

Abandoned Circuit courts issue of lack of proper service of summons

Attorney Cox says I failed to appeal Circuit court's dismissal for improper service of summons. In my initial briefing, I already addressed that Attorney Alfred Cox is not a competent fact witness with firsthand knowledge to testify pertaining to whether or not defendant received the service of summons; there's never been a precedent, where a claim was dismissed for not adding restriction to certified mail, if the defendant would have appeared in court, will have clarification on his whereabouts, and his connection with J Graham, the recipient who signed for the service of summons, the defendant John Rakowsky couldn't be cross-examined, impeached; him not receiving service of summons is hearsay see SC civil procedures rule 801(c)

Abandoned the issue of judicial immunity

When I initiated my appeal, I believed referenced precedents where judicial immunity is not absolute "where judge presumes to exercise jurisdiction beyond understood boundaries, judge is not entitled to immunity". *Dykes v Housemann*, 743 F.2d 1488 (11th Cir. 1980)

"When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost". *Zeller v. Rankin*, 101 S.Ct. 2020(1980)

Defendant had power to Hear Determine The case

The defendant only has jurisdiction through sufficient pleadings, all the court cases the defense referenced had pleadings, for the court to determine the case. *Stump v Sparkman* 435 U.S. 349, 98 S CT. 1099 (1978) *McEachern v Black*, 329 S, C 642,648,496 S.E 2d 659(1998) *Dove v Gold Kist, Inc* 314 S.C 235, 237, 442, S.E,2d 598,600(1994) *Brown v Evatt*, 322 S.C 189,193,470 S.E 2d 848,850(1996)

Conclusion

Attorney Cox does not have a legal argument to debate whether my non-restricted certified mail, signed by J Graham, reached the defendant John Rakowsky; he's not a competent fact witness with firsthand knowledge, the defense is trying to apply color of law to common law principals, and it's clashing. Defendant Rakowsky only obtains jurisdiction through sufficient pleadings, opposing parties with a controversy, one that has suffered injury, Dank v Benson, 2000 OK 40,5 P,3d 1088,1091 The United States Supreme Court said "only individual complaints maybe maintained", Hague V Committee for industrial Organization 307 U.S. 496 (1939)

Respectfully submitted

Daniel Charles

Type or printed notary name

[Signature]

Seal

- Place Notary Signature Above -

May 1, 2021

My commission expires

July 1, 2017 Date

Jamaal A Gittens

1206 Marlene Street

Charlotte NC 28208

(704) 975-8173

[Signature]

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY

Court of Common Pleas

Thomas Cooper Circuit Court Judge

PROOF OF SERVICE

Case No. 2016-001627

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JUL 05 2017

SC Court of Appeals

Jamaal Gittens v John Rakowsky

Attention Clerk of Court:

I'm forwarding a response to defenses initial briefing, I certify that I sent a copy to defendants counsel Jessica a Waller at Gallivan white & Boyd 1201 main street Columbia SC 29202

July 1, 2017

Daniel Charles

Type or printed notary name

[Signature] Seal

- Place Notary Signature Above -

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Sincerely

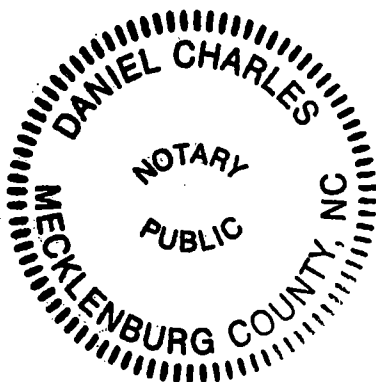
Jamaal A Gittens

1206 Marlene Street

Charlotte NC 28208

(704) 975-8173

[Signature]

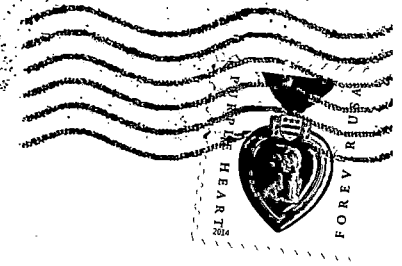


Jamaal Gutten
1200 Marlene Street
Charlotte NC 28208

CHARLOTTE NC 282

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South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211



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SC COURT OF APPEALS

20211-162929

