

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Court of General Sessions

Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No: 2015-002107

RECEIVED

SEP 22 2017

SC Court of Appeals

Arnold Lea Ward,

Appellant,

Vs.

State of South Carolina,

Respondant,

OBJECTION TO MOTION TO DISMISS APPEAL
FOR
FAILURE TO CORRECT DEFICIENCIES
AND
LACK OF JURISDICTION

I, Arnold Lea Ward, acting Pro-Se Attorney, [Hereinafter], Appellant, through his undersigned, Would respectfully present to this Honorable Court Objections and Corrections as Follows:

CASE HISTORY

Appellant moves to correct misleading information alledge by counsels Motion, The fifteenth Judicial Circuit records do reflect Appellant was arrested for Attempted Burglary in 2006 (Warrent No: J316250), and was Questionably indicted at a January 25,2007, Common Pleas term in Horry County for Attempted Burglary first Degree,on (Indictment No: 2007-GS-26 00418).. Appellant was represented by William Thomas Floyd,Esquire, and the State was represented by assistant Solicitor Brad Coy Richardson...

Appellant proceeded to trial by jury and was found guilty as charged, Thereafter, The Honorable Steven H. John sentenced Appellant to fifteen (15) years imprisonment, Where he is currently incarcerated in the Department of Corrections...

SUPPORTIVE FACTS

In 2015, Appellant, acting Pro-Se, submitted a SCRCrim.P, rule 29-(b) and 60-(b) " Motion for Newly Discovered Evidence " in the Horry Courts of General Sessions... A hearing on Appellant's motion was convened on September 1,2015, before the Honorable Judge Benjamin H. Culbertson...At the conclusion of the hearing the Honorable judge Culbertson denied the motion,(see: Exhibit #1). Appellant filed a timely motion for reconsideration before the Honorable Judge Culbertson which was denied on September 17,2015, (see: Exhibit #2)... Appellant served and filed a timely Notice of Appeal from the two orders with this Court...

After a extensive time Appellant eventually obtain a transcript from the Horry County Courts on July 10,2017, of the September 1,2015 hearing before the Honorable Judge Culbertson.. On July 31,2017, Appellant filed a Initial-Brief of Appellant on South Carolina Courts of Appeals and the Attorney Generals office, along with all other parties of record...

On August 3,2017 Appellant recieved a notice from courts of deficiency in his Appeal requesting Designation of Matter to be filed with in ten (10) day's of the date of receiptance of the letter... On August 11,2017, Appellant filed Designation of Matter with the South Carolina Courts of Appeals, Attorney Generals office and all other parties of record...

On August 18,2017, Appellant recieved a letter giving notice from the Attorney Generals office claiming failure to receive supportive documents of deficiencies,.. Appellant immediately notified South Carolina Courts of Appeals, Attorney Generals office and all other parties of record of the lost documents processed through departmental mail and requested a extended time to investigate/search for those materials... On August 24, 2017, Appellant recieved notice from Courts of Appeals to file a motion for Extension of Time in pursuant to SCACR: rule 240...

On August 31,2017, Appellant file a Motion for Extension of Time with the South Carolina Courts of Appeals, sending out copies of such actions to Attorney Generals office and all other parties of record requesting a extended time to investigate/search for lost documents and/or a extended

time to prepare duplicate copies of lost documents so as to comply with request and Courts rules of deficiencies...

On September 7, 2017, Appellant file duplicate copies of Initial-Brief of Appellate and Designation of Matter with the South Carolina Attorney Generals office and notified the South Carolina Courts of Appeals Clerk, Ms. Jenny Abbott Kitchings and all other parties of the record of such actions to comply with all request and/or Court rules of deficiency in the case noted above...

CONCLUSION

AS NOTED ABOVE, Appellant respectfully request this Honorable Court to reconize that he has complied with all request and Courts rule's with in the above referenced case... Appellant request a notification that he is incarcerated and limited by the Department of corrections to the access of legal materials and/or time to prepare said documents...

IN FURTHERANCE, Appellant is limited by Department of correction to a specific access to obtain legal copies and is restricted the availability to investigate/search for lost documents processed through the Department of corrections mailing system...

THEREFORE AS STATED ABOVE, Appellant respectfully request this Honorable Court deny the respondants Motion to dismiss Appeal and allow the Appellant a review on the merits of his case as a matter of law...

SEPTEMBER 15, 2017:

Respectfully Submitted,

Arnold Lea Ward # 109169,
Arnold Lea Ward, SCDC #109169
Allendale Correction Institution
Post-office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

CC: South Carolina Courts of Appeals,
Ms. Jenny Abbott Kitchings, Clerk.

South Carolina Attorney General office.
Mr. Alan Wilson, Attorney General.

Horry County Solicitors office.
Mr. Brad Coy Richardson, Solicitor.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
COURT OF GENERAL SESSIONS

BENJAMIN H. CULBERTSON, CIRCUIT COURT JUDGE

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Appellate Case No; 2015-002107

SEP 22 2017
SC Court of Appeals

ARNOLD LEA WARD,

APPELLANT,

Vs.

STATE OF SOUTH CAROLINA,

RESPONDANT,

PROOF OF SERVICE

I certify that on the date stated below, I have served a copy of the original "Objection to Motion to Dismiss Appeal" on the South Carolina Courts of Appeals, Attorney Generals office and all other parties of the record by depositing a copy of the same in the United States mail, Postage prepaid...

September 15, 2017:

Respectfully Submitted,

Arnold lea ward #109169,
Arnold Lea Ward, SCDC #109169
Acting Pro-Se Attorney:

CC: South Carolina Courts of Appeals
Ms. Jenny Abbott Kitchings, Clerk

South Carolina Attorney Generals office
Mr. Alan Wilson, Attorney General

Horry County Solicitors office
Mr. Brad Coy Richardson, Solicitor

Exhibit- (17) Pro 8

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

ORDER IN A CRIMINAL CASE
WARRANT(S) J316250

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S):

State of South Carolina

ARNOLD LEA WARD
DEFENDANT(S)

This form order submitted by: Judge Benjamin H. Culbertson Administrative General Session Judge	Attorney for : <input type="checkbox"/> State <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE

- DECISION BY THE COURT AFTER HEARING. This action came to a hearing before the court. The issues have been heard and a decision rendered. See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE. This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered. See below for additional information.
- MOTION: MOTION FOR NEWLY DISCOVERED EVIDENCE
 - GRANTED DENIED CONTINUED WITHDRAWN
 - WITHDRAWN BY MOVING PARTY: _____
Signature of Moving Party
 - OTHER:

RECEIVED
CLERK OF COURT
AM 8:27

IT IS ORDERED AND ADJUDGED: See Order of the Court below See attached order
 Formal Order to follow; to be prepared by: State Defendant Other: _____

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

Benjamin H. Culbertson
Circuit Court Judge

2148
Judge Code

Sept. 1, 2015
Date

Exhibit (2)

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

ORDER IN A CRIMINAL CASE
WARRANT(S) J316250

IN THE COURT OF GENERAL SESSIONS

INDICTMENT(S): 2007GS00418

State of South Carolina

ARNOLD WARD
DEFENDANT(S)

This form order submitted by: Judge Benjamin H. Culbertson
Administrative General Session Judge

Attorney for : State Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE

- DECISION BY THE COURT AFTER HEARING. This action came to a hearing before the court. The issues have been heard and a decision rendered. See below for additional information.
- DECISION BY THE COURT AFTER STATUS CONFERENCE. This case came for a status conference before the court. The status of this case and pending issues in this case were discussed and a decision rendered. See below for additional information.
- MOTION: MOTION FOR RECONSIDERATION
 - GRANTED DENIED CONTINUED WITHDRAWN
 - WITHDRAWN BY MOVING PARTY: _____
Signature of Moving Party
 - OTHER: *This motion is decided without oral argument.*

IT IS ORDERED AND ADJUDGED: See Order of the Court below See attached order
 Formal Order to follow; to be prepared by: State Defendant Other: _____

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

2015 SEP 21 AM 8:27
MET. ARNOLD WARD
CLERK OF COURT

Benjamin H. Culbertson
Circuit Court Judge

2148
Judge Code

Sept. 17, 2015
Date

Arnold Lea Ward, SCDC #109169
Allendale correction Institution
Post-office Box 1151 F-3-B-23
Fairfax, South Carolina 29827

September 15, 2017

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post-office Box 11629
Columbia, South Carolina 29211

RECEIVED

SEP 22 2017

SC Court of Appeals

RE: Arnold Lea Ward Vs, The State
Appellate Case No: 2015-002107

Dear Ms. Kitchings,

Enclosed please find for filing in your respectful Courts a copy of the original Appellants "Objection to Motion to Dismiss Appeal" and Proof of Service on the above referenced Case...

Appellant would like to take the time to thank you and your office in advance for any or all assistance that may be provided in helping to procure this matter...

Sincerely,

Arnold Lea Ward #109169,
Arnold Lea Ward, SCDC #109169
Acting Pro-Se Attorney:

CC: South Carolina Courts of Appeals
Ms. Jenny Abbott Kitchings, Clerk

South Carolina Attorney Generals office
Mr. Alan Wilson, Attorney General

Horry County Solicitors office
Mr. Brad Coy Richardson, Solicitor

old Lea Ward, SEDC # 109169
Dale Correction Institution
- office Box 1151 - F.3-B-23
Rox. South Carolina 29827

RECEIVED
SEP 18 2017
MAILROOM
ACI

Gal-Mail

South Carolina Court of Appeals:
Honorable, Ms. Jenny A. Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina 29211