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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Appellate Case No. 2026-000057

Johnathan Daniels Petitioner,

v.

City of Cayce Respondent.

**RETURN TO PETITION FOR
WRIT OF CERTIORARI**

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COUNTER-STATEMENT OF ISSUE ON APPEAL

- I. DID THE MUNICIPAL COURT, CIRCUIT COURT, AND COURT OF APPEALS CORRECTLY DETERMINE THAT PETITIONER'S GUILTY PLEA WAS ENTERED KNOWINGLY AND VOLUNTARILY?

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 sometimes “Petitioner” or “Daniels”) was ticketed for violations of (1) 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), (2) S.C. Code Ann. § 56-1-20 (driver’s license required), and (3) 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). (Emphasis supplied). 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. (Emphasis supplied). 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).

Petitioner, 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 Petitioner and a jury eventually was impaneled for jury trial before the Honorable Bryan Jeffries 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 with the City prosecutor, Petitioner 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).

Petitioner 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, at which the City prosecutor argued for the City and Daniels (after being sworn) argued the grounds for his appeal. (R. pp. 27-58). Judge Hood issued a Rule 4 Order on September 27, 2022 (R. pp. 4-6), and, on October 7, 2022, filed a formal Order affirming the decision of the municipal court and denying the appeal. Circuit Court Judge Hood ruled that Daniels' guilty plea was knowing and voluntary. (R. p. 3).

Petitioner then filed an appeal to the Court of Appeals on October 13, 2022. Just under three years later, on October 1, 2025, the Court of Appeals issued a per curiam decision as Unpublished Opinion No. 2025-UP-330. In its Decision, the Court of Appeals affirmed the Circuit Court Order, holding that (1) the circuit court did not err in finding Daniels knowingly and voluntarily pled guilty, (2) the South Carolina Religious Freedom Act provides a defense related to religious freedom, not grounds for a jurisdictional challenge, and (3) Daniels waived his remaining issues on appeal when he pled guilty. Johnathan Daniels v. City of Cayce, Unpublished Op. No. 2025-UP-330 (S.C. Ct. App. filed Oct. 1, 2025). Daniels' petition for rehearing was denied by Order of the Court of Appeals filed December 10, 2025. (Order of Court of Appeals filed Dec. 10, 2025).. Daniels filed his Petition for a Writ of Certiorari on January 13, 2026, requesting, as understood by Respondent, a permissive appeal to this Court **only** on the holding of the Court of Appeals that his guilty plea was knowingly and voluntarily entered.

STANDARD OF REVIEW

In criminal cases, the appellate court sits to review errors of law only, and is bound by the trial court's factual findings unless they are clearly erroneous. State v. Wilson, 345 S.C. 1, 5-6, 545 S.E. 2d 827, 829 (2001).

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, 339 S.C. 29, 33, 528 S.E. 2d 418, 421(2000), citing Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 231 L. Ed. 2d 274 (1969). In State v. Lambert, 266 S.C. 574, 578-579, 225 S.E. 2d 340, 342 (1976), this Court explained that the test established by Boykin

is whether the record establishes that a guilty plea was voluntarily and understandingly made. If the record shows that the pleas was so entered, then it is not silent as to the waiver of his constitutional rights. We do not read Boykin, as the appellant contends, to require that the trial judge direct the defendant's attention to each and every constitutional right and obtain a separate waiver of each. We believe that an enumeration of specific rights waived is not required where the record otherwise reveals affirmative awareness of the consequences of a guilty plea. (Internal citations omitted).

When determining issues relating to guilty pleas, this Court will consider the entire record. Roddy v. State, 339 S.C.at 33, 528 S.E. 2d at 420.

ARGUMENT

II. THE MUNICIPAL COURT, CIRCUIT COURT, AND COURT OF APPEALS CORRECTLY DETERMINED THAT PETITIONER’S GUILTY PLEA WAS ENTERED KNOWINGLY AND VOLUNTARILY.

As this Court is well aware, the City of Cayce Municipal Court, which is the trial court in this case, is a “summary court” and not a “court of record.” The distinction is discussed in part in State v. Bellardino, 429 S.C. 563, 567, 841 S.E. 2d 621,623, fn. 2 (2020) with its explanation that a “court of record” must record all proceedings, word for word, for appellate review, while a “summary court” (magistrate or municipal court) need only summarize what occurred for appellate review. Complete transcripts are not required. This explanation is in accord with S.C. Code § 14-25-105 which requires a return to be filed by the municipal court judge with the circuit court in the event of appeal, and provides, in part, that "The return of the municipal judge shall consist of a written report of the charges preferred, the testimony, the proceedings, and the sentence or

judgment. When the testimony has been taken by a reporter as provided herein, the return shall include the reporter's transcript of the testimony." (Emphasis supplied).

The essence of Petitioner's argument appears to be that he was "manipulated" into a guilty plea (R. p. 30, lines 22-23) based on statements made by Municipal Court Judge Jeffries that he could face a jail sentence on the speeding charge. However, at the hearing on the first-level appeal before Judge Hood in circuit court, Daniels, under oath (R. p. 29, lines 7-8), stated:

But these conversations that I'm telling you about where he [referring to Judge Jeffries] misquoted the, the sentencing guidelines or in terms of punishments that could be given to me, the insistent [sic] that I go back and forth to talk to 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. (R. p. 36, lines 2-8).

This means that Daniels is arguing his appeal based on alleged statements of the municipal court judge not contained in the record. Daniels' sworn statement on this point is plainly contrary to the Return of the municipal court to Daniels' appeal to circuit court (R. pp.10-13). In the Return, Judge Jeffries stated:

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 a 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. (R. p.13).

At the circuit court first-level appeal hearing, the City Prosecutor directed the circuit court judge's attention to this portion of the Return from the Municipal Court and added that this also was the prosecutor's recollection. (R. p. 49, lines 6-12). Judge Hood, who had the opportunity to review the Return and also to observe Daniels and hear his sworn statements, concluded that the guilty plea was entered voluntarily and knowingly. (R. p. 3).

A similar situation is presented on the issue of Petitioner's claim that he was not advised of his constitutional rights pursuant to Boykin. The available and incomplete transcript of the discussions among Daniels, City Prosecutor Peagler, and Judge Jeffries does not reflect any discussions of constitutional rights. The Return of the Municipal Court Judge provided that "I advised the defendant on a number of occasions of his right [to] a jury trial, a bench trial, an attorney." (R. p. 13). Daniels admitted to Circuit Court Judge Hood: "As far as informing me of my rights--all right. So, the right to a jury 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." (R. p. 52, lines 17-21).

Petitioner's admissions to the municipal court, to the circuit court, and to the Court of Appeals are revealing and, the City urges, should be dispositive on this appeal ground. 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, Petitioner's participation in that description, 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 municipal court on Petitioner'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.

Petitioner's further statement in the municipal court underscored the voluntary basis of the guilty plea and Petitioner's reasoning and risk calculation on possible penalties:

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

DEFENDANT: Okay. Well, un. Number -- Well, number on, 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. 66, lines 5-20).(Emphasis added).

Daniels' calculations on sentencing risks are especially significant because of his further admissions concerning the underlying charges. In the first-level appeal hearing before the circuit court, Daniels admitted (under oath) to Judge Hood 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, Daniels, in his Brief in the Court of Appeals, admitted the substance of the offenses of no driver's license and no vehicle registration. In his Final Brief of Appellant, Daniels (using the third person) admitted: "Appellant does not use a driver's license or vehicle registration..." (Final 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). In this case, Daniels admitted speeding to the circuit court and admitted to the Court of Appeals, in Brief, that he had no driver's license or vehicle registration. Regardless of whether the speeding charge carried the possibility of jail time, it is clear (as set out in the above Statement of the Case) that the no driver's license charge and the no vehicle registration charge did carry the possibility of jail time. Daniels was able to accomplish his stated goal of avoiding jail time because the trial judge accepted the plea agreement negotiated between Daniels and the City prosecutor on

the three charges. Additionally, despite his assertions that the municipal court judge misstated the possibility of jail time for the speeding charge or failed to advise him of every constitutional right, Daniels admits that such statements are not contained in the transcriptions in the record. The record, considered as a whole, shows that Daniels' guilty plea was voluntary and knowing as determined by the municipal court, the circuit court, and the Court of Appeals.

CONCLUSION

For the reasons stated and apparent from the record, the City urges that this Court deny issuance of a Writ of Certiorari, with the effect of upholding the decision of the Court of Appeals and affirming the Circuit Court.

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