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NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
in the Court of Appeals

Ms. Carmen T. Mullen, Circuit Court judge

RECEIVED
NOV 20 2017
SC Court of Appeals

Case No. 2017-001017

Lynne Van House,
Acting pro se

Appellant,

v.

Colleton County

Respondent

MOTION FOR RECONSIDERATION OF ORDER
DENYING EXCULPATORY EVIDENCE FROM RESPONDANT

Sean P. Thornton,
County Attorney
PO Box 157
Walterboro, SC 29488

Lynne Van House
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Round O, SC 29474
(843) 835-8038

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

APPEALS COURT OF
SOUTH CAROLINA

LYNNE VAN HOUSE, APPELLANT

CASE NO. 2017-001017

v.

COLLETON COUNTY, RESPONDENT

MOTION FOR RECONSIDERATION
OF ORDER FILED NOVEMBER 7, 2017

HERE COMES Lynne Van House, Appellant, who asks of this Court a RECONSIDERATION of the order denying her request for a demand of Colleton County for Exculpatory Evidence for her defense.

The ONLY reason this Motion was submitted was because the County has given Appellant NO evidence or exhibits at all in this case, despite repeated written Motions of Discovery submitted in Magistrate and Criminal Court, verbal requests submitted in Magistrate Court, and one Compel to Produce Evidence Motion submitted in Common Pleas Court.

These have simply been ignored, NOT RULED ON, and no evidence ever handed over.

The County has refused me the ability to see or evaluate any evidence, and did not allow any that may be used in my defense to be part of the Lower Court's decision. The evidence could not be questioned or countered in the lower Courts because they ignored Appellant's Motions of Discovery, and their legal requirement to produce it.

Appellant alleges that ignoring the many citations of law that Colleton County is well aware of; REQUIRING them to submit to me ANY possible exculpatory evidence they have in their possession; especially the list of particular exhibits that was submitted with the Motion for Exculpatory Evidence is simply irresponsible, unlawful, and unjust.

Citations of law and reasoning for allowing this Motion are as follows:

Inasmuch as “Discovery is a procedure designed to allow disclosure of information between Plaintiffs and Defendants. Written questions, oral questioning, document production and admissions requests are generally allowed. Discovery was designed to to prevent trial by ambush.” The fact that they have allowed me no discovery of evidence clearly shows their intention is to ambush me.

“Parties may obtain discovery by one or more of the followings methods: depositions upon oral examinations or written questions, written interrogatories, production of documents or things or permission to enter upon land or other property, physical and mental examinations, and requests for admission. Rule 26(a) SCRPC”

“Parties may gain discovery regarding any matter, not privileged, which is relevant to the subject matter in the pending action. Rule 26(b)(1) SCRPC”.

“Any party may serve upon another party a request to produce certain documents, not privileged, to be inspected and copied. Rule 34(a) SCRPC”

“A party, upon reasonable notice to the other parties may apply for an order compelling discovery. If a party refuses to allow inspection or fails to answer a question propounded or submitted under Rule 30 or 31, the discovering party may move for an order compelling an answer. Rule 37. SCRPC”

”*Brady v. Maryland* 273 U.S. 83, (1963) “It is a violation of Constitutional due process for prosecution to withhold evidence...the prosecution must turn over all evidence that might exonerate the defendant (exculpatory evidence) to the defense.”

Stokes v. Spartanburg Med. Ctr., 368 S.C. 515, 522, 629 S.E. 2D 675, 679 Ct. App. 2006) “The effect of the doctrine of spoliation, when applied in a defensive manner, is to allow a defendant to exculpate itself from liability because the plaintiff has barred it from obtaining evidence”.

United States v. Agurs, no. 75-491 (1976) "if the omitted evidence creates a reasonable doubt of guilt that did not otherwise exist, constitutional error has been committed. Pg 112-114....the prosecution's duty to disclose (under Brady) does not require a request by the defense."

Kyles v. Whitley, 514 US 419 (1995) "Shows that the Brady rule is not limited to evidence known only to the prosecutor—but applies to evidence known to other agents on the prosecution team, e.g. the police etc."

therefore, for these reasons, particularly those of their refusal to produce evidence so it could be included in the record this Court will rule on; Appellant begs this court to reconsider it's Order and demand that Colleton County produce the Exculpatory Evidence requested.

cc: Sean P. Thornton,

County Attorney-Respondent

PO Box 157

Walterboro, SC 29488

843-549-1725

s/s Lynne Van House

Lynne Van House—Appellant (pro se)

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In the Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge NOV 20 2017

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Case No. 2017-001017

Colleton County, et. al.

Sean P. Thornton, Attorney of Record

Respondent

v.

Lynne Van House

Appellant

PROOF OF SERVICE

I certify that I have served the Motion for a Reconsideration of the Order regarding Exculpatory Evidence on Colleton County, et. al. by personally placing a copy in Attorney Sean P. Thornton's Inbox at the Colleton County Clerk's Office in Walterboro, SC 29488 on November 16, 2017.

November 16, 2017

Sincerely,

s/ 

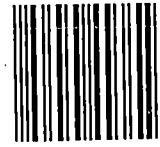
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FROM:

Lynne Van Hous'e
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