

**FORM 18
NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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JUL 23 2026

SC Court of Appeals

APPEAL FROM Charleston S C CIRCUIT COURT

James Benjamin Gosnell Jr Judge

Appellate Case No. 2026-001225

The State, Respondent

v.

Rafeel Santiago Miguel Smith, Petitioner/ Appellant

**MEMORANDUM OF LAW ARGUMENT BRIEF AS COURT REQUESTED SHOWING PROOF AS
APPEALABILITY**

SOUTH CAROLINA V TAYLOR

DOCKET NUMBER: 27207

Date: January , 2013

BRIEF OPINION SUMMARY

The State appealed the court of appeals' decision which held that the police search and seizure of Respondent Sylvester Taylor was improper under the Fourth Amendment to the United States Constitution. Respondent was indicted for possession with intent to distribute crack cocaine. The case proceeded to trial, and the sheriff's deputy that conducted the search testified in camera regarding the discovery of the crack cocaine. Respondent was found guilty and sentenced, as a third-time drug offender, to thirty years' imprisonment. The court of appeals overturned the conviction, finding that police did not have reasonable suspicion to stop Respondent. Upon review of the trial court record, the Supreme Court held that the court of appeals erred in finding that police did not have reasonable suspicion to justify an investigatory stop of Respondent

I. STATEMENT OF FACTS

I. I Rafeel Santiago Miguel Smith am a United States of America American

Citizen who reside in the "8th union" State known as South Carolina. South Carolina (et al), as alleged failed to show conforming to the constitutional due process rights of citizen of the United States Constitution, and failed to show probable cause or abide by the state local rule of discovery under S C R C P rule 5.

2. Based on the case law and the denial of rights afforded of discovery, as based on information and belief, South Carolina criminal discovery is primarily governed by Rule 5 of the South Carolina Rules of Criminal Procedure (SCRPC), of which is under the constitutional mandates of Brady v. Maryland. These were the main rules which required the State of South Carolina prosecution were to disclose any and all evidence to this defendant Rafeel Santiago Miguel Smith in a timely manner and as of this date have not received a notice to appeal under rule 203 of the SCACR,

3. State of South Carolina and these person involved as persons of interest who previously made judgments against me, have not provided any or all of the State statements, legal data, chemical analysis test results and all eye witness statements and deposition that were required within 30 days, As the formal written request was denied after giving the oral was made as a request.

4. Discovery and evidence encompasses in South Carolina under Rule 5, SCRPC, which mandates that the State produce, upon request to the accused Defendant Rafeel Santiago Miguel Smith, statements, prior criminal record, relevant documents or tangible objects intended for prosecutors use at trial, and the results of physical or mental examinations from all officers and any other person relevance to test credibility of State witnesses

II. MEMORANDUM OF LAW ARGUMENT REGARDING APPEAL RIGHTS AS SUPPORTED

5. Brady v. Maryland, 373 U.S. 83 (1963): is the landmark U.S. Supreme Court case, which is binding in South Carolina. Brady V Maryland (1963) established that prosecutors violate constitutional due process if they withhold evidence that is material and favorable to the defense.

6. State v. Miller, 396 S.C. 315, 721 S.E.2d 446 (2012): is another notable South Carolina Supreme Court case which reinforces *Brady* obligations, which ruled that the State's failure to disclose material, exculpatory evidence or impeaching information constitutes a due process violation and grounds for a new trial.

7. Thirdly memorandum argument brief to support reversal on appeal, is required according to State v. Williams, 386 S.C. 503, 690 S.E.2d 62 (2010), which required clarified the reciprocal discovery obligations to the defendant from the State under the South Carolina Rules in particular. This action is concentrated on the fair and equal protection preserved, for the exchanges concerning any expert witnesses and reports, as South Carolina fails to allowed production of the formal investigated results, written discovery as requested orally as further proceedings, which were not allowed in South Carolina circuit court, of which Rafeel Santiago

Miguel Smith as defendant alleges that the State of South Carolina did not follow Rule 5 request (evidentiary rule) nor the standard required of Brady or "Exculpatory Evidence" for the Solicitor's Office or local law enforcement legal stance for intervening or allowing unfair and malicious prosecutions.

III LEGAL RELIEF AS REQUIRED BY LAW

THEREFORE based on the submitted law brief supporting and appeal (petition) based on the State of South Carolina and persons acting as law executors to enforce the law but failure to abide by the same construction of law set forth by the same law and rules, as law enforcing official and officers of local and State government practice under the Rule 5 law "discovery" and such failures to allow discovery violates the sacred trust privately and publically between the rules of law and the citizens due process rights, for which Rafeel Santiago Miguel Smith request (petitions) court exonerate /acquit of all charges by dismissal, undisclosed legal data and substantive material evidence from personal judgments and court affirming by written orders as discovery was allowed as validated truth was wrong and failures without a grand jury convicting verdict that based on the preponderance of evidence or that the burden of proof standard met an illegal act or unlawful harm occurred, as written orders be expunged, and State of South Carolina Motion for Summary Judgment be dismissed for failure to state any claim for reliefs, legal professional that intervened without providing a legal standing to interfere upon due process rights or courts not shown establishing jurisdiction over the subject matter, or issues regarding violations of civil rights disputes which may have existed for police misconduct by attacks and abuse which also may exist between these privately involved United States of America Citizens as persons described under the color of law or as involving the brutality involved, and failure to disclose body cam and squad car tapings of any and all incident involved with United States of America American citizens constitutional due process 4th and 14th amendments rights alleged violated, absent any inference of a cover up or suppression of evidence.

WHEREFORE In South Carolina, the Court of Appeals provides various legal remedies for legal wrongs. These remedies can include as sought seeking: **Legal Remedies in Monetary Damages which would be the ripe and just** compensation for losses (loss of legal and procedural rights and privileges from such protected actively statues aforesaid protections) incurred due to wrongful acts which are to include both substantive financial compensatory and punitive damages.

WHEREAS herein seeking **Injunctive reliefs under rule 11 / S C Code 15-36-10** as Court written Orders expressly details the parties to do or refrain from doing specific acts.

WHEREAS discovery is a **Specific Performance as relief for remedy** that compels a party to fulfill their duties a contracted government employee or as private citizen which were to serves by law as obligations were not met.

WHEREAS seeking affirmative Declaratory Judgments from court of appeals to declare (affirm by court writings stating based on the laws) the rights and obligations of parties under a government contract or statute.

WHEREAS challenging and contesting the wrongly applied acts involved in totality of Court Procedures, awhile seeking the Court of Appeals reviewing decisions from lower courts and ensuring that legal standards and procedures were correctly applied, as of which this appeal (petition for disclosure) which may have arisen from various state and local lower court cases, including civil, family, and administrative law has not being disclosed in helping secure this person. Rafeel Santiago Miguel Smith protected activity rights from self incriminating are protected as well. Having the right to be fully informed was denied as not supported by any writing material and not judged based on what another person heard or as the organization may place (assert) it's own opinions (cult ideas) based on studying past history and actions

WHEREAS further Rafeel Santiago Miguel Smith **alleged that the State of South Carolina exceeded the expected limitations and considerations of required services denoted by aforesaid laws, of which these** legal actions had required been initiated within a specified time frames as the State of South Carolina (et al) has violated these prescribed as by law, as this circuit court which intervened as the court must allow evidence presentation unless it infringes on constitutional rights

THEREFORE as Rafeel Santiago Miguel Smith understanding is based on these law, as these rules are understood for criminal procedures, that are distinct and are focused on the rights of the accused and the prosecution's (solicitors contracted obligations) to ensure all person exercising rights or enforced executing the law against another, that credibility, reliance's in the law that ensures safeguarding the accused rights with a liberal view, as obligated to fairness and equableness under these applied laws. As such this amounts to the unreasonableness (lawlessness which person acted with malicious abusive intent and blatant disregard as not governed by or obedient to laws or a characterized by a lack of civic order) of prosecution, before (prior to) allowing being made such prosecutions made by persons who having accusations, cause of actions were arrest and conviction which by law ensuring protecting the due process rights of the accused (herein Defendant/petitioner Rafeel Santiago Miguel Smith) of both this rule of law and statutory rights (constitutional precept assurances) so that any rights would be safeguarded, as well. (Solicitors lack showing in details not violating its Duty of candor and or Code of ethics) as discovery is called in for such questioning on allegations that

genuine issues and such exceptionable questions of importance remains, as Rafeel Santiago Miguel Smith understanding of these applied rules is critical for ensuring rule and law compliance and protecting legal rights of the courts limited integrity not to be jeopardized by other waywardness, or by any person acting as a consultant (long termed employed influencer) of and on the courts behalf (as dual integrity measure were required but denied, and as such a reversal, dismissal of any and all charges (acquitted), voiding of judgment and expunging of records and video stored as later materials to be used against this petitioner as the request for allowing discovery was denied and as such Rafeel Santiago Miguel Smith is seeking declaratory reliefs by law and under such finding that the circuit courts acted in "Bad Faith" only to delay person by protecting from justice determination trials and processing's, that by and under the South Carolina Frivolous Proceedings Sanctions Act, courts can sanction parties or officials if a reasonable person in the same circumstances would determine that a proceeding was brought merely for delay or for an improper purposes, should be respectfully by the use of these laws, be respectfully granted

CERTIFICATE OF SERVICE

I, Rafeel Santiago Miguel Smith certify that on July 20, 2026 sent addendum to FORM 18 brief supporting memorandum per appeal court order dated 9 July 2026 as transcript have not been received according to discovery or in the Alternate by Petitioning Court for legal relief per Declaratory Affirmed Judgment Written Orders release on claims for denials and reliefs was sent via United States First class mail: Court of Appeal 1220 Senate Street Columbia S C 29201

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July 20, 2026

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