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JUL 18 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE FIFTH JUDICIAL CIRCUIT, RICHLAND COUNTY
COURT OF COMMON PLEAS

Jocelyn Newman, Circuit Court Judge

Case No. 2023-CP-40-02377
Appellate Case No. 2024-000922

ANTHONY ROBERT TAYLOR, APPELLANT,

v.

**THE STATE OF SOUTH CAROLINA OFFICE OF ATTORNEY GENERAL ALAN WILSON, HONORABLE
FRANK R. ADDY, AND ATTORNEY JACQUELINE MARIE PAVLICEK, RESPONDENTS**

**OBJECTION IN OPPOSITION TO MOTION TO DISMISS APPEAL AS TO RESPONDENTS THE STATE
OF SOUTH CAROLINA OFFICE OF ATTORNEY GENERAL ALAN WILSON AND THE HONORABLE
FRANK R. ADDY, JR.**

Appellant, Anthony Robert Taylor, hereby moves in opposition to the Respondent's demand to dismiss this appeal.

The appellant moves pursuant to Rule 240 and asks the Court to deny Respondent's demand to dismiss this action because the Appellant obeyed perfect of his appeal against these Respondents pursuant to Rule 203(b)(1) SCACR. The Court's record reflects that the Appellant served all counsels of record within thirty days of receipt of the written Order or Judgement Appellant filed a Proof of Service with this court documenting service of his notice of appeal on these Respondents.

BACKGROUND

Taylor commenced his action by way of filing and serving a Summons and Complaint against Defendants Attorney General Alan Wilson and Jacqueline M. Pavlicek on May 8, 2023. While he named the Honorable Frank R. Addy, Jr. as Co-defendant in this action he perfected service on Judge Addy by way of the Office of Attorney General Alan Wilson due that Court do not personally service Post Office Boxes and Judge Addy never filed any responsive pleadings. On May 26, 2023 the State of South Carolina Office of Attorney General Alan Wilsons moved pursuant to Rules 12(b)(1), 12 (b)(6) and (12)(c), SCRPC for an Order dismissing Taylor's action and seeking sanctions against Taylor for his continued fighting for the rights guaranteed and recognized by law under the United States Constitutions against all tyranny government AG and all members of the Judiciary involved.

The Honorable Jocelyn Newman heard argument on the motion on February 16, 2024. On May 16, 2024 Judge Newman issued her order finding the following:

A general review of Appellant current and past complaints against various governmental entities, including two (2) prior cases against Defendants and the office of the Attorney General, sound in a recovery for property seized in 1993 and 1996 as well as some form of reparations. This case seems to add a claim that the court improperly dismissed his prior claims (20200610345427) sworn Affidavit of Facts (EC 2021-047), which could only be resolved through the direct appeal process. Nevertheless, Appellant presents a series of allegations which he believes entitle him to some form of relief. Sections of his prayer for relief are Instructive.

We seek an immediate compensation for 152 years of war of 1871, white supremacy under democracy against the God-image, the God like, the dark, the light skinned/complexion and the 1/8% that Democracy labels as the inferior ones. We seek the return of all personal properties unlawfully confiscated under indictment number 92-GS-40-1613 violation false imprisonment \$5,000,000 (five

million) U.S. dollars per day per occurrence, per official, agent, or representative involved, plus 18% annual interest.

Appellant also seeks millions of dollars for injuries and damages emanating from his 1996 arrest (96-GS-40-10975) and his 2020 arrest (20200610345427) Sworn Affidavit of Facts, (EC2021-047). Appellant's prayer for relief provides the clearest evidence of his claims. A review of prior suits and similar prayers for relief contained in those demonstrates that all Appellant is truly saying that he has God Given Rights, that no man or government can deny the right of liberty so recognized by the Supreme Law of the Land and Constitutions matters that have been previously with unjust and unlawful finality.

This court finds that the Appellant's complaint and this matter should be dismissed as his claims are not made in a time, place or manner that allows recovery. His complaint even afforded the most liberal review considering his pro se status does not and cannot as a matter of law set forth a cause of action against either Attorney General Wilson or Judge Addy upon which relief can be granted. Therefore, for the reasons outlined below this Court finds that the Defendant's Motion should be granted, and this matter be dismissed with prejudice.

Order page 2-3.

Judge Newman went to explain her Order and found that Taylor's claim was barred on several legal theories. After making her finding of facts and conclusion of law, she issued the following Order:

1. *Defendant's motion to dismiss is granted; and,*
2. *Appellant's complaint against Defendant is dismissed with prejudice; and,*
3. *Appellant's complaints are deemed to be frivolous; and,*
4. *Appellant is enjoined from filing any action in any Circuit Court of South Carolina unless it is accompanied by a properly notarized Affidavit by an attorney licensed to practice law in the*

State of South Carolina. That he or she in good faith believes that the matter(s) raised in the action is/are nonfrivolous and proper for a Circuit Court to consider.

5. *Based upon this Court's analysis of Appellant's claims herein which are incorporated herein by reference and which this Court finds is equally applicable to claims against Defendant Honorable Frank R. Addy, Jr. although he has not been served in this matter. Appellant's complaint against him is dismissed with prejudice as well.*

Order pp 10

On May 30, 2024, Taylor filed a Notice of Appeal of the case number with the Court of Appeals and with the Clerk of Court of Richland County. In his filing he did not list counsel for either the AG or Judge Addy and he did not serve counsel of the AG or Judge Addy with Notice of Appeal. Notably, Taylor acknowledged receiving written notice of the Order on May 24, 2024. Even allowing additional time for mailing service should have been perfected by June 28, 2024. The only Proof of Service on counsel for Ms. Pavlick but not for either of the movants. There is evidence that a timely notice was served on all counsels of record here Attorney William M. Hemlepp Jr., P.O. Box 667 Columbia, South Carolina 29202.

DISCUSSION

The right of appeal arises from and is controlled by statutory law. *"Ex Parte Capital U-Drive-It, Inc., 369 S.C. 1, 6, 630 S.E.2d 464, 467 (2006)*. Ordinarily the statute that governs appealability is S.C. Code Ann. § 14-3-330. Certainly, our forefathers had intended that the Supreme Law would be the basis of our law and for any law to come in conflict would be null and void of law. It would bear no power to enforce, it would bear no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it and no citizen/human are bound to obey it. It

operates as near nullity or a fiction of law. All codes, rules and regulations are for government authorities only, not human/creators in accordance with God Laws. All codes, rules and regulations are unconstitutional and lack due process. There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent. The Common Law is the real law, the Supreme Law of the Land, the codes, rules, regulations, policies and statutes are not the law. Pursuant in UCC of 1-103.6 which says, 'the code is complimentary to the Common Law, which remain enforce, except where displaced by the code.' A statute should be construed in harmony with the Common Law, unless there is a clear legislative intent to abrogate the Common Law (UCC 1-103.6). The code was not written to entirely override the Common Law. Therefore, a timely and explicit reservation of rights pursuant to UCC 1-308 Appellant insists that statutes be construed in harmony with the Common Law.

The notice of appeal in a case appealed from the Court of Common Pleas must be served on all respondents of record within thirty (30) days after receipt of written notice of the entry of the Order or Judgement Rule 203(b)(1) SCACR. [emphasis added]. The requirement of service of the notice of appeal is jurisdiction i.e., if a party misses the deadline, the Appellate Court lack jurisdiction to consider the appeal and has no authority or discretion to "rescue" the delinquent party by extending or ignoring the deadline for service of notice. *Mears V. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985). See also *Stroup v. Duke Power Co.*, 216 S.C. 79, 56 S.C.2d 745 (1949 ([S]tatutes should be construed liberally in favor of the right of appeal but "there is a limit beyond which the most liberal construction cannot go."); *Wade v. Gore* 154 S.C. 262, 151 S.E. 470 (1930); and *Renneker v. Warren* 20 S.C. 581 (1884). The time prescribed by the statute within which notice of appeal must be given cannot be enlarged or extended by the court, *Palmer v. Simons* 107 S.C. 93, 92 S.E. 23 (1916).

Notably, no case law supports a deviation from the applicable statute or rule governing the time required to serve the notice of appeal on all responders of record. For that reason, Appellant has

perfected the appeal, and it should be granted as to all respondents. However, under no circumstance should respondents AG and Addy be released of their binding bound duty to protect and obey all citizens/human and Constitutions from all tyranny government, terrorist or bureaucrat from Washington or from administrative misconduct of this administrative agency in this matter of secret revised practice of dilatory influence of law in a nonfeasance manner.

Attorney General Alan Wilson's failure to rebuttal Affiant point for point stands as truth in commerce because it hasn't been rebutted and has left the battlefield. He who does not deny, admits. No court or judge can overturn or disregard or abrogate Appellant affidavit. The only one who has any capacity or right or responsibility or knowledge to rebut appellant affidavit is the one who is adversely affected by it. Just as no one can know what my truth is. It is the affected party's responsibility and obligation to issue their own affidavit and to speak on their own behalf.

At the very least, Appellant's appeal should be granted as it relates to those respondents.

CONCLUSION

For foregoing reasons Appellant respectfully request that this court do not overlook the Common Law and United States Supreme Court decision ..." every man is independent of all laws, except those prescribe by nature." Appellant is not bound by any institution formed by his fellowman without his consent and Appellant do not give his consent in this matter under Statutory Jurisdiction where his is not of Statutory Jurisdiction but Common Law Jurisdiction. Appellant respectfully request that this court grant this appeal and dismiss Respondent's Motion to Dismiss with prejudice as it relates to respondents AG and Addy.

Respectfully submitted,

Anthony Robert Taylor

Handwritten signature of Anthony R. Taylor in cursive script.

Anthony Robert Taylor, Appellant
1549 Lilly Avenue Columbia, South Carolina 29204
(803)463-7725

CC file July 2024
Michael H. Montgomery
SC Bar No. 4034
1002 Calhoun Street
Post Office Box 11886
Columbia, South Carolina 2911-1886
(803) 779-3500

William Mike Hemlepp Jr., Esq.
Bar No. (64264)
Senior Assistant City Attorney
Litigation Office of the City Attorney
City of Columbia, South Carolina 29202
Tel. (803)737-4535/Fax (803) 737-4250
Attorney for Jacqueline Marie Pavlicek

Anthony R. Taylor Without Prejudice

Anthony Robert Taylor

1549 Lilly Avenue

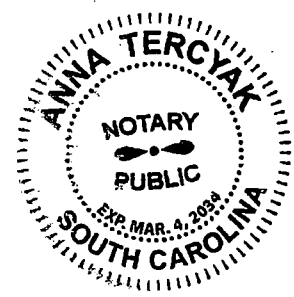
Columbia, South Carolina 29204

SWORN OR AFFIRMED TO AND SUBSCRIBED before me this said date: 7/18/2024

Anna Tercyak

Notary Public of South Carolina

My Commission expires 3-4-2034



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AFFIDAVIT OF ANTHONY R. TAYLOR

Personally, appearing before me Affiant Anthony Robert Taylor, who first being duly sworn deposed and says:

That I am the Affiant in the captioned action and resident of Richland County Columbia, South Carolina 29204, whose case was nolle pros June 23, 2021, Columbia Municipal Court 811 Washington Street Court Room 1, Columbia, South Carolina. The Complaint filed to be unfounded by Lt. Jackson Sheard, Internal Affairs Professional Standards Division, Columbia Police Department et/al, The Affiant objected to finding or ruling.

According to the rules of this court I submit Affidavit of Facts in good faith. To the best of my ability, I truly believe under penalty of perjury that the foregoing is true and correct and not a frivolous issue.

Further Affiant Sayed Naught.

Respectfully submitted,
Without Prejudice

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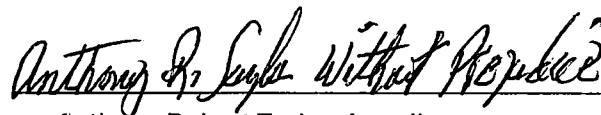
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FRANK R. ADDY, AND ATTORNEY JACQUELINE MARIE PAVLICEK, RESPONDENTS

CERTIFICATE OF SERVICE

I, Anthony Robert Taylor, hereby certify that on July 18, 2024, a copy of the Objection in Opposition to Motion to Dismiss Appeal was filed, and mailed via the United States Mail, Postage prepaid, and/or personally delivered to: Michael H. Montgomery, SC Bar No. 4034, Respondents Attorney General Alan Wilson, Honorable Frank R. Addy, Jr., Attorney Jacqueline Pavlicek c/o William M. Hemlepp, Jr. PO Box 667 Columbia, South Carolina 29202.



Anthony Robert Taylor, Appellant
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Anthony Robert Taylor, Appellant
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The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Anthony Robrt Taylor, Appellant v. The State of South Carolina Office of Attorney General Alan Wilson, Honorable Frank R. Addy, Jr., and Attorney Jacqueline Marie Pavlicek, Respondents.

Appellate Case No. 2024-000922

Dear Ms. Kitchings,

I, Anthony Robert Taylor, Appellant, certify that I have enclosed for filing an Objection in Opposition to Motion to Dismiss Appeal, Affidavit that supports the argument, and the Certificate of Service. I have served the Notice of Appeal on Attorney Michael H. Montgomery (SC Bar No 4034), on Record for Respondents Attorney General Alan Wilson, Honorable Frank R. Addy, and Jacqueline Marie Pavlicek and c/o W. M. Hemlepp by depositing a copy of it in the United States Mail, postage prepaid, and/or personally delivered on July 18, 2024, addressed to their attorney of record, William Mike Hemlepp Jr., Esq. (Bar 64264), Post Office Box 667 Columbia, South Carolina 29202 and Michael Montgomery (Bar No.4034)1002 Cathoun Street Columbia, South Carolina 29201 Post Office Box 11886 Columbia, South Carolina 29211-1886.

Thank you for your attention to this matter.

Sincerely, *Anthony R. Taylor Without Prejudice*

Anthony Robert Taylor