

THE STATE OF SOUTH CAROLINA  
In The Court of Appeal

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APPEAL FROM COUNTY OF DORCHESTER  
In the Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

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Appellate Case No. 2019-001984

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Joeys Equipment Services LLC, Appellant

V.

Cindy L. Murray and Elliott Murray, Respondent

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**JAN 31 2020**

**SC Court of Appeals**

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INITIAL BRIEF

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Joeys Equipment Services LLC  
4956 Ashley River Rd  
Summerville SC 29486  
843-364-2573  
Pro se

Mr. and Mrs. Murray  
410 Lake view drive  
Summerville SC 20485  
843-442-8573

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# Statement of issues on appeal

I am appealing to this court from a ruling in the Court of Common Pleas Decision on 7 November 2019.

I appeal to this Court to resolve a issue that arises out of statue 14-8-250 which requires the court to set forth it opinion in writing. I received a one word answer “affirmed” that seems to violate the due process provided in this statue.

Because of her decision I am not fully informed to the reasons why the court denied my legal argument.

## Statement of case

This case began in the Magistrate Court 7 July 2019 case # 2019CV1810301790. During the civil trial a schedule of values, Contract, and the plaintiff's text messages were admitted into evidence. These items went uncontested. Therefore one could only conclude the magistrate based her ruling on her feelings NOT the preponderance of evidence when she decided this case and determined the dollar value of her judgment. So we appealed the magistrate decision. We went to an appeal trial in the Honorable Diane S. Goodstein court on or about 2 October 2019. Where we raised several legal issues. Judge Diane S. Goodstien has yet to respond to as required by rule 14-8-250. That's how we arrived in this Honorable Court.

## Standard of review

I am not presenting any precedent cases history at this time because, I am only seeking statutory review of Diane S. Goodstien's one word decision that seems to be inconsistent with 14-8-250

# Argument

My only argument at this time oral or otherwise are rooted in statute 14-8-250. I argue the one word decisions do not comply with the intention of the statute which I believe is to fully inform the parties of the reasons for the courts decision.

## Conclusion

In conclusion I cordially request this court to remand this case back to the Honorable Diane S. Goodstein so she can set forth her opinions in writing as required by 14-8-250. Sighting case history that sets aside a legally binding contract as well as case history that sets aside a uncontested schedule of values to determine the value of a judgment. I would be equally interested in case history that repudiates the long standing theory that, He who breaches a contract without a “exit clause” or a “arbitration agreement” does so at their own peril.

# **2013 South Carolina Code of Laws**

## **Title 14 - Courts**

### **CHAPTER 8 - COURT OF APPEALS**

#### **SECTION 14-8-250. Points necessary to decision of appeal and fairly arising upon record, with reason for Court's decision, to be preserved in writing.**

**Universal Citation:** SC Code § 14-8-250 (2013)

In every decision rendered by the Court, every point distinctly stated in the case which is necessary to the decision of the appeal and fairly arising upon the record of the Court must be stated in writing and must, with the reason for the Court's decision, be preserved in the record of the case; provided, that the Court need not address a point which is manifestly without merit.

**HISTORY:** 1979 Act No. 164 Part IV-A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1985 Act No. 105, Section 2 approved by the Governor on May 21, 1985, and eff after July 1, 1985.

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PROOF OF SERVICE

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I certify that I have served my initial brief to Mr. and Mrs. Murray on 30 January 2020 via USPS certified mail. I personally served the Court of Common Pleas in person on 31 January 2020.

Joey's Equipment Service LLC  
4956 Ashley River Rd  
Summerville S.C. 29485  
843-364-2573  
Pro se

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4856 Ashby River Rd  
Summarville, SC 29485



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