

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY

COUR OF COMMON PLEAS

THE HONORABLE J. C. NICHOLSON, CIRCUIT COURT JUDGE

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Appellate Case No. 2017-002621

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DEC 17 2018

John Gilbert Singletary,

Appellant,

SC Court of Appeals

v.

The State,

Respondent

APPELLANT'S RESPONSE IN OPPOSITION TO STATE'S MOTION TO DISMISS  
APPEAL

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The Appellant to this submits to the court that all of State's misstatements contained in their motion to dismiss the appeal are not in the interest of justice and primarily false. The State has admitted to never conducting a bond hearing in this case. The State has admitted to never giving any notice to appear in court to the defendant. The State has admitted in open court to falsifying judicial court records. The State has admitted to not preserving records below that the SC Records Retention Schedule for Municipalities mandate is kept. The State has admitted to failing and refusing to adhere to SC Rule 5 and Federal requirements to surrender exculpatory evidence. The State has provided no accused information ever to the defendant, no name at all only unnamed juvenile as a description. The State has admitted to never reading the defendant any charges. The State records are void any and every requirement necessary to have a trial in absentia. The state's documents show the purported charges against defendant are outside of the authority and jurisdiction of any SC Municipal Court. The State has admitted to

destroying municipal documents and a laundry list of other constitutional violations, again including failure and refusal to surrender exculpatory evidence after written request by Appellant, and now in an effort to cover their transgressions along with unclean hands they request this honorable court participate in their folly.

Days prior to the submission of the Record on Appeal Appellant found out his attorney was suspended. Following the suspension the Receiver's office experienced difficulty in providing Appellant with a complete record of the case from the attorney's file. The information surrendered contained some corrupt files as stated it would by the Receiver's office. Constant searching for the complete record has resulted in the revelation that all files may never be recovered, however all but one file necessary to sufficiently submit the Record on Appeal has been recovered. Even the Circuit Court Docket Sheet enclosed as Exhibit A, reveals missing documents and exhibits submitted by the Appellant's Attorney to the Circuit Court were document icons appear on the right side of the document. Previous orders by the Circuit Court Judge to the clerks in the Circuit Court reveal said Judge Nicholson directing the clerks to refrain from scanning critical documents belonging to the Appellant in two another cases and improperly sealing records in both cases without any request or notification to Appellant who was the plaintiff in both cases, see exhibit B and C enclosed. Plaintiff's cases were in fact filed, the defendant served and the cases were close without the defendant's having to answer the served summons and complaint, such actions are egregious. If this case is not allowed to move forward it would be worst than the Stinney case that recently evoked Coram nobis to right a judicial wrong from past denials of justice, and a move toward the decision of Dred Scott. In the case at bar the judicial travesty would be that without any required jury trial a defendant could be said to be convicted and falsely reported without any accused named, without municipal jurisdiction because of SC municipal threshold, without ever being read any charges, without fulfilling requirements of trials in absentia, without notice to come to trial only a mention of a fictitious ordinance by prosecutor in open court even though the Unicode record reflects no such ordinance exists or ever did, without any evidence presented at the purported trial in absentia by any prosecutor or anyone else as the empty record on appeal shows contain only what know the State now admits in open court is a falsified document. The Appellant then defendant has never in the entire ordeal seen one SC Judge during the process, never noticed to come to trial, requested numerous times to have a disposition or order given to him each time to be denied a disposition or order on the case and finally when received requested a new trial within 5 days of receipt of the disposition only to be denied. The municipal judge correctly records his failure and refusal to issue any disposition or order in the case to be 2,582 days. The municipality and all judges refuse to acknowledge or adhere to the SC statutory law regarding the triggering point to calculate when a defendant can request a new trial. There is also and denial to acknowledge the Judicial Canon mandates regarding a judge's time to render

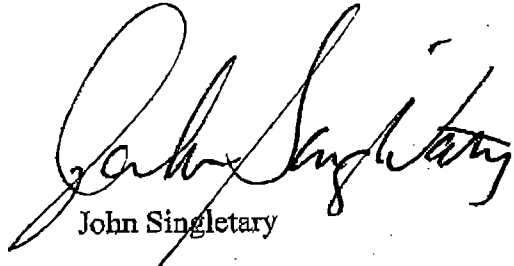
dispositions or order on a case and provide it to the defendant. Finally, the glaring use of white out over the previous judge name on the disposition sheet brings into question if Judge Coleman was the original judge on the case or whether he rendered any disposition at all. Judge Coleman's letter to the defendant and the defendant's attorney states he has no recollection of every dealing with the case, he nor the court has any official judicial records that would have been generated if in fact a trial did occur, and his reluctance to allow a proper new trial.

The extension provides no hardship upon the State and only serves to protect the constitutional right to redress and prove the fairness of SC Judicial System.

Conclusion

For the forgoing reasons, the Appellant respectfully request this Honorable Appellate Court deny the State's motion to dismiss.

December 15, 2018



John Singletary

4321 Water view Circle

North Charleston, SC 29418

(843) 693-2823

Attorney Pro se for Appellant

# EXHIBIT A

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cc Court of Appeals

John Gilbert Singletary VS South Carolina The State of					
Case Number	2017CP1003226	Case Category	Common Pleas	Filed Date	06/23/2017
Case Type	Appeal	Case Sub-Type	Municipal 990	File Type	Non-Jury
Status	Disposed	Assigned Judge	Clerk Of Court C P, G 5, And Family Court	Disposition Judge	Nicholson, J. C. Jr.
Disposal Method	Ended by Non Jury	Disposition Date	12/14/2017		
Original Case No.		Original Case			
Judgment Number		Judgment Date			

Case Number	Judgments	Tax Map Information	Associated Cases	Actions	Financials			
				Letter from Atty Mayer in Re: Letter to Judge Nicholson	Filing	03/06/2018-14:47		
				Request for extension of time to file of Appeals	Filing	12/27/2017-08:15		
Singletary, John Gilbert				Notice of Intent to Appeal Judgment entered 11/13/17, BV	Filing	12/27/2017-14:29		
Singletary, John Gilbert				Order Appellate Court	Order	12/14/2017-16:47		
South Carolina The State of				Brief in Opposition to Appeal of	Filing	11/13/2017-16:47	12/14/2017-16:47	
South Carolina The State of				Reply in Opposition to Motion	Filing	11/13/2017-16:47	12/14/2017-16:47	
				Certificate of Service	Filing	11/13/2017-13:43	12/14/2017-13:43	
Mayer, Aaron Cole				Roster/Notice of Motions Roster Publication Sent	Action	10/11/2017-08:37	12/14/2017-08:37	
Austin, Frances Daniel				Roster/Notice of Motions Roster Publication Sent	Action	10/11/2017-08:37	12/14/2017-08:37	
Austin, Frances Daniel				Roster/Notice of Motions Roster Publication Sent	Action	10/11/2017-08:37	12/14/2017-08:37	
Coleman, Samuel Melville				Roster/Notice of Motions Roster Publication Sent	Action	10/11/2017-08:37	12/14/2017-08:37	
Coleman, Samuel Melville				Roster/Notice of Motions Roster Publication Sent	Action	10/11/2017-08:37	12/14/2017-08:37	
Senn, Sandra J.				Roster/Notice of Motions Roster Publication Sent	Action	10/11/2017-08:37	12/14/2017-08:37	
Senn, Sandra J.				Roster/Notice of Motions Roster Publication Sent	Action	10/11/2017-08:37	12/14/2017-08:37	
South Carolina The State of				Notice of Appearance of Attorney Bill C. Senn, Esq.	Filing	09/07/2017-09:54	12/14/2017-09:54	
Austin, Frances Daniel				Roster/Notice of Motions Roster Publication Sent	Action	09/07/2017-09:54	12/14/2017-09:54	
Austin, Frances Daniel				Roster/Notice of Motions Roster Publication Sent	Action	09/07/2017-09:54	12/14/2017-09:54	
Mayer, Aaron Cole				Roster/Notice of Motions Roster Publication Sent	Action	09/07/2017-09:54	12/14/2017-09:54	
Mayer, Aaron Cole				Roster/Notice of Motions Roster Publication Sent	Action	09/07/2017-09:54	12/14/2017-09:54	
Coleman, Samuel Melville				Roster/Notice of Motions Roster Publication Sent	Action	09/07/2017-09:54	12/14/2017-09:54	
Coleman, Samuel Melville				Roster/Notice of Motions Roster Publication Sent	Action	09/07/2017-09:54	12/14/2017-09:54	
Mayer, Aaron Cole				Motion for subpoena power or limited discovery by defnt	Motion	08/16/2017-16:58	11/13/2017-16:58	
Coleman, Samuel Melville				Return of Subpoena Duces	Filing	07/28/2017-14:54	12/14/2017-14:54	
Singletary, John Gilbert				Appeal/Notice of Criminal Appeal No Fee (Workflow)	Action	07/03/2017-14:54	12/14/2017-14:54	
Singletary, John Gilbert				Motion/Appeal	Filing	06/23/2017-14:52	12/14/2017-14:52	
Singletary, John Gilbert				Appeal/Notice of Criminal Appeal No Fee	Filing	06/23/2017-14:52	12/14/2017-14:52	

# EXHIBIT B



**Julie J. Armstrong**  
Charleston County Clerk of Court

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## John Singletary VS Wells Fargo Bank

Case Number	2014CP1003542	Case Status	Common Pleas	Case Date	06/03/2014
Case Type	Common Pleas	Case Sub Type	Other/Malpract 299	File Date	Jury
Status	SEALED I	Is Open/Undeclared	Clerk Of Court C P, G S, And Family Court	Disposition	Nicholson, J. C. Jr.
Disposition	Ended by Non Jury	Disposition Date	07/21/2014		
Original Source Doc		Original Case #			
Original Number		Case Roster			

Case Parties	Judgments	Tax Map Information	Associated Cases	Actions	Financials	
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
	Note: CASE SEALED - do not image documents	Filing		05/05/2014-14:48		
Singletary, John	Order/Alternative Dispute Resolution (Mediate)	Action		07/21/2014-10:00	07/21/2014-10:00	
	Note: Copies of order mailed to counsel & pro-se plntf	Filing		07/21/2014-16:29		
	Order of Inmate Release from Jail - was SEALED	Order		07/21/2014-10:46		
	Order granting defnts motion to dismiss & enjoining plntf	Order		07/21/2014-14:42		
Singletary, John	Response to defendant Scarborough's Mot. Dismiss, crt/srv	Filing		07/17/2014-13:06	07/21/2014-13:06	
	Certain dfnnts Memo in Support of MOTion to Dismiss, srv	Filing		07/16/2014-16:09	07/21/2014-16:09	
Singletary, John	Roster/Notice of Motions Roster Publication Sent	Action		07/09/2014-10:49	07/21/2014-10:49	
Singletary, Carla	Roster/Notice of Motions Roster Publication Sent	Action		07/09/2014-10:49	07/21/2014-10:49	
Cooper, Gordon Wade	Roster/Notice of Motions Roster Publication Sent	Action		07/09/2014-10:49	07/21/2014-10:49	
Tiller, John H.	Roster/Notice of Motions Roster Publication Sent	Action		07/09/2014-10:49	07/21/2014-10:49	
Cooper, Gordon Wade	Roster/Notice of Motions Roster Publication Sent	Action		07/09/2014-10:49	07/21/2014-10:49	
Tiller, John H.	Roster/Notice of Motions Roster Publication Sent	Action		07/09/2014-10:48	07/21/2014-10:48	
Singletary, John	Roster/Notice of Motions Roster Publication Sent	Action		07/09/2014-10:48	07/21/2014-10:48	
Singletary, John	Motion/Emergency Motion to Compulsively Dep. Plaintiff	Motion		07/07/2014-14:26	07/21/2014-14:26	
Singletary, John	Motion/Motion Filing Fee	Filing		07/07/2014-09:58	07/21/2014-09:58	
Wells Fargo Bank	Motion/Motion Filing Fee	Filing		07/02/2014-15:42	07/21/2014-15:42	
Tiller, John H.	Motion/Dismiss by certain defendants, crt/srv	Motion		07/02/2014-11:59	07/17/2014-11:59	
Cooper, Gordon Wade	Motion/Motion Filing Fee	Filing		06/17/2014-14:29	07/21/2014-14:29	
Cooper, Gordon Wade	Motion/Dismiss by defendant, crt/srv	Motion		06/17/2014-10:40	07/17/2014-10:40	
Scarborough, MWall	Notice of Appearance of srv Cooper & Land Serv	Filing		06/17/2014-09:48	07/21/2014-09:48	
Singletary, John	Letter fr/ Supreme Crt to PHB	Filing		06/03/2014-15:28	07/21/2014-15:28	
Singletary, John	Amplifc & Complaint	Filing		06/03/2014-09:59	07/21/2014-09:59	

# EXHIBIT C

**Julie J. Armstrong**  
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## John Singletary VS Wells Fargo Bank

Case Number:	2014CP1004423	Court Agency:	Common Pleas	Filed Date:	07/17/2014
Case Type:	Common Pleas	Case Sub Type:	Contract/Other 199	File Type:	Jury
Status:	SEALED 1	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Ended by Non Jury	Disposition Date:	07/21/2014	Disposition Judge:	Nicholsan, J. C. Jr.
Original Source:		Original Case No.:			
Judgment Number:		Court Roster:			

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[Tax Map Information](#)

[Associated Cases](#)

[Actions](#)

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Name	Description	Type	Not on Roster	Begin Date	Completion Date	Documents
	Note: CASE SEALED - do not image docments	Filing		05/05/5555-15:06		
Singletary, John	ADR/Alternative Dispute Resolution (Workflow)	Action		07/17/2014-09:21	07/21/2014-09:21	
	Note: copies of 7/21 orders mailed to counsel & pro-se plntf	Filing		07/21/2014-16:29		
	Order plntf rebrained from further filings & CASE BE SEALED	Order		07/21/2014-15:04		
	Order granting defnts motion to dismiss & enjoining plntf	Order		07/21/2014-15:01		
Singletary, John	Summons & Complaint	Filing		07/17/2014-09:19	07/21/2014-09:19	

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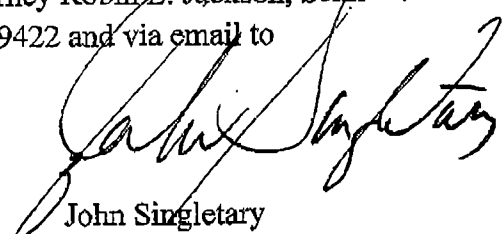
The State,

Respondent

PROOF OF SERVICE

I Certify that I have served the Appellant's Response to State's Motion to Dismiss on the Respondent, by depositing a copy of the same in the United States Mail, postage prepaid, on December 15, 2018 addressed to Respondent's Attorney Robin L. Jackson, Senn Legal, LLC Post Office Box 12279, Charleston, SC 29422 and via email to Robin@SennLegal.com

December 15, 2018



John Singletary

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Attorney Pro se for Appellant