

I JOHN FOREMISS IS Appearing my contract on 11/11/18

The case Domestic Violence 1st Degree I John Foremiss didn't hit her or choke her. When this all happened. My wife was Cheating on me with a heroin addict and meth addict. and she was also using at the time this all occurred. I never knew she had an affair with my wife. He argued the day about what she was doing and she told me that she was cheating on me. Not one time did I ever hit her or anything of that nature. I was wrapped back in father getting at each other. And she even said in court that she loved me and wanted to let the court know that we have 3 Beautiful Kids and that we love each other with all our hearts and would like for the court not to give me anytime in prison. So that we could get back to our family life and raise our kids like parents should. Since the CDV occurred. my wife has went to Drug Rehab and taken care of her addiction. And is doing good now. I myself have been in Jail since March 28, 2018 And I have found God and have been Blessed by what God has done in my life since I found God.

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JUL 01 2019
SC Court of Appeals

With the 2nd Degree Burglary It was our house. That we lived in together for 13 yrs. I had no where to stay for a few days til I got some money up. So my wife went to stay at a motel and told me that I could stay at the house cause she knew I had nowhere to stay. that why she went to motel so I could stay at our house. The morning I was at our house my father in law came in the house to get something for my son before he took him to school.

And after entering the House he seen me. And didn't not 2
know that my wife had given me permission to stay there
since she was gone to stay at a motel. I had stayed there for ~~two~~
2 days already. So when he seen me he was thinking that
I shouldn't be there so when he left and went outside he
called the law and they came and lock me up for Violation of
and Order of Protection and also Burglary 2nd Degree. I feel
that I should have only been charged Violation of and Order of Protection,
not Burglary cause I never Burglarized anything I had my House Key
and permission to stay there cause my wife was at motel just
for me to have a place to stay.

Possession of meth less than 1g Meth 2nd offense.

I was charged this a month or so before the DV and Burglary.
I was on a bike a got stopped. cause I had no light, it was at night
the cop stopped me and asked me where I was going I told him Home
Then for no reason at all he asked if he could search me.
I said yes and he found a bag of meth with a trace of it in
it and locked me up. I feel that the cop had no probable cause to
search me. cause he seen nothing or anything to indicate I
had drugs. So with all this being said I'm asking the
Court of Appeals. To lower my sentence down and make it
non violent cur. give me time served for my Jail credit of
400 day. and let me go home to lovely wife and kids
where I should be.

And one other than. I feel the Assistant Solicitor. Donna Green had it out for me anyway, since my wife was not working with the way she wanted her to. She made it where I had to plead guilty or I would have gotten a lot more time if I took it to trial. So my lawyer told me that so offered me 5 to 8 yrs violent, and if I didn't accept it by the end of the day that I would have to pick my juror and go to trial and the offer of 5 to 8 was off the table - and I would have to take

what Judge Cooper gave me. See how I was scared to death I took the plea. I feel like the Solicitor Donna Green played me and my wife for a fool and made me take the plea.

So with all this information will you please consider giving me time served or take my time down to under 5 yrs and make it non violent. If you look at my record I haven't got a violent ~~part~~ and all in all my record is pretty good. Thank you for taking time to appeal this case for me. Please consider all the facts in the case. And may God Bless you.

Thank you JOHN FURNESS

IT IS THEREFORE ORDERED THAT:

A. Respondent / Petitioner is temporarily restrained, prohibited and forbidden to abuse, threaten to abuse, or molest, Petitioner / Respondent or engage in any other conduct that would place Petitioner / Respondent in reasonable fear of bodily injury.

B. Respondent / Petitioner is temporarily restrained and prohibited from using, attempting to use, or threatening to use physical force against Petitioner / Respondent that would reasonably be expected to cause bodily injury.

C. Respondent / Petitioner is temporarily restrained, prohibited and forbidden to communicate or attempt to communicate with Petitioner / Respondent in any way or to enter or attempt to enter Petitioner's / Respondent's place of residence, employment, education or the following locations: 1809 Woodside Dr. Camden, S.C.

D. Petitioner / Respondent is awarded temporary custody of the minor children named BRADY Victoria Easton

E. Respondent / Petitioner is awarded temporary visitation rights with the minor children as follows: _____

F. Respondent / Petitioner shall pay the sum of \$ _____ each _____ as temporary child support through the clerk of court, plus 5% court costs, making a total payment of \$ _____, commencing on _____, and each and every _____ thereafter. *As can be agreed. Petitioner shall have the right to supervised visitation or support of respondent's child.*

G. Respondent / Petitioner shall pay the sum of \$ _____ each _____ as temporary financial support through the clerk of court, plus 5% court costs, making a total payment of \$ _____, thereafter commencing on _____, and each and every _____ thereafter.

H. The sole, exclusive possession of the residence and furnishings located at the aforementioned address (appearing under number "12" of this order) is awarded to Petitioner / Respondent with Respondent / Petitioner making the mortgage and/or rental payments plus any taxes and/or insurance on the property.

I. Respondent / Petitioner is temporarily restrained, prohibited, and forbidden to transfer, encumber, destroy, sell or otherwise dispose of, except in the ordinary course of business, real or personal property jointly owned or leased by the parties or in which Petitioner / Respondent claims an equitable interest including, but not limited to, the following: _____

J. (Respondent / Petitioner) shall pay \$ _____ to the (Petitioner / Respondent) by _____ (date) as a contribution toward (Petitioner's / Respondent's) attorney fees.

K. The following law enforcement agencies shall be served with a copy of this Order by the Clerk of Court:

City of Camden, Kershaw County Sheriff Dept

L. The law enforcement agencies listed below are directed to assist (Petitioner / Respondent) as follows:

(1) Accompany (Petitioner / Respondent) to remove (his / her) personal property at 1809 Woodside Drive Camden, SC 29026

(2) Accompany (Petitioner / Respondent) to assist in placing (his / her) in possession of the residence, located at _____;

(3) Other: _____

RESPONSIBLE LAW ENFORCEMENT AGENCIES: CPD or KESD

M. IT IS FURTHER ORDERED, pursuant to S.C. Code Ann. § 63-3-530, that _____

1813

3/30/17 4/5/17

A Petition for Order of Protection was filed on _____. I held a hearing on _____. Respondent (was / was not) given actual notice and an opportunity to participate. Respondent (did / did not) appear. After hearing the evidence, and examining the affidavits and verified pleadings, I have determined that the petition should be GRANTED, based on these facts:

1. That the Respondent and the Petitioner (check one or more):

- are husband and wife
- were husband and wife
- have this child/children in common:
- are household or family members pursuant to S.C. Code § 20-4-20(a)(2)
- are cohabiting
- were cohabiting

2. Venue is properly in this county, since this is the county where

- a. the act of abuse occurred; or
- b. the Respondent resides; or
- c. the parties last resided together.

3. Abuse occurred on (date) 3/26/17 at _____ o'clock (a.m. / p.m.) at _____ in this manner: _____

4. John Fumiss committed this abuse. *Respondent checked on Petitioner*

5. Dorothy Fumiss was / were) the victim(s) of this abuse.

Check here if the victim is less than 18 years old and name: _____

6. The evidence establishes that (Respondent / Petitioner) represents a credible threat to the physical safety of the victim. The (Respondent / Petitioner) used, attempted to use, or threatened to use physical force against (Respondent / Petitioner) that is reasonably expected to cause bodily injury.

7. The (Petitioner / Respondent) is a fit and proper person to have custody of the minor child or children.

8. (Respondent / Petitioner) is employed at _____ and earns approximately \$ _____ gross per month and has reasonable monthly expenses of \$ _____.

9. (Respondent / Petitioner) is employed and earns approximately \$ _____ gross per month, and has reasonable monthly expenses of \$ _____ for (himself / herself) and the minor children.

10. (Petitioner / Respondent) has shown a need for child support in the amount of \$ _____ per _____ and (Petitioner / Respondent) has the ability to make these payments.

11. (Petitioner / Respondent) has shown a need for temporary financial support in the amount of \$ _____ per _____ and (Petitioner / Respondent) has the ability to make those payments.

12. (Petitioner / Respondent) should have the use and possession of the home and furnishings located at _____ in _____, S.C., with (Respondent / Petitioner) making the mortgage and/or rental payments plus any taxes and/or insurance on the property.

13. (Petitioner / Respondent) retained an attorney, \$ _____ is a reasonable attorney's fee, and (Respondent / Petitioner) should contribute to this expense.

14. Other: _____

DM

N. Federal Firearms Prohibition, pursuant to 18 U.S.C § 922.

- 1. Does this Order protect an intimate partner, a child of an intimate partner, or a child of the Respondent? YES NO
- 2. Did the person restrained have actual notice and an opportunity to participate in the hearing? YES NO
- 3. Does the Order find the restrained person a credible threat or explicitly prohibit the use, attempted use, or use, or threatened use of physical force? YES NO

THE PROVISIONS OF THIS ORDER SHALL EXPIRE ON April 4, 2019 (a date which is not less than 6 months and does not exceed 12 months from the date of this Order) UNLESS OTHERWISE PROVIDED BY S.C. CODE ANN. §20-4-70.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE PUNISHABLE BY NOT MORE THAN THIRTY DAYS IN JAIL AND A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS OR MAY CONSTITUTE CONTEMPT OF COURT PUNISHABLE BY UP TO ONE YEAR IN JAIL AND/OR A FINE NOT TO EXCEED FIFTEEN HUNDRED DOLLARS.

PURSUANT TO § 16-25-125 OF THE SOUTH CAROLINA CODE OF LAWS, IT IS UNLAWFUL FOR A PERSON WHO HAS BEEN CHARGED WITH OR CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, WHO IS SUBJECT TO AN ORDER OF PROTECTION, OR WHO IS SUBJECT TO A RESTRAINING ORDER, TO ENTER OR REMAIN UPON THE GROUNDS OR STRUCTURE OF A DOMESTIC VIOLENCE SHELTER IN WHICH THE PERSON'S HOUSEHOLD MEMBER RESIDES OR THE DOMESTIC VIOLENCE SHELTER'S ADMINISTRATIVE OFFICES. A PERSON WHO VIOLATES THIS PROVISION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN THREE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN THREE YEARS, OR BOTH. IF THE PERSON IS IN POSSESSION OF A DANGEROUS WEAPON AT THE TIME OF THE VIOLATION, THE PERSON IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE FINED NOT MORE THAN FIVE THOUSAND DOLLARS OR IMPRISONED FOR NOT MORE THAN FIVE YEARS, OR BOTH.

AND IT IS SO ORDERED.
April 5, 2017 Date
CAMDEN, SC


FAMILY COURT JUDGE

COPY GIVEN TO PETITIONER BY _____ (initials) COPY GIVEN TO RESPONDENT BY _____ (initials)

RESPONDENT'S HOME ADDRESS: _____

RESPONDENT'S PLACE OF EMPLOYMENT: _____

Information which may be of assistance to law enforcement in identifying the respondent: _____

ATTACH PHOTOSTATIC COPY OF RESPONDENT'S DRIVERS LICENSE, IF AVAILABLE.

JOHN FURNISS 208844

Mailroom AZ-30

Kirkland Correctional Institution

4344 Broad River Road

Columbia, S.C. 29210



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JUL 01 2019

SC Court of Appeals

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

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JUN 26 2019

KIRKLAND RE-ENTER
MAILROOM