

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

James Teal Appelant

V.

Edwards Telecommunications, Inc.
and
Leroy Smith, Director of the Dep't of
Public Safety
Respondant, which is Leroy Smith,
Director of the Dep't of Public Safety

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

Case No. 2017-002514

APPELLANTS RESPONSE TO RESPONDANTS

INITIAL BRIEF

RECEIVED
MAY 29 2018
SC Court of Appeals

Counsel for Respondant has asserted that Appellant has not stated a claim against Respondant. Appellants amended complaint dated Sept.21-17 stated, "Careless negligence of safety, negligent in not being timely for safety and Grossly negligent investigating the accident and further ways to be proven in Court. Appellant asserts, Respondant without regard to fault or negligence, has absolute liability. Appellant claims a "Breach of Duty by Respondant."

Counsel for Respondant has asserted that Appellants Discovery of injury Statute of limitation Defence ID., 314 SC at 128,442 S.E 2d at 170 and the issue of Appellants handicap issue, Statute 15-3-60. Appellants left knee xray shows minimal degeration on 09-11-14. Appellant was advised physical therapy for knee. Appellant again had left knee xrayed on December 01-14, was told any changes Appellant would be notified. Appellant did not hear from the staff at hospital and continued with physical therapy. Appellants left knee began having pain and Appellant went to a different hospital for a determination and found on October 05-15, Appellant was in need of a knee replacement. Hospital documents can attest to all of the above. Appellant was centered on Edwards for causing Appellants accident. Appellant at this time period had not considered litigation against Respondant, Appellant knew it would be very difficult, thus the litigation against Defendant Edwards Telecommunications, Inc.

Appellants handicap issue brings in a "house of pain!" Appellant fell 25 ft. suffered a spinal burst in 2010 and is now called a walking miracle by Appellants chiropractor. Handicap issues resulting from Appellants fall is muscle spasms and cramps in Appellants back, rendering Appellant to move slowly if at all. Short and long term memory loss and hearing loss. These handicaps and the daily pain is very difficult for Appellant. All of the aforesaid handicaps have nothing addressed to Appellants left knee problem. Appellant prays for the Honorable Court to understand Appellants difficulties.

Counsel for Respondant has brought to issue Appellants claim of injury to Appellants neck. The issue was for another lawsuit pending and was a typo error by Appellant.

Counsel for Respondant asserts the Tort Acts for immunity. Counsel asserts Police protection, investigating and enforcement of law. Appellant asserts the Tort Acts ensure that wrongdoers pay for damages done to victims. Respondants Dep't of Public Safety exists to ensure the safety of S.C citizens and visitors. The Respondants Dep't mission is enforcing traffic laws. Officer T.W.Kelly the officer charging Appellant was Respondants "TORIFFEASOR!" Is a investigation hinged on fabrication worthy of immunity by the Tort Acts? Car accidents are protected by the Tort Acts. The Tort Acts provide for police protection with special events. Traffic being stopped to drop cables across two lanes in a 45 m.p.h zone with heavy transports to follow, is to Appellant a special event. T.W.Kelly, badge 373 was removed from law enforcement with no immunity given. Was Appellants unlawful charge on 09-11-14 the reason for Kellys departure from Respondants Dep't?

Counsel for Respondant has asserted FOIA Dep't and Appellants acquired video. Appellant has charged the FOIA Dep't needs to be investigated for 3 actions. Appellant requested T.W.Kellys video 3 times, 3 videos sent, but not Kellys. "Why?" The certified letter sent by Appellant to the Executive Director, with a hidden response by way of the Affidavit. The affidavit bringing in

Appellants aforesaid letter with no clarity or transparency of letters content.

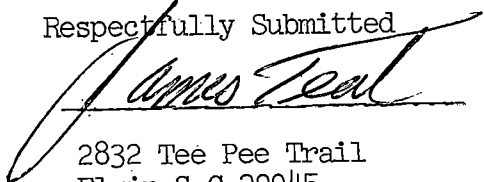
Counsel for Respondant has asserted Appellants video and Appellants "after effect" term. Counsel has a video copy and knows the video is the factual evidence of Appellants case. Does a verbal statement at the conclusion of said video, by two officers attesting to what had happened by statement of witnesses, have m credibility? The term "after effect" by Appellant of this video is simply the "truth" of this matter.

Counsel for Respondant has asserted the Court procedure error by Appellant. Appellants error occurred after Appellants counsel vacated Appellants case. A Clerk of Court staff member informed Appellant that Appellants Complaint had to be amended. Another half truth that Appellant has encountered. Appellant has previously charged, with Court transcript as witness, "trickery" in the Clerks office by staff, with disinformation. Appellant asserts, legal advice is one issue and proper Court procedure is another. Appellant has felt played by party(s) known and unknown, since 09-11-14!

Counsel for Respondant wants a dismissal of Appellants case. Appellant is asking for a reversal of the Summary judgement and returning Appellants case back to the lower Court for trial wher Appellants case belongs.

Date 05-25-18

Respectfully Submitted



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