

FINAL BRIEF OF IN PROPRIA PERSONA PETITIONER DAMEON MYERS

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APPEAL FROM GEORGETOWN COUNTY

FEB 26 2016

Court of General Sessions

SC Court of Appeals

Judge Paula Thomas, Judge

Appellate Case No. 2014-002775

STATE OF SOUTH CAROLINA

Respondent,

Vs.

Dameon Myers,

In Propria Persona Petitioner.

FINAL BRIEF OF PEITIONER

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

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STATEMENT OF ISSUES ON APPEAL

- I. DOES THE COURT OF GENERAL SESSIONS OF GEORGETOWN, SOUTH CAROLINA POSSESS JUDICIAL POWER?
- II. DID THE COURT OF GENERAL SESSIONS OF GEORGETOWN, SOUTH CAROLINA MAKE A SUBSTANTIVE ERROR IN DENYING LOUSHONDA MYERS THE OPPROTUNITY TO PRESENT HER PETITION?
- III. DID THE COURT OF GENERAL SESSIONS OF GEORGETOWN, SOUTH CAROLINA ACT IN EXCESS OF ITS JURISDCITION?
- IV. DID THE COURT OF GENERAL SESSIONS OF GEORGETOWN, SOUTH CAROLINA POSESS LAWFUL AND PROPER JURISDCITION TO ENTER A JUDGEMENT AND CONVICTION AGAINST DAMEON MYERS, A NATURAL HUMAN BEING, USING THE STATUTES ALLEGED FOR CONVICTION?
- V. CAN THE COURT OF GENERAL SESSIONS OF GEORGETOWN, SOUTH CAROLINA DECIDE ISSUES, QUESTIONS, AND/OR MATTERS OF THE US CONSTITUTION?

STATEMENT OF THE MATTER

This matter is being brought by myself, Dameon Myers, in my status as a natural human being endowed with unalienable Rights by my Creator, God. This matter has arisen after Ms. Loushonda Myers filed a petition in the Court of General Sessions demanding for the proper jurisdiction to be proven; and demanding for my sentence and conviction to be vacated. This petition was filed on May 29, 2013. This matter was brought before Judge Larry Hyman on December 19, 2013. Judge Larry Hyman dismissed the demand stating that it was "an improper motion in an improper court". (Transcript Pg. 38, Lines 7-10)

I promptly filed a notice of appeal stating that a judgement had been rendered and no written order had been prepared. The Court of Appeals responded by stating that no written order

had been made, so my appeal was premature. I then filed a complaint with the Commission on Lawyer Conduct on Alicia Richardson for not timely preparing the order as ordered by Judge Hyman (Transcript Pg. 38 Lines 9-10). Sometime after the filing of this complaint, Judge Hyman issued a written order on August 12, 2014, almost eight months after the date I was in court. (Notice of Appeal September 7, 2014)

After filing the notice of appeal, I waited to hear from the Court of Appeals. I never heard from the Court of Appeals until finally I was made aware that my Appeal had been lost in the clerk's office. (Record of this can be found in letters written to the court and letters from the court of appeals.) Now, after being substantially hindered and obstructed for over a year, I am able to have my cause heard.

FACTS

I am a natural human being, made in the image and likeness of God. I am NOT a Fourteenth Amendment citizen, nor am I a statutory citizen or person. I am NOT a citizen of the United States, but a citizen of the land commonly known as the United States. I am a National.

This matter is has been brought in the Court of Appeals due to the fact that a void judgement has been entered against me and is being carried out against me, against my will. I have petitioned the United States District Court in Charleston, South Carolina and have been told to bring my cause to the General Sessions Court of Georgetown, South Carolina.

As a natural human being, I have the unalienable Right to freedom of choice; and to obtain help in my cause by anyone that I choose. My Rights are not granted by any statute, law, legislation, and/or likewise, but are inherent and any statute, law, legislation, and/or likewise that

is in opposition to this are VOID. (Marbury v. Madison 5 U.S. 137 (1803)) As such, I have the God-given Right to choose whom I will have assist me and advocate on my behalf.

At all times, I am a flesh and blood natural human being that temporarily lives in my body; and at all times within the natural realm of the natural land. My permanent home is heaven; and as such do not know the time nor day that I will return to my permanent home.

ARGUMENTS

I. DOES THE GENERAL SESSIONS COURT OF GEORGETOWN, SOUTH CAROLINA POSSESS JUDICIAL POWER?

The Court of General Sessions of Georgetown, South Carolina is an administrative court; and as such does not have jurisdiction over me or the alleged subject matter. This court does not have the power nor authority to hear matters of law- common law; Constitutional questions (United States); Federal law; and likewise. I have been brought before the Court of General Sessions without being made aware of the true nature of the court, which is fraud. The true nature and authority of that court was hidden and disguised as lawful, and possessing Judicial power.

I was not made aware by Micheal T. Hursey, nor any officer of that court, that retaining him as an attorney would give jurisdiction to the Court of General Sessions. (Corpus Juris Secundum (C.J.S.), Vol. 7, Sec. 2 and Sec. 4) This court and Micheal T. Hursey also failed to inform me that the court did not possess judicial power, and operates under a foreign and/or hidden jurisdiction. For as stated in the United States Constitution- and agreed to by the State of South Carolina by becoming part of the union of the united states; "*The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts,*

shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.”

(United States Constitution, Article 3 Sec.1)

The administrative judges of the Court of General Sessions and Judge Paula Thomas were and are not Article III judges, possessing the necessary requirements for lawful process and a fair and impartial trial. The judges of these courts are not operating in good behavior; and cannot possess Article III powers or authority. The Court of General Sessions is a statutory court, created by inferior statutes and codes. Its authority can only govern those that give consent or contract with it. I have not knowingly and/or willingly given consent to be under the jurisdiction of the Court of General Sessions. Unlike the officers of the Court of General Sessions, I have not sworn an oath and relinquished my citizenship or status.

II. DID THE GENERAL SESSION COURT OF GEORGETOWN, SOUTH CAROLINA MAKE A SUBSTANTIVE ERROR IN DENYING LOUSHONDA MYERS THE OPPROTUNITY TO PRESENT HER PETITION?

Loushonda Myers, petitioned the court as a party in interest, and third party intervener. Ms. Myers never stated that she was a bar licensed attorney, nor did she withhold herself to be a bar licensed attorney. Ms. Myers made a special appearance as a party that has substantive interest in the matter. Ms. Myers's special appearance was in her full capacity as a sui juris petitioner, possessing all substantive and fundamental Rights endowed by God; not man or man-made laws.

Her Rights cannot be diminished by statute nor can she be forced to license any unalienable Rights. Her rights to petition for redress, remedy and/or relief is inherent and by Rights because of who and what she is- a natural human being made created by God- and it is

her duty to petition wherever a Right has been violated. It is her duty to keep the government in check and to ensure that its boundaries are not crossed nor obliterated. (NAACP v. Button (371 U.S. 415); United Mineworkers of America v. Gibbs (383 U.S. 715); Johnson v. Avery 89 S. Ct. 747 (1969); Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar (377 U.S. 1); Gideon v. Wainwright 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425; Title 42 U.S.C. Sec. 1983; Wood v. Breier, 54 F.R.D. 7, 10-11 (E.D. Wis. 1972) Frankenhauser v. Rizzo, 59 F.R.D. 339 (E.D. Pa. 1973); Schware v. Board of Examiners, United States Reports 353 U.S. pgs. 238, 239; In Sims v. Aherns, 271 S.W. 720 (1925))

“It is not the function of our government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error.”

-Justice Robert H. Jackson

“Sometimes the law defends plunder and participates in it. Sometimes the law places the whole apparatus of judges, police, prisons and gendarmes at the service of the plunderers, and treats the victim -- when he defends himself -- as a criminal.”

“See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime.”

“If every person has the right to defend -- even by force -- his person, his liberty, and his property, then it follows that a group of men have the right to organize and support a common force to protect these rights constantly. Thus the principle of collective right -- its reason for existing, its lawfulness -- is based on individual rights. And the common force that protects this collective right cannot logically have any other purpose or any other mission than that for which it acts as a substitute. Thus, since an individual cannot lawfully use force against the person, liberty, or property of another individual, then the common force -- for the same reason -- cannot lawfully be used to destroy the person, liberty, or property of individuals or groups.”

-Frédéric Bastiat (1801-1850)

III. DID THE COURT OF GENERAL SESSIONS OF GEORGETOWN, SOUTH CAROLINA ACT IN EXCESS OF ITS JURISDCITION?

The Court of General Sessions of Georgetown, South Carolina acted in excess of jurisdiction.

This court did not have jurisdiction to enter any judgement or decree against me or denying Ms. Myers the Right to petition the court for herself on my behalf. The record in this matter does not show the necessary requirements for proper jurisdiction. (Lantana v. Hopper, 102 F. 2d 188;

Chicago v. New York, 37 F. Supp. 150; Norman v. Zieber, 3 Or at 202-03) Further, myself and Ms. Myers possess Eleventh Amendment Immunity.

In 1945, the International Organization Immunities Act relinquished every public office of the United States to the United Nations. 22 CFR (Code of Federal Regulations) 92.12-92.31, states that an oath is required to take office. Title 8 USC § 1481 states, once oath of office is taken citizenship is relinquished, thus the oath taker becomes a foreign entity, agency, or state. That means every public office is a foreign state, even all political subdivisions; and every single court is considered a separate foreign entity.

Title 22 USC, "Foreign Relations and Intercourse", Chapter 11 identifies all public officials as foreign agents. (The "*judicial power*" of the "*inferior courts*" is derived from the Judiciary Act of 1789, as did the Attorney General position. "Judicial power" comes from Article III, Section 2 of the Constitution. The Eleventh Amendment removed all "judicial power" in law, equity, treaties, contract law, and the right of the State to bring suit against the People. The positions of Attorney General and Prosecutor (the United States and the several states) come under the Judicial Branch, not the Executive branch of the government. All attorneys come under the Judicial Branch and are judicial officers under the Supreme Court, not under the Secretary of State as licensed professionals- which means they can only represent the Court and not the People or the State. The Eleventh Amendment removed all "judicial power" from the "inferior courts" and the prosecutor's office as well as from all court officers in law, equity, and so forth.

As stated in the Eleventh Amendment, "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state."

[Emphasis Added] Municipal, county, or state court lacks jurisdiction to hear any case under the

foreign state definitions, coming from the 11th Amendment under the US Constitution. This jurisdiction lies with the United States District Court under the Foreign Sovereign Immunities Act (FSIA) Statutes pursuant to 28 USC 1330.2.

Public officials are not citizens, but are foreign citizens. Therefore, the Court of General Sessions lacked jurisdiction as did the solicitor and judge because the court lacked jurisdiction to enforce judicial power. The Court of General Sessions is an administrative court. No judicial power makes this court an administrative court. Pursuant to The Administrative Procedures Act, Title 5 – Government Organization and Employees Administrative Procedures Act Part I – the agencies generally chapter 5 subchapter ii – administrative procedure 551. Definitions. For the purpose of this subchapter – (1) "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency.

And, federal law and case law are applicable to state courts. "*An excuse that is inconsistent with or violates federal law is not a valid excuse: the Supremacy Clause forbids state courts to dissociate themselves from federal law because of disagreement with its content or a refusal to recognize the superior authority of its source.*" (Howlett v. Rose, 496 U.S. 356 (1990))

IV. DID THE COURT OF GENERAL SESSIONS OF GEORGETOWN, SOUTH CAROLINA POSSESS LAWFUL, PROPER, CONSTITUTIONAL (US) JURISDCITION TO ENTER A JUDGEMENT AND CONVICTION AGAINST DAMEON MYERS, A NATURAL HUMAN BEING, USING THE STATUTES ALLEGED FOR CONVICTION?

The Court of General Sessions of Georgetown, South Carolina did not possess lawful, proper, Constitutional (US) jurisdiction to enter a judgement and conviction against Dameon Myers, a natural human being. The statute that has given rise to this matter, does not identify Dameon Myers as a class of "persons" subject to the statute. The word "person" in legal

terminology is perceived as a general word which normally includes in its scope a variety of entities other than human beings. (See e.g. 1 U.S.C. Sec 1.; Church of Scientology v. U. S. Dept. of Justice (1979) 612 F. 2d 417, 425) *Expressio unius est exclusio alterius* ...a maxim of interpretation meaning that the expression of one thing is the exclusion of the other. Mention of one thing implies excludes another. (Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d 1097, 1100)

I, Dameon Myers, am not a person, but a natural human being- a man made in the image and likeness of God. I have not knowingly and/or willingly entered into any contract with the State of South Carolina for it to assume that I am a person under the language of its statutes. A true Constitutional question exists; and certification of Constitutionality has not been produced. There EXISTS NO REMEDY. Where in the statute does there exist a remedy for me upon being wrongfully accused and/or convicted of violating a statute? *“It is also settled that the laws which subsist at the time and place of the making of a contract, and where it is to be performed, enter into and form a part of it, as if they were expressly referred to or incorporated in its terms. This principle embraces alike those which affect its validity, construction, discharge, and enforcement. . . . Nothing can be more material to the obligation than the means of enforcement. Without the remedy, the contract may, indeed, in the sense of the law, be said not to exist, and its obligation to fall within the class of those moral and social duties which depend for their fulfillment wholly upon the will of the individual. The ideas of validity and remedy are inseparable, and both are parts of the obligation, which is guaranteed by the Constitution against invasion. The obligation of a contract 'is the law which binds the parties to perform their agreement.”* (Von Hoffman v. City of Quincy, 4 Wall. 535, 71 U. S. 550, 71 U. S. 552-553)

Further, “*the very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain, the King himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court. In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law. ‘In all other cases,’ he says, ‘it is a general and indisputable rule that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded’.* And afterwards, page 109 of the same volume, he says, ‘I am next to consider such injuries as are cognizable by the Courts of common law. And herein I shall for the present only remark that all possible injuries whatsoever that did not fall within the exclusive cognizance of either the ecclesiastical, military, or maritime tribunals are, for that very reason, within the cognizance of the common law courts of justice, for it is a settled and invariable principle in the laws of England that every right, when withheld, must have a remedy, and every injury its proper redress.’” (*Marbury v. Madison* 5 U.S. 137 (1803))

“Having thus avowed my disapprobation of the purposes, for which the terms, State and sovereign, are frequently used, and of the object, to which the application of the last of them is almost universally made; it is now proper that I should disclose the meaning, which I assign to both, and the application, [2 U.S. 419, 455] which I make of the latter. In doing this, I shall have occasion incidentally to evince, how true it is, that States and Governments were made for [and BY] man; and, at the same time, how true it is, that his creatures and servants have first deceived, next vilified, and, at last, oppressed their master and maker.” (Quoting, Justice Wilson, *Chisholm v. Georgia*, 2 Dall. (2 U.S.) 419, 1 L.Ed 440, 455 (1793))

“The individual may stand upon his constitutional Rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no such duty [to submit his books and papers for an examination] to the STATE, since he receives nothing therefrom, beyond the protection of his life and property. His Rights are such as existed by the law of the land [Common Law] long antecedent to the organization of the STATE, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his Rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their Rights.” (*Hale v. Henkel*, 201 U. S. 43 at 47 (1905))

I cannot be forced under threat, duress, coercion, or fraud to participate, relinquish, and/or subject myself to any manner of proceedings under color of law that seeks to take away and/or hinder my substantive, fundamental Rights.

I have challenged the jurisdiction of the COURT OF GENERAL SESSIONS, and once jurisdiction has been challenged it must be proven. It cannot be ignored and all fact relied upon for proper jurisdiction must appear on the record. Without proper jurisdiction, any judgements, orders, convictions, and/or likewise are void *ab initio*. Jurisdiction can be challenged at any time; and a court does not have jurisdiction to determine its own jurisdiction. (*Hagans v. Lavine*, 415 U. S. 533; *Melo v. US*, 505 F2d 1026; *Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York*, 37 F Supp. 150; *Main v. Thiboutot*, 100 S. Ct. 2502 (1980); *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); *Rosemond v. Lambert*, 469 F2d 416; *Rescue Army v. Municipal Court of Los Angeles*, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409; *Wuest v. Wuest*, 127 P2d 934,

937; Merritt v. Hunter, C.A. Kansas 170 F2d 739; Monroe v. Papa, DC, Ill. 1963, 221 F Supp 685))

At no time was there proof of *corpus delecti* and/or proof of a real harm or damage to the STATE OF SOUTH CAROLINA, the alleged accuser. (*Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)*) At no time was I able to confront my accuser, or cross examine my accuser. My due process Rights are substantive and are a substantive procedural matter. Jurisdiction is lost upon any due process and/or Constitutional violation or any violation of my substantive Rights.

V. CAN THE GENERAL SESSIONS COURT OF GEORGETOWN, SOUTH CAROLINA DECIDE ISSUES, QUESTIONS, AND/OR MATTERS OF THE US CONSTITUTION?

The General Sessions Court of South Carolina does not have the authority and/or power to decide issues, questions, and/or matters of the United States Constitution. This court is an administrative court and can only act under consent, contract, and in my case fraud. Fraud has been perpetrated against by withholding the true nature of the court and its true powers. I have raised and belligerently asserted that my substantive Rights protected by the Constitution were violated; and my claims have feel on deaf ears due to the true nature of the Court.

A competent judge would have acted with cautious and with careful consideration of my substantive Rights, being watchful to protect it and fearful of violating and/or encroaching upon it. In my case, no regard has been given to my claims and no regard has been given to my cries of Constitutional violations. This Court's jurisdiction and that of the Circuit Court in general does not possess the necessary requirements to entertain matters of de jure law or the United States Constitution. As such, once these issues have been raised and asserted the court lacked jurisdiction. In that lack of jurisdiction it must either remove the matter to the proper court or dismiss for its lack of jurisdiction.

Again, at all times I was and am in my proper status as a natural human being possessing all unalienable Rights and Privileges. At no time did I consent or give up my fundamental or substantive or inherent Rights and Privileges. At no time did I did knowingly and/or willingly give up or relinquish any Rights and/or Privileges- which would be impossible to do as a natural human being created by God.

CONCLUSION

Due to the above reasons and *stare decisis* I am respectfully demanding that the decision, judgement, and/or order of the Court of General Session and/or Circuit Court of Georgetown, South Carolina be reversed, vacated, and/or annulled; LouShonda Myers be Rightfully restored the Right to Petition the Court on her on for the benefit of society; and for the judgement, conviction, and/or sentence occurring on or around December 5, 2002 be reversed, vacated, and/or annulled for lack of jurisdiction and substantive Constitutionally violations.

In conclusion, I leave you with the following quotes:

“Those rights, then, which God and nature have established, and are therefore called natural rights, such as life and liberty, need not the aid of human laws to be more effectually invested in every man than they are; neither do they receive any additional strength when declared by the municipal laws to be inviolate. On the contrary, no human legislature has power to abridge or destroy them, unless the owner shall himself commit some act that amounts to a forfeiture.”

--Sir William Blackstone

“If the policy of the government upon vital questions affecting the whole people is to be fixed by decisions of the supreme Court, then the people will have ceased to be their own rulers.”

--Abraham Lincoln, First Inaugural Address, March 4, 1861

“Ours is a sick profession. [A profession marked by] incompetence, lack of training, misconduct, and bad manners. Ineptness, bungling, malpractice, and bad ethics can be observed in court houses all over this country every day.”

-Chief Justice Warren Burger

"When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it." (See 16 Ma. Jur. 2d 177, 178)

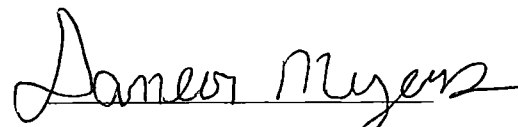
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February 12, 2016.



Dameon Myers

In Propria Persona Petitioner

Inmate # 279666

Lieber Correctional Institution

P.O. Box 205

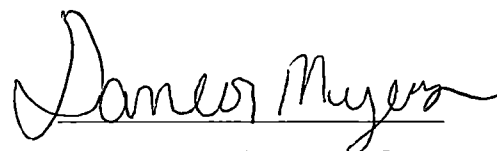
Ridgeville, South Carolina 29472

Natural Human Being, In Propria Persona, Sui Juris

CERTIFICATE OF SERVICE/COMPLIANCE

I, Dameon Myers, certify that the foregoing Final Brief complies with Rule 211(b); and a copy has been served on the parties by mailing a copy addressed to Salley Elliot at the South Carolina Attorney General's Office addressed as P.O. Box 11549, Columbia, South Carolina 29211.

February 12, 2016.



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DAMEON MYERS #279666

INDIGENT ENERGY

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