



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

RECEIVED

JUL 28 2014

The State

Respondent

SC Court of Appeals

v.

Fritz Allen Timmons

Appellant.

APPELLANTS REPLY TO THE RESPONDENTS RETURN TO THE MOTION TO
STRIKE AND DISREGARD RESPONDENTS SUPPLEMENT RECORD AND
REQUIRE FILEING OF AMENDED INITIAL BRIEF OF RESPONDENT

With the Respondents failure to comply to the deadline established by the Court Order of April 18, 2014 to file the Respondents Final Brief, therefore **the Appeal will proceed without a Respondents Brief**, ipso facto, the Respondents Supplemental Record will not be referenced by the Appellant's Brief causing it to be irrelevant to the Appeal (Rule 402, SCRE and Rule 403, SCRE), and thereby this court should strike and disregard the Respondents Supplemental Record. The Respondent has misconstrued the terminology of Substitutional and Supplemental.

The Respondent claims that all the matter in the Respondents Supplemental Record is relevant to the Appeal (see attached pages from supplement), thereby violating

Rule 209(b), SCACR “include **portions** of the transcript, pleadings, orders, exhibits, or other materials **which may be properly included** in the Record on Appeal [See Rule 210(c)]. A party **shall not include any matter** in his Designation **which is not relevant to the appeal.**” and 210(c), SCACR “that the portion of a pleading showing verification or service **shall not be included unless relevant to the appeal**”. With these violations the Respondents Supplemental Record should be stricken and disregarded.

With the Respondents noting the motion to dismiss, the Respondent failed to state that the **motions was based on the violation of Constitutional Rights by the State** by issuing an unlawful and unconstitutional search warrant without probable cause, ipso facto, that **any possible evidence of the state is inadmissible in a court of law**. The Affidavit alone states “1827 Tabernacle Church Rd McBee SC” as items to be seized, ipso facto, violating the Particular Requirements along with other violations (Rule 41(f)(1)(B) FRCrP, Rule 41(f)(1)(C) FRCrP, and Rule 41(f)(1)(D) FRCrP), as explained in the Appellants Brief, therefore is unconstitutional as well as the search warrant itself. The Motion to Dismiss was Denied by the same Judge that issued the unlawful warrant. Under Rule 17, SCRCrimP, the Motion to Dismiss for Constitutional Violations by the State, Therefore, All possible evidence by the State has been objected to and due to the Corruption and conspiracy of the Lower Courts, the states possible evidence still presides in court records. With the Corruption and conspiracy of the magistrates office and Chesterfield Agencies, only partial evidence was provided therefore providing a bias record to manipulate the Upper Courts through its Court Rules. As explained in the Appellants Reply Brief, the March 8, 2013 internet posting of “**all the dogs will be available after the 20th**”, “**they cannot be released as the court date is on the**

20th...when they are released after that date”, “we need to wait for the court date & then have a central ...” and “Director of Animal Services (again - dogs not released until after court date on 20th) Danielle Bowe “ by Chesterfield County Animal Control and Shelter Director Danielle Bowe, Thereby confirming the conspiracy as to the Chesterfield County Magistrates office, Chesterfield County Animal Control and Shelter and Chesterfield County Sherriff Department with the predetermined verdict of the hearing of March 18, 2013. Along with only 5 Veterinarian exams produced as evidence and not for all 25 adults and 6 one week old puppies, Therefore under Rule 5, SCRCrimP, the Appellant should have been offered the opportunity to add the missing exams as well as any other evidence including the above posted statements by Chesterfield County Animal Control to the Respondents Supplemental Record due to the Magistrate Court not being a TRUE COURT OF RECORD and that has violated State Codes and Constitutional Rights.

With the Respondents noting that the COUNTY UNIFORM ORDINANCE SUMMONS written for the violations of STATE CODES, thereby violating State Code §56-7-80(A) ”...use an ordinance summons as provided herein for the enforcement of county and municipal ordinances” and the ATTORNEY GENERAL’S OPINION “The uniform summons cannot be used for the enforcement of laws other than county and municipal ordinances ...”. 1994 Op Atty Gen, No. 94-67, p. 143., ipso facto, the summons and charges are invalid and unlawful although the Appellant was still convicted and fined multiple times as explained in Appellant’s Brief. Therefore, the Respondent has failed to provide the ordinance required under State Code §19-3-10. Also with County Uniform Summons written for rabies, abandonment of animals and ill treatment of

animals with the Search warrant written for “abandonment or neglected animal“, Therefore was the State going for abandoned animals, neglected animal or ill treated animals which includes wildlife. Does the charges of violation of §47-1-40 violates the jurisdiction of the magistrate with the possibility of it being a class B misdemeanors or even a class F felonies. Also the State has Failed to explain or proven how the Appellant has supposedly had abandoned, neglected and/or ill treated any animals or ill treated an abandoned animal and warrant does no support rabies violations.

As for the Respondents Initial Brief violation of Rule 208(b)(4), SCACR, the references refers to the Respondents Supplemental Record of which was not part of the Lower Court Record, ipso facto, violates the above said Rule and therefore should be amended to match the record of the Lower Court in accordance to Rule 208(b)(4), SCACR. As the Respondent filed a Motion to amended Appellant’s Initial Brief **AFTER** the Appellant had filed and served the Appellant’s **FINAL Brief**, therefore, this Court should order the amendment of the Respondent’s Initial Brief as it did for the Appellant’s Initial Brief, in layman's terms, *what's good for the goose is good for the gander*.

Respondent claims Supplemental pages 45-46 that the 6 photos of under one week old puppies are dogs that the Appellant was charged for neglect, therefore, what part of State Code §47-1-70 is a violation for neglect, under what county ordinance was the Appellant charged under and what County Uniform Ordinance Summons Ticket number was written to confirm this. This is the first mentioning of any charge was for what dog, therefore, what charged are for what dogs and why was the dogs that was not charged for was also seized. While Supplemental pages 47-51 for Appellants receipts only proves that the Appellants dogs was not neglected or abandoned as the States claims and is

irrelevant to the Constitutional and State Code Violations that has occurred by the State.

Respondent claims Supplemental page 63 is relevant because it states the county, date and officer of the Search Warrant. Although the Affidavit and the Search Warrant itself contains this information, therefore, the information is irrelevant to the Appeal. The Respondent has not shown the relevancy of this..

Respondent claims Supplemental pages 67 is relevant for procedural history, Although it only proves that the appeal was base on Constitutional Rights violations as well as State Code violations by the State and Conspiracy by the Circuit Court to continue these violations as well as evidence not provided by Animal Control in the Magistrate Court. The Respondent has not shown the relevancy of this

Respondent claims Supplemental pages 68-69 is relevant for procedural history, although the cover sheets of filings and the Statement of the Case in the briefs contains this information, therefore, is irrelevant to the Appeal. The Respondent has not shown the relevancy of this

In Regard to page 82, due to clerical error, was in reference to page 80 of which is the CERTIFICATE OF REPORTER of which Rule 210(c) SCACR states “that the portion of a pleading showing verification or service shall not be included unless relevant to the appeal“ and the Respondent has not shown the relevancy of this..

Respondent claims Supplemental pages 11-38, 41-62, 68-73 is relevant, under Rule 209(b), SCACR, must clearly identify what the party desires, which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal., Therefore, The Supplemental pages are not clearly identified which causes it to be irrelevant. The

Respondent has not shown the relevancy of this

As to Supplemental pages 83-84, was added by clerical error and should be ignored.

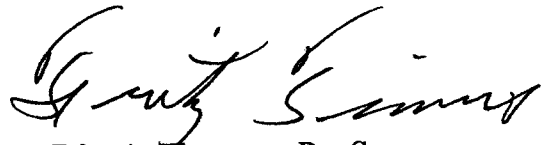
The Respondent claims that the violation to Rule 210(c), SCACR is not uncommon, Therefore, the State Claims that it is not uncommon that this Court cannot abide by its own Rules which would explain the constant violations of Court Rules (other than correction of clerical error) by the State and permitted to do so by this Court while, so far, the Rules are enforced upon the Appellant (example: Order of July 7, 2014, for the Appellant to amend the Initial Brief **AFTER** the **FINAL BRIEF** has been served and filed and to amend Record on Appeal (on this Court own initiative and disregarding clerical error on Appellants Designation of Matter to be Included in the Record on Appeal) due to a magnified portion of a photo on the same page was added of which the order would violates Rule 1003, SCRE or for the Original Warrant Return list (Magistrates Copy) that is permitted under Rule 1002, SCRE. or for clerical error not motioned for correction due to failure of Respondent to Serve the Respondents Initial Brief and Designation of Matter to be Included in the Record and withdrawal of the Respondent on the Deadline for filing of said due to Respondents confusion thereby violating Rule 208(a2), SCACR, 209(a), SCACR., and SCACR,211(a), SCACR. Therefore, causing the elimination of evidence by this Court on its own initiative.

Respondent claims Supplemental pages 52-62 of which contains photos of carcasses of canines that died from parvo or Canine Circovirus outbreak (all dogs was vaccinated with 7way shots prior to and that included parvo) and buried in 2012 and was dug up and partially eaten by wildlife and dragged into yard (Rule 403, SCRE), (Exam

confirms by Extreme Decay during winter nor mentioning of ant infestation (R. p. 37)) and with burial wrappings or being within the custody of Chesterfield Animal Control over a week prior to exam of which a fully intact carcass also in their custody did not have an exam presented to the court nor photos of, and had already committed Constitutional Intrusion, Perjury (§16-9-10(A)(1)) and various other Federal and State Violations as explained in the Appellants Brief, therefore is not beyond reasoning that Chesterfield Animal Control had washed the carcasses prior to the exams.

THEREFORE, this Court should strike and disregard the Respondents Supplemental Record and to have the Respondents amended to comply to Rule 208(b4), SCACR

July 25, 2014



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

Motion Hearing

Page 03

Decision of the Court

Page 11

Certificate of Reporter

Page 13

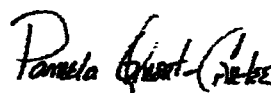
CERTIFICATE OF REPORTER

13

I, the undersigned, Pamela Ozment-Cartee, official Court Reporter for the Fourth Judicial Circuit of South Carolina, do hereby certify, that the foregoing is a true, accurate and complete Transcript of Record in the above captioned case, relative to appeal, in The Court of General Sessions in Chesterfield County, South Carolina, on the 8th day of May 2013.

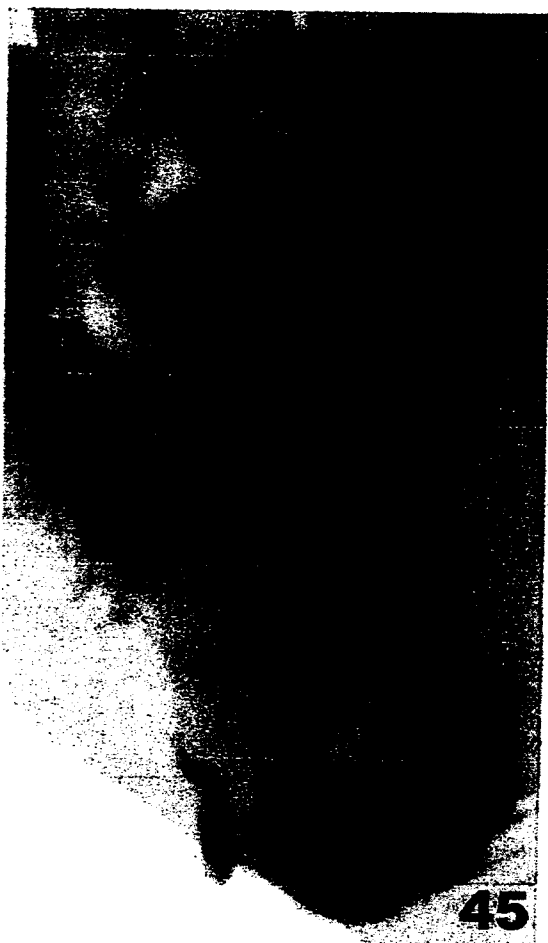
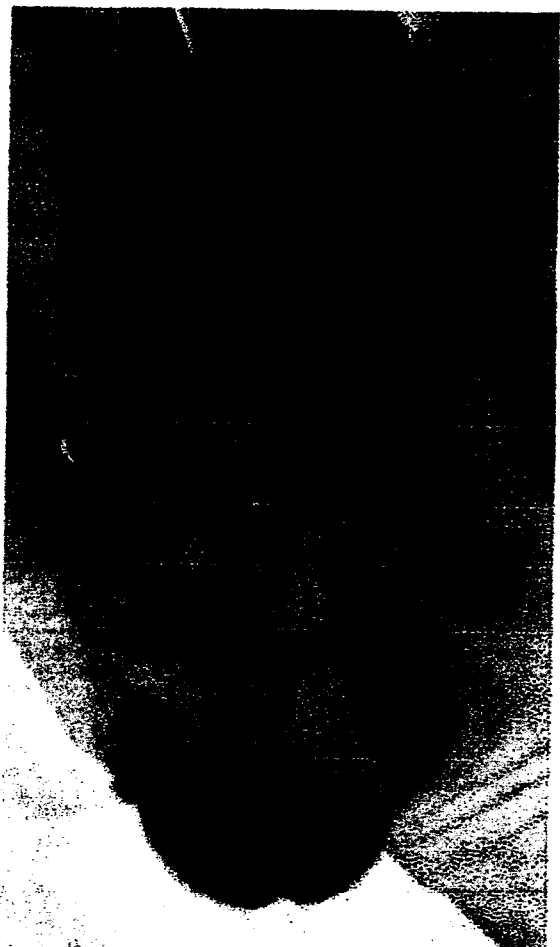
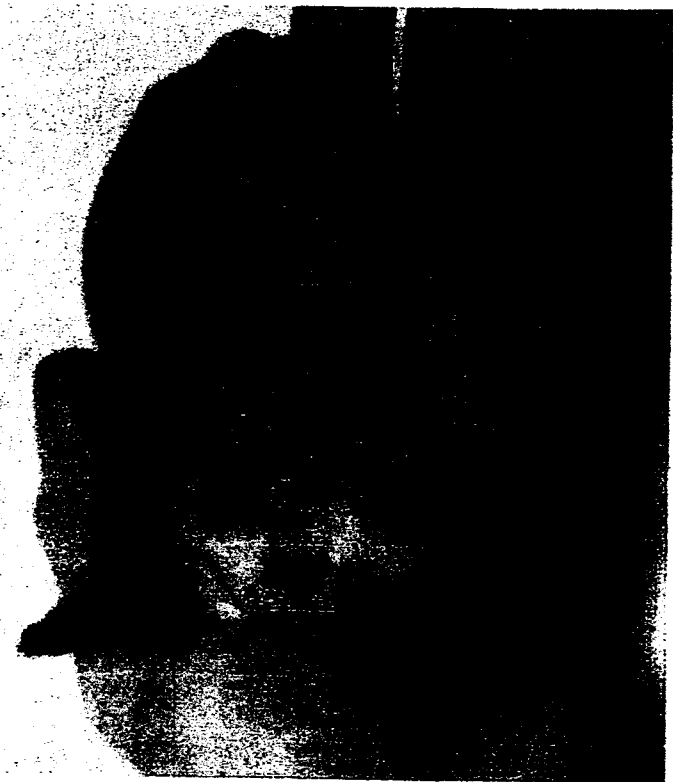
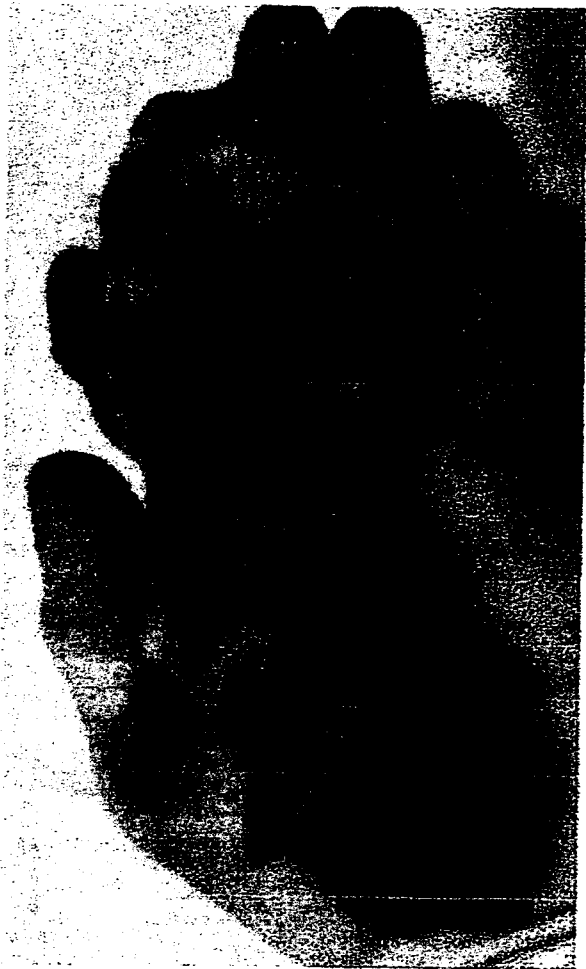
I do further certify that am neither, of kin, counsel, nor interest of any party hereto.

February 4, 2014



Pamela Ozment-Cartee
Circuit Court Reporter

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A True Copy Attest
Joyce S. Sullivan

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
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J. Michael Baxley, Circuit Court Judge

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The State

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PROOF OF SERVICE

I certify that I have served the APPELANTS REPLY TO THE RESPONDENTS RETURN TO THE MOTION TO STRIKE AND DISREGARD RESPONDENTS SUPPLEMENT RECORD AND REQUIRE FILEING OF AMENDED INITIAL BRIEF OF RESPONDENT by depositing a copy of it in the United States Mail, postage prepaid, on July 26, 2014, addressed to the attorney of record, .Adam M. Foard, 120 N. Pearl St. Pageland SC 29728, and also William B. Rogers, Solicitor, Fourth Judicial Circuit, P.O. Box 616, Bennettsville, SC, 29512, and Salley W. Elliott P. O. Box 11549 Columbia, SC 29211

July 26, 2014



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

July 25, 2014

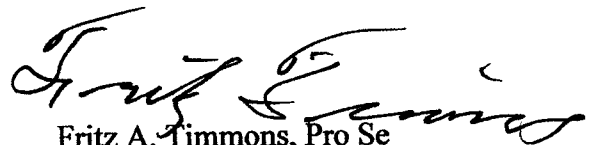
The Honorable Jenny Abbott Kitchings
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

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 APPELLANTS REPLY TO THE RESPONDENTS RETURN TO THE MOTION TO STRIKE AND DISREGARD RESPONDENTS SUPPLEMENT RECORD AND REQUIRE FILEING OF AMENDED INITIAL BRIEF OF RESPONDENT along with proof of service of the Motion.

Sincerely,



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

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JUL 28 2014

SC Court of Appeals