

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

STATE OF SOUTH CAROLINA

Plaintiff

-vs-

BRIAN HENRY STAHLHERBER

Defendant

IN THE COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT  
CASE NO(s): 2025A0710400313

**MEMORANDUM IN SUPPORT OF A  
MOTION FOR A SPEEDY TRIAL**

2025-12-02 PM 9:33  
JEREMY ROSS, Esq.  
CLERK OF COURT  
BEAUFORT COUNTY, S.C.

Now comes Brian Stahlherber, by and through his undersigned counsel who files this Memorandum in Support of his Motion for a Speedy Trial and incorporates the memorandum herein as if fully rewritten.

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**2nd day of December, 2025**

## MEMORANDUM IN SUPPORT

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## **INTRODUCTION: THIS IS THE MOST DANGEROUS PROSECUTION IN SOUTH CAROLINA HISTORY**

### **The Safety Rule: "See Something, Say Something"**

There exists a universal safety rule upon which the protection of every citizen in this State depends: When you perceive a threat to public safety, you must report it. This is not merely a suggestion; it is the foundational compact between citizen and government that makes ordered society possible. The Department of Homeland Security has enshrined this principle in its "See Something, Say Something"<sup>1</sup> campaign. Law enforcement agencies across the nation depend upon citizen reporting to prevent violence before it occurs. This safety rule protects judges. It protects politicians. It protects schools. It protects every man, woman, and child in South Carolina.

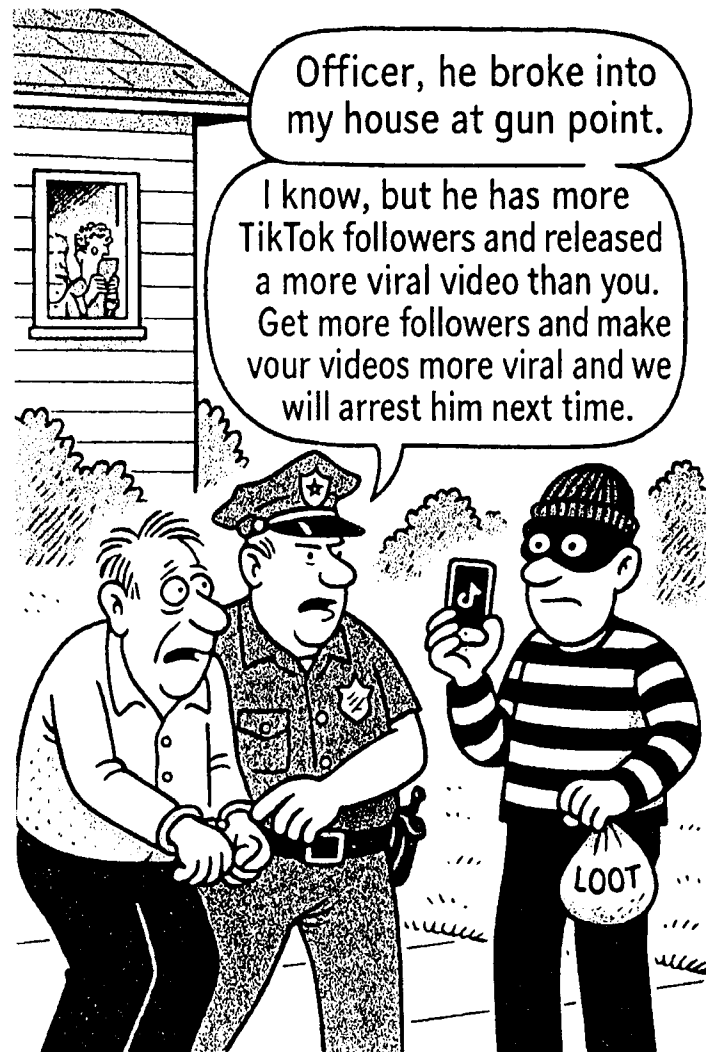
**This prosecution violates that safety rule.** And every violation of the rule creates danger—not just to Brian Stahlberger, but to every citizen in this State. The tentacles of this danger extend into every courthouse, every political rally, every school, every church and every neighborhood. By prosecuting a citizen for reporting what he reasonably believed to be an armed threat, the State of South Carolina has declared open season on those who would protect their communities.

[INTENTIONALLY LEFT BLANK]

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<sup>1</sup> [https://www.dhs.gov/see-something-say-something?utm\\_source=chatgpt.com](https://www.dhs.gov/see-something-say-something?utm_source=chatgpt.com)

Though the cartoon uses satire for effect, the circumstances of this case are strikingly similar — and the implications present a real and substantial risk to law-abiding citizens.



#### **The Government's Violation of the Safety Rule: Prosecution by TikTok**

The government has violated the safety rule in a manner that should alarm every citizen and every member of this Court. This prosecution was not initiated based upon a careful evaluation of evidence. This prosecution was born from a viral TikTok video—a carefully selected, deliberately edited snippet of a broader encounter that told only the portion of the story calculated to generate maximum outrage and maximum clicks and public outrage.

The video that spawned this prosecution did not show the juvenile with what appeared to be a firearm protruding from his waistband. It did not show the juvenile placing his hand on the apparent weapon in a manner consistent with an intent to draw and fire. It did not show Brian Stahlberger retreating to safety and immediately reporting the threat to his neighbor, an off-duty law enforcement officer. It did not show Brian retreating to his house, did not show him placing his family behind safes in his own house which were pushed up against the doors to stop bullets. It did not show the same juveniles subsequently attacking an off-duty police officer. It showed only what its creator wanted the world to see—a carefully curated scene stripped of all context, designed not to inform but to inflame and create viral clickbait.

And the government took the bait. Rather than securing the scene and keeping the unruly youth's parents from the scene and all of their families, rather than searching for the discarded firearm Brian observed, the government allowed social media to dictate prosecutorial policy and the Government could not simply say there is more to the story than the viral video. The State of South Carolina has permitted TikTok algorithms and viral outrage to substitute for prosecutorial judgment.

It is a sad day for justice in South Carolina when the government is driven by viral videos and clickbait at the expense of hardworking citizens who do nothing more than follow the safety rules and protect their community and follow the orders of a law enforcement officer. It is sadder still when that government, having been stampeded into prosecution by social media, refuses to protect the very citizen it prosecutes from documented, ongoing threats—leaving Brian, his wife, and his daughter to fend for themselves while simultaneously confiscating the firearms they would use for self-defense. Attached to this motion are three videos, showing threats against Brian and his whole community including one showing the juveniles attempting to break into houses in the community. The community is not safe now and the Government is too scared of viral videos to protect a community that is under siege. Hopefully, the Sheriff's

office will read this motion and protect the community by setting up a significant number of more patrols in the community because the residents were sent a message, protect your community and yourself at your own risk.

### **Applying it to viral-video prosecutions**

When the Government effectively allows “viral” videos and online outrage to identify “people that he thinks he should get” because of a viral video and then searches for charges, the dynamic is the same one Jackson described: the focus shifts from “cases that need to be prosecuted” to targeted individuals, turning prosecutorial discretion into exactly the “most dangerous power of the prosecutor” he condemned to please the online masses.

### **The Danger: A Chilling Effect That Imperils Every Citizen**

The danger created by this prosecution is immediate, concrete, and existential. We live in an era when:

- Two assassination attempts were made against President Donald Trump in 2024<sup>2</sup>—one at a political rally in Butler, Pennsylvania, where a gunman fired from a nearby rooftop, and another at his Florida golf course.<sup>3</sup>
- Threats against federal judges have more than doubled, rising from 224 investigated threats in 2021 to 457 in 2023, according to the U.S. Marshals Service.<sup>4</sup>
- A state court judge was murdered in his driveway in 2023 by a litigant dissatisfied with a custody ruling.<sup>5</sup>

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<sup>2</sup> [https://en.wikipedia.org/wiki/Attempted\\_assassination\\_of\\_Donald\\_Trump\\_in\\_Pennsylvania](https://en.wikipedia.org/wiki/Attempted_assassination_of_Donald_Trump_in_Pennsylvania)

<sup>3</sup> <https://www.reuters.com/legal/litigation/man-found-guilty-attempted-assassination-plot-kill-trump-florida-golf-club-2025-09-23/>

<sup>4</sup> <https://www.fedbar.org/blog/federal-judicial-security-update/>

<sup>5</sup> <https://www.cnn.com/2023/10/20/us/maryland-judge-killing-investigation-andrew-wilkinson>

- An armed man was arrested near Justice Brett Kavanaugh's home in 2022 with intent to assassinate him.<sup>6</sup>
- The U.S. Capitol Police investigated over 9,400 threatening statements and direct threats against members of Congress, their families, and staff in 2024 alone.<sup>7</sup>
- National tracking shows dozens of school shootings with injuries or deaths each year; for example, one education news outlet documented 39 such incidents in 2023–24 alone, resulting in 18 people killed and 59 injured.<sup>8</sup>
- Analyses of gunfire on school grounds find hundreds of incidents every year across K 12 and college campuses, underscoring that shootings are not isolated anomalies but a persistent national reality.<sup>9</sup>
- Federal threat assessment research on targeted school violence has found that in most cases, attackers exhibited concerning behaviors or communicated their intent beforehand, meaning that timely reports by students, staff, or community members are often the only way to avert tragedy.<sup>10</sup>
- Case studies compiled by federal and state school safety initiatives document multiple plots where students or staff “saw something and said something,” allowing law enforcement and school officials to intervene, disarm would be attackers, and prevent mass casualties.<sup>11</sup>

<sup>6</sup> <https://www.npr.org/2022/06/08/1103702099/man-arrested-kavanaugh-house>

<sup>7</sup> <https://www.axios.com/2025/02/03/threats-members-congress-capitol-police-2024>

<sup>8</sup> <https://www.axios.com/2025/02/03/threats-members-congress-capitol-police-2024>

<sup>9</sup> <https://www.cnn.com/2023/10/20/us/maryland-judge-killing-investigation-andrew-wilkinson>

<sup>10</sup> [https://en.wikipedia.org/wiki/2025\\_shootings\\_of\\_Minnesota\\_legislators](https://en.wikipedia.org/wiki/2025_shootings_of_Minnesota_legislators)

<sup>11</sup> [https://en.wikipedia.org/wiki/Attempted\\_assassination\\_of\\_Donald\\_Trump\\_in\\_Florida](https://en.wikipedia.org/wiki/Attempted_assassination_of_Donald_Trump_in_Florida)

## Youth violence is an epidemic in the United States.

To present youth in America as non-threatening is a fallacy. Look at some of these recent events. Many youths are armed and dangerous in America. Here is a brief example of recent events:

- A 14-year-old student opened fire at Apalachee High School in Winder, Georgia, in 2024, killing two students and two teachers and wounding nine others; he has been charged with murder and is being tried as an adult.<sup>12</sup>
- Stockton, California birthday-party shooting (2025) – At a toddler's birthday party in Stockton, gunmen opened fire in a banquet hall, killing three children (ages 8, 9, and 14) and one adult. There is belief that a 14-year-old among the suspects involved in the shooting.<sup>13</sup>
- Valley Fair Mall shooting, San Jose, California (2025) – A 17-year-old was arrested as the suspect in a shooting at Westfield Valley Fair mall; police stated the teen had a prior firearm-related arrest.<sup>14</sup>

Yet the public officials listed above are not left to fend for themselves. Members of Congress are protected by the U.S. Capitol Police, federal judges by the U.S. Marshals Service, and state officials by state and local law enforcement details. When a threat is reported against them, specialized agencies investigate, assess credibility, and, if necessary, deploy armed protection. By contrast, children in schools and ordinary citizens in neighborhoods, churches, and grocery stores do not have personal security details or dedicated police units shadowing

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<sup>12</sup> [https://en.wikipedia.org/wiki/2024\\_Apalachee\\_High\\_School\\_shooting](https://en.wikipedia.org/wiki/2024_Apalachee_High_School_shooting)

<sup>13</sup> <https://abc7news.com/post/stockton-mass-shooting-3-children-among-least-4-killed-california-childs-birthday-party-officials-say/18234569/>

<sup>14</sup> <https://www.ktvu.com/news/sjpd-arrest-valley-fair-mall-shooting-suspect>



their daily lives; their first and often only line of defense is the willingness of bystanders to report suspicious behavior before violence occurs.

Federal and state research on school shootings and other targeted attacks shows that potential attackers frequently leak their plans or exhibit alarming behavior beforehand, and that early reports by classmates, neighbors, or co-workers have repeatedly allowed authorities to interrupt plots and save lives. If citizens are taught that a mistaken report can lead to arrest and prosecution, the people who will pay the price are not the officials with armed security, but unprotected children sitting in classrooms and regular citizens standing in line at the store, or enjoying Sunday football games or gathering for mass.

Against this backdrop of escalating violence, this prosecution tells every citizen in South Carolina, makes our schools less safe, makes political rallies less safe, makes church less safe and makes every citizen fear of shooters and fear the police: The lesson of this case is clear. *If you see a threat, stay silent—or risk prosecution. If you report what you believe is an armed individual near a judge, a politician, or a school, and you are mistaken (or the state fails to perform a proper investigation and cannot verify true facts that someone had a gun), the State will ruin your life. This prosecution makes schools, churches, communities and all places less safe for all Americans.*

#### **What Brian Stahlberger Needs: An Immediate Trial and the Means to Protect His Family**

Brian Stahlberger does not come before this Court seeking to escape accountability. He seeks accountability—for himself and for the government. He demands his day in court. He demands the opportunity to present the full story that the viral TikTok video deliberately omitted. He demands the chance to show this Court and a jury of his peers that he did exactly what any reasonable citizen should do when confronted with an apparent armed threat: he

reported it, protect his family, cooperate with law enforcement, and try to keep his community safe. Unfortunately, trusting these institutions and like a teacher who reports what she thinks is an armed student, he would have been better to just protect his family and the teacher would be better to just call in sick, or go home early than take the risk that she will have her life destroyed if she is either mistaken or the potential shooter has time to hide the guns and weapons before the police arrive.

**Brian also needs to protect his family.** The government has demonstrated that it will not do so. Despite documented, video-recorded threats against Brian, his wife, and his daughter, the government has done nothing. The same juveniles who initiated the original confrontation have been recorded attempting to break into neighborhood homes. The father of one of the juveniles came to Brian's home and made direct threats. The father of one of the members have driven past shouting racial slurs. Brian has reported each incident. The government's response: silence.

Meanwhile, the government has confiscated his wife's lawfully owned firearms—the very means by which the Stahlberger family might protect themselves from the threats the government refuses to address. This is not justice and in a time when the Government cannot protect children in schools and cannot even protect a presidential candidate on the campaign trail, or people coming to college campuses to speak and debate. The Government has made America much less safe with this prosecution. The government prosecutes Brian for reporting a threat while simultaneously disarming his family and abandoning them to the ongoing threats of dangerous youth.

Brian Stahlberger therefore moves this Court for: (1) an immediate trial in April (the Government has provided discovery, but things are missing like the Sheriff's internal investigation, they did not provide the SLED report and there are several constitutional motions

which must be heard) so that he may vindicate his name and present the complete truth that the viral video concealed; and (2) the immediate return of his wife's firearms so that the Stahlberger family may exercise their constitutional right to self-defense in the face of documented threats that the government has refused to address.

## **STATEMENT OF FACTS: THE COMPLETE STORY THE TIKTOK VIDEO CONCEALED**

The viral TikTok video that spawned this prosecution was not journalism. It was not an attempt to document truth. It was a carefully edited propaganda piece designed to present Brian Stahlberger in the worst possible light while concealing the context that would have exonerated him. A more detailed set of facts are as follows:

Brian Stahlberger, a law-abiding citizen, was enjoying a Sunday afternoon watching football and riding his four-wheeler. He approached three juveniles in his residential neighborhood (who had a history of terrorizing the community and had threatened him before). In a non-confrontational manner because the youths have terrorized his community in what appears to be an effort to let the youths know that he was watching them and to keep his community safe. Brian did not escalate the situation at all, but the youths escalated the encounter when one of the juveniles confronted Brian with what appeared to be a firearm and got up in his face. The juvenile had what appeared to be a gun protruding from his waistband. The juvenile placed his hand over the apparent weapon and assumed a posture consistent with an intent to draw and fire and threatened Brian with death and bodily injury. Brian was very shaken up and left quickly.

**Brian followed the safety rule.** He retreated from immediate danger and immediately reported the incident—including his observation that the juvenile appeared to be armed—to his

neighbor, who happens to be a law enforcement officer. He then sought refuge in his home to protect his family.

Subsequently, Brian observed the same three juveniles physically attacking his neighbor, the off-duty police officer who had his badge and gun out. One of the juveniles ran straight at Brian. When a uniformed officer on the scene commanded Brian to assist, he complied with that lawful order by helping to restrain one of the juveniles who was assaulting the officer. Once the immediate threat was neutralized, Brian returned to his home to protect his wife and daughter.

## **PROSECUTION BY TIKTOK**

The government's decision to prosecute Brian Stahlberger was not the product of careful deliberation. It was not based upon a thorough investigation. It was not driven by evidence. It was driven by fear—fear of a viral TikTok video and the social media mob that shared it.

### **The Video Told a Carefully Selected Lie**

The TikTok video that drove this prosecution was not an honest depiction of events. It was a carefully curated scene—a deliberately selected fragment of a broader encounter, stripped of all context that would have revealed the truth. Consider what the video did not show:

- It did not show the juvenile with what appeared to be a firearm protruding from his waistband.
- it did not show the juvenile placing his hand on the apparent weapon in a threatening manner.
- It did not show Brian retreating and he is scared to go to law enforcement.

- It did not show the same juveniles subsequently attacking an off-duty police officer.
- It did not show Brian acting on the command of a uniformed officer to assist in restraining an assailant.

The video showed only what its creator wanted the world to see. It was designed to generate outrage, not illuminate truth. It was clickbait masquerading as evidence. And the government—was driven by this viral video and choose to prosecute Brian.

### **Government by Clickbait Endangers Every Citizen**

When the government allows viral videos to select defendants, it creates a perverse incentive structure that endangers every citizen. Under this regime:

- Any citizen can be prosecuted if someone edits a video to make them look bad and that video goes viral.
- The truth of what actually happened becomes irrelevant; what matters is how the edited video portrays events.
- Unfortunately the Government has become servants of the algorithm rather than guardians of justice.
- The mob on social media—not evidence, not law, not justice—determines who faces criminal charges.

**The precedent this prosecution establishes should terrify every citizen of South Carolina.** In the age of smartphones and social media, any encounter can be recorded. Any recording can be edited. Any edited recording can go viral. And if this prosecution succeeds, any citizen whose edited recording generates sufficient outrage can find themselves facing criminal charges—regardless of what actually happened, regardless of whether they followed the law, regardless of the truth.

## **THE GOVERNMENT'S FAILURE TO PROTECT BRIAN AND HIS FAMILY**

While the government has found ample resources to prosecute Brian Stahlberger for following the safety rule, it has found no resources to protect him, his wife, or his daughter from documented, ongoing threats. This disparity reveals the true nature of this prosecution: it is not about justice; it is about appeasing a social media mob while abandoning a law-abiding citizen to the consequences of having done the right thing.

### **Documented, Ongoing Threats Against the Stahlberger Family**

Since the incident, Brian and his family have been subjected to a campaign of harassment and intimidation. Three separate video recordings document:

1. The same juveniles attempting to break into a residence within the neighborhood;
2. The father of one of the juveniles coming to Brian's home and making direct threats against the family; and
3. A family member of one of the juveniles driving past the Stahlberger residence and shouting racial slurs.

Many people in the community are scared to report incidents to the Sheriff's Office, but it is believed that many people have reported to the Sheriff's Office. Brian is scared to report anything to law enforcement now that they have charged him with a crime for telling the truth. The message is unmistakable: the government will prosecute citizens who report threats.

### **The Seizure of Wife's Firearms**

In perhaps the cruelest irony of this prosecution, the government has confiscated Mrs. Stahlberger's lawfully owned firearms by restricting any firearms in her house. The Second Amendment to the United States Constitution guarantees the right of the people to keep and

bear arms. This right is not contingent upon the government's willingness to provide protection. Indeed, the right exists precisely because the government cannot always be relied upon to protect its citizens.

Here, the government has demonstrated that it will not protect the Stahlberger family. Brian, his wife, and his daughter face documented, ongoing threats. The government has refused to investigate those threats, refused to make arrests, refused to provide any protection whatsoever. And yet, the government has simultaneously deprived the family of the means to protect themselves.

The government prosecutes Brian for doing the right thing, abandons his family to the threats of their persecutors, and then disarms them so they cannot protect themselves. The Stahlberger's are left with no recourse: the government will neither protect them nor permit them to protect themselves.

The family now sleeps behind gun safes lined against the walls for protection—a desperate, improvised measure that should shame every official who has participated in this persecution. A government that prosecutes citizens for following the safety rule while abandoning them to documented threats has forfeited any claim to legitimacy. The family is harassed and the Government will not protect his family.

## **BRIAN'S RIGHT TO AN IMMEDIATE TRIAL**

Brian does not seek to escape accountability; he seeks to establish it. He wants a jury of his peers to hear the complete truth—not the carefully edited lie that went viral on TikTok. He wants the opportunity to present the context that the video's creator deliberately concealed. He wants justice.

The Sixth Amendment to the United States Constitution guarantees every criminal defendant the right to a speedy trial. *U.S. Const. amend. VI; Klopfer v. North Carolina*, 386 U.S. 213 (1967). Article I, Section 14 of the South Carolina Constitution provides the same protection. The government has violated these rights through inexcusable delay.

In *Barker v. Wingo*, 407 U.S. 514 (1972), the United States Supreme Court established a four-factor balancing test: (1) the length of the delay; (2) the reason for the delay; (3) the defendant's assertion of his right; and (4) prejudice to the defendant. Each factor weighs in Brian's favor.

Although the case is new, it threatens every member of the public, it has placed Brian's family in danger without any assistance from law enforcement and has left them defenseless. If he is acquitted his family can get the only way to defend themselves because they are being threatened and the neighborhood is under siege. Attached are three videos filed via USB drive and provided to the Court via email. Further, once the State fully provides discovery there should be no reason for delay. In the federal system a Defendant can get an immediate trial and the state should not be any different.

### **THE COMMUNITY SAFETY IMPLICATIONS: THIS PROSECUTION ENDANGERS EVERYONE**

This is the most dangerous case ever filed in South Carolina because its tentacles of danger extend to every citizen in this State. The precedent the State seeks to establish will endanger judges, politicians, law enforcement officers, schoolchildren, churchgoers, and ordinary citizens by destroying the safety rule upon which their protection depends.

Consider the scenarios this prosecution creates:



**The Rooftop Sniper:** A citizen at a political rally observes what appears to be a rifle on a nearby rooftop—precisely what occurred in Butler, Pennsylvania. Under South Carolina's new standard, that citizen must weigh the risk of prosecution against the duty to report. If someone edits a video to make the citizen look bad and that video goes viral, the citizen faces criminal charges. Silence becomes the safer choice.

**The Courthouse Threat:** A citizen observes an individual who appears armed loitering near a courthouse where a judge presides over a contentious case. Judges are being murdered in their driveways. But under this precedent, reporting the perceived threat risks prosecution if the citizen is wrong—and especially if someone captures video and edits it to make the citizen appear to be the aggressor.

**The School Safety Concern:** A parent notices suspicious activity near their child's school. The "see something, say something" mantra becomes "see something, say nothing" when a viral video can transform a concerned citizen into a criminal defendant.

**The Neighborhood Watch:** A resident observes individuals who appear armed and acting suspiciously—exactly what Brian observed. That resident now knows what happened to Brian: prosecution, viral video vilification, ongoing threats with no police protection, confiscation of defensive firearms. The message is clear: mind your own business, even if someone gets hurt.

This Court has the power—and the duty—to prevent these outcomes. An immediate trial will allow Brian to present the complete truth. The return of his wife's firearms will allow his family to protect themselves since the government will not. And findings regarding the government's misconduct will send a message that prosecutions by TikTok will not be tolerated in South Carolina.

## RELIEF REQUESTED

Brian followed the safety rule. He saw something. He said something. For this, the State—driven by a viral TikTok video rather than evidence—seeks to destroy his life while abandoning his family to documented threats. Brian demands justice. He demands the opportunity to present the complete truth that the viral video concealed.

For the foregoing reasons, Defendant Brian Stahlberger respectfully requests that this Honorable Court:

**Set this matter for immediate trial (in April)** so that Brian may vindicate his name, present the complete facts that the viral TikTok video deliberately concealed, and exercise his constitutional right to a speedy trial under the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section 14 of the South Carolina Constitution;

Brian Stahlberger is not asking to escape justice. He is asking for justice—the justice that comes from a trial where the complete truth can be told, not the carefully edited lie that went viral. He is asking for the means to protect his family since the government will not. And he is asking this Court to send a message that in South Carolina, prosecutions are based upon evidence and law—not viral videos and clickbait.