

FORM 13
BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA
In the Court of APPEALS

APPEAL FROM HORRY COUNTY

Court of Common Pleas Judge

Debra McMaslin Common Pleas Judge

Case No. 2023-000822

Joseph Andrew Stagar Pro Se

Appellant

V.

Deborah, Cole

Respondent

(FINAL) BRIEF OF APPLANT

Joseph Andrew Stagar
Joseph Andrew Stagar

9758 Little River Rd NW

ASH North Carolina

(910)287-7711

Pro se, Appellant

RECEIVED

MAR 06 2024
SC Court of Appeals

FORM 13

BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Court of Common Pleas

Debra McMaslin Common Pleas Judge

APPEAL 2023-000922
Case No 2021-CP-2-05745

Joseph A. Stagar Pro SE

Appellant

v.

Deborah Cole

Respondent

(INITIAL) BRIEF OF APPELLANT

Joseph A. Stagar
Joseph A. Stagar PRO Se

9758 Little River RD Nw

ASH NC 28420

(910) 287-7711

STATEMENT OF ISSUES ON APPEAL

1. THE TRIAL COURT ERR IN FAILING TO RECUSE HERSELF for PRE-REESTABLISHED RELATIONSHIP WITH THE DEFENDANTS ATTORNY FAMLEY

2. THE TRIAL COURT ERR IN NOT APPLYING RULES OF CIVIL PROCEDURE THE DEFENDANT WAS SERVED AT THE PLACE THE PLAINTIFF KNEW SHE LIVED LAST AND STILL OWNES THE BUSINESS AND STILL HAS HER APARTMENT ABOVE THE BAR THAT IS IN HER LEASE RULE 5(b) (1), Rule 4(h) (j) DEFENDANT DEBORAH COLE WAS ACTING AS PRO SE, FEDERAL RULES OF CIVIL PROCEDURE RULE 5. (b), 5(A), 5(B), 5(C)

3. Deborah Cole Acting As Pro se On August 30, 2021 got the Summons and Complaint PLUSE ADMISSIONS put pen to paper and files a answer to the admissions in her hand writing on SEPT 23 2021 but did not mail me the answer the ADMISSION

4, The original Summons and Complaint was answered 57 days late

5. SOUTH CAROLINA SEXUAL CONDUCT SC 16-3-656 SECTION VERIBLE ASSAULT with intent to commit a criminal sexual conduct shall be punishable as if the SEXUAL ACT WAS COMMITED

6. DMS 5 Dignosis assigned to adults (defined as age 16 and up who) have sexual desire for PREPUBSCENT CHILDREN EXPRESSION OF PEDOPHILIC DISORDER IS A CRIMINAL OFFENSE IN THE UNITED STATES

Luther O. McCutchen 111

Joseph Andrew Stagar Pro se

4610 Oleander Drive, Suit 203

9758 Little River Rd Nw

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(FINAL) BRIEF OF APPLANT

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ASH North Carolina

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Pro se, Appellant

FORM 14

Pg2

Appellant proposes the following be included in the Record on Appeal:

1. Summons and Complaint with Request for Admission August 26, 2021 Filed. NO ANSWER MAILED BACK to Plaintiff
2. Motion for Default Judgment September 30, 2021
3. Answer from Defendant pulled off Horry county Clerks File Defendant Cole acting as Pro Se No Replies sent by Mail to Plaintiff
4. Electronic Notification pulled off of Horry Clerks File by Appellant. Respondent Attorney not in Compliance with court.
5. Motion to Compel Default Judgment October 29, 2021
6. Electronic Notification sent Twenty four more times to Respondents Attorney Luther O McCutchen, III. The Plaintiff Must be served by Traditional means (U.S. CERTIFIED MAIL, REGISTERED, RESTRICTED) ORDERD by CIRCUIT COURT
7. Before Court Hearing started Attorney McCutchen and Presiding Judge Mpcaslin were taking about his Uncle and there family inter action had for years. The Judge should have taken herself off the case (Bias and being Prejudice to the Pro Se Plaintiff)

Joseph Stagar
9758 Little River Rd. NW
Ash, NC 28420

FORM 14

Pg 3

8. Transcript of Proceedings pp. 2-18-23; pg3-5-15 /17-18 /
22-24; / pg4-11-12/ pg5-21-24;/ pg 6-1-5; 8-9; / pg8-12-18; / pg9-1-3;/
Pg10-16-20;/

EVIDENCE

Summons and Complaint with Request for Admission

August 26 2021 ; Motion For Default Sept 30, 2021; **NO REPLY
FROM DEFENDANT BY U.S. MAIL;**

**All answers from McCutchen Esq did not follow the Courts
ORDER to send Joseph A, Stagar Pro Se “ The following people
have not been served electronically by the Court. There for,
they MUST be served by the TRADITIONAL MEANS.**

**McCutchen Esq for Deborah Cole the Respondent TURNED A
BLIND EYE TO THE ORDER OF THE COURT ELEVEN TIMES WITH
ELEVEN ORDERS**

CONCIUSION

The Respondent according to the Rules of Civil Procedure was
and has been served the right way. According to Presiding
Judge Debra McMaslin Rules are Rules ignorance of the law is
not an excuse puls the judges personal animus

FORM 14

Pg 4

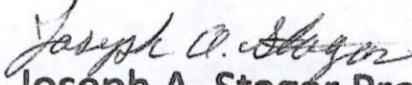
RE From page 3 Conclusion

The Judge McMaslin and the Horry County Court system has showed Bias, and exhibits prejudice to the Pro SE Plaintiff

The Animus Doctrine Involves scrutinizing the reason government action if the exhibits Bias toward a pro se attorney is not JUSTIFIABLE on any GROUNDS

I certify that this designation contains no matter which's is irreverent to this appeal

September 6, 2023


Joseph A. Stagar Pro SE

9758 Little River Rd Nw

Ash North Carolina 28420

Appellant (910) 287-7711

FORM 14

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

(In The Supreme Court)

RECEIVED

APPEAL FROM HORRY COUNTY

MAR 06 2024

Court of common Pleas

SC Court of Appeals

Debra McMaslin Common Pleas Judge

Case No 2023-000822

McCutchen Esq For

Deborah Cole

Respondent,

V.

Joseph A. Stagar Pro Se

Appellant.

**DESIGNATION OF MATTER TO BE
IN THE RECORD ON APPEAL**

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22-24; / pg4-11-12/ pg5-21-24;/ pg 6-1-5; 8-9; / pg8-12-18; / pg9-1-3;/
Pg10-16-20;/

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I certify that this designation contains no matter which's is irreverent to this appeal

September 6, 2023

Joseph A. Stagar
Joseph A. Stagar Pro SE

9758 Little River Rd Nw

Ash North Carolina 28420

Appellant (910) 287-7711

1 Joseph A. Stagar,) Court of Common Pleas
 2 Plaintiff,) Fifteenth Judicial Circuit
 3 vs.) CASE NO. : 2022-CP-26-05745
 4 Deborah Cole,) Transcript of Record
 5 Defendant.

6 -----

7 April 24, 2023
 8 Horry County, South Carolina

9 **BEFORE:**

10 The Honorable, Presiding Judge, Debra McCaslin

11 -----

12 **APPEARANCES:**

13 For the Plaintiff, Joseph A. Stagar, Pro Se

14
 15 For the Defendant, Deborah Cole
 16 Luther O. McCutchen, III, Esquire

17 Julie A. Kevish
 18 Official Court Reporter

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 21
 22
 23
 24
 25

P-R-O-C-E-E-D-I-N-G-S

(Whereupon proceedings convened Monday, April 24, 2023)

THE COURT: Mr. McCutchen, III?

MR. MCCUTCHEN: Yes, ma'am, good morning.

THE COURT: Mr. Stagar?

MR. STAGAR: Yes, ma'am.

THE COURT: I've got a Motion to Dismiss. This is a slander case. It looks like there was a prior Motion to Dismiss filed with the Court that they gave the plaintiff 30 days to amend the summons and complaint which was later extended an additional ten days. The Complaint has been served but no summons has been served. The Defendant moves for a dismissal for failure to issue and serve a summons for lack of subject matter jurisdiction and also for failure to state a claim. In the alternative the defendant seeks to strike the Complaint for failure to comply with the requirements. Mr. Stagar, that puts the ball in your court.

MR. STAGAR: Yes, Your Honor, I'd like to take judicial notice that it's both in the federal and the state, Rule 201 that this should have not been so far brought because when Mrs. Cole was served it was served at her place of business, the last known place that she lived because her bar is on the bottom, she has an apartment that they lived in. We had a meeting that I asked for Mr. McCutchen. She was there, her daughter was there, Mr. McCutchen, my wife was there, and

1 they were trying to say that they were not properly served, and
2 as far as the mailing goes, this goes to the last time they
3 were there because I did not know where they lived. They still
4 have an apartment and they use it. She's there just about
5 every day. So in order to make sure that she was served I sent
6 it there, registered return receipt and one of her bartenders
7 signed for it and they were acting as her agent for the bar.
8 They would sign paperwork, accept mail and that, and they would
9 go ahead make change and everything else that was there they
10 had to do. And according, if I can find it right here, they
11 have 30 days to reply, because I had also sent them summons and
12 Complaint and request for admissions. Twenty-eight days after
13 it was sent there was no reply by Mrs. Cole in any way, shape
14 or form. I then waited an extra time of 56 days. I then went
15 ahead, called the Clerk of Courts --

16 THE COURT: Why did you wait 56 days?

17 MR. STAGAR: Well, because to my knowledge she didn't
18 have a lawyer. Mr. McCutchen came in at 56 days. He never
19 sent me a letter introducing himself, he never sent me a letter
20 stating that he asked the Court to go and extend his time. I
21 never received anything, so I went ahead and when I talked to
22 the Clerk's office they went ahead, the girl punched up the
23 number, looked at it and said, well, she went ahead and filed a
24 admissions in handwriting on paper, paper to pen, and I'll tell
25 you exact words I said, I said, no crap. She said, yeah, since

1 I am not astute on a computer I asked her how do I get it and
2 she walked me through it, and low and behold up popped up the
3 website which had the paperwork I put in, plus the paperwork
4 Deborah Cole put in, and she did not mail me by certified mail
5 or anything else, and the only way I found out about that is
6 through the Clerk and then when Mr. McCutchen finally went
7 ahead and mailed me a letter I requested, and that was past 30
8 days, I requested a meeting of Mr. McCutchen, Deborah Cole, her
9 daughter, my wife and I were there, and they were telling me
10 that, oh, you didn't properly serve, but according to the rule
11 of law they were served properly because how did she get the
12 admissions paper and go ahead and return it. Mr. McCutchen
13 never sent me the reply, and in that meeting there was a
14 spontaneous response from Deborah Cole's daughter, slammed her
15 hand down on the table and said, yeah, we used to live up
16 there. It's still an apartment. Mr. McCutchen asked me, he
17 said, what do you want to do, how do you want to settle this?
18 I said, \$150,000. They jumped up out of their chairs and left,
19 and according if I have time I can go ahead and find out where
20 it's a 30 day, they have to do it, and I can bring up all of
21 the pertinent information on it because this is going behind
22 the horse to go ahead get to the head, and all the innuendos
23 and lies that have been produced either through Mr. McCutchen
24 or Deborah Cole stating in there that there was no such thing,
25 there was nobody in the bar, there were 25 to 30 people.

1 MR. MCCUTCHEN: Objection, Your Honor. He's trying
2 to argue the merits of the case, and we're dealing with the
3 Rules of Civil Procedure and I would object to this monologue
4 about -- all of this was before the last order was issued.

5 MR. STAGAR: But according -- I'd like to have the
6 Court go ahead either put the default judgment back in because
7 of their shortcomings or go ahead put this into trial, one or
8 the other, because since I'm pro se, Mr. McCutchen just smiles
9 and laughs at me and thinks since I'm pro se I don't deserve
10 the same respect, but this is just frustrating. I request
11 that, that we go ahead, move it to trial and disregard his
12 motion because I did go ahead and punch everything in there,
13 and then since he said he wasn't properly served I switched to
14 the Sheriff to go ahead start serving.

15 THE COURT: Well, this is the problem, Mr. Stagar, is
16 that you haven't served the summons on him yet.

17 MR. STAGAR: Well, I've got a copy --

18 THE COURT: The Court told you that you had 30 days,
19 and then they extended it ten days and you still haven't done
20 it. We've got rules we've got to follow. That's why it's
21 always dangerous to represent yourself. Do you understand, we
22 have rules, and when you represent yourself I hold you to the
23 same standards as a lawyer because you're supposed to know the
24 rules.

25 MR. STAGAR: Okay, Your Honor, then since she didn't

1 reply in the 30 days, what's good for the goose is good for the
2 gander, that she never went ahead and replied, they never
3 replied, he did not ask for an extension by the Court. He
4 wasn't granted anything. He didn't apply, and what's good for
5 me has got to be good for them.

6 THE COURT: Well, I can see where the motion for
7 default was denied. We hold default motions a little bit
8 different. You know, we try not to hold people in default, if
9 we can, but this is different than being ordered by the Court
10 to tell you you've got 30 days to issue a summons. The summons
11 sets forth the jurisdiction for this Court to summon somebody
12 to walk through those doors in here, do you understand that?

13 MR. STAGAR: Yes, Your Honor.

14 THE COURT: And you still haven't done it.

15 MR. STAGAR: Well, I didn't know it.

16 THE COURT: Well, the judge told you.

17 MR. STAGAR: Huh?

18 THE COURT: The judge told you you needed to do that.

19 MR. STAGAR: Oh, the judge told me and I did file the
20 Complaint and everything else, but I thought I put the summons
21 in it. I can still do reversible error on that.

22 THE COURT: Well --

23 MR. STAGAR: I can still do reversible error on that,
24 they didn't answer.

25 THE COURT: Let me hear from Mr. McCutchen because I

1 wasn't here. I can see it on the computer what happened. If
2 you could just kind of sum it up for me?

3 MR. MCCUTCHEN: Well, Your Honor, we had previous
4 motions, we had a series of motions that resulted in the order
5 which Your Honor has referred to now where it was dismissed
6 with the right to redo it within 30 days but it's in the
7 Summons and Complaint, and in our Motion we've recited various
8 12(b) rules that are applicable to the matter, in this
9 particular matter, and the judge says, you've got 30 days and
10 then another 10 days to issue your Summons and Complaint of A,
11 B, C, D and E, that's it, and then that was the order of the
12 Court for its completion. We've got at least four provisions
13 in 12(b) which we believe would be applicable. Beyond that,
14 reciting a federal court statute in the claim and two criminal
15 statutes in the Complaint and we've got motions to strike all
16 those allegations, we don't think it even gets there. He
17 didn't comply with the order of the Court to amend his Summons
18 and Complaint and serve us with them, I think it's refutable,
19 Your Honor. That's our position and we ask for it to be
20 dismissed with prejudice. Thank you.

21 MR. STAGAR: Your Honor, I'd like to present, this is
22 the pen and paper for the Court, and ask Mr. McCutchen, does he
23 have one in his files? This is accusing me of being a
24 pedophile. This is what it's all about. That is a criminal
25 act in itself, and the statute also states that even though I

1 didn't do it I can still be arrested, and when I stated that,
2 slander. Let me get this out. One moment, Your Honor.

3 THE COURT: Let me tell, you, Mr. Stagar, because I'm
4 going to read this order to you because Judge Seals signed this
5 order, and this was on September 2nd, so we're talking
6 September, October, November, December, January, February,
7 March, April, we're talking eight months ago, okay? And he
8 tells you he heard the defendant's motion to dismiss the case
9 pursuant to Rule 12 and Rule 11 and the Court ruled as follows:
10 The plaintiff's motion, that's your motion, for entry of
11 default and motion to enforce default is hereby denied. That's
12 already been heard. This Court finds the Summons and Complaint
13 were not properly served on the defendant pursuant to the Rules
14 of Civil Procedure, whereby, if a Summons and Complaint is
15 served by certified mail, same must be served by certified
16 mail, return receipt requested, and delivery restricted to the
17 addressee. This was not done. The defendant's motion, which
18 is Mr. McCutchen's motion is hereby granted. That's on his
19 Motion to Dismiss, however, the Court is allowing you 30 days
20 from the date of this order to properly amend your Summons and
21 Complaint to state a proper cause of action and also to get it
22 served properly. Mr. Stagar, this has not been done, and it's
23 been eight months.

24 MR. STAGAR: Your Honor, plus, if I'm being held to
25 that for an error, Mr. McCutchen never answered --

1 THE COURT: This just isn't some type of error that
2 you can overlook, because it's proper service. The case can't
3 begin unless he's properly serviced. Do you understand?

4 MR. STAGAR: Yes, ma'am.

5 THE COURT: That's what starts the ball rolling.

6 MR. STAGAR: Then we can go ahead and cure this, and
7 he's going to object. I can redo it or we can go ahead and
8 appeal it.

9 THE COURT: And this case has been going on --

10 MR. STAGAR: We can appeal it, we can take it up.

11 THE COURT: -- since 2022. Let me hear from you, Mr.
12 McCutchen.

13 MR. MCCUTCHEN: Your Honor, he didn't comply with the
14 order, it's clear. We've recited four different provisions
15 under 12(b) and (d) with the particular issue. In addition, we
16 talk about the elements that have been contained in the
17 Complaint itself, and the order also says, as Her Honor has set
18 forth, to amend his Summons and Complaint to state a proper
19 cause of action. It is our position he has failed to amend the
20 Summons and Complaint, he has failed to state a proper cause of
21 action and should be dismissed with prejudice, Your Honor, that
22 is our request here today.

23 THE COURT: Okay. I'm going to take it under
24 advisement and I'm going to issue an order.

25 MR. MCCUTCHEN: Thank you, Your Honor.

1 MR. STAGAR: Could I please just hand this to you,
2 Your Honor?

3 THE COURT: Well, you better stop that lawyer because
4 after he leaves I can't talk to you. We've got to have both
5 lawyers in the room.

6 MR. STAGAR: That's what I've been trying to do. I
7 want to hand this to the Court.

8 MR. MCCUTCHEN: I object it to it. It has nothing to
9 do with what's going on. I object.

10 THE COURT: I don't even know what it is, Mr.
11 McCutchen.

12 MR. MCCUTCHEN: It's something before the first order
13 was issued.

14 MR. STAGAR: No. Your Honor, this is when I sent her
15 the Summons and Complaint at the beginning and she waited 26
16 days. She went up by herself and filed this on the admissions,
17 but there were no rely to the Summons and Complaint. That
18 should still be the prime factor of it, and he did not go ahead
19 and contact me until 56 days. She did not retain a lawyer so
20 she was acting pro se.

21 THE COURT: I'm just going to take, I'm not going to
22 look at anything that was before the order that was issued, but
23 I'm going to tell you this, the order, you probably need to
24 reread it. I tried to read it into the record, but it's also
25 for failure to state a claim in this case, and you haven't done

1 that either. So that needs --

2 MR. STAGAR: Well, I'll put the Summons in tomorrow.

3 THE COURT: I'm telling you, you've had eight months
4 to do it since September of 2022. Let me tell you one thing
5 about me.

6 MR. STAGAR: That's fine, Your Honor, he had --

7 THE COURT: If I want something done and I put a time
8 limit on it, I mean for it to be done.

9 MR. STAGAR: The laws of South Carolina, federal and
10 state law of South Carolina says they have to reply within 30
11 days.

12 THE COURT: They can't reply until you serve them
13 properly.

14 MR. STAGAR: I'm talking about the first time, Your
15 Honor. It shouldn't have went that far.

16 THE COURT: It doesn't matter, it wasn't served
17 properly. It starts the ball rolling and they are not required
18 to answer anything until they are served properly.

19 MR. STAGAR: But according to Haines there's supposed
20 to be leniency with a pro se litigant, and that is in the
21 Appellate Court in Greenville, the U.S. Supreme Court. That's
22 fine, Your Honor.

23 THE COURT: I try to be lenient on pro se, I do, but
24 I have to treat people fairly.

25 MR. STAGAR: Then I'm giving you notice, we're going

1 to appeal, and if that doesn't work --

2 THE COURT: -- sometimes ignorance of the law is not
3 an excuse, so I'm just telling you we can't drag the case on
4 and on.

5 MR. STAGAR: Well, Your Honor, it's my duty, I can go
6 ahead and I can appeal the case.

7 THE COURT: You can, but I haven't made my decision
8 yet, though. I'm taking it under the advisement. Okay?

9 MR. MCCUTCHEN: Thank you, Your Honor.

10 THE COURT: Thank you. I'll let you all know. I'll
11 have something out by the end of the week.

12 MR. STAGAR: Like I said, we can talk, they're not
13 reasonable, they don't want to talk about it. We had another
14 meeting and they offered to settle.

15 THE COURT: Thank you.

16 MR. STAGAR: Like they say, cheap suits.

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1 CERTIFICATE
2 STATE OF SOUTH CAROLINA
3 COUNTY OF HORRY

4 I, Julie A. Kevish, Official Court Reporter for the
5 State of South Carolina, do hereby certify that the foregoing
6 is a true, accurate and complete Transcript of Record of the
7 proceedings had and evidence introduced in the Court of Common
8 Pleas for Horry County, South Carolina, on the 24th of April,
9 2023.

10 I do further certify that I am neither of kin,
11 counsel, nor interest to any party hereto.

12 April 24, 2023

13
14 Julie Kevish
15 JULIE A. KEVISH
16 OFFICIAL COURT REPORTER
17
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***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 11-05-2021 09:03:58 AM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Joseph A Stagar VS Deborah Cole
Document(s) Submitted: Letter/Letter
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar
Joseph A Stagar for Joseph A Stagar

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp:

12-10-2021 03:57:34 PM

Court:

CIRCUIT COURT

Common Pleas

Horry

Case Caption:

Joseph A Stagar VS Deborah Cole

Document(s) Submitted:

Service/Certificate Of Service

Filed by or on behalf of:

Luther O. McCutchen, III

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LLY FILED - 2021 Dec 10 4:00 PM - HORRY - COMMON PLEAS - CASE#2021CP2605745

***** IMPORTANT NOTICE - READ THIS INFORMATION
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 01-07-2022 10:35:42 AM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Joseph A Stagar VS Deborah Cole

Document(s) Submitted:

Order/Protection from Court Appearance
Order/Protection from Court Appearance

- Exhibit/Filing of Exhibits Exhibit/Filing of Exhibits

Filed by or on behalf of: Steven H. John

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RONICALLY FILED - 2022 Jan 07 10:36 AM - HORRY - COMMON PLEAS - CASE#2021CP2605745

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 01-18-2022 03:44:11 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Joseph A Stagar VS Deborah Cole

Document(s) Submitted: Order/Electronic Form 4 Order/Electronic Form 4

Filed by or on behalf of: Steven H. John

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ELECTRONICALLY FILED - 2022 Jan 18 3:48 PM - HORRY - COMMON PLEAS - CASE#2021CP2605745

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp:

01-26-2022 11:09:22 AM

Court:

CIRCUIT COURT

Common Pleas

Horry

Case Caption:

Joseph A Stagar VS Deborah Cole

Document(s) Submitted:

Notice/Notice of Hearing Notice/Notice of Hearing

Filed by or on behalf of:

Cecilia Cessna

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 09-02-2022 02:35:33 PM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Joseph A Stagar VS Deborah Cole
Document(s) Submitted: Order on Motions Heard 9-2-2022
Filed by or on behalf of: Maisey Miles

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

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Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 10-05-2022 05:06:33 PM
Court: CIRCUIT COURT
Common Pleas
Horry
Case Caption: Joseph A Stagar VS Deborah Cole
Document(s) Submitted: Service/Certificate Of Service
Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar
Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 10-24-2022 05:35:30 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Joseph A Stagar VS Deborah Cole

Document(s) Submitted: Answer/Answer To Amended Complaint

- Exhibit/Filing of Exhibits

Motion/Dismiss

- Exhibit/Filing of Exhibits

Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

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Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 10-25-2022 03:44:58 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Joseph A Stagar VS Deborah Cole

Document(s) Submitted: Service/Certificate Of Service

Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 02-15-2023 04:01:21 PM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Joseph A Stagar VS Deborah Cole

Document(s) Submitted: Filing/Other

Filed by or on behalf of: Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

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Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp:

02-16-2023 11:45:43 AM

Court:

CIRCUIT COURT

Common Pleas

Horry

Case Caption:

Joseph A Stagar VS Deborah Cole

Document(s) Submitted:

Service/Certificate Of Service

Filed by or on behalf of:

Luther O. McCutchen, III

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Luther O. McCutchen, III for Deborah Cole

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Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

FILED 10 14:41 PM - HURRY - COMMON PLEAS - CASE#2021CP2605745

A filing has been submitted to the court file: 2021CR00087

02-18-2023 1:45:43 AM

Original File Stamp

CIRCUIT COURT

Court

Common Pleas

Hon.

Joseph A. Steyer vs Deborah Cole

Case Caption

Deborah Cole (Y Service)

Document at Filing Date

Lucas O. McCusker, III

Filed by or on behalf of

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Lucas O. McCusker, III for Deborah Cole

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Joseph A. Steyer for Joseph A. Steyer

Joseph A. Steyer for Joseph A. Steyer

AMERICAN COMMON WEALTH SERVICES CORPORATION

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp:

03-24-2023 10:16:08 AM

Court:

CIRCUIT COURT

Common Pleas

Horry

Case Caption:

Joseph A Stagar VS Deborah Cole

Document(s) Submitted:

Notice/Notice of Hearing Notice/Notice of Hearing

Filed by or on behalf of:

Cecilia Cessna

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Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp:

04-27-2023 04:38:46 PM

Court:

CIRCUIT COURT

Common Pleas

Horry

Case Caption:

Joseph A Stagar VS Deborah Cole

Document(s) Submitted:

Order/Form 4 Dismissing Case

Filed by or on behalf of:

Debra Mccaslin

This notice was automatically generated by the Court's auto-notification system.

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Luther O. McCutchen, III for Deborah Cole

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Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

FILED - 2023 Apr 27 4:38 PM - HORRY - COMMON PLEAS - CASE#2021CP2605745

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP2605745

Official File Stamp: 04-28-2023 11:40:21 AM

Court: CIRCUIT COURT

Common Pleas

Horry

Case Caption: Joseph A Stagar VS Deborah Cole

Document(s) Submitted: Service/Certificate Of Service

Filed by or on behalf of: Luther O. McCutchen, III

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Joseph A Stagar for Joseph A Stagar

Joseph A Stagar for Joseph A Stagar

CLOSEING CONCLUSION IN APPEAL

CASE NO 2023-000822

1. July 24 ate here place of business the Pilot House Bar with 25 people Wrongly Accused me of being a child molester (having a pedophilic disorder). My wife and myself left.(2021 July)
2. The next day July 25my wife an myself returned to the Pilot House Bar the bartender was working Carlson the bartender ask why a long face I told him what when that when called me a child molester again . Carlson went to court and told the Judge what was said.
3. In August 26 Summons & Complaint. with admissions to the Pilot House Cole answer the admission. McCutchen told the court they do not live but he told the court a lie. McMutchen. Cole acting. as Pro Se.
4. McMutchen became Coles her lawyer 56 days after Summons & Complaint with admissions was to certified mail returned receipt

5. McCutchen was told to served to serve Joseph A. Stagar By Traditional means from Nov 05 2021 to Apr 28 2023.(12 times) He has not ever complied with the court!

6. McCutchen tried to get me sanction for trying to perpetrate a Fraud on the court I acted as a notary in SC. I have a letter from the notary telling what wrong if McCutchen went to clerks office he could have seen and felt the stamp

7. Before the last hearing McCutchen and Circuit Court Judge Debra R. McCaslin had a talk about Family things. The Judge would not a copy of the Admissions.

Luther O. McCutchen 111 has VIOLATED his
LAWYER OATH Copy Provided & the CANONS

JUDGE Debra R McCaslin VIOLATED her CODE OF
JUDICIAL CONDUCT Copy Provided

Joseph Andrew Stagar Pro Se (Appellant)
9758 Little River Rd NW ASH NC 28420
(910) 287-7711

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

Joseph A. Stagar Pro se)

Plaintiff.)

V)

Deborah Cole)

IN THE COURT OF COMMON PLEAS

FIFTEENTH JUDICIAL CIRCUIT

CIVIL ACTION 2021-CP-26-5745

ANSWER TO A MOTION FOR

SANCTIONS PROOF OF SERVICE

AND FRAUD TO THE COURT

- (1) On Page two and three the Defendants ATTORNEY WILLFULEY TRIED TO present Fraud on the court and the Plaintiff that I acted as a notary in South Carolina
- (2) Fraud When used in the terms "fraud" or fraudulent" refer to conduct that is characterized as such under the substantive or procedural law of applicable jurisdiction or conduct witch has a purpose to deceive. BY the Defendants ATTORNEY:
- (3) Defendant has given her answer to Summons and Complaint and Adimissions. Default Judgement, the motion to Compel Default

ALL PAPERS WILL BE PRESENTED BEFOR COURT. The plaintiff Pro se will be asking The Court For Sanctions on Luther O. McCutchen III Esqu also be put in front BAR under rule 8.4. MISCONDUCT, Rule 8.5. DISCIPLINARY AUTHORITY

Joseph A. Stagar Pro se
Joseph A. Stagar Pro SE

9758 little River Rd Nw

ASH NC, 910-287,7711

FILED
HORRY COUNTY
2022 JAN -6 A 9:32
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC



ANDERSON BROTHERS BANK

71 Cloverleaf Dr. • P.O. Box 318 • Longs, SC 29568
(843) 339-8424 • FAX (843) 339-8464 • bank@abbank.com

December 20, 2021

To The 15 Judicial Court:

Joseph Stagar , Docket 2021-CP-26-5745 came to my office on October 14, 2021 to notarize several proofs of service to Deborah Cole.

I did in fact notarize the paperwork and my Notary Stamp was applied. I did not sign in error but the stamp shows my name Paula P. Lee which is filed in the Clerk of Court.

Witness: *Renee Arate*

Sincerely,

Paula P. Lee

Paula P. Lee/ Loan Officer

12.20.21
State of S.C.
County Horry
Paula P. Lee
Paula P. Lee

My Commission Expires: July 21, 2025

FILED
HORRY COUNTY
2021 JAN -6 A 9:32
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC



LAWYER'S OATH

I do solemnly swear (or affirm) that:

I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge those duties and will preserve, protect and defend the Constitution of this State and of the United States;

I will maintain the respect and courtesy due to courts of justice, judicial officers, and those who assist them;

To my clients, I pledge faithfulness, competence, diligence, good judgment and prompt communication;

To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

I will not pursue or maintain any suit or proceeding which appears to me to be unjust nor maintain any defenses except those I believe to be honestly debatable under the law of the land, but this obligation shall not prevent me from defending a person charged with a crime;

I will employ for the purpose of maintaining the causes confided to me only such means as are consistent with trust and honor and the principles of professionalism, and will never seek to mislead an opposing party, the judge or jury by a false statement of fact or law;

I will respect and preserve inviolate the confidences of my client, and will accept no compensation in connection with a client's business except from the client or with the client's knowledge and approval;

I will maintain the dignity of the legal system and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will assist the defenseless or oppressed by ensuring that justice is available to all citizens and will not delay any person's cause for profit or malice;

[So help me God.]

**RULE 501
CODE OF JUDICIAL CONDUCT**

PREAMBLE

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

The Code of Judicial Conduct is intended to establish standards for ethical conduct of judges. It consists of broad statements called Canons, specific rules set forth in Sections under each Canon, a Terminology Section, an Application Section and Commentary. The text of the Canons and the Sections, including the Terminology and Application Sections, is authoritative. The Commentary, by explanation and example, provides guidance with respect to the purpose and meaning of the Canons and Sections. The Commentary is not intended as a statement of additional rules. When the text uses "shall" or "shall not," it is intended to impose binding obligations the violation of which can result in disciplinary action. When "should" or "should not" is used, the text is intended as hortatory and as a statement of what is or is not appropriate conduct but not as a binding rule under which a judge may be disciplined. When "may" is used, it denotes permissible discretion or, depending on the context, it refers to action that is not covered by specific proscriptions.

The Canons and Sections are rules of reason. They should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances. The Code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.

The Code is designed to provide guidance to judges and candidates for judicial office and to provide a structure for regulating conduct through disciplinary agencies. It is not designed or intended as a basis for civil liability or criminal prosecution. Furthermore, the purpose of the Code would be subverted if the Code were invoked by lawyers for mere tactical advantage in a proceeding.

The text of the Canons and Sections is intended to govern conduct of judges and to be binding upon them. It is not intended, however, that every transgression will result in disciplinary action. Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should be determined through a reasonable and reasoned application of the text and should depend on such factors as the seriousness of the transgression, whether there is a pattern of improper activity and the effect of the improper activity on others or on the judicial system.

"Political organization" denotes a political party or other group, the principal purpose of which is to further the election or appointment of candidates to political office. See Sections 5A(1), 5B(2) and 5C(1).

"Pro tempore part-time judge." A pro tempore part-time judge is a judge who serves or expects to serve once or only sporadically on a part-time basis under a separate appointment for each period of service or for each case heard. See Application Section E.

"Public election." This term includes primary and general elections; it includes partisan elections, nonpartisan elections and retention elections. See Section 5C.

"Require." The rules prescribing that a judge "require" certain conduct of others are, like all of the rules in this Code, rules of reason. The use of the term "require" in that context means a judge is to exercise reasonable direction and control over the conduct of those persons subject to the judge's direction and control. See Sections 3B(3), 3B(4), 3B(6), 3B(9) and 3C(2).

"Serious Crime." Any felony; any lesser crime that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; or, any crime a necessary element of which, as determined by the statutory or common law definition of the crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, willful failure to file income tax returns, or an attempt, conspiracy or solicitation of another to commit a serious crime.

"Third degree of relationship." The following persons are relatives within the third degree of relationship: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece. See Section 3E(1)(d).

CANON 1 A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

Commentary:

Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depends in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law, including the provisions of this Code.

Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.

CANON 2

A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES

A. A judge shall respect and comply with the law* and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Commentary:

Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. A judge must therefore accept restrictions on the judge's conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

The prohibition against behaving with impropriety or the appearance of impropriety applies to both the professional and personal conduct of a judge. Because it is not practicable to list all prohibited acts, the proscription is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. Actual improprieties under this standard include violations of law, court rules or other specific provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired. See *also* Commentary under Section 2C.

B. A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.

Commentary:

Maintaining the prestige of judicial office is essential to a system of government in which the judiciary functions independently of the executive and legislative branches. Respect for the judicial office facilitates the orderly conduct of legitimate judicial functions. Judges should distinguish between proper and improper use of the prestige of office in all of their activities. For example, it would be improper for a judge to allude to his or her judgeship to gain a personal advantage such as deferential treatment when stopped by

admitted to membership. See New York State Club Ass'n. Inc. v. City of New York, 487 U.S. 1, 108 S.Ct. 2225, 101 L.Ed.2d 1 (1988); Board of Directors of Rotary International v. Rotary Club of Duarte, 481 U.S. 537, 107 S.Ct. 1940, 95 L.Ed.2d 474 (1987); Roberts v. United States Jaycees, 468 U.S. 609, 104 S.Ct. 3244, 82 L.Ed.2d 462 (1984).

An organization dedicated to the preservation of religious, spiritual, charitable, civic or cultural values, or a sororal, fraternal, alumni, or other college, university or school related organization, is not considered to discriminate invidiously if it does not stigmatize any excluded persons as inferior and therefore unworthy of membership.

Although Section 2C relates only to membership in organizations that invidiously discriminate on the basis of race, sex, religion or national origin, a judge's membership in an organization that engages in any discriminatory membership practices prohibited by the law of the jurisdiction also violates Canon 2 and Section 2A and gives the appearance of impropriety. In addition, it would be a violation of Canon 2 and Section 2A for a judge to arrange a meeting at a club that the judge knows practices invidious discrimination on the basis of race, sex, religion or national origin in its membership or other policies, or for the judge to regularly use such a club. Moreover, public manifestation by a judge of the judge's knowing approval of invidious discrimination on any basis gives the appearance of impropriety under Canon 2 and diminishes public confidence in the integrity and impartiality of the judiciary, in violation of Section 2A.

When a person who is a judge on the date this Code becomes effective learns that an organization to which the judge belongs engages in invidious discrimination that would preclude membership under Section 2C or under Canon 2 and Section 2A, the judge is permitted, in lieu of resigning, to make immediate efforts to have the organization discontinue its invidiously discriminatory practices, but is required to suspend participation in any other activities of the organization. If the organization fails to discontinue its invidiously discriminatory practices as promptly as possible (and in all events within a year of the judge's first learning of the practices), the judge is required to resign immediately from the organization.

CANON 3

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

A. Judicial Duties in General. The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law.* In the performance of these duties, the following standards apply.

B. Adjudicative Responsibilities.

(1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.

(2) A judge shall be faithful to the law* and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

(3) A judge shall require* order and decorum in proceedings before the judge.

(4) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require * similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

Commentary:

The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability or age, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

Commentary:

A judge must refrain from speech, gestures or other conduct that could reasonably be perceived as sexual harassment and must require the same standard of conduct of others subject to the judge's direction and control.

A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. Facial expression and body language, in addition to oral communication, can give to parties or lawyers in the proceeding, jurors, the media and others an appearance of judicial bias. A judge must be alert to avoid behavior that may be perceived as prejudicial.

(6) A judge shall require* lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability or age, against parties, witnesses, counsel or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, or other similar factors, are issues in the proceeding.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.* A judge shall not initiate, permit, or consider ex parte communications, or consider other

(3) A judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to assure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities.

(4) A judge shall not make unnecessary appointments. A judge shall exercise the power of appointment impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees beyond the fair value of services rendered.

Commentary:

Appointees of a judge include assigned counsel, officials such as referees, commissioners, special masters, receivers and guardians and personnel such as clerks, secretaries and bailiffs. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by Section 3C(4).

D. Disciplinary Responsibilities.

(1) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code should take appropriate action. A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question as to the other judge's fitness for office shall inform the appropriate authority.*

(2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct contained in Rule 407, SCACR, should take appropriate action. A judge having knowledge* that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority.*

(3) Acts of a judge, in the discharge of disciplinary responsibilities, required or permitted by Sections 3D(1) and 3D(2) are part of a judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge who is arrested for or has been charged by way of indictment, information or complaint with a serious crime shall inform the Commission on Judicial Conduct in writing within fifteen days of being arrested or being charged by way of indictment, information or complaint.

Commentary:

Appropriate action may include direct communication with the judge or lawyer who has committed the violation, other direct action if available, and reporting the violation to the appropriate authority or other agency or body.

E. Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

Commentary:

Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless whether any of the specific rules in Section 3E(1) apply. For example, if a judge were in the process of negotiating for employment with a law firm, the judge would be disqualified from any matters in which that law firm appeared, unless the disqualification was waived by the parties after disclosure by the judge.

A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification.

By decisional law, the rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In the latter case, the judge must disclose on the record the basis for possible disqualification and use reasonable efforts to transfer the matter to another judge as soon as practicable.

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge* of disputed evidentiary facts concerning the proceeding;

(b) the judge served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;

Commentary:

A lawyer in a government agency does not ordinarily have an association with other lawyers employed by that agency within the meaning of Section 3E(1)(b); a judge formerly employed by a government agency, however, should disqualify himself or herself in a proceeding if the judge's impartiality might reasonably be questioned because of such association.

(c) the judge knows* that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's

CLOSEING CONCLUSION IN APPEAL

CASE NO 2023-000822

1. July 24 ate here place of business the Pilot House Bar with 25 people Wrongly Accused me of being a child molester (having a pedophilic disorder). My wife and myself left.(2021 July)

The next day July 25my wife an myself returned to the Pilot House Bar the bartender was working Carlson the bartender ask why a long face I told him what when that when called me a child molester again . Carlson went to court and told the Judge what was said.

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Luther O. McCutchen 111 has VIOLATED his
LAWYER OATH Copy Provided & the CANONS

JUDGE Debra R McCaslin VIOLATED her CODE OF
JUDICIAL CONDUCT Copy Provided

Joseph Andrew Stagar Pro Se (Appellant)
9758 Little River Rd NW ASH NC 28420
(910) 287-7711

JOSEPH A. STAGAR
PLAINTIFF

September 21

~~DEBORAH COLE~~
DEFENDANT

ANSWER: 2021-CP-26-5745

1. Yes.

2. No.

3. Yes.

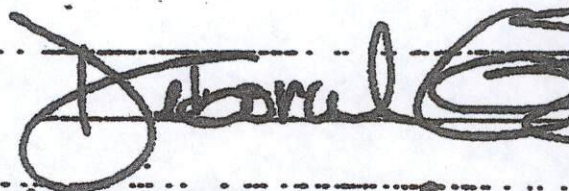
4. Yes.

5. No.

6. Dont Recall.

7. No & No.

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Horry County
JUN SEP 23 PM 4:09
KEMER N. DAVIS
CLERK OF COURT
HORRY COUNTY, SC


DEBORAH COLE

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