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May 31 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Jennifer McCoy, Circuit Court Judge

Appellate Case No. 2021-001183

Joe Clemons, ...Appellant,

v.

Peggy H. Pinnell Agency, Inc., Peggy H. Pinnell Insurance Agency Inc., State Farm Life Insurance Company, (jointly and severally liable), ...Respondents.

APPELLANT'S REPONSE TO

MOTION TO DISMISS AND IN THE ALTERNATIVE REQUEST FOR APPELLANT TO AMEND THE RECORD ON APPEAL

By: Joe Clemons, Pro Se
Joe Clemons, Appellant
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Respondents, Peggy H. Pinnell Insurance Agency Inc. and State Farm Life Insurance Company, file this Motion to Dismiss, or in the alternative request the Appellate Court to require Appellant, Joe Clemons, to file an Amended Record on Appeal that complies with the Appellate Court Rules. Respondents further move to dismiss the appeal on the grounds that neither Appellant's Record on Appeal nor his Briefs set forth any error of law by the lower court.

APPELLANT REPONSE

The Appellant, Joe Clemons did file an Amended Record on Appeal that was compliant with the Appellant Court Rules, it was reflected in my Initial and Reply Brief which reveal that I was denied an opportunity to present exhibits at trial, also my Record on Appeal and my Briefs shows clearly that errors were made by the Lower Courts. Mr. Norris (Respondent) is complaining about a possible technicality of me following procedures, when I have complained on several occasions about him committing violations of court laws and rules of law of this state and procedures and him falsifying documents and committing perjury, that I have been complaining to the Court of Appeal on File along with file Motion concerning his violations.

Respectfully submitted,

By: s/Joe Clemons
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Appellant, Pro Se

May 28, 2022

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Joe Clemons, ...Appellant,

v.

Peggy H. Pinnell Agency, Inc., Peggy H. Pinnell Insurance Agency Inc., State Farm Life Insurance Company, (jointly and severally liable), ...Respondents.

APPELLANT REPONSE TO

MEMORANDUM IN SUPPORT OF RESPONDENTS' MOTION TO DISMISS AND IN THE ALTERNATIVE REQUEST FOR APPELLANT TO AMEND THE RECORD ON APPEAL

By: s/Joe Clemons
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May 28, 2022

FACTUAL BACKGROUND

Joe Clemons ("Clemons") filed this action on February 15, 2019, against his insurance company State Farm Life Insurance Company, along with Peggy H. Pinnell Agency, Inc., and Peggy H. Pinnell Insurance Agency, Inc.[2] (generally and collectively herein "Defendants") for Breach of Contract, Breach of Fiduciary Duty, Negligence, Negligent Misrepresentation, Fraud, Constructive Fraud, Civil Conspiracy, and violation of the UTPA. *See generally*, (Pl.'s Compl.) Defendants timely filed an Answer on March 20, 2019. *See generally*, (Def.'s Ans.)

On January 11, 2021, Judge Roger Young denied Clemons' motion to amend the complaint. (Jan. 11, 2021 Trans. p. 11, line 1-15.) **Appellant Response 1-** On January 11, Judge Young granted two Motions for the plaintiff concerning the extension of the deposition period and granted me the right to amend the complaint to add Home Telecom (my land-line provider), who has deleted calls that would validated the truth of the calls that was made to State Farm, these calls would have proven the truth and the facts of the case. Judge Young on January 11, 2021 granted me also the right to add Home Telecom to the complaint as co-conspirators, which the Respondent (Mr. Norris) has been fighting consistently to keep me from obtaining the audio recording. (**The End of Response 1).** April 16, 2021, Clemons filed a motion to obtain audio of the January 11, 2021 hearing with Judge Young, which was denied by Judge Bentley Price. (Pl.'s Mot. Obtain Audio of Jan. 11, 2021 Hearing.) **Appellant Response 2** - On June 4, 2021 had a Hearing with Judge Price requesting to listen to the audio recording of January 11 and November 2020, which Judge Price, did not follow state rules according to South Carolina Court Reporter Manuel when there is a complaint and question about the accuracy of the transcript. I complained to the Disciplinary of Judges to Mr.

John Nicholas office concerning Judge Price handling and overlooking the State Rules and procedures that was listed in the Court Reporter Manuel page 19 Part B. I complaint to the Court of Administration concerning the accuracy of these transcripts that Mr. Norris is referring to, the transcripts of November 30, 2020, and January 11, 2021, that Mr. Norris is constantly referring to the transcripts and fighting for me not to listen to the audio recording of those transcripts and my questions is for the court is Why the Respondent Mr. Norris is so against me listening to them. **(The End of Response 2)** trial by jury was held on August 23 and 24, 2021. (Trial Trans. p. 1, line 12, p. 231, line 12.) After Clemons rested his case in chief, without testifying, Defendants moved for a directed verdict, which Judge Jennifer McCoy granted on all causes of action. (Trial Trans. p. 330, lines 20-3.) Clemons' filed a notice of appeal on October 18, 2021. **Appellant Response 3 -** Judge McCoy at trial on August 23 and 24, 2021, had No Grounds to grant a Directed Verdict because the defendant and her lawyer they both were caught lying, making false statements, falsifying paperwork and misleading the court with false statements which is perjury and should be punished by state law, which I (Appellant) is requesting because I believe this Court believes in Egalitarianism. I have also rejected and protested that the transcript from the trial was altered to better accommodate the Respondent outcome of the trial. I requested and paid for a transcript, that came to me in two parts from pages 1 to 230 the first part and the second part came with pages 231 to 336, the first part was signed by the Court Reporter and second part was not signed, so because of that it should not be Certified and it should not be Accepted, because of this error I have complained to the Court of Appeal and the Court of Administration and nothing has been done or said to correct this mistake. **(End of Response 3).**

ARGUMENT

I. Clemons' Appeal Should be Dismissed Because Clemons Failed to Set Forth Any Error of Law by the Lower Court in His Briefs.

The Court of Appeal has found, "(1) an appellant may not use the reply brief to argue issues not argued in his brief in chief; and (2) an issue is deemed abandoned on appeal and, therefore, not presented for review, if it is argued in a short, conclusory statement without supporting authority." *Fields v. Melrose Ltd.*, 312 S.C. 102, 106, 439 S.E.2d 283, 285 n.3 (Ct. App. 1993). An appellate brief must set forth an issue and then discuss it with citations to authority or the issue is not preserved for appeal. *Parker v. Shecut*, 340 S.C. 460, 483, 531 S.E.2d 546, 558 (Ct. App. 2000); *see also Shapemasters Golf Course v. Shapemaster, Inc.*, 360 S.C. 473, 480, 602 S.E.2d 83, 87 n.4 (Ct. App. 2004) (When a party fails to provide arguments or supporting authority for his assertion, the party is deemed to have abandoned the issue).

It is unclear from Clemons' Initial Brief what errors of law were committed by the trial court. **Appellant Response 4 -** I have in my initial brief where I pointed out that the trial judge had No Grounds or Law to support a Directed Verdict. I spelled it out again in my Reply Brief on page 13 and explained with detailed Facts of how the Respondent and her Lawyer (Mr. Norris), Ms. Pinnell was caught committing Perjury and Mr. Norris was also caught Falsifying and Misrepresenting Documents and Exhibits. In my Reply Brief I stated Authorities and Law on page 13 and I could not Refer to the Trial Transcript because it had been Concocted and Altered to fit and work for the Respondent goal of having this case Dismissed. According to state laws a Direct Evidence and Circumstantial Evidence does not need any supporting authorities, we have Direct Testimony from depositions, hearing also at trial my wife, Ms. Pinnell (Respondent) and I the (Appellant) gave direct evidence also the respondent only witness Ms. Pinnell Lied under Oath, "the crime of giving statements or intentionally misleading testimony is called perjury and can carry some serious penalties." I have been complaining,

requesting and demanding that criminal actions be taken concerning these crimes to the Lower Courts and the Appellant Court, but nothing have been done, it looks like they are playing the "default game." **(End of Response 4).** Both issues Clemons raised in his initial brief are only supported by a one sentence conclusory statement. Clemons has failed to demonstrate how it was error for the court to deny him the right to have the jury evaluate the evidence presented and render a verdict,"**(Appellant Response 5)** In my Initial Brief I stated several times that the judge did not allowed me (the Appellant) to present my evidence and exhibits. In my Reply Brief I stated all of this again and presented Mr. Norris's (Respondent) motion "Defendants' Omnibus Motion in Limie", filed 8-19-2021 in Berkeley County Common Pleas Case #2019CP0800424, which this motion was also presented at trial before my opening statement to limit me from presenting and talking about anything other than who signed the documents that was in question, which I state in my reply brief. **(End of Response 5)**

or how "it was error… to proceed to trial without conducting a thorough review of the transcript audio upon his request." Clemons' initial brief and his reply brief cite no law that would demonstrate the trial court made an error of law, nor does Clemons provide any evidence that would demonstrate an error of law. Thus, Clemons' issues should be deemed abandoned on appeal and not present for review.**(Appellant Response 6)** The Appellant could not even mention anything concerning the audio recording because of Mr. Norris's (Respondent) motion "Omnibus Motion in Limie" that keep me from even talking anything about 11/30/2020 and 1/11/21 hearings, which I referred to and stated in my reply brief. The trial judge was in error in the way and when a directed verdict should and can be use. According to SC rule 50, as I refer to this very thing in my reply brief. The respondent is, just looking for ways to keep the appellate court from performing a thorough review of the evidence and facts that has been presented in this case. (**End of Response 6)**

Accordingly, Clemons' Appeal should be dismissed because he has failed to set forth any error of law by the lower court.

II. Clemons' Appeal Should be Dismissed Because the Record on Appeal Does Not Set Forth Sufficient Facts for The Appellate Court to Determine if an Error was Committed by the Trial Court.

The appellant has the burden of providing the Appellate Court with a sufficient record upon which the Court can make its decision. *Germain v. Nichol*, 278 S.C. 508, 509, 299 S.E.2d 335, 335 (1983). The Appellate Court is confined to the appellate record in reviewing a judgment for error. *Cartee v. Lesley*, 286 S.C. 249, 255, 333 S.E.2d 341, 345 (Ct. App. 1985); *see also* Rule 210(h) ("[T]he appellate court will not consider any facts which does not appear in the Record on Appeal."). The appellant must include all that is necessary to enable the Appellant Court to decide whether the ruling complained of was erroneous. *Smith v. South Carolina Dept. of Soc. Serv.*, 284 S.C. 469, 471, 327 S.E.2d 348, 349 (1985).

The court must not "[]grope in the dark[] in order to identify errors which in actuality may not exist. Such a predicament has often been deplored by our State's highest court and used by the tribunal as a basis for the dismissal of the appeal." *Id*; *see also Hamilton v. Greyhound Lines East*, 281 S.C. 442, 444, 316 S.E.2d 368, 369 (1984) (Appellant failed to present a sufficient record for the court to make an intelligent review. There was simply nothing before the court for the court to conclude the trial court should be reversed and the appeal was dismissed).

Without a transcript of the trial, an appellant is unable to carry his burden of establishing on appeal any claim the lower court's findings were erroneous. **(Appellant Response 7)** I the appellant, have been stating, complaining, begging, and requesting, for the appellate court to review the audio recording or uncut ASCII disc and I was asking the very same thing to the court of administration to get or allow me to have access to transcript of the trial of 8/23 & 24 /2021, and hearing of 11/30/2020, 1/11/2021 because the transcript has been altered, concocted, and designed for my defeat and demise in this case. This is why Mr. Norris have been and continuedly magnifying the need and the important of the transcript that the appellate court need

and must review in order to make an intelligent and informed decision. This is what you would call self-serving and controlling the outcome of a case that is going through a appellate court. I have been continuedly protesting about the transcript being altered and fabricated. I been stating that Mr. Norris (Respondent) have been falsifying paper works and altering transcript and ruling of judges from the beginning of this case since October of 2019, and it is a **fact** that these things occurred. In this case, we have had about 14 depositions, hearings, a trial, and 12 out of 14 transcripts had been altered, the only two that was not altered was because I told Mr. Norris (Respondent) that I was recording those two depositions, that was the reason they are accurate. I have complained about this to the governor's office, state senators, representatives, to my congressman (Mr. Clyburn), the disciplinary council of lawyers, the court of administration, the appellate court, the supreme court, the lower courts, and it seems like everyone is closing their eyes to my complaint and will not look into this situation. So, the point that Mr. Norris (Respondent) is pressing about the importance of the court of appeals to have a transcript of the trial because he knows it was not the accurate transcript that was recorded at trial, the hearing and deposition. I am again asking, requesting, begging the court of appeals to review the audio recording of the trial of 8/23 and 8/24 of 2021 so they can truly make a intelligent and informed decision concerning the true and facts of this case. **(End of Response 7)** *Cox v. Frierson*, 311 S.C. 528, 529, 429 S.E.2d 866, 867 n.1 (Ct. App. 1993). In *Pawley's Island Civic Association v. Johnson*, the issue on appeal involved a motion for directed verdict and the court found it was not improper to include all of the trial testimony. 292 S.C. 208, 210, 355 S.E.2d 541, 542 (Ct. App. 1986). The appellant cannot claim error in the ruling for a directed verdict motion where no such motion is in

the Record on Appeal. *Williams v. Moore*, 400 S.C. 90, 105, 733 S.E.2d 224, 231-32 (Ct. App. 2012).

Moreover, where a record only contains a form order by the circuit court and does not state the reason the court granted the motion and the record does not contain the proceedings in the circuit court, the court must assume the regularity of the proceeding below and the correctness of the ruling appealed from. *Vespazianni v. McAlister*, 307 S.C. 411, 412-13, 415 S.E.2d 427, 428 (Ct. App. 1992).

Clemons failed to meet his burden of providing the Appellate Court with a sufficient Record on Appeal upon which the Court may make its decision. Clemons failed to include all that is necessary to enable the Appellate Court to decide whether the ruling he complains of were erroneous. The only matters properly included in the Record on Appeal are the Complaint, the Answer, Clemons' April 16, 2021 Motion to obtain audio of the July 11, 2021 hearing, and Clemons' February 16, 2021 Motion for Relief from Judgment. Therefore, there is simply nothing before the Court to conclude the trial court committed an error of law.

As stated above the Court has found it proper to include the entire trial transcript when appealing a motion for a directed verdict. Clemons failed to include any portions of the transcript from the trial. Without the trial transcripts the Appellate Court is unable to determine if the lower court's grant of the Defendants' directed verdict motion was proper. Clemons has attempted to include in the Record on Appeal Judge McCoy's Form Order Granting the Defendants' Motion for a Directed Verdict. However, as argued below, Clemons did not include this order in his Designation of Matter. Even if Clemons would have included Judge McCoy's order in his designation of matter to be included in the Record on Appeal, the Form order does not specify Judge McCoy's reasoning for granting the Defendants Motion for a Directed Verdict and,

therefore, the trial transcript would be necessary to determine if Judge McCoy committed any errors in granting the Defendants' directed verdict.

Clemons also attempt to include Judge Price's orders denying Clemons' request to review the audio recording of the January 11, 2021 hearing with Judge Young. However, Clemons again did not include this order in his Designation of Matter. Even if he did, Judge Price's orders too are form orders which do not detail his reasoning for the denial. Without the transcripts from the June 14, 2021 hearing, the Appellate Court is unable to determine if Judge Price erred in denying Clemons' motion to review the audio recording.

Accordingly, Clemons' appeal should be dismissed because the Record on Appeal does not set forth sufficient facts for the Appellate Court to determine if an error was committed by the trial court.

III. Clemons' Appeal Should be Dismissed for His Failure to Comply with the South Carolina Appellate Court Rules.

Rule 260, SCACR states, "Whenever it appears an appellant or a petitioner has failed to comply with the requirements of these rules, the clerk *shall* issue an order of dismissal. . ." (emphasis added). The Appellate Court rules are not mere technicalities but provide the parties and the Court with an orderly mechanism through which to guide appeals in this State. *Henning v. Kaye*, 307 S.C. 436, 437-38, 415 S.E.2d 794, 794 (1992). The Supreme Court has found it would be completely justified to dismiss an appeal based on numerous violations of the rules. *Id.* The Respondents request the Appellate Court dismiss Clemons' appeal for the violations described below.

A. Violations of the Appellate Court Rules within Clemons' Initial Brief

i. Failure to include a Standard of Review in violation of Rule 208(b)(1)(D), SCACR.

Pursuant to SCACR 208(b)(1)(D), the appellant must provide a Standard of Review section which cites to relevant case law establishing the standard. Clemons' initial brief does not provide a Standard of Review section for any of the issues he attempts to raise on appeal.

ii. Failure to distinctively identify the issues to be addressed and discuss the issues he is attempting to raise in violation of Rule 208(b)(1)(E), SCACR.

An appellant's brief is required to be divided into as many parts as there are issues and each part shall be set forth in a distinctive type. Rule 208(b)(1)(E), SCACR. Further, the appellant is required to provide discussion of the issues with citations of authority. *Id.*

Clemons failed to divide his argument section into parts for each issue and set forth each part in distinctive type. Clemons also failed to provided discussion of the cited authority and its applicability to the facts of this case. In fact, Clemons does not reference any facts of the case in his argument section.

iii. Failure to reference to the Record on Appeal in the Statement of the Facts in violation of Rule 208(b)(1)(E), SCACR.

A party may include a separate statement of facts with reference to the record on appeal. Rule 208(b)(1)(E), SCACR. Clemons chose to prepare a separate statement of facts section in his initial brief and failed to cite to the any documents of record from the lower court. Moreover, the only documents included properly in the Record on Appeal are the Complaint, the Answer, Clemons' April 16, 2021 Motion to obtain audio of the July 11, 2021 hearing, and Clemons' February 16, 2021 Motion for Relief from Judgment which will not support the facts asserted by Clemons in his statement of the facts section of his briefs.

B. Violations of the Appellate Court Rules within Clemons' Record on Appeal

i. Failure to include Defendants' designations and part of his designation in violation of Rule 210(c), SCACR.

SCACR 209 establishes requirements for the designation of matter to be included in the record on appeal. Parties shall set forth in their designation matters with specificity and may include parts of the transcript, pleadings, orders, exhibits, or other materials which they propose to include in the record on appeal. *Id.* "The Record on Appeal shall include all matter designated to be included by any party." Rule 210(c), SCACR. A party must certify the Record on Appeal contains all materials proposed to be included by any of the parties and not any other material. Rule 210(g), SCACR.

Here, the Record on Appeal submitted by Clemons does not include any matters included in Defendants' Designation of Matter or multiple items listed in his Designation of Matter. In fact, the only things from Clemons' Designation included in the Record on Appeal are the Complaint, the Answer, Clemons' April 16, 2021 Motion to obtain audio of the July 11, 2021 hearing, and Clemons' February 16, 2021 Motion for Relief from Judgment. Clemons does mention Defendants' Exhibits 3, 4, 5, and 6 in his Designation of Matter, however, he fails to do so with specificity. It is unclear which of Defendants' Exhibits from which phase of the proceedings Clemons is attempting to include in the Record on Appeal. There are approximately thirty-five documents included in the Record on Appeal not included in either parties' designation. Without the documents identified in the parties designations included in the Record on Appeal, the Respondents cannot include citations to the Record on Appeal for documents they have used to support their argument in their final brief.

ii. Including matter that were not presented to the lower court in violation of Rule 210(c), SCACR.

Pursuant to SCACR 210(c), "The Record shall not [] include matter which was not presented to the lower court."

The following documents within the Record on Appeal were not presented to the lower court:

1) Testimony from Joe Clemons' deposition, Peggy Pinnell's deposition, and Shelia Clemons' deposition;
2) Part (D) – Term Conversion Form;
3) What appears to be communications between Clemons and a court reporter;
4) A letter to the Court of Appeals from Clemons;
5) A Revised Life Insurance Illustration;
6) A State Farm Life Insurance Company Amendment of Application form;
7) A single page from a document opposing Defendants' Motion for Summary Judgment; and
8) A letter to Peggy H. Pinnell from attorney Stefanie L. Huffer of Cobb, Dill, & Hammett, LLC;

iii. Failure to properly identify testimony included in the Record on Appeal in violation of Rule 210(c), SCACR.

Pursuant to Rule 210(c), "Where witness testimony is included in the Record on Appeal, the first page of each witness's direct, cross, redirect and recross examination must show the name of the witness, the phase of examination and the name of the counsel conducting the examination." SCACR.

The testimony included in the Record on Appeal does not include the first page of each witness's direct, cross, redirect and recross examination and does not state the phase of examination and the name of the counsel conducting the examination. Based off the dates on the

transcripts included by Clemons, Respondents can determine the testimony transcripts included in the Record on Appeal are from depositions. The deposition testimony from Clemons also two dates of testimony which are not identified in the Record pursuant the Appellate Court Rules. Further, as stated above, these transcripts were not presented to the trial court.

iv. Including material in the Record of Appeal that is not relevant to the appeal in violation of Rule 209(b), SCACR.

The Appellate Court Rules state, "A party shall not include any matter in his designation which is not relevant to the appeal." Rule 209(b), SCACR.

Even if Clemons would have properly included in his designation the documents included in the Record on Appeal, the following matters are not relevant to the appeal:

1) March 10, 2020 Motion to Compel Discovery;
2) June 2, 2020 Amended Scheduling Order;
3) June 26, 2020 Form Order denying Defendants' Motion to Determine Sufficiency of Plaintiff's Responses to Defendants' Request for Admissions;
4) July 23, 2020 Order to be Relieved as Counsel;
5) December 1, 2020 and January 29, 2021 Orders denying Plaintiff's request to appoint counsel;
6) August 19, 2021 Defendants' Omnibus Motion in Limine;
7) August 21, 2021 Plaintiff Response to Defendants' Omnibus Motion in Limine;
8) August 10, 2021 Defendants' Motion for Bifurcation; as well as
9) All documents listed above that were not presented to the trial court.

Accordingly, because of Clemons' failure the abide by the Appellate Court Rules, Clemons' appeal should be dismissed pursuant to Rule 260, SCACR.

IV. In the Event Clemons' Appeal is Not Dismissed, Clemons Should be Required to File an Amended Record on Appeal That Complies with the Appellate Court Rules.

For the reasons stated above, Clemons' Record on Appeal and his initial brief are fundamentally defective, and Defendants cannot properly prepare a final brief without corrections to the Record on Appeal. Clemons did file a motion with the Court requesting to amend the Record on Appeal on May 13, 2022. With the motion Clemons filed an Amended Record on Appeal adding and removing multiple irrelevant documents, adding his April 16, 2021 Motion to obtain audio of the July 11, 2021 hearing, adding his February 16, 2021 Motion for Relief from Judgment, and adding page numbers. The deficiencies described within this memorandum remain uncured.

Therefore, if the Court is not inclined to dismiss the appeal, Defendants ask the Court to require Clemons to file an Amended Record on Appeal compliant with the Appellate Court Rules. **(Appellant Response 8)** I the appellant**,** didn't reply to all the respondent self-opinion and self-serving conclusory, which is the lawyering game that Mr. Norris is playing because he have been caught violating, breaking court rules and laws, ethical obligation, as a officer of the court but most of all, the respondent, Mr. Norris is relying on his influence and reputation because he knows he don't have any proof or truth in order to win this case, so he is relying on his skill to maneuver the justice system and his influence to get him by this appellate court, just like he did in the lower court. I won my case in the lower courts. I even ran into two of the jurors at a function. I spoke with one and after we talked, he kept saying he saw me somewhere. After a few minutes, he realized that he was a juror on my trial. A jury trial case. He told me that they was already deciding to vote in my behalf because I proved my point. But the judge came and dismissed the jurors. I spoke to two of the jurors after the trial months later, but the fact is still the same. I won the lower courts. I run at the lower level of the court, but Mr. Norris has a great influence. Not facts, not proof, but influence. And I am hoping that the appellate court rules

according to the facts, proof, and truth that presented. I put in a motion for Mr. Norris to be reprimanded or dealt with because of his violation of court rules and laws that he was caught at misrepresenting facts and exhibit and truth. Nothing has ever been done or even said about my motion. Mr. Norris put in this motion of dismissal, but it was responded and accepted and now I'm in this situation of dealing with it. My motion that I have submitted twice that deals with the misconduct of the lawyer and his client is being overlooked or being ignored. Can this court please address my concern? Thank you and I hope the Lord bless and move in the right direction.

CONCLUSION

For the foregoing reasons, Respondents respectfully requests this Court dismiss Clemons' Appeal, or in the alternative order Clemons to file an amended Record on Appeal that complies with the Appellate Court Rules**. (Appellant's Conclusion)** With all the facts, proof, and evidence that I have presented to this court, in spite of the fact that I am not a lawyer and couldn't find one with consistent integrity that would utilize the proof that could have won this case **easily.** So, I'm only asking this court for an oral testimony before the court and respondent to defend and present all the evidence that I have to prove that I have already won my case in lower court. "I know the Heart of the King is in the hand of THE LORD, and He can turn it anyway He chooses".

Respectfully submitted,

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PROOF OF SERVICE

I certify that I have served the **APPELLANT'S RESPONSE TO MOTION TO DISMISS AND IN THE ALTERNATIVE REQUEST FOR APPELLANT TO AMEND THE RECORD ON APPEAL** on Respondent by electronic service on May 31, 2022, as reflected on email attached hereto and as referenced below:

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