

THE SOUTH CAROLINA  
In The Supreme Court

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**Jan 12 2026**

APPEAL FROM LEXINGTON COUNTY  
Robert E. Hood, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2022-001437

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Johnathan Daniels,

Appellant.

v.

The City of Cayce

Respondent,

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Petition For Certiorari

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For good cause, pursuant to South Carolina Appellate Court Rules 242, Appellant, *Pro Se*, Johnathan Daniels requests that the South Carolina Supreme Court grant a Writ of Certiorari so that this appeal be decided by the South Carolina Supreme Court for full and fair consideration of all relevant arguments, and to prevent manifest injustice.

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## **STATEMENT OF ISSUES ON APPEAL**

1. Appellant's guilty pleas were not valid because they were involuntarily, unknowingly, misunderstandingly, and mistakenly made.

## STATEMENT OF THE CASE

On December 9<sup>th</sup>, 2019, Johnathan Martia Daniels, (hereafter, "Appellant") was in his truck driving east on 12th St. Ext. in Cayce, South Carolina. At 7:37 am, Appellant was observed by officer Robert Garmin of the City of Cayce Department of Public Safety, allegedly, traveling at a speed of 61 mph in a 45 mph zone, near the intersection of 12th St. Ext. and Steamboat Run. Officer Garmin initiated a traffic stop on Appellant and found that Appellant had no driver's license and no vehicle registration. Appellant had a private tag and current insurance coverage on his truck. Officer Garmin confiscated Appellant's private tag and issued citations to Appellant for the nonmoving charges of 56-1-20, Driving Without A License 1st, and 56-3-110, Failure to Register Vehicle (hereafter "nonmoving charges"). Appellant was also charged for violation of 56-5-1520(G)(3), Speeding (More than 15 over, but less than 25 over).

Throughout this case, Appellant chose to defend *Pro Se*, without the assistance of counsel. Appellant was arraigned on January 16<sup>th</sup>, 2020 at City of Cayce Municipal Court, where Appellant entered a plea of "Not Guilty" for all three charges and told Officer Garmin about his religious objection, not to drivers licenses in general, but to the ALL CAPS name formatting on state drivers licenses. Appellant served discovery requests to officer Garmin on February 2<sup>nd</sup>, 2020, to which Officer Garmin delivered a partial production of what was requested. Appellant motioned the municipal court to compel a complete response. The municipal court denied Appellant's Motion to Compel on September 2<sup>nd</sup>, 2020 via letter. Appellant timely objected to the denial and filed a Motion to Reconsider on September 11<sup>th</sup>, 2020. The Motion to Reconsider was also denied by the municipal court on October 8<sup>th</sup>, 2020, to which Appellant timely objected. On July 3<sup>rd</sup>, 2021, Appellant served and filed a South Carolina § 1-32 Motion to Dismiss for Failure To State A Crime and Lack Of Jurisdiction. Per statute, Appellant's motion required a response from the state, and a showing that (1) the enforcement upon Appellant was in furtherance of a compelling state interest and (2) that the specific enforcement was the least restrictive means of furthering that state interest.

While driving to the municipal court on July 22<sup>nd</sup>, 2021, for a mandatory jury strike called in the case, Appellant was seized, detained, and ticketed by City of Cayce police officers. Some of

the officers were familiar with the pending charges against Appellant. Appellant was, again, ticketed for No S.C. DL and Failure to Register Vehicle.

Approximately one hour later, Appellant appeared before the municipal judge at the Municipal Court for jury selection. The municipal judge ruled against Appellant's previously filed South Carolina § 1-32 Motion to Dismiss, despite the state not even attempting to make the necessary showing as required by South Carolina § 1-32. Appellant timely objected, and a jury was struck and a trial of the matter was scheduled for October 28<sup>th</sup>, 2021.

On October 5<sup>th</sup>, 2021, Appellant filed a Motion For A Directed Verdict, claiming that his South Carolina § 1-32 defense to the two nonmoving charges prohibited criminalization of his admitted conduct, as relates to the two nonmoving charges in this case. This motion was filed early, in writing, so that the prosecutor and the municipal judge were, again, informed of Appellant's claims and defense.

On October 28<sup>th</sup>, 2021, before trial, Appellant met with City of Cayce (hereafter, "Respondent") prosecutor, Daniel E. Peagler (hereafter, "prosecutor") and arresting officer Garmin, with whom a plea deal was discussed, but refused by Appellant. The case was called for trial shortly thereafter, where upon entry into the courtroom, Appellant told the municipal judge that a plea was discussed, but that Appellant did not desire to make any plea. Appellant told the judge he was ready for trial. The municipal judge addressed the jury to let them know he [the judge] was attempting to not "use" the jury's time unless "absolutely necessary." Then, without a request from either party, Appellant and the prosecutor were called outside of the courtroom, where the municipal judge insisted on plea negotiations.

While outside of the courtroom, despite the judge telling Appellant that they were on the record and the judge ordering that a record be made, the municipal clerk of court made an incomplete record of the hearing. The clerk failed to record when the municipal judge told Appellant that he [Appellant] could be sentenced to 30 days in jail if found guilty of the speeding charge. This potential for a jail sentence was later found not to be true, as the maximum penalty for the speeding charge was a fine only. The clerk also failed to record the several instances where Appellant was instructed by the judge to meet again with the prosecutor to make an agreement. While outside of the courtroom, Appellant twice insisted on having a

trial, but was sent back to negotiate with the prosecutor. The only topic of discussion outside of the courtroom was Appellant making a plea agreement. Matters such as how the trial would be conducted, evidence entered, or ways to make the trial more efficient were not discussed at all.

Having filed a Motion For A Directed Verdict, Appellant was not convinced he could be found guilty for the two nonmoving charges, but he was fairly certain that he would be found guilty of speeding. In order to avoid the inaccurately stated 30-day jail sentence for speeding, Appellant finally agreed to a plea agreement with a recommendation of no jail time. The prosecutor insisted that Appellant plea not only to speeding, but to one of the nonmoving charges as well. After Appellant made the pleas, the municipal judge accepted the prosecutor's sentencing recommendation for the charges of speeding and driving without a license, and Appellant was convicted and sentenced to a fine \$180.63 for speeding and \$155.00 for driving without a license. At no point was the *Pro Se* Appellant informed of his rights generally, and specifically, Appellant was not informed of his rights under Boykin, the Constitution, or the waivers relating to his entering the guilty pleas.

Once Appellant's pleas were memorialized, the parties and the judge returned to the courtroom, where the judge let the jury know that his efforts to not "use" their time having Appellant's trial were successful.

Six days later, after finding out that he could not have actually been jailed for the speeding charge, Appellant issued written objections, serving and filing an appeal with the municipal court on November 4<sup>th</sup>, 2021. (R. pp. 14-26). The appeal was filed at the Lexington County Court of Common Pleas on November 4<sup>th</sup>, 2021. Respondent was served on November 26<sup>th</sup>, 2021 and a Motion to Cure Deficiency was served on Respondent and filed at the circuit court on December 6<sup>th</sup>, 2021. Appellant's grounds for appeal were: (1) the trial court's error in misstating the penalties, among other inaccuracies; (2) the trial court's failing to inform Appellant of his rights before the plea acceptance; (3) the trial court's failing to review evidence, examine facts, or question Appellant regarding admission to any of the facts alleged; (4) the municipal judge's insistence on, and participation in plea negotiations; (5) the trial court's error or abuse of

discretion in refusing to make a ruling on Appellant's Motion for a Directed Verdict; (6) the municipal judge holding a non public, "closed court" session; (7) to the prosecution of Appellant on charges for driving without a license and no vehicle registration, which were prohibited by an estoppel; (8) denial of Appellant's Motion To Compel discovery responses from the State; (9) and Respondent's law enforcement and court officers labeling Appellant as a "sovereign citizen," and the consequences thereof denying Appellant due process.

The appeal was heard before Lexington County Circuit Court Judge, Robert E. Hood, on September 22<sup>nd</sup>, 2022. Judge Hood initially made the same error as the municipal judge; Judge Hood's error being that he stated that the speeding charge against Appellant was a jailable offense. Although he corrected this misunderstanding, Judge Hood denied Appellant's appeal and motion in an order dated September 27<sup>th</sup>, 2022. Appellant filed a Notice Of Appeal at the circuit court on October 4<sup>th</sup>, 2022 and filed the appeal to the South Carolina Supreme Court on October 13<sup>th</sup>, 2022. Appellant challenged Judge Hood's denial of his Motion To Amend Deficiency related to service of the municipal appeal, maintained his initial objections and challenged the constitutionality of the two nonmoving charges, as well as a lack of jurisdiction of the municipal court after the state failed to make a proper South Carolina § 1-32 showing on July 22<sup>nd</sup>, 2021. (R. pp. 141-148). The case was referred to the South Carolina Court of Appeals on October 14<sup>th</sup>, 2022.

On October 1<sup>st</sup>, 2025 the South Carolina Court Of Appeals filed an Opinion stating that Appellant's guilty pleas were valid and that Appellant's Constitutional claims are considered waived. Appellant filed a Petition For Rehearing on October 14<sup>th</sup>, 2025, because Respondent's misquoting of the municipal transcript tainted the Court Of Appeals Opinion. The Petition For Rehearing was denied on December 10<sup>th</sup>, 2025. Appellant now comes before this Court requesting a full and fair hearing.

## ARGUMENT

Realizing that Appellant is *Pro Se* in this matter, this Court's patience is humbly requested. Appellant has spent a great deal of time researching and drafting his briefs to try and make this case manageable for this Court, and respectfully asks that his briefs, at the very least, be read and considered before a rush to judgment. Appellant values his constitutionally protected rights and intends to defend those rights.

### STANDARD OF REVIEW

In criminal cases, the appellate court sits to review errors of law only. *State v. Wilson*, 345 S.C. 1, 545 S.E.2d 827 (2001). The appellate court is bound by the trial court's factual findings, including preliminary factual findings in determining the admissibility of certain evidence in criminal cases, unless they are clearly erroneous. *Wilson*, 245 S.C. at 5, 545 S.E.2d at 829.

#### **A. APPELLANT'S GUILTY PLEAS WERE NOT VALID BECAUSE THEY WERE INVOLUNTARILY, UNKNOWNINGLY, MISUNDERSTANDINGLY, AND MISTAKENLY MADE**

The South Carolina Court Of Appeals' Opinion of October 1st, 2025 appears to have been based solely on Respondent's Brief and arguments, in which Respondent presented intentionally deceptive statements of fact to obfuscate the order of events and circumstances under which Appellant's guilty pleas were made. (See Court Of Appeals' Opinion of October 1st, 2025). In order to create a false impression that Appellant knew with certainty what the penalties were before entering the guilty pleas, Respondent has intentionally mischaracterized

and changed the order of events recorded in the municipal transcript, and in his Final Brief Of Respondent at p. 4, writes that:

“The partial transcript of the municipal court proceedings clearly shows that the Appellant was aware of the negotiated penalty for all guilty plea charges, and the trial judge’s acceptance of those penalties, before Appellant entered a guilty plea. The prosecutor recited a negotiated penalty of fine only of \$183.63 on the speeding charge and a fine only of \$155.00 on the no driver’s license charge, and a nolle prosequi of the failure to register vehicle charge. After the description of the negotiated plea, the trial court stated, according to the partial transcript, “I’ll tell you that I’m accepting it, and I’m also accepting the recommendation.” The guilty plea followed. (R. p. 63, line 11 – p. 66, line 4). Appellant knew the penalties to be imposed before he voluntarily entered the guilty plea.”

The Court Of Appeals’ reaction to this deception by Respondent was anticipated and pointed out to the Court Of Appeals in the Final Reply Brief Of Appellant. In his Final Reply Brief Of Appellant at pp. 8-9, Appellant informed the Court Of Appeals, in part, that:

“In presenting this lie to this Court, Respondent has intentionally misquoted the statement of the municipal judge, by deliberately removing the “IF” portion of the statement made by the judge. In an effort to deceive this Court into believing that Appellant was aware of the sentences before he plead guilty, Respondent falsely claims that the municipal judge said, “I’ll tell you that I’m accepting it, and I’m also accepting the recommendation,” and that Appellant’s plea followed. (Initial Brief Of Respondent p. 4 last paragraph, thru to p. 5 ¶ 1). This is not only incorrect, but it is also an attempt to lie to this Court! Respondent is up to legal shenanigans once again.

Now, examining the Municipal Transcript, what the municipal judge actually said was, “Well, [pause] the first thing we have to establish is that you are entering this guilty plea and then after you've uh, uh entered

it-- Well, first of all, I'll-- if I accept it, I'll tell you that I'm accepting it, and I'm also accepting the recommendation. But then you have another opportunity to tell me anything else you wanna tell me in mitigation, but you will have already entered that guilty plea.” (Municipal Transcript, R. p. 64, line 22 – p. 65, line 2). Appellant’s guilty pleas follow **after** (Municipal Transcript, R. p. 65, lines 4-7), **later** followed by the judge’s acceptance of the pleas and recommendations (Municipal Transcript, R. p. 65, line 15).”

This order of events differs drastically from the order of events Respondent presented to the Court Of Appeals, and the Municipal Transcript makes this point inarguably. At the time of making the pleas, Appellant was aware of the plea agreement which included only a proposed recommendation which had not yet been accepted by the judge. Before making the guilty pleas, Appellant “knew” with full confidence that: **(1)** he had no valid defense against the speeding charge, **(2)** that the municipal judge had said he [Appellant] could be sentenced to 30 days in jail if found guilty of speeding (which was neither true or correct), **(3)** that he [Appellant] could not possibly be found guilty for the two nonmoving charges in the case due to the prohibitions on the state criminalizing his exercise of Constitutionally protected rights (which Appellant believed wholeheartedly, as demonstrated by his July 22<sup>nd</sup>, 2021 Motion To Dismiss and his then pending October 5<sup>th</sup>, 2021 Motion For A Directed Verdict), **(4)** that by him [Appellant] entering the guilty pleas the court might accept the prosecutorial recommendation and not sentence him to jail for speeding, **(5)** that he [Appellant] could still appeal the unconstitutional application of the drivers license and registration laws in his case. (R. p. 29, Oath at lines 7-8; R. p. 31, line 11 to p. 32, line 15; R. p. 53, lines 19-23; R. p.108; R. p. 66, lines 8-20); and R. p. 32, line 25 to p. 36, line 11).

The fact is that Appellant was misinformed of the penalty for speeding (which Appellant attests is the case), but even if Appellant simply misunderstood the penalty for the speeding

charge, that misunderstanding removes any notion that Appellant had a full understanding of the charges and the sentences to be imposed before making the guilty pleas. The potential 30-day jail sentence was at the forefront of Appellant's mind right up to the moment the judge accepted the prosecutorial recommendations. The potential jail sentence for speeding was the sole impetus for Appellant considering any plea whatsoever. Only after the judge accepted the sentencing recommendation, was the possibility of a jail sentence for speeding removed from the list of potential consequences that Appellant had to consider before making the pleas; it was only at that point that Appellant truly understood the consequences of the making the pleas.

Appellant's pleas were made under the circumstances of sentencing misinformation provided by the municipal court, intimidation, misunderstanding, and/or mistake. To vitiate a guilty plea, a court's misstatement must be "material in the sense that it is part of the inducement for the defendant's decision to plead guilty." *State v. Higginbotham*, 351 N.W.2d 513, 516 (Iowa 1984). The record in the present case demonstrates that Appellant made the guilty pleas under fear and duress resulting from an induced misunderstanding of the sentencing possibilities.

Appellant's statement that his pleas were not coerced was given undue weight by the Court Of Appeals, because in claiming that the pleas were knowingly made and not coerced, Appellant had no way of knowing that he had been misinformed and had misunderstood the potential speeding sentence.

To be valid, a defendant's plea must "be the voluntary expression of his own choice." *Brady v Maryland*, 397 U.S. at 748. "[A]gents of the State may not produce a plea by actual or threatened physical harm or by mental coercion overbearing the will of the defendant." *Id.* at 750. How could Appellant "express "his own choice" when he was choosing between unrealistic potential sentences? Such a predicament was mentally coercive. A guilty plea requires the defendant to understand its consequences, and being misinformed about the potential sentence

undermines that understanding. In essence, a mistake in the potential sentence undermines the integrity of the plea, providing a strong basis to seek a correction, even if the final sentence seems appropriate. An incorrect statement of a potential sentence can create a situation where allowing the plea to stand would be unfair and manifestly unjust, prompting a court to allow plea withdrawal.

A mere claim of coercion is not enough to render a plea involuntary. ““The record must show, or there must be an allegation and evidence which show, that an accused’ ” did not voluntarily enter his plea of guilty. *Boykin v. Alabama*, 395 U.S. 238, 242-243 (1969), quoting *Carnley v. Cochran*, 369 U.S. 506, 516 (1962). *Brady* at 749 (“The voluntariness of [a] [guilty] plea can be determined only by considering all of the relevant circumstances surrounding it.”).

In the present case, an allegation and evidence exist, which show the involuntary nature of Appellant’s pleas. Further, the circumstances surrounding the guilty pleas indicate that they were not voluntarily made.

To wit, Appellant faced three charges in this case. Per the record, Appellant entered guilty pleas solely to avoid going to jail (see R. p. 66, lines 18-20; R. p. 52, lines 7-16). Prior to making the pleas, and right up to the last second, Appellant still demanded a directed verdict on two of the three charges (R. p. 13, item “5”; R. p. 32, line 25 – p. 33, line 6). Appellant’s Motion For A Directed verdict, on constitutional grounds, indicates that he did not believe that he could be convicted for the two nonmoving charges in this case (see R. pp. 73-97). Apart from the speeding charge, Appellant was not convinced of his guilt, or that he could be found guilty (see R. p. 37, lines 2-8). Appellant’s allocution statement makes it clear that Appellant still maintained his objection to state interference in his free exercise of religion, even after he entered the pleas. Appellant hadn’t changed his mind and agreed to allow the state to interfere in his free religious practice (see R. p. 66, lines 8-20).

Reasonably speaking, the only charge Appellant considered to carry the “likely” outcome of his conviction was the speeding charge, yet he plead guilty to avoid jail time. Obviously, as he claimed 6 days after making the pleas, Appellant believed that a conviction for the speeding charge would have resulted in a jail sentence. Appellant. Obviously, did not know that his conviction for the speeding charge carried a maximum penalty of a FINE ONLY. The record, going as far back as 6 days after the pleas were made, indicates that Appellant claimed the municipal judge incorrectly stated that the speeding charge carried a penalty of up to 30 days in jail (see R. pp. 16-17 at “1”).

The municipal clerk was ordered to stay on the record, but intentionally did not make a record of that portion of the colloquy between the municipal judge and Appellant (see R. p. 62, lines 21-24). This is patently unfair, and extremely prejudicial in this case. The municipal judge told Appellant that they were “on the record” and the clerk was standing there with a recorder in her hand. Suspiciously, the only portion of the proceedings that was not recorded was the portion in which Appellant was lied to about sentencing and pressured to make a guilty plea (see R. p. 61, lines 1-15; and R. p. 10, line 18 to R. p. 11, line 1). Had Appellant known that no record was being made, he most certainly would have objected to the colloquy in the closet outside of the courtroom.

To be clear, when the guilty pleas were made, Appellant thought he could be sentenced to 30 days in jail if found guilty of speeding. At the time of making the guilty pleas, Appellant did not have a full understanding of the consequences of his pleas, nor did he have accurate knowledge of the potential punishment he was avoiding by making the pleas; therefore, the pleas cannot be valid. See *Roddy v. State*, 339 S.C. 29, 33, 528 S.E.2d 418, 421 (2000) (“To find a guilty plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him.”).

**B. APPELLANT’S PLEAS WERE NOT KNOWINGLY MADE, BECAUSE  
APPELLANT WAS NEVER INFORMED OR AWARE OF HIS  
CONSTITUTIONAL RIGHTS**

The Court Of Appeals reached the wrong conclusion when it wrote, “The record before this court shows Daniels was aware of his constitutional rights, the municipal court advised him of the potential sentences for driving without a license and failing to register his vehicle, Daniels acknowledged he understood the terms of the plea negotiations, and he stated he was not threatened or coerced to plead guilty. Daniels also admitted committing the crimes but averred his religious beliefs prevented him from obtaining a driver's license and registering his vehicle. Accordingly, Daniels's guilty plea was voluntary because he acknowledged the penalties, admitted committing the crimes, and stated his plea was not induced by threat or coercion.”

For the Court Of Appeals to conclude that, “The record before this court shows Daniels was aware of his constitutional rights...” is a highly prejudicial **CLEAR ERROR**. At every stage of Appeal, Appellant has denied being notified or made aware of his constitutional rights, and waivers, before making the guilty pleas (see R. p. 52, line 17 to p. 54, line 5). Nowhere in the municipal transcript is Appellant notified of his rights; the municipal judge’s Return does not dare to state or claim that Appellant was notified of his rights, and Respondent’s prosecutor could not answer affirmatively when Judge Hood asked if Appellant was notified of his rights under *Boykin* (see R. p. 50, line 16 to p. 51, line 5). In fact, throughout the entire record in this case, other than being told he had a right to a jury trial, there is not a single instance, indication, or claim that Appellant was ever notified or aware of his rights under *Boykin*.

In *Boykin*, the United States Supreme Court held that before a court can accept a guilty plea, a defendant must be advised of the constitutional rights he is waiving. Specifically, a defendant must be aware of the privilege against self-incrimination, the right to a jury trial, and

the right to confront one's accusers. *Boykin v. Alabama*, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969). Appellant was not aware of any of these rights, save his right to a jury trial, and Appellant made this clear to Judge Hood and the Court Of Appeals.

Circuit Court Judge Hood inquired as to whether Appellant was notified of his rights under *Boykin*, and never received an affirmative answer. Nowhere in the whole record is there any evidence that Appellant was notified or aware of these rights. (See Final Brief Of Appellant, at "3" pp-37-40; See Final Reply Brief Of Appellant at "3" pp 10-12 para. 4) So, on what grounds could the Circuit Court and the Court Of Appeals have found that Appellant was aware of his rights? No such grounds exist, and Appellant challenges anyone to show otherwise.

Ironically, the Court Of Appeals used the fact that Appellant "admitted committing the crimes" to support it's finding that Appellant's pleas were valid. If Appellant had been notified of all of his rights under *Boykin*, such self-incrimination likely would not have occurred.

Secondly, for the Court Of Appeals to write, "the municipal court advised him of the potential sentences for driving without a license and failing to register his vehicle...and he stated he was not threatened or coerced to plead guilty" is highly prejudicial CLEAR ERROR. The municipal judge quoted the speeding statute in his Return. Is it so simple to put Appellant at jeopardy through either a misstatement or purposeful deception, and then just copy and paste the statute's text in a Return? Appellant is neophyte to criminal law, but not lacking in intelligence. The municipal clerk was ordered to stay on the record, but intentionally did not make a record of that portion of the colloquy (see R. p. 61, lines 3-15; R. p. 62, lines 21-24; and R. p. 53, line 24 – p. 54, line 5).

As stated above, before pleading guilty, Appellant had been advised of a potential 30-day jail sentence for speeding AND the recommended potential sentences shown in the municipal transcript. As discussed above, Appellant misunderstood the speeding charge and made the


decision to plead guilty under the influence of that misunderstanding. In any case, the Court of Appeals seems to be under the impression that Appellant knew for certain what sentence the municipal judge would impose before Appellant made the pleas, as though the municipal judge had already accepted the recommend sentences before Appellant made the pleas. That is clearly not the case. This prejudicial error lead directly to the Court Of Appeals decided the issue incorrectly, to the detriment of Appellant.

As explained above, Appellant could not claim mental coercion, because he had no way of knowing that he had misunderstood.

### CONCLUSION

This appeal to the South Carolina Supreme Court is necessary to insure that a manifest injustice does not occur. Appellant respectfully requests that this Court allow him to withdraw the guilty pleas he made through mistake and misunderstanding, and vacate his convictions. Further, Appellant requests that the case be remanded for further proceedings.

January 8<sup>th</sup>, 2026

  
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