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Nov 07 2024
SC Court of Appeals

TO THE APPELLATE COURT OF SOUTH CAROLINA
INITIAL BRIEF BY Appellant

IN THE ACTION OF 2024-000657

Timothy Meyers, Appellant,

v.

Affordable Concrete and Masonry, Respondent.

BACKGROUND

THIS CASE WAS INITIALLY FILED BY THE RESPONDENT IN HORRY COUNTY MAGISTRATE OFFICE OF MAGISTRATE MAYES BY THE RESPONDENT. MAGISTRATE MAYES HAD A CONFLICT, AND THE CASE WAS REASSIGNED TO ANOTHER MAGISTRATE. AFTER DISPOSITION, THIS CASE WAS APPEALED BY THE NOW PLAINTIFF, TO THE HORRY COUNTY COMMON PLEAS COURT. AFTER DISPOSITION, THE CASE WAS APPEALED TO THE APPELLATE COURT OF SOUTH CAROLINA AND ASSIGNED THE CASE NUMBER OF 2024-000657.

STATEMENT OF FACTS

1. ON THE DATE OF THE INITIAL MAGISTRATE HEARING THAT HAD A REASSIGNED MAGISTRATE, THE PLAINTIFF IN THIS CASE MR MEYERS WAS AT THE COURTHOUSE READY FOR TRIAL AND CHECKED IN SOME 30 MINUTES PRIOR TO THE SCHEDULEDHEARING TIME OF 10AM.
2. ON THIS SAME DAY, AND AS TIME WAS PASSING, MR MEYERS AT 10:16AM NOTICE THAT THE NOW RESPONDENT "AFFORDABLE CONCRETE" WAS NOT YET CHECKED IN FOR THE HEARING, AND FACTUALLY WASN'T IN THE BUILDING.

3. AT 10:18AM, MR MEYERS INQUIRED WITH THE MAGISTRATES MAIN OFFICE AND THE SECRETARIES OFFICE AS TO THE TIME THAT HAD ELAPSED AND THE FACT THAT THE TRAIL SHOULD BE NOW DEEMED VERDICTED FOR MR MEYERS AS THE OTHER PARTY WAS A NO-SHOW.
4. THE SECRETARY IN MAGISTRATE MAYES OFFICE TOLD ME THAT TYPICALLY THERE IS ONLY A 15 MINUTE WAIT PERIOD ALLOWED AFTER THE HEARINGS TIMEFRAME AND VERDICT SHOULD BE THEN HAD.
5. AFTER RE-CHECKING WITH THE OFFICE CLERK, MR MEYERS WAS TOLD TO AGAIN WAIT.
6. MR MEYERS WENT TO THE LOWER FLOOR REAR ENTRANCE TO GET SOME AIR WHEN HE NOTICED WHAT HE THOUGHT WAS POTENTIALLY THE STAND-IN MAGISTRATE JUST ENTERING THE BUILDING.
7. AT 10:37AM, MR MEYERS AND THE REPLACEMENT MAGISTRATE RODE THE ELEVATOR TOGETHER TO THE SECOND FLOOR.
8. UPON ARRIVING ON THE SECOND FLOOR, THE NOW RESPONDENT WAS STILL NOWHERE IN SITE, AND HAD NOT CHECKED IN AT EITHER THE MAGISTRATE OFFICE OR THE CLERKS OFFICE FOR THAT DAYS HEARING.
9. AFTER WAITING AN APPROX. ANOTHER 22 MINUTES, THE NOW RESPONDENT AFFORDABLE CONCRETE IN THAT OF THE WIFE OF THE BUSY SHOWS UP, AND WE ARE LED INTO THE MAIN COURTROOM TO PROCEED.
10. THE WIFE THAT WAS NOW PRESENT HAD ZERO KNOWLEDGE OF THE ACTUAL WORK THAT HAD BEEN PERFORMED, THE LOCATION OF THE PROPERTY WORKED WAS PERFORMED "OTHER THAN THE ADDRESS" AND KNEW NOTHING OF BEFORE OR AFTER CONDITIONS OF WHERE THE WORK WAS PERFORMED, AND TESTIFIED TO THAT IN COURT WHEN QUESTIONED.
11. AT APPROX. 23 MINUTES INTO THE PROCEEDINGS, THE HUSBAND OF AFFORDABLE CONCRETE WALKED INTO THE PROCEEDINGS DURING TESTIMONY.
12. ON SEVERAL OCCASIONS THE AFFORDABLE CONCRETE TESTIMONY WAS FILLED WITH LIES AND FABRICATIONS, AND WHEN I SHOWED PICTURE EVIDENCE AS A STATEMENT OF FACT, THE MAGISTRATE SEEMED LESS THAN OPEN TO THE FACT THAT PEOPLE WERE PERJURING THEMSELVES REAL TIME IN COURT.
13. AFTER SHOWING PICTURES OF THE SHODDY WORK INVOLVED, AND OFFERING STATEMENTS FROM QUALIFIED CONTRACTORS IN THE SAME FIELD OF WORK, THE MAGISTRATE CAME TO THE DETERMINATION THAT WE SHOULD ALL DRIVE TO THE SITE WHERE THE WORK WAS PERFORMED.
14. AFTER SEEING THE ACTUAL WORK, AND ACTUALLY THE MAGISTRATE SPENDING ALMOST THE ENTIRE TIME WALKING WITH THE REPRESENTATIVE FROM AFFORDABLE CONCRETE, I KNEW THE POLITICS OF THE RELATIONSHIP HAD ANY CHANCE OF A FAIR DECISION FOR MYSELF TO BE OUT OF THE QUESTION.
15. A DECISION SOON CAME DOWN FROM THE MAGISTRATE OFFICE FINDING FOR THE AFFORDABLE CONCRETE, AND THERE WAS NO CONSIDERATION OF FACT IN THE CASE THAT CLEARLY CONTRADICTED THE SPEW OF MISTRUTHS BY AFFORDABLE CONCRETE.

16. AFTER TIM MEYERS RECEIVED THE DECISION, HE IMMEDIATELY APPEALED THE DECISION TO THE COMMON PLEAS COURT OF HORRY COUNTY.
17. AFTER THE APPEAL WAS FILED AND STAMPED THE NOW PLAINTIFF NEVER WAS SERVED WITH A TIMEFRAME AS TO A NEW TRIAL IN THIS MATTER.
18. COURT RECORDS SHOW THAT THE COURTS HAVE NO RECORD OF PROCESS/SERVICE ON THE NOW PLAINTIFF.
19. IMMEDIATELY UPON FINDING OUT THERE HAD BEEN A HEARING AND A DECISION IN THIS MATTER, NOW PLAINTIFF FILED AN APPEAL WITH THE SC APPELLATE COURTS.
20. THE PLAINTIFF HAS FULFILLED HIS REQUIREMENT FOR FILING ALL NECESSARY PAPERWORK AND HAS TOLD THE TRUTH IN ALL MATTERS.
21. THE PLAINTIFF HAS BEEN HARRASSED, STALKED, BERATED, FILMED AND FOLLOWED VIA VEHICLE BY THE REPONDENT ON NUMEROUS OCCASIONS. IN THE LATEST INCIDENT, THE PLAINTIFF PULLED INTO A RIGHT HAND LANE OF A BANK DRIVE THRU AND THE RESPONDENT WAS IN THE LEFT HAND LANE AND ROLLED HIS PASSENGER WINDOW DOWN IN AN EFFORT TO TALK DOWN TO THE PLAINTIFF. WHEN LEAVING THE DRIVE THRU BEFORE THE RESPONDENT, APPROX. 1.5 MILES AWAY, I NOTICED THE REPONDENT WITHIN 2 FOOT OF MY BUMPER IN HIS TRUCK WHILE TRAVELING AT APPROX. 35-40 MILES AN HOUR.
22. THE RESPONDENT WENT ON TO TURN AT EVERY TURN THE PLAINTIFF WAS MAKING, AND ACTUALLY THEN FOLLOWED THE PLAINTIFF INTO AN EMPTY LOT WHERE THE PLAINTIFF TURNED JUST TO ULTIMATELY VERIFY THE RESPONDENT WAS FOLLOWING HIM.
23. IT IS BELIEVED THAT THE RESPONDENT HAD A WEAPON IN HIS TRUCK, AND AS I WAS ABOUT TO CALL THE POLICE IN THIS MATTER AND WHEN THE RESPONDENT SAW ME READY A PHONE CALL, HE QUICKLY DIVERTED. MOST OF THIS EVENT WAS RECORDED.

LEGAL ARGUMENTS

1. IT IS WIDELY KNOWN OF THE MAGISTRATE COURTS THROUGHOUT THE US THAT MAGISTRATE COURTS WERE DEVELOPED TO BE CLOSER TO THE PEOPLE....MEANING THAT THESE COURTS ARE TO BE EASILY ACCESSIBLE TO THE COMMON MAN TO BE ABLE TO AIR HIS GRIEVANCES. AND EVEN THOUGH ITS AT TIMES CONSIDERED TO BE A MORE LOOSELY HELD AND CONSTRUED METHOD OF JUDGING LAW, THERE ARE STILL RULES THAT GOVERN PROCEDURES. IN ANY COURT ESPECIALLY MAGISTRATE COURT, THERE IS A KNOWN TIME LIMIT OF 15 MINUTES FROM THE SET TRIAL TIME THAT INDIVIDUALS THAT ARE PART OF THAT HEARING ARE TO BE PRESENT IN COURT. IN THIS INSTANCE, ONLY ONE PARTY WAS PRESENT AT THE TIME OF THE HEARING. CLEARLY IF THERE WAS NO TIME LIMITS AT ALL, THERE WOULD NEVER BE A NEED FOR ANY JUDGEMENT, OR A NEED FOR ANYONE TO EVER SHOW UP IN COURT. THIS COURT THROUGH WHAT I FEEL WAS A PRIOR

PERSONAL RELATIONSHIP WITH THE COURT, LOOKED THE OTHER WAY IN THIS INSTANCE TO A KNOWN STANDARD, AND ALLOWED THIS ATROCITY TO HAPPEN.

2. IN SEVERAL INSTANCES IN THE MAGISTARATE HEARING, REPRESENTATIVES OF AFFORDABLE CONCRETE PERJURED THMSELVES "UNDER OATH" AND NOTHING WAS EVER DONE. AFTER MULTIPLE OBJECTIONS TO TESTIMONY WERE MADE, AND FACTUAL EVIDENCE WAS SHOWN TO THE PRESIDING JUDGE, NO CONSIDERATION OF FACT WAS EVER MADE, NOR WAS THERE EVER A WARNING GIVEN FROM THE JUDGE TO THE PARTIES CONSTUING LIES UNDER OATH. IF ANYONE WILLFULLY PROVIDES FALSE OR MISLEADING TESTIMONY WHILE UNDER OATH, IT IS A FELONY, AND PENALTIES CAN RANGE FROM THE JUDES DISCRETION UP TO 5 YEARS IN JAIL. FOR LYING ABOUT A DOCUMENT, THE MINIMUM FINE IS 100 DOLLARS AND 6 MONTHS IN JAIL. CLEARLY IN THIS HEARING, THERE WERE MULTIPLE INSTANCES WHERE PROOF WAS PRESENTED OF THE WILLFUL LIES IN WHICH AFFORDABLE CONCRETE LIED, AND NOTHING WAS DONE.
3. WHEN THE MAGISTRATE IN CHARGE OF THIS HEARING CHOSE TO GO INTO THE FIELD AND LEAVE THE ACTUAL COURTROOM AND GO TO A PRIVATE PROPERTY TO IN ESSENCE MOVE THE COURTROOM 10 TO 12 MILES AWAY FROM THE PROPER VENUE, AND WHEN ARRIVING AT SAID PROPERTY, ALL DECORUM WAS OUT THE WINDOW. THE MAGISTRATE ASKED US ALL TO DRIVE OUR OWN VEHICLES TO SAID PROPERTY, HE TOOK HIS PERSONAL VEHICLE AND TOOK THE COURT CLERK WITH HIM, AND ASKED US TO MEET HIM AT THAT LOCATION TO CONTINUE THE HEARING. SEVERAL THINGS IMMEDIATELY CAME TO MIND. GOD FORBID ANYONE WAS IN AN ACCIDENT TO THE WAY TO THE PROPERTY, AS WHO WOULD THE LIABILITY OF THE INCIDENT HAVE FALLEN ON. ADDITIONALLY, THE REPRESENTATIVE FROM AFFORDABLE CONCRETE WALKED WITH AND STAYED AT THE SIDE OF THE JUDGE THE ENTIRE TIME....HE PRACTICALLY NEVER LEFT HIS SIDE. THE JUDGE NEVER MANDATED ANY COURT RULES WHILE IN THE FIELD, THERE WAS NO FORMAL QUESTIONING, NO FORMAL RECORD OF ANY TYPE, NO COURT PROCEDURES AT ALL. IT WAS A FREE FOR ALL. THE FACT THAT THE THEN DEFENDANT WAS AFFIRMED TO BE A PHYSICAL HANDICAP, THERE WERE LINITING FACTORS IN WHAT THE DEFENDANT COULD DO WHEN TRAVERSING TERRAIN, AND WAS NOT PART OF CONVERSTAIONS THAT WERE BEING HAD BETWEEN MULTIPLE PARTIES, CONVERSATIONS THAT HAD THEY BEEN IN A CONTROLLED SETTING, WOULD HAVE NOT LED TO EX PARTE CONVERSATION. AN EX PARTE CONVERSATION BEING HELD BY A JUDGE WITH A PARTY TO THE CASE, WHILE DISALLOWING ALL PARTIES TO BE INVOLVED SHOULD BE GROUNDS FOR DISMISSAL OF THE JUDGE AND A MISTRIAL. THERE ARE SEVERAL GLARING INSTANCES OF LAW BEING BROKEN IN REGARD TO EXPARTE COMMUNICATION AS SOON AS THE JUDGE OPENED THE DOOR TO LEAVING THE COURTROOM. FIRST, THE JUDGE LOST AL SEMBLANCE OF THE SANCTITY AND SAFETY OF THE COURTROOM THE MOMENT WE WERE TOLD TO GO TO THE SIGHT. CONVERSATIONS WERE HAD

BETWEEN THE JUDGE AND HIS CLERK THAT ALL PARTIES SHOULD HAVE BEEN PRIVY TO. THE REPRESENTATIVES FOR AFFORDABLE CONCRETE WERE ALLOWED TO RE-GROUP SO TO SPEAK AND COLLABORATE PROCEDURALLY. NOBODY TOOK INTO CONSIDERATION THE SAFETY FACTOR OF LEAVING THE COURT. ANYTHING COULD HAVE HAPPENED IN THAT MOMENT, FROM A CAR ACCIDENT TO STEPPING IN A HOLE AT THE LOCATION. NO SAFETY OF ALL PARTIES WAS EVER CONSIDERED. ADDITIONALLY, ANY VIABLE EVIDENCE WAS PRESENTED AT TRIAL IN THE FORM OF PICTURES AND VIDEO, AND FINDING OF FACT COULD HAVE BEEN DERIVED FROM THAT. ITS UNPRECEDENTED FOR A COURTROOM TO BE MOVE OUTSIDE UNLESS IN A RARE INCIDENT OF OVERCROWDING. WHICH IN THIS INSTANCE WASN'T THE ISSUE. ADDITIONALLY, THE EX PARTE CONVERSATIONS ARE ONLY ALLOWED IF IT PERTAINS TO SOMETHING AS SIMPLE AS SCHEDULING, IN WHICH ALL PARTIES DON'T NEED TO BE PRESENT. THE CANONS OF ETHICS PROHIBITS THIS TYPE OF ACTIONS ON THE PART OF A JUDGE, AND RULES OF CIVIL PROCEDURES OF SOUTH CAROLINA STATE THAT IF THERE WAS AN EXPARTE CONVERSATION IN THE PRESENCE OF ALL OTHER PARTIES, THE JUDGE MUST FULLY INFORM ALL PARTIES OF THAT CONVERSATION AND GIVE ALL PARTIES A CHANCE TO RESPOND TO THESE NOW NEW MATTERS. CLEARLY THIS JUDGE TOOK THE LIBERTIES TO ALLOW WHAT CAN BE EASILY PERCEIVED AS HIS PERSONAL ALLIANCE WITH AFFORDABLE CONCRETE, AND PUT THEM AHEAD OF THE RULE OF LAW. FROM A DISTANCE I COULD HEAR PARTS OF A CONVERSATION WHEN WE FIRST ENTERED THE PRIVATE PROPERTY OF WHAT THE JUDGE AND THE REPRESENTATIVE FROM AFFORDABLE CONCRETE REMEMBERED THIS AREA OF THE WORLD TO BE AS KIDS. THE FACT THAT DECORUM, PROCEDURE, AND RULE OF LAW WENT OUT THE WINDOW ONCE WE LEFT THE COURTHOUSE, SOLIDIFIES THE FACT THAT THE MAGISTRATE RULING SHOULD HAVE BEEN THROWN OUT, AND THAT THESE FACTS SHOULD HAVE BEEN ABLE TO BE PRESENTED AT THE COMMON PLEAS LEVEL, AND A DETERMINATION FROM AN UNBIASED JUDGE BEEN MADE.

4. PLEASE UNDERSTAND, I RECEIVED THE MAGISTATE FIINDING "IN THE MAIL" AND IMMEDIATELY SCHEDULED AN APPEAL HEARING TO BE MADE AT THE COMMON PLEAS LEVEL. POINT IS, I GOT THAT NOTICE WITHOUT BEING SERVED.
5. I NEVER RECEIVED A NOTICE OF A COURT HEARING, OR A COURT HEARING DATE FROM THE COURTS IN REGARD TO A NEW HEARING DATE. AND ALTHOUGH THE COURTS HAVE RULED THAT A MAILMAN DOESN'T NEED TO ACTUALLY COME TO THE DOOR AND MAKE MULTIPLE ATTEMPTS TO RAM IN DOWN MY THROAT, THIS NEVER HAPPENED. FACTUALLY, ALL MEANS BY THE COURT WERE NOT MADE TO GUARANTEE DELIVERY OF SAID NOTICE. SERVICE COULD HAVE BEEN MADE BY THE SHERIFF OR CONSTABLE, POSTING THE DATE PUBLICLY WAS NEVER MADE, NOR AS MUCH AS A SIMPLE PHONE CALL OR EMAIL WAS MADE. THE COURT OF COMMON PLEAS HAS NO RECORD OF ME BEING SERVED WITH A COURT DATE BASED ON APPEAL "I FILED" TO

IMAGINE SOMEONE WOULD INTENTIONALLY WANT TO GO THROUGH THE RIGORS OF THE WORK OF APPEALS IN THIS MATTER, INSTEAD OF THE HEARING OF FACT AT A COMMON PLEASE LEVEL IS RIDICULOUS.

6. TIM MEYERS HAS MADE EVERY EFFORT TO COMPLY TO COURT RULE AND STANDARDS SET BY THE RULE OF LAW TO COMPLY WITH THE COURTS IN THIS MATTER. ON THE CONTRARY, FROM THE OUTSET, THE THEN PLAINTIFF AFFORDABLE CONCRETE, CHOSE NOT TO BE ON TIME FOR THEIR OWN HEARING THAT THEY SET, AND ADDITIONALLY, THE COURTS CHOSE TO ALLOW THIS TO HAPPEN.

CONCLUSIONS

TO ME AND WHAT SHOULD BE CLEAR TO THIS COURT IS THAT THE RULE OF LAW FROM THE OUTSET WAS BROKEN BY THE LOWER COURTS. AND I HAVENT BEEN ALLOWED TO AIR MY GRIEVENCES IN A FORUM WITH A FAIR AND UNBIASED DECISION MAKER TO THIS POINT AS PER SOUTH CAROLINA LAW. THE MAGISTRATE HEARING SHOULD HAVE NEVER WENT OFF, AND I SHOULD HAVE BEEN AWARDED THE VERDICT AND AFFORDABLE CONCRETE SHOULD HAVE MADE BEEN ON THE DEFENSE. THE MAGISTRATE'S OFFICE BROKE PROTOCOL WHEN THEY ALLOWED THE HEARING TO HAPPEN SOME 48 MINUTES LATE FOR THE ARRIVAL OF AFFORDABLE CONCRETE, AND THEN COMPOUNDED THIS BY ALLOWING WITNESS FOR AFFORDABLE CONCRETE TO PERJURE THEMSELVES WHILE UNDER OATH. ADDITIONALLY, THE MOMENT THE MAGISTRATE TOOK THE PROCEEDINGS OUT OF THE BUILDING, AND THEN ALLOWED EX PARTE CONVERSATIONS TO HAPPEN WITHOUT A CHANCE FOR REBUTTAL TO THOSE CONVERSATIONS, THE JUDGE SHOULD HAVE RECUSED HIMSELF AND ALSO SHOULD HAVE DECLARED A MISTRIAL.

ADDITIONALLY, THERE HAS BEEN NO RECORD OF ANY SERVICE ON MYSELF OF THE NOTICE OF HEARING FOR THE COMMON PLEAS HEARING THAT I REQUESTED. IT SHOULD MAKE SENSE TO THE COURTS THAT THE PERSON APPEALING THE INITIAL UNJUST VERDICT WOULD WANT TO BE HEARD BY A FAIR AND IMPARTIAL FORUM, BUT THAT CHANCE WAS NEVER HAD.

LASTLY, ON MULTIPLE OCCASIONS AND REPORTED TO THE AUTHORITIES AND THE USPS, I HAVE HAD 3 OCCASIONS ON WHICH MY MAILBOX WAS ENTERED BY SOMEONE ELSE....ALL REPORTED, AND THE SYSTEM DID NOTHING ABOUT IT. ADDITIONALLY, FOR THE FIRST 4 MONTHS AT THIS SAME ADDRESS, I RECEIVED MY NEIGHBORS MAIL, AND OTHER NEIGHBORS WERE RECEIVING MINE....AGAIN, NOTHING HAS BEEN DONE. JUST LAST TUESDAY I WAS SITTING IN MY LIVING ROOM, AND A YOUNG GIRL CAME TO MY DOOR WITH 3 PIECES OF MY MAIL, ONE OF WHICH WAS A COURT NOTICE FROM PENNSYLVANIA IN WHICH I HAVE TO BE IN THE COURT ON THE 13TH OF THIS MONTH. IVE REPORTED ALL OF THESE ISSUES TO LETHA ANDERSON AT THE CONWAY POST OFFICE. SHE IS/WAS THE POSTMASTER AT THIS LOCATION. DEALING WITH HER IS LIKE DEALING

WITH A PERSON THAT HAS ZERO INTEREST IN YOUR NEEDS. THAT LOCATION IS IN SUCH DISSARAY, THAT I FILED A FOIA REQUEST IN APRIL OF 2024, AND TO DATE THEY REFUSE TO RESPOND. IN REGARD TO LETHA ANDERSON WITH THE USPS CONWAY, SHE HAS BEEN REPLACED AS THE POSTMASTER OF THIS OFFICE DUE TO HER LACK OF PROFESSIONALISM AND THE ABILITY TO CORRECTLY DUE HER JOB.

ITS MY FEELING BASED ON THE AFOREMENTIONED STATEMENT OF FACTS AND KNOWN LAW THAT THIS COURT SHOULD SEND THIS CASE BACK TO THE COMMON PLEAS LEVEL TO BE SCHEDULED FOR COURT FORTHWIT.

11-17-24

TIMOTHY MEYERS - Appellant
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11-17-2024