

Pierrie Brisbane
Appellant

The South Carolina Court of

Motion to vacate Appeals

Order of Debra L. Jefferson

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MAY 29 2025

SC Court of Appeals

V
STATE of South Carolina
Appellee

Please take notice that Appellant, Pierrie Brisbane, a Pro se litigant here by gives notice of his intent to move appellate court, & do so move, for a order to vacate the order of Debra L. Jefferson for the dismissal of Appellant motion for summary Judgment.

Basis of Motion: 1) violation of appellant constitutional rights; 2) Abuse of discretion; 3) Right to have summary Judgment.

1. Violation of Constitutional Rights

Appellant has voiced his concerns multiple times of his court appointed counsel refusal to protect his interest in all involved cases; case #'s 2022A1021000050, 2022A1010203492, 2022A101204758, 2022A1010204759, 2022A1021000051, 2022A1021000052, & 2022A1021000059. Taylor H. Currin designated contract notifying Pierrie Brisbane of her appointment as Counsel, was accepted by appellant & a counter contract; "Letter of Rogatory" instructing appointed counsel of her duties & how she is expected to proceed was sent back. Ms. Taylor H. Currin & Co worker refusal to follow the "Letter of Rogatory" & attached documents caused their termination as appellant's fiduciaries. In hearings held by Debra L. Jefferson, Ms. Jefferson was appointed through the power of appointment as the acting trustee, taking on all liability as such, at which time all legal concerns was addressed to her.

Case #'s 2022A1021000050, 2022A1021000051, 2022A1021000052, & 2022A1021000053; concerns of tampered evidence being allowed into the court record along with appellant counter claim's was voiced. Concerns with case #'s 2022A1010203492, 2022A1010204758, & 2022A1010204759 were also brought to the attention of court appointed trustee along with appellant counter claim & related laws. Due to the nature of the charges case #'s 2022A1010204758, 2022A1010203492, & 2022A1010204759 needed to be clarified & legal interpretation was needed, not legal advice. Under South Carolina statute Title: 12 TAXATION; CH: 21 STAMP & Business License TAX; Article: 25 The Marijuana & Controlled substance Tax Act; sec 5010 through 6050, civil / criminal forfeiture, & associated case law Trustee Debra L. Jefferson legal interpretation was required.

Honeycutt v. U.S. supreme court of the United states June 5, 2017 581 U.S. 443 137 s.ct. 1626 198 L.Ed. 2d 73;

* Traditionally forfeiture was an action against the tainted property itself & thus proceed in-rem, that is, proceeding in which the thing was primarily considered as the offender or rather the offence was attached primarily to the thing; forfeiture in-rem stood independent of, & wholly unaffected by any criminal proceeding with the in-personam criminal proceeding against defendant; congress altered the distinction (in enacting sec. 853) by effectively merging in-rem with in-personam criminal proceeding.

Title: 12; CH: 21; Article: 25 of S.C. statute puts a privilege tax on marijuana & controlled substance requiring registration of persons having the full force & effect of the "Harrison Narcotic Act" Now repealed to the United States Code Annotated Title: 21 Food & Drugs CH: 13 Drug Abuse Prevention & Control, subchapter-1 control & enforcement & subchapter 2- import & export. These existing laws having a revenue generating purpose, gives these laws a civil nature rather than a criminally punitive one.

The authority of congress to enact laws as such is a plenary power but according to; Water v. Chumley Court of Appeal of Tennessee September 6, 2007 not reported in S.W. 3d 2007 W.L. 2500370;

Jack Cole Co. v. Macfarland Supreme Court of Tennessee June 6, 1960

694206 Tenn 694337 S.W. 2d 453;

* It cannot be denied the legislature can name any privilege & tax it by means other than income tax but legislature cannot name something to be a taxable privilege unless it is first a privilege.

By enacting these laws against a previous act that they have also label a crim makes the statute arbitrary, capricious, & wholly unreasonable.

Ms. Debra L. Jefferson repeated refusal to allow appellant a opportunity to have his legal concerns addressed & to have his objections ruled on has interfered with appellant due process rights & equal protection of the law; S.C. constitution Art. 1 sec. 3. Debra L. Jefferson has refused her trusteeship while holding a office of public trust; has refused to be prudent towards the interest of Appellant while still probating the estate of Pierre Brisbane.

2. Abuse of discretion

The issuing Judge order concerning all Case was controlled by error of law, failing to address all legal issues has caused Debra L. Jefferson to be prejudice towards the interest of appellant

Fyke v. U.S. Circuit Court of Appeals 5th Circuit December 10, 1918 254 F. 225/65

C.C.A. 513:

"The narcotic act made it unlawful for any person not registered under the act, who had not paid the tax provided for by the act, to have in his possession any prohibited drugs. The grounds of the decision was that the act, being a revenue and not a police measure, the competency of Congress to make the possession of a person not required to register and pay the tax, unlawful, was doubtful, and to preserve its constitutionality, the court would construe this prohibition of the act as not embracing those not required by it to register and pay the tax, and that it was not unlawful for one not embraced in these clauses to have possession of the prohibited drugs."

U.S. v. Jin Fuey Moy Supreme Court of United States June 5, 1916 241 U.S. 391/36 S.Ct.

65860 L. Ed. 1061:

"Any person not registered, cannot be taken to mean any person in the United States, but must be taken to refer to the class with which the statute under takes to deal, the persons who are required to register."

Deadra L. Jefferson being the appointed trustee over these matters, it has been requested that Mandatory Judicial Notice be given to S.C. statutes Title 12, CH 21, Art. 25 along with existing forfeiture laws and related case laws. Appellant being denied repeatedly by Deadra L. Jefferson to give her legal interpretation of existing laws and their nature, violates appellant 6th Amendment and Article 1 sec 3 rights under S.C. constitution and case #'s 2022A1021000050, 2022A1021000051, 2022A1021000052, 2022A1021000053 Ms. Deadra L. Jefferson has refused to take notice of the tampered evidence entered into the court record in relations to stated cases, objections have been made but refusal to rule on objections and failure to acknowledge this has been refused by Deadra L. Jefferson.

3. Right to have summary Judgment

In all related cases there is no genuine issue of fact. Appellant by a pleading of confession and avoidance appellant pled to the fact of the case and introduced new issues to all stated case matters placing the burden on all opposing parties. The appellant through a officer of the court Patriciah Bernier a Notary Public of the state of S.C. along with United States Postal service by certified Mail Restricted Delivery are acting witnesses, both parties was only acting as witnesses to the correspondence being sent out also the notary was a witness to any incoming response which there wasnt any. Due to not properly

being served with process appellant has repeatedly express there is no jurisdiction over his person's, this being so a Notarial process was commenced. The Notary being a officer of the court, she was used to default all other agents for there Non-response; Being that there is a challenge to personal jurisdiction a "Letter of Rogatory" was utilized to communicate with the 9th circuit court including all relevant documents (counter claims, Default letters, Certified mail Green receipt, all officials oaths of office, all assessment to charges; all other related documents.

Conclusion

In closing the 9th circuit court officers have shown No respect to appellant rights in all concerning cases, appellant has not been afforded a opportunity to have a impartial tribunal Deuteronomy 4:16 sec 18-20; Appellant protected rights under S.C. Const. Art:1 sec:2 freedom of speech; Art:1 sec:3 equal protection under law have been violated. Appellant has requested for a preliminary hearing in the required time as demanded by Charleston County 9th Circuit court, but has not receive a preliminary hearing; all of appellant charges are over 3 years old in which appellant has been incarcerated 2 yrs of the 3 yrs; The charges have not been indicted as required by S.C. Const. Art:1 sec 11. Appellant has raised multiple affirmative defenses by attached documents to "Letter of Rogatory" which all acting fiduciary's refused to take notice of, along with all legal question that need legal clarification. Appellant now gives notice of his intent to move the appellet court; do so move for a judgment to vacate the order of Deadra L. Jefferson; have a judgment entered in appellant favor for a summary judgment.

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SC Court of Appeals

South Carolina Court of Appeals
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