

THE STATE OF SOUTH CAROLINA
The Supreme Court of South Carolina

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

The State

Respondent,

v.

Fritz Allen Timmons

Appellant.

MOTION FOR INTERPRETATION AND
CLARIFICATION OF COURT RULES

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JAN 14 2015
SC Court of Appeals

In said case, a Dog Catcher acted as Prosecutor in Magistrate Court, violating Rule 407, Rule 5.5, SCACR and 40-5-310, that was appealed to Circuit Court with Adam M Foard as Counsel then further appealed to the Appellant Court with the addition of South Carolina's Attorney General Alan Wilson, Senior Assistant Deputy Attorney General Salley W. Elliott, Fourth Judicial Circuit Solicitor, William B. Rogers , that has continued a case that lacked prosecution, violated the Constitution, State Codes and Court Rules. Therefore, the Appellant request Clarification of Court Rules, the application of, and the procedure that is not contained in. The Appellant also request the Proper Procedure ,as in said case, for when a Lower Courts decision is based upon "Criminal Intent" and not "Error".

In reference to Rule 208(4). SCACR, stating "Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.", how is the Appellant suppose to proceed due to an Appellant should be free from "hanging" litigation that violates Due Process. This failure of the respondent does not give the parties leave to ignore the case Does this Court find that once the FINAL BRIEFS are filed then the pleadings are closed?, at which time the court should set discovery and trial-related deadlines.

Time Standards are established as a presumptively reasonable time period for the completion of cases in trial and appellate courts of this state.

In reference to Rule 212, SCACR, May a supplemental record violates Rule 209(b), SCACR, "**A party shall not include any matter in his Designation which is not relevant to the appeal**".

After the Final Brief s are filed (Rule 211, SCACR) may a party and without the

appellant court requiring (section a),

(A) File a supplemental record,

(B) File a supplemental record without the consent of all attorneys of record (section b)

(C) Not an Appendix to the Record on Appeal.(section c)

(D) Consist of matter in the Record on Appeal

(E) Contain evidence in violation of the Constitution of the United State

(F) Contain evidence in violation of SCRE Court Rules 402, 403, 602, 603.also Rule 407,R 4.1, SCACR, and Rule 407,R 5.5, SCACR

In reference to Rule 264, SCACR, When a party violated Rule 407, Rule 5.5, SCACR, (Barratry §16-17-10) and the case is appealed,

(1) Does the new lawyer joins with the violator and continues the violation?

(2) Does the new lawyer substitutes for the violator and continues the violation?

(3) How does the opposing party to know of any change in representation especially a pro se?

(4) In said case State Counsel withdrew from case due to “**Confusion**”, therefore, what constitutes as justifiable cause?

In reference to Rule 407, RULE 1.16 . SCACR and Rule 264, SCACR, if an Attorney with withdrawals from a case, Can that Attorney re-enter said case without petitioning the Court?

In said case States Counsel abandoned case and **After** Appellants Final Brief , reentered case without petitioning Court and filed a motion (to relax Rules 208. 209, 210, and 211 and not for extension of time violating Rule 263, SCACR) without being a party to the case and permitted to do so, ipso facto, violating the Appellants Rights to due

Process by the unnecessary delay.

If courts comply with their Rule obligations, cases that are truly abandoned by the Respondent, the case should be awarded to the Appellant by default.

In reference to Rule 269, SCACR, After the filing of a Final Brief and without argument prior to, would a Motion to Amend an Initial Brief be considered as Frivolous?

In said case the Respondent filed this motion After withdrawing from case and After the Appellant file the Final Brief of which the motion was granted although a motion, Prior to the Respondents Final Brief, to amend Respondents initial brief that violated Rule 208(b)(4), SCACR was denied.

In reference to Rule 402, SCRE and/or Rule 403, SCRE, if evidence is considered as unconstitutional and allowed (violating same rules) in a lower Court then is that same unconstitutional evidence permitted in an appellant Court (still violating same rules) ?

The appearance of impartiality of our judiciary is of utmost importance to our courts. The South Carolina Court Rules are, essentially, judge-made laws. It is important that those rules are perceived as fair and equitable to all parties in our courts. If the rules have a tendency to favor the government and corporations (more likely to be defendants) and disfavor plaintiffs (more likely to be individuals), the credibility of our judiciary will suffer

In reference to Rule 37, SCRCrimP and Rule 1101, SCRE, how are these Rules to be enforced when Judges themselves fails to abide by them?

In said case, Due to the numerous Violations of the United States Constitution, South Carolina Constitution, State Codes and Court Rules involving South Carolina's Attorney General Alan Wilson , Senior Assistant Deputy Attorney General Salley W.

Elliott, Solicitor, Fourth Judicial Circuit, William B. Rogers, Adam M. Foard, and Circuit Court Judge J. Michael Baxley All Bar members and also Chesterfield County Magistrate Judge John A Davis all apart of said case and numerous years of experience, therefore, who is responsible for their actions due to being obvious that this Justice system has show its incompetence in self-governing and Self-regulation as a practice, ipso facto, self-preservation of its members and also shows the "GOOD-OL'-BOYS" system at its Prime.

January 9, 2014

Respectfully submitted



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EXAMPLE

Plaintiff (s),
V.

**CONSENT ORDER GRANTING
SUBSTITUTION OF ATTORNEY**

Defendant (s),

CASE NUMBER: _____

Notice is hereby given that,
subject to approval by the court, _____ substitutes
(Party (s) Name)

(Name of New Attorney) State Bar No. _____

as counsel of record in place of

(Name of Attorney (s) Withdrawing Appearance) State Bar No. _____

Contact information for new counsel is as follows:

Firm Name: _____
Address: _____
Telephone: _____ Facsimile _____
E-Mail (Optional): _____

I consent to the above substitution.

Date: _____

(Signature of Party (s))

I consent to the above substitution.

Date: _____

(Signature of Former Attorney (s))

I consent to the above substitution.

Date: _____

(Signature of New Attorney)

The substitution of attorney is hereby approved and so ORDERED.

Date: _____

Judge

[Note: A separate consent order of substitution must be filed by each new attorney wishing to enter an appearance.]

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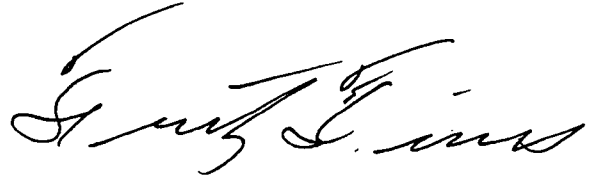
State Of South Carolina

Respondent,

PROOF OF SERVICE

I certify that I have nor served the MOTION FOR INTERPRETATION AND CLARIFICATION OF COURT RULES to the attorneys of record due being referenced to Court Rules and not being directly involved in part of said case.

January 9, 2014



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