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SOUTH CAROLINA COURT OF APPEALS

AUG 22 2022

SC Court of Appeals

THE HONORABLE W. H. STEALS JR.

THE HONORABLE _____ HOCKER

THE HONORABLE JULIE ARMSTRONG

APPELLATE CASE No. : 2022-00940

MOTION TO SEVER ARREST WARRANT 2021-GS-10-02599,
BENCH WARRANT 2022-1310-00100401 AND CASE
2021-GS-10-02599 FROM APPEAL 2022-00940 AND
REMAND NEW APPEAL TO CHARLESTON COUNTY TO ALLOW
JUDGE JEFFERSON TO RULE ON 7 AUG 2022 MOTION

* FIVE PAGE MOTION DATED 7 AUG WHICH IS ENCLOSED
AND ENTITLED "EMERGENCY MOTION FOR BOND HEARING
AND RESCIND BENCH WARRANT" IS INCORPORATED BY
REFERENCE.

BACKGROUND (BRIEF VERSION)

APPELLANT NIX MAILED THE NOTICE OF APPEAL ON 30 JUNE 2022 WHICH
RESULTED IN APPEAL 2022-00940 BEING CREATED. ON OR ABOUT 11 JULY 2022,
THE COURT OF APPEALS NOTED THE APPEAL WAS DEFICIENT IN THREE AREAS;
① THE CHARLESTON COUNTY CLERK OF COURT HAD NOT BEEN NOTIFIED OF
THE APPEAL ② THE DATE THE APPELLANT HAD RECEIVED WRITTEN NOTICE
OF THE ORDERS HAD BEEN OMITTED, ③ THE ORDERS BEING APPEALED
WERE NOT INCLUDED. ON OR ABOUT 19 JULY 2022, THE COURT OF APPEALS

RAISED THE ISSUE OF "HYBRID REPRESENTATION" AND BENJAMIN MACK OF THE CHARLESTON COUNTY PUBLIC DEFENDER CORPORATION. UPON APPELLANT'S RECEIPT OF THE 19 JULY 2022 LETTER, APPELLANT IMMEDIATELY RESPONDED TO THE COURT OF APPEALS WITH A LETTER DATED 22 JULY 2022 THAT, AMONG OTHER THINGS, EXPLAINED THAT BENJAMIN MACK WAS LISTED AS COUNSEL OF RECORD FOR ARREST WARRANT 2021-A10-10200475 AND BENCH WARRANT 2022-B10-00100400 BUT WAS NOT THE ATTORNEY FOR 2021-GS-10-02599 NOR BENCH WARRANT 2022-B10-00100401. AMONG THE NUMEROUS ISSUES WITH BENCH WARRANT 2022-B10-00100401 WAS THE FACT THAT APPELLANT NIX HAD NEVER BEEN ARRESTED FOR 2021-GS-10-02599; HOPEFULLY A VERY UNIQUE SITUATION.

AT THE SAME TIME AS THE 2022 JULY 2022 ^{LETTER} WAS MAILED, OR AS QUICKLY AS POSSIBLE THEREAFTER, APPELLANT ARRANGED TO CURE THE DEFICIENCIES. TO THE BEST OF HIS KNOWLEDGE, ALL THREE DEFICIENCIES WERE CURED BETWEEN THE DATES OF 25 JULY 2022 AND 6 AUG 2022. ADDITIONALLY, MS RUEGER'S PARTIAL TRANSCRIPT WAS SENT ABOUT 8 AUG 2022.

ON 2 AUG 2022, A FEMALE INVESTIGATOR THAT WORKS FOR CHARLESTON COUNTY ~~DEPT~~ SOLICITOR SCARLETT WILSON ARRESTED APPELLANT NIX AT THE CHARLESTON COUNTY DETENTION CENTER ON ARREST WARRANT 2021-GS-10-02599. ON 9 AUG 2022, THE COURT OF APPEALS SENT A LETTER TO BENJAMIN MACK STATING THAT THE THREE DEFICIENCIES CITED IN THE 19 JULY 2022 LETTER HAD STILL NOT BEEN RESOLVED. ON 10 AUG 2022 WHEN MACK WAS QUESTIONED ABOUT THE STATUS OF THE APPEAL, HE STATED "AS FAR AS I'M CONCERNED, IT DOESN'T EXIST".

ARGUMENT

BASED ON BENJAMIN MACK'S ACTIONS AND STATEMENTS IN THE LAST MONTH PLUS,

AS WELL AS HIS CLEARLY INTENTIONAL INACTION, IT IS OBVIOUS THAT HE INTENDS TO ALLOW APPEAL 2022-00940 TO BE DISMISSED BY FAILING TO REMEDY THE THREE DEFICIENCIES NOTED IN JULY. MR. MACK'S CONDUCT IN THESE MATTERS IS NOT VERY SURPRISING GIVEN HIS AND HIS MANAGER'S INVOLVEMENT IN THE CHAIN OF EVENTS WHICH LED TO THE IMPROPER ISSUE OF THESE ORDERS APPEALED AND ONGOING INCARCERATION OF APPELLANT ON THE SAME. BY SEVERING ARREST WARRANT 2021-GS-10-02599 AND BENCH WARRANT ~~2022-009~~ 2022-BIO-00100401 FROM APPEAL 2022-00940, MR. MACK, HIS MANAGER AND HIS EMPLOYER CAN OBTAIN THE DISMISSAL OF APPEAL 2022-00940 THEY OBVIOUSLY WISH TO PROCURE.

LIKELIKE, UNLESS THE COURT OF APPEALS CAN PROVIDE SUFFICIENT EVIDENCE THAT MR. MACK IS THE ATTORNEY OF RECORD FOR 2021-GS-10-02599/ BENCH WARRANT 2022-BIO-00100401, THEN THESE CASES SHOULD BE SEVERED FROM 2022-00940 AND ASSIGNED A DIFFERENT CASE NUMBER SO THAT THE NUMEROUS ISSUES WITH THESE CASES CAN BE PROPERLY ADDRESSED AND PRECEDENT SETTLED FOR FUTURE REFERENCE.

LASTLY, IN REFERENCE TO THE ATTACHED EMERGENCY MOTION DATED 7 AUG 2022, APPELLANT REQUESTS THE COURT OF APPEALS TO REMAND THE NEW APPELLATE CASE ASSIGNED TO 2021-GS-10-02599/2022-BIO-00100401 BACK TO THE COUNTY OF CHARLESTON SO THAT CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES JEFFERSON CAN PROPERLY AND QUICKLY RESOLVE THE NUMEROUS AND OBVIOUS ISSUES WITH THESE CASES.

APPELLANT REQUESTS THE COURT OF APPEALS TO:

- ① SEVER BENCH WARRANT 2022-BIO-00100401 AND 2021-GS-10-02599 FROM APPEAL 2022-00940 AND ASSIGN THEM A NEW APPEAL NUMBER.
- ② REMAND THE NEW APPEAL BACK TO CHARLESTON COUNTY, WITH LEAVE TO RESTATE, SO THAT JUDGE JEFFERSON CAN RULE ON THE EMERGENCY MOTION

DATED 7 AUG. 2022. ANY UNRESOLVED ISSUES FROM JUDGE JEFFERSON'S RULING
WILL BECOME THE ISSUES ON APPEAL.

- (3) PROVIDE COPIES OF ALL EVIDENCE THE COURT OF APPEALS HAS RELIED ON
TO ALLEGE THAT BENJAMIN MACK IS, OR EVER HAS BEEN, COUNSEL OF
RECORD FOR BENCH WARRANT 2022-B10-00100401 AND/OR
2021-GS-10-02599. DEPENDING ON THE DOCUMENTS PRODUCED RELATIVE
TO THIS CLAIM, ANOTHER MOTION MAY BE FILED RELATIVE TO MACK AND
THE NEW APPEAL.
- (4) FILE THE DOCUMENTS RECEIVED TO DATE ADDRESSING THE THREE
DEFICIENCIES WITH THE NEW APPEAL NUMBER.

17 AUG 2022

Alan Nix

ALAN NIX

843-991-4170

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SC Court of Appeals

CERTIFICATE OF SERVICE

APPELLATE CASE No.: 2022-00940

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE MOTION TO SEVERE AND
REMAND WAS SERVED ON THE FOLLOWING PARTIES VIA USPS ON, OR AS
CLOSE TO AS POSSIBLE TO, 17 AUGUST 2022.

ALAN WILSON
SC ATTORNEY GENERAL
1000 ASSEMBLY ST.
COLUMBIA, SC 29201

NICHOLAS URICCHIO
CHARLESTON COUNTY SOLICITOR OFFICE
101 MEETING ST.
CHARLESTON, SC 29401

BENJAMIN MACK
CHARLESTON COUNTY PUBLIC DEFENDER CORP.
101 MEETING ST.
CHARLESTON, SC 29401

JUDGE JEFFERSON
100 BROAD ST.
CHARLESTON, SC 29401

17 AUG 2022

Alan Nix
ALAN NIX
843-991-4770

17 Aug 2022

ALAN NIX

1401 NENSMIRE CIR

Mt. Pleasant, SC 29466

STILL INCARCERATED AT THE SHERIFF AL CANON

DETENTION CENTER - DAY 50

JENNY ABBOTT - KITCHINGS

CLERK OF COURT, SC COURT OF APPEALS

1220 SENATE ST.

COLUMBIA, SC 29201

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RE: APPEAL 2022-00940

Ms. ABBOTT - KITCHINGS,

PLEASE FIND ENCLOSED A MOTION IN CASE 2022-00940 TO SEVER THE TWO CASES AND BENCH WARRANTS AND REMOVE THE ONES ASSOCIATED WITH 2021-65-10-02599 AND 2022-B10-00100401 TO CHARLESTON COUNTY ASAP.

SINCE I CANNOT PUT EXTRA POSTAGE ON PRISON ENVELOPES, THE FIVE PAGE EMERGENCY MOTION DATED 7 AUG 2022 AND REFERENCED IN THE MOTION HAS TO BE MAILED IN A SEPARATE ENVELOPE. PLEASE COMBINE THE TWO ONCE RECEIVED.

BEST REGARDS,

Alan Nix

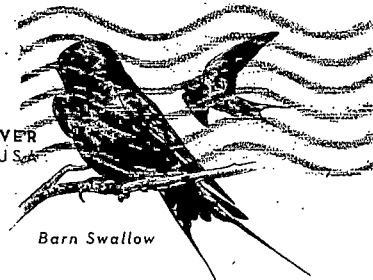
NIX 1600756

1401 DENSMORE CIR

Mt. Pleasant, SC 29466

CHARLESTON SC 294

19 AUG 2022 PM 3 FOREVER
USA



Barn Swallow

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

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SC Court of Appeals

29201-376999

