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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM Horry County

AUG 31 2015

Court of Common Pleas

SC Court of Appeals

The Honorable Steven H. John, Circuit Court Judge

Appellate Case No.: 2015-001621

Trial Court Case No.: 2014-CP-26-03911

Retha Pierce Sturdivant ----- Appellant

v.

City of Conway ----- Respondent

MOTION OF APPELLANT TO ALLOW INITIAL BRIEF AND DESIGNATION OF MATTER TO BE FILED OUT-OF-TIME

Pursuant to rule 224 of the Appellate Court Rules, the Appellant, Retha Pierce Sturdivant, above-named hereby moves for an Order from the Honorable Court granting the Appellant an Order allowing her to file her Initial Brief and Designation of Matter out-of-time in connection with the above-captioned matter. Said Motion is based upon the following grounds:

- 1. The Appellant timely filed and served Notice of Appeal in the above-captioned matter.
- 2. Appellant's Initial Brief and Designation of Matter, required to be submitted thirty (30) days after the Notice of Appeal should be ready for compliance, but for the following:
 - (a) Appellant does not yet have a copy of the transcript for the case. When asked, she has not yet been given the name of the court reporter and is still trying to get a transcript.

- (b) The only computer to which Appellant has access has crashed as has her personal one each time for nearly a decade ^{since} the Appellant has been working on any of at least the eight cases for which she was wrongfully arrested and convicted over nearly a ten-year span.
- (c) Appellant has been unable to complete, as usual, at a local library or Fed-X because of having no transportation most of the time because of a wrongful DUS via of the wrongful first offense DUI Conviction. Appellant was convicted in spite of a .00% breathalyzer and no drug-use data and has no driving license and must take a cab to even mail ~~this~~ with financial strain.
- (d) Appellant, even with transportation sometimes, is always being overwhelmed with the demands on her with at least four wrongful other cases seemingly scheduled to conflict with each other running simultaneously.
- (e) Appellant is also suffering from resurfaced health complications as a result of recent events surrounding the dismissal on June 17, 2015 finally of the very first wrongful conviction against her in 2008 which ricocheted into several other wrongful allegations and convictions, including the first offense DUI and DUS currently both still under appeal.
- 2017

The Appellant was told to leave Court on the day she had been summoned for the de novo trial for the wrongful reckless driving charge that she lost 6 points and was given a fine for which she had been falsely convicted in 2008.

She was never allowed to hear any information provided by the prosecuting officer in 2008 who dismissed the "reckless driving" in June 2015 even though she was a pro se litigant. On June 21, 2015, Appellant returned to Court to get a copy of the proceedings and proof of dismissal and noted after leaving again that she'd been given 1 of 2 pages and the name of the witness she'd subpoenaed for the de novo trial was listed on that page. Later Appellant returned to fill out a FOIA to request a copy of the second page and any information from the proceedings. She was told by the Clerk of Court that everything related to the case was expunged; yet, Appellant never requested that case or any of the wrongful ones to be expunged yet. Such action has contributed to stagnation of the Appellant and mitigation of effectiveness for completing tasks.

3. The undersigned Appellant is convinced that her Appeal has substantial merit and she further believes that there would be no prejudice in the granting of this Motion and believes that the matter set forth above

Constitutes good cause for the granting of said motion.

4. The pro se Appellant respectfully requests that all matters pertaining to this Appeal be held in abeyance pending a ruling on this motion.

Wherefore, Appellant prays that this Honorable Court inquire into the matters set forth herein and issue the Order granting the Motion of Appellant to allow Initial Brief and Designation of Matter to be filed ~~Out of Time~~ and holding all time limits concerning this appeal in abeyance pending a ruling in this motion.

Respectfully submitted,
~~Retha Pierce Sturdivant~~ 08/27/2015
Retha Pierce Sturdivant
412 3rd Avenue South
Atlantic Beach, SC 29582-4716
(843) 503-8752

August 27, 2015
North Myrtle Beach, SC

424

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Court of Common Pleas

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The Honorable Steven H. John, Circuit Court Judge

Appellate Case No: 2015-001621

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Betha Pierce Sturdivant - - - - -

Appellant

v.

City of Conway - - - - -

Respondent

CERTIFICATE OF SERVICE

I, Betha Pierce Sturdivant, Appellant, in the above-captioned matter certify that I have this 27th day of August 2015 mailed a copy of the Motion of Appellant to Allow Initial Brief and Designation of Matter To Be Filed Out-of-Time for the following by pre-paid first class postage:

O. Terry Beverly, Attorney
City of Conway
229 Main Street
Conway, SC 29526

cc: South Carolina Court of Administration
North Myrtle Beach, S.C.
August 27, 2015

Respectfully submitted,
~~Betha Pierce Sturdivant~~
Betha Pierce Sturdivant
412 3rd Avenue South
Atlantic Beach, SC 29582-4770
(843) 503-8752

Recha Price Sturdivant
412 32nd Avenue South
Atlantic Beach, South Carolina 29582-4716
August 27, 2015
(843) 503-8752

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AUG 31 2015

SC Court of Appeals

Clerk of Court
South Carolina Court of Appeals
Supreme Court Building
1231 Gervais Street
Columbia, South Carolina 29201

Re: Appellate Case No. 2015-001621 - Recha Price Sturdivant
v. City of Conway
Dear Sir/Madam:

Please find enclosed a Motion of Appellate
to allow Initial Brief and Designation of Matter
to be filed out of time. Please find also
the \$25.00 filing fee and proof of service.

Thank you for your attention in this matter.

Respectfully submitted,

Recha Price Sturdivant

Retha Price Sturdevant
412 3rd Avenue South
Atlantic Beach, South Carolina 29582-4716



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AUG 31 2015

SC Court of Appeals

South Carolina Court of Appeals
Club of Court

1220 Senate Street
Columbia, South Carolina 29201

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