

STATE OF SOUTH CAROLINA
PLEAS

IN THE SOUTH CAROLINA COURT OF APPEALS

COUNTY OF HORRY

Victoria Joy Stevens,

**DEFENDANT'S MEMORANDUM TO
APPEAL COURT'S DECISION**

Defendant

RECEIVED

Vs

AUG 25 2023

SC Court of Appeals

Conway Police Department

Plaintiff

FILE NO.:2022CP2600105

To: Honorable Judge Curtis, Coast RTA Board Members, Coast Employees Ms. T. Bellamy, Mr. Warren
Mention, Attorney David Sligh, Conway Police Department

From: Victoria Joy Stevens

Date: Wednesday, August 23, 2023

The Defendant in case #2022CP2600105, Victoria Joy Stevens, appeals this verdict on grounds of insufficient evidence, constitutional violations per the trial judge, and several violations Court Rules, SC Judicial Branch.

1. The first trial, January 4, 2023, in Traffic/Criminal Court, was a travesty of judicial process. The Defendant, myself, spoke seven times, four times which are noted, by transcriber, as being inaudible. Ironically, "Yes," As well as, " I do," are transcribed, no comment. I was not offered choice of trial by jury, pursuant to the Seventh Amendment, and South Carolina State Constitution, article 1, Section 14, § 14. Trial by jury; witnesses; defense. The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel

or by both. Every single defendant prior to my trial on the date January 4, 2023, was verbally asked did they want a trial by jury. I wanted to speak, but the judge was too quick, nothing was said save "Do you want to go to trial today?" I do not speak loudly, and was not given chance to speak, repeatedly. Nor was I treated, addressed, or verbally offered what every prior defendant was. Therefore my first grounds for Appeal are the fact of the failure of Judge Andy Hendricks to offer Trial by Jury as stipulated in the United States' Constitution. The Sixth Amendment provides rights and protections to people accused of crimes. These include the right to a speedy and public trial by an impartial jury. The appeals court had access to transcripts, but still failed to overturn a verdict reached sans attention to Court Rules or law.

2. The right to be informed of the charges; the right to confront adverse witnesses, and the right to counsel. I was incarcerated overnight for an unknown, nor was I allowed any time to question in court, This also violates South Carolina Judicial Branch Rule 59(e). This is my second grounds for appeal.

3. Transcript copy is enclosed, as you can see, the trial judge refuses to let me testify, as he does the plaintiff. He, in fact, verbally cuts my responses short, or does not care to hear them, inclusive of the fact that there are cameras on all Coast buses, as signs state.

4. My third grounds for Appeal are failure of the plaintiff to prosecute or to comply with rules of court and/or trial Judge Hendricks to maintain courtroom procedure , this defendant moves for dismissal of an action or of any claim against her. The plaintiff in this action, tried by the court without a jury, has completed the presentation of her evidence, which was no more than verbal claims. This violates RULE 401 DEFINITION OF "RELEVANT EVIDENCE" "Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. The fact I can not bear weight long enough, yet, to wear pants, in order not to wet myself is not evidence it is character defamation. The defendant moves for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. At no time has clear evidence been shown. The only evidence has been verbal, and receipt for a phone. And "very persuasive" testimony; testimony, might I add, that was not relevant, given only to sully my character. Ms. Bellamy's testimony was fabricated. I take care of myself, and would never urinate in public. Inasmuch as I have been wheelchair bound, and unable to stand since December of '20, me physically attacking an able bodied woman is ridiculous. Moreover, confined to a chair, the reach of my arms is not long enough to hit someone taking pictures of the wheels on my chair with a cellular phone.

5. This Plaintiff verbally violated South Carolina Judicial Branch RULE 404 CHARACTER EVIDENCE NOT ADMISSIBLE TO PROVE CONDUCT; EXCEPTION; OTHER CRIMES Character Evidence Generally. Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion. To highlight the irony of a public service's attack of a long-time client, one who has secured them funds for operation from County Government, it is necessary that I share private medical

history. I have undergone 4 knee replacements,, one hip replacement. One evening the Myrtle Beach bus was over an hour late, The terminal closed, I thought I could hold it. That is the only time I have ever relieved myself, while in my chair with others near. Moreover, this entire chain of defamatory evidence is in violation of Federal Law.; copy of this appeal is being sent to the Federal Transit Administration. May I inquire of Coast's Board, and Mr. Warren Mention why was the fact I had personally lobbied and garnered over \$2000,000.00 funding for this service ignored? Factually Board Member Bernard Silverman's wife drove me to County Council that night. Are these facts ofv that little importance?

6. There are also cameras on these buses, a fact the judge refused to hear.

7. Conway City Attorney David Sligh violated the following Court Rule when he, at the opening if this trial testified, untruthfully to the judge. In this WebX trial he testified right to trial by jury had been repealed; sans cite of Bill number, or statute number. He then either ignored, or considered the Judge would not ask or check the fact every other defendant that day was offered trial by jury. This violates **Court Rule: 407.0-RULE 3.3 Summary: RULE 3.3: CANDOR TOWARD THE TRIBUNAL.** A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

8. **Court Rule: 407.0-RULE 3. Summary: RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR** The prosecutor in a criminal case shall: (a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause. Attorney Sligh , if he did anything in his guise as prosecutor, would have known there are supposed to be cameras in these buses. Never was any video showed to the defendant, or supplied to the courts . Even though mentioned in, or attempted to be mentioned in, court.

9. For Failure of Arresting officers, Lorris Police Department, Police Department that sought arrest, and Conway Police Department, who sought warrant , or to do any investigation, whatsoever. Their modus operandi was to seek warrant, and to incarcerate me sans any type investigation, or interview with the accused. In fact there was no service of summons, until the following am. Mind you, I was, at this time, gravely injured. Factually, after four knee replacements, a hip replacement, one of later injuries which could have led to amputation, I was totally non-ambulatory. I was unable to even stand sans assistance.

10. Coast RTA, and street supervisor, Mr. Warren Mention, failed to highlight is the fact that I have called him twice alerting him to the fact the drivers, continuously pull the treads of my wheelchair wheels pulling my chair sideways, and not rolling it. My security even described to him exactly how. This was well before I was incarcerated. Another fact is that I phoned Mr. Mention, Street Supervisor for Coast RTA, every day for a week, after my incarceration. he refused to return my calls. However I called him from my Security's line, I think on a Saturday,

he called my Security's phone back within 40 minutes. He was told the call was from me, he has never called me back.

10. Inasmuch as this defendant's character, reputation, motivations, and societal conduct are at issue here: this defendant is educated enough to address things civilly. I have no violence on my record. This charge is for Malicious damage to personal property. Malice constitutes the presence of the intention or desire to do evil; ill will. I was arrested, per Loris Police, sans any information as to why. I was at a total loss as to what in the world could have transpired to cause this. I did not know until the following AM, when served in my cell by a female Conway Police Officer. I recalled, at that time, being on the bus, home to Loris, when Ms. T Bellamy approached me as I had called Conway Police when Ms. Bellamy told me I could not ride the bus due to my treads being off my wheelchair wheels. I am use to such nonsense, and vitriol off Coast employees. I have even had a male driver, bus to Conway, refuse to let me on the bus because he could transport more riders were my chair not strapped on the bus. Mr. Warren Mention did see to it that I got home. As commonplace as this type attitude is, amongst Coast employees, since the departure of Mr. Clarence Galloway, I have done everything that I could, inclusive of letters to the Editor, and lobbying Horry County Council for funding, to ensure the longevity of this public service. When I went to Council, the second time, it was to clue these representatives into an atrocious personal animosity that had developed in office staff and street functions and myself. Members of Council have changed drastically since that time, however; Ms. Liz Gilland, Paul W. Prince, and State Representative Kevin Hardee were all on council when I lobbied for and garnered over \$200,000.00 in funding for Coast. I have not contacted these dignitaries, so that they will not be influenced to relay anything but pertinent fact.

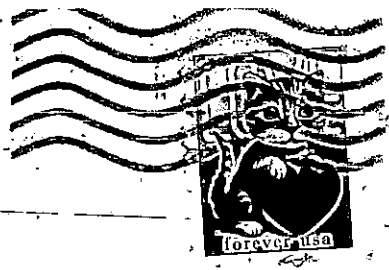
This Defendant makes a Motion to Appeal to a higher court based on these facts. I remain,

Yours truly,

Victoria Joy Stevens

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