

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

JOHN BACCUS #187393
APPELLANT,

v.

NIKKI R. HALEY,
BRIAN P. STERLING,
STATE OF SOUTH CAROLINA
OFFICIALS, ET AL,
RESPONDENTS.

RECEIVED
APR 23 2015
SC Court of Appeals

IN THE COURT OF APPEALS

CASE NO. 2014-CP-40-2829
2015-000133

RULING ON APPELLANTS'
APPLICATION FOR AN
ORDER TO SHOW CAUSE
WHY RESPONDENTS SHOULD
NOT BE HELD IN
CIVIL CONTEMPT:
MARSHALL V. U.S. 94 S. CT. 713 (1974)

BE IT KNOWN TO THE ABOVE SOUTH CAROLINA COURT OF APPEALS CHIEF JUDGE, A DEMAND OF KAYE G. HEARNS, AND DECLARE UNTO ME THE ABOVE-CAPTIONED MATTERS.

I.

The Appellant, Mr. John Baccus moves before the State of South Carolina Court of Appeals Chief Judge, to demand of Kaye G. Hearns, and declare "SPEEDILY" unto me, the Appellant, why the respondents, the State of South Carolina officials should not be held in contempt of the Civil Rights of Institutionalized Persons Act, ("CRIPA"), 42 U.S.C. § 1997 et seq., S.C.A.C. Code Ann. 30-1-10 et seq. S.C. Code Policy Procedure 21.09,

S.C. Code Ann. § 17-27-10 thru 160,

BARKER V. WINGO, 407 U.S. 514 (1972),

LINTON V. COMMONWEALTH, 90 JTS 128, 8231 (1940),

DE JESUS V. CHARADON, 116 D. P. R. 238,

HYMAN V. STATE, _____ in the South Carolina Supreme Court,

JACKSON V. STATE, 331 S.C. 980, 489 S.E.2d 915 (1997),

MC COMB. V. JACKSONVILLE PAPER CO., 336 U.S. 187 (1949),

POWELL V. WARD, 643 F.2d 924 (2d Cir. 1981),

RODRIGUEZ-NARVAEZ V. NAZARIO, 895 F.2d 38 (1st Cir. 1990),

SAUNI ARABIA V. NELSON, 507 U.S. 349 (1993),

STATE V. WAITES, 240 SE 65,

ALSO SEE APPELLANTS "PRIORITY PETITION FOR THE ABOVE COURT FOR A HEARING DUE TO OBVIOUS STATE-IMPOSED IMPEDIMENTS, DECEPTIONS," SUBMITTED APRIL 14, 2015 TO THE ABOVE COURT OF APPEALS FOR DETERMINATIONS AND MUST BE USED TO SUPPORT THIS APPLICATION - INCLUDING HIS RIGHT TO SUE SUMMONS AND COMPLAINT.

II.

APPELLANT HAVE [STATE AND FEDERALLY] STATUTORY STANDING TO BRING SUIT AGAINST RESPONDENTS UNDER THE CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT. ("C R I P A"), 42 U.S.C. § 1997 et seq.; Sec. 1981-88.

1. Appellant contends that Respondents did secretly and pretextually discriminate against him on the basis of his race by denying him full and equal public accommodations on the grounds of race.
2. Appellant contends that Respondents has a secretly and pretextually statewide policy of discrimination against African-Americans in affording public accommodations all over the state of South Carolina.
3. Appellant contends that employees and agents of the Respondents have been secretly and pretextually carrying out this policy while "acting within the scope of their employment and upon the instructions of Respondents' senior managements".

III.

A FINDING OF CONTEMPT IS APPROPRIATE WHEN:

- (1.) Secret and Pretextual "DEFERMENT" AND "NON-COMPLIANCE" BY RESPONDENTS TO MAKE "DETERMINATION THAT THE I/M'S [APPELLANT] IS LEGALLY COMMITTED TO THE INSTITUTION BASED UPON THE COMMITMENT DOCUMENTS..." S.C.D.C. POLICY PROCEDURE 2009, AND.
- (2.) Appellant established that "[t]hese DEFERMENTS AND NON-COMPLIANCE IS CLEAR AND CONVINCING EVIDENCE SHOWING, SINCE RESPONDENTS INITIAL ISSUANCE OF ITS MAY 23, 2003 COMMITMENT ORDERS, I.E., 2000-GS-33-004, RESPONDENTS DID SECRETLY AND PRETEXTUALLY FOR DISCRIMINATORY REASONS "DEFER AND SUBSTITUTED" CASE NO. 2013-CP-33-00619. PURSUANT TO "FACTUALLY INVALID DATES, SIGNATURES, DUTIES, PRESCRIPTIONS' OBLIGATIONS APPEARING ON THE FACE OF RESPONDENTS COMMITMENT HOLDERS ORDERS", I.E., CASE NO. 2013-CP-33-00619, FOR WHICH REGULATIONS, I.E., S.C.D.C. POLICY PROCEDURES NO. 2009, "PRESCRIBING PROCEDURES TO BE FOLLOWED IN PROCESSING I/M'S APPLICATION FOR "DETERMINING THAT THE I/M'S [APPELLANT] IS LEGALLY COMMITTED TO THE INSTITUTION BASED UPON THE COMMITMENT DOCUMENTS..." CASE NO. 2013-CP-33-00619, HAVING THE FORCE AND EFFECT OF LAW, THAT

WAS USED TO "ACCEPT" WMS [APPELLANTS] IN S.C.D.C. PRISON SYSTEM, "WAS UNCONSTITUTIONAL UNDER THE "DUE PROCESS" CLAUSE", IN A NUMBER OF WAYS.

IV

FINDING OF NON-COMPLIANCE

1. ~~That~~ The Hearings And In Its Papers, The Respondents Were Violating Its Own Discretions And Regulations In Several Areas:
2. The Respondents And The Appellants Defense Attorneys [,] Failures To "WARN" "NOTIFY" OR "TELL" Appellant About Foreseeable Dangers Of His Perspective [PROJECTIONS] Detainments, Trials, Classification, Direct Appeal / Oral Argument, P.C.R. REMEDIES, In Conjunctions With The "REMEDIAL ORDERS LISTEN UNDER ITEM I, ABOVE".
3. The Record Contains Significant Probative Evidence That The Respondents FULLY Understood The Risks And Benefits To Exercise Its Own Discretions And Regulations, Proscribing Procedures To Be Followed In Processing WMS [APPELLANTS] Applications For:
 - (A) SPEEDY TRIAL HEARING ORDERSALS, And
 - (B) CLASSIFICATION REVOCATION HEARING, And,Having A Determination Made Before Recommending Or Allowing Appellant To Go To Trial And / Or To Be Accepted In The S.C.D.C. Prison System. This Legal Theory Is Evidenced In Respondents Commitment Orders' "ARREST AND CONVICTION DATES," i.e., 11/14/15/1999 UNTIL 5.23.2003, THAT EXCEEDS THE 180-DAY RULE, AND THE APPELLANTS "DEFENSE ATTORNEYS SIGNATURES "OMISSIONS" (DUTIES, PRESCRIPTION) OBLIGATIONS", IS SUPPORTED BY [THOSE] SAME "REMEDIAL ORDERS" OBLIGATIONS LISTEN UNDER ITEM I, ABOVE.

V

RULING ON CONTEMPT AND REMEDIES CONCLUSIONS

WHEREFORE: For All Of The Following Reasons The Court Finds By Clear And Convincing Evidence That Respondents Are In Contempt Of The Above "REMEDIAL ORDERS" For

Which some of the most compelling evidence came from respondents own employees, experts and courts, against respondents. Although respondents quarterly reports from 2003 until 2015 reveal that it was in compliance with the "REMEDIAL ORDERS" AND OTHER PROSECUTION AND CLASSIFICATION REQUIREMENTS, SUCH COMPLIANCE WAS NOT EFFECTUATING THE "REMEDIAL ORDERS" "DESIRED RESULTS." Indeed, respondents systemic flaws have caused many VMS like Appellant to suffer grave harm, and, in several instances, civil death. Also in the instant case, the court finds that the complex nature of the case, together with the delicate interests of respondents VMS [APPELLANTS] calls for the appointment of a special master to determine why respondents' efforts are not producing the "REMEDIAL ORDERS" intended results, and to make recommendations to this court.

FOR ALL OF THE ABOVE "REMEDIAL ORDERS" AND REASONS, APPELLANT PRAYS IS GRANTED BY THE COURT.

Respectfully Submitted.

LSI Mr. John Bacus
Mr. John Bacus
4400 Broadriver Road
B R C I Mar. 255
Columbia, S.C. 29210

The South Carolina Court of Appeals
Chief Judge Kaye G. Heorns
1015 Sumter St. Box 11629
Columbia, S.C. 29211

April 20, 2015

RE: CASE NO. 2014-CP-90-2829, BACCUS v. HALEY, STIRLING ET AL
2015-000133
RE: RULING ON APPELLANTS APPLICATION FOR AN ORDER...
WHY RESPONDENTS SHOULD NOT BE HELD IN CIVIL
CONTEMPT.

RECEIVED

APR 23 2015

Dear Hon. Kaye G. Heorns:

SC Court of Appeals

Enclosed please find for clocked-in, stamped, filed copy returned to the appellant, is Appellants' Demand of The South Carolina Court of Appeals Chief Judge, Kaye G. Heorns, and please unto me, the appellant, the above-captioned matters, "speedily".

TAKE JUDICIAL NOTICE: Because of Appellants' Court Filings (Above) and other circumstances, for no fault of appellants, (i.e., RACIAL RIOT AT B.R.C.I.), cases of appellants classified as indigent but without adequate funding, went un-copied, un-filed, un-typed, un-notarized or dismissed due to high cost of postage, legal copies, legal supplies, limiting appellants' ability to present evidence related to "FRAUD OF RESPONDENTS", "WARRANTING YOUR HONOR'S PRIORITY INJUNCTIVE ORDERS PENDING THESE COURT ORDERED PARTICULARIZED NEEDS, (BRIEFS)".

Thank you for your cooperation in this matter.

April 20, 2015

Sincerely,

LSI

Mr. John Baccus
Mr. John Baccus
4400 Broad River Road
B.R.C.I. MAR. 255
Columbia, S.C. 29210

COUNTY OF MARION
STATE VS.
JOHN ROOSEVELT BACCUS
AKA:
Race: BLACK Sex: Male Age: 43
DOB: 6/16/1959 SS#: 251-11-5986
Address: 2616 Alligator Rd,
Florence, S.C.
DL# _____ SID#: _____

INDICTMENT/CASE#: 2000 GS 33 4
AW#: F466007
Date of Offense: 11-19-1999
S.C. Code §: 16-11-311
CDR Code #: 0101719
 CASE RESTORED
SENTENCE
 PLEA TRIAL

Disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS

to: Burglary (1st degree)
violation of § 16-11-311 of the S.C. Code of Laws, bearing CDR Code # 0101719

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

the charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

the plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

TEST: [Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

HEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of life without parole days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The Defendant is to be given credit for As calculated by SCDL days/months jail time.

CONCURRENT or CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 set by SCDPPPS _____
Recipient: _____
Fine: _____ \$
4-1-206 (Assessments 100%) \$
4-1-211(A)(1) (Surcharge) \$ 100.00
4-1-211(A)(2) (Surcharge) \$
5-5-2995 (DUI Assessment) \$
to County (if paid in installments) . . . \$ 3.00
TOTAL \$ 103.00

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund.
Other: _____

Sharon R Rhodes Clerk of Court/ Deputy Clerk

PRESIDING JUDGE [Signature]
Judge Code: 71(1)
Sentence Date: 5/23/03

Print Reporter: [Signature]
#White - Clerk Green - Corrections Canary - Probation Pink - Defendant

COUNTY OF MARION

INDICTMENT/CASE#:

STATE VS John Roosevelt Baccus

00 -GS- 33 - 004

AKA: _____
Race: B Sex: M Age: 43

A/W#: F-466008

DOB: 6/6/59 SS#: 251-11-8986

Date of Offense: 11/14/99

Address: 2616 Alligator Rd
FLORENCE, SC

S.C. Code §: 16-3-10, 16-3-20

CDR Code #: 0 / 1 / 1 / 16

DL# _____ SID# _____

CASE RESTORED

SENTENCE

PLEA TRIAL

Disposition of the said indictment comes now the Defendant who was - CONVICTED OF or PLEADS

to: MURDER

violation of § 16-3-10, 16-3-20 of the S.C. Code of Laws, bearing CDR Code # 0 / 1 / 1 / 16

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

TEST: [Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

HEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of Life without parole or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The Defendant is to be given credit for as calculated by state days/months jail time.

CONCURRENT or CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____
 set by SCDPPPS _____

Recipient: _____
Fees:
-1-206 (Assessments 100%) \$ _____
-1-211(A)(1) (Surcharge) \$ 100.00
-1-211(A)(2) (Surcharge) \$ _____
-5-2995 (DUI Assessment) \$ _____
to County (if paid in installments) \$ 3.00
TOTAL \$ 103.00

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund.
Other: _____

[Signature]
Clerk of Court/ Deputy Clerk

PRESIDING JUDGE [Signature]
Judge Code: _____
Sentence Date: 3/25/01

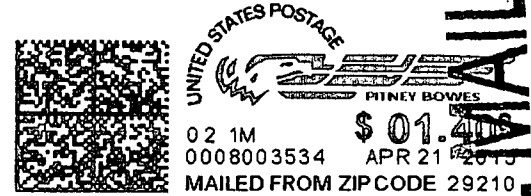
Reporter: [Signature]
White - Clerk Green - Corrections Canary - Probation

Fine - Defendant

COMMITMENT ORDERS

EXHIBITS "FLAWS"

MR. JOHN BACUS # 187343
4460 BRDAN RIVER ROAD
B. R. C. I. MAR. 255
COLUMBIA, SOUTH CAROLINA 29210



RECEIVED
APR 23 2015
SC Court of Appeals

LEGAL MAIL

RECEIVED
APR 22 2015
BRGI
MAIL ROOM

THE SOUTH CAROLINA COURT OF APPEALS
CHIEF JUDGE KAYE G. HEARNS
1015 SUMNER ST. BOX 11629
COLUMBIA, SOUTH CAROLINA 29211