

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

DEC 13 2021

APPEAL FROM CHARLESTON COUNTY  
General Sessions Court

**SC Court of Appeals**

Perry M. Buckner, Circuit Court Judge

Appellate Case No. 2020-000075

The State,

Respondent,

v.

Miguel Lutron Bryan,

Appellant.

ACTUAL & CONSTRUCTIVE JUDICIAL COGNIZANCE

PETITION FOR WRIT OF MANDAMUS/PROHIBITION/  
FOR LACK OF EXTRATERRITORIAL JURISDICTION, TERRITORIAL JURISDICTION,  
SUBJECT MATTER JURISDICTION, INPERSONAM JURISDICTION OR IN REM  
JURISDICTION UNDER 28 USC 1333(1)

Miguel Lutron Bryan, pro per #282448  
R.C.I.P.O. BOX 2039  
Ridgeland, South Carolina 29936  
Appellant for Appellant (Faretta Doctrine)

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CANON 3 E (1) OF THE CODE OF JUDICIAL CONDUCT (RULE 501 SCACR’’SOUTH CAROLINA APPELLATE COURT RULES’’) A JUDGE SHALL DISQUALIFY HIMSELF OR HERSELF IN A PROCEEDING IN WHICH THE JUDGES IMPARTIALITY MIGHT REASONABLY BE QUESTIONED.....2

## STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT RUSHED TO JUDGEMENT IN FAILING TO GIVE THE APPELLANT A FARRETTA WARNING?
2. DID JUROR (208) WAS TRUTHFUL ABOUT WETHER OR NOT SHE KNEW THE APPELLANT OR ANY MEMBERS OF THE APPELLANTS FAMILY? ALONG WITH EVEN BEING FRIENDS ON SOCIAL MEDIA & FAILED TO RECUSE HERSELF<sup>1</sup>

## STATEMENT OF THE CASE

On or about March 5, 2015, at Charleston County, South Carolina (appellant) 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 and constructive possession<sup>2</sup> of (10) grams or more of Cocaine or any mixture containing cocaine as provides in 44-53-210(b)(4) all in violation of 44-53-210(b)(4) of the South Carolina Code of Laws (1976) against the peace and dignity of the State<sup>3</sup> and contrary to statute in such a case made and provided. the action was tried on January 6, 2020, and judgment was entered on January 7, 2020.

To date there are no affidavits or criminal complaints of an injury in that's fairly and unrebutterably traceable to the appellant. Based on that "prima facie" fact that there is no "corpus delicti" before the court. To give the court jurisdiction over appellants person. Without violating constitutional mandates that are in place to protect the appellant. The appellant filed a motion about a year ago under the Griffin Doctrine for a copy of the transcript <sup>4</sup>

This court in Dudley had to bear witness to the challenge to the extraterritorial jurisdiction that this court again lacks due to the legislative intent of Congress concerning territorial jurisdiction and the like under the FSIA and the 11<sup>th</sup> Amendment of the Constitution of the United States. See the five bases of jurisdiction to prescribe (Restatement (third) of foreign Relations Law.

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<sup>1</sup> Left Page 46-line 4-8 (of transcript) Juror 208 Erica Lilienthal on and for the record.

<sup>2</sup> Constructive possession of a controlled substance is a drug possession charge where the person didn't physically have possession of the drugs but knew about the presence of drugs and had dominion and control over them. (Concludes No injury in fact that shows the trial court was moving under statutory authority)

<sup>3</sup> 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 (political subdivision) was early defined by the U.S. Supreme Court as "an artificial being, invisible, intangible, and existing only in contemplation of the law."

<sup>4</sup> *Griffin v. Illinois* 351 US 12 (1955) failure to provide a transcript constitutes violation of due process and equal protection clauses of the fourteenth amendment.

## RESPONDENT CANNOT ESTABLISH STANDING TO SUE

On January 6-7, 2020, the case was tried by a jury which found for Respondent and entered judgement, for the confinement of 25 years. Based on restitution and reimbursement and or quantum meruit. By Respondent Or have a contract that can be proven under the statute of frauds<sup>5</sup> See exhibit B. The pleadings by the Respondent do not invoke the admiralty side of the court under 28 USC 1333(1) by so called reverse Erie Doctrine<sup>6</sup> The trial court lacked in rem jurisdiction<sup>7</sup> based on the calculations of the 'res' (10) grams or more of cocaine.<sup>8</sup> The trial court lacked extraterritorial jurisdiction<sup>9</sup> the trial court also lacked territorial jurisdiction <sup>10</sup> the trial court erred by not demanding Respondent to prove subject matter jurisdiction on the record <sup>11</sup> To have standing to sue, a plaintiff must have suffered an injury in fact- and invasion of a legally protected interests which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical' that is fairly traceable to the challenged conduct.<sup>12</sup>

The informant is not an cannot be an injured party to bind the appellant to the jurisdiction of the court under a tort. Thus, the court lacks inperonam jurisdiction absent a tort  
The Seventh Amendment preserves the right to a jury trial "[i]n suits at common law." U.S. (5 How.) 441,460 (1847). U.S. Const. amend. VII. The Seventh Amendment's guarantee of a jury trial, however, applies only to cases at law, a category that does not include maritime cases.

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<sup>5</sup> S.C. 32-3-10 (2)(5)

<sup>6</sup> When an action for damages arising out of a maritime tort is brought in state court under the "saving to suitors" clause in 28 U.S.C. SEC 1333, "the extent to which state law may be used to remedy maritime injuries is constrained by so called 'reverse Erie' doctrine which requires that the substantive remedies afforded by the States conform to the governing federal maritime standards. 'Offshore Logistics, Inc., 477 U.S. at 222-23

<sup>7</sup> THE HINE v Trevor, decided by the U.S. Supreme Court in 1867. Finding the remedy pursued in the Iowa courts was in no sense a common law remedy within the saving to suitors' exception,

<sup>8</sup> The state courts under the saving to suitor's clause, can entertain suits in both equity and at law. The right of a common law remedy includes all means except admiralty proceedings that may be employed to enforce the right or redress the injury involved. Lewis v. Lewis & Clark Marine, Inc., 531 U.S. 438 (U.S. 2001)

<sup>9</sup> State v. Dudley, No. 3579, 2002 S.C. App. LEXIS 202, at \*23 (Ct App. Dec 9, 2002)

<sup>10</sup> MUNICIPAL, COUNTY, or STATE COURTS lack jurisdiction to hear any case since they fall under the definition of a 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

<sup>11</sup> Plaintiff bears 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. Steel Co. v Citizens for a better Env't, 523 U.S. 83-94-95(1998) Plaintiff. See New South Life Ins Co. v. Lindsay, 258 S.C. 198, 187 S.E. 2d 794 (1972)

<sup>12</sup> 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 and 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 situation, 'the injury[must] proceed with a high degree of immediacy, so far 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.

## STANDARD OF REVIEW

Section 1-23-610 of 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 ALJ on appeal from an administrative agency.’’ The review of the administrative law judge’s order (Perry M. Buckner) 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. <sup>13</sup>

The court is not permitted to overturn a decision by an administrative body’ unless the authority of the administrative body was exercised in ‘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 be reasonably be made from the facts and circumstances; any reasonable, unconscionable [or] arbitrary action taken without proper consideration of the facts and law pertaining to the matter submitted.’’<sup>14</sup> The Appellant timely filed the Motion to Terminate private attorney of record and the trial court erred in not giving Farreta Warning and the trial court ‘RUSHED TO JUDGEMENT’ by the actions of the trial judge.. The South Carolina Chief Justice has already spoke about the violations of Due Process by the summary court judges

## ACTUAL AND CONSTRUCTIVE NOTICE

1. Respondents have failed to show injury in fact or redressability.

Respondents lack standing to pursue their claims. Respondent have not shown that they have suffered any ‘injury in fact’ that is actual or imminent, not conjectural or hypothetical, ‘friends of Earth, Inc. v. Laidlaw Env’tl. Servs., Inc., 528 U.S. 167, 180 (2000) Much less have they shown that any such injury was caused by the challenged law, or would be redressable by either federal or state court order.CF. Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992)

Generally speaking, the right to determine whether a claim will proceed as an admiralty claim (without a jury) or as a common law claim (with a jury) belongs strictly to the plaintiff. That is, if plaintiff designates his claim as a Rule 9 (h) maritime claim, the saving-to-suitors clause does not permit a defendant to trump that designation and demand a jury trial<sup>15</sup>

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<sup>13</sup> When the court reviews the finding and conclusions of an administrative agency, questions of fact (until rebutted) are held to be ‘prima facie’ true correct.’’ Godinez v. Sullivan-lackey, 352 ILL.App 3 d 87,90 (1<sup>st</sup> Dist 2004)

<sup>14</sup> Steven H. Gifts, Barron’s Law Dictionary (6<sup>th</sup> Ed. 2010)

<sup>15</sup> See Warning,46 U.S. at 461 (‘the saving is for the benefit of suitors, plaintiff and defendant, when the plaintiff in a case of concurrent jurisdiction chooses to sue in the common law courts, so giving himself and the defendant all the advantages which such tribunals can give to suitors in them. It certainly could not have been intended more for the

## FACTS

1. On the 31<sup>st</sup> of December 2019 the appellant filed a motion to terminate expressing the intent to terminate the attorney of record /challenging subject matter jurisdiction (Jason Mikell) based on the failure to file a Motion to Dismiss “Because quote un quote” “The prosecution wouldn’t let him file a motion to Dismiss on behalf of his client.” Which amounts to clear ineffective counsel” See exhibit A
2. On the 6-7<sup>th</sup> of January 2020 the trial judge rushed to judgement by failure to make the Respondent prove jurisdictional defects on the record. As to the challenge to Extraterritorial (Venue)<sup>16</sup>, Subject Matter, Personal Jurisdiction The trial judge was biased as evidence by the transcript shows this on (Right Page 55 line 25). The respondent pleadings before the trial court does not invoke the admiralty side of the court. under 28 USC 1333 or (1)<sup>17</sup>
3. The court is under the presumption that it is enforcing quantum meruit for unjust enrichment based on an implied contract<sup>18</sup> that is hereby rebutted by the South Carolina statute of frauds S.C. 32-3-10 (2)(5) See Exhibit B
4. THE ROLE OF A JURY TRIAL IN ADMIRALTY CASES, HOWEVER, IS COMPLICATED BY THE “SAVINGS TO SUITORS” CLAUSE OF 28 U.S.C.A SEC 1333 (WEST 2006). SECTION 1333 STATES THAT “DISTRICT COURT SHALL HAVE ORIGINAL JURISDICTION EXCLUSIVE OF THE COURTS OF THE STATES, OF (1) ANY CIVIL CASE OF ADMIRALTY OR MARITIME JURISDICTION, SAVING TO SUITORS IN ALL CASES ALL OTHER REMEDIES TO WHUCH THEY ARE OTHERWISE ENTILED.”28 U.S.C.A SEC 1333(1) (EMPHASIS ADDED.)

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benefit of the defendant than for the plaintiff into a common law court ...”(emphasis added) See also Becker v. Tidewater, Inc.,405 F.3d 257, 259 (5<sup>th</sup> Cir. 2005)

<sup>16</sup> Id. At 537, 581 S.E. 2d at 183. Note that by holding that extraterritorial jurisdiction is a component of subject matter jurisdiction, the court avoided an examination of the actual nature of extraterritorial jurisdiction and simply concluded that it can be raised by a party for the first time on appeal or sua sponte by an appellate court

<sup>17</sup> In federal courts plaintiffs can bring actions that sound in equity, in law, or both. Their choice affects their Seventh Amendment right to a jury trial. Claims sounding under common law often fetch a jury trial. Claims sounding under common law (injury in fact) often fetch a jury trial; equity and admiralty claims go to the bench. See 9 Wright & Miller: FED. PRAC. & PROC. SEC 2315, Admiralty and Maritime Cases (1995) (28 USC 1333(1))

<sup>18</sup> Restatement (Second) of contracts Section 1 (1981)

## ARGUMENTS

### I. ARTICLE III CASE OR CONTROVERSEY REQUIREMENT DOES NOT EXIST, A LITIGANT MUST HAVE SUFFERED SOME ACTUAL INJURY THAT CAN BE REDRESSED BY A FAVORABLE JUDICIAL DECISION.

The Constitution confines the judicial power to actual cases or controversies. See U.S Const. Art III Sec 2. The Supreme Court has explained that the “triad of injury in fact, causation, and redressability constitutes the core of Article III’s case or controversy requirement.”<sup>19</sup>

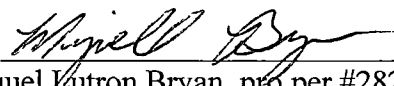
### II. WHEN PERSONAL, SUBJECT MATTER OR EXTRATERRITORIAL JURISDICTION IS CHALLENGED BY THE DEFENDANT, THE PLAINTIFF HAS THE BURDEN OF SHOWING THAT JURISDICTION EXISTS.<sup>20</sup> THE RESPONDENT HAS NOT FILED ANY VERIFIED COMPLAINTS INTO THE RECORD, AN AFFIDAVIT OF INJURY OR CONTRACT UNDER SPECIFIC PERFORMANCE UNDER EQUITY’S JURISDICTION<sup>21</sup>

## CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court. Based on “prima facie” evidence of the trial courts failure to make the Respondent prove what is the extraterritorial, territorial, subject matter and in personam jurisdiction (Transcript Rp 55 line 25) of the court can only get its jurisdiction based on the filing of sufficient pleadings and not otherwise. That not only invoke the jurisdiction of the court but can clearly show and injury or damage traceable to the Appellant to invoke the common law side of the court ...The appellant has shown the Respondent is in error.

Respectfully submitted juris et de jure,

this \_\_\_\_\_, November 2021

By:   
Miquel Lutron Bryan, pro per #282448  
R.C.I P.O. BOX 239  
Ridgeland, South Carolina 29936

<sup>19</sup> The case and controversy requirement under Article III of the Constitution means that a plaintiff must have suffered an injury in fact, the defendant's conduct must have caused the injury, and there must be some likelihood that a court could provide a remedy for the harm if the plaintiff prevails. *Lujan v. Defenders of Wildlife* 504 U.S. 555 (1992)

<sup>20</sup> See *In re Celotex Corp.*, 124 F.3d 619, 628 (4<sup>th</sup> Cir.1997) when the court decides a personal jurisdiction challenge without an evidentiary hearing plaintiff(s) must prove prima facie case of personal jurisdiction. See *Mylan Labs., Inc. v. Akzo, N.V.*, 2 F.3d 56,60 (4<sup>th</sup> Cir. 1993). To determine whether a plaintiff has satisfied this burden, the court may consider both the defendant's and the plaintiff's “pleadings, affidavits, and other supporting documents presented to the court” and must construe them (until rebutted) in the light most favorable to plaintiff, drawing all inferences and resolving all factual disputes in its favor.” And assuming [plaintiff's] credibility.” *Masselli & Lane, Pc v Miller & Schuh, PA*, 215 F. 3d 1320,200 WL 691100, at \* 1 (4<sup>th</sup> Cir. 2000) (table);

<sup>21</sup> The jurisdiction of a court of admiralty is based on equitable principles, yet 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.

**EXHIBIT A**

**ATTACHED HERETO AND MADE PART OF THE RECORD OF THE 31<sup>ST</sup> OF DECEMBER 2019 MOTION TO  
TERMINATE ATTORNEY OF RECORD AND A WITHDRAWAL OF ALL APPEARANCES BY SAID FORMER  
ATTORNEY OF RECORD.**

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS  
MOTION COVERSHEET

WARRANT/TICKET/  
INDICTMENT #s:

# 2017100631003331  
# 2017CS1003230  
# 2017CS1003228  
# 2017CS1003229

STATE OF SOUTH CAROLINA

*Mignell Bryan*  
DEFENDANT

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

MOTION HEARING REQUESTED  
 INFORM 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  
CLERK OF COURT

WEST & TRAIL CO.  
COURT REPORTERS & VIDEO  
CLERK OF COURT  
*[Signature]*  
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 GS100320

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

**EXHIBIT A**

All rights expressly Reserved

by Miguel Bryan  
Signature

JULIE J. ARMSTRONG  
CLERK OF COURT

2019 DEC 31 PM 1:22

FILED

ATTEST: JULIE J. ARMSTRONG (SEAL)  
CLERK OF COURT  
BY Donna Jarboe  
DEPUTY CLERK

EXHIBIT B

ATTACHED HERETO AND MADE PART OF THE RECORD OF THE 7<sup>TH</sup> OF JANUARY 2020 SENTENCE SHEET THAT IS IN CLEAR VIOLATION OF THE STATUTE OF FRAUDS WHERE THE APPELLANT AGREED TO BE HELD NOT ONLY SURETY FOR AN IMPLIED CONTRACT TO BE HELD LIABLE UNDER EQUITY JURISDICTION. BASED ON SPECIFIC PERFORMANCE OF CONTRACT. UNDER THE DEGREE OF FAULT DOCTRINE. THE COURT CANNOT SUSTAIN THE JURISDICTION UNDER THE SAVING TO SUITORS CLAUSE . AS THE RESPONDENT MUST INVOKE THE SUBSTANTIVE ADMIRALTY LAW IN STATE COURT.

1. THE STATE IS NOT AN INJURED PARTY AND THE COURT IS ESTOPPED FROM PROCEEDING FURTHER AS THERE IS NO GENUINE CONTROVERSEY.
  
2. THE INFORMANT IS NOT AN INJURED PARTY WITH ANY INJURIES TRACEABLE BACK TO THE APPELLANT. (SEE LEJUN CASE DICTA)
  
3. THE DETECTIVE ANDY MILLER PERJURED HIS TESTIMONY VIA AFFIDAVIT. AS HE DID NOT WITNESS ANY CRIMES WITH ANY INJURED PARTY. THIS AFFIDAVIT IS FRAUD ON THE COURT AND HIS AFFIDAVIT IS REBUTTED BY AFFIDAVITS THAT ARE ON RECORD IN THIS COURT BY THE APPELLANT. THAT REBUTS THE FACT THAT THERE IS AN INJURED PARTY BEFORE THE COURT.. AND IF THE RESPONDENT IS AN INJURED PARTY .. RESPONDENT NEED TO FILE AN AFFIDAVIT INTO THE RECORD. SWEARING UNDER THE PENALTY OF PERJURY THAT IT WAS HARMED BY THE APPELLANT... THE TESTIMONY OF THE INFORMANT WAS ON BEHALF OF THE INJURED LESS PARTY CLAIM BY THE RESPONDENT... THE SAVING TO SUITORS CLAUSE IS ONLY PROVIDED TO GIVE A REMEDY IN A STATE COMMON LAW COURT I.E. (INJURED PARTY)

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: 12/01/1977 SS#: 247-51-5145  
Address: 2229 Eagle Drive  
City, State, Zip: Charleston, SC 29406-4734  
DL# 007372527 SID# SC01003467

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2017-GS-10-03228  
A/W: 2017A1010900151  
Date of Offense: 03/05/2015  
S.C. Code §: 44-53-0370(e)(2)(a)1  
CDR Code#: 0278

SENTENCE SHEET

\*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 - 3<sup>rd</sup> 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 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

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: \_\_\_\_\_  
Stephanie B. Linder, Assistant Solicitor SC Bar # 72656 Defendant  
\_\_\_\_\_ Attorney for Defendant SC Bar # 73072

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center,  
for a determinate term of 25 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. \_\_\_\_\_

Recipient: \_\_\_\_\_  
\*Fine: \_\_\_\_\_  
§14-1-206 (Assessments 107.5%) \$ 50,000.00  
§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 53,750.00  
§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ 100.00  
§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_  
Proviso (Public Def/Probation) \$500 \$ \_\_\_\_\_  
§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00  
§14-1-213 (Drug Court Surcharge) \$150 \$ 150.00  
§50-21-114 (BUI 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

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: \_\_\_\_\_

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: \_\_\_\_\_  
Court Reporter: Nicole Carney

Presiding Judge: \_\_\_\_\_  
Judge Code: 2122  
Sentence Date: January 7, 2020

ATTEST: A TRUE COPY  
JULIE J. ARMSTRONG (SEAL)

\_\_\_\_\_ PENNIE M. RICHNER

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON

AFFIDAVIT  
OCA# 2017-002965  
Det. Andy Miller

Personally appeared before me, a magistrate of this County, one, Detective Andy Miller, who, first being duly sworn, deposes and says that:

**Miquell Lutron BRYAN**

Did within this County and State on the 5<sup>th</sup> day of March 2015, did violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE  
**TRAFFICKING COCAINE**  
VIOLATION OF SECTION  
44-53-370 (e)(2)(a)

The affiant states there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

That on March 5, 2015, while at the International Lounge, located at 4620 Dorchester Road in the City of North Charleston, County of Charleston, State of South Carolina, the defendant, **Miquel Lutron BRYAN**, did commit the offense of Trafficking Cocaine, in violation of section 44-53-370 (e)(2)(a) of the South Carolina Code of Laws of 1976, as amended. In that the defendant did willfully and unlawfully distribute approximately 13.60 grams of a white powder substance, which tested positive as cocaine by the Department of Homeland Security, U.S. Customs and Border Protection Laboratories and Scientific Services lab in Savannah, GA.

Facts to establish the aforesaid are that an undercover agent (UC) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and an ATF confidential informant (CI) conducted an undercover purchase of a quantity of cocaine from BRYAN in the area of 4620 Dorchester Road in the City of North Charleston. The ATF UC agent gave the defendant a quantity pre-recorded ATF buy funds in exchange for 13.60 grams of white powder substance, which field tested presumptive for containing cocaine. The transaction was audio and video recorded.

This is based on an investigation by ATF and witnesses to be named in court on a later date. All against the peace and dignity of the State of South Carolina.

Sworn to and Subscribed before me  
this 21 day of February  
2017.

Ellen S. Minally  
Signature of Judge

[Signature]  
(AFFIANT)

Address: 3691 Leeds Ave  
North Charleston, SC 29405  
Phone: (843) 743-7200

ATTEST: A TRUE COPY  
JULIE J. ARMSTRONG (SEAL)

EXHIBIT C

ATTACHED HERETO AND MADE PART OF THE RECORD OF THE CERTIFIED RETURN RECEIPT THAT THE COURT RECEIVED ON THE 21<sup>ST</sup> OF OCTOBER 2021 THAT REBUTS THE APPELLANT WAS LATE IN FILING ANSWER

Exhibit C

7020 2450 0001 7218 5701

**U.S. Postal Service**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

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Certified Mail Fee  
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 Adult Signature Required  
 Adult Signature Restricted Delivery

Postage  
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Total Postage and Fees  
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 SC Court of Appeals Hon. J. S. Abbot Kitchings  
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 1220 Senate St.  
 City, State, ZIP+4®  
 Columbia, SC 29201

Postmark  
 Here  
 OCT 1 2011  
 ISLAND POST OFFICE

PS Form 3800, April 2015 PSN 7530-02-000-3173 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Signature  <input type="checkbox"/> Agent  <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name)        SWAN C. Date of Delivery        10/21/11</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No        Yes, enter delivery address below:</p>	
<p>1. Article Addressed to:        South Carolina Court of Appeals        Honorable J. S. Abbot Kitchings        1220 Senate St.        Columbia, SC 29201</p> <p>9590 9402 5253 9154 2032 61</p>	<p>* Service type  <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>2. Article Number (Transfer from service label)        7020 2450 0001 7218 5701</p>	<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p> <p>Domestic Return Receipt</p>	

THE SOUTH CAROLINA COURT of APPEALS

The State, Respondent,

v.

Miquell Lutron Bryan, Appellant.

Appellate Case No. 2020- 000075

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ORDER

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On the 31<sup>st</sup> of December, 2019, the appellant filed a motion to terminate then attorney of record and expressly stated why he wanted to fire said attorney of record (Jason Mikell) because of Jason Mikell (former attorney of record) the appellant from the 31<sup>st</sup> of December 2019 till present day. Has challenged extraterritorial, territorial, subject matter, in personam jurisdiction. The general sessions court lacks jurisdiction over the defendant and the territorial aspect that was designed by congress legislative power<sup>1</sup> Based on the seat of Government being seated in Washinton D.C.<sup>2</sup> the respondent has failed to prove in rem, in personam, territorial or extraterritorial jurisdiction in almost the 2 years this case has been before this court...It is the Respondent job to prove all jurisdictional components by filing the proper pleadings that invoke the in personam, in rem or extraterritorial jurisdiction of the court . the court is even been biased in this whole ordeal. The motion for the transcript was filed a year ago and the Respondent is silent on whether its pleadings invoke the jurisdiction of the court. The court only gets its power from the pleadings of the litigants. Mainly the plaintiff who first filed suit in this matter that is now before the court. The trial judge was estopped from continuing on with the trial based on the challenge to subject matter jurisdiction the pleadings and or the indictment is for "constructive possession" which is a fiction of law and not a real and actual crime as in a verified complaint or an injured party that rebuts the fiction of law theory. The respondent has 10 days before the filing of an answer to the jurisdiction of the court. The appellant has been indigent since the day of his incarceration, that is void on its face.

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<sup>1</sup> Extraterritorial jurisdiction, also referred to as "territorial jurisdiction, 'is "[a] court's ability to exercise power beyond its territorial limits. The common law recognized the territorial theory of criminal jurisdiction, and the general rule "is that a State may not prosecute any individual for a crime committed outside its boundaries

<sup>2</sup> Twenty-Third Amendment says that the District of Columbia is the seat of all Government

Appellant does not consent to the public defender's office representing him in form or substance as the appellant has shown his competency by all motions and applications before the court.

The previous attorney of record has even informed the court that no pretrial motion was filed in the record. The court must dismiss this case "sua sponte"<sup>3</sup> FOR LACK OF VENUE, SUBJECT MATTER, EXTRATERRITORIAL, TERRITORIAL, AND OR IN PERSONAM JURISDICTION,

The court is to rule in favor of the respondent only if the respondents' pleadings invoke whatever jurisdiction it is attempting to invoke by said pleadings. If the pleadings are lacking to invoke the jurisdiction territorial or otherwise the court is deemed to dismiss on its own motion sua sponte.

#### ERRATUM NOTICE

IF THERE ARE ANY ERRORS THAT THE COURT DEEMED TO HAVE TAKEN PLACE IN THE APPELLANTS PETITON PLEASE ADDRESS THIS MATTER TO THE APPELLANT AND THE APPELLANT SHALL CORRECT OR EXPLAIN HIS STANDING ON ANY ISSUES NOW BEFORE THE COURT.

#### JUDICIAL COGNIZANCE

This court and all courts in South Carolina have either heard or read the statement of the Chief Justice of the South Carolina Supreme Court. Concerning Summary (legislative courts) rush to judgement in violation of constitutional mandates. That are set in place to stop this very thing that has taken place in this case now before the court. The trial court never mentioned the Faretta Warning on and for the record, that alone proves that the Appellant constitutional rights of equal protection under the law was violated and the record is clear of the violation. The trial court failed in giving the farettawaring and this court can't do the General Sessions Court Job. The South Carolina Supreme Court in its Original Jurisdiction will overturn this case if this court fails to redress the wrongs that were committed at trial. The appellant also rebuts the appeals court notion that the appellants motion was late to the appeals court. When the appellant sent the petition by certified mail that clearly shows the court received appellants petition on the 21<sup>st</sup> of October 2021 that cannot be rebutted based on the signature on the green certified mail card see exhibit C. The appellant challenges the extraterritorial jurisdiction of the trial court. The appellant has never waived any challenge to the territorial jurisdiction<sup>4</sup> of the court. The appellant never waived any subject matter challenges as evidence by exhibit A

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Presiding Judge

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<sup>3</sup> The court is to rule on its on motion regardless of the respondents stand the court has a duty to do so as the challenge to all aspect of jurisdiction has not been rebutted.

<sup>4</sup> State's Universal Jurisdiction is based on alleged international law and agreement .. Dudley, 356 S.C. at 521, 581 S.E. 2d at 175 also State v. Dudley, No 3579, 2002 S.C. App. Lexis 202 at \*23 (Ct App. Dec 9,2002

THE STATE AT SOUTH CAROLINA COURT OF APPEALS

RECEIVED

DEC 13 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 ) Plaintiff, )  
 ) )  
 ) )  
 vs. )  
 ) )  
 Miguel Bryan )  
 ) Defendant, )  
 ) )

CERTIFICATE OF SERVICE

Appellate Case No. 2020-000075

Trial Case #2017 GS1003228

I Miguel Bryan by limited special appearance via motion / application certify I served a copy of Petition for Writ of Mandamus/Prohibition in this action, 30<sup>th</sup> of November, 2021(nunc pro tunc) TO THE CLERK OF THE SOUTH CAROLINA COURT OF APPEALS AT.

1220 Senate Street  
Columbia, South Carolina 29201

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

Robert Michael Dudek, Esquire  
1330 Lady St. Suite 401  
Ridgeland, South Carolina 29211

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

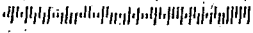
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This 30<sup>th</sup> day of November 2021

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

Mignell  
Ridgeland  
P.O. Box 2639  
Ridgeland, S.C. 29936

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South Carolina Court of Appeals  
Honorable Jenny Abbot Kitchens  
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Columbia, S.C. 29201

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