

March 14, 2016

Case #: 2013-CP-33-306

Appellant #: 2015-002230

From: Arnold: dazathra

To: Court of Appeals

**THIS DEMANDS YOUR  
IMMEDIATE ATTENTION**

Ref: Mandatory Judicial  
Notice (En Banc)

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

APPEAL FROM MARION COUNTY  
Court of Common Pleas

SPECIAL REFEREE HAIGH PORTER

Case No. 2013-CP-33-306  
Appellant Case No. 2015-002230

Anderson Brothers Bank,  
Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique  
Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South  
Carolina Department of Revenue and South Carolina Department of Motor  
Vehicles, Defendants,

Of whom Dazarhea Monique Parson, a/k/a Dazarca D. Parson, a/k/a Dazarhea  
Moniques Daniels Parson and A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson,  
Jr. are the Appellants.

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique  
Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., Appellants

**MANDATORY JUDICIAL NOTICE (EN BANC)**

*by: Arnold Dazarhea Parson*  
Arnold Jr. Dazarhea Parson  
3546 Quail Roost Road  
Mullins, South Carolina [29574]  
843-409-9086/843-251-0360

March 14, 2016

Appellants move this court to take Immediate Mandatory Judicial Notice (S.C.R.E 201(d))of the facts:

**Appellants restates all ultimate facts supported by evidentiary facts within the petition for rehearing, memorandum of appealability, letter to the court, with all exhibits and by reference herein are forever relevant and material to this Mandatory Judicial Notice.**

1. Appellants have been placed back in peaceful possession of their property in dispute known as 3546 Quail Roost Road Mullins, South Carolina 29574. (See order attached granting defendants motion to dismiss where it states in part, "Upon review of the written motions and verbal arguments, this court grants the Motion to Dismiss. Defendant argued that he was unjustly removed from his property and charged with Trespassing after notice...)"
2. In the Court of Appeals order dated January 13, 2016 it stated in part, "Appellants no longer reside in subject property, the parties rights as to the property are settled and this court is unable to alter them. As a result, any judgment by this court would not offer Appellants practical relief..."
3. On October 28, 2015 when all parties was noticed of Appeal, Appellants was in peaceful possession of property in dispute.
4. Appellants only lost possession of their private property due to the unlawful, unjust, and unconstitutional acts that took place on November 2, 2015. Which were in blatant disregard to the State of Emergency issued by Governor Nicki Haley for 29 counties in South Carolina, Marion County being one of them.
5. South Carolina Code of Laws Title 16 Crimes and Offenses Chapter 7 Offenses Against the Peace Article 1 Offenses During State of Emergency Section 16-7-10 Illegal act During State of Emergency where it states in part, A. "In any area

designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to:

- (2)(a) Enter into the property of another, without lawful authority and with criminal intent.
- (b) Damage the property of another; or
- (c) Take possession or otherwise disturb the property of another in any manner.

Now that Appellants have regained peaceful possession of their private property Appellants are entitled to present their evidence, and arguments before the court as per; "Due process prohibits stopping some litigants who never had a chance to present their evidence and arguments on a claim despite one or more existing adjudications of the identical issue which stand squarely against their position." Roberts v. Recovery Bureau, Inc. (S.C. App. 1994) 316 S.C. 492 450 S.E.2d 616.) Constitutional Law 4012; Judgment 713(1); S.C. Const. art. I, § 3 (Due Process); S.C. Const. art. I, § 22 (Right to be heard); S.C. Const. art. I, § 23(Provisions Mandatory)

Appellants are further entitled to an order barring respondents from taking any more actions prior to this matter being properly adjudicated on the merits in a court of competent jurisdiction as per, "Due process of law requires that a person shall have a reasonable opportunity to be heard before a legally appointed and qualified impartial tribunal before and binding decree, order, or judgment can be made affecting his rights to life, liberty, or property." State v. Brown (S.C. 1935) 178 S.C. 294, 182 S.E. 838, appeal dismissed 56 S. Ct. 750, 298 U.S. 639, 80 L.Ed. 1372. Constitutional Law 3879; Constitutional Law 3880.

WHEREFOR, Appellants move this court to take immediate Mandatory Judicial Notice of the ultimate facts supported by evidentiary facts contained herein and grant the Petition for Rehearing (En Banc) along with any other relief the court may deem proper.

We So Move,

All Rights Reserved

Richard D. Dazarhea Parson  
:arnold.:dazarhea:parson Sui Juris Ex Rel

March 14, 2016

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

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APPEAL FROM MARION COUNTY  
Court of Common Pleas

SPECIAL REFEREE HAIGH PORTER

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Case No. 2013-CP-33-306  
Appellant Case No. 2015-002230

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Anderson Brothers Bank,  
Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., South Carolina Department of Revenue and South Carolina Department of Motor Vehicles, Defendants,

Of whom Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Moniques Daniels Parson and A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr. are the Appellants.

Anderson Brothers Bank, Respondent,

v.

Dazarhea Monique Parson, a/k/a Dazarea D. Parson, a/k/a Dazarhea Monique Daniels Parson, A. Tyrone Parson, Jr. a/k/a Arnold Tyrone Parson, Jr., Appellants

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Certificate of Service

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The undersigned does hereby certify that on March 14, 2016 we served a Mandatory Judicial Notice (En Banc) by depositing copies of same usps prepaid addressed to the following:

Other Counsel of Record:

Suzanne Griggs

1230 Main Street

Suite 700(29201)

PO Drawer 2426

Columbia, South Carolina 29202

Attorney for Respondent

(803-253-8277)

All Rights Reserved

By: Arnold: Dazarhea Parson  
:arnold:dazarhea:parson  
P O Box 776  
Mullins, South Carolina 29574

March 14, 2016

STATE OF SOUTH CAROLINA  
UNIFORM TRAFFIC TICKET

VERSUS

GIVE-COUNTY OF Marion MIDDLE-NAME Travis LAST-NAME Person Sr.  
 FIRST-NAME Arnold CITY Marion STATE SC ZIP CODE 29574  
 STREET AND NO. 2546 Paul Ruffin Blvd  
 STATE LICENSED SC DRIVER'S LICENSE NO. 02342125 CDL D  
 VEH. LIC. NO. SC STATE SC MAKE OF VEH. YEAR 2005 AUT. NO HAZ. MAT. NO MOPED NO MTRCYCL. NO OTHER NO

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER Colonel Walter STREET AND NO. 2715 E Hwy 76 ZIP CODE 29574  
 DATE OF TRIAL 11-11-15 TIME OF TRIAL 10:00 CITY Marion STATE SC  
 VIOLATION - COURT APPEARANCE REQUIRED YES AND NO NO VIOLATION SECTION NO. 16-11-600  
 OWNER OF VEHICLE Arnold Person Sr. DATE OF ARREST 11-2-15 DATE OF VIOLATION 11-2-15

ADDRESS OF OWNER

BAIL DEPOSITED None NAME OF ARRESTING OFFICER D M Miles RANK Officer  
 PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE  
 COUNTY Marion BADGE 105 DISTRICT 5  
 TIME OF VIOLATION 11:15 VIOLATION SECTION NO. 16-11-600  
 OFFENSE IN THIS TICKET INTERSECTION OF Paul Ruffin Blvd AND Paul Ruffin Blvd  
 MILES 1 N 1 E 2 S 3 W 4  
 HWY NO. None CITY Marion  
 Lat 0  
 Long 0  
 OFFENSE CODE 94 B.A. LEVEL 1

Be sure you understand from the arresting officer the exact time and before whom you are to appear. IF THIS TICKET IS WRITTEN FOR A TRAFFIC VIOLATION AND YOU FORFEIT BAIL, PLEAD GUILTY OR NOLITENDERE, OR ARE CONVICTED AFTER A TRIAL, THIS VIOLATION WILL BE PLACED AGAINST YOUR DRIVING RECORD, OR FORWARDED TO YOUR HOME STATE. FAILURE TO COMPLY WITH THE TERMS OF THIS SUMMONS MAY RESULT IN THE SUSPENSION OF YOUR DRIVERS LICENSE BY YOUR HOME STATE. YOU ARE REQUIRED BY LAW TO APPEAR IN COURT FOR CERTAIN OFFENSES.

SEE IMPORTANT INFORMATION ON THE REVERSE SIDE OF THIS TICKET

VIOLATOR'S COPY

46763 EC

STATE OF SOUTH CAROLINA  
UNIFORM TRAFFIC TICKET

VERSUS

GIVE-COUNTY OF Marion MIDDLE-NAME Travis LAST-NAME Person Sr.  
 FIRST-NAME Arnold CITY Marion STATE SC ZIP CODE 29574  
 STREET AND NO. 2546 Paul Ruffin Blvd  
 STATE LICENSED SC DRIVER'S LICENSE NO. 02342125 CDL D  
 VEH. LIC. NO. SC STATE SC MAKE OF VEH. YEAR 2005 AUT. NO HAZ. MAT. NO MOPED NO MTRCYCL. NO OTHER NO

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 HWY NO. None CITY Marion  
 Lat 0  
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SEE IMPORTANT INFORMATION ON THE REVERSE SIDE OF THIS TICKET

VIOLATOR'S COPY

46764 EC

STATE OF SOUTH CAROLINA  
COUNTY OF MARION

IN THE SUMMARY COURT  
ORDER FOR DESTRUCTION OF ARREST RECORDS

THE STATE OF SOUTH CAROLINA

v.

Arnold Tyrone Parson Jr  
3546 Quail Roost Rd  
Mullins, SC 29574-7378

Defendant

AKA

Race \_\_\_\_\_ Sex M Age \_\_\_\_\_  
DOB 10/16/1979 SSN XXX-XX-0525

SID # \_\_\_\_\_

Charges were disposed of in the court indicated below:

Magistrate  Municipal

I, Danny Oran Barker II, Summary Court Judge, find that the below charge(s) under the jurisdiction of this Court was ended either by an adjudication of not guilty or by a **judicial dismissal**, and the defendant is entitled to have all records, including any outstanding associated bench warrants, relating to this offense expunged and destroyed according to §17-22-950.

Warrant/Ticket/Courtesy Summons No: 46763EC Date of Arrest: 11/2/2015 Place of Arrest: County Of Marion, S.C.

Arrest Charge Breach / Breach of peace, nonaggravated in nature

Warrant/Ticket/Courtesy Summons No. \_\_\_\_\_ Date of Arrest 11/2/2015 Place of Arrest County Of Marion, S.C.

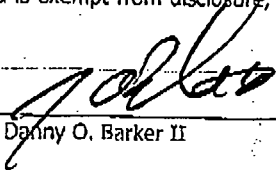
Arrest Charge \_\_\_\_\_

I further find the charge(s) covered by this order was not made pursuant to Title 56 (traffic), Title 50 (DNR), or the authority of counties and municipalities under Title 4 and Title 5, and that the defendant is eligible for expungement.

I also find that §17-22-950 has been complied with as follows (check one):

- The defendant was fingerprinted and the summary court has coordinated with SLED and confirmed the criminal charge is statutorily appropriate for expungement.
- The defendant was not fingerprinted and the summary court has coordinated with the arresting law enforcement agency and confirmed that no fingerprints were taken from the defendant for this charge.

IT IS ORDERED that all records relating to such arrest or issuance of ticket or courtesy summons and subsequent discharge, including associated bench warrants, pursuant to the above-referenced section be expunged and destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency except for: arrest and booking record, associated bench warrants, mug shots, and fingerprints of the defendant shall be retained under seal pursuant to §17-1-40, by law enforcement, detention, correctional and prosecution agencies for three years and one hundred twenty days, and law enforcement and prosecution agencies may retain the information indefinitely under seal for purposes set forth in §17-1-40 (B)(1)(a) and (b); under §17-1-40 (C)(1), this order does not require the destruction of evidence gathered, unredacted incident and supplemental reports, and investigative files, which statutorily shall be retained under seal for three years and one hundred twenty days, and may be retained indefinitely under seal for purposes set forth in §17-1-40 (C)(1); and information retained under seal by law enforcement, detention, correctional and prosecution agencies pursuant to §17-1-40 is not a public information and is exempt from disclosure, except by court order.

  
Judge Danny O. Barker II

Signed this 11 day of Dec, 2015

For SLED internal use only: Expunged by SLED by: \_\_\_\_\_ Date: \_\_\_\_\_

**Notice of Dismissal**

The Marion County Summary Court

\_\_\_\_\_

Criminal/Traffic Court

\_\_\_\_\_

Case No. 46764 EC  
Trespassing after notice or refusal to leave upon request

\_\_\_\_\_

Marion County Sheriff's Office

Prosecution,

v.

Parson, Arnold Tyrone Jr.

Defendant,

\_\_\_\_\_

Order of Dismissal

\_\_\_\_\_

Defendant came before the court on February 26, 2016 to argue Motion to Dismiss which had previously been filed with the court and served upon prosecution. Verbal arguments were heard from both parties and motion was taken under advisement. Upon review of the written motions and verbal arguments, this court grants the Motion to Dismiss. The Defendant argued that he was unjustly removed from his property and charged with Trespassing after notice or upon request after he had properly filed an appeal with the Appellate Court. Defendant argued that he filed the appeal with the appellate court prior to the service of the writ of assistance by the Marion County Sheriff's Office and the filed appeal should have stayed the execution of the writ of assistance.

Records show the appeal was filed on October 30, 2015 and defendant has shown the notice was given to the special referee as well as the Marion County Sheriff's Office prior to the service of the writ of assistance being served on November 2, 2015. It has been further shown that the Marion County Sheriff's Office contacted the special referee on the morning of the writ of assistance service and the special referee instructed the Marion County Sheriff's Office to proceed with the service.

Per SC appellate Rule 241(a) General Rule: As a general rule, the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court. The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal.

There are exceptions to Rule 241(a) as noted in Rule 241(b), specifically Rule 241(b)(4) which states; Judgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170.

SC Code of Laws 18-9-170 provides that if the judgment appealed from direct the sale or delivery of possession of real property, the execution of the judgment shall not be stayed unless a written undertaking be executed on the part of the appellant, with two sureties, to the effect that during the possession of such property by the appellant he will not commit or suffer to be committed any waste thereon and that if the judgment be affirmed he will pay the value of the use and occupation of the property from the time of the execution of the undertaking until the delivery of possession thereof pursuant to the judgment, not exceeding a sum to be fixed by a judge of the court by which judgment was rendered and which shall be specified in the undertaking. When the judgment directs the sale of land to satisfy a mortgage thereon or other lien, the undertaking shall provide that in case the judgment appealed from be affirmed and the land be finally sold for less than the judgment debt and costs then the appellant shall pay for any waste committed or suffered to be committed on the land and shall pay a reasonable rental value for the use and occupation of the land from the time of the execution of the undertaking to the time of the sale, but not exceeding the amount of such deficiency, which sum shall be duly entered as a payment on the judgment; and in case the land shall be unimproved land, then in any action or proceedings now pending or hereafter begun in any of the courts of this State the undertaking shall further provide for the payment by appellant, if the judgment be affirmed, of any taxes due at the time of the appeal or already paid by the mortgagee, or becoming due during the

pendency of the appeal, and also for the payment by appellant of the interest on the debt falling due during the pendency of such appeal.

Furthermore, SC Code of Laws 18-9-180 provides Whenever the defendant executes the bond mentioned in Sections 18-9-130, 18-9-150 and 18-9-170 or the appeal is perfected as provided by Sections 18-9-150 or 18-9-160, it shall stay all further proceedings in the court below upon the judgment appealed from or upon the matter embraced therein; but the court below may proceed upon any other matter Included in the action and not affected by the judgment appealed from.

Citing Rule 241(a) and Rule 241(b)(4) there was no evidence that the defendant, after filing the appeal and serving notice, was given the opportunity to comply with SC Code of Laws 18-9-170 or 18-9-180. \*

Therefore, it is ORDERED this date, February 29, 2016, the charge of Trespass after notice or refusal to leave upon request as cited on SC UTT 46764 EC against Arnold Tyrone Parson, Jr. is DISMISSED and all record related to this arrest be expunged in accordance with SC Code of Laws 17-1-40.



Danny O. Barker II  
Chief Magistrate  
Marion County Summary Court

February 29, 2016