

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Appellate Case No.: _____

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MAY 23 2022

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY COURT OF COMMON PLEAS

J. Cordell Maddox Jr., Circuit Court Judge

CA NO.:2022CP0400328

Armando Despaigne Zulveta, Plaintiff-Appellant,

v.

Park National Bank, Defendant-Respondent.

STAY OF PROCEEDINGS.

INVITED TO WITNESS THIS CIVIL CASE THE PRESIDENT OF THE UNITED STATES JOE BIDEN, KAMALA HARRIS VICE PRESIDENT, NANCY PELOSY SPEAKER OF THE HOUSE, AND DONALD J. TRUMP PRIVATE CITIZEN.

MEMORANDUM OF LAW IN SUPPORT OF APPELLANT MOTION FOR STAY OF PROCEEDINGS PENDING THE PRODUCTION OF TRANSCRIPT, DOCKETING STATEMENT, 60(b) MOTION, AND ANY ALL RELEVANTS INITIAL LEGAL DOCUMENTS PERTAINING TO THIS CIVIL ACTION.

Armando Despaigne Zulveta, submits the following Memorandum of Law In Support of MOTION FOR STAY PROCEEDINGS.

STANDARD OF REVIEW.

1) This civil action is of public interest having as consequences that Anderson County Court of Commons Pleas failed to uphold the law while restricted or attempt to restrict and/or blocked or attempt to block Appellant access to court in detriment of his Constitutional's, Federal's, State's Rights which include but not limited First Amendment Right to speak at scheduled and effectuated Hearing set for March 20, 2022, presided by J. Cordell Maddox Jr., Circuit Court Judge who not only used and displayed bias at the hearing against Appellant but also, abuse the Court authority ruling upon a motion which had no personal jurisdiction for upon Defendant-Respondent Motion to Dismiss.

May 10, 2022, Appellant with this Court appealed the order [judgment] of the Judge J. Cordell Maddox dated April 22, 2022, and to this point Appellant has not a single clue of what is going on with his case and among many other things:

1) At Circuit Court's hearing date March 20, 2022, several times Appellant complaint because he could not hear practically nothing neither from Defendant-Respondent's attorneys' argument nor the Judge while addressing parties including this "the Appellant" and reason for "the Bank" attorneys intentionally and maliciously to speak lower than expected while interfere with Court's proceedings. "the Plaintiff" asserts that among the main function of a judge is making sure that there exist concordance between court's proceedings and South Carolina Rules of Civil Procedure Canon 3(A) Judicial Duties in General that requires: A Judge shall Perform The Duties of Judicial Office Impartially And Diligently. Moreover, Canon 3. Adjudicative Responsibilities (B)(6) mandates that: A judge shall require* lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability or

age, against parties, witnesses, counsel or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, or other similar factors, are issues in the proceeding.

Upon repeated complaints over this audio matter at the hearing, Sole Jurist and Presiding Judge Maddox Jr., displayed discontent and discomfort while looked "the Appellant" with hostility and waged the microphone from one side to the other with intimidating demeanor perceived by this litigant and as result, be distracted from matters related to the Court while on proceedings' conduction.

"the Plaintiff" assertions rely on Canon 3. Adjudicative Responsibilities B(3) A judge shall require order and decorum in proceedings before the judge, and (4) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require * similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

In addition, Canon 3 mandates that A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. Facial expression and body language, in addition to oral communication, can give to parties or lawyers in the proceeding, jurors, the media and others an appearance of judicial bias. A judge must be alert to avoid behavior that may be perceived as prejudice.

2) At one point, Judge Maddox get off from bench, went to an adjacent room and while the door still open he engaged in ex-parte communication with "the Bank"

attorneys while kept "the Appellant" in the dark who also asserts that Canon 3 requires a judge to take reasonable steps to promptly notify all parties of any ex parte communication.

It did not happen and to this point, "the Appellant" has not an idea of the conversation's subject between "the Bank", and presiding Judge Maddox Non-Judicial supported Ex Parte communication with Defendant, "the Bank".

3) To this point, he has no acknowledgement that "the Bank" may have filed any, a) Article of Corporation, b) Business Corporation Annual Report, c) Financial Disclosure, d) Disclosure by Non-Governmental Corporate Affiliations and other Entities with a Direct Financial Interest in Litigation that not only justify that Park National Bank is a duly and lawfully created company who is not contravening the Committee on Financial Disclosure Administrative Office of the United States Courts' DISCLOSURE of J. Cordell Maddox Jr., Circuit Court Judge's Financial Report certifying earned income from outside employment and bonoraria and the acceptance of gifts which have been reported comply with the provisions of 5 U.S.C. § 501 et. seq., 5 U.S.C. § 7353. The information required by Rule 7.1(a) reflects the "financial interest" standard of Canon 3C(1)(c) of the Code of Conduct for United States Judges. All available evidence and testimony shall be presented at the scheduled hearing. This information will support properly informed disqualification decisions in situations that call for automatic disqualification under Canon 3C(1)(c), and these requirements are absent from the proceedings.

4) From the begin, "the Appellant" requested and filled all ingredients necessary for his case to be tried at federal level due to conflict of Interest created by Magistrate Judge Samuel T. Tucker, Jr., interaction with the incident of this civil action at Powdersville Magistrate Court, and Anderson County Magistrate-Anderson

County Summary Court transferred the civil case to Circuit Court over the issue of Judges Conflict of Interest at Anderson County and the same was asked to Circuit Court after all proper procedures had been performed in order to effectuate said transfer to federal court.

5) Fulfilling an hemorrhagia of unconstitutional proceedings effectuated at the hearing, Anderson County Common Pleas has failed to comply with Rule 77(d) of South Carolina Rules of Civil Procedure (SCRCP) when failed to mail a copy of the judgment to "the Appellant being he a Traditional Filler by tradition. Another helping win for "the Bank' out of Anderson County Court of Common Pleas' unconstitutional action.

6) After lengthy discussion with Court or Court personnel assistance the only legal document Appellant could obtain was Form 4 Judgment In A Civil Case page 1 and 2, with no indication so ever upon the subject of the Judgment rendered by the Court. After more discussion he obtained page 3 and 4 of said Form C Instructions for Information Only-Not to be filed with Form 4C, while absented still any subject related to Judgment. See Exhibit A, Anderson Common Pleas' Order/Form 4 as figure decorative indicating nothing. See Exhibit B, Form 4 Judgment In A Civil C from Judge Code 2131, page 1 and 2, indicating obscurity Rendered upon the Judgement while benefitted "the Bank' win. See page 3 and 4, of same Form 4 indicating nothing in regard to said Judgment and the only document he had have from Circuit Court indicating nothing more than pre-arraigned bias and prejudice. Appellant asserts and re-asserts that: When federal law "creates the cause of action, the courts of the United States unquestionably have federal subject matter jurisdiction," Mulcahey, 29 F.3d at 151, and here, federal law creates a private cause of action for RICO and § 1962 Prohibited Acts claims. the Appellant asserts and re-asserts that the Court overlooked controlling law and/or facts that would have affected the court's decision in favor of him. The court also rejected or blocked his

attempt to raise several new arguments and cautioned that a motion to reconsider is not the appropriate occasion to repeat previously rejected arguments or to make new arguments that previously could have been made if not, for lack of Hearing Aid in Court. Moreover, "the Appellant asserts and reasserts a Billion times that Motion to Dismiss, Strike, and Alter or Amend on April 20, 2022, never ever was brought by "the Appellant" at the hearing dated March 20, 2022. Circuit Court has misleded Court's record, "the Appellant", The South Carolina Judicial System, and as always and usual in criminal and civil case has deprived a Minority Class member either of his life by Judicial lynching, his property be stolen by Judicial bribery, his Freedom be taken away by Judge J. Cordell Maddox Jr., Circuit Court Judge. Evidence won't say otherwise.

7) "the Appellant" asserts and re-asserts that presiding Judge Maddox's action took an adversely process of proceeding against his civil action impeding him (Appellant) to properly present his civil case by way of Judicial Intimidation and distraction while helping Respondent to win. And to make better, "the Appellant" should have been able to afford some kind of action dealing with Hearing Aid in Court, avoiding a miscarriage of Justice by ignorance of his own unheard Hearing proceedings case in violation of South Carolina Judicial Department CANON 3(B)(5)(E)(1), and (e)(8).

8) Evasive or Incomplete Disclosure, Answer, or Response. For purposes of this subsection an evasive or incomplete disclosure, answer, or response shall be deemed a failure to disclose, answer, or respond. It goes also for Anderson County Circuit Court.

9) And as minority Appellant asserts and reasserts a Billion time that by this time, United States Justice Department as well as at least South Carolina Judicial Department shall have learned to strip (STEAL, EXTORT) litigant like undersigned the luckiest one of his PROPERTY, AN LAWFULLY AWARD THAT SHAL, HAVE BEEN RENDERED IN COURT. For other the unluckiest one, those Justice Departments mentioned above by know should have been found better ways to Judicial Lynching, incarcerated for decades innocent people just for the color of the skin combined with the

SORRY BASTARD SUPREMACIST IDEOLOGY LIKE JJUDGE MADDOXX HAS WITH THE APARTHEID HELP OF GREENVILLE SOUTH CAROLINA ANTI-SEMITIST AND SEGREGIONSITS MAYOR KNOX HAYWORTH AND, ANDERSON COUNTY MAYOR'S ROBERT TERRENCE'S BLACK APARTHEIST COURTESING THE EXTERMINATION AND DISPLACEMENT OF MINORITY PEOPLE AND FAMILY. A GENOCIDE BY ALL ACOUNT WHICH INCLUDING AROUND THIS TIME POOR WHITE PEOPLE.

AND THIS LITIGANT SHALL NOT BE MISCARACTERIZED OF CHARACTER WHILE STRIPPING CA NO.:2022CP0400328 Armando Despaigne Zulveta, Plaintiff-Appellant, v. Park National Bank, Defendant-Respondent, THE UNDERSIGNED OF HIS DAY IN COURT LIKE THOSE OF THE AMERICAN PEOPLE JUST FOR FINANCIAL, JUDICIAL LYNCHING, AND PROPRIETY GAIN TAKEWN AWAY BY COURTESY OF AMERICAN'S COURT JUDICIAL'S APARTHEID AGAINST VULNERABLE AND VICTIM PEOPLE BY SAID COURTS.

This motion shall be granted unless, public officials are allowed to maintain a license to Judicial lynching, steal, and deprive people of property including the favorite plate: Judicial laundering Awards in Court taken from litigants particularly Minorities and valid reason for this litigant to feel very offended while is treated like an offender in Court. From Plaintiff becomes Defendant just for the color of the skin and Judge Maddox and associates slavery state of mind against own people.

On this day, 18th of May, 2022.

 05/18/2022
Armando Despaigne Zulveta

P.O. Box 30361 Winston-Salem, NC 27130

Phone: (864) 305-9480 Email: acere1296@gmail.com

(7 of 9)

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

CA NO.:2022CP0400328

Armando Despaigne Zulveta, Appellant, vs. Park National Bank, Respondent.

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

The undersigned, Armando Despaigne Zulveta, being duly sworn, hereby deposed says:

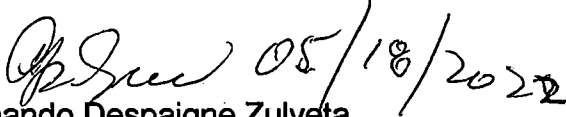
1. That I am over of 18 years old of age;
2. That I am the Appellant in this case.
3. That everything state in his motion and true and correct to the best of his

Acknowledgment.

I declare that to the best of my acknowledgment and beliefs, the information here is true,

correct, and complete.

On this day the 18th day of May, 2022.


Armando Despaigne Zulveta

P.O. Box 30361 Winston-Salem, NC 27130

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SC Court of Appeals

Armando Despaigne Zulveta, Appellant, vs. Park National Bank, Respondent.

CERTIFICATE OF SERVICE.

This is to certify that a copy of MEMORANDUM OF LAW IN SUPPORT OF APPELLANT MOTION FOR STAY OF PROCEEDINGS PENDING THE PRODUCTION OF TRANSCRIPT, DOCKETING STATEMENT, 60(b) MOTION, AND ANY ALL RELEVANTS INITIAL LEGAL DOCUMENTS PERTAINING TO THIS CIVIL ACTION to Park National Bank's attorney Donna Faye of Johnson Smith, Hibbard & Wildman at: 200 North Church St., Suite 4 (29306) P.O. Box Drawer 5587 Spartanburg, SC 29304.

On this day the 18th of May, 2022.


Armando Despaigne Zulveta

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South Carolina Court of Appeals
Clerk of Court - Civil
1200 SENATE ST.
Columbia, SC 29201

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