

June 10, 2017

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JUN 15 2017

S.C. SUPREME COURT

From: David A. Juren
To: Clerk of Court

Subj: Motion Calendar

- (1) Sir with all due respect Sir I would like for your office to time stamp these motions and file one and send me back a time stamp copy in the provided envelope.
- (2) Also I would like for your office to place this motion on your Motion Calendar pertaining to Rule 99 Calendar of Civil Action
- (3) Thank you very much for your precious time and consideration in this matter

Respectfully

David A. Juren

STATE OF SOUTH CAROLINA
County of Richland

THE Supreme Court of
SOUTH CAROLINA

David A. Lured
Plaintiff

vs.

Browyn K. McElveen Ass Solicitor
defendant/
Respondent

Motion for Rule 5
Motion for Rule 6

CASE # 2012-GS-43-1149

Motion to Compel

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S.C. SUPREME COURT

TO: THE Supreme Court of South Carolina
Honorable Donald Beatty

The Plaintiff complaining of the above respondent and making this motion for Rule 5 and Rule 6 under discovery pertaining to "Request and Motion" filed and time stamped Jan 30, 2015 AT 1:02 pm in the Court of General Session, Sumter County Judicial Center. Plaintiff is entitled to Rule 5 and Rule 6 as principle establish in Brady v Maryland 373 U.S. 83, 83 S.C. 1194 (1983) and 14th Amendment of U.S. Constitution due process of law.

(1) Discovery is Required in Fundamental Fairness to the Petitioner to prevent the depriving the petitioner of Substantial Rights if due process in bringing the case against the petitioner

Dyer v. Maryland... f. Supp 3d..., 2016 WL 2939740 (2016)
Russell v Haley... f Supp 3d, 2014 WL 2980341 (D.S.C. 2014)
State v Gael 391 S.C. 179, 705 S.E. 2d 441 (2010)
State v Moses, 390 S.C. 502, 702 S.E. 2d 395 (2010)
State v Smith S.E. 2d 2015 WL 1546263 (2015)

(2) The Request Relevant and would have a direct impact on any judicial determination in this case. And the failure to grant such would have a detrimental affect upon the petitioner due process right, to introduce evidence.

W.F. v S.C. Dept of Ed? Transportation, 790 S.E. 2d 393 (2016)
Tant v S.C. Dept of Cor2 48 S.C. 334, 759 S.E. 2d 398 (2014)

(3) The discovery sought is for the purpose of revealing the fraud and concealing of material facts which is in egregious violation of 18 U.S.C. Sub-Section 1001; 42 U.S.C. 1985(2), (3) and 1986. This is not merely a fishing expedition. The petitioner is attempting to obtain evidence that he knows exist and is relevant to the claim of fraud.

Well Fargo Bank, N.A. -v- Pappas S.E. 2d, 2016 WL 3200188 (2016)

Dora v Cohen S.E. 2d ... 2016 WL 4123949 (2016)

Simmons v State, 416 S.C. 584, 788 S.E. 2d 230 (2016)

(4) We are dealing with a situation here where the Respondent is conspiring under color of State Law and depriving full and proper discovery in violation of due process, and denied the petitioner the equal protection of the law.

Luce v Edmondson Oil Co., Inc 457 U.S. 922, 102 S.Ct. 2744 (U.S. 1982)

France v-Lucas ... F 3d ... 2016 WL 4655743 (2016)

Patterson v- AutoZone Auto Part Inc. F. Supp 2d, 2011 WL 379427 (D.C.C. 2011)

Brower v Holowit2, 535 F. 2d 830 (1976)

Innocent v Bank of New York Mellon, 2016 WL ~~386~~ 386222 (2016)

(5) The evidence and document in question is favorable to the accused. It was in the possession of or known to the prosecutor. It was suppressed by the prosecutor and was material to guilt or punishment, and would reasonably likely would have affected the judgment of the jury and sufficient undermined the outcome in the verdict.

The State, Respondent v Walter Jacob Merka Appellant
S.E. 2d, 2016 WL 5799737 (2016)

Wearry v Cain 136 S.Ct 1002 (U.S. 2016)

Nicoles v Attorney General, Maryland 820 F.3d
124 4th Cir (2016)

U.S. v Burns 2016 WL 3910273 (2016)

State v Brown, S.E. 2d 2016 WL 3093083

(6) Inasmuch the petitioner Motion for Subpoenas
upon the Sumner County Solicitor office, Court Reports
for dates listed. This case will require them to
produce and serve upon the Court and petitioner
Copy of the Client Case file pursuant to discovery,
Transcript of Court proceeding dated Jan 21, 2015,
March 25, 2015, May 13, 2015 and May 18, 2015.
The relevant and evidence of this sought will
prove the following:

- (1) that the Asst Solicitor Brown K. McEwen
lied to Judge James at trial that she gave
discovery to plaintiff on the record on those
date,
- (2) that the Respondent/Defendant acted in egregious
fraudulent conduct, violating due process law that
extremely prejudice the petitioner within the
course of the proceeding.

Therefore the plaintiff prays that the Court would grant this motion.

(7) Plaintiff also ask the Court to subpoena the transcript from the following dates

(A) order to Relieve Counsel Hearing Jan 21, 2015
Judge Honorable Fearrell Cochran

Court Reporter Elizabeth Harris

(B) Bond Hearing for Indictment ^{Warrant} #2014A4320100472
March 25, 2015

The Honorable Fearrell Cochran

Court Reporter Melissa Singletary

(C) Indictment Amendment Hearing May 13, 2015
Judge Honorable Fearrell Cochran

Court Reporter Melissa Singletary

(8) Plaintiff also motion for to pick up order from the Court to S.C.D.C. to transport to Court when this matter is to be heard.

Respectfully

David A. Duren

Copy to:

Bronwyn K. McElreath, Ass Solicitor
215 N. Main St
Sumter, S. C. 29150

Supreme Court of S. C.
Honorable Donald Beatty
Post office box 11330
Columbia, S. C. 29221

Respectfully

David A. Juren