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S.C. SUPREME COURT

THE SOUTH CAROLINA
In The Supreme Court

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

Case No. 2026-000057

Johnathan Daniels, Appellant.

v.

The City of Cayce Respondent,

Reply Of Appellant

In response Respondent's Return to Appellant's Petition For Certiorari, Appellant files this Reply, further exposing Respondent's attempts to manipulate the Court through dishonesty and misdirection. Appellant requests that the South Carolina Supreme Court ensure fairness and justice prevail on this matter.

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ARGUMENT

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

STANDARD OF REVIEW

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

A. REGARDLESS OF WHETHER THE INTENTIONALLY MANIPULATED MUNICIPAL COURT RECORD SHOWS DIRECT COERCION, APPELLANT'S GUILTY PLEAS ARE STILL INVALID BECAUSE THEY WERE UNKNOWNLY MADE, AND ARE THUS INVOLUNTARY

Respondent continues to frame Appellant's arguments as mere allegations that contradict the Record and rely on facts not in the Record. This is more misdirection! Quite simply, the law requires Appellant's guilty pleas to have been knowingly and voluntarily made in order for them to be valid, and a valid guilty plea requires the defendant to understand its direct consequences, including maximum penalties. See *Brady v Maryland*, 397 U.S. at 748 ("Waivers of

constitutional rights not only must be voluntary but must be knowing, intelligent acts done with sufficient awareness of relevant circumstances and likely consequences."). 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 an accurate understanding of the potential speeding 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.").

Contrary to Respondent's assertions, Appellant's argument does not contradict the Record in this case, nor does it require this Court to consider facts not in the Record. Appellant is arguing that he misunderstood the speeding charge, because he was under the impression that he could be sentenced to 30 days in jail if found guilty of speeding. That misunderstanding was the sole and only reason Appellant made the guilty pleas. Appellant's misunderstanding is clearly demonstrated by facts and evidence in the Record, without necessarily contradicting any portion of it.

Precedent of the U.S. Supreme Court dictates that, 'The record must show, or there must be an allegation and evidence which show, that an accused did not voluntarily enter his plea of guilty.' *Boykin v. Alabama*, 395 U.S. 238, 242-243 (1969), quoting *Carnley v. Cochran*, 369 U.S. 506, 516 (1962). *Brady* at 749 ("The voluntariness of [a] [guilty] plea can be determined only by considering all of the relevant circumstances surrounding it.").

In the present appeal, both allegation and evidence exist, which show the unknowing, and consequently, involuntary nature of Appellant's pleas. Further, the examination of the circumstances surrounding the guilty pleas indicates that they were not knowingly and voluntarily made. *Id* at 749. See also *McCarthy v. United States*, 394 U.S. 466 (1969) ("[I]f a

defendant's guilty plea is not equally voluntary and knowing, it has been obtained in violation of due process and is therefore void."). To be valid, a defendant's plea must "be the voluntary expression of his own choice." *Brady v Maryland*, 397 U.S. at 748. In this case, Appellant made his "choice" to plead guilty without full understanding of the speeding charge or his guilty pleas' direct consequences.

As PROVEN in Appellant's Petition For Certiorari, by direct reference to the municipal transcript, Appellant did not know the direct consequences of his guilty pleas before making the pleas. Respondent seeks to create a false impression that Appellant knew with certainty what the sentences would be before entering the guilty pleas. The only "proof" of that purported fact that Respondent can offer is their intentional misquoting of the municipal transcript, which was calculated to obscure the order of events from the Court of Appeals and this Court. The true order of events differs drastically from the order of events Respondent argues. At the time of making the pleas, and in his mind facing 30 days in jail for speeding, Appellant was only aware of a proposed plea agreement which included a mere recommendation which had not yet been accepted by the municipal judge.

Appellant truthfully claims that he misunderstood the potential sentence for the speeding charge. Although Appellant affirms that this misunderstanding was induced by the municipal judge's misstatement of the potential sentence for speeding during the only unrecorded portion of the municipal proceedings, Appellant's misunderstanding need not to have been intentionally induced by the judge through misstatement, because the law requires Appellant's full understanding of the charges and of the consequences of the guilty pleas.

Along with Appellant's allegation of misunderstanding, plenty of evidence exists in the Record that reasonably proves Appellant's misunderstanding. In Respondent's Return, Respondent implies that Appellant was subject to, and avoided by plea, similar 30-day jail

sentences for the no drivers license and the registration charges. However, a reasonable evaluation of Appellant's understanding in making the pleas, and any benefits he derived by pleading guilty, should not rest on Respondent's forecasting outcomes. Rather, the evaluation of whether Appellant understood the charges and the direct consequences, as required to make a legally valid plea, must rely on Appellant's state of mind at the time of making the guilty pleas.

This Court please bear in mind that: (1) at the time of making the guilty pleas, even if he was incorrect in his conclusions, Appellant was certain that he would not have been found guilty of any offense other than speeding, as described in Appellant's written South Carolina Religious Freedom Act § 1-32 Motion For A Directed Verdict and plea communications with Respondent's prosecutor; (2) that Appellant demanded a decision on his Motion For A Directed Verdict before pleading guilty and the municipal judge did not rule on the motion; (3) that a misunderstood potential 30-day jail sentence for speeding was the only jail-time that Appellant thought he was likely to face, and that avoidance of this potential jail sentence was the sole impetus (and only mistakenly perceived benefit) for Appellant to consider any guilty plea whatsoever; (4) that Respondent's version of the order of events is intentionally false and attributes an understanding and certainty of consequences to Appellant's mind where none existed; (5) that Appellant still maintained his position of religious objection to the drivers license and registration charges even after pleading guilty; (6) and that Appellant very quickly filed an Appeal based on, what he perceived to be, a misstatement of the potential sentence for speeding and Respondent's violation of the First Amendment to the Constitution.

Appellant is certain that the municipal clerk of court, who had been ordered to make a record, stopped recording so that Appellant could be misinformed; however, even if Appellant had misheard, and thereby misunderstood the penalty for the speeding charge, that misunderstanding removes any notion that Appellant had a full understanding of the charges and

the sentences to be imposed before making the guilty pleas. The potential 30-day jail sentence for speeding was at the forefront of Appellant's mind right up to the moment the judge accepted the prosecutorial recommendations. Appellant thought he was benefiting by making the pleas, and made the pleas solely so that he could avoid a jail sentence for speeding. Appellant was not convinced, at all, that he would be found guilty of the other two charges. Only after the judge accepted the sentencing recommendation, was the possibility of a jail sentence for speeding removed from the list of potential consequences that Appellant had to consider. See Appellant's Petition for Certiorari at pg. 13, where Appellant provides this Court evidence of his misunderstanding, contained in the Record:

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

Reasonably speaking, the only charge Appellant considered to carry the “likely” outcome of his conviction was the speeding charge, yet he pleads guilty to avoid jail time. Obviously, as he claimed 6 days after making the pleas, Appellant believed that a conviction for the speeding charge would have resulted in a jail sentence. Appellant obviously did not know that his conviction for the speeding charge carried a maximum

penalty of a FINE ONLY.“

Again, Appellant’s statement that his pleas were not coerced was given undue weight by the Circuit Court and the Court Of Appeals, because in claiming that the pleas were knowingly made and not coerced, Appellant had no way of knowing that he had been misinformed and/or had misunderstood the potential speeding sentence. The record, going as far back as 6 days after the pleas were made, indicates that Appellant, even if due solely to misunderstanding, claimed that the municipal judge incorrectly stated that the speeding charge carried a penalty of up to 30 days in jail (see R. pp. 16-17 at “1”).

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

This Court determined in *State v. Lambert*, 266 S.C. 574 (1976), that:

“The test established by *Boykin v. Alabama*, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed. (2d) 274 (1969) is whether the record establishes that a guilty plea was voluntarily and understandingly made. If the record shows that the plea 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 *579 right and obtain a separate waiver of each. *Wade v. Coiner*, 468 F. (2d) 1059, 1061 (4th Cir.1972). 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. *Stinson v. Turner*, 473 F. (2d) 913 (10th Cir.1973).”

As explained above, the Record in this present appeal clearly shows that Appellant promptly alleged misunderstanding and unknowing after making the guilty pleas, and the Record also shows reasonable evidence of Appellant's misunderstanding and unknowing. Appellant asserts here, and it must be the case, that it is permissible under *Boykin* that where the Record contains reasonable evidence supporting an allegation of misunderstanding and unknowing, a plea must be found to have been unknowing and involuntary. *Boykin v. Alabama*, 395 U.S. 238, 242-243 (1969). It then follows, from *McCarthy v. United States*, 394 U.S. 466 (1969), that if a defendant's guilty plea is not equally voluntary and knowing, it has been obtained in violation of due process and is therefore void. And finally, since this Court clearly intends that "an enumeration of specific rights waived is not required where the record otherwise reveals affirmative awareness of the consequences of a guilty plea," then, it must follow that an enumeration of Constitutional rights would be required in this case, because the Record does not indicate the Appellant had affirmative awareness of the consequences of his guilty pleas when he made them. See *State v. Lambert*, 266 S.C. 574 (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). Appellant was not aware of these rights, save his right to a jury trial, and Appellant made this clear to Judge Hood and the Court Of Appeals. Nowhere, in the entire record, is there any claim or evidence that Appellant was notified or aware of these rights. (See Final Brief Of Appellant, at "3" pp-37-40; See Final Reply Brief Of Appellant at "3" pp 10-12 para. 4) So, on what grounds could the Circuit Court and the Court Of Appeals have found that Appellant was

aware of his rights under *Boykin*? Again, no such grounds exist, and Appellant challenges anyone to show otherwise.

CONCLUSION

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

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