

RECEIVED

OCT 22 2020

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

**Marvin H. Dukes III, Master in Equity & Special Circuit Court Judge
and Magistrate Court of Beaufort County**

Appeal Case No. 2018-002225

JOSEPH C. SUN **Appellant**

v.

STATE OF SOUTH CAROLINA **Respondents**

MOTION TO RECONSIDER

APPELLANT JOSEPH SUN moves the court to reconsider its order filed on October 9, 2020 requiring him to provide proof he has ordered all relevant transcripts from the circuit court pursuant to Rule 207(a)(1), SCACR. Appellant is attaching a letter from the court reporter to show that he has vigorously seek a way to get the transcript. (A copy of email from Court Reporter Deborah Thomas is attached as Exhibit A.) Prior to receiving the email, Appellant had written the Attorney General requesting an agreement pursuant to Rule 207(a)(1)¹ that the transcripts were irrelevant therefore not required to be transcribed.

Appellant filed a Motion to Proceed Appeal without Transcript which has not been ruled on by the court. Appellant has not been specific in his request to appeal without transcript in his aforesaid motion, therefore, hereby clarifies to the court on his request to allow him to do so

¹ The Rule provides "Unless the parties otherwise agree in writing,"

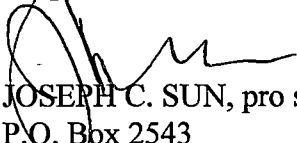
because there is nothing in the transcript which can be relevant to the issues on the appeal of Brady Material or the Recusal of Magistrate Tanner in the trial. Appellant's letter to respondent's counsel (See attached Exhibit B) has not been responded to because it was served on a different counsel for the state highway patrol and failed to be forwarded correctly.

Rule 207(a)(1), SCACR requires Appellant to make arrangement to order the transcript. But it also gives exceptions when transcripts are unnecessary: when there is written agreement of the respondent, and the Appellant may move to be awarded costs for having to pay for unnecessary transcript. Appellant has shown and explained that his arguments raised on appeal are preserved for review on appeal because circuit court dismissed his appeal for lack of jurisdiction without prejudice. Furthermore, Brady violation by the government, Rule 5 due process violation and failure to recuse by trial judge are issues which can be raised first time on appeal or in a post conviction relief.

Appellant believe the court has overlooked the matters pointed out in this motion, wherefore, prays the court to reconsider its earlier order and allow him to proceed in this appeal without the requirement of the unnecessary transcript.

This 17th day of October, 2020.

Respectfully submitted,

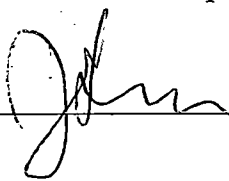

JOSEPH C. SUN, pro se
P.O. Box 2543
Bluffton, SC 29910
843-226-8788

CERTIFICATE OF SERVICE

This is to certify that I have this date served the Respondent a copy of my Motion to Reconsider by delivering a copy of same by U.S. Mail with sufficient postage to:

Alan McCrory Wilson, Esquire,
P.O. Box 11549, Columbia, SC 29211
This 17th day of October, 2020.

RECEIVED


OCT 22 2020

SC Court of Appeals

Thomas, Deborah S. <dsthomas@bcgov.net>

To:

jossunn1095@yahoo.com

Tue, Sep 15 at 3:17 PM

Citizens are encouraged to call or e-mail before driving to a Beaufort County Office. Visit us online at www.beaufortcountysc.gov.

Effective July 17, all Beaufort County buildings are closed to the public until further notice to minimize opportunities to spread COVID-19 in our community.

Mr. Sun

Thank you for your email and phone message. I have researched my files for the two dates you indicated and found that a hearing was held each of those days in the case numbers you noted and I was the court reporter present. Additionally, as my much earlier email indicates, there was a hearing on 8/21/18 in 2018-CP-07-01080. I would estimate the transcript of the 8/21/18 hearing will be approximately \$350. I would estimate the transcript of the 10/17/18 hearing will be approximately \$200. I would estimate the transcript of the 12/18/19 hearing will be approximately \$125.

The opposing parties have not ordered the transcripts at this time, so you would be responsible for paying for the sealed original transcript and your hardcopy. Had the opposing party already ordered the transcript, they would have paid for the sealed original and you would only pay for a copy. The original remains in your custody and sealed until the Judge or someone is instructed by the Judge to open the sealed transcript at your next hearing or an appeal.

Also, since you are a pro se litigant, it is necessary for you to prepay the transcript by certified check or money order made out to me, personally. You may send/deliver your payment to me in care of the Master in Equity's office or to my address below. I will NOT begin working on a transcript until your payment is received in full. If I have underestimated the cost of a transcript, you will be required to pay the difference before receiving the completed transcript. If I have overestimated a transcript, a refund check will be included with your transcript when it is mailed to you via Priority Mail. An electronic copy of the transcript will be emailed to you once the transcript is complete so long as full payment is received.

I would anticipate having these transcripts completed in three to four weeks from the time payment is received. I'll wait to hear from you. Please feel free to contact me if you have any questions.

Deborah S. Thomas, CVRM
80 Plymouth Lane
Bluffton, SC 29909
803-206-7390 mbl
843-255-5712 ofc

-A-

RECEIVED

OCT 22 2020

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS**

Marvin H. Dukes III, Master in Equity & Special Circuit Court Judge

CASE NO. 2018CP0701080

JOSEPH C. SUN Appellant

v.

THE STATE OF SOUTH CAROLINA Respondent

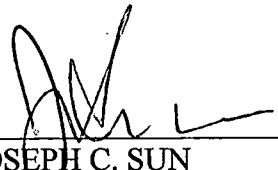
AMENDED NOTICE OF APPEAL

Appellant Joseph C. Sun hereby appeals the Form 4 Order of the Honorable Marvin H. Dukes III entered on November 13, 2018 denying his motion to reconsider which written order was received by the Appellant on about November 16, 2018, and the Form 4 Order entered on August 22, 2018 affirming the verdict and sentence against Joseph Sun rendered in the Beaufort County Magistrate Court, which written order was received by the Appellant on August 27, 2018.

Appellant Sun also appeals the oral denial of his motion for directed verdict and/or motion for new trial entered on May 17, 2018 and the guilty jury verdict entered on April 20, 2018, both rendered at the Magistrate Court in Bluffton, South Carolina.

In addition, Appellant appeals the deprivation of Brady material from him at the trial. Appellant's motion for New Trial based on the deprivation of Brady material was denied by the Magistrate and his appeal to the circuit court of that denial was dismissed without prejudice.

April 16, 2020.



JOSEPH C. SUN
P. O. Box 2543,
Bluffton, SC 29910
843-226-8788

P. O. Box 2543
Bluffton S.C. 29910
April 25, 2020

South Carolina Attorney General
Alan McCrory Wilson, Esq.
P. O. Box 6923
Columbia, S.C. 29260

Re: South Carolina Court of Appeals
Case No. 2018-002225

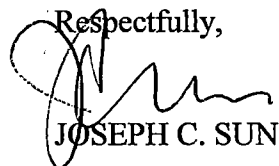
Dear Attorney General Wilson:

Attached please find the service copy of the Appellant's Initial Brief filed in the referenced appeal case. As the Statement of the Issues and the Argument in the Initial Brief can show, the three issues on appeal are the deprivation of Brady Material and the Rule 5 request for discovery pursuant to S.C.R.Crim.P. and the failure of Magistrate Tanner's Voluntary Recusal from presiding in this case. None of those issues were argued in the Circuit Court hearings as the copies of the circuit court Form 4 orders can show.

Furthermore, the Amended Notices of Appeal (Exhibit A) served on your office and the Beaufort County Solicitor shows that Appellant is appealing the deprivation of Brady material against him at the trial. Appellant's motion for new trial based on deprivation of Brady was denied by the Magistrate and his appeal to the circuit court was dismissed without prejudice. The transcripts of the hearings at the circuit court do not contain anything involving the issue of Brady material, therefore, the transcripts do not serve any purpose in this appeal.

I am 73 years old and retired with only a small Social Security check every month as my only income to support my family and to help my daughter in Virginia college. According to the court reporter, all the transcripts at the circuit court would total to almost \$1,000.00. (I asked the court reporter to put that in an email to me.) That is money that I don't have and I cannot waste as I will not use or cite any part of the transcript. I have certified that the designation of matters contained no matter which is irrelevant to the appeal. Therefore, I cannot include any matter (circuit court transcript in this case) that I will not use or is irrelevant.

Please agree to my request that the transcripts of the post trial hearings at the circuit court not be transcribed. Or you may give me and the court the detailed reason that you need them.

Respectfully,

JOSEPH C. SUN

-B-

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

**Marvin H. Dukes III, Master in Equity & Special Circuit Court Judge
and Magistrate Court of Beaufort County**

Appeal Case No. 2018-002225

JOSEPH C. SUN Appellant

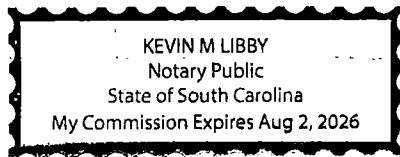
v.


STATE OF SOUTH CAROLINA Respondents

VERIFICATION

COMES NOW, JOSEPH SUN, having personally appeared before the undersigned officer,
duly authorized by law to administer oaths, and after being duly sworn, deposes and says:

I am Joseph Sun, the Appellant in this case. I am in good health mentally and physically. I
testify herein based on my personal knowledge and belief that all the allegations and facts stated in
my Motion to Reconsider are true and correct to the best of my knowledge and belief.





JOSEPH C. SUN
P. O. Box 2543
Bluffton, SC 29910
843-226-8788

Sworn to and subscribed before me
this 17th day of October, 2020

NOTARY PUBLIC

Kevin M. Libby

RECEIVED

OCT 22 2020

SC Court of Appeals

J. C. Sun
P. O. Box 2543
Bluffton, SC 29910

RECEIVED

OCT 22 2020

SC Court of Appeals

Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

CHARLESTON SC 294

20 OCT 2020 PM 1 L



U.S. POSTAGE

\$0.55

FCM LETTER

29910 0000

Date of sale

10/14/20

06 - 256

11486992

29211-162929

