back surgery from an on the job injury. ^{AT THIS TIME SHARON HAD SECRETLY PLANNED DIVORCE} 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 would complain 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 for inappropriately touching his younger sister Jasmine at my home, 2015 Hideaway Drive. 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 to..."

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 A0241 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:

"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. Cotheran [*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 respondend 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 when 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 Cotheran, [he is the one who denied in forma pauperis when I tried to file suit against Sharon], he doesn'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 delaying 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

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 countries office. Whether will the continuing unconstitutional actions of perversion of due process cease?

[REDACTED]

[REDACTED]

([REDACTED])

The instant case is affiliated with the foregoing and where judicuary actions have violated my civil rights.

In this case, on more than one occasion I would enter the Court room for trial and Court would already be in session, many Plaintiff ex-parte proceedings held.(see NOTICE OF REMOVAL October 23, 2017 (NOR), Exhibit H DEFENDANTS AFFIDAVIT OF ORDER p.1 @ 5 and ANSWER p.9 @ 11-13).

In this case, I appealed many of its orders, the South Carolina Court of Appeals (S.C.COA) and South Carolina Supreme Court (SC.Sup.Ct.), both would sometimes approve In Forma Pauperis (IFP) and sometimes not, even though my conditions had not changed.

MARCH 8, 2016 HEARING
In this case I was brought to trial without prior notice of its merits. ORDER OF DEFAULT, unknown by me and its hearing held ex-parte between Sharon and Judge George McFadden Jr., was Ordered (NOR, Exhibit E, PETITION FOR REHEARING p.10) and filed March 4, 2016. 'Final Hearing' adjudicating the ORDER OF DEFAULT was held March 8, 2016, four (4) days after the ORDER OF DEFAULT Order. I was not given notification of the ORDER OF DEFAULT Order prior to the trial which was making a determination on such Order, violating State Rule of Court SCRCP 17(a), depriving me of adequate notice, depriving me of adequate opportunity for hearing, violating my right to introduce evidence, violating my right to confront and cross examine w witnesses, violating my U.S.Const.Amend.14 Due Process Rights. Violating my U.S.Const.Amend 1 rights. I was then convicted of Default where no such Default had ever happened.

I filed NOTICE OF APPEAL (NOR, Exhibit E, PETITION FOR REHEARING pp.6-19) of the 3-4-16 ORDER (ORDER OF DEFAULT) on March 30, 2016, NOTICE OF APPEAL was filed prior to 'Final Hearing' Judgment made 3-31-16^(filed 4-8-16), therefore the Family Court ruled out of its jurisdiction. Afterwards, S.C.COA claimed they did not receive my NOTICE OF APPEAL and that "even if [I] had filed an appeal from the entry of default on March 30, 2016, the appeal would have been dismissed." (NOR, Exhibit E, PETITION FOR REHEARING p.4)(See, also, NOR Exhibit D, PETITION FOR WRIT OF CERTIORARI, pp.3-6 @ 7 et.seq.). I filed PETITION FOR REHEARING regarding the Default action but the S.C.COA would not entertain it because it inappropriately combined the facts of Default action with the 2016-001342 'Final Hearing' action (see AFFIDAVIT OF DEMAND

(3-19-18 [1728]; and, NOR Exhibit B) rendering it incapable of being addressed without certiorari. I gave them proof where I filed NOTICE OF APPEAL (NOR Exhibit E, PETITION FOR REHEARING p.2 @ 4, pp.6-19). May 18, 2016 I filed MOTION TO VACATE DEFAULT ORDER pursuant Rule 60(b) SCRC (WRIT OF SUPERVISORY CONTROL pp.177-190 [found under 6:18-2610-HMH-KFM COMPLAINT FOR VIOLATION OF CIVIL RIGHTS]) but that Motion was ignored and never heard by the Family Court (U.S. Const. Amd. 1 violation). I filed PETITION FOR WRIT OF CERTIORARI (NOR, Exhibit D) to clarify and remedy the issue but S.C. Sup. Ct. simply denied (NOR, Exhibit C) the Writ without mention of the grounds for denial.

In this case I could not access the Court to bring my claims because its Clerk would not present to the Judge my IFP Motions (Snyder v. Nolen, 380 F.3d 279, 287 (7th Cir. 2004)(Clerk of Court who allegedly refused to file inmates pleadings was not acting in functionally comparable way to judge breached duty to perform ministerial act of accepting technically sufficient papers.)(on at least seven(7) different occasions, 1-26-17, 3-8-17, 3-23-17, 3-27-17, 3-28-17, 4-7-17, 6-7-17, 9-6-17 (NOR Exhibits F,G)(see, also, 6:18-2610-HMH-KFM COMPLAINT FOR VIOLATION OF CIVIL RIGHTS p.4 ¶2, pp. 5-8; and WRIT OF SUPERVISORY CONTROL pp.12-80) interposing substantial fees as a barrier to access to courts, (Mid-State Homes Inc. v. Portis, 652 F.Supp. 640)(WRIT OF SUPERVISORY CONTROL pp.71-91).denying my opportunity to be heard and violating U.S. Const. Amend.1. The Clerk acts as if the Applications were never sent. (WRIT OF SUPERVISORY CONTROL pp.49, 71). I notified Judges, Courts, and others (NOR, Exhibits F,G, H DEFENDANTS AFFIDAVIT OF ORDER p.2 @ 7; WRIT OF SUPERVISORY CONTROL pp.69, 70, 87 @ 2, 95-103; S.C. Court Administration, et. al.) regarding the Clerk's inappropriate inactions. I also filed suit against the Clerk for those inactions (6:18-cv-2610-HMH-KFM COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, and WRIT OF SUPERVISORY CONTROL (300+ pages of complaint)). JAMES C. CAMPBELL CLERK OF COURT, Clerk, supposed to adhere to the South Carolina Code Of Laws § 8-21-320 (see, S.C. Sup. Ct. Shearouse Advance Sheet No.30 § C @ 5 (Motions with No fee: Matters involving indigency)).

OCTOBER 13, 2017 HEARING
~~In this case~~ I complained at trial that there were many Motions I submitted to the Court, including IFP Motions, and that they were ignored and not heard, the Judge, instead of addressing me, turned to and addressed

opposing counsel about the issue and accepted his answer to my complaint Motion, ignoring me. (U.S.Const.Amend.1 violation)(Listen to audio of Sumter County Family Court proceeding 10-23-17 Case No. 2015-DR-43-0046). The Court continued to rule in favor of plaintiff on issues. I removed the case based on federal question jurisdiction and denial of Civil Rights. (The instant Case).Regarding insight of the foregoing instant case, Please read SUPPLEMENT EXHIBIT H (11-28-17) particularly ANSWER pp.8-11, and 12-18-17 paper LEAVE TO FILE AMENDED COMPLAINT I.

The First Amendment right to petition, which applies to the States through the Fourteenth Amendment, extends to all departments of the government, including the courts. U.S.Const.Amends. 1, 14. Friedman v. Bloomberg L.P., 884 F.3d 83 (2017). Constitutional right of access to the courts is violated where government officials obstruct legitimate efforts to seek judicial redress. U.S.Const.Amend. 1 Id., see also Whalen v. County of Fulton, 126 F.3d 400; and Whitaker v. Collier, 862 F.3d 490 (Right to access to the courts is an aspect of the First Amendment right to petition the government for redress of grievances. U.S.Const.Amend. 1.). The Clerk ignored my IFP Motions inducing me not to present my case by interposing substantial fees as a barrier to access to court, the Court itself (the Judge) ignored my claims which I brought directly to it, and the incursion of pre-trial restraint of my legitimate untainted assets as a criminal defendant (WRIT OF SUPERVISORY CONTROL pp.192-193 Order 1-2015), which the Constitution requires the government to respect (Luis v. United States, 136 S.Ct 1083 (2016)) but did not, effected my poverty and where there is no State provision for free transcripts for indigents effectuated obstruction to the ability of my appeals violating my U.S.Const.Amends. 1, 14.

The South Carolina District Court (S.C. Dist. Ct.) recommended (3-9-18) remand because it thinks I removed the action based on the subject of the domestic relations of husband and wife, which I did not and it is written all over the face of the Complaint. So I filed OBJECTION TO REPORT AND RECOMMENDATION (3-19-18). S.C. Dist. Ct. ORDERed (3-26-18) remand basing its decision on the Magistrates misunderstanding, JUDGMENT rendered (3-27-18). I filed 59(e) (4-5-18) and 60(b) (4-9-18), S.C. Dist. Ct. denied (4-13-18) both Motions. I appealed (4-26-18). ~~but United States Court of Appeals (USCA4) dismissed (JUDGMENT 8-28-18)~~ I filed INFORMAL BRIEF (5-29-18) but United States Court of Appeals (USCA4) dismissed (JUDGMENT 8-28-18). I filed PETITION FOR REHEARING (9-18-18), but it was denied (ORDER 10-30-18). Nobody read my papers in the federal Courts. It is plain as day that it is a Civil Rights claim and has federal question jurisdiction. I even explained it in my papers. Therefore there was no review of the 'merits'.

REASONS FOR GRANTING PETITION

I am not an attorney. I am not one who is experienced dealing with legal matters. I have no skill in the science of law. They took my money and convicted me, then did everything they could to keep me from getting my money so as where I could not fight with paid counsel. The better I fight pro-se they started to deny my IFP. This case has hundreds and hundreds of Motions. 12-18-17 I sent Four-thousand (4000) pages of evidence to the S.C. District Court regarding the Removal of this case, they sent it back claiming they didn't know what it was for though I had Made it clear with its cover letter and Motion Caption, and yes, a Certificate of Service was included. Nobody wants to address and answer my questions, I request this Court to address and answer my questions, I request Certiorari.

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 A0241 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); A0241 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, A0241 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 [A0241 p.4 @ 11(a)(2) indicating 6:18-2610-HMH-KFM].
- 17 PCR @ 10(b), 11(b); A0241 pp.iv-v.
- 18 PCR @ 10(f), 11(f).
- 19 PCR @ 10(i), 11(j)

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 Keffler 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 1.25, p.255 11.10-16; 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),(l), 11(a),(l).

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.

41 NOR, EXHIBIT D p.3 @ 7,
WRIT OF SUPERVISORY CONTROL pp. 184, 189

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Robert William Wadley, Jr., Esq. (pro hac vice)

Date: 11 April 2019

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~~APR 14 2019~~

~~S.C. SUPREME COURT~~