

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

Case No. 2016-001627

Jamaal Gittens

Initial Brief Reply

VS

John Rakowsky

Statements on issues on appeal

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)

CASES

Dank v Benson, 2000 OK 40,5 P,3d 1088,1091

Zeller v. Rankin, 633 F 2d 844(9th Cir 1980)

Hague V Committee for industrial Organization 307 U.S. 496 (1939)

Dykes v Housemann, 743 F.2d 1488 (11th Cir. 1980)

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)

Abandoned the issue of judicial immunity

When I initiated my appeal I 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*, 633 F 2d 844(9th Cir 1980)

Defendant had power to hear determine the case

The defendant John Rakowsky only obtains jurisdiction through sufficient pleadings *State v. Vazquez*, 450 So.2d 203 (Fla. 1984), 1984 Fla.S.Ct 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)

Table of Authorities ii
Statement of Issues on Appeal 1

Conclusion4

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My commission expires

_____ Date

Respectfully submitted

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PROOF OF SERVICE

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JUL 31 2017

SC Court of Appeals

Attn: Jenny Abbott Kitchen

I'm forwarding you my reply brief; you will receive this by mail in a few days, I was on vacation didn't have the resources to correct errors. this has been forwarded to Attorney Cox at Gallivan & White Boyd PA 1201 main street suite 1200 Columbia SC 29202

July 31, 2017

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