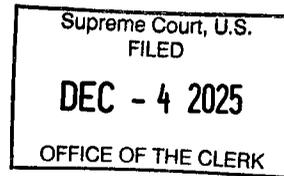


25-1023

No. ____



In the
Supreme Court of the United States

JAMES MARSHALL SHOEMAKER, III,
Petitioner,

v.

LESLEY R. MOORE, ESQ.,
as Personal Representative and Trustee; and
EDWARD SLOAN SHOEMAKER and
JONATHAN EVANS SHOEMAKER,
as Beneficiaries and as Individuals,
Respondents.

On Petition for a Writ of Certiorari to the
Supreme Court of South Carolina

PETITION FOR A WRIT OF CERTIORARI

James Marshall Shoemaker, III
Petitioner, Pro Se
1859 Tecumseh Trail SE
Smyrna, Georgia 30080
(678) 558-3259
marshall@flockingbehavior.com

QUESTIONS PRESENTED

1. Whether the Fourteenth Amendment's guarantee of due process is violated when a judge knowingly rules on the merits of a case while maintaining an undisclosed, ongoing financial partnership with opposing counsel's law firm, and then refuses to vacate those rulings after recusal.
2. Whether a State may constitutionally enforce a rigid jurisdictional deadline that bars any appellate review of a structural due-process violation when the litigant's attorney becomes unable to practice law during the appeal window, fails to notify the litigant of the judgment or deadline, and fails to file the appeal he had promised to file.
3. Whether recusal without vacatur satisfies due process when a judge's disqualifying conflict existed at the time of ruling, the conflicted judgment remains operative, and successor courts rely on that judgment in subsequent litigation.

PARTIES TO THE PROCEEDING

Petitioner is James Marshall Shoemaker, III. Respondents are Lesley R. Moore, Esq., as Personal Representative and Trustee, and Edward Sloan Shoemaker and Jonathan Evans Shoemaker, as Beneficiaries and as Individuals.

RELATED PROCEEDINGS

This petition arises from proceedings in the Estate of James Marshall Shoemaker, Jr., Case No. 2018-ES-23-01729, Greenville County Probate Court, which are the subject of this petition.

Related proceedings arose after the death of Mary Hunter Sloan Shoemaker, also known as Mary Sloan "Polly" Shoemaker, who was the spouse of James Marshall Shoemaker, Jr. Those proceedings include In the Matter of Mary Sloan "Polly" Shoemaker, Case No. 2020-ES-23-00073, Greenville County Probate Court. On May 17, 2024, the Probate Court struck Petitioner's pleadings and dismissed his claims. Petitioner appealed to the Circuit Court, Case No. 2024-CP-23-04068. On December 15, 2025, the Circuit Court affirmed the dismissal. An appeal to the South Carolina Court of Appeals is currently pending.

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CONSTITUTIONAL PROVISIONS

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OPINIONS BELOW

The order of the South Carolina Supreme Court denying certiorari (Sept. 9, 2025) appears at App. 1a.

The opinion of the South Carolina Court of Appeals (Apr. 2, 2025) appears at App. 5a.

The order of the South Carolina Circuit Court (Oct. 26, 2022) appears at App. 14a.

The summary-judgment orders and related rulings of the Greenville County Probate Court, including the affidavit of Dr. Thomas Hughes, the June 15, 2021 summary-judgment order, the September 16, 2021 disclosure email, the December 15, 2021 recusal order, the December 19, 2021 summary-judgment order, and the February 1, 2022 administrative transfer order, appear at App. 27a-72a.

JURISDICTION

The South Carolina Supreme Court denied review on September 9, 2025. (App. 1a-4a.) This Court has jurisdiction under 28 U.S.C. § 1257(a). The judgment below rests on a procedural ruling that prevented review of a federal constitutional question. A state procedural bar cannot insulate a structural due-process violation from all appellate review, particularly where the bar arose from attorney abandonment and circumstances created in part by the State.

CONSTITUTIONAL PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in relevant part: "No State shall ... deprive any person of life, liberty, or property, without due process of law."

INTRODUCTION

This case presents a structural breakdown of due process that no court in South Carolina ever reviewed. A probate judge maintained an undisclosed, ongoing financial relationship with a named partner of the law firm appearing before him, presided over Petitioner's case while that relationship was active, and entered summary judgment knowing that his financial partnership required disqualification. The resulting judgment extinguished Petitioner's inheritance and supplied findings later used to impose more than \$54,000 in fees. (App. 73a.)

For more than twenty years, the decedent executed and reaffirmed a series of formal wills and estate-planning documents dividing his approximately \$12 million estate equally among his three sons. The disputed change to that plan occurred only three weeks before his death, at a time when his medical condition rendered the need for a neutral tribunal especially acute. The probate proceedings that followed therefore carried substantial financial and constitutional consequences.

Judge Clayton L. Jennings and attorney Stanley McLeod jointly represented clients and shared fees throughout the period in which Jennings heard

argument, evaluated the evidence, and ruled on dispositive motions. The conflict was not disclosed before judgment. (App. 38a, 58a.) Only months later did Jennings reveal the entanglement.

Petitioner promptly moved for recusal and vacatur. Jennings recused himself prospectively but refused to vacate the rulings entered while he was disqualified. (App. 52a, 58a.) Recusal without vacatur left the structurally defective judgment in place.

The Chief Justice of South Carolina subsequently entered an extraordinary order disqualifying every Greenville County probate judge from Petitioner's cases. (App 69a-71a.) Yet no State court disturbed the conflicted order.

At the same time, South Carolina's unusually short ten-day appeal deadline—treated as strictly jurisdictional—foreclosed Petitioner's only avenue for review. Petitioner's attorney, who had promised to file the appeal, became unable to practice law during the ten-day window. He did not forward the order, notify Petitioner of the deadline, or file the appeal. Petitioner learned of the abandonment only after the deadline had expired. (App. 14a.)

The Circuit Court dismissed the appeal as untimely; the Court of Appeals affirmed while declining to reach the constitutional issue. (App. 5a, 14a.) The South Carolina Supreme Court denied review. (App. 1a.) As a result, no court ever addressed whether due process permits a judge to knowingly rule while financially entangled with counsel.

These intertwined defects—the participation of a disqualified judge and a procedural bar that made review impossible—deprived Petitioner of the neutral adjudicator and meaningful appellate review that the Fourteenth Amendment guarantees.

STATEMENT OF THE CASE

A. The Probate Proceedings and Judge Jennings's Undisclosed Pecuniary Conflict

Petitioner is the son of James Marshall Shoemaker, Jr. For more than twenty years, Petitioner was a named beneficiary under his father's testamentary instruments. In 2018, while his father was in declining health, new estate documents were executed that disinherited Petitioner and vested control in Respondents. Petitioner filed a will and trust contest in 2019.

Respondents were represented by Brown, Massey, Evans, McLeod & Haynsworth, LLC ("BMEMH"). At the time of briefing, argument, and decision on Respondents' summary-judgment motion, the presiding probate judge, Clayton L. Jennings, maintained an active pecuniary partnership with a named partner of that firm, Attorney Stanley McLeod. The relationship was not disclosed. (App. 48a.)

On April 7, 2021, Jennings presided over the summary-judgment hearing. On June 15, 2021, he granted summary judgment against Petitioner, extinguishing his claims. (App. 38a.) The ruling

resolved disputed facts and established findings later used for fee sanctions. (App. 73a.)

Only months later, on September 16, 2021, Jennings emailed counsel acknowledging that he was “presently representing” a client jointly with Attorney McLeod. (App. 48a.) By then, he had already granted summary judgment. Petitioner moved for recusal and vacatur. On December 15, 2021, Jennings recused himself “in these matters in their entirety,” but refused to vacate his conflicted rulings. (App. 52a.)

B. The Chief Justice’s Disqualification of All Greenville Probate Judges

Recognizing the seriousness of the conflict, the Chief Justice of the South Carolina Supreme Court disqualified every Greenville County probate judge from Petitioner’s cases on February 1, 2022. (App 69a.) A new judge from outside the county was appointed. Yet the conflicted rulings were left intact.

C. The Ten-Day Appeal Statute and the State-Created Procedural Trap

South Carolina requires that appeals from probate orders be filed within ten days of service. S.C. Code § 62-1-308(a). Service of the June 15 summary judgment order was made on Petitioner’s attorney, John Blincow, in mid-December 2021. On November 24, 2021, Blincow told Petitioner he would file the appeal. (App. 58a)

Unknown to Petitioner, Blincow became unable to practice law, ceased communicating, did not forward

the order, and did not file the appeal. Petitioner learned on December 28, 2021 that Blincow had lost his license—after the deadline had expired. (App. 14a) Petitioner filed a pro se notice of appeal on January 10, 2022.

D. The Circuit Court’s Jurisdictional Dismissal and Alternative Affirmance

Respondents moved to dismiss the appeal as untimely. The Circuit Court held the ten-day deadline jurisdictional and refused to consider abandonment or lack of notice. (App. 14a) In the alternative, the court affirmed the summary-judgment order without addressing the conflict.

E. The Court of Appeals’ Refusal to Review the Structural Violation

On April 2, 2025, the South Carolina Court of Appeals affirmed, holding that it lacked jurisdiction due to the late filing and declining to address the constitutional issue. (App. 5a.) The South Carolina Supreme Court denied review. (App. 1a)

F. Continuing Downstream Consequences

The conflicted ruling has been repeatedly invoked in related litigation, including the probate of Petitioner’s mother’s estate, Estate of Mary Sloan “Polly” Shoemaker, No. 2024-CP-23-4068. It also formed the basis for attorney’s-fee sanctions exceeding \$54,000. (App. 73a.)

Thus, a ruling entered by a financially conflicted judge continues to govern Petitioner's property rights without ever having been reviewed by a neutral tribunal.

REASONS FOR GRANTING THE WRIT

I. A Judge's Knowing Financial Conflict Creates Structural Error That Requires Automatic Vacatur

This Court has long held that due process is violated when a judge participates in a case despite a financial relationship that creates either actual bias or an impermissible risk of bias. *Tumey v. Ohio*, 273 U.S. 510 (1927); *Ward v. Monroeville*, 409 U.S. 57 (1972); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). Structural error occurs when a disqualified judge "plays a role in the adjudicatory process," and such error requires automatic vacatur. *Caperton*, 556 U.S. at 883–84.

Here, Judge Jennings maintained an undisclosed, ongoing pecuniary partnership with a named partner of the firm representing Respondents while he heard argument, evaluated the evidence, and granted summary judgment. (App. 38a, 48a.) Due process does not permit a judgment to stand when a judge knowingly rules under a prohibited financial conflict. The error is structural, not harmless, and the resulting orders cannot constitutionally survive.

II. Recusal Without Vacatur Leaves the Constitutional Violation Intact

Once a judge is disqualified, due process requires that the rulings entered while the disqualification existed be vacated. A post-hoc recusal does not cure the structural defect; it confirms it. *See Caperton*, 556 U.S. at 883–84. Here, Judge Jennings recused himself only after his financial partnership with Respondents’ counsel came to light, yet he refused to vacate the orders entered while that conflict was active. (App. 52a.) Leaving those rulings in place allowed the constitutional violation to persist.

The Chief Justice’s extraordinary step of disqualifying every probate judge in the county underscores the magnitude of the conflict. (App. 69a.) Only this Court can clarify that recusal without vacatur is constitutionally insufficient when a judge knowingly adjudicates under a prohibited financial relationship.

III. South Carolina’s Rigid Ten-Day Appeal Deadline Became an Unconstitutional Jurisdictional Bar When Combined with Attorney Abandonment

South Carolina’s ten-day deadline for appealing probate orders is one of the shortest in the Nation and is treated as strictly jurisdictional. When combined with attorney abandonment—an “extraordinary circumstance” under this Court’s precedents—it operated here as an absolute bar to any review of a federal constitutional claim. *Maples v. Thomas*, 565 U.S. 266, 283 (2012); *Holland v. Florida*, 560 U.S.

631, 649 (2010); *Evitts v. Lucey*, 469 U.S. 387, 396–97 (1985).

Petitioner’s attorney became unable to practice law during the ten-day window, failed to forward the order, and failed to file the appeal he had promised to file. Petitioner learned of the abandonment only after the jurisdictional deadline had passed. (App. 14a.) A procedural rule that, as applied, extinguishes all opportunity to raise a federal constitutional claim violates due process. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 433–37 (1982).

IV. The Complete Failure of Review Confirms a Breakdown in the State’s Corrective Process

Due process requires a “meaningful opportunity to be heard at a meaningful time.” *Logan*, 455 U.S. at 433. Yet no court in South Carolina reviewed the structural defect created by the judge’s undisclosed financial conflict.

The Probate Court refused to vacate the tainted order, the Circuit Court dismissed the appeal as untimely, the Court of Appeals declined to reach the merits, and the South Carolina Supreme Court denied review. (App. 1a–68a.) The State’s entire corrective framework failed to function. A system in which a constitutional violation becomes permanently unreviewable cannot satisfy the Fourteenth Amendment.

V. The Conflicted Judgment Produces Ongoing Constitutional Harm

The summary-judgment order issued by a disqualified judge continues to have operative legal effects. It has been invoked in related probate proceedings and served as the basis for more than \$54,000 in fee awards. (App. 73a.) A judgment entered by a constitutionally impaired tribunal cannot serve as the foundation for subsequent litigation. *Caperton*, 556 U.S. at 886–87. The ongoing use of that judgment underscores the need for this Court’s intervention.

THE STRUCTURAL FAILURE OF SOUTH CAROLINA’S REVIEW SYSTEM

This case does not present a mere legal error. It reveals a systemic breakdown in South Carolina’s adjudicatory framework: a constitutional violation was identified, acknowledged, and even administratively confirmed by the Chief Justice, yet no court in the State exercised — or believed it had authority to exercise — its duty to review or correct it. The result was a judicial process incapable of providing the basic structural protections the Fourteenth Amendment requires.

Under *Logan v. Zimmerman Brush Co.*, due process is violated when a State’s procedural structure “forecloses a litigant from any opportunity to be heard on the merits of a claim protected by the Fourteenth Amendment.” 455 U.S. 422, 433–37 (1982). Here, every component of South Carolina’s system operated to ensure that the constitutional defect would never be reviewed.

A judge presiding over Petitioner's case maintained an undisclosed, ongoing financial partnership with opposing counsel's law firm while hearing argument, evaluating evidence, and entering summary judgment. (App. 28a–36a, 43a–50a.) After the conflict came to light, the Chief Justice took the extraordinary step of disqualifying not only that judge but the entire Greenville County probate bench. (App 69a.) Yet the conflicted order remained operative, and no appellate court examined the violation.

South Carolina's appellate framework then converted attorney abandonment into a permanent jurisdictional bar. Its unusually rigid ten-day deadline for probate appeals—one of the shortest in the Nation—was treated as absolute. Petitioner's attorney became unable to practice law during the appeal period, failed to forward the judgment, and failed to file the appeal he had promised to file. (App. 14a.) Petitioner learned of the abandonment only after the deadline expired.

Under *Maples v. Thomas* and *Holland v. Florida*, abandonment is an “extraordinary circumstance” that cannot be attributed to the client. 565 U.S. at 283; 560 U.S. at 649. Yet South Carolina courts deemed themselves jurisdictionally barred and expressly declined to consider the due-process violation. (App. 14a.)

The combined effect of these decisions was to strip Petitioner of any functioning avenue of review. The constitutional question—whether due process permits a judge to knowingly adjudicate a case while financially entangled with counsel—was never addressed by any court. This is precisely the type of

structural failure that *Evitts v. Lucey* condemns: a State may not design or apply procedures such that “meaningful review” is theoretically available but practically impossible. 469 U.S. 387, 394 (1985).

South Carolina’s system, as applied here, allowed (1) an undisclosed judicial conflict, (2) an inflexible jurisdictional deadline, (3) refusal to recognize abandonment as cause, and (4) appellate silence even after a statewide disqualification order, to combine into a process where constitutional violations become permanently unreviewable. This Court has long rejected procedural schemes that permit fundamental rights to turn on “chance, the vagaries of the administrative process, or the misfeasance of counsel.” *Logan*, 455 U.S. at 434; *M.L.B. v. S.L.J.*, 519 U.S. 102, 111 (1996).

The question presented is therefore not whether a single order was erroneous, but whether a State may maintain an adjudicatory system in which a judge’s known disqualification cannot be remedied by any appellate mechanism. A process that prevents correction of unconstitutional rulings is itself unconstitutional.

Only this Court can restore the structural protections that the Fourteenth Amendment guarantees to Petitioner and to all litigants subject to South Carolina’s probate and appellate framework.

CONCLUSION AND PRAYER FOR RELIEF

The Constitution guarantees every litigant a fair proceeding before a neutral decisionmaker and a meaningful opportunity for appellate review. Neither occurred here. A judge with an undisclosed and ongoing financial relationship with opposing counsel entered dispositive rulings that eliminated Petitioner's inheritance and established factual and legal conclusions later used against him in related proceedings. (App. 28a, 52a) The judge recused only after disclosure, and even then refused to vacate the rulings entered while conflicted. (App. 58a.) The Chief Justice subsequently removed the entire county probate bench for the same conflict. (App. 69a.)

At the same time, Petitioner was denied any avenue for appellate review. His attorney became unable to practice law during the ten-day appeal window, failed to notify Petitioner of the judgment or deadline, and failed to file the appeal he had promised to file. Petitioner learned of the abandonment only after the jurisdictional period had expired. (App. 14a.) The state courts treated the deadline as absolute, leaving the conflicted judgment unreviewed and intact. (App. 1a, 5a.)

These combined failures—a judge's knowing financial conflict and an appellate framework that makes correction impossible—are incompatible with the Fourteenth Amendment's guarantee of due process. A judgment entered under these conditions cannot stand.

For these reasons, Petitioner respectfully prays that the Court:

1. Grant the petition for a writ of certiorari;
2. Vacate the judgment of the South Carolina Court of Appeals;
3. Remand with instructions that all orders entered by the disqualified judge be vacated; and
4. Direct that Petitioner receive a new, constitutionally valid adjudication before a neutral and qualified tribunal.

Respectfully submitted,

James Marshall Shoemaker, III
Petitioner, Pro Se
1859 Tecumseh Trail SE
Smyrna, Georgia 30080
(678) 558-3259
marshall@flockingbehavior.com