

BEFORE THE SOUTH CAROLINA COURT OF APPEALS

RECEIVED  
JAN 06 2022  
SC Court of Appeals

The State, Respondent,

v.

Rule 242 (a) and (c)

Miquel Lutron Bryan, Appellant.

Appellate Case No. 201-000075

---

Special Motion and or Application for Reinstatement/ Rehearing Enbanc for lack of Venue

---

COMES NOW Miquel Lutron Bryan (appellant) non assumpsit who is before this court by special limited appearance without prejudice without waving any rights, remedies or defenses substantial or procedural. Files this motion and or application for rehearing en banc based on the challenge to extraterritorial<sup>1</sup>, territorial<sup>2</sup> notwithstanding 11<sup>th</sup> amendment immunity<sup>3</sup> (Title 28 USC). This court is being arbitrary and capricious, this court is not being fair with the denying of the initial appeal, when the appellants brief arrived at the South Carolina Appeals Court on the 21<sup>st</sup> October 2021<sup>4</sup> by certified mail rebutting the courts notion that the brief was late. Appellant rights, remedies or defenses and equal protection under the law is being usurped. The appeals court gets its appellate jurisdiction (legislative) authority from the pleadings that were initially filed in the general sessions court by the respondent. The respondent (STATE) pleadings to do not invoke the extraterritorial, territorial, subject matter or personal jurisdiction (in personam) of the General Sessions court. **This court had to answer this same question in Dudley v. State<sup>5</sup> in which this same court voted on enbanc vacating Dudley's sentence.**

---

<sup>1</sup> Claims of implied extraterritoriality must overcome additional obstacles. Federal laws are presumed to apply only within the United States, unless Congress clearly provides otherwise, Moreover, the courts will also presume that Congress intends its statutes to be applied in a manner that does not offend international law (law of nations) See Extraterritorial Application of American Criminal Law, Charles Doyle

<sup>2</sup> MUNICIPAL, COUNTY, or STATE COURTS lack jurisdiction to hear any case since they fall under the definition of a FOREIGN STATE, and under all related definitions below, said jurisdiction lies with the "district court of the United States." Established by Congress in the states under Article III of the Constitution, which are "constitutional courts" and do not include the territorial courts created under Article IV, Section 3, Clause 2, Which are "legislative" courts. Hornbuckle v. Toombs, statutes pursuant to 28 USC SEC.1330. American Ins. Co. v Canter 26 U.S. 511 (1828)

<sup>3</sup> Eleventh Amendment "the judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by Citizens thereof, and foreign States, Citizens or Subjects of any Foreign State."

<sup>4</sup> See Exhibit C of the green certified return receipt that shoes brief was received on the 21<sup>st</sup> of October 2021 rebutting the presumption of the court by saying the appellant was late in filing.

<sup>5</sup> Dudley, 354 S.C. at 519, 581 S.E.2d at 173-74 Page 1 of 2

## COUNT 1

The general sessions trial judge failed to give sufficient warning of Dangers of Waiver of Rights to Counsel and Pro Se Representation<sup>6</sup> No farretta waring was ever announced on and for the record of this instant case.<sup>7</sup>

## COUNT 2

On the 31<sup>st</sup> of December 2019 the appellant filed a motion to terminate attorney of record. Trial judge abused his discretion in a court of record i.e., the tribunal is independent of the person who is the magistrate. The appellant had a right to fire his private attorney of record, and withdraw all general appearances made by said attorney of record, the 31<sup>st</sup> of December 2019 Motion to terminate attorney of record. Will show the biasness of trial judge Perry M. Buckner III, even saying on and for the record. "he thinks the court has subject matter jurisdiction". a court or any court gets its jurisdiction from pleadings that invoke the jurisdiction of the court.

---

<sup>6</sup> Watts v State, 556 S.E. 2d 368 (S.C. 2001) Trial judge did not effectively warn the defendant of the dangers of appearing pro se (pro per or sui juris) to plead guilty; the judge did not ask why the defendant dismissed the appointed attorney or if he wished to have counsel present, and the defendant did not say that he wished to waive his right to counsel or he wanted to represent himself. The court also failed to make a meaningful inquiry into defendant's background to determine whether he had sufficient experience or knowledge to waive counsel at a guilty plea proceeding. The judge asked the defendant for his Age and education level and about his first offense; the defendant answers that he was forty-one years old and had graduated from high school, and the solicitor answered the question about a prior conviction. See also Prince v. State, 392 S.E. 2d 462 (S.C. 1990)

<sup>7</sup> It follows that a collateral attack maybe made here for " acts or orders [administrative officers or agencies] which do not come clearly within the powers granted or which fall beyond the purview of the statute granting the agency or body its powers [such orders] are not merely erroneous, but are void,"\*\*\* "they [officers or agencies] are without power to act contrary to the provisions of the law or the clear legislative intendment, or to exceed the authority conferred on them by statute." [emphasis added.] 73 C.J.S Public Administrative bodies and Procedure Subsection 59, pp. 383-384. And see, liebhardt v. Tasher, 132 Colo. 554, 290 P.2d 1107. Flavell v. Department of welfare C. & C. OF DENVER, 355 P. 2d 941,943 Colo: Supreme Court 1960.

### COUNT 3

Juror Erica Lilienthal knew the appellant (Bryan) and his family, went to high school with appellants sister. Said juror is even friends on social media with said members of the appellants (Bryan) family. The Judge (Perry Buckner) fail to address "voir dire on and for the record inquiring into the jury pool to see if all jurors are impartial and unbiased towards the appellant (Bryan) but failed to do so and the appellant is being held under actual and constructive duress. Based on the blatant substantive and procedural defects at trial.

### COUNT 4

THE RESPONDENT (State) LACKS THE CAPACITY TO SUE. BASED ON NO GENUINE CONTROVERSEY. AS TO THERE NOT BEING A "CORPUS DELECTI" (Injured Forum) TO GIVE THE COURT IN PERSONAM JURISDICTION OVER MY PERSON. <sup>8</sup> Affidavit of Andy Miller is hereby rebutted with a counter affidavit, by (Appellant) as there was no crime with a victim and a verifiable claim. The affidavit of officer Andy Miller is hearsay and needs to be stricken off of the record. See exhibit A counter affidavit of appellant. The injured forum theory places the emphasis upon the effect of the crime<sup>9</sup>.

---

<sup>8</sup> Standing to challenge governmental action on statutory or other non-constitutional grounds has a constitutional content to the degree that Article III requires a "case" or "controversy" necessitating a litigant who has sustained or will sustain an injury so that he will be moved to present the issue "in an adversary context and in form historically viewed as capable of judicial resolution See Lujan v Defenders of wildlife -504 U.S. 555, 112 S. Ct. 2130 (1992)

<sup>9</sup> Hanks v State, 13 Tex. Ct. App. R. 289 (1882)

## COUNT 5

In the 22<sup>nd</sup> of June 2021 letter from the chief appellate defender Robert M. Dudek mentions the failure of trial counsel at that time was ineffective based on no pretrial motion being filed in the record. The South Carolina court of appeals is attempting to aid the Respondent. It doesn't take 2 years to prove what is the subject/extraterritorial/territorial/subject/in personam jurisdiction of the court.<sup>10</sup>

The position of the court in Hanks is "eo instante" impliedly says the crime(forgery) was committed and injury was against the State of Texas, the cosmopolitan theory is that the any nation<sup>11</sup> has jurisdiction over any crime committed anywhere, by anyone.<sup>12</sup>

## CONCLUSION

For the reason stated, this court should reverse the judgement of the circuit court. Based on "prima facie" evidence of the trial courts failure to make the Respondent (STATE) prove what is the extraterritorial/territorial/in rem/in personam/ see (transcript Rp 55 line 25) of the court can only get its jurisdiction from the pleadings(libel) and based on the insufficiency of pleadings and not otherwise. The jurisdiction of the General Sessions court was improperly sustained and therefore the instant case is void.

---

<sup>10</sup> "As an international crime it is within the jurisdiction of all maritime states wheresoever or by whomsoever committed." Dickinson, *is the Crime of Piracy obsolete?* 38 Harv. L. Rev. 334, 335 (1925)

<sup>11</sup> Blackstone \*69,67. it is true, speaks of "the offence of piracy, by common law;..."but this is in his chapter V "the offences against the law of Nations," and he explains that the law of nations was adopted and "held to be a part of the law of the land." In like manner the law merchant, although distinct from the strict common law, became a part of the common law in the sense that it was not statutory law.

<sup>12</sup> "All offenses are either against the king's peace, or his crown and dignity; and are so laid in every indictment." 1 Blackstone, Commentaries\*268

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

- a) Common Law,
- b) Equity, or
- c) Admiralty. (Law merchant/nations)

Regarding a): There is no evidence of the complaint supported by sworn affidavit of a damaged party to bring action under the common law. (Saving to Suitors 28 USC 1333 (1) )

Regarding b): There is no evidence of breach of contract with a bona fide signature, of (Bryan), to hold Miquel Lutron Bryan to an equity jurisdiction. Under the statute of frauds section SC Code 32-3-10 or specific performance for a debt as stated in the statute of frauds.

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

1. **There is no evidence of the original contract to substantiate a breach of contract under the statute of frauds 13-5-30 (1)(2)(3) SEE Restatement(second) of contracts Section 1 (1981)**
2. **There is no evidence of verified complaint supported by affidavit to substantiate a tort action:**
3. **There is no evidence abdduced from Miquel Lutron Bryan ("Petitioner") to substantiate a capture of prize as a belligerent or contraband; and the captor is barred from entering evidence in support of a claim against the petitioner (i.e., booty and captured)**

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

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

**THIS INSTANT (Admiralty) CASE IS HEREBY REVERSED DUE TO THE CONSTITUTIONAL VIOLATIONS NOTWITHSTANDING THE PETITIONER ("Bryan") IS NOT CONTRACTED WITH THE RESPONDENT ("STATE") OR OTHERWISE FOR SPECIFIC PERFORMANCE. THAT THE RESPONDENT ("STATE") CAN BRING FORTH A" CONTRACT" OR A "CORPUS DELECTI" IN ORDER TO HAVE STANDING UNDER THE SAVINGS TO SUITORS' CLAUSE UNDER 28 USC 1331 AS THIS MATTER IS VOID. FOR LACK OF INPERSONAM, SUBJECT MATTER (IN REM) AND TERRITORIAL JURISDICTION.**

**MUNICIPAL, COUNTY, or STATE COURTS lack jurisdiction to hear any case since they fall under the definition of FOREIGN STATE, and under all related definitions below. Said jurisdiction lies with the "district court of the United States." Established by Congress in the states under Article III of the Constitution, which are "constitutional courts" and do not include the territorial courts created under Article IV, Section 3 Clause 2, which are "Legislative" courts. Hornbuckle v. Toombs, statutes pursuant to 28 USC SEC.1330. American Ins. Co v. Canter 26 U.S. 511 (1828)**

In this instant case we have the admiralty preemption at play and it cannot be said enough that the based on the Respondent (State) filed its pleadings (libel) in this most important matter under the saving to suitor's clause (28 USC 1333 (1)<sup>1</sup> to invoke the admiralty side of the court. In a state court in order to get a remedy where the common law is competent to give it. A suit brought in state court under the 28U.S.C. Sec 1333 is subject to federal maritime law.

The admiralty preemption doctrine provides that most maritime matters are of such national, rather than local, character and concern that federal law pertaining to such matters takes precedence over inconsistent state or local law. The admiralty preemption doctrine has its source in the admiralty jurisdiction and supremacy clauses of the U.S. Constitution, The U.S. Supreme Court has recognized the admiralty preemption doctrine and ruled that the interests in the national uniformity of the law outweigh many state and local regulatory interests. Generally, inconsistent state statutes are preempted by federal admiralty law, except in areas of local concern where there is no need for national uniformity. State statutes are given effect to supplement substantive federal admiralty law, if they provide additional remedies consistent with federal admiralty law, notwithstanding,

Generally, the procedural rules of the forum court will be applied to all claims pending in that court. However, a court must withhold application of any procedural rule if the application of the rule would substantially alter substantive admiralty rights or responsibilities.

The court should dismiss this action that fails to invoke the common law side of the court or admiralty side of the court, based on insufficient pleadings of Stephanie B. Linder (solicitor). The court under Rule 242 (a) and (c) should reinstate/rehear this most important matter. That falls within the best interest of justice as the Appellant is under extreme duress. This court must respond to this motion/application sua sponte based on the challenge to extraterritorial

---

<sup>12</sup> " the district courts shall have original jurisdiction, exclusive of the states, of; (1) Any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled. But state courts have to follow federal substantive law.

jurisdiction and the like. The appellant shall invoke the original jurisdiction of the South Carolina Supreme Court.

Under South Carolina Administrative Procedure Act a court may only reverse or modify an agency decision if:

[substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the agency;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary and capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion

The record is intact and very clear as to all violations committed in this instant case that is wholly void in its entirety this is actual and constructive notice that the general sessions court is without extraterritorial jurisdiction and the like.

See the City of Carlisle, 39 Fed. 815. And Jervey v. The Carolina et al. District Court, E.D. South Carolina. March 15, 1895

I SO MOVE!

This \_day of December 2021

Respectfully submitted juris et de jure

By: Miquel Bryan (under duress)

At Ridgeland, South Carolina

Miquel Bryan# 282448

Ridgeland CI CB3 (former)

c/o 5 Correctional Drive

Ridgeland, South Carolina

**RECEIVED**

**JAN 06 2022**

**S.C. SUPREME COURT**

### **Judicial discretion**

**n. the power of the judge to make decisions on some matters without being bound by precedent or strict rules established by statutes. On appeal a higher court will usually accept and confirm decisions of trial judges when exercising permitted discretion, unless capricious, showing a pattern of bias, or exercising discretion beyond his/her authority.**

**Copyright 1981-2005 by Gerald N. Hill and Kathleen T. Hill**

### **Abuse of discretion**

**n. a polite way of saying a trial judge has made such a bad mistake ("clearly against reason and evidence" or against established law) during a trial or on ruling on a motion and that a person did not get a fair trial. A court of appeals will use a finding of this abuse as a reason to reverse the previous court result. Examples of "abuse of discretion" or judges' mistakes include not allowing an important witness to testify, making improper comments that might influence a jury, showing bias, or judge has to be perfect, but it does mean that the judge's actions were so far out of bounds that someone truly did not get a fair trial, often to the annoyance of the losing party. In criminal cases abuse of discretion can include sentences that are grossly too harsh. In a divorce action, it includes awarding alimony way beyond the established formula or the spouse's or life partner's realistic ability to pay.**

**Gerald N. Hill and Kathleen T. Hill. All Rights reserved.**

### **Court of Record**

**A court that records its proceedings, which cannot be impeached with collateral evidence. American Heritage Dictionary of the English Language, fifth Edition.**

---

Exhibit A

ATTACHED AND MADE A PART OF THE RECORD COUNTER AFFIDAVIT

The State, Respondent ) **THE SOUTH CAROLINA COURT OF APPEAL**  
) **Trial Court Case No.2017GS1003228**  
v. ) **Appellate Case No.2020-000075**  
) **AFFIDAVIT OF MIQUELL LUTRON BRYAN**  
) **(Counter Affidavit to Andy Miller )**  
MIQUELL LUTRON BRYAN, )  
\_\_\_\_\_ Appellant )

Personally, before me, Miquell Lutron Bryan, upon being duly sworn, deposes and says as follows:

1. Affiant is competent to make this affidavit
2. Affiant is over the age of 21
3. Affiant is under no legal disabilities

(a) To the best of my personal knowledge and belief I Miquell Bryan (Affiant) am not contracted with the State of South Carolina or the city at Charleston. For specific performance the clear absence of a contract (documentary evidence under the statute of frauds) proving a contractual relationship would indicate lack of both personal jurisdiction and subject matter jurisdiction with the Respondent (State)

(b) On the day/night in question of this indictment I Miquell Bryan (affiant) did not commit a common law crime, or damage any person ("corpus delecti") or property. The absence of a

Sworn affidavit, verifiable complaint, or forensic evidence proving I Miquell Bryan (affiant) commit a common law crime or am responsible for damages (profit & loss) would indicate lack of both personal and subject matter jurisdiction.

- (a) Equals no contract(s)
- (b) Equals no victim(s)

That the information supplied in the within affidavit is true to the best of my knowledge and belief so help me God!

  
Miquel Lutron Bryan, Affiant

SWORN to and Subscribed to before me this

30<sup>th</sup> day of December, 2021.

Severly Ferguson

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 10-1-25

VERIFICATION

I, \_\_\_\_\_, am a \_\_\_\_\_ in the above titled action. I have read the foregoing \_\_\_\_\_ and know the contents thereof. The same is true of my own knowledge, as I am a first-hand witness of these events. As these events are on the record and cannot be rebutted by the respondent.

I declare under the penalty of perjury that the foregoing is true and correct and this declaration was executed at Ridgeland South, Carolina.

Exhibit B

ATTACHED AND MADE A PART OF THE RECORD OF SENTENCING SHEET  
THAT CLEARLY SHOWS 2 X'S IN BOX FOR VIOLENT CRIME & SERIOUS. THERE IS NO  
VICTIM WITH INJURIES SUSTAINED. THAT PRESUMPTION IS HEREBY REBUTTED  
AND SHOWS THERE ID NO CONTRACT FILED IN THE RECORD FOR SPECIFIC  
PERFORMANCE UNDER EQUITY'S JURISDICTION AND STAUTE OF FRAUDS 32-3-10

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE VS.

MIQUELL LUTRON BRYAN

AKA: Miguel Lutron Bryan, Miquell Lutron Bryant

Race: Black/African American Sex: M

DOB: 12/01/1977 SS#: 247-51-5145

Address: 2229 Eagle Drive

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

DL# 007372527 SID# SC01003467

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

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

INDICTMENT/CASE#: 2017-GS-10-03228

A/W: 2017A1010900151

Date of Offense: 03/05/2015

S.C. Code §: 44-53-0370(e)(2)(a)1

CDR Code#: 0278

SENTENCE SHEET

CONVICTED OF or  PLEADS

TO: Trafficking in Cocaine - 3rd Offense  
In violation of § 44-53-0370(e)(2)(a)1 of the S.C. Code of Laws, bearing CDR Code # 0147

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  §17-25-45

(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

TEST:

Stephanie B. Linder 72656 Defendant Stephanie B. Linder 73072 Attorney for Defendant SC Bar #

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

CONCURRENT or  CONSECUTIVE to sentence on: \_\_\_\_\_

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

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

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

SPECIAL CONDITIONS:

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered FTUP \_\_\_\_\_ days/hours Public Service Employment

Total: \$ \_\_\_\_\_ plus 20% fec: \$ \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Obtain GED

Set by SCDPPPS \_\_\_\_\_

Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \$ 50,000.00

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

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

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

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

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

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

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

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

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

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

TOTAL \$ 107,146.75

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Rayton Muller

Presiding Judge: [Signature]

Judge Code: 2122

Sentence Date: January 7, 2020

Exhibit C

ATTACHED AND MADE A PART OF THE RECORD SHOWS THAT THE "res"  
SUBJECT MATTER FOR THIS CAUSE TO INVOKE THE ADMIRALTY/MARITIME SIDE  
OF THE COURT UNDER 28 USC 1330 IS THE 13.60 GRAMS OF A WHITE POWDER  
SUBSTANCE, WHICH TESTED POSITIVE AS COCAINE. WHICH CLEARLY SHOWS  
"PRIMA FACIE " EVIDENCE OF NO INJURED PARTY TO INVOKE THE COMMON LAW  
SIDE OF THE COURT

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
CITY OF NORTH CHARLESTON

AFFIDAVIT  
OCA# 2017-002965  
Det. Andy Miller

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

**Miquell Lutron BRYAN**

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

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

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

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

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

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

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

Ellen S. Minally  
Signature of Judge

[Signature]  
(AFFIANT)

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

RECEIVED

JAN 06 2022

S.C. SUPREME COURT

ATTEST: A TRUE COPY  
JULIE J. ARMSTRONG (SEAL)  
CLERK, C.P., C.S., J.C.

By [Signature]

Exhibit D

ATTACHED AND MADE A PART OF THE RECORD SHOWS THE 22<sup>ND</sup> OF JUNE 2021 LETTER FROM ROBERT DUDEK, I AM BEFORE THIS HONORABLE COURT BASED THE FARRETTA DOCTRINE. I HAVE SHOWN COMPETENCY IN THIS MATTER AND I DO NOT CONSENT TO THE PUBLIC DEFENDERS OFFICE REPRESENTING ME IN ANY SHAPE FORM OR FASHION.



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1346

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

June 22, 2021

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: The State v. Miquell Lutron Bryan -- Appellate Case No. 2020-000075

Dear Ms. Kitchings:

We received the order of the Honorable Stephanie P. McDonald that was filed on June 16, 2021, mandating that our office provide Miquell Bryan with a copy of his trial transcripts. As you can see by the attached transcript request letter, we have requested the trial transcript from the court reporter. Trial counsel, Jason Mikell, has informed our office that the only pre-trial hearing involved was held on January 6, 2020, the first day of the trial. There was not a post-trial motion hearing. Once our office has received the trial transcript, we will provide Mr. Bryan with a copy.

If you need any additional information, or have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'R M Dudek', is written over a faint, larger version of the signature.

Robert M. Dudek  
Chief Appellate Defender

RMD/ab  
Attachment

cc: Attorney General's Office  
Mr. Miquell Bryan



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

March 26, 2021

Miquell Lutron Bryan, #282448  
Ridgeland Correctional Institution  
PO Box 2039  
Ridgeland, SC 29936

Re: Court order and indigency affidavit

Dear Mr. Bryan:

This office is in receipt of an order from the South Carolina Court of Appeals notifying us your attorney has been relieved. Please see the enclosed order filed March 24, 2021. We have been instructed to screen you for indigency to see if we can represent you on appeal. Consequently, I have enclosed an Affidavit of Indigency for you to completely fill out in the presence of a notary public, and to be signed by you and the notary.

Please return the completed filled out and notarized Affidavit of Indigency within ten (10) days, in the self-addressed stamped envelope, so we can screen you for indigency for representation on appeal by an Appellate Defender. If you do not return the affidavit within the ten (10) days, we will be forced to notify the Court of Appeals that we cannot represent you because we cannot determine if you are indigent.

Please understand that this could result in you having to represent yourself on appeal or the Court of Appeals dismissing the appeal for failure to prosecute, or abandonment. Thus, your best efforts and cooperation are appreciated.

Sincerely,

Adriane Burk  
Legal Services Coordinator

/ab  
Enclosures

cc: S. C. Court of Appeals  
Jason Todd Mikell, Esquire

RECEIVED

JAN 06 2022

S.C. SUPREME COURT

RECEIVED

JAN 06 2022  
SC Court of Appeals

THE SOUTH CAROLINA COURT OF APPEALS

The State, Respondent )  
)  
)  
v. )  
)  
Miquel L. Bryan )  
Appellant, )

Trial Court Case No.2017GS1003228  
Appellate Case No. 2020-000075

I certify that on this date, I Miquel L. Bryan, served Motion for reinstatement/rehearing en banc with exhibits and counter Affidavit of Miquel Lutron Bryan, of the court dated, on 30<sup>th</sup> December 2021 (nunc pro tunc) by U.S. Mail/Mailing it to him/her, at his /her last known address as follows:

Cc: Clerk of Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

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

William M. Blitch, Esquire  
1000 Assembly St,  
Columbia, SC 29201

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

Stephanie Linder  
101 Meeting Street  
Charleston, South Carolina 29401  
(843)958 -5150  
(843) 958 -5160 (fax)

Alan Wilson  
1000 Assembly St,  
Columbia, SC 29201

Jason Mikell  
321 Wingo Way #201  
Mt. Pleasant, South Carolina 29464

Delivering by commercial delivery service in accordance with rule 4(d)(9),

On this 30<sup>th</sup> of Dec 2020  
Date

by: Miquel Bryan pro per  
Miquel Bryan #282448  
Ridgeland CI CB31(former)  
c/o 5 Correctional Drive  
Ridgeland, South Carolina [29936]

RECEIVED

JAN 06 2022

S.C. SUPREME COURT

Miguel H. Beyan 292448  
Ridgeland CI CA-4C  
PO Box 2039  
Ridgeland, S.C. 29936



US POSTAGE  
ZIP 29936 \$ 008.56  
02 21  
0006378358 JAN 04 2002

RECEIVED  
JAN 6 2002  
SC Court of Appeals

Clerk of Supreme Court  
1231 Germain St  
Columbia, S.C. 29201

