THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes III, Master in Equity and Special Circuit Court Judge

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Case No. 2015-CP-07-1343
Appellate Case No. 2016-000955

John Alden Bauer, III — Appellant

v

Beaufort County School District — Respondent

REPLY TO RESPONDENT'S RETURN TO MOTION TO EXCLUDE UNCHARGED ACCUSATIONS

Respondent fails to respond in substance to the motion. The manifold substance is that Charges required by The Teacher Employment and Dismissal Act (59-25-460) were never issued, and uncharged accusations, invented for a '*Kangaroo*' Board Hearing, were

presented with demonstrably false evidence. The Beaufort County School Board Hearing was publicly heard April 30-May 2, 2015.

Respondent contested only two (2) items, out of thirteen (13) from the motion. Does Respondent admit to the other eleven (11)?

1. Respondent claims that the motion is improper *"because it seeks to exclude evidence that was presented during the teacher dismissal hearing."*

- Reply to #1: It is proper to exclude "uncharged" evidence that was knowingly presented with demonstrably bogus exhibits. The Appellate Court is charged with correcting errors that the Court of Common Pleas failed to correct. False evidence is illegal and was also *presented* in violation of The Teacher Employment and Dismissal Act 59-25-470, which states that *"The complainants shall initiate the introduction of evidence in substantiation of the charges."* (Underlined by Appellant)

2. Respondent continued that the motion is also improper because it "introduces" into the record an affidavit from Dr. Laura Rosenbaum-Bloom, an *"affidavit not created until March 2016."*

- Reply to #2: The Affidavit of a Psychiatrist, approved by the district, should be respected and considered since it was submitted to the Court of Common Pleas prior to the March 4, 2016 hearing. Dr. Laura Rosenbaum-Bloom, an Ivy League trained psychiatrist, could not have anticipated that her highly positive evaluation of Appellant would be distorted by the author of the Board Order, allegedly David Duff,

now counsel to Respondent (without consent). Therefore, the doctor's professional concerns about the errors must be weighed. This Court has discretion to consider any relevant evidence of error.

The Court of Common Pleas acknowledged that false evidence existed, but considered it to be inconsequential, an obvious error by the court, and symptomatic of systemic deficiency.

The district also refused to verify the challenged creation date of specious evidence. The task would have required only two (2) computer commands to expose the truth. (1. Right click on "name" of document, 2. left click on "get info". Creation date is shown) Respondent's counsel, acting as "Advice Counsel" to the Board, was willfully complicit in denying this effortless revelation.

A Motion to Compel the said simple "verification" in the Court of Common Pleas was denied, another remarkable error. Appellant even offered to hire an independent person to perform the task.

Appellant is mindful that this appeal is from the decision of the Court of Common Pleas, as extended from the opprobrium of the Board Hearing.

Appellant emphasizes, and Respondent ignores, that the only claimed substitute for a *Statement of Charges* was the superintendent's email, dated May 29, 2014. Respondent also fails to acknowledge that the District's principal witness, Superintendent Jeffrey C. Moss, *denied* that his May 29, 2014 email contained the charges. (page 530, line 16, and beyond, Board Hearing, May 2, 2015) Therefore, there was no Statement of Charges issued prior to the hearing, real, de facto, or presumed, a violation of The

Teacher Employment and Dismissal Act (59-25-460). *"No teacher shall be dismissed unless written notice specifying the cause of dismissal is first given the teacher by the District Board of Trustees..."* (Emphasis by Appellant)

Failure to reverse this case legitimizes that districts need not comply with law.

Respondent in his Return to the Appellant's Motion ignores the corrective obligation of the Appellate courts, *"originally called court of errors (or court of errors and appeals), and was on the premise that it was intended to correct errors made by lower courts"* An example of such courts includes the New Jersey Court of Errors and Appeals (which existed from 1844 to1947).

Related to the absence of charges and missing *admitted* Appellant exhibits, Respondent's counsel has never addressed the issue that he attended the deliberations of the "Jury", a violation of Gonzales v. McEuen, 435 F. Supp. 460 (C.D. Cal. 1977) U.S. District Court for the Central District of California - 435 F. Supp. 460 (C.D. Cal. 1977) March 2, 1977.

The administrators at *Hilton Head Island International Baccalaureate Elementary School* (yes, that is the name) all praised Appellant's teaching ability and expressed a willingness to work with him again. How is it, then, that Appellant's career received the *death penalty* based on untrue and uncharged evidence after 17.3 unblemished years?

Again, The Court of Common Pleas acknowledged that the false evidence existed, but erroneously considered it to be inconsequential.

Knowingly allowing false evidence to support fictitious and uncharged accusations is an insult to Justice and compels a correction.

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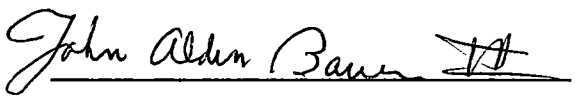
Respectfully Submitted,



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September 26, 2016

CERTIFICATE OF SERVICE VIA US MAIL
AND VERIFIED ELECTRONIC MAIL

The undersigned, John Alden Bauer III, pro se, certifies that he has served the following Counsel of Record with the foregoing REPLY TO RESPONDENT'S RETURN TO MOTION TO EXCLUDE UNCHARGED ACCUSATIONS by making a copy of same, via verified electronic mail, and via US Mail, postage prepaid, and return address clearly indicated to the following on the 26th day of September, 2016.

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