

THE STATE OF SOUTH CAROLINA
In the Supreme
Court

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SC Court of Appeals

APPEAL FROM General Sessions and order from
Honorable Diane Schafer Goodstein

Case No. 2023-000409

Jerome Garcia,

Petitioner,

v.

SC Department of Public Safety,

Respondent.

WRIT OF MANDAMUS

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STATEMENT OF ISSUES ON APPEAL

- The original Complaint is devoid of the prerequisite elements of the offense.
- The original Complaint is vague, its conclusory, it's legally insufficient as a matter of law.
- The matter is **CIVIL**, yet handled in **QUASI-CRIMINAL** administrative venue, and is devoid of Subject Matter Jurisdiction.
- The Administrative court lacks Consent from the Alleged Defendant mandated by the Administrative Procedures Act.
- The Judgement lacks a ruling made by a Jury that is mandated by the Article 1 Section 14 of the State Constitution and the 6th amendment of the Bill of Rights.
- The Alleged defendant was arrested, jailed, his private property taken, and suffered "**UNREASONABLE**" emotional stress **PRIOR** to the mandated Due process requirements required by both state and federal constitutions.
- The Lower court has denied a speedy, fair trial, and have unlawfully delayed in attempts to hide the crimes that occurred by SCDPS Deputies, Calhoun County Deputies, and the unlawful actions of the Judge Jeffery Bloom, and Judge Diana Goodstein on appeal. These actions have prejudiced, and defamed the Alleged Defendant, and not only denied Due process, but have denied the Administration of Justice at the highest level of the state, and shall be exposed.

(1) lack of subject-matter jurisdiction; Lack of Subject matter jurisdiction, A threshold concern for all federal courts is the presence, or absence, of constitutional standing. The standing requirement, as governed by Article III of the Constitution, permits federal courts to adjudicate only cases or controversies. A case or controversy must comprise an actual injury that can be redressed. See Lujan v. Defenders of Wildlife at p559. Subject-matter jurisdiction does not exist in the absence of constitutional standing. This restriction prevents courts—whose members are not elected and are therefore not politically accountable—from influencing the law in a legislative capacity. In this sense, the standing doctrine and subject-matter jurisdiction facilitate the separation of powers.

The jurisdiction of a court over the subject matter of a proceeding is fundamental. *Anderson v. Anderson*, 299 S.C. 110, 115, 382 S.E.2d 897, 900 (1989). "Lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by this Court." *Id.* It is well-settled that issues related to subject matter jurisdiction may be raised at any time, including for the first time on appeal in this Court. *Carter v. State*, 329 S.C. 355, 495 S.E.2d 773 (1998); *State v. Funderburk*, 259 S.C. 256, 191 S.E.2d 520 (1972). Furthermore, "[t]he acts of a court with respect to a matter as to which it has no jurisdiction are void." *Funderburk*, 259 S.C. at 261, 191 S.E.2d at 522.

While it is true that both this Court and the PCR court have addressed subject matter jurisdiction arguments related to the code sections in the indictments, neither this Court nor the PCR court has addressed the precise challenge now at issue. Since subject matter

jurisdiction is an issue which is fundamental and may be raised at any time, we decline to find that our review of this issue is precluded on procedural grounds. *Carter v. State*, supra;

Anderson v. Anderson, supra. (1)

Turning to the merits of petitioner's argument, we hold that the trial court lacked subject matter jurisdiction over the three counts of distribution within proximity of a school.

The circuit court does not have subject matter jurisdiction to hear a guilty plea unless: (1) there has been an indictment which sufficiently states the offense; (2) there has been a waiver of indictment; or (3) the charge is a lesser included charge of the crime charged in the indictment. *Carter v. State*, supra. "The true test of the sufficiency of an indictment is not whether it could be made more definite and certain, but whether it contains the necessary elements of the offense intended to be charged and sufficiently apprises the defendant of what he must be prepared to meet." *Browning v. State*, 320 S.C. 366, 368, 465 S.E.2d 358, 359 (1995) (emphasis added).

(2) lack of personal jurisdiction; The petition for dissolution filed by Mrs. Anderson's attorney in 1988 did not allege sufficient material facts to establish a basis to exercise personal jurisdiction over Mr. Anderson in Massachusetts. To be sufficient, the petition was required to have stated that either the parties had maintained a matrimonial domicile in Florida at the time of the commencement of the action or that Mr. Anderson had resided in Florida preceding the commencement of the action. See *Laney v. Laney*, 487 So.2d 1109, 1110-11 (Fla. 1st DCA 1986).

(3) insufficient process; *The Requirements of Due Process.*—Although due process tolerates variances in procedure "appropriate to the nature of the case,"⁷⁵¹ it is nonetheless possible to identify its core goals and requirements. First, "[p]rocedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property."⁷⁵² Thus, the required elements of due process are those that "minimize substantively unfair or mistaken deprivations" by enabling persons to contest the basis upon which a state proposes to deprive them of protected interests.⁷⁵³ The core of these requirements is notice and a hearing before an impartial tribunal. Due process may also require an opportunity for confrontation and cross-examination, and for discovery; that a decision be made based on the record, and that a party be allowed to be represented by counsel.

(1) Notice. "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."⁷⁵⁴ This may include an obligation, upon learning that an attempt at notice has failed, to take "reasonable follow-up measures" that may be available.⁷⁵⁵ In addition, notice must be sufficient to enable the recipient to determine what is being proposed and what

he must do to prevent the deprivation of his interest.⁷⁵⁶ Ordinarily, service of the notice must be reasonably structured to assure that the person to whom it is directed receives it.⁷⁵⁷ Such notice, however, need not describe the legal procedures necessary to protect one's interest if such procedures are otherwise set out in published, generally available public sources.⁷⁵⁸

(2) Hearing. "[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest."⁷⁵⁹ This right is a "basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment" ⁷⁶⁰ Thus, the notice of hearing and the opportunity to be heard "must be granted at a meaningful time and in a meaningful manner."⁷⁶¹

(3) Impartial Tribunal. Just as in criminal and quasi-criminal cases,⁷⁶² an impartial decisionmaker is an essential right in civil proceedings as well.⁷⁶³ "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. . . . At the same time, it preserves both the appearance and reality of fairness . . . by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him."⁷⁶⁴ Thus, a showing of bias or of strong implications of bias was deemed made where a state optometry board, made up of only private practitioners, was proceeding against other licensed optometrists for unprofessional conduct because they were employed by corporations. Since success in the board's effort would redound to the personal benefit of private practitioners, the Court thought the interest of the board members to be sufficient to disqualify them.⁷⁶⁵

There is, however, a "presumption of honesty and integrity in those serving as adjudicators,"⁷⁶⁶ so that the burden is on the objecting party to show a conflict of interest or some other specific reason for disqualification of a specific officer or for disapproval of the system. Thus, combining functions within an agency, such as by allowing members of a State Medical Examining Board to both investigate and adjudicate a physician's suspension, may raise substantial concerns, but does not by itself establish a violation of due process.

Domestic Relations Law § 236 (B) (3) provides that "[a]n agreement by the parties, made before or during the marriage, shall be valid and enforceable in a matrimonial action if such agreement is in writing, subscribed by the parties, and acknowledged or proven in the manner required to entitle a deed to be recorded." "The acknowledgment requirement [of section 236 (B) (3)] fulfills two important purposes" (*Galetta v Galetta*, 21 NY3d 186, 191 [2013]). "First, acknowledgment serves to prove the identity of the person whose name appears on the instrument and authenticate the signature of such person" (*id.* at 191-192).

"Second, it necessarily imposes on the signer a measure of deliberation in the act of executing the document" (*id.* at 192). "[T]he formality of an acknowledgment underscores the weighty personal choices to relinquish significant property or inheritance rights, or to

resolve important issues concerning child custody, education and care" (id. [internal quotation marks omitted]).

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the petition for dissolution filed by Mrs. Anderson's attorney in 1988 did not allege sufficient material facts to establish a basis to exercise personal jurisdiction over Mr. Anderson in Massachusetts. To be sufficient, the petition was required to have stated that either the parties had maintained a matrimonial domicile in Florida at the time of the commencement of the action or that Mr. Anderson had resided in Florida preceding the commencement of the action. See *Laney v. Laney*, 487 So.2d 1109, 1110-11 (Fla. 1st DCA 1986).

(4) insufficient service of process; The petition for dissolution filed by Mrs. Anderson's attorney in 1988 did not allege sufficient material facts to establish a basis to exercise personal jurisdiction over Mr. Anderson in Massachusetts. To be sufficient, the petition was required to have stated that either the parties had maintained a matrimonial domicile in Florida at the time of the commencement of the action or that Mr. Anderson had resided in Florida preceding the commencement of the action. See *Laney v. Laney*, 487 So.2d 1109, 1110-11 (Fla. 1st DCA 1986).

(6) failure to state a claim upon which relief can be granted; Under South Carolina Rules of Civil Procedure, a complaint is subject to dismissal when it "fail[s] to state facts sufficient to constitute a cause of action." Rule 12(b)(6), SCRPC.

Blessing v. Freestone : 520 U.S. 329 (1997) *Middlesex County Sewerage Authority v. National Sea Clammers Assn.*, 453 U. S. 1, and *Smith v. Robinson*, 468 U. S. 992, the only cases in which the Court has found preclusion; in particular, Title IV-D contains no private remedy-either judicial or administrative-through which aggrieved persons can seek redress. The only way that Title IV -D assures that States live up to their child support plans is through the Secretary's oversight, but the Secretary's limited powers to audit and cut federal funding are not comprehensive enough to foreclose § 1983 liability.

1. **(7) Insufficient indictment** or lack thereof, the circuit court does not have subject matter jurisdiction to hear a guilty plea unless: (1) there has been an indictment which sufficiently states the offense; (2) there has been a waiver of indictment; or (3) the charge is a lesser included charge of the crime charged in the indictment. *Carter v. State*, supra. "The true test of the sufficiency of an indictment is not whether it could be made more definite and certain, but whether it contains the necessary elements of the offense intended to be charged and sufficiently appraises the defendant of what he must be prepared to meet." *Browning v. State*, 320 S.C. 366, 368, 465 S.E.2d 358, 359 (1995) (emphasis added).

- **How Is False Arrest Different from False Imprisonment?**

Although false arrest and false imprisonment are very similar—and they are often discussed together—there are several key differences between the two. Simply put, false imprisonment includes a broader range of conduct than false arrest?

- While wrongful arrest involves unlawfully detaining an individual without probable cause or a court order or warrant, false imprisonment is the intentional restriction of another person's movement and/or freedom. A person who is held in jail without probable cause may have grounds for a false imprisonment case, as may someone who was handcuffed by a security guard without legal justification.
- Both false arrest and false imprisonment are intentional torts, meaning they can give rise to civil action. Unlike other types of personal injury cases, which are often based on negligence, intentional torts require the element of intent. This means that you must prove that the person who unlawfully restrained, detained, or confined you acted with purpose and the intent to restrict your movements and/or freedoms.

- **Which of the following are elements of malicious prosecution?**

Like the tort of abuse of process, its elements include (1) intentionally (and maliciously) instituting and pursuing (or causing to be instituted or pursued) a legal action (civil or criminal) that is (2) brought without probable cause and (3) dismissed in favor of the victim of the malicious prosecution.

- **What are the elements of abuse of process in SC?** The key elements of abuse of process is the malicious and deliberate misuse of regularly issued civil or criminal court process that is not justified by the underlying legal action, and that the abuser of process is interested only in accomplishing some improper purpose similar to the proper object of the process.
- Trial courts, sitting without juries in an action at law, write their findings specially and separately: to allow a reviewing court to determine from the record whether the judgment--and the legal conclusions which underlie it--represent a correct application of the law. The requirement for appropriately detailed findings is thus not a mere formality or a rule of empty ritual; it is designed instead to dispose of the issues raised by the pleadings and to allow the appellate courts to perform their proper function in the judicial system.
- **What is the 6th Amendment Right to a Jury Trial?** The Sixth Amendment guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you.

- **What are three requirements for a jury trial in the 6th Amendment?**
The Court's Sixth Amendment doctrine, on the other hand, has taken up three central issues of jury structure and operation: size, unanimity, and juncture (i.e., the stage of the proceedings at which the jury participates). **United States v. Gaudin, 515 U.S. 506, 510 (1995).**
- **Is there a constitutional right to a jury trial?**
The Sixth Amendment states that in **ALL** criminal prosecutions, the accused criminal has the right to a trial by an impartial jury of the state and district in which the individual allegedly committed a crime.
- **When the Jury Trial Guarantee Applies?**
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.
- **Does the 8th Amendment protect against prison conditions, and policies that can harm the health, and mental well-being of a citizen?** In *Wilson v. Seiter*, the U.S. Supreme Court ruled that a defendant charging cruel and unusual punishment as a result of his prison conditions must prove a culpable state of mind on the part of prison officials. The Court maintained that deliberate indifference is the appropriate mental standard to apply to eighth amendment cases.
- **What is Due Process of the 14th Amendment?** No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- **What does the 14th Amendment mean by the Equal Protection Clause?**
The Fourteenth Amendment's Equal Protection Clause requires states to practice equal protection. Equal protection forces a state to govern impartially—not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective.

Does the Petitioner have his Bill of Rights? Has the State of South Carolina properly afforded the Petitioner ALL of his rights by ALL state agencies involved, and ALL state actors accused? Have the parties involved, and the Defense given the Petitioner equal efforts in the protections of his civil rights, as the actions provided by the state attorneys, and judicial members have for their own immunity, and liability protections?

- Do all the states including South Carolina Have to follow Supreme Court Precedent in all the cases they rule on? And does South Carolina have a Bar Association problem, having members of a paid association have infiltrated all forms of courts, and state politics that it can refuse the state, and Federal Constitutions and ignore the rights of the people by using the Administrative policies to circumvent the rights of the people?
- Jeffery Bloom, Diana Goodstein, currently the Court of Appeals clerks, and judiciary are in conspiracy to protect fellow judges from unlawful acts against the petitioner. They may have immunity, but its unlawful, now that this case is at the states Supreme Court it shall be clear that even this courts corruption has been exposed by not protecting the Petitioners civil rights.

CASES

Massachusetts v. Mellon, 262 U. S. 447, 480 (1923) (Article III judicial power extends only to actual “cases” and “controversies”); *Alvarez v. Smith*, 558 U. S. (2009) (slip op., at 4) (“An actual controversy must be extant at all stages of review”

Turner v. Rogers, et al.: 564 U.S. 431 (2011) The Federal Government has created an elaborate procedural mechanism designed to help both the government and custodial parents to secure the payments to which they are entitled. See generally *Blessing v. Freestone*, 520 U. S. 329, 333 (1997) (describing the “interlocking set of cooperative federal-state welfare programs” as they relate to child support enforcement); 45 CFR pt. 303 (2010) (prescribing standards for state child support agencies). These systems often rely upon wage withholding, expedited procedures for modifying and enforcing child support orders, and automated data processing. 42 U. S. C. §§666(a), (b), 654(24). But sometimes States will use contempt orders to ensure that the custodial parent receives support payments or the government receives reimbursement. Although some experts have criticized this last-mentioned procedure, and the Federal Government believes that “the routine use of contempt for non-payment of child support is likely to be an ineffective strategy,” the Government also tells us that “coercive enforcement remedies, such as contempt, have a role to play.” Brief for United States as Amicus Curiae 21–22, and n. 8 (citing Dept. of Health and Human Services, National Child Support Enforcement, Strategic Plan: FY 2005–2009, pp. 2, 10). South Carolina, which relies heavily on contempt proceedings, agrees that they are an important tool.

We here consider an indigent’s right to paid counsel at such a contempt proceeding. It is a civil proceeding. And we consequently determine the “specific dictates of due process” by examining the “distinct factors” that this Court has previously found useful in deciding what specific safeguards the Constitution’s Due Process Clause re-quires in order to make a civil proceeding fundamentally fair. *Mathews v. Eldridge*, 424 U. S. 319, 335 (1976) (considering fairness of an administrative proceeding). As relevant here those factors include (1) the nature of “the private interest that will be affected,” (2) the comparative “risk” of an “erroneous deprivation” of that interest with and without “additional or substitute procedural safeguards,” and (3) the nature and magnitude of any countervailing interest in not providing “additional or substitute procedural requirement[s].” *Ibid.* See also *Lassiter*, 452 U. S., at 27–31 (applying the *Mathews* framework).

The "private interest that will be affected" argues strongly for the right to counsel that Turner advocates. That interest consists of an indigent defendant's loss of personal liberty through imprisonment. The interest in securing that freedom, the freedom "from bodily restraint," lies "at the core of the liberty protected by the Due Process Clause." *Foucha v. Louisiana*, 504 U. S. 71, 80 (1992). And we have made clear that its threatened loss through legal proceedings demands "due process protection." *Addington v. Texas*, 441 U. S. 418, 425 (1979).

Given the importance of the interest at stake, it is obviously important to assure accurate decision making in respect to the key "ability to pay" question. Moreover, the fact that ability to comply marks a dividing line between civil and criminal contempt, *Hicks*, 485 U. S., at 635, n. 7, reinforces the need for accuracy. That is because an incorrect decision (wrongly classifying the contempt proceeding as civil) can increase the risk of wrongful incarceration by depriving the defendant of the procedural protections (including counsel) that the Constitution would demand in a criminal proceeding. See, e.g., *Dixon*, 509 U. S., at 696 (proof beyond a reasonable doubt, protection from double jeopardy); *Codispoti v. Pennsylvania*, 418 U. S. 506, 512–513, 517 (1974) (jury trial where the result is more than six months' imprisonment). And since 70% of child support arrears nationwide are owed by parents with either no reported income or income of \$10,000 per year or less, the issue of ability to pay may arise fairly often. See E. Sorensen, L. Sousa, & S. Schaner,

The record indicates that Turner received neither counsel nor the benefit of alternative procedures like those we have described. He did not receive clear notice that his ability to pay would constitute the critical question in his civil contempt proceeding. No one provided him with a form (or the equivalent) designed to elicit information about his financial circumstances. The court did not find that Turner was able to pay his arrearage, but instead left the relevant "finding" section of the contempt order blank. The court nonetheless found Turner in contempt and ordered him incarcerated. Under these circumstances Turner's incarceration violated the Due Process Clause.

Lujan v. Defenders of Wildlife: 504 U.S. 555 (1992) When Congress authorizes private parties to bring claims based on procedural wrongs, these plaintiffs still must show a concrete and imminent injury to establish standing.

Thompson v. Smith Case 289 S.C. 334 (1986) 345 S.E.2d 500 "We reject all but one of the questions raised by Smith on appeal. That question pertains to the failure of the trial judge upon timely request to define probable cause." Without guidance from the court on the meaning of "probable cause," this statement may well have led the jury to believe the dispositive issue was whether Thompson was actually guilty of driving under suspension, not whether Smith had a legally sufficient basis to arrest. Since "probable cause," not guilt or innocence, was the question for the jury to decide, the judge's statement focused attention on the wrong issue and constituted reversible error.

We hasten to add, however, that in the case before us the trial judge should have and must on retrial also instruct the jury that false arrest and imprisonment consists in the unlawful restraint of an individual's personal liberty or freedom of locomotion. The essence of the tort is to provide protection of the personal interest in the freedom each citizen enjoys as a matter right from restraint of movement. In addition to probable cause to make the arrest it is a question of fact, in this case, as to whether the officers acted reasonably in detaining Thompson approximately one hour after becoming informed that Thompson's license was in force. If the jury should determine that the police did not act reasonably prompt in releasing Thompson after becoming aware of his innocence, then from the time that the police became aware of Thompson's innocence, no question

of probable cause exists and Thompson would be entitled to damages for false imprisonment for this period of time.

The Petitioner has argued day one That no probable cause exists for a criminal arrest of the Petitioner. The lower Court judge more than erred because he refused to respond to such motions, and refused to act within the law, and created a reversible error.

The denial of the Discovery to the defense is a reversible error. The facts of the case law are the same, except the petitioner here has been denied even a trial by a jury to be misled.

Coble v. Coble, 300 N.C. 708, 712, 268 S.E.2d 185, 189 (N.C. 1980) (internal citations omitted) (applying North Carolina's equivalent of our Rule 52(a), SCRCP); see also United States v. Birnbach, 400 F.2d 378 (8th Cir. 1968). Compliance with the rule also allows the trial judge to satisfy the interest of judicial economy by dealing fully and properly with all issues before the court. See *In re Las Colinas, Inc.*, 426 F.2d 1005 (1st Cir. 1970) (construing Fed. R. Civ. P. Rule 52 on which our rule is based).

Substantive due process protects citizens against arbitrary or capricious action by the government regardless of the procedures used to carry out that action. . . . In this case, appellant's substantive due process rights were violated because §23-3-540(C) mandated [the trial judge] arbitrarily and capriciously imposed lifetime GPS monitoring on her. The imposition was arbitrary and capricious The substantive component of this right prohibits the state from arbitrarily or capriciously depriving a person of life, liberty, or property regardless of whether or not the way in which the government carries out this deprivation is, itself, ostensibly fair.

The concept of "arbitrary and capricious" lies at the heart of the rational relationship test. Therefore, I would find that the Court may properly consider Appellant's due process challenge under the rational relationship test.

The petitioner has been denied the Rational Relationship Test, and rather treated arbitrarily and capriciously denied a substantive right. Even under the Standard "For a crime to exist, there must be an injured party (Corpus Delicti) There can be no sanction or penalty imposed on one because of this Constitutional right." *Sherer v. Cullen* 481 F.

The original SCDPS complaint is devoid of the prerequisite elements of the ANY offense upon a damaged party and the Complaint is vague, its conclusory, it's legally insufficient as a matter of law.

Blessing v. Freestone: 520 U.S. 329 (1997) Dismissal is proper if Congress specifically foreclosed a § 1983 remedy, *Smith v. Robinson*, 468 U. S. 992, 1005, n. 9, 1003, either expressly, by forbidding recourse to § 1983 in the statute itself, or impliedly, by creating a comprehensive enforcement scheme that is incompatible with individual § 1983 enforcement, *Livadas v. Bradshaw*, 512 U. S. 107, 133. pp. 340-341.

(b) Respondents have not established that Title IV-D gives them individually enforceable federal rights. In prior cases, the Court has been able to determine whether or not a statute created such rights because the plaintiffs articulated, and lower courts evaluated, well-defined claims. See, e. g., *Wright v. Roanoke Redevelopment and Housing Authority*, 479 U. S. 418, 430. Here, respondents have not identified with particularity the rights they claim, and the Ninth Circuit has not engaged in the requisite methodical inquiry. That court erred in apparently holding that individuals have an enforceable right to "substantial compliance" with Title IV-D in all respects.

The statutory "substantial compliance" requirement, see, e. g., 42 U. S. C. § 609(a)(8) (1994 ed., Supp. II), does not give rise to individual rights; it was not intended to benefit individual children and custodial parents, but is simply a yardstick for the Secretary to measure the systemwide

performance of a State's Title IV-D program, allowing her to increase the frequency of audits and reduce the State's federal grant upon a finding of substantial noncompliance. The Court of Appeals also erred in taking a blanket approach to determining whether Title IV-D creates rights: *Middlesex County Sewerage Authority v. National Sea Clammers Assn.*, 453 U. S. 1, and *Smith v. Robinson*, 468 U. S. 992, the only cases in which the Court has found preclusion; in particular,

Title IV-D contains no private remedy-either judicial or administrative-through which aggrieved persons can seek redress. The only way that Title IV -D assures that States live up to their child support plans is through the Secretary's oversight, but the Secretary's limited powers to audit and cut federal funding are not comprehensive enough to foreclose § 1983 liability.

South Carolina v. Dykes (2012) I would find Appellant possesses a liberty interest entitled to constitutional protection, for all persons most assuredly have a liberty interest to be free from unreasonable governmental interference.

"[A]ll statutes are presumed constitutional and, if possible, will be construed to render them valid." *Curtis v. State*, 345 S.C. 557, 569, 549 S.E.2d 591, 597 (2001). Accordingly, we will not find a statute unconstitutional unless "its repugnance to the Constitution is clear and beyond a reasonable doubt." *Id.* at 570, 549 S.E.2d at 597. The party challenging the validity of a statute bears the burden of proving it is unconstitutional. See *Knotts v. S.C. Dep't of Natural Res.*, 348 S.C. 1, 6, 558 S.E.2d 511, 513 (2002).

The Constitution's provision that "[n]o state shall . . . deprive any person of life, liberty, or property without due process of law," U.S. Const. amend. XIV, § 1, guarantees more than just fair process; it "cover[s] a substantive sphere as well, 'barring certain government actions regardless of the fairness of the procedures used to implement them,'" *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 840 (1998) (quoting *Daniels v. Williams*, 474 U.S. 327, 331 (1986)). The core of the Due Process Clause, therefore, is the protection against arbitrary governmental action. *Id.* at 845. Substantive due process in particular protects against the arbitrary infringement of "fundamental rights that are so 'implicit in the concept of ordered liberty' that 'neither liberty nor justice would exist if they were sacrificed.'" *Doe v. Moore*, 410 F.3d 1337, 1343 (11th Cir. 2005) (quoting *Palko v. Connecticut*, 302 U.S. 319, 325-26 (1937), overruled on other grounds by *Benton v. Maryland*, 395 U.S. 784 (1969)).

I believe the finding of arbitrariness is additionally supported by the South Carolina Constitution, which, unlike the United States Constitution, has an express privacy provision. See S.C. Const. art. I, § 10 ("The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated."). While our constitution's privacy provision does not transform a purported privacy interest into a fundamental right for purposes of applying the strict scrutiny test, I believe it does inform the analysis of whether a state law is arbitrary and lends additional support to the conclusion that section 23-3-540(C) is unconstitutional. Cf. *State v. Weaver*, 374 S.C. 313, 649 S.E.2d 479 (2007) (holding that by articulating a specific prohibition against unreasonable invasions of privacy, the people of South Carolina have indicated a higher level of privacy protection than the federal Constitution).

The petitioners private life has been infiltrated by the state DSS child support agency with insufficient facts for proper authority or jurisdiction, a DSS attorney has placed "Fraud upon the Court" by Misinterpreting the facts at hand, and have used the misinterpretation to fraudulently abused a process that has Prejudiced the Petitioner and have caused multiple civil rights

infringements by sharing the petitioners private information with other state agencies, and used arbitrarily and capriciously to damage the petitioner to the maximum detriment possible.

One of those agencies is the SCDPS who have made a criminal arrest of a citizen who rather plead the 5th amendment to not self-incriminate prior to being articulated why the stop occurred. And before the sharing of such private information of the Petitioner or knowing his driving record or identity the Deputy arrested the Petitioner, at the point the deputy articulated not having a license plate a Non-criminal Non arrestable offence, only once arrested and the Petitioner was Identified by a unlawful search of the vehicle was when SCDPS deputy followed department "POLICY" and charged the Petitioner with driving under suspension, a suspension that was placed on the states data base by the DSS child Support agency without Due process, notice, or consent.

The Petitioner was arrested for exercise of a 5th amendment right during the time only a civil traffic infraction was known of not having a plate on the vehicle. This arrest is Unconstitutional and Unreasonable, the claim and exercise of a constitutional right cannot thus be converted into a crime. *Miller v. US*, 230 F 486, at 489. The U.S. Supreme Court has stated that "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.").

Across the country, thousands of people are unconstitutionally jailed simply for being poor. States pile on fines and fees, even when it is clear that the person is simply too poor to pay. The Supreme Court has repeatedly held that someone cannot be punished for being poor. If a person genuinely cannot pay a debt to the state, then the state must find an alternate solution, such as community service, a payment plan, or reduction in the fine itself. Nevertheless, many states ignore longstanding constitutional precedent and jail people for fines they cannot pay, resulting in modern-day debtors' prisons. The collateral damage to employment, child care, or education makes debtors' prisons a tremendous — and unconstitutional — barrier to climbing out of the cycle of poverty.

The Petitioner has well established himself living in poverty, the Petitioner was even unlawfully aired on a National T.V show Live PD being harassed by Richland County Deputy Danny Brown for merely sitting in my vehicle in a Walmart parking lot after purchasing Christmas gifts days before Christmas. The Show aired the unlawful search of my vehicle, and the fact I lived in my car. The Plaintiff has lived in his vehicle from 2016 to 2019 until I bought a piece of land, of which the State wants to take for unlawful taxation and unlawful takings, again without due process of law.

Fact of the matter is way back in 2019 trying to get my life together, moving across the country from California to South Carolina while poor just so I can be a father, and be close to my children, the state Child Support agency rather unlawfully exploit my children, and use them in a fraudulent cause of action without standing, or subject matter jurisdiction, to unlawfully strip the actual father who moved across country of his ability to earn income to support the very children exploited by the state.

Not only will they take a vital right away without fairness or due process that even after an unlawful arrest for contempt for failing to pay a civil debt, and the Petitioner sued in federal court, and is currently in a reluctant Court of Appeals, and a Reluctant State Supreme Court the State DSS child Support agency has made absolutely no attempts to handle the Petitioner fairly,

they never made any other attempts to be sorry for the unlawful intrusion or arrest and made no attempts still in 2023 to fix any of the unlawful damages.

Anderson v. Anderson Case No. 2D01-5485.

Opinion filed May 16, 2003. Appeal from the Circuit Court for Pinellas County; Raymond O. Gross, Judge. John E. Swisher, St. Petersburg, for Appellant. M. Katherine Ramers of M. Katherine Ramers, P.A., Dunedin, for Appellee

SALCINES, Judge.

Neil F. Anderson appeals the final judgment which awarded child support arrearages to Angela S. Anderson n/k/a Angela S. Corson and, for the first time, raises the issue of the court's lack of personal jurisdiction and a defective service of process. We reverse the final judgment because the Florida courts have never had in personam jurisdiction over Mr. Anderson.

The parties were married in Massachusetts in 1982. After the birth of their child in May 1985, Mr. Anderson allegedly abandoned the mother and child. Mrs. Anderson resided in Massachusetts until July 1985 before moving to Florida. The attorney for Mrs. Anderson, Cynthia Bryant, filed a petition for dissolution of marriage in Pinellas County, Florida, on September 27, 1988. In the petition Mrs. Anderson sought custody of the parties' child and child support, as well as health insurance for the child to be provided by Mr. Anderson, reimbursement for medical expenses incurred on behalf of the child, equitable division of the parties' joint liabilities, and an award of attorney's fees.

A totally defective affidavit of service of process was returned which Mrs. Anderson's attorney filed as support for a motion for default. A default was then entered against Mr. Anderson by the clerk of court. From the records before this court, there is no evidence that service was ever perfected upon Mr. Anderson. A final judgment of dissolution was signed on November 16, 1988.

Eleven years later, the Department of Revenue pursued child support arrearages on behalf of Mrs. Anderson and the clerk of court for Pinellas County sent a notice of arrearages to Mr. Anderson. There is no evidence that Mr. Anderson was aware of the 1988 dissolution proceedings before he received the Notice of Overdue Support Payments dated July 7, 1999.

In order for the court to award child support, it was essential for the Florida court to acquire in personam jurisdiction over Mr. Anderson. See Hurlock v. Hurlock, 703 So.2d 535, 536 (Fla. 4th DCA 1997). [The petition for dissolution filed by Mrs. Anderson's attorney in 1988 did not allege sufficient material facts to establish a basis to exercise personal jurisdiction over Mr. Anderson in Massachusetts. To be sufficient, the petition was required to have stated that either the parties had maintained a matrimonial domicile in Florida at the time of the commencement of the action or that Mr. Anderson had resided in Florida preceding the commencement of the action. See Laney v. Laney, 487 So.2d 1109, 1110-11 (Fla. 1st DCA 1986). There were no such allegations and Mr. Anderson did not submit himself to the jurisdiction of the Florida courts.] Because the trial court did not acquire personal jurisdiction over Mr. Anderson, the final judgment of dissolution was void ab initio. See Laney, 487 So.2d at 1110.

The final judgment of dissolution of marriage which required Mr. Anderson to pay child support is void, and therefore, the subsequent final judgment awarding arrearages to Mrs. Anderson is also void. The final judgment awarding arrearages is reversed.

Sherer v. Cullen, 481 F.2d 945 "For a crime to exist, there must be an injured party (**Corpus Delicti**) There can be no sanction or penalty imposed on one because of this Constitutional right."

The Petitioner has made a fundamental principle of this case because he has harmed no one, there is no damaged party and that is a requirement for a CRIME to exist in order for the Respondents argument to have merit, standing, or factual basis, and without a damaged party the act becomes Arbitrary by definition, and capricious only because the agency said so like a dictator.

Murdock v. Pennsylvania: 319 U.S. 105 (1943) According to the Court, the requirement that individuals pay a fee in order to exercise their freedoms will inevitably lead to their suppression. Thus, the Court declared the license tax unconstitutional as applied to religious activities. The words EXERCISE THEIR FREEDOMS, a right to travel and use the public roads are a freedom, the state created law to tax, and revoke such rights, which is one thing, but if the states cannot, or are to incompetent to afford the rights of the people to have Due process, the law is Void. This case does not just protect religious rights, it protects all previously protected rights from new arbitrary laws.

South Carolina has created a state law that takes away the federal and state Protected right, the Petitioner has not even been allowed to get a driver license to take away, let alone have it taken lawfully with due process of law. In 38 states, an individual can lose their driver's license if they cannot afford to pay their court debt, even for minor offenses like littering that have nothing to do with traffic safety. A valid driver's license is the single most important factor in getting and maintaining a job. Residents with suspended licenses are even further burdened by not being able to fulfill daily responsibilities like caring for children, making doctor's appointments, getting to the grocery store, and commuting to work. Without a license, everything becomes more expensive, as individuals are forced to pay for rides just to tend to the necessities of living. The government is trapping people in a cycle of poverty, making it even more unlikely that they will ever pay back the court debt that led to the suspension in the first place.

The Petitioner challenges the Supreme Court of South Carolina, I challenge you to for once to rule in favor of the poor, rather than poke your nose at them, you witness it first hand given the very location this court, how many daily reminders you need to do something about the poor surrounding you daily while work and enjoy privileged lives and enforce your almighty hand of judgement down upon us???

Shuttlesworth v. City of Birmingham: 394 U.S. 147 (1969) allowing persons to ignore entirely licensing schemes which unconstitutionally impinge on other forms of free expression, should be extended to cover "parade" permit statutes involving, as they do, a particularly important state interest. [394 U.S. 147, 165]

This ruling expresses the power of we the people, that all states have to acknowledge the fairness, the rich and poor, the abusers, and abused to make laws that fit for all, and when they do not the highest court said we can ignore them entirely. This state Supreme Court cannot express what I the Petitioner should do according to a state statutory law, when in fact the lower court, and authorities have purposely ignored the very authority requiring Due Process of the law.

If South Carolina refuses to give me due process, I the petitioner has the right to ignore the entirety of the state actions that ignores the Constitution, and the Bill of Rights of the petitioner.

TABLE OF AUTHORITIES

- **6th Amendment Right to Jury Trial and Decision:** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation
- **8th Amendment:** The Eighth Amendment provides three essential protections for those accused of a crime, on top of those found in the Fifth and Sixth Amendments: It prohibits excessive bail and fines, as well as cruel and unusual punishments
- **14th Amendment Due Process Clause:** No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- **14th Amendment Equal protection Clause:** No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- **South Carolina Article 1 section 3 Privileges and immunities;** The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.
- **ARTICLE 1 Section 11 Presentment or indictment:** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence
- **ARTICLE 1 SECTION 14.** Trial by jury; witnesses; defense. The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both. (1970 (56) 2684; 1971 (57) 315.)
- **ARTICLE 1 SECTION 19.** Imprisonment for debt. No person shall be imprisoned for debt except in cases of fraud. (1970 (56) 2684; 1971 (57) 315.) **ARTICLE 1 SECTION 22.** Procedure before administrative agencies; judicial review
- **ARTICLE 1 SECTION 22.** Procedure before administrative agencies; judicial review. No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly, and he shall have in all such instances the right to judicial review. (1970 (56) 2684; 1971 (57) 315.)
- **ARTICLE 1 SECTION 23.** Procedure before administrative agencies; judicial review. No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights except on due notice and an opportunity to be heard; nor shall he be subject to the same person for both prosecution and adjudication; nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the

General Assembly, and he shall have in all such instances the right to judicial review. (1970 (56) 2684; 1971 (57) 315.)

- **ARTICLE 1 SECTION 24. . Victims' Bill of Rights.** (A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to: (1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute; (2) be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped; (3) be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present; (4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail; (5) be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing; (6) be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process; (7) confer with the prosecution, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition; (8) have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial; (9) receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury, including both adult and juvenile offenders; (10) be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision; (11) a reasonable disposition and prompt and final conclusion of the case; (12) have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights. (B) Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services contained in this section. The rights created in this section may be subject to a writ of mandamus, to be issued by any justice of the Supreme Court or circuit court judge to require compliance by any public employee, public agency, the State, or any agency responsible for the enforcement of the rights and provisions of these services contained in this section, and a willful failure to comply with a writ of mandamus is punishable as contempt. (C) For purposes of this section: (1) A victim's exercise of any right granted by this section is not grounds for dismissing any criminal proceeding or setting aside any conviction or sentence. (2) "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a crime against him. The term "victim" also includes the person's spouse, parent, child, or lawful representative of a crime victim who is deceased, who is a minor or who is incompetent or who was a homicide victim or who is physically or psychologically incapacitated. (3) The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve, and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings. (4) The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage others granted by the General Assembly or retained by victims. (1998 Act No. 259.)

- **Title 14 – Courts CHAPTER 17 Clerks of Courts ARTICLE 5 SECTION 14-17-510.** The clerk shall make a full, fair and correct entry and record of the proceedings of the courts and other matters pertaining to his office in the various books required to be kept, conforming to the mode prescribed by law, order of the court or usage of the office. He shall file in their proper order original papers in causes instituted or other authorized proceedings and preserve with care all papers, books and furniture pertaining to or connected with his office.

ARGUMENT

This case originally started in February 2018 when an Unlawful Child support order was produced by fraud, Misinterpretation, Misrepresentation and insufficient facts from a DSS attorney Brenda Gayle Watson. Watson claimed in her testimony in written Motion at the court of appeals as a respondent attorney against the Petitioners RIGHT to access the court for appeal. Watson fraudulently claimed the statement of facts as truth, but are absolutely fraudulent. The Petitioner has made record of the material facts that shows her claims as false. Watson herself has mistakenly produced those same fact unwittingly that contradict her, and the states DSS claims. (See Exhibit A1) Dalena Schuster agreement, and eviction notice signed by DSS client prior to child support.

The fact was, and remains the Petitioner, and the DSS client Dalena Schuster as of 2015 have had a Parental agreement that if she was to evict me from her parents' home because of our separation she WILL NOT put me on Child Support, or keep my children from me for visitations.

Our agreement stemmed from a failed marriage because of a child support order from New Mexico in 2006 automatic without the Petitioners knowledge. The Child was kept from the Petitioner, and the mother has not contacted the Petitioner since 2005, and the Petitioner has not seen his child since birth as the mother was reluctant, and negligent to allow the father to have his parental rights.

Unfortunately, The Petitioner after marriage to his new wife Dalena Schuster was unaware of a child support debt, and in turn Dalena Schuster's accounts were emptied, and caused an unrecoverable circumstance in our marriage. Because of this default order the State of South Carolina wouldn't give the Petitioner a Driver's License in 2011 without due process, and compounded the situation and caused our separation.

After moving to New Mexico to fix the problem I was denied Due process, and still not allowed to get a driver license unless I paid \$17,000 in debt from child support for a child I haven't seen, or known where she was, even the Child Support agency said they had no contact with the mother as she also left the state. Not being able to fix my license my ex-wife and I expecting our youngest daughter returned to South Carolina with her parents. Once back, my ex and I made an agreement to separate.

I had to unfortunately had to move to California briefly for a year. Once I returned the state child support agency used the fact my ex received food stamps as the underlining reason they

established interest in this case. Problem is I was very educated from my first daughters' situation, and exercised my rights when dealing with DSS.

I the petitioner knew the state lacks subject matter, or proper cause of action that would give a court proper jurisdiction. The state held a Negotiation Conference, I showed up so I would not get Defaulted, and immediately the DSS employee wanted me to sign a piece of paper without full disclosure, or any explanation whatsoever. I refused. She then calls a Richland county deputy to our table in hopes he would force me to sign, he responded by telling the DSS employee he cannot force anyone to sign anything. The petitioner looked at the DSS employee with disrespect "saying we are done her "anyone trying to violate my rights is criminal trash, especially trying to use my children to do so.

The Petitioner was no longer obligated my any courts jurisdiction after such refusal of waiving fundamental rights, and inter into a fraudulent agreement with the state that obviously doesn't have respect my rights or my children. I'm under a written agreement with my children's mother, why would I want to include a corrupted private agency who respects not the family unit or the rights or the families they interact with.

Plus, I've been homeless most my life, and my ex wife knows this fact, and knows my most challenging life prior to our marriage, and my PTSD I received as a child at 2 years old when I witnessed my mother murdered, and I was sexually trafficked until 6 years old. I'm poor, and always have been, I've been up against State agencies my whole life, and they have destroyed any and opportunities to progress in life due to the unlawful, or unreasonable demands or expectations of me according to their rules, not my protected rights.

This time I just end up getting so tired of the bullshit I decided to fight bac, and I did. My first and only act was not to waive my rights, and to force the state to operate within the authority set and to preserve my rights. They did not.

Exactly a year later arrears hearing was set, at this time am still homeless, and battled getting off the streets and homeless shelters, and bought a piece of land from temp agency work, and plasma donations. I show up to the arrears hearing or show cause hearing and DSS attorney Brenda Gayle Watson brings her client she represents my ex wife Dalena, and I to a back room, this is July 2019. I was asked why I wasn't paying a contracted agreement, I told Watson I never agreed or signed anything saying I would pay anything. Matter of fact if you find any signature of mine on anything Ill pay anything you want.

The reason I said this was because I knew I didn't sign anything, and I wasn't required to sign, or include myself in any contracts with people who don't understand basic human civil rights, plus I am still TRIGGERED the state has the audacity to use my children and exploit them for profits, I mean I seriously want to put my hands on people but I'm trusting this system before that is an error on my part. So far not good, I'm at the supreme court which means nobody speaks English only Bar membership.

The reason July 2019 is important is because in May after buying my land and no longer was homeless, and stated camping on my land, I had an address of my own first time in my life. Which means from the Time I moved to South Carolina I didn't have a address or mailing

address. The councilor me and my ex use to see before our separation is Pam Stafford, she works with DSS as a youth counselor. I painted her home as a form to help with my employment. She offered me to use her address as a mailing address, and is why I was served process at her home, and is why I no longer speak with her, as my ex wife does. Hopefully you are understanding the scope of every step of this case.

So, in July 2019 after DSS attorney Watson returned to the room at my show cause hearing with a piece of paper, I come to find out is the 4th page of a 4-page child support order. It's the page that has the judge signature, and required signature of the obligor, but my signature was not on the agreement, nor was the order ever mailed to an address as that was also blank meaning the final order was never sent to the Petitioner, and I didn't know how to appeal such decision because I'm from California, and Not from South Carolina and didn't know about the courts in this state.

Either way, I never received the Final Judgement from the Family court by Donna Strom at the show cause hearing, so I never known the specifics, and I didn't care because even when I was in California until today I support, and pay child support, the family courts, and DSS attorney Watson never allowed me to produce any facts, the family court didn't know any facts of my life because I never told them, I wasn't obligated to share my private life with ANYONE including my children.

The only due process I was presented with was to unknowingly sign a piece of paper at a negotiation conference, that's it. No law obligates me to waive my parental rights, nor did the state lawfully take my rights. The show cause hearing was the next due process step of the family court and armed with the Final order from DSS attorney Watson from the back room meeting I was given by Watson, not the US postal service, or by required means, but by the attorney of Dalena, and I was armed with material fact why I could show cause why I wasn't paying child support it was because the Child Support agency was Devoid of the prerequisite elements giving proper jurisdiction as a matter of law.

Before I could speak or given a fair opportunity to explain myself, Attorney Watson informed the judge in the show cause hearing what I was going to attempt to make record. I was not allowed to say one word to Judge Monet Pincus. She didn't allow me to say one word, I wasn't allowed to show material facts, or even explain my position of living below poverty level. She didn't care about any of that. She wanted to punish me, and she arrested me for a debt without any attorney, and cared less about my protected rights.

This arrest was the 3rd arrest in 12 days for the Petitioner. Prior to the Show Cause hearing the DSS child support agency, a private single and separate unit automatically suspended my license with the SCDMV without due process of the law or proper notice or fair hearing. This created my two unlawful arrest prior to my show cause hearing. One arrest was for driving on suspension in Calhoun county actually driving my boss and I to work which is this very case at hand. The second arrest days later I was assaulted and hit by a off duty Columbia Police office in his private vehicle, he was found at fault for the Collison, but I was arrested for a license suspension and no state auto insurance, all because of the unlawful Child Support order.

My 3rd arrest prompted the Petitioner to file federal lawsuit because it was very obvious the child support agency, the family court, the SCDMV, and everyone involved to preserve rights were violating mine, and it was because I stood up, and exercised my rights, This became personal how I've been treated then even to this day by the Court of appeals, and now I'm going to blindly assume this Supreme Court to protect the judiciary interest vs my protected rights. Its actually shameful I've gone this far up the ladder for due process of any type, but some how I keep getting violated.

The Child Support order is a Void Judgement as a matter of law, and as a matter of fact, and its sole existence has been to just infringe my protected rights, it done nothing for the state except expose the corrupt policies, and practices by state officials which is a felony and those people show be arrested not me. Either way A void judgment carries no authority, and has no power, and is as it never existed because the lack of due process, or in this case any sign of intelligence to understand what that means.

An arbitrary act to automatically suspend a privilege without due process of the law is a civil matter, Yet the state defines such civil infractions as criminal is on its face unactual, and legally/lawfully insufficient. The act itself lacks Corpus Delicti, and a Damaged Party required by Criminal rules and procedures. The Lower court lacks the proper authority to hear such matters which is a lack of Subject matter jurisdiction.

The lower Court refuse to answer the Petitioners motion on rule 12 (B) 6, and Subject matter challenge. I was ignored as a self-represented litigant, and I was not allowed a Speedy jury trial as a matter of right for over 2 years, and the pandemic did not start until 8 months after this case began. Even I was subject to the same pandemic, and managed to file my motions without response. Jeffery Bloom refused to even return the bail money paid by my boss even though I showed for my hearings.

After the unlawful acts of Judge Bloom the Petitioner finally filed a Federal lawsuit, just as I did the Child support judge. The state court are so incompetent, or willing to infringe on rights, the Petitioner believes the latter, but once I filed the Lawsuit Jeffery Bloom went above, and beyond infringement, he broke the law wearing a black rob, he chosen rather to preserve my rights, he'd violate them even further, and decided after 2 years of mailing to 1412 Pinson street Columbia, He rather mail my case discovery to 1630 Hodges.

Chris and Pam Stafford notified the two State Troopers that I did not live there, and the Troopers did not care or want to listen, and left the case discovery I the pro se litigant was entitled to by right, and law. Judge Bloom then held a bench trial in my absents because I wasn't properly notified and found me guilty. Once he found me guilty he then magically knows my address as 1412 Pinson Street where he sent a Calhoun county sheriff to come arrest me. I was then sentenced to the maximum time for the charge 3 months in jail, no longer a civil infraction but a crime.

Because it was during the Pandemic I was sent to a unit of the Jail and locked down 24 hours a day 7 days a week. My cell did not have running water, I fell unconscious from dehydration just my 3 day in, and I was rushed to medical to get fluid in an IV drip. I almost lost my life and the

Petitioner believes the situation was no accident. The fact remains the Jail policy is unconstitutional, and cruel, and I will address this in given time.

After being sentence to jail for a civil infraction, I was denied a appeal or any paperwork. I then handwritten a motion in Federal district court expressing such unlawful facts, and conditions I was facing, and tried to stay my federal case. Once that motion was filed in district court Jeffery bloom sends a State trooper to the jail, and forced me to come back to his court. I was my own attorney, and was already sentence I didn't feel I had to go, but I was forced.

Once at the lower court Jeffery Bloom forces me to have a attorney against my will, I told the attorney I have material fact the judge sent the discovery to the wrong address, the attorney put this motion on the record, and asked for my release until I could properly appeal, given it was civil traffic infraction the attorney thought it would happen, Jeffery bloom laughed, and denied such motion, and treated me like an actual criminal that killed someone.

I then wait over a year for my appeal at the lower court with Diana Goodstein. Armed with the Affidavit of facts from Chris Stafford at 1630 Hodges street Columbia that he did indeed received the Discovery that was for the petitioner. Once in court Diana Goodstein refused to allow the affidavit to enter to record. She made a loose argument that the "T" in Pinson was the issue, the Problem there is no T in Pinson, and wasn't even the issue. It was mailed to 1630 HODGES, there's no "T" in either address, but if for a fact Pinson was written with a "T" the mail should still have been delivered to Pinson.

But that's not the Articulated facts of the affidavit of Chris Stafford, He said two state troopers hand delivered the discovery. So, my discovery was never even mailed like Bloom, and Goodstein lied about that on the record. Goodstein then had to postpone the hearing to hear another case over the phone, I was then Told by Goodstein to sit with the court clerk to go through the courts record, and mine to find any other discrepancies.

I did, and at that time I gave the affidavit of Chris Stafford to the clerk and she filed it, and when Goodstein return and I made that fact known she was upset. I then proceed to argue my case using Supreme Court Precedent cases which Goodstein refused, and sited that Supreme Court cases from different states do not apply to South Carolina. This is so false, I immedicably as a grown man start to cry, because it was this point I knew for sure I wasn't getting the proper justice. I even asked if arbitrary ruling lacking due process refused to give me a driver license what am I suppose to do as a citizen to stay lawful and work? She did not know, and did not care.

Currently I filed an Appeal in the State court of Appeals. The Court has decided to also infringe my protected rights, and ordered that the Civil infraction I was appealing was a civil matter so I would have to pay the filing fee. I explained the facts that it was not treated as such at the lower court, and I already served jail time for the matter, that I am intitled to an Appeal as a protected right. The court of appeals court clerks decide to ignore my motions, and violate the court rules, and actually commit crimes to not allow me to file motions.

The Court of Appeals court clerks are in violation of the state Oath of Office, but State law Title 14 – Courts CHAPTER 17 Clerks of Courts ARTICLE 5 SECTION 14-17-510, Record of court proceedings;

filing papers; preservation of papers and property requiring them to be fair, and to file the correct filings on time, and within the law. The Clerks, and Judges at the Court of Appeals over this case, and case #2022-001703 have committed felonies against the Petitioner by refusing his filings, and by allowing other attorneys to interfere in the case.

On May 19, 2023 the Senior Assistant Deputy Attorney General William M. Blitch Jr. has notified the Honorable Jenny Abbott Kitchens on his involvement in this case representing the Respondent **(see exhibit A)** The on June 28, 2023 the court of Appeals issues an Order holding the appeal in Abeyance pending a response from office of appellant defense **(see exhibit B)**. Yet on June 30th 2023 the office of Appellant Defense sends a letter claiming that I the Petitioner/Appellant has requested the attorney Robert Michael Dudek pay for my case court transcripts **(see exhibit C)**.

The problem, and facts are I did not motion the Court of Appeals to do such thing. I did not ask anyone to pay for any transcripts, matter of fact my motion which was ignored, and denied asked the court of appeals to waive the transcripts fees as the case is criminal and I as the petitioner/appellant have a RIGHT to the transcripts and cannot be denied. The court of Appeals, as the lower courts have all ignored my motions as a Pro se litigant, and refuse to answer my motions, and now have lied on the record claiming I asked for an attorney to pay for transcripts, and to represent me.

Now that I'm at the Court of Appeals, the Court has already ruled that I could not waive filing fees because it is a CIVIL matter, as this court did on the Donna Strom order. Fact the court has ruled that much, shows the error in the lower court of Jeffery Bloom, and Diana Goodstein thus far, but the Petitioner made motions you can see as (exhibit D) to retain the lower courts transcripts. The Court of Appeals now wants me to pay for the transcripts denying my right to appeal a criminal conviction.

On top of denying my appeal right, I am being denied filing motions that are answered by the court, and the court is claiming I haven't met deadlines yet I have records. On top of even being denied records of my case, and representing myself, the court is now using the court clerks to fraudulently file motion, and orders on my behalf against my will without my consent. They are making false claims I've requested attorneys, and made claims I asked for anyone to pay for the transcripts.

This is a felony, and I am requesting the Department of Justice Assistant Attorney General Vanita Gupta and the Department of Civil Rights to now become part of this case as there is now material facts provided for a conviction, and I am willing to testify against any and all parties involved in this case and the violation of my civil rights continually.

I've never been Presented with ANY inditement by a grand jury for any crime, but today I'm exposing the South Carolina Judiciary to the Department of Justice, and I am making very clear, and serious allegations, and I need the top agency, and individuals involved in these cases because this is a political situation stemming from a cover up from a unlawful order by a family court judge Donna Strom, and Monet Pincus causing damages to the Petitioner, and unlawfully stripping the Petitioner of his protected rights without due process to further damage the Petitioner to future cases like this in retaliation, and to harm the Petitioner as much as possible for ever trying to fight in court against the judiciary, and currently now all Judges or Bar Members are involved to deny the Petitioner of ALL his protected rights, including his right to appeal.

The Petitioner's life, his children's lives have been destroyed. The opportunities the Petitioner has to be employed, and to hold a job have been prejudiced from the 2018 order of Donna Strom which is a Void Judgement as a matter of law, yet the District court, federal court of appeals, and now the Court of Appeals refuse to give me my day in court in front of a jury of my peers for criminal or civil matters that accumulated against the Petitioner unlawfully without Due Process of law.

Now that The Petitioner has Reached the Supreme Court and the Courts ability to just ignore these cases, and make endless delays shows without a doubt the Petitioner is being subjected to criminal behavior by the very elected, and created government officials employed to stop such crimes.

CONCLUSION

For the foregoing reasons, this Court should Overturn the Donna Strom order from 2018, it's a void judgement, and has caused 4 false arrest, 4 situations of my private property taken without due process of law, and defamed me within the state agencies involved, its unlawfully without due process taken my driver's license, my freedom, and its caused a unique prejudiced uphill battle situation where I'm not able to be employed because I'm a contractor and need my driving privileges in order to work in and outside the state, its very hard to gain employment after the state arbitrarily takes your driving privileges, jails you multiple times making a criminal record out of civil infractions, and defames me as a dead beat parent, and forces unfair, and prejudicial practices within the SCDMV, state background checks, and even state insurance will not insure me because the time laps without a driver's license.

The State SCDMV AUTOMATIC suspension is bull crap, you know it, everyone that knows me knows it. The South Carolina courts are incompetent beyond belief if at the very least they cannot restore my driving right. I've said multiple times its not about lawsuits, I need and want my driving privilege back, I have missed so much with my children that is my most important need, its now 5 years later after starting this fight, and I'm done asking.

Without a void judgement from Donna Strom on the record the Petitioner would not unlawfully be arrested for contempt of court without an attorney, without any questions made on the ability to pay vs not willing to pay. Turner v. Rogers, 564 U.S. 431 was ruled on by this very Supreme Court, yet because the liability has sat on their hands and refused to give the Petitioner the same rights afforded to others on my multiple Writs of Mandamus. The court refused to allow due process, and forced child support orders merely because the Petitioner refused to sign a voluntary parental agreement. Equal protection means the state does not have more protections than its creators the people, the Petitioner.

The Provisions of the federal government as well as the state child support agency requires Due process, The Child Support agency lacks the proper authority, and subject matter jurisdiction to find the Petitioner criminally liable without an attorney, and unfairly using DSS attorneys to represent the other party, and not the Petitioner.

If the courts around the country want to know how disgusting the current Child Support scheme is, I haven't seen my first daughter since 6 months old, I searched, and searched, and literally almost took my life because the depression from having my child stolen because the state child support system weaponizes mothers unfairly.

Not all cases are like mine, but I say this loud whether you hate me or not, I wish this pain, this decade long struggle upon anyone. The same day I found my daughter on Facebook after 18 years of hell, I

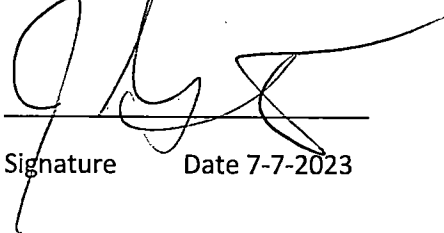
found out she was abused, and treated wrong by her mother, it devastated me to my core, and I looked back on the wasted 18 years, my destroyed life since I last saw her, and I couldn't protect her. This makes me cry on the spot.

Unfortunately, I don't do Facebook much, but on the same day I found my daughter, I find out my Step sister died Homeless in California where I left her to move to South Carolina to be a father to my remaining children. My sister and I struggled with the Sexual trauma, from trafficking, and the murders of our close's family, we both had 3 girls, we both were the only ones who knew each other. This devastated me beyond return.

I can only say now, after living this, this Supreme Court has to get it right. I'm so done of this bullshit you law professionals call justice in my cases. I hate to tell everyone, including the Department of Justice I've given up after this, I've lost hope in our system, and I don't respect anyone who can't come to my aid who is deemed to come running to my defense. I never had anyone fight for me but my sister, I don't trust this system to get it right. I don't. if this make me wrong, so be it.

Maladministration is the heart of this CRIMINAL behavior by state officials involved. It's a conspiracy by multiple agencies being ran by common Bar agency members to circumvent the state constitution, and federal constitution of its power, and using it to infiltrate the highest seats of government in the state of South Carolina for major profits from its control over the courts, and to monopolize the judicial system to the point that basic, poor, minority citizens are exploited, and criminalized and convicted without due process protections to make massive profits from the courts, jails, SCDMV and fines they set.

This court shall overturn this case because it's obviously an abuse of process, abuse of Due process, and abuse of fundamental rights of the Petitioner. The failure of 3 courts, 3 judges, 3 different chances for the state to get it right, but have declined to. Now we are at the highest court of the state, and I have requested the highest form of civil rights enforcement as possible to watch the crimes in real time if in fact this Supreme court, being number 4 refuses its duty, and denies the Petitioner once again his fundamental, basic, and required God given rights.

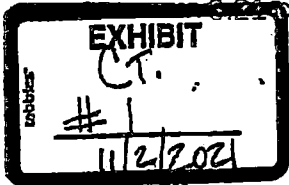


Signature

Date 7-7-2023

Jerome Garcia
1412 Pinson
Street
Columbia SC
29203

Mailed to Counsel of
Record: Kebra Simpson
SCDPS office of General
counsel 1626 Shop Road
Columbia SC. 29201



SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
OFFICE OF GENERAL COUNSEL

1626 Shop Road Columbia, S.C. 29201

Defendant's Copy of Discovery

State v. Jerome Scott Garcia
Ticket No(s): 20192410977926-928

1. Uniform Traffic Tickets 20192410977926-928 (3 pages)
2. SCHP Incident Report (1 page)
3. Jerome Garcia 10 Year Driving Record and Notice of Suspension (9 pages)
4. DVD- Dash Cam

Given to Christopher A. Stafford
803 719 3385
SLID: 8834970

Prepared by: Kebra N. Simpson
Midlands Prosecutor

Sign: [Signature]

Date: 10.27.21

Sign: [Signature]

Date: 10/27/21

Chris Stafford lives at 1630 Hodges St. Columbia St. 29203
Not 1412 Pinson is not a residence, its a mail only Box,
There is not a house at 1412 Pinson st. I Jerome Garcia never
Signed for or received this Discovery, and this is a Due
Process violation and attack of 6th amendment Right.
I will produce more material facts when I'm released from
Jail, And for my first offense I Question not Being released
Hand Delivered to: 1412 Pinson Street Columbia, S.C. 29203 Until my appeal?

EXHIBIT
AAA

Shows Discov
mailed to
1630 Hodges St
Because Chris
Stafford Signed
and Affidavit
Refused By
Judge Diana
Goodstein

STATE OF SOUTH CAROLINA

COUNTY OF CALHOUN

THE STATE AND SOUTH
CAROLINA DEPARTMENT OF
PUBLIC SAFETY,

Respondent-Appellee,

vs.

JEROME GARCIA

Appellant-Defendant.

IN THE COURT OF COMMON PLEAS

APPEAL NO. 2021-CP-09-00216

ORDERRENEE THASTY
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEWS, SC

2023 MAR -3 PM 12:46

FILED

This matter came before this Court on February 3, 2023, upon appeal by Jerome Garcia from the Magistrate Court. This Court has reviewed the record, including the notice of appeal and the Magistrate's return, and heard arguments of the parties. Present at the hearing was the Appellee represented by counsel and the Appellant, who proceeded pro se.

Based on the review of the record, the Appellant was found guilty by a jury of (1) driving under suspension, (2) permitting or operating a vehicle which is not registered and licensed, and (3) having an uninsured motor vehicle. The Appellant failed to appear at his trial and the Magistrate Court properly followed the procedure for a trial in absence.

On November 29, 2021, Appellant filed his first appeal. On December 16, 2021, the Magistrate filed a return regarding Appellant's first appeal; however, the first appeal was premature and untimely because there was no final judgment. On January 19, 2022, Appellant was arrested and sentenced to ninety (90) days. Following the entry of final judgment, Appellant filed his second appeal. In his second notice of appeal, Appellant did not list any exceptions. However,

even if this court were to address the exceptions raised in the first, untimely, notice of appeal the Magistrate court would be affirmed.

This Court finds that the Magistrate Court had jurisdiction over Appellant, the Magistrate Court properly held a trial in absence, and there was no violation of Appellant's Constitutional rights. This Court also finds there was no motion made to the Magistrate Court to reconsider its decision to hold a trial in absence or a motion for a new trial made to the Magistrate.

Furthermore, Appellant's argument that his license cannot be suspended because it is a right is meritless. (see *Taylor v. S.C. Dep't of Motor Vehicles*, 368 S.C. 33, 36, 627 S.E.2d 751, 753 (Ct. App. 2006), aff'd, 382 S.C. 567, 677 S.E.2d 588 (2009) stating "The license to operate a motor vehicle upon the public highways of this state is not a property right, but is a mere privilege subject to reasonable regulations under the police power in the interest of the public safety and welfare. Such privilege is always subject to revocation or suspension for any cause relating to public safety.").

DUI Case - Used

As for Appellant's assertion that the notices were sent to the wrong address and he did not receive notice, this Court finds that claim without merit. First, it must be noted that Appellant himself put the wrong address on his Bond Form. While Appellant told this Court his address was "1412 Pinson Street," on his Bond form it is written, "1412 Pinston Street." This was the address used by the Magistrate's Clerk of Court. Further, it should be noted that Judge Bloom mailed items to "Pinson Street" and there are items where the "t" in "Pinston" appears to be redacted. In the return, the Magistrate determined "[t]he Defendant received multiple notices that he had a right to be in court and that if he failed to appear he could be tried in his absence."

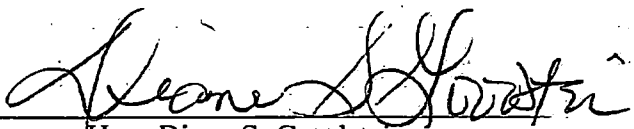
(Magistrates Return, pg. 6). Furthermore, the Return states the "court made a finding that notice

My Discovery was mailed to 1630 Hodges St
Notice Exhibit AAA Chris Stafford Signed for Discovery
at 1630 Hodges St - even written an affidavit of Fact
page 2 of 3 Being denied -

of all proceeding had been mailed to the Defendant's address at 1412 Pinson Street, Columbia SC 29203, via First Class U.S. Mail." (Magistrates Return, pg. 3).

Upon review of the Return issued by Judge Bloom and the arguments presented at the hearing, this Court finds that the Magistrate made no errors of law or abused his discretion. Based on the foregoing, the Magistrate court is **AFFIRMED!**

IT IS SO ORDERED!


Hon. Diane S. Goodstein
Presiding Judge, First Judicial Circuit

February 22, 2022

STATE OF SOUTH CAROLINA
COUNTY OF CALHOUN

NOTICE OF TRIAL IN ABSENTIA
SEALED SENTENCE

Jerome Scott Garcia
1412 Pinson Street
Columbia, SC 29203-2902

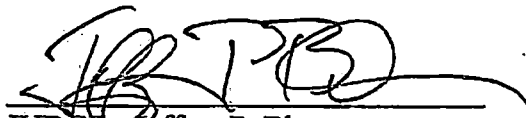
← Some how like magic the court uses
the correct address on the record which
is not 1630 Hodges St. OR "Pinston" as falsely accused
and denied a right regardless

RE: 20192410977926, -7927, -7928
DUS / Driving under suspension, license not suspended for DUI - 1st offense;
Operating Vehicle Not Registered
Operating Uninsured Vehicle

On November 2, 2021, you did not appear for trial and were found guilty of the above charge and issued a Sealed Sentence.

Please contact the court within five (5) business days - by December 10, 2021 - to schedule a Sentencing Hearing. You have the right to hire a lawyer to represent you in every case. If you cannot afford a lawyer, you may be eligible for a free lawyer. If you want a determination made as to whether you are qualified for a free lawyer, then it is your obligation to contact the court and ask for the procedure to be screened for appointment of counsel. If you do not hire a lawyer or go to be screened, then you may be found to have waived your right to a lawyer at your sentencing.

If you choose not to contact the court to schedule a Sentencing Hearing, a Bench Warrant may be issued for your arrest.


JUDGE Jeffrey P. Bloom

St. Matthews Magistrate
2833 Old Belleville Road / P O Box 191
St. Matthews, SC 29135
Phone: (803) 874-1112
Fax: (803) 874-1111

Date: December 3, 2021

Chris Stafford
1630 Hodges Street
Columbia, SC 29203

Exhibit 102

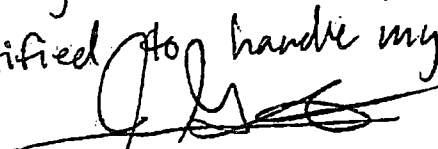
Chris Stafford
and Petitioners
Affidavit of
Facts

March 12, 2022

To Whom It May Concern:

My name is Chris Stafford. I live at 1630 Hodges Street in Columbia, SC - zip code: 29203. Please consider this document a declaration statement that on 10/27/21, I signed for an envelope that a police officer was trying to deliver to Jerome Garcia. I know Jerome Garcia, but he does not live at my address. We text every once in a while, so when a police officer stopped at my house (1630 Hodges St Columbia SC 29203) on 10/27/21 and asked if Jerome Garcia lived here, I said that he didn't. When the officer asked if I knew how to get in touch with Jerome, I said the last few times I tried, I didn't hear back. Before leaving, the officer asked if I thought I might be in touch with Jerome, could he leave a sealed envelope with me, to give to Jerome when or if I saw him again. I agreed and the officer had me sign for the envelope. This was at my address - 1630 Hodges St. I let Jerome know there was an envelope delivered for him at my house; I left it in my mailbox and he picked it up later on. I haven't heard from him since then until last week when I got a letter in the mail from Jerome. He lives at 1412 Pinson St Columbia SC 29203, but to clear up any confusion, he does not now and did not in October 2021 live at my address (1630 Hodges St). I did sign for an envelope being delivered by a police officer for Jerome, at my house - not Jerome's address (1412 Pinson Street) on 10/27/21.


Chris Stafford

I haven't spoken with Chris Stafford in over a year. I've had communication with Chris through text messages. My Address over two years ago use to be 1630 Hodges in Columbia. I've for over 2 years have ~~keep~~ kept my address updated as 1412 Pinson St. Columbia with Both District Court Add Calhoun County Magistrate. I did finally get this Discovery Package 2 years later, and not in time to handle my case properly. As public record I've made Motions, and appealed this very case. This is my declaration that says as fact, I was not properly notified to handle my case
Pro Se. Jerome Garcia X  March 22, 2022



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401

Columbia, South Carolina 29201-3332

Post Office Box 11589

Columbia, South Carolina 29211-1589

Telephone: (803) 734-1330

Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

Proof the Court
of Appeals has fraudulent
claimed I filed a
Motion I did Not
file

June 30, 2023

Jerome Garcia
1412 Pinson Street
Columbia, SC 29203

Re: Your Case

Dear Mr. Garcia:

Denial of a
Protected Right

"When does Due Process Start?"

This office is in receipt of a notification from the South Carolina Court of Appeals that you have requested for our office to pay for the costs of perfecting your appeal, including paying for necessary transcript(s) and providing copies of records and briefs. If you are possibly wanting this office to assist you on your appeal, **please complete the following questions and answer all questions on the enclosed Affidavit of Indigency, have it notarized and return it to me no later than July 6, 2023, since we must notify the Court by July 10, 2023 as to whether or not you are indigent.**

Are you appealing from a trial conviction hearing or from a post-conviction relief hearing?

In what county was this hearing held? _____

Presiding Judge's name: _____

List all hearing dates related to your case and the purpose of each hearing (include the Judge's name if different from the Judge listed above):



The Court Wrongfully
denies Appellant his
Right to Appeal or
Move forward in the
case

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 28, 2023

Mr. Robert Michael Dudek, Esquire
PO Box 11589
Columbia SC 29211

Re: SCDPS v. Jerome Garcia
Appellate Case No. 2023-000409

Dear Counsel:

Delay!
Delay!
Delay!
Due Process is fun ☹️ Not!!

On May 18, 2023 the Court issued an order holding this appeal in abeyance pending a response from the Office of Appellate Defense. As of today's date we have not received your response. Within ten days of the date of this letter, you must file a response to the May 18, 2023 order.

Very truly yours,

A handwritten signature in cursive script, reading "Jenny A. Kitchings".

CLERK

cc: Jerome Garcia
Kebra N. Simpson, Esquire
Saquisha Octavia Tobin, Esquire
William M. Blitch, Jr., Esquire

ALAN WILSON
ATTORNEY GENERAL



All My material facts
All my Serious claims
And yet the Attorney
General rather ignore
my letter, they rather
Join the fraud and
infringement and Represent
SCDPS, Awesome

May 19, 2023

VIA ELECTRONIC FILING

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: **South Carolina Department of Public Safety v. Jerome Garcia**
Appellate Case No. 2023-000409

Dear Ms. Kitchings:

This is to advise you that I will be representing the Respondent in the above referenced matter. Please add me as counsel of record and forward all future correspondence regarding this matter directly to me. If you should have any questions, please do not hesitate to contact me.

Sincerely,

William M. Blich, Jr.
Senior Assistant Deputy Attorney General

WMB/cc

cc: Jerome Garcia, *pro se* Appellant (via US Mail)
Kebra N. Simpson, Esquire (via email)
Saquisha Octavia Tobin, Esquire (via email)
Victim Advocacy Division

↑ Hey Sr. Assistant, When
Does Due Process Start?
Why haven't you spoken to
me??

THE STATE OF SOUTH CAROLINA
In the Court of
Appeals

Just More
Request for the
Court of Appeals
to follow the
Law, They
Will Not!!
--

APPEAL FROM the Court of Common Pleas
Calhoun County Hon. Judge Diane S.
Goodstein

Case No. 2021-CP-09-00216

South Carolina Department of Public Safety, Respondent,

v.

Jerome Garcia,

Appellant.

PETITION TO WAIVE FEES

1. The Appellant petitions the court to waive all fees pertaining to this case due to the fact this case has been treated as a criminal case from the moment of arrest on July 11th 2019 for the exercise of a protected right, and this case continues to deny the appellant any rights pertaining to Due Process, or the adjudication of justice.
2. The main concern now is to hide the fact the appellants protected rights were infringed, and to deny such access to the court to appeal such "CRIMINAL" charges Both Magistrate judge Jeffery Bloom, and Diane Goodstein are the very record of these transcripts saying the case is criminal.
3. *Rinaldi v. Yeager*, 384 U. S. 305, 384 U. S. 310 (1966). [Footnote 4]
Therefore,
"[i]n all cases the duty of the State Page 404 U. S. 194
is to provide the indigent as adequate and effective an appellate review as that given appellants with funds. . . ."
4. *Draper v. Washington*, 372 U. S. 487, 372 U. S. 496 (1963). In terms of a trial record, this means that the State must afford the indigent a "record of sufficient completeness" to permit proper consideration of [his] claims." *Id.* at 372 U. S. 499 (quoting *Coppedge v. United States*, 369 U. S. 438, 369 U. S. 446 (1962)).

5. A "record of sufficient completeness" does not translate automatically into a complete verbatim transcript. We said in *Griffin* that a State "may find other means [than providing stenographic transcripts for] affording adequate and effective appellate review to indigent defendants." 351 U.S. at 351 U. S. 20. We considered this more fully in *Draper v. Washington*, *supra*, at 372 U. S. 495-496:
6. The Sixth Amendment, made applicable to the States via the Fourteenth Amendment, establishes a defendant's right to counsel at the trial level and guarantees the right to effective assistance of counsel. *Evitts v. Lucey*, 469 U.S. 387, 392 (1985).
7. The right of an indigent criminal defendant to counsel at the appellate level, by contrast, is grounded in the Equal Protection and Due Process Clauses of the Fourteenth Amendment. *United States v. Marshall*, 872 F.3d 213, 217 (4th Cir. 2017). Despite this difference, where "a convicted defendant elects to appeal, he retains the Sixth Amendment right to representation by competent counsel." *McCoy v. Ct. of Appeals of Wis.*, 486 U.S. 429, 436 (1988); accord *Evitts*, 469 U.S. at 396 ("A first appeal as of right therefore is not adjudicated in accord with due process of law if the appellant does not have the effective assistance of an attorney.").
8. In finding that a defendant did not require an attorney to pursue discretionary appeals, the Supreme Court noted that a defendant at such a stage will have access to the relevant materials—including the disposition of the Court of Appeals—required to file a petition. See *Ross*, 417 U.S. at 615 ("At that stage he will have, at the very least, a transcript or other record of trial proceedings, a brief on his behalf in the Court of Appeals setting forth his claims of error, and in many cases an opinion by the Court of Appeals disposing of his case."). While a defendant may benefit from counsel at any stage, he is sufficiently equipped with these materials to file a petition on his own.
9. On April 10th 2023 the appellant received a bill of \$390.00 for the transcripts of this case by Steven E. LeBlanc circuit court reporter of the 11th Judicial circuit. The appellant has timely addressed this issue that started Feb. 2023 when the appellant tried to request such transcripts, or find out how to from clerk Latashia Moorner at Sandy Run Magistrate without response.
10. The appellant moves this court to waive the fees, and allow this case to move forward so the appellant can prove his claims using the very material facts, and record placed against him in a Abuse of Process, and Malicious Prosecution under the color of law.

Precedent
Case Law
But Court
of Appeals
Can't See it
I guess!!

Signature

Date 4-14-2023

Jerome Garcia

1412 Pinson

Street

Columbia SC

29203

Mailed to Counsel of
Record: Kebra Simpson
SCDPS office of General
counsel 1626 Shop Road
Columbia SC. 29201

THE STATE OF SOUTH CAROLINA
In the Court of
Appeals

APPEAL FROM General Sessions and order from
Honorable Diane Schafer Goodstein

Case No. 2023-000409

SCDPS,

Respondent,

v.

Jerome Garcia,

Appellant.

TRANSCRIPT REQUEST

1. The appellant makes a late request for the hearing on February 3rd 2023 at 902 F.R. Huff Dr. St. Matthews presiding judge Honorable Diane S. Goodstein case # 2021CP0900216. The appellant has made numerous calls to the court clerk Latisha Moorner without any response, or call backs. The court in St. Matthews is hardly open, and rarely available to speak to anyone pertaining to this case. I now move to request the transcripts from the proper court at 902 F.R. Huff Dr. St Matthews.

Signature Date 4-10-2023

Jerome Garcia
1412 Pinson
Street
Columbia SC
29203

Mailed to Court clerk at
902 F.R Huff Drive St.
Matthews SC 29135

St Matthews
Court house and
Employees are a
Joke and waste
of TAX dollars !!

Yes I said it!!

THE STATE OF SOUTH CAROLINA
In the Court of
Appeals

APPEAL FROM General Sessions and order from
Honorable Diane Schafer Goodstein

Case No. 2023-000409

SCDPS,

Respondent,

v.

Jerome Garcia,

Appellant.

COVER LETTER

1. The court of Appeals has errored claiming this case is a civil matter claiming the appellant has to pay fees for motions, or filing fees, and this is false. This case in the appellants original argument, and in his federal lawsuit that is currently at the 4th circuit court of appeals has made claims that the lower court lacked Subject Matter Jurisdiction due to the charge being civil traffic infractions.
2. Yet the lower court, judge Jeffery Bloom, and now the court of appeals in Calhoun county Diane Goodstein have clearly ruled this case CRIMINAL not CIVIL. The appellant has been jailed twice for this matter unlawfully if in fact this matter is CIVIL, AND NOT CRIMINAL. The situation has become embarrassing to the South Carolina courts involved, and the judges involved as nobody seems to understand the or the rights of the appellant pertaining to this matter.
3. The appellant has made a clear attempt to APPEAL yet I keep getting the run around from the professionals in this case. So, to be clear again, I've been jailed, and property taken without the protection of the 14th amendments due process as well as my right to appeal. I called the court clerk Latisha Moore multiple times to request such transcripts in this matter, she doesn't return my calls or messages.
4. At this time the court of appeals CANNOT deny my right to appeal a criminal case because the court has wrongfully without jurisdiction to do so rule this case a civil matter. This is a direct infringement of my rights, and I'm sick of it. I am not an attorney, and that should not be attacked by the ones who are. I'm speaking English, and I'm timely exercising my rights, it's the procedures, and the process being manipulated to prejudice the appellant from exposing the

More Motions,
Request and
Court ignores
and claims
I asked for
a attorney
I did
Not!!

fraud of this states judiciary if in fact I cannot access the very court to protect my protected rights.

5. So, it should be clear that this case is a criminal matter since the appellant remembers very vividly almost losing his life being incarcerated at Orangeburg County Detention Center for a criminal Bench trial by Jeffery Bloom who denied my right to a jury trial. The facts will clearly show the appellants facts if the lower court follows the law, and produces the court transcripts.

Signature Date 4-10-2023

Jerome Garcia
1412 Pinson
Street
Columbia SC
29203

Mailed to 902 F.R Huff
Drive St. Matthews SC
29135,
Also, to Kebra N. Simpson
attorney for respondent, and
to the SC Office of Court
Administration

Henry McMaster
Governor



Karin A. Shivedo
Executive Director

State of South Carolina
Department of Motor Vehicles

No Due
Process Just
a letter

SEQUENCE 000138
0101000138

02/09/2023

GARCIA, JEROME SCOTT
1412 PINSON ST
COLUMBIA, SC 29203-2134

CUSTOMER NO: 32850577
FILE NO: 32784025
DL NO: 105301138

OFFICIAL NOTICE

REASON: You have accumulated violations in a 3 year period that result in you being declared an Habitual Offender. SECTION OF LAW: 56-1-1030 and 56-1-1090

VIOL DATE	CONV DATE	TICKET#	VIOLATION DESCRIPTION
06/26/2019	02/07/2023	20192351031044	Driving Under Suspension
07/10/2019	11/02/2021	20192410977926	Driving Under Suspension
07/08/2019	09/24/2019	7102P0837309	Driving Under Suspension

I already tried suing Kevin Shivedo
because he won't give me a hearing on my
3-~~000~~ Suspensions Just ignore my pleas.

BEGINNING DATE: 12:01 AM 03/11/2023 ENDING DATE: MIDNIGHT 03/11/2028

HEARING:

Section 56-1-1030 allows you to appeal the DMV's decision. There is a \$200.00 filing fee for a hearing. (Personal checks not accepted.) Should you desire a hearing, you must submit a written request within 30 days from the date of this letter. State the reasons why you believe that the Department has made an error. Mail or deliver the request and the fee to the South Carolina Office of Motor Vehicle Hearings, 1205 Pendleton St., Suite 325, Columbia, SC 29201. If you do not request a hearing, the suspension will become effective on the date indicated above. After you have completed two years of the suspension, you may request a reduction of the suspension. You can obtain an application and instructions at the Department's website at www.scdmvonline.com or by contacting a Customer Service Representative at (803)896-5000.

SPECIAL DRIVING PRIVILEGES:

There are no special driving privileges available to you. You may not drive until the suspension period has ended and you have done the following:

FINANCIAL RESPONSIBILITY:

You must do one of the following for 3 years from the ending date listed above:

1. have your insurance agent file a Certificate of Insurance (SR-22), or
2. deposit \$40,000 per motor vehicle with SC State Treasurer's Office, or
3. have a surety company issue a bond for you.

REINSTATEMENT FEE:

You must pay a \$100.00 reinstatement fee. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

TESTS:

You must successfully complete the vision, knowledge and skills test.

Driver Records Manager

Post Office Box 1498, Blythewood, South Carolina 29016

Henry McMaster
Governor



State of South Carolina
Department of Motor Vehicles

I guess we pay
Fees to get
Due process
Who needs courts
of a fair hearing?
Thats Silly

Kevin A. Shveda
Executive Director

02/09/2023

GARCIA, JEROME SCOTT
1412 PINSON ST
COLUMBIA, SC 29203-2134

CUSTOMER NO: 32850577
FILE NO: 32784024
DL NO: 105301138

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: You have been convicted of the offense listed below.

SECTION OF LAW: 56-1-460

VIOL DATE	CONV DATE	TICKET#	VIOL DESCR
06/26/2019	02/07/2023	20192351031044	Driving Under Suspension

BEGINNING DATE: 12:01 AM 02/24/2023 ENDING DATE: MIDNIGHT 03/25/2023

SPECIAL DRIVING PRIVILEGES:

If your violation date is on or after 1/1/11, the following may apply. You may be eligible for a route restricted license if you are a licensed driver, a US Citizen, have a job, attend ADSAP, attend a court-ordered drug program or are enrolled in a college or university. This license allows you to drive non-commercial motor vehicles on a specific route at a certain time during this suspension period. Complete the enclosed application and return it to the DMV Customer Service Office at 1630 Shop Road, Columbia, SC or mail it to Driver Records, PO Box 1498, Blythewood, SC 29016-0028. There is a \$100.00 fee for this license. Incomplete applications will be returned. If you do not receive special driving privileges, the suspension will become effective on the date indicated above and you must surrender your driver's license to your local DMV Office. If you are holding a valid license from another state, you may make application for a route restricted license without surrendering your out-of-state license to the SCDMV. If approved, this credential must be kept in your possession with the out-of-state license during the suspension period.

REINSTATEMENT FEE:

You must pay a \$100.00 reinstatement fee. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

If you have not already turned in your license, you must return it to Driver Records or your local DMV office.

Driver Records Manager



Dept. of Justice Ass. Atty-Gen
Gupta - Notice how many
Times! I'm not speaking
English I guess

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 23, 2023

Ms. Brenda Gayle Watson, Esquire
3150 Harden Street Extension
Columbia SC 29203

Re: Jerome Garcia v. Dalena Schuster
Appellate Case No. 2022-001703

Dear Counsel:

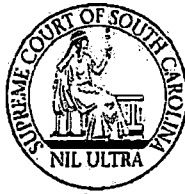
We are in receipt of your correspondence received on December 28, 2022, regarding your representation of the respondent, South Carolina Department of Social Services. Please be advised that we have updated our records to reflect that you are counsel for the respondent. Megan Jeanine Katherine Meekins will no longer be listed as counsel in this matter and shall not be copied on any future correspondence with regard to this appeal.

Very truly yours,

A handwritten signature in cursive script that reads "V. Claire Allen".

CLERK

cc: Jerome Garcia
Megan Jeanine Katherine Meekins, Esquire
Dalena Schuster



We will totally write
down everything you claim
But act Stupid!!

Repeat

Next
Page

The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

John S. Nichols
Disciplinary Counsel

Jeffrey I. Silverberg
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Facsimile: (803) 734-1964

December 28, 2022

PERSONAL AND CONFIDENTIAL

Via email and US mail: s70jeromegarcia@yahoo.com

Jerome Garcia
1412 Pinson Street
Columbia, SC 29203

RE: Family Court Judge Monet S. Pincus
File Number: 22-DE-J-0443

Dear Mr. Garcia:

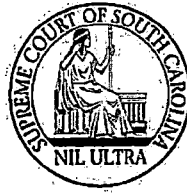
This will acknowledge your email and complaint form received on December 17, 2022, in which you make allegations against a lawyer and two (2) judges, including Judge Monet S. Pincus. From reading your complaint, most of the allegations you make involve legal issues that must be addressed by you to the court or raised by you on appeal using appropriate appellate procedures. As such, many of the allegations you raise are outside the jurisdiction of this office. Nevertheless, you indicate in your complaint your belief that Judge Pincus "willingly, maliciously, purposely, conspired with local state officials, and state actors in a conspiracy to deprive Jerome Garcia His substantive, procedural, and constitutional protected Bill of Rights." I am unsure of the exact nature of this allegation. If you wish to file a complaint against this judge, you will need to provide us with more specific details of what the judge did or did not do to cause you to file your complaint. Specifically, please provide more details about what Judge Pincus did to conspire against you.

Please keep in mind that the authority of this office is limited to issues of whether a judge has committed misconduct or is incapacitated within the guidelines set out in Rules 502, SCACR. This office does not have the authority to determine whether the outcome of a case was fair or to intervene in a legal matter. Our office cannot change the decision of a judge.

Without the requested information, we will be unable to proceed with an investigation. If we do not receive it within thirty (30) days, we will close this matter without further notice to you.

Sincerely,
s/Jeffrey I. Silverberg

Jeffrey I. Silverberg



The Supreme Court of South Carolina

OFFICE OF DISCIPLINARY COUNSEL

John S. Nichols
Disciplinary Counsel

Jeffrey I. Silverberg
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Facsimile: (803) 734-1964

Same Bull
Crap
We don't
Know
How to do
our
Jobs!!

December 28, 2022

PERSONAL AND CONFIDENTIAL

Via email and US mail: s76jeromegarcia@yahoo.com

Jerome Garcia
1412 Pinson Street
Columbia, SC 29203

RE: Lawyer: Megan Jeanine Katherine Meekins, Esquire
File Number: 22-DE-L-1580

Dear Mr. Garcia:

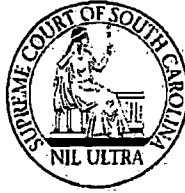
This will acknowledge your email and complaint form received on December 17, 2022, in which you make allegations against Megan Jeanine Katherine Meekins, Esquire. From reading your complaint, most of the allegations you make involve legal issues that must be addressed by you to the court or raised by you on appeal using appropriate appellate procedures. As such, many of the allegations you raise are outside the jurisdiction of this office. Nevertheless, you indicate in your complaint your belief that Ms. Meekins "willingly, maliciously, purposely, conspired with local state officials, and state actors in a conspiracy to deprive Jerome Garcia His substantive, procedural, and constitutional protected Bill of Rights." I am unsure of the exact nature of this allegation. If you wish to file a complaint against this lawyer, you will need to provide us with more specific details of what the lawyer did or did not do to cause you to file your complaint. Specifically, please provide more details about what Ms. Meekins did to conspire against you.

Please keep in mind that the authority of this office is limited to issues of whether a lawyer has committed misconduct or is incapacitated within the guidelines set out in Rule 413, SCACR. This office does not have the authority to determine whether the outcome of a case was fair or to intervene in a legal matter.

Without the requested information, we will be unable to proceed with an investigation. If we do not receive it within thirty (30) days, we will close this matter without further notice to you.

Sincerely,
s/Jeffrey I. Silverberg

Jeffrey I. Silverberg



I Thank Donna Strom
for Destroying my life
with one act of kindness
She really helped my

The Supreme Court of South Carolina Children,
OFFICE OF DISCIPLINARY COUNSEL enjoy your immunity

Ericka M. Williams
Deputy Disciplinary Counsel

Daniel G. Hayes
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Facsimile: (803) 734-1964

Must
Be nice !!

April 28, 2023

PERSONAL AND CONFIDENTIAL

Jerome Garcia
1412 Pinson Street
Columbia, SC 29203

RE: Family Court Judge Donna S. Strom
File Number: 23-DE-J-0127

Dear Mr. Garcia:

This will acknowledge your email received on April 11, 2023. From reading your email, I am unsure of the exact nature of your complaint against Judge Strom. If you wish to file a complaint against this judge, you will need to provide us with more specific details of what the judge did or did not do to cause you to file your complaint.

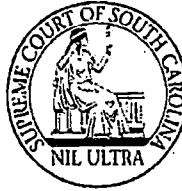
Please keep in mind that the authority of this office is limited to issues of whether a judge has committed misconduct or is incapacitated within the guidelines set out in Rules 502, SCACR. This office does not have the authority to determine whether the outcome of a case was fair or to intervene in a legal matter.

Without the requested information, we will be unable to proceed with an investigation. If we do not receive it within thirty days, we will close this matter without further notice to you. Feel free to contact me if you have any questions or concerns.

Sincerely,

Is Daniel G. Hayes
Daniel G. Hayes

DGH/clg



lol, Turner VS. Rodgers??
What is that??
Just go to jail

The Supreme Court of South Carolina Judge,
OFFICE OF DISCIPLINARY COUNSEL Pincus enjoy

Ericka M. Williams
Deputy Disciplinary Counsel

Daniel G. Hayes
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211 Your

Telephone: (803) 734-2038 -
Facsimile: (803) 734-1964 immediate

April 28, 2023

PERSONAL AND CONFIDENTIAL

Jerome Garcia
1412 Pinson Street
Columbia, SC 29203

Thanks My
Children Thank
you TWII

RE: Family Court Judge Monet S. Pincus
File Number: 23-DE-J-0128

Dear Mr. Garcia:

This will acknowledge your email received on April 11, 2023. From reading your email, I am unsure of the exact nature of your complaint against Judge Pincus. If you wish to file a complaint against this judge, you will need to provide us with more specific details of what the judge did or did not do to cause you to file your complaint.

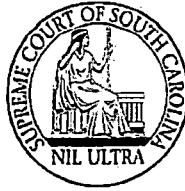
Please keep in mind that the authority of this office is limited to issues of whether a judge has committed misconduct or is incapacitated within the guidelines set out in Rules 502, SCACR. This office does not have the authority to determine whether the outcome of a case was fair or to intervene in a legal matter.

Without the requested information, we will be unable to proceed with an investigation. If we do not receive it within thirty days, we will close this matter without further notice to you. Feel free to contact me if you have any questions or concerns.

Sincerely,

Is Daniel G. Hayes
Daniel G. Hayes

DGH/clg



The Supreme Court of South Carolina
OFFICE OF DISCIPLINARY COUNSEL

Ericka M. Williams
Deputy Disciplinary Counsel

Daniel G. Hayes
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Facsimile: (803) 734-1964

April 28, 2023

PERSONAL AND CONFIDENTIAL

Jerome Garcia
1412 Pinson Street
Columbia, SC 29203

RE: Lawyer: Brenda Gayle Watson, Esquire
File Number: 23-DE-L-0589

Dear Mr. Garcia:

This will acknowledge receipt of your email on April 11, 2023. From reading your email, I am unsure of the exact nature of your complaint. If you wish to file a complaint against this lawyer, you will need to provide us with more specific details of what the lawyer did or did not do to cause you to file your complaint.

Please keep in mind that the authority of this office is limited to issues of whether a lawyer has committed misconduct or is incapacitated within the guidelines set out in Rule 413, SCACR. This office does not have the authority to determine whether the outcome of a case was fair or to intervene in a legal matter.

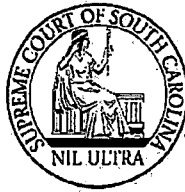
Without the requested information, we will be unable to proceed with an investigation. If we do not receive it within thirty days, we will close this matter without further notice to you.

Sincerely,

Is Daniel G. Hayes
Daniel G. Hayes

DGH/clg

*This is The most worthless
heartless disgusting
Attorney I've ever seen
She violates
Govt Rights
Then
runs
away when exposed
Just Disgusting !!*



Between Bloom, Strom, Pincus,
Goodstein, I'm not sure
which one is worse than
the next, But wait,

The Supreme Court of South Carolina OFFICE OF DISCIPLINARY COUNSEL

John S. Nichols
Disciplinary Counsel

Jeffrey I. Silverberg
Assistant Disciplinary Counsel

Post Office Box 12159
Columbia, South Carolina 29211

Telephone: (803) 734-2038
Fax: (803) 734-1964

January 3, 2023

PERSONAL AND CONFIDENTIAL

Jerome Garcia
1412 Pinson Street
Columbia, SC 29203

RE: Judge:

Magistrate Jeffrey Phillip Bloom
Calhoun County Magistrate's Court

Matter Number:

22-DE-J-0440

Dear Mr. Garcia:

We have received your complaint about Magistrate Jeffrey Phillip Bloom. We will conduct an investigation into the matters you have reported. You will not necessarily be contacted prior to a decision regarding your complaint; therefore, if you have any additional information or documentation to support your allegations, you should submit it at this time.

Please note that the authority of this office and the jurisdiction of the Commission on Judicial Conduct are limited to issues of whether a judge is subject to discipline pursuant to the Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR ("RJDE"). Where misconduct is found, the disposition might include a confidential letter of caution or admonition, a public reprimand, suspension or removal from office. If our investigation does not reveal evidence of judicial misconduct, your complaint will be dismissed.

We take this opportunity to advise you of the limited role of this office and the Commission so that you will be aware that we cannot provide you with legal assistance or advice. Nor does our office have the authority to intervene in your legal matter or change the outcome any legal proceeding. You should promptly seek assistance or advice that you might need from legal counsel or other sources. If you do not have an attorney and believe that you need one, you should contact the South Carolina Bar Lawyer Referral Service at 1(800) 868-2284.

You will be notified of the final disposition of your complaint. It is often many months after receipt of a complaint before a final decision is made.

Sincerely,
s/ Jeffrey I. Silverberg

Jeffrey I. Silverberg

I may
get lucky
And
One of you Supreme
Court Judges can
infringe the "Best"??



To cover our @ss lets change
The respondent and act
like Watson doesn't Rep
Dalena Schuster, and

The South Carolina Court of Appeals *pretend we only Rep. DSS*

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 25, 2023

Jerome Garcia
1412 Pinson Street
Columbia SC 29203

Ms. Brenda Gayle Watson, Esquire
3150 Harden Street Extension
Columbia SC 29203

*who cares about Rules, or
Procedures, We don't need
Those as I don't need
an Attorney.*

Re: SCDSS v. Jerome Garcia
Appellate Case No. 2022-001703

Dear Counsel and Mr. Garcia:

This is to advise that the title in the above matter has been changed to read as follows:

South Carolina Department of Social Services, Respondent,

v.

Jerome Garcia, Appellant.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office. Dalena Schuster has been removed as a respondent and shall not be copied on any future correspondence with regard to this appeal.

Notice its my Appeal, I paid \$250.00
yet I don't get to speak, But the
Court of Appeals will Listen

The South Carolina Court of Appeals to a non-
witness, and

South Carolina Department of Social Services,
Respondent,

v.

Jerome Garcia, Appellant.

Appellate Case No. 2022-001703

ORDER

Respondent's motion to substitute counsel is granted. Attorney Brenda Gayle Watson is hereby relieved as counsel for Respondent, and Attorney Nancy Bailey shall be substituted as counsel for Respondent.


FOR THE COURT

Columbia, South Carolina

cc:

Jerome Garcia

Brenda Gayle Watson, Esquire

Nancy H. Bailey, Esquire

FILED
Apr 12 2023

change counsel
yet again!!
The "Watson" just stopped
in to kick me real
Quick!!
Thanks



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 06, 2022

Jerome Garcia
1412 Pinson Street
Columbia SC 29203

Re: Jerome Garcia v. Dalena Schuster
Appellate Case No. 2022-001703

Dear Mr. Garcia:

Upon reviewing your motion to stay, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and this deficiency must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

Catherine Harris
CLERK

cc: Dalena Schuster
Megan Jeanine Katherine Meekins, Esquire

oops!! They don't know who the respondent is, so incompetent yet

Hold me to the highest

Legal Standard

as for Se -

or DSS, who you want?
Don't worry I'll wait until you decide, I don't need rights!!



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 06, 2022

Jerome Garcia
1412 Pinson Street
Columbia SC 29203

Re: Jerome Garcia v. Dalena Schuster
Appellate Case No. 2022-001703

Dear Mr. Garcia:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and each deficiency must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- The notice of appeal is not accompanied by the order(s) and/or judgment(s) challenged on appeal.
- The notice of appeal fails to include a statement of when you received written notice of entry of the order or judgment from which this appeal is taken.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- You must provide proof of filing a copy of your notice of appeal with clerk of the lower court.
- The explanation given in your notice of appeal is not needed at this time. You must serve and file an amended notice of appeal substantially in the format shown by Form 1 in Appendix C to part II of the SCACR.

~~They Don't need my explanation of Brief yet~~
They allowed

DSS

Attorney

Watson Motion for
Dismiss and she
got it !!

Wow

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Marry-go
Attorneys

APPEAL FROM RICHLAND COUNTY
Family Court

Donna Strom, Family Court Judge

Case No. 2018-DR-40-0258
Appellate Case No. 2022-001703

SC Department of Social Services, ... Respondent,

v.

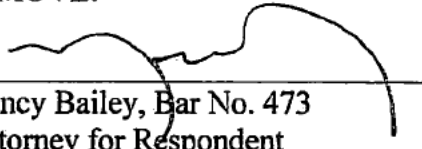
Jerome Garcia, ... Appellant,

MOTION TO SUBSTITUTE COUNSEL

Comes now, Nancy Bailey, Esquire for Respondent, who respectfully requests that she be substituted as counsel in this case for Brenda Gayle Watson, Esquire.

I SO MOVE:

March 16, 2023
Columbia, SC



Nancy Bailey, Bar No. 473
Attorney for Respondent
SC Department of Social Services
Child Support Services Division
PO BOX 1469
Columbia, SC 29202
803-898-9306

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Family Court

Donna Strom, Family Court Judge

Case No. 2018-DR-40-0258
Appellate Case No. 2022-001703

All these Damn
DSS Attorneys
Yet not one
for me ??
Just hold the
Vaseline I guess

SC Department of Social Services, ... Respondent,

v.

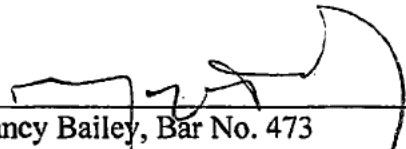
Jerome Garcia, ... Appellant,

CERTIFICATE OF SERVICE

I, Nancy Bailey, State Attorney for the South Carolina Department of Social Services, Child Support Services Division, hereby certify that on this 16th day of March 2023, I served a true and accurate copy of the Motion to Substitute Counsel on the party listed below, by placing the same in a properly addressed envelope, postage prepaid, and depositing in the regular course of the United States Mail, addressed as follows:

Jerome Garcia
1412 Pinson Street
Columbia, SC 29203

Brenda Gayle Watson, Esquire (**HAND DELIVERED**)
SCDSS Child Support Services Division
PO BOX 1469
Columbia, SC 29202


Nancy Bailey, Bar No. 473
Attorney for Respondent
SC Department of Social Services
Child Support Services Division
PO BOX 1469, Columbia, SC 29202
803-898-9306

The South Carolina Court of Appeals

South Carolina Department of Social Services,
Respondent,

v.

Jerome Garcia, Appellant.

Appellate Case No. 2022-001703

ORDER

False!!
I had 1064
pages of the final
order on June
22, 2018
plus you told me not
to explain or do a
Brief 6! how does
this work

After careful consideration, this appeal is dismissed for lack of appellate jurisdiction. *See* Rule 203(b)(1), SCACR (providing the notice of appeal must be served on all respondents within thirty days after receipt of written notice of entry of the order); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.").

Appellant attests in his amended notice of appeal that he received written notice of the February 22, 2018 order on December 9, 2022. However, on June 22, 2021, Appellant filed a complaint in the federal district court against the family court for allegedly violating his right to due process at a February 22, 2018 hearing that resulted in the final order issued the same day. Within the documents Appellant filed with the district court is a copy of the February 22, 2018 order, demonstrating Appellant had written notice of entry of the order at least as early as June 22, 2021.

Accordingly, we find Appellant's representation regarding the date he received written notice of entry of the order on appeal is contradicted by his other filings and dismiss this appeal as untimely. The remittitur will be sent as required by Rule 221(b), SCACR.¹

¹ Because this case is dismissed, we decline to rule on Appellant's other pending motions.



We will give you
Your request even if it's
Lies!!! fraud
upon the
Court!!

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

Who?
Cares -

March 01, 2023

Ms. Brenda Gayle Watson, Esquire
3150 Harden Street Extension
Columbia SC 29203

Re: SCDSS v. Jerome Garcia
Appellate Case No. 2022-001703

Dear Counsel:

This will acknowledge receipt of your motion to dismiss.

By copy of this letter, the appellant is requested to serve and file a return to this motion regarding the specific issue of timeliness of this appeal, along with any documentation regarding the date of the receipt of the order, no later than ten (10) days from the date of this letter.

Very truly yours,

A handwritten signature in cursive script, reading "Jenny A. Kitchings".

CLERK

cc: Jerome Garcia



Hot potato, hot potato
Hot Potato or is
This duck duck
Goose??

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

May 15, 2023

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

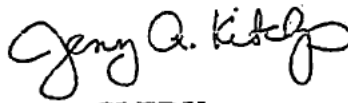
REMITTITUR

Re: SCDSS v. Jerome Garcia
Lower Court Case No. 2018DR4000258
Appellate Case No. 2022-001703

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,


CLERK

Enclosure

cc: Jerome Garcia
Nancy H. Bailey, Esquire

Case # 3:21-cv-1715

Exhibit 1 of 2

Way Before Child Support
she can't suspend my DL or jail me
only DSS and Lies
→ February 1st 2015

I, Dalena Schuster, will retain sole Custody of Marley A
G and Kaya S G. I will not deny Jerome Garcia
visitation with his children. I will not file for child support either.
Visitation must be made in advance and will meet at a mutual
location.

Dalena W. Schuster

Why have a parental agreement
if the stupid state ignores it and
rather destroy your life and play
stupid when I cry foul??

25

RECEIVED
APR 11 2023
S.C. SUPREME COURT

RICHLAND COUNTY
FILED
2023 MAR 28 PM 2:25
JEANETTE W. McBRIDE
C.C.R., G.S., & F.C.

STATE OF SOUTH CAROLINA
COUNTY OF KERSHAW

2023 MAR 28 PM 2:25

IN THE MAGISTRATE'S COURT

Exhibit 2 of 2

Dalena N. Schuster

JEANETTE W. McBRIDE
Clerk, G.S. & E.C.

Plaintiff,

vs.

APPLICATION FOR NOTICE
TO QUIT PREMISES

Jerome Scott Garcia

2 Wood Lake Dr.

Lugoff, SC 29078

Defendant.

I would not leave my kids
because I was afraid of what
happened to my first child and
Child Support
she had to
evict me in
2015
yet I'm here
for my children!!

I, Dalena N. Schuster Plaintiff in this action, state that I am the owner/agent of
the premises with the jurisdiction of the Kershaw County Magistrate which is described as:
(address) [REDACTED]

I further state that with regard to the above described premises, that the Defendant(s) is in
possession of the premises without my consent and that I have requested that the Defendant(s)
yield possession and vacate the premises according to the SC Code of Laws, Section 15-67-0610.

If, after the expiration of five (5) days from the personal service of this notice, the Defendant
does not leave the premises, a magistrate shall issue a Warrant of Ejectment to any sheriff or
constable to eject the Defendant "using such force as may be necessary."

SWORN to before me this

2 day of February, 2015.

Dalena N. Schuster
(Plaintiff)

5th
RICHLAND COUNTY FINAL ORDER
FILED

vs:

Jerome Garcia
Defendant.

2018 FEB 22 PM 12:33

Docket Number: 18 PR-40-0258

Hearing Date: 2-22-18

Judge: Strom

Attorney for Plaintiff: Wetson

Court Reporter:

Attorney for Defendant:

Guardian Ad Litem:

The Custodian and Defendant in this action are:

CUSTODIAN AFDC RECIPIENT: ☐ Yes ☒ No

Name: Dakota Schuster

Residence and/or Mailing Address:

No Address

Telephone:

Sex: F DOB: _____

Social Security Number: _____

DLN: _____ Exp. Date: _____

Employer: _____

Telephone: _____

DEFENDANT

Name: Jerome Garcia

Residence and/or Mailing Address:

Telephone: _____

Sex: M DOB: _____

Social Security Number: _____

DLN: _____ Exp. Date: _____

Employer: _____

Telephone: _____

A hearing was held after proper notice on the date shown above. The Court considered the financial needs of the dependent(s); the financial condition and earning capacity of the custodial parent and Defendant, and the Defendant's ability to make support payments. Based upon this evidence, the Court finds the following:

☒ This Court has jurisdiction over the subject matter and the parties in this action.

☒ The dependent(s): Marley G. Year of birth 2013 and Kaya G. born 2014 is/are in need of financial support.

☒ Defendant should be required to contribute a fair and reasonable amount of child support.

☒ Defendant is employed as a _____ with a gross income of \$ 1257 per month.

☒ The custodial parent's gross income is \$ 1858 per month.

Day care expenses for the child(ren) are \$ _____ per _____.

☒ Defendant is _____ years old, has a _____ grade education, and is in good health.

☐ Defendant contributes \$ _____ per _____ for _____ other children.

☐ A prior order in this case dated _____ from _____ required the Defendant to pay \$ _____ per _____ in child support for his/her children.

☐ Genetic test indicates a probability of paternity of _____ %.

☐ Defendant owes a child support arrearage of \$ _____.

☐ Defendant has legal responsibility for _____ children in the home.

☒ The Court notes that Defendant contests jurisdiction of the SC Family Court to address the issues herein.

IT IS THEREFORE ORDERED that:

☒ Defendant is declared the father/mother of the above-named dependent(s);

☒ Defendant shall pay, through the Court, child support payments of \$ 81.00, plus \$ _____ toward the arrearage, plus five percent (5%) Court costs, for a total weekly payment of \$ 85.05, beginning March 2, 2018

☐ Defendant shall provide and maintain health insurance coverage for the child(ren) and shall provide proof of coverage to the CSED by _____. The Defendant agrees to notify the CSED when health insurance is changed.

☒ Insurance is not reasonably available.

☒ Defendant shall pay 40.4 % of all unreimbursed health expenses in excess of \$250 per year per child.

The custodian shall assume the costs of the unreimbursed medical expenses up to \$250 per year per child.

DSS Attorney
Watson

Horny

Subject matter jurisdiction
challenge - but screw that!!

I have another Daughter
What about her? Who cares fights?

- This is 1 page of 4
I'm suppose to get all 4*
- ☒ Qualified Medical Child Support Order(s) may be submitted as needed.
 - ☒ Income withholding is ordered pursuant to S.C. Code Ann. §20-7-1315.
 - ☒ Either parent may request a review of this order for possible adjustment thirty-six (36) months from the date of this Order or thirty-six (36) months from the date of the last review of this Order. A written request for review must be made to the South Carolina Department of Social Services, Child Support Enforcement Division.
 - ☒ All future notices or correspondence shall be sent to the Defendant and custodial parent at the address above. The Defendant and the custodian shall advise the Court, within ten (10) days, of every change in mailing address or employment. Failure to do so can result in future hearings being held in your absence.
 - ☒ Pursuant to the Uniform Interstate Family Support Act and S.C. Code Ann. §20-7-960 et seq. this State has continuing, exclusive jurisdiction over this Order.
 - ☒ Failure to pay your child support obligations may result in any or all of the following actions: the revocation of any licenses you hold; the reporting of your delinquent status to the credit bureau; the interception of your federal and state income tax refunds; the interception of any other payments due to you from the federal government; and/or an action for contempt of court which may result in punishment by a fine, a public work sentence, imprisonment, or any combination of them. Further, a bench warrant may be issued for your arrest.
 - ☐ Defendant shall pay \$ _____ for the cost of genetic test by _____. Payment shall be made to Attention: Treasurer Division, South Carolina Department of Social Services, P.O. Box 1520, Columbia, S.C. 29202-1520.

IT IS FURTHER ORDERED that:

AND IT IS SO ORDERED.

Columbia, S.C.,

2-22, 2018

DSS File No.: 0932727

[Signature]

Judge of the Family Court

(Read by Judge)

RICHLAND COUNTY
 FILED
 2018 FEB 22 PM 12:33
 CLERK OF COURT

*Please tell me WTF
is Voluntary Consent??*

*Who received it
Because I didn't get all 4 pages
until*

I Voluntarily Consent (Defendant)

ATTEST: A TRUE COPY
 JEANETTE W. McBRIDE
 RICHLAND COUNTY
 CLERK OF COURT

[Signature: Jeanette W. McBride]
 BY: _____
 DEPUTY CLERK FAMILY COURT
 12.09.22

Copy Received By: _____ Date: _____
 Defendant

3064

I was unemployed
and homeless

**South Carolina Department of Social Services
CHILD SUPPORT OBLIGATION: WORKSHEET A
2014 CHILD SUPPORT GUIDELINES**

~~DR~~

I wish I made this and who employed me?

	Father		Mother		
1. Monthly Gross Income:	1,257		1,858		
	<i>(Imputed)</i>				
2. Monthly Alimony (This Action)					
a. To Be Received:			0		
b. To Be Paid:	0				
3. a. Other Monthly Alimony Or Child Support Paid: (If Having Priority Over This Action)	0		0		
b. Adjustment For 0 Child(ren) In The Home:	[0]	0	[0]	0	
4. Adjusted Monthly Gross Income:	1,257		1,858		3,115
Number Of Children To Be Supported In This Action: 2 Father: 0 Mother: 2					
5. Basic Combined Child Support Obligation (Gross): (From Schedule, Using Combined Monthly Adjusted Gross Income)					865
6. Adjustment To Basic Child Support Obligation					
a. Health Insurance Premium: (Portion Covering Children Only)	0		0		
b. Children's Extraordinary Medical Expenses:	0		0		
c. Work-Related Child Care Costs Adjusted: Actual Child Care Tax Credit Method Was Used Father: Gross = \$0; Credit = \$ 0 Mother: Gross = \$0; Credit = \$ 0	0		0		
Total Adjustment To Basic Combined Child Support Obligation	0		0		0
7. Total Combined Monthly Child Support Obligation (Net):					865
8. Proportional Share of Combined Monthly Adjusted Gross Income:	40.4 %		59.6 %		
9. Gross Child Support Obligation Of Individual Parent (Monthly):	349		516		
The Noncustodial Parent Is The Father					
10. Credit For Adjustment To Basic Combined Child Support Obligation	0		0		
11. Net Child Support To Be Paid To Custodial Parent:	349		516		
The Father Pays \$349 Each Month.					
	<u>Without Costs</u>	<u>+ 5% Costs</u>			
Monthly	349	366.45			
Twice A Month	174	182.70			
Every 2 Weeks	161	169.05			
Weekly	81	85.05			

4064

**South Carolina Department of Social Services
CHILD SUPPORT OBLIGATION: WORKSHEET A
2014 CHILD SUPPORT GUIDELINES**

-DR--

	Father	Mother	
1. Monthly Gross Income:	1,257	1,858	
2. Monthly Alimony (This Action)	(Imputed)		
a. To Be Received:		0	
b. To Be Paid:	0		
3. a. Other Monthly Alimony Or Child Support Paid: (If Having Priority Over This Action)	0	0	
b. Adjustment For 0 Child(ren) In The Home:	[0]	[0]	
4. Adjusted Monthly Gross Income:	1,257	1,858	Combined Monthly Adjusted Gross Income: 3,115

Number Of Children To Be Supported In This Action: 2		Father: 0	Mother: 2	
5. Basic Combined Child Support Obligation (Gross):				865
(From Schedule, Using Combined Monthly Adjusted Gross Income)				
6. Adjustment To Basic Child Support Obligation				
a. Health Insurance Premium:	0	0		
(Portion Covering Children Only)				
b. Children's Extraordinary Medical Expenses:	0	0		
c. Work-Related Child Care Costs Adjusted:	0	0		
Actual Child Care Tax Credit Method Was Used				
Father: Gross = \$0; Credit = \$ 0				
Mother: Gross = \$0; Credit = \$ 0				
Total Adjustment To Basic Combined Child Support Obligation	0	0		0
7. Total Combined Monthly Child Support Obligation (Net):				865

8. Proportional Share of Combined Monthly Adjusted Gross Income:	40.4 %	59.6 %	
9. Gross Child Support Obligation Of Individual Parent (Monthly):	349	516	

The Noncustodial Parent Is The Father

10. Credit For Adjustment To Basic Combined Child Support Obligation	0	0	
11. Net Child Support To Be Paid To Custodial Parent:	349	516	

The Father Pays \$349 Each Month.

	<u>Without Costs</u>	<u>+ 5% Costs</u>
Monthly	349	366.45
Twice A Month	174	182.70
Every 2 Weeks	161	169.05
Weekly	81	85.05

Date: January 10, 2018

Worksheet Prepared By CLARA COKER For

RICHLAND COUNTY
FILED
2018 FEB 22 PM 12:33
JEANETTE M. MORRIS
CLERK OF COURT
& FAMILY COURT