THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

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APPEAL FROM LEXINGTON COUNTY

Court of Common Pleas

Thomas Cooper Circuit Court Judge



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Case No. 2016-001627

PLANTIFF JAMAAL GITTENS

REQUEST FOR JUDICIAL NOTICE

Jamaal Gittens

VS

John Rakowsky

TO THE HONORABLE COURT AND TO COUNSEL OF RECORD FOR PLAINTIFF HEREIN:

I request that the court takes judicial notice to Anastasoff v U.S 223.F.3d 898 (8th cir 2000) its judge John Rakowsky duty to adhere to the doctrine of precedent, Supreme Court rulings, in Anastasoff v U.S. a judge is "sworn" to determine, not according to his own judgments, but to the known laws,[judges are] not to delegate to pronounce a new law, but to maintain and expound the old, in addition to keeping the law stable, this doctrine is also essential, according to Blackstone, for the separation of legislative and judicial powers, in his discussion of the separation of government powers, Blackstone identifies this limit on the "judicial power" that the judges must observe established laws, as that which separates it from the "legislative" power and in which "consists one main preservative of public liberty" if judges had legislative power to "depart from" established legal principals, "the subject would be in the hands of arbitrary judges, whose decisions would then regulated only by their own opinions

United States Supreme Court precedent is that standing is a necessary component of subject matter jurisdiction "plaintiff must allege personal injury traceable to the defendant" See Allen v Wright 463 US 737, 751, (1984)

"Standing is perhaps the most important of [the jurisdictional] doctrines, standing represents a jurisdictional requirement which remains open to review at all stages of the litigation..." NOW, Inc. v. Scheidler, 510 US 249

Without standing, there is no actual or justifiable controversy, and courts will not entertain such cases." Clifford S. v. Superior Court, 45 Cal.Rptr.2d 333,335.

Beaufort Reality Co v SC Coastal Conservation League 346 S.C298 551 S.E 2d 588 (S.C Ct App 2001) also Blandon v Coleman 285 S.C 472,330 S.E2d 298 (1985)

The united States Supreme Courts said the judicial branch has only one duty, to lay the Article of the Constitution which is involved beside the statute (rule or practice) when challenged, decide whether the latter squares with the former." U.S. Butler. 279 U.S. 116 (1936)

The constitution is a written instrument as such, its meaning does not alter, that which it meant when adopted, means now South Carolina v United States 199 U.S 437 (1905); Section 8 of south Carolinas constitution clearly states the legislative, executive, and judicial powers shall be forever separated, it forbids discharging duties to one another; Article III of federal Constitution left it to cases in controversy.

South Carolinas Supreme Court Held that in order for codes /Statues to **"have a force of law",** they must have an **enacting clause upon is face,** showing the authority by which they are **promulgated,** Title 56, the code I supposed to have violated doesn't contain that, Supreme Courts have further ruled, that any law which lacks a required enacting clause is void on its face... See. **State v Patterson,** 4 SE,.350, 352, 98 660 NC (1887) **Smith v Jennings** 45 S.E. 821. 67 SC 324, (1903) See **Joiner v State,** 155 S.E.2d 8, 10 see Ruling Case Law, vol. 25, "statues".22, p 776 133, p. 884; citing L.R.A. 1915 B p 1065

The purpose of an enacting clause in legislation is to express on the face of the legislation itself the authority behind the act and identify it as an act of legislation. Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932), That published laws are to have an enacting clause is made clear by the statement commonly used by legal authorities that an enacting clause of a law is to be "on its face". To be "on its face" means to be in the same plain view. Cunningham v Great Southern Life Ins. Co., 66 S.W. 2d 765, 773(Tex Civ.App 1993), Thus, a statute book without the enacting clause is not a valid publication of laws. State of Nevada v. Rogers, 10 Nev. 120, 261 (1875); cited with approval in: People v. Dettenthaler, 77 N.W. 450, 452, 118 Mich. 595 (1989); Kefauver v. Spurling, 290 S.W. 14, 15, 154 Tenn. 613 (1926); Vinsant, Adm'x v. Knox, 27 Ark. 266, 284, 285 (1871). The common mode by which a law is "promulgated" is by it being printed and published in some authorized public statute book. Thus that mode of promulgation must show the enacting clause of each law therein on its face, that is, on the face of the law as it is printed in the statute book. This is the only way that the "courts of justice and the public are to judge of its authenticity and validity." The fact that a law is published without the enacting clause is sufficient to render it void or invalid. Thus, a publication of an act or law omitting the enacting clause is not a valid publication of the act or law, and the law is void. See Ruling Case Law, vol. 25, "statues".22, p 776 133, p. 884; citing L.R.A. 1915 B p 1065

With or without the enacting clause, defendant John Rakowsky lacked jurisdiction, subject matter jurisdiction is only determined through sufficient pleadings Palmer v Palmer 479 so,2d 221 Fla Dist ct App. (1985) there must be a justifiable issues(cause of action) presented to the court through proper pleading Ligion v Williams 264 III App 3d 701,637 N.E2d 633(1st Dist.1994)

"No public policy of a state can be allowed to override the positive guarantees of the U.S. Constitution." 16Am Jur 2 d Const. Law Sec. 70

Appearance Ticket is not accusatory instrument and its filing does not confer jurisdiction over the defendant people v Gabby 670.N.Y. S.2d 421 (1997) The face of the accusatory pleading filed invokes subject-matter jurisdiction in a criminal case State v. Vazquez, 450 So.2d 203 (Fla. 1984), 1984 Fla.S.Ct 2027; Winburn v. State, 28 Fla. 339, 9 So. 694 (1891) McLean v. State, 23 a. 281, 2 So. 5 (1887); Brehm v. State, 427 so.2d 825 (Fla. 3d DCA 1983). Without a valid indictment or information any judgment or sentence is rendered "void ab initio". "The general rule, then, is that jurisdiction is to be determined from the face of an indictment or information and any conviction based on information which does not properly allege jurisdiction is void." Zanger v. State 548 so2d 746(Fla Dist Ct App 1989)

January 21, 2017

Respectfully submitted

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Jamaal Adam Young

Type or printed notary name

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