

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
APPEAL FROM ABBEVILLE COUNTY  
Court of Common Pleas  
Honorable Judge Frank Addy, Circuit Court Judge  
Case No. 2025CP0100332

**RECEIVED**  
MAR 02 2026  
SC Court of Appeals

The State, Respondent,  
v.

Justin Pinson,

APPELLANT'S BRIEF

Justin Pinson

864-993-7689

Jpinson87@gmail.com

Pro Se Appellant

February 12, 2026

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**STATEMENT OF THE ISSUES PRESENTED**

1. Whether the magistrate court erred in denying Appellant’s pretrial motions to dismiss for lack of probable cause and to suppress evidence without holding required hearings, violating S.C. R. Crim. P. 12(b) and the Fourth, Fifth, and Fourteenth Amendments, especially given the delayed Miranda warnings, delayed charging, excessive force, illegal searches and seizures, and coercive nighttime spotlighting.
2. Whether the magistrate court violated Appellant’s Sixth Amendment right to a speedy and public trial by denying the speedy trial motion without substantiation and conducting the trial in chambers rather than an open courtroom.
3. Whether judicial bias and courtroom interference by law enforcement officers deprived Appellant of a fair and impartial trial under the Sixth and Fourteenth Amendments.
4. Whether cumulative errors, including the admission of edited evidence, failure to administer Miranda warnings promptly, delayed charging, excessive force, illegal searches and seizures, coercive tactics, and procedural denials, constituted structural defects requiring reversal.

**STATEMENT OF THE CASE**

This appeal arises from Appellant’s conviction for non-aggravated breach of peace (S.C. Code Ann. § 16-7-160) in Abbeville County Magistrate Court following a jury trial on October 3, 2025. The charge stemmed from a February 26-27, 2025, incident where Appellant’s truck stalled on a side road shoulder near private property. Appellant was at home approximately one mile away when deputies spotlighted his residence in the middle of the night without justification, escalating to an encounter involving drawn weapons (excessive force), no Miranda warnings until the next day with the judge, no formal charges until the next day, and two instances of illegal search and seizure (of Appellant’s person/home and vehicles).

Pretrial motions for dismissal (lack of probable cause), suppression (tainted evidence/statements due to coercion, excessive force, and violations), and speedy trial were denied without hearings. The trial occurred in the magistrate’s chambers, with high-ranking officers present, interfering by coaching witnesses and yelling during proceedings.

Edited bodycam footage was admitted, omitting key exculpatory details like the spotlighting and coercive tactics. The circuit court affirmed on January 8, 2026 and denied the motion to alter or amend on February 6, 2026. Appellant received written notice of the denial on February 12, 2026. This appeal was timely noticed on [insert date of Notice of Appeal, e.g., February 12, 2026. Appellant seeks reversal and dismissal.

#### STANDARD OF REVIEW

The Court reviews questions of law de novo but factual findings for clear error. Evidentiary rulings and motion denials are reviewed for abuse of discretion. Constitutional violations, such as due process, Fourth Amendment, or fair trial claims, warrant de novo review where errors are structural (e.g., *Waller v. Georgia*, 467 U.S. 39 (1984), for public trial rights; *Arizona v. Fulminante*, 499 U.S. 279 (1991), for harmless error analysis). See SCACR Rule 208(b)(1)(B).

#### ARGUMENT

##### I. The Magistrate Court Erred in Denying Pretrial Motions Without Hearings, Violating Due Process and Warranting Dismissal

The magistrate summarily denied Appellant's motions to dismiss for lack of probable cause and to suppress evidence without evidentiary hearings, contravening S.C. R. Crim. P. 12(b) and constitutional mandates under the Fourth and Fourteenth Amendments. The affidavit supporting the arrest lacked specific facts establishing a public disturbance—Appellant's truck was on a shoulder near private property, with no bystanders affected, and any "disturbance" arose from deputies' actions (nighttime spotlighting of Appellant's home without probable cause, yelling, guns drawn as excessive force). This mirrors cases where insufficient affidavits led to dismissal (e.g., *State v. Giant*, 307 S.C. 74 (1992)). Without a hearing under *Franks v. Delaware*, 438 U.S. 154 (1978), Appellant could not challenge potential fabrication or coercion, rendering the denial arbitrary and prejudicial.

No formal charges were given until the next day, violating S.C. Code Ann. § 17-13-50 and amounting to an unreasonable detention under the Fourth Amendment. This delay in charging, combined with overnight detention without explanation, further undermined probable cause and constituted an illegal seizure.

Similarly, the suppression motion targeted statements obtained without Miranda warnings during a custodial interrogation and edited bodycam footage that omitted exculpatory elements (e.g., spotlighting Appellant's home without justification, excessive force with drawn weapons). Under *Miranda v. Arizona*, 384 U.S. 436 (1966), and S.C. R. Crim. P. 12(b)(3), such evidence must be excluded if tainted by coercion. No Miranda rights were read until the next day with the judge, despite custodial interrogation occurring overnight,

rendering statements involuntary and inadmissible. The deputies engaged in two illegal searches and seizures: first, the warrantless spotlighting of Appellant's residence in the middle of the night, which was an intrusive and coercive invasion of privacy without probable cause; second, the warrantless search and seizure of Appellant's vehicle and person. These violations, including excessive force, created a coercive environment that invalidated all evidence.

The failure to hold a hearing prevented cross-examination of deputies, constituting reversible error (see *State v. Cannon*, 260 S.C. 537 (1973); *Jackson v. Denno*, 378 U.S. 368 (1964)). Incorporating *Brown v. Mississippi*, 297 U.S. 278 (1936), convictions based on coerced or involuntary statements—here, through brutality, coercive tactics like nighttime spotlighting, excessive force, delayed warnings, and delayed charging—are void as violations of due process under the Fourteenth Amendment. All statements and derivative evidence are fruit of the poisonous tree (*Wong Sun v. United States*, 371 U.S. 471 (1963); *State v. Adams*, 322 S.C. 114 (1996)). These denials infected the trial, requiring reversal and dismissal, as no untainted evidence supported the conviction.

## II. Denial of Speedy Trial and Public Trial Rights Constituted Structural Error

Appellant's speedy trial motion under S.C. Code Ann. § 17-23-90 and the Sixth Amendment was denied without findings, despite prejudicial delays from the February 2025 arrest to the October 2025 trial. Factors under *Barker v. Wingo*, 407 U.S. 514 (1972), and S.C. Const. Art. I, § 14 weigh in favor: unreasonable length, no asserted reason by the State, Appellant's repeated assertions of the right, and prejudice (faded memories, ongoing stress, lost employment). The unsubstantiated denial was an abuse of discretion, warranting dismissal. This delay compounds the overnight detention without charges or Miranda warnings, exacerbating due process violations.

Moreover, conducting the jury trial in the magistrate's chambers—despite Appellant's demand for a public proceeding—violated the Sixth Amendment right to a public trial (*Waller v. Georgia*, 467 U.S. 39 (1984)). No overriding interest justified closure, and alternatives (e.g., an open courtroom) were available. This structural error requires automatic reversal without harmless error analysis (*Arizona v. Fulminante*, 499 U.S. 279 (1991)).

## III. Judicial Bias and Courtroom Interference Denied a Fair Trial

The presence of high-ranking officers (lieutenant, captain, sergeant) in the courtroom, coaching the deputy witness and yelling during Appellant's continuance request, created an intimidating, biased atmosphere violating the Sixth and Fourteenth Amendments. This interference tainted jury impartiality, akin to mob-dominated trials condemned in *Moore v.*

Dempsey, 261 U.S. 86 (1923). The judge's interruptions during Appellant's arguments further evidenced bias, preventing effective presentation (see State v. Cheeks, 401 S.C. 322 (2013), on judicial impartiality). Such conduct demands reversal.

#### IV. Cumulative Errors Require Reversal

Even if individual errors are harmless, their cumulative impact—including admitted edited evidence omitting coercive elements like spotlighting and excessive force, un-Mirandized statements until the next day, delayed charging, two illegal searches and seizures, procedural denials without hearings, speedy trial violations, public trial denial, and courtroom bias—deprived Appellant of due process (State v. Pagan, 369 S.C. 201 (2006)). This totality, from the coercive arrest through the biased trial, constitutes structural flaws requiring reversal.

#### CONCLUSION

For the foregoing reasons, the Court should reverse the circuit court's order, vacate the conviction, and dismiss the charge with prejudice. Alternatively, remand for a new trial.

s/ Justin Pinson

Justin Pinson

Pro Se Appellant

660 Stevenson Rd

864-993-7689

February 16, 2026

#### CERTIFICATE OF SERVICE

I certify that on February 16, 2026, I served a copy of this Appellant's Brief on the Respondent by certified mail delivery to:

Court Of Appeals

1220 Senate St

Columbia, SC 29201

Justin Pinson

Pro Se Appellant



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Justin Pinson  
660 Stevenson Rd  
Abbeville, SC 29620



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