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IN THE FOURTH JUDICIAL
COURT OF APPEALS

NOV 04 2022

SC Court of Appeals

CAUSE No 2021-CP-1300830

DONALD R. BURR

ALBERTA L. MILLS

PLAINTIFFS

VS

Pageland POLICE DEPT + ET AL

Defendants

IN THE COURT OF

Common Pleas in

Chesterfield County

SOUTH CAROLINA

NOTICE OF APPEALS

FOR DENIAL OF CHANGE OF VENUE

FAILURE TO HEAR HABEAS CORPUS

UNTIMELY

TO THE HONORABLE JUDGE(S) OF SAID COURT ABOVE:

COMES NOW PLAINTIFFS AND FILES AN
APPEAL IN THE ABOVE STYLED AND NUMBERED
CAUSE FOR DENIAL OF CHANGE OF VENUE IN
THIS CASE:

I

PLAINTIFFS FILED A HABEAS CORPUS AGAINST
DEFENDANTS AFTER AND FOR VIOLATION OF THEIR
CONSTITUTIONAL + CIVIL RIGHTS STEMMING FROM
A TRAFFIC STOP ON OR ABOUT NOVEMBER 19, 2021

1)

AND ILLEGAL SEIZURE OF PROPERTY, A COURT DATE WAS SET FOR December 19TH, 2021 IN WHICH PLAINTIFFS APPEARED AS REQUIRED, HOWEVER NO ONE NOT EVEN THE JUDGE APPEARED, PRIOR TO THE December 19TH, 2021 COURT DATE (AND AFTER), THE DEFENDANTS WAS FOLLOWED, INTIMIDATED, AND HARASSED.

PLAINTIFFS ARE SENIOR CITIZENS, IN THEIR MID 60'S AND VIETNAM ERA VETERAN, HONORABLE, AND HAVE NEVER EVER EVEN BEEN STOPPED BY THE DEFENDANTS.

BECAUSE OF THEIR REVENFULLY ATTITUDE AND CHARACTER, PLAINTIFFS MAILED A LETTER OF CONCERN TO THE SOUTH CAROLINA STATE SUPREME COURT, AFTER FILING A COMPLAINT AGAINST DEFENDANT'S ALL PRIOR TO THE December, 2021 COURT DATE,

HOWEVER THE CASE UNTIL THIS DATE STILL PENDING, BUT ON December 26TH APPROXIMATED (ONE WEEK LATER, DEFENDANT'S THEN EMBARRASSED PLAINTIFFS AT TRACTOR SUPPLY, AND STATED "OH YOU LIKE FILING COMPLAINTS, I'M GONNA BREAK YOU FROM THAT, MAKE SURE YOU SPELL MY NAME RIGHT," PULLED HIS SHIRT NAME TAG AND SAID IT'S "ALLEN", AND TOWED PLAINTIFF'S OTHER VEHICLE, AND ARRESTED HIM, AGAIN, AFTER THE POLICE ON November 19TH 2021, ARRESTED, CHARGED AND THEN DISMISSED THE CHARGES AFTER

2) PLAINTIFF PROVED HIM WRONG, REFUSED TO ALLOW

Him to see A MAGISTRATE, Towed HIS VEHICLE (TRUCK), STILL HAVE IT ALSO, THE PLAINTIFF'S HAVE BEEN STOPPED AT LEAST 6 TIMES IN 6 MONTHS, SOME THING OVER & OVER

PLAINTIFFS HABEAS CORPUS AS BEEN SITTING IN THE COURT OF COMMON PLEAS IN CLEVELAND COUNTY FOR NEARLY A YEAR, AND NOW THE PRESIDING JUDGE, HONORABLE JUDGE HOLT HAS RECENTLY HAD SURGERY AND IS UNAVAILABLE, THE COURT CLERK, WHO WAS NOTIFIED BY PLAINTIFFS ON OCTOBER 20TH 2022, AND INFORMED THAT THE DEFENDANTS WAS FORCEFULLY TRYING TO GET PLAINTIFFS IN THEIR COURT ON NOVEMBER 9TH 2022, SO THEN ANOTHER JUDGE SIGNED A DENIAL (EXHIBIT) A ON THE CHANGE OF VENUE, BUT CONTINUED THE HABEAS CORPUS

ARGUMENT

DEFENDANT'S HAVE NEVER APPEARED AT ANY COURT PROCEEDINGS, THEY REFUSED TO RESPOND TO ANY COURT HEARINGS, PROCEEDINGS, FILINGS NOT EVEN AS MUCH AS A PHONE CALL, NOTHING, IT IS AS IF THEY DON'T EXIST, AND PLAINTIFFS HAVE BEEN AT EACH AN EVERY PROCEEDING, HAVE NOT MISSED ANY, AND NOW THE COURT OF COMMON PLEAS HAS DENIED A CHANGE OF VENUE

3)

FORCING PLAINTIFFS TO APPEAR AT THE PABELOND MUNICIPAL COURT, WITH THERE IS SO MUCH PREJUDICE, BIAS AND DISREGARD FOR PLAINTIFFS RIGHTS, NOT ONLY IT WOULD EXPOSE AND FORCE PLAINTIFFS TO REVEAL WITNESSES, DOCUMENTS, AND CRUCIAL EVIDENCE INTENDED FOR THE HABIAS CORPUS HEARING.

PLAINTIFFS ARGUE THAT THE NOVEMBER 19TH 2021 INCIDENT SHOULD BE HEARD FIRST, AND THE HABIAS CORPUS FILING WHICH WAS ALL FIRST, HOWEVER THE COURTS WANT TO SKIP THAT AND JUMP TO THE DECEMBER 26TH 2021

INCIDENT AND THE CHANGE OF VENUE WHICH WAS ALL LATER, AGAIN PREJUDICING THE PLAINTIFFS AND FORCING THEM TO EXPOSE THEIR EVIDENCE AND THE DEFENDANTS KNOW THIS AND SKIPPING OVER AND AROUND THE ISSUES THAT WOULD "WITHOUT A DOUBT" PROVE (WITHOUT) A SHADOW OF A DOUBT THEIR GUILT

IN AUGUST AT A COURT HEARING, WHICH WAS A DECREE ONLY, NOT A HEARING PLAINTIFFS FOR 10 MINUTES EXPLAINED TO HONORABLE JUDGE HOLT THE ISSUES, JUDGE HOLT STATED TO PLAINTIFFS "I WILL REVIEW YOUR FILE AND BE IN TOUCH WITH YOU" BUT NOW THAT BECAUSE OF MEDICAL ISSUES HE IS NOT

AVAILABLE, SO THEY RE-ROUTE IT TO ANOTHER JUDGE, WHO RULED AND DENIED PLAINTIFFS CHANGE OF VENUE, BUT YET CONTINUED THE CASE VIA HABEAS CORPUS THAT STILL HADN'T BEEN HEARD. PLAINTIFFS ARGUE THE HABEAS CORPUS WAS FILED FIRST, WELL BEFORE THE CHANGE OF VENUE AND SHOULD BE HEARD IN THAT ORDER, OR OTHERWISE A "HABEAS CORPUS" INTEND WOULD BE SAME AS "SUSPENDING" IT AND NOTIFY IT'S SOLE INTENDED PURPOSE UNDER THE U.S. CONSTITUTION'S ARTICLE I § 9, CLAUSE 2, A FAST AND SPEEDY REMEDY, PLAINTIFFS ARGUE THIS CONSTITUTES A VIOLATION OF THEIR RIGHTS TO HABEAS CORPUS WHICH WAS FILED IN "GOOD FAITH" TO RIGHT A WRONG

PLAINTIFFS ARGUE THAT THEY ARE DISABLED ELDERLY SENIOR CITIZENS, WHO SERVED THIS COUNTRY HONORABLY AND WHEN A WRONG IS DONE, THEY TRY TO OBEY THE LAWS + RULES TO CORRECT IT BY SEEKING JUSTICE WHICH IS ONE OF THE REASONS THEY SERVED AND THIS IS HOW THEY ARE "THANKED"

5)

PRAYER

WHEREFORE PREMISES CONSIDERED, PLAINTIFFS PRAY THIS HONORABLE COURT WILL GRANT RELIEF AND ORDER THE LOWER COURTS TO GIVE PLAINTIFFS A FAIR HEARING AND SHOW THE COURT THE CONTINUED VIOLATIONS OF THE CONSTITUTIONAL + CIVIL RIGHTS, TO BE HEARD BY HABEAS CORPUS, AND ORDER THE WITHDRAW OF THE DENIAL OF CHANGE OF VENUE, AND ORDER ALL RECORDS IN THIS CAUSE BEFORE THIS HONORABLE COURT AND DO THE RIGHT, JUST, THING, OR OTHERWISE THEIR CAN BE NO JUSTICE

PLAINTIFFS ARGUE THAT THIS COURT IS HONORABLE, JUDGE HOLT IS HONORABLE PLAINTIFFS SERVED HONORABLE, AND THEY SHOULD RECEIVE FAIR AND HONORABLE CHANCE TO PROVE THEIR CASE, AND STAY ALL PROCEEDINGS UNTIL RULING BY THIS HONORABLE COURT OF APPEALS.

cc. original/copy

THANK YOU FOR YOUR SERVICE TO THIS COUNTRY,

NOTE: IF DENIED PLAINTIFFS APPEALS TO THE S.C. SUPREME COURT

RESPECTFULLY;
Donald Bury
a Oleta Mills
PLAINTIFFS

DECLARATION

PLAINTIFFS DECLARE UNDER PENALTY OF
PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

Donald R. Bur
Alberta L. Smith
PLAINTIFFS

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CERTIFICATE OF SERVICE
SC Court of Appeals

PLAINTIFF'S CERTIFY THAT THE ORIGINAL COPY OF THIS APPEAL HAS BEEN MAILED TO THE HONORABLE FOURTH JUDICIAL CIRCUIT COURT OF APPEALS, AND A COPY DELIVERED TO THE CLERK OF COURT, CITIES OF FIELD COUNTY ON THIS 1ST DAY OF NOVEMBER, 2022.

Donald R. Ben
Robert L. Wiley
PLAINTIFFS

NOV. 1ST 2022

RE: CAUSE NO. 2021-CP-1300830

FOURTH JUDICIAL COURT OF APPEALS

PLAINTIFF'S APPEAL AND REQUEST

COURT OF COMMON

PLEAS IN CHEROKEE FIELD

COUNTY, SOUTH CAROLINA

DEAR HONORABLE CLERK:

PLEASE FILE THE ENCLOSED DOCUMENT(S)
WITH THE CLERK'S OFFICE IN THIS CAUSE.

THANK YOU!

SINCERELY,

Donald H. Burr

Colleen L. Mills

PLAINTIFFS

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SC Court of Appeals

Donald R. Burk
1714 AIRPORT Rd
PAGELAND, S.C.
29728

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SC Court of Appeals

ATTN: CLERK
FOURTH JUDICIAL CIRCUIT
COURT OF APPEALS
1220 SENATE STREET
COLUMBIA, S.C. 29201

