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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
In the Court of Common Pleas 16th Circuit

Judge G.D. Morgan Jr. (Greenville/Pickens)

Appellate Case No. 2026-000366

Johnny E. Miller

Appellant

v.

Jacqueline Miller

Respondent

FINAL BRIEF OF APPELLANT

Johnny E. Miller
1829 Paces River Ave.
Apt. #106
Rock Hill, SC 29732
(803) 517-0378
Appellant_Pro Se

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STATEMENTS OF ISSUES ON APPEAL

1. DID THE LOWER COURT ERR IN NOT PERCEIVING THE OBVIOUS AND INTENDED DECEPTION (PERJURY) OF THE MAGISTRATE?

2. DID THE LOWER COURT ERR BY PREVENTING ANY TESTIMONY BY WITNESSES TO BE RECORDED GIVEN THE UNIQUE CIRCUMSTANCES OF THE CASE?

STATEMENT OF THE CASE

I am not an attorney, so this appeal will not be of the quality that an attorney would file. And because I'm not an attorney I don't have ready access, nor the required knowledge of how to find and access applicable case law and statues. However, I do know right from wrong, and I am educated. I am fighting for my legal and civil rights the best I can, given my circumstances that only God and myself know exhaustively. The Judicial System, of all of the enterprises that exist in the United States, should not be one where the poor, uneducated, or a non-white person cannot receive justice based on the truth and facts. But unfortunately, that is the history of the United States, and that history is perpetuated in the current political and racially charged climate of today, and certainly in this immediate case. The poor can't afford good lawyers. The uneducated don't know how to navigate the difficult waters of the Judicial System. The non-white person (especially a black man in the United States America) is automatically prejudiced against and oppressed. I ask that this Most Honorable Court help the pro se Appellant in his quest for justice and righteousness in this matter by applying applicable case law and statues that support the facts in this case. I have attempted many many times to hire an attorney for representation in this matter….and have had a few who quit on me after taking my money because they did not want to fight The System on my behalf….so here I am.

This matter stems from a bitter divorce between the Appellant (Johnny E. Miller) and the Respondent (Jacqueline B. Miller) after forty-two (42) years of marriage. There have been at least five cases before The South Carolina Court Of Appeals over the past five years (all Miller v. Miller) stemming from this bitter divorce, so I will not give the background again.

In this immediate matter, the Respondent requested a "civil" restraining order in the Catawba/Ebenezer Magistrate Office of York County against the Appellant for harassment and stalking, and was granted the restraining order by Magistrate Jennifer Colton (R. pp. 134-136; pp. 131-133). The Respondent's initial complaint and request seeking the said restraining order was signed by Magistrate Telisha Hoffmann (R. p. 134) who is also a Magistrate and co-worker of Magistrate Jennifer Colton at the Catawba/Ebenezer Magistrate Office. Within a few months (approximately 2) after the said restraining order was granted to the Respondent, Magistrate Telisha Hoffmann also presided over a "criminal" jury trial of harassment_2nd degree which the Respondent had falsely and maliciously alleged the Appellant of committing about 2 years earlier (April 2023) (R. pp. 164-173. The bogus criminal harassment charge was *nol-prossed* for (18) eighteen months (R p. 144). The Appellant had retained Attorney Jack Swerling to represent him on the criminal harassment charge, but after taking $35,000.00 (thirty-five thousand dollars) from the Appellant, Attorney Swerling quit on the Appellant a few months before the trial (R. pp. 169-170). The Appellant represented himself in the criminal harassment charge and was found not guilty by a jury. Both of these harassment charges….the civil harassment allegation which resulted in a restraining order being issued by Magistrate Colton which is the subject of this immediate appeal….and the criminal harassment allegation which resulted in a not guilty verdict by jury were adjudicated by the Catawba/Ebenezer Magistrate Office….not by the Rock Hill Municipal Court (R. pp. 166-168). The criminal harassment_2nd degree charge was initially brought against the Appellant by the Rock Hill Police Department who the Respondent works for, but due to the obvious conflicts of interests, the jurisdiction of the criminal harassment_2nd degree charge was transferred from the Rock Hill Municipal Court to the Catawba/Ebenezer Magistrate Office for trial where (R. p. 168), as has been said, Telisha Magistrate Hoffmann presided (R. pp. 166-170).

The Respondent also sought a restraining order in the Catawba/Ebenezer Magistrate Office against the Appellant in connection with the said false criminal harassment_2nd degree allegation in June of 2023, but Magistrate Cousins saw through the farce, and denied it (R. p. 138_4th arrow bullet point).

It is the Appellant's belief and assertion that the facts of this matter clearly show that Magistrate Colton intentionally and repeatedly lied in her Return On Appeal in an endeavor to wrongfully issue a restraining order against the Appellant to justify the false allegations by the Respondent which were ardently supported by the Rock Hill Police Department (who the Respondent works for) and other judiciary officials within York County, knowing there was an excellent chance that

Appellant would be found not guilty on the bogus criminal harassment charge, as he was (R. pp. 43-125). Magistrate Colton knew that recordings and/or transcripts are not required by law in Magistrate Court, so it would be her word against the Appellant's word. This is why Judge Colton refused to allow the testimony of the witnesses to be repeated and recorded at the second hearing (October 8, 2025) before her in this matter, after there was allegedly a "technical error" that prevented the testimony and procedures from being recorded in the first hearing (July 24, 2024) before her in this matter (R. CD Audio Recording Of October 8, 2025 hearing).

This is a clear matter of extreme misuse and abuse of judicial authority to override a jury verdict and impose the will of a biased and prejudiced Magistrate.

I, Johnny Miller the Appellant, have never harassed the Respondent in any way in my entire life. God knows this is the truth (R. p. 182).

The Lower Court failed to discern and ascertain the matters as presented here in the Statement Of The Case and the remainder of this immediate brief.

STANDARD OF REVIEW

In the opinion of the *pro se* Appellant, the actions of Magistrate Colton in this matter are clearly in error, unjust, and contrary to any court seeking truth and justice (R. pp. 43-125). The Lower Court's decision to affirm Judge Colton's issuance of a restraining order against the Appellant are in error for the same reasons (R. pp. 7-42).

QUESTIONS OF FACTS

1) **Arbitrary and Capricious**…..the facts and testimony were ignored and/or disregarded, and a decision rendered based on misinformation, false accusations, and false assertions (R. pp. 30-31; pp. 7-125; pp. 176-187).

2) **Substantial Evidence**….the testimony of witnesses was ignored and/or disregarded, and was not allowed to be recorded or transcribed, even though there were multiple opportunities to do so (R. pp. 30-31; pp. 179-193).

QUESTIONS OF LAW

1) **De Novo**….. the testimony of witnesses was ignored and/or disregarded, and was not allowed to be recorded or transcribed, even though there were multiple opportunities to do so (R. pp. 30-31; pp. 180-183).

2) **Double-Jeopardy**…..Magistrate Colton refused to revoke and or quash the restraining order she granted even after the Appellant was found not guilty by a jury in a related criminal harassment charge based on the exact same evidence as the that for which Magistrate Colton issued her restraining order, and the Lower Court affirmed this (R. pp. 150-165).

PROCEDURAL ERROR

Plain Error…..False information was repeatedly and intentionally conveyed in the Return On Appeal as evidenced by the testimony of the witnesses and the Appellant (R. pp. 30-31; pp. 137-193).

Beaudett v. City of Hampton, 775 F.2d 1274, 1277 (4th Cir. 1985) states; "Courts should accord *pro se* litigants a "special judicial solicitude."

Blakeney v. Goulston Techs., No. 3:19-cv-00688-GCM, 2020 WL 5821979, at *2 (W.D.N.C. Sept. 30, 2020) states; "However, dismissing a *pro se* plaintiff's complaint based on a failure to follow procedural rules is a harsh result"

Colleton Preparatory Acad., Inc. v. Hoover Universal, Inc., 616 F.3d 413, 417(4th Cir. 2010) states; the Fourth Circuit has "repeatedly expressed a strong preference that, as a general matter,... claims and defenses be disposed of on their merits."

Swentor v. Swentor, 336 S.C. 472, 520 S.E.2d 330 (1999) states; "The Court must always consider "fairness" in all proceedings. "Good faith" goes directly to the issue of fairness."

S.C. Code § 16-9-10 (2025)
(A)(1) It is unlawful for a person to willfully give false, misleading, or incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State. (R. pp. 30-31; pp. 188-193).

(2) It is unlawful for a person to willfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State.

(B)(1) A person who violates the provisions of subsection (A)(1) is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(2) A person who violates the provisions of subsection (A)(2) is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not less than one hundred dollars, or both.

FACTS

The Respondent works for the Rock Hill Police Department who was the arresting agent on the criminal harassment-2nd degree charge, and has done so for many years before the beginning of the bitter divorce right up until the present (R. p. 137).

The Appellant was found not guilty on the criminal harassment charge by a jury of his peers (R. p. 168).

The Magistrate Court did not record the testimony at two distinct hearings concerning this matter that were held before it, and refused to do so in the second after an alleged "technical error" prevented recording in the first. The Circuit Court (the Lower Court) would not allow the testimony of witnesses at the appeal hearing (R. p. 26, lines 15-16; pp. 180-183).

The current sociopolitical climate in the United States is racist and divisive. The Appellant is a black man. With the exception of the Respondent, all that oppose the Appellant in this matter are white (R. pp. 143-149; pp. 179-181).

The Magistrate's Return On Appeal contradicts repeatedly itself, and clearly shows that its contents cannot be accurate simply by reading it in a reasonable fashion. The Lower Court (Circuit Court) erred in not addressing this fact and taking it into consideration in rendering its decision (R. pp. 43-130).

ARGUMENTS

1. The Lower Court Erred In Not Perceiving The Obvious And Intended Deception (Perjury) By The Magistrate In this Matter (R. pp. 43-130).

The information set forth in this Brief and in the Record On Appeal clearly substantiates this argument.

2. The Lower Court Erred By Preventing Any Testimony By Witnesses To Be Recorded Given The Unique Circumstances Of The Case (R. p. 26, lines 15-16; pp. 176-193).

The information set forth in this Brief and in the Record On Appeal clearly substantiates this argument.

CONCLUSION

Based on the evidence and facts concerning this matter, truth and justice strongly suggest that the decision/order/rendering of the Lower Court in this matter be vacated/reversed/quashed/revoked….or whatever the legal term or terms are….that the Appellant's record is completely clear of the bogus allegations and restraining order that are the subject of this immediate appeal.

Sincerely submitted in the spirit of truth, justice, and righteousness,

July 20, 2026

/s/ Johnny E. Miller
1829 Paces River Ave.
Apt. #106
Rock Hill, SC 29732
(803) 517-0378
Appellant_Pro Se