

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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On Writ of Certiorari to the Court of Appeals  
Appeal from Charleston County  
Honorable Roger M. Young, Sr., Circuit Court Judge  
Appellate Case No. 2017-002108

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**RECEIVED**

JAN 18 2018

S.C. SUPREME COURT

THE STATE,

Respondent,

vs.

JOSEPH TODD ROWLAND,

Petitioner.

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**MOTION TO DISMISS APPEAL**

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Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**Procedural History**

On June 3, 2011, Petitioner Joseph Todd Rowland was arrested following a narcotics investigation that led to the discovery of cocaine and marijuana in his residence. In April of 2012, the Charleston County Grand Jury indicted Rowland for trafficking in cocaine, possession of marijuana with intent to distribute, possession of a firearm during the commission of a violent crime, and unlawful possession of a stolen pistol. On May 12, 2014, a jury trial was commenced in the Charleston County Court of General Sessions with the Honorable Roger M. Young, Sr., circuit court judge, presiding. During trial, the trial judge granted a directed verdict as to the unlawful possession of a stolen pistol charge. Thereafter, at the conclusion of trial, the jury

convicted Rowland of the three remaining indicted offenses. Following the verdict, the trial judge sentenced Rowland to concurrent terms of imprisonment of twenty years for trafficking in cocaine, five years for possession of marijuana with intent to distribute, and five years for possession of a firearm during the commission of a violent crime. Rowland—through appellate counsel—then timely filed and perfected an appeal.

Subsequently, on appeal, the Court of Appeals issued an unpublished opinion in which it unanimously affirmed Rowland’s convictions and sentence. State v. Rowland, Op. No. 2017-UP-225 (S.C. Ct. App. filed May 24, 2017). Thereafter, Rowland—again through appellate counsel—petitioned the Court of Appeals for rehearing, and the petition was denied. Following the denial of the petition for rehearing, Rowland’s appellate counsel did not file a petition for a writ of certiorari and accompanying appendix on Rowland’s behalf. Instead, after notifying this Court of an intention to begin representing himself and requesting several extensions of time for the filing deadlines, Rowland filed a pro se petition for a writ of certiorari along with a pro se appendix.

Through his pro se petition, Rowland declared himself to be the Attorney General of the Global Theocratic State and raised a total of ten separate issues. Regarding those issues, Rowland appeared to argue: (1) the Court of Appeals erred by engaging with other parties, including the South Carolina Attorney General, in a conspiracy designed to “prevent the legal issues of religious prophesy from obtaining fair and proper review” on appeal; (2) the Court of Appeals erred by not permitting his “fiduciary heir” to enter the appellate process in his case; (3) the Court of Appeals erred along with the trial judge by permitting the State to establish a chain of custody through testimony alone; (4) the Court of Appeals erred by validating the search warrant issued in his case; (5) the trial judge erred in some ambiguous manner in regard to the

indictments issued in in his case and in the unrelated cases of several other individuals; (6) the trial judge erred in regard to the indictments because they were allegedly insufficient to properly charge the indicted offenses; (7) the trial judge erred in some manner in connection to jurisdiction and a continuance order; (8) the trial judge erred by allowing “constructive amendment” of the indictments at his “trial and or plea hearing;” (9) this Court engaged in intentional acts of fraud, “essentially establish[ed] modern day slavery,” and conspired to strip him and others of the right to vote through its allegedly erroneous decision in State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005), which purportedly voided jurisdiction over his case; and (10) this Court somehow erred due to the fact same-sex marriage is permitted in South Carolina. Notably, aside from the search warrant issue, none of those issues was even arguably raised to the Court of Appeals.

Likewise, through his accompanying pro se appendix, Rowland provided this Court with a few documents related to his direct appeal while also providing this Court with hundreds of pages of documents of unknown origin with no apparent or logical connection to the matter actually before it. Amongst those documents, Rowland included various handwritten documents that indicate they were prepared by an inmate identified as Lawrence Crawford, transcript pages covered in handwritten notations, documents related to a request for forensic DNA testing submitted by Crawford in an unrelated matter, documents related to an inmate identified as David Duren, documents purportedly filed in the United States Court of Appeals for the Fourth Circuit by Crawford and other inmates, documents prepared by Crawford accusing various judges of corruption and containing a variety of biblical references, documents related to an appeal purportedly filed by an inmate identified as Jason Gourdine, documents purportedly filed in the United States District Court for the District of South Carolina by Crawford and an inmate

identified as Robert Mitchell, documents purportedly filed by Crawford divesting this Court of jurisdiction over the case sub judice, typewritten documents that appear to involve legal theories related to the case sub judice, and documents related to a request for repairs to be made to a typewriter allegedly belonging to Crawford.

Subsequent to Rowland's filing of his pro se petition for a writ of certiorari and pro se appendix, the State filed a return to the petition along with a motion to strike the improper appendix. In response, Rowland filed a motion alleging the State engaged in some unspecified acts of "egregious" fraud, sought sanctions against the State, and asked this Court for an extension of time "to respond in hopes that the obstruction and state interference that rises to an unconstitutional level is resolved."

Thereafter, on January 5, 2018, this Court issued an order granting the State's motion to strike the pro se appendix and denying Rowland's motion seeking sanctions and an extension of time. Additionally, through the same order, this Court struck Rowland's pro se petition for a writ of certiorari in light of the fact it referenced improper matter and raised numerous issues that were not raised to the Court of Appeals. After striking the petition, this Court directed Rowland to file an amended petition for a writ of certiorari along with an amended appendix that complied with our appellate court rules within thirty days of the date of the order. In doing so, this Court offered specific guidance in regard to the matter that could permissibly be included in the appendix and the issues that could be properly raised in the petition. Furthermore, this Court expressly cautioned Rowland his failure to "strictly comply" with the requirements of the order may result in the dismissal of his case.

In response to this Court's issuance of its order, Rowland submitted a motion dated January 9, 2018, and titled "Affidavit of Facts Giving Judicial Notice; Motion for Recusal;

Motion to Challenge the S.C. Supreme Court's Jurisdiction to Strike the Documents in the Appendix and Deny the Motion for an Extension of Time; Motion to Vacate Those Orders; Motion for Forfeiture and Motion to Motion Therefore." Additionally, along with his motion, Rowland filed over one-hundred pages of exhibits that have no clear, apparent, or logical connection to his appeal from his criminal convictions for trafficking in cocaine, possession of marijuana with intent to distribute, and possession of a firearm during the commission of a violent crime.

Through his latest motion, Rowland makes a number of requests and demands of this Court. Specifically, Rowland: (1) orders this Court to release him and a number of other inmates being held in the South Carolina Department of Corrections immediately while also releasing every other inmate in South Carolina over the course of the next few months; (2) challenges this Court's jurisdiction to issue its order from January 9, 2018; (3) raises various nebulous claims of fraud against this Court and others; (4) moves to vacate this Court's order; (5) accuses specific members of this Court of fraud and conspiracy; (6) claims to provide judicial notice to this Court that he—as "Attorney General to the (4) Thrones"—has appointed a judge who is not a member of this Court as "trustee" over his case; (7) claims this Court can "do nothing except grant the relief demanded by decree and judgment of the Chief Justice of the Global Theocratic Court whose power and authority is binding" upon this Court; (8) attempts to raise a frivolous claim of subject matter jurisdiction; (9) accuses this Court of engaging in some unclear "criminality;" (10) claims to vacate this Court's order and limit this Court's authority on "remand;" (11) commands the recusal of "Judges Toal and Hearn" because they purportedly "should be no where near" his case; (12) raises various claims related to ambiguous violations of oaths of office; (13) accuses this Court of unlawfully giving the "sodomites and gomorrhaites the King-Khalifah's

intellectual property in the form of the right to legally marry;” (14) alleges “conspiring parties” have engaged in federal crimes; (15) demands immediate testing of an unspecified DNA sample; (16) alleges this Court engaged in a conspiracy and acts of fraud by granting the State’s motion to strike various documents from his pro se appendix; (17) asserts an individual identified as “the King-Khalifah” is the “lawgiver” and claims his authority exceeds the authority of this Court; (18) declares this Court is guilty of fraud, perjury, breach of contract, and other crimes; (19) moves for Chief Justice Beatty to be recused based on an alleged fraud perpetrated in connection to the case of an individual identified as David Duren; (20) moves for another extension of time; and (21) moves for “a reset.”

#### **Grounds Warranting the Dismissal of Rowland’s Case**

In South Carolina, a pro se litigant who chooses to represent himself “assumes full responsibility for complying with substantive and procedural requirements of the law.” State v. Burton, 356 S.C. 259, 265, n. 5, 589 S.E.2d 6, 9 (2003). Amongst the requirements of the law, a litigant must comply with a properly-issued court order. See, e.g., State v. Sowell, 370 S.C. 330, 336, 635 S.E.2d 81, 83 (2006) (“Willful disobedience of an Order of the Court may result in contempt.”). Likewise, on appeal, all litigants, including pro se litigants, must comply with the South Carolina Appellate Court Rules. See Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) (“[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State.”). Notably, a litigant’s failure to comply with the requirements of the law, including the requirements of properly-issued court orders and our appellate court rules, can result in the imposition of sanctions and the dismissal of the litigant’s case. See State v. Lloyd, 118 S.C. 230, \_\_\_, 110 S.E. 127, 127 (1921) (dismissing an appeal where it appeared the appellant had failed to

comply with the applicable rules); see also Curlee v. Howle, 277 S.C. 377, 382, 287 S.E.2d 915, 917 (1982) (“The power to punish for contempt is inherent in all courts. Its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice.”).

In the case sub judice, based on Rowland’s blatant failure to comply with the requirements of our appellate court rules, this Court issued an order striking his improper petition for a writ of certiorari that raised numerous issues not presented to the Court of Appeals and his improper appendix that contained numerous documents not pertinent to his case or any appellate review of it. In addition to striking his petition and appendix, this Court further provided Rowland with a new opportunity to comply with the mandates of our appellate court rules while warning Rowland his failure to strictly comply with the requirements of the Court’s order could result in the dismissal of his case. In response, Rowland did **not** follow this Court’s directives by filing a petition for a writ of certiorari and appendix that complied with our appellate court rules. Instead, Rowland filed a motion that challenges this Court’s order in totality, falsely accuses this Court and its members of engaging in fraudulent and criminal behavior, makes numerous illogical and outlandish claims, and directs this Court to follow his commands, which he claims are somehow binding upon this Court.

By filing his nonsensical and frivolous motion in response to the issuance of this Court’s order, Rowland has exhibited disrespect to this Court and the administration of justice while, once again, making no effort to have this Court actually review the decision of the Court of Appeals affirming his convictions. See Brandt v. Gooding, 368 S.C. 618, 628, 630 S.E.2d 259, 264 (2006) (“[C]ourts have the inherent power to punish for offenses that are calculated to obstruct, degrade, and undermine the administration of justice.”); see generally Neitzke v.

Williams, 490 U.S. 319, 328 (1989) (recognizing “claims describing fantastic or delusional scenarios” are clearly baseless and can properly be dismissed in federal proceedings).

Furthermore, Rowland has once again demonstrated an unwillingness to comply with the requirements of South Carolina law, which he appears to be contending are somehow not applicable to him based on his assumption of a nonexistent title. See Burton, 356 S.C. at 265, n. 5, 589 S.E.2d at 9 (“A pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law.”). Based on Rowland’s abusive behavior directed towards this Court in response to this Court’s order and continued unrepentant disregard for the requirements of the law, it does not appear Rowland has any intention to comply with—or will make any legitimate future effort to comply with—the requirements of this Court’s orders or the South Carolina Appellate Court Rules. Cf. Moon v. Newsome, 863 F.3d 835, 839 (11th Cir. 1989) (“Moon’s conduct and words evidence a refusal to acknowledge the authority of the magistrate and indicate no willingness to comply with court orders.”). Accordingly, this Court should dismiss Rowland’s case and take any further action it deems just and proper under the circumstances to prevent Rowland from engaging in any additional abusive, frivolous, and improper behavior in the case at bar. See Lloyd, 118 S.C. at \_\_\_, 110 S.E. at 127 (dismissing an appeal where it appeared the appellant had failed to comply with the applicable rules); see also In re Maxton, 325 S.C. 3, 4, 478 S.E.2d 679, 679 (1996) (taking action in response to the filing of “repetitive and frivolous petitions” that “wasted this Court’s time and resources and . . . interfered with the fair administration of justice”); cf. Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (“In view of the warning, the district court had little alternative to dismissal. Any other course would have placed the credibility of the court in doubt and invited abuse.”).

**WHEREFORE**, Respondent prays that this Court will dismiss Rowland's appeal; excuse the State from responding to any matter filed by Rowland in this case without consequence unless directed to do so by this Court; hold all responsive filing deadlines for Respondent in abeyance in Rowland's case pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
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Assistant Attorney General

By: 

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January 18, 2018

STATE OF SOUTH CAROLINA  
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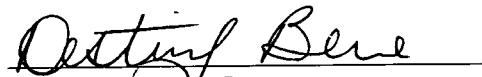
**PROOF OF SERVICE**

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I, Destiny Blue, certify that I have served the within Motion to Dismiss Appeal on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Joseph Todd Rowland, # 290065  
Lieber C.I., Wando B-239  
Post Office Box 205  
Ridgeville, South Carolina 29472

I further certify that all parties required by Rule to be served have been served.  
This 18th day of January, 2018.

  
\_\_\_\_\_  
DESTINY BLUE  
Legal Assistant

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