

DORCHESTER COUNTY
STATE OF SOUTH CAROLINA

FIRST JUDICIAL CIRCUIT
COURT OF GENERAL SESSIONS

2025 AUG 11 11:04

CASE NO.: 2024A1820500960

Date: August 8th, 2025

CLERK OF COURT
DORCHESTER COUNTY

RECEIVED
DEC 29 2025
SC Court of Appeals

**MOTION TO SUPPRESS EVIDENCE & NOLLE PROSEQUI BASED ON LACK OF
REASONABLE SUSPICION, UNLAWFUL STOP, NEWLY DISCOVERED
EVIDENCE AND OTHER DUE PROCESS VIOLATIONS**

COMES NOW, Hadi Bey, Ex, Relatione: Keyshon Anthony Poinsette Jr., appearing specially, in trust and honor as the private surety, subrogee, and equitable beneficiary, and moves this Court to enter a nolle prosequi in the above-captioned matter, based on newly discovered exculpatory evidence and multiple due process violations.

GROUND

1. On July 17, 2025, Movant received a flash drive containing dash camera video of the alleged traffic stop. Despite repeated requests, Movant was unlawfully denied access to review this evidence while confined in a detention facility in another county, and even once moved to Dorchester County Tuesday, August 5th, 2025, was only able to view the video evidence on Thursday, August 7, 2025, with trial scheduled for the following Monday, August 11, 2025.
2. Upon review, the video clearly contradicts the arresting officer's sworn statements, showing no violation of a stop sign as alleged. Furthermore, the officer alleged illegal window tint without ever testing the tint.
3. Additionally, the arresting officer unlawfully seized Movant's SLED-stamped name change document and fingerprint card, despite it being lawfully issued and returned by the South Carolina Law Enforcement Division. This seizure occurred without due process, was not disclosed in the officer's affidavit or narrative, and constitutes suppression of exculpatory evidence. This document evidences Movant's lawful exercise of his secured right to self-identification and self-determination under the First and Ninth Amendments, as well as international instruments including the U.N. Declaration on the Rights of Indigenous Peoples, the OAS Declaration on the Rights of Indigenous Peoples, the Universal Declaration of Human Rights, and the Declaration on the Rights of the Child.
4. The officer therefore provided **false and misleading statements under oath** and on record as justification for the initial traffic stop and subsequent charge.
4. The suppression of this evidence and the delay in access constitute a violation of Brady v. Maryland, 373 U.S. 83 (1963), and undermine the fundamental fairness of these proceedings.
5. Movant expressly preserves, without waiver, all beneficial, equitable, and secured party interests in the name, bonds, and proceedings related to Case No. 2024A1820500960, as established by filed UCC Financing Statement, tender of private equity bonds, and affidavits of subrogation and suretyship.

LEGAL ARGUMENT

A. Unlawful Stop – No Reasonable Suspicion or Probable Cause

Under *Terry v. Ohio*, 392 U.S. 1 (1968), a law enforcement officer must have **reasonable suspicion based on specific and articulable facts** to initiate a traffic stop. In this case, there was **no such basis**, as confirmed by the officer's own dash camera and the lack of any objective window tint measurement.

Additionally, under *Delaware v. Prouse*, 440 U.S. 648 (1979), random or pretextual stops without specific traffic violations are unconstitutional.

B. 4th Amendment Violation – Unlawful Seizure and Search

The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches and seizures. The unlawful stop constitutes an unreasonable seizure, and any subsequent evidence obtained must be suppressed under *Mapp v. Ohio*, 367 U.S. 643 (1961).

South Carolina Constitution, Article I §10, mirrors this protection.

C. 5th & 14th Amendment – Due Process Violations

The fabrication of justification for the stop and the unlawful seizure of the Defendant's person and property amounts to a violation of **procedural due process** rights protected under the Fifth and Fourteenth Amendments.

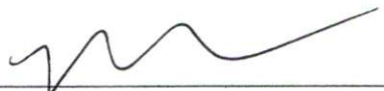
D. Fruit of the Poisonous Tree Doctrine Applies – Exclusionary Rule

Any arrest, search, statements, or contraband found following an unlawful stop are **inadmissible**, as held in *Wong Sun v. United States*, 371 U.S. 471 (1963).

RELIEF REQUESTED

WHEREFORE, Movant respectfully requests that the Solicitor's Office enter a nolle prosequi in this matter, suppress all evidence obtained as a result of said stop as fruit of the poisonous tree, order a full evidentiary hearing on this matter and grant any other relief this Court deems just and equitable.

Respectfully submitted,



Hadi Bey, all rights reserved, pro per
Ex. Rel: Keyshon Anthony Poinsette Jr.