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SC Court of Appeals

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

APPELLANT CASE No: 2019-001041

JAMES TEAL \_\_\_\_\_ APPELLANT

V.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION \_\_\_\_\_ RESPONDENT

FINAL BRIEF

MARCH 01-2020

JAMES TEAL APPELLANT  
2832 TEE PEE TRAIL  
ELGIN, S.C 29045  
(803) 457-5820

PETE BALTHAZOR, ESQUIRE #68244

**FORM 13**  
**BRIEF OF APPELLANT\***

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

Appellant Case No: 2019-001041

James Teal \_\_\_\_\_ Appellant

V.

South Carolina Department of Transportation \_\_\_\_\_ Respondent

FINAL BRIEF

Date; March 01-2020

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

Pete Balthazor, Esquire #68244

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## STATEMENT OF ISSUES ON APPEAL

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### STATUTE OF LIMITATIONS

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1. DID THE TRIAL COURT ERR, NOT PROTECTING THE MULTI-HANDICAPPED, WITH APPELLANT OVERWHELMED WITH INJURIES AND ONGOING LITIGATION AND APPELLANTS LIMITATIONS, MENTAL 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

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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, RELEVANT TO APPELLANTS CASE. GIVING APPELLANT 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. STATUTES 15-3-40.

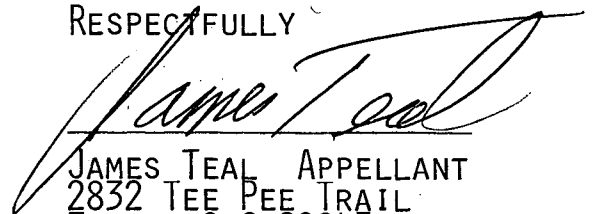
CONCLUSION

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

DATE: MARCH 01-2020

PETE BALTHAZOR, ESQUIRE #68244

RESPECTFULLY

  
\_\_\_\_\_  
JAMES TEAL APPELLANT  
2832 TEE PEE TRAIL  
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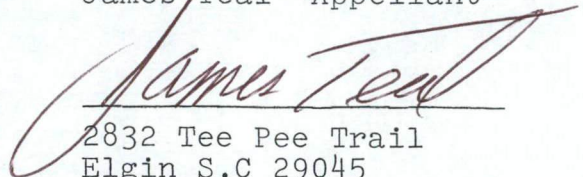
South Carolina Department of Transportation \_\_\_\_\_ Respondent

Final Brief Rule 211(b)

Appellant Certifies that Appellant has complied with Rule 211b.

Date: March 01-2020

James Teal Appellant



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