

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
APPEAL FROM DORCHESTER COUNTY  
Edgar W. Dickson, Circuit Court Judge

**RECEIVED**  
**Jul 18 2022**  
**SC Court of Appeals**

Robert Samuel Pimentel , Appellant,

v

Appellant Case # 2022-000877

Town of Summerville , Respondent.

RECORD ON APPEAL

Robert Samuel Pimentel  
152 Owen's Drive  
Ridgeville, SC, 29472  
843-934-3832  
Appellant, *pro se*

G. Waring Parker, Esquire #4438  
518 W. Carolina Ave  
Summerville, SC, 29483  
843-695-6510  
Attorney for Respondent

Amended Appeal of Judgement of Case 2022-CP-18-00473 entered 20 June 2022.

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**COMES NOW** Appellant Robert Samuel Pimentel for an Appeal of the above cited cases.

**BRIEF**

Municipal Court erred at law by finding Appellant guilty , and by denying his appeal.

Common Pleas Court erred at law and dismissed Appellant's criminal appeal.

[SPACE]

**FACTS**

1. 4 March 2021 Appellant drove his moped up a private road where vehicles were stopped, slowed and shifted away from them, and continued to the connected parking lot.
2. The private road and parking lot are private property absent jurisdiction signs.
3. Appellant was cited by Tomlinson for an alleged traffic violation of §56-5-1538.
4. 13 May 2021 Appellant Motioned to dismiss for lack of jurisdiction, which was denied.
5. 10 June 2021 Tomlinson was Summoned and failed to appear for court.
6. Appellant presented a motion to dismiss , which was denied.
7. Appellant presented a motion to dismiss for lack of jurisdiction , which was denied.
8. 8 July 2021 Appellant presented the case pro se and was found guilty.
9. Appellant denies the municipal return as disputed on the next page.
10. Appellant was never informed he could retain counsel for an appeal.
11. 31 January 2022 Rule 60 SCRCR Notice and Motion for Relief from Judgment was filed.
12. 8 February 2022 Appellant received a copy of a handwritten memo from the Clerk  
"denied February 1, 2022. Jameson"
13. 9 February 2022 Appellant filed a Common Pleas criminal appeal.
14. 20 June 2022 Common Pleas dismissed Appellant's criminal appeal.

**DISPUTED FACTS**

The Municipal Return entered during the Common Pleas appeal is denied in part.

Affidavit supplied pursuant to Code of Laws §18-7-180.

**LEGAL ARGUMENT TO COMMON PLEAS COURT**

1. The Court of Common Pleas erred at law by dismissing the criminal appeal for a technical error which did not affect the merits of the case.
2. The Criminal Appeal was filed within 1 year of the finding of guilt.
3. The Common Pleas and Municipal Court dismissals constitute cruel and unusual punishment as the pro se litigant was not notified of his right to counsel for appeal , and also should not be held to the same standard as a licensed attorney for actions made pro se.

**LEGAL ARGUMENT TO MUNICIPAL COURT**

1. All alleged conduct occurred on private property S.C. Code of Laws §23-1-15.
2. Speeds were reduced then legal pass made §56-5-1538(F)(G)(1)(2).
3. This is a medical statute and does not apply to this traffic stop §56-5-1538(A)(C)(I)(1)(2)
4. The Court should have granted the Motion to discredit Tomlinson's testimony . Affidavit
5. The Court should have granted the Motion to dismiss for Entrapment . Affidavit
6. Pro se party should have been notified of the right to counsel for appeal.
7. The 10 days for appeal should have been waived for the pro se party.
8. The Court should have granted Appellant's Appeal of Municipal Judgement. §23-1-15

**LEGAL STANDARD**

§18-1-140. Judgment on appeal.

Upon an appeal from a judgment or order the appellate court may reverse, affirm or modify the judgment or order appealed from as to any or all of the parties and may, if necessary or proper, order a new trial. When the judgment is reversed or modified the appellate court may make complete restitution of all property and rights lost by the erroneous judgment.

§18-7-170. Judgment on appeal.

Upon hearing the appeal the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all the parties and for errors of law or fact.

SO : APPELLANT PRAYS HIS APPEAL BE AWARDED FOR ALL JUST RELIEF AND REVERSAL OF THE JUDGEMENTS OF THE CIRCUIT AND MUNICIPAL COURTS.

I REMAIN,

**/s/ Robert Samuel Pimentel**

Robert Samuel Pimentel

Appellant, *pro se*

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Ridgeville, SC

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843-934-3832

18 July 2022

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