

**FORM 13
BRIEF OF APPELLANT***

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

HONORABLE EUGENE GRIFFITH

Case No. 2017-CP-12-00079

Chester County School
District, Department of
Education, Defender Services,
Inc., Steve M. Bright,
individually and as agent of
Defender Services, Inc,
Chester County, and Chester
County Sheriff's Office,

Respondent,

v.

Appellant.

[INITIAL] BRIEF OF APPELLANT

Artavius
Rice, Pro Se
Tanya
Murphy

Tanya Murphy
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* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

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STATEMENT OF ISSUES ON APPEAL

1. DID THE COURT ERR IN FAILING TO REVIEW PREVIOUS MOTIONS AND ANSWERS?
2. DID THE COURT ERR THEIR ABUSE OF POWER ALLOWING A INCOMPETENT PERSON TO FIND REPRESENTATION TO BENEFIT THE COURT AND DEFENDANTS ?

STATEMENT OF THE CASE

On April 11, 2016, Plaintiff minor Artavius Rice (hereinafter) The victim was a fourteen year old in the ninth grade at Chester Senior High School. The victim was slammed by a untrained security guard (Steve Bright), which resulted in a broken humerus bone, The victim went to several doctors and his arm healed with a deformity (The previous attorney did not mention the liability of the doctors or their facilities). The victim has since been diagnosed with PTSD, Anxiety, Mood Disorder, and Depression. The victim is on a 504 Plan that followed him to Tech where I've had to fax the school because of ongoing mental health issues.

Artavius had been represented by Andy Kunz until September 6, 2018. After the withdraw of the attorney, the corruption took over the case leaving the victim vulnerable to any and all rights violation. The defendants filed a motion for Artavius's medical records on March 1, 2019 which made the Judge and Defendants aware on September 23, 2019 of his mental illness, wished to add the victim as a party with knowledge under **Arguments** that was filed on this day that **MINOR A.R. IS A NECESSARY PARTY BECAUSE HIS ABSENCE LEAVES DEFENDANT SUBJECT TO A SUBSTANTIAL RISK OF MULTIPLE OBLIGATIONS.** On October 9, 2019 I filed a motion Not to add Artavius because of his mental health, in which I could have produced paperwork from his college that he has a 504 Plan for his disability, recurring changes school (Faxed 504 Plan) to his current school. As you are aware Artavius was added to the case on January 7, 2021 with knowledge of his mental health by Judge Griffith, Defendants, Donald W. Beatty (Whom added Judge Griffith on September 27, 2019) Judge Hayes, Judge Gibbons and the previous attorney Andy Kunz before he was relieved as council. The Defendants and Judges should have known this could cause a setback and had a wonton disregard for the victim.

On March 7, 2019 the defendants wished to add a Guardian Ad Litem for the victim who was waiting on a jury trial, which on February 1, 2019 was added to the jury rooster shows deception in the courts. The Defendants and Judge should have been aware on the **Joint Motion To Appoint GAL** on March 7, 2019 that Tanya Murphy was seeking damages #4 on the motion filed, should Not have allowed the attorney to withdraw this case which violated Tanya Murphy, Unauthorized Practice of Law S.C. Code Ann 40-5-310. This gave the Judges and Defendants the abuse of power to corrupt this case. On 3/7/2019 (with exhibits), 5/2/2019, 8/30/2019, 10/9/2019, 9/4/2020 and 12/30/2020 motions was filed seeking HELP(Please see all motions filed). On 1/15/2019 and 2/1/2019 shows where I was Not receiving mail to show up to court. This case is corrupted and I have requested this case goes to a higher court but the corruption was too overwhelming so the Judges and Defendants continued to engage in their activities to cover up their actions.

On August 25th I received a letter to come to a status conference in Newberry S.C. with Judge Griffith and the next day was rescheduled due to Covid 19. During this time Artavius was reluctant to attend and insisted that I not allow him to be present (Notarized Letter From Artavius) confirming Artavius is not capable of handling his case and if I was not deceived on 1/7/2021 to bring Artavius for the same status conference, I would have presented the notarized paperwork showing he did not wish to be present. (Emails between Lauren Modzelewski and Tanya Murphy) with overwhelming evidence will show I was coerced in bringing Artavius to this status conference on January 7, 2021 to clearly add him as a party and take me off this case. The Judge stated on this day that maybe my son didn't like the way I was handling his case, but it looks like the Judge and Defendants did not like the way

was handling this case and used the victim to help themselves. I've received the transcript of the status conference and the court reporter Michael Watkins has also fabricated the report. On page 2 of the transcript the Judge states he's being reasonable and Artavius is competent in the eyes of the law (Before he asked Artavius questions) by the end of the proceeding he should have known Artavius was incompetent to this case. Page 7 I asked the Judge about the GAL, if this was important why did the Judge allow me to dismiss him. Page 9 Artavius says he didn't know if he could find an Attorney (The Judge should have took this into consideration). Page 11 The Judge say's we were there to tie up loose ends but emails will show I was mislead to bring the victim. Page 12 I mentioned that I have consulted with many attorney's on Artavius behalf and no attorney would take the case (Now that I have filed an appeal) attorney's have reached out and he has contacted attorney's afraid his case would be thrown out (Which ever attorney took his files should have known this was under appeal and they are corrupt). Page 14 I asked did the Judge look over his mental health, page 15 I asked had he looked over the entire case, Page 16 I mentioned corruption, page 19 states it's been four years this case is corrupt now. Page 20 I told the Judge some of the attorney's I've contacted would not take the case after calling the Chester County Courts (Now what did the new attorney hear to make him take this case). On page 24 I asked was Artavius a party to the case because the email said he was(Will present during my next brief). Page 24 also stated I could not represent Artavius but the Attorney dropped him with a Judges consent, how was this allowed to happen from the beginning, the victim would have been railroaded much earlier. Page 24 also shows how the Judge was still treating me as representing Artavius by claiming we were there for a pre trial brief this was extremely deceptive to get me to bring the victim, earlier I stated the email says he was a party to the case that's why he had to come, but now he states he's adding him as a party now. Page 24 line 9 the Judge stated I would get my chance to prove corruption, how if he

said on page 27 line 5 Ms. Murphy will no longer be part of this lawsuit, but it was filed by Andy Kunz on March 24, 2017 that I was seeking damages (INCONSISTANT) this case is corrupt and delayed. Page 33 is inconsistent with what the reporter stated, he asked Artavius how did he communicate with friends (Artavius answer was he didn't) the reporter fabricated the statement and said yes, sir, he also asked did he use Instagram and Twitter Artavius said no, sir. The Judge continued to asked can he contact Artavius by text (This was CORRUPT as Artavius do not know the law and could have perhaps incriminated himself). Page 34 the reporter once again fabricated the statement by saying there was a break in the proceeding Mrs. Lawson who was present seated at the podium (Who works at the Clerks Office) stated did he look at the motion I filed about Due Process, Civil Rights and Civil Liberties, This is when the Judge ask **"DID I WISH FOR HIM TO THROW THE CASE OUT"** I was floored to hear this while granting the defendant his own case, this was intimidating and this would make anyone feel like they need to find an attorney quickly. On this same page line 17 clearly say's I'm glad that was bought up shows this was not a break in the proceeding he did not wish to mention Betty Jo Lawson's statement (Why)?? The Judge also stated he could not do anything about the past, isn't this part of the loose ends to tie up and the motion that was filed on 12/20/2020. Page 34 line 24 goes back to 11 where he states there was a break in the proceedings. This Judge actually tried to blame Covid 19 for the Due Process of how long this case is proceeding in which I have not had to appear in court the entire time of Covid 19. The Judge also say's on Page 35 "All right , so what do you want me to do for causing delay, saying you win here is your money"? First off I would have let him know **THE VICTORY BELONGS TO JESUS** this was sarcasm on the Judges, part but he was probably Praying I would say yes, because if I wanted to just be paid I would have folded before now. This case needs to go to a higher court now, if this is not enough information for this to happen The Entire Judicial System

Needs To Be Torn Down And Rebuilt!!! For the record why would Artavius need an attorney At This Very Moment instead of waiting for a higher court to look over this case and decide what needs to happen. Therefore if Tanya Murphy is/was part of this lawsuit I am requesting a Jury Trial for myself because I have lost ALL confidence in Judges unless the next Judge that looks at this case and be UNBIASED. Show the other Judges all of you are Not the same, because the Judges I've mentioned earlier are Biased Judge Gibbons, Judge Hayes, Judge Griffith and Donald W. Beatty who should have clearly seen what the hold up of this case was or we wouldn't be here in such a corrupt state. With all do respect I will list the next Judge if need be.

STANDARD OF REVIEW

THE COURT ABUSED IT'S DECRETION BY ALLOWING THE INCOMPETENT PLAINTIFF TO SEEK REPRESENTATION AFTER FOUR YEARS OF CORRUPTION, WHILE KNOWING THE PLAINTIFF WAS DIAGNOSED WITH MOOD DISORDER, PTSD, ANXIETY, AND DEPRESSION. THIS SHOWS A WONTON DISREGUARD FOR THE VICTIM, THE STATUS CONFERENCE LETTER DID NOT MENTION BRINGING THE VICTIM, I RECEIVED A EMAIL TO BRING HIM WHICH I HAVE AS PART OF MY EVIDENCE AND A NOTORIZED LETTER THE VICTIM ASKED ME TO HANDLE HIS AFFAIRS. THIS ACTION CAUSED TENSION BETWEEN THE VICTIM AND PARENT BECAUSE ARTAVIUS HAS ABSOLUTELY ANY EVIDENCE, FILES, OR KNOWLEDGE OF HIS CASE. THIS JUDGE AND DEFENDANTS WERE COMPLETELY INCONSIDERATE, SELFISH, INCOMPETENT, MINDLESS, UNINTELLIGENT, ABSURD, UNSYMPATHETIC, DETACHED AND EVIL TO PUT THE VICTIM IN A STRENUOUS SITUATION. THIS CASE COULD HAVE BEEN SETTLED BUT NOONE WANTS TO BE HELD ACCOUNTABLE(BUT THEY WILL). MY RELIGION WILL NOT ALLOW ME TO GET INVOLVED WITH CORRUPTION... ONLY TO EXPOSE THEM. NOW THE JUDGES AND DEFENDANTS WISH TO REPAY ME EVIL FOR GOOD, THIS WILL NOT GO UNPUNISHED I AM A CHILD OF GOD AND WILL NOT OR CANNOT INDULGE IN EVIL.

FACTS

On April 11, 2016, Plaintiff minor A.R. was fourteen years old in the ninth grade at Chester County School District High School in Chester County. Upon information and belief, Steve Bright was employed with the County School District through Defender Services as a Security Officer at two Chester County School District locations- Chester Senior High School and the Chester County Career Center. Upon information and belief, Chester County and Chester County Sheriff's Office was responsible for assigning a school resource officer(s) to work within Chester County School District. On information and belief on April 11, 2016, A.R. was involved in an altercation with another student at Chester County High School while on school property known as the bus lot. PSO Bright from information and belief noticed the altercation and called by radio, for assistance. Upon information and belief, no supervisors were present at the bus lot. PSO Bright (5'11", 240 lbs) grabbed A.R. from behind, around the chest and waist area, while leaving Plaintiff's hands free. PSO Bright then lifted A.R. off his feet and slammed A.R. to the ground. PSO Bright landed on A.R. with his full body weight and remained straddled on top of A.R. for an extended period of time prior to pulling A.R. to his feet. A.R. was taken to the school office and complained about "hurt arm". The Plaintiff Tanya Murphy transported A.R. to Chester Regional Medical Center where X-rays confirmed A.R. had a fractured left humerus. Plaintiff A.R.'s injuries greatly limited, or altogether eliminated, the activities in which he was able to participate and caused him great pain and suffering. Additionally, Plaintiff and Plaintiff A.R. incurred extensive medical bills and will have future medical bills. Along with future medical expenses, this incident and A.R.'s injuries caused him pain and suffering, physical, mental, and emotional anguish, permanent disability, and loss of enjoyment of life.

ARGUMENTS

- I. BECAUSE THE COURT KNEW OF THE PLAINTIFF'S MENTAL HEALTH ISSUES FAILED TO PROTECT HIM FROM FURTHER COMPLICATIONS TO MAINTAIN THE CORRUPTION OF THIS CASE, INSTEAD ADDED ADDITIONAL PAIN AND SUFFERING.....2
- II. BECAUSE THE COURTS SHOULD HAVE BEEN AWARE OF THE RISK THIS WOULD CAUSE FAILED TO FOLLOW RULES AND VIOLATED DUE PROCESS, CIVIL LIBERTIES, AND CIVIL RIGHTS VIOLATIONS SHOWS THE LACK OF COMPASSION THE COURT HAS FOR THE PLAINTIFF.....2

CONCLUSION

For the reasons stated, this Court should reverse the decision of the circuit court and send this to a higher court.

Respectfully submitted,

March 16, 2021

/s/Tanya Murphy
Tanya Murphy
Post Office Box 292
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Appellant

I.

ARGUMENTS

BECAUSE RESPONDENT COULD HAVE RAISED FRAUD IN HIS PRIOR BREACH OF CONTRACT SUIT AGAINST APPELLANT, HE IS BARRED BY RES JUDICATA FROM BRINGING THIS SUIT.

II.

[Set out discussion and citations of authority.]

BECAUSE FRAUD MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE, THE TRIAL COURT ERRED WHEN IT CHARGED THE JURY THAT THE RESPONDENT MUST PROVE FRAUD BY A PREPONDERANCE OF THE EVIDENCE.

[Set out discussion and citations of authority.]

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

January 20, 2018

/s/ John E. Smith
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STATEMENT OF ISSUES ON APPEAL

1. DID THE COURT ERR IN FAILING TO REVIEW PREVIOUS MOTIONS AND ANSWERS STATING THE PLAINTIFFS MENTAL HEALTH?
2. DID THE COURT ERR IN ALLOWING A INCOMPETENT PERSON TO FIND REPRESENTATION TO BENEFIT THE COURT AND DEFENDANTS?

STATEMENT OF THE CASE

On April 11, 2016, Plaintiffs minor Artavius Rice was slammed by a untrained security guard who used excessive force, which resulted in a broken humerus bone that healed with a deformity. Artavius has since been diagnosed with PTSD, Anxiety, Mood Disorder and Depression. The plaintiffs attorney at the time(Andy Kunz) filed a lawsuit on February 17, 2017. Andy Kunz represented the plaintiff until August 7, 2018 which then dropped the case for a reason unknown to the plaintiffs mother. Tanya Murphy the minors mother showed up to court pro se which is a violation of S.C. Code Ann. § 40-5-310 only to keep the case open until a competent judge would look over the facts and order some type of solution in finding new representation. The case has been tainted and corrupted since the pro se plaintiff did not know her rights or the law. The plaintiff pro se Tanya Murphy has pleaded with the courts that she was not an attorney and did not know her rights but the courts granted three Judges to reside over this case only to corrupt it further. The Judge that ordered Eugene Griffith is Donald W, Beatty Chief Justice.

STANDARD OF REVIEW

Before ordering Eugene Griffith to reside over this case Donald W. Beatty Chief Justice violated S.C. Code Ann. § 40-63-110 and S.C. Code Ann. § 7-25-170. Both Judges should have been aware of the plaintiffs Mental Health issues.

On January 7, 2021 Judge Griffith ordered Tanya Murphy to court stating I am to appear for a pre-trial brief and discovery, such as witnesses to testify and documents to be used at trial (Emails as Exhibits). This was deceptive ordering me to bring Artavius just to add him as a party to the case. This was a violation of S.C. Code Ann. § 40-63-110(2013). Knowing of Artavius Mental Health History the courts added Artavius as a party to benefit their own needs as stated in the motion filed on September 23, 2019 under ARGUMENTS: Minor A.R. is a Necessary Party Because His Absence Leave Defendants Subject to a Substantial Risk of Multiple or Inconsistent Obligations.

[Set forth appropriate standard of review with citation(s) to authority if all issues are governed by the same standard of review; otherwise include a separate section with a heading of "Standard of Review" at the start of the argument on each issue.]

FACTS

[Counsel may wish to set out the facts relevant to the arguments at this point in the brief. This, however, is optional, and the relevant facts may be included in the discussion of each argument. In either case, the brief must contain references to where the salient facts can be found in the Record on Appeal. In Initial Briefs, these references shall be made in the manner specified by Rule 208(b)(4), SCACR. In the Final Briefs, these references shall be to the page and line number of the Record on Appeal (i.e., R.p. 37, lines 7-8). Rules 211(b)(1), SCACR.]

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*The authorities cited are fictitious and intended to show the form of citation only.

ARGUMENTS

- I. BECAUSE RESPONDENT COULD HAVE RAISED FRAUD IN HIS PRIOR BREACH OF CONTRACT SUIT AGAINST APPELLANT, HE IS BARRED BY RES JUDICATA FROM BRINGING THIS SUIT.

[Set out discussion and citations of authority.]

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CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

January 20, 2018

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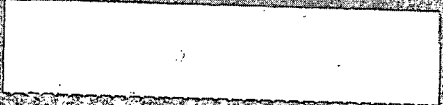
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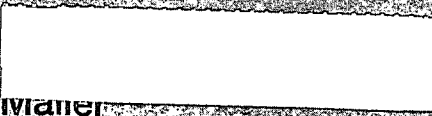
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