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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Judge Michael G. Nettles


Trial Case No. 2019-CP-21-03521

Edward Spears.....Appellant,

v.

Michael S. Hopewell.....Respondent.

FINAL BRIEF OF APPELLANT



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STATEMENT OF ISSUES ON APPEAL

1. Did Judge Nettles incorrectly rule that the underlying Magistrate Court case was properly transferred to circuit?
2. Did Judge Nettles incorrectly rule that obstruction of justice is not a civil cause of action under South Carolina Law?
3. Did Judge Nettles incorrectly rule that the statute of limitations for civil cause of action is three years?

STATEMENT OF THE CASE

On August 28, 2019 I filed a civil action against Mike Hopewell for obstruction of Justice (see R. pp 2). The respondent gave his answer to the complaint on September 27, 2019 and made a motion to dismiss on November 21, 2019 (see R. pp 2-3 and R. pp 4-5). In either document the respondent never, ever mentioned counter claims are at the center of this entire case. Because I believe I was getting bias treatment from some judges in Florence. I asked for a change of venue to another court (see R. pp 6 and R. pp 7). Judge Dominic Owens ruled from the bench giving me a jury trial in wish I asked. (Please listen to tape)

Days later on December 6, 2019 Mike Hopewell filed an amended answer and counter claim. According to Rule 15 Amended and Supplemental Pleading, amendments are given by written consent of the opposing party or the court's leave. I was never given a chance to oppose the December 6th amended document (see R. pp 8-12) also (see R. pp 13). The counter claims were false accusations and hearsay no real evidence (documents, witness, etc.) brought on by Mark Abbott in a letter dated December 5, 2019 (see R. pp 14). The next day of the amended complaint dated December 6, giving no time for me to oppose the document. This should have been recognized as *ex parte*

communication and immediately sent back to magistrate court for jury trial by Judge Nettles yet all he did was smirk and laugh with the defendants. You can hear my arguments on the letter of the transcript (see R. pp 15-16)

ARGUMENTS

Judge Nettles incorrectly ruled that the underlying magistrate court case was properly transferred to circuit court.

1. Rule 9(b) provides that in this case if damages are sued for is in excess of \$7,500.00 then the case is transferred to common pleas court. The judge in this decision was 100% bias. How can he, Judge Nettles, know the amount the defendants were counter suing for exceeded \$7,500 without any paperwork? I noticed he was slow on civil law so I tried to help him by telling of document SCCA/705 (see transcript R. pp 15-16) also (see document R. pp 17). Therefore the defendant has nothing to show the counter claim is in excess \$7,500 is only hearsay.

2. JUDGE NETTLES INCORRECTLY RULED THAT OBSTRUCTION OF JUSTICE IS NOT A CIVIL CAUSE OF ACTION UNDER SOUTH CAROLINA LAW.

On August 28, 2019, I filed a lawsuit against Mike Hopewell for obstruction of justice. Obstruction of court orders are just one of the laws outlined in U.S. Codes 1505-1518. These are Federal Laws make no mistake. The U.S. Constitution dictates that Federal Law is the Supreme Law of the land. This means that judges in every state must follow the constitution laws of the federal government. My lawsuit against Mr. Hopewell is 1509 obstruction of court orders enclosed is a copy (see R. pp 18). It further states that “no injunctive or other civil relief against the conduct made criminal by this section shall be denied on the grounds that such conduct is a crime.” Therefore Judge Nettles

eroded when he stated obstruction of justice has no civil cause in S.C. (see also the Supremacy Clause and the Doctrine of Prevention R. pp 19). Furthermore Judge Nettles decision to say obstruction of justices is not cause of action can be seen as arbitrary and capricious. In the transcript the judge claims he did not know if obstruction of justice was a civil cause of action and he would let them (the Court of Appeals) decide leaving his decision without law and unpredictable. Unlike Judge Owens in the first trial whose decisions were creditable as well as knowledgeable (see transcript R. pp 20). Make no mistake this was a crime violated by Mr. Hopewell. It carries a fine as well as jail time when told this by me. He only kept looking at the defendants and smiling like an alley cat.

3. Judge Nettles incorrectly ruled the statute of limitations is three years and therefore dismissed in the case

The judge seems to be very mentally confused on this decision. On page two of his decision (see R. pp 21-24) the judge dismissed the case stating it was commenced beyond the allowed time. He stated pursuant to S.C. code 15-3-350. Rule 15-3-350 has absolutely nothing to do with this case and deals with real estate more. I am suing Mike Hopewell for a violation of Rule 109 and violation of U.S. Codes 1505-1518 that carries a statute of limitations up to five years. This can be confirmed by logging into U.S. Code 18 U.S.C. 3282-find law. It carries a number of federal crimes when you get to their website. Use keyword obstruction of court order. Also read section (2). I have enclosed a copy of this law (see R. pp 25-26).

The judge's decision can also be seen as arbitrary and capricious. In the transcript (see R. pp 27). The judge says once again he was going to allow the Court of Appeals to make a decision that he should be making about statute of limitations. In both decisions of obstruction of justice as well as statute of limitations the judge openly admitted he did not have the answers and would allow the Court of Appeals to decide a case he should be responsible for. Wherein the court that was held in

Lake City with Judge Owens the decisions were with confidence and knowledgeable. With that being said this case should return to Lake City for a jury trial.

CONCLUSION

I have sent a copy of the judge's oath and I hope the judges assign this case read it before deciding this case. Judge Nettles certainly did not read it! He allowed ex parte communication between the judge and Mark Abbott. He even lied for defendants saying they filed a counter claim in excess of \$7,500 when there was no evidence at all.

This case reminds me of the George Floyd case where Mark Abbott and Mike Hopewell put their knees on my neck and Judge Nettles portrayed the cowardly three cops who turned the other way looking at the evidence and did nothing. I hope and pray who ever assign this case will read the judge's oath then send this case back to the magistrate's court for jury trial. Then you can proudly say I sought for justice and justice alone so help me God.

January 24, 2021

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CERTIFICATE OF COUNSEL
In Final Brief

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Certificate of Counsel

The undersigned certifies that this final brief complies with Rule 211 (b) SCACR.



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