

In The  
South Carolina Court of Appeals

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Miquel Lutron Bryan, pro per  
Appellant ,

**RECEIVED**  
SEP 28 2020  
SC Court of Appeals

vs.

Appellate Case No. 2020-001033

THE STATE OF SOUTH CAROLINA,

Trial Court Case No. 201 GS1003228

Respondent.

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OBJECTION TO THE VIOLATION OF RIGHTS UNDER THE COLOR OF LAW BASED ON THE ORDER OF THE APPEALS COURT CONCERNING THE DENYING OF PETITIONERS MOTION TO REPRESENT IN HIS PROPER PERSON BEFORE THE SUPREME COURT UNDER THE FARRETTA DOCTRINE/WARNING

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OBJECTION

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COMES NOW Miquell Bryan ("Appellant") non-assumpsit in his proper person is before this honorable supreme court by special limited appearance without prejudice without waiving any rights remedies or defenses statutory or procedural. The ("Appellant") objects the order of the South Carolina court of appeals based on being arbitrary and capricious. The court is moving in error based on the Farretta warning was not the duty of the appeals court, but that of the General Sessions court before administrative law judge Perry M. Buckner III. Who blatantly violated the undersigns constitutional rights under the Farretta Doctrine, the petitioner not only filed a motion to terminate the private attorney of record but also emailed private attorney of record Jason T. Mikell and Stephanie B. Linder by actual and constructive notice (See exhibit A) Administrative law judge Perry M. Buckner III in no shape form or fashion gave any Farretta warning during trial whatsoever. Notwithstanding that violation alone is grounds for the Supreme Court to pursue original jurisdiction in this matter as the record will reflect that Administrative law judge Perry M. Buckner III refuse to allow the ("Appellant") to be relieved of private attorney of record whom ("petitioner") paid \$10,000 USD from an auto accident too. Who has a right to terminate the private attorney of record on a non-performance of contractual basis that deemed to terminate the contract? As stated in the 31<sup>st</sup> of December 2019 Motion to Terminate that the private attorney of record is incompetent as no motion to dismiss where ever filed as there is no "verified complaint" or "injured party in fact before the court to give the court subject matter jurisdiction in rem or personam. See Exhibit A

The biggest and biased violation in this case notwithstanding the violation to due process, but the juror Erica Lilienthal knowing the family of the ("petitioner") and not recusing herself. The court is moving against constitutional mandates that are set in place to avoid violating a litigant's constitutional rights per the South Carolina and Federal Constitution. The South Carolina appeals court can't undo what was not done at trial on the 7<sup>th</sup> of January 2020 when administrative law judge Perry M. Buckner III was supposed to give the Farretta Warning at trial, not this court at this particular moment as the ("petitioner") is sitting in Ridgeland Correctional Facility based on the arbitrary and capricious judgment by the General Sessions court. When Chief Justice Beatty already took a much-needed stance on the violation to defendants' constitutional rights under the Farretta Doctrine & the Judiciary Act of 1789. "The petitioner has a constitutional right to represent himself and the 31<sup>st</sup> of December 2019 Motion to terminate attorney was also a special limited appearance without waiving any rights or remedies statutory or procedural. So, now the court of Appeals cannot deny a constitutional right to invoke the original jurisdiction of the court when the General Sessions court denied that constitutional right giving a Farretta Warning on the record."

See Judiciary Act of 1789 ch. 20, Subsection 35,1 Stat. 92, as amended 28 U.S.C. Subsection 1654 (1970) as follows:

In all courts of the united states the parties may plead and conduct their own cases personally or by counsel as by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

Let the court look further into the article by chief justice Beatty concerning the Farretta doctrine violations That was aired on WIS NEWS 10 COLUMBIA, SC " It has continually come to my attention that defendants, who are either represented by counsel nor waived counsel, are being sentenced to imprisonment. This is a clear violation of the Sixth Amendment right to counsel and numerous opinions of the supreme court of the United States. See United States v. Johnson, 76 F. Supp. 538, 539 (D. Pa. 1947)

All defendants facing criminal charges in your courts that carry the possibility of imprisonment must be informed of their right to counsel and, if indigent, their right to court appointed counsel prior to proceeding with trial. Absent a waiver of counsel, or the appointment of counsel for an indigent defendant, summary court judges shall not impose a sentence of jail time and are limited to imposing a sentence of a fine only for those defendants, if convicted.

The above is an excerpt from the chief justice of the South Carolina supreme court the case is a case of rush to judgement as the petitioner's constitutional rights were violated by the General Sessions Court.

See also: Faretta v. California, 422 U.S. 806, 835 (1975) (Providing a criminal defendant " should be made aware of the dangers and disadvantages of self-representation, so that the record will establish the "he knows what he was doing and his choice is made with eyes open "(quoting Adams v. United States ex rel. McCann, 317 U.S. 269, 279 (1942)

The petitioner objection to the order of the South Carolina Appeals Court is proper before the South Carolina Supreme Court and the invoking of the courts original jurisdiction based on the two egregious violations to the appellant's constitutional rights concerning the juror Erica Lilienthal and not applying the Farretta warning in court. The South Carolina Court of Appeals is in error with the now Farretta Warning that was supposed to be addressed in General Sessions court, but was not adhered to by the court at trial.

The US Supreme Court in Faretta v. California and the SC Supreme Court in Prince v. State have held that, to confirm there was a knowing and intelligent waiver of a defendants right to counsel, the defendant must be:

1. Advised the he has a right to counsel; and
2. Adequately warned of the dangers of self-representation.

Now being that the General Sessions was a court of record and the Administrative Law Judge Perry M. Buckner III FAILED TO ADDRESS THE FARETTA WARNING IN OPEN COURT ON THE RECORD, IS IN VIOLATION OF THAT CONSTITUTIONAL RIGHT. THIS CASE ENACTS THE ORIGINAL JURISDICTION OF THE SUPREME COURT TO AJUDICATE THIS CASE ALONG WITH ONE OF THE JURORS KNOWING THE PETITIONERS FAMILY DIRECTLY OR INDIRECTLY VIA SOCIAL MEDIA AND THE LIKE.BUT FAILED TO RECUSE HERSELF FROM TRIAL, this fact now before the court the petitioners puts this court on judicial notice.

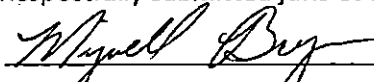
In Gardner v. State,351 S.C. 407, 570 S.E. 2d 184 (2002), this Court held the Farretta and Prince requirement of warning the defendant of the dangers of self-representation applies to waiver by conduct.

Based on all the above the petitioner objects to the order of the South Carolina Appeals court as the order is untimely with the Faretta Warning that should have been explained in General Sessions Trial Court, but was not done by the court, the constitutional violations to rights supersedes the appeal court jurisdiction.

See U.S. Supreme Court Griffin 351 U.S. 12 (1956)

This <sup>29<sup>th</sup></sup> day of August 2020 (nunc pro tunc)

Respectfully submitted juris et de jure, by

  
\_\_\_\_\_  
Miquell Bryan#282448

Ridgeland CI CB31

P.O. BOX 2039

Ridgeland, South Carolina 29936

EXHIBIT A

ATTACHED HERETO AND MADE APART OF THE RECORD

1. THE ACTUAL AND CONSTRUCTIVE NOTICE TO TERMINATE ATTORNEY OF RECORD THAT WAS FILED ON THE 31<sup>ST</sup> OF DECEMBER 2019. SENT VIA EMAIL, US MAIL TO STEPHANIE B. LINDER & JASON T. MIKELL THE ATTORNEY OF RECORD WAS SUPPOSE FILE A MOTION INTO THE COURT NOTIFYING THE COURT. THE SAME RULES APPLY TO THE PROSECUTION WHO FAILED ON THE RECORD TO ADDRESS THE COURT. THAT ALONE VIOLATED THE APPELLANT CONSTITUTIONAL RIGHTS.

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 me

**From:** Mitchell, Gayle  
**Sent:** Tuesday, December 31, 2019 3:16 PM  
**To:** [linders@scsolicitor9.org](mailto:linders@scsolicitor9.org)  
**Cc:** [JMikell@mikellfirm.com](mailto:JMikell@mikellfirm.com)  
**Subject:** Actual Constructive Notice of Service

Good Afternoon,

This is actual constructive notice of service. Sent by US ma

V/R

M.Bryan

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS  
MOTION COVER SHEET

WARRANT/TICKET/  
INDICTMENT #s

# 2017100GS1003231  
# 2017GS1003230  
# 2017GS1003228  
# 2017GS1003229

STATE OF SOUTH CAROLINA

*Mignell Bryan*  
-vs-  
DEFENDANT

Solicitor: Bar No. _____	Defendant's Attorney: Bar No. _____
Address: _____	Address: _____
Phone: _____	Phone: _____
E-mail: _____	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 Bryan*  
Signature of  Solicitor  Attorney for Defendant  
*Def*

*12-31-19*  
Date submitted

FILED  
2019 DEC 31 PM 1:22  
JULIE A. ARMSTRONG  
CLERK OF COURT

JULIE A. ARMSTRONG  
CLERK OF COURT  
DEPUTY CLERK

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 GS100329

289 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 ....

All rights expressly Reserved.

by Miguel Bryan  
Signature

this 31 day of December 2019

2019 DEC 31 PM 1:22  
FILED  
CLERK OF COURT  
JENNIFER HONG

ATTEST: JENNIFER HONG  
CLERK, C.M. C.A. S.C.  
JENNIFER HONG

The South Carolina Court of Appeals )  
)  
)  
)  
STATE OF SOUTH CAROLINA )  
Plaintiff, )  
)  
vs. )  
)  
Miguel Bryan )  
Defendant, )  
)

CERTIFICATE OF SERVICE  
Appellate Case No. 2020-000075  
#2017 GS1003228

I Miguel Bryan by limited appearance via motion / application of OBJECTION/RULE 21 Judicial Notice to the 13<sup>th</sup> of August 2013 order in this action, 29<sup>th</sup> of August, 2020 TO THE CLERKS OF THE GENERAL SESSSIONS COURT.  
by Special limited appearance to the clerk of court at:

Clerk of Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

cc. Clerk of Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

William M. Blich  
1000 Assembly Street  
Columbia, South Carolina 29401

Stephanie B. Linder  
101 Meeting Street  
Charleston, South Carolina 29401

**RECEIVED**  
SEP 28 2020  
SC Court of Appeals

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This 29 day of August \_\_\_\_\_ 2020

by: Miguel Bryan  
Miguel Bryan #282448  
Ridgeland CI CB31  
5 Correctional Road  
Ridgeland, South Carolina [29936]