

**FORM 18**  
**PETITION FOR A WRIT OF CERTIORARI TO THE**  
**COURT OF APPEALS**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

George E. Brown, Circuit Court Judge

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Opinion No. 0000 (S.C. Ct. App. filed Feb. 10, 2002)

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Stephen L. Doe, as Personal  
Representative of the Estate of  
John B. Doe,

Respondent,

v.

Jane C. Roe,

Petitioner.

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PETITION FOR A WRIT OF CERTIORARI

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Counsel for petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on March 2, 2002.

### QUESTIONS PRESENTED

1. Did the Court of Appeals err in holding that this action is not barred by res judicata?
2. Did the Court of Appeals err in holding that petitioner had failed to timely object to the trial judge's charge on the burden of proof?

### STATEMENT OF THE CASE

On February 1, 2000, John B. Doe brought this action. . . .

[Set forth facts relevant to the questions presented. Counsel may wish to simply give a brief history of the case at this point and set forth the facts in the argument on each question. Reference should be made to where the salient facts can be found in the Record on Appeal (i.e., R.p. 37, lines 7-8).]

The Court of Appeals affirmed the judgment of the circuit court. Stephen L. Doe, as Personal Representative of the Estate of John B. Doe v. Jane C. Roe, Op. No. 0000 (S.C. Ct. App. filed Feb. 10, 2002). Petitioner seeks a writ of certiorari to review that decision.

1. THE COURT OF APPEALS SHOULD HAVE HELD THAT THIS ACTION IS BARRED BY RES JUDICATA.

[Set out discussion and citations of authority.]

2. PETITIONER DID TIMELY OBJECT TO THE TRIAL JUDGE'S ERRONEOUS CHARGE ON THE BURDEN OF PROOF.

[Set out discussion and citations of authority.]

### CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

Respectfully submitted,

March 27, 2002

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