

erie Brisbane
Appellant

RECEIVED

Amended Complaint The South Carolina Court of Appeals

JUN 12 2025 Order

Motion to vacate Appeal from the Administrative Law Court

Deadra L. Jefferson The administrative Law Judge

SC Court of Appeals

Case #s 2022A10203492; 2022A102100050; 2022A10204758; 2022A10204759; 2022A102100051; 2022A102100052; 2022A102100053
Court of General sessions for 9th Judicial Circuit

V
STATE of South Carolina
Appellee

Please take notice that Appellant, Pierre Brisbane, a Pro se litigate here by gives notice of his intent to move Appellate court, I do so move, for a order to vacate the order of Deadra L. Jefferson for the dismissal of Appellant motion for summary judgment.

Basis of Motions: 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 2022A102100050, 2022A1010203492, 2022A1010204758, 2022A1010204759, 2022A102100051, 2022A102100052, & 2022A102100059.

Taylor H. Currin designated contract notifying Pierre 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 Deadra 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 2022A102100050, 2022A102100051, 2022A102100052, & 2022A102100053; 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 need, not legal advice. Under South Carolina statute Title: 12 TAXATION; CH: 21 STAMP;

"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 stand independent, & 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 Fed & 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 WL 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 make 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 Pierrie Brisbane.

Fyke v. U.S. Circuit Court of Appeals 5th Circuit December 10, 1918 254 F. 225185

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 act, not a police measure, the competency of congress to make the possession of person not required to register & pay the tax, unlawful, was doubtful, to preserve its constitutionality, the court would construe this prohibition of the act as not embracing those not required by it to register & pay the tax, that it was not unlawful for one not embraced in these clauses to have possession of the prohibited drugs.

U.S. v. Jim Fuy May supreme court of united states June 5, 1916 241 U.S. 39136 s.ct.

65860 L. Ed. 1061:

"Any person not registred, 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 person who are required to register."

Deadra L. Jefferson being the appointed trustee over these matters, it has been requested that Manditory Judicial Notice be given to S.C. statutes Title 12, CH 21, Art. 25 along with existing forfeiture laws & related case laws. Appellant being denied repeatedly by Deadra L. Jefferson to give her legal interpretation of existing laws & there nature, Violates appellant 6th Admendment & Article 1 sec 3 rights under S.C. constitution & 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 & 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 & avoidance appellant pled to the fact of the case & introduced new issues to all stated case matters placing the burden on all opposing parties. The appellant through a officer of the

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 ch: 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 yrs of the 3 yrs; The charges have not been indicted as required of S.C. Const. Art: 1 sec 11. Appellant has raised multiple affirmative defenses by attached documents to "Letter of Rogatory" which the 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 Deandra L. Jefferson; have a

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

FILED

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

2025 MAY 13 PM 4:58

State of South Carolina,

JULIE J. ARMSTRONG
CLERK OF COURT

Case #(s): 2022A10203492;
2022A1021000050; 2022A1010204758;
2022A1010204759; 2022A1021000051;
2022A1021000052; 2022A1021000053

vs.

BY

PC

Pierrie Carlos Brisbane,

Defendant.

**ORDER ON MOTION FOR
SUMMARY JUDGMENT**

THIS MATTER came before the Court for a hearing on May 8, 2025 for the purpose of a
 Motion for Summary Judgment Speedy Trial Motion Removing Bondsman
Continuance Motion to Dismiss Clarifying Counsel

The Defendant was was not present. The following attorney appeared on behalf of
the Defendant: Pro Se. The State was represented by Jordan A. Norvell, Esq. of the Solicitor's
Office.

The Defendant is charged with the following offense(s): Assault & Battery-1st Degree (4
Counts), Trafficking in Cocaine 10g or More, but Less Than 28g- 1st Offense, Manufacturing
Possession of Other Substance in Schedule I, II, III, or Flunitrazepam or Analogue W.L.T.D.- 1st
Offense, Manufacturing Distribution Possession Narcotic Drugs in Schedule I (b) & (c) LSD and
Schedule II- 1st Offense

After hearing from the Defendant and the State, the Court finds it appropriate, and it is
therefore **ORDERED, ADJUDGED, AND DECREED** that:

Motion for Continuance Summary Judgment filed February 8, 2024
 Removing Bondsman Dismissal Clarification of Counsel is Moot
 Granted Denied at this time.

ORDERED ADJUDGED, AND DECREED, The Defendant has made a Motion for
Summary Judgment pursuant to the SCRCR. As there exists no SCRCrimP. for Summary
Judgment in the criminal rules and no such relief exists the Motion is heard and Denied as
this Court has no jurisdiction to grant such relief in the General Sessions context.¹
Accordingly, based on the foregoing, the Defendant's Motion for Summary Judgment filed
February 8, 2024 is heard and respectfully Denied.

AND IT IS SO ORDERED!

J. J. Johnson 2128
PRESIDING JUDGE, 9TH JUDICIAL CIRCUIT

Charleston, South Carolina
May 13, 2024

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)
Clerk, C.P., G.S. & F.C.
By *Paula Green*
DEPUTY CLERK

¹ Defendant utilized sovereign citizen verbiage in his filings and presentation of his arguments.

Herrie Bristowe
3841 Leeds Ave
North Charleston, S.C. 29405

CHARLESTON SC 294

10 JUN 2025 PM 3 L



RECEIVED

JUN 12 2025

SC Court of Appeals

Jenny ABBOTT Kitchings, Clerk
Post Office Box 11629
Columbia, S.C. 29211

29211-162929

