

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Retha Pierce Sturdivant,
PLAINTIFF(S)

Vs.

City Of Conway,
DEFENDANT(S)
229 Main Street
Conway, SC 29526
(843) 248-1765

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CIVIL CASE NO: 2014-CP-26-3911

APPEAL FROM CONWAY MUNICIPAL COURT

(ESSENCE OF)

2014 JUL -3 PM 4:56

YOU WILL PLEASE TAKE NOTICE that the Appellant, Retha Pierce Sturdivant, hereby appeals procedures employed and the "guilty" verdict for the Jury Trial that was rescheduled from Wednesday, May 28, 2014 at 2:00 P.M to Friday, May 30, 2014 at 9:00 A.M. by Conway City Attorney, O. Terry Beverly after Beverly's harassment and abusive attack on the Plaintiff which forced Plaintiff into the Friday morning trial with Beverly's threat that the trial would be Thursday morning at 9:00 A.M., the day Plaintiff was scheduled to be at a funeral. The Honorable Judge Andy E. Hendrick presided in the Conway Municipal Court for the jury trial on the DUI charge and arrest of Plaintiff from January 8, 2012. Appellant appeals the "guilty" verdict erroneously rendered on Friday, May 30, 2014, for the charge of DUI for which the Plaintiff was wrongfully arrested on January 8, 2012 in the City of Conway, South Carolina by Officer Josh Scott. The ESSENCE of this APPEAL stand on the following grounds:

- (1) The Plaintiff objects to ill- treatment of her leading to and during the Jury Trial on May 30, 2014.
 - (a) She was arrested on a DUI charge on January 8, 2012 and, in spite of a .00% breathalyzer and no scientific data of any use or abuse of any other drugs, was held in the J. Reuben Long Detention Center in Conway, South Carolina until January 9, 2012 when she had to meet court. From the outset, Plaintiff requested a jury trial; yet, at her initial summons, there was complete disregard for the jury trial request and the first and only communication to her was that the case could be dismissed if Plaintiff would just agree

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to pay \$977.00 while emphasizing that she would "... be given lots of time to pay it..." When the Plaintiff re-stressed that she had asked for a Jury Trial (anticipating objectivity), she was told that she would be notified when to report for the jury trial. She was summoned again for the Court event on February 8, 2012; November 14, 2013; and May 28, 2014. The Plaintiff met each Court event promptly while Officer Josh Scott never appeared once. Each time, the Plaintiff was offered opportunity to pay the \$977.00 with extra time to pay; each time the Plaintiff refused, seeking justice, hoping for an objective jury trial setting because Plaintiff knows she is innocent and wants the stigma of a DUI eradicated from her record.

- (b) On Wednesday, May 28, 2014, the Plaintiff arrived at 1:35 P.M. at the Conway Municipal Court to satisfy the summons for the jury trial slated for 2:00 P.M. Again Officer Scott was absent. She was offered opportunity to pay the \$977.00 another time which she again refused. When the Plaintiff realized that Officer Scott was not present again, and no effort was being made for this jury trial for which she had been noticed about a month in advance, and had been away from family scheduled for funeral the next day, Thursday, during entire period awaiting the obligation on Wednesday, March 28, 2014, she became rather adamant with City Attorney Beverly when he kept insisting the jury trial was now being rescheduled for Thursday morning at 9:00 A.M.
- (c) The Plaintiff, Retha Pierce Sturdivant, pleaded with whom she thought at the time was the judge (until later informed by the judge it was the city attorney who had been doing the talking) to not have the trial on Thursday morning because she would be over three hours away for the funeral and could not be in two needed places at the same time. He kept insisting the trial would be Thursday at 9:00 A.M. The Plaintiff, reminding him of all the times she'd shown up and the police hadn't been once nor had anything ever materialized except talking about her paying the \$977.00, asked if the trial could be put off "...until Monday, sometime next week or month..." The response was "No. It has to be Thursday or Friday of this week..." Being pushed into that type corner, the Plaintiff agreed that although she was not scheduled to return to the area until the following Monday, she would get up early that Friday, May 30, 2014 and return by 9:00 A.M. for the jury trial.
- (d) During the discourse, when Attorney Beverly kept insisting that the Plaintiff return on Thursday for the trial, regardless of father-in-law's funeral, he abruptly shifted the conversation to accusing the Plaintiff: "... I smell alcohol on you right now." The Plaintiff was flabbergasted as she noticed him jeering and making a scene in front of at least two police officers and others in the office, including the judge sitting behind a desk which at the time Plaintiff (thinking the judge was talking to her) mistook him to be an office worker as he sat during the entire ordeal after she was told to report to that area.

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- (e) The Plaintiff stated to Attorney Beverly that he was lying about smelling Alcohol on her trying to make his audience think she would show up at court drinking when she's never drunk anything in her life - never even a social drink when a teacher/administrator. Then Beverly made point that he had a math teacher that got " ...drunk as a skunk..." every day after lunch "... when I was in high school..."
- (f) The accusatory remarks, harassment, and disrespect from Attorney Beverly along with the way he talked to the Plaintiff and the way he seemed to be drawing a policeman in the conversation gave the Plaintiff the opinion he was trying to get her arrested for another false DUI.
- (g) After the Plaintiff mentioned corruption to Attorney Beverly and that she would attend the funeral on Thursday, then he started checking by phone to see if Officer Josh Scott would be able to be present on Friday if the Plaintiff returned to the area for the trial.
- (h) After the telephone conversation to Officer Josh Scott, who arrested the Plaintiff falsely on January 8, 2012 for the DUI charge and who received a new vehicle for having the most DUI arrests in the area that year, Attorney Beverly told the Plaintiff that the Defendant, Josh Scott, said that he would be in court on that Friday, May 30, 2014, and that the jury trial would begin at 9:00 A.M. The Plaintiff asked Attorney Beverly to put in writing the rescheduled jury trial and time in case he did it Thursday and claimed she was absent.
- (i) The Plaintiff later stated that because of what she underwent with City Attorney Beverly on Wednesday, May 28, 2014, because the arresting officer had not been to court yet, because the .00% breathalyzer proves she's not DUI and she knows she had taken no medicine that day, she wanted to file a motion for dismissal of the case before leaving Court that day.
- (j) It was only as the Clerk Of Court was in the process of providing proper instrument(s) for the Plaintiff to file a motion for dismissal of the jury trial that the Plaintiff discovered who was the judge on that Wednesday afternoon. The man who had been sitting behind the desk who could hear and see everything (like everybody else) approached the window and told the Plaintiff that she really didn't need to file any motion for dismissal since she got the day for the trial she wanted. Humiliated by the way she thought she'd been treated by the judge, the Plaintiff said to the man who had come from behind the desk: ' ... You heard everything. I was forced to take Friday out of desperation...' She told him that he heard the judge tell her to come back on Thursday, the day of the funeral and then refuse to put off beyond Friday. It was then that Judge Hendrick provided clarification for the Plaintiff. He identified whom the Plaintiff thought judge as the Conway City Attorney, O. Terry Beverly. As he was walking back to his seat, the Plaintiff

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asked: '...Who are you?...' It was then the judge identified himself and said he would be presiding over the jury trial.

(k) After the Plaintiff filed a motion for the dismissal of the jury trial, Judge Andy Hendrick approached her again and said for her to come back Friday at "...8:30 to hear your motion and 9:00 you can pick your jury..." The Plaintiff arrived at 8:15 A.M. on Friday, May 30, 2014 and reported to the lady at the window, where she'd last spoken to Judge Hendrick on Wednesday, she was to be before the Judge at 8:30 for the motion. The Plaintiff was directed where to go sit in Court and "... the judge will be right in..." The Plaintiff waited and watched the clock go a little beyond 9:00, and the judge entered and gave no opportunity for the Plaintiff to put the motion before the Court. Judge Hendrick went right into introducing the jury in a way unfamiliar to the Plaintiff by going around the entire room and letting them one by one introduce themselves. The Plaintiff let the judge know that she would not remember them that way. The judge then let them introduce themselves again when each was being considered for strike.

2. The Plaintiff's self representation should not have been regarded for higher standards than those drafted or expected by attorneys. In *Haines v. Kerner*, 404 U.S. 520 (1971), it was found that pro se pleadings should be held to "less stringent standards" than those by attorneys. Pro se pleadings are to be considered without regard to technicality and one representing should not receive bias and ill-treatment.

- (a) City Attorney Beverly was allowed to interrupt the Plaintiff during her opening arguments stating that her remarks should be testimony and the judge allowed a disruption by him of Plaintiff's opening arguments which really set a stage throughout trial for the Plaintiff to be blocked for other crucial elements for her defense by Attorney Beverly who was purposefully sabotaging a fair and impartial trial.
- (b) The Plaintiff had pre-established that she would call Officer Josh Scott to return to the stand for a few questions when it was time for the Defense segment, but when it was time for her to call

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him Attorney Beverly objected to the officer taking the stand when he was called and it was allowed, and the officer was not allowed to take the stand when the Plaintiff called for him to

The City Attorney mis-represented Officer Josh Scott with expertise and abilities to determine that the Plaintiff was DUI, thus intentionally misleading the jury. The Plaintiff blew a .00%. There is no scientific data to prove any drugs in the Plaintiff's system. There were no medicines taken that day. There is no basis for a guilty DUI verdict.

Based on the aforementioned, the Plaintiff appeals the erroneous verdict of DUI. It is, therefore, reiterated and Plaintiff moves that this verdict be overturned or a de nova jury trial in a more fair and equitable setting with a change of venue.

Respectfull submitted,

Retha Pierce Sturdivant

Retha Pierce Sturdivant

*412 3rd Ave South
Atlantic Beach, SC 29582
(843) 503-8752*

*Conway, South Carolina
July 3, 2014*

*B836
Res*

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COPIES

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STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Retha Pierce Sturdivant,
PLAINTIFF(S)

Vs.

City of Conway,
DEFENDANT(S)
229 Main Street
Conway, SC 29526
(843) 248-1765

Ticket/Warrant#: 12073FV

Civil Action No.: 2014 CP 263911

RESPONSE TO THE ORDER FROM CONWAY MUNICIPAL
COURT RECEIVED AFTER NOTICE OF APPEAL

RECEIVED

SEP 10 2015

SC Court of Appeals

YOU WILL PLEASE TAKE NOTICE that the PLAINTIFF, Retha Pierce Sturdivant, gives a RESPONSE TO THE ORDER FROM CONWAY MUNICIPAL COURT RECEIVED AFTER NOTICE OF APPEAL FILED ON JUNE 3, 2014 for the wrong DUI conviction on May 30, 2014 for Ticket/Warrant 12073FV at a jury trial with the Honorable Andy Edward Hendrick presiding and filed June 13, 2014 in Court of Common Pleas in the County of Horry as 2014 CP 2639.11

(1) The PLAINTIFF timely appealed the case.

(2) The ORDER referenced above, received from the Conway Municipal Court, requires the PLAINTIFF to "... enroll within 30 days, attend and complete a South Carolina certified ADSAP ... and comply with recommendations of ADSAP." This order was not given during Court, and when the PLAINTIFF specifically inquired relative to possible timeline of receiving a written ORDER about the community service, while stating to Court her intent to appeal because she wasn't drinking as the .00% breathalyzer proves and she'd taken none of the pills that day that she told the officer was in her purse when he first asked about possible medication, Judge Hendrick specifically replied that he was "... not going to write an ORDER." It was only after Plaintiff visited the Court of Common Pleas to find out how was she to file an appeal to that level if she received nothing in writing from the Municipal Court that she was told she'd at least need to go back and get in writing what the judge put down relative to "guilty" and "community service" that she got anything in writing from the Conway Municipal Court. On June 3, 2014, the Plaintiff did finally convince the Clerk of Court that she would need something in writing in order to appeal to the Horry County Court of Common Pleas. Although the Clerk kept repeating that their office was just suppose to send what they had straight from the judge to the Horry County Court, she did finally decide to give the Plaintiff a copy of what would go from the Judge to Horry County Court of Common Pleas. The Conway Municipal

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Clerk of Court also gave the Plaintiff the "...only form..." on which the notice could go from their Court to Horry County.

- (3) The Notice of Appeal was timely filed at the Horry County Court of Common Pleas on June, 13, 2014. It is now Civil Case No.: 2014 CP263911.
- (4) The additional ORDER that the PLAINTIFF received, by mail several days after the NOTICE OF APPEAL was filed, does not comply with the law, that once the APPEAL is in process puts in place a "HOLD." The ORDER through mail stipulates that the Plaintiff be enrolled by June 28, 2014.
- (5) The PLAINTIFF is engaged in a timely filed APPEAL and also has already completed ADSAP for Ticket/Warrant 12073FV by September 30, 2013.

In conclusion, the aforementioned facts are the essence of the PLAINTIFF'S RESPONSE TO THE ORDER FROM CONWAY MUNICIPAL COURT RECEIVED AFTER NOTICE OF APPEAL by mail. PLAINTIFF implores upon the Honorable Court to regard the dictates of the appeal process.

Respectfully submitted,

Retha Pierce Sturdivant 06/24/2014

Retha Pierce Sturdivant
412 32nd Avenue South
Atlantic Beach, SC 29582-4716
(843) 503-8752
Pro Se Appellant

AT
June 25, 2014
Conway, SC

received
102414 12

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Oral Arguments Requested
06/13/2014
RPS
2014 CP 263911
CIVIL CASE NUMBER

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Retha Pierce Sturdivant,
PLAINTIFF(S)

VS.

CITY OF CONWAY,
DEFENDANT(S)
229 MAIN STREET
CONWAY, SC 29526
843-248-1765

NOTICE OF APPEAL

CIVIL/CRIMINAL APPEAL IN THE
MAGISTRATE/MUNICIPAL COURT

RECEIVED

SEP 10 2015

SC Court of Appeals

MELANIE HUGGINS-WARD
CLERK OF COURT

2014 JUN 13 PM 2:13

FILED
HORRY COUNTY

The Plaintiff, Retha Pierce Sturdivant, hereby gives NOTICE OF APPEAL from the judgment of the municipal court in the above action, to the Circuit Court of Common Pleas, in the County of Horry.

This NOTICE OF APPEAL is made subsequent to personal notice of the judgment which was received on the 3rd day of June 2014. The appellant's exceptions of the judgment of the municipal judge are set forth as follows:

- (1) The Plaintiff is not guilty of the charge and subsequent verdict of DUI and has received a wrongful conviction as evidenced by a .00% breathalyzer, and Plaintiff has never consumed any alcoholic or illegal drugs.
- (2) The Plaintiff objects to ill-treatment and violations leading to the jury trial and during the jury trial which also include unethical and questionable activities relative to pre-jury selection and during the process/trial and to further include other violations along with the Presiding Judge's deliberate refusal to address the motion Plaintiff filed before leaving municipal court on

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Wednesday, May 28, 2014 to dismiss the jury trial (even after Judge told her there was no need to file the motion because she had gotten the day she wanted which was Friday), but she had been summoned at least a month in advance for Wednesday. The judge, seeing the Plaintiff's adamant intent to file the motion against his trying to talk her out of the process, then told her to return earlier than 9:00 A.M. on Friday, May 30, 2014 (8:30 instead) so he could "... hear your motion and then you pick your jury at 9:00 ..." The Plaintiff arrived at court around 8:15 on that Friday and reported to the lady at the office window (through which she had last spoken to the Judge on Wednesday, May 28) that she was told by Judge '... to be here by 8:30 so he can hear the motion...' and she told Plaintiff where to go "... sit at front table on right..." to wait on the Judge to come to the court room. Plaintiff kept watching the clock move to 9:00 and when Judge showed up, some distractions occurred such as entire members of remaining jury pool getting up one after another talking, etc. but no allowance for what he told Plaintiff for which to come at 8:30. Wednesday, May 28, 2014 had marked several times Plaintiff had been present from specific summons by the Clerk for which those and other times the arresting officer, Josh Scott, was never present except on Friday, May 30, 2014 at the one that was reset by the Conway City Attorney who also represented Officer Josh Scott on Friday, May 30, 2014. After Plaintiff refused again on Wednesday, May 28, 2014 to take the offer of paying \$977.00 with extended time to pay and the case could be settled, extreme pressure was then put on the Plaintiff to show up the next morning, Thursday, May 29, 2014, by whom she initially thought was the judge (but later found out it was the City Attorney). She learned the Judge was the man whom she had thought was just an office worker since he was sitting behind a

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desk and could see and hear everything.

Plaintiff decided to officially file for the dismissal of the case after the city attorney wrongfully accused her that he smelled alcohol on her "...right now..." in front of two police and made other accusatory remarks and showed no real concern about the funeral she had for Thursday when he wanted to insist that she return back from [redacted] for his rescheduled jury trial from Wednesday afternoon and since the arresting police officer, Josh Scott, was again absent and considering she blew .00%, knowing she took no pills that day, and there were no drugs in her system at the time of her arrest on January 8, 2012.

3. The State misled the jury with its false presentation of Officer Josh Scott as a drug expert giving him leeway and false credibility to make medical decisions. Officer Scott could not look at the Plaintiff and know that she had consumed and was intoxicated by pills that had been prescribed by the Plaintiff's doctor for a dental reaction but none had been taken on the day of January 8, 2012, and the Plaintiff would not even accept the medicine back with her personal belongings when released from the J. Reuben Long Detention Center on the morning of January 9, 2014. One should never be prosecuted on subjective testimony interspersed with fabrications. Absence of scientific test results automatically provides room for doubt. Scientific data is needed to substantiate a DUI conviction. There is none for this case except the .00% breathalyzer. When there is a shadow of doubt, the verdict should never be "guilty."

The Plaintiff reiterates this NOTICE OF APPEAL.

Conway, South Carolina
June 12, 2014

Respectfully submitted,

Retha Pierce 06/12/2014
Retha Pierce
412 32ND Avenue South
Atlantic Beach, SC 29582-4716
(843) 503-8752
Pro Se

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STATE OF SOUTH CAROLINA
COUNTY OF HORRY

~~12073 FV~~
CIVIL CASE NUMBER

Retha Pierce Sturdivant

12073 FV
TICKET NUMBER

RECEIVED

PLAINTIFF(S)

SEP 10 2015

NOTICE OF APPEAL
(INTENT)

VS

SC Court of Appeals

CRIMINAL APPEAL IN THE
MUNICIPAL COURT

CITY OF CONWAY
229 MAIN STREET
CONWAY, SC 29526
843-248-1765

The Plaintiff Retha Pierce Sturdivant hereby gives notice of appeal from the judgment of the municipal court in the above action, to the Circuit Court of Common Pleas, in the County of Horry.

The notice of appeal is made subsequent to personal notice of the judgment which was received on the 3rd day of June, 2014.

The appellant's exceptions of the judgment of the municipal judge are set forth as follows:

- 1) The appellant is not guilty of the charge of DUI,
 - 2) The appellant is not ^{objects to} pleased with the treatment leading to jury trial and during the trial.
 - 3) The appellant had no drugs (medicine) taken on the day of arrest.
 - 4) The policeman searched appellant's purse and car even after he'd already been told prescription drugs from dental problem were in purse and none had been taken that day and Plaintiff as a rule takes no medication unless guided.
- DATE: June 3, 2014
Retha Pierce Sturdivant
PLAINTIFF(S) OR ATTORNEY

MUNICIPAL JUDGE

ANDY E. HENDRICK

Pro Se

Retha Pierce Sturdivant
June 3, 2014

Conway, SC.

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received

6-3-14

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Conway Municipal Court
CASE HISTORY FOR CASE 12073FV

The State of South Carolina VS Retha Pierce Sturdivant

FILED DATE: 1/9/2012

CASE TYPE: TR/Traffic - Bond

STATUS: Disposed

JUDGE: Hendrick, Andy Edward

ARRESTING AGENCY: Conway Police Department

CASE PARTIES:

Defendant Sturdivant, Retha Pierce

412 32Nd Ave S, Atlantic Beach, SC 29582-4716

Officer Scott, Josh

200 Laurel Street, Conway, SC 29526

Bond Entity Sturdivant, Retha Pierce

412 32Nd Ave S, Atlantic Beach, SC 29582-4716

CASE HISTORY FOR CASE 12073FV

Sturdivant, Retha Pierce

412 32Nd Ave S

Age: 65

DL#: 101138035

DOB: 5/15/1949

SSN: 243-84-2393

Atlantic Beach, SC 29582-4716

CHARGE	VIOL. DATE	DISPOSITION	DISP. DATE
3353 DUI / Driving under the Influence, less than .10. 1st Offense	1/8/2012	Guilty Jury Trial	5/30/2014

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: DUI / Driving under the Influence, less than .10, 1st Offense				
Fine to General Fund	\$0.00	\$0.00	\$0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Victim Conviction Surcharge \$100 / \$2!	0.00	0.00	0.00	999
DUI Breath Test \$25	0.00	0.00	0.00	999
DUI Pullout \$100	0.00	0.00	0.00	999
DUI Surcharge \$12	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge \$:	0.00	0.00	0.00	999
SC Criminal Justice Academy Training	0.00	0.00	0.00	999
Spinal Cord Injury Research DUI \$100	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Total:	\$0.00	\$0.00	\$0.00	

DATE	TIME	EVENT DESCRIPTION
1/9/2012	9:00 AM	Court event: Bond Hearing
2/8/2012	9:00 AM	Court event: Criminal/Traffic Court

Print Date: 06/03/2014

Print Time: 3:22:38PM

Requested By: C26JMACKEY

CaseHistory.rpt V6.1

received by: Page 1 of 2
June 3, 2014
Retha Pierce
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Given to Defendant
6-3-14
Anne A Mackey

CASE HISTORY FOR CASE 12073FV

2/16/2012	10:14 AM	Filing recorded: Jury Trial Requested
11/14/2013	9:00 AM	Court event: Criminal/Traffic Jury Strike/Roster Meeting
10/15/2013	12:30 AM	Filing recorded: Archived Court Summons
5/28/2014	2:00 PM	Court event: Criminal/Traffic Jury Trial
4/21/2014	12:00 AM	Filing recorded: Archived Court Summons
5/30/2014	8:30 AM	Court event: Criminal/Traffic Jury Trial
1/9/2012	12:00 AM	Bond 1 was set in the amount of 0 by Hendrick, Andy Edward
2/8/2012	12:00 AM	C26JMACKEY recorded the following Case Note: JURY TRIAL
5/30/2014	12:00 AM	C26JMACKEY recorded the following Case Note: GUILTY - JURY TRIAL - 48 HOURS COMMUNITY SERVICE BY 7-1-14

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2014CP2603911

Jues
#14

Retha Pierce Sturdivant

Conway City Of

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: **CLERK OF COURT**

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☒ Statement of Judgment by the Court:

The Undersigned the Honorable Larry B. Hyman, Jr. does hereby recuse himself in this case.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A	N/A	N/A

If applicable, describe the property, including tax map information and address, referenced in the order:

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the judgment information above has been provided by the submitting party. Disputes concerning the amounts contained on this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.


Circuit Court Judge Larry B. Hyman, Jr.

2152
Judge Code

5/5/2015
Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on, to attorneys of record or to parties (when appearing pro se) as follows:

Retha Pierce Sturdivant 412 32Nd Ave S North Myrtle
Beach, SC 29582

ATTORNEY(S) FOR THE PLAINTIFF(S)

O. Terry Beverly 1202 Third Ave. Conway, SC 29526

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter Teresa Bautz

Melanie Huggins-Ward - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CIVIL CASE NO.: 2014-CP-26-3911

Retha Pierce Sturdivant
APPELLANT

vs.

City of Conway
RESPONDENT
229 Main Street
Conway, SC 29526
(843) 248-1765

NOTICE OF AND MOTION FOR RE-CONSIDERATION
OF FINAL ORDER FOR CASE NO.: 2014-CP-26-3911

HORRY COUNTY
14 OCT 30 PM 4:45
MELANIE H. S. WARD
CLERK
COURT

YOU WILL PLEASE TAKE NOTICE that Retha Pierce Sturdivant (Retha Pierce) initially referenced from Magistrate Court as PLAINTIFF(S) in CIVIL CASE NO.: 2014-CP-26-3911 versus City of Conway, DEFENDANT(S) at 229 Main Street; Conway, SC 29526; (843) 248-1705 and currently referenced as APPELLANT(S) in the same CIVIL ACTION NO.: 2014-CP-26-3911, located at 1301 Second Avenue; Conway, South Carolina 29528; (843) 915-5080, gives NOTICE OF AND MOTION FOR RE-CONSIDERATION OF the FINAL ORDER to dismiss the appeal. Appellant moves instead for the dismissal of the erroneous First Offense DUI verdict against her for CIVIL CASE NO.: 2014-CP-26-3911 or a de novo jury trial with a change of venue that would allow a more objective, fair, and equitable setting.

The FINAL ORDER was received by the Appellant from her mailbox at the physical address: 412 32nd Avenue South; Atlantic Beach, South Carolina 29582-4716 on October 20, 2014. This NOTICE OF AND MOTION FOR RE-CONSIDERATION of the FINAL ORDER to dismiss the Appeal for Case No.: 2014-CP-26-3911 come to this HONORABLE COURT because the Appellant opposes the fabrications contained therein and its intricately woven, deceptive presentation to this Honorable Court as evidenced by the following factual background:

1 of 4

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1. On Wednesday, October 1, 2014, the Appellant(s) appeared, as summoned, in the Horry County Court of Common Pleas under the Honorable Larry B. Hyman, Jr. to appeal the wrongful First Offense DUI Conviction for CIVIL CASE NO.: 2014-CP-26-3911 from the City of Conway Municipal Court on May 30, 2014 wherein the Honorable Judge Andy E. Hendrick presided. O. Terry Beverly was the Conway City attorney, and the Appellant(s)/Defendant(s) was pro se.

2. The Appellant(s) received personal notice via the City of Conway Clerk of Court on June 3, 2014 when she asked for a copy of the written Order/Findings in the City of Conway's Clerk of Court's office. Initially, she was told she could not receive anything in writing because the court always send everything straight to the Horry County Court of Common Pleas. After being persistent and sharing some dictates of FOIA the Appellant did receive a Notice of Appeal form and the copies of the sheets aforementioned via the Clerk of Court for the City of Conway, which included a recording of the guilty verdict and date. The Appellant was told that the Form she was given was the only one to fill out.

3. The Appellant(s) filled out the Notice of Appeal form, and the Clerk of Court for the City of Conway stamped it on June 3, 2014 (EXHIBIT AA), the date considered personal notice. On or about the same time, the Appellant(s) sent a copy of the June 3, 2014 filed NOTICE OF APPEAL and a CERTIFICATE OF SERVICE to the Respondent(s) via the City's attorney, O. Terry Beverly by certified mail. There was no response or any information returned to the Appellant ever by the Respondent until the FINAL ORDER although in it states, "...and there being no challenge to the return in reciting the factual findings...". All filed documents by the Appellant were served by certified/first-class mail for the Fifteenth Judicial Circuit. When the Appellant(s) was given the form on which she was told to file her Appeal and told that she could attach additional sheets if needed), she

immediately pointed out to the young lady that the form was entitled Notice of Appeal like the one she had filled out at the Municipal Court for the City of Conway for the Ten-day period which she thought relayed her intent to appeal and she was then on June 13, 2014 submitting her actual Appeal. The lady told the Appellant(s): "... we can not give legal advice ..." The Appellant(s) concurred that she is aware of that and attempted to clarify that she never asked her for any advice and merely wanted to make sure that she was not being required to fill out a duplicate form that may later show two intents to appeal on record instead of one Notice of Appeal and the actual Appeal.

5. The young lady in the Clerk's office at the Horry County Courthouse reiterated to the Appellant(s) that the Notice of Appeal Form then under discussion is the only form used there as the official Appeal form, too, which the Appellant(s) had clearly earlier pointed to its being entitled Notice of Appeal like the one she had already filed at the City of Conway Municipal Court on June 3, 2014. The Clerk told the Appellant(s) that the filed copy from the Conway Municipal Court would be attached to the one being filed on June 13, 2014 at the Horry County Court of Common Pleas.

6. On June 13, 2014, Appellant(s) was further confused after, in essence, having been told that a document exist in the Horry County Court of Common Pleas that can aid any of the system - labeled a repeat offender for one's different agenda(s) void of having committed any other crime. There should be more order in the Court besides telling citizens to stand and/or cut off a cell phone. There should be revisions that will better ensure real justice, and honest opportunities for ordinary people with legal handicaps/ financial disadvantages in Horry County and throughout.

7. In the FINAL ORDER for CIVIL ACTION NO.: 2014-CP-26-3911, there are several fallible assertions. Among them include that the Appellant(s) only filed a Notice of Appeal.

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8. On July 3, 2014, the Appellant(s) filed an APPEAL (EXHIBIT CC) for CIVIL ACTION NO.: 2014-CP-26-3911.

9. The Appellant(s) filed a Notice of and Motion to overturn the wrongful DUI conviction or a de novo jury trial with a change of venue because she has not only been falsely convicted of the First Offense DUI wrongly, but there's a pre-meditated pattern by conspirators to depict her as criminal which began about one month after she defeated the mayor in Atlantic Beach in 2007. Sufficient documentation and witnesses exist to attest to this in a de novo opportunity.

10. Contrary to what Attorney Beverly provided for Judge Hyman in the FINAL ORDER (EXHIBIT DD), the Appellant(s) was not given "... wide latitude in arguing her exceptions before this Court..." Au contraire, there were deliberate blocks as with the original DUI trial to include:

a. Not really letting the Appellant present her exceptions. Questions were slanted more to discredit the Appellant with mention of her being in Court at least six times before.

b. Judge Hyman answered for the prosecution on what Attorney Beverly didn't mean on or around November 2013 when Appellant(s) was first summoned and subsequent times for the alleged DUI jury trial from the arrest by Officer Josh Scott on January 8, 2012. Judge Hyman interjected that Attorney Beverly didn't mean he would dismiss the case if the Appellant(s) had paid the \$977.00. Since the judge was not present at the time to say what Attorney Beverly meant, the Appellant(s) had no choice but to take Attorney Beverly's words denotatively when he said for her to pay the \$977.00; she'd be given time to pay; and everything would disappear. The Appellant(s) refused each of at least three times, knowing her innocence, in favor of the Jury trial she had requested since January 9, 2012 which occurred on May 30, 2014 outside the time frame of the thirteen

months of age of the Administrative Order by Judge Steven John ordered on January 1, 2012 which states that each case will be on the trial roster at thirteen month of age.. Shortly after discussion of the fine offer, Judge Hyman abruptly dismissed the Appeal for CIVIL ACTION NO.: 2014-CP-26-3911 with no explanation directing Attorney Beverly to draft the Final Order.

c. The Appellant was given a lot of curt questions driving seemingly for answers for somebody else rather than what she wanted to expound on about her exceptions.

11. It is maintained by the Appellant(s) that there was not sufficient evidence to convict her except extraneous variables be allowed to taint the jury which were multiplied by the deceptive presentation of Officer Josh Scott who was presented as an expert witness who could look at the Appellant's eyes and tell she had taken medicine never taken and arrested her on "implied consent" because he claimed she refused to take a urinalysis when Officer Scott refused to give it because Appellant wanted part for an independent analysis. He gave a lot of false information to cover up that wrongful arrest that helped him win the new vehicle that year for having the most DUI arrests. Appellant initially told Officer Scott about prescription bottles in her purse when first questioned in front of her car away from his car camera. There was no need for Officer Scott to search the Appellant's car and purse after he handcuffed her and put her in his car to pretend he found the medicine bottles from dental work. Contrary to claim in FINAL ORDER also, the Appellant did object to Officer Scott's testimony misleading the jury during trial only a genuine expert/doctor would know about her in, but she was overruled. But when Attorney Beverly objected during the Court procedure(s), it was sustained.

12. The Appellant had a .00% breathalyzer result when tested on January 8, 2012, there was no drugs or medication in her or chemical/scientific data at the jury trial to erase reasonable

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doubt. Additional deceptions and blocks employed by the Conway City Attorney and the only witness, Officer Josh Scott, specifically designed to mislead the jury, include: Prosecuting City of Conway attorney, O. Terry Beverly, interrupted Appellant's Opening Arguments, intentionally trying to deceive jurors by setting the stage to discredit the pro se Appellant and refused to let Officer Scott take the Stand when pre-established would be done during Defense in addition to cross-exam during the prosecution segment.

b. The Appellant was not given wide latitude in arguing her exceptions before the Court as the FINAL ORDER prepared by City of Conway attorney, O. Terry Beverly, as directed by Judge Hyman, states. Instead, there appeared to be a rush by the presiding judge to block the Appellant's range to adequately argue the elements of her appeal from the outset. Among the debilitating variables included Judge Hyman's sharp question of "What did the judge do wrong?" Referencing Conway City Municipal Judge Andy E. Hendrick. That did much to retard the Appellant's argument as she sensed a deliberate attempt to discredit her.

the Bench concerning Appellant's appeal which basically encompassed three main exceptions:

1. a hope of being allowed to at least get an opportunity to argue her appeal in what would not appear to be such a bias setting as was demonstrated to include the following:

a. Judge Hyman appeared to favor the stance of prosecution with his hastiness to appeal as he was seemingly in a satisfactory rush to be curt with the Appellant and to exercise the following actions:

1. Judge Hyman interrupted a segment as Appellant(s) tried to explain a crucial component of one of her exceptions in her appeal when he interjected that Attorney Beverly did not mean he would dismiss the DUI if she paid the \$ 977.00 that states. Such

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of Atlantic Beach once, during her tenure as mayor, that; "Mayor Pierce is not a credible witness." That public acclamation by Judge Hyman, from that moment forward, did much to aid the media's and the negative treatment by other entities to help create an illusion of criminality for the Appellant that has contributed to several false prosecutions by a jury or judge in Horry County which was the reason Appellant's former lawyer, Irby E. Walker, Jr. (before he was set-up, blackmailed, jailed, and disbarred) requested and received a Court ordered change of venue for Appellant's case. After Mr. Walker's removal, the court order (s) were deliberately ignored/disregarded and Appellant was returned to Horry County for trial. Whether under judge or jury, and where Appellant lacks a win, is only after accidentally on the docket under an upright judge not a part of the cherry-picked pool for a conviction although Appellant had a .00% breathalyzer and no chemical/scientific data exist to validate any judge or jury's First Offense DUI conviction for the Appellant.

There appeared to be a pure mockery of her sincere attempts for justice.

With so many other inconceivable ones conspired toward her beginning about one month after her defeat of the over three term mayor in November 2007 for the the Town of Atlantic Beach by many who purport to protect and serve. As a result of a too real conspiracy propelled by "powers that be," in Horry County, a matrix of illusion has painted illusion of Appellant as criminal primarily through wrongful convictions and/or exaggerated traffic scenarios with intent to create a notorious criminal record for the Appellant. Offense consequences designed to create a matrix of illusion of the Appellant as a criminal to help solidify for "powers that be" their desired political atmosphere in the Town of Atlantic Beach via favors from many of their friends in Horry County who purport to protect and serve. Judge Hyman asked many questions during the first offense DUI conviction on October 1, 2014 to emotionally cripple the Appellant synonymous with another remark he once made

Town of Atlantic Beach (during her tenure as mayor) when he presided in the Court of Common Pleas and stated adamantly to the public that: " Mayor Pierce is not a credible witness." Such include:

- a. The ridicule of Appellant that she had no lawyer.
- b. Harassed Appellant she had been to court at least six times before .
- c. Appeared to emphasize what Police Officer Josh Scott (who won a new vehicle for the most DUI arrests that year) he arrested the Appellant on January 8, 2012 for "implied consent." Officer Scott claimed Appellant refused to take a urinalysis after a .00% breathalyzer when really Officer Scott refused to give the urinalysis after the Appellant asked to get part of the same sample for an independent analysis because of the inconceivables, Appellant had been experiencing since 2007 like actual mistruths by some authorities such as the officer's statement of Appellant "... wanting to keep the urine with her..."
- d. Showed agitation with Appellant for saying that Officer Josh Scott gave the DUI on "implied consent" which is the reason he presented to the jury.

For the aforementioned reasons and inconceivables, the Appellant moves again for the dismissal of the erroneous First Offense D.V.I. Conviction for Civil Case No.: 2014-CP-26-3911 or a de novo jury Trial with a change of venue).

*Conway, South Carolina
October 30, 2014*

*Respectfully submitted
Betha Pierce Shindivant
Betha Pierce (Shindivant)
#1232nd Avenue South
Atlantic Beach, SC 29582-4714
(843) 503-8152
PRO SE*

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RPS*



State of South Carolina
The Circuit Court of the Fifteenth Judicial Circuit

STEVEN H. JOHN
RESIDENT JUDGE

1301 SECOND AVENUE, SUITE 3A30
CONWAY, SOUTH CAROLINA 29526
TELEPHONE: (843) 915-6696
FACSIMILE: (843) 915-5859

June 1, 2015

O. Terry Beverly, Esquire
1202 Third Avenue
Conway, South Carolina 29526

Retha Pierce Sturdivant
412 32nd Avenue South
Atlantic Beach, South Carolina 29582-4716

Re: *Retha Pierce Sturdivant v. City of Conway*
Case No. 2014-CP-26-3911

Dear Mr. Beverly and Ms. Sturdivant:

Judge Hyman recused himself from this case by Form Order dated May 5, 2015 and cannot rule on the Appellant's pending Motion for Reconsideration. Therefore, as Chief Administrative Judge, I will rule on the motion. I am requiring Mr. Beverly to file a written response to the Appellant's Motion for Reconsideration within 15 days of the date of this letter, serve a copy on Ms. Sturdivant, and forward a copy to my office.

Thank you for your attention to this matter.

With kindest personal regards, I remain

Sincerely yours,

STEVEN H. JOHN
Resident Judge
Fifteenth Judicial Circuit

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OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

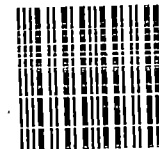
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FIRST CLASS

1115 CLASS

TO:

V. Claire Allen, Deputy Clerk
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

SEP 10 2015
SC Court of Appeals