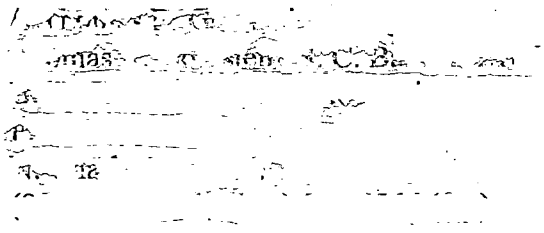
In the South Carolina Supreme Court
In The court of Appeals

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	MUNICIPAL COURT CITATIONS NOS.
COUNTY OF CHARLESTON)	case no: 2021-CP-10-02563
	CASE NO.: 2023 CP 10-10-05002
	case no:
	Opinion No: 2024-UP353
City of North Charleston,)	
)	
Respondent,)	
)	
vs.)	NOTICE OF APPEAL
)	
Harold Simmons,)	
)	
Appellant.)	
)	

The defendant, above named, appeals the Municipal Court's imposition of sentence of 30 days on the above numbered citations. This appeal is based on the ground that the City failed to present sufficient evidence that the defendant failed to conform to the Court's oral order of August 8, 2023 and upon the further ground that the Municipal Court lacked subject matter jurisdiction and even if it had jurisdiction, erred in failing to provide the defendant a trial by jury and proceeded on a case for which subject matter jurisdiction ended on September 8, 2023.



The South Carolina Court of Appeals

Harold Simmons, Appellant,

v.

City of North Charleston, Respondent.

Appellate Case No. 2024-001803

ORDER

After careful consideration of Appellant's *pro se* petition for rehearing, the Court is unable to discover that any material fact or principle of law that has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

Paula C. Thomas J.

Stephanie P. McDonald J.

J.

Columbia, South Carolina

FILED
Aug 05 2026

cc:
Harold Simmons
Thomas R. Goldstein, Esquire
David J. Parrish, Esquire
Kriston D. Neely, Esquire
The Honorable Roger M. Young, Sr.

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The South Carolina Court of Appeals

Harold Simmons, Appellant,

v.

City of North Charleston, Respondent.

Appellate Case No. 2024-001803

The Honorable Roger M. Young, Sr.
Charleston County
Trial Court Case No. 2023CP1005002

ORDER

Thomas R. Goldstein filed a motion to be relieved as counsel for Appellant Harold Simmons. Appellant filed a return to the motion, and Thomas R. Goldstein filed a reply to the return. After careful consideration, the motion is Granted. Thomas R. Goldstein is relieved as counsel of record for Appellant, and Appellant is proceeding *pro se*.

FOR THE COURT

BY Catherine Hammond, deputy
CLERK

Columbia, South Carolina

FILED
Aug 05 2026

cc:
Harold Simmons
Thomas R. Goldstein, Esquire
David J. Parrish, Esquire
Kriston D. Neely, Esquire

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

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

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

MR. SIMMONS: (Inaudible.)

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

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

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

THE COURT: That's the ordinance.

MR. BOURNE: That's the ordinance.

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

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

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

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

If the cars are in your shed or in your

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

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

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

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

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

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

MR. SIMMONS: It's a pretty good deal. If I was --

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

MR. SIMMONS: Okay.

THE COURT: Or a garage for 30 days.

MR. SIMMONS: That --

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

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

THE COURT: Thirty days.

MR. SIMMONS: Okay. I --

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

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

THE COURT: Very true. You should take it.

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

THE COURT: You should take it.

MR. SIMMONS: I have been targeted.

THE COURT: You should take it.

MR. SIMMONS: Since 2006. For --

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

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

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

MR. SIMMONS: Yes.

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

MR. BOURNE: No, Judge.

MR. GOLDSTEIN: None from me, Your Honor.

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

(The hearing concluded.)

* * *

STATE OF SOUTH CAROLINA	)	IN THE CITY OF NORTH CHARLESTON
	)	MUNICIPAL COURT
COUNTY OF CHARLESTON	)	CITATIONS NOS.: 29927 & 4102P0169386
City of North Charleston,	)	
Plaintiff,	)	
vs.	)	MOTION TO DISMISS DEMAND FOR JURY TRIAL
Harold Simmons, Defendant.	)	

The defendant, above named, demands trial by jury.

The defendant, named above, moves for an Order of the Court dismissing the City's prosecution for the above citation for lack of subject matter jurisdiction. This motion is based on the fact that the Court imposed a fine and a suspended sentence on August 9, 2023, and more than thirty days has elapsed depriving the Court of jurisdiction to impose additional penalties. See § 17-25-110, S. C. Code, ann., a copy of which is attached here and incorporated by this reference.

Based on the foregoing, even if the Court retained subject matter jurisdiction, the defendant is entitled to a trial by jury for allegations of criminal violations that expose him to a penalty of 30 days incarceration, and the Municipal Court no longer possesses subject matter jurisdiction over the case by operation of law.

October 4, 2023

/s/Thomas R. Goldstein
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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,

Vs

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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Harold Simmons, Jr.

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Form 18

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In The Court of Appeals

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Vs

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