

State of South Carolina
Appeal Case Number
County of Horry

-(2012) # CP2609486

Notice of Appeal
Criminal Appeal in the
Magistrate/Municipal Court

Mr. Michael Louis Sgro,
Appellant,

-vs-

State of South Carolina and
Town of Surfside Beach,
Appellate(s).

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MAY 28 2019
SC Court of Appeals

Certificate of Service
Rule 501. Federal Rules of Evidence.

(ADA) litigation under [42 U.S.C.] 407(a); other [legal] process. Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

I declare under (penalty of perjury) under the laws of the United States, (ADA) litigation is true and correct under [28 U.S.C.] 1746.

[1]-Mr. Michael I. Sgro; *Mr. Michael I. Sgro*. Executed on (05/24/19).

Statement of Case and the Facts

The State of South Carolina contravened the (sixth amendment) to the U.S. Constitution. States application rejected through (fourteenth amendment) guarantees the accused the right to a speedy trial. The court must consider four factors, the 4-part balancing test.

- (1.) Length of delay;
- (2.) Reason for delay;
- (3.) Appellant's assertion of (ADA) litigation.
- (4.) Prejudice to Appellant.

(1.) Length of Delay; Magistrate Judge G. Blanton overruled Rule 65, [SCRCP] and detained the Appellant without bail pursuant to S.C. Code Ann. 17-25-10(1976). No person shall be punished for an offense unless duly and legally convicted thereof in a court having competent jurisdiction of the cause and of the person. The SB[PD] instigated cognizable discrimination under the ADA Title [II]. If any person shall be or stand committed or detained for any crime, he shall be entitled to the writ of habeas corpus under section 17-17-10. Officer Butler violated suspect's protections under the (fourth amendment) to the U.S. Constitution. After suspect was arrested, Officer Butler acted with malice and reckless indifference cognizable under section 1983, the Officer arrested a suspect while acting under (color-of-state-law) providing that Officer knowingly and deliberately arrested Appellant without probable cause under S.C. Code Ann. (16-11-620) (1976).

(2.) Reason for Delay; Hon. Larry B. Hyman Jr. contravened the Double Jeopardy clause of the (fifth amendment) to the U.S. Constitution prohibiting anyone from being prosecuted twice for substantially the same crime. Pursuant to [42 U.S.C.] 3631(a). Whoever, whether or not acting under (color of law), by force or threat of force willfully injures, intimidates, interferes with, or attempts to injure, (intimidate) or interfere with-. Section (16-11-620) states; "On conviction, be fined not more than \$ {200.00} dollars or be imprisoned not more than thirty (30) days. State of South Carolina dismissed an Initial Appeals brief with prejudice for case no. # (2014)-CP266015 and rejected Appellant's ("PCR") application.

(3.) Appellant's assertion under (ADA) litigation; in (2012), Magistrate Judge G. Blanton barred further action at law after holding a bench trial on the (44th) day of incarceration under a section 16-11-620. The bench trial contravened Appellant's right to the signed request for [trial by jury], Appellant was convicted on (2) counts of trespass prior to (2013) trial by jury held (in absentia). Whenever a municipal court or a magistrate's court shall have acquired jurisdiction by reason of a [person] committing an [act] which is alleged to be in violation of a [municipal] ordinance and which is in violation of the criminal law of this State a [conviction] or an acquittal by (1st) court acquiring jurisdiction shall be a complete [bar] to a [trial] by another court for the same alleged unlawful act or acts under S.C. Code Ann. (17-23-20) (1976).

(4.) Prejudice to the Appellant. Amendment [VII]. In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of [trial by jury] shall be preserved; and no fact tried by a jury shall be otherwise reexamined in a Court of the United States, then according to the rules of the common law. In the State of South Carolina, the U.S. Constitution provides only "arbitrary or irrational" protection under [42 U.S.C.] 12203(a)(b).

(5.) Case no. # [35552GG] provides clear and convincing evidence the State's misconduct was willful, wanton, or with reckless disregard. There is a genuine issue of material fact; Appellant is entitled to judgment as matter of law. A person aggrieved by judgment or decree, as requirement for right to [appeal], when judgment or decree operates on his rights of property or bears directly upon his interest and [constitutes] (substantial) grievance. A State shall not be immune under the (eleventh amendment) to the Constitution of the United States from an action in Federal or State court of competent jurisdiction.

(6.) State action constitutes denial of some personal or property right, or imposition on party of burden or obligation. The lack of available accommodations is classified as discrimination under [42 U.S.C.] 12182(a). Section 17-27-70(c); authorizes the Court to grant a motion by either party for summary [disposition] of an application when it appears from the [pleadings] that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.

(7.) Court makes the following findings of fact and conclusion[s] of law. The basis for a ruling on Respondent's motion to dismiss under section 17-27-20(A); contravenes Respondent's filing of an application, which may commence a [post-conviction] relief action on following grounds:

- 1.) That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of the State;
- 2.) That the court was without jurisdiction to impose sentence;
- 3.) That the Sentence exceeds the maximum authorized by law;
- 4.) That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice.
- 5.) That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise held in custody or other restraint; or
- 6.) That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any [common law], [statutory] or other [writ], [motion], [petition], proceeding or remedy; may institute, without paying a filing fee, a proceeding under this chapter to secure relief.

(8.) The (Fifth Amendment) to the U.S. Constitution creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, the (Fifth Amendment) guarantees [right] to a grand jury, forbids [double jeopardy], and protects against self-incrimination. It also requires that (due process of law) be part of any proceeding that denies a citizen "life, liberty or property" and requires the government to compensate citizens when it takes private property for public use.

(9.) Amendment [V]. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

(10.) The Double Jeopardy clause of the (Fifth Amendment) to the U.S. Constitution prohibits anyone from being prosecuted twice for substantially the same crime. When a state re-prosecutes for the same offense following conviction and multiple punishments for the same offense with an identical statutory element, or one is a lesser statutory offense, inquiry must cease, all subsequent prosecution is then barred. [Final Order of Dismissal] signed on (03/07/16) by Judge William H. Seals, is hereby [petitioned] and this record is developed to counter-act under (ADA) litigation in [legal] format intended for an illiterate member of society.

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

Case No. 2012CP609486

State of South Carolina and
Town of Surfside Beach.

Respondent,

v.

Michael L. Sgro.

Appellant.

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SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina and Town of Surfside Beach by depositing a copy of it in the United States Mail, postage prepaid, on February 6, 2018, addressed to the attorney of record, Maronee Elizabeth Pitcher, Post Office Box 11629, Columbia, South Carolina 29211.

February 06, 2018.

s/ Michael L. Sgro
Mr. Michael Louis Sgro
505 N. Kings Hwy.
Myrtle Beach, [SC]. 29577
(ADA) litigation.

The South Carolina Court of Appeals
P.O. Box 11629
Columbia, [SC]. 29201

February 6th (2018).

Re: "Aggrieved party" under [42 U.S.C.] 1990.

This is a response or more formally a [motion] to contest your request. An Initial Appeals brief was promulgated in order to contest a pattern of false arrest under the (fourth amendment) to the U.S. Constitution. After this (document) is mailed, I will allocate more time in order to assess the cost of this refusal to return a bail amount of \$ {470.00} dollars. On the (44) day of incarceration for a section 16-11-620 violation, Magistrate Judge G. Blanton convicted on both counts.

The U.S. Attorney General has refused to act and this directly violates the basic rights of a U.S. citizen to protection under U.S. Code. [42 U.S.C.] 407(a)(b). Section 407 is a Federal statute and is intended to protect the rights of [SSDI] benefits. [L]egal process: is also a term which requires further recognition as it is being neglected. (ADA) Title [II]: is not a (pathway) to the violation of U.S. citizen's Bill of Rights under the (fourteenth amendment) to the U.S. Constitution.

The United States Marshal Service is oblivious to the complications under [42 U.S.C.] 1990. A series of document(s) are on file and are now required in order to facilitate a settlement after this SB[PD] false arrest became another example of violation under [42 U.S.C.] 3631(c). There's now is (21+) years of rental history since renting a condo from Surfside Reality. The rent prices in this area have increased beyond \$ {999.00} dollars per month.

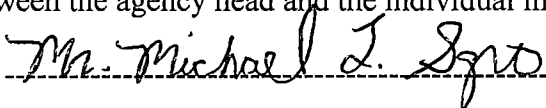
The sustenance amount including rent is \$ {249.00} dollars per week. Conditions of poverty or blight are easily achieved by reducing the renter's diet below this amount. Employment has been curtailed due to the economic deprivation. An occupational debate has occurred concerning age, educational attainment and work experience under S.C. Code Ann. (44-17-580) (1976).

The South Carolina Court of Appeals has received an acknowledgement under S.C. Code Ann. 16-5-60(1976). This state statute is compliant with [42 U.S.C.] 12202. Housing records are being manipulated and this record has serious implications under Federal statute, numerous notification to the U.S. Attorney General have been retained on a flash-drive. This flash-drive is protected in accordance with the (fourth amendment) to the U.S. Constitution.

The Marshal 285 cannot be paid for under [42 U.S.C.] 407(a)(b). SSA has no reported earnings records for the past (16+) consecutive years, [SSDIB] payments are the only source of income. A serious financial hardship has resulted after utilizing the Commerce clause; ADA Title [III]. This economy will generate a minimum wage income under ADA Title [I].

Use of notwithstanding in contracts doesn't differ from its plain and ordinary English meaning. [Notwithstanding] means in spite of, (despite), even if, without regard to or impediment by other things, all the same, however, in any case, in any event, nevertheless, none-the-less, still, yet. The SSA has imposed a (4th) year of [garnishment].

[Notwithstanding] any provision of State law, the head of an executive, [judicial], or legislative agency that administers a program that gives rise to a delinquent nontax debt owed to the United States by an individual may in accordance with this section [garnish] the disposable pays of the individual to collect the amount owed, if [individual] in not currently making required repayment under any agreement between the agency head and the individual in accordance with [42 U.S.C.] 3720D.

[3]-Mr. Michael L. Sgro;  Executed on (05/24/19).



U.S. Department of Justice
Office of the Inspector General
Investigations Division
1425 New York Avenue, N.W., Suite 7100
Washington, DC 20530

March 18, 2019

Michael L. Sgro
505 N. Kings Hwy
Myrtle Beach, SC 29577

Dear Mr. Sgro:

Thank you for your correspondence dated January 8, 2019. The U.S. Department of Justice (DOJ), Office of the Inspector General, investigates allegations of misconduct by employees and contractors of DOJ, as well as waste, fraud and abuse affecting DOJ programs or operations.

The matters you raised are outside our investigative jurisdiction, therefore no action can be taken by our Office. We are returning your material to you so that you may pursue your concerns in a more appropriate venue. You may wish to consult the website www.ignet.gov to obtain contact information for other federal agency Inspectors General. Please be advised that we have not retained any copy of your material and any additional material you submit regarding this matter will be destroyed.

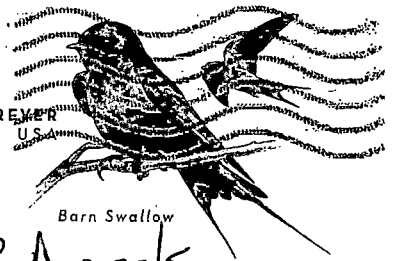
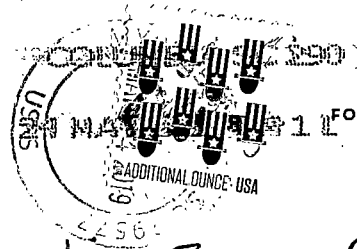
Of course, if you have new information that involves other allegations or issues regarding DOJ employees, contractors, programs or operations, please feel free to submit that information to us.

Thank you for giving us the opportunity to review your concerns.

Sincerely,

Office of the Inspector General
Investigations Division

MR. M. L. SGR0
505 N. Kings Hwy.
Myrtle Beach, SC 29577



The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29201

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