

**ATTACHMENT 1 TO
FORM 18
PETITION FOR REHEARING OR
REINSTATEMENT
THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

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AUG 06 2026
SC Court of Appeals

APPEAL FROM Charleston S C CIRCUIT COURT
James Benjamin Gosnell Jr Judge

Refs: General Session Criminal Charges Document no. 20241841058248
Ticket Citation No. 2024013463

Appellate Case No. 2026-001225

The State, Respondent

v.

Rafeel Santiago Miguel Smith, Petitioner/ Appellant

**PURSUANT TO RULE 221 AND IN ACCORD WITH RULE 240 PETITIONER
PETITION FOR REHEARING OR REINSTATEMENT OF RAHEEL SANTIAGO
MIGUEL SMITH SUBMITS THIS RESPONSE TO CHARLESTON SOUTH CAROLINA
CLERK JULIE J ARMSTRONG REQUEST DATED JULY 23, 2026, CITING THE
NEED FOR A GENERAL SEESIONS INDICTMENT AND WARRANT CASE
NUMBERS AS HEREIN PROVIDED TO CONTEST AND CHALLENGE THE
JUDGER'S VERDICTS**

1. Petitioner Rafeel Santiago Miguel Smith in accordance with the aforesaid court rule (and as involving rule 5 of S C R Criminal Proceedings as constant respect is shown to discovery and disclosures...etc etc Civil connections) submits a reply, as cases lacks fair and equal judicial discretions which interferes with the liberal construing of cases on a date and time filed complaint basis or Filed Administrative charge notice without biases (racial animus inferred).
2. Petitioner Rafeel Santiago Miguel Smith alleges as State appointed elected

anointed as person titled as government legal officers, enforcement officers, or liberal construing officiants overlooks and omits my claims for the breach and infringements upon protective activity rights which is a "deprivation of constitutional legal and procedural due process right to discovery (to discover my as afforded under rule 5, and meet persons who as eye witnesses for the courts claims accused me of an illegal act or unlawful statute violations, who filed a complaint or administrative charging notices or letters under S C Code 17-23-60 (civil under rule 26) as legal and procedural rights are routinely overlooked as rules and law are being violated and misrepresented based on the written rule and court laws as required

3. Petitioner Rafeel Santiago Miguel Smith alleges that overlooked erro tend to favor lower court cases politic talks vice respecting the rule and court law which are on the plate for open discussion, as it appears obverted and obstructed to waste the courts limited integrity and procedural machineries which remains in preferential favor of high paying clients and of which favors colleagues as third party who failures to state any claims for reliefs as involved, to have been granted an arrest and conviction of guilt verdict without being afforded the requested jury trial (constitutional violation) as challenged and contest for dismissal of charges as herein and hereafter afforded legal and procedural relief under rule 12(b)(6) reliefs.

4. Petitioner Rafeel Santiago Miguel Smith submit this petition to the court to respond to the Clerk of Court Charleston South Carolina requesting a case number as identified above with questions the clerk is requested to provide absent discovery (identity) of my accusers

I. QUESTIONS PRESENTED

a. What persons civil rights or organization constitutional right has any state or locally assigned prosecutor been provided as proven which established that this person Petitioner Rafeel Santiago Miguel Smith without inferences to allege or infer committed any unlawful violation or an illegal act which required the "blue light special"?

RESPONSE A: _____

b. Petitioner Rafeel Santiago Miguel Smith alleges as delivery of documents have not been properly serviced under rule 5 (I e complaints and notice to appeal such decisions and or timely object to reports and recommendation to court Judger's written order prior or as others intervenes without any complaints shown filed) who intercepts with making a personal opinions not of any facts related to the listed cases above, how is this not inferred or as person's discretions not of judicial reviews or liberally construed, but as being constant interferences, an abridgment of due process rights or untimely reasoning's or a conjecture of a law argument as reasoning to circumvented rule of law facts without presentation or allowances of any substantive material evidence nor procedural legal data whereas the bench tribunal or chief administrative law judge at the said trial showed that order were written beyond reason not leaving such doubt to infer that the verdict of guilt was validated or administratively authenticated by both

constitutional laws, court rules and material facts?

RESPONSE B: _____

c. Who were the persons or officers involved that gave specific details and irrefutable video (patrol dash cam and body vest camera wearing individuals) which evidence as disclosed as the hearings of discovery that clearly showed having had probable cause, just causes or the causes of action elements that the person was identified upon the "blue light special", especially at night in dark crime ridden area of town known to the Charleston S C and surrounding areas without alleging who, what, where, when and why?

RESPONSE C: _____

5. I have not received any notices from the state of South Carolina nor any other credible (any) agencies verifying such answers were verified as true on seal stamped Order apparent to Rafeel Santiago Miguel Smith receiving such warnings from the State of South Carolina or other administrative agencies warning me of such apparent stops or reasons for being detained, questioned, arrested and then convicted

II. THEREFORE A FAIR AND A JUDICIAL REVIEW. REHEARING OR REINSTATEMENT SHOULD BE RECONSIDERED ON THE FACE ABSENT ANY COMPLAINTS

6. Petitioner Rafeel Santiago Miguel Smith believes and based on the rule of law and a constitutional and civil rights under rule 221 in accord with 240 this case should respectfully BE GRANTED (declaratory judgment from relief of orders and judgments as not allowed in lower courts under rule 60(b)(1) as clerical mistake (Clerks assertions of arguments misapplies court rules and case rulings which interposes as a person having due process rights) of which persons by complaints are not properly identified as being overlooked by the clerks and other impartial adjudicators, along with discovery required under and by rule 5 (this is the court rule which is claimed to have been previously violated) which the government continually intervenes without stating a legal standing and supported case precedent arguments, who too as private American citizen and persons, infringes upon my (Rafeel Santiago Miguel Smith constitutional due process rights (under the 5 and 14th amendment regarding the fair and equal preserved protections in application of enforcing the court laws) and for not executing in a timely manner local rule 5 which allows the prevention of untimely disturbances of civil rights Act of 1964 (Title VII) violations to go unnoticed by police misconduct, abuse and attacks, regarding due processing of cases as inferred the officers and officials are allowed to intervene when other they support "breaks the rules" and allows not further discussions without showing just cause, probable causes and leaving a plethora reasons to doubt such credibility of such a person or reasons to support choosing such a professional career, to not allow fairness and equality under the rule of law to punish a wrongs and reward (grant afforded reliefs) the rights of another violated.

7. **WHEREAS** reliefs is afforded as case identifies as a "judicial discretion review" (often called an "abuse of discretion" review) is an appellate court's examination of a lower court's choice where no single fixed rule applied in the written orders or person making such judgments, on whether or not the written orders and persons making judgments (accusations) for making such determinations were based on the facts and the rule of law were fair, reasonable and according to prior case precedent of which "Abuse of Discretion" (or under the color of State law S C Code 1-13-80 S C H A L (et seg) Standard of which the higher court will only change the lower court's decision (reverse, void and stricken) if it was clearly wrong, arbitrary, or completely unreasonable according to the South Carolina Administrative Procedural Act of 1990 guidelines and State Color of Law prohibited activity for employee or employment while imploring state civil rights acts in a discriminative and harassing mannerism as inferred against policies and practicing tactics commonly as used by persons who heads organizations and who bullies another without explanation, the required legal supporting data or logically examined reasoning's to support displaying such racial animus (hatred) act and actions against another a person have not met as required under S C Code 17-23-60 (et seg), is inferred as totally ludicrous to how Judicial Discretion was and is designed and required to operated (work) with the utmost care, duty to candor and within the realm of ethics not to infer a dishonest act by person or group of persons pretending to be authorized to work in governmental assigned seats and designated officer without express written consent, as in the intentional disturbance of peace, administrative process abuse of powers or legal and procedural deceptions

WHEREOFRE based on information and belief of the core Judicial principles required, Petitioner Rafeel Santiago Miguel Smith believes that the clerks nor the adjudicators decision making process were not dealt with: 1) **Impartiality which means** treating all people equally and deciding cases without personal bias or favoritism: 2) in **Judicial Independence**: which meant to operate "free from outside pressures" by politicians or public opinion: 3) **Due Process** of cases on a case by case basis which more that likely, guarantees a more liberal judicial review for reliefs (initial and subsequent) regarding a fair legal procedures and protecting individual rights under the law (preserve law rights of another person as ex partied from acts or court action) thus to preserve the "justice integrities" and 4) the **rule of Law** is not being displayed as applied to the established laws (rule 5 discovery or rule of evidence rule 404) and legal precedents consistently rather than clerks and adjudicators are "inferred" (genuine issue and questions of exceptionable importance remains: as believed acting on personal preference or for electability purposes amongst a politic society of vest wearing colleges who open ignore these core principles regarding the rule of law, and the rules which governs due process rights (THE LAW no complaints nor validated administrative charges then no freedom of expression allowed") what, then shut the back door claims having unstated legal stand.

WHEREFORE reliefs are being requested as required by rule rights, for law committed wrongs for failures of person listed as serviced below and enjoin (sanctions under S C Code 15-36-10 for alleged violations of the South Carolina Frivolous Act by any person or as titled a government officer or official who this serve a complaint as petitioner serves as a motion to dismiss all State of South Carolina charges by being exonerated and acquitted and documents expunged from all charges, and on alternated affirmative order ordering the dismissal (based on civil law unexplained underlining's) motion to dismiss cases under rule 12(b) for failures to state a claims for reliefs, failures to provide supportive legal data, establish jurisdiction or preponderance of substantive material evidences, and as judicial discretion lacks focusing on the rule and laws facts that have been allegedly violated vice focusing on the applicability of core principles, legal and procedurals continuing to be denied based on another personal opinion and based on repetitiveness abusive frivolous filings (court documents and orders)only to injure and harass as acts are "hearsay" and of which hearsay misinterprets the rules and laws as any and all orders are untimely, baseless, moot and frivolous as unrelated to these court and subject matter based on person ideas allowed due to assertions of open door opinions allowed in a public or private forum, as petitioner Rafeel Santiago Miguel Smith inability to retrieve from the clerk or state prosecutor(s) the completed discovery from these administrative prosecuting agency elected agents prior to judgments, of which shall not be grounds for an continuance to schedule a jury trial rehearing, thus granting Petitioner motion to dismiss on grounds as prosecutors action fails to provide discovery.

CERTIFICATE OF SERVICE

I, Rafeel Santiago Miguel Smith certify that on August 3, 2026 sent ATTACHMENT 1 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:

State of South Carolina Governor
Governor Henry McMaster
1100 Gervais Street
Columbia S C 29201

Attorney general of South Carolina
Attorney General Alan McCorey Wilson
P O Box 11549
Columbia S C 29211

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SC Court of Appeals

Charleston County Judicial Court
(Att: Clerk of Court)
100 Broad Street
Charleston, South Carolina 29401

Mark Reynolds ESQ
37 Broad Street
Charleston S C 29401

Ninth Judicial Solicitors Office
(attn: Kasey Eaman Rose Knox)
101 Meeting Street Ste 400
Charleston S C 29401

August 3, 2026

Rafeel Smith *Rafeel*
Rafeel Santiago Miguel Smith
8528 Chloe Lane
Charleston, S C 29406
email: rafaelsmith2332@gmail.com
Appellant/petitioner (Pro Se)

COURT OF COMMON PLEAS
AND GENERAL SESSIONS
100 BROAD STREET, SUITE 106
CHARLESTON, S.C. 29401-2258
(843) 958-5000
(843) 958-5020 FAX
clerkofcourt.charlestoncounty.org



JULIE J. ARMSTRONG
CLERK OF COURT
CHARLESTON COUNTY

FAMILY COURT OF THE
NINTH JUDICIAL CIRCUIT
CHARLESTON COUNTY
100 BROAD STREET, SUITE 143
CHARLESTON, S.C. 29401-2265
(843) 958-4400
(843) 958-4434 FAX
clerkofcourt.charlestoncounty.org

The enclosed document is being returned for the following reason(s);

- ☐ The filing fee is insufficient. The correct amount is: _____
- ☐ The check or money order must be made payable to the Clerk of Court.
- ☐ Payment is insufficient: _____
- ☐ This is not a Charleston County General Sessions case.
- ☐ Defendant's name does not match warrant/case number provided.
- ☒ No case number was provided. Please resubmit with General Sessions warrant or indictment number.

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SC Court of Appeals

AH (2)

Staff initials mk

Date 7/23/2026

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SC Court of Appeals

20241841058248

CRIMINAL CHARGING DOCUMENT NO.

BAIL PROCEEDING
FORM I

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

v.

RAFAEL SMITH

NAME OF DEFENDANT

Offense Charged: FAIL TO STOP FOR BLUE LIGHTS

IT IS HEREBY ORDERED

I

That the above named defendant be released from custody on his own recognizance without surety on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court, and not depart the State without permission of the court and be of good behavior.

II

That the above named defendant be released from custody upon a recognizance without surety executed by him.

Appearance Recognizance Without Surety

On the 27 May 2024, personally appeared before the undersigned judge the defendant named above who acknowledged himself indebted in the State of South Carolina, in the sum of \$5,000.00 dollars, to be levied on his real and personal property for the use of the State, if the defendant shall fail in performing the conditions of the Order.

III

That the defendant will notify the court promptly if he changes his address from the one contained in this Order and will comply with the following other conditions of release:

IV

That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS (FIRST APPEARANCE) beginning on Friday, July 12, 2024 at 2:00 o'clock, P.M. at CHARLESTON COUNTY OFFICE BLDG., 101 MEETING ST. ROOM 130 CHARLESTON and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

SECOND APPEARANCE DATE: Monday, November 04, 2024 at 9:30am

☐ the session of _____ beginning on _____ at _____ o'clock, _____ If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

No Attorney on Record

ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SIGNATURE OF DEFENDANT: RAFAEL SMITH

ADDRESS

SIGNATURE OF JUDGE: Council

CITY/STATE/ZIP

TELEPHONE

May 27, 2024

SOCIAL SECURITY NUMBER

DRIVER'S LICENSE OR ID NUMBER

DATE

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED
Original Copy For The Trial Court - Copy For The Defendant

Rafeel Santiago Miguel Smith
8528 Chloe Lane
Charleston, S C 29406

Retail



29201



29201

U.S. POSTAGE PAID
FCM LETTER
MONCK'S CORNER, SC 29481
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SC Court of Appeals

South Carolina Court of Appeals
220 Senate Street
Columbia SC 29201

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29201-376399

