

8206

Carlos kinlaw, Appellant

Vs

South Carolina workers compensation commission

Respondent

Appellate case number. 2016 - 002182

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JAN 03 2017

SC Court of Appeals

I am asking South Carolina Court of Appeals to review this case in the interest of justice and constitutional law. Which is the 14th Amendment of the USA Constitution I am asking the court to take a look at what is my argument against state. I am sorry if its a little rough to read. The state workers compensation commission must learn to follow the law because commissioners are supposed to be unbiased and fair. I thank you for your time and for reading this letter. My hope is i will not have to appeal to South Carolina Supreme Court and the US Supreme Court based upon this ruling by the US Supreme Court in these cases Goldberg vs Kelly and Matthews vs Eldridge. Goldberg vs Kelly the US Supreme Court said (c) A decision must rest " solely on the legal rules and evidence adduced at the hearing.

Carlos Kinlaw

STATEMENT OF ISSUES ON APPEAL

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SC Court of Appeals

7. Did the trial court fail to answer the question of a 14th Amendment violation

STATEMENT OF THE CASE

On May 25th 2016 Judge Carmen Mullen ^{was hearing} ~~he~~ defense motion to dismiss in 2015 - CP- 07-02946 carlos kinlaw vs South Carolina workers compensation commission for 14th amendment violation where she was given the law of postponement for the workers compensation Commission which clearly show that the Commission had violated the postponement procedures thus creating a due process problem. It is now clear to me that the Commission held rigged trial where the outcome was always going to be in the defense favor where the defence could break laws and not be held accountable. All of this was over because I challenged the resignation that were going on in the state illegally

FACTS

The State of South Carolina Worker Compensation Commission violation my 14 Amendment right in a workers compensation case. Commissioner Gene McCaskill postponed a hearing January 9, 2013 and it was to happen on February 28, 2013 but the attorney Brian O'Keefe postponed it on February 13, 2013 . The commissioner did the hearing on April 23, 2013 which broke this law 67- 613 which is also a clear violation of my 6 and 14 amendment right to a fair trial, improper venue and due process violations because he did not have the judicial authority to hold the hearing and reset the case that power is given to the South Carolina Workers' Compensation Commission Judicial Department . Both Commissioner Gene McCaskill and Brian O'Keefe circumvent law 67-613 by not letting the case go to a general file after 30 days which is required by the law due process. . Appellate panel made up of Commissioners Avery B. Wilkerson, Jr, Melody L James, Aisha Taylor and Erin Hantske Esq did a conspiracy to aid in a 6th and 14 amendment right violation in their decision because they could see in the paper work for the case all the postponements in the file and did not act to give a fair trial or procedural due process.

In Beaufort, South Carolina, In The Court Of Common Pleas Fourteenth Judicial Circuit in the

time for me to postpone they did not follow course of law the postponement procedure therefore robbing me of the general file. Which caused a due process violation which also is a 14th Amendment violation. These two Federal cases apply to my case Goldberg vs Kelly and Matthews vs Eldridge (c) A decision must rest "solely on the legal rules and evidence adduced at the hearing".[7] 2

2. My other argument is that the 14th Amendment is the supremacy clause and cannot be circumvented by a state law or state bar or a court lack of subject jurisdiction. So in this case why is the US Constitution being circumvented by state law.....2
3. My other Argument to is about the adjudication that occurred on August 29, 2014 made by Virginia Crocker based on the fact that the defense turned in evidence and talk to a doctor without notifying me which violets the state law 67-1308. Communication Between Parties And Health Care Providers.
4. My other argument here is that the state showed clear favoritism to wards the defense by allowing them to postpone and use the general file but but when I needed to postpone they would not allow me too use the general file as the Law requires
5. Argument number the state is allowing the workers comp settlement proceed your to be violated by the defense by allowing them to get resignation as part of the workers compensation settlement. And when a Plaintiff comes into court and says that defense violated the settlement procedure by getting a resignation they say it is a civil court Matter, and when you go to the Court of Common Pleas they say it's a workers comp matter this issue needs to be handled by the appeals court because other court can not handle it
6. There is also a 14th amendment due process problem with in doubt cases it has come to my attention that the state has shift the burden of proof to the claimant when the law clearly says if a case is in doubt cases the climb it should be awarded the claim that is what the state legislature wrote and intended to be follow the by court so what is it clear due process of violation by the rule of Law. Clare vs champion laboratories and Mims vs neither bottling.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

November 20, 2016
Carlos Kinlaw

County of Beaufort South Carolina a civil lawsuit was heard on August 7, 2014 at 2:00pm Carlos Kinlaw and God Sent Transport LLC vs Workers Compensation Commission of South Carolina, Case No 2014CPo701142 before Judge Carmen T Mullen over a 6 Amendment violation by the state, where Keith Robert, Esq. appeared of the defendant in the hearing. I told the Judge Mullen in the hearing and on the paper work that my 6 Amendment right was violated by the state. Mr. Robert said in that hearing that the state had clear up the 6th Amendment problem when they had not did it at all. Mr Robert hide the fact that Workers Compensation Commission of South Carolina had planned a conspiracy with the lawerys and commissioners to violated my 6 and 14 amendments rights through a workers compensation hearing. Judge Carmen T Mullen did not go through bill of right to find out amendment was broke by the state. She had not allow me to proceed in forma pauperis for my case she would move the case forward unless I paid for it. This conspiracy could not have been pull off without the Governor Nikki R Haley knowing about it because of the civil lawsuit in The Court of Common Pleas and Workers Compensation Commission of South Carolina is ran by the Governor office.

This is 6th and 14th amendment violation case not conspiracy case yet when show that the amendment were violated I amend it.

Carlos Kinlaw vs. The State of South Carolina Workers' Compensation Commission Case: 2015cp0700651

-----Time line for case of orders -----

Hearing held in Walterboro ,SC January 10, 2012 it was postponed.

January 19, 2012 Brian O'Keefe sent proposed decision and order for review by Commissioner Bryan Lyndon.

January 24, 2012 Commissioner Bryan Lyndon wrote his order to postponed case and send to a general file as required under the Act 67-613.

Hearing held in Beaufort, SC January 18, 2013 it was postponed.

January 18, 2013 Commissioner Gene McCaskill wrote a order to postponed the case.

February 13, 2013 Brian O'Keefe Wrote a proposed order to postponed hearing in Myrtle Beach for February 28, 2013.

Hearing was held in Horry County, SC on April 23, 2013 which break South Carolina Workers' Compensation Regulation 67-613.

ARGUMENTS

1. My argument is that the due process was violated in my case because the fundamentals of the law was not followed as it was written. It is clear that the court was biased to Wards me because they allow the defense to postpone and go to General file as the state law 67-613. Postponement or Adjournment of the Scheduled Hearing is written but when it was

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen T Mullen , Circuit Court Judge

Case No. 2016 - 002182

South Carolina workers
compensation commission

Respondent,

v.

Carlos Kinlaw,

Appellant.

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SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Keith Roberts by depositing a copy of it in the United States Mail, postage prepaid, on December 29, 2016, addressed to his attorney of record, Keith Roberts P.O. BOX 1715, Columbia, SC 29202-1715.

December 29, 2016

s/ Carlos Kinlaw
Carlos Kinlaw
2 Taylor court
Bluffton ,South Carolina 29910
(843) 757 3583
Appellant

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SC Court of Appeals

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I certify that I have served the Notice of Appeal on Brian O'Keefe by depositing a copy of it in the United States Mail, postage prepaid, on December 29, 2016, addressed to his attorney of record, Brian O'Keefe PO Box 650007, Mt. Pleasant, SC 29465

December 29, 2016

s/ Carlos Kinlaw
Carlos Kinlaw
2 Taylor court
Bluffton, South Carolina 29910
(843) 757 3583
Appellant

FORM 7
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THE STATE OF SOUTH CAROLINA
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SC Court of Appeals

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I certify that I have served the Notice of Appeal on Erin Hantske by depositing a copy of it in the United States Mail, postage prepaid, on December 29, 2016, addressed to his attorney of record, Erin Hantske PO Box 650007, Mt. Pleasant, SC 29465

December 29, 2016

s/ Carlos Kinlaw
Carlos Kinlaw
2 Taylor court
Bluffton, South Carolina 29910
(843) 757 3583
Appellant

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FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

December 29, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

[The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211]

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JAN 03 2017
SC Court of Appeals

RE: South Carolina Workers Compensation Commission Repondent , v.
Carlos Kinlaw, Appellant, Case No. 2016-CP - 002182

Dear Ms. Kitchings [Mr. Shearouse]:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the order[s] [judgment] which is [are] to be challenged on appeal.
- (3) A filing fee of \$100.*
- [(4) This appeal is being filed with the Supreme Court because . . . (see Rule 203(d) for when an appeal can be filed with the Supreme Court).]

Sincerely,
s/ Carlos Kinlaw
Carlos Kinlaw
2 Taylor court
Bluffton, South Carolina 29910
Appellant

cc: South Carolina Workers Compensation Commission
Keith Robert,
P.O. Box 1715
Columbia, SC 29202
Attorney for Respondent

Carlos Kinlaw
2 Taylor Court
Bluffton, SC 29910



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JAN 03 2017

SC Court of Appeals

Jenny Abbott Kitchings

clerk, South Carolina Court of Appeals
Post office Box 11629

Columbia, SC 29211