

THE STATE OF SOUTH CAROLINA

THE SUPREME COURT OF SOUTH CAROLINA

APPEAL FROM HORRY COUNTY

COURT OF COMMON PLEAS

BENJAMIN H. COLBERTSON, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2017-001381

RICHARD B LAMB

APPELLANT

STATE OF SOUTH CAROLINA

RESPONDENT

DMV OFFICE OF GENERAL COUNSEL

MOTION TO TRANSFER TO THE  
SOUTH CAROLINA SUPREME COURT

**RECEIVED**

FEB 07 2018

SC Court of Appeals

RICHARD B. LAMB

9541 MAISON CT

MYRTLE BEACH, SC  
29572

843-516-0468

PRO SE

APPELLANT RESPECTFULLY MOTIONS  
THIS COURT PER SCACR 204 TRANSFER  
OF CASE FOR THE FOLLOWING REASONS:

1. THE STATE OF SOUTH CAROLINA  
VICTIMIZED APPELLANT AND CONSTITUTIONAL  
RIGHTS TO DUE PROCESS AND THE RIGHT  
TO LIBERTY BASED ON A PERJURED  
DOCUMENT, RECORD, FORM THAT BEING  
AN ISSUED FR-4 FORM THAT IS IN  
VIOLATION § 16-9-10 (A)(2) THIS OFFENSE  
HAS BEEN TITLED OFFENSES AGAINST  
PUBLIC JUSTICE. THIS IS A MAJOR  
LEGAL PRINCIPLE THAT REQUIRES THE  
SUPREME COURT OF SOUTH CAROLINA.

2. APPELLANT HAS FILED A MOTION TO  
COMPEL INDICTMENT AND PROSECUTION  
OF RESPONDENTS RECEIVED IN THE  
SOUTH CAROLINA COURT OF APPEALS  
DATED 12-11-2017. RESPONDENTS  
ARGUED THE COURT DID NOT HAVE  
JURISDICTION OVER THAT MATTER,  
SCACR 204(B) GIVES THE SOUTH  
CAROLINA SUPREME COURT JURISDICTION  
OVER THE CASE FOR ALL PURPOSES.

3. THERE IS AN APPEARANCE OF PREJUDICIAL BIAS IN FAVOR OF RESPONDENTS BY THE SOUTH CAROLINA COURT OF APPEALS COURT CLERKS OFFICE. THE CLERKS OFFICE ON SEPTEMBER 22, 2017 ISSUED A CORRESPONDENCE ADDRESSED TO RESPONDENTS GIVING LEGAL ADVICE, IT STATED THEY NEEDED TO FILE ANOTHER MOTION IN SPECIFIC TERMS SO THEY'RE RESPONSE TO APPELLANTS MOTION TO VACATE AND GRANT SUMMARY JUDGEMENT SERVED ON RESPONDENTS ON 8-31-2017 RECEIVED IN CLERKS OFFICE WOULD BE CONSIDERED. THEY FILED THEY'RE MOTION FOR LEAVE TO FILE LATE ON OCT. 2, 2017 33 DAYS AFTER THEY WERE ORIGINALLY SERVED.

APPELLANT FILED A SECOND OR REVISED MOTION TO THE ORIGINAL ONE WITH THE ONLY CHANGE BEING WAS THE IMMEDIATE GRANTING OF MOTION DUE TO RESPONDENTS DEFAULT, OR LACK OF A RESPONSE, RECEIVED IN THE CLERKS OFFICE ON SEPT. 15, 2017 THAT SAME TIME PERIOD SEPT. 19, 2017, THE CLERK ISSUED A CORRESPONDENCE ADDRESSED TO APPELLANT ACCUSSING

ACCUSING APPELLANT OF FAILURE TO PAY THE FILING FEE. THE CLERK WAS WRONG. APPELLANT HAS PAID ALL FILING FEES AND HAVE ALL RECEIPT NUMBERS TO ALL OF MY FILINGS. I ALSO HAVE COPIES OF CANCELLED CHECKS FROM THE BANK SHOWING AND INDICATING COMPLIANCE WITH PAYMENTS ON THE SAME DAY I FILED THE MOTIONS. COPIES OF THE CANCELLED CHECKS ARE ATTACHED TO THIS MOTION.

BEING AS SUCH, APPELLANT STATED MOTIONS WERE NOT BEING CONSIDERED, IN FACT TO THIS DAY, APPELLANTS MOTION DATED SEPT. 15, 2017 FOR THE IMMEDIATE GRANTING OF MOTION HAS NEVER BEEN ANSWERED BY THE RESPONDENTS NOR HAS THERE BEEN ANY CONSIDERATION OR REVIEW BY THE COURT.

APPELLANT WONDERS WHY THE CLERK MADE ISSUES IN REGARDS TO THE ORIGINAL MOTION FILED ON SEPT. 5, 2017 ABOUT HOW, WHAT AND WHEN TO FILE, BUT HASN'T ACKNOWLEDGED APPELLANTS MOTION TO IMMEDIATELY GRANT DATED 9-15-2017 EVEN EXIST'S. THIS APPEARS TO BE SLANTED TO RESPONDENTS. PROCEDURAL RULES HAVE BEEN VIOLATED AT LEAST TWICE.

FEBRUARY 6, 2018

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

*Richard B. Lamb*

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

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM Horry COUNTY  
COURT OF COMMON PLEAS

**RECEIVED**

SEP 05 2017

SC Court of Appeals

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

RICHARD B. LAMB

APPELLANT



STATE OF SOUTH CAROLINA DMV.  
OFFICE OF GENERAL COUNSEL

RESPONDENT

MOTION TO VACATE

AFFIDAVIT MOTION FOR SUMMARY JUDGEMENT

PERSONALLY APPEARED RICHARD B. LAMB WHO STATES THAT HE SERVED THE RESPONDENTS WITH A COPY OF THE MOTION TO VACATE LOWER COURT JUDGEMENT AND MOTION TO GRANT APPELLANT SUMMARY JUDGEMENT ORIGINAL RELIEF DEMANDED WITH EXIBITS 1 THRU 12 BY MAILING FIRST CLASS MAIL, CERTIFIED MAIL AND RETURNED RECEIPT IN THE UNITED STATES MAIL WITH PROPER POSTAGE ATTACHED. ON 08-31-2017 ON ADDRESSED AS FOLLOWS:

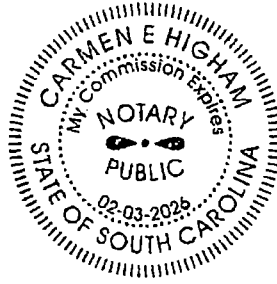
DOUGLAS CHARLES BAXTER ESQUIRE, SC BAR NO. 6272  
P.O. BOX 3646 MYRTLE BEACH, SC 29578

MOTIONS, EXIBITS, STATMENTS LISTED ARE TRUE AND CORRECT.

P.3

SWORN TO BEFORE ME THIS  
31ST DAY OF AUGUST 2017

Carmen E. Higham  
NOTARY PUBLIC OF SOUTH CAROLINA



MY COMMISSION EXPIRES 2/03/2026

Richard B Lamb  
AFFIANT

RICHARD B. LAMB PROSE  
4541 MAISON CT.  
MYRTLE BEACH, SC 29578  
PROSE  
843-516-0468

DOUGLAS CHARLES BAXTER  
ESQUIRE, SC BAR NO. 6272  
P.O. BOX 3646  
MYRTLE BEACH, SC 29578  
843-448-1008 843-448-1533  
FAX  
ATTORNEY FOR RESPONDENT

84554

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM HORRY COUNTY  
COURT OF COMMON PLEAS

SEP 15 2017  
SC Court of Appeals

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

RICHARD B. LAMB

APPELLANT



STATE OF SOUTH CAROLINA DMV.  
OFFICE OF GENERAL COUNSEL

RESPONDENT

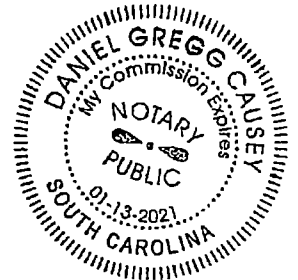
AFFIDAVIT OF FACTS FOR MOTION

~~TO IMMEDIATELY GRANT~~

PERSONALLY APPEARED RICHARD B. LAMB WHO STATES THAT HE SERVED THE RESPONDENTS WITH A COPY OF THE MOTION TO IMMEDIATELY GRANT MOTION TO VACATE AND MOTION FOR SUMMARY JUDGEMENT SERVED ON RESPONDENTS ON AUGUST 31, 2017 FOR FAILURE TO COMPLY WITH SCACR 240 (E) AND SCACR 262 (A), (2), (B) BY MAILING FIRST CLASS CERTIFIED RETURNED RECEIPT IN THE UNITED STATES MAIL PROPER POSTAGE ATTACHED ON 9-14-2017 TO DOUGLAS C. BAXTER P.O. BOX 3646 MYRTLE BEACH, SC 29578

SWORN TO BEFORE ME THIS  
14TH DAY OF SEPTEMBER 2017

Daniel Gregg Causey  
NOTARY PUBLIC OF SOUTH CAROLINA  
my commission expires 1-13-21



Richard B Lamb  
AFFIANT

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

DOUGLAS CHARLES BAXTER  
ESQUIRE, SC BAR NO. 6272  
P.O. BOX 3646  
MYRTLE BEACH, SC 29578  
843-448-1008 843-448-1533  
FAX

P. 4



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

September 19, 2017

Richard B. Lamb  
9541 Maison Court  
Myrtle Beach SC 29572

Re: Richard B. Lamb v. State of South Carolina DMV  
Appellate Case No. 2017-001381

Dear Mr. Lamb:

Upon reviewing your motion to grant summary judgement relief, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The required filing fee has not been submitted. The correct filing fee is \$25.00.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Douglas Charles Baxter, Esquire  
Carmen Vaughn Ganjehsani, Esquire



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
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TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

September 22, 2017

Mr. Douglas Charles Baxter, Esquire  
PO Box 3646  
Myrtle Beach SC 29578

Ms. Carmen Vaughn Ganjehsani, Esquire  
1900 Barnwell Street  
Post Office Drawer 7788  
Columbia SC 29202

Re: Richard B. Lamb v. State of South Carolina DMV  
Appellate Case No. 2017-001381

Dear Counsel:

We received your return to appellant's motion to vacate and motion for summary relief dated September 20, 2017. This return was not timely served and filed. If you wish for this Court to consider your return to appellant's motion to vacate and motion for summary relief, you must file a motion to file outside of the filing deadlines set forth by Rule 240, SCACR. Your return will not be considered if no motion is made within ten (10) days of the date of this letter.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Richard B. Lamb

THE HONORABLE JENNY ABBOTT KITCHINGS

V, CLAIRE ALLEN  
SHELBY

CASE NO.  
2017-001381

THIS IS IN REGARDS TO YOUR CORRESPONDENCE DATED 9-19-2017 ABOUT A DEFICIENCY DUE TO LACK OF FILING FEES. THE FOLLOWING DOCUMENTS WILL SHOW THAT THERE IS NO DEFICIENCY, THAT THE COURT HAS ALREADY CASHED MY CHECKS FOR THE MOTION IN QUESTION ON 9-19-2017. YOU WILL ALSO FIND A COPY OF THE PAID CHECK FOR THE 2 MOTIONS DATED 8-31-2017 PAID ON THE 7TH OF SEPTEMBER 2017. I HOPE THIS CLEARS THIS UP AND THAT YOU WILL CORRECT THE RECORD AND POST ACCORDINGLY ON THE C-ACCESS SYSTEM. ORIGINALS OF THE PAID CHECKS ARE IN THE MAIL TO YOU.

THANK YOU

Richard B. Lamb


RECEIVED

9-21-2017

P 10F3

SEP 22 2017


SC Court of Appeals

<b>NANCY LAMB</b> 8541 MARCON CT MYRTLE BEACH, SC 29577		1307 <small>CHECK #</small>
<u>8-31-17</u>		
Pay to the Order of <u>SOUTH CAROLINA COURT OF APPEALS</u> \$ <u>50.00</u>		
<u>Myrtle DeWalt</u>		
 FEE		
<u>2 motions \$50.00</u>		
<u>Nancy Lamb</u>		
		84462/84463

DDA Debits - 9/7/2017 - Check# 1307 -  
 Amount: \$50.00

4087692596	For Deposit Only SC State Treasurer's General Deposit Account Trillium Judicial Building 111
------------	--

DDA Debits - 9/7/2017 - Check# 1307 -  
 Amount: \$50.00

Margaret Sala Head Teller    ucbl.com	1312 Professional Drive Myrtle Beach, SC 29577  PO Box 70579 Myrtle Beach, SC 29572  843-429-2002 Phone 843-839-9721 Direct 843-429-2005 Fax margaret_sala@ucbl.com
---	--

Margaret Sala  
Head Teller

1312 Professional Drive  
Myrtle Beach, SC 29577



PO Box 70579  
Myrtle Beach, SC 29572

843-429-2002 Phone  
843-839-9721 Direct  
843-429-2005 Fax  
margaret\_sala@ucbi.com

ucbi.com

NANCY LAMB 2041 MASON CT MYRTLE BEACH, SC 29572		1312 No. 130811
9-14-17		
Pay to the Order of	S.C. COURT OF APPEALS \$25.00	
	Twenty Five Dollars <i>as judge</i>	
	United Community Bank	
For	MOTION Nancy Lamb	
	84554	

DDA Debits - 9/19/2017 - Check# 1312 -  
Amount: \$25.00

4280049161	For Deposit Only SIC State Treasurer's General Deposit Account (804 Judicial Department) Dept. 11, 1191 II, Myrtle Beach, SC
------------	--

DDA Debits - 9/19/2017 - Check# 1312 -  
Amount: \$25.00



8. As of January 14, 2009, the Plaintiff was eligible to apply to have his driver's license reinstated upon submitting an application and paying a fee.
9. Since January 14, 2009, the SCDMV has no record of the Plaintiff submitting an application and fee to reinstate his driver's license.
10. The SCDMV has no record of the re-issuance of vehicle license plate tags for the 2003 Dodge in the Plaintiff's name.

FURTHER THE AFFIANT SAYETH NOT.

William C Wannamaker  
William C. Wannamaker

SWORN TO and subscribed before me  
this 03 day of March 2017.

Brandy A. Duncan  
Notary Public for South Carolina  
My commission expires May 9, 2023



11/25/2008

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

FR4 Reference No:006153511  
Date of Cancellation:10/31/2008  
~~Date of Suspension:12/17/2008~~  
~~Customer No: 30262319~~  
~~Driver License No: 101451988~~

South Carolina Department Of Motor Vehicles  
FR4 Notice Of Cancellation

~~PLEASE DO NOT IGNORE THIS NOTICE~~

Failure to respond to this notice BEFORE the suspension date listed above will result in the SUSPENSION OF YOUR REGISTRATION AND DRIVER LICENSE privileges in this state.

The South Carolina Department of Motor Vehicles (SCDMV) has received notification from PROGRESSIVE DIRECT INSURANCE C that the following vehicle may be uninsured:

YR/MAKE: 2003 DODG PK

VIN NO: 1D7HA16D63J599166

TAG NO: 2897DB

If you currently have liability insurance or must obtain liability insurance on the vehicle listed above, YOU MUST TAKE THIS LETTER TO YOUR INSURANCE COMPANY EVEN IF YOU BELIEVE YOU HAVE RECEIVED THIS NOTICE IN ERROR. Your insurer or agent must electronically transmit the insurance information to DMV using the SC ALIR system (available at [www.sc-alir.com](http://www.sc-alir.com).)

OR

Commercial carriers and out-of-state agents that do not have access to the SC ALIR system can complete the insurance information located on the reverse side of this notice and submit to the DMV. It will be your responsibility to ensure that DMV receives the insurance information in order to clear the suspension.

If you have sold or traded the vehicle above you must complete the vehicle Sold/Traded section of the FR4a form located on the back of this notice.

If you do not wish to obtain liability insurance, South Carolina law requires that you surrender your vehicle tag and registration card to your nearest DMV branch office. If you do not surrender your vehicle tag, it will be confiscated by law enforcement and additional penalties and fines may also apply.

If there has been a lapse in your insurance coverage, you will be charged a penalty of \$5.00 per day for each uninsured day from 10/31/2008, up to a maximum of \$200.00.

Failure to comply with this notice before the suspension date listed above will result in the suspension of your vehicle registration and/or drivers license. If suspended, you could be charged an additional \$200.00 to reinstate your registration and/or driving privilege.

File No: 9112121  
SC Law Code:56-10-240, 56-10-245

FORM FR4  
Revised 10/06

# The South Carolina Court of Appeals

Richard B. Lamb, Appellant,

v.

State of South Carolina DMV, Office of General  
Counsel, Respondent.

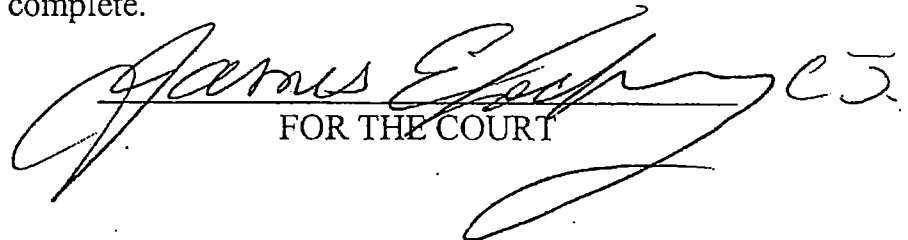
Appellate Case No. 2017-001381

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## ORDER

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Respondent's motion to file its return out of time is granted. Appellant's motion to vacate and for summary judgment is denied. This court will consider the merits of this appeal after briefing is complete.

  
FOR THE COURT

Columbia, South Carolina

cc:

Richard B. Lamb

Douglas Charles Baxter, Esquire

Carmen Vaughn Ganjehsani, Esquire

**FILED**

Dec. 11, 2017

THE STATE OF SOUTH CAROLINA

THE SUPREME COURT OF SOUTH CAROLINA

APPEAL FROM HORRY COUNTY

COURT OF COMMON PLEAS

BENJAMIN H. COLBERTSON, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2017-001381

RICHARD B LAMB

APPELLANT

STATE OF SOUTH CAROLINA

RESPONDENT

DMV OFFICE OF GENERAL COUNSEL

---

AFFIDAVIT OF MAILING

2-6-2018

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

**RECEIVED**

FEB 07 2018

SC Court of Appeals

PERSONALLY APPEARED RICHARD B. LAMB  
WHO STATES THAT HE SERVED THE  
RESPONDENTS WITH A COPY OF THE MOTION  
TO TRANSFER CASE TO THE SOUTH CAROLINA  
SUPREME COURT AND MOTION FOR LEAVE TO  
FILE LATE FINAL BRIEFS BY 10 DAYS  
FROM FEBRUARY 7, 2018 BY MAILING  
FIRST CLASS CERTIFIED AND RETURNED  
RECEIPT IN THE UNITED STATES MAIL  
PROPER POSTAGE ATTACHED TO RESPONDENTS  
COUNSEL DOUGLAS C. BAXTER  
P.O. BOX 3646  
MYRTLE BEACH, SC 29578

ON THIS DAY FEBRUARY 6, 2018

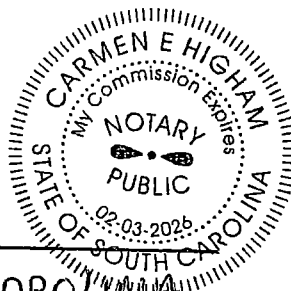
Richard B

Lamb

SWORN TO BEFORE ME THIS  
6TH DAY OF FEBRUARY 2018

Carmen E. Higham

NOTARY PUBLIC OF SOUTH CAROLINA



MY COMMISSION EXPIRES 2/03/2026

Richard B. Lamb

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

DOUGLAS C. BAXTER  
ESQUIRE, SC BAR NO. 6272  
P.O. BOX 3646  
MYRTLE BEACH, SC 29578  
843-448-1008 -  
843-448-1533 FAX

# PRIORITY<sup>®</sup> ★ MAIL ★



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USPS TRACKING™ INCLUDED\*



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Destination: 29211  
0 Lb 5.10 Oz  
Feb 06, 18  
4561800577-18

1024

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Expected Delivery Day: 02/07/2018

**B012**

USPS TRACKING NUMBER



9505 5122 6219 8037 1741 04

FROM:

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

TO:

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

**RECEIVED**

FEB 07 2018

SC Court of Appeals

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