

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G. Edward Welmaker, Circuit Court Judge

Case No. 2012-CP-23-00003

Lyman Russell Rea, Marc Rea,
Melissa Rea, William Rea and
Millicent Lindauer

Plaintiffs

Of Whom Lyman R. Rea is,

Appellant.

v.

Greenville County Detention
Center

Respondent.

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FEB 26 2013

SC Court of Appeals

FINAL BRIEF OF APPELLANT

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OTHER AUTHORITIES

US Constitution Art.III Sec.2 P.1 (1788)

US Constitution Art.IV Sec.2 P.1 (1788)

US Constitution Art.VI P.2 (1788)

US Constitution Art.VI P.3 (1788)

US Constitution First Bill of Rights (1791)

US Constitution Fourth Bill of Rights (1791)

US Constitution Fifth Bill of Rights (1791)

US Constitution Sixth Bill of Rights (1791)

US Constitution Eighth Bill of Rights (1791)

US Constitution Fourteenth Amendment (1868)

STATEMENT OF ISSUES ON APPEAL

1. DO THE JUDICIAL POWERS OF THE UNITED STATES EXTEND TO ALL CASES IN THE VARIOUS STATES?
2. ARE THE CITIZENS OF EACH STATE ENTITLED TO THE PRIVILEGES AND IMMUNITIES OF CITIZENS IN THE SEVERAL STATES?
3. IS THE UNITED STATES CONSTITUTION THE SUPREME LAW OF THE LAND?
4. ARE THE JUDGES IN EVERY STATE BOUND BY THE UNITED STATES CONSTITUTION?
5. DO THE CITIZENS OF THE UNITED STATES HAVE THE RIGHT TO WORSHIP?
6. ARE THE CITIZENS OF THE UNITED STATES PROTECTED AGAINST UNREASONABLE SEARCH AND SEIZURE?
7. DO AMERICAN CITIZENS HAVE THE RIGHT OF SILENCE?
8. DO AMERICAN CITIZENS HAVE THE RIGHT TO A TRIAL BY JURY?
9. DO AMERICAN CITIZENS HAVE THE RIGHT TO BE INFORMED OF THE NATURE OF THE CHARGES BROUGHT AGAINST THEM?
10. SHOULD A CITIZEN OF THE UNITED STATES BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT THE DUE PROCESS OF LAW?
11. DOES A CITIZEN OF THE UNITED STATES HAVE EQUAL PROTECTION OF THE LAWS OF THE UNITED STATES?
12. IS A CITIZEN OF THE UNITED STATES PROTECTED AGAINST CRUEL AND UNUSUAL PUNISHMENT?

STATEMENT OF THE CASE

On February 18, 2010, the plaintiff received and responded to a request to appear before the Family Court of Greenville County. He was eventually led to a small room where a man displayed a writing instrument and pressured the plaintiff to sign a form before a witness. The plaintiff refused to sign the form. Although no reason for being

handcuffed was given to the plaintiff and although no Miranda rights were given to the plaintiff, he was placed in handcuffs and eventually moved to a courtroom where a magistrate was informed that the plaintiff had not signed the form. The magistrate told the plaintiff to pick up or to read the form. The plaintiff refused. The magistrate sentenced the plaintiff to two - thirty day sentences for contempt of court. These sentences were to run concurrently.

After the plaintiff was led from the Family Court, he was transferred to the Greenville County Detention Center and was kept for some fourteen months. While there, the plaintiff was deprived of his glasses (some 14 months), a toiletry bag (some 8½ months), hand soap (some 4 months), modest shower facilities (some 4 months), underwear (some 9 months), a correspondence pack (some 8½ months) and footwear (some 4 months). An intimidator was sent periodically by the plaintiff's room over a period of some three and one half months to bang on the window. The plaintiff's New Testament was taken away and a substitute Bible was not given him for some four months.

A lawsuit was filed about January 3, 2012 against the Greenville County Detention Center for cruel and unusual punishment, false arrest, false imprisonment, Miranda rights violation and religious rights violation (R.pp.5-6).

The defendant's attorney, Mr. Christopher R. Antley, filed a motion to dismiss the case on or about February 27, 2012 (R.p.8).

The Honorable Circuit Judge G. Edward Welmaker granted the motion to dismiss on June 22, 2012 (R.pp.2-3). A notice of appeal was mailed to Mr. Christopher R. Antley on or about August 2, 2012 (R.p.28).

ARGUMENTS

- I. Because the judicial powers of the United States are to extend to all cases, in all the states, each person is to be treated so as to protect his life and limb within the safeguards of the Constitution. US Const. Art.III Sec.2 Par.1
- II. Because the residents of each state are entitled to the same liberties and rights that the residents of all states are entitled to, it is unlawful to deny the residents of South Carolina what the residents of other states enjoy. US Const. Art.IV Sec.2 Par.1
- III. Because the US Constitution is the supreme law of the

land, the practices and laws of the fifty states are to be in accordance with the US Constitution. US Cons. Art.VI P.2

- IV. Because the judges in every state are bound by the US Constitution, the judgments they render are to support the liberties and safeguards of the Constitution. US Const. Art.VI P.3
- V. Because citizens of the United States are guaranteed the right of religion, the plaintiff's New Testament should not have been denied him. US Const. First Bill of Rights
- VI. Because the citizens of the United States are protected from arrests without a specific warrant or a "probable cause", the plaintiff should never have been arrested. US Const. Fourth Bill of Rights
- VII. Because the American citizen has the right to remain silent, he should not be forced or pressured or imprisoned because they exercise that right. US Const. Fifth Bill of Rights
- VIII. Because the American citizen has the right to a trial by jury and is presumed innocent until an impartial jury judges he is guilty beyond a reasonable doubt based on evidence presented in the court, the plaintiff was guilty of nothing. US Const. Sixth Bill of Rights
- IX. Because American citizens have the right to know the charges against them when they are arrested (Miranda rights), the plaintiff should have been immediately released because of the unlawful actions of the individual who arrested him. US Const. Sixth Bill of Rights (Powell v. Alabama, United States v. Wong Kim Ark, Gideon v. Wainwright, Crawford v. Washington)
- X. Because a United States citizen has the guaranteed right protecting him against cruel and unusual punishment, the plaintiff should not have been denied his prescription glasses, a toiletry bag, soap, modest shower facilities, underwear, a correspondence pack and footwear. US Const. Eighth Amendment
- XI. Because a citizen of the United States should not be deprived of life, liberty or property without the due process of law, the plaintiff should not have been arrested or imprisoned until a trial had proved him guilty. US Const. Fourteenth Amendment
- XII. Because a citizen of the United States has the right

of equal protection of the laws of the United States,
the Constitutional rights of American citizens should
not be infringed upon by any laws of any state. US
Const. Fourteenth Amendment

CONCLUSION

For the reasons stated, this Court should reverse the
judgment of the circuit court.

Respectfully submitted,

_____

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CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief
complies with Rule 211(b), SCACR.

February 19, 2013

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PROOF OF SERVICE

I certify that I have served the Final Brief on the Greenville County Detention Center by depositing a copy of it in the United States Mail, postage prepaid, on February 19, 2013, addressed to their attorney of record, Mr. Christopher R. Antley, Devlin & Parkinson, P.A., Post Office Box 10387, Greenville, South Carolina 29603.

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