THE SOUTH CAROLINA
In The Court Of Appeals

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S.C. SUPREME COURT

Case No. 2022-001437

Johnathan Daniels, Appellant.

v.

The City of Cayce Respondent,

APPENDIX

Contained Herein Find:

Final Brief Of Appellant
Final Brief Of Respondent
Final Reply Brief Of Appellant
Record On Appeal
Order Of The Court Of Appeals
Petition For Rehearing
Order Denying Rehearing

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FINAL BRIEF OF APPELLANT

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[1] King James Bible, at Galatians 1-7, which reads, "**1** Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage. **2** Behold, I Paul say unto you, that if ye be circumcised, Christ shall profit you nothing. **3** For I testify again to every man that is circumcised, that he is a debtor to do the whole law. **4** Christ is become of no effect unto you, whosoever of you are justified by the law; ye are fallen from grace. **5** For we through the Spirit wait for the hope of righteousness by faith. **6** For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision;

STATEMENT OF ISSUES ON APPEAL

1. Prosecution and conviction of Appellant for the two nonmoving charges was prohibited by South Carolina § 1-32 and the State and federal constitutions.

2. The municipal judge acted without jurisdiction in accepting Appellant's guilty plea to the nonmoving charge of South Carolina § 56-1-20, Driving Without A License.

3. The municipal judge erred by failing to dismiss the two nonmoving charges against Appellant.

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

5. Appellant's guilty pleas were not valid because they had no factual basis.

6. The municipal court erred or abused discretion by denying Appellant's Motion To Compel discovery responses from the State, causing prejudice against the Appellant**.**

7. The State's prosecution of Appellant for the nonmoving charges in this case was barred due to an estoppel in the nature of a collateral estoppel, or a judicial estoppel should have been recognized by the municipal court, requiring dismissal of the nonmoving charges.

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but faith which worketh by love. **7** Ye did run well; who did hinder you that ye should not obey the truth?"

[2] King James Bible, at Romans 3:19, which reads, "19 Now we know that what things soever the law saith, it saith to them who are under the law: that every mouth may be stopped, and all the world may become guilty before God."

STATEMENT OF THE CASE

On December 9th, 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, No S.C. DL 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).

Appellant was arraigned on January 16th, 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 objections. Appellant served discovery requests to officer Garmin on February 2nd, 2020, to which Officer Garmin delivered a partial production of what was requested. Appellant motioned the court to compel a complete response. The municipal court denied Appellant's Motion to Compel on September 2nd, 2020 via letter. Appellant timely objected to the denial and filed a Motion to Reconsider on September 11th, 2020. The Motion to Reconsider was also denied by the municipal court on October 8th, 2020, to which Appellant timely objected. On July 3rd, 2021, Appellant served and filed a Motion to Dismiss For Lack Of Jurisdiction.

While driving to the municipal court on July 22nd, 2021, for a mandatory jury strike called in the case, Appellant was seized, detained, and ticketed by City of Cayce police. Appellant was, again, ticketed for No S.C. DL and Failure to Register Vehicle.

On July 22nd, 2021, before jury selection began, the municipal judge ruled against Appellant's Motion To Dismiss, to which Appellant timely objected. A jury was struck and a trial of the matter was scheduled for October 28th, 2021. Appellant filed a Motion For A Directed Verdict, claiming a South Carolina § 1-32 defense, on October 5th, 2021.

On October 28th, 2021, 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 no agreement made. The case was called for trial shortly thereafter, where without request from either party, Appellant and the prosecutor were called outside of the courtroom by the municipal judge for plea negotiations. While outside of the courtroom, the municipal clerk of court made an incomplete record of the hearing, and no written plea document was presented to Appellant. The municipal court accepted Appellant's guilty pleas to the charges of speeding and driving without a license, and Appellant was convicted and fined $180.63 for speeding and $155.00 for driving without a license.

On November 4th, 2021, Appellant issued written objections and filed an appeal with the municipal court. (R. pp. 14-26). The appeal was filed at the Lexington County Court of Common Pleas on November 4th, 2021. Respondent was served on November 26th, 2021 and a Motion to Cure Deficiency was served on Respondent and filed at the circuit court on December 6th, 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 22nd, 2022. Judge Hood denied Appellant’s appeal and motion in an order dated September 27th, 2022. Appellant filed a Notice Of Appeal at the circuit court on October 4th, 2022 and filed the appeal to the South Carolina Supreme Court on October 13th, 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 the jurisdiction of the municipal court. (R. pp. 141-148). The case was referred to the South Carolina Court of Appeals on October 14th, 2022.

ARGUMENT

A. The Two Nonmoving Charges Prosecuted By Respondent Are Statutorily And/Or Constitutionally Prohibited As Enforced Against Appellant

Standard of Review

When issues presented in an appeal are questions of law, they should reviewed de novo. Decisions on “questions of law “ are reviewable de novo,” *Pierce v. Underwood*, 487 U.S. 552, 558 (1988). Conclusions of law are subject to de novo review by the appellate court. *Husain v. Olympic Airways*, 316 F.3d 835 (9th Cir. 2002). Where a claim of substantial burden on the exercise of religion lies, South Carolina § 1-32 requires “a test of compelling state interest" as set forth in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), and *Sherbert v. Verner*, 374 U.S. 398

(1963); this is essentially a “strict scrutiny” mandate. Further, failing either the neutrality or general applicability test is sufficient to trigger strict scrutiny. See *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 546 (1993). Under strict scrutiny, the state must demonstrate that the law is "narrowly tailored" to achieve a compelling state interest, and that it uses the "least restrictive means" to achieve that purpose; if the state interest is not compelling (i.e. of the highest order), or the means employed are not the least restrictive means to achieve that purpose, the statute will be considered unconstitutional.

Discussion

Appellant maintains that this argument before this court is NOT barred, because his guilty pleas were invalid, involuntary, unknowing, and made due to misunderstanding and/or mistake. However, in the unlikely case that this Court finds that Appellant’s Pleas were valid, this constitutional challenge to the State’s right to prosecute Appellant for the two nonmoving charges in this case remains unbarred. The Court please recognize that Appellant is not arguing he has a constitutional right to noncompliance with the speeding laws of the State. Appellant does not use a driver’s license or vehicle registration, and “the face of the record” reflects the same. (R. p. 77, ¶ 1). Even after clarification was provided, Respondent chose to prosecute Appellant because of Appellant’s exercise of his constitutionally protected rights to religious freedom and liberty. This case is the epitome of retaliatory prosecution, which the State does not have the authority to conduct. Consequently, Appellant’s pleas, valid or invalid, cannot waive Appellant’s right to appeal the constitutionality of the charges under which he was convicted, no matter the validity of the pleas.

The U.S. Supreme Court acknowledges a distinction and allows the hearing of such constitutional challenges on direct appeal, concluding that while in *Tollett*, the claims were “of

constitutional dimension," the Court explained that "the nature of the underlying constitutional infirmity is markedly different" from a claim of vindictive prosecution, which implicates "the very power of the State" to prosecute the defendant. *Blackledge v. Perry*, 417 U. S. 30 (1974), (quoting *Tollett v. Henderson*, 411 U. S. 258, 266– 267 (1973)). Accordingly, the Court wrote that "the right" Perry "asserts and that we today accept is the right not to be haled into court at all upon the felony charge" since "[t]he very initiation of the proceedings" against Perry "operated to deprive him due process of law." *Id*., at 30–31. Further, the Court held that "a plea of guilty to a charge does not waive a claim that—judged on its face—the charge is one which the State may not constitutionally prosecute." *Menna v. New York*, 423 U. S. 63, and n. 2 (1975) (per curiam). Menna's claim amounted to a claim that "the State may not convict" him "no matter how validly his factual guilt is established." *Ibid*. Menna's "guilty plea, therefore, [did] not bar the claim." *Ibid*.

Because of Appellant's religious beliefs and practices, Respondent's prosecutor and arresting officer have labeled Appellant as a sovereign citizen, called him such on many occasions, and prosecuted Appellant for his religious views. "Sovereign citizens" are infamous persons and have been an annoyance to the State's law enforcement. Appellant is not a sovereign citizen, but simply a devoutly religious man trying to cooperate with the State within the framework of laws that the State's Legislature has created specifically for that purpose. (R. p. 108 ¶¶ "c.", "c. (a.)", and "c. (b.)"; R. p. 91, at "C" ¶¶ 1-3). Any similarity between Appellant's religiously motivated conduct and that of sovereign citizens is purely an unfortunate coincidence.

Regardless of Respondent's view, government may neither compel affirmation of a repugnant belief, *Torcaso v. Watkins,* 367 U. S. 488; nor penalize or discriminate against

individuals or groups because they hold religious views abhorrent to the authorities, *Fowler v. Rhode Island,* 345 U. S. 67; courts cannot examine the truth or falsity of religious beliefs, *United States v. Ballard*, 322 U.S. 78 (1944).

("[I]t is not within the judicial function and judicial competence to inquire whether" someone who has religious qualms with a law has "correctly perceived the commands of [his] faith."). *Thomas v. Review Bd. of Ind. Emp't Sec. Div.*, 450 U.S. 707, 716 (1981). The adherent alone defines the tenets of his or her religious observance. Courts may determine only the sincerity of religious beliefs, not their validity. Even religious beliefs that some reasonable observers would view as implausible are entitled to protection if sincerely held. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 724 (2014). The Court has repeatedly emphasized, the reasonableness or truth of religious belief is beyond the competence and purview of the courts. *Id.* at 724.

Where a religious objector believes that performing an act will violate his or her religious beliefs, and that belief is sincerely held, courts must accept the objector's belief. *Hobby Lobby*, 573 U.S. at 686; see also *New Doe Child #1 v. Congress of the U.S.*, 891 F.3d 578, 586-587 (6th Cir. 2018). Substantial burden on an objector's religious exercise is evaluated on the basis of the objector's own sincerely held religious belief. *Hobby Lobby*, 573 U.S. at 682, 724. ("Repeatedly and in many different contexts, we have warned that courts must not presume to determine … the plausibility of a religious claim." (citations omitted)). A religious believer's exercise of religion is substantially burdened if the law presents the believer with the choice of either violating his or her religious beliefs or suffering a substantial penalty. *Hobby Lobby*, 573 U.S. at 726; see also *Holt v. Hobbs*, 574 U.S. 352, 361 (2015).

"The face of the record" in this case indicates that Appellant's beliefs are sincerely held, and that Appellant has possessed the beliefs for years. (R. pp. 137-138, ¶¶ "(1)" & "(5)"**;** R. pp. 119-121, ¶¶ "(1)", "(5)", "(8)", & "(9)"). Appellant has consistently challenged similar laws since 2017, and repeatedly put himself at risk of penalty for his noncompliance with those laws. Reviewing the charges brought in this case, Appellant was clearly faced with the choice of violating his religious beliefs or suffering a substantial penalty of jail time and fines.

The State's Legislature clearly and unambiguously does not intend for Appellant's religiously motivated conduct to be considered a crime, violation, or offense. South Carolina § 1-32-30 allows for the citing of a substantial burden on the free exercise of religion as defense to violating ***any*** South Carolina law, regulation, ordinance, rule, or custom. At the start of the present case under appeal, Appellant notified the municipal judge, prosecutor and arresting officer, that his sincerely held religious beliefs and practices (1) prohibit his participation in what he believes to be corporate franchising schemes in subjugation to the State, (2) prohibit him from representing and/or acting as a State-created corporate persona in bondage to the State, (3) that these religiously based prohibitions prevent his obtaining a State drivers license and vehicle registration, and (4) that the State had previously agreed to accommodate Appellant on the matter.

Appellant has repeatedly raised the defense allowed at South Carolina § 1-32-30(2) in response to purported violations of traffic laws relating to his driving without a license and having no vehicle registration. (R. p. 41, line 14 – p. 45, line 18). Other State officers, agencies, and subsidiaries, in privity with Respondent and also acting on behalf of the State, have previously been given notice that it is solely on this religious basis that Appellant has refused to

obtain a drivers license or register his truck, and while others have nolle prossed similar charges, Respondent refused to do so. (R. pp. 93 – 96).

As Appellant expressly explained to the municipal judge and prosecutor, he is a Sephardic man, descendent of actual and real Hebrew Negros exiled from Europe because of their religious beliefs, exiled to colonies of the Empire, later hunted down and enslaved under warrant, and subsequently moved back to the Americas from whence they came; Appellant is redeemed by God and freed with the revocation of the Alhambra Decree in 1968, making any enslavement of Negros illegal going back to before 1400 A.D. (R. pp. 120 – 121 at ¶¶ "(8)"and "(9)). It was not a mere coincidence that Negros in America were extended civil rights in the 1960's, but a result of the worldwide revocation of the order of the Empire that purported to authorize Hebrew Negro enslavement, especially in the New World. After having contracted peace in exile, Appellant's forefathers suffered betrayal at the hands of the King and Queen of Spain, the King of Portugal, and the Catholic Church, all acting in bad-faith. This resulted in the illegitimacy of the Expulsion Decree of 1492. Further, Appellant explained that the King James Bible, Holy Scriptures written specifically for Hebrews surviving in exile, prescribes that Appellant is obligated to avoid slavery, peonage, bondage, and involuntary servitude in all forms (see King James Bible, Galatians 5:1-7[3] & Romans 3:19[4]). Consequently, avoidance of direct

[3] King James Bible, at Galatians 1-7, which reads, "**1** Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage. **2** Behold, I Paul say unto you, that if ye be circumcised, Christ shall profit you nothing. **3** For I testify again to every man that is circumcised, that he is a debtor to do the whole law. **4** Christ is become of no effect unto you, whosoever of you are justified by the law; ye are fallen from grace. **5** For we through the Spirit wait for the hope of righteousness by faith. **6** For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision; but faith which worketh by love. **7** Ye did run well; who did hinder you that ye should not obey the truth?"

[4] King James Bible, at Romans 3:19, which reads, "19 Now we know that what things soever the law saith, it saith to them who are under the law: that every mouth may be stopped, and all the world may become guilty before God."

slavery, chattel slavery, bondage, peonage, and any form of overt or covert involuntary servitude are central and fundamental to Appellant's sincerely held religious beliefs and practices.

Importantly, if any misunderstanding exists as to the accuracy of Appellant's conclusions regarding the existence of a surreptitiously imposed State franchise or State-created corporate persona and resulting bondage, the State is culpable for that misunderstanding because the State has refused to disclose requested information to Appellant. (R. pp. 126 – 138**;** R. p. 125). Through independent research and legally permissible discovery during litigation with the State between 2017 and 2022, Appellant has diligently attempted to prove or disprove whether the State's franchise and/or corporate schemes involve him. The State has refused to respond to the discovery requested, and the State's judges have ruled against Appellant on motions to compel responses from the State. The State has never rebutted or denied Appellant's affirmed attestations to the State's surreptitious enfranchisement and mischaracterization of Appellant as a State-created corporate persona. Appellant has thoroughly investigated the matter and reasonably concluded that through licensing, registration, and other means, the State has treated him and/or intends to treat him, as either a corporate franchisee of the State, or a State-created corporate person. The State has refused to provide any information, leaving Appellant to accept his findings as the truth of the matter. Appellant has thoroughly explained his religious beliefs and obligations to the municipal court and prosecutor, though they feign ignorance. (R. pp. 119-121, ¶¶ "1", "5","8", and "9**;** R. pp. 137-138, ¶¶ "1" and "5"; R. pp. 81-85, ¶¶ "2" and "3"; R. p. 57, lines 13-20)).

Regardless of the municipal judge's and prosecutor's disapproval of Appellant's religious beliefs and practices, the U.S. Supreme Court has already ruled that, "religious beliefs need not

be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." *Thomas v. Review Bd. of Ind. Employment Security Div.,* 450 U. S. 707, 714 (1981). The door of the Free Exercise Clause stands tightly closed against any governmental regulation of religious beliefs as such, *Cantwell v. Connecticut,* 310 U. S. 296, 310 U. S. 303. Further, the Court held that, "In our Establishment Clause cases we have often stated the principle that the First Amendment forbids an official purpose to disapprove of a particular religion or of religion in general. See, *e. g., Board of Ed. of Westside Community Schools (Dist.* 66) v. *Mergens*, 496 U. S. 226, 248 (1990) (plurality opinion); *School Dist. of Grand Rapids* v. *Ball*, *473* U. S. 373, 389 (1985); *Wallace* v. *Jaffree*, 472 U. S. 38, 56 (1985); *Epperson* v. *Arkansas,* 393 U. S. 97, 106-107 (1968); *School Dist. of Abington* v. *Schempp*, 374 U. S. 203, 225 (1963); *Everson* v. *Board of Ed. of Ewing,* 330 U. S. 1, 15-16 (1947).

As explained above, Appellant cannot comply with the State laws requiring him to use a State drivers license and registration without putting aside his sincerely held religious beliefs, practices, and obligations. It is obvious that the restrictions placed upon Appellant' free use of the State's public roads, along with his rights to liberty and free use of his property, result directly from the State's laws and requirements that he (1) use the public roads only after being granted a drivers license and (2) that he register his truck. These requirements and the resulting penalties for noncompliance constitute a very substantial burden on Appellant's free exercise of religion, and must be done under a compelling interest test, at a minimum (South Carolina § 1-32-30); federal guidelines also require "strict scrutiny".

South Carolina § 1-32-30 allows the defense to persons whose exercise of religion is substantially burdened by the State and reads, in part (bold added):

"The purposes of this chapter are to:

(1) restore the compelling interest test as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and

Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of religion is substantially burdened by the State."

Please take notice that South Carolina §§ 1-32-30 and 1-32-40 require that a state burden on religious practice must pass the compelling interest test, which requires the burden to be the least restrictive means of furthering the compelling state interest. § 1-32-40 states (bold added): "The State **may not** substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the State demonstrates that application of the burden to the person is:

(1) **in furtherance of a compelling state interest**; **and**

(2) **the least restrictive means of furthering that compelling state interest.**"

South Carolina § 1-32-60 applies South Carolina § 1-32's restrictions on government burdening of religion to **all** laws, in **all** cases in South Carolina, and allows for the granting of exemptions for persons whose exercise of religion is substantially burdened by the State. South Carolina § 1-32-60 clarifies that South Carolina § 1-32 applies to **each and every state and local law and ordinance**, including the implementation of those laws and ordinances. Further, South Carolina § 1-32-60 addresses the granting of exemptions to prevent unlawful burdening of a person's religion by the state.

The statutes that govern the vehicle registration and driver's license requirements, South Carolina § 56-1-20 and South Carolina § 56-3-110, are not generally applicable, as their complimentary statutes allow many exemptions for secular purposes. For example, under South Carolina § 56-1-30(3), the State is willing to suffer a wholly unlicensed driver to drive a motor vehicle, unimpeded, on its public roads for 90 days a year; and under 56-3-120 and 56-3-180, the

State exempts those vehicles for which it provides special permits, allowing the operation of unregistered vehicles on State roads for discretionary periods of time. Each of these requirements is regulated through laws and statutes that allow exemptions, which leave appreciable damage to any supposedly vital or compelling interest unprohibited. It is established in strict scrutiny jurisprudence that "a law cannot be regarded as protecting an interest 'of the highest order' ... when it leaves appreciable damage to that supposedly vital interest unprohibited." *Florida Star* v. *B.* J. *F., supra,* at 541-542 (SCALIA, J., concurring in part and concurring in judgment) (citation omitted). See *Simon & Schuster, Inc.* v. *Members of* N. *Y. State Crime Victims Bd.,* 502 U. S. 105, 119-120 (1991). Therefore, Appellant challenges the notion that the State has a genuine compelling interest in regulating the use of the public roadways as regards its registration of motor vehicles and imposition of its drivers licensing requirement.

In light of the very substantial burdens placed on Appellant's constitutionally protected free exercise of religion, his right to liberty through travel, and his right to free use of his property, even if the State's regulatory interests were considered compelling, the State's methods of regulating Appellant's use of public roadways must take the form of the least restrictive means of regulation. As mentioned above, the laws of this State already suffer (1) unlicensed drivers to lawfully use the public roads, and (2) unregistered vehicles to be operated on public roads. Preference cannot be given to secular conduct and purposes, which is subsequently denied to Appellant's religiously motivated conduct and purpose. Doing so inevitably deters or discourages the exercise of First Amendment rights of religious freedom, and thereby threatens to "produce a result which the State could not command directly." *Speiser v. Randall,* at 357 U. S. 526 (1958). Likewise, to condition the availability of privileges upon Appellant's willingness to violate principles of his religion effectively penalizes his free exercise of constitutional rights.

Id. at 357 U. S. 518. Similar to the denial of exemptions for religious reasons in the present case, "to deny an exemption to claimants who engage in certain forms of speech is, in effect, to penalize them for such speech." *Id.* at 357 U. S. 518.

As to the nonmoving charges in this case, the State's requirements imposed upon Appellant are not the least restrictive means of furthering the State's interest. The relevant State motor vehicle laws do regulate through means that are less restrictive than those proposed to regulate Appellant's use of the public roadways. For example, the law requiring vehicle registration is not one of general applicability, as there are exemptions allowed for what appears to be a variety of discretionarily allowed purposes. South Carolina §§ 56-3-120 and 56-3-180 allow exemption from the requirement to register a motor vehicle, which may be done by way of special permit, and read as follows:

> "**SECTION 56-3-120.** Exemptions from registration and licensing requirement.
> The following vehicles are exempt from registration and licensing under this chapter:
> (1) a vehicle driven, operated, or moved upon a highway pursuant to the provisions of this chapter relating to nonresidents or under temporary permits issued by the department as authorized;…"

> "**SECTION 56-3-180.** Special permits to operate vehicles otherwise required to be registered and licensed; restrictions.
> **The department may issue in writing special permits to operate vehicles otherwise required to be registered and licensed under this chapter when the vehicles do not display the required current license plate or plates or registration cards.** A special permit issued pursuant to this section, shall specify the date on which the permit expires, and must be carried at all times on the vehicle authorized to be operated."

The law requiring driver licenses is also not one of general applicability, as many exemptions are allowed. South Carolina § 56-1-30 allows several classes of persons an exemption from licensing requirements, and reads in part at item (3):

> "**SECTION 56-1-30.** Persons exempt from licensing requirements.
>
> The following persons are exempt from licenses under this chapter:" .....
>
> "(3) **Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not**

> **more than ninety days in any calendar year**, if the motor vehicle is duly registered in the home state or country of the nonresident…"

South Carolina Title 56 does not provide any exemption related guidance directing any course of action, within any specified timeframe, for citizens whose free exercise of religion is burdened by the laws therein.

Many "generally applicable" laws provide categorical exceptions of one kind or another. Once a legislature has carved out an exemption for a secular group or person, the law is no longer "generally applicable," and thus subject to standards of strict scrutiny. As the U.S. Supreme Court opined, "where such a law is not neutral or not of general application, it must undergo the most rigorous of scrutiny: It must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest." *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520 (1993).

In *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, since the challenged ordinance both burdened religious practice and was not generally applicable, the Court applied the "strict scrutiny" standard, and the ordinance could not pass constitutional scrutiny. In light of Appellant's constitutionally protected rights to liberty and the free exercise of his religion, the laws and purported violations charged by Respondent in the present case are due the same level of scrutiny; and they cannot pass scrutiny because in this case they are being applied and enforced unconstitutionally.

Whereas the Citizen's right to freely travel by automobile "is not a mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty and the pursuit of happiness", the right may be locally regulated by the state's police power "in the interest of the public safety and welfare." *Thompson v. Smith*, 155 Va. 367 — Va: Supreme Court (1930); however, the state may not arbitrarily or unreasonably prohibit or restrict

it, nor may it permit one to exercise it and refuse to permit another of like qualifications, under like conditions and circumstances, to exercise it." *Id*.

The reasoning described in *Thompson v. Smith* does not allow the State's regulating of Appellant's rights for the purposes of suppressing his religious beliefs, forcing him into adhesion or indenture contracts with the State (i.e. bondage), exercising unlawful control over his private property, or any other unlawful purpose. Because the State's application of the laws forming the basis of the nonmoving charges, as applied to Appellant, do not pass the "compelling interest test", the laws at issue would likely not meet the federal "strict scrutiny" standard if challenged in a federal forum. It is beyond argument that the alternative regulatory means, provided for by the exemptions above, are far less restrictive than the means the State imposed on Appellant in this case; no reasonable argument can be made that prohibiting Appellant's driving on the public roads, under threat of jail or fine, until he obtains a State drivers license and vehicle registration is the least restrictive means of furthering the State interests involved.

Importantly, the Court please note that Appellant was not, and is not currently, required by law to park his truck and live under a self-imposed ban from travel upon the public roadways. Appellant need not wait for the State to recognize that he must be accommodated. "Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of rights... may ignore the law and engage with impunity in exercise of such right." *Shuttlesworth v. Birmingham* 394 U.S. 147 (1969). Further, "If [state] officials construe a vague statute unconstitutionally, the citizen may take them at their word, and act on the assumption that the statute is void." *Id*. "

All of the above makes (1) the application of the State's drivers license and registration laws, and (2) the violations charged against Appellant in this case, unconstitutional in effect and

enforcement as relates to Appellant, as an individual person (as required by state, and federal law). The U.S. Supreme Court's interpretations of the state and federal constitutions prohibit any such application of state laws, and the Court has found statutes and ordinances void where they unreasonably restrict a constitutionally protected right.

The existence of this unconstitutional circumstance is obvious from the "face of the record", and was explained to the prosecutor, arresting officer, and the municipal judge at the hearing denying Appellant's Motion To Dismiss on July 22nd, 2021; and explained in further detail in Appellant's Motion For A Directed Verdict filed on October 5, 2021, which the municipal judge and prosecutor both acknowledged. At the hearing where Appellant made the guilty pleas, in an unrecorded conversation with the municipal judge and prosecutor, Appellant argued his Motion For A Directed Verdict, (filed October 5th, 2021). The municipal judge refused to make a ruling at that time, but Appellant's argument that the two nonmoving charges were statutorily and constitutionally prohibited was explained to the judge and prosecutor before the guilty pleas were made. (R. p. 66, line 21 – p. 67, line 8; and R. p. 13 at "5").

In this case, the statutes being challenged, South Carolina §§ 56-1-20 and 56-3-110, are not generally applicable, and Respondent's retaliatory prosecution of Appellant devalues Appellant's religious motivations as less important than the secular reasons for exemptions allowed under the same statutes. Thus, Appellant's "religious practice is being singled out for discriminatory treatment." *Employment Div., Dept. of Human Resources of Ore.* v. *Smith*, 494 U. S., at 722, n. 17 (STEVENS, J., concurring in part and concurring in result); *id.,* at 708 (opinion of Burger, C. J.); *United States* v. *Lee,* 455 U. S. 252, 264, n. 3 (1982) (STEVENS, J., concurring in judgment).

South Carolina courts have held that the sufficiency of an indictment, "must be viewed with a practical eye; all the surrounding circumstances must be weighed before an accurate determination of whether a defendant was or was not prejudiced can be reached." *State v. Adams*, 277 S.C. 115, 125, 283 S.E.2d 582, 588 (1981), overruled on other grounds by *State v. Torrence*, 305 S.C. 45, 406 S.E.2d 315 (1991). "A court must look first to the statutory history, mindful that it is the Legislature, not the court that is responsible for defining a crime under a penal statute. Moreover, courts are bound to construe statutes strictly against the State." See *Williams v. State*, 306 S.C. 89, 91, 410 S.E.2d 563, 564 (1991) (It is a well-settled rule of statutory construction that penal statutes are strictly construed against the State and in favor of the defendant.).

The State is required to take notice that (1) Appellant has a religious belief and practice that he sincerely believes prohibits his participation in the State's licensing and registration schemes (R. pp. 119-121**;** R. p. 137-138**;** R. p. 81, item "2" – p. 84 at ¶ 1); (2) that in prior cases, the State had repeatedly acknowledged the burden to Appellant and conceded to accommodate Appellant (R. p. 93-96); (3) that relevant protections exist under South Carolina § 1-32 and the State and federal constitutions (South Carolina § 1-32; South Carolina Constitution Article 1 § 2; U.S. Constitution at 1st, 13th, and 14th Amendments); and (4) that exemptions exist under the law (South Carolina §§ 56-1-30(3), 56-3-120(1) and 56-3-180). As courts are deemed to know the law, the municipal court's failure to uphold its oath to protect Appellant's constitutional and statutory rights is a failure that should be corrected.

B. The Municipal Court Lacked Subject Matter Jurisdiction, Or Committed An Error Of Law By Permitting Retaliatory Prosecution Against Appellant To Proceed

Standard of Review

When issues presented in an appeal are questions of law, they should reviewed de novo. Decisions on "questions of law " are reviewable de novo," *Pierce v. Underwood*, 487 U.S. 552, 558 (1988). Conclusions of law are subject to de novo review by the appellate court. *Husain v. Olympic Airways*, 316 F.3d 835. (9th Cir. 2002).

Discussion

"There is no discretion to ignore lack of jurisdiction." *Joyce v. U.S.* 474 F.2d 215 (1973). "Jurisdiction can be challenged at any time," and "Jurisdiction, once challenged, cannot be assumed and must be decided." *Basso v. Utah Power & Light Co.*, 495 F. 2d (1974).

At the July 22nd, 2021 motion hearing, the municipal judge erred in ruling against Appellant's Motion to Dismiss, during which Appellant informed the municipal judge of the specifics of Appellant's sincere religious beliefs, which formed the basis for his noncompliance with the licensing and registration laws. At that hearing, Appellant argued that South Carolina § 1-32, and the exemptions given at Title 56 formed the basis of Appellant's defense. Appellant challenged the court's jurisdiction for the two nonmoving charges because, as explained in the preceding section, any prohibition or punishment for the nonmoving charges would be an unlawful deprivation of Appellant's constitutionally protected rights. (R.pp. 113-121, denial objected to on July 22, 2021**;** R. p. 112**;** and R. p. 110). The audio of the hearing is no longer available, however, the filed Motion To Dismiss and affidavit demonstrate that Appellant challenged the court's jurisdiction based on facts closely associated with Appellant's religious beliefs, which involved bondage, fictional personas, and Appellant's religious obligations not to participate in the same, along with defenses allowed under the law. Further, Appellant's Motion

For A Directed Verdict, filed on October 5th, 2021, presented the same arguments presented at the July 22nd, 2021 Motion To Dismiss hearing with more specificity, and provided the municipal judge and prosecutor with everything they needed to know to rightly conclude that prosecuting Appellant for the nonmoving charges was statutorily and constitutionally prohibited. (R. p. 72-107). Both, the judge and prosecutor told Appellant they had read and reviewed Appellant's Motion For A Directed Verdict before the court accepted the guilty pleas. (R. p. 66, line 8 – p. 67, line 6**;** R. p. 13, ¶ "5"). The municipal judge had neither jurisdiction, nor discretion to allow retaliatory prosecution for the exercise of lawfully protected rights. That the prosecution of Appellant for the nonmoving charges was retaliatory is clear, as the prosecutor denied the law, judged Appellant's religious views as nonsense, and sought to punish Appellant for exercising fundamental constitutionally protected rights. (R. p. 66, line 8 – p. 67, line 6**;** R. p. 40, lines 4-10**;** R. p. 48, line 19 – p. 49, line 5**;** R. p. 51, line 25 – p. 52, line 2**;** R. p. 54, line 15 – p. 55, line 17**;** R. p. 56, lines 9-18**;** and R. p. 57, lines 1-3). Any departure from those recognized and established requirements of law, however close the apparent adherence to mere form in method of procedure, which has the effect to deprive one of a constitutional right, is as much an excess of jurisdiction as where there exists an inceptive lack of power. *McClatchy v. Superior Court*, 119 Cal. 413, 418, 51 P. 696, 698, 39 L.R.A. 691. 'The substance and not the shadow determines the validity of the exercise of the power.' *Postal Telegraph, etc., Co. v. Adams*, 155 U.S. [688], 689, 698, 15 S.Ct. 268, 360, [39 L.Ed. 311]." Most constitutional defenses (and plenty of statutory defenses), if successfully asserted in a pretrial motion, deprive the prosecution of the "power" to proceed to trial or secure a conviction. *Class v. United States*, 583 U.S. 8, 9 (2018). Indeed, "all litigants who have a meritorious pretrial claim for dismissal can reasonably claim a right not to stand trial." *Van Cauwenberghe v. Biard*, 486 U. S. 517, 524 (1988). Prior to making

the guilty pleas, Appellant presented the municipal judge with a valid showing of substantial religious burden and a right to accommodation, and the prosecutor should have agreed to dismiss the two regulatory charges, or the judge was required to do so sua sponte. The municipal judge could not take any action to allow retaliatory prosecution, and an action taken by a court that lacks jurisdiction is a nullity and void.

Considering all of the above, as is proper in considering the sufficiency of the charges, due to the prevailing constitutional constraints on the municipal court, Respondent failed to state a crime as to the two nonmoving charges; once aware of this fact, the municipal court lost jurisdiction over those charges and the court was required to dismiss the charges. Even if every fact asserted relating to the two nonmoving charges brought by Respondent were true, when viewed in light of all the surrounding circumstances, there existed no lawful path to finding Appellant guilty, or for any grant of relief to Respondent, as no judge or jury could approve a thing so specifically forbidden by statute and the state and federal constitutions.

C. The Trial / Plea Hearing Transcript Is Prejudicial And Incomplete While The Municipal Court's "Judge's Notes" Is Full Of Errors

This section is provided to give context to this Court regarding Appellant's claim that his guilty pleas are not valid. The record in this case is incomplete for reasons that Appellant believes are improper. As a consequence, many of the issues complained of by Appellant do not appear in the municipal record, however, it should be obvious from what is in the record that Appellant's pleas were not voluntarily, knowingly, and understandingly made.

In Appellant's Notice Of Appeal, which was given to the municipal court only 7 days after making the pleas, on November 4th, 2021, Appellant expressed his suspicion that the municipal record was manipulated to ensure that the misstatement of penalties made to

Appellant, the municipal court's refusal to allow trial as was twice requested by Appellant, the municipal court's repeated insistence that Appellant negotiate with the prosecutor, and the municipal court's failure to inform the unrepresented Appellant of his rights and the waivers made in proffering the pleas, did not appear in the record. (R. p. 20, item "6"). Appellant's suspicions were realized as likely true upon his receipt of the audio record from the municipal clerk of court, nearly a year later, on August 25th, 2022. (R. p. 139, item "2"; R. p. 61, lines 3-15). Curiously, the audio files specific to the discussions complained of by Appellant captured no audio; however, the opening of court, the plea acceptance, sentencing, and jury dismissal, were all miraculously recorded; that is to say everything convenient to secure Appellant's conviction, was recorded. In total, 2 out of the 5 audio files captured no audio. Specifically, only the portions that would have captured the improprieties complained of by Appellant were not made. During all relevant discussions, the municipal court had assured Appellant that a record of the hearing was being made, but the record is incomplete. (R. p. 61, lines 3-15; R. p. 62, lines 21-24; R. p. 53, line 24 – p. 54, line 5). This circumstance pits Appellant's word directly against assertions made by the municipal judge in the "Judge's Notes" (R. p. 13), with no neutral record of what occurred available to this Court. Further, considering that Appellant claims repeated judicial and prosecutorial coercion to negotiate a plea deal and manipulation of the record, any disagreements between the objective record and the "Judge's Notes" should have been weighed in favor of the available municipal transcript (R. pp. 60-71) and objective records.

As explained to the circuit court judge, the municipal court's Return, especially the "Judge's Notes", contains outright misstatements of fact and gross errors, which either do not appear anywhere else in the record or are directly contradicted by the record. Even the things

claimed to have been done in the “Judge’s Notes” appear no where else in the record; as statements and notices claimed to have been made and given at items 1, 2, and 5 appear nowhere else in the record, while the claims at items 3, 4 and 8 are directly contradicted by the record.

In response to Appellant objecting to the municipal judge not (1) reviewing the evidence that the prosecutor would have introduced, (2) not examining the facts of the case, (3) and not questioning Appellant regarding any admission to any fact related to the allegations charged, item #3 of the “Judge’s Notes” responds that no evidence was submitted to be reviewed while remaining non-responsive to the two remaining issues of failure to examine facts and failure to question Appellant regarding facts. (R. p. 18, item "3"**;** R. p. 13, item “3”**;** R. p. 33, lines 7-14). Neither the judge’s Return nor any portion of the hearing transcript demonstrate the required examination of facts and questioning of Appellant as to any admission of facts that might form a legal basis for a valid acceptance of Appellant’s guilty pleas. Facts in the record include proof of (1) Appellant’s sincere religious beliefs and practices, (2) his claims of substantial religious burden, (3) exemptions allowed under the law, and (4) prior accommodations by the State; in regards to the nonmoving charges; the facts in the record do not support a guilty plea for the charge of driving without a license.

Another contradiction arises from item # 4 of the “Judge’s Notes” (R. p. 13, item "4"), which states that the municipal judge did not insist on negotiations between Appellant and prosecutor. Upon entering the courtroom, the parties almost immediately informed the judge that a plea agreement had not been reached and that they were ready for trial. As described above, and as can be verified by the Municipal Transcript, shortly after being so informed, the judge and court clerk are whispering as how to best accept an already refused and nonexistent plea from Appellant. (R. p. 62, lines 2-5). Immediately following, the judge addresses the jurors saying

that, "I guarantee you that, uh-- the reason we are running late is **we are trying to resolve some issues, umm-- in order to use as little of your time as is absolutely necessary…with that being said, could I see the parties, uh, very briefly.**" (R. p. 62, lines 7-13). At that point, Appellant and the prosecutor were lead outside the courtroom by the judge. The court's clerk followed with a digital recorder in hand, as the judge had told her that the discussions were to be on the record. (R. p. 62, lines 23-24). Once in the "closet" adjacent to the courtroom, the judge suggested further plea negations between Appellant and the prosecutor. The judge stated no reason as to why he was doing so. Appellant repeated that the parties had already conferred, that the prosecutor was not willing to accommodate his religion, and that Appellant was ready for trial. At some point unknown to Appellant, and without notice, the recording of the hearing had ceased. Recording does not resume again until the clerk can be heard announcing charges for entry of a guilty plea by Appellant. (R. p. 63, line 4). During the period for which no record was made, Appellant was misinformed of possible sentences and pressured into repetitive negotiations with the prosecutor. (R. p. 54, lines 6-17). Some of these negotiations did take place in front of the judge, with the judge interjecting at least once. Importantly, the plea negotiations were the sole and only matter discussed once the municipal judge directed the parties outside of the courtroom, and those discussions were not peripheral to any other conversation. Upon returning to the courtroom, the municipal judge told the jurors that his efforts outside of the courtroom were successful in avoiding the jury trial of Appellant (R. p. 68, lines 3-18); in Appellant's view, this plea deal was entirely the judge's goal and effort, not that of the parties', and certainly not that of Appellant.

Item #8 of the "Judge's Notes" states that the judge ordered the prosecution to turn over all evidence to be used in it's case in chief and all exculpatory evidence. (R. p. 13, item "8").

This is incorrect. The municipal judge ruled against Appellant outright on this motion, by letter, without any further explanation. (R. p. 125**;** R. p. 39, line 16 - p. 40, line 3). This denial, as relates to exculpatory evidence is acknowledged by the prosecutor. (R. p. 48, line 15 – p. 49, line 5). Further still, the judge ruled against Appellant on Appellant's Motion To Reconsider his ruling on the Motion To Compel discovery. There would have been no need for the Motion To Reconsider, if the judge had ordered the prosecution as claimed in the "Judge's Notes".

D. Appellant's Guilty Pleas Are Invalid Because They Were Involuntarily, Unknowingly, Misunderstandingly, Or Mistakenly Made And Have No Basis In Fact

Standard of Review

When issues presented in an appeal are questions of law, they should reviewed de novo. Decisions on "questions of law " are reviewable de novo," *Pierce v. Underwood*, 487 U.S. 552, 558 (1988). Conclusions of law are subject to de novo review by the appellate court. *Husain v. Olympic Airways*, 316 F.3d 835 (9th Cir. 2002). A mixed question of law and fact occurs when the facts are established, the rule of law is undisputed, and the issue is whether the facts satisfy the legal rule**.** *Pullman-Standard v. Swint*, 456 U.S. 273, 289 n.19 (1982)

Discussion

The law requires that a guilty plea be knowing, voluntary, and understandingly made, with the defendant understanding the consequences of his entering the plea. The record must establish that the guilty plea was voluntarily and understandingly made in order to be valid. *Gaines v. State*, 517 S.E.2d 439 (S.C. 1999) citing *Boykin v. Alabama,* 395 U.S. 238 (1969). "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." *Roddy v. State*, 528 S.E.2d 418, 421 (S.C. 2000).

For a guilty plea to be valid, the law requires that a defendant be "realistically" informed of all sentencing possibilities and of his rights and the waivers of those rights. The "court's warning should include an explanation of the defendant's waiver of constitutional rights and a realistic picture of all sentencing possibilities." *State v. Armstrong*, 211 S.E.2d 889 (S.C. 1975).

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 and other intimidating circumstances that Appellant was not responsible for creating. A defendant may plead guilty when he intelligently concludes that his interests require a guilty plea and the record strongly evidences guilt. A defendant, after being informed of the evidence against him, must be convinced that he would be found guilty if he went to trial. Such defendant must also receive some benefit from the plea, such as a reduced charge or favorable sentence recommendation. *North Carolina v. Alford*, 400 U.S. 25 (1970).

1. The pleas given by Appellant were induced by the municipal judge misstating maximum penalties for the charges to the Appellant.

The municipal judge erred in stating that he could sentence Appellant to **30 days in jail AND a fine** for violation of 56-5-1520(G)(3), when in reality a violation of 56-5-1520(G)(3) (More than 15 over, but less than 25 over) is punishable by a **FINE ONLY.** (R. p. 29, Oath at lines 7-8**;** R. p. 31, lines 11-13**;** R. p. 53, lines 19-23).

This error was tantamount to a threat, and it did work to coerce and induce the unrepresented Appellant into pleading guilty to two of the three charges in this case**.** Appellant

was more than willing to go to trial for the two nonmoving charges in this case, but the erroneous threat of jail time for the speeding violation (for which Appellant offered no defense), induced Appellant into making a plea deal with the State's prosecutor; but for the misstatement of penalties, Appellant would have taken the all of the charges to trial before the jury. (R. p. 31, line 15 – p. 32, line 6**;** R. p. 34, lines 12-16).

In making the pleas, Appellant's primary motivation was to avoid a jail sentence. (R. p. 66, lines 17-20**;** R. p. 52, lines 7-16). The misstated possibility of jail time for the speeding violation was the SOLE AND ONLY prospective jail time Appellant considered to be a likely outcome when agreeing to the plead guilty. (R. p.108). Considering that Appellant believed then, and still believes today, that the municipal court lacked subject matter jurisdiction for the two nonmoving charges, which were unconstitutionally prosecuted according to the state and federal constitutions, as well as statutorily prohibited by South Carolina § 1-32, Appellant certainly did not think he could be jailed for convictions under those two charges. (R. p. 66, lines 8-20). Appellant felt so strongly that his being convicted and sentenced to jail time for the two nonmoving charges was not possible that he drafted and filed a 20-page motion for a directed verdict, with another 20 pages of proofs with the municipal court 3 weeks before the trial date; Appellant prematurely requested a ruling on his motion for a directed verdict just minutes before he proffered the guilty pleas. (R. p. 13, item "5"**;** R. p. 32, line 25 – p. 33, line 6). This demonstrates that Appellant still did not think he could be found guilty of the nonmoving charges if taken to trial; the municipal judge did not rule against Appellant's motion, and Appellant had, and still has, no reason to think that he is incorrect in his grounds for making that motion. Again, but for the misstatement of penalties, Appellant would have taken the all three of the charges to trial before the jury. Taking **ALL** facts into account, including Appellant's

religious beliefs and claims of substantial burden that appear in the record, there was no factual basis for the guilty plea to the Driving Without A License charge, as Appellant's guilt was impossible. (R. p. 32, line 25 - p. 34, line 14). Apart from the speeding charge, Appellant was not convinced of his guilt, or that he could be found guilty, nor did he derive any benefit from making the pleas. (R. p. 37, lines 2-8).

This is not a case of a legitimate *Alford* plea taken by Appellant, because as the Municipal Court Transcript demonstrates, Appellant's sole motivation for agreeing to plead guilty was to avoid a jail sentence. The only purported benefit to Appellant would be the avoidance of imaginary jail time for the speeding charge.

2. The guilty pleas given by Appellant were induced by the jud ge initiating and participating in negotiations between the prosecutor and Appellant.

With regards to plea-bargaining, the judge must remain isolated and detached from the negotiations. "A plea induced by the influence of the judge cannot be said to have been voluntarily entered." *State v. Cross*, 270 S.C. 44, 240 S.E.2d 514, at 516-517, (1977).

The *State v. Cross* quote referenced above is relevant here. On the day of trial, upon Appellant's entry into the courtroom, Appellant informed the municipal judge that he and the prosecutor had conferred, did not reach any plea agreement[5], and that Appellant was ready for trial. (R. p.108**;** R. p. 34, lines 10-11). Without a request being made by either party, the municipal judge ordered the parties outside and led the parties into a small break room "closet" adjacent to the courtroom, where he initiated further talks with the aim of reaching a plea agreement. (R. p. 62, lines 10-13**;** R. p. 54, lines 6-17). Appellant truly believes this was done so

[5] Prior to trial, Appellant had conferred with Respondent prosecutor, Daniel E. Peagler. Appellant offered to plead guilty to the speeding charge, if the prosecutor would drop the two nonmoving charges. The prosecutor refused, and Appellant insisted on going to trial. The municipal judge was informed of this upon the parties' entry into the courtroom.

that he could be deprived of rights outside the view of others and forced to enter a plea deal with the prosecutor, and that such a nonpublic conducting of the plea hearing prejudiced the unrepresented Appellant, likely violating South Carolina Constitution Article 1 § 9. At one point in the discussions, while the prosecutor was explaining the differences between a negotiated plea and a prosecutorial recommendation, the municipal judge interjected into the talks between the prosecutor and Appellant, suggesting that the prosecutor change his offer to Appellant from a "negotiated plea" to a prosecutorial "recommendation." (R. p. 19, item "4"). Although the prosecutor did eventually offer Appellant a negotiated plea deal, the fact that the municipal judge had already stated that Appellant was exposed to jail time for speeding[6] and appeared to prefer that the prosecutor offer less favorable terms to Appellant, created the impression to Appellant, that the judge was hostile towards Appellant. At that time, in an effort to avoid angering the judge, Appellant entered further negotiations with the prosecutor.

Explaining further, the municipal judge's insistence on and participation in plea negotiations between the parties, was repetitive to the point of intimidating Appellant, and had the effect of coercing Appellant to accept a plea deal. (R. p. 35, lines 1-17**;** R. p. 54, lines 6-17). The judge's preliminary and repeated insistence was not simply an encouragement of Appellant to consult counsel or take some time to think things over, but rather an insistence that Appellant meet again with the prosecutor to negotiate terms. At least twice, when Appellant refused to accept a plea agreement and insisted on starting trial, he was "talked down" and resent, by the municipal judge, to negotiate with the prosecutor. In Appellant's view, the judge, prosecutor, and court personnel were creating a situation, or circumstance, which would manipulate Appellant into accepting a plea deal or going to jail for speeding. After being intimidated, off

[6] Appellant had no defense against the speeding charge, and presumed that he would be found guilty on that charge.

the record, in the small "closet", by a large-in-stature judge and multiple court officers, Appellant was asked, "Has anyone threatened you or coerced you in any way to get you to plead guilty?" Notice that Appellant does not simply respond, "No." Appellant's response was, "No, just circumstances are tough. You know? But uh, no one--no one in particular threatened me or said anything." (R. p. 65, lines 8-11). In his response to the question posed, Appellant is referencing the intimidating circumstances described in this appeal. (R. p. 32, lines 8-12). Just because "no one in particular" directly threatened Appellant, does not mean that the court's officers did not create a threatening and intimidating circumstance, which unfairly prejudiced the unrepresented Appellant.

Consider (1) that though it was not his fault, it is still true that the municipal judge stood approximately 6' 8" tall and outweighed the 5' 11"Appellant by probably 80 pounds on October 28th, 2021, (2) that it was the judge alone who called for additional plea discussions, (3) that the judge twice refused to accept Appellant's decision to go to trial and NOT make a deal with the prosecutor, (4) that this pressuring to make a deal was done outside the presence of others while in a small "closet", and (5) that the recording of these events was not made and thus conveniently appear nowhere in the record, despite the clerk, who was present with a recorder in her hand, being told to make the record. (R. p. 62, lines 23-24**;** R. p. 35, line 23 - p. 36, line 11). Appellant truly needed the protection afforded by South Carolina Constitution Article 1 § 9 to ensure that the plea hearing was conducted in a way that was aboveboard. Appellant believes the record has been selectively made to avoid proof of the misstatement of penalties, intimidation, and coercion. Considering the nature of Appellant's complaint, this was an attempt to diminish Appellant's right to a meaningful appeal.

As explained to the circuit court, the municipal judge went out of his way at the start of the proceedings, whispering while saying that he could not "enter a plea with them [the jury] in here." IMPORTANTLY, this whispered statement was made, at the opening of the hearing, after Appellant and the prosecutor had already informed the judge that they had conferred without reaching an agreement and that Appellant was ready to start trial. (R. p. 62, lines 2-3**;** R. p. 34, lines 8-25). Since there was no plea offer on the table, the obvious question is - what potential plea was the judge referring to? The only logical answer is, a plea that Appellant would end up accepting, but given Appellant's prior refusals, how could the judge know that this would happen? Perhaps undue influence is the most reasonable answer.

Further, it is evident from the Municipal Court Transcript, that the municipal judge intended **NOT** to allow the trial of the Appellant to occur, and that he gave considerable effort to ensure that it did not occur. (R. p. 34, line 23 - R. p. 35, line 17). The municipal judge let the jurors know that he was actively working to avoid having the trial before insisting on additional plea discussions. (R. p. 62, lines 10-13). After Appellant accepted the plea deal under duress, the judge let the jury know that he was successful in avoiding having the trial. (R. p. 68, lines 4-7). The municipal judge owed a duty to ensure Appellant's rights to due process and a trial by jury, not a duty to ensure convenience to anyone else. The totality of circumstances, viewed objectively, shows that the judge went too far to force negotiations in an effort to disallow the trial of Appellant, and that his successful efforts effectively denied Appellant meaningful access to a trial by jury and due process. Appellant believes that his novel defense under South Carolina § 1-32 and the court's officers labeling of Appellant, as a "sovereign citizen", is what motivated these tactics used against Appellant in an effort to restrict his rights to make sure he did not "win" under any circumstance.

3. The pleas were induced without Appellant being notified of his rights or the waivers accompanying the pleas, causing prejudice against Appellant.

A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." *State v. Ray*, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993). Although the trial court is not required to direct defendant's attention to each right and obtain a separate waiver, the record should indicate the defendant was fully aware of the consequences of the guilty plea. *State v. Lambert,* 266 S.C. 574, 225 S.E.2d 340 (1976). 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).

The municipal judge erred in accepting Appellant's guilty pleas because the judge never notified Appellant of his rights and waivers, such as: Appellant's rights to an attorney if found indigent, to confront his accusers, to his privilege against compulsory self incrimination, to testify on his own behalf, to cross examine state witnesses, that the state had to prove beyond a reasonable doubt that he is guilty, that the jury's verdict had to be unanimous, that Appellant understood that he was admitting all matters of fact in the accusation, that by pleading guilty Appellant was giving up any objections he may have to the charges, to an accurate citing of maximum penalties the court could impose, to sign and complete a form SCCA 685.

Appellant was not aware of the abovementioned rights at the time of his making the pleas, and was thus denied the opportunity to make an informed decision before entering the pleas. As a most relevant illustration, even in giving the guilty plea to the nonmoving charge for

driving without a license, Appellant was still reliant upon his right to appeal his conviction for the charge, which he believed to be unconstitutional-as-enforced, and he had no idea that giving the plea would forfeit his right to appeal that conviction. (R. p. 32, line 7 – p. 33, line 6). Appellant had been diligent in making objections on the record because he had a determined intent to appeal certain prior rulings, and had absolutely no intention of giving up that right. (R. p. 32, lines 16-23**;** R. p. 52, line 17 – p. 54, line 5).

The flawed "Judge's Notes" (R. p. 13) appear to have been given undue weight by the circuit court, considering that the record is otherwise silent on the issue of whether or not the municipal judge informed Appellant of his rights. In his "Judge's Notes", at item #2 the municipal judge does not even claim that he informed the unrepresented Appellant of any rights beyond Appellant's right to a jury trial, a bench trial, and an attorney, and for those notices he relies upon insufficient notices given at an earlier hearing which occurred nearly a year prior to day the guilty pleas were made. (R. p. 49, line 22 - p. 50, line 3**;** R. p. 50, line 18 - p. 51, line 5**;** R. p. 51, lines 12-23). At the appeal hearing before the circuit court, Appellant admitted to being informed of the right to a jury trial and an attorney at a motion hearing nearly a year prior to the date of trial/plea acceptance, however, that prior instance of Appellant being informed of those rights was done in the context of the municipal judge suggesting options that would have had Appellant either postpone arguing the grounds for the motion until trial (as Appellant was apparently doing a poor job of arguing the motion on that day) or suggesting that Appellant hire an attorney to argue the motion on Appellant's behalf. (R. p. 52, line 17 – p. 54, line 5). Importantly, at the prior motion hearing in question, the municipal judge did not inform Appellant that the court would provide an attorney, by application through the clerk, if Appellant could not afford one. Further, this kind of "informing" of rights at a temporally distant motion

hearing certainly cannot constitute adequate notice of an unrepresented defendant's right to an attorney if indigent, rights at trial or the rights and waivers presumed when agreeing to plead guilty.

Coincidently, at a November of 2022 hearing in a separate case for identical nonmoving charges brought before the same municipal judge, Appellant was informed that the City of Cayce would provide an attorney if Appellant applied for one. In that more recent case, Appellant has been found indigent, and an attorney has been appointed to represent Appellant in that case. However, in the case presently under appeal before this Court, which commenced more than a year earlier, Appellant has no recollection of the municipal court giving this information regarding appointment of counsel by application. Appellant likely would have qualified for a court appointed attorney in this case presently under appeal as well. While this fact may or may not be relevant to the present appeal, it is mentioned here to illustrate that without proper notice of rights given by the courts, important rights may be unknown, even to well read defendants, resulting in prejudice and injustice. Regarding Appellant's guilty pleas on the day of trial, no fair warnings or necessary informing of rights appear in the record, because they were not given; and even when claimed to have been given, they were not given in a proper context, or were given so long ago that it was not reasonable to assume Appellant was thoroughly aware of his rights at trial, conduct of plea negotiations, or rights at a plea hearing.

Appellant chose self-representation in this case because he could not afford an attorney. Appellant did not understand at the time of giving the pleas that a lawyer would have been provided if he could not afford one. Therefore, Appellant did not knowingly waive counsel. The waiver of the right to have a lawyer becomes especially critical when the defendant decides to plead guilty. In such instances, the judge must explain to the defendant that he is giving up the

following rights: 1) the right to a trial by jury, 2) the right to confront his accusers, and 3) the privilege against compulsory self-incrimination. In this present case, this was not done. The defendant must have an understanding of these rights, and realize how they relate to the facts of his case. Further, the court must be able to show in the court record that the accused both understood his offense and its possible consequences, and that he was not led into this decision by false promises or threats. *Vickery v. State*, 258 S.C. 33, 186 S.E.2d 827 (1972).

Defendants have the right to refuse court-appointed counsel and the right to represent themselves. However, an unrepresented defendant should be advised of the dangers of self-representation. *Faretta v. California*, 422 U.S. 806 (1975). To be lawful, the defendant's decision to waive counsel must be made both voluntarily and with an understanding of his rights. *Boykin v. Alabama,* 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969); *State v. Lambert*, 266 S.C. 574, 225 S.E.2d 340 (1976). Though an absence of counsel does not invalidate a plea, it does greatly increase the burden put upon the judge to make sure that the defendant is aware of his rights. In the case presently under appeal, the municipal court did not carry its increased burden to make sure that Appellant was aware of his rights. Contrary to Respondent's position, unrepresented defendants cannot be treated as though they are attorneys, and some extra cautions must be taken. (R. p. 51, lines 12-18).

E. The municipal court erred or abused discretion by denying Appellant's Motion To Compel discovery responses from the State, causing prejudice against Appellant

Standard of Review

When issues presented in an appeal are questions of law, they should reviewed de novo. Decisions on "questions of law " are reviewable de novo," *Pierce v. Underwood*, 487 U.S. 552,

558 (1988). Conclusions of law are subject to de novo review by the appellate court. *Husain v. Olympic Airways*, 316 F.3d 835 (9th Cir. 2002).

Discussion

The United States Supreme Court, in *Brady v Maryland*, required the turning over of all exculpatory material, erring on the side of giving too much disclosure rather than giving too little. *Brady v. Maryland*, 373 U.S. 83 (1963). The United States Supreme Court explained further, in *Kyle's v Whitley*, that prosecutors are required to provide discovery of exculpatory information and materials in the possession or control of state agencies that have provided information to the prosecution. *Kyles v. Whitley*, 514 U.S. 419 (1995).

Appellant filed a Motion to Compel exculpatory information and documents from the State on August 31st, 2020, which was denied by the court. (R. pp. 126 – 138**;** R. p. 125**;** R. p. 48, line 15 - p. 49, line 5). The volume of materials and information requested was not oppressive or undue, because Appellant's liberty and property were at stake. Further, other State agencies had provided information to the prosecution, such as the South Carolina Department of Motor Vehicles.

In Appellant's view, information which might show that the laws he was charged under unjustly burdened his sincerely held religious beliefs and practices, would be exculpatory, and certainly Appellant had a right to ask for such information, and inquire as to its existence. Though claiming to have allowed the motion in its "Judge's Notes", the municipal court denied Appellant's motion outright, by letter, without a hearing. (R. p. 13, item "8"**;** R. p. 125). In denying the motion by letter, without a hearing, the municipal court intentionally closed the door; not allowing Appellant the right to even inquire. The municipal court should have ordered the discovery to be produced by the State, and if the materials and information requested did not

exist, the State could have responded so, or objected in the usual way and according to the rules (i.e., a response or objection to each individual request, stating the reason, if any, for an objection). Even a statement that the materials did not exist might have proven useful to the defense; and Appellant's request for identification of witnesses may have led to testimony benefiting either party. The court's ruling was prejudicial in that the judge made assumptions as to whether or not the evidence existed and whether the materials potentially given in response to the requests might be exculpatory. The judge did not know with certainty that the requested materials or information did not help Appellant's case.

Worse still, the likelihood remains that the judge, like the prosecutor[7], did not read or consider the motion at all, in which case the Appellant has been denied meaningful access to the courts, that being in and of itself a denial of due process. The municipal court improperly shielded the State from having to respond via production or objection. Such a ruling resolved nothing and only served to leave Appellant in ignorance as to whether the information requested existed or not, and this circumstance denied the Appellant due process and severely hampered the formulation of Appellant's South Carolina § 1-32 defense.

F. The State's Prosecution Of Appellant For The Nonmoving Charges In This Case Was Barred Due To An Estoppel In The Nature Of A Collateral Estoppel, Or A Judicial Estoppel Should Have Been Recognized By The Municipal Court

Standard of Review

When issues presented in an appeal are questions of law, they should reviewed de novo. Decisions on "questions of law " are reviewable de novo," *Pierce v. Underwood*, 487 U.S. 552,

[7] The prosecutor for the state in this case, admitted on October 28th, 2021, that he had not read any of Appellant's filings, and went on to say that his reading the filings or not doesn't matter because Appellant is a "sovereign citizen." Appellant has repeatedly denied the accusations, but prejudice has tainted this case from the start.

558 (1988). Conclusions of law are subject to de novo review by the appellate court. *Husain v. Olympic Airways*, 316 F.3d 835 (9th Cir. 2002).

Discussion

Charges for no driver's license and no vehicle registration should have been disallowed due to an estoppel, in the nature of a collateral estoppel, to prevent retaliatory prosecution and "double jeopardy" for the exercise of statutorily and constitutionally protected rights, which is prohibited by law and the state and federal constitutions, at South Carolina Article 1 §§ 2 and 12, and the 1st and 5th Amendments to the U.S. Constitution, as incorporated through the 14th Amendment. Importantly, although Respondent has not argued that Appellant did not endure a substantial burden to his free exercise of religion and was not owed any accommodation, a judicial estoppel would certainly be justified against any such position being taken by Respondent regarding this settled issue of fact. Against fair play and consistency in litigation, Respondent cannot be allowed to cause unfair detriment to Appellant by disavowing the State's past admissions that (1) Appellant indeed suffered a substantial religious burden under the laws in question and that (2) Appellant was owed accommodation from the State[8]. (R. p. 93 - 96**;** R. p. 41, lines 19 – p. 42, line 1).

Appellant notified the municipal court and prosecutor, orally and in writing, that the State had previously accommodated him regarding vehicle registration and license requirements, in cases brought in 2017 and in 2018. (R. p. 93 - 96**;** R. p. 41, lines 19-25).

[8] In oral arguments early in this litigation, Appellant moved for dismissal of the charges in this case on at least two occasions. Despite being given the information contained in Appellant's Motion For A Directed Verdict, the prosecutor continued to pursue the charges, while unfairly challenging the state's established position on factual issues which were repeatedly and consistently decided in prior litigation between Appellant and other privies representing the state, each of whom exercised the same legal rights on behalf of the state as Respondent.

In those prior cases, the magistrate judges and prosecutors agreed to nolle prosse vehicle registration and license charges in recognition of Appellant's claim of substantial religious burden and as a religious accommodation owed to Appellant. In those cases, there were no accompanying charges of a moving or operational nature (i.e. moving violation, broken brake light, etc), Appellant did not offer any defense on the merits apart from a South Carolina § 1-32 defense, Appellant refused to comply with the burdensome laws, and Appellant did not enter into any plea agreement. The charges were nolle prossed because they were constitutionally and statutorily unlawful under the circumstances.

"Under the doctrine of collateral estoppel, once a final judgment on the merits has been reached in a prior claim, the relitigation of those issues actually and necessarily litigated and determined in the first suit are precluded as to the parties and their privies in any subsequent action based upon a different claim." *Richburg v. Baughman*, 290 S.C. 431, 434, 351 S.E.2d 164, 166 (1986); see also *Shelton v. Oscar Mayer Foods Corp*., 325 S.C. 248, 251, 481 S.E.2d 706, 707 (1997) (noting collateral estoppel or issue preclusion prevents a party from relitigating in a subsequent suit an issue actually and necessarily litigated and determined in a prior action). Only a party to a prior action or one in privity with a party to a prior action can be precluded from relitigating an issue on the basis of offensive collateral estoppel.[(1)] *Ex parte Allstate Ins. Co*., 339 S.C. 202, 206, 528 S.E.2d 679, 681 (Ct. App. 2000); *Wade v. Berkeley County*, 330 S.C. 311, 317, 498 S.E.2d 684, 687 (Ct. App. 1998) ("A party may assert nonmutual collateral estoppel to prevent relitigation of a previously litigated issue unless the party sought to be precluded did not have a fair and full opportunity to litigate the issue in the first proceeding, or unless other circumstances justify providing the party an opportunity to relitigate the issue.").

"'[T]he term "privity," when applied to a judgment or decree, means one so identified in interest with another that he represents the same legal right.'" *Allstate,* 339 S.C. at 207, 528 S.E.2d at 681 (quoting *Roberts v. Recovery Bureau, Inc.,* 316 S.C. 492, 496, 450 S.E.2d 616, 619 (Ct. App. 1994)). As the *Wade v. Berkeley County* court explained: "Privity deals with a person's relationship to the subject matter of the previous litigation, not to the relationships between entities. To be in privity, a party's legal interests must have been litigated in the prior proceeding."

The case presently under appeal results from charges brought against Appellant by City of Cayce, a municipality and subsidiary of the State, whose legal authority to bring charges against Appellant and to recognize or deny Appellant's claims of religious burden and right to accommodation, as to the laws in question, derives from its agency relationship to the State. In fact, Respondent represents the legal interest of the State in this case, but the State is the principal party to the suit. In line with the principles of fairness in litigation, consistent application of the law, and criminal collateral estoppel, the State's position on previously litigated facts must remain consistent and not change whenever the State seeks to use a different view of established facts to gain an advantage in litigation.

In 2019, at a hearing in Richland County Magistrate Court, the S. C. Highway Patrol, acting on behalf of the State, recognized and accepted Appellant's claim of religious burden and right to religious accommodation as, in fact, valid and nolle prossed the charge of Expired Vehicle License without any further act or promise of compliance from Appellant. (R. p. 93-94). Whether Appellant had proven a substantial religious burden and a right to accommodation was the central dispositive issue actually and necessarily litigated and decided at the hearing before the magistrate court. Appellant admitted to driving unregistered, and the entire case

turned on whether or not Appellant's religious exercise had been substantially burdened and if he had a right to accommodation under South Carolina § 1-32 and the state and federal constitutions. The court and the prosecution for the State deemed the correct course of action to be so obvious that the charges were not taken to trial, but were nolle prossed by the prosecutor. This represented the end of the road for an unconstitutional-as-enforced charge; it was a dispositive determination of this issue of fact.

Again, in 2020, at a hearing in Richland County Magistrate Court, the University of S. C. Police Department, acting on behalf of the State, recognized and accepted Appellant's claim of religious burden and right to religious accommodation as, in fact, valid and nolle prossed the No Vehicle Registration and License charges without any further act or promise of compliance from Appellant. (R. p. 95-96). Here again, whether Appellant had proven a substantial religious burden and a right to accommodation was the central dispositive issue actually and necessarily litigated and decided at the hearing before the court. Appellant admitted to driving unregistered without a license, and the entire case turned on whether or not Appellant's free exercise of religion had been burdened and if he had a right to accommodation under South Carolina § 1-32 and the state and federal constitutions. Again, the court and the prosecution deemed the correct course of action to be so obvious that the charges were not taken to trial; this was another dispositive determination of this issue of fact in favor of Appellant, and was consistent with the prior case.

In litigating identical charges against Appellant, the S.C. Highway Patrol, the University of S. C. Police Department, and the City of Cayce each represent the State's legal interests and act upon the same legal right, in privity with each other and with the State. The ONLY reason the charges nolle prossed in 2019 and 2020 did not result in a formal final judgment was due to the

fact that even attempting to bring the charges to trial, once the South Carolina § 1-32 defense was proven, would have been constitutionally and statutorily irresponsible; further, any resulting conviction would violate the state and federal constitutions, constituting a reversible error of law.

A judicial estoppel should lie to prohibit a factual challenge to the State's prior position that Appellant has proven his claim to a substantial burden on the free exercise of his religion under the laws in question and that he has a right to accommodation. The doctrine of judicial estoppel evolved to protect the truth-seeking function of the judicial process by punishing those who seek to misrepresent facts to gain advantage. *Hayne Fed. Credit Union v. Bailey*, 327 S.C. 242, 251, 489 S.E.2d 472, 477 (1997); see also *John S. Clark Co. v. Faggert & Frieden, P.C.,* 65 F.3d 26, 29 (4th Cir. 1995) (stating goal of judicial estoppel "is to prevent a party from playing 'fast and loose' with the courts, and to protect the essential integrity of the process."). "Judicial estoppel precludes a party from adopting a position in conflict with one earlier taken in the same or related litigation." *Hayne Fed. Credit Union v. Bailey*, 327 S.C. 242, 251, 489 S.E.2d 472, 477 (1997). ("[J]udicial estoppel focuses on the relationship between the litigants and the judicial system."). Since judicial estoppel precludes parties from misrepresenting the facts in order to gain an unfair advantage, once "a party has formally asserted a certain version of the facts in litigation, he cannot later change those facts when the initial version no longer suits him." *Id*.

As explicitly embraced by our Supreme Court, "[j]udicial estoppel precludes a party from adopting a position in conflict with one earlier taken in the same or related litigation." *Id*. The application of judicial estoppel "is an equitable concept, depending on the facts and circumstances of each individual case, [and] application of the doctrine is discretionary. "*Carrigg v. Cannon*, 347 S.C. 75, 83-84, 552 S.E.2d 767, 772 (Ct. App. 2001) (quoting *Hawkins v. Bruno Yacht Sales, Inc.*, 342 S.C. 352, 368, 536 S.E.2d 698, 706 (Ct. App. 2000), cert.

granted Sept. 27, 2001)). "Generally, for the doctrine to apply, courts look to the following factors: First, a party's later position must be clearly inconsistent with its earlier position. Second, . . . whether the party has succeeded in persuading a court to accept that party's earlier position, so that judicial acceptance of an inconsistent position in a later proceeding would create 'the perception that either the first or the second court was misled, . . . A third consideration is whether the party seeking to assert an inconsistent position would derive an unfair advantage or impose an unfair detriment on the opposing party if not estopped." *N.H. v. Me.*, 532 U.S. 742, 750-51 (2001) (citations omitted); see *Lowery v. Stovall*, 92 F.3d 219 (4th Cir. 1996). In litigating the present case under appeal, the State took a position clearly inconsistent, and directly opposite to it's position taken in the two prior cases, deriving an unfair advantage to Appellant's detriment. In nolle prossing the charges in the prior two cases, the prosecutors for the State expressed in open court that they were in agreement with the fact that Appellant was substantially burdened and owed an accommodation as described above. How else could they have justified nolle prossing nonmoving charges, with Appellant refusing to comply with the law in the presence of the magistrate?

It is a fact that, since 2019, Appellant has heavily relied on the previously established position of the State as regards his right to accommodation in his use of the public roads without registering his vehicle and/or possessing a driver's license. It is wholly unfair to allow the State to approve of his lawful conduct and later declare the same conduct criminal under identical circumstances of law and religious beliefs and practices. Once the State recognized and accommodated Appellant's claim of religious burden and right to an accommodation under South Carolina § 1-32 and the state and federal constitutions, as it did in the 2019 and 2020 litigation, the State cannot later deny the existence of the same burden and right to

accommodation in subsequent litigation under the same circumstances of law and fact. This is true because, while generally judges and prosecutors exercise their judicial or prosecutorial discretion when dismissing or nolle prossing charges, in the previous cases against Appellant, the State's judges and prosecutors were not only exercising their discretion, but they were also recognizing and protecting the rights of Appellant. The State's recognition of the religious burden to Appellant and Appellant's rights to accommodation is evident by the fact that the prior charges were nolle prossed despite Appellant's outright refusal to comply with the religiously burdensome laws, accept a plea deal, or to offer any defense outside of South Carolina § 1-32.

The prior religious accommodation of Appellant's free exercise of religion by State trial judges (who are policymakers for the State) and prosecutors in 2019 and 2020 should have been recognized by the municipal court and prosecutor in this case, and served as an estoppel to prevent injustice.

The prosecutor in the present case knowingly and prejudicially pursued retaliatory charges because he has labeled Appellant as a sovereign citizen, causing the State to bring effectively the same suit which turns on the same dispositive legal issue of fact, which was previously decided in other venues, at other times, against the same defendant. (R. p. 46, lines 14-20**;** R. p. 54, line 15 – p. 55, line 17**;** R. p. 56, line 9 - 18). Despite the numerous notices and affidavits referenced above, Respondent's prosecutor feigns ignorance in order to maintain his unlawful attack on Appellant. (R. p. 56, lines 19-22**;** R. p. 57, lines 13-20**;** R. pp. 72-107).

In Appellant's view, barring a change in his religious beliefs and practices or a significant change to the laws of the State, the issue of his right to accommodation as relief from prohibited substantial religious burden has been decided with finality. Further, any notion that Appellant is required to defend against the same religiously burdensome charges across

each of the various jurisdictions of this State, on a case-by-case basis, is preposterous and creates a substantial religious burden in and of itself; it makes no sense that despite having twice proven substantial religious burden and a right to accommodation in Richland County, that Appellant should be subject to every other jurisdiction in this State each having its own crack at oppressing his religious exercise. If the State is allowed to flip flop its position on this fact issue at will, Appellant will undoubtedly suffer endless harassment through retaliatory litigation, with uncertain and inconsistent outcomes across multiple jurisdictions. The present dynamic of retaliatory prosecution and uncertainty of law suffered by Appellant is created by allowing Respondent to challenge issues of fact already proven, decided, and relied upon by Appellant.

G. Conclusion

In light of the above, this Court should vacate Appellant's guilty pleas; dismiss the No SC Driver's License and No Vehicle Registration charges as unconstitutional-as-enforced; remand the speeding charge back to the municipal court; and, issue an order requiring Respondent and other privies of the State to accommodate Appellant regarding the State's drivers license and registration requirements.

March 28th, 2023

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SC Court of Appeals

SOUTH CAROLINA
In The Court Of Appeals

Case No. 2022-001437

Johnathan Daniels, Appellant.

v.

The City of Cayce Respondent,

CERTIFICATE OF APPELLANT

The undersigned certified that Appellant's Final Briefs comply with Rule 211(b), SCACR.

April 2nd, 2023

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IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Case No. 2022-001437

Johnathan Daniels, Appellant,

v.

City of Cayce, Respondent.

FINAL BRIEF OF RESPONDENT

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COUNTER-STATEMENT OF ISSUES ON APPEAL

I. DID THE CIRCUIT COURT CORRECTLY RULE THAT APPELLANT'S GUILTY PLEA IN MUNICIPAL COURT WAS KNOWING AND VOLUNTARY?

II. ARE APPELLANT'S REMAINING ISSUES AND ARGUMENTS ON APPEAL WAIVED AND PRECLUDED BY HIS GUILTY PLEA?

STATEMENT OF THE CASE

As a result of a traffic stop by a City of Cayce police officer on December 9, 2019, Johnathan Daniels (hereinafter, "Appellant") was ticketed for violations of S.C. Code Ann. § 56-5-1520(G)(3) (speeding greater than 15 miles per hour but less than 25 miles per hour above the posted limit), S.C. Code Ann. § 56-1-20 (driver's license required), and S.C. Code Ann § 56-3-110 (vehicle required to be registered and licensed). The State Code sets the penalty for the speeding charge as a fine of not less than $50 nor more than $75 (imprisonment is an alternative penalty only for speeding in excess of 25 miles per hour above the posted limit) (S.C. Code Ann. §§ 56-5-1520(G)(3) and (4)). The penalty for driving on a public highway without a driver's license, first offense, is a fine of not less than $50 nor more than $100 or imprisonment for 30 days. S.C. Code Ann. § 56-1-440(A). The penalty for no driver's license is a fine of not more than $100 or imprisonment for not more than 30 days. S.C. Code Ann. § 56-5-6190. Subject matter jurisdiction of these charges was in the City of Cayce Municipal Court. S.C. Code Ann. §§ 56-5-6150 and 56-1-440(B).

Appellant, representing himself, subsequently filed various pre-trial motions and "objections," including a motion to dismiss, motion for directed verdict, motion to reconsider, and motion to compel discovery. A jury trial also was requested by Appellant and a jury eventually was impaneled for jury trial on the three charges on October 29, 2021, in the City of Cayce Municipal Court.

Prior to the start of the jury trial, and pursuant to a negotiated plea agreement, Appellant entered a plea of guilty to the speeding charge (with a fine including court fees of $180.63) and to the no driver's license charge (with a fine including court fees of $155) with a nolle prosequi of the no vehicle registration charge. (R. pp. 60-71; R. pp. 10-12; R. p. 13).

Appellant filed an appeal to the circuit court on November 4, 2021. A hearing on the appeal was held by the Honorable Robert E. Hood, Circuit Court Judge, on September 22, 2022. (R. pp. 27-58). A Rule 4 Order was issued on September 27, 2022 (R. pp. 4-6), and a formal Order affirming the decision of the municipal court and denying the appeal was filed on October 7, 2022 (R. p. 3).

STANDARD OF REVIEW

The standard of review in this Court in criminal cases is limited to correction of errors of law. State v. Green, 436 S.C. 492, 493, 872 S.E.2d 869, 869-870 (Ct. App. 2022). State v. Hall, 437 S.C. 107, 117, 876 S.E.2d 328, 333 (Ct. App. 2022).

ARGUMENT

I. THE CIRCUIT COURT CORRECTLY RULED THAT APPELLANT'S GUILTY PLEA WAS KNOWING AND VOLUNTARY.

Appellant's admissions to the municipal court, to the circuit court, and to this Court are revealing and dispositive on this issue. The partial transcript of the proceedings in the municipal court (R. pp. 62-67) includes the prosecutor's description of the negotiated plea bargain with agreed fines, Appellant's participation in that description by the prosecutor, an express plea of guilty, an express denial of threat or coercion, and an express statement of voluntariness of the plea. The exchange with the trial court on Appellant's denial of threat or coercion is set out at page 6 of the partial transcript (R. p. 65, lines 8-11).

COURT:	Has anyone threatened you or coerced you in any way to get you to plead guilty?
DEFENDANT:	No, just circumstances are tough. You know? But uh, no one -- no one in particular threatened me or said anything.

Appellant's further statement in the Municipal Court underscored the voluntary basis of the guilty plea and Appellant's reasoning and risk calculation on possible penalties:

COURT: What if anything did you wanna say in addition to that?

DEFENDANT: Okay. Well, uh. Number – Well, number one, is this—this trial—this—this case has been [inaudible] some time. Two years and change, I think. Uh – or right around two years. So, I want everyone here to know that I have not been arguing just for the sake of arguing. Okay? I've – If you read the paperwork that I submitted to you, you'll see, I have religious issues that have forced my hand to continue to contest--the—the--not necessarily the speeding, as I mentioned earlier, but the other two charges fr—from a jurisdictional standpoint. [Pause] I had a problem with that. Still do. . . . Uh, so, I appreciate—you know, being given the opportunity not to bear the full brunt and wrath of [chuckle] whatever is going on here, but, uh, yeah, I still have those religious problems with that, and that—that—that is something that bothers me, although, I am entering this plea voluntarily, because I have calculated—I don't wanna go to jail. I'm likely to go to jail, and uh—yeah. I just—I just want that on the record. So--

(R. p. 60, lines 5-20).

Additionally, the partial transcript also undercuts Appellant's position on the trial court's alleged misstatement of a possible jail penalty for the speeding charge. 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.

Appellant admitted to the circuit court, in line with the Return/Judges Notes of the trial judge (R. p. 13), that he had been advised, in previous court appearances in the case, of his rights to jury trial, bench trial, and an attorney. (R. p. 52, lines 17-21). In the appeal hearing before the circuit court, Appellant also admitted that he was guilty of the speeding charge. ("The speeding ticket though, I, I knew that—I mean I, I was speeding. I was guilty of that.") (R. p. 31, lines 19-20). Similarly, in this Court, Appellant has admitted the substance of the offenses of no driver's license and no vehicle registration. In Brief, Appellant (using the third person) admitted "Appellant does not use a driver's license or vehicle registration . . ." (Initial Brief of Appellant, p. 10).

In order for a defendant to knowingly and voluntarily plead guilty, he must have a full understanding of the consequences of his plea. State v. Hazel, 275 S.C. 392, 394, 271 S.E.2d 602, 603 (1980). Here, the ruling of the circuit court is supported by the partial transcript of the plea and by Appellant's own admissions. The transcript of the plea shows that Appellant was aware of the nature of the offenses and the penalties at issue, and contains Appellant's own statements that the plea was voluntary and uncoerced and was the result of his weighing of the risk of trial with the plea result.

II. APPELLANT'S REMAINING ARGUMENTS ON APPEAL ARE WAIVED AND PRECLUDED BY HIS GUILTY PLEA.

Appellant's guilty plea to the charges of speeding and no driver's license waived all of his arguments on appeal except the argument as to the knowing and voluntary nature of his plea. "Few principles of South Carolina criminal law are as ingrained as the notion that a knowing, voluntary, and intelligent guilty plea 'constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights.'" State v. Sims, 423 S.C. 397, 400, 814 S.E.2d 632, 633 (Ct. App. 2018), citing State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485 (2013).

Appellant has asserted throughout the long history of his case and in this appeal that his claim under the South Carolina Religious Freedom Act (hereinafter, "the Act" or "SCRFA") (S.C. Code Ann. § 1-32-10 et seq.) is jurisdictional. However, Appellant cites no supporting South Carolina authority for that position, and the City is aware of none. Moreover, the text of SCRFA clearly and expressly provides that a violation of the Act may be asserted "as a claim or defense in a judicial proceeding." S.C. Code Ann. § 1-32-50.

Unlike the Protection of Persons and Property Act (S.C. Code Ann. §§ 16-11-410 et seq.) discussed in State v. Sims, SCRFA contains no words providing immunity from criminal prosecution and, therefore, provides no basis for a jurisdictional argument. Rather, it appears from the language of the Act that SCRFA is not a conclusive defense to a criminal prosecution until the defense is established, first, by the claiming party's proof of a "substantial burden" by the State on exercise of religion, and, second, by the State's failure to demonstrate "compelling State interest" by the "least restrictive means." S.C. Code Ann. § 1-32-40.

Under the State v. Sims analysis, a SCRFA claim is not a jurisdictional claim or other claim that would have prevented the State (through the City) from prosecuting Appellant in the first place. See also, State v. Green, 436 S.C. 492, 872 S.E.2d 869 (Ct. App. 2022) (a speedy trial claim is nonjurisdictional). Appellant's guilty plea precluded the establishment and operation of his asserted SCRFA defense to the charges to which he entered a guilty plea.

Similarly, Appellant's other arguments on appeal are waived and precluded by the guilty plea. Under South Carolina law, as explained in State v. Sims, this waiver includes constitutional claims. The City urges that this waiver and preclusion also applies to all claims arising prior to the plea, including Appellant's claims and appeal grounds related to alleged "retaliatory prosecution,"

alleged lack of discovery or compliance by the City with discovery, and alleged estoppel by reason of the failure of other jurisdictions to prosecute Appellant for similar offenses.

Additionally, Appellant's argument concerning the sufficiency of the trial court transcript fails to recognize the status of the Cayce Municipal Court as a "summary court." See State v. Bellardino, 429 S.C. 563, 567, 841 S.E.2d 621, 623, fn 2 (2020), and its explanation of the difference between a "court of record" that must record all proceedings – word for word – for appellate review, and a "summary court" (magistrate or municipal court) that need only summarize what occurred for appellate review. See also, S.C. Code § 14-25-105 authorizing a return by the municipal court with a transcript of testimony "[w]hen the testimony has been taken by a reporter as provided herein . . ."

CONCLUSION

For the reasons stated and apparent from the record, the City urges that this Court affirm the judgment of the circuit court affirming the conviction in the municipal court.

Respectfully submitted,

April 5, 2023

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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Case No. 2022-001437

Johnathan Daniels, Appellant,

v.

City of Cayce, Respondent.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Final Brief of Respondent complies with Rule 211(b), SCACR.

April 5, 2023

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SOUTH CAROLINA
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Johnathan Daniels, Appellant.

v.

The City Of Cayce, Respondent

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ARGUMENT IN REPLY

A. Despite Respondent's Assertions, Appellant's Guilty Pleas Were Invalid Because They Were Involuntarily, Unknowingly, Misunderstandingly, Or Mistakenly Made And Have No Basis In Fact.

1. The municipal judge, clerk of court, and prosecutor conspired to deprive Appellant of constitutionally protected rights.

A detailed legal argument follows, but this section is given because it is important for this Court to understand that Respondent is attempting to present the unlawful events recorded in the selective Municipal Transcript in a light that makes them appear routine and lawful, when they certainly were not. The truth is difficult to see because a large portion of the discussion which took place in the "closet" was intentionally not recorded, a fact which is addressed below at Argument "C". Respondent seeks to have this Court believe that either Appellant or the state's prosecutor expressed a desire to discuss a plea with the judge outside, followed by the parties being instructed to go outside of the jury's presence and into the "closet" where Appellant's plea was recorded, followed by re-entry into the courtroom and subsequent dismissal of the jurors.

Appellant, Johnathan Martia Daniels, by his own hand, writes here most frankly, honestly, and with all seriousness. What actually happened on the day of trial was an illegal conspiracy against Appellant's protected rights, and is very likely a criminal act perpetrated by the municipal judge, clerk of court, and prosecutor.

At the opening of the municipal court on the trial date, **there was no plea deal on the table, in any sense**. (R. p. 19, item "4"**;** R. p. 34, lines 10-11). Appellant and the prosecutor had conferred long before the trial date, via email, with Appellant ultimately refusing the prosecutor's counter offer, which would have Appellant plead guilty to speeding and No SCDL

in exchange for a nolle prosse of the No Vehicle Registration charge. (R. p.108). Appellant had refused because he was, and remains to this very day, confident in his South Carolina § 1-32 defense against the two nonmoving charges in this case. (R. p. 34, lines 12-16). As soon as Appellant entered the courtroom, the municipal judge inquired about a plea and Appellant responded, letting the judge know he would not be making any plea and that he was ready for trial. This was done right before the beginning of the audio recording dictated in the Municipal Transcript. As shown at the start of the Municipal Transcript, in an effort to create a false record, and to accomplish a fraud on any higher court reviewing the transcript, the municipal judge and clerk of court are heard whispering. (R. p. 62, lines 1-3). Here, the judge and clerk of court are **literally pretending** that they need to figure out how to accept a nonexistent plea from Appellant at the beginning of the hearing. **They are literally acting**, in a staged thespian-like manner, as though there was some dilemma as to how to "enter in a guilty plea with them [jurors] in here." **There was no dilemma, because there was no plea or offer of a plea deal on the table. Appellant was confident in his defense and had already failed to reach an agreement with the prosecutor; the judge had already been made aware of that!** (R. p. 19, item "4"**;** R. p. 34, lines 3-11**;** R. p. 108 - whole page of a settlement offer sent by Appellant to the prosecutor, to which no agreement was reached). The whispering described above was pretextual, and would soon be used as an excuse (an illusory one, only for show in the record) for the judge to remove Appellant from open court and take him into the "closet" outside of the courtroom. Appellant had already told the judge that he was ready to start trial. (R. p. 34, lines 10-11). It then follows that the judge expresses his intent to avoid having the trial and orders the parties outside. (R. p. 62, lines 10-13**;** R. p. 34, lines 17-25). Once outside, the judge repeatedly insisted that Appellant negotiate with the prosecutor to reach a plea deal. (R. p. 35, lines 1-19**;** R.

p. 54, lines 6-17). Appellant insisted on being on the record and the judge told Appellant that a record was being made and that he had already ordered the clerk to make the record. (R. p. 62, lines 21-25). Appellant later found out that statement was false, as there were missing audio files, and the record made was selective and prejudicial against Appellant. (See below at Argument "C"). During the time in the "closet," which was about 45 minutes in total, Appellant refused several offers from the prosecutor, but was resent by the judge to discuss offer after offer with the prosecutor. (R. p. 54, lines 6-17). After telling the judge at least twice that he did not want to make a plea deal because he was only guilty of speeding, and not guilty of the nonmoving charges, Appellant demanded to start trial (R. p. 53, line 6**;** R. p. 37, lines 2-12**;** R. p. 55, line 18 – p. 56, line 1). Appellant believed that the other two charges were unconstitutional-as-enforced. (R. p. 32, line 25 – p. 33, line 4). The municipal judge then told Appellant that he faced 30 days in jail for speeding, and that making a plea could help him avoid jail time. (R. p. 31, line 19 – p. 32, line 1). After about 15 more minutes of additional back and forth, Appellant concluded that he was being denied access to trial and decided to make a deal with the prosecutor. (R. p. 32, lines 10-12**;** R. p. 55, line 18 – p. 56, line 1). In Appellant's mind, by taking the plea deal, he would be able to make it out of court on that day without being taken to jail, and later file an appeal to have the municipal court's actions reversed and its misconduct addressed. (R. p. 32, lines 16-17**;** R. p. 53, lines 9-23). Most of what is described above was not recorded in the municipal court, but the recording resumes when Appellant's guilty pleas are taken as shown in the Municipal Transcript. After the forced negotiation, plea hearing, allocution, and sentencing, all of which occurred in the "closet", the parties were ordered back into the courtroom. The judge let the jury know that he was successful in avoiding Appellant's trial and the jurors were released. (R. p. 68, lines 4-7). If the jurors were called as witnesses, they could confirm that

Appellant said he wanted to start trial before being called outside. The whole municipal proceeding was an assault on Appellant's rights, cleverly done, in a coordinated manner, by the municipal judge and court officers. Under Oath/Affirmation and threat of penalty, Appellant explained the above in less detail to the circuit court judge. (R. p. 30, lines 17-23**;** R. p. 45, lines 6-19). Appellant agrees that if he were proven to be lying to this Court regarding these matters, a perjury penalty would certainly be in order. (R. p. 29, lines 7-8).

Why all of this? These things were done to Appellant because Respondent's judge and court officers chose to treat Appellant's religiously based refusal to use a driver's license and vehicle registration as the conduct of a sovereign citizen, and they labeled Appellant as a sovereign citizen. (R. p. 40, lines 4-17**;** R. p. 46, lines 14-20**;** R. p. 54, line 20 – p. 55, line 4**;** R. p. 56, line 9 - p. 57, line 20). Realizing that Appellant's South Carolina § 1-32 defense was likely to prevail at trial, Respondent's judge, clerk, and prosecutor went to extreme measures to prevent Appellant's victory at trial, at any cost. In pursuit of this end, they conspired against Appellant's rights. <u>This is the truth of the matter.</u>

2. **To mislead and deceive this Honorable Court, Respondent is intentionally misquoting the municipal transcript in his Initial Brief Of Respondent.**

In an attempt to hide Respondent's wrong doings and <u>not</u> have this Court fully review Appellant's issues on appeal, Respondent's initial brief seeks to mislead this Court through a deliberately inaccurate description of what the record shows occurred when Appellant made the guilty pleas. (Initial Brief Of Respondent at p. 3 ¶ 4 thru p. 5 ¶ 1). While it is true that the negotiated penalties for all guilty plea charges were discussed before Appellant plead guilty, the municipal judge did not accept those negotiated penalties until <u>after</u> Appellant had plead guilty. Until the municipal judge accepted the pleas, he maintained the option of not accepting the

penalty recommendations. Until the moment that the judge accepted the pleas and recommendations, it was Appellant's understanding that he faced up to 30 days in jail if found guilty on the speeding charge. Further, because of his already presented and substantiated South Carolina § 1-32 defense, Appellant knew that he could not lawfully be convicted for the No SCDL and No Vehicle Registration charges. Appellant had already presented written proofs establishing his defense to the municipal court via affidavits and in his Motion For A Directed Verdict w/attachments, filed on October 5th, 2021, and Appellant had come prepared to enter the same proofs into evidence before the jury on the day of trial. (R. p. 72 – p. 107). By falsely claiming that the municipal judge had already accepted the negotiated penalty recommendations and that Appellant knew what the sentences were prior to making the guilty pleas, Respondent seeks to confuse this Court as to whether Appellant actually misunderstood the possible sentences at the time of his pleading guilty. 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). Appellant's allocution, transcribed in the Municipal Transcript, is an explanatory mitigating statement made by Appellant to the municipal judge long after the judge had accepted the plea. (Municipal Transcript, R. p. 66, lines 5-20). This order of events differs drastically from the order of events Respondent seeks to have this Court accept. The allocution, rather than indicating Appellant's pleas were voluntary as claimed by Respondent, clearly demonstrates that Appellant still believed that, due to his right to religious accommodation under South Carolina § 1-32, which he had already twice proven on motion, the municipal court had lost jurisdiction and that he could not legally be found guilty, or face jail time, for the No SCDL and No Vehicle Registration charges. (Municipal Transcript, R. p. 66, lines 5-20). Respondent claims that Appellant "weighed the risk of trial with the plea result," and this is true to some extent, but it clearly shows that Appellant misunderstood his exposure to a possible jail sentence for speeding. Considering Appellant's belief that he could not legally be convicted for the nonmoving charges, the allocution shows that Appellant realistically thought he was facing jail time solely for the speeding charge, which was the only other charge against him. Appellant only made the guilty pleas to avoid what he thought was a possible jail sentence for speeding. (R. p. 31, line 11 – p. 32, line 6**;** R. p. 32, line 25 – p. 33, line 4). To be absolutely clear, when Appellant made the guilty pleas he was mistaken due to an induced misunderstanding, believing that it was in his interests to plead guilty to avoid jail time for the speeding charge and thinking that he could appeal to a higher court to have the municipal court's misdeeds corrected; in that

moment, **without the municipal court providing any notice of his rights or warnings regarding rights waived by making the pleas**, the unrepresented Appellant had no way of knowing that the municipal judge had misstated the possibility of a jail sentence for speeding, or that he might be waiving his rights to have a higher court review the constitutional aspects of the case. (R. p. 32, lines 7-23).

3. **The circuit court was not correct in its determinations, because the pleas given by Appellant were invalid and Appellant's objections and constitutional claims were not lawfully waived.**

The circuit court did not explain its findings in detail, so Appellant cannot respond on a point-by-point basis. Obviously, as the circuit court ruled against Appellant, certain decisions must be assumed to have been made. In answer to those decisions, it will be made be clear to this Court, upon its review of Appellant's Briefs and the Record On Appeal, that the circuit court was incorrect in concluding that: (1) Appellant's pleas were valid and that (2) Appellant's objections and constitutional complaints were waived; if in fact those determinations were made by the circuit court.

In response to Respondent's claim that Appellant admitted to having been notified of his rights while at the circuit court, this is a misleading statement seeking to misdirect this Court. (Initial Brief Of Respondent at p. 5 ¶ 1). More shenanigans. At the appeal hearing, the circuit court judge inquired to determine if Appellant had been notified "of his right to remain silent, right to a jury trial, right to confront and cross-examine the witnesses the state would call against him?" Respondent's attorney, being the same prosecutor that participated in the plea hearing in the "closet", having first hand knowledge of what was said in that "closet" responded, "Unless the Return addresses that, I can't answer that specifically, your Honor." (R.

p. 50, lines 16-23). During this line of questioning by the circuit court judge, Respondent's attorney persisted to evade the question, talking a lot, but failing to answer the question with any specificity. (R. p. 49, line 22 – p. 52, line 2). On this subject, the municipal Return relied upon by Respondent's attorney fails to show that the municipal judge met the minimum Constitutional warning requirements of the Due Process Clause of the 14th Amendment of the U.S. Constitution. The Return shows that the judge only informed Appellant of his rights to a jury trial, a bench trial, and an attorney. (R. p. 13, item "2"). Of the three warnings of waiver of rights inquired of by the circuit court judge, the unrepresented Appellant was only given one of those warnings, and barely that. Appellant had been notified of his right to a jury trial, at a temporally distant motion hearing, nearly a year prior to the trial date. Obviously, the unrepresented Appellant was never notified of his (1) privilege against self-incrimination (i.e. to remain silent) or (2) his right to confront and cross-examine the witnesses the state would call against him, and the record in this case is clear on this. (R. p. 50, line 3).

As stated in the Brief Of Appellant, in order to satisfy the Due Process Clause of the 14th Amendment to the U.S. Constitution, the trial court must inform the defendant about (1) the privilege against self-incrimination; (2) the right to trial by jury; and (3) the right to confront one's accusers. *Boykin v. Alabama*, 395 U.S. 238, 242, 23 L. Ed. 2d 274, 279 (1969).

It appears as though, by Respondent's standards, one out of three isn't too bad. However, the municipal judge's failure to notify Appellant of these Constitutional rights and the accompanying waivers is fatal to Respondent's argument that Appellant's pleas are valid. Being uninformed of these rights and waivers most certainly affected Appellant's thought process and limited his options, as he was forced to think fast on his feet while being forced to negotiate in the "closet." Further, Appellant was not given the notices of rights and warnings of waivers that

the Judiciary of this state recommends that judges provide to unrepresented defendants pleading guilty. (R. p. 52, line 22 – p. 53, line 23**;** See "S.C. Summary Court Benchbook, Criminal Section, Section G. Rights of the Defendant"**,** also "Section H. Trial Procedure, 5. Entering the Plea, b. Counsel").

The truth is that the warnings inquired of by the circuit court judge, required by due process, and recommended by this state's Judiciary appear nowhere in the record, because, beyond the inadequate notices given, as described in the municipal Return, the required warnings and notices were never given to Appellant, at any time, by anyone. Regardless of what Appellant may have thought he knew of his rights, Appellant was unrepresented and, at the time, inexperienced in criminal law. The municipal court's failure to give the notices and warnings left Appellant to his inexperienced, feeble understanding and interpretation of his rights. Appellant was not given a fair opportunity to put into mind the rights he had, or which he would be waiving by making the guilty pleas; nor was he afforded the chance, through questions he might have posed to the municipal judge, to clarify any misconceptions he had regarding those rights and the accompanying waivers.

Appellant will not attempt to guess at why the circuit court did not continue to pursue an affirmative answer to confirm that the warnings were given, but the municipal court's failure to give the warnings invalidates the guilty pleas given by Appellant, and preserves the viability of Appellant's objections and his constitutional and statutory claims for appeal.

Moving on, Respondent cites *State v. Hazel*, which states, "In order for a defendant to knowingly and voluntarily plead guilty, he must have a full understanding of the consequences of his plea." *State v. Hazel*, 275 S.C. 392, 394, 217 S.E. 2d 602, 603 (1980). Appellant sees this as appropriate and fully expects such law to be fully enforced here. In addition though, there are

also other non-optional legal considerations that must be taken into account for a plea to be valid. The record must establish that the guilty plea was voluntarily and understandingly made in order to be valid. *Gaines v. State*, 517 S.E.2d 439 (S.C. 1999) citing *Boykin v. Alabama,* 395 U.S. 238 (1969). "For a guilty plea to be valid, the law requires that a defendant be "realistically" informed of all sentencing possibilities and of his rights and the waivers of those rights. The "court's warning should include an explanation of the defendant's waiver of constitutional rights and a realistic picture of all sentencing possibilities." *State v. Armstrong*, 211 S.E.2d 889 (S.C. 1975). 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). A defendant, after being informed of the evidence against him, must be convinced that he would be found guilty if he went to trial. Such defendant must also receive some benefit from the plea, such as a reduced charge or favorable sentence recommendation. *North Carolina v. Alford*, 400 U.S. 25 (1970).

Whether it was induced by the municipal judge's misstatement of a possible jail sentence for speeding or not, as is still maintained by Appellant and affirmed under Oath and threat of penalty, a close examination of the Record clearly demonstrates that before and after entering the guilty pleas, (1) Appellant misunderstandingly and/or mistakenly thought that he could be sentenced to 30 days in jail for the speeding charge; (2) that Appellant did not believe he could have been found guilty for the No SCDL and No Registration charges because of his South Carolina § 1-32 defense, a position he maintained even after pleading guilty; (3) that Appellant's sole motivation for making the guilty pleas was the avoidance of what he believed to be a possible jail time sentence for speeding; and (4) that Appellant did not have a full understanding of the direct consequences of his plea, as he did not know he was admitting all

facts alleged, waiving his right to appellate review of objections he made to prior rulings of the municipal court, and waiving his right to appeal or challenge several constitutional violations. (R. p. 16, item "1" thru to p. 17**;** R. p. 52, lines 7-16**;** R. p. 108, whole page**;** R. p. 66, lines 6-20**;** R. p. 35, lines 12-19**;** R. p. 17, item "2" thru to p. 18**;** R. p. 53, lines 1-23). **In short, Appellant pled guilty under circumstances of mistake and intimidation and did not have an accurate understanding of his rights or the direct consequences of his plea.** As testimony before the circuit court demonstrates, Appellant would not have made the pleas had he known that he was not at risk of a jail sentence for the speeding charge and/or that he was waiving rights he was specifically relying upon to have a higher court correct the municipal court's error of convicting him for a statutorily and constitutionally untenable charge despite his proven South Carolina § 1-32 defense. (R. p. 52, lines 7-16**;** R. p. 53, lines 9-23).

Further, in spite of Respondent's position, Appellant only misunderstandingly and ignorantly stated that his pleas were voluntarily made. "A plea induced by the influence of the judge cannot be said to have been voluntarily entered." *State v. Cross*, 270 S.C. 44, 240 S.E.2d 514, at 516-517, (1977). Appellant does not make law in this state and has no power to independently overturn *State v. Cross.* Therefore, this Court's review of relevant validity issues remains, particularly issues stemming from (1) the municipal judge initiating and participating in plea discussions while he insisted that a plea agreement be made to avoid his having to conduct the trial of Appellant, (2) the municipal judge and court officers actively working to disallow the trial of Appellant, and (3) the municipal judge's failure to inform Appellant of his rights and waivers before acceptance of the guilty pleas. (Brief Of Appellant at p. 30 item "D" thru to p. 40).

Appellant had a right to plead "not guilty" and go to trial, and should not have been subjected to the municipal judge conducting what was essentially an off the record, biased, yet mandatory, informal arbitration between Appellant and the prosecutor. The record shows that Appellant did not want to make a plea deal with the prosecutor, and was confident that he could not possibly be convicted for the nonmoving charges. (R. p. 32, lines 10-12**;** R. p. 37, lines 3-12**;** R. p. 108, whole page**;** Appellant's Motion For a Directed Verdict, R. p. 91 at ¶¶ 1 - 2). The unrepresented Appellant was merely following what he perceived to be orders from the municipal judge that he negotiate a plea deal. (R. p. 54, lines 6-14). At the time, Appellant did not know that the judge's conduct was not allowed by law or the judiciary of this state. Further, the Record shows that, in direct contradiction to Appellant's desire to go to trial, the municipal judge (1) desired to not have the trial, (2) worked to ensure that no trial occurred, (3) declared success in his efforts to avoid the trial, and (4) admitted as much, on the record in open court. (R. p. 62, lines 10-13**;** R. p. 68, lines 4-7). When a defendant is confident in his defense, and desires to go to trial, it is wholly inappropriate for a judge to join the prosecution in efforts to avoid having the trial. See *State v. Cross*, 270 S.C. 44, 240 S.E.2d 514, at 516-517, (1977).

Each of these circumstances and occurrences is clearly shown in the record and described in detail in the Brief Of Appellant at Section "D", at pages 30 - 40; **since the law prohibits such actions by a court, these issues must be reviewed by this Court to determine how they affected the validity of the guilty pleas given by Appellant.** Appellant's statements, which were mistaken and not understandingly made, cannot authorize these prejudicial actions by the municipal court. Through deception, Respondent seeks to avoid a thorough review by attempting to influence this Court to take a dismissive stance towards Appellant's complaints.

On the day of Appellant's trial in this case, Appellant was treated in much the same manner and spirit as that which Respondent has displayed towards this Court. That is to say that the unrepresented Appellant was subjected to lies and inaccurate statements of fact in order to influence his decision to plead guilty. Such conduct by an adversary, such as a prosecutor may or may not be illegal, but a plea influenced by judicial participation in deceiving and/or pressuring a defendant into a guilty plea cannot be considered valid. In this case, the record demonstrates that Appellant made the guilty pleas under the influences of having to avoid an inaccurately stated jail time sentence for speeding, fear of angering the judge, duress, mistake, and/or other circumstances that Appellant was not responsible for creating. Appellant is the only party presenting his account under Oath and threat of penalty, and his affirmed statements should carry some weight in determining the truth. (R. p. 29, lines 7-8).

B. Appellant's Guilty Pleas Were Invalid; Therefore, Appellant Has Not Waived Any Other Issues Or Arguments On Appeal Before This Court, Response To Standard Of Review.

Because Appellant's pleas were not valid, as described above and in the Brief Of Appellant, Appellant's other issues and arguments on appeal are preserved for consideration and a thorough review by this Court.

As regards Respondent's position regarding the standard of review required for this Court's examination into the validity of Appellant's guilty pleas, Appellant objects to Respondent's proposal and contends that this Court's review of the validity of his guilty pleas should be conducted *de novo* and take the entire record into consideration. Additionally, Appellant urges that his other issues and arguments on appeal should be reviewed under the standards put forth in the Brief Of Appellant.

C. Respondent's Explanation Does Not Justify The Municipal Court's Intentional Creation Of A Partial, Selective, Misleading, And Prejudicial Record, Which Provides An Unfair Advantage To Respondent, While Handicapping Appellant.

In reply to Respondent's position that the municipal court was not required to make a verbatim record, Appellant maintains that the municipal record is selective and prejudicial. Almost immediately after the municipal judge ordered Appellant into the "closet" outside of the courtroom, Appellant expressed his concerns that no record was being made. At that time, to allay Appellant's reservations of speaking in the "closet" rather than in open court, the municipal judge assured Appellant that a record was being made. The judge reminded Appellant that he had ordered the municipal clerk of court to make a record, and the municipal clerk of court was standing there with a small recorder in her hand. (R. p. 62, lines 21-25). With these assurances, Appellant was given reason to believe that a verbatim record was being made at that time, so he chose to continue conversations while in the "closet."

Even if the municipal court was not required by law to make a verbatim record, once the judge told Appellant that they were on the record in the "closet", the "promised" record must be made and delivered. This case has not been conducted without contention, and Appellant was reliant upon the promised record to make sure that the conversations during the "closet" meeting were aboveboard. Had Appellant known that no record was being made, Appellant would have objected to conducting the meeting in the "closet" while being off the record.

Further, because a selective record was made in the "closet", Appellant is now forced into the position of appealing to this Court with an incomplete record. Likely resulting from more of Respondent's shenanigans, only the portions of the promised "closet" recording which would have memorialized the statements and conversations complained of by Appellant are missing from the delivered municipal audio record. (R. p. 61, lines 1-15). Appellant is most certainly

prejudiced by the selective record, as unlike Respondent, Appellant is unable to support many of his allegations with verbatim proofs. (R. p. 36, lines 2-8). There is no good excuse for this. If, as the "Judge's Notes" claim, going into the "closet" was necessary in order to get outside of the jury's presence, that still does not explain why a recording was (1) ordered to be made while Appellant met with the judge, prosecutor, and court officers in the "closet," (2) promised to be made, (3) but intentionally, only selectively made.

Since Respondent is relying on laws which direct that municipal courts are not courts of record, let's examine why there was any recording made in the "closet" at all. It's not the case that the municipal court's officers simply forgot to make any record while in the "closet." They made a selective recording that benefits only the prosecution. Appellant argues that once he was "promised" that a record was being made, he had a similar right to benefit from portions of a hypothetical complete record that would have been to his advantage as well. Respondent and Appellant should be on equal footing in the nature of proof each is able to present to this Court. Respondent has access to a verbatim record as it attempts to support its claim that Appellant pled guilty under lawful conditions, while Appellant has to rely on summaries and denials written, after the filing of his appeal, by the very municipal judge who broke the rules to persecute Appellant. The selective record of the "closet" meeting is the epitome of a "prejudicial record."

That the record made in the "closet" is selective and deliberately intended to disadvantage Appellant is easily proven. Before the circuit court, Respondent's attorney claimed that the meeting in the "closet", referred to by Respondent's attorney as a "break room," was "on the record." (R. p. 50, lines 11-17). This statement is false and misleading in that it creates the impression that all of the conversations in the break room were "on the record." If the record is claimed to be complete and non-selective, then Appellant could claim that **no** constitutional

warnings were given and that **no** description of the potential sentences was given to Appellant at all, as none appear anywhere in the Municipal Transcript. Instead, in honesty, Appellant has affirmed that the municipal judge, like the circuit court judge, misstated the possible sentence of 30 days in jail for the speeding charge against Appellant. (R. p. 49, lines 13-19**;** R. p. 52, lines 7-16). Regarding the Municipal Transcript, nothing could be more prejudicial than Respondent's municipal court deliberately not making portions of the record, and Respondent now wanting this Court to disregard Appellant's affirmed claim, that the possibility of a 30-day jail sentence for the speeding charge was told to him by the municipal judge, simply because the judge's misstatement does not appear in the transcript. Without a complete record, Appellant's Oath/Affirmed claims are pitted against, after the fact, unsworn statements made by the municipal judge and prosecutor, both of whom sought to subvert Appellant's rights throughout this case.

Further, while it may be true that a summary court in South Carolina may submit a written summarization of proceedings in the form of a written Return, neither the law nor the regulating judiciary of this state can allow, advocate or proscribe that false, intentionally misleading, or grossly inaccurate statements be made in a Return sent in response to a criminal appeal. The error filled "Judge's Notes", was relied on by the circuit court in making its determinations. Appellant is merely pointing out, to this Court, the fact that the majority of things claimed to have been done in the "Judge's Notes" portion of the municipal Return to Appellant's appeal are either directly contradicted by other portions of the record, unsupported by any portion of the record, or wholly false. (Brief Of Appellant at p. 26 at item "C" thru to p. 30).

D. The Municipal Court Committed An Error Of Law, Abuse Of Discretion, And/Or Exceeded Its Jurisdiction by Allowing Continued Prosecution Of Appellant, Convicting Appellant, And Punishing Appellant For The No SCDL Charge.

1. Once proven, Appellant's South Carolina § 1-32 defense was sufficient to prohibit continued prosecution and/or conviction of Appellant, and the defense deprived the municipal court of further jurisdiction to allow the continued prosecution, conviction, and punishment of Appellant for the nonmoving charges.

In response to Respondent's contention that Appellant's South Carolina § 1-32 defense was non-jurisdictional, Appellant argues that, although this defense did not initially prohibit Appellant's prosecution, after the defense was proven, it should have barred further prosecution, trial, and conviction of Appellant. Therefore, Appellant puts forward that although his defense, motions, proofs, and affidavits presented to the municipal court prior to making the guilty pleas may not have precluded jurisdiction per se, they amply proved Appellant's defense to the point of being dispositive of the nonmoving charges in this case. Importantly, the record shows that the state never challenged the sincerity of Appellant's religious beliefs, only whether the exemptions allowed as part of Appellant's South Carolina § 1-32 defense were legally adequate to give Appellant a right to accommodation which would prohibit further prosecution of Appellant and/or prohibit Appellant's conviction for the nonmoving charges. In fact, Respondent's prosecutor accepted that Appellant qualified for an exemption, but proposed that the exemption was not adequate to prohibit further conviction of Appellant. (R. p. 51, line 25 - p. 52, line 2). As Respondent's prosecutor is a trained attorney, with many years of experience, his inaccurate position on the adequacy of Appellant's South Carolina § 1-32 defense is deliberate and premeditated, and pretext to deprive Appellant of his protected rights.

The Record in this case makes it reasonable to conclude that, regarding the nonmoving charges, there was no genuine factual dispute requiring a trial by either a judge or jury, as nothing factually relevant would have been added by a trial because, (1) the prosecution could not reasonably disprove Appellant's religious beliefs or his sincerity, and in fact, had not challenged either through several hearings; (2) Appellant had already declared his sincere religious beliefs under Oath/Affirmation and provided written original Affidavits to the municipal court; and (3) Appellant had already provided a written memorandum of law detailing the relevant statutes and exemptions, which explained to the municipal judge and prosecutor why Appellant had a legal right to accommodation and exemption under South Carolina § 1-32. In short, Appellant's right to accommodation and/or exemption under South Carolina § 1-32 was known to the municipal judge and prosecutor, and was sufficient to prohibit further prosecution of Appellant for the charges of No SCDL and No Vehicle Registration. (Brief Of Appellant at p. 9, Argument "A" thru to p. 23 at ¶ 2**;** Appellant's Motion For A Directed Verdict at R. pp. 80-91**;** Affidavit at R. pp. 137-138, items "1" and "5"**;** Affidavit at R. pp. 119-121, items "1", "5", "8" and "9").

All of the proof the municipal judge and prosecutor needed to recognize Appellant's rights and conclude that Appellant could not possibly be convicted or punished for the nonmoving charges had been filed and discussed before the municipal court, prior to Appellant making the guilty pleas. (R. p. 33, lines 7-14). The filings had already been reviewed by the judge and the prosecutor, and were discussed in the "closet" on the day of trial. (R. p. 13, item "5"**;** R. p. 66, line 21 – p. 67, line 8). Therefore, the municipal judge knew, or should have known, that **(1)** for religious reasons, Appellant DID conduct himself contrary to the licensing and registration laws of the state, **(2)** that Appellant claimed a South Carolina § 1-32 defense for

his facially "illegal" conduct, **(3)** that Appellant had provided voluminous oral and written proofs and explanations of his sincerely held religious beliefs throughout the case, particularly, in affirmed affidavits, within his Motion To Compel, Motion To Dismiss, and in his extensive explanation of his South Carolina § 1-32 defense within his Motion For A Directed Verdict, **(4)** that the laws in question were not generally applicable and did not enforce a constitutionally genuine compelling state interest, **(5)** that statutes complimentary to the statutes under which Appellant was charged allowed many exemptions for secular purposes, and **(6)** that the state was not regulating Appellant by the least restrictive means, as required by law. Under these circumstances, the municipal judge had absolutely no power, no duty, no authority, nor any discretion to convict Appellant for the nonmoving charges in this case, much less to sanction or punish Appellant for noncompliance with the licensing and registration laws in question.

Appellant argues that the municipal court's jurisdiction does not extend into matters where it has absolutely no power, no duty, no authority, nor any discretion to act. "Jurisdiction is the power to hear and determine the subject matter in controversy between parties to a suit, to adjudicate or exercise any judicial power over them . . . ." *Rhode Island v. Massachusetts*, 37 U.S. 657, 718 (1838). "The statutory and (especially) constitutional elements of jurisdiction are an essential ingredient of separation and equilibration of powers, restraining the courts from acting at certain times, and even restraining them from acting permanently regarding certain subjects." *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 101 (1998).

Under the current laws of this State, the United States, and the United Nations, Respondent's municipal court could never, EVER, have power, duty, authority, or discretion to sanction or punish Appellant for violating laws which substantially burden Appellant's free exercise of religion, whenever such laws: (1) are not generally applicable, (2) aim to enforce a

non-compelling state interest, (3) allow exemptions for secular reasons, and (4) allow exemptions which regulate by less restrictive means than the state seeks to impose on Appellant. This is precisely the circumstance that exists regarding the nonmoving charges in this case, and that is a permanent and absolute truth. No way around it. Upon Appellant's motion to dismiss, or sua sponte, once the municipal judge had knowledge of proof sufficient to prove Appellant's South Carolina § 1-32 defense, as was provided, the only power or authority the judge had left, as to the two nonmoving charges, lie in his duty and authority to dismiss the charges and discontinue allowing prosecution of Appellant for those charges.

By continuing to allow prosecution of Appellant for the nonmoving charges, despite and over Appellant's motions/protests, and convicting Appellant for No SCDL, the municipal judge committed an error of law, or alternatively, abused discretion, at a minimum. Had the municipal judge done what the law required, Appellant could have addressed the speeding charge and been done with the case altogether.

Interestingly, the circuit court judge was made aware of the same circumstances described at items (1) – (6) above, but ruled against Appellant in his appeal to the circuit court. (R. p. 42, line 3 - p. 45, line 5; R. p. 19, item "5" thru to p. 20). Also interesting is the fact that, like the municipal judge, the circuit court judge initially misstated the same possibility of a 30-day jail sentence for the speeding charge against Appellant. (R. p. 49, lines 13-21); however, unlike the municipal judge, the circuit court judge did not have the benefit of presenting a revisionist Return before others recognized his inaccuracy.

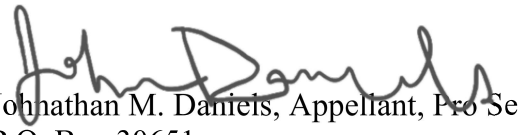
F. Conclusion.

In light of the above, this Court should **(1)** vacate Appellant's conviction for the charge of No SCDL; **(2)** instruct that the municipal court to dismiss the No Vehicle Registration charge as unenforceable under South Carolina § 1-32 and/or unconstitutional-as-enforced (the municipal court has no discretion to do otherwise, given the Record in this case); **(3)** remand the speeding charge back to the municipal court; **(4)** issue an order requiring Respondent and other privies of the State to accommodate Appellant regarding the State's drivers license and registration requirements under authority of South Carolina § 1-32 and the state and federal constitutions, **(5)** conduct an inquiry into misconduct of Respondent's municipal court officers, and **(6)** provide Appellant any other relief this Court deems to be in the interests of justice. This request is a clarification of Appellant's previous request for relief. As Appellant is untrained and unrepresented, having only cursory knowledge of civil litigation and almost no experience in criminal law, Appellant may have previously requested relief which this Court cannot grant.

I, Appellant, Johnathan Martia Daniels, Appeal to this Honorable Court for Myself and take full responsibility for everything written by My hand. It is most disconcerting that this persecution was carried out, and I intend to seek justice without end. As a descendant of Hebrew Negros, who were persecuted by the Inquistion of the Empire and suffered the pains and penalties of Alhambra, as described in the Record of this case, for Me to face religious persecution in the South Carolina, in 2021, at the hands of a state funded, black robed judge is very reminiscent of what My ancestors went through in the days of the inquistition and is abhorrent to the sensibility of godly people the world over. If this Court does not intervene, injustice will prevail, and confidence in the Judiciary of this State will almost certainly be negatively impacted.

Respectfully Submitted,

March 28th, 2023



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SC Court of Appeals

SOUTH CAROLINA
In The Court Of Appeals

Case No. 2022-001437

Johnathan Daniels, Appellant.

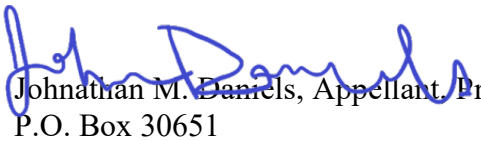
v.

The City of Cayce Respondent,

CERTIFICATE OF APPELLANT

The undersigned certified that Appellant's Final Briefs comply with Rule 211(b), SCACR.

April 2nd, 2023



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THE SOUTH CAROLINA
In The Court Of
Appeals

Case No. 2022-001437

Johnathan Daniels, Appellant.

v.

The City of Cayce Respondent,

RECORD ON APPEAL

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Certification Of Appellant

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ELECTRONICALLY FILED - 2022 Oct 07 10:44 AM - LEXINGTON - COMMON PLEAS - CASE#2021CP3203639

STATE OF SOUTH CAROLINA)	IN THE COUTY OF COMMON PLEAS
)	FOR THE ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON)	
)	Case No.: 2021-CP-32-03639
Johnathan Daniels,)	
)	
Appellant,)	**ORDER**
)	
vs.)	
)	
City of Cayce,)	
)	
Respondent.)	
)	

This matter came before me on September 22, 2022 pursuant to an appeal filed by Appellant dated November 4, 2021. This appeal was filed by Appellant after a guilty plea in Cayce Municipal Court which occurred on October 28, 2021.

After considering the oral arguments presented by both parties on September 22, 2022, and after review of the appeal and return of Judge Bryan Jeffries, I find the Appellant knowingly and voluntarily pled guilty to the charges appealed from on October 28, 2021 as reflected in the transcript of that plea.

I affirm the decision of the Municipal Court and therefore deny this appeal.

AND IT IS SO ORDERED.

Columbia, South Carolina
October 3, 2022

The Honorable Judge Robert E, Hood

ELECTRONICALLY FILED - 2022 Sep 27 9:28 AM - LEXINGTON - COMMON PLEAS - CASE#2021CP3203639

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Lexington
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP3203639

Johnathan Daniels
PLAINTIFF(S)

City Of Cayce South Carolina State of
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*: ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

This matter was before the Court on Thursday, September 22, 2022 at 10:00 a.m. upon the Appellant Johnathan Daniels's Motion to Amend/Cure Deficiency of Service of Notice. Appellant was present. Present representing the Respondent was Daniel Ernest Peagler. The Court finds that the decision of the lower court is affirmed and therefore denies this Motion. Counsel for Respondent is to draft an order reflecting this judgment by October 2, 2022.

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/27/2022 .

Johnathan Daniels for Johnathan Daniels
Johnathan Daniels for Johnathan Daniels

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ELECTRONICALLY FILED - 2022 Sep 27 9:28 AM - LEXINGTON - COMMON PLEAS - CASE#2021CP3203639

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Lexington Common Pleas

Case Caption: Johnathan Daniels VS City Of Cayce South Carolina State of

Case Number: 2021CP3203639

Type: Order/Electronic Form 4

So Ordered

s/ R.E. Hood #2164

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Lexington
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2021CP3203639

Johnathan Daniels
PLAINTIFF(S)

City Of Cayce South Carolina State of
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*: ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

This matter was before the Court on Thursday, September 22, 2022 at 9:30 a.m. upon Appellant Johnathan Daniels's appeal. Appellant was present. Present representing the Respondent was Daniel Ernest Peagler. The Court finds that the decision of the lower court is affirmed and therefore denies this Appeal. Counsel for Respondent is to draft an order reflecting this judgment by October 2, 2022.

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 09/27/2022 .

Johnathan Daniels for Johnathan Daniels
Johnathan Daniels for Johnathan Daniels

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2022 Sep 27 9:39 AM - LEXINGTON - COMMON PLEAS - CASE#2021CP3203639

Court Reporter:

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Lexington Common Pleas

Case Caption: Johnathan Daniels VS City Of Cayce South Carolina State of

Case Number: 2021CP3203639

Type: Order/Electronic Form 4

So Ordered

s/ R.E. Hood #2164

STATE OF SOUTH CAROLINA)
MUNICIPALITY OF CAYCE) IN THE CIRCUIT COURT

FILED
2021 NOV 24 PM 3:33
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

STATE)
)
VS) MUNICIPAL'S RETURN
) OF
JOHNATHAN DANIELS) CRIMINAL APPEAL
)
)
DEFENDANT'S)
(ADDRESS))

This matter is on appeal from the Municipal Court of CAYCE, South Carolina, the Honorable, Bryan Jeffries, Presiding Judge

The defendant, Johnathan Daniels was charged with violating S. C. Code Ann. § 56-05-1520(G)(3), 56-01-0020 and 56-03-0110 which is commonly referred to as Operation of a Vehicle Which is Not Registered, Speeding and Driving Without a License on December 9, 2019.

This matter was heard in a (Guilty Plea) and the October 29, 2021 Notice of Appeal was filed on November 4, 2021. The proceedings were (check appropriate box) ☒ recorded electronically. ☐ recorded by a court reporter. ☐ recorded in writing by the judge.

The jury list was prepared pursuant to S. C. Code Ann. (Check appropriate Box) ☒ § 22-2-80. Selection of jury list for a single trial, ☐ § 22-2-90. Selection of jury list for scheduled terms of jury trials, and the Defendant and the State was given an opportunity to exercise peremptory challenges on 7/22/2021

The State called the following witnesses:

1. GUILTY PLEA
2.
3.
4.
5.
6.
7.
8.
9.
10.

A summary of their testimony is attached.

The Defendant called the following witnesses:

1. GUILTY PLEA
2.
3.
4.
5.
6.
7.
8.
9.
10.

A summary of their testimony is attached.

The State made the following Motions:

1. GUILTY PLEA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

A summary of the State's and Defendant's position on each motion and the Court's ruling is attached.

The Defendant made the following Motions:

1. GUILTY PLEA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

A summary of the Defendant's and State's position on each motion and the Court's ruling is attached.

The State offered the following items into evidence:

1. GUILTY PLEA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

The Defendant raised the following objections to the items that the State sought to introduce into evidence:

1. GUILTY PLEA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

A summary of the Defendant's and State's position and the Court's ruling on the objection is attached.

The Defendant offered the following items into evidence:

1. GUILTY PLEA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

The State raised the following objections to the items that the Defendant sought to introduce into evidence:

1. GUILTY PLEA
2. _____
3. _____
4. _____
6. _____
7. _____
8. _____
9. _____

5. _____ 10. _____

A summary of the State's and Defendant's position and the Court's ruling on the objection is attached.

The Defendant pled guilty of violating S. C. Code Ann. § 56-01-0020 and 56-03-0110 (negotiated)

commonly known as Speeding and Driving Without a License and the Court imposed the following sentence: Speeding: fine in the amount of $180.63, Driving Without a License: fine in the amount of $155.00 (Operation of a Vehicle Which is Not Registered-05-1520(G)(3) was dismissed by NP in exchange for the guilty plea to the other two tickets)

Judges Notes-Johnathan Daniels Guilty Plea

Defendant entered a negotiated guilty plea to take advantage of having charges dismissed in exchange for a guilty plea to others.

1. Error allegation: misstating maximum penalties. **Defendant (unrepresented) was advised of the sentencing range for the 3 traffic offenses he was charged with. Told that No SCDL penalty range is a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, Operating or permitting operation of vehicle which is not registered and licensed penalty range is a fine of not more than one hundred dollars or imprisonment for not more than thirty days and Speeding (more than 15 but less than 25 mph over the speed limit) penalty range is a fine of not less than fifty dollars nor more than seventy-five dollars.**

2. Failing to inform defendant of his rights before the plea acceptance: **I advised the defendant on a number of occasions of his right a jury trial, a bench trial, an attorney. He had previously requested a jury trial and the jury was assembled and trial was to go forward the morning he entered the guilty plea.**

3. Trial courts failure to review evidence: **No evidence was submitted in that no trial took place.**

4. Insistence that plea negotiations take place: **I certainly did not insist or participate. Negotiations were done outside my presence.**

5. Refusing to make a ruling on directed verdict motion: **I advised defendant that he could only make a directed verdict motion after the prosecution had presented its case in chief.**

6. Holding a non-public "closed court" session in a break room "closet" adjacent to court room: **Because of COVID protocols we are forced to use Cayce City Counsel Chambers to hold jury trials because it is a larger space than our court room. We use the break room to discuss matters outside of the assembled jury' presence. I took the guilty plea in there with the clerk of court who recorded the plea, the prosecutor, prosecuting officer, and defendant, Mr. Daniels were present.**

7. **Not clear the nature of this contention**

8. Denial of defendant's motion to compel discovery: **ruled on the motion and required the prosecution to turn over all evidence to be used in case in chief and any expulpatory evidence.**

9. **The defendant's other contentions deal with the prosecution**

Judge Bryan Jeffries, Municipal Judge City of Cayce

2021CP3203639

STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

JOHNATHAN DANIELS,

DEFENDANT,

LEXINGTON COUNTY
COURT OF COMMON PLEAS

RE: City Of Cayce Municipal Court
Ticket #'s: 20190370006790
20190370006791
20190370006792

NOTICE OF APPEAL
NOTICE OF OBJECTIONS

Pursuant to Rule 18, Magistrate Court Rules governing applications for appeal, **Defendant, Pro Se**, Johnathan Martia Daniels, respectfully files this **Notice of Appeal**, and **Notice of Objection** regarding his convictions in the City of Cayce's Municipal Court, Re: ticket #s 20190370006790, 20190370006791, and 20190370006792.

Defendant appeals to the Circuit Court for Lexington County requesting that the defendant be allowed to withdraw his guilty pleas, that the defendant's conviction be overturned, and the case remanded to the trial court for a ruling on defendant's Motion for a Directed Verdict, filed October 5th, 2021.

OBJECTIONS TO THE TRIAL COURT:

This written notice of objection is needed to overcome manipulation of the official record in the case and prevent unwarranted prejudice[1]. Regarding events at trial on October 28th, 2021, the trial court, judge Jeffries presiding, is hereby given timely notice of defendant's objection to: (1) the trial court's error in misstating the maximum penalties during plea discussions, by the judge stating the court could give 30 days jailtime for the speeding charge when the maximum punishment was only a fine, among other inaccuracies; (2) the trial court's error in failing to inform defendant of his rights before the plea acceptance; (3) the trial court's error in failing to review evidence,

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2021 NOV -4 PM 3:41
LISA M. CRIBB
CLERK OF COURT
LEXINGTON S.C.

[1] Defendant has been repeatedly "politically profiled" as a "sovereign citizen" by Cayce law enforcement, judges, and court officers. To the contrary, defendant: (1) recognizes the state's right to regulate the roads and to issue licenses and permits, (2) is current in county auto taxes, (3) maintains vehicle liability insurance, (4) and respects the law from top to bottom, including South Carolina's Religious Freedom Act, Section 1 Chapter 32, which forms the basis of defendant's defense. Please see the **entirety** of the Motion for a Directed Verdict, filed at Cayce Municipal Court on October 5th, 2021.

examine facts, and to question the defendant regarding admission to any of the facts alleged prior to accepting the plea; (4) judge Jeffries' insistence on, and participation in plea negotiations between the parties; (5) the trial court's error or abuse of discretion in refusing to make a ruling, as was requested on October 28th, 2021, regarding defendant's Motion for a Directed Verdict, which was filed on October 5th, 2021; (6) judge Jeffries holding a non public, "closed court" session, in a break room "closet" adjacent to the court room; (7) to the prosecution of defendant on charges for "no vehicle registration" which was prohibited by an estoppel in the nature of a collateral estoppel to prevent "double jeopardy"; (8) denial of the defendant's motion to compel discovery responses from the state, which was previously objected to; (9) and the city's law enforcement and court officers labeling defendant as a "sovereign citizen," which is an infamous person and a domestic terrorist.

To prevent continued oppression and deprivation of defendant's rights under color of law, the defendant also requests that the court stay sentencing until this appeal has been heard by the Circuit Court.

This notice of appeal and a certificate of service will be filed with the Circuit Court Clerk for Lexington County. The court is hereby requested to file a return in response to this notice of appeal, together with the complete case record, a statement of all proceedings, and the testimony taken at trial and/or hearings with the Circuit Court for Lexington County within 30 days of the date this notice is filed with the same.

TO THE CIRCUIT COURT:

The defendant respectfully appeals to the Circuit Court to prevent injustice and unlawful deprivations of his constitutionally protected rights. Objections preserving defendant's right to appeal each issue presented herein were timely made and appear in the case record.

Wherefore, on the grounds given below, defendant asks that the Circuit Court issue an order vacating defendant's pleas of "guilty" for each charge, remanding the case back to the trial court, and directing the trial court to make a ruling on defendant's Motion for a Directed Verdict, as was requested on October 28th, 2021.

The grounds given for appeal of the trial court's decisions and/or conduct in this case follow.

1. **The defense appeals from the entry of guilty pleas in this case, because the pleas given by the defendant were induced by the judge stating inaccurate maximum penalties for the charges to the defendant. This error was tantamount to a threat, and it did work to coerce and induce defendant into pleading guilt, making his pleas involuntarily given, and causing prejudice against the defendant.**

Judge Jeffries cited **30 days in jail AND a fine** for Violation of 56-5-1520(G)(3), 30 days in jail **AND** a fine for Violation of 56-1-0020, 1st offense, 30 days in jail **AND** a fine for Violation of 56-3-0110, for a total exposure of 90 days in jail **AND** fines, should the defendant be found Guilty on all charges at trial, when in reality:

A. Violation of 56-5-1520(G)(3) (More than 15 over, but less than 25 over) "in excess of fifteen miles an hour but less than twenty-five miles an hour above the posted limit by a fine of not less than fifty dollars nor more than seventy-five dollars." **The code lists no jail penalty for the violation, it is FINE ONLY.**

"B. Violation of 56-1-0020, 1st Offense. "**SECTION 56-1-440.** Penalties for driving without license; summary court jurisdiction.

(A) A person who drives a motor vehicle on a public highway of this State without a driver's license in violation of Section 56-1-20 is guilty of a misdemeanor and, upon conviction of a first offense, **must be fined not less than fifty dollars nor more than one hundred dollars OR imprisoned for thirty days** [emphasis added] and, upon conviction of a second offense, be fined five hundred dollars or imprisoned for forty-five days, or both, and for a third and subsequent offense must be imprisoned for not less than forty-five days nor more than six months. However, a charge of driving a motor vehicle without a driver's license must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court."

C. Violation of 56-3-0110, 1st Offense. **SECTION 56-3-2520.** Penalties.

"It is a misdemeanor for any person to violate any of the provisions of this

chapter unless such violation is by this chapter or other law of this State declared to be a felony. Unless another penalty is by the laws of this State provided every person convicted of a misdemeanor for violation of any provisions of this chapter **shall be punished by a fine of not more than one hundred dollars OR imprisonment for not more than thirty days** [emphasis added]."

The defendant was willing to go to trial for the two administrative charges, but the erroneous threat of jailtime for the moving violation of speeding (for which the defendant offered no defense), as well as the erroneously heightened penalties for the other charges, induced defendant into making a plea deal with the state's prosecutor; but for the error, defendant would have taken the all of the charges before the jury.

2. **The defendant appeals from the entry of guilty pleas in this case, because the pleas were induced without the defendant being notified of his rights or the waivers which accompanied the pleas, causing prejudice against defendant.**

The trial court erred in accepting defendant's guilty pleas because the judge never notified defendant of his rights (such as rights to: a public trial, to a jury trial, to confront his accusers, to his privilege against compulsory self incrimination, to testify on his own behalf, to cross examine state witnesses; that the state had to prove beyond a reasonable doubt that he is guilty; that the jury's verdict had to be unanimous; that defendant understood that he was admitting all matters of fact in the accusation; that by pleading guilty defendant was giving up any objections he may have to the charges; to an accurate citing of maximum penalties the court could impose; to sign and complete a form SCCA 685 (any similar form in the record is an outright forgery, as none was ever presented to the defendant).

Defendant was not aware of the underlined rights at the time of giving the pleas, and was thus denied the opportunity to make an informed decision before entering the plea agreement with the state's prosecutor. As an illustration, even in giving the guilty plea to the charge of driving without a license, defendant was still reliant upon his right to appeal his conviction of the charge, and he had no idea that giving the plea would forfeit his right to appeal the conviction. Further,

defendant was never placed under oath, nor was he asked to admit to any factual allegations, nor did he do so voluntarily.

3. **The defendant appeals from the entry of guilty pleas in this case, because before accepting the plea agreement, proper procedure was not afforded followed, causing prejudice against defendant.**

Judge Jeffries did not (1) review the evidence that the prosecutor would have introduced, (2) did not examine the facts of the case, (3) and did not question the defendant regarding any admission to any fact related to the allegations charged, and as a result, the trial court ended up accepting a guilty plea to an unconstitutional charge.

Had the trial court reviewed the evidence, examined the facts, and questioned the defendant, certain impossibilities could have been brought to the court's attention, and to the defendant's attention as well. For example, if defendant were to be asked, "Did you a have a valid drivers license on the day you were cited for not having one?", defendant would have had the opportunity to answer, "No, but I was not required to have one, because since 2017 the state has accommodated me as required by the South Carolina Religious Freedom Act, Section 1 Chapter 32, and the state of South Carolina has determined not to prosecute me for administrative charges of that nature."

Such an answer, which is a truthful one by the way, would have alerted the court and the defendant that a guilty plea to a charge for no drivers license could not truthfully and lawfully be given by the defendant, nor accepted by the court. Evidence of the state's religious accommodation to the defendant was included in the defendant's Motion for a Directed Verdict, filed on October 5th, 2021, on which the trial court refused to make a ruling; and verbal notices informing the court were given to the court and prosecutor at hearings prior to October 28th, 2021.

Along with allowing prohibited prosecution, this departure from procedure undercut the defendant's negotiating position and resulted in deprivation of rights and injustice.

4. **The defendant appeals from the entry of guilty pleas in this case, because the guilty pleas given by the defendant were induced by the judge initiating and participating in negotiations between the prosecutor and the defendant, causing prejudice against the defendant.**

The judge initiated negotiations after (1) the parties had already met and were unable to reach agreement, (2) the defendant told the judge he was ready for trial, and (3) neither party requested further negotiation. The judge asked that the parties meet with him outside and initiated talks for a plea agreement. The judge even interjected in the talks and changed the nature of plea discussions from a "negotiated plea" to a prosecutorial "recommendation", which alerted the defendant to the judge's hostility towards him and caused the defendant to enter negotiations with the prosecutor. The harmed the defense in this case.

5. **The defendant appeals from the entry of guilty pleas in this case, because the trial court, with knowledge, erred or abused discretion by denying or neglecting the defendant's Motion for a Directed Verdict, causing prejudice against the defendant.**

After attempts to reach an agreement with the prosecutor, and before making any plea deal, the defendant went into court to begin trial. All parties were present and the Judge started the proceedings. When the judge asked defendant if he was ready too start, the defendant told the judge that he was ready to start trial. The judge then asked both parties to meet outside the courtroom. This meeting was unsolicited by either party. Outside the courtroom, the defendant asked the Judge to make a ruling on his Motion for a Directed Verdict, but the judge proceeded to insist on the defendant making an agreement with the prosecutor.

The trial court should have made a ruling on the motion as requested by the defendant, because the motion for a directed verdict was filed on October 5th, 2021, 23 days before the trial date of October 28th, 2021 and the Judge had adequate time to consider it.

The defendant's filing of the motion for a directed verdict, by definition, meant that the defendant was claiming that the law prohibits his being found guilty. To prevent accepting a guilty plea to a potentially unconstitutional charge

(as was clearly claimed by the defendant), the judge should have made a decision on the Motion for a Directed verdict before accepting a guilty plea from the defendant.

In this case, the trial court erred or abused discretion in neglecting or refusing to make a ruling on the motion, or otherwise determine if the law even allows the possibility that the defendant could be guilty of the charges. The law in this case does not allow such guilt to be attributed to the defendant for the charges of no drivers license and no vehicle registration.

6. **The defendant appeals from the entry of guilty pleas in this case, because the court erred or abused discretion when the judge, the clerk, and the prosecutor held a non public, "closed court" session, in a break room "closet" adjacent to the court room, causing prejudice against the defendant.**

This was done despite the the jury being present, all parties being present, and the courtroom being ready for trial. As state above at #5, the judge called the parties to meet outside of the courtroom. This was not solicited by either party.

The judge led the parties into a breakroom "closet" adjacent to the courtroom, and initiated a discussion suggestive that defendant should reach an agreement with the prosecutor. The defendant made several statements that he was ready for trial, but each time, the conversation was steered back to the defendant making a plea agreement with the prosecutor.

While in the "closet," the clerk of court used a handheld device to make a recording of the lawfully deficient plea acceptance only, while the great majority of conversations between the judge, prosecutor, and the defendant were not recorded. The defendant's guilty pleas should have been made in open court, under oath, so that a complete and accurate record could be made. **The record in this case is selective in nature, and not whole or complete.**

7. **The defendant appeals from the entry of guilty pleas in this case, because the drivers license and vehicle registration charges should not have been prosecuted due to an estoppel in the nature of a collateral estoppel to prevent**

"double jeopardy", which is prohibited by the state and federal constitutions, at South Carolina, Section 12 and the 5th Amendment to the U.S. Constitution, as incorporated through the 14th Amendment, which caused prejudice against the defendant.

The defendant has previously notified the court and prosecutor, orally and in writing (by affidavit and in a Motion For A Directed Verdict) that the state had previously accommodated him regarding vehicle registration licensing requirements, in 2017 and in 2018. The state's trial judges and prosecutors in prior cases have agreed to nolle prosse vehicle registration license charges as a religious accommodation to the defendant. In those cases, there were no accompanying charges, defendant did not offer any defense on the merits, nor did defendant enter any plea. The charges were nolle prossed because they were unlawful under the circumstances, and not due to any plea agreement.

The case under appeal is not substantially different from the prior cases, and here, defendant intended to enter a guilty plea to the speeding charge and expected to have the other two charges nolle prossed by the state. The prior religious accommodation of defendant's free exercise of religion by state trial judges (who are policymakers for the state) and prosecutors should have been recognized by the court and prosecutor in this case, and served as an estoppel to prevent a "double jeopardy" condition. This would have prevented the defendant being charged repetitively by the state for substantially the same issue. These administrative charges were vexatious, and were prosecuted in violation of South Carolina's Constitution, Section 12 and the 5th Amendment to the U.S. Constitution, as incorporated through the 14th Amendment.

The prosecutor knowingly and prejudicially pursued charges because he labeled the defendant as a sovereign citizen, causing the state to bring effectively the same suit as defined by the same substantive legal issue, which was previously decided in other venues or at other times, against the same defendant.

In the case under appeal, the judge and prosecutor knew, or should have known, of the circumstances, had they listened to the defendant in hearings, or had they been diligent in reading the Motion For A Directed Verdict, which had been in their possession for more than 3 weeks before the trial date, and which was ripe for ruling when the defendant answered,"yes your honor" to the judge's questioning, "are you [defendant] ready to start the the trial?" and the defendant requested a ruling on the motion.

8. **The defendant appeals because the court erred or abused discretion by denying the defendant's motion to compel discovery responses from the state, causing prejudice against the defendant.**

The United States Supreme Court, in *Brady v Maryland*, required the turning over of all exculpatory material, erroring on the side of giving too much disclosure rather than giving too little. Brady v. Maryland, 373 U.S. 83 (1963). The United States Supreme Court explained further, in *Kyle's v Whitley*, that prosecutors are required to provide discovery of exculpatory information and materials in the possession or control of state agencies that have provided information to the prosecution. Kyles v. Whitley, 514 U.S. 419 (1995).

The defendant filed a Motion to Compel exculpatory information and documents from the state on August 31st, 2020, which was denied by the court. The volume of materials and information requested was not oppressive or undue, because defendant's liberty and property were at stake. Further, other state agencies had provided information to the prosecution, such as the South Carolina Department of Motor Vehicles.

The court should have ordered the discovery to be produced by the state, and if the materials and information requested did not exist, the state could have responded so, or objected in the usual way and according to the rules (i.e., a response or objection to each individual request, stating the reason, if any, for an objection). Even a statement that the materials did not exist might have proven useful to the defense; and the defendant's request for identification of witnesses may have led to testimony benefiting either party. The court's ruling was prejudicial in that the judge made assumptions as to whether or not the evidence

existed and whether the materials potentially given in response to the requests might be exculpatory. The judge did not know with certainty that the requested materials or information did not help the defendant's case. Indeed, the trial court intentionally closed the door, denying the defendant the right to even ask, or to search, for information that may have proven to be exculpatory.

Worse still, the likelihood remains that the judge, like the prosecutor[2], did not read or consider the motion at all, in which case the defendant has been denied meaningful access to the courts; that being, in and of itself, a denial of due process.

The trial court improperly shielded the state from having to respond via production or objection. Such a ruling resolved nothing and only served to leave defendant in ignorance as to whether the information requested existed or not, and this circumstance denied the defendant due process and severely hampered the formulation of his defense.

9. **The defendant appeals because the court erred or abused discretion by treating the defendant as a sovereign citizen in open court, and the court's officers treating defendant as though this was true. This labeling of the defendant has tainted the entirety of this case and resulted in prejudice, and deprivations of defendants constitutionally protected rights.**

The charging officer in the case under appeal, officer Garmin, accused the defendant of being a "damned sovereign citizen" at the initial hearing in this case. This has been very damaging to the defendant, resulting in his documents not being read, and his arguments and propositions being taken as folly and ruled against immediately, without genuine consideration.

Although defendant has inquired into particular subject matters via his discovery requests, he IS NOT A SOVEREIGN CITIZEN OR A TERRORIST.

---

[2] The prosecutor for the state in this case, admitted on October 28th, 2021, that he has not read any of the defendant's filings, and went on to say that his reading the filings or not doesn't matter because defendant is a "sovereign citizen." The defendant has repeatedly denied the accusation, but "political prejudice" has tainted this case from the start.

Wikipedia defines a "sovereign citizen" as, "Litigants, commentators, tax protesters, and financial-scheme promoters, who claim to be answerable only to their particular interpretations of the common law and to not be subject to any government statutes or proceedings."

Importantly, it is contrary to neither defendant' religious tenets nor his political stance, nor has he ever been opposed to acknowledging and respecting the state's right (and the City's right, as subsidiary) to regulate use of the public roadways in the interest of public safety and welfare and to issue permits & licenses, as described in the case of *Thompson v. Smith*, 155 Va. 367 — Va: Supreme Court (1930), and many U.S. Court rulings.

Defendant acknowledges ALL of the state and federal laws, not just the one's he likes, and has never attempted to utilize or misuse any law or use radical processes outside of those normally allowed within the law, such as the rules of criminal procedure, state and federal constitutions, South Carolina Religious Freedom Act, South Carolina Sections 56-1-30 and 56-3-180, etc.

Defendant is not a tax protestor, being current in payment of all state taxes for his truck, and absolutely nothing prevents him from obtaining a state vehicle registration apart from his religious obligations. Defendant is under no restriction, suspension or any other encumbrance to his obtaining a state drivers license and vehicle registration, in any state or federal jurisdiction whatsoever, and nothing prevents him from obtaining a state drivers license apart from his religious obligations.

Defendant maintained, and still maintains, liability insurance coverage on his truck as proof of financial responsibility, as required by the laws of the state. When Defendant' previous drivers license expired in 2018, it was due solely to his religious obligations that he did not renew it.

Defendant is competent to use his truck on the public roads, as he has been previously licensed by the state, and has not had automobile accident in 20 years. Defendant has been accused of only 1 moving violation in 10 years.

The state generally requires drivers licenses and vehicle registrations, BUT it does offer access to religious exemptions and accommodations, which are

accessible through South Carolina Section 1, Chapter 32, Religious Freedom Act and certain exemptions allowed under South Carolina Sections 56-1-30 and 56-3-180 (which lists state allowed exemptions from drivers license and vehicle registration requirements, and which are the least restrictive means of regulation of the matters). Importantly, South Carolina Sections 1-32, 56-1, nor 56-3 give any guidance as to how citizens seeking a religious accommodation can access the exemptions given at South Carolina Sections 56-1-30 and 56-3-180, and it has been a steep learning curve as defendant has tried to navigate the uncodified process.

Through various writings, which were likely not read, due to prejudice, defendant has reasoned with the court and prosecutors that, if the laws he was charged under are recognized by the state as "real laws", then the state must also recognize the South Carolina Religious Freedom Act (the "SC RFA") and South Carolina Sections 56-1-30 and 56-3-180 as "real laws" as well. If the "real laws" allow for defendant to be regulated by the "least restrictive means," so as to not substantially burden his free exercise of religion, then regardless of if the state agrees with his underlying religious beliefs or not, the state should allow the defense codified in the SC RFA (while observing South Carolina Sections 56-1-30 and 56-3-180 as the least restrictive means of regulation presently within the law) and at least make an attempt to accommodate defendant.

Based on the SC RFA, and South Carolina Sections 56-1-30 and 56-3-180, the defendant has presented briefings and oration positing obviously credible argument regarding his religious basis for refusal to apply for a state drivers license and vehicle registration to each of City of Cayce's two judges, it's prosecutors, and several of its officers, to no avail, largely because the briefings were not even read due to prejudice and "political profiling."

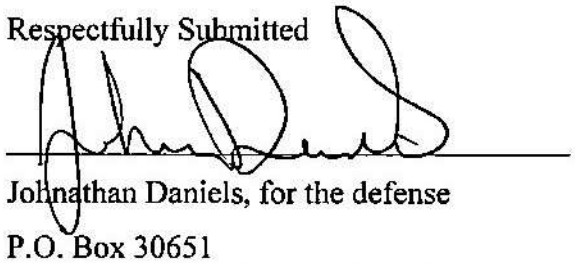
Prejudice against defendant is obvious and pervasive, as City of Cayce officers have repeatedly called defendant "a damned sovereign citizen" and "a sovereign citizen", to his face and on the record in open court.

Other state subsidiaries and agencies have accommodated defendant after receiving notice of defendant's claim and notice of substantial religious burden.

Among the state's subsidiaries and agents, the City of Cayce, AND ONLY the City of Cayce, has refused to acknowledge defendant's right to religious accommodation. Instead the City of Cayce's judges and court officers have pursued vexatious prosecution, resulting in undue prejudice against the defendant and a refusal by city officials to treat defendant fairly by allowing him meaningful access to the court.

Wherefore, on the grounds and objections presented above, the defendant respectfully asks the Circuit Court to issue an order (1) allowing withdrawal of defendant's pleas of "guilty" for each charge, (2) overturning defendant's convictions, (3) remanding the case back to the trial court, and (4) directing the trial court to make a ruling on defendant's Motion for a Directed Verdict, as was requested at trial on October 28th, 2021.

Respectfully Submitted



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STATE OF SOUTH CAROLINA)	
)	COURT OF COMMON PLEAS NONJURY
COUNTY OF LEXINGTON)	
JOHNATHAN DANIELS,)	TRANSCRIPT
)	
PLAINTIFF,)	OF
)	
vs.)	RECORD
)	
CITY OF CAYCE,)	2021-CP-32-3639
)	
DEFENDANT.)	

September 22nd, 2022

B E F O R E:

THE HONORABLE ROBERT E. HOOD, Judge.

A P P E A R A N C E S:

JOHNATHAN DANIELS
Pro Se

DANIEL E. PEAGLER
ESQ.
Attorney for the Defendant

Transcribed by Pamela E. Green, from
DCRP, Digital Courtroom Recorder Project

I N D E X

(WHEREUPON, there were no exhibits marked or testimony taken during this hearing.)

P R O C E E D I N G S

THE COURT: All right. We're here on 2021-CP-32-3639, Johnathan Daniels versus the City of Cayce.

Are you Johnathan Daniels?

MR. DANIELS: I am, Your Honor.

(WHEREUPON, Mr. Daniels was placed under oath at this time.)

THE COURT: Okay. And, Mr. Peagler, you're here representing the City of Cayce.

Is that right?

MR. PEAGLER: That's correct, Your Honor.

THE COURT: Okay. And this is Mr. Daniels' appeal.

Is that correct?

MR. PEAGLER: That's correct, Your Honor.

THE COURT: Okay. All right. Mr. Daniels.

MR. DANIELS: Okay. Your Honor, I, I haven't done this kind of thing before. So, if you would forgive me any -- okay. I'll just present what I have.

All right. So I entered a guilty plea in this case.

THE COURT: Okay. What were you charged with?

MR. DANIELS: Charged with speeding.

THE COURT: Okay.

MR. DANIELS: 61 in a 45.

THE COURT: All right.

MR. DANIELS: No driver's license and no vehicle registration.

THE COURT: Okay. And did you plead guilty or did you go to trial?

MR. DANIELS: All right. I showed up for trial.

THE COURT: Okay.

MR. DANIELS: And, at trial, I ended up taking a guilty plea but---

THE COURT: Okay. Did you plead to all those charges?

MR. DANIELS: Speeding and no South Carolina driver's license.

THE COURT: Okay. And then you filed an appeal from that?

MR. DANIELS: Yes, I did.

THE COURT: All right. So what's the basis for your appeal?

MR. DANIELS: Okay. So, the, the plea that I entered wasn't voluntary or---

THE COURT: Okay.

MR. DANIELS: ---or knowing and a lot of things occurred that day that I don't know if it would be misconduct or whatever. But I feel like the situation was manipulated to force me to take a plea.

THE COURT: Okay. Explain to me why the free wasn't -- the plea wasn't voluntary in your opinion.

MR. DANIELS: Okay. Well, the judge---

THE COURT: Who---

MR. DANIELS: ---he told---

THE COURT: Who was the judge?

MR. DANIELS: Bryan Jeffries --

THE COURT: Okay.

MR. DANIELS: -- of City of Cayce.

Okay. And so I have a transcript here that was made from the audio --

THE COURT: Sure.

MR. DANIELS: -- that was recorded that day. The judge misquote -- he, he misstated that he would sentence -- he could sentence me to jail time for this speeding ticket.

THE COURT: Okay.

MR. DANIELS: Now, the South -- the, the driver's license and the registration ticket -- tickets, those two I was willing to take before the jury because I believe I had a valid defense for that.

The speeding ticket though, I, I knew that -- I mean I, I was speeding. I was guilty of that. So that one I would have taken a plea to it had -- excuse me. I would -- I would not have -- I would not have taken a plea to it had I known that I would not have gotten jail time or could not get jail time. He told me that he could give me 30 day -- up to 30 days for that. And so that pressured me to, to

enter the plea, right.

THE COURT: Okay.

MR. DANIELS: So, the inaccurate maximum penalties that the judge stated to me, I considered -- they pressured me as, as tantamount to a threat and it did work to coerce, to coerce me into pleading guilty for that.

Also the, the re -- you know, notification of rights, none of this was done. He asked me two questions, if I was -- if I felt like anyone forced me to take a plea. And so no one forced me to take a plea. But the circumstances forced me to take a plea and I'll elaborate on that more in a second.

But -- so, you know, I, I learned all this after the fact. After I took the plea I went home and read up some things and I realized that.

I had intended to appeal because I felt like what was done there wasn't right. But apparently I had waived the, the right to an appeal by taking a plea and no one ever told me any of this. And you'll see in the, the writings I submitted to the Court, there's a plethora of rights that I didn't know, you know, what of -- could affect the outcome of the, the case had I taken it to trial and I was notified of none of those.

Let's see here.

All right. So, actually, Your Honor, the, the driver's

license charge and the registration charge, those charges, under the circumstances, were actually being brought, in my opinion, unconstitutionally and I would of taken that before the jury. And if, if you wanted me to, I could elaborate more on that as to why that would be the case. But, in my opinion, the charges should not have been brought.

There was no review of evidence that the prosecutor would have introduced. I see Judge Jeffries responded that no evidence was submitted because no trial took place. But I had submitted, through motions and various requests to both Mr. Peagler and the Court, and presented them with information regarding my religious practices, the accommodations that had been previously given to me by the State.

Richland County judges and prosecutors nolle pros several -- I mean and I, I have it here in the writings. It's in the record and also identified here in the records I submitted to this Court. Those, those, those cases -- those charges rather have been nolle pros as a religious accommodation for years going back five years.

The Court in Cayce didn't take notice of that. Mr. Peagler didn't. The case went forward to the date of trial.

I was never asked about those charges. I was never asked about whether or not I was guilty. I was never asked to admit any factual allegations related to the, to the

charges. I was taken to -- okay. So -- and, and these two go together.

If you look at the transcript I presented to the Court -- to this Court, at the beginning of the transcript, the beginning of the audio submitted to me by the Clerk of Court for the City of Cayce, I don't know exactly what this is, if it's just some misconduct or if it's something criminal or whatever. But at Lines 2 and 3 on Page 3, what -- no, no guilty plea had been discussed between Mr. Peagler and myself. There was no guilty plea on the table. There was no discussions. I showed up ready for trial.

All right. I thought that I would be found guilty for speeding but that the other two charges would be -- I would be found not guilty and you can see where the, the, the judge said well, I can't enter in a guilty plea with them in here now.

Now, with them in here, there was only us, the clerks, the judge, and the jury. I don't know why he would consider entering a guilty plea with them in here but he can't do it with them in here. I was -- the clerk then said what do you want to do. The judge pauses for a long time and then he says all right, dah, dah, dah, dah, dah. He took -- a few lines later you can see, at Line 11 -- 10, 11, 12, I didn't ask to go outside. Mr. Peagler didn't ask to go outside. The judge asked us to go outside.

Once we were outside, there was an insistent pressure, in my opinion, from the judge that I negotiate with Mr. Plea -- Mr. Peagler. In fact, me and Mr. Peagler, we couldn't reach an agreement on the South Carolina driver's license charge or the no registration charge. I went back several times -- I won't say several. I went back more than twice and let the judge know that we -- we're not meeting -- we're not meeting an agreement and we would go have trial.

I kept getting sent back to Mr. Peagler. This all happened outside of the courtroom in a -- I guess it's a break room that they had there.

I felt, especially with him stating that he would give -- he could give me jail time for the speeding charge, I felt like they're setting me up to make sure I go to jail today and I felt pressured to take the plea which included no jail time. But that was only because I couldn't get into the -- to the courtroom to start a trial. I wanted, I wanted to. I asked him once or twice that I, you know, wanted to go in. And, and, for some reason, this all occurred -- you'll see at Line 21 on Page 3 when the clerk -- all right. So at 20 the judge says he's not comfortable talking in front of them. Let me go outside. Everyone -- the clerk says everyone, we're gonna go outside for just one moment. Please rise. The clerk then asked on the record or off-the-record. The judge responded on the

record.

But those conversations that I'm telling you about where he misquoted the, the sentencing guidelines or in terms of punishments that could be given to me, the insistent that I go back and forth to talk with Mr. Peagler, those things are not on the record. Apparently they were not recorded or whatever and the next thing that is recorded is a plea agreement.

But, at that point, I'd already been, in my opinion, unfairly and unduly pressured into making the plea and taking the plea with the prosecution.

I'm sorry. I, I don't want to be longward (phonetic). I do have a few others that I'd like to put on the record though.

THE COURT: It's your appeal. So --

MR. DANIELS: All right.

THE COURT: -- keep going.

MR. DANIELS: All right. So I -- the -- now this transcript that I got, in fact, I didn't, I didn't know what was on the audio. I got the audio at the beginning of September or the, the end of August, this, this August.

So I, I had a feeling that something was going on and I was being manipulated into taking a plea when I filed the plea to this Court. Later, upon reviewing the record and the transcript, I see that it looks to me like it was

intentionally done.

All right. So, for some reason I couldn't -- I, I, I asked the -- twice, like I said, to get in to -- I just wanted to start the trial because I, I just felt like it wasn't gonna change the outcome. I'd be guilty of the speeding, pay the ticket, and be found not guilty of the other two charges as they're regulatory in nature and the State had already accommodated me.

But I couldn't get it -- I couldn't get back in the courtroom. We stayed in that break room the whole time and, in my opinion, improper conversations happened and undue pressure to take a plea was given to me.

And I mentioned to you already, at Item 7 in the notice of appeal given to this Court, that the, the State, in particular Richland County, South Carolina Highway Patrol, and a couple other agencies, City of Columbia, University of South Carolina police, they had all nolle, nolle pros charges once I presented to them the defense allowed under South Carolina Section 1 Chapter 32, which is a religious freedom -- the Religious Freedom Act and I didn't feel like the charges should of been brought due to a collateral estoppel or essentially double jeopardy because those charges had been dropped by the State on---

THE COURT: What, what---

MR. DANIELS: ---previous occasions.

THE COURT: ---other people do to you has no effect on what the City of Cayce does.

MR. DANIELS: Okay. I, I -- I'm---

THE COURT: So I mean that, that---

MR. DANIELS: I'll accept what you're saying, Your Honor.

THE COURT: ---that, that -- that's not the, the, the tree to send the dog up.

MR. DANIELS: Okay. Okay. Well, I just wanted, I just wanted to---

THE COURT: The fact that some prosecutor or some agency somewhere dismissed a case against you or nolle prossed it doesn't mean -- doesn't bind any future prosecutorial agencies from not going forward on a separate set of charges from a separate incident date. It wouldn't bind them from charges from the same incident date in the same jurisdiction. But a different incident date, different jurisdiction, they're not bound by whatever the City of Columbia or USC or anybody else did.

MR. DANIELS: Okay, Your Honor.

Now, out of respect for the Court, I'll just say that -- and then I'm, I'm probably ignorant on it. But I do need to have this on the record in case I need to go higher. So, I'll say that I, I respectfully disagree with that. I was under the assumption and presumption that, because the

State had done that, that I was -- I would be accommodated as well in the future.

THE COURT: That's why you should have a lawyer.

MR. DANIELS: Yeah. And that, that may be a mistake as well, Your Honor.

THE COURT: So I'm not even sure that issue's preserved for this appeal because you pled guilty.

MR. DANIELS: And, and that may be something that may---

THE COURT: Right.

MR. DANIELS: ---need to be looked at. I don't know for certain, Your Honor.

At Item 8, I, I requested discovery at the, at the start of the case in a motion to compel I submitted to the Cayce Court.

I see at Item 8 in the judge's return, he said he ruled on the motion and required the prosecution to turn over all evidence to be used in the case in chief and any exculpatory evidence and that is an incorrect statement. He outright denied the motion and the State wasn't ordered to give me anything other than when it had -- what had, excuse me, what it had already given me. On September 11th I ended up filing a motion to reconsider and a notice of objection to the denial of the motion to compel.

So that's just an incorrect statement. There -- it, it

was not granted in any way, not partially granted, and I did object at that time as well as it be in the motion for reconsideration.

And, lastly, Your Honor, from the first hearing, Officer Garman called me, quote unquote, and I, I don't know if I can say this in court, but he said you're a damn sovereign citizen and I know what a sovereign citizen is and I'm not a sovereign citizen, Your Honor. Officer Garman called me a sovereign citizen in court. Mr. Peagler called me a sovereign citizen in court.

All right. I, I feel like me being labeled that way and, you know, in open court, none of my arguments have been -- I mean -- and, and I'm -- I feel like I'm certainly reasonable and right in what the law allows. Maybe some people don't like the outcome of what the law allows. But that shouldn't allow them to dictate or to deny me a day in court to have these things heard and finalized.

THE COURT: I agree with you.

MR. DANIELS: All right. And so, because, because of the labeling, I haven't been able to effectively present to -- I don't know that the judge's have been taking it seriously or Mr. Peagler. Section -- South Carolina, South Carolina's, and I'll do this very quickly, one, one and a half minutes.

THE COURT: It's you -- I'm not asking you---

MR. DANIELS: Okay.

THE COURT: ---to rush. I'm not---

MR. DANIELS: All right, Your Honor.

THE COURT: ---telling you to rush. I want you to present whatever you feel you need to present. I've said that before. I'm saying -- I mean I'm sitting, I'm sitting here listening to you. So --.

MR. DANIELS: Okay, Your Honor.

THE COURT: Don't, don't -- there's no time constraint on you. So I don't want you to feel like there is. I'm not putting one on you. I'm not motioning for you to hurry up. I'm sitting here patiently listening and paying attention to what you believe your issues are.

MR. DANIELS: Okay. And I appreciate that, Your Honor.

So, start, you know, in 2017, I found out what I believed to be a disagreement between my religious beliefs and practices and some of the practices of the state.

THE COURT: Okay.

MR. DANIELS: All right. So those other, other charges in other jurisdictions, I made those things known to those courts and to those prosecutors and they, they -- no one wrote anything down. But the charges were nolle prossing. In many cases I was due for trial the next day.

The case -- the, the charges are nolle prossed the day before Court, an apology was given, and I'd leave. South

Carolina Section 132 -- and give me one second.

(Pause.)

MR. DANIELS: All right. The Religious Freedom Act and I have, I have a copy of it if -- I don't know if you have it pulled up there or you can or whatever.

But the purposes of the chapter are to restore the compelling interest test set forth in Wisconsin and Yoder, Sherbert and Wen -- Sherbert versus Verner to guarantee that the -- a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened.

I, I previously notified the State. I notified Mr. Peagler, notified the Court that my religion was -- my religious beliefs and practice, which are sincerely held, were being substantially burdened.

Now, Section 1-32-40, restriction on the state's ability to burden exercise of religion, the State may not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, that's important I think, unless the State demonstrates that application of the burden to the person is in furthering of a, of a compelling state interest, which I can see regulation of use of the roads and highways is a compelling state interest, and that, Item 2, and it's important, the

burden to the person must be the least restrictive means of furthering that compelling state interest. And that goes to Section 60 where it says basically giving and allow -- giving or allowing an exemption under this statute is not against the law.

I do just want to point out two exemptions that are important and are far less restrictive then denying, excuse me, requiring vehicle registration outright or South Carolina's driver's license outright. At 56 -- at South Carolina 56-1-30, Item 3, which I don't know if I have the -- I apologize. I might be a little disorganized and disheveled here.

So I don't know if the Court has access to that.

THE COURT: I do. I do.

MR. DANIELS: You say you do?

Okay. 56-1-30 at Item 3, if a person outside of the state moves into the state and they come from a, a, a place that did not require -- did not require licensing of operators or drivers, that person can come into South Carolina and drive unlicensed, unabated by law enforcement for up to 90 days in a calendar year.

Okay. That's just assuming -- they, they need to have their vehicle registered, registered where they came from but they can operate without a license in South Carolina. At 56---

THE COURT: For so many days.

MR. DANIELS: For 90 days.

THE COURT: Right.

MR. DANIELS: All right. And so at 56-3-180, there are exemptions for vehicle registrations, office of permits from the, from the South Carolina Department of Motor Vehicles and I felt that that is much less restrictive than requiring me, with a religious objection, to put my, my objection aside and register a vehicle.

Now, it's important, I felt, at 56 -- no where, no where in these statutes is there a procedural process for applying or, you know, where the prosecution say -- could say well, you had 60 days to do it and you didn't do it. You had six months to do it and you didn't do it. I've, I've contacted the V -- the DMV at the start of this case as well as more recently and more, more vigorously to try to get some resolution before this appeal was heard and they're dragging their feet telling me that they needed more information. I have emails and things. I, I could pull it up on my phone but I have contacted them and they have responded back.

They told me that they'd need -- they need more time to research the law to see if they would give the exemption.

All right. So, that's, that's my basis. I, I feel like those -- the two charges, the driver's license and the

registration charge, are improperly brought, brought because they're not the least restrictive means of regulation on the matter and they would fail, constitutionality, both state and federal, and also would violate section -- South Carolina Section 132.

And what I'm, what I'm asking, Your Honor -- I wasn't aware at the time that I submitted this appeal to this Court that I might not be getting fair treatment in Cayce. I thought that some of those mistakes were made out of ignorance.

But after listening to the audio, and reviewing the transcript, I, I -- if you were to remand the case, I don't know if you would, I would think that maybe a change of venue would be in order or maybe something could be done here. I don't know about today. Maybe some time in the future, maybe today. I just -- I need a fair day in court and I need a judge and a prosecutor that's actually listening to what I'm saying.

So, I don't know that I'm getting that there. Those are all of the items that I complained about in terms of requesting an appeal before this Court.

THE COURT: Okay. All right. Thank you.

Yes, sir.

MR. PEAGLER: May it please the Court.

Your Honor, I think, as far as the appeal on the guilty

plea, I think---

THE COURT: What did he plead to?

MR. PEAGLER: He pled guilty and it's in the transcript.

Do you have a copy of it?

THE COURT: Not with me.

MR. PEAGLER: I've got -- if you'd like, here's an extra copy, Your Honor.

THE COURT: Okay.

MR. PEAGLER: It outlines the actual guilty plea. He was charged with the speeding, no South Carolina driver's license, and also failure to register his vehicle.

THE COURT: Okay.

MR. PEAGLER: We've gone through numerous motions. I, I didn't call him a sovereign citizen but, in the arguments in the Court, I often said that these arguments are like the sovereign citizen type arguments where he says that the law doesn't apply to him for whatever reason. So, that's where the sovereign citizen stuff comes in and I think that's accurate.

But if we look at the, the plea agreement, it's on I believe page -- all right. On Page 5 and -- well, actually it starts I think on Page 3.

What we did was we reduced the speeding to a minimum fine. I think we nolle prossed the failure to register and

he would plead guilty to the no SCDL and pay the fine on that. We would allow him 30 days.

Furthermore, he had two other pending charges in Cayce. One for no SCDL and another one for a failure to register on the same vehicle I believe. And, on those charges, I said that if he remedied the situation before those came back up, in other words if he either got his license or if he got this pass from the DMV, that I would nolle pros those if he got those. And, as far as his vehicle, I told him, and this is in the transcript, that if he either disposed of the vehicle or got it registered, we'd drop those. Those are the pending charges.

So, after that, we go to Page 5 of the transcript and I think this is it and, and I reiterate about that. And then it -- the judge said so, Mr. Daniels, is that what you and Mr. Peagler agreed to?

Yes. But I don't know if I get a chance on the record to say anything other than yes.

He said the first thing we have to do is see if you're entering this guilty plea and then, after that, I'll tell you that I'm accepting it. I'm also accepting the recommendation. But then you have another opportunity to tell me anything else you want to tell me in mitigation. But you will have already entered the guilty plea.

So then he reiterates the charge. The defendant, on

Line 7, Page 6, says I plead guilty to those.

The next line. Has anyone threatened you or coerced you in any way to get you to plead guilty?

Defendant. No. Just circumstances are tough, you know. But no one, no one in particular threatened me or said anything.

Are you today under the influence of drugs or anything that would affect your ability to understand what's going on?

No, I'm not.

I will accept the guilty plea.

So he says that. When he talks about his rights, the judge often read his rights. He also covers that in his return.

We were prepared to go forward with the jury trial. Mr. Daniels, we'd been in court several times on different motions on this case. We had answered his full Rule 5 request with all of the pertinent information on the charge.

There was some -- also some extraneous information that he had requested that did -- had no bearing on the actual charge itself. That stuff was denied and we didn't have easy access to it either, the stuff that he was asking for.

Mr. Daniels has said that he feels that we've placed an undue burden on him because of his religious affiliations. He's never demonstrated what that burden actually is.

My stance is, if, if you're in Cayce, and the law requires you to have your vehicle registered, you need to have your vehicle registered. If the law requires you to have a driver's license, you need to have that and we'll continue to enforce those laws.

THE COURT: Well, what, what -- he says that -- what about this whole 30 days on a speeding ticket?

MR. PEAGLER: The judge answers that in his return also and he said that he accurately and my recollection was he did say he could get 30 days or the fine on the no SCDL and the no registration and the fine amount on the speeding ticket.

THE COURT: Okay. I thought you could go to jail for 30 days on the speeding ticket.

MR. PEAGLER: I don't believe so.

THE COURT: Oh, you can't?

MR. PEAGLER: Not on that ticket. It was a four point ticket.

THE COURT: Okay.

MR. PEAGLER: If it's a six point or higher speeding amount, then it's my understanding you can.

THE COURT: Okay. And when does he advise him of his right to remain silent and his right to confront the witnesses and all that kind of stuff?

MR. PEAGLER: Now that had been done several times.

He's -- he did not, I don't believe, specifically do that in the transcript that I read.

THE COURT: Okay. It's not in the transcript.

MR. PEAGLER: But he had, he had actually exercised his right for a jury trial. We were prepared. We had a jury impaneled.

When he talks about the little room, the problem is if something goes askew with the guilty plea and you do it in front of the jurors that are seated --

THE COURT: I understand that.

MR. PEAGLER: -- then we can't go forward. So there's a break room. This is during COVID and we had to have the trial in a larger room. So we had it in council chambers. We don't have a judge's chamber or a jury room there. So we go into the little break room where it's---

THE COURT: My question is---

MR. PEAGLER: ---on the record.

THE COURT: ---when did he get advised of his right to remain silent, right to a jury trial, right to confront and cross-examine the witnesses the State would call against him?

MR. PEAGLER: Unless the return addresses that, I can't answer that specifically, Your Honor.

THE COURT: Do you have a copy of the return?

MR. PEAGLER: I do. I believe the judge -- I advised

the defendant on a number of occasions of his right to a jury trial, a bench trial, an attorney. He had previously requested a jury trial and the jury was assembled and trial was to go forward the morning of the guilty plea. That's his response and I can hand that up to you, Your Honor.

MR. DANIELS: Your Honor, the -- well --.

THE COURT: Hold on. Hold on. Hold on.

MR. DANIELS: Okay.

THE COURT: I'm gonna let you speak again. I promise.

MR. DANIELS: Okay.

THE COURT: Just give me a second.

MR. PEAGLER: And I, I don't have the specifics. But our, our -- judge, often when people decide to go forward pro se, he will also typically tell them that, you know, they're responsible to know the, the rules, the -- how things work as if they were a lawyer and he advises them that it -- he basically says -- recommends them to have an attorney represent them.

(Pause.)

THE COURT: Okay. What else?

MR. PEAGLER: I don't, I don't know how to respond to anything else other than what I've said, Your Honor. I, I---

THE COURT: Okay.

MR. PEAGLER: ---I don't believe that the religious

exemption is a valid excuse not to register or have a driver's license in our state.

THE COURT: Okay. All right. Now you may talk---

MR. DANIELS: Okay.

THE COURT: ---if you'd like to.

MR. DANIELS: Thank you, Your Honor.

All right. So the -- you know, he remembers that one way as far as the jail time for the speeding ticket. I'm, I'm certain, because that's what pressured me at -- if, if jail time wasn't involved, paying fine's not an issue. The other two charges, even if I'm in error about it, I was confident about those. So I would of -- I'm, I'm now taking a plea under those circumstances.

No where in the record -- I don't know why the audio is not recorded, those conversations. But I -- 30 days was told to me for the speeding.

As far as informing me of my rights -- all right. So, the right to a jury trial, that was stated. The right to a bench trial, that was stated. Right to an attorney, that was stated not on that day. At other hearings earlier in the case it, it was stated.

But the -- I mean there's a lot to know and I looked later. I could see that there's a recommendation. I don't know if it's a rule for judges or recommendation or how strict that's to be followed.

I can read and I can speak well. But as attorneys, those that are attorneys here, and my little studies of the law, being intelligent doesn't mean that you know the law in terms of these things that I'm come -- I'm complaining about.

The right to a trial I knew and I was trying to get to. The, the jury's verdict needing to be unanimous, I didn't know that.

That I would be admitting all matters of fact in the accusation, did not know that. In fact, like I said, I may be unintelligently or unreasonably and -- due to my ignorance, I felt like I could appeal what was going on with this guilty plea, that pressuring, the misstating of sent -- of sentencing guidelines and that kind of thing. I thought I could go to a higher court and get that stuff corrected even though I took the plea on this date.

That I was giving up objections to charges, no way because I had objections that I had preserved on the record that I did intend to have argued at a higher court. The citing of accurate -- the maximum penalties, at the time I didn't know that the jail -- that the, the threat of jail -- going to jail for the speeding ticket was inaccurate. I thought that the judge knew what he was talking about.

And I would keep in -- keep in mind please that this is not stuff that I thought about six months later that I wrote

in this appeal. This is three days later. I, I, I knew that these things happened. From just memory I knew that they happen. Wrote this all down, submitted it to this court, and then I just got the transcript early this month that demonstrates what I'm talking about.

You know, if a judge calls you out -- to come outside and negotiate, you go negotiate or, you know, have you, have you reached any agreement. No. I want to go to trial. Well, won't you talk to him and negotiate and see.

All right. I go and negotiate. Didn't reach an agreement. I come back and say Your Honor, we're unable to reach an agreement. Let's have trial. Some talk goes on and somehow I'm being sent back out to negotiate and then the threat of jail time. They got me in the closet.

Under these circumstances, I felt like I'm being set up to, to be sent to jail because I'm a sovereign citizen labeled. So -- and although those recordings -- because the clerk told me that they don't have those because they only keep those audio files for 60 days, there's never been any rebuttable. You know, Officer Garman has called me sovereign citizen. Mr. Peagler, today he said that, you know, a certain -- my argument is similar to that by so -- no.

Every time I talk to him outside the courtroom, he told -- and he even told me and I, I wrote it here just a

few days after the trial date that he has not been reading my writings because I'm a sovereign citizen. He said this to me to my face. He also said -- the audio's gone because it was a hearing that occurred earlier in the proceedings.

But, in Court, I, I filed I believe it was a motion to, a motion to quash charges and he, he hadn't read it. He showed up that day. I said, you know, he asked me if I was, if I was gonna plead to some, some charges that -- and I said no and you obviously haven't read what I submitted to you.

He said well, I'm, I'm gonna read it now. He thumbs through in about 30 seconds and tells Your Honor well, these are basic sovereign citizen arguments. Looks like he's downloaded these from online. That's what he said. That, that was on the record. The audio's gone but I, I told him no, I wrote that myself and it's got nothing to do with sovereign citizenship. It has to do with my religion.

I'm just saying I, I don't think -- I feel like I been denied access to the court. The prosecutor doesn't listen to what I'm saying. The judge doesn't read what I'm saying -- read the papers I submit or listen to what I'm saying. I try to go to trial and somehow I get manipulated out of getting in front of the jury to say what I got to say. I just feel like -- there's undue pressure and I did -- I, I don't feel like it's a knowing and voluntarily

plea is what I'm saying, Your Honor.

THE COURT: Okay. All right. Anything else?

MR. PEAGLER: Yes, Your Honor.

In the plea agreement he gets a reduction in fines. He gets a charge reduced. He gets the other charges reduced if he remedies the problems. He willingly wanted to take that plea that day and he said so in the plea and he accepted that plea agreement.

In all of the other hearings before I did say I -- these are similar to the sovereign citizen. The sovereign citizen arguments that I've dealt with over the years have always been the law doesn't apply to me.

Now, those are basically because of the tax structure and, and other independent type things. But his basic argument is that law doesn't apply to me. That law doesn't apply to me because of religious exemption because the Constitution says you can't pass a law that burdens my religion.

He never has outlined what burden it is on his religion or his religious beliefs that would mean he doesn't have to get his car registered or he doesn't have to get his license done.

We had a trial ready to go that morning. If he'd of said I want to go to trial, we'd of gone to trial. We had the jurors ready. Everything was in place to go. That was

the day he took the plea. I don't think I've disparaged him. If I do, I will apologize now. But I do believe that the law applies to everybody evenly.

THE COURT: Okay.

MR. PEAGLER: Thank you.

THE COURT: All right. I'll let y'all know my decision early next week.

MR. PEAGLER: Thank you, Your Honor.

THE COURT: Thank you very much.

MR. DANIELS: Thank you, Your Honor.

(WHEREUPON, the audio was turned off and turned back on for the next part.)

MR. DANIELS: He said that I have not outlined, I have extensively outlined and if you -- I don't know if you -- your -- I don't know your procedure for reviewing the record. But when you look through, you're gonna see I've ex -- I've quoted the Scripture, stated the problem that I had with it at -- on more than one occasion and it -- you -- when you read it, you'll see there's no lack of explanation. I -- I've over explained it.

THE COURT: All right. Thank you very much.

* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas Nonjury for Lexington County, South Carolina, on the 22nd day of September, 2022.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 16th, 2022

PAMELA E. GREEN, Court Reporter

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas Nonjury for Lexington County, South Carolina, on the 22nd day of September, 2022.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 16th, 2022

PAMELA E. GREEN, Court Reporter

In CITY OF CAYCE MUNICIPAL COURT

State of South Carolina vs Johnathan Martia Daniels

Trial Date: October 28th, 2021

C/A Numbers: 20190370006790, 20190370006791, and 20190370006792

Tried and Heard in Cayce, Lexington County, South Carolina

Judge: Honorable Bryan Jeffries

Clerk of Court: Rachel Stuckey

Prosecutor: Earnie Peagler

Defendant: Johnathan Martia Daniels, Pro Se

Transcript Prepared By Alice Falaiye, Independent Transcriptionist,

Completed On September 9th, 2022

A.F.

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* Clerk of Court for City of Cayce Municipal Court provided audio files of the entirety of the municipal court record for this trial. Files WS400638 and WS400639 were made available, but each file was less than one second long and contained no audio pertaining to the trial.

a.7.

I. OPEN PROCEEDINGS

COURT: [Whisper] Well, I can't enter in a guilty plea with them in here.

CLERK: [Whisper] What do you wanna do?

COURT: [Pause] All right. Good morning everybody. Welcome to City of Cayce Municipal Court.

CLERK: We can remove our masks...[inaudible].

COURT: Take my mask off in order to, uh, communicate with you, but please keep in mind the restrictions that we are under and keep a safe social distance. Uh, my name is Brian Jeffries. I'm a here-- I'm a judge here in Cayce. I appreciate you all coming in early this morning. Umm, I guarantee you that, uh-- the reason we are running late is we are trying to resolve some issues, umm-- in order to use as little of your time as is absolutely necessary. Umm-- with that being said, could I see the parties, uh, very briefly.

CLERK: Press the red button, hold it down. Hold it down.

2ND CLERK: You gotta hold it down.

CLERK: And then [inaudible]

COURT: Umm---

CLERK: Press that red button next to you. And just hold it. Just-- You have hold it down.

COURT: Tell you what, I'm not comfortable talking in front of them. Let me go outside.

CLERK: Every--one, we're gonna go outside for just one moment, please rise.

[PAUSE]

CLERK: On the record, or off the record?

COURT: On the record.

a.7.

II. MISSING AUDIO

III. MISSING AUDIO

IV. PLEA AGREEMENT

CLERK: Your Honor, we are on the record. We are here on the case of Mr. Johnathan Martia Daniels. We are here for 20190370006790, speeding sixty-one in a forty-five LiDAR; 20190370006791, failure to register vehicle; and 20190370006792, no South Carolina driver's license, first offense. Present in this negotiation is the Honorable Judge Jeffries, Mr. Martia Dani--Johnathan Martia Daniels, Mr. Peagler representing the city, and investigator Robert Garmin, who is the issuing officer of the tickets.

COURT: All right. Good morning, Mr. Daniels. All right, Mr. Peagler is gonna put on the record what you all have agreed to and you will correct him if, uh, anything is misstated, and you'll bring that to my attention.

COURT: Mr. Peagler, tell me what...

PROSECUTOR: Your Honor, in regard to the charges recited by the umm, madam clerk of court, what we decided-- and this is a negotiated plea deal. The defendant would plead guilty to the speeding on the four point violation, and would pay the minimum fine on that---

CLERK: Which is one hundred and eighty dollars and sixty-three cents.

PROSECUTOR: ---And the Defendant would plead guilty to the no SC DL. [Pause] At a minimum fine.

CLERK: Which is a hundred and fifty-five dollars.

PROSECUTOR: And the city would dismiss the, uh, failure to register charge-- I mean, ticket on these charges. It's also my understanding that we would allow him thirty days to pay those fines.

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COURT: And the uh...

CLERK: Future ticket.

PROSECUTOR: The-- the-- I also told him that--he has another pending failure to register charge---

CLERK: With officer-- That is with officer Merritt.

PROSECUTOR: ---That if he cured the problem by either disposing of the vehicle, or by registering the vehicle-- If he did that, then I would dismiss that charge when it comes up.

DEFENDANT: As well as the license charge.

PROSECUTOR: He said he was-- If he got some-- You know, if he gets his lic-- either gets a license or gets the-- some type of pass from the DMV on having a license, we would also drop that charge. But---

COURT: That's an additional no driver's license charge?

CLERK: Yes.

PROSECUTOR: That's correct.

COURT: With Officer Merritt?

CLERK: Yes.

PROSECUTOR: As long as he cures the problems.

COURT: Okay. So, Mr. Daniels, is that what you and Mr. Peagler agreed to?

DEFENDANT: Yes. But I-- I am uh-- I don't know if I would get a chance on the record to say anything other than yes.

COURT: 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.

DEFENDANT: I understand.

COURT: Okay. So is that-- as to the charge of speeding and the charge of no South Carolina driver's license, umm, involving investigator Garmin, how do you plead?

DEFENDANT: I plead guilty to those.

COURT: Has anyone threatened you or coerced you in any way to get you to plead guilty?

DEFENDANT: No, just circumstances are tough. You know? But uh, no one-- no one in particular threatened me or said anything.

COURT: And are you today under the influence of drugs or alcohol or anything else that would affect your ability to understand what's going on?

DEFENDANT: No. I'm not.

COURT: Okay. I will accept the guilty plea and also accept the recommendation.

V. SENTENCING

COURT: Umm. Is there anything you wanna tell me before I-- You know what the sentence is. It's one eighty, plus one fifty-five, one eighty, sixty ple- --, sixty-three plus, uh-- one fifty-five---

DEFENDANT: Mm-hmm

COURT: ---Thirty days, but I'll still-- If there's anything else you wanna tell me, I'll still hear it.

DEFENDANT: Okay. Yeah---

A-7

COURT: And the understanding that should you fix your driver's license, get rid of the vehicle or whatever else. In other words, uh, rectify that situation, that the city will also dismiss those other two charges that are pending.

DEFENDANT: I understand.

COURT: What if anything did you wanna say in addition to that?

DEFENDANT: Okay. Well, uh. Number-- Well, number one, is this--this trial--this--this case has been [inaudible] some time. Two years and change, I think. Uh-- or right around two years. So, I want everyone here to know that I have not been arguing just for the sake of arguing. Okay? I've-- If you read the paperwork that I submitted, you'll see, I have religious issues that have forced my hand to continue to contest-- the-- the-- not necessarily the speeding, as I mentioned earlier, but the other two charges fr--from a jurisdictional standpoint. [Pause] I had a problem with that. Still do. Uh, finding an agreement between my religion and what the state requires of me in, in-- uh certain circumstances as relates to this. Uh, so, I appreciate-- you know, being given the opportunity not to bear the full brunt and wrath of [chuckle] whatever is going on here, but, uh, yeah, I still have those religious problems with that, and that--that-- that is something that bothers me, although, I am entering this plea voluntarily, because I have calculated-- I don't wanna go to jail. I'm likely to go to jail, and uh--yeah. I just-- I just want that on the record. So---

PROSECUTOR: Wh--What religion?

DEFENDANT: Oh---

PROSECUTOR: I still haven't---

DEFENDANT: ---I mean, if you read-- if you read the paperwork that I submitted, you'll see.

A.7.

PROSECUTOR: I didn't see where it mentioned any specific religion. That's my question.

DEFENDANT: I'm--I'm a Christian.

PROSECUTOR: All right, you know what, I'm also a Christian.

DEFENDANT: All right, so---

PROSECUTOR: But I-- I don't understand where---

COURT: I don't know that we need to have all this on the record.

PROSECUTOR: Okay. It doesn't need to be on the record. I'm just curious, Your Honor.

DEFENDANT: I mean, it's in the record-- in the-- in the paperwork, anyway, but I'm saying--

COURT: This--this matter---

DEFENDANT: We can go off the record.

COURT: --- is resolved. We can go off the record.

DEFENDANT: Yeah.

CLERK: Umm, we will do a thirty-day payment plan. I'll need to do that paperwork down at the bottom of the hill after we dismiss the jurors.

DEFENDANT: Mm-hmm.

CLERK: So, if you could meet me down where my office is---

DEFENDANT: Yeah.

CLERK: I'll get paperwork for you there.

MR DANIELS: Okay.

CLERK: Okay?

DEFENDANT: All right.

CLERK: And we're going to be off the record.

DEFENDANT: But to ans…

CLERK: We are.

COURT: All right. Once again, ladies and gentlemen, thank you for being present this morning. Umm. Again, it was our effort to try to use as little of your time as was necessary, and that's why we were, uh, outside discussing this matter. Um, this case has been resolved so that you all will not have to sit and hear the jury trial this-- this morning. Umm. So, I am going to release you here shortly. But, I did want to again extend my thanks, uh, for you all coming in to fulfill your civic duty. I can tell you that this matter was resolved in large part because you all were out here prepared to go forward and hear this case. Oftentimes, in our system of justice it requires, uh, a jury's assistance even if the jury doesn't hear the case. Just the fact that you're empanelled, you're present-- and this case was, uh, prepared to go forward for a jury trial. Often, that's what's required for, uh, a case to ultimately be disposed of. Umm, I'm gonna let madam clerk tell you about your future, uh, service and what you are now exempt from or may be exposed to at a later date, but I did wanna, again on behalf of the city of Casey, express my, uh, gratitude for you all this morning.

CLERK: Umm, at this time, we... You are excused from the city of Casey from any municipal jury duty for one full year. The way it works though is at the beginning of the year and we get a renewed jury pool from the election commission. So, your names will go back into that pool. So, if at any time between now and next October twenty-eighth, twenty twenty-two, you receive something from me, all you need to do is call and say, "I served jury duty back in October of last year. Would you please excuse me?" And you will

absolutely be excused. You will not be called again, but there is a possibility that your name will get put back into that pool. So, all you need to do at that time is just call and say, "I did serve," and you'll be excused. The magistrate's office will also accept municipal court as an excuse for that calendar year as well. So, you would need to provide them proof. If you don't have your letter that you were summoned for ours, I can provide you with proof that you were summoned if you are summoned to a future magistrate's court. They also do have the option to override that if they are in dire need of jurors. So, you may still have to serve for them. General sessions, you will still have to serve if you are called for jury duty. There is no exception for that. Umm, I also can provide you with a work excuse or a school excuse. So, if anybody needs one, please come on up. If not, you are excused, and we sincerely appreciate your time.

JURORS [DISMISSED]: Thank you.

PROSECUTOR: [Inaudible] I'm Earnie Peagler, I'm the city prosecutor. I'd also like to thank y'all for showing up for today. Thank you.

COURT: Did we say anything about work excuses or anything?

CLERK: I did.

2ND CLERK: Does anybody need a work excuse or a school excuse?

[PAUSE]

2ND CLERK: No.

CLERK: All right. Then y'all are good to go. Thank you so much.

JURORS [DISMISSED]: Thank you.

PROSECUTOR: Thank you, Your Honor.

COURT: Thank you.

A-7

PROSECUTOR: You have court this afternoon?

CLERK: Nope.

COURT: No court this afternoon.

CLERK: Court was canceled this afternoon, Earnie. We had nobody write. It was O'Shaughnessy's court date, and he's gone. So, [crosstalk] nobody goes.

PROSECUTOR: [Crosstalk] [Inaudible]

CLERK: Yeah.

UNIDENTIFIED: Judge, since you're here to [inaudible] in the city, I can go write some tickets for today.

COURT: [Laughs] For today? That might be ah-- that might be problematic. [Crosstalk]

UNIDENTIFIED: [Chuckles]

[Crosstalk]

COURT: Are we off the record? [Pause]

UNIDENTIFIED: [Crosstalk] where to print.

CLERK: Yeah, it's going to print to the back, so we can do it right here if you want.

[Crosstalk]

COURT: And we are off the record.

[Background noise]

[RECORD ENDS]

A-7

VII. TRANSCRIBER'S CERTIFICATION

I, Alice Falaiye, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, Pages 1 through 11, was reduced to typewritten form from the digital recording, COMPLETED ON the 9th day of September, 2022; and that the foregoing is an accurate record of the recording as above transcribed in this matter.

Signed this 9th day of September, 2022.

A. Falaiye

Alice Falaiye
Independent Contractor, Transcriptionist
517 Benton Drive
Sumter, South Carolina 29150
Tel: 832-466-6069

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 MOTION FOR A DIRECTED VERDICT AND REQUEST FOR ACCOMMODATION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully files this (1) Motion For A Directed Verdict and (2) Request For Accommodation.

As the court will see outlined and explained below, the state has failed to state a punishable offense. Importantly, the defense is not presently arguing against the right of the state to require drivers licenses, etc., but rather, that in the application and enforcement of its laws, when viewed in light of the serious burdens imposed on Mr. Daniels' free exercise of religion, the state is acting unlawfully. Based on the facts of this case, the arguments presented here are certainly meritorious and require the court to take swift action by directing a verdict of "not guilty" for each charge and issuing an order directing certain state officials to accommodate Johnathan Martia Daniels, as he has been improperly accused by the state due to his lawful use of the public roadways.

Herein, the term "state", when used to identify a person or party, shall refer to STATE OF SOUTH CAROLINA, and all of its relevant agents, officers, and/or subsidiaries, including, wherever involved in the matters described herein, CITY OF CAYCE, CITY OF COLUMBIA, S C HIGHWAY PATROL, UNIVERSITY OF S C POLICE, and any other unnamed agent, officer, or subsidiary of STATE OF SOUTH CAROLINA.

This motion was drafted by a non-lawyer movant, therefore, the defense requests that the court extend due patience and give full consideration to the arguments presented. To permit the court adequate time for any needed research or examination of the law, the defense is submitting this motion to the court well in advance of the trial date.

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IN THE CITY OF CAYCE MUNICIPAL COURT

BRIEF RE:

STATE OF SOUTH CAROLINA

VS

JOHNATHAN DANIELS

Motion For A Directed Verdict
And Request For Accommodation

Submitted To The Court by Johnathan Martia Daniels,
Compelled Attorney For The Defense

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[1] Hereinafter, "state", when used to identify a person or party, shall refer to "state" as defined on page 1 of this motion.

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South Carolina Title 56, Section 56-1-30.....8, 16, 17, 20, 21

South Carolina Title 56, Section 56-3-180.....8, 16, 20, 21

Other Authorities:

King James Bible ("KJV"), Galatians 5:1-7[2] & Romans 3:19[3] 9, 10

---

[2] King James Bible, at Galatians 1-7, which reads, "1 Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage. 2 Behold, I Paul say unto you, that if ye be circumcised, Christ shall profit you nothing. 3 For I testify again to every man that is circumcised, that he is a debtor to do the whole law. 4 Christ is become of no effect unto you, whosoever of you are justified by the law; ye are fallen from grace. 5 For we through the Spirit wait for the hope of righteousness by faith. 6 For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision; but faith which worketh by love. 7 Ye did run well; who did hinder you that ye should not obey the truth?"

[3] King James Bible, at Romans 3:19, which reads, "19 Now we know that what things soever the law saith, it saith to them who are under the law: that every mouth may be stopped, and all the world may become guilty before God."

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TABLE OF AUTHORITIES (Continued)

Court Documents:

AFFIDAVIT AND NOTICE OF FACTS, Filed Concurrent with Motion to Compel as "Exhibit C", Filed on 8/31/2020 at Cayce Municipal Court.....**10, 13, 14**

AFFIDAVIT AND NOTICE OF FACTS, Filed Concurrent With Motion to Dismiss, Filed on 7/9/2021 at Cayce Municipal Court.....**11, 13, 14**

"Attachment A" , attached hereto, is a certified and signed case disposition for a 2017 case brought by the state against Mr. Daniels.....**12**

"Attachment B" , attached hereto, is a certified and signed case disposition for a 2018 case brought by the state against Mr. Daniels.....**12**

"Attachment C" , attached hereto, is a copy of a discovery request which Mr. Daniels requested from the state in 2017, at Richland County Magistrate Court in Richland County, South Carolina.....**11**

"Attachment D" , attached hereto, is a copy of a Motion For Continuance, submitted to the court at Richland County Magistrate Court in Richland County, South Carolina.....**11**

"Attachment E" , attached hereto, is a copy of a discovery request which Mr. Daniels requested from the state in 2018, at Olympia Court in Richland County, South Carolina.....**11**

"Attachment F" , attached hereto, is a copy of a Motion To Join, submitted to the court at Richland County Magistrate Court in Richland County, South Carolina.....**14**

"Attachment G" , attached hereto, is a copy of a Motion To Dismiss, submitted to the court at Richland County Magistrate Court in Richland County, South Carolina.....**14**

"Attachment H" , attached hereto, is a copy of a discovery request which Mr. Daniels requested from the state in the case presently before the court.....**12**

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(Continued Below)

STATEMENT OF THE CASE

Written in third person for ease of reading by the court.

On December 9th, 2019, Johnathan Martia Daniels ("Mr. Daniels") was traveling east on 12th St. Ext. in Cayce, South Carolina. Mr. Daniels was traveling in his personal truck, a green Ford Ranger pickup. At approximately 7:37 am, Mr. Daniels was observed by Officer Robert Garmin ("Officer 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 Mr. Daniels and found that Mr. Daniels had no drivers license and no vehicle registration. Mr. Daniels had current insurance coverage on his truck, and a private tag on the rear of his privately owned truck. Officer Garmin confiscated Mr. Daniels' private tag and issued citations to Mr. Daniels for (1) No S.C. DL, 1st, (2) Failure to Register Vehicle, and (3) speeding.

Mr. Daniels was arraigned at an initial hearing on January 16th, 2020. At the hearing, Mr. Daniels declined an offer to discuss a plea deal with Officer Garmin, and a plea of Not Guilty was entered.

Mr. Daniels served discovery requests to Officer Garmin on February 2, 2020. In the following months, Mr. Daniels assessed that Officer Garmin refused to adequately respond to discovery and consequently motioned the court to compel a response to the discovery requested. The court ruled against Mr. Daniels' motion to compel on September 2nd, 2020 via letter. It is unknown what the basis for the denial was as the court did not elaborate, only citing that the motion was "without merit in accordance with the South Carolina Supreme Court Order Titled: Operation of the Trial Courts During the Coronavirus Emergency (As Amended April 22, 2020)". Mr. Daniels timely objected to the denial and filed a Motion to Reconsider on September 11th, 2020. The Motion to Reconsider was denied by the court on October 8th, 2020, to which Mr. Daniels timely objected. On July 3rd, 2021, Mr. Daniels served and filed a motion to dismiss for lack of jurisdiction.

While traveling to court on July 22nd, 2021 for a mandatory jury strike called by the court, Mr. Daniels was again seized, detained, and ticketed during what appeared to be a preset ambush by City of Cayce Public Safety Officers. Six cars and a K9 unit interrupted Mr. Daniels travel, causing him to be late for court. Mr. Daniels was threatened with arrest, ticketed for No S.C. DL and No Vehicle Registration, then released to make his way to court.

The court ruled against Mr. Daniels' previously filed motion to dismiss at an impromptu hearing on July 22nd, 2021, to which Mr. Daniels timely objected. Immediately following the ruling, a jury was struck and a trial of this matter was scheduled for October 28th, 2021.

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SUMMARY OF THE ARGUMENT

South Carolina Section 1-32-30 allows for the citing of a substantial burden on the free exercise of religion as a valid defense. Mr. Daniels has notified this court since 2020, and other state courts and state officers in 2017, 2018, and 2019 that his sincerely held religious beliefs and practices (1) prohibit his participation in corporate franchising schemes in subjugation to the state, (2) prohibit him from acting as a state-created corporate person in subjugation to the state, and (3) that these religion based prohibitions prevent his obtaining a drivers license and vehicle registration. This court has previously been given notice that it is on this religious basis that Mr. Daniels has refused to obtain a license or register his truck. Mr. Daniels hereby raises the defense as allowed at South Carolina Section 1-32-30(2).

Firstly, if any misunderstanding exists as to the accuracy of Mr. Daniels' conclusions regarding the existence of a surreptitiously imposed state franchise or state-created corporate persona, the state is culpable for that misunderstanding.

Mr. Daniels has diligently attempted to confirm or disprove the state's franchise and/or corporate interactions involving him through independent research and legally permissible discovery during litigation with the state between 2017, 2018, 2019, 2020, and 2021. In each instance, the state has refused to respond to the discovery requested, and the state's judges have ruled against Mr. Daniels on motions to compel responses. The state has never once rebutted or denied Mr. Daniels' sworn attestations to it's surreptitious enfranchisement and mischaracterization of Mr. Daniels as a state-created corporate person. To the contrary, the state has indirectly confirmed that Mr. Daniels is correct in his conclusions, as the state has subsequently nolle prossed every charge in similar cases against Mr. Daniels after he raised his religious objections to being treated as a state-created corporate person. Mr. Daniels has thoroughly investigated the matter and reasonably concluded that through licensing, registration, and other means, the state has treated him and/or intends to treat him, as either a corporate franchisee of the state, or a state-created corporate person.

In this present case, Mr. Daniels has been cited, charged, and will be put on trial because he uses his unregistered private truck on the public roadways without a state drivers license. As explained above, Mr. Daniels cannot comply with the state law requiring him to use a state drivers license and registration without putting aside his sincerely held religious beliefs, practices, and obligations. It is obvious that the restrictions placed upon Mr. Daniels' free use of the roadways, along with his other rights, result directly from the state's laws and

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requirements that he (1) register his truck with the state and (2) that he use the public roadways solely in a manner and under the authority of a state issued drivers license. These requirements and the resulting penalties for noncompliance constitute a very substantial burden on Mr. Daniels' free exercise of religion, and must be done under "compelling interest" scrutiny, at a minimum (see South Carolina Section 1-32-30). Federal guidelines in similar cases require the heightened standard of "strict scrutiny".

For the purposes of this case, Mr. Daniels concedes that the state has a compelling interest in regulating of the use of the public roadways. However, in light of the very substantial burdens placed on Mr. Daniels' constitutionally protected free exercise of religion, his property rights, and his right to travel (liberty), the state's methods of regulating his use of public roadways must take the form of the least restrictive means of regulation.

The state does utilize less restrictive means of regulation in some cases. For example, South Carolina Section 56-1-30 (section on driver licensing) permits several classes of persons to be exempted from the licensing requirement, including some persons with no license in any jurisdiction whatsoever. For a second example, South Carolina Section 56-3-180 (section on vehicle registration) permits some persons to be exempted from the vehicle registration requirement altogether. It is beyond argument that these alternative regulatory means are far less restrictive than those the state seeks to impose on Mr. Daniels. Therefore, no reasonable argument can be made that requiring Mr. Daniels to be bound to a state drivers license and vehicle registration are the least restrictive means of furthering the compelling state interest involved.

All of the above makes the application of the laws and violations charged in this case unconstitutional in effect and enforcement as relates to Mr. Daniels, as an individual person (as required by South Carolina SECTION 1-32-40, and federal law). The U.S. Supreme Court's interpretations of the state and federal constitutions prohibit any such application of state laws, and the Court has found statutes and ordinances void where they unreasonably restrict a constitutionally protected right.

The present case against Mr. Daniels is clearly one that does not pass constitutional muster, and only one verdict is possible here. Because both the state and the jury it assembles are bound by constitutional constraints, it is clear and evident that no reasonable jury could return a verdict of "guilty" in this case. No jury can act against the state and federal constitutions. This court should grant this motion for a directed verdict of "not guilty" to the charges, and issue an additional order as requested to ensure state compliance with constitutional requirements concerning Mr. Daniels constitutionally protected rights.

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DETAILED ARGUMENT

A. THE COURT SHOULD GRANT THE DEFENSE'S MOTION FOR A DIRECTED VERDICT BECAUSE NO REASONABLE JURY COULD FIND THE DEFENDANT GUILTY WITHOUT UNLAWFULLY AUTHORIZING STATE DEPRIVATION OF CONSTITUTIONALLY PROTECTED RIGHTS UNDER COLOR OF LAW.

1. **South Carolina SECTION 1-32-30(2), allows for the raising of a defense for persons whose exercise of religion is substantially burdened by the State.**

Mr. Daniels hereby raises the defense described at SECTION 1-32-30(2). South Carolina SECTION 1-32-30 allows for the raising of a defense to persons whose exercise of religion is substantially burdened by the State and reads, in part (bold added):

"The purposes of this chapter are to:

(1) **restore the compelling interest test as set forth in Wisconsin v. Yoder,** 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of religion is substantially burdened by the State."

May the court take notice that South Carolina SECTIONS 1-32-30 and 1-32-40, require that a state burden on religious practice must pass the compelling interest test, and be the least restrictive means of furthering a compelling state interest to wit, SECTION 1-32-40 states (bold added):

"The State may not substantially burden a person's exercise of religion, **even if the burden results from a rule of general applicability,** unless the State demonstrates that application of the burden to the person is:

(1) in furtherance of a compelling state interest; and

(2) the least restrictive means of furthering that compelling state interest."

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2. **Mr. Daniels' religious beliefs and practices are sincerely held, and his freedom to exercise his religion has been severely and repeatedly burdened by the state.**

Mr. Daniels' studies of religion, commerce, and law have caused him to determine that it was more likely than not that the state had already/or intends to unlawfully and without disclosure, surreptitiously bind him, a God created Man, to state-created franchises which do not recognize him as a living being obligated to God, but instead seek to recognize him as a corporate person created under the authority and jurisdiction of the state.

The court please recognize that Mr. Daniels' position, since the start of this case, has never relied on the merits of whether or not he actually had a proper license or registration, or if he was required to observe the the posted speed limit. To the contrary, Mr. Daniels' defense has always been based on his right to refuse the unlawfully restrictive religious burdens imposed on him by the state. As Mr. Daniels has affirmed to this court, he is duty bound as under Galatians 5:1-6 and Romans 3:19 to avoid slavery, peonage, and involuntary servitude at all times. Mr. Daniels exists to serve his God exclusively, and cannot volunteer to have the state Lord over him. Having already been freed by Christ, Mr. Daniels is prohibited to return to the yoke of bondage.

More importantly, if Mr. Daniels were to fail to resist the state's claims that he exists under it's jurisdiction as a state-created franchise/corporate person, Mr. Daniels would be at jeopardy of unintentionally forfeiting his Christ given blessings. (See AFFIDAVIT AND NOTICE OF FACTS[4], Filed With Motion to Compel as "Exhibit C" on 8/31/2020, at sworn statement #1 & #5; see AFFIDAVIT AND NOTICE OF

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[4] The court please take notice of the entire contents of "AFFIDAVIT AND NOTICE OF FACTS", filed concurrent with Motion to Compel on Aug. 31, 2020, as "Exhibit C", in which Mr. Daniels affirms, "(1). I have a religious obligation, as stated at Galatians 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms." and at page labeled "7" where he affirms, "(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent an undisclosed franchise over My objection is involuntary servitude and peonage, which are prohibited by law."

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FACTS[5], Filed With Motion to Dismiss on 7/9/2021, at sworn statements #1, #5 & #6; see also "KJV" at Galatians 5:1-6 and Romans 3:19, referenced above).

From the time he was stopped by officer Garmin until present, Mr. Daniels has consistently informed officer Garmin, the prosecutor and this court that it is his position that the state lacks lawful authority and jurisdiction to demand his compliance with unconstitutionally enforced, unreasonable, and discriminatory regulatory requirements which would deceive him into slavery, peonage or involuntary servitude under subjugation to the state. In fact, on January 16th, 2020, at the Cayce Municipal Court, Mr. Daniels and Officer Garmin had that very discussion prior to the initial hearing in this case. Mr. Daniels told Officer Garmin at that time that he had religious objections to being bound by the laws in question.

Over the past 5 years of Mr. Daniels inquiring incessantly, the state, nor any agent, officer, or subsidiary of the state, has ever answered or rebutted Mr. Daniels' findings that (1) the state has already/or seeks to enfranchise him unlawfully, without full disclosure, and (2) that the state's licensure and registration requirements are imposed on state-created corporate persons (See "Attachment C", wherein Mr. Daniels has requested discovery from the state in 2017, to which no response was given; See "Attachment D" wherein Mr. Daniels motions for a continuance to give the state more time to respond to his 2017 discovery requests; See "Attachment E", wherein Mr. Daniels has requested discovery from the state in 2018, to which no response was given; See "Attachment F" wherein Mr. Daniels has motioned for

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[5] The court please take notice of the entire contents of "AFFIDAVIT AND NOTICE OF FACTS", filed concurrent with Motion to Dismiss on July 9th, 2021 , and particularly at page 7, in which Mr. Daniels affirms, "(1). I have a religious obligation, as stated at Galatians 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms." and further at page 8, where he affirms, "(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent an undisclosed franchise over My objection is involuntary servitude and peonage, which are prohibited by law."; with his further affirmation at "(6). I, Johnathan Martia Daniels, am litigating this case only out of necessity, and not out of a voluntary desire to do so. If I were to refuse to act, STATE OF SOUTH CAROLINA would use it's laws to attack My personal property, My liberty, and My freedom."

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dismissal due to the state's refusal to respond to his 2018 discovery requests; See "Attachment G" wherein Mr. Daniels has motioned to join the state's repetitive charges; See "Attachment H", wherein Mr. Daniels has requested discovery from the state in 2020, to which no response was given; See the Motion to Compel, filed in the present case before this court on August 31st, 2020, which was denied, wherein discovery was requested to be compelled from the state; See the Motion to Reconsider, filed in the present case before this court on September 11th, 2020, which was denied, wherein discovery was requested to be compelled from the state).

Beyond the documents referenced in parentheses above, there are numerous additional notices, information requests and discovery requests which Mr. Daniels presented orally, on the records of various state courts between 2017 and present, to which the state refused to answer, refused discovery, and/or ruled against Mr. Daniels in multiple motions to compel responses.

Mr. Daniels has repeatedly informed the state of his religious objections via oral and written notices in 2017, 2018, and again in 2020. Given all this, it is unreasonable that violations of Mr. Daniels' constitutionally protected rights continue to occur due to the numerous instances of arrest and detainment which result from his refusing state licensing and registration. Prior to the present case, the state's response to Mr. Daniels' notices of unreasonable religious burden, has been a refusal to prosecute. Such instances include:

DATE	ACTION/CHARGES	RESULT
07/01/2017	Charged, Expired Veh. Lic.	Nolle Prosequi - Notice to Officer & Judge.
03/16/2018	Charged, No Veh. Reg.	Nolle Prosequi - Notice to Officer & Judge.
05/02/2018	Not Charged, No Veh. License	Warning.
12/09/2019	Charged, No DL, No Reg. Spding	Pending - Notice to Officer & Judge.
12/24/2019	Not Charged, No Veh. License	Warning.
07/22/2021	Charged, No DL, No Veh. Reg.	Pending.

The court please take notice of "Attachment A" & "Attachment B", attached hereto, which are court certified case dispositions.

The prosecution of this case appears to be particularly aggressive in comparison to prior prosecutions by the state; this, despite the notices of undue religious burden being given to officer Garmin, the prosecutors and the court. Mr. Daniels has serious concerns that the policies of the City of Cayce, acting as agent on behalf of the state, are in direct contravention to established law.

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All of the above is provided for the conscience of the court, should the court find need to determine the validity or sincerity of Mr. Daniels' religious beliefs and practices, however, for purposes such as determining the defense allowed at South Carolina SECTION 1-32-30(2), the Supreme Court has ruled that courts cannot examine the truth or falsity of religious beliefs. See United States v. Ballard, 322 U.S. 78 (1944).

3. **Under the circumstances it was/is reasonable for Mr. Daniels to conclude that the state, without full disclosure, has already/or intends to enfranchise him without disclosure, or to treat him as a state-created corporate person.**

As stated above, Mr. Daniels has researched this matter extensively in furtherance of his religious obligations, and he has determined that the state has already/or intends to unlawfully and without disclosure, surreptitiously bind him, a God created Man, to state-created franchises which do not recognize him as made by God, but instead only recognize him as a corporate person created under the authority and jurisdiction of the state.

During several instances of litigation between 2017 and present, Mr. Daniels has sought legally permissible discovery to confirm or deny his findings and conclusions, but the state has repeatedly refused to cooperate with discovery or otherwise meaningfully answer inquires. Further, Mr. Daniels' many motions to compel discovery have been denied by the state's courts. Importantly, Mr. Daniels' affidavits attesting to his involuntary servitude through an undisclosed franchise or corporate personage have never been answered nor rebutted by the state in any written response or at any hearing (See AFFIDAVIT AND NOTICE OF FACTS, Filed With Motion to Compel as "Exhibit C" on 8/31/2020 and AFFIDAVIT AND NOTICE OF FACTS, Filed With Motion to Dismiss on 7/9/2021).

Further, the defense finds it highly prejudicial, in the nature of an estoppel to the current charges, that after all of the many actions taken to Mr. Daniels' detriment in prior cases, the state has nolle prossed each charge; and, these decisions to nolle prosse the charges have occurred very late in litigation, typically right before trial, after putting Mr. Daniels through many court appearances and hundreds of hours of grueling legal research and writing. It is particularly damning that the state has repeatedly dropped the charges, despite the fact that the charges have been administrative in nature (i.e. No Vehicle Registration and No Drivers License) and

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no defense on the merits was ever presented by Mr. Daniels. A court might be inclined to agree that either (1) Mr. Daniels is within reason to conclude that his findings were correct and that the state had unlawfully enfranchised him and/or is attempting to license him as a state-created corporate person, or (2) that Mr. Daniels' claims of unlawful religious burden were valid.

In any case, the existence of any error in Mr. Daniels' conclusions are the fault of the state, because the state has never informed Mr. Daniels of the reasons for not answering discovery, the denying of motions, or the nolle prossed charges.

For these reasons, Mr. Daniels is left with no choice but to take his own findings as the truth. Consequently, Mr. Daniels has refused to obtain a license or registration, as his sincerely held religious beliefs and practices do not allow him to comply with the state's schemes.

4. **The state, through its agents and subsidiaries, has been given several oral and written notices of it's imposition of unreasonable burdens on Mr. Daniels' constitutionally protected right to the free exercise of religion and the state has offered no accommodation, guidance, or relief.**

Mr. Daniels has submitted notices to this court, along with prior written and oral notices given to other state judges and officers, outlining his religious objections to interacting with the state in any corporate/franchise status (See current filings in this present case including all Affidavits, Motion to Compel, Motion For Reconsideration, and Motion to Dismiss; See also "Attachment "D", which is a Motion For Continuance; See also "Attachment F", which is a Motion To Join; See also "Attachment G" which is a Motion to Dismiss). Further still, Mr. Daniels has given notices orally, on the records of various state courts (including this court), and in conversations with state officers.

Importantly, South Carolina Title 56, the section which creates the legal requirement for drivers licenses and vehicle registration, is void of any guidance directing a course of action to someone subjected to an undue religious burden as a result of the statutes provisions.

No accommodation, or guidance as to a process for making a request for accommodation, has ever been given to Mr. Daniels by any state officer or official in regards to the given notices of religious objection. Mr. Daniels has previously inquired of state officers and judges regarding the possibility that a notation be put on the state's records, so that he would not be repeatedly arrested and cited for driving

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without a license and registration. On more than one occasion, responses given on behalf of the state have informed Mr. Daniels that this is not possible, and that Mr. Daniels' only option was to get a license and register his truck. However, due to his adherence to his religious obligations, Mr. Daniels has refused to do so.

It is not reasonable in any interpretation of the state and federal constitutions, or the decisions of the U.S. Supreme Court, that the state can surreptitiously violate a Citizen's constitutionally protected rights to the free exercise of religion, and other protected rights, in pursuit of roadway regulation.

Further, the state is violating a plethora of laws by not making an accommodation for Mr. Daniels' sincerely held religious beliefs and practices, as well as violating his right to travel. Further still, the state has violated Mr. Daniels property rights without fair compensation.

5. **The means employed by the state in regulating Mr. Daniels' use of the public roadways are contrary to the requirements of the state and federal constitutions and are unlawful.**

In raising the defense allowed under SECTION 1-32-30(2), an examination must be undertaken to determine whether or not (1) the state has a compelling interest in demanding that Mr. Daniels register his truck and that he be licensed to operate an automobile on public roadways, (2) whether the methods employed against Mr. Daniels, as an individual (as required under SECTION 1-32-40) are the least restrictive means of furthering that compelling state interest, and (3) whether the means are reasonable under state and federal constitutional "compelling interest" and "strict scrutiny " analyses.

Mr. Daniels brings to the court's attention the case of *Thompson v. Smith,* decided by the V.A. Supreme Court. Thompson v. Smith, 155 Va. 367 — Va: Supreme Court (1930). Although, not specifically adjudicated in South Carolina, this case is on-point, as it addresses the law and precedent on issues pertaining to the present case from a constitutional perspective. The Virginia court's constitutional analysis should limit the scope of argument here, because it is not possible for a court in any one of the united States to lawfully reach a conclusion other than the one espoused by the Virginia Court. The relevant portion reads (bold added):

"The right of a citizen to travel upon the public highway and to transport his property thereon by horsedrawn carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty and the

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pursuit of happiness. Under this constitutional guaranty one may, **therefore, under normal conditions, travel at his inclination along the public highways or in public places,** and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's rights, he will be protected, not only in his person, but in his safe conduct."

"The exercise of such a common right the city may, under its police power, regulate in the interest of the public safety and welfare; **but it may not arbitrarily or unreasonably prohibit or restrict it, nor may it permit one to exercise it and refuse to permit another of like qualifications, under like conditions and circumstances, to exercise it.**

The regulation of the exercise of the right to drive a private automobile on the streets of the city may be accomplished in part by the city by granting, refusing, and revoking, **under rules of general application,** permits to drive an automobile on its streets; but such permits may not be arbitrarily refused or revoked, or permitted to be held by some and refused to other[s] of like qualifications, under like circumstances and conditions." *Thompson v. Smith,* 155 Va. 367 — Va: Supreme Court (1930).

In *Thompson v. Smith,* the Virginia court held that, "The exercise of such a common right the city may, under its police power, regulate in the interest of the public safety and welfare", therefore Mr. Daniels concedes that a compelling state interest exists regarding the state's need to regulate public roads in the interests of the public safety and welfare. However, it is NOT the case that the state's requirements imposed upon Mr. Daniels were/are the least restrictive means of furthering that compelling state interest. The state's motor vehicle laws do regulate through means that are less restrictive than those proposed to regulate Mr. Daniels' use of the public roadways.

For example, the law requiring vehicle registration is not one of general applicability, as there are many exemptions allowed. South Carolina SECTION 56-3-180 allows exemption from the requirement to register a motor vehicle, which may be done by way of special permit, among other ways, and reads as follows:

> "Special permits to operate vehicles otherwise required to be registered and licensed; restrictions.
>
> **The department may issue in writing special permits to operate vehicles otherwise required to be registered and licensed under this chapter when the vehicles do not display the required current license plate or plates or registration cards.** A special permit issued pursuant to this section, shall specify the date on which the permit expires, and must be carried at all times on the vehicle authorized to be operated." - South Carolina SECTION 56-3-180.

The state's laws also regulate in ways that are less restrictive than requiring state drivers licenses to operate a private automobile on public roadways. The law requiring drivers licenses is not one of general applicability, as many exemptions are allowed. South Carolina SECTION 56-1-30 allows several classes of persons an exemption from licensing requirements, and reads in part at item (3):

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"Persons exempt from licensing requirements.

The following persons are exempt from licenses under this chapter:" .....

"(3) **Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year,** if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident's spouse or dependent who has a valid license issued by his home state;" - South Carolina SECTION 56-1-30."

Many "generally applicable" laws provide categorical exceptions of one kind or another. Once a legislature has carved out an exemption for a secular group or person, the law is no longer "generally applicable," and thus subject to standards of strict scrutiny. As the U.S. Supreme Court opined, "where such a law is not neutral or not of general application, it must undergo the most rigorous of scrutiny: It must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest." Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993).

In *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, since the challenged ordinance both burdened religious practice and was not generally applicable, the Court applied both the "strict scrutiny" and the "compelling interest" standard to the city's actions, and the ordinance could not pass constitutional muster as enforced. In light of Mr. Daniels' constitutionally protected right to the free exercise of religion, the laws and purported violations presently before this court are due the same level of scrutiny, and do not pass muster because in this case they are being applied and enforced unconstitutionally.

No other governmental interest beyond public safety and welfare is acknowledged by the V.A. Supreme Court in its *Thompson v. Smith* decision. Whereas the Citizen's right to freely travel by automobile may be locally regulated by the state "in the interest of the public safety and welfare", such reasoning does not allow the state's regulating of Mr. Daniels' rights for the purposes of forcing him into adhesion contracts with the state, fund raising, tracking his private property, or any other unlawful purpose.

Because the state's application of the laws, as applied to Mr. Daniels, do not meet the "compelling interest" standard, an analysis under "strict scrutiny" is not necessary, as the laws at issue would not meet the higher standard.

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6. **In light of Mr. Daniels' religious objections, the state has made unlawful attempts to coerce his compliance with an unconstitutional application of the laws.**

Importantly, the court please note that, "The right to travel is part of the 'liberty' that a citizen cannot be deprived of without due process of law." Kent v. Dulles, supra, 357 U.S. at 357 U. S. 125.[6]; U.S. v. Laub 385 U.S. 475.

To this day, and subsequent to receiving notices of Mr. Daniels' religious based objections, state officers with knowledge of his objections have made offers to NOT prosecute him for various "crimes", IF Mr. Daniels would comply with the state's licensing and registration requirements sans accommodation. This is an unlawful deprivation of rights under color of law and use of intimidation; further still, it's likely an unlawful abuse of prosecution. The state has unreasonably conditioned Mr. Daniels' religious rights, his property rights, and his right to travel on his willingness to cast aside his sincerely held religious beliefs and practices.

Instead of accommodation or guidance, Mr. Daniels has been threatened with jail and fines, and the frequent stops by various state officers have attempted to intimidate him from freely using the public roadways. The failure by the state to provide accommodation to Mr. Daniels or to offer guidance has resulted in his being essentially denied the freedom to travel on public roadways even though the state does "permit others of like qualifications, under like conditions and circumstances, to travel unmolested"; the sole distinction being Mr. Daniels' religion based refusal to obtain a state drivers license and registration.

It is a fact that some officers, prosecutors, and other officials representing the City of Cayce appear to be similarly uninformed of the laws requiring accommodation, as they have also given erroneous advice and acted contrary to the law. For example, as described above, Mr. Daniels was ambushed on his way to court on July 22nd, 2021 by at least 6 officers of the City of Cayce's Department of Public Safety, at least one of whom had been present at a prior court hearing during which Mr. Daniels had publicly made assertions of undue religious burden by the state in

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[6] Kent v.Dulles 357 U.S. 125 (1958). The U.S. Supreme Court held that the right to travel is an inherent element of "liberty" that cannot be denied to American citizens. Although the Executive may regulate the travel practices of citizens, by requiring them to obtain valid passports, it may not condition the fulfillment of such requirements with the imposition of rules that abridge basic constitutional notions of liberty, assembly, association, and personal autonomy.

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this present case.

Importantly, the court please note that the state's violation of Mr. Daniels' constitutionally protected right to the free exercise of religion (U.S. Constitution, 1st Amendment and South Carolina Constitution Article 1, Section 2) while concurrently violating his property rights (U.S. Constitution, 4th, 5th, & 14th Amendments and South Carolina Constitution Article 1, Sections 3, 10, & 13), and also violating his right to liberty through free travel (U.S. Constitution, 5th & 14th Amendments and South Carolina Constitution Article 1, Section 3) constitutes a "hybrid situation", which empowers federal courts to examine the state's actions under both the "strict scrutiny" and the "compelling interest" standards.

B. NO JURY CAN EMPOWER THE STATE TO ACT CONTRARY TO THE STATE AND/OR FEDERAL CONSTITUTIONS. THE EVIDENCE IN FAVOR OF THE DEFENSE ALLOWED AT SOUTH CAROLINA SECTION 1-32-30(2) IS OVERWHELMING AND UNREBUTTED.

Importantly, the court please note that Mr. Daniels was never, and is not currently, required by law to park his truck and live under a self-imposed ban from travel upon the public roadways. According to the U.S. Supreme Court decision in *Shuttlesworth v. Birmingham,* Mr. Daniels need not wait on the state to come around to realizing that he must be accommodated in these matters. "Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of rights... may ignore the law and engage with impunity in exercise of such right." Shuttlesworth v. Birmingham 394 U.S. 147 (1969).

Further, "If [state] officials construe a vague statute unconstitutionally, the citizen may take them at their word, and act on the assumption that the statute is void." - Shuttlesworth v. Birmingham 394 U.S. 147 (1969). Nonetheless, to avoid arrest and frequent prosecution, Mr. Daniels has been forced to abstain from the free exercise of his rights. In the present case, the laws as generally applied may not be vague, but as construed by officials in application to Mr. Daniels, as an individual (as required by South Carolina Section 1-32-40), the laws are being enforced unconstitutionally, and are therefore void. Mr. Daniels has given notices, requested accommodation, and not been accommodated or offered any guidance.

A jury established and convened under the authority of the state constitution cannot, through any action, empower the state to act contrary to the laws establishing

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the state and federal governments. Both the state and the jury are bound by the same constitutional constraints.

Therefore, since (1) the free exercise of Mr. Daniels' sincerely held religious beliefs and practices prohibit his participation in the state's drivers license mandates, registration requirements, and/or undisclosed franchising schemes, and (2) Mr. Daniels has given adequate notices to the state of the burdens imposed on his free exercise of religion and requested reasonable accommodation, which was denied or neglected, and (3) since the state is enforcing it's licensing and registration requirements upon him in ways that are unduly burdensome to his free exercise of religion and NOT the least restrictive means of furthering the compelling state interest at issue, then it is a matter of law that no reasonable jury could find him guilty of the charges brought in this case.

Even if everything claimed by the prosecution were true, there exists no reasonable basis for a finding of guilty, or for any grant of relief to the state, as **no jury can approve a thing specifically forbidden by the law.**

C. MR. DANIELS IS SAFE AND COMPETENT IN HIS USE OF AUTOMOBILES AND, AGAIN, SEEKS REASONABLE ACCOMMODATION.

Importantly, Mr. Daniels is safe and competent in his use of automobiles, having previously passed drivers knowledge and skills tests in South Carolina and Texas. Mr. Daniels has previously possessed drivers licenses in both jurisdictions, and is not suspended or barred from obtaining a license in any jurisdiction, whatsoever. Mr. Daniels has been accused of only one moving violation in the last 10 years, and convicted of none. He has had no accidents during that time, and maintains financial responsibility for any liability arising from his use of automobiles.

Here, once again, Mr. Daniels is demanding as a religious accommodation, that the state recognize him as a God created natural person and NOT a corporate person in any interactions between himself and the state, and that his true given name (not a surreptitiously created all-caps, fictional corporate/franchise name) be placed on any and all documents relating to interactions between he and the state.

If the state refuses accommodation as demanded above, Mr. Daniels demands that while living in South Carolina, that (1) he be exempted from the requirement to obtain a drivers license in a manner similar to that allowed under South Carolina SECTION 56-1-30(3), and that (2) he be extended a special permit status as allowed

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under South Carolina SECTION 56-3-180.

THE COURT PLEASE NOTE THAT, Mr. Daniels objects to any form of dismissal of the charges in this case which results in an inconclusive result; as prior dismissals have not prevented continued violation of Mr. Daniels rights, it is necessary to have the issues decided with finality so that both the state and Mr. Daniels can take responsible action to prevent further deprivation of his rights.

D. CONCLUSION

In light of the above, the defense respectfully requests that this court grant this motion for a directed verdict of "Not Guilty".

It is further requested that this court issue an order calculated to authorize and/or inform the appropriate state officials (unknown, but possibly DMV officials) that Mr. Daniels must be recognized as a God created natural person and NOT a corporate person in interactions between himself and the state, and that his true given name (not a surreptitiously created all-caps, fictional corporate/franchise name) must be placed on any and all documents relating to interactions between Mr. Daniels and the state; **or in the alternative,** an order authorizing and informing appropriate state officials (unknown, but possibly DMV officials) that while living in South Carolina, (1) Mr. Daniels must be exempted from the requirement to obtain a drivers license in a manner similar to that allowed under South Carolina SECTION 56-1-30(3), and that (2) Mr. Daniels must be extended a special permit status as allowed under South Carolina SECTION 56-3-180; **or any other such order** that the court finds appropriate.

Respectfully Submitted,

Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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Attachment A

Central Court

CASE HISTORY FOR CASE 6102P0332437

State of South Carolina vs Johnathan Daniels

FILED DATE: 7/18/2017 | CASE TYPE: TR | STATUS: Disposed

ASSIGNED JUDGE: Central Court

DISPOSITION JUDGE: Simons, Donald Jeffrey

ARRESTING AGENCY: S C Highway Patrol

CASE PARTIES:

Defendant Daniels, Johnathan
2701 West Belfort, Houston, TX 77054

Officer Flitter, Christopher M
District #1, 1626 Shop Road, Columbia, SC 29201

Witness Daniels, Jonathan
Po Box 30651, Columbia, SC 29230

CASE HISTORY FOR CASE 6102P0332437

Daniels, Johnathan
2701 West Belfort

Houston, TX 77054

Age: 46
DL#: 14578422

DOB: 9/1/1975
SSN: 000-00-0000

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
3243	Traffic / Expired vehicle license	7/1/2017	Nolle Prosequi	8/15/2019

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Traffic / Expired vehicle license				
Fine to General Fund	$0.00	$0.00	$0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge $:	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Total:	$0.00	$0.00	$0.00	

DATE	TIME	EVENT DESCRIPTION
7/25/2017	9:00 AM	Court event: Criminal/Traffic Court
7/25/2017	8:27 AM	Motion/Dismiss
7/25/2017	4:48 PM	Filing recorded: Jury Trial Requested
7/25/2017	12:00 AM	C40LWIDEMA recorded the following Case Note: **********JURY TRIAL REQUESTED **********
10/27/2017	12:00 AM	Filing recorded: Archived Court Summons
11/7/2017	5:02 PM	Motion/Discovery
12/11/2017	8:30 AM	Court event: Criminal/Traffic Jury Trial
12/14/2017	8:30 AM	Court event: Criminal/Traffic Jury Trial Day Certain -ND
12/14/2017	11:48 AM	Filing recorded: Continued/For Both Parties

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Print Date: 09/20/2021
Print Time: 2:05:12PM
Requested By: C40MREED

CaseHistory.rpt V6.1

7/3/2018	12:00 AM	Filing recorded: Archived Court Summons
8/6/2018	3:34 PM	Filing recorded: Continued/For State
8/6/2018	12:00 AM	C40MMENDOZ recorded the following Case Note: **********Continued from JT for State**********
8/6/2018	8:30 AM	Court event: Criminal/Traffic Jury Trial
2/8/2019	12:00 AM	Filing recorded: Archived Court Summons
2/22/2019	12:00 AM	C40MMENDOZ recorded the following Case Note: rcvd return mail- return to sender- insufficient address- unable to forward-
3/13/2019	11:26 AM	Filing recorded: Continued/For Defense
3/13/2019	9:00 AM	Court event: Criminal/Traffic Jury Trial Roster Meeting
7/31/2019	12:00 AM	Filing recorded: Archived Court Summons
8/15/2019	8:30 AM	Court event: Criminal/Traffic Jury Trial Day Certain
1/6/2021	12:00 AM	C40AHARTSS recorded the following Case Note: Got ahold of the defendant, Mr. Johnathan m Daniels. Mr. Daniels was informed that for his request of two audio recordings from two different court dates will his total pay amount will be, $40. Mr. Daniels will be sending in a money order.
1/7/2021	12:00 AM	C40SDASH recorded the following Case Note: certified case history sent to defendant per request. Copy of letter in misc file front desk.

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TRUE & CORRECT

Attachment B

Central Court

CASE HISTORY FOR CASE 20182850001504

State of South Carolina vs Johnathan M Daniels

FILED DATE: 4/25/2018

CASE TYPE: TR

STATUS: Disposed

ASSIGNED JUDGE: Central Court

DISPOSITION JUDGE: Cuff, Harold A.

ARRESTING AGENCY: University Of S C Police Department

CASE PARTIES:

Defendant Daniels, Johnathan M
2701 West Belfort, Apt 1418, Harris, TX 77054

Officer Cantrell, Julianna C
1415 Henderson Street, Columbia, SC 29208

Witness Daniels, Johnathan M.
P.O. Box 30651, Columbia, SC 29230

CASE HISTORY FOR CASE 20182850001504

Daniels, Johnathan M
2701 West Belfort, Apt 1418

Harris, TX 77054

Age: 46
DL#: 19578422

DOB: 5/1/1975
SSN: 000-00-0000

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
2073	Traffic / Operating vehicle on highway without registration and license due to delinquency	3/16/2018	Nolle Prosequi	3/4/2020

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Traffic / Operating vehicle on highway without registration and licens				
Fine to General Fund	$0.00	$0.00	$0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge $.	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Total:	$0.00	$0.00	$0.00	

DATE	TIME	EVENT DESCRIPTION
3/16/2018	9:05 AM	Court event: Criminal/Traffic Court
4/11/2018	9:30 AM	Court event: Criminal/Traffic Court
4/11/2018	5:04 PM	Filing recorded: Jury Trial Requested
4/11/2018	12:00 AM	C40CPITTS recorded the following Case Note: ***** Jury Trial Requested *****
4/25/2018	12:00 AM	C40CPITTS recorded the following Case Note: transferred to Central Court for JT division
4/26/2018	12:00 AM	C40SEVANS recorded the following Case Note: Received file from Traffic.
4/26/2018	10:55 AM	Filing recorded: Change of Address Criminal
3/18/2019	12:00 AM	Filing recorded: Archived Court Summons
4/17/2019	1:34 PM	Filing recorded: Continued/For Defense
4/17/2019	1:00 PM	Court event: Criminal/Traffic Jury Trial Roster Meeting

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Print Date: 09/20/2021
Print Time: 2:06:51PM
Requested By: C40MREED

CaseHistory.rpt V6.1

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B

1/22/2020	12:00 AM	Filing recorded: Archived Court Summons
3/2/2020	8:30 AM	Court event: Criminal/Traffic Jury Trial
3/3/2020	8:30 AM	Court event: Criminal/Traffic Jury Trial - ND
1/6/2021	12:00 AM	C40AHARTSS recorded the following Case Note: Got ahold of the defendant, Mr. Johnathan m Daniels. Mr. Daniels was informed that for his request of two audio recordings from two different court dates will his total pay amount will be $40. Mr. Daniels will be sending in a money order.
1/7/2021	12:00 AM	C40SDASH recorded the following Case Note: certified case history sent to defendant per request. Copy of letter in misc file front desk.

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Attachment C Flitter JT 12-1-17 #67

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	RICHLAND COUNTY MAGISTRATE COURT TICKET # 6102P0332437 MOTION FOR DISCOVERY

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby moves the Court to order that Discovery begin in this case. Evidence vital to formulate a defense is needed and sought by right.

Johnathan Martia: Daniels, For the Defendant

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CENTRAL COURT

Attachment D #67

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	RICHLAND COUNTY MAGISTRATE COURT TICKET # 6102P0332437 MOTION FOR CONTINUANCE

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, Defendant hereby requests that this Court grant a continuance, and issue an order demanding that the prosecution respond to Defendant's discovery request or face sanctions. Plaintiff, the State of South Carolina (hereinafter "Plaintiff"), through the inaction of Officer Flitter, has refused to answer discovery requests served upon Plaintiff a month ago. The Plaintiff's has prevented the formation of a defense by refusing to provide information requested by Defendant's Motion for Discovery.

Defendant filed a Motion for Discovery on November 7th, 2017 and served Officer Flitter with a copy of the said motion and specific discovery requests on November 8th, 2017 via Certified First Class U.S. Mail, #7013 1090 0002 0385 0863. Plaintiff received the motion and discovery requests on November 13th, 2017. As of yesterday, there has been no response from anyone on behalf of the Plaintiff. Information vital to the defense was requested and refused by Plaintiff. Granting Defendant's request in this case is justified.

Please note that the natural person, Johnathan Daniels' participation in this forum, on behalf of Defendant is not undertaken willingly, but rather out of necessity, as State of South Carolina, through presumption and fraud would bring charges and impose upon Him if He were to refuse to act.

Respectfully submitted,

Johnathan Martia: Daniels, For the Defendant
P.O. Box 30651
Columbia, South Carolina 29230

RICHLAND COUNTY
CENTRAL COURT
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Attachment E

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STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	RICHLAND COUNTY MAGISTRATE COURT (OLYMPIA) TICKET # 201828500015004 DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff produce for inspection the documents listed below. The documents requested are needed for the Defense in this case, and the request made herein is ongoing; Plaintiff will provide copies of any documents it controls between now and the day of trial. Good faith production of the documents requested is required, otherwise said documents cannot be used against the Defendant in the prosecution of this case. As used herein, "Document" includes any paper, recording, data file, and/or any other means of information recording and/or storage.

Documents Requested:

1. Any document that purports to create Plaintiff ownership of or license to use the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
2. Any document that purports to create Plaintiff ownership of or license to use the trademark/service mark "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
3. Any document that purports to create ANY form of franchise for the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
4. Any document that purports to create citizenship of or for a DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
5. Any document that purports to create Citizenship of or for the natural person Johnathan Martia: Daniels.

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6. Any document that purports to disclose details of the existence, operation, and creation of any franchise, under STATE OF SOUTH CAROLINA, to the natural person Johnathan Martia: Daniels.
7. Any document that a natural person, born on the land called South Carolina, can submit to apply for citizenship, or the creation of a franchise, under *STATE OF SOUTH CAROLINA*.
8. Please provide copies of any law that purports to require a non-citizen, natural person to obey franchise legislation, regulations, or rules of STATE OF SOUTH CAROLINA.

Respectfully Requested,

Dated this 8th day of June, 2018

Johnathan Martia: Daniels,
For the Defendant
P.O. Box 30651
Columbia, SC 29230

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Attachment F

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, *DEFENDANT*	RICHLAND COUNTY MAGISTRATE COURT TICKET # 201828500015004 MOTION TO JOIN COPY

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure. Defendant hereby requests that this court join cases presently in litigation between Plaintiff, State of South Carolina (hereinafter "Plaintiff") and Defendant. Prior to the initiation of this instant charge and case (failure to register), Plaintiff had initiated Case # 6102P0332437, which has progressed further; said case having the exact same nature and cause and being based on the same set of facts, and both cases will likely turn on the same facts as well. Further Plaintiff resides in Texas and incurs expense and inconvenience to attend hearings related to both cases.

Please note that the natural person, Johnathan Daniels' participation in this forum, on behalf of Defendant is not undertaken willingly, but rather out of necessity, as State of South Carolina, through presumption and fraud, would bring charges and impose on Him if He were to refuse to act. The current legal status of the truck in question has not changed (as Defendant would appear to knowingly acquiesce to fraud perpetrated by the Plaintiff through registration) and Defendant will prove that registration of the vehicle in question is not a lawful requirement in this case. If proven to be in error, Defendant agrees to pay the highest fine and register the truck immediately.

Respectfully Submitted,

Johnathan Martia: Daniels, For the Defendant
P.O. Box 30651
Columbia, South Carolina 29230

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Attachment G

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, *DEFENDANT*	RICHLAND COUNTY MAGISTRATE COURT TICKET # 201828500015004 MOTION FOR DISMISSAL COPY

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure. Defendant hereby requests that this court dismiss the charges in this case, with prejudice. Plaintiff, State of South Carolina (hereinafter "Plaintiff"), through the inaction of its officers and agents, namely Officer Cantrell has refused to respond to Defendant's discovery requests. The Defense cannot lawfully be denied the opportunity to formulate a defense by being deprived of discovery.

Defendant requested and was granted discovery at the preliminary hearing at Olympia Court. Plaintiff was represented at the preliminary hearing by Officer Cantrell, and was aware of the request and approval. On June 11th, 2018, Defendant sent to Plaintiff, via Certified U.S. First Class Mail (#7018 0360 0001 0489 8197) a Request for Production of Documents and a Request For Identification of Witnesses. As of April 17th, 2019, there has been no response from the Plaintiff and information vital to the defense has been consequently refused. Further Plaintiff resides in Texas and incurs expense and inconvenience to attend hearings related to this case. In case dismissal is not granted, the case should be continued to allow time for Plaintiff to respond to discovery under threat of sanction.

Please note that the natural person, Johnathan Daniels' participation in this forum, on behalf of Defendant is not undertaken willingly, but rather out of necessity, as State of South Carolina, through presumption and fraud, would bring charges and impose on Him if He were to refuse to act.

Respectfully Submitted,

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Johnathan Martial Daniels, For the Defendant
P.O. Box 30651
Columbia, South Carolina 29230

Attachment H

STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	CAYCE MUNICIPAL COURT TICKET #'S:20190370006790-6792 DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff produce for inspection the documents listed below. The documents requested are needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide copies of any additional documents it becomes aware of between now and the day of trial. Good faith production of the documents requested is required, otherwise said documents cannot be used against the Defendant in the prosecution of this case.

Documents Requested:

1. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
2. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the trademark/service mark "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
3. Any document in possession of the Plaintiff that purports to create ANY form of franchise for the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
4. Any document in possession of the Plaintiff that purports to create Citizenship of or for a DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".

S.C. Dept. Of Public Safety
Received
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Clarendon Hall
Columbia, SC 29202

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5. Any document in possession of the Plaintiff that purports to create Citizenship of or for the natural person Johnathan Martia: Daniels.
6. Any document in possession of the Plaintiff that purports to disclose details of the existence, operation, and creation of any franchise, under STATE OF SOUTH CAROLINA, to the natural person Johnathan Martia: Daniels.
7. Any document in possession of the Plaintiff ("STATE OF SOUTH CAROLINA") that a natural person, born on the land called South Carolina, can submit to apply for citizenship, or the creation of a franchise under STATE OF SOUTH CAROLINA.
8. Please provide copies of any law which purports to require a non-citizen, natural person to obey franchise legislation, regulations, or rules of STATE OF SOUTH CAROLINA.

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

Cayce Dept. Of Public Safety
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2 Lavern Jumper Rd.
Cayce, SC 29033
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STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	CAYCE MUNICIPAL COURT TICKET #'S:20190370006790-6792 DEFENDANT'S REQUEST FOR IDENTIFICATION OF WITNESSES

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff identify witnesses to be called, or subpoenaed, to testify at trial. The information requested is needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide information of any additional witnesses it becomes aware of between now and the day of trial. Good faith sharing of the information requested is required, otherwise omitted or "surprise" witnesses cannot be used against the Defendant in the prosecution of this case.

PLEASE IDENTIFY OR DESIGNATE A STATE OF SOUTH CAROLINA REPRESENTATIVE TO TESTIFY AT TRIAL IN REGARDS TO EACH OF THE FOLLOWING MATTERS. THE PERSON DESIGNATED SHOULD BE COMPETENT AND KNOWLEDGEABLE IN, AT LEAST, THE SPECIFIC MATTERS ITEMIZED BELOW. PLEASE IDENTIFY, IN THE SPACE PROVIDED, EACH INDIVIDUAL WHO CAN BE CALLED TO ANSWER EACH QUESTION BELOW:

1. How can a natural person, born on the land called South Carolina become a citizen of STATE OF SOUTH CAROLINA?

   Witness Name_____

   Witness Home Address_____

   Witness Business Address_____

   Witness Home Phone_____ Witness Business Phone_____

2. Does STATE OF SOUTH CAROLINA create franchises for natural persons? If so, what triggers the creation of the franchise?

   Witness Name_____

   Witness Home Address_____

Cayce Dept. Of Public Safety
FEB 12 2020
211 Lavern Jumper Rd.
Cayce, SC 29033
SC

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Witness Business Address_____.

Witness Home Phone_____ Witness Business Phone_____

3. Does STATE OF SOUTH CAROLINA give full disclosure of the creation, operation, and obligations related to state created franchises that create obligations for citizens? If so, by which form or method?

Witness Name_____

Witness Home Address_____

Witness Business Address_____.

Witness Home Phone_____ Witness Business Phone_____

4. Is the Defendant charged in this case a natural person or a fictious person?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

5. Is the Defendant charged in this case a fictious person created through a franchise agreement with STATE OF SOUTH CAROLINA?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

Cayce Dept. Of Public Safety
Received
FEB 12 2020
Lavern Jumper Rd.
Cayce, SC 29033
SC

6. Are non-citizen, natural persons required to obey franchise rules and regulations of STATE OF SOUTH CAROLINA? If so, under what circumstances?

Witness Name_____

Witness Home Address_____

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CAYCE, SC 29171

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CAYCE, SC 29171

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

Cayce Dept. Of Public Safety
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2 Lavern Jumper Rd.
Cayce, SC 29033
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DEFENDANT'S LETTER TO PROSECUTOR, DATED OCTOBER 22ND, 2021

Clerk, Please forward. Thanks.

OCTOBER 22, 2021

CONFIDENTIAL - FOR SETTLEMENT PURPOSES ONLY - NO ADMISSION OF GUILT MAY BE INFERRED

Re: State of South Carolina vs Johnathan Daniels
Ticket(s): 20190370006790-6792

Prosecutor,

As we prepare this case for trial on the 28th of October, 2021, I realized that we have not conferred regarding a suitable settlement between the parties. I would like to extend an offer and see if we can make any progress towards resolution of the matter before trial.

I recently submitted a Motion for Directed Verdict to the court which outlines a very solid Section 1-32-30/1-32-40 defense to the charges in this case, and I am prepared to defend against all charges at trial. Hopefully, you've reviewed the motion at this point. If so, you may agree that it appears as though the outcome of a trial should be fairly predictable. Therefore, I propose the following:

a. Mr. Daniels would plea guilty to speeding, less than 10 mph over the limit; and
b. The state would drop the No SCDL and No Vehicle Registration charges; and
c. The state would agree, in writing, to accommodate Mr. Daniels as requested in the Motion for Directed Verdict; meaning that the state will not prosecute (for No SCDL and No Vehicle Registration) and will support the court issuing an order that will facilitate either:
    a. Mr. Daniels being recognized as a God created natural person and NOT a corporate person in interactions between himself and the state, and that his true given name (not a surreptitiously created all-caps, fictional corporate/franchise name) must be placed on any and all documents (SCDL & Vehicle registration at a minimum) relating to interactions between Mr. Daniels and the state; or
    b. an order authorizing and informing appropriate state officials (unknown, but possibly DMV officials) that while living in South Carolina, (1) Mr. Daniels must be exempted from the requirement to obtain a drivers license in a manner similar to that allowed under South Carolina SECTION 56-1-30(3), and that (2) Mr. Daniels must be extended a special permit status as allowed under South Carolina SECTION 56-3-180.

Hopefully, a trial which waste everyone's time can be avoided. Please contact me either way to let me know the state's position regarding this offer. I can be reached via email at chesssetbyj@yahoo.com.

Thank you,

Johnathan Daniels, for the Defense
P.O. Box 30651
Columbia, SC 29230
Email: chesssetbyj@yahoo.com

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CAYCE MUNICIPAL COURT
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STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 NOTICE OF OBJECTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully files this Notice of Special Appearance and Notice of Objection.

NOTICE OF OBJECTION

The court and prosecution are respectfully hereby given notice that Johnathan Martia Daniels objects to the court's July 22nd, 2021 ruling denying the defense's motion to dismiss for lacking of in rem, in personam, and/or subject matter jurisdiction. At the hearing before the court's ruling was made, the prosecution asked that the court take notice of documents in it's possession and make it's ruling, to wit the documents noticed by the court are/were a mystery and unknown to the defense.

Motions have previously been filed to compel the prosecution to respond to discovery requests intended to gather information to determine (1) if an undisclosed franchise defendant has been fraudulently created and imposed in this case, (2) if the man, Johnathan Martia Daniels, owes any legitimate duty to the state in this case, and (3) to prove or disprove the court's jurisdiction as challenged in the defense's previously filed motion to dismiss. The court denied the defense's request to compel a state response to the discovery previously requested, so the defense was given no choice but to

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Rec. 109

challenge the jurisdiction of this court. The motion challenging jurisdiction, accompanied with an affidavit, was served upon the state's prosecutor on July 3rd, 2021, and filed with the court on July 9th, 2021 (filing date given over the phone by clerk of court). As of July 21st, 2021.

OBJECTION. These issues are hereby preserved for appeal. Notice given.

Respectfully Submitted,

Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 NOTICE OF SPECIAL APPEARANCE NOTICE OF OBJECTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully files this Notice of Special Appearance and Notice of Objection.

NOTICE OF SPECIAL APPEARANCE

The defense hereby notifies the court, as well as the prosecution, that Johnathan Martia Daniels' appearance today and at each point of all proceedings relevant to this case has been coerced through the threat of state action against his person and/or property (see prior defense affidavits filed in this case). Furthermore, the court and prosecution are given notice that today's appearance, along with any past or future appearances which Johnathan Martia Daniels was/is forced to make, do not constitute acquiescence of jurisdiction nor waiver of any jurisdictional challenge in any way whatsoever.

NOTICE OF OBJECTION

The court and prosecution are hereby given notice that, due to outstanding issues regarding jurisdiction, Johnathan Martia Daniels objects to today's proceeding, as it a blatant violation of due process. So, with this justifiable cause, Johnathan Martia Daniels will not voluntarily participate in today's proceeding. Motions have previously been filed to compel the prosecution to respond to discovery requests intended to gather information

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to determine (1) if an undisclosed franchise defendant has been fraudulently created and imposed in this case, (2) if the man, Johnathan Martia Daniels, owes any legitimate duty to the state, and (3) to prove or disprove the court's jurisdiction as challenged in the defense's previously filed motion to dismiss. The court denied the defense's request to compel a state response to the discovery previously requested, so the defense was given no choice but to challenge the jurisdiction of this court. A motion challenging jurisdiction, accompanied with an affidavit, was served upon the state's prosecutor on July 3rd, 2021, and filed with the court on July 9th, 2021 (filing date given over the phone by clerk of court). As of July 21st, 2021, no response to that motion has been received, no response has been filed by the prosecution, and no evidence has been put forth to establish the court's jurisdiction. It is the prosecutor's duty to prove jurisdiction, and defense objects to any presumption of jurisdiction, by anyone, whosoever.

OBJECTION. These issues are hereby preserved for appeal. Notice given.

Respectfully Submitted,

Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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JUL 22 2021
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STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 MOTION TO DISMISS FOR LACK OF JURISDICTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully presents this motion to dismiss the present charges due to a lack of subject matter, in personam, and in rem jurisdiction. For the reasons set forth below, it is requested that the court order dismissal, with prejudice.

In this present action, STATE OF SOUTH CAROLINA, hereinafter also referred to as "the state", has named JOHNATHAN M. DANIELS as Defendant in an action for various victimless quasi-crimes.

Firstly, and again, the court is put on notice that the natural person Johnathan Martia Daniels has held published common-law copyrights and valid servicemark (s) on the intellectual property "JOHNATHAN MARTIA DANIELS" and several variants, including JOHNATHAN M. DANIELS since 1975; and as for the state's presumption that the natural person, Johnathan Martia Daniels, is a franchise operator or director of a state created JOHNATHAN M. DANIELS franchise, and the state seeking to enforce contractual obligations on his private conduct, no contract exists, and if it does, it was neither lawfully disclosed nor consented to, being therefore invalid and of no legal force or effect.

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As such, the corporate person, JOHNATHAN M. DANIELS, as a non-living, unauthorized, franchise of the state is not a proper subject of the state's contractually created duties and obligations. In this and other matters between the present parties, this court, and other state courts, have been given notice and information that (1) the state has unlawfully created (in violation of Johnathan Martia Daniels' copyrights, notice given to the state in 2017) and improperly attached it's purported JOHNATHAN M. DANIELS franchise to the natural person, Johnathan Martia Daniels without his informed consent, tacit consent, or any other legally valid form of consent; that (2) this court has clear evidence before it, by way of unrebutted affidavits, that no consent was ever given by Johnathan Martia Daniels and that no contract exists between the parties; that (3) Johnathan Martia Daniels has never volunteered to serve the state in any franchise/franchisee relationship or capacity, and (4) that Johnathan Martia Daniels is bound by no prior conviction or legal impairment which would allow his coercion into the office of franchisee by the state to stand as anything other than unlawful slavery, involuntary servitude, and/or peonage. Again, there is no evidence in the record which rebuts these facts (1-4 above).

The defense has previously submitted a motion to the court to compel the state's prosecutor to allow discovery of documents and information proving the jurisdiction of the court and a bonafide obligation or duty owed to the state. However, the motion to compel was denied by the court, the decision having been made that the defense had no legal right to discover the materials requested. As a result, the defense is forced to, respectfully, submit this motion to the court, to which the state is required to prove jurisdiction, on the record. Presumed to know the law, this court is aware that it is the

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prosecutor's responsibility to prove the court has jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law. "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

In the present case, the state's PROSECUTOR **must** prove the court's jurisdiction and the court must make a ruling on this motion based on the evidence before the court, without any presumption. "There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215. "Jurisdiction can be challenged at any time." and "Jurisdiction, once challenged, cannot be assumed and must be decided." Basso v. Utah Power & Light Co., 495 F 2d 906, 910. The law provides that once the State and Federal Jurisdiction has been challenged, it must be proven." Main V. Thiboutot, 100 S. Ct. 2502 (1980). Once jurisdiction is challenged, it must be proven." Hagans V. Lavine, 415 U.S. 533.

Further, this case cannot proceed any further until this jurisdictional challenge has been answered and proven, on the record. "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct attack." Thompson V. Tolmie, 2 Pet. 157, 7 L. Ed. 381; Griffith V. Frazier, 8 Cr. 9, 3 L.Ed. 471. "No sanctions can be imposed absent of proof of jurisdiction." Standard V. Olsen, 74 S. Ct. 768; Title 5 U.S.C., Sec. 556 and 558(b). "A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17

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Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993). "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court" OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907). "A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732. "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846. "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon, 187 P 27.

Let it be known, until such a time as written proof of jurisdiction is demonstrated and filed in the court record of this case, Johnathan Martia Daniels shall be entitled to the conclusive presumption that lawful jurisdiction is lacking in personam, in rem, and in subject-matter. Further still, Johnathan Martia Daniels intends to prosecute to the fullest extent of the Law anyone who infringes his rights as "officers of the court have no immunity, when violating a constitutional right, from liability, for they are deemed to know the law, Owens V. City of Independence, 448 U.S. .1, 100 S. Ct. 2502; Hafer V. Melo, 502 U.S. 21.

This challenge is timely and must be answered when once the issue is ripe. "Jurisdiction can be challenged at any time, even on final determination." Basso V. Utah Power & Light Co., 495 2nd 906 at 910.

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It is the court's duty to ensure that presumption and unlawful subjugation by the state are not imposed on Johnathan Martia Daniels, as described and detailed throughout the record of this case. "A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." Wuest v. Wuest, 127 P2d 934, 937. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739.

Again, as regards officer Garman's labeling the natural person, Johnathan Martia Daniels, as a "soveriegn citizen", and the prosecution's insistence in pursuing this matter, the following is most respectfully mentioned for the benefit of the court and City of Cayce. Although a judge may enjoy a nearly impenetrable judicial immunity from direct suit and/or prosecution for errors or decisions made while acting as judicial officer, and state officer's directed by a judge may enjoy quasijudicial immunity by extension, municipalities themselves are not immune from suit as regards unconstitutional acts made or established as municipal policy by the conduct or decisions of a judge or judge directed officer; in South Carolina, a municipal judge is a policy maker for the municipality, when he or she is given proper notice and time to consider, a judge's decision to allow unconstitutional or unlawful deprivations of rights can be considered ratification of illegal policies for which a municipality can be held liable. This court is hereby given the required notices. Please take notice of the attached affidavit.

The defense in this matter respectfully suggests that the charges be dismissed, with prejudice.

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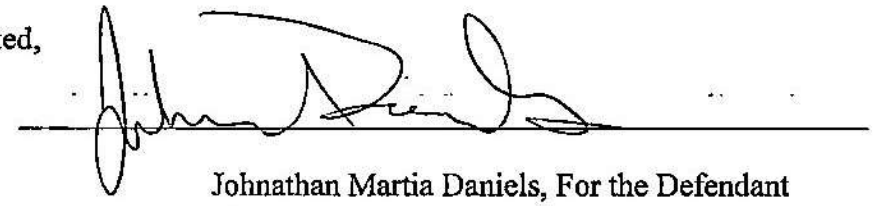
Respectfully Submitted,



Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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JUL 09 2021

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CAYCE, SC 29171

AFFIDAVIT AND NOTICE OF FACTS

I, the undersigned, Johnathan Martia Daniels, being over 21 years of age, of sound mind, and able to state the truth of these matters from firsthand knowledge do herby say, state and attest to the following, which are wholly true:

(1). I have a religious obligation, as stated at KJV, Galations 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms.

(2). I, Johnathan Martia Daniels, hold the sole valid commercial and property interest in "JOHNATHAN MARTIA DANIELS" and its variants, including JOHNATHAN M. DANIELS, as was published and claimed before My birth and later given to Me as My personal property by My Father, Benjamin Daniels Jr.

(3). I, Johnathan Martia Daniels, have neither a license nor a contract which requires that I be licensed by STATE OF SOUTH CAROLINA, nor am I obligated to register My property with STATE OF SOUTH CAROLINA.

(4). I, Johnathan Martia Daniels, deny the existence of any contract between Myself and STATE OF SOUTH CAROLINA which creates any obligation on Me whatsoever, and I demand evidence of any such claimed or presumed contract be placed before the court in writing; where specifically denied, no presumption of contract can be binding upon Me without evidence.

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AFFIDAVIT AND NOTICE OF FACTS

I, the undersigned, Johnathan Martia Daniels, being over 21 years of age, of sound mind, and able to state the truth of these matters from firsthand knowledge do herby say, state and attest to the following, which are wholly true:

(1). I have a religious obligation, as stated at KJV, Galations 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms.

(2). I, Johnathan Martia Daniels, hold the sole valid commercial and property interest in "JOHNATHAN MARTIA DANIELS" and its variants, including JOHNATHAN M. DANIELS, as was published and claimed before My birth and later given to Me as My personal property by My Father, Benjamin Daniels Jr.

(3). I, Johnathan Martia Daniels, have neither a license nor a contract which requires that I be licensed by STATE OF SOUTH CAROLINA, nor am I obligated to register My property with STATE OF SOUTH CAROLINA.

(4). I, Johnathan Martia Daniels, deny the existence of any contract between Myself and STATE OF SOUTH CAROLINA which creates any obligation on Me whatsoever, and I demand evidence of any such claimed or presumed contract be placed before the court in writing; where specifically denied, no presumption of contract can be binding upon Me without evidence.

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(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent a undisclosed franchise over My objection is slavery, involuntary servitude and peonage, which are prohibited by law.

(6). I, Johnathan Martia Daniels, am litigating this case only out of necessity, and not out of a voluntary desire to do so. If I were to refuse to act, STATE OF SOUTH CAROLINA would use it's laws and officers to attack My personal property and My liberty.

(7). The entity JOHNATHAN M. DANIELS, as charged by STATE OF SOUTH CAROLINA and associated with the man, Johnathan Martia Daniels, is not lawfully created or authorized to exist.

(8). I, Johnathan Martia Daniels, called a "nigger" in this land, am a Negro descendant (Negro being My family name, and not a race) and Sephardic man born in this land, Son of Benjamin Daniels, Himself being son of Benjamin Daniels, Himself being son of Benjamin Daniels, Himself being son of Enoch Daniels, and further Negro Fathers in My line to High Steward of the Realm, Yahia Himself; once enslaved and subjected to the pains and liabilities of Alhambra of 1492, now free in all respects, Alhambra having been repealed and withdrawn in 2012, adjudged void ab initio, the enslavement of My People never duly authorized, and now prohibited to ever be recognized to my detriment. I am

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free with neither lawful nor legal impairment none whatsoever, having been so prior to the creation of the state of South Carolina and prior to the creation of the United States, I am not freed by any state and am without need of statutorily created freedoms, rights, or privileges. * I use state created laws only for enforcement *

(9). People of this land previously attempted to change My Family's names, in the hopes that We would forget who We are, but society at large still knows that I am a Negro, termed "Nigger" in modern parlance, the outstanding "Koon" of extraordinary talent and ability, hence My claim cannot be rebutted by anyone, as the truth is obvious on its face.

Further Affiant Sayeth Not.

Johnathan: Martia Daniels, Affiant

Jurat

State of South Carolina

County of Richland

Johnathan Martia Daniels, appearing before the undersigned notary and being duly sworn (or affirmed), says that the above statements of fact are true, correct, and not misleading. Sworn to (or affirmed) and subscribed before me this the 3rd day of July, 2021.

Official Signature of Notary

(Official Seal)

Lauren N Connolly

Notary's Printed Name

My commission expires: 10/21/2030

LAUREN N. CONNOLLY
Notary Public-State of South Carolina
My Commission Expires
October 21, 2030

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SEP 11 2020

STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

JOHNATHAN DANIELS,

DEFENDANT,

CITY OF CAYCE MUNICIPAL COURT
POST OFFICE BOX 3408
CAYCE, SC 29171

TICKET #'S: 20190370006790-6792

MOTION TO RECONSIDER
AND NOTICE OF OBJECTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully presents this notice of objection and motion to reconsider the court's denial of the defense's motion to compel, which was denied on September 2nd, 2020. The court's grounds for denial of the motion are unclear at the moment, however, based on reason and precedent it is very likely that the prosecution should be ordered to cooperate fully with the discovery requests and to respond in good faith, as was requested in the denied motion to compel.

The United States Supreme Court, in Brady v Maryland, required the turning over of all exculpatory material, erroring on the side of giving too much disclosure rather than giving too little (***Brady v. Maryland*** (1963), held that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution). The United States Supreme Court explained further, in Kyle's v Whitley, that prosecutors are required to provide discovery of exculpatory information and materials in the possession or control of state agencies that have provided information to the prosecution. (***Kyles v. Whitley***, 514 U.S. 419 (1995), held that a prosecutor has an affirmative duty to disclose evidence favorable to a defendant).

In this present case, state agencies have provided information or materials to the prosecution, essentially witnessing against JOHNATHAN M. DANIELS. This case should turn on (1) whether or not the corporate/franchise defendant is properly authorized to exist under law and not in violation of private property rights and (2) whether or not a VALID

nexus and contract exists between STATE OF SOUTH CAROLINA and the natural person, Johnathan Martia Daniels.

As evidenced by affidavit before this court, at Law, Johnathan Martia Daniels has possessed commercial interests in the published copyright (s) and servicemark (s) "JOHNATHAN MARTIA DANIELS" and several variants since the beginning of his life (1975); Johnathan Martia Daniels has not contracted those interests away, nor has he knowingly agreed to become a franchise operator or director of any entity subsidiary to STATE OF SOUTH CAROLINA. The state has never given any disclosure of enfranchisement and Johnathan Martia Daniels has never knowingly authorized any such entity or attachment. Further, it is a fact that STATE OF SOUTH CAROLINA was given written notice of Johnathan Martia Daniels' ownership of, and commercial interests in, JOHNATHAN MARTIA DANIELS (and variants) in 2017. The court please note that, Johnathan Martia Daniels did not/does not use his truck under state license, and no state issued license plate was/is used on his truck, as it is strictly private property.

Due to the contractual nature of the purported obligation to register private property to STATE OF SOUTH CAROLINA, inter alia, the very existence or nonexistence, along with the specific terms of any obligating contract must be discoverable in light of Johnathan Martia Daniels' present attestation of the non-existence of any such purported contract creating obligations (sworn affidavit). The evidence requested is most certainly material, and even where such evidence or contract does not exist, STATE OF SOUTH CAROLINA must be required to admit that it does not. At trial, officer Garman is likely to claim ignorance of the subject, so witnesses for the state should be identified so that information can be brought to light. The defense must be allowed access to information which would be exculpatory or reasonably allow the uncovering of exculpatory information, as these cannot be intentionally withheld from the defense.

The vast machinery of the state has been brought to bear against the freedom and liberty of a private individual, so the few questions posed to officer Garman, for the state, are not onerous.

For these reasons, it is believed that this court should compel the prosecution to answer the requested discovery in this case. Alternatively, the prosecution should dismiss the charges altogether. The defense in this matter respectfully requests that the court reconsider and issue an order directing the prosecution to respond fully and in good faith to the discovery requests previously presented.

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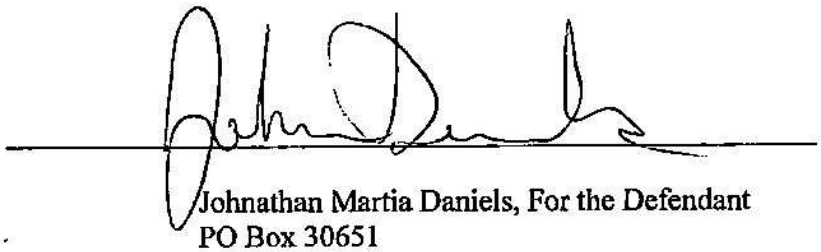
OBJECTION: (1) In the instance that the court rule to deny this current motion and ratify its initial denial of the defense's motion to compel, the defense in this matter hereby objects to the ruling and denial and preserves the matter for review on appeal. No grounds have yet been given by the court as reason for the ruling and denial, so the defense cannot respond further on this matter. (2) Further, the defense objects to officer Garman acting as both executor and prosecutor in this case, as his acting in two branches of state government (executive and judicial) at the same time, with obviously inadequate training, allows for prejudicial prosecution of untenable charges where they should not be pursued.

The court please note that no disrespect is intended to the court or the officer, but rather a clear statement of the defense's objections. As COVID has these issues heard through writings and without hearings, the tone and temperament of statements may have been misconstrued.

Respectfully Submitted,



Johnathan Martia Daniels, For the Defendant
PO Box 30651
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CITY OF CAYCE MUNICIPAL COURT

Cayce
Time for Life

Shannon Bobertz *Municipal Judge* Bryan Jeffries *Municipal Judge* Rachel Stuckey *Clerk of Court* Lauren Hugg *Assistant Clerk of Court*

September 2, 2020

Johnathan Daniels
P. O. Box 30651
Columbia, SC 29230

Re: City of Cayce v. Johnathan Martia Daniels
Ticket / Warrant No(s): 20190370006790-92

Dear Mr. Daniels:

Cayce Municipal Court has received and reviewed your Motion to Compel. After reviewing your Motion, the Judges have determined it is without merit in accordance with the South Carolina Supreme Court Order, titled: Operation of the Trial Courts During the Coronavirus Emergency (As Amended April 22, 2020)1. Therefore, your Motion to Compel has been denied.

If you have any questions, please do not hesitate to contact me at (803) 550-9550.

Sincerely,

Rachel Stuckey
Clerk of Court

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 MOTION TO COMPEL AND AFFIDAVIT

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully presents this motion to compel the prosecution in this case to respond to the attached discovery request. These requests were made prior to the COVID-19 event and were denied by officer Garman on behalf of the state. For the reasons set forth below, the prosecution should be ordered to cooperate fully with the discovery request and to respond in good faith.

In this action, STATE OF SOUTH CAROLINA, hereinafter also referred to as "the state", has named JOHNATHAN M. DANIELS as Defendant in an action for various victimless quasi-crimes. For reasons outlined below, the corporate person, JOHNATHAN M. DANIELS, as a non-living franchise of the state is likely not a proper subject of the state's contractually created duties and obligations. It should be noticed by the court that the natural person Johnathan Martia Daniels has held published common-law copyrights and valid servicemark (s) on the intellectual property "JOHNATHAN MARTIA DANIELS" and several variants, including JOHNATHAN M. DANIELS. As to the state treating the natural person, Johnathan Martia Daniels, as franchise operator or director of a state created JOHNATHAN M. DANIELS franchise, and seeking to enforce contractual obligations on his

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private conduct, no contract exists, and if it does, it was never fully disclosed and agreed to, and is therefore invalid and of no legal force or effect.

This case should turn on whether or not a valid contract exists between STATE OF SOUTH CAROLINA and the natural person, Johnathan Martia Daniels. At law, Johnathan Martia Daniels has possessed commercial interests in the published copyright (s) and servicemark (s) "JOHNATHAN MARTIA DANIELS" and several variants since the beginning of his life; Johnathan Martia Daniels has not contracted these interests away, nor has he knowingly agreed to become a franchise operator or director of any entity subsidiary to STATE OF SOUTH CAROLINA. Further, it is a fact that STATE OF SOUTH CAROLINA was given written notice of Johnathan Martia Daniels' ownership of, and commercial interests in, JOHNATHAN MARTIA DANIELS (and variants) in 2017.

The 13th amendment of the US Constitution, by which STATE OF SOUTH CAROLINA is bound, declares in part, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

The 14th Amendment of the US Constitution states in part, "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."

The natural person, Johnathan Martia Daniels, is not a willing franchise officer, executive or employee of any franchise in which STATE OF SOUTH CAROLINA has any interest. In the present case, STATE OF SOUTH CAROLINA appears to be engaged in, at the very least, peonage, deprivation of rights, and bills of attainder, all in violation of the abovementioned U.S. amendments as well as the state's own constitution, which declares at Article I, § 2, "Religious freedom; freedom of speech; right of assembly and petition, The

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General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government or any department thereof for a redress of grievances. (1970 (56) 2684; 1971 (57) 315.)"; at § 3, "Privileges and immunities; due process; equal protection of laws, The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.)"; and importantly, at § 4. "Attainder; ex post facto laws; impairment of contracts; titles; effect of conviction. No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate. (1970 (56) 2684; 1971 (57) 315.)"

"Crimes", such as failure to register, are not stemming from obligations created by a man's being born into the world or his mere existence in it, so it must follow that duties, such as the obligation to register the natural person, Johnathan Martia Daniels', truck to STATE OF SOUTH CAROLINA, are contractually created obligations; no other nexus in law creates the obligation.

The United States Supreme Court, in Brady v Maryland, required the turning over of all exculpatory material, erroring on the side of giving too much disclosure rather than giving too little. The United States Supreme Court explained further, in Kyle's v Whitley, that prosecutors are required to provide discovery of exculpatory information and materials in the possession or control of state agencies that have provided information to the prosecution.

In this present case, state agencies have provided information or materials to the prosecution, essentially witnessing against JOHNATHAN M. DANIELS. Johnathan M

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Daniels hopes and prays that officer Garman did not stop him for any unlawful reason, but rather that officer Garman relied on information from peripheral state agencies to investigate and make the decision. In his lawful scope of duties, Officer Garman must be an executor of the state's law and is not authorized to compose private law for the subjugation of private men and women.

It is well settled and accepted that governments do NOT gain jurisdiction over natural men and women by virtue of a man's or woman's mere existence. As the natural person, Johnathan Martia Daniels, had no obligation or liability created by his existence, and there being no evidence of a VALID contract creating such obligation or liability, it is certainly the case that information and material in possession or control of those agencies which provided information to officer Garman will likely be exculpatory, and must be subject to discovery.

Here, Johnathan Martia Daniels has requested (1) evidence as to whether STATE OF SOUTH CAROLINA holds any interests (franchise or otherwise) in the person of "JOHNATHAN M. DANIELS", (2) documents and information relating to any valid and relevant contract between Johnathan Martia Daniels or JOHNATHAN M. DANIELS and STATE OF SOUTH CAROLINA, and (3) the identification of witnesses (whom he intends to question at trial) working for STATE OF SOUTH CAROLINA agencies which have provided information to the prosecution in this case. The evidence requested is most certainly material, and even where such evidence or contract does not exist, STATE OF SOUTH CAROLINA must be required to state that fact on the record. The defense must be allowed access to information which would be exculpatory or reasonably allow the uncovering of exculpatory information, as these cannot be intentionally withheld from the defense.

Officer Garman's refusal to answer specific Brady/Kyles discovery requests related to agencies contributing information or documentation material to the prosecution is unlawful. In discussions with officer Garman, the above was explained, to which officer Garman stated

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that his videos and tickets were, "all I [he] have to give." Contrary to office Garman's reasoning, under the law (including, but not limited to, Brady and Kyles), those few items are not all that he is legally responsible to provide to the defense. The present action is not Garman vs JOHNATHAN M. DANIELS, but rather STATE OF SOUTH CAROLINA VS JOHNATHAN M. DANIELS. The state's records are the subject of discovery, not officer Garman's desk, so it must be that exculpatory evidence in possession of the state is discoverable. As prosecutor, officer Garman is required to provide discovery. The vast machinery of the state has been brought to bear against the liberty of a private individual, so the few questions posed to officer Garman are not onerous.

Due to the contractual nature of the purported obligation to register the natural person, Johnathan Martia Daniels', truck to STATE OF SOUTH CAROLINA, inter alia, the very existence or nonexistence, along with the specific terms of any obligating contract must be discoverable in light of Johnathan Martia Daniels' present attestation of the non-existence of any such purported contract creating obligations (see attached affidavit).

For these reasons, it is believed that this court should compel the prosecution to answer the requested discovery in this case. Alternatively, the prosecution should dismiss the charges altogether. To do otherwise would be contrary to established law and U.S. Supreme Court precedent, as well as prejudice the right to defense beyond the point of invalidating any subsequent trial, conviction, or sentence. Denying discovery of material and relevant contract information as outlined above, makes no sense when the defendant is accused of breaching a term of contract.

As regards officer Garman's labeling the natural person, Johnathan Martia Daniels, as a "soveriegn citizen", and officer Garman's insistence in pursuing this matter while denying the defense's proper discovery requests, the following is most respectfully mentioned for the benefit of the court and City of Cayce. Although a judge may enjoy a nearly impenetrable

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judicial immunity from direct suit and/or prosecution for errors or decisions made while acting as judicial officer, and state officer's directed by a judge may enjoy quasijudicial immunity by extension, municipalities themselves are not immune from suit as regards unconstitutional acts made or established as municipal policy by the conduct or decisions of a judge or judge directed officer; in South Carolina, a municipal judge is a policy maker for the municipality, and when he or she is given proper notice and time to consider, a judge's decision to allow unconstitutional or unlawful deprivations of rights can be considered ratification of illegal policies for which a municipality can be held liable. The above statement is not a quote, but rather a statement reflective of the Johnathan Martia Daniels' personal experiences in U.S. Federal Court. This court is hereby given the required notices and the attached affidavit.

The attached exhibit's (Exhibit A & Exhibit B) are copies of the discovery requests sent to the prosecution in January of 2020, which officer Garman has refused to answer thus far. Exhibit C is an affidavit and notice.

The defense in this matter respectfully requests that the court issue an order directing the prosecution to respond fully and in good faith to the discovery requests previously presented.

Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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Exhibit "A"

STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	CAYCE MUNICIPAL COURT TICKET #'S:20190370006790-6792 DEFENDANT'S REQUEST FOR IDENTIFICATION OF WITNESSES

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff identify witnesses to be called, or subpoenaed, to testify at trial. The information requested is needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide information of any additional witnesses it becomes aware of between now and the day of trial. Good faith sharing of the information requested is required, otherwise omitted or "surprise" witnesses cannot be used against the Defendant in the prosecution of this case.

PLEASE IDENTIFY OR DESIGNATE A STATE OF SOUTH CAROLINA REPRESENTATIVE TO TESTIFY AT TRIAL IN REGARDS TO EACH OF THE FOLLOWING MATTERS. THE PERSON DESIGNATED SHOULD BE COMPETENT AND KNOWLEDGEABLE IN, AT LEAST, THE SPECIFIC MATTERS ITEMIZED BELOW. PLEASE IDENTIFY, IN THE SPACE PROVIDED, EACH INDIVIDUAL WHO CAN BE CALLED TO ANSWER EACH QUESTION BELOW:

1. How can a natural person, born on the land called South Carolina become a citizen of STATE OF SOUTH CAROLINA?

   Witness Name_____

   Witness Home Address_____

   Witness Business Address_____

   Witness Home Phone_____ Witness Business Phone_____

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2. Does STATE OF SOUTH CAROLINA create franchises for natural persons? If so, what triggers the creation of the franchise?

   Witness Name_____

   Witness Home Address_____

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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

3. Does STATE OF SOUTH CAROLINA give full disclosure of the creation, operation, and obligations related to state created franchises that create obligations for citizens? If so, by which form or method?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

4. Is the Defendant charged in this case a natural person or a fictious person?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

5. Is the Defendant charged in this case a fictious person created through a franchise agreement with STATE OF SOUTH CAROLINA?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

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6. Are non-citizen, natural persons required to obey franchise rules and regulations of STATE OF SOUTH CAROLINA? If so, under what circumstances?

Witness Name_____

Witness Home Address_____

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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

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Exhibit "B"

STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	CAYCE MUNICIPAL COURT TICKET #'S:20190370006790-6792 DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff produce for inspection the documents listed below. The documents requested are needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide copies of any additional documents it becomes aware of between now and the day of trial. Good faith production of the documents requested is required, otherwise said documents cannot be used against the Defendant in the prosecution of this case.

Documents Requested:

1. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
2. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the trademark/service mark "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
3. Any document in possession of the Plaintiff that purports to create ANY form of franchise for the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
4. Any document in possession of the Plaintiff that purports to create Citizenship of or for a DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".

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5. Any document in possession of the Plaintiff that purports to create Citizenship of or for the natural person Johnathan Martia: Daniels.

6. Any document in possession of the Plaintiff that purports to disclose details of the existence, operation, and creation of any franchise, under STATE OF SOUTH CAROLINA, to the natural person Johnathan Martia: Daniels.

7. Any document in possession of the Plaintiff ("STATE OF SOUTH CAROLINA") that a natural person, born on the land called South Carolina, can submit to apply for citizenship, or the creation of a franchise under STATE OF SOUTH CAROLINA.

8. Please provide copies of any law which purports to require a non-citizen, natural person to obey franchise legislation, regulations, or rules of STATE OF SOUTH CAROLINA.

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

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Exhibit "C"

AFFIDAVIT AND NOTICE OF FACTS

I, the undersigned, Johnathan Martia Daniels, being over 21 years of age, of sound mind, and able to state the truth of these matters from firsthand knowledge do herby say, state and attest to the following, which are wholly true:

(1). I have a religious obligation, as stated at Galations 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms.

(2). I, Johnathan Martia Daniels, hold the sole valid commercial and property interest in "JOHNATHAN MARTIA DANIELS" and its variants, including JOHNATHAN M. DANIELS, as was published and claimed before My birth and later given to Me as My personal property by My Father, Benjamin Daniels Jr.

(3). I, Johnathan Martia Daniels, have neither a license nor a contract which requires that I be licensed by STATE OF SOUTH CAROLINA, nor am I obligated to register My property with STATE OF SOUTH CAROLINA.

(4). I, Johnathan Martia Daniels, deny the existence of any valid contract between Myself and STATE OF SOUTH CAROLINA which creates any obligation on Me whatsoever, and I demand evidence of any such claimed or presumed contract be placed before the court in writing; where specifically denied, no presumption of contract can be binding upon Me without evidence.

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(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent a undisclosed franchise over My objection is involuntary servitude and peonage, which are prohibited by law.

(6) I, Johnathan Martia Daniels, am litigating this case only out of necessity, and not out of a voluntary desire to do so. If I were to refuse to act, STATE OF SOUTH CAROLINA would use it's laws to attack My personal property, My liberty, and My freedom.

Further Affiant Sayeth Not

Johnathan: Martia Daniels, Affiant

Jurat
State of South Carolina
County of Richland

Johnathan Martia Daniels, appearing before the undersigned notary and being duly sworn (or affirmed), says that the above statements of fact are true, correct, and not misleading. Sworn to (or affirmed) and subscribed before me this the 24 day of [illegible] 20[illegible]

Official Signature of Notary

JAMES B. HOLLISTER
Notary's Printed Name

(Official Seal)

JAMES B. HOLLISTER NOTARY PUBLIC SOUTH CAROLINA

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My commission expires: AUG 31 2020

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STATE OF SOUTH CAROLINA)
)
Johnathan M. Daniels)
Appellant)
)
vs.)
)
City of Cayce)
Respondent)
)

IN THE COURT OF COMMON PLEAS
11TH JUDICIAL CIRCUIT

AFFIDAVIT

Case # 2021CP3203639

I, Johnathan Martia Daniels, being (1) over 18 years of age, (2) of sound mind and ability, and (3) having firsthand knowledge of the matters affirmed herein do affirm that:

1. On, April 11th, 2022, I personally requested all audio in the possession of the City of Cayce Municipal Court (related to Cayce municipal charges 20190370006790, 20190370006791, and 20190370006792) from the Clerk of Court for the city of Cayce.
2. On August 25th, 2022, the Clerk of Court for the City of Cayce Municipal Court delivered to my possession a CD containing all audio described above, which included 7 audio files, of which 5 are relevant to this present appeal before the court (WS400637, WS400638, WS400639, WS400640, and WS400641).
3. The CD filed with the Lexington County Clerk of Court on this day, labeled "Municipal Audio" is the original CD obtained from the Clerk of Court for the City of Cayce Municipal Court on August 25th, 2022.
4. Since I took delivery of the CD labeled "Municipal Audio" on August 25th, 2022, neither the CD, nor the files contained on the disc have been outside of

my sole possession and control, nor have they been edited or changed in any way, outside of me labeling the disc for filing purposes (the CD previously had no distinguishing markings).

5. I personally requested, and obtained, a full typographical transcription of the audio files provided by the Clerk of Court for the City of Cayce Municipal Court trial of Appellant on October 28th, 2021 (files WS400637, WS400638, WS400639, WS400640, and WS400641).
6. On this day, I am providing for filing in the present appeal before the Lexington County Court of Common Pleas, the transcript referenced at statement #5, along with this affidavit and the original CD containing the audio files from which the transcript was transcribed.
7. The transcript referenced at statements #5 and #6 has been in my sole possession and control since I took delivery from the transcriber, and I have not edited, altered, or changed it in any way.

Appellant (Affiant) affirms the above statements true and complete, under penalty of perjury. Further Affiant Sayeth Not.

Sworn to before me on 9th day

of September, 2022

Notary Signature

My Commission Expires 7-8-31

Appellant Signature

JUSTIN ALEXANDER
Notary Public-State of South Carolina
My Commission Expires
July 08, 2031

2021 OCT -4 PM 1:49
LISA M. COLLER
CLERK OF COURT
LEXINGTON SC

JOHNATHAN DANIELS,

APPELLANT,

VS

CITY OF CAYCE,
STATE OF SOUTH CAROLINA,

RESPONDENT,

LEXINGTON COUNTY
COURT OF COMMON PLEAS

C/A: 2021CP3203639

NOTICE OF OBJECTIONS

Appellant, **Pro Se**, Johnathan Martia Daniels, respectfully files this **Notice of Objections** to the Lexington County Court of Common Pleas while concurrently filing a Notice Of Appeal to the South Carolina Supreme Court, seeking relief from the decision and order made in judgment of an appeal which was made to the Lexington County Court of Common Pleas, which was heard and decided by the Honorable Robert E. Hood on September 22nd, 2022 (Form 4 Order on September 27th, 2022). Appellant's initial appeal to the Lexington County Court of Common Pleas was in regards to his coerced, unknowing and involuntary pleas, denial of due process, and constitutionally barred charges and convictions in the City of Cayce's Municipal Court, Re: ticket #s 20190370006790, 20190370006791, and 20190370006792.

Appellant appeals to the South Carolina Supreme Court requesting that the Court invalidate his guilty pleas, which were coerced, and not knowingly or voluntarily made. Additionally, and perhaps more importantly, Appellant challenges other matters, such as the denial of due process, and lack of jurisdiction (subject matter) of the municipal court to accept coerced pleas to constitutionally barred charges for the two regulatory charges brought by the prosecution in the municipal case, among other matters. Appellant informs the South Carolina Supreme Court that gross constitutional deprivations of rights, constitutionally barred religious persecution, and extreme injustice will be allowed to stand should the South Carolina Supreme Court not take corrective action in this matter.

Appellant believes that political and religious motivations are preventing the fair attainment of justice in this matter, and requests consideration of the matter by the South

Carolina Supreme Court to ensure Appellant's freedom and equal protection under the laws of South Carolina and the United States of America.

STATEMENT OF IMPORTANT CONSTITUTIONAL ISSUE

To prevent gross injustice and unlawful deprivations of his constitutionally protected rights, Appellant respectfully appeals to the South Carolina Supreme Court. Objections preserving defendant's right to appeal each issue presented herein were timely made and appear in the case record.

OBJECTIONS TO THE LEXINGTON COUNTY COURT OF COMMON PLEAS:

Although, Judge Hood did not elaborate on specific findings in his order, Appellant finds the court's ruling in favor of Respondent troubling, against fair play and not in the interests of justice.

Respectfully, Appellant disagrees with the direct and implied findings of the Judge Hood, and here outlines objections for hearing by the South Carolina Supreme Court. Regarding events at the hearing on September 22nd, 2022, Appellant maintains his standing and objections, as stated in the initial notice of appeal and as argued orally before Judge Hood, to each of the following:

(1) The trial court's error in misstating the maximum penalties during plea discussions, by the trial judge stating that the court could give 30 days jail time for the speeding charge when the maximum punishment was only a fine, among other inaccuracies. This misstated possibility of jail time for the speeding violation was the SOLE AND ONLY prospective jail time Appellant considered to be a likely outcome when agreeing to the plea deal, and but for this error, Appellant would have taken all three charges to trial.

As explained to Judge Hood, the municipal court's return, especially the "Judges Notes", contains outright misstatements of fact and gross errors, which either do not appear anywhere else in the record or are directly contradicted by the record. Firstly, in his return, Judge Jeffries merely recites the statutory penalties (without additional fees) when claiming to have notified Appellant of prospective penalties for the charges, but throughout the record the penalty amounts given by the judge always included the additional fees. In truth, Judge Jeffries never described the penalties to Appellant as claimed in his return, and DID say that Appellant was exposed to 30 days jail time for the speeding violation. Secondly, Judge Jeffries claimed to have not participated in negotiations, contrarily, he alone insisted from the

start in the interests of avoiding having to conduct the trial. This is evident from the judge's statements to the jury, and it is deeply concerning that the record has been "customized" to omit the numerous conversations in which Judge Jeffries refused to accept Appellant's insistence on starting trial and refusal to accept any plea agreement. Instead of allowing the start of the trial, Judge Jeffries, repeatedly, sent and resent Appellant to negotiate with the prosecutor. Thirdly, Judge Jeffries' return claims that, in response to Appellant's motion to compel, he ordered the prosecution to turn over all evidence and all exculpatory evidence. This is flat out false. Judge Jeffries ruled against Appellant outright on this motion and placed no requirements on the prosecution whatsoever. Further still, Judge Jeffries ruled against Appellant in Appellant's motion to reconsider his ruling on the motion to compel discovery. There would have been no need for a motion to reconsider, if the judge had ordered the prosecution as claimed in the Judge's Notes.

Given its undeniable errors and inconsistencies, the weight obviously given to the Judge's Notes in deciding the appeal was unreasonable, and only served to bias a record that is otherwise silent regarding the errors and omissions complained of by Appellant. Further, considering that Appellant claimed repeated judicial and prosecutorial coercion to negotiate a plea deal and manipulation of the record in this case, any disagreements between the record and the Judge's Notes should have been weighed in favor of the trial transcript and written records;

(2) The trial court's error in failing to inform defendant of his rights before the plea acceptance. Here again, the obviously flawed Judge's Notes were clearly given undue weight considering that the record is otherwise silent on this issue. At the appeal hearing with Judge Hood, Appellant admitted to being informed of his rights to a jury trial and an attorney at a motion hearing nearly a year prior to the date of trial/plea acceptance, however, that prior instance of Appellant being informed of his rights was done in the context of the municipal judge suggesting options that would have had Appellant either postpone arguing the grounds for the motion until trial (as Appellant was apparently doing a poor job of arguing the motion on that day) or suggesting that Appellant should hire an attorney to argue the motion on Appellant's behalf. This kind of "informing" of rights at a motion hearing certainly does not constitute adequate notice of either Appellant's rights at trial or the waivers presumed when agreeing to plead guilty;

(3) Coupled with item #4 below, the trial court's error in failing to review evidence, examine facts, and to question the defendant regarding admission to ANY of the facts alleged

prior to accepting the plea. Appellant believes that the trial court had a duty to confirm that it was possible for Appellant to be guilty before accepting the pleas;

(4) Coupled with item #3 above, the trial court's error or abuse of discretion in refusing to consider, as was requested on October 28th, 2021, Appellant's Motion for a Directed Verdict, which was filed on October 5th, 2021. Although the prosecution had not yet presented it's case in chief, Judge Jeffries and the prosecutor were both aware of this motion prematurely filed by Appellant, which was submitted in writing with proof and documentation, as well as Appellant's claims of unconstitutionality and religious persecution regarding the two regulatory charges. The municipal court transcript, the Judge's Notes and oral argument before Judge Hood prove they were aware. Appellant even went so far as to ask the Judge to decide on the motion before being coerced into further negotiations with the prosecutor. Undoubtedly, this should have alerted the Judge to make sure that he questioned Appellant regarding his ACTUAL guilt or admission to facts required to meet the requirements for guilt, thus avoiding acceptance of guilty pleas to constitutionally barred charges;

(5) Coupled with item #6 below, Judge Jeffries' insistence on and participation in plea negotiations between the parties, which was repetitive to the point of intimidating, DID coerce Appellant to accept a plea deal. Consider (1) that Judge Jeffries stood approximately 6' 8" tall and outweighed the 5' 11"Appellant by probably 80 pounds on October 28th, 2022, and (2) that the judge repeatedly refused to accept Appellant's multiple decisions to NOT make a deal with the prosecutor, and (3) that this pressuring to make a deal was done outside the presence of others while in the small "closet" objected to at item #6, and (4) that the recording of these events was not made and thus conveniently appear no where in the record, despite the clerk being present and having started the recorder in multiple instances for which the audio is now missing (Appellant declares the record has been intentionally "customized" to avoid proof of the misstatement of penalties, intimidation, and coercion). At least twice, Appellant refused the plea agreement and insisted on trial, but was instead resent by Judge Jeffries to negotiate with the prosecutor; it was clear to Appellant that the Judge, prosecutor, and court personnel were "forcing" a situation to manipulate Appellant into making a plea deal or going to jail for speeding. While being manipulated, off the record, in the small "closet", by a large-in-stature judge and multiple court officers, Appellant was allowed within a few feet of court chambers, but could not get past the gatekeepers into the court to start the trial. Combined with the abovementioned inaccurate threat of jail time for speeding,

and the objection at item # 6 below, this denied Appellant meaningful access to a trial by jury.

Further, it is evident from the record, in particular the municipal court transcript, that Judge Jeffries intended to NOT have or allow the trial of the Appellant to occur. Judge Jeffries repeatedly went out of his way to ensure that no trial occurred, even going so far as to let the Jurors know that he was actively working to avoid having the trial. After coercing Appellant into taking a plea deal, Judge Jeffries let the jury know that he was successful in avoiding having the trial. Judge Jeffries owed a duty to ensure Appellant's right to due process and a trial by jury, not a duty to ensure convenience to himself or the jurors. The totality of circumstances, viewed objectively, prove that Judge Jeffries went too far in forcing negotiations in an effort to disallow trial of Appellant. Appellant's novel defense and the officers and court's labeling of Appellant, as a "sovereign citizen", is what motivated these tactics used by the court's officers against Appellant.

(6) Judge Jeffries holding a non public, "closed court" session, in a break room "closet" adjacent to the court room. Appellant truly believes this was done so that he could be deprived of rights outside the view of others and forced to enter a plea deal with the prosecutor. As explained to Judge Hood, Judge Jeffries went out of his way at the start of the audio recording (see municipal transcript) to complain that he could not "enter a plea with them [the jury] in here." IMPORTANTLY, this statement was made after Judge Jeffries had already been informed that, just prior to entering the courtroom, the prosecutor and Appellant had already met and conferred without reaching an agreement and that Appellant was ready to start trial. Since there was no plea agreement on the table, the obvious question is what potential plea was Judge Jeffries referring to? The answer is, the one he and the prosecutor intended to force Appellant into. This is unlawful and a gross injustice;

(7) To the prosecution of Appellant on charges for "no vehicle registration" which was prohibited by an estoppel in the nature of a collateral estoppel to prevent "double jeopardy";

(8) The denial of the Appellant's motion to compel discovery responses from the state, which was previously objected to;

(9) The city's law enforcement and court officers labeling Appellant as a "sovereign citizen," which is an infamous person and a domestic terrorist, effectively creating undue bias which deprived Appellant of due process, equal access to fair consideration, and use of the legal "machinery" of the court;

(10) Judge Hood's denial of Appellant's Motion to Amend or Cure Deficiency of Service of a Notice of Appeal; and

(11) Perhaps most importantly, the fact that the two unconstitutional-as-enforced regulatory charges were constitutionally or statutorily barred, or alternatively, that the municipal court lacked subject matter jurisdiction to accept guilty pleas or impose any sentence related thereto. The record demonstrates that Judge Jeffries and the prosecutor were repeatedly informed before trial and were, in fact, aware that Appellant's lack of regulatory compliance was religiously motivated behavior and that the state did allow exemptions that were less restrictive in each instance. Further, the record demonstrates that Appellant told both Judge Jeffries and the prosecutor of this circumstance at the plea hearing as well, but that they refused to entertain the possibility that the law allowed a defense based on South Carolina 1-32, or the state or federal constitutions. As relates to these two regulatory charges, the prosecutor has failed to state a crime, which deprives the court of subject matter jurisdiction. Judge Jeffries could not take any valid action to accept pleas or sentence Appellant for claims that were barred, and an action taken by a court that lacks jurisdiction is a nullity and void.

Appellant most respectfully disagrees with Judge Hood's findings. To prevent continued oppression and deprivation of Appellant's rights under color of law, particularly Appellant's right to liberty and religious freedom, Appellant requests that the court stay sentencing until this appeal has been decided by the South Carolina Supreme Court.

The required Notice Of Appeal and a certificate of service will be filed with the Lexington County Court of Common Pleas and the South Carolina Supreme Court.

Respectfully Submitted

Johnathan Daniels, for the defense
P.O. Box 30651
Columbia, South Carolina 29230
Email: chesssetbyj@yahoo.com

FILED
2021 DEC -6 PM 3:20
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

JOHNATHAN DANIELS,

DEFENDANT,

LEXINGTON COUNTY
COURT OF COMMON PLEAS

Case No: **2021CP3203639**

MOTION TO AMEND OR CURE DEFICIENCY OF SERVICE OF A NOTICE OF APPEAL

Pursuant to South Carolina Code of Laws, sections 18-1-30 and 18-1-100, Appellant, Pro Se, Johnathan Martia Daniels, respectfully files this motion. Amendment or opportunity to cure, under section 18-1-100 is necessary to cure mistakes made in perfecting Appellant's appeal from unlawfully induced guilty pleas (among other reasons) and the resulting criminal convictions in the City of Cayce Municipal Court (re: ticket #s 20190370006790, 20190370006791, and 20190370006792).

In good faith, Appellant timely filed a Notice of Appeal in the Lexington County Court of Common Pleas on November 4th, 2021 and promptly filed a stamped copy with the City of Cayce Municipal Court on the same day. These actions were taken 7 days after the municipal court's judgement and conviction of Appellant.

The court please recognize that Appellant is proceeding pro se, and that he made the mistake of attempting to perfect his appeal to this court following the SCRCP appeals process rather than the criminal process given under Title 18, chapter 3. As such, Appellant mistakenly believed that he had 30 days to serve the Notice of Appeal to the Respondent, when in fact Title 18, chapter 3, permits only 10 days for service to the Respondent. This was an honest mistake on Appellant's part, and an opportunity to cure the deficiency is needed to prevent gross injustice and the denial of Appellant's Constitutionally protected rights.

On November 26th, 2021, one day after Appellant discovered his mistake, he served the Notice of Appeal to Respondent's attorney, and attaches the signed certificate of service hereto. The court please take notice that throughout this case, the Respondent

has routinely accepted service through the City of Cayce Municipal Court Clerk of Court's office; and that the Notice of Appeal was hand delivered, on November 4th, 2021 to Rachel Stuckey, Clerk of Court, for the City of Cayce Municipal Court.

Wherefore, for the reasons given above, Appellant respectfully asks this court to (1) issue a ruling or order accepting the November 26th, 2021 service to Respondent as sufficient service, or (2) order that Appellant be permitted to amend the Notice of Appeal and timely serve the Respondent after Amendment.

Respectfully Submitted

Johnathan Daniels, for the defense
P.O. Box 30651
Columbia, South Carolina 29230
Phone: 843-259-4360
Email: chesssetbyj@yahoo.com

LETTER TO OFFICER GARMIN, DATED FEBRUARY 2ND, 2020

J.T. Garman

February 2, 2020

CITY OF CAYCE MUNICIPAL COURT
PSO GARMAN R
P.O. BOX 3408
CAYCE, SC 29171

RE: DISCOVERY REQUESTS IN PREPARATION FOR CRIMINAL TRIAL

OFFICER GARMAN,

Please complete, or have completed, the attached discovery requests. This information is being requested from STATE OF SOUTH CAROLINA. I noticed that you seemed a bit annoyed at the preliminary hearing for the referenced case, and I want to apologize if I came off as aggressively adversarial. To be certain, I am adverse when it comes to being taken advantage of; however, I hold no personal grudge against You. I was simply in a hurry.

That said, you have expressed in so many words that the issues at hand and the course of justice seem obvious, but nothing could be farther from the truth. I only defend against the state's claims out of necessity, not voluntarily. As we move the case forward, you will see that there is more going on than you may be aware of, and I truly am not wasting your time; neither am I being difficult without cause. As I have property and liberty at stake, I ask that you please respond within the time permitted by law. Have a good week officer.

Sincerely,

Johnathan Daniels,
For DEFENDANT

RECEIVED
CAYCE MUNICIPAL COURT

FEB 12 2020

POST OFFICE BOX 3408
CAYCE, SC 29171

RECEIVED
Mar 16 2023
SC Court of Appeals

Certificate of Appellant

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

March 16th, 2023

Johnathan M. Daniels, Appellant, Pro Se
P.O. Box 30651
Columbia, South Carolina 29230
Phone: (803) 770-8863
Email: chesssetbyj@yahoo.com

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Johnathan Daniels, Appellant,

v.

City of Cayce, Respondent.

Appellate Case No. 2022-001437

Appeal From Lexington County
Robert E. Hood, Circuit Court Judge

Unpublished Opinion No. 2025-UP-330
Submitted September 1, 2025 – Filed October 1, 2025

AFFIRMED

Johnathan Daniels, of Columbia, pro se.

Danny Calvert Crowe, of Garfield Spreeuwers Law Group, LLC, of Columbia, for Respondent.

PER CURIAM: Johnathan Daniels appeals his guilty plea and fine of $155 for driving without a license and the dismissed charge of operating an unregistered vehicle. On appeal, Daniels argues the municipal court erred in accepting his guilty plea because: (1) the enforcement of the driver's license and vehicle

registration statutes[1] violated his free exercise of religion, (2) the municipal court lacked subject matter jurisdiction, (3) the guilty plea transcript was prejudicial, (4) his guilty plea was involuntary, (5) the municipal court abused its discretion by denying his motion to compel discovery, and (6) the prosecution was barred by collateral and judicial estoppel. We affirm pursuant to Rule 220(b), SCACR.

First, we hold the circuit court did not err in finding Daniels knowingly and voluntarily pled guilty. *See State v. Goodwin*, 351 S.C. 105, 110, 567 S.E.2d 912, 914 (Ct. App. 2002) ("In criminal cases, [the appellate] court sits to review errors of law only, and [is] bound by the trial judge's factual findings unless they are clearly erroneous."). 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. *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."); *State v. Lambert*, 266 S.C. 574, 578, 225 S.E.2d 340, 342 (1976) ("If the record shows that the plea was so entered, then it is not silent as to the waiver of his constitutional rights."); *id.* at 579, 225 S.E.2d at 342 ("[A]n enumeration of specific rights waived is not required where the record otherwise reveals affirmative awareness of the consequences of a guilty plea."); *id.* at 580, 225 S.E.2d at 342 ("If the record reflects . . . that the trial court has assured itself that the plea was voluntary and intelligently entered with full knowledge of the nature of the offense, then lack of precise language in the record expressing these considerations is not of itself a valid reason for reversal."); *Rayford v. State*, 314 S.C. 46, 48, 443 S.E.2d 805, 806 (1994) (finding the petitioner's guilty plea was voluntarily made when he admitted committing the crimes, acknowledged the potential sentences, and stated his plea was not induced by promises).

Second, we hold the South Carolina Religious Freedom Act[2] (SCRFA) provides a defense related to religious freedom, not grounds for a jurisdictional challenge.

---

[1] S.C. Code Ann. § 56-1-20 (Supp. 2024) and S.C. Code Ann. § 56-3-110 (2018).
[2] S.C. Code Ann. § 1-32-10 to -60 (2005).

Therefore, Daniels could and did waive his SCRFA argument when he pled guilty. *See Goodwin*, 351 S.C. at 110, 567 S.E.2d at 914 ("In criminal cases, [the appellate] court sits to review errors of law only, and [is] bound by the trial judge's factual findings unless they are clearly erroneous."); *Whetsell v. State*, 276 S.C. 295, 297, 277 S.E.2d 891, 892 (1981) ("The general rule is that guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including the claims of a violation of a constitutional right prior to the plea."); S.C. Code Ann. § 1-32-50 (2005) ("If a person's exercise of religion has been burdened in violation of this chapter, the person may assert the violation as a claim or defense in a judicial proceeding."); *cf. State v. Sims*, 423 S.C. 397, 402, 814 S.E.2d 632, 634 (Ct. App. 2018) (explaining a jurisdictional defect did not exist because the defendant did not establish his entitlement to immunity from prosecution under the Protection of Persons and Property Act and thus, his guilty plea waived his immunity claim).

Finally, we hold Daniels waived his remaining issues on appeal when he pled guilty. *See Whetsell*, 276 S.C. at 297, 277 S.E.2d at 892 ("The general rule is that guilty pleas, freely and voluntarily entered, act as a waiver of all non-jurisdictional defects and defenses, including the claims of a violation of a constitutional right prior to the plea.").

AFFIRMED.[3]

MCDONALD, HEWITT, and TURNER, JJ., concur.

[3] We decide this case without oral argument pursuant to Rule 215, SCACR.

RECEIVED
Oct 14 2025
SC Court of Appeals

THE SOUTH CAROLINA
In The Court Of Appeals

Case No. 2022-001437

Johnathan Daniels, Appellant.

v.

The City of Cayce Respondent,

Petition For Rehearing

For good cause, pursuant to South Carolina Appellate Court Rules 221(b), Appellant requests that this appeal be reheard by the Court for full a fair consideration of all relevant arguments made by Appellant, and that any remittitur to the municipal court at the very least allow Appellant a right to stand trial before a jury of his peers. Frankly, Respondent's intentional misquoting of the Municipal Transcript, and other shenanigans have misled this Court.

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 complicated case manageable for the Court, and respectfully asks that his briefs, at the very least, be read and considered before a rush to judgment. Although the penalties imposed in this case are not severe, Appellant values his Constitutionally protected rights and intends to defend those rights stridently.

I. THIS COURT'S OCTOBER 1, 2025 DECISION IS BASED ON AN INTENTIONAL, FALSE MISREPRESENTATION OF THE RECORD BY RESPONDENT

This Court's October 1st, 2025 decision appears to have been based solely on Respondent's Brief and arguments, which were intentionally false and deceptive misquotations

of the Municipal Transcript. Respondent has intentionally mischaracterized and misquoted the municipal transcript in his Final Brief Of Respondent at p. 4, stating 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."

Only if this Court were to take Respondent's mischaracterization and misquotation to be true, without reviewing the Municipal Transcript to confirm, would this Court's recent decision make any sense. In any case, the Court's reaction to this manipulation by Respondent was anticipated by Appellant and pointed out to this Court in the Final Reply Brief Of Appellant on pp. 7-9. In his Final Reply Brief Of Appellant at pp. 8-9, Appellant informed this Court, 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 seeks to have this Court accept, and the Municipal Transcript makes this point inarguable, negating any notion that Appellant had a full understanding of the consequences of the pleas before making them.

II. THE MUNICIPAL JUDGE MISSTATED THE POTENTIAL SENTENCE FOR SPEEDING.

Appellant asks that this Court seriously consider a second major factor contributing to Appellant's unknowing and mistaken decision to make the guilty pleas, namely that the municipal judge misstated to Appellant that the law allowed him [the municipal judge] to sentence Appellant to 30 days in jail for the speeding charge[1]. However, the maximum punishment for the speeding charge is a FINE ONLY. This misstatement of fact, made by the municipal judge was the primary impetus that led Appellant to consider any plea whatsoever.

[1] Also interesting is the fact that, like the municipal judge, the circuit court judge initially misstated the same possibility of a 30-day jail sentence for the speeding charge against Appellant. (R. p. 49, lines 13-21); however, unlike the municipal judge, the circuit court judge did not have the benefit of presenting a revisionist Return before others recognized his inaccuracy.

Respondent's Final Brief, at p. 4 states that, "the partial transcript also undercuts Appellant's position on the trial court's alleged misstatement of a possible jail penalty for the speeding charge." Here, Respondent is referencing some non-existent pre-knowledge that Appellant supposedly had when making the guilty pleas. As this Court has now been informed of the accurate reading of the Municipal Transcript, this can be recognized as the ridiculous statement it is. In Appellant's mind, until the municipal judge accepted the pleas and recommendation, the judge retained the authority to pass any sentence allowed by law; including the potential 30-day jail sentence that the municipal judge had misstated. That misstatement of the potential sentence was previously complained of to this Court in the Final Brief Of Appellant at pp. 31-33, stating in part:

> "The municipal judge erred in stating that he could sentence Appellant to 30 days in jail AND a fine for violation of 56-5-1520(G)(3), when in reality a violation of 56-5-1520(G)(3) (More than 15 over, but less than 25 over) is punishable by a FINE ONLY. (R. p. 29, Oath at lines 7-8; R. p. 31, lines 11-13; R. p. 53, lines 19-23).
>
> This error was tantamount to a threat, and it did work to coerce and induce the unrepresented Appellant into pleading guilty to two of the three charges in this case. Appellant was more than willing to go to trial for the two nonmoving charges in this case, but the erroneous threat of jail time for the speeding violation (for which Appellant offered no defense), induced Appellant into making a plea deal with the State's prosecutor; but for the misstatement of penalties, Appellant would have taken the all of the charges to trial before the jury. (R. p. 31, line 15 – p. 32, line 6; R. p. 34, lines 12-16).
>
> In making the pleas, Appellant's primary motivation was to avoid a jail sentence. (R. p. 66, lines 17-20; R. p. 52, lines 7-16). The misstated possibility of jail time for the speeding violation was the SOLE AND ONLY prospective jail time Appellant considered to be a likely outcome when agreeing to the plead guilty. (R. p.108). Considering that Appellant

> believed then, and still believes today, that the municipal court lacked subject matter jurisdiction for the two nonmoving charges, which were unconstitutionally prosecuted according to the state and federal constitutions, as well as statutorily prohibited by South Carolina § 1-32, Appellant certainly did not think he could be jailed for convictions under those two charges. (R. p. 66, lines 8-20). Appellant felt so strongly that his being convicted and sentenced to jail time for the two nonmoving charges was not possible that he drafted and filed a 20-page motion for a directed verdict, with another 20 pages of proofs with the municipal court 3 weeks before the trial date; Appellant prematurely requested a ruling on his motion for a directed verdict just minutes before he proffered the guilty pleas. (R. p. 13, item "5"; R. p. 32, line 25 – p. 33, line 6). This demonstrates that Appellant still did not think he could be found guilty of the nonmoving charges if taken to trial; the municipal judge did not rule against Appellant's motion, and Appellant had, and still has, no reason to think that he is incorrect in his grounds for making that motion. Again, but for the misstatement of penalties, Appellant would have taken the all three of the charges to trial before the jury. Taking ALL facts into account, including Appellant's religious beliefs and claims of substantial burden that appear in the record, there was no factual basis for the guilty plea to the Driving Without A License charge, as Appellant's guilt was impossible. (R. p. 32, line 25 - p. 34, line 14). Apart from the speeding charge, Appellant was not convinced of his guilt, or that he could be found guilty, nor did he derive any benefit from making the pleas. (R. p. 37, lines 2-8)."

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.").

III. APPELLANT'S GUILTY PLEAS WERE NOT KNOWINGLY OR VOLUNTARILY MADE, AND APPELLANT HAS NOT WAIVED HIS SCRFA AND ESTOPPEL DEFENSES, AND RETAINS HIS CONSTITUTIONAL ARGUMENTS.

In this case, Appellant did not have a full understanding of the consequences of his pleas nor did he have realistic knowledge of the potential sentence for the speeding charge against him, therefore, an enumeration of specific rights waived should be required; otherwise, no waiver of Appellant's Constitutional rights has lawfully occurred. A guilty plea may not be accepted unless it is voluntarily and understandingly made. *Boykin v. Alabama*, 395 U.S. 238, 242 (1969); Although the trial court is not required to direct defendant's attention to each right and obtain a separate waiver, the record should indicate the defendant was fully aware of the consequences of the guilty plea. *State v. Lambert*, 266 S.C. 574, 225 S.E.2d 340, (1976); [A]n enumeration of specific rights waived is not required where the record otherwise reveals affirmative awareness of the consequences of a guilty plea. *Id* at 579, 225 S.E.2d at 340.

Nowhere in the record did Appellant ever indicate that he was aware that the punishment for the speeding charge was a FINE ONLY, and all of Appellant's acknowledgements of the potential speeding sentence throughout the entire Record support the conclusion that Appellant believed the inaccurately cited potential sentence of 30 days in jail. There is absolutely nothing anywhere in the Record indicating that Appellant ever thought or knew the correct potential speeding sentence before making the guilty pleas. Rayford v. State, 314 S.C. 46, 48, 443 S.E.2d 805, 806 (1994) (finding the petitioner's guilty plea was voluntarily made when he admitted committing the crimes, acknowledged the potential sentences, and stated his plea was not induced by promises).

IV. APPELLANT WAS NOT INFORMED OF HIS RIGHTS AND DID NOT KNOWINGLY OR INTENTIONALLY WAIVE ANY RIGHTS

Regarding Appellant's rights under *Boykin*, this Court has incorrectly concluded that Appellant was aware of these specific rights. There is no evidence, anywhere in the Record, of Appellant being aware of these rights; the prosecution never claimed that Appellant was made aware of these rights, at any point; and, the circuit court never affirmatively confirmed Appellant's awareness of his rights under *Boykin*. See Final Reply Brief Of Appellant at pp. 10-11, which states in part:

> "At the appeal hearing, the circuit court judge inquired to determine if Appellant had been notified "of his right to remain silent, right to a jury trial, right to confront and cross-examine the witnesses the state would call against him?" Respondent's attorney, being the same prosecutor that participated in the plea hearing in the "closet", having first hand knowledge of what was said in that "closet" responded, "Unless the Return addresses that, I can't answer that specifically, your Honor." (R. p. 50, lines 16-23). During this line of questioning by the circuit court judge, Respondent's attorney persisted to evade the question, talking a lot, but failing to answer the question with any specificity. (R. p. 49, line 22 – p. 52, line 2). On this subject, the municipal Return relied upon by Respondent's attorney fails to show that the municipal judge met the minimum Constitutional warning requirements of the Due Process Clause of the 14th Amendment of the U.S. Constitution. The Return shows that the judge only informed Appellant of his rights to a jury trial, a bench trial, and an attorney. (R. p. 13, item "2"). Of the three warnings of waiver of rights inquired of by the circuit court judge, the unrepresented Appellant was only given one of those warnings, and barely that. Appellant had been notified of his right to a jury trial, at a temporally distant motion hearing, nearly a year prior to the trial date. Obviously, the unrepresented Appellant was never notified of his (1) privilege against self-incrimination (i.e. to remain silent) or (2) his right to confront and cross-examine the witnesses

the state would call against him, and the record in this case is clear on this. (R. p. 50, line 3)."

Given that Appellant lacked the required "full understanding", and the guilty pleas were not knowingly made, a clear enumeration of Constitutional waivers need exist in the record before this Court should assume validity of Appellant's pleas and or purported Constitutional waiver of rights. Respectfully, it appears that assumptions have been made to rationalize that Appellant was, at the time of his making the guilty pleas, aware of his rights under *Boykin* where absolutely no supporting evidence exists anywhere in the Record.

Further, the municipal court failed to notify the unrepresented Appellant, as he plead guilty before that court, of nearly all rights recommended to be noticed by this State's higher judicial authorities, including Appellant's Constitutional rights. Appellant made this clear to this Court in his Final Brief Of Appellant at pp. 37-38, which states, in part:

> "The municipal judge erred in accepting Appellant's guilty pleas because the judge never notified Appellant of his rights and waivers, such as: Appellant's rights to an attorney if found indigent, to confront his accusers, to his privilege against compulsory self incrimination, to testify on his own behalf, to cross examine state witnesses, that the state had to prove beyond a reasonable doubt that he is guilty, that the jury's verdict had to be unanimous, that Appellant understood that he was admitting all matters of fact in the accusation, that by pleading guilty Appellant was giving up any objections he may have to the charges, to an accurate citing of maximum penalties the court could impose, to sign and complete a form SCCA 685.
>
> Appellant was not aware of the abovementioned rights at the time of his making the pleas, and was thus denied the opportunity to make an informed decision before entering the pleas. As a most relevant illustration, even in giving the guilty plea to the nonmoving charge for driving without a license, Appellant was still reliant upon his right to appeal his conviction for the charge, which he believed to be unconstitutional-as-enforced, and

he had no idea that giving the plea would forfeit his right to appeal that conviction. (R. p. 32, line 7 – p. 33, line 6). Appellant had been diligent in making objections on the record because he had a determined intent to appeal certain prior rulings, and had absolutely no intention of giving up that right. (R. p. 32, lines 16-23; R. p. 52, line 17 – p. 54, line 5).

The flawed "Judge's Notes" (R. p. 13) appear to have been given undue weight by the circuit court, considering that the record is otherwise silent on the issue of whether or not the municipal judge informed Appellant of his rights. In his "Judge's Notes", at item #2 the municipal judge does not even claim that he informed the unrepresented Appellant of any rights beyond Appellant's right to a jury trial, a bench trial, and an attorney, and for those notices he relies upon insufficient notices given at an earlier hearing which occurred nearly a year prior to the day the guilty pleas were made. (R. p. 49, line 22 - p. 50, line 3; R. p. 50, line 18 - p. 51, line 5; R. p. 51, lines 12-23)."

V. THE MUNICIPAL JUDGE DENIED APPELLANT THE RIGHT TO TRIAL AND INSTIGATED THE GUILTY PLEAS OF HIS OWN DESIRE

Importantly, in deciding that Appellant's guilty pleas were made knowingly and voluntarily, this Court did not address Appellant's complaint that the municipal judge inappropriately refused Appellant's right to trial and that he also repeatedly insisted that Appellant negotiate with the prosecutor to make a deal. The municipal judge intentionally denied Appellant due process by, twice, denying Appellant access to trial. As far-fetched as this might sound, the municipal transcript captured the municipal judge's statements on the Record. When those statements are considered along with the judge's pressuring Appellant to make a plea deal with the prosecutor, the judge's intentions are clear. With regards to plea-bargaining, the judge must remain isolated and detached from the negotiations. "A plea induced by the influence of the judge cannot be said to have been voluntarily entered." State v. Cross, 270 S.C. 44, 240 S.E.2d 514, at 516-517, (1977). Appellant previously notified this Court of these matters in his Final Brief Of Appellant at

p. 36, which states:

> "As explained to the circuit court, the municipal judge went out of his way at the start of the proceedings, whispering while saying that he could not "enter a plea with them [the jury] in here." IMPORTANTLY, this whispered statement was made, at the opening of the hearing, after Appellant and the prosecutor had already informed the judge that they had conferred without reaching an agreement and that Appellant was ready to start trial. (R. p. 62, lines 2-3; R. p. 34, lines 8-25)…"
>
> "Further, it is evident from the Municipal Court Transcript, that the municipal judge intended **NOT** to allow the trial of the Appellant to occur, and that he gave considerable effort to ensure that it did not occur. (R. p. 34, line 23 - R. p. 35, line 17). The municipal judge let the jurors know that he was actively working to avoid having the trial before insisting on additional plea discussions. (R. p. 62, lines 10-13). After Appellant accepted the plea deal under duress, the judge let the jury know that he was successful in avoiding having the trial. (R. p. 68, lines 4-7). The municipal judge owed a duty to ensure Appellant's rights to due process and a trial by jury, not a duty to ensure convenience to anyone else. The totality of circumstances, viewed objectively, shows that the judge went too far to force negotiations in an effort to disallow the trial of Appellant, and that his successful efforts effectively denied Appellant meaningful access to a trial by jury and due process. Appellant believes that his novel defense under South Carolina § 1-32 and the court's officers labeling of Appellant, as a "sovereign citizen", is what motivated these tactics used against Appellant in an effort to restrict his rights to make sure he did not "win" under any circumstance."
>
> On the day of trial, upon Appellant's entry into the courtroom, Appellant informed the municipal judge that he and the prosecutor had conferred, did not reach any plea agreement[5], and that Appellant was ready for trial. (R. p.108; R. p. 34, lines 10-11). Without a request being made by either party, the municipal judge ordered the parties outside and led the parties into a small break room "closet" adjacent to the courtroom, where

he initiated further talks with the aim of reaching a plea agreement. (R. p. 62, lines 10-13; R. p. 54, lines 6-17). Appellant truly believes this was done so that he could be deprived of rights outside the view of others and forced to enter a plea deal with the prosecutor, and that such a nonpublic conducting of the plea hearing prejudiced the unrepresented Appellant, likely violating South Carolina Constitution Article 1 § 9. At one point in the discussions, while the prosecutor was explaining the differences between a negotiated plea and a prosecutorial recommendation, the municipal judge interjected into the talks between the prosecutor and Appellant, suggesting that the prosecutor change his offer to Appellant from a "negotiated plea" to a prosecutorial "recommendation." (R. p. 19, item "4"). Although the prosecutor did eventually offer Appellant a negotiated plea deal, the fact that the municipal judge had already stated that Appellant was exposed to jail time for speeding[6] and appeared to prefer that the prosecutor offer less favorable terms to Appellant, created the impression to Appellant, that the judge was hostile towards Appellant. At that time, in an effort to avoid angering the judge, Appellant entered further negotiations with the prosecutor.

Explaining further, the municipal judge's insistence on and participation in plea negotiations between the parties, was repetitive to the point of intimidating Appellant, and had the effect of coercing Appellant to accept a plea deal. (R. p. 35, lines 1-17; R. p. 54, lines 6-17). The judge's preliminary and repeated insistence was not simply an encouragement of Appellant to consult counsel or take some time to think things over, but rather an insistence that Appellant meet again with the prosecutor to negotiate terms. At least twice, when Appellant refused to accept a plea agreement and insisted on starting trial, he was "talked down" and resent, by the municipal judge, to negotiate with the prosecutor. In Appellant's view, the judge, prosecutor, and court personnel were creating a situation, or circumstance, which would manipulate Appellant into accepting a plea deal or going to jail for speeding. After being intimidated, off the record, in the small "closet", by a large-in-stature judge and multiple court officers,

Appellant was asked, "Has anyone threatened you or coerced you in any way to get you to plead guilty?" Notice that Appellant does not simply respond, "No." Appellant's response was, "No, just circumstances are tough. You know? But uh, no one--no one in particular threatened me or said anything." (R. p. 65, lines 8-11). In his response to the question posed, Appellant is referencing the intimidating circumstances described in this appeal. (R. p. 32, lines 8-12). Just because "no one in particular" directly threatened Appellant, does not mean that the court's officers did not create a threatening and intimidating circumstance, which unfairly prejudiced the unrepresented Appellant.

Consider (1) that though it was not his fault, it is still true that the municipal judge stood approximately 6' 8" tall and outweighed the 5' 11"Appellant by probably 80 pounds on October 28th, 2021, (2) that it was the judge alone who called for additional plea discussions, (3) that the judge twice refused to accept Appellant's decision to go to trial and NOT make a deal with the prosecutor, (4) that this pressuring to make a deal was done outside the presence of others while in a small "closet", and (5) that the recording of these events was not made and thus conveniently appear nowhere in the record, despite the clerk, who was present with a recorder in her hand, being told to make the record. (R. p. 62, lines 23-24; R. p. 35, line 23 - p. 36, line 11). Appellant truly needed the protection afforded by South Carolina Constitution Article 1 § 9 to ensure that the plea hearing was conducted in a way that was aboveboard. Appellant believes the record has been selectively made to avoid proof of the misstatement of penalties, intimidation, and coercion."

VI. THE "JUDGE'S NOTES" IS FULL OF ERRORS AND THE PLEA HEARING RECORD IS SELECTIVE AND MANIPULATED

Further, Appellant urges this Court to consider that the "Judge's Notes" included in the Municipal Return are clearly flawed and erroneous, and in places outright untrue. The Circuit Court relied on this part of the Return too heavily. Appellant notified this Court in his Final

Brief Of Appellant at p. 27-28, which states in part:

> "As explained to the circuit court judge, the municipal court's Return, especially the "Judge's Notes", contains outright misstatements of fact and gross errors, which either do not appear anywhere else in the record or are directly contradicted by the record. Even the things claimed to have been done in the "Judge's Notes" appear no where else in the record; as statements and notices claimed to have been made and given at items 1, 2, and 5 appear nowhere else in the record, while the claims at items 3, 4 and 8 are directly contradicted by the record."

As an example, see Final Brief Of Appellant at pp. 29-30, which states in part:

> "Item #8 of the "Judge's Notes" states that the judge ordered the prosecution to turn over all evidence to be used in it's case in chief and all exculpatory evidence. (R. p. 13, item "8"). This is incorrect. The municipal judge ruled against Appellant outright on this motion, by letter, without any further explanation. (R. p. 125; R. p. 39, line 16 - p. 40, line 3). This denial, as relates to exculpatory evidence is acknowledged by the prosecutor. (R. p. 48, line 15 – p. 49, line 5). Further still, the judge ruled against Appellant on Appellant's Motion To Reconsider his ruling on the Motion To Compel discovery."

The deficiencies in the municipal court record, many of which appear to be intentionally done, were addressed to this Court at pp. 26-27, which reads, in part:

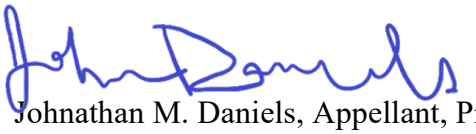
> "The record in this case is incomplete for reasons that Appellant believes are improper. As a consequence, many of the issues complained of by Appellant do not appear in the municipal record, however, it should be obvious from what is in the record that Appellant's pleas were not voluntarily, knowingly, and understandingly made.
>
> In Appellant's Notice Of Appeal, which was given to the

municipal court only 7 days after making the pleas, on November 4th, 2021, Appellant expressed his suspicion that the municipal record was manipulated to ensure that the misstatement of penalties made to Appellant, the municipal court's refusal to allow trial as was twice requested by Appellant, the municipal court's repeated insistence that Appellant negotiate with the prosecutor, and the municipal court's failure to inform the unrepresented Appellant of his rights and the waivers made in proffering the pleas, did not appear in the record. (R. p. 20, item "6"). Appellant's suspicions were realized as likely true upon his receipt of the audio record from the municipal clerk of court, nearly a year later, on August 25th, 2022. (R. p. 139, item "2"; R. p. 61, lines 3-15). Curiously, the audio files specific to the discussions complained of by Appellant captured no audio; however, the opening of court, the plea acceptance, sentencing, and jury dismissal, were all miraculously recorded; that is to say everything convenient to secure Appellant's conviction, was recorded. In total, 2 out of the 5 audio files captured no audio. Specifically, only the portions that would have captured the improprieties complained of by Appellant were not made. During all relevant discussions, the municipal court had assured Appellant that a record of the hearing was being made, but the record is incomplete. (R. p. 61, lines 3-15; R. p. 62, lines 21-24; R. p. 53, line 24 – p. 54, line 5). This circumstance pits Appellant's word directly against assertions made by the municipal judge in the "Judge's Notes" (R. p. 13), with no neutral record of what occurred available to this Court. Further, considering that Appellant claims repeated judicial

and prosecutorial coercion to negotiate a plea deal and manipulation of the record, any disagreements between the objective record and the "Judge's Notes" should have been weighed in favor of the available municipal transcript (R. pp. 60-71) and objective records."

Here, Appellant has demonstrated clearly and inarguably that his guilty pleas were unknowingly and involuntarily made. Respectfully, if this Court has not fully read and considered Appellant's Final and Reply Briefs, a great deal of judicial and prosecutorial mischief might go unnoticed. Appellant humbly asks that this Court toss out it's prior decision and rehear Appellant's appeal in full.

October 13, 2025



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SC Court of Appeals

THE SOUTH CAROLINA
In The Court Of Appeals

Case No. 2022-001437

Johnathan Daniels, Appellant,

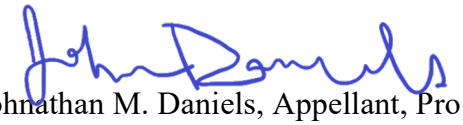
v.

The City of Cayce Respondent,

PROOF OF SERVICE

I certify that I have served the Petition For Rehearing, upon Respondent, by FIRST-CLASS MAIL, on October 14th, 2025, addressed to his attorneyof record, Danny C. Crowe; mailed to: Danny C. Crowe, CROWE LAFAVE GARFIELD & BAGLEY, LLC, 2019 Park Street, Columbia, South Carolina 29201.

October 13th, 2025



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The South Carolina Court of Appeals

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Appellate Case No. 2022-001437

ORDER

After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Stephen T. McDonald

_____ J.

_____ J.

_____ J.

Columbia, South Carolina

cc:
Johnathan Daniels
Danny Calvert Crowe, Esquire

FILED
Dec 10 2025