

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

9/10/17
RECEIVED

APR 12 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions and Common Pleas

The Honorable Ferrell Cothran, Circuit Judge,
The Honorable Maite Murphy, Circuit Judge,

Case No(s). 2021-A10-10200444
2021-A10-10200475
2021-A10-10200476
2021-GS10-02599
2018-CP-10-03315

Appellate Case No. 2022-000064

Alan Nix,

Appellant,

v.

The State of South Carolina, Charleston County, Charleston County
Public Defender Corporation, Churchill Park, Churchill Park at
Parkwest, Inc., Churchill Park Homeowners' Association, Inc., David
Brown, and Catherine Brown

Respondents,

MOTION TO RESTORE APPEAL, TRANSFER CASE TO SUPREME COURT AND
ADD SC DEPARTMENT OF MENTAL HEALTH AND MEDICAL UNIVERSITY OF
SOUTH CAROLINA AS ADDITIONAL RESPONDENTS

LIST OF EXHIBITS INCLUDED WITH MOTION

- T1: SC Code of Laws, Title 14, Sections 3-310 through 3-330
- T2: SC Rule 203
- T3: Portions of Notice of Motion and Motion for Rule to Show Cause dated 18 Mar 2022
- T4: email chain related to transcript request for 7 Jan 2022 transcript
- T5: transcript of 7 Jan 2022 hearing as provided on 25 Mar 2022 – currently challenged due to being incomplete and misleading
- T6: letter dated 22 February to Ms. Abbott Kitchings and copy of “Order for Competency to Stand Trial Evaluation Pursuant to State v. Blair” dated 7 Jan 2022 which was filed with the Court of Appeals on 22 February 2022.
- T7: email from Ms. Tammie Holmes, Court Reporter Manager, also dated 29 Mar 2022
- T8: order dated 10 Mar 2022 denying appellants’ (my) motion for a subpoena to require Julie Armstrong, the Charleston County Clerk of Court, to turn over all orders related to the 7 January 2022 hearing in question.
- T9: appellant’s / defendant’s motion and certificate of service dated 29 December 2021, received by Charleston County on 30 December 2021, which, based on information and belief, remains unfiled by Ms. Julie Armstrong, the Charleston County Clerk of Court.
- T10: email and exhibits filing challenge of transcript of 7 Jan 2022 hearing which was provided on 25 Mar 2022.

NOTE: Exhibits are labeled T1 through T10 and incorporated by inclusion / reference. The addition of “T” to the number is primarily intended to avoid confusion with exhibits included in motions filed as exhibits with this motion.

ARGUMENT

The order dated 29 March 2022, which appears to be signed by Chief Judge H. Bruce Williams, appears to dismiss case number 2022-00064 for two reasons.

1. Failing to provide a copy of an order(s) of the circuit court referenced in the Notice of Appeal dated 14 January 2022 which was not originally included in the Notice of Appeal.

2. Failure to provide a copy of an order from which an appeal may be taken.

Chief Judge H. Bruce Williams appears to be correct in stating that an order authorizing the transcription of a preliminary hearing in a criminal matter is not appealable according to Rule 203(d)(1)(B). Appellant did not know what the 12 November 2021 order was until after filing this appeal.

If this were the only order filed with this appeal, either at the time the Notice of Appeal was filed or as soon as practicable thereafter, Appellant would agree that Chief Judge H. Bruce Williams' rationale for signing the order dated 29 March 2022 dismissing this appeal is valid. However, the facts and record in this case do not support Chief Judge H. Bruce Williams' rationale for signing this order and/or dismissing this appeal.

Judge Maite Murphy's order related to ORDER ENJOINING THE PLAINTIFF FROM RE-FILING THIS MATTER AND IMPOSING SANCTIONS UPON THE PLAINTIFF, at the behest of, funded by, and for the benefit of Auto Owners Insurance Co., was included as Exhibit D with the Notice of Appeal. If Ms. Armstrong did not, once again, improperly rely on this order to attempt to justify not filing defendant's motion dated 29 December 2022, then Ms. Armstrong had / has no valid, legal justification for not filing defendant's motion contained in this motion as Exhibit T9. Appellant included this order with the Notice of Appeal dated and filed 14 January 2022 to give Ms. Armstrong and Charleston County the maximum amount of leeway possible to explain their ongoing failure to properly file the motion contained in both the notice of appeal and again as T9 in this motion.

According to Rule 203(b)(2), appellant had to file the appeal within ten days of receiving written notice of the order. The appellant was informed of the order by Ashley Pennington of the Charleston County Public Defender Corporation via email on 7 January 2022. Hence, Appellant had to file the notice of appeal no later than Monday, 17 January 2022. To be safe, Appellant filed the notice of appeal on Friday, 14 January 2022 and included with the Notice of Appeal an Exhibit B which contained a copy of the email from Ashley Pennington informing the Appellant of Judge Cothran's Order. See Rule 203(d)(B)(ii) which pertains to orders and judgments being challenged if they have / haven't been reduced to writing. Appellant did not know this order had been reduced to writing until 8 February 2022, after which time he had filed and served a

motion for a subpoena on 4 February 2020 in an attempt to obtain the written copy of one of the order(s).

Despite Appellant asking for a copy of all orders related to the 7 January 2022 hearing via email on 7 January 2022, and then again via motion on 4 February 2022, Appellant did not receive a copy of the order related to competency to stand trial until more than 30 days after the order was apparently signed.

Appellant submitted a motion for a subpoena on 4 February 2022 to acquire all orders related to the 7 January 2022 hearing. This very court denied that motion without any valid explanation given.

Even as of the date of this motion, it appears there is an order from 12 January 2022 which still has not been provided to the appellant to include with this appeal.

On 22 February 2022, Appellant, in person, filed the Order related to Competency to Stand Trial with the Court of Appeals. That filing is included again as Exhibit T6. The Competency to Stand Trial Order does meet the criteria as laid out in SC Code of Laws Section 14-3-330 allowing the South Carolina Supreme Court to review an Order such as Judge Cothran's from 7 January 2022. Clearly at least one substantial right is affected by Judge Cothran's 7 January 2022 Competency Order. For example, see page five of Exhibit T3 which is a letter from the Medical University of South Carolina dated 1 February 2022 advising that such an interview is not confidential. No one from the Charleston County Public Defender Corporation has ever advised Appellant of this issue but clearly this seems to have 5th Amendment implications, what Appellant views as a substantial right and believes most U.S. Courts do also.

Given the intentional and improper methods utilized by the Charleston County Solicitor and Charleston County Public Defender Corporation to obtain this order, other substantial rights of the defendant / appellant are also likely impacted in an adverse manner by this order and the manner which it was procured and attempted to be imposed.

SUMMARY

Appellant agrees with S.C. Court of Appeals Chief Judge H. Bruce Williams that the one order Mr. Williams identifies in his order of 29 March 2022 does not meet the requirements of an order which can be appealed as delineated in S.C. Code of Laws Section 14-3-330. Eg. 12

November 2022 authorization to spend public funds on the transcription of a preliminary hearing. Appellant acknowledges that if this were the only order on appeal, as Chief Judge H. Bruce Williams seems to state as fact in his 29 March 2022 order, then it would be proper to dismiss this appeal for the reasons Chief Judge H. Bruce Williams articulates.

However, Chief Judge H. Bruce Williams, for reasons which he does address whatsoever in his 29 March 2022 order, neglects that orders were both referenced and actually included in the 14 January 2022 notice of appeal which do meet the requirement of S.C. Code of Laws Section 14-3-330. For instance, the Maite Chris Murphy order of 20 September 2019 and the email from Ashley Pennington of the Charleston County Public Defender Corporation laying out the majority of the order which he wrote for Judge Cothran to sign on 7 January 2022.

Chief Judge H. Bruce Williams also seems to, hopefully unknowingly, fail to acknowledge that the order referenced in the 7 January 2022 email from Ashley Pennington was filed with the S.C, Court of Appeals on 22 February 2022 and it clearly affects substantial rights of the appellant, even before considering the improper methods utilized by the Charleston County Solicitor and Charleston County Public Defender Corporation to obtain said order.

Consequently, the basis for Chief Justice H. Bruce Williams' 29 March 2022 order is significantly flawed and the appeal should be reinstated.

WHEREFORE, Appellant respectfully requests the Court to:

1. Reinstate this appeal and place the case on hold until the issues with the transcript are fully and appropriately resolved. (See exhibits for explanation of transcript issues currently under challenge)
2. Remove the 12 November 2021 order from the appeal.
3. Given that the Court of Appeals has referenced S.C. Code of Laws Section 14-3-330 and thereby acknowledged it does not have jurisdiction to rule on such matters as raised by this appeal, transfer this appeal to the S.C. Supreme Court after the order to restore has been filed.

4. Enter an order requiring opposing counsel and/or the Charleston County Clerk of Court to turn over to the Appellant all orders stemming from the 7 January 2022 hearing, including but not limited to, the sealed order dated 12 January 2022.
5. Add the South Carolina Department of Mental Health and the Medical University of South Carolina to this appeal as additional respondents.
6. Enter an order staying any and all orders related to this matter until this appeal and any related litigation is completed.
7. any other and further relief the Court finds Proper, Prudent and Just.

April 12, 2022

Respectfully submitted,

A handwritten signature in cursive script, reading "Alan Nix", is written above a solid horizontal line.

Alan G. Nix
c/o Michael and Taryn Lazroff
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991-4170

Exhibit

T1

Title 14 - Courts

CHAPTER 3

Supreme Court

ARTICLE 1

Composition, Organization, and Employees

ARTICLE 3

Jurisdiction, Duties and Procedure

SECTION 14-3-310. Original jurisdiction of Supreme Court.

The Supreme Court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus and other remedial and original writs.

HISTORY: 1962 Code Section 15-121; 1952 Code Section 15-121; 1942 Code Section 26; 1932 Code Section 26; Civ. P. '22 Section 26; Civ. P. '12 Section 11; Civ. P. '02 Section 11; 1896 (22) Section 1; 1901 (23) 623.

SECTION 14-3-320. Appellate jurisdiction in chancery; review of findings of fact of Family Court.

The Supreme Court shall have appellate jurisdiction only in cases of chancery, and in such appeals they shall review the findings of fact as well as the law, except in chancery cases when the facts are settled by a jury and the verdict not set aside; provided, that in cases which arise out of the Family Court, except those cases dealing with juvenile misconduct, review by the Supreme Court of the findings of fact of the Family Court shall be limited to a determination of whether or not there is substantial evidence to sustain such facts.

HISTORY: 1962 Code Section 15-122; 1952 Code Section 15-122; 1942 Code Section 26; 1932 Code Section 26; Civ. P. '22 Section 26; Civ. P. '12 Section 11; Civ. P. '02 Section 11; 1896 (22) Section 1; 1901 (23) 623; 1983 Act No. 89 Section 2, eff June 2, 1983.

Editor's Note

The Supreme Court of South Carolina declared Section 14-3-320 unconstitutional to the extent this section purported to limit the scope of appellate review in domestic cases, in *Rutherford v Rutherford* (1992, SC) 414 SE2d 157.

SECTION 14-3-330. Appellate jurisdiction in law cases.

The Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

(1) Any intermediate judgment, order or decree in a law case involving the merits in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions; provided, that if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from;

(2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action;

(3) A final order affecting a substantial right made in any special proceeding or upon a summary application in any action after judgment; and

(4) An interlocutory order or decree in a court of common pleas granting, continuing, modifying, or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver.

HISTORY: 1962 Code Section 15-123; 1952 Code Section 15-123; 1942 Code Section 26; 1932 Code Section 26; Civ. P. '22 Section 26; Civ. P. '12 Section 11; Civ. P. '02 Section 11; 1896 (22) Section 1; 1901 (23) 623; 1991 Act No. 115, Section 2, eff June 5, 1991.

Exhibit

T2

RULE 203
NOTICE OF APPEAL

(a) Notice. A party intending to appeal must serve and file a notice of appeal and otherwise comply with these Rules. Service and filing are defined by Rule 262.

(b) Time for Service.

(1) Appeals From the Court of Common Pleas. A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a timely motion for judgment n.o.v. (Rule 50, SCRCP), motion to alter or amend the judgment (Rules 52 and 59, SCRCP), or a motion for a new trial (Rule 59, SCRCP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion. When a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment.

(2) Appeals From the Court of General Sessions. After a plea or trial resulting in conviction or a proceeding resulting in revocation of probation, a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed. In all other cases, a notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the order or judgment. When a timely post-trial motion is made under Rule 29(a), SCRCrimP, the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion. In those cases in which the State is allowed to appeal a pre-trial order or ruling, the notice of appeal must be served within ten (10) days of receiving actual notice of the ruling or order; provided, however, that the notice of appeal must be served before the jury is sworn or, if tried without a jury, before the State begins the presentation of its case in chief.

(3) Appeals From the Family Court. A notice of appeal in a domestic relations action shall be served in the same manner provided by Rule 203(b)(1). A notice of appeal in a juvenile action shall be served in the same manner as provided by Rule 203(b)(2).

(4) Appeals From Masters and Special Referees. The notice of appeal from an order or judgment issued by a master or special referee shall be served in the same manner as provided by Rule 203(b)(1).

(5) Appeals From Probate Court. When a direct appeal is authorized by S.C. Code Ann. § 62-1-308(g), the notice of appeal shall be served in the same manner as provided by Rule 203(b)(1).

(6) Appeals From Administrative Tribunals. When a statute allows a decision of the administrative law court or agency (administrative tribunal) to be appealed directly to the Supreme Court or the Court of Appeals, the notice of appeal shall be served on the agency, the administrative law court (if it has been involved in the case) and all parties of record within thirty (30) days after receipt of the decision. If a timely petition for rehearing is filed with the administrative tribunal, the time to appeal for all parties shall be stayed and shall run from

receipt of the decision granting or denying that motion. If a decision indicates that a more full and complete decision is to follow, a party need not appeal until receipt of the more complete decision.

(c) Cross-Appeals. A respondent may institute a cross-appeal by serving a notice of appeal on all adverse parties, or in the case of an appeal from the administrative tribunal, by serving a notice of appeal on the agency, the administrative law court (if it has been involved in the case) and all parties of record, within five (5) days after receipt of appellant's notice of appeal, or within the time prescribed by Rule 203(b), whichever period last expires.

(d) Filing.

(1) Appeals from the Circuit Court, Family Court and Probate Court.

(A) Where to File. The notice of appeal shall be filed with the clerk of the lower court and with the Clerk of the Supreme Court in the following cases:

(i) Any final judgment from the circuit court which includes a sentence of death.

(ii) Any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is one of the constitutionality of the law or ordinance; provided, however, in any case where the Supreme Court finds that the constitutional issue raised is not a significant one, the Supreme Court may transfer the case to the Court of Appeals.

(iii) Any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the State, its agencies, political subdivisions, public service districts, counties, and municipalities, or any other indebtedness now or hereafter authorized by Article X of the Constitution of this State.

(iv) Any final judgment from the circuit court pertaining to elections and election procedure.

(v) Any order limiting an investigation by a State Grand Jury under S.C. Code Ann. § 14-7-1630.

(vi) Any order of the family court relating to an abortion by a minor under S.C. Code Ann. § 44-41-33.

In all other cases, the notice of appeal shall be filed with the clerk of the lower court and the Clerk of the Court of Appeals.

(B) When and What to File. The notice of appeal shall be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the notice of appeal is served. The notice filed with the appellate court shall be accompanied by the following:

(i) Proof of service showing that the notice has been served on all respondents;

(ii) A copy of the order(s) and judgment(s) to be challenged on appeal if they have been reduced to writing;

(iii) A filing fee as set by order of the Supreme Court;^[1] this fee is not required for criminal appeals or appeals by the State of South Carolina or its departments or agencies;

(iv) If the appeal is from a guilty plea, an Alford^[2] plea or a plea of nolo contendere, a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal. If the appellant fails to make a sufficient showing, the notice of appeal may be dismissed;

(v) If the notice of appeal is from a post-conviction relief case and the lower court determined that the post-conviction relief action is barred as successive or being untimely under the statute of limitations, the written explanation required by Rule 243(c), SCACR; and,

(vi) If the notice of appeal is from a habeas corpus proceeding and the lower court determined that habeas corpus relief was improper because the issues could have been raised in a timely application under the Post-Conviction Relief Act (see Simpson v. State, 329 S.C. 43, 495 S.E.2d 429 (1998)), a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. If the appellant fails to make a sufficient showing, the notice of appeal may be dismissed.

(B) When and What to File. The notice of appeal shall be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the notice of appeal is served. The notice filed with the appellate court shall be accompanied by the following:**(i)**Proof of service showing that the notice has been served on all respondents;**(ii)**A copy of the order(s) and judgment(s) to be challenged on appeal if they have been reduced to writing;**(iii)**A filing fee as set by order of the Supreme Court;^[1] this fee is not required for criminal appeals or appeals by the State of South Carolina or its departments or agencies;**(iv)**If the appeal is from a guilty plea, an Alford^[2] plea or a plea of nolo contendere, a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal. If the appellant fails to make a sufficient showing, the notice of appeal may be dismissed;**(v)**If the notice of appeal is from a post-conviction relief case and the lower court determined that the post-conviction relief action is barred as successive or being untimely under the statute of limitations, the written explanation required by Rule 243(c), SCACR; and,**(vi)**If the notice of appeal is from a habeas corpus proceeding and the lower court determined that habeas corpus relief was improper because the issues could have been raised in a timely application under the Post-Conviction Relief Act (see *Simpson v. State*, 329 S.C. 43, 495 S.E.2d 429 (1998)), a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. If the appellant fails to make a sufficient showing, the notice of appeal may be dismissed.

SECTION 14-3-330. Appellate jurisdiction in law cases.

The **Supreme Court** shall have appellate jurisdiction for correction of errors of law in law cases, and shall review upon appeal:

(1) Any intermediate judgment, order or decree in a law case involving the merits in actions commenced in the court of common pleas and general sessions, brought there by original process or removed there from any inferior court or jurisdiction, and final judgments in such actions; provided, that if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from;

(2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action, (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action;

(3) A final order affecting a substantial right made in any special proceeding or upon a summary application in any action after judgment; and

(4) An interlocutory order or decree in a court of common pleas granting, continuing, modifying, or refusing an injunction or granting, continuing, modifying, or refusing the appointment of a receiver.

HISTORY: 1962 Code Section 15-123; 1952 Code Section 15-123; 1942 Code Section 26; 1932 Code Section 26; Civ. P. '22 Section 26; Civ. P. '12 Section 11; Civ. P. '02 Section 11; 1896 (22) Section 1; 1901 (23) 623; 1991 Act No. 115, Section 2, eff June 5, 1991.

Exhibit

T3

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

ALAN GREGORY NIX,

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS

NINTH JUDICIAL CIRCUIT

MOTION COVERSHEET

Arrest Warrant #2021A1010200475

Arrest Warrant #2021-GS-10-02599

Indictment #

Indictment #2021-GS-10-02600

Indictment #2021-GS-10-02599

Solicitor: Nicholas B. Uricchio
Bar No. 103552
Address: 101 Meeting Street, Suite 400
Charleston, SC 29401

Phone: (843) 958-1903
E-mail: UricchioN@SCSolicitor9.org

Defendant's Attorney: Benjamin A. Mack
Bar No. 102068
Address: 101 Meeting Street, Suite 500
Charleston, SC 29401

Phone: (843) 958-1850
E-mail: bmack@charlestoncounty.org

- MOTION HEARING REQUESTED
- FORM MOTION, NO HEARING REQUESTED
- PROPOSED ORDER/CONSENT ORDER

SECTION I: Hearing Information

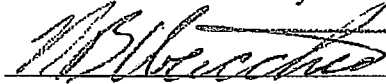
Nature of Motion: Notice of Motion and Motion For Rule to Show Cause

Estimated Time Needed: 10 minutes 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 Solicitor Attorney for Defendant

3/18/2022

Date submitted

FILED
 2022 MAR 18 PM 12:02
 JULIE J. ARMSTRONG
 CLERK OF COURT

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)
 STATE OF SOUTH CAROLINA,)
 vs.)
 ALAN GREGORY NIX,)
 Defendant.)
 _____)

IN THE COURT OF GENERAL SESSSIONS
 NINTH JUDICIAL CIRCUIT

Warrant No(s): 2021A1010200475;
 2021-GS-10-02599

Indictment No(s): 2021-GS-10-02600;
 2021-GS-10-02599

Charges: Opposing Law Enforcement Officer Serving Process;
 Threatening Life, Person, or Family of a Public Official

Notice of Motion and Motion For Rule to Show Cause

FILED
 2022 APR 19 PM 12:03
 JULIE S. ARISTOFF
 CLERK OF COURT

TO: ALAN GREGORY NIX, DEFENDANT AND BENJAMIN MACK, ATTORNEY FOR THE DEFENDANT

PLEASE TAKE NOTICE that the State of South Carolina, by and through the undersigned attorney, moves this Honorable Court to issue a Rule To Show Cause in the above referenced cases. The Rule To Show Cause is made on the following grounds:

1. The Defendant, Alan Gregory Nix, failed to appear for a Motion to Clarify Representation on Friday, January 7, 2022. Upon hearing from the State, Circuit Court Judge R. Ferrell Cothran, Jr. ordered the Defendant to be evaluated for competency to stand trial. The Order for Competency to Stand Trial Evaluation was signed by Judge R. Ferrell Cothran and filed on January 13, 2022. (Copy of the Order for Competency to Stand Trial Evaluation is attached here unto as Exhibit One.)
2. On February 1, 2022, Medical University of South Carolina (MUSC) sent a letter notifying the Defendant's Attorney Benjamin Mack that Alan Nix's competency evaluation was scheduled for Tuesday, February 15, 2022 at 9:00 A.M. at the MUSC Forensic Psychiatry Program located at 29-C Leinbach Drive, Charleston, SC 29407. (Copy of MUSC Appointment Letter is attached here unto as Exhibit Two.)
3. On February 15, 2022, the Defendant missed his scheduled competency evaluation appointment with MUSC Forensic Psychiatry Program. (Copy of MUSC Missed Appointment Letter is attached here unto as Exhibit Three.)

4. On February 15, 2022, MUSC sent a letter notifying the Defendant's Attorney Benjamin Mack and Charleston County Sheriff Kristin Graziano that Alan Nix's second competency evaluation was scheduled for Friday, March 18, 2022 at 9:00 A.M. at the MUSC Forensic Psychiatry Program located at 29-C Leinbach Drive, Charleston, SC 29407. (Copy of MUSC Appointment Letter is attached here unto as Exhibit Four.)
5. On Thursday, March 17, 2022, the Defendant sent an email to multiple parties stating he was aware of the scheduled competency evaluation at MUSC Forensic Psychiatry Program on Friday, March 18, 2022, at 9:30 A.M. (Copy of Defendant's Email is attached here unto as Exhibit Five.)
6. On Friday, March 18, 2022, the Defendant sent an email to multiple parties stating he was unlikely to attend the scheduled competency evaluation at MUSC Forensic Psychiatry Program on Friday, March 18, 2022, at 9:30 A.M. (Copy of Defendant's Email is attached here unto as Exhibit Six.)
7. On March 18, 2022, the Defendant missed his scheduled competency evaluation appointment with MUSC Forensic Psychiatry Program. (Copy of MUSC Missed Appointment Letter is attached here unto as Exhibit Seven.)

The State moves this Court to order the Defendant to appear before the Court of General Sessions to show cause, why the Defendant should not be held in contempt of court for failure to abide by the Order for Competency to Stand Trial Evaluation of the Court of General Sessions dated January 13, 2022, and why such provisions of said Order should not be strictly adhered to.

Respectfully Submitted:



Nicholas Brooks Uricchio,
Assistant Solicitor
Ninth Circuit Solicitor's Office

Charleston, South Carolina
March 18, 2022

FY

JULIE S. ARPSTRONG
CLERK OF COURT

2022 MAR 18 PM 12:03

FILED

EXHIBIT
TWO



Forensic Psychiatry Program
Department of Psychiatry and Behavioral Sciences
29C Leinbach Drive
Charleston, SC 29407
Tel 843.792.1461
Fax 843.792.2254
forensicpsychiatry@musc.edu

February 1, 2022

Benjamin A. Mack, Esquire
101 Meeting Street, 5th Floor
Charleston, SC 29401

Dear Attorney Mack:

A court ordered evaluation for Alan G. Nix [REDACTED] is scheduled for **Tuesday, February 15, 2022 at 9:00 A.M.** at the Medical University of South Carolina, Forensic Psychiatry Program, 29-C Leinbach Drive, Charleston, SC 29407. The officers must stay in the building until the evaluation is completed.

Competence to stand trial evaluations may include questions about potential evidence and limited discussion of the alleged offense(s). Criminal responsibility evaluations may include extensive discussion of the alleged offense(s). Consequently, some defendants decline to participate before consulting with their attorney or ask that their attorney attend the evaluation. Therefore, we ask that you speak with your client prior to this appointment to advise him or her of the non-confidential nature of the evaluation and how to proceed. **We also ask that you do not forward this letter directly to your client or to the client's family. Please note, due to security concerns and space constraints, we ask that you limit accompanying parties during the evaluation process. Contact our office in advance, should you require special accommodations.**

Because we do not provide transportation, please arrange for your client to be transported. If your client is in jail, you may need to obtain a transport order that directs a detention facility or sheriff's department to bring your client to the appointment.

Additionally, if you have any information that may be relevant to this defendant's past or current mental health, which you have not yet discussed with us or forwarded to us, please do so immediately. Our telephone number is (843) 792-1461. Our fax number is (843) 792-2254.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Allison Floyd".

Allison Floyd
Forensic Administrative Assistant

cc: Nick Uricchio, Esquire
Tamika Daniels, DMH

**EXHIBIT
THREE**



Forensic Psychiatry Program
Department of Psychiatry and Behavioral Sciences
29C Leinbach Drive
Charleston, SC 29407
Tel 843.792.1461
Fax 843.792.2254
forensicpsychiatry@musc.edu

February 15, 2022

Benjamin A. Mack, Esquire
101 Meeting Street, 5th Floor
Charleston, SC 29401

Re: The State of South Carolina v Alan G. Nix
Department of Mental Health [REDACTED]
Charleston County Court of General Sessions

Dear Attorney Mack,

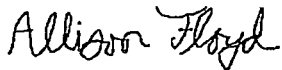
In accordance with the court order issued by the Honorable Judge R. Ferrell Cothran, Jr., a forensic evaluation was initiated by South Carolina Department of Mental Health (DMH). However, no report can be issued at this time due to the following:

1. The defendant, who is in custody, was not transported by law enforcement for the first scheduled appointment. The defense attorney should confirm the defendant's transportation arrangements for the next scheduled appointment.
2. The defendant, who is in custody, was not transported by law enforcement for the second scheduled appointment. **The defense attorney must contact our office within 15 days of the date of this letter in order to have the evaluation process resumed.**
3. The defendant, who is **not** in custody, failed to appear for the first scheduled appointment. **As provided for in the court order, once the evaluation has been rescheduled, the defendant will be taken into custody in order to complete the evaluation.**
4. The defendant refused to cooperate due to desire to not participate, to speak with attorney, or to have attorney present for the interview process. **The court must contact our office within 15 days of the date of this letter in order to have the evaluation process resumed.**
5. The defendant needs an additional interview.
6. The defendant needed emergency hospitalization, which was arranged by our office.
7. The defendant needs a joint evaluation with the Department of Disabilities and Special Needs, which our office will arrange
8. The defendant needs a 15-30 day period of inpatient evaluation, which our office will arrange.

9. The forensic examiner needs a psychological or medical consultation on the defendant, which our office will arrange.
10. Additional records and/or data from informants are needed.
11. Other:

As noted above, if no report can be issued due to reason(s) listed above the defense attorney must contact our office within 15 days of the date of this letter in order to have the evaluation process resumed. To have the process resumed, please contact Allison Floyd 843-792-1461. If after 15 days no contact has been made, the Court will be notified that the evaluation cannot be completed due to reason(s) outlined above.

Sincerely,



Allison Floyd
Forensic Administrative Assistant

cc: Nick Uricchio, Solicitor
Tamika Daniels, DMH

**EXHIBIT
FOUR**



Forensic Psychiatry Program
Department of Psychiatry and Behavioral Sciences
29C Leinbach Drive
Charleston, SC 29407
Tel 843.792.1461
Fax 843.792.2254
forensicpsychiatry@muscedu

February 15, 2022

Sheriff Kristin Graziano
Charleston County Sheriff's Office
100 Broad Street # 381
Charleston, SC 29401

Re: The State v. Alan G. Nix
Warrant #: 2021A1010200475

Dear Sheriff Graziano:

Mr. Alan G. Nix is on bond and court-ordered to undergo evaluations of competency to stand trial and/or criminal responsibility by The Honorable R. Ferrell Cothran, Jr.

Mr. Alan G. Nix was scheduled for an evaluation on **February 15, 2022** but did not meet this appointment. The section of the court order entitled "COMPLIANCE DEADLINE/TRANSPORT FOR EVALUATION" states that "In the event defendant does not appear at the scheduled examination, upon written notice of such failure by the examining agency to the Sheriff of the county in which this case arose, defendant shall be taken into custody by the Sheriff and held until an examination can be scheduled and completed, and thereafter shall be released." As such, DMH respectfully requests that **Mr. Alan G. Nix** be taken into custody prior to the next appointment and held until the examination can be completed.

We have rescheduled the evaluation for Friday, March 18 at 9:00 am. Please make arrangements to have **Mr. Alan G. Nix** transported to the Medical University of South Carolina, Forensic Psychiatry Program, 29-C Leinbach Drive, Charleston, SC 29407. The officers must stay in the building until the evaluation is completed.

Thank you for your assistance with this matter. If you have any questions or concerns, please contact me at 843.792.1461.

Respectfully,

A handwritten signature in cursive script that reads "Allison Floyd".

Allison Floyd
Forensic Administrative Assistant

cc: Nick Uricchio, Solicitor
Benjamin A. Mack, Defense Attorney
Tamika Daniels, DMH
Charleston County Detention Center

Attachment: Court order and Outpatient Information Appointment Sheet

**EXHIBIT
SEVEN**



Forensic Psychiatry Program
Department of Psychiatry and Behavioral Sciences
29C Leinbach Drive
Charleston, SC 29407
Tel 843.792.1461
Fax 843.792.2254
forensicpsychiatry@musc.edu

March 18, 2022

Benjamin A. Mack, Esquire
101 Meeting Street, 5th Floor
Charleston, SC 29401

Re: The State of South Carolina v Alan G. Nix
Department of Mental Health [REDACTED]
Charleston County Court of General Sessions

Dear Attorney Mack,

In accordance with the court order issued by the Honorable Judge R. Ferrell Cothran, Jr., a forensic evaluation was initiated by South Carolina Department of Mental Health (DMH). However, no report can be issued at this time due to the following:

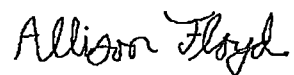
1. The defendant, who is in custody, was not transported by law enforcement for the first scheduled appointment. The defense attorney should confirm the defendant's transportation arrangements for the next scheduled appointment.
2. The defendant, who is in custody, was not transported by law enforcement for the second scheduled appointment. **The defense attorney must contact our office within 15 days of the date of this letter in order to have the evaluation process resumed.**
3. The defendant, who is **not** in custody, failed to appear for the second scheduled appointment..
4. The defendant refused to cooperate due to desire to not participate, to speak with attorney, or to have attorney present for the interview process. **The court must contact our office within 15 days of the date of this letter in order to have the evaluation process resumed.**
5. The defendant needs an additional interview.
6. The defendant needed emergency hospitalization, which was arranged by our office.
7. The defendant needs a joint evaluation with the Department of Disabilities and Special Needs, which our office will arrange
8. The defendant needs a 15-30 day period of inpatient evaluation, which our office will arrange.
9. The forensic examiner needs a psychological or medical consultation on the defendant, which our office will arrange.

10. Additional records and/or data from informants are needed.

11. Other:

As noted above, if no report can be issued due to reason(s) listed above the defense attorney must contact our office within 15 days of the date of this letter in order to have the evaluation process resumed. To have the process resumed, please contact Allison Floyd 843-792-1461. If after 15 days no contact has been made, the Court will be notified that the evaluation cannot be completed due to reason(s) outlined above.

Sincerely,



Allison Floyd
Forensic Administrative Assistant

cc: Nick Uricchio, Solicitor
Tamika Daniels, DMH

Exhibit

T4

agnix1@hotmail.com

From: agnix1@hotmail.com
Sent: Monday, March 28, 2022 1:08 PM
To: 'Smith, Krystal J.'
Cc: 'Benjamin A. Mack'; 'Ashley Pennington'; 'Amanda Hiouel'; 'Courtney Kinowski'; 'Gaylord R. Combs'; 'Cassandra Woosley'; 'Solicitor'; awilson@scag.gov; 'Jeff Young'; mkeel@sled.sc.gov; 'Scarlett Wilson'; 'Nicholas Uricchio'; 'Kevin Mims'; tthames@wjlaw.net; 'Natalie A. Ham'; hyoung@sccid.sc.gov; aclifford@cpc.sc.gov; 'Julie Armstrong'; elizabeth.hutto@scdmh.org; 'Transcripts'; tkohn@sccourts.org; drachmar@musc.edu; 'Bill Mulbry'; sandy@sennlegal.com; mulld@musc.edu; fieldsc@musc.edu; sussman@musc.edu; elizabeth.hutto@scdmh.org; kenneth.rogers@scdmh.org; 'Adam Lambert'; aflynn@irf.sc.gov; ilias.nigamatov@scdmh.org; 'Laura Westbrook'; stephanie.trotter@mccabetrotter.com; ryanmccabe@schouse.gov; sandysenn@scsenate.gov; plogan@sled.sc.gov
Subject: RE: ACTION REQUIRED: transcript request - 7 Jan 2022 motion hearing
Attachments: Nix, Alan - Order for State Evaluation.pdf; 01072022 _Charleston_GS_Cothran_transcripts_AlانNix.pdf; Filed State's Motion For Rule to Show Cause - Alan Nix.pdf; Haselden Bail Proceeding Form II 26 Jan 2021.pdf

Ms. Smith,

I need a response to the below from last Friday by 1900 today, Monday, 28 March 2022. Copied again immediately below for ease of reference.

"As a first observations, shouldn't this transcript start with some type of calling of the case(s) by the court? Please review your notes, recordings, etc and amend to include that important information since the reason for this hearing is obviously one of the important disagreements between the Charleston County Public Defender Corporation, the Charleston County Solicitor and myself. If you can't find that information with these cases, please review the recordings, notes, etc for the case(s) immediately prior to this one and let us know if we have to get another transcript to fully resolve this issue."

To clarify, I seriously doubt a hearing of any sort starts with someone other than a judge or court personnel stating the case numbers and reason for the hearing. I'm sure Mr. Mack discussed this with you on or about 15 March 2022 when you all discussed this matter. Ironically, another Ms. Smith that works for Charleston County, taught me a good bit about "modifying" transcripts to further improper conduct at the expense of defendants.

I will not be submitting this transcript to the court of appeals until this and any other issues are cleared up.

Best regards,
Alan Nix

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Friday, March 25, 2022 5:05 PM
To: 'Smith, Krystal J.' <krsmith@sccourts.org>
Cc: 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Amanda Hiouel' <Hiouela@scsolicitor9.org>; 'Courtney Kinowski' <CKinowski@charlestoncounty.org>; 'Gaylord R. Combs' <GRCombs@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Solicitor' <Solicitor@scsolicitor9.org>; awilson@scag.gov; 'Jeff Young' <JYoung@scag.gov>; mkeel@sled.sc.gov; 'Scarlett Wilson'

<wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; 'Kevin Mims' <kmims@lmlawllp.com>; tthames@wjlaw.net; 'Natalie A. Ham' <NHam@charlestoncounty.org>; hyoung@sccid.sc.gov; aclifford@cpc.sc.gov; 'Julie Armstrong' <JArmstrong@charlestoncounty.org>; elizabeth.hutto@scdmh.org; 'Transcripts' <transcripts@sccourts.org>; tkohn@sccourts.org; drachmar@musc.edu; 'Bill Mulbry' <mulbry@scforensicpsychiatry.com>; sandy@sennlegal.com; mulld@musc.edu; fieldsc@musc.edu; sussman@musc.edu; elizabeth.hutto@scdmh.org; kenneth.rogers@scdmh.org; 'Adam Lambert' <adam@alhfirm.com>; aflynn@irf.sc.gov; ilias.nigamatov@scdmh.org; 'Laura Westbrook' <laura.westbrook@scdmh.org>; stephanie.trotter@mccabetrotter.com; ryanmccabe@schouse.gov; sandysenn@scsenate.gov; plogan@sled.sc.gov
Subject: RE: transcript request - 7 Jan 2022 motion hearing

Please let me know if I have somehow missed a response. I will be working all weekend to deal with this misconduct, etc so please feel free to respond over the weekend as well.

Ashley, Benjimen, etc.

If you all have filed a motion / memo in opposition to you all's friends one floor below you all, please forward for me for review and my reference. Perhaps just a strong recommendation to withdraw that thing from last Friday?

It appears next week is shaping up to be another disaster for 101 Meeting St and Associates.

Best regards,

Alan Nix

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

Sent: Friday, March 25, 2022 12:44 PM

To: 'Smith, Krystal J.' <krsmith@sccourts.org>

Cc: 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Amanda Hiouel' <Hiouela@scsolicitor9.org>; 'Courtney Kinowski' <CKinowski@charlestoncounty.org>; 'Gaylord R. Combs' <GRCombs@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Solicitor' <Solicitor@scsolicitor9.org>; awilson@scag.gov; 'Jeff Young' <JYoung@scag.gov>; mkeel@sled.sc.gov; 'Scarlett Wilson' <wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; 'Kevin Mims' <kmims@lmlawllp.com>; tthames@wjlaw.net; 'Natalie A. Ham' <NHam@charlestoncounty.org>; hyoung@sccid.sc.gov; aclifford@cpc.sc.gov; 'Julie Armstrong' <JArmstrong@charlestoncounty.org>; elizabeth.hutto@scdmh.org; 'Transcripts' <transcripts@sccourts.org>; tkohn@sccourts.org; drachmar@musc.edu; 'Bill Mulbry' <mulbry@scforensicpsychiatry.com>; sandy@sennlegal.com; mulld@musc.edu; fieldsc@musc.edu; sussman@musc.edu; elizabeth.hutto@scdmh.org; kenneth.rogers@scdmh.org; 'Adam Lambert' <adam@alhfirm.com>; aflynn@irf.sc.gov; ilias.nigamatov@scdmh.org; 'Laura Westbrook' <laura.westbrook@scdmh.org>; stephanie.trotter@mccabetrotter.com; ryanmccabe@schouse.gov; sandysenn@scsenate.gov; plogan@sled.sc.gov

Subject: RE: transcript request - 7 Jan 2022 motion hearing

Thank you Ms. Smith.

As a first observations, shouldn't this transcript start with some type of calling of the case(s) by the court? Please review your notes, recordings, etc and amend to include that important information since the reason for this hearing is obviously one of the important disagreements between the Charleston County Public Defender Corporation, the Charleston County Solicitor and myself. If you can't find that information with these cases, please review the recordings, notes, etc for the case(s) immediately prior to this one and let us know if we have to get another transcript to fully resolve this issue.

Charleston County Public Defender Corporation, Charleston County Solicitor, etc.,

Perhaps you all would like to / should review the transcript attached in reference to the Order you all teamed up to create?

In the mean time, please let me know whose device you all used to create this order, what time you started and completed that process, what time you took it to Judge Cothran to have it signed, how long he reviewed you all's Order before signing it, what time he signed it and who filed it six days later. Please provide at least these answers prior to close of business today.

Best regards,
Alan Nix

From: Smith, Krystal J. <krsmith@sccourts.org>
Sent: Friday, March 25, 2022 10:07 AM
To: agnix1@hotmail.com
Subject: Re: transcript request - 7 Jan 2022 motion hearing

Good morning,

I went to the post office this morning with the notice and picked up the mail from you. Attached please find the PDF of the request transcript. Do you want the signed certified copy mailed to the address on your mail? 1401 Densmore Circle, Mount Pleasant 29466?

Thank you,
Krystal J. Smith

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Thursday, March 24, 2022 8:28 AM
To: Smith, Krystal J. <krsmith@sccourts.org>
Cc: Kohn, Tonnya K. <tkohn@sccourts.org>; PD 9th Circuit <apennington@charlestoncounty.org>; 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; Wilson, Scarlett A. <wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; Young, Herverly <hyoung@sccid.sc.gov>; aclifford@cpc.sc.gov <aclifford@cpc.sc.gov>; awilson@scag.gov <awilson@scag.gov>; 'Kevin Mims' <kmims@lmlawllp.com>; cmcnair@lmlawllp.com <cmcnair@lmlawllp.com>; tthames@wjlaw.net <tthames@wjlaw.net>; 'Natalie A. Ham' <NHam@charlestoncounty.org>; Armstrong, Julie <jarmstrong@charlestoncounty.org>; Nichols, John S. <jsnichols@sccourts.org>; Transcripts <transcripts@sccourts.org>; Herrington, Karama <kbherrington@sccourts.org>; hryan@sccid.sc.gov <hryan@sccid.sc.gov>
Subject: RE: transcript request - 7 Jan 2022 motion hearing

Good morning Ms. Smith and apologize for the slow reply. First, the money order for \$50.00 should arrive today. Given the disturbing facts surrounding this situation, along with the already incurred damages caused, I highly recommend not returning the payment and emailing the transcript as quickly as possible.

Additionally, even given the highly questionable conduct at Court Administration over the last two plus months related to this matter, this situation still could have been avoided if Mr. Mack had done as was required and copied all parties involved in the appeal on his communications with you last week.

As for the refund, given Mr. Mack improperly used public funds to obtain this transcript after being on notice it already being ordered, I would recommend any money you return be sent back to The State so the public funds which were improperly used can be properly credited / reimbursed. I am confident Mr. Young (hyoung@sccid.sc.gov) or Mr. Ryan

(hryan@sccid.sc.gov) can assist you with ensuring any funds you return are properly applied back to the public funds improperly utilized.

Thank you Ms. Smith. Please provide the transcript as soon as is possible so I can confirm that the attached order is based on less than accurate information.

Best regards,
Alan Nix

From: Smith, Krystal J. <krsmith@sccourts.org>
Sent: Tuesday, March 22, 2022 1:14 PM
To: agnix1@hotmail.com
Subject: Re: transcript request - 7 Jan 2022 motion hearing

Good afternoon,

I checked with Court Admin regarding being paid too much for a transcript. I was informed that I can only accept the proper amount for a copy and no more. If you wish to donate the difference, you would have to do that on your own. As such, if I receive a payment for too much, I have to either return the payment or purchase a money order for the difference and return it to you with the copy of the transcript. If that is the case, please provide the address where you need the transcript and the difference refund sent.

Krystal J. Smith

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Monday, March 21, 2022 7:11 PM
To: Smith, Krystal J. <krsmith@sccourts.org>; Transcripts <transcripts@sccourts.org>; Herrington, Karama <kbherrington@sccourts.org>
Cc: Kohn, Tonnya K. <tkohn@sccourts.org>; PD 9th Circuit <apennington@charlestoncounty.org>; 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; Wilson, Scarlett A. <wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; Young, Herverly <hyoung@sccid.sc.gov>; aclifford@cpc.sc.gov <aclifford@cpc.sc.gov>; awilson@scag.gov <awilson@scag.gov>; 'Kevin Mims' <kmims@lmlawllp.com>; cmcnair@lmlawllp.com <cmcnair@lmlawllp.com>; tthames@wjlaw.net <tthames@wjlaw.net>; 'Natalie A. Ham' <NHam@charlestoncounty.org>; Armstrong, Julie <jarmstrong@charlestoncounty.org>; Nichols, John S. <jsnichols@sccourts.org>
Subject: RE: transcript request - 7 Jan 2022 motion hearing

Thank you Ms. Smith.

I understand that the transcript has already been produced and that a copy is less per page. I am paying the full \$5.00 per page expedited rate for several reasons, and to clarify, none of those reasons is because I am apparently delusional.

I am almost certain that the Charleston County Public Defender Corporation intentionally ordered the transcript after I had ordered it with the full knowledge it had been already been ordered. See email from me in the attachment dated 11 Jan 2022. In the Federal Government, this would be, at a minimum, a clear case of waste, fraud and abuse.

I also obviously have serious concerns about the significant delay of this transcript being assigned, produced, etc.

If you do not wish to accept the full \$50.00 for the transcript, please donate the remainder to the World Central Kitchen. Their website donation url is <https://donate.wck.org/give/236738#!/donation/checkout> and they are, once again, doing amazing work in Ukraine.

I will copy you on the motion to Judge Cothran.

Best regards,
Alan Nix

From: Smith, Krystal J. <krsmith@sccourts.org>
Sent: Monday, March 21, 2022 6:49 PM
To: agnix1@hotmail.com; Transcripts <transcripts@sccourts.org>; Herrington, Karama <kbherrington@sccourts.org>
Cc: Kohn, Tonnya K. <tkohn@sccourts.org>; PD 9th Circuit <apennington@charlestoncounty.org>; 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; Wilson, Scarlett A. <wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; Young, Hervery <hyoung@sccid.sc.gov>; aclifford@cpc.sc.gov; awilson@scag.gov; 'Kevin Mims' <kmims@lmlawllp.com>; cmcnair@lmlawllp.com; tthames@wjlaw.net; 'Natalie A. Ham' <NHam@charlestoncounty.org>; Armstrong, Julie <jarmstrong@charlestoncounty.org>
Subject: Re: transcript request - 7 Jan 2022 motion hearing

Good evening,

The cost is \$18.95 total. It is \$1.00 per page plus postage. \$5.00 per page would be for producing a transcript. It is already produced and Mr. Benjamin Mack has it. Sending you one is a copy at \$1.00 per page, expedited or not. It would be sent out the same day or no later than the next day upon receipt of payment.

I do not have a set time to go to the post office as I work in court. Their sign says mail is in the boxes by 10am.

Krystal J. Smith

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Monday, March 21, 2022 6:43 PM
To: Smith, Krystal J. <krsmith@sccourts.org>; Transcripts <transcripts@sccourts.org>; Herrington, Karama <kbherrington@sccourts.org>
Cc: Kohn, Tonnya K. <tkohn@sccourts.org>; PD 9th Circuit <apennington@charlestoncounty.org>; 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; Wilson, Scarlett A. <wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; Young, Hervery <hyoung@sccid.sc.gov>; aclifford@cpc.sc.gov <aclifford@cpc.sc.gov>; awilson@scag.gov <awilson@scag.gov>; 'Kevin Mims' <kmims@lmlawllp.com>; cmcnair@lmlawllp.com <cmcnair@lmlawllp.com>; tthames@wjlaw.net <tthames@wjlaw.net>; 'Natalie A. Ham' <NHam@charlestoncounty.org>; Armstrong, Julie <jarmstrong@charlestoncounty.org>
Subject: RE: transcript request - 7 Jan 2022 motion hearing

Thank you Ms. Smith and my apologies for missing your previous email.

As stated previously, I will pay the full amount to ensure this issue is properly preserved. Ten pages at \$5.00 per page is \$50.00 expedited for an emailed copy. Please confirm.

You should have the check no later than Friday. Please let me know what time you retrieve mail from your PO Box so I can ensure it is delivered before that time of day.

I will also file a motion for Judge Cothran related to the recording. In the event he chooses not to approve that motion, please be aware that information will be subpoenaed at the appropriate time.

Have nice evening.

Best regards,
Alan Nix

From: Smith, Krystal J. <krsmith@sccourts.org>
Sent: Monday, March 21, 2022 6:26 PM
To: agnix1@hotmail.com; Transcripts <transcripts@sccourts.org>; Herrington, Karama <kbherrington@sccourts.org>
Cc: Kohn, Tonnya K. <tkohn@sccourts.org>; PD 9th Circuit <apennington@charlestoncounty.org>; 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; Wilson, Scarlett A. <wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; Young, Herverly <hyoung@sccid.sc.gov>; aclifford@cpc.sc.gov; awilson@scag.gov; 'Kevin Mims' <kmims@lmlawllp.com>; cmcnair@lmlawllp.com; tthames@wjlaw.net; 'Natalie A. Ham' <NHam@charlestoncounty.org>; Armstrong, Julie <jarmstrong@charlestoncounty.org>
Subject: Re: transcript request - 7 Jan 2022 motion hearing

Mr. Nix -

As per my previous email to you, the cost of a copy of the transcript is \$18.95 (\$1.00 per page plus \$8.95 priority mail postage). I do not accept personal checks, only money orders or certified checks made out to me and sent to my address below.

The audio recordings are not available except by court order of the presiding judge. The court reporter rules read as follows:

B. Requests to Listen to Audio Recordings/Read Steno Notes. Court reporters shall not grant any request to listen to audio recordings or to read steno notes unless the requestor has received written authorization from the presiding judge or, in his/her absence, the chief judge for administrative purposes in that circuit.

Thank you,
Krystal J. Smith
P.O. Box 13563
Florence, SC 29504

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Monday, March 21, 2022 6:17 PM
To: Transcripts <transcripts@sccourts.org>; Herrington, Karama <kbherrington@sccourts.org>
Cc: Kohn, Tonnya K. <tkohn@sccourts.org>; PD 9th Circuit <apennington@charlestoncounty.org>; 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; Wilson, Scarlett A. <wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; Young, Herverly <hyoung@sccid.sc.gov>; aclifford@cpc.sc.gov; awilson@scag.gov; 'Kevin Mims' <kmims@lmlawllp.com>; cmcnair@lmlawllp.com; tthames@wjlaw.net; awilson@scag.gov; 'Natalie A. Ham' <NHam@charlestoncounty.org>; Armstrong, Julie <jarmstrong@charlestoncounty.org>; Smith, Krystal J. <krsmith@sccourts.org>
Subject: RE: transcript request - 7 Jan 2022 motion hearing

My apologies everyone.

Resending given I mistyped Ms. Smith's email address again.

Ms. Smith, please see the email directly below related to this transcript, payment requirements, etc.

Best regards,
Alan Nix

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Monday, March 21, 2022 6:14 PM
To: 'Transcripts' <transcripts@sccourts.org>; kbailey@sccourts.org
Cc: tkohn@sccourts.org; 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Scarlett Wilson' <wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; hyoung@sccid.sc.gov; aclifford@cpc.sc.gov; awilson@scag.gov; 'Kevin Mims' <kmims@lmlawllp.com>; cmcnair@lmlawllp.com; tthames@wjlw.net; awilson@scag.gov; 'Natalie A. Ham' <NHam@charlestoncounty.org>; 'Julie Armstrong' <JArmstrong@charlestoncounty.org>; krsmith@sccourt.org
Subject: RE: transcript request - 7 Jan 2022 motion hearing

Good evening Ms. Smith.
I am now aware that I have misspelled your email address.

Please confirm that \$39.00 is sufficient payment for this transcript and whether you accept personal checks or require a certified check. I will do everything in my power to ensure you receive the required check before the end of this week.

We can deal with the issues at Court Administration separately given the over two month delay, which appears to be by design vs. a simple oversight.

Also, I need a copy of the recordings ASAP. Please let me know how large of a USB drive you need to put the recordings on.

The other parties are copied given this is related to an appeal.

Best regards,
Alan Nix

From: agnix1@hotmail.com <agnix1@hotmail.com>
Sent: Monday, March 21, 2022 12:30 PM
To: 'Transcripts' <transcripts@sccourts.org>; kbailey@sccourts.org
Cc: tkohn@sccourts.org; 'Ashley Pennington' <APennington@charlestoncounty.org>; 'Benjamin A. Mack' <BMack@charlestoncounty.org>; 'Cassandra Woosley' <cwoosley@charlestoncounty.org>; 'Scarlett Wilson' <wilsons@scsolicitor9.org>; 'Nicholas Uricchio' <UricchioN@SCSolicitor9.org>; hyoung@sccid.sc.gov; aclifford@cpc.sc.gov; awilson@scag.gov; 'Kevin Mims' <kmims@lmlawllp.com>; cmcnair@lmlawllp.com; tthames@wjlw.net; awilson@scag.gov; 'Natalie A. Ham' <NHam@charlestoncounty.org>; 'Julie Armstrong' <JArmstrong@charlestoncounty.org>; ksmith@sccourts.org
Subject: RE: transcript request - 7 Jan 2022 motion hearing
Importance: High

Exhibit

T5

State of South Carolina)	Court of General Sessions
)	Ninth Judicial Circuit
County of Charleston)	Case No. 2021-GS-10-02599
)	Case No. 2021-GS-10-02600
)	
)	
State of South Carolina,)	
)	
Plaintiff,)	
)	
-vs-)	Transcript of Record
)	
)	
Alan Gregory Nix,)	
)	
Defendant.)	
)	

January 7, 2022
Charleston, South Carolina

B E F O R E:

The Honorable R. Ferrell Cothran, Judge

A P P E A R A N C E S:

Nicholas Uricchio, Esquire
Attorney for the State

Ashley Pennington, Esquire
Attorney for the Defendant

Proceedings taken down electronically

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter

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I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
Request for Competency Evaluation.....	4
Ruling.....	9
Court Reporter Certification.....	10

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes --	intentional or purposeful interruption or change in thought
ellipses . . .	trailing off
[ph]	phonetically written
[sic]	written as said

1 JANUARY 7, 2022

2 (WHEREUPON, the proceedings began at 9:43 a.m.)

3 MR. URICCHIO: Your Honor, we are here today for a
4 motion to clarify judgment. The defendant did not show.

5 Your Honor, this is a situation where I believe we have
6 probably a competency and a mental health issue. The
7 defendant has sent me multiple letters a day, multiple
8 emails. He attaches everybody on his emails. It seems like
9 he has a fixation on a prior foreclosure which involves his
10 criminal charges. He sent us an email at 4:45 last night,
11 attached pretty much everyone in Charleston County that's an
12 attorney or otherwise.

13 He has not showed today. We don't believe he's going to
14 show today. The State would request a competency evaluation
15 for this defendant.

16 MR. PENNINGTON: May it please the Court, Your Honor?

17 THE COURT: Yes.

18 MR. PENNINGTON: Ashley Pennington. I'm standing in for
19 Benjamin Mack, who is counsel of record, but as you know, I'm
20 the manager of the office and I've been involved with this
21 Nix case for the last year.

22 To give the Court some context, Mr. Nix was arrested in
23 January of last year related to the fact that he hadn't been
24 paying what I understand were regime fees in his neighborhood
25 in Dunes West, and he was evicted for that and then there was

1 communications with deputies.

2 THE COURT: Wait a minute. So tell me -- I missed that.
3 He was evicted for what?

4 MR. PENNINGTON: He apparently -- and the solicitor
5 probably knows more than I do, but he was supposed to be
6 paying regime fees in --

7 THE COURT: Oh, okay.

8 MR. PENNINGTON: -- Dunes West.

9 THE COURT: I missed that part. I understand. Okay.

10 MR. PENNINGTON: So that ultimately, surprisingly, led
11 to an eviction, and his response was to resist the eviction.
12 He did not leave on time. There was some communications with
13 the county attorney's office that were viewed as threatening,
14 and so he was arrested for trespassing, opposing legal
15 process, and intimidation of court officials.

16 He was put in on a composite bond of 65,000. He's not
17 violated that bond. He's been released and I believe he's
18 living out of county, although his whereabouts are not
19 entirely clear to us. I'll explain why that hasn't been an
20 issue.

21 We have -- we picked him up during the about eight days
22 that he was in jail. He couldn't be -- he was not physically
23 screened by us. He was screened virtually, and he was
24 accepting of that representation at that time. We requested
25 a prelim, discovery, and started communications with him.

1 He's maintained that communication abundantly. He's a
2 prolific writer. He has a very thoughtful, analytical mind,
3 but he only sees trees. He can't see the forest.

4 And where we've been, Judge, is that we've attempted to
5 have a private evaluation to help us understand where we are.
6 He initially agreed, then resisted.

7 We had a preliminary hearing, and at that time at the
8 preliminary hearing we tried to get him to appear at that,
9 but he interpreted the bond as not allowing him to. And
10 that's not completely odd in that there were restrictions
11 about coming to the court facilities. When we tried to
12 clarify that, we couldn't quite get there.

13 He -- this is a hearing we filed for. He has not -- we
14 were asking for clarification about our representation
15 because he began to object to our actions.

16 I did a couple of these Monday with Judge Jefferson with
17 folks that are in custody. She has commonly approached this
18 that if there are indications that the person is having
19 trouble trusting their attorney or understanding the context
20 of their litigation that she would order a competency
21 evaluation. So I'm here to say that and my guess is that
22 that would be indicated in this case.

23 He is still out on bond and what I perceive will happen
24 downstream is that we will give him a date to appear as an
25 outpatient at the local MUSC evaluator's office. He'll have

1 to make a decision if he shows up or not. If he fails to
2 appear, then I would imagine there might be a rule that would
3 be filed and we would deal with it at that time, but I do
4 want to stress that this is not a case where we -- he has at
5 this point violated his bond.

6 THE COURT: Okay. Now, what -- as far as the crime is
7 concerned, how serious does the Solicitor's Office take what
8 he's done? I mean we're fixing to spend a lot of money and a
9 lot of time, and I don't want to do all this and y'all nolle
10 pros the case.

11 Because I got somebody -- I mean I have -- and I -- I
12 was a solicitor for 25 years and we had similar people. And
13 when it was all said and done, we should have dropped the
14 charges I mean and then if he wasn't a future threat. We
15 ended up buying a ticket to Albuquerque and we sent him to
16 Albuquerque, we've sent him to Buffalo, we've sent him -- so
17 before I do all this, are y'all's intentions to press forward
18 with these charges and have him answer this crime?

19 MR. URICCHIO: Your Honor, the charges themselves I will
20 say at this time yes. What basically happened was there was
21 a foreclosure order filed on his home. He started emailing
22 the Charleston County Sheriff's Office, among others,
23 basically saying he was not going to comply with the
24 foreclosure.

25 He also went to the county attorney's office, handwrote

1 a note, and I -- I'm paraphrasing. I don't have the exact
2 wording in front of me, but basically was this is the
3 headline in the paper tomorrow: Shootout with Wrongful
4 Foreclosed Owner and the Charleston County Sheriff's Office.

5 Charleston County sheriffs kept emailing with him and to
6 try and see if they could work something out to have him
7 removed from the property. At one point in his emails, he
8 writes rules of engagement. I'm once again paraphrasing
9 because I don't have the email exactly in front of me, but
10 basically says anybody who steps foot in my home will be
11 considered a threat.

12 THE COURT: Okay.

13 MR. URICCHIO: So -- and then when he finally left the
14 premises, he was arrested. Nothing happened. However, when
15 they went into the home to start the foreclosure process, he
16 had a perch set up in his house overlooking the front door
17 with ammunition and weapons. So it looked like he was going
18 to carry out the threat.

19 THE COURT: Okay.

20 MR. URICCHIO: We have dismissed the intimidation of the
21 court official charge. However, we have directly indicted
22 him for threatening the life of a public official, which is
23 the appropriate charge.

24 Today I planned on serving that direct indictment on him
25 if he had shown. He did not show today. And like I said, we

1 have serious concerns about his competency and mental
2 stability.

3 THE COURT: All right.

4 MR. URICCHIO: And that's why we'd be asking.

5 THE COURT: And so if y'all prepare me an order.

6 Now, are we going to just do competency and we're not
7 doing M'Naghten?

8 MR. PENNINGTON: That's correct.

9 THE COURT: Okay. . . Somebody prepare me an order and I'll
10 be glad to sign it. Now, if he doesn't comply and he doesn't
11 show up, I mean what is y'all -- if he's in custody, that
12 makes it pretty easy. When he doesn't, where do we go from
13 there?

14 MR. URICCHIO: I mean the next -- the next -- the next
15 move I would intend to make would be to either do a rule to
16 show cause and ask for a bench warrant or I would like -- and
17 I'll probably make a motion to arraign him on the direct
18 indictment. If he doesn't show up then, I think that's more
19 than enough to issue a bench warrant.

20 THE COURT: Okay. Okay.

21 MR. PENNINGTON: We'll prepare an order, Judge.

22 THE COURT: Thank you.

23 MR. URICCHIO: Thank you for your time, Your Honor.

24 MR. PENNINGTON: Thank you.

25 (WHEREUPON, the proceedings ended at 9:50 a.m.)

Exhibit

T6

22 February 2022

Alan Nix
c/o Crime Victim Services Division
SC Office of Attorney General
1000 Assembly St.
Columbia, SC 29201
*(use this address for all legal
correspondence and financial
claims)*

Alan Nix
c/o Michael & Taryn Lazroff
1401 Densmore Circle
Mt. Pleasant, SC 29466
(all correspondence)

Ms. Jennie Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate St.
Columbia, SC 29201

RE: The State of South Carolina, Charleston County, Charleston County Public Defender Corporation, "Churchill Park", Churchill Park at Parkwest, Inc., Churchill Park Homeowners' Association, Inc., David Brown and Catherine Brown v Alan Nix
Appellate Case Number: 2022-00064
Case Numbers: 2021-A10-10200444, 2021-A10-10200475, 2021-A10-10200476, 2021-A10-10200476, 2021-GS10-02599, 2018-CP-10-03315

Ms. Abbott Kitchings,

Please file the enclosed order dated 7 January 2022 with Appeal number 2022-00064.

Thank you for your assistance.

Best regards,

Alan Nix

FILED

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

2022 JAN 13 PM 1:03
JULIE J. ARMSTRONG
CLERK OF COURT

THE COURT OF GENERAL SESSIONS
Indictment No. (s): 2021-GS-10-02599
A/Warrant No. (s): 2021AI010200475

The State of South Carolina

Plaintiff

v.

ALAN GREGORY NIX

Defendant

**ORDER FOR COMPETENCY TO STAND
TRIAL EVALUATION PURSUANT TO
STATE V. BLAIR**

EVALUATION BY:
(Select Only One)

Department of Mental Health (Mental
Illness)

OR

Department of Disabilities and Special Needs
(Intellectual Disability or Related Disability)

This matter is before me for an order requiring defendant ALAN GREGORY NIX, charged with Threatening Life of Public Official; Resisting Service of Process, to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann. § 44-23-410 (1976).

BASIS FOR ORDER. I have considered the showing made in support of the motion requesting this evaluation and have reason to believe defendant may lack the competency to understand the criminal proceedings or to assist with the defense as a result of a lack of mental competence.

This order is issued for the following reasons:

The Defendant failed to appear for a hearing before the Court on January 7, 2022. The hearing was on the defense's motion to clarify the defendant's representation. Defense Counsel verified that the defendant had actual notice of the date, time and location of the hearing. The Defendant emailed counsel for the state at 4:40 am that he had had a bad dream that morning and that he feared he was suffering from delusions regarding an arrest that he could not remember on November 2021. The defendant said he was going for medical care. The defendant did not appear at the hearing.

THEREFORE, IT IS ORDERED: Defendant shall be examined and observed at an appropriate facility by two examiners of the Department of Mental Health if suspected of having

a mental illness or by two examiners designated by the Department of Disabilities and Special Needs if suspected of having an intellectual disability or a related disability, to render an opinion whether defendant is competent to stand trial.

COMPLIANCE DEADLINE/TRANSPORT FOR EVALUATION. The examining facility shall schedule the ordered examination no later than thirty (30) days from the examining agency's receipt of this order. If defendant is currently free on bond or personal recognizance, defendant is responsible for making transportation arrangements to attend the examination. In the event defendant does not appear at the scheduled examination, upon written notice of such failure by the examining agency to the Sheriff of the county in which this case arose, defendant shall be taken into custody by the Sheriff and held until an examination can be scheduled and completed, and thereafter shall be released. Defendant's bond or bail is hereby revoked to the extent necessary to carry out the provisions of this order, and upon completion of the examination and release of defendant, any previous bail or bond issued by the Court shall remain in effect. If defendant is in custody at the time of the scheduled examination, the Sheriff is hereby authorized and required to transport defendant to and from the examination, arriving at the examining facility at the time established by confirmed appointment with the staff of the examining facility. In the event defendant is in custody of a law enforcement agency other than a Sheriff's department, nothing herein prevents such agency from carrying out the provisions of this order.

TRANSFER TO ALTERNATE AGENCY. If the initial examination is performed by the Department of Mental Health, and examiners find indications of an intellectual disability or a related disability but not mental illness, the Department of Mental Health shall not render an opinion on mental competency, but shall inform the Court, prosecutor, and defense counsel that defendant is "not mentally ill" and shall provide a copy of such notification and a copy of this order to the Department of Disabilities and Special Needs. Likewise, if the initial examination is performed by the Department of Disabilities and Special Needs, and examiners find indications of mental illness but not an intellectual disability or a related disability, the Department of Disabilities and Special Needs shall not render an opinion on mental competency, but shall inform the Court, prosecutor, and defense counsel that defendant does "not have an intellectual disability or a related disability" and shall provide a copy of such notification and this order to the Department of Mental Health.

In either case, the examining agency shall make copies of any records gathered or created in connection with its examination available to examiners designated by the alternate agency, and the alternate agency shall thereafter designate examiners to evaluate defendant as to competency to stand trial within thirty (30) days of receipt of the notification from the initial examining agency.

FINDING OF DUAL DIAGNOSIS. If examiners of either the Department of Mental Health or the Department of Disabilities and Special Needs find an indication of a dual diagnosis of mental illness and an intellectual disability or a related disability, no opinion on defendant's mental competency shall be rendered, and the dual diagnosis must be reported to the Court, prosecutor, and defense counsel. The examining agency shall also provide notification of the finding and a copy of this order to the other agency. Thereafter, the Department of Mental Health and the Department of Disabilities and Special Needs shall arrange for an examiner from each agency to further evaluate defendant to render a final report on defendant's mental competency. Both agencies are authorized and required to make copies of all relevant records within their possession or control available to examiners for purposes of completing the dual evaluation.

AUTHORIZATION FOR INPATIENT EVALUATION. In the event examiners from either agency determine defendant requires an inpatient examination, upon written notice to this Court from the director of the examining agency or his designee, defendant shall be committed to an appropriate facility of the requesting agency for no more than fifteen (15) days for examination and observation related to defendant's mental competency to stand trial.

REQUEST FOR EXTENSION. Before the expiration of the examination period or the examination and observation period, the Department of Mental Health or the Department of Disabilities and Special Needs, as appropriate, may apply to a judge designated by the Chief Justice of the South Carolina Supreme Court for an extension of time up to fifteen (15) days to complete the examination or the examination and observation.

DETENTION BEYOND EVALUATION PERIOD. If, in the judgment of the designated examiners, defendant is in need of immediate hospitalization or inpatient treatment, upon written request to this Court from the director of the examining facility or his designee, defendant may be detained by the requesting agency in a suitable facility for so long as deemed clinically necessary or until a hearing required and provided by S.C. Code Ann. § 44-23-430

(1976) may be conducted by this Court. An additional Court order shall be necessary for ongoing pre-trial inpatient detention of defendant as discussed in this paragraph.

ISSUANCE AND ADMISSIBILITY OF WRITTEN REPORT. Within ten (10) days of all examinations or the conclusion of the observation period, a written report shall be made to the Court pursuant to S.C. Code Ann. § 44-23-420 (1976). A copy of the report shall also be forwarded to the prosecutor and defense counsel. This evaluation report shall be admissible as evidence in subsequent hearings pursuant to S.C. Code Ann. § 44-23-420(c) (1976); thus, the report is a statutory exception to the rule against hearsay and shall be admissible without need for foundational testimony. However, the report shall be inadmissible in any other proceedings except as expressly permitted by South Carolina law.

OWNERSHIP AND DISCOVERABILITY OF EXAMINING AGENCY FILES. The examining agency is an independent entity, conducting this evaluation pursuant to Court order, and is not aligned with any party before the Court. To promote full disclosure and to assure the cooperation of defendant during the evaluation process, ownership of the examining agency's files shall be vested with the examining agency, including clinician's notes, staff reports, evaluation documents, memoranda, test results, etc. Neither these files nor any of their contents shall be provided to any party except upon presentation of a Court order authorizing such or a release authorization signed by defendant. In the event the examining agency's evaluation opinion is contested, an examiner may be appropriately and fully questioned as to the basis for the examiner's opinion at any hearing pursuant to S.C. Code Ann. § 44-23-430 (1976). However, examiners and agency staff may not be compelled to testify regarding statements made during the competency examination for any purpose other than to establish competency. Also, statements made during the examination may not be used to impeach defendant at trial. Hudgins v. Moore, 337 S.C. 333, 524 S.E.2d 105 (1999).

MEDICAL PROVIDERS/SCHOOLS MUST RELEASE NECESSARY RECORDS. State agency examiners conducting the evaluation may need clinical and school records concerning defendant to assist in forming an opinion. It is therefore ordered, upon presentation by the examining agency of this order with a written request for specific records attached thereto, that any physician or clinician, licensed health care facility, licensed health care provider, or any school district is hereby authorized and required to furnish copies of all records concerning defendant to the Department of Mental Health or the Department of Disabilities and Special

Needs, or both.

COUNSEL REQUIRED TO FURNISH NECESSARY RECORDS. Upon written request from the examining agency, counsel for the prosecution and defense shall furnish to the agency such records and information in counsel's possession as the agency requests, including but not limited to copies of law enforcement reports, investigations, witness statements, statements by defendant (both written and electronic), defendant's medical records, and prior psychiatric or psychological evaluations of defendant. Nothing herein shall be construed to require counsel to divulge any information, documents, notes, or memoranda that are protected by attorney-client privilege or work-product doctrine.

DUTIES OF DEFENSE COUNSEL. Unless the prosecution is the party moving for this evaluation, defense counsel has the responsibility to file, serve, and transmit this order as outlined in the final paragraph below. Defense counsel does not have the right to attend any clinical interview scheduled pursuant to this Order, nor does defendant have a constitutional right to compel counsel's attendance. State v. Hardy, 283 S.C. 590, 325 S.E.2d 320 (1985). The Court recognizes, however, that circumstances may arise through which the examining agency may request counsel's attendance to facilitate the examination. In the event that such a determination is made, the examining agency may request counsel's attendance in writing, and counsel's level of participation shall be prescribed by the examining agency's written evaluation protocol. In this event, because of the substantial number of individuals awaiting examination, such interviews cannot be rescheduled, postponed, or canceled to accommodate counsel except upon presentation to the examining agency of a written statement from a circuit court judge that counsel's attendance is required in Court at the time the examination is scheduled. Whether or not defense counsel is requested to attend the clinical interview, defense counsel must meet with defendant prior to the interview to discuss this Court order, the evaluation process, the clinical interview, defendant's rights with regard to the clinical interview, and penalties associated with non-appearance and non-cooperation. Failure to comply with these requirements may result in sanctions for defense counsel. Defendant's refusal to participate at the interview because of the absence of counsel will be deemed non-cooperation. Failure of defendant to cooperate or participate in the interview may result in cancellation of the interview, examiners being unable to offer an opinion on competency to stand trial, and the case being called for trial without completion of the evaluation.

FILING, SERVICE, AND TRANSMITTAL OF ORDER. It is the responsibility of counsel for the party requesting the evaluation to file and serve this order as outlined herein. In the event the evaluation has been requested by consent, or the moving party cannot be determined, defense counsel shall be responsible. After being signed by the Court, the original order without attachments shall be immediately filed with the Clerk of Court and a certified copy served upon the opposing party. Further, within five (5) business days, a certified copy of this order, together with the attachments listed at the end of this order, must be served upon the examining agency at the address listed below. To expedite commencement of the evaluation process and scheduling of the clinical interview, counsel is instructed to immediately contact the examining agency to advise of the issuance of this order and forthcoming service upon the agency.

Evaluation Order Service Information


Department of Mental Health

Forensic Evaluation Service Paralegal
S. C. Department of Mental Health
CBHS Forensic Center
7901 Farrow Road
Columbia, S.C. 29203-3220
(803) 935-5540 (Phone)
(803) 935-5544 (Fax)
Email: FES-PARALEGAL@SCDMH.ORG

Department of Disabilities and Special Needs

Office of Clinical Services
Department of Disabilities and Special Needs
Post Office Box 4706
Columbia, S.C. 29240
(803) 898-9694 (Phone)
(803) 898-9660 (Fax)
Email: OBSForensics@ddsn.sc.gov

AND IT IS SO ORDERED.



Presiding Circuit Judge


R. Ferrell Cothran, Jr.
Printed Name of Presiding Circuit Judge

Charleston, South Carolina

Dated: January 7, 2021

Nick Uricchio
Prosecutor
101 Meeting St. Ste. 400

D. Ashley Pennington
Defense Counsel
Charleston County Public Defender's
Office, 101 Meeting St. 5th fl.

FILED
2022 JAN 13 PM 1:03
JULIE J. ARMSTRONG
CLERK OF COURT
BY 

Address
Charleston, SC 29401
City, State, Zip
(843) 958-1900
Telephone
uriechon@sosolicitor9.org
Email

Address
Charleston, SC 29401
City, State, Zip
(843) 958-1850
Telephone
aperrington@charlestoncounty.org
Email

The following documents must be attached to this order upon submission to the Department of Mental Health or to the Department of Disabilities and Special Needs whichever is applicable:

1. Completed DMH/DDS Outpatient Information Appointment Sheet
2. Copy of the indictment(s) (if issued)
3. Copy of the arresting agency's incident report
4. Copy of the warrant(s)
5. Law enforcement investigative reports
6. Defendant's statements to law enforcement, written or electronically recorded
7. Witness statements to law enforcement
8. Defendant's school psychological records (if available)
9. Autopsy reports (if applicable)

COVERSHEET FOR DMH AND DDSN EVALUATION ORDERS

1. The Competency to Stand Trial Evaluation orders (SCCA 221 and SCCA 487) and the Criminal Responsibility (McNaughten) Evaluation order (SCCA 222) should not be altered. It is important for purposes of compliance with the statutes as well as timeliness, efficiency and quality control in conducting evaluations that the applicable form order be used exactly as published, without alterations or additions to the terms of the form order.

2. Additional records must be attached to the order for a complete evaluation. It is the duty of counsel requesting the evaluation to obtain these records in advance and have them ready at the time the judge signs the order so that the evaluation will not be delayed. Within five (5) days of its issuance, counsel must file the order with the Clerk and serve the order on the examining agency. A list of the necessary records is available on the last page of the order, and may include:

- Completed DMH/DDSN Outpatient Information Appointment Sheet
- Copy of the indictments(s)
- Copy of the arresting agency's incident report
- Copy of the warrant(s)
- Law enforcement investigative reports
- The defendant or juvenile's statements to law enforcement, written or electronically recorded
- Witness statements to law enforcement
- Autopsy reports
- Defendant's school psychological records
- Defendant's Rule 5(f) notice of insanity records
- Copy of the Juvenile Petition
- Special education records, including psychological evaluations and IEPs
- School records, including disciplinary and attendance records
- Mental health records, including inpatient and outpatient evaluation and/or treatment

3. Only one Competency to Stand Trial evaluation can be ordered. For Defendants with mental illness, the order is addressed to the Department of Mental Health. For Defendants with mental retardation, the order is addressed to the Department of Disabilities and Special Needs. The order may not be addressed to both agencies. In the event there is a dual diagnosis or uncertainty as to the correct diagnosis, the order is first addressed to the Department of Mental Health, and the examiners will determine whether further referral is necessary. All orders for criminal responsibility evaluation, regardless of the diagnosis, are forwarded to the Department of Mental Health.

Exhibit

T7

agnix1@hotmail.com

From: Holmes, Tammie <tholmes@sccourts.org>
Sent: Tuesday, March 29, 2022 1:04 PM
To: agnix1@hotmail.com
Cc: Smith, Krystal J.
Subject: Transcript Challenge

Good afternoon, Mr. Nix.

Transcripts of court proceedings reflect only what was said in the courtroom during a hearing. Any concerns you may have with what did or did not occur during the hearing should be resolved solely through the litigation and appeal process.

If you wish to challenge the accuracy of a transcript, you must follow the below procedures. As set forth in item #6 below, you will need to identify with specificity the page and line numbers which you are alleging are not accurate.

A. Challenge Procedures

When a party has concerns about the accuracy of a transcript, the party must submit his or her challenge in writing to the court reporter and copy the Court Reporting Section Management at transcripts@sccourts.org with the word CHALLENGE in the subject line. The challenge may also be submitted by postal mail to: SC Court Administration, Transcript Challenge, 1220 Senate St. Suite 200, Columbia, SC 29201. The written challenge must include the following:

- 1. Their name and contact information;*
- 2. Date of the court proceeding;*
- 3. Case name and caption;*
- 4. Court reporter name;*
- 5. Name and contact information of opposing counsel/parties; and*
- 6. A list of items that specifically identifies what the party is disputing, such as page and line numbers. It is not acceptable to say the whole transcript is being challenged.*

Upon receipt of a challenge to the accuracy of a transcript, the Court Reporting Section Management will respond to the challenger in writing and copy the court reporter and the other parties. The Court Reporting Section Management will then review the record and submit their findings to the challenger, the court reporter, and the other parties. Any inaccuracies will be corrected and the pages forwarded to the challenger at no cost.

Thank you,
Tammie M. Holmes
Court Reporter Manager
South Carolina Judicial Branch
1220 Senate Street, Ste. 200
Columbia, SC 29201

tholmes@sccourts.org

803-734-1825

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

Tammie M. Holmes  
Court Reporter Manager  
South Carolina Judicial Branch  
1220 Senate Street, Ste. 200  
Columbia, SC 29201  
[tholmes@sccourts.org](mailto:tholmes@sccourts.org)  
803-734-1825

Exhibit

T8

# The South Carolina Court of Appeals

Alan Gregory Nix, Appellant.

v.

State of South Carolina, Charleston County, Charleston  
County Public Defender Corporation, "Churchill Park,"  
Churchill Park at Parkwest, Inc., Churchill Park  
Homeowners' Association, Inc., David Brown, and  
Catherine Brown, Respondents,

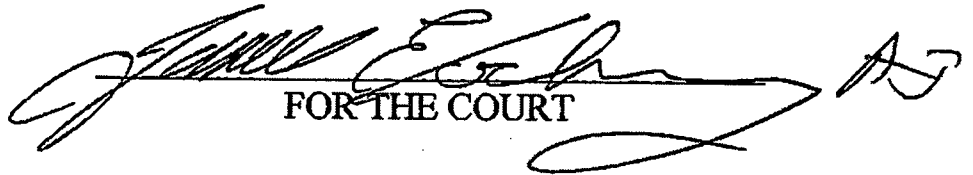
Appellate Case No. 2022-000064

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## ORDER

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After careful consideration, Appellant's motion for a subpoena is denied.

  
FOR THE COURT

Columbia, South Carolina

cc:

Alan G. Nix  
George Troy Thames, Esquire  
Kevin W. Mims, Esquire  
Alan McCrory Wilson, Esquire  
D. Ashley Pennington, Esquire  
Hervery B. O. Young, Esquire  
Natalie Armstrong Ham, Esquire

**FILED**  
**Mar 10 2022**

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Exhibit

T9



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

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

Amie Clifford, General Counsel  
SC Commission on Prosecution Coordination  
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 )  
)  
)  
STATE OF SOUTH CAROLINA )  
)  
)  
v. )  
)  
ALAN G. NIX )  
)  
Defendant, )  
)

IN THE COURT OF GENERAL SESSIONS

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

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., 5<sup>th</sup> floor, Charleston, SC

Address: 101 Meeting St., 5<sup>th</sup> floor,  
Charleston, SC 29401

Motion Hearing Requested  
 Form Motion, No Hearing Requested

SECTION I: Hearing Information

Nature of Motion: CONTINUANCE, SET ASIDE HEARING 20 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:  
 Solicitor  
 Attorney of Defendant  
 Other

Date submitted

|                         |   |                                     |
|-------------------------|---|-------------------------------------|
| STATE OF SOUTH CAROLINA | ) | IN THE COURT OF GENERAL SESSIONS    |
| COUNTY OF CHARLESTON    | ) |                                     |
|                         | ) |                                     |
|                         | ) |                                     |
| STATE OF SOUTH CAROLINA | ) | Warrant No(s): 2021-A10-10200475    |
|                         | ) | 2021-A10-10200476                   |
|                         | ) | 2021-GS10-02599                     |
|                         | ) |                                     |
| v.                      | ) | <b>DEFENDANT'S MOTION FOR</b>       |
|                         | ) | <b>CONTINUANCE, OR IN THE</b>       |
| ALAN G. NIX             | ) | <b>ALTERNATIVE, SET ASIDE</b>       |
|                         | ) | <b>HASELDEN ORDER DATED</b>         |
|                         | ) | <b>26 JANUARY 2021, MOVE</b>        |
| Defendant,              | ) | <b>2021-A10-10200476 TO GENERAL</b> |
|                         | ) | <b>SESSIONS, ETC.</b>               |

PLEASE TAKE NOTICE, Defendant Alan G. Nix hereby submits this motion requesting:

1. Set aside Mag. Haselden’s clearly arbitrary 26 January 2021 Bail Proceeding Form II Order in its entirety, included as Exhibit I, or in the alternative, order a continuance of the 7 January 2021 plea hearing.
2. Compel Benjamin Mack and his employers Charleston County / Charleston County Public Defender Corporation to file an amended motion to their 29 October 2021 motion entitled “*Motion to Clarify Representation of Counsel*”. (Ex. ???)
  - a. Depending on outcome of Mack / Charleston County / Charleston County Public Defender Corporation’s amended “*Motion to Clarify Representation of Counsel*”, Defendant requests a Nelson Hearing related to Mack / Charleston County / Charleston County Public Defender Corporation. A memorandum in support of a Nelson Hearing will be filed, if necessary, after conclusion of the Motion to Clarify Representation of Counsel.
3. Move Warrant Number 2021-A10-10200476 to General Sessions Court and ensure it is tried will all related alleged crimes.
4. Compel Scarlet Wilson / Charleston County Solicitor Office to provide discovery for 2021-A10-10200476.
5. Turn over to Defendant secretive Order filed on or about 12 November 2021, along with all evidence which led to this secretive Order.

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 I**) 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 an 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.

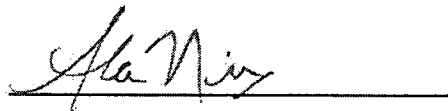
WHEREFORE, Defendant, respectfully requests the Court to:

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.

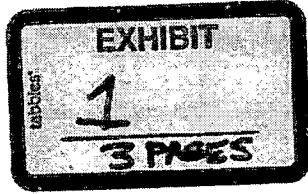
6. Enter an Order compelling Haselden and Charleston County to turn over the audio and video recordings of her 26 January 2021 bond hearing for these warrants.
7. If a surety bond of \$20,000 or greater is truly appropriate for this defendant based on these baseless charges, then enter an order converting 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

v.

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

*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.

*Alan Gregory Nix*  
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> |
| CITY/STATE/ZIP _____         | TELEPHONE _____                     | DATE: <u>January 26, 2021</u>                   |
| 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**

**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**

**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 SA Attorney General  
Section 17-15-40  
March 21, 2012

SLC 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

--

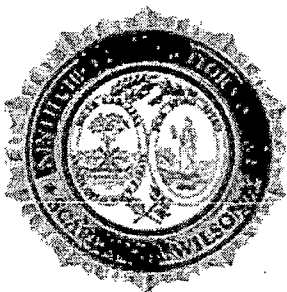
Benjamin A. Mack  
Assistant Public Defender  
South Carolina's 9th Judicial Circuit  
101 Meeting Street, 5th Floor  
Charleston, South Carolina 29401  
843.958.1884

**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 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.

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](mailto:uricchion@scsolicitor9.org) | web: [www.scsolicitor9.org](http://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](mailto:BMack@charlestoncounty.org)>  
**Sent:** Tuesday, November 16, 2021 2:36 PM  
**To:** Nicholas Uricchio <[UricchioN@SCSolicitor9.org](mailto: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

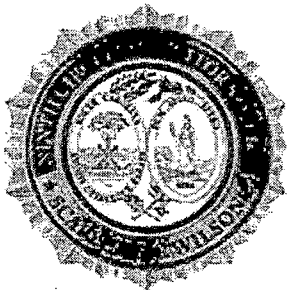
---

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

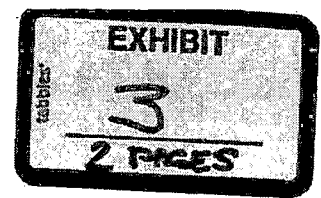
Ben,

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](mailto:uricchion@scsolicitor9.org) | web: [www.scsolicitor9.org](http://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.

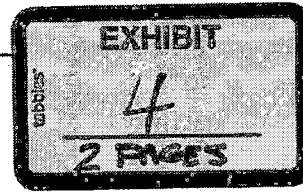
Thank you in advance for whatever assistance and safeguards you can provide to ensure my safety while visiting 151 Meeting St and/or 85 Broad St. between this week and early December.

Best regards,

A handwritten signature in cursive script that reads "Alan Nix".

Alan Nix

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



**CJCC Pretrial Services Report**

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

Hervery 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., 5<sup>th</sup> 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' <Uricchio@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:<br><u>Nick Uricchio</u> , Bar No. _____                                                                         |  | Defendant's Attorney:<br><u>Benjamin J. Mark</u> , Bar No. _____                             |  |
| Address:<br><u>Chas. S.I. Office</u>                                                                                       |  | Address:<br><u>Chas. PD's office</u>                                                         |  |
| Phone: <u>1903</u>                                                                                                         |  | Phone: <u>1884</u>                                                                           |  |
| E-mail: _____                                                                                                              |  | E-mail: _____                                                                                |  |
| <input checked="" type="checkbox"/> MOTION HEARING REQUESTED<br><input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED |  |                                                                                              |  |
| <b>SECTION I: Hearing Information</b>                                                                                      |  |                                                                                              |  |
| 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 |  |
| <b>SECTION II: Motion/Order Type</b>                                                                                       |  |                                                                                              |  |
| <input checked="" type="checkbox"/> Written motion attached<br><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>10-29-21</u><br>Date submitted                                                            |  |

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

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
STATE OF SOUTH CAROLINA

vs.

ALAN NIX,

Defendant.

) IN THE COURT OF GENERAL SESSIONS  
) FOR THE NINTH JUDICIAL CIRCUIT

) Warrant No(s): 2021A1010200475

) Charge(s): Opposing Law Enforcement Officer  
) Serving Process

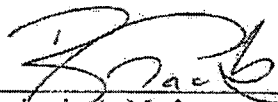
) Motion to Clarify Representation of Counsel

FILED  
2021 OCT 29 AM 10:18  
JULIE J. WOODS  
CLERK  
RY

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

COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

v.

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:**

- 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.
- 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



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.

  
 \_\_\_\_\_  
 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> |
| CITY/STATE/ZIP _____         | TELEPHONE _____                     | DATE: <u>January 26, 2021</u>                   |
| 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 Yarborough, 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 Yarborough, 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**

**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.

|                                          |                    |                                       |
|------------------------------------------|--------------------|---------------------------------------|
| _____<br>NAME OF SURETY BONDSMAN COMPANY | _____<br>TELEPHONE | _____<br>SIGNATURE OF SURETY BONDSMAN |
| _____<br>ADDRESS OF SURETY BONDSMAN      |                    |                                       |
| _____<br>CITY/STATE/ZIP                  |                    | _____<br>SIGNATURE OF JUDGE           |
| _____<br>NAME OF INSURANCE COMPANY       |                    | _____<br>DATE                         |
| _____<br>ADDRESS OF INSURANCE COMPANY    |                    |                                       |
| _____<br>CITY/STATE/ZIP                  |                    |                                       |

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

SCCA 511A (Revised 3/2012)

27 October 2021

Alan Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466

Hervery 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 presuit 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., 5<sup>th</sup> 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  
 9<sup>TH</sup> 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/DRAW) | \$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. \$000

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)<br>\$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 18 day of FEB, '21

Defendant

|                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subscribed and sworn to before me this<br>_____ day of _____<br>_____<br>_____ (I.S.)<br>Notary Public for South Carolina<br>My Commission Expires: _____ |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|

\*\*\*\*\*

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

Dated: \_\_\_\_\_

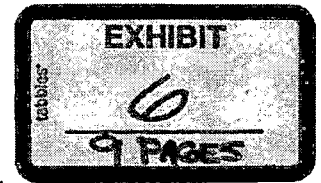
\_\_\_\_\_  
Judge/Clerk or Deputy Clerk

\_\_\_\_\_, 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

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

## Incident Location

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

## Call Receipt

|                                 |  |                         |   |
|---------------------------------|--|-------------------------|---|
| <b>Caller Name:</b>             |  | <b>Call Back Phone:</b> |   |
| <b>Method Received:</b>         |  | <b>Caller Location:</b> |   |
| <b>Caller Type:</b>             |  | <b>Caller Apt/Bldg:</b> | / |
| <b>Caller Address:</b>          |  | <b>Caller County:</b>   |   |
| <b>Caller City, State, Zip:</b> |  |                         |   |

### 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<br>Arrived         | Delay<br>Patient Avail | Complete              | Odm.<br>Enroute | Odm.<br>Arrived | Cancel Reason |
|------|-----------------------|------------------------------------|----------------------------|--------|-----------------------|------------------------|-----------------------|-----------------|-----------------|---------------|
| S054 | 1/11/2021<br>11:12:24 | LCCR_Call<br>Comp/ Report<br>Taken | 1/11/2021<br>1<br>11:12:24 |        | 1/11/2021<br>11:12:24 |                        | 1/11/2021<br>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_CCSO. Case Number(s): 2021-000600, requested by S054. |
| 1/11/2021 | 11:14:41 | JBS  | Response |              | [3] S054 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_CCISO. 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

Method

Radio Name

2021-000600

Request

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

**INCIDENT**

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

**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     |
|---------------|-------------------|-----------------|-------------------|--------------------------------------|-------------------|
| <b>ACTIVE</b> | <b>01/23/2021</b> | <b>AR-ADULT</b> | <b>01/28/2021</b> | <b>9916/105408 - CRAVEN, CHRISTO</b> | <b>01/22/2021</b> |

R5 7

|                 |                                    |                           |
|-----------------|------------------------------------|---------------------------|
| INCIDENT REPORT | CHARLESTON COUNTY SHERIFF'S OFFICE | CASE NUMBER<br>2021000600 |
|-----------------|------------------------------------|---------------------------|

**SUSPECTS**

|                                                           |                   |                                                |                  |                              |                     |               |               |                               |             |                |                |         |                     |
|-----------------------------------------------------------|-------------------|------------------------------------------------|------------------|------------------------------|---------------------|---------------|---------------|-------------------------------|-------------|----------------|----------------|---------|---------------------|
| ENTRY NO<br>1                                             | INVOLVEMENT<br>SU | NAME: LAST, FIRST, MIDDLE<br>NIX, ALAN GREGORY |                  |                              |                     |               |               |                               |             |                |                |         |                     |
| HOME ADDRESS<br>1401 DENSMORE CIR MOUNT PLEASANT SC 29466 |                   |                                                |                  |                              | MAILING ADDRESS     |               |               |                               |             |                |                |         |                     |
| EMPLOYER                                                  |                   |                                                | EMPLOYER ADDRESS |                              |                     |               |               |                               | OCCUPATION  |                |                |         |                     |
| HOME PHONE                                                |                   |                                                |                  | CELL PHONE<br>(843) 991-4170 |                     |               |               | OTHER PHONE<br>(843) 729-2400 |             | EMPLOYER PHONE |                |         |                     |
| DOB<br>03/26/1967                                         | AGE<br>53         | SEX<br>M                                       | RACE<br>W        | JUV<br>N                     | ETH<br>N            | HEIGHT<br>510 | WEIGHT<br>180 | HAIR<br>BRO                   | EYES<br>BRO | POB<br>J       | RESIDENCY<br>J | CITIZEN | GANG IDENTIFICATION |
| DL NUMBER<br>008428701                                    | DL ST<br>SC       | SSN<br>247532362                               | FBI ID           | STATE ID                     | LOCAL<br>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<br>2021000600 |
|-----------------|------------------------------------|---------------------------|



## CHARLESTON COUNTY SHERIFF'S OFFICE

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

## SUPPLEMENT INCIDENT REPORT

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

### INCIDENT

|                                                              |                    |                    |
|--------------------------------------------------------------|--------------------|--------------------|
| LOCATION<br>4045 BRIDGEVIEW DR NORTH CHARLESTON, SC 29405 US | DATE<br>01/21/2021 | TIME<br>13:00      |
| PREMISE NAME<br>PUBLIC SERVICE BUILDING                      |                    |                    |
| DISTRICT<br>3                                                | AREA<br>NORTH      | WATCH<br>CIVIL PRO |
| JURISDICTION<br>CCSO                                         |                    |                    |

### STATUS

|                             |                                                 |                             |
|-----------------------------|-------------------------------------------------|-----------------------------|
| WORKFLOW STATUS<br>APPROVED | APPROVAL<br>9916/104699 - CRAVEN, CHRISTOPHER R | APPROVAL DATE<br>01/27/2021 |
|-----------------------------|-------------------------------------------------|-----------------------------|

### OFFENSES

|                               |                                           |                                                                             |
|-------------------------------|-------------------------------------------|-----------------------------------------------------------------------------|
| ENTRY NO<br>1                 | VIOLATION/STATUTE<br>16-9-340             | OFFENSE DESCRIPTION<br>DNA REQINTIMIDATION COURT OFFICIAL JURORS OR WITNESS |
| ATTEMPTED<br>N                | LEVEL<br>F                                | DEGREE                                                                      |
| COUNTS                        | NCIC CODE<br>5099                         | BCS CODE                                                                    |
| DISPOSITION                   | DISPOSITION DATE                          |                                                                             |
| AGENCY CLASSIFICATION<br>2451 | LOCATION OF OFFENSE<br>4045 BRIDGEVIEW DR |                                                                             |
| GOC                           | MODIFIER 1                                | MODIFIER 2                                                                  |
| MODIFIER 3                    | COURT                                     | COURT DATE                                                                  |
| JUDGE                         | COMMENT                                   |                                                                             |

### VICTIMS

|                                                              |                     |                                          |
|--------------------------------------------------------------|---------------------|------------------------------------------|
| ENTRY NO<br>3                                                | INVOLVEMENT<br>VI   | NAME: LAST, FIRST, MIDDLE<br>DAWSON, JOE |
| HOME ADDRESS<br>4045 BRIDGEVIEW DR NORTH CHARLESTON SC 29405 | MAILING ADDRESS     |                                          |
| EMPLOYER                                                     | EMPLOYER ADDRESS    | OCCUPATION                               |
| HOME PHONE                                                   | CELL PHONE          | EMPLOYER PHONE                           |
| DOB<br>30                                                    | AGE<br>30           | SEX<br>M                                 |
| RACE<br>B                                                    | JUV<br>N            | ETH<br>N                                 |
| HEIGHT                                                       | WEIGHT              | HAIR                                     |
| EYES                                                         | POB                 | RESIDENCY                                |
| CITIZEN                                                      | GANG IDENTIFICATION |                                          |
| DL NUMBER                                                    | DL ST               | SSN                                      |
| FBI ID                                                       | STATE ID            | LOCAL                                    |
| ID1                                                          | ID2                 |                                          |
| COMMENT                                                      |                     |                                          |

### SUSPECTS

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

### OTHERS

|                                                           |                      |                                                   |
|-----------------------------------------------------------|----------------------|---------------------------------------------------|
| ENTRY NO<br>2                                             | INVOLVEMENT<br>COMPL | NAME: LAST, FIRST, MIDDLE<br>KNISLEY JR, EDWARD L |
| HOME ADDRESS<br>4045 BRIDGEVIEW DR N. CHARLESTON SC 29405 | MAILING ADDRESS      |                                                   |
| EMPLOYER<br>COUNTY OF CHARLESTON                          | EMPLOYER ADDRESS     | OCCUPATION<br>ATTORNEY                            |
| HOME PHONE                                                | CELL PHONE           | OTHER PHONE                                       |
| EMPLOYER PHONE                                            |                      |                                                   |
| DOB<br>49                                                 | AGE<br>49            | SEX<br>M                                          |
| RACE<br>W                                                 | JUV<br>N             | ETH<br>N                                          |
| HEIGHT                                                    | WEIGHT               | HAIR<br>BLD                                       |
| EYES<br>BLU                                               | POB                  | RESIDENCY                                         |
| CITIZEN                                                   | GANG IDENTIFICATION  |                                                   |
| DL NUMBER                                                 | DL ST                | SSN                                               |
| FBI ID                                                    | STATE ID             | LOCAL<br>0000480172                               |
| ID1                                                       | ID2<br>BUSN#843880   |                                                   |
| COMMENT                                                   |                      |                                                   |

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

**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 22<sup>nd</sup> day of January 2021 violate the criminal laws of the State of South Carolina in the following particulars:

**DESCRIPTION OF OFFENSE**  
**Trespassing after notice**

*16-11-2020*

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

*Kalvin J. [Signature]*  
Affiant  
3691 Leeds Ave  
N. Charleston, SC 29405  
843-202-1700

this 24 day of Jan, 2021

*[Signature]*  
Signature of Judge

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 )

AFFIDAVIT

DEFENDANT  
COPY

Form Approved By  
S.C. Attorney General  
April 21, 2003  
SCCA 518

Personally appeared before me the affiant Christopher R Craven / K. Gruth 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 (L.S.)  
John C. Kenney  
Judge Code 7391

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.

SCCA/256A (05/12/2020)

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:**

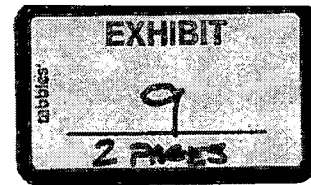
**I certify that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt.**

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

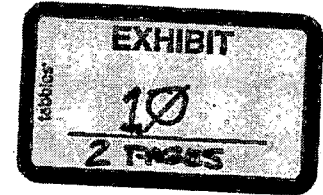
Economic Security Act in Foreclosures (SCCA256A) form are approved for use in the trial courts of this State effective as of the date of this Order.

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 cursive script that reads "Alan Nix".

Alan Nix

cc.

Cassandra Woosley  
Charleston County Public Defender's Office  
101 Meeting St., 5<sup>th</sup> 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., 5<sup>th</sup> 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. , 4<sup>th</sup> 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. RAYMOND  
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 31<sup>st</sup> day of AUGUST, 2018

Alan Nix

A handwritten signature of Alan Nix in cursive, written over a horizontal line.

United States Fire Insurance Company

A handwritten signature of C. Poindexter in cursive, written over a horizontal line.

C. Poindexter, Attorney-in-Fact



UNITED STATES FIRE INSURANCE COMPANY  
11490 Westheimer Rd. Suite 200 (77077)  
P.O. Box 2807 • Houston, Texas 77252-2807  
713-954-8353 • 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 & Danny Ounella, 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.

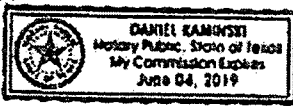
ATTEST: Kiki Brown  
Kiki Brown  
(Assistant Vice President)



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 Kamivssi  
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 31<sup>st</sup> 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](http://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, f/: 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](mailto: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](mailto: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 - 14 AM 9:40  
CLERK OF COURT

The undersigned hereby certifies that on the 1<sup>st</sup> 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

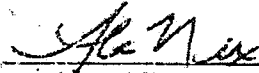
Judge Scarborough  
Master in Equity, Charleston County  
100 Broad St., Suite 266  
Charleston, SC 29401

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  
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        |
| +                                                                                   |                    |
| <hr/> TOTAL debt secured by the Declaration, including interest to date shown ..... | <hr/> \$123,296.89 |

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

**Exhibit**

**T10**

**From:** agnix1@hotmail.com  
**Sent:** Sunday, April 10, 2022 4:16 PM  
**To:** 'Smith, Krystal J.'  
**Cc:** 'Smith, Krystal J.'; 'Benjamin A. Mack'; 'Ashley Pennington'; 'Amanda Hiouel'; 'Courtney Kinowski'; 'Gaylord R. Combs'; 'Cassandra Woosley'; 'Solicitor'; awilson@scag.gov; 'Jeff Young'; mkeel@sled.sc.gov; 'Scarlett Wilson'; 'Nicholas Uricchio'; 'Kevin Mims'; tthames@wjlaw.net; 'Natalie A. Ham'; hyoung@sccid.sc.gov; aclifford@cpc.sc.gov; 'Julie Armstrong'; elizabeth.hutto@scdmh.org; 'Transcripts'; tkohn@sccourts.org; drachmar@musc.edu; 'Bill Mulbry'; sandy@sennlegal.com; mulld@musc.edu; fieldsc@musc.edu; sussman@musc.edu; elizabeth.hutto@scdmh.org; kenneth.rogers@scdmh.org; 'Adam Lambert'; aflynn@irf.sc.gov; ilias.nigamatov@scdmh.org; 'Laura Westbrook'; stephanie.trotter@mccabetrotter.com; ryanmccabe@schouse.gov; sandysenn@scsenate.gov; plogan@sled.sc.gov; 'Karama'; 'Transcripts'; 'Holmes, Tammie'  
**Subject:** CHALLENGE  
**Attachments:** 7 Jan 2022 transcript request.pdf; 01072022 \_Charleston\_GS\_Cothran\_transcripts\_AlانNix.pdf; BM 15 Dec 2022 email.pdf; Nix, Alan - Order for State Evaluation.pdf  
**Importance:** High

Ms. Smith.

As specified by Ms. Holmes:

1. Alan Nix  
c/o Michael and Taryn Lazroff  
1401 Densmore Circle  
Mount Pleasant, SC 29466  
agnix1@hotmail.com
2. 7 Jan 2022
3. The State of South Carolina vs Alan Gregory Nix (see attachment entitled "BM 15 Dec 2021 email)
4. Transcriber: Krystal Smith. Court reporter: Electronic
5. Ashley Pennington, Benjamin Mack, Scarlett Wilson, Nicholas Urrichio (see pages 7 and 8 or attachment entitled "Nix, Alan – Order for State Evaluation.pdf" for email addresses, physical address, etc.)
6. Initial challenge is that the current transcript does not start with the calling of the case, case number(s), names of the parties, reason for the hearing, etc. As stated previously, I allege that on page four, line three, which currently reflects that the hearing starts with "MR. URICCHIO: Your Honor, we are here today for a " is missing normal and important information such as the case being called by Cothran (or someone that works for Cothran or someone that works for Armstrong), the parties names stated, the description of what the hearing was for, etc. Eg.

1 JANUARY 7, 2022

2 (WHEREUPON, the proceedings began at 9:43 a.m.)

3 MR. URICCHIO: Your Honor, we are here today for a

4 motion to clarify judgment. The defendant did not show.

To be clear, I'm not alleging Ms. Smith intentionally didn't include this information, its seems more likely that the recording Ms. Smith was provided to create this transcript from most likely didn't start with / include

important information that was stated prior to "MR. URICCHIO: Your Honor, we are here today for a ". To help everyone understand the issue, please reference attachment entitled "BM 15 Dec 2021 email.pdf"

Once I receive the complete recording, notes, exhibits, etc and have time to review, I may have to submit another challenge. Motion requesting these pieces of evidence is currently under development.

Will also submit hard copy as soon as possible.

Best regards,  
Alan Nix

=====  
=====

*When a party has concerns about the accuracy of a transcript, the party must submit his or her challenge in writing to the court reporter and copy the Court Reporting Section Management at [transcripts@sccourts.org](mailto:transcripts@sccourts.org) with the word CHALLENGE in the subject line. The challenge may also be submitted by postal mail to: SC Court Administration, Transcript Challenge, 1220 Senate St. Suite 200, Columbia, SC 29201. The written challenge must include the following:*

- 1. Their name and contact information;*
- 2. Date of the court proceeding;*
- 3. Case name and caption;*
- 4. Court reporter name;*
- 5. Name and contact information of opposing counsel/parties; and*
- 6. A list of items that specifically identifies what the party is disputing, such as page and line numbers. It is not acceptable to say the whole transcript is being challenged.*

**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](http://www.courtplus.org)

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

James Milone  
GS Docket Manager  
(843) 958-5029

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

**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                                                                               |                               |                               |                          |
|-----------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------|--------------------------|
| <b>Full Name</b><br>_____                                                                                 | <b>Date Received</b><br>_____ | <b>Email Address</b><br>_____ |                          |
| <b>Notice of Estimate to Requestor Party</b><br>Date: _____ Number of Pages: _____ Estimated Amount _____ |                               |                               |                          |
| <b>Mailing Address for Payment</b><br>_____                                                               | <b>City</b><br>_____          | <b>State</b><br>_____         | <b>Zip Code</b><br>_____ |

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APR 18 2022

APPEAL FROM CHARLESTON COUNTY  
Court of General Sessions and Common Pleas

**SC Court of Appeals**

The Honorable Ferrell Cothran, Circuit Judge,  
The Honorable Maite Murphy, Circuit Judge,

Case No(s). 2021-A10-10200444  
2021-A10-10200475  
2021-A10-10200476  
2021-GS10-02599  
2018-CP-10-03315

Appellate Case No. 2022-000064

Alan Nix,

Appellant,

v.

The State of South Carolina, Charleston County,  
Charleston County Public Defender Corporation, "Churchill  
Park", Churchill Park at Parkwest, Inc., Churchill Park  
Homeowners' Association, Inc., David Brown, and Catherine  
Brown

Respondents,

PROOF OF SERVICE

The undersigned certifies that a copy of Appellant's motion to restore appeal has been served upon the individuals listed below by hand delivering or mailing a copy of the same, postage prepaid, in the United States Mail, addressed as shown, this 12<sup>th</sup> day of April 2022 to:

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

Alan Wilson  
SC Attorney General  
1000 Assembly St.  
Columbia, SC 29201  
(Attorney for The State of South Carolina)

Troy Thames  
Wilson, Jones, Carter & Baxley  
4922 O'hear Ave  
North Charleston, SC 29405  
(Auto Owners Insurance Co. paying for  
(David and Catherine Brown)

Natalie Ham  
Charleston County Attorney  
4045 Bridge View Dr.  
Charleston, SC 29405  
(Attorney for Charleston County)

Hervery Young  
S.C Commission on Indigent Defense  
1330 Lady St., Ste. 401  
Columbia SC 29201  
(possibly attorney for Charleston County  
Public Defender Corporation)

Charleston County Public Defender Corp  
Attn: Ashley Pennington  
101 Meeting St.  
Charleston, SC 29401  
(Attorney for Charleston County Public  
Defender Corporation)

Kevin Mims  
Luzuriaga Mims  
1156 King St.  
Charleston, SC 29403  
(Auto Owners Insurance Co. paying for  
"Churchill Park", Churchill Park at  
Parkwest, Inc., Churchill Park Homeowners'  
Association, Inc.)

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

Elizabeth Hutto, General Counsel  
SC Department of Mental Health  
2414 Bull St.  
Columbia, SC 29202

Anne Drachman, General Counsel  
Medical University of South Carolina  
179 Ashley Ave.  
Charleston, SC 29425

Dated: April 12, 2022

Respectfully submitted,

By: \_\_\_\_\_

Alan G. Nix  
c/o Michael and Taryn Lazroff  
1401 Densmore Circle  
Mount Pleasant, SC 29466  
(843) 991.4170

12 April 2022

Alan Nix  
c/o Michael & Taryn Lazroff  
1401 Densmore Circle  
Mount Pleasant, SC 29466

**RECEIVED**

**APR 12 2022**

**SC Court of Appeals**

Ms. Jennie Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

RE: The State of South Carolina, Charleston County, Charleston County Public Defender Corporation, "Churchill Park", Churchill Park Homeowners' Association, Inc., Churchill Park at Parkwest, Inc., David Brown and Catherine Brown

Appellate Case Number: 2022-00064

Case Numbers: 2021-A10-10200444, 2021-A10-102475, 2021-A10-10200476, 2021-GS10-02599, 2018-CP-10-03315

Ms. Abbott Kitchings,

Please find enclosed:

1. A motion to restore appeal, etc.
2. Proof of Service.
3. Check number 1928 in the amount of \$50.00 drawn on Navy Federal Credit Union.
4. Copies of the motion and Proof of Service to be returned with your clock stamp
5. Self-addressed and postage prepaid envelope to return the enclosed copies of the Motion and Proof of Service

Best regards,



Alan Nix

cc.

- Troy Thames for David and Catherine Brown
- Alan Wilson for The State of South Carolina
- Kevin Mims for “Churchill Park”, Churchill Park at Parkwest, Inc., Churchill Park Homeowners’ Association, Inc.
- Scarlett Wilson for Charleston County Solicitor Office
- Ashley Pennington for Charleston County Public Defender Corporation
- Hervery Young for Charleston County Public Defender Corporation
- Natalie Ham for Charleston County



Nix  
1401 Densmore Circle  
Mount Pleasant, SC 29466

**RECEIVED**  
APR 12 2022  
SC Court of Appeals

JENNY ABBOT - KITCHINGS  
CLERK, SC COURT OF APPEALS

2022-00064

12 APRIL 2022