No. 24-7442

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Patrick Lee Booker, Petitioner

V.

State of South Carolina, Respondent.

On Petition for a Writ of Certiorari to the

Supreme Court of South Carolina

PETITION FOR WRIT OF CERTIORARI

Patrick L. Booker

103 Rock Knoll Drive

Greenwood, SC 29649

(864) 526-8981

patrickbooker85@gmail.com

I. Questions Presented

Does the Due Process Clause of the Fourteenth Amendment require explicit notice and an opportunity to be heard when a court delays the imposition of criminal contempt punishment for one hour after the completion of underlying any judicial proceeding?

Did the South Carolina Supreme Court violate clearly established federal law set by Supreme Court precedent by sentencing the Petitioner, *absentia and after one hour delay*, to six months of confinement for criminal contempt without affording prior notice of the charges or a meaningful opportunity to be heard in defense?

When a trial court delays summary contempt proceedings for one hour, does the absence of notice of the specific charges and the time of the hearing constitute a denial of the contemnor's fundamental due process rights as articulated in *Taylor v. Hayes* and *Codispoti v. Pennsylvania*?

Is it a violation of the contemnor's procedural due process rights for a court to issue *an hour delayed* contempt sentence *in the contemnor's absence*,

without providing reasonable notice or the ability to present evidence and argument in defense?

Does the delayed imposition of a direct criminal contempt sanction, without explicit findings of necessity for dispensing with due proces to preserve order, conflict with the Supreme Court's guidance in *United Mine Workers of America v. Bagwell*?

Under what circumstances, if any, may a state court dispense with the rudiments of due process—notice and hearing—when issuing a delayed summary contempt order, and does such dispensation comport with constitutional guarantees?

Does the absence of an "overriding necessity for instant action to preserve order" in delayed summary contempt proceedings negate any justification for dispensing with the ordinary rudiments of due process, such as notice and hearing?

Does a Question-and-Answer Community Event Hosted by a Judge Constitute a Judicial Proceeding (i.e., a Cause or Hearing) Before Him Such That He May Hold in Contempt One Who Ventures to Publish Matter That Tends to Make Judge Unpopular?

List of Parties

All parties appear in the caption of the case on the cover page.

Related Cases

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

In the Matter of Patrick L. Booker, Appellate Case No. 2024-001505.

State v. Knighter, Appellate Case No. 2023-001436.

Booker v. South Carolina, No 24-6418-U.S. Supreme Court

Table of Contents

Index to Appendices

Table of Authorities Cited

CASES

STATUTES AND RULES

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

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

Jurisdiction

The date on which the highest state court decided my case was on 01/23/2025. A copy of that decision appears in Appendix **1a.**

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

Constitutional And Statutory Provisions Involved

First Amendment to the Constitution of the United States:

"*Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*"

Sixth Amendment to the Constitution of the United States:

"*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*"

Fourteenth Amendment to the Constitution of the United States:

"*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*"

Title 14, Chapter 1, Section 150 of the South Carolina Code of Laws:

Contempt of Court; offenders to be heard:

In case any person shall commit any misbehavior or contempt in any court of judicature in this State, by word or gesture, the judges of such court may set a fine on such offender in any sum not exceeding fifty dollars, for the use of this State, and may commit the offender till payment. But if any person shall in the presence and during the sitting of the court strike or use any violence therein, such person shall be fined at the discretion of the court and shall be committed till payment; provided, that 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.

Statement of the Case

The Citadel Military College hosted the South Carolina Supreme Court on its campus September 10 to 11, 2024. Four cases were brought before the court, held in the Capers Hall Auditorium of the college, giving the audience an opportunity to see the justice system at work.[1]

The event was free and open to the public.

Each day featured two different cases, giving attendees the opportunity to observe the judicial system in action, followed by a Question and Answer ("Q & A") event[2] hosted by Chief Justice John W. Kittredge. Spectators had a chance to ask the justices, attorneys and other court officials any question of a general

---

[1] file:///C:/Users/patri/Downloads/Citadel%20Term%20of%20Court%20Roster%20with%20summaries.pdf

[2] A Q&A event, or Question and Answer event, is an interactive event where participants ask questions and receive answers from a speaker, panel, or group of experts. Q&A sessions are often used in conferences, workshops, webinars, and presentations to help engage the audience and share knowledge. The main goal of a Q&A session is to have a meaningful conversation on a specific topic. The audience gains clarity on a topic by asking questions, and the speakers or panelists provide answers and insights.

nature[3], which ranged from soliciting advice for future lawyers to queries about bias, case preparation, and even to a question by one particular audience member, Robert McFadden, who asked whether South Carolina's 1895 Constitution was created by White Supremacy.

In recent years, the Supreme Court of South Carolina has held terms of court hearing oral arguments at colleges in Greenville, Horry, Orangeburg, Sumter, Spartanburg, and York counties of South Carolina. "Indeed, the primary reason we travel all over our great state is to give students and other members of the public a real civics lesson in the judicial branch of government," said Chief Justice John Kittredge. "The court has scheduled a mix of cases, civil and criminal. The selected cases are designed to stimulate critical thought and give the audience a front-row perspective of the law in action."

When the five traveling justices came to Horry County and held court hearing oral arguments at Coastal Carolina University, the Petitioner attended the proceedings and he participated in the subsequent Q&A event hosted by the Honorable Donald W. Beatty, Chief Justice of the Supreme

3. As discussed *infra*, Petitioner was ***not present*** when the chief justice initially gave notice of what type questions were appropriate or were not appropriate to ask.

Court of South Carolina: see https://media.sccourts.org/videos/2022-000388.mp4

The Petitioner's attendance at those court proceedings, and his participation in that Q&A event following those proceedings, was engaging, professional and without episode.

Chief Justice Beatty afforded the Petitioner the opportunity to introduce himself as a certified paralegal and to ask questions of a general nature about the legal system, and, after allowing others to pose questions, Justice Beatty even allowed the Petitioner to ask the final question.

Chief Justice Donald W. Beatty even took a picture with the Petitioner, and Justice Kittredge nick-named the Petitioner

"Patrick-the-Paralegal".

Within one year following that Q&A event, the Petitioner began working as a paralegal/legal assistant to Honorable Shannon Frison, a retired justice of the Massachusetts Superior Court who returned to the private sector to practice law.

On September 11, 2024, the Petitioner traveled 190.3 miles (3 hr. 4 min) from his home in Greenwood, South Carolina to The Citadel Military College located in Charleston, South Carolina where the Supreme Court of South Carolina was scheduled to hear oral argument in two cases to be followed by a Q & A event.

The Petitioner had minimal interest in the merit of the oral arguments presented in the judicial proceeding; therefore, he arrived at the very end and close of the supreme court's hearing of oral argument in the judicial proceeding of *State v. Knighter*.

The Petitioner, a certified paralegal and a legal assistant to attorney Shannon Frison, went to the military college because it was a limited public forum with a public gathering that offered an opportunity to ask the state justice members general questions, *after the court proceedings*,[4] as he done previously.

---

[4] That the question-and-answer event takes place "***after the court proceedings***" is a fact even recognized and reported by local new media. See, https://www.wmbfnews.com/2023/02/09/state-supreme-court-brings-transparency-

Particularly, the Petitioner was interested in asking Justice Kittredge how he made a factual finding, without any evidentiary support, that Petitioner *is* not working in conjunction with a licensed attorney, prohibiting Petitioner from providing paralegal services[5], thereby eliminating the opportunity for petitioner to utilize his legal skills and ability

---

by-holding-court-sessions-college-campuses/ WMBF NEWS "S.C. Supreme Court Brings Transparency By Holding Court Sessions On College" ("Students had the opportunity to ask questions to the justices ***after the court proceedings***.") (emphasis added). The Q&A is not a court proceeding; it occurs *after* the court proceedings.

[5] On July 3, 2024, the Supreme Court of South Carolina issued a declaratory judgment in which that court essentially barred the Petitioner from providing all paralegal services in the state of South Carolina, thereby enjoining Petitioner's use of his hard-earned certification as a paralegal to earn a decent income. See, *Ex Parte Patrick Booker v. State of South Carolina, et al.* ("Mr. Booker is not working in conjunction with a licensed attorney; therefore, he cannot provide services as a paralegal.").

The Petitioner had previously filed a petition for declaratory judgment in that court's original jurisdiction asking whether it would constitute an unauthorized practice of law if he, acting as a certified paralegal, were to inform the public (via various news media outlets) about the 114 "Secret Orders" the South Carolina Supreme Court have issued against certain citizens in violation of due process of law.

to earn a decent income as a paralegal in his own hometown and native state of South Carolina.

The Petitioner arrived in the college auditorium and sat down beside a circuit judge, at the very close of the oral arguments in the final judicial proceeding held before the state court.[6] Within minutes of Petitioner's arrival, chief justice Kittredge concluded the judicial proceedings with the words "***Alright, I appreciate the arguments from both sides***"[7] whereupon he then and there opened the floor for those in the audience to ask general questions, at that time telling those in the audience that there

---

[6] https://media.sccourts.org/videos/2023-001436.mp4 (The Petitioner can be seen entering the auditorium and taking a seat at **36:48** of the 41:07-minute-long video recording of the *State v. Knightner* proceeding.)

[7] See **41:07** of the video recording. In saying that the chief justice concluded the judicial proceeding at 41:07, the petitioner contend that the "judicial proceedings" were only the **oral arguments** presented by the attorneys and heard by the judges, and that, once the oral arguments were completed, the judicial proceeding self-concluded. Those were "judicial proceedings", as scheduled by the SC Supreme Court's official court term agenda/roster, and as officially video recorded by SC ETV and displayed on the SC Supreme Court's website. The Q&A event, on the other hand, was not scheduled/not listed on the court's official court term/agenda/roster; and it is not on the court's official website as being part of any of the judicial proceedings ever held by that court.

After the conclusion of oral arguments, the judges and lawyers

should be no specific questions about the cases which were presented that date.

Both students and audience members asked various questions of community interest even including a general question of whether it was true that the South Carolina Constitution of 1895 was created based on white supremacy.

When the attendant presented the Petitioner with the microphone to ask questions, he introduced himself and shared with those present that he is a certified paralegal and a legal assistant. To provide context for his ensuing questions, the Petitioner informed those present that Justice Kittredge had recently issued a declaratory judgment prohibiting the Petitioner from performing any paralegal services because, according to Justice Kittredge, "*Mr. Booker is not working in conjunction with a licensed attorney.*"

The Petitioner, while standing and holding the microphone, asked three questions: he asked Justice Kittredge how he made the factual finding, without evidentiary support, that Petitioner is not working in conjunction with a licensed attorney. The

Petitioner explained that he *is*, and has been, working with a Harvard educated military judge.[8]

In a second question, the Petitioner asked about the geographic representation of the South Carolina Supreme Court, noting he did not think it was fair representation of the State when four of the five justice members came from the same county.

The Petitioner raised a final question for the chief justice that in 9 days the State was scheduled to execute Freddie Owens, that he had on that same date filed a pro se petition as a certified paralegal working with a licensed attorney, and asked the chief justice would hear his petition in an expedited manner since Mr. Owens' life was in the balance.

Chief Justice Kittredge responded. He stated there is an issue when a litigant is represented by a lawyer and counsel of record, that is who the litigant speaks through, not a third-party--- whether they are paralegals or a real attorney at law. Justice Kittredge then addressed the geographic question as a legislative discretion of who is on the court, on who they elect.

---

[8] Petitioner works with the Honorable Shannon Frison, Esquire, a retired justice of the Massachusetts Superior Court who holds the rank of Major in the United States Marine Corps and is a Marine Corps Judge Advocate.

He stated that it was not something someone on his court has any influence over.

Justice Kittredge then returned to the Petitioner' first question and, after initially stating it was a "great question", Justice Kittredge, without setting forth any factual or contextual basis, found and concluded that the Petitioner has a grievance against the justice system.

He then stated that he had informed those present that they could not speak about those cases that were heard on that date because they must discuss it privately and deal with it and not discuss it publicly. He stated there is a concept called *ex parte* communications. He stated that it was completely inappropriate for a party to a lawsuit to come to a public gathering and air his grievances to the court without giving notice to the other side. He noted that filing a proper petition with notice to the other side is due process. Justice Kittredge stated that his court will not entertain a request for relief of any kind from any party in the case unless it is properly before the court.

In response, the Petitioner acknowledged that the chief justice is correct and stated:

"*You right, due process. You just said due process. If y'all look up Booker v. Toal, everybody look-up Booker v. Toal! And you'll see what's going on. Booker v. Toal, Booker v. Jean Toal. It will show that every last one of y'all, I convict you. I call you a felon in sight of law. You are a felon, every last one of you guys! I'm letting you know.*"

Justice Kittredge responded by stating that he had given the Petitioner a say, and that he appreciated the Petitioner being present.

The Petitioner quickly asked Justice Kittredge what he meant by that, he asked whether he was being kicked out. Before Justice Kittredge responded, the Petitioner began to assert and invoke his First Amendment rights to freedom of speech, stating that he was merely exercising and enjoying his federal rights to free speech in public. Specifically, the Petitioner stated:

"*And what does that mean, I'm out?*
I'm being escorted out? You kick me
out. I'm in public, listen, I'm exercising
my First Amendment right. This is a
federal right, Mr. McFadden."

Justice Kittredge responded by stating that the Petitioner could remain and participate in the "public gathering" but warned the Petitioner that he would be kicked out, if he continued to talk, that it was Petitioner's choice.

Although Petitioner believed his conduct thus far was federally protected, he also wanted to remain in the auditorium, so he sat down.

As Petitioner began to sit down, he told those in the audience: "*Very well, lookup Patrick Booker. Patrick Lee Booker. Booker versus Toal.*"

At that time, despite the Petitioner's robust participation in that public event, there had been no mention of, nor any warning of, a potential contempt of court charge. Rather, at that point, Justice Kittredge had only issued the Petitioner a "warning of removal" from the auditorium, if the Petitioner continued to talk.

Eighteen (18) minutes later, after answering several questions from the attendees, Justice Kittredge asked whether anyone had any more questions.

The Petitioner raised his hand and asked whether he could ask the final question, as he done at the previous Q&A session.

Justice Kittredge denied the Petitioner's request, stating: "No, sir. Mr. Booker, we gave you a chance to speak. You asked your questions. We appreciate you being here. We're not gonna hear a question from you, Mr. Booker."

The Petitioner quickly asked the chief justice whether it would be appropriate for him to inform the students of the basis of his legal cases *Booker v. United States of America* and *Booker v. Toal,* after the Q&A event was over?

Apparently, Justice Kittredge did not hear Petitioner because he directed his attention to another audience member who posed a general question.

However, a black man bearing the rank of Major of the Citadel College police did hear the Petitioner and he ran down on the Petitioner in a very aggressive manner, placing his face onto the Petitioner's face in a menacing way, causing the judge seated next to Petitioner to dart from her seat and causing Petitioner to verbally object to the abrupt invasion of his person space, merely saying: "*Sir, back up, you're way too close! You don't have to be that close to me.*"

At that time, Justice Kittredge, over-hearing and seeing the Petitioner's verbal objection to the officer's aggressive action,

paused hosting the Q&A event and boomed, in a loud tone: "We're in a court session! This is the South Carolina Supreme Court!"

When Justice Kittredge claimed the Q&A session (i.e., ***the answering of general questions from the public***) was "court in session", the Petitioner replied by stating:

"*Booker v. United States of America shows you don't have no authority, sir. Booker v. United States of America is a federal case that's pending. I filed it on August 22, 2024. It's challenging the Constitution of the United States of America.*"

The Petitioner then stood up and stated: "*Mr. McFadden, you are correct. The Constitution is based on White Supremacy!*"

As soon as Petitioner said the words "*the Constitution is based on White Supremacy*", Chief Justice Kittredge issued the very first warning of contempt of court, while the Petitioner was talking to the public gathering.

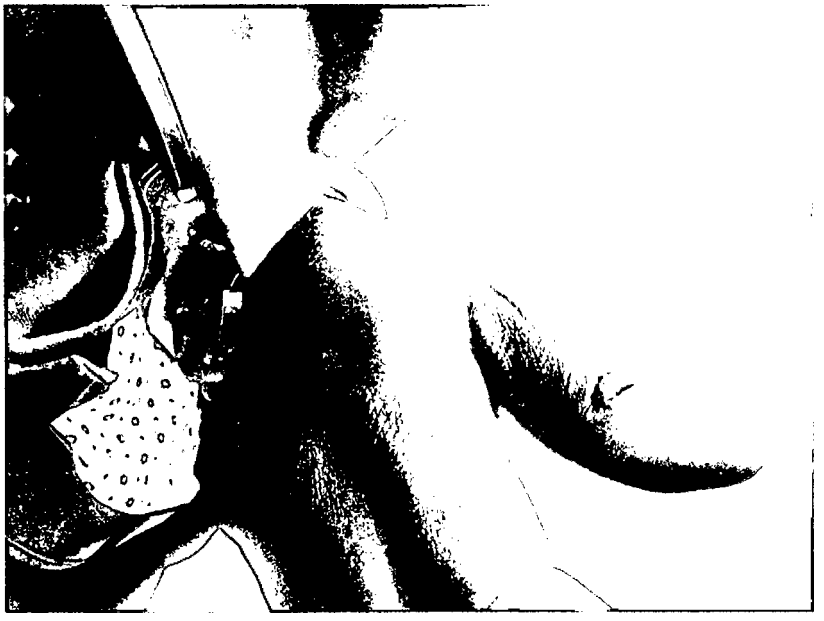
The Petitioner stated the Constitution was created through invidious discrimination in the form of sexism (no women or females were allowed to partake in that most quintessential political process), racism (white men were the only race of people allowed to partake in that most quintessential political

process), and classism (only rich, land-owning white men were allowed to partake in that most quintessential political process). The Petitioner stated the Constitution must be rewritten by diverse people to embody contemporary standards.

As the Petitioner was talking about the unconstitutionality of the Constitution, which lasted a merely 27 seconds, Justice Kittredge issued warnings of contempt and eventually cited the

Petitioner for direct criminal contempt and ordered law enforcement to arrest the Petitioner, stating: "I hereby hold Mr. Booker in contempt. He's to be taken into custody. He's under arrest." Although the Petitioner initially objected to the officers' directives, he ultimately complied without incident.

The officers escorted the Petitioner out of the auditorium at 12:33pm and they took him to a classroom where he remained detained in handcuffs for approximately one hour.



After the passage of an hour, the Petitioner was informed that the justice members had just sentenced him to six (6) months of imprisonment for direct contempt of court.[9]

When the official-in-charge of security at the college arrived in the classroom and read the sentence to the Petitioner, the Petitioner informed him that South Carolina law prohibits sending South Carolina citizens to jail for contempt until they are first brought before the court and afforded an opportunity to be heard, citing 14-1-150 of South Carolina Code of Laws, and the Petitioner argued that the official was, therefore, prohibited by South Carolina law from sending the Petitioner to jail for contempt of court, until he be brought before the Supreme Court of South Carolina and thereupon afforded an opportunity to be heard, by himself or counsel, or shall stand mute.

The officer, like the justice members, disregarded the law of South Carolina (§ 14-1-150) including the federally protected liberty interests created by the same, and took the Petitioner to jail for contempt of court without ever bringing the Petitioner

---

[9] The criminal contempt case against the Petitioner was created, and assigned a case number, at 1:36pm on September 11, 2024, which coincides with Petitioner's account that he was removed from the auditorium at 12:33pm and detained, for approximately one (1) hour, before he was sentenced, *in his absence*, to six (6) months imprisonment.

before the Supreme Court or affording him an opportunity to be heard.

The Petitioner's timely request that the Supreme Court of South Carolina reconsider its contempt finding and/or its sentence was denied, without explanation nor full participation.

The Petitioner submitted a petition for writ of certiorari in this Court on December 23, 2024, which was docketed on January 30, 2025.

Upon the Petitioner's release from prison on December 31, 2024, he filed a motion to vacate void judgment with the South Carolina Supreme Court on the sole ground that that court's failure to afford the Petitioner notice and a hearing, *after it delayed punishment for the alleged direct contempt*, is a direct violation of clearly established federal law as determined by this Court.

The South Carolina Supreme Court denied the motion on January 23, 2025.

In denying the motion to vacate void judgment, the Supreme Court of South Carolina completely avoided, disregarded and ignored the Petitioner's clear and concise argument that their hour long delay in imposing punishment for the direct contempt

violated this Court's precedent; instead the justice members used that opportunity to make factual findings, in an effort to justify their action of holding the Petitioner in contempt of court and sentencing him to six (6) months in prison (based solely upon "verbal misbehavior" during a public session).

The Order denying the motion to vacate void judgment, in explaining the contempt of court episode, makes many misrepresentations of material fact about the matter, and even makes false statements about the Petitioner, all in an attempt to besmirch and impugn the Petitioner's character and legal skill set, in order to justify their actions—current and previous—towards the Petitioner.

For example, contrary to the Order's factual finding, the Petitioner was not present in the audience when Justice Kittredge initially welcomed the students and advised both students and audience members that questions cannot be case specific. Rather, the Petitioner did not arrive and became present in the audience until the end of the court session.[10]

Contrary to the Order's factual findings, Petitioner did not stand up, out-of-turn and began airing out grievances. Rather,

---

[10] See footnote 6, supra.

the Petitioner was handed the microphone by the attendant and was allowed to ask questions, which he did and handed the microphone back to the attendant.

Contrary to the Order's factual findings, there was no palpable tension or upset to the students by the Petitioner's mere action of "talking and asking questions" during a question-and-answer event. Rather than being tense or apprehensive, the students and audience members were interested and fascinated at experiencing someone interpose serious, consequential "questions", as opposed to soft-legal process-questions.

Contrary to the Order's factual findings, the Petitioner's words—not being profane, not being obscene, not being fighting---were not loud nor disruptive. Nothing in the record supports the finding that the Petitioner's statements presented a clear and present danger to the administration of justice.

Contrary to the Order's factual findings, Justice Kittredge did not warn the Petitioner about contempt powers, prior to Petitioner taking a seat. Rather, when the Petitioner asked Justice Kittredge whether he was being kicked out, Justice Kittredge warned the Petitioner that he would be kicked out if he continued to talk.

- There was absolutely no mention of "contempt" prior to Petitioner taking a seat and becoming quiet.[11]
- Immediately after the Petitioner said the words "*the Constitution of the United States is based on White Supremacy*" was the first time Chief Justice Kittredge warned the Petitioner of the contempt power.

Contrary to the Order's factual findings, the Petitioner did not intentionally interrupt the audience member. Rather, the Petitioner's verbal objection to the officer's aggressive tactics which is what interrupted the audience member.

Contrary to the Order's factual findings, the Supreme Court did not immediately sentence the Petitioner. Rather, the justices delayed sentencing for one hour before imposing, *in his absence*, a sentence of six months' imprisonment.

Contrary to the Order's factual finding, the Q&A was not a judicial proceeding, a legal process or a court session.

---

[11] The Order states that Petitioner was told, prior to the 18-minute interval, that he would be held in contempt if he continued to be disruptive. That is a false statement by the justice members because the Petitioner personally recorded the episode on his own device, and it confirms that Justice Kittredge did not warn of contempt ***until the Petitioner challenged the constitutionality of the Constitution***.

REASONS FOR GRANTING THE PETITION

Because Nothing in the Record Supports a Finding That Petitioner's Statements Presented Clear and Present Danger to the Administration of Justice, his Conviction Violated His Right to Free Speech.

"When 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". Craig v. Harney, 331 U.S. 367 (1947). This is such a case.

This case is unique in that the setting in which the underlying contempt of court episode took place was the inside of an auditorium of a public college, *not inside of a courthouse*, and during a public Q&A session, *not during a court session*, involving a U.S. citizen's robust participation in the public session that resulted in a citation and sentence for direct

contempt of court based solely upon Petitioner's alleged "verbal misbehavior" that occurred *during the public session.*

The alleged verbal misbehavior consists, however, of a *sui juris* citizen who merely engaged in "judicial criticism", cited legal cases and made a political argument about the United States Constitution during a public Q&A session, ***outside court***.

Contrary to the findings and conclusion of the Supreme Court of South Carolina, the Petitioner did not interfere with or disrupt the Supreme Court's judicial proceedings, as the question-and-answer event was a public session, not a court session or a "judicial proceeding". *See*, *Wood v. Georgia*, 370 U.S. 375 (1962) ("First, it is important to emphasize that this case does not represent a situation where an individual is on trial; there was no 'judicial proceeding pending' in the sense that prejudice might result to one litigant or the other by ill-

considered misconduct aimed at influencing the outcome of a trial or a grand jury proceeding.").

The chief justice himself explained that he will take general questions from the public *after each case.*[12]

This Court is hereby requested to take judicial notice of the fact that the official website for the Supreme Court of South Carolina contains a video portal displaying the livestream recordings of the September 11, 2024, oral argument/judicial proceeding in the matter of *State v. Knightner*, 2023-001436, and that there is absolutely no interference or disruption of the oral argument/judicial proceeding. See, https://media.sccourts.org/videos/2023-001436.mp4.

To bolster the fact that the Q&A session occurred ***after*** the judicial/court proceeding, the Petitioner hereby request that

---

[12] See Minute 01:20 of https://media.sccourts.org/videos/2023-001436.mp4 (Chief Justice Kittredge stating: "***After every case***, we are allowing those present to ask questions[]") (Emphasis not in original)

this Court take judicial notice of the adjudicative fact that the official website for the state supreme court contains a video portal displaying the livestreamed recording of the February 2023 oral argument which the Petitioner attended and participated in and in the video Jacqueline Kurlowski, director of Costal Carolina University's Edgar Dyer Institute and organizer of the event, informed those present that the Q&A session was something "*extra-special*" that takes place after the case. See, 01:52-2:03 of https://media.sccourts.org/videos/2022-000388.mp4 (Jacqueline Kurlowski stating: "And something extra special that Chief Justice Beatty does when he take the court on the road travelling, is he'll...um, have a Q&A session ***after the case***. And he'll explain more about that.") (Emphasis not in original).

Because the case/ judicial proceeding was over, the Petitioner's words did not interfere with or disrupt any pending judicial proceeding.

More importantly, the Petitioner's words were *federally protected* by the First Amendment to the Constitution of the United States and were insulated from a contempt citation because the Petitioner's words or utterances, even if insulting or outrageous, were not a *clear, present and imminent threat to the administration of justice.* *See Wood v. Georgia*, supra ("The record does not support a finding that petitioner's statements presented a clear and present danger to the administration of justice, therefore his conviction violated his right to freedom of speech guaranteed by the First and Fourteenth Amendments.").

The Petitioner, versed in matters of law and litigation, was very aware of the words he was uttering, knowing that the First Amendment generally shields insulting, and even outrageous, speech, to provide adequate breathing space for robust public participation. *See, United States v. Trump*, 88 F.4th 990 (D.C. 2023).

At the time of the September 11th, 2024, Q&A session, the Petitioner was a 2024 presidential candidate (as published in the January and February 2024 editions of Expanding The Mind Magazine), seeking election to the American presidency. See, https://a.co/d/jdH2l2j and https://a.co/d/hAZ6766.

Additionally, at the time of the Q&A session, the Petitioner was a party-litigant against the United States of America and a putative class representative of every American citizen, in his call for a constitutional convention while he challenged the validity of the U.S. Constitution, proposing Project 2028 as an effective countermeasure to Project 2025. *See, Patrick L. Booker v. United States of America*, 8:24-cv-04593 (Filed Aug. 22, 24).

Furthermore, at the time of the Q&A session, the Petitioner was a party-litigant to a federal action wherein the Petitioner sought a federal grand jury investigation into the activity and

conduct of the state supreme court members based upon their role in issuing over one-hundred injunctions, affecting the substantial rights of South Carolina citizens, without any notice or opportunity to be heard. *See, Patrick L. Booker v. Jean Toal et al.*, 3:23-cv-06187 (Filed Dec. 01, 23).

Because of the Petitioner's then-status as a presidential candidate and because of his then-legal position in federal court, the Petitioner had plenty reason to inform those in attendance (including the viewers who watched the session via livestream) and the community of both sides of an issue (i.e., the fact that White Supremacy undermines the validity of the United States Constitution) in a community problem.

As this Court has recognized: "*Men are entitled to speak as they please on matters vital to them; errors in judgment or unsubstantiated opinions may be exposed, of course, but not through punishment for contempt for the expression. Under our*

system of government, counterargument and education are the weapons available to expose these matters, not abridgment of the rights of free speech and assembly. Cf. Mr. Justice Brandeis, concurring in *Whitney v. California.* Hence, in the absence of some other showing of a substantive evil actually designed to impede the course of justice in justification of the exercise of the contempt power to silence the petitioner, his utterances are entitled to be protected." *Wood v. Georgia*, 370 U.S. 375 (1962).

As pointed out by Judge Cooley's 2 Constitutional Limitations 8th ed. 1927) the purpose of the First Amendment includes the need:

> "...to protect parties in the free publication of matters of public concern, to secure their right to a free discussion of public events and public measures, and to enable ***every citizen at any time to bring the government and any person in authority to the bar of public opinion by any just criticism*** upon

their conduct in the exercise of the authority
which the people have conferred upon them."

See Wood v. Georgia, supra. (emphasis added).

The Petitioner brought the justices of the state supreme court to the bar of public opinion by engaging in judicial criticism and he merely attempted to bring the validity of the U.S. Constitution to the bar of public opinion by engaging in political criticism.

The Petitioner should not have been cited for direct contempt for exercising his federal rights, especially since there was no threat to the administration of justice by a citizen merely criticizing past judicial and political action during public event.

To be sure, once the Petitioner was cited for contempt of court and removed from the auditorium, the state court delayed sentencing ***for one (1) hour*** while the Petitioner sat, detained in handcuffs in a classroom.

the Petitioner for contempt and ordered his arrest. Immediately afterwards, Justice Kittredge resumed the Q&A session.

Because he had not yet sentenced the Petitioner, the passage of one hour vitiated any justification to dispense with the rudimentary requirements of due process.

But, despite the clear standard of law set by this Court and even though Petitioner clearly set forth his legal position and argument in the motion to vacate void judgment, the state justice members disregarded this Court's precedent and denied the motion to vacate void judgment.

This Court should grant certiorari to review the judgment below because the Supreme Court of South Carolina violated the Petitioner's fundamental rights in a manner that directly contravene this Court's precedent. *See, e.g., Codispoti v. Pennsylvania, and Taylor v. Hayes*.

CONCLUSION

For the forgoing reasons, the *pro se* Petitioner respectfully requests that this Court issue a writ of certiorari to review the judgment of the Supreme Court of South Carolina.

DATED April 23, 2025

Respectfully submitted,

Patricke L Booker

Patrick L. Booker
103 Rock Knoll Drive
Greenwood, SC 29649