

Record

In THE COURT OF GENERAL SESSIONS

RICHLAND COUNTY, SC

d/b/a For-profit

The JUDICIARY COURTS

OF THE

STATE OF SOUTH CAROLINA, - COLUMBIA, SC

RECEIVED

AUG 07 2012

SC Court of Appeals

STATE OF SOUTH CAROLINA

Fictitious Plaintiff.

D.U.N.S.® no. 06-700-6072

v.

Reverend Michael-Donald Wilsey, sui juris

Private Attorney General

Respondent

Court REGISTRY INVESTMENT SYSTEM

ref. no. 2011-GS-40-1634

Notice of Default

Article 1 § 7 (1) 2 of the

Constitution for the

United States of America

FRCP Rule 8 (b) (6); 8 (d)

Greetings and peace in the name of our Wonderful Prince of Peace

Comes now the Good Reverend Michael-Donald Wilsey, sui juris, having invoked the Private Attorney General Doctrine, a Foreign Official, pursuant to 18 USC §§ 112, 1116, and Head of State of a Private and Protected Ecclesiastical Society of non-denominational Christian Assemblies of Peaceful, non-belligerent, Foreign Neutral men and women, and Presents this Notice of DEFAULT following

- Notice of Removal
- Notice to Inspect or Dismiss for failure to permit Defendant to testify in Narrative style and Demand for qualifications of Electors and Grand Jury transcripts

¹ Hosanna Tabor Evangelical Lutheran Church & School v. EEOC et al. (2012, 9-0)

- Notice to Dismiss Indictment & Demand for Qualifications of Electors and Grand Jury Transcripts
- Notice to Vacate for Lack of Subject Matter Jurisdiction
- Notice of Constitutional Bar to In Personam Jurisdiction
- Judicial Notice by Affidavit of Special Restricted Appearance 'de bene esse'
- Judicial Notice to Quash Warrants
- Demand for Production of Evidence
- Demand for Disclosure of Jurisdiction
- Demand to Consolidate Lexington and Richland County Cases
- Memorandum of Law of Diversity of Citizenship
- Memorandum of Law of Original Jurisdiction

all served upon the Clerk of Court, and dated March 7, 2012, entered into the record April 16, 2012 by Jeannette M. Brinde, C.E.R. S for service upon the following parties:

- Clerk of Court

- JUDGE CLIFTON NEWMAN

- Prosecutor, Assistant Deputy Attorney General, Mr. Allen Myrick

It is presumed the Clerk of Court's duties were properly performed as the foregoing Presentments were not served in violation of the Process of Law

Pursuant to FRCP Rule 8(b)(6) and Article I § 7 cl 2 of the Constitution for the United States of America timely response is limited to ten (10) days. Allowing three (3) additional days each for delivery and return mail, the Rule Day for all parties to respond is ~~April 2~~ April 2, 2012. Allowing an additional three (3) days Grace is ~~April 5~~ April 5, 2012

To: MICHAEL PRODAN dba CORPORATE AGENT for THE STATE of SOUTH CAROLINA, D.U.N.S® NUMBER 06-700-6072. You are a political subdivision and EMPLOYEE of the CORPORATE UNITED STATES, D-U-N-S® NUMBER # 03-1648-8233 which is declared bankrupt and is therefore Civilatur Mortuus or civilly dead. Your instant actions "case" numbers are brought forth in a commercial corporate venue and jurisdiction. The above corporate identification is PROOF POSITIVE OF YOUR PRIVATE CORPORATE CAPACITY; a limited corporate venue and jurisdiction. *Quaelibet jurisdiction cancellos suos habit* – "Every jurisdiction has its bounds." I am not found here. Your jurisdiction is challenged!

Notice of Liability

Re: Commercial Presentment NOTICE TO APPEAR, not delivered in violation of Due Process of Law.

This document in its entirety comprises Actual and Constructive Notice and lawful notification, notwithstanding recommendations of your supervisors and counsel who may lack personal accountability; For your own protection you must respond in writing, with particularity, via Certified Mail, within 3 days of receipt of this document, to each representation herein which you oppose pursuant to the federal Constitution, the Bill of Rights¹, the Declaration of Rights of the organic Alabama Constitutions 1819 – 1901;

Your failure to respond within 3 days, as stipulated, and rebut everything in this letter with which you disagree, with particularity and specificity, under penalty of perjury, and with Constitutionally compliant fact, evidence, and law, is your lawful, legal, and binding agreement with, and admission to, the fact that everything in this letter is true, certain, correct, legal, lawful, and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who may represent you;

Your silence is your agreement, waiver of tort, and your voluntary surrender of your bond or underwriters policy for immediate settlement for all injuries and damages incurred, caused from acts, actions, or failure to act by men or women state actors either in Official capacity with Public liability, or in their private capacity with personal liability;

¹ In particular the First, Fourth, Fifth, Sixth, Seventh, Ninth and Tenth Amendments; Constitution of the united States of America

² Notification of legal responsibility is "the first essential of due process of law" Connally v. General Construction Co, 269 U.S. 385,391(1926).

You may agree and admit to all statements and claims made herein by TACIT PROCURATION, by simply remaining silent;

ESTOPPEL BY ACQUIESCENCE: In the event you admit the statements and claims by TACIT PROCURATION, all issues are deemed settled RES JUDICATA, STARE DECISIS, and COLLATERAL ESTOPPEL. You may not argue, controvert, or otherwise protest the finality of the administrative findings in any subsequent process, whether administrative or judicial. (Georgia v. South Carolina, 497 U.S. 376 (1990); Babcock v. Babcock, 63 Cal.App.2d 549, 152 P.2d 530, 532 (1944)); Failure to respond shall be your TACIT consent and stipulation to entry of a default judgment, commercial liability, and lien upon any and all accounts held for the benefit of the people involved in this claim, without protest, for liquidation and settlement of all damages from injuries incurred. Failure to provide the documents and evidence as requested in this Notice shall be your admission, confession, and stipulation to the fact that no evidence or documents responsive to the request exist. Failure to respond shall be your TACIT consent and stipulation to the removal of this matter to a lawful assembly designated by the claimant/declarant Affiant.

WAIVOR OF TORT: This Notice also serves as a waiver of tort, in that any failure to respond is not at issue, but only the amount of damages as stipulated herein;

It is my desire to settle this matter privately, however, failure of the people and parties listed herein to respond and settle immediately shall result in the information in this claim being provided for others in like circumstances for their education on the activities of corporate and state actors;

Upon review of my private and commercial affairs, and with some assistance in preparing this document, it appears you and your "Office" and "officers" may be involved, in concert with others, in trespass upon my life, liberty and property. Specifically, my rights are my property, and exercising my liberty, without hindrance, in the absence of a complaining damaged party cannot be converted to a crime for revenue purposes;

It appears that the STATE of SOUTH CAROLINA operates within a corporate structure as a private enterprise and EMPLOYEE and not as an Office within the State of SOUTH CAROLINA in its republic form of government. If this is not so, please provide a certified copy of the sworn and subscribed Oath as required for every man involved in this matter acting in their Public Capacity within the provisions of the organic Constitution for the United States, and for the organic SOUTH CAROLINA Constitution. Failure to provide the Oath shall be your admission and confession that no properly required Oath exists. Please provide a copy of your chain of delegation of duly constituted lawful authority to claim Official capacity for your acts, and actions for "the people of SOUTH CAROLINA represented in Assembly and Senate" as that term is contemplated in the organic Constitution for SOUTH CAROLINA, 1776 and within the representative Republic form of government; Failure to provide the requested evidence shall constitute your admission and confession that no such lawful delegation exists. Absent a chain of delegation of duly constituted lawful authority to act in Official capacity, it appears you are acting in a private corporate capacity or your private capacity with personal liability;

Please provide a copy or reference for the "law, theory of law, statute, code, rule, divine revelation or regulation" you are relying upon to "limit your liability" for the injuries and damages caused by your act, actions, or failure to act" or in the alternative provide the name and contact information for your insurance underwriter for "errors and omissions;" and nature, those, who think and speak, and act, are men. (State actors) It presents only the artificial person;

Please provide a copy of the verified complaint from the damaged party, i.e., man or woman witness with firsthand knowledge of the act that caused the injury and damage; the element of a verified complaint from someone with firsthand knowledge signed under penalty of perjury is required in order to invoke the power of the court to hear this matter. Even if a state actor has signed a complaint under information and belief, there still must be an affidavit from a man or woman with firsthand knowledge signed under penalty of perjury upon which the state actor relies upon for their "belief." The Affidavit from someone with firsthand knowledge signed under penalty of perjury is the document that places a man or woman's commercial liability a risk for damages from injuries incurred if the man or woman lies; this essential element required for due process protects the state actors from corporate or personal liability under subrogation. Additionally any error, omission, or failure of due diligence on the part of state actors to procure evidence from a man or woman with firsthand knowledge prior to filing a report, is covered by the insurance underwriters or bonding company; however, in the event there is an injury and damage caused from such error or omission, the terms and conditions of the bonds or underwriters Policy usually require that any claim is immediately reported to them, and efforts to limit their liability must be made;

It is the purpose of this presentment to establish the parties liable for immediate settlement of the injuries and damages suffered by Michael-Donald family Wilsey, a man, relating to acts, actions, and failure to act by state or corporate actors;

It may be helpful to review the Public record on the Emergency Banking Act of 1933, the Bankruptcy of the United States, and the "supplanting of Currency" with Federal Reserve Notes as securities and obligations of the United States (see Title 18 Section 8 Notes); Diction in the Complaint/Petition filed in the U.S. Court of Claims, Docket No. 41-96, on February 11, 1976, by 44 Federal Judges [Atkins et al. vs. U.S.] and Senate Report 93-549, pp. 187 & 594 under the "Trading With The Enemy Act" [Sixty-Fifth Congress, Sess. I, Chs. 105, 106, October 6, 1917], and as codified at 12 U.S.C.A. 95(a) provides substantial information on the breach of Separation of Powers through the Bank Holiday of 1933 and the Trading with the Enemy Act along with subsequent Acts of Congress, where it appears in the record, the Liability for the Debt of the Federal Reserve a Private Corporation was converted to the Public United States without Constitutional authority or Amendment by way of pilfering the Treasury Account deposited with the Federal Reserve in 1920;

It appears Congress provided remedy to the private sector in HJR 192 June 5, 1933 to avoid charges of treason; There can be no Compelled Performance for a Liability for the Debt of a Third Party Private Corporation onto the Public without a remedy for the people, which is to give full faith and credit to the people in their issue of private Credit instruments; Absent a remedy, the people would be subjected to involuntary servitude and economic slavery. Thus, the United States operates within the Reorganization Plans under voluntary Bankruptcy comprising the body of Law wherein the operational currency is evidenced by instruments of liability traded as assets, where purchases are made with instruments evidencing liability, where liability is bought and sold and transferred as an asset, and every transaction is covered by Maritime Contracts of

Insurance within the Admiralty jurisdiction; Every Bank account, Mortgage, Corporation, Auto Loans, and every transaction is insured or bonded so the Bankruptcy of the United States does not cause injury and damage to the sovereign people upon the land by whom and for whom governments were established; [See: Reorganization Plan No. 26. 5 U.S.C.A. 903. Public Law 94-564, Legislative History, pg. 5967] See: THE CONSTITUTION OF THE UNITED STATES A CRITICAL DISCUSSION OF ITS GENESIS, DEVELOPMENT, AND INTERPRETATION BY JOHN RANDOLPH TUCKER, LL.D., LATE PROFESSOR OF CONSTITUTIONAL AND INTERNATIONAL LAW AND EQUITY, WASHINGTON AND LEE UNIVERSITY EDITED BY HENRY ST. GEORGE TUCKER PROFESSOR OF CONSTITUTIONAL AND INTERNATIONAL LAW AND EQUITY IN WASHINGTON AND LEE UNIVERSITY VOLUME I CHICAGO: CALLAGHAN & CO. 1899 COPYRIGHT, 1899, BY CALLAGHAN & CO. Man is a cestui que trust not a slave. His right is God-given. Its Dower is Divinely entrusted for the conservation of his right. Deriving his title from Almighty God his claim is higher than the Dower of all governments. His rights precedes its power and Dower is God-given to guard God-given right.

VERIFIED DECLARATION AND AFFIDAVIT
AND
STATEMENT OF MATERIAL FACTS:

Regarding: Matter involving MICHAEL DONALD WILSEY a Trust Entity.

I, Michael-Donald family Wilsey, (hereinafter Affiant), a natural born adult white Man, one of "we the people", a true sovereign by blood, birthright and descent, within the united States of America, a private Man upon the soil of the country known as Alabama, as recorded by Decree of Political Will on the Great Registry file no. ALJff.MD0034-6013 and Apostilled and notarized Act of State and internationally Registered Statute Staple Securities Instrument in your probate court, am not a "person", am a Public surety for no one, am a follower of the laws of The Almighty Supreme Creator first and foremost and the laws of man when they are not in conflict (Leviticus 18:3,4); Pursuant to Matthew 5:33-37 and James 5:12, let my yea be yea, and my nay be nay, as supported by Federal Public Law 97-280, 96 Stat; 1211;, I am over the age of majority and beyond the age of military culpability; therefore, a private civilian and have personal knowledge of the matters stated herein, and hereby asseverate understanding the liabilities for not telling the truth, and declares in this Affidavit of Fact done pursuant to the Doctrine of Good Faith, that the following facts are certain, true, correct, not meant to mislead, and complete to the best of the Affiant's knowledge and belief; should any part of these statements be found inaccurate it shall not affect any other facts herein and I shall enter this affidavit into, on and for the record as evidence of a stipulated contract for the purpose of exhausting administrative remedy;

- coming forth as a **fictitious plaintiffs**, wantonly, willfully, intelligently, intellectually and knowingly, commits Contempt, and there is no other evidence to the contrary; and;
- 35) I find that George W. Bush as **Commander-in-Chief** secured his watch without proper relief, and;
- 36) The **SOUTH CAROLINA COPROPRATE JUDICIARY** and **OFFICERS** are responsible for their conduct; **Fina Supply, Inc. v. Abilene Nat. Bank**, 726 S. W. 2d 537, 1987, "Party having superior knowledge who takes advantage of another's ignorance of the law to deceive him by studied concealment or misrepresentation can be held responsible for that conduct," and;
- 37) The STATE prosecuting this matter is the moving party and initiator of this action. The law is clear that any entity which chooses to initiate and maintain legal actions must have both (1) lawful authority to do so and (2) the ability to clearly prove its lawful authority, meaning the "chain of delegation of duly constituted lawful authority," **State v. Batdorf** 238 SE 2d 497 (1977); and,
- 38) Pursuant to your **22 USC § 254 (d)** and the Vienna Convention that your foreign forum has **no discretion** with regard to "Any action or proceeding brought against an individual who is entitled to [diplomatic] immunity...**shall be dismissed**. Such immunity may be established upon motion or suggestion by or on behalf of the individual, or as otherwise permitted by law or applicable rules of procedure," and;
- 39) It appears in the record there is **no discretion** "in all cases affecting Ambassadors other public Ministers and Consuls...the supreme Court **shall** have original jurisdiction." **Constitution for the United States of America, as amended A. D. 1791**. There is **no discretion** for inferior courts, and;
- 40) It appears in your record, 18 USC §§ 1116, 112, that your actions against a foreign official, whether or not recognized, is subject to fines and imprisonment up to 10 years, and;
- 41) It appears in the record that Circuit Court JUDGE JULIAN KING, TALLADEGA COUNTY, AL ordered a rebuttal signed under penalty of perjury to my 93-point affidavit which was required within ten days pursuant to your FRCP 8(b)(6). Said sworn affidavit now stands as Truth, Fact and Law, and;
- 42) It appears unchallenged in the record that I have never sojourned in THE STATE OF SOUTH CAROLINA to have been served proper due process; therefore, it impossible to fail to appear for any purported hearing, and;
- 43) It appears in the record that I have never been convicted of a crime in the STATE OF SOUTH CAROLINA; therefore, I am not a "fugitive from justice," and;
- 44) It appears in the record that the State of South Carolina, as are the other states similarly situated, have become mere bankrupt "corporate" debt collectors for a foreign principle operating under the Clearfield Trust Doctrine with "personal liability" having no immunity for their acts or actions, and;

Verified Affidavit of Truth

Greetings and peace in the name of the Prince of Peace

NOTICE TO OFFICERS/AGENTS OF THE UNITED STATES

THIS NOTICE AND ATTACHMENTS ARE NOT INTENDED TO HARASS, INTIMIDATE, OFFEND, CONSPIRE, BLACKMAIL, COERCE, OR CAUSE ANXIETY, ALARM OR DISTRESS. THEY ARE PRESENTED PURSUANT TO LAWFUL AUTHORITY TO FACILITATE STATED INTENTIONS TO ACHIEVE HONORABLE SETTLEMENT. ANY AFFIRMATION CONTRARY TO THIS STATED INTENTION WILL COMPRISE YOUR STIPULATION TO COMMITTING A FRAUD UPON THE COURT.

I, Michael-Donald, a peaceful, living, breathing soul on the first Judicial District Assembly of Tens, county of Jefferson, Alabama republic A.D. 1819 of the Union of United States of America A. D. 1787-1791, and only on said venues, in, on and for the record as EVIDENCE, pursuant to the Law of Peace which is superior to the law of war, do claim, asservate and state the following as true, correct, certain and not meant to mislead or harass under the penalty of bearing false witness:

Affidavit as an offer of proof F.R.C.P. ER 103 (b), ER 103 (2) judicial notice ER 201 et seq.

- 1) I am known by all as Michael-Donald, not the ens legis procedural phantom your foreign jurisdiction has charged, but in fact my Lawful Christian name is Michael-Donald, see: **Christian name: the baptismal name as distinct from the sir name, Stratton v. Foster, 11 Me. 467;** and,
- 2) I have no legal duty to act as a legal Fiction; "*Fictio juris non est ubi veritas.*" Where truth is, fiction of law does not exist. Such is counter to the Way, the Truth and the Life; and,
- 3) I have at all times acted in Good Faith, with Clean Hands, and always with an intent to do right and be done right, in accordance with my Christian belief; "**Love thy neighbor as thyself;**" and,
- 4) I am a scholar of Christian and American history and have published findings for the world to know; and,
- 5) Affiant believes said findings threaten the wonton, willful, intellectual, intelligible and knowing concealment of the Bankruptcy Plan Fund and the statutory enforcement scheme to disadvantage Americans and de jure government, and there is no other evidence to the contrary, and;

- 6) Pursuant to the Doctrines of Good Faith and Clean Hands I have provided the findings contained herein, relative to our ongoing investigation, to AGENT MELISSA DUNNING of the FBI Birmingham Field Office, and;
- 7) I find that the SUPREME COURT of the STATE of SOUTH CAROLINA and the STATE of SOUTH CAROLINA has defaulted and stipulated to my de jure standing and capacity on the Original jurisdiction and the Law and facts to this matter by their admission and confession refusal to rebut, and;
- 8) Affiant finds, pursuant to each State's Article I Bill of Rights, that anyone at anytime in their life may Decree their Political Will, to wit:
- One's venue
 - One's jurisdiction
 - One's substance of being
 - Ones allegiance
- To effect repatriation since having been revenue and religioned by acquiescence to Despotic Design by Reconstruction perpetrated upon our minor children, pursuant to the National Emergency Education Act of 1958, and there is no other evidence to the contrary, and;
- 9) I find that the **CORPORATE JUDICIARY OF THE STATES**, whose attorneys have been proven according to legal statute and case law to **receive bonuses and/or financial benefits for obtaining convictions** and thus have a conflict of interest per se in representing defendants in criminal cases—have violated their oaths of office, committed perjury of oath of office, contempt of Constitution, and have failed to uphold the Constitution: they knowingly imprison people of the United States and other countries in order to obtain bonuses and/or financial benefits which constitutes peonage and slavery in violation of current, applicable statutes of this country, in order to revenue fiat currency from the Republic to the Public open Bankruptcy FUND; see: 5 U.S.C.A § 1. (a), (b) and (c), 22 U.S.C.A. 286a (d) (1); and Reorganization Plan No. 26, Public Law 94-564, 90 Stat 2660, through the courts, CAFR FUNDS, THE COURT REGISTRY INVESTMENT SYSTEM (CRIS), THE FEDERAL RESERVE and the Department of Justice; and,
- 10) I find that *alleged* Constitutional Article III § 1 judges, operating under the auspices of the GOVERNMENT OF THE UNITED STATES, D-U-N-S® 16-906-6193—a private corporation in open bankruptcy, are in fact and Law acting under alleged “necessity” and “emergency” and; therefore, are not Article III judges, pursuant to U.S. v. Will et al. 66 L. Ed. 2d 392 pp. 405-407. They, like the “Receiver” in bankruptcy, are not officers or employees of the original jurisdiction United States of America, 22 U.S.C.A. 286a (d) (1) via emolument from the IMF/United States Treasury, D-U-N-S® 00-325-4885—a foreign principal—a violation of 18 U.S.C.A. 912 , and 18 U.S.C.A. §§ 219 & 951 as agents of a foreign principal. Further, NO court or judge can receive or

exercise Article III judicial powers when influenced by other branches of government. It is presumed that judges know the law or where to find it; where one may note that judges are mere “commissioners” under treaties and international agreements contemptuous to the organic Constitution Article III, see: U.S. v. Ferreira, 13, Howard 42, and,

- 11) Your emergency is a permanent state of “emergency” and was instituted, formed, erected and enforced within the union through *longitudinal*, gross usurpations and breach of legal duties by trustees and continual conversion, fraud and avarice of colluding associations including, but not limited to the Federal Reserve, their “fiscal and depository agent,” pursuant to 22 U.S.C.A 286d. “Commerce by the law of nations, ought not to be converted into a monopoly and the private gain of a few,” Coke’s Pleas of the Crown, 181. Regardless of the point of duration;
- 12) Your court was correct when it ruled “The conditions to which power is addressed are always to be considered when the exercise of power is challenged. Extraordinary conditions may call for extraordinary remedies. *But* the argument necessarily stops short of an attempt to justify action which lies outside of the sphere of constitutional authority. Extraordinary conditions do not create or enlarge constitutional powers. The constitution established as National Government with powers deemed to be adequate, as they have proved to be both in war and peace, but these powers of the National Government are limited by the constitutional grants. Those who act under these grants are not at liberty to transcend the imposed limits because they believe that *more* or *different* power is necessary. Such assertions of extra-constitutional authority were anticipated and precluded by the explicit terms of the Tenth Amendment.”

Schechter Poultry Corp. v. United States, 296 U. S. 490 528 (1935),
citing Ex parte Milligan, 4 Wall. 2, 120, 121 (1866); and,

- 13) I find that, as a fictitious entity in open bankruptcy, the de facto UNITED STATES is *CIVILITER MORTUUS*; *Extra legem positu ast civiliter mortuus*; one out of the pale of law (an outlaw) is civilly dead; and,
- 14) I find that such restrictions coupled with “the general Welfare and common defense of the United States,” see: Constitution, Preamble and Article I § 8 Clause 1, are incompatible with the goals of covinous usurpers and their delusions—such is evidence of **Bad Faith** and **Unclean Hands**. These Acts, declared and evidenced herein, establish seditious collusion and covinous intent to overthrow and commit contempt against the duly ordained Constitution *for* the United States of America, and wantonly, willingly, knowingly, voluntarily, intentionally and intelligently cause other damages, injuries and frauds against the Peace, Dignity and Security of “We the People” of the free, sovereign, independent, Republican States of the Union of States of the United States of America. Such is admitted to by De facto President George Bush’s public declaration of INTERdependence

(September 11, 1991); see: Book of the States, p. 144. Declaration of INTERdependence (1937) and 8 U.S.C.A. 1101 (40), and,

15) I find that the **SOUTH CAROLINA LAW ENFORCEMENT DIVISION AND THE JUDICIARY OF THE STATES of ALABAMA and SOUTH CAROLINA** are not agencies of the United States government, but **private corporations with unique D.U.N.S® numbers, 00-402-7553 and 06-700-6072 respectively, and FEIN numbers**, in my possession as referenced herein, and;

16) Your court was correct when it ruled a **private corporation is no part of a legitimate government.**

"It is, we think, a sound principle, that when a government becomes a partner in any trading company, it divests itself...of its sovereign character, and it takes that of a private citizen...it descends to a level with those with whom it associates itself, and takes the character which belongs to its associates, and to the business which is to be transacted. It acts merely as a corporator, and exercises no other power in the management of the affairs of the corporation, than are expressly given by the incorporating act".

The Bank of the United States v. The Planters Bank of Georgia

22 U.S. (9 Wheat) 904, 6 L. Ed. 244; and,

17) Pertaining to STATE "judges," I find that the **CORPORATE JUDICIARY OF THE STATES**, all judges and clerks sitting since 1948, alive or dead, or their estates if dead, continue to imprison and confine persons of this country as well as other countries, even though they have full knowledge that their actions are illegal according to law, as they are presumed to know the law or where to find it.

"Ignoratus juris non excusat." Ignorance of the Law is no excuse; and,

18) I find that the actions of the de facto, fictitious, corporate entity masquerading as "government" at all levels in these matters to be repugnant to the local peoples on the local land in and under treaty of peace and harmony, and above all else, Christian brotherly love; **"Veritas nihil veretur nisi obsondi." Truth fears nothing but concealment;** and,

19) Further I find wanton, willful, intentional, intellectual, knowledgeable, voluntary and conspiratorial **despotism by design** based upon these findings via "education systems of the several States brought under 'emergency' control through the passage of the 'National Defense Education Act' 72 Stat. 1580 on September 2nd 1958," facilitating memorization programming and disinformation... dictated from the federal/international level; see James Madison High School, A Curriculum for American Students, William J. Bennett, Secretary of the United States Department of Education (1987). Thus, the misinformation of the masses and in particular of minor children having been effectively implemented; the three distinct branches: Executive, Legislative and Judicial, have been compromised, covertly confederated, consolidated, usurped and overthrown; and,

- 20) I find further debasement of justice and righteousness through *voir dire* of a non-person-real man/woman prospective juror to hear a matter concerning Constitutional Citizens, preferring impartial "CITIZENS" of the STATE and DISTRICT—not a jury of peers; resulting in the reinstatement of Star Chamber Summary Proceedings. Usurpations and even heinous acts which conceal from adjudication to the prejudice, damage, injury and public endangerment of Constitutional Citizens and their posterity; see: Report to the Attorney General, Truth in Criminal Justice Series, Report Number 5; amounting to a "Dictatorship" over money and finance AND every facet of Life, Liberty and Property; and,
- 21) I find the Constitutional office of Lawful, Constitutional, Article III, judicial power judge to be usurped. Those holding said office no longer qualify as Officers and employees of the original jurisdiction United States of America, having received their remuneration from foreign/alien financial institutions; namely, the International Monetary Fund and its subsidiary organizations, corporations and associations as deceitfully and craftily designated as the de facto UNITED STATES TREASURY, Public Law 94-564, resulting in the establishment of an extra-constitutional fourth branch of government, 1 American Jurisprudence 2d, Administrative Law § 78, by admission; "We [courts] have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. THE ONE OR THE OTHER WOULD BE TREASON TO THE CONSTITUTION; U.S. v. Will, 449 US 200, 66 L. Ed. 2d 392 p. 406. Such quasi-judicial powers necessarily assume the duties of Prosecutor, Accuser, Judge and Jury. Further and more damning, these inter-agency, quasi-judicial personnel, officers, servants, agents and employees are acting in "Bad Faith" and in violation of the Clean Hands Doctrine. Such "fraud vitiates the most solemn Contracts, documents and even judgments," U. S. v. Throckmorton, 98 US 61, p. 65; and,
- 22) Each STATE is a Fictitious Plaintiff, which commits contempt by bringing such action; A person [corporation] appearing in the writ, complaint, or record as plaintiff in a suit, but who in reality does not exist, or who is ignorant of the suit and the use of his name in it. It is a contempt of court to sue in the name of a fictitious party. Black's Law Dictionary Fifth Ed, page 562; and,
- 23) By and for the record, the SOUTH CAROLINA actors are debtors operating as a TRADE or BUSINESS pursuant to 26 USC within the voluntary bankruptcy, reorganization of debt of the UNITED STATES and have no standing until the real party and interest appears with the international contract that evidences consent. I see no evidence to the contrary; and,
- 24) It appears in the record SOUTH CAROLINA'S jurisdiction is inferior, extra-constitutional and lacking as to required (State v. Batdorf) chain of delegation of duly constituted Lawful authority, theory of Law, venue and jurisdiction; therefore, no longer operating in public capacity and liability, but *private* capacity and *personal* liability; "*In praesentia majoris potestatis, minor potestatis*"

cessat.” In the presence of the major power [We the people], the minor power ceases. “The Constitution of the United States does not secure to anyone the privilege of defrauding the public; see, Easton v. Iowa, 188 U. S. 452, p. 454. And pursuant to Medina v. People, P, 389 p. 2d 722, “The Rights recognized by the Constitution do not depend on [*ens legis*] *legis-lative* action to become operative.” (emphasis added), and;

- 25) It appears in the record the court is created, established and ordained within the Tabernacle of, by and for the Covenant men and women of Yahweh at Exodus, chapter 27 verse 9, and there is no other evidence to the contrary, and;
- 26) Further, the Court was administered by Ordained Men—Men with a Chain of Delegation of Lawful Authority as Levites—who were presented only **fact, truth** and ordained **Law**, and there is no other evidence to the contrary, and;
- 27) It appears in the record only **Truth and Fact** was permitted, they were presented by a pure and contrite heart as I bring today, and there is no other evidence to the contrary, and;
- 28) It appears in the record pursuant to the **Holy Scriptures**, Book of Hebrews, chapters eight through ten said covenant was perfected by a “Superior Sacrifice” by the Messiah, and there is no other evidence to the contrary, and;
- 29) It appears in the record the Lawful and Peaceful Assembly venue is **mandated** at Hebrews, Chapter 10 verse 25, and there is no other evidence to the contrary, and;
- 30) Pursuant to Hebrews, chapter 11 verses 1 and 2, the **Faith** by which Assemblies administer their affairs and obtain a “good report” is both evidence and substance, and there is no other evidence to the contrary, and;
- 31) The Superior Covenant judges are attested to by the Apostle Paul’s first letter to the Corinthian believers pursuant to said reference at Chapter six, a **Common Law Court**, and there is no other evidence to the contrary, and;
- 32) Further, I find that the **Truth & Fact, Evidence, Substance** and **Law**, inherent to the **Ordained Assembly venue**, is Superior and foreign to the venue of the statutory enforcement scheme designed to benefit the IMF bankruptcy FUND by its inherent use and utilization of *ens legis*’, procedural phantoms, fictitious defendants and fictitious plaintiffs and color of law, and there is no other evidence to the contrary; and;
- 33) It appears in the record that the Ordained lawful and Peaceful Assembly venue is also constitutionalized at Article of Amendment 1, and;
- 34) It appears in the record the STATES of ALABAMA and SOUTH CAROLINA, foreign, corporate, inferior venues and jurisdiction to Affiant—attested to by evidence in Affiant’s possession—by

- 45) It appears in the record (Apostille serial no. 2008-7648 Toral Trust Deed) that I am an Ambassador and Public Minister of Justice as my God-given Right, with a Master's Degree pursuant to a mission of peace, who has expressed **Diplomatic Immunity**, and;
- 46) It appears in the record "In common usage that term "person" does not include the sovereign, and statutes employing it will ordinarily not be construed to do so," (United States v United Mine Workers, 330 US 258 (1947)) and, "in common usage, the term "person" does not include the sovereign, statutes employing the phrase are ordinarily construed to exclude it."(United States v. Fox, 94 US, 315), and;
- 47) It appears in the record that the STATE OF SOUTH CAROLINA's private statutes §§ 16-17-410 and 16-17-735 cite "persons" as the subject of violations, which excludes Me, and;
- 48) It appears in the Record (Probate record Bk. LR 200812 P 1138 Public Notice) that my Rights supersede your statutory private policy, and;
- 49) "Authority" is permission to act or speak for; it appears in the record that I have retained all Rights and do not waive power of attorney to any judiciary or BAR member; how do you claim to have permission to speak on my behalf?
- 50) You have made provisions within your policy to accommodate my Rights, and;
- 51) It appears in the record that I have no contracts with your private corporate federal enclave, reconstructed satellite subsidiary STATE OF SOUTH CAROLINA, and;
- 52) You have no expressed written permission from me, as the Occupant of the Executor Office, granting anyone authority to trespass against MICHAEL DONALD WILSEY Estate, and;
- 53) It appears in the record that the de jure South Carolina is a common law State and Swanner v. United States, 275 F. Supp. 1007 (M. D. Ala.1967) requires that you must produce a sworn affidavit from a real man or woman whom I have alleged to have injured, and;
- 54) It appears in the record the Constitution of the United States of America is the Supreme Law of the Land to which you are bound by Oath (Art.VI, § 2), and;
- 55) It appears in the record "*The judicial Power shall extend...to all cases affecting Ambassadors, other public Ministers and Consuls.....the supreme Court shall have original jurisdiction,*" Art. III § 2, and;
- 56) It appears in the record that I am not a "person" and have made a Good Faith effort to notice U.S. and STATE entities of the fact (Chisolm v. Georgia 2 U.S. 419 (1793) 2 U.S. 419 (Dall.), and;
- 57) It appears in the record "the theory of our republican form of government and political system is that the ultimate sovereignty resides in the people from who spring all *legitimate* authority." Minor v. Happersett, 88 U. S. (21 Wall.) 162, 22 L. Ed. 627 (1874)), and;

- 58) It appears in the record (Constitution for the United States of America as amended to 1791 A.D.) that my God-given and contractually-secured Constitutional Rights are **inviolable**, and;
- 59) It appears in the record (Declaration of Independence 1776) that I have a *perfect* Right to my Life, Liberty and property, and;
- 60) It appears in the record that I have a right to proper Due Process of Law (the Constitution for the United States of America as amended to 1791 A.D. and the Declaration of Rights contained in all Constitutions for Alabama from 1819 through 1901 and the Magna Carta 1215), and;
- 61) It appears in the record that I have made myself a party by contract to certain and specific International Treaties entered into by the United States of America, the supreme Law of the Land (Art. VI, sec 2), and;
- 62) The venue upon which I am found as an Alabama national appears in the record (Photo ID Apostille serial no. 2009-1640), and;
- 63) It appears in the record that I have copyrighted all derivations of my Christian name and family name, and;
- 64) Do you have permission from me in writing to use my Christian name and family name and my biological identifiers?
- 65) It appears in the record "the STATE is the District of Columbia and the several territories of the United States" *only*, and;
- 66) Having established in the record a Good Faith effort to cancel any adhesion "presumed" contracts; I have no contracts with the corporate or STATE of SOUTH CAROLINA which would give your administrative, corporate, inferior courts subject matter jurisdiction over me, and;
- 67) It appears in the record that you work for the STATE OF SOUTH CAROLINA D-U-N-S® 06-700-6072, and;
- 68) It appears in the record that I am an Alabama national and, by a overwhelming preponderance of evidence, not of the class of a colored 14th Amendment citizen under the color of law, and;
- 69) It appears in the record (unrebutted affidavit entered into Circuit Court) the claim or exercise of my Right to perform the duties of the Offices I Occupy with a chain of delegation of duly constituted Lawful authority cannot be made a crime, and;
- 70) It appears in the record (Constitution *for the* United States of America Article of amendment I) that you do not have authority to encumber my in-a-lie-n-able **religious duty** and **Right** for which I am accountable to my Divine King, and;
- 71) It appears in the record (Total Trust Deed p. 3 ¶ 4) that "[I am] not a Capitus Diminutio Maxima, ens legis, legal entity or procedural phantom created by, for, nor on behalf of any other person, group, association, nor corporation for political, judicial or commercial purpose/activity and am not a surety

therefore, nor assume culpability on behalf thereof as *Civilter Mortuus*, to the STATE OF SOUTH CAROLINA, and;

- 72) It appears in the record I am neither a licensee of any corporate entity, nor [am I] a licensee under the Trading with the Enemy Act of 1917 as amended to 9 March, 1933; therefore, your private statutes do not apply to me as a sovereign by blood, birthright and descent, and;
- 73) **Usurpation:** "the unlawful seizure or assumption of sovereign power, the assumption of government...by force or illegally, in derogation of the Constitution" (Black's 4th ed. P. 1713). it appears in the record July 9th, 1868, is the day of usurpation of the de jure State of South Carolina, and that the validity of a de facto government cannot antedate the time of its becoming de facto; therefore, it appears the STATE OF SOUTH CAROLINA (de facto) is outlaw, and;
- 74) Your private, corporate statutes do not rise to the level of the supreme Law of the Land, and;
- 75) It appears in the record I have any duty or allegiance to give effect to your reconstructed, private, corporate satellite federal enclave masquerading as government. and;
- 76) It appears in the record that your courts are operating under the extra-constitutional Administrative Procedures Act of 1946, which "endanger[s] the very foundations upon which our system of government rests," (1 Am Jur 2d § 15, p 817), and;
- 77) The record shows you have caused me to be illegally arrested though I am a living man, specifically not a "person," and converted my name for profit through Roman civil procedure, and;
- 78) It appears in the record (Toral Trust Deed p. 1 & 2) that I am not bound to the statutory enforcement scheme for the benefit of the bankruptcy FUND of the STATE OF SOUTH CAROLINA, and;
- 79) It appears in the record that your private corporate venue has claimed bankruptcy and as such is incompetent; therefore, subject to its expatriated Receiver *and Civilter Mortuus* (civilly dead); if you are civilly dead and do not have jurisdiction over yourself, it necessarily follows that you have no jurisdiction over me, and;
- 80) It appears in the record from a reliable source of the 1868 Constitution for South Carolina, that the State of South Carolina is constituted under a Federal Statute (Reconstruction Acts) subject to the legislative control of Congress under Article IV territorial jurisdiction, and;
- 81) It appears in the record from common observation that the State of South Carolina conducts its trade and business through the "use" of Checks, Notes, Drafts, Warrants, Bills of Exchange, Bonds, and other forms of Commodity/Commercial/Debt Paper/Instruments, without evidence of consideration in circulation, and;
- 82) It appears in the record from common observation that the State of South Carolina conducts its trade and business within the Body of Law wherein the operational currency is evidenced by instruments of liability traded as assets, where purchases are made with instruments evidencing liability, where


liability is bought and sold and transferred as an asset and every transaction is underwritten by Maritime Contacts' of insurance commonly known as "bankruptcy," and;

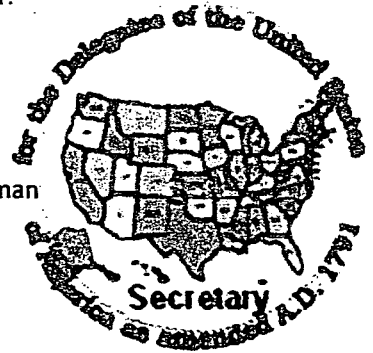
83) It appears in the record at Senate Report 93-549, 1973 page 1, "A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years [now 78 years], freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency. The problem of how a constitutional democracy reacts to great crises, however, far antedates the Great Depression. As a philosophical issue, its origins reach back to the Greek city-states and the Roman Republic. And, in the United States, actions taken by the Government in times of great crises have—from, at least, the Civil War—in important ways, shaped the present phenomenon of a permanent state of national emergency." Therefore, the State of South Carolina has "abridged" procedures guaranteed by the Constitution, and;

84) It appears the record is absent documents evidencing the people of the State of South Carolina have "exhausted their Administrative Remedies" and failed to state a claim, and;

85) It appears the record (U. S. v. Bishop, 412 U. S. 346) that reliance "on prior decisions of the supreme Court [is] the perfect defense for *willfulness*," AND:

86) It appears in the record that the amounts of fines for the damages by actions amount to sixty four million United States dollars as defined one Dollar equals one ounce of silver.

By:  a man
Occupant of the Office of Secretary



Respond to:
Michael-Donald
c/o Gary Wayne
General Post Office
Childersburg, Alabama.

Respond in this precise manner as
all other venues and jurisdictions
are expressly denied

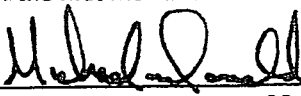


CERTIFICATE OF SERVICE

I certify that I am over the age of 21, and that I caused the above Notice of Liability, Waiver of Tort and Verified Affidavit to be served by non-domestic United States Mail pursuant to FRCP Rule 4.1 to the following Offices or persons:

CORPORATE AGENT MICHAEL PRODAN
STATE LAW ENFORCEMENT DIVISION
STATE OF SOUTH CAROLINA
P.O. Box 21398
Columbia, SC [29221]

Dated the twenty fifth day of the first month two thousand eleven, A.D.

By:  a man
Occupant of the Office of Secretary

Addendum to Demand to Dismiss Sua Sponte

“Defendant” always has reserved the Right to amend without leave of the court.

“Indeed, the court “may and should raise the question of its jurisdiction *sua sponte* at any time it appears in doubt.” *Calhoun v. United States*, 98 Fed. Appx. 840, 842 (Fed. Cir. 2004) (quoting *Arctic Corner, Inc. v. United States*, 845 F.2d 999, 1000 (Fed. Cir. 1988)); see also *John R. Sand & Gravel Co. v. United States*, 128 S.Ct. 750, 753 (2007). “[C]ourts must always look to their jurisdiction, whether the parties raise the issue or not.” **View Eng’g Inc. v. Robotic Vision Sys., Inc.**, 115 F.3d 962, 963 (Fed. Cir. 1997).

“However late this objection [challenge to jurisdiction] has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction.”

--**Rhode Island v. Massachusetts**, 37 U.S. 657 at page 718.

“ . . . appearance does not cure the defect of judicial power, . . . ” *Id.* page 719.

Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with theasserter. The court is only to rule on the sufficiency of the proof tendered. Se **McNutt v. GMAC**, 298 US 178. The origins of this doctrine of law may be found in **Maxfield's Lessee v Levy**, 4 US 308.

Record

To: MICHAEL PRODAN dba CORPORATE AGENT for THE STATE of SOUTH CAROLINA, D.U.N.S® NUMBER 06-700-6072. You are a political subdivision and EMPLOYEE of the CORPORATE UNITED STATES, D-U-N-S® NUMBER # 03-1648-8233 which is declared bankrupt and is therefore Civilatur Mortuus or civilly dead. Your instant actions unknown "case" numbers are brought forth in a commercial corporate venue and jurisdiction. The above corporate identification is PROOF POSITIVE OF YOUR PRIVATE CORPORATE CAPACITY.

From: Secretary of the Delegates Michael Donald
c/o Gary Wayne
general post office
Childersburg, Alabama.

Certified Document:

7009 2820 0002 6020 3814

Notice of Default

Whereas; you were served a proper Notice of Liability, via Certified Mail No.7010 1670 0001 7151 0335, Mailed on the twenty-fourth day of the second month of 2011, which was received by you on the twenty eighth day of the second month of 2011; and,

Whereas; you were required to answer, within three days, point for point, with truth, fact and Law, as a rebuttal of the truth, facts and Law contained within my Notice, properly served; and,

Whereas; you elected not to answer and respond with truth, fact and Law and,

Whereas; your failure to respond and answer, within the three days given, as per Notice, places you in **Default**.

Therefore you have stipulated to and agreed with the truth, facts and Law contained within all communications served by our Court upon you as an inferior, extra-constitutional, administrative, private corporate entity agent Thank you for your admissions and confessions which are now "**evidence**" and a part of the record.

Upon your receipt you have been served.

Done this fourth day of the third month in the year of our Saviour and my King, 2011 A.D.

Michael Donald
Secretary of the Delegates



In the Court of GENERAL SESSION
RICHLAND COUNTY, SOUTH CAROLINA

d/b/a

THE JUDICIARY COURTS OF THE STATE OF SOUTH CAROLINA-COLUMBIA SC

D.U.N.S.® no. 36-07-9331; SIC no. 9211; NAICS no. 922110

Record

RECEIVED

AUG 07 2012

SC Court of Appeals

STATE OF SOUTH CAROLINA

Corporate entity

Foreign Fictitious Plaintiff

v.

Reverend Michael-Donald: Wilsey®, sui juris

Non-corporate entity

Real Party in Interest

COURT REGISTRY INVESTMENT SYSTEM

ref. no. 2011GS40-1634

Demand to Dismiss Sua Sponte

Judicial Notice

FRCP ER 201 et seq.

This is not a motion

Greetings and peace in the name of our Wonderful Prince of Peace

Now comes by Special Restrict Appearance *de bene esse* before your inferior, private, corporate forum the Good Reverend Michael-Donald: Wilsey, sui juris, a Private Man, having invoked the Private Attorney General Doctrine, a Foreign Official, and Head of State of a Private and Protected¹ Sovereign Ecclesiastical Society² of non-denominational Christian Assemblies³ of Peaceful, non-belligerent Foreign Neutral⁴ men and women—self-governed by the Christian Covenant of our Holy Writ—and Presents this Demand to Dismiss Sua Sponte to save the public resources and states for cause the following reasons:

The Libellee(s) and the Court have been served Notice of fault and Default on the following Presentments:

- Notice of Removal
- Notice to Inspect or Dismiss for Failure to Permit Defendant to Testify in the Narrative Style and Demand for Qualifications of Electors and Grand Jury Transcripts
- Notice to Dismiss Indictment and Demand for Qualifications of Electors and Grand Jury Transcripts

¹ Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C et al, 132 S. Ct. 694 (no. 10-553)

² Convention on Duties and Rights of the State, 49 Stat 3097, Treaty Stat 881 Art. 2-3 26 December 1934

³ Bill of Rights 1791 Article in Amendment 1

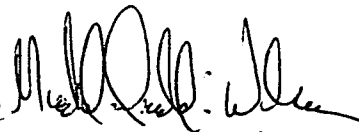
⁴ Geneva Convention I-IV, 12 August, 1949

- Notice to Vacate for Lack of Subject Matter Jurisdiction
- Notice of Constitutional Bar to In Personam Jurisdiction
- Judicial Notice by Affidavit of Special Restricted Appearance *de bene esse*
- Judicial Notice to Quash Warrants
- Demand for Production of Evidence
- Demand for Disclosure of Jurisdiction
- Demand to Consolidate Lexington and Richland County Cases
- Memorandum of Law on Diversity of Citizenship
- Memorandum of Law on Original Jurisdiction
- Memorandum of Law on Ecclesiastical Societies
- Petition for Great Writ of Liberty Habeas Corpus
- Notice of Termination of Non-requested Appointed Attorney
- Notice of Removal for Cause
- Judicial Notices by Affidavit of:
 - Attorneys barred from Giving Testimony
 - De facto Statutes, Rules and Regulations Do Not Apply to Affiant
 - Lack of Subject Matter Jurisdiction

For these reasons the order to Dismiss with Prejudice should issue forth from this court, as Rule day for Default has passed in it entirety.

Signed by my own hand and seal June 17, 2012

All Rights retained,

By: Reverend  , sui juris

Entered into the record June 22, 2012 11:4 a.m.

Word Processed as a courtesy to the court. Verification, Ten (10) day Notice of default and FRCP 8(d), Failure to Deny is Averment, and Proof of Service are as they appear in the record.

Record

RECEIVED

AUG 07 2012

**In the Court of GENERAL SESSION
RICHLAND COUTH, SOUTH CAROLINA**

d/b/a

THE JUDICIARY COURTS OF THE STATE OF SOUTH CAROLINA-COLUMBIA SC **SC Court of Appeals**
D.U.N.S.® no. 36-07-9331; SIC no. 9211; NAICS no. 922110

STATE OF SOUTH CAROLINA

Corporate entity

Foreign Fictitious Plaintiff

v.

Reverend Michael-Donald: Wilsey®, sui juris

Non-corporate entity

Real Party in Interest

COURT REGISTRY INVESTMENT SYSTEM

ref. no. 2011GS40-1634

Notice of Constitutional Bar

to In Personam Jurisdiction

This is not a motion

Greetings and peace in the name of our Wonderful Prince of Peace

Now comes by Special Restrict Appearance *de bene esse* before your inferior, private, corporate forum the Good Reverend Michael-Donald: Wilsey, sui juris, a Private Man, a Minister on a Foreign Jurisdiction¹ Head of State of a Private and Protected² Sovereign Ecclesiastical Society³ of non-denominational Christian Assemblies⁴ of Peaceful, non-belligerent Foreign Neutral⁵ men and women—self-governed by the Christian Covenant of our Holy Writ—with NOTICE of Constitutional Bar to In Personam Jurisdiction, pursuant to the Constitution of the untied States of America Amendment 5 and 14; The Constitution of Alabama, A. D. 1901, Article 1 § 6; and the Constitution of South Carolina, A.. D.1895, Article 1 § 3—the Due Process clauses of said Constitutions—for the following reason: No minimum contact exists with your foreign forum STATE .

When personal jurisdiction is alleged to exist pursuant to the long-arm statute the question of [mere color of law] statutory authority collapses into one inquiry, namely whether defendant has the minimum contacts necessary to meet the requirements of due Process; and

Due process of the 14th amendment [and those referenced herein] operated as a limitation on the power of a state to exercise in personam jurisdiction over a non-resident.

[T]he list of factors helpful to determine the existence of minimum contact between a non-resident defendant and the forum state for the purpose of determining whether

¹18 USC §§ 112, 1116; 22 USC § 254 (d), Vienna Convention Public Law 95-393, 1978 Diplomatic Relations Act, HR 7819 § 5

²*Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C et al.*, 132 S. Ct. 694 (no. 10-553)

³Convention on Duties and Rights of the State, 49 Stat 3097, Treaty Stat 881 Art. 2-3 26 December 1934

⁴Bill of Rights 1791 Article in Amendment 1

⁵Geneva Convention I-IV, 12 August, 1949

in personam jurisdiction comports with due process includes: (1) the quantity of contacts (2) nature of contacts (3) the source and contention of the cause of action to the contacts (4) the interest of the forum state and (5) convenience of the parties.⁶

Facts of this matter: (1) In “defendant’s” standing and capacity as a Foreign State National he has no minimum contact in *this State*—a district of Columbia territorial possession federal enclave (2) “Defendant” has nothing of substance and no quality of contact in *this state* (3) The only sources and contention of the contacts are the STATE’s instant actions of peonage and slavery of this Head of State of non-denominational Christian Assemblies—a Private and Protected Ecclesiastical Society—te revenue assets from the Republic to the Public Open Bankruptcy FUND⁷ through the courts, as debt collectors, CAFR Funds, The Court registry Investment System (CRIS), the Federal reserve System and the Department of Justice (a private entity⁸) to the IMF/United States Treasury—a foreign principle—D.U.N.S.[®] no. 00-325-4885 (4) for the benefit of the U.S. Bankruptcy FUND (5) at “defendant’s” injury and inconvenience based upon invalid warrants issued on a False Witness “affidavit” perjured under oath and void on their face for lack of certified Service (F.R.C.P. 4.1) in a foreign venue and jurisdiction—Due Process has failed.

Further, failure to follow procedure pursuant to the Foreign Sovereign Immunities Act as amended 1976 goes to lack of Due Process.

“Defendant” has no minimum contact with the forum STATE and no intent to establish minimum contact. Due Process, guaranteed by the Supreme Law of the Land, is lacking—the forum STATE does not have In Personam jurisdiction and I DO NOT CONSENT.⁹

The forum STATE’s corporate judiciary, operating under and colluding with the Executive Branch, and its officers are responsible for their conduct,¹⁰

Party having superior knowledge who takes advantage of another’s ignorance of the law to deceive him by studied concealment or misrepresentation can be held responsible for that conduct.

Therefore, the court has no discretion but to dismiss this instant action for want of jurisdiction to avoid committing treason.

Signed by my own hand and seal this seventh day of the third moth in the year of our Lord two thousand twelve under the authority of the Office which I occupy with a chain of delegation of duly constituted lawful authority.¹¹

By:  sui juris

⁶ Filmar Racing, Inc. v. Stewart, 541 SE 2d 733 (2001)

⁷ 5 USCA § 1 (a), (b) and (c); 22 USCA § 286 (a), (d) (1); Reorganization Plan no. 26; Public Law 94-564; 90 Stat 2660

⁸ 11 CVS 1559 Ridgeway Ruling

⁹ Hartford v. Davis, Norman v. Zieber, Piper v. Pearson and Miller v. U.S., 230 F. 2d 486, 489

¹⁰ Fina Supply, Inc. v. Abilene National Bank, 726 SW 2d 537, 1987

¹¹ State v. Batdorf, 238 SE 2d 497 (1977)

STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

AUG 07 2012

SC Court of Appeals

Appeal from COURT of GENERAL SESSION
RICHLAND COUNTY, SOUTH CAROLINA
d/b/a

THE JUDICIARY COURTS OF THE STATE OF SOUTH CAROLINA-COLUMBIA SC
D.U.N.S.[®] no. 36-07-9331; SIC no. 9211; NAICS no. 922110

Reverend Michael-Donald: Wilsey[®], sui juris
Non-Corporate entity
Real Party in Interest

Appellant

v.

STATE OF SOUTH CAROLINA
Corporate entity
Foreign Fictitious Plaintiff

Respondent

Case No. _____
COURT REGISTRY INVESTMENT SYSTEM
ref. no. 2100-GS-40-1634

Notice of Leave to
Provide Handwritten Documents
from the Complainant's Record
and
Non Consent to Waive Assistance of Counsel
Judicial Notice
F.R.C.P. ER 102 et seq

This is not a motion

Greetings and peace in the name of our Wonderful Prince of Peace

Now comes by Special Restrict Appearance *de bene esse* before your inferior, private, corporate forum the Good Reverend Michael-Donald: Wilsey, sui juris, a Private Man, a Minister on a Foreign Jurisdiction¹ Head of State of a Private and Protected² Sovereign Ecclesiastical Society³ of non-denominational Christian Assemblies⁴ of Peaceful, non-belligerent Foreign Neutral⁵ men and women—self-governed by the Christian Covenant of our Holy Writ—with Notice of Leave to Provide the Record in Handwritten Style⁶ and Notice that Assistance of Counsel is NOT waived⁷ as it appears in the record by Appellant's **Constructive Notice of Conditional Acceptance** and Notice of Termination of Non-requested Appointed Attorney, as "representation" is exclusively language of a mere military tribunal to which Appellant is not subject as he is beyond the age of military culpability. The matters in this presentment are all preserved as a matter of record.

¹18 USC §§ 112, 1116; 22 § 254 (d), Vienna Convention Public Law 95-393, 1978 Diplomatic Relations Act, HR 7819 § 5

²Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C et al, 132 S. Ct. 694 (no. 10-553)

³Convention on Duties and Rights of the State, 49 Stat 3097, Treaty Stat 881 Art. 2-3 26 December 1934

⁴Bill of Rights 1791 Article in Amendment 1

⁵Geneva Convention I-IV, 12 August, 1949

⁶Gideon v. Wainwright, 372 U. S. 335 S. Ct. 742, 9 L. Ed. 2d 779. Word Processed records of the trial court are provided as a courtesy to the Court of Appeals despite time constraints imposed upon Appellant.

⁷Id and Sixth Article of amendment of the Bill Of Rights, 1791

“The party who brings suit is ‘the master to decide what law he will rely upon’, and the allegation of his bill are the evidence, or the expression, of his decision, upon which the federal courts must act in determining the question of their jurisdiction.”⁸

Appellant sets the Law Form of this matter as Common Law and invokes Article III.2.2 of the Constitution of the United States of America, which reads in part; “In all cases affecting Ambassadors, other public Ministers and Consuls...the supreme Court shall have original Jurisdiction,” as preserved in the record. The underlying court was therefore incompetent to hear this matter and erred, despite numerous challenges, upon judgment.

Appellant’s challenges to In Personam and Subject Matter Jurisdiction by verbal challenge from the onset and written Notice of Constitutional Bar to In Personam Jurisdiction, Judicial Notice by Affidavit of Lack of Subject Matter Jurisdiction, Notice to Vacate for Lack of SMJ and Demand to Disclose Proper Jurisdiction were never properly satisfied and, as it appears in the record, to which Libellee’s(s) are in Noticed Default for said fact. As it Appears in the record, Appellant has Presented a Judicial Notice by Affidavit of Voir Dire of the Court.

Appellant has provided for the record his **Toral Trust Deed**, serial no. 2008-7648⁹ enumerating the specific bodies of Law to which he subscribes, in which the private copyrighted SCCL is not excluded; therefore, inapplicable as it relates to Appellant.

Further, Appellant has no legal duty to act as a legal fiction and has been forced to enter a plea of Guilty under North Carolina v. Alford due to duress of 15 months of inertia and coercion for the fact that the offering party in the trial court indicated that a trial would be at least a year in the future and, as indicated by Assistance of Counsel, “They are holding you hostage,” despite a Great Writ of Liberty Habeas Corpus and a Notice to Dismiss Sua Sponte in the record to which Libellee(s) is also in Noticed Default. The lower Court’s acts, actions and failure to act are a **Grave Breach** of Geneva Convention IV, 12, August 1949. Appellant has also provided a Judicial Notice by Affidavit that private, copyrighted De facto statutory codes, rules and regulations do not apply to Affiant, to which Libellee(s) is also in Noticed Default.

Further still, from the onset of this matter, Libellee(s) is in Noticed Default, certified Document no. 7009 2820 0002 6020 3814, dated March 3, 2011, A.D. to Actual and Constructive Notice of Liability, as stipulated to by the Parties in order to avoid wasting the public’s resources. Despite said private remedy and default, Libellee(s) has unlawfully proceeded without standing, as further stipulated to by Judicial Notice by Affidavit of Lack of Standing by Offeree and Lack of Extra-Territorial Jurisdiction.

For these causes of error in acts, actions and failure to act, jurisdictional defects and violations of War Powers the Court of Appeals should accept this matter in the interest of justice and righteousness and peace.

Appellant reserves the Right to amend this Presentment without leave of the court.

⁸ Odell v. F. C. Farnsworth Co., 250 U. S. 501, 503, 39 S. Ct. 516, 63 L. Ed. 1111 (1919) Citing The Fair v. Kohler Die & Specialty Co., 228 U. S. 22; Healy v. Sea Gull Specialty Co., 237 U. S. 479.

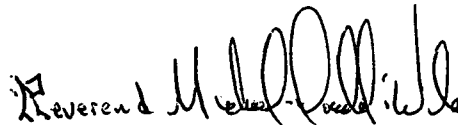
⁹ Apostille, pursuant to the Convention du Le Haye, 5 Octobre, 1961

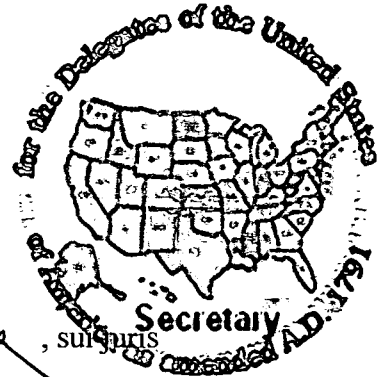
Verification

I, Reverend Michael-Donald: Wilsey, sui juris, a Private Man certify by the authority of the Office which I Occupy with a chain of delegation of duly constituted lawful authority pursuant to State v. Batdorf, 238 SE 2d 497 (1977), that I have read and executed the foregoing and comprehend it contents as true certain, correct and not meant to mislead to the best of my knowledge under penalty of bearing false witness without the United States.

July, 31, 2012

All Rights retained,

By:  , sui juris

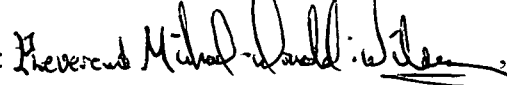


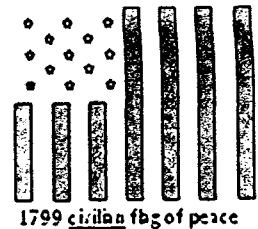
Certificate of Service

I, Reverend Michael-Donald: Wilsey, sui juris, a Private Man certify that I have mailed the foregoing Presentment(s) by non domestic mail to the Clerk of Court for proper service on all parties to this matter.

July, 31, 2012

All Rights retained,

By:  , sui juris



Sharon Graham, Appellate Defense
Josh Underwood, Assist. Atty. Gen. Office
FIFTH CIRCUIT COURT JUDGE De ANDREA GIST BENJAMIN, Libellee

In the Court of GENERAL SESSION
RICHLAND COUTH, SOUTH CAROLINA
d/b/a

THE JUDICIARY COURTS OF THE STATE OF SOUTH CAROLINA-COLUMBIA SC
D.U.N.S.® no. 36-07-9331; SIC no. 9211; NAICS no. 922110

STATE OF SOUTH CAROLINA
Corporate entity
Foreign Fictitious Plaintiff

COURT REGISTRY INVESTMENT SYSTEM
ref. no. _____

v.

Notice to Vacate for
Lack of subject Matter Jurisdiction

Reverend Michael-Donald: Wilsey®, sui juris
Non-corporate entity
Real Party in Interest

This is not a motion

Greetings and peace in the name of our Wonderful Prince of Peace

Now comes by Special Restrict Appearance *de bene esse* before your inferior, private, corporate forum the Good Reverend Michael-Donald: Wilsey, sui juris, a Private Man, a Minister on a Foreign Jurisdiction¹ Head of State of a Private and Protected² Sovereign Ecclesiastical Society³ of non-denominational Christian Assemblies⁴ of Peaceful, non-belligerent Foreign Neutral⁵ men and women—self-governed by the Christian Covenant of our Holy Writ—with NOTICE TO VACATE this instant action for LACK OF SUBJECT MATTER JURISDICTION for the following cause(s):

1. Subject Matter Jurisdiction can be challenged at anytime; this forum's SUBJECT MATTER JURISDICTION IS CHALLENGED! Its private, copyrighted codes, rules and regulations and "statutory enforcement scheme" apply only to your commune's subjects of the U.S. mere territorial possessions⁶, as administrative statutes they specifically do not apply to "defendant" as a Sovereign in standing and capacity with no minimum contact with *this State*⁷ statutorily defined as the territories and the District of Columbia.

Further, "Defendant" is not a 14th Amendment federal U.S. citizen, nor a "resident of the District of Columbia"⁸, nor the corporate federal enclave of the State of South Carolina. Neither is "Defendant" th juristic Person named in your document, as he has no duty to

¹ 18 USC §§ 112, 1116; 22 § 254 (d), Vienna Convention Public Law 95-393, 1978 Diplomatic Relations Act, HR 7819 § 5

² Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C et al. 132 S. Ct. 694 (no. 10-553)

³ Convention on Duties and Rights of the State, 49 Stat 3097, Treaty Stat 881 Art. 2-3 26 December 1934

⁴ Bill of Rights 1791 Article in Amendment 1

⁵ Geneva Convention I-V, 12 August, 1949

⁶ Rodrigues v. Donovan (U.S. Dept. of Labor, 769 F. 2d 1344 (1985))

⁷ SCCL 19 § 19-9-20

⁸ 26 USC § 7701

2012 JUL 27 4:45
RICHLAND COUNTY
FILED

act as a legal fiction.⁹ “Attributions of legal rights and duties to a juristic person other than man is necessarily a metaphorical process, and none the worse for it. No doubt, Metaphors in law are to be narrowly watched.”

Maxims of Law:

“**Omnis persona est homo, sed non vicissim**”, every person is a man, but not every man is a person.

“**Homo vocabulum est naturae, persona juris civilis**”, every person is a man, but not every man is a person (Broom’s Maxims, 1848 ed.)

Further still, as all derivations of “Defendant’s” Lawful Christian name are copyrighted, you have not been given express written permission to use or convert said name to a *Capitas Dominatio Maxima Nom de Guerre* in order to be joined to your actions of profiteering, such action is identity theft.

“Two unlikes cannot be joined together” (Broom’s Maxims, supra)

2. Your private. Copyrighted administrative “statutory enforcement scheme” by which you are attempting to enjoin the unknown fictitious character “Michael Donald Wilsey” are mere color of law of despotic design to benefit your U.S. ultimate parent’s (see D.U.N.S.® no. 16-906-9163) Bankruptcy FUND¹⁰ under which your military tribunals, masquerading as courts, are commissioned as debt collectors¹¹
3. Pursuant to 11 CVS 1559 Ridgeway Ruling Superior Court Judicial Review, your SOUTH CAROLINA LAW ENFORCEMENT DIVISION as well as your ATTORNEY GENERAL are acting as a mere “private entity”, not legitimate government, but a “corporator.”¹² As such they are operating in private capacity and personal liability embezzling public funds. Having taken their oath of office to *this state* and the *United States*¹³ they have relinquished their national Citizenship¹⁴ and are Alien Enemy Residents, and by bringing action as a Fictitious Plaintiff commit contempt (Black’s Law Dictionary 4th ed.) for all corporations are fictions of law and “fictions arise from law not law from fictions,” Broom’s Supra.

In, on and for the record this forum must Disclose its true Jurisdiction as has been demanded by “Defendant” as it appears in the record or dismiss this action *sua sponte*, in which the Supreme Law of the Land is subverted, attacked, negated, oppressed and diminished, which is Contempt of Constitution¹⁵. Your corporate “Judiciary, operating under and colluding with the Executive Branch, and its officers are responsible for that conduct. “Party having superior knowledge who takes advantage of another’s ignorance of the law to deceive him by studied concealment or misrepresentation can be held responsible for that conduct.”¹⁶

⁹ *Cordoza, J. in Berkey v. Third Ave. R. Co.* 244 N.Y. 84,94

¹⁰ 5 USCA §1(a), (b) & (c); 22 USCA § (a)(d)(1); Reorganization Plan no. 26; Public Law 95-564; 9 Stat 2660

¹¹ *U.S. v Fierria*, 13 Howard 42c

¹² *Bank of the United States v. Planters Bank of Georgia*, 22 U.S. (9 Wheat) 904, 6 L. Ed. 244

¹³ South Carolina Constitution (1895) Article III § 26; S.C. App Rule 502.1

¹⁴ 8 USC § 1481ed (a) (2)ddd

¹⁵ *U. S. v. Will*, 449 U.S. 200, 66 L. Ed. 2d 392 p. 406

¹⁶ *Fina Supply, Inc. v. Abilene Nat. Bank*, 726 S.W. 2d 537, 1987rr

Judicial Notice by Affidavit of Lack of Subject Matter Jurisdiction

Affidavit is an offer of proof F.R.C.P. ER 103(B); ER 103(2); Judicial Notice 201 et. seq.

Affiant has no record or evidence that any territorial court within the republic state South Carolina can demonstrate, show or otherwise exhibit subject matter jurisdiction over Affiant.

Admit—Libellee(s) listed in these documents admit to the truth and guilt of usurping subject matter jurisdiction over Affidavit where none existed.

“It is the locus of the offense which determines jurisdiction, not the offense committed.” People v. Godfrey (cir. 1880), 17 Johns, 225, 223 (N.Y. 1819).

Definition: Locus (N) A location; a place

“The omission of the Christian name by either plaintiff or defendant in a legal process prevents the court from acquiring jurisdiction.” Bouvier’s Law Dict. 8th ed. P. 2287

Gregg’s Manual of English: “A name spelled in all capital letters or a name initialed, is not a proper noun denoting a specific person, but is a fictitious name, or a name of a dead person, or a nom de guerre.”

“Complaint must identify at least one plaintiff by true name, otherwise no action has been commenced,” Roe v. New York, (1970 S.D. NY) 49 FRD 279, 14 FR sery2d 437, 8 ALR Fed. 670 (The reasoning behind a true name is that neither a State, nor the United States can pick up a pencil or sneeze, being nothing more than a piece of paper. They cannot, therefore, assume liability of actions nor write a complaint. All activities carried on by governmental agencies are carried out by its assigned agents or actors.)

The Supreme Court case, Monroe Cattle Co. v. Becker, 147 U.S. 47 (1893); “Defendant was impleading by the name of A. W. Becker. Initials are no part of a name, the authorities holding the full Christian name to be essential. Wilson v. Shannon, 6 Ark 196; Norris v. Graves, 4 Strob 32; Seely v. Boon, 1 N.J. Law 138; Chappel v. Proctor, Harp 49; Kinnersley v. Knott, 7 C> B> 980; Turner v. Fitt 3 C. B. 701; Oakley v. Graves, (Neb) 46 N. W. Rep.920; Knox v. Sparks, 4 Minn. 20, (Gil. 7); Kenyon v. Semon, Minn. 45 N. W. Rep 10; Beggs v. Wellman, 82 Ala. 391, 2 South. Rep. 877; Nash v. Collier, 5 Dowl. & L. 341; Fewlass v. Abbott, 28 Mich. 270.

, 28 Mich. 270.

The United States Government Printing Office Style Manual clearly defines the rules of grammar for recording of a proper noun in Chapter 3.2, Capitalization. “Proper nouns are capitalized [examples given] Rome, Brussels. John Macadam...” It further defines, in Chapter 11.7, thaty “Names of vessels are quoted in matter printed other than lower case roman...[example given] Lusitania.

Black's Law Dictionary "Fictitious Name": A counterfeit, alias, feigned, or pretend name taken by a person, differing in some essential particular from his true name (consisting of Christian name and patronymic), with the implication that it is meant to deceive or mislead.

Oxford Dictionary:

- ❖ "nom": Used in expressions denoting a pseudonym, a false or assumed name
- ❖ "Nom de Guerre": War name. A name assumed by or assigned by a person engaged in some action or enterprise.
- ❖ "Guerre": War, and as a verb, to wage war.

The U. S. Government Style Manual, Chapter 3 requires only the names of corporate and other fictitious entities, or those serving in corporate capacities to be in all capital letters.

Fictitious names exist for a purpose. Fictions are invented to give courts jurisdiction. Snider v. Newell, 44 S.E. 354.

"Subject Matter Jurisdiction cannot be waived by parties, conferred by consent, or ignored by the court." Babcock & Wilson v. Parsons Corp., 430 F 2d 531 (1970).

"Subject Matter Jurisdiction may not be waived and courts may raise the issue sua sponte.: F.R.C.P. 12(b); F.R.C.P. 12(h)3.

"Subject Matter Jurisdiction can never be waived and can be raised at anytime, even after trial." Zenith Radio Corp. v. Matsshita Elec. Mines, Ltd, 494 F. Supp. 1161 (D.C, Pa. 1980).

"Judgment of court lacking jurisdiction is void." Burnham Superior Court of California, County of Marin, 110 S. Ct. 2105 (1990).

"Jurisdiction, once challenged, cannot be assumed and must be decided." Maine v. Thiboutot, 100 S. Ct. 250.

"The principal of sovereign immunity is not one which allows the sovereign to continue to inflict injury...[sovereign immunity] does not give the sovereign the right to totally disregard the effects of its actions upon the public." Shaw v. Salt Lake City, 224 P 2d 1037.

"Sovereign immunity does not apply where government is a law breaker or jurisdiction on the issue." Arthur v. Fry, 300 F. Supp. 622 (1960).

"Jurisdiction is one of two kinds, of subject matter and of the person, and both must concur or the judgment will be void in any case in which a court assumed to act, the difference being the jurisdiction of the subject matter given by law cannot be conferred by consent, while jurisdiction of the person may be obtained by consent. Rabbitt v. Frank C. Webber & Co., 130 N. E. 787, 788.

"In criminal cases we have repeatedly stated that the failure of an indictment to allege an element of the offense deprives the court of jurisdiction to proceed with the prosecution of the defendant." State v. Levasseur, 538 A 2d 764, 766 (Me. 1988).

"Jurisdiction is the essential basis of the court's authority, and the issue may be raised at any time. " State v. Dhuy, 2003 ME 75, Para 8 825 A 2d 336, 341; M. R. Civ. P. 12 Ch 3 ("Wherever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court *shall* dismiss the action.)

"[A] challenged judgment is neither valid or void." Boyer v. Boyer, 1999 ME 128, para 6, 736 A 2d 273, 275. "A judgment is void and must be vacated if the court issuing the judgment lacks Subject Matter Jurisdiction." Id.

"There is marked distinction in law between a natural person and a legal person. One can be both a legal fiction or a real human being, the other cannot." Monroe Cattle Co. V. Becker, supra.

Maxims of Law: "Omnis persona est homo, sed non vicissim," every person is a man, but not every man is a person.

"Homo vocabulum est naturae," persona juris civilis, man is a term of nature, person is a term of civil law. (Broom's Maxims, 1848 ed.)

"Should the judge not have Subject Matter Jurisdiction, then the law states that the judge has not only violated the law, but is also a trespasser of the law, Von Kettler et al. v. Johnson, 57 lii 109 (1870).

"If the magistrate has not such jurisdiction, then he and those who advise and act with him, or execute his process, are trespassers." Elliot v. Pier, 1 Per. 328, 340 26 U. S. 328, 340 (1828).

"Without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to recovery sought, even prior to reversal in opposition to them. They constitute no justification, and all person concerned in executing such judgments or sentences, are considered, in law, as trespassers, This distinction runs through all the cases on the subject, and it proves, that the jurisdiction of any court exercising authority over a subject, may be inquired into in any court, when the proceedings of the former are relied on and brought before the latter, by the party claiming the benefit of such proceedings." In re TIPPAHAN'S ENTERPRISES, INC, 278 B. R. 780 (1983).

Article VI Constitution of the United States of America

The Colonists' intent to not create a Sovereign, but rather, to further bind the branches of government is made clear in the Preamble to the Bill of Rights—December 15, 1791. "The conventions of a number of States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; And as extending the Government, will best insure the beneficent ends of its institution."

Any jurisdiction emanating from a presumption of a fiction is presumptive or fictitious, and such is fictitious a tool for Unlawful control."

"One of the hallmarks of Subject Matter Jurisdiction is that it can be raised at any time, including an appeal. If the District Court lacked Subject Matter Jurisdiction, we would have to vacate it order." Hawley v. Murphy, 1999 ME 127, qj8, 736 A 2d 268, 271; M. R. Civ. P. 12(h) (3)

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but rather should dismiss the action." Melo v. U. S., 505 F 2d 1026.

“A void is judgment is one that has been procured by extrinsic or collateral fraud or entered by a court that did not have jurisdiction over the subject matter or the parties.” Rook v. Rook, 233 Va. 92, 95 353 S.E. 2d 756, 758 (1987).

“Therefore, it is necessary that the record present the fact establishing the jurisdiction of the tribunal.” Lowe v. Alexander, supra; People v. Board of Delegates of S. F. Fire Dept., supra

“The law requires Proof of Jurisdiction to appear on the record of the administrative agency and all administrative proceedings.” Hagins v. Lavine, 415 U. S. 533 (1974).

“If a tribunal (court) finds absence of jurisdiction over a person and subject matter, the case must be dismissed.” Louisville RR v. Motley, 211 U.S. 149, 29 S. Ct. 42 (1908).

“Where there is no jurisdiction there is no judge; the proceeding is a nothing. Such has been the law since the days of Marshalsea, 10 Coke 68; See: Bradley v. Fisher, 13 Wall 355, 351.” Manning v. Ketcham, 58 F 2d 948.

“Ignorance of the law does not excuse misconduct in anyone, least of all in a sworn officer of the law.” In re McCowan (1917). 177c. 93, 270 p. 1100

“The rule of government immunity as to all political subdivisions of government as hereby abrogated as it has heretofore been abrogated as to municipal corporations. i.e., cities. No longer is the defense of governmental immunity for tort liability available, irrespective of whether the invoked political subdivision is functioning ‘governmentally’ or ‘proprietary.’” Myers v. Genessee County, 375 Mich. 1, 1965.

Government sovereignty over the people is a presumption and a fiction, and which when once repudiated, must thereafter be proved to exist. If the individual cannot be proved to be subject to the jurisdiction of any Constitution or other Social Contract or Compact, he also cannot be proved to be subject to the jurisdiction of any Branch of government created thereunder.

Further, if it cannot be proved Petitioner is Directly subject to jurisdiction of any legislature, it can also not be proved that he is Indirectly subject to such by way of legislative enactments in deference to the People. In absence of proof Jurisdiction over Petitioner DOES NOT EXIST,

Since the intent of Article VI is to define exactly to *what* the constitutional Jurisdiction applies; since the fact that the People are excluded from Article VI, prima facie; “*Inclusio unis est exclusio alterius*,” the inclusion of one is the exclusion of all others (Broom’s Maxims, 1848 ed.; Black’s law Dict. P. 687);

- ❖ There can be no presumption that the people are subject to the Constitution—it regulates government as a restraining order. All constitutions are pan’ material with all other constitutions.
- ❖ All constitutions are subject to the provisions of Article VI and No Constitution operates of the People at-large by virtue of exclusion in Article VI et. seq.; Then the imposition of excess jurisdiction is Trespass of law, Perjury of Oath of Office and Contempt of Constitution.

Conclusion

If Affiant is not subject to the Constitutional Jurisdiction from which he is excluded, he is also excluded from the jurisdiction of any ens legis creation or enactment for they apply to the subject of the respective jurisdiction.

Also, Affiant is not subject, therefore, to any constitutionally created executive branch for it is exclusive to the constitutionally created government.

Logically it follows that if the government is controlled by the Constitution and The People are not—the legislature and executive branch are constitutionally regulated; then any legislatively created (ens legis) judiciary is subject to the Constitution and said judiciary lacks jurisdiction over the People—the Affiant, is a NONPARTICIPANT, NON-BELLIGERENT FOREIGN NEUTRAL having decreed Peace and serving as an Ambassador and Ordained Minister for our Wonderful Prince of Peace.

- ❖ In the absence of a Higher Title than the Affiant's Toral Trust Deed Serial no. 2008-7648, Internationally Registered Statute Staple Securities Instrument no. RA 181-101-398 US and Actual and Constructive NOTICE of DEFAULT certified no. 7009 2820 0002 6020 3814, all properly served pursuant to F.R.C.P. 4.1 upon the 14th Amendment § 3 federal U. S. citizen(s), Alien Enemy Resident(s) Libellee(s); IN PERSONAM JURISDICTION DOES NOT EXIST;
- ❖ In the absence of any Lawful and Voluntary contract entered into by the non-participant, non-belligerent, Foreign Neutral Affiant which pledges himself and/or His property—Rights to certain specified performance for or to the Foreign State's U.S. D.U.N.S.[®] NO. 03-164-8233 or STATE OF SOUTH CAROLINA D.U.N.S.[®] no. 06-700-6072; Subject Matter Jurisdiction DOES NOT EXIST.
- ❖ In the absence of any Lawful and Verified complaint made against such Affiant; Criminal Jurisdiction DOES NOT EXIST;
- ❖ In the absence of any "residence or resident status" without the de jure judicial district, a D.C. territorial residence cannot be imposed or presumed upon non-participant Affiant; Venue Jurisdiction DOES NOT EXIST;
- ❖ In the absence of In Personam, Subject Matter and Venue Jurisdiction; corporate, Foreign State, fictitious entity Political Jurisdiction over Affiant DOES NOT EXIST. "**Quad erat demonstradum,**" which was to be demonstrated or proved. (Broom's supra);

This Affiant, as a non-participant, non=belligerent, Foreign Neutral Minister and Foreign Head of State who has Diplomatic Immunity DOES NOT CONSENT to instant taken by illegal and unlawful conversion through identity theft to a Nom de Guerre in excess of jurisdiction.

Tort Remedy

Every Act perpetrated by any Constitutional or Legislated Branch of Government absent or in excess of Jurisdiction; every Such Act required to be made under force of arms Unlawfully; and every Such Act having been made without probable cause; then, every Such Act is required to have

been made as a trespass and/or other Tort upon a Non-participant Man or Woman, and shall constitute a Case¹ to be pursued against Libellee(s) in an action for recovery of damages:

If a non-fictitious plaintiff indentified with exactitude by a true names as a competent fact witness who is injured cannot provide proof or a contract to which the non-participant Affiant has made himself a party, absent fraud and nondisclosure, then neither the Court nor the Affiant has any way to judge compliance of either party, and are operating outside the rules of evidence, without substance with a vague and ambiguous “claim” based upon a null and void indictment and an underlying false affidavit unverified or authenticated warrant for which the Affiant is deprived proper Due Process of Law, and a lack of Subject Matter Jurisdiction exists, there is no standing on the part of the offering party.

Insufficiency of the Pleadings

Judgment is void where a complaint states no cognizable cause of action against that party. Charles v. Gore, 2481 Ill. App. 3d 441, 618 N. E. 2d 554 (1st Dist. 1993) where no justiciable issue is presented to the court through proper pleadings, Login v. Williams, 264 11 App. 3d 701, 637 N. E. 2d 633 (1st Dist 1994):

This matter is purely commercial. The statutes invoked, which are not applicable to Affiant, are neither certified as constitutional nor are they bonded and there is no evidence to the contrary, such procedure is repugnant to common law.

“...it is essential in each State that there be some act by which the [alleged] Defendant purposefully avails *itself* [note: “*itself*” is not himself/herself, but a fictitious entity] of the privilege of conducting activities within the forum State, thus invoking the benefits and protection of its laws.” Hanson v. Deckla, 357 U.S. 235, at 253 (1957).

“...its phrase ‘subject to the jurisdiction’ relates to time of birth, and one not owing allegiance at birth cannot become a citizen by subsequent naturalization, individually or collectively. The words do not mean merely geographical location, but completely subject to the political jurisdiction.” Elk v. Wilkins, 112 U.S. 94 at 102 (1884)

¹ Case: “The meaning of ‘case’ is presumed understood—the Constitution assumes to assign certain cases to certain jurisdictions. It assumes that what is meant by ‘case’ is well understood and it attempts no new definition of the term. It signifies no intention to change any of the features of the great remedial system of the common law and equity.” State v. Davis, 12 S.C. 528 107 U.S. 597 2 S.G. 636 L. Ed. 574