

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

RECEIVED

MAY 12 2014

SC Court of Appeals

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

The State

Respondent,

v.

Fritz Allen Timmons

Appellant.

APPELLANT REPLY TO RESPONDENTS RETURN TO MOTION/PETITION FOR
REVIEW OF ORDER OF APRIL 18, 2014

Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551
(843)-335-6283

Adam M. Foard Law, LLC.
Foard, Adam M.
120 N. Pearl St.
Pageland SC 29728
Attorney for Respondent

Due to the following the Appellant believes that the actions of the General Attorneys Office is in effect an strategic action to deceive the Court for the purpose of gaining excessive time and supplementing the Record on Appeal with possible evidence that is not on record from the lower courts. Therefore directly violates Rule 269, SCACR

1) As members of the Bar Association with Salley W. Elliott SC Bar No. 1871, Senior Assistant Deputy Attorney General, becomes easily confused as submitted.

2) Confused as to notices of Appeal that are served approximately 4 ½ **months** apart with different counties, case numbers, dates, and counsels. the General Attorneys Office was already in the process to the appeal when receiving the notice of a separate appeal. The Notice of Appeal for this case plainly and clearly in bold type states “**NOTICE OF APPEAL FROM COMMON PLEAS RTGARDING A CONVICTION IN MAGISTRATES**”, ipso facto, the notice cannot be confused as to being that of filed for the South Carolina Department of Employment and Workforce. Attached are copies of the notices on file.

3) Contacting Fourth Judicial Circuit Solicitor requesting initial brief and designation of matter for the purpose to move to dismiss appeal dated Oct 8, 2013. The letter also has the correct Case Title and Appeal number along with the statement “**our due date is fast approaching**”, ipso facto, the Attorney General Office was well informed as to the appropriate filing dates on file and in accordance to Court Rules and that the appeal was from a **criminal case** from magistrate court and appealed to the circuit court. This letter indicates that the General Attorneys Office’s knowledge of the intensions of the appeal, time factor for filing, and the intensions of the General Attorneys Office as to a Motion to Dismiss for Failure to File in a Timely Manor. The letter for

Removal of the General Attorneys Office as representative was dated two days prior to the expiration for filing the Respondents Initial Brief and Designation of Matter to be included in the Record on Appeal. Therefore, the request for removal by intentional confusion for the sole purpose of avoiding Court Rules time limitations.

4) The Attorney General Office was served a notice that differentiates the difference between the two appeals **two months prior** to the respondents motion to relax, ipso facto, The Attorney General Office knowingly and willfully did not file the motion in a timely manner nor petitioned the court to **rejoin** the case. The motion was also filed **AFTER** the Appellants **FINAL BRIEF** and **RECORD on APPEAL**

5) The motion to relax rules 208, 209, 210, 211 and for an extension of time in which to file respondent's initial brief, Designation of Matter, Supplemental Record on Appeal and Final Brief of Respondent was filed (Feb 19, 2014) **four** months after the Appellants Initial Brief was filed (Oct 15, 2013) therefore the motion was not filed in a timely motion. Also the Order does not limit the supplemental to the record to the record from the lower court that would violate Rule 212 (b), SCACR. (With the written consent of all attorneys of record,) ipso facto, The Attorney General Office was well aware of the time requirements of Court Rules and withdrew to purposely avoid these limitations.

6) The Respondent submits no knowledge of charges to be filed by the court on the appellants behalf or the identity of Chesterfield Authorities although charges are a part of the appellants briefs that was served to Salley W. Elliott as well as Adam M. Foard prior to the respondents motion to relax, ipso facto, the Respondent did have knowledge of the charges and identities of the Chesterfield Authorities. Attached are copies of charges from the Appellants Brief.

The Respondent also submits no knowledge of conflict arising from above said charges. In the case STATE OF SOUTH CAROLINA, ex rel ALAN WILSON, ATTORNEY GENERAL v. CHESTERFIELD COUNTY and SAM PARKER, in his official capacity as SHERIFF OF CHESTERFIELD COUNTY (Case No. 2011CP1300423 with J. Michael Baxley as presiding judge) of which involved the Chesterfield County Animal Shelter personnel shooting dogs and beating cats in the head with pipes and dumping them in a landfill, with no criminal charges filed against the employees. The case states “ This action is brought in the name of the State by the Attorney General of the State of South Carolina, Alan Wilson. The Defendant County of Chesterfield is a political subdivision of the State of South Carolina. The Defendant Sam Parker is named in his official capacity as Sheriff of Chesterfield County. The Office of the Sheriff manages the Defendant Chesterfield County Animal Shelter under authorization from the County of Chesterfield.” along with ALAN WILSON, Attorney General, J. EMORY SMITH, JR., Assistant Deputy Attorney General, Office of the Attorney General, P. O. Box 11549, Columbia, SC 29211, (803) 734-3680, ATTORNEYS FOR STATE EX REL, with the Chesterfield County Animal Shelter and Chesterfield County (with Daniel Bowe as director of both) and managed by Chesterfield County Sheriff Office along with Sheriff Sam Parker as supervisor of the Chesterfield County Sheriff Deputies involves, ipso facto, causes a conflict of interest as to the Attorney General and Assistant Deputy Attorney General as being prosecutor and defendant with the above said.

- 7) Respondent submits that appellant was convicted of charges though does

not mention the sham legal process that caused them that is clearly identified in the Appellants Brief that violates state codes, court rules and constitutional rights. Example of which is the affidavit for the search warrant. See attached.

8) Respondent claims that the review is not available to the Appellant although Rule 240 (j), SCACR, an order issued by an individual judge may be reviewed, therefore due to the order was by only Paul E. Short Jr., the motion ro review is available and permitted within court rules and if it wasn't then should be anyways due to the previous subvention of Court Rules

9) Respondent claims that the En Banc request notice served was intended for the motion, though Rule 219 (b), SCACR, (If a party desires to suggest that a matter be heard initially en banc) is intended for the initial hearing of the case due to the sham legal process of Chesterfield County Legal and Justice systems and the subvention of court rules by Judge Paul E. Short Jr.

10) With Adam M. Foard as representative for the State under Rule 264a, SCACR and the withdraw from the case by General Attorneys Office under Rule 264a, SCACR of which has not petitioned the Court to rejoin the case, therefore the motion to relax rules was not available to General Attorneys Office as representative.

11) With **only confusion** as cause for the motion to relax without fact of state code, court rules, authority or any reasonable cause for the motion to relax, and by the General Attorneys Office as not a party to the case due to their withdraw, the order to relax was granted.

With the above said, the General Attorneys Office has willfully and knowingly

deceived the Court by strategically withdrawing from the case and claiming the cause to be by confusion in order to reenter at a later date solely for the purposes of avoiding the timely filings in accordance to court rules, ipso facto, violating Rule 269, SCACR. As far as the Supplement of Record on Appeal. Therefore the General Attorneys Office should have been considered as if a motion to dismiss for failure to timely file was granted against them.

If not contained to the record in the lower courts then the Appellant will be requesting, due to the appellants limited resources, the court to subpoena possible crucial evidence contained in E-mails, text messages ect. to and from the Chesterfield County Sheriff Office, Chesterfield County Animal Shelter, Chesterfield County Animal Control and Chesterfield County Magistrates Office that is controlled by *Freedom of Information Act* along with the rescues in association with Chesterfield County Animal Shelter and Chesterfield County Animal along with the financial and phone record and dockets of said and the involved personnel of the above due to selective and partial evidence provided by the state in the lower courts.. Therefore the order was granted under deceit and the Appellant request that the Order of April 18, 2014 to be reversed and that the motion to relax rules to be denied along with the removal of .General Attorneys Office due to their withdraw and possible conflict of interest.

May 9, 2014

Fritz A. Timmons Pro Se
P. O. Box 367
Hartsville, SC 29551

- (5) Appellant also request charges and complaints to be filed with the appropriate authorities for each of the following persons along with the immediate suspension from their jobs and duties there of and without pay pending a full investigation.

(A) Judge Paul Burch

(1) CANON 3 B.(8) CJC, Rule 501, SCACR, (2) Fourteenth Amendment, (3) Article I, Section 14 of the S.C. Constitution, (4) Sixth Amendment - against unnecessary or unreasonable delay, and (5) §8-1-60 Neglect of duty

(B) Judge J. Michael Baxley

(1) CANON 3 B.(2) CJC, Rule 501, SCACR, (2) CANON 3 B.(4) CJC, Rule 501, SCACR, (3) CANON 3 B.(5) CJC, Rule 501, SCACR, (4) CANON 3 B.(7) CJC, Rule 501, SCACR, (5) CANON 3 B.(9) CJC, Rule 501, SCACR, (6) §8-1-60 Neglect of duty, (7) §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410) after the fact, (8) §16-17-10 (2)(a), (9) §16-17-410 conspiracy after the fact(§16-17-410), (10) §16-17-735(A)(1)(2) , (11) §17-23-20 Double jeopardy conspiracy of (§16-17-410) after the fact, (12) §18-7-170 judgment according to the justice of the case, (13) §18-7-180 on an error in fact in the proceedings, and (14) §18-7-190 an issue of law

(C) John A Davis

(1) CANON 3 B.(2) CJC, Rule 501, SCACR, (2) CANON 3 B.(5) CJC, Rule 501,

SCACR, (3) CANON 3 B.(7) (a) CJC, Rule 501, SCACR, (4) CANON 3 B.(7) (e) CJC, Rule 501, SCACR, (5) CANON 3 D.(1) CJC, Rule 501, SCACR, (6) Tampering with evidence, (7) Fourteenth Amendment , (8) S.C. Const. Art. I, §12 , (9) §8-1-60 Neglect of duty, (10) §16-5-10 Conspiracy against civil rights, (11) §16-9-10(A)(2) 4 counts summon tickets falsifying on court record, 1 count for warrant (total 5 count), (12) §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410) , (13) §16-13-10(3) changed of seizer list, (14) §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) , (15) §16-13-240 Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) , (16) §16-17-10 (2)(b)(c) Barratry and conspiracy of (§16-17-410) , (17) §16-17-410 Conspiracy, (18) §16-17-640 (1) (3) Blackmail conspiracy of (§16-17-410) , (19) §16-17-735(A)(1)(2) A person taking advantage of purported capacity knowing that his conduct is illegal (1) subjects another to seizure (2) impedes another enjoyment of any right, (20) §17-23-20 18 count Double jeopardy per individually numbered summons tickets(9 counts of abandonment , 7 count for rabies, 2 count ill-treatment), (21) §17-23-60. Absence of James Lewis for magistrate hearing, (22) §22-3-710 Proceedings commenced on information, (23) §22-3-740 Election on which of several offenses to try accused, (24) §22-3-790 writing and signed by the witnesses , (25) §47-1-150 (A) complaint is made on oath or affirmation , (26) §56-7-80 (A) 21 count (per individually numbered summons tickets) for the enforcement of county ordinances

(D) Jim McGonigal

(1) Tampering with evidence conspiracy of (§16-17-410) , (2) §8-1-60 Neglect of duty,

(3) §8-13-725(A) , (4) §16-5-10 Conspiracy against civil rights, (5) §16-9-10(A)(2) 21 count (one per individually numbered summons ticket), (6) §16-9-330(A) failure to produce dogs for court examination, (7) §16-11-510(A) unlawful for a person to willfully and maliciously injure chattels of another conspiracy of (§16-17-410) , (8) §16-11-700(A) littering during search , (9) §16-13-10(1) made up E-mail (10) §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) , (11) §16-13-240 Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) , (12) §16-17-10 (1)(c),(2)(b)(c) Barratry and conspiracy of (§16-17-410) , (13) §16-17-410 Conspiracy, (14) §16-17-725(A) Making false complaint to law enforcement officer, (15) §16-17-735(A)(1)(2) A person taking advantage of purported capacity knowing that his conduct is illegal (1) subjects another to seizure (2) impedes another enjoyment of any right, (16) §16-17-640 (1) (3) Blackmail, (17) §22-3-310 the status of such property shall not be changed until after the expiration of the time for appealing has expired, (18) §23-15-60 Breaking into house to seize goods, (19) §56-7-15 ticket for offense committed in officer's presence, (20) §56-7-80 (A) 21 count one per individually numbered summons ticket, (22) §56-7-80 (C) (2) 21 count one per individually numbered summons ticket, (23) §56-7-80 (C) (3) 21 count one per individually numbered summons ticket, (24) §56-7-80 (C) (4) 21 count one per individually numbered summons ticket,

(E) Danielle Bowe

(1) Tampering with evidence conspiracy of (§16-17-410) , (2) §8-13-725(A) , (3) §16-

5-10 Conspiracy against civil rights, (4) §16-9-10(A)(1) , (5) §16-9-10(A)(2) seized item list, (6) §16-9-10(A)(1) under oath, (7) §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410) , (8) §16-11-700(A) littering during search , (9) §16-13-10(1) seizer list of warrant return, (10) §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) (11) §16-13-240 Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) (12) §16-17-410 Conspiracy(13) §22-3-310 the status of such property shall not be changed until after the expiration of the time for appealing has expired, (14) §16-9-10(A)(1) testifying that canine “Hanna” had tumors, (15) §22-3-310 the status of such property shall not be changed until after the expiration of the time for appealing has expired, (16) §23-15-60 Breaking into house to seize goods conspiracy of

(F) James Lewis

(1) §8-1-60 Neglect of duty, (2) §16-5-10 Conspiracy against civil rights, (3) §16-9-10(A)(2) affidavit, warrant return, (4) §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410), (5) §16-11-700(A) littering during search , (6) §16-13-10(1) seizer list of warrant return, (7) §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) , (8) §16-13-240 conspiracy of Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) , (9) §16-17-10 (1)(c),(2)(b)(c) Barratry and conspiracy of (§16-17-410) , (10) §16-17-410 Conspiracy §16-17-735(A)(1)(2) - A person taking advantage of purported capacity knowing that his conduct is illegal (1)

subjects another to seizure (2) impedes another enjoyment of any right, (11) §23-15-60

Breaking into house to seize goods

- (6) Reimbursement of physical damages caused by search of a total of \$1195.33
- (7) Reimbursement of mailing and copying supplies \$300.00
- (8) Due to criminal charges based on civil violations, ipso facto, includes factors of both criminal and civil, therefore the appellant request the equivalent of lawyers fees of 33% of the total for the appeal to the court of common pleas and also 33% for the appeal to the appeals court and to be South Carolina Tax exempt to prevent respondent from recouping partial reward/reimbursement from appellant

Respectfully submitted,

September 9, 2013

Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551
(843)-335-6283

STATE OF SOUTH CAROLINA

COUNTY OF ~~CHESTERFIELD~~

AFFIDAVIT

Personally appeared before me, one JAMES LEWIS who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

(827) TABERNACLE CHURCH RD. MERRE

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

PROPERTY AND DWELLING

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

MAINTAINED AND DEAD ANIMALS OUTSIDE AND EVIDENCE OF MORE ANIMALS OUTSIDE. NO FOOD OR WATER FOR ANIMALS

A True Copy, Attest

James S. Sellers

CLERK OF COURT C.P. & C.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 03
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

Sworn to and Subscribed before me this 4th day of March, 2013.
[Signature] (L.S.)
Signature of Judge

[Signature]
Affiant

Address SCOTCH RD,
CHESTERFIELD, SC

32 Phone 623-2101

**NOTICE OF APPEAL FROM COMMON PLEAS REGARDING
A CONVICTION IN MAGISTRATES**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFEILD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No. 2013-CP-130015

State Of South Carolina

Respondent,

v.

Fritz A. Timmons

Appellant.

NOTICE OF APPEAL

Fritz A. Timmons appeals the order of J. Michael Baxley dated May 8, 2013, which affirmed his conviction in magistrates court. Appellant received written notice of the order on May 14, 2013.

June 14, 2013

Fritz A. Timmons (Pro Se)
P. O. Box 367
Hartsville; SC 29551
(843) 335-6283

Adam M. Foard Law, LLC.
Foard, Adam M.
120 N. Pearl St.
Pageland SC 29728
(843) 672-6600
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No. 2009-CP-1600540

State Of South Carolina

Respondent,

v.

Fritz A. Timmons

Appellant.

NOTICE OF APPEAL

Fritz A. Timmons appeals the order of J. Michael Baxley dated Oct 8, 2013,
Appellant received no written notice of the order.

Oct 29, 2013.

Fritz A. Timmons (Pro Se)
P. O. Box 367
Hartsville, SC 29551
(843) 335-6283

Romi Yolanda Robinson
PO Box 995
Columbia SC 29202
(803) 737-2666
Attorney for Respondent

Browns A/S RV and Campers, Inc. (Pro Se)
30049 Hwy 151
McBee SC 29101

RECEIVED

MAY 1 2 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No. 2013-001415

Fritz A. Timmons

Appellant.

v.

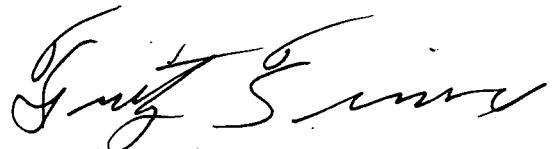
State Of South Carolina

Respondent,

PROOF OF SERVICE

I certify that I have served the APPELLANT REPLY TO RESPONDENTS RETURN TO MOTION/PETITION FOR REVIEW OF ORDER OF APRIL 18 by depositing a copy of it in the United States Mail, postage prepaid, on May 9, 2014, addressed to his attorney of record, Adam M. Foard, 120 N. Pearl St. Pageland SC 29728. Also served to Salley W. Elliott, Senior Assistant Deputy Attorney General, P. O. Box 11549, Columbia, SC 29211.

May 9, 2014



Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551
(843)-335-6283

May 9, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RE: The State v. Fritz A. Timmons Appellate Case No. 2013-001415

Dear Jenny Abbott Kitchings

Enclosed is the original and six copies of the APPELLANT REPLY TO
RESPONDENTS RETURN TO MOTION/PETITION FOR REVIEW OF ORDER OF
APRIL 18, 2014 along with proof of service in the above referenced case



Sincerely,
Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

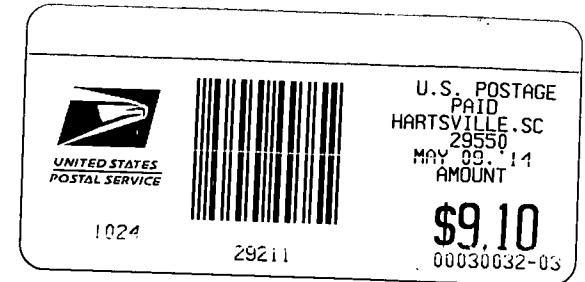
Cc Foard, Adam M.
Salley W. Elliott

RECEIVED

MAY 12 2014

SC Court of Appeals

Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551



LK
5-10

Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RECEIVED
MAY 12 2014
SC Court of Appeals