

1 STATE OF SOUTH CAROLINA) IN SOUTH CAROLINA CIRCUIT COURT 14
2 COUNTY OF JASPER) COURT C.A NO. 2021-CP-27-00475

3
4 Steven Frantz)
5 Plaintiff,)
6 Versus)
7 Jasper County Magistrate Court,)
8 Defendant.)

RECEIVED
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SC Court of Appeals

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10 H E A R I N G

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12 DATE: April 20, 2023

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14 LOCATION: South Carolina Circuit Court 14

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16 JUDGE: R. Keith Kelly

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18 TRANSCRIBED BY: ERIN REILLY

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Attorney for the Plaintiff.

Steven Frantz (Pro Se)

Attorney for Defendant.

None present

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Certificate of Transcriber 12

EXHIBITS

(None marked)

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PROCEEDINGS

1
2 THE COURT: I understand we're here on 20 -- on
3 number 11, 2021-CP-27-00475. Steven Frantz versus Jasper County
4 Magistrate Court. Okay. Is Steve Frantz with us or anyone
5 representing Mr. Frantz?

6 MR. FRANTZ: Yes, I'm here, Your Honor.

7 THE COURT: Okay. Sir, can you turn on the camera?

8 MR. FRANTZ: I can try. There I am.

9 THE COURT: There you are.

10 MR. FRANTZ: Yes, Your Honor. Thank you.

11 THE COURT: Okay. Give me just one minute. I have
12 your notice of appeal pulled up on the screen. You'll have a
13 return. Is there anyone here from the solicitor's office or
14 anyone representing the State. Okay, Mr. Frantz, I sit --

15 MR. FRANTZ: Yes, sir.

16 THE COURT: -- I sit with limited jurisdiction. I
17 cannot try the case for you. I sit as an appellate court only,
18 and I, therefore, I can only correct an error of law. So, tell
19 me what error of law the trial judge made? Such as she would
20 not let you testify, she wouldn't let you call a witness. Some
21 error of law.

22 MR. FRANTZ: Well, I'll give it my best shot. Again,
23 I'm not a lawyer, but there -- of course, you've read my
24 statements. I believe there's a lot of errors of drought. The
25 beginning till the very end of this.

1 THE COURT: Yes, sir. But I'll tell you -- but I
2 want -- I'm going to stop you right there, but I can't retry
3 it. So I'm not concerned with facts. I can only correct an
4 error of law.

5 MR. FRANTZ: I don't believe I was afforded my Brady
6 Rights. I had submitted a discovery motion and Judge McDonald,
7 basically the State doesn't have to provide any discovery
8 pertinent to this case to prove my innocence, which is kind of
9 backwards. They had to prove my guilt. But be that as it may
10 she had said that she had conducted research, and I didn't see
11 any. I'm a science -- retired science teacher. I know in
12 science; we have a thing called peer review. And I didn't see
13 that her research had been reviewed, nor was I able to provide
14 cross-examination to her research.

15 So, with that being said, with her research you know,
16 one of the testimony was that there were a lot of people named
17 Smith involved with this, but I believe it was Glen Smith said
18 that he could peak 250 yards into the low country pine woods in
19 order to see me. And I provided photographic evidence. You
20 couldn't see 40 yards, let alone, 250 yards. I mean, you guys
21 live down there. You know how thick it is down there. And you
22 know, that just was not true whatsoever. There were also three
23 hunting seasons going on and we know that in that property,
24 that they sublet hunters. And in her research, I'm curious how
25 many other people were there.

1 THE COURT: Sir --

2 MR. FRANTZ: I don't know.

3 THE COURT: -- I can't retry the case. I don't have
4 the jurisdiction to do that. I just --

5 MR. FRANTZ: Well, and again I appealed a decision.
6 I also provided a Motion of Dismissal. I also provided a
7 notice motion to change a venue again, with my medical
8 condition. I just can't be traveling like that. Not without
9 severe medical attention to me. I know that she was suffering
10 from pneumonia. I was as well. We both commensurate with each
11 other on our current medical conditions. And I don't know if
12 that -- we know how that, at least I know how that absolutely
13 drains you. And I don't know if that affected her judgment in
14 this.

15 And again, I don't know if that's a legal part of
16 this. I know the State -- I'm a tourist traveling through your
17 state, and I've never had a man approach me with a gun before
18 holding me through the threat of a gun. And that being upheld
19 in court, that just is totally foreign to me. I don't know
20 what she's done. Like I say, I'm not a lawyer. I can only say
21 that I've got people who swore under oath that the officer
22 involved sworn under oath that property lines in South Carolina
23 are ditches.

24 And when I cross-examined him, he had to -- you know
25 cross-examine he admitted, he lied. The ditches are not the

1 | property lines in South Carolina. They were no trespassing
2 | signs. Again, had the State provide a discovery of where these
3 | property lines are. I mean, I'm walking along the side of the
4 | road. This could all have been alleviated very, very quickly.
5 | This is simply a case of retaliation. I had the -- your local
6 | sheriff's department involved, and they were very upset and
7 | distressed, by the way. This all came about. There was no
8 | legal basis for this. The State wanted to inspect my vehicle.
9 | And again, the sheriff deputy said that there's no probable
10 | cause. He said, for searching my vehicle. In fact, the
11 | Sheriff's Department encouraged me to contact supervisors,
12 | which I did. And then De Craig Jones, who's the assistant
13 | counsel for the South Carolina Department at Resources, said
14 | that these two individuals are simply pursuing this out of
15 | retaliation because I voiced a complaint to their supervisors.
16 | How does this proceed? You know, I filed a Motion of Dismissal.
17 | Is that not what you have in front of you, sir?

18 | THE COURT: No, sir. I have a notice of appeal,
19 | which I'm going to ask you another question about. It's the
20 | magistrate's return says that -- and that it was not filed
21 | timely, and that's jurisdictional. So is there something that
22 | I'm missing?

23 | MR. FRANTZ: Well, I have the Motion of Dismissal in
24 | front of me. I -- that's not what you're addressing today.
25 | So, I apologize for that. Yeah. She vowed her decision 93

1 days. And I understand she has 90 days with which to file her
2 decision. And it took her 93 days.

3 THE COURT: Where do you get the 90 days? Do you have
4 a statute on that?

5 MR. FRANTZ: Not off the top of my head, sir. No, I
6 don't. I'm sure I Googled it, and that's what I found. Again,
7 I'm not a lawyer, so this is all, I'm trying to cut new teeth
8 with all of this.

9 THE COURT: Well, let me ask you this more
10 specifically. It says that you filed with the Court of Appeals
11 October 15th, 2021.

12 MR. FRANTZ: Yes. And that was returned to me.

13 THE COURT: Yes.

14 MR. FRANTZ: And said it had to go --

15 THE COURT: The circuit court.

16 MR. FRANTZ: -- I guess that not to you.

17 THE COURT: Yes. Okay. And it says that you filed
18 it, the clerk of court 28 October, which would be more than 10
19 days. And that also, you had not served a copy on the
20 magistrate. I think I don't have my -- may I, my rule book is
21 in, but I think, I'm real sure 7 -- Rule 78 or so, you'd have
22 to file it in the vote. You have to file it and serve it on
23 the magistrate as well. Is that correct?

24 MR. FRANTZ: Are you asking me, Your Honor?

25 THE COURT: Yes, sir. Did -- is that wrong? Is the

1 | magistrate in the return has said that it was not filed --
2 | properly filed and noticed, number one, and -- well, that's
3 | number two. Number one, that it was not filed within the 10
4 | days. And what I'm telling you is that is jurisdictional. So,
5 | if that's true, I can't even hear the appeal.

6 | MR. FRANTZ: I'm not going to say if it's true or not
7 | true. I know I filed, and then they responded back saying that
8 | I had filed it to the appellate court.

9 | THE COURT: Yes.

10 | MR. FRANTZ: And it needed to be filed to you guys.
11 | And she did give me a timeline. And I know I had that postmark
12 | within the timeline that the clerk had given me when I talked
13 | to her over the phone. The other thing that was kind of
14 | strange too, was on the appeal -- again, let me try. And I got
15 | a -- this is what I got from the Jasper County Clerk of Court.
16 | And it says, the court requires you to appear this hearing in
17 | person. Please advise the court with a good date to reschedule
18 | your hearing. So, I'm I supposed to schedule hearings on
19 | behalf of the court?

20 | THE COURT: No, sir. What I'm asking is --

21 | MR. FRANTZ: That's the letter I received.

22 | THE COURT: Yes, sir. I understand. But appeals
23 | from the Magistrate Court in criminal cases are controlled by
24 | Title 18. And specifically, 18-3-30 requires an appellant to
25 | file within 10 days after the sentence was issued. And shall

1 notice of the appeal of the clerk of court -- the circuit court
2 and serve a notice of the appeal upon the magistrate who tried
3 the case and upon the designated agent or the prosecuting
4 agency or attorney. And one of the things the magistrate has
5 said on the first page of the return is that the timeline was
6 missed by a lot. I mean, I'm just looking at the phone.

7 MR. FRANTZ: No, I filed an appeal like immediately.

8 THE COURT: With the Court of Appeal?

9 MR. FRANTZ: Right. To the Court of Appeals. I
10 filed that immediately.

11 THE COURT: Yes, sir.

12 MR. FRANTZ: And then they -- and then down in Jasper
13 County, they contacted me and they gave me, they said it has to
14 be filed. And I went right. That same day I spoke with them.
15 So, everything should be postmarked in a timely matter. I
16 don't -- I mean, there's been so many things filed on this.
17 It's -- I don't know how you find someone guilty when they lied
18 about a property line, which is kind of the crux of the whole
19 position here.

20 THE COURT: Yeah. Okay, sir. I'll take it under
21 advisement for you and Maddy and I will take a look at that,
22 and I'm going to re-read that rule. But I know that's --

23 MR. FRANTZ: Well, and Your Honor, just again, you
24 may want to ask them, I also filed a Motion to Dismissal, a
25 Motion to Recuse Judge Bonds, only because I had contacted his

1 | law office, which I guess they must have listened to that
2 | because I'm seeing you and not Judge Bonds. I also filed a
3 | motion to have this video instead of in person because of the
4 | self-harm and directed harm it would cause myself. And
5 | evidently, they listened to that one. So, I don't know how,
6 | you know, we pick and choose what we're going to listen to
7 | based on a timeline. But again, I know I filed things with
8 | them in a timely manner. In fact, I can --

9 | THE COURT: That's fine, sir. I'm going to take it
10 | under advisement for you. And Madam Clerk, you have a way to
11 | get in touch with him, okay? She's got that on file, sir. Sir,
12 | have a good day.

13 | MR. FRANTZ: Thank you very much, Your Honor.

14 | THE COURT: Okay.

15 | [End of hearing]

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CERTIFICATE OF TRANSCRIBER

I, ERIN REILY, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 14, Jasper County, South Carolina, on the 20th day of April, 2023.

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

April 25th, 2024
ERIN REILLY
TRANSCRIBER