

1) NOTICE OF APPEAL-(01/14/2025)

ELECTRONICALLY FILED - Feb 14 2:54 PM - RICHLAND - COMMON PLEAS -
CASE#2024CP4005272

SYSTEMATIC DESCRIPTION

RECEIVED

1* There is no specification by the court whether the case is dismissed with prejudice or without prejudice from 12/5/2024 until January 7, 2025 .

MAR 17 2025
SC Court of Appeals

2* Therefore, Res Judicata adjudicates, decrees and orders against the Defendant's/Respondent's.

3* Defendant's/Respondent's losing the case under the Doctrine Res Judicata .

r

2) EXHIBIT "F" -(12/05/2024.A)

1* # 90 - # 91- - - And while I understand it was "dismissed without prejudice" .

2* # 165 - 168- So res judicata, don't apply with the merit of the judgment, Of Judge Manning. Instead, Judge Manning denied the motion to dismiss with prejudice and this is the same thing where they argue at this moment and it's barred with a Res Judicata Doctrine and they already lost the opportunity

3* # 187 - 188 - So what do you have to say about whether or not res judicata applies if the case is dismissed without prejudice?

4* # 191 - Yes, Your Honor. You Know it. I mean. I agree.

3) PROOF OF SERVICE (01/14/20250

ELECTRONICALLY FILED - 2025 Feb 14 2:54 PM RICHLAND - COMMON PLEAS -
2024CP4005272

MAR 17, 2025

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

RECEIVED

MAR 17 2025

SC Court of Appeals

IN THE COURT OF COMMON PLEAS
Civil Action No.: 2024CP4005272

The Honorable McGee, Thomas Williams III

Federico Castro ----- Appellant

Vs.

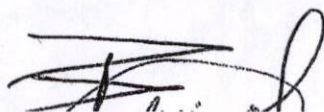
Driver Records Manager of Scdmv ----- Respondent.

NOTICE OF APPEAL

THE PLAINTIFF/APPELLANT, Federico Castro, hereby gives notice of his appeal, in the above action of December 5, 2024 until January 7, 2025 are set forth as follows: There is no specification by the court whether the case is dismissed with prejudice or without prejudice. Therefore, RES JUDICATA DOCTRINE it adjudicates, decrees and orders against the respondents. Respondents losing the case under the Doctrine res judicata, the Court erred by failing and/or refusing to recognize the controlling authority of the Doctrine and by failing and/or to recognize its ruling as reflected law. The court has therefore erred and abused its discretion and dishonored its own reason for being by failing to comply with its own decisions in an order issued and filed on January 7, 2025 without any legal basis expressed, described or specified and totally void. Respondents, driver records manager, do not appear in any document and the undersigned representatives have nothing to do with this matter.

Federico Castro

(01/14/2025)



FC-1

1 **JUDGE McGEE, THOMAS WILLIAM III**
2 Department of Motor Vehicle Drivers Records Manager and do I have the parties and or lawyers here on that
3 matter?
4 **CURTIS HUTCHINSON**
5 Your Honor Curtis Hutchinson representing the South Carolina Department of Motor Vehicles, right here.
6 **JUDGE McGEE, THOMAS WILLIAM III**
7 All right. Good to see you Mr. Hutchinson.
8 **CURTIS HUTCHINSON**
9 You as Well Sr..
10 **JUDGE McGEE, THOMAS WILLIAM III**
11 All right. And Mr. Castro.
12 **MR. CASTRO**
13 Yes, I am, but I can't. I don't know how to put my. I don't know how to put it on my camera.
14 **JUDGE McGEE, THOMAS WILLIAM III**
15 There's usually something at the bottom that says start or stop the video or you know something like that. But
16 if you don't have it, that's OK. OK
17 **MR. CASTRO**
18 I can't see. I can see the letters over there, but I can't see. Oh, let me see. My goodness.
19 **JUDGE McGEE, THOMAS WILLIAM III**
20 Well, that's OK. If you found it, that's great. But it's not, it's not entirely necessary.
21 **MR. CASTRO**
22 Oh, start a video.
23 **JUDGE McGEE, THOMAS WILLIAM III**
24 Start video. I guess it is. All right. Oh, there you go.
25 **MR. CASTRO**
26 Thank you. Hi, Sir.
27 **JUDGE McGEE, THOMAS WILLIAM III**
28 Mr. Castro, just as I had mentioned to some other folks here today, I see that you filed this pro se and that
29 you're here. You do not have current legal counsel, is that right?
30 **MR. CASTRO**
31 That's right, Your Honor.
32 **JUDGE McGEE, THOMAS WILLIAM III**
33 And, you have an absolute right to represent yourself in this matter. You also have an absolute right to get
34 counsel if you want. Have you made that decision at this point?

35 **MR, CASTRO**

36 I'm going to represent myself because of financial issues.

37 **JUDGE McGEE, THOMAS WILLIAM III**

38 Yes, Sir. OK. And in this case, again, just to kind of give you an overview, Mr. Hutchinson has filed a motion.
39 Where is this here? Let's see a motion to dismiss. And so, what Since he argued, since it's his motion, I will
40 hear from him first. Please rest assured that I will hear from you as well. And so sometimes people that are
41 representing themselves think that I'm going to make a decision based on one side of it. I'm not going to do
42 that. I'll certainly hear you out and hear anything that you have to say before I make any decision. OK.

43 **MR. CASTRO**

44 OK, Thank you.

45 **JUDGE McGEE, THOMAS WILLIAM III**

46 All right. Sure. Mr. Hutchinson, your motion. Happy to hear from you, Sir.

47 **CURTIS HUTCHINSON**

48 Thank you, Your Honor. As an additional matter, I let the court know that Brandy Duncan, our former general
49 counsel, was the one that did file the motion. She's no longer with the agency, so I'm here representing the
50 South Carolina Department of Motor Vehicles. We file this motion on three different grounds first. We are filing
51 under 12b(6). Of course, as your honor knows, we may move to dismiss this complaint made if based on
52 previous state facts sufficient to constitute a cause of action. Your honor, we think even you'd in the light most
53 favorable to the plaintiff that this should be dismissed if your honor has the complaint in front of you, while I
54 understand. The difficulties of someone representing themselves. "The complaint itself fails to raise any
55 causes of action". It's just quotes from an email that our former General Counsel Brandy Duncan sent Mr.
56 Castro and also I guess snapshots of different notices. The e-mail and the notices were also included as
57 exhibits. As part of our motion, just to back up so your honor has the full kind of background as far as where
58 that came from, Mr. Castro did bring suit against the South Carolina Department of Motor Vehicles in a case
59 that was decided in 2019. Judge Casey Manning did hear that case. Your honor originally in that case. The
60 complaint stated in full your records on 2/14/2015 are wrong and requested correction never existed. That
61 was the totality of the complaint. It was and I say that to your honor because that one was dismissed based
62 on failure to the 12b(6) motion as well. Your honor also There were issues with service.

63 **JUDGE McGEE, THOMAS WILLIAM III**

64 Is that let me start to interrupt Mr. Hutchinson, but is that the same? Are those the same reports on the
65 plaintiff's driving record that he's complaining about in this case?

66 **CURTIS HUTCHINSON**

67 Yes, your honor. You know, while it is kind of difficult to discern some things, "everything mentioned is the
68 same matter" that was addressed before and as part of that Judge Manning put in the form four. We put the
69 Order in our motion as well, he stated that it is "granted without prejudice". Defendant attorney to help plaintiff
70 with matters. Formal order to follow. There was a formal order. So Miss Duncan followed up with that email
71 outlining what Mr. Castro has to do to get his license reinstated. Now these manners, so that your honor has

72 the full context, we received several indications from New Jersey that there was failure to pay traffic tickets for
73 Mr. Castro. Accordingly, we put that on the South Carolina driving record and also a conviction for driving
74 under the influence. He took care of the matters as far as in New Jersey, but there's still several reinstatement
75 fees here, for the failure to pay and also he needs to enroll and complete ADSAP for the DUI here in South
76 Carolina. So that's what Miss Duncan outlined to him in that email that we have attached to our motion. His
77 complaint just kind of takes snippets from that and again, I understand. Mr. Castro's working pro se, but it's
78 difficult to follow any, I guess, sensible arguments as to what He's complaining about.

79 **JUDGE McGEE, THOMAS WILLIAM III**

80 The steps that were given to Mr. Castro in the order last time that he needed to complete. So you're telling me
81 that he satisfied the fees or fines in New Jersey but has not completed the rest of The steps here?

82 **CURTIS HUTCHINSON**

83 Correct, Your Honor. He has \$700 in reinstatement fees for all the failure to pay. And for the DUI and also he
84 needs to enroll in and complete ADSAP.

85 **JUDGE McGEE, THOMAS WILLIAM III**

86 OK. And so it's the same thing. So those are the same list of things that he could complete today that he had
87 that he was advised that he needed to complete previously.

88 **CURTIS HUTCHINSON**

89 Yes, your honor. And that brings me to my next reason for this motion to dismiss is RES JUDICATA. Your
90 honor, this is the exact same matter he brought a few years ago. And while I understand it was "dismissed
91 without prejudice", of course, Your Honor, knows also in the statute of limitations, if we bring that into play,
92 that does not extend the statute of limitations. Your Honor, when bringing suit against a government entity in
93 the State of South Carolina in accordance with the Tort Claims Act, the limitation is either two or at most three
94 years, depending on the circumstance, everything here. Happen. before. 2019, or before most of this
95 happened in 2015. Most of it happened when the matters were originally put on his record. So this is well
96 beyond any sort of statute of limitations to bring this matter, and it's a matter that's already brought again. So
97 those are other parts of our motion to dismiss, Your Honor. I will bring to the court's attention, you know, and
98 looking on the public index, Mr. Castro has filed multiple documents that are just mislabeled. Some of them
99 say the affidavits of DMV employees or certain affidavits are not affidavits. Your honor, I've never been one to
100 suggest this, but if your honor doesn't dismiss, we may need it. I would ask your honor to consider whether
101 these are frivolous filings under 153610 for him to continue just to file documents. Are mislabeled and have
102 no purpose to this. But Your Honor, if you choose not to dismiss, I would just simply ask that Mister Castro
103 have to follow Rule 10 in his complaint. As far as the specifics saying that all the ruminants of facts are cause
104 of action or defense demands for relief, you were made in consecutive numbered paragraphs. And your
105 honor knows as well as I do that they need to be concise and we need to be able to respond. It's just difficult
106 at this part to do so,

107 **JUDGE McGEE, THOMAS WILLIAM III**

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108 right? All right. Thank you, Mr. Hutchinson. Mr. Castro, as I've indicated, I'm happy to hear from you. And you
109 heard what Mr. Hutchinson has to say about this, that number one, that because you brought this before and
110 it was dismissed. You're precluded from bringing it again and then also that there's a statute of limitations
111 which means that under South Carolina law each claim that can be brought has a specific time limit that it has
112 to be brought in. And then Mr. Hutchinson argues that the statute of limitations has not been complied with
113 here and so those are the legal grounds and there's some other grounds that he had as well but but I'm
114 I'm Want to give you a full and fair opportunity to tell me anything that you want me to consider ruling on Mr.
115 Hutchinson's motion.

116 **MR. CASTRO**

117 Oh, thank you for the opportunity. And I have very strong accents and I try to explain myself. If you don't
118 understand me or that another lawyer, please let me know. And I try to be.

119 **JUDGE McGEE, THOMAS WILLIAM III**

120 You speak excellent English. I got you.

121 **MR. CASTRO**

122 Thank you. First of all, on. It was electronically filed on 2024 November 20 at 1:29 PM the entry of the
123 Thomas H Eller 3, South Carolina bar number 75802 Who is the handle now from Mrs. Brandy Duncan #1. #2
124 What I want to point out is Mr. Duncan never sent me that motion. I had to look at it. Into that. Portal of the
125 South Carolina judicial system and download that's the reason how I answered the the motion #2, #3. I put it
126 in my opposition in reply. It is impossible. Absolutely out of this earth, any argument from New Jersey or
127 South Carolina because I never been pulled over. I never had any issue with what they tried to put out. This is
128 a fraud, a trick.

129 **JUDGE McGEE, THOMAS WILLIAM III**

130 "Right. No. no. I get all that. But this motion focuses on the pleading itself. I'm not here to decide who's right
131 and who's wrong on that issue today. What I've got to determine is whether or not your claim is barred"
132 because you already brought a lawsuit over it, or #2, whether it is barred by the statute of limitations, which
133 means that you didn't bring it quickly enough under South Carolina law. And so you understand you brought
134 this case before and Judge Manning dismissed it, and in the or that he required be filed, it had a list of items
135 of things that you had to do. And it appears, at least based on Mr. Hutchinson's argument that you did some
136 of those, that you paid the fines or fees in New Jersey, but that there are still

137 **MR. CASTRO**

138 I do not. I do not pay any because I don't have to. There is no pay because it's not DUI. This is the invention
139 and they created the filed to get it at \$700.00 and I don't have. Any issue about the payment or whatever that
140 what I tried to establish is the fraud they committed,

141 **JUDGE McGEE, THOMAS WILLIAM III**

142 Right? The New Jersey, the people in New Jersey,

142 **MR. CASTRO**

144 South Carolina and New Jersey or whatever it is who started this thing. Nothing about this is true.

145 **JUDGE McGEE, THOMAS WILLIAM III**

146 It sounds like, at least based on your complaint as well, that and that. You know when you move to another
147 state, that state says, hey, we've got John Doe.

148 **MR. CASTRO**

149 I do not.

150 **JUDGE McGEE, THOMAS WILLIAM III**

151 He moved here from New Jersey, New Jersey. He had his driver's license from another state.

152 **MR. CASTRO**

153 This is the trick.

154 **JUDGE McGEE, THOMAS WILLIAM III**

155 Hold on, hold on, hold on, hold on. The South Carolina Department of Motor Vehicles doesn't know what
156 happened in New Jersey. They have to go by whatever New Jersey tells them. And if they say that you got
157 pulled and that you had fines outstanding or that you got a DUI, they don't know whether that's true or not.
158 That's just what they're told. And so I think what what Mr. Hutchin, at least in the motion to dismiss it in the
159 prior pleadings, says if you know if those are false claims or fraudulent claims, you have to go fix that with
160 New Jersey so New Jersey can report it to South Carolina and then they don't have any problem here. Yeah

161 **MR. CASTRO**

162 New Jersey has nothing to do with it. This is a Carolina problem. They don't know how. They make it this kind
163 of invention if they harm it or or or whatever they do. They simply. I don't understand and I'm going to take
164 legal action against them too if they are involved in something. In 2019, Judge Manning dismissed the case
165 without prejudice. So res judicata, don't apply with the merit of the judgment. Of Judge Manning. Instead,
166 Judge Manning denied the motion to dismiss with prejudice and this is the same thing where they argue at
167 this moment and it's barred with a Res judicata doctrine and they already lost the opportunity. "Because they
168 never, never answered the complaint", they argued that the complaint was drafted. They don't understand. It's
169 not cynical and has another forming or out of the title. So if they are outside of the complaint that is going to
170 summary judgment. It is applied at Rule 56, so both parties have the opportunity to present the version of
171 their sites to each other. So litigating against Barron for raising an issue with it is advocated. So Judge
172 Manning dismissed without prejudice. So they are barred with a res judicata. They don't have a statute of
173 limitation, right? Because they say you have to pay \$700.00 for reinstatement fee. But in order to pay that
174 reinstatement fee, I had to present some kind of ticket when the ticket was paid. How it was paid, what they
175 were paid in order to pay that reinstatement fee. But surprisingly when I go to the South Carolina Division of
176 Motor Vehicles, the manager looks at the issue of what I tell them and they say the only thing you have to do
177 is go to the court and sue them. Sued the driver record manager scdmv and got the order in order to lift. We
178 understand what your issue is. We know what your dilemma is right here but if no court order is issued we are
179 going to complete the fraud. Well they stole the money so I am going to continue to get that step. For the
180 moment they stole it because it is illegally fraudulent. I don't know if I answered your question or I put it up
181 something, so.

182 **JUDGE McGEE, THOMAS WILLIAM III**

183 OK, Anything else, Mr. Castro?

184 **MR. CASTRO**

185 Well, that's what I say with a simple, with simplicity. Everything is there. Everything is there. They know it.

186 **JUDGE McGEE, THOMAS WILLIAM III**

187 So what do you have to say about whether or not res Judicata applies if the case is dismissed without
188 prejudice? - You're right. Res judicata without prejudice. Hold on, hold on, hold on. I'm asking Mr. Hutchinson
189 that question. You raised that issue. I want to hear what he has to say about that. That's all.

190 **CURTIS HUTCHINSON**

191 Yes, Your Honor. You know it. I mean, I agree. It could be an argument that circumstance, but typically in
192 those cases without prejudice, there needs to be some "further step" to bring it back up. And then of course,
193 nothing was done within the last several years until we are here before the court today. I mean, if your honor
194 believes that without prejudice. Far as res judicata, I mean, I think that we're still within the statute of
195 limitations, not within the statute of limitations. [is fraud], Bar this claim, Your Honor, I will just reply to a couple
196 of other things that he said. If I could just briefly, we did file a certificate of service in the filings that Miss
197 Duncan did mail versus certified mail this motion on September 11, 2024. And also just for Mr. Castro's
198 benefit, Mr. Eller is an attorney with the South County Department of Motor Vehicles.

199 **JUDGE McGEE, THOMAS WILLIAM III**

200 All right, Mr. Castro, any last words you have, Sir? I'm going to take this matter under advisement so I can
201 look over a couple of things. So I'm not going to make a ruling right now. But if there's anything else you want
202 to say, Sir, I'm happy to hear it.

203 **MR. CASTRO**

204 I tried desperately. to do my best to get the license. It is not fair that the invasion of my civil rights, all the
205 damage they cause, is probably never going to be the same. Ah I wanted to get a normal life, see my
206 children, grandchildren, just looking for help. That's all. Fairness. And I believe in the law. I really believe that.
207 And that's what I do.

208 **JUDGE McGEE, THOMAS WILLIAM III**

209 Yes, Sir. I appreciate that, Mr. Castro and I'm going to look at some of the cases and some of the arguments
210 that you've presented here. I need to, I don't want to make a decision without looking into those and also the
211 matters that Mr. Hutchinson It is raised as well. So I will look at some of those matters that you all have
212 discussed and I will let both of you know what my ruling is within the next few days.

213 **CURTIS HUTCHINSON**

214 Thank you, Your Honor.

215 **JUDGE McGEE, THOMAS WILLIAM III**

216 Thank you, Sir. Good luck to you. Thank you, Your Honor. Thank you, Mr. Hutchinson. We'll take, We've got
217 one more matter for the 12:30. I'm going to take one quick break for just two minutes. I'll be right back.

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

**IN THE COURT OF COMMON PLEAS
Civil Action No.: 2024CP4005272**

The Honorable McGee, Thomas William III

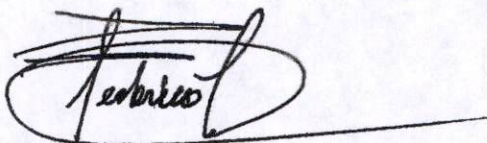
Federico Castro-----**Appellant**

Vs.

Driver Records Manager of Scdmv-----**Respondent.**

PROOF OF SERVICE

THE PLAINTIFF/APPELLANT, certifies that he has sent a copy of the notice of appeal of the plaintiff appellant on January 14, 2025 via certified mail to the address described below and that without any verification they claim to be the other party, however the legitimately sued party does not appear in any record. (Driver Records Manager of Scdmv). Post office Box 1498, Blythewood, SC 29016-0028



Federico Castro
90 Garrison Ct.
Ridgeland, SC 29936
gchome19@gmail.com

01/14/2025