

**Affidavit in Support of Motion for Nolle Prosequi**

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I, Hadi Bey, Ex. Rel: Keyshon Poinsette Jr., being duly affirmed, depose and state as follows: 2025 AUG 11 AM 8:43

1. On July 17th, 2025, I first received a flash drive containing video footage of the traffic stop at issue in Case No. 2024A1820500960.

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2. At that time, I was detained in a jail facility in Charleston county, separate from Dorchester County, where the charges are pending.

3. Despite repeated requests, I was denied the ability to view this footage until Thursday, August 7th, 2025, when I was finally permitted to watch it.

4. The delay in access to this critical evidence has significantly prejudiced my ability to prepare my defense, particularly with trial scheduled for Monday, August 11th, 2025.

5. Upon viewing the footage, I discovered material facts demonstrating that the arresting officer provided false testimony, including: (a) the officer's claim that I ran a stop sign is completely contradicted by the video, and (b) the officer alleged my vehicle's window tint was illegal but never tested the tint.

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6. These false statements are material to the charges against me and undermine the credibility of the prosecution's evidence.


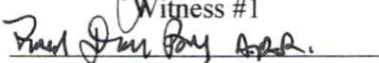
7. Additionally, the arresting officer unlawfully seized Movant's SLED-stamped name change document and fingerprint card, despite it being lawfully issued and returned by the South Carolina Law Enforcement Division. This **seizure occurred without due process, was not disclosed in the officer's affidavit 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.

8. The denial of timely access to this evidence, and **other material evidence** I have at home, combined with the Solicitor's attempt to rush the matter to trial, constitutes a violation of my due process rights and the constitutional guarantee of adequate time to prepare a defense.

9. 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, and no portion of these rights is abandoned or diminished by the filing or granting of this motion.

I declare under penalty of perjury under the laws of the United States of America and the State of South Carolina that the foregoing is true and correct.

  
Hadi Bey, all rights reserved  
Ex. Rel: Keyshon Poinsette Jr.  
Subrogee, Exoneree, Beneficiary

  
Witness #1  
  
Witness #2

Date: August 8<sup>th</sup>, 2025

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO NOLLE PROSEQUI**

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2025 AUG 11 AM 8:43  
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DORCHESTER COUNTY

COMES NOW, Hadi Bey, the Movant, Ex. Relatione: Keyshon Anthony Poinsette Jr., appearing specially and not generally, in trust and honor as the private surety, subrogee, and equitable beneficiary in the above-captioned matter, and respectfully submits this Memorandum of Law in support of his Motion for Nolle Prosequi.

**FACTUAL BACKGROUND**

On July 17, 2025, the Movant first received a flash drive containing video evidence purportedly related to the traffic stop in question. However, he was denied access to view the contents while in custody in Charleston county jail, which was not the venue of the charges, raising potential concerns of collusion or conspiracy to impair his defense, and wasn't allowed access to view the contents while in Dorchester County jail until Thursday August 7, 2025, despite having been there since Tuesday, August 5<sup>th</sup>, 2025. Upon reviewing the video, Movant discovered material discrepancies: 1) The officer's claim that Movant ran a stop sign is disproven by the video; 2) The alleged illegal window tint was never tested. The officer therefore provided **false and misleading statements** under oath and on record as justification for initiating the traffic stop.

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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.

**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).

Under *Brady v. Maryland*, 373 U.S. 83 (1963), suppression of evidence favorable to the accused violates due process where the evidence is material to guilt or punishment. Here, the prosecution's failure to timely provide meaningful access to exculpatory evidence, coupled with the attempt to rush the trial to August 11, 2025, constitutes a violation of the Movant's rights to due process and a fair trial.

Further, pursuant to South Carolina Rules of Criminal Procedure and ethical duties under the Rules of Professional Conduct, prosecutors have an affirmative duty to ensure justice, which includes moving to dismiss or nolle prosequi charges when clear evidence of innocence or due process violations is present.

## **PRESERVATION OF EQUITABLE INTERESTS**

Movant has tendered private equity bonds, filed into the record without rejection, and secured his beneficial interest in the case, his name, and said bonds via UCC-1 financing statement. These filings obligate the prosecution and the court as co-sureties to honor and preserve Movant's equity position. Any continued prosecution in light of these facts would constitute unjust enrichment and a breach of fiduciary duty.

## **CONCLUSION**

For the foregoing reasons, and in the interest of justice, the Movant respectfully requests that this Court grant the Motion for Nolle Prosequi and terminate all proceedings in Case No. 2024A1820500960.