

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

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JAN 31 2025

APPEAL FROM ABBEVILLE COUNTY
Frank R. Addy, Jr. Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2024-001319

Nathanael Whitwood,

Appellant,

v.

THE STATE OF SOUTH CAROLINA, TOWN OF DUE WEST,

Respondent.

INITIAL BRIEF OF APPELLANT

Nathanael Whitwood, Appellant:
In care of:
5720 Hwy 184
Donalds, South Carolina
[postal code 29638]
T: (607) 281-9060

Matthew Wade Downtin, Attorney for Respondent.
P.O. Box 516
Greenwood, SC 29648

Mark Reynolds Farthing, Attorney for Respondent.
P.O. Box 11549
Columbia, SC 29211

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ISSUES ON APPEAL

1. Whether the State provided sufficient evidence that I was bound under the traffic code I was charged with, at the time of arrest.
2. Whether the trial judge acted as a fair and neutral party in the interest of upholding truth, justice and the law. And whether the trial judge acted as prosecutor in supporting and defending the arresting officer.
3. Whether my rights to due process were violated when the documents I filed into the court were ignored and not addressed by either the judge or the prosecution.
4. Whether I was or was not lawfully bound under the traffic code I was arrest and charged with.
5. Whether my 4th and/or 5th amendment rights were violated when I was arrested and forced to provided much personal information under threat, duress, and coercion against my will and over my objection.
6. Whether my personal liberties were violated when I was threatened with indefinite incarceration without being allowed to see a judge or make a phone call. Due to not being

willing to provide extensive personal information while under arrest. Much of which can or will be used against me.

7. Whether these codes can be applied to myself as a free man having caused no harm or damage to another person or property.
8. What evidence or proof must the prosecution provide in order to prove whether these codes can be constitutionally and legally applied to myself.
9. If I am indeed deemed to be bound under these codes; how then did it come to be that I am bound under these codes.

STANDARD OF REVIEW

I would seek that these matters are judged in accordance with the national constitution, the South Carolina state constitution, and natural and moral law in every way applicable. As well as any applicable laws which are wholly just and in accordance with the supreme law of the land.

STATEMENT OF THE CASE

Brief of Appellant, Nathanael Whitwood (Hereafter referred to as "I" or "Appellant" or "Myself"). To be presented to the South Carolina Court of Appeals in the interest of reversing the convictions against myself as they were a violation of my natural and constitutional rights. Then there were repeated violations of due process and court procedure committed in my case. To whom it may concern, I would ask to please bear with me as I am not a lawyer and have not

had any legal training. I have compiled my arguments to the best of my abilities with the time and resources available to me. And while I do believe I have done a reasonable job expressing and explaining my position, I know from experience that many wave me off as an ignorant 'sovereign citizen' with no standing. The court has my full assurance that I am not a part of or affiliated with any 'sovereign citizen' movement or organization. I am simply a man seeking to peacefully defend his rights from any and all imposing governmental overstep.

The original cause for this case was the Appellant being pulled over and arrested during the course of regular daily activities by DWPD Officer Gambrell. Appellant was charged with driving without driver license, no seatbelt, driving without insurance, driving unregistered vehicle. Appellant's stance is that these charges are unconstitutional and a violation of my natural personal rights in how they have been applied to myself in this case. When attempting to defend myself in court, the court process and due process was not upheld during this case. And My rights were further violated by the judge and the officer. During arrest my 4th and 5th amendment rights were violated, and I was repeatedly threatened by the officers. For these reasons I believe the appropriate course of action is to dismiss these charges against me in the interest of justice and freedom.

ARGUMENT

I believe that Judge Helen (Lisa) Philips, the DWPD, and other representatives of Due West and the Due West Court did error and violated due process in the preceding for this/these two cases. And that Judge Frank Addy of the circuit court did not rule in the interest of truth and justice. From the beginning, these cases have been a violation of my constitutional and natural rights. I

believe that the charges brought against me were faulty and illegitimate to begin with, however upon trying to show and prove this in court I was completely railroaded.

My right to be informed of the nature and cause of the accusation under the 6th amendment of the Constitution of the United States of America was violated as even upon repeated inquiry, Judge Philips either would not, or could not inform me of the nature and cause of the action brought against me. Nor was there any victim or contract brought forth to support the charges. Originally, I was not even informed whether I was under civil or criminal charges. After eventually being told I was under criminal charges, I was still not informed as to whether I was under Admiralty procedure or common law procedure. And was instead told I was under "traffic charges" which is not a legal jurisdiction prescribed by the constitution or any constitutionally valid law.

Furthermore, the prosecution did not present any evidence of a victim, damages, or contract violation. Without having any of these elements, how can any law or traffic code be constitutionally and morally legitimate? No sect of the American Government may just pass a code or statute criminalizing any action which has no negative inherent effect on another's person, property, or effects. Such law, code or statute would be a direct violation of the principles of natural law and morality which this country was built on. Were any branch of this government to be allowed to create such regulations, this country would quickly begin to slide downhill toward a condition we can see all over the world in many countries where freedom is not the priority of the government but is a mere inconvenience. Without having the information to understand the nature and cause of my case, I cannot be reasonably expected to effectively defend myself from this tyranny. And I believe this amounts to grounds enough to dismiss the charges as being not based in truth and justice but rather being an unlawful violation of my natural and constitutional rights.

Prior to trial I entered interrogatories and requests for production in my motion for discovery. However, I received no response to the items in the discovery by the prosecution. Nor did I receive any response to explain why the prosecution believed he did not have to provide any or all of the information. Judge Philips proceeded with trial against my will and over my objection. Without having any of the necessary information in my discovery I was not able to mount a credible defense. I do believe that all of the information in my discovery was indeed necessary for me to understand the nature and credibility of the charges brought against me. And also necessary in order for me to prove my legal and lawful standing in this case. Since the prosecution did not enter an objection to my discovery nor to the validity of each item, it must be held as valid, and the prosecution should have provided the information and evidence. Further, it seemed to me that the prosecuting officer was untrained in legal proceedings and should have had an attorney working for the prosecution if he did not understand the rules and procedures of a legal proceeding. Without the court being able to follow the proper rules, the charges against me must be dismissed under faulty or illegitimate court procedure.

As mentioned prior, I was forced to trial without discovery and without necessary information from the judge. Such incident is grounds enough to declare a mistrial as there is no way I can be expected to defend myself when I am not allowed to exercise my constitutional rights to a fair and equal trial following the rules of court. And had I been able to gather the information I sought, I do believe that I would have been able to make it clear to the court that these charges against me were completely illegitimate in how they have been applied to me in this situation.

Among the documents filed with the court, I entered a notarized Affidavit of Self stating and describing my condition and standing. Stating that in no way am I contracted with or a part of the United States corporation. I had not expressed nor implied any agreements or obligations to any corporation including the U.S. I am a free man living on the land of the South Carolina State on the United States of America. And I cannot be compelled or coerced into a state of subjectivity on the mere whims of politicians and police. Such would be an immense violation of the foundations of this country and natural law which are supposed to separate us from the corrupt and unjust countries of the world.

This affidavit was neither addressed nor refuted by the prosecution, it is a maxim of law that an affidavit unrefuted must be held as truth. Not once would the prosecution address any matter contained in the affidavit. But instead had his mind made up that I was a guilty criminal and would not do his part in seeking truth and justice. I believe this to be in part due to the fact that the officer was not trained and educated in legal proceeding, and should have been represented by an attorney. Had the officer and the judge been acting in the interest of truth and justice these documents would have been read and understood. Which I do believe would have led to an outcome in favor of myself and this country. However, it does not matter what the reason is. The fact of the matter is that my natural and constitutional rights were violated by both the charges brought against me and the court proceeding to find me guilty. And these charges must be reversed or dropped altogether and the fines dismissed and repaid in the interest of freedom and justice.

I believe there was a distinct lack of personal and subject matter jurisdiction over myself and my matters in these actions. Given that I did not at any time cause harm to any individual or

property, nor did I violate any contract, as there was no contract or agreement between myself and any governmental or corporate entity as I have previously attested to. And, had such damages or contractual violation occurred, it would have been the responsibility of the prosecution to prove these elements. As stated previously the prosecution failed to do so. It was stated by the judge that my location upon the land is the only factor necessary for the court to possess jurisdiction over my daily activities. I do believe that, as reasoned above, the governments in this country cannot criminalize regular activities without meeting certain requirements proving that one has caused damage to society. If the documents and material I entered into the court had been read and understood, that would have become clear and understood by the judge. And I believe that the outcome of my case would have been drastically altered had the judge and prosecution been diligent and thorough in their duties.

During arrest, my fingerprints, picture and likeness, and much personal information were taken from me against my will, over my objection, and under duress. I was being threatened repeatedly with indefinite incarceration, without being allowed to see a judge or contact anyone unless this personal property and information was taken from me. Further, I was repeatedly denied the ability to write a writ of habeas corpus while being held prisoner. Fear of the corruption of the police and jail system are the only reasons that this personal property and information were able to be taken from me with compliance, under fear of threat against my permanent well-being. And I believe that this constitutes an egregious violation of due process.

Within the paperwork I filed with the court, there were many examples of case law, definitions, and citations which I believe to be strongly in support of my legal position. Not one of them was acknowledged nor disproven by either the judge or the prosecution. At the same time, the prosecution did not enter any legal arguments, case law, or citations in support of the validity of the charges. Instead, the prosecution attested only to what he saw and did, while the judge acted as prosecutor instead of the neutral party. Judge Phillips, while arguing for the prosecution, also did not offer any case law or legal citations. But instead argued just from how she understood the laws to be. Which violated her position of office, and it can be reasonably argued that she was practicing law from the bench.

While my argument here rests mainly on truth, logic, and morality. The case law and legal citations contained in the memorandum of law I filed in the original trial support my position in this appeal as my arguments in the case were based jurisdiction and the cause of action, not on the nature of the action. And will be included in the record on appeal.

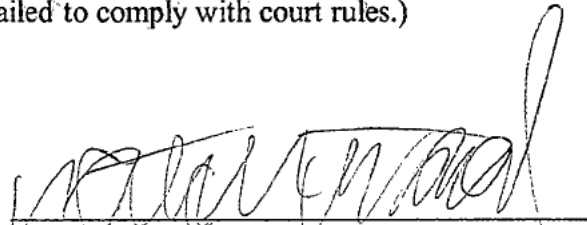
CONCLUSION

In conclusion, I believe that the charges and convictions brought against me are illegitimate and unlawful. And as a free man living on the land, I should never have been stopped and arrested in the first place. When arguing my position in court there were many violations of court procedure. And as a result, I have been persecuted for standing on my rights. And that is unacceptable in a free society. This argument as well as the paperwork, I filed in the original case show sufficient evidence and standing for this position. I seek for the court to overturn or dismiss these

convictions. If it can be shown and proven that I violated a contract or caused any damages thus giving lawful standing to these charges, I will be happy to correct my standing. But at this point in time, I do not believe that I have not acted in bad faith toward my fellow man, nor have committed any immoral or criminal act which would justify this violence and extortion to be brought upon me. I am now seeking relief of this oppression from the court. And I pray that the court will rule in favor of truth, justice, and the natural rights this country and the constitution were founded on.

Respectfully submitted on this day, ~~November 16, 2024~~. (Date mailed).

(January 25, 2025. Edited and re-mailed to comply with court rules.)



Nathanael Whitwood, In Sui Juris Capacity.

FORM 7
PROOF OF SERVICE OF BRIEF OF APPELLANT

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

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas

Frank R. Addy, Circuit Court Judge

Appellate Case No. 2024-001319

Nathanael Whitwood, Appellant,

v.

THE STATE OF SOUTH CAROLINA,
TOWN OF DUE WEST, Respondent

PROOF OF SERVICE

I certify that I have served the Brief of Appellant (UPDATED) on Matthew Wade Downtin, Attorney for the Respondent. By depositing a copy of it in the United States Mail, postage prepaid, on January 25, 2025. I addressed it to the following address: Matthew Downtin, PO box 516 Greenwood, South Carolina 29648.

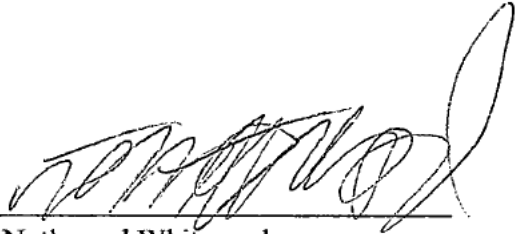
I certify that I have served the Brief of Appellant (UPDATED) on Mark Reynolds Farthing, another attorney for the Respondent. By depositing a copy of it in the United States Mail, postage prepaid, on January 25, 2025. I addressed it to the following address: Mark Farthing, PO Box 11549 Columbia, South Carolina 29211.

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Nathanael Whitwood

In care of:

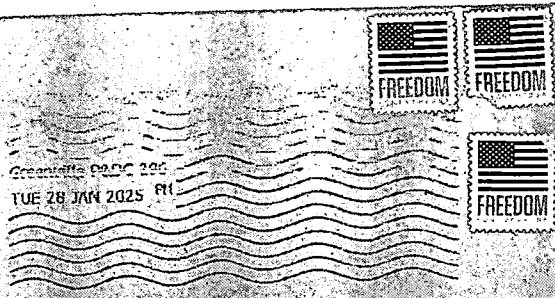
5720 Hwy 184

Donalds, South Carolina

[postal code 29638]

Mobile Telephone: (607) 281-9060

5720 Hwy 184 E
Donalds, South Carolina
[29638]



Court of Appeals, Clerk of Court
P.O. Box 11629
Columbia, South Carolina
[29211]

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