

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
1220 Senate St Columbia, SC 29201

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

RECEIVED

OCT 24 2016

SC Court of Appeals

Case No. 2016-CP-18-0490(Court of Common Pleas)
Case No. 2016001116 (SC Court of Appeals)

THE STATE, Respondent,

v.

FLOYD RILEY, Appellant.

APPELLANTS' INITIAL BRIEF

Floyd Riley
341 Hudson Rd
St George SC 29477
Attorney for Appellant Pro SE

Other Counsel of Record:
Office of the Attorney General
J. Benjamin Apin
PO BOX 11549
Attorney for Respondent

Hon. Maite Murphy
Court of Common Pleas
5200 E Jim Bilton Blvd
St George, SC 29477

Floyd Riley 10-24-16

TABLE OF CONTENTS

TABLE OF AUTHORITIES CASES/STATUTES.....3

STATEMENT OF ISSUES ON APPEAL.....4

STATEMENT OF THE CASE.....5

STANDARD OF REVIEW.....6

ARGUMENTS.....7

CONCLUSION.....8

CERTIFICATE OF COUNSEL.....9

TABLE OF AUTHORITIES CASES

Moore v. Moore, 376 S.C. 467, 657 S.E.2d 743 (2008).

STATEMENT OF ISSUES ON APPEAL

1. Did the court below err in ruling in favor of the magistrate court in the light that the magistrate court submitted paperwork to the DMV for driving points outside of due process of the magistrate court appeal to the Court of Common Pleas.

2. Did the court err in dismissing appellants' claims that the jury was not unanimous on its decision of guilty?

3. Did the court below err in not duly considering appellant's right to question witnesses at the jury hearing.

4. Did the court below error in not duly considering that the magistrate court denied appellant's right to submit evidence before the jury.

STATEMENT OF THE CASE

Appellant Floyd Riley (Riley) is a citizen of Dorchester County. Respondent is The State Of South Carolina. In December 2015 I received a ticket for speeding in St George South Carolina upon request at the jury trial appellate was not allowed to introduce relevant evidence nor was appellant allowed to question the officer as witness. As a result of the jury trial case appellant file for an appeal to the Court of Common Pleas all such arguments was made before the Court of Common Pleas of which the Court of Common Pleas denied the appeal and affirmed the decision of the magistrate court this appeal followed.

STANDARD OF REVIEW

The court below erred in denying appellant's appeal in favor of respondent in light that appellant's right to due process with regards to the points on his DMV driving record were amended before appellate had his Court of Common Pleas appeal to the magistrate's decision heard. The magistrate court was well aware and well informed of the notice of appeal to the Circuit Court and still sent the ticket information to the DMV. The Dorchester County Court of Common Pleas were made aware of the violation of due process from the magistrate court in reporting ticket information even though the case was being appealed to the Circuit Court. This has become more evident because after arguing my case before the Court of Common Pleas judge Murphy presiding I received a letter from the DMV stating that the points previously added to my driver's record were being taken away and adjusted back to the state as it was before the traffic ticket. As a result of this denial of due process alone this case should be reversed.

ARGUMENT

THE COURT BELOW ERRED IN RULING IN FAVOR OF RESPONDANT

- I. by dismissing the appeal of the appellant. That due process by the magistrate court was violated.

Appellant maintains that his right to due process was violated, and that the court below did not duly recognize such violation even after submitting of proof to the court below that such violation occurred.

- II. THE COURT BELOW ERRED in not duly considering appellant's right to question witnesses at the jury hearing. As to the issue of status of the jury's unanimous decision in the magistrate court below it, appellant maintained that each individual juror was not asked if guilty was their decision.

- III. THE COURT BELOW ERRED in not duly considering appellant's right to question witnesses at the jury hearing. Appellant maintains that he was not allowed to properly question the officer doing the jury trial and therefore could defend himself before the jury

CONCLUSION

The court below erred in ruling granting a denial of the appeal and upholding the decision in the magistrate jury trial in light of the above errors of process and law. Appellant request that the decision of the lower court be reversed in light of errors noted.

Respectfully Submitted

Floyd Riley, Pro Se
341 Hudson Rd St, George, SC 29477

Floyd Riley 10-24-16
~~8-16-2016~~

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
1220 Senate St Columbia, SC 29201

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

RECEIVED

OCT 24 2016

SC Court of Appeals

Case No. 2016-CP-18-0490(Court of Common Pleas)
Case No. 2016001116 (SC Court of Appeals)

THE STATE, Respondent,

v.

FLOYD RILEY, Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies that this initial Brief complies with Rule 208, SCACR noting no arguments that has not been argued in the lower court. Appellant also states that he received the transcripts form the lower court, court reporter on July 28th 2016.

Floyd Riley *10-24-16*
Floyd Riley October , 2016
Floyd Riley
341 Hudson Rd
St George SC 29477