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THE STATE OF SOUTH CAROLINA
In the Court of Appeals
[In the Supreme Court]

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry E. Hyman, Circuit Court Judge [Recused]
Steven H. John, Circuit Court Judge [Final Order]

APPELLATE CASE NO.: 2015-001621

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DEC 29 2015

SC Court of Appeals

Retha Pierce Sturdivant Appellant

v.

City of Conway Respondent

[INITIAL] BRIEF OF APPELLANT

Retha Pierce Sturdivant 12/22/2015

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

TABLE OF CONTENTS

Table of Authorities ii
Statement of Issues on Appeal 1
Statement of the Case 1
Facts 1

Arguments:

1. BECAUSE THE COURT ERRED IN ALLOWING THE PROSECUTION TO NEOCHEAT THEREBY HELPING TO CREATE AND SUSTAIN THE WRONGFUL FIRST OFFENSE DRIVING UNDER INFLUENCE (DUI) CONVICTION 2
2. BECAUSE THE COURT ERRED WITH BIAS, PREJUDICE, LACK OF DUE PROCESS, FALSE INFORMATION, MISREPRESENTATION, AND COLLUSION TO MAINTAIN THE SETTING FOR CONDEMNATION TO UPHOLD THE WRONGFUL DUI CONVICTION IN SPITE OF THE .00% BREATHALIZER VOID OF ANY OTHER CONCRETE DRUG OR CHEMICAL 2
3. BECAUSE THE COURT ERRED IN GIVING THE PROSECUTION AUTONOMY AND LEEWAY FOR EXCESSIVE ABUSE OF PROCESS/APPELLANT WHICH SUPPRESSED AND THWARTED JUSTICE FOR DEFENSE..... 2
4. BECAUSE THE COURT ERRED BY UPHOLDING THE WRONGFUL FIRST OFFENSE DUI CONVICTION AND FOR NOT GRANTING A DE NOVO TRIAL.
5. BECAUSE THE COURT ERRED IN UPHOLDING THE JUDGEMENT OF A JURY WHOSE VERDICT WAS NOT BASED ON THE FACTS OF THE CASE, WHO WERE NOT REALLY PEERS, PRE-SCREENED IN THE ABSENCE OF THE APPELLANT, NOT VOID OF BIAS, AND STEEPED IN MYSTICISM WHO RETURNED THE WRONGFUL FIRST OFFENSE DUI GUILTY VERDICT AFTER ABOUT FIFTEEN MINUTES OF DELIBERATION 2
Conclusion 3

TABLE OF AUTHORITIES*

CASES

Jenkins v. Mckeithan, 395 U.S.411, 421 (1959). 2

Picking v. Pennsylvania R. Co., 151 Fed 2nd 240. 2

Haines v. kerner, 404 U.S. (1971). 2

Maty v. Grasselli Chemical Co.303 U. S. 197 (1938). 2

STATUTES

STATEMENT OF ISSUES ON APPEAL

- 1. DID THE TRIAL COURT ERR IN ALLOWING THE PROSECUTION TO NEOCHEAT THEREBY HELPING TO CREATE AND SUSTAIN THE WRONGFUL FIRST OFFENSE DRIVING UNDER INFLUENCE (DUI) CONVICTION?**
- 2. DID THE COURT ERR WITH BIAS, PREJUDICE, LACK OF DUE PROCESS, FALSE INFORMATION, MISREPRESENTATION, AND COLLUTION TO MAINTAIN THE SETTING FOR CONDEMNATION TO UPHOLD THE WRONGFUL CONVICTION IN SPITE OF THE .00% BREATHALIZER VOID OF ANY OTHER CONCRETE DRUG OR CRIMINAL DATA?**
- 3. DID THE COURT ERR BY GIVING PROSECUTION AUTONOMY AND LEEWAY TO UPHOLD THE CONVICTION BY RIDICULING THE PRO SE LITIGANT AND ALLOWING EXCESSIVE ABUSE OF DEFENDANT/APPELLANT AND PROCESS?**
- 4. DID THE COURT ERR IN UPHOLDING THE FIRST OFFENSE DUI CONVICTION**

AND NOT GRANTING A DE NOVO TRIAL?

5. DID THE COURT ERR IN UPHOLDING THE VERDICT OF A JURY WHOSE FINDINGS WERE NOT REPRESENTATIVE OF THE GENUINE FACTS OF THE CASE, WHO WERE NOT REALLY PEERS, PRE-SCREENED IN THE ABSENCE OF THE APPELLANT. NOT VOID OF BIAS, STEEPED IN MYSTICISM, AND WHO RETURNED THE WRONGFUL FIRST OFFENSE DUI GUILTY VERDICT AFTER ABOUT FIFTEEN MINUTES OF DELIBERATION?

ABOUT FIFTEEN MINUTES OF DELIBERATION?

STATEMENT OF THE CASE

On Friday, May 30, 2014, a jury trial was held in the Conway Municipal Court in the City of Conway, South Carolina for a driving under influence (DUI) charge for the Appellant that had been alleged by Conway policeman, Josh Scott, as she was returning home from a church attendanc at Lebanon church in Ridgeway, South Carolina on January 8, 2012. Appellant was at the entrance of the big bridge in Conway when she first saw the light flashing on the police officer's car. After he told her to stop on the bridge, he shared receiving a call about the Appellant stopping at a green light , slow driving, etc., immediately accused her of DUI in front of her car away from his car camera in parking lot; but Apellant assured him that she was not considering she's never even had a social drink in life, and as a rule (since about age four) does not swallow prescription or over- the -counter drugs unless guided. After an exaggerated sobriety test in front of his police car claimed failed, Scott, who won a new vehicle for having the most DUI arrests in 2012, gave the Appellant a breathalizer that was .00%. Then he wanted the Appellant to take a urine test which she agreed, but she asked for part of her sample for an independent analysis considering all the inconceivable traffic set-ups that only began against her about one month after she defeated an over- three-term mayor. Scott refused to allow the Appellant part of her sample. Instead, he took her to jail for DUI at the J. Reubin Long Detention Center in Conway, South Carolina where the Appellant has been at least eight (8) times wrongly. Scott told rhe Appellant she was being jailed for "implied consent".

On May 30, 2014, the prosecuting attorney presented Scott to the jury as a specialist who could look into the Defendant's eyes and know that she had used prescription drugs; and the Defendant was not allowed to recall Officer Scott during her defense segment as stated and pre-agreed pre-court trial. A prejudiced jury after about fifteen minutes of deliberation returned a First Offense DUI guilty verdict under Judge Andy Hendrick in the Conway Municipal Court with the prosecuting attorney, O. Terry Beverly on May 30, 2014. The Appeal of the case went before Circuit Court Judge, Larry B. Hyman, Jr., who dismissed the case on October 1, 2014 affirming the wrongful guilty verdict. Judge Hyman was later recused, and the FINAL ORDER pre- Court of Appeals as given by Circuit Court judge, Steven H. John. Both circuit judges are of the Horry County Court of Common Pleas in Conway, South Carolina.

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v.

City of Conway Respondent

CERTIFICATE OF COUNSEL

The undersigned certifies that the Designation of Matter to be included in the Record on Appeal complies with Rule 209(b) SCAR.

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SC Court of Appeals

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DEC 29 2015
SC Court of Appeals

South Carolina Court of Appeals
V. Claire Allen, Deputy Clerk
Post Office Box 11629
Columbia, South Carolina 29211

Re: Missing Data Not Placed in Envelope Sent You December 22, 2015 to include: INITIAL BRIEF, CERTIFICATE OF COUNSEL, and the \$25.00 Money Order Dated 12/22/2015 for Motion to File-Out-of-Time for Civil Case No.: 2015-001621 the INITIAL BRIEF and DESIGNATION.

Dear Deputy Clerk Allen:

Please find items mistakenly not placed in the envelope with the Designation of Matter forwarded to you on 12/22/2015 to include: Initial Brief that should have been with the DESIGNATION OF MATTER, CERTIFICATE OF COUNSEL for the DESIGNATION OF MATTER sent, and the fee of \$25.00 that was purchased by postal money order on 12/22/2015 for the Motion to file INITIAL BRIEF AND DESIGNATION OF MATTER out-of-time.

Grappling with a multiplicity of extraneous variables, including the death of a family member and two other very close friends while barely able to see with excruciating headaches, produced this error. Please add these missing segments to what has already been sent to you. If I must send another \$25.00 for a Motion to incorporate the matters not mailed together, please let me know.

Thank you very much for your assistance in this endeavor.

Sincerely,



Retha Pierce Sturdivant
Pro Se Appellant

Cc. O. Terry Beverly; South Carolina Court Administration

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SC Court of Appeals

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