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JAN 19 2016

S.C. SUPREME COURT

Donald W. Gay
Petitioner

vs

State of South Carolina; Attorney General Alan
Wilson; SCDC Director Bryan Stirling; Lee
Warden Cecilia Reynolds, et al,
Respondents

Notice of Appeal

Donald W Gay

Supreme Court of South Carolina

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Petitioner

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vs

State of South Carolina; Attorney General Alan
Wilson; S.C.D.C. Director Bryan Stirling; Lee
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Respondents

Certificate of Service

The undersigned hereby certifies that the letter been served upon Chief Justice C. Pleicones, by mailing one (1) copy in an envelope properly addressed with postage prepaid this January 8, 2016 to the below address:

Chief Justice C. Pleicones
Supreme Court of South Carolina
P.O. Box 11330
Columbia, South Carolina
29211

Supreme Court of South Carolina **RECEIVED**

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S.C. SUPREME COURT

VS

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"Appeal"

Ministerial Recorder is hired by individual City Councils, serving at Council's pleasure under a municipal Judge until the office is vacated or the person is fired. Code of Criminal Procedure contains provisions authorizing and requiring Magistrates to arrest any person who shall perpetrate a crime or misdemeanor in view of the Magistrate, and in making such arrest the Magistrate is empowered to command any constable, bystander, or posse comitatus, as the

Emergency may require; but such provisions are inapplicable to this case.

When any person shall be elected or appointed to the office of Constable he or she shall repair to the clerk's office of the County, and, together with the evidence of his or her election or appointment, he or she shall lodge his or her bond in the form prescribed by law, in the penalty of Five hundred dollars, with good sureties, not less than two, nor more than Five, to be approved in writing by the clerk, and, upon taking the oaths herein prescribed, such person shall be entitled to a certificate from the clerk that he or she has filed his or her bond and taken the requisite oaths, and shall thencefore be regarded as a regularly qualified Constable; nor shall any person not so qualified exercise the powers of a Constable; provided that nothing herein contained shall prevent a Presiding Judge or a Trial Judge or a Coroner from appointing a Constable to act by virtue of such appointment only on a particular occasion to be specified in writing; but no Trial Justice shall

deputize the person swearing out a warrant in any case to serve the same.

note: 22-5-160, Code of Laws of South Carolina
Article 3, Arrests
Magistrates and Constables

note: South Carolina Rules of Criminal Procedure
Rule 1, Sheriff and/or law enforcement officer shall file with the appropriate Magistrate the affidavit and/or proof of service on which the arrest is made within five days after the arrest.

Petitioner asserts that General Sessions did not have Jurisdiction, cause the Magistrate did not endorse the Affidavit and Arrest Warrant (Lack of Jurisdiction may not be waived by consent of parties) (Anderson vs Anderson, 382 S.E.2d 897, 899) (1989)

(Conclusion)

Petitioner asserts that South Carolina General Session did not have Jurisdiction to sentence him. Therefore Petitioner seeks to vacate his life sentence for being lock-up unlawful under Kippnapping and Slavery

Petitioner

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THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT
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