

FORM 13  
BRIEF OF APPELLANT\*

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

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.  
which is Leroy Smith of the  
Dep't of Public Safety

[INITIAL] BRIEF OF APPELLANT

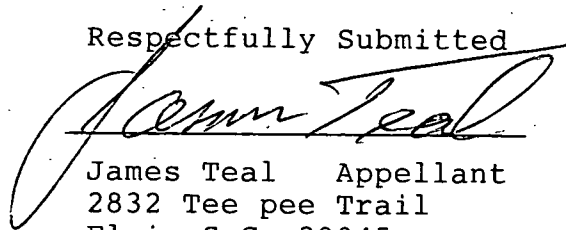
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SC Court of Appeals

Peter Balthazor, Esquire

Respectfully Submitted



James Teal Appellant  
2832 Tee pee Trail  
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TABLE OF CONTENTS

	Page
Statement of Issues on Appeal.....	1-2-3
Statement of The Case.....	4
Arguments.....	4&5
Conclusion.....	5
References to Record.....	6

TABLE OF CITATIONS AND AUTHORITIES

STATUTES

	Page
Statute of Limitation Defence, 107,317 SC at 121 ID., 314 SC at 128,442 S.E 2d at 170.....	Page 1&4
Statute 15-3-60.....	P. 1&4
Statute 56-5-950(b).....	P.4&5

TORT ACTS

Statute section 15-78-20(A).....	P. 5
Statute section 15-78-70(b).....	P. 4&5

OSHA

OSHA 29CFR 1926 Subpart G.....	P. 5
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STATE OF SOUTH CAROLINA	)	IN THE COURT OF APPEALS
	)	IN THE SUPREME COURT
COUNTY OF KERSHAW	)	Case #2017-002514
	)	
James Teal, Appellant	)	
	)	<b>STATEMENT OF ISSUES ON APPEAL</b>
V.	)	
	)	
Edwards Telecommunications, Inc.	)	
	)	
and	)	
	)	
Leroy Smith, Dept. of Public Safety	)	
	)	
Respondent, which is Leroy Smith of the Department of Public Safety	)	

- 
1. **STATUTE OF LIMITATIONS:** Appellant suffered a progressive injury to Appellant's left knee. Appellant's discovery of total injury was October 05-2015, thus the statute is correct. Statute of limitation Defence ID., 314 SC at 128, 442 S.E 2d at 170.
  2. **APPELLANT'S HANDICAP ISSUE:** Appellant was disabled in 2010 suffering a spinal burst. Appellant was further disabled from the accident of 09-11-14, with impact damage which did disable Appellant's left knee further and has progressed to total knee replacement. Hospital dates of injuries are 2010, 2014, and 2015. Statute 15-3-60.
  3. Appellant's procedure of Amended Complaint without a Consent Order filed on August 7-2017. Appellant's error in Court procedure was not to confuse or delay. Appellant's counsel filed a Consent Order to be relieved from Appellant's case confusing Appellant, and thus the court error. Does a re-filing of Amended Complaint on September 21, 2017, with a signed Consent

Order should bring Appellant's care back on track with the Court?

STATEMENT OF ISSUES ON APPEAL

4. **ISSUES OF CONTRIBUTORY NEGLIGENCE:** Is protocol of timeliness a factor when cables lines are being dropped across the highway, with large scheduled transports to follow? Is the Department's mission to assure safety in these situations, to stop traffic and direct traffic in both lanes? Is the Defendant's mission to investigate accidents fairly and accurately of facts, to protect the innocent? Does contributing to any offence set common purpose and reason for action?
5. **ISSUE OF IMMUNITY BY TORT ACTS:** Does the State's Legislative body find total immunity for State entities desirable,
6. **ISSUE OF APPELLANT BEING CHARGED:** Does parking a vehicle on white should 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 Appellant's action? At Summary, Appellant attempted to bring the aforesaid letter in as an exhibit, but was unable to proceed. The issues of FOIA has been presented to the Court for "clarity 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 Defendant's Department, deserve clarity of letter's content? Is a half-truth as worthy as an unmutated truth?

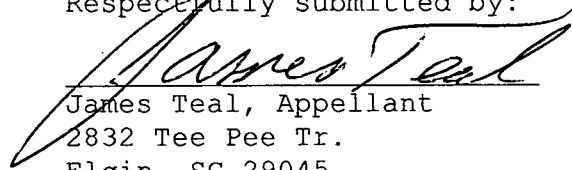
9. OSHA issue is still questionable to Appellant. Does a work zone accident, where many are killed and injured, deserve to be reported with four injured go to the hospital and there is \$33,000.00 in damages? Would this be worthy of an investigation by OSHA?

In all due respect and consideration, Appellant wants the Court to know that Appellant suffered a Summary Judgment without counsel and was handicapped, with a hearing impairment, hindering Appellant's defense.

Camden, S. C.

Date 5-11-19

Respectfully submitted by:



James Teal, Appellant

2832 Tee Pee Tr.

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## STATEMENT OF THE CASE

On 09-11-14, Appellant was in a work zone accident and Appellant was charged as the violator, Statute 56-5-950(b). Appellants charge was Nolle Prosequi on 01-20-15. Appellants claim was for negligence by Edwards. Appellant Amended the claim dated 09-21-2017, bringing in Smith, with the issue of Contributory Negligence. The action of the Court was dated 10-24-17, with a Summary Judgement, to strike and dismiss the Respondant. Appellant appealed the Summary Judgement on 12-07-17.

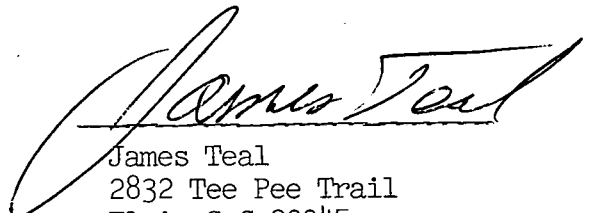
## ARGUMENT

1. **STATUTE OF LIMITATIONS:** The discovery of Appellants injury was 10-05-15. 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 the accident. The Court was aware of handicaps by Motions and Complaint.
2. **APPELLANTS HANDICAP ISSUE:** Appellant was disabled in 2010 from a 25 foot fall, resulting in a spinal burst. Appellant has several handicap issues and asserts Statute 15-3-60. The accident on 09-11-14 has left Appellant with total knee loss and right hip damage.
3. **APPELLANTS COURT PROCEDURE ERROR:** Appellant was left without counsel and thus the error. Appellant is hopeful the Honorable Court will accept Appellants apologies for this error. With a corrected error is that procedure a mistake?
4. **ISSUE OF CONTRIBUTORY NEGLIGENCE:** The Respondant placed fault on the Appellant, with no evidence of being the violator. Respondant was not on the scene at the time of the accident. The Respondant paid no attention to all the safety laws violated, by Edwards. With safety laws violated Appellant was put at fault. Appellant asserts Statute 56-5-950(b) and from the Tort Acts 15-78-70b for Appellants Defence.

5. ISSUE OF IMMUNITY BY TORT ACTS: Total immunity for a State entity is not desirable to the State Legislative body. Appellant asserts S.C.Code Ann. 56-5-950(b) and 15-78-20(a).
6. ISSUE OF APPELLANT BEING CHARGED: With every safety law violated is the Appellant at fault? Appellant asserts 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: Is a gauntlet of deception or a serious lack of training the mission for Respondants FOIA Dep't. Is the sovereignty of the Appellant and the people safe without transparency by any FOIA Dep't? How did Appellant acquire one eye witness video to Appellants accident, that shows a factual foundation to Appellants case?
8. ISSUE OF AFFIDAVIT: Is the affidavit clear on all details to Appellants FOIA requests, or is affidavit shielded from transparency to protect Respondant.
9. ISSUE OF OSHA: With four injured and 33,000.00 thousand in damage, does a non investigation by OSHA sound right to anyone?

CONCLUSION

Appellant is requesting the Court to reverse Summary Judgement in this case. Appellant entered this travesty by the acts of others placing self preservation above everyone involved in Appellants case. There has been a continuance of a steady denial by the Respondant of being completely innocent with charging the Appellant at fault, when current standing laws say the opposite. Appellant has suffered tremendous hardships, financially with property loss, high insurance costs, litigation costs, loss of health and well being. The mental fatigue and being crippled with Appellants age is unbearable for Appellant. For damages placed unfairly on Appellant, relief asked for is \$300,000.00, contingent upon what the Honorable Court deems fair and just.

  
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Pete Balthazor, Esquire

References To Record

Issue of Appellant charged: Transcript P.12-Lines 21-25  
P.13-Lines 1-6 - P.15-Lines 12-15.

Issue of Contributing: Transcript P.11-Lines 3-8 - P.12-  
Lines 17-25 - P.13-Lines 1-6 - P.7-Lines 13-18 - P.14-Lines 19-20  
P. 15-Lines 1-6 - P.18-Lines 1-6.

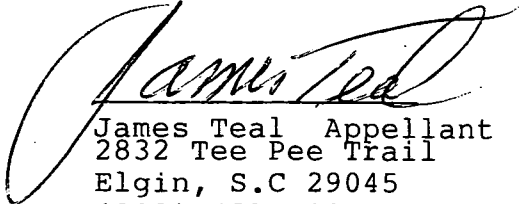
Issue of FOIA: Transcript P.13-Lines 7-13 - P.15-Lines 7-19.

Issue of Appellants Court Procedures: Transcript P.5-Lines 18-25  
P.6-Lines 1-12 - P.18-Lines 19-21 - P.20-Lines 10-22.

Issue of exhibit attempted by Appellant: Transcript P.8-Lines 23-24  
P.9-Lines 1 - P.15-Lines 7-19.

Issue of Appellants hearing impairment: Transcript P.8-Lines 14-15  
P.16-Lines 3-11 - P.17-Lines 9-11.

Issue of handicaps and injuries to Appellant: Transcript P.15  
lines 20-25 - P.16-Lines 1-2.

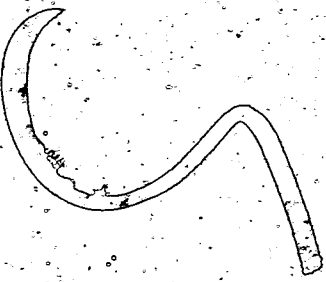
  
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