

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

R. Lawton McIntosh

Case No. 2018 - 000637

John Dalen, Appellant

v.

The State, Respondent

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JUN 13 2018

SC Court of Appeals

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

John D. Dalen
109 Wood Valley Drive
Westminster, SC 29693
Phone: 864.647.4705
Appearing Pro Per/Appellant

Attorney for Respondent, The State:

Bethany Ann Blundy
Assistant Solicitor
415 S. Pine Street
Walhalla, SC 29691
Phone: 864.638.4294

Appellant proposes the following be included in the Record on Appeal:

A. Copy of the Uniform Traffic Ticket

Ticket # 5102P0778082

Date of arrest: 2-16-2018

B. Accused's Motion to Dismiss for Lack of Jurisdiction and Brief in

Support of (twenty-two pages) filed April 18, 2017

C. Transcript of the hearing held on April 19, 2017

D. Magistrate Order for Motion to Dismiss dated April 21, 2017 (two pages) Denied

E. Accused's Motion to Reconsider filed May 2, 2017 (five pages)

F. Magistrate Order for Motion to Reconsider dated June 13, 2017 (two pages) Denied

G. Motion for Findings of Facts and Conclusions of Law filed June 13, 2017 (three pages)

H. Transcript of hearing held on June 13, 2017

I. Accused's Motion: Challenging Constitutionality of the Application of the SC Motor Vehicle "Transportation" Statutes Against the Accused filed June 28, 2017 (sixteen pages)

J. Transcript of hearing held on June 28, 2017

K. Accused's Motion for Offer of Plea dated July 11, 2017 (two pages)

L. Transcript of Proceedings Jury Trial held August 17, 2017

M. Accused's Exhibits presented at the Jury Trial:

- 1) Copy of the Uniform Traffic Ticket
- 2) Letter to Colonel Michael Oliver, SC Dep't of Public Safety dated June 15, 2017
- 3) Letter to Senator Thomas Alexander dated June 22, 2017
- 4) Letter to SC Dep't Motor Vehicles dated June 15, 2017
- 5) Response to John Dalen from Col. Michael Oliver dated June 29, 2017
- 6) NAPA Valley Register article dated Oct. 28, 2013 entitled:
Difference Between 'individual rights' and 'privileges' (two pages)
- 7) Accused's Motion to Dismiss for Lack of Jurisdiction and Brief in Support of (twenty-two pages) filed April 18, 2017. See item "B".

N. All of the documents filed with the Circuit Court appealing the Magistrate's Court decision. This includes:

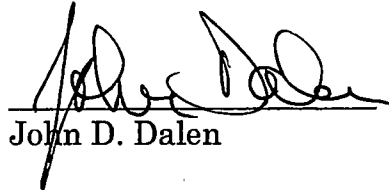
- 1) Notice of Appeal and the Attachment to Appeal (five pages) filed August 22, 2017
- 2) Exhibits filed with the Notice of Appeal:
 - a) Accused's Opening Statement (four pages)
 - b) Uniform Traffic Ticket (copy, two pages)
 - c) Letter to Senator Thomas Alexander dated June 22, 2017
 - d) Letter to Colonel Michael Oliver, SC Dep't. of Public Safety dated June 15, 2017

- e) Reply from Col. Michael Oliver to John Dalen dated June 29,
dated June 15, 2017
- f) Letter to the SC Dep't. of Motor Vehicles dated June 15, 2017
- g) NAPA Valley Register article dated Oct. 28, 2013 entitled:
Difference Between 'individual rights' and 'privileges' (two
pages)
- h) Accused's Motion to Dismiss for Lack of Jurisdiction and Brief
in Support of (twenty-two pages) filed April 18, 2017
- i) Return of the Criminal Appeal from the Magistrate Court
(seven pages)
- j) Two pages from: *State of South Carolina Municipal Court
Handbook, 2011* submitted to Judge R. Lawton McIntosh at the
hearing held February 26, 2018
- O. Transcript of the Appeal Hearing of February 26, 2018
- P. Order: Magistrate is Affirmed dated March 1, 2018
- Q. Affidavit of John Dalen filed March 12, 2018
- R. Motion for New Trial and /or Amendment of Judgment dated
March 12, 2018
- S. Motion for Findings of Facts and Conclusions of Law dated
March 12, 2018
- T. Judge R. Lawton McIntosh's Order Denying Motion to
Reconsider dated March 21, 2018

Certification of Matter to be Included in the Record on Appeal

I certify that this designation contains no matter which is irrelevant to this appeal.

June 8, 2018


John D. Dalen

John D. Dalen
Appearing Pro Per/Appellant

109 Wood Valley Drive

Westminster, SC 29693
Phone: 864.647.4705

Attorney for Respondent: The State

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Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

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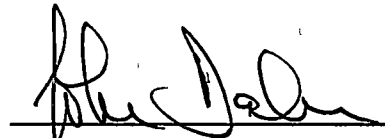
The State,

Respondent

PROOF OF SERVICE
DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL

I certify that I have served a copy of the Designation of Matter to be Included in the Record on Appeal on Solicitor's Assistant Bethany Ann Blundy by depositing a copy of it in the United States Mail, postage prepaid, on June 11, 2018, addressed to her at the Solicitor's Office at 415 S. Pine Street, Walhalla, SC 29691.

June 11, 2018



John Dalen
109 Wood Valley Drive
Westminster, SC 29693
(864) 647-4705
Appellant Pro Per

**LETTER TO THE APPELLATE COURT CLERK
FILING THE INITIAL BRIEF AND DESIGNATION OF MATTER**

June 8, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

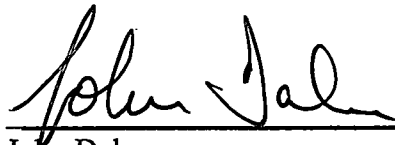
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RE: John Dalen, Appellant vs. The State, Respondent
Case no. 2018 - 000637

Dear Ms. Kitchings:

Enclosed for filing are an Initial Brief, Designation of Matter, and Proofs of Service on Respondent for each. Enclosed also are copies of each that I request that you stamp and return to me in the enclosed self-addressed, stamped envelope. Thank you for your attention to this matter.

Sincerely,

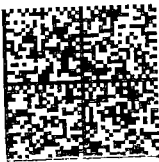


John Dalen
109 Wood Valley Drive
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(864) 647-4705
Appellant Pro Per

cc: Bethany Ann Blundy
Assistant Solicitor
415 S. Pine Street
Walhalla, SC 29691
(864) 638-4294
Attorney for Respondent

Enc: Proofs of Service
Designation of Matter, original and one copy
Initial Brief, original and one copy

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SC Court of Appeals
TO: *The Honorable Senny Abbott*
Kitchings

Clerk SC Court of Appeals
P.O. BOX 11629
Columbia SC 29211

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