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Apr 23 2025

SC Court of Appeals

**FORM 13
BRIEF OF APPELLANT***

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM RICHLAND COUNTY
Court of Common Pleas**

Thomas W. McGee III, Judge Code 2786

Appellate Case No. 2025-000532

Federico Castro, Appellant.

V.

**South Carolina Department of Motor Vehicles Driver Records Manager,
Respondent.**

[INITIAL] BRIEF OF APPELLANT

A handwritten signature in blue ink that reads "Federico Castro" followed by the date "4/22/25".

s/Federico Castro
90 Garrison Ct.
Ridgeland SC 28836
gchome19@gmail.com
(843)683-5795

April 22, 2025

STATEMENT OF ISSUES ON APPEAL

1. DID THE COURT OF FIRST INSTANCE MAKE AN ERR IN NOT CONSIDERING THAT THIS ACTION OF ENDING THE CASE **WITHOUT AN ORDER?**
2. DID THE COURT OF FIRST INSTANCE MAKE AN ERR IN NOT CONSIDERING THAT, THE MOTION PRESENTED VIOLATES THE **APPELLANT RIGHT TO A LEGAL REMEDY?**
3. DID THE COURT OF FIRST INSTANCE MAKE AN ERR IN NOT CONSIDERING THAT THIS ACTION IS PRESCRIBED BY **RES JUDICATA AGAINST THE RESPONDENTS?**

STATEMENT OF THE CASE

On August 29, 2024, Federico Castro, Appellant, brought this action alleging fraud against South Carolina Department of Motor Vehicles Driver Records Manager, Respondent. The complaint consists of removing notices and paying for damages.

On Sep 11, 2024, Respondent filed a MOTION TO DISMISS WITH PREJUDICE, Exhibit A dated Tue 10/8/2019 4:12 PM (4 attachments) and Exhibit B ORDER OF DISMISSAL WITHOUT PREJUDICE dated 2019 Oct 10 11:48 AM.

On Dec 5, 2024, the motion to dismiss with prejudice was tried via WEBEX before Judge Thomas McGee Code 2786, from 11:08 AM to 11:30: AM. After hearing from counsel of record and reviewing all filings and other evidence properly before the Court, Defendant's Motion was taken under advisement by Judge McGee.

On Jan 24, 2025 1:21 PM in the mailbox, appellant found the Statement of Judgment E.F 2025 Jan 07 12:10 PM, Defendant's Motion is granted. Defense counsel has 10 days in which to file a proposed order.

On Jan 14, 2014, Federico Castro, Appellant, served the Notice of Appeal on South Carolina Department of Motor Vehicle Driver Records Manager, Respondent.

STANDARD OF REVIEW

(1.a) On January 7, 2025 at 12:10 PM, the Statement Judgment corresponding to case No. 2024CP4005272 was electronically filed, in which the defense counsel is ordered to file a **proposal order within the explicit term of 10 days** and in the subtitle information order it marks the end of the order, defense counsel failed to comply with the rules and procedures of the court **RULE 5(b)(3)** by not filing the order and there is no reference to it, which in turn makes any legal procedure impossible and is detailed below:

“Defense counsel has 10 days in which to file a proposed order.”

(b)(3) Service of Proposed Orders and Other Papers. Any party providing a proposed order, proposed findings of fact or conclusions of law, or proposed judgment or other paper to the court for its consideration in any pending matter shall serve the same on all counsel of record at the same time and by the same means.

Note to 1994 Amendment:

Rule 5(b)(3) clarifies the intent of Rule 5(a) and requires that proposed orders, findings of fact and conclusions of law and other materials provided to the court are to be served on all counsel of record. The material is to be provided to all other counsel at the same time and by the same means as they are provided to the court. Thus opposing counsel will have the opportunity to review and comment on the proposed order before it is signed. The rule does not require the court to delay entering any proposed order.

(2.b) Without an order, it is legally impossible to determine the specifics of the respondent's motion, giving rise to irregularities, assumptions, conjectures, speculation, and everything else related to that endless imaginary rift. Consequently, there is no legal basis, constituting a violation of the appellant's civil and constitutional rights.

(3.c) RES JUDICATA DOCTRINE APPLY AGAINST South Carolina Department of Motor Vehicles, Respondent. Complying with the requirements of the Doctrine 1. The parties are identical, [Federico Castro], 2. A valid judgment against the respondents in the former suit, [Motion to dismiss Without Prejudice], 3. The same matter that has been subject. [Motion to dismiss With Prejudice].

FACTS

Respondents failed to file the proposed order and consequently have lost the opportunity before the court of appeals because the default judgment is automatic.

Under Res Judicata Doctrine applies against respondent's and is **FINAL**.

ARGUMENTS

- I. BECAUSE NOT ORDER WAS FILED IT'S OVER.
- II. RES JUDICATA DOCTRINE IT'S FINAL AGAINST RESPONDENT
- III. FRIVOLOUS MOTION TO DISMISS WITH PREJUDICE 15.30.10

CONCLUSION

For the reason stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted
s/Federico Castro
04/22/2025



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FORM 7
PROOF OF SERVICE OF INITIAL BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

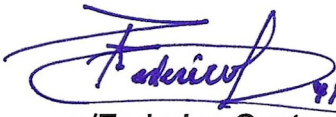
Thomas W. McGee III, Judge Code 2786

Appellate Case No. 2025-000532

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant on SCDMV Driver Record Manager, by depositing a copy of in the United States Mail via CERTIFICATE MAIL, on April 22, 2025, addressed to his attorney of record. BRANDY A. DUNCAN, SC Bar # 72052, CURTIS HUTCHINSON, SC Bar # 76634, THOMAS H. ELLER III, SC Bar # 75802, Post Office Box 1498, Blythewood, South Carolina 29016-0020—

April 23, 2025


4/23/25
s/Federico Castro
90 Garrison Ct.
Ridgeland, SC 29936

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SC Court of Appeals

**FORM 7
PROOF OF SERVICE OF INITIAL BRIEF OF APPELLANT***

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Thomas W. McGee III, Judge Code 2786

Appellate Case No. 2025-000532

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The Honorable Clerk of Court Jeanette W. McBride, by depositing a copy of in the United States Mail via CERTIFICATE MAIL, on April 22, 2025, at the indicated address, Richland County P.O Box 2766 Columbia, SC 29202-2766 requesting that the above be part of your records related to case#2024CP4005272 /

April 23, 2025



s/Federico Castro
90 Garrison Ct.
Ridgeland, SC 29936

4/23/25

**FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL**

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Apr 23 2025

SC Court of Appeals

April 23, 2025

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 2911

RE: Federico Castro v. SCDMV
Appellate Case No. 2025-000532

Dear Ms. Kitchings

Enclosed for filing is an Initial Brief in the above case. Also enclosed are the following:

- (1) **FORM 13 BRIEF OF APPELLANT***
- (2) **CONTENTS:** Statement of issue on appeal, Statement of the case, Standard of review, Facts, Arguments, Conclusion.
- (3) Proof of service of the Initial Brief of Appellant on the respondent[s].
- (4) Proof of service of the Initial Brief of Appellant on The Honorable Clerk of Court
Jeanette W. McBride, RICHLAND COUNTY.

Thanking you for the attention provided and that of your valuable team, sincerely.

s/Federico Castro
90 Garrison Ct.
Ridgeland, SC 29936
gchome19@gmail.com
(843) 683-5795