

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

June 12, 2017

David T. Duff, Esquire
3700 Forest Drive
Suite 404
Columbia, SC 29204

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JUN 12 2017
SC Court of Appeals

Re: John Alden Bauer, III, v. Beaufort County School District
Appellate Case No. 2016-000955

Dear Mr. Duff;

I have made a point of the 17 missing exhibits and that I had never agreed to having my exhibits removed and shredded.

You falsely wrote on page 23 of your Final Brief, *"Regardless, Bauer agreed that the Board Chair's notes as to what was admitted, and what was not, would confirm which documents actually were entered into evidence."* (Supp. R.p. 685, line 21-p. 686, line 23).

As Chairman Evans said he would recognize exhibits that were admitted according to the transcript, *"-- as long as we can figure it out from the transcript, then that will become the record."* See page 5, line 2 (S.R. p. 685, line 2) The transcript is clear.

No one moved nor suggested ignoring the transcript, ignoring the numbered exhibits, removing them, shredding them, and removing the reference to them in the Index. I would never have agreed to that, but that is what happened. All of these exhibits were entered and recorded in the transcript.

On page 23 of your Final Brief you assert: *"Bauer further fails to state what impact the documents, had they been entered, would have had on the issues; and, therefore, fails to demonstrate what harm resulted from these documents not being available to him on appeal."*

"...had they been entered." (?) Of course they were entered!

In my letter to you, and filed with this court, dated August 19, 2016, I made the following points:

- *“Example of importance of missing exhibits: Exhibit 15 revealed false testimony by Alice Walton, Human Resources Officer.*
- *The missing preserved evidence would provide rationale for reversing the Board Order and reinstating me to my job.*
- *I believe that you should, in the interest of justice, take steps for remediation.”*

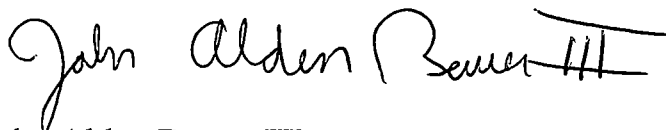
My missing exhibits were the basis of about 100 pages of cross examination. They were also in my notebooks that were never returned to me, including my personal copies. Could you not have preserved one unused notebook? Why did you confiscate my two personal copies.

It is obvious and past time for you to admit that the actions against me were unwarranted and have been a miscarriage of justice from the outset.

I am attaching the list of the exhibits, page 3, and a short sentence about the importance of each.

I hope it will be clear to the court that this case should be reversed for the removal of exhibits, and also for falsifying evidence, no Statement of Charges, firing prior to a hearing, unwarranted delays, and multiple other violations of TEDA and case law. A Statement of Charges (or causes) would have complied with TEDA 460 and 470 and allowed me to prepare a defense and testimony of my own.

Very truly yours,



John Alden Bauer, III
MAT, NBCT

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Missing Exhibits

Page numbers refer to the transcript. For S.R. p. number add 120 to the page number.

Exhibit 13: Page 398 (S.R. p. 518)

Bauer's email to Moss and Walton dealing with all of the issues--"psychiatrist, emails, asking for lawyer to come to meeting, etc."

Exhibit 14: Page 395

Evidence of questioning appropriateness of HRS-16, Sick Leave, for Administrative Leave.

Exhibit 15: Page 404

Dealt with Walton perjury related to meeting March 5, 2014.

Exhibit 16: Page 408

Administration refused to contact parents that Bauer was not accused of anything illegal or immoral. "*We do not speak to employees placed on leave.*" Moss.

Exhibit 17: Page 412

Deals with sick leave. HRS-16. Multiple objections by district to the questions. No objections to the exhibit.

Exhibit 18: Page 425

Deals with TEDA 440, Improvement Plan.

Exhibit 19: Page 433

Document on Teacher Rights. Emails, discovery, etc.

Exhibit 20: Page 445

Federal Law mandating email archives. It's the law but was not done.

Exhibit 22: Page 449

Failure of Walton to honor email promise.

Exhibit 23: Page 461

Classroom teacher fails to take roll.

Exhibit 24: Page 472

Student Health and Fitness Act.

Exhibit 25: Page 475

Also "Health and Fitness Act". Legal limit for PE students is 500. Bauer had over 900.

Exhibit 26: Page 485

Shows benefits, and perfect attendance by Bauer.

Exhibit 27: Page 493 (not marked)

Email from Walton that would allow Bauer to see the emails at the District Office. The offer was accepted by Bauer, but then withdrawn by Walton.

Exhibit 28: Page 495

Dealing with cameras in the gym

Exhibit 29: Page 496

Showing cameras in the gym. Principal McAden denied that there were cameras in the gym. Multiple emails prove perjury.

X
objection, without any objection -- as long as we can figure it out from the transcript, then that will become the record. And again, you know, Mr. Bauer, if you waive your testimony, then the only testimonial evidence in support of your position will be whatever concessions you were able to -- to get on cross-examination.

MR. BAUER: I understand, and that is agreeable.
Thank you.

CHAIRMAN EVANS: Does anybody have anything?

MS. ANDERSON: Can I ask a question --

CHAIRMAN EVANS: Yes. Please go ahead.

MS. ANDERSON: -- so I understand? So does that mean, anything that Mr. Bauer has said, like, in his opening statements and stuff, we cannot consider?

MR. DUFF: Well, technically, that is true. I mean, you know, you've heard things, and you can't erase it from your memory. But, legally, it's not competent legal evidence in the record. The opening statement from either side is not evidence.

MS. ANDERSON: Okay.

MR. DUFF: The only evidence will be -- as I said, the testimonial evidence would be whatever Mr. Bauer has been able to accomplish through his cross-examination sessions, in other words, and the few documents that were admitted without objection, which I think is a very few

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