

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
(IN THE SUPREME COURT)

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MAR 22 2018  
SC Court of Appeals

James Teal, Appellant

Case No. 2017-002514

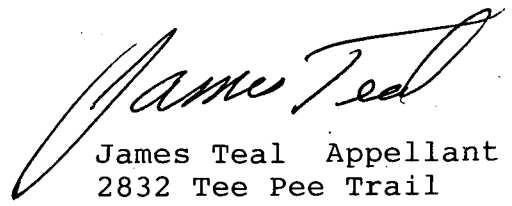
v.

Edwards Telecommunication, Inc.

and

Leroy Smith, Director of the  
Dep't of Public Safety

Peter Balthazor, Esquire

  
James Teal Appellant  
2832 Tee Pee Trail  
Elgin, S.C 29045  
803-457-5820

FORM 13  
BRIEF OF APPELLANT\*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

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SC Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

William H. Seals, Jr. Circuit Court Judge

Case No. 2017-002514

James Teal

Appellant

v.

Edwards Telecommunications, Inc.

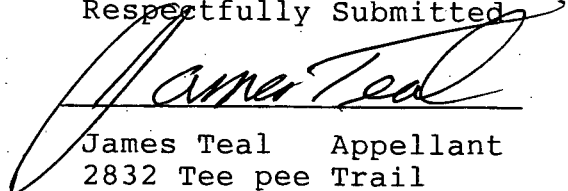
and

Leroy Smith, Director of the \_\_\_\_\_  
Dep't of Public Safety

Respondant

[INITIAL] BRIEF OF APPELLANT

Respectfully Submitted,



Peter Balthazor, Esquire

James Teal Appellant  
2832 Tee pee Trail  
Elgin, S.C. 29045  
(803) 457-5820

STATE OF SOUTH CAROLINA

KERSHAW COUNTY

James Teal Appellant

V.

Edwards Telecommunications, Inc.

and

Leroy Smith, Director of the

Dep't of Public Safety

IN THE S.C COURT OF APPEALS

CASE NO: 2017-002514

STATEMENT OF ISSUES ON APPEAL

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1. STATUTE OF LIMITATIONS: Appellant suffered a progressive injury to Appellants left knee. Appellants discovery of total injury was October 05-2015, thus statute is correct.
2. APPELLANTS HANDICAP ISSUE: Appellant was disabled in 2010 suffering a spinal burst. Appellant was further disabled from the accident o 09-11-14, with impact damage which did disabled Appellants left knee further and has progressed to total knee replacement. Hospital dates of injuries are 2010-2014 & 2015.
3. Appellants procedure of Amended complaint without a Consent Order filed on August 07-2017. Appellants error in Court procedure was not to confuse or delay. Appellants counsel filed a Consent Order to be releaved from Appellants case, confusing Appellant and thus the Court error. Does a re-filing of Ammended complaint on September 21-2017, with a signed Consent Order bring Appellants case back on track with the Court?

STATEMENT OF ISSUES ON APPEAL

4. ISSUES OF CONTRIBUTORY NEGLIGENCE: Does protocol of timeliness a factor when cable lines are being dropped across the highway, with large scheduled transports, to follow? Is the Defendants mission to assure safety in these situations, to stop traffic and direct traffic in both lanes? Is the Defendants mission to investigate accidents fairly and accurately of facts, to protect the innocent? Does contributing to any offense, set common purpose and reason for action?

5. ISSUE OF IMMUNITY BY TORT ACTS: Does the States Legislative body, find total immunity for State entities desirable,

6. ISSUE OF APPELLANT BEING CHARGED: Does parking a work vehicle on white shoulder line, leaving black skid marks on white line, agree with accident report of legally parked? Does a substantial math error by Defendant at accident scene of collision promote the contribution of the Defendant?

7. ISSUE OF FOIA: Does a certified letter sent to the Executive Director, with no response, set a standard of silent agreement, contributing to Appellants action? At

STATEMENT OF ISSUES ON APPEAL

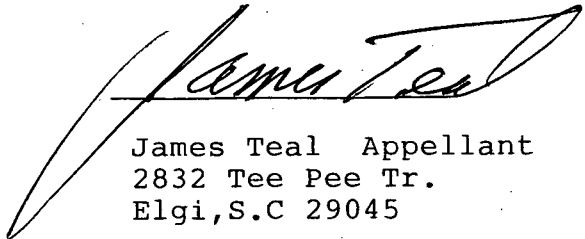
Summary Judgment attempted to bring the aforesaid letter in as a exhibit, but was unable to proceed. The issue of FOIA has been presented to the Court for "clairity and evidence of fact!"

8. Affidavit submitted by Defendant, is not completely accurate. Does mention of the aforesaid letter to the Executive Director, handed down to the Defendants dep't, deserve clairity of letters content? Is a half-truth as worthy as the unmutated truth?

9. Osha issue is still questionable to Appellant. Does a work zone accident, where many are killed and injured, deserve to be reported when 4 injured go to the hospital and there is \$33,000.00 in damages? Would this be worthy of a investigation by OSHA? 29C FR 1926 Subpart G.

In all due respect and consideration, Appellant wants the Court to know that Appellant suffered a Summary Judgement without counsel and was handicapped with a hearing impairment hindering Appellants defence.

Peter Balthazor, Esquire



James Teal Appellant  
2832 Tee Pee Tr.  
Elgi, S.C 29045

## STATEMENT OF THE CASE

On September 11-2014, Appellant was in a work zone accident and was charged with "too fast for conditions." Appellant commenced action on June 29-2016. Appellants claim was for negligence by Edwards. Appellant Amended the complaint dated September 21-2017, bringing in the 3rd party, with the issue of Contributory Negligence. The action of the Court was dated October 24-2017, with a Summary Judgement, to strike and to dismiss the 3rd party. Appellant appealed the Summary Judgement on December 07-2017.

## ARGUMENT

1. STATUTE OF LIMITATIONS: The discovery of Appellants injury was October 05-2015. The discovery of injury surpasses the date of the wrongdoer--ID., 314 SC at 128,442 S.E at 170. Appellants injury to left knee accelerated after 2014. The Court was made aware of handicaps by Motions and Complaint.
2. APPELLANTS HANDICAP ISSUE: Appellant was disabled in 2010, due from a 25 foot fall, resulting in a spinal burst. Appellant has a multitude of handicap issues and asserts Statute 15-3-60. The accident on 09-11-14 has left Appellant with total knee damage and right hip damage

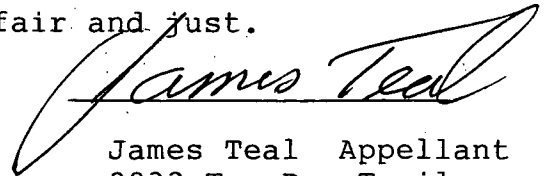
3. APPELLANTS COURT PROCEDURE ERROR: This was not to confuse or delay. Appellant was left without counsel and thus the Court error. Appellant is hopeful that with appellants trouble investigating and defending Appellants case with handicaps the Court will accept his apologies for this mishap. Appellant has corrected this error and Appellants desire is for this case be returned to the lower Court.
4. ISSUE OF CONTRIBUTORY NEGLIGENCE: Appellant will assert Statute 56-5-950b and from the Tort Acts 15-78-70b for Appellants defence. The Defendant placed fault on the Appellant with no evidence of wrong doing. Defendant was not on the scene at the time of accident. The Defendant paid no attention to all the safety laws violated. With safety laws violated Appellant was illegally charged with this accident.
5. ISSUE OF IMMUNITY BY TORT ACTS: Appellant will assert S.C.Code Ann. 56-5-950(b) and 15-78-20(a). Total immunity for a State entities is not desirable to the State Legislative body.
6. ISSUE OF APPELLANT BEING CHARGED: Every safety law violated with Appellant being placed at fault. Appellant will assert the Statutes 15-78-70(b) and S.C Code Ann. 56-5-950(b) and OSHA with 29 CFR 1926 Sub Part G.
7. ISSUE OF FOIA: Appellants experience with Defendants FOIA leaves much to be desired. Appellant is disenchanted with this State dep't and knows this dep't needs to be investigated and strict protocol needs to be enacted to protect the sovereignty of the people. Appellant faced a gauntlet of deception to prove Appellants case. Appellant is thankful for the one video that with fact proves Appellants case.

8. ISSUE OF AFFIDAVIT: The affidavit is not the complete experience Appellant had with this State Dep't. The affidavit is not clear on details and is sheilded from transparency to protect this dep"t.

9. ISSUE OF OSHA: Appellant finds this accident not being reported alarming. Appellant remembers the 47 deaths in our States work zones, before legislation was passed.

#### CONCLUSION

Appellant is requesting the Summary Judgement to be reversed. Appellant entered this travesty by the acts of others placing self preservation above Appellant and everyone involved. Lies and deceit has been in the forefront against truth and honor. The path very wide has been chosen and Appellant has been in awe with everyone in fear of the truth. Appellant to off-set the standard of deceit is asking for stronger protocol, clear transparency with the dep't of Public Safety. For damages placed on Appellant, relief asked for is \$300,000.00, contingent upon what the honorable Court deem fair and just.



James Teal Appellant  
2832 Tee Pee Trail  
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COUNTY OF KERSHAW

Case No. 2017-002514

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V.

Edwards Telecommunications, Inc.

CERTIFICATE OF SERVICE

and

Leroy Smith, Director of the

Dep't of Public Safety

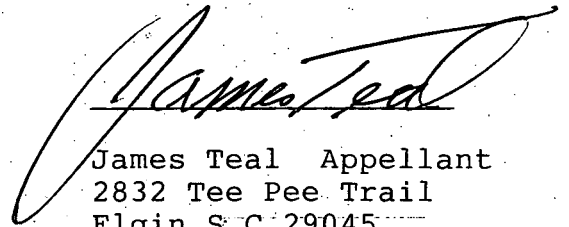
The undersigned certifies that on March 21-2018 a copy of Appellants Initial Brief has been completed and has been served upon the following party(s), via United Postal Service with postage pre-paid at the addresses shown below.

Camden, S.C

Date March 23-2018

Kershaw County Clerk of Court  
Honorable Janet Hasty  
P.O.Box 1557  
Camden, S.C. 29020

Peter Balthazor, Esquire  
P.O.Box 11412  
Columbia, S.C 29211



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