

In The Supreme Court of South Carolina

Michael Alonzo Rufus

v

State of South Carolina

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S.C. SUPREME COURT

Request For Review of Equitable Post-Conviction  
Relief Action

COMES NOW Michael Alonzo Rufus, "Appellant," acting pro se, an individual and "non-  
other person" under the permissible classifications of SC Code § 2-7-30, in seeking  
review of order(s) issued his Post Conviction Relief Action due to the following:

Explanation Why Determination That PCR Action  
Is Barred

Appellant's Application for PCR ultimately involves claims of his being fraud-  
ulently and unconstitutionally infused into the jurisdiction of a criminal court and  
convicted under the generic term "person," see SC Code § 2-7-30. Said proceedings  
and judgment was accomplished by officers of the court in violation of their  
fiduciary duties imposed by clearly established law in relation to the use of  
generic terms and exercising jurisdiction thereunder.

Appellant's position that the generic term "person" found within his charging  
instruments that was used in convicting him is in violation of law is supported by  
the precedents of United States v. Caron, 344 US 174, 176; United States v. Cacchiatore,  
92 US 542, 558 (see pgs 1-4 of Request For Disqualification...); and the practice of proceedings  
requiring affirmative averments in proceedings under special statutory pro-  
visions in courts of general jurisdiction. See *Corbin v. Page*, 85 US 350, 371

It is under these authorities that Appellant, claiming to be a "private citizen"  
and non-other person i.e. Michael Alonzo Rufus SS# XXX-XX-XXXX (said averments

was based upon Appellant's lack of access to legal research materials from South Carolina to properly present his claims under South Carolina law which was never remedied by the lower court), claimed that the trial court's procurement of jurisdiction was under fraud and in violation of due process. Precedent of South Carolina that support Appellant's position that the officers of the court responsible for preserving his guarantees, abovementioned in relation the generic term "persons," were fiduciaries and violated their duty to disclosed or not conceal the "specics" and "particulars" as required law can be found Pitts v Jackson Nat. Life Ins. Co., 575 SE 2d 502, 507 and Regions Bank v Schmauch, 582 SE 2d 437, 445. See pg 3-4 of Request for Disqualification...

A proper adjudication of these matters by a fair and impartial mediator, See Request for Disqualification..., "would fall within the class of cases that are exempt from the Statute of Limitations, Succession, laches, etc laws used in the lower courts grounds for Final Order of Dismissal. "A judgment obtained by fraud may... be void under some circumstances, and subject to collateral attack, as where such fraud appears on the face of the record or goes to the method of acquiring jurisdiction. Likewise, the judgment may be collaterally where fraud has been practiced in the very act of obtaining the judgment... Scott v Hewitt, 146 SC 385; if the judgment is a nullity and void, the right to attack it is not lost by laches; nor is it waived by the failure to attack it before, since it is void, and not voidable in that the abatement absolutely extinguishes the prosecution, and by definition amounts to the entire overthrow or destruction of the action. "Am Jur 2d, Abatement, Survival and Revival, § 1, p. 41 (2ed); See also Brown v State, 540 SE 2d 846, 848-849 (2001) Challenges to the subject matter jurisdiction can be brought at anytime.

WHEREFORE upon inquiry into these pleadings Applicant's Request for Appellate Review of Equitable Post Conviction Relief Action should be allowed to proceed for an adjudication on the merits and Appellant granted any other relief warranted under equity, law, and justice under the circumstances in his behalf

18 Oct, 2022 Michael Antonio Rufus Pro se Appellant