

No. 20-6501

IN THE  
SUPREME COURT OF THE UNITED STATES

SHANNON RILEY

— PETITIONER

(Your Name)

vs.

CARRIE KATHLEEN MEEHAN

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF SOUTH CAROLINA

FILED

NOV 24 2020

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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

PETITION FOR WRIT OF CERTIORARI

SHANNON RILEY

(Your Name)

1368 SMITHS LAWN

(Address)

AIKEN, SC 29801

(City, State, Zip Code)

(815) 814-5179

(Phone Number)

## QUESTION(S) PRESENTED

- (1) Has the "public interest" requirement pursuant to South Carolina Appellate Court Rules (SCACR) 245(a) been met under the Full Faith and Credit Clause of the U.S. Constitution, Article 1, Section 14, to entertain review of a petition for a Writ of Mandamus in the Court's original jurisdiction?
- (2) Has the "public interest" requirement pursuant to *Key v Currie*, 305 S.C. 115, 406 S.E. 2d 356 (1991), been met under the Full Faith and Credit Clause of the U.S. Constitution, Article 1, Section 14 to entertain review of a petition for a Writ of Mandamus in the Court's original jurisdiction?
- (3) Has the Supreme Court of South Carolina impeached Petitioner's due process under the Fourteenth Amendment when it failed to entertain a Writ of Mandamus relating to "public interest" legislated by Congress under the Full Faith and Credit Clause, Article 1, Section 14, of the U.S. Constitution?

## TABLE OF AUTHORITIES CITED

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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 \_\_\_\_\_ 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 is unpublished.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 is unpublished.

**[x] For cases from state courts:**

The opinion of the highest state court to review the merits 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 is unpublished.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 Aiken Court of Common Pleas court appears at Appendix C 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 \_\_\_\_\_.

[ ] 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: \_\_\_\_\_, 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. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was 11/17/2020.  
A copy of that decision appears at Appendix \_\_\_ A \_\_\_\_\_.  
\_\_\_\_\_

[ ] A timely petition for rehearing was thereafter denied on the following date: 11/17/2020, 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 \_\_\_\_\_ (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**

Full Faith and Credit Clause, Article IV, Section, U.S. Constitution

Fourteenth Amendment U.S. Constitution

S.C. Constitution  
Art V, 5 and S.C. Code Ann 14-3-310 (1976)

## **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:

## **RELATED CASES**

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CARRIE KATHLEEN MEEHAN, PLAINTIFF v SHANNON RILEY, DEFENDANT  
Case No. 18CV00490  
Division No. 11

IN THE COURT OF APPEALS OF THE STATE OF KANSAS  
CARRIE KATHLEEN MEEHAN, APPELLEE v SHANNON RILEY, APPELLANT  
Case No. 122,380

CARRIE KATHLEEN MEEHAN, PLAINTIFF v SHANNON RILEY, DEFENDANT  
State of South Carolina, County of Aiken In the Court  
of Common Pleas, Case No. 2019CP0200950

## STATEMENT OF THE CASE

There are two components to this case. The Kansas case and the South Carolina Case.

### THE KANSAS CASE

Petitioner, at all time a resident of South Carolina, was illegally sued by Respondent, at all times a resident of Kansas for alleged breach of contract, where no contract exists and awarded actual damages of \$40,000, and punitive damages of \$80,000, totaling \$120,000, and whereby the District Court lacked subject matter jurisdiction to hear the specific kind of case that was brought to the Court, in this case, breach of contract, where no contract between the two parties exists relating to the sale of two Irish sport horses.

After seeing horses on the internet, Petitioner and Respondent traveled to Ireland where Respondent purchased four Irish sport horses which were given to Petitioner in South Carolina to board/train/sell without a legal contract between the parties enforceable by law. Two of the horses were sold. The other two, and the issues surrounding their sale resulting in Respondent's loss through an alleged breach of contract and filing a sworn affidavit in Johnson County District Court, Kansas alleging breach of contract is the bases

of this case. The District Court lacking subject matter jurisdiction/venue to hear a breach of contract case where no written contract exists required by the Statute of Frauds.

The District Court finding subject matter jurisdiction/ existed based on the sworn affidavit and issued an Order granting Default Judgment on 12/8/18. On 1/15/19, the Court issued a Nunc Pro Tunc Order, correcting the previous Order as to damages. After being served with Pro Nunc Tunc Order granting Default Judgment, Petitioner filed a Motion to Vacate same. Both Orders granting default judgment were electronically filed in Aiken Court of Common Pleas, South Carolina on 4/22/19, followed by a Motion to Execute Foreign Judgment in South Carolina and 8 months prior to a Final Order of Judgment filed 12/5/19, and 8 months prior to Petitioner's appeal filed 12/16/19. In the Final Order, the District Court adjudging as a part of the Order that the Nunc Pro Tunc Order of 1/15/19 was a final order.

#### THE SOUTH CAROLINA CASE

Respondent filed to Execute a Foreign Judgment in Aiken on 4/22/19 on the Nunc Pro Tunc Order Correcting Default Judgment as to damages, previously omitted from the Kansas Court Order Granting Default Judgment filed 12/8/18. When in fact, The Final Order of Judgment from Kansas was issued 12/5/19. Petitioner's appeal from the Final

Order was filed 12/16/2019, which is still pending.

Pursuant to South Carolina law, Section 15-35-920, Filing of foreign judgment and affidavit, (a) requires that the affidavit filed with the clerk states the foreign judgment is final, and whether further contested. Contested judgments include notice of appeal has been filed, or an appeal is pending. At the time Respondent filed to Execute foreign judgment, Petitioner's appeal had not been filed, because the no final order in the Kansas case had been issued. Respondent has no legal standing to Execute judgment and the South Carolina Court has no subject matter jurisdiction to hear the case. Petitioner's fourteenth amendment right to "due process" impeached.

Pursuant to the Full Faith and Credit Clause of the U.S. Constitution, Article IV, Section 1, which addresses duties that states within the United States have to respect the "public acts, records and judicial proceedings of every other state." Here the Kansas Open Records Act, K.S.A. 45-215 et. seq. reveal the Johnson County District Court Records reflect a Final Order of Judgment filed 12/5/19. Respondent's Motion to Execute Foreign Judgment, electronically filed in South Carolina on 4/22/19 from a Nunc Pro Tunc Order correcting default judgment violates Petitioner's fourteenth amendment right to "due process" of the Clause.

After the Aiken Court filed it's judgment after Petitioner's Motion for Reconsideration of the Final Order on 2/3/20, Petitioner sought the original jurisdiction of the South Carolina Supreme Court pursuant to Rule 245(a),

"When Appropriate. The Supreme Court will not entertain matters in its original jurisdiction when the matter can be determined in a lower court in the first instance, without material prejudice to the rights of the parties. If the public interest is involved, or if special grounds of emergency or other good reasons exsist why the original jurisdiction of the Supreme Court should be exercised, the facts showing the reasons must be stated in the petition."

Petitioner believes that the public interest to "public acts, records and judicial proceedings of every other state" pursuant to the Full Faith and Credit Clause are present here, and plead with particularity in the Petition for Writ of Mandamus, pursuant to Rule 65(f)(1), Remedial Writs, which states in part, "The motion shall be heard upon such notice as the court may prescribe, and the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require."

The ends of justice requirement have been impeached when the Supreme Court issued its Order of 11/4/20, declining to entertain the Petition in the Court's original jurisdiction and citing Key v Currie;

Joseph A. Key, Plaintiff v. Robert E Currie, Warden, A.C.I., Parker Evatt, Commissioner, S.C.D.C., Defendants, 305 S.C. 115, 406 S.E. 2d 356 (1991) ORDER in part, "In recent months, the number of petitions seeking to have this Court exercise its original jurisdiction has increased dramatically.

We take this opportunity to emphasize the limitations we have placed on our original jurisdiction. "Although Article V, 5, of the South Carolina Constitution vests this Court with the authority to issue extraordinary writs and entertain actions in its original jurisdiction, this Court's primary function is to act as an appellate court to review appeals from trial courts. In Rule 229, SCACR, this Court has indicated it will not entertain matters in its original jurisdiction where the matter can be entertained in the trial courts of this State. Only when there is an extraordinary reason such as a question of significant public interest or an emergency will this Court exercise its original jurisdiction."

In the Petition, the facts relating to "public interest" and which omitted from review, would seriously effect the material prejudice to the rights of the parties," pursuant to Rule 245(a) are clearly present in the Petition.

"The Full Faith and Credit Clause, Art IV, Sec 1, address the duties that states within the United States have to respect to the "public acts, records, and judicial proceedings of every other state. The public records of the Clerk of the Court, Johnson County District Court reflect an Order of Final Judgment filed on Decemger 5, 2019."

## REASONS FOR GRANTING THE PETITION

"The Supreme Court (of South Carolina) has the power to issue writs of mandamus pursuant to the State's Constitution. *Edwards v State*, 383 S.C. 2, 678 S.E. 2d 412 (2009) citing S.C. Const Art V, 5 and S.C. Code Ann 14-3-310 (1976). "The writ of mandamus is the highest judicial writ known to the law and according to long approved and well established authorities, only issues in cases where there is a specific legal right to be enforced or where there is a position of duty to be performed, and there is no other specific remedy." *Willimon v City of Greenville*, 243, S.C. 82, 6-87, 132 S.E. 2d 169, 170-71 (1963).

The primary purpose of function of a writ of mandamus is to enforce an established right, and to enforce a corresponding imperative duty created to or imposed by law." *Id.* "It is designed to promote justice, subject to certain well-defined qualifications." *Id.* Its principal function is to command and execute and exercise, and not to inquire and adjudicate, therefore, it is not the purpose of the writ to establish a legal right, but to enforce one which has already been established." *id.*

"For a writ of mandamus to issue, the following must be shown; (1) a duty of the Respondent to perform the act, (2) the ministerial nature of the act; (3)

(3) the Petitioner's specific legal right for which discharge of the duty is necessary; and (4) a lack of any other legal remedy." Edwards, 383 S.C. 97, 678 S.E. 2d, 420. "When mandamus is warranted, "the judiciary cannot properly shrink from its duty." Id. (quoting Blalock v Johnson, 180 S.C. 40, 50, 185 S.E. 51, 55 (1936).

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: November 22, 2020