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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Maite Murphy, Circuit Court Judge

Appellant Case No. 2025-002592

The State
Respondent,

v.

Keyshon Poinsette Jr
Appellant,

BRIEF OF APPELLANT

Keyshon Poinsette 378667
Manning Correctional Institution
502 Beckham Drive
Columbia SC 29203

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Respectfully Submitted
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Terry v. Ohio, 392 U.S. 1 (1968)

A police officer may conduct a brief investigatory stop only when there is specific and articulable suspicion of criminal activity. In the context of traffic stops, a valid stop requires an objectively reasonable basis for believing a traffic violation occurred

Scott v. Harris, 550 U.S. 372 (2007) — Binding

When a videotape “blatantly contradicts” a party’s version of events, courts must view the facts in the light depicted by the videotape, not the testimony.

A court may not credit officer testimony where objective video evidence affirmatively disproves it.

United States v. Solomon 2016

Like the court in *United States v. Solomon*, the trial court here was required to credit the video evidence over officer testimony.

Instead, it did the opposite — allowing testimony to outweigh objective evidence, directly contravening Fourth Amendment jurisprudence.

Unlike *Solomon*, where the initial stop was lawful, here the video disproves the basis for the stop itself — making the constitutional violation even more severe.

United States v. Peters, No. 19-4904 (4th Cir.)

Where the stop is unlawful, suppression follows and any conviction dependent on the seized evidence or the stop’s lawfulness is vulnerable to vacatur—as shown by the Fourth Circuit’s reversal and vacatur in *Peters*.

Rodriguez v. United States, 575 U.S. 348, 354 (2015)

reaffirmed that without such suspicion, any detention violates the Fourth Amendment. When the justification for the stop is disproved by objective evidence, continued reliance on that justification is constitutionally impermissible

Brady v. Maryland, 373 U.S. 83 (1963)

Napue v. Illinois, 360 U.S. 264 (1959)

Giglio v. United States, 405 U.S. 150 (1972)

Whren v. United States, 517 U.S. 806 (1996)

(Held: that probable cause that a traffic violation has occurred justifies a temporary seizure)
In this case no probable cause does not exist rendering the traffic stop unreasonable and therefore unlawful

United States v. Leon, 468 U.S. 897 (1984)

Arizona v. Youngblood, 488 U.S. 51 (1988)

Tumey v. Ohio, 273 U.S. 510 (1927)

Ward v. Village of Monroeville, 409 U.S. 57 (1972)

Chapman v. California, 386 U.S. 18 (1967)

SOUTH CAROLINA CASES

State v. Bailey, 276 S.C. 32, 274 S.E.2d 913
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State v. White, 363 S.C. 407, 610 S.E.2d 869 (Ct. App. 2005)

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State v. Moore, 349 S.C. 107, 561 S.E.2d 651 (Ct. App. 2002)

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CONSTITUTIONAL PROVISIONS

United States Constitution

U.S. Const. amend. I

U.S. Const. amend. IV

U.S. Const. amend. V

U.S. Const. amend. VI

U.S. Const. amend. XIV

South Carolina Constitution

S.C. Const. art. I, § 3 (Due Process)

S.C. Const. art. I, § 10 (Rights of the Accused)

S.C. Const. art. V, § 1 (Judicial Power)

QUESTIONS PRESENTED

1. Did the trial court err by convicting the appellant where the State failed to prove beyond a reasonable doubt that the Appellant acted with mens rea as required by law ?
2. Did the trial court err in denying Appellant's motion to suppress where dash-camera video admitted into evidence affirmatively contradicted the officer's sole asserted basis for the traffic stop, rendering the stop unconstitutional under the Fourth Amendment?
3. Did the State violate Appellant's due process rights under *Napue v. Illinois* by presenting and failing to correct materially false testimony regarding the basis for the traffic stop, where the falsity was demonstrable by video evidence in the State's possession?
4. Did the State violate *Brady v. Maryland*, and did the trial court abuse its discretion, by permitting untimely and selective disclosure of exculpatory dash-camera evidence discovered by Appellant only days before trial, materially impairing Appellant's ability to seek suppression and impeach the State's key witness?
5. Did the trial court err by proceeding to adjudication without first resolving Appellant's threshold jurisdictional and constitutional objections, thereby exercising authority in the absence of established jurisdiction and denying Appellant substantive and procedural due process?
6. Did the cumulative effect of multiple constitutional errors require reversal because the verdict is unreliable as a matter of due process?

STATEMENT OF THE CASE

Appellant was charged with hindering law enforcement following a traffic stop. He represented himself at trial. Prior to trial, Appellant filed motions challenging the court's jurisdiction, the standing of the prosecution, and seeking full discovery, including any exculpatory evidence. The trial court granted Appellant's discovery motion, but the state did not fulfill the discovery in its entirety & delayed the appellant the ability to access usable material while incarcerated proceeding pro se. The court, nor did the prosecutor address the jurisdictional or constitutional challenges raised.

Appellant was allowed to access exculpatory evidence on a Saturday two days before trial, Appellant discovered dash-camera video from the arresting officer's vehicle that contradicts the reasonableness of the Traffic stop. On the day trial commenced, Appellant timely motioned for an evidentiary hearing, motioned for continuance & motioned to nolle prose/dismiss and

suppress all evidence derived from the stop. The trial court denied the motions and proceeded to trial.

Appellant was convicted and sentenced on August 13, 2025. This appeal followed.

STATEMENT OF FACTS

The arresting officer initiated a traffic stop of Appellant, testifying at trial that the sole reason for the stop was Appellant's alleged failure to stop at a stop sign & dark window tint. No alternative basis for the stop was asserted.

Dash-camera video from the officer's patrol vehicle was admitted into evidence. The video affirmatively contradicted the officer's testimony and depicted Appellant never came in contact with a stop sign. Nor did the officer use a tint meter to run a test on the tint. The officer acknowledged that he possessed no evidence of a stop-sign violation other than his own testimony, when appellant asked.

While detained in Charleston & Dorchester county the dash-camera video was not disclosed to Appellant in a timely manner. Appellant discovered the video two days before trial. Proceeding pro se, Appellant promptly required time to prepare based on discovery of exculpatory evidence, required an evidentiary hearing and filed a motion to Nolle prose/dismiss and suppress asserting that the stop was unreasonable and lacked probable cause and therefore unconstitutional and that all evidence flowing from it was tainted. Judge Murphy stated that "we" already had an evidentiary hearing & denied appellant's motions & stated she will allow the appellant to cross examine the officer.

Despite the objective video evidence contradicting the officer's test the State proceeded to trial. The prosecutor relied on the officer's testimony to establish the lawfulness of the stop and did not correct the false testimony but instead, assisted the officer in navigating his lies. Appellant was convicted of hindering law enforcement.

STANDARD OF REVIEW

The issues presented implicate (1) the denial of a motion to suppress based on an alleged Fourth Amendment violation, (2) the denial of a motion for continuance after late disclosure of exculpatory evidence, and (3) alleged due process violations arising from suppression or delayed disclosure of material evidence.

A trial court's ruling on a motion to suppress presents a mixed question of law and fact. The appellate court reviews factual findings for clear error but reviews legal conclusions—including whether reasonable suspicion or probable cause existed—de novo. *Ornelas v. United States*, 517 U.S. 690, 699 (1996). Where video evidence is part of the record and contradicts testimonial assertions, the reviewing court must independently assess the objective evidence

rather than defer to findings unsupported by the record. *Scott v. Harris*, 550 U.S. 372, 380–81 (2007). An appellate court may reject factual findings that are contradicted by objective video evidence. *Id.*

The denial of a continuance is generally reviewed for abuse of discretion. However, where the denial implicates constitutional due process rights—particularly the right to a meaningful opportunity to prepare and present a defense—review is more searching, and reversal is required where the ruling results in fundamental unfairness. *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964). A trial court abuses its discretion when its decision deprives a defendant of due process. *Id.*

Claims that the State suppressed or failed to timely disclose material exculpatory evidence are reviewed under constitutional standards *de novo*. The prosecution violates due process when it suppresses evidence favorable to the accused that is material either to guilt or punishment. *Brady v. Maryland*, 373 U.S. 83, 87 (1963). Evidence is material where there is a reasonable probability that, had it been disclosed in time for effective use, the result of the proceeding would have been different. *United States v. Bagley*, 473 U.S. 667, 682 (1985). The duty to disclose extends to impeachment evidence and applies regardless of the prosecution's good or bad faith. *Giglio v. United States*, 405 U.S. 150, 153–54 (1972).

Accordingly, to the extent this appeal challenges the constitutional validity of the traffic stop and the legal conclusions drawn from undisputed video evidence, review is *de novo*. To the extent it challenges discretionary rulings that implicate due process, reversal is warranted where the trial court abused its discretion in a manner resulting in constitutional prejudice.

ARGUMENT

I. AFFIRMATIVE DEFENSES BAR CONVICTION AS A MATTER OF LAW BECAUSE THE STATE FAILED TO ESTABLISH A LAWFUL INVESTIGATION OR THE REQUISITE MENS REA.

Even assuming *arguendo* facts most favorable to the State, Appellant's conviction cannot stand because multiple affirmative defenses negate essential elements of the charged offense and constitutionally bar punishment. These defenses arise directly from the record and the State's own proof failures.

- Absence of Mens Rea – Failure to Prove Intent

South Carolina Code § 16-17-735(D) requires proof beyond a reasonable doubt that the accused knowingly and intentionally sought to intimidate or hinder a law enforcement officer through a false assertion of authority or the use of sham legal process.

The record contains no evidence of threats, coercion, commands, delay, refusal to comply, or assertion of governmental authority.

The mere presentation of documents—without proof of intent to intimidate or obstruct—cannot satisfy the statute.

Criminal liability cannot be imposed for unconventional, incorrect, or nonconforming paperwork absent proof of mens rea. The State's failure to establish intent independently bars conviction.

- First Amendment and Due Process Bar –

Protected Expression Peaceful expression of beliefs, identity, or legal theories—even if unconventional or erroneous—is protected speech under the First Amendment to the United States Constitution and Article I, § 2 of the South Carolina Constitution. The State criminalized expressive conduct rather than obstruction.

Punishing Appellant for the content or perceived legitimacy of documents, absent threats or coercion, constitutes viewpoint-based enforcement and violates substantive due process under the Fifth and Fourteenth Amendments

•Void-for-Vagueness and Arbitrary Enforcement The State labeled Appellant's documents "sham" without statutory definition, expert testimony, forensic proof, or evidence of falsification. A criminal statute that fails to provide clear standards and invites arbitrary enforcement violates due process.

As applied here, § 16-17-735(D) permitted criminal punishment based on subjective disagreement rather than provable fraud, rendering the conviction constitutionally infirm.

STANDARD OF REVIEW

Whether the evidence was sufficient to sustain a criminal conviction is a question of law reviewed de novo. The relevant inquiry is whether, viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the offense beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). A conviction cannot stand where the State fails to prove each element of the charged offense beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364 (1970). Where the record is devoid of evidence establishing the requisite mens rea, reversal is required as a matter of constitutional sufficiency. *Morissette v. United States*, 342 U.S. 246, 252 (1952) (criminal intent is a fundamental element separating wrongful conduct from innocent conduct).

Constitutional challenges—including First Amendment protections and due process claims—are reviewed de novo. When a conviction implicates protected expression, an appellate court must independently examine the whole record to ensure that the judgment does not intrude upon constitutionally protected speech. *Bose Corp. v. Consumers Union*, 466 U.S. 485, 499 (1984). The First Amendment prohibits the State from criminalizing speech based on its content or viewpoint absent a constitutionally permissible basis. *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

A void-for-vagueness challenge is also reviewed de novo, as it presents a pure question of constitutional law. A penal statute violates due process if it fails to provide ordinary people fair notice of what conduct is prohibited or if it authorizes or encourages arbitrary and discriminatory enforcement. *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). Criminal laws must define offenses with sufficient definiteness that ordinary people can understand what conduct is prohibited. *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972). When a statute is applied in a manner that permits conviction based on subjective disagreement rather than objective standards, it violates due process. *Papachristou v. City of Jacksonville*, 405 U.S. 156, 162 (1972).

Accordingly, because this issue challenges the constitutional sufficiency of the evidence, the absence of proof of mens rea, and the constitutionality of the statute as applied, review is de novo.

II. THE TRIAL COURT ERRED IN DENYING THE MOTION TO SUPPRESS WHERE VIDEO EVIDENCE AFFIRMATIVELY CONTRADICTED THE OFFICER'S SOLE BASIS FOR THE STOP.

The Fourth Amendment permits a traffic stop only where an officer has objective reasonable suspicion that a traffic violation occurred. Here, the officer testified that Appellant ran a stop sign—the only justification offered for the stop.

Dash-camera video admitted into evidence conclusively disproved that claim. Where objective video evidence contradicts testimony, a court may not credit the testimony to manufacture reasonable suspicion. Because the stop lacked probable cause and was unsupported by reasonable suspicion, it was unlawful, and all evidence flowing from it was tainted as fruit of the poisonous tree.

The charge of hindering law enforcement presupposes lawful police activity. An individual cannot hinder an unlawful seizure. Absent a lawful stop, there was no lawful investigation to hinder. The conviction therefore cannot stand.

As a matter of law, one cannot hinder an unlawful detention. Any conviction premised on resistance to an unconstitutional seizure is void. This constitutes legal impossibility and independently requires reversal and dismissal.

Filing of the suppression motion was good cause. Appellant discovered the exculpatory video only two days before trial due to the Detention Center's failure to allow appellant to review the USB drive of the video. Proceeding pro se, Appellant moved to suppress at the earliest practicable opportunity. Denial of suppression under these circumstances, was a legal error.

STANDARD OF REVIEW

A trial court's ruling on a motion to suppress presents a mixed question of law and fact. The appellate court reviews factual findings for clear error but reviews de novo the ultimate determination of whether reasonable suspicion or probable cause existed under the Fourth Amendment. *Ornelas v. United States*, 517 U.S. 690, 699 (1996). The existence of reasonable suspicion is an objective inquiry based on the totality of the circumstances. *United States v. Arvizu*, 534 U.S. 266, 273 (2002).

Where video evidence is part of the record and directly contradicts testimonial assertions, an appellate court must independently evaluate the objective evidence and may not adopt findings that are blatantly contradicted by the recording. *Scott v. Harris*, 550 U.S. 372, 380–81 (2007). When objective evidence negates the officer's stated basis for the stop, the reviewing court applies de novo review to determine whether the seizure was constitutionally valid.

If a stop is unsupported by reasonable suspicion or probable cause, it violates the Fourth Amendment, and evidence derived from that unlawful seizure must be suppressed as fruit of the poisonous tree. *Wong Sun v. United States*, 371 U.S. 471, 484–88 (1963). The exclusionary rule applies where evidence is obtained by exploitation of an unconstitutional detention. *Id.* Accordingly, because this issue challenges the constitutional validity of the stop and the legal sufficiency of the justification for the seizure, review is de novo.

Terry v. Ohio, 392 U.S. 1 (1968)

A police officer may conduct a brief investigatory stop only when there is specific and articulable suspicion of criminal activity. In the context of traffic stops, a valid stop requires an objectively reasonable basis for believing a traffic violation occurred

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A court may not credit officer testimony where objective video evidence affirmatively disproves it.

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Like the court in *United States v. Solomon*, the trial court here was required to credit the video evidence over officer testimony.

Instead, it did the opposite — allowing testimony to outweigh objective evidence, directly contravening Fourth Amendment jurisprudence.

Unlike *Solomon*, where the initial stop was lawful, here the video disproves the basis for the stop itself — making the constitutional violation even more severe.

***United States v. Peters*, No. 19-4904 (4th Cir.)**

Where the stop is unlawful, suppression follows and any conviction dependent on the seized evidence or the stop's lawfulness is vulnerable to vacatur—as shown by the Fourth Circuit's reversal and vacatur in *Peters*.

***Rodriguez v. United States*, 575 U.S. 348, 354 (2015)**

reaffirmed that without such suspicion, any detention violates the Fourth Amendment. When the justification for the stop is disproved by objective evidence, continued reliance on that justification is constitutionally impermissible.

III. THE STATE VIOLATED THE 14th AMENDMENT & DUE PROCESS BY PRESENTING AND FAILING TO CORRECT MATERIALLY FALSE TESTIMONY IN VIOLATION OF *NAPUE v. ILLINOIS* & *GIGLIO v. UNITED STATES*

Due process prohibits the State from obtaining a conviction through testimony it knows or should know to be false. The officer's testimony that Appellant ran a stop sign was objectively false, as demonstrated by the dash-camera video and inaccurate statements in the officer's incident report about where it was the appellant disregarded the stop sign

The prosecutor possessed and had access to the video and incident reports and therefore knew or should have known the testimony was false. Nevertheless, the State failed to correct it and relied upon it to legitimize the stop. The false testimony was material, as it supplied the sole justification for the stop and the prosecution. Despite having a duty to correct false or perjured testimony, the prosecutor not only allowed the testimony to go uncorrected but also assisted Officer Crawford in navigating his falsehood to mislead the jury. This constitutes a clear substantive and procedural error that resulted in a tainted conviction.

The trial court erred in allowing the State to present and rely upon uncorrected perjured testimony.

Under *Napue*, reversal is required where there is any reasonable likelihood that false or perjured testimony affected the verdict.

STANDARD OF REVIEW

Whether the State's use of false or misleading testimony violated due process is a constitutional question reviewed de novo. A conviction obtained through the knowing use of false evidence violates the Fourteenth Amendment. *Napue v. Illinois*, 360 U.S. 264, 269 (1959). The duty to correct false testimony applies even when the falsehood relates to witness credibility and regardless of whether the prosecution directly elicited the testimony. *Giglio v. United States*, 405 U.S. 150, 153-54 (1972).

Under clearly established Supreme Court precedent, a due process violation occurs when (1) testimony was false, (2) the prosecution knew or should have known of its falsity, and (3) the false testimony was material. *United States v. Agurs*, 427 U.S. 97, 103 (1976). Materiality under *Napue* is satisfied where there is any reasonable likelihood that the false testimony could have affected the judgment of the jury. *Napue*, 360 U.S. at 271. This standard is more defense-protective than ordinary harmless-error review.

Because this issue concerns the constitutional integrity of the verdict and the State's duty to correct false testimony, review is de novo, and reversal is required if the record demonstrates a reasonable likelihood that the false testimony influenced the outcome.

Napue v Illinois

The *Napue* case highlights the prosecutor's procedural duty to correct known false testimony, notwithstanding its relevance to the defendant's guilt or the witness's credibility and also explores the impact on a trial's fairness when a prosecution's witness gives false testimony.

"The principle that a State may not knowingly use false evidence, including false testimony, to obtain a tainted conviction, implicit in any concept of ordered liberty, does not cease to apply merely because the false testimony goes only to the credibility of the witness. The jury's estimate of the truthfulness and reliability of a given witness may well be determinative of guilt or innocence, and it is upon such subtle factors as the possible interest of the witness in testifying falsely that a defendant's life or liberty may depend"

"It is of no consequence that the falsehood bore upon the witness' credibility rather than directly upon the defendant's guilt. A lie is a lie, no matter what its subject, and, if it is in any way relevant to the case, the district attorney has the responsibility and duty to correct what he knows to be false and elicit the truth. * * * That the district attorney's silence was not the result of guilt or a desire to prejudice matters little, for its impact was the same, preventing, as it did, a trial that could in any real sense be termed fair."

Mooney v Holohan

“As long ago as *Mooney v. Holohan*, 294 U.S. 103, 112, 55 S.Ct. 340, 342, 79 L.Ed. 791 (1935), this Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with ‘rudimentary demands of justice.’”

“It is a requirement that cannot be deemed to be satisfied by mere notice and hearing if a state has contrived a conviction through the pretense of a trial which in truth is but used as a means of depriving a defendant of liberty through a deliberate deception of court and jury by the presentation of testimony known to be perjured. Such a contrivance by a state to procure the conviction and imprisonment of a defendant is inconsistent with the rudimentary demands of justice as is the obtaining of a like result by intimidation.”

Gossip v Oklahoma

“To establish a violation of due process under *Napue v Illinois* a defendant must show that the prosecution knowingly solicited false testimony or knowingly allowed it to go uncorrected when it appears. If the defendant makes that showing a new trial is warranted so long as the testimony may have had an effect on the outcome of the trial”

The record will prove both existed.

IV. THE TRIAL COURT VIOLATED DUE PROCESS BY PROCEEDING TO TRIAL AFTER THE STATE DISCLOSED MATERIAL EXCULPATORY AND IMPEACHMENT EVIDENCE IN A MANNER AND AT A TIME THAT DEPRIVED A PRO SE, INCARCERATED DEFENDANT OF A MEANINGFUL OPPORTUNITY TO LITIGATE A DISPOSITIVE FOURTH AMENDMENT VIOLATION.

STANDARD OF REVIEW

Whether the State's handling of favorable evidence violated due process is a constitutional question reviewed de novo. *Kyles v. Whitley*, 514 U.S. 419 (1995). Whether suppressed evidence undermines confidence in the verdict is likewise reviewed under constitutional standards. *United States v. Bagley*, 473 U.S. 667 (1985).

A. Due Process and Brady Require Timely, Usable Disclosure of Favorable Evidence Under *Brady v. Maryland*, 373 U.S. 83 (1963), the State violates due process when it suppresses evidence favorable to the accused that is material to guilt or punishment.

The Supreme Court has clarified that:

Favorable evidence includes both exculpatory and impeachment material. *Bagley*, 473 U.S. at 676.

The prosecutor has an affirmative duty to learn of and disclose favorable evidence known to police. *Kyles*, 514 U.S. at 437.

Materiality exists where there is a reasonable probability that earlier disclosure would have produced a different result. *Bagley*, 473 U.S. at 682.

Critically, *Brady* is not satisfied by mere physical turnover of evidence. Disclosure must occur at a time and in a manner that permits the defense to make effective use of it. See *Kyles*, 514 U.S. at 435 (due process is violated where suppression undermines confidence in the outcome). Courts have repeatedly recognized that evidence disclosed too late to permit meaningful litigation is treated as suppressed for constitutional purposes.

B. Disclosure in a Form and at a Time That Prevents Effective Use Is Functional Suppression
Although the State provided a USB drive containing video evidence, due process does not turn on nominal possession alone. Evidence is suppressed within the meaning of *Brady* where: The defendant cannot access or review it in custody; The timing of disclosure prevents investigation or motion practice; or The manner of disclosure renders it unusable for meaningful litigation.

Here:

- The defendant was incarcerated following bond revocation.
- While housed in Charleston County, the defendant was not permitted to view the USB drive.
- After transfer to Dorchester County, access to the video was allowed only two days before trial.
- The defendant was proceeding pro se and dependent entirely on the State for access to discovery tools.
- The video objectively contradicted the officer's asserted basis for the stop.

Under these circumstances, the State's disclosure was constitutionally insufficient. *Brady* requires disclosure sufficient to permit effective advocacy—not symbolic production.

C. The Video Was Material Because It Undermined the Sole Basis for the Stop
The video evidence was not marginal impeachment.

It directly contradicted the officer's claimed justification for the traffic stop.

Under *Delaware v. Prouse*, 440 U.S. 648 (1979), and *Whren v. United States*, 517 U.S. 806 (1996), a traffic stop must be supported by objective reasonable suspicion.

Where video evidence affirmatively contradicts the asserted basis for a stop, courts must credit the objective record over testimonial assertions. *Scott v. Harris*, 550 U.S. 372 (2007).

Thus, the suppressed impeachment value of the video was not collateral—it was dispositive.

Had the defense been afforded timely access:

A motion to suppress would have been filed.

The court would have been required to evaluate the stop against the objective video record.

Suppression of the stop would have eliminated all derivative evidence under the exclusionary rule.

The prosecution could not have proceeded.

This satisfies Brady's materiality standard because there is at least a reasonable probability that timely disclosure would have altered the outcome. *Bagley*, 473 U.S. at 682.

D. The State's Conduct Undermined Confidence in the Verdict

The Supreme Court instructs that the materiality inquiry asks whether suppressed evidence undermines confidence in the verdict. *Kyles*, 514 U.S. at 434. This case rests entirely upon evidence derived from the challenged stop. When disclosure of dispositive evidence occurs only two days before trial—after incarceration, bond revocation, and without practical ability to litigate suppression—confidence in the verdict is necessarily undermined.

The State's timing and handling of disclosure deprived the defendant of a meaningful opportunity to assert a Fourth Amendment defense, violating fundamental fairness under the Fourteenth Amendment.

V. THE TRIAL COURT COMMITTED REVERSIBLE ERROR BY FAILING TO RULE ON PROPERLY RAISED JURISDICTIONAL AND DUE-PROCESS CHALLENGES, AND BY PROCEEDING TO JUDGMENT WITHOUT ESTABLISHING ON THE RECORD THAT IT POSSESSED LAWFUL AUTHORITY OR THAT THE DEFENDANT UNDERSTOOD THE NATURE AND CAUSE OF THE ACCUSATION.

STANDARD OF REVIEW

Whether a trial court properly addresses jurisdictional and constitutional challenges presents a question of law reviewed *de novo*. Subject-matter jurisdiction is a threshold requirement and cannot be presumed or waived; an appellate court independently reviews whether the lower court had authority to adjudicate the matter. *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94–95 (1998). A court's failure to establish on the record that it possesses lawful

authority or that the defendant understands the nature and cause of the charges violates fundamental due process and is reviewed without deference. *In re Oliver*, 333 U.S. 257, 273–74 (1948).

Whether a defendant was afforded the constitutional right to notice and to understand the nature of the accusation implicates the Sixth and Fourteenth Amendments, which guarantee a meaningful opportunity to prepare a defense. Appellate review of such due process violations is *de novo*. *Barker v. Wingo*, 407 U.S. 514, 532 (1972).

Joyce v. United States, 474 2d 215 (“There is no discretion to ignore lack of jurisdiction.”)

Main v. Thiboutot, 100. S.Ct 2501 (1980) (“The law provides that once State and Federal jurisdiction have been challenged, it must be proven.”)

Basso v. Utah Power and Light Co. 495 F.2d 906, 910 (“Jurisdiction can be challenged at any time. And jurisdiction, once challenged, cannot be assumed and must be decided”.)

Stcuk v Medical Examiners 94 Ca 2d 751.211, P 2d 389 (“Once Challenged, jurisdiction cannot be assumed, it must be proved to exist.”).

Manufacturing Co. v. Holt, 51 W. Va. 352, 41 S.E. 351 [Coram Non Judice means In the presence of a person not a judge.] (“When a suit is brought and determined in a court which has no jurisdiction in the matter, then it is said to be coram non judice, and the judgment is void.”).

Melo v. United States, 505 F. 2d. 1026 (“Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action.”).

Old Wayne Mut. L Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907) (“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.”).

Louisville v. Motley, 211 U.S. 149, 29 S.Ct. 42 (“If any tribunal finds absence of proof of jurisdiction over a person and subject-matter, the case must be dismissed. The accuser bears the burden of proof beyond a reasonable doubt.”).

Jordon v. Gillian, 500 F.2d. 701, 710 (6th Cir. 1974) (“A void judgment is no judgment at all and is without legal effect.”).

Hagans v. Lavine, 415 U.S. 533 (“The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.”).

Elliot v. Peirsol, 26 U.S. 328, 340 (1828)

("Courts are constituted by authority and they cannot act beyond the power delegated to them. If a court acts without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a remedy sought in opposition to them, even prior to a reversal. They constitute no justification; and all persons concerned in executing such judgments, or sentences, are considered, in law, as trespassers.").

Thompson v. Smith, 154 SE 583 ("When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statute do not act judicially, but merely ministerially")

ASIS v US 568 F2d, 284 (" A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentations, or rationale.")

Because this issue challenges the trial court's fundamental authority and the constitutional sufficiency of proceedings, **review is de novo, and any failure to rule on properly raised jurisdictional or due process objections constitutes reversible error as a matter of law.**

A. Jurisdictional Challenges Must Be Addressed on the Record

Subject-matter jurisdiction cannot be presumed, waived, or ignored. When jurisdiction is challenged, the trial court has an affirmative duty to determine and state the basis for its authority.

Here, the defendant filed multiple pleadings in abatement raising and on record:

Jurisdictional defects

Procedural defects

Lack of notice

Failure to establish the nature and cause of the accusation

The prosecution and the trial court initially ignored these filings altogether.

B. The Trial Court's Cursory Reference to "Statutory" Nature Did Not Resolve the Jurisdictional Challenge

Only after repeated assertions did the court briefly state that the matter was “statutory,” without:

Identifying the jurisdiction-conferring statute

Explaining how jurisdiction attached

Ruling on personal or subject-matter jurisdiction

Addressing defects alleged in the charging instrument

A conclusory label does not satisfy the court’s obligation to resolve jurisdictional objections.

C. The Court Failed to Ensure the Defendant Understood the Nature and Cause of the Accusation

The defendant expressly challenged whether he had been informed of:

The nature of the offense

The elements required for conviction

The mental state required by statute

The trial court failed to address or rule on this challenge, in violation of the Sixth and Fourteenth Amendments.

Proceeding to trial under these circumstances deprived the defendant of fundamental due process.

D. Failure to Rule Is Reversible Error

A trial court’s failure to rule on properly presented jurisdictional and constitutional objections:

Deprives the defendant of meaningful review

Prevents appellate scrutiny

Undermines the integrity of the proceedings.

It is a fundamental principle of constitutional law that jurisdiction is a prerequisite to adjudication. When jurisdiction or the lawful authority of the State is challenged, the court must halt proceedings and resolve the challenge as a matter of law. Failure to do so renders any subsequent judgment void.

The United States Supreme Court has held that governmental action which is arbitrary, oppressive, or conscience-shocking violates substantive due process.

Appellant's abatement and motions required the trial court to:

Determine whether it possessed subject-matter and personal jurisdiction;

Require the State to establish the nature and cause of the accusation;

Address whether the statute, as applied, constitutionally permitted the deprivation of liberty sought.

The trial court did none of these. Instead, it proceeded as though jurisdiction and authority were presumed facts rather than constitutional prerequisites. This failure converted the proceeding into an unlawful exercise of force under color of law.

Because the court proceeded to judgment without resolving these threshold issues, reversal is required.

VI. THE CUMULATIVE EFFECT OF CONSTITUTIONAL ERRORS REQUIRES REVERSAL.

This case involves multiple constitutional errors: an unlawful stop, presentation of false testimony, suppression of exculpatory evidence, denial of suppression, and prosecutorial misconduct. Even if any single error were deemed harmless, their cumulative effect rendered the trial fundamentally unfair and the verdict unreliable. Reversal/Dismissal is required.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court reverse the conviction and dismiss the charge, or alternatively reverse and remand for a new trial.

Respectfully submitted,

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