

1 Miguel Bryan Lutron, #282448
2 Ridgeland CI CB31
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4 Ridgeland, South Carolina [29306]

RECEIVED
JUL 27 2020
SC Court of Appeals

5
6 IN THE SUPREME COURT AT SOUTH CAROLINA

7 STATE OF SOUTH CAROLINA

8
9 THE STATE

10 Respondent,

11
12 vs.

13 Miguel Lutron Bryan, sui juris

14 PETITIONER,

Appellate Case No.:2020-000075

**NOTICE TO COURT TAKE
JUDICIAL NOTICE UNDER
FEDERAL RULES OF EVIDENCE
201(D) REQUIRES FREE ACCESS
TO JUDICIAL TRIBUNALS BY A
NATURAL INDIVIDUAL WITH A
CONSTITUTIONAL RIGHT TO
PETITION THE COURT SET BY
PRECEDENCE CRANDALL V.
NEVADA, 73 US 35 - SUPREME
COURT 1868**

15
16
17
18
19
20 **THIS NOTICE TO THE COURT IS TO TAKE JUDICIAL**
21 **NOTICE UNDER FEDERAL RULES OF EVIDENCE 201(d) TO WAIVE**
22 **FILING FEES THE PETITIONER TO ACCESS THE COURT FOR**
23 **JUSTICE IS JUSTIFIED BY A NATURAL INDIVIDUAL'S RIGHT TO**
24

25
26 NOTICE TO COURT TAKE JUDICIAL NOTICE UNDER FEDERAL RULES OF EVIDENCE 201(D)
REQUIRES FREE ACCESS TO JUDICIAL TRIBUNALS BY A NATURAL INDIVIDUAL WITH A
CONSTITUTIONAL RIGHT TO PETITION THE COURT SET BY PRECEDENCE CRANDALL V. NEVADA,
73 US 35 - SUPREME COURT 1868 - 1

1 **PETITION THE COURT WITHOUT FEES BASED UPON PRECEDENCE**
2
3 **CRANDALL V. NEVADA, 75 US 35-SUPREME COURT 1868 THAT THE**
4 **PETITIONER AS A NATURAL INDIVIDUAL HAS A CONSTITUTIONAL**
5 **RIGHT TO PETITION THE COURT FOR REMEDY WITHOUT COSTS**
6

7 1. THE UNDERSIGNED MIQUELL BRYAN IS A NATURAL
8 INDIVIDUAL WHO IS REQUIRING A WAIVER OF THE FILING FEE
9 TO ACCESS THE COURT UNDER HIS CONSTITUTIONAL RIGHT TO
10 PETITION THE COURT FOR REMEDY WITHOUT COSTS AS HELD
11 BY PRECEDENCE CRANDALL V. NEVADA, 75 US 35-SUPREME
12 COURT 1868. *"Living as we do under a common government, charged with*
13 *the great concerns of the whole Union, every citizen of the United States*
14 *from the most remote States or territories, is entitled to free access, not only*
15 *to the principal departments established at Washington, but also to its*
16 *judicial tribunals and public offices in every State in the Union... . For all*
17 *the great purposes for which the Federal government was formed we are*
18 *one people, with one common country. We are all citizens of the United*
19 *States, and as members of the same community must have the right to pass*
20 *and repass through every part of it without interruption, as freely as in our*
21

22 NOTICE TO COURT TAKE JUDICIAL NOTICE UNDER FEDERAL RULES OF EVIDENCE 201(D)
23 REQUIRES FREE ACCESS TO JUDICIAL TRIBUNALS BY A NATURAL INDIVIDUAL WITH A
24 CONSTITUTIONAL RIGHT TO PETITION THE COURT SET BY PRECEDENCE CRANDALL V. NEVADA,
25 73 US 35 - SUPREME COURT 1868 - 2
26

1 *own States. And a tax imposed by a State, for entering its territories or*
2 *harbors, is inconsistent with the rights which belong to citizens of other*
3 *States as members of the Union, and with the objects which that Union was*
4 *intended to attain. Such a power in the States could produce nothing but*
5 *discord and mutual irritation, and they very clearly do not possess it."*
6

7
8 2. THIS COURT MUST TAKE JUDICIAL NOTICE OF PRECEDENCE
9 UNDER FEDERAL RULES OF EVIDENCE 201(D) THAT IS NOT
10 SUBJECT TO REASONABLE DISPUTE BECAUSE THE PETITIONER
11 IS NOT A LEGAL PROFESSIONAL WHO OFTEN USES THE COURTS,
12 BUT IS A NATURAL INDIVIDUAL SEEKING RELIEF BY THIS
13 COURT AND THEREFORE MUST TAKE JUDICIAL NOTICE OF
14 PRECEDENCE HALE V HENKEL 201 U.S. 43 A PETITIONER WHO IS
15 A NATURAL INDIVIDUAL IS ENTITLED TO FREE ACCESS OF
16 TRIBUNALS FOR RELIEF.
17

18
19
20
21 3. THIS COURT MUST TAKE JUDICIAL NOTICE OF PRECEDENCE
22 UNDER FEDERAL RULES OF EVIDENCE 201(D) BANK OF
23 COMMERCE V. COMMISSIONER OF TAXES FOR NEW YORK, 2
24 BLACK 620(1863) IS REQUIRING THE CLERK OF THE COURT TO
25

26 NOTICE TO COURTTAKE JUDICIAL NOTICE UNDERFEDERAL RULES OF EVIDENCE 201(D)
REQUIRES FREE ACCESS TO JUDICIAL TRIBUNALS BY A NATURAL INDIVIDUAL WITH A
CONSTITUTIONAL RIGHT TO PETITION THE COURT SET BY PRECEDENCE CRANDALL V. NEVADA,
73 US 35 - SUPREME COURT 1868 - 3


1 JUDICAL COGNIZANCE

2 ALL APPEARANCES BY THE UNDERSIGNED EITHER BY
3
4 MOTION OR APPLICATION SHALL BE BY SPECIAL LIMITED
5 APPEARANCE, IN MY OWN PROPER PERSONA AND NOT PRO SE
6
7 WITHOUT PREDJUDICE, WITHOUT WAVING ANY RIGHTS, REMEDIES
8 OR DEFENSES STATUTORIAL OR PROCEDURAL. IN REGARDS TO THE
9 FILING OF PETITIONERS WRIT OF CERTIORARI/PROHIBITION TO
10 CHALLENGE SUBJECT MATTER JURISDICTION, TERRITORIAL
11 JURISDICTION AND THE LIKE THAT CAN NOT BE WAIVED.
12

13 Dated this 30th Day of June, 2020 (nunc pro tunc)
14
15
16

17 RESPECTFULLY SUBMITTED AND

18 STATED JURIS ET DE JURE,

19 By: , pro per
20 Miquel Bryan #282448
21 c/o Ridgeland CI CB 31
22 5 Correctional Road
23 Ridgeland, South Carolina 29936
24
25

26 NOTICE TO COURTTAKE JUDICIAL NOTICE UNDER FEDERAL RULES OF EVIDENCE 201(D)
REQUIRES FREE ACCESS TO JUDICIAL TRIBUNALS BY A NATURAL INDIVIDUAL WITH A
CONSTITUTIONAL RIGHT TO PETITION THE COURT SET BY PRECEDENCE CRANDALL V. NEVADA,
73 US 35 - SUPREME COURT 1868 - 6

IN THE
Supreme Court of South Carolina

Miquel Lutron Bryan, pro per
Petitioner,

vs.

THE STATE OF SOUTH CAROLINA,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI/PROHIBITION TO
THE SOUTH CAROLINA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI/PROHIBITION

Clerk of Supreme Court
1231 Gervais Street
Columbia, South Carolina 2901

William M. Blitch, Esquire
1000 Assembly St,
Columbia, South Carolina 29201

Associate Solicitor (843) 958-5150)

Stephanie B. Linder (843) 958-5160 (fax)

101 Meeting Street

Charleston, South Carolina 29401

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SC Court of Appeals

QUESTIONS PRESENTED

1. Did the Court of General Sessions err trial that the petitioner did not have a right to terminate the private contract of petitioner's private attorney of record on record. On The 31th of December 2019 Petitioner "expressly" filed a motion to terminate attorney, and self-represent under the Faretta Doctrine. Sent via email to the attorney of record and assistant solicitor Stephen so the attorney of record had notice. See exhibit A (Farretta v. California (1975) 422 U.S.)
2. Did the court of General Sessions trial judge acted arbitrarily and capriciously, when the petitioner said on and for the record? That petitioner did not consent to being surety for this" non injured party" colorable claim" by the respondent. As the transcript will show this verdict to be duress as it is in error. As the tribunal is independent of the Magistrate in a court of record.
3. The Private Attorney of record was supposed recuse himself on the Record and announce the termination of private contract by the petitioner that was sent via email, U.S Mail. But failed to do so as the record will reflect in the transcript. See exhibit A
4. The petitioner challenges the subject matter jurisdiction/venue of the court of general sessions as the petitioner is foreign to the jurisdiction of the court of general sessions under the definition and doctrine of "FOREIGN STATE". As there is no verified complaint before the court with an injury in fact or a contract("stipulation") under the assumpsit doctrine where the petitioner agreed to specific performance. To be a surety as to the specific performance of an implied contract.
5. The Summons and all Orders/Warrants are all void under 28 USC 1691 62 STAT. for being without signature and seal of the clerk. See Exhibit B
6. The Petitioner is Foreign to the Jurisdiction of that of the Prosecution. See Exhibit C

THEREFORE, THE COURTS LACK SUBJECT MATTER JURISDICTION/VENUE UNDER THE FOLLOWING:

- A. 22CFR 92. 12-92.31
- B. Title 8 USC 1481
- C. TITLE 22 USC CHAPTER 11
- D. TITLE 28 USC SEC 15A (ADMIRALTY JURISDICTION)
- E. FEDERAL RULES OF CIVIL PROCEDURE (FRCP) 4j
- F. 11 TH Amendment states "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of an foreign State." (A foreign entity, agency or state cannot bring any suit against a united states Citizen without abiding the following procedure.) SEE 22CFR- 1-93.2 states that the Department of State has to be notified of any suit, and in turn has to notify the United States citizen of said suit

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REASON CERTIORARI/PROHIBITION SHOULD BE GRANTED.....	8

I. Special Judicial Cognizance should be exercised in this instant case that: "The trial court greatly erred in failing to conduct a proper analysis under the Farretta review. The Petitioner filed a motion to terminate attorney on the 31st of December 2019 and emailed an actual and constructive notice, to the assistant solicitor Stephanie B. Linder and Attorney of Record Jason Mikel. Notwithstanding the other constitutional violation with one of the jurors knowing directly or indirectly the petitioner and his family, failing to recuse herself. These two important Constitutional Violations that, are now before this honorable Supreme Court of South Carolina, With regards to the arbitrary and capricious rush to judgement by Administrative Law Judge Perry M. Buckner III is unequivocally void. The record will show that the trial judge refused to let the petitioner terminate attorney of record. When the motion to terminate was filed 31st of December 2019. See attorney of records motion to the South Carolina Court of Appeals: That shows that the record is clear on the immediate reversal based on that fact alone. Void on other grounds that are explained in detail in the brief. Respondent is using admiralty/maritime to create a stipulation(contract) for specific performance in equity and under the statute of frauds it's a void judgement.

A. Consideration of all Jurisdictional Challenges and Venue.....1-9
CONCLUSION.....9

- A. Opinion, The South Carolina Court of Appeals, Reversed and Vacated
..... State v. Dudley Opinion No.3641

This case in Particular spells out the Different areas of Jurisdiction, mainly territorial jurisdiction,4 (Argument)

- B. Opinion, The South Carolina Supreme Court Reversed and Remanded in Osbey v. State, Gardner v. State, 351 S.C. 407, 570 S.E. 2d 184 (2002) See Also Prince v. State 301 S.C. 422 (1990) 392 S.E. 2d 462

28 USC,63 Stat.111.....	3
28 U.S.C 2658.....	4
42 FR 6367.....	4
22 CFR SEC.93.1 &93.2.....	4
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28 U.S.C SEC 1367.....	8
11 TH Amendment.....	4,5, 9

RELEVANT CONSTITUTIONAL

PROVISION

The fourteenth Amendment to the Constitution of the United States provides in part:

No State shall make or enforce any law which shall abridge the privileges or Immunities of citizens of the United States; nor shall any State deprive any person of Life, liberty, or property, Without due process of law; nor deny to any person within its jurisdiction the Equal protection of the laws.

INTRODUCTION

On the 31st of December 2019 petitioner filed a motion to terminate attorney of record Due to the performance of said attorney of record. Whom the petitioner felt was not Being of service to petitioner as stated in said motion to terminate attorney filed on The above date and was emailed, sent U.S. Mail to the Attorney of Record. Also, the Associate Solicitor Stephanie B. Linder before trial. Petitioner was convicted on the 7th of January 2020, without any Farreta warning or the like during the proceedings As petitioner has Legal right as sui juris to represent himself in a court of law. Juror Erica Lichtenthal went to school with petitioner's sister and also knows Petitioner's family all in which is biased to the petitioner.

BEFORE THE STATE AT SOUTH CAROLINA

In the Supreme Court

ORIGINAL JURISDICTION

APPEAL FROM CHARLESTON COUNTY

Court of General Sessions

Perry M. Buckner, Circuit Court Judge

RECEIVED
JUL 27 2020
SC Court of Appeals

THE STATE,

Respondent,

v.

Miguel Lutron Bryan, pro per

Petitioner.

PETITION FOR COMMON LAW WRIT OF CERTIORARI/
WRIT OF PROHIBITION CHALLENGING SUBJECT MATTER JURISDICTION/

MOTION TO DISMISS, FOR LACK OF IN PERSONAM JURISDICTION, IMPROPER VENUE, TERRITORIAL JURISDICTION, IN SUFFICIENCY OF SERVICE OF PROCESS AND FOR FAILURE TO STATE FACTS ON WHICH RELIEF CAN BE GRANTED, AND FAILURE TO JOIN AN INDISPENSABLE PARTY. VIOLATION OF CONSTITUTIONAL RIGHT TO FIRE ATTORNEY OF RECORD ON THE RECORD FARRETTA DOCTRINE.

COMES NOW, Petitioner, Miquel Bryan, "non assumpsit" in my proper person Pursuant to Rules 240 and 245, SCAR, files this petition for common law writ of certiorari/prohibition under South Carolina Code 14-3-310. This court is put on judicial notice that the Petitioner hereby invokes the original jurisdiction of this court. I am before this court by special appearance, without prejudice without waving any rights, remedies or defenses statutorial or procedural. I Hereby move to dismiss all claims in this case for lack of subject matter jurisdiction under S.C.R.Civ P. 12(b)(1)(2)(3)(4)(5)(6)(7)and, Under 28 USC 1608 ,1691 62.STAT. 945 Rule 4(b) (TITLE 28 IS ADMIRALTY JURISDICTION I.E SAVING TO SUITORS 1333(1). Petitioner respectfully submits the following memorandum of points and authorities. Furthermore, this court should remand and reverse this conviction as the petitioner is foreign to the jurisdiction of the RESPONDENT/STATE OF SOUTH CAROLINA. See 28 USC 1603(a). See re; Merriam v. New York "the united states government is a foreign corporation with respect to a state". "State: The term " State" shall be construed to include the District of Columbia, [26 U.S.C. SEC 7701]

INTRODUCTION

This is an appeal from the General Sessions court of Charleston County ninth circuit on the 7th of January 2020 challenging subject matter jurisdiction of the entire "non injury" in fact "colorable claim". The trial court erred in allowing the trial to continue when the Petitioner on the 31st of December 2019 filed a motion to terminate private attorney of record, and was not allowed to do so at trial. The private attorney of record and the Assistant Solicitor Stephanie Linder Both received actual constructive notice by email, US MAIL notifying them of the termination of said attorney of record. Clear violation under the Farretta Doctrine U.S 806, as well as Violation of Sixth and Fourteenth Amendments See Exhibit A

I conditionally accept the offer to move forward on this void judgment of the General Sessions trial court on the 7th of January 2020, upon proof of claim of the following the maxims, Rebutting all Presumptions.

1. That based on the Prosecution invoking the admiralty side of the court under the presumption that it has in personam jurisdiction via 28 USC 1691 62 STAT.945.(SUMMONS) Based on the law of "persons" as that false presumption is hereby rebutted as the Petitioner has a Person, but is not a person...as the Creator made Man and law-made persons.(people are different from persons)

See PERSON

"This word 'person' and its scope and bearing in law, involving, as it does, legal fictions and also apparently natural beings, it is difficult to understand; but it is absolutely necessary to grasp, at whatever cost, a true and proper understanding to the word in all phases of its proper use...A Person here is not physical or individual person, but the status, condition or character borne by physical persons...

The law of persons is the law of status and condition---American Law and Procedure, Vol 13, page 137,1910. (people are different than persons)

The word 'person' in legal terminology is perceived as a general word which normally includes in its scope a variety of entities other than human beings., Church of Scientology v. US Department of Justice 612 F2d 417,425 (1979) (Supreme Being made people, Law made persons/corporations)

2. That the Petitioner is not a natural man a constituent of the Preamble of the South Carolina Constitution and not a corporation. See 19 Corpus Juris Secundum 88 (2003) A corporation is a citizen, resident, or inhabitant of the state or county by or under the laws of which it was created of that state or country only." (C.J. § 884 FOREIGN CORPORATIONS) See "Ens Legis.L. Lat A creature of the law; an artificial being, as contrasted with a natural person. Applied to corporations, considered as deriving their existence entirely from the law." Black's Law Dictionary, 4th Edition, 1951
3. That the Summons, Warrant and all orders are VOID UNDER 28 USC 1691 62 STAT. 945. SEE SCANBE v. WILLIAM TRYON, ETC, AND UNITED STATES MARSHALL, APPELLEES "The opinion of the court was delivered by: Per Curiam

The district court held that " the injunction signed only by a deputy clerk of the District Court is void' 'for want of a judicial signature. Section 1691 of the Title 28, U.S.C (which was not called to the attention of the district court) provides that "All writs and process issuing from a court of the united States shall be under the seal of the court and signed by the clerk thereof" (emphasis added).

4. That without personal service of process in accordance with rule [4], or the law of the State in which the suit is filed, a federal district court is without jurisdiction to render a personal judgment against a defendant.

[Royal lace Paper Works, Inc. v. Pest -Guard Products. Inc.]

[240 F. 2d 814 (5th Cir. 1957), emphases added]

In order for there to be **in personam jurisdiction**, there must be valid service of process.

[Attwell v. Lasalle Nat. Bank]

[607 F.2d 1157 (5th Cir.1979)]

- a. There must be compliance with terms of rule governing service of the process and, absent waiver, incomplete or improper service will lead court to dismiss action.

[Gibb v. Hawaiian Eugenia Corp.]

[581 F.Supp.1269 (S.D.N.Y. 1984)]

- b. Federal law the effect of the use of an improper name in summons and complaint as that of defendant because subd. (b) of this [FRCP] Rule 10 (a) of these rules had bearing on significance of use of improper names.

[Kroetz v. AFT- Davidson Co.]

[102 F.R.D 934 (E.D.N.Y. 1984)]

C. [A]nd the notice referred to is the usual process and subpoena in equity of the statutes and rules.... necessarily under the seal of the court, and signed by its clerk...Such subpoena was not published herein, and so jurisdiction of defendant was acquired.

[United States v. Sharrock, 276 F.30]

[DCUS Montana 1921), emphases added]

5. ALL WRITS, WARRANTS, SUMMONS, ORDERS, PROCESS ARE VOID BASED ON THE IMPORTANCE OF TITLE 28 USC 1691 62 STAT. 945 THEREFORE THE PLAINTIFF, AND COURT IS DEPRIVED OF THE PREREQUISITE OF A PROPERLY EXECUTED SUMMONS, ORDER, WRIT, WARRANT. TO INVOKE THE SUBJECT MATTER JURISDICTION OF THE COURT, AS ALL ORDERS ARE VOID ON THEIR FACE BASED ON THIS FACT ALONE NO MATTER THE "COLORABLE CLAIM" THAT IS BROUGHT BEFORE THE COURT BY THE PLAINTIFF/STATE TO ADJUDICATE THIS MATTER THIS MOTION TO DISMISS IS PROPER BEFORE THE COURT AS TO THE IMPORTANT FACT THAT SUBJECT MATTER JURISDICTION CAN BE CHALLENGED AT ANY TIME.(SEE RULE 4 (b) [28 U.S.C. Appendix] Process SS ACT SEC 1128 (c))

ARGUMENT

6. The court lacks Jurisdiction Over Plaintiff's Claims. (See Colorable)

All complaints and suits against such CORPORATION, or ens legis, fall under the aforementioned FSIA and service of process must therefore be made by the clerk of the court, under Section 1608 (a)(4) of Title 28 USC, 63 Stat. 111, as amended (22 U.S.C 2658) [42 FR 6367, Feb 2, 1977, as amended at 63 FR 16687, Apr. 6, 1998], to the Director of the Office of Special Consular Services in the Bureau of Consular Affairs, Department of State, in Washington, D.C., exclusively, pursuant to 22 CFR SEC. 93.1 and SEC. 93.2. A copy of the FSIA must be filed with the complaint along with "a certified copy of the diplomatic note of transmittal," and, "the certification shall state the date and place the documents were delivered." The foregoing must be served upon the Chief Executive Officer and upon the Registered Agent of the designated CORPORATION or FOREIGN WHICH MEANS VOID FOR INSUFFICIENT SERVICE OF PROCESS.

- I. MUNICIPAL; COUNTY, or STATE COURTS lack jurisdiction to hear any case since they fall under the definition of FOREIGN STATE, and under all related definitions below. Said jurisdiction lies with the "district court of the United States." Established by Congress in the states under Article III of the Constitution, which are "constitutional courts" and do not include the territorial courts created under Article IV, Section 3, Clause 2, which are "legislative" courts. *Hornbuckle v. Toombs*, Statutes pursuant to 28 USC SEC. 1330. *American Ins. Co. v. Canter* 26 U.S. 511 (1828)
- A. Plaintiff bear the burden to show subject matter jurisdiction under rule 12(b)(1), and the Court must determine whether it has subject matter jurisdiction before addressing the merits of the complaint. See *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94-95 (1998). Plaintiffs cannot satisfy their burden. See *City of Columbia v. South Carolina Public Serv. Comm'n* 242 S.C. 528, 532 131 S.E. 2d 705, 707 (1963). See *Laffite v. Bridgestone Corp.*, 381 S.C. 460, 471-472, 674 S.E. 2d 154, 160-161 (2009) (listing factors for granting certiorari). See *New South Life Ins. Co. v. Lindsay*, 258 S.C. 198, 187 S.E. 2d 794 (1972), (listing the writ of prohibition for challenging the inferior court subject matter jurisdiction. See *Dove v. Gold Kist, Inc.*, 314 S.C. 235, 442 S.E. 2d 598 (1994)
- B. Since the State/Plaintiff is acting as a lower "district court of the United States" by the mimicking of the FRCP with its own version SCRCF is the erroneous basis for the State/Plaintiff to acquire "in personam" jurisdiction over the petitioner by the law of personhood. Which only applies to corporations' fictions of law as corporations can only deal with the OTHER FICTIONS. See Supreme Court of the United States 1795 "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court (AGENTS), (STATE OF SOUTH CAROLINA) etc. can concern itself with anything other than corporate, artificial persons and the contracts between them." S.C.R. 1795, *Penhallow v. Doane's Administrators* (3 U.S. 54; 1 L Ed. 57; 3 Dall. 54) REBUTLE OF PERSON & NO CONTRACT FOR SPECIFIC PERFORMANCE WITH PLAINTIFF(EQUITY).

7. It is an undisputed, conclusive REBUTTABLE PRESUMPTION that the above-mentioned real party in interest is not a CORPORATION, and, further, is not registered with any Secretary of State as a CORPORATION. Pursuant to rule 12(b)(6), the Prosecuting Attorney Stephanie B. Linder has not provided into evidence a contract "Express" or "implied" where the petitioner agreed to be surety and that there is no "injured party" in fact before the court, And thus failed to state a claim for which relief can be granted to the Petitioner. This is a FATAL DEFECT, and therefore, the instant case(admiralty)and all related statutory matters must be DISMISSED WITH PREJUDICE for lack of in personam, territorial, and subject matter jurisdiction, as well as improper venue as well as pursuant to the 11th amendment Foreign State Immunity. The Prosecuting Attorney is in possession of evidence of a FARA REGISTRATION form that is filed WITH THE ATTORNEY GENERAL AND THE DOJ. The Department of State was not notified and then notifying the petitioner is lack of service.
8. A FOIA REQUEST TO THE ATTORNEY GENERAL OF SOUTH CAROLINA, AND THE DEPARTMENT OF JUSTICE, EXHIBIT B. WILL SHOW THAT THE PETITONER IS NOT REGISTERD UNDER THE FOREIGN REGISTRATION ACT(FARA). THIS REBUTAL OF SUBJECT MATTER JURISDICTION IS VERY IMPORTANT, REASON FOR THE TERMINATION OF THE ATTORNEY OF RECORD, ON THE 31ST OF December 2019. AS THE ATTORNEY OF RECORD IS ALSO REGISTERED UNDER FARA. THE ATTORNEY OF RECORD DUTY IS TO THE COURT AND NOT THAT OF THE CLIENT. See Corpus Juris Secundum Volume 7 Section 4 His first duty is to the court and the public, and wherever his duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter. See Davis committee v. Looney,290 Ky.644, 162 S.W. 2d 189,190
9. See Rabinowitz v. Kennedy, 376 U.S. 605 (1964) We hold, for the reasons stated below, that the foreign Agents Registration Act plainly and unquestionably requires petitioners to register. Since we conclude that the Court of Appeals was correct in ordering the case dismissed, but for reasons other than those relied upon in it opinion, we do not pass upon the reasoning by which that court arrived at its decision, nor do we have occasion to consider the scope of the declaratory judgement remedy or the sovereign immunity doctrine.
10. The Foreign Agents Registration Act was first enacted by congress on June 8,1938. It required agents of foreign principals to register with the Secretary of State." (A)gent of a foreign principal 'was defined as 'any person who acts or engages or agrees to act as a public-relations counsel, publicity agent, or as agent, servant, representative, or attorney for a foreign principal***.' 52 Stat. 631,632. (Emphasis added.) in 1961, the exemption section was amended to apply to persons engaging or agreeing to engage only in private and non-political, financial or mercantile activities in furtherance of the bona fide trade or commerce of such foreign principal***. THEREFORE, THIS CASE IS BASED SOLELY ON THE CHALLENGE TO SUBJECT MATTER JURISDICTION/VENUE. SEE EXHIBIT B OMB 1124.0001 FORM LINE #7

Colorable (claim)

False; counterfeit; that is false but has the appearance of truth. (NO CONTRACT, NO INJURY IN FACT)

West's Encyclopedia of American Law, ed 2. Copyright 2008

PLAINTIFF CANNOT ESTABLISH STANDING TO SUE

1.1. To have standing to sue, a "plaintiff must have suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical"-----that is fairly traceable to the challenged conduct. Lujan, 504 U.S. at 560 (internal citations, quotation marks, and footnote omitted). Allegations of "an injury at some indefinite future time" do not show an injury in fact, particularly where "the acts necessary to make the injury happen are at least partly within the plaintiff's own control." Id. At 564 n.2. In these situations," the injury[must] proceed with a high degree of immediacy, so as to reduce the possibility of deciding a case in which no injury would have occurred at all." Id. Plaintiff's allegations fail this test. Thus, as of now we can clearly see, no harm that the plaintiff may have suffer is remote rather than imminent, speculative rather than concrete, and "at least partly within [his]own control." Lujan,504 U.S. at 564 n.2.

a. There is no contract "express" or "implied" under the statute of frauds SC CODE 32-3-10 (2)(5) for a breach of trust or any stipulation under admiralty jurisdiction. As the petitioner reserved his rights on the record as of 31st December 2019 which cannot be denied. See Archawski v. Hanioti,350 U.S. 532 (1956) See Exhibit A of Motion to Terminate Attorney

b. There is no corpus delicti with an "injury in fact" or at law to give the court in personam jurisdiction, quasi in rem jurisdiction or the like based on this most important fact now before the court that can't be denied. As this is solely a colorable claim under the color of law.

c. Under the Uniform Commercial Code, the code (statutory jurisdiction) is complimentary to the Common Law (procedural jurisdiction), which remains in force, except where displaced by the code." UCC 1-103.6 the code cannot be read to preclude [prevent or exclude] a Common Law action."

The petitioner cannot be compelled to perform under any contract that the petitioner does not know about knowingly, voluntarily, and intentionally entered into, Petitioner is under duress.

d. Based on all the above with points and authorities not to mention the damage done to the petitioner's constitutional rights, to equal protection under the law and the right to fire his private attorney, and challenge the jurisdiction of the court is a common right and not a privilege. In which the administrative law judge Perry M. Buckner violated the petitioner's constitutional right to fire his paid private attorney and represent himself under the Farreta Doctrine as the transcript will reflect. See Faretta v. California (1975) 422 U.S. 806 & State v. Rivera, 741 S.E. 2d 694 S.C. 2013

e. See Griffin v. Illinois,351 U.S. 12 (1956) Held: Petitioners' constitutional rights were violated, the judgement of the Illinois Supreme Court is vacated, and the cause is remanded to that Court for further action affording petitioners adequate and effective appellate review. Pp. 351 U.S. 13-26.

Most importantly this "colorable claim" has no verified complaint, no warrant of committal filed anywhere into the record to support its so-called "claim" as to any validity of injury That presumption of a claim is immediately rebutted.

STATUTORY BACKGROUND

On or about March 5, 2015 in Charleston County, South Carolina ("Petitioner") knowingly sold, manufacture, cultivate, deliver, purchase, or bring into this State, or did provide financial assistance or otherwise aid, abet attempt, or was knowingly in actual or constructive possession of knowingly attempted to become in actual or constructive possession of ten (10) grams or more of Cocaine or any mixture containing cocaine as provided in 44-53-210(b)(4) All in violation of 44-55-0370 (e)(2)(a)1 of the South Carolina Code of Laws (1976 as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

The above is from the indictment by the State which in fact shows no injury of any sort to the corporate franchise known as the STATE OF SOUTH CAROLINA. That can never have a claim against the petitioner as there is no injury done to a fiction, to receive restitution and reimbursement under Restatement of laws

See CTS Corp v. Dynamics Corp. of America (1987) 481 US 69, 95 L Ed 2d 67, 107 S Ct 1637, CCH Fed Secur L. Rep 93213 A corporation was early defined by the Supreme Court as "an artificial being, invisible, intangible, and existing only in contemplation of law,"

The court is moving under the 28 US 1333(1) Savings to Suitors Clause in a State Court to get a remedy for no contract/stipulation "expressed" or "implied" before the court that the petitioner consented to being surety to give the court in personam jurisdiction, That false claim is rebutted in its entirety in fact/law.

With the firing of the previous attorney of record and the withdrawal of all pleas to the court, with all general appearances by previous attorney of record. Revoked by the petitioner as filed into the record on the 31st on the December 2019. See Exhibit A

"Savings to Suitors" clause of 28 USC. 1331(1) enables maritime litigants to pursue available common law remedies, if they prefer them to those supplied in admiralty; it affords litigants choice of remedies, not forums. Pacific Far East Line, Inc v. Ogden Corp., (1977, ND Cal) 425 F Supp 1239.

Notwithstanding State law is not free to apply its own substantive law maritime cause of action simply because state court has subject matter jurisdiction. Blevens V. Sfetku (1968 2 d Dist) 259 Cal App 2d 527, 66 Cal ptr 486.

Here we have the petitioners is falsely being held liable under admiralty "Defendant's liability was measured by maritime law, (presumptive law) and not common law (injured party) regardless of the remedy chosen by plaintiff. Carlisle Packing Co. v. Sandanger (1922) 259 US 255, 66 L Ed 927, 42 S Ct 475;

Philadelphia & R.R. Co. v. Berg (1921, CA3 Pa 274 F 534, cert. den 257 US 638, 66 L. Ed 410, 42 S Ct 50. State Courts hearing admiralty case under "savings to suitors" clause of 28 USC 1333 must employ substantive law which federal courts would apply were they to entertain case. Alton & S.R. Co. v Alton Transp Co. (1979) Ill App 3d 591, 35 Ill Dec 339, 339 NE 2d 173.

The above was not meant to be exhaustive but to shed light on this colorable claim that is no claim at all and that is the entire basis of this challenge to subject matter jurisdiction. Which can never be waived and this common law writ of certiorari/prohibition proves that from all angles. The State has no claim.

STANDARD OF REVIEW

Section 1-23-610 the South Carolina Code (Supp.2006) sets forth the standard of review when the court of appeals is sitting in review of decision by the ALC on appeal from an administrative agency." The review of the administrative law judge's order must be confined to the record." Id. The court of appeals may reverse or modify the decision only if substantive rights of the appellant [have] been prejudiced because the decision is clearly erroneous in light of the reliable and substantial evidence on the whole record, arbitrary or otherwise characterized by an act of discretion, or affected by other error of law Id.

When the court reviews the findings and conclusions of an administrative agency, questions of fact are held 'to be prima facie true and correct.'" *Godinez v. Sullivan-lackey*, 352 Ill. App 3 d 87, 90 (1st Dist 2004).

The court is not permitted to overturn a decision by an administrative body 'unless the authority of the administrative body was exercised in an arbitrary and capricious manner., Id. "Arbitrary and Capricious" is legally synonymous with "abuse of discretion" which is defined as "determinations that are wholly inconsistent with the facts and circumstances...and the deductions that can reasonably be made from the facts and circumstances...and the deductions that can reasonably be made from the facts and circumstances; any unreasonable, unconscionable[or] arbitrary action taken without proper consideration of the facts and law pertaining to the matter submitted." Steven H. Gifts, *Barron's Law Dictionary* (6th Ed. 2010)

Most Importantly one of the jurors (Erica Linthendal) knew the Petitioner indirectly and directly through social media and petitioner's family members. But, refused to recuse herself from being a juror which is biased to the petitioner. Therefore, the petitioner's substantial rights have been prejudiced by the court, The court was supposed to Also have a separate hearing for the competency test: To see if the petitioner is competent to stand trial under the Faretta Doctrine. The record will show that the administrative law Judge Perry M. Buckner showed biasness towards the petitioner on the record. Even using derogatory remarks about the petitioner and a remark about being a Jack Ass ("donkey") which falls under impropriety for a judge during a trial or any proceeding which the administrative law judge lost subject matter jurisdiction. As the record will reflect this most important fact of this void judgement.

The complaint invoked the district courts admiralty and maritime jurisdiction, 28 U.S.C SEC. 1331 and 46 U.S.C SEC. 740, and its supplemental jurisdiction over state-law claims, 28 U.S.C SEC. 1367. By looking at the conviction the conviction is based upon "a non-injured party claim" (i.e. the non-injured witness on stand") under the saving to suitor's clause seeking common law remedy. THE STATE OF SOUTH CAROLINA IS NOT "AN INJURED PARTY" OR IS "THE INFORMANT WITNESS" AND INJURED PARTY, TO GIVE THE COURT SUBJECT MATTER JURISDICTION ON AND FOR THE RECORD. THERE IS NO CONTRACT BEFORE THE COURT OR STIPULATION TO GIVE THE COURT IN PERSONAM JURISDICTION. AT TRIAL PETITIONER NEVER WAIVED IN PERSONAM JURISDICTION AS THE PETITIONER AS AN "EXPRESS" CONTRACT BEFORE THE COURT. THAT THE FORMER ATTORNEY OF RECORD READ ON AND FOR THE RECORD THE MOTION TO TERMINATE ATTORNEY, See Exhibit A, WHICH IS CLEAR REVERSIBLE ERROR AS THE RECORD WILL REFLECT. THAT THERE IS NO DEGREE OF FAULT. SEE GEORGE MERCER TULANE LAW REVIEW VOL 55. FOUR TYPES OF IDEMNITY: 1. Express Contract; 2. Implied Contract; 3. Statutorily; and, 4. Indemnity Restitution. Two types of contribution: 1 Pro Rata; and, 2. Degree of Fault. So now IT IS IN FACT AND AT LAW THAT THERE IS NO IN PERSONAM OR SUBJECT MATTER JURISDICTION. "I DO NOT CONSENT TO BEING SURETY."

CONCLUSION

The General Sessions Court, in regard to the original complaint, is moving under either:

- a) Common Law,
- b) Equity, or
- c) Admiralty.

Regarding a): There is no evidence of the complaint supported by sworn affidavit of a damaged party to bring action under the common law.

Regarding b): There is no evidence of breach of contract with a bona fide signature, (of Miquel Lutron Bryan), to hold Miquel Lutron Bryan to an equity jurisdiction. Under the statute of frauds section 32-3-10 (2)(5)

As the instant court of the General Sessions must be moving under the rules of admiralty, Miquel Lutron Bryan demands that this matter be reversed and is dismissed on the following grounds:

1. There is no evidence of the original contract to substantiate a breach of contract under the statute of frauds 32-3-10(2)(5) SEE Restatement(second) of contracts Section 1 (1981)
2. There is no evidence of verified complaint supported by affidavit to substantiate a tort action:
3. There is no evidence abdduced from Miquel Lutron Bryan to substantiate a capture of prize as a belligerent or contraband; and the captor is barred from entering evidence in support of a claim against the petitioner (i.e. booty and captured)

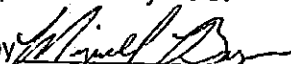
See; the jurisdiction of a court of admiralty is based on equitable principles, yet it is lacking in those powers' peculiar to an equity court. It cannot declare or enforce a trust or other fiduciary relationships See Ward v. Thompson (1859) 63 U.S. 330; Kellum et al. v. Emerson (C. C. 1854) 2 Curtis 79. Or entertain a libel for specific performance or to correct a mistake. See Andrews et al. v Essex, etc Ins, Co. (C.C.:1822) 3 Mason 6, 16.

SEE, the admiralty jurisdiction, in cases of contract, . . . is limited to contracts, claims, and services purely maritime". Catron, J., In peoples' Ferry Co. of Boston v. Beers et al. (1857) 61 U.S. 393, 401.

THIS INSTANT (Admiralty) CASE IS HEREBY REVERSED DUE TO THE CONSTITUTIONAL VIOLATIONS NOTWITHSTANDING THE PETITIONER IS NOT CONTRACTED WITH THE STATE OF SOUTH CAROLINA OR OTHERWISE FOR SPECIFIC PERFORMANCE. THAT THE PROSECUTION BRING FORTH A" CONTRACT" OR A "CORPUS DELECTI" AS THIS MATTER IS VOID. FOR LACK OF INPERSONAM, SUBJECT MATTER (IN REM) AND TERRITORIAL JURISDICTION UNDER 11 TH AMENDMENT IMMUNITY (UNDER FSIA).

This 1st day of July 2020 (nunc pro tunc)

Respectfully Submitted juris et

de jure by 

Miquel Bryan# 282448

Ridgeland CI CB31

c/o Correctional Drive

Ridgeland, South Carolina [29306]

EXHIBIT A

ATTACHED HERETO AND MADE PART OF THE RECORD

Compose

Inbox 1,451

Starred

Snoozed

Sent

Drafts 68

More

Meet New

Start a meeting

Join a meeting

Chat



elron



No recent chats

Start a new one

FW: Actual Constructive Notice of S

Mitchell, Gayle <Gayle.Mitchell@va.gov>

to 1111

From: Mitchell, Gayle

Sent: Tuesday, December 31, 2019 3:16 PM

To: linders@scsolicitor9.org

Cc: JMikell@mikellfirm.com

Subject: Actual Constructive Notice of Service

Good Afternoon,

This is actual constructive notice of service. Sent by US m:

V/R

M.Bryan

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
MOTION COVERSHEET

WARRANT/TICKET/
INDICTMENT #:

2017100651003231
20170351003230
20170651003238
20170681003239

STATE OF SOUTH CAROLINA

Mignell Bayan
DEBENDANT

Plaintiff: Bar No. _____ Address: _____ Phone: _____ E-mail: _____	Defendant's Attorney: Bar No. _____ Address: _____ Phone: _____ E-mail: _____
--	---

MOTION HEARING REQUESTED
 FORM MOTION, NO HEARING REQUESTED

SECTION I: Hearing Information
 Nature of Motion: *Motion to terminate Attorney*
 Estimated Time Needed: *15* Court Reporter Needed: YES NO

SECTION II: Motion/Order Type
 Written motion attached
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Mignell Bayan
Signature of Plaintiff Attorney for Defendant
Def

12-31-19
Date submitted

FILED
21 DEC 31 PM 1:22
CLERK OF COURT

CLERK OF COURT
JAMES A. ...
SLACK ...

STATE SOUTH CAROLINA)

COUNTY AT CHARLESTON)

STATE OF SOUTH CAROLINA)

Plaintiff,)

vs.)

Miguel Bryan)

Defendant,)

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH CIRCUIT

Case No: # 2017100GS1003231
2017GS1003230
#2017GS1003228
2017 GS10032# 229 MB

MOTION TO TERMINATE ATTORNEY

COMES NOW Miguel Bryan in his proper person let it be known to the courts and all agents thereof, I waive no rights, I do claim and reserve all rights, remedies, defenses, statutorial or procedural, and I retain full constitutionally secured rights, power, privileges and prerogatives and enjoy the benefits thereof, at all times- in all places. I do waive the benefit privilege.

I move to terminate my contract with my present attorney of record and withdraw all appearances by said attorney of record and all so called pleas to the quasi in rem jurisdiction of the court by all general appearances. Made in the past by said attorney either by motion or application to this time .

The reason for such termination of attorney of record is that ,I believe the attorney of record is incompetent as there is no injured party "corpus delicti" before the court to give the court subject matter jurisdiction over my person. Said attorney of record as of this time has not file one Motion to Discharge /Dismiss/ Challenge Subject Matter Jurisdiction of the court, As there is also no "express" or "implied" contract before the court. That gives the court quasi in rem jurisdiction over my person.

I expressly reserve the right to represent my self or appoint a special master if needed .All future appearances either by motion or application, by me will be in my proper person as a man before the court by special limited appearances only without prejudice without waving any rights remedies or defenses statutorial or procedural. In a court of record with a competent court reporter under the Griffin Doctrine

This Termination of the present attorney of record is effective immediately

this 31 day of December 2019

All rights expressly Reserved.

by Miguel Bryan
Signature

JULIE A. ARMSTRONG
CLERK OF COURT

2019 DEC 31 PM 1:22

FILED

ATTEST:
JULIE A. ARMSTRONG (Seal)
CLERK, C.P. GS. J.C.
BY [Signature]
DEPUTY CLERK

EXHIBIT B

ATTACHED HERETO AND MADE PART OF THE RECORD

Registration Statement

Pursuant to the Foreign Agents Registration Act of 1938, as amended

INSTRUCTION SHEET-READ CAREFULLY

1. *Use.* All persons required to register under this Act shall use this form in submitting the information required by Section 2(a).
2. *Read Act and Rules.* Registrant should carefully read the Act and the Rules thereunder before completing this form.
3. *Answer.* Unless otherwise specifically instructed in this form, a registrant shall answer every item on this form. Whenever the item is inapplicable or the appropriate response to an item is "none", an express statement to that effect shall be made.
4. *Attachments.* Inserts and riders of less than full page size shall not be used. Whenever insufficient space is provided for response to any item, reference shall be made in such space to a full insert page or pages on which the item number and inquiry shall be restated and a complete answer given.
5. *Filing.* The completed statement, including all exhibits, shall be filed in electronic form with the Registration Unit, Counterintelligence and Export Control Section, National Security Division, U.S. Department of Justice at <https://www.fara.gov>. The statement must be filed in accordance with 28 U.S.C. § 1746. A copy should be retained by the registrant.
6. *Filing Fee.* The filing of this document requires the payment of a filing fee for each listed foreign principal as set forth in Rule 5(d)(1), 28 C.F.R. § 5.5(d)(1).
7. *Privacy Act Statement.* The filing of this document is required for the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.*, for the purposes of registration under the Act and public disclosure. Provision of the information requested is mandatory, and failure to provide the information is subject to the penalty and enforcement provisions established in Section 8 of the Act. Every registration statement, short form registration statement, supplemental statement, exhibit, amendment, copy of informational materials or other document or information filed with the Attorney General under this Act is a public record open to public examination, inspection and copying during the posted business hours of the Registration Unit in Washington, DC. Statements are also available online at the Registration Unit's webpage: <https://www.fara.gov>. One copy of every such document, other than informational materials, is automatically provided to the Secretary of State pursuant to Section 6(b) of the Act, and copies of any and all documents are routinely made available to other agencies, departments and Congress pursuant to Section 6(c) of the Act. The Attorney General also transmits a semi-annual report to Congress on the administration of the Act which lists the names of all agents registered under the Act and the foreign principals they represent. This report is available to the public in print and online at: <https://www.fara.gov>.
8. *Public Reporting Burden.* Public reporting burden for this collection of information is estimated to average 1.375 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Registration Unit, Counterintelligence and Export Control Section, National Security Division, U.S. Department of Justice, Washington, DC 20530; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Note: Omit this instruction sheet when filing this Statement.

EXHIBIT C

ATTACHED HERETO AND MADE PART OF THE RECORD

2017-002965
ARREST WARRANT

2017A1010900151

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE
against

Miquell Lutron Bryan

Address:

Charleston, SC 29406-4734

Phone:

Sec M Race: B Height: 6 Weight: 213

DL State: SC DL #:

DOB: Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: Andrew Miller - 0180

Offense: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 1st offense

Offense Code: 0278

Code Ordinance Sec: 44-53-0370(c)(2)

This warrant is ~~certified for service~~ in the

County/ Municipality of

is to be executed and brought before me to be dealt with according to the law.

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Miquell L. Bryan on 7-23-17

Oliver E. Co...

RETURN WARRANT TO:

General Sessions
Charleston County Judicial Center
100 Broad Street, Suite 106
Charleston, SC 29401

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Personally appeared before me the affiant Andrew Miller who being duly sworn deposes and says that defendant Miquell Lutron Bryan did within this county and state on or about 3/5/2015 violate the criminal laws of the State of South Carolina for offense of County/ Municipality of Charleston in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

See Attached Affidavit

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address: 3691 Leeds Avenue

North Charleston, SC 29405

Affiant's Telephone: (843)202-1700

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 3/5/2015 defendant Miquell Lutron Bryan

did violate the criminal laws of the State of South Carolina for offense of

County/ Municipality of Charleston as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in cocaine, 10 g or more, but less than 28 g - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 7/23/2017.

Oliver E. Co... (L.S.)

Ellen Solmir Steinberg

Judge Code: 7280

Judge's Address: 1720 Sam Rittenberg Blvd, Unit 11

Charleston, SC 29417

Judge's Telephone: (843)-76-6-65 x 31

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

VOID

NO Signature / Seal of the clerk

RECEIVED

JUL 27 2017
SC Court of Appeals

28 USC 1691
62 Stat.

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.J., S.C. & P.C.
By *[Signature]*
CLERK

DAIL set by

WITNESSES

Judge Baldwin
on 2/24/17
Type and Amount: \$50,000
Name of Surety: _____

Name: _____
Address: _____
Telephone: _____
Name: _____
Address: _____

PRELIMINARY HEARING held by

Judge _____
on _____
Defendant/Attorney: _____

Telephone: _____
Name: _____
Address: _____
Telephone: _____

Disposition: _____

Name: _____
Address: _____
Telephone: _____

Judge _____
on _____
by _____
(Indicate jury trial, bench trial, post trial, etc.)

Name: _____
Address: _____
Telephone: _____

Disposition: _____
Sentence: _____

Name: _____
Address: _____
Telephone: _____

Name: _____
Address: _____

Telephone: _____

Name: _____
Address: _____

Telephone: _____

CODEFENDANTS



JURORS
FILED
MAR 1 2017
JULIE J. ARMSTRONG
CLERK C.F. & G.S.

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.F. & G.S.
BY [Signature]
DEPUTY CLERK

EXHIBIT D

ATTACHED HERETO AND MADE PART OF THE RECORD OF THE SENTENCING SHEET THAT SHOWS SPECIFIC PERFORMANCE AND THERE IS NO CONTRACT EXPRESS OR IMPLIED UNDER THE STATUTE OF FRAUDS SC CODE 32-3-10 (2)(5). UNDER THE STATUTE OF FRAUDS THIS IS A VOID JUDGMENT AS THE PETITIONER DOES NOT CONSENT TO BEING SURETY FOR THIS UNBONDED COLORABLE CLAIM BROUGHT BY STEPHANIE LINDER

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

MIQUELL LUTRON BRYAN

AKA: Miguel Lutron Bryan, Miquell Lutron Bryant

Race: Black/African American

Sex: M

DOB:

SSN:

Address:

City, State, Zip: Charleston, SC 29406-4734

DL#

SID# SC01003467

*CDL Yes No CMV. Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or

PLEADS

TO: Trafficking in Cocaine - 3rd Offense

In violation of § 44-53-0370(e)(2)(a) of the S.C. Code of Laws, bearing CDR Code # 0147

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

Mandatory GPS

§17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense,

Defendant Waives Presentment to Grand Jury, (def.'s initials)

The plea is: Without Negotiations or Recommendation,

Negotiated Sentence,

Recommendation by the State.

TEST:

Steph B. Linder 72656
Steph B. Linder, Assistant Solicitor SC Bar #

Defendant

Attorney for Defendant

73072
SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 2.5 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$50,000 provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing

Ordered PTUP _____

Total: \$ _____ plus 20% fee: \$ _____

days/hours Public Service Employment

Payment Terms: _____

Obtain GED

Set by SCDPPPS _____

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

RECEIVED
JUL 27 2020
SC Court of Appeals

Recipient: _____

*Fine: \$ 50,000.00

§14-1-206 (Assessments 107.5%) \$ 53,750.00

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$

§56-5-2995 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Probation) \$500 \$

§14-1-212 (Law Enforc. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00

§50-21-114 (DUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ \$ 3,120.75

TOTAL \$ 107,146.75

Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: *Ruston Muller*

Court Reporter: *Nicole Carney*

Presiding Judge: *Penny M. Buisnea*

Judge Code: *2122*

Sentence Date: *January 7, 2020*

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK, C.P., S.S., ETC.

DEPUTY CLERK

PENNY M. BUISNEA
PRESIDING JUDGE

SBI/0327135
WITNESSES

Charleston County Sheriff Office

AGENCY CASE NUMBER
2017-002965

ARREST WARRANT NUMBER
2017A1010900151

DATE OF ARREST
02/24/2017

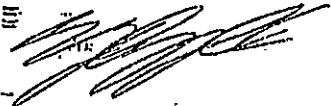
ACTION OF GRAND JURY

TRUE BILL

Forfeiture
Foreperson of Grand Jury
Date: MAY 09 2017

VERDICT

*Guilty of trafficking in ten
or more grams and less than 28 grams
of cocaine.*



January 7 2020

DOCKET NO. 2017-GS-10-03228

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
MAY TERM 2017

THE STATE

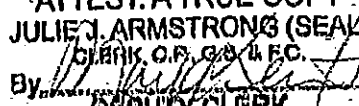
VS.

MIQUELL LUTRON BRYAN
B/M DOB 1977

Indictment for

TRAFFICKING IN COCAINE

SC Code: § 44-53-0370(c)(2)(a)
CDR Code: 0278

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.D. & H.C.
By 
DEPUTY CLERK

Miguel Bryan #282448

Ridgeland CI CB31

E/O 5 Correctional Drive

Ridgeland, South Carolina [29306]



RECEIVED
JUL 27 2020
SC Court of Appeals

The South Carolina
Court of Appeals

Attn: Honorable Jenny Abbot Kitchens

120 Senate Street
Columbia, South Carolina 29201

