

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Feb 07 2024
S.C. SUPREME COURT

Debra McCaslin, Circuit Court Judge

Case No. 2023-CP-32-02817

Johnathan M. Daniels

Appellant,

v.

The State (City Of Cayce),

Respondent.

Statement of Issues to Be Reviewed On Appeal

This case involves an appeal from intermediate orders made by the City Of Cayce municipal court, which unlawfully deprive Appellant of Constitutionally protected substantive rights; therefore, this statement of issues that can be reviewed upon appeal is being included. Appellant intends to request review of the jurisdictional issue ruled upon by the Circuit Court as well as other important Constitutional issues, which demand that the Supreme Court Of South Carolina decide the matter under authority of South Carolina § 14-3-330. The orders presently being appealed have effectively decided the case, and this Court deciding these issues now will prevent an unconstitutional judgment from which further appeal may be taken.

Issues raised and decided by Lexington County Circuit Court Judge Debra McCaslin include the following:

1. Ruling that the Circuit Court has no jurisdiction – Respectfully, the Circuit Court may indeed have no jurisdiction; however, Appellant made this appeal under South Carolina § 14-3-330(2)(a), which gives jurisdiction to the South Carolina Supreme Court to hear and decide “intermediate” (interlocutory) appeals which request relief from orders which deprive Appellant of substantive Constitutionally protected rights. It does not appear to Appellant that such an appeal must be, or even can be, heard and decided by the circuit court before presentation to the South Carolina Supreme Court. In any case, Appellant

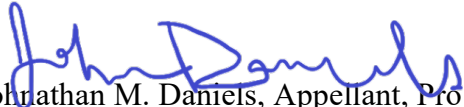
has now presented this appeal before the circuit court and the South Carolina Supreme Court directly. Appellant is acting *Pro Se*, and is not an attorney, but if no level of the judiciary will allow this appeal under South Carolina § 14-3-330(2), then Appellant is doomed to suffer Constitutional harms unnecessarily. Such a condition will only demand further litigation, and put Appellant on an endless hamster wheel chasing Constitutional enforcement of the laws.

2. Unlawful state imposed burden on Appellant's Constitutionally protected rights of (1) free religious exercise, (2) liberty, and (3) right to property – Appellant has twice demanded that the City Of Cayce “demonstrate”, as required by South Carolina § 1-32, at hearings before City Of Cayce municipal judges; twice, the City Of Cayce has failed to demonstrate as required by law. The City's failures to demonstrate meant that the City could not further burden Appellant's religious practice, requiring dismissal of the charges against Appellant. However, the City Of Cayce Municipal Court has a policy or practice of overlooking the City's failure to demonstrate and has issued orders denying Appellant's request to dismiss the charges under South Carolina § 1-32 and the state and federal constitutions. The intermediate orders of the municipal court deprive Appellant of his right to a trial by jury and allow further retaliatory prosecution of Appellant, by City Of Cayce, for Appellant's exercise of Constitutionally protected rights.
3. Unlawful denial of Appellant's demand for jury trial – The municipal court's granting of the prosecution's motion to limit Appellant's presentation of any evidence pertaining to Appellant's religious beliefs effectively decides the case by depriving Appellant of his right to a trial by jury, his right to present evidence for his defense, and his right to present his South Carolina § 1-32 and constitutional claims of undue substantial religious burden as a defense to the jury. **Appellant's religious exercise defense is his sole and only defense**; therefore, by denying Appellant the right to bring up the subject of "his religion or anything like that", the municipal court has unlawfully denied Appellant's demand for a trial by jury and prejudicially decided the case. This dooms Appellant to a conviction under unconstitutional circumstances. **The Supreme Court hearing this appeal now will prevent an unlawful conviction, which will certainly be appealed later.**

Appellant has not, and does not intend to waive (1) his right to present his South Carolina § 1-32 defense and state/federal constitutional defenses, (2) his protected right to religious freedom, (3) his protected right to a trial by jury, nor (4) his protected right to counsel. Because the three orders challenged in this appeal act to effectively deny Appellant of substantive and un-waived rights to freedom of religion, trial by jury, and right to present legal a defense (Privileges and Immunities, Equal Protection and Due Process under the 1st, 6th, and 14th Amendments to the U.S. Constitution, and equivalent state laws), Appellant requests that this Court intervene to (1) insure justice, and (2) insure that state and federal laws are upheld; and to guarantee that Appellant's Constitutionally protected rights not unlawfully denied.

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

February 8th, 2024


Johnathan M. Daniels, Appellant, Pro Se
P.O. Box 30651
Columbia, South Carolina 29230
Phone: (803) 770-8863
Email: chesssetbyj@yahoo.com

Other Counsel of Record:
Danny Crowe
Prosecutor, City of Cayce
2019 Park Street
Columbia, SC 29201
Phone: (803) 724-2759
Email: danny@crowelafave.com
Attorney for Respondent