

78660

RECEIVED

FEB 10 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Larry B. Hyman, Circuit Judge (Recused)
Honorable Steven H. John, Circuit Judge (Final Order)

Appellate Case No.: 2015-001621

Retha Pierce Sturdivant Appellant

vs.

City of Conway Respondent

RESPONSE TO AND COUNTER-MOTION FOR MOTION TO DISMISS
(*City of Conway v. Retha Sturdivant*; Appellate Case No.: 2015-001621)

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

RESPONSE TO AND COUNTER-MOTION FOR MOTION TO DISMISS

The Appellant, Retha Pierce Sturdivant, hereinafter referred to as "Appellant", presents a RESPONSE TO AND COUNTER-MOTION FOR MOTION TO DISMISS Appellate Case No.: 2015-001621 by the Respondent, O. Terry Beverly, hereinafter referred to as Respondent, which was received by the Appellant on Saturday, January 30, 2016 from the North Myrtle Beach Post Office; North Myrtle Beach, South Carolina. The extensive neocheating of the Respondent overcasts and undermines some of the the very Rules like 208 and 209, SCACR, by which he now moves that Appellate Case No.: 2015-001621 be dismissed. Here again his primary objective suggests the murder of justice by the mere trickery of utilizing a pro se litigant's deficits relative to Rules, SCACR, to thwart truth and fairness in the judicial system when, as Haines v. Kerner stipulates, a pro se Appellant should not be dealt with as stringently as a professional [Haines v. Kerner, 404 U.S. 520 (1973)]. Yet, the Respondent maneuvers with such expectation when he, who is skilled in law, has used the law to break the law — misleading a jury and violating due process. To dismiss Appellant's case for certain non-intended deficits regarding Rules, SCACR, would provide a safe haven for the Respondent to continue covering up errors made with Appellate Case No.: 2015-001621 while maintaining the wrongful First Offense DUI Conviction for the Appellant who has never had even a social drink in her sixty-seven years of existence and whom family, many acquaintances and several doctors know her as a natural healer.

The well-intent of the formulators of Rules 208 and 209, SCACR, to set the parameters of time and scope for the operation of a court case, most surely could not have envisioned that a neocheater would cite deficits related to them as a means to keep innocent guilty in the State of South Carolina by dismissing the case(s) through the accentuation of said shortcomings for one who has never had any formal training regarding

the Rule(s), SCACR. They could neither have perceived the kind of extraneous variables interwoven in a case, like Appellate Case No.: 2015-001621, whereby if an opportunity to rectify any deficit component is not afforded the ordinary citizen, too many cases will continue to be dismissed, the jails will continue to house too many innocent victims, and too many wrongful convictions will continue to be maintained. As necessity breeds invention, so should damaging legal and judicial practices evoke precedential amendments of rules of law that will deter the mis-use and abuse of traditional Rules, SCACR, in order to purposefully maintain a conviction, dismiss a case, and violate the rights of mankind by some ill-intended/dishonest law practitioner(s) or the many neocheaters who purport to protect and serve. The Appellant, therefore, objects to Respondent's Motion to Dismiss Appellate Case 2015-001621. She moves to give a RESPONSE TO AND COUNTER-MOTION FOR MOTION TO DISMISS based on subsequent reasons aligned with each numbered reason given in the Respondent's MOTION TO DISMISS:

1. " Appellant failed to comply with Rules 208 and 209, SCACR, and has not filed a motion requesting permission to serve and file the initial brief and designation of matter outside of the filing deadlines". RESPONSE: THE APPELLANT FILED A MOTION REQUESTING PERMISSION. SHE IS A PRO SE LITIGANT WHO HAS NO FORMAL TRAINING IN THE RULES OF LAW, SCACR.

2. "Appellant failed to comply with Rule 207(a) (1), SCACR, in that Appellant failed to contemporaneously furnish all counsel of record with copies of all correspondence with the court reporter ... failed to provide Respondent with a copy of the transcript which Appellant apparently received on October 22, 2015 according to her letter dated October 26, 2015".

RESPONSE: THE PRO SE APPELLANT DID COMPLY AND HAS ALWAYS FURNISHED ALL KNOWN COUNSEL OF RECORD WITH ALL CORRESPONDENCES TO THE COURT REPORTER AS EVIDENT BY

FILED CERTIFICATE OF SERVICE OR A COPIED LETTER FOR EACH COMMUNICATION VIA FIRST CLASS MAIL. THE APPELLANT HAS NOT YET RECEIVED A WORD-FOR-WORD TRANSCRIPT FOR CIVIL CASE NO.: 2014-CP-26-03911 [APPELLATE CASE NO.: 2015-001621] AS INDICATED IN SEVERAL LETTERS INCLUDING THE ONE DATED OCTOBER 26, 2015, WHICH THE RESPONDENT DOES ADMIT BY REFERENCE HIS RECEIPT. THE APPELLANT DID NOT KNOW IT TO BE HER OBLIGATION TO SEND A NOT GENUINE WORD-FOR-WORD TRANSCRIPT TO ANYONE YET WHILE ACTIVELY SOLICITING A WORD-FOR-WORD VERSION.

3. "Appellant failed to comply with Rule 208 (a)(1), SCACR, in that her Initial Brief was not filed within 30 days of October 22, 2015, the date that she purportedly received the transcript".

RESPONSE: THE PRO SE APPELLANT IS STILL IN ACTIVE PURSUIT TO OBTAIN A WORD-FOR-WORD TRANSCRIPT. IT WAS ONLY AFTER SHE GET A WORD-FOR-WORD VERSION THAT SHE INTENDED TO QUALIFY AND SHARE THE COPY(IES).

4. "Appellant failed to comply with Rule 208(b)(1)(D), SCACR " in that Appellant failed to include her argument of issues on appeal in her filing entitled Appellant's Initial Brief".

RESPONSE: APPELLANT'S PERUSING OF HER FILED COPY, HAS FOUND THE NON- INCLUSION OF THE SEGMENT. THE UNINTENDED DEFICIENCY EVIDENTLY OCCURRED DUE TO THE PRO SE APPELLANT'S NON-FAMILIARITY AND HER UPHEAVAL WITH OVERWHELMING ODDS COMPOUNDED BY THE DICTATES OF MULTIPLE WRONGFUL COURT CONVICTIONS (AFTER AT LEAST EIGHT(8) WRONGFUL ARRESTS), WHICH RUN SIMULTANEOUSLY WITH DEMANDS ON HER TIME AND SUBSTANCE COUPLED WITH HER INHIBITIONS AS A RESULT OF DISTRUSTING DEBILITATING CIRCUMSTANCES LIKE THE NEED FOR A DRIVER 24/7 AS A RESULT OF THE WRONGFUL DRIVING UNDER SUSPENSION (DUS) CONVICTION VIA OF THE WRONGFUL FIRST OFFENSE DRIVING UNDER INFLUENCE (DUI) CONVICTION AND SKYROCKETING FINANCIAL

CONSEQUENCES; DEATH OF MULTIPLE FAMILY MEMBERS/FRIENDS DURING SAME PERIOD;
AND BEING HAMPERED BY SOME INFIRMITIES TO INCLUDE HEART ATTACK, STROKE
AFTERMATH, SEVERE VISION HANDICAP, AND OTHER EXTRANEIOUS VARIABLES WHILE THE
PRO SE APPELLANT ATTEMPTS TO STAY WITHIN THE RESTRAINTS OF THE RULES, SCACR.
SHE IMPLORES THE HONORABLE COURT, FOR THE SAKE OF FAIRNESS AND TRUTHFINDING,
THAT THE APPELLANT BE ALLOWED TO CORRECT THE DEFICIENCY OF ANY MISSING PART OF
THE INITIAL BRIEF RATHER THAN DISMISS APPELLATE CASE NO.: 2015-001621 AND BLOCK
APPELLANT'S ONLY AVENUE FOR TRUTH AND JUSTICE..

5. "Appellant failed to comply with Rule 208(a)(4), SCACR" in that she failed to file an initial
brief as required by South Carolina Appellate Court Rules".

RESPONSE: THE APPELLANT DID FILE AN INITIAL BRIEF. ANY MISSING COMPONENT IS AS A
RESULT OF AN UNINTENDED ERROR BY THE APPELLANT WHICH IS SYNONOMOUS WITH THE
SAME KIND OF OVERSIGHT AS SHE MADE IN THE Horry COUNTY COURT OF COMMON PLEAS
WHEN THE RESPONDENT REFERENCED A "RETURN AND TO WHICH SHE SHOULD HAVE ALSO
OBJECTED, THEN, HAD SHE KNOWN; BUT THE PRO SE APPELLANT LITERALLY HAD NO IDEA
WHAT THE RESPONDENT WAS REFERENCING UNTIL SHE SAW LATER, AFTER HER APPEAL TO
THE STATE OF SOUTH CAROLINA, THAT THE RESPONDENT HAD ATTACHED A SHEET ENTITLED
"RETURN OF MUNICIPAL COURT" WHICH WAS DATED JULY 1, 2014 TO A RESPONSE FOR THE
Horry COUNTY CIRCUIT COURT JUDGE IN HIS EFFORT TO WRITE A FINAL ORDER AS
INSTRUCTED FOR THE DISMISSAL OF CIVIL CASE NO.: 2014-CP-26-03911 [APPELLATE CASE NO.:
2015-01621] TO SUSTAIN THE WRONGFUL FIRST OFFENSE DUI CONVICTION.

6. "Appellant failed to comply with Rule 240 (c), SCACR, with regard to the form and content
of motions and petitions. Also ... refers to matters irrelevant to the appeal".

RESPONSE: THE APPELLANT COMPLIED.. SHE IS PRO SE WITH NO FORMAL TRAINING IN THE

RULES OF LAW. SHE IS NOT A LAWYER AS THE RESPONDENT, BUT SHE HAS AND IS ALWAYS WILLING TO CONFINE TO THE DICTATES OF LAW FOR THE PROPER ALIGNMENT WHEN PRESENTED WITH HER DEFICIENCY(IES). THERE ARE NO MATTERS IRRELEVANT TO THE APPEAL IF THE KEY OBJECTIVE IS TRUTHFINDING.

7. "APPELLANT failed to comply with Rule 240(g), SCACR, in that she failed to perform many acts required by South Carolina Appellate Court Rules which constitutes abandonment of the appeal". RESPONSE: THE APPELLANT COMPLIED TO ALL KNOWN ELEMENTS TO THE BEST OF HER ABILITY.

8. "Appellant failed to comply with Rule 267(c), SCACR, in that Appellant's Motion to Allow Initial Brief and Designatin of Matter to be Filed Out-of-Time fails to have a discernable margin and it is handwritten ... form of papers does not adhere to the rules set forth". RESPONSE: APPELLANT SOUGHT TO MEET THE DEADLINE THOUGHT REQUIRED FOR THE VERY RULES 208 & 209, SCACR, WHICH THE RESPONDENT HAS ACCUSED APPELLANT OF NOT FILING. SHE FELT COMPELLED TO SUBMIT THE REFERENCED VERSION OF THE MOTION TO ALLOW INITIAL FILED OUT-OF-TIME ..."ON LINELESS PAPER HANDWRITTEN BECAUSE SHE HAD NO WAY TO TYPE IT: HER HOME COMPUTER WAS CRASHED, AND SHE HAD EXTREME DIFFICULTY ACQUIRING TRANSPORTATION TO A PUBLIC FACILITY LIKE THE LIBRARY AND FED-X TO USE A COMPUTER AS OFTEN NECESSARY. NO MONEY WAS AVAILABLE TO USE TAXI ALSO OFTEN REQUIRED WHEN APPELLANT'S BASIC DRIVER, AS A RESULT OF HER SUSPENDED LICENSE TIMELY APPEALED FOR A WRONGFUL DUS CONVICTION VIA THE WRONGFUL FIRST OFFENSE DUI CONVICTION, ALSO TIMELY APPEALED, WHEN THE DATE ON HER PHYSICAL LICENSE COPY AT TIME OF ALLEGATION AND ARREST WHILE APPELLANT WAS RESTING IN HER CAR, HAD SHOWN NO EXPIRATION.

9. "On January 4, 2016, Respondent received correspondence from Appellant dated

December 20, 2015, which did not contain enclosures stated and contained only the following: Designation of Matter to be included in the Record on Appeal (5 pages), Certificate of Counsel (1 page); Certificate of Service — dated December 22, 2015 (1 Page); and Initial Brief of Appellant (4 pages) ... while the Certificate of Service listed the date of mailing as December 22, 2015, the postmark on the envelope was December 28, 2015". RESPONSE: The APPELLANT HAS SENT THE RESPONDENT A COPY OF EACH DOCUMENT SENT OUT PERTAINING TO APPELLATE CASE NO.: 2015-001621. SHE HAS TO GET A RIDE TO THE POST OFFICE OFTEN AFTER THE WORK HOURS OF ONE OF HER BASIC PART-TIME DRIVERS TO DROP IN MAILINGS SINCE SHE HAS SUSPENDED LICENSE VIA THE WRONGFUL FIRST OFFENSE DUI CONVICTION ALSO TIMELY APPEALED. THIS WAS ALSO DURING THE CHRISTMAS/NEW YEAR HUSTLE BUSTLE.

10. " Respondent did not receive the correspondence until almost 10 days after it was mailed because it was mailed to the Municipal Court for the City of Conway, South Carolina rather than to the Respondent". RESPONSE: THE APPELLANT HAS ALWAYS MAILED A COPY OF EACH CORRESPONDENCE TO THE RESPONDENT RELATIVE TO CIVIL CASE 2014-CP-26-03911 TO THE ONLY ADDRESS SHE WAS INITIALLY GIVEN AND THE SAME WAS PUT ON THE COVER SHEET FOR SAID CASE WHEN APPEALED TO THE HORRY COUNTY COURT OF COMMON PLEAS: O. TERRY BEVERLY; 229 MAIN STREET; CONWAY, SOUTH CAROLINA 29526 FOR THE RESPONDENT. THE APPELLANT ALSO ALWAYS THOUGHT THAT TO BE HIS OFFICIAL ADDRESS BECAUSE OF THE WAY HE HANDLED HER IN THAT OFFICE. EACH OF THE SEVERAL TIMES SHE WAS SUMMONED AND APPEARED TIMELY AT THE CONWAY MUNICIPAL COURT FOR THE REQUESTED JURY TRIAL, IT WAS RESPONDENT (THOUGHT THE JUDGE INITIALLY) WHO ALWAYS TALKED TO APPELLANT IN THE OFFICE, TELLING HER TO PAY THE \$997.00 TO MAKE EVERYTHING DISAPPEAR — ALWAYS MINUS THE ARRESTING OFFICER FOR TRIAL, JOSH SCOTT, AND NO POOL FROM WHICH SHE COULD CHOOSE JURORS AS SUMMONED THAT WAS ONLY AVAILABLE AFTER THE

FOURTH TIME. APPELLANT, KNOWING HER INNOCENCE AND THAT SHE WAS JAILED WRONGLY ON JANUARY 8, 2012 FOR DUI "IMPLIED CONSENT" ON HER WAY HOME FROM CHURCH IN SPITE OF A .00% BREATHALIZER WITH NO OTHER POSITIVE CHEMICAL/DRUG POSITIVE DATA, LATER VALIDATED NEGATIVE BY ADSAP, STILL INSISTED ON A JURY TRIAL HOPING FOR A MIRACLE — KEPT REMINDING THE RESPONDENT THAT SHE HAD REQUESTED A JURY TRIAL ON DAY ONE AFTER JAIL ANTICIPATING EXONERATION FROM THE STIGMA OF THE DUI CRIMINAL ALLEGATION. IT WAS ONLY WITH THE CONTINUOUS ADAMANT REMINDING ON MAY 28, 2014 FOLLOWING THE RESCHEDULING OF PLAINTIFF'S MUNICIPAL ASPECT OF CIVIL CASE NO.: 2014-CP-26-03911 BY RESPONDENT, O. TERRY BEVERLY, TO MAY 30, 2014 THAT THE ACTUAL JUDGE, ANDY E. HENDRICK, WHOM THE APPELLANT HAD BEEN THINKING ONE OF THE OFFICE EMPLOYEES HAVING JUST SEEN HIM SITTING BEHIND A DESK IN THE SAME OFFICE, CLARIFIED TO THE PLAINTIFF THAT THE RESPONDENT WHOM SHE REFERENCED TO HIM AS THE JUDGE, IS INSTEAD THE ATTORNEY FOR THE CITY OF CONWAY WHILE THE APPELLANT, FEELING FRESHLY VICTIMIZED, BEGAN TO FILE A WRITTEN MOTION FOR DISMISSAL OF THE CASE AFTER THE INCONCEIVABLE VERBAL ATTACK ON HER AND THE RESPONDENT'S UNFOUNDED WRONGFUL OUTBURST THAT HE COULD "... SMELL ALCOHOL ON YOU RIGHT NOW ..." IN FRONT OF EVERYONE IN THAT OFFICE, INCLUDING TWO POLICEMEN (1 BLACK, 1 WHITE), AFTER SHE COULD NOT MEET HIS DEMAND FOR THE RESCHEDULED JURY SELECTION AND TRIAL BECAUSE OF HER FATHER-IN-LAW'S FUNERAL THAT THURSDAY, MAY 29, 2014. WHILE OFFERING A SURFACE CONDOLENCE, THE RESPONDENT STILL DECLARED THAT THE TRIAL AND JURY SELECTION WOULD BE ON THE NEXT DAY REGARDLESS OF THE ABSENCE OF THE APPELLANT AND ONLY CALLED THE ARRESTING OFFICER SCOTT TO CHECK TO SEE WHICH DAY HE COULD ATTEND AFTER APPELLANT FINALIZED THAT SHE WOULD BE AT THE FUNERAL ON THURSDAY AND REMINDED RESPONDENT THAT SHE HAD BEEN TIMELY PRESENT AND THE

ONLY ONE PRESENT FOR MORE THAN THREE SUMMONS FOR JURY SELECTION AN ABSENT DURING WEEK FROM FAMILY AND TIMELY APPEARED ONLY TO HAVE NO SHOW AGAIN EXCEPT HER — NO ARRESTING OFFICER AND A SINGLE OTHER PERSON FOR THE CASE EXCEPT HER AGAIN. APPELLANT RECEIVED A TELEPHONE CALL AS SHE WAS PREPARING TO ATTEND THE FUNERAL ON THAT THURSDAY THAT REPORTED POTENTIAL JURORS FOR HER CASE BEING DISCHARGED THAT FURTHER DISTURBED HER, AND WHO IN HER NOT GOOD STATE CALLED THE

ASSOCIATED PRESS. CALLER WAS AWARE THAT HER TRIAL WAS FRIDAY, MAY 30, 2014 ACCORDING TO TELEVISION AND AWARE OF APPELLANT BEING OVER THREE HOURS AWAY FROM HORRY COUNTY FOR A FUNERAL . SO EVENTHOUGH THE APPELLANT REALLY LEARNED FOR THE FIRST TIME PRIOR TO THAT FUNERAL THAT THE RESPONDENT WAS NOT THE JUDGE, SHE STILL THOUGHT THAT WAS WHERE HIS OFFICE IS AND WHERE SHE UNDERSTOOD AND SENT ALL CORRESPONDENCES THAT WAS EVIDENT TO APPELLANT THE RESPONDENT WAS RECEIVING, AND NOONE EVER SHARED WITH HER ANY OTHER ADDRESS. THE FIRST TIME SHE EVER SAW : " O. TERRY BEVERLY; ATTORNEY AT LAW; 1202 THIRD AVENUE; CONWAY, SOUTH CAROLINA 29526" LETTEHEAD WAS WITH THE COPY OF THE CORRESPONDENCE THAT ACCOMPANIED RESPONDENT'S VERSION OF HIS FINAL ORDER TO DISMISS THE APPEAL FOR CIVIL CASE NO.: 2014-CP-26-03911 ADDRESSED TO THE HORRY COUNTY CIRCUIT JUDGE, LARRY E. HYMAN, JR, IN THE COURT OF COMMON PLEAS WHICH WAS ONLY DISCOVERED AFTER APPELLANT HAD ALREADY BEGUN APPEAL PROCESS AT THE STATE-LEVEL. SHE REMINDED HERSELF THAT THE 229 ADDRESS IS ON THE COVERSHEET IN THE COURT OF COMMON PLEAS WITH RESPONDENT AS DEFENSE ATTORNEY AND, IS THE ONLY ADDRESS SHE KNEW AT THE TIME SHE LISTED THE ONLY COUNSEL ON RECORD AT THE STATE-LEVEL. AT THE TIME OF THE APPEAL ON OCTOBER 1, 2014 OF CIVIL CASE NO.: 2014-CP-26-03911 IN THE HORRY COUNTY COURT OF COMMON PLEAS, THE ONLY CORRESPONDENCE APPELLANT HAD EVER RECEIVED FROM CONWAY MUNICIPAL COURT, THAT SHE DIDN'T PERSONALLY SEEK, WAS DATED ON A MORE TIMELY SHARING WITH APPELLANT THE "RETURN OF THE MUNICIPAL COURT" DATED JULY 1, 2014, THAT APPELLANT LITERALLY HEARD MENTION FOR THE FIRST TIME IN A VACUUM IN COMMON PLEAS ON OCTOBER 1, 2014, DURING THE APPEAL OF CIVIL CASE NO.: 2014-CP-26-03911 COULD HAVE, PERHAPS, EDUCATED THE APPELLANT ON THE MORE PREFERRED ADDRESS IF THIS IS NOW THE COMPLAINT.

11. "On January 6, 2016, Respondent received a copy of correspondence from the Appellant to the Court of Appeals, postmarked December 20, 2015, containing only a letter dated

December 24, 2015 and no enclosures, as stated". RESPONSE: THE APPELLANT CONSISTENTLY COPIES ALL CORRESPONDENCES RELATIVE TO APPELLATE CASE NO.: 2015-001621 TO THE RESPONDENT.

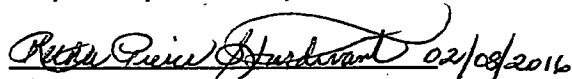
12. "Appellant's Designation of Matters on Appeal did not designate documents to support her issue on appeal. Appellant's appeal is frivolous, taken solely for the purpose of delay, and is not in compliance ... should be dismissed, pursuant to Rule 269, SCACR". RESPONSE: EACH DOCUMENT DESIGNATED IN APPELLANT'S DESIGNATION OF MATTERS ON APPEAL DOES SUPPORT HER ISSUE ON APPEAL. APPELLANT'S APPEAL IS NOT FRIVOLOUS UNLESS TO EXPECT TRUE JUSTICE IS FRIVLOUS, AND IS NOT TAKEN SOLELY FOR THE PURPOSE OF DELAY. IT SEEKS INSTEAD TRUTHFINDING AND REAL JUSTICE. TRUTHFINDING AND JUSTICE. INNOCENT GUILTY IN SOUTH CAROLINA AS A RESULT OF USING THE LAW TO BREAK THE LAW IS AN ABOMINATION BEFORE GOD THE CREATOR.

In conclusion, the Appellant perceives the South Carolina Appeal Court Rules , SCACR, designed primarily to assist the Honorable Court in its implementation of legislative policy within the necessary guiding parameters. This invaluable vehicle should provide equitable opportunity for all litigants. It should be the means to the end of truthhhfinding and justice but not the end to the means. Allowing the pro se individual to rectify a deficiency within a specified time is a genuine form of fairness and equality when such representative is not a professional — trained in the rules of law. A pro se litigant should not be ridiculed for the sake of daring to seek unadulterated justice for a long time not available to her even while previous false allegations were being disproved by her former attorney, Irby E. Walker, Jr. (before Appellant literally saw and heard evidence of FORMER Attorney Walker being set up, blackmailed, jailed, and eventually disbarred in Horry County by various neocheaters — criminal and judicial). After the removal of former Attorney Walker's professional service for the Appellant, the relentless conspiracy, that began about one month after the Appellant defeated the over three-term mayor for Atlantic Beach, South Carolina in November 2007.

multiplied with more harassment, traffic arrests, wrongful convictions and other inconceivables.

Because of all aforementioned facts, the Appellant gives RESPONSE TO AND COUNTER-MOTION FOR MOTION TO DISMISS. The Appellant moves that the Respondent's MOTION TO DISMISS Appellate Case No.: 2015-001621 be denied and that the pro se litigant be allowed to rectify any named remaining deficiency(ies) with any component of the Initial Brief, SCACR. Further dishonest movement under the guise of law depicts more the dire need for precedential action to enable fairness and truth for ordinary mankind in the Judicial arena. The Appellant, therefore, implores the Honorable Court for the continuation of Appellate Case No.: 2015 001621 — a conviction totally manufactured through neocheating as a result of political and individual agendas. Moreover, the Appellant reiterates her objection to the granting of the Motion to Dismiss Appellate Case No.: 2015- 001621 by the Repondent and renders the Counter-Motion for the Continuation of Appellate Case No.: 2015-001621 with opportunity for the Appellant to rectify any deficient component for the submitted Initial Brief.

Respectfully submitted,

 02/08/2016

By: Retha Pierce Sturdivant

412 32nd Avenue South

Atlantic Beach, South Carolina 29582-4716

(843) 503-8752

Pro Se Appellant

February 8, 2016

North Myrtle Beach,, SC

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

RECEIVED

FEB 10 2016

APPELLATE CASE NO: 2015-001621

SC Court of Appeals

Retha Pierce Sturdivant Appellant

v.

City of Conway Respondent

CERTIFICATE OF SERVICE

I, Retha Pierce Sturdivant, Appellant for Case No.: 2015-001621, certify that I have mailed on the 8TH day of February 2016 a copy of RESPONSE TO AN COUNTER-MOTION FOR MOTION TO DISMISS by Respondent to each of the following listed below with prepaid first class postage affixed thereto:

O. Terry Beverly, Esquire
City of Conway
~~229 Main Street~~ 1202 Third Avenue
Conway, South Carolina 2952

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

South Carolina Court Administration
1015 Sumter Street; Suite 200
Columbia, South Carolina 29201

By: Retha Pierce Sturdivant 02/08/2016
Retha Pierce Sturdivant
412 32nd Avenue South
Atlantic Beach, S.C. 29582-4716
(843) 503-8752
Pro Se Appellant

February 08, 2016
North Myrtle Beach, SC

Retha Pierce (Sturdivant)
412 32nd Avenue South
Atlantic Beach, South Carolina 29582-4716
February 06, 2016
(843) 503-8752

RECEIVED
FEB 10 2016
SC Court of Appeals

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

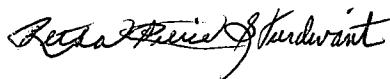
Re: Retha Pierce Sturdivant v. City of Conway — Appellate Case 2015-001621 (Referenced by
Respondent As *City of Conway* v. Retha Sturdivant ; Appellate Case No. 2015-001621)
RESPONSE TO AND COUNTER-MOTION FOR MOTION TO DISMISS By Respondent

Dear Ms. Allen:

Please find enclosed for filing one (1) original and six (6) copies of Appellant's RESPONSE TO AND COUNTER-MOTION FOR MOTION TO DISMISS and PROOF OF SERVICE of the same. Please find also the \$25.00 filing fee for the Motion.

In addition, please note that the Appellant has begun to use for the address for her only known Counsel of Record, which she learned after appealing to the state-level for the aforementioned Case as follows: O. Terry Beverly; 1202 Third Avenue; Conway, South Carolina 29526. Thank you very much for your assistance in this matter.

Sincerely yours,



Retha Pierce Sturdivant
Pro Se Appellant

Cc: O. Terry Beverly, Esquire; V. Claire Allen, Deputy Clerk, South Carolina Court of Appeals;
South Carolina Court Administration

Pierce (Judivant)
d Avenue South
Beach SC
82-4716

TO: Court of Appeals

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

UNITED STATES POSTAL SERVICE. F

P

US POSTAGE PAID
\$6.45

Origin: 28582
Destination: 29211
0 Lb 15.10 Oz
Feb 08, 16
4584100582-03

1024

PRIORITY MAIL® 1-Day

Expected Delivery Day: 02/09/2016

B01

USPS TRACKING NUMBER



9505 5127 2978 6039 2968 03