

From: missyf321@aol.com
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Subject: Melissa Fulwiler and Manolin Caraballo Case2024-CP-08-01717
Date: Saturday, July 11, 2026 12:09:09 AM

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SC Court of Appeals

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FORM 1
NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
District 9

APPEAL FROM Berkeley COUNTY
Court of Common Pleas

_____, Circuit Court Judge

Case No. 2024-CP-08-01717

Melissa Fulwiler
Manolin Caraballo, 3 minors
Heleyisdell, Justin Caraballo
2 minors
Brian + southeastern freights
v.

Melissa Fulwiler
and all parties
above in case above appeals the order of the Honorable Thomas Rode dated
(Name) (Judge)
7/5/2026. Appellant received written notice of entry of this order on
(Date) _____ (Date)

Appellant/Respondent, _____
Appellant/Respondent, _____

NOTICE OF APPEAL

s/ Name: Melissa Fulwiler
Address: 235 Amelia Dr
Martinez, Ga 30907
Phone: (766) 993-5909
Email: missyf321@aol.com
Appellant

July 9, 2026
Ms. Fulwiler

Other Counsel of Record:
Name: _____
Address: _____

NOTARY PUBLIC
R. WEICH
My Commission Expires: 12/31/2026
MODIFIED

Date: 7/5/2026

**FINAL PACKET - 6 ERRORS - INCLUDES NO MAINTENANCE LOGS - 5 MINORS -
2024-CP-08-01717**

Order filed June 17, 2026 Moncks Corner - Southeastern Freight driver: tire blowout + settlement offer + left scene + no maintenance logs pulled (FMCSA 396.3) + no officers/witnesses subpoenaed + not cross-examined

**DOCUMENT 1 - RULE 59 - FILE BY JULY 15 - INCLUDES NO MAINTENANCE LOGS
FMCSA VIOLATION**

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT - BERKELEY COUNTY, SC - MONCKS CORNER

Case No.: 2024-CP-08-01717 - Final Order Filed June 17, 2026

Melissa Fulwiler and Manolin Caraballo, Individually and as Parents and Next Friends of Amelina Caraballo, minor at time, + 2 other minors (3 total of Fulwiler/Caraballo),
Haley Isdell and Justin Caraballo, Individually and as Parents and Next Friends of 2 minors (2 total),
Plaintiffs - Total 5 minors + 2 adults injured on highway Columbia County, GA
vs.
Southeastern Freight Lines, Inc., Defendant.

MOTION TO ALTER OR AMEND AND FOR NEW TRIAL - RULE 59(e), 59(a) SCRPC

*** SIX REVERSIBLE ERRORS - JUDGMENT AGAINST 5 MINOR CHILDREN ***

Plaintiffs move to vacate Order filed June 17, 2026 directed verdict "no evidence of negligence."

ERROR 1: EVIDENCE OF NEGLIGENCE IGNORED - TIRE BLOWOUT, SETTLEMENT OFFER, LEFT

SCENE:

- Southeastern Freight driver blew tire on highway - failure to maintain.
- Same driver offered settlement declined - admission of fault / consciousness of guilt.
- Same driver left scene with 7 injured including 5 minors - negligence per se, GA law Columbia County GA, and consciousness of guilt.

ERROR 2: NO MAINTENANCE LOGS PULLED - FEDERAL LAW VIOLATION & SPOILIATION:

- Southeastern Freight Lines, Inc. is interstate motor carrier under FMCSA. Required by 49 CFR 396.3 to maintain and produce tire maintenance logs, inspection reports, repair records.
- No maintenance logs pulled or produced. No inspection logs. Failure to produce = presumption of negligence and spoliation inference. Court granted directed verdict without requiring Defendant to produce federally mandated maintenance records for tire that blew.
- Plaintiffs were not allowed discovery or subpoena of maintenance logs.

ERROR 3: NO OFFICERS OR WITNESSES SUBPOENAED - DENIED RIGHT TO PRESENT CASE:

- No officers who responded to highway blowout subpoenaed. No witnesses to blowout and leaving scene subpoenaed. Directed verdict for "no evidence" illegal when court prevents Plaintiffs from presenting evidence, especially case with 5 injured minors.

ERROR 4: TRUCKER NOT CROSS-EXAMINED ON TIRE, SETTLEMENT, LEAVING SCENE, LOGS:

- Southeastern Freight trucker never cross-examined on maintenance logs, tire condition, settlement offer, leaving scene. Cannot grant Rule 50 directed verdict where key witness not cross-examined.

ERROR 5: CHOICE OF LAW - GEORGIA LAW GOVERNS:

- Columbia County, GA accident - GA substantive negligence law applies under lex loci delicti. Under GA law, tire blowout + leaving scene + no logs = jury question, not directed verdict.

ERROR 6: MINOR CHILDREN - 3 minors Fulwiler/Caraballo including Amelina minor at time + 2 minors Isdell/Caraballo = 5 minors total - judgment against minors without full evidence violates public policy and due process.

WHEREFORE vacate June 17, 2026 Order, order new trial, compel production of FMCSA maintenance logs, allow subpoenas for officers/witnesses, allow cross-examination of driver.

July 5, 2026

Melissa Fulwiler, Pro Se, 235 Amelia Dr W, Martinez, GA 30907 - 706-993-5909
Manolin Caraballo

Melissa Fulwiler
Manolin Caraballo

DOCUMENT 2 - NOTICE OF APPEAL - FILE BY JULY 17 - ALL 6 ERRORS

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT - BERKELEY COUNTY, SC - MONCKS CORNER
Case No.: 2024-CP-08-01717 - Final Order Filed June 17, 2026
Melissa Fulwiler and Manolin Caraballo, Individually and as Parents and Next Friends of Amelina Caraballo, minor at time, + 2 other minors (3 total of Fulwiler/Caraballo),
Haley Isdell and Justin Caraballo, Individually and as Parents and Next Friends of 2 minors (2 total),
Plaintiffs - Total 5 minors + 2 adults injured on highway Columbia County, GA
vs.
Southeastern Freight Lines, Inc., Defendant.

NOTICE OF APPEAL - RULE 203(b) SCACR - ALL SIX ERRORS PRESERVED
Appeal from Final Order filed June 17, 2026 granting directed verdict "no evidence" despite:
1. Tire blowout 2. Settlement offer declined 3. Left scene with 7 injured including 5 minors 4. No maintenance logs pulled/produced (FMCSA 396.3 spoliation) 5. No officers/witnesses subpoenaed 6. Southeastern Freight trucker not cross-examined

Columbia County GA crash - GA law applies. 5 minors: 3 Fulwiler/Caraballo including Amelina minor at time, 2 Isdell/Caraballo.

Transcript ordered including denial of subpoenas, denial of logs, denial of cross.

Judge: TBD BY CLERK - Trial TBD BY CLERK

July 5, 2026

Melissa Fulwiler, Pro Se for all Appellants as Next Friend of 5 minors
235 Amelia Dr W Martinez GA 30907 706-993-5909
Manolin Caraballo

involved and witnesses
Melissa Fulwiler
Manolin Caraballo

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**DOCUMENT 3 - AFFIDAVIT - NOTARIZE - NO MAINTENANCE LOGS + SETTLEMENT WELCH
LEFT SCENE + NO SUBPOENAS + NO CROSS**

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT - BERKELEY COUNTY, SC - MONCKS CORNER
Case No.: 2024-CP-08-01717 - Final Order Filed June 17, 2026

Melissa Fulwiler and Manolin Caraballo, Individually and as Parents and Next Friends of Amelina Caraballo, minor at time, + 2 other minors (3 total of Fulwiler/Caraballo),

NOTARY WELCH
My Commission Expires
July 16, 2030
MOD. PUBLIC
July 9, 2026

Haley Isdell and Justin Caraballo, Individually and as Parents and Next Friends of 2 minors (2 total),
Plaintiffs - Total 5 minors + 2 adults injured on highway Columbia County, GA
vs.
Southeastern Freight Lines, Inc., Defendant.

AFFIDAVIT OF MELISSA FULWILER - CASE 2024-CP-08-01717 - SUPPORT FOR RULE 59

1, Melissa Fulwiler, under oath:

1. Southeastern Freight Lines driver blew tire on highway Columbia County, GA causing injuries to 7 persons: myself, Manolin Caraballo, Amelina Caraballo (minor at time) Haley Isdell, Justin Caraballo, and 2 minor children of Isdell/Caraballo.
2. Same driver offered settlement which we declined.
3. Same driver left scene despite injuries to 5 minor children.
4. No maintenance logs, tire inspection logs, repair logs for blowout tire were pulled, requested, or produced by Southeastern Freight Lines, Inc.
5. No officers who responded to highway were subpoenaed and no witnesses subpoenaed at trial in Moncks Corner, Berkeley County.
6. Southeastern Freight Lines trucker driver was not cross-examined on tire maintenance, settlement offer, leaving scene, or logs.
7. Total: 3 minor children of Fulwiler/Caraballo including Amelina minor at time, and 2 minor children of Isdell/Caraballo = 5 minors.

Date: July 5, 2024
Signature: *Melissa Fulwiler* Notary: *[Signature]*

My Commission Expires: 12/31/2025
Notary Public for the State of Georgia
JOHN R. WELCH
NOTARY PUBLIC
MEDFIE, GA

FILE: Berkeley County Clerk 1003 Hwy 52 Moncks Corner SC 29461 - 4 copies each - Get time stamp - July 15 Rule 59, July 17
Notice of Appeal from June 17 Order