

V. Claire Allen, deputy clerk  
S.C. Court of Appeals

Complaint

1 / 15 / 15

**RECEIVED**

JAN 26 2015

**SC Court of Appeals**

Re: 2014-001358 (Case no)  
order of dismissal filed Aug. 27, 2014  
for such case.

Dear Clerk,

This is to inform you that the reason I have not been able to provide proof of service of the notice of appeal showing service on the other party to the appeal, as required by Rule 207, of South Carolina Appellate Court Rules is because General Counsel has SCDC enforcing an unconstitutional policy under SCDC Procedure DP "1.03 "Access to the Courts", prohibiting prisoners at Litcher Correctional Institution from accessing photocopies of our hand written copies of legal documents we intend to file in state and federal courts. See exhibit A, B

Because of this I cannot serve no party in this action. This is an act of Extrinsic Fraud that is being committed to deprive us of our opportunity to pursue a non-frivolous appeal in case no. 2014-001358. My liberty has been restrained from pursuing my non-frivolous appeal in violation of my 5th USA rights. I am being forced by policy to sabotage my appeal, by me not being able to access photocopies of hand originated legal documents that are intended to be filed in state court to obtain a reversal of my

①

Unconstitutional conviction in case no. 2004-D10174 on the basis of an Unauthorized Practice of Law under Rule 4, South Carolina Supreme Court Rules, and Section 40-5-310 1976 Code; and me having been convicted in such case without having counsel appointed when requested. Your Court under State v. Thompson, 355 S.C. 255, 584 SE2d 131, ruled that the deprivation of the right to counsel is per se reversible error. See exhibit 5

Additionally several Federal cases, including Faretta v. California, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed. 2d 562 (1975) has developed the same doctrine of Constitutional law for the United States of America, under the 6<sup>th</sup> & 14<sup>th</sup> Amendments USCA. Your office already has the Brief of Appellant I filed for case no. 2014-001358, and exhibits filed for such cases.

My 59(B) Motion was attached as well. Also, I have sued Ira Grossman & Judge J.C. Nicholson for refusing to allow me to reserve my right to appeal, my right to be apprised of the nature and cause of the accusation and my right to counsel under the 6<sup>th</sup> & 14<sup>th</sup> USCA.

There is no way I can serve my Parties but my subject-matter jurisdiction claim & etc., are reserved for appellate review. I request that the August 27, 2014 order you issued dismissing my appeal be overturned, so I can be allowed to proceed with my appeal. The Supreme Court has issued Sept. 21, 1992 defining the Unauthorized Practice of Law, and the acts committed in my 2005 arrest; Prosecution constitutes the Unauthorized Practice of Law. I am entitled to a vacated judgment.

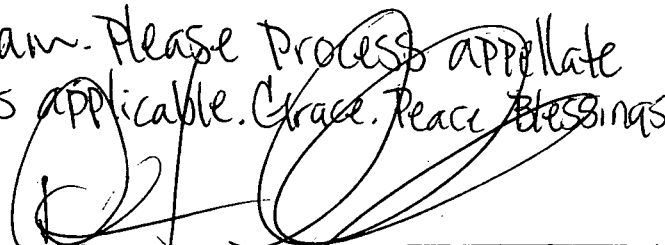
Please do not fall in sync with this conspiracy to deprive me of my Civil Rights & be sued as well under 42 USC § 1983, and 18 USC § 241-242. The American Bar Association will be notified & investigations will be launched pronto if you violate my right to Due Process of Law.

The Ninth Circuit Court of Common Pleas has already dismissed my 59(e), before a hearing was even held on such motion. This is extrinsic fraud. This act deprives me of my liberty to exhibit my case, challenge the jurisdiction of the court to adjudicate the subject matter, and to keep concealed the Circuit Court's intentional scheme to defraud the court. See exhibits b-8 (Order denying 59(e) on June 25, 2014, order for transportation for me to appear to the 59(e) motion hearing on 10/28/14, and Motion scheduling hearing setting the hearing for my 59(e) motion on 10/28/14)

If my 59(e) motion was denied before I had a hearing to secure the record for appeal then, what was the purpose of even giving me a hearing, if the law cannot be applied to the facts that were already established at my Summary Judgment hearing on April 10, 2014, before J. C. Nicholson & Ira Grossman.

A whole nother Circuit Judge ~~██████████~~ R. Markley Dennis Jr., presided over such hearing (59(e)) and would not let me talk, dismissed me from the hearing ASAP, stating that he could not rule over another judge.

I want my case entertained ma'am. Please process appellate Case no. 2014-001358, as soon as applicable. Grace. Peace. Blessings.



CC File: U.S. District Court, RLB, Rney Demetrius Smalls #286806  
(August 27, 2014 order by v.c. Allen Attached)

(3)

A copy of this complaint will be forwarded to the Bar, S.C.  
Court Administration.

The South Carolina Court of Appeals

RECEIVED

JAN 26 2015

SC COURT OF APPEALS

Demetrius J. Smalls, Appellant,

v.

Town of Mount Pleasant Municipal Court, Respondent.  
AND Demetrius J. Smalls, Appellant,

v.

Town of Mount Pleasant Municipal Court, Respondent.

Appellate Case No. 2014-001358

The Honorable J. C. Nicholson, Jr.  
Charleston County  
Trial Court Case No. 2013CP1004356

ORDER

Appellant has failed to provide proof of service of the notice of appeal showing service on the other party to the appeal, as required by Rule 207 of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

FILED

August 27, 2014

A

Office of General Counsel  
4444 Broad River Road  
Columbia, SC 29210

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JAN 02 2014

INMATE GRIEVANCE

12/18/13 CCI 1661-130  
RECEIVED

DEC 23 2013

GENERAL COUNSEL

RE: Me being denied access to the Courts.

Dear Counsel,

Greetings! This is a formal request to know whom exactly is enforcing the outdated 2004 "UnConstitutional" SCDC Procedure DP "1.03" "Access to the Courts", Prohibiting Lieber Correctional Institution's prisoners from accessing copies of handwritten copies of legal documents intended to be filed in state and Federal Courts.

I have an action pending in the United States District Court which requires me to access handwritten legal documents to be filed with such court and served on your office, and the attorney general's office, as the U.S. District Court instructed me to do pursuant to Rule 5, Federal Rules of Civil Procedure.

I am being told by Corporal Melinda Bouch of this institution, that your office is enforcing this "UnConstitutional" policy governing and depriving me of access to the court. This policy is prohibiting me from having copies of my Motion to vacate my sentence, to serve your office, the attorney general's office, the District Court such motion and fully exhibiting my case. I have a United States Constitutional Right to Pursue a Non-Trivial Appeal in Case no. 2:13-2561-AMC-BHH. You may want to consider this request to urge your office to stop violating my US Constitutional Rights to Access to the Court. If you are enforcing such policy as Lieber officials are pointing fingers at your office sir/mam. If I have to take you all to court and pursue an injunction and/or TFO, then so be it. I have a right to Pursue a Non-Trivial

appeal. Such right is governed by my 15, 14 USA. Please stop, because I have the right to be tried by an impartial tribunal. I Patiently Await Your response. Grace. Peace. Blessings.

Respectably Submitted,

Demetrius Small #286806  
LTC MAX206A  
P.O. Box 205  
Ridgerville, SC 29172

If it is hand generated it will not be copied. This is policy

1/7/2014

Ann Hallma  
IGA Branch Chief

B

**JULIE J. ARMSTRONG**  
CLERK OF COURT, C.P. & G.S.  
100 BROAD STREET, SUITE 106  
CHARLESTON, SC 29401-2258  
RETURN SERVICE REQUESTED



www3.charlestoncounty.org

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DEMETRIUS J SMALLS  
LIEBER C.I.  
PO BOX 205  
RIDGEVILLE SC 29472-0205

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

**Order/D. Smalls mot to reconsider is denied**

**CASE NO: 2013CP1004356**

**Demetrius J Smalls VS Mount Pleasant Municipal Court Town of**

This judgment was entered on the 25th day of June, 2014, and a copy mailed first class on Thursday, June 26, 2014, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at [www3.charlestoncounty.org](http://www3.charlestoncounty.org).

*Exhibit 6*

Common Pleas  
Charleston County Judicial Center  
100 Broad Street - Suite 106  
Charleston, SC 29401-9401

STATE OF  
SOUTH CAROLINA



Exhibit 1

Demetrius J Smalls  
Lieber C.I.  
Po Box 205  
Ridgeville, SC 29472

### NOTICE OF MOTION SCHEDULING

September 24, 2014

**Motion "MAMNMO - Motion/Alter or Amend Judgment by plaintiff, crt/srv" for Case: 2013CP1004356 - Demetrius J Smalls VS Mount Pleasant Municipal Court Town of has been added to the following Motions Roster:  
130 - MOTIONS ROSTER - JUDGE DENNIS**

**This hearing of this motion has been scheduled for 10/28/2014 at 9:30 AM.**

MOTIONS ARE SCHEDULED COURTROOM 3E WITH JUDGE DENNIS PRESIDING.  
THE DEADLINE FOR REQUESTS FOR CONTINUANCES IS WEDNESDAY, OCTOBER 22ND AT :

IF YOU HAVE QUESTIONS PLEASE CONTACT CAROLINE LEONARD AT:  
ccleonard@charlestoncounty.org.

#### Mail Notice To:

Demetrius J Smalls  
Lieber C.I.  
Po Box 205  
Ridgeville, SC 29472

#### Court Info:

Common Pleas  
Charleston County Judicial Center  
100 Broad Street - Suite 106  
Charleston, SC 29401-9401

**If you have any questions regarding the scheduling of this motion, please contact the courts at:**

**(843)958-5000**

Respectfully,

Julie Armstrong  
Clerk of Court

J. ARMSTRONG

COURT, C.P. & G.S.  
STREET, SUITE 106  
ON, SC 29401-2258

URN SERVICE REQUESTED



www3.charlestoncounty.org

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DEMETRIUS J SMALLS  
LIEBER C.I.  
PO BOX 205  
RIDGEVILLE SC 29472-0205

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

**Order/Dept of Corr transport Demetrius Smalls on 10/28/14**

**CASE NO: 2013CP1004356**

**Demetrius J Smalls VS Mount Pleasant Municipal Court Town of**

This judgment was entered on the 25th day of September, 2014, and a copy mailed first class on Friday, September 26, 2014, to all counsel of record and/or all parties entitled to receive notice.

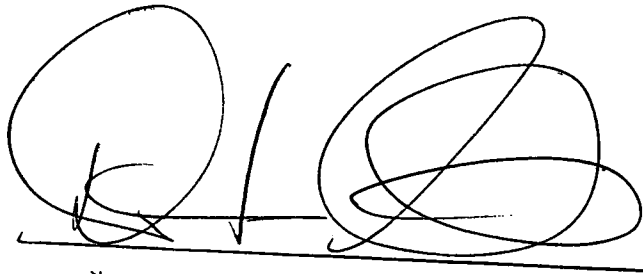
You may view and download this document at [www3.charlestoncounty.org](http://www3.charlestoncounty.org).

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Affidavit of Service

I hereby swear that on January 15, 2015,  
I served on the South Carolina Court of  
Appeals a copy of my original complaint  
to v. Clair Allen, Clerk of the Court regarding  
the procession of Appeal case no. 2014-001358, by virtue  
of handing such document and exhibits <sup>AB</sup> ~~6-8~~ to the  
mailroom attendant notarizing this legal document  
at the Lieber Correctional Institution mail room.

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 15<sup>th</sup> DAY OF Jan  
2015  
Stephan Bryant  
NOTARY PUBLIC  
STATE OF SOUTH CAROLINA  
MY COMMISSION EXPIRES May 26, 2020



Demetrius Jarod Smalls #2816806  
LCI EA 37 / P.O. Box 205  
Ridgeville, South Carolina 29472

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JAN 26 2015

**SC Court of Appeals**

inter-agency

Demetrius Jarod Smalls #28680ce  
LCI EA37 / P.O. Box 205  
Ridgelyville, South Carolina 29472

v. Clair Allen, Clerk  
South Carolina Court of Appeals / P.O. Box 11629  
Columbia, South Carolina 29211

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JAN 21 2015

MAILROOM  
LIEBER CI

**RECEIVED**

JAN 26 2015

SC Court of Appeals

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JAN 26 2015  
SC Court of Appeals