

P. O. BOX 2543
Bluffton, SC 29910
May 17, 2019

Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

RECEIVED

MAY 20 2019

SC Court of Appeals

Re: Beaufort County Court of Common Pleas
Case No. 2018CP0701080
and 2019CP0701020
and Appellate Case No. 2018-002225

Gentlemen:

I received your letter of May 13, 2019 advising me that the Court of Appeals is ending the abeyance on the aforesaid Appellate case which is the appeal of Beaufort Common Pleas case No. 2018CP0701080.

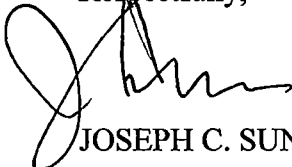
However, the magistrate's order denying the motion for a new trial is now on appeal to the Beaufort County Circuit Court Case No. 2019CP0701020. (A new case number.) A copy of the Notice of Appeal is attached herewith. The magistrate will be filing a Return which I will use on the circuit court appeal. A hearing will be set by the circuit court. Please reinstate the abeyance on the referenced Appeal Case until the decision of the Beaufort County circuit court on Circuit Court Appeal Case 2019CP0701020 is rendered.

If there is an additional appeal to this court after circuit court decision, I will ask to consolidate the two appeals at that time. Therefore, the reinstatement of the aforesaid abeyance until the adjudication of the circuit court appeal will save court time and work.

Because of my financial situation where I am retired with Social Security as my only income, and also because of my grounds on appeal, I do not plan to order the transcript but will proceed on this appeal based on all court records at the Magistrate and circuit courts. I am copying this letter to the Attorney General as my request to his consent of appeal without the trial transcript.

Thank you for your attention and cooperation.

Respectfully,


JOSEPH C. SUN

cc: Alan McCrory Wilson, Esq.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

MAY -2 PM 1:55

2019-CP-07-1020
CASE NUMBER

~~STATE OF SOUTH CAROLINA~~ BEAUFORT COUNTY, S.C.
~~PLAINTIFF(S)~~ RESPONDENT CLERK OF COURT

BEAUFORT COURT OF
COMMON PLEAS
CASE NO: 2019-CP-07-1020

BEAUFORT COUNTY SOLICITOR
MAILING ADDRESS

MAGISTRATE COURT
CITATION NOS:
20182400269545
§ 20182400269546

P.O. Box 1880, Bluffton, SC
CITY, STATE, ZIP 29910

TELEPHONE

VS

NOTICE OF APPEAL

JOSEPH SUN
DEFENDANT(S)/APPELLANT

P.O. Box 2543
MAILING ADDRESS

BLUFFTON, SC 29910
CITY, STATE, ZIP

843-226-8788
TELEPHONE

The Plaintiff Defendant (circle one) JOSEPH SUN hereby gives notice of appeal from judgment of the Magistrate Court in the above action, to Circuit Court of Common Pleas, in the County of Beaufort.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 7 day of April 2019, in which Judge JOSE A. FUENTES presided.
(THE JUDGE'S NAME MUST BE FILLED IN OR THIS WILL NOT BE ACCEPTED BY THE CLERK OF COURT)

The appellant's exceptions to the judgment of the Magistrate Court are set forth as follows:

See next separate sheet.

THE APPELLANT'S EXCEPTIONS TO THE ORDER OF THE MAGISTRATE COURT:

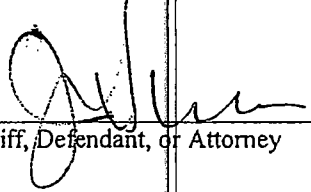
1. Magistrate Fuentes came to the hearing without any record in the case or any papers which was filed with the motion for new trial. All the exhibits and documents filed with the motion can show that research and additional discovery was required before officer's false testimony can be proven wrong. Officer's perjury can only be proven with after discovered evidence. Magistrate's ruling is similar to the argument that "why can't a party predict the perjury before trial and have everything ready to prove it at the trial?"

Therefore, the Magistrate is erroneous on the requirement of "due diligence" on the discovery of perjury committed by the officer in denying Defendant's motion for new trial.

2. Defendant Sun filed a motion to obtain Brady Material which was an additional after discovered evidence defendant was entitled to because record showed that the State of South Carolina had failed to provide the actual location of the accident causing the jury to be misled by the officer's perjury. Court record showed the Brady material was requested by the Defendant before trial, therefore would allow the granting of a directed verdict or could make an entirely different result on the jury verdict.

Therefore, Magistrate court had conjugating jurisdiction on Sun's motion to obtain Brady Material which is an additional after discovered evidence Sun had diligently tried to get but refused by the state. Magistrate Fuentes is erroneous in denying Defendant's right to Brady Evidence.

(Attach additional sheets if necessary)



Plaintiff, Defendant, or Attorney

April 30, 2019

Date

IN ORDER FOR THIS TO BE FILED PROPERLY, YOU MUST INCLUDE THE PRESIDING JUDGE'S NAME, A COPY OF THIS APPEAL MUST BE FILED FIRST WITH THE CLERK OF COURT'S OFFICE, AND THEN A CLOCKED IN COPY MUST BE SERVED ON THE MAGISTRATE COURT JUDGE WHO HEARD THE CASE

J. C. Sun
P. O. Box 2543
Bluffton, SC 29910

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MAY 20 2019

SC Court of Appeals

**Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211**

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