

THE SOUTH CAROLINA COURT OF APPEALS

JOHN BACCUS # 107343

APPELLANT,

v.

NEKKI. R. HALEY, BRYAN P. STERLING, ETAL

RESPONDENTS.

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APPELLATE CASE NO. 2015-000133

JUN 26 2015

APPEAL FROM RICHLAND COUNTY COURT OF COMMON PLEAS

SC Court of Appeals

CASEY L. MANNING CIRCUIT COURT JUDGE

PETITION FOR JURY TRIAL OF RIGHT TRIAL BY JURY PURSUANT TO RULE 38 AND 39, SC RCP. TO APPOINT COUNSEL

COMES NOW THE APPELLANT, MR. JOHN BACCUS, IN GOOD FAITH, With His Right to Sue, Jury Trial of Right Preserved Supporting Law, Rule 38 and 39, SC RCP, TO TAKE JUDICIAL NOTICE OF, Respectfully, TO Demand of The Above Court Judges, And Declare Speedily unto Appellant, Whither The Black Indigent Vulnerable Appellants' Right Extended By The Fifth, Sixth And Seventh Amendments. With Respect To Federal, South Carolina Rules of Civil Procedures (SCRCP) Rules 38 and 39. Proceedings is Also Protected Against State Action By The Fourteenth Amendments? — Whither The Black Indigent Vulnerable Appellants' Right To Trial By Jury is Among These "Fundamental" Principles of Equal Protection And Justice Afforded Whiter Which Lie At The Base of All [OUR] Civil Rules 38 and 39 SCRCP, And Political Institutions? — Whither Given This Kind of System, (i.e. South Carolina Unified Judicial System) Particular Procedure, Rules 38 and 39, SCRCP is "Fundamental" And of Immediate Relevance For This Case Are The Courts' Holding That The State Must Comply With Certain Provisions Of The Fifth, Sixth And Seventh or Fourteenth Amendments, Specifically That The State May Not Refuse To "make An Independent Determination That [Mr.] [APPELLANT] Are Legally Committed To The Institution", "A Speedy Trial", "Confrontation of

witnesses", And "The Assistance of, At state Expense
If Necessary, of Counsel" And "A Jury Trial of
Right, On The Basis of Appellant's Race, And [His]
Blindly Dependent, Detrimental Reliance On Government
of Laws Disabilities".

This Court should consider The Appeal Before It To Be Such
A Case, "That The Court of Appeals Judges Hold, That
The Constitution Was Violated When Appellant's Demand
For Jury Trial Was Refused".

POWELL V. STATE OF ALABAMA, 287 U.S. 45 [1932];
GIDEON V. WAINWRIGHT, 372 U.S. 335-344 [1963];
MALLOY V. HOGAN, 378 U.S. 1. 6 [1964];
POINTER V. STATE OF TEXAS, 380 U.S. 400, 403 [1965];
KLOPPER V. STATE OF N.C., 386 U.S. 213 [1967];
Gives All The Answers That Is Necessary, ALSO See,
COOPER V. PASTON, 326 S.C. 46, 483 S.E.2d 750 S.C. 1997.

Respectfully Submitted,

LCI, Mr. John Bacus
Mr. John Bacus
Lee C. T. FS A164
990 Wisacky Hwy.
Bishopville, S.C. 29010

JUNE 22, 2015

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
THE STATE,)

IN THE SOUTH CAROLINA COURT OF APPEALS

CASE NO. 2015-060133

Respondent,)
NEKKE R. HALEY ET AL)
v.)
JOHN BALLU)
)
Appellant.)
_____)

AFFIDAVIT

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JUN 26 2015
SC Court of Appeals

PERSONALLY appeared before me, John Ballu, who being duly sworn, deposes and says:

1. I am the appellant in the above captioned case.
2. I understand that I am entitled to an appeal of my conviction, and that, because I am

indigent, I am entitled to the assistance of an attorney from the AMERICAN EXHIBIT AND
A JURY TRIAL OF RIGHT.

3. A copy of all the above was mailed to the above parties
from Lee-C.A. Mail Room.

JUNE 22, 2015

Mr. John Ballu
John Ballu

SWORN TO before me this _____
day of _____, 2009.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: _____

EXHIBITS # E
April 8, 2014

Via Certified Mail Return Receipt Requested:

John Baccus #187393
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210



A Leading National Client

Re: Your potential claim - our file no. 14.0122

Dear Mr. Baccus,

I am in receipt of your recent letter dated April 7, 2014. As you know, our law firm represents a large number of inmates who have problems associated with their incarceration. We try to assist each inmate in any way we can, and when appropriate, we file claims on their behalf.

You first contacted us about this matter on February 4, 2014, and we notified you via letter dated April 2, 2014 that our office is unable to assist with this matter. While we greatly appreciate you contacting us, we must keep this file closed in our office. Enclosed, please find the documentation you provided to us.

Please do not interpret our evaluation of this file as offering an opinion as to the merits of your potential claim. There are many reasons why our firm may not accept a potential claim. Should you wish to pursue this matter, I encourage you to seek the advice and review of another attorney.

Further, let me advise you that South Carolina has strict rules (known as the statute of limitations) that govern when a claim must be filed and served. If you miss the statute of a limitations deadline, you will be forever barred from filing a claim. Claims against public or charitable agencies and their employees are generally subject to a two-year statute of limitations while claims against private entities are generally subject to a three-year statute of limitations. These deadlines run from the date you knew or should have known about a claim.

Once again, thank you for contacting our firm. We hope that you will call upon us again if we can be of assistance with a different matter. In the meantime, please let this letter confirm that Bell Legal Group is not representing you and that you must take other steps to protect any interests you may have.

With the kindest regards, I am...

Very truly yours,
Mary A. Gimes
Mary A. Gimes
Attorney at Law
(egd)

MAG/egd
Enclosures as stated

PAGE 2 OF 6

219 Ridge Street
Georgetown SC 29144
Post Office Box 2
Georgetown, SC 29144
PH 843-546-2400
FAX 843-546-9600
FAX 843-546-2911

434 C North Guignard
Post Office Box 461
Sumter, SC 29151
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FAX 803-773-3693

www.BellLegalGroup.com

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**SOUTHERN
CENTER FOR
HUMAN
RIGHTS**

February 10, 2014

83 Poplar Street, NW
Atlanta, GA 30303

Greetings:

We have received your request. We are sorry to say that we will not be able to be of assistance. Our practice is limited in both categories: the type of work we do; and the number of cases we can take. We are unable to take any new case or provide the information you request. This also includes distribution of legal/non-legal books and etc...

Best wishes in finding assistance elsewhere and in your efforts.

Sincerely,

The Law Office of the
Southern Center for Human Rights

Please find enclosed the attachments
you sent along with your request.

PAGE 3 OF 6



Vanessa Ann Richardson, Esq.

VAR Law Firm, LLC
P. O. Box 4055
Pawleys Island, SC 29585
Tel: 843-314-3122
Fax: 866-777-3083
Email: varlawfirm@gmail.com

January 23, 2014

Mr. John Baccus, #187393
Perry Correctional Institution Q2B121
430 Oaklawn Road
Pelzer, South Carolina 29669

Re: Potential Lawsuit

Dear John;

Please allow this letter to be a response to your letter we received January 20, 2014. Thank you for the opportunity to help you with your legal matters. Regrettably we are not taking on any new jail misconduct cases at this time.

Please be mindful that any state case filed against a governmental entity (SCDC) must be filed within two (2) years from the date of incident or within three (3) years if a federal 1983 action is filed. Please know that this firm has not made any determination as to your deadline to file your lawsuit; therefore be sure to discuss this with your attorney.

Finally, since we are unable to help you, please find enclosed your original documents. We wish you a success outcome to your legal endeavor and again, thank you for the opportunity.

Respectfully,

V. Richardson

enclosures

PAGE 4 OF 6

THE RUTHERFORD LAW FIRM, LLC

2113 PARK STREET
P.O. BOX 1452
COLUMBIA, SC 29202

TELEPHONE: (803) 256-3003
FACSIMILE: (803) 256-9698

ALEXANDRA BENEVENTO
ATTORNEY OF COUNSEL

VICTOR LI
ATTORNEY OF COUNSEL

September 30, 2010

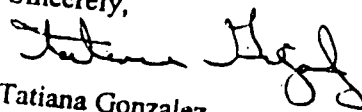
John Baccus #187393
McCormick C.I. F 2 148
386 Redemption Way
McCormick, SC 29899

Dear Mr. Baccus:

I have received the letter that Mr. Joan Duncan wrote on your behalf in regards to looking for pro bono representation on the injustices that the state has done against you. Unfortunately Mr. Rutherford does not have the time to take a pro bono case at this time. I can refer you to the South Carolina Bar where they can assist you with the name of an attorney that does pro bono work in this field. Please find enclosed the paperwork that you had forward to us.

I am sorry that I could not be of further assistance to you. Should you have any other questions or concerns please let me know.

Sincerely,



Tatiana Gonzalez
Legal assistant to J. Todd Rutherford

/tg

Enclosure

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the Southern Poverty Law Center

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Jenny Abbott Kitchings, Clerk
Post Office Box 11629
1015 Sumter St.
Columbia, S.C. 29201

C/N. 2015-000133

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June 22, 2015

JUN 26 2015

Dear Ms. Kitchings:

SC Court of Appeals

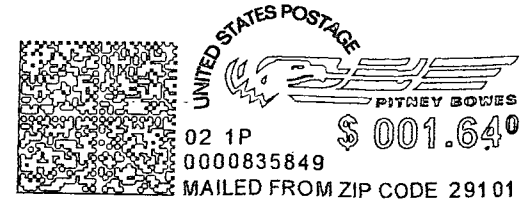
Please find The Original And A Copy Each of The Appellants Application For Jury Trial, Trial Of Right; Trial By Jury Pursuant To Rule 38 And 39, SCRPC And other Federal Laws; For A Clocked-In Stamped, Filed Copy Returned to Appellant, To Demand The Court Of Appeals Judges And Declare Speedily Unto Appellant Whether Given This Kind of "System" Particular Procedure, Rules 38 And 39, SCRPC, Is "Fundamental" And Of Immediate Relevance For This Case, Are The Courts Holding That The State Must Comply With Certain Provisions Of The Fifth, Sixth And Seventh Or Fourteenth Amendments...

Respectfully Submitted,

LSI

Mr. John Barco
Mr. John Barco
LEE C.I. #5A 16A
990 WISLKY HWY.
Bishopville, S.C. 29010

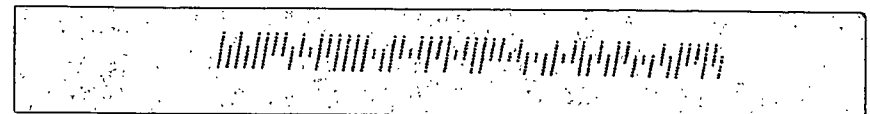
MR. JOHN BACCUS #187343
LEE C. I. F 5 A 164
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010



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JUN 26 2015
SC Court of Appeals

THE SOUTH CAROLINA COURT OF APPEALS
JENNY ABBOTT KITCHENING, CLERK
POST OFFICE BOX 11624
1015 SUMNER STREET
COLUMBIA S.C. 29201

LEGAL MAIL ONLY





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JUN 23 2015
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