

Mr. Michael Wallace  
35 Edwards Rd  
Bishopville, SC 29010

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DEC 01 2023

SC Court of Appeals

The State of South Carolina  
In the Court of Appeals

Notice of Dismissal and Intent to Sue

Case No. 2023-000861

Kent N. Cunningham

Respondent

v.

Michael J. Wallace

appellant

Notice of Dismissal

Since the Clerk of Court of Appeals has failed to properly answer to Appellant's demands in letters to the court dated Oct. 5 and Nov. 1, 2023; has shown a significant subjectivity and preference for the Respondent's Counsel in her correspondences; has elicited lies, deceit, and coercion utilizing

S.C. Rule 107 as a tool devised to favor the re-  
spondent's counsel. <sup>additionally, she has succeeded</sup> in an attempt to "block"  
or delay as long as possible by not promptly  
entering the appellant's appeal on the court's  
Roster thereby denying the appellant's right to a  
hearing. Additionally, appellant feels this clerk  
fraudulently issued a "Order of Dismissal" on  
July 13, 2023 and then claimed that this "Order"  
was the "Court Hearing". Then, <sup>she</sup> apparently, (appellant  
can't be sure of anything this clerk did because  
she did so much in a covert manner) removed  
the appellant's appeal from the roster to as-  
sure its "blockage".

Since there now exists a serious impasse be-  
tween the appellant and clerk; (appellant will  
not accept a dismissal from a clerk without veri-  
fiable proof that said clerk has this authority

by way of a Law, Rule, etc. E.G. clerk's order  
Filed Sep. 21, 2023 is submitted on a "unsealed  
document" with 3 signatures; the first individual  
"Stephanie", is probably one to whom the clerk is a  
protège; the second is just a "scribbler" who  
doesn't want to <sup>be</sup> identified; and the third is  
unidentifiable to the appellant as a judge.

Because of all the above reasons appellant is seek-  
ing the dismissal of this clerk on the grounds of being  
"in default of her duties"; for "tampering with evidence";  
for "breach of contract"; and for "abuse of power".

Appellant is not rescinding his appeal - he wants  
someone else to take over the scheduling who is  
honest, objective, overt, and qualified. Appellant

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asks the Case Manager or someone of equal or higher stature to effect this change. The Deputy Clerk is unqualified because of her close proximity to the Clerk of Appeals. All of the evidence (appeal, correspondence, etc.) must be totally removed from the clerk's possession immediately and no further access from her allowed, then reverified with appellant to assure that it has not been tampered with. Please respond as to any action taken.

Note to James C. Campbell, Clerk of Court of Common Pleas, Sumter. Court of Appeals Remitter Jacks State Seals on both Orders presumably making them fraudulent! As a result of this infraction appellant asks that your court find the Clerk of Court of Appeal in default and, therefore award the appeal to the appellant.

If the Clerk and/or The Court of Appeals doesn't want to hear this Case and you / or your, Court responds likewise, then the appellant will have to <sup>find</sup> find either / or both of you in default in appellant's suit against The State ~~in~~ in Federal Court.

Notice of Intent to Sue

Finally, to the Clerk of Court of Appeals:

Because of your egregious behavior, Appellant will be filing suit against you and the State in Federal Court for all <sup>costs and</sup> damages sustained by the appellant for the reasons stated above for the time period beginning on filing date May 25, 2023 and continuing until a Fair judgment is reached either through the appeals or Federal Court.

Additionally, I am fining you \$1,000.00 for tampering with the evidence; not listing appeal on Roster; late listing; or early withdrawal.

Also, there is now a \$100.00 per day penalty fee assessed against you retro-active beginning Oct. 13, 2023 (this <sup>date</sup> is 143 days ~~since~~ <sup>after</sup> the file date of May 25, 2023 when a hearing at your court should have occurred) and will continue until a Fair judgment is rendered as mentioned above.

Nov. 29, 2023

S/ M. Wallace  
Tel: (803) 428-8239

C.O.A. Columbia, S.C. Office of Court Administration

Case Mgr. Mrs. Tyler      "

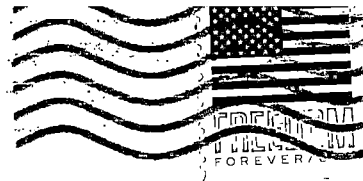
Atty. Gen., Alan Wilson

Clerk of Court of Common Pleas, Sumter, S.C., James C. Campbell

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COLUMBIA SC 290

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*South Carolina Court of Appeals*

*Jenny A. Kitchings, Clerk*

*P.O. Box 11629*

*Columbia, S. Carolina 29211*

29211-162929

