

ORIGINAL

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

JAN 19 2018

APPEAL FROM HORRY COUNTY

SC Court of Appeals

COURT OF COMMON PLEAS

BENJAMIN H. CULBERTSON, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2017-001381

RICHARD B. LAMB

APPELLANT

V

STATE OF SOUTH CAROLINA DMV.

OFFICE OF GENERAL COUNSEL

RESPONDENT

APPELLANT'S ANSWER TO RESPONDENTS  
MOTION TO SUPPLEMENT THE RECORD ON  
APPEAL

APPELLANT RICHARD B. LAMB WILL AGREE  
TO RESPONDENTS MOTION TO SUPPLEMENT  
THE RECORD ON APPEAL AND LEAVE TO STAY  
TIME LIMITS BY 20 DAYS ON THE FOLLOWING  
CONDITIONS. FIRST CONDITION, APPELLANT  
GETS TO SUPPLEMENT HIS RECORD ON APPEAL  
AND THE TIME LIMITS FOR FILING HIS FINAL  
BRIEF WITH THE REQUESTED SUPPLEMENTS

ADDED TO THE RECORD ON APPEAL AND  
INCORPORATED INTO APPELLANTS FINAL BRIEF  
BY 20 DAYS FROM THIS DATE JANUARY 16, 2018

APPELLANT WISHES TO SUPPLEMENT THE  
RECORD ON APPEAL WITH THE FOLLOWING  
DOCUMENTS TO BE INCLUDED IN APPELLANTS  
FINAL BRIEF

EXHIBIT 1 - RESPONDENTS STATEMENT DATED  
AUGUST 15, 2017 ACKNOWLEDGING THAT THE  
PAYMENT OF THE FINE AND REINSTATEMENT  
OF APPELLANTS DRIVERS LICENSE IS PART  
AND PARCEL TO THE CASE BEFORE THIS COURT  
RIGHT NOW. THIS GOES TO THE CONTINUING  
NATURE OF THEIR ILLEGAL ACTS AS THEY  
HAVE ADMITTED TO THE VIOLATION OF SOUTH  
CAROLINA STATUTORY CODE LAW AND  
CONSTITUTIONAL RIGHTS OF THE APPELLANT IN  
THEIR AFFIDAVIT OF GUILT THERE TO IN LINES  
5, 6 + 7 OF RESPONDENTS AFFIDAVIT DATED  
MARCH 23, 2017.

EXHIBIT 2- PROOF DEMONSTRATING APPELLANT WAS STILL REQUIRED TO PAY FINE TO RESPONDENTS AND DID PAY FINE EVEN AFTER THEIR ADMITTANCE OF GUILT 3½ MONTHS EARLIER OF A PURJURED DOCUMENT, NOTICE, FR-4 FORM, INSTRUMENT THAT VIOLATED APPELLANTS CONSTITUTIONAL RIGHTS AND STATUTORY SOUTH CAROLINA CRIMINAL CODE LAW. THE ACCEPTANCE OF MONIES MAKES THIS<sup>A</sup> CONTINUING OFFENCE.

EXHIBIT 3- A LETTER FROM RESPONDENTS INSURANCE PROVIDER STATING THEIR INVESTIGATER / ADJUSTER CAME TO THE CONCLUSION THAT I FAILED TO COMPLY WITH THE REQUEST OF GETTING PROOF OF INSURANCE AND WAS GIVEN OPPORTUNITY TO DO SO. WE NOW KNOW THAT IS NOT TRUE BY THEIR ADMITTANCE IN SWORN AFFIDAVIT DATED MARCH 23, 2017 THAT MANDATED OPPORTUNITY WAS NOT GIVEN. THERE IS NOTHING IN THEIR CONCLUSION IN REGARDS TO ISSUES OF TIME LIMITATIONS

EXHIBIT 4- UNITED STATES ATTORNEY'S MANUAL, CHAPTER / SUBJECT 65 | STATUTE OF LIMITATIONS FOR CONTINUING OFFENSE, IT STATES THAT THE STATUTE OF LIMITATIONS BEGINS TO RUN WHEN THE OFFENSE IS COMPLETED.

RESPONDENTS ACKNOWLEDGED IN EXHIBIT 1  
THAT REINSTATEMENT OF APPELLANTS DRIVERS  
LICENSE WHICH OCCURED AS STATED IN  
EXHIBIT 2 ON JULY 7, 2017 IS PART AND PARCEL  
AND APPELLANT CONTENDS THAT IS THE  
COMPLETION OF OFFENCES COMPLETED BY  
RESPONDENTS.

JANUARY 17, 2018

RESPECTFULLY,

*Richard B. Lamb*

RICHARD B. LAMB  
9541 MAISON CT  
MYRTLE BEACH, SC 29572  
843-516-0468  
PRO SE

DOUGLAS C. BAXTER  
P.O. BOX 3646  
MYRTLE BEACH, SC 29578  
ATTORNEY FOR RESPONDENT

Reply To:  
Myrtle Beach  
[dbaxter@richardsonplowden.com](mailto:dbaxter@richardsonplowden.com)  
Direct Dial: 843-443-3580

August 15, 2017

EXHIBIT 1

Richard B. Lamb  
9541 Maison Court  
Myrtle Beach, SC 29572

Re: Richard B. Lamb v. State of South Carolina DMV, Office of General Counsel  
C/A No.: 2017-CP-26-0489  
RPR No.: 181-891

Dear Mr. Lamb:

In response to your email to Chris Lombard dated August 6, 2017, it is the Defendant's position that the reinstatement of your driver's license does not constitute a new claim and is part and parcel of the causes of action asserted in the current litigation, which is on appeal. Additionally, it appears that, other than the reinstate fee, you are claiming the same damages as were asserted in the current litigation.

Sincerely yours,

  
Douglas Charles Baxter

DCB/geh



**SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  
0074 N. Myrtle Beach  
107 HWY 57 NORTH  
LITTLE RIVER, SC 29566-0000**

**Receipt of Fees Paid  
7/7/2017 1:22:40 PM**

**EXHIBIT 2**

**30262319  
LAMB, RICHARD B  
9541 MAISON CT  
MYRTLE BEACH, SC 29572-5177**

**Reference No: 128226401**

**SERVICES**

<b>Customer Name</b>	<b>ServiceDescription</b>	<b>Identifier</b>	<b>Amount</b>
LAMB, RICHARD B	REINSTATEMENT	006153511	\$200.00
LAMB, RICHARD B	REINSTATEMENT	006153511	\$200.00
LAMB, RICHARD B	RENEW REGULAR DL	DL 0101451988	\$25.00
		<b>Donate Life SC:</b>	\$0.00
		<b>Total Fees Due:</b>	\$425.00

**PAYMENTS**

<b>NANCYLAMBI</b>			
Card Type: MasterCard	Card Number: XXXXXXXXXXXX7651	Exp: 06/20	
Auth Code: 700201	Merchant ID: 000415018074997	Card Amount:	\$425.00
		<b>Total Payments:</b>	\$425.00

**End of Receipt**

Visit our web site at [www.scdmvonline.com](http://www.scdmvonline.com)  
and take a moment to share your feedback about your DMV experience

\*Refunds will be initiated for overpayments of \$1.00 or more  
7/7/2017 1:22:42 PM

**6**

RIKKE R. HALEY, CHAIR  
GOVERNOR

CURTIS M. LOFTIS, JR.  
STATE TREASURER

RICHARD ECKSTROM, CPA  
COMPTROLLER GENERAL



INSURANCE RESERVE FUND

POST OFFICE BOX 11066  
COLUMBIA, SOUTH CAROLINA 29211  
(803) 737-0020  
FAX: (803) 737-0042

HUGH K. LEATHERMAN, SR.  
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE  
CHAIRMAN, HOUSE WAYS AND MEANS

October 26, 2015.

EXHIBIT 3-A

Richard B. Lamb  
9541 Maison Court  
Myrtle Beach, SC 29572

Re: IRF#: 13526  
DOL: 11/25/2008

Dear Mr. Lamb:

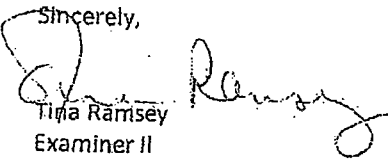
We have carefully examined the facts and circumstances of the above captioned incident and feel that we now have sufficient information upon which to make a proper determination regarding your claim.

It is the duty of the insurer to pay those claims for which its insureds are legally responsible, but not to pay all claims presented. Our investigation has led us to the conclusion that our insured is not legally responsible in this matter. It appears your suspension was based on the failure to provide proof of insurance and you were given an opportunity to comply with the South Carolina Financial Responsibility Act.

Therefore, we must respectfully deny this claim. We regret that it is not possible to advise you in a more favorable manner. While we are confident of our decision, we do welcome the opportunity to review any additional information that you believe to be inconsistent with the position set forth in this letter.

We are sorry that we can be of no further assistance to you in this matter; however we trust you understand our position.

Sincerely,

  
Tina Ramsey  
Examiner II  
(803) 737-0855

Cc: Department of Motor Vehicles



Frontier Adjusters of Myrtle Beach, SC  
William John Koerner, Claims Manager  
P. O. Box 3056  
Myrtle Beach, SC 29578  
Phone (910)328-1389  
Fax (877)288-3809  
Email: bkoerner@frontieradjusters.com

October 15, 2015

EXHIBIT 3-B

Mr. Richard Lamb  
9541 Maison Court  
Myrtle Beach, SC 29572

By US Mail Only

Re: Claim Number: 13526  
Insured: SCDMV  
Claimant: Richard Lamb  
Our File Number: L56-1106  
Date of Loss: June 20, 2015

Dear Mr. Lamb:

I am the local independent insurance adjuster assigned to investigate the captioned claim on behalf of the South Carolina Insurance Reserve Fund.

This investigation will include contacting the SCDVM in order to determine the specific reason your SC Drivers License was suspended, then reporting to my client accordingly.

With kind personal regard, I remain

Sincerely yours,

Wm. John Koerner, IA

WJK/tb



OFFICES OF THE  
UNITED STATES ATTORNEYS

EXHIBIT 4

[U.S. Attorneys](#) » [Resources](#) » [U.S. Attorneys' Manual](#) » [Criminal Resource Manual](#) » [CRM 500-999](#) » [Criminal Resource Manual 601-699](#)

## 651. Statute of Limitations for Continuing Offenses

Normally, a statute of limitations begins to run on the date when the offense is completed. See *Toussie v. United States*, 397 U.S. 112 (1970). Some offenses, by their nature, have attributes of nonfinality and are called continuing offenses. For example, possession-of-contraband offenses are continuing offenses. *Von Eichelberger v. United States*, 252 F.2d 184 (9th Cir. 1958). Escape from federal custody is a continuing offense, see *United States v. Bailey*, 444 U.S. 394 (1980), as is conspiracy, see this [Manual](#) at 652.

The finding that an offense is a continuing offense is disfavored. It must be found that "the explicit language of the substantive criminal statute compels such a conclusion, or that the nature of the crime involved is such that Congress must assuredly have intended that it be treated as a continuing one." *Toussie, supra*, at 115.

[cited in [USAM 9-18.000](#)]

[< 650. Length of Limitations Period](#)

[up](#)

[652. Statute of Limitations for Conspiracy >](#)

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OFFICE OF GENERAL COUNSEL

RESPONDENT

### PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED A COPY OF ANSWER TO RESPONDENTS MOTION TO SUPPLEMENT THE RECORD ON APPEAL DATED JANUARY 16, 2018 ON RESPONDENTS STATE OF SOUTH CAROLINA DMV. OFFICE OF GENERAL COUNSEL BY PERSONALLY DEPOSITING IT IN THE UNITED STATES MAIL, PROPER POSTAGE ATTACHED, CERTIFIED RETURNED RECEIPT TO RESPONDENTS COUNSEL DOUGLAS C. BAXTER AT P.O. BOX 3646, MYRTLE BEACH, SC 29578 THIS DAY JANUARY 17, 2018

RICHARD B. LAMB  
9541 MAISON CT  
MYRTLE BEACH, SC 29572  
843-516-0468  
PRO SE

*Richard B. Lamb*

JANUARY 17, 2018

DOUGLAS C. BAXTER  
P.O. BOX 3646  
MYRTLE BEACH, SC 29578  
843-448-1008  
ATTORNEY FOR RESPONDENT

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

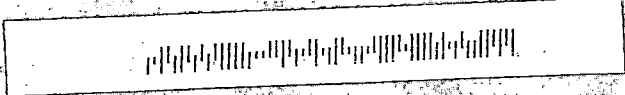


1000

29211

U.S. POSTAGE  
PAID  
MYRTLE BEACH, SC  
29572  
JAN 17 18  
AMOUNT  
**\$9.39**  
R2304M115068-16

RETURN RECEIPT  
REQUESTED



SOUTH CAROLINA COURT OF APPEALS  
JENNY ABBOTT KITCHINGS, CLERK  
P.O. BOX 11629  
COLUMBIA, SC 29211

**RECEIVED**  
JAN 19 2018  
SC Court of Appeals