

PETITION FOR MOTION FOR PROPERTY

THE SOUTH CAROLINA COURT OF APPEALS

IN THE SUPREME COURT

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APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

DEC 03 2018

SC Court of Appeals

PERRY H. GRAVELY, Chief Administrative Judge
Thirteenth Judicial Circuit

2017-CP-23-06495

WALT WILKEN solicitor, as administrator of the ESTATE OF
PAUL B. WICKENSIMEN RESPONDENT,

v.

PATRICK B. WALKER PETITIONER,

PETITION FOR MOTION FOR PROPERTY

Patrick B. WALKER
Perry Correctional Inst.
430 Oaklawn Road P4B605
Pelzer, S.C. 29669

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I THE APPELLATE COURT had Jurisdiction to hear APPEAL from denial of motion for return of seized property \$10,000 Dollars of Patrick B. Walker #296176 because motion not related to Criminal Prosecution when case involved no Arrest, indictment or information) See Church of St Matthew v. U.S. 845 F.2d 418, 419 (2d Cir 1988).

II PETITIONER DID timely Object to the State Action of Withheld His \$10,000 Dollars" BY Police Agent Department, and Highway Patrol Department Agent, For Return of \$10,000 Dollars' confiscated upon Arrest of Suspect because motion made solely for return of property, not indented by had destroyed. THE Trial Judge's erroneous on the Burden of Proof, 2

CONCLUSION 2

CERTIFICATE OF PETITIONER PRO SE

PETITIONER CERTIFIES THAT the Petition for RETURN OF SEIZED PROPERTY. WAS MADE and FINALLY RULES ON BY the COURT OF Chief Administrative Law Judge dismissal OF \$10,000 DOLLARS. ON 8/27/2018.

QUESTIONS PRESENTED

- I THE APPELLATE COURT had Jurisdiction to hear APPEAL FROM denial of motion for return of Seized Property. \$10,000 DOLLARS OF Patrick B. Walker #096176 because motion NOT related to Criminal Prosecution when case involved NO Arrest, indictment or information see Church of St. Matthew V. U.S. 845 F.2d 418, 419 (2d Cir 1988).
- II Petitioner Did timely Object to the State Action of WITHHELD HIS \$10,000 DOLLARS" BY Police Dept Department and Highway Patrol Department Agent. For Return of \$10,000 DOLLARS Confiscated upon Arrest of Suspect, because motion made solely for return of Property, not identified by had been destroyed. THE trial Judge's ERRORS ON the Burden of PROOF by Action of Clerk of Court of Greenville, County Paul B. Wickensimer.

STATEMENT OF THE CASE

IN THE SPRING OF 1994, Greenville City Police and State Highway Patrol Office's Pull me over for Routine stop of a old warden that was dismiss and search me and my car and remove \$10,000 DOLLARS that was of my Paintins Company that I own, and never return the money after we went to the Police Department and straighten this matter out. BUT I NEVER RECEIVED MY MONEY BACK FROM THE STATE.

ARGUMENT

I THE COURT OF APPEAL should have held that THIS ACTION IS BANNED BY RES JUDICATA

[set out Discussion and Citations of Authority]

II Petitioner did timely object to the state action of WITHHELD HIS \$10,000 DOLLARS by Greenville Police Department and State Highway Patrol Agent for return \$10,000 DOLLARS CONFISCATED upon arrest of suspect, because motion made solely for return of property, not indentified by had destroyed. the trial Judges ERRONEOUS on the Burden of Proof.

CONCLUSION

FOR THE REASONS STATED, PETITIONER ASKS THE COURT, TO GRANT THE PETITIONERS PROPERTY OF \$10,000 BACK TO him that WAS ILLEGALLY CONFISCATED BY the STATE Action.

Respectfully Submitted

Dated Nov. 21, 2018.

Patrick B. Walker
Patrick B. Walker #296176
Perry Correctional inst
430 Oaklawn Road 04B/205
Pelzer, S.C. 29669

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430 OAKLAND Rd.
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SC Court of Appeals

The Honorable Jenny A. Kitching
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

