

**RECEIVED**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals.

NOV 10 2016

**SC Court of Appeals**

APPEAL FROM GEORGETOWN COUNTY

Circuit Court

Judge Kristi Lea Harrington, Judge

Appellate Case No. 2014-002776

STATE OF SOUTH CAROLINA

Respondent,

Vs.

LouShonda Myers,

Appellant

**RECORD ON APPEAL**

LouShonda Myers

In Propria Persona, Sui Juris Petitioner

27 Wateree Trail

Georgetown, South Carolina 29440

loushondamyers@yahoo.com

(843) 527-2100

Vann Henry Gunter, Jr.

Attorney for Respondent

P.O. Box 11549

Columbia, South Carolina 29211

JIMMY A. RICHARDSON  
Solicitor, Fifteenth Judicial Circuit

Post Office Drawer 1276  
Conway, South Carolina 29526  
(843) 915-5460

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STATE OF SOUTH CAROLINA  
COUNTY OF GEORGETOWN

) IN THE COURT OF GENERAL SESSIONS  
) FOR THE FIFTEENTH JUDICIAL CIRCUIT  
) CASE No.: 2014-GS-22-870  
)

STATE OF SOUTH CAROLINA,  
vs.  
LOUSHONDA MYERS,  
Defendant.

**ORDER**

FILED  
GEORGETOWN COUNTY, S.C.  
2014 SEP 26 PM 1:33  
ALMA Y. WHITE  
CLERK OF COURT

The above matter came before the Court on September 26, 2014, for a contempt hearing on the Rule to Show Cause Order, filed by the Attorney General's Office. Ms. Myers was ordered to cease filings in Dameon Myers vs. State of South Carolina, Case No. 2012-CP-22-1132. The Court instructed the Clerk of Court to transfer all filings related to Ms. Myers to this case number so that the matter remains distinct from the original PCR matter.

Present at the hearing were Attorney General W. Allen Myrick on behalf of the State, and Defendant Loushonda Myers appeared *pro se*. Attorney Ronald Hazzard of the Fifteenth Circuit Public Defender's Office was appointed by this Court to represent the Defendant Loushonda Myers.

In determining whether the violation constitutes direct contempt or indirect contempt, this Court should consider the nature and location of the contemptuous behavior. Contemptuous conduct occurring in the presence of the court constitutes direct contempt. South Carolina courts have taken a liberal and expansive view of the "presence" and "court" requirements. This State's

courts have previously held the "presence of the court" extends beyond the mere physical presence of the judge or the courtroom to encompass all elements of the system. In contrast, indirect contempt is contempt that occurs "outside the presence of the court."

In determining whether a contempt order is civil or criminal, this Court considers the purpose for which the power is exercised, including the nature of the relief and the reason behind imposing sentence. The primary purposes of criminal contempt are to preserve the Court's authority and to punish for disobedience of its orders. In contrast, the purpose of civil contempt is "to coerce the defendant to do the thing required by the order for the benefit of the complainant." The State carries the burden of proving criminal contempt beyond a reasonable doubt.

This Court finds that Ms. Myers is in direct contempt of this Court by her continued filing of legal documents on behalf of other individuals without a license to practice law in the State of South Carolina, in violation of this Court's Order from the bench on August 28, 2014.

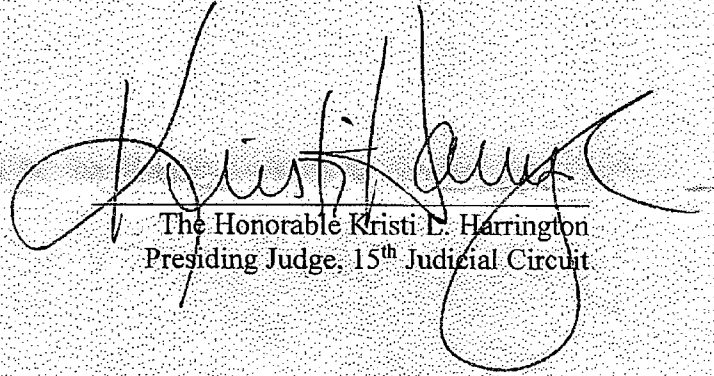
**IT IS THE ORDER** of this Court that Ms. Myers be sentenced to six (6) months in the South Carolina Department of Corrections. This sentence shall be suspended and shall not be imposed unless Ms. Myers further violates this Court's Order and finding of direct criminal contempt.

**IT IS FURTHER ORDERED** that Ms. Myers shall not file any documents on the behalf of other individuals in any jurisdiction of this State without sufficient legal authority.

**IT IS FURTHER ORDERED** that the Clerk of Court in Georgetown County, South Carolina shall not accept any filings by Ms. Myers that violate this Court's Order. This Order does not preclude filings made by Ms. Myers on her own behalf.

**IT IS FURTHER ORDERED** that should Ms. Myers violate this Order, upon verification of the filings, that Ms. Myers be held by the Georgetown County Sheriff's Office until such time as this Court can impose sentence.

**IT IS SO ORDERED!**



The Honorable Kristi L. Harrington  
Presiding Judge, 15<sup>th</sup> Judicial Circuit

Georgetown, South Carolina  
September 26, 2014

STATE OF SOUTH CAROLINA  
COUNTY OF Georgetown  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2012-CP-22-1132

Dameon Myers, #279666

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or
	<input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed,  Reversed,  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court. This Order is intended to amend the Court's order executed September 11, 2014, to reflect the correct date this matter was before the Court as August 28, 2014. The above matter came before the Court on August 28, 2014, in Georgetown County for hearing on Applicant's Post-Conviction Relief application. The Court hereby orders that Loushonda Myers is prohibited from filing documents with the Clerk of Court on behalf of Dameon Myers until the matter has been investigated by the Attorney General's Office and a finding has been made.

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk:

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order.

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

FILED  
GEOGETOWN COUNTY, S.C.  
2014 SEP 25 AM 11:20  
MAY WHITE  
CLERK OF COURT  
Page 2  
9/26/14



STATE OF SOUTH CAROLINA  
COUNTY OF GEORGETOWN

IN THE CIRCUIT COURT  
FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA  
Plaintiff,

RE: 2012CP2201132

vs.

NOTICE OF APPEAL

Loushonda Myers,

Defendant.

I, Loushonda Myers, am now giving notice of my intent to appeal the decision of Judge Harrington on both August 28, 2014 and September 26, 2014. I am not only appealing the orders of Judge Harrington, but there also exists clear questions of law and fact to present to the court.

This is a substantive Right that I am exercising, and it is my hope that no retaliation from the parties involved will result from the exercise of my substantive Right.

This 11 day of September, 2014.



Loushonda Myers

27 Wateree Trail

Georgetown, South Carolina 29440

[loushondamyers@yahoo.com](mailto:loushondamyers@yahoo.com)

(843) 527-2100

FILED  
GEORGETOWN COUNTY, S.C.  
2014 SEP 29 PM 3:57  
ALMA Y WHITE  
CLERK OF COURT  
CERTIFICATE OF SERVICE

I, Loushonda Myers, certify that a copy of the foregoing has been served on Assistant Attorney General W. Allen Myrick by USPS addressed to PO BOX 11549, Columbia, South Carolina 29211.

This 21 day of September, 2014.



Loushonda Myers

27 Wateree Trail

Georgetown, South Carolina 29440

[loushondamyers@yahoo.com](mailto:loushondamyers@yahoo.com)

(843) 527-2100

STATE OF SOUTH CAROLINA )

COUNTY OF GEORGETOWN )

State of South Carolina )

v. )

Loushonda Myers )

DEFENDANT. )

IN THE CIRCUIT COURT  
FIFTEENTH JUDICIAL CIRCUIT

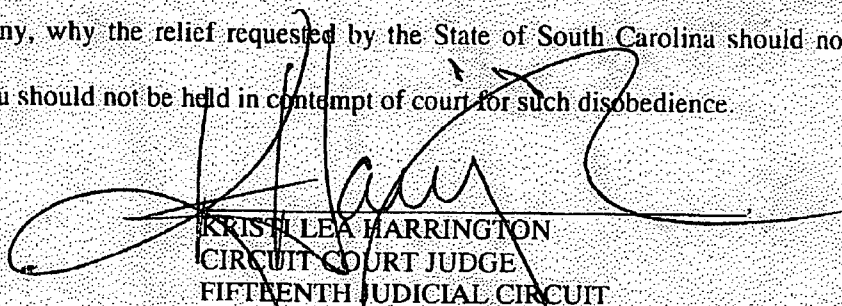
Re: 2012-CP-22-01132

RULE TO SHOW CAUSE

TO: LOUSHONDA MYERS

Based upon information before this Court, it appears that you have not obeyed certain Court Order(s). Therefore,

IT IS ORDERED THAT YOU APPEAR BEFORE THE GEORGETOWN COUNTY CIRCUIT COURT on the 26<sup>th</sup> day of September, 2014, at 10:00 a.m., and there to be prepared to show cause, if any, why the relief requested by the State of South Carolina should not be granted and why you should not be held in contempt of court for such disobedience.

  
KRISTI LEA HARRINGTON  
CIRCUIT COURT JUDGE  
FIFTEENTH JUDICIAL CIRCUIT

September 16, 2014  
Marcho Conner, SC 29461

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	
State of South Carolina,	)	MEMORANDUM IN SUPPORT OF MOTION
	)	FOR RULE TO SHOW CAUSE AND A
Plaintiff,	)	FINDING BY THE CIRCUIT COURT THAT
	)	DEFENDANT IS GUILTY OF CONTEMPT
v.	)	
	)	
Loushonda Myers,	)	
	)	
Defendant.	)	
	)	

The State of South Carolina, through the Office of the Attorney General of South Carolina, hereby submits this memorandum in support of its Motion for the Circuit Court of Georgetown County to issue a Rule to Show Cause and find Defendant in contempt of the Circuit Court.

**BACKGROUND AND FACTS**

During the PCR Term of Court beginning August 25, 2014, Loushonda Myers filed documents with the court that she drafted on behalf of Dameon Myers (Attachment A). Myers also appeared before the Court in an attempt to argue on behalf of those pleadings. Myers is not an attorney licensed to practice law in this state or any other state. The Circuit Court ordered Loushonda Myers from the bench to cease and desist such filings. Upon information and belief, Loushonda Myers has continued to file with the Circuit Court, an activity which is criminal and in contempt of prior Order of the Circuit Court. It is clear that Loushonda Myers engaged in a pattern of behavior that constituted the felony crime of the Unauthorized Practice of Law, in violation of S.C. Code of Laws 40-5-310, as amended.

1. The Honorable Judge Kristi Lea Harrington ruled from the Bench that the defendant was enjoined from her practice of drafting and/or filing and/or signing documents styled as

Motion for Discovery, Notice of Special Appearance, and Supplement to PCR Application.

Notwithstanding the Order of the Court, Loushonda Myers has refused to cease her unlawful activity. It is the State's position, and it has been the Circuit Court's position, that Defendant's actions constitute a fraud upon the court, interfere with the orderly administration of justice in Georgetown County, and were calculated to obstruct, degrade, and undermine the administration of justice. Her further actions continue the same pattern of contemptuous conduct, made worse by the fact that Defendant is clearly on notice that the court regards this conduct as both fraudulent and criminal.

#### AUTHORITY

The Circuit Court has jurisdiction to preside over a hearing regarding Loushonda Myers' criminal contempt. The South Carolina Supreme Court has recognized the power of the Courts of General Sessions to punish for contempt of court. In discussing the origin of such power, the Supreme Court stated"

There can be no doubt about the power of the courts of general jurisdiction in this State to punish for contempt. This power is not derived from any statute but from the common law which from its inception recognized this implied and necessary power, without which contumacious conduct could well destroy the authority of any Court.

State v. Goff, 228 S.C. 17, 88 S.E.2d 788 (1955) (emphasis added). In Goff, the Defendant was convicted of direct contempt in the Court of General Sessions, although the actions that the contempt was based upon occurred during a trial held in the Court of Common Pleas. In State v. Blanton, 278 S.C. 597, 300 S.E.2d 286 (1983), the Defendant was tried for contempt and the Supreme Court held the State could proceed "under the inherent contempt power of the Court of General Sessions" Blanton at 287,


Additionally, the Circuit Courts have jurisdiction to hear all contempt cases. "The Circuit Court may punish by fine or imprisonment at the discretion of the Court, all contempts of authority in any cause or hearing before the same" (emphasis added) S.C. Code § 14-5-320. It is in the discretion of the Court of General Sessions to hear all contempts, whether criminal or civil. The power to punish for Contempt based upon case law, statutes, and common law is inherent in the Courts of General Session in South Carolina and may be heard at the discretion of the Judge.

### CONCLUSION

This Court has jurisdiction to hear this Contempt action. Defendant's present actions are detrimental to the functioning of the administration of justice and need to be addressed. Further, they are in direct contravention of the previous Order of the Circuit Court. "The primary purposes of criminal contempt are to preserve the court's authority and to punish for disobedience of its order." Poston v. Poston, 331 S.C. 106, 502 S.E.2d 86, quoting State v. Bevilacqua, 316 S.C. 122, 447 S.E.2d 213 (S.C.App., 1994). The Court should find the Defendant in Contempt and order such punishment as the Court finds just and proper.

RESPECTFULLY SUBMITTED,

BY:

  
W. Allen Myrick  
Asst. Deputy Attorney General

Columbia, South Carolina  
Sept 16, 2014  
PO Box 11549  
Columbia, South Carolina 29211  
(803) 734-3642

STATE OF SOUTH CAROLINA  
COUNTY OF GEORGETOWN

COURT OF GENERAL SESSIONS  
FIFTEENTH JUDICIAL CIRCUIT  
CASE NO. 2014-GS-22-870

FILED  
2015 APR 20 AM 11:58  
CLERK OF COURT

THE STATE OF SOUTH CAROLINA  
PLAINTIFF, FICTITIOUS FOREIGN STATE,

RESPONSE TO

ALLEN MYRICK'S RESPONSE

vs.

LouShonda Myers,  
Petitioner/Administrator.

I, Loushonda Myers, now files a response to Allen Myrick's Response and submit the following into lawful record.

1. The response filed by Allen Myrick is "prima facia" proof of fraud perpetrated upon the court and fraud perpetrated upon myself.
  - a) Allen Myrick has fraudulently stated in his response the following:

"[Loushonda Myers] had previously attempted to appear on behalf of Dameon Myers before the Circuit Court in a PCR proceeding on August 27, 2014."

This statement is false; and the record in Dameon Myer's case can and will prove it. I filed a notice of special appearance, not a "notice of appearance" on behalf of Dameon Myers. Accordingly, I am a person of interest in that matter; and have an obligation and duty as a human being and Citizen of the Republic to assist a member of my state and/or society when harm and/or damage has occurred onto them or myself by the government. (Reynolds v.

Volunteer State Life Ins. Co., Tex. Civ. App., 80 S.W.2d 1087, 1092; People v Wade, 116 Ill.2d 1, 506 N.E.2d 954 (1987); Oak Park Nat. Bank v Peoples Gas Light & Coke Co., 46 Ill.App.2d 385, 197 N.E.2d 73, 77 (1st Dist. 1964))

b) Allen Myrick stated within his response the following:

"Defendant is not a lawyer and was instructed by the Court to make no further filings on behalf on the PCR applicant. Nonetheless, Defendant again filed documents referencing the PCR Court, and was ruled in to the court for a hearing. At the Hearing, Defendant was found in contempt."

I have never denied that I was not a bar licensed attorney. I made it explicitly clear that I was and am acting as a private attorney general in vindication of the Rights of the People.

"This opinion has been frequently expressed in this Court, and is founded, as well on the nature of the government as on the words of the constitution. In argument, however, it has been contended, that if a law passed by a State, in the exercise of its acknowledged sovereignty, comes into conflict with a law passed by Congress in pursuance of the constitution, they affect the subject, and each other, like equal opposing powers.

But the framers of our constitution foresaw this state of things, and provided for it, by declaring the supremacy not only of itself, but of the laws made in pursuance of it. The nullity of any act, 211\*211 inconsistent with the constitution, is produced by the declaration, that the constitution is the supreme law. The appropriate application of that part of the clause which confers the same supremacy on laws and treaties, is to such acts of the State Legislatures as do not transcend their powers, but, though enacted in the execution of acknowledged State powers, interfere with, or are contrary to the laws of Congress, made in pursuance of the constitution, or some treaty made under the authority of the United States. In every such case, the act of Congress, or the treaty, is supreme; and the law of the State, though enacted in the exercise of powers not controverted, must yield to it."

- Gibbons v. Ogden, 22 US 1 - Supreme Court 1824

As stated within the document, I was acting upon my Right, and protecting the Rights of others to challenge any fraudulent issues-including jurisdiction. I was not acting solely for myself, but for the benefit of the People, as stated previously and shown in the attached exhibits.

Allen Myrick stated that I filed in the PCR Court, again, fraud. I did not file anything in the PCR Court after being instructed not to do so. The documents that I filed were in another

matter in General Sessions Court, in which I initiated. The record and attached exhibits will show this. In addition, I did not file anything else in the PCR case, not because I believe that Judge Harrington was correct; but because I was threatened by imprisonment; and as displayed in Court on September 26, 2014- I never had a chance at a fair trial. Judge Harrington refused to even state whether or not the alleged charges were criminal or civil. I will not get into specifics here, but a copy of the complaint that I filed against her is attached.

- c) Allen Myrick has stated that my documents are “untimely”, “unsupported by law”, “unintelligible”, and that the Coram Nobis has been abolished by S.C. Rule of Civil Procedure 60(b). Yet;
  - i. A judgement and/or order has been entered against me;
  - ii. In 2014 a Coram Nobis was used to vacate the judgement of George Junius Stinney, Jr. in South Carolina;
  - iii. He is an officer of the court and has sworn to know the law and uphold the Constitution of the United States, and has misrepresented material facts;
  - iv. Allen Myrick has used state civil rule 60(b); yet, has refused to acknowledge that proper parties must be present; his pleadings cannot be considered on basis for dismissal (Trinsey v. Pagliaro 229 F.Supp. 647 (1964)); he lacks standing; and has failed to state a claim for relief.

I assert that the only thing that is unintelligible are the following:

- 1) The fact that the date alleged by Mr. Myrick and Judge Harrington is erroneous;
- 2) The fact that the clerk of court’s office called Judge Harrington in order to perpetuate charges against me;
- 3) The fact that I never filed anything else in Dameon Myer’s PCR case;

- 4) The fact that Allen Myrick has no facts to admit in this matter;
- 5) The fact that I was not allowed due process;
- 6) The fact an attorney was forced upon me;
- 7) The fact that my alleged "accuser" also sat to "judge" me; and
- 8) Allen Myrick has on a previously occasion dismissed and/or minimized a request for an investigation that I submitted to the South Carolina Attorney General's Office.

This is not all inclusive of the numerous other acts, conduct, and deprivations that were perpetrated against me.

2. The Coram Nobis is in fact available to me. "... the writ provides relief in cases where the error "rendered the proceeding itself irregular and invalid." (US v. Akinsade, 686 F. 3d 248 - Court of Appeals, 4th Circuit 2012, Quoting United States v. Addonizio, 442 U.S. 178, 186 (1979) Furthermore, the appeal that I filed in the South Carolina Court of Appeals has mysteriously disappeared as of April 15, 2015, after months of calling and inquiring and being told that a judge has not yet reviewed it. My remedies have been exhausted.
  - a. The court had no jurisdiction (Ruhgas Ag v. Marathon Oil Company et al. 526 U.S. 574 (1999); O'Donoghue v. United States, 289 U.S. 516 (1933);
  - b. Fraud was committed;
  - c. The proper parties were not present;
  - d. There was no showing on the record of corpus delect (Lujan vs. Defenders of Wildlife 504, U.S. 555 (1992);

e. I did not have the opportunity to produce evidence, present my case, file documents into record, nor was I informed of the nature and cause of the allegations. Due process requires not only requires notice but an opportunity to heard in a meaningful way, and judicial review. (Grannis v. Ordean, 234 U.S. 385, 394 (1914) ("The fundamental requisite of due process of law is the opportunity to be heard."); S.C. Dep't of Soc. Servs. v. Holden, 319 S.C. 72, 78, 459 S.E.2d 846, 849 (1995).

3. Retaliation, threats, and intimidation does not constitute a fair, impartial hearing. As explained in the attached complaint that I wrote to the Commission on Judicial Conduct, I was victimized by an officer of the court. The same person that had taken an oath to uphold the law was in fact breaking the law. I believe that this has been motivated by my actions in requesting investigations into the judicial and law enforcement agencies in Georgetown and Horry Counties, as well as the civil suit that I have filed in North Carolina. Following this response are the attached displaying the contacts that I have made and the attempts at securing a meaningful investigation.
4. **The jurisdiction of the court is and has been challenged.** The above captioned matter brings into question the constitutionality of the alleged charges. The language does not apply to me; and I cannot be forced to relinquish my Right(s) due to threats, duress, and/or coercion. Again, Allen Myrick and/or Kristi Lea Harrington failed prove, on record, corpus delecti; failed to identify the proper parties; failed to properly inform me of the alleged "charges" an my alleged "accuser"; failed to provide due process; failed to provide a compulsory process so that I may obtain witness; failed to inform me of the

nature and cause of the allegations against me; failed to provide a fair and impartial tribunal; and it failed to ensure that no conflict of interest existed.

5. **I believe that the only reason I was forced into court is because of the work that I am doing to uncover the corrupt practices of the law enforcement, public officials, and judicial officials within the State of South Carolina.**
6. **Should something were to happen to me and/or my family, the investigation needs to begin within the law enforcement and judicial entities in and around Georgetown, South Carolina.**
7. **I want it to be Judicially Noted, on September 26, 2014, Kristi Lea Harrington gave an order from the bench that abrogates the United States Constitution; Congress; Title 42 U.S.C. § 1988; and most importantly my Inherent Rights-as she ordered that I am prohibited from filing anything in any court in South Carolina for anyone else, except myself. I have minor children; am attorney in fact for several individuals, and it has already been admitted and accepted that I am a private attorney general acting on behalf of the People, in vindication of their Rights. ("The claim and exercise of a Constitutional Right cannot be converted into a crime." Miller v. U.S. 230 F, 2d 286, 489) Please take notice, any judicial actions that violate the Constitutionally protected Rights of an individual may be sued for those acts without any form of immunity. (Hafer v. Melo, No. 90-681, page 4001, November 1991) The Eleventh Amendment does not protect state officials for claims for prospective relief when it is alleged that those officials acted in violation of federal law. (Warnock v. Pecos County, TX., 88 F3d 341 (5<sup>th</sup> Cir. 1996)) When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process**

even though his act involved a decision made in good faith, that he had jurisdiction.

(State use of Little v. U.S. Fidelity & Guaranty Co., 217 Miss. 576, 64 So. 2d 697)

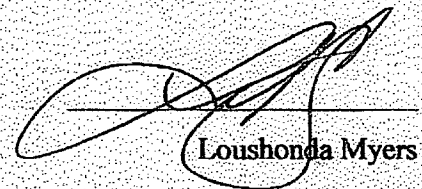
In short, officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law. (Owen v. Independence, 100 S.C.T. 1398, 445 US 622). Federal law & Supreme Court cases apply to state court cases. (Howlett v. Rose, 496 U.S. 356 (1990)) I have relied on prior decisions of the Supreme Court, and have a perfect defense for willfulness. (U.S. v. Bishop, 412 U.S. 346)

Furthermore, members of groups who are competent nonlawyers can assist other members of the group achieve the goals of the group in court without being charged with "Unauthorized practice of law". (NAACP v. Button (371 U.S. 415); United Mineworkers of America v. Gibbs (383 U.S. 715); and Johnson v. Avery 89 S. Ct. 747 (1969) Litigants may be assisted by unlicensed layman during judicial proceedings. (Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar (377 U.S. 1); Gideon v. Wainwright 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425). "Next Friend", a next friend is a person who represents someone who is unable to tend to his or her own interest... (Federal Rules Civil Proc., Rule 17, 28 U.S.C.A)

Attached are the documents that allegedly gave rise to the alleged contempt of court hearing; the original filing that I was appealing (Not related to the PCR; and more importantly I was personally notified by Magdeline Salemno of the Georgetown County Solicitor's Office, of the court date and to be in court.); Copies of the complaints that I filed against Judge Kristi Lea Harrington and Allen Myrick; my affidavit; my letter requesting an investigation; responses to my requests for an investigation, as well as Allen Myrick's response to my request. All exhibits are marked and outlined.

This court has no alternative but to vacate the judgement of Kristi Lea Harrington due to the fact that judgements made without jurisdiction are not voidable, but void from its inception. (Evans v Corporate Services, 207 Ill.App.3d 297, 565 N.E.2d 724 (2nd Dist. 1990); Vallely v Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920); Old Wayne Mut. I. Assoc. v McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808))

April 9, 2015.



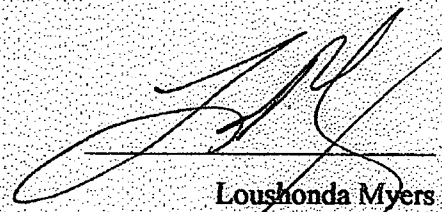
Loushonda Myers  
Private Attorney General,  
In Propria Persona, Sui Juris  
Defendant in Error  
27 Wateree Trail  
Georgetown, South Carolina 29440

**CERTIFICATE OF SERVICE**

I, Loushonda Myers, certify that a copy of the foregoing and attached documents have been served on Brian T. Petrano by mailing first class mail via USPS addressed to PO Box 11549, Columbia, South Carolina 29211; and a copy has been hand delivered upon the Clerk of Court's Office by hand located at 401 Cleland Street, Georgetown, South Carolina 29440.

April 19, 2015.

FILED  
2015 APR 20 AM 11:59  
CLERK OF COURT



Loushonda Myers  
Private Attorney General,  
In Propria Persona, Sui Juris  
Defendant in Error  
27 Wateree Trail  
Georgetown, South Carolina 29440

STATE OF SOUTH CAROLINA ) COURT OF COMMON PLEAS?  
 ) FIFTEENTH JUDICIAL CIRCUIT  
COUNTY OF GEORGETOWN ) CASE NO.: 2012-CP-22-01132

DAMEON MYERS, #279666, )  
 )  
APPLICANT, )  
 )  
VS. )  
 )  
THE STATE OF SOUTH CAROLINA )  
 )  
RESPONDENT. )  
 )

**POST CONVICTION RELIEF HEARING**

**MOTION TO DISMISS**

held before the Honorable Kristi L. Harrington  
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit  
in the Georgetown County Courthouse  
Georgetown, South Carolina  
on August 28, 2014, Commencing at 11:42 a.m.

---

**SUSAN "MIA" PERRON, CVR-CM-M**  
**Circuit Court Reporter - 9th Judicial Circuit**  
**Post Office Box 31865**  
**Charleston, South Carolina 29417-1865**  
**1-706-231-6028**

---

APPEARANCES OF COUNSEL

FOR THE APPLICANT: Pro Se

FOR THE RESPONDENT: Joshua Thomas, Esquire  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549

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EXHIBITS

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Dameon Myers vs. State of South Carolina  
Post Conviction Relief Hearing  
August 28, 2014

PROCEEDINGS

1  
2 THE COURT: Ma'am, I don't let people lean over  
3 the bar. What is your name?

4 MS. MYERS: My name is Loushonda Myers.

5 THE COURT: All right. I don't let people lean  
6 over the bar.

7 MS. MYERS: Okay. I can't talk -- his legal  
8 rights?

9 THE COURT: I don't know who you are. Are  
10 you -- are you an attorney?

11 MS. MYERS: I'm Mr. Myers' attorney in fact.

12 THE COURT: I don't know what that means.

13 MS. MYERS: That means that I hold power of  
14 attorney over Mr. Myers, and I'm also here as an  
15 advocate on his behalf, and also as a counsel.

16 THE COURT: All right. Are you a licensed  
17 attorney in the state of South Carolina?

18 MS. MYERS: I'm not aware of South Carolina  
19 having a license.

20 THE COURT: I'm sorry. You do have a bar  
21 license in some state?

22 MS. MYERS: I'm not aware that there is a bar  
23 license.

24 THE COURT: All right. Mr. Thomas is a licensed  
25 attorney in the state of South Carolina. Are you a

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1 licensed attorney?

2 MR. MYERS: Your Honor, may I speak, please?

3 THE COURT: Sir, this is not how this works. I  
4 am in charge of the courtroom. When I need to hear  
5 from you, I will hear from you. Ms. Myers has asked  
6 to be of assistance to you at the table. Would you  
7 like for me to address that or just forget about that  
8 issue, Mr. Myers?

9 MR. MYERS: Carry on.

10 THE COURT: Thank you. Please have a seat.

11 MS. MYERS: What was the question?

12 THE COURT: Are you a licensed attorney?

13 MS. MYERS: I am not a bar-licensed attorney.

14 THE COURT: All right. Then you may not sit at  
15 the table with Mr. Myers.

16 MS. MYERS: Are you denying him assistance in  
17 this -- this matter?

18 THE COURT: Are you arguing with me, ma'am? I  
19 have made a --

20 MS. MYERS: No. I'm asking.

21 THE COURT: I have made a ruling. You are not a  
22 licensed attorney and, as such, you may not be of  
23 legal assistance. I am not going to allow you, in my  
24 presence, to commit a felony.

25 MS. MYERS: All right.

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THE COURT: Mr. Thomas?

MR. THOMAS: Thank you, Your Honor.

We are here this morning on the State's motion for summary judgment -- the same thing we heard yesterday, actually -- based on the fugitive disentitlement doctrine.

Mr. Myers was indicted in October of 2002 for failure to stop for a blue light, trafficking crack cocaine, possession with intent to distribute crack cocaine within proximity, possession with intent to distribute marijuana. It was called for trial on December 5th, 2002, before Judge Paul Thomas.

He did not appear for trial but was found guilty in his absence for failure to stop, PWID crack cocaine, and simple possession of marijuana. So a couple of lesser-included offenses there.

His sentence was unsealed in October of 2011 by Judge John. He got three years for failure to stop, twenty years for PWID crack cocaine, and one year for simple possession. There were a motion to vacate, motion for new trial, motion to reduce sentence at that time, which were denied.

He did file an appeal at that time. He also filed -- defense filed a motion to remand for a reconstruction hearing. The State filed a cross-

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1 motion to dismiss, based on the fugitive  
2 disentitlement doctrine, which was granted. The  
3 matter was dismissed in March, 2011, by the Court of  
4 Appeals.

5 At this time, the State is just moving to  
6 dismiss this application based on the fugitive  
7 disentitlement doctrine. Again, it was over nine  
8 years between the time he was tried and the time he  
9 was apprehended. Based on that, we would just submit  
10 that his own conduct -- he has -- he has forfeited the  
11 right to challenge his convictions, either on direct  
12 appeal or collaterally, and at this time the State  
13 would just move to dismiss the application.

14 THE COURT: Mr. Myers, are you Dameon Myers?

15 MR. MYERS: I am.

16 THE COURT: Please stand.

17 [Whereupon, Mr. Myers complies]

18 THE COURT: Thank you. Are you Dameon Myers?

19 MR. MYERS: Your Honor, I'm here on a special  
20 appearance. I am Dameon Myers, but my name is spelled  
21 capital D, lower case M-E-O-N, capital M-Y-E-R-S. I'm  
22 a natural human being made in the image and likeness  
23 of God. This is not the same Dameon Myers which is  
24 not the name that is written in all caps which is a  
25 legal fiction. I'm establishing as a natural human

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1 being. My dealings must be in the natural.

2 THE COURT: All right. Let me -- Mr. Myers, I'm  
3 going to stop you there.

4 Is your date of -- what is your date of birth?

5 MR. MYERS: My date of birth is May 22nd, 1982.

6 THE COURT: And I have a social security number  
7 that begins with a 2 and the last four are 1650.  
8 Would that be correct?

9 MR. MYERS: Yes, that would be correct.

10 THE COURT: All right. And you were indicted in  
11 the court of general sessions for possession with  
12 intent to distribute marijuana and you were tried; is  
13 that correct?

14 MR. MYERS: Can you repeat that, Your Honor?

15 THE COURT: Were you tried in the court of  
16 general sessions for possession with intent to  
17 distribute marijuana?

18 MR. MYERS: Was I tried? I mean, Your Honor,  
19 I'm not -- I wasn't -- I wasn't -- I wasn't there when  
20 this -- when these proceedings happened so I can't say  
21 that I was, because he said that I was absence --  
22 there was a trial in my absence and I wasn't there  
23 when this occurred, so I can't say that I was.

24 THE COURT: This is my first time in Georgetown  
25 County. Is he part of the sheriff's department?

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1 UNIDENTIFIED: Yes, ma'am.

2 THE COURT: All right. Thank you. I did not  
3 see any insignia.

4 MR. MYERS: Your Honor --

5 THE COURT: All right. Mr. Myers, I'm going to  
6 explain this one more time because you evidently did  
7 not hear me.

8 MR. MYERS: Okay.

9 THE COURT: I am attempting to ask questions --

10 MR. MYERS: Right.

11 THE COURT: -- and so if you will wait for me to  
12 ask you a question.

13 I'm going to give you time to speak with me at  
14 the end, but it is important for me to do this in a  
15 particular order so that you are -- the record is  
16 clear and that your rights are protected. Would you  
17 like for me to do it in my order, or do you just need  
18 to just speak?

19 MR. MYERS: No. I understand exactly what  
20 you're saying, but I just have one question before we  
21 get started with these proceedings.

22 THE COURT: Well, Mr. Myers, I'm trying to make  
23 sure that I understand who you are, because if you're  
24 not the person that was tried --

25 MR. MYERS: Right.

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1 THE COURT: -- then perhaps you do not even need  
2 to be here. So I'm just trying to make sure that we  
3 have the correct person here today.

4 MR. MYERS: All right, Your Honor.

5 THE COURT: All right. So you're -- you are  
6 indicating to me that on your birth certificate your  
7 name is spelled differently from what is contained on  
8 the indictment? Is that what you're trying --

9 MR. MYERS: I'm indicating --

10 THE COURT: -- to indicate to me?

11 MR. MYERS: I'm indicating to you that the  
12 name's a legal fiction that I'm on that the Court  
13 has -- the State has me under. However, I spelled my  
14 name --

15 THE COURT: I don't know what legal fiction  
16 means, sir.

17 Mr. Myers, I'm just trying to get to the bottom  
18 of this, because I certainly do not want you to be  
19 here if you are not supposed to be here. Okay?

20 So tell me why you are in the department of  
21 corrections. Perhaps we can do it that way.

22 MR. MYERS: Because I was falsely arrested.

23 THE COURT: For?

24 MR. MYERS: For these criminal charges that's  
25 brought upon me.

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1 THE COURT: All right. And would that be the  
2 failure to stop for the blue light?

3 MR. MYERS: [No response]

4 THE COURT: What's he here for, Mr. Thomas?

5 MR. THOMAS: Your Honor, his conviction was for  
6 possession with intent to distribute crack cocaine --  
7 I'm sorry, not -- his conviction was for failure to  
8 stop for a blue light --

9 [Off the record momentarily]

10 THE COURT: Mr. Thomas?

11 MR. THOMAS: His conviction was for failure to  
12 stop for a blue light, possession with intent to  
13 distribute crack cocaine, and simple possession of  
14 marijuana, those three charges.

15 THE COURT: Mr. Thomas, is there any concerns  
16 that the Mr. Myers standing here today is the  
17 Mr. Myers that these charges --

18 MR. THOMAS: Comparing the department of  
19 corrections' records with the sentencing sheet and the  
20 indictment and everything I have, Your Honor, I have  
21 no doubt that he is, in fact, the person that is  
22 incarcerated for these crimes.

23 THE COURT: All right. Mr. Truslow: was he the  
24 one that represented Mr. Myers?

25 MR. THOMAS: Your Honor, I believe he

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1 represented him on the sentencing hearing that  
2 occurred. The actual representation at trial was by  
3 Michael Hursey, H-U-R-S-E-Y. He was actually  
4 disbarred in 2011, so he is not a licensed --

5 THE COURT: I was just wondering because if  
6 Mr. Truslow was present, then he could at least  
7 clarify for the Court that this is, in fact, the  
8 Mr. Myers that was involved in this case.

9 MR. THOMAS: I think he may have left already,  
10 Your Honor. I apologize.

11 THE COURT: Do you have his cell phone number?

12 MR. THOMAS: I can track him down, yes, ma'am.

13 THE COURT: All right. Mr. Myers, I'm  
14 attempting to make sure that you're the Mr. Myers  
15 that's involved in this case. All right? Do you  
16 remember being arrested for these charges?

17 MR. MYERS: Yes, Your Honor, I was arrested.

18 THE COURT: And you were set for trial and you  
19 were not there for trial, or you left during the  
20 middle, or something else?

21 MR. MYERS: What happened -- what happened was I  
22 wasn't properly informed that I was having a trial  
23 that day. My lawyer, Michael T. Hursey, he didn't  
24 told me that I would be having a trial that day but he  
25 did inform me that it would be a plea bargain, that I

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1 didn't have to appear that day in court.

2 THE COURT: And so you failed to show up because  
3 you were not informed; is that correct?

4 MR. MYERS: By Michael T. Hursey. I didn't show  
5 up because he didn't inform me. My lawyer, he didn't  
6 inform me that I had to be in court that day. That's  
7 correct.

8 THE COURT: And then a trial was held in your  
9 absence?

10 MR. MYERS: That's my understanding, yes.

11 THE COURT: And then you were convicted?

12 MR. MYERS: Yes.

13 THE COURT: Picked up on a bench warrant?

14 MR. MYERS: Picked up on a bench warrant? Yes.

15 THE COURT: And then a sentence was read out by  
16 a circuit judge --

17 MR. MYERS: A sealed --

18 THE COURT: -- that was on a -- in an envelope.  
19 Is that what happened?

20 MR. MYERS: Correct. That's right.

21 THE COURT: All right. And so then you're here  
22 to -- you filed an application for post conviction  
23 relief because you didn't know about your trial? Is  
24 that -- am I --

25 MR. MYERS: Yes.

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1 THE COURT: Am I following so far?

2 MR. MYERS: Correct.

3 THE COURT: Is that about what happened,  
4 Mr. Thomas?

5 MR. THOMAS: That's -- you're exactly right,  
6 Your Honor.

7 THE COURT: Correct. Thank you.

8 MR. MYERS: Your Honor --

9 THE COURT: All right. Mr. Myers, I'm really --  
10 I'm really -- I promise you I am going to let you  
11 speak to me. I just have got to do a certain number  
12 of things before we proceed any further. All right?

13 Tell me why you don't have an attorney.

14 MR. MYERS: Because I have members of my society  
15 that's going to help me, assist me, on this -- on  
16 these proceedings today.

17 THE COURT: Well, they're not allowed to  
18 practice law. And, as a matter of fact, I'm going to  
19 instruct the sheriff of Georgetown County to  
20 investigate the unauthorized practice of law by anyone  
21 who has filed any papers on your behalf that does not  
22 have a bar license. And that will be accomplished  
23 today. And I'm also going to instruct the clerk of  
24 court not to accept any papers on your behalf by  
25 anyone who is not a licensed attorney.

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1 Mr. Myers, do you wish to have an attorney  
2 present here today?

3 MR. MYERS: Your Honor, judicial cannon 3 says  
4 otherwise no -- judicial cannon 3 says: judge shall  
5 accord to every person who has a legal interest in  
6 these -- in this proceeding.

7 This is my -- this is members of my society.

8 THE COURT: They are present and they -- but  
9 they cannot represent you. It is against the law of  
10 the State of South Carolina for someone to engage in  
11 the unauthorized practice of law. I am attempting to  
12 protect your interest, as well as the interest of  
13 society. I am allowing your individual society  
14 members to be present, to be support for you, but I  
15 cannot allow a felony to be committed in my presence.  
16 All right.

17 MR. MYERS: So --

18 THE COURT: Do you wish to have an attorney  
19 present here today, a licensed attorney in the state  
20 of South Carolina?

21 MR. MYERS: I wish to have my members of my --  
22 members of my society. I would wish -- I would wish  
23 for them to help me during these proceedings.

24 THE COURT: All right. I am not going to allow  
25 that to happen. Now, Mr. Myers, do you wish for me to

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1           appoint an attorney for you? Or do you wish to  
2           proceed here today without an attorney?

3           MR. MYERS: One more thing, Your Honor.

4           THE COURT: I need you to answer my question.

5           MR. MYERS: I'll represent -- I'll represent --  
6           I'll be representing myself.

7           THE COURT: All right. And, Mr. Thomas, has  
8           there been any discussion about -- in prior hearings  
9           about having an attorney appointed or represented?

10          MR. THOMAS: He actually had an attorney, who I  
11          believe he retained initially. She filed this action.  
12          When we were here in June before Judge James, he made  
13          a motion to relieve her as counsel. Judge James  
14          granted that motion and an order relieving her was  
15          issued on April 29th of 2014. This is the first time  
16          this has been in court since then. So he has  
17          voluntarily waived his right to an attorney at this  
18          point.

19          THE COURT: All right. Mr. Myers, before we go  
20          any further, I'm going to ask you one more time. I  
21          just need to know. You are prepared here today to  
22          represent yourself?

23          MR. MYERS: Yes, I am.

24          THE COURT: All right. Thank you.

25          All right. So what are we doing here today,

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1 Mr. Thomas?

2 MR. THOMAS: Your Honor, I've only noticed this  
3 as a motion to dismiss based on the fugitive  
4 disentitlement doctrine, which I've already stepped  
5 through. That is the only thing we are here for  
6 today, Your Honor.

7 THE COURT: All right. Mr. Myers, what is your  
8 position as to Mr. Thomas, who is here on behalf of  
9 the State of South Carolina, his motion to dismiss?

10 MR. MYERS: Can you repeat that one more time,  
11 Your Honor.

12 THE COURT: What is your position, what would  
13 you like to tell me, about his motion to dismiss? We  
14 are not here necessarily on the merits of this case.  
15 We are only here as to Mr. Thomas' motion to dismiss  
16 your application.

17 MR. MYERS: Only that this -- as far as  
18 supporting -- as far as supporting my evidence that  
19 the reason why I should be here and how -- how my  
20 rights were violated during these proceedings.

21 THE COURT: Tell me how, sir.

22 MR. MYERS: Ineffective counseling. Ineffective  
23 counsel of Michael T. Hursey, being that the fact that  
24 if it wasn't because of Michael T. Hursey that didn't  
25 inform me to be to trial that day, I would have been

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1 here and we wouldn't -- we wouldn't have to go through  
2 these issues here right now. But being that Michael  
3 T. Hursey didn't inform me that I had a trial on this  
4 date of December the 5th, 2002, this is the outcome,  
5 me being -- me being incarcerated today. And so I'm  
6 defending my -- I'm defending my rights.

7 THE COURT: All right. You may have a seat.  
8 Thank you.

9 [Whereupon, Mr. Myers complies]

10 THE COURT: Mr. Thomas, your response to that?

11 MR. THOMAS: I believe I've sufficiently stated  
12 my position on the motion on the record, Your Honor.  
13 But I would have one other matter at the appropriate  
14 time.

15 THE COURT: I'll be happy to hear.

16 MR. THOMAS: Your Honor, I was just handed this  
17 morning -- and I apologize for not giving you more  
18 notice of this. But based on your previous order to  
19 the clerk of court not to accept anymore filings not  
20 signed by Mr. Myers, I received a copy this morning of  
21 a request for PCR discovery which was filed August  
22 21st, 2014, and a notice of special appearance which  
23 was filed on August 27th, 2014. Neither of them are  
24 signed by him. I would just ask that these be  
25 stricken and that any other filings that may have been

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1 made and not signed by him be stricken.

2 THE COURT: Who are they signed by?

3 MR. THOMAS: May I approach, Your Honor?

4 THE COURT: If you'll just tell me. Are they  
5 signed --

6 MR. THOMAS: They are -- they are signed by  
7 Loushonda Myers as private attorney in fact.

8 THE COURT: And based upon your review and our  
9 colloquy here today with Ms. Myers, do you believe  
10 that she is licensed to practice law in the state of  
11 South Carolina?

12 MR. THOMAS: Your Honor, I actually -- I did  
13 have her -- at some previous point, I believe she has  
14 also signed something else that I've received a copy  
15 of. I looked her up on the bar website at that time.  
16 There is no attorney by that name.

17 THE COURT: And she has indicated to the Court  
18 today that she is not a member of the South Carolina  
19 bar. Pursuant to Section 45-3-10, practicing law or  
20 soliciting legal cause of another without being  
21 enrolled as a member of the South Carolina bar, which  
22 states: no person may either practice law or solicit  
23 the legal cause of another person or entity in this  
24 state unless he is enrolled as a member of the South  
25 Carolina bar pursuant to applicable court rules or

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1 otherwise authorized to perform prescribed legal  
2 activities by action of the Supreme Court of South  
3 Carolina. This type of conduct that is subject of any  
4 charged filed pursuant to this section must have been  
5 defined as the unauthorized practice of law by the  
6 South Carolina Supreme Court -- or, excuse me -- the  
7 Supreme Court of South Carolina prior to any charge  
8 being filed. A person who violates this section is  
9 guilty of a felony and upon conviction must be fined  
10 not more than \$5,000, or imprisoned not more than five  
11 years, or both.

12 As such, I will also be referring this matter to  
13 the Office of Disciplinary Counsel and to the Supreme  
14 Court of the State of South Carolina. But while the  
15 matter is pending, I will strike any -- all actions  
16 that have been signed or filed by anyone -- not Mr.  
17 Myers, who is representing himself, or anyone that has  
18 indicated to the Court that they are a member of the  
19 South Carolina bar. I cannot find any number or any  
20 pro hac vice application or anything giving Ms. Myers  
21 the authorization by the Supreme Court of South  
22 Carolina to practice law and, as such, I will strike  
23 and order, until otherwise noticed by the Supreme  
24 Court, that there is to be no other filings accepted  
25 by the clerk here in Georgetown County.

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Anything further, Mr. Thomas?

MR. THOMAS: Nothing else from the State, Your Honor.

THE COURT: And anything further, Mr. Myers?

MR. MYERS: Yes, Your Honor.

THE COURT: Yes?

MR. MYERS: One quick question.

THE BAILIFF: Stand up, please.

THE COURT: Thank you.

[Whereupon, Mr. Myers complies]

MR. MYERS: In NAACP v. Button: members of groups who are competent non-lawyers can assist other members of the group achieve the goal of the group in court without being charged with unauthorized practice of law.

THE COURT: All right. Sir, I appreciate that. And if you would like to hand that to the deputy, I'll be more than happy to take a look at that. However, pursuant to my judicial canon and my reading of this statute, I must report any unauthorized practice of law. So thank you very much.

Anything further, Mr. Myers?

MR. MYERS: Are we on the record right now, Your Honor?

THE COURT: We have been on the record since we

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1 began. That's why it's so important that you let me  
2 do what I need to do, and that I let you do what you  
3 need to do, so that it is accurately and thoroughly  
4 preserved for the record.

5 Anything further, Mr. Myers?

6 MR. MYERS: Not right now, Your Honor.

7 THE COURT: All right. I'm going to mark what  
8 you handed me as Court's Exhibit Number 1. It will be  
9 made part of the record. All right?

10 [Whereupon, Court's Exhibit Number 1 is marked  
11 by the court reporter]

12 THE COURT: All right. I'm going to take this  
13 matter, the motion to dismiss, under advisement.

14 Mr. Thomas, I would like a proposed order by  
15 both of you. I will expect a proposed order from you  
16 within ten days of today's date. Mr. Thomas and  
17 Mr. Myers, within ten days of today's date. You must  
18 provide a copy to Mr. Thomas of the proposed order,  
19 and Mr. Thomas will provide a copy of his proposed  
20 order to you, before submission to the Court.

21 You will have my ruling within ten days after  
22 submission to the -- of your proposed orders.

23 Mr. Myers, good luck to you. Thank you.

24 [HEARING CONCLUDES AT 12:01 P.M.]

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C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the hearing held before the Honorable Kristi L. Harrington, on August 28, 2014.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 18th day of November, 2014.

*Mia Perron*

Mia Perron, CVR-CM-M  
Circuit Court Reporter  
9th Judicial Circuit

1 State of South Carolina ) Court of Common Pleas  
 2 County of Georgetown ) 2012-CP-22-01132

3  
 4 State of South Carolina )  
 5 vs. ) Transcript of Record  
 6 Loushonda Myers )

7  
 8  
 9 September 26, 2014  
 10 Georgetown, South Carolina

11 BEFORE:  
 12 Honorable Kristi Lea Harrington, Judge.

13 APPEARANCES:  
 14 Allen Myrick, Esq.  
 15 Attorneys for the State  
 16  
 17 Ronald Hazzard, Esq.  
 18 Attorney for the Defendant

**ORIGINAL**

19  
 20  
 21 Teresa J. F. Bautz, RPR  
 22 Official Court Reporter  
 23  
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 25

E X H I B I T S

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NO.	DESCRIPTION	ID	EV
Court's-1	Appeal filed 12:30	13	--
Court's-2	Appeal filed 12:33	13	--

Exhibits retained by Clerk of Court.

1 (The hearing commenced at approximately  
2 10:19 a.m.)

3 THE COURT: Thank you be seated. Mr. Myrick, are  
4 you ready?

5 MR. MYRICK: Yes, ma'am, Your Honor.

6 THE COURT: Mrs. Myers? Ma'am, you may come  
7 forward. Ms. Myers, let me know when you're ready.

8 THE DEFENDANT: Just one moment, ma'am.

9 THE COURT: Take all the time you need. I  
10 apologize, I was coming in from Charleston and there  
11 was quite a bit of traffic. So take all the time you  
12 need.

13 THE DEFENDANT: I'm ready.

14 THE COURT: Are you ready?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: All right. If you'll state your name  
17 for the record and the party you represent.

18 MR. MYRICK: Yes, Your Honor. My name is Allen  
19 Myrick, I'm here for the Attorney General. And if it  
20 please the Court, the State moved for this hearing  
21 today. As the Court is well aware, on a PCR term  
22 beginning August 25th, Ms. Myers filed some documents  
23 on behalf of someone whom I believe is her brother,  
24 Dameon Myers, pursuant to PCR 2012-CP-22-1132.

25 And the Court at that time ordered Ms. Myers to

1 cease and desist from such filings. It's my  
2 understanding and I believe the clerk to your left,  
3 Your Honor, has copies as well, that subsequent to the  
4 Court's order from the bench on September 9th,  
5 Ms. Myers filed at least two documents with the clerk  
6 of the court in violation of Your Honor's order. And  
7 we are moving that she be held in contempt, Your Honor,  
8 pursuant to 14-5-320 of the South Carolina code and in  
9 accordance with 17-25-30 as the sentencing statute,  
10 Your Honor.

11 THE COURT: All right. Ms. Myers, are you  
12 Loushonda Myers?

13 THE DEFENDANT: I am Loushonda Myers, the natural  
14 woman Loushonda Myers. First of all, I would like to  
15 start by objecting to everything that Mr. Allen here  
16 has said.

17 THE COURT: I'm going to give you all the time.  
18 What I just need to do is I have a -- and you may  
19 remember, you were here for the PCR term; right?

20 THE DEFENDANT: Yes, I was.

21 THE COURT: I have just a natural order of doing  
22 things so that the record is clear. This is my court  
23 reporter, she's writing down everything that I say,  
24 also everything that is said in the courtroom so that  
25 we have a copy of the proceedings.

1 THE DEFENDANT: Okay.

2 THE COURT: So before I allow you to speak, I just  
3 want to make sure you are who is the party that's  
4 involved in this case. So are you Loushonda Myers?

5 THE DEFENDANT: I am the natural woman Loushonda  
6 Myers.

7 THE COURT: All right. And that is the name that  
8 you go by; is that correct?

9 THE DEFENDANT: Yes, the natural woman Loushonda  
10 Myers.

11 THE COURT: And Ms. Myers, you were present when I  
12 indicated to you that you were to not file any more  
13 documents on behalf of anyone else?

14 THE DEFENDANT: That was -- I need to object  
15 there, because I was present in the Court. However, I  
16 do -- if I was able to file my papers when I went to  
17 the clerk of court's office on the 19th on my behalf,  
18 you would have had a record there in front of you, to  
19 show that, from my understanding, and not only mine by  
20 also the witnesses that were present in the Court that  
21 day that could not be here because of such short  
22 notice, from my understanding and from what I heard on  
23 the bench, I was told not to file anything else in a  
24 matter relating to his PCR case.

25 THE COURT: All right. Do you recall me reading

1 to you the statute that applied to the unauthorized  
2 practice of law and why you could not file any  
3 documents on anyone else's behalf but your own?

4 THE DEFENDANT: I did not hear anyone else's  
5 behalf. And that's the point that I'm trying to make  
6 here today is that I did not intentionally, willingly  
7 or knowingly disobey a direct order.

8 THE COURT: Ms. Myers, were you present when I  
9 read that statute to you, was that you?

10 THE DEFENDANT: I was present when you read the  
11 statute. However, at the same time you were saying  
12 that you were going to be forwarding the situation to  
13 the attorney general's office. And I'm not sure if you  
14 are aware, but on -- let me find my paper here.

15 THE COURT: Ms. Myers?

16 THE DEFENDANT: September 20th --

17 THE COURT: Hold on one second. You have the  
18 right to have an attorney. You understand you are  
19 facing direct contempt, and I can sentence you up to  
20 one year in the Department of Corrections for violating  
21 my court order.

22 THE DEFENDANT: Yeah, well --

23 THE COURT: Ma'am?

24 THE DEFENDANT: Go ahead. Sorry.

25 THE COURT: Do you understand that you have the

1 right to have counsel present, you are facing up to one  
2 year in the Department of Corrections for violating the  
3 Court's order?

4 THE DEFENDANT: No, ma'am, I don't understand  
5 that.

6 THE COURT: All right.

7 THE DEFENDANT: I don't even understand the nature  
8 and the cause of this. I don't even know whether this  
9 is civil or criminal. That's why I was trying to get  
10 the papers filed and the clerk of office on the 19th of  
11 September, so I can have an understanding of how I best  
12 need to protect myself.

13 Is this matter civil or criminal?

14 THE COURT: Ma'am, you have the right to have an  
15 attorney present. Do you wish to have an attorney  
16 present to represent you here today, or do you wish to  
17 go forward on your own?

18 THE DEFENDANT: I would like to be tried by a  
19 jury. Is this civil or criminal?

20 THE COURT: All right. Ma'am, my question to you  
21 is do you wish to have an attorney present with you  
22 here today?

23 THE DEFENDANT: I need -- I need some information  
24 so I can make a decision. I need to know whether this  
25 is a civil matter or a criminal matter. I don't have

1 that information before me.

2 THE COURT: Ms. Myers, it's a simple question. Do  
3 you need counsel here today?

4 THE DEFENDANT: I may need counsel depending on  
5 whether it's a civil or criminal matter. I don't know.  
6 I don't know whether or not this is civil or criminal.

7 THE COURT: Ms. Myers, it is not this Court's role  
8 to give you legal advice.

9 THE DEFENDANT: That's not legal advice. This has  
10 been filed in the circuit court. Anything that you're  
11 served with is supposed to be able to inform you of the  
12 nature and the cause of the allegations against you. I  
13 need to know whether or not it's civil or criminal, so  
14 I can know whether to go out and get a civil or  
15 criminal attorney.

16 I don't know what to do at this moment because I'm  
17 unaware of the nature and cause of the allegations  
18 being brought against me. And I also want to bring it  
19 to your knowledge that on September 20th I did file a  
20 complaint regarding this matter to the Commission on  
21 Lawyer Conduct.

22 THE COURT: All right.

23 (Discussion off the record.)

24 THE COURT: Ms. White, do you have a copy of the  
25 documents that she's attempted to file?

1 MS. WHITE: You know, my staff informed me that  
2 those documents, and that's what we are going  
3 to communicate to you --

4 THE COURT: I'm not concerned about the documents  
5 in her file. She has the right to file on her own  
6 behalf in her own file. But where are the documents  
7 that she's attempted to file after my order?

8 CLERK OF COURT: She filed two documents after  
9 your order.

10 MR. MYRICK: Your Honor, I have copies.

11 THE COURT: You may approach with those.

12 MR. MYRICK: These are my only copies, Your Honor.  
13 I believe Ms. Lucinda has one in her file as well, but  
14 these were actually filed involving Dameon Myers.

15 THE COURT: They were filed?

16 MR. MYRICK: Yes, ma'am. You can see they are  
17 stamped by the Court.

18 THE COURT: Okay. So I have a copy of a notice of  
19 appeal filed September 9th, 2014 in the matter of  
20 Dameon Myers versus State of South Carolina. And that  
21 is filed, signed by Loushonda Myers, attorney in fact.  
22 Is this your signature, did you file this, Ms. Myers?

23 THE DEFENDANT: On September 9th I was in the  
24 clerk of court's office and I -- I need to let you see  
25 a copy of this because this is something that was filed

1 on May 29th of 2013. And that was something  
2 specifically relating to me. And solicitor Alicia  
3 Richardson called me personally at work because of this  
4 matter, because it was something that I filed on my  
5 behalf.

6 And if I can please let you see a copy of this,  
7 this is totally separate from anything else. This was  
8 a totally different situation.

9 THE COURT: My order was on -- I stated my order  
10 from the bench that you were not to file anything  
11 August 27th, 2014. So I'm not concerned about anything  
12 that happened before that. I have -- that is not my  
13 jurisdiction, all right. My order directly related to  
14 anything filed after August 27th of this year.

15 So my question is --

16 THE DEFENDANT: The order is inaccurate because I  
17 wasn't in court on the 27th.

18 THE COURT: Okay. My question to you is, did you  
19 file a notice of appeal in the Dameon Myers versus  
20 State of South Carolina on September 9th of 2014?

21 THE DEFENDANT: To that question I am going to  
22 invoke my Fifth and Eleventh Amendment rights. And as  
23 I stated before, Ms. Harrington, I have filed a  
24 complaint with the Commission on Judicial Conduct as  
25 well as other departments and agencies regarding you

1 and Mr. Allen Myrick. Because the papers that I have  
2 been presented that were forced upon me states that --  
3 it says in the paperwork that he filed --

4 THE COURT: All right, Ms. Myers, Ms. Myers, I  
5 appreciate you and thank you for telling me that.  
6 However...

7 THE DEFENDANT: Are we supposed to be proceeding,  
8 because I'm not really understanding if we're  
9 proceeding in the matter or not.

10 THE COURT: Ms. Myers?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: I am trying to be as respectful to you  
13 as I can. I am attempting to give you every benefit of  
14 the doubt. There are numerous files that I have been  
15 given that you have been involved in. So I am  
16 attempting to give you every benefit of the doubt and  
17 make the record as clear for you so that I understand  
18 what you have been doing. Do you understand?

19 THE DEFENDANT: Yes.

20 THE COURT: But when you interrupt me, not only is  
21 it rude, all right, but it does not allow me to go  
22 through these files to your benefit. Do you  
23 understand?

24 THE DEFENDANT: So do I just need to let you go  
25 through the file?

1 THE COURT: Ms. Myers, if I have a question or  
2 need your input, I will let you know. Thank you, you  
3 may have a seat.

4 THE DEFENDANT: All right.

5 THE COURT: Mr. Myrick, I'll be happy to hear from  
6 you.

7 MR. MYRICK: Yes, ma'am. Since Ms. Myers has  
8 claimed her privilege against self-incrimination, if it  
9 would assist the Court in proceeding, I think we could  
10 proffer the testimony of a member of Ms. White's staff  
11 who can testify under oath, or the Court can conduct  
12 its own inquiry if it likes, that it's a fact that Ms.  
13 Myers brought those two documents which I've handed up  
14 to the Court into her office for filing, and they were  
15 filed subsequent to the Court's order.

16 THE COURT: All right.

17 MR. MYRICK: And for purposes of clarity, we might  
18 want to go ahead and mark those.

19 THE COURT: I'm going to mark them. Where are the  
20 originals; are they in the file?

21 CLERK OF COURT: Yes, ma'am.

22 THE COURT: And do you have a copy that we could  
23 marked for the record?

24 CLERK OF COURT: We can make copies.

25 THE COURT: So we're going to mark the notice of

1 appeal filed September 9th as Court's-1. And  
2 September 9th, actually these are two, they are both  
3 notices of appeal; is that your understanding,  
4 Mr. Myrick?

5 MR. MYRICK: Yes, ma'am, Your Honor.

6 THE COURT: I have a Dameon Myers. It appears  
7 that they are both the same case number, and they both  
8 indicate they are notices of appeal. Is that your  
9 understanding, Mr. Myrick?

10 MR. MYRICK: Yes, ma'am. I don't have them in  
11 front of me, but that's correct.

12 THE COURT: All right. So the one that is filed  
13 first, which would be at 12:30, will be Court's-1. And  
14 the one filed at 12:33 will be Court's-2, madam court  
15 reporter.

16 (WHEREUPON, Court's Exhibit Nos. 1 and 2 were  
17 marked for identification only.)

18 CLERK OF COURT: I'll go downstairs. You want  
19 somebody from the public defender's office?

20 THE COURT: Immediately, yes.

21 Ms. Myers, we just marked the two notices of  
22 appeal that you filed as Court's-1 and Court's-2. Do  
23 you need to see those, or is that -- I believe that's  
24 what you filed. So do you have a copy?

25 THE DEFENDANT: I would like to see those. But

1 also, I'm still trying to figure out whether or not --  
2 I'm still trying to figure out whether or not this is a  
3 civil or criminal proceeding. I haven't had an answer  
4 to that yet.

5 THE COURT: All right. Ms. Myers, you have  
6 indicated on the previous when we were here for the PCR  
7 for -- and let me just so that I am clear, I received  
8 different answers. Is Dameon Myers related to you?

9 THE DEFENDANT: Is he related to me?

10 THE COURT: Yes, ma'am.

11 THE DEFENDANT: Yes.

12 THE COURT: All right. What is the relation? I  
13 received information that he's your brother, he's your  
14 husband, he's your brother-in-law.

15 THE DEFENDANT: He is my brother-in-law.

16 THE COURT: All right. I just wanted the record  
17 to be clear so that I refer to him in the appropriate  
18 relationship.

19 THE DEFENDANT: All right.

20 THE COURT: It was not a trick question or  
21 anything of that nature. I noticed you hesitated. I  
22 just wanted to be as courteous to you as I could. Ms.  
23 Myers, I am calling the public defender, and I'm going  
24 to have the public -- Ms. Myers, I'm going to appoint a  
25 public defender to speak with you before we go any

1 further; all right?

2 THE DEFENDANT: May I ask, because I'm still -- if  
3 I can know whether or not this proceeding is civil or  
4 criminal, I will know how to proceed. I don't -- I  
5 haven't even had an opportunity to have witnesses here  
6 that were present on the 28th. And by your own  
7 admission and by the own admission of Mr. Myrick, I was  
8 not in court on the 27th of August, I was at work.

9 THE COURT: It was August 28, I stated the date  
10 incorrectly. For purposes of the record, that was a  
11 PCR term that comprised three in Georgetown. And I was  
12 in Horry County the 25th, 26th and 27th, and I was in  
13 Georgetown the 28th and 29th of August. It was a  
14 scrivener's error that I stated the 27th. It was  
15 actually the 28th of August.

16 So you would be correct, you were not here --  
17 well, I don't know, you were not in front of me on the  
18 27th, so you were correct. But you were in front of  
19 me, Dameon Myers was set on the 28th of August; is that  
20 correct, Mr. Myrick?

21 MR. MYRICK: Your Honor, in our memorandum in  
22 support of the rule to show cause, what the State said  
23 in its filing was that during the PCR term report  
24 beginning August 25th, which covers the entire week.

25 And if I may also, Your Honor, in order to reflect

1 the State's position on the record, the State takes the  
2 position that this contempt is criminal in nature.

3 Thank you, Your Honor.

4 THE COURT: Mr. Myrick, I'm always hesitant to  
5 give advice when I don't know that it is the  
6 appropriate advice due. But do believe that this is a  
7 direct contempt and it is criminal in nature. I also  
8 have the belief that I can sentence Ms. Myers up to six  
9 months in the Department of Corrections without a jury  
10 trial if I find beyond a reasonable doubt she has  
11 directly violated the order of this Court.

12 Or if I intend to sentence her more than six  
13 months up to one year, then she does become entitled to  
14 a jury trial. Is that your understanding, Mr. Myrick?

15 MR. MYRICK: Yes, ma'am, it is exactly.

16 THE COURT: All right. Ms. Myers, any questions  
17 about that?

18 THE DEFENDANT: Yes. I would like to have my  
19 lawful right to a jury trial.

20 THE COURT: All right. You are not entitled to a  
21 jury trial unless I believe that I'm going to sentence  
22 you more than six months. The law does not allow for  
23 one.

24 THE DEFENDANT: Okay. And I'm not entitled to any  
25 constitutional protections when I'm facing the criminal

1 charges?

2 THE COURT: You are entitled to all your  
3 constitutional rights. But the law does not allow me  
4 to give you a jury trial if I'm going to -- if I'm not  
5 going to sentence you more than six months.

6 THE DEFENDANT: Well, I'm going to be needing more  
7 time. I don't have any of my witnesses in place. It  
8 is my intention to call Mr. Myrick to the stand, being  
9 that he's the one that signed the pleadings submitted  
10 to Court. I need time to have my witnesses here. I  
11 don't -- I mean, I don't know what else to say. I  
12 don't even -- I wasn't even fully informed of the  
13 nature and cause of the allegations until a moment ago,  
14 which he just stated is criminal.

15 THE COURT: Counsel, state your name for the  
16 record.

17 MR. HAZZARD: Ronald Hazzard, public defender,  
18 Georgetown County.

19 THE COURT: All right. Mr. Hazzard, I am  
20 appointing you to advise Ms. Myers here today. The  
21 Attorney General's office, Mr. Myrick, has filed a rule  
22 to show cause. Ms. Myers was informed during the  
23 August 25th term of PCR's by this Court that she could  
24 not engage in the authorized practice of law, to wit,  
25 filing on anyone's behalf.

1           During that proceeding Ms. Myers informed the  
2 Court that she is not an attorney, not licensed in any  
3 state. I believe she indicated that she had Mr. Myers'  
4 power of attorney, which I indicated to her would not  
5 give her the right to file.

6           So not only did I instruct the Attorney General's  
7 office to investigate filing criminal charges on behalf  
8 of Ms. Myers, but I instructed her that she could file  
9 no pleadings in this Court on anyone else's behalf. I  
10 have two documents that have now become part of the  
11 Court's record, Court's-1 and Court's-2, that she filed  
12 on September 9th, two notices of appeal in Dameon  
13 Myers' case.

14           I instructed Ms. Myers at this point while we are  
15 in the hearing Mr. Hazzard is -- I've instructed her  
16 that I believe that based upon what I have been  
17 informed through the clerk's office and a copy of the  
18 filing in the record, that she has violated my court  
19 order twice, that I believe this is a direct contempt,  
20 criminal in nature, and she would not be entitled to a  
21 jury trial unless I am of the belief that I would  
22 sentence her from six months up to one year.

23           So Mr. Hazzard, I would like for you to speak with  
24 Ms. Myers. She has indicated that she just is  
25 uninformed of what is happening here today. I don't

1 know what else to do to tell her. This has been an  
2 ongoing issue prior to me being here in Georgetown  
3 County on the 28th and 29th of August. She is not only  
4 violating the Court's order, but she's running  
5 seriously afoul of a felony charge every time she files  
6 these. And that is my first order of business was to  
7 attempt to protect her from filing anything and running  
8 afoul of the law on the 28th.

9 But since she continues to violate Court's order  
10 and run afoul of the unauthorized practice of law  
11 statute, that is what has brought me here today. If  
12 you would just meet with Ms. Myers and let me know how  
13 and if she wishes to proceed today.

14 Mr. Hazzard, just at this point I am not inclined  
15 to sentence her more than six months, which would  
16 negate the need for a jury trial.

17 Ms. Myers, I have appointed now Mr. Hazzard to  
18 represent you.

19 THE DEFENDANT: I just wanted to bring one more  
20 thing to your attention --

21 THE COURT: Ms. Myers?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: I have appointed Mr. Hazzard to  
24 represent you. I think it is in your best interest at  
25 this point to speak with Mr. Hazzard. If you do not

1 wish to avail yourself of his services after you meet  
2 with him and you wish to continue to represent  
3 yourself, you have the constitutional right to do that.  
4 However, I am, again, attempting to benefit you and  
5 offer you some services in order to protect the record  
6 and to give you legal counsel and legal advice through  
7 the services of Mr. Hazzard. I have offered you that  
8 benefit. We'll be in recess. Thank you, Mr. Hazzard,  
9 let me know.

10 THE DEFENDANT: You look as if you've already made  
11 your decision, it's like --

12 THE COURT: Ms. Myers.

13 MR. HAZZARD: Your Honor, if I could have a moment  
14 to meet with the Attorney General.

15 THE COURT: Yes. If you need to look at the two  
16 Court's exhibits, I think Mr. Myrick does have a copy  
17 of both of those, and we'll be more than happy to make.  
18 I have all of the filings, and it's my understanding  
19 that, Mr. Hazzard, Judge Hyman for this very same issue  
20 held her in contempt and incarcerated her for, I  
21 believe, 24 to 48 hours.

22 THE DEFENDANT: That's inaccurate.

23 THE COURT: All right. Then you can tell Mr.  
24 Hazzard. That was the information I was given. Thank  
25 you. Counsel, I'll just be in chambers so when the two

1 of you have had an opportunity to meet and discuss,  
2 just let me know. Thank you. We'll be at ease.

3 (WHEREUPON, a brief recess was taken at  
4 11:54 a.m.)

5 THE COURT: Thank you, be seated. All right,  
6 Mr. Hazzard.

7 MR. HAZZARD: Thank you, Your Honor, may it please  
8 the Court. The Court has given me the opportunity to  
9 speak with opposing counsel, Mr. Myrick, as well as to  
10 speak with Ms. Loushonda Myers regarding this potential  
11 criminal contempt citation she is facing. I've had the  
12 opportunity to review the documentation and to speak  
13 with Ms. Myers at length.

14 At this point in speaking with Ms. Myers, I truly  
15 get the impression that she was not 100 percent clear  
16 regarding the distinction between her filing documents  
17 in the civil post conviction relief matter and with  
18 regard to another underlying general sessions matter.

19 Be that as it may, I have no doubt that the Court  
20 made its position abundantly clear during the hearing  
21 on August 28th of 2014. After speaking with Ms. Myers,  
22 it is my understanding she is not here to quibble or  
23 mince words or make fine points about it. We are here  
24 to ask the Court for forgiveness in a heartfelt  
25 fashion. We are hopeful that the Court in its

1 stricture will see fit to fashion a sanction that does  
2 not require immediate incarceration. And Ms. Myers  
3 indicates that she looks forward to abiding by the  
4 Court's order from this time forward.

5 THE COURT: All right. Please place Ms. Myers  
6 under oath.

7 LOUSHONDA MYERS, after being duly sworn, testified  
8 as follows:

9 THE COURT: Would you please state your full name  
10 for the record, and please spell your last name.

11 THE DEFENDANT: Loushonda Myers.

12 THE COURT: And spell your last name.

13 THE DEFENDANT: M-Y-E-R-S.

14 THE COURT: Ms. Myers, we are here on the  
15 contested matter of which I am abundantly clear and  
16 almost a hundred percent positive, I do not have a copy  
17 of the transcript, that I read the statute to you about  
18 unauthorized practice of law, and I made it abundantly  
19 clear what you should do and not do and why you should  
20 not do it.

21 Is there anything you wish to tell me before I  
22 impose sentence in regards to your direct contempt of  
23 my order ordering you not to file on August 28th of  
24 this year?

25 THE DEFENDANT: Just that I apologize and I did

1 not fully understand, I apologize.

2 THE COURT: Ms. Myers, do you understand when you  
3 are filing legal documents -- Mr. Hazzard, where did  
4 you go to law school?

5 MR. HAZZARD: University of South Carolina, School  
6 of Law.

7 THE COURT: And how long did it take you to get  
8 through law school?

9 MR. HAZZARD: Three years, Your Honor.

10 THE COURT: And you've been practicing how long?

11 MR. HAZZARD: Since 1988, Your Honor.

12 THE COURT: And how many hours of continuing legal  
13 education are you required to do each year?

14 MR. HAZZARD: 14 or 15 each year, Your Honor.

15 THE COURT: All right. Ms. Myers, it is a  
16 practice of law, it is a profession. I am not saying  
17 that you are not smart enough to practice law, but  
18 there are fine points of practicing law and rules and  
19 statutes that you must follow. And when you violate a  
20 Court's order and when you continue to practice law --  
21 and that is what you were doing, you were attempting to  
22 give legal advice to individuals who are in desperate  
23 need of legal advice. Even today, did you find Mr.  
24 Hazzard of benefit to you?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Were you thankful that he was here to  
2 answer questions about the law for you?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And so do you understand the benefit  
5 of having an attorney, someone who is educated in the  
6 law?

7 THE DEFENDANT: Yes, I do.

8 THE COURT: Do you understand how detrimental what  
9 you are doing in filing documents on behalf of others  
10 and you do not have the training and the knowledge of  
11 the law, do you understand how detrimental that is not  
12 only to the individual that you claim to be  
13 representing but to the court process itself?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you see how much smoother this is  
16 going with Mr. Hazzard here?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you understand why there are  
19 certain rules that need to be followed in this  
20 courtroom?

21 THE DEFENDANT: Yes, ma'am, I do.

22 THE COURT: Tell me, explain that to me.

23 THE DEFENDANT: I understand that I need to have a  
24 license to practice law and that I shouldn't be filing  
25 anything on anyone's behalf.

1 THE COURT: All right. And do I need to break  
2 that down for you, or is filing anything on anyone's  
3 behalf sufficient enough at this point?

4 THE DEFENDANT: After consulting with Mr. Hazzard,  
5 now I understand.

6 MR. HAZZARD: And Your Honor, if the Court will  
7 allow me, what I've explained to Ms. Myers is that, as  
8 the Court knows, if Ms. Myers is personally a party to  
9 an action, she obviously has the constitutional right.  
10 But with regard to anyone else's action in any court in  
11 the state of South Carolina, I've explained to her she  
12 is not to file any document with any court in anyone  
13 else's action in any county in this state. That is the  
14 broadness with which I explained it.

15 THE COURT: Do you understand that, Ms. Myers?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: I think the simpler way is you  
18 shouldn't file anything that doesn't have your name on  
19 it, in any case that doesn't have your name on it.

20 THE DEFENDANT: Okay.

21 THE COURT: Is that easier for you to understand?

22 THE DEFENDANT: Yes. Yes, it is.

23 THE COURT: Ms. Myers, do you understand the time  
24 that people have put into this to come here today to  
25 clarify this for you?

1 THE DEFENDANT: Yes, ma'am, I understand. And I  
2 do apologize. I am sorry for that.

3 THE COURT: Mr. Hazzard has shared with me that  
4 you have a full-time job at Wells Fargo; is that  
5 correct?

6 THE DEFENDANT: That is correct.

7 THE COURT: And what do you do there?

8 THE DEFENDANT: I'm a teller.

9 THE COURT: All right. Ms. Myers, I say this  
10 sometimes when people indicate to me that they want to  
11 represent themselves. How long have you been a teller?

12 THE DEFENDANT: A little over a year.

13 THE COURT: All right. And they trained you how  
14 to count money and to make certain transactions, and  
15 assuming you're at the drive through or at the window?

16 THE DEFENDANT: Both.

17 THE COURT: All right. And you went through some  
18 training to do that?

19 THE DEFENDANT: Yes, I did.

20 THE COURT: All right. Ms. Myers, I can count my  
21 money, but I certainly would never walk into the bank  
22 and say, let me be a teller. I do not have the  
23 training and the experience.

24 THE DEFENDANT: Yes.

25 THE COURT: Ms. Myers, the simple thing for me to

1 do is to place you in custody for six months; do you  
2 understand?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And Mr. Hazzard has shared with me  
5 that you have a full-time job, you have been there for  
6 a substantial amount of time. I understand as in most  
7 places in South Carolina that jobs are especially  
8 difficult to come by in Georgetown; is that correct?

9 THE DEFENDANT: That is true.

10 THE COURT: Why do you continue -- why would you  
11 want to put that job at risk by continuing to violate a  
12 Court's order?

13 THE DEFENDANT: I would never intentionally put my  
14 job at risk.

15 THE COURT: And you have three children, I  
16 understand?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: And where are they today?

19 THE DEFENDANT: In school.

20 THE COURT: All right. And so I'm assuming that  
21 it would be a hardship for you if you were placed in  
22 custody for six months.

23 THE DEFENDANT: It would, yes, ma'am, it would.

24 THE COURT: On your children.

25 THE DEFENDANT: Yes.

1 THE COURT: Who would take care of your children  
2 if you were in custody for six months?

3 THE DEFENDANT: I don't know. Probably my mother.

4 THE COURT: All right. And you understand that by  
5 continuing to engage in the actions in which you were  
6 engaged in prior to today, that you were putting your  
7 child's welfare at risk as well, your children's  
8 welfare; do you understand?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: That if you're in the Department of  
11 Corrections, you do not get to take those children with  
12 you.

13 THE DEFENDANT: Yes, I understand.

14 THE COURT: So do you understand the seriousness  
15 of what we're doing here today?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Is there any question in your mind  
18 what you can and cannot do?

19 THE DEFENDANT: No, no, there's not.

20 THE COURT: Mr. Hazzard, is there any question in  
21 your mind that she does not or are you positive she  
22 understands? Because prior to me appointing you to  
23 represent her, we had a circular reasoning going on,  
24 some arguments with which I could not follow.

25 And it was kind of hide the ball and mincing

1 words, and I do not entertain that type of argument.  
2 Are you clear that she is clear on what this means here  
3 today?

4 MR. HAZZARD: Your Honor, based on the  
5 conversation that -- conversations that I've had with  
6 Ms. Myers, that based on the time the Court has given  
7 which has been extensive, we've had all the time that  
8 we have needed thanks to the Court, I have no doubt  
9 that she understands completely and fully that she is  
10 not to file any documents or engage in the practice of  
11 law or anything perceived or could be perceived as the  
12 practice of law, representing anyone else in any action  
13 in any court in the state.

14 That is as simple as I can put it. We've  
15 discussed it in that fashion and I have no doubt that  
16 she understands it. And as I said, based on our  
17 discussion, I have no doubt that she intends to comply.

18 THE COURT: Mr. Myrick, anything further on behalf  
19 of the State before I impose my sentence?

20 MR. MYRICK: No, Your Honor.

21 THE COURT: Ms. Myers, I do find that you are in  
22 direct contempt of the Court's order, that said direct  
23 contempt simply involves conduct occurring in the  
24 presence of the Court. And while you did not directly  
25 file your documents in front of me, there is a very

1 liberal construction of what in the Court's presence  
2 means.

3       The clerk of court by its very nature is an arm of  
4 this Court, and in order for the process to begin, it  
5 is vital that they accept documents and filings. So I  
6 consider that the presence of the Court does extend to  
7 the clerk of court's office. Do you understand what I  
8 mean by that?

9       THE DEFENDANT: Yes.

10       THE COURT: I do not have to be physically present  
11 in the clerk's office, but that is a part of the Court.  
12 So what occurs in the clerk's office by its nature  
13 occurs in this courtroom; do you understand?

14       THE DEFENDANT: Yes.

15       THE COURT: So your behavior in the clerk's office  
16 is what has found you here today, that your conduct is  
17 criminal. And why I find that it's to be criminal is  
18 it's necessary for me to preserve my authority as the  
19 Court and to punish for the disobedience of the orders  
20 that I have given.

21       I'm taking into consideration the fact that I did  
22 not prepare a formal order and serve you. Your  
23 attorney has indicated to me that you were unclear as  
24 to what has now been marked as Court's-1 and 2 that you  
25 should not have filed that. I find that hard to

1 believe that you did not understand what I meant when I  
2 indicated to you, you could file nothing further on  
3 anyone's behalf.

4       So it's the order of the Court, I do find that you  
5 are in direct contempt by your continued filing of  
6 legal documents on others' behalves. You have  
7 indicated today as well as on August 28th that you do  
8 not have a license to practice law in this state or in  
9 any state, and you have no order from the Supreme Court  
10 allowing you to practice law on anyone else's behalf.

11       I find that she should be held in criminal  
12 contempt. It is the order of the Court that you be  
13 sentenced to six months in the Department of  
14 Corrections. I am going to suspend this sentence.

15       How I am going to suspend this sentence is that  
16 this will not be imposed unless you violate any further  
17 order of this Court. If you violate it in any form or  
18 fashion, if you attempt to file in the clerk of court's  
19 office in this county or in any county of the state of  
20 South Carolina, I am ordering that the clerk of this  
21 county or any county immediately notify the sheriff and  
22 you be picked up.

23       Or Mr. Myrick, if you or the attorney general's  
24 office becomes aware, they are to immediately alert the  
25 proper authorities and you will be picked up. And you

1 will be serving a six-month sentence in the Department  
2 of Corrections; do you understand?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Any questions about what I have said?

5 THE DEFENDANT: No.

6 THE COURT: Anything further, Mr. Hazzard?

7 MR. HAZZARD: No, Your Honor.

8 THE COURT: All right. Good luck to you, Ms.  
9 Myers.

10 THE DEFENDANT: Thank you.

11 THE COURT: Thank you, Mr. Hazzard.

12 MR. HAZZARD: Thank you, Your Honor.

13 THE DEFENDANT: Thank you.

14 THE COURT: And just before we go off the record,  
15 Ms. White, on behalf of the clerk's office, if Ms.  
16 Myers comes in to file anything that she is not a party  
17 to the case, she is not a named litigant, you are to  
18 immediately notify the sheriff in Georgetown County and  
19 then notify the Attorney General's office and my  
20 chambers to indicate to me that she has violated this  
21 Court's order. And I am ordering that the sheriff of  
22 Georgetown County detain her until I can impose the  
23 sentence personally.

24 MR. HAZZARD: The Court's indulgence.

25 THE COURT: Yes.

1 MR. HAZZARD: May we approach, Your Honor.

2 THE COURT: You may. Ms. Myers, you may have a  
3 seat.

4 (Discussion off the record.)

5 THE COURT: Ms. Myers, I wish you good luck, thank  
6 you.

7 (The hearing concluded at approximately  
8 12:16 p.m.)

9 (End of Transcript of Record.)  
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1 STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD  
2 COUNTY OF GEORGETOWN ) CASE NO: 2013-CP-22-00788  
3

4 B E F O R E: The Honorable Larry Hyman  
5 December 19, 2013

6 STATE OF SOUTH CAROLINA,

7 Plaintiff,

8 vs.

9 DAMEON MYERS,

10 Defendant.

11  
12 APPEARANCES:

13 Alicia A. Richardson, Esq.  
14 For the Plaintiff.

15 Dameon Myers, appearing pro se  
16  
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18  
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## P R O C E E D I N G S

1  
2 MS. RICHARDSON: Your Honor, this is the State  
3 of South Carolina versus Dameon Myers. This is a case  
4 where the defendant was convicted in his absence in  
5 2002, and I believe was tried in his absence in 2002  
6 and the sentence was imposed in 2011. There was a  
7 direct appeal, which was dismissed and denied by the  
8 Court of Appeals, the last order being in March of  
9 this year.

10 We are here because the defendant and  
11 Ms. Lashonda Myers, petitioner administrator private  
12 attorney general, has filed a writ or motion for  
13 dismissal of this case.

14 THE COURT: Lashonda Myers is what? Attorney  
15 General?

16 MS. RICHARDSON: As petitioner administrator  
17 private attorney general agent for Dameon Myers.

18 THE COURT: Are you Lashonda Myers?

19 MS. MYERS: Before I answer any questions --  
20 my name is Lashonda Myers, and I am coming before this  
21 court in my natural state, a human being, made in the  
22 image and likeness of God.

23 THE COURT: Let me ask you this, Ms. Myers.  
24 Are you admitted to the practice of law in this state  
25 by the South Carolina Bar?

1 MS. MYERS: I don't practice law, I exercise  
2 rights.

3 THE COURT: Then, if you would, please have a  
4 seat.

5 MS. MYERS: Judge, what is your name, I'm  
6 sorry?

7 THE COURT: Judge Hyman.

8 MS. MYERS: Judge Hyman, as you can see by the  
9 signature page here, this demand was submitted by me  
10 on Dameon's behalf.

11 THE COURT: You cannot represent Mr. Myers in  
12 this court.

13 MS. MYERS: Title 42 U.S.C. 1988 says  
14 differently.

15 THE COURT: Well, then, that will be a matter  
16 for you to address on appeal. The unauthorized  
17 practice of law in this state is a crime, and I will  
18 not permit it in my court.

19 MS. MYERS: My demand has not been heard yet.  
20 I'm the --

21 THE COURT: I'll let Mr. Myers appear for  
22 himself, but I will not let a non-attorney appear and  
23 represent anyone in this court.

24 MS. MYERS: And I would like to admit  
25 something on the record. Are you under oath today,

1 sir?

2 THE COURT: Am I under oath?

3 MS. MYERS: Are you on your oath of office  
4 today?

5 THE COURT: Why certainly I am.

6 MS. MYERS: So you are aware that under your  
7 oath of office you must uphold the Constitution of the  
8 United States, supreme law of the land?

9 THE COURT: Most assuredly.

10 MS. MYERS: So are you suspending the  
11 Constitution today?

12 THE COURT: No, I am not, but I will not argue  
13 with you, Ms. Myers. I'll have you removed if you  
14 don't remove yourself.

15 MS. MYERS: And one more thing --

16 THE COURT: No, Ms. Myers. Will you escort  
17 Ms. Myers out of the courtroom. Ms. Myers, you are  
18 not going to appear in any capacity on behalf of a  
19 defendant or litigant in this court unless you are  
20 licensed to practice law in this state.

21 Deputy, remove her from the courtroom.

22 THE DEPUTY: Are you done?

23 THE COURT: Certainly. Mr. Myers, you are  
24 before me pro se on a motion of some sort. I will  
25 hear you.

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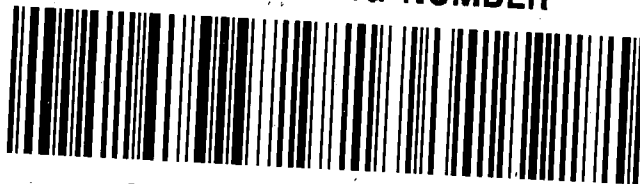
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