

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

Hon. Letitia H. Verdin, Circuit Court Judge

RECEIVED

JUL 23 2018

SC Court of Appeals

Appellate Case No.: 2018 of 2018
Circuit Court Case No. 2018-CP-23-00824

2018

Jon Payne, Appellant,

v.

Victoria T. Payne, Respondent.

AMENDED MOTION TO WITHDRAW
AS COUNSEL OF RECORD

Pursuant to Rule 264, SCACR, J. Falkner Wilkes hereby moves the Court to allow his withdrawal from the appeal of this case on the following grounds:

Counsel's agreement of representation does not extend to or include an appeal to the Court of Appeals. After the issuance of the Order dated March 28, 2018, the Appellant indicated that he did not desire to engage Counsel to take any further action after the March 28, 2018, Order and

expressly discharged Counsel.

Subsequently, without notice to Counsel, the Appellant filed a pro se document which the circuit court construed as a post trial motion.

Subsequent to the issuance of an Order on Jun 22, 2018, denying the Appellant's pro se motion, Appellant informed Counsel that he intends to file a notice of appeal pro se. Appellant specifically requested Counsel to notify the Court that the Appellant had discharged Counsel so that the Appellant could effectively exercise his right to proceed pro se.

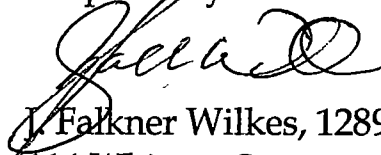
Recognizing the Appellant's right to discharge counsel and proceed pro se, combined with Counsel's obligations under Rule 264, SCACR, Counsel has assisted Appellant in the preparation of his pro se Notice of Appeal, and Amended Notice of Appeal, and files this AMENDED MOTION to allow his withdrawal from the appeal of the case. The amendment corrects the case caption on the original Motion to Withdraw.

Counsel submits that he has just cause for withdrawal, that the Appellant has consented to the withdrawal, and notice has been provided to the adverse party.

Wherefore, Counsel moves to withdraw as counsel of record in the

above captioned case.

Respectfully submitted,



J. Falkner Wilkes, 12893

114 Whitsett Street

Greenville, SC 29601


(803) 282-1292

Attorney of Record for Appellant

CONSENT TO WITHDRAW:

I consent to the Motion to Be Relieved as Counsel of Record by J.

Falkner Wilkes.



Jon Payne
17 Cardinal Drive
Taylors, SC 29687
Appellant

Others/parties/counsel of record:

Victoria T. Payne (pro se party)

6006 Hwy 11

Inman, SC 29349

Pro se Respondent

July 16, 2018.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS
Hon. Letitia H. Verdin, Circuit Court Judge

RECEIVED

JUL 23 2018

SC Court of Appeals

Appellate Case No.: _____
Circuit Court Case No. 2018-CP-23-00824

Jon Payne, Appellant,

v.

Victoria T. Payne, Respondent.

CERTIFICATE OF SERVICE

I certify that on July 16, 2018, I served the Motion to Withdraw as Counsel of Record on the Respondent, and others if so indicated, by placing a copy of same in the United States Mail, first class postage prepaid, addressed to counsel of record as indicated below, and by facsimile and/or other means if so indicated:

Victoria T. Payne
6006 Hwy 11
Inman, SC 29349
Pro se Respondent

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS
Hon. Letitia H. Verdin, Circuit Court Judge

Appellate Case No.: 2018-001300
Circuit Court Case No. 2016-CP-42-04147?
2018 CP 23 case 24

Jon Payne, Appellant,

v.

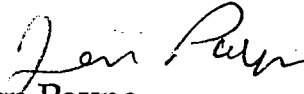
Victoria T. Payne, Respondent.

NOTICE OF APPEAL

Jon Payne hereby appeals from the ORDER AND JUDGMENT
signed by the Hon. Letitia H. Verdin on March 28, 2018, and the ORDER
AND JUDGMENT signed by the Hon. Letitia H. Verdin on June 22, 2018,
(attached hereto and made a part hereof). A pro se Motion to Amend was
filed on March 28, 2018, and ruled upon on June 22, 2018.

[signature page follows]

Respectfully submitted,



Jon Payne
17 Cardinal Drive
Taylors, SC 29687
Appellant

Others/parties/counsel of record:

J. Falkner Wilkes
114 Whitsett Street
Greenville, SC 29601
Trial counsel for Appellant

Victoria T. Payne (pro se party)
6006 Hwy 11
Inman, SC 29349
Pro se Respondent

July 9, 2018.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS
Hon. Letitia H. Verdin, Circuit Court Judge

Appellate Case No.: _____
Circuit Court Case No. 2016-CP-42-04147

Jon Payne, Appellant,

v.

Victoria T. Payne, Respondent.

CERTIFICATE OF SERVICE

I certify that on July 9, 2018, I served the Notice of Appeal on the Respondent, and others if so indicated, by placing a copy of same in the United States Mail, first class postage prepaid, addressed as indicated below, and by facsimile and/or other means if so indicated:

Victoria T. Payne
6006 Hwy 11
Inman, SC 29349
Pro se Respondent

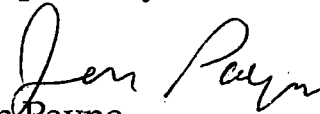
and to:

J. Falkner Wilkes
114 Whitsett Street
Greenville, SC 29601
Trial counsel for Appellant

Jenny Abbott Kitchings
Clerk of the Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Paul B. Wickensimer, Clerk
Courthouse
305 E North St
Greenville, SC 29601-2121

Respectfully submitted,



Jon Payne
17 Cardinal Drive
Taylors, SC 29687
Appellant

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP2300824

Jon Payne
PLAINTIFF(S)

Victoria T Payne
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX): Affirmed; Reversed; Remanded; Other Affirmed as Modified

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The Magistrate's Order shall be modified to remove any reference to Appellant having committed any acts of stalking, harassment, etc. or any finding by the Court thereof. The Order shall reflect that Appellant by consent is restrained from contacting Respondent. Appellant is restrained from contact directly or indirectly with Respondent.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/28/2018 .

Chick Springs Summary Court for Victoria T Payne
Victoria Payne for Victoria T Payne
Victoria T Payne for Victoria Payne

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Greenville Common Pleas

Case Caption: Jon Payne VS Victoria T Payne

Case Number: 2018CP2300824

Type: Order/Electronic Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2018-03-28 11:26:25 page 3 of 3

Jon Payne
PLAINTIFF(S)

Victoria T Payne
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The Plaintiff filed a pro se Motion to Amend on April 25, 2018, requesting that the Court amend its Order filed on March 28, 2018. The Plaintiff's motion is respectfully denied.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/22/2018 .

Chick Springs Summary Court for Victoria T Payne
Victoria Payne for Victoria T Payne
Victoria T Payne for Victoria Payne

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Greenville Common Pleas

Case Caption: Jon Payne VS Victoria T Payne

Case Number: 2018CP2300824

Type: Order/Electronic Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2018-06-22 12:15:34 page 3 of 3

3

**STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE**

Jon Payne
17 Cardinal Dr
Taylors, SC 29687

MAGISTRATE SUMMONS

You are hereby summoned to be and appear personally in the

**Chick Springs Summary Court
2801 Wade Hampton Blvd. Suite 302
Taylors, SC**

on **January 16, 2018** at **10:00 AM** to serve as a party in a Bench Trial in the case of:

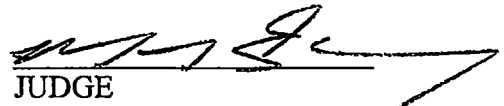
RE: Victoria T Payne Vs Jon Payne

PLAINTIFF(S)

DEFENDANT(S)

Civil Case Number: **2018OR2310300001, Restraining Ord Temp.**

**HEREIN FAIL NOT, ON PAIN OF FORFEITTING THE LAWFUL PENALTY IN
SUCH CASE MADE AND PROVIDED.**


JUDGE

**Chick Springs Summary Court
2801 Wade Hampton Blvd. Suite 302
Taylors, SC 29687
Phone: (864) 244-2922
Fax:**

January 4, 2018

**STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE**

Victoria Payne
6006 Hwy. 11
Inman, SC 29349

MAGISTRATE SUMMONS

You are hereby summoned to be and appear personally in the

**Chick Springs Summary Court
2801 Wade Hampton Blvd. Suite 302
Taylors, SC**

on **January 16, 2018** at **10:00 AM** to serve as a party in a Bench Trial in the case of:

RE: ✓ Victoria T Payne

Vs ✓ Jon Payne

PLAINTIFF(S)

DEFENDANT(S)

Civil Case Number: **2018OR2310300001, Restraining Ord Temp.**

**HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN
SUCH CASE MADE AND PROVIDED.**



JUDGE

**Chick Springs Summary Court
2801 Wade Hampton Blvd. Suite 302
Taylors, SC 29687
Phone: (864) 244-2922
Fax:**

January 4, 2018

4

**STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE**

Jon Payne
17 Cardinal Dr
Taylors, SC 29687

MAGISTRATE SUMMONS

You are hereby summoned to be and appear personally in the

**Chick Springs Summary Court
2801 Wade Hampton Blvd. Suite 302
Taylors, SC**

on **January 16, 2018 at 10:00 AM** to serve as a party in a Bench Trial in the case of:

RE: Victoria T Payne

Vs Jon Payne

PLAINTIFF(S)

DEFENDANT(S)

Civil Case Number: **2018OR2310300001, Restraining Ord Temp.**

**HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN
SUCH CASE MADE AND PROVIDED.**



JUDGE

**Chick Springs Summary Court
2801 Wade Hampton Blvd. Suite 302
Taylors, SC 29687
Phone: (864) 244-2922
Fax:**

January 4, 2018

STATE OF SOUTH CAROLINA)
COUNTY OF _____)

IN THE MAGISTRATES COURT

Victoria Payne
6006 Hwy 11
Inman SC 29349
PLAINTIFF(S)

COMPLAINT AND MOTION
FOR RESTRAINING ORDER

2018DR-0001
CIVIL CASE NUMBER

VS. Jon Payne
17 Cardinal DR.
Taylors, SC 29687
DEFENDANT(S)

The Plaintiff alleges:

1. The Plaintiff lives in Spartanburg county.
2. The Defendant lives at 17 Cardinal Dr., which is in Taylors, SC 29687, (city) (state)
3. The Harassment, First or Second Degree, or Stalking occurred in Inman, (City) SC. (state)

4. Plaintiff further alleges that the following conduct occurred by the defendant on the times, dates, and places listed below, and such conduct falls within the definition of:
 - HARASSMENT, FIRST DEGREE (§16-3-1700 (A)), or
 - HARASSMENT, SECOND DEGREE (§ 16-3-1700 (B)), or
 - STALKING (§ 16-3-1700 (C)).

5. On 12-22, 2017 at 5:57 o'clock P.M., at _____, which is in _____, the conduct complained of occurred when the defendant: Sent letters, left

voice mail stating he would not
cease contact unless I obtained a RO.
~~Sent vulgar, obscene + harassing letters previously~~

12

On throughout 2017, 20 at _____ o'clock . M., at _____, which is in _____, the conduct

complained of occurred when the defendant: _____

Sent letters from a "mailing list"
~~to produce, sporting "big game"~~
 ~~rhetoric, stopped signing his name~~
~~to targeting emotionally fragile child~~

*

On 2014, 20 at _____ o'clock . M., at _____, which is in _____, the conduct

complained of occurred when the defendant: Sent vulgar obscene

letter calling me an adulteress, whom
urging me to repent saying she
was glad my husband died to be away
from me

No
Only
Aug
2014

(State details of harassment/stalking and other facts and circumstances upon which relief is sought above. Attach additional sheets if necessary.)

6. Plaintiff requests: (Check one or more)
- a. That the defendant be enjoined from abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family.
 - b. That the defendant be enjoined from entering or attempting to enter the plaintiff's place of residence, employment, education, or other location.
 - c. That the defendant be enjoined from communicating or attempting to communicate with the plaintiff in a way that would violate Article 17, Chapter 16 of the 1976 South Carolina Code of Laws, as amended.

SWORN to and Subscribed before me)

This _____ day of _____, 20_____)

Rebecca Hand)

Notary Public for South Carolina)

My Commission expires: _____)

Signature of Plaintiff, or Person Filing on
Behalf of Plaintiff

NOTICE TO DEFENDANT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.

Co Bil count

~~Chase to John~~

497. 8746

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

2018OR231030001
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

RULE TO SHOW CAUSE
(Harassment and Stalking)

Victoria T Payne
6006 Hwy. 11
Inman, SC 29349

PLAINTIFF

Vs.

Jon Payne
17 Cardinal Dr
Taylors, SC 29687

DEFENDANT

Upon the filing of the attached Motion and Complaint by the Plaintiff, the Court held an Emergency Hearing pursuant to S.C. Code Ann. Sec. 16-3-1760 on **JANUARY 2, 2018**, and found good cause to issue the attached Temporary Restraining Order which prohibits you, the Defendant, from committing any of the acts indicated in the Order.

The Court has scheduled a hearing to determine why the Order should not be extended for a full one (1) year period. You have the right to be present at the hearing, which will be held on 1/11/18 2018 at 10:00 AM, at the following location:

1646

Chick Springs Summary Court
2801 Wade Hampton Blvd. Suite 302
Taylors, SC 29687

244-2922

~~FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE EXTENSION OF THE PERIOD OF THE TEMPORARY RESTRAINING ORDER.~~

NOTICE TO DEFENDANT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.

January 2, 2018


(MAGISTRATE)

FFS 117
789117

596 2039
596 2039

40 3 chutes

596 2039

Acad 180 Mg
596 2186

For Additional Information Call:

271-5210
Sheriff Phone Number

244-2922
Clerk of Court Phone Number

The Plaintiff in this action filed a complaint and motion for a Restraining Order on January 2, 2018. After reviewing the verified pleadings and affidavits, the Court determined that there existed a present danger of bodily injury to the Plaintiff and, therefore, held an emergency ex parte motion hearing on JANUARY 2, 2018 at 11:00 AM. At that hearing, the Court determined that the Plaintiff proved by a preponderance of the evidence the need for a Temporary Restraining Order.

The Court made the followings findings of fact:

- 1. The Plaintiff lives in INMAN, South Carolina.
- 2. The Defendant lives at 17 Cardinal Dr., which is in Greenville County, South Carolina.
- 3. The Defendant is employed at _____, which is located at _____.
- 4. The Defendant is a nonresident of this State or cannot be found. *Spartanburg*
- 5. The Harassment or Stalking, as described herein, occurred in Greenville County, South Carolina.
- 6. The Defendant has committed the following acts which constitute Harassment in the 1st or 2nd degree or Stalking: SEE ATTACHED

IT IS THEREFORE ORDERED THAT

- A. ~~The Defendant is restrained, prohibited, and forbidden from abusing, threatening to abuse, or molesting the Plaintiff or members of Plaintiff's family.~~
- B. ~~The Defendant is restrained, prohibited, and forbidden from entering or attempting to enter the Plaintiff's place of residence, employment, education, or the following locations: ALL OF THE ABOVE~~
- C. The Defendant is restrained, prohibited, and forbidden from communicating or attempting to communicate with the Plaintiff in any way.

The terms of this Order remain in effect until _____, the date of the hearing on the attached Rule to Show Cause, and may be extended by this Court at that time for good cause shown.

AND IT IS SO ORDERED.

Entered at 2:11 PM on JANUARY 2, 2018.

Rebecca C. Hand
MAGISTRATE

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY THIRTY DAYS IN JAIL, A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, AND IS IN ADDITION TO OTHER CRIMINAL PENALTIES WHICH MAY RESULT FROM SUCH ACTION.

PURSUANT TO SECTION 16-25-125 OF THE SOUTH CAROLINA CODE OF LAWS, IT IS UNLAWFUL FOR A PERSON WHO HAS BEEN CHARGED WITH OR CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, WHO IS SUBJECT TO AN ORDER OF PROTECTION, OR WHO IS SUBJECT TO A RESTRAINING ORDER, TO ENTER OR REMAIN UPON THE GROUNDS OR STRUCTURE OF A DOMESTIC VIOLENCE SHELTER IN WHICH THE PERSON'S HOUSEHOLD MEMBER RESIDES OR THE DOMESTIC VIOLENCE SHELTER'S ADMINISTRATIVE OFFICES. A PERSON WHO VIOLATES THIS PROVISION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN THREE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN THREE YEARS, OR BOTH. IF THE PERSON IS IN POSSESSION OF A DANGEROUS WEAPON AT THE TIME OF THE VIOLATION, THE PERSON IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN FIVE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN FIVE YEARS, OR BOTH.

TO LAW ENFORCEMENT OFFICERS:

Notwithstanding any other provision of law, the terms of this Order are enforceable throughout this State. S.C. Code Ann. § 16-3-1750(E). Any person who violates a provision of this Order is subject to a fine of \$500, thirty days imprisonment, or both. S.C. Code Ann. § 16-3-1770(C). Law enforcement officers shall arrest a defendant who acts in violation of this Order after service and notice of the Order have been provided. An arrest warrant is not required. S.C. Code Ann. § 16-3-1800.

COPY GIVEN TO PLAINTIFF BY _____ (initials)

COPY GIVEN TO DEFENDANT BY _____ (initials)

271-5210
Sheriff Phone Number

244-2922

Clerk of Court Phone Number

For Additional Information Call: ~~271-5210 555/3977 Health~~ ~~Greenville Co. Court Clerk~~ 8
~~407-5047 Cecil H. H.~~
After the filing of a complaint and motion for a Restraining Order on January 2, 2018 the Court held a hearing on JANUARY 16, 2017 at 10:00 AM. After hearing the evidence, and examining the affidavits and verified pleadings, the Court has determined that the plaintiff has/ has not proved by a preponderance of evidence the need for issuance of a Restraining Order.

The Court makes the following findings of fact: (Check all that apply)

1. The Plaintiff lives in Greenville County, SC.
2. The Defendant lives at 17 Cardinal Dr which is in Greenville County, SC.
3. The Defendant is employed at _____ which is located at _____.
4. The Defendant :
 is a current or former spouse of the victim
 is a current or former intimate partner of the minor child's parent (minor child is protected person)
 is a parent of the victim
 cohabits or previously cohabited with the victim
 has a child/children in common with the victim
 is a person similarly situated to a spouse of the victim.
 other: _____
5. The Defendant is a nonresident of this state or cannot be found.
6. The Harassment or Stalking, as described herein, occurred in Greenville County, South Carolina.
7. The Defendant has committed the following acts which constitute Harassment in the 1st or 2nd degree or Stalking:

IT IS THEREFORE ORDERED THAT (Check all that apply):

- A. The Defendant is restrained, prohibited and forbidden from abusing, threatening to abuse, or molesting the Plaintiff or members of Plaintiff's family, to include:
- B. The Defendant is restrained, prohibited and forbidden from entering or attempting to enter the Plaintiff's place of residence, employment, education, or the following locations: ALL OF THE ABOVE
- C. The Defendant is restrained, prohibited and forbidden from communicating or attempting to communicate with the Plaintiff in any way, to include:
- D. Federal Firearms Prohibition, pursuant to 18 U.S.C. § 922
1. Does the Order protect an intimate partner, a child of an intimate partner or a child of the defendant? YES NO
2. Did the person restrained have actual notice and an opportunity to participate in the hearing? YES NO
3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or threatened use of physical force? YES NO
- E. A copy of this Order shall be served on the following law enforcement agencies:
GREENVILLE COUNTY.

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE MAGISTRATE COURT

Victoria T. Payne,)
Plaintiff/Respondent,)

CERTIFICATE OF SERVICE

vs.)

2018OR231030001

Jon Payne,)
Defendant/Appellant.)

CIVIL CASE NUMBER

I certify that on the 13th day of February, 2018, I served the Notice of Appeal on the Magistrate by placing a copy of same in the United States Mail, first class postage prepaid, addressed as follows, and on Victoria T. Payne, Plaintiff/Respondent, also as addressed as follows:

The Honorable Mark C. Edmonds
2801 Wade Hampton Blvd. Suite 302
Taylors, SC 29687-2782

Victoria T. Payne
6006 Hwy 11
Inman, SC 29349

Respectfully submitted,

s/J. Falkner Wilkes
J. Falkner Wilkes, 12893
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292

Counsel for Appellant

February 13, 2018.

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
Victoria T. Payne,)
Plaintiff/Respondent,)
vs.)
Jon Payne,)
Defendant/Appellant.)

IN THE MAGISTRATE COURT

NOTICE OF APPEAL

2018OR2310300001
CIVIL CASE NUMBER

Now into Court comes Jon Payne, who respectfully appeals from the Restraining Order issued by the Honorable Mark C. Edmonds, 2801 Wade Hampton Blvd. Suite 302 Taylors, SC 29687-2782, on January 16, 2019. A copy of said order is attached hereto and made a part hereof by reference.

Pursuant to S.C. Code Section 18-1-30, et. seq., the Appellant is entitled to appeal on the following grounds:

The Court issued a restraining order in this case based on a defective complaint. §16-3-1750. Action seeking a restraining order against a person engaged in harassment or stalking; jurisdiction and venue; forms; enforceability requires that the complaint:

- (1) allege that the defendant is engaged in harassment in the first or second degree or stalking and must state the time, place, and manner of the acts complained of, and other facts and circumstances upon which relief is sought;
- (2) be verified; and
- (3) inform the defendant of his right to retain counsel to represent him at the hearing on the complaint.

In this case the Complaint was fatally flawed and insufficient to convey jurisdiction in

RECEIVED

FEB 16 2018

Chick Springs
Summary Court

this case. Complaint was not properly executed and verified. The Complaint failed to adequately state the time, place and manner of the acts complained of and such other circumstances so as to satisfy the statute and provide adequate notice. The allegations further failed to allege a sufficient factual basis to confer jurisdiction or compel the Appellant to appear and defend. That the Complaint further failed to adequately advise the Appellant of his right to retain counsel or the need for doing so in a way that he could make a knowing and intelligent choice as to his decision regarding representation by counsel.

At the hearing of the case the Court failed to dismiss the case based on insufficient evidence alleged in the Complaint or presented at trial. The Court failed to review the evidence or allow the Appellant to adequately present his case or cross-examine the Plaintiff as to her testimony and alleged evidence. The Court failed to take into evidence, examine, listen to, or consider key documents or recordings. The Court failed to advise the Appellant on his right to be represented by counsel or to advise him of the consequences attached to the proceedings so that he could make an informed choice as to his decision as to representation by counsel. That any alleged agreement by the Appellant was not based on an advisement of his rights or consequences of such alleged agreement and accordingly any alleged understanding or agreement was not fully informed, freely or voluntarily, knowingly and/or intelligently made.

That the Restraining Order is fatally flawed as it contains no specific findings of fact, as required, to support the legal conclusion as to harassment or stalking.

That the foregoing require a reversal of the order of the magistrate, or in the alternative, constitute grounds for a new trial.

Respectfully submitted,

s/J. Falkner Wilkes
J. Falkner Wilkes, 12893
114 Whitsett Street
Greenville, SC 29601
(864) 282-1292

Counsel for Appellant

February 13, 2018.

STATE OF SOUTH CAROLINA

) IN THE MAGISTRATE COURT

COUNTY OF GREENVILLE

) 2018OR231030001

) 2018CP2300824

VICTORIA PAYNE,

)

Plaintiff,

)

) ANSWER TO APPEAL

-vs-

)

JON PAYNE,

)

Defendant.

)

)

FILED-CLERK OF COURT
PAUL B. WICKENS
GREENVILLE CO. SC

2018 FEB 23 AM 10:01

Plaintiff: pro se

Defendant: pro se

Judgement: Restraining Order for 1 Year, by agreement of both parties

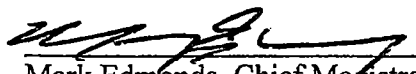
This matter comes before the court on January 16, 2018, as a hearing to determine if a civil restraining order would be approved and continued for 1 year. The plaintiff had appeared at the summary court to request a restraining order on January 2, 2018. Judge Rebecca Hand spoke with her and she completed the paperwork. Judge Hand agreed to the order and a temporary order was issued. The plaintiff received her copy and the defendant was personally served his copy and a court date was set.

Both parties were present on the court date. I asked the plaintiff if she wanted to continue to seek the restraining order. She replied, yes. I ask the defendant if he would like to accept the order and understand it would prevent him from contacting the plaintiff for a period of one year or contest the order. I advised the consequences if he accepted the order and later made contact. He agreed to the restraining order for the one year period. There was no hearing to the facts as both parties agreed to the one year civil restraining order. The court would have at request of the defendant provided a hearing at any time, but that was not requested.

Each party was provided at court the restraining order with an expiration date of January 16, 2019. The plaintiff and defendant departed without issue.

Respectfully ask you to uphold this civil restraining order as both parties mutually accepted the terms of the order without seeking a court hearing.

Respectfully submitted,



Mark Edmonds, Chief Magistrate
Chick Springs Summary Court
2801 Wade Hampton Blvd.
Taylors, SC 29687

12



Greenville Common Pleas

Case Caption: Jon Payne VS Victoria T Payne

Case Number: 2018CP2300824

Type: Order/Electronic Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2018-06-22 12:15:34 page 3 of 3

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP2300824

Jon Payne
PLAINTIFF(S)

Victoria T Payne
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other Affirmed as Modified

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The Magistrate's Order shall be modified to remove any reference to Appellant having committed any acts of stalking, harassment, etc. or any finding by the Court thereof. The Order shall reflect that Appellant by consent is restrained from contacting Respondent. Appellant is restrained from contact directly or indirectly with Respondent.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 03/28/2018 .

Chick Springs Summary Court for Victoria T Payne
Victoria Payne for Victoria T Payne
Victoria T Payne for Victoria Payne

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.



Greenville Common Pleas

Case Caption: Jon Payne VS Victoria T Payne

Case Number: 2018CP2300824

Type: Order/Electronic Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2018-03-28 11:26:25 page 3 of 3

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
13 JUDICIAL CIRCUIT

COUNTY OF Greenville)

2018 APR 25 PM 1:33

CASE NO.: 2018-CP-23-00824

Jon Payne
Plaintiff,)

FILED-CLERK OF COURT
PAUL B. WICK
GREENVILLE

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

vs.
Victoria T. Payne
Defendant.)

Plaintiff's Attorney: <u>Jon Payne</u> , Bar No. _____ Address: _____ <u>17 Camden Rd Taylors</u> Phone: <u>2685550</u> Fax <u>862264-5500</u> E-mail: <u>jon@jonpaynelaw.com</u> Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____
---	---

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____ Court Reporter Needed: YES/ NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for Plaintiff/ Defendant Jon Payne Date submitted 4/25/2018

SECTION III: Motion Fee

PAID - AMOUNT: \$ 25.00
 EXEMPT: (check reason)

Rule to Show Cause in Child or Spousal Support
 Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRCP)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE CODE _____

Date: _____, 20

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____, 20

MOTION FEE COLLECTED: \$ 25.00
 CONTESTED - AMOUNT DUE: \$ _____

Paid cash

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308

JULY 19 2018

ANSWER TO VICKIE PAYNE'S RESTRAINING ORDER OF JANUARY 2 AND JANUARY 16, 2018

ON MAY 13, 2017 MY LATE NEPHEW'S DAUGHTER, LAUEN PAYNE, APPROACHED ME TO HAVE A CONERSATION AT A WEDDING RECEPTION OF ANOTHER NEPHREW. WE TALKED FOR AROUND 5 MINUTES AND PARTED. AS FAR AS I KNOW, I HAD NO CONTACT WITH LAUREN UNTIL DECEMBER 2017 WHEN I SENT HER A NICE CJHRISTIAN CARD.

ON DECEMBER 22, 2017 LAUREN'S MOTHER, VICKIE PAYNE, CALLED ME AND STARTED THE CALL BY TELLING ME THAT THE CALL WAS BEING RECORDED. SINCE I HAD HAD NO CONTACT WITH VICKIE FOR THREE AND A HALF YEARS WHEN WE EXCHANGED LETTERS IN JULY 2014, I WAS CERTAIN THAT SHE WAS CALLING ME TO INSTRUCT ME NOT TO CONTACT MY ADULT NIECE, LAUREN, I TOLD VICKIE THAT I WOULD NOT TALK TO HER OR LET HER COMMENT ON MY BEHAVIOR AND I HUNG UP THE PHONE.

I CALLED BACK AND MENTIONED THAT LAUREN HAD NOT NOR HAD ANY REASON TO HAVE A RESTRAINING ORDER AGAINST MY CONACTING HER. VICKIE KNEW THAT WE WERE TALKING ABOUT A RESTRAINING ORDER FOR MY SENDING LAUREN THE CHRISTMAS CARD I HAD SENT LAUREN BUT PRETENDED THAT I WAS TALKING ABOUT HER AND FILLED OUT A RRESTRAINING ORDER AGAINST MY CONTACTING HER. MY INFORMATION IS THAT LAUREN HAS NOT LIVED WITH HER MOTHER VICKIE FOR YEARS.

VICKIE PAYNE CALLED ME ON DECEMBER 22, 2017 OR THERE WOULD NOT HAVE BEEN ANY CONTACT BETWEEN US. I HAD NOT SEEN HER IN ABOUT 10 YEARS UNTIL THE SUMMONS COURT ON JANUARY 16, 2018.

VICKIE PAYNE STATED THAT I HAD "SENT VULGAR, OBSCENE HARSSING LETTERS," (PLURAL) PREVIOUSLLY. I HAD NEVER SENT HER BUT ONE LETTER IN JULY OF 2014 AND THERE WAS NOTHING IN THE ONE LETTER THAT EVEN HINTED WHAT SHE DESCRIBED.

VICKIE ALSO STATED THAT IN 2017 I SENT "VULGAR, OBSCENE LEITERS" CALLING HER AN ADULTROUS. WHORE. READING THE ONE LETTER WILL PROVE THAT BLANTELY FALSE.

VICKIE STATED THAT I SAID THAT I SAID I WAS GLAD THAT MY LATE BELOVED NEPHEW WAS DEAD TO GET AWAY FROM HER. IF YOU READ THE LETTER YOU WILL SEE THAT I SAID THAT I WAS NOT GLAD THAT HAD DIED, BUT I WAS GLAD THAT HE WAS AWAY FROM HER BECAUSE HER HUSBAND DESCRIBED HER AS THE "WIFE FROM HELL AND HIS MARRIGED WITH HER AS THE MARIAGE FROM HELL.

Jon Payne

VICKIE STATED THAT "THROUGHOUT 2017 I SENT LETTERS SPOUTING RELIGIOUS RHETORIC". IN 2017. I SENT OUT A TOTAL OF 700 OF TWO MAILINGS AND I SENT HER ONE IN FEBRUARY AND ONE IN JULY OF 2017. THEY WERE ENCOURAGING, WHOLESOME AND POSITIVE ARTICLES. THAT'S THE ONLY CONTACT I HAD WITH HER AND THAT WASN'T PERSONAL.

VICKIE ADDED THAT I TARGETED AN EMOTIONAL, FRAGILE "CHILD" WHO IS IN HER LATE TWENTIES AND I ONLY SENT ONE CHRISTMAS CARD TO HER EVER PERIOD.

I WENT TO THE HEARING ON JANUARY 16, 2018 PREPARED TO PROVE THAT HER CLAIMS WERE TOTALLY FALSE AND REDICULOUS. FOR SOME REASON THE JUDGE CUT ME SHORT AND TRIED TO PRESSURE ME TO ACCEPT THE RESTRAINING ORDER AS IT WAS. I TOLD HIM THAT THE CHARGES WERE SLANDEROUS AND I COULDN'T ACCEPT THEM. HE SAID HE WOULD ISSUE IT WITHOUT CHARGES. WITHOUT THE CHARGES THERE WAS NO CASE IN MY MIND.

SINCE I HAD NOT CONTACTED VICKIE PAYNE IN THE PAST AND HAD NO INTENTIONS OF CONTACTING HER IN THE FUTURE A RESTRAINING ORDER WOULD NOT CHANGE MY BEHAVIOR AT ALL AND I WASN'T CONCERNED ABOUT A RESTRAINING ORDER EXCEPT FOR THE UNFAIRNESS OF THE CHARGES AND PENALTY FOR SOMETHING I HAD NOT AND WOULD NEVER DO.

MY CONDITIONS WERE THAT IT HAD TO BE MUTUAL. THERE HAD TO BE THE SAME RESTRICTIONS ON VICKIE PAYNE AS ON ME AND AS FAR AS I AM CONCERNED IT IS TOTALLY UNNECESSARY SINCE SHE CALLED ME FIRST IN DECEMBER.

THE JUDGE GAVE ME THE SAME RESTRICTIONS AS WITH THE FIRST RESTRAINING ORDER IMPLYING THAT I HAD STALKED AND HARASSED VICKIE PAYNE IMPLYING THAT I AM A THUG AND A CRIMINAL.

I WAS NAIVE AND DIDN'T READ IT UNTIL I GOT HOME.

I WANT THE RESTRAINING ORDER TO BE TOTALLY REMOVED AND HAVE ANOTHER HEARING AND EVEN A TRIAL IF NECESSARY TO PROVE VICKIE PAYNE'S CHARGES TO BE FALSE AND CLEAR MY NAME.

JON PAYNE

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

2018 APR 25 PM 1:34

JUDGMENT IN CIVIL CASE

FILED-CLERK OF COURT
PAUL B. WICKENSIMER
GREENVILLE SC 29601

CASE NO. 2018CP2300824

Defendant/appellant
NOTICE OF REQUEST TO AMEND CASE NO.
2018CP2300824
Jon Payne

April 21, 2018

Dear Judge Verdin

I'm grateful for the changes that you made on my appeal on March 28, 2018 to "remove any reference to Appellant having committed any acts of stalking, harassment, ect. or any finding by the Court thereof". I'm puzzled about the last phrase that was left.

"Appellant is restrained from contact directly or indirectly with Respondent."

My former attorney advised me to treat this Restraint no differently than the original Restraining Order. I am not to own a gun ect. I've never owned a gun, but I do want to be able to exercise my constitutional rights even though I have no use ever for a gun. This is just an example of what the attorney that I retained for my resent Appeal advised me.

Even though the accusations were blatantly false, so therefore unprovable, they ate very serious. Only someone with very low moral character would do what I was accused of. I did attempt to make a defense, but the judge stopped me after a couple of minutes. He seemed in a hurry to get me to agree to something and get it over with. He urged me STRONGLY to accept the Reatraining Order as it was originally and when I told him that I could not agree with the charges because they were slanders he agreed to disregard the accusations so I could agree, but I felt that it was under direct.

I didn't get the revised Restraining Order until I walked out the door so I was home before I read it. I was very surprised that it was a duplicate of the original one. I'm embarrassed to admit it, but I was intimidated and naive because I was at the mercy of the judge at the hearing and I thought I should accommodate him.

I could have been guilty of bad judgement, but that probably was all.

In my mind I was only agreeing to do very little differently than I had before, such as no cards to my niece if that is what she wants. Because, I was not aware of any inappropriate contact before, but I certainly have NO desire or reason or plans to contact her in any way in the future. Even though the reference to the accusations have been removed the consequences still stand. It's the same as if the accusations were true and I am guilty as though the references had not been removed.

The restrictions don't bother me in themselves because I'm not really restricted in a way that would affect anything, but sending one Christmas card to my niece or sending only 2 impersonal encouraging mailings with a general greeting and one personal letter almost 4 years ago. over a period of at least 10 years.

It's just that they are not justified in my estimation, As for as I can tell, the restrictions do not keep me from doing anything that I had done inappropriately before or want to do in the future. What bothers me is that they are there and there is no need or justification for them.

I would like for you to remove the mandate only because it is absolutely unnecessary and humiliating and unjustified. It puts an unnecessary stigma on my reputation. It implies that the Plaintiff's accusations have substance to them. I may be guilty of poor judgement, but not of calling a woman such names as she claims or stalking or harassing her. Not even close.

As far as self-imposed consent to not contacting the plaintiff, that is all that is necessary considering the fact that I had not made inappropriate contact with her in the past. The last time that I contacted the Plaintiff other than in a very impersonal way was July 2014 by letter and she also WROTE ME a letter the same month.

The only other contact was very impersonal in 2017 when I mailed out around 700 of two mailings of articles to people in 14 states and one to Africa around February and June. These were articles that were encouraging to me and I hoped that they would be encouraging to the ones who received them.

These articles were in no way critical or condemning and of the 700 I sent, there were no other complaints and her complain of receiving them came only in the application for a Restraining Order eight months after I sent the last one. I did not send anything to Mrs. Payne the rest of 2014, 2015 or 2016. I only send her a mailing in or about February and June of 2017. She had EVERY right to not like, not want or to not receive the mailings if she had asked me not to send them to her I would have stopped immediately.

All of the Plaintiff's accusations were based supposedly on letters that I never sent. The only letter I sent was July of 2014. She also falsely accused me of sending her obscene and harassing letters possibly over a period of years.

SHE CALLED ME on December 22, of 2017 I think to scold me for the Christmas card in which she described as "targeting an emotionally fragile child" who is in her, I think, middle twenties and that call was what triggered all of what happened all because of a nice Christmas card I sent Luran Payne, my late nephew's and Mrs. Payne's adult daughter in December of 2017.

The card was the only contact I had made to Lauren in her life as far as I know. The only other contact was May 13, 2017 when she initiated a conversation with me that lasted less than 10 minutes at a wedding reception. I sent out around 100 Christmas cards in 2017. Probably at least half of them were to family and relations.

When Vickie Payne, CALLED ME on December 22, 2017. I didn't answer the call until in her message she mentioned that she was recording the call. That was a "red flag" to me and I told the Plaintiff that I was not going to talk to her. My return call was a "knee-jerk" reaction because I was irritated by her call and I could have/should been more tactful.

This is not my exact words, but my implication and the essences of what I intended to say was that there was nothing wrong with my sending the card to Luran. My intent was to point out that Luran had no Restraining Order because she had no reason to since that was the first time in her life I had contacted her. She only had to ask me not to contact her if that was what she wanted.

What I said was vague when I returned the call, but no names or incidences were mentioned. I DID NOT say that I would "not stop contact until there was a Restraining Order". I meant that there was no problem with my sending Luran a Christmas Card in 2017 because, I didn't know of a good reason not to send it.

I admit that my chose of words were not as clear as they could have been, but I did not say or knowingly imply that I would "not stop contact without a Restraining Order." It was not my intent to offend anyone

Nothing in the ONE letter I sent even resembled anything that she accused me of. I did not call her any names as she charged. I never had or would send obscene or harassing letters, (plural) as she said indicating that it occurred over a period possibly of years. She had to imagine everything that she wrote about that. I am not aware of intentionally or unintentionally contacting Mrs. Payne in the past inappropriately and I have no desire, reason or plan to contact her in the future for any reason.

Yearly I send out mailings of articles that have been encouraging to me. In 2017 I sent out about 700, if my count is correct, of 2 mailings to people I know or know of in 14 states and one to Africa. These are not personal. I addressed them with the general greeting "Dear Friends" etc. No personal names. I would be glad to send you copies of all the documents if you would like.

Mrs. Payne's father is a minister in Greenville and she is a graduate of BJU here in Greenville so I wouldn't have thought that she would mind the contents of the mailings, but she has every right to not receive, like or want them. Now that I know that she does not like them I won't send them to her.

Based on the fact that the bases for the Restraint have been removed I request that the mandate for my self-restraint be removed and let me continue basically as always except for my self-imposition of totally no contact at all.

Submitted Respectfully,
Jon Payne
17 Cardinal Dr.
Taylors, S.C.
29687
enyaprij@yahoo.com

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

15

CASE NO. 2018CP2300824

Jon Payne
PLAINTIFF(S)

Victoria T Payne
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The Plaintiff filed a pro se Motion to Amend on April 25, 2018, requesting that the Court amend its Order filed on March 28, 2018. The Plaintiff's motion is respectfully denied.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/22/2018 .

Chick Springs Summary Court for Victoria T Payne
Victoria Payne for Victoria T Payne
Victoria T Payne for Victoria Payne

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF APEALS

CASE #2018CP2300824

Amended # 2018-cc 398
July 15, 2018

JON PAYNE
APPELLANT

VICTORIA PAYNE
RESPONDENT

My name is Robert J. Payne. I'm not sure that a legal action can be taken using a nickname?

I'm appealing the denial of the motion to amend the appeal of March 28, 2018 of the Restraining of Order of January 16, 2018 because both judges completely dismissed or disregarded the bases of the entire original Restraining Order.

I did not receive the decision of Judge Verdin until about July 3, 2018 because it was sent to my former lawyer who was out of town.

I can't retain an attorney without going into long time debt. I have little to no legal knowledge. It's impossible for me to follow all the forms demanded so you may inform me as to what I need further. Thank you.

The complaints were dismissed because the original Plaintiff did not/could not produce any evidence of her complaints because the charges were not true. Without any reference to the original accusations there is not case as I see it.

The judgement was issued supposedly on my agreement not to do in the future what I had never done in the past and had no reason or intentions of ever doing un the future. I was ordered not to continue in the future what I had never done in the past upon threat of legal action.

Judge Edmonds stated in the Retraining Order that he had a preponderance of evidences that I stalked and harassed the Plaintiff in Greenville County, S.C. The plaintiff lives in Spartanburg County in Inman, S.C. I would have had to have found her in Greenville to stalk and harass her.

However he showed absolutely NO evidences because he had to disregard them.

He obviously did not believe the accusations besides, he plaintiff offered absolutely NO proof because there is none.

My arguments for this appeal are the same as the arguments for the motion to amend the Judgement of the fist appeal of March 28, 2018.

My argument is in the following pages. I'm very sorry for the lack of professionalism.

Sincerely,

Jon Payne
Jon Payne

(Robert J. Payne)

Robert J. Payne

RECEIVED

JUL 23 2018

SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 17, 2018

Jon Payne
17 Cardinal Drive
Taylors SC 29687

Re: Jon Payne v. Victoria T. Payne
Appellate Case No. 2018-001300

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

Jon Payne, Appellant,

v.

Victoria T. Payne, Respondent.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

V. Clair Allen, Deputy
CLERK

cc: J. Falkner Wilkes, Esquire
Victoria Payne

John Payne
17 Cardinal Dr.
Taylors, SC 29687
Vietnam Vet

Robert J. Payne
17 Cardinal Dr.
Taylors, SC 29687-3210

Handwritten:
M. J. Payne
17 Cardinal Dr.
Taylors, SC 29687-3210



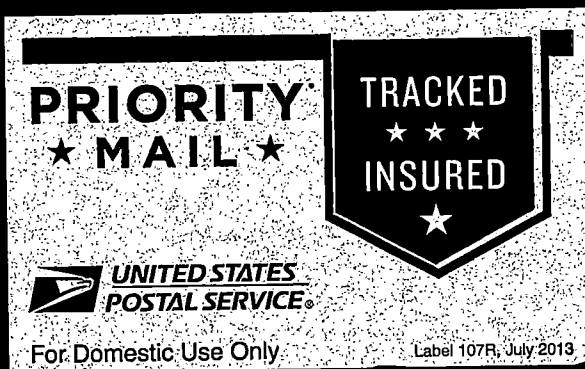
1024



29201

U.S. POSTAGE
PAID
GREENVILLE, SC
29616
JUL 19, 18
AMOUNT
\$6.70
R2304H109651-26

Handwritten:
Court of Appeals
1020 Strade St
Columbus, SC
29201



Expected Delivery Day: 07/21/2018

USPS TRACKING NUMBER

