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MAR 16 2020

Dear Court of Appeals,

I would like to appeal the enclosed decision (exhibit 00 SO made in Common Plea Court on February 12, 2020. This case comes to the Common Plea Court from the Lake City Magistrate Court. I originally filed the complaint on August 28, 2019 in Florence Magistrate Court for obstruction of justice against Mike Hopewell, defendant (exhibit 10 PP 1-2). Because I thought I was getting unfair treatment from the judges in Florence. I requested and was granted a change of venue to Lake City Magistrate Court see (exhibit JP3 and K P4). On December 2, 2019 a pretrial hearing was scheduled in the Lake City Magistrate Court see (exhibit C PS). In the pretrial the judge, Dominique Owens, listed at arguments from the defendant as well as myself both represented pro se. We discussed the case of action, rule 5, statute of limitations, and more. I have enclosed the entire hearing on tape. The judge, Dominique Owens, ruled my arguments had more credibility and granted me a jury trial.

Now I would like to make arguments on each page of the order and decision given.

On page 1 the defendant claims I violated rule 5a. I explained to Judge Owens on December 2<sup>nd</sup> and Judge Nettles on February 12, 2020 that no one walks in the magistrate clerk's office knowing what in the world in a from 5a. It is left up to the clerk to inform or give them all necessary papers to fill out the complaint. The form 5a gives factual basis, dates, etc. of the events of the complaint. Judge Owens ruled the argument creditable and gave me a jury trial. I did indeed send a file form 5a (see exhibit I P6). Please hear tape.

On page 2 it seems the defendant and his lawyer, Mike Abbott, are suffering from some kind of serious imagination problems because there were never, never any counter claims heard from the defendant. Counter claims are to be filed 30 days when a defendant answers or the case goes into default. The defendant boldly admits he claims he filed counter claims on December 5, 2019 some 90 days later of the given time to file counter claims. The defendant obviously defaulted the complaint. The defendant never even filed any counter claims in his answers. Enclosed are the defendant's answers dated September 27 and November 19<sup>th</sup> (see exhibit E1 P7-8 and E2 P9-10). You can see for yourself there were no counter claims filed. Also listen at the tape of December 2, 2019 pretrial and no counter claims were mentioned by the defendant. So you see no counter claims by the defendant were given. Counter claims are commenced by filing form SCCA705 (see exhibit AF P 11). These forms give specific details of the counter claim but more so give the physical amount of monetary amount to be awarded. The defendant only claims the amount he wants only exceeds \$7,500 but don't give the dollar amount. It should have been ruled as hear say.

Also on page 2 the judge was bias stating the defendants have a right to sue under 9(b). Rule 9(b) states "A party's authority to sue or be sued in a representative capacity". The defendant claimed that I have no right to sue because the damages exceeded \$7,500.00. How in the world can Judge Nettles (the Common Plea judge) know what is in the defendant's head without seeing any evidence, documents, no counter claim, or form SCCA705? In Magistrate Court when a dispute emerged over monetary awards the defendant and the plaintiff are asked to show

Page 1

amount owed. They are not to be able to use words as exceed. It will only be hearsay. I brought to court on December 2, 2019 pretrial hearing and the February 12, 2020 hearing a copy of my August 28, 2019 complaint showing damages wanted \$7,500. The defendant to this day has not shown any physical amount of money wanted on their behalf and only made statements or assumptions their awards exceed the jurisdiction amount of \$7,500.00 which is hearsay. I believe my argument carries more creditability.

Also on page 2 of the decision the judge claims and the defendant that there is no such civil cause of action under South Carolina law. Is he kidding me? Does he know what obstruction of justice is or did he get a license to practice law from the Dollar Store? Of course there are laws in South Carolina and all states for obstruction of justice! The defendant goes on to say under rule 12 (b) (6) I failed to state a claim. I testified in both court hearings on December 2, 2019 and February 12, 2020 that on August 15, 2016 Mike Hopewell bought to court in a default hearing that a case I had with R & R Cleaning Service was dismissed with prejudice. The case was dismissed without prejudice on April 7, 2016 until I received my right to sue letter then I could refile that lawsuit. There is no way I would refile a lawsuit after 60 days if the case was dismissed with prejudice. (see evidence exhibits G P12, Exb, H, and P13

Exb I P14.

The judge and defendant claims that on page 2 of the decision that the case would be dismissed under pursuant of South Carolina code 15-3-350. (see exhibit L P15) The defendant and judge in this case seem very mentally confused. The law 15-3-350 has absolutely nothing to do with obstruction of justice as you can see. Obstruction of justice is indeed a federal crime monitored by federal laws and carries a fine or up to one year in prison.

Obstruction of justice is a federal crime monitored by federal laws. The law that monitors is 18 U.S.C. 3282 (see exhibit K M P16). It monitors the statute of limitations of Federal Laws. When you go to their website by find law key in search word (obstruction of justice) you get many codes of laws relating to obstruction of justice. The one that relates to my case is 1509 obstruction of court orders. I have enclosed a copy of that law. In August 15, 2016 Mike Hopewell bought to court a document he knew contained untrue information that stopped a default hearing (see exhibit N P17).

Now I would like the courts to look at exhibit Exb. O (individual) the defendant's amended complaint dated December 6, 2019. On February 12, 2020 I argued to Judge Nettles that the answer and counter claim document should be ruled irrelevant in this case because it was done thru illegal activity between Michael Abbott and Judge Dominique Owens. The illegal activities includes exparta communications as well as a violation of U.S.C 1509 obstruction of a court order the very same thing I am suing Mr. Abbott's client Mike Hopewell for. To me these guys are nothing more than nickel and dime crooks trying to take the advantage of someone without a lawyer.

On December 5, 2019 three days after I was give a jury trial by Judge Dominique Owens the defendant's lawyer wrote a letter to Judge Dominique Owens saying he would like to present counter claims. Also he ordered (not asked) that the case to be sent back to Common Plea Court. There was no contact with me before the letter was sent (see exhibit P P18). See Reference  
This is exparta communication at the most egregious level. The judge (Judge Owens) certainly

P. 2

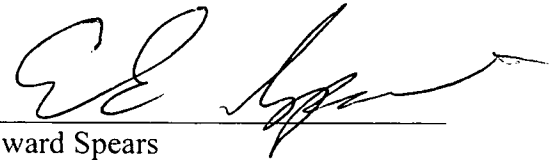
does not have clean hands in this matter. The judge presided over the case and knows there never was any counter claims filed. I brought the defendant's answer and all the paper work sent to me by the defendant. There were absolutely no counter claims filed by the defendant! So you see the December 6, 2019 answers should have been ruled irrelevant by Judge Nettles because it was done thru an illegal act (exparte communication, violation of USC 1509 stop court proceeding).

Also, speaking of page 2, the defendant and Judge Nettles in the February 12<sup>th</sup> claim the case dismissed because of S.C. code 15-3-350. This law has no bearing on this case. First it is state law. Secondly it has nothing to do with obstruction of justice which is federal law. Federal laws are laws of the land which carries a 5 year statute of limitation. I have enclosed copies of federal laws pertaining to the case (see exhibits m p 16 and EXB 17). I have also enclosed a copy of the supremacy clause and doctrine of preemption which shows federal laws over rule any state laws (see exhibit P P 19). See reference files

### CONCLUSION

I know myself, in the past, may not have always gotten along with the Court of Appeals. I am hoping this case will be different. I am praying and hoping this case be judged by evidence presented and nothing else. I know this court will be fair and send this case back to the magistrate court for jury trail.

March 11, 2020



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NOTICE OF APPEAL

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The State of South Carolina  
In the Court of Appeals  
Appeal from Florence County

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Michael L. Nettles, Judge  
Case No. 2019CP2103521

Mike Hopewell

Respondent,

vs.

Edward Spears

Appellant

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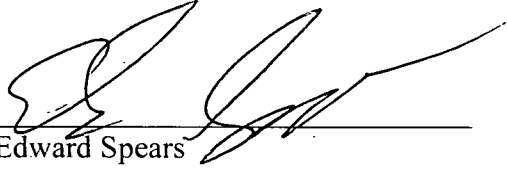
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MAR 16 2020  
SC Court of Appeals

I certify that I have served notice of appeals to the following by depositing in the U.S. mail, Court of Appeals, 1220 Senate St., Columbia, SC, Michael Abbott, 470 W. Evans St., Florence, SC, Common Plea Court, 180 N. Irby St., Florence, SC, and the Lake City Magistrate Court, 345 Ron McNair Blvd., Lake City SC.


March 11, 2020

  
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