

STATE OF SOUTH CAROLINA)

IN THE GENERAL SESSIONS COURT

CERTIFIED TRUE COPY)

16th JUDICIAL CIRCUIT

RECEIVED

COUNTY OF York)

2023 APR 24 PM 2:23)

Apr 25 2023

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC)

S.C. SUPREME COURT

Mr. Coleman, William)

MEMO TO SUPPORT

Theoplas)

Motion To Dismiss

Petitioner)

Case Numbers:

2022A4620400203

2022A4620400204

vs.

2022A4620400206

2022A4620400207

State of South Carolina

RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause; Officer Steven Timbs charged the petitioner with shoplifting enhancement. The petitioner has zero valid shoplifting convictions to support an enhancement of the charges. Also a lawyer, prosecutor, nor judge may witness a criminal act by a police officer and turn

a blind eye. Therefore the petitioner moves that this court charge Officer Steven Timbs with a violation of the uniform traffic ticket laws. Shoplifting is an offense that is to be charged on an uniform traffic ticket investing power in the lower courts to hear the charges code SC Code § 56-7-10 (2013) (A) There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

Shoplifting Section 16-13-110. Officer Steven Timbs violated this law even after warning from the petitioner that he was violating that law. I move for this court to prosecute the offense as well as dismiss the charges against the petitioner because being arrested and hauled off to jail for the offense on a felony arrest warrant and held on a bond as if it were a felony wherein the petitioner is innocent til proven guilty violates the petitioner's 14th amendment right to adequate due process of law. There is a reason lawmakers made those offenses to be charged in a certain manner and through a certain process and Officer Steven Timbs violated that process intentionally SC Code § 56-7-40 (2012) Any person intentionally violating the provisions of Section 56-7-10 or 56-7-30 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars nor more than fifteen hundred dollars or imprisoned for not more than six months, or both, for each ticket unaccounted for, or each use of a nonuniform ticket, or each failure to timely forward the Department of Motor Vehicles records copy or audit copy of a ticket. If the failure to account for a ticket, or the use of a nonuniform ticket, or the failure to timely forward the Department records or audit copy of the ticket is inadvertent or unintentional, such misuse shall be triable in magistrate's court and upon conviction shall be punishable by a fine of not more than one hundred dollars. Any person charged with failing to timely forward the results of the annual inventory shall be tried in magistrate's court and upon conviction shall be fined not more than one hundred dollars. Rule 12(b) (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state facts sufficient to constitute a cause of action,

The Petitioner has previously been issued a valid route restricted license to drive to and from work and since then has not been lawfully convicted of dus. Any record of dus since the issuance of the petitioners route restricted license has been placed on the petitioners

record in error by the dmv because the petitioner has not been lawfully convicted in any court for dus since the issuance of the route restricted license which is valid for the duration of the suspension and petitioners suspension was indefinite. Therefore the habitual offender should be dismissed. As for the charge of criminal conspiracy it requires for two or more people to be involved in a criminal act. Where are the other people? If it is confirmed they are criminals they could be victims of human trafficking who knows ? He doesn't he doesn't even know who they are or what they did. In fact he threatened the petitioner in the effect that if he didn't tell him who they were or what they did he would wear the charge of conspiracy alone when an alone person cannot wear a charge of conspiracy. Therefore the petitioner moves to dismiss the allegations of conspiracy. And of course the stacking of charges which is a form of malicious prosecution is where the larceny charge came from. So the petitioner therefore moves to dismiss it. If any of these charges not be dismissed the petitioner again requests a preliminary hearing which he had already requested and have not been given as well as discovery of all evidence for all the allegations pursuant to rule 5 at least 30 days prior to any hearing in relevance to this case. As well as appeal the decision to not dismiss. If the court's decision is to not dismiss.

Humbly and Respectfully Submitted

s/ William T. Coleman

AND IT IS SO ORDERED 2022A4620400203: 2022A4620400204: 2022A4620400206:

2022A462040027

. be dismissed in accordance with scrc rule 12

Date: April 24th

2023

York County, S.C.

Circuit Court Judge

Copy Given To: Petitioner by W.C. (Initial)

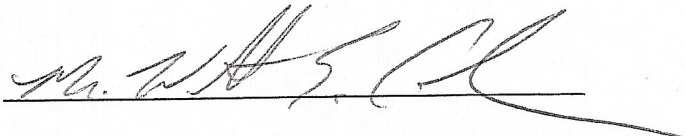
Respondent by _____ (Initial)

| | | |
|-------------------------------|---|--------------------------------------|
| STATE OF SOUTH CAROLINA |) | IN THE GENERAL SESSIONS COURT |
| |) | 16th JUDICIAL CIRCUIT |
| COUNTY OF York |) | CERTIFIED TRUE COPY |
| |) | |
| Mr. Coleman, William Theoplas |) | 2023 APR 24 PM 2:29 MOTION AND ORDER |
| Petitioner |) | HAMILTON FOR DISMISSAL |
| |) | Clerk of Court Case Numbers: |
| |) | YORK COUNTY, SC 2022A4620400203 |
| |) | 2022A4620400204 |
| vs. |) | 2022A4620400206 |
| |) | 2022A4620400207 |
| State of South Carolina |) | |
| |) | |

I, the Petitioner, request that case numbers be dismissed by the court because of the following reasons. Rule 12(b) (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state facts sufficient to constitute a cause of action, (7) failure to join a party under Rule 19, (8) another action is pending between the same parties for the same claim.

Dated:

April 24th 2023



Court Witness Petitioner Signature

Type of Identification verified:

ORDER

Based on the above request by the Petitioner, it is hereby ordered the allegations of

2022A4620400203

2022A4620400204

vs 2022A4620400206

2022A4620400207

be dismissed in accordance with srcr rule 12

Other:

AND IT IS SO ORDERED.

| | | |
|-------------------------------------|--|---------------------|
| Date: April 24 th , 2023 | | |
| York County, S.C. | | Circuit Court Judge |

Copy Given To: Petitioner by WC (Initial)

Respondent by _____ (Initial)

STATE OF SOUTH CAROLINA)

CERTIFIED TRUE COPY

IN THE COURT OF GENERAL SESSIONS

COUNTY OF)

2023 APR 24 PM 2: 23

16th JUDICIAL CIRCUIT

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

CERTIFICATE OF SERVICE

Mr. Coleman , William Theoplas)

Petitioner,)

vs.)

Heather Hubbard 16th circuit solicitor)

Respondent.)

Case No.: 2022A 4620 400203
2022A 4620 400204
2022A 4620 400206
2022A 4620 400207

I certify that on this date, I served a copy of Motion to dismiss, Motion for Preliminary, Motion for Rule 5 discovery and notice of intent to appeal in this action, dated April 24th, 2023 upon Heather Hubbard Solicitor 16th circuit solicitor by filing an original and two copies with the clerk for one copy to be forwarded to the solicitors office. As an extra step of precaution I also took one to the solicitors office. Such action taken in front of a notary public as well as an advocate from a non-profit organization in assistance to improving lives and laws.

04/24/2023
Date

Mr. W.A. E. C.
Signature

[Signature]
WITNESS

RECEIVED

Apr 25 2023

S.C. SUPREME COURT