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Dec 20 2024

SC Court of Appeals

*The State of South Carolina
In The Court of Appeals*

*Appeal from Berkeley County
Court of Common Pleas*

Judge Jennifer B McCoy, Circuit Judge

*Case No. 2022 CP-08-02508
Appeal No. 2023-001837*

Muhammad Nathaniel Wilson Pro Se

Appellant,

Vs,

*Hanahan Police Department &
Other Law Enforcement Officials*

Respondents,

Final Brief of Appellant

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Section 15-3-40:.Exceptions as to persons under disability.

If a person entitled to bring an action mentioned in Article 5 of this chapter or an action under Chapter 78 of this title, except for a penalty or forfeiture or against a sheriff or other officer for an escape, is at the time the cause of action accrued either:

(1) within the age of eighteen years; or

(2) insane;

the time of the disability is not a part of the time limited for the commencement of the action, except that the period within which the action must be brought cannot be extended:

(a) more than five years by any such disability, except infancy;

12/20/2024: *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.*

My Name is Muhammad N Wilson Pro se I am Suffering From Systems from My Mental Health illness I a am Supposed to be getting treatment at Charleston health Facilities but my Government Benefits Have Stopped because I am forced to Work extra Jobs to Survive this cases I'm under extreme duress I am not mentally stable & require assistance from a doctor but I cannot afford treatment I am homeless the Respondents & all the courts have been aware of this fact only the court of appeal staff has been patience with assisting me throughout this case Berkeley county & all attorneys or judges staff has collaborated through out this case to take advantage of my mental health disabilities & violate all my Civil Rights Thank you Wonderful staff Of Court of appeal I will attempt to Organize all supporting evidence in response to the defendants/respondents initial brief & reason for dismissed I am only introducing facts supporting my cases & responding to their attorneys Initial brief who said I was incoherent & everything I said was frivolous I am not sane I am just being guided by the right Court System unbiased & sympathetic towards Disabilities unlike Berkeley County

Supporting Evidence in Response to Initial Brief Claims of Respondents

2. The Right to fair trial a) Right Preserved. 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.

3 Who is Above South Carolina Code § 63-7-20 the respondents lack of contacting Child protective Service to do a Proper investigation allowing the Victim to Stay with The Real Abuser is Pure Negligence & against the Law

Conclusion 21,22

Request to Reinstate & Grant Appellant, Trial

PROOF OF SERVICE 23

Final Brief Introduction

My Name is Muhammad Nathaniel Wilson Pro Se do to Extenuating circumstances caused by the Respondents (Hanahan Police Department & other Law Enforcement officials) affiliates Berkeley County and all local Councils! Red herring Fallacy, Nepotism, Dilatory Tactics, by The Attorney for the Respondents Never attempting to deny any of the inexcusable Wanton behavior facilitated by the Respondents Hanahan Police Department & Other Law-enforcement Officials

I am forced to represent myself in this matter unfortunately for the respondents I have Multiple disabilities that allow me protection under Unannotated. SECTION 15-3-20. General rule as to time for commencement. (A) Civil actions may only be commenced within the periods prescribed in this title after the cause of action has accrued, except when, in special cases, a different limitation is prescribed by statute Charleston County Mental Health Has a copy of my 30-year mental health history during the time of processing I was hospitalized 4 times receiving disability from the government for my diagnosis 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, I am just an aggrieved black American seeking Justice and Who still believes in the System, (Creyola) Was Created from the Mentorship by the Former Captain of North Charleston police Department Mrs. Joyce Smith! Creyola 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 is 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 & also Encourages the Urban Communities that is currently dealing With Domestic Violence & Abuse to Corporate With Law Enforcement Please Accept This Final Brief Version and Understand I am not a Professional Attorney I am have limited education and legally incompetent compared to the respondents attorney thanks for not following Berkely County & Taking advantage of my Intellectual Disability allow this Introduction to get a Better understanding of Who Muhammad Wilson Aka Creyola

Boss Is And What My Way of life Stands For: 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. I Witnessed Bernadette Owens Abuse her Child Physically & Mentally I attempted to Remove her from My Home Because of what I could Not involve Myself in August 14 2018 at 5am Sexual Abuse of her 9 years old daughter the corroborating facts is over hearing them take showers together and say things while in the shower because my residence was a 1 bedroom apartment made for only me I was receiving Government H.U.d assistance & the Victims mother was not supposed to be living with me Government HUD rules I was under duress when I made my statement to the defendants/respondents & they took advantage of me I am not legally competent enough to put this brief together or comprehend what the respondents attorneys are saying it takes a while because I am homeless because of this case & busy working different Jobs I am under extreme Duress while preparing my appeal & require Immediate Doctors care for treatment but I'm being helped by the Court of appeal case manager I hope my statement get justice because the respondents broke criminal laws I am about to introduce Evidence Of everything I Told the Defendants under Duress incoherently because of my Mental Health Systems

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. ON August 14 2018 at 3:am I allowed a Homeless Mother I dated back in my home; I had previously put her out for abuse of her child! But August 14 at 3am I allowed her back inside because she had her 9-year-old daughter with her but the Rule was the Child had to sleep in the Main Room because it was only a 1 Bedroom it allowed the Child to have her own Room where the Door was Supposed to stay closed allowing me and the mother of the child to have privacy! I converted the living Room into my Bedroom so I could Keep out the Child, Unknowingly the Mother & The Child Had a Very Sick Indecent Relationship where they often took Showers Together the Mother Would Always Walk Around Naked in front of the child then Physically Abuse Her August 14 2018 at 5 am while laying cuddling in the bed with the mother! the room door was last closed when she was put to Bed the child was not supposed to be inside the room but I had special Shades to make the Living Room where me and the Mother Slept darker at night when I went to cuddle with the mother I noticed the child was in our bed because her hands was already on her mother's breasts touching her while she was in my bed Naked I grew Furious because I thought it was sick so I questioned her about it she got Mad and attacked me Physically, because of my Martial arts Training and respect for Law Enforcements I thought I did the right thing to do and call the Police but unknowingly I was calling Racist Officers who only wanted to arrest a Black Man!

Table of Authorities

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

#1 Section 15-3-40:.....10,11,12,

If a person entitled to bring an action mentioned in Article 5 of this chapter or an action under Chapter 78 of this title, except for a penalty or forfeiture or against a sheriff or other officer for an escape, is at the time the cause of action accrued either:

(1) within the age of eighteen years; or

(2) insane;

the time of the disability is not a part of the time limited for the commencement of the action, except that the period within which the action must be brought cannot be extended:

(a) more than five years by any such disability, except infancy; nor

#2 Rules 38 - Jury Trial of Right, S.C. R. Civ. P. 38

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.

S.C. R. Civ. P 38.....12,13,14,15,

#3 2023 South Carolina Code of Laws

Title 63 - South Carolina Children's Code

Chapter 7 - Child Protection and Permanency

- Section 63-7-10. Child welfare service principles; purpose.
- Section 63-7-20. Definitions.
- *South Carolina Code § 63-7-20*.....10,11,12
- **#4 023: South Carolina Code of Laws**
Title 22 - Magistrates and Constables
Chapter 5 - Magistrates' Powers and Duties in Criminal Matters
Section 22-5-320. : Defendant's demand for preliminary investigation; appearance by attorney.
- **Universal Citation: SC Code § 22-5-320**
(2023.....12,15

- #5 2019-2020 Bill 5271.....12,16
- Coercive control - South Carolina

Coercive behavior’ means an act or pattern of acts

- #6 SECTION 15-3-20.....12,13,15,16
- SECTION 15-3-20. General rule as to time for commencement. (A) Civil actions may only be commenced within the periods prescribed in this title after the cause of action has accrued, except when, in special cases, a different limitation is prescribed by statute

.....

(*People v. Dominguez*, 2011)::16

#7: *Thompson v Clark*.....15

#8 Section 1983 Litigation" refers to lawsuits brought under Section 1983 (Civil action for deprivation of rights) of Title 42 of the United States Code (42 U.S.C. § 1983). Section 1983 provides an individual the right to sue *state* government employees and others acting "under color of state law" for civil rights violations. Section 1983 does not provide civil rights; it is a means to enforce civil rights that already exist. see (Section 15-3-40)

Bivens action: Section 1983 only applies to local *state* governments. A “Bivens action” is the *federal* analog which comes from *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Subject to certain exceptions, victims of a violation of the Federal Constitution by a *federal* officer have a right under *Bivens* to recover damages against the officer in federal court despite the absence of any statutory basis for such a right.

#9:2023 South Carolina Code of Laws

Title 8 - Public Officers and Employees

Chapter 14 - Unauthorized Aliens and Public Employment

Section 8-14-60: Filing false or fraudulent statement or report; penalty.

421 SC 1983.....3

**The Initial Arrest: Probable Cause Question number # 1 Where in the Arrest warrant do the Defendants Mentions that they first detain the Plaintiff for Breach of peace?
or the Initial**

Compliant about the Victims Mother: Gross Negligence

Universal Citation: SC Code § 8-14-60 (2023).....

A person who knowingly makes or files any false, fictitious, or fraudulent document, statement, or report pursuant to this chapter is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both. *Universal Citation False Statements = Wanton Behavior*

#10: 2023 South Carolina Code of Laws

Title 63 - South Carolina Children's Code

Chapter 5 - Legal Status of Children: Gross Negligence & Wanton Behavior example in case

Section 63-5-30).....

The South Carolina Statutes Section 63-5-30 establishes that both parents have equal rights and responsibilities to their children, and neither parent can claim to have rights that may override the other: Question #2 Legal Custodian is the Warrant tittle under the Defendants used red herring Fallacy to misdirect from the original arrest probable cause & the fact they did not notify child protective services *nor did they read a mentally disable informant his rights providing no ticket for 6 hours while the defendants made up something that could coerce, the plaintiff into covering up their kidnapping & leaving a 9 year old child to die in the custody of her violent mother see Susan Smith Gross Negligence*

#11 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant

7 .S.C. § 1512:.....7

(a) The Real reason the defendants did not want the 9-year-old victim to testify

(1) Whoever kills or attempts to kill another person, with intent to—

(A) Prevent the attendance or testimony of any person in an official proceeding;

(B)The Plaintiff was afraid for my life the defendants had Guns and Known For killing unarmed black men

prevent the production of a record, document, or other object, in an official proceeding; or

(C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;

shall be punished as provided in paragraph (3).

(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

(A)

Influence, delay, or prevent the testimony of any person in an official proceeding;

(B) cause or induce any person to—

(i)

Withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(ii)

Alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

(iii)

Evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(iv)

be absent from an official proceeding to which that person has been summoned by legal process; or the Defendants refusal to give me a Preliminary hearing & corroborating with Berkeley County public defendants & court officials to intimidate me Question #3 Why are they so afraid of me testifying in open Court

12#: **Docket 94-907, State versus Susan Smith, indictment for murder.....15**

Consequences of Disregarding a Complaint Did the Mother Murder her daughter just like Susan Smith how did the victim Die at a young age

Because the victim told the truth I assume she was abused by the mother because if the officer would have done her job and investigated the mother Bernadette Owens already lost 1 Son to department of Social Services & had Multiple complaints about her Neglect & abuse unlike the respondents I Notified Child Protective service about the Sick & indecent relationship the Mother had with her child what was the outcome was it to late & the mother Finally Snapped & murdered her daughter for telling the truth ?

13# to state a Section 1983 claim, the plaintiff is required to allege that (1) the conduct complained of was committed by a person acting under the color of state law; and (2) the conduct deprived the plaintiff of a constitutional right

. 42 U.S.C §1983, ...16.

Kidnapping

720 ILC § 5/10-1). , ...17

CRIMINAL OFFENSES

(720 ILCS 5/) Criminal Code of 2012.

Statement of the Case

*Rule 210(c) SCACR: Everything included are only supporting facts in dispute to Respondents saying that my initial brief was Frivolous claims & about the appellant being incoherent its only supporting evidence of everything I have said under Duress through this entire Case the respondents introduced **Section 15-3-40 as the only statue that can over ride the statue of limitations to sue Government officials unlike the Respondents I have told the truth & cooperated fully with law enforcement in spite of my mistreatment all facts include are only a breakdown of what I said on record at every court appearance1 & complaint***

1.Indictment/warrant change form 11/09/2020: I wanted the court to see the reason for dismissal the Victim is Deceased they left the child to Die what I'm about to introduce is supporting facts I previously tied to warn them about what Child protective service already knows about the Woman the Respondents Collaborated with & allowed her to Abuse her child Sexually & physically also Mentally the Mother Previously loss another son to Child Protective Service & was Wanted by Law officials

2. Hand Request for a jury Trial October 24,2022:

Proof I followed every Procedure in a timely Matter but the Defendants Work Closely just like My preliminary hearing they refuse to give me the chance to introduce evidence in front of an unbiased impartial peers

Content. The Final Brief is only a Consolidated Coherent Version of Initial Brief with Supporting Facts of Frivolous Claims by Respondents in initial Brief

This Final Brief is only revised by legal coherent standards to allow the court to see the red herring fallacy & what the Respondents don't want to be understood in my complaint

#1 The Defendants Showed Wanton Behavior When They Disregarded my complaint to cover up the Mother Sick & Indecent Behavior

#2 Did the Woman in Charge Think its ok because she is a Lesbian?

Did she Secretly thinks its ok For a Woman to have a Relationship that's Indecent with her Own Daughter?

#3 Did She Just Hate Black People So Much she wanted the mother to Murder Her Daughter Just like Susan Smith?

Either way Fact: She Did Not Follow Police Procedure & Notify Child Protective service that the mother was Neglectful & that a Complaint was made her about abuse!

#4 Whether Child Protective Service Would Have Approved of her Discretion?

#5 did the officer in charge display Wanton Behavior or Gross Negligence?

Statement of case

If executed within the United States, its territories, possessions, or commonwealths:

"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

The Respondents Attorneys Corroborated everything I made in every statement but refuse to acknowledge the original Arrest for breach of peace or that I made a Complaint about abuse & Neglect inside the arrest Warrant;

The Question presented is

1# Do the Court support Wanton behavior?

& Will a Non-Bias impartial Jury accept Wanton Behavior by Law Enforcement official? Exhibit a Fact see: (City of Hanahan Police Department Incident Report)

On August 14 2018 SGT Ellen Lanphere Wrote She was dispatched to 5821 sledge street in reference to a domestic dispute upon arrival she saw a (Black Male)!

#1 At this Point in the report, I believe the Defendants Racist Side Kicked in she was Too Busy looking at the Color of the Witness skin to do her Job Properly! Wanton Behavior

Next SGT Ellen Lanphere Wrote she detailed the plaintiff was

Coming out of an apartment and said he and his girlfriend was involved in an argument:

#2 Fact Nowhere did she mention my 911 call & where I told the operator about the mother being Violent & Neglectful!

Next, she stated the Plaintiff said they were arguing because they were going through something;

See Vagueness Doctrine the Officers Body Cam Will Corroborate that I was clear about the Indecent Relationship between the mother & daughter

#3 The Defendants claim that I said I mention something about masturbating

See Vagueness doctrine

#4 the Defendants said she walked to the apartment & met with Bernadette Owens and she stated that this morning she and her Juvenile Daughter Cabriya Lucas 9 years old were sleeping together when Wilson came into the bed & laid next to her

#5. Question presented if this is My resident & the mother is Laying in my Bed Why Would her 9-year-old Juvenile be inside the same Bed as Her she admitted being while naked?

#6. Why the Mother Never was never investigated For Abuse When they reported her being loud & violent causing a Disturbance Who is above the law

#6. The Juvenile Stated She Felt the Bed Shaking & over heard me saying this feels good.

#7. Question Presented Who was I talking to?

#8. If I was doing anything in front of the Child, why did she not see me Indecent?

#9 Again, why was the mother not questing for being Neglectful?

Fact I had Just Met the Victims Mother I Told the Officers The truth The Victims Mother had a Long History of Abuse & Child Protective Service Had Already Taken 1 of her Children she stated it in Front of The Officer,

#10 Why Would an officer of the Law Leave a Child in a un-Fit Home Where the mother sleeps naked & takes Showers with her child how is it normal for a mother & Child to have a Sexual Relationship?

Would Child Protective Service approve of her Discretion?

After I tried to have the Mother Removed from My Home,

Both The Plaintiff & the Mother Were Engaged in Intimacy I identified as Cuddling when I Noticed the Victims Presence in the Room The Domestic Disturbance was Over My Non Compliance with the Neglect and abuse of the Victim & her Statement on the officers Body Cam Statement Corroborated She was Not Supposed to be in the Room and I never exposed myself the officer in charge neglected to Contact DSS used : Coercive control to keep me from Testifying about the abuse nor I did not get a Preliminary hearing or copy of my arrest warrant the officers Collaborated with the Victims mother to fabricate the Statement to take advantage of My Lack of Legal Capacity then used Dilatory Tactics as an Excuse for Ransom and Holding me Captive in order to Force Me To plead guilty to Being the Legal Custodian unlawful conduct towards a child when clearly I did not do anything Infront of the child they wrote the warrant as un law full conduct but the warrant number falls under legal custodian I was Falsely detained for Breach of Peace Held Without a ticket or warrant for 5 hours

Cuddling is a physical act of showing affection and closeness, often involving two or more people holding each other closely. It can be a comforting and enjoyable experience. VS Masturbation is a form of autoeroticism in which a person sexually stimulates their own genitals for sexual arousal or other sexual pleasure, if the Victim Corroborated the Respondents False Narrative, I would have been charged for Being Indecent the Victim Clearly Stated She Did Not see My genitals in the officer's footage she also stated that she supposed to sleep in the Room that the officers identified as being the Victims Room where they found her clothing not mine.

What is the real meaning of intimacy? In my Statement I made I clearly was not being Neglectful when I Reported the Complaint and I clearly did not want the Child to be in an Intimate Environment that the Victims Indecent Mother created (The state of being intimate). a close, familiar, and usually affectionate or loving personal relationship with another person. I did not say I was Masturbating the Defendants used Vagueness to Cover Up the False Arrest obtained see Fruit of the Poisonous Tree Doctrines

To state a Section 1983 claim, the plaintiff is required to allege that (1) the conduct complained of was committed by a person acting under the color of state law; and (2) the conduct deprived the plaintiff of a constitutional right

South Carolina Code § 63-7-20 A person required under Section 63-7-310 to report cases of suspected child abuse or neglect,

(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.

See S.C. Code § 15-3-535 Obstructing Witnesses and Evidence

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).

The Reason the Defendants couldn't use my Statement they Fabricated the Lack Of Probable cause the reason I can introduce Kidnapping when she made the phone call on camera she Knew she Couldn't use Vagueness to arrest that disputes her Probable cause at that point child protective service should have been called the Mothers Name Should have been Run through the System the Defendants say there was immunity from the officer who use Discretionary arrest: Who is above the law when it comes to neglect & abuse of a Child

Vagueness is a due process doctrine that can be brought into play with regard to any criminal and many civil statutes,¹ but it has a special significance when applied to governmental restrictions of speech: fear that a vague restriction may apply to one's speech may deter constitutionally protected speech as well as constitutionally unprotected speech.² In the First Amendment context, vagueness concerns are often combined with claims that the law is substantially overbroad and sweeps in too much protected speech.³ Vagueness has been the basis for voiding numerous such laws, especially in the fields of loyalty oaths,⁴ obscenity and indecency,⁵ and restrictions on public demonstrations.⁶ However, outside of the overbreadth context, the Court has rejected vagueness challenges where the statutory terms are clear in their application to [a plaintiff's] proposed conduct—even when that application may implicate speech, and when the scope of the law may not be clear in every application.⁷

Legal incapacity is when someone is unable to participate in a legal transaction due to a mental or physical condition, age, or court restrictions. It can affect a person's ability to be Coherent: The Defendants Knew I was Incoherent because of my Disability Wanton Behavior:

8# South Carolina Code Section 63-5-30 establishes that both parents of a minor child have equal rights and responsibilities: What Part of Neglect was the mother Excluded from Why was Child Protective Service Not Contacted?

a legal custodian of a minor in South Carolina, you must be an adult capable of providing for the child's needs, and a court must grant you legal custody through a petition filed in the Family Court, typically only occurring when the child's parents are deemed unfit or unable to care for the child, with the primary consideration being the child's best interests; this may involve proving the parents abandoned the child or consented to guardianship.

*# 2019-2020 Bill 5271: Coercive control - South Carolina
Coercive behavior' means an act or pattern of acts of*

	2.28
Assault, threats, humiliation, manipulation, and intimidation or	
	2.29
Other abuse, including emotional abuse, that is used to harm,	
	2.30
Punish, or frighten the victim by fraudulent representations.	
When The Defendants use their Authority to Fraudulent claim, I was being	
arrested for Breach of peace it became Kidnaping	2.31
(2) 'Controlling behavior' means a range of acts designed to	
	2.32
Make a person subordinate or dependent by isolating the person	
	2.33
From sources of support, exploiting the person's resources and	
	2.34
Capacities for personal gain, depriving the person of the means	
	2.35
Needed for independence, resistance, or escape, or regulating the	
2.36 Person's everyday behavior.	

: *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

: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.[1] It is considered a fundamental principle of the American legal system

The appellate Essential documents are everything necessary for appellate review so they can clearly understand the Laws the Respondents have Broken & the Need for a Trial Infront of a Unbiased peers who will not Collaborate with Berkeley County officials

(See Section 15-3-40) Emotional Distress In South Carolina, the statute of

limitations for filing a claim for emotional distress is generally three years from the date of the incident that caused the distress, as it falls under the personal injury statute of limitations and is considered a type of non-economic damage; meaning you must file your lawsuit within three years of the injury to seek compensation for emotional distress.

Section 15-3-20: General rule as to time for commencement.

(A) Civil actions may only be commenced within the periods accrued either:

(2) insane;

the time of the disability is not a part of the time limited for the commencement of the action, except that the period within which the action must be brought cannot be extended:

(a) more than five years by any such disability, except infancy; nor

(b) in any case longer than one year after the disability ceases. South Carolina Code of Laws, Title 15

When two or more disabilities shall coexist at the time the right of action accrues the limitation shall not attach until they all be removed

7 Main Issues

#1wanton Behavior by the arresting Officer #2Coersion of a Disabled Mentally disturbed Witness #3Obstruction of Justice by leaving out the mother's involvement and making sure Department of social service did not investigate a Complaint of Sexual abuse & Neglect by Victims Mother #4Neglgence #5 365 days of confinement is Kidnapping I seek \$1000,00 per each hour of confinement for the Emotional distress 6#If The Defendants Find Compassion In Their Hearts & Acknowledge Accountability in Taking Advantage of the Plaintiff & not Saving that Childs life But Leaving Her To Die By Her Violent Mother While a mentally Disabled Black Man Sat inside a Cell 24 hours a day just for believing in Law Enforcement: The Plaintiffs willing to settle, for enough to relocate & pay My dues to North Charleston police department & Masonic Brother Hood through a Musical Fund Raising Event Honoring My friends In Law Enforcement &Our Mayor !

Statement of the case & Facts who is above the Law Questions Break Down

Who is above the Law 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)

Fact Gross Negligence Cover up # 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 coerce 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

The Underlying arrest

#1 Defendants Probable cause was based on Breach of peace which they left out the Report making it false

#2 The Defendants took advantage of a Mentally Disturbed informant's incoherent statement using Vagueness to falsely arrest under breach of peace

3# State law demands Child protective service to be called in any case of child abuse Gross Negligence was leaving the 9-year-old victim with the mother just to Justify Wanton behavior.

#4 disregarding the Plaintiff Preliminary hearing to cover up Coercions

#5 the Defendants failed to investigate the mother or prosecute the mother for any crimes she committed against her 9 years old child.

#6 Cuddling & Masturbating is not the same thing My Statement Never Said I was Masturbating My statement said we were Cuddling being intimate fabrication is a falsified statement on record.

Berkeley County collaborated with (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

(Section 15-3-40) *The Plaintiff has a 30 year History of being mentally Disabled & have been Hospitalized 8 times throughout my life I can obtain records but require time to get documents but the defendants already have a Copy so they will*

be just wasting the courts time paying the greedy attorneys Hood Law Firm More Money!

The Defendants Got an arrest Warrant Based on a Fabricated Statements that Excluded The Original Arrest ticket For Breach of Peace it Excluded the Mothers Involvements & the Victims Statement About her Not Supposed to be in the Room She Pointed to the Room She Slept in on The officers footage the Mother was Clearly Disturbed & she did Not look Fit Department Of Social Services Should have been Called to Properly interview the 9 year old Child: Gross Negligence the Defendants Left the Child to be Murdered By Her Mother just like Susan Smith Wanton Behavior Disregard For a Black Childs Life

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.: Gross Negligence by the Defendants

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

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.

Kidnapping Act: The Moment the Defendants Knew they were not arresting me for Breach of peace they knew that they had no Probable cause for arrest it became

Kidnaping: 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) The Moment the Defendants Placed me in Hand Cuffs they falsely told me I was being arrested for breach of peace Wanton Behavior they did not want to admit their Wrong doing they only thought was I am a Mentally disturbed black man their hatred made them disregard my civil rights

Section 15-3-20: General rule as to time for commencement.

Emotional distress

Statutes: (S.C. Codes and Constitutions Violated by S.g.t 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.

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 because of Mental health disabilities by the Honorable (Jennifer B McCoy

#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 S.g.t 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! Kidnapping

#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 it's okay to do the same thing to another Black Male Victim and allow another guilty Violent, Abusive Predator Woman to abuse her own child: Witness coercion, Kidnapping Respondent's Probable cause: a Complaint about a Mothers Abuse & Neglect by a Disabled Mentally Disturbed Black Man

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.

DISCUSSION: Federal Court Case why was it sent to lower court & Not Completely dismissed? (See Section 15-3-40)

The Respondents used my Legal incapacity & lack of Legal Representation to Create a Red Herring Fallacy that Distracted the Federal Court From Acknowledging what an Professional Attorney Would have been Able to Present because of My Mental Disability I was Unable to Present my case Coherently I was Not Competent to Present My Case & because I am Representing myself I am Protected under Statute Prohibition laws at the Time I Filed my case in Federal Court I was Insane because of this case & have Medical Files & Proof of Disability during the Period From Social Security Supplemental disability for people with Mental Health Disabilities During Mediation the Respondents used Me Being in a Mental Health Hospital for Insane People to Get the Federal Court to Send the case to Judge Young Who Works with The Defendants & Profits off Arresting Black Men Falsely

#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). See Where I hand Requested Jury every time timely

#2: Fourteenth Amendment to the United States Constitution

Previously in Federal Court the Respondents offered me an insulting \$1000 dollars during Mediation before Trial because I was at the time in a mental health facility being treated for the Traumatic experience of being falsely arrested, they made sure I didn't get no representation so the federal court sent it back to the

lower courts the respondents have been taking advantage of my legal incompetency to cover up the bigger picture red herring fallacy

(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 (Obstructing Witnesses and Evidence)

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

Summary of Discernable Argument the Respondents initial brief saying undisputed of no accountability or liability & the Officer represented the law with no Gross Negligence

Obstruction of Jurors and Court Officers

Who is above the law? Witness coercion, Kidnapping

- *#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.*

*#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 **Section 15-3-40***

#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 Obstructing Witnesses and Evidence

12 (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” Obstructing Witnesses and Evidence

#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. Obstructing Witnesses and Evidence

#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 XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a

Standard of review South Carolina Statist (The deep Issue) Domestic Violence

Truth About Muhammad Wilson Pro Se My Mother Crystal Marie Wilson & My Sister Hillary Wright Was Murdered in Columbia South Carolina a Victim of Domestic Violence by a Mentally Disturbed Man I have a 30-year History of Mental health issues! I have been Situationally homeless since my confinement release from being Kidnapped & Confined for Disturbing the Peace for the Complaint about a Mothers Neglect & Abuse of her Child both were Strangers I barely even knew but I tried to help and do the right thing because someone brutally Murdered my mother & my 9 year old Sister who was the child's age August 14 after being Held for 5 hours I was booked for Legal custodian Neglect of a Child I barely even knew to use Red herring fallacy to misguide the Coercion of the Child Sgt E Lanphere Corroborated with the Mother of the Child to make me look like I was the culprit doing something Neglectful using my Statement that was Made Under Duress!

- *SC currently ranks 6th in the nation for the number of women killed by men and are 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) 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

•

State of South Carolina v. Susan Vaughan Smith

- (This is the 1996 case of a woman putting two of her children in a car and pushing it or letting it drive into a lake; it includes the closing arguments, jury instructions, verdict, and judgment at the penalty phase, after the jury had already found her guilty of the crime but had to decide whether to impose the death penalty or life in prison)

A denial of this motion to reinstate the Civil suit Trial! Would only, be perceived as Complicit with violations of multiple civil rights such as. Witness coercion

The Defendants wish to use A red herring fallacy to Confuse the Courts to look at me as the Neglectful one who got what I deserved the Question is as an Informant that did what the Law says do my only Mistake was being Mentally Disturbed illiterate incompetent & living in Klan a Han aka Hanahan a City Known for its Hatred Towards Black Men!

The Honorable (Jennifer B McCoy was bias & discriminated against a Black Male with Mental Disability Who Could Not Defend myself

no Legal reason for agreeing with the attorneys & because the judge is a female, I can only assume her ruling was Bias Discrimination by the Honorable (Jennifer B McCoy the Domestic Dispute, involved 2 parties with indisputable evidence that Not Only was the other party legally responsible! She was abusing and neglecting the child and the officer in charge bluntly violated my Civil Rights but the appellate Could Not File the Civil case without the Charges being dismissed. Using Litigation tactics, the Respondent (Hanahan Police Department & other Law Enforcement officials) Attorneys Ran up the Time in order to make other Attorneys Afraid to represent my case! Using Witness coercion 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, or government agency has to bring a lawsuit or charges the Respondent (Hanahan Police Department & other Law Enforcement officials). After that period, a suit is time-barred; “the statute has run.” In South Carolina the Appellant,

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 Sobieski) 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 not only they tried to cover up the Witness coercion it shows ,The date the Charges was Dropped,(January 9 2020) because of Federal law the Appellant, could not file the case before January 9 2020) it not only represents the day the case ended without prosecution & my personal injury or Emotional Distress has a 3 year time Statue it also Proves the respondents case did not End in Prosecution. because of Witness coercion the only problem is my lack of Legal Representation, because of My Skin Color and the Respondent (Hanahan Police Department & other Law Enforcement officials) Attorneys Connections Affiliates of Attorney Evan Sobieski they refuse to represent me so the Respondent (Hanahan Police Department & other Law Enforcement officials) Attorney seeks to send a Powerful message of White Supremacy that Black Men lives do not matter if they cannot get legal representation!

*Bias Discrimination by the Honorable (Jennifer B McCoy
First the Affiliates refused to give me a preliminary hearing so the Appellant. 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 Respondent (Hanahan Police Department & other Law Enforcement officials)Attorney Evan Sobieski has made sure the case Does not get a Fair Chance at a Jury Trial because Berkeley county Works with the Respondent (Hanahan Police Department & other Law Enforcement officials) and the Only way for a Fair Judgement is to Not Violate my Civil Rights and treat me as an American 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
See, Section 15-3-20: General rule as to time for commencement. And covers all statute of limitations involved*

Argument

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 Respondent Attorney Evan Sobieski 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!

Berkeley county & Hanahan Police Department Work Close Together How Could any Judge Make a Non -Bias Impartial Judgement on Their self? These Questions are Made for a Jury of Impartial Non-Bias peers

Summary of argument the deep Issue) Issue 1 who is Above the Laws Theory

I Refuse to Allow My Rights to be Violated and do nothing about it because Black Men Lives do Matter even if the Berkeley County plea Court refuse to acknowledge our Civil Rights the 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.

#1 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.

#2 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 abuse and Neglect by the Victims Mother to go unchecked

#3 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 Witness coercion & Falsified evidence & any 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. Witness coercion 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 using Witness coercion for being non-Complicit when I made the decision to report the abuse & Indecent exposure by the victim's mother who was naked in the bed while the victim was not supposed to be in the room, the mother was 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

Issue 2 Cause & effect of Disregarding Civil Rights

The legal issue is 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...

1. (The deep Issue) Can, the South Carolina legal system be held up to accountability of being Bias ...in cases involving black Men or Women
2. 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 XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a **A red herring fallacy the Charge of Unlawful Conduct towards a Minor to get the court to forget she did not notify child protective service**
4. (The deep Issue) The Question Presented: whether, no person is above the law, including police officers using Kidnapping, Obstructing Witnesses and

Evidence A red herring fallacy they did not want the 9-year-old victim to testify

5. *(The deep Issue) Questions Presented whether, Judge Jennifer B McCoy made a Non bias discrimination impartial judgement?*
6. *(The deep Issue) 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 without 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. *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*
8. *__The Question that Made me Break Down & Cry When I Received this Dismissal What happened to the Child While Left to Die in Her Abusive Mothers Care?*

9. *The deep issue Accountability) due process Section 15-3-20. General rule as to time for commencement. Because I am representing myself Pro se & I have multiple disabilities the Court Should understand Extenuating circumstances Statue Prohibition*

10. *Gross Negligence: If the officer would have followed procedures and notified Child protective service the Child could have been interviewed correctly and would have corroborate my statement that I originally gave the officer before officer Lanphere fabricated & left out the key details the Complaint about the Mother Sexual Abuse & Neglect*

Argument: Bias Discrimination by the Honorable (Jennifer B McCoy Summary of argument: disregard for due process taking Advantage of a Mentally Disabled Black Male

report of Sexual abuse and Neglect the Victim told officers she was not supposed to be in the Room

the whole Domestic disturbance was over me not being complicit with the mother's abuse resulting in the 911 Fact About Plaintiff I was Calm while talking to the Defendants & Never appeared Violent unlike the Mother But I really Did Not need to call the Defendants I could have Handled the Situation in a More Violent manner my Mental Health History is Violent! But unlike the Defendants I cared about the Victims wellbeing & did not want to behave in a Violent Manner Towards Her mother I Trusted the Victim to Tell the Truth She Tried to Tell Everything but the officers Showed Her the mother was in charge look at the threatening looks she gave her daughter, 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.

Witness coercion: 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. Obstructing Witnesses and Evidence A red herring fallacy*
- *One of the most common ways police abuse their power is through false arrest. ...*
 - #2. 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);*
 - #3 (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.[1] 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).

Argument and citation of Authority

Conclusion_____

The General Discernable Argument is (1)the Defendants Are Not Immune From Liability because not Contacting Child Protective Service when a Child is being Abused by her Mother Sexually & Physically is against the same law the Defendants are Paid to Protect(2) the officer Showed Gross Negligence in her Discretion to not Investigate the Mother or Charge her For any Crimes she may have Committed (3) the Officer Used her Discretion to give a Woman a pass on not only being Neglectful & unfit But Abusive, Disorderly & Left a innocent 9 year old to Die in her mothers care(4) Judge Young works with the Defendants so Do Judge Jennifer B McCoy they all share the same Skin color & hatred For Black Men Question is do the Court over look the Nepotism & the fact the Defendants Profit so Much off False Arrest of People they Hate! The Defendants Kidnapped a Credible Witness, coerced 2 credible Witness all to make Sure a 9-year-old Child Died in her Violent Mothers care & the only hero she looked up to was Subjected to Imprisonment for standing up to the Violent Mother the Defendants Violated Numerous laws to Cover up their Gross Negligence this Case Should be Judged by

people the Defendants don't Work with or can not influence to ignore the Childs Death

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.[3] Suja A. Thomas argues the shifting of any power to judges and other branches by: the Supreme Court is unconstitutional and undesirable.[3] Robert Burns agrees, arguing that elites gain power when judges, not juries, decide cases.[4] (The deep issue Accountability)because I am Mentally Disabled this Case Require a Non Bias Impartial Judgement The Defendants are Powerful people and South Carolina is known for hatred and being Bias Against Black Men

*#1: The Question Presented: whether, no person is above the law, including police officers should they get away with Witness coercion Obstructing Witnesses and Evidence or Will the Court of Appeal make them Give me my Fair Trial Infront of my unbiased peers {Facts: **Undisputedly** prove Gross Negligence Can an officer refuse to do her Job Just to make her False Arrest Case Stick?*

#2: Questions Presented whether, Judge Jennifer B McCoy made a bias discrimination impartial judgement or Did She Take Advantage of a Disabled Mentally Disturbed Informant Falsely arrested because of wanton Behavior

#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 its 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 l.d.f briefs argued that because charges are often dropped with little explanation, requiring plaintiffs to address unjustified criminal charges adds an over whelming 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 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),[2] 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 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),[2] 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 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 mechanism for victims of such law enforcement abuses to obtain accountability (Argument and citation of Authority Conclusion

Compensation equal reparations

Unconstitutional arrest & Witness coercion 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 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!

Wherefore, based on the forgoing, the appellate respectfully submit the order asking for a Fair trial or settlement with the Respondents be Granted by the Court

Muhammad Nathaniel Wilson Pro Se

In Town Suites 8082 Rivers Ave, Room 309 North Charleston SC 29406

(843)867- 9789 creyolab@gmail.com

Respectfully___ Muhammad Nathaniel Wilson Pro Se

THE STATE OF SOUTH CAROLINA

In The Court of
Appeals [In the
Supreme Appeal
FROM Berkeley

County

Judge Jennifer B McCoy

RECEIVED

Dec 20 2024

SC Court of Appeals

Case No. 2022 CP-08-02508

Appeal No. 2023-001837

Muhammad Nathaniel Wilson Pro Se

Appellant,

V.

Hanahan Police Department & Other Law Enforcement Officials

Respondent,

PROOF OF SERVICE

I certify that I have served the Final Brief & Record on appeal for the Appellant by depositing a copy of it in the United States Mail, postage prepaid, on December 21, 2024, 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 December 21, 2024
&Gmail @ elloree.gains@hoodlaw.com

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RECEIVED**Dec 20 2024****SC Court of Appeals***Judge Jennifer B McCoy*
_____*Case No. 2022 CP-08-02508**Appeal No. 2023-001837*
_____*Muhammad Nathaniel Wilson Pro Se**Appellant,**V.**Hanahan Police Department & Other Law Enforcement Officials**Respondent,*_____
Certificate of service

The undersigned certifies that on this day 21th day of December a copy of the record on an appeal on behalf of the Appellant Muhammad N Wilson Pro se that I have served the Record on appeal for the Appellant by depositing a copy of it in the United States Mail, postage prepaid, on December 21, 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 December 21, 2024

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