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SC Court of Appeals

I, Anthony-Duane: Sutherland being unskilled in Law, now ask the South Carolina Court Of Appeals to please look to the substance of this appeal rather than the form of this appeal. That you would please look to the substance with patience. I pray to be held to a less stringent standard than the formal pleadings drafted by professional lawyers.

(Haines v. Kerner, 404 U.S. 519)

I, Anthony-Duane: Sutherland, in proper persona by special appearance hereby appeal to the South Carolina Court of Appeals. I respectfully request a “de novo” review of the 7th Circuit Trial Court’s Order that denied two of my Motions. I’m also requesting the Appeals court would call up the records of the lower court in order to review and investigate my claims of Due Process failures and Civil Rights Violations which I will elaborate on herein after my discourse on the Federal Arbitration Award and on the Court’s Order denying my Motions.

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The Motions denied are the “Motion and Notice of Motion for Immunity that defendant is Barred from Prosecution” and the “Motion Application to Enter Permanent Injunction Arbitration Award onto the Judgement Roll of the Court”. The Court Order is dated March 2, 2023, and it was filed into the Record of the Court on March 7, 2023. I received a copy of that Court Order on March 17, 2023 by certified mail. Copies of those certified mail receipts will be enclosed herein. I then filed “Notice Of Intent To Appeal” into the Spartanburg County 7th Circuit Trial Court on March 27, 2023 and that Notice & Service will be enclosed herein. Now on this day April 26, 2023, I am post marking my appeal and I am sending it certified mail to the South Carolina Court Of Appeals.

I do believe a “de novo” standard of review would be proper considering an immunity motion does Present Questions Of Law for the trial court’s determination prior to any trial. And the trial court does remain silent on the subject matter jurisdictional challenge for a period now of nearly thirty months while I am still in State Custody.

In this present matter, it does not appear that the trial court, in its Order denying both Motions, employed any preponderance of evidence standard in reaching its Decisions.

The Court Order only stated, “The defendant has failed to state a claim upon which relief can be granted. The court declines to enforce the purported arbitration agreement presented by the defendant. The defendant cites no persuasive authorities showing the validity of the purported arbitration agreement”.

These are egregious statements for I do believe it is Apparent in the Documentary Evidence that I have requested Equitable Relief & specific performance and that I have made known my Claim of Immunity from the court’s jurisdiction pursuant to the Federal Arbitration Award which serves as an Injunction against the lower 7th Circuit Trial Court and the Corporate STATE, “THE STATE OF SOUTH CAROLINA.

At the pretrial hearing on the Motions, I did not receive enough time to elaborate in more detail upon all the facts of the Award. The Judge told me that he had been fair enough with the time he had allotted me. Yet in later conversation with the court reporter, I learned that the average Court transcript for Motions is 45 pages long. My transcript was only 24 pages long without any breaks in speech. If I had been allowed the adequate time needed my transcript could have easily been 40 pages long. I was cut off when the Judge asked the Prosecutor to speak. Afterwards I spoke briefly but was denied the adequate time needed.

I do believe the Order is reversible for the Order only contained those few short egregious statements. The Order failed to Rebuttal my Documentary Evidence and all the Arbitral Records which included service upon all three branches of the United States Government. The 7th Circuit Court Failed to Produce Evidence and cite Evidence as a Rebuttal.

The Court Order merely implied the Award to be invalid with no proof to deny the Motions. I believe the Court Order is reversible.

It appears the trial court failed to do a thorough Review of the entire Arbitral Record to Notice the apparent facts and that those facts are uncontroverted evidence not questionable being it's the Final Judgement & Decree of a duly appointed Arbitrator whose Award is in effect and un-amendable and binding upon all parties in perpetuity. The Arbitrator operated only within the powers delegated by the contractual agreement and relied on the evidence presented and the intentions of the contract; and not otherwise. The Arbitrator's actions are governed under the FAA and the Arbitrator did comply with Title 5 § 572.

The Federal Arbitration Act, and most state arbitration statutes, provide for enforcement of arbitration awards through a procedure by which a party may request a court to enter the judgment award onto the court's judgement roll.

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Once an award has been reduced to judgment, it can be enforced to the same extent as any other judgment. See, e.g., 9 U.S.C. § 13 (Under Federal Arbitration Act, judgment on award “shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered”); Fla. Stat. § 682.15(1) (“The judgment may be recorded, docketed, and enforced as any other judgment in a civil action.”); N.Y. Civ. Prac. L. & R. § 7514(a) (“A judgment shall be entered upon the confirmation of an award.”). Both federal and state policies do favor arbitrating disputes." *Towles v. United HealthCare Corp.*, 338 S.C. 29, 34, 524 S.E.2d 839, 842 (Ct. App. 1999). "Any doubts concerning the scope of arbitrable issues should be resolved in favor of arbitration." *Carolina Care Plan, Inc. v. United HealthCare Servs., Inc.*, 361 S.C. 544, 550, 606 S.E.2d 752, 755 (2004). In South Carolina, arbitration agreements are governed by the Uniform Arbitration Act (the Arbitration Act). S.C. Code Ann. §§ 15-48-10 to -240 (2005). pg.6

The Arbitration Act provides that a "written agreement to submit any existing controversy to arbitration . . . is valid, enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract." § 15-48-10(a) (emphasis added). Section 15-48-10(b) sets forth exceptions to the application of the Arbitration Act. The South Carolina supreme court has explained that the terms of section 15-48-10 are clear, "the court must apply those terms according to their literal meaning."

Arbitration Awards can be enforced in both State and Federal courts. see: *Moses H. Cone Mem. Hosp. v. Mercury Constr. Corp.*, 460 U. S. 1, 26 n.32 (1983).

The Federal Arbitration Act preempts any State constitutional provisions, statutes, court rules, or decisions THAT ARE NOT generally applicable to all contracts. see: *Perry v. Thomas*, 482 U.S. 483, 492-493 (1987); *Doctor's Assocs., Inc. v. Casarotto*, 517 U.S. 681, 687 (1996).

The Federal Arbitration Act's central purpose is to ensure that private agreements to arbitrate are enforced according to their terms. see: First Options of Chicago, Inc. v. Kaplan, 514 U.S. 938 (1995).

The Federal Arbitration Act even preempts State court rules or decisions THAT ARE generally applicable to all contracts if those rules or decisions interfere with the FAA's final objective which is the enforcement of Arbitration Awards in accordance with the terms. see: AT&T Mobility LLC v. Concepcion, 563 U.S. 321 (2011).

Article VI Supremacy Clause -

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

My stated claim of Absolute Immunity from all criminal, civil, and administrative actions is founded upon the Apparent Documentary Evidence; Proof of Immunity. The State's cause of action may not be maintained because of Federal Arbitration resulting in a Final Arbitration Award. The Judgment Order/Decree has granted me specific Remedies & Equitable Relief which is spelled out in the Award. I am barred from prosecution in the 7th Circuit Court of limited jurisdiction. The Court has no authority over me for any reason or cause to exercise jurisdiction over the prosecution. The Court is prohibited from exercising any action against me.

The "Final Award" is an "Injunction against the State" and does serve as a "Release Order" from State custody and confinement. The Award does serve as a "Dismissal Order" to vacate and dismiss the pending charges with prejudice and to expunge the Record. The Persuasive Authorities validating the Arbitration Award are cited in the Apparent Documentary Evidence and herein.

The Director Sandra Goulette of Sitcom Arbitration Association is vested with authority by the Federal Arbitration Act & Title 9, Sections 1-9 of the United States Code. The Director of the Arbitration Association did certify a duly qualified Arbitrator to review all the evidence of the record and to adjudicate the disputed matters. The Arbitrator did determine the rights and obligations between the parties and did make a Final Decision through the Lawful Processes of Common Law Arbitration. The Arbitrator issued a Final Judgment Order and that Decree is non-appealable, is in effect, and is binding upon all parties in perpetuity. The duly qualified Arbitrator's official acts and the Final Arbitration Award shall be given full faith and credit in all the Courts of Justice and elsewhere as dictated by the Federal Arbitration Act which preempts all State Laws to the contrary. The Arbitrator does have Subject Matter Jurisdiction, as acknowledged by Title 9 U.S. Codes § 1, § 2, § 9; 28 U.S. Code § 1346; and by and under the established common law in this Article III Constitutional Republic.

The Award was lawfully secured under the United States Constitution for America; Supremacy Clause Article VI. The Award is consistent with the General Authorities and with Title 5 U.S. Code § 572. The Arbitrator fully complied with Title 5 § 572 and with all of the rules that govern agency dispute resolution proceedings for the resolution of issues in controversy that relates to an administrative programs. See: Public Law 101-552, § 4(b), Nov. 15, 1990, 104 Stat. 2739, § 582; renumbered § 572, Public Law 102-354, § 3 (b)(2), Aug. 26, 1992, 106 Stat. 944 AND *Steelworkers v. American Mfg. Co.*, 363 U. S. 564, 568 (1960). Also see Private Law 114-31. Those same lawful Arbitral processes are exercised by Sitcomm Arbitration Association. Private Law 114-31, whereas Congress has adjudicated Sitcomm Arbitration Association's Legal Standing thus qualifying it as a Federal Legislative Arbitration Association. In Compliance with the Laws, the Arbitrator relied only upon the facts and evidence presented and the award was not procured by any corruption, fraud, or undue means.

I now Quote, “Typically Arbitrator’s need not explain their rationale for an award”.(Barbier v. Shearson Lehman Hutton Inc., 948 F.2d 117, 121 (2d Cir. 1991). No party, not even one, has ever commenced any action in Federal Court to set aside the final permanent injunction arbitration award. The Award is effective. The Award is a binding private law contract that effects all Government agencies. The Award was agreed too by the Executive, Legislative, and Judicial branches of the United States Government. All agencies of the government and all STATES have agreed to be duty bound and in specific performance of their contractual obligations.

NOTICE: On January 6,2023, the Court received the 2nd Pretrial Motion For Immunity. The 1st Pretrial Motion For Immunity was filed on March 4, 2022 and was totally ignored. Then on January 9, 2023, I filed the Motion Application to enter the Arbitration Award onto the Judgement Roll Of The Court as if rendered in action and I requested the Court to be in compliance with all applicable Federal and State Laws regarding the Arbitration-

Award. The Motion for Immunity and the Equitable Relief which I requested is apparent in the Documentary Evidence within the Court's Records.

NOTICE: The 1st Pretrial Hearing on Motion for Immunity was denied several times in a period of eleven and half months. On 10/26/22, I was notified that I needed to be in court the next day, on 10/27/22 at 9 am to proceed with the Pretrial Hearing on Immunity. The Notice to show up for a pretrial Motion of Immunity turned out only to be a guise. Again, I was denied a fair opportunity to present my Immunity defense. The denial was for the purpose of placing me under duress to coerce me into superseding the Contract Award by entering a detrimental plea agreement. When I first arrived for Court, I was told a jury was gonna be chosen for my trial. I did not consent and demanded the Immunity Hearing. I was then placed in a room and then faced an intense conspiracy against my rights. My former attorney, the Judge, and the Prosecutor all conferred with-

one another in the Judge's chambers while I sat in this small room. Numerous times my Attorney would come and go bringing messages back to me from the meeting taking place in the Judge's Chambers. I consistently rejected all the tendered offers to contract, to become surety, and an accommodation party on the Court's Complaint. This all transpired for a space of approximately two hours and for my own protection I recorded nearly the whole encounter. My attorney was under a lot of pressure from the Court because he counseled me on court processes while I remained in proper persona and in special appearance at all times issuing my challenge to the Court to prove subject matter jurisdiction and personal jurisdiction over me. Even on my behalf, my former attorney did file my first pretrial motion for immunity on March 4, 2022. After I persisted against the Court on that same day, October 27, 2022, the Honorable Judge Knie finally threatened my former Attorney J. Zachary Farr, Esq. with sanctions at the Bar if he continued with me any longer to defeat the STATE's case.

After the court failed to persuade me to accept its-tendered offers and to give up my private status for a joinder with an artificial person (corporate entity) the court then retaliated against me and did prejudice me by depriving me of my 6th amendment right to assistance of counsel. That day Mr. Farr could no longer provide me any advice in criminal court after I had paid him \$4,500 to do so. There are other civil right violations and due process failures of the court that I will attempt to describe herein if time shall permit me.

The 7th Circuit Trial Court denied an uncontroverted Arbitration Award with weak legal jargon. I understand Courts confer to other Courts during the decision making phase. Yet when a Court Order issues to deny claims, Motions, Immunities, and Awards with no cited real evidence as a Rebuttal to the Claimant's Documentary Evidence, the courts should then confer separately to make accurate determinations based on real evidence in the record to promote fairness and real Justice.

The court's Order denying my Motions produced no cited evidence as a Rebuttal to my Award and claim of Immunity. The Court Order only contained a weak premise implying the Award was illegitimate with the jargon word "Purported".

References to other court denials on weak premises fail to produce & cite evidence capable of overcoming a Federal Arbitration Award, The Arbitration Association, The Vested Power Of The Arbitrator and their lawful processes, The United States Constitution & The Supremacy Clause Of Article VI, The Supreme Court, and The Federal Arbitration Act, and the intentions of the United States Legislative Branch in regards to Federal Arbitration Awards. The STATE OF SOUTH CAROLINA and it's 7th Circuit Trial Court Erred In Failing To PRODUCE & CITE Credible Evidence Capable of REBUTTING MY EVIDENCE OF IMMUNITY and the Validity of the Arbitration Award.

The Court's egregious and hostile actions oppose the established principles under the Supreme Laws Of The Land.

The court had sufficient information to return an accurate determination. My claims of Immunity and the relief which I requested is so very apparent in the Records. The Documentary Evidence supports my claim and the Court failed to produce any evidence that over comes the Federal Arbitration Act preemptive to all State Laws to the Contrary. The State Of South Carolina is bound to the contract for "Obligation of Contract" is the Law Of The Land, even if Admiralty has a claim; Article I, Sec. 10, Clause One.

Now I Motion the South Carolina Court of Appeals for Judgement to Dismiss and Annul the 7th Circuit Trial Court's Cause Of Action and it's Complaint asserted against me on the grounds that:

1. The 7th Circuit Trial Court Violated my 6th amendment right to assistance of counsel as detailed in the matters above.
2. The Federal Permanent Injunction Arbitration Award voids the lower court's jurisdiction.

3. The 7th Circuit Court lacks jurisdiction of the subject matter. Citations will be included herein.
4. The 7th Circuit Court lacks personal jurisdiction over me. Citations will be included herein.
5. The 7th Circuit Court has a “Failure Of Due Process” several times over. The court failed to conduct the Preliminary Hearing that I requested. I was denied a fair opportunity to discuss the case on the merits in accordance with law & facts to establish my inherent rights and the insufficiency of the State’s Complaint that it lacked the Minimum Requirements of “Corpus Delicti” under the reserved guaranteed common law venue; the Article III Constitutional Republic and that one charge was insufficient on its face because I had no loaded gun and the State’s charge did not meet the definition of a Trap Gun. Then the next failure of due process occurred through serious delays in the process to obtain a Grand Jury Indictment that did prove to be erroneous. And the Indictment was handed down nearly one

year after arrest and after the court denied my Preliminary Hearing to discuss the invalid charges. The Court delayed the process of obtaining an indictment by offering me plea deals with a charge it knew was invalid and that would have to be dropped which I will prove herein. These serious delays in process coupled with the erroneous information sworn to under oath has definitely served to keep me in a longer period of excessive Home Detention.

6. And this in turn has created another Civil Rights Violation for the "8th Amendment" states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Note the GPS Electronic monitors are punitive devices, not an alternative to incarceration. The time that I have spent in home detention coupled with jail time far exceeds the State's maximum sentencing guidelines for what I have been Charged and even more so in light of the fact only one of the initial charges remains.

7. I am not being afforded the presumption of innocence for I am being punished without a conviction which is another violation of my Civil Rights. “5th Amendment” Civil Rights Violation; see Bell v Wolfish, 441 U.S. 520 (1979) which held it to be a violation of the 5th amendment to be punished prior to trial -the presumption is innocence. Obviously I have been presumed guilty with no presumption of innocence in light of my sufferings through due process violations and Civil Rights Violations. I have been denied my 4th, 5th, 6th, 8th and 9th amendments. All this has transpired while the court has refused to answer the jurisdictional challenges. And while there is no Corpus Delicti, probable cause, and even the warrant issued the day after my arrest. My 4th Amendment civil right has been violated for I am in State custody longer than a convicted man would be if he got the maximum sentence. There is one remaining initial charge and I’m still in state custody now two and half years. I have been deprived of my liberties and of my ability to pursue happiness and good health.

Being locked up all the time is taking a toll on my health for Home Detention will not even allow me to walk the apartment complex where I live because they say technically I could be considered being at someone else's residence although they would know my ever step stopping & starting. Home Detention was informed of my health needs that I needed to walk everyday being a previous stroke patient with strokes in two different places of the brain. Johnson v. State, 653 N.E .20 478. 479 (Ind. 1995) says the State must produce corroborating evidence of corpus delict showing that injury or harm constituting crime occurred and the injury or harm was caused by someone's criminal activity". Yet I sit here every day suffering ill health effects knowing that my conduct was in good faith without any ill intent, regardless of whom may presume otherwise without any proof. I shall prove my challenge to the sufficiency of the State's Trap Gun charge was purposely ignored for Twenty-Seven Months. The State was consistent in its efforts to garner a plea deal with exhausting &

excessive Home Detention beyond the maximum sentencing guidelines had I been found guilty. I'm suffering cruel and unusual punishments of the court for reserving all my rights, privileges and immunities. That is kind of obvious when anyone considers the total time that I have spent in State custody is longer than a convicted man would get for the same charges. The process to obtain the indictment was an unnecessary delay. The indictment came down nearly one year after my arrest and the State's failure to provide me with a preliminary hearing. The indictment came on both charges despite the fact I was contesting the sufficiency of one of the State's charges. Then former prosecutor Jennifer Wells swore under oath before a Grand Jury to obtain both charges and one did later prove to be invalid as I had claimed all along. The successor to Mrs. Wells continued the charges in want of a conviction with his plea deal offers despite also knowing the gun charge was invalid for he was informed of this by Mr. Farr my former attorney. This new Prosecutor Spencer Smith-

knew one charge was false yet continued the charge and offered plea deals in an indirect way in want of a conviction. I was told if didn't plea I could be found guilty on both charges at trial and if that isn't a malicious prosecution to continue with an invalid charge in want of a conviction then I know nothing. I wasn't willing to accept such an offer and be surety. Prosecution continued its position until I finally made it to a pretrial hearing on 2/15/2023 at which time the prosecutor dismissed the one invalid charge which could have been dismissed anytime months earlier. The Prosecutors had the ample time of Twenty-Seven Months to dismiss the erroneous Trap Gun charge but chose to try and use the charge against me as leverage. My former attorney advised both prosecutors several times concerning the bad charge, yet that one charge was not dismissed until twenty seven months later. The misdemeanor charge that remains carries as little as Zero days appropriate considering I was in my own home and did not Present any danger nor risk to anyone.

The charge also can carry up to one year and/or a \$500 fine. Now I remain in state custody to this day while there is no proof of a crime, no injuries, no element of corpus delicti, no probable cause, and no proof of jurisdiction. The Prosecutor's continued the invalid charge against me up until the very last minute despite the evidence being exculpatory favoring me. Several times I spoke on the phone and in emails with my former attorney J. Zachary Farr, Esq. about the erroneous charge and he in turn then conversed with the Prosecutor Mr. Spencer Smith about the matters. Yet rather than dismiss the charge he continued to offer me plea deals with the invalid charge. The only way he was willing to drop the invalid charge was if I would accept the other charge and that is clearly a malicious prosecution. To further prove the point, On October 14, 2022, on the court record before the Honorable Judge Knie, in a Motion Hearing requesting my release from prolonged home detention, my former Attorney J. Zachary Farr, Esq. again made the facts very clear to apprise the Court that the

State's charge of a loaded "Trap Gun" was erroneous and the charge failed to meet the State's own definition of a Trap Gun and the State should dismiss the insufficient charge. Yet the prosecutor continued with the charge and tendered plea deal offers up until to the pretrial hearing on 2/15/2023.

8. The State is an Improper Party, Lacks Probable Cause, Lacks Standing, failed to State a Claim and is not entitled to move for its own benefit and is Ultra Vires against me. EXPLANATION FOLLOWS: "No Crime" Was Ever Committed. The minimum requirements of "Corpus Delicti" was not aggregated because the minimum requirements did not exist. The State's Complaint against me never alleged and defined any damages or injuries of any kind whatsoever. Now the People in every state are guaranteed an Article III Constitutional Republic form of government and in this common law venue the minimum requirements of "Corpus Delicti" should be aggregated in order to allege that some crime has actually been committed. The minimum requirements

of “Corpus Delicti” are “Occurrence of Specific Injury” with “Some Criminal Act as the source of the Injury”. The State has never met those minimum requirements to charge me with a real crime. And the State’s actions are ultra vires against me under the color of law corporate statutes. The Corporate Actions of the State do serve to interfere with my civil liberties and guaranteed protections under the United States Constitution. I have not agreed to be bound by the State’s Statues. The State is trying to compel my performance through detention and police powers when I do not owe the State any duties. Note that I am a non-citizen National and I do reserve my right of free association. And Implicit in my right of free association is my right of freedom from compelled association. Quoting now, “The rights of the individual are not derived from governmental agencies, either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent

that they have been voluntarily surrendered by the citizenship to the agencies of government.

The people's rights are not derived from the government, but the government's authority comes from the people. The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief.

The fewer restrictions that surround the individual liberties of the people, except those for the preservation of the public health, safety, and morals, the more contented the people and the more successful the democracy.

[City o/ Dallas v Mitchell, 245 S.W. 944 (1922)]

I do not owe the State any duty for I have not contracted away my rights nor consented to give up my rights. I maintain free association. The State lacks standing to bring a complaint against me for the State and no one else has stated any claim upon which any relief can be granted. The Plaintiff, "The State Of South Carolina" is an

Improper Party without standing to file a suit/ complaint against me because the State has not alleged nor defined any actual damages and has not stated a claim that entitles the State to any relief. Without damages there is no crime. The State did lack probable cause for an arrest on the challenged conduct because the State's minimum requirements of "Corpus Delicti" were not aggregated to allege a real crime; therefore no claim could be Stated for any relief and since there was no crime and no imminent threats nor any risk present no arrest should have taken place since the probable did not exist.

It does appear that the Statutory Commerce Court is operating against me ultra vires under color of law to deprive me of my rights and the State does lack subject matter jurisdiction.

I Have Not sinned against God or the Public with the challenged conduct that took place in the privacy of my own home; therefore, I know not how an Artificial Person/ Corporate Government can come along and pretend that I owe it some

duty and money because it pretends I have committed some Crime/ Sin.

Quote, "In as much as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them."

(S.C.R. 1795, Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54).

Note that the Declaration of Independence declares that our system of government is based on the CONSENT OF THE GOVERNED, and I will not allow the artificial corporate entities to detach the requirement for consent from me at anytime under any circumstances.

Quote, “There is no such thing as a power of inherent sovereignty in the government of the United States.... In this country sovereignty resides in the people; and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld. [Julliard v. Greenman: 110 U.S. 421, (1884)]

9. The 7th Circuit Court’s second Failure of Due Process was through serious delays in process to obtain a Grand Jury Indictment nearly one whole year after my arrest and after it had denied me my preliminary hearing when I was first arrested. I Demurred the Indictment from the very beginning just as I did the charges from the date of my arrest. The State stayed silent on my objections for Twenty-Seven months. Only on February 15th, 2023, did the State finally admit one charge was erroneous and that its Grand Jury Indictment was Invalid. The State dismissed the “Trap Gun Charge” on 2/15/2023 and the other charge remains. I’m seriously effected and directly harmed by the State’s decisions to delay its processes without

any respect to my legal rights. The State's "delays" and "failures of due process" have caused me a prolonged period of time in State custody. And I am still confined to Home Detention far beyond the Maximum sentencing guidelines on both charges had I been found guilty. Now there is one charge left and the State is exacting excessive Bail through the prolonged detention. The State has denied every motion to amend detention because the State wants me to plea. The State does not care that my imprisonment is unlawful and beyond the prescribed time limits of incarceration. And the remaining misdemeanor charge carries a penalty of a \$500 fine or zero days up to one year, but I'm still in custody Twenty-Nine plus months on my challenged conduct in my private home that injured no one and did not effect the public in anyway whatsoever. The State's decision to delay "Process in obtaining an Indictment" coupled with State's decision to "delay dismissal of a charge" that was contested before the indictment and after the indictment has seriously deprived me of my

life, liberty, and pursuit of happiness, and has denied me my privileges and immunities. The Immunity hearing was purposely delayed for want of a wrongful conviction by eleven & half months after I first filed the Motion on March 4, 2021. The Court previously denied me several times a fair opportunity to be heard on the motion for a pretrial immunity. On several occasions when I specially appeared before the Court to proceed with the immunity hearing I was denied an opportunity to proceed and was subjected coercively and tactically to the State's tendered plea deal offers which I rejected. This describes the very reason for the long delayed pretrial immunity hearing.

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NOW NOTICE: \_\_\_\_\_

The Court's Cause Of Action under Color of Law Statues is fraudulent and hereby Rebutted for "The Common Law is the real law, the Supreme Law of the land. The codes, rules, regulations, policy and statutes are "not the law." (Self v. Rhay, 61 Wn 2d 261), Juries must not be allowed to convict on mere suspicion and innuendo see:

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**United states v. Sacerio, 952 D. 2d 860 (5th Cir 1992).**

Legal jurisdiction over a man/woman derives from consent to contract into legal fiction commerce. If there is no valid contract, there is no jurisdiction. The legal system pertains to the fictional theatre of "artificial persons". When a man or woman consents to "act" in "joinder" to an "artificial person", they cease to "live" in their "private capacity" "possessing unalienable rights and properties" and volunteer to "act" in a "public capacity" "granted revocable privileges and benefits". All "artificial persons" are created legally without any inherent "productive capacity" and are therefore "debtors" by default and "limited liability" entities. They function as "transmitting utilities" to transmit "human energy" into commerce. Living people "energize" legal fiction commerce, knowingly, or unwittingly by deception, which is fraud. I rebut the STATE's presumption of joinder to an Artificial Person.

The Plaintiff State Of South Carolina never alleged nor defined any actual damages to itself or to anyone else therefore it's complaint is a fraud.

The State did not find any evidence of imminent danger, risk of harm to anyone, and no evidence of threats to anyone. The police conducted an investigation and it was evident from that investigation and the discovery report that there was nothing on my private property presenting any risk of harm to anyone.

There was zero proof of any criminal intent or of a guilty mind (Mens Rea). There was no express malice nor implied malice. There was no culpable state of mind for I did not act purposely to cause any harm. I knew nothing could cause harm. I knew that my conduct could not and would not cause any harm. I knew that I was not acting recklessly because my actions were not for any evil purposes. I had no intent to create any harm and I did not create any harm. I knew that my actions could not cause any harm. I did not act with any negligence for I did not create any risks of harm. The State's charge against me has infringed upon my God given natural rights to be secure in my own person and in my own house. I do reserve all my rights of personal privacy and all my rights that attach to my private dwelling-

place. My reservation of rights in regards to my private property includes a lawful right to exercise the laws of necessity, if necessity is compelled. The fake device was visible only if someone peered through the window of the home. That fake device was only a deterrent to a potential intruder and did not present any risk of any kind to anyone including a potential intruder. The challenged conduct certainly did not rise to the level of an actionable offense and posed no risk to the public. I at all times do reserve all my rights to keep my property secure and that right is guaranteed to me by the Ninth Amendment in the Bill Of Rights.

I have a right to be free from privacy invasion and false accusations; see *Boyd v. United States*, 116 U.S. 616, 630, as protection against all governmental invasions "of the sanctity of a man's home and the privacies of life".

NOTICE:

"When a complaint is lodged by the government for a fine, fee, tax or duty(moral or legal obligation), all of which are revenue ("re-venue"), they are imposed only on Corporations." See: Colonial Pipe Line Co. V Triangle, 421 U.S. 100 (1975).

“The Corporate-STATE's use of "ALL-CAPS CORPORATE TITLE" on court documents; e.g., charge, summons to appear, plea, court order, etc.; When brought into Court by its Corporate name, its existence as a Corporation is admitted. See: Mud Creek Drain Co. V State, 43 Ind.157; Johnson v Gibson, 73 Ind. 282; Ewing y Robeson, 15 Ind. 26; Callender y Railroad Co. 11 Ohio St. 516; Com. Ins. Etc. Co. v Taylor 8 S.C. 107; and Ware v St. Louis Bagging & Rope Co., 47 Ala. 667.

“THE STATE OF SOUTH CAROLINA” is Ultra Vires against me; the flesh-blood-non-corporate-soul. I do not owe ANY duties to the STATE. The

STATE's actions against me are Unconstitutional. The re-venue agents and court executives of the plaintiff corporation should "Cease & Desist" with all of its efforts; Police powers, Unlawful imprisonment & Home Detention, Coercive tendered plea deal offers, to try and compel my association and accommodation to be surety on its compliant. The STATE has consistently failed to allege any injuries and define any injuries to its self and/ or to anyone else and has not stated any claim upon which any relief can be granted. The Corporate STATE is not authorized to bring any action against me the non-corporate soul and the STATE is an improper party trying to enrich its self through an undisclosed contract; the plea deal. The Court should cease and desist with its unlawful imprisonment, home detention and its police powers to try garner a plea deal that I have rejected since the STATE charged me without probable cause and proof of a real crime that would meet the minimum requirements of Corpus Delicti in this Constitutional republic.

Legislation enacted by Congress applicable to the inferior courts in the exercise of the power under Article III of the Constitution cannot be affected by legislation enacted by Congress under Art. I, Sec. 8, Cl. 17 of the Constitution- D.C. Code, Title 11 ...defines this an officer, agent, shareholder, franchise or fiduciary agent, surety, resident inhabitant or domiciled in any corporation. "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never passed." see: Norton v Shelby County, 118 U.S. 425; "Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda v Arizona, 384 U.S. 436.

The U.S. Supreme Court  
48 U. S. 1, 12 Led 581: "...The government are but trustees acting under derived authority [of the Sovereign American People] and have no power to delegate what is not delegated to them. But the

people, as the original fountain, might take away what they have delegated and intrust to whom they please....

Now the Plaintiff, "THE STATE OF SOUTH CAROLINA" and it's 7th Circuit Trail Court has not proven Subject Matter Jurisdiction. "Once jurisdiction is challenged it must be proven by the plaintiff." Hagans v Lavine, 415 U.S. 533; "The mere good-faith assertions of power and authority have been abolished." Owens v CITY OF INDEPENDENCE, 445 U.S. 622; "Jurisdiction, once challenged, cannot be assumed and must be decided." Maine v Thiboutot, 100 S. Ct. 250; "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v Lavine, 415 U.S. 533. Honneus v Donovan, 93 F..D. 433, 436-37 (1982) affd, 691 F.2d 1 (1\*\* Cir. 1982)); "The law provides that once State and Federal Jurisdiction has been challenged, it must be proven".

Now I, Anthony Sutherland, the Appellant respectfully submits this Notice Of Appeal this 26<sup>th</sup> day of April 2023 and -

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I pray that:

A. This Court would reverse, and annul, the lower 7th Circuit Court's Judgement Order and issue a New Order for confirmation and enforcement of the Arbitrator's Award, that my Immunity would be recognized and that entry of the Award onto the Judgement Roll of the Court would be granted as authorized by the Federal Arbitration Act.

B. That I be Awarded the Equitable Relief, and that the Release Demands and Dismissal Demands of The Final Arbitration Award would be complied with so that I may be returned to my former status and made whole.

C. That my cost for attorney, and my cost for home detention would be returned unto me and that I would be made whole. An that I may have any other relief the court may deem just and Proper.

D. That the lower courts Complaints would be dismissed and expunged from the record.

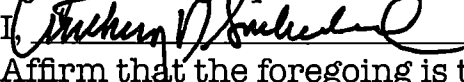
E. That the Due Process Failures and Civil Rights Violations of the lower court would be fully investigated and that appropriate actions would be supervened by the Appeals Court as it sees fit and that I may be apprised of the matters.

These prayers answered shall settle the matters once and for all.

PS-40

This Notice Of Appeal, Motion, and Prayer to The South Carolina Court Of Appeals is hereby respectfully submitted by Appellant, Anthony D. Sutherland, who does proceed in propria persona, sui juris by Divine Visitation and Authority; with all rights, privileges, freedoms, immunities, capacities and standing claimed, reserved, and exercised; without prejudice; and without recourse.

By the Autograph affixed below,

I,  do Declare, Proclaim, Aver, Attest and Affirm that the foregoing is true, accurate and complete, the truth, the whole and nothing but the truth to the best of my knowledge and ability, so help me God.

Without Recourse and Without Prejudice,

  
Anthony-Duane: Sutherland

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Anderson, S.C. 29621-1365  
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SC Court of Appeals

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