

SOUTH CAROLINA COURT OF APPEALS

Appellate Case No. 2014-002776

RECEIVED

SEP 26 2016

SC Court of Appeals

Loushonda Myers,

In Propria Persona, Sui Juris, Claimant

PETITION FOR

Vs.

RECONSIDERATION

STATE OF SOUTH CAROLINA,

Fictitious Entity.

I, LouShonda Myers, now timely petitions for rehearing of the August 25, 2016 order of Judge James E. Lockemy. This order is dated August 25, 2016 and was received on August 29, 2016. I am now appealing the granting of the motion to strike filed by Vann Henry Gunter, Jr.; and the denial of my Complaints to the Judicial Commission to be part of the record on appeal. A copy of that order is attached.

This Court has overlooked the fact that I stated on record that I had filed a complaint in the matter relating to the lower court and it has also overlooked the fact that I stated on the record that I was denied access to the Clerk of Court's Office for submission of my documents, papers, and/or materials. The transcript is clear that I made these statements on the record in my full capacity as a sui juris human being; and that I did not willingly, willfully, and/or otherwise consent to the proceedings against me.

This court has also overlooked the fact that the statements of Vann Henry Gunter cannot and must not be taken as facts because he has no firsthand knowledge and is unable to bear witness against me. (*Trinsey v. Pagliaro D.C.Pa. 1964, 229 F. Supp. 647*) While it is true that no corporation, STATE OF SOUTH CAROLINA, cannot appear without an attorney; the STATE

OF SOUTH CAROLINA is not the real party and has failed to state a real injury, harm, and/or damage to it or its property.

This Court has overlooked the fact that this is a Republic and that consent must be given; and fraud vitiates anything. "Because artificial entities cannot take oaths, they cannot make affidavits. See, e.g., *In re Empire Refining Co.*, 1 F. Supp. 548, 549 (SD Cal. 1932) ("It is, of course, conceded that a corporation cannot make an affidavit in its corporate name. It is an inanimate thing incapable of voicing an oath"); *Moya Enterprises, Inc. v. Harry Anderson Trucking, Inc.*, 162 Ga. App. 39, 290 S.E.2d 145 (1982); *Strand Restaurant Co. v. Parks Engineering Co.*, 91 A.2d 711 (D.C. 1952); 9A T. Bjur C. Slezak, *Fletcher Cyclopedia of Law of Private Corporations* § 4629 (Perm. ed. 1992) ("A document purporting to be the affidavit of a corporation is void, since a corporation cannot make a sworn statement") (footnote omitted). (*Rowland v. California Men's Colony* 506 U.S. 194, 203 (1993)) Gunter's motion should have been denied; and the record on appeal should be submitted as stated in my designation of matter to be included on appeal.

In addition, this court has overlooked the fact that due process violation have occurred and will continue to occur if the record on appeal does not contain the complaints to the judicial commission. Bias and prejudice, as well as due process violations occurred; and were the results of the actions, inaction, and/or conduct of both Allen Myrick and Judge Kristi Lea Harrington. "Due process guarantees 'an absence of actual bias' on the part of a judge. *In re Murchison*, 349 U. S. 133, 136 (1955). Bias is easy to attribute to others and difficult to discern in oneself. To establish an enforceable and workable framework, the Court's precedents apply an objective standard that, in the usual case, avoids having to determine whether actual bias is present. The Court asks not whether a judge harbors an actual, subjective bias, but instead whether, as an

objective matter, 'the average judge in his position is 'likely' to be neutral, or whether there is an unconstitutional 'potential for bias.'" Caperton, 556 U. S., at 881. Of particular relevance to the instant case, the Court has determined that an unconstitutional potential for bias exists when the same person serves as both accuser and adjudicator in a case. See Murchison, 349 U. S., at 136-137. This objective risk of bias is reflected in the due process maxim that 'no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome.' Id., at 136. (*Williams v. Pennsylvania U.S. Supreme Court No. 15-5040 (U.S. Jun 09, 2016)*)

Therefore, this matter needs to be reevaluated, and the record should contain the complaints.

September 21, 2016.



Loushonda Myers

In Propria Persona, Sui Juris Plaintiff, Petitioner

Private Attorney General

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Certificate of Service

I, Loushonda Myers, certify that a copy of the foregoing has been served on the following parties in the following manner:

V. Henry Gunter, Jr.

P.O. Box 11549

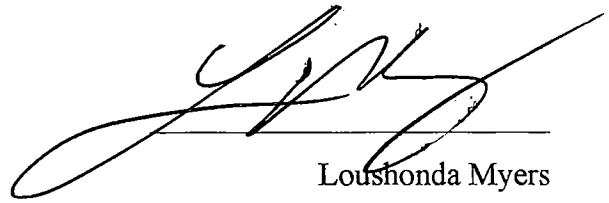
Columbia, South Carolina 29211

Alan Wilson, John Aplin

P.O. Box 11549

Columbia, South Carolina 29211

September 21, 2016.

A handwritten signature in black ink, appearing to read 'L. Myers', is written over a horizontal line. The signature is fluid and cursive.

Loushonda Myers

In Propria Persona, Sui Juris Plaintiff, Petitioner

Private Attorney General

27 Wateree Trail

Georgetown, South Carolina 29440

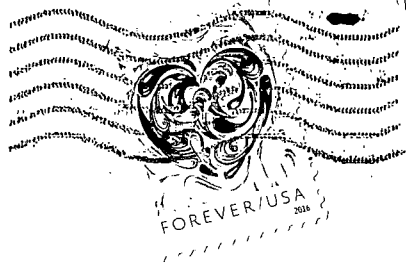
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