

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

**RECEIVED**

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

OCT 24 2016

SC Court of Appeals

Marvin H. Dukes III, Master in Equity and Special Circuit Court Judge 8134A

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APPELLATE CASE NO. 2016-000955

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John Alden Bauer, III

Appellant

v

Beaufort County  
School District

Respondent

---

**MOTION FOR DISCRETIONARY REVIEW**

Respondent's counsel, in his multiple roles in this case, has been diligent in his adversarial role of blocking any relevant evidence, including numbered exhibits, that favored Appellant. Even so, evidence of criminal behavior by the district should be admissible. [Federal Rules of Evidence 609(a)(2), inter alia]

The simplest and most efficient solution to determine the *preserved* integrity of evidence is for the court to quickly peruse seven (7) of these documents, five (5) of which are the district's *own* documents, and for the court to consider their appropriate relevance. All of these issues were addressed on the Record as reflected in the transcript of the Beaufort County School Board Hearing held April 29-May 2, 2015.

The Review includes:

1. Relevant Beaufort County School District's *own* documents that were withheld by Respondent.
  - a. Termination Papers (Withheld from Appellant--Terminated without a hearing--violation of Title 59-25-460)(Attachment ①)
  - b. Appellant's Student Attendance Book (withheld by district, while false attendance book was admitted at Board Hearing. (Attachments ② and ③))
2. Relevant documents that were not objected to, and referenced in the Beaufort County School Board Hearing Transcript.
  - a. Minutes of Board meeting where Appellant was Terminated (Attachment ④)
  - b. Ratification of Termination (Published for 5½ months!)(Attachment ⑤)
  - c. FOIA request for evidence (No Response, a misdemeanor)(Attachment ⑥)
  - d. Petitions/Motions for scheduling a hearing (No Response)(Attachment 7)
  - e. Termination *email* from the Superintendent. (Attachment 8)

The issues surrounding these documents were addressed at Trial/Board Hearing and the documents should have been preserved by Advice Counsel to the Board, who is now Counsel for Respondent.

There was confusion and contradiction by a commingling of attorneys for Respondent ('*Complainants*') and "Jury/Board" where attorneys for the Respondent attended deliberations of the "Jury/Board" and then decided, after the hearing, which exhibits should not have been admitted.

Withheld evidence, or '*spoliated*' documents, are new only in the sense that the district knew that they would exonerate Appellant, and with bad faith withheld them.

*"...there are nevertheless many occasions in which federal and state appellate courts will consider new evidence on appeal. Whether presented through petitions for discretionary review... amicus briefs,... "Brandeis briefs," or other mechanisms for supplementing the record, appellate courts often consider and rely upon this sort of new evidence."* (Emphasis Appellant)

Jeffrey Dobbins

Minnesota law Review, 2016-

- Fed. R. Civ. P. 56(c)(4). *"but (the court) can consider other materials in the record in its discretion."*

- And

*"The matter of what questions may be taken up and resolved for the first time on appeal is one left primarily to the discretion of the courts of appeals, to be exercised on the facts of individual cases."* Singleton v. Wulff, 428 U.S. 106 (1976) No. 74-1393

Respectfully Submitted,

A handwritten signature in black ink that reads "John Alden Bauer III". The signature is written in a cursive style with a horizontal line underneath the name.

John Alden Bauer, III, pro se  
109 Ashton Hill Drive  
Columbia, SC 29229  
[aldenbauer706@gmail.com](mailto:aldenbauer706@gmail.com)

(843) 384-1506

October 24, 2016

①

Personnel Action Form

Beaufort County School District

Personnel Action Form

Employee Information

Today's Date: 07/14/2014 (MMDDYYYY)

PID: 12241 Find by PID Social Security Number: 251230851 Find by SSN (#####)

If neither button automatically populated the employee's name, please enter it below:

Name: BAUER, JOHN

Category: Certified

School/Location: Hilton Head IB Elementary

Action

Resigned (Send Resignation Letter to HR)

Transfer

Retired (Send Retirement Letter to HR)

Position change: (Indicate Below)

Terminated

Change Number of Days

TERA Date:

Change Number of Hours

Funding Change (Provide account in comments section below)

Step Upgrade

Leave of Absence (FMLA, ADMIN, etc)

Other Employee Action (Please explain in comments section)

Details / Comments

Effective Date: 07/01/2014 (MMDDYYYY)

Provide detailed information regarding the action and the reason for the action:

Terminated per Alice Walton.

Employee #: 109775

Task Notes

Font family Font size B I U A [Rich Text Editor Icons]

*[Handwritten Signature]*

https://winocular.beaufort.k12.sc.us/winocular/portal/vwFormIO.exe?Session=86j2fWCfQ... 7/14/2014





④ Minutes of Termination Board Meeting

Superintendent's summary, Board of Education special called meeting - June 5, 2014

Vice Chair Mary Cordray called the meeting to order at 4:20 p.m.

Pledge of Allegiance

Board members agreed to discuss the proposed 2014-15 budget first, then go into executive session to discuss a personnel issue.

Superintendent Moss and Chief Operations Officer Phyllis White presented an overview of proposed increases to the 2014-15 budget. The need for the budget as proposed was due to increases in benefits for employees, state-mandated step increases for staff, an increase in student enrollment and instructional initiatives. The initial budget sent to County Council was \$192.8 million.

Dr. Moss and Ms. White presented several budgetary options for Board members to discuss as they worked to develop a reduced proposal to present to County Council. After Board members discussed various options, Ms. Bush moved to direct the superintendent to propose \$1.5 million in 2014-15 budget reductions. The reductions would be achieved by utilizing new, recently approved state funding for literacy coaches, greater efficiencies in school bus transportation, ending the Teacher Advancement Program and delaying the expansion of some CATE programs. The reductions would lower the district's budget proposal to \$191,398,015. The motion passed 7-4.

X The Board then went into executive session to discuss a personnel matter. Out of executive session, the board made a motion to approve the superintendent's recommendation to terminate the employment of Employee A. Approved.

The meeting was adjourned at 6:15 p.m.

5

EX 7



BEAUFORT COUNTY SCHOOL DISTRICT

Division of Human Resources

Ratification of Personnel

2014-2015 School Year

July 1, 2014 - August 31, 2014

File 226

NEXT PAGE

NEW HIRES

LAST NAME	FIRST NAME	GENDER	ETHN	DEGREE	YRS EXP	CONTRACT	POSITION	SCHOOL
ADDY	TERESA	F	W	BA	2	ANNUAL - FORMAL	SPECIAL ED-MD	HHIE
ALVERSON	JENNIFER	F	W	MA	12	CONTINUING - FORMAL	PRE-KINDERGARTEN	SHES
ANTHONY	NICHOLE	F	W	BA	0	INDUCTION	FIRST GRADE	OES
ARIAS	GIOVANNY	M	H	BA	6	INTERNATIONAL	SPANISH	BCHS
AULT	KAYLA	F	W	BA	0	INDUCTION	SECOND GRADE	BRES
BABB	BETHANY	F	W	BA	2	ANNUAL - FORMAL	THIRD GRADE	HHSCA
BAKER	TERESA	F	W	BA	0	INDUCTION	THIRD GRADE	WBES
BALDWIN	TACARA	F	W	MA	7	CONTINUING - GBE	FOURTH GRADE	PHES
BANKS	KINEVIA	F	B	MA	11	CONTINUING - FORMAL	SPANISH	BLHS
BARNES	CHRISTOPHER	M	W	PHD	6	ANNUAL - FORMAL	ALTERNATIVE PROGRAM	RCP
BARRANTES	KASSANDRA	F	W	MA	1	ANNUAL - FORMAL	SPEECH THERAPIST	MRES
BATT	LAUREN	F	W	BA	1	ANNUAL - FORMAL	FIRST GRADE	SHES
BEASLEY	LEAH	F	W	MA	0	INDUCTION	PSYCHOLOGIST	INST SERV
BEASON	LENA	F	W	MA	11	ANNUAL - FORMAL	LITERACY TEACHER	HHIE
BERGHUIS	KAYLEIGH	F	W	BA	0	INDUCTION	FOURTH GRADE	SHES
BIGGS	LAURIE	F	W	MA+30	16	ANNUAL - FORMAL	ESOL	RCES
BIN	HUI	F	A	MA	4	INTERNATIONAL	CHINESE TEACHER	HHIE
BOLENDER	KRISTIN	F	W	BA	4	ANNUAL - FORMAL	FIFTH GRADE	MRES
BROOKS	KELSEY	F	W	BA	0	INDUCTION	LANGUAGE ARTS	BLMS
BUCKLESS	MARY	F	W	BA+18	18	ANNUAL - FORMAL	SOCIAL STUDIES	BLMS
BURKE	KIMBERLY	F	B	BA	1	ANNUAL - FORMAL	FAMILY & CONSUMER SC	BLHS
BUTTS	TRACY	F	W	MA+30	16	CONTINUING - FORMAL	FIFTH GRADE	HHSCA
CAMARILLO	MARTHA	F	H	BA+18	11	ANNUAL - FORMAL	MATH	BCHS
CAMPBELL	KASHA	M	B	MA	0	INDUCTION	BUSINESS EDUCATION	HHHS
CAMPBELL	TARA	F	W	BA	4	ANNUAL - FORMAL	SPECIAL ED-LD	HHSCA
CARDEN	AMANDA	F	W	BA	0	ANNUAL - FORMAL	FIRST GRADE	RSMS
CARROLL	JAMILLA	F	W	BA	5	ANNUAL - FORMAL	SCIENCE	LIMS
CARROLL	JESSICA	F	W	BA	0	INDUCTION	MATH	HHMS
CARTER	CARRIE	F	W	MA+30	6	ANNUAL - FORMAL	GUIDANCE COUNSELOR	BHS
CARTER	VICTORIA	F	B	MA	3	INDUCTION	FIRST GRADE	SHES
CHATMAN	JUVONNA	F	B	MA	1	ANNUAL - FORMAL	MATH INTERVENTION	LIMS
CHURN	KRISTINA	F	W	MA	0	INDUCTION	FOURTH GRADE	SHES
CLOSE	SHIRLEY	F	W	BA	0	INDUCTION	FIFTH GRADE	SHES
COKER	STACY	F	W	MA	5	ANNUAL - FORMAL	BAND	HHHS
CONNELLY	CHERYL	F	W	MA	0	INDUCTION	SOCIAL STUDIES	BMS
CREGER	STEPHANIE	F	W	MA	0	INDUCTION	FIRST GRADE	HHSCA
CRISTALDI	PATRICK	M	W	BA	0	INDUCTION	FOURTH GRADE	HHIE
CUSTER	WHITNEY	F	W	MA	0	INDUCTION	GUIDANCE COUNSELOR	BES
DANNALS	CAROLYN	F	W	MA	10	ANNUAL - FORMAL	FIRST GRADE	WBES
DAVIS	GEMMA	F	W	MA+30	7	CONTINUING - GBE	COMPUTER TEACHER	MMS
DAWLEY	PATRICIA	F	W	MA	28	CONTINUING - FORMAL	SPECIAL ED-MD	HHMS
DE BRUIN	MICHELLE	F	W	BA	6	CONTINUING - FORMAL	FOURTH GRADE	BLES
DEYO	AMBER	F	W	BA	0	INDUCTION	PSYCHOLOGIST	INST SERV
DIAMOND	ANDREW	M	W	MA	0	INDUCTION	SOCIAL STUDIES	LIMS
DIETZ	RONALD	M	W	MA	36	ANNUAL - GBE	PHYSICAL EDUCATION	MMS
DILLON	MARCIA	F	W	MA	35	CONTINUING - GBE	MATH LAB	HHIE
DOBBS	ZACHARY	M	W	MA	0	INDUCTION	BAND	BLMS
DOWNNEY	BRAD	M	W	MA	4	ANNUAL - FORMAL	MATH	RSMS
DUFFY	KELLEY	F	W	MA	4	ANNUAL - FORMAL	SCIENCE	MMS
DUGGAN	HAYLEY	F	W	MA	2	CONTINUING - FORMAL	PRE-KINDERGARTEN	LIES
DUPONT	GWLADYS	F	B	MA	11	INTERNATIONAL	FRENCH	HHHS
EASTMAN	STUART	M	W	BA	0	INDUCTION	SCIENCE	MMS
ELLINWOOD	CATHY	F	W	MA	25	ANNUAL - FORMAL	FIFTH GRADE	BLES
ESPINOZA	BANY	F	H	BA	6	INTERNATIONAL	SPANISH	BCHS
EVENDEN	JOSEPH	M	W	BA	5	CONTINUING - FORMAL	SOCIAL STUDIES	LIMS
FISK	MARY	F	W	MA+30	9	CONTINUING - GBE	GUIDANCE COUNSELOR	PVES
FLANAGAN	ANNA	F	W	BA	0	INDUCTION	DANCE	HHIE
FORBES	NANCY	F	W	MA	10	ANNUAL - FORMAL	CHORUS	HHMS
FORD	STEPHANIE	F	W	MA	2	INDUCTION	FOURTH GRADE	HHIE
FORSHEY	JOHN	M	W	BA	0	INDUCTION	MATH	MMS
FORTNER	SANDRA	F	W	BA	11	CONTINUING - FORMAL	FIRST GRADE	RSMS
FREROTTE	ADAM	M	W	BA	0	INDUCTION	FIFTH GRADE	PVES
FULLARD	DORELL	M	B	BA	0	INDUCTION	BAND	WBHS
GADSON	TERA	F	B	MA	0	INDUCTION	PRE-KINDERGARTEN	BRES

5 CONT  
EX 7

**RESIGNATIONS, RETIREMENTS and TERMINATIONS**

LAST NAME	FIRST NAME	GENDER	ETHN	DEGREE	YRS EXP	POSITION	STATUS	SCHOOL
ABBOTT	JACQUELINE	F	W	MA	8	SOCIAL STUDIES	RESIGNED	BLHS
ABBOTT	SARA	F	W	BA	1	FOURTH GRADE	RESIGNED	BRES
ACKER	KRISTEN	F	W	BA	23	DRAMA	RESIGNED	HHMS
ADAMCZYK	JENNIFER	F	W	MA	8	THIRD GRADE	RESIGNED	LIES
ADAMS	CATHERINE	F	B	MA+30	8	AVID TEACHER	RESIGNED	WBHS
ADAMS	JOHN	M	W	BA	20	SOCIAL STUDIES	RESIGNED	RSMS
ALEXANDER	AUDRA	F	W	MA+30	35	LANGUAGE ARTS	RETIRED	LIMS
ANDERSON	TANYA	F	W	MA	11	SCIENCE	RESIGNED	MMS
BAILEY	LAURA	F	W	BA	4	MATH	RESIGNED	HHMS
<del>BAKER</del>	HEATHER	F	W	MA	8	SOCIAL STUDIES	RESIGNED	LIMS
<del>BAUER</del>	JOHN	M	W	MA	17	PHYSICAL EDUCATION	TERMINATED	HHIE
<del>BAURÖTH</del>	STEFAN	M	W	MA	14	SPECIAL ED-LD	RESIGNED	BLES
BAXLEY	JAMES	M	W	MA	12	SPECIAL ED-LD	RESIGNED	BHS
BEADLES	SHIRLEY	F	W	MA	22	ESOL	RETIRED	BMS
BEASLEY	BRUCE	M	B	BA	31	PHYSICAL EDUCATION	RESIGNED	BHS
BELTZ	KAREN	F	W	MA	17	ART	RETIRED	BLES
BLACK	DEBORAH	F	W	MA+30	30	GUIDANCE COUNSELOR	RETIRED	BMS
BLACKSON	LISA	F	W	MA+30	10	FIFTH GRADE	RESIGNED	HHSCA
BOSCO	DIANE	F	W	MA	26	SECOND GRADE	RETIRED	SHES
BRASHEARS	TERESA	F	W	MA+30	33	LEAD MENTOR	RETIRED	HR
BROKENBOROUGH	MONICA	F	B	MA	4	BAND	RESIGNED	BCHS
BROOKS	SUSAN	F	W	MA+30	21	SECOND GRADE	RESIGNED	BRES
BROWN	CECILIA	F	B	MA	15	MATH	RESIGNED	RSMS
BROWN	MICHELLE	F	W	MA	21	LEARNING DISABILITIES	RESIGNED	BLES
BURKE	ELIZABETH	F	W	MA	10	FIFTH GRADE	RESIGNED	MRES
BURKHART	REBECCA	F	W	MA	6	GUIDANCE COUNSELOR	RESIGNED	WBMS
BURLINGAME	MIMI	F	W	MA	9	THIRD GRADE	RESIGNED	HHSCA
BUTLER	CAROLINE	F	W	BA+18	1	FIFTH GRADE	RESIGNED	SHES
BUTLER	REGINA	F	B	BA+18	6	COMPUTER TEACHER	RESIGNED	MMS
CAMPBELL	MELVIN	M	B	BA	39	MATH	RETIRED	HHHS
CANNON	TRACEY	F	W	BA	15	FOURTH GRADE	RESIGNED	OES
CARNIE	BOBBY	M	W	BA	1	SOCIAL STUDIES	RESIGNED	RSMS
CARTER	LASHAWN	F	W	MA+30	23	PRE-KINDERGARTEN	RETIRED	SHES
CARVER	REBECCA	F	W	MA	2	OCCUPATION THERAPIST	RESIGNED	ISD
CASTERLINE	ROBERT	M	W	BA	6	COMPUTER TEACHER	RESIGNED	MMS
CAUDLE	PATRICIA	F	W	BA	11	TESTING LEAD TEACHER	RESIGNED	BES
CHISUM	ROSANNE	F	W	BA	24	KINDERGARTEN	RETIRED	BHS
CIBULA	TARA	F	W	BA	5	THIRD GRADE	RESIGNED	HHIE
COOKE	MARGARET	F	W	BA+18	2	THIRD GRADE	RESIGNED	HHIE
COOPER	TINA	F	W	MA	9	ENGLISH	RESIGNED	BHS
COSNEAU	KERRY	F	W	MA	12	FRENCH	RESIGNED	HHHS
CRAMER	KATHLEEN	F	W	MA+30	32	SPECIAL ED-LD	RETIRED	HHMS
CREAVEN	MEGAN	F	W	BA	1	FOURTH GRADE	RESIGNED	SHES
CRONIN	DANIELLE	F	W	MA	1	FIFTH GRADE	RESIGNED	LIMS
CROSBY	RHONDA	F	W	MA	11	MATH	RESIGNED	LIMS
CUNNINGHAM	MARY	F	W	MA	25	FAMILY & CONSUMER SC	RETIRED	BHS
DALY	AMY	F	W	BA	1	FIFTH GRADE	RESIGNED	RSMS
DAVIS	WANDA	F	H	MA	6	SECOND GRADE	RESIGNED	BLES
DORE	SAUNDRA	F	B	MA	30	FIRST GRADE	RETIRED	SHES
DOWE	ELIZABETH	F	W	BA	5	FOURTH GRADE	RESIGNED	MRES
DOWNEY	BRAD	M	W	MA	4	MATH	RESIGNED	RSMS
DRAPER	WILLIAM	M	W	MA	2	LEARNING DISABILITIES	TERMINATED	HHHS
DRAYTON	SHAKYA	F	B	BA	4	BAND	RESIGNED	WBHS
DUNCAN	DEBORAH	F	W	MA	15	LEARNING DISABILITIES	RETIRED	ACE
DUNN	MICHELLE	F	W	MA	6	THIRD GRADE	RESIGNED	BRES
DUNSON	ALAN	M	B	BA	3	MATH	RESIGNED	BLHS
DYER	CATHY	F	W	MA	26	MATH LAB	RESIGNED	HHES
EDWARDS	NANCY JO	F	W	MA	38	GIFTED & TALENTED	RETIRED	OES
EPPS	KYLEE	F	W	MA	3	FIRST GRADE	RESIGNED	PVES
FALLON	JOHN	M	W	MA	34	SPEECH THERAPIST	RESIGNED	PRES
FARRIS	MINDY	F	W	BA	6	FIRST GRADE	RESIGNED	BRES
FENT	MEREDITH	F	W	MA+30	16	GUIDANCE COUNSELOR	RESIGNED	BES
FERGUSON	LEI	F	B	MA+30	35	MATH INTERVENTION	RETIRED	WBES
FINKLE	GRACI	F	W	MA	30	SPECIAL ED-TMD	RESIGNED	RSMS
FLEENOR	CHARLENE	F	W	MA+30	24	LANGUAGE ARTS	RETIRED	BMS
FORSHEY	BRIAN	M	W	BA+18	36	MATH	RESIGNED	BCHS
FROHNAPFEL	CORRIE	F	W	MA	1	FOURTH GRADE	RESIGNED	MOES
FROST	NANCY	F	W	MA	15	MATH	RESIGNED	LIMS
GABBEY	KARYN	F	W	MA	13	BAND	RESIGNED	BLMS
GADSON	KIMBERLY	F	B	MA+30	16	GUIDANCE COUNSELOR	RESIGNED	PRES
GALAN	JESSICA	F	H	MA+30	4	ESOL	RESIGNED	HHHS
GILL	JENNIFER	F	W	BA+18	3	HEARING IMPAIRED ITN	RESIGNED	ISD
GILLARD	DELPHINE	F	B	PHD	17	LANGUAGE ARTS	RESIGNED	BMS



John Alden Bauer III  
5 Gumtree Road E-11  
Hilton Head Island, SC 29926

June 18, 2014

Beaufort County School District  
2900 Mink Point Blvd.  
Beaufort, SC 29920  
Re: Freedom of Information Request

Dear Sir or Madam:

The purpose of this letter is to request information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. section 552.

Please provide me with a copy, via my home computer, of the following items:  
I am requesting email evidence pursuant to a Formal Hearing before the Board Of Education. These emails, having been denied my reception by traditional means, contain evidence of my innocence of any wrong doing

If any part or all of the materials are withheld under an FOIA exemption, please provide a list of the information withheld and mark any deleted sections. Please list the specific exemptions that form the basis for any deletion from a document or the complete withholding of a document. I request that you furnish the information without any charge because the information will be used for Evidence.

Please contact me at the above address if you have any questions regarding this request. My e-mail address is [aldenbauer706@gmail.com](mailto:aldenbauer706@gmail.com).

Please provide your reply immediately, since I have been denied this evidence for 133 days. Thank you for your prompt attention to this matter.

Sincerely,

John Alden Bauer III

(7)

File 236

## Appellant Petition

October 21, 2014

Jeffrey C. Moss, Ed.D. v. John Alden Bauer, III  
S.C. Code of Laws § 59-25-460 & 470 Hearing

To: Beaufort County Board of Education  
From: John Alden Bauer III  
Subject: Petition to Assert *de novo* the Hearing Provisions of SC Code 59-25-470

Petitioner was notified on June 6, 2014 that they were to be terminated. Petitioner appealed, effective June 21, 2014, and requested a public hearing pursuant to South Carolina Teacher Dismissal Act SC Code 59-25-470. The deadline to schedule the hearing was on, or before, July 1. The deadline for the hearing was on, or before, July 6.

Whereas: SC Code 59-25-430 was improperly applied for dismissal of petitioner, to wit, petitioner was not afforded the hearing prior to dismissal.

Whereas: The only delay to the process considered by appellant, as evidenced in File 131, was a seven day extension to accommodate the presumed wishes of the Board to avoid the July 4 weekend.

Whereas: Complainant's statement that petitioner's pro bono lawyer agreed to delay longer than 7 days was incorrect, and complainant has failed to provide evidence to substantiate the claim.

Whereas: the petitioner did not receive sick leave payment according to the South Carolina Wage Payment Act according to SECTION 41-10-10 and SECTION 41-10-50.

Whereas: An attorney, Shirley Fawley, for the Beaufort County School District averred by mail on June 26, 2014, that she would confer concerning the discovery process.  
Not done.

7 (cont)

Whereas: An attorney, Shirley Fawley, for the Beaufort County School District averred by mail on June 26, 2014, that she would confer concerning "...a possible alternate resolution to the situation."

Not done.

Whereas: the petitioner was denied unemployment and received harm in delay and financial hardship due to complainant's statement, referring to South Carolina Code Section 41 - 35 - 120 and presented to the South Carolina Department of Employment and Workforce

Whereas: The propellent accusations were made February 5, 2014, 332 days ago.

Whereas: The deadline for the hearing, established by law, was July 6, 2014, 107 days ago. South Carolina Teacher Dismissal Act, section 59-25-490

**Therefore**, premises considered, Petitioner prays that said petition for the hearing be granted, and such other relief to which Petitioner is entitled.

8

Ex 6

Ex 61

From: Moss, Jeffrey jeffrey.moss@beaufort.k12.sc.us  
Subject: Re: Hello once again  
Date: June 16, 2014 at 6:16 PM  
To: Alden Bauer aldenbauer706@gmail.com  
Cc: George McMaster ghm@mmtaw.net, John Bauer jbauer2@sc.rr.com, Walton, Alice W Alice.Walton@beaufort.k12.sc.us, Shirley Fawley sfawley@childs-haligan.net

X

Mr. Bauer  
You are current no longer an employee of the Beaufort County School District. Access to your email will follow Ms. Walton's direction.

Jeffrey C. Moss, Ed.D.  
Superintendent  
Beaufort County School District  
2900 Mink Point Blvd<x-apple-data-detectors://0/0>  
Beaufort, South Carolina 29901<x-apple-data-detectors://0/0>  
843-322-2326<tel:843-322-2326>

This email is for the sole use of the individual for whom it is intended. If you are neither the intended recipient, nor agent responsible for delivering this e-mail to the intended recipient, any disclosure, retransmission, copying, or taking action in reliance on this information is strictly prohibited. If you have received this e-mail in error, please notify the person transmitting the information immediately. All email correspondence to and from this email address may be subject to Public Records Law which may result in monitoring and disclosure to third parties, including law enforcement.

On Jun 16, 2014, at 5:51 PM, "Alden Bauer" <aldenbauer706@gmail.com<mailto:aldenbauer706@gmail.com>> wrote:

Dr. Moss  
The attached emails are of my asking Ms. Walton if she is ABLE to enable my home computer access to school emails. Teachers and other employees access their school email by going to the district website and entering their password and username. Twice I have asked Miss Walton that same question. After the first time of asking she said that I could set up an appointment to go through my emails from the district office, i.e. make numerous trips back and forth to the district from my home, which is in Hilton Head. The second time I asked if she was ABLE to unblock my computer there was no response. It has been 5 days. Will you help?

Mon June 9 2014 11:17 AM

From: Dr. Jeffrey Moss  
To: Alden Bauer, Alice Walton, Jill McAden  
Dr. Moss

Thank you for responding to my request to retrieve my personal items.  
As I contemplate a decision to appeal, and its preparation, a vital part of my defense is contained in my work email account.  
1) When may I gain access to these emails? Once you schedule an appointment with the principal.  
2. When may I examine my personnel file? Anytime, you will need to schedule an appointment with Ms. Walton.  
3. Upon scheduling an appointment with Mrs. McAden to retrieve my personal items will the district provide a neutral witness? This will be worked out by Mrs. McAden.  
4. May I videotape any scheduled appointments? You may record if agreeable by all parties.  
Thank you,

Alden Bauer  
Mon June 9 2014 3:54PM

From: Alden Bauer  
To: Jill McAden

I asked Dr. Moss "When may I gain access to these emails?"

CERTIFICATE OF SERVICE VIA US MAIL

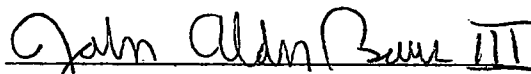
The undersigned, John Alden Bauer, III, pro se, certifies that he has served the following Counsel of Record with the foregoing MOTION FOR DISCRETIONARY REVIEW by making a copy of same, via verified electronic mail, and via US Mail, postage prepaid, and return address clearly indicated to the following on the 24th day of October, 2016.

David Duff, Esq.  
Duff, White and Turner  
3700 Forest Dr.  
Suite 404  
Columbia, SC 29204

**RECEIVED**

OCT 24 2016

SC Court of Appeals



John Alden Bauer, III, pro se  
109 Ashton Hill Drive  
Columbia, SC 29229  
[aldenbauer706@gmail.com](mailto:aldenbauer706@gmail.com)

(843) 384-1506



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK  
V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
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[www.sccourts.org](http://www.sccourts.org)

October 17, 2016

John Alden Bauer, III  
5 Gumtree Rd. E-11  
Hilton Head Island SC 29926

**RECEIVED**

OCT 24 2016

SC Court of Appeals

Re: John Alden Bauer, III v. Beaufort Co. Sch. Dist.  
Appellate Case No. 2016-000955

Dear Mr. Bauer:

Upon reviewing your initial reply brief, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- The caption/title does not comply with Rule 267(a), SCACR. Specifically, it must be named "initial reply brief" not "response, with prologue, to respondent's initial brief."
- Pursuant to Rule 208(b)(3), SCACR, the reply brief shall contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with references to the pages of the reply brief where they are cited.

You must serve and file an amended initial reply brief, correcting all deficiencies.

---

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: David T. Duff, Esquire  
David Nelson Lyon, Esquire  
Drew Henderson Davis, Esquire

John Alden Bauer, III  
109 Ashton Hill Drive  
Columbia, SC, 29229

October 24, 2016

V. Claire Allen  
Deputy Clerk of Court  
PO Box 11629  
Columbia, SC 29211

**RECEIVED**

OCT 24 2016

SC Court of Appeals

Re: John Alden Bauer, III v. Beaufort Co. Sch. Dist.  
Appellate Case No. 2016-000955

Dear Ms. Allen:

I received your October 17, 2016 letter today. Please note my change of address in case you have not done so. With the problems in mail delivery and the difficulties on Hilton Head Island since the Hurricane, I hope that you may give me a few more days to make the corrections.

I apologize for not getting the Initial Reply Brief exactly right. I will do my best to make the emends and hopefully within the next three days.

Very truly yours,

A handwritten signature in cursive script that reads "John Alden Bauer III". The signature is written in black ink and is positioned below the typed name.

John Alden Bauer, III

copy: David T. Duff, Esquire