

Form 13
BRIEF OF APPELLANTS

THE STATE OF SOUTH CAROLINA
In the court of Appeals

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MAR 30 2018

SC Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of Common Pleas

Frank R. Addy Jr., Circuit Court Judge

Case No. 2017-001831

Mosi Bundu and Malcolm DJ Watts, Appellants,

v.

Ricky Chaistain, as Laurens County Sheriff, Michael Gainey, Socrates D. Ledda. As
Laurens City Police Chief, John Doe(s), Laurens County Sheriffs Department, Logan
Kinipie, and Laurens City Police Department

RULE 209

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DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

The assertion or designation of matter in this case 2017-001831 is that the plaintiffs did send a summons which was combined with the complaint. As the assistant clerk indicated, "the attorneys of record must have concluded they were summoned, because they, answered. Plaintiffs typed the filing as "summons and complaint" it had all the information regarding the defendants and the nature of the summons and complaint. The case was not dismissed with prejudice at the circuit court level. It simply state in the reason for dismissal was there was no summons, which the plaintiffs disagree with. On the front of the dismissal rule 16 (b) was check but not indicated as a reason for dismissal.

As noted in the legal literature the use of 16 (b) has been over used in stopping due process. The stenographer did not send both transcripts even though the plaintiffs request them. Judge Addy granted a rehearing and did not say anything about the summons in the second haring, he noted or suggested that the plaintiffs should get an attorney and 16 9b0 was still checked, at that second hearing plaintiffs did maintain that the defendants were properly served by the US postal service with help from one of the postal workers.

All green cards were returned except one who Mr. Socretes Ledda said was intercepted by the deputies supervisor. However the postal service did give the plaintiffs a paper sheet showing the supervisors signature. Those green cards and proof of delivery were taken in as exhibits by the court of common pleas. It can be shown that they plaintiffs requested all transcripts. Beyond where the plaintiffs missed the first hearing due to illness and was granted a new hearing. Plaintiffs do not know if this was intentional or an oversight or misconduct. This designation of matter does not contain anything the plaintiffs believe that is not relevant to the appeal. The clerks kept the plaintiffs brief and sent back a (copy) of the transcript the plaintiffs, were able to obtain. The matter before the court of appeals as presented in the court of common pleas is that the police used unnecessary force, entered the plaintiffs residence without a warrant and there was unequal justice under the law as the plaintiffs neighbor was told "to go back into their apartment. No other homes listed on the police report indicated that the police entered the persons they contacted, homes.

Miss J. Brinder
Malcolm D. Watts (plaintiffs)

3/29/2018

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This letter is proof of service by US mail that the parties and their attorneys of record, Mr Harter and Mr Jolly have been sent a copy of the plaintiffs brief cover and a designation of matters letter as required by this stage of this civil process. The date of service is March 26, 2017. Mr Chastain, Mr Ledda , Sgt Gainey and Deputy Kinipe.

3/26/2018

Mosi Abay Bundu Pro Se litigant

Mosi Abay Bundu

206B Mock Street Laurens Sc, 29306

Malcolm DJ Watts Pro Se Litigant

Malcolm DJ Watts

1935 Curry Road

Laurens , SC 29360