

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

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas
Brian M. Gibbons Circuit Court Judge

Civil Action No: 2019-CP-28-00101
Appellant Case No: 2019-001041

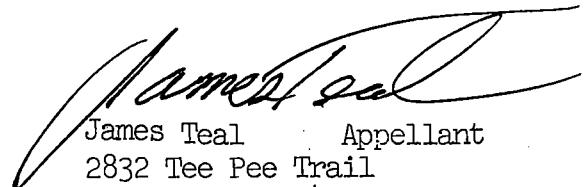
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OCT 21 2019
SC Court of Appeals

James Teal. _____ Appellant

V.

South Carolina Dep't of Transportation _____ Defendant

Date October 20-2019


James Teal Appellant
2832 Tee Pee Trail
Elgin, S.C 29045
(803) 457-5820

Peter M. Balthazor, Esquire #68244

**FORM 13
BRIEF OF APPELLANT***

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[INITIAL] BRIEF OF APPELLANT

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Elgin, S.C 29045
(803) 457-5820
Appellant

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STATEMENT OF ISSUES ON APPEAL

STATUTE OF LIMITATIONS

1. DID THE TRIAL COURT ERR, NOT PROTECTING THE MULTI-HANDI-CAPPED, WITH APPELLANT OVERWHELMED WITH INJURIES AND ON-GOING LITIGATION AND APPELLANTS LIMITATIONS, MENTAL AND AND PHYSICAL. STATUTE 15-3-60.
2. DID THE TRIAL COURT ERR, ALLOWING DEFENDANT TOTAL IMMUNITY, WITH THE GENERAL ASSEMBLY RECOGNIZING PREPONDERANCE OF EVIDENCE FOR QUALIFIED LIABILITY, STATUTE 15-78-20(A).
3. DID THE TRIAL COURT ERR, WITH A SPECIAL CASE, PROTECTING LIVES AND PROPERTY, WITH APPELLANTS STANDARDS OF PROOF, CLEAR, DIRECT CONVINCING EVIDENCE, STATUTE 15-3-20(A).
4. DID THE TRIAL COURT ERR, NOT RECOGNIZING, APPELLANTS CASE IS A FACTUAL CASE, BRINGING IN THE TRIAR OF FACT, JURY QUESTION, EXHIBITS 1 THRU 13.

STATEMENT OF THE CASE

APPELLANT COMMENCED ACTION ON FEB. 05-2019, AGAINST THE DEP'T OF TRANSPORTATION, APPELLANTS LITIGATION WAS FOR WILLFUL GROSS NEGLIGENCE WITH CONSPIRACY TO ENTRAP. RESPONDENT FILED A NOTICE TO DISMISS APPELLANTS COMPLAINT MARCH 21-2019, APPELLANT AMENDED COMPLAINT APRIL 03-2019, RESPONDENT FILED A NOTICE TO DISMISS APRIL 08-2019. THE ACTION OF THE COURT WAS HELD AND HEARD ON MAY 17-2019, WITH AN ORDER TO DISMISS ON MAY 28-2019. THE MODE OF THE TRIAL WAS PLEASANT. THE AMOUNT INVOLVED, IS THE COURTS DISCRETION OF \$300,000.00. APPELLANT FILED NOTICE OF APPEAL ON JUNE 24-2019.

ARGUMENT

APPELLANT ASSERTS THAT THIS CASE IS A LANDMARK CASE TO SAVE LIVES AND PROPERTY AND TO ELIMINATE THE DISARRAY AND DISCORD BY THE DEFENDANT, AS SHOWN BY DIRECT EVIDENCE. THIS CASE HAS ONLY STATUTES OF LAW ENACTED BY THE GENERAL ASSEMBLY, TO PROTECT THE PEOPLE. THE ABSOLUTE QUESTION OF LAW IS PREVALENT WITH APPELLANTS CASE. WITH CONVINCING EVIDENCE, STANDARDS OF PROOF, APPLYING LEGAL PRINCIPALS AND STATUTES FOR THE CLEAR INTERPETATION OF THE LAW, APPELLANTS CASE WILL SET A STANDARD FOR THE PHYSICALLY HANDICAPPED TRAVELERS ON THE HIGHWAYS AND ROADS IN SOUTH CAROLINA.

APPELLANT IS STEADFAST AND CONVINCED, THERE ARE NO CASE LAWS OR AUTHORITY RULE, THAT IS RELEVANT TO APPELLANTS CASE, GIVING APPELLANTS CASE AN UNEQUALED PRECEDENCE OF RIGHT OVER WRONG.

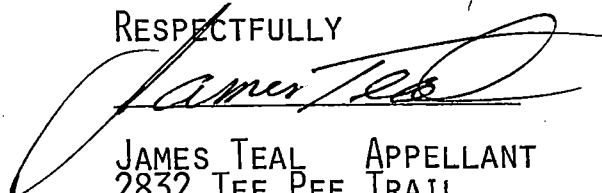
WITH APPELLANT SUFFERING FROM HANDICAPS STARTING IN 2010, FROM A 25 FOOT FALL. RESULTING IN A SPINAL BURST, DISABLING CRAMPS, SPASMS, HEADACHES, MENTAL RETENTION BARRIERS, WITH HEARING AND VISION LOSS. APPELLANTS HANDICAPS ARE CONTINUOUS AND STATUTE OF LIMITATIONS ADVANCE APPELLANTS CASE, WITH LEFT KNEE INJURY IN 2014 ACCIDENT. APPELLANT ASSERTS STATUTE 15-3-40(2A), FOR THE STATUTE OF LIMITATIONS, FOR THE HANDICAPPED.

CONCLUSION

APPELLANT IS HEREBY REQUESTING, APPELLANTS CASE TO BE, FOR THE PEOPLE, RETURNED TO THE LOWER COURT, TO SAVE LIVES, PROPERTY AND TO GRACE THE STAE OF SOUTH CAROLINA, WITH HONOR.

DATE OCTOBER 20-2019

RESPECTFULLY


JAMES TEAL APPELLANT
2832 TEE PEE TRAIL
ELGI, S.C 29045

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S.C Dep't of Transportation-----Defendant

CERTIFICATE OF SERVICE

Date October 20-2019

I do hereby certify that the party(s) designated below have been served by Hand Delivery or Via U.S Postal Service at the addresses shown below, Appellants Initial Brief.

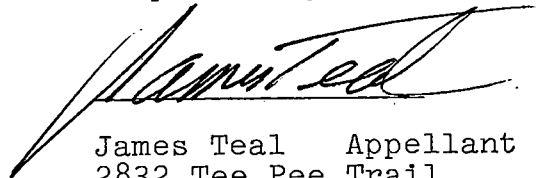
S.C Court of Appeals
1220 Senate Steet
Columbia, S.C 29201

Kershaw County Clerk of Court
Honorable Janet Hasty
Camden, S.C 29220

Pete Balthazor, Esquire #68244
P.O Box 11412
Columbia, S.C 29211

S.C Court Administration
1220 Senate Street, Suite 200
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Respectfully Submitted



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