

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

Circuit Court

Judge Culbertson, Judge

Appellate Case No. 2015-001023

STATE OF SOUTH CAROLINA

Respondent,

Vs.

LouShonda Myers,

In Propria Persona, Sui Juris

Appellant.

RECEIVED

MAY 16 2015

SC Court of Appeals

FINAL BRIEF

LouShonda Myers

In Propria Persona, Sui Juris Petitioner

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**STATEMENT OF ISSUES ON APPEAL**

1. DID JUDGE CULBERTSON ERR IN DISMISSING MY ADMINISTRATIVE NOTICE/CORAM NOBIS WITHOUT GIVING ME THE OPPORTUNITY TO BE FULLY HEARD?
2. WAS I DENIED DUE PROCESS?

**STATEMENT OF THE MATTER**

On September 26, 2014, I was forced into court by way of a Rule to Show Cause. Judge Kristi Lea Harrington alleged that I had violated an order that was given in August, 2014 in regards to a PCR hearing involving Dameon Myers. (Record-Pg. 3)

During this matter, I was not made aware of the nature and cause of the allegations against me; and an attorney was forced upon me. Ultimately, Judge Harrington stated that she found that I had violated an order that she had given. (Record-Pg. 23)

I immediately filed a notice of appeal and I also filed an Administrative Notice/*Coram Nobis* in the General Sessions Court of Georgetown, South Carolina. After receiving a response to my Demand from Allen Myrick of the South Carolina Attorney General’s Office, I replied to Allen Myrick and rebutted his statements and allegations. Judge Culbertson ultimately denied my Demand which has led to this appeal. (Record-Pgs. 6, 7, 22, 23, 32, 42)

I am incorporating by reference the record in this matter which includes my Demand in the Form of an Administrative Notice/Coram Nobis; and my response to Allen Myrick and the attached exhibits.

## 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. On September 26, 2014, Judge Kriusti Lea Harrington entered a judgement of contempt against me; and I began the appeal process, as well as submitted a Demand in the Form of an Administrative Notice/Coram Nobis. On April 30, 2015, Judge Culbertson entered a judgement/order dismissing my Demand after receiving a response from Allen Myrick of the South Carolina Attorney General's Office; and after receiving my reply to Allen Myrick's response.

## ARGUMENTS

- I. DID JUDGE CULBERTSON ERR IN DISMISSING MY ADMINISTRATIVE NOTICE/CORAM NOBIS WITHOUT GIVING ME THE OPPORTUNITY TO BE FULLY HEARD?

Judge Culberston did err in dismissing my Demand. First, Judge Culbertson alleged in his order that I only recited statutes and did not state a claim for relief. This is not true and can be proven by the record. The very first paragraph stated, "Now comes Petitioner/Administrator,

LouShonda Myers, a non-corporate entity 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 FRCP Rule 4 (j)".

Next, Judge Culbertson stated in his order, "the court cannot determine what the pleading is, why it was filed or what relief is sought". Again, the relief sought was stated within my Demand. And, the Demand was captioned with the case number. In addition, a response was filed in the matter by Allen Myrick of the South Carolina Attorney General's Office, to which I responded back in great detail and with exhibits. Judge Culbertson should have known from the record what I filed, what relief was sought, and why it was filed. In addition, if there was any question or if he needed further clarification, I should have been allowed to clarify my position so that he could understand. My demand should have not been dismissed without Judge Culbertson seeking clarification if he did not understand. I should have been allowed to fully state my position and cause. "[F]inding that 'it is a judge's duty to decide all cases within his jurisdiction that are brought before him, including controversial cases that arouse the most intense feeling in the litigants. His errors may be corrected on appeal, but he should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption. Imposing such a burden on judges would contribute not to principled and fearless decisionmaking but to intimidation.'" (*Stankowski v. Farley*, 487 F.Supp.2d 543 (M.D. Pa. 2007))

The basis for the Administrative Notice/Coram Nobis was to correct the judgement and/or order of Judge Kristi Lea Harrington in which she held me in contempt of an order/judgement that she entered. The writ of *Coram Nobis* is proper and still in effect. (*United*

*States v. Morgan* 346 US 502 (U.S. Sup. Ct. 1954)); (*Korematsu v. United states* (1944)); (*South Carolina v. George Stinney* (2014)) “[H]olding that the failure to state an offense is an error so fundamental that it cannot be waived by a guilty plea and warrants a writ of error coram nobis.” (*United States v. McIntosh*, 704 F.3d 894 (11th Cir. 2013) “[C]ontempt could not be tried by presiding judge after alleged contemnor in open court called the judge, inter alia, a ‘dirty sonofabitch’, and told him to ‘[go] to hell’. *In Re Holloway*, 995 F.2d 1080 (D.C. Cir. 1993)

## II. WAS I DENIED DUE PROCESS?

I was denied substantive due process required by the Fifth Amendment to the United States Constitution. I was denied the opportunity to be fully heard and to present my cause in a meaningful way.

As the record will show, I provided proof, facts, and evidence that warranted a dismissal of the charges against me for jurisdictional want, as well as due process violations. A writ of *Coram Nobis* was and/is one of the proper ways to challenge both jurisdictional deficiencies, as well as due process violations. (*Pennoyer v. Neff*, 95 U.S. 714, 732-733 (1878); *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980)) We believe that a judgment, whether in a civil or criminal case, reached without due process of law is without jurisdiction and void, and attackable collaterally by habeas corpus if for crime, or by resistance to its enforcement if a civil judgment for money, because the United States is forbidden by the fundamental law to take either life, liberty or property without due process of law, and its courts are included in this prohibition. *In Johnson v. Zerbst*, 304 U.S. 458, 58 S. Ct. 1019, 82 L. Ed. 1461, 146 A.L.R. 357 (*Bass v. Hoagland* 172 F.2d 205 (5th Cir. 1949)) “If the underlying judgment is void for lack of personal or subject matter jurisdiction or because entry of the order violated due process, the ... court must grant relief. *Textile Banking Co., Inc. v. Rentschler*, 657 F.2d 844, 850 (7th

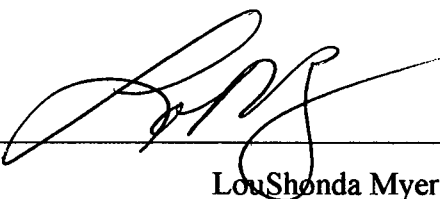
*Cir. 1981). See also V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 224 n. 8 (10th Cir. 1979); In re Four Seasons Securities Laws Litigation, 502 F.2d 834 (10th Cir.), cert. denied sub nom. Ohio v. Arthur Andersen & Co., 419 U.S. 1034, 95 S.Ct. 516, 42 L.Ed.2d 309 (1974) "[Emphasis Added] (Venable v. Tj Haislip 721 F2d 297 (10th Cir. 1983))*

And furthermore, the statements of Allen Myrick in his response should have not been regarded as fact and/or allowed to become part of the record due to the fact that he had no knowledge and his statements are/were insufficient for a dismissal. (*Trinsey v. Pagliaro, 229 F. Supp. 647 (1964)*)

### CONCLUSION

In conclusion, due to the substantive due process violations, I am now respectfully demanding that an order be made vacating, annulling, and/or nullifying the September 26, 2014 order/judgement of Kristi Lea Harrington; I be given a fair and impartial opportunity to be heard; and any and all relief, remedy, and/or redress that is just and proper.

May 11, 2016.



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LouShonda Myers

In Propria Persona, Sui Juris Petitioner

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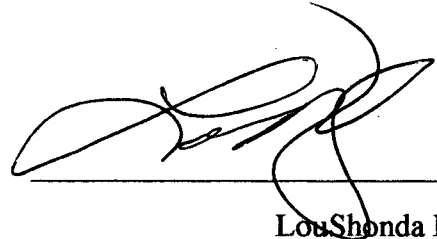
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**CERTIFICATE OF SERVICE**

I, Loushonda Myers, certify that a copy of this Final Brief has been served on the South Carolina Attorney General's Office sent to Brian Petrano at P.O. Box 11549, Columbia, South Carolina 29211.

May 11, 2016.



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