

20029

RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis Jr., Circuit Court Judge

Case No. 2012-212457

North Charleston City of,

Respondent,

v.

Johnathan M. Daniels,

Appellant.

RECEIVED

OCT 30 2012

SC Court of Appeals

RECORD ON APPEAL

Johnathan M. Daniels, *Pro Se* Appellant
Post Office Box 70301
North Charleston, South Carolina 29415
(843) 259-4360
Appellant, *Pro Se*

J. Brady Hair, Esquire
Derk van Raalte, Esquire
Joseph Kaiser, Esquire

Francie Austin, Esquire
Kriston Neely, Esquire
City of North Charleston Legal Department

2500 City Hall Lane
North Charleston, SC 29406
(843)-740-2550

ATTORNEY(S) FOR RESPONDENT

INDEX

Municipal Case Disposition (Order)..... 2

Circuit Court Order of May 23rd 2012 (Order) 3

Notice Of Criminal Appeal (Pleading) 4

Truth Affidavit In Support Of Notice Of Criminal Appeal (Pleading)..... 5

Memorandum And Affidavit In Support Of Criminal Appeal (Pleading)..... 9

Municipal Return (Pleading)..... 16

Certificate of Appellant..... 17

MUNICIPAL CASE DISPOSITION

North Charleston Municipal Court CASE HISTORY FOR CASE 75357FF

State v. Johnathan M. Daniels

FILED DATE: 09/29/2011

JUDGE:

STATUS: Active

CASE TYPE: TR

ARRESTING AGENCY: North Charleston Police Department
LAW ENFORCEMENT CASE #: 2011036289

CASE PARTIES:

Defendant Daniels, Johnathan M.
Officer Desheers #239, J

CASE HISTORY FOR CASE 75357FF

Daniels, Johnathan M. 4605 North Braeswood [REDACTED] Houston, TX 77096	Age: 36 DL#: [REDACTED] Total Paid: \$ 0.00	DOB: [REDACTED] 1975 SSN: 000-00-0000 Balance Due: \$ 100.00
--------------------------------------------------------------------------------------	---------------------------------------------------	--------------------------------------------------------------------

CHARGE	VIOL. DATE	DISPOSITION
56-5-3470/No Light on Bicycle 56-5-3470 SENTENCING 100.00 Dollar(s) Fine - BY 11/01/2011 OR NRVC	09/28/2011	Guilty/Bench Trial

COST	AMOUNT	PAY PRIORITY
Charge: No Light on Bicycle 56-5-3470		
Assessment - City/County	\$4.05	5
Assessment - State	32.22	5
CJA Training Fund	5.00	3
Fine	33.73	5
Law Enforcement Surcharge	25.00	3

Total: \$100.00

DATE	TIME	EVENT DESCRIPTION
10/18/2011	3:23 pm	Disposition added, Guilty/Bench Trial Daniels, Johnathan M.
10/18/2011	3:23 pm	Note added
10/18/2011	1:00 pm	Court event: Court Date Daniels, Johnathan M. Judge Name:
10/18/2011	1:00 pm	carbonm recorded the following Case Action Note: DEF WAS TOLD TO REMOVED HIS SCARF OFF HEAD - MADE A BIG DEAL THAT IT WAS HIS RELIGION - WAS TOLD TO GO OUTSIDE THE COURT UNTIL HE IS CALLED (MEG)
09/29/2011	12:09 pm	Added Case status Active

Print Date: 10/20/2011
Print Time: 3:16:46PM
Requested By: aii

File: \\Court1\Reports\CaseHistory.RPT

Page 1 of 1

CIRCUIT COURT ORDER OF MAY 23RD 2012

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS**

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP-10-7921

CITY OF NORTH CHARLESTON
PLAINTIFF(S)

JOHNATHAN M. DANIELS
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.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41, 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: **APPEAL DENIED**

ORDER INFORMATION

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

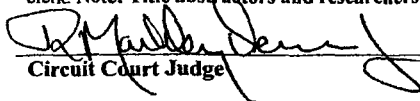
INFORMATION FOR THE JUDGMENT INDEX

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)
N/A	N/A	\$N/A
		\$
		\$

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.


Circuit Court Judge

2060
Judge Code

5/21/2012
Date

FILED
 2012 MAY 23 PM 4:49
 JULIE J. ARMSTRONG
 CLERK OF COURT

NOTICE OF CRIMINAL APPEAL

75357FF
CASE NUMBER

2011-CP-10-7921
IN THE MUNICIPAL COURT

STATE OF SOUTH CAROLINA)
COUNTY OF Charleston)
City of North Charleston)
PLAINTIFF)
2500 City Hall Lane)
STREET ADDRESS)
North Charleston, SC 29406)
CITY STATE ZIP CODE)
843-740-2601)
TELEPHONE)

VS.

Johnathan M. Daniels)
DEFENDANT)
3934 Rhett Park Dr. #3)
STREET ADDRESS)
North Charleston, SC 29405)
CITY STATE ZIP CODE)
843-744-6499)
TELEPHONE)

NOTICE OF CRIMINAL APPEAL

2011 OCT 7 PM 3:32
FILED
JULIE ARMSTRONG
CLERK OF COURT
BY

The Defendant hereby gives notice of appeal from the verdict or sentence of the City of North Charleston Municipal Court in the above-captioned case, to the Circuit Court.

This appeal is based upon the following grounds:

In the hearing to reach a verdict in the above referenced case, I was religiously and racially discriminated against by municipal officers before and during the 1:00 p.m. court session. This discrimination, in violation of SC 1-32-30, SC 1-32-40, and SC 1-32-50, prevented me from mounting an effective defense to the charge. I was harassed, made upset, and distracted from the case by the City of North Charleston court constables' demanding that I not practice my religious beliefs, verbally assaulting me, verbally threatening me with jail for practicing my religious beliefs, and removing me from the courtroom - forcing me to wait outside the courtroom apart from the general gallery. I am innocent of the charge against me, but could not organize my defense. My confusion is evident in the court record, and evidence of religious discrimination is evident in the municipality's own court disposition. In my confusion and anxiety, I forgot to present photographic evidence and make critical points that would have affected the judge's decision. I have included a copy of the municipality's disposition and an affidavit evidencing that I was discriminated against and interfered with.

(Attach supplement if necessary)

Dated: October 27th, 2011

Johnathan M. Daniels
Signature of Defendant
(or his attorney)

TRUTH AFFIDAVIT IN SUPPORT OF NOTICE OF CRIMINAL APPEAL

2011-CP-10-7921

This Affidavit Has 5 Pages

FILED

TRUTH AFFIDAVIT

2011 OCT 27 PM 3:32

October 27, 2011
JULIE J. ARMSTRONG
CLERK OF COURT

~~In commerce everything must be stated in Truth.~~ I, Johnathan Martia Daniels, a Private Person, a Living Soul, and ~~NOT~~ being a STATUTORY PERSON, being domiciled upon the land which is called South Carolina, a Republic, in the county called Charleston, do hereby solemnly declare, say, and state: (1) That I am competent for stating the matters set forth herewith; (2) That I have personal knowledge about the facts stated herein; (3) Everything stated in this TRUTH AFFIDAVIT is the Truth, the Whole Truth, and nothing but the Truth, and all stated is true, correct, complete, and not misleading.

I, Johnathan Martia Daniels, do hereby state and affirm the following (Where applicable, statements are as chronologically arranged as I can recall them):

- 1) I am an American of African Descent, and have a dark skin complexion, commonly referred to as "black."
- 2) I am an East African Hebrew, not an orthodox Jew.
- 3) It is my religious practice to cover my hair at all times, unless I am in a spiritual slumber (sleeping).
- 4) On October 18, 2011, I went to the North Charleston City Hall to contest a citation that I was given by officer Desheers on September 28, 2011
- 5) I arrived at the North Charleston Municipal Court traffic court at approximately 12:45 p.m. on October 18th.
- 6) Upon entering traffic court, court constable Donald Bailey told me to remove my headgear. I responded by explaining that it is part of my exercise of my religious faith and beliefs and a religious requirement that I cover my head.
- 7) Court constable Donald Bailey responded, "Your religion don't belong in this courtroom and you better take it off."
- 8) Court constable Donald Bailey became aggressive and told me that if I didn't comply, I could lose my case; he then threatened me with contempt of court and five days in jail.
- 9) Court constable Donald Bailey approached me in an aggressive posture and threatened me with contempt of court and time in jail for a second time.
- 10) I got up and went outside of the courtroom to look for notice of religious headwear being prohibited in court, resulting in my finding a posted notice that active cell phones were prohibited.
- 11) Upon finding no notice prohibiting headgear posted, I went back into the courtroom to have a seat and was approached again by court constable Donald Bailey.
- 12) An unknown court constable asked me if I had spoken to anyone, at which time I asked him, "What law are you enforcing?"
- 13) When I asked that question, court constable Donald Bailey became loud and belligerent
- 14) The second court constable, unknown to me at this time, approached me and demanded that I sit outside until called by the judge.

Page 1

Affiant Initials

JMD

This Affidavit Has 5 Pages

- 15) I was not allowed into the courtroom for a major portion of the court session, in fact up until the very moment I was called to approach the bench, I was barred entry into the courtroom, having no knowledge of what was discussed, regarding me or my case.
- 16) It was court constable Donald Bailey who came to bring me into the courtroom, when I was called before the judge.
- 17) Court constable Donald Bailey approached me in the hall outside of the courtroom and told me that I had been called to appear before the judge.
- 18) At the entrance to the first pair of doors into the courtroom, court constable Donald Bailey stopped, faced me, blocked my entrance into the courtroom and repeated his threat of contempt of court.
- 19) I asked court constable Donald Bailey if it would be him or the judge that would be the one finding me in contempt.
- 20) I told court constable Donald Bailey of my East African Hebrew Religious beliefs, at which time he blocked my attempt to pass and said, "I DON'T GIVE A FUCK WHAT YOUR RELIGION IS!"
- 21) I told court constable Donald Bailey that I did not want to talk with him, to which he replied, "TAKE THE DAMNED RAG OFF!"
- 22) I told court constable Donald Bailey that I would remove my headgear, but that I was doing so under protest, to which he replied, "I DON'T GIVE A FUCK WHY YOU DO IT... I JUST WANT IT DONE!"
- 23) At that time, court constable Donald Bailey paused to give me several menacing stares, during which time I was fearful and thought that he might actually hit me or try to act like I was resisting in some way, resulting in a loss of my case and possible imprisonment for contempt.
- 24) I then reminded court constable Donald Bailey that he was a court officer and should behave like one, at which time he turned to lead me into the courtroom.
- 25) My heart was beating out of my chest upon entering the courtroom, and court constable Donald Bailey and I were continuing the conversation that had started in hallway.
- 26) Darian A. Meggett, whom I asked to witness these events, later told me that he had heard court constable Donald Bailey cursing and yelling at me in the foyer to the courtroom.
- 27) I told the judge that I was verbally assaulted by constable Donald Bailey when I had been called before the court, at which time constable Donald Bailey heckled from his seated position saying, "Yeah, and my name is Donald Bailey." (Or something substantially to that effect).
- 28) Court constable Donald Bailey was not rebuffed or corrected for his outburst by the presiding judge, even when his outburst occurred in open court; instead he was encouraged by laughs from other court officers and people in the court gallery.
- 29) I view this as a public humiliation and degradation directed against me for not putting my religious beliefs aside and submitting to the unlawful bullying of the City of North Charleston court officers.
- 30) I asked the judge whether the charge before the court was a civil or criminal charge, to which the judge responded, "criminal."
- 31) I asked the judge who my opponent was in the case, to which the judge responded the City of North Charleston.

Page 2

Affiant Initials BMD

This Affidavit Has 5 Pages

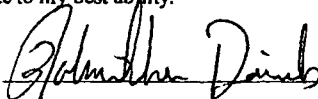
- 32) I motioned for a release of evidence to me from the plaintiff, and no new evidence was presented.
- 33) After the City of North Charleston's officer was sworn in as a witness, I asked the judge if the trial had actually begun, and I told the judge that I still didn't understand the nature of the charge and would not be able to mount an effective defense until I did.
- 34) I continued to question the judge about the nature of the charge for several more minutes.
- 35) I heard the judge tell the clerk that I would have a jury trial at a later date.
- 36) I promptly corrected the judge, alerting him that I had not requested a jury trial, and would rather have a trial "today" (Oct. 18th, 2011).
- 37) When asked, "how do you plea?" I said to the judge, "as to the criminal charge of a crime under SC 56-5-3470, I plead not-guilty."
- 38) I asked the arresting officer what his legal name was, and the officer replied "Desheers."
- 39) I asked the officer to spell his name for the court's record and the officer said, "D-E-S-H-E-E-R-S."
- 40) I asked officer Desheers if he has a South Carolina Drivers License, to which the officer said, "yes."
- 41) I asked officer Desheers if the legal name on his license is "Desheers, to which the officer objected as to relevance of the questioning; his objection was sustained.
- 42) I explained to the judge that, "under SC 56-7-80 the summons must have the arresting officer's name, not a nickname, and that the summons before the court was deficient."
- 43) I motioned for dismissal, "based on the deficiency of the summons for due process of notice under SC 56-7-80 c(2)," and the motion was denied.
- 44) I asked the court to bring the injured party into court so that I may face my accuser in this criminal trial, to which the judge said, "no injured party is required in this case."
- 45) I made a motion for dismissal on the grounds of no injured party in a criminal proceeding, and the judge denied the motion.
- 46) During the proceeding, officers of the court, including the court constables, officer Desheers, and the judge laughed and/or gestured at several of the questions and statements I made; with constable Donald Bailey even yelling out during my oration.
- 47) I made a second motion for dismissal on the grounds of no injured party in a criminal proceeding, and in response the judge gestured towards officer Desheers and suggested that officer Desheers was the injured party
- 48) I asked officer Desheers if he had a claim against me, and the officer replied, "I just have this ticket."
- 49) I asked the judge exactly who my opponent was in the case, the City of North Charleston or officer Desheers, and the judge replied, "it doesn't matter" (Or something substantially to that effect).
- 50) I told the judge that there is no injured party and that I deny being a party to any contract that would subject me to a civil penalty as outlined in the summons, to which the judge said no contract was needed.
- 51) Again, I asked the judge, "if the charge is civil or criminal?" to which the judge responded, "neither civil nor criminal. It is a "traffic" charge."

This Affidavit Has 5 Pages

- 52) Frustrated, I informed the judge that I have never heard of a "traffic" charge, that the only charges I know of are civil or criminal, and that I could not defend such a charge.
- 53) The judge then hurried me through my testimony regarding the facts of the case and then found me guilty.
- 54) I told the judge, "that given that I was verbally assaulted by your court officers to start the proceedings, and the fact that I am not being told the true nature of the charge against me or who my opponent is in this case, it is impossible for me to have a fair trial here today."
- 55) I was not sworn in as a witness until about the last three minutes of an approximately twenty-five minute hearing, demonstrating that the nature of the charge was never actually explained to me, the trial was started without me knowing when it began, and the judge continued with the trial while I was still trying to understand the nature of the charge.
- 56) After the hearing had ended, I asked several people who were in the court gallery to witness today's events, as described above, and a couple agreed to witness via affidavit.
- 57) Through an aggressive, willful, selective, and partial enforcement of the laws, especially bicycle and pedestrian laws, in parts of the city populated by African American or black persons, the City of North Charleston has and continues to oppress, harass, diminish, and deny me exercise of my civil liberties, as well as those of so many people in the black communities in North Charleston
- 58) Through an intolerant, abusive, willful, unlawful, discrimination based on religious customs and beliefs, the City of North Charleston has and continues to humiliate, degrade, oppress, and prevent my exercise of Constitutionally protected religious freedoms.
- 59) Through its willful, predation, exploitation, and discrimination, based on race and/or religion, the City of North Charleston disproportionately detains, searches, arrests, charges, and convicts citizens in predominately black areas with crimes.

Further Affiant Sayeth Not

I declare under the penalty of perjury under the laws of the united states of America and of South Carolina, a republic, that the forgoing is true and accurate to my best ability.



(AFFIANT SIGNATURE)

Johnathan Daniels.

(AFFIANT PRINTED NAME)

10-27-2011

MEMORANDUM AND AFFIDAVIT IN SUPPORT OF CRIMINAL APPEAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
CITY OF NORTH CHARLESTON)
)
Plaintiff,)
)
vs.)
)
JOHNATHAN M. DANIELS)
)
Defendant,)

IN THE COURT OF COMMON PLEAS OF
THE NINTH JUDICIAL CIRCUIT

CASE NO: 2011-CP-10-7921

MEMORANDUM AND AFFIDAVIT IN
SUPPORT OF CRIMINAL APPEAL

ORIGINAL

FILED
2012 MAY -9 PM 12:51
JULIE J. ARMSTRONG
CLERK OF COURT

Defendant *Pro Se*, Johnathan M. Daniels, hereinafter "I," hereby assert that due to violations of my guaranteed rights to due process, trial by jury, and the equal protection of the laws, as required by Article 1 § 3 of the South Carolina Constitution and the Fifth (5th), Sixth (6th), and Fourteenth Amendments (14th) to the U.S. Constitution, the conviction and sentence in the present case should be vacated and my record expunged of the guilty verdict. Statements of fact contained herein, identified and numbered by superscript, are statements affirmed under penalty of perjury, and of which I have personal knowledge and am competent for stating the same. I am over 18 years of age.

FACTS

¹On October 18th, 2012, I was summoned to the North Charleston Municipal Court to answer a traffic violation. ²I arrived at the City of North Charleston City Hall to attend the 1:00 p.m. court session, and was promptly targeted for discrimination and segregation by the State Constables attending upon the court. ³Even though I had already cleared the security checkpoint

downstairs and given explicit verbal notice of my religious practice to the State Constables, I was unlawfully ordered to remove my religious headdress or face the loss of my case and five days in jail for contempt of court. ⁴When I asserted my right to practice my religion, I was told, in open court, “Your [my] religion don’t belong in this courtroom and you better take it off.”

⁵At the hands of the attending State Constables, I was verbally and profanely abused, seized and segregated from the courtroom, repeatedly threatened, generally made a spectacle of, and unlawfully threatened and coerced into removing my religious headdress. ⁶I unwillingly appeared before the court without my headdress and with my hair exposed.

⁷When called before the Judge, I informed the Judge that I had been discriminated against and assaulted by the court’s Constables, the Judge did not acknowledge my concerns at all; rather, he simply moved forward with the case. ⁸During my oration with the Judge, I was forced to endure even more verbal abuse, with State Constables and officers laughing and deriding me openly, in plain view and earshot of the Judge and everyone else attending the court. ⁹The Constables and officers were not reprimanded or addressed in anyway for their willful misconduct, which could have been viewed as a contempt of court. ¹⁰At that time, I told everyone present that I

objected to the way I was being mistreated and publicly declared the “trial” to be unfair and discriminatory.

¹¹Although I was innocent of the charge and entered a Not Guilty Plea, I was found guilty. ¹²I filed a timely appeal to the Court of Common Pleas to vindicate my rights in this matter.

¹³I am a dark skinned American man, commonly referred to as “black.” ¹⁴As part of my East African Hebrew religious practices and beliefs, I cover my head and hair at all times, excepting when I am asleep, bathing, or some other life function requires me to uncover them.

ARGUMENTS

1. The City’s Discriminating And Segregating Me From Court Deprived Me Of A Fair And Equal Opportunity To Make My Defense.

¹⁵In the hearing to reach a verdict in the above referenced case, I was religiously and racially discriminated against by the City of North Charleston’s Court Constables. ¹⁶This discrimination occurred, both, before and during the 1:00 p.m. court session. ¹⁷This discrimination was unlawfully carried out in violation of Article 1 § 3 of the South Carolina Constitution, the First, Fourth & Fourteenth Amendments of the United States Constitution, 42 U.S.C. § 1983, 42 USC § 21B and SC CODE Chapter 1 § 32.

¹⁸The intimidation to force me to stop practicing my religion, threats of conviction and confinement, and general interference of the court's Constables distracted and prevented me from mounting an effective defense to the charge. ¹⁹By the unlawful actions of the court's Constables, I was unduly harassed, stressed, made upset and distracted from my defense; effectively not having a fair opportunity to present my case and defense.

For example, at the trial, ²⁰I intended to demand that the arresting officer produce a copy of the video from his patrol car, which would show me riding my bicycle with the required bike light in operation. ²¹As a direct consequence of the misconduct of the court's officers, I forgot to make the discovery request. As another example, ²²I intended to present pictures that a neighbor had taken for me on the night I was cited for not having a light on the bicycle I was riding. ²³The pictures show me with the bike and the light in operation. ²⁴In my confusion and anxiety, which was brought about by the court Constables misconduct, I forgot to present the pictures into evidence.

²⁵In addition to the above-mentioned examples, my entire strategy of defense was turned on its head. My defense, and the presentation thereof, was totally disorganized as I was too anxious to present my case.

2. The City's Discriminating And Segregating Me From Court Deprived Me Of Fair Notice Of My Rights In Court, Including Notice of Right To Jury Trial & Further Notices That Other Citizens Were Provided.

²⁶I was seized and segregated from the courtroom before the Judge entered chambers and before the Judge and/or Constables gave the notices, which are required by law, outlining rights of the accused at trial and details of the courts procedure. ²⁷On October 18th, 2011, I had no knowledge that such notices were even given, or were required to be given, and only learned of them about two months after that date. ²⁸I believe that my being unlawfully segregated from the courtroom, and thus, not being present to be notified that I had a right to a jury trial in a criminal traffic case and that I had a right to have legal counsel appointed if I could not afford to do so, among other things, unfairly and negatively impacted my defense. ²⁹I believe that my ignorance of these facts would have been remedied had I not been unlawfully segregated from the courtroom for my religious practices.

To illustrate, ³⁰because I had been so mistreated by the court's Constables and officers, I was very defensive and anxious when I was brought back into the courtroom. ³¹When I told the Judge that I had been mistreated and he did nothing, it made me even more defensive and I thought that it was his aim to treat me unfairly as well. So, ³²when I began to

inquire about the nature of the charge against me and the Judge said I would have a jury trial at a later time, without me having requested to have one, I was under the impression that it was his attempt to deny me justice and force me to come back and forth to court unnecessarily. ³³Had I known that the jury trial was my right, rather than an imposition by a hostile court, I very likely would have requested to have one at a later time. However, ³⁴I had not received notice of this right, and so I refused the Judge's offer of a jury trial at a later time.

To illustrate further, ³⁵I did not understand the nature of the charge made against me, and had I known that I was accused of a criminal charge with the option of having counsel appointed to help in my defense if I could not afford to do so, I likely would have requested the appointment of counsel.

CONCLUSION

The evidence before the court does not support the notion that my trial and conviction, under the circumstances described and evidenced before this court, were conducted lawfully and in accordance with principles of fairness and justice. On the grounds presented herein, I respectfully request that this court issue an order vacating the municipality's unfair judgment against

Johnathan M. Daniels, reimbursing all fines previously paid, and authorizing the related conviction to be expunged.

Further Affiant Sayeth Not.

Under Penalty of perjury, I declare and affirm the statements of fact contained herein, identified and numbered by superscript, to be true and complete and not misleading.

Respectfully Submitted,

Johnathan Daniels
Johnathan Daniels, Defendant, Pro Se

Date: May 8th

P.O. Box 70301
North Charleston, SC 29415
Phone: 843-259-4360

JURAT

State of South Carolina
County of Charleston

Subscribed and sworn to (or affirmed) before me this 8th day of May,

2012, by Johnathan M. Daniels.

Notary Signature Rachelle M. Bouronich

Notary Name Rachelle M. Bouronich

My commission expires _____ NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires February 10, 2018



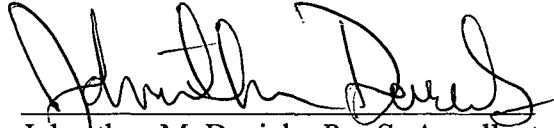
(SEAL)

7

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

October 6th, 2012



Johnathan M. Daniels, *Pro Se* Appellant
Post Office Box 70301
North Charleston, South Carolina 29415
(843) 259-4360
Appellant, *Pro Se*

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis Jr., Circuit Court Judge

Case No. 2012-212457

North Charleston City of,

Respondent,

v.

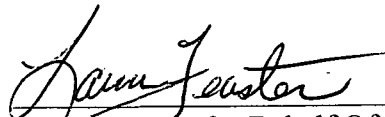
Johnathan M. Daniels,

Appellant.

PROOF OF SERVICE

I certify that I have served the Record On Appeal to Respondent by depositing copies thereof in the United States Mail, postage prepaid, on October 9th, 2012, addressed to Respondent's attorney of record, Richard W. Lingenfelter Jr., Post Office Box 190016, North Charleston, South Carolina 29419.

October 9th, 2012



Laura Feaster, On Behalf Of Appellant

Johnathan M. Daniels, *Pro Se* Appellant
Post Office Box 70301
North Charleston, South Carolina 29415
(843) 259-4360
Appellant, *Pro Se*

RECEIVED

OCT 11 2012

SC Court of Appeals