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SC Court of Appeals

FORM 18

PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Harold Simmons, Appellant,

v.

City of North Charleston, Respondent.

Appellate Case No. 2024-001803

Appeal From Charleston County

Roger M. Young, Sr., Circuit Court Judge

Unpublished Opinion No. 2026-UP-353

Submitted April 1, 2026 – Filed July 8, 2026

PETITION FOR A WRIT OF CERTIORARI

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PETITION FOR REHEARING OR REVIEW

Did the Court overlook in the August 9, 2023 transcript (of the court) the court Judge coach the defendant into taking the plead ROA030, page 28, line 10 thru 25, page 30, line 3 thru 25, page 31, entire page, page 32, entire page and page 33, entire page.

Did the court overlook the court terms prescribed in the August 9, 2023 transcription, stated in ROA032, page 30 line 3 thru 9, the word (Or)?

Did the court overlook the prescript terms of the court, for the hearing on August 9, 2023, for Case No. 2021-CP-10-02563 / Case No. 410+, page 30?

Did the court overlook the violation of Appellant Due Process, on September 12, 2023, by not addressing the court terms or order of August 9, 2023, with new violation?

1 THE COURT: That's the ordinance.

2 MR. BOURNE: That's the ordinance.

3 THE COURT: So those are the terms. I mean,
4 you have to be in compliance by having it in a shed or
5 having them running, or you have to be in compliance,
6 if they're not going to run, have some proof that you
7 have ordered parts. That's the only way that you're
8 going to avoid 30 days in jail.

9 MR. BOURNE: And he has 72 hours that they
10 can be there without kicking up to the 90 day
11 exception, Your Honor, 72 hours of being out there.

12 THE COURT: Yeah, so, okay. So you've got 72
13 hours. Do we have any questions about both views of
14 compliance? Because I think that's going to be very
15 important after these 30 days. Because after 30 days,
16 you know, the fight for the Court, I would imagine, or
17 the opposing views is going to be, no, we're in
18 compliance.

19 And they're going to say, no, you're not in
20 compliance. And I'm going to say, or at least if it's
21 me, that I sat here for 30, 45 minutes to make sure
22 that we all understood what compliance looked like.
23 And compliance means that if the cars are not running,
24 you have to have proof that you've ordered a part.

25 If the cars are in your shed or in your

1 MR. GOLDSTEIN: You can if they're under
2 repair.

3 MR. SIMMONS: You're talking to me so it's
4 becoming impossible.

5 THE COURT: No, No, no. Mr. Simmons, let me
6 just say this: That's for anyone that has -- that's
7 in the City of North Charleston, they're all subject
8 to the same ordinance.

9 MR. SIMMONS: (Inaudible.)

10 THE COURT: No one is -- all I can say is
11 everyone is subject to the same ordinance. And right
12 now, the ordinance requires that if you have -- if you
13 have any vehicles on your property, they must be
14 running. And if they are not running, can you put
15 them in a garage? Do you have a shed that you can put
16 them in while you're waiting on your parts or while
17 those people that -- other cars are coming in and out,
18 can those cars that are not running be put in your
19 garage? That way the City won't see them. They have
20 no idea what's in your garage if they're not running.

21 MR. BOURNE: We'd be content with that,
22 Judge.

23 THE COURT: I mean, that would avoid all of
24 these tickets and all of these court appearances and
25 all of these legal fees, you could avoid all that.

1 garage, City can't bother you. They have no idea
2 what's going on with you. Run your business however
3 you want to run your business, because it's covered.
4 They can't see it. But if you have a vehicle that's
5 not running and you cannot demonstrate that you've
6 ordered parts for the vehicle at the time that you are
7 approached, then you're not in compliance. Mr.
8 Goldstein?

9 MR. GOLDSTEIN: That's my understanding. I
10 don't know if -- I thought Mr. Simmons and I were on
11 the same page, but would you like me to go outside
12 and talk?

13 MR. BOURNE: No, I don't have time for that.
14 It's either a deal or it's not, Judge.

15 THE COURT: Yeah, because we've been here --

16 MR. GOLDSTEIN: Well, then I would ask Mr.
17 Simmons to speak honestly, freely, voluntarily, openly
18 and tell us, is that --

19 THE COURT: Mr. Simmons, let me just say
20 this: You're getting the benefit of 14, maybe \$14,000
21 that the City is going to walk away from in order to
22 reach this resolution with you. And I'm just going to
23 tell you, that sounds like a pretty good deal to me.

24 MR. SIMMONS: It's a pretty good deal. If I
25 was ~~guilty~~ (guilty)

1 THE COURT: If all you have to do is keep
2 cars off your property of put it in a shed.

3 MR. SIMMONS: Okay.

4 THE COURT: Or a garage for 30 days.

5 MR. SIMMONS: That --

6 THE COURT: They're not asking for -- you
7 know, normally when Code comes here, they want me to
8 do things for six months and one year, and I'm like,
9 no, that's just so long. Thirty days is what your
10 attorney has done exceptionally well by you. I don't
11 know --

12 MR. SIMMONS: I can do that for 30 days. I
13 can do that, perform that within the 30 days.

14 THE COURT: Thirty days.

15 MR. SIMMONS: Okay. I --

16 THE COURT: And I'm going to tell you this
17 right now. I'm going to accept this as a resolution,
18 but I don't know whether or not I would under ordinary
19 circumstances, but only because Mr. Goldstein has
20 worked really, really hard, and I know he's worked
21 exceptionally hard to give you the best outcome
22 possible of all of these charges.

23 MR. SIMMONS: Yeah, that's very true.

24 THE COURT: Very true. You should take it.

25 MR. SIMMONS: But -- can I say something?

1 THE COURT: You should take it.

2 MR. SIMMONS: I have been targeted.

3 THE COURT: You should take it.

4 MR. SIMMONS: Since 2006. For --

5 THE COURT: I'm just going to tell you right
6 now --

7 MR. SIMMONS: I'm going to take it, but I'm
8 being targeted one hundred percent with made-up
9 charges.

10 THE COURT: Then you can do whatever you
11 think is necessary or talk to your attorney about what
12 you need to do if you're a target, but right now
13 you've got tickets that have to be resolved. You're
14 going to get 13 dismissed in exchange for this
15 resolution. Do you understand the conditions?

16 MR. SIMMONS: Yes.

17 THE COURT: All right. Anything further
18 relating to this no contest plea?

19 MR. BOURNE: No, Judge.

20 MR. GOLDSTEIN: None from me, Your Honor.

21 THE COURT: No one else? Thank you all.
22 Good luck to everyone. I really appreciate resolving
23 this.

24 (The hearing concluded.)

25 * * *

FORM 7
PROOF OF SERVICE OF A NOTICE OF
APPEAL

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court

APPEAL FROM CHARLESTON COUNTY

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City of North Charleston

Respondent,

v.

Harold Simmons, Jr.

Appellant.

I certify that I have served the Notice of Appeal on City of North Charleston, Honorable Roger M. Young, Sr., Circuit Court Judge., South Carolina Court of Appeals. And Supreme court, of South Carolina by depositing a copy of it via US mail or via Email, on Monday, July 20, 2026 , addressed to all above mentioned at their respectable addresses stated below.

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Kriston D. Neely of North Charleston, for

Respondent

kneely@northcharleston.org

Filing Fees of \$50.00 will be forward via USPS.


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9 Pages including this page.

DATE: Monday July 20 2026

Time: 4:19 pm

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RE: Case No. 2026-UP-353

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