

Mr. Daniel Shearhouse
Clerk of the Supreme Court of South Carolina
1231 Gervais St, Columbia, SC 29201

RECEIVED

NOV 21 2019

November 21, 2019
S.C. SUPREME COURT

2019-00185Z
2019-001433

Dear Mr. Shearhouse,

I am in receipt of your recent letter in regards to the pending cause I have in your court. I believe the court's position is in error for several reasons as discussed below. For the same reasons, I intend to file a Motion for Reconsideration, although I need a few more days to complete my legal review. I believe the court's position is in error for the following reasons:

- 1) The Appeal I filed in your court included new issues that were appealed directly from the Circuit Court of South Carolina on appointment of counsel, as this court has jurisdiction over issues involving Pro Hac Vice Applications, and on appellate issues arising out of the Court of Appeals South Carolina. In this case the appeal I filed including appellate issues from two courts both of which were in the Jurisdiction of the Supreme Court. Furthermore, the appeals were both timely and accurately taken to the right venue.
- 2) The Clerk of the South Carolina Court of appeals on my appeal of a combined supply chain civil case between Bank of America, Verizon, and the US Government told me in person that my IFP was approved after a Florida Circuit Judge had signed an order of insolvency following a visit to the clerk's office in person here in Columbia. On the same day I made a filing showing the order from the State of Florida which I presented page by page to the clerk/case manager. She said on the same day she would discuss the matter with her manager, did so, and after a significant delay returned to tell me they believed the order was sufficient and would submit it to the court for review.
- 3) Following this visit, the clerk said they would amend their order requiring payment in person with two court deputies in attendance then never did so. Thereafter the court either forgot to follow through, or the clerk forgot to put a note into the record, before another employee without routing my complaint to the court dismissed the cause. Since I corrected the original defect, Chief Judge Newman of the 5th Judicial Circuit signed an additional IFP order (thereafter) finding me indigent and allowing me to review to both Circuit Cases in her Jurisdiction, and thus either way the South Carolina Court of appeals order was in error without fees.
- 4) The court of Appeals is only allowed to dismiss a case if the Appellant did not follow the rules. In this case I filed a responsive document correcting the court's defect, did so in person, and then followed up with additional responsive documents as requested. I did follow the rules thus I believe the court's ruling is in error. Furthermore, the case manager assigned to my case, said she had presented the Florida Order to her manager, and he had told her it was sufficient in his opinion to proceed.

Since the lower court did in fact enter a final Judgement which is appealable, for the same reason the Supreme Court's ruling is also in error, as the court ruled that it was not reviewing a final order of the lower court. Furthermore the Supreme court has the power to order the lower court to enter a judgement.

RULE 260

DISMISSAL AND REINSTATEMENT

(a) Involuntary Dismissal and Reinstatement. Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).

- 5) Judge Jaqueline Belton is a Probate Judge of the State of South Carolina. She informed my counsel that she could not review the orders of another peer in this case Judge Smiley who did not allow me to present any evidence, or call any witnesses in my defense based on a perjured and false affidavit by my brother James R. Stritzinger. In the appellate action, I included a criminal complaint which I filed with Richland County which has not been determined by the Sherriff although they have a conflict of interest.

For example Mr. Stritzinger told the Richland County Sherriff I lived in South Carolina, even though I had been residing for three years in the State of Florida up until March 15th, 2018 and the court did not let me establish by Amtrak train vouchers and hotel receipts that I had just arrived in the State on St. Patricks day of 2018 almost 18 months ago. Furthermore, I said nothing to my brother except I wanted to have all of my mail that was at his house. He entered a complaint which was both entirely impossible, but all of the facts were in error, and the court appointed counsel cared not at all. In fact my position is that I didn't have counsel at all as Gregory Parker was hired by the State to carry out the State's wishes as filed by the Clerk of the county.

- 6) I appealed both Judge Smiley's and Judge Belton's cases to Judge Newman, and they are pending review. Furthermore my cross-claims against Verizon, Bank of America, and the Federal Bureau on a Federal Contract were already set at the same time in the Circuit Court.
- 7) Judge Newman signed an order permitting my appeal from Judge Belton's temporary orders involving conservatorship. In other words she knew that I both had an active case in the Court of Appeals, and in her court. Thus Judge Belton's lower court order was already suspended, and thus since Judge Belton was overridden, you must also ignore my brother's letters. It is my position that James R. Stritzinger filed a Perjured complaint,

and thereafter has stolen approximately 1900.00 a month since February of this year or nine felony counts of theft, and furthermore since the US Government paid me for 30 months prior to that date, another 30 counts of theft are relevant thereafter.

- 8) The State of South Carolina has no jurisdiction over a non-South Carolina resident(which I am only a visitor), and whether or not a South Carolina Probate judge can bind a non-resident to a mental health process when he has done nothing to warrant such action (no probable cause) is an-issue of significance.
- 9) Judge Newman has no US Federal Security Clearance, and thus had to order the current case including all its components to Judge Wooten in the US District court. So far she has dismissed all Circuit court cases including the Motions which I had set asking for the same relief, while not allowing me to present a motion on whether Bank of America owes me counsel.

Furthermore Circuit Judge Manning already signed an order refusing to transfer the case to Judge Wooten keeping the case in South Carolina, an issue which I am appealing. All the witnesses in my cross-claims are Federal Experts, and the contract in question was issued by the GSA on behalf of the Federal Bureau.

- 10) LEGAL ISSUE IN THIS CASE – CAN A PROBATE JUDGE OF LOWER RANK AND SENIORITY IN THIS CASE EFFECTIVELY DISMISS CASES SET BY THREE SENIOR CIRCUIT JUDGES BY THE STATE OF SOUTH CAROLINA, AND THEN BLOCK AN APPEAL OF THE SAME? In this case a Richland County Probate Judge is over-ruling her senior Judicial members from two higher courts. Furthermore, Appellant believes the Clerk of the South Carolina Supreme Court cannot do so either.

In summary since Judge Newman already agreed to handle my appeal from Probate Cases, and allow me to appeal above the 5th Circuit Court, Judge Belton's orders are moot. Furthermore sanctions are warranted against James R. Stritzinger who has already violated orders in the same regards. In other words, Judge Newman already informed him she intended to allow a re-trial on all probate issues in the Circuit court of South Carolina which is now set on the docket by her order, and furthermore he has been served with a copy of that order. (See Exhibit A)

Furthermore, the Clerk of the Court of Appeals also made a mistake citing an error in Protocol of which I did not make. I have filed a brief, requested the reporters record, and filed prompt notices of appeal served to all the parties.

Sincerely,

**Jstritzinger33@gmail.com
John S. Stritzinger
2156 Cresthill Rd
Columbia, SC 29223**

EXHIBIT A – ORDER OF THE CIRCUIT COURT ON APPEAL FROM PROBATE

Public Index Search Results for Case 2019CP400427

Richland County Fifth Judicial Circuit Public Index						
John Stritzinger VS James R Stritzinger Jr						
Case Number:	2019CP400427	Case Agency:	Richland County Common Pleas	Filed Date:	07/31/2019	
Case Type:	Appeal	Case Sub Type:	Probate Court 240	File Type:	Non-Jury	
Status:	Appeal	Assigned Judge:	Clerk Of Court C. P. G. & And Family Court	Disposition:		
Original Case #:		Original Case #:		Disposition Judge:		
Original Source Dist:		Original Case #:		Disposition Judge:		
Original Source Dist:		Original Case #:		Disposition Judge:		

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Checkmarks
Stritzinger, John	Notice of Intention to Appeal to the Supreme Court	Filing		11/04/2019-14:03		25
Stritzinger, John	Notice of Intention to Appeal to the Supreme Court	Filing		10/30/2019-08:49		25
Stritzinger, John	Motion for Alternative Filing and Motion to Add Party	Motion		08/20/2019-14:17		25
Stritzinger, John	Motion to Stay pending a decision from the records	Motion		08/20/2019-14:16	08/20/2019-14:16	25
Stritzinger, John	Motion to renew real estate, to transfer to Superior court	Motion		08/19/2019-15:32		25
Stritzinger, John	Order Granting Leave to proceed in forma pauperis	Order		08/17/2019-16:34		25
Stritzinger, John	Appeal Notice of Appeal (Workflow)	Action		08/10/2019-16:39		25
Stritzinger, John	Letter do not accept any new filings	Filing		08/08/2019-14:36		25
Stritzinger, John	Motion to proceed in forma pauperis	Motion		07/31/2019-11:33		25
Stritzinger, John	Motion/Appeal	Motion		07/25/2019-16:39		25
Stritzinger, John	Appeal/Notice of Appeal	Filing		07/31/2019-16:37		25

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Order from Chief Judge Newman of the 5th Judicial Circuit allowing appeal of Judges Belton, and Smiley... in combined form.

2019CP400427

STATE OF SOUTH CAROLINA,
COUNTY OF Richland Plaintiff
Stritzinger
vs
Stritzinger Defendant.

IN THE COURT OF COMMON PLEAS
5th JUDICIAL CIRCUIT
MOTION AND AFFIDAVIT TO
PROCEED IN FORMA PAUPERIS

FILE NO. _____

I, John Stritzinger, being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs, or with costs to be paid by the probate balances.

Sworn to and Subscribed before me this 29 day of July, 2019.
[Signature]
Notary Public for South Carolina
My Commission expires 11/18/2022

[Signature]
Signature of Plaintiff
Person Filing Complaint on Behalf of Plaintiff

ORDER

Leave is granted to proceed in forma pauperis without payment of the filing fee. Therefore, no order for distribution of funds is necessary.

Leave is granted to proceed in forma pauperis without payment of the service cost.

Leave is denied to proceed in forma pauperis.

Dated: August 8, 2019
Columbia, South Carolina

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

SCCA 405CP (10/10)

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COLUMBIA, SOUTH CAROLINA

NOV 21 2019

2018-2162
2019CP4004271

SC Court of Appeals

MOTION FOR REINSTATEMENT AND RECONSIDERATION

Appellant believes that this court's order of dismissal did not follow the rules of the State Legislature as the court had told Appellant verbally that it intended to accept this order of insolvency from the State of Florida which was timely filed, and that the case manager had in fact discussed the issue with her manager which we presume was the Court of Appeals Chief Clerk. Furthermore, the rules in question are not Constitutional as he has been denied counsel in a quasi criminal proceeding in the Circuit and Probate courts of this state impacting his relationship with his children, the right to obtain a firearm, drive a motor vehicle, and his Citizenship as Appellant is not a citizen of this state, and South Carolina laws do not apply to visitors who have not broken the laws of South Carolina (Criminal Offenses). This issue of an order on Insolvency from Florida, is a Moot point however because the Circuit Court of South Carolina also found him insolvent in a recent order as attached in Exhibit A.

Since this court ordered a dismissal due to no material defect, or error, Appellant believes the clerk did not follow the rules of the court as set below and therefore can accept his reconsideration under FCRP59 furthermore, denying an appeal or review of appointment of counsel results in a Due Process Error under the 5th Amendment to the US Constitution, and is not permitted under the South Carolina Constitution as seen below.

South Carolina Rules in Error And in conflict with the South Carolina Constitution. Therefore Rule 260 of the State of South Carolina is not Constitutional in this case.

SC Constitution

Article 1 SECTION 3. Privileges and immunities; due process; equal protection of laws. The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.) Editor's Note The present provisions of this section are identical to former Section 5 of Article I as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art I, Section 12;;;MI;;;.

In this case I have been deprived life and liberty without counsel being appointed by the State of South Carolina. Gregory Parker was hired by Probate Judge Smiley to facilitate a trial at the Palmetto Richland Hospital where Appellant did not have counsel present.

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