THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Case No. 2017-002145
Civil Case No: 2016-40-CP-02350

Glenda R Couram,..... Appellant,

v.

Sherwood Tidwell, ... Respondent.

AMENDED INITIAL APPELLANT BRIEF

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Other Counsel of Record

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES/RULES

OTHER AUTHORITIES

STATEMENT OF ISSUES ON APPEAL

I. **DID TRIAL COURT ABUSED ITS DISCRETION/ERRED, COMMIT REVERSIBLE ERR AS A MATTER OF LAW WHEN IT DENIED THE ADMISSION OF MEDICAL RECORDS, BILLS AND OTHER DOCUMENTS WITHOUT REVIEWING THE EVIDENCE, REFUSING TO REVIEW TO FAIRLY DETERMINE THEIR ADMISSIBILITY UNDER RULE 803 (Transcript 5 -30)**

II. **DID THE TRIAL JUDGE ABUSE ITS DISCRETION OR COMMIT *REVERSIBLE ERR OF LAW IN* DENYING PRO SE APPELLANT'S EVIDENCE UNDER THE BUSINESS RECORD EXCEPTION SCRE 803 OF THE HEARSAY RULE, HOLDING HER TO A HIGHER STANDARD AND KNOWLEDGE**

III. **DID TRIAL COURT ABUSED ITS DISCRETION IN NOT GRANTING THE PRO SE APPELLANT'S MOTION FOR A CONTINUANCE DUE TO SURPRISE IN NOT ADMITTING HER MEDICAL RECORDS, BILLS, LETTERS AND AFTER AGREEINGTO CALL NO WITNESSES – THE COURTS KNOWLEDGE SHE WAS DEPENDING ON RULE 803(6) (Transcript p 25-30)**

IV. **DID THE TRIAL COURT ABUSE ITS DISCRETION BY HOLDING THIS PRO SE APPELLANT TO A HIGHER STANDARD THAN SIMIARILY SITUATED INDIVIDUALS SINGLING HER OUT TO DENY DUE PROCESS OF LAW UNDER THE 1ST AND 14TH ADMENDMENT BECAUSE OF HER PRO SE STATUS WHEN IT DENIED THE PLAINTIFF'S RULE 59(e) MOTION DENYING A NEW TRIAL ABSOLUTE, NEW TRIAL NISI AND UNDER THE 13TH JUROR DOCTRINE**

V. **DID THE TRAIL COURT ABUSE ITS DISCRETION AND COMMIT REVERSIBLE ERR OF LAW WHEN IT REFUSED TO INSTRUCT THE JURY ON PUNITIVE DAMAGES AS REQUEST BY PRO SE APPELLANT ALLOWED UNDER SC LAW? (Transcript p 190-192)**

STATEMENT OF THE CASE

This appeal arises from the trial court's denial of pro se Appellant's, Glenda Couram's (Appellant, Plaintiff or Couram), Motion for New Trial Nisi Additur, or in the Alternative, New Trial Pursuant to Rule 59 SCRCP, and under Thirteenth Juror Doctrine following a two day trial from June 15-16, 2017. And, the results of a Trial held on June 15-16, 2017 were the jury verdict was in favor of the pro se Appellant. (Verdict Form)

On March 28, 2016 (April 12, 2016) and after many attempts to settle[1] (Exhibits and Emails ____) by pro se Appellant a Negligence Complaint against the Respondent was filed in the Richland County Court of Common Pleas:

The Complaint alleged that Tidwell (Respondent) was negligent. Respondent was ticketed for driving too fast for conditions; the ticket was not contested and freely paid the ticket.

The Respondent via his initial attorney Anne Wade Sumner, Esq., filed an Answer on May 10, 2016. Respondent admitted liability from the start in admissions, thru admissions at accident scene and paid for damages to all vehicles damaged. (Answer, Interrogatories and Admissions Exhibit___).

Appellant ultimately, due to new Attorney Spitz's denial of liability filed on February 3, 2016, a Motion for Partial or Full Summary Judgment; a hearing was held before Judge Robert Hood in Richland County Court of Common Pleas on April 27, 2016. Columbia, South Carolina this court thus has jurisdiction. Appellant also during that hearing dropped a Motion to Quash subpoena filed by Defendant for her records from Columbia Counseling Center.

"On February 16, 2017, Defendant filed an Offer of Judgment pursuant to Rule 68 of the SC Rules of Civil Procedure in which he offered the sum on twenty thousand dollars ($20,000) to Plaintiff in full compromise and settlement of her claims. Plaintiff rejected Defendant's offer.

[1] (Mediation was conducted and an "impasse was declared).

Judge Hood granted partial summary judgment in Appellant's favor as to liability; the written Order was signed on June 1, 2017. The trial was supposed to have been for damages only. (Motion and Order ____).

Under the laws of South Carolina in this type of civil action a person injured by another's negligence is entitled to recovery of damages and to be made whole. Appellant was entitled to compensation for medical bills, economic and general damages such as pain and suffering and emotional distress to include punitive damages; special damages for lost wages, lost time from work, out-of-pocket expenses including future medical costs and wages past and future.[2]

This matter was tried in the Richland County Court of Common Pleas before Judge Joyceln Newman on June 15-16, 2017. The jury found Respondent owned the Appellant a duty, that he breached that duty and that he was the proximate "but for" cause of her injuries.(See Exhibits Emails)

On June 16, 2017 after a two day trial the jury ruled in favor of the Appellant but only awarded $1000 in contrast to jury instructions (Transcript 254-265). The court later based on a Rule 68[3] Settlement Offer reduced that amount to less than half in a criminal court. [4]

On June 16, 2017, jury returned unanimous verdict in favor of Plaintiff in the amount of one thousand dollars ($1000)."

"The jury's determination of damages cannot be left to conjecture, guesswork or speculation. Damages must be proven to a reasonable degree of certainty. In other words, a plaintiff is never entitled to recover conjectural or speculative damages .... the evidence must

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[2] Collateral source rule A tortfeasor (at fault party) cannot "take advantage of a contract between an injured party and a third person, no matter whether the source of the funds received is `an insurance company, an employer, a family member, or other source.'" *Pustaver v. Gooden,* 350 S.C. 409, 413, 566 S.E.2d 199, 201 (Ct.App.2002) (citations omitted).

[3] A Rule 68 Motion was filed by the Defendant – as a result of the jury verdict the court granted more than half of the award back to the Defendant for permanently hurting the plaintiff ; she did so with a smile on her face during a criminal hearing she was presiding over

[4] Verdict Form – Do you , the jury, unanimously find that the Plaintiff Glenda R Couram suffered damages? The jury checked -- Yes; Do you the jury, unanimously find that the damages suffered by Plaintiff, Glenda R Couram were proximately cased by the conduct of the Defendant? The jury checked –Yes.

allow you to determine what amount of damages is fair, just and reasonable.... (Jury Charge Transcript pp 245-264)[5]

See Judge's response to motion for new trial where she focused her reason to deny the SCRCP Rule 59 Motion on the SCRCP Rule 68 Order and Appellant's non acceptance, not the proffered evidence submitted by pro se Appellant but on a conversation appeared to have had with the jury after the trial as indicated in the denial.

In responding to the Rule 59(E) Motion Judge Newman denies receiving the proffered documents submitted by Appellant with the Motion and Memorandum, she states they were *disposed of* indicating that once again she refused to even look at the submission of evidence to determine their admissibility under well established law a right that she repeatedly denies to the plaintiff but feely allows to other similarly situated individuals. (Email Exhibit _).

The court denied the pro se right to submit the required evidence to the jury, citing Rules SCRE 408, 801 and 802. The Judge and Respondent forgot about SCRE Rule 803. Therefore they left the jury with nothing but conjecture, guesswork and speculation.

Plaintiff informed the judge she was going to file the Rule 59 Motion, the exparte communication with the jury surely had a say in what her decision was because she states (Denial pg 3) "it appears the Jury found the Plaintiff lacked credibility." The judge goes on to say, the jury determined "that it was a low speed, three-car collision in which neither of the other drivers suffered any injury whatsoever."

Apparently this was the reason behind the inadequate verdict told to the judge and not the Pro se and Respondent and the jury charges/instructions given by the Judge was completely

[5] Under South Carolina common law, future damages are generally allowed in personal injury and medical malpractice cases. See *Haltiwanger v. Barr*, 258 S.C. 27, 186 S.E.2d 819 (1972) (holding that future damages may be recovered in a personal injury action so long as the damages are reasonably certain to result in the future from the injury); see also *Ward v. Epting*, 290 S.C. 547, 351 S.E.2d 867 (Ct.App.1986) (holding that evidence of loss of future earnings admissible in a medical malpractice case).

ignored and this conflicting verdict and sidebar was okay with the Judge. (Transcript pgs 256-267).

If the jury felt the Plaintiff lacked credibility why rule in her favor that the Respondent caused her injuries? This a contrary ruling, that reeks of judicial bias if the comments were solely the judges and if not it was a decision by the jury that contradicted the verdict, a decision that ignored the law, a verdict that resulted for caprice, passion, prejudice, partiality, corruption or with other improper motives. See *Knoke v SC Depart. of Parks, Recreation and Tourism*, 324 SC 136, 478 Se 2d 256 (1996).

Respondent caused the harm he was cushioned by his commercial vehicle, Brown was in his mid twenties or early thirties, he could have saw Respondent coming and braced for the impact there are any number of reason why they were not injured. Brown was driving a sedan a Cadillac plaintiff was driving a compact car.

See New Jersey Supreme Court case *Davis v Husain*, 106 A. 3d 438 (NJ Sup Ct 2014) Exparte Communication with jury after verdict; if the information on page 3 is true this judge violated Cannon 3A(6) even being fully aware the pro se was going to file a Rule 59 Motion:

> "[t]he judge was neither conducting a hearing nor seeking advice on any pending legal matter. Inasmuch as the jury had completely discharged its function, the case was over as far as it was concerned. Indeed, the record of the colloquy with the jurors demonstrates that the judge was simply trying to enlighten the members of the jury as to the legal proceeding in which they had been asked to participate as part of the judicial process. Although we do not endorse the procedure used here, we can fully appreciate that in many situations this is desirable in order to help jurors to understand the nature of legal proceedings, which thereby promote their confidence in the judicial system. By no means was this, nor should it have been, a formal judicial inquiry into trial matters warranting the presence of counsel. Nonetheless, we are of the view that trial judges should refrain from such interaction in the future so as to avoid the type of allegations of judicial bias that have been made in this appeal or other claimed grounds for appeal. [*Id.* at 7, 678 *A.*2d 261.]"

There is every indication that the judges interaction with the jury, may have affected the judge's already tainted view of this pro se Appellant and the comment if in fact came from the jury compromised the impartiality and subsequent ruling with respect to the motion for a new trial

Given Judge Newman's view of the Appellant it is real mystifying the is unable to see how her actions are grounds for recusal and she has abused her discretion in not recusing herself from hearing any cases involving this pro se given her own prejudicial comments about the pro se's integrity and attitude towards her, instead she would rather see this pro se denied civil rights and justice in the courts.. [6]

Pearson v Bridges (SC Ct App) In personal injury actions, great latitude is allowed in the introduction of evidence to aid in determining the extent of damages; and as a broad general rule, any evidence which tends to establish the nature, character, and extent of injuries which are the natural and proximate consequences of defendant's acts is admissible, if otherwise competent. Martin, 253 S.C. at 103, 169 S.E.2d at 278.

See *Carlyle v. Tuomey Hosp.*, 305 S.C. 187, 407 S.E.2d 630 (1991) (The jury must be presented with all evidence from which it can make a logical, well informed decision. A jury's verdict cannot "be left to conjecture, guess or speculation.") (quoting *Gray v. Southern Facilities, Inc.*, 256 S.C. 558, 183 S.E.2d 438 (1971));

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[6] On May 8, 2018 involving an Appeal indicating the same litigants involved in this matter this Judge showed up in Lexington County to hear that appeal and at that hearing she had the pro se sworn/affirmed in to tell the truth not as a witness for a advocate for her case.
On May 15, 2018, involving the same individuals and case, she once again had this pro se Appellant sworn/affirmed and refused to recuse herself.[6] Indicating the Appellant was not a "reasonable person, I am glad you used the word reasonable." When asked why she did not have the opposing sworn in "they have been already" pros se assumes this was when they were sworn in as attorneys, so that would mean they are incapable of lying as the PRO SE obviously is capable of doing, she left the room full of people already believing this pro se was a liar and "lacked credibility" even before she got on a witness stand to testify.

After the verdict Appellant moved for a new trial nisi additur, or, in the alternative, new trail absolute pursuant to Rule 59 SCRCP and under the Thirteenth Juror Doctrine. The basis for the motion was that the jury verdict was inadequate, abuse of discretion by the trial judge. (Motion for New Trial Exhibit ____).

On October 4, 2017, Judge Newman denied the Motion. The Judge took four months to respond to the Motion to Reconsider and only after the Plaintiff asked for a response in order to file this Appeal and in an email she denied receiving any proffered documents submitted by the Appellant and "if she had sent submitted them they were disposed of" (Email and Motion).

On May 8, 3017, Appellant went to the court to review the records and the documents were submitted and on file the judge did not once again bother to review.

Appellant received a written copy of the Order on October 4, 2017, and filed a timely notice of intent to Appeal on October 12, 2017 and a corrected copy with the written Order October 20, 2017. (Exhibit R pp)[7]

As stated the pro se Appellant timely filed the Notice of Appeal or appealed.

The trial court denied the pro se Appellant's Motion for a new trial nisi, absolute and under the Thirteenth Juror Doctrine on October 4, 2017 four months after the Motion was filed:

The reason page four of the 59 Motion Denial:

"JUDGE CONCLUSION OF LAW:

> The court disagrees with Plaintiff and finds no basis, in law or in fact to grant the recovery requested by Plaintiff. "It appears the jury found that Plaintiff lacked credibility in her contention that she sustained severe injuries and "substantial damage" in a low speed, three-car collision in which neither of the other drivers suffered any injury whatsoever."

[7] Appellant filed this negligence action in the Richland County Court of Common Pleas after many, many attempts to settle – offers from the insurance started at 10k for medicals and 2500 for pain and suffer – Rick Skurko. Appellant was sent to a higher claims adjuster Tracy Peer whose final office on August 2016 was $15,000 when the medical bills at this time were $10,444 (See Subrogation letter Blue Cross Blue Shield of South Carolina and Letter *from Adjuster, Bills from Vital Energy–Medical Bill and Records Exhibits*).

None of this was articulate on the jury verdict form so this insight, stated by the court, must have come after the trial and *during the meeting* with the jurors and after the verdict which does not indicate the Plaintiff was not creditable - met with the jury after the trial verdict was read (apparently to hand out checks). (Transcript p 261-266).

This statement indicates the judge's inability to accept this pro se Appellant as some who can tell the truth under any circumstances, that she had no intensions of reading or looking or allowing the submission of the evidence needed by the jury to make an informed fact based decision from the very moment she contacted this pro se informing her that her case had been reassigned to her and if the appellant wanted the case heard on that week she must decline to call witnesses (Email).

She had no intension of allowing the jury to make this plaintiff whole therefore the ambush from the moment the pro se Appellant entered into the courtroom with an email for the record.

STATEMENT OF THE FACTS

This pro se Appellant had no pre-existing physical injuries prior to this accident that took place On September 18, 2018, a Friday, the Appellant was found by the Respondent at approximately 4:15 to 4:30 pm at a complete stop in rush hour traffic on I-20 headed towards Lexington County were she resides and owns property since 1994 sitting still in traffic, she never flagged the Respondent down, she never asked him to hit her she was an innocent victim who has been denied justice, due process and the right to be fully heard.

At the time of this accident the Appellant was less than 2 months from her 57th birthday, November 3rd, she had just lost her Mother in July 2015. The pro se Appellant's medical records

can attest to these facts. At 55 years of age she was dropped by her health insurance carrier due to her age and gone downhill and being too expenses to insure.

The day was dry and clear, the traffic was the normal heavy traffic on I-20 W headed towards Augusta/Lexington. The Appellant had just gotten off from work at SC Department of Motor Vehicles and was headed towards the house.

While in the left lane the traffic had come to a standstill no one was moving. The car behind Appellant was at a complete stop and all traffic surrounding was at a complete stop in all lanes. Suddenly, Pro se Appellant was suddenly jerked forward and in disbelief she got out of the car and learned she had just become involved in a three car accident caused by Respondent/ Defendant Tidwell. He collided into Brown's car and the impact forced Brown's car into Appellants. (Transcript pp 156-175)

The accident and Appellant's involvement caught her completely off guard, when she got out of the car she had to ask Brown what happened it was so unbelievable. Appellant was safely stopped, Brown was safely stopped, how and why me it was just unfair. Appellant was asked by Brown and Respondent if she was okay, the response was "she did not know. Respondent testified to the Plaintiff's confusion after the accident. (Transcript 156-165).

Appellant asked Brown to call "HP" After Officer came the cars were moved to right side of the road about 2 or 3 miles plus miles from the Spartanburg exit.

The responding Officer Riley asked Appellant if she was okay she told him, she did not know, still in shock about getting hit. The Officer asked a couple of more times, the same as the Respondent. Officer asked if she wanted am Ambulance, at the time Appellant did not, still in shock at being hit and feeling extremely tired and unfocused.

Highway patrol gave permission for Appellant and Brown to leave. The Respondent remained. Plaintiff at the accident took a couple of pictures of her car and then upon arrival to the house took a few more photos of her car.

Plaintiff was told on the 15th of September 2015, by Dr. Birdsong that she was borderline diabetic (the week of the accident). A goal to lose weight, at the times she was 160 before it became an official diagnoses so you can see why this accident caused her great harm in more ways than physical, see Doctor's letter/report dated September 15, 2015. The goal and hope was to have her weight down by December 30, 2015 the next appointment.

WHAT HAPPENED ON SEPTEMBER 18, 2015

At approximately 4:30 pm on September 18, 2015, the day was clear, no rain, not cold but the traffic was heavy. Appellant was in the far left lane. Traffic came to a standstill. Appellant stopped behind the vehicle in front of her the middle car (Brown) stopped behind her. Tidwell/Defendant collided into middle car's rear bumper causing severe damage to his commercial van damage was almost $5000.00. As a result, of colliding into the middle car so severely the middle vehicle collided with Couram's rear bumper causing damage and grave harm to her.

Appellant when the impact occurred she was caught completely off guard. After the impact the parties got out of the cars, Respondent asked if she was okay several times, she told him "I did not know." (Transcript pp 156-176)

Officer came out cars were moved to right side of road – we were about 2 miles plus from Broad River Exit on I-20 coming from Blythewood towards Lexington. (Exhibit ___ R police report)

When Appellant arrived to her house she found that her dog had messed up the house pretty well, smelled, etc., was about two hours late, had to clean that up. She later went to her neighbor to arrange for her to get the dog if for some reason she did not make it home one day (by a certain time). The accident made her realize the vulnerability of her dog if something happened to her. (Prior to getting her dog in 2013, she only had herself to worry about).

This accident happened on a Friday, September 18, 2015; the weekend went okay, Appellant did not go out, do any work, however the extent of her injury manifested itself on Monday morning, September 21, 2015, on her way to work when Appellant suffered the aftermath of the accident she felt an intense sense of dread, fear of every car was driving to close, coming into her lane, big rigs commercial trucks and cars on her bumper for almost 40 minutes she feared being hit until she got to work she remained tense, tighten up she attempted to call her doctor's office to find out how long the aftermath will last, the same things happened on Tuesday except upon getting to work her muscles and her back hurt, at times it felt as if someone was digging their knuckle into her back, to work she had to sit up ram rod straight with a pad in her back, movement hurt. She was unable to relax, suffered headaches and pain in her back.

On September 23, 2015, Plaintiff could not bear the pain in her back and across her shoulders any longer she went to Lexington Urgent Care and saw Dr. Skaggs. Dr. Skaggs ordered x-rays (XR Cervical Spine AP Lateral and Odontoid Trauma and XR Chest PA and Lateral ($1591). (See Transcript RR pp); upon release she was unable to get in her car and stood in the parking lot for 15 minutes to a half hour before she was able to get in her car. She was diagnosed with strain of neck muscle and strain of rhomboid muscle and given prescription for Tramadol. Plaintiff still in pain had to wait an hour for the prescription then was told by the pharmacist about the dangers of that medication to another she was taking and not to take both

together. (Walgreen - See receipt $9.00) (See Report Lexington Urgent Care R pp Bill submitted was $1591). NOTE: Plaintiff's blood pressure went up drastically by the time she got to Lexington Medical documented at 143/99. (See report from Lexington Urgent Care)

The pain got worse especially when driving to work. The medication made her sleepy and with the attacks and back pain it felt like someone jamming their finger in the middle of my back, I stayed off from work for three days September 24, 25 and 28, 2015. When she returned to work the anxiety, fear and panic continued, the pain continued. She was unable to take other medication with the Tramadol.

On October 2, 2015, Plaintiff 's pain got progressively worse so she called to arrange appointment with her regular doctor's office, during the drive she began having anxiety/ panic attack, throat began to ache/close up as a result her blood pressure was documented at 142/116. The pressure had not gone down by the end of the evaluation and she could not leave until it went down a bit. (See Report from Palmetto Medical Associates - Frick-FNP – Bill submitted).

Plaintiff was diagnosed with muscle spasms, back pain thoracic and lumbago and given a prescription for 800 mg Skelaxin and a referral for physical therapy. (See Medical Report).

The referral to Vital Energy finally came thru around October 20, 2015, due to the flooding, etc., there was a delay -- Plaintiff went for an evaluation at Vital Energy Wellness and Rehabilitation on or about October 20, 2015 and being treatment on October 23, 2015 until February 2016. Another referral was provided by primary when the pain came back and Plaintiff after information Respondent's insurance went back into treatment and remained until May 2016. (Itemized Bill and Services submitted to Defendant and Plaintiff totaling $10444). It is important to note when Appellant gets tired the middle of her back continues to ache. Her fear related to driving is much better and the headaches are few but she still has issues now with

driving particularly in heavy traffic. Appellant now utilizes the hazard signal when traffic is heavy. (See Exhibit Medical Records from Vital Energy and Blue Cross sent via Custodian of Records as Subpoenaed by Defendants along with Emails R pp).

On or about October 26, 2015, Appellant called Dr. Birdsong's Office explaining the Skelaxin ($9) was not helping and she was prescribed Naproxen by Dr. Birdsong on October 29, 2015 ($4). On her next appointment with Dr. Birdsong, Plaintiff was referred to Palmetto Spine Center. (Exhibits R pp and Medical Bill along with Custodian of Records Verification sent to both Defendant and Plaintiff).

Plaintiff could not get her blood pressure to go down and it was increased several times, due to the increase in blood pressure medication and change of medication the plaintiff had a severe reaction to the medication that affect "some black people" the reaction lasted for close to a month in a half.

Plaintiff testified to how she was injured, the injuries she sustained and she testified to the origin of the injuries came about (Transcript p 109 to 127).

In her testimony the Plaintiff explained to the jury what happened, she explained that she suffered from panic disorder, PTSD, anxiety, chronic anxiety and stress and she had been suffering since 2009.

The one disorder she did not have or tell the jury at the time of the accident was that she had physical problems with her back, neck, shoulder, etc., that it was not until the accident caused by the Defendant did she start having those issues. She told the jury about her being pre diabetic (borderline) and weight gain.

Appellant testified to how she was stunned that she had gotten hit (Transcript p 111). How she came to the realization that this was a three car accident that she never have been involved in, she was stopped, Brown was stopped, why her?

Appellant expressed the disbelief she had gotten hit (Transcript 113 line 1-2). Stayed in all weekend and slept

(Transcript p 113) then Plaintiff described what happened on the day she had to go into worked on Monday, September 21, 2016 after the accident. "That's when everything kind of went crazy" I got into the car on way to work, I was on I-20 and I just kind of froze up. Cars – it felt like cars was – was on my bumper all the time. The Mack trucks were coming at me. They were coming in my lane. It was just crazy. And the more I thought about it, the tighter I tightened up. And like I said, I drive about – takes me about 45 minutes to get to work. So, I tightened up and tightened up some more. And I continued to tighten up and by the time I got to work, I was just, like, paralyzed with fear or panic or stress or whatever the case may be.

I sat in the car. I got out of the car; went into work. And my back started to hurt. I called and reported it to the Respondent's Insurance. I tried to call my doctor to find out if it was something that's – was temporary, was going to go away after awhile. Because when I was younger, you can kind of bounce back. I'am 58. I was 56 when this happened.

Mr. Tidwell (Respondent) found a 56 year old woman who was not bouncing back as easily anymore with the other issues going on

So I stayed all day at work. My back continued to hurt while I worked. I sat straight up in my seat it felt like something was poking in it – poking directly in the middle of my back (Transcript p 114) the pain was mostly under my left shoulder blade

So I went to – I got up. I went home. And I started thinking about Cashie and the fact that she's going to be stuck in that house if something happened to me.... (Transcript p 114 lines 6-23

Transcript p 114 line 24) So—and I started thinking about it. And I – and the more I thought about it, the – the more – the scareder I got I became. I started driving with my hazard lights on all the time, coming and going

It – the only problem with having your hazard lights on is telling people that you want them to come up closer to you.

So, when I – so when I got home Monday. I – I went to my next door neighbor and arranged for her to get Cashie if not back at a certain time. (Transcript p 115)

Got to the house and went to bed after talking to her. Tuesday got up; same thing happened – that paralyzing fear - the more I stiffened up the harder it because to release my muscles – the problems was becoming worse and worse I left work with blinkers on –

I had a panic attack Tuesday –reported to Insurance

I went to work on Wednesday, the same thing happened. I reported to Insurance. This time it was so bad I just couldn't stay at work. Left and went to Lexington Urgent Care they took x-rays (Transcript 117)

On September 23, finally able to get appointment with primary care, she gave me a new prescription for pain and then a referral to Vital Energy for physical therapy, completed first round of physical therapy on or about February 2016. I submitted bills and medicals records. Had to return to therapy got a second referral from Dr. Birdsong, informed insurance company those sessions ended in May 2016.

The therapy with Vital Energy worked for a while by August the pain was back Dr. Birdsong referred me to Palmetto Spine Center received counseling as part of their program, they did dry needling; the pain continued, I would take the medication but would become sleepy so started taking IB sometimes six a day to get through work. I also always felt like something was poking me in the back all the time after the treatment with Palmetto Spine Center things just continued to get worse (Transcript 118-121).

(Transcript p 124) The problem came in when I got home that Friday, when I started driving again that Monday that my back seized up and caused the injuries that I suffer. And that the connection, the causal connection to the accident.

And as I said, this not – this was not something that was – the only thing that was foreseen by Mr. Tidwell this was Friday. It was in South Carolina. It was on I-20. And it was incumbent upon all of us, and he violated the statue of South Carolina by driving too fast for conditions. It's incumbent on all of us to be conscious--

SPITZ: Objection Your Honor

COURT: Right. You can't—sustained. Sustained. We talked about not reading those things.

COURAM: I's not – I – I didn't read that.

COURT: Okay. Well- I mean, that – that portions' already been established. So move on to the next portion

(Transcript 124 line 24) Anyway, I was telling you about me. I was 56 (55) years old when this accident happened. I pre-diabetic, overweight, my major concern was to lose the weight at that time. Then Mr. Tidwell came along

(Transcript 125-128) If I had – if I could – I really, really, really, really wish this accident hadn't happened.....

I keep forgetting where I was – anyway, I was 55. I'am 58 now. And one of the reasons I'm bringing that up is that my insurance, when I turned 55 ---

MS. SPITZ: Objection, Your Honor

COURT: Sustained

COURAM: My-my health insurance

COURT: Ladies and gentlemen of the jury, I ask that you disregard the last comment by Ms. Couram. Move on to the next topic

Anyway, I was 55 years old when I got a letter, It's – it's directly – directly related to the damages at this point Pro Se was going to publish her damages to the jury but was prevented from doing so.

COURT: I'm not going to debate it. That's my ruling, ma'ma. Move on to the next topic

(Transcript 137-142) - Regarding Palmetto Spine Center Respondent's Attorney implied they did not have my medical records yet she was quoting directly from them as to my treatment mentally yet the court refused to allow submission of these same records or to review those same records for submission to the Jury as to my injuries and bills.

(Transcript p 143 – 145) Court stated to this pro se Appellant that she could not mention insurance as it relates to Respondent, she never said I could *not speak on my own health insurance or what my insurance did or did not do.* I mentioned *my health insurance* to further my testimony to the jury, to tell them about why I was dropped and that dropping was due to my age. I have had health insurance the majority of my life. I was testifying to my injuries and how they came about and the why at this time in my life I was not bouncing back thus the reason I was dropped by my health insurer and the letter dropping me. I specifically stated as the transcript indicate "my health insurance"

> As in the case of *Tucker v. Reynolds*, 268 S.C. 330, 233 S.E. (2d) 402 (1977), the jury would not have been able to ascertain to whose insurance was being referred. See also *Keller v Pearce-Young-Angel Company*, 253 SC 395 171 SE 2d (SC Ct App1969).

COURT: **No, ma'ma**. What I said to you is that you are not to mention insurance whatsoever. I, in fact, a list of names of names of insurance companies, which included BlueCross BlueShield[8], which I'm sure was your health insurer as a state employee, I'm sure on the BlueCrosss BlueShield State Health Plan, how would the judge know this, ... But I certainly gave you some suggestions and told you not to mention insurance whatsoever and, in fact clarified that I wasn't just telling you not, but ordering that that is not ----

Sarvis v. Register, 288 S.C. 236, 341 S.E.2d 791 (1986) (generally, the existence of insurance should not be brought to the attention of the jury).[9]

The reaction of the court and Respondent's attorney are the ones who created passion and prejudice in the court and thus prejudice the Pro se Appellant with the jury and called to the jury's attention the subject of liability insurance as her questions did in cross examining the pro se Appellant about car repair. This pro se Appellant did not bring the jury's attention to the Respondent's insurance the Attorney and the Judge did.

STANDARD OF REVIEW - IN GRANTING A NEW TRIAL NISI

"It is within the judge's province to grant a new trial nisi if he finds the amount of the verdict to be inadequate or excessive." *Carson v CSX Trans., Inc.*, 400 SC 221, 241, 734 SE 2d 148, 158-59 (2012) (citing *Bailey v Peacock*, 318 SC 13, 14, 455 SE 2d 690, 691 (1995)). "In reviewing the trials court's decision regarding a new trial nisi, '[t]his Court has the duty to review the record and determine whether there has been an abuse of discretion amounting to an

[8] I never mentioned the name **of my health insurer**, the state had a number in insurers and this trial happened after I was terminated, the Judge claimed to not know this pro se but she had a great deal of knowledge about her that was never mentioned
[9] the fact that a defendant is protected by insurance from liability in an action for damages should not be disclosed to the jury. *Bartell v. Willis Construction Co.*, 259 S.C. 20, 190 S.E. (2d) 461 (1972). The reason for the rule is to avoid prejudice in the verdict, which might result from the jury's knowledge that the defendant will not have to pay. *Id.* 190 S.E. (2d) at 463. If insurance is mentioned, the party moving for the mistrial has the burden of showing not only error, but also prejudice. *Sarvis v. Register*, 288 S.C. 236, 341 S.E. (2d) 791 (1986). Further, the mere reference to insurance alone, in a personal injury action, does not necessitate the declaration of a mistrial. *See Billups v. Leliuga*, 303 S.C. 36, 398 S.E. (2d) 75 (Ct. App. 1990) (wherein this court affirmed the denial of a motion for mistrial where the testimony of a chiropractor indicated he was referring to his own billing system and not that of the liability insurance carrier). *See* also *Tucker v. Reynolds*, 268 S.C. 330, 233 S.E. (2d) 402 (1977) (wherein our Supreme Court concurred with the trial judge that the jury was unable to determine whose insurance was being referred to and, after reviewing the context of the testimony, found the defendant was not prejudiced).

error of law.'" *Id* at 241, 734 SE 2d at 159 (quoting *Bailey,* 318 SC at 14, 455, SE 2d at 691). "If the amount of the verdict is grossly inadequate or excessive so as to be the result of passion, caprice, prejudice or some other influence outside the evidence the trial judge must grant a new trial absolute.'" Id. (quoting *O'Neal v Bowles*, 314 SC 525, 527, 431 SE 2d 555, 556 (1993). "Failure of the trial judge to grant a new trial absolute in this situation amounts to an abuse of discretion and on appeal this Court will grant a new trial absolute." *O'Neal*, 314 SC at 527, 431 SE 2d at 556.

Garrison v. United States, 62 F.2d 41, 42 (4th Cir. 1932). To emphasize, a new trial may be ordered if the trial court believes that the verdict "is contrary to the clear weight of the evidence," or that a new trial is "necessary to prevent a miscarriage of justice." See *Campus & Sweater & Sportswear v MB Kahn Const.*, 515 F. Supp. 64 (Dist Ct D. SC).

A NEW TRIAL ABSOLUTE 13TH JUROR DOCTRINE

Brinkley v South Carolina Department of Corrections, 687 SE 2d 54, 386 SC 182 (SC Ct Apps 2009) A circuit court may grant a new trial absolute on the ground that the verdict is excessive or inadequate. *Rush v. Blanchard*, 310 S.C. 375, 379, 426 S.E.2d 802, 805 (1993). "The jury's determination of damages, however, is entitled to substantial deference." Id.

The circuit court should grant a new trial absolute on the excessiveness of the verdict only if the amount is so grossly inadequate or excessive so as to shock the conscience of the court and clearly indicates the figure reached was the result of passion, caprice, prejudice, partiality, corruption, or some other improper motives. *Id. at 379-80, 426 S.E.2d at 805.*

The grant or denial of new trial motions rests within the discretion of the circuit court, and its decision will not be disturbed on appeal unless its findings are wholly unsupported by the

evidence or the conclusions reached are controlled by error of law. *Umhoefer v. Bollinger*, 298 S.C. 221, 224, 379 S.E.2d 296, 297 (Ct.App.1989).

ARGUMENTS

I. TRIAL COURT ABUSED ITS DISCRETION/ERRED WHEN IT DENIED THE ADMISSION OF MEDICAL RECORDS, BILLS AND OTHER DOCUMENTS WITHOUT REVIEWING THE EVIDENCE, REFUSING TO REVIEW TO FAIRLY DETERMINE THEIR ADMISSIBILITY UNDER RULE 803

Under SCRE 803(6) the following are not excluded by the hearsay rule, even if the declarant is available to testify: A memorandum, report, record, or data compilation, in any form, of acts, transactions, occurrences, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, or by certification that complies with a rule promulgated by the supreme court or a statute permitting certification, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

As the Michigan court states: "this Court articulated the evidentiary foundation required to admit business records under MRE 803(6) in *People v Vargo*, 139 Mich App 573, 580; 362 NW2d 840 (1984): For a proper foundation to be established for the admission of a document as a business record, a qualified witness must establish that the record was kept in the ordinary course of regularly conducted business activity and that it was the regular practice of such business activity to make the record. MRE 803(6). Knowledge of the business involved and its regular practices are necessary. *People v Safiedine*, 152 Mich App 208, 217; 394 NW2d 22

(1986) - These foundational requirements do not require presentation of either the actual author or someone else who can interpret the contents of the records.

The trial judge in this matter and Respondent in harmony suppressed the evidence that was clearly admissibility and they did with complete understanding by singling this pro se out and denying her due process and a full right to be heard merely because she was unable to quote the exact number for the Business Record Exception that allowed her evidence to be submitted to the jury resulting in a verdict that was purely speculative, made based on irrelevant evidence, carprious (inconsistent), inadequate based on the evidence testified to by the pro se which the jury attached all credibility to believed and in doing so the plaintiff was entitled to the medical bills, compensatory and general damage as well as special damages as required under South Carolina Law, she was entitled to be made whole not placed in a deficient by the court because she was pro se.

While the trial judge in her response to the Rule 59(e) motion clearly maintains the view that the pro se is a liar and not creditability her decision was not based on the testimony believed by the jury, but on the evidence she in abuse of discretion denied submission to. She singled this pro se out denied her due process, denied her the right to be before a judge who had not already predetermined the outcome of the trial with help; a judge who by all decency should never have accepted or contacted this pro se when she knew her lack of impartiality, her deep prejudice, mistrust and deep bias towards this pro se but accepted to do her harm as a favor to her former colleague, fellow attorneys and former clients. Every person should go before a judge who had not decided well before the trial they are guiltily or trying to get rich at the expense of others and nothing she said regardless of the law would change her mind, she violated the judicial canons a judge is suppose to live and work by, why become a judge?

At closing arguments, the pro se attempted to enter her medicals bills as she was so confused at the start of the trial as to what she could and could not do or say. She understood the court to say she could not enter those because they were attached and part of the letters and medicals sent by BlueCross Blue Shield of South Carolina (detail of all medical expenses), part of the records send by Vital Energy, Parkridge Medical Associates, the Subrogation Letter and Part of the records sent by Palmetto Spine Center, etc., and part of the letters all of which the court refused to look at.

So Plaintiff intended to publish during closing arguments verbally her medicals and then she was told she could not do that, and the court told her she could submit the medical bills and suddenly changed her mind, there was loss of income before the jury testified to by the pro se "the plaintiff was only allowed to say 'substantial damages' which left the jury to speculate, conject as to damages during a damages hearing/trial and figure out what "substantial meant". (Transcript p 217) (Transcript 38-44 Line 22-25).

II. THE TRIAL JUDGE ABUSE ITS DISCRETION OR COMMITTED REVERSIBLE ERR OF LAW IN DENYING PRO SE APPELLANT'S EVIDENCE UNDER THE BUSINESS RECORD EXCEPTION SCRE 803 OF THE HEARSAY RULE, HOLDING HER TO A HIGHER STANDARD AND KNOWLEDGE (Transcript p 25-30)

"Generally, errors in the admission of evidence are to be disregarded unless they affect the substantial rights of a party." *Hoglund v. State,* 962 N.E.2d 1230, 1238 (Ind. 2012).

Factors to be considered in determining whether the trial court abused its discretion in denying the motion for continuance include the following: 1) whether the denial of the continuance creates an injustice for the movant; 2) whether the cause of the request for continuance was unforeseeable by the movant and not the result of dilatory practices; and 3) whether the opposing party would suffer any prejudice or inconvenience as a result of a continuance. *Fleming v. Fleming*, 710 So.2d 601, 603 (Fla. 4th DCA 1998).

After the hearing before Judge Benjamin and a date certain could not immediately be scheduled and learning this matter would not move forward until July 2017.

Plaintiff and the defense begin exchanging witness list which included her witnesses from SCDMV. She was in the process of obtaining subpoenas from the court when she received an email directly from Jocelyn Newman as it turned out was a Circuit Court Judge for Richland County, not only was she a Judge it turned out she had previously worked at the Law firm Richardson Plowden and Robinson and she was a colleague of pro se Appellant's former Employer SCDMV, Eugene Matthews, if the Appellant had known as she has in the past would not have agreed to the trial without witnesses or agreed to the trial at all before Judge Newman.[10]

During the trial with Matthews and a employee of SCDMV in the courtroom Judge Newman even after a conversation on record with Matthews (R pp) never disclosed the relationship, never disclosed she knew the Plaintiff's former employer or the law firm she worked for was representing them. (R pp and Exhibits Emails R p)

Instead the plaintiff was treated like a mouse in a trap by the court and officers of the court; with rules of the court and well established law being dispensed in half majors to allow a jury verdict that was prejudicial, biased, and capricious and

(Transcript pgs 25-40 and Email)

> SPITZ: The next issues, I want to bring to the court's attention of course under SC rule of Evidence 802, as we've been discussing, hearsay is inadmissible that would be during opening, closings, or during Ms. Couram's testimony today. Medical Records would fall under the hearsay rule..... The trial judge co signed on this falsehood – she went further to says under 801 and 802.

[10] It turns out also that any case this pro se has in the court be it Lexington County or Richland this same Judge is designated to hear the case – May 8, 2018 and May 15, 2018 both involving these same defendants in some capacity.

As it turned out this comment by the Respondent's attorney was accurate yet the court allowed and co signed on it - violated Rule 3.3 Candor Toward a Tribunal 3.4 Fairness to Opposing Party or Counsel and Rule 4.1 Truthfulness in Statements to Others

> COURAM: Then, I 'd request the a continuance until I can see if I can get witness – doctors here (as it turns out under rule 803 there was no need to subpoena Dr. Birdsong, some at Palmetto Spine Center or Vital Energy, as the records could have been submitted without them due to the affidavits and signatures of the custodian of records) (Transcript pg 30).
>
> THE COURT: Well, now, at this point I have to deny that request. And that's why I went through, before even started your desire to go forward. And you affirmed that.
>
> COURAM: ..... I did not realize that I could not submit my medical records as the evidence...
>
> THE COURT: I understand. Hold on one second ... to court reporter. Make that a Court's exhibit.

South Carolina Rule 803 allow the pro se Appellant to submit information in the medical records to the jury that was kept in the everyday course of business, Appellant medical records were not complicated as she had not been a person who steadily went to a doctor and prior to this accident there is nothing that was physically wrong with her back, shoulder or other physical problems complained of after the accident on September 18, 2017. When the judge stated that Appellant's medical records and bills, etc. was not admissible under the Business Exception Rule the Appellant was taken completely by surprise therefore she should have been allowed a continuance to subpoena her doctors to the court to testify as to her medical problems after the accident. The court had no problem with allowing the Respondent's attorney to present her medical expert but required the pro se to not have any witnesses and then surprised her with wrong well established law to prevent evidence from going to the jury. The court virtually denied the pro se the same rights and privileges as similarly situated individuals, with the Appellant's medical records and bills not being submitted into evidence the plaintiff was

prejudiced and denied a full and fair hearing and this denial was based on inaccurate use of the rules of evidence and the pro se Appellant suffered great prejudice as a result.

III. THE TRIAL JUDGE ABUSED ITS DISCRETION OR COMMIT REVERSIBLE ERR OF LAW IN DENYING PRO SE APPELLANT'S EVIDENCE UNDER THE BUSINESS RECORD EXCEPTION SCRE 803 OF THE HEARSAY RULE, HOLDING HER TO A HIGHER STANDARD AND KNOWLEDGE

The proponent of the evidence must show that the records to be admitted were kept in the course of a regularly conducted business activity. *See, e.g., United States v. Sokolow*, 91 F.3d 396 (3d Cir. 1996) (noting that under Rule 803(6) a summary of claims the business paid could be admitted regardless of the hearsay exclusion because it was prepared in the course of regularly conducted business).

In this case, there was continuous exchange of information between the pro se and the Respondent's attorney, what this pro se received the Appellant sent to the Respondent and vis versa according to this US court these records were admissible regardless of the hearsay exclusion.

Alternatively, the party can proffer a written "certification" (affidavit) of the records custodian attesting to such facts.[6] A party who chooses the second option must serve "reasonable written notice" to every other adverse party of its intention to proffer such evidence and must "make the record and certification available for inspection—so that the party has a fair opportunity to challenge them." This option was also applicable to this trial. *Kershaw County Dep't of Social Serv. v. McCaskill*, 276 S.C. 360, 278 S.E.2d 771 (1981); see also *State v. Rich*, 293 S.C. 172, 359 S.E.2d 281 (1987) (admission of properly authenticated fingerprints); *Uniform Business Records as Evidence Act, S.C. Code Ann.* § 19-5-510 (1985).

It would have been a simple matter to go thru the medical records, letters and bills to exclude or remove items the jury was not to see or consider but the court continued to deny a well established law which prejudiced this Appellant and lead to a unjust, inadequate verdict based on speculation and conjecture by the jury who had nothing to based it decision on by car photos that had already been paid for – in essence provided this pro se with double recovery for the damages to her car and not to her body. See 9 A.L.R. Fed. 457 (1971);

To note the judge and the Respondent's Attorney was very careful not to use Rule 803 in deciding at the outset of the trial that the Appellant was not going to be allowed to submit her medical records, bills and other documented evidence in this matter. (Transcript pg 6-9, (Transcript p 14-22)

The trial judge and Respondent freely mentioned Rule 411, Rule 801 and Rule 802 which was the rule Appellant was referring to when she begged the court to look at her evidence, her medical records and bills for submission to established damages suffered in this matter. It was completely pointless to go to trial when you cannot even submit the necessary evidence to prove damages. The Respondent would have been be surprised at the documents to be submitted under Rule 803 as they had the same copies the Appellant had, the same affidavits and custodians of records as proof of authenticity yet the court refused to discuss the evidence, she merely suckered this pro se by acting like a snake in the grass and then proceeded to act and do whatever she wanted without regard to the laws she was to uphold and ensure justice was done. (Emails)

Even with the submission of the evidence under Rule 803, the jury could have determined the same thing as they did at the end of the trial but failure to allow submission of that evidence prejudiced the Appellant, the actions in the courtroom was confusing, the question asked about the pro se employment and why she was terminated had to have had an impact on

the jury thus continuing the confusion of the purpose of the trial which was not deposing the pro se for Matthews and SCDMV.

There is a unending case law expounding how the court in this matter abused her discretion as a matter of law, abused the pro se litigant and in that abuse showed her prejudice, dislike and contempt for the pro se and nothing would have changed her view which further shows that she violated her oath of office by contacting this pro se and setting her up with the help of the Respondents Attorney and the Plaintiff former employers attorney.

Now, in reading this transcript the questions were inappropriate and should have been Objected, they had nothing to do with the trial but everything to do with Heather Martin, Eugene Matthews and the reason they were in the courtroom. This line of questioning also goes to prove that the trial judge in this matter was in fact not in that courtroom to ensure justice but to trap the Appellant as a favor to a former colleague and client and the Respondent's attorney went along.

The Appellant was not before a judge, defense attorney. She was before a compromised judge helping her former colleague and former clients SCDMV and the payoff to the Respondents attorney was not a loss to a pro se.

The questions also show what an absolute fool this Appellant was in trusting the judicial system; where the questions from Matthews who wanted to have on record to use later against the Appellant responses, because they certainly had nothing to do the trial?The questions could have confused, prejudiced the jury against the Appellant as well.

The court never allowed this pro se Appellant to offer or attempt to enter her medical records and bills under the SCRE 803(6) Hearsay Exception for Business Records the first Order to come was they are not admissible based on a laundry list of do's and don'ts if the Plaintiff did not want to be held in contempt of court, pay fines or have her case dismissed by means of a

Mistrial. She was not given the opportunity to show that the evidence she had related to her medical records were the writing made in the regular course of business. That there they procured at a short time of the act. To establish the condition or event being described or that the source of the information and the method and circumstances of the preparation of the writing was justified allowing it into evidence.

The trial judge never asked the Appellant if she could prove a chain of custody of her medical records, prove their authenticity by writing from a custodian of record under affidavit. The Appellant had the same information that the Respondent had the information was obtained thru Discovery or obtained by copy sent to her at the same time as they were sent to the Respondent.

To have a business record admitted, the proponent must show (1) that the record was made at or near the time of the event; (2) that the record was made by or from information transmitted by a person with knowledge; (3) that the record was kept in the ordinary course of a regularly conducted business activity; and (4) that it was a regular practice of that business to make such a record.

All these conditions can be met through the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a corollary state statute permitting self authentication or certification

This trial judge never made relevant or admissibility determination as to the Appellant's evidence, she refused to even look at the documents to determine if they were admissible she just decided based on pre trial motions of the Respondent nothing or anything the Appellant had was

inadmissible with both citing SCRE Rule 801 and 802 and intentionally skirting around Rule 803(6)[11] As if she knew that if she did she would have no choice but to admit into evidence.

This decision made was "inconsistent with applicable law" Pressler & Verniero, Curent N.J. Court rules, comment 4.6 on R 2:10-2 (2012) "When the trial court fails to appy the proper test in analyzing the admissibility of proffered evidence," it is the responsibility of the higher court to review *de novo*. (See unpublished Opinion *Cavalry Portfolio Services, LLC v Harry J. Kumbaris* (NJ 2011).

The Michigan Appeal court explains in *In re King*, 186 Mich App 458, 466, 465 NW 2d (1990) An abuse of discretion is found only if an unprejudiced person, considering the facts on which the trial court acted, would say that there was no justification or excuse for the ruling made, or the result is so palpably and grossly violative of fact and logic that it evidences a perversity of will, a defiance of judgment, or the exercise of passion or bias. See *Dep't of Transportation v Randolph,* 461 Mich. 757, 768; 610 NW2d 893 (2000).

South Carolina Rule of Evidence (SCRE) 801(C) defines hearsay as "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." SCRE 802 provides that hearsay is not admissible except as provided by the Michigan Rules of Evidence. See *Kershaw County Dep't of Social Serv. v. McCaskill*, 276 S.C. 360, 278 S.E.2d 771 (1981); see also State v. Rich, 293 S.C. 172, 359 S.E.2d 281 (1987) (admission of properly authenticated fingerprints); Uniform Business Records as Evidence Act, S.C. Code Ann. § 19-5-510 (1985).

[11] *Polito v. Holland*, 258 Ga. 54, 55, 365 S.E.2d 273 (1988). "The collateral source rule, stated simply, is that the receipt of benefits or mitigation of loss from sources other than the defendant will not operate to diminish the plaintiff's recovery of damages." Id. (citation omitted). "If a windfall must be had, it will inure to the benefit of the injured party rather than relieve the wrongdoer of full responsibility for his wrongdoing."[1] *Broda v. Dziwura*, 286 Ga. 507, 508, 689 S.E.2d 319 (2010).

If this pro se Appellant understand the trial judge, in this matter, did in fact abuse her discretion in ruling the Appellant could not submit her medical records, bills and possibility other documents under South Carolina Rules of Evidence Law and her ruling was an error of law or a factual conclusion that is without evidentiary support. See *Fields v. Regional Med. Ctr. Orangeburg,* 363 S.C. 19, 26, 609 S.E.2d 506, 509 (2005); *see also Simon v. Flowers,* 231 S.C. 545, 550, 99 S.E.2d 391, 393-94 (1957) ("'[E]rror at law' exists: (1) when the circuit judge, in issuing [the order], was controlled by some error of law ... or (2) where the order, based upon factual, as distinguished from legal, considerations, is without adequate evidentiary support.").

Thus this court is charged with making do a *de novo* examination of this matter to correct that error of law to ensure substantial justice and that the rules are applied equally down to the pro se Appellant.

III. DID THE TRIAL COURT ABUSE ITS DISCRETION IN NOT GRANTING PRO SE APPELLANT'S MOTION FOR A CONTINUANCE DUE TO SURPRISE IN NOT BEING ALLOWED TO SUBMIT HER MEDICAL RECORDS, BILLS AND OTHER EVIDENCE AFTER SHE HAD HER AGREE TO NO WITNESSES ANDPRIOR TO PROCEEDINGS HAD THE PRO SE CONFIRM AND HAD EMAIL PLACED IN RECORD?

CONTINUANCE - The courts have found that it would be an abuse of discretion for a trial judge to deny a continuance when the continuance was mandated by law, *see Mead v. Tydings,* 133 Md. 608, 612, 105 A. 863, 864 (1919), or when counsel ***was taken by surprise by an unforeseen event at trial,*** when he had acted diligently to prepare for trial, *Plank v. Summers,* 205 Md. 598, 604-05, 109 A.2d 914, 916-17 (1954), or, in the face of an unforeseen event, counsel had acted with diligence to mitigate the effects of the surprise, *Thanos v. Mitchell,* 220 Md. 389, 392-93, 152 A.2d 833, 834-35 (1959). *Touzeau,* 394 Md. at 669-670, 907 A.2d at 816.

First South Bank v South Causeway, LLC 778SE 2d 493 (SC Ct App 2015) - Under the business records exception to the hearsay rule, a memorandum, report, record, or data

compilation, in any form, of acts, events, conditions, or diagnoses may be admissible if it is (1) made *at or near the time of the event recorded*; (2) prepared by *someone with knowledge*; (3) made and kept in *the course of a regularly-conducted business activity*; (4) identified by the *custodian or a qualified witness who can testify regarding the mode of preparation of the record; and (5) found to be trustworthy by the court. See* Rule 803(6), SCRE; *High v. High,* 389 S.C. 226, 239, 697 S.E.2d 690, 696-97 (Ct.App.2010).

VI. DID THE TRIAL COURT ABUSE ITS DISCRETION BY HOLDING THIS PRO SE APPELLANT TO A HIGHER STANDARD THAN SIMIARILY SITUATED INDIVIDUALS SINGLING HER OUT TO DENY DUE PROCESS OF LAW UNDER THE 1ST AND 14TH ADMENDMENT BECAUSE OF HER PRO SE STATUS?

The trial court in this matter used its authority to ambush a pro se litigant and in doing so denied this Appellant a fair, full and impartial trial with an impartial jury hearing the admissible evidence instead the court insured an outcome such as she wrote of in her denial of the SCRCP Rule 59(E) Motion. (Exhibit)

The judge appears to have rewrote the jury verdict to meet her needs to see this pro se Appellant as non creditable or she had the jury restate their verdict when she went back to talk to them after the trial "it appears that the jury found that Plaintiff lacked credibility in her contention that she sustained severe injuries and "substantial damage" in a low speed, three-car collision in which neither of the other drivers suffered any injury whatsoever."

Unless she had the jury changed their minds or disclosed their true feelings after the judge spoke to them after the trial the jury verdict form dated June 16, 2017 states:

> Yes - that the Glenda R Couram suffered damages
>
> Yes - that the damages suffered by Glenda Couram were proximately case by the Defendant Sherwood Tidwell

1. Outside normal procedure the Judge emailed the pro se plaintiff and offered to hold her trial if she agreed to no witnesses, the plaintiff had submitted her witness list to the Respondents Attorney that list included former clients of the Judge law firm and the attorney involved is a colleague at the law firm that she work prior to her becoming a judge. (Email)

2. Did the judge err in not informing this pro se of the relationship between her and the witnesses and the attorney who showed up in court after this pro se was no longer an employee with an employee of the SC Department of Motor Vehicles were the Respondent's Attorney question her about her employment and the reason for her termination matters that had nothing to do with the trial for damages that was going on.

3. At the ending of the Appellant's cross examination the Attorney asked questions that had no purpose and was irrelevant to the matter at trial, Pro se did not know to object but it was the duty of the trial judge to have stopped the line of questioning yet she did not (Transcript p 141)

4. Was the plaintiff being deposed for the SCDMV Attorney Matthews by the Respondent's Attorney as a favor for getting the judge to contact the Appellant and to have admissions made unintentionally to be used against her later by Matthews and SCDMV?

SPITZ: ... You mentioned that you were let go from your former employer

COURAM: Yes

SPITZ: And the reason you were let go is because you did not comply with certain policies and procedures

COURAM: That's not true. I did comply with the policy and procedures

SPITZ: But you were doing research at work

COURAM No, I was not, except on my breaks, My – our policy says that you can use the internet intermittently on breaks/lunch. I have two breaks and I have a lunch

SPITZ: doing legal research at work

COURAM: I was doing legal research outside my work hours

SPITZ: Now, you would e-mail regarding personal matters while you were at work? (Transcript 141-143) (Transcript p 193)

COURT: Mr. Matthews, did you need me

MATTHEWS: Actually, Ms. Spitz – my only concern was to make sure that you understood SCDMV takes no position on this particular matter and that Ms. Martin, who is an employee of a client of mine, is a – and I can assist the Court – she's a live body with faults and can read

COURT: Wonderful

MR. MATTHEWS: Okay

COURT: Thank you, sir

MR. MATTHEWS: In fact, I'll – I'll go make sure she knows the Court's ready

COURT: Okay

Martin was used by the Respondent to Read Mr. Brown. S Deposition into the record over Objections.

Another conversation with Matthews - COURT: Mr. Matthews, 'why are you in my courtroom?'

At no time, did the trial judge divulge the relationship between herself and Matthews and SC DMV Appellant's former employer. If she had this pro se would never had agreed to no witnesses nor would she have agreed to go before this trial judge.

V. DID THE TRIAL COURT ABUSE ITS DISCRETION AND COMMIT REVERSIBLE ERR WHEN IT REFUSED TO INSTRUCT THE JURY AS TO PUNITIVE DAMAGES AND THE EGG SHELL DOCTRINE AS REQUESTED BY THE PRO SE APPELLANTALLOWED UNDER SC LAW DUE TO THE RESPONDENT VIOLATING THE LAWS OF SOUTH CAROLINA ROADWAYS? (Transcript pp190-192)

In South Carolina, punitive damages are awarded to plaintiff as a matter of right where reckless or willful conduct has been proven. *Sample v. Gulf Refining Co.*, 183 S.C. 399, 191 S.E.

209, 214 (1937); *Hardy v. International Paper Realty Corp.*, 716 F.2d 1044, 1047 (4th Cir.1983). See *Sarvis v. Register*, 288 S.C. 236, 341 S.E.2d 791 (1986) (punitive damages affirmed in a "minor vehicular collision" causing "minimal property damage"), *Camp v. Components, Inc.*, 285 S.C. 443, 330 S.E.2d 315 (S.C.App.1985) [truck driver leaving unattended truck in residential neighborhood].

The Trial Court erred in refusing to submit plaintiff request for punitive damages to the jury. The jury found that Respondent acted with recklessness and conscious indifference to the safety and well being of the plaintiff and others on the road on September 15, 2015.

In order to receive an award of punitive damages, the plaintiff had the burden of proving by clear and convincing evidence the defendant's misconduct was willful, wanton, or in reckless disregard of the plaintiff's rights. S.C.Code Ann. § 15-33-135 (Supp.1999); *Taylor v. Medenica*, 324 S.C. 200, 479 S.E.2d 35 (1996).

A conscious failure to exercise due care constitutes willfulness. *McCourt by and through McCourt v. Abernathy*, 318 S.C. 301, 457 S.E.2d 603 (1995); *Hawkins v. Pathology Assocs. of Greenville*, 330 S.C. 92, 498 S.E.2d 395 (Ct.App.1998). The issue of punitive damages must be submitted to the jury if more than one reasonable inference can be drawn from the evidence as to whether the defendant's behavior was reckless, willful, or wanton. *Graham v. Whitaker*, 282 S.C. 393, 321 S.E.2d 40 (1984); *Hawkins, supra.*

There was clear and convincing evidence of Defendant's reckless culpability justifying an award of punitive damages. The Defendant was aware he did not know how to use the brakes on his work van a commercial vehicles used again and again on South Carolina roads and he continued to use them without regard for others on the highway and to top that off Respondent willfully drove knowing he was in need for prescription glasses.

Respondent choose to continue driving despite his own knowledge and limited abilities. He freely admitted to this to this during the trial and under cross examination. (Transcript 156-171).

Respondent did not contest the *ticket* for driving too fast for conditions and stated he could not see in the left lane while avoiding hitting the semi in front of him continuing at a rate of speed 30 to 35 at the time plowed into Brown's car finding the Plaintiff and costing her livelihood and physical health resulting in mental and financial devastation. This was sufficient evidence to create a jury issue as to recklessness. *See McGee v. Bruce Hosp. Sys.*, 321 S.C. 340, 468 S.E.2d 633 (1996). Therefore, the trial court erred in failing to submit the question of punitive damages to the jury. The Respondent was a driving time bomb and he was very much aware of the fact but until he was forced to act he did not act to safeguard others he was endangering. He was going to hurt someone on September 18, 2015 and the pro se was the lucky recipient.

Damages *Tucker v Reynolds*, 233 SE 2d 402 (SC Sup Ct 1977) It must be noted that the court acts correctly when it charges the jury on the law framed by the issues as made by the pleadings and the facts developed by the evidence in support of those issues. See *Speizman Knitting Machines Corp v. Fretwell*, 264 S.C. 168, 213 S.E. (2d) 586 (1975). Where a plaintiff alleges and proves a willful tort, he may recover both actual and punitive damages. *Furman v. A.C. Tuxbury Land & Timber Co.*, 112 S.C. 71, 99 S.E. 111 (1919). Punitive damages, not being special damages, need not be specially pleaded or demanded by that name, it being sufficient that the facts alleged justify an award of such damages. 25 C.J.S. Damages § 133.

The trial court erred in not instructing the jury as to punitive damages.

VI. DID THE TRIAL JUDGE'S PREJUDICE AND BIAS TOWARDS THE PRO SE APPELLANT WAS PALATABLE SO MUCH SO THAT INFECTED THE JURY AND COURTROOM INSTILLING AN ATMOSPHERE OF FEAR, CONFUSION, UPON A PERSON WHOM THE COURT WAS WELL AWARE HAD MENTAL HEALTH ISSUESS, ETC AND VIOLATED THE JUDICIAL CANON[12][13]

See *In the Matter of Judge Barry Koon*: 2003: South Law By his conduct, respondent has violated..... Code of Judicial Conduct, Rule 501, SCACR – Canon 1, 2, 2(A)(B) and 3.

Did this trial judge abuse its discretion in failing to acknowledge the pro se Appellant status and deliberately seek out the plaintiff outside the normal due process/judicial process according to the judicial code of conduct cannon 1, 2 and 3 as a favor to a former colleague and client?

The trial judge showed her bias and prejudice in each ruling she made involving submission evidence misquoting or leaving applicable law on SCRE if not in whole but enough to cause prejudice where the plaintiff did not have a just and fair hearing which resulted in a verdict that was the result of prejudice, caprice, passion, impartial and corrupt. See *Knoke v SC Dept. of Parks, Rec. & Tourism*, 324, SC 136, 10 (1996).

In making her ruling the Judge refused to look at or consider the evidence of the pro se Appellant to determine it admissibility under Rule 803(6)(8) or under any other SC Rule of Evidence such as Rule 408, 409 411, 901, 902 etc. but accepted the word of the Respondent without making a impartial decision on the matter.

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[12] This pro se has found in her unfortunate dealings with the judicial process and judges that the Judges does not bother reading the complaint filed by a pro se they do not even put forth an effort instead as with Judge McFadden after a case was remanded from federal court took a matter under advisement and even with clear law by the SC Supreme Court on the requirement to file an answer after remand ruled in favor of Matthews and SCDMV; In a recent case filed Judge Cooper had the three attorneys right their own orders and then had the pro se write hers – no match- and instead of reading the complaint to determine the just ruling he merely choose an order of one of the Defendants and signed it.

[13] It is to note that when this pro se proffered her records to the court with the 59(e) Motion she submitted photos of fever blistered that developed as a result of the extreme stress, so the pro se did not file to proffered the medical records and bills with the Motion and Supporting Memorandum the Judge just chose as she had during the trial not to care or bother to ensure justice – she had her mind made up from the start as to the outcome of the trial.

Appellant was under extreme distress and fear all allowed by the judge in violating the Canons of her office.[14]

The judge in this matter states in her response to the Motion for a new trial, etal., that she denied the Motion for a new trial because 1) no evidence in the record for which the court could determine the verdict was inadequate, yet the plaintiff proffered her medical bills and medical records for the court to review under the Business Record Exception, and those documents are logged into the courts files, in an email she states if they were submitted to her they were "disposed of" the judge refused to look at the bills and records admissible under the hearsay exception because she did not want to rule in this pro se favor under any circumstances 2) the jury had no problem with the Pro se Appellant's credibility they ruled in her favor under all causes of actions which to the pro se says that her creditability was not questionable as the court implies and had for some reason decided was the cases from the very start, why she asked this pro se to go before her in a trial is a violation of her oath as a judge.

The prejudice came in with the court's refusal to comply with well established law in presenting and admitting evidence for the jury's review, in burdening this plaintiff down with procedural rules of what she could and could not do before she did anything for such a ruling to be made, in creating a environment of confusion that had nothing to do with ensuring substantial justice in well established laws governing this type of trial.

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[14] Twice on the 8th of May and the 15th of May this pro se asked this Judge to recuse herself and both times she had denied the request. This judge has taken to having this pro se sworn in on May 8, 2018, the judge appeared in the Lexington County Court regarding a matter that involved SCDMV, Matthews and this case, prior to the Plaintiff being allowed to speak regarding her case she was sworn in, not as a witness but a person merely presenting her case, the other side was not sworn in; on May 15, 2018 this judge showed up again involving Matthews and SCDMV she had the pro se affirm to tell the truth involving a motion for judgment on the pleadings, not as a witness taking the stand, when pro se asked why her reason was its what she does with all pro se litigants, when asked why she did not swear in the defendant's attorney the response was that they took their oath at the time they because attorneys meaning. What she did in a courtroom full of people was prejudice this plaintiff and other pro se litigants as people who are incapable of telling the truth unless someone swears them in otherwise he or she is an out and out lair.

To prevail in an action founded in negligence, the plaintiff must establish three essential elements: (1) a duty of care owed by the defendant to the plaintiff; (2) a breach of that duty by a negligent act or omission; and (3) damage proximately caused by a breach of duty. *Delaney v US, District Court* (D. SC 2017); *Vinson v. Hartley*, 477 S.E.2d 715, 720 (S.C. Ct. App. 1996); *Jackson v Swordfish, Inv., LLC* 620 SE 54, 56 (SC 2005); *Newton v. South Carolina Pub. Rys. Comm'n*, 312 S.C. 107, 439 S.E.2d 285 (Ct.App.1993), *rev'd on other grounds*, 319 S.C. 430, 462 S.E.2d 266 (1995).

The pro se Appellant did not fail in proving negligence on the part of the Respondent. Also see *Gastineau v Murphy*, 323 SC 168, 181, 473 SE 2d 819, 827 (Ct. App. 1996).

Actionable negligence is based upon the breach of duty to do or refrain from doing some particular act. *Hodge v. Crafts-Farrow State Hosp.*, 286 S.C. 437, 334 S.E.2d 818 (1985). A breach of duty exists when it is foreseeable that one's conduct may likely injure the person to whom the duty is owed. *Horne v. Beason*, 285 S.C. 518, 331 S.E.2d 342 (1985). The damages allegedly sustained must be shown to have been proximately caused, i.e. causally connected, to the breach of duty in order to warrant a recovery. *Id.* If one neglects a duty which proximately causes injury to another, recovery is warranted. *Hodge, supra.*

Due to this judge's abuse of discretion and violating the rights of this pro se the evidence needed to ensure a fair just verdict was not before the jury it was not a lack of belief of the pro se. The Respondent himself admitted that the plaintiff was dazed and acted confused when he visited her the jury did not only believe the pro se Appellant, it believed the Respondent.

This judge never should have become involved in this matter due to her relationship with not only the pro se, but the relationship with the firm that was in court due to actions filed by the pro se against her previous firms former clients and current clients. She had a relationship with

Matthews yet let him become involved in this matter without disclosing to this pro se who would have certainly not agreed to her offer to here this matter.

The Court held that under Section 455(a), recusal is required even when there is no evidence of bias if a reasonable person, knowing all the circumstances, would expect that the judge is biased. *Liljeberg,* 486 U.S. at 860-61, 108 S.Ct. at 2203, 100 L.Ed.2d 855 at 872-73.

Prior to asking the pro se Appellant to give up her right to call witnesses the judge should have disclosed her relationship with the pro se previous employer South Carolina Department of Motor Vehicles and Attorney Matthews, even after he inserted himself in this matter which was an abuse of power of the State of South Carolina entrusted to him and Heather Martin to continued harassment of former employee. (Email Exhibit)

PRO SE STANDARD

Davis v. Wechler, 263 U.S. 22, 24; *Stromberb v. California*, 283 U.S. 359; *NAACP v. Alabama*, 375 U.S. 449 "The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."

CONSTITUTIONAL RIGHTS:

> *Boyd v. United*, 116 U.S. 616 at 635 (1885) Justice Bradley, ... It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon. Their motto should be Obsta Principiis."
>
> *Downs v. Bidwell*, 182 U.S. 244 (1901) .... No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution." *Gomillion v. Lightfoot*, 364 U.S. 155 (1966), cited also in Smith v. Allwright, 321 U.S. 649.644 "Constitutional 'rights' would be of little value if they could be indirectly denied." See *Mallowy v. Hogan*, 378 U.S. 1 and "*Miranda v. Arizona*, 384 U.S. 426, 491; 86 S. Ct. 1603
>
> *Sherar v. Cullen*, 481 F. 2d 946 (1973) "There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights." See *Simmons v. United States*, 390 U.S. 377 (1968)

The question becomes was this pro se Appellant set up by the sitting judge, Matthews and the Respondent's Attorney and would a reasonable person after review this file an appeal say yes, she was everyone had an agenda.

That each violated their own oaths of office just to take out a pro se who was not match for three attorneys one acting as a judge, she had no chance from the moment she step into the courtroom and answer the email from Judge Newman.

Genaro v. Municipality of Anchorage, 76 P.3d 844, 845–47 (Alaska 2003) (allowing the pro se litigant procedural leniency in part because of her good faith attempt at procedural compliance),

The Alaska Supreme Court has noted that the Rules were promulgated for the "specific purpose of giving fair and reasonable notice to all parties of the appropriate procedural standards that should be uniformly applied when any party, *including a pro se litigant*, seeks relief in [civil litigation]."

City of Homer, 566 P.2d at 1319 (citing *Mathews*, 424 U.S. at 334–35) ("[T]he specific dictates of due process generally involve the consideration of three distinct factors: first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the fiscal and administrative burdens that additional or substitute procedural requirements would entail.").

Due process protects the right to self-representation from arbitrary denial. It ensures a pro se litigant's claim will be heard despite a litigant's potential lack of familiarity with procedure

The Alaska Code of Judicial Conduct, which consists of five canons intended to establish standards for the ethical conduct of judges, emphasizes that a judge must be mindful of judicial integrity and must maintain the appearance of neutrality and fairness. All five judicial canons of conduct deal in some way with impartiality and the restraint on behavior that impartiality requires.

Elmore v. McCammon (1986) 640 F. Supp. 905 "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."

Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938) "Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment."

Pucket v.Cox 456 2nd 233; Pro se pleadings are to be considered without regard to Technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers

Right **due process** is the legal requirement that the state must respect all legal rights that are owed to a person. Due process balances the power of law of the land and protects the individual person from it. When a government harms a person without following the exact course of the law, this constitutes a due process violation, which offends the rule of law.

Alaska courts: We have made clear that "a trial judge has an obligation to inform a pro se litigant of the proper procedure for the action he or she is obviously attempting to accomplish."

In *Breck v. Ulmer,* we held that the pro se litigant "should have been advised of the necessity of submitting affidavits to preclude summary judgment, and of the possibility of amending her complaint." In *Bauman v. State, Division of Family & Youth Services,* we declined "to extend *Breck* to require judges to warn pro se litigants on aspects of procedure when the pro se litigant has failed to at least file a defective pleading." Similarly, in *Coffland v. Coffland,* we held that because "[a] pro se litigant must make some attempt to comply with the court's

procedures before receiving the benefit of the court's leniency," the trial court had no obligation to be lenient with a pro se litigant who had made "no effort to cooperate with the trial court or to request assistance in complying with its orders." See *Collins v. Arctic Builders,* 957 P.2d 980, 982 (Alaska 1998). *Also see Bauman,* 768 P.2d at 1099 (asserting that Civil Rules were "promulgated for the specific purpose of giving fair and reasonable notice to all parties of the appropriate procedural standards that should be uniformly applied when any party, including a pro se litigant, seeks relief in [civil litigation]," and advising that "[a] pro se litigant who wants to initiate such an action should familiarize himself or herself with the rules of procedure").

CONCLUSION

The jury's verdict in this case fails to adequately compensate the Appellant in light of the testimony offered at trial. The award given the verdict is not only inadequate but also is inconsistent with the trials court's charges, which the jury is not free to disregard. The testimony established that Appellant sustained injuries as a result of this accident. Because the Appellant was not able to "bounce back" as a result of the accident is not a sound reason to say by the Court "because others were not injured she could not be". The Court implies this came for the jury apparently when she met with them after the trial to Appellant's memory it was not said on the Verdict Form or by the Foreperson. The testimony given by the plaintiff was not contradicted by the Respondent, in fact, during the cross the Respondent's attorney cross examined her about her mental health; she did questions the injuries she suffered as a rule the accident.

The Court was in clear error of law when it refused to review, look at or discuss the Appellant's evidence under the Business Exception Rule 803, even when proffered under the 59(E) Motion.

The Court erred in denying the Appellant's motion for a continuance when she was *ambushed* and told her medical records, bills and other evidence was not admissible when it was clear that the Appellant's only agreed to have the trial without witnesses was based on submission of these documents under rule 803, in order to prove her damages, as this was a damages hearing and the only way to prove damages is thru these documents or to actually subpoenaed the Doctors to come for the trial.

In this matter, the trial judge caused great deal of confusion to the pro se Appellant. She placed a burden on a pro se litigant that was heavy and against well established law, a misuse of power, and a clear abuse of discretion in her denying the pro se the same rights freely allowed to the Respondent's. The Respondent's Attorney was allowed to allude to the Appellant's medical records as to treatment yet this same right was denied the Appellant. The Court at times appeared to be giving instruction or advice to the Respondent such as telling him to leave for lunch and not come back as he was not under subpoena (Transcript p 73-75).

It is the duty of this Appeals court to review this matter de novo to ascertain if that new trial absolute, new trial nisi addittur or under the 13th juror should have been granted and the Appellant ask this court to do that in the interest of justice and preserving the 1st and 14th Amendment, and to provide clear direction, uniform direction to the courts on the treatment of pro se litigants.[15]

signature on next page

15 For instance, a trial judge should read the pro se motion to ascertain what is complained of and not tell the defense attorneys to write his orders for him to choose from in dismissing a pro se litigant complaint. The pro se and the other attorney are opponents and allowing them to be judge and jury is a violation of the pro se standard and the constitution this is no point in have a judge if the defense attorney can write the orders for the judge – because the outcome is a given.

Respectfully submitted by,

Glenda R. Couram
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June 19, 2018
Lexington, South Carolina

Note: This pro se ask that the court will forgive any typo's and grammar mistakes

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Appeal Case No.: 2017-002145
Civil Case No.: 2016-CP-02350

Glenda R. Couram ..... Appellant,

v.

Sherwood Tidwell ..... Respondent.

AMENDED PROOF OF SERVICE

I certify that I have served the Appellant's Amended Initial Brief and Designation of Matter on Sherwood Tidwell by depositing a copy of it in the United States Mail, postage prepaid, on June 18, 2018, addressed to his attorney of record Jocelyn Spitz, Esquire, Clawson and Staubes, 1612 Marion Street, Ste., 200, Columbia, SC 29201.

Glenda Couram
104 Macaw Lane
Lexington, SC 29073
(803) 358-0127
Pro se Appellant

June 18, 2018

June 18, 2018

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Couram v Tidwell
Appellant Case No.: 2017-002145

Dear Ms. Kitchings:

Enclosed please find Appellant's AMENDED Initial Brief and Proposed Designation of Matter to be Included in the Record on Appeal in the aforementioned matter. I am, by copy of this letter, serving a copy on Respondents. I am filing this in compliance with letter from this court dated June 12, 2018 to correct the number of pages to 50.

Thank if you should have any questions please contact me.

Sincerely,

Glenda Couram
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803 358-0127
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Enclosures

c: Jescelyn Spitz, Esq., Attorney for Tidwell