

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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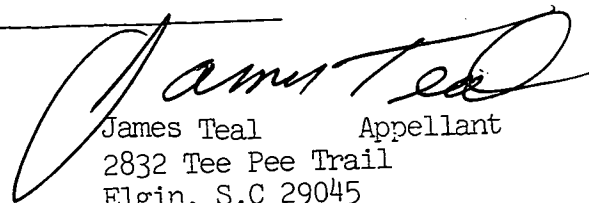
James Teal. _____ Appellant

V.

South Carolina Dep't of Transportation _____ Defendant

Date December 03-2019

AMENDED APPELLANTS
INITIAL REPLY BRIEF


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

Peter M. Balthazor, Esquire #68244

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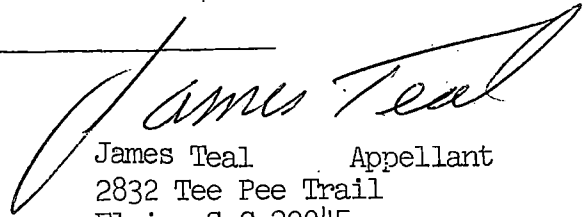
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APPELLANTS AMENDED REPLY TO RESPONDENT

To: Counsel for Defendant:

Appellant wishes to shed light on Appellants wreck on Fort Mill Rd., Elgin SC, Kershaw County. Appellant traveling west on Veterans Row, under extreme weather conditions. A Black, foggy, rain soaked night. With Appellant turning left onto Fort Mill Dead End, running parallel with Appellants intended turn, onto Chestnut Rd. Exhibit 6 with map detailing area.

Appellant not seeing the Lone Antique Green Dead End sign. No speed limit sign, to warn of impending Hazard. At End of said Fort Mill Rd. Appellant encountered the paving of Dead End, 5 mo. prior, with oil based Asphalt, with no warning signs of fresh Asphalt. Exhibits 3 and 6. Appellant has charged Defendant with a Set-Up Death Trap. T-P-7, L-123, --T-P-7, L-9-13.

Counsel for Defendant entered 2 Motions to dismiss, relying on Statute of Limitations. Appellant responded to 1st Motion to dismiss Complaint with P-1 of response. Appellant responded to counsels 2nd Motion to dismiss Appellants Amended Complaint was responded to by 2nd response P-1&2 and T-P-5, L-13-25--T-P-6, L-1.

Counsel has asserted Appellants 25' fall in 2010, disabling Appellant with a spinal burst and Appellants 09-11-14 accident injuring Appellants left knee, right hip and neck. With these life changing injuries and Appellants injuries from Dead End accident, not being a Reliance for Appellant asserting Statute 15-3-60, to protect the multihandicapped.

Counsel is relying on Statute 15-3-30 and Statute 15-3-40 to stop the Tolling of the Limitations. T-P-3, L-21-25--T-P-5, L-1-7.

Counsel for Defendant has asserted two cases, for case law. Brown v, Leverette, a pot hole accident and Wiggins V. Edwards, relying on Statute 15-3-40. Appellant finds both cases not to shed light and relevancy to Appellants case. T-P-4, L-9-25--T-P-5, L-1-7.

Counsel for Defendant fails to mention the Factual Exhibits 1 through 13. Exhibits 7 and 13, with Affidavit.

To detail the accidents and injuries counsel has asserted. 09-11-14, a Work Zone accident. Injuries were left knee, neck & right hip. Appellant still suffers from the two accidents compounding injuries to Appellant. Nov. 23-2014, the case on appeal, a terrible night. Injury to left knee and neck again, with left knee starting to degenerate. Medical Report 12-01-2014, Exhibit 9. Counsel has mentioned Appellants right hip and neck injuries. Appellant has a Great Chiropractor and daily commits to physical therapy, with left knee crippled due to pain level.

Counsel for Defendant asserts that Appellant is not viewing and understanding Statutes of Law to protect the handicapped. Appellant has requested the Tolling of the Statute of Limitation, relying on Statutes 15-3-60 for individuals with 2 or more handicaps. This Section does not address infants or the insane. A Special case Statute 15-3-20(a), a different timetable is prescribed by Statute. Statute 15-78-110, 1st line, except as provided for Section 30 and the handicapped. Statute 15-78-40, detailing the Liability for State and Dep'ts. Comparing these Entities in the same manner and to the same extent as a private individual and are Liable for their Torts. The Honorable Brian Gibbons asked if the Appellant Court had defined disabilities, T-P-4-L-9&10. Did the General Assembly, act in prejudice and error, defining a individual with handicaps? Did the General Assembly enact these the Statutes of Law and placed into the Rules of Law for cases such as Appellants. Has counsel allowed Statute 15-3-30 to dominate the perspective of the handicapped Statutes? Counsel has asserted in counsels Initial Brief, P-4, that Statutory Law must be joined together and each one given effect. Counsel has asserted that Statutes with the same subject Matter, must be reconciled, so as to make all operative.

Counsel has asserted that Appellant has abandoned Issues on Appeal. Appellant can and will argue this case with facts as presented and Statutes of Law designed by the General Assembly to protect all with disabling handicaps.

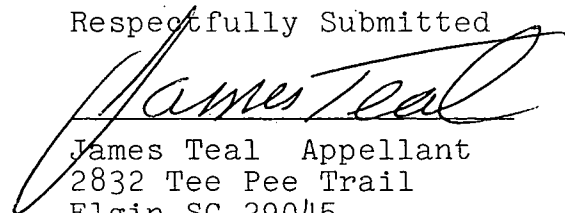
Appellant is asking the Court to accept Appellants reply and argument to counsel, as a defining of the Issues on Appeal. With a correct understanding of handicapped Statutes of Law, will protect the disabled and give Honor to the General Assembly, to protect all handicapped individuals. From infants to older individuals. Is the General Assembly reaching out with care for the handicapped?

Appellant is requesting the Court to advise counsel that Defendant, is under agreement to assume the Responsibilities of the Federal Highway Administration.

Appellant has come to the Court of Appeals to keep the Honor of our State intact and our Citizens from undue injury.

Date December 03-2019

Respectfully Submitted



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CERTIFICATE OF SERVICE

THE UNDERSIGNED BELOW HEREBY CERTIFIES THAT ALL PARTY(S)
ADDRESSED BELOW HAS BEEN SERVED APPELLANTS MOTION TO AMEND
APPELLANTS REPLY TO COUNSEL INITIAL BRIEF BY US POSTAL SERVICE.

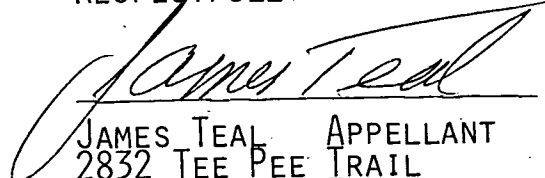
DATE DECEMBER 03-2019

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

RESPECTFULLY SUBMITTED



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