

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM YORK COUNTY
Court of Common Pleas

Stonewall Jackson Kimball, Special Circuit Court Judge

Circuit Court Case No. 2014-CP-46-1425
Appellate Case No. 2016-001613

RECEIVED
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SC Court of Appeals

Ryan Powell, Petitioner,

v.

Amy Boheler d/b/a York County Auditor,
Beth Latham d/b/a York County Treasurer, and
Robert Kiser d/b/a York County Delinquent Tax Collector,
each in their individual and official capacities, Respondents.

Amended Petition for Writ of Certiorari,

Notice of Duty to Administer Justice so that Ryan's Human Rights are Protected.

Ryan Powell, ("Ryan" hereinafter) petitions this Supreme Court to issue a Writ of Certiorari to the Court of Appeals to review their UNPUBLISHED decision that AFFIRMED the trial court's denial of Ryan's remedy that the law guarantees to Ryan. Ryan needs a remedy to stop the Respondents **on-going crimes** against him, restore to Ryan his property that the Respondents extorted from him, and compensate Ryan for Respondents' wrongs.

Statement of the Case

This case raises several novel issues of first impression. The two key issues in this case are: whether Ryan is a person liable (i.e., a taxpayer) for an *ad valorem* tax even though Ryan chose to freely exercise his human rights *to own property and enjoy and utilize, fully and freely, his*

natural wealth and resources so Ryan intentionally did not contract away his property rights by recording a deed for his home¹; and whether the official duties of the Respondents includes the authority to interfere with a man's property by non-judicially seizing, levying, trespassing on, posting illegally threatening notices on, advertising for sale, and selling that property in the name of, and for the alleged contractual obligations of, a corporation that is not the actual owner of that property.

After Respondents ignored Ryan's three notices informing them that they were acting wrongly, outside their official duties, and criminally, Ryan had no other choice but to pursue his judicial remedy. Since all governments, and courts, are fictions only found in the minds of men, they can only interface with other fictions². Accordingly, Ryan brought his law case to the circuit court as a "*private person*" [ROA pg 8]. A "*private person*" is a fiction that is **NOT** a creation of any government so it is alien to, and not a subject of, any governmental corporation and is similar to a "*natural person*" in that it designates a human being. People possess natural, constitutionally protected, and human rights. Corporations (e.g., U.S. citizens, residents) possess only those rights granted to them by their creator governments, i.e., *civil rights*. Natural law dictates that since human beings are the creators of governmental corporations, which then create other corporations, no corporation has the legal authority to harm its creators, i.e., human beings. These natural laws have been documented in the Magna Carta, the Declaration of Independence, the Constitution of the United States, all 50 state constitutions, international treaties like the *International Covenant on Civil and Political Rights* ("*ICCPR*" hereinafter), the statutes of this

¹"*Ad valorem*" tax is defined in the law as a *stamp tax* on an *instrument*, (e.g., a deed). Since Ryan did not record a deed then clearly he cannot be liable for a stamp tax on a deed that County of York is not holding for Ryan which is clearly shown to be the law of this State by the one and only statute that makes persons liable for an *ad valorem* [document] tax - S.C. Code of Laws § 12-37-610. [ROA, pgs 8-11, ROA pgs 48-50, ROA pgs 71-85, Appellant's Brief pgs 1-24, Motion to Rehear, pgs 4-8]

²See Penhallow v. Doane's Administrators, 3 U.S. 54; 1 L.Ed. 57 [Motion to Rehear and Seal Case pg 6]

State, as well as many exemplary case holdings of the higher courts including the Supreme Court of Oregon³ and the Supreme Court of the United States⁴ [Appellant's Brief pg 8].

Course of Proceedings in the Trial Court

On April 30, 2014 Ryan filed his law case into the 46th judicial circuit court. Before Respondents answered Ryan's claims, they filed motions to dismiss under Rules 12(b)(1) and 12(b)(6), and a motion to substitute York County for the three named Defendants [Respondents]. During the hearing of Respondents' motions the trial court Judge concluded that Ryan is liable to pay the contractual obligations of the previous owner of his property simply because his land is within the borders of the land mass named South Carolina [ROA pgs 78 line 25 to pg 79 line 1] and that since Ryan is liable to pay the contractual obligations of the previous owner of his property [ROA pg 79 lines 3-13] Ryan's claims are *entirely frivolous* [ROA pgs 2-5]. After finding Ryan's home can be non-judicially taken from him in someone else's name, to satisfy someone else's contractual obligations, the trial judge then found that the South Carolina Revenue Procedures Act divests the circuit court of subject matter jurisdiction ("SMJ" hereinafter) to hear Ryan's tort claims and therefore some executive branch administrative court is the court that has the SMJ to hear Ryan's tort claims. Notwithstanding those outrageous and clearly erroneous conclusions, the trial court judge then proceeded, by his own determination without SMJ, and without any legal authorization whatsoever he ordered that York County, a non-party to Ryan's action, be substituted for the three named Respondents. Then the trial court

³See Redfield v Fisher, 292 P page 819 (OR Sup Ct 1930) – “*an individual, unlike a corporation, is not subject to tax for the mere privilege of existing, and owning property, which are natural rights*” [ROA pg 87 line 24 - pg 88 line 2, Appellant's Brief pg 18].

⁴See Yick Wo v. Hopkins, 118 U.S. 356, which has never been overturned where the Supreme Court of the United States held - “*Sovereignty itself is, of course, not subject to the law, for it is the author and source of law, but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts...For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable on any country where freedom prevails, as being the essence of slavery itself*”.

judge dismissed all of Ryan's claims, with prejudice concluding that both the Respondents and York County have sovereign immunity to Ryan's claims under the South Carolina Tort Claims Act [ROA pgs 2-5].

None of the facts that Ryan testified to in his verified complaint were ever contested by Respondents. Since the Respondents never filed an answer or submitted any affidavits or testimony, the record that the trial court judge could use to make his factual findings consists only of Ryan's complaint [ROA pgs all]. However, the trial court judge's factual findings in his order denying Ryan his remedy are not based on the record [ROA pg 53, Appellant's Brief pgs 35-38, Motion to Rehear and Seal Case pgs 3-4] which is very compelling evidence of his prejudice⁵.

Course of Proceedings in the Court of Appeals

After sitting on Ryan's perfected appeal for over a year, the Court of Appeals finally issued their unpublished decision on May 11, 2016 affirming the trial courts' denial of Ryan's remedy [Unpublished Decision]. On July 5, 2016 the Court of Appeals filed their final decision refusing to rehear Ryan's appeal [Order denying rehearing].

This Petition is based upon the following 6 errors made by the Court of Appeals

(1) Did the Court of Appeal err by affirming the trial court's dismissal of Ryan's remedy, which in effect gives this States' approval to the Respondents illegal interference with Ryan's free exercise of his constitutionally protected rights and human rights and freedoms?

The record in this case evidences that the Respondents, the trial court judge, and the Court of Appeals judges have all **knowingly and intentionally** interfered with Ryan's free exercise of

⁵Canon 3B (1) of this State's Code of Judicial Conduct - "*A judge's impartiality might reasonably be questioned when his factual findings are not supported by the record*".

his constitutionally protected rights and his human rights under *color of law*. Such actions appear to be quite illegal as they constitute federal crimes under 18 U.S.C. 241 & 242.

The Constitutionally protected rights that Respondents, and the courts of this State, have prevented Ryan from freely exercising include the following [ROA pg 19, ROA pg 55, Appellants Brief pgs 19-21, Motion to Rehear and Seal Case pgs 2-4 and pgs 10-15]:

A. All Judges in this State have the duty to uphold Article 6 Clause 2 of the Constitution of the United States which makes all treaties entered into by the United States binding on all Judges in the 50 States. The ICCPR treaty became the supreme Law of the Land (i.e., the law that applies to people not corporations) on June 8, 1992 when the United States congress ratified that treaty. The ICCPR treaty protects and ensures to all people throughout the 50 States, including Ryan, **all of their human rights and freedoms**.

The specific human rights and freedoms that Ryan has been prevented from freely exercising by the Respondents, and the courts of this State, include the following: Ryan's right "*to own property*" (ICCPR Art. 5, para. 2); Ryan's right "*to enjoy and utilize, fully and freely, his natural wealth and resources*" (ICCPR Art. 47); Ryan's right to be "*free from arbitrary or illegal interference with his privacy, family, and home*" (ICCPR Art. 17, para. 1); Ryan's right to the "*protection of the law for such interference or attacks*" [on his privacy, family, or home] (ICCPR Art. 17, para. 2); Ryan's right to "*not be held in servitude*" (ICCPR Art. 8, para. 2); Ryan's right to "*not be forced to labor*" (Art. 8, para. 3(a)); Ryan's right to "*not in any case be deprived of [his] own means of subsistence*" (ICCPR Art. 1 para. 2); Ryan's right to an "*effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity*" (ICCPR Art. 2, para. 3(a)); and Ryan's right to have his claims to his remedy for violations of his human rights be determined "*by competent judicial ... authorities*" (ICCPR Art. 2, para. 3(b)).

B. All Judges in this State have the duty to uphold S.C. Const. art. I, 23 which requires them to apply all the provisions and protections of that Constitution to Ryan's case which are "*deemed, and construed to be mandatory and prohibitory, and not merely directory*".

C. All Judges in this State have the duty to uphold S.C. Const. art. I, 10 and Amendment IV of the Bill of Rights which ensures that Ryan will never be subjected to unreasonable seizures of his home nor to unreasonable invasions of his privacy. However in this case, the Respondents have violated, and continue to violate, that prohibition by seizing Ryan's home for his failure to pay someone else's contractual obligation, by posting brightly colored, highly visible, defamatory signs on Ryan's home, and by advertising Ryan's home in a public newspaper as being up for auction for Ryan's failure to pay someone else's contractual obligation.

D. All Judges in this State have the duty to uphold S.C. Const. art. I, 3 and Amendment V of the Bill of Rights which ensures that Ryan's property can never be taken from him without the government first providing Ryan *due process of law*. However in this case, the Respondents have been continually attempting, for the last 3 years and are in the process again, to non-judicially take Ryan's home without first providing Ryan ANY *due process of law*.

E. All Judges in this State have the duty to uphold S.C. Const. art. I, 9 which ensures to Ryan a **speedy remedy** for the wrongs that Ryan has sustained from the Respondents' intentionally malicious, fraudulent, and criminal actions taken outside of the scope of their official duties.

F. All Judges in this State have the duty to uphold Amendment XIII of the Bill of Rights which ensures that Ryan can never be forced into involuntary servitude. However in this case, the Respondents have forced Ryan to labor in order to earn the Federal Reserve Notes needed in order to discharge someone else's contractual obligations or else Ryan will lose his home to Respondents theft and conversion.

G. All Judges in this State have the duty to uphold S.C. Const. art. I, 13(a) which ensures that Ryan cannot have his private property taken by the government without his consent or without first providing him with "*just compensation*".

H. All Judges in this State have the duty to uphold Amendment XIII of the Bill of Rights that ensures Ryan will never be subjected to slavery. However in this case, the Respondents have exerted a right of property over Ryan's home, which is by definition, slavery⁶.

I. All Judges in this State have the duty to uphold S.C. Const. art. I, 14 and Amendment VII of the Bill of Rights which ensures that Ryan can bring his common law claims to a jury for **their** determination. However in this case, Ryan has been prevented from bringing his claims to a jury or even to a court.

J. All Judges in this State have the duty to uphold Article 1 Section 10 of the Constitution of the United States which ensures that any "*involuntary contributions*" required to be paid by Ryan to this State must be denominated in ONLY gold or silver Coin.

(2) Did the Court of Appeals err by staying absolutely silent on 14 of the 16 errors raised and argued by Ryan in his appeal?

The decision of the Court of Appeals violates Rule 220(b) SCACR which states that the Court of Appeals "**must**" answer all errors raised unless it determines that an error is "*manifestly without merit*". However, the Court of Appeals stayed absolutely silent⁷ on **14 of the 16** meritorious assignments of error appearing on the record, raised, and argued by Ryan in his

⁶ Bouvier's Law Dictionary servitude is defined as - "*The subjection of one person to another is a purely personal servitude; if it exists in the right of property which a person exercises over another, **it is slavery.***" [absent a contract, like the recording of a person's deed, to allow such right over the other person's property]

⁷See *U.S. v. Tweel*, 550 F.2d 297, 299 (5th Circuit, 1977) "Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading." See also Black's Law Dictionary 5th Edition, page 594 Fraud - "It consists of some deceitful practice or willful device, resorted to with intent to deprive another of his right, or in some manner to do him injury".

briefs⁸ [Motion to Rehear and Seal Case pgs 3-4]. Further, of the 4 errors that the Court of Appeals **appears** to have answered, 1 of the answers was an answer to a question not asked [Unpublished Decision #4]; 1 of the answers contains only a recitation of the standard of review for the error raised [Unpublished Decision #3]; the other two answers are contradictory on their face and are clearly shown to be erroneous as discussed in questions (3), (4), & (5) below [Unpublished Decision #1 & #2]. **Ryan has a right, that he has paid dearly for with great expenditures of his time and money, to receive competent judicial answers to these questions that the Court of Appeals had a duty to answer, but refused!**

The following are the 16 questions raised by Ryan in his appeal [Appellant's Brief pgs i - ii]. Questions II. and question IV., which have been greyed out below, are the two questions that were very minimally addressed, albeit erroneously, by the Court of Appeals in their decision.

- I. Did the trial court err by finding Ryan is liable for taxes and assessments on his land under SC Code of Law § 12-37-210 and therefore his claims are *entirely frivolous*, when the correct liability statute is S.C. Code of Laws § 12-37-610 and according to it, Ryan is clearly NOT liable?
 - i. Is S.C. Code of Laws § 12-37-610 the statute that lays the liability for taxes and assessments on real property?
 - ii. OR is S.C. Code of Laws § 12-37-210 the statute that lays a liable for taxes and assessments on real property?
 - iii. Is it even possible for S.C. Code of Laws § 12-37-210, or any other statute, to lay an *involuntary* liability for taxes and assessments on Ryan or his land, without him having to record his deed, without violating many laws, legal principles, and Constitutional prohibitions?
- II. Did the trial court err by dismissing Ryan's action finding that the circuit court does not have subject matter jurisdiction over Ryan's tort claims?
 - i. Does the Revenue Procedures Act affect the subject matter jurisdiction of the circuit court to hear or decide tort claims?
 - ii. Does the Revenue Procedures Act even apply to Ryan or his case?

⁸The Court of Appeals ONLY addressed the **four** issues stated in the "Statement of the Issues" in **Respondent's Brief**. Respondents' Statement of Issues are fraudulent because, as usual, the facts they state are not based on the record nor are the issues they stated relevant to the actual case or the actual issues raised [Reply Brief pgs all].

- III. Did the trial court err by substituting “York County” for the named Respondents when Ryan's claims were not brought under the Tort Claims Act against a “governmental entity”?
- IV. Did the trial court err by finding Respondents have sovereign immunity from Ryan's claims that he brought against them in their individual capacity for actions alleged to have been taken outside the scope of their official duties?
- i. Does the Tort Claims Act even apply to an action brought against agents of a governmental entity in their individual capacity for actions alleged to have been taken outside the scope of their official duty?
 - ii. Was it premature to even consider whether the Respondents were acting within the scope of their official duties during a pre-answer motion hearing?
- V. Did the trial court err by dismissing Ryan's claims with prejudice when Respondents failed to demonstrate Ryan did not allege facts sufficient to state a valid claim?
- i. Did Respondents demonstrate any defects in Ryan's "breach of contract" cause of action that could support its dismissal "as a matter of law"?
- VI. Did the trial court err by making findings of fact that are not supported by the record and conclusions of law based on those unsupported findings?
- VII. Did the trial court err by finding that Ryan's mother is engaged in the “unauthorized practice of law” or disallowing her from providing Ryan “assistance of counsel”?
- i. Does the Supreme Court of South Carolina have the authority to create a rule that requires any person must first obtain “approval” in order to exercise a right guaranteed to them by the Constitution?

(3) Did the Court of Appeals err by determining that the circuit court does not have subject matter jurisdiction to hear and decide Ryan's tort claims?

The decision of the Court of Appeals violates many case precedents of this Supreme Court which S.C. Const. art. V, 9 makes binding on that Court. For example, in paragraph #1 of the Court of Appeals' opinion [Unpublished Decision #1] they determined that the trial court did not have SJM to hear and decide Ryan's tort claims because somehow the SC Revenue Procedures Act ("SCRPA" hereinafter) divests the circuit court of SMJ to hear tort claims.

First, the Court of Appeals intentionally violated McCullar v. Estate of Campbell, 672 SE 2d 784 (2009) in which this Supreme Court held "*Tort suits are within the circuit court's*

jurisdiction. ... Here, on its face, this complaint alleges a tort and therefore is not subject to dismissal for lack of subject matter jurisdiction."

Second, the Court of Appeals intentionally violated Ward v. State 538 SE 2d 245 (2000) where, while discussing the SCRPA and whether it divests the circuit court of SMJ, this Court stated "*Thus, the failure to exhaust administrative remedies goes to the prematurity of a case, **not subject matter jurisdiction.** Furthermore, if there are exceptions to the exhaustion requirement, as discussed further herein, **the issue cannot be one of subject matter jurisdiction.**"*

Ryan raising both McCullar v. Estate of Campbell supra and Ward v. State supra to the trial court during the hearing of Respondents' motion to dismiss [ROA pg 69 line 11-24, ROA pg 70 line 19-23] should have put to end any notion whatsoever that the circuit court was wanting SMJ to hear Ryan's tort claims. However, the transcript of that hearing shows that the trial court judge was not at all interested in administering justice, he was only interested in protecting the Respondents from having to fulfill their legal liability to Ryan. The trial court judge was clearly attempting to determine the depth of Ryan's understanding of SMJ so that he could make such a ridiculous ruling that he made without, hopefully, Ryan not understanding that he was being unlawfully denied his rightful remedy [ROA pg 69 line 25 - pg 70 line 18]. Nonetheless, Ryan argued both these cases in his appeal briefs [Appellant's Brief pgs 21-24] and Ryan's motion to the Court of Appeals to rehear and seal his case [Motion to Rehear and Seal Case pgs 5-8].

Third, the Court of Appeals relied solely on SCRPA statutes to answer the question of SMJ. However, the SCRPA deals ONLY with taxpayers (persons liable) and was legislatively created to provide taxpayers with an easy method to administratively dispute their assessments and request refunds of their overpaid taxes [ROA pgs 38-39, Appellant's Brief pgs 24-31]. The record clearly shows Ryan has never been assessed with any tax liability that he could dispute

nor has he ever overpaid his taxes because he does NOT owe any taxes that he could overpay [ROA pgs 8-29]. So what claim could Ryan POSSIBLY take to an executive branch court that can only "enforce" tax statutes against "taxpayers"? None, which means the **Court of Appeals has denied Ryan all remedy including Ryan's demand for a writ of mandamus** [ROA pg 11] **to stop the Respondents from their on-going illegal interference with Ryan's privacy, family, and home for someone else's contractual obligation!** [Motion to Rehear and Seal Case pgs 10-15]

Incredibly, neither the Respondents, the trial court, nor the Court of Appeals has ever cited a single statute that makes Ryan a person liable (a taxpayer) for any *ad valorem* tax **because they cannot do so** since the only statute that creates liability is S.C. Code of Laws § 12-37-610 and that statute **ONLY** makes liable those persons who voluntarily contract away their *right to own property* by recording their deeds. This position was clearly proven to be the law of this State in Ryan's papers filed in the trial court [ROA pgs 47-49] and in his appeal briefs [Appellant's Brief pgs 1-24] which was not rebutted, **at all**, by Respondents nor addressed, **at all**, by the Court of Appeals even though they both had a legal duty to "speak" on this issue (See U.S. v. Tweel supra - silence equates to fraud when there is a legal duty to speak). Further, since this issue is the core issue of Ryan's entire case, as it touches every aspect of his case, it is absolutely "*necessary to the decision of the appeal*" so according to Rule 220(b) SCACR it **MUST** be answered [Motion to Rehear and Seal Case pgs 3-4].

(4) Did the Court of Appeals err by determining that Ryan's tort claims are barred by South Carolina's Tort Claims Act?

The decision of the Court of Appeals **violates a multitude of statutes** that are not even applicable to this case but were misused and misquoted in order to illegally deny Ryan his remedy. For example, in paragraph #2 of the Court of Appeals' opinion [Unpublished Opinion]

they determined that the Respondents have immunity to Ryan's tort claims; they wrote - "S.C. Code Ann. § 15-78-20(b) (stating the South Carolina Tort Claims Act "grants the State, its political subdivisions, and employees, while acting within the scope of official duty, immunity from liability and suit for any tort except as waived")".

First, the Court of Appeals intentionally ignored Ryan's entire complaint which clearly alleges that the **Respondents acted outside the scope of their official duties** [ROA pgs 8-28]. Respondents have **never** been given any legal authority (and cannot ever be given any legal authority because it would violate people's human rights) to interfere, in any way, with a man's private property. The scope of Respondents' official duties allows them access **only** to those corporations that have recorded their deeds, and the real estate **owned by those corporations** [ROA pgs 8-28, ROA pgs 47-49, Appellant's Brief pgs 1-24, Motion to Rehear and Seal Case pg 2].

Second, after ignoring Ryan's entire complaint the Court of Appeals then intentionally deleted 3 vital words off the end of their statute citation which actual reads ..."*except as waived by this Chapter*". They deleted those 3 words because Chapter 78 contains a clearly stated, unambiguous, waiver of **absolute immunity** for employees of governmental entities for factual circumstances that align **exactly** with the facts of this case as alleged in Ryan's complaint.

See S.C. Code Ann. § 15-78-70(b) "*Nothing in this chapter may be construed to give an employee of a governmental entity immunity from suit and liability if it is proved that the employee's conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude.*".

Ryan raising S.C. Code Ann. § 15-78-70(b)⁹ should have put an end to any notion whatsoever that the Respondents have **absolute immunity**, that is, immunity without them having to prove, at

⁹All of Ryan's papers filed into the trial court clearly cited this statute after Respondents fraudulently claimed that they have absolute immunity [ROA pg 45] this statute was also cited in Ryan's appeal briefs [Appellant's Brief pg 30] and Ryan's Motion to Rehear and Seal Case [Motion to Rehear and Seal Case pg 8].

trial, that they have acted within the scope of their official duties and have not committed actual fraud, actual malice, intent to harm Ryan, or a crime involving moral turpitude, which Ryan's complaint clearly alleges they have done. Further, even **IF** the Respondents have immunity to Ryan's **tort claims**, which they clearly do not have, they do NOT have immunity to the issuance of writ of mandamus to stop Respondents **on-going** crimes that Ryan's complaint demands [ROA pgs 10-11]. No one, no matter his position, anywhere in the United States, has ever been given immunity to **on-going crimes**.

(5) Did the Court of Appeals err by affirming all the findings and conclusions of the trial court that were made on the merits of Ryan's case after affirming that the trial court did not have subject matter jurisdiction to hear and decide the merits of Ryan's case?

The unpublished decision of the Court of Appeals is contradictory on its face. As any first year law student knows, if a court determines that it wants SMJ to **hear and decide** a case then the only authority that court has is the authority to dismiss the case. However, in this case the trial court judge **heard and decided** many issues pertaining to the **merits** of Ryan's case after deciding the circuit court did not have the legal authority to **hear and decide** the **merits** of Ryan's case! Such nonsense was shamefully affirmed by the Court of Appeals but only because to honorably address this simple, straightforward, undeniable error would mean that the Court of Appeals would have had to reverse the trial courts' dismissal order and that Court was obviously not willing to take such an action no matter how clearly warranted a reversal is.

This issue was raised by Ryan in the trial court [ROA pgs 55-56] and twice raised to the Court of Appeals [Appellant's Brief pg 24, Motion to Rehear and Seal Case pg 5]. The main decisions on the merits of Ryan's case that the circuit court determined after deciding the circuit court didn't have the authority to hear and decide the merits of Ryan's case include: that the Tort Claims Act bars Ryan's claim [Unpublished Decision #2]; that Ryan's breach of contract cause of

action needed to be dismissed as a matter of law [Unpublished Decision #3]; that Ryan's case is "*entirely frivolous*"; and that a non-party to the action, York County, can be substituted for the Respondents. [ROA pgs 2-5].

(6) Did the Court of Appeals err by disregarding binding case precedents of the Supreme Court of the United States?

The unpublished decision of the Court of Appeals, by affirming the denial of Ryan's remedy which involves extensive federal issues, violates a multitude of prior **binding** case precedents of the Supreme Court of the United States cited and argued in Ryan's appeal briefs. The cases violated by the Court of Appeals decision includes the following: Hale v. Henkel, 201 U.S. 43; Almeida-Sanchez v. United States, 413 U.S. 266; Ashwander v. Tennessee Valley Authority, 297 U.S. 288; Downs v. Bidwell, 182 U.S. 244; State of South Carolina v. United States, 199 U.S. 437; Griswold v. Connecticut, 381 U.S. 479; Hagar v. Reclamation. Dist. #108, 111 U.S. 701; Hurtado v. California 110 US 516; O'Conner v. Board of Ed. of School Dist 23, 449 U.S. 1301; Spreckles Sugar Refining Co. v. McClain, 192 US 397; U.S. v. Lee, 106 U.S. 196; Ashcroft v. Iqbal, 556 U.S. 662, 672; and Yick Wo v. Hopkins, 118 U.S. 356 [Appellant's Brief pgs all, Appellant's Reply Brief pg 13].

This Court has the authority to be flexible with its rules

In the interest of justice, Ryan requests that this Court suspend or vary what part of its rules it may need to in order to prevent manifest injustice to Ryan. Ryan has already spent over three years of his life and an incredible amount of his time and natural wealth and resources in order to do the job that this State **is obligated to do under the ICCPR treaty**, i.e., protect Ryan's human rights and freedoms. This State has not only refused its duty to Ryan but has **treated Ryan with gross disrespect** instead of with the dignity due a man, especially a man that is the **victim of on-going crimes**.

Although the South Carolina Rules of Appellate Procedure do not state that the rules can be varied or suspended, many other States do provide such ability in order to prevent manifest injustice to men and woman. Since the classes of *private* and *natural persons* (men and woman) living within the borders of those other States have those rights, then this Court is required to provide those rights to Ryan under the equal protection clause found in Amendment XIV Section 1 of the Constitution of the United States so that Ryan can get his *speedy* and *effective remedy* that is guaranteed to him by the ICCPR (see ICCPR Art. 17, para. 2 & Art. 2, para. 3(a)). See, for example, Rule 2 of North Carolina's Rules of Appellate Procedure -

"Rule 2: SUSPENSION OF RULES

To prevent manifest injustice to a party, or to expedite decisions in the public interest, either court of the appellate division may, except as otherwise expressly provided by these rules, suspend or vary the requirements or provisions of any of these rules in a case pending before it upon the application of a party or upon its own initiative, and may order proceedings in accordance with its directions."

This Court has the authority to issue a Writ of Certiorari on its own motion

If this Supreme Court finds any errors or technical issues with this Petition that could prevent a Writ from issuing, then Ryan requests that this Court make its own motion for the issuance of a Writ of Certiorari under Rule 242(a) SCACR. Rule 242(a) SCACR gives this Court the authority to take these actions in order to prevent manifest injustice to people -

See SCACR RULE 242 CERTIORARI TO THE COURT OF APPEALS

"(a) Authority of the Supreme Court. *The Supreme Court, or any two (2) justices thereof, may in its discretion, on motion of any party to the case or on its own motion, issue a writ of certiorari to review a final decision of the Court of Appeals."*

Notice of Duty to Administer Justice so that Ryan's Human Rights are Protected

When powerful people do whatever they like according to the law of the jungle, which is that "Might makes Right", property become vulnerable and the protection of property is one of the most important duties of any State. The Administration of Justice was instituted among men

to right this problem but for it to function the courts must treat ALL persons that come before it with right and fair treatment. Ryan has not been treated rightly or fairly in this case as the record shows Ryan has been subjected to fraud, lies, pretenses, prejudice, straw man arguments, ignoring and manipulating the rules, statutes, and binding case precedents. The record in this case provides ample evidence that all "errors" that have been made were done so knowingly and intentionally in order to protect the Respondents from their legal liability to Ryan, all the while absolutely refusing to admit the **obvious fact** that *ad valorem* taxation is, and must be, voluntary for people. If S.C. Code of Laws § 12-37-610 does not make it abundantly clear that *ad valorem* taxation is entirely voluntary for people then the ICCPR makes it crystal clear - "*Nothing in the present Covenant shall be interpreted as impairing the **inherent right of all peoples** to enjoy and utilize **fully and freely** their natural wealth and resources.*", ICCPR Art. 47 (ratified in 1992).

If this Court denies this Petition, which will deny Ryan his remedy that the law guarantees to him, Ryan will be forced to take the following legal actions: lodge a criminal complaint with the appropriate federal and international agencies against all persons who have intentionally violated Ryan's human and constitutionally protected rights under *color of law*; bring a tort action against all violators of Ryan's human rights¹⁰ under the federal Alien Tort Statute; and file a *Human Rights Violation Complaint* with the United Nations Human Rights Council.

The United Nations Human Rights Council has informed Ryan that they can refer these human rights violations to "*National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular*

¹⁰ Even judges lose immunity when they are involved in commercial business. All courts of this State (except this Supreme Court when its Original Jurisdiction is invoked) charge Federal Reserve Notes for services rendered and therefore are all involved in commercial business. See CLEARFIELD TRUST CO. v. UNITED STATES, 318 U.S. 363 (1943). See also UNITED STATES PLAYING CARD COMPANY v. THE BICYCLE CLUB C-960265 (Decided: May 21, 1997) where the Supreme Court of the United States held "*When the United States enters into commercial business it abandons its **sovereign capacity** and is to be treated like any other corporation.*"

in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.". That Council does not have any motive to keep secret the fact that all taxation is voluntary for people since that Council was created, *inter alia*, to ensure that taxation is voluntary for people living within the covenant States! Further, if this Court is concerned about the public being made aware of the issues raised in Ryan's case, as the Court of Appeals appears to have been, then losing control over this case and allowing these violations to escalate to the international level may not be the best way to go about attaining that goal.

CONCLUSION:

Based on the forgoing, Ryan demands that this Court issue a Writ of Certiorari to the Court of Appeals to review **all** the errors made in the trial court that were raised to the Court of Appeals but went mostly unanswered, and erroneously decided when answered. Ryan also demands that the parties' briefs already written and filed into the Court of Appeals case be used to support the 14 errors deliberately not addressed by the Court of Appeals. Ryan also demands that this Court decide this Petition quickly as Ryan's **3 year long wait** for his remedy is violating his human and constitutionally protected right to a **speedy remedy and subjecting him to the Respondents on- going crimes.**

Date: 8/12/2016

Ryan Powell
Ryan Powell, a "private person in his full capacity"
c/o 25056 Timberlake Drive
Fort Mill, South Carolina

RECEIVED
AUG 15 2016
SC Court of Appeals

Ryan hereby certifies that the Court of Appeals has issued both their initial and final decisions in this case which can both be found in the Appendix to this Petition.

Date: 8/12/2016

Ryan Powell
Ryan Powell, a "private person in his full capacity"

August 12, 2016

Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED

AUG 15 2016

SC Court of Appeals

Dear Clerk of the Supreme Court of South Carolina,

Enclosed for filing please find an original (on top) and six (6) copies of my "Amended Petition for Writ of Certiorari" This document is intended to amend and supercede my original document titled "Notice of Appeal, Petition for Writ, Notice of Duty to Administer Justice so that Ryan's Human Rights are Protected, Supreme Court Action Required."

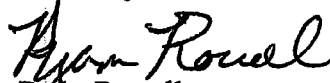
Enclosed also please find the original certificate of service for my Amended Petition.

Pursuant to your letter dated August 4, 2016 I have also timely cured the deficiencies stated in your letter including....

- updated the header on my Amended Petition,
- included herein two copies (one unbound) of an Appendix for this Petition, and
- included herein a \$100.00 money order for the fees charged for this Petition.

Please send all future correspondence to me at the following postal location.

Sincerely,



Ryan Powell

c/o 25056 Timberlake Drive
Fort Mill, South Carolina

Cc: Keith Martens

Clerk, Court of Appeals

Not sure you need this
amended petition but
sent to you anyhow.