

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
THE NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

CASE NOS: 2022-BIO-00100401

PLAINTIFF

2021-GS-10-02599

V

ARREST WARRANT 2021-GS-10-02599

ALAN G. NIX

DEFENDANT

EMERGENCY MOTION FOR BOND
HEARING AND RESCIND BENCH
WARRANT

RECEIVED

AUG 22 2022

BACKGROUND

SC Court of Appeals

(BRIEF VERSION DUE TO HAVING TO HANDWRITE AND
LACK OF COPIER DUE TO STILL BEING INCARCERATED)

- ① ON 3 JUNE 2022, JUDGE HOCKER ISSUED BENCH WARRANT 2022-BIO-00100401 CITING DEFENDANT'S FAILURE TO APPEAR IN PERSON AT THE CHARLESTON COUNTY COURTHOUSE FOR A FIVE MINUTE HEARING THAT THE CHARLESTON COUNTY SOLICITOR HAD REQUESTED IN A MOTION FILED 18 MARCH 2022.
- ② THE CHARLESTON COUNTY CLERK OF COURT, JULIE ARMSTRONG, SIGNED A BENCH WARRANT / FAILURE TO APPEAR DATED 3 JUN 2022 STATING THAT THE HONORABLE JUDGE W. H. SIGHS JR. HAD ORDERED A BENCH WARRANT BE ISSUED FOR 2021-GS-10-02599.
- ③ THE CHARLESTON COUNTY SOLICITOR'S 18 MAR 2022 MOTION REQUESTED AN ORDER BE ISSUED REQUIRING DEFENDANT ALAN NIX TO APPEAR

AT A YET TO BE SCHEDULED CONTEMPT HEARING RELATED TO JUDGE COCHRAN'S 7 JUN 2022 ORDER REQUIRING DEFENDANT TO UNDERGO AN EVALUATION TO DETERMINE COMPETENCY TO STAND TRIAL AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, WITH THE S.C. DEPARTMENT OF MENTAL HEALTH.

(4) ON 8 JUNE 2022, DEFENDANT SENT A MOTION TO THE CHARLESTON COUNTY CLERK OF COURT, JUDGE JEFFERSON AND NUMEROUS OTHER PARTIES REQUESTING THE BENCH WARRANT BE QUASHED AND THE PARTIES INVOLVED IN THE PROCUREMENT OF THE BENCH WARRANT BE SANCTIONED.

(5) ON 14 JUNE 2022 BENJAMIN MACK EMAILED DEFENDANT A COPY OF THE BENCH WARRANT SIGNED BY JULIE ARMSTRONG ON 3 JUN 2022 AND ORDER SIGNED BY JUDGE HOCKER ON THE SAME DAY.

(6) ON OR ABOUT 22 JUNE 2022, THE CHARLESTON COUNTY SHERIFF WARRANTS DIVISION SENT THE BENCH WARRANT TO THE U.S. MARSHALL SERVICE FUGITIVE TASK FORCE TO HAVE DEFENDANT ARRESTED FOR HIS FAILURE TO APPEAR IN PERSON AT THE FIVE MINUTE HEARING OF 3 JUN 2022.

(7) ON 25 JUNE 2022 DEFENDANT FINALLY RECEIVED A PARTIAL TRANSCRIPT OF THE 3 JUN 2022 HEARING FROM COURT REPORTER JOYCE RUEGER. LATER THE SAME DAY, DEFENDANT REPLIED TO MS. RUEGER'S EMAIL WITH A LIST OF QUESTIONS ABOUT THE PARTIAL TRANSCRIPT AND THEN FOLLOWED UP ON THE TRANSCRIPT ISSUES AROUND 1615 ON 27 JUN 2022.

(8) ON THE MORNING OF 28 JUN 2022 AT APPROXIMATELY 0910, THE U.S. MARSHAL FUGITIVE TASK FORCE ARRESTED DEFENDANT AT A CAMPGROUND IN OCONEE COUNTY AND TRANSPORTED DEFENDANT TO THE OCONEE COUNTY DETENTION CENTER.

(9) AT APPROXIMATELY 0928 ON 28 JUN 2022, THE CHARLESTON COUNTY SHERIFF FAXED A CONFIRMATION TO THE OCONEE COUNTY DETENTION CENTER STATING THAT THEY INTENDED TO EXTRADITE DEFENDANT BACK TO CHARLESTON COUNTY ON BENCH WARRANT 2022-B10-00100401,

(10) AT APPROXIMATELY 1530 ON 29 JUN 2022, THE CHARLESTON COUNTY DETENTION CENTER TRANSPORT VAN OPERATED BY T. LANE SHACKLED DEFENDANT'S WRISTS TO HIS WAIST WITH A CHAIN AND SHACKLED HIS ANKLES TOGETHER WITH A CHAIN AND COMMENCED A FOUR PLUS HOUR NONSTOP TRIP TO THE CHARLESTON COUNTY DETENTION CENTER, ARRIVING SOMETIME BETWEEN 2000 AND 2020. DEFENDANT WAS SUBSEQUENTLY BOOKED INTO THE CHARLESTON COUNTY DETENTION CENTER THE SAME EVENING.

(11) ON 2 AUG 2022 AT APPROXIMATELY 1340, A FEMALE INVESTIGATOR WITH THE CHARLESTON COUNTY SOLICITOR SERVED INDICTMENT 2021-GS-10-02599 ON ALAN NIX WHILE HE WAS STILL INCARCERATED AT THE CHARLESTON COUNTY DETENTION CENTER ON BENCH WARRANT 2022-B10-00100401. THE EMPLOYEE OF THE CHARLESTON COUNTY SOLICITOR STATED THE RELATED BOND HEARING WOULD BE HELD THE NEXT DAY, 3 AUG 2022.

(12) AT 1353 ON 2 AUG 2022, ALAN NIX WAS FINGER PRINTED AT THE CHARLESTON COUNTY DETENTION CENTER RELATED TO HIS ARREST LESS THAN FIFTEEN MINUTES EARLIER ON CASE 2021-GS-10-02599.

(13) BENCH WARRANT 2022-B10-00100401 DATED 3 JUN 2022, WHICH THE U.S. MARSHALL FUGITIVE TASK FORCE ARRESTED ALAN NIX ON ON 28 JUN 2022 IS FOR CASE 2021-GS-10-02599, THE CASE HE WAS ARRESTED ON BY THE CHARLESTON COUNTY SOLICITOR INVESTIGATOR ON 2 AUG 2022.

(14) AS OF THE DATE OF THIS MOTION, DEFENDANT HAS NOT BEEN BEFORE A JUDGE IN THE LAST 35 DAYS ON BENCH WARRANT 2022-B10-00100401 NOR HAS THE BAIL HEARING THE CHARLESTON COUNTY SOLICITOR INVESTIGATOR STATED WOULD BE HELD ON 3 AUG 2022 BEEN HELD.

ARGUMENT

- BAIL HEARING FOR 2021-GS-10-02599

IT IS DEFENDANT'S UNDERSTANDING THAT A BAIL HEARING SHOULD OCCUR WITHIN 24 HOURS OF BEING ARRESTED IN ALL BUT THE MOST SERIOUS AND UNIQUE CIRCUMSTANCES. TWENTY FOUR HOURS FROM 1353 ON 2 AUG 2022 IS OBVIOUSLY 1353 ON 3 AUG 2022. GIVEN NO SUCH SPECIAL CIRCUMSTANCES WERE MENTIONED BY MS. WILSON'S INVESTIGATOR ON AUG 2, 2022, IT SEEMS CLEAR THAT LIMIT HAS BEEN BREACHED BY MORE THAN FOUR DAYS AT THIS POINT.

ASSUMING SOME DESPERATE PARTY DECIDES TO AGREE THAT BENCH WARRANT 2022-BIO-00100401 IS SUCH AN EXCEPTION, THEN A THOROUGH LEGAL EXPLANATION IS REQUIRED JUSTIFYING HOW THIS BENCH WARRANT CAME INTO EXISTENCE TO BEGIN WITH AND WHETHER IT IS A LEGALLY ENFORCEABLE WARRANT.

- BENCH WARRANT 2022-BIO-00100401

- ① GIVEN THE FACTS OF THIS CASE, IT IS LIKELY BENCH WARRANT 2022-BIO-00100401 IS NOT LEGALLY VALID.
- ② DEFENDANT SENT REQUEST ON 18 MAY 2022 MAKING THE CASE WAY HEARING SCHEDULED FOR FIVE MINUTES ON 3 JUN 2022 WAS A CLEAR WASTE OF THE COURT'S AND DEFENDANT'S TIME AND EXPENSE. THE DEFENDANT REQUESTED THE HEARING BE CANCELLED AND A PROPOSED ORDER BE PREPARED COMPELLING DEFENDANT TO BE REQUIRED TO APPEAR AT THE STILL UNSCHEDULED CONTENT HEARING.
- ③ DEFENDANT WAS NEVER NOTIFIED BY ANYONE THAT IT WAS POSSIBLE TO JOIN THE HEARING VIA VIDEO CONFERENCE. IT WAS NOT UNTIL THE AFTERNOON OF 25 JUN 2022 WHILE REVIEWING THE PARTIAL TRANSCRIPT RECEIVED THAT MORNING VIA EMAIL FROM MS. RUEGER THAT DEFENDANT BECAME AWARE OF THIS OPTION TO ATTEND.

DEFENDANT DOES NOT BELIEVE THIS WAS AN INNOCENT OVERSIGHT BUT RATHER ANOTHER IMPROPER ATTEMPT TO GET DEFENDANT TO VIOLATE JUDGE HASELBY'S 26 JAN 2021 BAIL FORM II ORDER, AMONG AT LEAST ONE OTHER IMPROPER GOAL.

- (4) THE CHARLESTON COUNTY SOLICITOR IMPROPERLY REQUESTED A BENCH WARRANT FOR A FAILURE TO APPEAR AT A CLEARLY UNNECESSARY MOTION HEARING RATHER THAN JUST GETTING THE ORDER REQUESTED IN THEIR 17 MAR 2022 MOTION. THIS ACTION RAISES EVEN MORE ETHICAL AND LEGAL QUESTIONS ABOUT THEIR MOTIVES IN SCHEDULING A CLEARLY UNNECESSARY IN PERSON FIVE FIVE MINUTE HEARING AND THEN PERSISTING IN THAT PURSUIT WHEN OFFERED A SIGNIFICANTLY MORE NORMAL AND LESS COSTLY METHOD.
- (5) IT IS LIKELY THAT THE NOTICE OF HEARING WAS FAULTY AND NOT LEGALLY ENFORCEABLE.

FOR ALL OF THE ABOVE REASONS BENCH WARRANT: 2022-B10-00100401 SHOULD HAVE NEVER BEEN ISSUED AND SHOULD HAVE ALREADY BEEN SET ASIDE. LIKEWISE, THE ORIGINAL BAIL HEARING FOR 2021-65-10-02599 SHOULD HAVE OCCURRED NO LATER THAN THE END OF LAST WEEK. THIS MOTION REQUESTS THAT BOTH OF THESE ISSUES BE RESOLVED BY 1400 ON 11 AUG 2022 AND THAT ANY NECESSARY HEARINGS BE HELD PRIOR TO THAT DATE AND TIME.

7 AUG 2022

Alan Nix

ALAN NIX

843-991-4470

RECEIVED

4116 22 2022

SC Court of Appeals

17 Aug 2022

ALAN NIX
1401 DENSMORE CIR.
MT. PLEASANT, SC 29466

STILL LOCKED UP AT THE SHERIFF AL CANNON DETENTION
CENTER

MS. JENNY ABBOTT-KITCHINGS

CLERK OF COURT, SC COURT OF APPEALS

1220 SENATE ST.

COLUMBIA, SC 29201

RE: APPELLATE CASE 2022-00940, ATTACHMENT FOR 17 AUG 2022 MOTION
TO SEVER AND REMIND

MS. ABBOTT-KITCHINGS,

PLEASE FIND ENCLOSED FIVE PAGE EMERGENCY MOTION REFORWARDED IN THE
COMPANION ENVELOPE. PLEASE MAKE SURE THEY ARE FILED TOGETHER AND TIMELY
RULED ON.

BEST REGARDS,

Alan Nix

ALAN NIX

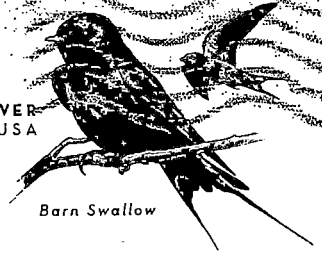
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Nix 1600756
1401 DENSMORE CIR.
MT. PLEASANT, SC 29466

CHARLESTON SC 294

20 AUG 2022 PM 1 L

FOREVER
USA



Barn Swallow

SC COURT OF APPEALS
ATTN: CLERK OF COURT
1220 SENATE ST.
COLUMBIA, SC 29201

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