

In The Supreme Court For The State of South Carolina

Michael Alonzo Rukis

RECEIVED

DEC 06 2022

Case no.: 2022-001490

v

S.C. SUPREME COURT

State of South Carolina

Court of Common Pleas no.: 2018-CP-43-0002

Petition For Certiorari To Review Post-Conviction Relief Actions
With Request & Reservations To Amend

COMES NOW Michael Alonzo Rukis, an individual and "non-other person" as defined SC Code § 2-7-30, herein Appellant, acting pro se, under the circumstances previously pleaded to this Court by motion, in Petitioning For Certiorari, with reservation of Rights To Amend, due to the following:

Appellant received a copy of the records from the lower court on 06 Nov, 2022.

Appellant still being without access to legal research materials and authorities of South Carolina necessary to prosecute the matter proceeds as such

Questions Presented For Review

1. Did the lower court's 21 September, 2022 issuance of the Final Order of Dismissal proposed by the Respondent's attorney upon and after its 21 September, 2022 deposit into the US Postal Services mailing to Appellant deprive Appellant of his right to object to the proposed order in violation of the prohibitions of the Due Process Clauses and applicable law(s);
2. Was Appellant deprived of his guarantees to Due Process by the lower court's Judge fraudulently and deceitfully issuing the judgment to deprive

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Appellant of the right to submit claims and requests for production of documents, but not limited to, to prove his claims that the prohibitions of the Due Process Clause mandated free disqualification due to his having a financial interest but not limited to;

3. Was the lower court's acceptance and issuance of the Respondent's attorney proposed orders clearly erroneous and violative of the commands of the Due Process Clauses in that said orders failed to include a full and fair acknowledgment and recitation of Appellant's factual pleadings, as a pro se litigant and under the circumstances, and thereby failed to apply the applicable laws to those facts (both of the above mentioned involves Appellant's claims that the State of South Carolina has a classification of "persons" that are subjects of a jurisdictional nature);

4. Was Appellant deprived of his constitutionally guaranteed right to a fair and impartial tribunal in a post-conviction proceeding adjudicated by a judge whom has been groomed throughout her career by employment of officers of the court that are active participants in an unconstitutional, fraudulent, and in breach of their fiduciary duties, custom that conceals this State's classification of persons (bases upon the law of states); said career included said judge's representing individuals under the custom as their attorney; prosecuting individuals as a selector under the custom; making determinations of probable cause for issuance of warrants and other duties as a magistrate; and now presiding as Judge of the Circuit-Courts Courts for which predominantly all of said positions came as a result of recommendations of other proven participants of the custom and for which said offices are provided incentive like supplements to the salaries of said office in relation to the dual employment created by the classification of persons.

Amendment To Notice of Appeal & Rebuttal of Lower Court's Determinations That Application Is Barred

Appellant being recently informed of the requirement of an explanation in relation to appeals or dismissals based upon statutes of limitation hereby pleads

that the pleadings within his "Request for Disqualification of All Judges - Justices of the State of South Carolina, incorporated herein by reference, sufficiently provides arguments and citations to legal authority that there is an arguable basis that the lower court's ruling was erroneous.

Applicable Facts

Appellant initiated his Application on 21 Dec, 2017 wherein he ultimately claimed that the proceedings and judgment in his conviction for "Sale/Delivery of Stolen Postal" Indictment no: 95BS4300645 was corrupt, void, and otherwise jurisdictionally violative of the prohibitions of the Due Process Clauses (See Questions 10(a)-(c) of Application for PRR) in that the officers of the court i.e. prosecutor, attorney, judge, initiated and prosecuted, permitted the initiation and prosecution; and finally concluded said proceedings under the presumption he was the class of persons inferior to his true and only natural civil status.

In support of the aforementioned Appellant distinctly pleaded that he "... is now learned that under the mandates of 42 USC § 302(d) and similar provisions of SSA (42 USC § 901 et seq) South Carolina is obligated to promulgate all necessary rules and regulations and to do all things necessary and required of Congress for the unincorporated organization made up of SSA and its members for federal grants. 42 USC § 301. Petitioner is learned that under these circumstances the Uniformity Clauses of Article 3, Sec. 34, Cl. 1, Para X and Article 5, Sec. 1, permits [and requires] a classification of persons, which is the basis of there being a classification of laws for said classified persons, and which is the basis that the courts vested with judicial power exercise of jurisdiction is statutorily or otherwise limited and classified." (See Question 11(a) of Application for PRR)

Appellant went on to plead that these circumstances ultimately required the trial court proceedings to be those of and governed by the practice of pleadings and rules of evidence for courts exercising jurisdiction under special and limited jurisdiction. Appellant's Application is incorporated herein by reference.

Appellant's second ground for relief from the aforementioned proceedings, judgments and applicable circumstances pointed out that his intrusion is the

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matter, which was violative of the Due Process Clauses in a jurisdictional matter, was the result of his attorney's ineffectiveness. Said ineffectiveness included the attorney's "failure to perform his constitutional duty of making an independent examination of the facts, circumstances, pleadings and laws involved, as to the uniformity of South Carolina's laws and jurisdictions, and then offer his informed opinion as to what order should be entered of assignment or any other proceeding.."
necessary for that court to acquire and exercise jurisdiction. See 10(b) and 11(b)
Questions of Application of PCA

Applicant's third ground for relief from the challenged proceedings and judgment was based upon the position that his intrusion in the proceedings in the suggested representative and non-individual capacity was based upon presumptions of social contracting that were neither lawful or true. See Question 10(c) and 11(c) Application for PCR

In that Respondent's attorney failed to file a Return and Answer as required by law and Appellant was without access to legal research materials and authorities to proceed accordingly on 22 January, 2018 he filed his "Request to be brought to South Carolina and Represent Applicant's Self in Preparing & Prosecuting this Matter. See Attached, Incorporated herein by Reference.

When there was no response to the aforementioned filings, either by the Respondent or the lower court, Appellant caused a Motion for Summary Judgment to be filed on 12 February, 2018. Within Appellant's aforementioned motion was another request to be brought back to South Carolina so that he could more properly present his claims under authorities of South Carolina.

With no response to the aforementioned Appellant filed a Notice of Unreasonable and Frustrating Delays on 25 February, 2019. Appellant stated that his three (3) claims for relief in the Application were jurisdictional in nature and that the failure to adjudicate the Appellant's filings "will be deemed... intentional, connected, with the frauds and illegal imprisonment in Georgia." See

It wasn't until 16 March, 2020 the Respondent's attorney filed a Return & Motion to Dismiss.

Appellant's objection to the aforementioned was filed on 23 March, 2022. Notice of Denial of Equal Protection & Due Process in Access to This Court With Limited Objection to Respondent's Proposed Return and Motion to Dismiss. Incorporated

hearing by reference.

WITHOUT acknowledging any of Appellant's findings after the filing of the Application. Re PCR Judge Curtis (Curtis signed off on the Respondent's attorney, proposed "Conditional Order of Dismissal." As with the Respondent's 16 March, 2020 Return and Motion to Dismiss the 23 March, 2020 Conditional Order of Dismissal "created the position" and limited Appellant's claims to "... Applicant alleges he is being held in custody unlawfully on the following grounds: 1. Petitioner's trial court involuntarily, in violation of the due process" 2. Applicant argues that because he is a private citizen the court's exercise of jurisdiction is void, 2. Petitioner's intrusion in the trial court's jurisdiction as provided a. ineffective assistance of counsel due to counsel's failure to inform Applicant of his civil status as [a] private citizen," 3. Petitioner's trial court's unlawful exercise of jurisdiction and issuance of the judgment a. Applicant invokes an Equal Protection Clause argument in conjunction with the Statute of Rights and similar provisions of S.S.A."

Judge Curtis was so in concert with the Respondent's attorney until she concluded the aforementioned determinations of her "Current Application" section by stating "For the purpose of this Return, the Respondent incorporates the Sumner County Clerk of Court records and the current PCR records. Respondent reserves the right to amend this upon receipt of any relevant materials."

Judge Curtis then went on to determine based upon her findings of fact, admittingly as the Respondent's attorney or representative, that the recent summary dismisses the Application based upon Statutes of limitations; Equitable Doctrine of Waiver; and because the circuit court has jurisdiction to try criminal matters, quoting Century 36 B.S.C. at 10/610 S.S. 20 at 499. See also S.C. Const. Art. IV, §11. She stated that "Applicant has failed to present any facts or evidence that the convictions he challenges in this application are in a class in which the circuit court does not have the authority to preside." pg 4 of 5

On 08 April, 2020 Appellant caused a Request for Recusal to be filed, verified on 23 April, 2020. While Appellant is unable to attach his memoranda of the pleadings on the last page of the recused request he ultimately pleaded, as he did in his 23 March, 2020 filing, the authorities that prove each a minimum support the position that this State, its political subdivisions, and its instrumentalities are obligated

to Congress in recognizing Congress's specialized society created under the Social Security Administration due to the State's accepting financing pursuant to 42 USC 8330, 302(a)(1) but not limited to. As such the State and State Bar are bound to recognize and regulate persons lawfully - legally contracted with said individual persons as intercor persons. pgs 1-2 of 8 April, 2022 motion

Appellant went on to plead that as such the courts of South Carolina, when adjudicate matters for persons in their private citizenry capacity uses the capacities attributed to them as artificial persons of Congresses specialized society, would in fact and in law be of interstate jurisdiction. They, being created as courts of general jurisdiction, would be governed by practices of general or substantially limited jurisdiction as adjudicated *Corbin v. Pege*, 85 US 359, 370, 371.

Appellant's motion continued by stating that members of the South Carolina Bar, in their various capacities as attorneys, prosecutors, judges etc are ultimately responsible for the creation and enforcement of an "unconstitutional practice or custom that the States and United States jurisprudence has one class of persons contrary to the fact... that Congress's Corporate Security of First of the People - citizen of the United States...." pgs 1-3 of 8 April, 2022 motion

Appellant pointed to Judge Curtis' participation in the above mentioned custom being obvious in that she had practiced law in civil and criminal cases of the State which were prosecuted under the custom. Said actions would subject Curtis to looks of impropriety, negligence, fraud and others due to the proceedings suffering a want of jurisdiction by failing to follow the applicable practices of proceedings.

Appellant stated also ultimately that Curtis' address stamping of the Petitions of the Respondent's attorney fraudulently created the appearance that the State's laws are universal contrary to the precedents of *Paul v. Virginia*, 75 US 168, *Pennock v. Dyff*, 95 US 717, 722 and *United States v. Wang Kim*, 169 US 659, 656-657 which concurrently support Appellant's position that class legislation based on status exist. And that Curtis' conduct was violative of her fiduciary duties. pg 4

Judge Curtis never addressed Appellant's requests for reversal and disqualification.

On or about 13 September, 2022 Appellant received Respondent's attorney 21 September, 2022 proposed Final Order of Dismissal. This notification was

ultimately under a correspondence to Judge Curtis requesting that the proposal be signed. See Attached 1 September 2022 correspondence of M. H. Jameson to Judge Curtis. Judicial Notice is requested that Appellant received the abovementioned notice on or after 13th September 2022. On 13th September 2022 Appellant received Jameson's 01 September 2022 correspondence to Judge Curtis in reference to a similar unfounded/ungrounded proposed Final Order of Dismissal in his Application For POE in the Court of Common Pleas of Lee County Case no.: 2017-CP-31-311. See Attached 1 Sept, 2022 correspondence in re Case no.: 2017-CP-31-311.

Judicial Notice is also requested that on 19 September 2022 Appellant prepared and caused to be mailed to Judge Curtis and Lee County's Clerk of Court his "Request For Extension of Time to Object to Final Order of Dismissal Proposal" in re Case no.: 2017-CP-31-0311. Applicable to that case as to this case Appellant informed the Court and Judge Curtis that he received the 01 September 2022 abovementioned proposed order dismissed on 13th Sept, 2022. pg 2 See Attached

Also as applicable to this case Appellant complained of his being denied due process and equal protections by the Court's failure to remedy his lack of access to legal research materials of South Carolina necessary to prosecute the action. Appellant went on to object to the proposed Final Order of Dismissal's claim that dismissal was warranted as "unfairly or successively" ultimately because his 05 July, 2022 filed objections to Conditional Order of Dismissal in Case no.: 2017-CP-31-0311 contained claims of a jurisdictional challenging nature under the term "person" as defined SC Code 2-7-30. See pgs 1-2. He particularly states, in clarifying his originally identifying himself as a "private-natural person," the abovementioned and then states, in relevant part, "...the generic terms 'person' or 'party,' which was within the description of the warrant and indictment and used to acquire jurisdiction, is a substantive element of the challenged proceedings 'subject matter jurisdiction' that questions the trial court exercise of jurisdiction. pg 2

Appellant, having recently learned, pleaded that Judge Curtis' becoming, proving her complicity, and participating in the unconstitutional and fraudulent system of "universal" was apparent in her acting as a law clerk for SC Court of Appeals Judge Kaye G. Moran; prosecuted appellate cases as an attorney in the Bayou Law Firm; initiated and prosecuted individuals in Sumner County as a collector; initiated and conducted

other business as the Chief Magistrate Judge and now regarded as a Circuit Court Judge all being done under the unconstitutional custom of South Carolina laws being universal contrary to the universality of law, pgs 3. In comparing these circumstances to those of Georgia's custom of universality and incentive payment scheme for said custom, See pg 3-4, Appellant went on to plead and request extraordinary remedies in providing Applicant with the guidelines and the ability to subpoena the financial records; recommendations for employment, but not limited to, in relation to Judge Cook's employment in the judicial fields. Applicant is of the position that he is entitled to extraordinary remedy or otherwise for this matter to be heard by a Jury and without a Circuit Judge with characteristics of Judge Cook. Each judge with said characteristics would have a financial interest in the outcome of this case because there is precedent that when a person holding a position or trust or confidential relationship breaches said trust or relationship by fraud or similarly they are required to return all payments received under the circumstances and are liable for costs, pgs 2-4

While Appellant is uncertain of the exact date that Judge Cook received Appellant's "Request for Extension of Time to Object to Final Order of Dismissal Proposed" which was sent to Lee County's Clerk's Office the same day of writing to Cook, he is informed that said filing was received and filed by Lee County Clerk's Office in Case no.: 2017-CP-31-0311 on 21 September, 2022.

The importance in the letter mentioned transcripts on 21 September, 2022 in Case no.: 2017-CP-31-0311 is that Judge Cook's signing of the Final Order in Case no.: 2018-CP-43-2 was on 21 September, 2022. This was exactly 19 days after "the writing of the proposed order" and failed to give Appellant adequate time to reply to said proposed order.

Appellant's "Objections to Proposed Final Order of Dismissal" was not received and filed by the Sumter County Clerk's Office until 27 September, 2022.



1. Again, Appellant being without access to legal research materials for South Carolina can only presume that his right to object to the 01 September 2022 marked proposed Final Order of Dismissal required be be given a reasonable time after he received said order to object to said proposed order. In this case it must be recognized that Judge Curtis had received pleadings in Case no.: 2017-CP-31-0311, at a minimum, that established it took approximately 17 days to receive the 01 September, 2022 in Petersburg Virginia.

Judge Curtis's issuance of the 21 September 2022 Final Order of Dismissal 19 days after it's meeting was obviously done with knowledge from Case no.: 2017-CP-31-0311 that Appellant had received said proposed order, possibly, 13 days after it's 01 September, 2022 meeting and thereby issued without giving he sufficient time to respond and object as required by Statutory Law and the Due Process Clauses. Said orders are violative of the adjudications by the United States Supreme Court in *Anderson v Bessemer City*, 470 US 564, 572 and *Tefferson v Upton*, 360 US 284 "We... have criticized courts for their use of an objection of findings of fact prepared by, or for, parties, particularly when those findings have the form of conclusory statements unsupported by citation to record. ... We also aware of the potential for overreaching and exaggeration on the part of attorneys preparing findings of fact..."

Appellant's pleadings herein makes a sufficient showing that Judge Curtis's misconduct in number 1 above was ultimately designed to deprive Appellant of the right to submit verified pleadings, CP 21 September 2022 filed Verification of Pleadings in re Disqualification Request and Objection to Proposed Final Order of Dismissal, that ultimately would prove that Curtis's failing to recognize and adjudicated any of his pleadings in relation to his claims ultimately being grounded in the unique and uniform definition and application of the person provisions under SC Code § 2-7-30 as used to require jurisdiction in the cases. See Request For Extension of Time to Object to Final Order of Dismissal/Proposal in Case no.: 2017-CP-31-0311 filed 21 September 2022. In our support of Applicant's position of the Courts of Tennessee and per invitation to Judge Curtis Appellant points out the surprising findings of this Court would be "Appellant also asserts that claims related to subject matter jurisdiction or personal jurisdiction can be raised at any time, and even retroactively, this application should not be dismissed as untimely

or successive. He cites to authority from numerous other jurisdictions in support of his position. However, Applicant has again failed to present sufficient reasons why this application, filed more than two decades following his guilty plea, should be considered timely and why he could not have raised these claims in his initial post-arrest application. pgs 2-3 of Final Order of Dismissal

Contrary to these misleading and fraudulent statements Applicant's 05 July, 2022 filed Objections To Conditional Order of Dismissal particularly pleads "the determinations of subject matter jurisdiction under South Carolina law... is required to apply and construe the term 'persons' as defined SC Code Ann § 2-7-30 Construction of words (a) The word 'persons' and 'party' and any other word importing the singular number as used any act or joint resolution shall too include the plural and to include firms, companies, associations, and corporations ... Applicant is now aware that he challenges to subject matter jurisdiction can be brought at anytime." pg 2

Note 1. The purported first Conditional Order of Dismissal in Case no: 2017-CP-31-0311 was issued on 22 January, 2020 while Applicant was in custody of Georgia Department of Corrections. Without submitting arguments associated Applicant's receiving notice of said order Applicant pleads that on 16 June, 2022 the Certificate of Service of Joshua Osborne, legal assistant for Respondent was mailed to Applicant. This is when Applicant was given the opportunity in Case no: 2017-CP-31-0311 and thereafter submitted his 05 July, 2022 Objections To Conditional Order of Dismissal. See attached

Said motion more properly stated in relevant part Applicant's objections to the above mentioned is based upon this Court's failure to recognize that Applicant's Michael Abonzo Ruffis, private citizen, being indicated as and in the arrested "persons" name and capacity is a question that his extradition and the applicable law require to be resolved. Applicant is now learned that he is NOT of the capacity in fact or in law the conditional 'persons' recognized by SC Code § 2-7-30. After submitting pleadings and authorities to support these positions, see pgs 3-6, Applicant submitted pleadings and authorities to show how every officer of the court who obtained the indictment, represented Applicant, and presided as trial court judge was under a fiduciary duty as defined *Meistrand v Selman*, 249 N.W. 458, 164 N.W. 545, 546 (1928). As such

and under the precedent of cases such as *United States v. Quirk*, 92 US 542, 558 and *United States v. Corliss*, 344 US 174, 176 the use of the generic term "person" as defined § 2-7-30 violated the mandates of constitutional law requiring the officers of the court to state the species and descend to the particular class of person Appellant was being charged and the trial court required jurisdiction of said subject. See pgs 6-7.

Appellant went on to plead that the permissible exercise and purported concluding jurisdiction under the aforementioned circumstances evidencing the proceedings and judgment was procured by fraud and breach of fiduciary duties of the officers of the court, pgs 7-11. Clearly these pleadings establish additional grounds for Appellant's Application being exempt from bars of successive and unfitness.

Appellant submits these pleadings in this appeal because he was not given the opportunity to submit a Second Objection To Proposed Conditional Order of Dismissal in this action. Appellant had not received a copy of the Court's 23 March, 2020 Conditional Order of Dismissal but did not get an opportunity to submit a Second Objection To Proposed Conditional order in this appealed case to include his aforementioned pleadings in Case no 2017-CP-31-0311.

It is assumed and Appellant pleads from said assumptions that the Respondent's attorney and Judge Curtis architecturally, fraudulently, and deceitfully failed to give Appellant an opportunity to file an objection to the 23 March, 2020 Conditional Order of Dismissal upon Appellant's transfer the FLOP in 2022, as it did in Case no.: 2017-CP-31-0311, simply to deprive him of the right and ability to submit pleadings as he did in his 21 September, 2022 filed Request For Extension of Time and Objection To Proposed Final Order of Dismissal in Case no.: 2017-CP-31-0311 as above pleaded. Said actions are violation of the fiduciary duties of the lower court's officers and designed to obstruct the judicial machinery in evaluating and resolving this matter as warranted under equity, law, and justice.

These pleadings support the position and ultimately prove that the Respondent's attorney and Judge Curtis was aware that his pleadings in relations

to the uniformity, not universality, of the generic term "season" as defined § 2-7-30 and used as a jurisdictional prerequisite in the challenged trial court proceedings, See above mentioned pleadings of 21 September 2022 filed and 05 July, 2022 filed motions in Case no: 2017-CP-31-0311, would have refuted the lower court's determining Applicant failed to present sufficient reasons why this application, filed more than two decades following his guilty plea should be considered timely. ... Applicant has failed to provide sufficient reasons to overcome the procedural bars as set forth in the Conditional Order of Dismissal. pgs 2 of 3 of Final Order of Dismissal

The issuance of the 21 September, 2022 in violation of the commands identified number 1 and applicable brackets, considered with this ground, supports to position that said orders timeliness was factual and decided as here in Pleader.

2. Appellant's pleadings within his 05 July, 2022 being more particular under South Carolina laws and applicable authorities, cited from being submitted in this appeal action as stated above; established ultimately that the statutory limitations and special provisions of uniformity under the term "season" as defined § 2-7-30 requires all provisions under said circumstances to be governed by practices and rules of evidence of courts of special and limited jurisdiction. See *Caban v. Pige*, 85 US 350, 370-371 "However high the authority to whom a special statutory power is delegated ... we must take care that in the exercise of it that the facts giving jurisdiction plainly appear, and that the terms of the statute are complied with....". "A court of general jurisdiction... may have special and summary powers wholly derived from statute, not exercised according to the of the common law, and which do not belong to it as a court of general jurisdiction. In such cases, its decisions must be regarded and treated like those of courts of limited and special jurisdiction. The jurisdiction in such cases, both as to the subject matter of the judgment, and as to the reasons to be objected by it, must appear by the record; and everything will be presumed to be within the jurisdiction which does not distinctly appear to be without it."

Note 2. Appellant being without access to legal research materials of South Carolina laws and being constantly deprived of the right to an adjudication of rights from said deprivation by the ALJ court has continuously pleaded that he was fraudulently and unconstitutionally subject to a court proceeding in case no.: 95435 43006415 under the presumption he was of a civil status that is neither slave or indentured. See grounds of 21 December, 2017 Application For PRA 10(a) Petitioner's trial court fraudulently... acquired and exercised jurisdiction over his person under the legal presumption that he is of an inferior class of persons than his only true civil status as a private citizen... (b) Petitioner's inclusion in the trial court's jurisdiction, as pleaded 10(a) of this Application was an effect of his attorney's being ineffective by failing to advise Petitioner that the trial court and process was initiated and being prosecuted against him as being of an inferior class of persons...; (c) Petitioner's trial court's unlawful exercise of jurisdiction and issuance of the judgment was violative of Petitioner's guarantee of Equal Protection...

Appellant's documented legal position and arguments, ultimately claiming the South Carolina courts and Appellant's trial court (ie. Court of General Sessions have at least a dual system) of jurisdiction for "persons" as private persons and another for persons in their corporate-artificial capacities, were supported by claims that "under the mandates of 42 USC § 302(e)(1) and similar provisions of ISA (42 USC § 91 et seq) South Carolina is obligated to promulgate all necessary rules and regulations and to do all things necessary and required of Congress for the unincorporated-organization made up of ISA and its members for Federal grants. 42 USC 301. Petitioner is aware that under these circumstances the Uniformity Clauses of Art. 3, Sec. 31, Cl. Para. X and Art. 5, Sec. 14 requires Iowa permits a classification of persons, which is the basis of their being a classification of laws for said classified persons, and which is the basis that the courts' vested with judicial power exercise of jurisdiction is statutorily or otherwise limited and classified." See 11(a) Application For PRA

This position was reiterated in Appellant's 23 March, 2022 "Notice of Denial of Equal Protection & Due Process In Access To This Court With Limited Objection To Respondent's Proposed Return And Motion To Dismiss," see pp 1-2 wherein he recited the position that his instant application was barred by the Statute of Limitations and Judge Curtis's, stating she was the Respondent's attorney, see Conditional Order of Dismissal, pp 205, Appellant's position that neither acknowledged Appellant's above-

mentioned pleadings and their application under South Carolina law, the circuit courts obviously have subject matter jurisdiction to try criminal matters. "pg 2 Notice of Denial of Equal Protection & Due Process in Access to This Court... Filed 23 March, 2020

These pleadings "liberally construed," under the circumstances required the PCR court to evaluate these pleadings and compare them with authorities generally and under South Carolina law that related to "persons." And then determine if Appellant's claims amount to a legitimate and jurisdictional challenge.

Even without access to critical legal research materials associate this area of law Appellant is aware and pleaded in his 21 June, 2022 marked "Notice of Change of Address and Request for Extension of Time to Object to Conditional Order of Dismissal" in case no. 2017-CP-31-0311 that general authority holds generic subjects may be divided and subdivided into as many classes required [] peculiar legislation... Nearly every matter of public concern is divisible, and division is necessary to methodical legislation. South. Stat. Const. §12. "This authority is used under Georgia law, (F.O.C.A. §50-2-21(e)), in stating "Not only things, but persons, may be so divided. The genus homo is a subject, within the meaning of the constitution. *Sasser v Martin*, 29 S.E. 278, 281 (1897).

Consistently, the Commentaries on the Laws of England, explaining Sir William Blackstone's findings on the subject, states "Persons... are divided by law into either natural persons, or artificial persons. Natural persons are as such as the God of nature formed us; artificial are such as created and devised by human laws for the purpose of society and government, which are called corporations or bodies politic." BK 1, pg 119

In evaluating the abovementioned and comparing it with the authorities of South Carolina, which Appellant never had access to in prosecuting this matter, that relate to the State's obligation to Social Security Administration, as pleaded above, must be applied within the "person" provisions of § 2-7-30. These circumstances require that term person use in the statutory provisions and thereafter in indicting Appellant in case no. 95 GS# 300645 AND ANY OTHER SIMILARLY CIRCUMSTANCES (CRIMINAL CASE/CONVICTION of South Carolina he is subjected to be jurisdictionally unconstitutional under clearly established precedent on the subject. "The use of uniqueness in criminal statutes is the area where they concern either in determining what persons are included..." *United States v Cochran*, 344 US 174, 176; See also *United States v Quirk Shank*, 92 US 542, 558 "It is elementary principle of criminal pleadings, that where the definition of an offense, whether it be of common

law or by statute includes a generic term, it is not sufficient that the indictment shall charge the offense in the same generic terms as in the definition; but it must state the species; it must descend to particulars."

Appellant's instant pleadings in this Note 2 establish that not only was the initiation, prosecution, and concluding of the local court proceedings under the generic charging and indicting term "person" unconstitutional of a jurisdictional nature it also established that without there being an affirmative indication appearing on the face of the proceedings and judgment they are violative of the applicable practice of pleadings adjudicated *Gaspin v. Papp*, 10 amounting to and commanding said proceedings and judgments to be void do to suffering from a want of jurisdiction.

In evaluating the events in this action in the lower court with those of Case no: 2017-01-31-0311, See Arguments 1, which includes but not limited to pleadings that Judge Curtis participation with and as a representative of the Respondent's attorney, See pg 2 of 5 Conditional Order of Dismissal, caused them to deprive me of the right to submit a second objection to conditional order of dismissal, See Note 1 herein, and any objection to the Final Order of Dismissal it must be presumed that said actions were defunct and constructive based in obstructing Appellant's right to more particular plead grounds for Judge Curtis's disqualification as pleaded his 23 Mar, 2022 Notice of Denial of Equal Protection... pg 2 and 08 April, 2022 Request For Recusal which would had included more particulars of his jurisdictional claims under § 2-7-30, pg 7 and Argument 1 herein, which distinctly included information of these grooming, employment, and possibly recommendation as an officer of South Carolina courts and other participant in said court. See pg 7-8 herein

Judge Curtis's records herein pleaded cannot be overlooked even under the circumstances she attempts to create. In that this Court must and is requested to take judicial notice of the public records of Curtis's professional career as an officer of the court i.e. magistrate, solicitor, judge. Upon judicially noticing this information, comparing it to Appellant's continuous complaint of there being an unconstitutional custom of universality by officers of the court, and then comparing them to the pleadings herein, See Note 2, Judge Curtis

has a financial interest in the outcome of this case, having actively participated in the custom of universality in numerous capacities and committed himself in violation of his fiduciary duties in doing such, that the Commands of the Due Process Clauses and Codes of Judicial Conduct mandate his disqualification from this action. As such all proceedings in the PCA proceeding must be adjudicate void and vacated or overruled.

3. Contrary to all of Appellant's pleadings this appeal establishing his attempts and effort submitting competent complaints, under the circumstances, that his facial court procedures and unconstitutionally required, exercised, and concluded the above mentioned by issuing the judgment Judge Curtis failed to acknowledge and fairly apply said complaints in accepting her co-appellant's proposed orders.

Appellant's pleadings have been sufficiently pleaded Note 2 and throughout this appeal and is incorporated herein by reference. Contrary to those pleadings and the authorities that should have been applied in evaluating and resolving them, See Note 2, Judge Curtis, admitting herself as Respondent's Representative, See pg 2 of 23 March, 2022 Conditional Order of Dismissal, issued the Final Order of Dismissal stating "... Applicant failed to present sufficient reasons why this application, filed more than two decades following his guilty plea, should be considered timely. ... In conclusion, Applicant has failed to provide sufficient reasons to overcome the procedural bars as set forth in the Conditional Order of Dismissal." pg 2-3 of Final Order of Dismissal.

Curtis's actions are not only clearly egregious requiring recusal or recanting and overruling but also amounts to acts of fraud and breach of her fiduciary duties as a public servant in NOT withhold and concealing material facts. In comparing Curtis's rulings to Appellant's pleadings in the lower court and those of Note 2 herein Curtis's actions are equivalent and shows her commitment to participating in the unconstitutional custom of universality against Appellant and the People subject to both Curtis's laws.

The Final Order must be overruled and otherwise in favor of Appellant!


4. Appellant reserves the right to amend this portion of his appeal upon being granted the extraordinary relief pleaded and requested his Request For Extension of Time to File Petition, mailed 24 Oct, 2022, pgs 1-2.

CONCLUSION

These pleadings, attachments, and circumstances establish that questions of his being deprived of liberty interests and that a judgment of the State's court associated his liberty interest have not properly and fairly been resolved. Also that said errors are the result of Appellant's claims being prosecuted and adjudicated by a mediator not only interested in the outcome of the subject matter but also actively participating in the fraudulent and unconstitutional custom of universality that is the basis of Appellant's jurisdictional challenges to the State court judgment.

The mandates of equity, law, and justice command that the lower court's adverse ruling be reversed, vacated, and an order issued voiding the challenge judgment and those similarly entered.

WHEREFORE upon inquiry into these pleadings Appellant prays that this Court, armed with impanelled mediators, issue order(s) granting any and all relief warranted under equity, law, and justice under the circumstances in his favor.


Michael R. Davis - Pro Se litigant

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