

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

APPEAL FROM Horry COUNTY  
Court of Common Pleas

JUL 20 2016  
SC Court of Appeals

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

Appellate Case No. 2015-001621

Retha Pierce Sturdivant ..... Appellant

vs.

City of Conway ..... Respondent

**REPLY TO BRIEF OF RESPONDENT**

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

## APPELLANT'S REPLY TO BRIEF OF RESPONDENT

The Appellant, Retha Pierce Sturdivant, for Appellate Case No. 2015-001621 gives to this Honorable Court the **Appellant's Reply to Brief of Respondent**. The **Brief of the Respondent**, O. Terry Beverly, hereafter referred to as Respondent, is dated for June 27, 2016, and it was received by the Appellant on July 5, 2016 after fourth of July outing.

The Appellant objects to the neocheating (bureaucratic dishonesty), as most appropriately defined by a genius, the late Dr. Frank R. Wallance, which is found in the **Brief of Respondent**. Fabrications continue to be evident throughout, which are decorated with multiple law referencing, designed for the sole objective to keep innocent guilty in South Carolina. The inconceivables remain prevalent for Appellate Case No.: 2015-001621 that should provide for precedential scrutiny. However, the Respondent persists with excessive citing to sustain the wrongful verdict which was achieved by the breaking of law(s) as events were staged and explanations created to dress desired outcome(s). Much in the **Brief of the Respondent** is sugarcoated, not factual, and solely treated for the primary objective to ensure the sustained wrongful verdict and to undermine the Appellant's credibility, as have been done through the concerted efforts of several participants and their allies for ten years. To maintain another conviction for the Appellant gives perceived credence to the decade of a web of intricately woven criminality created for her while satisfying the immediate objective to cover up her wrongful arrest for driving under influence (DUI) on January 8, 2012 by the City of Conway police officer, Josh Scott --- the same year in which he received a new vehicle as being the officer with the most DUI arrests. It further solidifies the ongoing illusion of criminality created for the Appellant and employed at will for convenience by those who are party to graft, greed, avarice and power --- for which much data and documentations exist to substantiate assistance even from certain Horry County

judges to include their public incriminating comments about the Appellant and their deliberate contrariness to follow their own court Orders and those of others. This includes total defiance/disregard of a Supreme Court Order by one Horry County judge, and some other unlawful procedures by Judge Steven H. John, who in order to protect/assist some expectations as a former member of the North Myrtle Beach Zoning Board, functioned several times outside of law relative to the Appellant to include announcing to court in her second "resisting arrest" trial (first hung jury) that he thought "defendant" guilty even before the jury's return in about thirty minutes with the guilty verdict in 2011; deliberately violated the Court's Change of Venue Order for the Appellant's second trial and allowed Assistant Solicitor Scott Graustein to bring her back to Horry County for trial without due process (Graustein, to whom she was told to report, bragged to the Appellant: "... we'll find you guilty this time ... you should have taken our offer ...") - in spite of her imploring them not to go against Court Orders and to abide by some named Orders achieved for her by former attorney, Irby E. Walker, Jr. (before he was set up, blackmailed, jailed, and eventually disbarred); as well as the dominant utilization of cherry-picked judges, the Honorables Larry B. Hyman, Jr., Bradley, D. Mayers, and Margie B. Livingston ( who brought jury out of deliberating room at least three (3) times during the first trial that was "hung" jury to instruct them on how to determine if Defendant guilty for resisting arrest in 2008) to preside over Appellant's wrongful cases in order to aid the presupposition of her guilt that always would ensure subsequent "guilty" outcomes in spite of the transparent facts with or without a jury; along with the allowing of unlawful strategies by at least the four prosecutors that the Appellant took before the Supreme Court of South Carolina Office of Disciplinary Counsel in 2014 (including Respondent O. Terry Beverly); and the setups/deceptions by many co-conspirators with political/personal agendas in the camp of the over three-term

Town of Atlantic Beach mayor, Irene Evans Armstrong, whom the Appellant defeated the first of three times for the November 2007 election. The intentional misrepresentations/deceptions in the **Brief of the Respondent** purport to maintain the above-referenced efforts as well as engage in the promoting of segments of law to treat the primary intent of sustaining a known wrongful First Offense DUI Conviction for the Appellant as depicted by subsequent means:

1. From the outset, the very **Statement of the Case**, by the Respondent, contains the same kind of fallacies that has been prevalent pre, during, and post "DUI" trial for the Appellant that was held in the the City of Conway Municipal Court on May 30, 2014 with the Honorable Andy E. Hendrick. presiding and prosecuting attorney, O. Terry Beverly, which resulted in the Appellant's wrongful First Offense DUI Conviction . For example, on page 2 of the Brief of the Respondent, he states:

"Conway Municipal Court scheduled a jury term of court dedicated to pro se cases for May 28-30, 2014. May 28, 2014 was set for roster call and for setting cases for trial. Trials were to be held May 29, 2014 through May 30, 2014".

The Appellant never received or heard the aforementioned information relative to the court schedule before reading about it in the **Brief of the Respondent**. In addition, if that were the situation, the verbal attack on her by the Respondent in front of everyone in the office on Wednesday, May 28, 2014 was even more out of context. He only mentioned to the Appellant for her to return the next morning (Thursday) for court after she refused the final (fourth) offer for her to pay \$997.00 that Wednesday, May 28, 2014. She had been summoned for 2:00 that Wednesday. (EXHIBIT A) It was only at that point that she first mentioned the conflict of her father-in-law's funeral which was followed by Respondent's threat and adamancy to let her know whether she was present or not that on Thursday morning the jury selection and trial would take place. He went on to traumatize her as he

verbally belittled and demeaned her in front of many in that office (including two policemen who laughed, especially loudly when the Respondent claimed smelling alcohol " ... right now ..." and then repeated the allegation as he kept sniffing the Appellant and being verbally abusive to include making the derogatory statement about his math teacher always getting " ... drunk as a skunk ..." every day after lunch when he was in high school to further grind the ax with his knowledge of the Appellant as a former teacher/administrator. It was only after the events of their dialogue that the Appellant, mentioning the many times she'd already shown up for previous summons never to find anyone to choose as juror or the arresting police present (not even that day), and she wanted to know if it could be put off until next week or sometime later to give her time to go to funeral, recuperate a little, and get back.

The Respondent told her it had to be Thursday or Friday. She then begged for Friday. The Respondent after much delay made a call to Officer Scott to see which day was more convenient for him --- Thursday or Friday. When the Respondent got off the phone, he told the Appellant to be back Friday at 9:00. The Appellant requested that he writes a note showing the trial reset for Friday --- thinking the trial may be held to find her guilty in her absence. Respondent did write the note and put " ... set for Friday ...". (EXHIBIT B, C)

The Appellant was so battered by the ordeal with the Respondent that as she started to leave the courthouse on Wednesday, May 28, 2014, she announced her intent and filed a motion to dismiss the trial because of her ill-treatment by the Respondent, lack of due process, and other considered infractions leading up to the jury trial.

The Respondent further stipulates in his Brief:

"Appellant appeared on May 28, 2014 and wanted her trial that day. Her case was scheduled for May 29, 2014 ...stated that she had to go out of town for a funeral on May 29,2014 ... then set for May 30, 2014. Appellant filed a handwritten motion for dismissal of the case because the case was not set on May 28, 2014".

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RPS

All of such cool smooth jargon in the **Brief of the Respondent** continue to reach for the facts of the case but keep missing as verified by the enclosed Exhibits A, B, and C. Moreover, the **Brief of the Respondent** continues to be interspersed with partial truths, misrepresentations, and some fabrications.

2. For Appellant's Arguments 1-5, the Respondent states: " ... IS IRRELEVANT AND FAILS TO RAISE JUSTICIABLE ISSUES FOR APPEAL." This response is indicative of the very stance that categorized the initial wrongful allegation of DUI, the violations pre, during, and post trial, and the determination to sustain the known wrongful guilty verdict. From the outset Appellant was handled, as if regardless of facts, dealing with her was irrelevant to law but more contingent on the desire to label her DUI, which retained the objective to convict while treating any facts irrelevant as stated by the Appellant, viewed on the police car video, and SLED Datamaster. The irrelevant attitude generalized into the Horry County Court with continued treatment compatible with the infected process of allowing bias and prejudice to dictate the wrongful results and then to not provide her the proper unbiased parameters for the appeal in order to continue also at that level to work solely for the sustaining of a known wrongful First Offense DUI Conviction. The Appellant contends that each argument is subject to court jurisdiction with its liability for a precedential decision compelled as a result of the bold unjust maneuvers of neocheaters.


3. The Respondent states: "THE CIRCUIT COURT DID NOT ERR IN AFFIRMING THE VERDICT OF THE JURY ... FINDING APPELLANT GUILTY ...". The Appellant contends that since the Respondent pre-screened potential jurors, from which the subset of jurors evolved for the trial, this would be an expected response.

4. The Respondent states that: "THE APPELLATE COURT SHOULD DISMISS THE APPEAL FOR FAILURE OF THE APPELLANT TO RAISE AND PRESERVE ANY ALLEGED ERRORS OF LAW BEFORE

THE TRIAL COURT." The Appellant did raise and preserve errors of law commensurate with the parameters allowed. The violations against her through extensive neocheating thwarted any chance for a fair trial and presuppositioned her for the guilty verdict as she has observed in some other wrongful circumstances for nearly a decade. The Respondent created and executed the irony of justice inherent to hamper the Appellant's ability to preserve the very errors of law advocated but much contradicted. To continue to block the Appellant's right to a fair trial and opportunity to be rightfully vindicated is wrong and a derelict of duty by anyone, and one trained in law has no lesser expectation. Consequently, Appellant does not think this appeal should be dismissed. Instead, It should be precedential with the de novo opportunity to allow the Appellant a fair chance to seek exoneration from the wrongful First Offense DUI Conviction.

In conclusion, for all of the aforementioned reasons, the Appeal of the Appellant should not be dismissed. Instead, the decision of the lower court should be reversed with an order for a de novo trial and a change of venue to allow Appellant opportunity for exoneration from the known wrongful First Offense DUI Conviction.

Respectfully submitted,

  
Retha Pierce Sturdivant

412 32nd Avenue South

Atlantic Beach, South Carolina 29582-4716

North Myrtle Beach, SC 29582

July 12, 2016

Phone: (843) 503-8752

Pro Se Appellant

STATE OF SOUTH CAROLINA

CITY OF CONWAY

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

JURY TRIAL SUMMONS

You are hereby summoned to be and appear in the **Conway Municipal Court, 229 Main Street, on May 28, 2014 at 2:00 PM**, to serve as a defendant in the Jury Trial of **State vs. Retha Pierce Sturdivant, Case Number: 12073FV**, Charge: **DUI / Driving under the Influence, less than .10, 1st Offense**.

Failure to appear by the defendant, without leave of the Court, may subject the defendant to trial in absentia.

*[Handwritten Signature]*  
JUDGE

Conway Municipal Court  
229 Main Street  
Conway, SC 29526  
Phone: (843) 248-1765 Fax: (843) 248-2950

April 21, 2014

7012 1640 0001 8331 2078

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent to <i>Retha Sturdivant</i> Street, Apt. No. <i>412 32nd Ave S</i> or PO Box No. <i>Atlantic Beach SC 29582</i> City, State, ZIP+4	
PS Form 3800, August 2006 See Reverse for Instructions	

May 28, 2014

you may Beverly write Top 5 are  
(After P asked for not showing  
his rescheduling) RP

Part  
Written  
by  
Beverly

re: Retha Stordivant

EXHIBIT

Case set for Friday at 9 AM

B

5/28/14

Dr. Jerry Beverly

Perce's  
Addition  
Notes  
on 05/28/2014

05/28/2014 Re: Motion to Dismiss the Jury Trial (Attacked Case History)  
Judge Hendrick was sitting behind desk while Beverly (initially thought the judge) harassed/intimidated Perce trying to make her

Note:  
May 28, 2014

ad shown

at

1:35 pm

so

jury trial

it

or

it

1:00 P.M

128, 2014

and only

conceded

to Friday

return on Thursday, day of funeral, for jury trial. After Perce passed on her motion, she was told by Judge Hendrick to be back Friday morning at 8:30 AM. Initially before Perce passed in motion Judge Hendrick, trying to dissuade the filing of the motion (told Perce there was no need to file the motion because it had been "in you chose the day you wanted in" for the jury trial - Friday. Perce reminded him of the ordeal and a forcing to take what she considered the lesser of two evils when Beverly made accusations of smelling alcohol on her "right now" and only conceded to Friday after Perce)

RPB

108 RPB

May 28, 2014 cont'd

tried to get it continued to another time (considering death in family and funeral Thursday) and Beverly kept insisting she return on Thursday @ 9:00 a.m. for the jury trial. Then when she asked if it could be Monday or later, he said it had to be Thursday or Friday. As out of desperation and the lesser of two evils considering funeral would be Thursday, Pierce agreed to Friday at 9:00. But Beverly said he'd better check with Officer Josh Scott to see if he could be present Friday. (Scott had not shown up the other three times Pierce was subpoenaed for the jury trial. Jury strike and he wasn't present Wednesday, May 28, 2014 at 2:00 P.M. After a call was made to the officer or to check with the officer's ability to be in court for the jury trial on Friday, it was reiterated that Pierce be back in court Friday morning @ 9:00 A.M. Pierce feeling traumatized by what she was just put through and the whole method of operation for the jury trial stated that she wanted Beverly to put in writing the changed date to Friday and said she wanted to motion for a dismissal in her favor since Officer Josh Scott was not present and had not given a single name in the past and should and had taken no bills that day.

After Pierce couldn't return day Thursday of funeral, wrong by accused Pierce on 05/28/2014 "I smell alcohol right now..."

RPS

007  
294 RPS

(~~10/1~~)

It is moved that the charges brought by Officer Josh Sott of DUI charges be dropped. He brought these charges in January 2012 and he is not showing up in court to give the Defendant justice of the requested jury trial.

It is further motioned that this case be completely dismissed in favor of the Defendant.

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

May 28, 2014  
Conway, South Carolina

3 of 4  
RPS

RPS

received

5-28-14

Amended Top Sheet for Defendant  
Retha Pierce's motion(s):

The correct reference to the case  
Defendant Pierce's motion covers:

Re: State vs Retha Pierce Jurdivant

Case Number 12073 FV

Originally scheduled for 11/14/2013 @  
9:00 but rescheduled for 5/28/2014  
@ 2:00 P.M.

By: Retha Pierce  
5/28/14

474 RPS

RPS

**Conway Municipal Court  
CASE HISTORY FOR CASE 12073FV**

*EXHIBIT C*

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 / \$21	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
<b>Total:</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	

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**  
*June 3, 2014*  
*Retha Pierce*

*Given to Defendant  
6-3-14  
Anne A Mackey*

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**USE HISTORY FOR CASE 12073FV**

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1/16/2012	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	12:00 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