THE STATE OF SOUTH CAROLINA COURT OF APPEALS
CASE No. #______________

RECEIVED
DEC 19 2023
SC Court of Appeals

Tyrone Roberson, Plaintiff-Appellant,

vs.

Joseph P. Mclean, Esquire., Bryan P. Stirling, SCDC Director, And State Agency Employee Insurer, Defendant- Respondents

NOTICE OF PLAINTIFF INTENT TO APPEAL FROM THE FLORENCE COUNTY CIRCUIT COURT JUDGE MICHAEL G. NETTLES DISMISSAL OF SUIT IN EQUITY NOVEMBER 8, 2023 HELD Via CAMERA TELECAST FROM LEE CORRECTIONAL INSTITUTION OPERATION IN CIVIL CASE MATTER DOCKET No. # 2021-CP-21-01745 - Tyrone Roberson, Plaintiff, vs. Joseph P. Mclean, Esquire., Bryan P. Stirling, SCDC Director, and SCDC State Agency Employee Insurer, Defendants - For Breach of Contract with insurance fraud/Tort liability Tax evasion/ Racketeering embezzlement of public and private funds.

THIS APPEAL FOLLOWS:

Plaintiff-Appellate Tyrone Roberson were biasly subjected to extrinsic fraud and intrinsic fraud by Judicial officer Misconduct that involved perjury and conspiracy against plaintiff Civil Rights enforcement protection of Right to sue and enforce contract for all wrong / loss / injury plaintiff sustained by unfair or deceptive trade practices when plaintiff chooses not

to remit a portion of the verdict for the Award of Attorney fees and Court Cost with interest on Judgment for $350 Hourly Attorney fees and for $33,000,000 (Thirty-Three Million Dollars) in actual Compensatory punitive Damages in suit in equity in a new trial nisi additur or nisi remittitur November 8th, 2023 before Judge Michael G. Nettles Arbitration Dispute Resolution mediator fraud to defraud plaintiff Tyrone Roberson November 8th, 2023 with Judicial officer enforcement malfeasance when Judge Michael G. Nettles Knew or should have Known as a matter of law; Accordingly, only the matter of ascertaining the amount of damages should be tried again. The issues are separate and distinct such that a fair trial has been conducted as to liability leaving only for the second trial the matter of damages. See <u>White v. Fowler</u>, 276 S.C. 370, 278 S.E. 2d 777 (1981). We Know of no Just reason why relief from excessiveness or inadequacy should not be equally available to plaintiffs and defendants. In neither case may a Judge George M. McFaddin, Jr. and Judge Michael G. Nettles impose his will upon a plaintiff to prejudicely Dismiss His Claim February 24, 2022 and November 8th, 2023 in Civil Case No. # 2021-CP-21-01745 in Florence County Clerk of Court of common plea probate Civil Court. The option must be given. certainly, Judge's George M. McFaddin, Jr. and Judge Michael G. Nettles has no right to substitute his Judgment for that of the Grand Jury, nor shall the Judge interfere with the investigation of discovery and deliberation by the county and state Court Grand Jury right to vote to indict Defendant's for financial crimes

of insurance fraud and embelzzlement to defraud with Breach of Trust while in public office which is the proximate cause of plaintiff financial loss of security interests and Monetary Damages sustained in this suit in equity. In this case the Judge and Defendant's lawyer's appropriated plaintiff Tyrone Roberson patent law, to claim priority for an invention made by plaintiff Tyrone Roberson, as when two or more applications for its legal Documents hand written Brief patent are pending for copy rights infringement in civil case Docket No. #2021-CP-21-01745 by Judges and Defendants Violation of the Ethical Regulation of Conduct Rules of South Carolina Code of Law Title Section §8-13-500(3) It shall be a breach of ethical standard for a business, in which a public employee or public official has a financial interest, Knowingly to act as a principal or as an agent for anyone other than the State or other governmental entity with which he is associated in connection with any contract, claim or controversy, or any Judicial proceeding in which the public employee or public official either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the officials or employee's official responsibility, where the State or governmental entity is a party or has a direct and substantial interest.
See South Carolina Code of Law Title Section Statute §8-13-530 (1986) The Value of anything received in breach of the

ethical standards can be recovered from the public official.

In actuality, the November 8th, 2023 import of a new trial nisi additur or nisi remittitur in suit in equity civil case No. # 2021-CP-21-01745 is a suggestion on the part of the Judge Michael G. Nettles of a settlement figure. In such cases, Judge Michael G. Nettles may not impose a substitute for the Grand Jury verdict on an unwilling plaintiff Tyrone Roberson. Judge Michael G. Nettles may give to the Defendants Joseph P. McLean, Esquire; Bryan P. Stirling, SCDC Director, and SCDC State Agency Institution Employee Insurer the right to a new trial unless the plaintiff Tyrone Roberson agrees to remit a portion of the verdict. If the plaintiff Tyrone Roberson chooses not to remit a new trial is essential. certainly it cannot be seriously argued that plaintiff Tyrone Roberson herein was adequately compensated $33,000,000. (Thirty-Three Million Dollars) in actual compensatory punitive damages and $350 Hourly Attorney fees and Court Cost with interest on Judgment or even nearly so, November 8th, 2023, for the security interest injuries plaintiff sustained. Defendants failing to agree to the additional amount, it becomes the duty of the Clerk of Court of Florence County to place the case on the Jury trial docket for disposition in keeping with the order of the trial Judge. see The February 17, 2022 Bench Trial Transcript and the

November 8, 2023 Bench Trial Transcript in Civil Case Docket No. #2021-cp-21-01745 held before Judge George M. McFaddin, Jr. during February 17, 2022 from Lee Correctional Institution operation, and held before Judge Michael G. Nettles during November 8th, 2023, from Lee Correctional Institution was obstruction of Justice.

FACTS

The Motion for a new trial nisi additur or nisi remittitur has not been frequently used here in the State of South Carolina but it is true that the trial Judge has the authority to grant a new trial to the plaintiff Tyrone Roberson. QUOTING:

There can be no question but that the trial Judge has the authority and traditionally has in this State granted new trials outright when he, sitting as the thirteenth Juror charged with the duty of seeing that Justice is done, is convinced that a new trial is necessitated on the basis of the facts in the case presented August 16, 2021; January 30, 2023; May 25, 2023; April 19, 2023; July 20, 2023; August 10, 2023; September 5th, 2023; November 6, 2023 in suit in equity civil case No. #2021-cp-21-01745. There is given to the trial Judge a broad discretion which has been used sparsely and rightly so. Code 1976 of South Carolina Code of Law Title Section Statute § 15-27-150. Provides: Circuit Courts may grant new trials in cases in which there has been a trial by Jury.

Such new trials may be granted for reasons for which new trials have usually been granted in the Courts of law of this State.

However, we need not plow new ground in holding that the authority to act in behalf of the plaintiff Tyrone Roberson is equally appropriate. In Middleton v. Atlantic Coast Line, 133 S.C. 23, 130 S.E. 552 (1925), this Court quoted a New Jersey case with approval as follows: In Gaffney v. Illingsworth, 90 N.J. Law, 490, 101 A. 243, the court said: The Power of the Court in granting a new trial upon the ground that the damages are excessive, upon terms that a new trial shall be had unless the plaintiff will accept a certain sum named, less than that awarded by a verdict, is too well established to be questioned. It would seem to follow, by parity of reasoning that, when a new trial is granted because the damages are inadequate, the court may impose like terms, that is, terms to the effect that, if the defeated party will pay a certain sum greater than that awarded by the verdict, the rule will be discharged. We know of no just reason why relief from excessiveness or inadequacy should not be equally available to plaintiffs and defendants. In neither case may a Judge impose his will upon a party. The option must be given. Certainly, he has no right to substitute his judgment for that of the jury. In actuality, the import of a new trial nisi additur or nisi remittitur is a suggestion on the part of the Judge of a settlement figure. If the party ruled against agrees to the suggested amount he may

not complain. The prevailing party having asked for the relief must likewise be content with the determination.

In Toole v. Toole, 260 S.C. 235, 195 S.E. 2d 389 (1973) this Court said: Motions for a new trial on the ground of either excessiveness or inadequacy are addressed to the sound discretion of the trial Judge. His exercise of such discretion, however, is not absolute and it is the duty of this Court in a proper case to review and determine whether there has been an abuse of discretion amounting to error of law.

FACTS

There is no right of indemnity between Joint tortfeasors. Citing the rule there can be no indemnity among mere Joint tortfeasors, the Court enunciated: Parties that have no legal relation to one another and who owe the same duty of care to the injured party share a common liability and are Joint tortfeasors without a right of indemnity between them. Judge George M. McFaddin, Jr., Judge Michael G. Nettles, Joseph P. Mclean, Esquire, Bryan P. Stirling, SCDC Director, and SCDC State Agency Institution Employee Insurer of the South Carolina Insurance Reserve Fund Trust who owed the same fiduciary duty of care to the injured plaintiff Tyrone Roberson and the State Judges and Defendants conspired together and share a common liability and are Joint tortfeasors without a right of indemnity between them when each gross negligently contributed

to the consumer Plaintiff Tyrone Roberson injury by Knowingly and willfully selling a defective South Carolina Tort Claim Act §15-78-10 eq liability legislative recovery product based on strict liability and breach of implied and express warranties. see McCALL BY ANDREWS V. BATSON, cite as 329 S.E. 2d 741 (S.C. 1985) Id. at 749-750; CHANDLER, Justice concurring in the opinion of Justice NESS): SOVEREIGN IMMUNITY: NO LONGER TENABLE: see South Carolina Tort Claim Act Title section Statute §15-78-70(b), and South Carolina Tort Claim Act Title Section Statute § 15-78-190. Compensation of Plaintiff pursuant to underinsured or uninsured defendant provisions of plaintiffs insurance policy, and South Carolina Tort Claim Act Title Section Statute § 15-78-30(f) "Loss" means bodily injury, disease, death, or damage to tangible property, including lost wages and economic loss to the person who suffered the injury, disease, or death, pain and suffering, mental anguish, and any other element of actual damages recoverable in actions for negligence, but does not include the intentional infliction of emotional harm. see VERMEER CAROLINA'S V. WOOD / CHUCK CHIPPER, cite as 518 S.E. 2d 301 (S.C. App. 1999), Id. at 307: [13, 14] "Joint tortfeasor" refers to "[t]hose who act together in committing wrong, or whose acts if independant of each other, unite in causing single injury;" two or more persons jointly or severally liable in tort for the same injury to person or property." Blacks Law Dictionary 839 (6th ed. 1990).

FACTS

under the facts of this case, Judges George M. Mcfaddin, Jr. and Judges Michael G. Nettles failure to discover and correct the Tort Claim Act Legislative public policy latent defects and correct the Defendants breach of implied and express warranties cannot excuse the breach and defeat the plaintiff Tyrone Roberson claim of Tort liability Tax evasion. see statement of claim Filed August 16th, 2021 by plaintiff in suit in equity civil case No. # 2021-cp-21-01745. plaintiff asserts that Judge and Defendants is liable on grounds separate from any purported fault of his: The Judge and Defendants sold via public state Agency political subdivision institution Law Library facility public Advertisement Legislative publication herein SCDC prisons a defective public policy Tort claim Act liability recovery product in an unreasonably fraudulent, manipulative, deceptive and hazardous condition detrimental to the public and private interests of the consumer plaintiff Tyrone Roberson, and it breached its public policy warranty that the South Carolina Tort Claim Act §15-78-10 et seq liability recovery public policy was Trustworthy and Authantic Bill of Rights to protect the injured consumer plaintiff Tyrone Roberson. see plaintiff

Motion to Amend with Amendments to Conform to the Evidence to his original Verified State Tort Claim 'Statement of Claim' Filed January 30, 2023 by plaintiff in suit in equity civil Case No. # 2021-cp-21-01745. This action is an action to recover $ 33,000,000 (Thirty-Three Million Dollars) in actual Compensatory punitive Monetary Damages and to recover $350 Hourly Attorney's fees and Court Costs with interests on Judgment for the irreparable injuries and Damages with mental Anguish with Cruel and unusual Corporal punishment sustained by plaintiff Tyrone Roberson in direct Violation of the united States Constitution 8th and 14th Amendments thats applicable to the State and federal Government by virtue of the united States Constitution 1st, 7th and 14th Amendments Bill of Rights from Judges George M. McFaddin, Jr., and Judges Michael G. Nettles and Defendants SCDC failure to ensure the safe and uniform State Wide application condition and enforcement of the South Carolina Legislative Tort Claim Act liability recovery public policy product that the Defendants sold to the consumer plaintiff Tyrone Roberson to which the prospectus, representation, or omission relates. see BLUE CHIP STAMPS V. MANOR DRUG STORES, cite as 95 S. Ct. 1917 (1975), Id. at 1924; Mr. Justice REHNQUIST delivered the opinion of the Court: [4] We quite agree that if Congress had legislated the elements of a private cause of action

for damages, the duty of the Judicial Branch would be to administer the law which congress enacted; the Judiciary may not circumscribe a right which congress has conferred because of any disagreement it might have with congress about the wisdom of creating so expansive a liability. see

MCCALL BY ANDREWS V. BATSON, cite as 329 S.E. 2d 741 (S.C. 1985), Id. at 748; CHANDLER, Justice concurring in the opinion of Justice NESS); Foot Note 1. SENATE BILL 283 HOUSE BILL 2266 NOTE: In the title of H. 2813, a 1984 predecessor Tort claims Bill, the authors recognized the doctrine's unsoundness: [W]hereas, the General Assembly of the State of South Carolina recognizes the merit in the modern tendency to restrict rather than to extend the application of the Doctrine of Sovereign Immunity; and whereas, the relationship between the government and its people has changed dramatically in the twentieth century and government has become involved in an ever-increasing number of services; and whereas, it is a sound principle of law that one who negligently causes injury must respond in damages; and whereas, public convenience can no longer outweigh the necessity for individual compensation for injuries sustained through the negligence of its government; and whereas, the General Assembly finds that it is in the best interest of the people of South Carolina that a governmental tort claims act

be enacted and that the State waive its immunity from liability in tort in actions [sic] involving the proprietary functions of the State and consent to have this liability determined in accordance with the same rules as are applied to actions against individuals or corporations, subject to the provisions and limitations of this act. Now, therefore...

Effective: October 11, 1996 - 18 U.S.C.A. § 241 Conspiracy against rights. See South Carolina Code of Law Title Section Statute § 16-5-10. Conspiracy against civil rights.

November 8, 2023 counsel for the Defendant's Joseph P. Mclean, Esquire et & al conspired with Judge in committing perjury under oath with intrinsic fraud and extrinsic fraud in making false accusation that Plaintiff Tyrone Roberson never served their client Defendant's Joseph P. Mclean, Esquire, et & al with a copy of Summon's and Claim by registered certified mail returned signature receipt mail delivery to give the court jurisdiction to hear and adjudicate the facts of the party of claim - when in fact plaintiff Lee Correctional Institution out going Legal Mail Log Book, along with SCDC Form 10-14 South Carolina Department of Corrections Division of Inmate Services Agreement to Debit E.H. Cooper Account since August 17, 2021 through November 8, 2023 would show otherwise that plaintiff Tyrone Roberson did in fact executed service of process of Summon's and Claim on Defendant's Joseph P. Mclean, Esquire, et & al for insurance fraud / tax evasion / embezzlement. which can be substantiated by the (365) SCDC Form 10-14 Mail

room signed receipt by plaintiff Tyrone Roberson and Lee C.I. Mail Room designee signature that plaintiff gave to Lee C.I. F1 Seargent Ms. Carroway during September 4, 2023 that consist of 2-packages addressed and placed in the F1 Mail Cart out going Mail that was sent to The Florence County Clerk of Court. Here the Grand Jury had been tampered with by the Clerk of Court of Florence County concealing this evidence by plaintiff Tyrone Roberson by the Clerk obstruction of Justice with mail fraud to defraud plaintiff out of His Rightful recovery of security interest for Attorney fees and Court cost with Interest on Judgment, and to wrongful dispose of indictments for Civil Rights Violation by Defendants to advance the Clerk and Judge own Financial Interest. see SCDC policy / Directive PS-10.8, § 8.3 ; The Legal / privileged / Certified Mail Delivery Log" will be maintained by the postal Director / Designee for a minimum of 11 years. Policy issued January 1, 2005. see South Carolina Constitution Article VI, § 8. Suspension and prosecution of officers accused of Crime.

FACTS

By the Judge George M. McFaddin, Jr. and Judge Michael G. Nettles and the Clerk of Court of Florence County South Carolina together with instrinsic fraud and Extrinsic fraud in disclosing plaintiff Tyrone Roberson Confidential Witness testimony discovery evidence before the Grand Jury of Florence County to the Defendants February 17, 2022 and during November 8, 2023, and by the Judge and the Clerk of

Court conspiring to criminally advising the Defendant's of the Grand Jury investigation to indict the Defendant's for Swindling in violation of South Carolina Code of Law Title Section Statute 16-13-320 for Defendant's Insurance fraud with Tort liability tax evasion, bribery, Money Laundering, Racketeering and embezzlement of public and private Trust Funds from the South Carolina Insurance Reserve Fund of the South Carolina Budget and Control Board by the Judge and the Clerk criminally advising Defendant's to evade Justice by falsely alleging with perjury under oath that plaintiff Tyrone Roberson never served the Defendant's Joseph P. Mclean, Esquire, et & al with a copy of notice of summons and complaint, and notice of Amendment to Amend to conform to the Evidence of the original Complaint to the Defendant's Joseph P. Mclean, Esquire last Known Business address in the State - So that the Clerk and Judge of Florence, South Carolina can claim that the Court does not have Subject matter Jurisdiction over the Defendant's and plaintiff party claim of Controversy in suit in equity involved to undermind the Due Administration of Justice to procedurally bar plaintiff for failure to execute service of process of summons and claim on party Defendant's and to prejudicely dissolve plaintiff from any liability Recovery against the named Defendant's - So that the Clerk and Judge George M. McFaddin, Jr. and Judge Michael G. Nettles can go back and indemnify the State of South Carolina State Budget and Control Board Commission State Agency Insurance Insurer for all Monetary Relief and potential Claims sought against Defendants by the plaintiff for loss sustained -

by the clerk and Judges collusion with cross Appeal indemnification fraud with conspiracy to bribe with Instrinsic fraud and extrinsic fraud upon the Florence County Court of Common pleas on plaintiff claim February 17, 2022 and November 8, 2023 to defraud plaintiff out of all monetary recovery from state insurer which is mail fraud and wire fraud by the clerk and state Judges in this proceeding of civil case Docket No. # 2021-cp-21-01745. when plaintiff presented facts February 17, 2022 and November 8, 2023 that was never ruled on nor ever adjudicated by a Judge final written order of finding of facts because the courts claim they don't have Jurisdiction of party Defendants in plaintiff claim - res Judicata nor collateral estoppel by Judgment for summary Judgment cannot apply to plaintiff claim on Direct Appeal for cross Appeal to file exact claim for the first time in the United States District Court for $33,000,000 (Thirty-Three Million Dollars) and $350 Hourly Attorney fees and court costs with interest on Judgment against named party Defendants. In a Legal Malpractice case the statute of limitations begins to run at the time the injury is inflicted, or when the injury is discovered or when by the exercise of reasonable diligence it should have been discovered. See Cart v. Marcum, cite as 423 S.E. 2d 644 (W. Va. 1992), Id., at 647: NEELY, Justice: FOOT NOTE 6.
The "discovery rule" itself evolved from the concept of fraudulent concealment. under the fraudulent concealment concept, the statute of limitations would ordinarily run from the time

of the injury, unless a plaintiff could show that the Defendant actively committed fraud in an attemp to prevent the plaintiff from prosecuting his claim. SHARP V. KELSEY, cite as 918 F. Supp. 1115 (W.D. Mich. 1996) 1. Federal Civil Procedure Key 1832
under motion to dismiss for failure to state claim, court must limit its inquiry to pleadings. Fed. Rules Civ. Proc. Rule 12(b)(6), 28 U.S.C.A.
Spillman V. Carter, cite as 918 F. Supp. 336 (D. Kan. 1996),

1. Federal Civil Procedure Key 1829, 1835

In ruling on motion to dismiss for failure to state claim, court must assume truth of all well-pleaded facts in plaintiff's complaint and view them in light most favorable to plaintiff. Fed. Rules Civ. Proc. Rule 12(b)(6), 28 U.S.C.A.

EISERT V. TOWN OF HEMPSTEAD, cite as 918 F. Supp. 601 (E.D.N.Y. 1996),

3. Federal Civil Procedure Key 928

Motion for reconsideration is granted only when court finds that it overlooked matters or controlling decisions which, if it had considered such issues, would have mandated a different result. Fed. Rules Civ. Proc. Rule 59(e), 28 U.S.C.A.; U.S. Dist. Ct. Rules E.D.N.Y., Civil Rule 3(j).

EISERT V. TOWN OF HEMPSTEAD, cite as 918 F. Supp. 601 (E.D.N.Y. 1996),

6 Limitation of Action Key 104.5

To take advantage of equitable tolling of statute of limitations doctrine based on fraudulent concealment, plaintiff must submit nonconclusory evidence of conspiracy or other fraudulent wrong which precluded his possible discovery of harm suffered.

N.D.Ill. 1996. In ruling on motion for summary judgment, court reads facts in light most favorable to nonmovant and refrains from making credibility determinations. Fed. Rules Civ. Proc. Rule 56, 28 U.S.C.A. - Tipsword v. Ogilvy & Mather, Inc., 918 F.Supp. 217.

See Whitley v. Albers, cite as 106 S.Ct. 1078 (1986), Id. at 1089: Justice MARSHALL, with whom Justice BRENNAN, Justice BLACKMUN, and Justice STEVENS join, dissenting: It is inappropriate, to say the least, to condition the choice of a legal standard, the purpose of which is to determine whether to send a constitutional claim to the jury, upon the courts resolution of factual disputes that in many cases should themselves be resolved by the jury.

See Hick v. Food Lion, Inc., cite as 379 S.E.2d 677 (N.C. App. (1989)), Id. at 680: JOHNSON, Judge: "contradictions or discrepancies in the evidence even when arising from plaintiff's evidence must be resolved by the jury rather than the trial judge." Rappaport v. Days Inn, 296 N.C. 382, 384, 250 S.E.2d 245, 247 (1979), quoting Clark v. Bodycombe, 289 N.C. 246, 251, 221 S.E.2d 506, 510 (1976).

see TANT V. DAN RIVER, INC., cite as 332 S.E. 2d 534 (S.C. App. 1985), Id. at 538-539: GARDNER, Judge (dissenting): under the law of this State, punitive damages are allowed for a tort which is reckless, willful and wanton. Martin V. Martin, 262 S.C. 168, 203 S.E. 2d 385 (1974) in pertinent part reads: The test for determining whether a tort may be deemed reckless, willful or wanton is whether it has been committed in such a manner and under such circumstances that a person of ordinary reason or prudence would have been conscious of it as an invasion of the rights of the injured party.

see SIMMONS V. SOUTH CAROLINA STATE PORTS AUTHORITY, cite as 495 F. Supp. 1239 (1980), Id. at 1242; BLATT, District Judge: [2] "'The Fourth Circuit Court of Appeals has analogized section 1983 to a tort action, saying "In essence, §1983 creates a cause of action where there has been injury, under color of state law, to the person or to the constitutional or federal statutory rights which emanate from or are guaranteed to the person. In the broad sense, every cause of action under §1983 which is well-founded results from personal injuries.'" Almond V. Kent, 459 F.2d 200 (4th Cir. 1972).

Rule 60(b)(3), by its express terms, permits Judgments to be set aside for fraud whether heretofore denominated 'intrinsic or extrinsic.' It thus put an end, at least when relief is sought by motion, a very troublesome and unsound distinction... "[I]n commenting on Rule 60(b)(3), Wright and Miller note that the rule reaches all fraud, and rejects the confusing distinction between extrinsic and intrinsic fraud.'"
Mr. G v. Mr. G, 320 S.C. 305, 311, 465 S.E. 2d 101, 106 (Ct. App. 1995) (Dissent, HEARN, J.).

By contrast, extrinsic fraud "refers to frauds collateral or external to the matter tried such as bribery or other misleading acts which prevent the movant from presenting all of his case or deprives one of the opportunity to be heard." Chewning v. Ford Motor Co., 346 S.C. 28, 34, 550 S.E. 2d 584, 587 (Ct. App. 2001).

In O'Shea v. Littleton, 414 U.S. 488, 94 S.Ct. 669, 38 L.Ed. 2d 674 (1974) the Supreme Court observed: Judges who would willfully discriminate on the ground of race or otherwise would willfully deprive the citizen of his constitutional rights, as this complaint alleges, must take account of 18 U.S.C. § 242.... In Dennis v. Sparks, 449 U.S. 24, 101 S.Ct. 183, 66 L.Ed. 2d 185 (1980), we held that private parties acted under color of law when corruptly conspiring with a state Judge in a joint scheme

to defraud. In so holding, however, we explicitly stated that "merely resorting to the Courts and being on the winning side of a lawsuit does not make a party a co-conspirator or a Joint actor with the Judge." Id., at 28, 101 S.Ct., at 186.
This court of course has held that private parties are amenable to suit under § 1983 when "Jointly engaged" with state officials in the violation of Constitutional rights. See Adickes v. S.H. Kress & Co., 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d 142 (1970).
In Adickes the term "Jointly engaged" appears to have been used specifically to connote engagement in a "conspiracy." See 398 U.S., at 152-153, 90 S.Ct., at 1605-1606.
In Adickes the plaintiff sued a private restaurant under § 1983, alleging a conspiracy between the restaurant and local police to deprive her of the right to equal treatment in a place of public accommodation. Id., at 152, 153, 90 S.Ct., at 1605-1606.
Reversing the decision in plaintiff Tyrone Roberson case in Florence, South Carolina, this court of Appeal upheld the cause of action. It found that the private defendant, in "conspiring" with local police to obtain official enforcement of a state custom of racial segregation, engaged in a "'Joint activity with the State or its agents'" and therefore acted under color of law within the meaning of § 1983. Id., at 152, 90 S.Ct., at 1606 (quoting United States v. Price, 383 U.S., at 794, 86 S.Ct., at 1156).

In Adickes the private defendant allegedly conspired with the police to "deprive plaintiff of her right to enjoy equal treatment and service in a place of public accommodation," 398 U.S., at 150, n.5, 90 S.Ct., at 1604, n.5, and apparently to cause her discriminatory and legally baseless arrest under a vagrancy statute. In the first place, the alleged "conspiracy" included an agreement to enforce a state law requiring racial segregation in restaurants. This law plainly was unconstitutional. Further, even the vagrancy statute certainly would have been unconstitutional as applied to enforce racial segregation. Presumably it was for these reasons that the Court agreed that the private defendant had "conspired" with the local police. 398 U.S., at 152, 90 S.Ct., at 1605.

The conduct in Adickes occurred in 1964, 10 years after Brown v. Board of Education, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1954), and after the decade of publicized litigation that followed in its wake. In view of the intense national focus on issues of racial discrimination, it is virtually inconceivable that a private citizen then could have acted in the innocent belief that the state law and customs involved in Adickes still were presumptively valid. As Justice HARLAN wrote, "[f]ew principles of law are more firmly stitched in to our constitutional fabric than the proposition that a State must not discriminate against a person because of his race or the race of his companions, or in any way act to compel or encourage segregation." 398 U.S., at 151-152, 90 S.Ct., at 1605. Construed as resting on this basis, Adickes

establishes that a private party acts under color of law when he conspires with state officials to secure the application of a state law so plainly unconstitutional as to enjoy no presumption of validity. In such a context, the private party could be characterized as hiding behind the authority of law and as engaging in "Joint participation" with the state in the deprivation of constitutional rights. As this court recognized in Monroe v. Pape, 365 U.S. 167, 172, 81 S.Ct. 473, 476, 5 L.Ed.2d 492 (1961), the historic purpose of § 1983 was to prevent state officials from using the cloak of their authority under state law to violate rights protected against state infringement by the Fourteenth Amendment. State officials acting in their official capacities, even if in abuse of their lawful authority, generally are held to act "under color" of law. E.g., Monroe v. Pape, 365 U.S., at 171-172, 81 S.Ct., at 475-476; Ex Parte Virginia, 100 U.S. 339, 346-347, 25 L.Ed. 676 (1880). This is because such officials are "clothed with the authority" of state law, which gives them power to perpetrate the very wrongs that congress intended § 1983 to prevent. United States v. Classic, 313 U.S. 299, 326, 61 S.Ct. 1031, 1043, 85 L.Ed. 1368 (1941); Ex Parte Virginia, supra, 100 U.S. at 346-347, 25 L.Ed. 676.

FACTS

Plaintiff objected to the February 17, 2022 Tele Web Cam Seal Virtual court hearings in civil case No. # 2021-CP-21-01745 that deprived plaintiff of Due process to be heard in a meaningful manner and a meaningful time in a public building open court house of Florence, South Carolina. Jurisdiction is allegedly based upon 42 U.S.C. § 2000(a) on the ground that the state court of Florence County South Carolina is a place of public accommodation. And that plaintiff Tyrone Roberson asserts that the

Florence County South Carolina Court Judge's George M. McFaddin, Jr. and Judge Michael G. Nettles and the Defendants have Joined in a Systematic racially discriminatory conspiracy to harass, intimidate, coerce, discriminate, and deny equal protection of the Law to Black African incarcerated citizen plaintiff Tyrone Roberson by biasly and repeatedly denying plaintiff prejudicely by court order by the Clerk of Court and Judge racistly denying plaintiff Tyrone Roberson from any physical in person access court hearing appearence inside access to public Court House Buildings or Court House facilities of the State of South Carolina during the Months of February 17, 2022; March 6, 2023; May 15, 2023; July 6, 2023, and November 8, 2023 in Civil Suit in equity Case No. #2021-cp-21-01745... all in Violation of plaintiff Right to a Civil Trial By Jury fair Trial pursuant to South Carolina Constitution Article I, § 9. Courts, Speedy remedy. All Courts shall be public, and every person shall have speedy remedy therein for wrongs sustained. The General Assembly finds that it is vital in a democratic society that public Business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy to ensure transparentcy. Towards this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials in all Court House proceedings here in South Carolina.

see South Carolina Constitution Article I, § 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.

see BONNER V. CIRCUIT COURT OF CITY OF ST. LOUIS, MO., cite as 526 F. 2d 1331 (1975) LAY, Circuit Judge: The defendants include five St. Louis Circuit Court Judges, the Circuit Attorney and the Public Defender for the City of St. Louis. Jurisdiction is allegedly based upon 42 U.S.C. § 2000a on the ground that the State Court is a place of public accommodation. Plaintiffs' basic allegation is that the defendants have Joined in a systematic racially discriminatory conspiracy to harass, intimidate, coerce, discriminate, and deny equal protection to black citizens by coercing pleas of guilty to criminal charges. Plaintiffs seek both declaratory and injunctive relief. They ask the court to declare the policies and practices of the defendants unconstitutional and to enjoin the denial to "black persons, namely plaintiffs" of due process and equal protection of the law.

see SOUTH CAROLINA CODE OF LAW TITLE SECTION STATUTE § 45-9-30. Deprivation of right to equal enjoyment of and privileges to public accommodations prohibited. No person shall withhold, deny, or attempt to withhold or deny, or deprive, or attempt to deprive any person of any right or privilege secured by the provisions of section 45-9-10, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by the provisions of section 45-9-10; or punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by the provisions of section 45-9-10. HISTORY: 1990 Act No. 423, § 1, eff April 25, 1990.

see WOLFF V. MCDONNEL, cite as 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974):
"[T]hough his rights may be diminished by the needs and exigencies of the institutional environment, a prisoner is not wholly stripped of constitutional protections when he is imprisoned for crime. There is no iron curtain drawn between the constitution and the prisons of this country," Id., at 555-556, 94 S.Ct., at 2974-2975. see Coleman V. Thompson, cite as 111 S.Ct. 2546 (1991), Id., at 2567; This Court has made clear that the Fourteenth Amendment obligates a state "'to assure the indigent defendant an adequate opportunity to present his claims fairly in the context of the states appellate process,'" Pennsylvania V. Finley, 481 U.S., at 556, 107 S.Ct., at 1994, quoting Ross V. Moffitt, 417 U.S. 600, 616, 94 S.Ct. 2437, 2447, 41 L.Ed.2d 341 (1974), and require[s] that the state appellate system be 'free from unreasoned distinctions,'" id., at 612, 94 S.Ct., at 2444. While the state may have wide latitude to structure its appellate process as it deems most effective, it cannot consistent with the Fourteenth Amendment, structure it in such a way as to deny indigent defendants meaningful access. Accordingly, if a state desires to remove from the process of direct appellate review a claim or category of claims, the Fourteenth Amendment binds the state to ensure that the defendant has effective assistance of counsel for the entirety of the procedure where the removed claims may be raised. Similarly, fundamental fairness dictates that the state, having removed certain claims from the process of direct review, bear the burden of ineffective assistance of counsel in the proceeding to which the claim has been removed. Unfairness results only when indigent Plaintiff Tyrone Roberson are singled out by the state February 17, 2022; March 6, 2023; May 15, 2023; July 6, 2023; and November 8, 2023 in suit in equity civil case No. #2021-cp-21-01745 of Florence County South Carolina Court of Common pleas probate Court

and denied prejudicely from physical access to enter the Court House to speak in public buildings of Florence, South Carolina to adequately present My claim against Defendants and were denied meaningful physical in person access to the Florence Court House Building because of Judge and Clerk personal Bias and prejudice against plaintiff Tyrone Roberson because of plaintiff political opinions against named Defendants or plaintiff exercise of political rights to sue and enforce Contract and privileges guaranteed to every citizen of the united states by the constitution and laws thereof or by the constitution and laws of this state and whoever shall deny plaintiff from entering Court House physically to speak before an impartial tribunal on account of political opinions or exercise of civil rights shall be guilty of a federal offence. It is also a federal crime for state actors to threaten or assault witnesses like plaintiff in federal litigation with acts that obstruct or impede the due administration of Justice such as Defendants conspiracy to retaliate against or threaten a state prisoner plaintiff Tyrone Roberson for exercing the right of access to Court to testify before the state Grand Jury regarding a Civil Rights Violation and federal crime by Defendants, regardless of the form of threat or retaliation by Defendants. Milhouse v. Carlson, 652 F.2d 371 (3d cir. 1981) (conspiratorially planned disciplinary frame up actions); McDaniel v. Rhodes, 512 F. Supp. 117 (S.D. Ohio 1981) (threats of adverse parole action); Inmates of Nebraska Penal And Correctional Complex v. Greenholtz, 43 F. Supp. 432,

437 (D. Neb. 1976), aff'd, 567 F. 2d 1381 (8th Cir. 1977), cert. denied, 439 U.S. 841 (1978) (refusal of parole consideration). The retaliation by Defendant's SCDC violated the plaintiff Tyrone Roberson United States Constitutional First, Eighth, and Fourteenth Amendment Civil Rights... of South Carolina Constitution Article I, § 2. Religious freedom; freedom of speech; right of assembly and petition, of South Carolina Constitution Article I, § 15. Right of bail; excessive bail; cruel or unusual or corporal punishment; detention of witnesses; of South Carolina Constitution Article I, § 3. Privileges and immunities; due process; equal protection of laws. And it was proper to charge Defendant's SCDC and circuit court Judges of Florence, South Carolina under 18 U.S.C.A. § 1503 OBSTRUCTION OF JUSTICE statutory ominbus clause prohibiting interfering with due administration of Justice where conduct of defendant's related to tampering with witness. U.S. v. Rovetuso, C.A. 7 (Ill.) 1985, 768 F. 2d 809, certiorari denied 106 S. Ct. 838, 474 U.S. 1076, 88 L. Ed. 2d 809, certiorari denied 106 S. Ct. 1951, 476 U.S. 1106, 90 L. Ed. 2d 360. Preliminary injunction to keep correctional officers from threatening or harming prisoner or any of prisoners witnesses in an

up coming trial. Valvano v. McGrath, 325 F. Supp. 408 (E.D.N.Y. 1970).

"'But when the Court has not Jurisdiction of the Cause, then the whole proceeding is Coram non Judice, and actions [against the Judges George M. McFaddin, Jr. and Judge Michael G. Nettles] will lie'". (quoting Case of the Marshalsea, 10 Co. Rep. 68 b, 76 a, 77 Eng. Rep. 1027, 1038 (K.B. 1613)). The Kings Bench exercised significant collateral control over inferior and rival Courts through the use of prerogative writs. The writs included habeas corpus, certiorari, prohibition, mandamus, quo warranto, and ne exeat regno. 1 Holdsworth, at 226-231 (7th ed. 1956). Most interesting for our current purposes are the writs of prohibition and mandamus. The writs issued against a Judge, in theory to prevent him from exceeding his Jurisdiction or to require him to exercise it. Id., at 228-229. In practice, controlling an inferior Court in the proper exercise of its Jurisdiction meant that the Kings Bench used and continues to use the writs to prevent a Judge George M. McFaddin, Jr., Judge Michael G. Nettles in Civil Case No. # 2021-cp-21-01745 from committing all manner of errors, including departing from the rules of natural Justice, proceeding with a suit in which he has an interest, misconstruing

substantive law, and rejecting legal evidence. See 1 Halsburys Laws of England id. 76, 81, 130 (4th ed. 1973); Gordon, The Observance of Law as a Condition of Jurisdiction, 47 L. Q. Rev. 386, 394 (1931).

The practice has continue into modern times. In King v. Emerson, [1913] 2 Ir. R. 377, for instance, the court granted a writ of prohibition preventing a justice of the peace, acting in a judicial capacity, from proceeding with a deposition, because of a likelihood that a reasonable public might conclude that the magistrates statements indicated bias in favor of the crown. The court directed the magistrate to pay costs to the complaining party, leaving him to settle with the crown the matter of indemnification. See PULLIAM V. ALLEN, cite as 104 S. Ct. 1970 (1984), id. Subsequent interpretations of the Civil Rights Acts by this court acknowledge congress intent to reach unconstitutional actions by all state actors, including judges. In Ex parte Virginia, 100 U.S. 339, 25 L.Ed. 676 (1880), § 4 of the Civil Rights Act of 1875, 18 Stat. 336, was employed to authorize a criminal indictment against a judge for excluding persons from jury service on account of their race. The court reasoned that the Fourteenth Amendment prohibits a state from denying

any person within its Jurisdiction the equal protection of the laws. Since a State acts only by its legislative, executive, or Judicial authorities, the Constitutional provision must be addressed to those authorities, including the States Judges. Section 4 was an exercise of Congress' authority to enforce the provisions of the Fourteenth Amendment and, like the Amendment, reached UNCONSTitutional State Judicial action.

The interpretation In Ex parte Virginia of Congress' intent in enacting the Civil Rights Acts has not lost its force with the passage of time. In Mitchum V. Foster, supra, the Court found § 1983 to be an explicit exception to the anti-injunction statute, citing Ex parte Virginia for the proposition that the "very purpose of § 1983 was to interpose the federal Courts between the States and the people, as guardians of the people's federal rights - to protect the people from unconstitutional action under color of State law, 'whether that action be executive, legislative, or Judicial.'" 407 U.S., at 242, 92 S. Ct., at 2162. As we noted in Morales V. Schmidt, 489 F.2d 1335, 1338 (C.A. 7 1973), modified on rehearing en banc, 494 F.2d 85 (1974),

the view once held that an inmate is a mere slave is now totally rejected. The restraints and punishment which a criminal conviction entails do not place the citizen beyond the ethical tradition that accords respect to the dignity and intrinsic worth of every individual.

"In his dissenting opinion in Morrissey v. Brewer, circuit Judge LAY quoted the following excerpt from the presidents commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections 83 (1967) (hereinafter cited as Task Force Report): "A first tenet of our governmental, religious, and ethical tradition is the intrinsic worth of every individual, no matter how degenerate. It is a radical departure from that tradition to subject a defined class of persons, even criminals, to a regime in which their right to liberty is determined by officials wholly unaccountable in the exercise of their power...." 443 F.2d [942], at 952 no.1.

Meachum v. Fano, cite as 96 S. Ct. 2532 (1976), Id. at 2542: Mr. Justice STEVENS, with whom Mr. Justice BRENNAN and Mr. Justice MARSHALL Join, dissenting: For release on parole is merely conditional, and it does not interrupt the States legal custody.

Meachum v. Fano, cite as 96 S. Ct. 2532 (1976), Id. at 2542: Mr. Justice STEVENS, with whom Mr. Justice BRENNAN and Mr. Justice MARSHALL Join, dissenting: "If Morrissey decision is

V

not narrowly limited by the distinction between physical confinement and conditional liberty to live at large in society, it requires that due process precede any substantial deprivation of the liberty of persons in custody. We believe a due regard for the interests of the individual inmate, as well as the interests of that substantial segment of our total society represented by inmates, requires that Morrissey be so read." United States ex rel. Miller v. Twomey, 479 F.2d 701, 712-713. It is well settled that once a state creates such a constitutionally protected interest, the constitution forbids it to deprive even a prisoner of such an interest arbitrarily. See Hewitt v. Helms, 459 U.S. 460, 469-472, 103 S.Ct. 864, 870-871, 74 L.Ed.2d 675 (1983); Greenholtz v. Nebraska Penal Inmate, 442 U.S., at 11-12, 99 S.Ct., at 2105-2106. Thus, for example, lower courts have held a variety of security restrictions unconstitutional. Our cases have established several general principles that inform our evaluation of the constitutionality of the restrictions at issue. First, we have held that convicted prisoners do not forfeit all constitutional protections by reason of their conviction and confinement in prison. See Jones v. North Carolina Prisoners Labor Union, 433 U.S. 119, 129, 97 S.Ct. 2532, 2538, 2540, 53 L.Ed.2d 629 (1977); Meachum v. Fano, 427 U.S. 215, 225, 96 S.Ct. 2532, 2538, 49 L.Ed.2d 451 (1976); Wolff v. McDonnell, 418 U.S. 539, 555-556, 94 S.Ct. 2963, 2974-2975, 41 L.Ed.2d 935 (1974); Pell v. Procunier, 417 U.S. 817,

822, 94 S. Ct. 2800, 2804, 41 L.Ed. 2d 495 (1974). "There is no iron curtain drawn between the Constitution and the prisons of this country." Wolff v. McDonnell, supra, 418 U.S., at 555-556, 94 S. Ct., at 2974-2975. So, for example, our cases have held that sentenced prisoners enjoy freedom of speech and religion under the First and Fourteenth Amendments, see Pell v. Procunier, supra., Cruz v. Beto, 405 U.S. 319, 92 S. Ct. 1079, 31 L.Ed. 2d 263 (1972); Cooper v. Pate, 378 U.S. 546, 84 S. Ct. 1733, 12 L.Ed. 2d 1030 (1964); that they are protected against invidious discrimination on the basis of race under the Equal Protection Clause of the Fourteenth Amendment, see Lee v. Washington, 390 U.S. 333, 88 S. Ct. 994, 19 L.Ed. 2d 1212 (1968); and that they may claim the protection of the Due Process Clause to prevent additional deprivation of life, liberty, or property without due process of law, see Meachum v. Fano, supra.; Wolff v. McDonnell, supra. A fortiori, pretrial detainess, who have not been convicted of any crimes, retain at least those constitutional rights that we have held are enjoyed by convicted prisoners. REHNQUIST, Justice delivered the opinion of the Court. BELL v. WOLFISH, cite as 99 S. Ct. 1861 (1979), Id. at 1877 [Emphasis Applied Emphasis Quoted]. See Coleman v. Thompson, cite as 111 S. Ct. 2546 (1991), Id., at 2573: Justice BLACKMUN, with whom Justice MARSHALL and Justice STEVENS join, dissenting: B "Under our federal system, the federal and State 'courts [are] equally bound to guard and protect the rights secured by the Constitution.'" Rose v. Lundy, 455 U.S., at 518, 102 S. Ct., at 1203, quoting Ex Parte Royall, 117 U.S. 241, 251,

6 S. Ct. 734, 740, 29 L.Ed. 868 (1886). Id. The Bill of Rights is not, after all, a collection of technical interests, and "surely it is an abuse to deal too casually and too lightly with rights guaranteed" therein. Brown v. Allen, 344 U.S., at 498, 73 S. Ct., at 441-442 (opinion of FRANKFURTER, J.).

public facilities such as Courthouses, Jails, hospitals, parks, and other facilities owned and operated by State and local government entities cannot discriminate in their services because of race, color, religion, national origin, or disability. people with disabilities cannot be discriminated against or excluded from services, programs, or activities offered by State or local governments. All public transportation systems must be accessible to people with disabilities, regardless of whether the system receives Federal financial assistance. In addition, public facilities such as Courthouses etc must ensure that individuals with disabilities are not excluded from services, programs, or activities because buildings are inaccessible.

State and local governments parole and pardon Agency etc must eliminate any eligibility criteria for participation in parole pardon release programs, activities, and services that screen out or tend to screen out Black prisoners with disabilities.

The Disability Rights Section of the Civil Rights Division of the U.S. Department of Justice handles complaints of discrimination based on disability in places of public accommodation, including parole pardon release Halfway House Gainful employment, shelters, hotels, restaurants, retail stores, theaters, health care facilities, convention centers, parks, and places of recreation.

I, Tyrone Roberson is being discriminated against by a State parole pardon program operated under a community development grant, funded by Federal agency in awarding State grants to community organizations, governments, or other private Agency responsible for the discriminatory act against plaintiff Tyrone Roberson, to include the Civilian Health and Medical programs of the uniformed services (CHAMPUS) of SCDE Medical / Dental / Mental Health screening and Health care treatment for stomach cancer and Brain cancer and skin cancer Treatment Nurses/Doctor referral of patient Tyrone Roberson by any private Health care Treatment program funded or assisted by the Department of Commerce that receives or dispenses small Business Administration funds

in Violation of Federal laws that prohibits privately owned facilities scdc inst. that offer services such as Health care therapeutic treatment, food, diets, lodging, clothing, gasoline, Entertainment, parole pardon release, scdc park recreation to the public from discriminating against plaintiff Tyrone Roberson on the basis of His race, color, religion, or national origin.

CONCLUSION

Judge Michael G. Nettles November 8, 2023 exercise of His discretion in discriminatorily denying plaintiff Tyrone Roberson a new trial nisi additur or nisi remittitur when plaintiff chooses not to remit knowing a new trial is essential. RUSH V. BLANCHARD, cite as 426 S.E.2d 802 (S.C.1993), Id. at 805-806: TOAL, Justice: [11-12]. In Toole V. Toole, 260 S.C. 235, 195 S.E.2d 389 (1973), this court said: Motions for a new trial on the ground of either excessiveness or inadequacy are addressed to the sound discretion of the trial Judge. His exercise of such discretion, however, is not absolute and it is the duty of this court in a proper case to review and determine whether there has been an abuse of discretion amounting to error of law.

RELIEF

REVERSE AND REMAND FOR A NEW CIVIL TRIAL BY JURY IN PLAINTIFF BEHALF FOR ALL MONETARY RELIEF SOUGHT FOR $ 33,000,000 (THIRTY-THREE MILLION DOLLARS) IN ACTUAL COMPENSATORY PUNITIVE DAMAGES AND $350 HOURLY ATTORNEY FEES AND COURT COST WITH INTEREST ON JUDGMENT IN THIS SUIT IN EQUITY AGAINST NAMED DEFENDANTS.

SIGNED THIS 14th DAY OF DECEMBER 2023.

RESPECTFULLY SUBMITTED

Tyrone Roberson

Tyrone Roberson #191327
Lee Correctional Institution F1A1127
990 Wisacky Highway
Bishopville, South Carolina 29010

cc.
DORIS POULOS O'HARA, CLERK
Joseph P. McLean, Esquire
Stephanie H. Burton, Esquire

THE STATE OF SOUTH CAROLINA COURT OF APPEALS
CASE No. #______________________________

RECEIVED
DEC 19 2023
SC Court of Appeals

____

Tyrone Roberson,
Plaintiff-Appellant,

Vs.

Joseph P. Mclean, Esquire., Bryan P. Stirling, SCDC Director, And State Agency Employee Insurer,
Defendants-Respondents

____

CERTIFICATE OF SERVICE BY MAIL

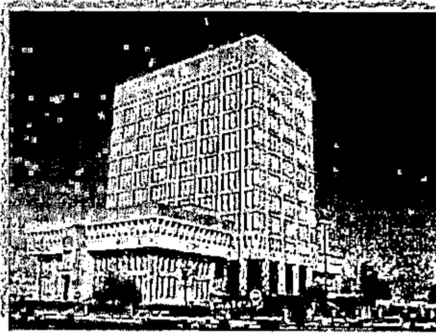
____

The undersigned Plaintiff-Appellant hereby certifies that a true Copy of Notice of plaintiff intent to Appeal from The Florence County Circuit Court Judge Michael G. Nettles Dismissal in the above Captioned Case matter has been Served upon the following Respondents via first Class Mail With pre-paid postage by depositting into The united States postal Service Box Carrier to be delivered To: DORIS POULOS O'HARA, CLERK OF COURT Florence County Judicial Center 181 North Irby Street, Suite 1100 Florence, South Carolina 29501.

Signed THIS 14th DAY OF DECEMBER 2023.

RESPECTFULLY SUBMITTED
Tyrone Roberson
____
Tyrone Roberson # 191327
Lee Correctional Institution F1A1127
990 Wisacky Highway
Bishopville, South Carolina 29010

cc. Joseph P. Mclean, Esquire
Stephanie H. Burton, Esquire



DORIS POULOS O'HARA
Clerk of Court
Judicial Center
181 N Irby Street, Suite 1100
Florence, SC 29501
(843)665-3031
Civil Division
Fax (843)676-1212

THE ATTACHED DOCUMENT(S) ARE BEING RETURNED AND **NOT RECORDED** FOR THE FOLLOWING REASON(S):

_____ NOT A FLORENCE COUNTY CASE

_____ SIGNATURE NEEDED

_____ CHECK NOT ENCLOSED

_____ AFFIDAVIT NEEDED

_____ NOTARY SIGNATURE NEEDED

_____ $25 FILING FEE REQUIRED

_____ $150 SUMMONS AND COMPLAINT FEE REQUIRED

_____ CIVIL ACTION COVER SHEET NEEDED

_____ CORRECT CASE NUMBER/CAPTION NEEDED

__x__ Other-

DATED 12/05/2023

Is this intended to be the original Notice of Appeal? Or is this a cc Copy for the Clerk of Courts Office? If this is the original it needs to be sent to the Court of Appeals. Thank you.

Tyrone Roberson # 191327
Lee Correctional Institution F1A1127
990 Wisacky Highway
Bishopville, South Carolina 29010

RECEIVED
DEC 19 2023
SC Court of Appeals

The South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

DATE: DECEMBER 14th, 2023

Dear Clerk

Enclosed with this cover letter is an original copy of My Notice of Intent to Appeal the Florence, South Carolina circuit court Judge Michael G. Nettles Dismissal along with certificate of service By mail and the court order that I need for you to file accordingly in my behalf. Thank you!

RESPECTFULLY SUBMITTED
Tyrone Roberson

cc.

FROM: Tyrone Roberson # 191327
Lee Correctional Institution F1A1127
990 Wisacky Highway
Bishopville, South Carolina 29010

IMS

RECEIVED
DEC 19 2023
SC Court of Appeals

To: The South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

LEGAL MAIL ONLY