

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from Florence County Court of Common Pleas
Thomas Russo, Court Judge

Case No. 2016-cp-21-2533

R&R Cleanings, Respondent,
Natalie Harris

V.

Edward Spears, Appellant.

Initial Brief of Appellant

RECEIVED
OCT 27 2017
SC Court of Appeals

Edward Spears
503 Roughfork Street
Florence, SC 29501
843-496-3711

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State of Issues on Appeal

1. Did Judge Langely deliberately obstruct justice when he gave the defendant's lawyer a disposition June 8 dismissing a case with prejudice that he recently dismissed without prejudice.
2. Did Judge Becker violate rule 10 of the bench book rules for civil cases when he allowed in a default hearing the defendant's lawyer to present evidence that was a liability to me.
3. Did Judge Rivers err in his decision to give me a jury trial without any legal basics?
There were no motions, appeals, ect. filed ~~by~~ ^{By} me or the defendants requesting a jury trial or complaint hearing.
4. Did Judge Russo err in his decision to dismiss the appeal case with prejudice saying the case violated or was barred by res judicata?
5. Did Mike Hopewell, attorney for the defendants, commit perjury and deception of the courts when he presented a June 8th disposition he knew contained false and untrue statements.

P1

Statements of the Case

I filed a two part lawsuit against R&R Cleaning and security guard Matt Rogers (see exhibit 1) on January 19, 2016. A pretrial hearing was scheduled on April 7, 2016 (see exhibit 2).

The case against Matt Rogers was dismissed with prejudice and without prejudice against R&R Cleaning unit I did administrative remedies (filing with SHAC) (see exhibits 3 & 4)

After administrative remedies I refilled lawsuit June 22, 2016 (see exhibit 5)

Then on June 23rd one day after filing the new lawsuit, I mysteriously receive a certificate of service along with a final disposition signed by Judge Langely stating all three cases against the defendants were dismissed with prejudice. There were no legal reasons for the judge to change his decision. (see exhibit 6 & 7) (Natalie Harris was the supervisor)

The final disposition came directly from the defendant's lawyer's office. I never received any disposition by mail on magistrate stationary from Florence Magistrates office. They couldn't retrieve any records or date indicating it was mailed to my address. It seems as though Judge Langely was working with the defendant's lawyer to obstruct justice. I have filed many complaints on this judge. One on how he treats black lithogens. This could very well been a retaliation. When I went to the clerk's office to ask why the change in decision the clerk went to the judge's office and he said to her flatly, "Tell Edward I am not going to give him any reason why I changed my decision and I am not going to retract the final disposition." Without reason for the final disposition there were no grounds for an appeal and no grounds for an appeal and no grounds for any future lithogations. The final disposition is clear and convincing evidence this so called judge obstructed justice. He violated rule 502 (rule ~~12~~ to 6 & 9). He also violated rule 501 canon 3 (see exhibit 8 & 9).
7a

The company (R & R Cleaning) defaulted on the new lawsuit I filed and a damage hearing was set August 15, 2016. (see exhibit 10)

In the mean time I contacted the head magistrate Sandra Grimesly to get Judge Langely to retract the disposition. Ms. Grimesly's office is in Lake City. She contacted him and this must have made him mad because he gave her, which she mailed to me, a hand written disposition unsigned. It looked as if a first grader wrote it and not an official magistrate stationary. It did however state that R & R was dismissed without prejudice at the bottom page (see exhibit 11 & 12). He sent it only four days before the default hearing.

In the default hearing held August 15, 2016 Judge Becker joined Judge Langely in sabotaging the case saying the disposition sent to me by Judge Langely did not look official but the one he gave the defendant's lawyer did. When I asked him to check with Ms. Grimsely and show the letter from her and to check with Langely to confirm his decision on April 7, 2016 he refused. This is evidence he did not care for the truth in this case only his loyalty to Judge Langely. The case was dismissed. Judge Becker also violated rule 10 of the bench book for court judges by allowing the disposition as evidence in a default hearing. (see exhibit 13 highlighted)

P2

After many arguments and calls to Sandra Grimsely she finally convinced Judge Langely to give me a signed disposition. (see exhibit 14)

She also, after confirming with the judge and clerk of court that the case was dismissed without prejudice, that the default hearing should be reopened. (see exhibit 15) She also explained to me that the preceding judge would fully understand the previous trials and only damages were to be discussed. (see exhibit 16 highlighted) three pages

However Judge Jerry Rivers on the day of the default hearing must have been smoking drugs. He seemed very mentally confused as though he has on medication and did not know anything about the case. He then blurted out "I am going to turn this case into a complaint trial and give Mr. Spears a jury trial." I explained to him this was a default hearing and not a pretrial or complaint hearing but he kept talking over me telling me without reason "I am going to give you a jury trial." I said to myself what kind of sicko nuts they have in this place.

I appealed the case on February 16, 2017 before Judge Russo. Judge Russo claimed the lawsuit filed June 22nd was barred because of the doctrine of res judicata. This means the actions of both lawsuits were the same. I explained this was not true that the lawsuit filed on January 19th and June 22, 2016 did not violate the doctrine of res judicata because it did not contain the three elements necessary to make that assessment. The names are different, the case numbers are different, cause of action is different, and the case was dismissed without prejudice. Also page 2 of the appeal decision states that the defendant's lawyer was present when Judge Langely dismissed the case against R & R Cleaning without prejudice. (see exhibit 17 highlighted 5 pages). SO why would Judge Russo rule the doctrine of res judicata was violated ~~in~~ beyond me!

is

Another piece of evidence to show the case was dismissed without prejudice is a disposition sent to me that was given to defendant Matt Rogers (security guard) lawyers. It states that (on top left) Matt Rogers only was dismissed with prejudice. The work only indicates there were more cases (see exhibit 18).

There you have three pieces of clear and convincing evidence that the case of R & R Cleaning was dismissed without prejudice. You have exhibits 14, 17, and 18. There should have never been a final disposition on June 8th. The signed disposition by Langely was misplaced before the appeal in February 2017. However the testimony of defendant lawyer served as well.

Mike Hopewell, the defendant's lawyer, committed perjury on the default hearings on August 15th, September 15, 2016, and an appeal hearing on February 16, 2017. In each of these trials Mr. Hopewell brought in a disposition he knew contained false information. To confirm he knew it contained false information simply go to the decision of the appeal (exhibit 17, then go to page 2 highlighted and you will see he openly admitted he heard the case against R&R Cleaning and Natalie Harris was dismissed without prejudice. This is a direct violation of rule 402K Lawyer's Oath. All this was done after taking an oath to tell the truth. The disposition was also irrelevant in a default hearing.

P3

Arguments/Relevant Facts

Because Judge Langely displayed ethical violations, there was absolutely no reason to send the defendant's lawyer a disposition on June 8th saying the case against R&R Cleaning and Harris was dismissed with prejudice. On a hand disposition in which he signed and sent to me by head magistrate Sandra Grimesly he stated the case with R & R Cleaning and Harris (see exhibit 14) was dismissed without prejudice on April 7, 2016. I was satisfied with the decision on April 7th and there was no need at time to appeal. The judge also refused to give any reason for the June 8th disposition which left no grounds for appeal. This was deliberately act of obstruction of justice by a judge. This is also a violation of Rule 7A (6 & 9) sending out an order untimely and without cause.

502

Because Judge Becker displayed total ignorance of civil court procedures in civil court in a default hearing according to rule 10 of South Carolina Bench Book rules a defendant in a default hearing cannot bring any evidence or testimony that's liability to the plaintiff. In a default means that appellant fail to answer in a thirty day period. Then the magistrate court not the lithogens bring a default against the party who fails to answer. Therefore, you cannot bring evidence against the party who filed the lawsuit.

Because Judge Rivers attempted to give me a jury trial without any legal basics which would give the defendants a chance to give their answers again in 30 days; this would not have been fair to me and would be in violation by the judge under Canon 3 (see exhibit 8). Also there are no motions or appeals filed by either party for a complaint hearing. The rooster called for a default hearing on September 15, 2016. This could not be changed without legal reason (see exhibit 15).

Because Judge Russo failed to understand how res judicata did not fit in this case; Judge Russo seemed to be very, very confused in his decision making process. He dismissed the appeal in February 2017 saying that it violated res judicata, yet on page 2 of the appeal decision (see exhibit 17) it clearly states in the trail that a new case was filed against R&R Cleaning on June 22, 2016. The first lawsuit was filed January 19, 2016. The second lawsuit contained different names (excluding Matt Rogers) and the defendant's lawyer on page 3 of the decision admitted the case was dismissed without prejudice. With the change of names, the change of names, the change of cause of action, and dismissal without prejudice it could not meet a violation of res judicata (see exhibit 1 and 5).

Because the defendant's lawyer committed perjury and deception of the courts by using a disposition he knew contained false information to argue a violation of res judicata; in a default hearing the defendant's lawyer brought to court a disposition dated June 8, 2016 saying the case against R&R Cleaning and Harris was dismissed with prejudice. He knew first hand this was not the case. To confirm this simply look at exhibit 17 on page two. He did this a total of three times. After taking an oath to tell the truth (see exhibit 13A and 17A). Lawyers take an oath to tell the truth this lawyer most certainly failed (see exhibit 17B).

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Conclusion

This case has been nothing less than a lynching by four judges and a lawyer with Judge Langely bringing the rope. These judges and lawyer have displayed total disrespect for the judicial system and the rules that governs it. For that reason, I pray that this case goes back to the magistrate court for a default hearing where it should have been August 15, 2017.

October 16, 2017



Edward Spears
503 Roughfork Street
Florence, SC 29501
edward4920@att.net
843-496-3711

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In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
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Thomas Russo, Court Judge

Case No. 2015-002056

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R&R Cleaning Service
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v.


Edward Spears,

Appellant.

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I certify that I have served initial briefs by hand delivery and mailed by U.S. postage prepaid to the Court of Appeals, 1220 Senate Street, Columbia, SC 29201, Attorney Mike Hopewell, 180 Evans Street, Florence, SC 29501, S.C. Court of Common Pleas, 180 North Irby Street, Florence, SC 29501, and Florence Magistrate Court, 180 North Irby Street, Florence, SC 29501.

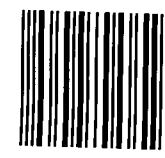
October 23, 2017


Edward Spears
503 Roughfork Street
Florence, SC 29501
843-496-3711
edward4920@att.net

Edward Spowers
503 Roughfork St
Flo., S.C. 29501

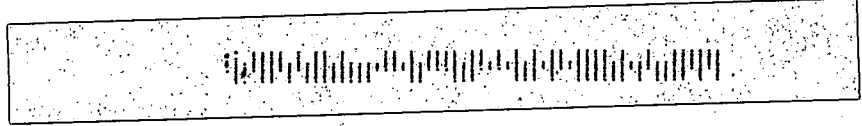


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