

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry E. Hyman, Jr., Circuit Court Judge (Recused)
Steven H. John, Circuit Court Judge (Final Order)

RECEIVED

JUN 07 2016

APPELLATE CASE NO.: 2015-001621

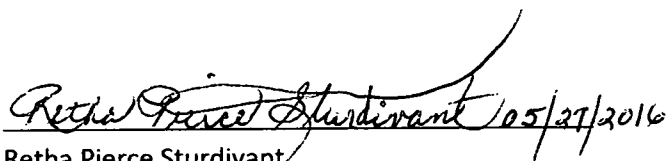
SC Court of Appeals

Retha Pierce Sturdivant Appellant

v.

City of Conway Respondent

MOTION TO ALLOW AMENDED INITIAL BRIEF TO BE FILED OUT-OF-TIME

 05/27/2016

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

MOTION TO ALLOW AMENDED INITIAL BRIEF TO BE FILED OUT-OF-TIME

In a letter received from the South Carolina Court of Appeals on April 4, 2016 which was dated April 1, 2016, the Appellant, Retha Pierce Sturdivant, for Case No.: 2015-001621 was given thirty days extension to complete her Amended Initial Brief. This should have been ample time under ordinary circumstances. However, certain extraneous variables interrupted and overshadowed the delivery of the Amended Initial Brief that forced the Appellant to haphazardly forward another Motion on April 30, 2016 for an additional ten-day period with the intent to mail the deficient document on or about May 07, 2016. This again, considered sufficient time by the Appellant to complete the delivery of the document, could have caused fruition except for the additional debilitating circumstances which prevented the Appellant's ability to follow-through on the in-time filing of the Amended Initial Brief for the above captioned matter. Consequently, the Appellant now humbly presents to this Honorable Court the Motion to Allow Amended Initial Brief to Be Filed Out-of-Time. Said Motion is based on the following reasons:

1. Foremost, the Appellant is classified as permanently disabled since a 1994 spinal injury that baffled her medical doctors and specialist twenty-two (22) years ago that she was not permanently paralyzed since the injury to her spine was defined as compatible with a knife stab or gun shot wound according to her over forty (40) years family medical doctor, Stephen Grubb of Tabor City, North Carolina, who first shared that such an injury usually leaves each victim with permanent paralysis. Instead, the Appellant's permanent disability, complexed by Post Traumatic Stress Syndrome, led a slew of medical doctors/ specialists, including Dr. Robert Weinstein, M.D. Psychiatrist, of Wilmington, North Carolina, to warn her of permanent uncontrollable spontaneous flareups of partial or full immobility from the least bit of stress.

2. The Appellant has often, with the help of God the Creator, been able to eradicate excruciating pain for over twenty years that stress or other factors may produce and to restore her physical mobility, without ever swallowing any prescribed drugs or commercialized natural formulas, which constantly validate what the medical expert, Dr. Weinstein, shared with her just before the beginning of the 21st century when he stated : "... Ever so often God puts a few people on this Earth ... we doctors really can't do much for ... can only help you tolerate your pain... you're one ... will be able to heal self... will complete a special mission for your purpose here ..." His words were given more credence by one of the best heart doctors in America at the Grand Strand Regional Medical Center in Myrtle Beach, South Carolina in 2008 after the Appellant refused to allow an operation as a result of 95% blockage to main arteries of her heart. She was still forced to remain in the hospital for three days surveillance with the mention of medical license on line should she be released earlier and expire. At the end of the observation period, however, the heart expert said that he had experienced "... nothing like that in my entire medical career ... never seen or heard of such ..." and he advised her: "... Whatever it is that you do, keep doing it..." as he still wrote some prescriptions.

3. The Appellant, for an unstructured segment of time, had to isolate herself completely from all overbearing vehicles of stress voluntarily or else her body forced involuntary compliance by excruciating pain and/or nonfunctioning of key ligaments. Recently, an already subconscious stress load from the at least twelve (12) false charges, for which the Appellant was wrongfully jailed at least eight (8) times, coincided with conscious stress from overlapping requirements due dictates for three (2 federal, 1 state) wrongful cases for basically same time frame to clearly cause uncontrollable debilitation due to the stress overload which included Appellant's inability to grasp a sheet of paper. Key functioning

components simply shut down in cohesion with her permanent disability forcing the Appellant into several days of concentrated spiritual rituals and fruit/vegetable/herb remedies for a re-functioning status.

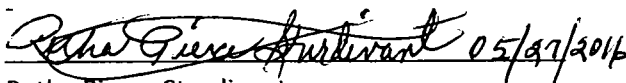
4. Other emergencies such as: flu-like virus for self and family member, the computer crash with inability to easily get to a public facility like library or Fed-X because of wrongful suspension of driving license for a DUI that never occurred as well as complications with sleep apnea and severe vision impairment have contributed to the Out-of-Time filing.

5. Although Appellant is again functional after recuperating without any additional assistance, her recent health flareup mandates very cautious progression as she still finds herself extremely fragile from the most recent struggle with factors that contribute to her permanent disability.

6. The Appellant is convinced that her appeal has substantial merit, that there would be no prejudice in the granting of this Motion, and she believes that the matter set forth above constitutes good cause for the setting of said Motion.

7. Because of the aforementioned reasons, the Appellant respectfully requests that all matters pertaining to Case No.: 2015-001621 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 its Order granting the Motion To Allow Amended Initial Brief of the Appellant To Be Filed Out-of-Time and hold all time limits concerning this appeal in abeyance pending a ruling in this Motion

Respectfully submitted,

 05/27/2016

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

North Myrtle Beach, S.C.
May 27, 2016

(843) 503-8752
Pro Se Appellant

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPELLATE CASE NO: 2015-001621

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JUN 07 2016

SC Court of Appeals

Retha Pierce Sturdivant Appellant

v.

City of Conway Respondent

PROOF OF SERVICE

I, Retha Pierce Sturdivant, Appellant for Case No.: 2015-001621, certify that I have mailed on the 27th day of May 2016 a copy of the **MOTION TO ALLOW AMENDED INITIAL BRIEF OF APPELLANT TO BE FILED OUT-OF-TIME** to each of the following listed below with prepaid first class postage affixed thereto:

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

South Carolina Court Administration
1220 Sumter Street; Suite 200
Columbia, South Carolina 29201

Retha Pierce Sturdivant 05/27/2016
Retha Pierce Sturdivant
412 32nd Avenue South
Atlantic Beach, S.C. 29582-4716
(843) 503-8752
Pro Se Appellant

May 27, 2016
North Myrtle Beach, SC

EXHIBIT A (2 pages)
PP

05/07/2016

79814

UNITED STATES COURT OF APPEALS
OF THE FOURTH CIRCUIT

Retha's Copy
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No. 16-1413, Retha Pierce v. Charles Bryant et al.

4:14 cv-02927-BHH

JUN 07 2016
SC Court of Appeals

MOTION OF PLAINTIFF- APPELLANT TO ALLOW INFORMAL OPENING BRIEF
TO BE FILED OUT OF TIME

Pursuant to the Informal Opening Brief being due 05/09/2016 for the above-referenced case for the same above- named, the Plaintiff- Appellant hereby moves for an Order from this Honorable Court granting to Allow her to file her Informal Opening Brief out-of- Time in connection with the above- captioned matter. Said Motion for extension is based upon the following grounds:

- (1) Period of Sickness with Flu-like virus of self and another family member.
- (2) Overlapping Case Requirements for Same Basic Time Frame (2 Federal, 1 State) has impaired the Appellant's ability to meet the 05/09/2016 due date for her Informal Opening Brief as a result of having been falsely charged for at least twelve (12) times, which includes at least eight (8) wrongful arrests, in the last ten years, and this has caused an overlapping of items due and having to ask for more time considering no help with these three as pro se.
- (3) Re-Flare of problems of a permanent disability sporadically since 1994 that medical specialists attribute to stress which still, without warning, causes sudden periods of loss of usage of legs, neck, and other parts of body from an injury to the spine in 1994 for which thought initially would cause a permanent paralysis condition instead of just flare-ups.
- (4) Computer Crash which caused another impediment to progress during some of the remaining pain-free time,
- (5) Lack of transportation to get to another computer when home one dysfunctional due to no license.

(6) Increased vision handicap.

(7) The above-mentioned factors set forth have contributed to the Appellant's Informal Opening Brief needing an extension through no fault of her own.

(8) The Appellant is convinced that her Appeal has substantial merit, 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 setting of said Motion.

(9) Appellant respectfully requests that all matters pertaining to this appeal for No.: 16-1413 (4:14 cv-02927-BHH) 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 its Order granting the Motion of Appellant to allow the Informal Opening Brief to be filed out-of-time and hold all time limits concerning this appeal in abeyance pending a ruling in this Motion.

Respectfully submitted,

Retha Pierce Sturdivant 05/07/2016

Retha Pierce Sturdivant

412 32nd Avenue South

Atlantic Beach, South Carolina 29582-4716

(843) 503-8752

Pro Se Appellant

North Myrtle Beach, S.C.

May 07, 2016

EXHIBIT B

Retha Pierce Sturdivant
412 32nd Avenue South
Atlantic Beach, South Carolina 29582-4716
(843) 503-8752
May 07, 2016

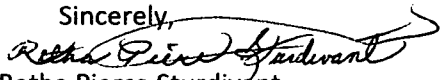
Never Mailed Before
RPS 05/27/2016

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

Re: Amended Initial Brief of Appellant for Civil Case No: 2015-001621
Proof of Service & \$25.00 Motion Fee

Dear Deputy Clerk Allen:

As a response to the Order dated April 1, 2016, which was received on April 4, 2016, granting thirty (30) days for the Amended Initial Brief of Appellant for Appellate Case No.: 2015-001621, this correspondence purports to execute the delivery of the required document, hampered by unforeseen variables, which compelled the Appellant, on April 30, 2016, to forward to you rather haphazardly by first class prepaid mail a desperate motion with \$25.00 fee, requesting for an extension of at least ten (10) days for the delivery of the aforementioned requirement as a result of its interruption due to my flu-like sickness, also of a family member, and reflare problems of my permanent disability sporadically since 1994 that medical specialists attributed to stress bouts which, without warning, may cause periods of loss usage to legs, neck, and other body areas due to my spinal injury in 1994 which some doctors thought initially would be permanent paralysis; computer crash; overlapping dictates for three (1 state; 2 federal) wrongful court cases due in the same basic time frame; and no driving license (still suspended via of wrongful DUI conviction) to aid the Appellant's getting to another location to use a computer while hers non-functional. Subsequently, please find enclosed one (1) original and six (6) copies of the Amended Initial Brief of Appellant for Civil Case No: 2015-001621. Please find also proof of service and a \$25.00 fee for the motion to reverse the decision of the lower court and for a de novo trial.

Sincerely,

Retha Pierce Sturdivant

Cc: O. Terry Beverly, Esquire; South Carolina Court Administration

EXHIBIT C

Retha Pierce Sturdivant
412 32nd Avenue South
Atlantic Beach, South Carolina 29582-4716
(843) 503-8752
May 01, 2016

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

Never Mailed Before
RPS
05/01/2016

Re: Amended Initial Brief of Appellant for Civil Case No: 2015-001621
Proof of Service & \$25.00 Motion Fee

Dear Deputy Clerk Allen:

As a response to the Order dated April 1, 2016, which was received on April 4, 2016, granting thirty (30) days for the Amended Initial Brief of Appellant for Appellate Case No.: 2015-001621, this correspondence purports to execute the delivery of the required document, hampered by unforeseen variables, which compelled the Appellant, on April 30, 2016, to forward to you rather haphazardly by first class prepaid mail a desperate request for an extension of at least ten (10) days for the delivery of the aforementioned requirement as a result of its interruption due to my flu-like sickness and another's in family, computer crash, overlapping dictates for three (1 state; 2 federal) wrongful court cases due in the same basic time frame, and no driving license (still suspended via of wrongful DUI conviction) to aid the Appellant's getting to another location to use a computer while hers non-functional. Subsequently, please find enclosed one (1) original and six (6) copies of the Amended Initial Brief of Appellant for Civil Case No: 2015-001621. Please find also proof of service and a \$25.00 fee for the motion for a de novo trial with a change of venue.

Sincerely,

Retha Pierce Sturdivant, 05/01/2016

Retha Pierce Sturdivant

Cc: O. Terry Beverly, Esquire
South Carolina Court Administration

Retha Pierce Sturdivant
412 32nd Avenue South
Atlantic Beach, South Carolina 29582-4716
(843) 503- 8752
May 27, 2016

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JUN 07 2016

SC Court of Appeals

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

Re: Amended Initial Brief of Appellant for Case No.: 2015-001621 Delayed by Permanent Disability; Motion to Allow Amended Brief of Appellant To Be Filed Out-of-Time for Case No.: 2015-001621; Proof of Service; and \$25.00 Filing Fee

Dear Deputy Clerk Allen:

Please find enclosed one (1) original and six (6) copies of the Amended Initial Brief of Appellant for Case No.: 2015-001621 delayed by permanent disability of the Appellant. Please find also a Motion to Allow Amended Brief of Appellant to be filed Out-of-Time for Case No.: 2015-001621 along with Proof of Service and the filing fee of \$25.00.

As validated by the additional enclosures (Exhibits A, B, C), the Appellant made multiple attempts to Stay-In-Time with the Amended Initial Brief of Appellant but was literally forced out of compliance through no fault of her own.

Thank you very much for your attention in this endeavor.

Very Sincerely yours,

Retha Pierce Sturdivant 05/27/2016

Retha Pierce Sturdivant

Cc: O. Terry Beverly, Esquire; South Carolina Court Administration

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412 33rd Avenue South
Atlantic Beach, SC 29582-4716

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JUN 07 2016
SC Court of Appeals

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

FROM: