

State of SOUTH CAROLINA,  
Plaintiff

CASE# 2022A3420100091  
D.U.S. Habitual Offender

VS

Eddie Hailey,

MARLBORO COUNTY  
DISTRICT COURT

Accused

**RECEIVED**

OCT 17 2022

SC Court of Appeals

NOTICE OF APPEAL

Notice is hereby given that Eddie Hailey, hereby appeal to the SOUTH CAROLINA Court of Appeals for the 4th circuit for the judgement made on 8/10/2022, (Guilty) D.U.S. Habitual offender.

ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

2022 OCT - 17 A 10: 54

**FILED**

State of SOUTH CAROLINA,

Plaintiff

vs

CASE# 2022A3420100091

MARLBORO COUNTY

DISTRICT COURT

EDDIE HALEY

FILED

2022 SEP 27 A 1:06

ANITA M. WILLIAMS

CLERK OF COURT

MARLBORO COUNTY, S.C.

Defendant

JUDICIAL NOTICE OF  
ADJUDICATED FACTS

**RECEIVED**

OCT 17 2022

SC Court of Appeals

CASE LAW

"The right of the citizen to travel upon the public highways and to transport his property thereon, either by carriage or automobile, is not a mere privilege which a city may prohibit or permit at will, but a common right which he has under the right to life, liberty, and the pursuit of happiness." (Thompson vs Smith) 154 SE 579

"Even the legislature has no power to deny to a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure." (Chicago Coach Co. vs City of Chicago) 337 Ill. 200, 169 N.E., 22, 206

"The claim and exercise of a Constitutional Right cannot be converted into a crime (Miller vs U.S.) 230 F. 486, 489

"There can no sanction or penalty be imposed upon one because of this exercise of a Constitutional Right." (Snerer vs. Cullen) 481 F. 496

"A statute does not trump Constitution." (People vs Ortiz) 32 Cal. App 4th p. 292 fn.2

Person faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of right, may ignore the law and engage with impunity in exercise of such right. (Shuttlesworth vs Birmingham) 394 U.S. 147 (1969)

I, Wayne Howard Stump, do solemnly state that this is an exact and true copy of a letter that I wrote on Dec. 10, 1985 while serving in the State Senate of Arizona.

Signed *[Signature]* on *[Date]* at *[Location]*  
Signed in my presence this 14 day of January 2004.

WAYNE STUMP  
STATE SENATOR  
1100 W. BOWEN ST. LEGISLATURE  
DISTRICT 10  
STATE CAPITOL - SENATE WING  
PHOENIX, ARIZONA 85002  
PHONE: 504-1225-2501



COMMITTEES:  
EDUCATION  
VICE CHAIRMAN  
GOVERNMENT  
HEALTH & WELFARE

Arizona State Senate  
Phoenix, Arizona

December 10, 1985

Ralph Milstead  
Director  
Department of Public Safety  
State of Arizona  
2310 North 20th Avenue  
P.O. Box 6638  
Phoenix, Arizona 85005

Dear Director Milstead:

It has come to my attention that numerous individuals in our state have rescinded all of their contracts with the United States Federal government, the State of Arizona, and each of its political subdivisions, establishing themselves as freemen under the organic national Constitution of the Republic of the United States of America. Consequently, they may be driving without auto registration, driver's license, or any other evidence of contract.

Because many law enforcement personnel may be unaware of the contractual nature of auto registration and driver's licenses, it is conceivable that this situation may lead to confrontation between these individuals and law enforcement personnel.

I urge you to inform yourself and your personnel about this matter as soon as possible. If you would like to be briefed by someone knowledgeable on this subject, please contact me.

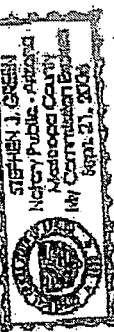
In the meantime, inasmuch as this procedure is entirely appropriate when properly carried out, I would like to be personally notified of every such instance of confrontation in order that the persons involved and the public officials involved may be apprised of the correct procedure and the appropriateness of their actions on the part of each concerned.

My office phone is 255-5261 and I am requesting to be notified of the names and incidents along with addresses and phone numbers of participants of any such confrontations arising from the exercise of a person's freeman status in order to evaluate the outcome of properly rescinded contracts.

Sincerely,

*[Signature]*  
Wayne Stump  
State Senator

WHS:pg



MAR 27 2004  
ARIZONA  
OFFICE OF THE  
CLERK OF THE  
LEGISLATURE  
STATE OF ARIZONA

State of South Carolina

County of \_\_\_\_\_ or \_\_\_\_\_

STATE OF SOUTH CAROLINA

v.

Eddie Hailey

I understand that all conditions of my probation shall remain in full force and effect.

I understand and have been advised that should I fail to attend the court proceedings, I shall be in violation of my probation.

It has been explained to me that if I fail to appear for my criminal charge, a charge will be instituted against me for failure to appear, or while awaiting sentence a charge of non-support of a dependent child, or a fine of not more than \$5000 or imprisonment with a misdemeanor charge for not more than one year, or both.

The defendant shall appear at the court proceedings.

Municipal Court

Place of Trial (\_\_\_\_\_ )

I acknowledge the receipt of a copy of this document and I understand the consequences applicable to me in the event I violate any conditions of my probation.

Address (\_\_\_\_\_ )

City, State, Zip (\_\_\_\_\_ )

Social Security No./Telephone No. (\_\_\_\_\_ )

Signature (\_\_\_\_\_ )

Witness (\_\_\_\_\_ )

Date/Zip (\_\_\_\_\_ )

Not General Session Jurisdiction

State of South Carolina )  
County of )  
STATE OF SOUTH CAROLINA )  
V. )  
Eddie Hailey )

INDICTMENT # \_\_\_\_\_  
WARRANT # 2022 A3420100081

**ACKNOWLEDGEMENT BY DEFENDANT**

I understand that all conditions of the bond dated 5-4-22 remain in full force and effect.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, an additional criminal charge will be instituted against me. If the failure to appear is in connection with a felony charge, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5000 or imprisonment for not more than five years, or both; if I fail to appear in connection with a misdemeanor charge, the penalty is a fine of not more than \$1000 or imprisonment for not more than one year, or both.

The defendant shall appear at:

Municipal Court

\_\_\_\_\_  
(Place of Trial)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Initials of Defendant  
(Time)

I acknowledge the receipt of a copy of this order and understand the conditions of my release and the penalties applicable to me in the event I violate any condition of the order or fail to appear as required.

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Social Security No./Telephone No.)

Victim : \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Reason: Not General Session jurisdiction

\_\_\_\_\_  
(L.S.)  
(Signature of Defendant)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Attorney Representing Accused (If Known)

**AND/OR**

\_\_\_\_\_  
Officer

**AND/OR**

\_\_\_\_\_  
Victim

ARREST WARRANT

2022A3420100091

STATE OF SOUTH CAROLINA

County/  Municipality of  
BENNETTSVILLE

THE STATE  
against

EDDIE HAILEY

Address: ---

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_

Sex: M Race: B Height: 5-5 Weight: 193

DL State: SC DL#: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI#: SC0350100

Prosecuting Agency: CITY OF BENNETTSVILLE

Prosecuting Officer: OFC. T. COX

Offense: DUS HABITUAL OFFENDER

Code/Ordinance Sec. 56-01-1100 Offense Code: 0057

This warrant is CERTIFIED FOR SERVICE in the  
 County/  Municipality of

\_\_\_\_\_ The accused  
is to be arrested and brought before me to be  
dealt with according to law.

\_\_\_\_\_  
Signature of Judge (L.S.)

Date: \_\_\_\_\_  
Date Time

RETURN

A copy of this arrest warrant was delivered to  
defendant EDDIE HAILEY  
on 5-4-22

\_\_\_\_\_  
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:  
MUNICIPAL COURT

254 US 15-401 BYPASS EAST/ PO BOX 1253  
BENNETTSVILLE, SC 29512

STATE OF SOUTH CAROLINA )  
 County/  Municipality of )  
BENNETTSVILLE )

AFFIDAVIT

Personally appeared before me the affiant OFC. T. COX who  
being duly sworn deposes and says that defendant EDDIE HAILEY  
did within this county and state on 05/03/2022 to 05/03/2022 violate the criminal laws of the  
State of South Carolina (or ordinance of  County/  Municipality of BENNETTSVILLE)  
in the following particulars:

DESCRIPTION OF OFFENSE: 56-01-1100 / DUS HABITUAL OFFENDER

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:

AFFIANT HAS EVIDENCE TO PROVE THAT EDDIE HAILEY WAS DRIVING A WHITE BUICK ON COTTINGHAM BLVD WHICH IS LOCATED INSIDE THE  
CITY LIMITS OF BENNETTSVILLE, S.C. ON OR ABOUT 5/3/2022. AFFIANT MADE CONTACT WITH DISPATCH AND WAS ADVISED THAT THE  
DEFENDANT'S DRIVING PRIVILEGES ARE CURRENTLY SUSPENDED. THE DEFENDANT HAS AT LEAST (15) PRIOR CONVICTIONS IN THE PAST  
TEN (10) YEARS FOR DRIVING UNDER SUSPENSION AS EVIDENCED BY HIS SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES DRIVING  
RECORD. THIS BEING IN VIOLATION OF SECTION (56-01-1100) OF THE S.C. CODE OF LAWS, 1976, AS AMENDED.

*6/13/22 Remand*  
*Elizabeth R. Munnely*  
*[Signature]*

Signature of Affiant

STATE OF SOUTH CAROLINA )  
 County/  Municipality of )  
BENNETTSVILLE )

Affiant's Address 254 US HWY 15/401 BYPASS EAST

BENNETTSVILLE SC 29512

Affiant's Telephone (843) 479-3620

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that  
on 05/03/2022 defendant EDDIE HAILEY

did violate the criminal laws of the State of South Carolina (or ordinance of  
 County/  Municipality of BENNETTSVILLE) as set forth below:

DESCRIPTION OF OFFENSE: TRAFFIC / HABITUAL TRAFFIC OFFENDERS, DUS AS PER HABITUAL  
TRAFFIC OFFENDER STATUS

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said  
defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered  
to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me )

on 5-3-22 10:00 pm )

Chastity M. Rummage (S.) )  
CHASTITY RUMMAGE

Judge Code: 8489

Judge's Address 254 US 15/401 BYPASS EAST  
BENNETTSVILLE SC 29512

Judge's Telephone 843-479-1582

Issuing Court:  Magistrate  Municipal  Circuit

Case: 3097-22

ORIGINAL

BAIL PROCEEDING  
FORM II

IN THE MUNICIPAL COURT OF BENNETTSVILLE, S.C.

STATE OF SOUTH CAROLINA  
COUNTY OF

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Eddie Hailey  
v.  
NAME OF DEFENDANT

Offense Charged: Dus Habitual Offender

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: history

[Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

**THEREFORE, IT IS HEREBY ORDERED:**

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

**CASH IN LIEU OF BOND**

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \_\_\_\_\_ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

**CASH PERCENTAGE IN LIEU OF BOND**

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \_\_\_\_\_, his release to be obtained by payment to the court of \_\_\_\_\_ % (not to exceed 10%) of the full amount of the bond, deposits \_\_\_\_\_ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

**APPEARANCE RECOGNIZANCE WITH SURETY**

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$25,000.00

That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on 6-30-22  
at 9:00 o'clock, am, at MARLBORO COUNTY COURTHOUSE, BENNETTSVILLE, S.C.  
and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of MUNICIPAL COURT OF BENNETTSVILLE beginning on \_\_\_\_\_  
at \_\_\_\_\_ o'clock, \_\_\_\_\_ at 254-15-401 BYPASS EAST, BENNETTSVILLE, S.C. 29512  
If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

Chastity M. Rummage  
SIGNATURE OF JUDGE

5-4-22  
DATE

FILED

Eddie Hailey

Name of Defendant

2022A34201 00091 # 8102P083

Warrant/Ticket No.

0760

County/Municipality of Marlboro

Charges: DUS Habitual Offender & operating uninsured Trial Court: General Sessions

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

Directions: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND IS SET BY A JUDGE. Magistrates and municipal judges must also use the Checklist on those offenses, for which bond cannot be set by a summary court judge ("non-bailable"), that are GENERAL SESSIONS OFFENSES IN WHICH THEY ARE CONDUCTING FIRST APPEARANCES. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must initial where indicated, sign, and be provided a completed copy of this form.

[X] BAIL PROCEEDING / [ ] FIRST APPEARANCE BEFORE A MAGISTRATE OR MUNICIPAL JUDGE (OFFENSES THAT ARE NON-BAILABLE BY A SUMMARY COURT JUDGE)

1. Form used at bail proceeding [ ] Bond Form I (personal recognizance) [X] Bond Form II (surety, cash, percentage)

[ ] None (Non-Bailable Offense) because [ ] charge carries penalty of life or death; or [ ] defendant charged with violent offense while bonded out on violent offense

(2) EH (Def. Initials) For cases in which bond was set, defendant was informed:

- [X] a. Warrant for arrest may be issued for violation of any condition of bail bond order.
[X] b. His right and obligation to be present at trial and that trial may proceed in his absence if he fails to attend.
[X] c. Failure to appear in court as required may result in institution of additional criminal charges. S.C. Code Ann. § 17-15-90 (2014). Failure to appear in connection with a felony, or while awaiting sentence after conviction, carries an additional penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, carries an additional penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above may result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.

ANTIA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY

(3) EH (Def. Initials) For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within 10 days.

[X] Orally [X] In writing {NOTE: Defendant must be informed of right both orally and in writing.}

[X] (4) EH (Def. Initials) Defendant was informed of the right to trial by jury.

5. EH (Def. Initials) In all general sessions cases, in all domestic violence cases, and in all magistrate or municipal cases in which the defendant is subject to a prison sentence, defendant was informed of the following:

- a. Charges against defendant and nature of the charges.
- b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
- c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court-appointed counsel if indigent (must meet guidelines set forth in Rule 602(b), SCACR) and instructions on how to obtain court-appointed counsel. In order to apply for court-appointed counsel, defendant is required to appear before \_\_\_\_\_ located at \_\_\_\_\_ for indigency screening. Defendant is responsible for a statutory fee of \$ \_\_\_\_\_ for indigency screening unless that fee is waived or reduced pursuant to §17-3-30(B).

6. \_\_\_\_\_ (Def. Initials) In all domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.

7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

8. Defendant is required to keep court notified of any change of address until final disposition of charge(s).

Appearance or  
Hearing Date: 5-4-22

Charity M Rummage  
Judge's Signature

\_\_\_\_\_  
Defendant's Signature

Defendant refused to sign.

ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

2022 MAY 12 A 9 28

FILED

# AFFIDAVIT OF INDIGENCY: APPLICATION FOR PUBLIC DEFENDER

Name: Eddie Hailey DOB: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

1. How many people (including yourself) live in your household and are dependent on you for their living expenses? 2
2. Are you presently employed? Yes  No   
 What is your **take home pay** per pay period? \$500  
 How often do you receive this check? bi-weekly
3. Do you receive a regular check from the government? Yes  No   
 How much is the check? \_\_\_\_\_  
 How often do you receive this check? \_\_\_\_\_
4. Do you have a savings account or a checking account? Yes  No
5. How much cash do you have in the bank or otherwise? \_\_\_\_\_

## DEFENDANT'S SWORN STATEMENT

I do solemnly swear that all of the information I have given is true to the best of my knowledge. I have not misrepresented my true financial condition. I understand that the State may file a claim against me for the cost of my representation if it is determined that I can afford to hire a private attorney. *I am financially unable to employ counsel and request that counsel be appointed to represent me.*

5-4-22  
 Date

Eddie Hailey  
 Defendant's Signature

| 2022 Poverty Guidelines: Annual Household Income |                   |                |                   |                 |
|--|-------------------|----------------|-------------------|-----------------|
| Persons in household                             | Poverty Guideline | Weekly Net Pay | Bi-Weekly Net Pay | Monthly Net Pay |
| 1  | \$13,590          | \$283          | \$566             | \$1,133         |
| 2  | 18,310            | 382            | 763               | 1,526           |
| 3  | 23,030            | 480            | 960               | 1,919           |
| 4  | 27,750            | 579            | 1,157             | 2,313           |
| 5  | 32,470            | 677            | 1,354             | 2,706           |
| 6  | 37,190            | 775            | 1,550             | 3,099           |
| 7  | 41,910            | 873            | 1,746             | 3,493           |
| 8  | 46,630            | 972            | 1,944             | 3,886           |

APPROVED BY Charity M. Rimmer DATE 5-4-22

Not approved initially but referred to the Public Defender's Office.

2022 MAY 12 A 9:28

FILED

## INFORMATION REGARDING YOUR RIGHTS

You have been charged with a criminal offense and if you are found guilty, you are facing serious consequences which may include payment of a fine, loss of your driver's license, and the possibility of a jail sentence. In addition, you may face increased penalties for later convictions, the loss of your right to possess firearms and/or ammunition, and your immigration status will be affected. You have important constitutional rights, including the right to representation by an attorney, but you may lose these rights or waive them if you do not act to protect these rights.

You have the right to hire an attorney to represent you in every case. If you cannot afford an attorney, you may be eligible for a free attorney. If you want a determination made as to whether you are qualified for a free lawyer, then it is your obligation to be screened at the location identified in Paragraph 5(c) of the Bond Checklist Form that you received after your Bond Hearing. If you do not hire an attorney or go to be screened, then you may be found to have waived your right to an attorney at your trial.

You also have the right to represent yourself. However, you should be aware that self-representation can be dangerous. For example, there may be certain factual or legal defenses to your charge that you are not aware of or legal issues related to the conduct of your trial or guilty plea that an attorney would know how to preserve for an appeal. If you exercise your right to proceed without a lawyer, then you are responsible for complying with all applicable rules of court, including rules of evidence, procedural rules, and proper behavior before the Judge and/or Jury.

If convicted on the charge(s) filed against you and ordered to pay a fine, you may request a reasonable scheduled payment plan to pay the fine.

It is your obligation to keep up with your trial date and to obtain an attorney, either by hiring one or by being screened and found eligible for a court-appointed attorney prior to your trial date. If you do not appear at your trial with your attorney, you may be deemed to have waived your right to have an attorney represent you.

You are required to keep the court notified of any change of address until the completion of the case.

Signature of Defendant

Defendant Refused to Sign

FILED

STATE OF SOUTH CAROLINA )  
COUNTY OF MARLBORO )

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA )

NOTICE OF DATE AND TIME  
OF

-vs-

MANDATORY COURT APPEARANCES

Eddie Hailey

DEFENDANT.

Warrant/Ticket #(s): 2022A3420100091 & 8102POF30760

**\*\*\*\*\*THIS IS THE ONLY NOTICE YOU WILL RECEIVE\*\*\*\*\*  
KEEP COPY FOR YOUR RECORDS**

You are a defendant in a criminal case. You are required to appear on 2 separate occasions at the:

Marlboro County Courthouse.

The dates and times of these appearances **CANNOT** be changed for any reason.

1. Your first, **INITIAL APPEARANCE** is set for the 30<sup>th</sup> day of June, 2022, at 9:00 Am, in the Main Courtroom.
2. Your second, **DOCKET APPEARANCE** is set for the \_\_\_\_\_ day of TBD, 20\_\_\_\_, at \_\_\_\_\_, in the Main Courtroom.

You **MUST** be present at these appearances. If you **FAIL TO APPEAR** on these dates and times, a **BENCH WARRANT** will be issued for your arrest. You will be placed in jail and may be held until the trial of your case. In addition, it may be necessary for you to appear in Court beyond the dates listed above. You will receive notice of dates to appear that are in addition to those listed above.

You **have qualified** for a Public Defender, and the Public Defender is hereby appointed. You must pay \$40 to the Public Defender's Office within 15 days from the date of your release. You should contact your Attorney as soon as possible at the County Public Defender's Office, at 1-877-225-2922. **FAILURE TO PAY THE \$40 MAY RESULT IN YOUR BOND BEING REVOKED.**

You **have not qualified** for a Public Defender. You must have an attorney prior to Initial Appearance.

**I HAVE READ THIS FORM OR HAVE HAD IT READ TO ME. I UNDERSTAND THESE INSTRUCTIONS, AND I HAVE BEEN GIVEN A COPY TO KEEP.**

Eddie Hailey  
Defendant's signature

Shirley M. Rummage  
Judge's signature

Date: 5/4/22

**FILED** Date: 5-4-22

Original - Clerk      Yellow - Solicitor      Pink - Defendant      Gold - Public Defender

State of SOUTH CAROLINA,

Plaintiff

VS

EDDIE HAILLEY,

Accused

Case# 2022 A3420100091

MARLBORO COUNTY

DISTRICT COURT

### MOTION FOR NEW TRIAL

Comes now, Eddie-Dwayne, natural flesh and blood man, reserving all rights exercising the remedy under UCC 1-308 without prejudice, not to be compelled to perform under any contracts, or commercial agreements I have not knowingly, intentionally and voluntarily, in Pro Per moves the court to set aside judgement made on 8-10-2022 by Judge Grover McQueen for the following reasons:

### FACTS

- 1) Case was transferred to magistrate without my consent and without written notice apprising me of my right to have my case heard in general session and the difference in jury size between magistrate/municipal and general session court. SC Code 22-3-545 B(1)
- 2) Specially appeared to magistrate reserving all rights under UCC 1-308 without prejudice, 7-27-22 DATE trial judge did not receive a waiver of rights to have the case tried in general session or inform the accused of the procedure with the jurors and general session, SC code 22-3-545 B(1)
- 3) I challenged jurisdiction: "Once jurisdiction challenged, the court cannot proceed when it clearly appears the court lacks jurisdiction, the court has no authority to reach merits, but should rather dismiss the action." (Melo vs United States), 505 F.2d 1026. Adjudicated fact, standing requires an injury in fact. Was coerced into a continuance: Only options given was, go to bench trial right then and there or a continuance to obtain an attorney. Under duress and threat, I agreed to a continuance.

ANITA M. WILKINS  
 CLERK OF COURT  
 MARLBORO COUNTY, SC  
 2022 AUG 15  
 FILED  
 DATE

State of SOUTH CAROLINA,

Plaintiff

vs

EDDIE HAYLEY,

Accused

Case # 2022 A3420100091

MARLBORO COUNTY  
DISTRICT COURT

### MOTION FOR NEW TRIAL

4) Tried filing motion and affidavit with magistrate court, was told by clerk I couldn't file motions, that I would have to present them when I come to court, which is totally incorrect. I filed in circuit court, was concerned about my appearance, so I asked. I was advised by the clerk to show up "just to notify" them I filed a motion in circuit court. Motion and affidavit in attachments.

5) 14 C.F.R 406.109 Administrative Judges Power and Limitations  
A(7) states: Issues may be settled by consent  
B(1) SC Code 22-3-545: states: the objection, (to consent), may be orally or in writing at any prior time to trial of the case or prior to entering a guilty plea.

2022 AUG 15 4:43  
ANITA M. WHELAN  
CLERK OF COURT  
MARLBORO COUNTY

FILED

On 8-10-2022 Judge Grover McQueen, clearly after me objecting on record and telling him I don't consent, following being intimidated with threat of police, state it was a court order that I sit for the proceedings, after asking was it a demand. He, Judge McQueen, practiced law from the bench, by entering a plea of not guilty, fraudently making judgement. I clearly stated numerous of times I do not consent. objecting to the proceedings, also informing him, Judge McQueen, of 14 C.F.R 406.109 and B(1) SC code 22-3-545, objection can made anytime before trial or entering plea

State of South Carolina,

Plaintiff  
vs

EDDIE HAILEY,

Accused

Case # 2022A3420100091

JUDICIAL NOTICE

MARLBORO COUNTY  
DISTRICT COURT

JUDICIAL NOTICE

Definitions According to Law

Motor vehicle: every description of carriage or contrivance propelled or drawn by mechanical power and used for commercial purposes (29 CFR 18.31)

Driver: is one employed (engaged in commerce) (29 CFR 18.31) (Davis vs. Petrinovich)

License: Permission granted by a qualified Authority permitting a licensee to do something that would otherwise be Prohibited.

a) The permission granted by competent authority to exercise a certain privilege that, without such authorization, would constitute an illegal act, trespass or to

Automobile: Connotes a pleasure vehicle (American Mutual Liability Insurance Co. vs Chapin (Household Good) U.S. vs Bomar, C.A. 5 (Tex.))

The right to travel in personal conveyances is protected by the Supreme Court and the Constitution. As Affirmed by Sharpio vs Thompson Supreme Court Case, and many other precedent case laws.

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State of SOUTH CAROLINA,

Plaintiff

vs

EDDIE HATLEY,

Accused

CASE # 2022A3420100091

MARLBORO COUNTY  
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### ARGUMENT

If ever a judge understood the public's right to use the public roads, it was Justice Tolman of the Supreme Court of the State of Washington. Justice Tolman stated:

*"Complete freedom of the highways is so old and well established a blessing that we have forgotten the days of the Robber Barons and toll roads, and yet, under an act like this, arbitrarily administered, the highways may be completely monopolized, if, through lack of interest, the people submit, then they may look to see the most sacred of their liberties taken from them one by one, by more or less rapid encroachment."*

Robertson vs. Department of Public Works, 180 Wash 133, 147.

The words of Justice Tolman ring most prophetically in the ears of Citizens throughout the country today as the use of the public roads has been monopolized by the very entity which has been empowered to stand guard over our freedoms, i.e., that of state government.

### RIGHTS

The "most sacred of liberties" of which Justice Tolman spoke was personal liberty. The definition of personal liberty is:

*"Personal liberty, or the Right to enjoyment of life and liberty, is one of the fundamental or natural Rights, which has been protected by its inclusion as a guarantee in the various constitutions, which is not derived from, or dependent on, the U.S. Constitution, which may not be submitted to a vote and may not depend on the outcome of an election. It is one of the most sacred and valuable Rights, as sacred as the Right to private property ... and is regarded as inalienable."*

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*"Personal liberty largely consists of the Right of locomotion -- to go where and when one pleases -- only so far restrained as the Rights of others may make it necessary for the welfare of all other citizens. The Right of the Citizen to travel upon the public highways and to transport his property thereon, by horse drawn carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but the common Right which he has under his Right to life, liberty, and the pursuit of happiness. Under this Constitutional guarantee one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's Rights, he will be protected, not only in his person, but in his safe conduct."*

**II Am.Jur. (1st) Constitutional Law, Sect.329, p.1135**

and further ...

*"Personal liberty -- consists of the power of locomotion, of changing situations, of removing one's person to whatever place one's inclination may direct, without imprisonment or restraint unless by due process of law."*

**Bovier's Law Dictionary, 1914 ed., Black's Law Dictionary, 5th ed.;**  
**Blackstone's Commentary 134; Hare, Constitution Pg. 777**

Justice Tolman was concerned about the State prohibiting the Citizen from the "most sacred of his liberties," the Right of movement, the Right of moving one's self from place to place without threat of imprisonment, the Right to use the public roads in the ordinary course of life.

When the State allows the formation of a corporation it may control its creation by establishing guidelines (statutes) for its operation (charters). Corporations who use the roads in the course of business do not use the roads in the ordinary course of life. There is a difference between a corporation and an individual. The United States Supreme Court has stated:

*"...We are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for examination on the suit of the State. The individual may stand upon his Constitutional Rights as a Citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to investigation, so far as it may tend to incriminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life, liberty, and property. His Rights are such as the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his Rights are the refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under warrant of law. He owes nothing to the public so long as he does not trespass upon their rights."*

*"Upon the other hand, the corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that the State, having chartered a corporation to make use of certain franchises, could not in exercise of its sovereignty inquire how those franchises had been employed, and whether they had been abused, and demand the production of corporate books and papers for that purpose."*

**Hale vs. Hinkel, 201 US 43, 74-75**

Corporations engaged in mercantile equity fall under the purview of the State's admiralty jurisdiction, and the public at large must be protected from their activities, as they (the corporations) are engaged in business for profit.

*"...Based upon the fundamental ground that the sovereign state has the plenary control of the streets and highways in the exercise of its police power (see **police power**, *infra.*), may absolutely prohibit the use of the streets as a place for the prosecution of a private business for gain. They all recognize the fundamental distinction between the ordinary Right of the Citizen to use the streets in the usual way and the use of the streets as a place of business or a main instrumentality of business for private gain. The former is a common Right, the latter is an extraordinary use. As to the former, the legislative power is confined to regulation, as to the latter, it is plenary and extends even to absolute prohibition. Since the use of the streets by a common carrier in the prosecution of its business as such is not a right but a mere license of privilege."*

**Hadfield vs. Lundin**, 98 Wash 516

It will be necessary to review early cases and legal authority in order to reach a lawfully correct theory dealing with this Right or "*privilege*." We will attempt to reach a sound conclusion as to what is a "**Right to use the road**" and what is a "**privilege to use the road**". Once reaching this determination, we shall then apply those positions to modern case decision.

*"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."*

**Miranda vs. Arizona**, 384 US 436, 491

and ...

*"The claim and exercise of a constitutional Right cannot be converted into a crime."*

**Miller vs. U.S.** 230 F. 486, 489

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and ...

*"There can be no sanction or penalty imposed upon one because of this exercise of constitutional Rights."*

**Snerer vs. Cullen**, 481 F. 946

Streets and highways are established and maintained for the purpose of travel and transportation by the public. Such travel may be for business or pleasure.

*"The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental Right of which the public and the individual cannot be rightfully deprived."*

**Chicago Motor Coach vs. Chicago**, 169 NE 22;

**Ligare vs. Chicago**, 28 NE 934;

**Boon vs. Clark**, 214 SSW 607;  
**25 Am.Jur. (1st) Highways Sect.163**

and ...

*"The Right of the Citizen to travel upon the public highways and to transport his property thereon, either by horse drawn carriage or by automobile, is not a mere privilege which a city can prohibit or permit at will, but a common Right which he has under the right to life, liberty, and the pursuit of happiness."*

**Thompson vs. Smith**, 154 SE 579

So we can see that a Citizen has a Right to travel upon the public highways by automobile and the Citizen cannot be rightfully deprived of his Liberty. So where does the misconception that the use of the public road is always and only a privilege come from?

*"... For while a Citizen has the Right to travel upon the public highways and to transport his property thereon, that Right does not extend to the use of the highways, either in whole or in part, as a place for private gain. For the latter purpose, no person has a vested right to use the highways of the state, but is a privilege or a license which the legislature may grant or withhold at its discretion."*

**State vs. Johnson**, 243 P. 1073;  
**Cummins vs. Homes**, 155 P. 171;  
**Packard vs. Banton**, 44 S.Ct. 256;  
**Hadfield vs. Lunan**, 98 Wash 516

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Here the court held that a Citizen has the Right to travel upon the public highways, but that he did not have the right to conduct business upon the highways. On this point of law all authorities are unanimous.

*"Heretofore the court has held, and we think correctly, that while a Citizen has the Right to travel upon the public highways and to transport his property thereon, that Right does not extend to the use of the highways, either in whole or in part, as a place of business for private gain."*

**Willis vs. Buck**, 263 P. 1 982;  
**Barney vs. Board of Railroad Commissioners**, 17 P.2d 82

and ...

*"The right of the citizen to travel upon the highway and to transport his property thereon, in the ordinary course of life and business, differs radically and obviously from that of one who makes the highway his place of business for private gain in the running of a stagecoach or omnibus."*

**State vs. City of Spokane**, 186 P. 864

What is this Right of the Citizen which differs so "radically and obviously" from one who uses the highway as a place of business? Who better to enlighten us than Justice Tolman of the Supreme Court of Washington State? In

**State vs. City of Spokane, supra**, the Court also noted a very "*radical and obvious*" difference, but went on to explain just what the difference is:

*"The former is the usual and ordinary right of the Citizen, a common right to all, while the latter is special, unusual, and extraordinary."*

and ...

*"This distinction, elementary and fundamental in character, is recognized by all the authorities."*

**State vs. City of Spokane, supra.**

This position does not hang precariously upon only a few cases, but has been proclaimed by an impressive array of cases ranging from the state courts to the federal courts.

*"the right of the Citizen to travel upon the highway and to transport his property thereon in the ordinary course of life and business, differs radically and obviously from that of one who makes the highway his place of business and uses it for private gain in the running of a stagecoach or omnibus. The former is the usual and ordinary right of the Citizen, a right common to all, while the latter is special, unusual, and extraordinary."*

**Ex Parte Dickey, (Dickey vs. Davis), 85 SE 781**

and ...

*"The right of the Citizen to travel upon the public highways and to transport his property thereon, in the ordinary course of life and business, is a common right which he has under the right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. It includes the right, in so doing, to use the ordinary and usual conveyances of the day, and under the existing modes of travel, includes the right to drive a horse drawn carriage or wagon thereon or to operate an automobile thereon, for the usual and ordinary purpose of life and business."*

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**Thompson vs. Smith, supra.;**  
**Teche Lines vs. Danforth, Miss., 12 S.2d 784**

There is no dissent among various authorities as to this position. (See **Am. Jur. [1st] Const. Law, 329** and corresponding **Am. Jur. [2nd].**)

*"Personal liberty -- or the right to enjoyment of life and liberty -- is one of the fundamental or natural rights, which has been protected by its inclusion as a guarantee in the various constitutions, which is not derived from nor dependent on the U.S. Constitution. ... It is one of the most sacred and valuable rights [remember the words of Justice Tolman, supra.] as sacred as the right to private property ... and is regarded as inalienable."*

**16 C.J.S. Const. Law, Sect.202, Pg. 987**

As we can see, the distinction between a "Right" to use the public roads and a "privilege" to use the public roads is drawn upon the line of "*using the road as a place of business*" and the various state courts have held so. But

what have the U.S. Courts held on this point?

*"First, it is well established law that the highways of the state are public property, and their primary and preferred use is for private purposes, and that their use for purposes of gain is special and extraordinary which, generally at least, the legislature may prohibit or condition as it sees fit."*

**Stephenson vs. Rinford**, 287 US 251;  
**Pachard vs Banton**, 264 US 140, and cases cited;  
**Frost and F. Trucking Co. vs. Railroad Commission**, 271 US 592;  
**Railroad commission vs. Inter-City Forwarding Co.**, 57 SW.2d 290;  
**Parlett Cooperative vs. Tidewater Lines**, 164 A. 313

So what is a privilege to use the roads? By now it should be apparent even to the "learned" that an attempt to use the road as a place of business is a privilege. The distinction must be drawn between ...

1. Travelling upon and transporting one's property upon the public roads, which is our Right; and ...
2. Using the public roads as a place of business or a main instrumentality of business, which is a privilege.

*"[The roads] ... are constructed and maintained at public expense, and no person therefore, can insist that he has, or may acquire, a vested right to their use in carrying on a commercial business."*

**Ex Parte Sterling**, 53 SW.2d 294;  
**Barney vs. Railroad Commissioners**, 17 P.2d 82;  
**Stephenson vs. Binford**, supra.

*"When the public highways are made the place of business the state has a right to regulate their use in the interest of safety and convenience of the public as well as the preservation of the highways"*

**Thompson vs. Smith**, supra.

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*"[The state's] right to regulate such use is based upon the nature of the business and the use of the highways in connection therewith."*

**Ibid.**

*"We know of no inherent right in one to use the highways for commercial purposes. The highways are primarily for the use of the public, and in the interest of the public, the state may prohibit or regulate ... the use of the highways for gain."*

**Robertson vs. Dept. of Public Works**, supra.

There should be considerable authority on a subject as important as this deprivation of the liberty of the individual "using the roads in the ordinary course of life and business." However, it should be noted that extensive research has not turned up one case or authority acknowledging the state's power to convert the individual's right to travel upon the public roads into a "privilege."

Therefore, it is concluded that the Citizen does have a "Right" to travel and transport his property upon the public highways and roads and the exercise of this Right is not a "privilege."

### DEFINITIONS

In order to understand the correct application of the statute in question, we must first define the terms used in connection with this point of law. As will be shown, many terms used today do not, in their legal context, mean what we assume they mean, thus resulting in the misapplication of statutes in the instant case.

### AUTOMOBILE AND MOTOR VEHICLE

There is a clear distinction between an automobile and a motor vehicle. An automobile has been defined as:

*"The word 'automobile' connotes a pleasure vehicle designed for the transportation of persons on highways."*

American Mutual Liability Ins. Co., vs. Chaput, 60 A.2d 118, 120; 95 NH 200

While the distinction is made clear between the two as the courts have stated:

*"A motor vehicle or automobile for hire is a motor vehicle, other than an automobile stage, used for the transportation of persons for which remuneration is received."*

International Motor Transit Co. vs. Seattle, 251 P. 120

*The term 'motor vehicle' is different and broader than the word 'automobile.'"*

City of Dayton vs. DeBrosse, 23 NE.2d 647, 650; 62 Ohio App. 232

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The distinction is made very clear in Title 18 USC 31:

*"Motor vehicle" means every description or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, or passengers and property.*

*"Used for commercial purposes" means the carriage of persons or property for any fare, fee, rate, charge or other considerations, or directly or indirectly in connection with any business, or other undertaking intended for profit.*

Clearly, an automobile is private property in use for private purposes, while a motor vehicle is a machine which may be used upon the highways for trade, commerce, or hire.

### TRAVEL

The term "travel" is a significant term and is defined as:

*"The term 'travel' and 'traveler' are usually construed in their broad and general sense ... so as to include all those who rightfully use the highways viatically (when being reimbursed for expenses) and who have occasion to pass over them for the purpose of business, convenience, or pleasure."*

**25 Am.Jur. (1st) Highways, Sect.427, Pg. 717**

*"Traveler -- One who passes from place to place, whether for pleasure, instruction, business, or health."*

**Locket vs. State, 47 Ala. 45;**  
**Bovier's Law Dictionary, 1914 ed., Pg. 3309**

*"Travel -- To journey or to pass through or over; as a country district, road, etc. To go from one place to another, whether on foot, or horseback, or in any conveyance as a train, an automobile, carriage, ship, or aircraft; Make a journey."*

**Century Dictionary, Pg. 2034**

Therefore, the term "travel" or "traveler" refers to one who uses a conveyance to go from one place to another, and included all those who use the highways as a matter of Right.

Notice that in all these definitions, the phrase "for hire" never occurs. This term "traveler" or "traveler" implies, by definition, one who uses the road as a means to move from one place to another.

Therefore, one who uses the road in the ordinary course of life and business for the purpose of travel and transportation is a traveler.

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**DRIVER**

The term "driver" in contradistinction to "traveler," is defined as:

**"Driver -- One employed in conducting a coach, carriage, wagon, or other vehicle ..."**

**Bovier's Law Dictionary, 1914 ed., Pg. 940**

Notice that this definition includes one who is "employed" in conducting a vehicle. It should be self-evident that this individual could not be "travelling" on a journey, but is using the road as a place of business.

**OPERATOR**

Today we assume that a "traveler" is a "driver," and a "driver" is an "operator." However, this is not the case.

"It will be observed from the language of the ordinance that a distinction is to be drawn between the terms `operator' and `driver'; the `operator' of the service car being the person who is licensed to have the car on the streets in the business of carrying passengers for hire; while the `driver' is the one who actually drives the car. However, in the actual prosecution of business, it was possible for the same person to be both `operator' and `driver.'"

Newbill vs. Union Indemnity Co., 60 SE.2d 658

To further clarify the definition of an "operator" the court observed that this was a vehicle "for hire" and that it was in the business of carrying passengers.

This definition would seem to describe a person who is using the road as a place of business, or in other words, a person engaged in the "privilege" of using the road for gain.

This definition, then, is a further clarification of the distinction mentioned earlier, and therefore:

1. Travelling upon and transporting one's property upon the public roads as a matter of Right meets the definition of a traveler.
2. Using the road as a place of business as a matter of privilege meets the definition of a driver or an operator or both.

### TRAFFIC

Having defined the terms "automobile," "motor vehicle," "traveler," "driver," and "operator," the next term to define is "traffic":

"... Traffic thereon is to some extent destructive, therefore, the prevention of unnecessary duplication of auto transportation service will lengthen the life of the highways or reduce the cost of maintenance, the revenue derived by the state ... will also tend toward the public welfare by producing at the expense of those operating for private gain, some small part of the cost of repairing the wear ..."

Northern Pacific R.R. Co. vs. Schoenfeldt, 213 P. 26

Note: In the above, Justice Tolman expounded upon the key of raising revenue by taxing the "privilege" to use the public roads "at the expense of those operating for gain."

In this case, the word "traffic" is used in conjunction with the unnecessary Auto Transportation Service, or in other words, "vehicles for hire." The word "traffic" is another word which is to be strictly construed to the conducting of business.

"Traffic -- Commerce, trade, sale or exchange of merchandise, bills, money, or the like. The passing of goods and commodities from one person to another for an equivalent in goods or money ..."

Bovier's Law Dictionary, 1914 ed., Pg. 3307

Here again, notice that this definition refers to one "conducting business." No mention is made of one who is travelling in his automobile. This definition is of one who is engaged in the passing of a commodity or goods in

exchange for money, i.e .., vehicles for hire.

Furthermore, the word "traffic" and "travel" must have different meanings which the courts recognize. The difference is recognized in **Ex Parte Dickey**, supra:

*"...in addition to this, cabs, hackney coaches, omnibuses, taxicabs, and hacks, when unnecessarily numerous, interfere with the ordinary traffic and travel and obstruct them."*

The court, by using both terms, signified its recognition of a distinction between the two. But, what was the distinction? We have already defined both terms, but to clear up any doubt:

*"The word 'traffic' is manifestly used here in secondary sense, and has reference to the business of transportation rather than to its primary meaning of interchange of commodities."*

**Allen vs. City of Bellingham**, 163 P. 18

Here the Supreme Court of the State of Washington has defined the word "traffic" (in either its primary or secondary sense) in reference to business, and not to mere travel! So it is clear that the term "traffic" is business related and therefore, it is a "privilege." The net result being that "traffic" is brought under the (police) power of the legislature. The term has no application to one who is not using the roads as a place of business.

**LICENSE**

It seems only proper to define the word "license," as the definition of this word will be extremely important in understanding the statutes as they are properly applied:

*"The permission, by competent authority to do an act which without permission, would be illegal, a trespass, or a tort."*

**People vs. Henderson**, 218 NW.2d 2, 4

*"Leave to do a thing which licensor could prevent."*

**Western Electric Co. vs. Pacent Reproducer Corp.**, 42 F.2d 116, 118

In order for these two definitions to apply in this case, the state would have to take up the position that the exercise of a Constitutional Right to use the public roads in the ordinary course of life and business is illegal, a trespass, or a tort, which the state could then regulate or prevent.

This position, however, would raise magnitudinous Constitutional questions as this position would be diametrically opposed to fundamental Constitutional Law. (See "Conversion of a Right to a Crime," infra.)

In the instant case, the proper definition of a "license" is:

*"a permit, granted by an appropriate governmental body, generally for consideration, to a person, firm, or corporation, to pursue some occupation or to carry on some business which is subject to regulation under the police power."*

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**Rosenblatt vs. California State Board of Pharmacy**, 158 P.2d 199, 203

This definition would fall more in line with the "*privilege*" of carrying on business on the streets.

Most people tend to think that "*licensing*" is imposed by the state for the purpose of raising revenue, yet there may well be more subtle reasons contemplated; for when one seeks permission from someone to do something he invokes the jurisdiction of the "*licensor*" which, in this case, is the state. In essence, the licensee may well be seeking to be regulated by the "*licensor*."

*"A license fee is a charge made primarily for regulation, with the fee to cover costs and expenses of supervision or regulation."*

**State vs. Jackson**, 60 Wisc.2d 700; 211 NW.2d 480, 487

The fee is the price; the regulation or control of the licensee is the real aim of the legislation.

Are these licenses really used to fund legitimate government, or are they nothing more than a subtle introduction of police power into every facet of our lives? Have our "*enforcement agencies*" been diverted from crime prevention, perhaps through no fault of their own, instead now busying themselves as they "*check*" our papers to see that all are properly endorsed by the state?

How much longer will it be before we are forced to get a license for our lawn mowers, or before our wives will need a license for her "*blender*" or "*mixer*?" They all have motors on them and the state can always use the revenue.

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**POLICE POWER**

The confusion of the police power with the power of taxation usually arises in cases where the police power has affixed a penalty to a certain act, or where it requires licenses to be obtained and a certain sum be paid for certain occupations. The power used in the instant case cannot, however, be the power of taxation since an attempt to levy a tax upon a Right would be open to Constitutional objection. (See "*taxing power*," infra.)

Each law relating to the use of police power must ask three questions:

- "1. *Is there threatened danger?*
- "2. *Does a regulation involve a Constitutional Right?*
- "3. *Is this regulation reasonable?*

**People vs. Smith**, 108 Am.St.Rep. 715;  
**Bovier's Law Dictionary, 1914 ed.**, under "*Police Power*"

When applying these three questions to the statute in question, some very important issues emerge.

First, "*is there a threatened danger*" in the individual using his automobile on the public highways, in the ordinary course of life and business?

The answer is **No!** There is nothing inherently dangerous in the use of an automobile when it is carefully managed. Their guidance, speed, and noise are subject to a quick and easy control, under a competent and considerate manager, it is as harmless on the road as a horse and buggy.

It is the manner of managing the automobile, and that alone, which threatens the safety of the public. The ability to stop quickly and to respond quickly to guidance would seem to make the automobile one of the least dangerous conveyances. (See Yale Law Journal, December, 1905.)

*"The automobile is not inherently dangerous."*

**Cohens vs. Meadow**, 89 SE 876;  
**Blair vs. Broadmore**, 93 SE 532

To deprive all persons of the Right to use the road in the ordinary course of life and business, because one might, in the future, become dangerous, would be a deprivation not only of the Right to travel, but also the Right to due process. (See "*Due Process*," infra.)

Next; does the regulation involve a Constitutional Right?

This question has already been addressed and answered in this brief, and need not be reinforced other than to remind this Court that this Citizen does have the Right to travel upon the public highway by automobile in the ordinary course of life and business. It can therefore be concluded that this regulation does involve a Constitutional Right.

The third question is the most important in this case. "*Is this regulation reasonable?*"

The answer is **No!** It will be shown later in "*Regulation*," infra., that this licensing statute is oppressive and could be effectively administered by less oppressive means.

Although the **Fourteenth Amendment** does not interfere with the proper exercise of the police power in accordance with the general principle that the power must be exercised so as not to invade unreasonably the rights guaranteed by the United States Constitution, it is established beyond question that every state power, including the police power, is limited by the **Fourteenth Amendment** (and others) and by the inhibitions there imposed.

Moreover, the ultimate test of the propriety of police power regulations must be found in the **Fourteenth Amendment**, since it operates to limit the field of the police power to the extent of preventing the enforcement of statutes in denial of Rights that the Amendment protects. (See **Parks vs. State**, 64 NE 682.)

*"With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document cannot be overthrown or impaired by any state police authority."*

**Connolly vs. Union Sewer Pipe Co.**, 184 US 540;  
**Lafarier vs. Grand Trunk R.R. Co.**, 24 A. 848;  
**O'Neil vs. Providence Amusement Co.**, 108 A. 887

*"The police power of the state must be exercised in subordination to the provisions of the U.S. Constitution."*

**Bacahanan vs. Wanley**, 245 US 60;  
**Panhandle Eastern Pipeline Co. vs. State Highway Commission**, 294 US 613

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*"It is well settled that the Constitutional Rights protected from invasion by the police power, include Rights safeguarded both by express and implied prohibitions in the Constitutions."*

**Tiche vs. Osborne**, 131 A. 60

*"As a rule, fundamental limitations of regulations under the police power are found in the spirit of the Constitutions, not in the letter, although they are just as efficient as if expressed in the clearest language."*

**Mehlos vs. Milwaukee**, 146 NW 882

As it applies in the instant case, the language of the **Fifth Amendment** is clear:

*"No person shall be ... deprived of Life, Liberty, or Property without due process of law."*

As has been shown, the courts at all levels have firmly established an absolute Right to travel.

In the instant case, the state, by applying commercial statutes to all entities, natural and artificial persons alike, has deprived this free and natural person of the Right of Liberty, without cause and without due process of law.

**DUE PROCESS**

*"The essential elements of due process of law are ... Notice and The Opportunity to defend."*

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ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.  
**Simon vs. Craft**, 182 US 427

Yet, not one individual has been given notice of the loss of his/her Right, let alone before signing the license (contract). Nor was the Citizen given any opportunity to defend against the loss of his/her right to travel, by automobile, on the highways, in the ordinary course of life and business. This amounts to an arbitrary deprivation of Liberty.

*"There should be no arbitrary deprivation of Life or Liberty ..."*

**Barbour vs. Connolly**, 113 US 27, 31;  
**Yick Wo vs. Hopkins**, 118 US 356

and ...

*"The right to travel is part of the Liberty of which a citizen cannot be deprived without due process of law under the Fifth Amendment. This Right was emerging as early as the Magna Carta."*

**Kent vs. Dulles**, 357 US 116 (1958)

The focal point of this question of police power and due process must balance upon the point of making the public highways a safe place for the public to travel. If a man travels in a manner that creates actual damage, an action would lie (*civilly*) for recovery of damages. The state could then also proceed against the individual to deprive him of his Right to use the public highways, for cause. This process would fulfill the due process requirements of the **Fifth Amendment** while at the same time insuring that Rights guaranteed by the U.S. Constitution and the state constitutions would be protected.

But unless or until harm or damage (*a crime*) is committed, there is no cause for interference in the private affairs or actions of a Citizen.

One of the most famous and perhaps the most quoted definitions of due process of law, is that of **Daniel Webster** in his **Dartmouth College Case** (4 Wheat 518), in which he declared that by due process is meant:

*"a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial."*

See also **State vs. Strasburg**, 110 P. 1020;  
**Dennis vs. Moses**, 52 P. 333

Somewhat similar is the statement that is a rule as old as the law that:

*"no one shall be personally bound (restricted) until he has had his day in court,"*

by which is meant, until he has been duly cited to appear and has been afforded an opportunity to be heard. Judgment without such citation and opportunity lacks all the attributes of a judicial determination; it is judicial usurpation and it is oppressive and can never be upheld where it is fairly administered. (12 Am.Jur. [1st] Const. Law, Sect. 573, Pg. 269)

**Note:** This sounds like the process used to deprive one of the "privilege" of operating a motor vehicle "for hire." It should be kept in mind, however, that we are discussing the arbitrary deprivation of the Right to use the road that all citizens have "in common."

The futility of the state's position can be most easily observed in the 1959 Washington Attorney General's opinion on a similar issue:

*"The distinction between the Right of the Citizen to use the public highways for private, rather than commercial purposes is recognized ..."*

and ...

*"Under its power to regulate private uses of our highways, our legislature has required that motor vehicle operators be licensed (I.C. 49-307). Undoubtedly, the primary purpose of this requirement is to insure, as far as possible, that all motor vehicle operators will be competent and qualified, thereby reducing the potential hazard or risk of harm, to which other users of the highways might otherwise be subject. But once having complied with this regulatory provision, by obtaining the required license, a motorist enjoys the privilege of travelling freely upon the highways ..."*

**Washington A.G.O. 59-60 No. 88, Pg. 11**

This alarming opinion appears to be saying that every person using an automobile as a matter of Right, must give up the Right and convert the Right into a privilege. This is accomplished under the guise of regulation. This

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SOUTH CAROLINA  
S.C.

statement is indicative of the insensitivity, even the ignorance, of the government to the limits placed upon governments by and through the several constitutions.

This legal theory may have been able to stand in 1959; however, as of 1966, in the United States Supreme Court decision in Miranda, even this weak defense of the state's actions must fall.

*"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."*

Miranda vs. Arizona, 384 US 436, 491

Thus the legislature does not have the power to abrogate the Citizen's Right to travel upon the public roads, by passing legislation forcing the citizen to waive his Right and convert that Right into a privilege. Furthermore, we have previously established that this "privilege" has been defined as applying only to those who are "conducting business in the streets" or "operating for-hire vehicles."

The legislature has attempted (*by legislative fiat*) to deprive the Citizen of his Right to use the roads in the ordinary course of life and business, without affording the Citizen the safeguard of "due process of law." This has been accomplished under supposed powers of regulation.

### REGULATION

*"In addition to the requirement that regulations governing the use of the highways must not be violative of constitutional guarantees, the prime essentials of such regulation are reasonableness, impartiality, and definiteness or certainty."*

25 Am.Jur. (1st) Highways, Sect. 260

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APPELLATE  
COURT OF  
SOUTH CAROLINA  
MARLBOROUGH

and ...

*"Moreover, a distinction must be observed between the regulation of an activity which may be engaged in as a matter of right and one carried on by government sufferance of permission."*

Davis vs. Massachusetts, 167 US 43;  
Pachard vs. Banton, supra.

One can say for certain that these regulations are impartial since they are being applied to all, even though they are clearly beyond the limits of the legislative powers. However, we must consider whether such regulations are reasonable and non-violative of constitutional guarantees.

First, let us consider the reasonableness of this statute requiring all persons to be licensed (presuming that we are applying this statute to all persons using the public roads). In determining the reasonableness of the statute we need only ask two questions:

1. Does the statute accomplish its stated goal?

The answer is No!

The attempted explanation for this regulation *"to insure the safety of the public by insuring, as much as possible, that all are competent and qualified."*

However, one can keep his license without retesting, from the time he/she is first licensed until the day he/she dies, without regard to the competency of the person, by merely renewing said license before it expires. It is therefore possible to completely skirt the goal of this attempted regulation, thus proving that this regulation does not accomplish its goal.

Furthermore, by testing and licensing, the state gives the appearance of underwriting the competence of the licensees, and could therefore be held liable for failures, accidents, etc. caused by licensees.

## 2. Is the statute reasonable?

The answer is **No!**

This statute cannot be determined to be reasonable since it requires to the Citizen to give up his or her natural Right to travel unrestricted in order to accept the privilege. The purported goal of this statute could be met by much less oppressive regulations, i.e., competency tests and certificates of competency before using an automobile upon the public roads. (This is exactly the situation in the aviation sector.)

But isn't this what we have now?

The answer is **No!** The real purpose of this license is much more insidious. When one signs the license, he/she gives up his/her Constitutional Right to travel in order to accept and exercise a privilege. After signing the license, a quasi-contract, the Citizen has to give the state his/her consent to be prosecuted for constructive crimes and quasi-criminal actions where there is no harm done and no damaged property.

These prosecutions take place without affording the Citizen of their Constitutional Rights and guarantees such as the Right to a trial by jury of twelve persons and the Right to counsel, as well as the normal safeguards such as proof of intent and a corpus delicti and a grand jury indictment. These unconstitutional prosecutions take place because the Citizen is exercising a privilege and has given his/her *"implied consent"* to legislative enactments designed to control interstate commerce, a regulatable enterprise under the police power of the state.

We must now conclude that the Citizen is forced to give up Constitutional guarantees of *"Right"* in order to exercise his state *"privilege"* to travel upon the public highways in the ordinary course of life and business.

## SURRENDER OF RIGHTS

A Citizen cannot be forced to give up his/her Rights in the name of regulation.

*"... the only limitations found restricting the right of the state to condition the use of the public highways as a means of vehicular transportation for compensation are (1) that the state must not exact of those it permits to use the highways for hauling for gain that they surrender any of their inherent U.S. Constitutional Rights as a condition precedent to obtaining permission for such use ..."*

**Riley vs. Laeson**, 142 So. 619;  
**Stephenson vs. Binford**, supra.

If one cannot be placed in a position of being forced to surrender Rights in order to exercise a privilege, how much more must this maxim of law, then, apply when one is simply exercising (putting into use) a Right?

*"To be that statute which would deprive a Citizen of the rights of person or property, without a regular trial, according to the course and usage of the common law, would not be the law of the land."*

**Hoke vs. Henderson**, 15 NC 15

and ...

*"We find it intolerable that one Constitutional Right should have to be surrendered in order to assert another."*

**Simons vs. United States**, 390 US 389

Since the state requires that one give up Rights in order to exercise the privilege of driving, the regulation cannot stand under the police power, due process, or regulation, but must be exposed as a statute which is oppressive and one which has been misapplied to deprive the Citizen of Rights guaranteed by the United States Constitution and the state constitutions.

## TAXING POWER

*"Any claim that this statute is a taxing statute would be immediately open to severe Constitutional objections. If it could be said that the state had the power to tax a Right, this would enable the state to destroy Rights guaranteed by the constitution through the use of oppressive taxation. The question herein is one of the state taxing the Right to travel by the ordinary modes of the day, and whether this is a legislative object of the state taxation."*

*The views advanced herein are neither novel nor unsupported by authority. The question of taxing power of the states has been repeatedly considered by the Supreme Court. The Right of the state to impede or embarrass the Constitutional operation of the U.S. Government or the Rights which the Citizen holds under it, has been uniformly denied."*

**McCulloch vs. Maryland**, 4 Wheat 316

The power to tax is the power to destroy, and if the state is given the power to destroy Rights through taxation, the framers of the Constitution wrote that document in vain.

*"... It may be said that a tax of one dollar for passing through the state cannot sensibly affect any function of government or deprive a Citizen of any valuable Right. But if a state can tax ... a passenger of one dollar, it can tax him a thousand dollars."*

**Crandall vs. Nevada**, 6 Wall 35, 46

and ...

*"If the Right of passing through a state by a Citizen of the United States is one guaranteed by the Constitution, it must be sacred from state taxation."*

**Ibid., Pg. 47**

Therefore, the Right of travel must be kept sacred from all forms of state taxation and if this argument is used by the state as a defense of the enforcement of this statute, then this argument also must fail.

### CONVERSION OF A RIGHT TO A CRIME

As previously demonstrated, the Citizen has the Right to travel and to transport his property upon the public highways in the ordinary course of life and business. However, if one exercises this Right to travel (without first giving up the Right and converting that Right into a privilege) the Citizen is by statute, guilty of a crime. This amounts to converting the exercise of a Constitutional Right into a crime.

Recall the Miller vs. U.S. and Snerer vs. Cullen quotes from Pg. 5, and:

*"The state cannot diminish Rights of the people."*

Hurtado vs. California, 110 US 516

and ...

*"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."*

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CLERK OF COURT  
MIDDLEBURY COUNTY, VT.  
**Miranda**, supra.

Indeed, the very purpose for creating the state under the limitations of the constitution was to protect the rights of the people from intrusion, particularly by the forces of government.

So we can see that any attempt by the legislature to make the act of using the public highways as a matter of Right into a crime, is void upon its face.

Any person who claims his Right to travel upon the highways, and so exercises that Right, cannot be tried for a crime of doing so. And yet, this Freeman stands before this court today to answer charges for the "crime" of exercising his Right to Liberty.

As we have already shown, the term "drive" can only apply to those who are employed in the business of transportation for hire. It has been shown that freedom includes the Citizen's Right to use the public highways in the ordinary course of life and business without license or regulation by the police powers of the state.

### CONCLUSION

It is the duty of the court to recognize the substance of things and not the mere form.

*"The courts are not bound by mere form, nor are they to be misled by mere pretenses. They are at liberty -- indeed they are under a solemn duty -- to look at the substance of things, whenever they enter upon the inquiry whether the legislature has transcended the limits of its authority. If, therefore, a statute purported to have been*

*enacted to protect ... the public safety, has no real or substantial relation to those objects or is a palpable invasion of Rights secured by the fundamental law, it is the duty of the courts to so adjudge, and thereby give effect to the Constitution."*

**Mulger vs. Kansas**, 123 US 623, 661

and ...

*"It is the duty of the courts to be watchful for the Constitutional rights of the citizen and against any stealthy encroachments thereon."*

**Boyd vs. United States**, 116 US 616

The courts are "*duty bound*" to recognize and stop the "*stealthy encroachments*" which have been made upon the Citizen's Right to travel and to use the roads to transport his property in the "*ordinary course of life and business*." (**Hadfield**, supra.)

Further, the court must recognize that the Right to travel is part of the Liberty of which a Citizen cannot be deprived without specific cause and without the "*due process of law*" guaranteed in the **Fifth Amendment**. (**Kent**, supra.)

The history of this "*invasion*" of the Citizen's Right to use the public highways shows clearly that the legislature simply

**Learn the LAW!**  
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ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.  
2022 AUG 15 A 9:45

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State of SOUTH CAROLINA,

Plaintiff

vs

EDDIE HATLEY,

Accused

A CERTIFIED TRUE COPY

CASE# 2022 AB42010091

NOTICE TO  
DISMISS:  
Lack of Subject matter Jurisdiction  
Insufficient Process  
Improper Venue  
Failure to state a claim

Anita M. Williams

CLERK OF COURT  
MARLBORO COUNTY

Introduction

Now comes, Eddie-Dewayne Hailey, natural flesh and blood man, director and beneficiary of my legal "Person" **EDDIE DEWAYNE HATLEY**, by special Appearance, In Pro Per, fully competent without prejudice reserving all rights. Exercising the remedy under UCC 1-308, not to be compelled to perform under any contracts or commercial Agreements I have not knowingly, voluntarily, and intentionally entered when dealing with this court.

REASONS FOR DISMISSAL

1) Lack of Subject Matter Jurisdiction: Adjudicated fact that standing requires an injury in fact. Written complaint must be sworn under penalty and perjury an injury transpired. Article III of the Constitution has 3 requirements to satisfy standing: A plaintiff must show: (1) injury in fact, (2) connection between the injury and the conduct complained of. (3) The injury will likely be redressed by a favorable decision. There is no injured party or violation of anyone's legal rights.

2) Insufficient Process: Violation of SC Code 22-3-545 (B)(1) Selector did not send notice (written) prior to transferring my case to magistrate Approving me of my rights to have my case heard in general sessions court, including the difference in jury size in magistrate/municipal court and general session court. Depriving me of my right to object "AFTER" being notified.

2022 AUG 1  
ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY

FILED

State of SOUTH CAROLINA,  
Plaintiff  
vs  
EDDIE HAILEY,  
Accused

Case# 2022 A3420100091

NOTICE TO  
DISMISS  
Lack of Subject Matter Jurisdiction  
Insufficient Process  
Improper Venue  
Failure to state A Claim

Continued from Page 1

- 2) Insufficient Process: Violation of Administrative and Procedural Rules for Magistrate Rule 6(A) states upon filing of the claim (complaint), the Accused shall receive the summons and copy of the complaint. Never received any complaint, never seen complaint at all.
- 3) Improper Venue: State cannot be the judge and the prosecutor. Supreme Court need to Adjudicate.
- 4) Failure to State A Claim: Alleged conduct does not amount to the violation of A law. No measurable injury has been indicated. No one's rights has been violated.

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ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

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JUDICIAL NOTICE ADJUDICATED FACTS

- The Court has no jurisdiction to determine its own jurisdiction.
- No sanction or penalty can be imposed for exercising A Constitutional Right
- Standing requires an injury in fact.

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Anita M. Williams  
CLERK OF COURT  
MARLBORO COUNTY

State of SOUTH CAROLINA,

Plaintiff

vs

EDDIE HAILEY,

Accused

CASE #

NOTICE TO

DISMISS

Lack of Subject matter Jurisdiction

Insufficient Process

Improper Venue

FAILURE TO STATE A CLAIM

CLOSING

Furthermore, I will defend and seek remedy for "deprivation of rights" and "conspiracy against rights" for any and all rights, privileges, immunities secured by the constitution and laws of SOUTH CAROLINA against any and all guilty parties.

In conclusion, before we proceed any further in this matter, as director and beneficiary of my legal "person" you have 21 days to respond in writing, and provide proof of claim with evidence, that you have lawful and legal authority, if not, we can proceed.

Eddie-Dewayne Hailey  
Director and Beneficiary for EDDIE M. HAILEY

ANDREA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, SOUTH CAROLINA

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Signed by the voluntary act of my own hand, the 8th day of August 2022

A CERTIFIED TRUE COPY

Andrea M. Williams

CLERK OF COURT  
MARLBORO COUNTY

PAGE 3

STATE OF SOUTH CAROLINA,

Plaintiff

VS

EDDIE HAILLEY,

Accused

CASE # 2022AB420100091

AFFIDAVIT OF DENIAL  
TRAVELING IN COMMERCE

I, Eddie-Dewayne; Hailey, natural flesh and blood man, director and beneficiary of my legal "person" EDDIE HAILLEY, by special appearance without prejudice exercising the remedy under UCC 1-308 reserving all rights, not to be compelled to perform under any contracts or commercial agreements I have not knowingly, voluntarily, and intentionally entered, being duly affirmed, deposes and says under penalty and perjury:

I, Eddie-Dewayne, natural flesh and blood man sui juris to testify to the accuracy of this affidavit, do hereby attest to the following:

I, Eddie-Dewayne am not a "Person" AS described in SC CODE ANN. § 33-1-101. I am not a CORPORATION, CREATED FICTION, or FRANCHISE. All government agencies are corporations/fictitious entities, with other artificial persons, and the contracts between them, (Penhallow vs Doane's Administration.)

I, Eddie-Dewayne, natural man do hereby affirm I did not drive a motor vehicle on 05/03/2022.

I, Eddie-Dewayne, natural man do affirm that I was not engaged in Commerce on any public road or highway on 05/03/2022.

I, Eddie-Dewayne do hereby affirm that I did not carry -passengers, goods, or merchandise for hire or compensation in my private automobile, on 05/03/2022.

A CERTIFIED TRUE COPY

Anita M. Williams  
CLERK OF COURT PAGE 1

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8:45  
ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, SC

State of SOUTH CAROLINA,

Plaintiff

vs

EDDIE HAILLEY,

Accused

CASE # 2022A3420100091

AFFIDAVIT OF DENIAL  
TRAVELING IN COMMERCE

Furthermore, I will defend against and utilize the remedy for "Deprivation of Right" and "Conspiracy Against Rights" for any and all rights, privileges, and immunities secured by the constitution and laws of South Carolina against any and all guilty parties.

A CERTIFIED TRUE COPY

Anita M. Williams

CLERK OF COURT  
MARLBORO COUNTY

This document was prepared by: Eddie Dewayne

Eddie Dewayne: Hailley

ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

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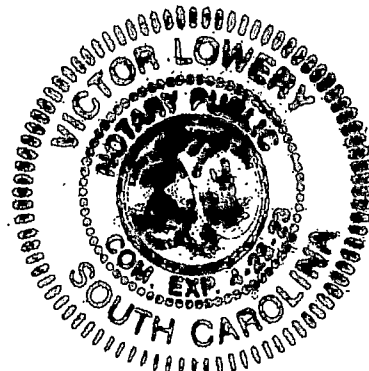
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AFFIRMED to before me a notary public this the 8<sup>th</sup> day of August 2022.

VA

Notary Public - State of SOUTH CAROLINA  
204 Hwy 15/401 E, Bennettsville, SC 29512

Notary Address 04/25/2023



Eddie Hailey

Name of Defendant

2022A3420100091 # 8102PC83

Warrant/Ticket No.

0760

County/Municipality of Marlboro

Charges: DUS Habitual Offender & operating uninsured

Trial Court:

General Sessions

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

Directions: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND IS SET BY A JUDGE. Magistrates and municipal judges must also use the Checklist on those offenses, for which bond cannot be set by a summary court judge ("non-bailable"), that are GENERAL SESSIONS OFFENSES IN WHICH THEY ARE CONDUCTING FIRST APPEARANCES. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. **Defendant must initial where indicated, sign, and be provided a completed copy of this form.**

BAIL PROCEEDING /  FIRST APPEARANCE BEFORE A MAGISTRATE OR MUNICIPAL JUDGE

(OFFENSES THAT ARE NON-BAILABLE BY A SUMMARY COURT JUDGE)

1. Form used at bail proceeding  Bond Form I (personal recognizance)  Bond Form II (surety, cash, percentage)

None (Non-Bailable Offense) because  charge carries penalty of life or death; or  defendant charged with violent offense while bonded out on violent offense

(2) EH (Def. Initials) For cases in which bond was set, defendant was informed:

- a. Warrant for arrest may be issued for violation of any condition of bail bond order.
- b. His right and obligation to be present at trial and that trial may proceed in his absence if he fails to attend.
- c. Failure to appear in court as required may result in institution of additional criminal charges. S.C. Code Ann. § 17-15-90 (2014). Failure to appear in connection with a felony, or while awaiting sentence after conviction, carries an additional penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, carries an additional penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above may result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.

(3) EH (Def. Initials) For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:

Orally  In writing {NOTE: Defendant must be informed of right both orally and in writing.}

(4) EH (Def. Initials) Defendant was informed of the right to trial by jury.

5. EH (Def. Initials) In all general sessions cases, in all domestic violence cases, and in all magistrate or municipal cases in which the defendant is subject to a prison sentence, defendant was informed of the following:

- a. Charges against defendant and nature of the charges.
- b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.
- c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court-appointed counsel if indigent (must meet guidelines set forth in Rule 602(b), SCACR) and instructions on how to obtain court-appointed counsel. In order to apply for court-appointed counsel, defendant is required to appear before \_\_\_\_\_ located at \_\_\_\_\_ for indigency screening. Defendant is responsible for a statutory fee of \$ \_\_\_\_\_ for indigency screening unless that fee is waived or reduced pursuant to §17-3-30(B).

6. \_\_\_\_\_ (Def. Initials) In all domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.

7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.

8. Defendant is required to keep court notified of any change of address until final disposition of charge(s).

Appearance or  
Hearing Date:

5-4-22

Charisty M Rummage

Judge's Signature

\_\_\_\_\_  
Defendant's Signature

Defendant refused to sign.

STATE OF SOUTH CAROLINA  
BENNETTSVILLE COUNTY  
CITY OF BENNETTSVILLE  
254 US 15 BYPASS EAST / PO BOX 1253  
BENNETTSVILLE, SC 29512

Defendant's Name: EDDIE HAILEY  
Defendant's Address: \_\_\_\_\_  
\_\_\_\_\_

**SUMMARY COURT SUMMONS**

STATE VS. EDDIE HAILEY  
CASE # 2022A3420100091  
OFFICER OFFICER TREY ERIC COX - 3550-8232  
AGENCY CITY OF BENNETTSVILLE  
CHARGE DUS HABITUAL OFFENDER

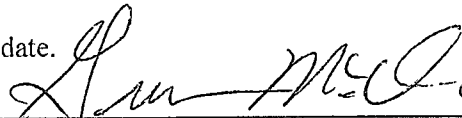
Please be advised that the above-referenced case(s) has been continued from its original trial date and is now scheduled to be heard on 08/10/2022 at 10:00 AM.

You are hereby summoned to appear on the above date in the

CITY OF BENNETTSVILLE Magistrate/Municipal Court  
254 US 15 BYPASS EAST / PO BOX 1253 Address of Court  
BENNETTSVILLE, SC 29512

IF YOU ARE UNABLE TO APPEAR FOR TRIAL ON THIS DATE, YOU MUST CONTACT THE COURT BEFORE THE TRIAL DATE TO RESCHEDULE. IF YOU DO NOT CONTACT THE COURT IN ADVANCE OR DO NOT APPEAR FOR THIS HEARING, YOUR TRIAL CAN BE HELD WITHOUT YOU. IN ADDITION, IF YOU DO NOT CONTACT THE COURT OR APPEAR FOR THIS HEARING YOU MAY BE FOUND TO HAVE WAIVED YOUR RIGHT TO AN ATTORNEY.

Please notify any witnesses you may have of the change in trial date.

  
\_\_\_\_\_  
JUDGE

CITY OF BENNETTSVILLE Magistrate/Municipal Court  
254 US 15 BYPASS EAST / PO BOX 1253 Address of Court  
BENNETTSVILLE, SC 29512  
Phone: (843) 479-1582  
Fax: 843-479-1585

**CITY OF BENNETTSVILLE**  
254 US 15-401 BYPASS EAST/ PO BOX 1253  
BENNETTSVILLE, SC 29512

**DISPOSITION SHEET**

---

**Date Printed:** 08/11/2022

**Case Type:** Arrest Warrant      2022A3420100091

**Case #:** 3097-22

**Name:** EDDIE HAILEY

**Violation:**            56-01-1100 / 0057  
DUS HABITUAL OFFENDER

**Trial Date:** 08/10/2022

**Offense Date:** 05/03/2022

**Disposition:** 2      GUILTY BENCH TRIAL

**Total Fine:** 2500.00      **Total Paid:**

**Sentence:**

State of SOUTH CAROLINA,

Plaintiff

vs

EDDIE HAILLEY,

Accused

Case# 2022 AZ420100091

NOTICE TO  
DISMISS:  
Lack of Subject matter Jurisdiction  
Insufficient Process  
Improper venue  
Failure to state a claim

Introduction

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REASONS FOR DISMISSAL

1) Lack of subject matter Jurisdiction: Adjudicated fact that standing requires an injury in fact. Written complaint must be sworn under penalty and perjury an injury transpired. Article III of the Constitution has 3 requirements to satisfy standing: A plaintiff must show: (1) injury in fact, (2) connection between the injury and the conduct complained of. (3) The injury will likely be redressed by a favorable decision. There is no injured Party or violation of anyones legal rights.

2) Insufficient Process: Violation of SC code 22-3-545 B(1) Solicitor did not send notice (written) prior to transferring my case to magistrate depriving me of my rights to have my case heard in general sessions court, including the difference in jury size in magistrate/municipal court and general session court. Depriving me of my right to object "AFTER" being notified.

ANITA M. HILL  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

2022 AUG 11

FILED

State of SOUTH CAROLINA,

Plaintiff

vs

EDDIE HAILEY,

Accused

Case# 2022 A342 0100091

NOTICE TO

DISMISS

Lack of Subject Matter Jurisdiction

Insufficient Process

Improper Venue

Failure to state A claim

Continued from Page 1

2) Insufficient Process: violation of Administrative and Procedural Rules for Magistrate Rule 6(A) states upon filing of the claim (complaint), the Accused shall receive the summons and copy of the complaint. Never received any complaint, never seen complaint at all.

3) Improper venue: State cannot be the judge and the prosecutor. Supreme Court need to Adjudicate.

1) Failure to State A claim: Alleged conduct does not amount to the violation of A law. No measurable injury has been indicated. No one's Constitutional rights has been violated.

2022 AUG 8 4:55 PM  
ANITA M. WILKINS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

JUDICIAL NOTICE ADJUDICATED FACTS

The Court has no jurisdiction to determine its own jurisdiction.  
No sanction or penalty can be imposed for exercising A Constitutional Right  
Standing requires an injury in fact.

State of SOUTH CAROLINA,

Plaintiff

vs

EDDIE HAILEY,

Accused

Case# 2022 A3420100091

NOTICE TO  
DISMISS  
Lack of Subject matter Jurisdiction  
Insufficient Process  
Improper Venue  
FAILURE TO STATE A CLAIM

CLOSING

Furthermore, I will defend and seek remedy for "deprivation of rights" and "conspiracy against rights" for any and all rights, privileges, immunities secured by the constitution and laws of SOUTH CAROLINA against any and all guilty parties.

In conclusion, before we proceed any further in this matter, as director and beneficiary of my legal "person" you have 21 days to respond in writing and provide proof of claim with evidence, that you have lawful and legal authority to proceed. If not, we can proceed.

Eddie-Dewayne Hailey  
Director and Beneficiary of  
MIRIAM WILLIAMS  
CHERRY STREET  
MARTIN LUTHER KING SOCIETY, S.C.  
2022 AUG 15 8:45 AM  
EDDIE D. HAILEY

Signed by the voluntary act of my own hand, the 8<sup>th</sup> day of August 2022

STATE OF SOUTH CAROLINA,

Plaintiff

VS

EDDIE HAILLEY,

Accused

CASE # 2022AB420100091

AFFIDAVIT OF DENIAL  
TRAVELING IN COMMERCE

I, Eddie-Dewayne Hailey, natural flesh and blood man, director and beneficiary of my legal "person" EDDIE HAILLEY, by special appearance without prejudice exercising the remedy under UCC 1-308 reserving all rights, ~~not~~ to be compelled to perform under any contracts or commercial agreements I have not knowingly, voluntarily, and intentionally entered, being duly affirmed, deposes and says under penalty and perjury:

I, Eddie-Dewayne, natural flesh and blood man sui juris to testify to the accuracy of this affidavit, do hereby attest to the following:

I, Eddie-Dewayne am not a "Person" as described in SC code ~~SECTION 33-1-10~~ CORPORATION, CREATED FICTION, or FRANCHISE. All government agencies are corporations/fictitious entities, with other artificial persons, and the contracts between them, (Penhallow vs Doane's Administration.)

I, Eddie-Dewayne, natural man do hereby affirm I did not drive a motor vehicle on 05/03/2022.

I, Eddie-Dewayne, natural man do affirm that I was not engaged in commerce on any public road or highway on 05/03/2022.

I, Eddie-Dewayne do hereby affirm that I did not carry passengers, goods, or merchandise for hire or compensation in my private automobile on 05/03/2022

FILED  
2022 AUG - 9 - 8:15  
ANITA M. WILLIAMS  
CLERK OF COURT  
MARLBORO, SC

State of SOUTH CAROLINA,

Plaintiff

vs

EDDIE HAILLEY,

Accused

CASE# 2022A342010091

AFFIDAVIT OF DENIAL  
TRAVELING IN COMMERCE

Furthermore, I will defend against and utilize the remedy for "Deprivation of Rights and "Conspiracy Against Rights" for any and all rights, privileges, and immunities secured by the constitution and laws of South Carolina against any and all guilty parties.

This document was prepared by: Eddie Dewayne: Hurlley

Eddie Dewayne: Hurlley

ANITA M. WILKINS  
CLERK OF COURT  
MARLBORO COUNTY, S.C.

2022 AUG - 9 AM 8:45

FILED

AFFIRMED to before me a notary public this the 8<sup>th</sup> day of August 2022.

[Signature]

Notary Public - State of SOUTH CAROLINA

204 Hwy 15/401 E, Bennettsville, SC 29512

Notary Address 04/25/2023



MY COMMISSION EXPIRES

I, Eddie-Dwayne: Hailey, natural flesh; blood man, director; beneficiary  
of my legal "Person" ~~EDDIE~~ HAILEY, by special appearance reserving  
All rights. Not to be compelled to perform under any contracts or  
Commercial Agreements I have not knowingly, voluntarily, and intentionally  
entered, Attest to:

I came by the clerk of court office to file a motion to  
dismiss and Affidavit of denial. My court date is 8/10/2022  
in magistrate, insufficiently processed, and I am motioning to  
dismiss for lack of subject matter jurisdiction

In Pro Per Sui Juris

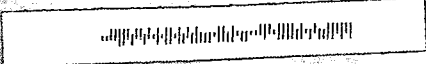
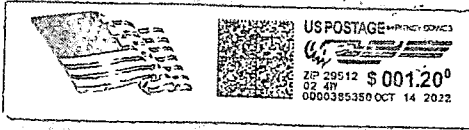
Eddie-Dwayne: Hailey

Director; Beneficiary of

EDDIE HAILEY

8/8/2022

Antia M. Williams  
Clerk of Court, Marlboro County  
Courthouse Square, 105 Main Street  
P.O. Drawer 996  
Clematville, S.C. 29512



Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

**RECEIVED**  
OCT 17 2022  
SC Court of Appeals