

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

Court of General Sessions

Judge Paula Thomas, Judge

Appellate Case No. 2014-002775

RECEIVED

FEB 10 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA

Respondent,

Vs.

Dameon Myers,

In Propria Persona Petitioner.

RECORD ON APPEAL

Dameon Myers

In Propria Persona Petitioner

Inmate # 279666

Lieber Correctional Institution

P.O. Box 205

Ridgeville, South Carolina 29472

Natural Human Being, In Propria Persona, Sui Juris

Salley Elliot

P.O. Box 11549

Columbia, South Carolina 29211

Attorney for Respondent

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Administrative Notice/Coram Nobis May 29, 2013

IN THE COURT OF GENERAL SESSIONS
GEORGETOWN COUNTY, SOUTH CAROLINA
FIFTEENTH CIRCUIT

CASE NO. 2002GS22-861 thru 864

STATE OF SOUTH CAROLINA
PLAINTIFF, FICTITIOUS STATE

vs.

Dameon Myers
Defendant in Error

FILED
GEORGETOWN COUNTY, S.C.
2013 MAY 29 PM 4:31
ALMA Y. WHITE
CLERK OF COURT

TAKE JUDICIAL NOTICE AND ADMINISTRATIVE NOTICE ; IN THE NATURE OF A WRIT OF ERROR, CORAM NOBIS AND A DEMAND FOR DISMISSAL FOR FAILURE TO STATE THE PROPER JURISDICTION AND VENUE

ORAL HEARING DEMANDED

Now comes Petitioner/Administrator, Loushonda Myers, a non-corporate entity and injured party on the behalf of Dameon Myers and all natural Citizens made in the image of God, with this JUDICIAL NOTICE AND ADMINISTRATIVE NOTICE; IN THE NATURE OF A WRIT OF ERROR, CORAM NOBIS, AND A DEMAND FOR DISMISSAL FOR FAILURE TO STATE THE PROPER JURISDICTION AND VENUE. Pursuant to Federal Rules of Civil Procedure 4(j) and the United States Constitution.

Take notice that I am a natural person, made in the image of God; possessing all of my unalienable rights and privileges, demanding this Court on the behalf of Dameon Myers; a natural man-made in the image of God, whom also possesses all of his unalienable rights and privileges, to state the

ENO

proper jurisdiction and venue or dismiss for failure to state the proper jurisdiction and venue

The Citizens of South Carolina have been dealt a great injustice. This Court has entered judgement against Dameon Myers, a Citizen and natural man, without adherence to the US Constitution nor Federal or State laws, more specifically the Ninth Amendment and Natural Law as established before any and all man-made laws; and as recognized as the true Supreme Law of the Land by the United States Constitution, Declaration of Independence, and South Carolina Constitution. The continued practice of these ungodly, unconstitutional actions and/or omissions are a threat to society and an act of treason.

Judgement has been entered without properly establishing jurisdiction on the record of any proceeding in which he was forced and coerced by the use of threats of imprisonment and loss of liberty. The issuance of a notice to appear in criminal court does not establish jurisdiction. Under the law, there is but one form of action, and it is civil (FRCP 2).

As an injured, natural party; I have been substantially harmed due to the unlawful actions and/or omissions of this Court, and a judgement entered without jurisdiction cannot be used to cause harm or damage to another person. (*Oak Park Nat. Bank v. Peoples Gas Light & Coke Co.*, 46 Ill.App.2d 385, 197 N.E.2d 73, 77 (1st Dist. 1964)) This Court has acted beyond its jurisdiction and power and I am now demanding this Court on behalf of Dameon Myers and all natural persons in society to rectify its wrong.

AUTHORITIES

1. "Rule 60(b)(4), which provides relief from void judgments, 'is not subject to any time limitation.' *V.T.A., Inc. v. Airco, Inc.*, 597 F.2d 220, 224 n. 9 and accompanying text (10th Cir.1979) ('if a judgment is void, it is a nullity from the outset and any 60(b)(4) motion for relief is therefore filed within a reasonable time'); see also *Venable v. Haislip*, 721 F.2d 297, 299-300 (10th Cir.1983). Furthermore, when Rule 60(b)(4) is applicable, "relief is not a discretionary matter; it is mandatory." *V.T.A., Inc.*, 597 F.2d at 224 n. 8; see also *Venable*, 721 F.2d at 300."

- *Orner v. Shalala*, 30 F.3d 1307, 1310 (10th Cir. 1994)

2. "The law provides that once State and Federal jurisdiction has been challenged, it must be proven."

-100 S. Ct. 2502 (1980)

3. The court must prove jurisdiction on the record it a an established rule that the "burden of proving jurisdiction rests upon him who invokes it".

-*Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York* 37 F Supp. 150

4. "When it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits. In such a situation the action should be dismissed for want of jurisdiction."

-*Melo v. U.S.*, 505 F 2d 1026

5. "Courts are constituted by authority and they cannot beyond the power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply void, and this even prior to reversal."

-*Elliott v. Peirsol*, 1 Pet. 328, 340, 7 L. Ed. 164; *Old Wayne Life Ass'n v. McDonough*, 204 U. S. 8, 27 Sup. Ct. 236, 51 L. Ed. 345; *Valley v. Northern Fire & Marine Ins. Co.*, 254 u.s. 348, 41 S. Ct. 116 (1920)

6. "A judgment is void, and therefore subject to being set aside under Rule 60(b)(4), only if the court lacked jurisdiction or committed a plain usurpation of power constituting a violation of due process. See *Hoult v. Hoult*, 57 F.3d 1, 6 (1st Cir. 1995). 'A judgment is not void simply because it is or may have been erroneous; it is void only if, from its inception, it was a legal nullity.'"

-*United States v. Boch Oldsmobile, Inc.*, 909 F.2d 657, 661 (1st Cir. 1990)

7. "No judgment of a court is due process of law, if rendered without jurisdiction in the court." *Scott v. McNeal*, 154 U. S. 34, 46, 38 L. ed. 896, 901, 14 Sup. Ct. Rep. 1108. "No state can, by any tribunal or representative, render nugatory a provision of the supreme law."

- *Old Wayne Mutual Life Association of Indianapolis, Indiana v. McDonough*, 204 U. S. 8, 27 S. Ct. 236 (1907).

8. "[A] judgment is void when a court's action amounts to a plain usurpation of power constituting a violation of due process. *Dragotoiu v. Dragotoiu*, 133 Idaho 644, 647, 991 P.2d 369, 372 (1998). The right to procedural due process guaranteed under [the] United States Constitutions requires that a person involved in the judicial process be given meaningful notice and a meaningful opportunity to be heard. 133 Idaho at 648, 991 P.2d at 373."

-*McGlooin v. Gwynn* 100 P.3d 621 (2004)

9. Lack of subject matter jurisdiction can be raised at any time. "The lack of subject matter jurisdiction may properly be raised for the first time at the appellate stage. *Rodriquez v. State*, 441 So.2d 1129, 1135 (Fla. 3d DCA 1983)"

-*Basso v. Utah Power & Light Co.* 495 F 2d 906, 910; *Hill Top Developers v. Holiday Pines Service Corp.* 478 So. 2d. 368 (Fla 2nd DCA 1985)

10. "For a judgment to be considered void there generally must have been some jurisdictional defect in the court's authority to enter the judgment, because the court lacked either personal or subject matter jurisdiction."

-*Puphal v. Puphal*, 105 Idaho 302, 306, 669 P.2d 191, 195 (1983)

11. A void judgment "may be attacked at any time in the same or any other court, by the parties or by any other person who is affected thereby."

-*People v Wade*, 116 Ill.2d 1, 506 N.E.2d 954 (1987)

12. A void judgment may be "attacked at any time in any proceeding."

-*Evans v Corporate Services*, 207 Ill.App.3d 297, 565 N.E.2d 724 (2nd Dist. 1990)

13. A court "cannot confer jurisdiction where none existed and cannot make a void proceeding valid."

-*People ex rel. Gowdy v Baltimore & Ohio R.R. Co.*, 385 Ill. 86, 92, 52 N.E.2d 255 (1943)

14. "Obviously a judgment, though final and on the merits, has no binding force and is subject to collateral attack if it is wholly void for lack of jurisdiction of the subject matter or person, and perhaps for excess of jurisdiction, or where it is obtained by extrinsic fraud. [Citations.]"

-(7 *Witkin, Cal. Procedure, supra, Judgment*, § 286, p. 828.)/ (*Reid v. Balter* (1993) 14 Cal.App. 4th 1186, 1194.)

15. [A] court may set aside a void order at any time. An appeal will not prevent the court from at any time lopping off what has been termed a dead limb on the judicial tree -- a void order."

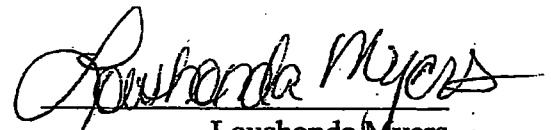
-(*MacMillan Petroleum Corp. v. Griffin* (1950) 99 Cal. App. 2d 523, 533 [222 P.2d 69]; accord: *People v. West Coast Shows, Inc.* (1970) 10 Cal. App. 3d 462, 467 [89 Cal. Rptr. 290]; *Svistunoff v. Svistunoff* (1952) 108 Cal. App. 2d 638, 641-642 [239 P.2d 650]; and see: 6 *Witkin, Cal. Procedure* (2d ed. 1971) Appeal, § 7, pp. 4024-4025.)

Wherefore, I am now demanding this Court to prove proper jurisdiction or vacate judgement. Notice has been properly served.

Loushonda Myers
Petitioner/Administrator/Private Attorney General
Agent for Dameon Myers
27 Wateree Trail
Georgetown, SC 29440

PROOF OF SERVICE

A copy of the foregoing Notice/Writ of Error/Demand has been hand delivered upon the clerk of courts for the Court of General Sessions, Georgetown County, South Carolina; Alma White Clerk of Court, 401 Cleland Street, Georgetown, SC 29440; and a copy has also been hand delivered to the Georgetown County Solicitor's Office, Scott Hixon, 401 Cleland Street, Georgetown, SC 29440.



Loushonda Myers
Petitioner/Administrator/Private Attorney General
Agent for Dameon Myers
27 Wateree Trail
Georgetown, SC 29440

December 19, 2013 Order

June 4, 2014 Remittur



RECEIVED

JUN - 6 2014

The South Carolina Court of Appeals

**ATTORNEY GENERALS
OFFICE**

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 04, 2014

The Honorable Alma Y. White
PO Box 479
Georgetown SC 29442-0479

REMITTITUR

Re: The State v. Dameon Myers
Lower Court Case No. 2012GS2200861
Appellate Case No. 2014-000686

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Dameon Myers, 279666
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire

RECEIVED

JUN 05 2014

Referred to Elliott/dm
Answered _____

May 19, 2014 Order

The South Carolina Court of Appeals

The State, Respondent,

v.

Dameon Myers, Appellant.

Appellate Case No. 2014-000686.

ORDER

Appellant is attempting to appeal a "December 19th, 2013 judgment of Judge Hyman." Appellant explains "no order was prepared as directed by the judge." Because no final order has been filed in the case, we dismiss this appeal as premature. *See* Rule 201, SCACR ("Appeal may be taken, as provided by law, from any final judgment, appealable order or decision.").



FOR THE COURT

Columbia, South Carolina

cc:

Dameon Myers, 279666
Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire

FILED
5/19/14

September 07, 2014 Notice of Appeal

SOUTH CAROLINA COURT OF APPEALS

RECEIVED

SEP 10 2014

SC Court of Appeals

Dameon Myers

In Propria Persona,

Defendant in Error, Appellant

NOTICE OF APPEAL

CASE NO. 02-GS22861 THRU 864

vs.

STATE OF SOUTH CAROLINA

Fictitious Entity, Appellee

In Propria Persona Petitioner, Dameon Myers, respectfully submits this petition to allow the late filing of his appeal. Petitioner asserts the following:

1. Dameon Myers's Notice of Appeal was timely filed and served upon the Clerk of Court of Georgetown County General Sessions Court and upon the Solicitor's Office in Georgetown County.
2. Dameon Myers intent is and was to appeal the decision as evident by the time stamped clock copies of the Notice of Appeal dated December 27, 2013 [submitted by Wendy Reed on his behalf], December 28, 2013 [submitted by Loushonda Myers on his behalf], and submitted December 27, 2013 and clocked on January 13, 2014 by Dameon Myers himself.
3. On December 19, 2013, no order was prepared as directed by the judge, and as of April 10, 2014 no order has been prepared and/or filed regarding the December 19, 2013 judgement. Ms. Loushonda Myers attempted to obtain the order for December 19, 2013 by going to both the Clerk of Court's Office and the Solicitor's Office in Georgetown,

South Carolina. Ms. Myers was told on April 10, 2014 by Ms. Magdeline Salemno, an assistant in the solicitor's office, that Ms. Richardson had not had an opportunity to prepare the order and that she did not know when it will be ready.

4. After filing his Notice of Appeal and Motion to Allow Late Filing, Mr. Myers was notified by the South Carolina Court of Appeals that his appeal was premature due to the fact that no order was filed in the matter.
5. Mr. Myers responded back to the South Carolina Court of Appeals stating that no order was filed, but a final decision and/or judgement had been made pursuant to the SCRAP 201(a). However, the South Carolina Appeals Court stated that it was premature due to no written order.
6. Subsequently, Mr. Myers filed a complaint on Ms. Alicia Richardson for failing to comply with the judge's order, and timely issue a written order. This complaint was filed with the South Carolina Supreme Court's Commission on Lawyer Conduct.
7. Sometime after filing this complaint, Mr. Myers received a copy of an order signed by Judge Hyman on August 12, 2014 and time stamped on August 12, 2014.
8. Mr. Myers is now appealing as a matter of substantive Right from the December 19, 2013 hearing after being delayed, hindered, and/or obstructed for eight months.
9. A copy of the order is attached, as well as a copy of the POA for Dameon Myers.
10. Due to Mr. Myer's incarceration, a copy of this Notice of Appeal will be filed by Ms. Loushonda Myers, his attorney-in-fact, and followed by a signed copy by Mr. Myers. Mr. Myers is requesting to proceed In Forma Pauperis due to his status as an incarcerated human being that cannot afford the costs of an appeal.
11. This appeal involves issues of fraud and questions of Constitutionality.

SEVEN

SEP 10 2014

This 7th day of September, 2014.

SC Court of Appeals

Dameon Myers Loushonda Myers Attorney In Fact

Loushonda Myers Attorney-In-Fact/Private Attorney General on behalf of Dameon Myers

In Propria Persona, Apellant

Inmate # 279666

P.O. Box 205

Ridgeville, SC 29472

CERTIFICATE OF SERVICE

I, Loushonda Myers, certify that a copy of the foregoing has been hand delivered to the Georgetown County Solicitor's Office at 401 Cleland Street, Georgetown, South Carolina 29440; hand delivered to the Clerk of Court for General Sessions at 401 Cleland Street, Georgetown, South Carolina; and mailed to the South Carolina Court of Appeals addressed to P.O. Box 11629, Columbia, SC 29211.

This 7th day of September, 2014.

Dameon Myers Loushonda Myers Attorney In Fact

Loushonda Myers Attorney -In-Fact/Private Attorney General on behalf of Dameon Myers

In Propria Persona, Apellant

Inmate # 279666

P.O. Box 205

Ridgeville, SC 29472

September 21, 2014 Notice of Appeal

SOUTH CAROLINA COURT OF APPEALS

RECEIVED

SEP 25 2014

SC Court of Appeals

Dameon Myers

In Propria Persona,

Defendant in Error, Appellant

NOTICE OF APPEAL

CASE NO. 02-GS22861 THRU 864

vs.

STATE OF SOUTH CAROLINA

Fictitious Entity, Appellee

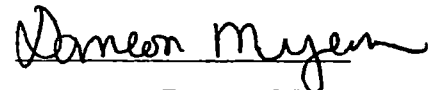
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9. A copy of the order is attached.
10. Due to my incarceration, a copy of this Notice of Appeal will be filed by Ms. Loushonda Myers, my attorney-in-fact, and followed by a signed copy by myself. I am requesting to proceed In Forma Pauperis due to my status as an incarcerated human being that cannot afford the costs of an appeal.
11. This appeal involves issues of fraud and questions of Constitutionality.

This 21 day of September, 2014.



Dameon Myers

In Propria Persona, Apellant

Inmate # 279666

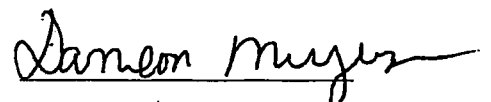
P.O. Box 205

Ridgeville, SC 29472

CERTIFICATE OF SERVICE

I, Dameon Myers, certify that a copy of the foregoing has been delivered to the Georgetown County Solicitor's Office by USPS addressed to P.O. Box 1688, Georgetown, South Carolina 29442; delivered by USPS to the Clerk of Court for General Sessions addressed to P.O. Box 479, Georgetown, SC 29442; and delivered by USPS to the South Carolina Court of Appeals addressed to P.O. Box 11629, Columbia, SC 29211.

This 21 day of September, 2014.



Dameon Myers

In Propria Persona, Apellant

Inmate # 279666

P.O. Box 205

Ridgeville, SC 29472

Transcript December 19, 2013

1 STATE OF SOUTH CAROLINA) **TRANSCRIPT OF RECORD**
2 COUNTY OF GEORGETOWN) CASE NO: 2013-CP-22-00788
3

4 -----
4 **B E F O R E:** The Honorable Larry Hyman
5 December 19, 2013
5 -----

6 STATE OF SOUTH CAROLINA,

7 Plaintiff,

8 vs.

9 DAMEON MYERS,

10 Defendant.
11

12 -----
12 APPEARANCES:

13 Alicia A. Richardson, Esq.
14 For the Plaintiff.

15 Dameon Myers, appearing pro se
16
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P R O C E E D I N G S

1
2 MS. RICHARDSON: Your Honor, this is the State
3 of South Carolina versus Dameon Myers. This is a case
4 where the defendant was convicted in his absence in
5 2002, and I believe was tried in his absence in 2002
6 and the sentence was imposed in 2011. There was a
7 direct appeal, which was dismissed and denied by the
8 Court of Appeals, the last order being in March of
9 this year.

10 We are here because the defendant and
11 Ms. Lashonda Myers, petitioner administrator private
12 attorney general, has filed a writ or motion for
13 dismissal of this case.

14 THE COURT: Lashonda Myers is what? Attorney
15 General?

16 MS. RICHARDSON: As petitioner administrator
17 private attorney general agent for Dameon Myers.

18 THE COURT: Are you Lashonda Myers?

19 MS. MYERS: Before I answer any questions --
20 my name is Lashonda Myers, and I am coming before this
21 court in my natural state, a human being, made in the
22 image and likeness of God.

23 THE COURT: Let me ask you this, Ms. Myers.
24 Are you admitted to the practice of law in this state
25 by the South Carolina Bar?

1 MS. MYERS: I don't practice law, I exercise
2 rights.

3 THE COURT: Then, if you would, please have a
4 seat.

5 MS. MYERS: Judge, what is your name, I'm
6 sorry?

7 THE COURT: Judge Hyman.

8 MS. MYERS: Judge Hyman, as you can see by the
9 signature page here, this demand was submitted by me
10 on Dameon's behalf.

11 THE COURT: You cannot represent Mr. Myers in
12 this court.

13 MS. MYERS: Title 42 U.S.C. 1988 says
14 differently.

15 THE COURT: Well, then, that will be a matter
16 for you to address on appeal. The unauthorized
17 practice of law in this state is a crime, and I will
18 not permit it in my court.

19 MS. MYERS: My demand has not been heard yet.
20 I'm the --

21 THE COURT: I'll let Mr. Myers appear for
22 himself, but I will not let a non-attorney appear and
23 represent anyone in this court.

24 MS. MYERS: And I would like to admit
25 something on the record. Are you under oath today,

1 sir?

2 THE COURT: Am I under oath?

3 MS. MYERS: Are you on your oath of office
4 today?

5 THE COURT: Why certainly I am.

6 MS. MYERS: So you are aware that under your
7 oath of office you must uphold the Constitution of the
8 United States, supreme law of the land?

9 THE COURT: Most assuredly.

10 MS. MYERS: So are you suspending the
11 Constitution today?

12 THE COURT: No, I am not, but I will not argue
13 with you, Ms. Myers. I'll have you removed if you
14 don't remove yourself.

15 MS. MYERS: And one more thing --

16 THE COURT: No, Ms. Myers. Will you escort
17 Ms. Myers out of the courtroom. Ms. Myers, you are
18 not going to appear in any capacity on behalf of a
19 defendant or litigant in this court unless you are
20 licensed to practice law in this state.

21 Deputy, remove her from the courtroom.

22 THE DEPUTY: Are you done?

23 THE COURT: Certainly. Mr. Myers, you are
24 before me pro se on a motion of some sort. I will
25 hear you.

1 THE DEPUTY: Out of the courtroom, Your Honor,
2 or --

3 THE COURT: If she can sit there and maintain
4 the order of the court, I have no objection to her
5 sitting there, but otherwise remove her.

6 MS. MYERS: Will I be allowed to hand him the
7 documents?

8 THE COURT: You can hand him your documents
9 right now.

10 MS. MYERS: I have to go through it and give
11 him the right papers.

12 THE COURT: Mr. Myers, you may go forward.

13 MR. MYERS: Just a second, I need a minute to
14 get situated, sir.

15 THE COURT: Yes.

16 (A pause in the proceedings.)

17 THE COURT: Is there a camera in my courtroom?
18 Remove him, confiscate the camera. Remove him from
19 the courtroom, confiscate the camera and hold him in
20 custody until I'm ready to deal with him. Mr. Myers.

21 MR. MYERS: I, Dameon Myers, natural human
22 being made in the image and likeness of God, I'm here
23 today in front of this Court to let you all know that
24 I filed a judicial notice of administrative notice in
25 the nature of a writ of error demanding dismissal for

1 failure of the State's proper jurisdiction. I never
2 got a response back from the court. It was 30 days
3 when I filed this information and --

4 THE COURT: Mr. Myers, you were given an
5 opportunity to appear before the Court. That is the
6 Court's response. It was set for a hearing. Now, I'm
7 here to hear you on your motion.

8 MR. MYERS: Okay. I'm stating that you all
9 didn't have the proper jurisdiction.

10 THE COURT: Okay. For what?

11 MR. MYERS: To indict me.

12 THE COURT: All right. And you were indicted
13 by, I would assume, the Georgetown County Grand Jury;
14 is that correct?

15 MR. MYERS: Correct.

16 THE COURT: And what is the basis of your
17 position that the Georgetown County Grand Jury has no
18 jurisdiction over you?

19 MR. MYERS: Because this court don't have the
20 right to determine its own jurisdiction.

21 THE COURT: All right. And tell me why. What
22 is your authority for that?

23 MR. MYERS: Because it specifically explains
24 that in Article 3, Section 2 of the Constitutional law
25 that says you all don't have the right, you all don't

1 have the right, and I'm not a corporation.

2 THE COURT: You are not under the corporation?

3 MR. MYERS: Right.

4 THE COURT: What corporation?

5 MR. MYERS: Just a second, please.

6 (A pause in the proceedings.)

7 MR. MYERS: Your Honor, can I call somebody as
8 a witness, please?

9 THE COURT: As a witness in your motion?
10 Okay. But, first of all, tell me what your motion is
11 so I'll know what to look for.

12 MR. MYERS: I just told you what the motion is
13 as far as the coram nobis --

14 THE COURT: What does coram nobis mean to you?

15 MR. MYERS: What it means to me?

16 THE COURT: You said that you filed a motion
17 coram nobis, what does that mean?

18 MR. MYERS: Objection, Your Honor.

19 THE COURT: It means an objection?

20 MR. MYERS: No, I'm saying "objection."

21 THE COURT: Objection to what?

22 MR. MYERS: Because I need to speak with my
23 witness.

24 THE COURT: You need to speak with your
25 witness, or you need to have your witness testify?

1 MR. MYERS: I need to have my witness testify.
2 I need my witness to testify. I need to consult with
3 my adequate (sic).

4 THE COURT: Your adequate?

5 MR. MYERS: Right.

6 THE COURT: What is an adequate?

7 MR. MYERS: You need a dictionary?

8 THE COURT: Obviously, I do. Could you spell
9 it? Advocate?

10 MR. MYERS: I need to consult.

11 THE COURT: I know what "consult" is, but what
12 is an "adequate"?

13 MR. MYERS: I need to consult with my
14 counselor. Is that better?

15 THE COURT: Do you have an attorney?

16 MR. MYERS: I don't need an attorney.

17 THE COURT: Well, you just said you need to
18 consult with your --

19 MR. MYERS: With my counselor.

20 THE COURT: Who would that be?

21 MR. MYERS: My counselor, Lashonda Myers,
22 Wendy Reed.

23 THE COURT: Are these people consulting with
24 you as attorneys? Are they giving you legal advice?
25 What are you seeking, Mr. Myers?

1 MR. MYERS: I'm demanding for you to dismiss
2 this charge that was brought upon me for lack of
3 jurisdiction.

4 THE COURT: Haven't you appealed directly to
5 the South Carolina Supreme Court?

6 MR. MYERS: I sent it to general sessions,
7 which I haven't gotten a response.

8 THE COURT: My understanding is that you were
9 convicted in the Court of General Sessions, which is,
10 by the way, a Constitutional court. You appealed your
11 conviction to the South Carolina Supreme Court; is
12 that correct?

13 MR. MYERS: Can you repeat that, please?

14 THE COURT: Did you appeal your conviction to
15 the South Carolina Supreme Court?

16 MR. MYERS: Yes.

17 THE COURT: All right. And was the conviction
18 upheld by the South Carolina Supreme Court?

19 MR. MYERS: Yes, sir.

20 THE COURT: Your next step would be the U.S.
21 Supreme Court. Why are we back here in the Court of
22 General Sessions in Georgetown County?

23 MR. MYERS: Sir, I need to -- like I told you,
24 I'm here concerning jurisdiction.

25 THE COURT: I understand you are here on a

1 jurisdictional matter. Did you raise jurisdiction in
2 the supreme court?

3 MR. MYERS: Jurisdiction cannot be proven in
4 this court, and that is why I'm here. I mean, right
5 now you are confusing me. I'm here concerning --

6 THE COURT: I'm not trying to confuse you, Mr.
7 Myers. I'm asking you what you mean, what you want me
8 to do, what you are seeking and why. You have to tell
9 me that.

10 MR. MYERS: Jurisdiction cannot proceed until
11 jurisdiction is proven, and you all didn't have proper
12 jurisdiction.

13 THE COURT: Do you know who your trial judge
14 was, even?

15 MR. MYERS: Who my trial judge was? Paul
16 Thomas, if I'm not mistaken.

17 THE COURT: Did you raise jurisdiction in your
18 trial?

19 MR. MYERS: I'm raising jurisdiction now. It
20 can be given at any given time.

21 THE COURT: All right.

22 MR. MYERS: I'm asking to vacate the sentence.

23 THE COURT: Is that your motion, you are
24 asking me to vacate Judge Thomas' sentence -- Judge
25 Thomas' court finding?

1 MR. MYERS: I'm demanding to vacate the
2 sentence because it wasn't proven. Jurisdiction has
3 to be proven on the record.

4 THE COURT: Do you understand, Mr. Myers, that
5 one circuit judge does not have the authority to
6 review the decision of another circuit judge? Were
7 you aware of that? Do you know what that means? What
8 that means, Mr. Myers, is that all circuit judges sit
9 at the same level. When Judge Thomas was a circuit
10 judge, she would have had no more authority to review
11 my decision as I would have to review her decision.

12 Now, you filed an appeal and it went all the
13 way to the South Carolina Supreme Court, and from
14 there you did not challenge the authority of the South
15 Carolina Supreme Court -- or the South Carolina court
16 system to the U.S. Supreme Court. Did you do that?
17 You go up the ladder, Mr. Myers, you don't go down the
18 ladder.

19 MR. MYERS: I'm asking you a question.

20 THE COURT: All right. Ask me a question.

21 MR. MYERS: The question is, did you all have
22 jurisdiction?

23 THE COURT: Certainly.

24 MR. MYERS: How?

25 THE COURT: From the South Carolina.

1 Constitution.

2 MR. MYERS: I just told you, South Carolina
3 Constitution Article 2 -- Article 3, Section 2 said
4 that you all don't --

5 THE COURT: Cite it to me. Tell me what it
6 says.

7 MR. MYERS: I mean -- do you have that
8 paperwork? Just a second, please.

9 (A pause in the proceedings.)

10 THE COURT: Mr. Myers, if your trial judge did
11 not have jurisdiction, neither do I.

12 MR. MYERS: So if you all didn't have
13 jurisdiction --

14 THE COURT: I'm saying she did, but if she
15 didn't, neither do I, at this moment.

16 MR. MYERS: John versus State.

17 THE COURT: That is not a Constitutional
18 article or provision, that is a case.

19 MR. MYERS: John versus State, State must
20 produce evidence showing that injury or harm
21 constituted from a crime that occurred and that the
22 injury or harm was caused by someone of criminal
23 activity.

24 THE COURT: Were you not convicted of a crime
25 of some sort?

1 MR. MYERS: Your Honor didn't have proper
2 jurisdiction.

3 THE COURT: You keep telling me that, Mr.
4 Myers, and I keep telling you that if she didn't have
5 it -- Judge Thomas didn't have it, neither do I have
6 any jurisdiction, so aren't we going in a circle with
7 your argument? How would I have any more jurisdiction
8 than she did?

9 MR. MYERS: I'm asking you to vacate the
10 sentence because -- on false imprisonment because
11 jurisdiction wasn't proven, and it has to be proven on
12 the record, for the record.

13 THE COURT: How do you know it wasn't?

14 MR. MYERS: It wasn't proven.

15 THE COURT: What do you think they would have
16 had to do to prove jurisdiction?

17 MR. MYERS: A lot of things.

18 THE COURT: Do you even know what was
19 required?

20 MR. MYERS: Yeah. There wasn't no proper
21 complaint, there wasn't no bill of particular.

22 THE COURT: It is called an indictment.

23 MR. MYERS: Just a second.

24 (A pause in the proceedings.)

25 MR. MYERS: Just a second.

1 (A pause in the proceedings.)

2 MR. MYERS: Wasn't no injured party. You all
3 can't prove jurisdiction.

4 THE COURT: Well, let me just tell you this.
5 The only jurisdiction that needed to be proved, to
6 prove jurisdiction of the court, was that a crime was
7 committed and the crime occurred in Georgetown County,
8 that is what was required. They don't have to show an
9 injured party. The State was an injured party.

10 MR. MYERS: That's not true.

11 THE COURT: Well, I'm telling you it is, Mr.
12 Myers. Mr. Myers, it would appear to me that the
13 basis for your complaint is that the Circuit Court of
14 South Carolina is without jurisdiction for some vague
15 Constitutional issue that you -- that you are not able
16 to explain to me. I find that we do have
17 Constitutional authority and, secondly, this matter is
18 not properly before me. This is a matter that should
19 be addressed by a higher court. I do not have the
20 authority to vacate Judge Thomas' court finding. I
21 don't know what else I can do to explain that to you,
22 but you can't just move from one courtroom to another
23 and undo what was done in another courtroom. I have
24 no authority to do that, no circuit judge will.

25 Your option, if you felt there was a

1 jurisdictional issue, defect, was to have it taken up
2 to the South Carolina -- United States Court of
3 Appeals or the United States Supreme Court, that is
4 the route you have to take. You can't come back down
5 the ladder, Mr. Myers. Thank you very much.

6 MR. MYERS: Excuse me. Can I have a witness
7 for me?

8 THE COURT: Certainly.

9 MS. MYERS: I don't swear on Bibles.

10 THE COURT: She may affirm that she tells the
11 truth.

12 (LASHONDA MYERS, having affirmed to tell the
13 truth, testified as follows:)

14 THE COURT: Mr. Myers, here is your witness.

15 THE WITNESS: You want me to testify about
16 this case?

17 MR. MYERS: Yes.

18 THE COURT: No, you have to ask her questions
19 and she responds to your questions.

20 MR. MYERS: All right.

21 (A pause in the proceedings.)

22 THE COURT: Do you have a question for the
23 witness, Mr. Myers?

24 MR. MYERS: Yes. Yes, I do.

25 (A pause in the proceedings.)

DIRECT-EXAMINATION

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BY MR. MYERS:

Q Lashonda Myers, did you file for a dismissal to the state for improper jurisdiction.

A I did. In fact, I filed a demand in the Court of General Sessions under my name, in my own person. As a matter of fact, for the record, I would like to admit that on the record of this court --

THE COURT: Wait a minute. You are a witness, you don't admit anything. It has to be through the person examining you.

Now, do you have another question for her, Mr. Myers?

Q (MR. MYERS) Can you admit that on the record, please?

A Yes, I will.

THE COURT: It is a part of the record, is it not?

Q (MR. MYERS) Can you read it, please?

THE COURT: No. I'm not going to let her read the motion that was filed. If it is the motion that was filed, I don't need her to read it for me, if it is a part of the record, Mr. Myers.

Q (MR. MYERS) Jurisdiction -- as far as -- did they have the proper jurisdiction in this situation, in

1 this matter?

2 A Jurisdiction can never be conferred on any court
3 under any statutory laws. Jurisdiction comes strictly
4 from the United States Constitution. The United
5 States Constitution only provides for two types of
6 jurisdiction, one of which is common law, the other
7 one is admiralty (sic). Statutory law only applies
8 to corporations. It is not to be applied to a natural
9 human being, it's a God-given right they have
10 inherited from only one source and one power, which is
11 God. The Constitution of the United States of America
12 also states that the supreme law of the land is God's
13 law. God's law is supreme to any law, whether it be
14 the Constitution, statutory, rules, ordinance, it is
15 the supreme law.

16 In order for a person to be brought under
17 statutory law, the court must produce a contract that
18 the person knowingly and willingly entered into.
19 There has not been a contract produced in court that
20 Mr. Dameon Myers --

21 THE COURT: Ms. Myers, you are going beyond
22 his question. First of all, what are you reading
23 from?

24 THE WITNESS: I'm not reading from anything
25 right now, I'm looking for something.

1 THE COURT: What were you reading from?

2 THE WITNESS: I'm reading your laws, the laws
3 you have taken an oath to uphold.

4 THE COURT: What are you reading from?

5 THE WITNESS: Just now I wasn't reading from
6 anything. I just said that I was looking for
7 something.

8 THE COURT: What were you reading from a
9 moment ago? I watched you read. You know, if you
10 will tell me what --

11 THE WITNESS: These are papers in my hand, and
12 you can look at this if you think --

13 THE COURT: I'm not concerned if you were
14 reading, but if you were reading something, I want it
15 noted on the record.

16 THE WITNESS: Oh, okay. So I can get this
17 noted on the record and read, but I can't get the
18 coram nobis --

19 THE COURT: Your motion, Ms. Myers -- or Mr.
20 Myers' motion has already been filed with the court.
21 It is a part of the record already.

22 THE WITNESS: Okay. I'm reading this right
23 here. It says, No valid conviction can occur if the
24 charge instrument is voided, State V. Wilson.

25 THE COURT: What court?

1 A Jurisdiction cannot be conferred by agreement of
2 parties, but --

3 THE COURT: Are you objecting?

4 A -- which we already affirmed that Dameon Myers is
5 not a statutory --

6 MS. RICHARDSON: Yes, Your Honor. This motion
7 is not even properly before the Court.

8 THE WITNESS: I object through --

9 THE COURT: You cannot object, Ms. Myers, you
10 are a witness. You are not a party or an attorney.

11 MS. RICHARDSON: Second of all, I believe
12 Ms. Myers needs to be cautioned regarding her
13 Fifth Amendment Rights regarding self-incrimination in
14 that she's coming in here and admitting to filing
15 documents as a private attorney general in this court
16 and trying to present a motion.

17 THE COURT: Well, I hope that Ms. Myers is
18 aware of that, that she may be incriminating herself.

19 THE WITNESS: I need to respond to that,
20 because she's trying to accuse me of a crime.

21 THE COURT: Ms. Myers, you are a witness, you
22 are not a party or an attorney. You can respond to
23 the questions.

24 THE WITNESS: She just accused me of a crime.

25 THE COURT: Well, Ms. Myers, you may have just

1 admitted one.

2 THE WITNESS: I did not admit any crime,
3 because I don't know if you are aware or not, which
4 you should be, but a private attorney general is
5 actually case in law, federal law and state law --
6 federal law in supreme court cases, I apologize, apply
7 to state courts as well.

8 THE COURT: Ms. Myers, the practice of law in
9 this state -- the unauthorized practice of law is a
10 crime.

11 THE WITNESS: I'm not practicing law, and I
12 already stated that for the record. I don't practice
13 law.

14 THE COURT: Mr. Myers, ask her the next
15 question. Ms. Myers, respond directly to the question
16 asked.

17 MR. MYERS: Just a second, please.

18 (A pause in the proceedings.)

19 THE COURT: Do you have a question, Mr. Myers?

20 MR. MYERS: Yes, I do. It was short notice.
21 I never really -- they just called me down here. I
22 didn't get a proper notice, so I'm trying to get
23 situated, if you don't mind, please, sir.

24 (A pause in the proceedings.)

25 Q (MR. MYERS) Lashonda, can the State prove this, for

1 the record?

2 A The State can't prove the jurisdiction was on the
3 record in December of 2002. Jurisdiction never
4 appeared on the record at any part of due process.
5 Jurisdiction is an elementary part of due process, and
6 this court has not produced proof of jurisdiction on
7 the record.

8 Q Was there any claim from any citizens stating an
9 injury?

10 A There was no claim from no citizen stating an
11 injury. The person that appeared on the face of the
12 indictment, the alleged complainant, is the State of
13 South Carolina. The State of South Carolina was not
14 present in the courtroom on December 5, 2002, and the
15 State of South Carolina is not present in this
16 courtroom today.

17 Q Can you tell me, what did they bring me under?

18 A They brought you under a corporate entity, a
19 corporate body. By producing documents with your name
20 in all capital letters, they tried to convert a
21 natural human being into a fictitious entity, which
22 you, standing in your flesh and blood, created by God,
23 are not a corporate being, you are a human being and,
24 therefore, they must bring you in under the proper
25 laws.

1 Q Can the State show proof that I physically harmed
2 anybody?

3 A No. The State has not proven on the record in
4 December of 2002, neither has it proven on the record
5 the date that it had received any type of injury. In
6 order for a party to properly invoke the jurisdiction
7 of any court, they must have an injured party. The
8 State of South Carolina did not appear in court or
9 state how it was injured or harmed. You have to
10 invoke jurisdiction by and through the pleadings, and
11 from what I'm seeing here that was placed on the
12 record, the State of South Carolina initiated the
13 proceedings, however, the State of South Carolina
14 failed to appear and prosecute.

15 Q Was there any fraud during --

16 A Fraud was introduced into this court in the very
17 beginning when -- for the record this is G899771,
18 warrant, State of South Carolina. When this was
19 admitted into the court by a prosecutor, Bull Bryant,
20 Paul Gardener, Judge Walker, Jennifer Flowers, this
21 was admitted into court and fraud was committed the
22 moment they introduced this into court stating that
23 the State of South Carolina swore out any type of
24 affidavit saying that you committed a crime.

25 The State did not appear, and cannot appear.

1 The State can only appear in court if every last
2 citizen in the State of South Carolina, natural human
3 beings, appeared in the Court of General Sessions and
4 filed and swore out an affidavit against you. This is
5 fraud being committed upon the court, and it is
6 punishable by law. It's an act of treason.

7 Q What violations did they commit?

8 A Number one, fraud. Fraud dictates anything.
9 Fraud destroys any procedure from its onset. When
10 fraud is introduced, the proceeding is void from the
11 beginning. It doesn't have to be declared void. A
12 person does not have to appear or even have to produce
13 any type of paperwork to the court to prove it is
14 void. When fraud is introduced, it's void from its
15 onset. If you will, give me one --

16 MS. RICHARDSON: If I might object to this,
17 this is -- is she testifying as an expert? She's
18 giving opinions.

19 THE COURT: I was wondering when you would get
20 to that. Are you offering her as an expert on the
21 law?

22 MR. MYERS: Can you repeat that?

23 THE COURT: Are you offering her as an expert
24 on the law? A layperson testifying in the court of
25 this state cannot give an opinion unless that person

1. was qualified as an expert in some art, science or
2 field based on her experience or training or
3 education. Now, the objection is made to her
4 continuing to testify or give an opinion as to what
5 law is applicable in this state. That is an objection
6 that is properly made. Now, can you qualify her as an
7 expert?

8 MR. MYERS: No.

9 THE COURT: All right. Sustained.

10 Q (MR. MYERS) As far as bill of particular, they
11 didn't have bill of particular because --

12 THE COURT: You are testifying now.

13 Q (MR. MYERS) Let me rephrase that. Can you tell me
14 about bill of particular, please?

15 A Yes. A bill of particular must contain not
16 only --

17 MS. RICHARDSON: Objection, same thing.

18 THE COURT: Objection sustained.

19 A Ignorance of the law is --

20 THE COURT: Ms. Myers, you're dangerously
21 close to being held in contempt. She's made an
22 objection to you giving opinions about the law. Mr.
23 Myers tells me he can't qualify you as an expert in
24 the law. If he cannot qualify you as an expert, you
25 are not entitled under the rules of this court to give

1 an opinion on the law. Objection is sustained.

2 (A pause in the proceedings.)

3 THE COURT: Do you have another question, Mr.
4 Myers?

5 MR. MYERS: Yes, sir. Yes, sir. Just a
6 second, please.

7 Q (MR. MYERS) Lashonda, as far as my citizenship, was
8 this -- was my citizenship -- did I knowingly give up
9 my citizenship?

10 A No, you did not. However, when the State of
11 South Carolina brought you into court as a corporate
12 entity, they relinquished your citizenship for you.

13 Q And why is that?

14 A Well, in Horry County, for anyone to be brought
15 up on criminal charges, statutory charges, that have
16 not willingly and knowingly submitted themselves to
17 the jurisdiction of the court, they have to strip them
18 of their citizenship in order to get them under
19 admiralty (sic) law.

20 MS. RICHARDSON: Objection. This is an
21 opinion as to the law.

22 THE COURT: First of all, it is not
23 "admiralty," it is "admiralty law." It is the law
24 that pertains to high seas, not the State of South
25 Carolina. I sustain your objection.

1 Mr. Myers, this witness -- unless you qualify
2 her as an expert on the law -- cannot give testimony
3 or opinions concerning the law. I keep telling you
4 that. As long as Ms. Richardson objects, I'm going to
5 sustain it.

6 MR. MYERS: Your Honor, can I...

7 (A pause in the proceedings.)

8 Q (MR. MYERS) Did the U.S. District tell you to come
9 here?

10 A When you say "U.S. District," do you mean the
11 District of Columbia?

12 Q Yes.

13 A No, I was not called here by the District of
14 Columbia.

15 MR. MYERS: That's all the questions I have.

16 THE COURT: Do you want to ask her anything,
17 Ms. Richardson?

18 MS. RICHARDSON: No, Your Honor.

19 THE COURT: Please step down.

20 MR. MEYERS: Can I have another witness come
21 up, please, sir?

22 THE COURT: Yes, sir. Who is your witness,
23 Mr. Myers?

24 MR. MEYER: Eric McNeil.

25 (ERIC MCNEIL, having been duly sworn,

1 testified as follows:)

2 MR. MYERS: Yes, Your Honor, I want to ask for
3 a continuance.

4 THE COURT: Denied. Proceed, Mr. Myers.

5 (A pause in the proceedings.)

6 THE COURT: Question, Mr. Myers?

7 MR. MEYERS: Just a second, sir.

8 DIRECT EXAMINATION

9 BY MR. MYERS:

10 Q Is Dameon Myers a corporation, or a natural human
11 being?

12 A Yes, he is.

13 Q Is Dameon Myers a corporate entity, or a natural
14 human being?

15 A Yes, he is.

16 Q And why?

17 A It is your God-given right, if I'm not mistaken.

18 (A pause in the proceedings.)

19 MR. MYERS: What's your name again, Judge?

20 THE COURT: Judge Hyman.

21 MR. MYERS: Can you repeat that, I didn't hear
22 you?

23 THE COURT: Judge Hyman.

24 MR. MYERS: I must disqualify you from failing
25 to uphold the U.S. Constitution.

1 THE COURT: All right. It's denied. I guess
2 the word would have been "recused," but I refuse to be
3 recused. Proceed.

4 (A pause in the proceedings.)

5 THE COURT: Mr. Myers, do you have a question
6 for the witness?

7 MR. MYERS: Motion to vacate. There is no
8 immunity for willful deprivation (sic) of
9 Constitutional law.

10 THE COURT: Would you repeat that?

11 MR. MYERS: To vacate this demand, there is no
12 immunity for willful deprivation (sic) of
13 Constitutional law.

14 THE COURT: I have no idea what you just said,
15 Mr. Myers. I think I understood your words, but I
16 don't know what they mean.

17 MR. MYERS: You don't know what it means?

18 THE COURT: Vacate what demand?

19 MR. MYERS: The immunity for willful
20 deprivation (sic) of Constitutional law.

21 THE COURT: It's not even a sentence, Mr.
22 Myers. What do you mean? Just try to say it in
23 layperson's language. What do you mean?

24 MR. MYERS: I mean, I said what I meant.

25 THE COURT: It's not even a sentence, Mr.

1 Myers. I have no idea of understanding what -- read
2 it slow.

3 MR. MYERS: I'm telling you to vacate.

4 THE COURT: Vacate?

5 MR. MYERS: There is no immunity, no
6 willful --

7 THE COURT: To vacate what? You're asking me
8 to vacate, but what?

9 MR. MYERS: To vacate the judgment.

10 THE COURT: Okay. Vacate what judgment? Your
11 conviction?

12 MR. MYERS: To willful follow the laws.

13 THE COURT: Vacate your conviction, is that
14 what you are talking about?

15 MR. MYERS: Yes.

16 THE COURT: Is that what you mean when you say
17 "judgment"? Are you asking me to vacate your
18 conviction --

19 MR. MYERS: Vacate judgment for willful
20 following laws of the U.S. Constitution.

21 THE COURT: I'm almost there, Mr. Myers, just
22 help me. You are asking me to vacate your conviction
23 for a willful violation of the accused; is that right?

24 MR. MYERS: I'm asking you to vacate the
25 sentence.

1 THE COURT: Judge Thomas' sentence, is that
2 what you are asking me?

3 MR. MYERS: Yes.

4 THE COURT: Okay. Well, Mr. Myers, we've been
5 through this already. Listen to me very carefully.
6 Judge Thomas was a circuit judge. I'm a circuit
7 judge. I have no authority to vacate Judge Thomas'
8 sentence. Do you understand that? Can you grasp
9 that? I have no authority to do anything with her
10 sentence. That is what the Court of Appeals is for,
11 that is what the supreme court is for. I have no
12 authority to do it. Do you understand that?

13 MR. MYERS: I understand what you are saying.
14 Jurisdiction hadn't been proven on the record.

15 THE COURT: Aren't you asking me to vacate her
16 sentence because of a jurisdictional issue? Don't you
17 understand, Mr. Myers, that I'm not in a position to
18 do it? I don't have the authority to do it. I don't
19 -- let me change the word. I don't have the power to
20 do it; is that a better word for you?

21 MR. MYERS: You say you don't have the power?

22 THE COURT: There you go.

23 MR. MYERS: Why?

24 THE COURT: Because she was a circuit judge, I
25 am a circuit judge, we're on a level -- we were level

1 with each other. I'm not higher than her, she's not
2 higher than me. I cannot adjust, vacate, undo what
3 she has done. I have no authority to do that, the
4 appellant courts do. They are higher, more powerful.
5 They have the authority to change anything that I
6 would do or anything that she would do or any other
7 circuit judge in this state. I don't have the
8 authority, the power, the jurisdiction to do it. Can
9 you grasp that?

10 MR. MYERS: I understand what you are saying
11 right now. Can we subpoena the district attorney?

12 THE COURT: We don't have district attorneys
13 in this state, we have solicitors.

14 MR. MYERS: Can you subpoena the solicitor?

15 THE COURT: To this hearing?

16 MR. MYERS: I mean -- I --

17 THE COURT: Generally speaking, yes, you
18 can --

19 MR. MYERS: No, not generally. I'm asking can
20 you subpoena the solicitor?

21 THE COURT: Yes, you can subpoena a solicitor.

22 MR. MYERS: Jurisdiction has to be proven on
23 the record beyond a reasonable doubt. The
24 jurisdiction wasn't proven in this case.

25 THE COURT: Mr. Myers, listen again. Even if

1 that were a good argument, even if that were a valid
2 argument -- I don't believe it is -- but even if it
3 were, this is not the court where you address that.
4 You address that either with Judge Thomas when she was
5 sitting on the bench, or you address it at the
6 appellant level. You don't come back down and do it.
7 You can probably even address it on post-conviction.

8 (A pause in the proceedings.)

9 THE COURT: Do you have a question for this
10 witness? He's been sitting here patiently for about
11 15, 20 minutes. Do you have a question for him?

12 MR. MYERS: Just a second, please.

13 (A pause in the proceedings.)

14 THE COURT: Ms. Myers, I have to caution you
15 that you're treading on very, very thin ice. You are
16 practicing law in this courtroom, and I can't let you
17 do that. You are risking prosecution for it.

18 Q (MR. MYERS) Eric, does jurisdiction have to be
19 proven on the record beyond a reasonable doubt?

20 MS. RICHARDSON: Objection. He's asking for
21 an opinion, he's not qualified as an expert.

22 THE COURT: Unless you can qualify him as an
23 expert on the law, he cannot give an opinion about it.
24 I sustain the objection.

25 (A pause in the proceedings.)

1 Q Eric, what did you witness about jurisdiction?

2 A What I have read, jurisdiction has to be proven.

3 I mean --

4 THE COURT: Mr. Myers, are you trying to get
5 across to this Court that jurisdiction has to be
6 proven? Let me tell you, I know that. Absolutely.
7 You don't have to put up a soul to tell me that. I
8 understand jurisdiction. I understand it. You don't
9 have to have someone tell me that.

10 MR. MYERS: Can I excuse him from the bench
11 (sic), please?

12 THE COURT: The witness?

13 MR. MYERS: Yes.

14 THE COURT: You may step down -- unless you
15 have questions.

16 MS. RICHARDSON: No, Your Honor.

17 MR. MYERS: I just want to let the record
18 reflect I have been denied due process. I want the
19 record to show that this Court and its officers
20 willfully and knowingly deprived me of my rights.

21 THE COURT: While you're putting it on the
22 record, put in specifically how and why.

23 MR. MYERS: Because everything that took place
24 in this court today.

25 THE COURT: Tell us what rights and in what

1 way your rights have been infringed or you have been
2 deprived due process. Could you put that on the
3 record? Maybe we can correct it.

4 (A pause in the proceedings.)

5 THE COURT: Mr. Myers?

6 MR. MYERS: Yes. Just a second, please.

7 (A pause in the proceedings.)

8 MR. MYERS: The charging instrument is
9 insufficient and does not properly state nature and
10 cause of my crime, neither does it state what harm was
11 done.

12 THE COURT: All right. Are you talking about
13 your indictment?

14 MR. MYERS: Yes.

15 THE COURT: You are talking about your
16 indictment was insufficient; is that correct?

17 MR. MYERS: Correct. Jurisdiction wasn't
18 proven, correct.

19 THE COURT: All right. Mr. Myers, let me try
20 to understand what your position is. Tell me if I'm
21 wrong. My understanding is that you're before me
22 alleging that the court that convicted you was without
23 subject matter or personal jurisdiction; is that
24 correct?

25 MR. MYERS: I'm stating that you all brought

1 me under statutory law which --

2 THE COURT: "You all"? I didn't do anything.

3 MR. MYERS: The court brought me under
4 statutory law which doesn't apply to me. I'm not a
5 statutory citizen, I'm a natural human being.

6 THE COURT: So statutory law does not apply to
7 you; is that correct?

8 MR. MYERS: Correct.

9 THE COURT: So you cannot be prosecuted for
10 any crime in this state?

11 MR. MYERS: I'm not a statutory citizen.

12 THE COURT: Is it your position that as a
13 natural citizen you could not be prosecuted in this
14 court for any crime?

15 MR. MYERS: I'm stating just like I stated,
16 I'm not a statutory citizen.

17 THE COURT: You are saying you are a natural
18 citizen?

19 MR. MYERS: Natural human being, yes.

20 THE COURT: Okay. Natural human being. The
21 other part is that it is your position that you cannot
22 be prosecuted for a crime in this court, is that
23 right, because you are a natural human being, not a
24 statutory citizen; is that correct?

25 MR. MYERS: Can you repeat that? I'm trying

1 to get the paperwork together.

2 THE COURT: Well, stop putting the paperwork
3 together and listen to me. I'm trying to understand
4 where you are coming from, Mr. Myers.

5 MR. MYERS: And I'm trying to tell you where
6 I'm coming from.

7 THE COURT: Listen to me. My understanding is
8 that you are saying that this court, Court of General
9 Sessions, had no jurisdiction over you because you are
10 not a statutory citizen, you are a natural human being
11 and, therefore, you could not be prosecuted for a
12 crime in this court; is that what you are saying?

13 MR. MYERS: I'm saying they did not provide a
14 sworn affidavit, and under the Sixth Amendment I have
15 a right to confront my accuser, who is the State of
16 South Carolina. I was, in fact, denied due process,
17 and denial of due process for any jurisdiction.

18 THE COURT: Okay. I've tried, and I don't
19 seem to communicate with you. Now, you tell me -- you
20 tell me what you want and why you want it.

21 MR. MYERS: I want you all to vacate this
22 sentence.

23 THE COURT: Because?

24 MR. MYERS: Because lack of jurisdiction. I
25 did not have -- you all did not prove jurisdiction on

1 the record. Jurisdiction must be proven on the
2 record.

3 THE COURT: Were you present at your trial?

4 MR. MYERS: I'm here because of jurisdiction.

5 THE COURT: Were you present at your trial?

6 MR. MYERS: I was tried in my absence.

7 THE COURT: Well, do you know what they
8 proved? What do you think they have to do to prove
9 jurisdiction?

10 MR. MYERS: Can you clarify that?

11 THE COURT: What do you think they would have
12 had to have proven to prove jurisdiction?

13 MR. MYERS: Jurisdiction must be proven.

14 THE COURT: What is jurisdiction? What would
15 it take to prove jurisdiction?

16 MR. MYERS: You want me to read it again, sir?
17 Hold on. One second.

18 (A pause in the proceedings.)

19 MR. MYERS: I stated that there was no bill of
20 particular, no proper party, no complaint, there was
21 no injured party, no proper pleadings.

22 THE COURT: There doesn't have to be an
23 injured party. Your bill of particulars is your
24 indictment. Did you have an indictment? I'm sure you
25 did. All right. Mr. Myers, anything else you want to

1 offer the Court?

2 MR. MYERS: I want to state that jurisdiction
3 wasn't proven, and I want a demand of dismissal of the
4 sentence.

5 THE COURT: All right. Thank you. Now, will
6 the State respond?

7 MS. RICHARDSON: Your Honor, this is an
8 improper motion in, an improper court.

9 THE COURT: I agree. The motion is denied.
10 Prepare a brief order, if you would, Ms. Richardson.
11 Thank you.

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State of South Carolina)
County of Georgetown)

I, Natalie Dahl, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Georgetown County, South Carolina, on the 19th day of December, 2013.

I do further certify that I am neither of kin, counsel, nor have interest to any party hereto.

February 27th, 2014.

Natalie Dahl

Natalie Dahl, RPR
Court Reporter