

**INITIAL BRIEF OF LOUSHONDA MYERS**

**RECEIVED**

THE STATE OF SOUTH CAROLINA

MAY 26 2016

In The Court of Appeals

SC Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

Circuit Court

Judge Kristi Lea Harrington, Judge

Appellate Case No. 2014-002776

STATE OF SOUTH CAROLINA

Respondent,

Vs.

LouShonda Myers,

In Propria Persona, Sui Juris.

**INITIAL BRIEF OF IN PROPRIA PERSONA PETITIONER**

LouShonda Myers

In Propria Persona, Sui Juris Petitioner

27 Wateree Trail

Georgetown, South Carolina 29440

[loushondamyers@yahoo.com](mailto:loushondamyers@yahoo.com)

(843) 527-2100

John Benjamin Aplin

Attorney for Respondent

P.O. Box 11549, Columbia

South Carolina 29211

Table of Contents

TABLE OF AUTHORITIES .....2

ISSUES ON APPEAL .....4

1. DOES A DENIAL OF DUE PROCESS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION VOID A JUDGEMENT AND/OR CONVICTION? .....4

2. WAS I ENTITLED TO A FAIR TRIAL FREE FROM CONFLICTS OF INTEREST? .....4

3. CAN AN ATTORNEY BE FORCED UPON ME WITHOUT VIOLATING MY CONSTITUTIONAL RIGHTS UNDER THE SIXTH AMENDMENT AND DUE PROCESS CLAUSE OF THE FIFTH AND FOURTEENTH AMENDMENTS? .....4

4. CAN KRISTI LEA HARRINGTON DENY ME THE RIGHT TO A JURY TRIAL IN A CRIMINAL MATTER?.....4

5. DID THE CIRCUIT COURT OF GEORGETOWN COUNTY HAVE PROPER JURISDICTION? .....4

6. CAN A FLESH AND BLOOD, NATURAL HUMAN BEING RELY ON THE RULINGS OF THE UNITED STATES SUPREME COURT, NATURAL LAW, AND COMMON LAW WITHOUT BEING ACCUSED OF THE UNAUTHORIZED PRACTICE OF LAW?.....4

7. DID THE ALLEGATION OF UNAUTHORIZED PRACTICE OF LAW INTERFERE WITH MY RIGHTS, OBLIGATIONS, AND DUTIES UNDER A LAWFUL CONTRACT?.....4

8. IS THE ORDER OF KRISTI LEA HARRINGTON UNCONSTITUTIONAL; BEYOND HER JURISDICTION AND AUTHORITY; AND DEPRIVES ME OF MY FUNDAMENTAL AND NATURAL RIGHTS AS A FLESH AND BLOOD NATURAL HUMAN BEING .....4

9. I HAVE A RIGHT TO BE FULLY HEARD, AND MY RIGHTS WERE DEPRIVED AS SECURED BY THE FIRST, FIFTH, SIXTH, AND FOUTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.....4

10. EXTRINSIC AND INTRINSIC FRAUD OCCURRED AND FRAUD VICIATES EVERYTHING. ....4

STATEMENT OF THE MATTER.....4

FACTUAL ARGUMENT .....5

CONCLUSION .....19

CERTIFICATE OF SERVICE.....19

TABLE OF AUTHORITIES

Cases

*(Howlett v. Rose, 496 U.S. 356 (1990))* .....12

42 U.S. Code § 1988.....	11
<i>Argersinger v. Hamlin, Sheriff</i> 407 U.S. 425 .....	11
<i>Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar</i> (377 U.S. 1).....	11
<i>Burgin v. Forbes</i> , 293 Ky. 456, 169 S.W.2d 321, 325 .....	10
<i>Church of Scientology v. U. S. Dept. of Justice</i> (1979) 612 F. 2d 417, 425 .....	10
<i>Frankenhauser v. Rizzo</i> , 59 F.R.D. 339 (E.D. Pa. 1973).....	11
<i>Gideon v. Wainwright</i> 372 U.S. 335.....	11
<i>In Re Sims v. Aherns</i> , 271 S.W. 720 (1925).....	11
<i>Johnson v. Avery</i> 89 S. Ct. 747 (1969).....	11
<i>NAACP v. Button</i> (371 U.S. 415) .....	11
<i>Newblock v. Bowles</i> , 170 Okl. 487, 40 P.2d 1097, 1100 .....	10
<i>Schware v. Board of Examiners, United States Reports</i> 353 U.S. pgs. 238, 239 .....	11
<i>United Mineworkers of America v. Gibbs</i> (383 U.S. 715) .....	11
<i>Wood v. Breier</i> , 54 F.R.D. 7, 10-11 (E.D. Wis. 1972).....	11

### Statutes

South Carolina Code Section 62-5-501 (F)(1) .....	12
Title 36 Uniform Commercial Code .....	12

### Regulations

1952 Uniform Commercial Code, .....	12
22 CFR (Code of Federal Regulations) 92.12-92.31.....	11

### United States Codes

1 U.S.C. Sec 1.....	10
28 USC 1330.2 .....	12
42 USC § 1988.....	13
Title 22 USC.....	11
Title 42 U.S.C. Sec. 1983 .....	11
Title 8 USC § 1481 .....	11

### United States Constitution

<u>(United States Constitution, Article 3 Sec.1)</u> .....	11
<u>Fifth Amendment</u> .....	6, 9
<u>First Amendment</u> .....	15, 17
<u>Fourteenth Amendment</u> .....	6, 9, 10
<u>Sixth Amendment</u> .....	9, 10, 17

### Congressional Acts

<i>Administrative Procedures Act, Title 5</i> .....	12
<i>Foreign Sovereign Immunities Act (FSIA)</i> .....	12
<i>International Organization Immunities Act</i> .....	11
<i>Judiciary Act of 1789</i> .....	11

### ISSUES ON APPEAL

1. DOES A DENIAL OF DUE PROCESS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION VOID A JUDGEMENT AND/OR CONVICTION?
2. WAS I ENTITLED TO A FAIR TRIAL FREE FROM CONFLICTS OF INTEREST?
3. CAN AN ATTORNEY BE FORCED UPON ME WITHOUT VIOLATING MY CONSTITUTIONAL RIGHTS UNDER THE SIXTH AMENDMENT AND DUE PROCESS CLAUSE OF THE FIFTH AND FOURTEENTH AMENDMENTS?
4. CAN KRISTI LEA HARRINGTON DENY ME THE RIGHT TO A JURY TRIAL IN A CRIMINAL MATTER?
5. DID THE CIRCUIT COURT OF GEORGETOWN COUNTY HAVE PROPER JURISDICTION?
6. CAN A FLESH AND BLOOD, NATURAL HUMAN BEING RELY ON THE RULINGS OF THE UNITED STATES SUPREME COURT, NATURAL LAW, AND COMMON LAW WITHOUT BEING ACCUSED OF THE UNAUTHORIZED PRACTICE OF LAW?
7. DID THE ALLEGATION OF UNAUTHORIZED PRACTICE OF LAW INTERFERE WITH MY RIGHTS, OBLIGATIONS, AND DUTIES UNDER A LAWFUL CONTRACT?
8. IS THE ORDER OF KRISTI LEA HARRINGTON UNCONSTITUTIONAL; BEYOND HER JURISDICTION AND AUTHORITY; AND DEPRIVES ME OF MY FUNDAMENTAL AND NATURAL RIGHTS AS A FLESH AND BLOOD NATURAL HUMAN BEING
9. I HAVE A RIGHT TO BE FULLY HEARD, AND MY RIGHTS WERE DEPRIVED AS SECURED BY THE FIRST, FIFTH, SIXTH, AND FOUTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION
10. EXTRINSIC AND INTRINSIC FRAUD OCCURRED AND FRAUD VICIATES EVERYTHING.

### 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- whom had given me Power of Attorney to act in his behalf.

During this matter, I was not made aware of the nature and cause of the allegations made against me; and an attorney was forced upon me. I was denied access to the court by the Clerk of Court and prevented from submitting documents on my own behalf in regards to the Rule to Show Cause; and to rebut the allegations against me. During this matter, I stated plainly on the record that I did not knowingly, willingly, and/or intentionally disregard an order; and I was acting in a manner consistent with prior United States Supreme Court rulings.

Judge Harrington stated that she found that I had violated an order that she had given; and found me guilty ordering that I was not to “file” anything in any court in the state of South Carolina other than a matter in which I am specifically named. I timely submitted a notice of appeal, and am now submitting this initial brief.

I am incorporating the entire September 26, 2014 Transcript into this brief as if set forth and/or written fully herein by reference. This transcript is key and materially important to this matter.

#### FACTUAL ARGUMENT

##### 1. DOES A DENIAL OF DUE PROCESS UNDER THE FIFTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION VOID A JUDGEMENT AND/OR CONVICTION?

Due process is a fundamental and essential element of a fair and impartial judicial proceeding; and any deprivation of due process is a substantive matter and warrants the order and/or judgement to be void, vacated, and/or annulled.

##### I. PROCEDURAL DUE PROCESS

I was denied the fair opportunity to be able to secure witnesses; submit documents; and to now the nature and cause of the allegations against me. I stated this on the record that I had no knowledge of whether or not the allegations against me were criminal and/or civil- and yet,

Judge Harrington refused to answer. It was only when Allen Myrick stated that he was pursuing the matter criminally, was I aware that the proceeding on September 26, 2014 was criminal in nature. [Pg. 6 thru 8 Lines 17 thru 23; Pg. 15 thru 17 Lines 2 thru 14]

The fact that Judge Harrington was presiding over this matter and was not aware and/or refused to inform me of whether or not the matter was criminal or civil is a deprivation of due process and a denial of my substantive Rights. Additionally, Judge Harrington and Allen Myrick was made aware on the record that I was denied access to the court on and/or around September 19, 2014 by the clerks in the Clerk of Court's Office while attempting to submit documents on my behalf in regards to the September 26, 2014 hearing. [Sept. Transcript Pg. 5 Lines 16-17; Pg. 7 Lines 7-12]

## II. SUBSTANTIVE DUE PROCESS VIOLATIONS

As stated above, I have the fundamental and substantive Right to be made aware of the nature and cause of the allegations against me. I did not know whether or not the accusation I was accused of were of a civil and/or criminal nature. Judge Harrington refused to answer or either did not know herself; and she continued with the proceedings knowing that I was not properly informed of the nature and cause of the allegations against me. [Sept. Transcript Pg. 7 & 8 lines 7 thru 21; Pg. 11 Lines 7-9; Pg. 13 & 14 Lines 25 thru 4; Pg. 15 Lines 2-8; Pg. 17 Lines 6-14]

Even more, Judge Harrington introduced evidence against me from the bench from outside sources of which I did not know nor had the opportunity to question and/or rebut. [Sept. Transcript Pg. 14 Lines 5 -18; Pg. 19 Lines 1-3; Pg. 20 Lines 18-22] I was denied my due process Rights under the Fifth Amendment and Fourteenth Amendment to the United States

Constitution which states: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation"; "**No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws**".

Judge Harrington cannot introduce outside statements and/or testimony into a proceeding without me being allowed to inspect such statements or even know where such statements derived from. I did not have the opportunity to cross examine the makers and/or producers of such statement nor test the validity of those statements. The fact that Judge Harrington introduced these statements proves and/or is evidence that she engaged in both intrinsic and extrinsic fraud; and discussed this matter outside the courtroom in a manner inconsistent with her Judicial Cannons and inconsistent with the fairness and impartiality for the courts.

2. WAS I ENTITLED TO A FAIR TRIAL FREE FROM CONFLICTS OF INTEREST?

I have a natural and fundamental Right to a trial and/or hearing free from conflicts of interest. As shown in the transcript, there was extrinsic and intrinsic fraud being introduced on the record. The record clearly shows that information and/or statements from unknown sources were being given to Judge Harrington and used against me in the proceeding. I did not have an opportunity to confront the persons and/or individuals that relayed this information to her; and

neither was I given any notice that this information was going to be used against me. The record clearly shows that there was a conflict of interest in that Judge Harrington was being fed information that persuaded and/or prejudiced her towards me; and left her unable to give me a fair hearing and/or trial without bias and/or prejudice.

Furthermore, Judge Harrington should have recused herself after being made aware that I had submitted a complaint to the Judicial Commission on her; and a complaint was also submitted against Allen Myrick. [Sept. Transcript Pg. 8 Lines 18-21] Both Judge Harrington and Allen Myrick had cause to act in a manner inconsistent with the laws of the land. Both individuals were on notice that I had submitted a complaint against them and Allen Myrick was in particular very upset about this. The record also shows that Allen Myrick had a sidebar conversation with Judge Harrington to which I was not a party. [Sept. Transcript Pg. 8 Line 23] This further gives the look and/or appearance of impropriety and both individuals should have recused themselves due to the complaints being submitted and having knowledge that the complaints were submitted against them.

Additionally, Judge Harrington was my accuser and also sat at bench to judge my guilt and/or innocence. This in itself is a conflict of interest. Judge Harrington testified against me from the bench stating that she had heard several things. This matter should have never been discussed outside the court and in a manner that would prejudice me and my substantive Rights.

Judge Harrington's fairness and impartiality is being called into question due to the fact that she is the one that allegedly gave the colorable order from the bench; she initiated an investigation; she is the one accusing me of an alleged crime; she is the one that witnessed against me from the bench; she sat on the bench in judge of me; she deprived me of my

Constitutional Rights; she receives payment from the state-who is named as a party in this matter.

Furthermore, Judge Harrington chose an attorney to represent me on a whim; and proceeded in the mater knowing that an attorney was just appointed and he had not had ample time to prepare.

3. CAN AN ATTORNEY BE FORCED UPON ME WITHOUT VIOLATING MY CONSTITUTIONAL RIGHTS UNDER THE SIXTH AMENDMENT AND DUE PROCESS CLAUSE OF THE FIFTH AND FOURTEENTH AMENDMENTS?

An attorney cannot be forced upon me in a manner such as what occurred to me on September 26, 2014. Ronald Hazzard was called out of court and into this proceeding on a whim. Mr. Hazzard had no formal notice of this matter and had no information prior to this proceeding that would have enabled him to properly protect my interests. I was forced by way of threat, duress, and/or coercion by Judge Harrington into allowing Mr. Hazzard to enter into this proceeding.

I have a substantive Right to counsel, and that counsel needs to be someone that has my best interests in mind and not that of the court, judge, and/or prosecutors. I was denied the Right to counsel which is a grave error pursuant to the *Fifth Amendment*, *Sixth Amendment*, and *Fourteenth Amendment* of the United States Constitution. The Right to counsel is a substantive, fundamental Right and includes the Right to counsel that has no conflict of interests; time to perform necessary material work, including obtaining discovery and interviewing witnesses; and fully preparing my defense, including listening my side and zealously advocating on my behalf.

Judge Harrington chose an attorney for me, in violation of the *Sixth Amendment* and in violation of her Judicial Cannons. I have the Right to choose my own counsel, if that is what I

choose to do. Judge Harrington was beyond her power and/or authority in forcing an attorney upon me and continuing the matter knowing that she had just appointed an attorney and he did not have ample time to prepare and/or obtain full knowledge of the colorable allegations against me.

I was threatened, coerced, and/or forced into allowing an attorney to act on my behalf. It was clear from the proceedings that I was not going to obtain a fair trial. [Sept. Transcript Pg. 20 Lines 10-11]

4. CAN KRISTI LEA HARRINGTON DENY ME THE RIGHT TO A JURY TRIAL IN A CRIMINAL MATTER?

I cannot be denied the Right to a jury trial. This right is explicitly stated in the Constitution for the United States, Sixth Amendment, and is enforceable against the states pursuant to the Fourteenth Amendment to the Constitution. The record clearly shows that initially Judge Harrington stated that I was facing a year imprisonment- to which I asserted that I wanted a jury trial. [Sept. Transcript Pg. 6 Lines 18-21; Pg. 7 Lines 1-3] She immediately then changed her mind and stated that she had no plans of sentencing me no more than six months and that I was not entitled to a jury trial. [Sept. Transcript Pg. 16 Lines 4 thru 25, Pg. 17 Lines 1 thru 14] She alleges that it was by colorable law, however, the Supreme Laws of the land states differently and the Constitution for the State of South Carolina states otherwise as well. Judge Harrington never stated the colorable law that she alleges overrules the United States Constitution and common law. The conduct and/or actions and/or omissions of Judge Harrington has violated my well established Rights under federal law and the United States Constitution.

5. DID THE COURT OF GEORGETOWN COUNTY HAVE PROPER JURISDICTION?

The lower court of Georgetown County, South Carolina did not have proper jurisdiction. It 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 this administrative court 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. *“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)* 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 this administrative court. Unlike the officers of the court, I have not sworn an oath and relinquished my citizenship or status.

6. CAN A FLESH AND BLOOD, NATURAL HUMAN BEING RELY ON THE RULINGS OF THE UNITED STATES SUPREME COURT, NATURAL LAW, AND COMMON LAW WITHOUT BEING ACCUSED OF THE UNAUTHORIZED PRACTICE OF LAW?

As a flesh and blood human being, I have the natural Right; substantive Right, and Fundamental Right to petition for the relief when harm and/or damage has occurred; even if it is not directly targeted towards me. I have sustained injury and/or harm as a result of the matter in question; and have a right to petition as a third party intervener. [Sept. Transcript Pg. 4 Line 13-14; Pg. 5 Lines 5-6]

The alleged statute that has given rise to this matter, does not identify me 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 have depended on prior rulings of the United States Supreme Court; and those cases are binding authority. I am not nor was I attempting to practice law; but I was exercising my substantive Right to advocate, counsel, and/or act as Private Attorney General in the vindication of Rights. (42 U.S. Code § 1988) This court nor the lower court has the authority to overrule what Congress has explicitly granted. I can assist others in the vindication of their Rights without being accused of the unauthorized practice of law. (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 Re Sims v. Aherns, 271 S.W. 720 (1925) [Aug. Transcript Pg. 5 Lines 16-17;Pg. 21 Lines11-15])

*“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)*

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 lower court of Georgetown, South Carolina lacked jurisdiction as did the assistant attorney general, Allen Myrick, and judge, Kristi Lea Harrington, because the court lacked jurisdiction to enforce judicial power. The lower court of Georgetown, South Carolina 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))

7. DID THE ALLEGATION OF UNAUTHORIZED PRACTICE OF LAW INTERFERE WITH MY RIGHTS, OBLIGATIONS, AND DUTIES UNDER A LAWFUL CONTRACT?

Under South Carolina Law, Title 36 Uniform Commercial Code, and 1952 Uniform Commercial Code, I have a valid contract with Dameon Myers as his Power of Attorney. I have a fiduciary duty and obligation to him. Pursuant to South Carolina Code Section 62-5-501 (F)(1) when relying on a Power of Attorney and/or transacting business and/or dealing with a human being with a valid power of attorney, one must honor the power of attorney. *“As used in this subsection, ‘to honor’ a power of attorney means to deal with the attorney-in-fact as if the attorney-in-fact were the principal, personally present and acting on his own behalf within the scope of the powers granted to the attorney-in-fact.*

Additionally, the papers that were in question were of a prior matter in which I informed Judge Harrington on the record that it was on my own behalf, and that I was called into court for the matter. I was not allowed to state the full story of what actually occurred. I have a Right to speak pursuant to the First Amendment of the United States Constitution. [Sept, Transcript Pg. 9 & 10 Lines 23 thru 8]

To reiterate, at all times I was in fact within the law and/or performing my obligations under a valid power of attorney as lawfully contracted to do so under the Uniform Commercial Code. At no time did I give legal advice and/or represent myself as a bar attorney. I performed my duties and obligations under a de jure, lawful, and/or valid durable power of attorney and/or contract. South Carolina nor Judge Harrington can make no rules and/or laws abrogating contracts and the lawful fulfillment thereof. To do so would be to violate the laws of commerce, in which the administrative court of Georgetown, South Carolina participates in. And, a colorable statute such as the one that I have been alleged to violate cannot stand in the face of de jure law,

the Supreme Laws of the Land, and Congressional Acts. As stated and/or proven above, I can assist any human being without being accused of a colorable crime.

8. IS THE ORDER OF KRISTI LEA HARRINGTON UNCONSTITUTIONAL; BEYOND HER JURISDICTION AND AUTHORITY; AND DEPRIVES ME OF MY FUNDAMENTAL AND NATURAL RIGHTS AS A FLESH AND BLOOD NATURAL HUMAN BEING?

Judge Harrington stated in her order that I cannot "file" in any court in the State of South Carolina in which I am not named and/or a party. I was not and/or do not "file" papers as she defines it; at all times I petition and/or submit writings for recordation. If she is attempting to deny me access to the courts- by way of petitioning and/or submission by labeling it "filing", it violates the laws of United States Constitution; the treaties thereof; and Congressional law. Thus, order deprives me of fundamental, natural, and substantive Rights.

The order and/or judgement of Judge Harrington is Unconstitutional and violates my fundamental and/or natural Rights. The order and/or judgement deprives me under the color of law, from the Right to petition the court in any manner for which I am not a "party" or "named" in the entire state of South Carolina.

This order and/or judgement does not take into account that there may arise situations in which I may have to act on the lawful Power of Attorney that I have; I have minor children on whose behalf I have a fundamental Right to act; Congress has explicitly granted the power to act under 42 USC § 1988; and I am a natural, flesh and blood human being that may petition the court for any just and proper cause.

Even more, this order violates the Supreme Law of the Land and its treaties including the Universal Declaration of Human Rights. It cannot be said that an order and/or judgment that

deprives, denies, restricts, and/or otherwise hinders a human beings Rights can stand. It is void *ab initio*.

9. I HAVE A RIGHT TO BE FULLY HEARD, AND MY RIGHTS WERE DEPRIVED AS SECURED BY THE FIRST, FIFTH, SIXTH, AND FOUTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

As shown in the complaint against Judge Harrington on the record, as well as in the transcript of September 26, 2014. I was hindered and obstructed from portioning the court by the clerks of court in Georgetown County, South Carolina. I was not allowed to submit my documents in this matter prior to the court date by the clerks. One of the documents that I needed to submit was a motion for discovery material. I was deprived of doing so; and made this explicitly clear on the record. [Sept. Transcript Pg. 5 Lines 14-24]

In addition, I was deprived of my Right to be fully heard in court. Judge Harrington kept interrupting me and/or failing to properly inform me of what was occurring. [Sept. Transcript Pg. 4 Lines 13-17; Pg. 6 lines10-15; Pg. 6 Lines 16-17; Pg. 6 Lines 22-23; Pg. 11 Lines 7-10; Pg. 12 Lines 1-4; Pg. 19 Lines 19-21; Pg. 20 Lines 10-12] The Right to a fair trial includes the Right to be fully heard. I was deprived of the Right by the color of authority and/or power of Judge Harrington's office and/or position of judge in this manner. My First Amendment and Sixth Amendment Rights were deprived. I was not allowed to present my evidence, including my Affidavit, on the record; I was deprived of the Right to a jury trial; I was deprived of the Right to be fully informed of the nature and cause of the allegations against me; I was deprived of the Right to a counsel of my choosing; I was deprived of the right to be free from false arrest; and I was deprived of the Right to petition the court for my own cause.

And further, on the record I objected to everything that Allen Myrick had stated; and told Judge Harrington that "I did not intentionally, willfully, or knowingly disobey a direct order".

[Aug. Transcript Pg. 20 Lines 22-25] Elements of a crime is *mens rea* and *corpus delecti*, the record and my affidavit as well as the other information and/or evidence provided on the record proves that I did not commit a crime and/or the colorable charge of unauthorized practice of law by “filing” documents. [Sept. Transcript Pg. 4 Lines 13-16; Pg. 6 Lines 4-7]

#### 10. EXTRINSIC AND INTRINSIC FRAUD OCCURRED AND FRAUD VICIATES EVERYTHING.

On September 26, 2014, fraud was entered on the record and before the proceedings began. Allen Myrick introduced and/or presented two writings into record and alleged that I disobeyed Judge Harrington’s order twice by “filing” two documents. [Sept. Transcript Pg. 3 Line 22; Pg. 4 Line 5; Pg. 18 Lines 11-13] In furtherance of this fraud, Judge Harrington and Allen Myrick had the elected Clerk of Court, Alma White, as well as deputy clerk, including Nicki Filmore to assist in this fraud by appearing in court to give testimony and/or witness against me. This could not be further from the truth. [Pg. 9 Lines 8-9]

First and foremost I was not “filing” documents, I was petitioning the court and/or submitting documents to the court in my fiduciary capacity, and as lawfully enacted by Congress and the Supreme Laws of the land, as well as common law. Both writings are the same and one copy was to be returned to me for records. Both writings were not submitted to the court for delivery and recordation. This is fraud upon the court and intrinsic fraud because the purpose was to make it appear as if two separate documents, each for their own purposes, were being submitted for recordation.

Next, is the fact that Judge Harrington had outside conversations and/or solicited outside information from individuals and failed to disclose the sources of that information; yet used it against me in the proceedings. The information that Judge Harrington introduced and/or

presented during the proceedings were fabricated, false, misleading, and/or material misrepresentations. I was deprived of my Right to confront those individuals. Even more, both Judge Harrington and Allen Myrick initiated the rule to show cause hearing which on its face is invalid due to the fact that the alleged dates that were sworn to are inaccurate, misleading, and/or key misrepresentations. [Sept. Transcript Pg. 10 & 11 Lines 16 thru 3]

The Kristi Lea Harrington, Allen Myrick, Alma White, Nicki Filmore, any unknown deputy clerk of court, and anyone else participated; assisted; collaborated; and/or provided information in furtherance of this proceeding participated in a scheme; device; and/or conduct to deprive me under the color of law of my substantive, fundamental, and/or essential federal and state Rights to a hearing free of conflicts, biases, and prejudice. My well established Rights have been violated in a substantive manner and I have suffered great emotional and mental distress.

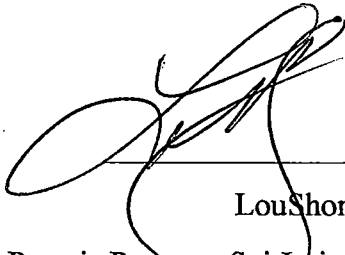
#### CONCLUSION

In Conclusion, I am respectfully demanding the order and/or judgement of Judge Harrington to be vacated, rescinded, void, and/or annulled.

#### CERTIFICATE OF SERVICE

I, LouShonda Myers, certify that a copy of the foregoing has been served on the State of South Carolina by mailing a copy addressed as follows: John Benjamin Aplin, P.O. Box 11549, Columbia, South Carolina 29211.

May 23, 2016.

  
\_\_\_\_\_  
LouShonda Myers  
In Propria Persona, Sui Juris Petitioner

27 Wateree Trail  
Georgetown, South Carolina 29440  
loushondamyers@yahoo.com  
(843) 527-2100