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Oct 22 2021
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Hon. Donald B. Hocker, Circuit Court Judge

C.A. No.: 2020-CP-36-00093
Appellate Case No. 2020-001348

Jefferson Davis, Jr.Appellant,

v.

Chad Connelly, Tom Persons & South Carolina Educational Credit for Exceptional Needs
Children FundRespondents.

INITIAL REPLY BRIEF OF APPELLANT

Jefferson Davis, Jr.
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Appellant

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ARGUMENT

PUBLIC POLICY. This legal question is new to South Carolina jurisprudence, but it is simple in its broad ranging effect if allowed to stand as is. A government run non-profit board is required by South Carolina state law to do X with donor's funds (in this case provide scholarships to K-12 children with special needs) ... yet the non-profit board violates the state law and their own public promises / inducements to donate (in this case paying the funds to its executive director instead of the children as required by law to the tune of \$275,406).

The legislatively appointed non-profit board has standing, but they refuse to do anything about it. If they did, they would be admitting they violated the law and "stole" money directed by law for k-12 children with special needs and paid it to their buddy, the executive director.

The only other party eligible under current law in South Carolina to pursue the matter is the SC Attorney General. The only problem there is the SC Attorney General is personal friends with the executive director who absconded with the \$275,406. It is a sticky situation and even if the AG and the executive director were not friends, the AG has a busy job and doesn't have time to track down every little matter like this.

But donors do have the time to track down these matters. Donors who contributed funds to a government run non-profit that was required by law to use 98% of the donations for k-12 children with special needs ... that advertised on its non-profit website that they would use 98% of the donations for k-12 children with special needs ... but instead only used approximately 84% for the children, and used the rest to pay the executive director buddy.

As is the case in other states where this matter has reached the appellate courts, public policy demands a finding of a constructive trust, public importance, and/or constitutional

standing. If not, there will be a major gap in the law which will allow all sorts of malfeasance to occur. We are better than that in South Carolina.

PERJURY. When is it ever proper for our courts to allow perjured sworn testimony? We are not talking simple mistakes of recollection or belief ... but outright manipulative lies, mathematical and undeniable lies, specifically calculated to bully over and “fool” the trial court and the public about embezzlement of \$275,406? Never!

The perjury matter is clear and undeniable. Again, with the pesky “public policy”, but if it is OK to provide perjured sworn testimony to a court, where does it end?

CONCLUSION

For the foregoing reasons, Appellant asks this Honorable Court to reverse the judgment of the trial court order dismissing (due only to its novel nature in SC) this case for lack of standing and direct the court to address Plaintiffs Motion for Perjury, Contempt & Sanctions for False Affidavit (or address it here in the South Carolina Court of Appeals) with a finding commensurate of the incontrovertible guilt of Respondent Chad Connelly.

Respectfully submitted,



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Date: October 22, 2021

Appellant

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PROOF OF SERVICE

I, the undersigned Appellant does hereby certify that I have caused to be mailed and/or otherwise transmitted a copy of the below listed document(s) to the party shown below, postage prepaid, on the **22nd day of October, 2021**, as follows:

PLEADINGS: **INITIAL REPLY BRIEF OF APPELLANT**


PARTY SERVED: Geoffrey Kelly Chambers, Esq.
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[CONTINUED ON NEXT PAGE.]

PROOF OF SERVICE (CONTINUED)

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Date October, 22, 2021



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October 22, 2021

Via Email Only (ctappfilings@sccourts.org)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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Oct 22 2021

SC Court of Appeals

RE: **Jefferson Davis Jr, Appellant vs. Chad Connelly, Et al. Respondents**
Appellate Case No.: 2020-001348
C.A. NO.: 2020-CP-36-00093

Dear Ms. Kitchings:

Please find attached the original of the following for the above referenced matter.

- 1. APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE AND SERVE INITIAL REPLY BRIEF & DESIGNATION OF MATTER** (with Proof of Service).
- 2. APPELLANT'S INITIAL REPLY BRIEF** (with Proof of Service).
- 3. DESIGNATION OF MATTER** (with Proof of Service).
- 4. RECORD ON APPEAL** (with Certification and Proof of Service).

I have also served this filing on Respondents via email only for safety reasons. Pursuant to recent Orders from the Supreme Court of South Carolina, it appears service by email is preferred due to the current Coronavirus Emergency.

Thank you for your assistance. If you have any questions, please feel free to email me at jeff@apogeetax.com or give me a call at 843-901-8036 (cell).

Sincerely,



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cc: Geoffrey Kelly Chambers, Esq. (g.k.chambers@gmail.com & Geoffrey@cperlgroup.com),
M. Dawes Cooke, Jr., Esq. (mdc@barnwell-whaley.com), &
Justin Paul Novak, Esq. (jnovak@barnwell-whaley.com)