

IN THE SOUTH CAROLINA
COURT OF APPEALS

3-28-2023

RE: APPELLATE CASE No. 2022-0015 **RECEIVED**

DONALD R. BURR - PLAINTIFF

VS.

PAGEHARD Police Dept + ETAL - Defendants

REQUEST TO WITHDRAW ERRONEOUS DISMISSAL

To The Honorable COURT ABOVE:

COMES NOW PLAINTIFF AND INFORMS
THE COURT IN ABOVE ENTITLED AND NUMBERED
CAUSE AND INFORMS THE COURT OF THE FOLLOWING:

1) PLAINTIFF FILED A WRIT OF HABEAS CORPUS
IN THE ABOVE CAUSE ON OR ABOUT DECEMBER
15TH 2021, THERE WAS "NO" ATTEMPTS
TO SERVE DOCUMENTS ON AT THAT TIME
HOWEVER PLAINTIFF SERVED DOCUMENTS ON THE
DEFENDANTS IN PERSON AND DOCUMENTS WERE
ALSO FILED IN THE CLERK OF COURT, CHARLESFIELD
COUNTY, S.C. FOR ANY ATTEMPTS THAT COME
ABOARD AFTERWARDS TO VIEW.

2) PLAINTIFF FILED A CHANGE OF VENUE
IN JANUARY, 2022 BECAUSE OF RETALIATION

And also sent a letter in December, 2021 to the South Carolina Supreme Court notifying them that retaliation for filing Habeas Corpus was certain.

At that time (January 2022 - Dec 2021) there were "NO" attorneys for the defendants, attorneys names did not even show up until April 2022, however, plaintiff grew hand-delivered documents to defendants and clerk of court, for the files and records, and:

3) IF THE COURT OF APPEALS would actually review the exhibits enclosed (EXHIBITS A & B) how is it that no one seems to read ANYTHING, IT CLEARLY STATES ON ALL DOCUMENTS FILED BY PLAINTIFF!

IF DENIED, PLAINTIFFS OBJECTS and APPEALS, ITS WRITTEN IN PLAIN WRITING ON ALL PLAINTIFFS DOCUMENTS.

Note: 4) Furthermore, IF ANY ATTORNEY signs ON AFTER THE FACT, THEN ITS THEIR RESPONSIBILITY TO INFORM PLAINTIFF THAT NOTICE THAT THEY NOW

2)

Represent Defendants, so Plaintiff would
NO THIS, HOWEVER THIS COURT OF APPEALS
SEEMS TO WANT TO BY-PASS, THEIR
"NOTICE" AND DENIES PLAINTIFFS APPEAL
BECAUSE PLAINTIFFS NOT PRACTICE,

PLAINTIFF CAN'T PREDICT THE FUTURE
HOW CAN PLAINTIFF SERVE DOCUMENTS
AND FILINGS ON ATTORNEYS WHO'S NAME
NEVER EVEN SHOWED UP ON ANY DOCUMENTS
UNTIL APRIL, 2022, WHO NEVER NOTIFIED
PLAINTIFF THEY WERE ATTORNEYS NOW FOR
THE DEFENDANT, AND STILL HAVEN'T UNTIL
THIS DAY, THAT'S EXACTLY WHY PLAINTIFF
PUT ON ALL HIS FILINGS, "IF DENIED
PLAINTIFF OBJECTS AND APPEALS

SEE THE EXHIBITS A + B ENCLOSED

PLAINTIFF ALSO USED THE U.S. SUPREME
COURT PRECEDENT: HAWES V. KERNER
92 SCT AT 594, WHICH CLEARLY
STATES:

IF A PRO SE PLAINTIFF FILINGS ARE
TO BE ACCEPTED BY A COURT IF THE
COURT CAN UNDERSTAND WHAT THE PLAINTIFF
IS REQUESTING AND THE RELIEF REQUESTED
AND IS NOT TO BE HELD TO HIGHER

3)

PROFESSIONAL ATTORNEYS, ACTUALLY THEY ARE PROSECUTORS FOR THE STATE OF SOUTH CAROLINA, AND LICENSED BY THE STATE BAR OF SOUTH CAROLINA, AND PLAINTIFF IS A DISABLED ELDERLY CITIZEN WHO'S RIGHTS WERE CLEARLY VIOLATED PROPERTY ILLEGALLY SEIZED, UN EDUCATED AND UNLIKE SAID ATTORNEYS HAS EXTREME ACCESS TO FILES, BUT CAN'T GIVE NOTICE, REALLY, REALLY, PROFESSIONALS.

PRAYER

WHEREFORE, PREMISES STANOUSLY CONSIDERED THAT THIS HONORABLE COURT OF APPEALS WITHDRAW ITS DISSIMIL ON OR ABOUT December 9th, 2022, WHICH ALSO HAPPENS TO BE THIS PLAINTIFF'S BIRTHDAY, AND ORDER THE CASE BE REMANDED AND ORDERED TO BE HEARD ACCORDINGLY.

NOTE IF THIS REQUEST IS DENIED, PLAINTIFF OBJECTS AND APPEALS AGAIN, TO THE SOUTH CAROLINA SUPREME COURT.

SINCERELY,

Donald R. BUR - PLAINTIFF

STANDARDS AS PROFESSIONAL ATTORNEYS,

THE DEFENDANTS WERE SERVED EVERYTIME ALL DOCUMENTS CLEARLY STATE "IF DENIED PLAINTIFFS OBJECTS AND APPEALS, AND PLAINTIFF CAN'T MAKE IT ANY CLEARLY THAN THAT, HOWEVER WHEN PROFESSIONAL ATTORNEY SIGN ON TO A CASE, MAYBE THEY SHOULD NOTIFY THE PLAINTIFF OR ACTUALLY GET THE FILE FROM THE CLERK OF COURT, AND NOT WAIT UNTIL 5 MONTHS AFTER THE PLAINTIFFS FILINGS TO ACTUALLY HAVE THE CLERK, JUST PRINT THEIR NAMES ON DOCUMENTS SENT TO THE PLAINTIFFS, AND THEN HAVE THIS COURT OF APPEALS, NOT THE DEFENDANTS ATTORNEY COMPLAIN ABOUT A RULE, THAT IS AFTER THE FACT BECAUSE OF THEM FAILING TO NOTIFY, OR GIVE "NOTICE" WHICH PLAINTIFF IS ENTITLED TO, THAT THEY ARE NOW DEFENDANTS ATTORNEYS

Request

PLAINTIFF'S CASE BY THIS COURT WAS ERRONEOUSLY DENIED AND DISMISSED DUE TO THE CLEAR FACTS ABOVE, IT'S IN THE FILE, ARE THESE REALLY

DECLARATION

I Donald R. Bear declare under
PENALTY OF PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT.

Donald R. Bear

EXHIBIT A

FOR FRACTURE AND SURGICALLY REPAIRED
LEFT "RISK AND HAND" ON THE FOREGOING
DATES AND HAS NOT HAD TIME TO CONFER
THOROUGHLY WITH HIS/AN ATTORNEY, DEFENDANT
HAD ALSO PREVIOUSLY INFORMED PLAINTIFFS OF
THIS POSSIBILITY IN PREVIOUS COMPLAINTS, THE
MEDICATIONS PRESCRIBED ARE KEEPING DEFENDANT AT REST.

F) THIS REQUEST IS NOT AIMED IN NO WAY
TO THE HONORABLE JUDGE MICKELLY, WHO
BELIEVES THAT HE IS A GOOD, HONORABLE
MAGISTRATE, HOWEVER THE PAGERSON POLICE DEPT, E. AL
WILL NOT BE TRUTHFUL, HONEST OF THE
FACTS; JUDGE MICKELLY WAS PROFESSIONAL AND INFORMED
DEFENDANT HE WOULD NOT BE FINED, JAIKED

PRAYER

THEREFORE PREMISES CONSIDERED, DEFENDANT
PRAYS THE COURT WILL GRANT HIS REQUEST
FOR CHANGE OF VENUE TO THE COUNTY
MAGISTRATES COURT, WHERE DEFENDANTS CAN
HAVE A NEUTRAL, UNFAVORABLE AND FAIR HEARING!

P.S IF DENIED
DEFENDANT OBJECTS
AND APPEALS

SINCERELY,
Donald R. Benn
defendant

EXHIBIT B

B) THIS Request IS HONEST AND IN NO WAY INTENDED FOR DELAY, IT IS A LEGITIMATE AND HONEST REQUEST BECAUSE IT IS NECESSARY, HE IS NOT ALLOWED TO DRIVE, AND MEDICATIONS DEplete HIS ABILITY TO THINK AND ACT NORMALLY AND MAY EFFECT THE OUTCOME OF HIS HEARING.

PRAYER

THEREFORE PREMISES CONSIDERED, DEFENDANT RESPECTFULLY REQUEST AN EXTENSION IN THE ABOVE CAUSES.

Respectfully
Abdul R. Ben

P.S. IF DENIED
DEFENDANT OBJECTS
AND APPEALS.

JAN 18, 2022

CERTIFICATE OF SERVICE

I Donald R. Burr, CERTIFY THAT THE
FOREGOING CHARGE OF VENUE HAS BEEN
DELIVERED VIA IN PERSON OR VIA FAX TO
THE Pagedon MUNICIPAL COURT CLERK, AND
THE CLERK OF MAGISTRATE COURT FOR COUNTY
OF Chesterfield, ON THIS 18TH DAY OF JANUARY,
2022.

Donald R. Burr

LJH/B/T

CERTIFICATE OF SERVICE

I Donald R Burr certify that
AN ORIGINAL OF THE FOREGOING
REQUEST TO WITHDRAW ERRONEOUS DISMISSAL
FILING HAS BEEN SENT TO THE SOUTH
CAROLINA COURT OF APPEALS, AND ~~FORWARDED~~
MAILED TO THE CLERK OF COURT, CHRISTIAN
COUNTY ON THIS 20TH DAY OF MARCH, 2023

Donald R Burr

RECEIVED

MAR 24 2023

SC Court of Appeals

7)

FROM:

Dennis R. Over P.O. #
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SC Court of Appeals

TO:

Hon. Clerk
SOUTH CAROLINA COURT OF APPEALS
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