

RECEIVED

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SC Court of Appeals

Exhibit

A

NO ORDER RECEIVED YET - PLAN ON
SUBMITTING OR REQUESTING SUBPOENA
BY END OF JANUARY

Exhibit

B

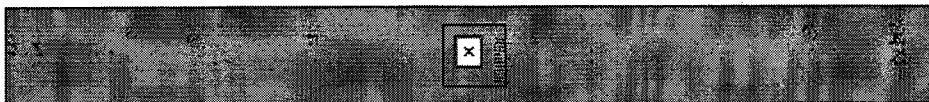
From: agnix1@hotmail.com
Sent: Friday, January 7, 2022 12:05 PM
To: 'Ashley Pennington'; 'Benjamin A. Mack'
Cc: 'Ted Smith'; 'Nicholas Uricchio'; 'Gaylord R. Combs'; 'Cassandra Woosley'; 'Megan S. Ehrlich'; 'Natalie A. Ham'; aclifford@cpc.sc.gov; ryanmccabe@schouse.gov; stephanie.trotter@mccabetrotter.com; tmusheff@musheff-law.com; carolina_realestate@yahoo.com; discountrealestategroup@yahoo.com; 'James M. Milone'; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)'; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)'; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@scccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; 'Julie Armstrong'; 'Solicitor'; mkeel@sled.sc.gov; 'Adam Lambert'; sean@alhfir.com; baker@alhfir.com; tkohn@scccourts.org; 'Jeff Young'; 'Sarah Schreiber, Charleston Legal Access'; elizabeth.yerington@fnf.com; rhondaferguson@allstate.com; scothran@trustscs.com; bbarnette@spartanburgcounty.org; david@earhartoverstreet.com; deon@davidaylor.com; pkeegan@sled.sc.gov; peter@mccoylelawgrp.com; ryan.earhart@earhartoverstreet.com; 'Frank Cornely'; 'Dora Bell'; 'Gregory Voigt'; sfuteral@charlestonlaw.net; 'Leonidas Stavrinakis'; Jerry@theoslaw.com; 'Scarlett Wilson'; uricchoiom@bellsouth.net; chrismurphy@schouse.gov; chris@murphyfirmllc.com; tthames@wjlaw.net; gardner.monica@aoins.com
Subject: RE: State v. Alan Nix
Attachments: Haselden Bail Proceeding Form II 26 Jan 2021.pdf; 29 30 Dec 2021 Motion.pdf; Criminal Evidence complaint.pdf; 4CCA Motion Reconsider 042190119.pdf

Importance: High

Ms. Armstrong / Ms. Kohn

Please:

1. Ensure I timely receive copies of and notifications of entry of all orders related to any and all criminal cases in Charleston County which reference my name, including but not limited to, the secret order from 12 Nov 2021 and all orders related to today.
2. Provide me a copy of the notification of the motion hearing Mr. Pennington is referring to below.
3. Assuming Mr. Pennington is stating, without actually stating, that I wasn't actually arrested on 23 Nov 2021 as Court Administration's records clearly indicate occurred, please provide a detailed written explanation of this situation.
4. Please provide the name of the court reporter for today as well as the one on 12 Nov 2021, as well as ensure all recordings of the same are properly preserved.
5. Please ensure the motion received by your office on the morning of 30 Dec 2021 is properly filed before close of business today

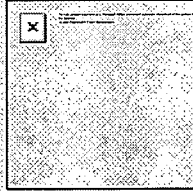


Hello Alan Nix,

Your item was picked up at a postal facility at 8:52 am on December 30, 2021 in CHARLESTON, SC 29403.

Tracking Number: 9505512728351363624458

Delivered, Individual Picked Up at Postal Facility

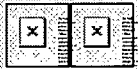


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Mr. Pennington and Ms. Wilson,

Please explain the State's apparent willingness to issue a PR bond for a felony in 2022 when the State required a \$45000 (over 4x the average) surety bond for an obvious fraudulent arrest warrant less than a year ago. Based on my evaluation of similar cases in Charleston County, approximately 85% are surety bonds with a high of \$20,000, a low of

\$2,500, an average of \$8,077, and a mean and mode of both \$5,000. And obviously I really want to put US Fire Insurance Bond No. 615247894 to good use until Scarborough finally issues an order as he promised on 21 Aug 2020.

As for compliance with Haselden's BAIL PROCEEDING FORM II dated 26 Jan 2021, please let us know what you all did about that today. I trust you all finally took all proper action required related to Haselden's order and misconduct.

Agent Keegan. Lets plan on catching up again sometime soon. We obviously have a lot of more interesting 'real' criminal conduct to discuss now than on the evening of 18 Aug 2020. And with much of this criminal conduct being similar to the Murdaugh criminal conduct that SLED now finds to be real, hopefully SLED now has the knowledge and motivation to properly investigate.

Best regards,
Alan Nix



From: Ashley Pennington <APennington@charlestoncounty.org>

Sent: Friday, January 7, 2022 10:34 AM

To: agnix1@hotmail.com; Benjamin A. Mack <BMack@charlestoncounty.org>

Cc: Ted Smith <WTSmith@charlestoncounty.org>; Nicholas Uricchio <UricchioN@SCSolicitor9.org>; Gaylord R. Combs <GRCombs@charlestoncounty.org>; Cassandra Woosley <cwoosley@charlestoncounty.org>; Megan S. Ehrlich <MEhrlich@charlestoncounty.org>; Natalie A. Ham <NHam@charlestoncounty.org>; aclifford@cpc.sc.gov; ryanmccabe@schouse.gov; stephanie.trotter@mccabetrotter.com; tmusheff@musheff-law.com; carolina_realestate@yahoo.com; discountrealestategroup@yahoo.com; James M. Milone <JMilone@charlestoncounty.org>; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)' <DJeffersonSC@sccourts.org>; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)' <DJeffersonLC@sccourts.org>; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; Julie Armstrong <JArmstrong@charlestoncounty.org>; Solicitor <Solicitor@scsolicitor9.org>; mkeel@sled.sc.gov; 'Adam Lambert' <adam@alhfir.com>; sean@alhfir.com; baker@alhfir.com; tkohn@sccourts.org; 'Jeff Young' <JYoung@scag.gov>; Sarah Schreiber, Charleston Legal Access <sarah@charlestonlegalaccess.org>; elizabeth.yerington@fnf.com; rhondaferguson@allstate.com; scothran@trustscs.com; bbarnette@spartanburgcounty.org; david@earhartoverstreet.com; deon@davidaylor.com; pkeegan@sled.sc.gov; peter@mccoylelawgrp.com; ryan.earhart@earhartoverstreet.com; 'Frank Cornely' <frank@cornelylaw.com>; 'Dora Bell' <paralegal@cornelylaw.com>; Gregory Voigt <greg@voigtlaw.xyz>; sfuteral@charlestonlaw.net; 'Leonidas Stavrinakis' <leon@lawleon.com>; Jerry@theoslaw.com; Scarlett Wilson <wilsons@scsolicitor9.org>; uricchoiom@bellsouth.net; chrismurphy@schouse.gov; chris@murphyllc.com; tthames@wjlaw.net; gardner.monica@aoins.com

Subject: RE: State v. Alan Nix

Importance: High

Dear Mr. Nix,

Assistant Solicitor Nicholas Uricchio intends to set an arraignment date for you in the future. You will be summoned to come to the Charleston County Judicial Center and be arraigned on the direct indictment from the Charleston County Grand Jury. **There is no need to you to surrender today.** As long as you are in compliance with your bond, the State will agree to a PR bond at that time (with no further payment needed) and you will be released on the same day.

Today due to your failure to appear today on the Motion to Clarify Representation and your emailed concerns to the Assistant Solicitor about fear of delusions, Judge Cothran has ordered that you to participate in a competency to stand trial evaluation by representatives of the SC

Department of Mental Health. Mr. Mack will notify you of the date and location of that evaluation when it is set. It will be conducted here in Charleston at the offices of MUSC in West Ashley. The evaluation is similar to an extended interview of you by the examiners. You will NOT be taken into custody as long as you appear on time.

Ashley Pennington

From: agnix1@hotmail.com <agnix1@hotmail.com>

Sent: Friday, January 07, 2022 9:41 AM

To: Benjamin A. Mack <BMack@charlestoncounty.org>

Cc: Ashley Pennington <APennington@charlestoncounty.org>; Ted Smith <WTSmith@charlestoncounty.org>; Nicholas Uricchio <UricchioN@SCSolicitor9.org>; Gaylord R. Combs <GRCombs@charlestoncounty.org>; Cassandra Woosley <cwoosley@charlestoncounty.org>; Megan S. Ehrlich <MEhrlich@charlestoncounty.org>; Natalie A. Ham <NHam@charlestoncounty.org>; aclifford@cpc.sc.gov; ryanmccabe@schouse.gov; stephanie.trotter@mccabetrotter.com; tmusheff@musheff-law.com; carolina_realestate@yahoo.com; discountrealestategroup@yahoo.com; James M. Milone <JMilone@charlestoncounty.org>; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)' <DJeffersonSC@sccourts.org>; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)' <DJeffersonLC@sccourts.org>; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; Julie Armstrong <JArmstrong@charlestoncounty.org>; Solicitor <Solicitor@scsolicitor9.org>; mkeel@sled.sc.gov; 'Adam Lambert' <adam@alhfir.com>; sean@alhfir.com; baker@alhfir.com; tkohn@sccourts.org; 'Jeff Young' <JYoung@scag.gov>; Sarah Schreiber, Charleston Legal Access <sarah@charlestonlegalaccess.org>; elizabeth.yerington@fnf.com; rhondaferguson@allstate.com; scothran@trustscs.com; bbarnette@spartanburgcounty.org; david@earhartoverstreet.com; deon@davidaylor.com; pkeegan@sled.sc.gov; peter@mccoylelawgrp.com; ryan.earhart@earhartoverstreet.com; 'Frank Cornely' <frank@cornelylaw.com>; 'Dora Bell' <paralegal@cornelylaw.com>; Gregory Voigt <greg@voigtlaw.xyz>; sfutral@charlestonlaw.net; 'Leonidas Stavrakis' <leon@lawleon.com>; Jerry@theoslaw.com; Scarlett Wilson <wilsons@scsolicitor9.org>; uricchoiom@bellsouth.net; chrismurphy@schouse.gov; chris@murphyllc.com; tthames@wjlaw.net; gardner.monica@aoins.com

Subject: RE: State v. Alan Nix

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

UPDATE:

I'm feeling a little bit better now about my bad dreams / mental health / apparent memory issues / apparent delusional disorder.

I've went a few places this morning check on all of this, and just left the Records Dept at the Charleston County Sheriff's Dept. The lady that helped me (said she had also worked with the Solicitor Office and Public Defender Office) said she couldn't find where I was arrested on 23 Nov 2021. At least not by the Charleston County Sheriff's Dept. Does anyone else know where I may be able to get a copy of the arrest report that was filed when I was apparently arrested on 23 Nov 2021?

If I wasn't legally arrested on 23 Nov 2021, or some time after 26 Jan 2021, maybe Agent Keegan (SLED / retired Secret Service) can arrest me at his office at 4045 Bridge View Rd., North Charleston in a little while?

If Agent Keegan can't arrest me before like 1130 or noon, I'm thinking I'm going to go back to Columbia and let either Chief Keel or Mr. Young arrest me this afternoon.

Agent Keegan, just email me back and let me know when you will be at your office at 4045 Bridge View Dr. and I will meet you there.

Best regards,
Alan Nix

From: agnix1@hotmail.com <agnix1@hotmail.com>

Sent: Friday, January 7, 2022 4:40 AM

To: 'Benjamin A. Mack' <BMack@charlestoncounty.org>

Cc: 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Ted Smith' <WTSmith@charlestoncounty.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; 'Gaylord R. Combs' <GRCombs@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Megan S. Ehrlich' <MEhrlich@charlestoncounty.org>; nham@charlestoncounty.org; aclifford@cpc.sc.gov; ryanmccabe@schouse.gov; stephanie.trotter@mccabetrotter.com; tmusheff@musheff-law.com; carolina_realestate@yahoo.com; discountrealestategroup@yahoo.com; 'James M. Milone' <JMilone@charlestoncounty.org>; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)' <DJeffersonSC@sccourts.org>; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)' <DJeffersonLC@sccourts.org>; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; jarmstrong@charlestoncounty.org; solicitor@scsolicitor9.org; mkeel@sled.sc.gov; 'Adam Lambert' <adam@alhfir.com>; sean@alhfir.com; baker@alhfir.com; tkohn@sccourts.org; 'Jeff Young' <JYoung@scag.gov>; 'Sarah Schreiber' <sarah@charlestonlegalaccess.org>; elizabeth.yerington@fnf.com; rhondaferguson@allstate.com; scothran@trustscs.com; bbarnette@spartanburgcounty.org; david@earhartoverstreet.com; deon@davidaylor.com; pkeegan@sled.sc.gov; peter@mccoylelawgrp.com; ryan.earhart@earhartoverstreet.com; 'Frank Cornely' <frank@cornelylaw.com>; 'Dora Bell' <paralegal@cornelylaw.com>; 'Gregory Voigt' <greg@voigtlaw.xyz>; sfutral@charlestonlaw.net; 'Leonidas Stavrinakis' <leon@lawleon.com>; Jerry@theoslaw.com; wilsons@scsolicitor9.org; uricchoiom@bellsouth.net; chrismurphy@schouse.gov; chris@murphyllc.com; tthames@wjlaw.net; gardner.monica@aoins.com

Subject: RE: State v. Alan Nix

Ms. Kohn and Ms Armstrong.

I felt sure one of you would have responded and explained yesterday how BM became listed as my attorney in the SC Court Administration system on 25 Feb 2021.

Perhaps when you do, you can also explain why the motion signed for by the Charleston County Courier at 0852 eight days ago still doesn't show as being filed. I don't think it has the word "Churchill" in it anywhere so I'm guessing you all can't try to rely on Murphy's, / Thames / Auto Owners Insurance's "Enjoin" order from 27 Sept 2019 for that one. Please explain.

Mr. Pennington, Mr. Ryan Mr. Young, Ms. Wilson, Mr. Wilson.

I still haven't seen a revised motion for BM's 29 Oct 2021 motion to clarify representation..... Are you negligently supervising your employees or is there another reason for this ongoing significant delay? Please explain.

As to BM's statement below *"on March 8, 2021, we spoke on the phone after you were screened, and you said that "for now" you wanted me to represent you, and on March 9, 2021, I filed a notice of appearance in your case. However, your interest in having me represent you clearly waned when I questioned the reasoning and logic behind your wanting to challenge your initial bond order, when I raised the issue of motioning for a change in venue to resolve a lot of your concerns, and when I wanted you to meet with Dr. Bill Mulbry about concerns for your mental health"*

1. BM and I did speak by phone on 8 March 2021. It is the only time we have spoken. I was clear in the letter dated 21 Feb 2021 that all communications would be written to prevent any he said / she said controversies, such as this one.

2. BM now makes the partial assertion about this conversation that “you said that “for now” you wanted me to represent you, and on March 9, 2021 I filed a notice of appearance in your case” In actuality, BM called me and said that he had filed the notice of appearance that morning due to being copied on emails and letters about the SCDMH Scranton, etc fraudulent and perjurious Petition For Judicial Admission in Pickens County. He then asked me if I wanted him to withdraw his notice of appearance and I said no, that he could leave it since he had already supposedly filed it.
3. I stated that I did not trust attorneys and BM said he didn’t either and that was the reason he had become a Public Defender.
4. I brought up the issues with Charleston County / Charleston County Clerk’s Office and the obvious issues with Haselden’s 26 Jan 2021 BAIL PROCEEDING FORM II. I mentioned that a change of venue might be worth considering. BM jumped at that idea and wanted to file a change of venue motion to Berkeley County.....of course..... I stated that I wanted to see how Charleston County / Armstrong, etc. dealt with the obvious issues that they have created for themselves before a change of venue was actually acted on.
5. I brought up the issue of Craven’s written affidavit dated 21 Jan 2021 but the arrest warrant was dated 22 Jan 2021. BM stated it wasn’t a big deal and that Ms. Wilson and her employees would argue that it was just a mistake. BM then went on to make an apparent joke about The State and Charleston County saying I had intimidated the entire Charleston County Sheriff’s Office. I corrected BM by pointing out the obvious that Craven’s affidavit specifically stated that one Joe Dawson was the victim (and witness) and that he “*is an attorney that represents the County of Charleston*”
 - a. I didn’t know it at the time, but Ms. Wilson posted a very nice congratulatory note on her Facebook page to a Joe Dawson on 16 Dec 2020. “*Great day for judges in this State. More on that later! Congratulations to Joe Dawson. Excellent choice!*”
 - b. Later, a second Craven affidavit turned up, the exact same words as the one I was given on the evening of 25 Jan 2021, but this one was dated 22 Jan 2021 instead of 21 Jan 2021.... And the handwriting is obviously different....

As to BM’s statement that “October 21, 2021, you specifically told me to request a continuance of your prelim for the purpose of hiring private counsel and/or representing yourself”.

I still haven’t received any explanation for BM’s assertion on 13 Oct 2021 that “*Today, I spoke with Magistrate Judge Gosnell, and he said he is not going to let you represent yourself at the prelim on 10/20 unless a General Sessions Court Judge relieves me as counsel in your case*”

I have also copied all, or at least close to all, of the private counsels I have contacted. Related to the 27 Oct 2021, please see and/or speak with Mr. Gregory Voight. He seemed willing to assist on short notice, but then stopped answering his phone and email a couple of hours later around 1645 on 26 Oct 2021. I know BM spoke with at least some of these private counsels....and then they always seemed to find a conflict or something similar that prevented them from representing me.

Anyways, I woke up in a horrible sweat a little while ago and really upset by a dream I had. I dreamed I had been arrested on Thanksgiving Eve’s eve. It seemed so real, but I just have no memory of being arrested again after 25 Jan 2021. I’m really worried that all of this ongoing and very intentional infliction of emotional (and financial, physical, and mental) distress is really screwing me. So, I think I am going to see someone in a little while to see if my bad dream is something I should be worried about, like a delusion or something. I’ll make sure they call at least some of you all depending on what I find out and/or happens. .

Best regards,
Alan Nix

From: agnix1@hotmail.com <agnix1@hotmail.com>

Sent: Thursday, January 6, 2022 1:09 AM

To: 'Benjamin A. Mack' <BMack@charlestoncounty.org>

Cc: 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Ted Smith' <WTSmith@charlestoncounty.org>;

'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; 'Gaylord R. Combs' <GRCombs@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Megan S. Ehrlich' <MEhrlich@charlestoncounty.org>; nham@charlestoncounty.org; aclifford@cpc.sc.gov; ryanmccabe@schouse.gov; stephanie.trotter@mccabetrotter.com; tmusheff@musheff-law.com; carolina_realestate@yahoo.com; discountrealestategroup@yahoo.com; 'James M. Milone' <JMilone@charlestoncounty.org>; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)' <DJeffersonSC@sccourts.org>; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)' <DJeffersonLC@sccourts.org>; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; jarmstrong@charlestoncounty.org; solicitor@scsolicitor9.org; mkeel@sled.sc.gov; 'Adam Lambert' <adam@alhfirm.com>; sean@alhfirm.com; baker@alhfirm.com; tkohn@sccourts.org; 'Jeff Young' <JYoung@scag.gov>; 'Sarah Schreiber' <sarah@charlestonlegalaccess.org>; elizabeth.yerington@fnf.com; rhondaferguson@allstate.com
Subject: RE: State v. Alan Nix

Mr. Pennington, Mr. Ryan Mr. Young, Ms. Wilson, Mr. Wilson. .

I will reply with a more detailed response tomorrow when I get a chance. Trying to finish up memorandum in support of my motion to move appeal to Supreme Court. As a start to the most egregious and obvious statements:

1. *"the State is willing to consent to a PR bond on the directly indicted charge so long as the conditions of the original bond remain in place"*:
 - a. NO. Refer to 29 Dec 2021 motion to set aside Haselden's 26 Jan 2021 BAIL PROCEEDING FORM II in its entirety.
2. *"The purpose of the hearing on Friday is simply to determine on the record whether you want the public defender's office to represent you"*:
 - a. NOT TRUE: It is a plea hearing. That is the only thing I have notice of and all you sent notice for.
3. *"In addition, on March 8, 2021, we spoke on the phone after you were screened, and you said that "for now" you wanted me to represent you, and on March 9, 2021, I filed a notice of appearance in your case"*:
 - a. NOT TRUE: Given your employee and client's unqualified statement of fact from the afternoon of 8 March 2021, he actually stated he had entered his notice of appearance on the morning of 8 March 2021 based on communications your office was copied on related to Scranton's and associates fraudulent and perjurious 18/19 February 2021 Petition for Judicial Admission in Pickens County.
 - b. Ms. Armstrong and Ms. Kohn. Please explain how Mr. Mack's name shows as being my attorney as of 25 Feb 2021, 11 days before Mack stated he had entered his notice of appearance on 8 March 2021 and 12 days before he now states he entered his notice of appearance. Worth noting, 25 Feb 2021 is also the very same date that Ms Armstrong received my notice of appeal for Haselden's 26 Jan 2021 BAIL PROCEEDING FORM II .
4. *"when I raised the issue of motioning for a change in venue to resolve a lot of your concerns"* NOT TRUE: I am the person who raised the idea of a change of venue on 8 March 2021 and then stated I wanted to wait and see how Charleston County and associates dealt with the issues they had created for themselves.

Please ensure the revised motion requested more than two months ago is filed tomorrow. Be conscious of the requested Nelson Hearing from motion of 29/30 December 2020.

Best regards,
Alan Nix

PS. The attached was delivered today to Mr. Nichols and Ms. Kohn. Should be received in one block area around 100 Broad St. tomorrow. Remainder either Friday or next Monday.

From: Benjamin A. Mack <BMack@charlestoncounty.org>
Sent: Wednesday, January 5, 2022 1:15 PM
To: agnix1@hotmail.com
Cc: Ashley Pennington <APennington@charlestoncounty.org>
Subject: FW: State v. Alan Nix

Hi Alan,

See below. From the State regarding Friday's court proceeding. Judge Ferrell Cothran will be presiding over the hearing, and it will be in-person.

The State has suggested that it will request a bench warrant from the Court, if you don't attend the hearing. This is because the prosecutor wants to serve you with a direct indictment from the grand jury for Threatening the Life of a Public Official, which means you will need to be re-booked at the jail for the offense. However, the State is willing to consent to a PR bond on the directly indicted charge so long as the conditions of the original bond remain in place, which means you will automatically be released from the jail after being re-booked by the sheriff's office on the new charge, if the Court accepts the State's bond recommendation.

The purpose of the hearing on Friday is simply to determine on the record whether you want the public defender's office to represent you. I want to help you. But, your behavior suggests that you would rather represent yourself (I'm suspecting) because I have concerns for your competency to stand trial, your mental health, and your ability to understand me and the consequences of your direct communication with State and Court officials.

Our office screened you on February 8, 2021, at the jail pursuant to Covid-19 protocols for Charleston County, which allowed us to qualify clients at the jail virtually and using unsigned affidavits to prevent the spread of infection. In addition, on March 8, 2021, we spoke on the phone after you were screened, and you said that "for now" you wanted me to represent you, and on March 9, 2021, I filed a notice of appearance in your case. However, your interest in having me represent you clearly waned when I questioned the reasoning and logic behind your wanting to challenge your initial bond order, when I raised the issue of motioning for a change in venue to resolve a lot of your concerns, and when I wanted you to meet with Dr. Bill Mulbry about concerns for your mental health.

In addition, on April 26, 2021, you revoked access by the public defender's office to your medical records after refusing to meet with Bill Mulbry and me, and on October 21, 2021, you specifically told me to request a continuance of your prelim for the purpose of hiring private counsel and/or representing yourself, even though you didn't show-up to the prelim (either in-person or virtually) and you risked losing the opportunity to cross-examine the State's victim and primary witness by way of a grand jury indictment scheduled for November 8, 2021.

Furthermore, after the prelim, you contacted representatives from the State, clerk's office and Court regarding your case as if representing yourself pro se after asking the public defender's office to investigate matters as a "last request / favor" for you.

As a result, we need clarity from the court on how to proceed with your case and whether you are capable of representing yourself. Potentially, the Court is going to order you to be evaluated by a State doctor to determine if you are competent to stand trial, and if competent and you don't want the assistance of the public defender's office, the Court is going to conduct a Faretta hearing to determine if you are capable of representing yourself at trial. This means that the State could gain access to your medical records – a situation I wanted to avoid by having you meet with Bill Mulbry, and it means you could lose access to the resources and advice of the public defender's office. You may call me to discuss your case over the phone. My direct line, as always, is listed below. Plus, Ashley and I will be attending the hearing in-person and more than happy to discuss your case with you in the hallway before court.

Sincerely,

Ben

--
Benjamin A. Mack
Assistant Public Defender
South Carolina's 9th Judicial Circuit
101 Meeting Street, 5th Floor
Charleston, South Carolina 29401
843.958.1884

From: Nicholas Uricchio <UricchioN@SCSolicitor9.org>
Sent: Tuesday, January 4, 2022 10:01 AM
To: Benjamin A. Mack <BMack@charlestoncounty.org>
Subject: RE: State v. Alan Nix

I'll consent to a PR Bond on the new charge as long as the conditions of the original bond stay in effect.

With kind regards,



Nick Uricchio
Assistant Solicitor
101 Meeting Street, Suite 400
Charleston, SC 29401
o: 843-958-1903 | f: 843-958-1905
e: uricchion@scsolicitor9.org | web: www.scsolicitor9.org

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From: Benjamin A. Mack <BMack@charlestoncounty.org>
Sent: Tuesday, January 04, 2022 9:58 AM
To: Nicholas Uricchio <UricchioN@SCSolicitor9.org>
Subject: RE: State v. Alan Nix

Thanks, Nick! Will you please confirm for me that you will consent to a PR bond upon service of Alan's direct indictment?

Sincerely,

Ben

--
Benjamin A. Mack
Assistant Public Defender
South Carolina's 9th Judicial Circuit
101 Meeting Street, 5th Floor
Charleston, South Carolina 29401
843.958.1884

From: Nicholas Uricchio <UricchioN@SCSolicitor9.org>
Sent: Monday, January 3, 2022 9:27 AM
To: Benjamin A. Mack <BMack@charlestoncounty.org>
Subject: RE: State v. Alan Nix

Ben,

Mr. Nix may attend the hearing on January 7, 2022. Since the Court scheduled the motion, it is not a violation of Mr. Nix's bond conditions for him to attend the scheduled hearing.

Our office does not have any information regarding a "Secret Order" filed on November 12, 2021. Per Courtplus, a "Order /Sealed Documents" was filed on November 12, 2021. Our office has not filed an "Order / Sealed Document" with the Court in Mr. Nix's case.

Our office is not in possession of "the audio and video recordings" of the on January 26, 2021 bond hearing presided over by Judge Haselden.

With kind regards,



Nick Uricchio
Assistant Solicitor

101 Meeting Street, Suite 400
Charleston, SC 29401

o: 843-958-1903 | f: 843-958-1905

e: uricchion@scsolicitor9.org | web: www.scsolicitor9.org

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From: Nicholas Uricchio
Sent: Monday, January 03, 2022 8:53 AM
To: Benjamin A. Mack <BMack@charlestoncounty.org>
Subject: FW: State v. Alan Nix
Importance: High

Hey Ben,

In the attached motion your client has asked for warrant 2021A1010200476 moved to General Sessions. There is also a Motion to Compel discovery for warrant 2021A1010200476. Our office is not prosecuting warrant 2021A1010200476 and therefore our office does not have any discovery for that warrant.

Does your client plan on attending the hearing on Friday? Friday would be a good time to serve the direct indictment.

With kind regards,



Nick Uricchio
Assistant Solicitor

101 Meeting Street, Suite 400
Charleston, SC 29401

o: 843-958-1903 | f: 843-958-1905
e: uricchion@scsolicitor9.org | web: www.scsolicitor9.org

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From: agnix1@hotmail.com <agnix1@hotmail.com>

Sent: Friday, December 31, 2021 4:49 PM

To: Benjamin A. Mack <BMack@charlestoncounty.org>; James M. Milone <JMilone@charlestoncounty.org>; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)' <DJeffersonSC@sccourts.org>; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)' <DJeffersonLC@sccourts.org>; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; Julie Armstrong <JArmstrong@charlestoncounty.org>; Solicitor <Solicitor@scsolicitor9.org>

Cc: Ashley Pennington <APennington@charlestoncounty.org>; Ted Smith <WTSmith@charlestoncounty.org>; Nicholas Uricchio <UricchioN@SCSolicitor9.org>; Gaylord R. Combs <GRCombs@charlestoncounty.org>; Cassandra Woosley <cwoosley@charlestoncounty.org>; Megan S. Ehrlich <MEhrlich@charlestoncounty.org>; Natalie A. Ham <NHam@charlestoncounty.org>; aclifford@cpc.sc.gov; ryanmccabe@schouse.gov; stephanie.trotter@mccabetrotter.com; tmusheff@musheff-law.com; carolina_realestate@yahoo.com; discountrealestategroup@yahoo.com

Subject: RE: State v. Alan Nix

Importance: High

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

FYSA.

Signed for by Charleston County Courier at 0852 on 30 Dec 2021. Most everyone within a block of 100 Broad St. Charleston should have also received this from the Charleston County Courier yesterday as well.

Enjoy New Year's Eve.....

Best regards,
Alan Nix

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Wednesday, December 22, 2021 4:43 PM
To: 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'James M. Milone' <JMilone@charlestoncounty.org>; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)' <DJeffersonSC@sccourts.org>; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)' <DJeffersonLC@sccourts.org>; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; jarmstrong@charlestoncounty.org; solicitor@scsolicitor9.org
Cc: 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Ted Smith' <WTSmith@charlestoncounty.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; 'Gaylord R. Combs' <GRCombs@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Megan S. Ehrlich' <MEhrlich@charlestoncounty.org>; nham@charlestoncounty.org
Subject: RE: State v. Alan Nix

Based on no response from anyone for going on two months, I assume it is safe to conclude at this point that Mack / Charleston County Public Defender Corporation / Charleston County, etc. has decided not to respond, that no response is forth coming and will be taking such action as is deemed necessary to compel a full and proper response prior to the end of the year.

If a response is provided prior to me formally dealing with this situation, I will attempt to take such a response into consideration.

Merry Christmas.

Best regards,
Alan Nix

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Tuesday, December 21, 2021 7:42 AM
To: 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'James M. Milone' <JMilone@charlestoncounty.org>; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)' <DJeffersonSC@sccourts.org>; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)' <DJeffersonLC@sccourts.org>; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; jarmstrong@charlestoncounty.org; solicitor@scsolicitor9.org
Cc: 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Ted Smith' <WTSmith@charlestoncounty.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; 'Gaylord R. Combs' <GRCombs@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Megan S. Ehrlich' <MEhrlich@charlestoncounty.org>; nham@charlestoncounty.org
Subject: RE: State v. Alan Nix
Importance: High

Please ensure I receive via email today and via USPS post marked today a copy of the filed motion with exhibits that at least minimally support Benjamin's apparent statements of fact from over seven weeks ago.

Best regards,
Alan Nix

From: agnix1@hotmail.com <agnix1@hotmail.com>

Sent: Friday, December 17, 2021 3:06 PM

To: 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'James M. Milone' <JMilone@charlestoncounty.org>; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)' <DJeffersonSC@sccourts.org>; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)' <DJeffersonLC@sccourts.org>; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; jarmstrong@charlestoncounty.org; solicitor@scsolicitor9.org

Cc: 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Ted Smith' <WTSmith@charlestoncounty.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; 'Gaylord R. Combs' <GRCombs@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Megan S. Ehrlich' <MEhrlich@charlestoncounty.org>; nham@charlestoncounty.org

Subject: RE: State v. Alan Nix

Importance: High

Please ensure this outstanding issue is cured within the next business day or so or provide a copy of the revised filed motion with exhibits that support Benjamin's apparent statements of fact from seven weeks ago.

I am including the two additional attachments and text below as what I assume may be one to three of those exhibits.

Best regards,
Alan Nix

Exhibit

C

29/30 DEC 2021 MOTION

62 PAGES

Charleston County Attorney
4045 Bridge View Dr.
North Charleston, SC 29405

6185 Rivers Ave., Ste. E
North Charleston, SC 29406

Anne Smith
SC Insurance Reserve Fund
1201 Main St., Ste. 500
Columbia, SC 29201


James Milone
Charleston County Clerk of Court
100 Broad St.
Charleston, SC 29401

Hervery Young, General Counsel
SC Commission on Indigent Defense
1330 Lady St., Ste. 401
Columbia, SC 29201

Amie Clifford, General Counsel
SC Commission on Prosecution Coordinatio
1200 Senate St., Ste. B03
Columbia, SC 29201

Representative (and witness) of Alleged Victim State Street Holdings Co. LLC
5101 Forest Dr.
Columbia, SC 29206

McCabe, Trotter & Musheff
4500 Fort Jackson Blvd., Ste. 250
Columbia, SC 29209

By: 

Alan G Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991-4170

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA)

Warrant No(s): 2021-A10-10200475
2021-A10-10200476
2021-GS10-02599

v.)

ALAN G. NIX)

Defendant,)

Solicitor: Scarlett Wilson

Defendant Attorney: most likely not
Casandra Woosley and/or Benjamin Mack
of the Charleston County Public Defender
Corporation

Address: 101 Meeting St., 5th floor, Charleston, SC

Address: 101 Meeting St., 5th floor,
Charleston, SC 29401

Motion Hearing Requested

Form Motion, No Hearing Requested

SECTION I: Hearing Information

Nature of Motion: CONTINUANCE, SET ASIDE HEARING 26 JAN 2021, BAIL ORDER, etc.

Estimated Time Needed: 30-40 MINS 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:

Alan Nix

29 DEC 2021

Signature of:

Date submitted

Solicitor

Attorney of Defendant

Other

6. Compel Charleston County to turn over 26 January 2021 Audio and Video recordings and other documents involved in Haselden's Bail Hearing for Warrants 2021-A10-10200444 (Witness and alleged Victim, Joe Dawson), 2021-A10-10200475 and 2021-A10-10200476.

**SET ASIDE HASELDEN'S 26 JANUARY 2021 BAIL PROCEEDING FORM II, OR IN
THE ALTERNATIVE, GRANT A CONTINUANCE OF THE 7 JANUARY 2022 PLEA
HEARING**

Charleston County Magistrate Amanda Haselden apparently wrote and filed her clearly arbitrary Bail Proceeding Form II on 26 January 2021. (See **Exhibit 1**) As is readily apparent, Haselden checked both "*The release of the defendant on recognizance will not reasonably assure his appearance as required*" AND "*The release of the defendant on recognizance will result in an unreasonable danger to the community*" AND THEN, despite the form providing Cliff Notes version of SC Code 17-15-30 to help a judge with their apparent "Considerations", Haselden completely failed to include a single finding of fact to support her highly suspect "determin(ation) by the court". One definition of "arbitrary" is "*Not supported by fair, solid, and substantial cause, and without reason given*" (Treloar v. Bigge, L.R. 9 Exch. 155). Based on this definition, Haselden's BAIL PROCEEDING FORM II Order is clearly arbitrary on its face.

Mag. Haselden's failure to provide a single finding of fact to support her apparent determination of the same is further amplified by her egregious, verbose, duplicative and highly controversial "*Other Conditions*" on page two of her 26 January 2021 BAIL PROCEEDING FORM II included as Ex. 1. None of her alleged "*Victims*" in the "*Other Conditions*" section are listed as Victims in the Warrants listed, and none of the alleged "*Victims*" listed in the Warrants are listed as Victims in Haselden's "*Other Conditions*". What is both interesting and highly disturbing is that all of Haselden's alleged Victims in her "*Other Conditions*" are employed by her employer, Charleston County.

Given all of the writing Haselden apparently put into her most perplexing and disturbing "*Other Conditions*", including but not limited to her apparent need to type the same language not once, but twice, a reasonable person can only conclude that Haselden intentionally did not include any findings of fact to support her arbitrary determinations that:

1. *"The release of the defendant on recognizance will not reasonably assure his appearance as required"* AND
2. *"The release of the defendant on recognizance will result in an unreasonable danger to the community"* AND
3. The defendant Alan G. Nix needed to post a surety bond in amounts which were on average over four (4) times higher than the average bond for similar alleged offenses in Charleston County AND
4. The *"DEF is to wear a GPS monitor and is not to go within a (five) 5 mile radius of 1401 Densmore Circle"*, which is the defendant's family's home and has cost the "DEF" over three thousand dollars (\$3000.00) in unnecessary and improper GPS monitoring fees as of the date of this motion, not to mention, making him homeless for almost a year as of the date of this motion.

For all of the reasons stated above, Amanda Haselden's 26 January 2021 BAIL PROCEEDING FORM II Order should have been set aside in its entirety months ago, and should definitely be set aside in its entirety now.

If Charleston County's Amanda Haselden's 26 January 2021 BAIL PROCEEDING FORM II Order is not set aside in its entirety prior to 6 January 2022, then a continuance of the 7 January 2022 plea hearing is required because Ms. Wilson's Office has doubled down Haselden's 26 January 2021 Order as recently as 16 November 2021 when they stated in no uncertain terms that *"He (eg. Alan Nix) has bond conditions that say he (eg. Alan Nix) can not be with in one block of the Courthouse. I expect him to follow the Court's order. If he would like to change his bond condition than he needs to make a motion"*. (Exhibit 2) As Ms. Wilson and her employees demanded, this is a motion to set aside Haselden's 26 Jan 2021 BAIL PROCEEDING FORM II Order in its entirety on or before 6 January 2022 OR grant a continuance of the 7 January 2022 plea hearing since Ms. Wilson and her employees have clearly stated I, defendant Alan Nix, *"can not be within one block of the Courthouse"*.

Given the highly likely counter argument that I (eg. Alan Nix) do not have to be at the 7 January 2022 plea hearing because I (eg. Alan Nix) apparently have court appointed attorneys from the Charleston County Public Defender Corporation, that ongoing issue is also addressed in this motion and requires resolution prior to that being the apparent solution to this conundrum

knowingly and willfully created by all of these same Persons and their employer; Charleston County.

COMPEL MACK/CHARLESTON COUNTY/CHARLESTON COUNTY PUBLIC DEFENDER CORPORATION, ETC. TO FILE AN AMENDED “*MOTION TO CLARIFY REPRESENTATION OF COUNSEL*” WHICH INCLUDES EXHIBITS WHICH AT LEAST MINIMALLY SUPPORT THEIR APPARENT STATEMENTS OF FACT

On 29 October 2021 Mack/Charleston County/Charleston County Public Defender Corporation filed a motion in Charleston County entitled “*Motion to Clarify Representation of Counsel*”. (See **Exhibit 5**) Mack/Charleston County/Charleston County Public Defender Corporation stated as fact in said motion filed with their co-employee, Ms. Armstrong, that:

1. “*Alan Nix has been appointed Benjamin A. Mack as his public defender for a pending criminal charge in Charleston County.*”
2. “*However, Alan Nix has indicated to the Public Defender’s Office that he would rather represent himself “without specifically requesting the filing of a Motion to Relieve Counsel”*
3.”*while at the same time requesting the advice and support of the Public Defender’s Office”*

Shortly after filing said motion, Mack emailed the motion to his/their apparent client, Alan Nix. (see email sent on 29 October 2021 at 1125)

In response to Mack’s email, Alan Nix responded to these parties General Counsel at 1310 on 29 October 2021 and then responded via USPS letter the next day. (See letter dated 30 October 2021 entitled “Mailing via USPS email response to Mack / Pennington / Charleston County / SC Commission on Indigent Defense from yesterday”.

Despite the defendant Alan Nix’s quick response via both email and USPS, less than a day after being served by email only, Mack / Pennington / Charleston County / Charleston County Public Defender Corporation / SC Commission on Indigent Defense, etc. has refused for two months to respond at all to Alan Nix’s request to file an amended motion containing exhibits

which at least minimally support their apparent statements of fact filed with the court on 29 October 2021.

Defendant Alan Nix, on information and belief, believes these two statements of Mack / Pennington / Charleston County / Charleston County Public Defender Corporation / SC Commission on Indigent Defense, etc. are either blatantly not true, or best case, extremely misleading.

1. *“Alan Nix has been appointed Benjamin A. Mack as his public defender for a pending criminal charge in Charleston County.”*
2. *“However, Alan Nix has indicated to the Public Defender’s Office that he would rather represent himself” “without specifically requesting the filing of a Motion to Relieve Counsel”*

Defendant Alan Nix, on information and belief, believes this partial statement of Mack / Pennington / Charleston County / Charleston County Public Defender Corporation / SC Commission on Indigent Defense, etc. (*“while at the same time requesting the advice and support of the Public Defender’s Office”*) is referring to **Exhibit 6** sent to Gaylord Combs with copy of Ashley Pennington on the afternoon of 28 October 2021 at 1522.

By way of this motion, defendant Alan Nix seeks an order compelling Mack / Pennington / Charleston County / Charleston County Public Defender Corporation / SC Commission on Indigent Defense, etc. to file an amended motion no later than close of business on 10 January 2022 containing exhibits which at least minimally support their statements of apparent fact contained in their motion filed with a court two months ago. In the event that Mack / Pennington / Charleston County / Charleston County Public Defender Corporation / SC Commission on Indigent Defense, etc. do not file an amended motion by close of business on 10 January 2022 containing such exhibits which at least minimally support their statement of apparent fact which they included in their 29 October 2021 motion, defendant asks the court to enter an order on 11 January 2022 holding them in contempt of court until such time as they do comply with this motion to compel.

Clearly until this matter is completely and properly resolved based on documented facts, Mack / Pennington / Charleston County / Charleston County Public Defender Corporation / SC

Commission on Indigent Defense is not able to legitimately speak on Alan Nix's behalf, legally or otherwise.

**MOVE WARRANT 2021-A10-10200476 FROM CHARLESTON COUNTY
MAGISTRATE COURT TO THE COURT OF GENERAL SESSIONS AND TRY
WARRANT 2021-A10-10200476 WITH ALL OTHER REMOTELY RELATED CASES
INVOLVING ALAN NIX**

Charleston County Warrant Number 2021-A10-10200476 (See Exhibit 7) alleges that Alan Nix was trespassing at his family's home located at 1401 Densmore Circle, Mt. Pleasant, SC on or about 22 January 2021. Apparently due to this charge being a misdemeanor, the case was, without reasonable explanation, assigned to the daughter of North Charleston Mayor Keith Summey, Joanne Summey, who is neither an attorney nor whose court is located in the part of Charleston County where this alleged trespass occurred. Defendant Alan Nix's family's home is located at 1401 Densmore Circle, which is located in the Churchill Park Subdivision of the Development known as Dunes West / Park West in Mount Pleasant, SC, not North Charleston, SC.

Given all of these other charges related to defendant Alan Nix are directly dependent on whether or not Charleston County Master in (Or) and Equity Court Judge Mikell Scarborough issued a legal, or most likely illegal, Writ of Assistance on or about 30 /31 December 2020 and 7 January 2021, combined with an ongoing pattern of coordinated delay by Ms. Wilson and Mr. Pennington to even commence this case, defendant, by way of this motion, requires Charleston County Warrant number 2021-A10-10200476 be combined with any and all other cases pending before the General Sessions court which relate in any way to cases 2017-CP-10-04031 and 2014-CP-10-5407.

**ISSUE AN ORDER COMPELING SOLICITOR WILSON TO PROVIDE ALL
DISCOVERY FOR WARRANT 2021-A10-10200476 ON OR BEFORE 10 JANUARY 2022**

Defendant Alan Nix, as of the date of this motion, has not seen any of the State of South Carolina's apparent evidence for Warrant 2021-A10-10200476. On information and belief, this discovery should have been provided no later than 15 March 2021, more than nine (9) months

ago at this point. Consequently, Defendant Alan Nix requests a court order requiring Solicitor Wilson to turn over all discovery related to Warrant 2021-A10-10200476 no later than the close of business 10 January 2022. After more than ten months, defendant Alan Nix still doesn't even know the name of the representative of the (apparent) Victim, State Street Holdings Co, LLC, who is alleged to also be a witness, along with Sgt. C. Craven, of Alan Nix's apparent trespassing at his family's home on or about 22 January 2021.

In addition to granting this motion, defendant Alan Nix requests the Court issue an Order compelling Charleston County / Mikell Scarborough / Scarlett Wilson to produce the signed, original and filed Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act (Form SCCA256A) which they/he were supposed to require of the party pursuing the underlying eviction or foreclosure, "Churchill Park" (which is not to be confused with the Real Party In Interest, Churchill Park Homeowners' Association, Inc.) prior to Scarborough holding a foreclosure sale for the Nix's family home on 6 October 2020 and /or prior to Scarborough issuing a writ of assistance or writ of ejection on or about 30 December 2020 and again on 7 January 2021. If such a Certificate of Compliance exists, Defendant Alan Nix still has not been provided such by any party, including The County of Charleston or Solicitor Wilson. For the Court's convenience and to ensure no possible confusion, one example of such a Certificate is included as **Exhibit 8** and the SC Supreme Court's Order of 6 May 2020 is included as **Exhibit 9**.

PROVIDE DEFENDANT ALAN NIX A COPY OF SECRET ORDER FROM APPROXIMATELY 12 NOVEMBER 2021 ALONG WITH ALL RELATED EVIDENCE

On information and belief, a secretive order of some sort was filed on or about 12 November 2021. Defendant Alan Nix requires a copy of this order, along with all evidence which is related to this secretive order, no later than close of business Monday, 10 January 2022. Without good cause for such secrecy stated publicly, this order should either not be secret or set aside.

**COMPEL CHARLESTON COUNTY TO TURN OVER TO DEFENDANT FULL
AND UNALTERED AUDIO AND VIDEO RECORDINGS OF HASELDEN'S 26
JANUARY 2021 BAIL HEARING**

Defendant Alan Nix mailed Haselden / Charleston County the letter contained in **Exhibit 10** on 4 March 2021, almost ten (10) months ago as of the date of this motion. As of the date of this motion, defendant Alan Nix has still not received the thumb drive he mailed to Haselden and her employer Charleston County with the required audio and video recordings of Haselden's 26 January 2021 bond hearing. By way of this motion, defendant seeks an order compelling Haselden and her employer to produce and provide all of the items and certifications referenced in his letter of 4 March 2021. Of specific interest is:

1. the name of the Officer who spoke at the hearing which Haselden refused defendant's request for their name as well as legible audio and video of the Officer's apparent testimony.
2. The name and testimony of the Victim's Advocate that spoke at the hearing and legible audio and video of that person's apparent testimony.
3. An explanation for why the hearing was delayed from 1000 on 26 January 2021 to 1400 on 26 January 2021. From all available information, it appears this defendant is the only defendant whose bail hearing was delayed that day.
4. Further information about the people Haselden identified as the "New Owners" on 26 January 2021, David and Catherine Brown.
5. More information and explanation as to how Haselden knew defendant Alan Nix would be appointed a Public Defender from the Charleston County Public Defender Corporation in less than thirty five (35) hours after his arrest the previous evening at approximately 1730 at the Sam's Club Gas Station at Tanger Shopping Center.
6. An explanation for Haselden's clearly excessive bond amounts and "*Other Conditions*" given the Charleston County Pretrial Risk Assessment Instrument rated him as a Risk Level of 1 (one), which is the lowest category and predicts the defendant's likelihood of being re-arrested or missing a court appearance during the pretrial period as being only 10 % (ten percent), which is quite intriguing given Haselden's BAIL PROCEEDING FORM II knowingly and willfully creates a 100%

(one hundred percent) chance of defendant being rearrested again during the pretrial period... (See **Exhibit 4**)

**IF A SURETY BOND OF \$20,000 OR MORE IS ACTUALLY
APPROPRIATE FOR THIS DEFENDANT FOR THESE CHARGES,
CONVERT HIS APPEAL BOND FROM HIGHLY RELATED CASES 2017-
CP-10-04031 AND 2014-CP-10-05407 TO THE BOND FOR THESE CASES**

“Churchill Park” (not to be confused with the Real Party in Interest, Churchill Park Homeowners’ Association, Inc.), McCabe, Trotter and Musheff, and Scarborough knowingly and willfully improperly required defendants Alan Nix, Norma Nix and The Estate of Norma Nix to file an appeal bond of \$20,000 (See **Exhibit 11**) in September 2018 to keep them from selling the Nix Family Home at another Master and/or in Equity Sale on 4 September 2018. On 21 August 2020, Scarborough, almost certainly without any judicial jurisdiction to do so given the still nonexistent and required Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act required by Chief Justice Beatty’s 6 May 2020 order, entered an order (See **Exhibit 12**), which among numerous other things, stated that *“The Appeal Bond filed September 4, 2018 in this matter will be addressed post-sale.”* As of the date of this motion, which is 495 days after 21 August 2020, 449 days after 6 October 2020 and 432 days after 23 October 2020, Scarborough still hasn’t did as he said he would do in his almost certainly legally forbidden Order filed 21 August 2020 and “addressed post-sale” “The Appeal Bond filed September 2018” in cases 2014-CP-10-05407 and 2017-CP-10-04031, despite holding an almost certainly illegal sale of the Nix Family Home on 6 October 2020 and then signing an almost certainly fraudulent deed to the Nix Family Home on 23 October 2020, transferring ownership to the apparent Victim, State Street Holdings Co. LLC when Charleston County had only received \$6,800.00 of the required \$136,000.00 plus interest at either 8.75% or 18.0000% interest.

Given the undeniably significant relationship between cases 2014-CP-10-05407, 2017-CP-10-04031 and all of the Warrants and such at the top of this motion, especially given Scarborough knowingly and willfully set this course of events in motion when he filed the two Writs of Assistance dated 30 December 2020 and 7 January 2021 which were specifically forbid by Chief Justice Beatty’s 6 May 2020 Order, (eg. *IT IS FURTHER ORDERED that Master-in-Equity courts statewide shall not hold a foreclosure sale, or issue a judgement of foreclosure,*

*writ of assistance, or writ of ejectment in a foreclosure action until the party pursuing the foreclosure has complied with provisions of this Order.”), to avoid any further improper and significant damages to the defendant Alan Nix and his family, if a personal recognizance bond is determined to be inappropriate for some valid and stated reason, please enter an Order converting the Appeal Bond contained in **Exhibit 11** to the bond required under a fair and non-arbitrary bond BAIL PROCEEDING FORM. This will assist Scarborough in finally doing as he said he would almost five hundred (500) days ago and assist the defendant and his family in avoiding any further financial ruin related to Scarborough’s failure to do the one thing he should have done in August 2020, which is enter an Order returning the \$20,000 Appeal Bond and then “terminal(ing)” “the eviction or foreclosure” “without further action taken”.*

DISMISS ALL CHARGES WITH PREJUDICE IF NO ONE CAN OR WILL PRODUCE A SIGNED, ORIGINAL AND FILED CERTIFICATION OF COMPLIANCE WITH THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT FOR CASES 2017-CP-10-04031 and 2014-CP-10-5407 (SCCA256A)

Lastly, assuming no one can or will produce a signed, original and filed Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act (SCCA256A), similar to the one attached as **Exhibit 8**, dated sometime before 8 January 2021, and most appropriately on or before 20 August 2020, perhaps it would be most appropriate to dismiss, with prejudice, all charges against defendant Alan Nix related in any way to cases 2017-CP-10-04031 and 2014-CP-10-05407. To clarify, if the County of Charleston and the State of South Carolina can’t or won’t produce a signed, original and filed Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act (SCCA256A) dated sometime before 8 January 2021, and most appropriately on or before 20 August 2020, then the Nix Family Home was clearly illegally sold by Scarborough and his Employer Charleston County on 6 October 2020, Scarborough knowingly, willfully and with malicious intent illegally evicted the defendant Alan Nix and his family when he illegally issued Writs of Assistance on 31 December 2020 and 8 January 2021 and consequently, defendant Alan Nix could not possibly have been trespassing at his family’s home on or about 22 January 2021, defendant Alan Nix could not possibly have illegally opposed law enforcement serving clearly illegal process nor have committed any other related crimes that the State of South Carolina and Ms. Wilson continue attempting to contrive to save the State of South Carolina, it’s political subdivisions. Scarborough, “Churchill Park”, Churchill

Park Homeowners' Association, Inc., Joe Dawson (Federal Judge and "an attorney that represents the County of Charleston"), McCabe, Trotter & Beverly, Law Offices of Todd Musheff, Park West Master Association, Inc., Park West Development, Inc., State Street Holdings Co. LLC, MP Morris, (etc. etc. etc.) the tens of millions of dollars of damages this defendant will clearly be aggressively pursuing during 2022.

Without Solicitor Wilson, Charleston County and the State of South Carolina producing a non-fraudulent, signed, original and filed Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act (SCCA256A) dated sometime before 8 January 2021, and most appropriately on or before 20 August 2020, by close of business 10 January 2022, then a reasonable person can only conclude that Solicitor Wilson and her Employer are knowingly and willfully committing prosecutorial misconduct by continuing to pursue obviously malicious prosecutions of defendant Alan Nix.

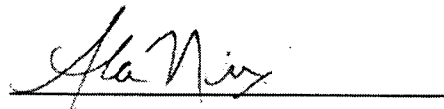
WHEREFORE, Defendant, respectfully requests the Court to:

1. Set aside Amanda Haselden's 26 Jan 2021 Bail Proceeding Form II Order in its entirety, or in the alternative, order a continuance of the 7 January 2022 hearing until such time as it is safe for defendant Alan Nix to come within a block of 100 Broad St., Charleston, SC.
2. Enter an order compelling Mack / Charleston County / Charleston County Public Defender Corporation to file an amended motion related to their 29 October 2021 motion including sufficient exhibits to at least minimally support their statements of apparent fact. Depending on the outcome of this issue, order a Nelson Hearing for Mack / Charleston County / Charleston County Public Defender Corporation.
3. Enter an Order moving Charleston County Warrant 2021-A10-10200476 from Charleston County Magistrate Court to General Sessions Court and try with all cases related to cases 2014-CP-10-05407 and 2017-CP-10-04031.
4. Enter an Order compelling Ms. Wilson to provide discovery for Warrant 2021-A10-10200476 no later than close of business 10 January 2022.
5. Provide defendant a copy of the secretive order filed on or about 12 November 2021, along with all related evidence.

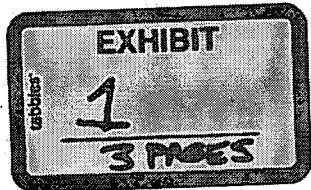
6. Enter an Order compelling Haselden and Charleston County to turn over the audio and video recordings of her 26 January 2021 bond hearing for these warrants.
7. If a surety bond of \$20,000 or greater is truly appropriate for this defendant based on these baseless charges, then enter an order converting the Appeal Bond filed 4 September 2018 to a bond for these warrants.
8. Any other and further relief as this Court deems just, prudent, ethical, and proper.

December 29, 2021

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alan Nix", is written over a solid horizontal line.

Alan G. Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991.4170



2021A1010200476 2021A1010200475
2021A1010200444

CRIMINAL CHARGING DOCUMENT NO.

BAIL PROCEEDING
FORM II

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

ALAN GREGORY NIX
NAME OF DEFENDANT

Offense Charged: TRESPASS AFTER NOTICE / RESISTING ARREST / INTIMIDATION OF COURT OFFICIAL JURORS OR WITNESS

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact:

NOTHING = ARBITRARY

[Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

SC 17-15-30

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$65,440.00.

3. That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on Upon Call of Court at 2:00 o'clock, P.M. at CHARLESTON COUNTY JUDICIAL CENTER, 100 BROAD STREET, CHARLESTON and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of Summey: 6185 Rivers Ave., Ste E, N. Chas. beginning on Friday, March 19, 2021 at 10 o'clock, A.M. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT AN

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

Alan Haselden
SIGNATURE OF JUDGE: Haselden

January 26, 2021
DATE

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

_____ ADDRESS		_____ SIGNATURE OF DEFENDANT: ALAN GREGORY NIX
_____ CITY/STATE/ZIP	_____ TELEPHONE	_____ January 26, 2021 DATE
_____ SOCIAL SECURITY NUMBER	_____ DRIVER'S LICENSE OR ID NUMBER	_____ ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SPECIAL CONDITIONS OF RELEASE

a. Placement in custody. The defendant is placed in the custody of: _____
NAME OF PERSON OR ORGANIZATION

ADDRESS CITY/STATE ZIP TELEPHONE
who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED) DATE

b. Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. Part-time Release. The defendant will be released from custody from _____ o'clock, _____ to _____ o'clock, _____
on _____ on condition that he return to the custody of _____
DATE(S) NAME OF PERSON OR ORGANIZATION
at _____ as designated.
LOCATION

d. Other Conditions. The defendant will comply with the following other conditions of release: You will be advised by mail of your next court appearance. It is your responsibility to maintain your current mailing address with the Clerk of Court for General Sessions. **NO CONTACT WITH VICTIMS NOR ANY FAMILY MEMBERS OF THE VICTIM VERBALLY, ELECTRONICALLY, BY PHONE, ON SOCIAL MEDIA OR BY THIRD PARTY, OR IN WRITING. YOU ARE BARRED FROM WITHIN ONE BLOCK OF THE VICTIM'S RESIDENCE, SCHOOL, BUSINESSES AND/OR WORK.**

**THE VICTIM'S ARE AS FOLLOWS: ENTIRE MASTER AND EQUITY OFFICE (CURRENT AND PREVIOUS) EMPLOYEES):
LAURA BECK, KATIE BURUNSON, JAN ONEALE HEARN, CINDY YARBOUROUGH, CHRISTINE SMITH, MIKELL SCARBOROUGH, MARTI DENNIS, RYAN CONNOR, SPENCER GILL, JUDY DAWKINS, HUNTER JAMES, BARNWELL RASWELL**

**CHARLESTON COUNTY MAGISTRATE TOM LYNN
DEF IS NOT TO POSSESS OR AQUIRE ANY FIREARMS , KNIVES OR WEAPONS OF ANY KIND DURING THE PENDENCY OF THIS CASE. ANY WEAPONS MUST BE TURNED OVER TO ATTORNEY LE, OR FAMILY MEMBERS THAT WILL GO ON RECORD**

**DEF IS NOT TO RETURN TO THE INCIDENT LOCATION
DEF IS TO WEAR A GPS MONITOR AND IS NOT TO GO WITHIN A 5 MILE RADIUS OF 1401 DENSMORE CIRCLE. GPS MONITOR DOES NOT PROHIBIT DEF FROM LIVING ANYWHERE IN THE STATE NO CONTACT WITH VICTIMS NOR ANY FAMILY MEMBERS OF THE VICTIM VERBALLY, ELECTRONICALLY, BY PHONE, ON SOCIAL MEDIA OR BY THIRD PARTY, OR IN WRITING. YOU ARE BARRED FROM WITHIN ONE BLOCK OF THE VICTIM'S RESIDENCE, SCHOOL, BUSINESSES AND/OR WORK.**

**THE VICTIM'S ARE AS FOLLOWS: ENTIRE MASTER AND EQUITY OFFICE (CURRENT AND PREVIOUS) EMPLOYEES):
LAURA BECK, KATIE BURUNSON, JAN ONEALE HEARN, CINDY YARBOUROUGH, CHRISTINE SMITH, MIKELL SCARBOROUGH, MARTI DENNIS, RYAN CONNOR, SPENCER GILL, JUDY DAWKINS, HUNTER JAMES, BARNWELL RASWELL**

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DEF IS NOT TO RETURN TO THE INCIDENT LOCATION

**DEF IS TO WEAR A GPS MONITOR AND IS NOT TO GO WITHIN A 5 MILE RADIUS OF 1401 DENSMORE CIRCLE.
GPS MONITOR DOES NOT PROHIBIT DEF FROM LIVING ANYWHERE IN THE STATE**

APPEARANCE RECOGNIZANCE WITH SURETY

On the _____ day of _____, _____, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of _____, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

NAME OF SURETY BONDSMAN COMPANY	TELEPHONE	SIGNATURE OF SURETY BONDSMAN
ADDRESS OF SURETY BONDSMAN		
CITY/STATE/ZIP		SIGNATURE OF JUDGE:
NAME OF INSURANCE COMPANY		DATE
ADDRESS OF INSURANCE COMPANY		
CITY/STATE/ZIP		

Form Approved by SC Attorney General
Section 17-15-40
March 21, 2012

SC CA 511A (Revised 3/2012)



agnix1@hotmail.com

From: Benjamin A. Mack <BMack@charlestoncounty.org>
Sent: Tuesday, November 16, 2021 3:58 PM
To: agnix1@hotmail.com
Cc: Ashley Pennington
Subject: FW: Alan Nix Letter - Requesting Permission to go to US Attorney Office

Hi Alan,

See below. The State is unwilling to consent to allowing you to visit the USAG's office or the US District Court in Charleston. Would you like me to file a motion to amend your bond for the purpose of you visiting those places? If so, what is the reason for the visit?

Sincerely,

Ben

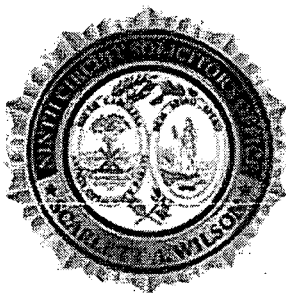
--
Benjamin A. Mack
Assistant Public Defender
South Carolina's 9th Judicial Circuit
101 Meeting Street, 5th Floor
Charleston, South Carolina 29401
843.958.1884

From: Nicholas Uricchio <UricchioN@SCSolicitor9.org>
Sent: Tuesday, November 16, 2021 2:52 PM
To: Benjamin A. Mack <BMack@charlestoncounty.org>
Subject: RE: Alan Nix Letter - Requesting Permission to go to US Attorney Office

Hey Ben,

He has bond conditions that say he can not be within one block of the Courthouse. I expect him to follow the Court's order. If he would like to change his bond condition than he needs to make a motion.

With kind regards,



Nick Uricchio
Assistant Solicitor
101 Meeting Street, Suite 400
Charleston, SC 29401
o: 843-958-1903 | f: 843-958-1905
e: uricchion@scsolicitor9.org | web: www.scsolicitor9.org

CONFIDENTIALITY NOTICE: All Information transmitted in this e-mail, including any files transmitted with it is confidential and contains information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients, an employee or agent responsible for delivering the message to the intended recipients, or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

From: Benjamin A. Mack <BMack@charlestoncounty.org>
Sent: Tuesday, November 16, 2021 2:36 PM
To: Nicholas Uricchio <UricchioN@SCSolicitor9.org>
Subject: RE: Alan Nix Letter - Requesting Permission to go to US Attorney Office

Hi Nick,

Do you intend to revoke Alan's bond if he goes to the USAG's office or the US District Court in Charleston?

Sincerely,

Ben

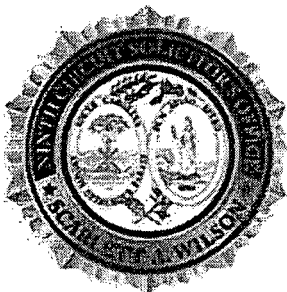
Benjamin A. Mack
Assistant Public Defender
South Carolina's 9th Judicial Circuit
101 Meeting Street, 5th Floor
Charleston, South Carolina 29401
843.958.1884

From: Nicholas Uricchio <UricchioN@SCSolicitor9.org>
Sent: Friday, November 12, 2021 1:33 PM
To: Benjamin A. Mack <BMack@charlestoncounty.org>
Subject: Alan Nix Letter - Requesting Permission to go to US Attorney Office

Ben,

Please see attached letter from Alan Nix.

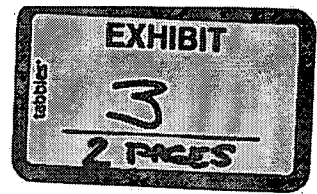
Have a good weekend,



Nick Uricchio
Assistant Solicitor

101 Meeting Street, Suite 400
Charleston, SC 29401

o: 843-958-1903 | f: 843-958-1905
e: uricchion@scsolicitor9.org | web: www.scsolicitor9.org



9 November 2021

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

Ashley Pennington
Charleston County Public Defender
101 Meeting St.
Charleston, SC 29401

Scarlett Wilson
Charleston County Solicitor
101 Meeting St.
Charleston, SC 29401

RE: Permission to go to US District Court and US Attorney's Office in Charleston, SC

Ms. Wilson and Mr. Pennington,

As you are aware, due to Mag. Haselden's BAIL PROCEEDING FORM II order dated 26 Jan 2021, enclosed for your ease of reference, it is more than slightly dangerous for me to go to either the US Attorney's Office in Charleston (151 Meeting St.) and/or the US District Court in Charleston (85 Broad St.) without the substantial likelihood of getting thrown back into the Sheriff Al Cannon Detention Center for violating said BAIL PROCEEDING FORM II order. If you have spent any quality time in the Sheriff Al Cannon Detention Center, you most likely understand my preference not to return, especially due to such improper restrictions.

However, I need to visit both locations between this week and shortly after Thanksgiving. Given the issues Mag. Haselden's BAIL PROCEEDING FORM II continues to create, I am writing to request any assistance you two can provide to enable me to go to these two locations without fear of being arrested again.

Please let me know soonest if you all can agree to allow me to visit these two locations without being arrested, and if you can, please provide a copy of your written agreement ASAP this week.

Mr. Pennington,

In the event you and Ms. Wilson can not enter into such an agreement by the end of this week, please file a motion as quickly as you can this week which seeks the court's permission to allow me to visit these locations without fear of being arrested again. Please ensure I am copied on your motion.

Thank you in advance for whatever assistance and safeguards you can provide to ensure my safety while visiting 151 Meeting St and/or 85 Broad St. between this week and early December.

Best regards,

A handwritten signature in cursive script, appearing to read "Alan Nix".

Alan Nix

Natalie Ham
Charleston County Attorney
4045 Bridge View Dr.
North Charleston, SC 29405



CJCC Pretrial Services Report

Interview # 58096		
Today's Date: 01/26/2021	Inmate # 0001600756	Bond Hearing: 01/26/2021 10:00
Defendant's Name: ALAN GREGORY NIX		
Race: White	Ethnicity:	Gender: M
DOB: 03/26/1967	Age: 53	
FOR COURT INQUIRY:		
<ul style="list-style-type: none"> • Address • Auto Court Reminder • Marital Status • Primary Caregiver • Employment • Gang Member (NCIC) • Disability 	<ul style="list-style-type: none"> • Time in Community • Phone Number • Number of Children • Highest Level of Education • Indigence Status • Unlawful Alien • Attorney Name 	
Number of SACDC bookings in last 2 years: 0	Probation/ Parole: NO	
Booking Date: 01/25/2021 19:25	# of FTA's: 0	
Pending offense(s) involving weapon: N/A		
Criminal History: NO	Criminal History Class: N/A	
Criminal History Description: N/A	Criminal History Convictions: None	
Law Enforcement Agency	Current Charges	Charging Doc
CC SHERIFF'S OFFICE	TRESPASS AFTER NOTICE	2021A1010200476
CC SHERIFF'S OFFICE	INTIMIDATION COURT OFFICIAL JURORS OR WITNESS	2021A1010200444
CC SHERIFF'S OFFICE	RESISTING ARREST	2021A1010200475

Factors in the Charleston County Pretrial Risk Assessment Instrument, C-PRAI

For each factor indicated, add the corresponding point value to the defendant's risk score. The point values are as follows:

Risk Factor	Criteria	Assigned Points
Supervision	If the defendant is under active community supervision	0
Charge Type	If current charge(s) are associated with greater risk of failure	3
Pending Charge(s)	If the defendant has one or more charges pending in court at the time of the arrest	0
Criminal History	If the defendant has one or more misdemeanor or felony convictions	0
Failure to Appear	If the defendant has two or more failure to appear entries	0
Violent Convictions	If the defendant has two or more violent convictions	0
Gender	If the defendant is a female	0
Multiple Charges	If the defendant is facing two or more charges	2
Current Age	If the defendant is: a) under 25, b) 25-34, c) 35-44, d) over 44 years	0

Total Points: 5

Risk Level: 1

Level 1 (scoring -1 to 5) **Level 2** (scoring 6 to 9) **Level 3** (scoring 10 to 12) **Level 4** (scoring 13 to 19)

Please be advised this risk score is intended for the consideration of the bond-setting judge and is only valid at the time of the bond hearing for which it was prepared.

Failure Rates by Risk Level

Risk Level	1	2	3	4
% Pretrial Failure	10%	29%	45%	65%

Pretrial failure was defined as re-arrest or missed court appearance during the pretrial period.

30 October 2021



Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

Hervy Young
General Counsel
SC Commission on Indigent Defense
1330 Lady Street, Ste. 401
Columbia, SC 29201

Copy included for Hugh Ryan

John Nichols
Office of Disciplinary Counsel
1220 Senate St.
Columbia, SC 29201

Anne Fynn-Smith
SC Insurance Reserve Fund
1201 Main St., Ste. 500
Columbia, SC 29201

Alan Wilson
SC Attorney General
1000 Assembly St.
Columbia, SC 29201

Natalie Ham
Charleston County Attorney
4045 Bridge View Dr.
North Charleston, SC 29405

Julie Armstrong
Clerk of Court, Charleston County
100 Broad St.
Charleston, SC 29401

Copy included for Judge Jefferson

Ashley Pennington
Charleston County Public Defender Office
101 Meeting St., 5th Floor
Charleston, SC 29401

Scarlett Wilson
Charleston County Solicitor
101 Meeting St.
Charleston, SC 29401

Copies included for:

1. Woosley
2. Smith
3. Combs
4. Mack
5. Ehrlich

RE: Mailing via USPS email response to Mack / Pennington / Charleston County / SC Commission on Indigent Defense from yesterday.

Please find enclosed a copy of the email trail from yesterday which is a response to said email from Mack / Pennington / Charleston County / SC Commission on Indigent Defense.

By way of this email and letter, and the exhibits incorporated by reference, please ensure that Mack, by and through his Employer and Supervisors file an amended motion at once which includes exhibits to support all of the facts which Mack and his Employer and Supervisors clearly stated in a filed legal document to be true. Once filed and served as required by the rules, I will provide a much more detailed response which should be filed and then provide Mack, his Employer and Supervisors at least 15 days to respond to prior to holding any such hearing on such matter. Based on my current interpretation of the issues these parties face, I will most likely have to file an additional response to Mack and his Employer's rebuttal

Obviously the issue with Haselden's 26 Jan 2021 Bail Proceeding Form II Order must also be completely dealt with prior to holding any such or further hearings.

Lastly, please accept my apology for any delays on my behalf after today and prior to 18 November 2021 as I am sure most of you all know that these continuing unnecessary issues created by Charleston County and its Associates are clearly obstructing my ability to finalize the Racketeering case against multiple parties involved in, and which have created, these same matters.

Best regards,



Alan Nix

agnix1@hotmail.com

From: agnix1@hotmail.com
Sent: Friday, October 29, 2021 5:30 PM
To: 'Benjamin A. Mack'; 'James M. Milone'; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)'; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)'; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; jarmstrong@charlestoncounty.org; solicitor@scsolicitor9.org
Cc: 'Ashley Pennington'; 'Ted Smith'; 'Nicholas Uricchio'; 'Gaylord R. Combs'; 'Cassandra Woosley'; 'Megan S. Ehrlich'; nham@charlestoncounty.org
Subject: RE: State v. Alan Nix
Attachments: Nix, Alan - Motion to Clarify Counsel.pdf; Nix, Alan - Affidavit of Indigency and Application for Counsel.pdf; Haselden Bail Proceeding Form II 26 Jan 2021.pdf
Importance: High

Mr. Pennington.

Please also ensure while Mr. Mack is revising his thing from this morning to include sufficient exhibits to support his statements of apparent fact, you or he also, either in the same filing or a simultaneous companion filing, finally addresses the obvious catch 22 from 26 Jan 2021 which prevents me from coming to a court in Charleston County without getting arrested again for violating Haselden's Bail Proceeding Form II dated 26 Jan 2021. Perhaps even include an explanation of how you all expected to put me on the record before the Court without fixing this major issue. This has been a problem for over nine (9) months.

I'll get this in the mail ASAP too but just in case this email get through to a few folks, wanted to make sure this issue was finally addressed without causing me to miss another court appearance because of the fear and reality of the bail proceeding form I dated 26 Jan 2021.

Best regards,
Alan Nix

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Friday, October 29, 2021 1:10 PM
To: 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'James M. Milone' <JMilone@charlestoncounty.org>; 'Jefferson, Deadra L. Secretary (Chanda C. Sheppard)' <DJeffersonSC@sccourts.org>; 'Jefferson, Deadra L. Law Clerk (Jacqueline Venezia)' <DJeffersonLC@sccourts.org>; hyoung@sccid.sc.gov; hryan@sccid.sc.gov; jsnichols@sccourts.org; awilson@scag.gov; aflynn@irf.sc.gov; jarmstrong@charlestoncounty.org; solicitor@scsolicitor9.org
Cc: 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Ted Smith' <WTSmith@charlestoncounty.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; 'Gaylord R. Combs' <GRCombs@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Megan S. Ehrlich' <MEhrlich@charlestoncounty.org>; nham@charlestoncounty.org
Subject: RE: State v. Alan Nix

Mr. Young and Ms. Ham.

Please correct me if I am incorrect in stating that I requested you to ensure your clients filed motions to be relieved by noon today, 29 Oct 2021, if such actions were actually necessary. Since I am not an attorney licensed to practice law in South Carolina I may be misinterpreting the attached, but in general it does not appear to be a motion to be relieved. If such is not filed before close of business Monday, 1 Nov 2021, I will begin filing motions and other actions to deal appropriately with these issues..

Mr. Pennington.

Please ensure Mr. Mack attaches sufficient exhibits to this document to support his statements of apparent fact, refile the document and serve on me and all others copies as provided for by the rules. I will definitely mail a response to the revised, filed and properly served version. Hopefully Ms. Armstrong will actually file it.

Ms. Wilson.

No worries about *ex parte* issues at this point. I will ensure you are copied on all responses to Charleston County and the SC Commission on Indigency Defense.

Judge Jefferson.

Please accept my apologies, but I suggest we both know you are most likely not the best person to be involved in this matter.

I will also put this in the USPS as soon as possible since I imagine this email will be blocked by most recipients copied.

Have a nice weekend.

Best regards,
Alan Nix

From: Benjamin A. Mack <BMack@charlestoncounty.org>

Sent: Friday, October 29, 2021 11:25 AM

To: James M. Milone <JMilone@charlestoncounty.org>; Jefferson, Deadra L. Secretary (Chanda C. Sheppard) <DJeffersonSC@sccourts.org>; Jefferson, Deadra L. Law Clerk (Jacqueline Venezia) <DJeffersonLC@sccourts.org>

Cc: agnix1@hotmail.com; Ashley Pennington <APennington@charlestoncounty.org>; Ted Smith <WTSmith@charlestoncounty.org>; Nicholas Uricchio <UricchioN@SCSolicitor9.org>; Gaylord R. Combs <GRCombs@charlestoncounty.org>

Subject: State v. Alan Nix

Hi James,

Attached is a Motion to Clarify Representation of Counsel in Alan Nix's case. It specifically requests an *ex parte* hearing on the matter. However, I have only briefly discussed the *ex parte* aspect of the request with the State. My hope is that Nick will consent as I'm not looking for a *Faretta* hearing. I'm simply looking to put Alan on the record before the Court on whether he wants to represent himself. My *ex parte* request, of course, is based on a concern for protecting Alan's case confidentiality and privilege during the hearing.

If Alan states on the record that he wants to represent himself, then he knows to anticipate a *Faretta* hearing to determine if he is capable of representing himself and that the State likely would be a party to the *Faretta* hearing.

FYI. Alan is copied here.

Sincerely,

Ben

--

Benjamin A. Mack
Assistant Public Defender
South Carolina's 9th Judicial Circuit
101 Meeting Street, 5th Floor

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
MOTION COVERSHEET

WARRANT/TICKET/

INDICTMENT #'s

202/A1010200475

STATE OF SOUTH CAROLINA

-vs-

Alan Nix

DEFENDANT

Solicitor: <u>Nick Uricchio</u> , Bar No. _____ Address: <u>Chao St. Office</u> Phone: <u>1903</u> E-mail: _____	Defendant's Attorney: <u>Benjamin Z. Mack</u> , Bar No. _____ Address: <u>Chao PD's Office</u> Phone: <u>1884</u> E-mail: _____
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED	
SECTION I: Hearing Information	
Nature of Motion: <u>To Clarify Circuit</u>	
Estimated Time Needed: <u>20 minutes</u>	Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO
SECTION II: Motion/Order Type	
<input checked="" type="checkbox"/> Written motion attached. <input type="checkbox"/> Form Motion/Order	
I hereby move for relief or action by the court as set forth in the attached proposed order.	
Signature of <input type="checkbox"/> Solicitor <input checked="" type="checkbox"/> Attorney for Defendant <u>[Signature]</u>	Date submitted <u>10-29-21</u>

FILED
2021 OCT 29 AM 10:18
JULIE J. [unclear]
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
STATE OF SOUTH CAROLINA

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT
)
) Warrant No(s): 2021A1010200475
)
) Charge(s): Opposing Law Enforcement Officer
) Serving Process

vs.

ALAN NIX,

Defendant.

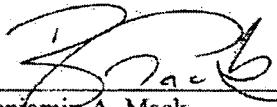
)
)
)
)
) Motion to Clarify Representation of Counsel
)
)
)

FILED
2021 OCT 29 PM 10:18
JULIE J. HIGHT
CLERK
COURT

To: The General Sessions Court, Alan Nix, and Assistant Solicitor Nick Uricchio,
Representative for the State of South Carolina

Benjamin A. Mack respectfully moves the General Sessions Court for an *ex parte* hearing to clarify representation of counsel on Alan Nix's case. Alan Nix has been appointed Benjamin A. Mack as his public defender for a pending criminal charge in Charleston County. However, Alan Nix has indicated to the Public Defender's Office that he would rather represent himself without specifically requesting the filing of a Motion to Relieve Counsel, while at the same time requesting the advice and support of the Public Defender's Office. As a result, an *ex parte* hearing is necessary with notice being given to Alan Nix to determine if he should be representing himself on his criminal case in Charleston County.

I SO MOVE:



Benjamin A. Mack
Assistant Public Defender

Charleston, South Carolina
Dated: 10-29-21

**BAIL PROCEEDING
FORM II**

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

ALAN GREGORY NIX
NAME OF DEFENDANT

Offense Charged: TRESPASS AFTER NOTICE / RESISTING ARREST / INTIMIDATION OF COURT OFFICIAL JURORS OR WITNESS

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: ←

(Considerations: Nature and circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.)

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of _____ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of _____, his release to be obtained by payment to the court of _____ % (not to exceed 10%) of the full amount of the bond, deposits _____ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the State.

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$65,440.00.

3. That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on Upon Call of Court at 2:00 o'clock, P.M., at CHARLESTON COUNTY JUDICIAL CENTER, 100 BROAD STREET, CHARLESTON and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of Summey: 6185 Rivers Ave., Ste E, N. Chas. beginning on Friday, March 19, 2021 at 10 o'clock, A.M. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

INITIALS OF DEFENDANT AGN

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

AGN
SIGNATURE OF JUDGE: Haselden

January 26, 2021
DATE

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

ADDRESS _____		SIGNATURE OF DEFENDANT: <u>Alan Gregory Nix</u> ALAN GREGORY NIX
CITY/STATE/ZIP _____	TELEPHONE _____	January 26, 2021 DATE
SOCIAL SECURITY NUMBER _____	DRIVER'S LICENSE OR ID NUMBER _____	ATTORNEY REPRESENTING ACCUSED (IF KNOWN) _____

SPECIAL CONDITIONS OF RELEASE

a. Placement in custody. The defendant is placed in the custody of: _____
NAME OF PERSON OR ORGANIZATION

ADDRESS _____ CITY/STATE _____ ZIP _____ TELEPHONE _____
who agrees (1) to supervise the defendant as set forth by the court, (2) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court, and (3) to notify the court immediately in the event the defendant violates any conditions of his release or disappears.

SIGNATURE OF CUSTODIAN (IF APPROVED) _____ DATE _____

b. Restrictions on Travel, Association or Residence. The defendant will comply with each of the following conditions:

c. Part-time Release. The defendant will be released from custody from _____ o'clock, _____ to _____ o'clock, _____
on _____ on condition that he return to the custody of _____
DATE(S) _____ NAME OF PERSON OR ORGANIZATION _____
at _____ as designated.
LOCATION

d. Other Conditions. The defendant will comply with the following other conditions of release: You will be advised by mail of your next court appearance. It is your responsibility to maintain your current mailing address with the Clerk of Court for General Sessions. **NO CONTACT WITH VICTIMS NOR ANY FAMILY MEMBERS OF THE VICTIM VERBALLY, ELECTRONICALLY, BY PHONE, ON SOCIAL MEDIA OR BY THIRD PARTY, OR IN WRITING. YOU ARE BARRED FROM WITHIN ONE BLOCK OF THE VICTIM'S RESIDENCE, SCHOOL, BUSINESSES AND/OR WORK.**

THE VICTIM'S ARE AS FOLLOWS: ENTIRE MASTER AND EQUITY OFFICE (CURRENT AND PREVIOUS EMPLOYEES):

LAURA BECK, KATIE BURUNSON, JAN ONEALE HEARN, CINDY YARBOUROUGH, CHRISTINE SMITH, MIKELL SCARBOROUGH, MARTI DENNIS, RYAN CONNOR, SPENCER GILL, JUDY DAWKINS, HUNTER JAMES, BARNWELL RASWELL

CHARLESTON COUNTY MAGISTRATE TOM LYNN

DEF IS NOT TO POSSESS OR ACQUIRE ANY FIREARMS, KNIVES OR WEAPONS OF ANY KIND DURING THE PENDENCY OF THIS CASE. ANY WEAPONS MUST BE TURNED OVER TO ATTORNEY LE, OR FAMILY MEMBERS THAT WILL GO ON RECORD

DEF IS NOT TO RETURN TO THE INCIDENT LOCATION

DEF IS TO WEAR A GPS MONITOR AND IS NOT TO GO WITHIN A 5 MILE RADIUS OF 1401 DENSMORE CIRCLE. GPS MONITOR DOES NOT PROHIBIT DEF FROM LIVING ANYWHERE IN THE STATE NO CONTACT WITH VICTIMS NOR ANY FAMILY MEMBERS OF THE VICTIM VERBALLY, ELECTRONICALLY, BY PHONE, ON SOCIAL MEDIA OR BY THIRD PARTY, OR IN WRITING. YOU ARE BARRED FROM WITHIN ONE BLOCK OF THE VICTIM'S RESIDENCE, SCHOOL, BUSINESSES AND/OR WORK.

THE VICTIM'S ARE AS FOLLOWS: ENTIRE MASTER AND EQUITY OFFICE (CURRENT AND PREVIOUS EMPLOYEES):

LAURA BECK, KATIE BURUNSON, JAN ONEALE HEARN, CINDY YARBOUROUGH, CHRISTINE SMITH, MIKELL SCARBOROUGH, MARTI DENNIS, RYAN CONNOR, SPENCER GILL, JUDY DAWKINS, HUNTER JAMES, BARNWELL RASWELL

CHARLESTON COUNTY MAGISTRATE TOM LYNN

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DEF IS NOT TO RETURN TO THE INCIDENT LOCATION

**-DEF IS TO WEAR A GPS MONITOR AND IS NOT TO GO WITHIN A 5 MILE RADIUS OF 1401 DENSMORE CIRCLE.
GPS MONITOR DOES NOT PROHIBIT DEF FROM LIVING ANYWHERE IN THE STATE**

APPEARANCE RECOGNIZANCE WITH SURETY

On the _____ day of _____, _____, personally appeared before the undersigned judge the surety named below who acknowledged himself indebted to the State of South Carolina, in the sum of _____, such sum to be levied on his real and personal property for the use of the State, should named defendant fail in performing the conditions of this Order.

The surety, being duly sworn, says that he is a resident and free holder within the State and is worth the sum acknowledged and underwritten herein, over all his debts and liabilities, and exclusive of property exempt from execution.

NAME OF SURETY BONDSMAN COMPANY	TELEPHONE	SIGNATURE OF SURETY BONDSMAN
ADDRESS OF SURETY BONDSMAN		
CITY/STATE/ZIP		SIGNATURE OF JUDGE
NAME OF INSURANCE COMPANY		DATE
ADDRESS OF INSURANCE COMPANY		
CITY/STATE/ZIP		

Form Approved by St. Attorney General
Section 17-1540
March 21, 2012

SC-A 311A (Revised 3/2012)

27 October 2021

Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

Hervy Young
General Counsel
SC Commission on Indigent Defense
1330 Lady Street, Ste. 401
Columbia, SC 29201

J. Hugh Ryan
Executive Director
SC Commission on Indigent Defense
1330 Lady Street, Ste. 401
Columbia, SC 29201

Anne Smith
SC Insurance Reserve Fund
1201 Main St., Ste. 500
Columbia, SC 29201

Alan Wilson
SC Attorney General
1000 Assembly St.
Columbia, SC 29201

RE: Notice of Intent in compliance with the SC Tort Reform Act. Benjamin Mack, Charleston County Public Defender Corporation and related associates and organizations

Mr. Young, Mr. Ryan, Ms. Smith, Mr. Wilson.

Please accept this letter as an official Notice of Intent to commence one or more civil actions naming Benjamin Mack, his employer and their associates as defendants related to their involvement and conduct in Arrest Warrant Affidavits dated 21 Jan 2021 and 22 Jan 2021, Warrant number 2021-A10-10200444 and Warrant number 2021-A10-10200475.

Please ensure all related evidence and documents is properly preserved and secured.

Also, please advise no later than 29 November 2021 if the parties you represent and/or have oversight responsibility for will willingly provide prelit discovery prior to the filing of any or all currently contemplated actions. Additionally, if you or the parties you represent intend to declare that Benjamin Mack was operating within the scope of his employment related to these matters at any point during the period 10 February 2021 and the date of this letter, please refer to the enclosed three page apparent affidavit dated 8 February 2021 and cite, with specificity, the grounds for making such a claim.

I will send additional communications on these issues as the situation warrants, and no later than December 2021. Likewise, I will attempt to provide reciprocal presuit discovery in that same timeframe. However, as of the date of this letter, it is my belief all such evidence which I have compiled is either publicly available information or you, your associates and/or your clients were previously copied on such correspondence.

Thank you for your cooperation and I look forward to receiving a response to this letter no later than shortly after Thanksgiving.

Best regards,



Alan Nix

Ashley Pennington
Charleston County Public Defender Office
101 Meeting St., 5th Floor
Charleston, SC 29401

Ashley Pennington
SC Public Defender Association
2144 Melbourne Ave., Rm 123
Charleston, SC 29405

Natalie Ham
Charleston County Attorney
4045 Bridge View Dr.
North Charleston, SC 29405

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

The State of South Carolina)

Plaintiff,)

vs.)

ALAN G. NIX.)

Defendant.)

IN THE COURT OF GENERAL SESSIONS

9TH JUDICIAL CIRCUIT

AFFIDAVIT OF INDIGENCY

AND

APPLICATION FOR COUNSEL

(Defense of Indigency Act, Form No.2)

CRIMINAL CHARGING DOCUMENT NO.

NAME OF APPLICANT	ALAN G. NIX.
ADDRESS	
TELEPHONE NUMBER(S)	
DATE OF BIRTH	
SOCIAL SECURITY NO.	
NAMES OF CO-DEFENDANTS	

1. Are you presently employed? Yes No

a. If "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER
\$28K/YR.	(SELF) IT/PROG MGMT.

If "no", state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

2. Include employment information for the spouse, if applicable.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER

If the spouse is not currently employed, state the name and address of last employment, date of termination of employment, and amount of salary or wages per month.

SALARY OR WAGES PER MONTH	NAME AND ADDRESS OF EMPLOYER	TERMINATION DATE

3. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support.

NAME	AGE	RELATIONSHIP	AMOUNT OF SUPPORT

4. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or form of self-employment? Yes No
- b. Rent payments, interest or dividends? Yes No
- c. Pensions, annuities or life insurance payments? Yes No
- d. Gifts or inheritances? Yes No
- e. Any other sources? Yes No

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

SOURCE OF MONEY	AMOUNT
RETIREMENT (EARLY W/PAY)	\$50K / MONTH

5. Do you own cash, or do you have any money in a checking or savings account?

Yes No

If the answer is "yes", state the total amount of the cash owned. \$5000

6. Do you own any real estate, stocks, bonds, notes, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes No

If the answer is "yes", describe the property and state the appropriate value of the items owned.

7. What kind of motor vehicle do you own? 2006 TOYOTA TUNDRA

Is it paid for? Yes No

If not, what are the payments?

8. How much do you owe (on liens, mortgages, other encumbrances or debts)?

RENT/MORTGAGE	UTILITIES	MEDICAL	CREDIT	BONDSMAN	STUDENT LOANS	OTHER MONTHLY
\$1789	\$200	—	—	—	—	\$178 - (MOBILE) \$170 - (CAR INS.)

I do solemnly swear that the account by me delivered into this court with my application for counsel does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I or any person in trust for me have or at the time of my possession had, or am, or was, in any respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand the appointment of counsel creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the cost of representation less the amount paid to appointed counsel, the public defender office and/or the Commission on Indigent Defense. I understand that such claim shall be filed in the office of the Clerk of Court in the county where I, my child, or ward are assigned counsel, but that the filing of a claim shall not constitute a lien against my real or personal property unless, in the discretion of the court, part of all of such claim is reduced to judgment by appropriate order of the court after serving me with at least thirty (30) days notice that judgment will be entered.

I understand that, pursuant to §17-3-30(b), I am required to pay a non-refundable \$40.00 application fee to the Clerk of Court for public defender services or other appointed counsel.

I am financially unable to employ counsel and request that counsel be assigned to represent me. I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This 08 day of FEB, '21

Defendant

Subscribed and sworn to before me this _____ day of _____, _____ _____ (J.S.) Notary Public for South Carolina My Commission Expires: _____
--

.....

The applicant's request for court-appointed counsel is hereby granted / denied.

Dated: _____

Judge/Clerk or Deputy Clerk

_____, South Carolina

agnix1@hotmail.com

From: agnix1@hotmail.com
Sent: Thursday, October 28, 2021 3:22 PM
To: 'Gaylord R. Combs'
Cc: 'Ashley Pennington'
Subject: last request / favor
Attachments: alan.nix.CAD.report.pdf; CHS 21 Jan 2021 00600 reports.pdf



Good afternoon Gary.

Given recent events, I will not contact you again for informal assistance related to these matters, but as a last request, I would appreciate your assistance / professional assessment (previous Sheriff's Deputy) related to how you have or would analyze these two documents from a comparison / accuracy / contradictory perspective.

The first document is what you sent a couple of weeks ago. The second is from discovery back in the Winter or early Spring I suppose.

First, in general, what are the major take aways from your perspective related to these two documents individually and in comparison to each other?

A few specific questions I have are:

1. Can you provide more insight / detail about "Priority: LP98_Officer Initiated"?
2. Can you provide more insight / detail about "Agency: Law Enforcement" ? eg. Very generic.....
3. Can you provide more details about "Unit SO54"? for instance, but not limited to, was someone actually in that unit, and if so, who was that?
4. Can you provide more info about "SOADM"?
5. Can you provide more info about "LCCR Call Comp / Report Taken"?

Once again Gary, thank you for your help and any help you could provide on this last request would be very much appreciated.

Best regards,
Alan Nix

Incident Detail Report

Incident Status Closed
Incident Number 202100023939
Incident Date 1/11/2021 11:12:24

Incident Information

Incident Type:	Papers	Alarm Level:	
Priority:	LP98_Officer Initiated	Problem:	Civil Process
Determinant:		Agency:	Law Enforcement
Base Response #:		Jurisdiction:	Mt Pleasant PD_MPPD
Confirmation #:		Division:	MPD8
Taken By:	Sackman, Jillian B.	Battalion:	MPD8
Response Area:	MPPD 107	Response Plan:	
Disposition:	LCCR_Call Comp/ Report Taken	Command Ch:	
Cancel Reason:		Primary TAC:	
Incident Status:	Closed	Alternate TAC:	
Certification:		Delay Reason:	
Longitude:	79787606	Latitude:	32885548
MGRS:	17SPS1340639250	UTM:	17S 613406 3639250

Incident Location

Location Name:		County:	CHARLESTON
Address:	1401 Densmore Cir	Location Type:	
Apartment:		Cross Street:	Dead-End/DENSMORE CIR
Building:		Tow Provider Area:	SPA MPPD DIS 5
City, State, Zip:	MOUNT-PLEASANT, SC 29466	Map Reference:	

Call Receipt

Caller Name:		Call Back Phone:	
Method Received:		Caller Location:	
Caller Type:		Caller Apt/Bldg:	/
Caller Address:		Caller County:	
Caller City, State, Zip:			

Time Stamps

Description	Date	Time	User
Phone Pickup	1/11/2021	11:12:24	
1st Key Stroke	1/11/2021	11:12:24	
In Pending Queue	1/11/2021	11:12:24	
Call Taking Complete	1/11/2021	11:12:24	Sackman, Jillian B
1st Unit Assigned	1/11/2021	11:12:24	
1st Unit Enroute	1/11/2021	11:12:24	
1st Unit Arrived	1/11/2021	11:12:24	
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	1/11/2021	11:14:48	Sackman, Jillian B

Elapsed Times

Description	Time
Received to In Queue	00:00:00
Call Taking	00:00:00
In Queue To 1st Assign	00:00:00
Call Received to 1st Assign	00:00:00
Assigned to 1st Enroute	00:00:00
Enroute to 1st Arrived	00:00:00
Incident Duration	00:02:24

ANI/ALI Calls

No ANI/ALI Calls.

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	At Arrived	Delay Patient Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
SO54	1/11/2021 11:12:24	LCCR_Call Comp/ Report Taken	1/11/2021 1 11:12:24		1/11/2021 11:12:24		1/11/2021 11:14:48			

Personnel Assigned

No Personnel Assigned

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
1/11/2021	11:12:24	JBS	Response		[1] OCA IRT EVICTION
1/11/2021	11:12:44	JBS	Response		[2] Requested Case Number(s) issued for Incident #[202100023939], Jurisdiction: Sheriff_CCSC. Case Number(s): 2021-000600, requested by SO54.
1/11/2021	11:14:41	JBS	Response		[3] SO54 OCA IRT EVICTION FOR FRIDAY 1/22

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
1/11/2021	11:12:24	SO54	At Scene	1401 Densmore Cir		JBS
1/11/2021	11:12:29		Read Incident		Incident 052 was Marked as Read.	JBS
1/11/2021	11:12:32		Update Incident Sector		Incident 052 was transferred To Sector SOADM	JBS
1/11/2021	11:12:32		Sector Change		From Sector MPD8 to Sector SOADM	JBS
1/11/2021	11:12:44	SO54	Requested Case Number	1401 Densmore Cir	Requested Case Number(s) issued for Incident #[202100023939], Jurisdiction: Sheriff_CCSD. Case Number(s): 2021-000600.	JBS
1/11/2021	11:14:48	SO54	Available	1401 Densmore Cir	Unit Cleared From Incident 202100023939	JBS
1/11/2021	11:14:48	SO54	Disposition	1401 Densmore Cir	LCCR_Call Comp/ Report Taken	JBS
1/11/2021	11:14:48	SO54	Response Closed	1401 Densmore Cir	Response Disposition: LCCR_Call Comp/ Report Taken	JBS

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
1/11/2021	11:12:29	Read Call	False	True	(Response Viewer)	Response_Master_Incident	911DSP20	JBS
1/11/2021	11:12:32	Current Sector	MPD8	SOADM	(Response Viewer)	Response_Master_Incident	911DSP20	JBS
1/11/2021	11:12:32	CurrentDivision	MPD8	SOADM	(Response Viewer)	Response_Master_Incident	911DSP20	JBS
1/11/2021	11:12:32	CurrentSectorID	12	29	(Response Viewer)	Response_Master_Incident	911DSP20	JBS

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

No Custom Data Fields

Case Number

Case Number

2021-000600

Method

Request

Radio Name

S054

Attachments

No Attachments

Dispositions

Date

Time

Unit

Disposition

User

1/11/2021

11:14:48

LCCR_Call Comp/ Report Taken

JBS

Supplemental Person

No Supplemental Persons

Supplemental Property

No Supplemental Property

Supplement Vehicle

No Supplemental Vehicles

Supplemental Weapon

No Supplemental Weapons



**CHARLESTON COUNTY
SHERIFF'S OFFICE**

3691 LEEDS AVE
CHARLESTON, SC 294057437
(843) 202-1700

INCIDENT REPORT	
CASE NUMBER 2021000600	SUPPLEMENT NUMBER
CASE TYPE EVICTON (CIVIL PROCESS)	CAD EVENT NUMBER
REPORT DATE 01/21/2021	
REPORTING OFFICER 10025/105408 - BOOKER, JEFFERY O	

INCIDENT

LOCATION		OCCURRED		DATE	TIME	DAY
1401 DENSMORE CIR MOUNT PLEASANT, SC 29466 US		ON OR FROM		01/21/2021	14:00	THU
PREMISE NAME		TO		01/21/2021	14:05	THU
DISTRICT 5	AREA EAST	REPORTED		01/21/2021	14:00	THU
JURISDICTION CCSO		WATCH JUDICIAL SERVICES				

NATURE OF INCIDENT

ALCOHOL RELATED
 SENIOR CITIZEN
 HATE / BIAS
 ARSON
 CHILD ABUSE
 GANG RELATED
 OFFICER ASSAULT
 DRUG RELATED
 DOMESTIC VIOLENCE
 JUVENILE

RELATED REPORT NUMBERS

RELATED CASE NUMBERS

SYNOPSIS

Foreclosure/Eviction.

ADDITIONAL INFORMATION

<input type="checkbox"/> ICAC	<input type="checkbox"/> PURSUIT	<input type="checkbox"/> USE OF FORCE
2nd Officer		

STATUS

CASE STATUS	CASE STATUS DATE	DISPOSITION	DISPOSITION DATE	APPROVAL	APPROVAL DATE
ACTIVE	01/23/2021	AR-ADULT	01/28/2021	9916/105408 - CRAVEN, CHRISTO	01/22/2021

R5 7

INCIDENT REPORT	CHARLESTON COUNTY SHERIFF'S OFFICE	CASE NUMBER 2021000600
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SUSPECTS

ENTRY NO 1	INVOLVEMENT SU	NAME: LAST, FIRST, MIDDLE NIX, ALAN GREGORY												
HOME ADDRESS 1401 DENSMORE CIR MOUNT PLEASANT SC 29466			MAILING ADDRESS											
EMPLOYER			EMPLOYER ADDRESS						OCCUPATION					
HOME PHONE			CELL PHONE (843) 991-4170			OTHER PHONE (843) 729-2400			EMPLOYER PHONE					
DOB 03/28/1967	AGE 53	SEX M	RACE W	JUV N	ETH N	HEIGHT 510	WEIGHT 180	HAIR BRO	EYES BRO	POB	RESIDENCY J	CITIZEN	GANG IDENTIFICATION	
DL NUMBER 008428701		DL ST SC	SSN 247532362		FBI ID	STATE ID	LOCAL 0001571918		ID1	ID2		COMMENT		

NARRATIVE

On 01-11-21 at 1320 hrs., R/D along with Deputy B. Green responded to 1401 Densmore cir. Mt. Pleasant in reference to posting an eviction notice. Upon arrival, R/D knocked on the front door with negative response from anyone inside the residence. R/D at this time posted the eviction notice on the front door in plain view. The listed agent from Church Park was contacted and advised of the lock out date of 01-22-21 at 12:00 pm.

Nothing further at this time.

INCIDENT REPORT	CHARLESTON COUNTY SHERIFF'S OFFICE	CASE NUMBER 2021000600
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CHARLESTON COUNTY SHERIFF'S OFFICE

3691 LEEDS AVE
CHARLESTON, SC 294057437
(843) 202-1700

SUPPLEMENT INCIDENT REPORT

CASE NUMBER 2021000600	SUPPLEMENT NUMBER 1
CASE TYPE EVICTION (CIVIL PROCESS)	CAD EVENT NUMBER
REPORTING OFFICER 9891/104699 - COLBURN, MAT	REPORT DATE 01/21/2021

INCIDENT

LOCATION 4045 BRIDGEVIEW DR NORTH CHARLESTON, SC 29405 US	DATE 01/21/2021	TIME 13:00
PREMISE NAME PUBLIC SERVICE BUILDING		
DISTRICT 3	AREA NORTH	JURISDICTION CCSO

STATUS

WORK FLOW STATUS APPROVED	APPROVAL 9916/104699 - CRAVEN, CHRISTOPHER R	APPROVAL DATE 01/27/2021
------------------------------	---	-----------------------------

OFFENSES

ENTRY NO 1	VIOLATION/STATUTE 16-9-340	OFFENSE DESCRIPTION DNA REQINTIMIDATION COURT OFFICIAL JURORS OR WITNESS
ATTEMPTED N	LEVEL F	DEGREE 5099
AGENCY CLASSIFICATION 2451	LOCATION OF OFFENSE 4045 BRIDGE VIEW DR	
COURT	COURT DATE	JUDGE
COMMENT		

VICTIMS

ENTRY NO 3	INVOLVEMENT VI	NAME: LAST, FIRST, MIDDLE DAWSON, JOE
HOME ADDRESS 4045 BRIDGE VIEW DR NORTH CHARLESTON SC 29405		MAILING ADDRESS
EMPLOYER		OCCUPATION
HOME PHONE	CELL PHONE	EMPLOYER PHONE
DOB 30	AGE 30	SEX M
RACE B	JUV N	ETH N
HEIGHT 510	WEIGHT 180	HAIR BRO
EYES BRO	POB J	RESIDENCY J
CITIZEN	GANG IDENTIFICATION	
DL NUMBER 008428701	DL ST SC	SSN 247532362
FBI ID	STATE ID 0001571918	LOCAL
COMMENT		

SUSPECTS

ENTRY NO 1	INVOLVEMENT SU	NAME: LAST, FIRST, MIDDLE NIX, ALAN GREGORY
HOME ADDRESS 1401 DENSMORE CIR MOUNT PLEASANT SC 29466		MAILING ADDRESS
EMPLOYER		OCCUPATION
HOME PHONE	CELL PHONE (843) 991-4170	OTHER PHONE (843) 729-2400
DOB 03/26/1987	AGE 53	SEX M
RACE W	JUV N	ETH N
HEIGHT 510	WEIGHT 180	HAIR BRO
EYES BRO	POB J	RESIDENCY J
CITIZEN	GANG IDENTIFICATION	
DL NUMBER 008428701	DL ST SC	SSN 247532362
FBI ID	STATE ID 0001571918	LOCAL
COMMENT		

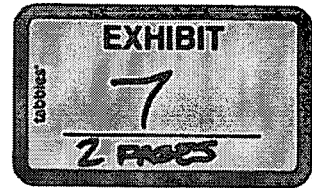
OTHERS

ENTRY NO 2	INVOLVEMENT COMPL	NAME: LAST, FIRST, MIDDLE KNISLEY JR, EDWARD L
HOME ADDRESS 4045 BRIDGEVIEW DR N, CHARLESTON SC 29405		MAILING ADDRESS
EMPLOYER COUNTY OF CHARLESTON		OCCUPATION ATTORNEY
HOME PHONE	CELL PHONE	OTHER PHONE
DOB 49	AGE 49	SEX M
RACE W	JUV N	ETH N
HEIGHT BLD	WEIGHT BLU	HAIR BLU
EYES BLU	POB J	RESIDENCY J
CITIZEN US	GANG IDENTIFICATION	
DL NUMBER	DL ST SC	SSN 0000480172
FBI ID	STATE ID BUSN#843860	LOCAL
COMMENT		

INCIDENT REPORT		CHARLESTON COUNTY SHERIFF'S OFFICE				CASE NUMBER 2021000600	
PROPERTY							
ENTRY NO 1	INVOLVEMENT EVIDENCE	TYPE 48	MAKE			MODEL	
SERIAL NUMBER			QUANTITY	COLOR	COLOR	GAN	REF NO
DESCRIPTION ONE MANILLA ENVELOPE WITH PAPERWORK FROM ALAN NIX						EVIDENCE N	
COMMENT						CUSTODY STATUS CUSTODY	

NARRATIVE

I, Master Deputy Colburn, responded to the Public Service Building (PSB) at the request of Sgt Craven to meet with Charleston County Legal in regards to papers dropped off by subject Nix. I met with County Attorney, Ed Knisley, who provided me with a stack of papers and a manilla envelope. Ed advised no one in the office observed Nix drop the paperwork off, as he left them on the office counter. On the front page I observed a hand written note stating "Joe, here is the headline: Shootout & standoff between Charleston County Sheriff's Office & homeowner intentionally & premeditatedly set up by corrupt Judge, Mikell Scarborough". Sgt. Craven advised for me to collect the paperwork, complete a supplement, and turn the paperwork into evidence for a pending eviction at Nix's residence, 1401 Densmore Circle Mt. Pleasant, SC 29466, on 1/22/2021 at 12pm.



OCA # 2021-000600

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

AFFIDAVIT

Personally appeared before me, a magistrate of this County, one K. Guter, who, first being duly sworn, deposes and says that

Alan Gregory Nix

did within this County and State on or about the 22nd day of January 2021 violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

Trespassing after notice

16-11-620

The affiant states that 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 January 22, 2021, while at 1401 Densmore Circle, Mt. Pleasant S.C., in the County and State aforesaid, the above named defendant, **Alan Gregory Nix**, did commit the offense of violation section 16-9-620 of the South Carolina State Code of Laws, 1976 as amended, **Trespassing after notice**, in that he did willfully and unlawfully, refused to leave the property as ordered by a Writ of Assistance (2017CP1004031) signed by Judge Scarborough on December 30, 2020, and posted to the defendant's residence on January 11, 2021.


That on January 22, 2021, at 09:37hrs, the defendant sent an email to members of the Charleston County Sheriff's Office stating "I haven't packed a single thing to move". At 12:06 pm Sgt. Craven spoke to the defendant's daughter who advised that her father had not left the residence nor was he planning to leave on his own. At 16:48hrs the defendant sent another email asking for an "accurate schedule of the stated intent to forcibly remove me from my home". He continues on further stating "I've been sitting here waiting for such actions for 4.75 hours". Members of the Charleston County Sheriff's Office were also conducting surveillance of the residence prior to and after 12pm on January 22, 2021, and confirmed that the defendant had not left the property as ordered. On January 23, 2021, at 15:45hrs the defendant sent another email advising "I've been barricaded in my family's home now for 28 hours, waiting for the assault by the Charleston County Sheriff's Dept. / Charleston County SWAT team that was supposed to happen 27.5 hours ago." The defendant has acknowledge the courts order posted on his residence advising him to vacate the property and he has adamantly refused to leave the property which is currently owned by State Street Holdings Co, LLC.

The above information was revealed through the investigation of Sgt. C. Craven and he along with a representative of the Victim, State Street Holdings Co, LLC, are witnesses to prove the same against the form of the statute in such case made and provided against the peace and dignity of the State.

Sworn to and Subscribed before me

this 24 day of June 2021

Signature of Judge


Affiant
3691 Leeds Ave
N. Charleston, SC 29405
843-202-1700

ARREST WARRANT

2021A1010200476

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

THE STATE
against

Alan Gregory Nix

Address: 1401 Densmore Cir

Mount Pleasant, SC 29466-9040

Phone: (843)991-4170 SSN: 247-53-2362

Sex: M Race: W Height: 5 10 Weight: 180

DL State: SC DL #: 008428701

DOB: 3/26/1967 Agency ORI #: SC0100000

Prosecuting Agency: Charleston County Sheriff

Prosecuting Officer: Christopher R Craven - S00418

Offense: Trespassing / Entering premises after warning or refusing to leave on request

Offense Code: 1167

Code/Ordinance Sec: 16-11-0620

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused

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

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 01/25/21

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

North Area 3 Magistrate
6185 Rivers Avenue, Suite E
North Charleston, SC 29406

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Personally appeared before me the affiant Christopher R Craven / K. Craven who being duly sworn deposes and says that defendant Alan Gregory Nix did within this county and state on or about 1/22/2021 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Charleston) in the following particulars:

DESCRIPTION OF OFFENSE: Trespassing / Entering premises after warning or refusing to leave on request

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

COPY

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Charleston

Affiant's Address 3691 Leeds Avenue

North Charleston, SC 29405-

Affiant's Telephone

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 1/22/2021 defendant Alan Gregory Nix

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Trespassing / Entering premises after warning or refusing to leave on request

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 1/24/2021

Signature of Issuing Judge
John G. Kenney

Judge Code: 7391

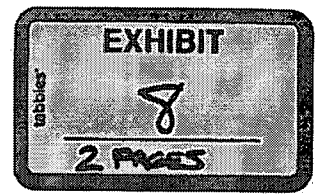
(L.S.)

Judge's Address

North Charleston, SC 29405-

Judge's Telephone (843)746-9822

Issuing Court: Magistrate Municipal Circuit



ELECTRONICALLY FILED - 2020 Sep 15 9:10 AM - CHARLESTON - COMMON PLEAS - CASE#2020CP1004073

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS

Park West Master Association, Inc.

Plaintiff,

v.

Chad Thursby

Defendant(s)

**CERTIFICATION OF COMPLIANCE
WITH THE CORONAVIRUS AID,
RELIEF, AND ECONOMIC SECURITY
ACT
(FORECLOSURES)**

017495.00115

My Name is: Stephanie Trotter Kellahan.

I am an authorized agent of the Plaintiff in the foreclosure case described at the top of this page. I am capable of making this certification. The facts stated in the certification are within my personal knowledge and are true and correct.

1. Verification

Pursuant to the South Carolina Supreme Court Administrative Orders 2020-04-30-02 and 2020-05-06-01 and based upon the information provided by the Plaintiff and/or its authorized servicer as maintained in its case management/database records, the undersigned makes the following certifications:

Plaintiff is seeking to foreclose upon the following property:

1200 Willoughby Lane, Mount Pleasant, SC 29466

I verify that this property and specifically the mortgage loan subject to this action (*check one*):

- is NOT a "Federally Backed Mortgage Loan" as defined by § 4022(a)(2) of the federal Coronavirus Aid, Relief, and Economic Security Act.
- is a "Federally Backed Mortgage Loan" as defined by § 4022(a)(2) of the federal Coronavirus Aid, Relief, and Economic Security Act. Specifically, the foreclosure moratorium cited in Section 4022(c)(2) of the CARES Act has expired as of May 18, 2020, and the property and mortgage are not currently subject to a forbearance plan as solely defined in Sections 4022(b) and (c) of the CARES Act.

Please identify which database or the other information you have used to determine that the property does not have a federally backed mortgage loan or federally backed multifamily mortgage loan:

This is the foreclosure of an unpaid property owners' association assessment lien and is, to the best of my knowledge, not subject to the CARES Act.

2. Declaration:

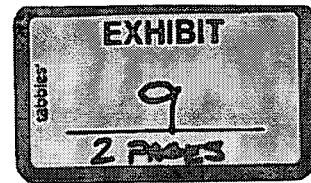
I certify that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.

My name is: Stephanie Trotter Kellahan
First Middle Last

My address is: 4500 Fort Jackson Blvd. # 250 Columbia SC 29209
Street Address & Unit No. (if any) City State ZIP

Signed on: September 4, 2020 in Richland County, South Carolina.

/s Stephanie Trotter Kellahan
Stephanie Trotter Kellahan (SC Bar #77680)
Attorney for Plaintiff



The Supreme Court of South Carolina

RE: Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions and Foreclosures Forms

ORDER

The federal Coronavirus Aid, Relief, and Economic Security Act was adopted into law March 27, 2020. The Act includes provisions for a nationwide moratorium on some, but not all, eviction and foreclosure actions.

I FIND it is appropriate to ensure that evictions and foreclosures filed in the trial courts of this State comply with the protections provided in the Coronavirus Aid, Relief, and Economic Security Act for certain tenants and homeowners.

Therefore, pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that any party pursuing an eviction or foreclosure in a trial court of this State must submit to the court a signed, original Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act. For evictions and foreclosures filed on or after the date of this Order, the Certification of Compliance must be submitted along with the initial filing. For evictions and foreclosures filed before the date of this Order, the Certification of Compliance must be filed with the court prior to proceeding with the eviction or foreclosure. If a party required to file a Certification of Compliance neglects to do so the eviction or foreclosure shall terminate without further action taken.

IT IS FURTHER ORDERED that magistrate courts statewide shall not issue a writ or warrant of ejectment in an eviction action until the party pursuing the eviction has complied with the provisions of this Order.

IT IS FURTHER ORDERED that Master-in-Equity courts statewide shall not hold a foreclosure sale, or issue a judgment of foreclosure, writ of assistance, or writ of ejectment in a foreclosure action until the party pursuing the foreclosure has complied with the provisions of this Order.

IT IS FURTHER ORDERED that the Certification of Compliance with the Coronavirus Aid, Relief, and Economic Security Act in Evictions (SCCA256B) form, and the Certification of Compliance with the Coronavirus Aid, Relief, and

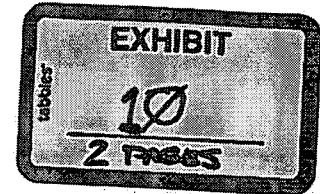
Economic Security Act in Foreclosures (SCCA256A) form are approved for use in the trial courts of this State effective as of the date of this Order.

This Order is effective immediately.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
May 6, 2020

4 March 2021



Alan Nix
1401 Densmore Circle
Mount Pleasant, SC 29466

Charleston County Bond Court
3831 Leeds Ave., Ste. 200
North Charleston, SC 29405

RE: copy of video and audio from bond court hearing held at 1400 on 26 January 2021 in cases 2021-A10-10200444, 2021-A10-10200475 and 2021-A10-10200476

Charleston County Bond Court.

This letter serves as an official request for all video and audio recordings for the bond hearing held on 26 Jan 2021 at 1400 in cases 2021-A10-10200444, 2021-A10-10200475 and 2021-A10-10200476. I have included a thumb drive for the video and audio recordings to be copied onto as well as a self-addressed and postage paid envelope to return the same in. Please also include in the return envelope with the USB drive a certification that the recording is complete and unaltered. This certification should be signed by a judge, with Judge Haselden being the most obvious candidate to sign such a certification.

Please ensure all recordings and other evidence related to this hearing are properly preserved until such time as these matters, and all related matters, are fully resolved.

The same has been mailed this same day to all other Persons copied below.

Best regards,

A handwritten signature in black ink that reads "Alan Nix".

Alan Nix

cc.
Cassandra Woosley
Charleston County Public Defender's Office
101 Meeting St., 5th floor
Charleston, SC 29401

Alan Wilson
SC Attorney General
1000 Assembly St.
Columbia, SC 29201

Benjamin Mack
Charleston County Public Defender's Office
101 Meeting St., 5th floor
Charleston, SC 29401

Judge Haseldon
Bond Court
3831 Leeds Ave., Ste. 100
North Charleston, SC 29405

Scarlett Wilson
Charleston County Solicitor
101 Meeting St., 4th Floor
Charleston, SC 29401



STATE OF SOUTH CAROLINA
COUNTY OF CHARELSTON

2018 SEP -4 AM 9:40

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Churchill Park,

JULIE J. BARTON, CLERK
CLERK OF COURT

BY _____

Case File No. 2017-CP-10-04031

Plaintiff,

APPEAL BOND

Bond No: 615247894

V.

Alan Nix and the Estate of Norma J. Nix,

Defendants,

WHEREAS, the Defendants requests the Court accept Defendants 's APPEAL BOND in the above entitled action, staying execution of judgment pending hearing of further motion(s) or pleading(s) by Defendant.

Now, therefore UNITED STATES FIRE INSURANCE COMPANY, as Surety does hereby and pursuant to South Carolina Statutes and Code of Civil Procedure, undertake that the Defendants will pay to the Plaintiff or to party(ies) as named by the Court a sum not to exceed TWENTY THOUSAND AND 00/100***(\$20,000.00) for such damages and/or costs as the Court may direct.

This 31st day of AUGUST, 2018

Alan Nix



United States Fire Insurance Company



C. Poindexter, Attorney-in-Fact



UNITED STATES FIRE INSURANCE COMPANY
11490 Westheimer Rd. Suite 300 (77077)
P.O. Box 2807 • Houston, Texas 77252-2807
713-954-8553 • 800-388-1914 FAX

SPECIAL POWER OF ATTORNEY

Know All Men By These Presents:

That United States Fire Insurance Company, hereinafter referred to as the Company, in pursuance of authority granted by Resolution adopted by the Board of Directors, does hereby nominate, constitute and appoint Carlisle Taylor Poindexter, Maria de los Angeles Reynoso & Donny Quarella, its true and lawful agent and Attorney-In-Fact to make, execute, seal and deliver, for and on its behalf and as its act and deed, as surety, bonds and contracts of suretyship to be given to all obligees provided that no bond or contract of suretyship executed under this authority shall exceed the sum of: **Unlimited**

Certificate of Resolution:

This power of attorney is granted and is signed and sealed by facsimile under and by the authority of the following By-laws adopted by the Board of Directors of the Company by an unanimous written consent dated as of the 10th day of December 2003.

Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation: (a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements; (b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

In Witness Whereof the Company has caused its official seal to be hereunto affixed, and these presents to be signed by its Assistant Vice President and attested by its Assistant Vice-President this 19th day of October, 2017.

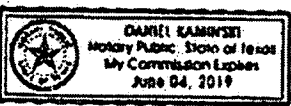
ATTEST: Kiki Brown
Kiki Brown
(Assistant Vice President)



By: Michael P. Ziemer
Michael P. Ziemer
(Vice President)

STATE OF TEXAS,
SS:
COUNTY OF HARRIS

On this 19th day of October, 2017, before me personally came Michael P. Ziemer to me known, who being by me duly sworn, did depose and say: that he resides in Cypress, in the County of Harris, State of Texas; that he is Vice President of United States Fire Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation, that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order, and in his capacity as Vice President.



Daniel Kaminski
County of Harris, State of Texas
My Commission Expires June 04, 2019

I, the undersigned, an Assistant Vice President of United States Fire Insurance Company, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed this 31st day of August, 2018



Kiki Brown
(Assistant Vice President)



SURETY ONE

SURETY BONDS · FIDELITY BONDS & FINANCIAL GUARANTEE
A MEMBER OF THE POINDEXTER GROUP OF COMPANIES

404 AVENIDA DE LA CONSTITUCIÓN, #708
SAN JUAN, PR 00901

5 W. HARGETT STREET, 4TH FLOOR
RALEIGH, NC 27601

TELEPHONE
(787) 333-0222
(800) 373-2804

FACSIMILE
(919) 834-7039

WEBSITE
WWW.SURETYONE.COM

FEDERAL TREASURY LISTING (T-LIST) OF QUALIFIED SURETIES

United States Fire Insurance Company (NAIC #21113)

BUSINESS ADDRESS: 305 Madison Avenue, Morristown, NJ 07962. PHONE: (973) 490-6600. UNDERWRITING LIMITATION b/: \$76,088,000. SURETY LICENSES c, d/: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, VI, WA, WV, WI, WY. INCORPORATED IN: Delaware.

PLEASE DIRECT ACCOUNTING & COLLATERAL RETURN ENQUIRIES TO:

SURETY ONE, INC. (HQ)
P.O. Box 37284, Raleigh, NC 27627
Underwriting@SuretyOne.com
(800) 373-2804

PLEASE DIRECT UNDERWRITING ENQUIRIES TO:

SURETY ONE, INC.
404 Ave. de la Constitución, Suite 708, San Juan, PR 00901
CPointexter@SuretyOne.com
(787) 333-0222

***Surety One, Inc., . . . national surety
leader!***

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
THE NINTH JUDICIAL CIRCUIT

CHURCHILL PARK,

CASE NUMBER: 2017-CP-10-04031

Plaintiff,

and
~~2014 CP-10-05407~~

vs.

CERTIFICATE OF SERVICE

ALAN G NIX , NORMA J NIX and the
ESTATE OF NORMA J NIX,

Defendants.

2018 SEP - 4 AM 9:19
CLERK OF COURT
BY

The undersigned hereby certifies that on the 1st day of September 2018, a copy of the appeal bond required by Judge Scarborough's Order filed June 1, 2018, in the amount of \$20,000 was served upon all parties and/or their respective counsel of record via USPS as follows:

Stephanie C. Trotter, Esq.
McCabe, Trotter & Beverly, PC
P.O. Box 212069
Columbia, SC 29221

Todd M. Musheff, Esq.
Law Offices of Todd M. Musheff
1121 Park West Blvd, Ste B, #148
Mount Pleasant, SC 29466

Judge Scarborough
Master in Equity, Charleston County
100 Broad St., Suite 266
Charleston, SC 29401

Sarah Schreiber, Esq.
Charleston Legal Access
1630 Meeting St.
Charleston, SC 29405

Sally Newman, Esq.
Charleston Legal Access
1630 Meeting St.
Charleston, SC 29405

Churchill Park and Cedar Managemen
P.O Box 26844
P.O Box 26844
Charlotte, NC 28221

By: *Alan G Nix*
Alan G Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991-4170
alan.g.nix@gmail.com



STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Churchill Park,

Plaintiff,

v.

Alan Nix and the Estate of Norma Nix,

Defendants

IN THE COURT OF COMMON PLEAS

Case No.: 2017-CP-10-04031

SUPPLEMENTAL ORDER

017990.00025

On November 9, 2017, this Court issued and filed its Order and Judgment of Foreclosure and Sale. Prior to the scheduled sales date, Defendant Alan Nix filed a Notice of Appeal and posted an Appeal Bond staying the foreclosure sale. The South Carolina Court of Appeals dismissed Mr. Nix's appeal and the South Carolina Supreme Court denied Mr. Nix's Petition for Certiorari. Thereafter, on June 27, 2019 the South Carolina Court of Appeals remitted the case back to this court. The Court of Appeals further issued an Order dated July 2, 2020 directing this court add \$1,678.44 to the previous judgment.

This Order is issued for the limited purpose of updating the judgment debt to include interest that has accrued on the previous Judgment of Foreclosure and Sale, the award of costs from the Court of Appeals, and additional attorney's fees incurred since the Judgment of Foreclosure and Sale was entered.

Stephanie Trotter Kellahan, counsel for Plaintiff, submitted an Affidavit of Attorney's Fees and Affidavit of Additional Costs showing attorney's fees of \$86,795.00 and costs of \$978.64 have been incurred since the original Affidavit of Attorney's Fee was entered at trial in this matter.

I find the rates listed on the Affidavit of Attorney's Fees to be reasonable for both the locality and the experience of the professionals involved in this matter.

I further find the time and labor expended by Plaintiff's counsel to be reasonable and necessary in this matter due in large part to the actions of Defendant Alan Nix. Mr. Nix rejected Plaintiff's offer of settlement prior to trial which necessitated Plaintiff's counsel prepare for and participate in pre-trial motions hearings and a one-day trial in this matter. Mr. Nix filed 21 post-trial motions in this matter while simultaneously pursuing an appeal of the final order. Most of these motions were patently frivolous. Mr. Nix issued 62 trial subpoenas and then issued 62 post-trial subpoenas after final judgment had been entered without any legal basis for the same. Including the Supplemental Damages Hearing on August 20, 2020, counsel for Plaintiff has had to attend nine court hearings in this matter. Mr. Nix has persisted in mailing and emailing hundreds of letters and emails to Plaintiff, Plaintiff's counsel, Plaintiff's former counsel, Mr. Nix's neighbors, a multitude of attorneys unrelated to the subject case, various members of the judiciary, various members of law enforcement at various levels, and various political figures. The vast majority of

these communications were unnecessary and did not further his case in any way. Nonetheless, Plaintiff's counsel was required to review these emails and letters to ensure a response was not appropriate or necessary. Many of these letters and emails were directed at various attorneys employed by McCabe Trotter & Beverly, PC but who had never entered an appearance in this matter. Some of the communications were sent to anyone other than Stephanie Trotter Kellahan, Plaintiff's current counsel of record. Mr. Nix's refusal to appropriately direct these communications required various members of Plaintiff's counsel's law firm to expend time reviewing the communication and redirecting them to Mrs. Kellahan. In addition to the testimony presented in Mrs. Kellahan's affidavit, the court is aware of many of these issues because Mr. Nix included the Master's office in much of the extraneous communications. This Court has received correspondence from Mr. Nix which, when stacked, is over nine (9) inches tall. Additionally, the court has over six inches of transcripts from hearings in this matter. Most of this correspondence consists of attacks on this court and the South Carolina Judiciary. This was not a typical homeowners' association foreclosure.

Finally, I find these fees to be reasonable because Plaintiff's counsel has secured the beneficial result of a favorable trial verdict, favorable appellate decision, and resolution of this matter through the sale of the property which was set today.

I find the costs were appropriately incurred in this matter and are appropriately awarded to Plaintiff pursuant to the restrictive covenants for Churchill Park and the criteria of *Dedes v. Strickland*, 414 S.E.2d. 134 (S.C. 1992).

It is therefore, hereby ORDERED that the Order for Judgment of Foreclosure and Sale filed November 9, 2017, is supplemented to reflect the total debt as follows:

(a) Original Judgment	\$22,554.97
(b) Post-Interest from 11/10/17 through 8/20/2020 at 18.00% per annum	\$11,289.84
(c) Court of Appeals Award.....	\$1,678.44
(d) Additional Costs.....	\$978.64
(e) Additional Attorney's Fees.....	\$86,795.00
+	
<u>TOTAL debt secured by the Declaration, including interest to date shown</u>	<u>\$123,296.89</u>

The foreclosure sale in this matter is scheduled for October 6, 2020 under the terms and conditions listed in the Judgment of Foreclosure and Sale filed November 9, 2017.

➡ The Appeal Bond filed September 4, 2018 in this matter will be addressed post-sale.

Mr. Nix has filed a multitude of post-trial motions in this matter, most of which were filed while the case was on appeal. This court lacked jurisdiction to decide these motions while the case was on appeal. All of these motions are hereby DENIED as I find they are without merit.

JUDGE'S SIGNATURE PAGE TO FOLLOW



Charleston Common Pleas

Case Caption: Churchill Park VS Alan G Nix , defendant, et al
Case Number: 2017CP1004031
Type: Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2020-08-20 12:54:49 page 3 of 3

ELECTRONICALLY FILED - 2020 Aug 21 11:42 AM - CHARLESTON - COMMON PLEAS - CASE#2017CP1004031

Exhibit

D

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Alan Nix)
)
 Plaintiffs,)
)
)
 vs.)
)
 Churchill Park, Churchill Park at Park)
 West, Inc., Churchill Park Homeowner's)
 Association, Inc., David Brown, and)
 Catherine Brown)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 Civil Action No.: 2018-CP-10-03315

**ORDER ENJOINING THE PLAINTIFF
 FROM RE-FILING THIS MATTER
 AND IMPOSING SANCTIONS UPON
 THE PLAINTIFF**

2019 SEP 27 PM 3:58
 CLERK OF COURT
 NINTH JUDICIAL CIRCUIT

THIS MATTER COMES BEFORE THE COURT pursuant to a Motion for Sanctions filed on behalf of Defendants David Brown and Catherine Brown. A hearing on this Motion was held on August 28, 2018, at the Charleston County Courthouse, in Charleston, South Carolina. Present at the hearing was G. Troy Thames, Esquire, on behalf of Defendants David Brown and Catherine Brown. Also present at the hearing was the *pro se* Plaintiff, Alan Nix. The Defendants' motion is made pursuant to the South Carolina Frivolous Proceedings Act. Upon review of the record, pleadings, and file available to the Court, including Plaintiff's previous filings, and oral arguments, this Court now rules, and grants the Defendants' motion.

FACTUAL AND PROCEDURAL HISTORY

This claim arises from an Order of Judgment from the Charleston County Small Claims Court, North Charleston Division. The underlying judgment order regarded a contested foreclosure action against Plaintiff. In response to instituting foreclosure proceedings against him, Plaintiff filed numerous complaints with city, county and state offices complaining of Defendant Churchill Park's business practices. Further, Plaintiff sent numerous requests to state agencies for the

registration and financial information of Defendant Churchill Park.¹

On February 24, 2017, Plaintiff initiated this lawsuit by filing a Complaint in the Charleston County Small Claims Court, North Charleston Division, under Case No. 2017CV1011500354. A pre-trial conference was held on April 18, 2017; wherein, the Honorable James A. Turner dismissed this action. Plaintiff filed a motion to clarify the April 18, 2017 order and restore the case to an active docket on April 18, 2018. A motion hearing was held on April 30, 2018, and the court issued a written order on May 9, 2018 denying the motion and delineating the grounds for denial. On May 21, 2018, Plaintiff filed a motion for reconsideration of the denial of the Magistrate Court order, which was denied on May 31, 2018. Plaintiff filed another motion for clarification of the previous orders, which was denied on June 20, 2018. Plaintiff filed a Notice of Civil Appeal on June 28, 2018. The Magistrate's Return was filed on July 11, 2018.

On September 19, 2018, the Honorable Roger M. Young, acting as Chief Administrative Judge in Charleston County, executed an Order of Substitution for defense counsel. On November 1, 2018, Plaintiff filed a Motion to Set Aside, or in the Alternative, Amend Order dated 19 September 2018. On November 19, 2018, Judge Young denied Plaintiff's Motion. On November 21, 2018, Plaintiff filed a second Motion to Set Aside and Clarify Order of 19 Sept 2018, Reconsider Order of 19 November 2018 and Continuance of Hearing Scheduled for 29 November 2018. Plaintiff submitted a subpoena *duces tecum* request directed to Judge Young on November 30, 2018 for "any and all physical and electronically stored documents, including but not limited to, emails, electronic notes and archived documents pertaining to the orders filed in the above captioned case on 25 September 2018 and 19 November 2018[.]" Plaintiff filed a Motion for Judicial Recusal, Return Case to Judge McCoy's Roster and Continue the Appeal Hearing Until

¹ Additionally, Plaintiff filed a police report against Defendant Churchill Park's counsel, Stephanie Trotter, accusing Ms. Trotter of misdemeanor notary fraud.

the Order Substituting Counsel was Properly Resolved, on December 4, 2018. On December 7, 2018, Judge Young filed an Order Denying Plaintiff's Motion to Reconsider/Clarify.

Following the December 7, 2018 hearing, Plaintiff issued subpoenas to: G. Troy Thames – counsel for Defendants Brown; Joseph Kaiser – former counsel for Defendants Brown; Lyndsay Luthringer – law clerk to Judge Young; Caroline Leonard – Charleston County Common Pleas Docket Manager; and Julie Armstrong – Charleston County Clerk of Court, for “any and all physically and electronically stored documents, including but not limited to, emails, electronic notes and archived documents pertaining to the orders filed by Judge Roger Young in the above captioned case on 25 September 2018[.]”

On December 17, 2018, a Motion to Quash Plaintiff's Subpoena of Lyndsay Luthringer, was filed. On December 21, 2018, a Motion to Quash Subpoenas issued to G. Troy Thames and Joseph Kaiser, was filed. On December 28, 2018, Plaintiff filed a Rule 59 Motion. On December 31, 2018, Defendant David Brown and Catherine Brown filed this Motion for Sanctions against Plaintiff. On May 24, 2019, Plaintiff filed a Request for Continuance and Change of Venue; Defendants filed a Motion to Quash Subpoenas Issues to G. Troy Thames, Joseph Kaiser, Kevin Mims, Roger M. Young, and Lyndsay Luthringer. On May 29, 2019, a Motion to Quash Plaintiff's Subpoenas to Appear Issued to James A. Turner, Julie L. Armstrong, Johanna S. Gardner, and Caroline C. Leonard, was filed.

On June 4, 2019, the Honorable Grace Gilchrist Knie heard arguments concerning Plaintiff's Request for Continuance and Change of Venue. On July 7, 2019, Judge Knie denied Plaintiff's Request for a Change of Venue.

STANDARD OF REVIEW

The South Carolina Frivolous Civil Proceedings Sanctions Act (FCPSA) allows for

imposition of sanctions for the initiation and prosecution of civil claims without merit where the court finds, by a preponderance of the evidence, that:

- (a) a reasonable attorney in the same circumstances would believe that under the facts, his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;
- (b) a reasonable attorney in the same circumstances would believe that his procurement, initiation, continuation, or defense of the civil suit was intended merely to harass or injure the other party; or
- (c) a reasonable attorney in the same circumstances would believe that the case or defense was frivolous as not reasonably founded in fact or was interposed merely for delay, or was merely brought for a purpose other than securing proper discovery, joinder of proposed parties, or adjudication of the claim or defense upon which the proceedings are based.

S.C. Code Ann. § 15-36-10(C)(1).

In determining if a pro se litigant has violated provisions of the FCPSA, Section 15-36-10(E) sets forth the following factors the court should consider:

- (1) the number of parties;
- (2) the complexity of the claims and defenses;
- (3) the length of time available to the attorney, party, or pro se litigant to investigate and conduct discovery for alleged violations of the provisions of subsection (A)(4);
- (4) information disclosed or undisclosed to the attorney, party, or pro se

- litigant through discovery and adequate investigation;
- (5) previous violations of the provisions of this section;
- (6) the response, if any, of the attorney, party, or pro se litigant to the allegation that he violated the provisions of this section; and
- (7) other factors the court considers just, equitable, or appropriate under the circumstances.

The decision of whether to award sanctions under the FCPSA is treated as one in equity. *Pee Dee Health Care, PA v. Estate of Thompson*, 418 S.C. 557, 563, 795 S.E.2d 40, 43 (Ct. App. 2016). The Court has wide discretion when ordering sanctions, to include: (1) reasonable costs and attorneys' fees; (2) a reasonable fine to the court; or (3) a directive of a nonmonetary nature, including injunctive relief, designed to deter a future frivolous action or an action brought in bad faith. S.C. Code Ann. § 15-36-10(G),

DISCUSSION AND ANALYSIS

Defendants move for this Court to impose sanctions upon Plaintiff, pursuant to the FCPSA, for continuing to make frivolous claims in an attempt to harass and injure the other parties and this Court. Defendants request that Plaintiff be enjoined from filing additional pleadings until Plaintiff has consulted with, and hired, legal counsel, licensed in the State of South Carolina. This Court finds that such remedies are within the inherent authority of the Court, and are appropriate under these circumstances.

This Court acknowledges that Plaintiff is *pro se*; however, lack of familiarity with legal proceedings is not an acceptable excuse and the court will hold a layman to the same standard as an attorney. *Hill v. Dotts*, 345 S.C. 304, 310, 547, S.E.2d 894, 897 (Ct.App.2001). The applicable law specifically provides that *pro se* plaintiffs are subject to FCPSA, and "sanctions may be

awarded regardless of whether or not the case has been tried to verdict so long as the trial court finds by a preponderance of the evidence that the party should be sanctioned.” *Holmes v. East Cooper Community Hospital, Inc.*, 408 S.C. 138, 758 S.E.2d 483 (2012).

Pursuant to Section 15-36-10, a *pro se* litigant, participating in a civil action may be sanctioned for filing a frivolous pleading, motion, or document, if:

a reasonable attorney in the same circumstances would believe that his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law; a reasonable attorney presented with the same circumstances would believe that the procurement, initiation, continuation, or defense of a civil cause was intended merely to harass or injure the other party ... is frivolous, interposed for merely delay, or merely brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based ... making frivolous arguments a reasonable attorney would believe were not reasonably supported by the facts.

S.C. Code Ann. § 15-36-10(C)(1)(a)-(c). South Carolina courts have acted on this statute and awarded sanctions against *pro se* litigants when the case was frivolous in nature; the *pro se* litigant could not substantiate claims with facts; and *pro se* litigants engage in tactics to delay proceedings, including appeals of interlocutory matters. *Holmes v. Haynsworth, Sinkler & Boyd, P.A.*, 408 S.C. 620, 760 S.E.2d 399 (2014)(holding sanctions are proper against *pro se* appellant for frivolous and dilatory litigation tactics).

This Court finds that Plaintiff has violated the FCPSA. Specifically, Plaintiff has filed three motions in regard to the September 19, 2018 Order of Substitution, which allowed Defendants Brown to substitute counsel. These motions have been denied each time. After the

first two motions had been denied by the court, any reasonable plaintiff in these “circumstances” would understand that under the fact his claim was clearly not warranted under existing law.” S.C. Code Ann. § 15-36-10(A)(4)(a)-(c).

In the current instance, Plaintiff proceeded to make additional motions and filings associated with the denial of the September 19, 2018 Order, as well as a series of subpoenas to parties and non-parties of the underlying case. This Court finds that there are no facts or issues in this matter to support a subpoena to former and current counsel associated with this action. Further, Plaintiff has filed subpoenas for Charleston County Judicial staff, pertaining to orders issued by Judge Young. Judge Young has not heard any of the merits of this case, and Charleston County Judicial staff has relayed all pertinent information to Plaintiff’s requests prior to the issuance of these subpoenas.

It is important to note, the September 19, 2018 Order is a minor, interlocutory matter, which has no overall effect on Plaintiff. Plaintiff has continued to harass this Court, as well as past and present counsel, and the Charleston County Judicial staff with subpoenas *duces tecum*. The subpoenaed information has already been discussed, argued, decided, and ruled upon by this Court. Plaintiff’s continued motions and filings have demonstrated a pattern which shows a clear disdain for the judicial process, as Plaintiff continues to ignore the Court’s direction. Further, Plaintiff’s continued filings regarding a minor, interlocutory matter waste the Court’s resources, and frivolously subject Defendants to costs and fees to defend the repetitive litigation.

The Court finds that this is a prime example of a scenario where sanctions are appropriate. At this point, Plaintiff’s recalcitrant efforts to continue to litigate motions that have been repeatedly denied are undoubtedly frivolous, and potentially malicious. This Court will not allow Plaintiff to continue to abuse and harass the Judicial System and subject Defendants to the unnecessary burden

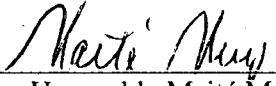
and expense of continuing to re-litigate these matters. Therefore, this Court hereby **GRANTS** the Defendants request for sanctions, and hereby imposes an Injunctive Order preventing the Clerk of Court from hereafter filing any pleadings from Plaintiff, acting pro se, regarding the matters set forth in Civil Action No. 18-CP-10-03315. The Clerk of Court may only accept further pleadings regarding the matters set forth in Civil Action No. 18-CP-10-03315 when filed by licensed, legal counsel, retained by Plaintiff.

CONCLUSION

Based on the pleadings, affidavits, and arguments of counsel, the Court finds that the Defendants have made the requisite showing that Plaintiff's motions and filings are frivolous and unduly burdensome acts.

IT IS THEREFORE ORDERED that the Clerk of Court of Charleston County shall refrain from filing any additional Complaints or other Pleadings related to the matters set forth in Civil Action No. 18-CP-10-03315, until such time that Plaintiff has retained legal counsel, licensed in the State of South Carolina.

IT IS SO ORDERED.


The Honorable Maité Murphy

Sept - 20, 2019.

J. George, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Alan Nix)
 _____)
 Plaintiff,)
 vs.)
)
 Churchill Park, et al.,)
 _____)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO.: 2018-CP-10-03315
**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: Alan Nix, Pro Se, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Wesley Vorberger, Bar No. 103301 Address: P.O. Box 11549, Columbia, SC 29211-1549 Phone: 803-734-3177 Fax _____ E-mail: wvorberger@scag.gov Other: _____
--	---

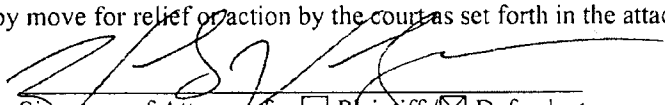
MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____
 Estimated Time Needed: _____ 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.


 Signature of Attorney for Plaintiff / Defendant

9/3/19
Date submitted

SECTION III: Motion Fee

PAID - AMOUNT: \$ 25.00
 EXEMPT: (check reason)

Rule to Show Cause in Child or Spousal Support
 Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRPC)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE CODE _____
 Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

Exhibit

E

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name Alan Nix	Phone Number 843.991.4170	Email Address Agnix1@hotmail.com	
Mailing Address 1401 Densmore Circle	City Mount Pleasant	State SC	Zip Code 29466
Transcript Information			
Docket Number 2021-A10-10200475. 2021-A10-10200476. 2021-GS-02599	Case Caption (i.e. State v. John Doe or Smith v. Smith) State v Alan Nix		
Date(s) of Proceeding 7 January 2022	Circuit <input type="checkbox"/> Family <input type="checkbox"/>	County Charleston	
Presiding Judge Cothran (what I was told by Opposing Counsel)	Expedited Yes <input type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) Do not know – can't find motion roster for Motion to Clarify Counsel	Opposing Counsel Ashley Pennington / Benjamin Mack- Charleston County Public Defender Corporation Scarlet Wilson / Nicholas Urrichio – Charleston County Solicitor Office		

Requestor's Signature: Alan Nix
(Typed name will serve as signature)

Date: 11 Jan 2022

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

Exhibit

F

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name Alan Nix	Phone Number 843.991.4170	Email Address agnix1@hotmail.com	
Mailing Address 1401 Densmore Circle	City Mount Pleasant	State SC	Zip Code 29466
Transcript Information			
Docket Number 2021-A10-10200444 and 2021-A10-10200475	Case Caption (i.e. State v. John Doe or Smith v. Smith) State v Alan Nix		
Date(s) of Proceeding On or about 12 Nov 2021	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County Charleston	
Presiding Judge Do Not Know. question out to Opposing Counsel	Expedited Yes <input type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) Do not know – can't find motion _____	Opposing Counsel Ashley Pennington / Benjamin Mack- Charleston County Public Defender Corporation Scarlet Wilson / Nicholas Urrichio – Charleston County Solicitor Office		

Requestor's Signature: Alan Nix
(Typed name will serve as signature)

Date: 13 Jan 2022

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

Exhibit

G

agnix1@hotmail.com

From: Benjamin A. Mack <BMack@charlestoncounty.org>
Sent: Wednesday, December 15, 2021 4:09 PM
To: agnix1@hotmail.com
Subject: FW: PLEA-2021A1010200475-ALAN GREGORY NIX

FYI.

--
Benjamin A. Mack
Assistant Public Defender
South Carolina's 9th Judicial Circuit
101 Meeting Street, 5th Floor
Charleston, South Carolina 29401
843.958.1884

From: Chas County GS Docket <GSDocket@charlestoncounty.org>
Sent: Wednesday, December 15, 2021 3:50 PM
To: Benjamin A. Mack <BMack@charlestoncounty.org>
Subject: PLEA-2021A1010200475-ALAN GREGORY NIX

COURT OF COMMON PLEAS
AND GENERAL SESSIONS
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258



JULIE J. ARMSTRONG
CLERK OF COURT
CHARLESTON COUNTY

This notice was processed on December 15, 2021.

Benjamin Andrew Mack
101 Meeting Street, 5Th Floor
Charleston SC 29401

Re: NOTICE OF PLEA

THE STATE OF SOUTH CAROLINA VS ALAN GREGORY NIX

2021A1010200475-Resisting / Resisting Arrest; Oppose or ...
2021GS1002599-Threat / Threatening life, person or fam...

The above captioned matter is scheduled for a Plea on January 7, 2022 at 9:30 AM at the:

Charleston County Judicial Center
100 Broad Street
Charleston SC 29401

You are required to attend this Plea unless an order of continuance has been issued by the Chief Judge for Administrative Purposes for the Court of General Sessions or the Presiding Judge.

Defense Attorneys are required to notify their client of the above plea date and time and if their presence is required.

You can track the progression of your case at: www.courtplus.org

If you have any questions about this hearing, please contact:

James Milone
GS Docket Manager
(843) 958-5029

agnix1@hotmail.com

From: Benjamin A. Mack <BMack@charlestoncounty.org>
Sent: Wednesday, December 1, 2021 12:01 PM
To: agnix1@hotmail.com
Subject: FW: PLEA-2021A1010200475-ALAN GREGORY NIX

Hi Alan,

See below. Not sure if the hearing will be virtual or in person. Will let you know when I find out.

Sincerely,

Ben

--
Benjamin A. Mack
Assistant Public Defender
South Carolina's 9th Judicial Circuit
101 Meeting Street, 5th Floor
Charleston, South Carolina 29401
843.958.1884

From: Chas County GS Docket <GSDocket@charlestoncounty.org>
Sent: Wednesday, December 1, 2021 9:36 AM
To: Benjamin A. Mack <BMack@charlestoncounty.org>
Subject: PLEA-2021A1010200475-ALAN GREGORY NIX

COURT OF COMMON PLEAS
AND GENERAL SESSIONS
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258



JULIE J. ARMSTRONG
CLERK OF COURT
CHARLESTON COUNTY

This notice was processed on December 1, 2021.

Benjamin Andrew Mack
101 Meeting Street, 5Th Floor
Charleston SC 29401

Re: NOTICE OF PLEA

THE STATE OF SOUTH CAROLINA VS ALAN GREGORY NIX

2021A1010200475-Resisting / Resisting Arrest; Oppose or ...
2021GS1002599-Threat / Threatening life, person or fam...

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If you have any questions about this hearing, please contact:

James Milone
GS Docket Manager
(843) 958-5029