

IN THE COURT OF APPEALS, SOUTH CAROLINA

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SC Court of Appeals

THE STATE V. STEVEN FRANTZ

CIVIL CASE NUMBER 880295

TRIAL COURT CASE NUMBER 2021-CP-27-00475

APPELLANT COURT CASE NUMBER 2023-0007909

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On Appeal from the Judgement of the Magistrate Court and Circuit Court 14 in Jasper County,  
South Carolina

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APPELLANT'S INITIAL BRIEF

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STEVEN FRANTZ, PRO SE  
536 SOUTH SUMMIT STREET  
SMITHVILLE, OHIO 44677  
330-317-4916

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The following is a NOTICE OF APPEAL of INNOCENT for the guilty disposition ordered by Magistrate Joanne McDonald (deceased) and upheld(?) by the Honorable R. Keith Kelly of JASPER COUNTY, SOUTH CAROLINA.

I find it perplexing Magistrate McDonald, the Jasper County Court, Judge Kelly or anyone else does not have a transcript of this Jasper County, South Carolina criminal court hearing, thus denying me the ability to defend myself against this charge rendered against me. Since Magistrate McDonald can no longer be asked, I can only imagine this was intentional as I have

yet to find any Court in the United States of America who does not require a transcript in order to appeal any lower court's decision for any and all matters. I have filed, with Margaret Bostic, Clerk, Jasper County, South Carolina Courts a Notice of Transcript Request, Notice of Public Records Request, and Notice of Freedom of Information Act (FOIA) Request without receiving any anything for any and all three Notices as if totally ignored. Every people has the right to appeal a court's decision. By the actions of the Jasper County Court and its tax-payer funded employees, I ask the Appellate Court to render a not-guilty decision (or equivalent action) to render me whole once again.

JUDGEMENT from Judge Kelly was received 1 MAY 2023.

Trial was held 30 JUN 2021 and Magistrate McDonald ORDERED her disposition on 30 SEP 2021, accruing a total of 93 days to come up with her decision. This is in violation of the 90-day time limit with which to render her decision. I would think this would void her decision.

An APPEAL was sent 8 OCT 2021, well within the Court's 10-day time limit and received 15 OCT 2021 by the South Carolina Appellate Court. This was subsequently forwarded to the Jasper County Court and time stamped 28 OCT 2021. Judge Kelly had this dated appeal, United States Postal Service date-stamped, and Appellate Court time-stamped appeal from myself. Of course, I am at the mercy of the United States Postal Service. This initial 10 days was reduced by 6 sending the decision from South Carolina to Ohio. The appeal request took 7 days from Ohio back to South Carolina time-stamping the appeal. The part I don't understand is it taking 13 days from Jasper County, South Carolina to the Appellate Court in South Carolina. To refuse a people appellate rights based on the speed of United States Postal Service just doesn't seem right. Is the Jasper County, South Carolina Court the only agency in the United States of America which does not use post mark dates as valid? If expediency is now the reason whether a people can appeal a lower court's decision, why then didn't the Jasper County, South Carolina send this next day, or, even faster, email? I followed the methodology of the Jasper County, South Carolina Court.

The Jasper County Court then waited until 20 APR 2022 sending me a letter asking me to provide them with a date to schedule a hearing. Is it common practice to have people schedule their own dates with the courts? When tapped for jury duty, the courts in Ohio tell me when I have to be there, not the other way around.

A hearing (of which a transcript was provided by Legal Eagle, P.O. Box 5682, Greenville, South Carolina 29606) was held 20 APR 2023 by Honorable R. Keith Kelly (he did not inform me Magistrate McDonald had passed away, a violation of Judicial Cannon 2). Honorable Kelly refused to hear facts pertinent to this case. Instead, he focused on any illegal activities performed by Magistrate McDonald (deceased). He mentioned Magistrate McDonald taking 93 days with which to render her decision. At this point Honorable Kelly admonished me for taking longer than 10 days to file an appeal (which I addressed above). The time stamps and postal stamps clearly contradict Honorable Kelly's claim. Honorable Kelly also stated he did not have

jurisdiction. Honorable Kelly dismissed my lack of legal knowledge and informed me he would render his decision. Honorable Kelly made his decision dated the very next day. No representative for the State of South Carolina even appeared for this appeal hearing. In my opinion, Honorable Kelly acted on behalf of the State and did not conduct himself in an impartial manner, violating Judicial Cannons (1) which he is bound by.

The State of South Carolina refused to comply with not one, but two Discovery Motions, rendering me unable to fully present the facts in this case. This also prevented me from subpoenaing and facing my accusers (kept shielded and hidden by the State of South Carolina Department of Natural Resources), the owners of the Okeetee Hunting Club. Employees of the Okeetee Hunting Club stated the owners were too important to be at a criminal trial such as this.

A man with a gun, Mr. Robbie Smith, committed a felony (taking pictures of my Federal Military (retired) ID while detaining me in South Carolina. Magistrate McDonald failed to comment on this man committing a felony while detaining a people nor was there any argument or even disagreeing he committed a felony. Robbie Smith acknowledged not being a witness to anything I was being accused of.

Deputy DuPree, of the South Carolina Department of Natural Resources, issued a "ticket" rendering a fine almost three times (\$260.00) the maximum (\$100.00) allowable by the South Carolina Revised Code, violating my 14<sup>th</sup> Amendment. I questioned his supervisor, Sergeant Pope, about this and he laughed this off stating this was their normal business practice. I also spoke with chief legal counsel for the State of South Carolina Department of Natural Resources, V. Craig Jones, Jr., and was informed Deputy DuPree was proceeding with this because I had called his supervisor, Sergeant Pope. It was V. Craig Jones Jr's. opinion Deputy DuPree was acting in retaliation.

Deputy DuPree committed perjury on the stand, under oath, when he swore the property lines in Jasper County, South Carolina were defined by ditched along the side of the road. When questioned by me, he changed his story to reflect signs posted now truly represent property lines (this also is not true). If the State of South Carolina and abided by my Discovery Motion, this could have easily been avoided. By trying to hide vital information in this case, Deputy Dupree lied and subsequently perjured himself in court, under oath. Magistrate McDonald did nothing when Deputy DuPree intentionally lied on the stand.

Deputy DuPree also made sworn testimony stating there were to be no blacks in his courtroom. Not the last racial slur directed toward African Americans in Magistrate McDonald's Jasper County, South Carolina courtroom. Perhaps this is the reason Jasper County, South Carolina does not record, or provide transcripts of their courtroom hearings.

When Magistrate McDonald ruled against the State of South Carolina concerning looking at pictures on Deputy DuPree's cell phone, Deputy DuPree rushed to the bench to show

Magistrate McDonald whatever was on his cell phone. Magistrate McDonald did not afford me the opportunity to view what was on his cell phone. It was confusing as to what might be on Deputy DuPree's cell phone as Deputy Dupree testified to not witnessing anything relating to this case. Deep Fakes involving Dr. Adobe technology are an increasing concern in this respect.

One of the State of South Carolina's witnesses was a Mr. Glenn Smith. He was not included on the State's list of witnesses as requested by my Discovery Motion, yet Magistrate McDonald allowed him to speak. Under oath, Mr. Smith, testified it was "common sense" to be able to clearly see 250 yards into the thick pine forests of the South Carolina Low Country and positively identify people, yet could not identify me on Zoom camera in court. Photographic evidence was provided of the forested area Mr. Smith spoke about, which disputed his claim. This was another example of perjury Magistrate McDonald allowed in her court. This was the first time I had met this Mr. Smith.

Another of the State of South Carolina's witnesses (again, not included on the State's list of witnesses), Bert Shiflett, went on an inflammatory racist rant concerning African American basket weavers being "dirty blacks". His testimony was not about me, but about "dirty blacks." I am someone who is in an interracial and am the father of two biracial children, I was appalled this display of overt racism is still alive and well in Jasper County, South Carolina and that Magistrate McDonald would sit idly by and allow such vitriol to be allowed in her court. I could only conclude his threats were directly applied to me. This was the first time I had met Mr. Shiflett. At the least, Mr. Shiflett admitted to not witnessing anything involved with this case.

The State of South Carolina did not even address, much less prove, the basic tenants of trespass. 1. No damage of health, reputation, or property 2. No injury of another person or property 3. No act, real or implied, causing injury to a person, property, or relative rights of another. King v. Citizens Bank of DeKalb, Waco Cotton Oil Mill of Waco v. Walker, and Mawson v. Vess Beverage Co.

Magistrate McDonald, in her Order, states she supplied me with time to provide her with documents and pictures. These were mailed within a week of the trial. Did she receive them? This is never stated in her order. These are the same pictures presented during trial.

Magistrate McDonald states in her Order she conducted research. Nowhere could I find legal definition for "research" in the 5<sup>th</sup> Edition of Black's Law Dictionary. As a research scientist myself, I would like to know what research methodology she used and what, beyond the courtroom, needed to be researched, which should have been disclosed for my response. I have not been privy to any additional information Magistrate McDonald may have obtained, nor was I afforded any investigation or cross-examination into this material used beyond the courtroom. I believe this was something Magistrate McDonald used what was pertinent to this case and possibly something I had filed in one of my Discovery Motions denied by the State of South Carolina. This begs the question what information Magistrate McDonald was shown through her "research" I was not privy to.

I would like to obtain a copy of Magistrate McDonald's notes, research notes, and file she references in her Order. This has been requested previously, but, to date, I have had no response from the Jasper County Magistrate's Office.

I maintain my plea of NOT GUILTY of simple trespass and cannot stress my INNOCENSE enough to the Appellate Court of the State of South Carolina.

On 26 FEB 2023 I filed a motion to dismiss. Judge Kelly, Judge Bonds, or the Court never addressed this motion.

On 26 FEB 2023 I filed a motion to change venue. Judge Kelly, Judge Bonds, or the court never addressed this motion.

On 26 FEB 2023 I filed a motion of recusation. Judge Kelly, Judge Bonds, or the court never addressed this motion.

Throughout this process, the Jasper County, South Carolina COURT has insisted to have me appear in-person, a clear violation of my 14<sup>th</sup> Ammendment. Because of my medical condition, Pyroderma Gangrenosum, the Jasper County, South Carolina COURT has repeatedly demanded me to commit acts of self-harm.

On 28 OCT 2021, Quatray Truesdale, Jasper County, South Carolina Common Pleas Clerk, returned my appellate court filing fee and states in her letter, "There is no fee for filing criminal appeals."

In conclusion, Judge Kelly wrote, "The appeal was not perfected." John 8:1-12 reads, "but Jesus went to the Mount of Olives. At dawn he appeared again in the temple courts, where all the people gathered around Him, and he sat down to teach them. The teachers of the law and the Pharisees brought in a woman caught in adultery. They made her stand before the group and said to Jesus, "Teacher, this woman was caught in the act of adultery. In the Law Moses commanded us to stone such women. Now what do you say?" They were using this question as a trap, in order to have a basis for accusing Him. But Jesus bent down and began to write on the ground with his finger. When they kept on questioning Him, he straightened up and said to them, "Let any one of you who is without sin be the first to throw a stone at her." Again, He stooped down and wrote on the ground. At this time, those heard began to go away one at a time, the older ones first, until only Jesus was left, with the woman still standing there. Jesus straightened up and asked her, "Woman, where are they? Has no one condemned you?" "No one, sir," she said. "Then neither do I condemn you," Jesus declared. "Go now and leave your life of sin.""

I will end as I began. The Jasper County, South Carolina criminal court has never provided a transcript of their proceedings, denying me the ability to defend myself to a higher court. Their actions alone have drug this out for years now. I ask the Appellate Court to find my innocence,

find me not guilty, and make me whole once again.

Thank you for your time and thoughtful consideration of this dire situation and correct a wrongful decision. Please feel free to contact me if you need any further information.

A handwritten signature in black ink, appearing to read "Steven Frantz". The signature is stylized and cursive.

Steven Frantz  
1 JUNE 2024

cc: Mark Reynolds Farthing, Esquire

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