

192662
Spencer utsey
Petitioner

V.

8:11-cv-
2264-JMC
Respondents

2-8-15 RECEIVED

JUL 10 2015

MOTION SC Court of Appeals
COURT FOR NO
JURISDICTION.

RE: CASE NO. 8:11-
CV-2264-JMC

Motion TO COURT THAT THE
PETITIONER declares the U.S.
Supreme COURT HAS JURISDICTION
TO HEAR CLAIM

PURSUANT TO § 1254.

COURTS OF APPEALS; CERTIORARI;
CERTIFIED QUESTIONS

CASES IN THE COURTS OF APPEALS
MAY BE REVIEWED BY THE SUPREME
COURT BY THE FOLLOWING METHODS:

- (1) BY WRIT OF CERTIORARI GRANTED
UPON THE PETITION OF ANY

PARTY to any civil or criminal case, before or after rendition of judgment or decree;

- (2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the supreme court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

§ 1257 STATE COURTS; CERTIORARI

(a) FINAL judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed, by the supreme court by writ of certiorari where

validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any state is drawn in question on the ground of its being repugnant to the constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the constitution or the treaties or statutes of, or any commission held or authority exercised under the United States.

(b) For the purposes of this section, the term "highest court ~~of~~ of a state" includes the District of Columbia Court of Appeals.

Hereby review the §1254 and 1257 at anytime the court can review. A question of jurisdiction, jurisdiction can't be waived by neither party, and even if not preserved in lower court must be reviewed, and a court must act on its own motion if a jurisdictional question is spotted in record.

For instance the court could be wrong relying on Cotton and Gearty, law is infinite but has its bounds.

Although an indictment does not confer subject matter jurisdiction, due process requires that a criminal defendant be properly served with a valid indictment.

STATE v. SMALLS, (S.C. 2005)
364 S.C. 343, 613 S.E.2d 754
CONSTITUTIONAL LAW KEY 4579.

Defendants may challenge
indictment's failure to charge
with crime because such is a
jurisdictional defect that may
be raised on appeal despite
defendant's failure to preserve
it for appeal; U.S. v. HEVRY,
288 F.3d 657, 660 (5th Cir.
2002).

A jurisdictional defect in
statute can be raised at any
time.

Thus meaning Perrier is
being held against §1257 and
1254; 8th Amend U.S. Const.
and KIDNAP for being under a
UNCONST. SENTENCE - CONVICTION.

6) Amend X 1

RESTRICTIONS OF JUDICIAL POWER

The judicial power of UNITED STATES shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the UNITED STATES by citizens of another STATE.

7. Due process mandatory to be underval'd statute conviction; PURSUANT TO ARTICLE III § 17 provides: Every Act... having force of law shall relate to but one subject, and that shall be expressed in the title.

The Arm Robbery § 16-11-330(a) statute, included the 85% within the statute and its title.

~~§ 16-11-330(a)~~ this is a violation of ART. III § 17 of S.C. CONST.

and other LAWS U.S. and Federal,
TITLE §16-N-330(a) does NOT
implicate OR include 85% LAW,
THAT one must serve 85% of his
time with NO PAROLE before being
released from PRISON.

8 JURISDICTION OF COURT, PERSONAL
JURISDICTION can be raised even
after proceeding, Even if A
AUTHORITY OF LAW declares proceeding
is DEAD OR ALIVE, JURISDICTION OF
COURT OR SUBJECT MATTER IS QUESTIONED
WILL NOT BE DEFEATED BY A
DECISION.

9. once the federal court ruled adversely
to claimant, or course, claim did not
deprive its perfect JURISDICTION over
STATUTORY CLAIM, UNITED STATES
V. GEORGIA PUB. SERV, COMM'N 371
U.S., 285, 287-288, 835 CT. 397,
399, 9 L. ED. 2d 317.

10. The Petitioner is in prison and custody in violation of the CONSTITUTION OR LAWS OR TREATIES OF UNITED STATES. see the Record, being in custody with the court having no jurisdiction over U.S. over Petitioner this gives the Appeals court the power to hear these claims and motion and immediate release Petitioner from prison, expunge all records; jurisdiction can be raised at anytime; jurisdiction can be raised even after a proceeding.

12. Hereby thereby unto the law has been violated under the 85% truth in sentencing law under single subject clause. Thus making Petitioner address the matter. Herefore therein pursuant to Federal Rules, Rules of Court to hereby promptly discuss in correct,

13. The Petitioner contends the claim is ripe under Article III only jurisdiction is discussed if court not subject matter jurisdiction in part under their Authority - to all cases affecting Ambassadors, other public ministers and consuls; to all cases of Admiralty and Maritime Jurisdiction; to Controversies between 2 or more States etc;

This section is modified by Amendment

XI.

Article VI

All debts contracted Engagements entered into, before the Adoption of this Constitution, shall be as under the Confederation

14. How A Bill Becomes Law

A SENATOR OR REPRESENTATIVE introduce a Bill in Congress by sending it to the clerk of the House or the Senate, who assigns it a number and TITLE this procedure is termed the FIRST READING.

the clerk then refers the bill to the appropriate committee of the Senate or House.

15. Also see citizens, subjects and matters define.

Article VII.

WHAT RATIFICATION SHALL ESTABLISH CONSTITUTION

THE RATIFICATIONS OF THE CONVENTIONS OF NINE STATES SHALL BE SUFFICIENT FOR THE ESTABLISHMENT OF THIS CONSTITUTION BETWEEN THE STATES SO

Ratifying the same.

Done in convention by the
UNANIMOUS consent of the states
present the seventeenth day
of September in the year of
our Lord one thousand seven
hundred and Eighty seven
and of the Independence of
the United States of America
the twelfth.

16. Hereby the 85% truth in sentencing
law was not enacted with the title
of the § 16-11-33Ca) statute
for case 99-GS-05-737; criminal
codes of laws and title nor was
the bill passed 3096 under valid
sentencing law.

17. Hereby jurisdiction spotted in case
overrides a rule, especially when
the jurisdictional question arose
first and was overlooked/ignored

17. The limitation for filing petition for certiorari is not jurisdictional, and failure to timely file petition, did not bar the Supreme Court's exercise of discretion to consider case. *Tagliavetti v. U.S. R.I.* 1969, 89 S.Ct. 1099, 394 U.S. 316, 22 L.Ed. 302

The ~~U.S.~~ U.S. Supreme Court states they have no power to hear this petition.

Review records entirely and see if this Court rules that there is questions and errors to grant the amount in cash demanded in lawsuit.

Pursuant to the U.S. Supreme Court recent ruling the Court didn't state this petition was jurisdictionally out of time thereby giving this Court jurisdiction view entire record, Grant motion for above,
12 heret U.S. 192660

UTSEY V. SOUTH CAROLINA
474 Fed Appx 127
C.A. 4 (S.C.), 2012.
June 06, 2012 (Appx 1 page)

474 Fed Appx 127, 2012 WL
2024682 (C.A. 4 (S.C.))

BRIEFS and other RELATED DOCUMENTS

THIS CASE WAS NOT SELECTED FOR
PUBLICATION IN THE FEDERAL REPORTER.

NOT FOR PUBLICATION IN WEST'S
FEDERAL REPORTER see Fed. Rule
of Appellate Procedure 32.1
generally governing citations
of judicial decisions issued on
or after JAN 1, 2007, see ALSO
FOURTH CIRCUIT Rule 32.1 (Find
CTAY Rule 32.1)

UNITED STATES COURT OF
APPEALS
FOURTH CIRCUIT

Spencer Utsey, Plaintiff —
Appellant,

v.

STATE of South Carolina; Mayor
of Bishopville, in individual
and official capacity, Appellate
Court; Sally Elliot, Attorney
General; Lieke Deeth Row,
Governor, in individual and
official capacity; United States
Supreme Court; President Obama,
in individual and official
capacity, Defendants — Appellees,

No. 12-6144,

Submitted: May 31, 2012.

Decided: June 6, 2012.

Appeal from the United
States District Court for the
District of South Carolina, at
Anderson. S. Michelle Childs,
District Judge, (8:11-cv-

02264-JMC).

Before King, Duncan, and
DIAZ, Circuit Judges,

Affirmed by unpublished
per curiam opinion.

Unpublished opinions are
not binding precedent in this
circuit.

PER CURIAM:

~~#1~~ Spencer Utsey appeals
the district court's order
dismissing his 42 U.S.C. § 1983
(2006) complaint without
prejudice.

We have reviewed the
record and find no reversible
error. Accordingly, we affirm
for the reasons stated by
the district court. Utsey

V. SOUTH CAROLINA No. 8:11-
CV-02264-JMC (D.S.C., Dec
1, 2012). We dispense with oral
argument because the facts
and legal contentions are
adequately presented in the
materials before the court
and argument would not
aid the decisional process.

Affirmed.

CIA. 4, (S.C., 2012).

Utsey v. South Carolina

474 Fed Appx. 127, 2012
WL 20246882

(CIA, 4 (S.C.))

13-6147 (Docket) (JAN 25,
2012)

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S.C. COURT OF APPEALS
SERVICE

Spencer v. [unclear]
v. Petitioner

8:11-cv-
2264-JMC
Respondent

RE: Case No.

8:11-cv-2264

JMC

I do hereby aver that
Petitioner served the S.C.
Appellate Court with this
motion to court on or about
7/8/15

CLERK
S.C. COURT OF APPEALS
P.O. Box 11629
Columbia, S.C.

Spencer UT 1976
CI - [redacted]
McDougal
1516 Old Billiard Rd.
Ridgeville S.C. 29472



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written contents. Massachusetts Correctional
Institution.

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