

THE STATE OF SOUTH CAROLINA
In the Supreme
Court

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AUG 09 2023

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.

SUPPORTING EVIDENCE
FOR WRIT OF MANDAMUS

RULE 501

Except as required by the Constitution of South Carolina, by the Constitution of the United States or by South Carolina statute, the privilege of a witness, person or government shall be governed by the principles of the common law as they may be interpreted by the courts in the light of reason and experience.

The Petitioner is now making record and invoking the Common Law from this State Supreme Court, and the Court of Appeals. The Petitioner has, and is currently being denied the most basic, and fundamental right to represent himself according to the federally protected Bill of Right, the 6th amendment, and the State Constitution's Article 1 Section 2 Right to Redress.

What is the rule 501 of the SC appellate court rules?

- (1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required. (2) A judge shall be faithful to the law* and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

Common complaints of ethical misconduct include improper demeanor; **failure to properly disqualify** when the judge has a **conflict of interest**; engaging in ex parte communication and **failure to execute their judicial duties in a timely fashion**. Behavior outside of the courtroom can also be at issue. Judicial conduct oversight should not attempt to regulate purely personal aspects of a judge's life. However, a judge can commit misconduct by engaging in personal **behavior that calls their judicial integrity into question**. This is **true even if the same behavior would merely be considered unwise for the average citizen**. As the saying goes, the robe magnifies the conduct. Obvious examples are violations of criminal law, sexual misconduct with staff/attorneys/parties, joining discriminatory organizations and using the judicial position to enhance a private interest.

Many codes of judicial conduct also include general language that urges judges to preserve the integrity of the judiciary and avoid even the appearance of impropriety. For example, the preamble to the Arkansas Code of Judicial Conduct states that, "judges should maintain the dignity of the office at all times and avoid both impropriety and the appearance of impropriety in their professional and personal lives."

At what point is a judge's ruling so far afield of precedent and legal code or such an egregious violation of fundamental rights that it appears the judge is acting with impunity towards the law? Generally, the decisions of a judge should be left for judicial review, not for critique by a conduct commission. However, incidents where people are jailed without due process, judges inventing improper remedies for cases, or a breakdown in the rule of law can rise to the level of judicial misconduct.

The Petitioners original lower court case heard by Jeffery Bloom in Calhoun County deals with his misconduct, and his violation of the State, and Federal Constitutions, and the Petitioners Bill of rights, The 6th amendment, and his 14th amendment respectfully.

The Petitioners lower court appeal in the Same County under Judge Diana Goodstein, again violates the Petitioners Right to appeal, and redress the original courts errors, instead she maintained an incompetent, unprofessional, and unfaithful attitude, and her actions were swayed by her interest to protect judge Jeffery Bloom.

The Petitioner makes an Appeal at the State Court of Appeals where Chief Judge H. Bruce Williams, The Honorable Aphrodite K. Konduros, The Honorable Jerry D. Vinson, Jr., and The Honorable Letitia H. Verdin (hereinafter-named herein) have refused to follow the rules of their own court, judicial canon and failed to Disqualify themselves as required by Rule 501.

The Petitioner points out the fact that every court from lower court to the court of appeals, and all judges named herein has discriminated, and infringed against the Petitioners protected rights for merely the exercise of his 6th amendment right, of which all named herein have denied the Petitioner of that right, and sited that the Petitioner has no right unless represented by a Bar member attorney, and that's not only incorrect, but a felony, and forcing legal advice upon a unrepresented litigant.

Those named herein are in violation of the rules of this court, both federal, and state constitutions, and federally protected Bill of Rights of the Petitioner, yet those professionals' frown, and look down on me because I'm a Pro se litigant. I will add a pro se litigant who has done nothing that would warrant such unprofessionalism from a judiciary that falsely claims such integrity.

Those named herein are acting under a conspiracy to not only deny the Petitioner his protected rights, but to also hide crimes of lower courts and judges, by committing crimes of their own to limit accountability of their fellow colleagues, and to deny any liable remedy. I will add this criminal conspiracy is going unchecked, the judiciary will not uphold its own Judicial Canons.

The Petitioner has merely made this record for all private citizens to understand this isn't new if they have faced such treatment and violation of their civil rights from such agencies is nothing new. Matter of fact an article by PROpublica written by Joseph Cranney Titled THE UNTOUCHABLES, The Post and Courier April 25, 2019, 12 a.m. EDT that spoke about this very issue, and the very same judge Diana Goodstein was the subject of the article Because of a lawsuit filed by an attorney back then in 2019.

The protection the Judiciary has is not what we the people intended, and its very disgusting since the judiciary and Bar members want to snub their nose, and treat citizens criminally I reserve my right to call you "Evil" you have displayed nothing but, and you should be in fear of criticism because its surely coming. Those named herein have referenced your own children in your Bio's while you SYSTEMICALLY trample on the fundamental parental rights of the petitioner and all fathers of color for profits, and I'm preserving my record, and my own opinion of your unlawful intrusion, and infringement into my life, and the lives of my children

MATERIAL FACT

The order filed July 28th 2023(exhibit B) by the Court of Appeals in response to the Petitioners Writ of Mandamus shall serve as Material fact of the above allegations of those named herein, and a direct middle finger to the Petitioner, the Judiciary, and the Citizens here in Richland county.

This order comes only after the Appellant was previously denied in error by the court of appeals by claims the case is a CIVIL matter the appellant must pay a filing fee, and if in fact the court is correct, the civil traffic matter was a CIVIL matter, then the court of appeals has clearly ruled in favor of the Appellant, as the appellant has made the same arguments with both lower court Judges Bloom, and Goodstein, but the facts show the Petitioner was arrested multiple times on this matter, but was sentence to jail, and has already served criminal time.

The ultimate facts show that he Petitioner was not only unlawfully treated, accused, and sentenced as a criminal, he is now being denied another protected right to appeal such decisions. Now that the Petitioner has yet again exposed the judiciary the court of appeals is now in damage control.

And the material facts show in the order (exhibit B) on May 18th 2023 the court of appeals clerks made their own order to request the office of appellate defense and claimed the "Appellant" requested such action. The court did this action without notifying the appellant, and gave the Appellant unlawful legal advice by doing so, and again denied the Appellant his fundamental right to represent himself, the court has not showed any cause of action, or reason for denial of such right.

The Petition by the Appellant to waive fees was done on April 14, 2023 (exhibit C) and a cover letter explaining the error, and request on April 10th 2023 (exhibit D) These both were done by the Appellant because the court of appeals had already unlawfully denied redress, and appeal to the Petitioner. So, prior to April 10th 2023 the court had already established without any facts that the appellant could not appeal, and made it a civil matter forcing a filing fee which is unconstitutional to force such on criminal cases.

I will add that if the court has power to make such rulings, and orders, then the fact here remains the court of appeals has already ruled in favor of the Petitioner by claiming the matter is "CIVIL" and in fact the matter is civil, the material facts, and transcripts clearly show the violations, and infringements against the Petitioner without lawful cause of action, or due process of law. The lower courts, and Jeffery Bloom, and Diana Goodstein have failed to preserve the Petitioners rights.

This unlawful order also misrepresents the law, the rules, and the facts at hand, the Appellant has a right to appeal filed on 3-20-2023, the delay was made by the court of appeals by holding the case in Abeyance, and calling it civil not criminal, and denial of the transcripts unless paid for by Appellant. After this delay, the court caused another unlawful delay by offering legal advice, and forcing the appellant to receive legal advice, and services he did not request, and lied to the appellant office of defense by claiming the Appellant made such request to be represented. This unlawful order is material fact the appellant did not make such request, the facts in the order show it was the very court clerk made such unlawful delay by printing the order, as the order is not signed by a judge, nor was a judge identified making such order.

Now that the appellant petitioned the Supreme Court in a writ of mandamus the court of appeals clerk have made this order in attempt to save face, yet look completely, and absolutely corrupt, partial, and unprofessional or incompetent by doing so. The petitioner was intitled to the transcripts to handle his case without prejudice back in March 2023, its now August 2023 and the court of appeals has made the delay, not the Petitioner.

HORIZONTAL STARE DECISIS/COMMON LAW

The Petitioner invokes the common law in this court and court of appeals, and to use, and maintain it own precedents, as well as the Supreme Court precedent for the protection of civil rights, and the integrity of law in general.

Those named herein are using the Color of law, and or Statutory Administrative laws, and the Lower courts unauthorized- practice of law. Instead of protecting, those herein named chosen to undercut the unrepresented Petitioners protected rights. These acts have caused the Petitioner to not trust, and not want any forced attorney into the matter. The Legislative courts holding such unlawful jurisdiction only has PLENARY POWER, and don't have such power to ignore the Common Law.

The Petitioner has made record of all infringements. The Petitioner is repeatedly the victim of the state of South Carolina agencies, and those named herein, and unfortunately, I have to witness multiple agencies, and law professionals act like incompetent children while you all point the finger that I'm incompetent and need an attorney, yet you can't preserve my most basic of rights?


The court of appeals unlawful order by an unnamed judge (exhibit B) is null and void and the case is automatically stayed until the Supreme Court makes its ruling in accordance to **RULE 241 STAY AND SUPERSEDEAS IN CIVIL ACTIONS (a) General Rule**. As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court.

Note: the court, nor the judge have made ANY order to lift such stay, and that action is required, the court clerk rather held the case in unlawful Abeyance without using the required rule 241 terms, or proper notice to rebut by Petitioner.

The Appellant has already petitioned the Supreme court in Writ of Mandamus, plus by law a Judge must be identified on orders, and sign such orders, orders signed by clerks are unlawful, unreasonable, insufficient, and criminal, and the Petitioner has shown material fact of a false judicial order, perjury by court clerks that is supporting evidence in the Petitioners claims.

The Petitioner shares the material evidence that he did in fact request, and received the transcript request cost from court reporter, and the court of appeals can not continue to say they did not receive such material, or continue to prejudice the Petitioner by making him repeatedly file the same information and causing a prejudicial delay in justice, and redress.

I'm not obligated to help the court of appeals to infringe upon my civil rights, nor will I ever be. Jeffery Bloom, Diana Goodstein, are criminals and the court of appeals judges Chief Judge H. Bruce Williams, Aphrodite K. Konduros, Jerry D. Vinson, Jr. and Letitia H. Verdin who are all involved directly with the SCDSS, SC family court, and or the child support agency and have been told to recuse themselves, you are judges involved in Case No. 2022-001703, and you know you must recuse yourselves for clear CONFLICT OF INTEREST. Your ruling, and order in case 2022-001703 is void because your failure to recuse.



Signature Date 8-3-2023

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

Steven E. LeBlanc, R.P.R.
Circuit Court Reporter
Eleventh Judicial Circuit
P.O. Box 184
Lexington, South Carolina 29071
sleblanc@sccourts.org

April 10, 2023

Jerome Garcia
1412 Pinson Street
Columbia, South Carolina 29203
s76jeromegarcia@yahoo.com

In Re: SCDPS vs. Jerome Garcia.
Obtaining transcript.

Dear Mr. Garcia:

In reply to your email dated April 10th, 2023, pertaining to your transcript request, In Re: SCDPS vs. Jerome Garcia, case number 2023-000409, a hearing held before the Honorable Judge Diane Goodstein on February 3rd, 2023, at the Calhoun County Courthouse, St. Matthews, South Carolina.

EXPEDITE Transcript cost is \$6.00 per page. I am estimating the transcript will be 65 pages in length. If you would like to receive this transcript, I will need to receive \$390.00 to cover the cost of the transcript. Upon receipt of payment in the amount of \$390.00 payable to me and delivered to the address listed above the transcript will be forwarded to you. If I have overestimated the amount due, you will receive a refund of unused funds along with the transcript of record.

The transcript will not be prepared on an expedited basis until receipt of payment in the amount of \$390.00. If you would like to order the transcript on a regular delivery basis, the page rate is \$4.25 per page for a total of \$276.25 but payment must still be received in advance. Court reporters are not required by State or Federal law to provide free transcripts. If you do not wish to order this transcript, no further contact is necessary.

Sincerely,
By: s/Steve LeBlanc

cc: South Carolina Court Administration

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 Moorer 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

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 erred 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

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

The South Carolina Court of Appeals

South Carolina Department of Public Safety,
Respondent.

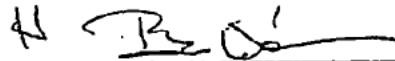
v.

Jerome Garcia, Appellant,

Appellate Case No. 2023-000409

ORDER

Appellant moved to waive fees associated with his appeal, including the cost of any necessary transcripts. On May 18, 2023, this court requested the Office of Appellate Defense screen this case to determine if Appellant qualified for their services and ordered the appeal to be held in abeyance. Appellant informed the Office of Appellate Defense that he did not want the assistance of that office. Therefore, we order the appeal will no longer be held in abeyance and we will rule on Appellant's pending motions. Appellant's motion to waive the fees associated with perfecting the appeal, including the cost of the transcript, is denied. Appellant's motion to allow late filing of the transcript is granted. Within ten days of the date of this order, Appellant must file a copy of a letter showing that he ordered the transcript from the court reporter. Finally, we construe Appellant's motion titled "Unnecessary Delay" as a supplement to his motion to expedite his appeal. After careful consideration, we deny his motion to expedite his appeal.



C.J.

FOR THE COURT

Columbia, South Carolina

cc:

FILED
Jul 28 2023

Jerome Garcia
1412 Pinson St.
Columbia SC 29203

Court of Appeals
Clerk

1220 Senate St,
Columbia SC, 29201

RECEIVED
AUG 09 2023
SC Court of Appeals



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