

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Oct 13 2022

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Robert E. Hood, Circuit Court Judge

Case No. 2021CP3203639

The State,

Respondent,

v.

Johnathan M. Daniels,

Appellant.

Statement of Issues to Be Reviewed On Appeal

This case involves an appeal from guilty pleas; therefore, I am including this statement of issues that can be reviewed upon appeal. Appellant intends to request review of issues raised and ruled upon by the Circuit Court and an important constitutional and jurisdictional issue, which has not been ruled upon.

Issues raised and decided by Lexington County Circuit Court Judge Robert E. Hood on September 22, 2022 include the following:

1. Involuntary Plea- due to inaccurate statement of maximum penalties stated to Appellant by the municipal judge;
2. Unknowingly Given Plea- due to Appellant not being notified by the court of his rights or the waivers that accompanied the pleas, causing prejudice against Appellant;
3. Involuntary Plea- the municipal judge did not (1) review the evidence that the prosecutor would have introduced, (2) did not examine the facts of the case, (3) and did not question Appellant regarding any admission to any fact related to the charges, and as a result, the trial court ended up accepting a guilty plea to unconstitutional charges;
4. Involuntary Plea- the guilty pleas given by Appellant were induced by the judge improperly insisting on, and participating in, plea negotiations between the prosecutor and Appellant, causing prejudice against Appellant;

5. Involuntary Plea- the municipal judge, clerk, and the prosecutor held a non-public, “closed court” session, in a break room “closet” adjacent to the courtroom, where Appellant was misinformed of penalties and intimidated into giving the guilty pleas, causing prejudice against Appellant;
6. Double Jeopardy- the driver’s license and vehicle registration charges should not have been prosecuted due to an estoppel in the nature of a collateral estoppel to prevent “double jeopardy”, which is prohibited by the state and federal constitutions, which caused prejudice against Appellant;
7. Undue Prejudice by the Municipal Court- The municipal judge’s denying the Appellant’s motion to compel discovery responses from the state, causing prejudice against Appellant;
8. Undue Prejudice by the Municipal Court- The municipal court erred or abused discretion by treating Appellant as a sovereign citizen in open court, and the court’s officers treating Appellant as though this was true. This labeling of Appellant has tainted the entirety of this case and resulted in undue prejudice, and deprivations of Appellant’s constitutionally protected rights;

The jurisdictional issue that was NOT raised and decided by Lexington County Circuit Court Judge Robert E. Hood on September 22, 2022 includes the following:

1. The municipal court lacked subject matter jurisdiction for two of the charges. The subject matter jurisdiction of a court is fundamental. "Lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by this Court. It is well-settled that issues related to subject matter jurisdiction may be raised at any time, including for the first time on appeal in this Court." Brown v. State, 343 S.C. 342, 346, 540 S.E.2d 846, 848-49 (2001) (citation omitted). The action of a court, regarding a matter as to which it has no jurisdiction, is void. State v. Funderburk, 259 S.C. 256, 261, 191 S.E.2d 520, 522 (1972). The two unconstitutional-as-enforced regulatory charges against Appellant were constitutionally and/or statutorily barred, or alternatively, the municipal court lacked subject matter jurisdiction to accept guilty pleas or impose any sentence related thereto.

Of critical importance, is the fact that the Legislature intends to have *every* law of the State subject to review under South Carolina Section 1-32, and that no crime or offense shall exist where the law or statute enforced does not comply with the requirements of that section. The regulatory charges, in this case, do not constitute an offense when considered


under the totality of the laws. South Carolina courts have held that the sufficiency of an indictment "must be viewed with a practical eye; all the surrounding circumstances must be weighed before an accurate determination of whether a defendant was or was not prejudiced can be reached." State v. Adams, 277 S.C. 115, 125, 283 S.E.2d 582, 588 (1981), overruled on other grounds by State v. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991). A court must look first to the statutory history, mindful that it is the Legislature, not the court that is responsible for defining a crime under a penal statute. Moreover, courts are bound to construe statutes strictly against the State. See Williams v. State, 306 S.C. 89, 91, 410 S.E.2d 563, 564 (1991) (It is a well-settled rule of statutory construction that penal statutes are strictly construed against the State and in favor of the defendant.).

The record in this case demonstrates that the municipal judge and the prosecutor were repeatedly informed at several hearings before trial and were, in fact, aware that Appellant's lack of regulatory compliance was religiously motivated behavior and that the state did allow exemptions that were less restrictive in each instance. The record further demonstrates that Appellant informed both the municipal judge and the prosecutor of the above circumstances in writing, and verbally at the plea hearing as well, but that they refused to entertain the possibility that the law demanded accommodation of Appellant rather than his prosecution (as outlined at South Carolina 1-32 and within the state and federal constitutions).

As relates to these two regulatory charges, the prosecutor has failed to state a crime, which deprived the court of subject matter jurisdiction. The municipal court could not take any valid action to accept pleas or sentence Appellant for claims that were statutorily and/or constitutionally barred, and an action taken by a court that lacks jurisdiction is a nullity and void. Consider also, that Appellant's guilty pleas were NOT voluntary and were NOT knowingly given.

For the above listed reasons, Appellant prays for review of each issue so eligible under this appeal to the South Carolina Supreme Court.

October 10th, 2022


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