

1 (Special note: Pages are front & back)

APPEAL FROM Berkeley County
Court of Common Pleas

Judge Jennifer B McCoy

THE STATE OF SOUTH CAROLINA

In The Court of
Appeals [In the
Supreme Court]

RECEIVED

Aug 14 2024

SC Court of Appeals

Case No. 2022 CP-08-02508

Appellate Case No. 2023-001837

Muhammad Nathaniel Wilson Pro Se

Appellant,
v.

Respondent,

Hanahan Police Department &
Other Law-Enforcement Officials

v.

Introduction

My Name is Muhammad Nathaniel Wilson Pro Se do to Extenuating circumstances caused by the Respondent (Hanahan Police Department & other Law Enforcement officials) affiliates Berkeley County and all local Councils! I am forced to represent myself in this matter because of the witness coercion and the inadmissible Statement made under duress! I would like to let the court know more about me and my many Talents I am a Writer for over 20 years, Recording Artist/Poet/Dancer/Entrepreneur using my Cooking Skills to earn a living please Excuse the Bad Grammar Mispronunciation and all Clerical errors, if it was not for the Wonderful Staff at The Court I would not have Known to do this Brief please take the time to see how Productive I could be in assisting to Solve Future Violent Cases and Encouraging full corporation with law enforcement if awarded compensation, This Matter is before the Court! I would like to give special thanks to the good Men and Women in Law enforcement & Most Importantly the office staff of the South Carolina, court of appeals for helping me find the clerical errors I am not a professional just an aggrieved black American seeking Justice Who still believes in the System, (Creyola) Was Created from the Mentorship by the Former Captain Mrs. Joyce Smith of north Charleston police Department it stands For Community reparation Equal Youth opportunities longevity alliance I have Strong Connections to both People in the Urban Criminal Communities and Law Enforcement My purpose to use Mrs. Joyce Smith

Enlightenment and use the Compensation to bridge the Gap in the Communities with Law enforcement awarding justice through compensation promotes Rehabilitation in the South Carolina Law enforcement & Discourages further racial discrimination bias arrests made & Encourages the Urban Communities dealing With Domestic Violence & Abuse to Corporate With Law Enforcement Please Accept This Amended Version of the Brief and Understand I am not a Professional Attorney allow this Introduction to get a Better understanding of Who Muhammad Wilson Aka Creyola Boss Is And What My Way of life Stands For I seek To Use this Unfortunate Situation to make A difference in the World Starting With South Carolina by Showing Appreciation to all the good people in The System

3 (Special note: Pages are front & back)

Table of contents

Page 1: Cover

Page 2: Initial Brief Introduction

Page 3: Table of contents

Page 4: statement of the case & Facts

Page 5: (Table of Authorities

Page 6: Statutes: (S.C. Codes and Constitutions Violated by Sgt Ellen Lanphere & Hanahan Police Department &

Other Law-Enforcement Officials

Page 7: The right of trial by jury Civil Right Violation

Page 8: Obstruction of Jurors and Court Officers

Page 9: (Argument Questions Presented)

Page 10: State of South Carolina: Reparation Citations A bill created to Compensate

Page 11

Page 12: Issue 1 who is Above the Laws Theory

Page 13: The Deep issue

Page 14: : standard of Review Issue 2 Cause & effect of Disregarding Civil Rights

Page 15: The Deep issue

Page 16 Issue 1 who is Above the Laws Theory

Page 17: Issue 2 Cause & effect of Disregarding Civil Rights

Page 18: Summary of argument: Bias Discrimination by the Honorable (Jennifer B McCoy

Page 19: Conclusion

Page 20: Conclusion

Page 21: PROOF OF SERVICE OF Amended Initial Brief for the Appel

Table of contents Conclusion The United States Constitution.^[1] It is considered a fundamental principle of the American legal system

Who is above the law?

Statement of the case & Facts

The South Carolina Rules of Civil Procedure to appeal the judge's order to Dismiss Based on Bias Discrimination by the Honorable (Jennifer B McCoy) Statement of facts under penalties of perjury, I declare that to the best of my knowledge and belief, this statement is true, correct, and complete.

(Factual background)

Witness coercion it can vary from altering a witness's testimony (no matter the means) to outright intimidation or coercion. The use of force or threats may elevate the degree of the offense. What is an example of witness tampering?

Threats, looks, or gestures count as physical threats as well. Verbally threatening someone with violence or with physical damage if they don't do what is asked is also witness tampering. Threatening a witness' immigration status or custody rights falls under verbal threats. The Victims mother collaborated with the Arresting officer to get a coerced statement then collaborated again to get the bail at \$75,000 impossible for me to make trying to intimidate me to take the Victims mother Charge of legal custodian

Berkeley County collaborated (Hanahan Police Department & other Law Enforcement officials) affiliates and all local Councils by denying me a Preliminary hearing In South Carolina, the right to a Preliminary Hearing is conferred by statute. (S.C. Code Ann. § 22-5-320) At the preliminary hearing a Magistrate determines if there is probable cause to believe that a criminal offense has been committed and, if so, if there is probable cause that the defendant committed that offense. Bias discrimination impartial judgement

South Carolina Code § 63-7-20 A person required under Section 63-7-310 to report cases of suspected child abuse or neglect, including workers of the department, who has reason to believe a child has died as the result of child abuse or neglect, shall report this information to the appropriate medical examiner or coroner.

South Carolina law allows mandated reporters to report to either DSS or law enforcement in the county where the child resides or is found. If the alleged perpetrator is the child's parent, guardian, or other person responsible for the child, DSS is responsible for investigating the report

5 (Special note: Pages are front & back)

In South Carolina, if a person violates a statute (law), it is considered negligence per se. Depending on the facts of the case; an injury victim may bring a personal injury lawsuit based on a theory of negligence per se.

Statutes: (S.C. Codes and Constitutions Violated by Sgt Ellen Lanphere & Hanahan Police Department &

Other Law-Enforcement Officials (Table of Authorities)

Kidnapping Act:

The criminal act element required for kidnapping is twofold. First, the defendant must confine the victim (720 ILC § 5/10-1). Second, in many states, the defendant must move the victim, which is called asportation. One common issue with the kidnapping criminal act is how far the victim must be moved. In the majority of states, the movement can be slight, as long as it is not incidental to the commission of a separate offense (People v. Dominguez, 2011). Other states do not require asportation when the kidnapping is for ransom (N.R.S. § 200.310, 2011). Some states have done away with the asportation requirement altogether (N.C. Gen. Stat. (Corroboration of the Argument Supporting facts)

Statutes: (S.C. Codes and Constitutions Violated by Sgt Ellen Lanphere & Hanahan Police Department & Other Law-Enforcement Officials

§ 14-39(a) , 2011). The Model Penal Code requires the movement to be from the Kidnapping victim's residence, place of business, or "a substantial distance from the vicinity where he is found"

is when someone takes another person (either against their will or by luring them away) or keeps a person against their wishes, in order to make that person or someone else give something up to let that person go.

False Imprisonment is when someone confines or detains another person without their consent.

Emotional distress

To recover for the intentional infliction of emotional distress, a plaintiff usually has the burden to prove that 1) the defendant has acted intentionally or recklessly; 2) defendant's act was outrageous and extreme and 3) such act has caused the plaintiff's emotional distress.

(The deep Issue) Bias Discrimination by the Honorable (Jennifer B McCoy

6 (Special note: Pages are front & back)

(S.C. Codes and Constitutions Violated by Sgt Ellen Lanphere & Hanahan Police Department

#1: the question presented is whether Berkeley County could have been able to make a Non bias discrimination impartial judgement on (their self)?

#2: Did Sgt Ellen Lanphere the officer in charge refuse to contact DSS because of the hatred she has for black people in General or Just Black Men!

#3: whether By Refusing to allow this case to go to trial it was their way of avoiding an impartial jury to see the Truth! A denial of a motion to Reinstate the lawsuit and give me a Trial is to be Complicit with violations of multiple civil rights and Encourage Corrupt law enforcement its okay to do the same thing to another Black Male Victim and allow another guilty Violent, Abusive Predator Woman to abuse her own child

Fruit of the poisonous tree doctrine: A rule under which evidence that is the direct result of illegal conduct on the part of an official is inadmissible in a criminal trial against the victim of the conduct.

#1: The right of trial by jury as declared by the Constitution or as given by a statute of South Carolina shall be preserved to the parties inviolate. Issues of fact in an action for the recovery of money only or of specific real or personal property must be tried by a jury, unless a jury trial be waived.

(b) Demand. Any party may demand a trial by jury of any issue triable of right by a jury by serving upon the other parties a demand therefor in writing at any time after the commencement of the action and not later than 10 days after the service of the last pleading directed to such issue. Such demand may be endorsed upon a pleading of the party. (c) Same: Specification of Issues. In his demand a party may specify the issues which he wishes so tried; otherwise, he shall be deemed to have demanded trial by jury for all the issues so triable. If he has demanded trial by jury for only some of the issues, any other party within 10 days after service of the demand or such lesser time as the court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action. (d) Waiver. The failure of a party to serve a demand as required by this rule and to file it as required by Rule 5(d) constitutes a waiver by him of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of the parties, except where an opposing party is in default under Rule 55(a).

DISCUSSION

#2: Fourteenth Amendment to the United States Constitution

The right of trial by jury

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. S.C. R. Civ. P. 38

#3; Fourth Amendment

Fourth Amendment Explained The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#4: The right of trial by jury as declared by the Constitution or as given by a statute of South Carolina shall be preserved to the parties inviolate. Issues of fact in an action for the recovery of money only or of specific real or personal property must be tried by a jury, unless a jury trial be waived. (b) Demand. Any party may demand a trial by jury of any issue triable of right by a jury by serving upon the other parties a demand therefor in writing at any time after the commencement of the action and not later than 10 days after the service of the last pleading directed to such issue. Such demand may be endorsed upon a pleading of the party.

(c) Same: Specification of Issues. In his demand a party may specify the issues which he wishes so tried; otherwise, he shall be deemed to have demanded trial by jury for all the issues so triable. If he has demanded trial by jury for only some of the issues, any other party within 10 days after service of the demand or such lesser time as the court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action. (d) Waiver. The failure of a party to serve a demand as required by this rule and to file it as required by Rule 5(d) constitutes a waiver by him of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without the consent of the parties, except where an opposing party is in default under Rule 55(a).

#5 The Plaintiffs Motion Section 1983 allows the Plaintiff Muhammad Nathaniel Wilson under the Bivens act may recover for the violation of certain constitutional rights if The Defendant's to be found liable when they have acted under color of

8 (Special note: Pages are front & back)

any statute, ordinance Applicable law Statute 421 USc 1983 which allows Individuals to Sue the Government for Violation, s of Civil Rights

Obstruction of Jurors and Court Officers

Obstruction of Jurors and Court Officers

#6: Thompson v Clark. The court recognized a claim for malicious prosecution under the fourth amendment when an individual is detained by law enforcement officers without probable cause. The court further held that the plaintiffs bringing such a claim must only show that the prosecution ended out a conviction, not that the prosecution ended with an affirmative indication of innocence a standard that would have been impossible to meet in many cases

#7: The U.S. Supreme Court interprets these clauses to guarantee a variety of protections: procedural due process (in civil and criminal proceedings); substantive due process (a guarantee of some fundamental rights); a prohibition against vague laws; incorporation of the Bill of Rights to state governments; and equal protection under the laws of the federal government. A citizen's right to a trial by jury is a central feature of the United States Constitution.^[11] It is considered a fundamental principle of the American legal system

Who is above the law?

- #8: Obstruction of Jurors and Court Officers 18 U.S.C. § 1503: makes it illegal for someone to “corruptly” or through threats or force influence a juror or officer of the court in carrying out their duties before a judicial proceeding. The punishment for this crime can reach over 20 years imprisonment in the most extreme cases.
- #9: Obstructing Witnesses and Evidence 18 U.S.C. § 1512: makes it illegal in any way to harm, threaten, (delay, or otherwise influence a witness) to an official proceeding, punishable by up to 30 years imprisonment. The law also makes it a crime to destroy, change, or hide evidence that could be used in an official proceeding.

9 (Special note: Pages are front & back)

#10: The statute of limitations begins to run when the plaintiff “knew or by the exercise of reasonable diligence should have known” that they had a cause of action. See S.C. Code § 15-3-535

#11: statute. (S.C. Code Ann. § 22-5-320) At the preliminary hearing a Magistrate determines if there is probable cause to believe that a criminal offense has been committed and, if so, if there is probable cause that the defendant committed that offense

(Argument Questions Presented)

South Carolina Code § 63-7-20 A Section 63-7-310#12: Kidnapping Act
the criminal act element required for kidnapping is twofold. First, the defendant must confine the victim (720 ILC § 5/10-1). Second, in many states, the defendant must move the victim, which is called asportation. One common issue with the kidnapping criminal act is how far the victim must be moved. In the majority of states, the movement can be slight, as long as it is not incidental to the commission of a separate offense (People v. Dominguez, 2011). Other states do not require asportation when the kidnapping is for ransom (N.R.S. § 200.310, 2011). Some states have done away with the asportation requirement altogether (N.C. Gen. Stat. § 14-39(a), 2011). The Model Penal Code requires the movement to be from the victim’s residence, place of business, or “a substantial distance from the vicinity where he is found”

#13: South Carolina Code § 63-7-20 A person required under Section 63-7-310 to report cases of suspected child abuse or neglect, including workers of the department, who has reason to believe a child has died as the result of child abuse or neglect, shall report this information to the appropriate medical examiner or coroner.

#14: Legal custodian means an individual who is at least 18 years of age in whose care a minor child remains or is placed after a court makes a finding under section 13a(5) of chapter XIII A of the probate code of 1939, 1939 PA 288, MCL 712A.13a

Table of Authorities

(The deep Issue) Domestic Violence

South Carolina Statistics

10 (Special note: Pages are front & back)

- SC currently ranks 6th in the nation for the number of women killed by men and is consistently in the top ten in the nation. (*Violence Policy Institute When Men Murder Women report 2018*)
- In South Carolina, 39 intimate partners were murdered as a result of domestic violence in 2020. (*South Carolina Attorney General's "Silent Witness" 2020.*)
- The cost of domestic violence in the state of South Carolina in 2020 was nearly \$358.4 million dollars according to a report conducted by Dr. Joseph C. Von Nessen and sponsored by the Jamie Kimble Foundation for Courage
- Each reported incident of domestic violence costs the state of South Carolina an average of \$4,350 (*The Economic Impact of Domestic Violence in South Carolina, 2020- Von Nessen*)
- 42% of SC females and 29% males will experience domestic violence during their lifetime (*The Economic Impact of Domestic Violence in South Carolina, 2020- Von Nessen*)
- The annual number of domestic violence victims in South Carolina is estimated to be 82,379. (*The Economic Impact of Domestic Violence in South Carolina, 2020- Von Nessen*)

State of South Carolina: **Reparation Citations** A bill created to Compensate

Eight in ten (80%) child fatalities in 2020 were caused by one or more parents; 29% were perpetrated by the mother acting alone. Nearly three-fourths (74%) of... casualties **TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 22 TO CHAPTER 13, TITLE 24 SO AS TO PROVIDE THAT CERTAIN PERSONS WHO HAVE BEEN WRONGFULLY CONVICTED OF AND IMPRISONED FOR A CRIME MAY RECOVER THE MONETARY VALUE OF THE LOSS SUSTAINED THROUGH THE WRONGFUL CONVICTION AND IMPRISONMENT.**

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The legislature finds that wrongful convictions may be the result of many causes, including eyewitness misidentification, false confessions, improper forensic science, and government misconduct. A convicted person is considered exonerated when the person is later officially declared innocent of the crime. Nationally, there are more than 2,300 persons listed on the National Registry of Exonerations, including seven persons that were convicted in South Carolina.

The legislature also finds that innocent persons who have been wrongly convicted of crimes and subsequently imprisoned have been uniquely victimized, have distinct challenges reentering society, and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law. These individuals deserve an avenue of redress separate and apart from the existing tort remedies to seek compensation for damages from the jurisdiction that convicted and imprisoned them. In light of the injustice of being imprisoned for a crime one did not commit, thirty-two states, the District of Columbia, and the federal government have adopted compensation statutes for wrongly imprisoned individuals.

11 (Special note: Pages are front & back)

The purpose of this act is to ensure that those persons who were wrongfully convicted and imprisoned by the State receive, under appropriate circumstances, compensation.

SECTION 2. Chapter 13, Title 24 of the S.C. Code is amended by adding:

Article 22

(The deep Issue) Compensation for a Wrongful Conviction

Section 24-13-2310. (A) Any person convicted in a court of the State and imprisoned for one or more crimes of which the person was actually innocent may file a petition for relief pursuant to this article for an award of damages against the State, provided that the requirements of subsections (B) and (C) are met.

(B) To present an actionable claim against the State for wrongful conviction and imprisonment, the petitioner shall allege that the petitioner was convicted of one or more crimes under the laws of the State, was subsequently sentenced to a term of imprisonment, has served all or any part of the sentence, and is innocent of the crime or crimes.

(C) A person only may file a claim for wrongful conviction if the person's conviction was overturned by a court of competent jurisdiction and the matter has reached final judgment or the person has been pardoned.

Section 24-13-2330. (A) A petitioner may file a claim for wrongful conviction to be heard before a judge in the circuit that exercised jurisdiction over the offense. The petitioner shall serve the petition upon the prosecuting authority in the underlying crime or crimes for which the petitioner was incarcerated. The petition shall:

(1) set forth the facts and authority that support the petitioner's claim; and

(2) state that the petitioner is not disqualified, under the provisions of Section 24-13-2340(C), from seeking compensation under this article.

(B) The petitioner must file the petition with the court:

(1) within thirty days after the order vacating a conviction and sentence becomes final if the petitioner's conviction and sentence is vacated on or after the effective date of this article.

1.2 (Special note: Pages are front & back)

(2) by January 1, 2024, if the petitioner's conviction and sentence was vacated by an order that became final prior to the effective date of this article.

(C) No later than thirty days after such service, the prosecuting authority shall file with the court an answer that shall either admit that the petitioner is entitled to compensation or deny the petitioner's claim.

If the prosecuting authority admits that the petitioner is entitled to compensation, the court shall issue a final judgment awarding the petitioner the amount stated in Section 24-13-2340(B)(1).

If the prosecuting authority denies that the petitioner is entitled to compensation, then the court shall conduct a trial to determine if the petitioner is entitled to compensation.

(D) Any action against the State under this article shall be tried by the court without a jury; provided that the court, with the consent of all the parties, may order a trial with a jury whose verdict shall have the same effect as if trial by jury had been a matter of right.

Section 24-13-2340. (A) The petitioner shall have the burden to prove by clear and convincing evidence that the petitioner was wrongfully convicted.

(B) A petitioner wrongly convicted shall be awarded:

(1) fifteen thousand dollars for each year, or a pro rata amount for the portion of each year, of the incarceration actually served, including time spent incarcerated awaiting trial. However, the award shall not exceed fifty thousand dollars. All awards shall be made from the Wrongful Conviction Compensation Fund; and

(2) reasonable attorneys' fees not to exceed ten thousand dollars for fees incurred in preparing and prosecuting the claim for the prevailing petitioner. The attorney for the petitioner shall not charge, demand, receive, or collect fees for services rendered in excess of thirty percent of any amount awarded by the circuit court.

(C) A petitioner is not entitled to an award pursuant to this article if the petitioner:

(1) was serving a term of imprisonment for another crime, including crimes under the laws of the United States, concurrently with imprisonment for the crime or crimes for which petitioner was actually innocent; provided that if the petitioner served additional time in prison due to the conviction that is the basis of the petition, then the petitioner shall receive compensation for that portion of the time served in prison during which the petitioner was serving no other sentence;

(2) committed perjury or fabricated evidence or induced another person to commit perjury or fabricate evidence to cause or bring about the conviction at issue;

(3) fabricated evidence or committed or suborned perjury during any proceeding related to the crime for which the petitioner was convicted;

(4) solicited the commission of the crime at issue or any crime factually related to the crime at issue;

(5) conspired to commit the crime at issue or any crime factually related to the crime at issue;

1.3 (Special note: Pages are front & back)

(6) attempted to commit the crime at issue or any crime factually related to the crime at issue;

(7) assisted in the commission of the crime at issue or any crime factually related to the crime at issue;
or

(8) assisted any person to avoid apprehension, arrest, or conviction for the crime at issue or any crime factually related to the crime at issue.

(D) Any monies awarded to the petitioner for claims instituted under this article, other than for attorneys' fees, shall not be subject to any tax by the State or any county, including any income or general excise tax, any law to the contrary notwithstanding.

(E) A compensation award under this article is subject to the payment of child support, including child support arrearages, owed by the petitioner.

(F) An award of compensation under this article is not a finding of wrongdoing against anyone. An award of compensation under this article is not admissible evidence in a civil action that is related to the investigation, prosecution, or conviction that gave rise to the wrongful conviction or imprisonment.

(G) If a court determines that a petitioner was wrongfully convicted and imprisoned, the court shall enter an order that provides that any record of the arrest, fingerprints, conviction, and sentence of the plaintiff related to the wrongful conviction be expunged from the criminal record history.

(H) The acceptance by the petitioner of an award under this article, or of a compromise or settlement of the claim, must be in writing and, unless it is procured by fraud, is final and conclusive on the petitioner, constitutes a complete release of all claims against this State, and is a complete bar to any action in state court by the petitioner against this State based on the same subject matter. However, the acceptance by the petitioner of an award under this article, or of a compromise or settlement of the petitioner's claim, does not operate as a waiver of, or bar to, any action in federal court against an individual alleged to have been involved in the investigation, prosecution, or conviction that gave rise to the wrongful conviction or imprisonment.

(I) This article shall constitute a waiver of sovereign immunity by the State only for the claims brought pursuant to this article. The State makes no other waiver of sovereign immunity, and fully retains its sovereign immunity as to all other claims, however denominated, that seek compensation of any kind or nature that are a result of, related to, or arise from a conviction and imprisonment for crimes for which the claimant alleges actual innocence. This article shall be broadly construed in favor of the State and against any waiver of sovereign immunity.

(J) This article does not impair or limit the right of a state or local government to collect a debt of a petitioner from the petitioner's award of compensation under this article.

Section 24-13-2360. Review of any final judgment of the circuit court shall be governed by Title 18, Chapter 9.

Section 24-13-2370. A petitioner awarded compensation pursuant to this article who is subsequently convicted of a felony is not eligible to receive any unpaid amounts of the award.

1 4 (Special note: Pages are front & back)

Section 24-13-2380. There is established in the State Treasury the "Wrongful Conviction Compensation Fund". This fund is separate and distinct from the general fund of the State and all other funds. The fund shall consist of appropriations and donations, contributions, bequests, or other gifts. The proceeds in the fund may only be used to satisfy awards for wrongful convictions. Earnings and interest on this fund must be credited to it and any balance at the end of a fiscal year carries forward to the fund in the succeeding fiscal year.

SECTION 3. This act takes effect upon approval of the Governor.

**Bias Discrimination by the Honorable (Jennifer B McCoy
(The deep Issue)STANDARD OF REVIEW:**

A denial of a motion to Reinstate the lawsuit and give me a Trial is to be Complicit with violations of multiple civil rightsThe Honorable (Jennifer B McCoy gave no Legal reason for agreeing with the attorneys the Domestic Dispute that involved 2 parties with indisputable evidence that Not Only was the other party legally responsible she was abusing and neglecting the child the officer in charge Violated my Civil Rights but the Plaintiff Could Not File the Civil case without the Charges being Dismissed. Using Litigation tactics, the Defendants Attorneys Ran up the Time in order to make other Attorneys Afraid to represent my case Applicable law The statute of limitations begins to run when the plaintiff "knew or by the exercise of reasonable diligence should have known" that they had a cause of action. See S.C. Code § 15-3-535.Personal Injury Statutes of limitations set the length of time that a plaintiff, prosecutor, or government agency has to bring a lawsuit or charges against a defendant. After that period, a suit is time-barred; "the statute has run."In South Carolina, a plaintiff has three years to file a claim against another person or corporation for personal injury or property damage. This covers many common causes of action, such as: Emotional Distress Attorney Evan Sobocinski) has wasted Enough of the Courts Time seeking to use legal Tactics to Run out the Statute of limitation like a Criminal avoiding the Truth to Come out and has Profited The Warrant Indictment Status Change Proves The date the Charges was Dropped,(January 9 2020) because of Federal law I could not file the case before January 9 2020) represents the day the case ended without prosecution my personal injury or Emotional Distress has a 3 year time Statue it also Proves the Defendants case did not End in Prosecution. the only problem is my lack of Legal Representation, because of My Skin Color and the Defendants Attorneys Connections Affiliates of Attorney Evan Sobocinski they refuse to represent me so the Defendants Attorney seeks to send a Powerful message of White Supremacy that Black Men lives do not matter if they cannot get legal representation! First the defendants Affiliates refused to give me a preliminary

15 (Special note: Pages are front & back)

hearing so I could not defend myself Forcing me to stay in Berkeley County Housing they used Delaying Court time to Run out the time of the Statute of limitation because of the Corona epidemic. I stated in open court on the record about the Bias Discrimination By The attorneys the Racist bias Racist beliefs are that Black Men cannot call 911 is Unacceptable I Muhammad Wilson the Plaintiff Previously requested a Jury trial unfortunately the Defendants Attorney Evan Sobocinski has made sure the case Does not get a Fair Chance at a Jury Trial because BERKELEY county Works with the Defendant and the Only way for a Fair Judgement is to Not Violate my Civil Rights and treat me as an American Citizen THE COURT OF COMMON PLEAS refuse to Honor my Civil Rights this Proves to The District Court that State Court is to Corrupt to deal with this Civil case that involves their affiliates and they made a bad Judgement Trusting the Case to be resolved by BERKELEY County Affiliates of Hanahan Police Department & Other Law Enforcement This Motion is supported by the applicable statutory and common laws of the State of south Carolina and may be supplemented by memorandum's and/ or affidavit's also the Defendants Attorneys Failed to prove probable cause and the indictment/warrant status change form proves that the underlying Criminal Charges ended without a Conviction the Emotional distress is considered personal injury under Extenuating circumstances ,and covers all statute of limitations involved I have demonstrated by using the defendants own evidence the Malicious prosecution by Sgt Ellen Lanphere the officer in charge who used Hanahan Police Authority to Violate My Fourth Amendment unreasonable seizures by Law enforcement officials see(Thompson v. Clark) the only other issue is Due Compensation the Defendants Attorney Evan Sobocinski is making the Department look like Guilty parties who is Afraid to do what is Right and Allow the City to Give Justice to the Victim of one of their officers Malicious prosecution and allow The States Insurance Reserve Funds to pay me I am not seeking Nothing I have not earned or deserved this case has Cost the Plaintiff Everything please imagine the Emotional Distress this case has Caused and the Loss of Housing that included Books, Music Previously Written over 5000 songs also Material invested in along with the court cost and money spent on bail the only person profiting is the defendants Attorney Evan Sobocinski not to forget transportation costs the amount of money spent going to mental health for treatment any Jury would see me as a Victim Me Representing Myself Pro Se is Problem to Attorneys who believe in White Supremacy But I Refuse to Allow My Rights to be Violated and do nothing about it Black Men Lives do Matter even if the Berkeley county plea Court refuse to acknowledge our Civil Rights the

16 (Special note: Pages are front & back)

Fourteenth Amendment, which protects violation of rights and liberties by the state governments persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. 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. Accountability towards law enforcement is important to acknowledge the compromised integrity of Berkeley County, Hanahan Police department and all Affiliates to allow a Complaint of

1. The deep Issue) Summary of argument: Bias Discrimination by the Honorable (Jennifer B McCoy

abuse and Neglect by the Victims Mother to go unchecked Obstruction of justice encompasses a range of actions intended to impede legal and judicial processes. This can include lying to law enforcement, my report about the Mother Being indecent was never put in the incident report. Sgt Ellen Lanphere used Falsified evidence and evidence that is illegally created for the purpose of influencing the outcome in a court case. It is also termed as forged evidence or tainted evidence. All such evidence is inadmissible. I was never the Legal custodian it was clear during the investigation who was the victim's legal custodian In substantiated child abuse cases, 77% of children were victimized by a parent. Jul 5, 2024 — In the United States, perpetrators of child abuse are more likely to be parents of the child, rather than a non-parent. By excluding my report and charging me with Breach of the peace is a generic phrase to describe a criminal offense that violates the public peace or order. Since numerous criminal offenses can be perceived as a violation of the public peace, this phrase is usually used to describe the offense of disorderly conduct. The deep issue Is whether the officer arrested me for being non-Complicit when I made the decision to report the abuse & Indecent exposure an where the mother was naked in bed revealing various private parts of the body, such as the genitals, in a public or other offensive way. This is less serious than some sex crimes, but it still could result in jail time, as well as a criminal record and the embarrassment of having this type of conviction

(The deep Issue)Can, the South Carolina legal system be held up to accountability of being Bias ...in cases involving black Men or Women
the legal issue a officers negligence Cost a Child her life Because of not Following

procedures the child was left with her Abusive Mother

The deep Issue the question presented is whether what is ethical conduct in law enforcement?

This code of ethics, which was written in 1957, often creates ethical issues or dilemmas for those serving to uphold the law. Five modern ethical issues in law enforcement involve the officer's upholding the law and your rights, using necessary force, acting impartially and profiling. Justice Benjamin's failure to recuse himself from participation in his principal financial supporter's case...

2. (The deep Issue)Statement of facts under penalties of perjury, I declare that to the best of my knowledge and belief, this statement is true, correct, and complete.
 3. (The deep Issue)Legal custodian means an individual who is at least 18 years of age in whose care a minor child remains or is placed after a court makes a finding under section 13a(5) of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a
 4. Issue 2 Cause & effect of Disregarding Civil Rights
 5. (The deep Issue)The Question Presented: whether, no person is above the law, including police officers
6. (The deep Issue)Questions Presented whether, Judge Jennifer B McCoy made a bias discrimination impartial judgement
7. (The deep Issue)Thompson v Clark. The court recognized a claim for malicious prosecution under the fourth amendment when an individual nis detained by law enforcement officers without probable cause. the court further held that the plaintiffs bringing such a claim must only show that the prosecution ended out a conviction, not that the prosecution ended with an affirmative indication of innocence a standard that would have been impossible to meet in many cases
8. Indictment/warrant change status change form indicates unable to go forward with prosecution of the case due to victim being deceased and unable to testify
9. If the officer would have followed procedures and notified Child protective service the Child could have been interviewed correctly and would have corroborate my report of Sexual abuse and Neglect the Victim told officers she was not supposed to be in the Room and the whole Domestic disturbance was over me not being complicit with the Mother's abuse resulting in the 911 call made by me If police violate citizens' rights by acting beyond the scope of their position, citizens have legal recourse through laws that allow injured parties to enforce their constitutional rights. Specifically concerning the victim, police misconduct can lead to physical and/or emotional harm. It can also result in wrongful convictions, which means an

innocent person may spend years behind bars because a law enforcement official abused their powers.

- Gather relevant facts from the parties involved. False Arrests from Illegal Search and Seizures. One of the most common ways police abuse their power is through false arrest. ...

10.. The Fourteenth Amendment's Due Process Clause guarantees procedural due process, meaning that government actors must follow certain procedures before they may deprive a person of a protected life, liberty, or property interest. The U.S. Supreme Court interprets these clauses to guarantee a variety of protections: procedural due process (in civil and criminal proceedings); Summary of argument: Bias Discrimination by the Honorable (Jennifer B McCoy

11. due process (a guarantee of some fundamental rights); a prohibition against vague laws; incorporation of the Bill of Rights to state governments; and equal protection under the laws of the federal government. A citizen's right to a trial by jury is a central feature of the United States Constitution.^[11] It is considered a fundamental principle of the American legal system.

Laws and regulations governing jury selection and conviction/acquittal requirements vary from state to state (and are not available in courts of American Samoa), but the fundamental right itself is mentioned five times in the Constitution: Once in the original text (Article III, Section 2) and four times in the Bill of Rights (in the Fifth, the Sixth, and the Seventh Amendments).

The American system utilizes three types of juries: Investigative grand juries, charged with determining whether enough evidence exists to warrant a criminal indictment; petit juries (also known as a trial jury),^[12] which listen to the evidence presented during the course of a criminal trial and are charged with determining the guilt or innocence of the accused party; and civil juries, which are charged with evaluating civil lawsuits.

The power of the jury has declined substantially since the founding relative to other branches of government thanks to practices like judicial acquittal, summary judgment, judges deciding money damages grand juries not being required in all states, and plea-bargaining.^[31] Suja A. Thomas argues the shifting of any power to judges and other branches by: the Supreme Court is unconstitutional and undesirable.^[31] Robert Burns agrees, arguing that elites gain power when judges, not juries, decide cases.^[41]

Summary of argument: Bias Discrimination by the Honorable (Jennifer B McCoy

#1: The Question Presented: whether, no person is above the law, including police officers

#2: Questions Presented whether, Judge Jennifer B McCoy made a bias discrimination impartial judgement

#3 whether, the South Carolina Supreme court will help get Reparation: the quality or state of being accountable? especially:

an obligation or willingness to accept responsibility or to account for one's actions sends a Positive strong message that will allow Black men to feel Comfortable cooperating with law enforcement who is above the laws to disregard civil rights & Racial Bias Discrimination Arrests & Judgements just implies that we Black Men are not allowed to Call Police officers for help in a domestic dispute it influence's the good Samaritans to make bad choices

In June 2021, the NAACP legal defense and education fund filed an Amicus brief in Thomson v Clark arguing that the lower courts requirement that malicious prosecution plaintiffs show that the underlying prosecution ended in a manner affirmatively indicating innocence undermines the ability of plaintiffs to seek remedy for baseless arrests and prosecutions. The briefs argued that because charges are often dropped with little explanation, requiring plaintiffs to address unjustified criminal charges adds an overwhelming burden. The brief also emphasized that the lower courts restrictive precedent would have a racially discriminatory impact as black people are disproportionately subject to unreasonable arrests and detentions. Berkeley county and Hanahan police department have a history of being racially the step towards accountability for law enforcement officers who detain people without probable cause, the Court rejected a requirement that Victims of such unconstitutional seizures point to an affirmative indication of innocence in the dismissal of their underlying prosecution, as Black Americans are more likely to be unlawfully arrested and detained, and Malicious prosecution claims are a critical mechanisms for victims of such law enforcement abuses to obtain accountability

Argument and citation of Authority Conclusion:

Compensation equal reparations

Unconstitutional arrest sends a Bad message of compromised integrity of the South Carolina legal System to ignore Racial Bias Discrimination Arrests & Judgements is a complete Contradiction to what the United States supreme court

20 (Special note: Pages are front & back)

have stood for so many years Creyola Purpose is to use the Reparation Through Compensation to be a Productive Black American Male that wish to Prove to others that our System Still Works!

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PROOF OF SERVICE OF Amended
Initial Brief for the Appellant

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals [In the
Supreme Court]

APPEAL FROM Berkeley County
Court of Common Pleas

Judge Jennifer B McCoy

Case No. 2022 CP-08-02508

Muhammad Nathaniel Wilson Pro Se , Appellant.

v.

21 (Special note: Pages are front & back)

Hanahan Police Department & Other Law Enforcement Officials

Respondent,

RECEIVED

Aug 14 2024

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the **Brief for the Appellant** by depositing a copy of it in the United States Mail, postage prepaid, on July 24 2024 addressed to the attorney of record,, Hood Law Firm attorney of record, Ellore A Gains, at her office at 172 Meeting street, Charleston SC, 29401 on July 24 2024

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