

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM Horry COUNTY
COURT OF COMMON PLEAS

OCT 16 2017
SC Court of Appeals

BENJAMIN H. CULBERTSON, CIRCUIT COURT JUDGE
APPELLATE CASE NO. 2017-001381

RICHARD B. LAMB

APPELLATE

STATE OF SOUTH CAROLINA ^V DMV. RESPONDENT
OFFICE OF GENERAL COUNSEL

INITIAL BRIEF OF APPELLANT

RICHARD B. LAMB
9541 MAISON CT
MYRTLE BEACH, SC
29572

843-516-0468

PRO SE APPELLANT

TABLE OF CONTENTS

ISSUES ON APPEAL	P.3
STATEMENT OF CASE	P.4
STATEMENT OF FACTS	P.5
ARGUMENTS	P.6-8
CONCLUSION	P.9
RELIEF REQUESTED	P.9-10

ISSUES ON APPEAL

THE APPLICATION OF THE STATUTE OF LIMITATIONS. APPELLANT CONTENDS THE LOWER COURT ERRED WHEN IT APPLIED §15-78-110 STATUTE OF LIMITATIONS BEGINS TO RUN WHEN A SHAM LEGAL PROCESS WAS DISCOVERED AND AN INSURANCE CLAIM FILED, THEN THE STATUTE OF LIMITATIONS, RUNS FOR 3 YEARS FROM THAT POINT.

APPELLANT CONTENDS THE LOWER COURT ERRED AND IGNORED THE PORTION OF §15-78-60, SUBSECTION(12) "EXCEPT WHEN THE POWER OR FUNCTION IS EXERCISED IN A GROSSLY NEGLIGENT MANNER," APPELLANT CONTENDS IT IS.

STATEMENT OF THE CASE

ON NOVEMBER 25, 2008 RESPONDENTS MAILED AN FR4 NOTICE WHICH APPELLANT RECEIVED ON DECEMBER 17, 2008 AND CONTACTED RESPONDENT AT THAT TIME AND WAS ADVISED THAT LICENSE HAD ALREADY BEEN SUSPENDED BECAUSE I HAD BROKEN THE LAW AND THAT I HAD TO PAY THE FINE OF 425.00.

APPELLANT WAS PUZZLED AND CONFUSED DUE TO THE FACT I HAD NEVER RECEIVED A CITATION AND HAD NEVER BEEN CONVICTED IN A COURT OF LAW. AFTER YEARS OF RESERCH AND EDUCATING MYSELF OF SOUTH CAROLINA STATUTORY CODE LAWS TITLE 56, TITLE 1, TITLE 16 AND ALL OF THEIR CHAPTERS, APPELLANT REALIZED HE WAS A VICTIM OF A SHAM LEGAL PROCESS AND FILED A CLAIM IN JUNE, 2015 WITH THE STATES INSURANCE "STATE FISCAL ACCOUNTABILITY AUTHORITY INSURANCE RESERVE FUND" THEN DENIED IN OCTOBER 26, 2015.

STATEMENT OF FACTS

- 1, RESPONDENTS ADMISSION OF GUILT OF § 56-10-650 AND § 1-23-370 BY SWORN AFFIDAVIT DATED MARCH 23, 2017
- 2, RESPONDENTS CANNOT LAWFULLY SUSPEND LICENSE FOR MORE THAN A YEAR PER § 56-1-380
- 3, RESPONDENTS ADMITTANCE OF GUILT TO § 16-9-10 GIVING FALSE, INCOMPLETE, MISLEADING, RECORD, REPORT DOCUMENT IN THEIR AFFIDAVIT ABOUT NOTICE MAILED TO APPELLANT.
- 4, APPELLANT DISCOVERED HE WAS A VICTIM OF A SHAM LEGAL PROCESS AND FILED A CLAIM WITH RESPONDENTS INSURANCE COMPANY JUNE, 2015.

ARGUMENTS

APPELLANT ARGUES THAT THE LOWER COURT ERRED OR SIMPLY OVERLOOKED A PORTION OF § 15-78-60 SUBSECTION (12) EXCEPT WHERE THE POWER OR FUNCTION IS EXERCISED IN A GROSSLY NEGLIGENT MANNER. APPELLANT CONTENDS THAT THE FACT OF THE DRIVERS LICENSE WAS SUSPENDED FOR 8 1/2 YEARS IS GROSSLY NEGLIGENT BECAUSE IT VIOLATES § 56-1-380 AUTHORITY TO SUSPEND IS ONLY ONE YEAR. COMBINING THAT WITH THE FOLLOWING STATUTORY LAW VIOLATIONS § 56-10-650 NOT ALLOWING FOR PROPER NOTICE, § 16-9-10 GIVING FALSE, INCOMPLETE, MISLEADING, RECORD, REPORT, DOCUMENT IS EXTREMELY NEGLIGENT.

FURTHER MORE ON THE ISSUE OF
STATUTE OF LIMITATIONS RESPONDENT
AND THE LOWER COURT HAS NOT APPLIED
THE FACT THAT A SHAM LEGAL PROCESS
WHICH INCLUDED MULTIPLE VIOLATIONS
OF SOUTH CAROLINA ADMINISTRATIVE
AND CRIMINAL LAW WAS FIRST
DISCOVERED IN JUNE OF 2015 AND THAT
§ 15-78-110 PROVIDES "THAT IF THE
CLAIMANT FIRST FILED A CLAIM PURSUANT
TO THIS CHAPTER, THEN THE ACTION
FOR DAMAGES BASED UPON THE SAME
OCCURANCE IS FOREVER BARRED UNLESS
THE ACTION IS COMMENCED WITHIN 3
YEARS OF THE DATE THE LOSS WAS OR
SHOULD HAVE BEEN DISCOVERED."
APPELLANT DISCOVERED AND FILED
VIOLATION AND CLAIM JUNE, 2015
INSURANCE CORRESPONDENCE ATTACHED.
APPELLANT CONTENDS STATUTE OF
LIMITATIONS RUNS THRU JUNE OF 2018,

THE LOWER COURT INSTRUCTED
RESPONDENTS TO WRITE THE FINAL
ORDER AND PRESENT TO THE LOWER
COURT JUDGE FOR A SIGNATURE. RESPONDENTS
INFER THAT APPELLANT KNEW OF THESE
VIOLATIONS BACK IN JANUARY OF 2009
THAT STATEMENT IS INCORRECT, ARBITRARY,
BIAS, UNFOUNDED BY FACT AND SUBMIT
THIS ARGUMENT TO THE APPELLANT COURT
SINCE RESPONDENTS ARE WRITING THE
FINAL ORDER WHEN DID THEY DISCOVER
OR SHOULD OF DISCOVERED THEIR VIOLATIONS,
APPLYING THEIR LOGIC TO THEMSELVES
INDICATES THAT THEY WERE KNOWING
AND A WILLING PARTICIPANT IN VIOLATING
MANY SOUTH CAROLINA LAWS AND
CONSTITUTIONAL RIGHTS OF THE APPELLANT
WHICH FURTHER SUPPORTS APPELLANTS
CONTENTION OF A SHAM LEGAL PROCESS
WHICH DOES NOT HAVE ANY STATUTE OF
LIMITATION.

CONCLUSION

THERE IS NO ISSUE OF GUILT BY THE RESPONDENTS, THEY ADMITTED IT IN THEIR SWORN AFFIDAVIT DATED MARCH 23, 2017, THE LAW IS VERY CLEAR ON HOW MUCH AUTHORITY RESPONDENTS HAVE §56-1-380 ONLY 1 YEAR SUSPENSION, THE TORT CLAIMS ACT DOES ALLOW TORT DAMAGE FOR NEGLIGENCE § 15-78-60 SUBSECTION (12).

RELIEF REQUESTED

VACATE LOWER COURTS ORDER OF SUMMARY JUDGEMENT AND GRANT APPELLANT SUMMARY JUDGEMENT ORIGINAL RELIEF DEMANDED AS THERE IS NO ISSUE TO GUILT, THEY ADMITTED IT.

I SUBMIT THIS TO THE CLERK OF THE
APPELLANT COURT THIS OCTOBER 14, 2017
FOR FILING AND SWEAR BY MY SIGNATURE
ON THIS PAGE THAT I HAVE SERVED ONE
COPY OF MY INITIAL BRIEF ON RESPONDENTS
THE SAME DAY

OCTOBER 14, 2017

RECEIVED

OCT 16 2017

SC Court of Appeals

Richard B. Lamb

RICHARD B. LAMB

9541 MAISON CT.

MYRTLE BEACH, SC

29572

843-516-0468

PRO SE

DOUGLAS C. BAXTER

ESQUIRE, SC BAR NO. 6272

P.O. BOX 3646

MYRTLE BEACH, SC 29578

843-448-1008 843-448-1533

FAX

ATTORNEY FOR RESPONDENT

WRITE FIRMLY WITH BALL POINT PEN ON HARD SURFACE TO MAKE ALL COPIES LEGIBLE.



EL688577548US

CUSTOMER USE ONLY

FROM: (PLEASE PRINT)

PHONE ()
RICHARD B. LAMIB
9541 MAISON CT
MYRTLE BEACH, SC 29577

RECEIVED

PAYMENT BY ACCOUNT (if applicable)

DELIVERY OPTIONS (Customer Use Only)

SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

Delivery Options

- No Saturday Delivery (delivered next business day)
- Sunday/Holiday Delivery Required (additional fee, where available)*
- 10:30 AM Delivery Required (additional fee, where available)*

*Refer to USPS.com® or local Post Office™ for availability.

TO: (PLEASE PRINT)

PHONE ()
SOUTH CAROLINA COURT OF APPEALS
FENNY ABBOTT, KITCHINGS, CLERK
P.O. BOX 11629
COLUMBIA, SC 29211

ZIP+4® (U.S. ADDRESSES ONLY)

29211

- For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.
- \$100.00 insurance included.

LETTERS



**UNITED STATES
 POSTAL SERVICE®**

**PRIORITY
 * MAIL *
 EXPRESS™**

ORIGIN (POSTAL SERVICE USE ONLY)

- 1-Day 2-Day Military DPO

RO ZIP Code 29579	Scheduled Delivery Date (MM/DD/YY) 10/16	Postage \$ 23.5	
Date Accepted (MM/DD/YY) 10/14	Scheduled Delivery Time <input type="checkbox"/> 10:30 AM <input type="checkbox"/> 3:00 PM <input checked="" type="checkbox"/> 12 NOON	Insurance Fee \$	COD Fee \$
Time Accepted 12:05	<input type="checkbox"/> AM <input type="checkbox"/> PM	Return Receipt Fee \$	Live Animal Transportation Fee \$
Special Handling/Fragile \$	Sunday/Holiday Premium Fee \$	Total Postage & Fees \$ 23.75	
Weight lbs. ozs.	<input checked="" type="checkbox"/> Flat Rate	Acceptance Employee Initials	

DELIVERY (POSTAL SERVICE USE ONLY)

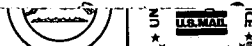
Delivery Attempt (MM/DD/YY) 10/16	Time 623	Employee Signature CS
Delivery Attempt (MM/DD/YY) 10/16	Time 16:07	Employee Signature CS

LABEL 11-B, OCTOBER 2016

PSN 7690-02-000-9996

3-ADDRESSEE COPY

VISIT US AT USPS.COM
 FREE SUPPLIES ONLINE



POSTAL SERVICE