

RECORD ON APPEAL

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

MAY 15 2017

SC Court of Appeals

Magistrate Court Traffic Ticket No. 4102P0310884
Case No. 2016-CP-18-0490(Court of Common Pleas)
Case No. 2016-001116 Court of Appeals)

THE STATE,

Respondent,

v.

FLOYD RILEY, *Floyd Riley*

Appellant.

RECORD ON APPEAL

5-14-17

Floyd Riley
341 Hudson Rd
St George, South Carolina 29477
(843) 563-7812
Attorney for Appellant Pro SE

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

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Form S-438
Rev. 06/2014

UNIFORM TRAFFIC TICKET

STATE OF SOUTH CAROLINA
VERSUS

FIRST NAME: Floyd MIDDLE NAME: LAST NAME: REILLY

STREET: 3411 Hutton Rd CITY: St George STATE: SC ZIP CODE: 29477

DL STATE: SC DRIVER'S LICENSE NO.: 002075578 CLASS: B CDL:

RACE: B SEX: M BIRTH DATE: 11/26/39 HGT.: 508 WGT.: 160 HAIR: BL EYES: BR

VEH. LIC. NO.: 805565 STATE: SC MAKE OF VEH.: Ford YEAR: 14 MOTOR VEH.: BICYCLE: COMM. VEH.:

VEHICLE OWNER FIRST NAME: Same MIDDLE NAME: LAST NAME: OWNER STREET: Same CITY: STATE: ZIP CODE:

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT: Magistrate STREET: 5200 E Jim B. Hannon Blvd

DATE OF TRIAL: 1/5/16 TIME OF TRIAL: 9:00am CITY: St George STATE: SC ZIP CODE: 29477

VIOLATION SECTION NO.: 56-5-1570 VIOLATION - COURT APPEARANCE REQUIRED YES/NO: NO

DATE OF VIOLATION: 12/12/15 TIME OF VIOL.: 11:15am SC POINTS: 61 B.A. LEVEL: -

VIOLATION LOCATION: H-1-78 COUNTY: Darlington CITY: St George

LAT: 331005N LONG: 803005W NAME AND RANK OF ARRESTING OFFICER: D. Jenkins SCCJA OFFICER NUMBER: 125

BAIL DEPOSITED: - DATE OF ARREST: 12/12/15 BOND AMOUNT REQUESTED: 445

DATE BAIL REC'D.: BY: CASE BEFORE: MAGISTRATE MUN. COURT CIRCUIT COURT FAMILY COURT FEDERAL COURT

NAME OF THE TRIAL COURT IF DIFFERENT FROM ABOVE: TRIAL BY: TRIAL JUDGE JURY DEFENDANT: DID NOT APPEAR APPEARED

DISPOSITION DATE: 3/4/16 DISPOSITION: NOLLE PROSSED GUILTY PLED: NOLO CONTENDERE FORFEITED BOND NOT GUILTY

CHARGE CONVICTED OF: Same as Original SC POINTS: 61 JAIL: SUSPEND: FINE: 445 AMT. COLLECTED: N/A AMT. SUSPENDED: 0 COMMITTED TO: -

CERTIFIED CORRECT: Jackie Jenkins DATE: 3/4/16 Vehicle Searched: Arrest as Result of Collision:

TRIAL COURT COPY: TICKET# **4102P0310884**

VIOLATOR: VEHICLE: TRIAL COURT: VIOLATION: ARREST OFFICER: COURT INFORMATION:

CITY/COUNTY OF: INCIDENT NO.: AGENCY/TROOP:

STATE OF SOUTH CAROLINA
COUNTY/CITY OF DORCHESTER

2016-CP-18-490

4102P0310884
CASE NUMBER

CERTIFIED COPY
2016 JUL 11 AM 9:51 THE SUMMARY COURT

STATE OF SOUTH CAROLINA
VS

Cheryl Graham
CLERK OF COURT
DORCHESTER COUNTY

TRANSMITTAL OF
TRAFFIC APPEAL

2016 MAR 24 AM 10:42
CLERK OF COURT
DORCHESTER COUNTY

Floyd Riley

DEFENDANT

2016-CP-18-490

As required by Sec. 18-3-40, SC Code of Laws, this information is transmitted to the Court of Common Pleas as the result of an appeal.

Date of Transmittal: March 24, 2016
Transmitted to: Dorchester County Clerk of Court
Transmitted by: Dorchester County/City Saint George Magistrate
Case Caption: State of South Carolina vs. Floyd Riley
Case Number: 4102P0310884

Received and verified by Rosalie Baldwin 3-24-16

Dorchester County/City
Saint George Magistrate
5200 E. Jim Bilton Blvd.
St. George, SC 29477
Phone: (843) 563-0130 Fax: (843) 563-0123

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DORCHESTER COUNTY MAGISTRATE

CRIMINAL / TRAFFIC CASE APPEAL # 4102P0310884

State of South Carolina

vs.

Floyd Riley

CERTIFIED COPY

2016 JUL 11 AM 9:54

Cheryl R. Esham
CLERK OF COURT
DORCHESTER COUNTY

MAR 24 AM 10:42

This matter is an appeal from the Dorchester County Magistrate, South Carolina, Honorable Jackie G. Jenkins, and Presiding Judge

Procedural History

Following Summary Court procedures, proper measures were taken to secure qualified jurors via Voire Dire. A jury strike was done, jurors sworn in and a foreman appointed. Preliminary instructions were given the jurors to ensure their understanding of the judicial process. The State and the Defendant were sworn in and allowed to proceed according to Summary Court procedures. The State presented its case first choosing to present testimony and evidence to the jury only. The Defendant followed, initially cross examining the State. Each party was allowed the opportunity to present relevant testimony and evidence. After each party had presented their case, including the closing statements, the judge gave the jury the law that applied to the charge against the defendant. They were given the PRESUMPTION OF INNOCENCE LAW.....":It is not required that the State proves guilt beyond all possible doubt. A reasonable doubt is a doubt that would make a reasonable person hesitate to act." The jury was also given the "Form of Verdict Information". After which, they were sent to the jury room for careful deliberation; asked to knock on the door when they had reached a verdict. Following the jury's deliberation, they returned with a guilty verdict read by the foreman(Attached). The jurors were each pooled.

After dismissing the jury, the court finds the defendant \$445. (Point reduction is associated with the Department of Motor Vehicle not the court).

Jackie G. Jenkins
Submitted by Judge Jackie G. Jenkins

CERTIFIED COPY

2016 JUL 11 AM 9: 54

STATE

VERDICT

VS

Chris P. Graham
CLERK OF COURT
DORCHESTER COUNTY

4102P0310884
SPEEDING 80/55

2016 MAR 21 AM 10: 43
DORCHESTER COUNTY
BUNCHED COUNTY

DEFENDANT - FLOYD RILEY)

WE THE JURY UNANIMOUSLY FIND THE DEFENDANT

 ✓

GUILTY

NOT GUILTY

MARCH 4 , 2016

Justin Mims Justin Mims
FOREMAN

Stephanie M...

Herlene Amara

Loy mo
Roni ...

[Signature]

4

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Floyd Riley

Plaintiff(s) 2016 MAR 11 PM 4:12

v State vs.

COUNTY OF DORCHESTER

Defendant(s)

Submitted By: Floyd Riley
Address: 301 HUDSON RD.
ST. GEORGE SC 29479

IN THE COURT OF COMMON PLEAS

2016-CP-18-490

CIVIL ACTION COVERSHEET

-CP-

SC Bar #: _____
Telephone #: 843 563 7812
Fax #: _____
Other: _____
E-mail: Floyd.Riley@att.net

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|--|---|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20 <u>-NI-</u> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input checked="" type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799) | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input checked="" type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |
|--|--|--|---|

Submitting Party Signature: Floyd Riley

Date: 3/11/16

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

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Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

6

RECORDED

2016 MAR 11 PM 4: 12

2016-CP-18-490

STATE OF SOUTH CAROLINA

CLERK OF COURT
DORCHESTER COUNTY COMMON PLEAS CASE NUMBER

COUNTY OF Dorchester

MAGISTRATE CIVIL CASE NUMBER

Floyd Riley
APPELLANT(S)

IN THE COURT OF COMMON PLEAS

State vs.

NOTICE OF CIVIL APPEAL

County of Dorchester
RESPONDENT(S)

The plaintiff/defendant (circle one), _____ hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Dorchester.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 4 day of MARCH, 2016.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

I WAS FINED 600.00 DOLLARS AND 6 POINTS OFF MY LICENSE
JUDGE JENKINS BROKE COURT ROOM LAW THE LAW STATE
THAT I CAN INTRODUCE ANY THING FOR EVIDENCE THAT
I THINK WOULD HELP MY CASE I WAS NOT ALLOWED TO
INTRODUCE A COPY OF MY LICENSE A COPY OF THE
TRAFFIC TICKET WHEN SHE ASKE THE FORMER OF THE
JURY THE VERDICT HE SAID I DON'T KNOW WHAT TO
SAY OR WHAT TO DO TWO TIMES THE THIRD TIME
HE SAID GUILTY I DO NOT BELIEVE EVERYBODY
ON THAT JURY VOTED ME GUILTY ONLY WAS NOT
PROPERLY CALLED OUT OF ORDER I COULD NOT QUESTION
THE OFFICER

Dated: 3/11/16

Floyd Riley
Appellant (or his attorney)

7

South Carolina
Department of Motor Vehicles



03/24/2016

RILEY, FLOYD
341 HUDSON RD
SAINT GEORGE, SC 29477-8331

CUSTOMER NO: 25266665
FILE NO: 20554731
DL NO: 2075578

DEAR CUSTOMER:

This letter pertains to the Point System only, and is to inform you of your present standing under the Point System Law.

Our records now indicate that you have accumulated a total of 09 points for hazardous traffic law violations. Any applicable violations more than one year old have been decreased in point value. Certain traffic law violations, such as driving under the influence, require mandatory license suspension under the laws and are not under the Point System.

If you accumulate 12 points or more, you will receive a suspension letter. You will have 30 days from the date of that letter to enroll in a defensive driving course that may reduce the number of points on your record.

Your driving record now contains traffic violations issued on the dates shown, with their current point values:

VIOL DATE	PTS	TICKET#	VIOLATION
12/12/2015	06	4102P0310884	Speeding 25 MPH or above the posted limits
07/06/2015	02	G890962	Speeding 10-mph or less
01/10/2015	01	95672GK	Speeding 10-mph or less

THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Driver Records Manager

8

South Carolina
Department of Motor Vehicles



06/01/2016

RILEY, FLOYD
341 HUDSON RD
SAINT GEORGE, SC 29477-8331

CUSTOMER NO: 25266665
FILE NO: 20874922
DL NO: 2075578

DEAR CUSTOMER:

The violation dated 12/12/2015 for Speeding 25 MPH or above the posted limits has been removed from your driving record.

If you have any questions, you may contact a Customer Service Representative at (803)896-5000 or visit our website at www.scdmvonline.com.

Driver Records Manager

9

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

March 28, 2016



Motion "APPNCR - Appeal/Notice of Criminal Appeal No Fee (Workflow)" for Case: 2016CP1800490.- South Carolina State Of VS Floyd Riley has been added to the following Motions Roster:

327 - 4/19/2016 Appeals - Hon. Maite Murphy

This hearing of this motion has been scheduled for 4/19/2016 at 9:30 AM.

NOTICE OF APPEAL ROSTER: April 19, 2016 @ 9:30 am, Hon. Maite Murphy Presiding, Dorchester County Courthouse, 5200 E. Jim Bilton Blvd., Courtroom Ctrm C, St. George, SC 29477. If your appeal is no longer needed, please notify Becky Stevens in writing at bstevens@dorchestercounty.net or by Fax to 843-563-0178.

Becky Stevens, Asst. Civil Court Coordinator (843-832-0126)
s/Edgar Dickson, Chief Administrative Judge

Mail/Notice To:
Floyd Riley 341 Hudson Rd Saint George, SC 29477-8331

Court Info:
Common Pleas 5200 E. Jim Bilton Blvd. St. George, SC 29477-9477

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)563-0108

Respectfully,

Cheryl Graham
Clerk of Court

10

2016 MAR 28 PM 4:03
RECORDED
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

RECORDED CASE NO. 2016-CP-18-0490

RECEIVED

STATE OF SOUTH CAROLINA

2016 MAY 13 PM 3: 25 FLOYD RILEY

MAY 24 2016

PLAINTIFF(S)

CLERK OF COURT
DORCHESTER COUNTY

DEFENDANT(S)

SC Court of Appeals

Submitted by:

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: This Appeal came before the Court on April 19, 2016. Based upon the parties' arguments, review and consideration of the Magistrate's Return and all documents of record, this Appeal is respectfully denied.

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Nate King
Circuit Court Judge

2166
Judge Code

5/31/16
Date

1	STATE OF SOUTH CAROLINA)	COURT OF COMMON PLEAS
	COUNTY OF DORCHESTER)	2016-CP-18-0490
2)	
	STATE OF SOUTH CAROLINA,)	
3)	
	PLAINTIFF,)	APPEALS HEARING
4)	
	vs.)	TRANSCRIPT OF RECORD
5)	
	FLOYD RILEY,)	
6)	
)	
7	DEFENDANT.)	
8	<hr/>		

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Tuesday, April 19, 2016
St. George, South Carolina

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B E F O R E:

The Honorable Maite Murphy

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A P P E A R A N C E S:

Kyle Leo Ward
Attorney for Plaintiff

Floyd Riley
Pro Se Defendant

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Maria Dempsey, RPR
Official Court Reporter
Charleston County Family Court
Ninth Judicial Circuit
Charleston, South Carolina

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E X H I B I T S

(No Exhibits Proffered.)

1 LEGAL ASSISTANT: State versus Floyd Riley.

2 THE COURT: Good morning. Are you Mr. Riley?

3 MR. RILEY: Good morning, Your Honor.

4 THE COURT: You ready to proceed, sir?

5 MR. RILEY: Yes, Your Honor. I have quite a few
6 arguments here. Judge Jackie, she was running her courtroom
7 like a television show. The officer stood on the floor and
8 testified. He didn't take the stand. I was not allowed to
9 question him. I was not allowed to introduce nothing into
10 evidence that I thought might help my case. And apparently,
11 the jury was out for 45 minutes to an hour, and when the
12 foreman came in, she asked for the verdict. He says, Your
13 Honor, plainly and clearly, I don't know what to say or what
14 to do. She asked him again. I don't know what to say or
15 what to do. Then she raised her voice at him, he was a
16 young man, and he said, guilty.

17 Now, my question is: Is this case over or is still
18 being decided?

19 THE COURT: Sir?

20 MR. RILEY: Because I have a letter here from the DMV.
21 And I think what the Court did, disrespected this Court,
22 disrespected your decision, and disrespected the law.

23 Did you want to see this?

24 THE COURT: Yes, sir. Can Mr. Ward see it first?

25 MR. RILEY: Yeah.

1 THE COURT: So Mr. Riley, that appears to be a letter
2 from the DMV notifying of you of the points on your license.
3 That's a separate process from this process.

4 MR. RILEY: Yes.

5 THE COURT: Basically, your Magistrate Court Appeal,
6 you have to tell me what the Judge did wrong as an error of
7 law, and I've got the court record here and the recording, ~~_____~~
8 so I can listen to that.

9 So you're saying that you didn't have ample
10 opportunity to present your evidence or what exactly did she
11 do wrong?

12 MR. RILEY: Well, for one thing, I should have been
13 able to question my accuser, and I should have been able --
14 the law states that I have a right to introduce anything ~~_____~~
15 into evidence that I think might help my case. That was not
16 accepted.

17 THE COURT: Well, sir, you still have to --

18 MR. RILEY: Although --

19 THE COURT: Just hold on one second. You still have
20 to -- you can't enter anything into evidence that you want
21 to. It has to be entered properly through the Rules of
22 Evidence and the Rules of Procedure. Whether she marked in
23 evidence admissible or not admissible, I don't know until I
24 read her return and listen to the evidence, but you do have
25 a right to cross-examine witnesses if you wish to do so, and

1 I'll have that opportunity to review the record in that.

2 Is there anything else that you're saying you
3 weren't allowed to do?

4 MR. RILEY: Well, Your Honor, I listened to a part of
5 that tape, and a lot of information was missing, especially
6 where the young man stood up with the verdict. It's not
7 there. Now, something about the tape had been doctored. I
8 don't know what they did to it, but I do know that that jury
9 was not unanimous and did not order to find me guilty. And
10 the Judge did not even take the time to find out and ask for
11 the decision unanimous. And I don't see a decision, so I
12 don't know what went on.

13 THE COURT: All right. Thank you, Mr. Riley. I have
14 record the here, and I've got the record of it, so I'll
15 listen to it to see what's in there, but I'm going to hear
16 from the other side as well, okay?

17 MR. RILEY: Okay.

18 THE COURT: Thank you, sir. Mr. Ward?

19 MR. WARD: Thank you, Your Honor. We would ask for
20 this appeal to be denied, ultimately because there is no
21 errors of law. Whether the Judge did not allow -- just
22 because the Judge did not allow evidence to be entered from
23 the defense -- the trial Court has wide discretion in
24 admitting evidence. There could have been a multitude of
25 reasons evidence did not come in, and just because of that,

1 without more showing, there is no error of law there by the
2 Judge.

3 As far as the unanimous verdict, there was no
4 evidence or argument presented that the guilty verdict was
5 not unanimous. I believe the jury verdict form is in the
6 appeal, and it shows it was signed and circled as guilty.
7 There would be no error of law, and this appeal should be
8 dismissed.

9 THE COURT: Thank you, gentlemen. I'll take the time
10 to review the record and listen to the audio of the verdict,
11 and I will let you know of the decision. Thank you.

12 MR. RILEY: Thank you, Your Honor.

13 (END OF TRANSCRIPT OF RECORD.)

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RECEIVED

MAY 15 2017

SC Court of Appeals

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material Proposed to be included by any of the parties and not any other material.

Floyd Riley *Floyd Riley 5-14* 2017
341 Hudson Rd
St George, South Carolina 29477
(843) 563-7812
Attorney for Appellant Pro SE