

**THE STATE OF SOUTH CAROLINA
In the Supreme Court**

The Honorable James E. Lockemy

**The Honorable Alison Renee Lee
Circuit Court Judge**

**APPEAL FROM RICHLAND COUNTY
Designation of Matter to be Included in the Record on Appeal**

Case No. 2017-002289

Case No. 2016-CP-40-02393

**Clawson and Staubes
1612 Marion St.
Columbia, SC 29201
Jescelyn Spitz; E. Dale Lang Jr, as
Personal Representative of
Lynne N. Johnson**

Respondent

v.

**Mrs. Miriam Samuel, Pro Se
4014 Margrave Road
Columbia, SC 29203
(803) 256-7283**

Appellant.

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SC Court of Appeals

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Appellant.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Miriam H. Samuel, Appellant in the Civil Court Case Number: 2016-CP-40-02393; Court of
Appeals Case Number: 2017-002289

1. Order of October 2-5, 2017; Rule 72, SCACR. Rule 8, SCACR. Rule 215, SCACR.
2. Order of October 3-5, 2017; Rule 704, SCACR. Rule 104 (a) (b) (c) (d) (e), SCACR.
Rule 103, SCACR. Rule 401, SCACR. Rule 403, SCACR. Rule 43 (a), SCACR. Rule
1005, SCACR. Rule 1008, SCACR. Section 4-7-210; Section 14-7-1020
ADVISORY COMMITTEE ON STANDARDS OF JUDICIAL CONDUCT
OPINION NO. 10-1998 SEE (OPINION) Canon 3(D)(2)
3. Order of October 3-5, 2017; Rule 603, SCACR. Rule 608 (A1), (A2), SCACR.
4. Order of October 3-5, 2017; Rule 1.1, SCACR. Rule 31, RLDE, Rule 413, SCACR.
Rule 1.2, SCACR. Rule 1.3, SCACR. Rule 1.19, RPC, Rule 407, SCACR. Rule 3.2,
SCACR. Rule 105, SCACR. Rule 5.1, SCACR. Rule 5.2, SCACR. Rule 428 (a) (b)
(c), SCACR.

Complaint:

- The Judgement is notwithstanding the verdict.
- The Court failed to carry out its duties by omitting “Relevant Evidence”.
- Mr. Saltzman, the Plaintiff's lawyer failed in his duties by omitting “Relevant Evidence”.
- The Jury failed in their duties, they were not allowed “The Relevant Evidence” they needed during the trial.

- Trial Court erred Mrs. Samuel by dismissing Juror Number 120, without an alternate juror. That left the plaintiff with 11 jurors.
- The Trial Court erred when instructing jurors, by confusing and bias instructions before deliberation.
- This Prepaid law firm, Merritt, Web, Wilson & Caruso, PLLC failed to provide Mrs. Samuel with expedite litigation.
- Mr. Saltzman, the Plaintiff's lawyer failed to be Professional, Diligent and competent
- The Plaintiff's lawyer, Mr. Saltzman, erred by not carrying out his responsibilities of partner manager, and supervisory lawyer of his Prepaid law firm, Merritt, Webb, Wilson, & Caruso PPLC

Answers:

The judgement in this case is notwithstanding the Verdict.

This shows under the rules of Court, Mr. Saltzman's lack of professionalism, diligence, lack competence,

During preliminary questioning, and during the course of the trial, "Relevant Evidence" was spoken about, but never admitting throughout the Trial Court Proceedings.

The Trial Court failed under the rule of preliminary questioning, in determining if this Admissible "Relevant Evidence," was needed to this case in relation with the other issues of facts.

By omitting this "Relevant Evidence," The Trial Court and Lawyers failed, The Jury by **NOT** allowing them to discharge their duties Fully, Fairly and **completely**.

Mr. Saltzman violated the Rules of Professional Conduct, because his client, Mrs. Samuel suggested many times to him, before and during trial that this "Relevant Evidence." must be submitted.

The Trial Court and Lawyers knew during preliminary questioning and from the defendant's depositions, that this "Relevant Evidence," **would not** impeach the defendant, Ms. Johnson.

The defendant's police report of the accident, traffic ticket of the accident, and her 10-year drivers record should have been submitted as "Relevant Evidence".

The Court and Lawyers failed in their duties by **not** having this “Relevant Evidence” for jury to see that the defendant’s cause this accident, also history of her reckless driving. Ms. Johnson clearly admitted negligence.

Mr. Saltzman’s failure and incompetence to submit these items, caused the Jury to make an unfair, and unjust verdict.

Mr. Salzman, plaintiff’s lawyer rendered ineffective representation, by not cross-examining the testimony of Ms. Wanda Puryear, thereby causing the jurors to be even more confused.

The jury came back from deliberation within **40 minutes** just to ask, “was there a police officer report”? The Jurors **could not** render a fair and impartial verdict without this “Relevant Evidence.”

Mrs. Samuel concludes that the Jury would have ruled in her favor if they had known, there was a Police Report Citation, and Traffic Ticket given to Ms. Lynne Johnson.

This “Relevant Evidence” would have added support to the defendant’s truthfulness or untruthfulness as Character Witness. It was known by the trial court and the attorneys that she could not be impeached.

Mrs. Lynne Johnson did receive the Police Report Citation, and Traffic Ticket for this accident she is responsible for Mrs. Samuel personal injuries.

The jury failed to carry out their duties, the jury **did not** take enough time in deliberations, to use their good judgement and common sense, to render a fair and just verdict.

Ms. Lynne N. Johnson admitted to causing the accident while under oath, that she was playing with her sister while driving, proved her negligence.

Ms. Lynne N. Johnson stated during cross-examination that her car “ did bounce back off hers.” (Speaking of the Plaintiff’s, Mrs. Samuel’s car.)

This indicates that Mrs. Samuel’s car was hit with great force.

This caused considerable damages to Mrs. Miriam Samuel’s physical body.

This car accident also, caused Mrs. Samuel mental and physical anguish.

Mrs. Samuel’s medical bills is in excess of \$120,000.00.

This is why The Honorably Judge Lee, allowed the jury to consider, Actual Damages and Punitive Damages. Ms. Johnson caused my injuries and was clearly negligence.

The Court erred by dismissing Juror 120 without replacing her.

Mrs. Samuel and Juror 120 attends the same place of worship; however, they are not close friends.

At their place of worship, the attendance has over 100 members. Mrs. Samuel feels that there

was no need to dismiss the juror. One less juror could have caused this **unfavorable verdict** for Miriam Samuel. Mrs. Samuel and juror 120 are not close friends. Therefore, they didn't recognize each other until after day two concluded, when they saw one another at bible study that evening.

Miriam Samuel argues that Mr. Salzman was unprofessional and lack competence.

Mrs. Samuel told Mr. William Salzman that Juror 120 and herself, knew each other by way of attending the same religious services.

Mr. Salzman did not tell Judge Lee until the beginning of day three. Mr. Salzman said, " Your Honor. It actually just it was brought to my attention that we have a juror issue."

Mrs. Samuel was questioned by Judge Lee. Mr. Samuel told the judge that juror 120 and her were not close friends.

Judge Lee questioned Juror 120. She basically, stated the same thing as Mrs. Samuel. Juror 120 also told the judge that saw my arm (Injury). I had on a sleeveless dress at bible study. Juror 120 said, to Judge Lee that she knows nothing about the case and that she could be fair in her judgement.

Judge dismissed juror 120 without replacing her. Ms. Samuel is not a close friend of juror 120, therefore juror 120 should've remained on the jury panel or replaced.

Honorable Judge Lee is associated to my Doctor Jeffery Guy, did that disqualify her to hear this case?

The Juror's may have been affected by the late dismissal of juror 120 during the trial, causing them to look at this case with bias and prejudice.

Transcripts of Proceedings:

Request to Change: Mrs. Samuel request to change The Jury's Verdict

Appellants Exhibits: Medical Bills, Defendant's Police Record Citation, Drivers Record and Traffic Ticket.

Transcript of Proceedings: pp. 59-60; pp.105-148; pp.155-158; pp.160-161; p.230; PP. 233-236; pp.237; pp.238-239; pp.280-289; p.290; PP. 292-293; pp.294- 301; p.p. 302-312; pp.333-347; pp.348-359

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

August 29, 2018

A handwritten signature in black ink that reads "Miriam Samuel". The signature is written in a cursive style with a large, looped initial "M".

/s/ Miriam Samuel, Pro Se
4014 Margrave road
Columbia, SC 29203
(803)256-7283

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The Honorable James E. Lockemy,
Chief Appeal Court Judge

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PROOF OF SERVICE

I certify that I have served the Record on Appeal, Designation of Matter and Initial Brief to be Included in the Record on Appeal be heard. on Lynne N. Johnson by depositing a copy of it in the United States Mail, postage prepaid, on September 5, 2018. Delivered to address of her attorney of record, Jescelyn Spitz; E. Dale Lang Jr., Clawson and Staubes 1612 Marion Street Columbia, SC 29201. [by personally delivering a copy of it to her attorneys Office of record]

September 5, 2018

s/ Miriam H. Samuel, Miriam H. Samuel
4014 Margrave Road
Columbia, South Carolina 29203
(803) 256-7283
Pro Se Appellant