

No.

24-6418

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

DEC 23 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Patrick Lee Booker — PETITIONER
(Your Name)

vs.

State of South Carolina — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of South Carolina
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Patrick Lee Booker
(Your Name)

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(Address)

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(City, State, Zip Code)

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(Phone Number)

QUESTION(S) PRESENTED

- 1). Can a State court summarily adjudicate a direct criminal contempt if and when it delays punishment?
- 2). Should a State court be required to give written or oral findings within seven (7) days justifying its reason for imposing maximum 180-Day jail sentence in criminal contempt proceedings?
- 3). Is A Q&A Function A Judicial Proceeding subject to A contempt proceeding?
- 4). Did the Supreme Court of South Carolina deprive the petitioner of Due Process of Law When it condemned him in his absence and sentenced him to the maximum jail penalty, without opportunity to be heard?
- 5). Does the Constitution grant authority in State courts to use the power of contempt to abridge and restrict the free exercise and enjoined of the Freedom of speech clause, at a "Q&A" event, of an outsider to litigation?
- 6). Can a State court Impose Imprisonment As A Punishment for Contempt Without Affording An Opportunity for Hearing, When State Law Mandate Opportunit for Hearing Before Such Imprisonment?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Booker v. Stirling, 2:24-cv-06602-DCC-MGB, U.S. District Court for the District of South Carolina. Pending.

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
• Craig v. Harney, 331 U.S. 367 (1947) _____	5,6,7
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STATUTES AND RULES

S.C. Code of Law, sections 14-1-150

Contempt of Court; offenders to be heard

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 09/11/2024.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: 09/24/2024, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment to the United States Constitution

Sixth Amendment to the United States Constitution

Fourteenth Amendment to the United States Constitution

Title 14, Chapter 1, Section 1 of South Carolina Code of Laws

STATEMENT OF THE CASE

The pro se Petitioner was a civilian-citizen who was held in direct criminal contempt by the Supreme Court of South Carolina which sentenced the petitioner to six (6) months' of confinement, in petitioner's absence.

The matter took place at a college - not at a courthouse or in a courtroom - during a Question and Answer ("Q&A") event - not during a judicial proceeding.

On September 11, 2024, the pro se petitioner drove from home to the Citadel Military College where the Supreme Court of South Carolina was scheduled to hear oral argument in two judicial proceedings (to be held in the auditorium of the college), which were to be followed by a Q&A event (hosted by that court's chief justice) during which those in attendance (i.e., members of the general public, college students, ect.) were allowed and encouraged to ask any question(s) of a legal nature.

The petitioner was allowed to ask questions; however, the chief justice held the petitioner in criminal contempt and ordered the petitioner's immediate arrest and removal.

Although the chief justice held the petitioner in direct contempt, he did not immediately punish/sanction petitioner. Rather than immediately imposing punishment, the court delayed punishment until completion of the judicial proceedings. The court later imposed a sentence of six month confinement in petitioner's absence.

REASONS FOR GRANTING THE PETITION

In 1947 this Court observed: " In a case where it is asserted that a person has been deprived by a State court of a fundamental right secured by the Constitution, an independent examination of the facts by this Court is often required to be made. This is such a case. " Craig v. Harney, 331 U.S. 367 (1947).

Because this petition demonstrate that petitioner was deprived by a State court of a fundamental right (to free speech and to due process); an independent examination of the facts by this Court is required in this case.

Just as this Court found in Wood v. Georgia, 370 U.S. 375, the First Amendment envisions that persons be given the opportunity to inform the community of both sides of an issue in a community problem, and such privilege should not lightly curtailed.

The Q & A Function was a community event of legitimate interest. The petitioner's participation in that public, community event was protected by the First Amendment. See, U.S. v. Trump, 88 F.4th 990 (D.C.2023) ("To provide adequate breathing space for robust public... participation, First Amendment generally shields insulting, and even outrageous, speech. "). Because petitioner was an "outsider to the litigation" before the state court, that court had very limited authority to restrict petitioner through

use of the court's contempt power. U.S. v. Trump, supra ("The Constitution gives courts very limited authority to restrict speech of press and other outsiders to litigation; under First Amendment, their speech generally may be abridged only if it present clear and present danger to administration of justice."); Craig v. Harney, supra ("The history of the power to punish for contempt and the unequivocal command of the First Amendment serve as constant reminders that freedom of speech and of the press should not be impaired through the exercise of that power, unless there is no doubt that the utterances in question are a serious and imminent threat to the administration of justice.").

Furthermore, the State court did not immediately punish the petitioner but instead that court held petitioner in criminal contempt, ordered his immediate arrest and removal from the college auditorium. The State court completed its business and later sentenced petitioner, in his absence, to confinement for a period of six months. That was a clear disregard for both this Court's precedent and state law. See, International Union, United Mine Workers of America v. Bagwell, 512 U.S. 821 (1994) ("If a court delays punishing a direct contempt until the completion of trial, for example, due process requires that the contemnor's rights to notice and a hearing be respected."); also see, S.C. Code of Laws, section 14-1-150 ("...no citizen of this State shall be sent to jail for any contempt of court or supposed contempt of court, committed during the sitting of the court and in disturbance of the court, until he be brought before the court and there be

heard by himself or counsel or shall stand mute."). As this Court recognized in Craig v. Harney, supra: "Due process cannot be measured in minutes and hours or dollars and cents. For the accused Contemnor facing a jail sentence, his 'liberty' is valuable and must be seen as within the ~~petition~~ protection of the Fourteenth Amendment. Its termination calls for some orderly process, however informal. "). Yet, petitioner was not afforded any process.

Finally, the State court's imposition of maximum 180-day jail sentence for petitioner's alleged verbal misbehavior was excessive. See State v. Ober-ton, 10 N.W.3d 64 (Minn. 2024).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Patrick L. Booker

Date: December 23rd, 2024.