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Subject: Kenneth Dippel, Appellant v. State of South Carolina, 15th Circuit Solicitor's Office, and SLED, Respondents (Appellate Case No.: 2023-000048)
Date: Thursday, August 10, 2023 10:20:09 AM
Attachments: [Response to Respondents Reply Take Leave To Supplement.pdf](#)

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August 10, 2023

Sent Via Email Only to ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk of The South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211-1629

Dear Madam Clerk:

Please accept for filing the attached Appellant's cross reply regarding the latest letter submitted by the Respondents as a further supplemental authority. Respondents, in their letter, raised the issue of the applicability of the SC Supreme Court's case in *Gay v. Avrail*, 381 S.C. 341, 673 S.E. 418 (2009), which has nothing to do with Mr. Dippel's case. The rationale and reasoning are fully addressed in the Appellant's cross reply. The appellant respectfully apologizes for having to file further supplemental authority. However, it became apparent Appellant had to file a cross reply because the Respondents raised additional red herrings in their letter, and their latest filing is misleading and disingenuous. These bald-faced assertions required an additional response from the Appellant.

I have attached a cross-reply fully addressing the Respondents' fallacies concerning their continued nebulous assertion the meaning of the first-time conviction statute is clear and unambiguous just because they say so. This continued assertion is like Abraham Lincoln asking the following question to his distractors: "*How many legs does a dog have if you call his tail a leg?*" The correct answer is four. Saying that a tail is a leg does not make it a leg.

The appellant respectfully asks the Court to accept the attached informative reply for filing and consideration for the Court's deliberation. The Appellant is aware of Rule 215, SCACR, whereby the Court may decide any case without oral argument if it determines that oral argument would not aid the court in resolving the issues. However, **the Appellant fully believes it would be beneficial to schedule an oral argument to aid the court in resolving this case.** The Appellant looks forward to appearing for oral arguments if the Court determines this case should be scheduled for oral argument. Mr. Dippel respectfully states to the Court he is not the presumed "*dumbfounded*" pro se litigant as Respondents have

mistakenly believed. Mr. Dippel has over 27 years of first-hand experience in various litigation matters. This is abundantly clear when reading all of Mr. Dippel's filings.

Mr. Dippel has the utmost respect for this Honorable Court and the judicial system. However, Mr. Dippel does not have any respect when an attorney represents a party as in this case, expects judicial privilege or entitlement to receive a favorable ruling from this Court just for the mere sake of who they are, and the other party is "pro se."

This is not justice or how the judicial system should be run. Respectfully, Mr. Dippel must assert if this Honorable Court were to give judicial preference to the Respondents in this case, it would be a disservice and a disgrace to the entire judicial system. This court, with a panel of judges regardless, must read all the filings submitted by Mr. Dippel even when he is "Pro Se" and is obligated to give a proper interpretation on interpretation of a statute when a word in a statute is not clear or a statute is ambiguous, make findings of fact based on the evidence of record. South Carolina's first-time expungement statute is not clear and unambiguous. Respondents have continually submitted their ad hoc assertions regarding interpreting 22-5-910(a). It is for this reason that the Court should consider scheduling oral arguments in this case.

The appellant prays to this Honorable Court to accept the filing attached and prays the additional filing will clear the murky waters stirred up by Respondent in their latest letter filed to the Court.