

**NOTICE OF APPEAL FROM A ORDER
DENYING MOTIONS BY THE COURT
OF GENERAL SESSIONS**

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JUL 01 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of
General Sessions
Hon. R. Keith Kelly,
Circuit Court Judge

Case No. 2020A4210205837 & 2021A4210200089

The State of South Carolina, Respondent,

v.

Anthony D. Sutherland,
In Special Appearance
Without Prejudice

Appellant.

NOTICE OF APPEAL

I, Anthony D. Sutherland, hereby appeal to the Court Of Appeals, the Order denying two Motions. The two Motions denied in the Court Order are the “Motion Challenge Of Subject Matter Jurisdiction” filed on September 11, 2023 and the “Motion To Quash Defective Indictment” filed on September 7, 2023. The Court Order was issued on June 21, 2024, by the Honorable Judge R. Keith Kelly. That same afternoon at approximately 4 PM, Friday, June 21, 2024, I did receive a copy of that Order from which this appeal is taken. I filed each Motion in person with Proofs Of Service to the clerk of court, Amy Cox, and to the State attorney of record, Spenser Smith. Copies of the said documents are enclosed with this appeal.

I have also enclosed a copy of the Order denying motions, the proofs of service of a notice of appeal to the Court Of Appeals, to the Clerk of Court in Spartanburg, and to the State attorney of record in Spartanburg. I have also enclosed the transcript of record, and the addendum to motions filed with the court before the hearing, and the counterclaims and defenses joined and the standing doctrine requirements also filed with the court, with reference to ripeness, and a reference to the U.S. Supreme Court’s two part test in relation to the necessary essential elements that are missing but needed & necessary in order to charge a criminal offense. Also there is a reference to the Prosecutors admission on the record, on 12/20/2023, at the “amend bond hearing” that “there is no victim”.

Please See: Sheree v. Cullen 481F. 945, and People v. Lopez 62 Ca. Rptr. 47, 254 C.A2d 185, and People v. Sapp, 73 P.3d 433, 467 (Cal. 2003) [quoting People v. Alvarez, (2002) 27 Cal.4th 1161, 1168-1169, 119 Cal.Rptr.2d 903, 46 P.3d 372.]. NO VICTIM NO CRIME.

The Court must be one of competent jurisdiction and jurisdiction must be proven, and the court has no jurisdiction to decide its own jurisdiction operating under statute in limited jurisdiction. To have a valid process, the tribunal must be a creature of its constitution, in accord with the law of its creation; ie, Article III Judge.

Notice I do reserve all my rights and my right to a common law republic where my peers try 'Fact and Law'.

I am on the record as 'without prejudice' and do rebut the Article I inferior courts. The district attorney does not appear to be sworn by 'Thee People' and has not presented his Oath of office and Bonds as I requested in the FOIA REQUEST.

Article. IV Section. 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state.

Section 2. The citizens of each each state shall be entitled to all privileges and immunities of citizens in the several states.

Section. 4. The United States shall guarantee to every State in this union a Republic form of government, and shall protect each of them against invasion.

Unalienable Rights are the Inherent, Sovereign, Natural Rights that existed before the creation of the State, and which, being antecedent to and above the State, can never be taken away, diminished, altered, or liened upon by the State, subject only to the Due Process of the Common Law. Nor can any Unalienable Right be fundamentally removed, whether mistakenly by contract through non-disclosure, which is fraud and unenforceable in Law, or knowingly by renunciation, which is contrary to Natural Law. The Original, Permanent, Unalienable Rights of every Man or Woman, include:
The Right to Life, Freedom, Health, and the Pursuit of Happiness
The Right to Contract, or Not to Contract, which is Unlimited.

The Right to Earn a Living by being Compensated with Wages, a Salary, or any trade Goods, in a Fair Exchange for one's Work.

The Right to Travel in the Ordinary Course of one's Life and Business. The Right to Privacy and Confidentiality, free from Unwarranted Invasion. The Right to Control, and Hold one's Property, lawfully without Trespass. The Right to Self-Defense when threatened with Harm, Loss, or Deceit. The Right to Due Process of Law, with Notice and Opportunity to Defend. The Right to be Presumed Innocent, suffering No Detention or Arrest, No Search or Seizure, without Reasonable Cause.

The Right to Remain Silent when accused, to avoid Seif-Incrimination. The Right to Equality in the eyes of the Law, and to Equal Representation. The Right to Trial by Jury, being an Impartial Panel of one's PEERS IN AN ARTICLE III CONSTITUTIONAL REPUBLIC LAW JURISDICTION and when I stand in the Courts the Courts have a duty to answer which Jurisdiction am I standing in and who certified the charges against under the penalties of perjury .

I have a Right to Appeal in Law against Conviction or Sentence, or both. The Right to Expose Knowledge necessary to one's Rights and Freedoms. The Right to Peaceful Association, Assembly, **Expression**, and Protest. The Right to Practice a Religion, and to have Beliefs, of one's choosing. The Right to Love, and to Consensual Marriage with Children, as a Family. The Right to Security from Abuse, Persecution, Tyranny, and War. The Right to Refuse to Kill under command, by reason of Conscience. The Right to Live in Peace and be left alone when I'm a Law-Abiding citizen just minding my own business in my own private home where my 1st and 4th Amendment rights should be protected by those who have sworn an oath to protect the United States Constitution for America. An especially when my questioned conduct does not involve any victim and without a victim named and identified in the Indictment it is fatally flawed and ceases to be an indictment. An the 5th Amendment gives me a right not to be held to answer on an indictment that in reality is no indictment. A true Indictment has not been presented but only that which is a colorable instrument, not real, a fraud, a bill, and charges no crime at common law.

STATUTES, CODES, RULES & REGULATIONS: STATUTES ARE NOT LAWS. With such overwhelming case law there is no question about the fact of the claim made here statutes are not law. I challenge the prosecution and Judge to prove the statutes apply me. I deny being a government employee. If the prosecution or State wished to say differently then they must prove that I am a paid employee of the federal or state Government. As well article 1 section 8 clause 14 says clearly the government makes

the rules for the government not the people. Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.J.

Constitutionally, "a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed." Tot v United States, 319 US 463, 467; 63 S.Ct. 1241, 1245, 87 L.Ed.2d 1519 (1943).

'Statutes apply only to state created creatures known as corporations no matter whether (creatures of statute and offices of) state, local, or federal [government]." (Colonial Pipeline Co. v. Iraigle, 421 US 100. (1975)).

"A statute will not be presumed to have extra territorial effect... outside the [territorial] jurisdiction of the legislature.. over persons residing outside the (territorial) jurisdiction of the legislature." (Bond v Jay, 7 Cranch 350, 3 L Ed 367)."

A "Statute' is not a Law," (Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 So.2d 244, 248),"A "Code' or Statute' is not a Law," (Flournoy v. First Nat. Bank of Shreveport, 197 La.1067, 3 So.2d 244, 248),

A "Code' is not a Law," (In Re Self v Rhay Wn 2d 261), in point of fact in Law,)

If the U.S. Supreme Court acknowledged the authority of the common law Grand Jury (U.S. v. Williams), why would The State Of South Carolina have authority to counter that opinion? The common law is superior to all statutory law, and I invoke the common law and it has superior standing. The common law and the Grand Juries should not stand underneath the inferior statutory laws and allow the peoples rights to be legislated away. The people (singular AND plural) have the ultimate authority!

American Jurisprudence 2nd 1964 vol. 16 CONSTITUTIONAL LAW § 177 Generally statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. A contract which rests on an unconstitutional statute creates no obligation to be impaired by subsequent legislation.

I maintain my 'personam' 'common law' at Bill of Rights without prejudice. All rights reserved and without United States District Of Columbia 26 USC 7701. The State is trying to force me into a contract Under Duress and I reserve my common law, private rights not to contract with unlimited liability, color of law corporations. I am not a surety for the corporation and I do not accept liability. There is no authenticated evidence that statutes apply to me and there is no contract. The court should not presume that I am a person as defined by the blacks law dictionary; ie, a monster, trustee, entity, corporation, illegitimate, or unborn child but I am at the age of of majority.

June 28, 2024 Anthony D. Sutherland
320 E. Beltline Blvd, Apt O7
Anderson, S.C 29621-1365
(864) 940-8362
Appellant in Proper Persona

by Special Appearance
WITHOUT PREJUDICE
WITHOUT UNITED STATES (DC)
see: 26 USC 7701

Anthony-Duane: Sutherland

Anthony-Duane: Sutherland

Counsel of
Record:
Spenser H. Smith, Esq. Assistant Solicitor
Spartanburg County Court House, Third Floor
180 Magnolia street, Spartanburg, S.C. 29306
(864) 596-2575
Attorney for Respondent

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SC Court of Appeals

PROOFS OF SERVICE
OF A NOTICE OF APPEAL

TO:

- South Carolina Court of Appeals
- CLERK OF COURT, SPARTANBURG
- STATE ATTORNEY OF RECORD,
Spencer H. Smith Esq.

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The State of South Carolina, Respondent.

v.

Anthony D. Sutherland. Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The South Carolina Court of Appeals by depositing a copy of it in the United States Mail, certified mail # 9590940288394005186132, on Friday, June 28, 2024, addressed to the **South Carolina Court of Appeals**, 1220 Senate Street, Columbia. S.C. 29201.

June 28, 2024 **s/ Anthony D. Sutherland**

Anthony D. Sutherland
320 E. Beltline Blvd. Apt O-7
Anderson. S.C. 29621-1365
(864) 940-8362
APPELLATE

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v.

Anthony D. Sutherland. Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on The State Of South Carolina, 7th Circuit Court of General Sessions by depositing a copy of it in the United States Mail, certified mail # 9589071052700576638154, on Friday, June 28, 2024, addressed to **AMY W. COX, Clerk of Court**, Spartanburg county post office Box 3483, Spartanburg, SC 29304-3483.

June 28, 2024 **s/ Anthony D. Sutherland**

Anthony D. Sutherland
320 E. Beltline Blvd. Apt O-7
Anderson. S.C. 29621-1365
(864) 940-8362
APPELLATE

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Anthony D. Sutherland, Appellant.

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I certify that I have served the Notice of Appeal on The State Of South Carolina, by depositing a copy of it in the United States Mail, certified mail # 9589071052700576638178, on Friday, June 28, 2024, addressed to the **State Attorney of Record, Spencer, H Smith, Esq**, Solicitors Office, Spartanburg County Courthouse, 180 Magnolia St., Spartanburg, SC 29306.

June 28, 2024 **s/ Anthony D. Sutherland**

Anthony D. Sutherland
320 E. Beltline Blvd. Apt O-7
Anderson. S.C. 29621-1365
(864) 940-8362
APPELLATE

FROM:

Anthony Suterland
320 E. Bellvue Blvd
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29621-1465

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