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SC Court of Appeals

Brief initial reply brief of appellant

THE STATE OF SOUTH CAROLINA

**In The Court of Appeals [In The
Supreme Courts]**

APPEAL FROM mccormick COUNTY

**Court of Common Pleas s/r lawton
mcintosh, Circuit Court Judge**

Case No. 2018-CP-35-0074

Steven m pruiit,

Resp _____

v.

bryantavious murray

Appellant

[INITIAL] BRIEF OF APPELLANT

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* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

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STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN FAILING TO FIND THIS ACTION IS BARRED BY RES JUDICAl
2. DID THE TRIAL COURT ERR IN CHARGING THE plaintiff THAT time barrer MUST BE PROVED BY A PREPONDERANCE OF THE EVIDENCE?

STATEMENT OF THE CASE

On July 17, 2023, Judge Lawton McIntosh improperly ordered out the wrong set of rules by not seeking in to court records to see that plaintiff's complaint and summons was filed 3-16-2018 see attachment of exhibit no.(1) which would not bar his claim to the smaller courts and supreme court.. On 1-17-2017 plaintiff did file in the federal court room 1983 civil which granted him to go back to state court as he requested....

Bryantavious Murray went back to state court on 3-16-2018 which if Judge Addison Lee had faster process plaintiff's complaint and summons how records show it would have never been barred it would go back to 16 months not to exceed 24 months time barred..

On July 17, 2023, the case was tried by Judge Lawton McIntosh which found for Bryantavious Murray and awarded him non money damage.

On August 22, 2023 Bryantavious Murray served the Notice of Appeal on defendants at Steven M Pruitt....

STANDARD OF REVIEW

[plaintiff was injured 4-8-2018 and battered by six officers listed in the complaint to include medical and warden on corporal punishment and medical malpractice.. plaintiff was shipped immediately to Perry Correctional Institution.. plaintiff filed suit on 1-17-2017 and voluntarily dismissed complaint in federal court to refile in the proper courts, plaintiff voluntarily dismissed complaint in state court due to lack of evidence which gave him 18 months to refile civil action and bring it back before two years statutory claim which would have been 3-16-2018...see attachment exhibit from Buffy Hodges dated 3-16-2018. which defendants saw wrong dates..

.]

FACTS

[. in the facts following plaintiff states that the above mentions defandants did use an extremally amount of force of the palintff that came excessive too include four at the use of force site 4-8-2016 and the other two to be in operation were the defendants took plaintiff in the back of rhu and and took him to see the on site rendered medical malpractice which denied him 1hr and half medical treatment. plaintiff was then transported by van to self regional hospital later where he was treated for several injurys..

ARGUMENTS

- I. BECAUSE RESPONDENT COULD HAVE RAISED excessive force , and time barrer IN HIS PRIOR SUIT AGAINST APPELLANT, HE IS BARRED BY RES JUDICATA FROM BRINGING THIS SUIT.

- II. BECAUSE time barrer MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE, THE TRIAL COURT ERRED WHEN IT granted the defendants order THAT RESPONDENT MUST PROVE BY A PREPONDERANCE OF THE EVIDENCE.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

march 25-2024 /s/bryantavious murray

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