

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)

IN THE CIRCUIT COURT

STATE OF SOUTH CAROLINA,)
)
)
vs.)
)
)
Travis Noah Buck)
)
)
)
)
Defendant/Address)

RETURN OF THE CRIMINAL APPEAL

CASE NUMBER
2011-CP-37-433

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT
2011 JUN 23 A 8:48

This matter is on appeal from the Magistrate's Court of Oconee County, South Carolina, the Honorable Will F. Derrick, Presiding Judge.

The defendant, Travis Buck, was charged with violating
S.C. Code Ann. § 16-17-430(A) which is commonly referred to as
(Code Section)
Unauthorized Use of Telephone, on
(Common Name of Offense)
11/23, 2010.

This matter was heard in a Bench trial on May 4, 2011
and the Notice of Appeal was filed on May 6, 2011. The
proceedings were (check appropriate box)

- recorded electronically
- recorded by a court reporter
- recorded in writing by the judge.

RECEIVED
A TRUE COPY
NOV 16 2011
CLERK OF COURT - OCONEE COUNTY

MAR 05 2014

SC Court of Appeals

ENTERED
COMPUTER

The jury list was prepared pursuant to S.C. Code Ann. (check appropriate box)

§ 22-2-80 Selection of jury list for a single trial.

§ 22-2-90 Selection of jury list for scheduled terms of jury trials.

and the Defendant and the State were given an opportunity to exercise peremptory challenges on March 14, 20 11.

The State called the following witnesses:

1. Kevin Davis
2. Rebecca Carter
3. Cherke Blaine
4. _____
5. _____
6. _____

A summary of their testimony is attached.

The Defendant called the following witnesses:

1. Travis Beck
2. Charlie Blake
3. _____
4. _____
5. _____
6. _____

A summary of their testimony is attached.

The State made the following Motions:

1. See Exhibit
2. _____
3. _____
4. _____

A summary of the State's and Defendant's position on each motion and the Court's ruling is attached.

The Defendant made the following Motions:

1. see attached
2. _____
3. _____
4. _____

A summary of the Defendant's and State's position on each motion and the Court's ruling is attached.

The State offered the following items into evidence:

1. CD of call
2. incoming call report
3. _____
4. _____
5. _____
6. _____

The Defendant raised the following objections to the items that the State sought to introduce into evidence:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

A summary of the Defendant's and State's position and the Court's ruling on the objection is attached.

The Defendant offered the following items into evidence:

1. Letter from Sheriff
2. MCA
3. _____
4. _____
5. _____
6. _____

The State raised the following objections to the items that the Defendant sought to introduce into evidence:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

A summary of the State's and Defendant's position and the Court's ruling on the objection is attached.

The Defendant was found guilty of violating S.C. Code Ann. § 16-17-430 (A), commonly known as Unauthorized Use of Telephone and the Court imposed the following sentence: 30 Days OR \$470⁰⁰

Attached are copies of the items which are checked.

- Uniform Traffic Ticket No(s). _____
- Arrest Warrant No(s). N137361
- The jury list.
- List of witnesses and a summary of their testimony.
- List of motions, summary of the parties' positions and court's ruling.

List of items offered into evidence, a summary of objections and the Court's ruling.

Documents and exhibits entered into the record.

The Notice of Appeal

SUMMARY OF TESTIMONY

STATE V. BUCK, MAY 4, 2011 JURY TRIAL

STATE

KEVIN DAVIS- TESTIFIED HE WAS NOTIFIED BY VICTIM OF PHONE CALL. LISTENED TO CALL, WENT TO MAGISTRATE WHO ISSUED WARRANT. 911 COMMUNICATIONS PULLED CD AND REPORT FROM RECORDS.

REBECCA CARTER- CHIEF DISPATCHER, OCSD. TESTIFIED SHE PULLED CALL FROM 911 SYSTEM, VERIFIED IT, AND COPIED TO CD. ALSO, LOG OF ACTIVITY FOR THE NUMBER BY DATE AND TIME.

CHARLIE BLAINE- U.S.F.S OFFICER. FILED REPORT. RECEIVED CALL FROM DEFENDANT. HAS DEALT WITH HIM BEFORE, AND HE HAS BEEN HARASSING ME. RECOGNIZED NUMBER AND VOICE AS DEFENDANT. SUBJECT CONTINUES TO CALL USFS OFFICE AND LEAVE MESSAGES, CALLS SUPERVISOR, REFERS TO ME BY MIDDLE NAME. ATTEMPTING TO INTIMIDATE AND AGITATE ME. CALLED AT 651PM THIS DAY, USED MY MIDDLE NAME, CURSING, AND TOLD ME WHERE TO STICK IT. HAD CHECKED HIS AND ANOTHER HUNTERS ID AT A DOVE FIELD TWO DAYS BEFORE, AND THEY WERE GOOD TO GO. THEN STARTED QUESTIONING JURISDICTION. WENT OVER AUTHORITY AND COOPERATION WITH DNR. SUBJECT RIDES UP AND DOWN ROAD, FLIPS ME OFF AND YELLS, BLOWS HORN. SITUATION IS ESCALATING AND DECIDED TO TAKE ACTION THIS TIME.

ON CROSS, TESTIFIED THERE WAS AN INCIDENT FOUR YEARS AGO WHERE DEFENDANT WAS ARRESTED FOR PDC AND RESISTING. DUE TO HIS HARASSING OTHER PEOPLE ON A USFS ROADWAY. WENT OVER AUTHORITY AND PROCEDURES AGAIN. DOVE FIELD SIGN CLEARLY STATES THAT IT IS A JOINT DNR/USFS COOPERATION.

STATE RESTS

DEFENSE

TRAVIS BUCK- TESTIFIED NO HISTORY OF HARASSMENT ON ROAD. OFFICER BLAINE HAS BEEN VINDICTIVE SINCE PREVIOUS CHARGES WERE DROPPED AND EXPUNGED. CAUSED INTERNAL INVESTIGATION. PRODUCED LETTER FROM SHERIFF AND MOA WHICH WAS NOT RENEWED FROM OCSD. LED TO BEHAVIOR. BLAINE ASKED FOR DL AT DOVE FIELD ON 11/20. FEDERAL LEO CANNOT INITIATE INVESTIGATION UNDER SC LAW. HE REIGNITED MY SPARK OF ANGER. MY CALL WAS RUDE IN BAD TASTE, BUT NOT ILLEGAL.

ON CROSS, TESTIFIED DID MAKE PHONE CALLS TO USFS. DID USE HIS MIDDLE NAME BECAUSE HIS MOTHER GAVE HIM THAT NAME. DO NOT HAVE HARSH FEELINGS TOWARDS HIM. DO AGREE NOW IT IS FEDERAL PROPERTY. DIDN'T TREAT ME POORLY, JUST OUTSIDE AUTHORITY. DIFFERENCE BETWEEN CASE AND STATUTORY LAW. NOT ILLEGAL, FREEDOM OF SPEECH.

SUMMARY OF TESTIMONY

STATE V. BUCK, MAY 4, 2011 JURY TRIAL

STATE

KEVIN DAVIS- TESTIFIED HE WAS NOTIFIED BY VICTIM OF PHONE CALL. LISTENED TO CALL, WENT TO MAGISTRATE WHO ISSUED WARRANT. 911 COMMUNICATIONS PULLED CD AND REPORT FROM RECORDS.

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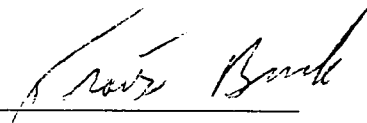
STATE OF SOUTH CAROLINA)
)
OCONEE COUNTY)
)
State of South Carolina,)
)
)
VS.)
)
)
Travis Noah Buck,)
Appellant)
)
_____)

IN THE MAGISTRATE'S COURT
WESTMINSTER MAGISTRATE
NOTICE OF CRIMINAL APPEAL
WARRANT # N137361

Let this serve as notice of appeal on warrant # N137361 on one or more of the following grounds:

1. The failure of Honorable William F. Derrick, Jr. To direct a verdict when no evidence existed to convict.
2. In failing to properly charge the jury.
3. Failure to recognize and apply law pertaining to the case.

Respectfully submitted,



Travis N. Buck

Longcreek, SC

May 4, 2011

RECEIVED
APR 11 2011
TCT

RECEIVED
MAR 05 2014
SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF Oconee

Travis Noah Buck

~~State of South Carolina~~ Plaintiff(s)

vs.

State of South Carolina

~~Travis Noah Buck~~ Defendant(s)

(Please Print)

Submitted By: Travis Buck

Address: P.O. Box 5
Longcreek SC 29658

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2011 -CP- 37 - 433

SC Bar #:

Telephone #: 864 647 9085

Fax #:

Other:

E-mail: Bluedog works @ yahoo.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> Employment (120) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Other (199) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20__-CP-____- <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Assault/Slander/Label (300) <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Other (399) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Other (799) | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Driver's License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input checked="" type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Commission (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Sexual Predator (510) | | | |

Submitting Party Signature: _____

Date: May 6 2011

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

Travis Noel Buck

NOTICE OF APPEAL OF A CRIMINAL CONVICTION
FROM MAGISTRATE/SUMMARY COURT

OR

FROM CITY COURT

APPELLANT

-vs-

THE STATE

CIRCUIT COURT COMMON PLEAS CASE NUMBER:

2011 CP-37-433

2011 MAY -6 A 11:11 AM
RECEIVED BY COURT
GENERAL CLERK

(STATE OF SOUTH CAROLINA)

THE APPELLANT: Travis Noel Buck HEREBY APPEALS

THE CONVICTION FROM: Westminster Magistrate Court
MAGISTRATE/SUMMARY COURT OR CITY COURT

DATE OF CONVICTION: May 4 2011

JUDGE: William F. Derrick, Jr.

WARRANT or TICKET NUMBER (s) N137361

REASON FOR APPEAL: (1) Failure of Judge to direct a verdict when no evidence existed to convict. (2) Failure to properly charge the jury. (3) Failure to recognize and apply law pertaining to the case.

DATE: 5/6/11

Travis Buck

APPELLANT SIGN HERE

P.O. Box 5

Long Creek SC 29658

864-647-9085

MAILING ADDRESS AND PHONE NUMBER

ATTACH ADDITIONAL PAGES IF NECESSARY

JUROR SIGN IN SHEET

TRIAL DATE: May 4, 2011

Warrant # N137361 Unlawful Use of Telephone

State vs Travis Noah Buck Victim: Charlie Blaine Officer: Kevin Davis

Name	Address	Mileage	Check #
Windell N. Stephens <i>Windell N. Stephens</i>	<i>1234567890</i>	<i>12</i>	
Donnie H. White <i>Donnie H. White</i>	<i>1234567890</i>	<i>12</i>	
Richard A. Perkins <i>Richard A. Perkins</i>	<i>1234567890</i>		
James R. Lusk <i>James R. Lusk</i>	<i>1234567890</i>		
Melissa E. Stover <i>Melissa E. Stover</i>	<i>1234567890</i>	<i>12</i>	
Marie L. Gibson <i>Marie L. Gibson</i>	<i>1234567890</i>	<i>17</i>	
Melody N. Wilks <i>Melody N. Wilks</i>	<i>1234567890</i>	<i>17</i>	
Clinton H. Burns <i>Clinton H. Burns</i>	<i>1234567890</i>		
Shirley J. Holland <i>Shirley J. Holland</i>	<i>1234567890</i>		

Robert R. Macovy

Regina C. Crunkleton

Cynthia D. Cooley

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

STATE,)

VS.)

TRAVIS AARON BUCK
Defendant.)

IN THE MAGISTRATE'S COURT

10137361
WARRANT/TICKET NUMBER

Unlawful Use Telephone
OFFENSE

Mr./Ms. Foreman, when the jury reaches a verdict, please record it by striking out the statement which does **NOT** reflect the jury's decision. After having done this, Mr./Ms. Foreman, please sign your name under the verdict to signify that the remaining statement reflects the verdict of the jury.

The law in this State requires that a jury verdict be unanimous, which means that all of the jurors must agree.

For the convenience of the jury, I have listed below the possible verdicts in this case. You are to attach no significance to the order in which I set out the possible verdicts.

When you have reached a verdict and have recorded it, please notify us by knocking on the door.

THE POSSIBLE VERDICTS ARE:

WE FIND THE DEFENDANT GUILTY

~~WE FIND THE DEFENDANT NOT GUILTY~~

May 4, 2011
DATE

[Signature]
JUROR

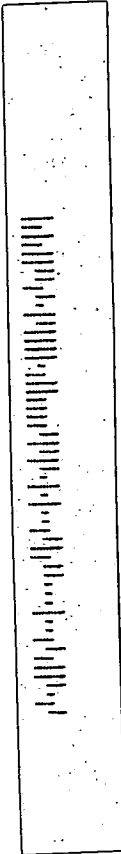
[Signature]
JUROR

[Signature]
JUROR

[Signature]
FOREMAN

[Signature]
JUROR

[Signature]
JUROR



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MAR 05 2014

SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211