

OATH FOR COUNTY MAGISTRATE

CERTIFIED TO BE A TRUE AND CORRECT COPY
AS TAKEN FROM AND COMPARED WITH THE
ORIGINAL ON FILE IN THIS OFFICE

042712
OCT 03 2014

1. Immediately return completed oath to:

The Honorable Mark Hammond
Office of the Secretary of State
1205 Pendleton Street, Suite 525
Columbia, South Carolina 29201
Attn: Patricia Hamby, Director of Boards and Commissions


SECRETARY OF STATE OF SOUTH CAROLINA

2. Print your name, the office to which you have been appointed/elected, and your
Mailing address plainly. Make each letter plain and distinct.

RECEIVED

OCT 23 2014

NAME: Arthur L. Myers

SC Court of Appeals

MAGISTRATE FOR Lexington

COUNTY

MAILING ADDRESS: P.O. Box 61, Swansea SC 29160

STATE OF SOUTH CAROLINA

COUNTY OF Lexington

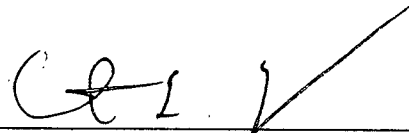
Stamp Here When
Commissioned
042712

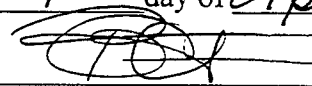
I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the Office to which I have been elected, and that I will, to the best of my ability, discharge those duties, and will preserve, protect and defend the Constitution of this State and of the United States.

I pledge, to uphold the integrity and independence of the judiciary;
I pledge, in the discharge of my duties, to treat all persons who enter the courtroom with civility, fairness, and respect;
I pledge to listen courteously, sit impartially, act promptly, and rule after careful and considerate deliberation;
I pledge to seek justice, and justice alone;
So help me God.

Sworn to and subscribed before me this

4th day of April 2012


Magistrate's signature


Clerk of Court

BOND REQUIRED TO BE FILED WITH CLERK OF COURT

HAS BOND BEEN FILED WITH THE CLERK OF COURT? NO

OATH FOR COUNTY MAGISTRATE

CERTIFIED TO BE A TRUE AND CORRECT COPY
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ORIGINAL ON FILE IN THIS OFFICE

0531
OCT 03 2014

1. Immediately return completed oath to:

The Honorable Mark Hammond
Office of the Secretary of State
1205 Pendleton Street, Suite 525
Columbia, South Carolina 29201
Attn: Patricia Hamby, Director of Boards and Commissions

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

2. Print your name, the office to which you have been appointed/elected, and your
Mailing address plainly. Make each letter plain and distinct.

RECEIVED

OCT 23 2014

NAME: THOMAS H. RAUEL, III

SC Court of Appeals

MAGISTRATE FOR LEXINGTON

COUNTY

MAILING ADDRESS: 139 E. MAIN ST LEX SC 29022

STATE OF SOUTH CAROLINA

Stamp Here When
Commissioned

COUNTY OF LEXINGTON

0531

I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the Office to which I have been elected, and that I will, to the best of my ability, discharge those duties, and will preserve, protect and defend the Constitution of this State and of the United States.

I pledge, to uphold the integrity and independence of the judiciary;

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I pledge to seek justice, and justice alone;

So help me God.

Sworn to and subscribed before me this

24 day of March 20 12

[Signature]
Magistrate's Signature

[Signature]
Clerk of Court
Circuit Court Judge

BOND REQUIRED TO BE FILED WITH CLERK OF COURT

HAS BOND BEEN FILED WITH THE CLERK OF COURT? _____

BRIEF OF APPELLANT*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Gary S. Morgan, Magistrate Court Judge

Case No. 13136GR

State of South Carolina

Respondent,

v.

Enoch Walters,

Appellant.

[INITIAL] BRIEF OF APPELLANT

RECEIVED

OCT 23 2014

SC Court of Appeals

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OTHER AUTHORITIES

*The authorities cited are fictitious and intended to show the form of citation only.

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN CONTINUING A TRIAL WHEN IT WAS CLEAR THAT JURISDICTION WAS NEVER PROVEN WHEN CHALLENGED?
2. DID THE TRIAL COURT PROVIDE PUBLISHED LAW CONCERNING JURISDICTION WHEN CHALLENGED AND ASKED?
3. DID THE TRIAL COURT ERR IN ALLOWING JUDGES, [WHEN TAKING THE OATH OF OFFICE WITHOUT A BOND], TO TRY CASES WHEN THEY SHOULD NOT HAVE BEEN COMMISSIONED?
4. DID THE COURT ERR IN NOT RESPONDING TO THE WRIT OF QUO WARRANTO?
5. DID THE COURT INHIBIT DUE PROCESS BY NOT ALLOWING THE ACTUAL TICKET TO BE USED AS EVIDENCE?
6. DID THE COURT ALLOW A JUDGE TO VIOLATE MY CIVIL RIGHTS BY PROMOTING HIMSELF ABOVE THE LAW?
7. DID THE COURT VIOLATE THE LAW BY CHARGING MORE THAN THE STATUTE ALLOWS FOR A FINE?

STATEMENT OF THE CASE

On May 28, 2014 I Enoch Walters was traveling on Long Ponds Road in Lexington SC. A police vehicle driven by Officer Jason Jones pulled me over. I was cited under 56-5-1520 for speeding. The case went to pre-trial before two judges (Arthur Myers and Thomas Rawl) and held over for trial. The case was tried before Judge Morgan on October 14, 2014.

FACTS

During the pretrial hearing(s), I Enoch Walters did appear by special appearance in my person to challenge the jurisdiction of the court(s) involved. The first was to Judge Arthur Myers. After he failed to properly provide jurisdiction on and for the record, he threatened me with incarceration if I continued to ask the court to prove jurisdiction. I did not enter a plea and case law was provided to demand the court must prove jurisdiction. Jurisdiction was not proven. Judge Myers court transferred the case to Judge Thomas Rawl's court. I appeared before Judge Thomas Rawl and asked again for the court to prove on and for the record jurisdiction in regards to case 13136GR. Case law was provided to show the court that it must respond to this challenge. Jurisdiction was never proven and the case was held over for trial. After the appearance before Judge Rawl, I submitted a "Writ Quo Warranto" demanding the court provide jurisdiction. The writ was never responded to. I submitted a request for a copy of the Judges bond and oath. This request was not met. I did retain a copy of the bond for Judge Myers and Rawl on my own. Both oaths were taken before a bond was entered into.

On October 14, 2014 I appeared before Judge Morgan. Again I demanded to be provided with proof of jurisdiction and case law was given to show just cause. I explained in open court the issue with jurisdiction from my previous court appearances. Judge Morgan made a ruling that he "finds" that jurisdiction exists. I asked him to prove it with either published laws or rules. He did not provide any proof that jurisdiction exists on and for the record. During the trial, Judge Morgan had the jury leave several times due to sensitive issues being brought up by the defendant. When the issue of the ticket itself was questioned as to why there were two sets of numbers shown [one number on the original ticket and another on the court copy] Judge Morgan again immediately asked the jury to leave. Judge Morgan then stated that the ticket itself could not be used as evidence. He then took the original copy and removed the numbered fine. I questioned the court as to why the fine was above what the law allows under the statute. Judge Morgan stated that the fine reflects other court costs. I then questioned if during the traffic stop, did Officer Jones make a legal determination of guilt or innocence? I argued that the law itself states that the fine could be no more than \$75.00 and not the \$185.62 shown. After debating the issue, Judge Morgan stated in open court when asked was he above the law stated, "Yes".

To date, jurisdiction has never been proven. There has not been an answer to the "Writ of Quo Warranto". The fine given was above the amount listed in the statute before trial began.

ARGUMENTS

- I. BECAUSE RESPONDENT FAILED TO PROVE JURISDICTION ON AND FOR THE RECORD WHEN CHALLENGED, THE COURT CAN NOT CONTINUE WITH A TRIAL UNTIL JURISDICTION IS PROVEN.
- II. BECAUSE THE WRIT OF QUO WARRANTO WAS NEVER ANSWERED, RESPONDENT COULD NOT MOVE FORWARD WITH TRIAL.
- III. BECAUSE THE FINE WAS ABOVE THE STATUTE LIMIT, THE COURT ERRED IN ITS RULING.
- IV. BECAUSE THE COURT STATED THEY WERE ABOVE THE LAW.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

Respectfully submitted,

October 23, 2014

Enoch Walters



345 Poets Walk
Irmo, SC 29036

803-261-9282