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ELECTRONICALLY FILED - 2018 Dec 18 7:44 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221

**NOTICE OF APPEAL FROM COMMON PLEAS REGARDING A
CONVICTION IN MAGISTRATES OR MUNICIPAL COURT**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Honorable Allison Renee Lee, Circuit Court Judge

Case No. 2018CP3201221

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DEC 20 2018
SC Court of Appeals

Bryan Walling ,

Respondent,

v.

Judi Castro,

Appellant.

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SC Court of Appeals

NOTICE OF APPEAL

Judi R Castro appeals the order of the Honorable Allison Renee Lee dated Oct 30, 2018, which affirmed conviction in Lexington Common Pleas court. Appellant received written notice of the order via mail on November 8, 2018.

November 29 2018

Judi R Castro
305 Lloydwood Dr.
West Columbia , South Carolina 29172
(803) 796-4030
Appellant

Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM MAGISTRATE COURT
Court of Common Pleas

Allison Renee Lee, Circuit Court Judge

Case No. 2018CP3201221

Case No : 2018CV321100412
Case No : 2018-CP-32-0

Holly Sarvis-Patterson
Representative for Bryan
Walling
355 N Main St.
Gaston SC 29053

Respondent,

v

Judi Castro ,

Appellant.

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SC Court of Appeals

Notice of Appeal

I Judi Castro Appellant hereby request this Court to Reconsider its declaration deny the Motion of Reconsideration Of The Honorable Allison Renee Lee denying my appeal in the decision of the Magistrate and the motion for reconsideration .

This Decision was based on the belief that the Motion for Reconsideration was filed in an untimely. The then acting Attorney Lawrence Keitt was aware of my desire to follow thru with the th

appeal. I received the correspondence in the mail July 2nd 2018 in reference to the verdict . I then spoke with Attorney Keitt who said there was nothing to be done at that time. I ask what was the next course of action in order to be heard . He told me that he would then file a Motion to Reconsider on my behalf .I was not aware of a time frame or that there were issues with the transactions with the clerk of Court until we were in Court in front of Judge Lee. It was then brought to my attention that my representation had not acted in a timely manner. As a result I am being penalize due to actions of My legal representation under Lawrence Keitt he had to have been aware of what this would mean for my case. HE had to have known prior to court that if he had not received the receipt in time from electronic filing the ruling would not be in my favor . I Judi Castro am therefore requesting this appeal to be heard . I have been in business for 20 years the out come of these proceedings have destroyed my lively hood. Evidence that was presented and refused to be seen . Magistrates and Plaintiff in full conversations prior to court proceedings ,and now I have pursued this case because I know that I have been dealt an injustice . I am requesting to be allowed the chance to be heard . Because this error was not of my doing and the legal Representation had to have known that time was of essence he did not represent me to the best of his ability . I am attaching a Copy of his previous I Motion to Reconsider showing his efforts to reconsider.

Respectfully,

Judi Castro/Appeallant

305 LLOYDWOOD DR., WEST COLUMBIA SC 29172

803-796-4030

/Respondant/Counsel

Holly Sarvis Patterson

355 N Main St , Gaston SC 29053

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Scott Dean Whittle, Magistrate

Case No. 2018CV321100412
Case No. 2018-CP -32-0

Bryan Walling

Respondent,

v.

Judi Castro ,
d.b.a A Mothers Prayer

Appellant.

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Bryan Walling by depositing a copy of it in the United States Mail, postage prepaid, on November 30, 2018, addressed to his attorney of record, Holly Sarvis Patterson, 355 N Main St Gaston, South Carolina 29053 ,and also to his home at 2402 Mark CT,Elgin SC 29045

November 30, 2018

Judi R.Castro
305 Lloydwood Dr
West Columbia , South Carolina 29172
(803)796-4030

LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

November 29 2018

RE: Bryan Walling Respondent, v. Judi R Castro, Appellant, Case No.
2018CP3201221
: Case No .2018CV321100412
: Case No 2018-CP-32-0

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the order[s] [judgment] which is [are] to be challenged on appeal.
- (3) A filing fee of \$250.*
- [(4) This appeal is being filed with the Supreme Court because a motion for a new trial has been made to alter or amend this judgement .

Sincerely,
Judi R Castro
305 Lloydwood Dr.
West Columbia SC 29172
(803)7964030
Appellant

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DEC 03 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Common Pleas
LEXINGTON COUNTY

APPEAL FROM MAGISTRATE COURT

The Honorable Scott Dean Whittle, Magistrate

Case No. 2018CV321100412
Case No. 2018-CP-32-01221

Bryan Walling..... Respondent

v.

Judi Castro..... Appellant
d/b/a A Mother's Prayer

MOTION FOR RECONSIDERATION

The Appellant hereby request this Court to Reconsider its decision denying Appellant's Motion for Reconsideration of the order of The Honorable Knox R. McMahon denying the Appellant's appeal of the decision of the Magistrate in this matter.

The basis for the denial by this Court was the belief that the Motion for Reconsideration was filed late. The Appellant would show that the last day to file her Motion for Reconsideration was July 6, 2018. The Appellant would further show that there was an attempt to file the Motion on July 6, 2018 but that the Clerk of Court's electronic filing system would not accept the document. Further, three days later the Appellant's counsel was told the document was not accepted by the system because he

had not filed a Notice of Appearance in this matter. This even though the same counsel filed the Notice of Appeal.

Appellant is informed and believes that there is no requirement in the South Carolina Rules of Civil Procedure which require the filing of a Notice of Appearance before a pleading would be accepted by the Office of the Clerk of Court.

Since the error was in the Clerk of Court's electronic filing system the Appellant request that this Court waive the late filing and hear Appellant's Motion for Reconsideration.

In support of this Motion I am attaching copies of the communication between counsel and the Clerk of Court's Office.

Respectfully,

s/Lawrence Keitt
Lawrence Keitt, Esquire
S.C. Bar No. 3341
Attorney for the Plaintiff
Law Office of Lawrence Keitt
340 Summers Avenue
P. O. Box 811
Orangeburg, South Carolina 29116
(803) 531-2379
lkparalegal@sc.m.com

Other Counsel of Record:

Holly-Marie Sarvis Patterson, Esquire
355 N. Main Street
Gaston, SC 29053

FILED ELECTRONICALLY FILED - 2018 Dec 18 7:44 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3201221
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FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NO. 2018CP3201221

Judi Castro et al
PLAINTIFF(S)

Bryan Walling
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

Plaintiff-Appellant's Motion to Reconsider is DENIED as untimely. Plaintiff-Appellant was electronically served with notice of the original order denying the appeal on June 25, 2018. SCRPC 59 required a response within 10 days of that date, meaning July 5, 2018. Defendant-Appellant attempted to file a Motion to Reconsider on July 6, 2018, which was outside of the filing deadline.

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 10/30/2018

Holly-Marie Sarvis Patterson for Bryan Walling
Bryan Walling for Bryan Walling
Scott Whittle
Bryan Walling for Bryan Walling

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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.

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Lexington Common Pleas

Case Caption: Judi Castro, plaintiff, et al VS: Bryan Walling

Case Number: 2018CP3201221

Type: Order/Electronic Form 4

IT IS SO ORDERED!

s/ Alison Renee Lee

Electronically signed on 2018-10-30 11:01:11 page 3 of 3

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305 1104wood Dr
W. Cola SC 29172

TO:
Court of Appeals
PO. 11629
Cola SC 29211

EXPECTED DELIVERY DAY: 12/01/18

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305 Haywood Dr
W. Cola SC 29172

TO:
Court of Appeals
PO. 11629
Cola SC 29211

EXPECTED DELIVERY DAY: 12/01/18

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Law Office of Lawrence Keitt

ATTORNEY AT LAW

P.O. Box 811
340 SUMMERS AVENUE
ORANGEBURG, SOUTH CAROLINA 29116

TELEPHONE (803) 531-2379

FACSIMILE (803) 534-2897

LAWRENCE KEITT

The Honorable Jenny Abbott Kitchings
S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

December 19, 2018

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SC Court of Appeals

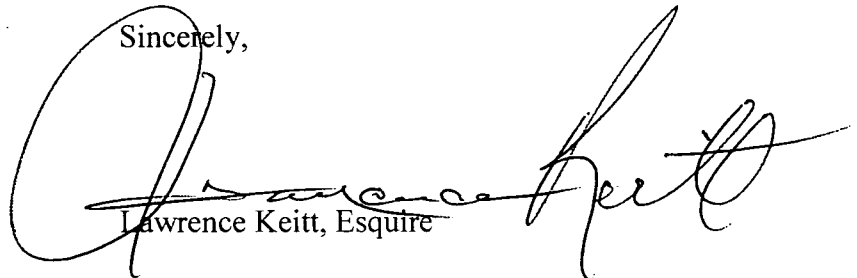
Re: Judi Castro v. Bryan Walling
Appellate Case No.: 2018-002134

Dear Ms. Kitchings:

Per your letter dated December 11, 2018, enclosed is the original and two copies of the Appellant's Intent to Appeal that was filed with the lower courts. I ask that you return the cloak copies to my office in the envelope provided.

By copy of this letter I am serving attorney for the Respondent with a filed copy of the Intent to Appeal.

Sincerely,



Lawrence Keitt, Esquire

cc: Holly Marie Sarvis-Patterson, Esquire
Judi Castro

LK/lb