

James B. Spencer  
7001 Saint Andrews Road  
Columbia, SC 29212  
803-414-0889  
JamesBSpencer@sc.rr.com

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JUL 12 2016

SC Court of Appeals

July 11, 2016

The Honorable Jenny Abbott Kitchings  
Clerk of Court, S.C. Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
Via Fax and Mail

**Re: Affidavit of Michael B. McCall, Esquire.  
Appellate Case No.: 2014-00091**

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of *Pro Se* Appellant's response to Mr. Michael B. McCall's affidavit in support of Mr. Bruner's affidavit<sup>1</sup> that was dated and faxed to your office on **June 28, 2016**. Respondent's counsel, Mr. McCall, knew or should have known he was filing a false affidavit with the court. In this regard, Respondent is once again wasting the Court's resources and forcing the *Pro Se* Appellant to respond to factious allegations regarding technicalities.

Mr. McCall's sworn affidavit stated he did not receive any documentation from Appellant up to and including **June 28, 2016**. Mr. McCall knew or should have known this is an untruthful claim. Note the United States Postal tracking attached hereto as **Exhibit A**.

It appears the Respondent's counsel was negligent in both not opening his mail on June 28, 2016, and further when he found out his affidavit was not truthful took no effort to correct it, but instead left it for the Appellant and the Court to either misconstrue or correct the incorrect dates and claims made by the Respondent's

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<sup>1</sup> Mr. Bruner's Affidavit was dated June 29, 2016, a full day after Mr. McCall's affidavit was executed and sent on June 28, 2016. These dates appear to be incongruous.

counsel.

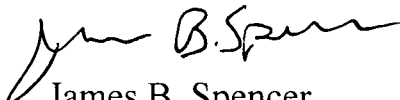
Respondent knew or should have known there was a postal error committed since he communicated with Mr. Bruner on June 28, 2016 in order to be able to draft his affidavit in support of Mr. Bruner's affidavit that Mr. Bruner actually dated the following day. It is difficult to file a supporting affidavit to a document that had not been created yet. See attached **Exhibit B** documenting Mr. Bruner's receipt of the Record on June 28, 2016.

Mr. McCall knowingly provided an untruthful affidavit to the court to undermine this case on a technicality. He thinks he can use plausible deniability regarding receiving the package from the Appellant by simply not opening it. He erred in citing the affidavit of Mr. Bruner who had not completed his affidavit until the following day and who already knew of the error in post office handling.

### REMEDY

The proper remedy here is to accept the Record and stop the violations of the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution by the Respondents by their filing of frivolous motions. In addition, sanctions should be imposed for the filing of false affidavits.

Yours truly,



James B. Spencer

Attachments

Cc:

Mr. B. Bruner, Esquire

Mr. Overstreet, Esquire

Mr. McCall, Esquire

# EXHIBIT "A"

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking®



Customer Service ›  
Have questions? We're here to help.



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 9405510200881072133188

Updated Delivery Day: Tuesday, June 28, 2016

## Product & Tracking Information

Postal Product:  
Priority Mail 2-Day™

Features:  
USPS Tracking®

Up to \$50 insurance included  
Restrictions Apply

DATE & TIME	STATUS OF ITEM	LOCATION
June 28, 2016 , 8:53 am	Delivered, Parcel Locker	CHARLESTON, SC 29413
Your item was delivered to a parcel locker at 8:53 am on June 28, 2016 in CHARLESTON, SC 29413.		
June 28, 2016 , 8:04 am	Arrived at Post Office	CHARLESTON, SC 29403
June 28, 2016 , 5:26 am	Departed USPS Facility	CHARLESTON, SC 29423
June 28, 2016 , 2:03 am	Arrived at USPS Facility	CHARLESTON, SC 29423
June 27, 2016 , 11:38 pm	Departed USPS Facility	COLUMBIA, SC 29201
June 27, 2016 , 7:20 pm	Arrived at USPS Facility	COLUMBIA, SC 29201
June 27, 2016 , 6:05 pm	Accepted at USPS Origin Facility	COLUMBIA, SC 29212
June 27, 2016 , 9:42 am	Shipping Label Created	COLUMBIA, SC 29212

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## Available Actions

Text Updates

Email Updates

## Track Another Package

Tracking (or receipt) number

Track It

## Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.

Sign up for My USPS ›



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[FOIA](#)  
[No FEAR Act EEO Data](#)

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# Exhibit "B"



## Proof of Delivery

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Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1Z3X3V760334641641
Service:	UPS Ground
Weight:	3.80 lbs
Shipped/Billed On:	06/27/2016
Delivered On:	06/28/2016 10:55 A.M.
Delivered To:	COLUMBIA, SC, US
Received By:	CRAWFORD
Left At:	Front Desk

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 07/11/2016 2:29 P.M. ET

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PROOF OF SERVICE

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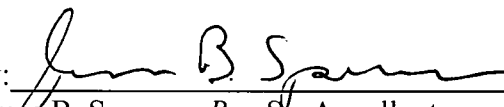
The undersigned hereby certifies that on , the document described below, was(were) served on all parties of record in this case by mailing a copy, by US mail and/or delivery by courier on this date July 11, 2016.

Document served: **Response to Affidavit of Michael B. McCall, Esquire**

**Parties Served:**

Benjamin C. Bruner  
Bruner, Powel, Wall & Mullins, LLC  
1735 St. Julian Place, Suite 200  
Post Office Box 61110  
Columbia, South Carolina 29260-1110

David W. Overstreet  
Michael B. McCall  
Earnhart & Overstreet  
Attorneys at Law  
Box 22528  
Charleston, SC 29413

By:   
James B. Spencer, *Pro Se*, Appellant  
Suite 183  
7001 Saint Andrews Road  
Columbia, SC 29212  
(803) 414-0889