

State of South Carolina
County of York

John Thomas Robinson
Plaintiff,

v

York County Public Defender's Office
and Jessica Marie Russo
Defendant.

In the Court of Appeals
South Carolina

Docket #: 2019CP4601417

Notice of Intent to Appeal

This matter comes before this Court for the following appellate review: On July 30, 2019 a hearing was convened in the Circuit Court for the Sixteenth Judicial Circuit, The Honorable Judge McKinnon Presiding. The Civil Action matter challenged Plaintiff's "Due Process" abuse. The Defendant is a lawyer that represented Plaintiff through the York County Public Defender's Office that violated Plaintiff residency. Plaintiff filed a Civil Action Law Suit on April 23, 2019 for the intent to harm by Jessica Marie Russo's conduct of abuse made on the (2) Preliminary hearings that she represented Solo with means to injure Plaintiff. The Court dismissed the matter for failure to file an expert affidavit by Plaintiff. Plaintiff did object, asserting that an expert affidavit was not required because the defendant, Jessica Marie Russo, is a lawyer and she knew exactly the result of her motion. *Brouwer v. Sisters of Charity Providence Hosp.*, 409 S.C. 514, 522, 763 S.E.2d 200, 264 (2014). That Court held, 15-36-100(C)(2) expert affidavit "is not required to support a pleaded specification of residence involving subject matter

That lies within the ambit of common knowledge and experience, so that no special learning is needed to evaluate the conduct of the defendant." When expert testimony is not required, the Plaintiff must offer evidence that rises above mere speculation or conjecture. *Id.* The Hearing Court was advised of the fact that Jessica Marie Russo, Defendant, is a lawyer, employee of the York County Public Defender's office.

ISSUES

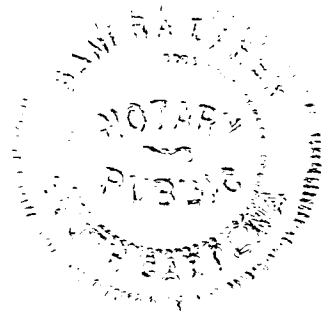
- (1) Was the Court in error to dismiss this matter for lack of expert affidavit requirement? *Id.*
- (2) Did the Court dismiss because it doubts the Plaintiff will not prevail; *Toussaint v. Ham*, 292 S.C. 415, 357 S.E.2d 8 (1987)?

Respectfully Submitted,
John Thomas Robinson
John Thomas Robinson - Prose

Sworn to and subscribed before
me this 31st day of June 2019.

[Signature] (S)
Notary Public for South Carolina

My Commission Expires: May 15, 2023



STATE OF SOUTH CAROLINA

COUNTY OF York FILED-RECEIVED

IN THE COURT OF COMMON PLEAS

John Thomas Robinson
2019 APR 11 (11:43)

CIVIL ACTION COVERSHEET

2019 -CP-46-1417

vs. DAVID HAMILTON
C.P. & O.S.
Jessica Marie Russo
YORK COUNTY, SC
Defendant(s)

Submitted By: John Thomas Robinson
Address: 1675-3A York Hgway
York, SC 29745

SC Bar #: _____
Telephone #: _____
Fax #: _____
Other: _____
E-mail: _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
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| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) _____ <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Interpleader (690) | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20__-NI-____ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture—Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Torts – Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) _____ <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Incapacitated Adult Settlement (790) <input type="checkbox"/> Other (799) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input type="checkbox"/> Other (499) _____ <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) |
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Submitting Party Signature:

John T. Robinson

Date: 4/16/19

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

John T. Robinson
1675-3A York Highway
York, SC 29745

"Notice of Law Suit"
Against: TESSIE M. RUSSO
Defendant.

The Honorable David Hamilton
P.O. Box 649
York, SC 29745

(1) 2018A4620300636
(2) 2018A4620301650; (3) 1651

April 24, 2019


Dear Sir:

Please find herewith a low-suit Civil action for
filing in your Court-house. Filing is done in Form Papers.

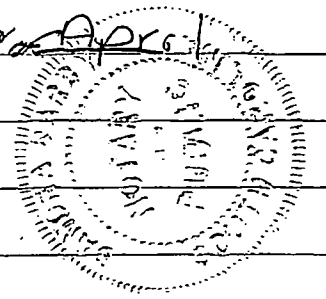
Do file the low-suit and attached documents, and send
to me a Court-Clocked-Stamped Complete Copy.

Very appreciative yours,
John T. Robinson please

Robinson grieves the unlawful prejudicial acts of "Tessie
Marie Russo", and seeks her punishment by the law for the
violation of the law.

Sworn to and Subscribed before me this 9th day of April
2019.  (US)
Notary Public for South Carolina

MY Commission Expires: May 15, 2023



FILED-RECEIVED

State of South Carolina
County of York

DAVID HAMILTON
C.C.P. & C.S.
YORK COUNTY, SC

APR 23 AM 11:43 The Court of Common Pleas
Seventh Judicial Circuit

John Thomas Robinson
Plaintiff;

"Complaint for Civil"
Action Law-Suit

CASE #: 2019CP4601417

v.

Arrest Warrant Numbers:

2018A462030636

Jessica Marie Rusb
Defendant.

2018A4620301650

2018A4620301651

This matter comes before this Court for the following reasons:

Robinson (Plaintiff) was arrested on March 19, 2018 and charged with a site drug violation - 2018A462030636.

Jessica Rusb was appointed to represent Robinson on the drug violation accusation. She requested Robinson's preliminary hearing held, and Robinson was indicted for the drug charges on a return, and there were undoubtedly no probable cause.

Robinson was subsequently arrested for 1650-1651 above.

Jessica Rusb, also pro se, Robinson at the preliminary hearing by having Robinson locked up in the holding cell for pretrial offender's Court matters for more than one hour and represented Robinson's preliminary hearing for returnment and prejudice.

The effect of the hearing was that Robinson was indicted for imprisonment term of seventy years. Plaintiff now come relief by law through the filing of a civil action law-suit

seeking the defendant's lawful employment redress for this intentional unlawful misconduct of the defendant.

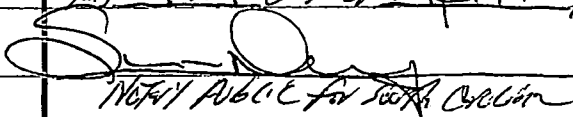
Robinson motion for the SUBORNEMENT of JESSICA KUSKO from the practice of law anywhere in the United States of America, defendant is placed on probation for five (5) years and to pay Robinson \$5,000,000 for having him intentionally indicted for an imprisonment of every 7 years; With the exception, that JESSICA KUSKO, may continue the practice of law for this mentioned pro-notice for settlement of \$15,000,000 without the practice of law for three (3) years exclusively of date ordered by the Court or \$20,000,000 for immediately continuous practice of law, and without, and freed from the requested five (5) years of probation for complete relief of any obligation for a lawful determination of \$25,000,000. Robinson file law-suit for this premeditated unlawfulness. Robinson reserve the "Amendment" of this Complaint if necessary. Robinson grieves the unlawful acts of JESSICA KUSKO.

In Form Parents Filing.

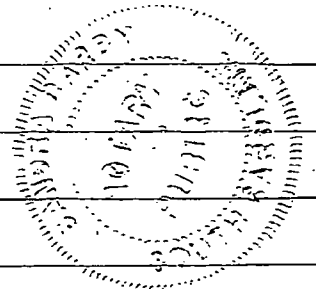
Respectfully Submitted,
s/ John T. Robinson
John Thomas Robinson

Suborn to and subscribed before me

the 9th day of April, 2019.

 (LS)

My Commission Expires: May 15, 2023



FILED-RECEIVED

STATE OF SOUTH CAROLINA,

COUNTY OF York 2019 APR 23 AM 11:43

IN THE COURT OF COMMON PLEAS

John Thomas Robinson DAVID HAMILTON
C.C.C.P. # 05
YORK COUNTY, S.C. Plaintiff

SUMMONS

vs.

FILE NO. 2019 -CP- 40-1417

Jessica Marie Russo
Defendant.

TO THE DEFENDANT ABOVE-NAMED:

~~YOU ARE~~ HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

York, South Carolina

John T. Robinson
Plaintiff/Attorney for Plaintiff

Dated: 4/16/2019

Address: 1675-3A York Highway
York, South Carolina 29745

David D. Stronig
1305 Norm's Ave.
Charlotte, NC 28206

Case No.: 2019CP46149617

The Honorable David Hamilton
P.O. Box 649 - "Common Pleas"
York, SC 29745

Date: 5/6/2019

Dear Sir:

Find herewith "Certificate of Service" in regard of the above Case Number. Do file in Your Court House at Your Soonest Convenience, and send to me Court-Checked-Stamped Copy.

The Defendant of this action has promptly been served.

Respectfully Submitted,

David D. Stronig
David D. Stronig

1305 Norm's Ave.
Charlotte, NC 28206

DAVIDSON, WREN & PLYLER, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

William H. Davidson, II
Michael B. Wren
Daniel C. Plyler

1611 Devonshire Drive, Second Floor (29204)
Post Office Box 8568
Columbia, South Carolina 29202-8568
Telephone: (803) 806-8222
Facsimile: (803) 806-8855

David A. DeMasters
Brandon M. Briggs

Of Counsel
Kenneth P. Woodington

June 5, 2019

Writer's Email: dplyler@dml-law.com

John T. Robinson, #32390A
1675-3A York Highway
York, South Carolina 29745

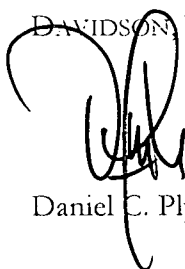
RE: John Thomas Robinson v. Jessica Marie Russo
Civil Action Number: 2019-CP-46-01417
Claim Number: C8627
Date of Incident: March 19, 2018
Our File Number: 103.10537

Dear Mr. Robinson:

Please find enclosed herewith and hereby served upon you a copy of a **Notice of Motion and Motion to Dismiss and a Certificate of Service** in regard to the above-referenced matter. These documents have been filed electronically with the Clerk's office.

Very truly yours,

DAVIDSON, WREN & PLYLER, P.A.



Daniel C. Plyler

DCP/mss
Enclosures

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS

John Thomas Robinson,)
)
Plaintiff,)

Civil Action No. 2019-CP-46-01417

v.)

NOTICE OF MOTION AND MOTION TO
DISMISS

Jessica Marie Russo,)
)
Defendant.)

Answer on Behalf of Defendant

TO: JOHN THOMAS ROBINSON, *PRO SE*:

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel for Defendant Russo will move before the Presiding Judge of the Judicial Circuit at the York County Courthouse, York, South Carolina, for an order, pursuant to Rules 8, 9, and 12(b)(6), of the South Carolina Rules of Civil Procedure, dismissing, with prejudice, Plaintiff's Complaint. Defendant asserts such an Order should be issued in this case, for the following reasons:

1. Defendant is entitled to absolute employee immune pursuant to the provisions and immunities of the South Carolina Tort Claims Act, specifically, § 15-78-70;

2. Plaintiff has failed to state facts sufficient to constitute a cause of action against Defendant, nor has Plaintiff complied with Rule 8, SCRPC with regards to any claim. A complaint must contain a "short plain statement of the facts showing that the pleader is entitled to relief." Rule 8(a)(2), SCRPC. Plaintiff is required to plead those facts which will be proved at trial. *See, Clark v. Clark*, 293 S.C. 415, 416, 361 S.E.2d 328, 328 (1987). Based on Plaintiff's pleading it is unclear what, if any, legal claim he has asserted against Defendant, and therefore Plaintiff has failed to comply with Rule 8, and his Complaint should be dismissed.

3. To the extent Plaintiff's Complaint could be construed to attempt to allege a claim of professional malpractice, Defendant asserts Plaintiff has failed to comply with the requirements of S.C. Code Ann. § 15-36-100, and therefore any such claim must be dismissed.

4. Defendant asserts that portions of Plaintiff's prayer for relief are not recoverable in this Court, and therefore must be dismissed.

Therefore, Defendant asserts Plaintiff's claims against her must be dismissed.

This motion is based upon the pleadings filed in this case; applicable case law; the rules of court; and such other matters as may be properly presented to the Court at the time of the hearing.

DAVIDSON, WREN & PLYLER, P.A.



s/ Daniel C. Plyler

DANIEL C. PLYLER
1611 Devonshire Drive, 2nd Floor
Post Office Box 8568
Columbia, South Carolina 29202-8568
dplyler@dml-law.com
T: 803-806-8222
F: 803-806-8855

Counsel for Defendant

Columbia, South Carolina

June 5, 2019

*The State dismissed the charges K'd & attempt —
That would have "No Dill". Again, do not dismiss because you believe
I might not prevail. Gentry v. Yonce, 522 S.E. 2d 137.*

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS

John Thomas Robinson,)
)
Plaintiff,)

Civil Action No. 2019-CP-46-01417

v.)

CERTIFICATE OF SERVICE

Jessica Marie Russo,)
)
Defendant.)

The undersigned employee of Davidson, Wren & Plyler, P.A., attorneys for the Defendant, does hereby certify that service of the Notice of Motion and Motion to Dismiss in the above-captioned action was made upon the *pro se* Plaintiff by placing same in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 5th day of June, 2019, addressed as follows:

John T. Robinson, #32390A
1675-3A York Highway
York, South Carolina 29745



s/ Daniel C. Plyler

State of South Carolina
County of York

In the Court of Common Pleas
Sixteenth Judicial Circuit

John Mark Robinson,
Plaintiff,

Opposition and objection to
Refile defendant's "Notice of
Motion and Motion to Dismiss"

vs

Jessica Marie Russo
Defendant.

Civil Action #: 2019-CP-16-0141

2019 JUL -8 PM 4:09
DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

FILED-RECEIVED

8

To: Daniel C. Pfler, Attorney for Defendant:

You will please take notice that the undersigned Plaintiff of
this action will move before the Presiding Judge of the Judicial
Circuit Court of the York County Court House, York, South Carolina
for the redress sought in his Complaint pursuant to this Opposition
and its supporting authorities. Jessica Marie Russo is better to
settle with Plaintiff or she can get a shovel and a wheelbarrow
and you know what she can do with that. She will not practice law
in this country anymore - it's the law!
Jessica Marie Russo is a lawyer and she knew exactly the
result of her actions in that matter. She intentionally meant
to harm and prejudice me and I'm not about to let her off
with her effort and the law is not going to either. Jessica Marie
Russo is "Hit" pursuant to the following argument and its
supporting authority of law. See the following reasons:
This document has been filed, first class postage, with the Clerk's office

(A)

John H. Robinson - Pro-Se

State of South Carolina
County of York

John Thomas Robinson,
Plaintiff,

Jessica Marie Rusto
Defendant.

In the Court of Common Pleas
Sixteenth Judicial Circuit

Disposition and objection
to refuse defendant's "Notice
of Motion and Motion to Dismiss"

Docket #: 2019-CP-46-01412

FILED-RECEIVED
JUL 12 2019
DAVID HAMILTON
CLERK OF COURT
SOUTH CAROLINA
COUNTY OF YORK

This matter comes before this Court for the following reasons:
On April 23, 2018 Plaintiff filed through the York County Clerk of Court, Sixteenth Judicial Circuit, the deed of "Civil Action Law Suit" against the "Defendant" Jessica Marie Rusto. In Plaintiff's Complaint, he alleged a civil action taken by defendant, who is an attorney, that was a ploy to represent him with criminal convictions. Plaintiff asserts that had it not been for attorney's misrepresentation, he would have been released for a lack of probable cause and this matter would have been lawfully resolved. Because of defendant's prejudice, Plaintiff Law Suit. Attorney for "Defendant" filed a "Notice of Motion and Motion to Dismiss" this Law Suit with prejudice alleging the following reasons for dismissal:

- (1) Defendant is entitled to absolute employee immune - 15-78-70.
- (2) Plaintiff failed to state facts for his action against defendant, and has not complied with Rule 8, SCRPC.
- (3) Plaintiff has failed to comply to the requirements of South Carolina Code Ann. Section 15-36-100.

(4) Dismiss because Plaintiff's Prayer for relief is not recitable in Pleading. Therefore, defendant asserts Plaintiff's claim against her must be dismissed.

Plaintiff, now file "Opposition and objection to before defendant's "Notice of Motion and Motion to Dismiss." Disbarment.

LAW/ANALYSIS

(1) Employee Immune: South Carolina Code Ann. Section 15-78-70(b) states: no governmental employee is immune from liability if his conduct was not in the scope of his official duties or it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude. See South Carolina Code Ann. Section 15-78-70(b) (Supp. 1997); hence it would be improper for this Court to dismiss Plaintiff to a public employee immune. "OBJECTION"

(2) Rule 8, SCRPC: Plaintiff asserts that a lay person can determine from his Complaint the cause of this action against the defendant entitling Plaintiff to relief. See Friedlander v. NIMS, 755 F.2d 810, acknowledging and resolving a "potential conflict" between Rule 8's notice Pleadings and Rule 9's Particularity Pleadings. The Supreme Court held in Gentry v. Yance, 522 S.E.2d 137, Initially, we note that in deciding a motion to dismiss Plaintiff to 12(b)(6), SCRPC, the Trial Court should consider only the allegations set forth on the face of the Plaintiff's Complaint

and a 12(b)(6) motion should not be granted if "facts alleged and inferences reasonably deducible therefrom would entitle the Plaintiff to any relief on any theory of the law." see Stiles v. Doro 318 S.C. 297, 300; 457 S.E.2d 601, 602 (1995).

Further, the Complaint should not be dismissed merely because the Court doubts the Plaintiff will prevail in the action. see Toussaint v. HM, 292 S.C. 415, 357 S.E.2d 8 (1987) see also Kennedy v. Henderson, 289 S.C. 393, 346 S.E.2d 526 (1986); Where there is cause for doubt, or it is clear that the ends of justice may well be promoted by a trial on the merits, a demurrer should be denied where novel issues are present or are involved; Spinksfield v. Williams Plumbing Supply Co., 249 S.C. 130, 153 S.E.2d 184 (1967). Plaintiff objects. Hence, it would be improper for this Court to grant a 12(b)(6), SCRCR, motion to dismiss. see Clerk v. Clerk, 361 S.E.2d 328.

3. Professional Malpractice: Defendant asserts Plaintiff failed to comply with South Carolina Code Ann. Section 15-36-100. Nevertheless, South Carolina Code Ann. Section 15-36-100(c)(2) (Supp. 2017) providing an expert affidavit is not required to support a pleaded specification of negligence involving subject matter that lies in the ambit of common knowledge and experience, so that no special learning is needed to evaluate the conduct of the defendant; see Brouwer v. Sisters of Charity Providence H.S.P., 409 S.C. 514, 522, 763 S.E.2d 200, 204 (2014). Hence, it would be improper for this Court to dismiss. Plaintiff objects to dismissal.

(4) Defendant asserts Plaintiff's relief is not recoverable in Partons and his Prayers of Complaint should be dismissed. Plaintiff objects to the following supporting authorities:

Rule 7, R.D.F., Rule 413, S.C.P.C.R.: Rule 7(a)(1) it shall be a ground for discipline for a lawyer to violate the Rule of Professional Conduct;

Rule 7(a)(6) it shall be a ground for discipline for a lawyer to violate the oath of office taken upon admission to practice law in this state;

Professional Conduct; Rule 8.4(c) it is professional misconduct for a lawyer to engage in conduct involving moral turpitude;

Rule 8.4(d) it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

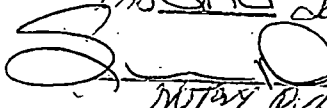
Rule 8.4(e) it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

See also In re Brown, 587 S.E.2d 110, 356 S.C. 10 (S.C. 2002).

Defendant is entitled to admonition or public reprimand and disbarment of the practice of law. Threat to disbar would be improper. Plaintiff objects; however he will settle with Fair Compensation damages on 2 punitive damages. See In re Bonebrake, 653 S.E.2d 269 (S.C. 2007).

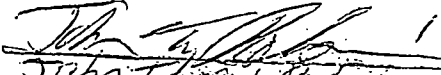
Sworn to and subscribed before me

This 2nd day of July 2019


Notary Public for South Carolina (LS)

My Commission Expires: May 15, 2023 (4)

Respectfully Submitted,


John Thomas Robinson-Pode



State of South Carolina
County of York

John Thomas Robinson
Plaintiff

vs

Estelle Marie Rusk
Defendant

In the Court of Common Pleas
Sixteenth Judicial Circuit

"Certification of Service"

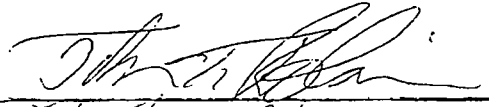
Civil Action #: 2019-CP-46-01417

The undersigned person does hereby certify the service of the
Opposition and Objection to Refuse Defendant's Notice of Motion
and Motion to Dismiss in the above captioned matter U.S. Service
upon the Defendant's attorney by placing same in the United States Mail,
first class postage prepaid, at the below listed address clearly on the
said envelope this 2nd day of JULY, 2019, addressed as follows:

Daniel C. Plyler, ATT.
P.O. Box 5568
Columbia, SC 29202-8568


2019 JUL -8 PM 4: 10
DAVID HAMILTON
C.C.P. & C.S.
YORK COUNTY, SC

FILED-RECEIVED


John Thomas Robinson - Pro Se

Sworn to and subscribed before

me this 2nd day of July, 2019


Notary Public for South Carolina (LS)

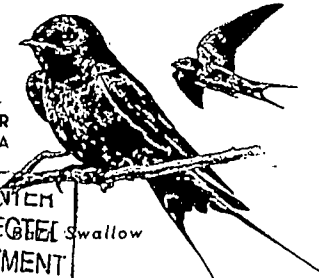
My Commission Expires: May 15, 2023



NAME *John Robinson 30392M*

2574530849 8008

FOREVER
USA



THE YORK COUNTY DETENTION CENTER
HAS NEITHER CENSURED NOR INSPECTED
THIS ITEM THEREFORE THE DEPARTMENT
DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

YORK COUNTY DETENTION CENTER
1675-3A YORK HWY.
YORK, SC 29745

*The Honorable David Hamilton
Clerk of Court
Sixteenth Judicial Circuit
Court of Common Pleas
P.O. Box 649
York, South Carolina 29745*

**IND.
LEGAL**

**IND.
LEGAL**

John Thomas Robinson
1675-3A York Highway
York, SC 29745

The Honorable David Hamilton
P.O. Box 649
York, SC 29745

AMENDED COMPLAINT
Case #: 2019-CP-46-01417

Pursuant to S.C. Code Ann. 15-78-10 et seq.

Dear Sir:

Please find herewith "Amended Complaint" for filing
in your Court Jurisdiction. Please file at your soonest, and
return a complete Court-Clocked-Stamped To MR of the
address provided above. The defendant has been served a copy
of this document on same date as follows: July 18, 2019

As the original Complaint and
Amended Complaint are
incorporated for the redress
sought legally."

Respectfully Submitted,

sj John Thomas Robinson
John Thomas Robinson - Pro-Se

Sworn to and subscribed before me this
17th day of July 2019.

[Signature] (LS)
Notary Public for South Carolina

My Commission Expires: May 15, 2023

State of South Carolina
County of York

John Thomas Robinson
Plaintiff,

v.

Jessica Marie Russo
In her individual capacity,
"Under Color of State Law,"
Defendant.

In the Court of Common Pleas
Sixteenth Judicial Circuit

"AMENDED COMPLAINT"
Civil Action #: 2019-CF-46-01417

Provisions: SC Code Ann. 15-78-10 et seq.

(1)

Jurisdiction And Venue

This is a Civil Action, South Carolina Tort Claims Act (the Tort Claims Act), to redress for defendant's intentional violation of Plaintiff's "Due Process" protection secured by the Constitution of the United States of America. This Court has Jurisdiction under the South Carolina Tort Claims Act (ACT) Pursuant to South Carolina Code Ann. Section 15-78-10 et seq.; Plaintiff seeks Compensatory damages and Punitive damages. Plaintiff desires a fair and reasonable Settlement rather than judgment, admissions or public reprimand which are inclusive redresses if necessary. Venue is proper in this Court because prejudice has been brought about in this Jurisdiction.

(2)

Plaintiff

Plaintiff - John Thomas Robinson - is a Pretrial detainee of the York County Detention Center (YCDC) ever since September 14, 2018. He is currently confined in the YCDC in York, SC 29745.

(1)

(3)

Defendant

Defendant, Jessica Marie Russo, is a lawyer appointed to the Plaintiff through the York County Public Defender's office on three (3) outstanding felonies. She is responsible for Plaintiff's current incarceration and her representation violates Professional Conduct Rules, and violates Plaintiff's Due Process rights. Defendant is being sued individually and in her official capacity.

(4)

FACTS

On March 19, 2018 Plaintiff was arrested by Police officers of the Rock Hill City Police Department, and charged with a State Drug violation - Possession of Crack Cocaine. On March 20, 2018 bail bond was set and initial appearance, and Plaintiff was approved for the appointment of Counsel. During the month of June 2018, Plaintiff was present timely for initial appearance in the Mass Justice Center in York, SC. Plaintiff met Jessica Marie Russo; she told Plaintiff that she had been appointed to represent him with the drug charge. She told Plaintiff that he could leave and that she would keep him posted as she receives, and to be aware of subsequent notice to appear. On July 5, 2018 two (2) outstanding arrest warrants were issued for Plaintiff's arrest through the Rock Hill City Police Department; Plaintiff had no idea the arrest warrants had been issued, so Plaintiff went day to day in a normal manner. During the month of August 2018, Plaintiff received a subsequent "Notice to Appear" reflective of the drug charge. Plaintiff honored the notice to appear timely. He met his already appointed attorney - Jessica Marie Russo.

(2)

Jessica Marie Russo told Plaintiff that she had him to come in because she wanted to advise him that preliminary hearings had been scheduled for the drug charge. She said she wanted me to tell her everything I knew about the drug charge, and she wanted to know if I were going to be present for the preliminary hearings. Plaintiff gave Jessica Marie Russo a run-down of the drug incident. Plaintiff asked Jessica to represent the preliminary hearings solo because he did not believe the outcome of the preliminary hearings would be because of any affect or effect of his presence, and that this would save Plaintiff a trip to and from York. Plaintiff stated that the charge would probably be dismissed due to illegal search and seizure or the substance claimed to be crack cocaine would be determined not crack cocaine. Jessica Marie Russo told Plaintiff that she would do that, and that I could leave; but stay aware of subsequent notice to appear.

On September 13, 2018, while Plaintiff was still on bail bond from the drug charge, police officers of the Rock Hill City Police Department arrested Plaintiff for the two (2) outstanding arrest warrants that were issued on July 5, 2018 - Kidnapping and attempt Criminal Sexual Conduct. On September 14, 2018 bail bond and initial appearance were set, and Plaintiff were appeared for the appointment of counsel. Plaintiff was not able to post bail bond - \$100,000; so, police officers of the Rock Hill City Police Department transported Plaintiff to the York County Detention (YCDC) to be detained as a pretrial detainee. On November 20, 2018 Plaintiff was called forth for initial appearance. He met with his attorney, Jessica Marie Russo, who told him that she had been appointed to represent him with the Kidnapping and attempt Criminal Sexual Conduct.

She told Plaintiff that she would keep him posted as she receives. Plaintiff asked her to present him with a copy of the discovery file reflecting of the drug charge. She told Plaintiff that he had been indicted for the drug charge and that she would put it in the mail today and I should get it in a couple of days. Upon receipt of the file, it was short of the (2) documents - indictment and chemical analysis. I wrote the Clerk of Court for the indictment, and I wrote Jessica for the chemical analysis report. The Clerk of Court sent me the indictment but I did not get acknowledgment from Jessica Marie Russo; hence, I rewrote Jessica Marie Russo for the analysis report. On December 3rd, 2018 I received attorney-client visitation from Jessica Marie Russo. She told Plaintiff that she came to visit him to advise him that preliminary hearings had been scheduled for the kidnapping and attempt Criminal Sexual Conduct. She wanted to know if I wanted to be present at the hearings, and she wanted me to give her full detail of the kidnapping and Criminal Sexual Conduct. Having told her everything, she said she would call for me early tomorrow (12/4/2018) for the preliminary hearings, and if I think of anything else to let her know tomorrow. I then asked Jessica Marie Russo to bring me a copy of the chemical analysis report. She told me that she had write for the report and that she should be in receipt of it any day and that she would send me a copy as soon as she receives it. The next day - 12/4/2018 Jessica called me for preliminary hearings; she asked did I think of anything else she needed to know; I told her that I told her everything, and it doesn't matter because I'm getting out of Jail today anyway.

She said "Good, so you are posting bond? I said "No," I'm getting out today on the drug bond - I'm getting back out on it because there is absolutely no probable cause for these charges whatsoever. She said I don't know about that, the solicitor has told me that they have a good case, and that the victim isn't giving in to any of this, so don't build your hopes up too high. I said "I'm getting out." Again she said "Mr. Robinson, the State believes they have a good case; so you probably won't get out. I told Jessica-Marie Russo to let me represent my preliminary hearings myself, and not to even come in the Court room. She replied, "I can't do that," I got to be in there. I said "No," I'm retaining you as Counsel, and I'm representing myself, I have good cause to believe you for ineffective assistance of Counsel. She asked, how have I been ineffective. I told her that you sold represented my drug charge, and the indictment went to the Grand Jury and has been "True Bill" on September 6, 2018, and you don't have the chemical analysis report and of yet, and it's December. You were to stay that preliminary hearings until the submission of the chemical analysis report. We don't know if the claimed substance is crack cocaine or not, what am I doing indicted if it came back negative, I'm representing my preliminary hearings pro-se.

Jessica-Marie Russo had the Jailer to lock me in the holding-cell for nearly an hour on half and represented my preliminary hearings in my absence. She then sent for me to come in the Court room; the Judge asked, "Mr. Robinson, I understand you want to ask me something." I replied, "Yes Sir," I want to have my attorney - Jessica-Marie Russo - retained as Counsel and I represent myself with my legal matters.

from this point forth Pro-Se. The Court yelled "You Will have To go before a Circuit Court Judge for that, I Can't do it." I said - "That's What I Want To do". He asked Jessica Marie Russo, "When Can you Take him?" She replied, General Sessions is not in Session This week but next week. The Court said, "Take him then!" The next week, Jessica Marie Russo, Carried Plaintiff before the Honorable Daniel D. Hall, Judge To be relieved. The Court had the State To open and the Solicitor stated the following:
Your Honor, This is the Case of The State v. John Thomas Robinson; he has been represented by Mrs. Russo on some Charges that were not indicted but now the Charges have been indicted and he wants To relieve her as Counsel. I Couldn't believe What I'd heard. The Grand Jury indicted on both Charges on December 6, 2018 "True Bill." Jessica Marie Russo had Plaintiff indicted out of malice, fraud, intent to harm, and Moral Turpitude. She was relieved as Counsel and Plaintiff was appointed another attorney. Six (6) Weeks With the new attorney - Martin's Begon - he got the kidnapping and the attempt Criminal Sexual Conduct Charges dismissed; nevertheless, Plaintiff is still incarcerated in the YCDC because other matters has occurred because of the Prejudice of Jessica Marie Russo. Had Plaintiff gotten out of Jail in December of 2018 all of this torture would never have come into existence. Plaintiff now files Civil Action, Tort Claims Act, Law Suit for the damages and negligence of the intentional actions of Jessica Marie Russo.

(5)

Legal Claims

Plaintiff recites and incorporates by reference Paragraphs 1-4. The negligence, malice, fraud, misrepresentations, intent to harm, and Moral Turpitude actions of Jessica Marie Russo, violated Plaintiff's - John Thomas Robinson - rights and Constituted due Process violations under the Fifth and Fourteenth Amendments of the Constitution of the United States of America.

Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein by Jessica Marie Russo. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendant unless this Court grants the Compensatory damage and Punitive damage relief which Plaintiff seeks of the defendant settle with Satisfaction. Summary Judgment for redress or settlement. Also, the Preliminary hearing transcripts will provide genuine material fact for the final judgment of this Law Suit matter.

(6)

Prayer for Relief

Wherefore, Plaintiff respectfully prays that this Court enter Judgment granting Plaintiff's

A declaration that the acts and omissions described herein violated Plaintiff's rights under the Constitution and laws of the United States of America.

Compensatory damages in the amount of \$300,000 against the defendant. Punitive damages in the amount of \$150,000 against the defendant. These damages are intentionally damages caused by defendant, and now the Plaintiff seeks these redresses.

(7)

A jury trial on all issues triable by Law and Jury; Plaintiff's cost in this suit, including his indebtedness with YCDC.

Any additional relief this Court deems just, proper, and equitable.

South Carolina Code Ann. Section 15-78-10 et seq. is the exclusive remedy available in an action against a Governmental Entity or its employees. Parker v. Spartanburg Sanitary Sewer Dist., 362 S.C. 276.

Dated: July 17, 2019

Respectfully Submitted,

John Thomas Robinson

John Thomas Robinson-Pro-se

1675-3A York Highway

York, SC 29745

Verification

I have read the foregoing Complaint and hereby verify that the matters alleged therein are true, except as matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at York, South Carolina on 07, 17, 2019.

John Thomas Robinson

John Thomas Robinson-Pro-se

Witness to and subscribed before me this

17th day of July, 2019.

[Signature] (CS)
NOTARY PUBLIC for South Carolina

MY Commission Expires: May 15, 2023 (\$)

Including the York County Public Defender's office

The Tort Claims Act: South Carolina Code Ann. Section 15-78-60 (17) (2005) ("The governmental entity is not liable for a loss resulting from... employee conduct outside the scope of his official duties, or which constitutes actual fraud, actual malice, intent to harm, or a crime of Moral Turpitude. In *Pollares v. Seiner*, 407 S.C. 359, 370, 756 S.E.2d 128, 133 (2014), the Supreme held: ("The Tort of abuse of process is intended to compensate a party from harm resulting from another party's misuse of the legal system.") ("The essential elements of a abuse of process are (1) an ulterior purpose, and (2) a willful act in the use of the process that is not proper in the regular conduct of the proceedings.")

Redress

Because the York County Public Defender's office is a governmental entity, and Jessica Marie Russo, is an employee of the entity, her misconduct or malice and fraud, misrepresentation and intent to harm and Crime of Moral Turpitude causes the Public Defender's office liability as well, and Plaintiff seeks full compensatory damage of full out of \$ 300,000 from this governmental entity. In addition to the full out of \$ 300,000 for redress of Jessica Marie Russo - employee and her redress of \$ 150,000 punitive damages - totaling \$ 750,000 out.

Sworn to and subscribed
before me this 17 day of

Respectfully Submitted,
John Thomas Colman - Jr.
John Thomas Colman - Jr.

July 1, 2019
NY Commission Expires: May 15, 2023

Including The York Court Public Defender's office - Part 2

In *Wade v. Berkeley County*, 559 S.E.2d 586, 348 S.C. 224 (S.C., 2002) The Supreme Court Said:

As illustrated by the facts of this case, Section 15-78-20 (d) permits a plaintiff to maintain an action against a governmental employee in his individual capacity, settle, and then pursue an action against the governmental employer for the tort of his employee allegedly committed while in the scope of employment.

The employee, Jessica Marie Kissa, having committed the violations of Plaintiff's Constitutional Rights guaranteed by the Constitution of the United States of America:

Fifth and Fourteenth Amendments "Due Process Protections" and Sixth Amendment Protection "Assistance of Counsel" during her individual capacity "Under Color of State Law" has legally caused tort claims against employer - York County Public Defender's office. There is "No" room for argument in this case.

Respectfully Submitted

5/17/19
74th Street Harbor House

Seen to and submitted before me
This 17th day of July 2019

[Signature] (1)

NY Commission Ethics: May 15, 2023 (10)

State of South Carolina
County of York

John Thomas Robinson
Plaintiff,

v.

Jessica Marie Russo
in her individual capacity,
Defendant.

In the Court of Common Pleas
Sixteenth Judicial Circuit

"Certification of Service"
Civil Action #: 2019-CP-46-01417

"The original Complaint and Amended Complaint
are incorporated for the redress sought herein."

The undersigned Person does hereby certify that service of the
"AMENDED COMPLAINT" in the above captioned matter was

served on the defendant's attorney by placing same in the United
States Mail, first class postage prepaid, at the below listed address
clearly on the said envelope this 18 day of JULY, 2019,
addressed as follows:

Daniel C. Pflieger, Att.
P.O. Box 8568
Columbia, SC 29202-8568

John T. Robinson
John Thomas Robinson - pro se

Sworn to and subscribed before me this
17th day of July, 2019.

[Signature] (US)
Notary Public for the State of South Carolina

My Commission Expires: May 15, 2023



Montrio Belton

LAW OFFICES OF MONTRIO BELTON, LLC

May 16, 2019

Via U.S. Mail

Mr. John T. Robinson

Inmate Booking No.- 2018-00004873

York County Detention Center

1675-3A York Highway

York, SC 29745

RE: Letter of Disengagement (**State v. John T. Robinson**)
Sex / Assault with intent to commit criminal sexual conduct - First
degree; Kidnapping

Dear Mr. Robinson,

This correspondence serves to inform you that the Law Offices of Montrio Belton no longer represents you regarding the aforementioned criminal charges. These charges have been dismissed by the York County Solicitors Office with the right to restore.

The Law Office of Montrio Belton no longer represents you regarding these charges, however the office does represent you regarding your drug possession charges.

If you have any questions or concerns, please contact this office at 803-324-4529.

Sincerely,

Jillian N. Frederick
Attorney at Law

RECEIVED

AUG 13 2019

S.C. SUPREME COURT

To: Court of Appeals

Motion to Alter or Amend Judgment was returned
to me and I received on August 7, 2019. Being in the
York County Detention Center - Pretrial Detention -
I'm in a cell, and I don't have the time to get
a cover sheet and I don't have the \$25.

Hence, I file the Appeal with you.

Respectfully Submitted,

A. T. Robinson - Pro se

This the 8th of 8, 2019

John Thomas Robinson
1675-3A York Highway
York, SC 29745

The Honorable David Hamilton
P.O. Box 649
York, SC 29745

Docket #: 2019CP4601417

Date: 3, 31, 2019

Dear Sir:

Please find her - Motion to Alter or Amend Judgment.

Do file at Your Courthouse, and send to me Court-Clocked-Stamped copy.

Respectfully Submitted,

John Robinson

State of South Carolina
County of York

John Thomas Robinson
Plaintiff

v.

York County Public Defender's
Office and Jessica M. Russo
in her individual capacity, under
Color of State Law, Defendants.

In the Court of Common Pleas
Sixteenth Judicial Circuit

Civil Action #: 2019CP4601417

Motion To Alter or Amend Judgment
Rule 59(e), SCRPC
Rule 59(e), FRCP

This matter comes before this Court for the following reason:
A hearing was convened in the Mass Justice Center, York, SC on
July 30, 2019 respectfully of the above docket Civil Action number,
before the Honorable Judge McKenna. The Defendant and the
Plaintiff were present. As a result, the Court dismissed the matter
for failure to provide an expert affidavit pursuant to South Carolina
Code Ann. Section 15-36-100. Plaintiff objected contending a
dismissal would be improper pursuant to South Carolina Code Ann.
Section 15-36-100(C)(2) which makes him exempt because the
defendant is a "lawyer." South Carolina Code Ann. Section 15-36-100
(C)(2) provides: "an expert affidavit" is not required to support a
pleaded specification of negligence involving subject matter that
lies within the ambit of common knowledge and experience, so that
no special learning is needed to evaluate the conduct of the defendant;"
Brouwer v. Sisters of Charity Providence Hosps., 409 S.C. 514, 522,
763 S.E.2d 200, 204 (2014). The Supreme Court has affirmed and

agreed unambiguously that the Plaintiff in this instant matter is exempt of filing an expert affidavit because the defendant in this case is a lawyer, and no special learning is needed to recognize and understand the negligent conduct of these acts of an attorney-at-law. For this reason and supporting authorities, Plaintiff prays this timely "Motion to Alter or Amend Judgment."

Rule 59(e), SCACR, Provides:

Motion to Alter or Amend Judgment. A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order.

Rule 59(e), FRCP, Provides:

Motion to Alter or Amend Judgment. Any motion to alter or amend a judgment shall be filed no later 10 days after entry of the judgment.

Pursuant to the interest of law and justice and fairness, Plaintiff's Prayers to alter the judgment is asked for by law.

This 31 day of July, 2019

Respectfully Submitted

John Thomas Robinson

John Thomas Robinson - Pro-SE

1675-3A York Highway

York, SC 29745

Sworn to and subscribed before me

This 31 day of July 2019.

[Signature] (WS)
Notary Public for South Carolina

My Commission Expires May 15, 2023



CLERK OF COURT'S OFFICE

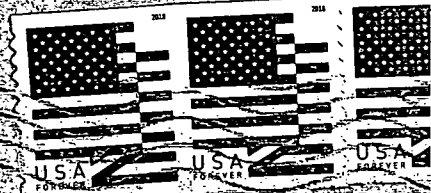
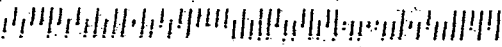
Post Office Box 649, York, South Carolina 29745-0649

Date: 8/5/2019 1:08:06 PM
TO: John Thomas Robinson
FROM: DAVID HAMILTON, YORK COUNTY CLERK OF COURT
RE: Filings

The above referenced document is being returned for the following reason(s):

1. Requires address, phone number if filing Pro Se.
2. Not dated
3. Not signed
4. Not notarized
5. Incorrect filing fee, Correct amount due: _____
6. Requires original signature.
7. Requires a Civil Action Cover Sheet
8. Requires Civil Action Cover Sheet filled out in its entirety
(state nature of action, Jury/Nonjury, Signed by attorney/pro-se)
9. Requires a Motion Cover Sheet
10. Requires a Motion Cover Sheet & \$25
11. This is not a York County Common Pleas Case
12. Check/money order must be payable to Clerk of Court
13. Document is a copy, must file original signature
14. Judge denied Motion to Proceed in Forma Pauperis
Original lawsuit is being returned to you and if you wish to pursue you will need to pay the \$150.00 filing fee.
15. Other

Please make the necessary correction(s) and return for recording.
Thank you for your assistance.



Charlotte P&DC NC 282
FRI 09 AUG 2019 AM

The Supreme Court of South Carolina
The Honorable Daniel E. Shearouse
Clerk of Court
P.O. Box 11330
Columbia, SC 29211

NEITHER RECEIVED NOR INSPECTED
BEFORE THE DEPARTMENT
OF JUSTICE
WE ACCEPT RESPONSIBILITY