



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

Exhibit # 1

June 28, 2017

David Abraham Duren, #181965
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Re: Your case

Dear Mr. Duren:

I am the lawyer who will be handling your case in the Supreme Court. I will be reviewing the record of the proceedings at the Post Conviction Relief (PCR) court to see what legal errors to present to the Supreme Court on your behalf. I will submit these in the form of a Petition for Writ of Certiorari.

When I file the petition, I will send you a copy of all relevant hearing transcripts and material in the form of an appendix. Only information that was in front of the PCR judge can be included in the Appendix.

You must be patient while the court considers your case. The process is very slow, but there is nothing I can do to speed up the process. It may be a few months before I submit a petition to the Supreme Court and at least a year after that before the Court decides your case. **Some cases take even longer.** You will be notified when the Court makes a decision and letters asking the status of your case do not speed up the process.

Please keep these points in mind. The Supreme Court can only consider the information that was before the PCR court. Any new information cannot be brought to their attention at this point. In addition, the issue must have been addressed in the PCR court's order of dismissal before it can be raised to the Supreme Court.

The court decides the case based on the written material submitted by the attorney general's office and me. It very rarely sets oral arguments, which are an opportunity for me to focus its attention on the information in the petition. If you are in prison, you cannot attend.

In addition, we are not able to visit our clients personally but feel free to call collect.

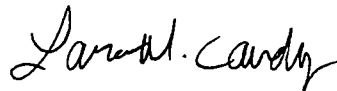
Be assured that I will try my best to find reversible error. I will submit the best petition I possibly can to the Supreme Court.

I receive a tremendous amount of mail and I may not be able to respond to all letters. However, you are free to telephone me collect. An SCDC Telephone Privilege Request has already been submitted for the following number: (803) 734-1330. **Please record your full name on the recording. We cannot accept a collect call with an nickname or partial name.** This is the preferred method of us communicating. Regardless, rest assured if you write me a letter about your case, I will read it and carefully consider it as I decide which issue or issues to submit to the appellate court. Please note that the decision about which issues to submit is mine. Only if I submit a "no merits" or Johnson petition, stating that I could not find any good issues, will the court let you submit your own legal arguments.

Finally, if you are transferred to another facility or released, you must write and let me know where you are. The Department of Corrections will not notify us of your new address.

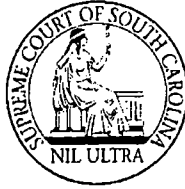
I hope this letter answers some of the questions you may have at this time. Again, please do not hesitate to contact me by letter if you have any questions or I may be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Lara M. Caudy".

Lara M. Caudy
Appellate Defender

LMC/meb



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

June 15, 2017

Mr. David A. Duren, Jr., #181965
Lieber Correctional Institution
P. O. Box 205
Ridgeville SC 29472

Re: David A. Duren, Jr. v. State
Appellate Case No. 2017-000605
Lower Court Case No. 2015CP302134

Dear Duren::

As you know, this post-conviction relief case is pending before this Court and is related to your conviction and sentence in 2012GS4301149. You are currently represented in this case by the Division of Appellate Defense of the Office of Indigent Defense.

You have now sent this Court a motion seeking to compel the Solicitor's office to provide certain information relating to 2012GS430119. Since you are currently represented before this Court by the Division of Appellate Defense, no action will be taken on this *pro se* motion by this Court. Instead, if it is appropriate to seek this type of relief from this Court, that request will have to be made by the Division of Appellate Defense. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d

907 (1989).

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

cc: Julie Amanda Coleman, Esquire
Robert Michael Dudek, Esquire
Solicitor, Third Judicial Circuit

Kavd 12/7/15



ALAN WILSON
ATTORNEY GENERAL

December 3, 2015

Timothy Lee Griffith, Esquire
Timothy L. Griffith, Attorney at Law
360 W. Wesmark Blvd, Second Floor
Sumter, South Carolina 29150

Re: David Abraham Duren, Jr., #181965 v. State of South Carolina
2015-CP-43-2134

Dear Mr. Griffith:

Enclosed please find an "Affidavit of Facts Giving Judicial Notice of Exercising Rights to Act Pro Se" from the Applicant in the above-captioned case. According to the Judicial Index, you remain Counsel in this case. With this letter we are forwarding this document to your office.

Sincerely,

Caroline Collins
Legal Assistant for
Daniel Gourley
Assistant Attorney General

/cc

Enclosures

*Defendant became pro SE July 26, 2016
Before Judge Newman, Counsel Griffin was
Relive of Counsel Case was removed, Judge
Newman was served with Removal document
In Court on the record.*

State of South Carolina
County of Sumter

David A. Juren
Applicant

-v-

State of South Carolina
Respondent

Court of Common Pleas
Third Judicial Circuit

Case 2015-CA-43-2134

Proof of Service

Exhibit #2

I David A. Juren do hereby certify that I have served
A copy of an Affidavit of Facts giving Judicial Notice
of exercising Rights to Act Pro SE, (4) pages dated Oct
26, 2015, on the Sumter Common Pleas Court, Attorney
Timothy Griffin and the S.C. Attorney General by U.S.
Mail postage prepaid on Oct 29, 2015 by giving it
to Mailroom Clerk on October 29, 2015.

Respectfully
David A. Juren

October 29, 2015

RCV
11/9/15
HIC

State of South Carolina
County of Sumter

David A. Shrent
Applicant

v-

State of South Carolina
Respondent

Court of Common Pleas
Third Judicial Circuit

CASE 2015-CP-43-2134

Affidavit of Facts Giving
Judicial Notice of Exercising
Rights to Not Pro SE

TO: The Sumter County Court of Common Pleas ET AL,
The Applicant in the above captioned matter hereby gives the
Court and all parties notice that Attorney Timothy Griffin, Sir
you are officially fired. The Applicant will exercise his Const-
itutional Due Process Right to Not Pro SE. He Enters into
this with his Eyes fully open being clearly aware of all the
dangers associated with self representation.

This is the Applicant's Right to Counsel of Choice". This
Right extends not only to trial proceeding. It applies to direct
Appeal, PCRS, writ of Cert, Habeas Corpus, including any other
type of Court proceeding.

The provisions of 28 U.S.C. A § 1654 speak with all
Clarity and particularity. By the mandates of U.S.C. A.
Amend 6, in "[A]LL" (emphasis added) Courts of the United
States the parties may plead and conduct their own
Case personally or by Counsel ofs, by Rules of such
Court, respectively, are permitted to manage and conduct
Cause therein, Turner v American Bar Ass'n, D.C. Tex 1975,

407 F Supp 451 Aff'd 539 F2d, 715 Aff'd 542 F2d 56, United States v Dougherty, 1972, 473 F2d 1113, 154 U.S. App. D.C. 76; United States v Hall, 587 Fed Appx 758 (CA VA 2014).

If the Court prevented this, it would not be a harmless error since the Applicant seeks to challenge the trial court jurisdiction, Acts of Fraud upon the Court, where the S.C. Attorney General conspiring under color of State law cause egregious harm to the Applicants proceedings knowing fully well there were overwhelming jurisdictional defects, violations of due process in an attempt to establish modern day slavery in violation of the Anti Peonage Act, and even the Rico Act, Chapman v California, 386 U.S. 18, 84, 87 Sct 824, 828, 77 LEd 2d 705, 710-4 (1967).

To Compel a Criminal defendant to be represented by Counsel in all cases would conflict with his Statutory and Constitutional Right to Conduct his own defense Howe v United States, CA 7 (Ind) 1969, 418 F2d 110 cert denied 90 Sct 1378, 397 U.S. 1048, 25 LEd 2d 660; FENNETTA v California, 422 U.S. At 835 N. 46, 95 Sct At 2541-2549, U.S. LEd 2d 562, 592 (1975); Wiggins v Estelle, 681 F2d 266 (1982).

The 6th Amendment itself grants every defendant, State or Federal, the right to personally conduct his own defense. He has the right to proceed without State appointed Counsel. If the Court is concerned Counsel can remain on stand-by, but stand by only. The applicant voluntarily and intelligently elect to do so with his eyes wide open aware of the dangers, Tuelich v United States, 342 F2d 29 30 (5th Cir 1965); Middlebrook v United States, 457 F2d 627, 659 (5th Cir 1972) (Decision to defend Pro SE is Exercise of

Defendant's Right to "Freedom of Choice".

The Constitutional Right to have a lawyer, is a Treasured one, but the Constitutional Right to Refuse a Lawyer's help is also given Constitutional dignity. The U.S. Supreme Court has the denying the latter unless compelled to do so by clear and commanding precedent. The Constitutional Right to act pro se, as Counsel of ones Choice must not be denied. Place appointed Counsel on stand-by or drop him altogether. Once this Right is recognized by the Court I motion for an extension of time to prepare, Chapman v United States, 553 Fed 886 (1977); United States v Pike, 439 Fed 695 (9th Cir 1971); United States v Ulbraken, 428 Fed 730 (8th Cir 1970) Cert denied 400 U.S. 930, 91 SCT 194, 27 Led 2d 191 (1971); Arnold v United States, 414 Fed 1056 (9th Cir 1969) Cert denied 396 U.S. 1021, 90 SCT 593, 24 Led 2d 514 (1970); United States v Plattner, 330 Fed 271 (2nd Cir 1964); United States v Gonzales-Lopez, 548 U.S. 140, 126 SCT 2557, 165 Led 2d 409 (2006); Chaplin & Drysdale Chartered v United States, 491 U.S. 617, 624, 625 (1989); Wheat v United States, 486 U.S. 153, 159 (1988); Rodriguez v Chandler, 382 F3d 670, 675 (CA. 7 2004) Cert. denied 543 U.S. 1156 (2005); Powell v Alabama, 287 U.S. 46, 53 (1932); Sullivan v Louisiana, 508 U.S. 275, 282; Arizona v Fulminante, 499 U.S. 279, 309-310; McKaskle v Wiggins, 465 U.S. 168, 177-178, 8 (1984) Kaley v United States, 134 SCT 1090, 188 Led 2d 46, 82 USLW 4110 14

STATE of South Carolina
County of Sumter

David A. Duren
Applicant

-V-

State of South Carolina
Respondent

Court of Common Pleas
Third Judicial Circuit

CASE 2015-CA-43-2134

Proof of Service

Exhibit # 3

I David A. Duren do hereby certify that I have served a copy of an Affidavit of Facts giving Judicial Notice of Exercising Rights To Ret Pro SE, (4) pages dated October 26, 2015, on the Sumter Common Pleas Court, Attorney Timothy Griffin and the S.C. Attorney General by U.S. Mail postage prepaid on Oct 29, 2015 by giving it to Mailroom Clerk on October 29, 2015.

Respectfully
David A. Duren

October 29, 2015

RECEIVED

NOV 03 2015

Referred to Spencer/Ken
Answered _____

State of South Carolina
County of Sumter

David A. Duran
Applicant

-v-

State of South Carolina
Respondent

Court of Common Pleas
Third Judicial Circuit

Case 2015-CP-43-2134

Affidavit of Facts Giving
Judicial Notice of Exercising
Rights to Not Pro SE

To: The Sumter County Court of Common Pleas Et AL,
The Applicant in the captioned matter hereby gives the
Court and all parties notice that Attorney Timothy Griffin,
Sir you are officially fired. The Applicant will exercise his
Constitutional Due Process Right to Not Pro SE. He Entered into
this with his Eyes fully open being clearly aware of all
the dangers associated with self representation.

This is the Applicant's Right to Counsel of Choice". This
Right extends not only to trial proceedings. It applies to
direct Appeal, PERS, writ of Cert, Habeas Corpus, including any
other type of Court proceeding.

The provision of 28 U.S.C. A §1654 speak with all
Clarity and particularity. By the mandates of U.S.C.A,
Amend 6, in "[A]LL" (emphasis added) Courts of the United
States the parties may plead and conduct their own
Case personally or by Counsel As, by Rules of such
Courts,

Respectively, one permitted to manage and conduct therein,
Lutwin v American Bar Ass'n, D.C. Tex 1975, 407 F.Supp. 415
Aff'd 539 F.2d 715 Aff'd 542 F.2d 56; United States v
Dougherty, 1972, 473 F.2d, 1113, 1154, U.S. App D.C. 76;
United States v Hall 587 Fed Appx 758 CA11 (VA 2014). If
the court prevented this, it would not be a harmless
error since the applicant seeks to challenge the trial
court jurisdiction, acts of fraud upon the court, where
the S.C. Attorney General conspired under color of State
law cause egregious harm to the applicants proceeding
knowing fully well there were overwhelming jurisdictional
defects, violations of Due Process in an attempt to establish
modern day slavery in violation of the Anti Piracy Act,
and even the Rico Act, Chapman v California 386 U.S. 18,
24, 87 S.Ct 824, 828, 77 L.Ed 2d 705, 710-4 (1967)

To compel a criminal defendant to be represented by counsel
in all cases would conflict with his statutory and constitutional
right to conduct and manage his own defense, Lowen v
United States, CA 7 (Ind) 1969, 418 F.2d 110 Cert. denied 90
S.Ct 1378, 397 U.S. 1048 L.Ed 2d 660; Lechin v California, 422
U.S. At 83 N. 46, 95 S.Ct At 2541-2549, U.S. L.Ed 2d 562,
592 (1975); Wiggins v Estelle, 681 F.2d 266 (1982)

The 6th Amendment itself grants every defendant, State and
Federal, the right to personally conduct his own defense.

He has the right to proceed without state appointed
counsel. If the court is concerned, counsel can remain
on stand-by, but stand-by only. The applicant voluntarily
and intelligently elects to do so with his eyes wide

open aware of the dangers, Telesich v United States, 342 Fed 29, 30 (5th Cir 1965); Middlebrook v United States, 457 Fed 657, 659 (5th Cir 1972) (Decision to defend PRO SE is exercising of defendant's Right to Freedom of Choice)

The Constitutional Right to have a lawyer, is a treasured one, but the Constitutional Right to Refuse a lawyer's help is also given Constitutional dignity. The Supreme Court has the denying the latter unless compelled to do so by clear and commanding precedent. The Constitutional Right to Act PRO SE A Counsel of ones choice must not be denied. Place appointed Counsel on Stand-by or drop him altogether. Once this Right is recognized by the Court I motion for an extension of time to prepare Chapman v United States, 553 Fed 886 (1997); United States v Pike, 439 Fed 695 (9th Cir 1971); United States v Warner, 428 Fed 730 (8th Cir 1970) Cert. denied 400 U.S. 930, 91 Sct 194, 27 Led 2d 191 (1971); Arnold v United States, 414 Fed 1056 (9th Cir 1969) Cert denied 396 U.S., 90 Sct 593, 24 Led 2d 514 (1970); United State v Platten, 330 Fed 271; United States v Gonzales-Lopez, 548 U.S. 140, 226, Sct 2557, 165 Led 2d 409 (2006); Chaplin & Deysdale Chartered v United States U.S. 153, 159 (1988); Rodriguez v Chandler, 382 Fed 670, 675 (CA. 7 2004) Cert denied 543 U.S. 1156 (2005); Powell v Alabama, 287 U.S. 45, 53 (1932); Sullivan v Louisiana, 508 U.S. 275, 282; Arizona v Fulminante, 499 U.S. 279, 309-310; McKaskle v Wiggins, 465 U.S. 168, 177-178 N. 8 (1984)

Kaley v United States, 134 S.Ct. 1090, 188 L.ed 2d 46, 82
USLW ~~4110~~ 4110, 14 Cal daily op Serv 1920 (U.S. 2014); United
States, v Holmes F Supp 2d, 2012 WL 195 2286 (DSC 2012);
State v Barnes 407 S.C. 27, 753 SE2d 545 SC (2014)

Respectfully
David A. Duren

October 26, 2015

Exhibit # 4

This document is filed
in conjunction to the
Gouldin Brief to
support my seeking class
action in the Federal
Court that bears on the
issues, claims and defenses
related to my motion to
terminate Gouldin

File in case 2016-000640

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

LANCE L. CRAWFORD AKA
JONAH GABRIEL JAHJAH T.
TISHBITE AKA JAHJAH AL MAHDI
300839

C/A 9:16-cv-3808-TLW-BM

PETITIONER(S)

Exhibit # 4

Vs.

AFFIDAVIT OF SERVICE

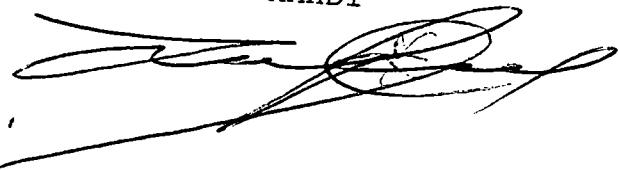
WARDEN MCFADDEN; THE
UNITED STATES ET. AL.,

DEFENDANT(S)

I, JAHJAH AL MAHDI, DO HEREBY CERTIFY, THAT I HAVE MAILED AND
OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE,
FILING OBJECTIONS TO THE REPORT AND RECOMMENDATION IN THIS
CASE CORRUPT JUDGES AND MOTION TO MOTION THEREFOR, AND ITS AT-
TACHMENTS, ON THE S.C. U.S. DISTRICT COURT, CHARLESTON DIVISION,
BY U.S. MAIL POSTAGE PREPAID BY DEPOSITING THEM IN THE INSTITU-
TION MAILBOX ON MAY 17, 2017. THEY ARE DEEMED FILED ON THAT
DATE, HOUSTON v. LACK, 287 U.S. 266, 273-76, 108 S.Ct. 2379
(1988).

MAY 17, 2017

RESPECTFULLY,
LAWRENCE L. CRAWFORD
JAHJAH AL MAHDI



UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

LAWRENCE L. CRAWFORD AKA	)	
JONAH GABRIEL JAHJAH T.	)	
TISHBITE AKA JAHJAH AL MAHDI	)	C/A 9:16-cv-3808-TLW-BM
# 300839	)	
	)	
PETITIONER(S)	)	AFFIDAVIT OF FACTS GIVING
	)	JUDICIAL NOTICE, FILING
	)	OBJECTIONS TO THE REPORT
	)	AND RECOMMENDATION IN THIS
Vs.	)	CASE CORRUPT JUDGES AND
	)	MOTION TO MOTION THEREFOR
	)	
	)	
WARDEN McFADDEN; THE	)	
UNITED STATES ET. AL.,	)	
	)	
DEFENDANT(S)	)	
	)	

TO: THE SOUTH CAROLINA DISTRICT COURT ET. AL.,

Corrupt Judges. I want you to get a copy of an Authorized King James Bible. No other translation will do. You know the drill. Its the same drill I and or we took your recreant, opprobrious rumps through when you first made review engaging in acts of fraud upon the court in case 0:06-cv-2459-TLW-BM which is now being addressed under the independent action rule for fraud upon the court. Turn to the Book Of Isaiah Chapt. 14:29 reads:

"Rejoice thou not whole Palestina because the rod(Power/ Government) of him (Israel) that smote thee shall be broken. (This man foretold to come, comes at a time when the Palestinians

are subject to apartheid as they are now. Israel will be broken because "JAHJAH AL MAHDI" will claim the Israeli throne and power as direct descendant of King David and King Solomon): For out of the "serpent's" (Satan's attack upon the King-khalifah's life via the false imprisonment), "Root" (root--being defined as "source", "origin", or "cause"). "Cause"--being further defined as "Cause for judicial review"--meaning "Prison"). Shall come forth a "Cockatrice" (meaning--a "large", "bold", "Stocky built", "pernicious" fellow; that (7) times the Spirit Of Elijah thing). And his fruit (meaning--that which comes forth out of him, out of his mouth), shall be that of a fiery flying serpent". The Spirit Of Elijah manifest itself before mankind one more time before Christ's return.

I and or we give the court Judicial Notice. Here the court and parties will find attached:

(1) A copy of the [44] page § 1983 action that is now dated May 18, 2017. This is a duplicate of the document that was recently served upon this court with its Summons, filing in forma pauperis documents and U.S. Marshal form.

(2) A copy of an Affidavit Of Facts giving Judicial Notice; Affidavit Of Service, [34] pages dated September 22, 2016.

(3) A copy of a cover letter clocked stamped by the U.S. District Court on MAY 9, 2017.

(4) A copy of The Agreement To Debit E.H. Cooper Account form dated April 25, 2017 proving when the § 1983 action was initially filed in this case pursuant to Houston v. Lack, 287 U.S. 266, 273-76, 108 S.Ct. 2379(1988).

(5) A copy of The Affidavit Of Facts Giving Judicial Notice; Affidavit Of Service [14] pages dated April 25, 2017. This typed version of the [34] page Affidavit Of Service dated

September 22, 2016 is submitted in lieu of the [34] page document to make it easier for the court to determine who are the defendants in this case.

(6) A copy of an Affidavit Of Facts Giving Judicial Notice; Filing Writ Of Error; Motion To Vacate The Order filed April 25, 2017; Renewing The Motion For Rehearing EN BANC due to structural error that voids the 4th. Circuit Court's jurisdiction and Motion To Motion Therefor, [11] pages dated May 3, 2017.

It becomes perspicuous corrupt Judges that you didn't like the litigation submitted in the [44] page § 1983 action and its attachments so your worthless, recreant, stupid behinds, conspiring under color of law and or authority, are making efforts to create a "procedural error and or defect", claiming that I and or we, filed the response to the report and recommendation prematurely corrupt Judges, since the report and recommendation in this case was not issued at the time the § 1983 action was initially filed?

Is this what you cocker roaches are trying to do corrupt Judges? More stupid parlor tricks huh? Surely you did not think that I and or we would not see through this farce did you? You still haven't accepted the reality and or nature of what it is that you are dealing with. You are, by default and collateral estoppel emerging from case 2013-CP-400-0084 out of Richland Court Of Common Pleas, potentially dealing with an "ACT OF GOD",... "Religious Prophecy" corrupt Judges and you proceed presumptuously thinking that The One True God do not see your evils? The King-Khalifah's fiery spirit and personality was written for him thousands of years before you and or I were born. Don't "Piss Him Off" and you will not have to deal with his fiery spirit and tongue. So,...you didn't like the way you were talked to huh?

I take you to Isaiah Chapt. 11 Verses 1-5. They read:

"And there shall come forth a "Rod" (King/ Scepter) out of the stem of Jesse, and a Branch (Descendant Of King David) shall grow out of his roots (lineage): And the Spirit Of The LORD shall rest upon him (This is the man you face corrupt Judges. You operate in no fear of The One True God. This will be your downfall), The Spirit Of Wisdom and Understanding, The Spirit Of Counsel and Might, The Spirit Of Knowledge and of The fear of The LORD: And make him of quick understanding in the fear of The LORD; And he shall not judge (He is also a Judge) after the sight of his eyes, neither reprove after the hearing of his ears: But with righteousness shall he judge the poor, and reprove with equity for the meek of the earth: And he shall smite the earth with the rod of his mouth, and with the breath of his lips shall he slay the wicked. And righteousness shall be the girdle of his loins, and faithfulness the girdle of his reigns". This is JAHJAH AL MAHDI, a party in these cases, The King Of The North written in The Book Of Daniel Chapt. 11. Notice how verse 11:4 matches The Book Of Revelations 11:5. This is because he is one of "TWO WITNESSES", The Holy People Of The Book Of Daniel 12:7, and you are dealing with one in the same person. And you don't like the way you are talked to treacherous, rat, stinking, corrupt, demon dog Judges? Who are you snakes to stand against The Divine Decree Of The One True God? If its not broke,...don't fix it corrupt Judges. Tic-Toc, Tic-Toc, Tic-Toc, Tic. The clock tics before you, corrupt Judges. You will stand before The One True God in Judgment. Prepare your hearts. The HELLFIRE is a real place. You shall see it.

Judge Merchant, rat, stinking dog of a Judge. You must have lost your "cotton pickin'", "Flip-Floppy", "Alley-Oopy",

"I've got a lovely bunch of coconuts", "Latimier I need a wish bone", "You done fall and bumped your head", "Anal retentive", "Puddin-a-Tame ask me again and I'll tell you the same", "Full Of Donkey Dust", "You need an enema", "Funky body odor", "some times you feel like a nut and some times you don't" mind. This is like a "flashback" to Judge Kaymani wicked witch of the West.

What?,...are all you Judges in South Carolina parties and or residents of the same town of "Geeks and Village Idiots?" Did you really think I and or we, would fall for that stupid "parlor trick", all "smoke and mirrors" where your butt is conspiring under color of law and or authority, to establish a "procedural error and or defect" in acts of machination in violation of the holdings made in Ross v. Blake, 136 S.Ct. 1850(2016), and assert that I and or we prematurely responded to the report and recommendation? By God's hand we have come "FULL CIRCLE" Judges Merchant, Wooten and Childs. Two Judges that began the Federal struggle, the other, the Judge that began the state struggle. My God is the "Best Of Planners" is He not? The student has become The Master to the fulfilling of prophesy written in Isaiah chapt. 11 verses 1-5. Are you ready?,...are you ready for my wisdom (smile)? Let's deal with it. Let us embrace the battle and engage in the struggle of "Light Against Darkness", to the glory of The God I serve. For the record, so that you would not feel that I and or we fell for that stupid stunt. All objections made in the (44) page § 1983 action and its attachments that are attached to the face of this document, and or that was previously filed are being renewed and are now submitted in response to the report and recommendation that is submitted in this case.

I and or we, which the court was informed, that when the term "and or" is used. It depicts individual filing with JAHJAH AL MAHDI being made party due to his acquiring interest in these cases pursuant to the Foreign Sovereign Immunity Act. I and or we, object to any claim that "JAHJAH AL MAHDI" is not the legal name of The King-Khalifah who is party in these cases. Lawrence L. Crawford, by name, is essentially dead. You dogs, rat, stinking, snakes and scorpions of this going to hell state killed him when you stole his Queen and framed him for the murder of his own child. I and or we want that DNA that is sought that will prove these facts, tested to Michael Lee the King-Khalifah's stepson and her half brother. Test that DNA to prove

this claim is false. Rule 26 requires this. Legal name change was one of the issues and or causes of action and relief sought in case 2013-CP-400-0084 which is now removed to this case pursuant to 28 U.S.C. §§ 1443(1), 1602-1612 et. seq.. The State Of South Carolina and all defendants involved within that case are in default and collateral estoppel attaches barring this court from challenging The King-Khalifah's stated name. Thus, Jonah Gabriel Jahjah T. Tishbite AKA JAHJAH AL MAHDI is "Legally" (emphasis added) The King-Khalifah's name and can legally appear on all documents within all court records.

I and or we, object to any claim that case 0:06-cv-2459-TLW-BM cannot be reopened and or reinstated. Due to the recent United States Supreme Court rulings in the case of Ross v. Blake, 136 S.Ct. 1850(2016); Wearry v. Cain, 136 S.Ct. 1002(2016) where it was determined if there exist fraud, machination and misrepresentation, to include The State Of South Carolina committing a criminal act by not testing that DNA to Michael Lee in violation of S.C. statutes to conceal the fact that the State produced a fictitious homicide to frame The King-Khalifah behind religious and racial hatred, suppressing evidence of actual innocence. I and or we do not have to exhaust nor do any procedural bar is to be permitted to restrict I and or us from the Federal District Court. You add to this, the holdings made in Williams v. Pennsylvania, 136 S.Ct. 1899(2016) where these Judges involved sat on the subsequent filed cases to which they are defendants. Then add to this the default and claims of collateral estoppel which now removes the State impediment that existed in violation of The U.S. Constitution and Laws Of The United States that emerges from case 2013-CP-400-0084. I and or we, had (1) year from the time the default and U.S. Supreme Court Rulings occurred to file this and the parallel cases. Thus, I and or we are timely, I and or we do not have to exhaust, and no statute of limitations concern exist. This was already dealt with By Judges Harwell and Austin. Res Judicata attaches as well as comity. See ya' at the doggon' party Victor and have an "AMSTERDAMN GOOD TIME".

I and or we, object to any claim that this case is filed pursuant to 28 U.S.C. § 2254. It is filed pursuant to 42 U.S.C. § 1983 with Writ Of Habeas Corpus attached. The petitioner(s) are masters to decide what law they will rely upon (citation omitted). This was addressed within the attached § 1983 action and its attachments.

I and or we, object to review of this case being made pursuant to AEDPA and or PLRA provisions where I and or we are suing The United States for establishing these provisions of law as is argued in the attached § 1983 action. On May 11, 2017. The current head of The U.S. Dept. Of Justice, whom is also being sued in this case, stated they will reverse the Obama Administration policies as it pertains to crime, and they will continue the unjust, arbitrary policies that stand in egregious violation of the holdings made in Ex Parte Virginia, 100 U.S. 339(1880) where these policies disproportionately effect African Americans and other minorities. The only viable way to stop these criminal, arbitrary, unjust policies that disproportionately target African Americans and other minorities is to attack the legislation itself and those who initiated it, namely Congress and The United States. This must be done to eradicate the damages that will inevitably come from the U.S. Dept. Of Justice now stated reversal of that which was set in place by the Obama Administration in their alt right nationalist white bonding, the under cover Ku Klux Klansmen that they are. This must be addressed and the courts can no longer make use of these provisions of law. I and or we object.

I and or we object to the Judge ordering that the respondent and or any other party to this case do not have to respond to the pleadings. This is the act of fraud upon the court for which the S.C. U.S. District Court Judges and other parties, among other things, is being sued for. The Federal Judges conspired to make the case appear frivolous when it was not, because they knew if The United States and defendants involved, were ever served the pleadings. They would

not be able to sufficiently respond to defeat the pleadings, unless they engage in fraud, which they repeatedly did on the state level. So the Judges are conspiring to aid their employer The United States avoid suit because if they are served they would default as is now clearly proven by what has occurred in case 2013-CP-400-0084. All parties listed in the § 1983 and the (14) page Affidavit Of Service must be served and made to respond before any proper review is completed or the court would be abusing its discretion and it would void the court's jurisdiction for Due Process violation.

I and or we object to any claim that the complete answers are not written in the form. This is a criminal stupid legal stunt, tactic and act of machination that was done by Judge Merchant and the conspiring Judges in past filed cases to which we are seeking that they be reinstated as well. The law is clear on this issue as well. The standard form is not the Habeas Corpus, but rather, it is the pleadings themselves which establish the Habeas Corpus or cause of action under § 1983. This is why numerous cases consistently tell you that the court must look at the complaint and all Affidavits and documents filed before the court can properly dismiss a case. If the question sought answered in the form are answered within any of the documents submitted. This is more than sufficient to establish the cases before the court. Stop the stupidity. Res Judicata attaches from Judges Harwell and Austin review in cases 8:14-cv-3555-RBH-JDA, 8:16-cv-3327, 3328, 3194-RBH-JDA. The answer to the questions are written in the attached § 1983 action and its attachments and is placed before Judge Harwell and Austin The King-Khalifah's Trustee. Your jurisdiction is challenged. Trustee is appointed in the form of Judge Austin where jurisdiction is exclusive and she must rule in accordance to The King-Khalifah's wishes or any act done by her is void as the law dictates. This is addressed in the attached § 1983 action.

I and or we object to the way this case is filed. You

have fraud upon the court. I and or we did not initially file these cases as the Judges have them filed and their actions stand in egregious violation of 18 U.S.C. §§ 242 and 1001 where these cases were produced to conceal material facts as is argued in the attached (44) page § 1983 action.

I and or we object to the claim that I and or we opened this case with a partially completed § 2254 form. This is already addressed in the attached § 1983 action and its attachments as is previously argued in that document.

I and or we object to the claim that I and or we seek to have our convictions vacated. This is one of the essential issues at hand. The convictions in question are already invalidated by case 2013-CP-400-0084 which is a false imprisonment Tort for which collateral estoppel attaches to all plaintiffs/petitioners due to the S.C. Attorney General and The United States being party to the default which binds this court also. The Habeas Corpus that is filed pursuant to 42 U.S.C. § 1983 is appropriate and a proper adjunct to allow the Federal Court to afford the petitioner(s) complete relief where that case and false imprisonment Tort is removed to this case pursuant to 28 U.S.C. §§ 1443(1), 1602-1612 et. seq.. This is addressed in the attached § 1983 action and its attachments.

I and or we object to any claim that Habeas Corpus is the only exclusive remedy in this case. You are dealing with the criminal framing of a "FOREIGN SOVEREIGN". The Foreign Sovereign Immunity Act is the exclusive remedy when it comes to dealing with matters involving a "FOREIGN STATE" which is legally established by the claim of default and collateral estoppel. You have Civil Rights violations, Rico Act violations, Anti Peonage Act violations, You have impairing the obligation of contract in violation of Article 1 section 10 of The U.S. Constitution, You have violations of The Americans With Disabilities Act violations and the list goes on and on. Thus, it is conspicuous that Habeas Corpus is not the only exclusive remedy in this and the parallel cases. See attached §1983 action.

I and or we object to any claim that a "Writ Of Error" cannot be used in this case. You people are worse than "The Cat", "The Rat", "The Bat" and "The Dog". Get your heads out of the fog. You people make me want to lose my mind, up in here, up in here (smile). This is addressed in the attached (44) page § 1983 action and its attachments. He flies through the air, with the greatest of ease. He's the daring handsome King-Khalifah on the flying trapeze(smile).

I and or we object to any claim that the allegations ~~are vague and or conclusory in violation of Rule 2(c), and object~~ to the use of Hinton v. Trans Union, LLC., 654 F.Supp.2d. 440; and Muttathotttil v. Mansfield, 381 Fed. Appx'454 etc., that I and or we cannot incorporate claims from previously dismissed actions when in these cases such a dismissal was done without prejudice and I and or we are dealing with independent actions for fraud upon the court. Filing is permitted under independent action rule and those previous rulings are tainted by fraud and are to be voided for Due Process violation. This is addressed in the attached § 1983 action and its attachments.

I and or we object to any review being given by any of the Judges of the S.C. U.S. District Court. You are all defendants in these cases. I and or we motion for your recusal. You all must be deemed disqualified and change of venue be given to The State Of New Jersey as is sought. Pursuant to Williams v. Pennsylvania, 136 S.Ct. 1899(2016) you must disqualify. Review by any subsequent Judge is barred by comity, Res Judicata and Collateral Estoppel. Also see case 2:17-cv-1127-JMC-MGB.

I and or we object to any claim that I and or we have to exhaust since we meet the criterion that is established by Ross v. Blake, 136 S.Ct. 1850(2016). This issue is addressed in the attached (44) page § 1983 action and its attachments also.

Attached the court will find a copy of an Appellant Brief that is filed in the case of JASON MORRIS GOURDINE Appellate case No. 2016-000640 pending in The S.C. Court Of Appeals to which the respondent is party, which is another reason why he must be made to respond as well as all other defendants in this case once service upon them is ordered which must occur by Due Process law.

These same legal issues are at the heart of the controversy and appear in relevant part in cases 2013-CP-400-0084 and 0:06-cv-2459-TLW-BM, which is why the corrupt Judge Merchant, the snake and rat, is conspiring under color of law and or authority, in acts of obstruction of justice and in violation of 18 U.S.C. §§ 242 and 1001 with the other S.C. District Court Judges, the scorpions and weasels, in efforts to conceal material facts and prevent discovery under Rule 26. See (240) page Kershaw County Petition that is filed in case 0:06-cv-2459-TLW-BM. The S.C. Attorney General, the respondent, to include The United States are in default on these legal issues.

To be more specific. If you look at the (115) page Brief, and compare it to the complaint and subsequent pleadings in case 2013-CP-400-0084 and the (240) page Kershaw County Petition that is filed in case 0:06-cv-2459-TLW-BM. You will see that in comparing the Gourdine Brief that Issue No.(1) on pages 1-21. Issue No. (7) on pages 52-65. Issue No. (8) on pages 65-77. Issue No. (9) on pages 78-83 where the Crawford etc. indictment(s) do not properly allege "TIME AND PLACE" of assault and or death, which this litigation relates to each of our cases indictment defect issues. Also see Issue No. (10) dealing with the fraud occurring within the State v. Gentry case. These issues are being argued within each of our cases, which do not include any independent issue related to each case. These issues are being argued seeking class action certification to which comity, Res Judicata and Collateral Estoppel attaches from cases 2013-CP-400-0084, 8:14-cv-3555-RBH-JDA; 8:16-cv-3327, 3328, 3194-RBH-JDA. Any claim when you add the attached § 1983 action,

that the issues are vague and conclusory is an act of fraud upon the court and is without merit. Discovery under Rule 26 will reveal any additional claims for which relief and full review is to be done, as was done by Judges Harwell and Austin.

You have sold your souls corrupt Judges for (30) pieces of silver as did you cohort Judge Kaymani wicked witch of the West, and you have earned a free ticket to the "HELLFIRE", where the fires are never quenched, where the fuel is mankind and brimstone, where the worm dieth not, where there is no law, except "The Law Of Lex Taliones",...The "Law Of Retribution!", and where there is no agreement except that you shall burn for all eternity. "Touch thou not God's anointed, nor do His Prophets any harm". You were told this, but you ignored it. Judgment comes.

So,...due to your past acts of fraud upon the court and since you did not like the way you were spoken to. Your response was to attempt to create a "procedural error and or defect", and assert that I and or we responded prematurely before the report and recommendation was issued corrupt Judges? Your lives were never threatened corrupt going to hell Judges. The consistent racial injustices done to my people nationally, to include all the injustices done to the believers globally must be addressed. My people will have a King-Khalifah established before Christ's return. I and or we have a right to free speech and to be fully heard in our grievances and access to the courts. So your stupid, village idiot Judges feelings were hurt and or insulted which prompted you to retaliate against us in clear violation of The Americans With Disabilities Act denying me and or us the Equal Protection Of The Laws. I and or we object, American Atheist, Inc. v. Port Authority Of N.Y. and N.J., 936 F.Supp.2d. 321(N.Y.2013); Trinity Lutheran Church Of Columbia, Inc. v. Pauley, 788 F3d. 779, 91 Fed. R. Serv.3d. 1544(8th.Cir. 2015); United States v. Hare, 820 F3d. 93(4th.Cir.2016); Paul Adams v. California Institution, 2016 WL 6464444; Asterbadi v. Leites, 176 Fed. Appx' 426 CA4 (Va.2006); IN RE: Building

Material Corp. Of America Asphalt Roofing Shingle Products,
F.Supp.2d., 2013 WL 1827923; Briggs v. Perry C.I., 2015 WL
6467108(DSC.2015); United States v. Eccleston,--Fed. Appx'--
, 2015 WL 4591890 CA4 (Md.2015).

The LORD taketh my part with them that help me; therefore shall I see my desire upon them that hate me. And he hath made my mouth like a sharp sword; in the shadow of His hand hath He hid me, and made me a polished sharp silver staff and spear. The student has become The Master, in His quiver had He hid me. Thus saith The LORD, The Redeemer Of The Global Believers, and His Holy One The King-Khalifah Of The (4) Global Thrones Of The Reestablished Global Theocratic State And Court, to him whom you have despiseth, to him whom nations adhorreth. In an acceptable time within your prison my servant JAHJAH AL MAHDI, I have heard thee and in the day of Salvation I have helped thee: For I will preserve thee, and give thee for a "COVENANT", "CONTRACT" of the people, to establish that which I foretold via My Prophets within the earth, to cause to inherit the desolate heritages. That thou mayest say to the prisoners, GO FORTH!! ! and Kings shall be thy nursing fathers, and their Queens thy nursing mothers: They shall bow down to thee with their face towards the earth, and lick up the dust of thy feet; and thou shalt know that I am The LORD; For they shall not be ashamed that wait upon me. That which is written, The "CONTRACT" cannot be broken. The time of your visitation cometh. I shall wait upon The LORD. For His mercy endureth forever.

If you look at the attached § 1983 action that is now filed in this and the parallel cases. You will see that it was placed in the institution mailbox on April 25, 2017. Therefore, pursuant to Houston v. Lack, 287 U.S. 266, 273-76, 108 S.Ct. 2379(1988). It was filed the moment it was placed in the institution mailbox at 7:20 A.M. on April 25, 2017. This made you, Judge snake Merchant, and every Judge in The S.C. U.S. District Court automatically defendants in these cases requiring your recusal and disqualification and we be given a change of

venue pursuant to 28 U.S.C. §§ 1404 and 1407 to The New Jersey District Court as I and or we repeatedly motioned for. I and or we object. Thus, no report and or recommendation in this case can be submitted by you or any other ruling by you S.C. District Court Judges where pursuant to Williams v. Pennsylvania, 136 S.Ct. 1899(2016), your presence create a structural error which voided your jurisdiction for Due Process violation when you produced the report and recommendation on MAY 4, 2017. I and or we object. This is challenge to you or any Judge's jurisdiction to issue any order or report and recommendation pursuant to Res Judicata, Comity, Collateral Estoppel and the holdings made in Williams v. Pennsylvania, 136 S.Ct. 1899(2016). All defenses, issues, claims and objections made in the attached (44) page § 1983 and its attachments are now made again in this case. Also see case 2:17-cv-1127-JMC-MGB.

JAHJAH AL MAHDI, formerly Lawrence L. Crawford, is a Warrior, King, Khalifah, Imam, Prophet And Nazarite High Priest. He is the only one of his kind in existence in the world today. He is the last of his kind foretold to come by religious prophesy that will exist in the world before Christ's return, and his Great etc. Grand Uncle, Christ, will return to Rule. He is Christ's second in command, Christ's forerunner. He is one of a kind. There will be no other like him to come into the world. That which is written cannot be broken as GOD had foretold the world. By The King-Khalifah's Spirit, would you have expected him to be anything less by his presentation? By the litigation presented, you, The State Of South Carolina, The United States, and the remaining other 192 Member States Of The United Nations are in default and you have impaired the obligation of The Contract which cannot be made or unmade by the courts. You are all in violation of Article 1 section 10 of The U.S. Constitution. Cause is established under § 1983 with Habeas Corpus attached. Discovery must issue under Rule 26, not § 2254. Stop your acts of fraud upon the court. The claim of default and

collateral estoppel emerging from case 2013-CP-400-0084 must be given full faith and credit in all court records establishing a preclusive effect which bars the Federal District Court from challenging all claims made. I and or we are beneficiaries of The Trust, a foreign state, and joint filing by the litigation is permitted. I and or we object to any claim otherwise. Res Judicata attaches via Judges Harwell and Austin. The objections and issues are clear and not conclusory. It would be an act of fraud and an abuse of discretion to dismiss this case, especially in light of the fact that you cannot sit upon these cases. Stop the fraud, fear God and do the right thing. Justice and Fairness must prevail, Callon Petroleum Co. v. Frontier Ins. Co., 351 F3d. 204,, 208(5th.Cir.2003); Digital Equipment Corp. v. Desktop Direct Ins., 511 U.S. 863, 869, 114 S.Ct. 1992, 1996, 128 L.Ed.2d. 842(1994); Chewing v. Ford Motor Company, 354 S.C. 72, 579 S.E.2d. 605(2003); Appling v. State Farm Mut. Auto Ins. Co., 340 F3d. 769, 780(9th.Cir.2003); King v. First American Investigation Inc., 287 F3d. 91, 95(2nd.Cir.2002); 18 U.S.C. § 1116(a)(b)(4); 18 U.S.C. § 1116(a)(b)(2)(3)(A); United States v. Dizdar, CA2 (N.Y.) 1978, 581 F2d. 1031; Weepe v. United States,--U.S.--,106 S.Ct. 179, 88 L.Ed.2d. 148 (1985); The Amistad, 40 U.S. 518, 15 Pet. 518, 1841 WL 5024, 2006 A.M.C. 2955, 10 L.Ed. 826, U.S. Conn. January 1841; Ex Parte Virginia, 100 U.S. 339, 348-349, 25 L.Ed. 676(1880); Pulliam v. Allen, 466 U.S. U.S. 522, 536-543, 104 S.Ct. 1970, 1977-1982, 80 L.Ed.2d. 565(1984); Stump v. Sparkman, 98 S.Ct. 1099; Pierson v. Ray, 386 U.S. at 554, 87 S.Ct. at 1218; English v. Thorn, 676 F.Supp. 761(S.D.Miss.1987); Yicks Wo v. Hopkins, 118 U.S. 356; United States v. Lee, 106 U.S. 196 at 208; Perry v. United States, 294 U.S. 330, 354(1935); Julliand v. Greenman, 110 U.S. 421; Will v. Michigan State Police, 105 L.Ed.2d. 45 (1989); Lansing v. Smith, 4 Wend. 9, 20(1829); Afroyim v. Rusk, 387 U.S. 253(1967); United States v. Wheeler, 98 S.Ct. 1079 at 1083; The Supremacy Clause, U.S.C.A. Const. Art. 6 Cl. 2; Brown v. Spring Valley Homeowners Association, Inc., 2016 WL 3595791(S.C.2016); Article III sections 1 and 2, U.S. Const.; The (3) Holy Books And Sunnah Of The Prophet Muhammad(PBUH)

legal binding CONTRACT/COVENANTS; Also see sources entitled--
 --"Before The Mayflower--A History Of Black America", By Lerone
 Bennett; Suna Ibn Majah, Volume No.5 ISBN No. 81-7151-294-1
 pages 391-395; Signs Before The Day Of Judgment, By Ibn Kathir
 ISBN No. 1-870582-039 pages 18-24; The Book Of Isaiah 14:29-
 32; 11:1-6; 32:1-8; 41:25; Worlds Greatest Men Of Color, Volume
 1, by J.A. Rogers ISBN No. 978-0-684-81581-7; The Kebar Nagast
 or "Glory Of The Kings" A Chronicle Of The Rulers Of Ethiopia;
 Budge E.A.W., The Queen Of Sheba And Her Only Son Menyelek,
 London 1923; Ormonde, Czenzi, Solomon And The Queen Of Sheba,
 New York, Farra Straus and Young 1954; The Book Of Zechariah
 6:12-13; The Book Of Daniel chapt. 11; Nation, Cox v. Shalala,
 112 F3d. 151; English v. Gen. Elec. Co., 496 U.S. 72, 79, 100
 S.Ct. 2270, 2275, 110 L.Ed.2d. 65(1990); McLean v. Ford Motor
 Co., 831 F2d. 723; Cairns v. Franklin Mint Co., 24 F.Supp.2d.
 1013; Doche-Naux v. Secretary Of The Interior Of U.S., 837 F2d.
 340 cert. denied 108 S.Ct. 2822, 486 U.S. 1055, 100 L.Ed.2d.
 923; Bell v. United States, 310 F.Supp. 1189; Stephen v. Ca-
 rothers, 97 F.Supp.2d. 698; Craig v. United States, 89 F.Supp.2d.
 858; Legette v. Rose, 776 F.Supp. 229; EIE Guam v. Long Term
 Credit Bank, Japan, 322 F3d. 635(9th.Cir.2003); Anderson v.
 Cox, 977 F.Supp. 413; Trustees Of Dartmouth College v. Woodward,
 17 U.S. 518, 1819 WL 2201; Forbes v. Forbes, 341 P3d. 1041,
 2015 Wy. 13 Jan. 23, 2015; American Mut. Liberty Ins. Co. v.
 Plywood-Plastics Corp., 81 F.Supp. 157(DSC.1948); Woods v. Woods,
 2016 WL 4013754; United Dominion Realty Trust, Inc., 307 S.C.
 102; C.A.N. Enters Inc. v. S.C. Health And Human Servs. Fin.
 Comm'n., 296 S.C. 373, 377; M & G Polymers U.S.A., LLC. v.
 Tacket, 135 S.Ct. 926 (2015); Hardt v. Reliance Standard Life
 Ins. Co., 560 U.S. 242, 130 S.Ct. 2149, 176 L.Ed.2d. 998(2010);
Lacke v. Lacke, 362 S.C. 302, 608 S.E.2d. 147(S.C.2005).

This racial hatred and disparity in judicial action pro-
 duced by the legislation in the form of The Clinton era War
 On Drugs Campaign must be ended. This "White Nationalist", "Alt
 White Right" movement occurring in Universities, occurring
 globally must be countered and challenged. I am sent. I am a
 voice crying in the wilderness. I am Martin Luther King Jr's

successor. I have come to complete what Martin started, but on a global scale. Martin was "water",...I am "FIRE!" President Barack Obama was "Ice",...I am a "FIERY WHIRLWIND!!" The evils done via Jim Crow and The U.S. Slave Trade, and that which is presently occurring to people of color globally must be brought into account. Reparation are sought. I am commanded by The One True God to lead the charge. "And a "child" (a descendant Of God's Prophets And Kings) shall lead them".

Hello again Michelle Childs. In my heart, I must admit. ~~Out of all the Judges who presently sit on the bench of The~~ S.C. U.S. District Court. I feel you dear, are the most honorable. I'm not just saying this to "butter your bread" Michelle. I remember the first time I ever saw and met you. Like Judge Alison Lee, when I saw you two female Judges, my heart and soul swelled with so much pride, so much joy. I said to myself, "My God,...look at them!!!,...strong!,...intelligent Black women!! You have no idea how I felt when I saw you two. As I looked at you in utter joy. All I could do is think about my baby,...my child, Aerialle. She has her father's strength and brains. She's a genius. They call her "prodigy" by her academic standing, Scholarships out the "guzu". In self pride, I said to myself, "I did that. I molded her and set her on her academic path". I asked myself at that point, "Will she be as great as these two black women?"

Amazing, fascinating. Now I realize, by God's mercy, she will even excel both of you. This child is the great etc. Grand Daughter Of King Solomon And The Ethiopian Queen Of Sheba. I then laughed, because I realized that she does not have my brains. She has her Great Grandfather King Solomon's brains (smile). The King-Khalifah's children have no idea who they really are. Aerialle has no idea who she really is,...amazing. She shall reign, sit upon the throne of her Great etc. Grand Mother, The Queen Of Sheba. She shall sit upon The Throne Of The United Ethiopian Empire,...my baby,...my child,...whom I

love beyond my own soul. My son is The King Of The South fore told by religious prophesy, the second witness,...fascinating! Aren't our Black Women great!!! Who can compare to them!!! What jewels,...what treasures!! Our women have such greatness!!! How can we as mankind live without you? I can't. The absence of my Queen, Cyhannah and my child, The Queen Of Sheba, Of my son, The King Of The South has nearly killed me. I don't know how I survived this long. I don't care what any person in this world thinks about my religious beliefs. I do not fear you devils at all. Outside of GOD, my family is all I desire in the world, and this State and Nation took them from me behind a lie!!!, a lie based upon religious and racial hatred. Will they stand as their father and loved one stands? That is in God's hands. They have suffered much already being the family of a True Prophet, King, Khalifah, Imam and High Priest. What father, what husband, would desire that those who he love would drink such, the cup of affliction, a cup that was meant for him by the Decree of The One True GOD? I can never undo the suffering that they endured. Nor can I undo the suffering I've endured by your evil hands. Our GOD intended it to test us, to prepare us, and to make us stronger to complete the tasks which will soon be placed before us all as "Ahle Bayt", "The Holy People" Of Daniel chapt. 12:7. I can never compensate them for what may potentially come at them in the future. But the least that I can do as their father, as a man who loves them above all others,...I can give them their "TRUE HISTORY",...I can give them the truth of who they really are,...and how they fit in the scheme and final chapter of earth's history. This I shall do. What is a Prophet, King, Khalifah and High Priest without his children, without the woman he loves? The answer is simple. He's a lonely, lonely, empty servant of GOD, who will nonetheless serve The GOD he loves even above them, without question, without difficulty and without resentment. Thou GOD slay me, I will yet still trust Him.

Thus saith The LORD, The One True GOD, who is my Master, as I am His servant and appointed King, Khalifah, Imam, Prophet

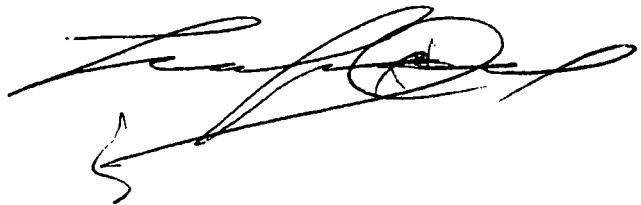
and High Priest. The world shall soon discover that the religious prophecies foretold are real. They shall discover that "Santa Claus" is a "BLACK MAN". Hear what thus saith The LORD, Behold, I have graven thee upon the palms of My hands; Thy walls are continually before me. Thy children shall make haste (They shall return); Thy destroyers (enemies) and they that made thee waste shall go forth of thee. The children which thou shalt have, after thou hast lost the other, shall say again in thine ears, The place is too strait for me: Give place to me that I may dwell. Then shalt thou say in thine heart, Who has begotten ~~me these, seeing I have lost my children, and am desolate, a~~ captive, a prisoner, and removing to and fro in chains? And who has brought up these? Behold, I was left alone; these, where had they been? Thus saith The LORD GOD, Behold, I will lift up my hand to the Gentiles, and set up my standard to the people: And they shall bring thy sons in their arms, and thy daughters shall be carried upon their shoulders. Hearken unto Me, ye that knoweth righteousness, the people in whose heart is My Law; fear ye not the reproach of men, neither be ye afraid of their reviling. Who art My servant that thou shouldst be afraid of a man, or even a woman that shall die, and of the son of man which shall be made as grass that withereth away; and forgettest The LORD thy maker, that hath stretched forth the heavens. I will contend with them that contend with thee. And I will feed them that oppress thee with their own flesh; And they shall be drunken with their own blood, as with sweet wine; And all flesh shall know that I, The LORD, am thy Saviour and thy Redeemer, The Mighty One Of Abraham, Issac, Jacob, Moses, Aaron, David, Solomon, Christ and Muhammad(PBUT). This is sufficient to establish objections and demonstrate fraud upon the court and an abuse of discretion if this case is dismissed before all parties are served and made to respond to the pleadings.

This document is filed as an Affidavit and may stand alone to defeat any motion for summary judgment and or summary dismissal and or sua sponte dismissal. Where case has an arguable

basis in law, to include that all claims are defaulted on in case 2013-CP-400-0084 where the Affidavits establishing the default were never timely challenged and that court's jurisdiction is made void for Due Process violation. It would be an abuse of discretion to dismiss an artfully pleaded case, which this case is, where the sympathetic reader of the documents filed in this and the parallel cases indicate that it is not beyond a reasonable doubt that the petitioner(s) could prove a set of facts in support of his claim(s) which would entitle him to relief. Pleadings require that the complaint and or Affidavits filed in support of that complaint, contain inferential allegations from which we can identify each of the material facts or elements necessary to sustain a recovery under some viable legal theory. Factual allegations must be enough to raise a right to relief above the speculative level. The complaint and or documents attached and or filed in support thereof, must allege enough facts to state a claim for relief that is plausible on its face. A case has factual plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. A complaint, to include its attachments and or Affidavits filed in support of motion and or order to dismiss, which possess factual matter, which must be accepted as true, will survive summary dismissal, See WL 1854315; Lewis v. Dixon, F.Supp.3d., WL 9460274(2015); White v. White, 886 F2d. 721 CA4 (W.Va.1989); McKelvey v. Reynolds, 2016 WL 6518337(DSC.2016); Del Zotto v. Universal Physicians Services, LLC.,--F.Supp.3d.--, 2016 WL 5868547(DSC.2016); King v. Atiyeh, 814 F2d. 565, 568(9th.Cir.1987); Procunier v. Martinez, 416 U.S. 396, 419, 94 S.Ct. 1800, 1814, 40 L.Ed.2d. 224(1974); Johnson v. Avery, 393 U.S. 483, 485-87, 89 S.Ct. 747, 748-50, 21 L.Ed.2d. 718 (1969); Bounds v. Smith, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d. 72(1977); White v. Gregory, 1 F3d. 267 CA4 (W.Va.1993); Neitke v. Williams, 490 U.S. 319, 109 S.Ct. 1827, 104 L.Ed.2d. 338 (U.S.1989); Bresley v. Dunnell, 952 F2d. 395 CA4 (W.Va.1991); Mann v. Bell-McKensie, 2015 WL 1224299(DSC.2015); Whiteside

v. United States, 775 F3d. 180 CA4 (N.C.2014); Tolbert v. Stevenson, 635 F3d. 646(4th.Cir.2011); Larkimore v. Hooks, 289 Fed. Appx' 576, 2008 WL 3063704; Hines v. Thomas, 2016 WL 4492816; Fox v. Vice, 563 U.S. 826, 131 S.Ct. 2205(U.S.2011); Woodford v. Garceau, 538 U.S. 202, 123 S.Ct. 1398, 155 L.Ed.2d. 363(2003); Cullen v. Pinholster, 563 U.S. 170, 131 S.Ct. 1388, 179 L.Ed.2d. 557(2011); Smith v. Robbins, 528 U.S. 259, 120 S.Ct. 746, 145 L.Ed.2d. 756(2000); White v. Gregory, 510 U.S. 1096, 114 S.Ct. 931, 127 L.Ed.2d. 223(U.S.1994); Rogers v. McKinnon, F.Supp.2d., 2009 WL 4920800(DSC.2009); U.S. v. Jones, 538 Fed. Appx' 285 CA4 (Va.2013); Prielo v. Zook, 791 F3d. 465 CA4 (Va.2015); Sanders v. Warden at Leath C.I., 2015 WL 4635144(DSC.2015); Ortiz v. U.S., 555 Fed. Appx' 261 CA4 (Md.2014); U.S. v. Surratti, -F3d.--, 2015 WL 4591677 CA4 (N.C.2015); U.S. v. Newbold, 791 F3d. 455 CA4 (N.C.2015). Judge Currie I and or we motion for your recusal along with the other Judges.

RESPECTFULLY,
JAHJAH AL MAHDI



MAY 16, 2017

Exhibit # 5

The Tasson Gourdiere
Brief blocked in the
SC Court of Appeals
in acts of machinations
and fraud by those
state judges to avoid
suit and recusal.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
KRISTI LEA HARRINGTON, CIRCUIT COURT JUDGE

THE STATE,

RESPONDENT

Vs.

JASON MORRIS GOURDINE,

APPELLANT

APPELLANT CASE No. 2016-000640

APPELLANT BRIEF

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STATEMENT OF ISSUES ON APPEAL

(1) Did the trial court err, and was the appellant's 5th., 6th., 14th., 15th. amendment rights of the U.S. Constitution, as well as Article IV § 2, and his Due Process rights violated, regarding the indictment(s) as constructed, by the language and or charge contained therein, which did create and or form conclusive presumption(s), that took away the appellant's presumption of innocence, and automatically shift the burden of persuasion to the defendant, in regard to the crucial elements of dispute, predetermining in advance the outcome of the proceedings?

(2) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, by the court's failure to grant the motion for severance, causing substantial prejudice to the appellant's trial proceedings?

(3) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated by the indictment(s) for attempted murder's failure to allege what weapon was allegedly used and who it was the appellant supposedly acted in concert with, in the same vein, the indictment for conspiracy's failure to allege who it was the appellant conspired with, in the body of the charging instrument?

(4) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment right of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, due to the court's failure to issue a final written order in the appellant's stand your ground hearing?

STATEMENT OF ISSUES ON APPEAL CON'T

(5) Did the trial court err, and was the appellant's 6th. and 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2 and his Due Process rights violated, where jurisdiction is made void for Due Process violation, due to the appellant's counsel not being present at a critical stage of the proceedings?

(6) Did the trial court err, and was the appellant's 6th., 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated by the trial court giving an improper jury instruction, producing extreme prejudice, informing the jury that a specific intent to kill is not an element of attempted murder?

(7) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, as well as Rules Of Court, Rules Of Criminal Procedure, as well as the court's jurisdiction being made void for Due Process violation, and or they were prohibited from enacting and or invoking and or continuing their Subject Matter Jurisdictionary "[p]owers" due to the "[p]rocedural [d]efect" in that there was no "[w]ritten"(emphasis added) order of continuance obtained pursuant to Article V § 4 of The South Carolina Constitution?

(8) Did the trial court err, and was the appellant's 5th., 6th., 14th. Amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, by the trial court and or plea court allowing constructive amendment of the indictment(s) at the appellant's trial

STATEMENT OF ISSUES ON APPEAL CON'T

and or plea hearing?

(9) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, by the indictment(s) for attempted murder's failure to properly and or sufficiently apprise the appellant of the "[t]ime" of assault(s) , in the body of the charging instrument, as "[t]ime" is recognized by law?

(10) Did the S.C. Supreme Court in State v. Gentry supra err, engaging knowingly, intentionally in acts of fraud upon the court, in their efforts to essentially establish modern day slavery in violation of the Anti-Peonage Act, and abused their discretionary powers, which they even conspired to take away our right to vote, and or done so surreptitiously, in violation of the Voting Rights Act. And in such, the court's jurisdiction was made void for Due Process violation, and the court was prohibited from enacting and or invoking and or continuing its Subject Matter Jurisdictionary powers, even though they do indeed possess such power via state legislative statutes and or Congressional intent, due to the indictment defects and or errors contained and argued within this document, in violation of the appellant's 4th. 5th., 6th., 13th., 14th., 15th. Amendment rights of The U.S. Constitution, as well as Article IV § 2, also 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 241, 242, 1001, and the laws of Due Process?

STATEMENT OF THE CASE

On November 4, 2014, a Berkeley County Grand Jury indicted the appellant for three counts of attempted murder (2014-GS-08-1719, 1720,-1721) and criminal conspiracy (2014-GS-08-1722). On January 26, 2016, the Honorable Perry M. Buckner III, entertained the appellant's motion for prosecutorial immunity pursuant to the Protection Of Persons And Property Act. At this hearing the state was represented by Bryan A. Alfaro and Wilton H. McNeely. Attorney Kevin Kearse represented the appellant's codefendant, Steven Moses. Attorney Steven Davis represented the appellant. The Judge and parties, conspiring under color of state law, conducted a mock hearing for the purpose of defrauding the appellant of his immunity defense where they even solicited perjured testimony to do so. Thereafter this mock hearing was concluded, to deny the appellant the right to challenge its conclusion in the court of appeals, in acts of fraud upon the court. The conspiring Judge to aid the state actors failed to issue a final written order to prevent review in violation of the appellant's Due Process rights.

After this fiasco and mock stand your ground hearing. The state represented by Alfaro and McNeely, called the case to trial on March 14, 2016, before the honorable Kristi Lea Harrington and jury. The appellant was tried jointly with Moses to conceal further acts of prosecutorial misconduct. Ultimately the jury found the appellant guilty via the fraud and other injustices that occurred in this case, and the appellant was sentenced to life without parole. Appeal was made where Susan Hackett of appellate defense office represented the appellant. Anders Brief was filed. This appellant Brief now follows.

(1) Did the trial court err, and was the appellant's 5th., 6th., 13th., 14th. 15th. amendment rights of the U.S. Constitution, as well as Article IV § 2, and his Due Process rights violated, regarding the indictment(s) as constructed, by the language or charge contained therein, which did create and or form conclusive presumption(s), that took away the appellant's presumption of innocence, and automatically shift the burden of persuasion to the defendant, in regard to the crucial elements of dispute?

The appellant humbly contends, it is well established by the U.S. Constitution, the 5th., 6th., 14th. amendment(s), and The Bill Of Rights, that when an individual is brought before a court of jurisprudence upon accusation, that the individual alleged thereupon, is innocent, until proven by a jury of his peers, guilty of aforesaid accusation being brought before the court. This is the defendant's most basic, and most fundamental right by Federal and State laws pertaining to Due Process. Because the indictment(s) possess a structural constitutional error and or defect, in that the language and or charge contained therein, in constructed to produce conclusive presumption(s), that immediately shift the burden of persuasion to the defendant in regards to the crucial elements of the offense(s), the indictment(s) and or complaint documents violate Due Process as well as the 13th. and 15th. amendments.

The appellant did not object to this defect and or error at the time he gave his guilty plea, and or before he went to trial, but the defect and or error serve to render the indictment wholly invalid. Defects in an indictment that are of such a fundamental character as to render an indictment wholly invalid are not subject to waiver by the defendant, 41 Am. Jurs.2d. Indictments And Information § 299(1986); State v. Munn, 357 S.E.2d. 461(S.C.1987).

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss

v. Aetna Life Ins. Co., 228 S.E.2d. 108; State v. Broad River Power Co., 177 S.C. 240, 180 S.E. 41; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings (Black Law Dictionary 8th. Edition).

By what is cited in Sandstrom v. Montana, 442 U.S. 510 at 520, 99 S.Ct. (2450) at 2457 (61 L.Ed.2d. 39)(1979), under (4) criminal law [west key] 324. The Supreme Court was unequivocal and unambiguous when it stated [v]erbatim:

"Conclusive presumptions conflict with the overriding presumption of innocence which the law endows the accused and which extends to every element of the crime charged, and they invade the fact-finding function which in a criminal case the law assigns the jury, Morisette supra, at 275, 72 S.Ct. at 255 and United States Gypsum Co. supra., at 446, 98 S.Ct. at 2878. The indictment and complaint documents around the nation, with the exception of the few states that corrected this problem, require the jury, if satisfied as to the facts that trigger the presumption to find intent unless the defendant offers evidence to the contrary. The indictments and complaints around the nation, by their structural constitutional error and or defect, language and or charge, mislead the jury, and we can add the defendant, to believe the presumption was not limited to requiring the defendant to satisfy the burden of production, when the burden of production is to be consistently bored by the state. A presumption although not conclusive, that has the effect of shifting the burden of persuasion would suffer the same similar infirmities", Mullaney v. Wilbur, 421 U.S. 684, 95 S.Ct. 1881, 44 L.Ed.2d. 508(1975), even if its embodied within the charge of an indictment or criminal complaint.

To state by use of an indictment or criminal complaint within the (50) states that an individual "did" with intent, knowingly, malice, aforethought, and other such elements imply conclusive firsthand knowledge of the events pertaining to the accusation being brought before the court. To such knowledge the Grand Jury who swore to such indictments, "[c]annot" by all scientific reason and jurisprudence ascertain as being true under such circumstances, especially without a trial. It is universally recognized that every oath [o]ught and [m]ust be founded upon "[c]ertain [k]nowledge", meaning knowledge that is certain beyond a reasonable doubt as being true (OMNE SACREMENTUM DEBET ESSE DE CERTA SCIENTIA). Inasmuch, the reality of this matter is that the issues in question, embodied in said indictments are allegations, they are accusations, not proven facts. So how could they be sworn by indictment as being true? Several other states have corrected this injustice. The State of South Carolina is one of the remaining states who have not. It is the command of the U.S. Constitution that anything, to include any and all legislation, whether it be by statute, indictment or otherwise, that is contrary to its inherent, intrinsic and explicit presuppositions "[s]hall [n]ot [s]tand", and therefore should be abolished and or rendered [v]oid (Article IV § 2 U.S. Const.).

"THE STATE MUST PROVE", I repeat, "THE STATE MUST PROVE", not the defendant, every single element that is charged, and that is crucial to the offense. It is not to be given to them in any way. They "[m]ust" first prove it before it can ever be declared. Every single time an indictment is sworn where it states clearly without ambiguity a defendant "did", etc., it immediately with destructive results tear down the commonwealth's constitutional Due Process right of being innocent until proven guilty, and automatically shift the burden of persuasion to the individual or commonwealth charged. It gives the false unconstitutional premise and or presumption that such has already been proven by a jury of one's peers, or even more specific, without a trial by a jury of one's peers in violation of Due Process Law. To have such unconstitutional presumption(s)

embodied within indictments and or criminal complaints that rely on such language is constitutionally infirm.

The appellant avers, in Mullaney v. Wilbur, 421 U.S. 684, 95 S.Ct. 1881, 44 L.Ed.2d. 508, the court found as a violation of Due Process and Winship, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed.2d. 323(1970), an indictment that [p]resumed that a defendant acted with "[m]alice and [a]forethought", if it were found that the homicide was intentional and unlawful, the defendant then bore the burden of disproving the elements. Similar in Sandstrom, the jury was instructed in determining whether or not the defendant had the [p]rerequisite intent to commit murder [t]he law presumes that the person intended the ordinary consequences of his voluntary actions, thereby relieving the state of its burden on that element. The language and or charge in the indictment(s) do the same thing, taking away the presumption of innocence, and by what is written predetermine in advance the outcome of the proceedings and presumes that a person intends the ordinary consequences of his voluntary actions, thereby relieving the state of its burden on the elements crucial to the offense. What if the person was forced to commit the crime at gunpoint? Or was the victim of brainwashing by the induction of some chemically based mind controlling drug, and under such control he committed the crime? Or it simply was an accident depending upon the crime charged? These are just a few reasons why such wording is impermissible, Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923).

Once the courts of South Carolina, New Jersey and the remaining (48) states constructed an indictment or criminal complaint contrary to the laws of Due Process, the Attorney for the appellant telling the appellant that he is innocent until proven guilty, or the Judge giving a curative instruction to the appellant and or jury of the defendant being innocent until proven guilty, or stating that the state or federal government has the ultimate burden and must prove every element, being given to the appellant and or jury, or stating the indictment or criminal complaint is not evidence to the appellant or jury,

does "[n]ot" cure the Due Process problem created and presented by the structural constitutional error, defect and or charge in the indictment(s) and Complaint(s).

Constitutional Law [west key] 266(7), in situation where elements of offense and "so-called" "affirmative defense", pose same ultimate issue of shifting the burden of persuasion, the Due Process problem is "[n]ot" eliminated by including an instruction in a charge that the state has the ultimate burden of proving every element beyond a reasonable doubt, and we can add to this, stating the indictments or criminal complaints are not evidence by the courts. The teaching of these cases is that "[a]ny" presumption, even if its not conclusive, even if its embodied within the charge of an indictment or criminal complaint, that has the effect of shifting the burden of persuasion to the defendant on any element of the crime charged violates Due Process, (U.S.C.A. Const. Amend. 14) Humanik v. Beyers, 811 F2d. 432(3rd.Cir.1989).

Such is a substantive disadvantage and not merely procedural disadvantage to the defendant related to his rights of Due Process. If the indictments and or criminal complaints around the nation, by their defect contained therein, require that the defendant prove he did not possess the "MENS REA" on any element pertaining to the alleged crime at trial and or before a guilty plea, 421 U.S. at 684, 95 S.Ct. at 1888, it becomes obvious that the burden of proof is shifted.

The Court recognized by requiring the defendant to prove the critical elements of said dispute, ID at 710, 95 S.Ct. at 1890, the Maine Rule, as do the nation's indictments and criminal complaints, affirmatively shift the burden of proof to the defendant(s), thus creating a further likelihood of an erroneous conviction and or guilty plea, due to the shifting of the burden of persuasion to prove one's innocence, as implied by the language and or charge in the indictment(s) and criminal complaint(s), ID at 421 U.S. at 701, 95 S.Ct. at 1890. Such serve

to negate certain facts of the crime which the government is to prove to the jury in order to convict the defendant of a crime charged, 432 U.S. at 207, 97 S.Ct. at 2325. The Winship Rule is clear in which the defendant creates a reasonable doubt on any element of the offense(s) charged is entitled to an acquittal.

In such a situation the relevance of the subsidiary facts in this case are the same and the sole significance of the defendant's evidence and or testimony concerning the "so-called" "affirmative defense", is to create a reasonable doubt on the existence of an element of the offense, by the preponderance of evidence to counteract an unconstitutional presumption.

As stated in United States v. Clemens, 843 F2d. 741, 752(3rd.Cir.1988):

"Justly put, merely labeling something as "affirmative defense", "a statutory procedure", and we can add to this, "an indictment or criminal complaint", does not mean that such constructed contrary to the laws of Due Process are constitutional. It must appear that the aforementioned, as related thereto, do [n]ot [n]egate any element of the crime, and we can add to this, shift the burden of persuasion, as the indictments and or criminal complaints of this nation do", ID W. Lafave & Scott Substantive Criminal Law § 1.8 at 75(1986). see generally Sandstrom v. Montana supra.. A defendant may be required to bear the burden of persuasion with respect to defenses such as showing justification or excuse, but not with respect to those that negate guilt by canceling out the existence of some required element of the crime, nor should his presumption of innocence be deprived, W. Lafave & Scott supra. at 71, 75. Accordingly, accessing the constitutionality of an "affirmative defense", "a statutory procedure", and we can add to this, "an indictment or criminal complaint", etc., of any kind related thereto, **even by terms of that which the statute requires, is defined in terms of fact so central to the nature of the offense that in effect, the prosecution has been freed of the burden of establishing**

each constituent element of the crime charged. If the indictments and criminal complaints around the nation already predetermine in advance of any proceeding that you "did" with malice, aforethought, intentionally, willfully, etc., the state has been relieved of proving it, see ID at 2.13 at 233. Also see Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923). By the structural constitutional error and or defect, its already given and no longer by the charge and or defect, have to be established. In order to contribute some significant burden, a rational trial juror's only option, and we can add, the defendant's only option, is to conclude that the indictments or criminal complaints are true, or are to be considered as true, because the language and or charge reflects such in depriving one of the presumption of innocence. It is clear from Martin v. Ohio, 480 U.S. 228, 107 S.Ct. 1098, 94 L.Ed.2d. 267(1987) and Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923), that this is constitutionally impermissible.

Perhaps the 50 states of this nation would contend, that such is merely the conveying of information from witnesses 1, 2, 3 or more possibly, and upon this testimony such an oath is based. Even if one would adopt this premise still the indictments and criminal complaints of this nation "[c]annot" be deemed as that which is founded upon "[c]ertain [k]nowledge" (OMNE SACRAMENTUM DEBET ESSE DE CERTA SCIENTIA), but it is founded upon the basis of hearsay and or secondhand knowledge. Notwithstanding, it has been recorded throughout history since the earliest stages of civilization that people do bear false witness in groups and in numbers depending upon their motivation. For example, you have an unjust King and Queen, Ahab and Jezebel, coercing several people to lie in a covert plot to steal the land of a righteous man in I Kings chapter 21. In the Book of Micah, a man's closest members of his household bear false witness against a Prophet Of God. In Christianity you have officials who were in power, Saducees, Scribes and Pharisees, incite and pay groups of people in the Gospel(s) Of Matthew, Mark, Luke and John to bear false witness against the Messiah. In Islamic Prophecy the Prophet Muhammad(PBUH), in Sahih Al Bakhari Vol.

9 Hadith No. 7086, prophesied how in these times there will hardly be a trustworthy person left in the world. The Spanish Inquisition of 1478 and The English Inquisition of 1518 found people unjustly burned at the stake and or hanged, due to unjust accusations by people in numbers for false claims of heresy. Adolph Hitler, and a group of people called "Nazis", brought numerous unjust claims against the Jews, falsely rooted in lies, in the holocaust of the 1930's. The Salem Witch Trials in the 17th. century, in Massachusett, found numerous ~~men, women and~~ children, burnt at the stake for false claims of practicing witchcraft, brought by groups of people in numbers ("The witch bitches as they were called). The Ku Klux Klan, throughout the South, brought unjust accusation against the innocent Post Civil War Era, and in the 1930's through 1960's. Judaism, Christianity, Islam, American History, European History, World History, "[a]ll" are filled with unspeakable atrocities originating in lies, perpetrated by people in numbers and in groups against the innocent. Our constitutional forefathers in their wisdom and jurisprudence saw this repeated pattern that like a poisonous, venomous snake, rose its head from the soils of society to fatally bite the commonwealth. and in their wisdom they set up "[b]ulwarks", "[b]arriers" of protection for the American citizenry, all who are held by us, all who enter our borders or territories, that under no circumstance, outside of an individual committing an act of treason, were to be torn down, because people in groups and in numbers do bring false accusation against the innocent.

Referring back to the third situation here as illustrated by State v. Breakiron, 108 N.J. 591, 532 A.2d. 199(1987) and State v. Zola, 112 N.J. 384, 548 A.2d. 1022(1988), in inferring the state of mind element, whether the prerequisite intent and or purpose was present at the time of the crime. The Grand Jury, in the form of the indictments and or criminal complaints around the nation, "[c]annot" say what was in a person's mind, nor do they have first hand knowledge of the facts related to the incident charged. They do not have "[c]ertain [k]nowledge" (OMNE SACRAMENTUM DEBET ESSE DE CERTA SCIENCTIA). Thus, again the

very language and or structural constitutional error and or defect, and or charge of the indictment(s) and criminal complaints around the nation predetermine in advance before trial or plea an individual is guilty of the state of mind element(s) and forces a defendant, due to the shifting of the burden of persuasion, to prove his innocence by the preponderance of evidence and or testimony in violation of Due Process Law. This creates an instant double jeopardy issue showing that this is not a harmless error, Moore v. Dempsey supra.; State v. Gordon, 588 S.E.2d. 105, 356 S.C. 143(S.C.2003); State v. Perry, 595 S.E.2d. 883, 358 S.C. 633(S.C.2004).

In regard to a charge, and we can add to this, a charge in an indictment or criminal complaint, that constitutes a constitutionally impermissible charge/instruction, or contradicts the presumption of being innocent until proven guilty, even with a later instruction "BOILERPLATE" of being innocent until proven guilty by the courts or stating that the indictments or criminal complaints are not evidence by the courts, the [p]roblem is [n]ot [c]ured where there exist a reasonable likelihood that the jurors, and we can add in this case, that the defendant, may have considered the charge, and we can add to this, the charge in the indictments or criminal complaints around the nation as conveying an unconstitutional message in both state and federal prosecutions, Francis v. Franklin, 471 U.S. 307, 105 S.Ct. 1965, 85 L.Ed.2d. 344(1983).

Such presumptions intrinsically and explicitly established snatch the blind fold off of "LADY JUSTICE" herself, and now, not only is she no longer impartial, unbiased or fair; but now she says because its you, because its this particular crime or alleged action as opposed to another, because you are charged in this particular state as opposed to another, because you fall under this particular statute as opposed to another, you are no longer innocent until proven guilty and your constitutional rights are hereby revoked. Such presumptions destroy

the very metal of the shield of protection placed around the American citizenry, those who are held by us, and those who enter our borders or territories, and abolishes the very core integrity of the Due Process Clause our constitutional forefathers have died and shed their best blood to establish and preserve. The greater aspect of evil related to such action by the criminal complaints and or indictments around the entire nation, far and extremely outweigh the greater aspect of good that it sought to establish related thereto. If we as responsible citizens of the commonwealth allow individuals who are placed in positions of legislative authority, whether it be at town, city, state or federal level, whether it be intentional or unintentional, to initiate or place into effect legislation by statute or any other means, that deteriorate the very pillars of that which our Constitution was founded upon, then we no longer establish ourselves as a true democracy, where the good of the many outweigh the good of the few. We step more into the realm of monarchy, and set ourselves on a path of Constitutional destruction detrimental to the commonwealth that can only lead to anarchy creating the similarities that manifested themselves in the aforementioned Nazi Occupation, Salem Witch Trials, The Spanish Inquisition and the like. Where trials and criminal proceedings became an arbitrary action, an abusive and recreant process, fraudulently designed to rob the commonwealth of their God given liberty. This we cannot do!!! It is our courts, our Supreme Courts, and our Federal District Courts' inherent responsibility as guardians of the faith and integrity of our system of jurisprudence to protect the commonwealth from such a dark demise. The Presuppositions set forth by our constitutional forefathers "E PLURIBUS UNUM", were one nation, under God, indivisible, with liberty and justice "FOR ALL", "FOR ALL", and was not to be taken away simply because an individual fell victim to accusation, or fell under a particular statute of law as compared to another, or was charged in one particular state as opposed to another. The only exception to this sacred standard and trust was to be if an individual committed acts of High Treason against our government itself, which in some particularity is what the indictments and criminal complaint documents

around the entire nation reflect, because they innately swear allegiance to that which sets itself at war, enmity and variance to the constitutional rights of all citizens of the commonwealth and all others who are subject to them. Therefore, they are a form of treason. The indictments and criminal complaints around the entire nation betray our Constitution. Hencetofore they "[m]ust" be abolished and or reformed. They are intense espionage and diabolical sabotage and stands at war with the rights of this nation's commonwealth in violation of Due Process. They covertly with corrosive results steal away stealthly the fundamental truths by which the Constitution was founded upon and throw a monkey wrench into the mechanical works of justice and fairness by detonating explosive results that detrimentally tear down the bulwarks that were forthrightly established to protect the commonwealth against unjust prosecution. By the defect, language and or charge contained within the indictments and criminal complaint documents around the entire nation you have already surmised and ascertained without the total weight of evidence set forth before a jury an individual's guilt in violation of state and federal laws also pertaining to the U.S. Constitution, inferring the state of mind element(s), negating the burden of proof that by law was to be consistently bore by the prosecution, Francis v. Franklin supra.; Moore v. Dempsey supra.

THE COURT HOLDS that a charge, and we can add to this, a charge in an indictment or criminal complaint, which impart to the jury, and we can add in this case, the defendant, an unconstitutional understanding of the allegations, even more specific, the burden of persuasion, and the presumption of innocence, creates a reasonable likelihood that the jurors understood the charge, and we can add, that the defendant understood the charge, in the criminal complaints and indictments, in an unconstitutional manner unless other language in the complaints or indictments explain the infirm language sufficiently to eliminate this possibility. If such a reasonable possibility, "we have no way of knowing that [t]he defendant was [n]ot [c]onvicted,

and we can add, gave his guilty plea, on the basis of the unconstitutional charge, specifically the charge embodied within the indictments and complaints", Sandstrom, 442 U.S. at 526(99 S.Ct. at 2460). For this reason it has been well settled since Stromberg v. California, 283 U.S. 359, 51 S.Ct. 532, 75 L.Ed. 117(1931) that where there exist a reasonable likelihood and or possibility that the jury, and we can add, the defendant, relied upon an unconstitutional understanding of the law in reaching a verdict, and we can add, in giving his guilty plea, that verdict and or guilty plea must be set aside, Id. at 323n. 7, 105 S.Ct. at 1976 n. 7. We conclude that there is more than a reasonable likelihood that the jurors, and we can add, defendant(s), received an unconstitutional understanding of the situation pertaining to their tasks.

This is no way a mischaracterization of the law pertaining to the cases cited here. Even though some of the cases cited dealt with conclusive presumption(s) given by Judges in charges that have the effect of shifting the burden of persuasion to the defendant regarding the crucial elements, in this case we are dealing with a similar charge except this time its given by the Grand Jury in the form of an indictment or criminal complaint, that has the effect of shifting the burden of persuasion to the defendant regarding the crucial elements. The subsidiary facts related to the shifting of the burden of persuasion to the defendant regarding the crucial elements and the inferring the state of mind element(s) to the offenses are the same in these matters. Due to the defect in the construction of the indictments and criminal complaints nationally, the defendants' presumption of innocence is clearly taken away, also guilt of the offense(s) is illegally predetermined in advance by the Grand Jury who do not have the power by state or federal law or state or federal constitution to convict, due to the language and or charge contained therein, and the indictments and or criminal complaints nationally serve to negate the burden of proof.

This creates a structural constitutional error and or defect. Structural Constitutional errors and or defects compro-

mise the entire trial and or plea hearing proceedings. It requires reversal and or vacating as it involves deprivation of constitutional protection so basic, and so fundamental, that in its absence criminal trial and or plea proceedings "[c]annot" reliably serve its function as a vehicle for determination of guilt or innocence, and "[n]o" criminal punishment may be deemed or regarded as fundamentally fair, Robinson v. Arvonio, 27 F3d. 877 rehearing denied, cert. granted vacated 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129. Such a structural constitutional error and or defect of this magnitude is "[n]ot" subject to the harmless error analysis. Structural constitutional errors and or defects not subject to the harmless error analysis are defects and or errors affecting framework, in which trial and or plea proceedings "[c]annot" reliably serve its function as a vehicle for determining guilt or innocence, involving deprivation of constitutional protection so basic, and so fundamental, that in its absence no trial or plea can be deemed reliable, nor any punishment fundamentally fair, Vines v. United States, 28 F3d. 1123 crim. law 1163(1), 1165(1). It is perspicuous that such a defect and or error does affect the framework of the proceedings, because the court(s) must constructively amend the indictments and criminal complaints around the nation on the "MENS REA" crucial elements of the offense(s) to correct, rather, in an attempt to correct the structural constitutional error and or defect by giving a Judge's charge. The boundaries cited by law are clear and certain even as cited by Winship Rule and Humanik v. Beyers supra.. Any conclusive presumption, of any kind, that's placed before a jury to obtain a conviction, or we can add, placed before a defendant to manipulate, mentally and or psychologically coerce, and or force the defendant into an unfreely, unknowingly, involuntarily or unintelligently given guilty plea, that determines in advance a person's guilt, that has the effect of shifting the burden of persuasion to the defendant, violates Due Process and is grounds for an acquittal, even if its embodied within an indictment or criminal complaint, Moore v. Dempsey supra.. Clearly there is nothing cited by law that would mandate that these strict rules of court, and requirements of Due Process law, be solely limited to a Judge's charge.

They apply to any charge that's placed before a jury to obtain a conviction, or a defendant in order to manipulate, mentally and or psychologically coerce, and or force him into a guilty plea. Such a heavy weight of shifting the burden of persuasion, and the taking away of one's presumption of innocence, by the indictments and criminal complaints of this entire nation, have been unjustly and unconstitutionally used against defendants in this nation, in this new Jim Crow and racial caste system, to mentally and or psychologically coerce, and or force them ~~into plea bargains, and at their trials for far too long.~~

To elaborate on or bolster this proposition, if the honorable court would please take notice of the warrant(s) pertaining to the offense(s), as it is for every warrant in the nation. In the body of the warrant for most and or all states it reads:

"I further state that there is probable cause to believe that the defendant named above did etc.****".

This is the language that explains the constitutionally infirm language and or charge. This is the language that aids in the maintaining of the presumption of innocence, and also which confirms the specific job of the Grand Jury. The job of the Grand Jury is two prong. One--is to determine and ensure that some state and or federal official is not acting arbitrarily in bringing accusation against a citizen of this country. The second---is to determine whether or not there is sufficient probable cause to bring a defendant to trial, Stirone v. United States, 361 U.S. 212(1960); Ex Parte Bain, 121 U.S. 1 (1887); Gaither v. United States, 413 F2d. 1061(D.C.Cir.1969); The (50) States Constitutions; United States v. Abrams, 539 F.Supp. 378, 384(S.D.N.Y.1982); United States v. Calandra, 414 U.S. 338, 342-343, 98 S.Ct. 613, 617, 38 L.Ed.2d. 561, 568(1974); Branzburg v. Hayes, 408 U.S. 665, 92 S.Ct. 2646, 33 L.Ed.2d. 626(1972). To determine guilt of the offense(s), to include the "MENS REA" on the crucial elements of dispute, is a violation of the Grand Jury's shielding function. A Grand Jury merely investigates and reports. They are not authorized by Federal or State Consti-

tution, nor Federal and or State laws, to convict, Jenkins v. McKeithen, 395 U.S. at 430, 89 S.Ct. at 1853, 32 L.Ed.2d. at 422(1969). The powers of the Grand Jury are not unlimited, and are subject to the supervisory of a judge. Grand juries may individually or collectively enjoy protections assertable in suits for deformation, but the privilege is not applicable to bar the petition of an appellant to remove language from the indictments and criminal complaints around the entire nation, Compare Pierson v. Ray, 386 U.S. 547, 87 S.Ct. 1213, 18 L.Ed.2d. 288, 294-95(1967). When the Grand Jury goes beyond the scope of the power and authority given to them, it is indeed a violation of Due Process, United States v. Chadwick, CA9 (Nev.) 1977, 556 F2d. 450; United States v. Briggs, 514 F2d 794(5th.Cir.1975). Yet, by the Structural Constitutional error, defect, language and or charge of the indictments and criminal complaints, both State and Federal around the nation, the Grand Jury adjudicated not only guilt of the offense(s) charged, but also the "MENS REA" related thereto. If such or similar language as aforementioned, is not embodied within the body of the charging instrument(s), then the indictments and or criminal complaints are not constitutionally sound and they violate Due Process. The evil that has developed from this, far and extremely out weigh the original good it intended.

Any indictment or criminal complaint, whether it be in the smallest of detail, whether it be in the smallest of towns, or the largest of cities, whether it be within the boundaries of any county or state, whether it be intentional or unintentional, that's constructed in a fashion where it automatically shift the burden of persuasion from the State or Federal government to the defendant, takes away one's presumption of innocence, and by the language predetermines in advance the outcome of the proceedings, giving off an unconstitutional impression and understanding of his or her rights by the laws of Due Process, contrary to the U.S. Constitution "[s]hall [n]ot [s]tand". They violate the appellant's rights under the 4th., 5th., 6th., 13th., 14th., 15th. amendments and seek to unjustly deprive one of life, liberty and property. It is for this reason that the New Jersey and Maine Supreme Courts overthrew such similar actions

in those States, and on this same premise the same should be done for every state within this nation now. And yes, under these circumstances, it may be far more difficult for the prosecution to obtain said conviction or guilty plea. But it is far better that they endure the difficulty than the greater degree and or likelihood, for innocent men and women to be subject to an erroneous conviction and or guilty plea, that is not freely, knowingly, voluntarily or intelligently given, because it prejudice the individuals subjected to these criminal indictments and or complaints within this nation. Prosecutors must be made to know and understand, that such is "THE NATURE OF THE BEAST". The burden is theirs and we are to be presumed innocent in every detail until fairly and justly convicted. This goes with the professional territory at hand.

The following statement in relevant part was made by the court in Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194(1963). It pertained to the suppression of evidence favorable to the defense, but the subsidiary facts related to Due Process violation have a bearing on these matters here. It has been slightly modified to paint a more true picture of this issue:

"WE HOLD, that such presumptions violate Due Process irrespective of the good faith or bad faith of the prosecution. The principle here is not to punish society for such Due Process violations, or the misdeeds of the prosecuting body, but the avoidance of an unfair trial and or plea hearing to the accused. Society not only wins when the guilty are convicted, but when criminal trials and or plea hearings are fair; Our system of administration of justice suffers when its citizens are treated unfairly in the courts. An inscription on the wall of The Department Of Justice states the proposition candidly for the federal Domain: The United States wins its point whenever justice is done its citizens in the courts", Brady v. Maryland supra.; citing Mooney v. Holohan, 294 U.S. 103.

The appellant humbly quotes that which is stated in United

States v. Walsh, 194 F3d. 37(2nd.Cir.1999) and United States v. Pirro, 212 F3d. 89(2nd.Cir.2000):

"The indictments do more than simply track the language of 18 U.S.C. § 242, which provides penalties for any person, who under color of any state or federal law, statute, ordinance, regulation, custom, and we can add to this, "an indictment or criminal complaint", willfully subjects any person,...to the deprivation of "[a]ny", "[a]ny", right, privileges, or immunities secured and protected by the U.S. Constitution and Laws of the United States***", and this was done in violation of the appellant's rights to Equal Protection of the laws, Screws v. United States, 325 U.S. 91, 65 S.Ct. 1031(1945); State v. Middleton, 207 S.C. 473, 36 S.E.2d. 742(1946); Eslinger v. Thompson, 340 F.Supp. 886(DSC.1972) Aff'd 476 F2d. 225(4th.Cir.1973); Mc Laughlin v. Florida, 379 U.S. 184, 85 S.Ct. 283, 13 L.Ed.2d. 222(1964); Dubinka v. Judges Of Superior Court Of The State Of Los Angeles, 23 F3d. 218; Jones v. Arkansas, 929 F2d. 275; Hicks v. Oklahoma, 447 U.S. 343, 346, 100 S.Ct. 2227, 2229, 65 L.Ed.2d. 175(1980); Dozier v. Loop College, City Of Chicago, 776 F2d 752; Lugar v. Edmondson Oil Co., 457 U.S. 922, 928-30, 102 S.Ct. 2744, 2749-50, 73 L.Ed.2d. 482(1982).

By the structural constitutional error, defect, language, and or charge contained within the indictments and criminal complaints around the entire nation, the defendant(s) most basic and most fundamental right to be viewed as innocent until proven guilty, and to have the state bear the burden of production on the critical elements of dispute has been clearly taken away. This is a serious price to pay for the sake of obtaining a conviction.

"The teaching of these cases is that "[a]ny", "[a]ny", presumption, even if its not conclusive, even if its embodied within the charge of an indictment or criminal complaint, that placed before a jury to obtain a conviction, and or defendant to coerce him or her into a guilty plea, that has the effect

of shifting the burden of persuasion to the defendant on any element of the crime charged, or deprives him of the presumption of innocence, predetermining in advance the outcome of the proceedings, violates Due Process and is grounds for an acquittal", IN Re Winship supra.; Humanik v. Beyers supra.; Moore v. Dempsey supra.; It involves deprivation of constitutional protection so basic and so fundamental that in its absence criminal trials and or plea proceedings "[c]annot" reliably serve its function as a vehicle for the determination of guilt or innocence and ~~no criminal punishment may be deemed or regarded as fundamentally~~ fair because the structural constitutional error and or defect affect the framework of the proceedings and "[c]annot" be viewed as harmless, Robinson v. Arvonio supra.; Vines v. United States supra..

The actions of the conspiring agents, both state and federal, produce fraud upon the court also in violation of 18 U.S.C. §§ 241 and 242. Fraud will vitiate any legal transaction which include criminal trials and or plea hearing where the indictments and proceedings are a form of contract. And any asserted title to property in the form of this modern day slavery by this broken judicial system, this so-called "debt to society" founded on it is void. The U.S. Constitution does not confer power or jurisdiction upon any state or federal government or court within this nation to establish or legalize modern day slavery which essentially is what the government has done here, both state and federal as is defined in the definition for slavery under the C.A.T. Treaty ratified by Congress. Although public documents such as, and or even indictments or criminal complaints, which themselves are a form of contract, which embellish this modern day slavery and property of the states or federal government by criminal conviction are deemed prima facie evidence of facts which they purport to state, they are open to be impunged for fraud and a clear challenge to the courts nationally "[p]ower" to establish or legalize modern day slavery, The Conception, Brunn, Coll. C. 497, 2 Wheeler CC 597, 6 F. Cas. 359 No. 3137(C.C.D. S.C. 1819); The La Conception, 19 U.S. 235, 1821 WL 2188, 5 L.Ed. 249, 6 Wheat, 235 U.S.S.C. (Mar. 8, 1821); The Amistad, 40 U.S. 518, 15 Pet. 518, 1841 WL 5024,

2006 A.M.C. 2955, 10 L.Ed. 826, U.S. Conn., January 1841; Chewing v. Ford Motor Company, 345 S.C. 72, 579 S.E.2d. 605(S.C.2003); Appling v. State Farm Mut. Auto Ins. Co., 340 F3d. 769, 780 (9th.Cir.2003); King v. First American Investigation Inc., 287 F3d. 91, 95(2nd.Cir.2002) cert. denied 537 U.S. 960, 123 S.Ct. 393, 154 L.Ed.2d. 314(2002); Brailsford, 669 S.E.2d. 342, 380 S.C. 433; Callon Petroleum Co. v. Frontier Ins. Co., 351 F3d. 204, 208(5th.Cir.2003). This fraud upon the court is endemic and compromises the system itself and institution set up to protect the commonwealth from unjust prosecution corrupting, irreparably, the entire judicial system as a whole warranting it be abolished and or reformed. The Grand Jury does not have the power to predetermine in advance the outcome of the proceedings and must refrain itself from making any opinion as to guilt or innocence. How much more egregious is it if they swear upon their oath a person's guilt or innocence before they have a trial or give a guilty plea? This "[c]annot" be deemed as a harmless error, United States v. Direct Sales Co., 40 F.Supp.917 D.C.S.C.(1941); United States v. Atlantic Commission Co., 45 F.Supp. 187 D.C.N.C.(1942); State v. Boyd, 2 Hill (S.C.) 288, 1834 WL 1573 S.C. App. L. & Esq. 1834; State v. Bramlett, 166 S.C. 323, 164 S.E. 873(S.C.1932); Beck v. Washington, 369 U.S. 541, 82 S.Ct. 955 U.S. Wash.(1962); State v. Tollin, 352 S.C. 235, 573 S.E.2d. 812(S.C.App.2002); Byers v. Reynolds, 2011 WL 7063638, * 8 (DSC.2011); United States v. Jefferson, 546 F3d. 300 CA4 (Va.2008); In Re: Grand Jury Subpoena John Doe, No. 05GJ1318, 584 F3d. 175 CA4 (Va.2009); In Re: Grand Jury Subpoena (T-112), 597 F3d. 189 CA4 (Va.2010).

We are arguing violations of the Anti-Peonage Act of The 13th. Amendment. Under this provision of law no time bar, or statute of limitations, or (3) strike provision, or successive bar, which all are statute of limitations can hold a man in Peonage.

The 13th. Amendment Provides----"Neither slavery nor involuntary servitude, except as punishment for crimes where of the party is "duly" (emphasis added) convicted, shall exist

within the United States, or any place subject to their jurisdiction".

The courts have repeatedly held that by the language of the 13th. Amendment, the 13th. Amendment does not apply to a person serving a sentence for a criminal conviction, Newell, 563 F2d. 123; WL 1415149(2012); Cox v. U.S. Attorney General, F.Supp.2d, 2012 WL 1570110 DSC April 10, 2012; Gaddy v. South Carolina Supreme Court's District Of Columbia, S.C., 2013 WL 6150715 DSC November 21, 2013; Flood v. News & Courier Co., 71 S.C. 112, 50 S.E. 637(1905).

The courts in these previous cited cases abused their discretion in their determination because they are controlled by an error of law in their interpretation and or they failed to address a critical part of the language written in the 13th. Amendment.

An abuse of discretion occurs when the court(s) are controlled by an error of law, or when the order bases upon findings of fact is without evidentiary support or fact, Sharpes v. Sharpes, 535 S.E.2d. 913, 342 S.C. 71(2000).

None of the aforementioned legal authorities ever addressed whether or not the issue of slavery and violations of the 13th. Amendment have standing if the convicted person is not "duly" (emphasis added) convicted. Since none of the afore citings, or any similar, addressed the issue of whether the 13th. Amendment applies in cases where the party is [n]ot "duly" (emphasis added) convicted. Which is indisputably in the language of the 13th. Amendment. Using or applying any of those citings, or any similar, would be misplaced if the citing does not address the issue of whether slavery applies or have standing when a person is [n]ot "duly" (emphasis added) convicted. See S.C. Code Ann § 17-25-10.

"Duly---is defined, as is 'right' and 'fitting'; 'properly'; in 'accordance with legal requirements'".

By the legal issues presented in this document and argued in this and its connecting cases. The convictions are not right. They are not fitting. They are not proper, nor are they in accordance to the legal requirements of law as is required by proper Due Process. Thus, we are not "duly" (emphasis added) convicted, and via the fraud, the 13th. Amendment does have standing. See S.C. Code Ann § 17-25-10. The sentences and convictions around the nation, to include the appellant's, must be vacated. I seek class action certification under Article III section 2 of The U.S. Constitution and Federal Rule 23 arguing preemption.

(2) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, by the court's failure to grant the motion for severance, causing substantial prejudice to the appellant's trial proceedings?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra. 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings, (Black Law Dictionary 8th. Edition).

The appellant places forth this issue in a straightforward fashion. It is conspicuous that the motions for severance were properly and timely placed before the General Sessions Court.

See TT.PP. 142 lns. 18-25 through TT.PP. 146 lns. 1-7.

The state gave its explanation as to why the motion(s) should not be granted and a summary of the events they intend to prove at trial. See TT.PP.146 lns. 8-25 through TT.PP. 149 lns. 1-8.

The debate continued over this matter until TT.PP. 153 lns. 1-8 where the motion was denied.

The focus on this issues manifest itself in several ways. (1) On TT.PP. 148 lns. 6-13. The state gives their reason as being judicial economy; that the same evidence will be used and it would be less burden upon the witnesses. This is a lie, to include being an act of fraud upon the court which cannot be waived, also being jurisdictional in nature, and can even be addressed under the independent action rule which will be elaborated on, Blue Sky Travel and Tours, LLC. v. Al Tayyar, ---Fed.Appx'---, 2015 WL 1451636 CA4 ((Va.2015); Silvestri v. General Motors Corp., 271 F3d. 583, 590(4th.Cir.2001); Nucar Corp. v. Bell, 251 F.R.D. 191, 194(DSC.2008); U.S. v. Sterling, 724 F3d. 482 CA4 (Va.2013).

Please take notice of the argument presented by counsel on the court record pursuant to TT.PP. 142 lns. 24-25 through TT.PP. 145 lns. 1-25; TT.PP. 150 lns. 12-25; TT.PP. 151 lns. 1-7 and 21-25; TT.PP. 152 lns. 1-8. The issues brought forth by the Attorneys for the defendants was the claim of "conspiracy", that there was no tacit agreement or joint enterprise pre-planned, but was rather "self defense" based upon a friend being at threat of great physical injury and or attack. There was also the concern raised over the inability for either of the defendants to call each other to the stand that would have permitted them to present various defenses. The appellant further asserts and present, that there is no overwhelming evidence of guilt because for one thing. There is no final written order

entered into the court record in the appellant's stand your ground hearing that would legally invalidate the appellant's right and claim to immunity.

Yet, it is even far more worse than these crucial factors and or deficiencies, which produce overwhelming prejudice. The prosecutor, conspiring under color of state law, also in violation of 18 U.S.C. § 242, 1001 was engaging in acts of fraud, machination and misrepresentation, and the trial judges were conspiring with them in full knowledge of these facts, which void their jurisdiction for Due Process violation by was this arbitrary judicial action. In truth, it was not just the fact that the state could not prove the elements of conspiracy in general. It was more to the truth, that they could not prove the elements of conspiracy, because all of the indictments were fatally defective, being extremely vague, voiding their jurisdiction for Due Process violation; indictments which would have allowed the jury to speculate as to who was involved in this "so-called" conspiracy, if the appellant and his co-defendant were not tried together.

It is perspicuous, clear, and fundamental, that such action produces overwhelming prejudice by not granting the severance, which is why the trial judge did not grant the severance and the state protested when such a severance was sought. Primarily for reasons of economy of time in judicial administration, the general rule has evolved that persons jointly indicted should be tried together, Hall v. United States, 83 U.S. App. D.C. 166, 168 F2d. 161(1948); Dykes v. United States, 114 U.S. App. D.C. 189, 313 F2d. 580(1962).

This rule has particular strength where, as here, one crime may be proved against two or more defendants on a single set of facts or from the same evidence, United States v. Lebron, 222 F2d. 531(2nd.Cir.1955) cert. denied, 350 U.S. 876, 76 S.Ct. 121, 100 L.Ed. 774(1955). Notwithstanding the need for efficiency in judicial administration, a joint trial is inappropriate if

it sacrifices a defendant's right to a fundamentally fair trial, (5th., 14th. amendment Due Process; 6th., 14th. amendment fair impartial trial dynamics). Also see Baher v. United States, 329 F2d. 786(10th.Cir.1964) cert. dismissed, 379 U.S. 853, 85 S.Ct. 101, 13 L.Ed.2d. 56(1964); Barton v. United States, 263 F2d. 894(5th.Cir.1959).

For these reasons, although Rule 14 of Federal Rules Of Criminal Procedure, as well as South Carolina State law, places the granting or denial of a severance in the sound discretion of the trial judges as was stated on TT.PP. 152 lns. 9-22, The discretion of the judge in this case was not sound via the fraud, machination and conspiring under color of state law, Opper v. United States, 348 U.S. 84, 75 S.Ct. 158, 99 L.Ed. 101(1954); United States v. Frazier, 394 F2d. 258(4th.Cir.1968), if a "substantial degree of prejudice" springs from a joint trial as it does in this case, where the joint trial compromises specific trial rights, or prevent the jury from making a reliable judgment about the defendant's guilt, a severance is mandatory, United States v. Burgo, 279 F.Supp. 843(S.D.N.Y.1968). Not surprising, the facts peculiar to each case will determine whether sufficient prejudice exist to make a denial of a severance reversible error.

In this case some of the specific trial rights are the constitutional Due Process right to have particular averments passed upon by the Grand Jury in the body of the indictments; the right to be fully and properly apprised of notice as well as the cause and nature of the offenses; and not to allow the severance so the state and court can criminally, constructively amend the indictments all over the place because said indictments were fatally defective. Reversible error producing overwhelming prejudice is clearly established, Schaffer v. United States, 221 F2d. 17, 19(5th.Cir.1955).

Severance in this case would have been obligatory where a major portion of the state's case was founded and or based

"[c]onspiracy", and none of the indictments say who it was that the appellant allegedly conspired with, which if the cases were tried separately, would have allowed the jury to only speculate as to the appellant's guilt, creating an inability for them to produce a reliable judgment about the appellant's guilt, proving overwhelming prejudice in the trial being tried jointly. Also, where the case rest upon exculpatory evidence, in that there was no final "[w]ritten" (emphasis added) order issued into the court record. Jurisdictional claim of immunity exist.

~~Alibi potentially exist since an "[e]xact [t]ime", which is an essential element in attempted murder is not alleged within the indictment(s). Such presents itself with claims of actual innocence based upon immunity via stand your ground defense.~~

Where co-defendant refused to take the stand. Extreme prejudice is clearly demonstrated. The 5th. amendment in this instance gave the appellant's co-defendant the right to not even be called to the stand and that right extended so far as to forbid not only the government, but even the appellant from calling his co-defendant to take the stand which extremely prejudiced the appellant, United States v. Keenan, 267 F2d. 118, 126(7th.Cir.1959) cert. denied 361 U.S. 836, 80 S.Ct. 121, 4 L.Ed.2d. 104(1959); Poretto v. United States, 196 F2d. 392, 394(5th.Cir.1952); DeLuna v. United States, 308 F2d. 140 (5th. Cir.1952); United States v. Housing Foundation, 176 F2d. 665, 666(3rd.Cir.1949).

However, if the appellant's co-defendant's case was severed from the appellant's, where the codefendant would retain the privilege against self incrimination, as a witness, he would no longer have the right not to be called to the stand. Thus, absent the appellant's codefendant's willingness to waive his 5th. amendment rights while joined as a defendant with the appellant, severance was the only way of affording the appellant any possibility of persuading the codefendant to testify, Landy v. United States, 283 F2d. 303(5th.Cir.1960).

In a situation where the elusive quality of credibility is of such importance, the jury should have the benefit of all the relevant testimony likely to shed light on the situation, in this case, the appellant's codefendant's testimony. Where the opportunity to sever by the court, resulted in withholding this critical witness' testimony on such critical points, so tipped the scales against the appellant, that the appellant failed to receive a fair trial. A verdict based so heavily on less than the full available testimony, where the missing testimony of the codefendant could, with relative ease, have been procured by the court granting the motion to sever. The court's ruling should not stand, United States v. Turner, 274 F.Supp. 412(D.C.Tenn.1967); United States v. Crisona, 271 F.Supp. 150 (S.D.N.Y.1967); United States v. Kilmore, 403 F2d. 627, 628(4th. Cir.1968) cert. denied 394 U.S. 932, 89 S.Ct. 1204, 22 L.Ed.2d. 462(1969); 454 F2d. 772(1971).

The State and court, conspiring under color of state law, in egregious acts of fraud upon the court, machination and arbitrary judicial action, has failed to adhere to their own state laws, in violation of the appellant's substantial rights of Due Process, as well as 18 U.S.C. §§ 241, 242, 1001, which serve to deny the appellant the Equal Protection of The laws, which void their jurisdiction for Due Process violation, Grupo Dalaflex v. Atlas Global Group L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.Ed.2d. 866(U.S.2004); Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp. 3d. 582, 2014 WL 1266240; S.C. Code Ann § 17-25-10; Screws v. United States supra.; State v. Middleton supra.; McLaughlin v. Florida supra.; Eslinger v. Thompson supra.; Lugar v. Edmondson Oil Co. supra.; Aladeckcha, 2010 WL 4054267(2010); Paul Adams v. California Institution, 2016 WL 6464444; Holloway v. Perry, 2016 WL 4074149; Donatoni v. Department Of Homeland Security, ---F.Supp.3d.---, 2016 WL 1755871; U.S. v. Hare, 820 F3d. 93(4th.Cir.2016).

When an officer and or state actor shall use their power

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pursuant to the instrument of arrest or prosecution in egregious acts of prosecutorial misconduct and ulterior motives and incarcerate and or prosecute an accused for the purpose of engaging in malicious, fraudulent and criminal acts, willfully subjecting the appellant to deprivations of any rights, immunities or privileges secured by the constitution and laws of the United States within any state, District or territory. They shall be subject to state and or Federal penalty. By what has been done here which is indeed prejudicial. Such action is indisputably deprivation of the rights of the accused to liberty and a violation of 18 U.S.C. §§ 241, 242; Neither threat, nor violence is a necessary ingredient of the offense under these circumstances where the conspiring individuals were clearly acting arbitrarily under color of state law for ulterior purpose giving a mock stand your ground hearing with no written final order to deprive of an appealable issue, soliciting false testimony in that hearing where party stated she had "managerial powers" when she did not, going past the (365) days permitted by law where there is no overwhelming evidence of guilt due to right to stand ground . Jurisdiction must be deemed void for Due Process violation, Williams v. United States, CA5 (Fla.) 1950, 179 F2d. 656 cert. granted 71 S.Ct. 70, 340 U.S. 97, 95 L.Ed. 774; Brown v. United States, CA6 (Tenn.) 1953, 204 F2d. 247; United States v. Ramey, CA4 (W.Va.) 1964, 336 F2d. 512 cert. denied 85 S.Ct. 649, 379 U.S. 972, 13 L.Ed.2d. 564; United States v. Kozminski, (1988) 487 U.S. 931, 101 L.Ed.2d. 788, 108 S.Ct. 2751, 46 CCH E.P.D. ¶ 38067 on remand (1988 CA6 Mich.) 852 F2d. 1288; 18 U.S.C. §§ 241, 242; Greenwood v. Peacock, (1966) 384 U.S. 808, 16 L.Ed. 2d. 944, 86 S.Ct. 1800; United States v. Otherson, (1980 CA9 Cal.) 637 F2d. 1276 cert. denied (1981) 454 U.S. 840, 70 L.Ed.2d. 123, 102 S.Ct. 149; Brown v. United States, 2014 WL 2871398 (DSC.2014); Hunt v. United States, F.Supp.2d., 2007 WL 5131716 (DSC.2007); U.S. v. Bartko, 728 F3d. 327(4th.Cir.2013); U.S. v. Parker, 790 F3d. 550(4th.Cir.2015); Mooney v. Holohan, 294 U.S. 103, 55 S.Ct. 340(U.S.1935); Napue v. People Of The State Of Illinois, 360 U.S. 264, 79 S.Ct. 1173.

Motion for severance is addressed to sound discretion of the trial court. Which in this case that discretion was not sound due to trial court engaging in acts of fraud upon the court, criminal conspiracy, machination under color of state law. The trial court's ruling will not be disturbed on appeal absent an abuse of discretion which conspicuously occurred here. Criminal cases may be tried together where they (1) arise out of a single chain of circumstances, (2) are proved by the same evidence, (3) are of the same general nature, and (4) no real right of the defendant has been prejudiced. All (4) (emphasis added) of these elements must exist before the appellant and his codefendant can be tried together, not (3) or (2). The Appellant's constitutional Due Process rights pursuant to notice, being properly apprised as to the cause and nature of the accusations or offenses, having crucial, essential elements and averments passed upon by the Grand Jury, to call the codefendant to testify, to establish potential alibi and not have the indictments constructively amended throughout the proceedings were violated producing extreme prejudice where the prosecution sought to conceal all of this by trying us both together. Thus, the conviction must be vacated and reversed, State v. Caldwell, 378 S.C. 268, 662 S.E.2d. 474 (S.C.App.2008); State v. Tyre, S.E.2d., 2013 WL 8538730 (2013); State v. Butts, S.E.2d., 2014 WL 2586521 (2014); DeLuna v. United States, 308 F2d. 140 (5th.Cir. 1962); United States v. Kahn, 366 F2d. 259, 263-264 (2nd.Cir.) cert. denied, 389 U.S. 1015, 88 S.Ct. 591, 19 L.Ed.2d. 661 (1967); 454 F2d. 772 (1971); State v. Rocheville, 425 S.E.2d. 32 (S.C. 1993); State v. Kelsey, 502 S.E.2d. 63 (S.C.1998); State v. Beekman, 415 S.C. 632, 785 S.E.2d. 202 (2016); State v. McDonald, 412 S.C. 133, 771 S.E.2d. 840 (S.C.App.2015).

(3) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated by the indictment(s) for attempted murder's failure to allege what weapon was allegedly used and who it was the

appellant supposedly acted in concert with, in the same vein, the indictment for conspiracy's failure to allege who it was that the appellant conspired with, in the body of the charging instrument?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; Broad River Power Co. supra.; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings, (Black Law Dictionary 8th. Edition).

The appellant did not object to these defects and or errors at the time of his trial and or before he gave his guilty plea, but the defect(s) and or error(s) serve to render the indictment(s) wholly invalid. Defects in an indictment that are of such a fundamental character as to render an indictment wholly invalid are not subject to waiver by the defendant, 41 Am. Jurs.2d Indictments And Information § 299(1968); State v. Munn supra.

It is universally recognized that an indictment "[m]ust" contain certain [s]pecification of [a]cts and [c]ircumstances as well as on its [f]ace fix and determine the identity of the offense with such [p]articularity, that it will enable the defendant to know with sufficient [c]ertainty what he has to face at trial to give him or her a fair opportunity to prepare his defense to avail him or herself of conviction, or acquittal as a bar to further prosecution arising out of the same facts,

State v. Rallo, 403 S.E.2d. 653(1991); State v. Hardee, 279 S.C. 409, 308 S.E.2d. 521(1983); Locke v. State, 341 S.C. 54, 533 S.E.2d. 324(2000); IN RE: Jason T., 340 S.C. 455, 531 S.E.2d. 544(S.C.App.2000); State v. Parker, 344 S.C. 250, 543 S.E.2d. 255(S.C.App.2001).

S.C. Code Ann § 17-19-10 Provides:

"All offenses shall be prosecuted by Grand Jury indictment(s). Thus, no person shall be held to answer in any court for any alleged crime or offense unless upon indictment by a Grand Jury".

S.C. Code Ann § 17-19-20 Provides:

"Every indictment shall be deemed and judged as good and sufficient in law, which in addition as to allegations as to time and place as required by law, charges the crime substantially in the language of the common law of the statute, prohibiting the crime and so plainly that the nature of the offense charged may be easily understood***".

Insomuch, it is the body of the indictment which is the [v]ital part of the charging instrument, State v. Tate, 345 S.C. 577, 549 S.E.2d. 601(S.C.2001), and it "[c]annot" be so cryptic or the wording so loose, vague and ambiguous as to fail to comply with the basic right of the accused to be "[f]ully" informed as to the "[c]ause and [n]ature" of the accusation being levied against them, which is one of the most basic, fundamental and universally recognized rights of Due Process, Smith v. O'Grady, 312 U.S. 329, 61 S.Ct. 572(1941); State v. Tabor, 262 S.C. 136, 141, 202 S.E.2d. 852(1974)(Holding that the state may not support a conviction * 334 for an offense intended to be charged by relying upon the caption to the exclusion of the language contained within the body of the indictment).

Subject to certain minor exceptions not present, jurisdic-

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tion is made void for Due Process violation, and the trial court is prohibited from enacting and or invoking and or continuing its Subject Matter Jurisdictionary "[p]owers" to convict a defendant for an offense, when there is no indictment charging him with that offense when the jury is sworn, and or before he gives his guilty plea even though the court does possess such "[p]ower" given to them by legislative statute, State v. Beachum, 288 S.C. 325, 342 S.E.2d. 597(1986); Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp.3d. 582, 2014 WL 126640; White v. Manis, 2014 WL 1513280(DSC.2014).

Federal Rules of Procedure, Rule 7(c) requires that an indictment contain a "[p]lain", "[c]oncise" and "[d]efinite" written statement of essential elements and or allegations constituting the offense charged. The indictment Clause of the 5th. Amendment require that the indictments contain some amount of factual particularity to ensure that the prosecution will not fill in elements of his case with facts other than those considered by the Grand Jury, United States v. Abrams, 539 F.Supp. 378, 384(S.D.N.Y.1982).

If the court will please take notice of the indictment(s) for attempted murder. They read: "That in Berkeley County, South Carolina,****Morris Gourdine,****, while acting in concert with codefendant, discharged a firearm at the victim,****".

The indictment for conspiracy reads:

"That in Berkeley County,****the defendant Jason Morris Gourdine, did combine, conspire, confederate, agree or have tacit understanding with another, for the purpose of committing a crime, to wit, attempted murder.*****".

These are the generic terms of the statute for conspiracy. Inasmuch, the indictment(s) are to vague and cryptic. The attempted murder indictment(s) do not say what weapon was supposedly used, and both the attempted murder and conspiracy in-

dictment(s) do not allege who it was the appellant conspired with. The court and prosecution did add these elements and or aggravating factors that were not passed upon by the Grand Jury. Did the appellant possess a handgun, a slingshot, a dirk, a machete, an uzi, an AKA-47 or a rocket launcher? The indictments do not say. Did the appellant allegedly conspire with "Sponge Bob", "Barrack Obama", Donald Duck Trump and the alt right", Bugs Bunny" or "Michael Jackson" who came back from the dead? The indictment(s) do not say. This is why they conspired under ~~color of State law, in acts of prosecutorial misconduct as well~~ as in acts of fraud upon the court and denied the motion for severance, which extremely prejudiced the appellant, permitting them to constructively amend the indictments before the court. This extreme prejudice caused actual substantive disadvantage where these material averments were not passed upon by the Grand Jury in the body of the charging instrument. This act led to said constructive amendment and denial of the motion for severance by fraud, depriving the appellant of proper notice giving way to arbitrary judicial action in violation of Due Process law, voiding jurisdiction for Due Process violation. This issue is also preserved for appellate review where the attorney for the defense argued that the State did not prove the indictments or elements of the motions for dismissal, direct verdict and severance, Castillo v. Holder, ---F3d.---, 2015 WL 161952 CA4 (2015); State v. Brandt, 393 S.C. 526, 713 S.E.2d. 591(S.C.2011).

The language in the indictment(s) is so vague, so loose, so cryptic and ambiguous it is almost impossible for the appellant to know what he is called upon to meet and defend. What weapon was the appellant in possess of? As far as the appellant can tell, it must have been a ~~surface~~ ^{sub}air missile or rocket launcher. As far as the appellant can tell, in whom it was that he allegedly conspired with. It could have been Napoleon Bonapart after he battled at Waterlou or Genghis Khan after he left the Asian Continent, where these people were resurrected from the dead. No one can say what was in the mind of the Grand Jury. This "[c]annot" be deemed as reasonable notice, which is why

the court denied the motion for severance, to constructively amend the indictments where the jury would have been able to only speculate had this not been done. The indictments cannot be deemed as sufficient if the prosecution is permitted to prove all these materially different sets of facts, to include any other set of facts not passed upon by the Grand Jury, subjecting the appellant to "Indictment Ambush" at the onset of the proceedings, voiding their jurisdiction for Due Process violation, State v. Keith, 283 S.C. 597, 598, 325 S.E.2d. 325, 326(1985); State v. Bullock; United States v. Masotto, 73 F3d. 1233 cert. denied 117 S.Ct. 54, 136 L.Ed.2d. 18; Castillo v. Holder,--- F3d.---, 2015 WL 161952 CA4 (2015); State v. Brandt, 393 S.C. 526, 713 S.E.2d. 591(S.C.2011); S.C. Code Ann § 17-25-10.

The requirement of the indictment(s) limit and constrain the Subject Matter Jurisdictionary "[p]owers" of both the prosecution and the court by limiting what can be presented at trial, conviction and sentencing, United States v. Promise, 255 F3d. 150(4th.Cir.2001); State v. Guthrie, 352 S.C. 103, 572 S.E.2d. 309. It is the command of the U.S. Constitution, that anything to the contrary is notwithstanding, (Article IV § 2 U.S. Const.); S.C. Code Ann § 17-25-10.

The State and or prosecuting body, acting unjustly, arbitrarily, conspiring under color of law, has egregiously failed to adhere to their own state laws, serving to deny the appellant the Equal Protection of the Laws against unjust, arbitrary prosecution and judicial action in acts of fraud upon the court, Great Coastal Exp. Inc. supra., 675 F2d. 1349(4th.Cir.1982); Fox Ex. Rel. Fox v. Elk Run Coal Co. Inc., 739 F3d. 131(4th. Cir.2014); U.S. v. Beggerly, 524 U.S. 38, 118 S.Ct. 1862, 141 L.Ed.2d. 32(U.S.1998); Blue Sky Travel and Tours, LLC v. Al Tayyer,---Fed. Appx'---, 2015 WL 1451636 CA4 (Va.2015); Barlow v. Colgate Palmolive Co., 772 F3d. 1001, 90 Fed. R. Serv.3d. 85 CA4 (Md.2014); U.S. v. Tejada, 445 Fed. Appx' 719, 2011 WL 3891825 CA4 (S.C.2011); Screws v. United States supra.; State v. Middleton supra.; Eslinger v. Thompson supra.; McLaughlin

v. Florida supra.; Dubinka v. Judges Of Superior Court Of The State Of California, For The County Of Los Angeles supra.; Hicks v. Oklahoma supra.; Jones v. Arkansas supra.; Lugar v. Edmondson Oil Co. supra.; Greenwood v. Peacock, (1966) 384 U.S. 808, 16 L.Ed.2d. 944, 86 S.Ct. 1800; United States v. Otherson, (1980 CA9 Cal.) 637 F2d. 1276 cert. denied (1981) 454 U.S. 840, 70 L.Ed.2d. 123, 102 S.Ct. 149; S.C. Code Ann § 17-25-10.

In United States v. Hooker, 841 F2d. 1225, 1227(4th.Cir. 1988)(EN BANC) and in Russell v. United States, 82 S.Ct. 1047 (1962), the court held:

"It is an elementary principle where the definition of the offense(s) charged, whether it be at common law or statute, include generic terms, it is "[n]ot" sufficient that the charging should be in the same generic terms of the statute, but it "[m]ust" descend to "[p]articulars".

WE HOLD, a mere citation of the statute of which the defendant is charged with violating is insufficient to cure the failure of the indictment(s) to charge each essential element and or allegation of the offense because a mere citation alone does not ensure that the Grand Jury considered and found the crucial elements and or facts of the offense". The appellant also cannot be subjected to language that violate his rights to double jeopardy protection.

Hence, by the Doctrine of "STARE DECISIS ET NON QUIENTA MOVERE", and indictment "[m]ust" properly set forth all essential elements of the offense. By Hamling v. United States, 418 U.S. 87, 94 S.Ct. 2887(1974), it is well established and recognized under American Jurisprudence: That if an indictment fails to charge all the necessary elements, it fails to charge the offense . If it fails to charge the offense or subject a person to double jeopardy, such violates the appellant's 5th., 6th. 14th. Amendment rights of the U.S. Constitution, as well as Article IV § 2, and his rights of Due Process, voiding the court's jurisdic-

tion for Due Process violation. Thus, the conviction "[m]ust' be set aside, United States v. Cabrera-Teron, 168 F3d. 141(5th. Cir.1999); United States v. Pupo, 841 F2d at 1239(4th.Cir.1988) (EN BANC); United States v. Hooker, 841 F2d. 1225(4th.Cir.1988); United States v. Daniels, 973 F2d. 272(4th.Cir.1992); Elderberry Of Weber City, LLC v. Living Center--Southeast, Inc., ---F3d.--, 2015 WL 4430836 CA4 (Va.2015); Norbrega v. Hinkle, 576 Fed. Appx' 224 CA4 (Va.2014); Manis v. White, 2014 WL 1513280(DSC. 2014); Robinson v. Cohen, F.Supp.2d., 2009 WL 789882(DSC.2009); United States v. Gomez, 690 F3d. 194 CA4 (Md.2012); Carr v. United States, 560 U.S. 438, 130 S.Ct. 2229(U.S.2010); United States v. Robare, 2011 WL 10583565 (N.D.N.Y.2011) Castillo v. Holder supra.; State v. Brandt supra..

(4) Did the trial court err, and was the appellant's 5th., 6th., 14th. Amendment rights violated, as well as Article IV § 2 and his Due Process rights violated, voiding the court's jurisdiction for Due Process violation, due to the court's failure to issue a final written order in the appellant's stand your ground hearing?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra.; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings (Black Law Dictionary 8th. Edition).

So the legal maxim remains, STARE DECISIS ET NON QUIENTA MOVERE, to stand by those things decided in law, and not to move from them. Subject Matter Jurisdiction can be raised at any time, "[c]annot" be waived by the defendant, can be raised for the first time on appeal, and the appellate court "[s]hall [n]ot" fail to take notice, South Carolina Dept. Of Social Services v. Tran, 418 S.C. 308, 792 S.E.2d. 254(S.C.App.2016); McCain v. Brightharp, 399 S.C. 240, 730 S.E.2d. 916 (S.C.App. 2012); Sheila R. v. David R., 396 S.C. 41, 719 S.E.2d. 682 (S.C. App.2011); United States v. Beasley, 495 F3d. 142(4th.Cir.2007).

Attached the court will find, "Exhibit--Stand Your Ground" . This is the Notice Of Affirmative Defense, Motion And Memorandum To Dismiss And State's Opposition To Dismiss.

This is the crux of the matter. It is the appellant's contention that the conviction must be vacated because it was obtained by egregious acts of fraud upon the court, conspiring under color of state law and violations of Due Process, which voids the court's jurisdiction for Due Process violation. By these acts the appellant was denied the Equal Protection Of The Laws, Paul Adams v. California Institution, 2016 WL 6464444; Holloway v. Perry, 2016 WL 4079149; Donatoni v. Department Of Homeland Security, ---F.Supp.3d.---, 2016 WL 1755871; U.S. v. Hare, 820 F3d. 93(4th.Cir.2016); Asterbadi v. Leites, 176 Fed. Appx' 426 CA4 (Va.2006); PCS Nitrogen Inc. v. Ford Motor Co., ---F.Supp.3d.---, 2015 WL 6758983(E.D.N.C.2015); Christianson v. M.B.N.A. American Bank, N.A., S.E.2d., WL 8507850(S.C.App. 2013); Caldwell v. Wiquist, 402 S.C. 595, 741 S.E.2d. 583 (S.C. App.2013); Anderson Bros., Bank v. E.B.T. Property Holdings Co. Inc., S.E.2d., 2013 WL 8507807(S.C.App.2013); Miller v. Columbia Forrest Inc., S.E.2d., 2014 WL 5390504(S.C.App.2014); Springob v. University Of South Carolina, 407 S.C. 490, 757 S.E.2d. 384(S.C.2014).

Pursuant to Section 16-11-440(A)(1)(2) Provides:

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"A person is presumed to have a reasonable fear of imminent peril of death or great bodily injury to another person: against whom the bodily force is used is in the process of unlawfully and forcefully entering or has unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if he removes and or is attempting to remove another person against his will from the dwelling, residence, or occupied vehicle; and who uses deadly force knows or has reason to believe that an unlawful and forcible entry or unlawful or forcible act is occurring or has occurred".

When the Court looks at the provisions of S.C. Code Ann § 16-11-420 of The Protection Of Persons And Property Act (A). This act extended the provision to cover an occupied vehicle as does exist within this case.

It is perspicuous that from all testimony, that the appellant's codefendant, for all practical purpose when approaching the alleged victim(s) vehicle "unarmed"(emphasis added) intended to identify the person who assaulted, or attempted to assault him in the bar, for the purpose of engaging in mere conversation to gain closure on the matter. There was no other evidence produced subjudice, in the court record, that would substantiate otherwise. A respectable distance was maintained at all times during the efforts to engage in that non-violent conversation when thereupon, the (3) men, "[n]ot [o]ne", but (3), including a very large potential perpetrator, then came at the appellant's codefendant in an overt act of attempted assault and by (3) men overwhelming force, literally chasing the codefendant back to the vehicle. At no time at this juncture the the codefendant show any sign of force or threat, by words or deed. Not any one of these alleged victims were compelled by any sign of force or threat, nor did the codefendant make any effort to extract any person from the vehicle. Thus, there existed no logical reason for any of these alleged victims to chase the codefendant back to the appellant's vehicle except for the purpose of causing potential death or great bodily injury. If their intent was

to de-escalate the situation, all any of the alleged victims had to do, since there at no time was any force or unlawful act manifesting itself. They could have simply ignored the non-violent approach, brushed the event off where there was no weapon presented, remained in the vehicle, turned the key, and then drove off. This was simple. Nothing done by the codefendant required the use of any force, which is obvious because he ran!, he was fleeing the attempted assault. Once these alleged victims by their own cognizance chose to attempt an unlawful assault, ~~which was totally unnecessary at the time, which is clearly~~ indicated by all testimony, in an overt show of overwhelming force, by (3), "[n]ot [o]ne" potential perpetrator who fraudulently called themselves victims. Thus, this unreasonable and excessive response to mere non-violent questioning, indisputably demonstrating that an unlawful and forcible act was occurring. They could have simply stayed in their vehicle, ignored the approach since there was no apparent threat or force at that moment, and drove off, problem solved. Yet it was the alcohol that they consumed that led them to do otherwise.

This is why the hearing Judge did not reduce his findings to a final written order. The Judge knew good and well that the state did not meet their burden in proving that the appellant was not entitled to an immunity defense. So to permit the State to proceed with this farce of a trial, in acts of fraud upon the court, conspiring under color of State law. The Judge gave this mock hearing to make it appear the matter was resolved as a pretext to violate the appellant's Due Process rights, because he knew he could not justify his oral determination by reducing such findings of fact to writing and sign off on a written final order. The conspiring Judge, gave the mock hearing, did not produce the final written order, also to deny the Appellate Court jurisdiction to review this particular issue on direct appeal. The failure to produce this final written order in the stand your ground hearing is a jurisdictional matter, so it can be raised on the first time in this appeal.

This is not the only injustice that presents itself in this travesty of an adjudication that occurred subjudice. The appellant brings the court's attention to S.C. Code Ann § 16-11-440(C), which reads:

"A person who is not engaged in an unlawful activity and who is attacked in another place where he has the right to be, including, but not limited to, his place of business, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime as is identified in Section 16-1-60".

This is an additional outrageous act that has occurred within these proceedings. To negate the element that the appellant and or codefendant had a right to be where they were. For the purpose of criminally robbing the appellant of his immunity defense in egregious acts of prosecutorial misconduct, to which the court was privy to the fraud. The prosecutor solicits false, perjured testimony from the witness who was acting as a bartender and states solely for the stand your ground hearing. The witness asserts that she was the manager, and had the power and authority to expel the appellant and or his codefendant from the bar to negate the element that we had a right to be there.

Once they hatched their scheme to solicit this false, perjured testimony to deprive the appellate of his immunity defense conspiring under color of state law, in acts of fraud upon the court. Once the immunity hearing was concluded. The witness then changes her perjured testimony given in the stand your ground hearing, during the actual trial, which they all conspired in. After achieving their goal in the immunity hearing. The witness then testifies that she indeed was "[n]ot" (emphasis added) the manager openly on the trial record to correct the perjured testimony which extremely prejudiced the appellant at his immunity hearing. This substantially violates the appellant's Due Process rights and voids the court's jurisdiction

for these egregious acts of fraud and machination. The hearing Judge was privy to all of this and knew if a final written order was reduced to paper and entered into the court record, which is a jurisdictional matter for purposes of appeal. The case would have been reversed and vacated for this sham legal process that presents itself before the court(s) involved. See Vol. III TT.PP. 117 lns. 1; TT.PP. 114 lns. 18; TT.PP. 117 lns. 18-23; Vol. II TT.PP. 285 lns. 12-13 and 20-21; TT.PP. 293 lns. 17-23.

Another place, for the purposes of the statute, encompasses a residence, a bar or the parking lot within the provisions of The Protection Of Persons Act related to immunity for use of deadly force by a person who is not engaged in unlawful activity and who is attacked in "[a]nother [p]lace" where he has a right to be if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person to prevent the commission of a violent crime. The State actors by this conspiracy, their intent was to deny the appellant the right to address the issue before the Court Of Appeals because there was no final written order produced, where the appellant is forced, and must now argue the issue under Subject Matter Jurisdiction in order to properly have the injustice addressed, State v. Jones, 416 S.C. 283, 786 S.E.2d. 132(S.C.App.2016); Humbert v. State, 345 S.C. 332, 548 S.E.2d. 862(2001); State v. Dunbar, 356 S.C. 138, 587 S.E.2d. 691(S.C.App.2003); State v. Scott, S.E.2d., 2015 WL 7075444(S.C.App.2015).

A prime example that the appellant was entitled to the immunity defense is found in the case of State v. Pompey. Similar in my case, the codefendant approached the vehicle. It was not illegal for him to do so. The codefendant had no visible weapon, made no show of illegal force, but merely asked a question. The codefendant did not bait anyone, and there was no evidence adduced that would serve to prove otherwise. It was at the point of aggressive posture engaged in by the alleged victims and retreat, not bait, but retreat of the codefendant, where an

unlawful attack by unnecessary, brute, criminal force was in the process of being committed did the appellant act to meet force with force as the statute provided. The codefendant's retreat demonstrated the intent to avoid further escalation. There was no act or statement done at that moment that required (3), not one , but (3) potential perpetrators, under the influence of alcohol, to attempt a potentially deadly attack by illegal force. No weapon was branded, no show of illegal force was made by the codefendant. The alleges victims, had not been for the large amounts of alcohol they consumed, could have simply ignored the codefendant's question, got in their car and left, or at least made an effort to do so since there was no threat or show of illegal force. It was only at the time of the attempted assault of the (3) attackers did the appellant act with deadly force out of fear of great bodily injury. Three people, including one huge fellow, assaulting one medium built person can potentially do a lot of damage, including kill a person, whether it be intentional or unintentional. Under these circumstances the statute triggers, State v. Pompey, S.E.2d., 2015 WL 3647091(S.C.App.2015).

The prejudice is inherently patent so the issue must be deemed preserved. There is no statute of limitations for fraud upon the court. The court has inherent equity power to vacate judgment obtained by fraud upon the court. Without a written final order entered into the court record, signed by a Judge. The appellant's immunity claim is still valid and it created a jurisdictional defect in bringing the actual trial because without that final order in this particular case. Res Judicata and or collateral estoppel does "[n]ot" attach establishing overwhelming prejudice. The written order was also needed to properly preserve the issue for appeal. No trial should have occurred until such a written final order was entered into the court record, Nelson v. Levy Center LLC., 2016 WL 1276414 (DSC.2016); Teal v. Hickman-Tedder, S.E.2d., 2015 WL 9393946 (S.C.App.2015); Ware v. Ware, 404 S.C. 1, 743 S.E.2d. 817(S.C. App.2013); S.C. Code Ann § 14-3-330; United States v. Sacara

Pacific Industries, 100 F.Supp.3d. 948, 91 Fed. R. Serv.3d. 1005(W.D.Cal.2015); Rogers v. Carr, S.E.2d., 2014 WL 2721025 (Ct.App.2014); Patton v. American Lifestyle Homes LLC., S.E.2d., 2016 WL 6471968(S.C.2016); Portee v. Always Precise Protection Agency & Investigation, Inc., S.E.2d., 2012 WL 10864536(S.C. App.2012); Appling v. State Farm Mut. Auto Ins. Co., 340 F3d. 769(9th.Cir.2003); City Of Fortmill v. Fitzgerald, S.E.2d., 2014 WL 7339453(S.C.App.2014).

The hearing Judge conspiring under color of state law with the prosecution knew exactly what they were doing in engaging in this fraud and machination which is why the Judge never issued the final written order. The ill intent is demonstrated by the obtaining and or soliciting the use of perjured testimony from Julia Victoria Taylor, asserting that she was the manager to fraudulently make it appear she had legal authority to ask us to leave so it would be perceived that we were unlawfully there. Once this criminal act and aim was achieved in the immunity hearing she then changes her statement at trial, the damage was done. The outcome surely could have been different due to there being no overwhelming evidence of guilt. See Vol. III TT.PP. 117 ln. 1; TT.PP. 114 ln. 18; TT.PP. 117 lns. 18-23; Vol. II TT.PP. 285 lns. 12-13 and 20-21; TT.PP. 293 lns. 17-23.

Evidence offered by prosecution may be false because it is perjured, or, though not itself factually inaccurate, because it creates a false impression of facts which are known not to be true. A conviction obtained through the use of false testimony, which could have been objected to had the court permitted my counsel to be present, where this false testimony is known to be such by representatives of the state, is a denial of Due Process, when the state though not soliciting false testimony, allows it to go unchallenged when it appears. Principle that a state may not knowingly use false evidence, including false testimony, to obtain a tainted conviction, implicit in any concept of ordered liberty, does not cease to apply merely

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because the false testimony goes only to the credibility of the witness. The Judge did not issue a written order for the purpose of covering all of this up and conspired to deny the appellant the right to address these concerns on appeal because he figured the State v. Gentry case would bar review on appeal. Thank goodness the failure to issue the written order is jurisdictional in nature which must be adjudicated under the Due Process Prong to Subject Matter Jurisdiction, which voids the court's jurisdiction for Due Process violation, United States v. Bartko, 728 F3d. 327(4th.Cir.2013); Napue v. People Of State Of Illinois, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d. 1217 (U.S.1959); Riddle v. Ozmint, 369 S.C. 39, 631 S.E.2d. 70 (S.C. App.2006); Simmons v. State, 416 S.C. 584, 788 S.E.2d. 220(S.C. App.2016); U.S. v. \$41,329 U.S. Currency, 9 F.Supp.3d. 582, 2014 WL 1266240; Loumiet v. United States, 65 F.Supp.3d. 19(2014),

There is no written order entered into the court record from the immunity hearing containing factual findings sufficient to allow the court of appeals, sitting in its appellate capacity, to ensure that the law was faithfully executed below. It would place the court in a position where it would be engaging in speculation in upholding a state court oral determination. Until order is entered by the Clerk Of Court, the hearing court for the immunity defense retains control over the case. No order is final until it is written and entered. Until written and entered the immunity hearing court and Judge retain the discetion to change its mind and amend the oral determination accordingly. The written order, not the oral determination, constitute a final judgment of the court. The trial court's jurisdiction was made void for Due Process violation without a written order for the immunity hearing entered into the court record, also for jurisdictional purposes of appeal, Simpson v. Simpson, 377 S.C. 519, 660 S.E.2d. 274(S.C.App.2008); Brailsford v. Brailsford, 380 S.C. 443, 669 S.E.2d. 342(S.C.App.2008); Metts v. Mims, 370 S.C. 529, 635 S.E.2d. 640(S.C.App.2006); Simmons v. State, 416 S.C. 584, 788 S.E.2d. 220(S.C.App.2016); Raby Const. LLP.

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v. Orr., 358 S.C. 10, 594 S.E.2d. 478(S.C.App.2004); 18 U.S.C. § 242, 1001; Bowman v. Richland Memorial Hosp., 335 S.C. 88, 91, 515 S.E.2d. 259, 260(Ct.App.1999); Upchurch v. Upchurch, 367 S.C. 16, 624 S.E.2d. 643(S.C.App.2006); McComb v. Concord, 394 S.C. 416, 426, 715 S.E.2d. 662, 667(Ct.App.2011); State v. Robinson, 287 S.C. 173, 337 S.E.2d. 204(1985).

The court, conspiring under color of state law, in egregious acts of fraud upon the court, has failed to adhere to their own state laws in violation of the appellant's substantial rights of Due Process, serving to deny the appellant the Equal Protection Of The Laws, producing overwhelming prejudice, which voids their jurisdiction for Due Process violation, Grupo Dala-flux v. Atlas Global Group L.P. supra.; Loumiet v. United States supra.; U.S. v. \$41,320 U.S. Currency supra.; S.C. Code Ann § 17-25-10; Screws v. United States supra.; State v. Middleton supra.; McLaughlin v. Florida supra.; Eslinger v. Thompson supra.; Lugar v. Edmondson Oil Co. supra.; Aladekcha, 2010 WL 4054267 (2010); Paul Adams v. California Institution, 2016 WL 6464444; Holloway v. Perry supra.; U.S. v. Hare supra.; Donatoni v. Department Of Homeland Security supra..

When an officer of the State and or State actor, shall use their power pursuant to arrest and or prosecution in egregious acts of prosecutorial misconduct, fraud upon the court and machination, for ulterior motives and incarcerate and or prosecute an accused for the purpose of engaging in malicious, arbitrary, fraudulent and criminal acts, willfully subjecting the appellant to deprivations of any rights, immunities or privileges secured by the Constitution and laws of The United States within any State, District or territory. They shall be subject to state and federal penalties. By what has been done here producing overwhelming prejudice. Such action is indisputably deprivation of rights, immunities and privileges of the accused to liberty and a violation of 18 U.S.C. §§ 241, 242 and 1001; neither threat, nor violence is a necessary ingredient of the offense under these circumstances where the conspiring

individuals were clearly acting arbitrarily under color of state law for an ulterior purpose giving a mock stand your ground hearing without issuing a written final order to deprive the appellant of an appealable issue, soliciting and or allowing false, perjured testimony in that hearing where the trial court's jurisdiction is in question due to there being no written final order which is to be adjudicated under the Due Process Prong to Subject Matter Jurisdiction. Thus, the sentence and conviction must be vacated, Williams v. United States supra.; Brown v. United States supra.; United States v. Ramey supra.; United States v. Kozminski supra.; Greenwood v. Peacock supra.; United States v. Otherson supra.; Hunt v. United States, F.Supp.2d., 2007 WL 5131716(DSC.2007); U.S. v. Parker, 790 F3d. 327(4th.Cir. 2013); Mooney v. Holohan supra.; Napue v. People Of State Of Illinois supra..

(5) Did the trial court err, and was the appellant's 6th. and 14th. amendment rights of the U.S. Constitution violated , as well as Article IV § 2 and his Due Process rights violated, where jurisdiction is made void for Due Process violation, due to the appellant's counsel not being present at a critical stage of the proceedings?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra.; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings, (Black Law Dictionary 8th. Edition).

Subject Matter Jurisdiction can be raised at any time, "[c]annot" be waived by the defendant and can be raised for the first time on appeal and the court shall not fail to take notice. This particular issue is to be addressed under the Due Process Prong to Subject Matter Jurisdiction, South Carolina Dept. Of Social Services v. Tran supra.; McCain v. Brightharp supra.; Sheila R. v. David R. supra.; U.S. v. Beasley supra.; U.S. v. \$41,320 U.S. Currency supra.; Loumiet v. United States supra..

Insomuch, it is conspicuous by the litigation presented within this document that the stand your ground hearing concluded without there being a final written order filed for that hearing which is a jurisdictional prerequisite for appeal purposes. What's even worse than this, not only was there no written order produced and filed to finalize any oral determination. But also the appellant was denied the presence of counsel at a critical stage of the proceedings. Had this not been done, objections for the appellant, not just the codefendant, would have been preserved in the court record. Also, the appellant's Attorney at this critical stage of the proceedings could have ensured that a written order was filed to finalized the matters, where the Judge could have altered his determination at any time before such order was signed, creating overwhelming prejudice and manifest injustice and or a miscarriage of justice, which voids the court's jurisdiction for Due Process violation, Hidalgo v. Barker, 176 Wash. App. 527, 309 P.3d. 687(2013); State v. Thompson,---S.E.2d.---,2016 WL 7151279(2016); State v. Rearick, 407 S.C. 391, 790 S.E.2d. 192(2016); Levi v. Northern Anderson County E.M.S., 409 S.C. 374, 762 S.E.2d. 44(2014); Great American Ins. Co. v. Nextday Network Hardware Corp., 73 F.Supp.3d. 636 (2014); Marshall v. City Of Rock Hill, S.E.2d., 2015 WL 3884258 (S.C.App.2015); Bodman v. State, 403 S.C. 60, 742 S.E.2d. 363 (S.C.2013); Garcia Financial Group Inc. v. Virginia Accelerators Corp., 3 Fed. Appx' 86, 2001 WL 117497(4th.Cir.2001); Board Of Trustees Of Institutional Union Of Operating Engineers, 2016 WL 1253285; Wells Fargo Bank N.A. v. Farag, 2016 WL 2944561;

LaRock v. Kunchich, 187 Wash. App. 1002, 2015 WL 1751704; Calderon v. Thompson, 523 U.S. 538, 118 S.Ct. 1489(U.S.1998); Graham v. McFadden, 2015 WL 505536(DSC.2015); Addison v. C.M.H. Homes Inc. 47 F.Supp.3d. 404(DSC.2014); U.S. v. Baher, 598 Fed. Appx' 165(4th.Cir.2015).

Insomuch, the 6th. Amendment right to assistance of counsel in part provides; In all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense. The 6th. amendment right to defense counsel in a felony prosecution is a fundamental right, binding on the States through the 14th. amendment, Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d. 799(1963).

The stand your ground hearing from beginning to end was a critical stage of the proceedings where the failure to produce a written final order created a jurisdictional defect prohibiting the trial court from proceeding due to that court retaining jurisdiction until a final written order is entered into the court record. This is also a matter related to appeal since the order is a jurisdictional prerequisite for appeal purposes. If the U.S. Supreme Court determined that a plea hearing is a critical stage of the proceedings. How much more critical is it at every stage of the stand your ground hearing?, Hamilton v. Alabama, 368 U.S. 52, 54, 82 S.Ct. 157, 158-59(1961); White v. Maryland, 373 U.S. 59, 83 S.Ct. 1050, 10 L.Ed.2d. 199 (U.S.1963).

To permit a conviction to stand when it exist in blatant defiance to the holdings made in Gideon v. Wainwright would erode the principles established by the 6th. amendment. A defendant has the Constitutional right to the assistance of counsel at every "[c]ritical [s]tage" of the proceedings against him or when his substantial rights may be affected. In this instance the absence of counsel becomes jurisdictional in nature because the depriving of the appellant of this substantial right of counsel was used to deny the appellant the jurisdictional requisite written final order in the stand your ground immunity

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hearing where the lack of counsel at this stage contaminated and affected the entire subsequent proceeding, Mempo v. Rhay, 389 U.S. 128, 134, 88 S.Ct. 254, 257, 19 L.Ed.2d. 336(1969); Lake v. State, ---S.W.3d.---, 2017 WL 514588(2017); United States v. Hollis, 506 F3d. 415(5th.Cir.2007).

A criminal defendant's initial appearance before a judicial officer where he learns of the charge against him and that his liberty is subject to restriction, marks the start of the adversary judicial proceedings that trigger attachment of the 6th. amendment right to counsel at every stage from beginning to end. It is worth emphasising first what is not in dispute or at stake here under our precedents. Once the adversary judicial process has been initiated the 6th. amendment guarantees a defendant the right to have counsel present at all stages of the criminal proceedings, Stahlnecker, 386 S.C. 609 at 620, 690 S.E.2d. 565(S.C.App.2010); State v. Bryant, 383 S.C. 410, 680 S.E.2d. 11(S.C.App.2009); United States v. Wade, 388 U.S. 218, 87 S.Ct. 1926, 18 L.Ed.2d. 1149(U.S.1967).

The 6th. amendment to the U.S. Constitution guarantees a defendant the right to effective assistance of counsel. Criminal law establishes that the constitutional guarantee of effective assistance of counsel applies to pretrial critical stages that are part of the whole course of a criminal proceeding, a proceeding in which a defendant cannot be presumed to make critical decisions without counsel's advice. Even in a plea hearing the right to counsel is guaranteed. In this situation there is no dispute that the lack of the presence of counsel at this critical stage of the stand your ground hearing where it cause the right to challenge the failure of the court to reduce its findings to a final written order to preserve the appellant's rights of immunity defense from being made a part of the court record. This egregious deprivation of fundamental constitutional protection contaminated the entire subsequent trial proceeding, voiding the court's jurisdiction for Due Pro-

cess violation, Lafler v. Cooper, 132 S.Ct. 1376; United States v. Wade, 388 U.S. 218, 87 S.Ct. 1926, 18 L.Ed.2d. 1149(U.S.1967); Sellner v. State, 416 S.C. 606, 787 S.E.2d. 525(S.C.App.2016); Hamilton v. Alabama, 368 U.S. 52, 54, 82 S.Ct. 157, 158-59(1961); White v. Maryland, 373 U.S. 59, 83 S.Ct. 1050, 10 L.Ed.2d. 199 (U.S.1963); Lake v. State, ---S.W.3d.---,2017 WL 514588(2017); Rice v. United States, F.Supp.3d., 2015 WL 9216877(W.Va.2015); Rowsey v. United States, 71 F.Supp.3d. 585(E.D.Va.2014); United States v. Wright, 59 F3d. 169 (Table), 1995 WL 378584(4th.Cir. 1995). See Vol. II, TT.PP. 11 through 440; TT.PP. 132-134.

The state and or court, again, conspiring under color of State law, in acts of fraud upon the court and machination, has failed to adhere to their own state laws in violation of the appellant's substantial constitutional rights of Due Process also serving to deny him the Equal Protection of the Laws producing arbitrary judicial action. The conspiring Judge and State actors knew fully well that the 6th. amendment guaranteed the appellant the right to effective assistance of counsel which applies to pretrial stages that are a part of the whole course of a criminal proceeding in which a defendant cannot be presumed to make critical decisions without counsel's advice. Due to lack of counsel's presence, this created an avenue for the conspiring parties to deny the appellant his right of immunity defense. It created a structural constitutional error that is not subject to the harmless error doctrine, voiding the court's jurisdiction for Due Process violation, Vines v. United States, 28 F3d. 1123 Crim. Law 1116(1), 1156(1); White v. Manis, 2014 WL 1513280(DSC.2014); Lafler v. Cooper, 132 S.Ct. 1376; Sellner v. State, 416 S.C. 606, 787 S.E.2d. 525(S.C.App.2016).

When it came to the final portion of the stand your ground hearing the appellant's counsel was prevented at this stage creating structural error. The trial court's error effects the appellant's substantial constitutional right to counsel of choice at a critical stage of the proceedings voiding the court's jurisdiction for Due Process violation. Thus, the sentence and convic-

tion must be set aside. The appellant motions for such, Screws v. United States supra.; Hicks v. Oklahoma supra.; Loumiet v. United States supra.; Hunt v. United States supra.; United States v. Otherson supra.; United States v. Ramey supra.; Rowsey v. United States, 71 F.Supp.3d. 585(E.D.Va.2014); Rice v. United States, F.Supp.3d., 2015 WL 9216877(W.Va.2015); Kaley v. United States, 134 S.Ct. 1090, 188 L.Ed.2d. 46(U.S.2014); United States v. Davila, 133 S.Ct. 2139, 186 L.Ed.2d. 139(U.S.2013); United States v. Marcus, 560 U.S. 258, 130 S.Ct. 2159, 176 L.Ed.2d. 1012(U.S.2010); Appellate Court Rule 203(b).

(6) Did the trial court err, and was the appellant's 6th., 14th. amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated by the trial court giving an improper jury instruction, producing extreme prejudice, informing the jury that a specific intent to kill is not an element of attempted murder?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra.; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings, (Black Law Dictionary 8th. Edition).

Insomuch, the injustices and violations of both State

and Federal law that has occurred in this case are overwhelming and even seerve to "shock the conscience" by the egregious acts of conspiring under color of state law, fraud and machination. to add further insult to injury, pouring salt into already gaping wounds; an additional injustice has occurred in this case, in the form of an erroneous jury instruction given by the court. The trial court abused its discretion and did err, by charging that a specific intent to kill is not an element of attempted murder. See Vol. III, TT.PP. 719 lns. 23-24.

An abuse of discretion occurs when the court is controlled by an error of law, or when the ruling based upon findings of fact, is without evidentiary support or fact. It occurs when the court rests its decision or claim on clearly erroneous findings or material fact or by misapprehending the law with respect to underlying issues, Georgia Pacific Consumer Products L.P. v. Von Drehle Corp., 781 F3d. 710, 728+ 4th.Cir. (N.C.); Sharpes v. Sharpes, 535 S.E.2d. 913, 342 S.C. 71(2000).

The law is clear on this issue. S.C. Code Ann § 16-3-29 Provide:

"Attempted murder is defined as an act done by a person who with intent to kill, attempts to kill another person with malice and aforethought, either expressed or implied, commits the offense of attempted murder".

The statute conspicuously provide that the specific intent to kill is an essential element of attempted murder. To state otherwise is an egregious error of law. Then when you add the other injustices which have occurred in this case. It is obvious that the prejudice is overwhelming. The S.C. Supreme Court had decided in a similar instance, that indeed the specific intent to kill, is without a doubt, an essential element of attempted murder, See State v. King, 412 S.C. 403, 772 S.E.2d. 189 (S.C. App.2015).

To warrant reversal, a jury charge must be erroneous and prejudicial. In light of the unjust denial of stand your ground rights by the fraud, conspiracy and machination, by failing to produce a final written order to establish Res Judicata and preclusive effect and other outrageous acts which occurred. Such is indeed prejudicial. Errors, including erroneous jury instructions are subject to the harmless error analysis. Since we have the State procuring the conviction by perjured testimony, blocking the required severance of the case, constructively amending the indictments all over the place, taking away the presumption of innocence, denying the right of immunity defense by failing to produce a final written order in support of the oral determination because the trial Judge knew fully well that the State did not meet its burden of proving the appellant was not entitled to the immunity defense. This is not a harmless error, State v. Belcher, 385 S.C. 597, 611, 685 S.E.2d. 802, 809(2009).

The South Carolina Legislature required the State to prove specific intent to commit murder as an essential element of attempted murder, and therefore the trial court erred by charging the jury that attempted murder is a general intent crime. Thus, the judgment must be vacated and reversed. I motion for such, State v. King, 412 S.C. 403, 772 S.E.2d. 189(S.C.App. 2015); State v. Sutton, 340 S.C. 393, 397, 532 S.E.2d. 283, 285(2000); State v. Thompson, 374 S.C. 257, 262, 647 S.E.2d. 702, 705(Ct.App.2007); United States v. Hernandez-Montes, 831 F3d. 284 (5th.Cir.2016).

(7) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process Rights violated, as well as Rules Of Court, Rules Of Criminal Procedure, as well as the court's jurisdiction being made void for Due

Process violation, and or they were prohibited from enacting and or invoking and or continuing their Subject Matter Jurisdictionary "[p]owers" due to the "[p]rocedural [d]efect" in that there was no "[w]ritten"(emphasis added) order of continuance obtained pursuant to Article V § 4 of The South Carolina Constitution?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra.; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules of Evidence, Rule 201(a).

The appellant gives the court judicial notice. Not only by this document am I arguing against the precedent established by States v. Gentry, 363 S.C. 93, 610 S.E.2d. 494, 495(S.C.2005). The appellant is also arguing against the precedent established by State v. Langford, 400 S.C. 421, 735 S.E.2d. 471(S.C.2012), Joseph v. South Carolina Dept. Of Labor, Licensing And Regulation, 417 S.C. 436, 790 S.E.2d. 763(S.C.App.2016); Stokes--Carven Holding Corp. v. Robinson, 416 S.C. 517, 787 S.E.2d. 485(S.C. App.2016); Johnson v. Johnson, S.E.2d., 2014 WL 2721680(S.C. App.2014).

The petitioner humbly contends, in pursuant to Article V § 4 of The South Carolina Constitution:

"IT IS ORDERED, THAT ALL CRIMINAL CASES IN THE STATE OF SOUTH CAROLINA "[s]hall" BE DISPOSED OF WITHIN (180) DAYS FROM THE DATE OF THE DEFENDANT'S ARREST. Provided, however, the Circuit Court may continue a criminal case beyond the (180) days by "[w]ritten" order (emphasis added), if the court determines that exceptional circumstances exist in the case. This order does not create or define a right to a speedy trial", (See S.C. Rules Of Court 2003 Edition on page 652 and S.C. Rules Of Court 2004 Edition on page 659).

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Article V Privileges, Rule 501 General Rule Provides:

"Except as required by The South Carolina Constitution, by The Constitution Of The United States, or by South Carolina statute, the privileges of a witness, person, or the government (emphasis added) shall be governed by the principles of the common law as they may be interpreted by the courts in light of reason and experience. This Rule modifies the Federal Rule to refer to the South Carolina Constitution".

Article V provisions in this case makes it mandatory, draconian, requiring any interpretation of this provision to be referred to the South Carolina Constitution as a primary rule and or first choice, and not to the U.S. Constitution or common law or state law as it pertains to normal administrative matters, epecially in light of the fact that we are dealing with a judicial order issued by the S.C. Supreme Court under Article V of the South Carolina Constitution, not the U.S. Constitution. Not only by judicial order, but also, the provisions of the South Carolina constitution are to be deemed and construed as mandatory unless there is some language contained therein that would dictate otherwise.

This order has never been rescinded until 2013. Nonetheless, I am challenging that rescinding which will be elaborated on further. This order was issued by the South Carolina Supreme Court in 1980, renewed in 1999 making it draconian, mandatory, being applicable to every criminal court within the state, and every PCR Court in the state regarding the (365) day provision. The (180) day provision was amended by the S.C. Supreme Court in 2013 to require that all criminal cases be concluded within (365) days. But the appellant falls under the (180) provision via collateral estoppel emerging from case 2013-CP-400-0084 where the issues are sought class action review and the S.C. Attorney General, The S.C. Court Of Appeals and The S.C. Supreme Court are parties to the default.

The S.C. Supreme Court's intent, judicial or otherwise should be ascertained from the plain language of this provision of law. The language must also read in a sense which harmonizes with its subject matter and accords with its general purpose. Once the S.C. Supreme Court has made a choice, there is no room for the court to impose a different judgment based upon their own notions. If the provision of law's language is unambiguous and clear, there is no need to employ the rules of statutory and or common law construction, even pursuant to the court's actions, the court has no right to look for or impose another meaning. Where the language of this provision of law is clear and explicit, the court "[c]annot" rewrite the provision of law and interject matters in the S.C. Supreme Court's language. Under the plain meaning rule, it is not the court's place to change the meaning of a clear and unambiguous provision of law, Bass v. Isochem, 617 S.E.2d. 369(S.C.App.2005); State v. Brannon, 666 S.E.2d. 272(S.C.App.2008); State v. Pittman, 647 S.E.2d. 144(S.C.2007); Liberty Mut. Ins. v. Second Inquiry Fund, 611 S.E.2d. 297(S.C.App.2005).

The revision by the S.C. Supreme Court which occurred in 2013 must be deemed void because it was initiated behind a class based invidiously discriminatory animus in the form of racial hatred, surreptitiously done, to disproportionately effect African Americans and minority populations within this state. Thus, the 2013 amendment runs afoul of Ex Parte Virginia, 100 U.S. 339(1880). When they realized that the inmates of this state discovered how to properly argue this issue which is seen in cases 2006-CP-400-3567, 3578, 3569; 2013-CP-400-0084 in the Richland County Court Of Common Pleas, to which collateral estoppel attaches barring the S.C. Court Of Appeals from challenging this issue since they are, along with the S.C. Supreme Court, parties to the default. The S.C. Supreme Court in acts of racial hatred amended the provision conspiring under color of state law, a provision existing unchanged for over (35) years to "defang" this provision of law. The Article V powers given to the S.C. Supreme Court do not permit them to abrogate, dilute,

waterdown or negate the protections established by Ex Parte Virginia. Thus, the 2013 revision must be deemed void, also due to fraud and Due Process violation. See McCulloch, 17 U.S. at 423; 1997 WL 10291 U.S. (Appellate Brief) Brief Of U.S. Senators Orin G. Hatch et. al.,. The revision is restrictive and runs afoul of Ex Parte Virginia. The same restrictions that apply to the powers of Congress, applies to the powers of the S.C. Supreme Court, to include the powers given to the S.C. Court Of Appeals.

To further bolster the proposition that this Rule, order or provision is mandatory, draconian in nature, the defendant brings the court's attention to South Carolina Rules Of Court 2005 Edition, pages 296, 297, 303 and 304. They state:

Pursuant to Article V § 4 Of The South Carolina Constitution:

"IT IS ORDERED, that upon the filing of a post trial motion under Rules 50, 52, 59 or 60(a) S.C.R.C.P., by a party in any jury or non jury action, the party "[s]hall" within (10) days provide a copy of the motion to the Judge.

IT IS FURTHER ORDERED,****the Chief Judge for administrative purposes in each Circuit shall ensure compliance with this order, also see S.C. Rules Of Court 2013 Edition".

It is perspicuous that if the lower court is not in compliance to Rules 50, 52, 59 or 60(a) by these judicial orders issued from the South Carolina Supreme Court, the higher Court(s) cannot entertain jurisdiction, and must remand for further adjudication by the lower court(s) in question if the motions are not ruled on when timely submitted in accordance to these judicial orders, making this Article V § 4 provision and or order(s) draconian, mandatory in nature. On this premise, the criminal court under the (180) day provision, and or The Court Of Common Pleas under the (365) day provision, "[c]annot" continue to invoke and or enact their "[p]owers" of Subject Matter Jurisdic-

tion if they fail to be in compliance to this order and jurisdictional requisite, even though they do indeed possess such power by legislative statute. They stand in egregious violation of the Due Process Prong to Subject Matter Jurisdiction.

Additional proof that this provision of law is draconian, mandatory in nature, attached the court and parties will find a copy of a similar Article V § 4 order issued from the South Carolina Supreme Court related to placing cases within the Court Of Common Pleas on the complex case docket. Please note the words that are specifically circled by me related to this order. It is perspicuous that by the language of this particular order, the actions of the court are made discretionary by the language contained therein. Note that the language of the Article V § 4 order relied upon for this particular issue is significantly, materially, distinctly different demonstrating that this provision of law is draconian, mandatory in nature.

Pursuant to the government blatantly disobeying this order issued by the South Carolina Supreme Court, in the appropriate case, "the trial court and or other relevant court, shall not hesitate to grant relief, default or a mistrial where its rulings, and or in this case, the orders of The South Carolina Supreme Court, were violated to the prejudice of those they were designed and or intended to protect", Toyota Of Florence Inc. v. Lynch, 314 S.C. 257, 442 S.E.2d. 611, 615(1994); S.C. Rules Of Court annotated, 2006 Edition, pg. 270; Panas v. Panas, S.E.2d., 2010 WL 10088164(S.C.App.2010); Ex Parte Cannon, 385 S.C. 643, 685 S.E.2d. 814(S.C.App.2009); United States v. Peoples, 698 F3d. 185 CA4 (S.C.2012); Holmes v. Holmes, S.E.2d., 2014 WL3369006(S.C.App.2014); IN RE: Joshua R.L., S.E.2d., 2013 WL 8538696(S.C.App.2013); United States v. Boston, 539 Fed. Appx' 209 CA4 (N.C.2013); Sun v. Sun, S.E.2d., 2014 WL 7778971 (S.C.App.2014); IN RE: McDonald, 497 B.R. 489 Bkrtcy (DSC.2013); Ex Parte Lipscomb, 398 S.C. 463, 730 S.E.2d. 320(2012).

To make use of the holdings in State v. Gentry related

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to Subject Matter Jurisdiction would be misplaced. That case dealt with indictment defects and it was adjudicated under a cloud of fraud upon the court. The precedent set by State v. Gentry as well as State v. Langford are being challenged Pursuant to S.C.R.A.P., Rule 217. I am arguing against these precedent cases. There is also a default claim emerging from case 2013-CP-400-0084 to which the S.C. Court Of Appeals is party to that default which bars the court from challenging this issue by collateral estoppel. Nonetheless, this issue has absolutely nothing to do with indictment defects. To make use of the holdings made in State v. Culebreth regarding Rule 3(c) would be misplaced. Rule 3(c) is totally administrative. If the honorable court would take notice of the bottom of the page of 652 and 659 as it relates to this mandate. You will see that the administrative factors related to this provision of law have been rescinded. Further, there are two material and distinct differences between Rule 3(c) and this requirement of Due Process Law. Rule 3(c) is not tied to the provisions of The South Carolina Constitution. This requirement of criminal and or civil procedure is. Secondly, Rule 3(c) is not a judicial order issued by the South Carolina Supreme Court. This requirement of Criminal and or Civil Procedure for the General Sessions Court and or Court Of Common Pleas is. This has absolutely nothing to do with a speedy trial issue. I, we, would adamantly object to that notion. A speedy trial is not what the appellant is arguing. This is simply a matter of judicial order; "STARE DECISIS ET NON QUIENTA MOVERE"; South Carolina Rules Of Court; South Carolina Rules Of Criminal and or Civil Procedure (for PCR's) and Due Process Law. Once this provision of law was issued as a judicial order then tied to the provisions of the South Carolina Constitution pursuant to Article V § 4, its observance became mandatory by the provisions contained therein making it draconian in nature.

I, we, are not arguing that the prosecution does not have the right to control his case load. What I am arguing,

is that in order for him to control that case load. There are certain provisions of law and Rules Of Court set into place that would have allowed him to do so, and he and or the court must adhere to those Rules set into place by the South Carolina Supreme Court to control that case load. He was required to obtain a "[w]ritten" order of continuance. I, we, are not arguing that this is a Due Process right conferred upon us by the U.S. Constitution. This is a Due Process right conferred upon us by the S.C. Constutution. Thus, making use of the holdings made in State v. Langford, 400 S.C. 421, 735 S.E.2d. 471(S.C.2012) and United States v. McDonald, 456 U.S. 1, 102 S.Ct. 1497 U.S. (N.C.1982) would be misplaced, especially in light of the fact that we have a default and claims of collateral estoppel which binds the S.C. Court Of Appeals they being party to that action. This emerges from case 2013-CP-400-0084 out of the Richland County Court Of Common Pleas.

S.C. Code Ann §§ 1-7-730, 17-13-150 and 17-25-10 require that the prosecution and or prosecuting body "[s]hall" fulfill and see that all duties, requirements, and Rules Of Criminal Procedure related to Due Process and The S.C. Constitution are adhered to and completed within the court.

In order to understand the meaning of any statute or phrase of law, it is necessary to determine the meaning of the language as it is used in the particular context, Robinson v. Shell Oil Company, 117 S.Ct. 843(1997). Article 12 § 2 utilizes the words "[s]hall provide,...". In this context "[s]hall" is mandatory. See United States v. Meyers, 106 F3d. 936, 941 CA10 (1997). In order to understand the meaning of any word, sentence or phrase, "[t]he Cardinal Rule is that the words should be given their plan and ordinary meaning and or interpretation without the court interjecting into them matters or a construing that's not in the language", Seckinger v. The Vessal Excalibur, 483 S.R.2d. 775(S.C.App.1997); United States v. Ron Pair Enterprises Inc., 109 S.Ct. 1026, 1030(1989); Bass v. Isochem, 617

S.E.2d. 369(S.C.App.2005); State v. Brannon, 666 S.E.2d. 272(S.C. App.2008); State v. Pittman, 647 S.E.2d. 144(S.C.2007); Liberty Mut. Ins. v. S.C. Second Injury Fund, 611 S.E.2d. 297(S.C. App.2005).

Article 1 § 23 Of The South Carolina Constitution dictates:

"The provisions of The South Carolina Constitution shall be taken, deemed and construed to be mandatory and or prohibitory and not merely directory, except where made directory or permissive by its own terms".

Since the appellant is arguing the claim of default and collateral estoppel emerging from case 2013-CP-400-0084, which binds the S.C. Court of Appeals who are party to that default. The appellant would fall under the old Article V § 4 order before the 2013 revision where the original cases subjudice to 2013-CP-400-0084 are 2006-CP-400-3567, 3568 and 3569 demonstrating that the issue was before that court since 2006. This also applies since the 2013 revision was an act of machination on the part of the S.C. Supreme Court, conspiring with the S.C. Attorney General under color of state law, who had control over Judge Jean Toal due to her past DUI arrests and or troubles producing fraud upon that court via her influence. This was also done behind a class based invidiously discriminatory animus, in the form of race. Once the parties realized that the predominately minority inmates discovered how to properly argue the issue via case 2013-CP-400-0084. The S.C. Supreme Court conspiring with the S.C. Attorney General revised the Article V § 4 order to water down the S.C. Constitution Due Process requirement to dilute the protections set in place by Ex Parte Virginia, 100 U.S. 339(1880), to place into effect an Article V § 4 determination that they knew beforehand would disproportionately affect African Americans and other minorities within this state, in retaliation, because the minority inmates now figured out

how to properly argue this issue. Just like in cases such as, Edward Kennedy, 2000 WL 35763420(2000); City Of Rome v. United States, 446 U.S. 156(1980); South Carolina v. Katzenbach, 383 U.S. 301(1966); Plaut v. Spendthrifts Farms, Inc., 115 S.Ct. 1447(1995); The Amistad, 40 U.S. 518, 15 Pet. 518, 1841 WL 5024, 2006 A.M.C. 2955, 10 L.Ed. 826(1841). Their actions produce a result that is not given to them via their Article V powers and or privileges, nor by the S.C. Constitution and serve to aid in establishing a form of modern day slavery as is defined in the C.A.T. Treaty that Congress signed off on and ratified, which voids their jurisdiction for Due Process violation. Due to this, to include the claim of default and collateral estoppel emerging from case 2013-CP-400-0084. The appellant falls under the old provision of law before the fraudulent 2013 revision which runs afoul of the protections established by Ex Parte Virginia. Also see 1997 WL 10291 U.S. (Appellate Brief) Brief Of U.S. Senators Orin G. Hatch, Strom Thurmond et. al.; Oregan v. Mitchell, 400 U.S. 112(1971); Croson, 488 U.S. at 490; McCulloch, 17 U.S. at 423. Just like Congress would be prohibited from initiating such action, so would the S.C. Supreme Court, Mississippi Univ. For Women v. Hogan, 458 U.S. 718, 732(1982); Adarand Contractors Inc. v. Pena, 115 S.Ct. 2097(1995).

Therefore, it can be factually stated, that not only by the provisions of Article V § 4 of The South Carolina Constitution, also by judicial order issued by the South Carolina Supreme Court. It is mandatory that the appellant's Due Process matters be disposed of before the criminal court within (180) days of his arrest. If the court would take notice of the arrest warrants and or indictments as they pertain to these matters. The court will see that the appellant was arrested on July 31, 2013. If the court would take notice of the sentencing sheet and or trial transcript. The court would see that the appellant's Due Process matters were not disposed of until March 17, 2018. By the date of arrest this means that the appellant's Due Process matters should have been disposed of by January 31, 2014. Yet they were not disposed of until March 17, 2016 approximately

over (3) years past the (180) days prescribed by judicial order and the provisions of The South Carolina Constitution. Even if the court would assess the time via the fraudulent 2013 revision. The conspiring parties would still be (1½) years past the (365) day revision. This voids the trial court's jurisdiction for Due Process violation. There is no "[w]ritten" (emphasis added) order of continuance filed with the Clerk of Court before the (180) day period, or even the (365) day period expired, or that was served on the defendant. Such an order of continuance by the defendant's rights of Due Process and pursuant to judicial order issued by the S.C. Supreme Court "[c]annot" be obtained after the fact because without this essential jurisdictional requisite. Jurisdiction would be made void for Due Process violation on that date of failure to be in compliance, which include any act done beyond the prescribed time period. This includes the trial itself and the signing of the commitment order derived from it. The "[w]ritten" order of continuance "[m]ust" be obtained before the (180) and or (365) day time period expires. To go beyond the prescribed time period and or deadline without a "[w]ritten" (emphasis added) order of continuance creates a "[p]rocedural and [j]urisdictional [d]efect", which "[v]oids" the trial court's "[p]owers" of Subject Matter Jurisdiction and or their "[p]ower" and or "[a]bility" to enact and or invoke and or continue its "[p]owers" of Subject Matter Jurisdiction in compliance to judicial order issued from the South Carolina Supreme Court, Rules Of Court and Due Process Law to adjudicate the appellant's trial. This is to be adjudicated under the Due Process Prong To Subject Matter Jurisdiction as was defaulted on by this state to which the S.C. Court Of Appeals is party to the default.

The appellant places forth this issue in a straightforward fashion and want to make certain that there is no misunderstanding as to the specific claims and or question that is placed before the court. The defendant is not arguing whether or not the criminal court has Subject Matter Jurisdiction to hear and

determine cases of "[t]his" general class to which the proceedings in question belong. The appellant concedes this fact. The appellant in this context agrees with all (3) Gentry, Cotton and Parkhurst court(s) when they determined that the criminal courts do have Subject Matter Jurisdiction to hear cases of this nature and class. This is not the issue or is it what the appellant is arguing. What the appellant is indisputably arguing is a question which clearly was not answered by either the Gentry, Cotton or Parkhurst court(s) is this. Despite the fact that the criminal court does have Subject Matter Jurisdiction to hear cases of this general class to which the proceedings in question belong via State legislative statutes and or Congressional intent. Do their egregious, blatant failure to be in compliance to said certain, essential, crucial Due Process "[j]urisdictional [p]rerequisites" and or "[j]urisdictional [r]equisites", at various phases of, and or at the commencement of the Subject Matter Jurisdictionary action and or process; which is to be adjudicated under the Due Process prong to Subject Matter Jurisdiction. Do their their blatant, egregious failure to be in compliance to said certain, essential, crucial Due Process "[j]urisdictional [p]rerequisites" and or "[j]urisdictional [r]equisites" at various phases of, or at the commencement of the Subject Matter Jurisdictionary,....halt, check, constrain, restrain, limit, arrest, stop or void the continuance of the Subject Matter Jurisdiction "[p]ower" before the court, which is to be adjudicated under the Due Process prong to Subject Matter Jurisdiction, even though the court without a doubt do indeed possess such "[p]ower" by state legislative statute and or Congressional intent? This is a crucially, materially, distinctly different question related to Subject Matter Jurisdiction that was never answered by any of the (3) three courts involved pursuant to Gentry. This is a new question of law and fact, a challenge to the precedent set by the Gentry case. Thus, making use of the holdings made in the Gentry court would be misplaced. Such a new question of law and fact is not barred in seeking relief for, does relate to Subject Matter jurisdiction, "[c]annot" be waived by the appellant, can be raised at "[a]ny"

time, including for the first time on appeal, and the court "[s]hall [n]ot" fail to take notice. No timely objection is needed to preserve this issue. This is being argued under the Due Process prong to Subject Matter Jurisdiction, Grupo Dala-flux v. Atlas Global, L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.ED.2d. 866(2004); Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp.3d. 582, 2014 WL 1266240; White v. Manis, 2014 WL 1513280(DSC.2014); U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md.2010); Hunt v. United States, F.Supp.2d., WL 5131716(DSC.2007); Brown v. United States, 2014 WL 2871398(DSC.2014).

The trial court, and or prosecuting body, acting arbitrarily, conspiring under color of state law, in blatant defiance to Rules of Court; S.C. Supreme Court judicial order, and the provisions of the South Carolina Constitution has failed to be in compliance to their own state laws in violation of the appellant's substantial Federal Constitutional rights of Due Process under the 6th. and 14th. amendment(s). Then to conceal this injustice. The S.C. Attorney General, due to Judge Toal's legal matters, compromises that court and get them to make effort to water down this provision in the 2013 revision behind a class based invidiously discriminatory animus in the form of race in violation of the holdings made in Ex Parte Virginia. Thus, the Article V § 4 order before the revision must stand, especially in light of the fact that the state defaulted on this issue in case 2013-CP-400-0084 to which the S.C. Court Of Appeals is also party to that default. This voids the trial court's jurisdiction for Due Process violation as well as for violations of 18 U.S.C. §§ 242 and 1001, United States v. Walsh, 194 F3d. 37(2nd.Cir.1999); United States v. Pirro, 212 F3d. 89(2nd.Cir. 2000); Screws v. United States supra.; State v. Middleton supra.; Eslinger v. Thompson supra.; McLaughlin v. Florida supra.; Dubinka v. Judges Of Superior Court Of The State Of California, For The County Of Los Angeles supra.; Jones v. State Of Arkansas supra.; Hicks v. Oklahoma Supra.; Dozier v. Loop College, City Of Chicago supra.; Lugar v. Edmondson Oil Co. supra.

Subject Matter Jurisdiction is the "[p]ower" to hear and determine cases of a general class to which the proceedings in question belong, Bell v. Monsanto Corp., 579 S.E.2d. 325 S.C. 553(S.C.2003). Inasmuch, Subject Matter Jurisdiction does not only cover and or involve whether or not the matter resides in a proper court of jurisdiction to hear and determine it. This is specifically, only, the first prong to Subject Matter Jurisdiction. The court's "[p]ower" to hear and determine a case, is also defined as the court's "[a]bility" to hear and determine a case. Thus, Subject Matter Jurisdiction also involves any issue or matter that may "[a]ffect" and or "[h]inder" that "[p]ower" and or "[a]bility" to act in accordance to Rules Of Court, Rules Of Criminal Procedure and Due Process Law. This is clearly established by the Due Process Prong to Subject Matter Jurisdiction, which is the second prong. Such matters can be raised at "[a]ny" time, "[c]annot" be waived by the appellant, and the court "[s]hall [n]ot" fail to take notice, Mathis v. State, 355 S.C. 87, 584 S.E.2d. 366(S.C.App.2003); State v. Browning, 320 S.C. at 368, 46 S.E.2d. at 359; State v. Munn, 357 S.E.2d. 461(S.C.1987); Brown v. United States, 2014 WL 2871398(DSC.2014); Hunt v. United States, F.Supp.2d., 2007 WL 5131716(DSC.2007).

Without a "[w]ritten"(emphasis added) order of continuance filed with the Clerk Of Court issued before the (180) and or (365) days expired within the trial court, jurisdiction is made void for Due Process violation, to include any act done thereafter which includes the signing of any commitment order and or sentencing sheet. The trial court and prosecutor were prohibited from continuing the cause. Thus, the sentence and conviction must be reversed and vacated. The Appellant motions for such.

(8) Did the trial court err, and was the appellant's 5th., 6th., 14th. Amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights

violated, by the trial court and or plea court allowing constructive amendment of the indictment(s) at the appellant's trial and or plea hearing?

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra.; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings, (Black Law Dictionary 8th. Edition).

Subject Matter Jurisdiction can be raised at "[a]ny" time, "[c]annot" be waived by the appellant, can be raised for the first time on appeal and the court shall not fail to take notice, Grupo Dalaflux v. Atlas Global Group, L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.Ed.2d. 866(U.S.2004); Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp.3d. 582, 2014 WL 1266240; South Carolina Department Of Social Services v. Tran, 418 S.C. 308, 792 S.E.2d. 254(S.C.App.2016); McCain v. Brightharp supra..

It is the body of the indictment which is the [v]ital part of the charging instrument, State v. Tate supra., and it "[c]annot" be so cryptic or the wording so loose and ambiguous as to fail to comply with the basic right of the accused to be fully informed as to the "[c]ause and [n]ature" of the accusation being levied against him, which is one of his most basic, fundamental, and universally recognized rights of Due Process, Smith v. O'Grady supra.; State v. Tabor supra.. Reliance upon

a caption to bolster a fatally defective indictment is therefore contrary to the constitutional mandate that for most offenses, a defendant may only be required to answer an indictment of a Grand Jury that is deemed good, S.C. Const. Article 1 § 11; cf. State v. Tabor supra. (holding that the state may not support a conviction for an offense intended to be charged by relying upon the caption to the exclusion of the language contained within the body of the indictment).

Insomuch, the indictment(s) for attempted do not properly and or sufficiently apprise the appellant of the "[c]ause and [n]ature" of the offense, or of what he is called upon to meet and defend because they do not allege an exact time of assault as time is recognized by law. The wording is too loose, and vague making use of the term "ON OR ABOUT". Such deprives the appellant of the right to call witnesses to defend the cause because he cannot establish an exact date. It deprives him of the right to establish alibi not being certain of said exact date. "ON OR ABOUT" July 28, 2013 can be any day within a (3) month radius before or after that date. The material fact in murder are the mortal blow and the subsequent death occurring from it being a composite crime and the death "[m]ust" appear upon the record or indictment as having occurred within a year and a day of each other, (ei. when the mortal blow was given). The averment then of each of these material facts [m]ust under well established Rules of Criminal pleading be accompanied by an allegation of a certain time and or place to include not alleging "ON OR ABOUT" as it pertains to time. Assault and Battery With Intent To Kill embraces the whole of attempted murder and visa versa. The elements to prove the crimes are the same as it is for murder with the exception of the death ensuing from it. The indictment(s) for attempted murder also do not allege who it was that the appellant conspired with as is the same as the conspiracy indictment(s). The Attempted murder indictment(s) do not allege what weapon it was that was allegedly used in the crime. No one can say what was in the mind of the Grand Jury as to what exact date of the assault was to be adjudi-

cated, being an essential element of the offense. The indictments don't say who it was that the appellant conspired with. As far as the appellant can tell, the indictment asserts that he went back in a time machine and brought back Napoleon Bonapart, Genghis Khan, John Wayne and Julius Ceasar and conspired with them. As far as the appellant can tell from the indictment(s) he was in possession of a M-60 machine gun or a surface to air rocket launcher. No one can say what was in the mind of the Grand Jury. The language is too vague, subjecting the appellant to arbitrary judicial action and process. The language is so cryptic, loose and vague it creates an enigma as to what the appellant is called upon to meet and defend setting the appellate up for "INDICTMENT AMBUSH" at the onset of his proceedings. The indicments cannot be deemed sufficient if the prosecution is permitted to prove all these different material sets of facts. The indictments in question do not descend to an exact time and or who it was the appellant conspired with or what weapon was used. These crucial elements and or averments must be passed upon by the Grand Jury in accordance to the constitutional rights of the accused. To not allege these crucial elements and or allegations in the body of the charging instrument returned against the accused, having them passed upon by the Grand Jury, then, thereafter the trial court and or plea court and or prosecuting body adds or modifies these material averments in one form or the other, to assert these crucial elements and or averments, not confirmed or passed upon by the Grand Jury within the proceedings, and allow a trial and or plea hearing to go forward, where such were not passed upon by the Grand Jury, is constructive amendment of the indictment(s). No one can say what was in the mind of the Grand Jury, See S.C. Code Ann. §§ 17-19-10, 17-19-20, 17-19-30, 17-25-10; State v. Hardee supra.; State v. Rallo supra.; State v. Parker supra.; Locke v. State supra.; State v. Tate supra.; State v. Tabor supra.; United States v. Abrams supra.; State v. Keith supra.; State v. Rector supra.; Smith v. O'Grady supra.; United States v. Masotto supra.; Castillo v. Holder supra.; State v. Brandt supra.; State v. Blakeney supra.; State v. Stewart supra.; Ball v. United States

supra.; State v. Platt supra.; State v. Kennedy supra.; State v. Ham supra.; State v. Pierce supra.; Hamling v. United States supra.; United States v. Hooker supra.; United States v. Pupo supra.; U.S. v. \$41,320 U.S. Currency supra.; State v. Sutton, 340 S.C. 393, 397, 532 S.E.2d. 283, 285(2000).

In regard to the constitutional structural error and or defect in the indictment(s), as constructed in all (33) states that make use of an indictment, also the remaining (17) states that make use of a criminal complaint, and all (50) states that make use of an indictment under Federal captivity, taking away the presumption of innocence and automatically shifting the burden of persuasion, predetermining in advance the outcome of the proceedings by the language contained therein. According to the findings and or language of the indictment(s) produced by The Grand Jury, under the plain language Rule, the appellant is already found guilty and convicted. The Grand Jury does not have the power and authority by State and or Federal Law, or by State and or Federal Constitution to convict a defendant. The law is clear. The Grand Jury "[m]ust" refrain from even making an "[o]pinion" as to a person's guilt. How much more egregious and criminal where they swear upon their "[o]ath" (emphasis added) our guilt? This is an egregious violation of their shielding function. This serves to aid in establishing modern day slavery which too, they do not have the power or authority to do, where we can no longer be deemed "DULY"--meaning "PROPERLY" convicted in violation of S.C. Code Ann § 17-25-10, Due Process Law and the provisions of the 13th. amendment. For the Grand Jury to produce indictments that state, adjudicate and or charge that the defendant is not only guilty of the crimes charged, to include the "MENS REA" elements related to the offenses; then, thereafter, the court alters the charge(s) of the indictment(s), to include the "MENS REA" elements, and charge that the defendant is innocent until proven guilty, and the State court or Federal government or prosecuting agents aid them, conspiring under color of state law and or authority, turning the blind eye and deaf ear in doing so, is constructive

amendment of the indictment(s), and changes the very nature of the allegations returned by the Grand Jury. This too creates an instant double jeopardy issue. To accept a guilty plea, and or to take a defendant to trial on charges in an indictment for which he has already been found guilty of, violates Due Process and is double jeopardy. No one can say what was in the mind of the Grand Jury as to whether or not they intended to illegally take upon themselves the role of the trial jury and determine guilt of the offenses not allowing any subsequent adjudication to occur rendering any subsequent proceeding "[v]oid" for Due Process violation. This means that this is an error which can only be corrected by the Grand Jury and not the trial jury, prosecutor or court. Even the Gentry court could not adjudicate that case where it was prematurely determined by the Grand Jury. This produces a Subject Matter Jurisdiction issue under the Double Jeopardy Clause and law, which is to be adjudicated under the Due Process violation prong to Subject Matter Jurisdiction. This further serves to validate that the structural constitutional error and or defect affect the framework of the proceedings and cannot be viewed as harmless, because the court "must" constructively amend the indictment(s) on the "MENS REA" element(s) of the offense(s) to correct, or in an effort to correct the structural constitutional error in acts of fraud upon the court and modern day slavery, The Amistad supra.; State v. Easler, (S.C.1997) 327, 121, 489 S.E.2d. 617; State v. Lewis, (S.C.App.1996) 321 S.C. 146, 147 S.E.2d. 265; Sandstrom v. Montana supra.; Morisette supra.; United States Gypsum Co. supra.; Humanik v. Beyers supra.; United States v. Clemens supra.; Martin v. Ohio supra.; Robinson v. Arvonio supra.; United States v. Briggs supra.; United States v. Chadwick supra.; Compare Pierson v. Ray supra.; Jenkins v. McKeithen supra.; Branzburg v. Hayes supra.; Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923); United States v. Direct Sales Co., 40 F.Supp. 917 D.C.S.C.(1941); United States v. Atlantic Commission Co., 45 F.Supp. 187 D.C.N.C.(1942); State v. Boyd, 2 Hill (S.C.) 288, 1834 WL 1573 S.C. App. L. & Esq. 1834; State v.

Part 3 of Exhibit
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Bramlett, 166 S.C. 323, 164 S.E. 873(S.C.1932); Beck v. Washington, 369 U.S. 541, 82 S.Ct. 955 U.S. Wash. (1962); State v. Tollin, 352 S.C. 235, 573 S.E.2d. 812(S.C.App.2002); Byers v. Reynolds, 2011 WL 7063638, * 8 (DSC.2011); United States v. Jefferson, 546 F3d. 300 CA4 (Va.2008); IN RE: Grand Jury Subpoena John Doe, No. 05GJ1318, 584 F3d. 175 CA4 (Va.2009); IN RE: Grand Jury Subpoena (T-112), 597 F3d. 189 CA4 (Va.2010); United States v. Umana, 750 F3d. 320 CA4 (N.C.2014); United States v. Dinkins, 691 F3d. 358 CA4 (Md.2012); Dickerson v. Warden Of Lieber C.I., 2013 WL 4500048(DSC.2013); James v. Reynolds, 2014 WL 2624431 (DSC.2014); Clark v. Arizona, 548 U.S. 735, 126 S.Ct. 2709, 165 L.Ed.2d. 842, 74 U.S.L.W. 4560(U.S.2006); 130 S.Ct. 2896; S.C. Code Ann § 17-25-10.

Constructive amendment of an indictment is a per se violation of the provisions of the 5th. amendment if it affects an essential element of the offense. Such a violation requires reversal of the conviction, even without a showing of prejudice, but once prejudice is clearly shown, the sentence and conviction must be vacated for Due Process violation which must be adjudicated under the Due Process Prong to Subject Matter Jurisdiction, State v. Guthrie, 352 S.C. 103, 572 S.E.2d. 309; Article IV § 2 U.S. Const.; United States v. Coyne, 4 F3d. 100 (2nd.Cir. 1993); United States v. Morgenstein, 933 F2d. 1108, 1115(2nd.Cir. 1991); Wilson v. Lindler, 995 F2d. 1256; Stirone v. United States, 361 U.S. 212(1960); Gaither v. United States, 413 F2d. 1061 (D.C.Cir.1969); Douglas v. State Of Alabama, 380 U.S. 407, 85 S.Ct. 1074(1965); Dech v. Missouri, 544 U.S. 622, 125 S.Ct. 2007, 161 L.Ed.2d. 953, 73 U.S.L.W. 4370(U.S.2005); United States v. Whitfield, 695 F3d. 288 CA4 (N.C.2012); United States v. Mills, 555 Fed. Appx' 241 CA4 (Va.2014); United States v. Naidu, 480 Fed. Appx' 180 CA4 (Md.2012).

Inasmuch, constructive amendment of the indictment(s) did occur and the unconstitutional amendment prejudiced the appellant at his proceedings leading to an unfair and partial trial and or guilty plea that was not knowingly, freely, volun-

tarily or intelligently given, depriving the appellant of reasonable notice and of his right to have material averments passed upon by the Grand Jury in egregious violation of the appellant's substantial rights of Due Process. This occurred when the charging terms of the indictment were altered literally and or constructively in the manner aforementioned. S.C. Code Ann § 17-19-100(1985) permit amendment of an indictment provided the nature of the offense charged is [n]ot changed. If (A) there is a defect in form in any indictment. or (B) on the trial of any case there shall appear to be any variance between the allegations of the indictment(s) and evidence offered in proof thereof, the court before which the trial may be had may amend the indictment(s) according to the proof, if the amendment be because of variance, if such amendment does "[n]ot" change the "[n]ature" of the offense charged. After such amendment the trial and or plea hearing should proceed in all respects and with the same consequences as if the indictments had originally been returned as so amended, unless such amendment shall operate as to surprise the defendant, in which case the defendant shall be entitled upon demand to a continuance of the cause.

A variance between pleadings and proof is [n]ot material where matter alleged is [n]ot an [e]lement of the offense, State v. Hiott, 276 S.E.2d. 163.

On the other side of the spectrum of this language, a variance between pleadings and proof "[i]s" material where matter alleged "[i]s" an element of the offense; and furthermore, such an amendment cannot be had if such amendment changes the "[n]ature" of the offense, Hope v. State, 328 S.C. 78, 492 S.E.2d. 76; State v. Grainger, 507 S.E.2d. 322(S.C.1998); United States v. Naidu, 480 Fed. Appx' 180 CA4 (Md.2012); United States v. Allmendinger, 706 F3d. 330 CA4 (Va.2013); State v. Green, 406 S.C. 589, 753 S.E.2d. 259(S.C.App.2014).

Once the nature of the elements became altered in the manner aforementioned, the indictment(s) were no longer to be considered the indictment(s) returned against the appellant.

A defendant is entitled to be tried and or give his guilty plea on charges that are properly set forth in an indictment and such properly set forth charges must be passed upon by the Grand Jury, S.C. Code Ann § 17-19-10(1976). The true test of the sufficiency of an indictment is whether or not it contains the necessary elements of the offense intended to be charged and sufficiently apprises the defendant of what he is called upon to meet and defend. The essential elements and or allegations in this instance are not alleged. The indictments for attempted murder do not allege an exact date to the extreme prejudice of the appellant. "ON OR ABOUT" can reasonably be considered to be any of the days asserted expanding at minimum (3) months in either direction of July 28, 2013. The indictments in question do not allege who it was the appellant supposedly consired with or what weapon was used in the alleged crime. The indictment(s) are too vague and do not descend to these particulars. Further, by the language and or charge of the indictment(s) as contructed, via the structural error, it informs the appellant that he is called upon to meet the burden of production on the critical elements of dispute related to the offenses. By the mandates of Due Process law, the appellant is not, by State or Federal Constitution, nor by State or Federal law, called upon to meet the burden of production on the critical elements of dispute related to the offense(s). The indictment(s) inform the appellant that his guilt is illegally predetermined in advance under "[o]ath"(emphasis added) and the appellant is being subjected to another proceeding on the same charges, which produce an instant Double Jeopardy claim, and fraud upon the court, misrepresentation and modern day slavery due to this fraud, Brown v. State supra.; Mathis v.State supra.; Francis v. Franklin supra.; United States v. Abrams supra.; Martin v. Ohio supra.; IN RE: Winship supra.; Mullaney v. Wilbur supra.; Humanik v. Beyers supra.; Moore v. Dempsey supra.; The Amistad supra.; Callon Petroleum Co. v. Frontier Ins. Co. supra.; Appling v. State Farm Mut. Auto Ins. Co. supra.; King v. First American Investigators Inc. supra.; S.C. Code Ann § 17-25-10.

What's worse than this, the indictment(s) not only by

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their very nature already prematurely in advance convict the appellant of all charges made and or laid before the court, denying the appellant the presumption of innocence, but it also creates this egregious, blatant, outrageous violation of Due Process where the indictment(s) by the structural constitutional error and or defect, has denied the appellant the right to a trial by a jury of one's peers; denied the appellant the right to confront his accusers or cross-examine witnesses; denied the appellant the right to call witnesses in his defense or ~~to present expert testimony~~; denied the appellant the right to take the stand and testify at his proceedings; denied the appellant the right to place forth evidence that would vindicate him at trial; denied the appellant the right to counsel of choice, way before a trial jury was sworn, not this illegal trial jury in the form of the Grand Jury who swore upon their "[o]ath" the appellant's guilt, way before a trial commenced satisfying these essential constitutional requirements of Due Process law; or way before he voluntarily, freely, intelligently or knowingly gave them up if we are dealing with a guilty plea, also way before he hired counsel or way before the court appointed legal counsel to assist the appellant. With the existence of the structural error and or defect, the court has attempted to close the barn door far after the time the horses have already been released and or escaped. The Grand Jury being duly sworn, in clear violation of their shielding function has taken upon themselves the role of the trial jury, and has already convicted the appellant of the crimes charged under "[o]ath" (emphasis added). To permit the appellant to obtain counsel of choice after this egregious injustice, or to appoint counsel after the appellant has already been illegally convicted by the Grand Jury, and deny the appellant the previous mentioned constitutional rights involve deprivation of constitutional protection so basic and so fundamental that in their absence no criminal trial and or proceeding can be deemed reliable as a vehicle for the determination of guilt or innocence, and no criminal punishment can be regarded as fundamentally fair, because such action has prematurely, criminal, stripped the appellant of

his inalienable rights of Due Process, also in violation of The Taking Clause of the 5th. amendment. The State acting unjustly, arbitrarily under color of State law, causing extreme prejudice to the appellant's proceedings, in violation of 18 U.S.C. §§ 241, 242, 1001, have blatantly failed to adhere to their own State laws and has denied the appellant the Equal Protection Of the Laws. Since the appellant's guilt was already, unjustly, arbitrarily determined and or adjudicated by the structural constitutional error and or defect via the Grand Jury indictments and or criminal complaints nationally under "[o]ath" in acts of fraud upon the court; this serves to make any other subsequent proceeding initiated "[v]oid", "[n]ullified", "[a]rrested" and a violation of the 5th. and 6th. amendments also the appellant's rights of Due Process, to include his right to Double Jeopardy protection. How can the court be allowed and or permitted to have a trial and or accept a guilty plea for an offense the Grand Jury who swore upon their "[o]ath", have already found the appellant guilty of? This "[c]annot" be cured by an instruction that constructively amends the indictments on the "MENS REA" elements. By their actions and fraud upon the court they have essentially established modern day slavery, branding us as felons, taking away our right to vote in violation of the 15th. amendment and Voting Rights Act. Congress confers no power or authority upon any court, State or Federal the right to establish modern day slavery of any kind in violation of the not being "DULY" (emphasis added) convicted provisions of the 13th. amendment and Anti-Peonage Act, depriving them of jurisdiction, or voiding their jurisdiction, or prohibiting them from entertaining jurisdiction from the cases' onset, demonstrating that they inappropriately entertained jurisdiction rendering all action done void, stripping all judges and courts of immunity. The Structural constitutional error and or defect does affect the proceedings and "[c]annot" be deemed as harmless. The framework is essentially abolished. The extreme prejudice is obvious and need not be debated any further, The Amistad supra.; Chewing v. Ford Motor Company supra.; Appling v. State

Farm Mut. Auto Ins. Co. supra.; State v. Easler, (S.C.App.1997) 327 S.C. 121, 489 S.E.2d. 617; State v. Lewis, (S.C.App.1996), 321 S.C. 146, 147 S.E.2d. 265; State v. Guthrie, 352 S.C. 103, 572 S.E.2d. 309; Vines v. United States, 28 F3d. 1123 Crim. Law 1116(1), 1156(1); State v. Reddick, 348 S.C. 631, 635, 560 S.E.2d. 441, 443(Ct.App.2002); State v. Padgett, 354 S.C. 268, 271, 580 S.E.2d. 159, 161(Ct.App.2003); State v. Honey, 344 S.C. 85, 97, 544 S.E.2d. 30, 36(2001); Griswald v. State Of Connecticut, 381 U.S. 481, 85 S.Ct. 1678(1965); Carter v. State, 329 S.C. 355, 362, 495 S.E.2d. 773, 777(1998); 28 U.S.C.A. § 1654; Turner v. American Bar Ass'n, D.C. Tex. 1975, 407 F.Supp. 457 Aff'd 539 F2d. 715 Aff'd 542 F2d. 56; Faretta v. California, 422 U.S. at 835n. 46, 95 S.Ct. at 2541, 45 L.Ed.2d. 562, 592 (1975); Wiggins v. Estelle, 681 F2d. 266(1982); United States v. Gonzales-Lopez, 548---U.S.---2006; Chaplin & Drysdale Charter-ed v. United States, 491 U.S. 617, 624-625(1989); Rodriguez v. Chandler, 382 F3d. 675, 676 (CA 7 2004) cert. denied 543 U.S. 1156(2005); Stirone v. United States supra.; United States v. Silverman, 30 F2d. 106, 110 (2nd.Cir.) listing these functions modified 439 F2d. 198(2nd.Cir.1970), 91 S.Ct. 1619(1971); Martin v. Ohio supra.; Francis v. Franklin supra.; Mathis v. State supra.; United States v. Abrams supra.; Moore v. Dempsey supra.; Roberts v. State, 408 S.C. 123, 757 S.E.2d. 744(S.C.App.2014); Eppenger v. McFadden, 2014 WL 4198862(DSC.2014); Blanding v. Warden McCormick C.I., 2014 WL 3809656(DSC.2014).

The requirement of the indictment(s) limit and constrain the Subject Matter Jurisdictionary "[p]owers" of both the prosecution and the court, by limiting what can be presented at trial, conviction and sentencing, United States v. Promise, 255 F3d. 150(4th.Cir.2001); State v. Guthrie supra.. It is the command of The United States Constitution, that anything to the contrary is notwithstanding (Article IV § 2 U.S. Const.).

Again, the State and or prosecuting body, acting unjustly, arbitrarily, conspiring under color of state law, has failed to adhere to their own state laws, in egregious violation of

the appellant's substantial Federal Constitutional rights of Due Process, serving to deny the appellant the Equal Protection Of The Laws against unjust and arbitrary prosecution, also in violation of 18 U.S.C. §§ 241, 242 and 1001, Screws v. United States supra.; State v. Middleton supra.; Eslinger v. Thompson supra.; McLaughlin v. Florida supra.; Jones v. State Of Arkansas supra.; Dubinka v. Judges Of Superior Court Of The State Of California, For The County Of Los Angeles supra.; Dozier v. Loop College, City Of Chicago supra.; Hicks v. Oklahoma supra.; Lugar v. Edmondson-Oil Co. Supra.; Williams v. United States supra.; Greenwood v. Peacock supra.; United States v. Otherson supra..

In Wilson v. Lindler, 995 F2d. at 1256, it was held that constructive amendment of an indictment, sometimes referred to as fatal variance, denies the criminal defendant the fundamental guarantee of notice of the charges pending against him. This right is safely guarded and embodied within the 6th. amendment, the 5th. amendment Indictment Clause, and the appellant's 14th. amendment rights of Due Process, as well as pursuant to the appellant's right to equal protection of the laws against arbitrary prosecution and these requirements must be adhered to and not denied. Therefore, due to the enormous amount of prejudice experienced by the appellant, the sentence and conviction must be vacated, State v. Daniels, 401 S.C. 251, 737 S.E.2d. 473(S.C.App.2012); United States v. Kirby, 547 Fed. Appx' 363 CA4 (N.C.2013); Placencia v. McFadden, 2014 WL 2199984(DSC.2014); Sullivan v. Cartledge, 2014 WL 994237(DSC.2014); Van de Kamp v. Goldstein, 555 U.S. 355(2009); Dennis v. Wetzell, 966 F.Supp.2d 489(ED.Pa.2013); Kaley v. United States, 134 S.Ct. 1090(U.S.2014); United States v. Direct Sales Co. supra.; United States v. Atlantic Commission Co. supra.; State v. Boyd supra.; State v. Bramlette supra.; Roberts v. State, 408 S.C. 123, 757 S.E.2d. 744(S.C.App.2014); State v. Green, 406 S.C. 589, 753 S.E.2d. 259(S.C.App.2014); S.C. Code Ann § 17-25-10; U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md.2010); White v. Manis, 2014 WL 1513280 (DSC.2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp.3d. 582, 2014 WL 1266240.

(9) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, by the indictment(s) for attempted murder's failure to properly and or sufficiently apprise the appellant of the "[t]ime" of assault(s), in the body of the charging instrument, as "[t]ime" is recognized by law?

The appellant did not object to this defect and or error at the time of his trial and or before he gave his guilty plea, but the defect and or error serves to render the indictment wholly invalid. Defects and or errors in an indictment that are of such a fundamental character as to render an indictment wholly invalid are not subject to waiver by the defendant, 41 Am. Jurs.2d. Indictments and Information § 299(1968); State v. Munn supra.. Subject to certain minor exceptions not present, the trial court is prohibited from enacting and or invoking its subject Matter jurisdictionary "[p]ower" given to them by state statutes to convict a defendant for an offense, when there is no indictment charging him with that offense when the jury is sworn, and or before he gives his guilty plea, where such an action would "[v]oid" the court's jurisdiction for Due Process violation, State v. Beachum, 288 S.C. 325, 342 S.E.2d. 597(1986); Grupo Dalaflex v. Atlas Global Group L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.Ed.2d. 866(U.S.2004); Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.Supp. 3d. 582, 2014 WL 1266240.

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra. 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitu-

tional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings, (Black Law Dictionary 8th. Edition).

The appellant humbly contends his 5th., 6th., 14th. amendment rights of the U.S. Constitution were violated, as well as Article IV § 2, and his Due Process rights were violated for the charge in question, because the charging instrument, in the body of the indictment does "[n]ot" state the exact time and or date of the alleged assault(s) as time is recognized by law, which is a necessary and requisite element of the offense for murder and or attempted murder, being made a part of the critical elements of the offense. For example, in State v. Rector, 158 S.C. 212, 155 S.E. 385(1930), the Supreme Court [s]pecifically and [u]nequivocally, with [c]larity and [p]articularity, stated in Haec [V]erba:

"The State "[m]ust" prove not only the assault and death occurring from it, but also the "[t]ime" of the assault and the "[t]ime" of the death, as "[t]ime" is recognized by law. In addition the state "[m]ust" prove the "[p]lace" of the assault, and the "[p]lace" of death*****".

These necessary elements of the crime "[m]ust" not only be proven before a person may be lawfully convicted, but they "[m]ust" be alleged within the body of the charging instrument, be passed upon by the Grand Jury in the indictment returned against the defendant in accordance to the constitutional rights of the accused(emphasis added).

Assault And Battery With The Intent To Kill embraces the whole of attempted and visa versa. The elements to prove the crimes are the same as it is for murder with the exception of the death ensuing from it, State v. Sutton, 340 S.C. 393, 397, 532 S.E.2d. 283, 285(2000).

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Inasmuch, it is the body of the indictment(s) that is the [v]ital part of the charging instrument, State v. Tate, 345 S.C. 577, 549 S.E.2d. 601(S.C.2001), and it "[c]annot" be so cryptic or the wording so loose, vague and ambiguous as to fail to comply with the basic right of the accused to be fully informed as to the "[c]ause and [n]ature" of the accusation being levied against him, which is one of the defendant's most basic, fundamental, and universally recognized rights of Due Process, Smith v. O'Grady, 312 U.S. 329, 61 S.Ct. 572(1941); State v. Tabory, 262 S.C. 136, 141, 202 S.E.2d. 852(1974)(holding that the state may not support a conviction * 334 for an offense intended to be charged by relying upon the caption to the exclusion of the language contained within the body of the indictment). Also see S.C. Code Ann § 17-25-10; United States v. Masotto, 73 F3d. 1233 cert. denied 117 S.Ct. 54, 136 L.Ed.2d. 18; Castillo v. Holder, ---F3d.---, 2015 WL 161952 CA4 (2015); State v. Brandt, 393 S.C. 526, 713 S.E.2d. 591(S.C.App.2011).

Insomuch, the statutory text of S.C. Code Ann §§ 17-19-20 and 17-19-30 also as a fact of "[W]ritten [L]aw", require that the "[t]ime" of the offenses be stated in the body of the charging instrument of the indictment. The language in the charging in the charging instrument for attempted murder in question alleges that the assault occurred "ON OR ABOUT" July 28, 2013. Could this mean July 29th., 30th., August 1st., 2nd., 3rd. 4th., 7th., 10th., 13th., July 27th., 25th., 23rd., 20th., 19th., 15th.? All of these dates can be considered as "ON OR ABOUT" July 28, 2013. The State knew and could have easily allege the exact date of the supposed assault(s). This means that this failure to assert the exact time of the assault(s) was an arbitrary judicial action. Murder is a composite crime. Thus, they, by not alleging an exact time of assault have in some respects destroyed the identity of the Corpus delecti. This cannot be deemed reasonable notice. It is the appellant's contention that this is "[n]ot" a proper or sufficient "[t]ime" of assault, which is made part of the essential elements of the offense, which must be alleged within the body of the charging instrument,

passed upon by the Grand Jury and returned against the accused in accordance to the Constitutional Due Process rights of the defendant. This produces substantial prejudice, denying the defendant his right to proper and or sufficient notice, and serve to deny him the Equal Protection of the Laws.

The appellant contends, that a panel of jurors that embodied the Grand Jury upon their oaths aforesaid, stated the mortal blow and or assault occurred "ON OR ABOUT" July 28, 2013. This is not an exact time of assault. Thus, it becomes a false and invalid oath, tainting this oath producing fraud and misrepresentation requiring that the indictment(s) be quashed. It is universally recognized that every oath "[m]ust" be founded upon "[c]ertain [k]nowledge" (OMNE SACRAMENTUM DEBET ESSE CERTA SCIENTIA). The reality is that such oath was not founded upon certain knowledge where the Grand Jury who swore to such indictments, did not discover as they supposed that the exact "[t]ime" of the assault had not been alleged in the indictment. Failing to properly state the time of assault of the alleged crime are clear grounds that would demand that such a judgment be reversed, especially in light of the overwhelming prejudice to the appellant's Due Process rights. By this injustice the appellant was denied opportunity to make claims of alibi or actual innocence where the State would be permitted to assert the assault occurred on the numerous days afore claimed by alleging "ON OR ABOUT". The law is clear on this issue. No one can say what was in the mind of the Grand Jury which allowed the trial jury to speculate that the Grand Jury intended the time to be exactly July 28, 2013 where by making use of the term "ON OR ABOUT" such is not clear, or is it an exact asserted time of assault. This also denied the appellant his Due Process right to meet the charge by being able to call specific witnesses who could have clearly proven the assault did not occur on all those vague "ON OR ABOUT" dates the appellant previously listed. It is truly unnecessary to cite authority to the fact that it is absolutely essential in an indictment for murder, and in this case, attempted murder, that the exact "[t]ime" of assault and or death of the decease

party, or in thi case, the assaulted party, should be alleged therein, and in absence of such allegation said indictment is fatally defective and should be quashed and or judgment arrested upon motion made, which is done, and further, such a defective indictment is beyond the reach of amendment or repair as in a similar matter as it pertains to "[p]lace" of assault and death, for the indictment to a great extent destroys the identity of the corpus delecti, State v. Blakeney, 33 S.C. 111, 11 S.E. 637 infra State v. Stewart, 26 S.C. 125, 1 S.E. 468; Ball v. United States, 140 U.S. 118, 11 S.Ct. 761, 35 L.Ed. 377; State v. Platt, 154 S.C. 1, 151 S.E. 202.

In State v. Kennedy, (L.A.)(1845) 8 Rob. 590, the court in holding an indictment for murder bad, as not alleging the time and or place of the death said: "The material fact in murder are the mortal stroke and the consequent death being a composite crime, and the death "[m]ust" appear upon the record and or on the face of the indictment to have occurred within one year and a day from the time when the mortal stroke was given". The averment then of each of these material facts "[m]ust" under well established rules of criminal pleading be accompanied by an allegation of a certain time and or place, to include not alleging "ON OR ABOUT" as it pertains to time.

To amplify this proposition, in State v. Rallo, 403 S.E.2d 653 (1991), the court in relevant part stated [v]erbatim:

"It is true that the State need not prove the exact time and or date set forth in the indictment(s), unless "[t]ime" is an essential element of the offense, or is made part of it", Id. at 655.

In State v. Ham, 259 S.C. 118, 191 S.E.2d. 13(S.C.1972). The South Carolina Supreme Court stated in Haec [V]erba:

"If '[t]ime' is '[n]ot' of the essence or gist of the offense, the '[p]recise [t]ime' of which the offense is

charged to have been committed is '[n]ot' material".

On the other side of the spectrum of this language, the "[p]recise [t]ime" at which the offense is said to have been committed "[i]s" material if "[t]ime" is of the essence or gist of the offense as it is in this case.

Inasmuch, to be "ON POINT", in State v. Pierce, 207 S.E.2d 414, which is a murder precedent, the indictment charged that the offense and or crime occurred on a certain date, and does "[n]ot" charge "ON OR ABOUT". The State knew the exact time of assault and also knew that "time" was an essential element of the offense. But they figured since they thought they got away with that Gentry fraud. They continued the arbitrary act and disregarded the appellant's Due Process rights.

Hence, by the Doctrine of "STARE DECISIS ET NON QUIENTA MOVERE", an indictment "[m]ust" properly set forth all the essential elements of the offense. By Hamling v. United States, 418 U.S. 87, 94 S.Ct. 2887 (1974), it is well established and recognized under American Jurisprudence: That if an indictment fails to charge all necessary elements, it fails to charge the offense. If it fails to charge the offense, such violates the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution, as well as Article IV § 2, and his rights of Due Process which "[v]oids" the trial court's jurisdiction for Due Process violation. Thus, the sentence and conviction "[m]ust" be vacated, United States v. Masotto supra.; Castillo v. Holder supra.; State v. Brandt supra.; United States v. Cabrera-Teron, 168 F3d. 141 (5th.Cir.1999); United States v. Pupo, 841 F2d. at 1239(4th.Cir.1988)(En Banc); United States v. Hooker, 841 F2d. 1225(4th.Cir.1988); U.S. v. \$41,320 U.S. Currency, 9 F.Supp. 3d. 582, 2014 WL 1266240; White v. Manis, 2014 WL 1513280(DSC. 2014); U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md.2010); Hunt v. United States, F.Supp.2d., 2007 WL 5131716(DSC.2007); Brown v. U.S., 2014 WL 2871398(DSC.2014).

() Did the S.C. Supreme Court in State v. Gentry supra. err, engaging knowingly, intentionally in acts of fraud upon the court, in their efforts to essentially establish modern day slavery in violation of the Anti-Peonage Act, and abused their discretionary "[p]owers", which they even conspired to take away our right to vote, and or done so surreptitiously , in violation of the Voting Rights Act. And in such, the court's jurisdiction was made void for Due Process violation, and the court was prohibited from enacting and or invoking and or continuing its Subject Matter Jurisdictionary "[p]owers", even though they do indeed possess such "[p]ower" via state legislative statute and or Congressional intent, due to the indictment defects and or errors contained and argued within this document, in violation of the appellant's 4th., 5th., 6th., 13th., 14th., 15th. Amendment rights of the U.S. Constitution, as well as Article IV § 2, also 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 241, 242, and the laws of Due Process?

The appellant did not object to these defects and or errors at the time of his trial and or before he gave his guilty plea, but the defects and or errors serve to render the indictments wholly invalid. Defects in an indictment that are of such a fundamental character as to render an indictment wholly invalid are not subject to waiver by the defendant, 41 Am. Jurs.2d. Indictments and Information § 299(1968); State v. Munn supra..

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge. We are arguing against the precedent established by State v. Gentry pursuant to S.C. Appellate Court Rule 217, Moss v. Aetna Life Ins. Co. supra.; State v. Broad River Power Co. supra. 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error , fraud and machination on the part of the South Carolina Supreme Court that has an identifiably negative impact on all proceedings to such a degree, that the constitutional rights of all defen-

dants within this state, including the appellant's are compromised. A manifest constitutional error, violations of the Anti-Peonage Act and fraud upon the court of this magnitude cannot be waived, is not subject to any time limits, and can be reviewed by a court of appeals even if the appellant did not object at the proceedings, especially in light of the fact that the court's decision and fraudulent actions disproportionately effect African Americans and all other inmates within this state and potentially around the nation, (Black Law Dictionary 8th. Edition); The Amistad supra.; Callon Petroleum Co. v. Frontier Ins. Co. supra.; Digital Equip. Corp. v. Desktop Direct Ins., 511 U.S. 863, 868, 114 S.Ct. 1992, 1996, 128 L.Ed.2d. 842(1994); Chewing v. Ford Motor Company supra.; Appling v. State Farm Mut. Auto Ins. Co. supra.; King v. First American Investigators Inc., 287 F3d. 91, 92(2nd.Cir.2002) cert. denied 537 U.S. 960, 123 S.Ct. 393, 154 L.Ed.2d. 314(2002); The Anti-Peonage Act Of The 13th. Amendment; The Rico Act; Ex Parte Virginia, 100 U.S. 339, 346, 25 L.Ed. 676(1880).

The appellant contends, that the indictment(s) for attempted murder do not properly allege the "[t]ime" of the assault which is an essential element of the offense. The indictment(s) for attempted murder or the conspiracy indictment allege who it was that the appellant supposedly conspired with. The attempted murder indictment(s) do not allege what weapon the appellant was supposedly in possession of. None of these essential elements and or allegations are alleged within the body of the charging instrument. This prejudiced the appellant when it came time to seek a direct verdict which is why the court and parties conspiring under color of state law, in acts of fraud upon the court denied the motion for severance, violating the appellant's Due Process rights voiding their jurisdiction for Due Process violation. These actions placed the appellant at a substantial disadvantage, which is why the state in acts of conspiring under color of state law tried the appellant and his co-defendant together to conceal these fatal deficiencies, knowing fully well the indictments were extremely vague setting the appellant

up for "Indictment Ambush" at the onset of his proceedings. The indictments "[c]annot" be deemed sufficient if the state is permitted to prove all these materially different sets of facts. The indictment(s) do not descend to the essential particulars. All the aforementioned "[m]ust" be alleged in the body of the charging instrument and passed upon by the Grand Jury in the indictments returned against the accused in accordance to the constitutional Due Process rights of the defendant. This cannot be deemed as reasonable notice. No one can say what was in the mind of the Grand Jury, State v. Pierce supra.; State v. Sutton supra.; State v. Platt supra.; State v. Rector supra.; State v. Blakeney supra.; State v. Munn supra.; State v. Rallo supra.; State v. Tate supra.; State v. Tabor supra.; State v. Keith supra.; State v. Hardee supra.; Locke v. State supra.; State v. Wilkes supra.; United States v. Daniels supra.; United States v. Abrams supra.; United States v. Hooker supra.; Russell v. United States supra.; Hamling v. United States supra.; United States v. Pupo supra.; Castillo v. Holder supra.; State v. Brandt supra.; Robinson v. Cohen supra.; United States v. Cohen supra.; United States v. Gomez supra.; Carr v. United States supra.; United States v. Robare supra.; United States v. Umana supra.; United States v. Dinkins supra.; James v. Reynolds supra.; Sullivan v. Cartledge supra.; Dech v. Missouri supra.; Clark v. Arizona supra.; United States v. Whitfield supra.; United States v. Mills supra.; United States v. Naidu supra.; United States v. Allmendinger supra.; State v. Green supra.; Roberts v. State supra.; Eppenger v. McFadden supra.; Blanding v. Warden McCormick Correctional Institution supra.; State v. Daniels supra.; United States v. Kirby supra.; Van de Kamp v. Goldstein supra.; Dennis v. Wetzel supra.; Plecencia v. McFadden supra..

The appellant further contends, that the indictment(s) do [n]ot properly and or sufficiently apprise the appellant of the "[c]ause and [n]ature" of the accusation(s), or of what he is called upon to meet and defend, because the structural constitutional error, defect, language and or charge embodied within the indictment(s) and criminal complaints around the

nation indicate and or inform the appellant, that the burden of production belongs to the appellant and not the government. By such the indictments also violate S.C. Code Ann §§ 17-19-10, 17-19-20 and 17-25-10. The language and or charge in the indictments indicate and inform the appellant that he is called upon to meet the burden of production on the critical elements of dispute, in violation of the appellant's 6th. amendment rights, the relevant statutes, and Due Process Law. They also violate the appellant's 4th. amendment rights to illegal seizure, his 5th. amendment rights to double jeopardy protection, because they predetermine in advance the outcome of the proceedings, taking away our presumption of innocence, and they inform the appellant that for a second time he is made to plea and or go to trial on a prior conviction for the same offense which produces fraud upon the court, modern day slavery in violation of The Anti-Peonage Act because you force us to work once convicted to up keep these institutions. Then you take away our right to vote once convicted in violation of the 13th. 15th. amendments and the Voting Rights Act, The Rico Act, and the holdings made in Ex Parte Virginia, 100 U.S. 339(1880). They infringe upon the appellant's 14th. Amendment right to Equal Protection of the Laws against unjust, arbitrary judicial action and prosecution behind a class based invidiously discriminatory animus because the action disproportionately effect African Americans and other minorities in violation of the holdings made in Ex Parte Virginia. The Grand Jury "[m]ust" refrain from even making an "[o]pinion" (emphasis added) as to our guilt. Yet, here these Knuckleheads swear an "[o]ath", under "[o]ath" mind you, our guilt foreclosing legally any subsequent adjudication. The Grand Jury by State or Federal law, or State or Federal Constitution, do "[n]ot" have the power to convict. This cannot be deemed reasonable notice. No one can say what was in the mind of the Grand Jury as determining whether or not they intended any subsequent adjudication to occur once they themselves determined guilt. Due to the structural constitutional error and or defect in the construction of the indictment(s) and or criminal complaints around the nation, they do "[n]ot" properly,

sufficiently or fully apprise the appellant of the "[c]ause and [n]ature" of the accusation being brought against him, or of what he is called upon to meet and defend, State v. Lewis supra.; State v. Easler supra.; Mathis v. State supra.; Brown v. State supra.; State v. Browning supra.; State v. Munn supra.; Moore v. Dempsey supra.; The Amistad supra.; Callon Petroleum Co. v. Frontier Ins. Co. supra.; Digital Equip Corp. v. Desktop Direct Ins. supra.; United States v. Direct Sales Co. supra.; United States v. Atlantic Commission Co. supra.; State v. Boyd supra.; State v. Bramlett supra.; Beck v. Washington supra.; State v. Tollin supra.; Byers v. Reynolds supra.; United States v. Jefferson supra.; In Re: Grand Jury Subpoena John Doe, No. 05GJ1318 supra.; In Re: Grand Jury Subpoena (T-112) supra.; United States v. Umana supra.; United States v. Dinkins supra.; Dickerson v. Warden Of Lieber C.I. supra.; James v. Reynolds supra.; Sullivan v. Cartledge supra.; Clark v. Arizona supra.; Deck v. Missouri supra.; Skilling v. United States supra.; Kaley v. United States supra.; Placencia v. McFadden supra.; Jeandron v. Board Of Regents Of University System Of Maryland supra.; United States v. Whitfield supra.; United States v. Mills supra.; United States v. Naidu supra.; Roberts v. State supra.; State v. Green supra.; United States v. Kirby supra.; United States v. Allendinger supra..

This is how this thing went. The inmates of South Carolina were basically getting out of prison by arguing the defects within their indictments. The inmates convicted for murder discovered that there was a fatal flaw in the murder indictments related to "time and place", being essential elements of the offense. The South Carolina Supreme Court, in efforts to stop the inmate exodus from prison, engaged in acts of fraud upon the court in efforts to establish modern day slavery behind racial hatred, even with the black overseer type judges, came up with a plot, plan and scheme to defraud the inmates of this state in their acts of machination in violation of the holding

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made in the U.S. Supreme Court case Ross v. Blake, 136 S.Ct. 1850(2016). They knew that beforehand in order to make a fair determination regarding the issue of Subject Matter Jurisdiction. It was required that the court review Ex Parte Bain, Russell, Stirone and Gaither collectively, but they purposely did not do so in order to hatch their plan. If you do not review them together, they knew you can make a fraudulent determination and no one would be the wiser. So, the judges of the South Carolina Supreme Court, conspiring under color of law behind a class based invidiously discriminatory animus, placed the numerous, voluminous pending criminal cases on hold, staying them, many for as long as over (4) or (5) years to allow them to go on a "FISHING EXPEDITION" in search of case law that was vague and ambiguous enough to allow them to enact their acts of fraud and machination. After this exhaustive search for (5) or more years, criminally holding these inmates cases in limbo. The conspiring judges found Cotton and Parkhurst, that would permit them to circumvent the holdings made in Stirone, Gaither and Russell via this fraudulent "FISHING EXPEDITION", due to these newly found cases being adjudicated under the incorrect prong to subject Matter Jurisdiction, Mitchell v. Conseco Life Ins., F.Supp.2d., 2013 WL 2407129(DSC.2013); J & J Sports Productions Inc. v. Wofford, 2014 WL 2980250(DSC.2014); United States v. McDonald, 444 Fed. Appx' 710 CA4 (Va.2011); Gindi v. Strategic Outsourcing, Inc., F.Supp.2d., 2012 WL 7761543(DSC.2012); State v. Jones, 364 S.C. 51, 610 S.E.2d. 846(S.C.App.2005).

This is what the S.C. Supreme Court judges specifically wanted. They wanted these specific cases to permit them to perpetrate the fraud and machination even though they knew there were other U.S. Supreme Court cases that gave greater clarity, which is why Plecones, honorable soul that he is, jumped ship. He knew what they were doing. They knew Ex Parte Bain, U.S. v. Cotton and Parkhurst were vague and ambiguous in that these cases found via the "FISHING EXPEDITION" never addressed the "[j]urisdictional [p]rerequisite" Due Process element, aspect or requirement of the indictment and adjudicated this clear

Due Process issue under the incorrect prong to Subject Matter Jurisdiction. U.S. v. Cotton used "word play", "verbal voodoo", "word winx" to evade the essential question related specifically to the "[p]rerequisite" aspect and requirement of the indictment as it relates to jurisdiction, which is a Due Process claim that "[v]oid" jurisdiction for Due Process violation. Please note that nothing in U.S. v. Cotton stated that they were overruling Stirone, Gaither or Russell,...why? Its because we are dealing with two separate and independent questions related to Subject Matter Jurisdiction, essentially two prongs. One being certain courts jurisdiction itself. The second being the "[p]rerequisites" and or "[r]equisites" that are attached to that jurisdiction, which is a Due Process claim that "[v]oids" jurisdiction for Due Process violation, the corrupt devils that they are, Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.supp.3d. 582, 2014 WL 1266240 (2014); U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md.2010); White v. Manis, 2014 WL 1513280(DSC.2014).

The S.C. Supreme Court judges, in acts of fraud upon the court and machination, only reviewed Ex Parte Bain because it was vague on the "[p]rerequisite" and or "[r]equisite" Due Process issue itself, then added Cotton and Parkhurst because they knew these cases were adjudicated in the same vein, which did not address the prerequisite Due Process requirement of the indictment, which must be adjudicated under the Due Process prong to Subject Matter Jurisdiction, they came up with the State v. Gentry case, in acts of fraud upon the court and machination to halt the pending inmate exodus. Conspiring under color of state law in violation of 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 241, 242, 1001, by order of stay, they held Gentry and the massive number of pending cases in limbo, many for over (5) years, until they were time barred from seeking review in the S.C. U.S. District Court. The S.C. U.S. District Court Judges conspiring with them, under color of authority and or law, were privy to this aided the conspiring state judges, courts and actors such as the S.C. Attorney General; knowing

fully well the vast number of inmates whose cases were criminally held in limbo, many for over (5) years, lacked the intelligence to argue past the successive or statute of limitations placed upon them via PLRA and or AEDPA provisions, warranting the recusal and or disqualification of the S.C. U.S. District Court and 4th. Circuit and all these cases in total be transferred to the State Of New Jersey District Court pursuant to 28 U.S.C. §§ 1404 and 1407. We motion for such.

Similar acts were done with intelligence test during reconstruction to deny minorities the right to vote. "How many jelly beans are in this jar?" "How do you get past the Statute of limitations or successive issues placed upon you by PLRA or AEDPA provisions?" It is a similar criminal act argued in Ex Parte Virginia, 100 U.S. 339(1880), in their white racial bonding. This produces fraud upon the court, machination in violation of the holdings made in Ross v. Blake, 136 S.Ct. 1850 (2016), demonstrating that we do not have to exhaust. It establishes a form of modern day slavery by that fraud and machination as is defined within The Convention Against Torture Treaty that Congress signed off on and ratified binding this nation and all states contained therein, where you force us to work to up keep these institutions and other forced labor while in captivity. Then you take away our right to vote by conspiring under color of state law and or authority to keep us labelled as felons and kill our political voice in what you white nationalist call , "establishing good government" as Senator Cole Blease Of South Carolina once said. It becomes an illegal seizure by this fraud and machination in violation of the 4th. amendment, as well as stand in violation of The Rico Act, the holdings made in Ex Parte Virginia, as well as the 5th., 6th., 8th., 13th., 14th., and 15th. amendments, also 18 U.S.C. §§ 241, 242 and 1001, Moore v. Dempsey supra.; The Amistad supra.; Digital Equip. Corp. v. Desktop Direct Ins. Co. supra.; State v. Means, 367 S.C. 374, 626 S.E.2d. 348(S.C.2006)(Where they applied this criminal act retroactively); Screws v. United States supra.; United States v. Kozminski, (1988) 487 U.S. 931, 101 L.Ed.2d. 788, 108 S.Ct. 2751, 46 C.C.H. E.P.D. ¶ 38067 on remand (1988 CA6 Mich.) 852 F2d 1288; Greenwood v. Peacock, (1966) 384 U.S.

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808, 16 L.Ed.2d. 944, 86 S.Ct. 1800; United States v. Ramey, (1964 CA4 W.Va.) 336 F2d. 512 cert. denied (1965) 379 U.S. 972, 13 L.Ed.2d. 564, 85 S.Ct. 649; United States v. Otherson, (1980) CA9 Cal., 637 F2d 1276 cert. denied (1981) 454 U.S. 840, 70 L.Ed.2d. 123, 102 S.Ct. 149; Means v. Wilson, CA8 (S.D.) 1975, 522 F2d. 833 cert. denied 96 S.Ct. 1436, 424 U.S. 958, 47 L.Ed.2d 364; Berg v. Obama, E.D. Pa. 2008, 574 F.Supp.2d. 509; United States v. Figuerca, CA3 (N.J.) 2013, 729 F3d. 267; Ex Parte Virginia supra.; The Compendium Of United Nations Standards And Norms In Crime Prevention And Criminal Justice ISBN 978-92-1-133765-5.

This is not a situation where the state court simply held a view different its own, when the precedent from the U.S. Supreme Court is, at best ambiguous. They criminally conspired under color of state and stayed, held, all pending cases most for (5) years or more while they and the S.C. Attorney General purposely, maliciously, criminally went on a "FISHING EXPEDITION" in search for a vague, ambiguous U.S. Supreme Court case and the Parkhurst case, to allow them to engage in machination and acts of fraud upon the court when there were other clearly established U.S. Supreme Court cases that gave greater clarity and that were not ambiguous to defraud the inmates of this state. Thus, using the holdings made in cases like Green v. Fisher, 132 S.Ct. 38, 43(2011) would be misplaced due to the criminal and fraudulent intent that conspicuously exist, Barlow v. Colgate Palmolive Co., 772 F3d. 1001, 90 Fed. R. Serv.3d. 85(Md.2014).

Perhaps the court(s) of South Carolina would further contend that Subject Matter Jurisdiction, and the sufficiency of an indictment are, and have been combined in the various cited cases, that the indictment is merely a "notice document" and that Subject Matter Jurisdiction is the court's "[p]ower" to hear and determine a matter, and each should be viewed as separate and distinct from one another and the insufficiency of an indictment does "[n]ot" take away from or "[a]ffect" and or "[h]inder" a "[c]riminal" court's "[p]ower" and or "[a]bility" to hear "[t]his" general class of cases, to which the proceedings

in question belong, State v. Gentry, 363 S.C. 93, 610 S.E.2d. 494, 495(S.C.2005) citing United States v. Cotton, 535 U.S. 625, 122 S.Ct. 1781, 152 L.Ed.2d. 860(2002); State v. Parkhurst, 845 S.W.2d. 31(MO.1992). The court(s) has misinterpreted its citings and are in error, and they have abused their discretionary "[p]owers" in their determination of this matter, and they did this purposely in acts of fraud upon the court and machination in violation of the holdings made in Ross v. Blake, 136 S.Ct. 1850(2016). An abuse of discretion occurs when the court(s) are controlled by an error of law, or when the order based upon findings of fact is without evidentiary support or fact. The error of law that they are controlled by is that there are two concepts in question, essentially two prongs to Subject Matter Jurisdiction. One--the courts powers of jurisdiction given to them via state legislative statutes and or congressional intent for federal courts. Secondly---the Due Process jurisdictional "[p]rerequisites" and or "[r]equisites" that are attached to that jurisdiction, which were never properly addressed by the courts involved, which were required to be addressed under the Due Process prong to Subject Matter Jurisdiction, Sharpes v. Sharpes, 535 S.E.2d. 913, 342 S.C. 71(2000).

The State Of South Carolina, by this ludicrous piece of legislation or law, in an egregious abuse of discretionary "[p]ower", acting arbitrarily, unjustly, under color of "state law", in defiance to fundamental fairness and judicial integrity, in violation of the appellant's federal constitutional rights of Due Process, also in violation of 18 U.S.C. §§ 241, 242 and 1001, has either altered, amended, modified, and or deleted, and or diminished and or eradicated, just about every single right and privilege secured and protected by the 4th., 5th., 6th., 13th., 14th., 15th. amendments of the U.S. Constitution, as well as the South Carolina Constitution, as it pertains to the "[p]rerequisite" Due Process requirement and use of an indictment in criminal proceedings, in blatant defiance to the appellant's rights to Equal Protection of the Laws, producing fraud upon the court, machination, essentially establishing

modern day slavery in violation of The C.A.T. Treaty, conspiring under color of state law to disenfranchise us, branding African Americans and other minorities who are disproportionately effected as felons to deny them the right to vote and kill their political voice, creating a racial caste system, See Book Entitled, "Mass Incarceration During The Age Of Colorblindness, the New Jim Crow, by Michelle Alexander; Screws v. United States supra.; State v. Middleton supra.; Eslinger v. Thompson supra.; McLaughlin v. Florida supra.; Dubinka v. Judges Of Superior Court Of The State Of California, For The County Of Los Angeles supra.; Jones v. State Of Arkansas supra.; Dozier v. Loop College , City Of Chicago supra.; Hicks v. Oklahoma supra.; Lugar v. Edmondson Oil Co. supra.; Williams v. United States supra.; Brown v. United States supra.; United States v. Ramey supra.; United States v. Kozminski supra.; Greenwood v. Peacock supra.; United States v. Otherson supra.

Insomuch, the 5th. amendment Indictment Clause has not been held applicable to the states, or the federal concept of a Grand Jury binding on the federal courts under the 5th. amendment are obligatory to the states. Nevertheless, by their own state(s) Constitution(s), the State Of South Carolina, New Jersey , Kentucky, Georgia, New York and (28) other states adopt the federal provisions. requirements, Due Process "[p]rerequisites" and or "[r]equisites", standards and mandates pertaining to the use of an indictment, and the remaining (17) states that make use of a criminal complaint document possess the structural error argued where the Grand Jury by the language presented, adjudicated guilt of the offenses as well. In further resolving the conflict, the Federal courts have held by the "BILL OF RIGHTS", many rights guaranteed by the first (8) amendments of The United States Constitution, have been made applicable to the several states through the Due Process Clause of the 14th. amendment and Supremacy Clause of Art. 6 cl. 2 of The U.S. Constitution, State v. Watts, 465 S.E.2d. 359; Henry v. City Of Rock Hill, 376 U.S. 776, 84 S.Ct. 1042, 12 L.Ed.2d. 79(1964); Also see South Carolina Constitution Art. 1 § 11; Ex Parte Bain, 121 U.S. 1 (1887); Costello v. United States,

350 U.S. 359; Russell v. United States, 369 U.S. 749, 82 S.Ct. 1038(1962); Woods v. Georgia, 370 U.S. 375, 82 S.Ct. 1364, 8 L.Ed.2d. 569(1962); Frisbee v. United States, 157 U.S. 160, 15 S.Ct. 586, 39 L.Ed. 652 (1895); Hale v. Henkel, 201 U.S. 43, 26 S.Ct. 370, 50 L.Ed. 652(1906); Duncan v. Louisiana, 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d. 491(1968); Hurtado v. California, 110 U.S. 516, 538, 4 S.Ct. 111, 122, 28 L.Ed. 232(1884); Powell v. State Of Alabama, 287 U.S. 45, 67, 53 S.Ct. 55, 63, 77 L.Ed. 682(1948); Gideon v. Wainwright, 372 U.S. 335, 342-344, 83 S.Ct. 792, 796, 4 L.Ed.2d. 799(1963).

Yes, the indictment is a "notice document", but being a "notice document" is one of the many purposes and functions the indictment was created for. The Honorable Judge Plecones in the Gentry court, was the only one with enough judicial integrity and insight to see clear to the truth of this matter in part, and did not agree to the fraud and machination.

Yes, Subject Matter Jurisdiction is the "[p]ower" to hear and determine cases of a general class to which the proceedings in question belong, Bell v. Monsato Corp., 579 S.E.2d. 325 S.C. 553(S.C.2003). Insomuch, the court's "[p]ower" to hear and determine a case, is also defined as the court's "[a]bility" to hear and determine a case. Inasmuch, Subject Matter Jurisdiction does not only cover and or involve whether or not the matter resides in a proper court of jurisdiction to hear and determine it. This is only the first prong. It also involves any issue that may "[a]ffect" and or "[h]inder" that "[p]ower" and or "[a]bility" to act in accordance to Rules Of Court, Rules Of Procedure and Due Process Law. This is the second prong that "[v]oids" jurisdiction for Due Process violations. Such matters can be raised at "[a]ny" time, "[c]annot" be waived by the defendant, and the court "[s]hall [n]ot [f]ail" to take notice, Mathis v. State supra.; Brown v. State supra.; State v. Munn supra.; Browning v State supra.; U.S. v. \$41,320 U.S. Currency, 9 F.Supp. 3d. 582, 2014 WL 1266240; Hunt v. United States, F.Supp.2d., 2007 WL 5131716(DSC.2007).

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Subject to certain minor exceptions not present, the trial court's jurisdiction is made void, and or they are prohibited from enacting, and or invoking and or continuing its Subject Matter Jurisdictionary "[p]owers" to convict a defendant for Due Process violation, even though they have such jurisdiction by state legislative statute and or congressional intent, when there is no indictment charging him with that offense when the jury is sworn, or when he gives his guilty plea, and we can add, or when he has already been unjustly convicted by the Grand Jury, illegally acting as the trial jury, being duly sworn and swearing upon their "[o]ath" the appellant's guilt, predetermining in advance the outcome of the proceedings, in violation of their shielding function, also in violation of the appellant's right to double jeopardy protection and Due Process Law, establishing fraud upon the court, modern day slavery, machination, taking away our right to vote conspiring to kill our political voice behind a class based invidiously discriminatory animus in the form of race in violation of the holdings made in Ex Parte Virginia supra. Also see State v. Lewis supra.; State v. Easler supra.; Moore v. Dempsey supra.; The Amistad supra.; United States v. Umana supra.; United States v. Dinkins supra.; Dickerson v. Warden Of Lieber C.I. supra.; James v. Reynolds supra.; Sullivan v. Cartledge supra.; Clark v. Arizona supra.; Deck v. Missouri supra.; Skilling v. United States supra.; State v. Beachum, 288 S.C. 325, 324 S.E.2d. 572(1986); S.C. Code Ann § 17-25-10.

The Gentry court misinterpreting its citings are in error in their determination of the matter in acts of fraud upon the court and machination. What gives the court in "[c]riminal" cases and or proceedings the "[a]bility" to hear and determine cases of "[t]his" general class to which the proceedings in question belong, and allow it to enact and or invoke and or continue its Subject Matter Jurisdictionary "[p]owers" in these type of cases, placing those "[p]owers" in operation is "an indictment".

S.C.R.C.P., Rule 3(c) Provides:

"Disposition on arrest warrant(s):

The solicitor shall take action on the warrant(s) within (90) days by preparing 'an indictment' for presentment to the Grand Jury". In turn said indictment is to be passed on to the trial court to allow it to enact and or invoke and or continue its "[p]owers" of Subject Matter Jurisdiction, Sharpe v. Johnson, 107 F3d. 282 (foot notes) (5th.Cir.1997); Santos v. State, 843 S.W.2d. 953, 956 (Tex.App.1992); Studer v. State, 799 S.W.2d. 263 (Tex.App.1990); Williams v. Morris, 320 S.C. 196, 464 S.E.2d. 97 (1995).

The indictment is also the legal document that confirms the "[c]riminal" court's "[p]ower" and or "[a]bility" to hear the particular case, by stating and documenting the class of case, or alleged offense, and the statute of the offense charged, stating the offense in the language of the statute, further validating that the matter(s) reside in the proper court of jurisdiction to hear and determine the matter. These indisputable facts make the indictment more than merely a "notice document". It is the vehicle in "[c]riminal" cases and or proceedings which invest and or attach the "[c]riminal" court the Due Process mechanism and right to act, and or confirms that right to act, which is an intrinsic part of the Due Process Prong To Subject Matter Jurisdiction in these cases; Thereby making them inter-linked, inter-locked and inter-dependent upon the viability of each other. To determine that without the indictment(s), it does "[n]ot" "[a]ffect" and or "[h]inder" a "[c]riminal" court's "[p]ower" and or "[a]bility" to hear and determine cases of "[t]his" general class to which the proceedings in question belong, is an error of law, and is like stating not having a "soul", "consciousness", or "life force", do "[n]ot" "[a]ffect" or "[h]inder" a man's "[p]ower" or "[a]bility" to be a man. Without a "soul" or "life force", by the laws of reason you will still have a "man", but the total truth of the matter is that

you will have a "[d]ead man", whose worth to society is useless; the same way the "[c]riminal" court's "[p]ower" and or "[a]bility" to hear and determine "[t]his" particular class of case is useless without the essentially needed vehicle in the form of the indictment(s). The Sufficiency of an Indictment is a "[j]urisdictional [p]rerequisite" in cases of "[t]his" general class, to which the proceedings in question belong, and for which an indictment is needed and or required even though the courts do indeed have jurisdiction via state legislative statute and or via congressional intent. See Indictment sufficiency, 70 Column L. Rev. 876, 888(1970); United States v. Abrams, 539 F.Supp. 378, 384(S.D.N.Y.1982); Stirone v. United States, 361 U.S. 212 (1960); Gaither v. United States, 413 F2d. 1061(D.C. Cir.1969); Also see S.C. Constitution Art. 1 § 11; S.C. Code Ann § 17-25-10.

The Gentry court, by it misinterpreting its citings changed Federal law made applicable to the state(s) by they adopting such via their own state(s) Constitution(s) standing unchallenged for well over (100) years. For the Gentry court by it misinterpreting its citings, in acts of fraud upon the court and machination in violation of Ross v. Blake, 136 S.Ct. 1850(2016), to view the two concepts of Subject Matter Jurisdiction and the Sufficiency of an Indictment as being combined, when Federal law adopted by their own state(s) constitution(s), dictate that the Sufficiency of an Indictment is a "[j]urisdictional [p]rerequisite" to Subject Matter Jurisdiction in a "[c]riminal" court, which is a Due Process claim, is an error of law. Nothing in United States v. Cotton or State v. Parkhurst addressed and or adjudicated the "[p]rerequisite" Due Process aspect of the indictment. Nor did anything in those cases say that Abrams, Stirone, Russell and Gaither are overruled. If they are no officially overruled by The U.S. Supreme Court, then the [p]rerequisite Due Process aspect of the indictment is still controlling law. The Abrams, Stirone, Russell and Gaither court(s) intent should be ascertained from the plain language of these citings of law as is adjudicated by those

courts. The language must read in a sense that harmonizes with its subject matter and accords with its general purpose. Once these precedent setting courts have made a choice, there was no room for the Gentry court to impose a different meaning or judgment based upon their own misguided notions. If the provisions of law language is clear, there was no need to employ the rules of statutory and or common law construction, and the Gentry court had no right to go on a "FISHING EXPEDITION" holding those cases in limbo for (5+) years to force the inmates past the statute of limitations to prevent review in another higher court to which they were void of all jurisdiction in acts of fraud upon the court and machination. Also, due to they imposing another meaning to this prescribed law, in their efforts to essentially establish modern day slavery in violation of the C.A.T. Treaty, to which congress confers upon no court the "[p]ower" to establish slavery of any kind. Their jurisdiction is void from the onset, even making it an administrative function stripping them of immunity due to the fraudulent intent. These were the same such acts that were at the heart of the issues sought remedied in Ex Parte Virginia in 1880. The convictions are not "DULY" established. Where the language of the aforementioned citings of law are clear and explicit, the Gentry court "[c]annot" go on a "FISHING EXPEDITION" to purposely search for a vague, ambiguous provision of law that did not address the "[j]urisdictional [p]rerequisite" Due Process aspect and requirement of the indictment to criminally, in acts of fraud upon the court and machination, rewrite the provisions of the law in and inject matters into the holdings which are not in the language found in Russell, Stirone, Abrams and Gaither. Under the plain meaning rule, it is not the Gentry court's place to change the meaning of clear and unambiguous provisions of law by citing of a law that is ambiguous and vague, to disproportionately affect African Americans and other minorities within this state and water down the protections established under Ex Parte Virginia. The law clearly states that the two concepts are not combined, but one is a "[j]urisdictional [p]rerequisite" of the other which "[m]ust" be adjudicated under the Due Process Prong of Subject Matter Jurisdiction. The law clearly states

that yes, the courts have jurisdiction via state legislative statutes and or congressional intent, but with that jurisdiction there are "[j]urisdictional [p]rerequisites" and or "[j]urisdictional [r]equisites" that "[m]ust" be adhered to related to Due Process which void jurisdiction for lack of compliance. If these two concepts are to be viable and operate in the fullness and purpose for which they were established and created, they are not to be viewed and or separated in the manner reasoned by the Gentry court misinterpreting the holdings made in the Cotton and Parkhurst courts, Mitchell v. Consec Life Ins. supra.; J & J Sports Productions Inc. v. Wofford supra.; United States v. McDonald supra.; Gindi v. Strategic Outsourcing, Inc. supra.; State v. Jones supra.; Bass v. Isochem, 617 S.E.2d. 369(S.C.App. 2005); State v. Brannon, 666 S.E.2d. 272(S.C.App.2008); State v. Pittman, 647 S.E.2d. 144(S.C.2007); Liberty Mut. Ins. v. S.C. Second Injury Fund, 611 S.E.2d. 297(S.C.App.2005).

Further, the indictment(s) serve as a "[s]afeguard" to protect the American citizenry, all those who are held by us, and those who enter our borders or territories, from violations of their inalienable constitutional rights. Rule 7(c) requires that the indictment(s) contain a "[p]lain", "[c]oncise", and "[d]efinite" written statement of essential elements and or allegations constituting the offense charged. This requirement performs three constitutionally required functions: It fulfills the 6th. amendment right to be informed as to the "[c]ause and [n]ature" of the accusation (notice document); Yet, more than this, it prevents a person from being subject to double jeopardy as required by the 5th. amendment. It also serves the 5th. amendment protection against crimes based upon evidence not presented to the Grand Jury (constructive amendment of the indictment claim), State v. Lewis supra.; State v. Easler supra.; United States v. Silverman, 30 F2d. 106, 110(2nd.Cir.) listing these functions, modified 439 F2d. 198(2nd.Cir.1970) cert. denied 402 U.S. 953, 91 S.Ct. 1619, 29 L.Ed.2d. 123(1971). The Indictment Clause of the 5th. amendment requires that the indictment(s) contain some amount of factual particularity, to ensure that the prosecution will not fill in elements of his case with facts

other than those considered by the Grand Jury (constructive amendment of the indictment issue), United States v. Abrams supra.

The judges in State v. Gentry supra.; United States v. Cotton supra.; and State v. Parkhurst supra., in their determination, it is perspicuous that they have "[n]ot" given "[f]ull" weight to the total requirements and purpose of S.C. Code Ann §§ 17-19-10, 17-19-20, 17-19-30 and 17-25-10, or the "[j]urisdictional [p]rerequisite" ~~Due Process aspect and requirement of~~ the indictment. It is for the reasons aforementioned, in relevant part, and Federal Rules Of Criminal Procedure, Rule 7(c), that the requirements of the mentioned statutes are in effect, to ensure that the indictment(s) comply with Federal and State Rules of Criminal Procedure, The U.S. Constitution, The S.C. Constitution, and the Laws of Due Process, which make them more than merely a "notice document".

In addition to this, the indictment(s) aid in instructing the jury of the circumstances of the crime, and the incidentals, as well as the elements of the offense, that they are to confirm, or reject the confirmation of, by the preponderance of evidence presented before them by the prosecution and or defense in reaching a verdict. This too, makes them more than merely a "notice document", United States v. Abrams supra.; United States v. Silverman supra. This requirement that the offense be stated**** specifying in detail each element of the crime was seen as providing assurance that both the Grand Jury understood what was necessary to establish the offense, not convict, and that the trial jury did not engage in unanticipated extensions of the substance of the offense, which is a constructive amendment of the indictment claim proving these are Due Process arguments which are to be adjudicated under the Due Process prong to Subject Matter Jurisdiction.

Lastly, the requirement of the indictment(s) limit and constrain the "[p]owers" of Subject Matter Jurisdiction of both

the prosecution and the court, by limiting what can be presented at trial, conviction and sentencing. This too, is potentially a constructive amendment of an indictment claim which demonstrate the deficiencies within the indictment(s) produce Due Process challenges that void jurisdiction for Due Process violation, United States v. Promise, 255 F3d. 150(4th.Cir.2001); State v. Guthrie, 352 S.C. 103, 572 S.E.2d. 309. It is the command of The U.S. Constitution that anything to the contrary is notwithstanding, (Article IV § 2 U.S. Const.).

The appellant places forth this issue in a straightforward fashion and want to make certain that there is no misunderstanding as to the specific claim(s) and or question that is placed before the court. The appellant is not arguing whether the criminal court has jurisdiction to hear and determine cases of "[t]his" general class to which the proceedings in question belong. The appellant concedes this fact. The appellant in this context agrees with all (3) Gentry, Cotton and Parkhurst court(s) when they determined that the criminal court does have Subject Matter Jurisdiction to hear cases of this general class and nature via state legislative statute and or congressional intent, this is not the issue. What the appellant is indisputably arguing is a question which clearly was not answered by either the Gentry, Cotton or Parkhurst court(s) is this. Despite the fact that the criminal court does have Subject Matter Jurisdiction to hear cases of "[t]his" general class to which the proceedings in question belong via state legislative statutes and or congressional intent. Do their egregious, blatant failure to be in compliance to said certain, essential, crucial Due Process "[j]urisdictional [p]rerequisites" and or "[j]urisdictional [r]erequisites" at various phases of, and or at the commencement of the Subject Matter Jurisdictionary action and or process before the court, which is to be adjudicated under the Due Process prong to Subject Matter Jurisdiction. Do the State and or Federal government and or courts' egregious, blatant failure to be in compliance to these said certain, essential, crucial Due Process "[j]urisdictional [p]rerequisites" and or "[j]uris-

dictional [r]equisites" at various phases of, and or at the commencement of the Subject Matter Jurisdictionary action and or process, which is a Due Process issue. Do that failure halt, check, constrain, restrain, limit, arrest, stop or void the continuance of the court's Subject Matter Jurisdictionary "[p]owers" before the court for Due Process violation (ei vagueness in the indictment), even though the court do indeed possess such "[p]ower" by state legislative statute and or congressional intent? See Loumiet v. United States, 65 F.Supp.3d. 19(2014); U.S. v. \$41,320 U.S. Currency, 9 F.supp.3d. 582, 2014 WL 1266240 (2014); U.S. v. Aladekcha, 2010 WL 4054267(D.C.Md. 2010); White v. Manis, 2014 WL 1513280(DSC.2014).

This is a crucially, materially, distinctly different question related to Subject Matter Jurisdiction that was never answered by any of the courts involved pursuant to the Gentry case. This is why Judge Plecones in the South Carolina Supreme Court refuse to be a part of the arbitrary, unjust acts of the S.C. Supreme Court and conspiring parties handling of the Ezekial Hayes case. The highest court had opportunity to deal with the issue and instead chose to engage in further acts of fraud. Thus, even by this act the exhaustion and equitable tolling requirement is satisfied. This is a jurisdictional challenge to the Federal Courts as well. For if the federal courts fail to take notice they would be conspiring in acts created for the purpose of establishing modern day slavery. Congress confers no "[p]ower" on the State or Federal Courts to establish modern day slavery which would strip all of immunity. The Court would also be in violation of the C.A.T. Treaty(Convention Against Torture Treaty) where the definition for slavery is found that Congress signed off on. It becomes a jurisdictional duty of the Federal Courts to act. Thus, using the holdings made in the Gentry case would be misplaced, especially in light of the fact that it has been adjudicated under a cloud of fraud upon the court and machination where they went on a "FISHING EXPEDITION" to find a vague, ambiguous citing of law that did not address the Due Process "[j]urisdictional [p]rerequisite" aspect

of the indictment(s). Such a new question of law and fact is not barred from seeking relief for, does relate to Subject Matter Jurisdiction, "[c]annot" be waived by the appellant, and the court "[s]hall [n]ot" fail to take notice, Grupo Dalaflex v. Atlas Global Group, L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.Ed.2d. 866(U.S.2004); South Carolina Department Of social Services v. Tran, 418 S.C. 308, 792 S.E.2d. 254(S.C.App.2016); McCain v. Brightharp supra.; Loumiet v. United States, 65 F.Supp. 3d. 19(2014); The Amistad supra.; Nezirovic v. Holt, 779 F3d. 233 CA4 (Va.2015); Kwai Fun Wong, 135 S.Ct. 1625, 191 L.Ed.2d. 533, 83 U.S.L.W. 4258(U.S.2015).

Insomuch, Rules of Criminal Procedure, the Sufficiency of an Indictment, Subject Matter Jurisdiction, and Due Process Law are inter-locked and inter-linked in these matters. Yes, Subject Matter Jurisdiction and the Sufficiency of an indictment are two distinct concepts, but the indictment(s) in "[c]riminal" cases and or pleadings is the Due Process required vehicle upon which the Due Process aspect of Subject Matter Jurisdiction is conferred upon the "[c]riminal" court, and or is that which enable the "[c]riminal" court the "[a]bility" and or "[p]ower", and or right or means to enact, and or invoke, and or continue its Subject Matter Jurisdictionary "[p]owers". It is not so much that they are combined or that the court does not have jurisdiction to hear these types of cases via state legislative statute and or congressional intent. The sufficiency of an Indictment is a Due Process "[j]urisdictional [p]rerequisite" in cases of "[t]his" general class to which the proceedings in question belong, and for which an indictment is needed and or required as Due Process demands. English 101 and English 102 are two separate and distinct English courses, but "[b]oth" make up one English program towards one single College degree. English 101 is a "[p]rerequisite" to English 102. You "[m]ust" have and or take English 101, before you can have and or take English 102. Its a simple concept. Its not hard. You "[m]ust" have and or take a sufficient, not vague(emphasis added) Indictment, passed upon by the Grand Jury, before you can enact and or invoke and or continue the court's Subject Matter Jurisdic-

tionary "[p]owers" given to a "[c]riminal" court, even thought that court do indeed possess such "[p]owers" via state legislative statute and or Congressional intent. To view the two concepts of Subject Matter Jurisdiction and the Sufficiency of an Indictment as being mistakingly combined, when, by Federal law made applicable to the States through the Due Process Clause and or South Carolina, New Jersey, Kentucky, Georgia, New York or other (28) relevant State(s) Constitution(s), dictate that one is a Due Process "[j]urisdictional [p]rerequisite" of the other is an error of law, fraud upon the court and machination. To determine that failure to be in compliance to Due Process "[j]urisdictional [p]rerequisites" and or "[j]urisdictional [r]equisites" do not effect the court's "[p]ower" to hear and determine a case is an error of law, fraud upon the court and machination. This question was circumvented by the courts involved conspiring under color of state law, and must now be answered in fundamental fairness to the appellant(s).

Even if you separate the two concepts aforementioned from one another, the "[e]ffect" and or "[o]utcome" on the trial court's "[p]owers" of Subject Matter Jurisdiction are the same. Due to the deficiency in the "[j]urisdictional [p]rerequisite" pursuant to the presentment of the fatally defective indictments, it "[n]ullifies", "[v]oids" the Subject Matter Jurisdictionary action, which must be adjudicated under the Due Process Prong to Subject Matter Jurisdiction, even though the "[c]riminal" court do indeed possess such "[p]ower" via state legislative statute and or congressional intent. They are distinct from one another the same way the inner-makings are distinct from the bread of a "sandwich", but "[b]oth" make the "sandwich". They are distinct from one another the same way a man's soul is distinct from his body, but "[b]oth" make the man. The "[c]riminal" court can have Subject Matter Jurisdiction all day long, but without the indictment(s), when indictments are needed and or require in this instance by Due Process Law, that "[p]ower" is useless. The lack thereof do "[a]ffect" and or "[h]inder" that "[p]ower" and or "[a]bility" to hear and determine cases

of "[t]his" general class to which the proceedings in question belong. To determine otherwise is an egregious error of law, machination, an act of fraud upon the court and conspiracy to establish modern day slavery in violation of 18 U.S.C. §§ 241, 242, 1001 and The Anti-Peonage Act as well as in violation of The Rico Act to include the holdings made in Ex Parte Virginia designed to disenfranchise us of our right to vote in violation of the 15th. amendment.

~~In comparison, you can have two pieces of bread all day~~ long, but without the inner-makings you will never have a "sandwich". Being a "notice document" is only one of the numerous purposes and functions that the indictment serves. These numerous purposes and functions cannot be viewed and or work separately and independently of each other without affecting the "[t]rue" nature and purpose for which the indictment was created. To do so would be an error of law, see Herman Winns v. State, memo No. 2000 Mo-078 Daniel F. Piper Judge.

Insomuch, what the honorable court(s) in Gentry, Cotton and Parkhurst failed to see, is that the "[c]onfusion" that the Gentry court spoke of is "[n]ot" coming from our modern day courts mixing the two concepts of Subject Matter Jurisdiction and the Sufficiency of an Indictment together. The "[c]onfusion" that the Gentry court spoke of, is coming from our modern day court(s) and system of jurisprudence losing vision and insight of that which is laid and set before us by our Constitutional Forefathers in the establishing of our judicial system, that by all jurisprudence was not meant to be tampered with. That being a system of checks and balances, within a system of checks and balances. You have issues of Subject Matter Jurisdiction, jurisdictional prerequisites and or requisites, rules of criminal procedure, sufficiency of indictment issues, and issues of Due Process Law pertaining to the U.S. Constitution, as well as the South Carolina, New Jersey, New York, Kentucky, Georgia and remaining states constitutions, overlapping each other, and checking each other, as a "[s]afeguard" to ensure that the

U.S. citizen, those who are held by us, and those who enter our borders or territories, inalienable rights to a fair and impartial trial and or plea hearing are preserved. Our Constitutional forefathers purposely meant and designed for them to be viewed as a whole unit, inter-locked and inseparable though independent to themselves as an integral part of the overall judicial machine, so that if one part fails, the other parts would pick up and kick in. Thus, remaining true to the very nature of [l]egal "system". A system is comprised of various components, nevertheless, it is still to be considered as one.

~~As the appellant mentioned in one of the previous issues. Our~~ Constitutional forefathers in their wisdom and jurisprudence set up "[b]ulwarks", "[b]arriers" of protection forthrightly established to protect the American citizenry, those who are held by us, and those who enter our borders or territories, from unjust, arbitrary prosecution, that outside of an individual committing acts of treason were "[n]ot" meant to be torn down. These are those sacred "[b]ulwarks", "[b]arriers" of protection. To view them as separate and independent in the manner viewed by the Gentry court(s), as they relate to each other, or to determine that they do not affect the criminal court's "[p]ower" to hear and determine "[t]his" class of case, goes against the rightly established pattern and design of our judicial system, is fraud upon the court and machination, an act of establishing modern day slavery by forcing us to work once convicted, and is an error of law. It is a form of treason. It is the very epitome of betrayal to our Constitution, and sets itself at war and enmity to the substantial rights of the commonwealth, and seek to eradicate the very core integrity of the rights, immunities, and privileges of all citizens, those who are held by us, and those who enter our borders or territories, our Constitutional forefathers have died and sacrificed their best blood to establish and preserve. These sacred "[b]ulwarks" aid to ensure that "[L]ady [J]ustice" remains blindfolded, and the defendant's inalienable rights to a fair and impartial trial and or plea hearing remain secure and are never taken away. Such actions produce fraud upon the court, machination, modern day slavery vitiating all convictions, The Amistad supra.; Ex

Parte Virginia, 100 U.S. 339, 348-349, 25 L.Ed. 676(1880); Pul-
liam v. Allen, 466 U.S. 522, 536-543, 104 S.Ct. 1970, 1977-1982,
80 L.Ed.2d. 565(1984); Mireles v. Waco, 502 U.S. 9, 112 S.Ct.
286(U.S.Cal.1991); Schmidt v. Degen, Ed. Pa. 1974, 376 F.Supp.
664; 18 U.S.C. §§ 241, 242, 1001; S.C. Code Ann § 17-25-10.

Insomuch, these very issues were at the heart of the
matters that existed, in relevant part, during the time of Ex
Parte Bain in 1887, and still vividly, with all certainty, exist
now via Due Process within our modern day courts and system
of jurisprudence, and by the constitutional rights of every
citizen, of those who are held by us, and those who enter our
borders or territories, these issues "[c]annot" be ignored.
These issues of Due Process secured and protected by the rulings
made in Ex Parte Bain in 1887, as well as in Gaither, Russell,
Stirone and many other such holdings in other similar cases,
still apply today and are protected by The U.S. Constitution
and the laws of the United States. These concepts are designed
to overlap in these matters to ensure a more true court of juris-
prudence to its citizens, those who are held by us, and those
who enter our borders or territories, for the sake of "justice
and fairness".

In regard to State v. Gentry supra.; we are dealing with
a "state law", in such a way designed, crafted, drafted, initi-
ated, and set into place, that is egregiously contrary to the
U.S. Constitution's inherent, intrinsic, and explicit presupposi-
tions that by its very nature is intense espionage and diabolical
sabotage, and stands in defiance to the rights of the common-
wealth in violation of Due Process Law, establishing fraud upon
the court, machination, modern day slavery behind a class based
invidiously discriminatory animus in the form of racial hatred,
surreptitiously done, because it disproportionately affect and
harm the African Americans and minorities of the state and or
nation. It creates the similarities seen in trials and or plea
hearings that manifested themselves during the Nazi Occupation,
the English Inquisition of 1518, the Spanish Inquisition of
1478, the Salem Witch Trials of the 17th. Century, the trials

and or hearings prior and during the Civil Rights Era, and the like; where trial and or plea hearings became an arbitrary action, a mere hollow and deceptive formality and or mechanism, utilized to snatch from the commonwealth their inalienable rights, and rob them of their God given liberty. The Judges of the Gentry court and defendants involved in these cases across the nation entered themselves into a deliberate plot and scheme to directly subvert the judicial process. The fraud in these cases is so broad that it involves far more than injury to a single litigate, but was rather a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot be complacently tolerated consistently with the good order of society Id at 246, 64 S.Ct. 997. This plot and fraud not only involved an intentional scheme to deceive the judiciary and any future subsequent higher court, but also touch on the public interest in a way that fraud between individual parties generally does not. These parties have enacted and or attempted a more egregious form of subversion of the legal process, one that was specifically designed to prevent us from being heard on the issue. Those forms of subversion that we cannot necessarily expect to be exposed by the normal adversarial process. No timely objection is necessary to address this issue. It can be raised at any time, even for the first time on appeal, creates extraordinary circumstances, manifest injustice, tolls the time of appeal and the court shall not fail to take notice, Fox Ex Rel Fox v. Elk Run Coal Co., Inc., 739 F3d. 131 CA4(2014); Massi v. Walgreen Co., 2013 WL 5410810 (DSC.2013); DeVeaux v. United States, F.Supp.2d., 2010 WL 8738108 (DSC.2010); Arata v. Village West Owners Ass'n Inc., S.E.2d., 2011 WL 11735004(S.C.App.2011); Chritianson v. M.B.N.A. American Bank N.A., S.E.2d., 2013 WL 8507850(S.C.App.2013); Ge-Zhang v. Promontery Interfinacial Network LLC., ---Fed. Appx'---, 2015 WL 75360 CA4 (Va.2015); Baccus v. Merchant, 2014 WL 1330984(DSC. 2014); McKissick v. Warden Evans C.I., 2013 WL 4585613(DSC.2013); Conyers v. Virginia Housing Development Authority, 585 Fed. Appx' 66 CA4 (Va.2014); Rogers v. Carr, S.E.2d., 2014 WL 2721025 (S.C.Ap..2014); Inglesias v. Wal-Mart Stores East L.P., 542

Fed. Appx' 295 CA4 (Va.2013); Simmons v. Bailum, S.E.2d., 2013 WL 8482376(S.C.App..2013); Davis v. Davenport, 2013 WL 6840473 (DSC.2013); Burris v. Ware, 2014 WL 4293805(DSC.2014); United States v. Denedo, 556 U.S. 904, 129 S.Ct. 2213, 173 L.Ed.2d. 1235, 77 U.S.L.W. 4466, 09 Cal. Daily Op. Serv. 7069, (2009); McCann v. Brightharp, 399 S.C. 240, 730 S.E.2d. 916(S.C.App.2012) ; United States v. Boston, 539 Fed. Appx' 209 CA4 (N.C.2013); The Amistad supra., 40 U.S. 518, 15 Pet. 518, 1841 WL 5024, 2006 A.M.C. 2955, 10 L.Ed. 826, U.S. Conn. January 1841; Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 543; United States v Umana, 750 F3d. 320 CA4 (N.C.2014).

Inasmuch, the issues here go far beyond that of dealing with indictment defects, which are to be quashed by motion before a jury is sworn, or acknowledged, and or objected to before a guilty plea is given. The matters here in crucial part, do not have to necessarily be preserved for appellate review by a timely objection, but only need to be considered as a matter brought, conducted and or presented before the court in some fashion. The government "[m]ust [a]llways" be held accountable to judiciary for a man's imprisonment, and the restraints on liberty if the imprisonment does not conform to the basic requirements of Due Process Law. For the sake of "justice and judicial fairness", the appellant should not be penalized and made to suffer an onerous conviction, because hired counsel, and or counsel that the state appointed to represent him, was so inept and constitutionally ineffective, and or conspired under color of state law with the prosecution to cause irreparable harm to his proceedings, that he or she could not even see, or refuse to see the overwhelmingly obvious defects in an indictment presented before the court. Thereupon, the appellant, who later after conviction, or the fraud produced by the Gentry case, previously having no knowledge of law, and little to no access to legal books or materials before his trial and or plea hearing, later discovers the Gentry fraud and these "[p]lain", "[c]lear", "[e]gregious", Subject Matter Jurisdiction and Due Process issues and or errors producing manifest injustice should not in all fairness be barred from calling these matters

to the attention of the courts in order to seek relief, Shelton v. Ciccone supra.; Evitts v. Lucy supra.; Gray supra.; Powell v. Alabama supra.; United States v Promise supra.. The issues disproportionately effect and harm African American and other minorities.

CONCLUSION:

Insomuch, there were no holdings made in the Gentry, Cotton and Parkhurst cases that would justify and or serve to detach from the indictment(s) the 4th., 5th., 6th., 13th., 14th. and 15th. Amendment issues aforementioned within this document made applicable to states by they adopting such via their states Constitutions and or via the Supremacy Clause of the U.S. Constitution. Likewise, there were no holdings made in those cases that would justify and or serve to detach from the indictment the Due Process issues aforementioned within this document.

By the holdings made in the Gentry case. That court essentially took the position that the court's powers of Subject Matter Jurisdiction are "[a]bsolute" via state legislative statutes or Congressional statutes or enactments of law, and at "[n]o" time can that "[p]ower" be divested and or voided. The Gentry court essentially claimed there can be no situation that can divest or void jurisdiction. This is a ludicrous and criminal position to take which will be proven by judicial determinations made after the Gentry case was established.

There are essentially (2) prongs to Subject Matter Jurisdiction. One (1) is where the courts "[l]ack" Subject Matter Jurisdiction (ei. where a Family Court would attempt to try a criminal case, or a Probate Court would attempt to try a Military Tribunal case.). Of course in these situations those courts would "[l]ack" Subject Matter Jurisdiction.

This is essentially what the Cotton court was saying which is the reason why the litigant in that case did not prevail. By state and Federal statutes or Congressional enactments, specific courts have jurisdiction to hear cases of a general class (ei. criminal courts have jurisdiction to hear criminal cases). But (2) There is a second prong to Subject Matter Jurisdiction where jurisdiction is made void because of Due Process violation despite any existing state statute or federal law. So the Cotton court was essentially saying was that the litigant, by the language he presented. He was arguing his claim under the incorrect prong. More specific, the litigant should have asserted that jurisdiction is made void due to a particular Due Process violation, see U.S. v. \$41,320 U.S. Currency supra.; Hunt v. United States supra.; White v. Manis supra.; U.S. v. Aladekcha supra.; Brown v. U.S. supra..

The Gentry court knew the Cotton court was vague on this issue and went on a "FISHING EXPEDITION" to find Cotton and Parkhurst so that they could adjudicate the Gentry case under the same incorrect prong to defraud the inmates of this state in acts of machination in violation of the holdings made in Ross v. Blake, 136 S.Ct. 1850(2016). Like the Article V § 4 orders leading to the claims of default and collateral estoppel in these cases emerging from case 2013-CP-400-0084 in the Richland Court Of Common Pleas. The Sufficiency of an indictment is a "[j]urisdictional [p]rerequisite" and Due Process claim that voids jurisdiction as opposed to the other prong where the Family Court would attempt to try a criminal case and would "[l]ack" Subject Matter Jurisdiction. The Due Process Prong is what we are arguing the Article V § 4 orders, the claim of default and collateral estoppel, to include the structural constitutional error of religious prophesy pertaining to the indictments predetermining in advance the outcome of the proceedings, taking away our presumption of innocence, convicting us before we plea or go to trial, disenfranchising us of our right to vote, establishing modern day slavery in violation of the C.A.T. Treaty under. Congress confers upon no court the power to esta-

blish modern day slavery, The Amistad, 40 U.S. 518, 15 Pet. 518, 1841 WL 5024.

When the constitutionality of a ruling is in doubt (ei. The Cotton and Gentry cases). The court has an obligation to interpret the Cotton case as it relates to Gentry, Abrams, Gaither, Stirone, Russell and the voiding of jurisdiction for Due Process violation under the Due Process Prong, not the other. "STARE DECISIS ET NON QUIENTA MOVERE". Once this was decided ~~the courts should have never moved from it.~~ Certain violations of Due Process void jurisdiction when they give way to arbitrary judicial action. See S.C. Code Ann § 17-25-10 and 9 F.Supp.3d. 582.

If a criminal case is appealed, but no trial transcript is produced, what occurs? The trial transcript is a "[j]urisdictional" requirement in the appeals court. The court must remand for a new trial and or reconstruction hearing. If a case is in the state court, and a petition to remove is filed, what occurs? The state court's jurisdiction is divested and that court cannot proceed until remand order is issued or the federal case is dismissed, State v. Ladson, 373 S.C. 320, 644 S.E.2d. 271(S.C.App.2007); Lovett v. Deutsche Bank Nat' Trust Co., F.Supp 2d., 2013 WL 841679(DSC.2013). A case is in the lower court. A motion is filed where adverse ruling is given. The person appeals it, what occurs? The higher court cannot hear it without the "[j]urisdictional [p]rerequisite" final order, see Fortmill v. Fitzgerald, S.E.2d., 2014 WL 7339453(S.C.App.2014). In civil cases parties must be in compliance to all the rules of constructive service. Compliance is "[j]urisdictional [p]rerequisite". If step is omitted (comparingly a sufficient indictment is omitted) decree or ruling is void, see Caldwell v. Winquist, 402 S.C. 565, 741 S.E.2d. 583(S.C.App.2013). Where case is filed in the U.S. District Court, but parties file a second to subvert the District Court's jurisdiction in the state court. This act would void the state court's jurisdiction. Thus, jurisdiction is "[n]ot" absolute despite legislative statute or state or federal law, see Ackerman v. Exxon Mobil Corp., 734 F3d. 237

CA4 (Md.2013). Money amounts are jurisdictional in Wills, Probate and Estates, see Dickerson v. Alexander Hospital, 177 F2d. 876 CA4 (Va.1949); Aladeckcha, 2010 WL 4054267(2010).

When a conviction fails to comport with Due Process if statute under which it is obtained, and we can add to this, an indictment fails to comport to Due Process and fails to provide a person of ordinary intelligence "fair" notice or other essential requirements of Due Process (ei. Double jeopardy protection, presumption of innocence) jurisdiction is void. If the court fails to act in a manner consistent with Due Process and authorizes and or engages in or encourages arbitrary and discriminatory judicial or other practices (ei. Deny us the Equal Protection of the Laws, constructively amending indictments on essential elements, taking away our presumption of innocence, predetermining in advance the outcome of the proceedings by indictment language, spoliating documents and or evidence, illegally seizing evidence and or Foreign Sovereigns, engaging in acts of machination, fraud upon the court, essentially establishing modern day slavery where we are not "DULY" convicted, disenfranchising us of the right to vote behind racial animus, depriving us of proper notice in violation of S.C. Code Ann § 17-25-10, the 4th., 5th., 6th., 8th., 13th., 14th., 15th. amendment(s), producing arbitrary judicial action. Jurisdiction is made void for Due Process violation, Gentry Technology Of S.C. Inc. v. Baptist Health South Florida,...2015 WL 1219251 (DSC.2015); Yates Estate Of Yates, 2014 WL 2579917(S.C.App.2014); Ware v. Ware, 404 S.C. 1, 743 S.E.2d. 817(S.C.App.2013); Orlando Residence Ltd. v. Hilton Head Hotel Investors, F.Supp.2d., 2013 WL 1103027(DSC.2013); Federal Land Bank Ass'n Of Asheville N.C. v. C.I.R., 573 F2d. 179 CA4 (1978); Al Shimani v. C.A.C.I. Inter. Inc., 679 F3d. 205 CA4(Md.2012). The use of United States v. Cotton, Parkhurst and Gentry must be deemed misplaced and or overruled due to vagueness, Johnson v. United States,---S.Ct.--,2015, WL 2473450(U.S.2015); U.S. v. McKee, 506 F3d. 225, 229-232(3rd.Cir.2007); U.S. v. Huet, 665 F3d. 588(3rd.Cir.2008);

Ingram v. Phillips, 36 S.C. L. 200, 1850 WL 2857 S.C. App. Law 1850; Lewis-Murray v. Murray, S.E.2d., 2005 WL 7084812(S.C.App. 2005); Bankers v. South Carolina, F.Supp.2d., 2010 WL 558580 (DSC.2010); Lampman v. Demolff Boberg & Associates Inc., 319 Fed. Appx' 293 CA4 (S.C.2009); United Student Aid Funds Inc. v. Espinosa, 559 U.S. 260, 130 S.Ct. 1367(U.S.2010); Arata v. Village West Owners Ass'n Inc., S.E.2d. 2011 WL 11735004(S.C.App. 2011); Elderberry Of Weber City, LLC v. Living Centers Southeast Inc., ---F3d.---, 2015 WL 4430836 CA4(Va.2015). The judgment in the appellant(s) case and these other cases (ei. Gentry et.al.,) are effected by fundamental infirmities. These infirmities may be raised after any judgment becomes final. Thus, the appellant(s) motion that the conviction and sentence be vacated, that an order issue expunging my record and the other inmates records due to seeking of class action certification and all monies that were paid out (ei. restitution etc.) be returned, United States Aid Funds, Inc. v. Espinosa supra.; Vose v. Hanahan, 10 Rich 465, 1857 WL 3239 S.C. Err. 1857; Norberger v. Hinkle, 576 Fed. Appx' 224 CA4(Va.2014); Jones v. Sternheimer, 387 Fed. Appx' 366, 2010 WL 2711305 CA4(Va.2010); U.S. v. Watson, ---F3d.---, 2015 WL 4385697 CA4(Va.2015); Harley v. South Carolina Dept. Of Corrections, 2013 WL 5428585(DSC.2013); People v. Rogers F.Supp.2d., 2010 WL 424201(DSC.2010); Gentry Technologies Of S.C. Inc. v. Baptist Health South, Florida Inc., 2015 WL 1219251 (DSC.2015).

The S.C. Attorney General and The United States are both parties to the default and claims of Res Judicata and or collateral estoppel emerging from case 2013-CP-400-0084 in the Richland County Court Of Common Pleas as they relate to these issues presented despite their efforts at fraud, machination and criminal conspiracy. Jurisdictional bar to challenge attaches, In RE: Variant Enterprise Inc., 81 F3d. 1310(4th.Cir. 1996); Bashnight, 551 S.E.2d. 274; Reot v. County Of Fairfax, 541 Fed. Appx' 333(4th.Cir.2013); Wells Fargo Bank, N.A. v. Farag, 2016 WL 2944561(2016).

RECEIVED

SEP 11 2017

S.C. SUPREME COURT

Exhibit No. 6

The Appointed
Trustee Document

=

**Court Of Appeals
For The 4th. Circuit Et. Al.,**

**Petition From South Carolina
Cases 8:16-cv-3327, 3194, 3328-
RBH-JDA; 4:16-cv-2939, 3101-
3107-MBS-TER Et. Al.,**

*Exhibit
6*

DOCKET No. 16-2299

Yahya MuQuit Et. Al.,

petitioners

Vs.

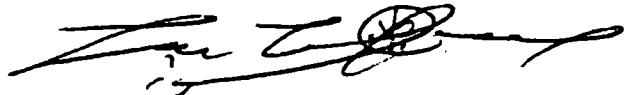
JUDGES WHO ISSUED ORDER IN CASE 16-1953 Et. Al.,

defendants

CERTIFICATE OF SERVICE

We, Jahjah Al Mahdi, Et. Al., do hereby certify, that we have mailed and or served a copy of an affidavit of facts giving judicial notice; filing Writ Of Mandamus; Motion for Declaratory Jydgment; Motion for recusal;**** (26) pages dated November 4, 2016, on the 4th. Circuit, Judges Austin, Harwell, Seymour, Rogers, S.C. District Court 300 East Washington Street Greenville, S.C. 29601 and all involved parties by U.S. mail postage prepaid on November 5, 2016. It is deemed filed that date, Houston v. Lack, 287 U.S. 266, 273-76, 108 S.Ct. 2379 (1988).

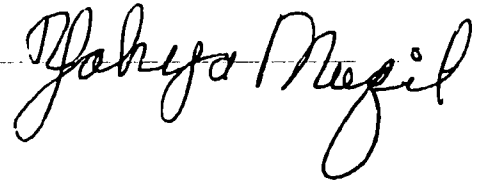
RESPECTFULLY,
JABJAH AL MAHDI



ANTHONY COOK



YABYA MUQUIT



NOVEMBER 5, 2016

2082

**Court Of Appeals
For The 4th. Circuit Et. Al.,**

**Petition From South Carolina
Case 8:16-cv-3327, 3194, 3328-
RBH-JDA; 4:16-cv-2939, 3101-3107-
MBS-TER; 0:16-cv-992, 1429, 1428,
1424, 1425; The New Jersey
Supreme Court case 077386; 16-1519;
16-1953; 16-2141; 2015-CP-46-415;
2013-CP-400-0084 Et. Al.,**

DOCKET No. 16-2299

**Yahya MuQuit #318455; Anthony Cook #115157; Lawrence L. Crawford
aka Jonah Gabriel Jahjah T. Tishbite #300839**

petitioners

Vs.

JUDGES WHO ISSUED ORDER IN CASE 16-1953 Et. Al.,

defendants

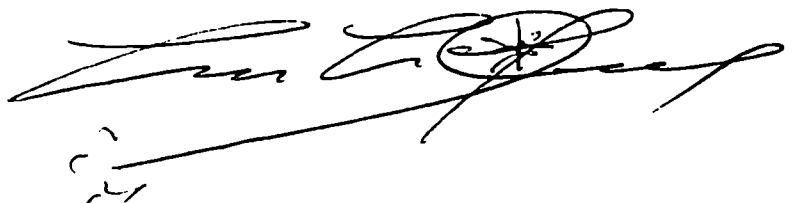
SUMMONS

TO: Judges Austin, Harwell, Seymour and Rogers,

10826

YOU ARE HEREBY SUMMONED AND REQUIRED, to answer and be in compliance (emphasis added) to this Writ Of Mandamus and all documents served upon you related to cases 16-1519, 16-1953 , 16-2141, a copy of which is herewith served upon you, and or was previously served upon you, and you are to serve a copy of your answer and proof of compliance (emphasis added) upon the subscribers at the addresses shown below within (30) days after service thereof, exclusive of the day of such service, and if you fail to answer and be in compliance (emphasis added) to the documents in question, judgment and default shall be rendered against you for the relief demanded within this Mandamus and documents filed in case 16-1519, 16-1953, 16-2141.

**Lawrence L. Crawford
aka Jonah Gabriel Jahjah T. Tishbite
#300839 Wando A-127
Yahya MuQuit
#318455 Ashley B-
Anthony Cook
#115157 Stone A-56
Lieber C.I. P.O. Box 205
Ridgeville, S.C. 29472**



4th. Circuit

November 3, 2016

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**Court Of Appeals
For The 4th. Circuit Et. Al.,**

**Petition From South Carolina
Cases 8:16-cv-3327, 3194, 3328-
RBH-JDA; 4:16-cv-2939, 3101-3107-
MBS-TER; 0:16-cv-992, 1429, 1428,
1424, 1425; The New Jersey Supreme
Court case 077386; 16-1519; 16-1953;
16-2141; 2015-CP-46-415; 2013-CP-
400-0084 Et. Al.,**

DOCKET No. 16-2299

**Yahya MuQuit #318455; Anthony Cook #115157; Lawrence L. Crawford
aka Jonah Gabriel Jahjah T. Tishbite #300839**

petitioners

Vs.

JUDGES WHO ISSUED ORDER IN CASE 16-1953 Et. Al.,

defendants

**Affidavit Of Facts Giving Judicial Notice;
Filing Writ Of Mandamus; Motion For Declaratory
Judgment; Motion For Recusal; Motion For
Consolidation; Motion To Transfer Venue;
Motion To Ensure And Or Require The Trustee
Austin To Act In A Proper Or Restored Manner**

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Pursuant To Her Corporate And Or Visitatorial
etc. Powers; Motion To Challenge Jurisdiction;
Motion To Vacate The Separation Order And
Motion To Motion Therefor

IN RE: Crawford, Cook, MuQuit and cases 8:16-cv-3194,
3327, 3328-RBH-JDA; 4:16-cv-2939, 3101-3107-MBS-TER.

TO: The 4th. Circuit Court Of Appeals,
The S.C. District Court Et. Al.,

In pursuant to Article 4 § 20 powers of justices
and or judges at chambers, each of the justices and or judges
at chambers, including the 4th. Circuit Court of Appeals, and
all other courts on record. Shall have the same powers at
chambers, to issue Writ Of Habeas Corpus, Mandamus, Quo Warranto,
Certiorari,....and pursuant to Rule 65 and 21 of State and or
Federal Rules of Procedure.

Pursuant to rule 57 of state and or federal rules of
Civ. Procedure and or S.C. Code Ann § 15-53-10 through § 15-
53-140 and or 28 U.S.C. §§ 2201, 2202. In cases of actual con-
troversy,....any court of the United States, upon the filing
of an appropriate pleading, may declare the right and other
legal relations of any interested party seeking such Declaration
whether or not further relief is or could be sought****.

The petitioners give all parties judicial notice. Here
attached the 4th. Circuit will find:

(1) The separation orders issued in cases 8:16-cv-
3327-RBH-JDA; 8:16-cv-3194-RBH-JDA; 8:16-cv-3328-RBH-JDA.

(2) A copy of The affidavit Of Facts Giving Judicial
Notice; Seeking To Suspend Or Relax The Appellate Court Rules;
Seeking To Expand The Scope And For Inclusion****, (58) pages

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dated July 21, 2016.

This document is also being filed as a challenge to both the S.C. District Court and 4th. Circuit's jurisdiction and or limitations placed thereupon which will be elaborated on later. Subject Matter Jurisdiction can be raised at anytime, cannot be waived and the court shall not fail to take notice, Grupo Dalaflex v. Atlas Global Group, L.P., 541 U.S. 567, 124 S.Ct.1920, 158 L.Ed.2d. 866(U.S.2004); Loumlet v. United States, 65 F.Supp.3d 19(2014); U.S. v. Tisdale, F.Supp.2d 2007 WL 2156666 (DSC.2007); Sebelius v. Auburn Regional Medical Center, 133 S.Ct. 817, 184 L.Ed.2d 627, 81 U.S.L.W. 4053(U.S.2013); Sizward v. Riddle, F.Supp.2d 2013 WL 707018 (DSC.2013).

First, we motion for both Judges Austin and Harwell's recusal as judges on this case and motion that Judge Austin be required to fulfill her duties as Trustee appointed by the King-Khalifah. They both are defendants. Austin is being sued for injunctive relief to require her to fulfill her duties as Trustee. The U.S. Supreme Court was unequivocal in the case of Trustees Of Dartmouth College v. Woodward, 17 U.S. 518, 1819 WL 2201. A Mandamus is an appropriate vehicle to use to ensure and or require that Trustee Austin act in a proper or restored manner pursuant to her corporate and or visitatorial powers given to her by the King-Khalifah established by the default and claims of collateral estoppel emerging from case 2013-CP-400-0084, that they conspired in fraud, criminal conspiracy and obstruction of justice to negate but failed. She cannot sit as Trustee and Judge. We object. A Trustee's duty of loyalty prohibits both self dealing and conflicts of interest: Thus, the Trustee must neither (1) deal with the Trust property or designated matters related to the Trust for the benefit of himself or third parties; (2) or place herself in a position inconsistent with the interest of the Trust, Omoa Wireless, S. de R.L. v. U.S., 244 F.R.D. 303(M.D.2004); Kreman v. Blank, 55 B.R. 1018(MD.1985); Quick v. Formula Telecom Inc., F.Supp.2d 2011 WL 572513(2011); Forbes v. Forbes, 341 P3d 1041, 2015 Wy. 13 Jan. 23, 2015.

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Insomuch, pursuant to legal documents filed in case 8:14-cv-3555-RBH-JDA. Judge Austin via the superseding legislative and judicial powers of the King-Khalifah via the default to which The United States and other 192 Member States of The U.N. are party to. Judge Austin now has powers pursuant to S.C. Code Ann § 25-1-2820; S.C. Const. Art. XVII § 1A; S.C. Code Ann § 14-23-1080 (By this she cannot sit); S.C. Code Ann § 62-7-816 paragraph (24); S.C. Code Ann § 17-17-30 To grant Habeas Corpus; S.C. Code Ann § 14-5-380 (By commission of the King and Global Theocratic Court her powers reach Globally); S.C. Code Ann § 38-14-70 (She can make laws consistent with the King-Khalifah's decrees). Judge Lee was Trustee the time the Georgia case was filed. Her misdealings led to her being replaced by Judge Austin, S.C. Public Interest Foundation v. S.C. Transp. Infrastructure Bank, 403 S.C. 640, 744 S.E.2d 521 (S.C.2013); A. Cruickshank, IV, Esquire, 2010 WL 3505049; University Of Southern California v. Movan, 617 S.E.2d 135 (S.C.App2005); Wilson v. Dallas, 743 S.E.2d 746, 754+ (S.C.2013); Phillip v. Quick, 731 S.E.2d 327, 328 (S.C.App.2012); Bennett v. Carter, 2015 WL 5968253, *2 (S.C. App.2015); American Sur. Co. v. Hamrick Mills, 9 S.E.2d 433 (S.C. App.1940); Draughan v. U.S., 113 F.Supp.3d 1266, 1278 (D.Kan.2015)

Judge Austin's jurisdiction was limited, restricted to releasing us, ordering our removal and seeing that relief sought was granted, not to issue a separation order. Thus, the act is void. Once jurisdiction is acquired, in this case given to her to discharge all matters and debts, it is exclusive. Thus, this even places a limit on the 4th. Circuit's jurisdiction other than the terms specified by the King-Khalifah, whose powers now legally supersedes all Global Courts by the default. The court had jurisdiction over us by appearance. Thus, the claims of Sovereign power and other attributes given to the King-Khalifah via the default and collateral estoppel emerging from case 2013-CP-400-0084 must be given full faith and credit, to include Austin's appointment as Trustee, Mints v. U.S., 842 F2d 1291, 1291 CA4 (S.C.1988); Dawson Ex Rel. Estate Of Dawson v. U.S., 333 F.Supp.2d 488, 492 (DSC.2004); Campeau v. U.S.,

2015 WL 1308282, *9(N.D.Ga.2015); Brown v. TransSuburban U.S.C., Inc., 2015 WL 6675088 CA4(Va.2015); Baron v. Brackis, 312 F.Supp. 2d 808 CA4(Va.2004); Anderson v. LeGrand, 2012 WL 529812 *4(ED. Va.2012).

Austin is also given power and authority under 11 U.S.C.A. § 1104; 11 U.S.C.A. § 1302; 11 U.S.C.A. § 727; 15 U.S.C.A. § 78 fff-1; 15 U.S.C.A. § 704; S.C. Code Ann § 11-37-50; S.C. Code Ann § 11-50-60; S.C. Code Ann § 49-17-1400(For lien assessment and remedies on default); S.C. Code Ann § 14-23-370(Order or Decree as a lien or Judgment); 11 U.S.C.A. § 1141; S.C. Code Ann § 14-23-260. Thus, jurisdiction is impeached by review of the Chief Justice of The Global Theocratic Court being the highest court by default and collateral estoppel, Knight v. Episcopal Church Of U.S., 2010 WL 2926156 (DSC.2010). She has jurisdiction, but only to act in accordance to the wishes of the King-Khalifah, IN RE: Southern Metal Products Corporation, 26 F.Supp. 666(Ala. 1939); Republic Of Iraq v. ABB, AC, 920 F.Supp.2d 517(N.Y.D.C. 2013); Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398, 84 S.Ct. 923, 11 L.Ed.2d 804(U.S.1964)(where acts of King-Khalifah in his home must be deemed on Foreign soil); Remington Rand Corporation-Delaware v. Business System Inc., 830 F2d 1260(3rd. Cir.1997).

She also has power under U.S.C.A. Amend. 13 and 36 U.S.C.A. § 140405. She must be made to fulfill her duties. We motion for Declaratory Judgment and seek Mandamus to require this, Herring Associates, Inc v. Gervais, 2016 WL 475174; IN RE: Vaughn, 536 B.R. 670; IN RE: Melito, 2015 WL 6142959, *1+ Bkrpcy MD.Fla.; IN RE: Christianson, 2015 WL 6125537, *1 Bkrpcy W.D.N.Y.; Willes v. Wells Fargo Bank N.A., 2012 WL 5250553, *6 D.Md.; El-Bey v. Rolgalski, 2015 WL 1393580, *3 D.Md.; Babatunde v. Ward, 2016 WL 375045 *6(DSC). Judge Austin was without jurisdiction to issue that separation order because it was in violation of the Trustee duty to do so, conflicting with the King-Khalifah's decrees who is the Fiduciary Heir of The (4) Global Thrones. WE motion for Declaratory Judgment and seek to remedy this via Mandamus.

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WE motion to consolidate all cases together for several reasons. (1) The parties are indispensable to the action and complete relief cannot be granted where the Crawford case in Richland County establishes the rights of collateral estoppel and default for all parties. Race is a predominating factor and religious hatred where they framed the King-Khalifah and attacked the other plaintiffs cases compromising case 2013-CP-400-2294 to which we all are joint parties. The few who were not officially made a part of the record in case 2013-CP-400-2294 were blocked by acts of fraud upon the court where that case was removed to the Kentucky District Court at the time it was dismissed divesting them of jurisdiction at the time they fraudulently acted. Further, that court failed to bring before it all the involved plaintiffs. Thus, any order produced by them cannot be deemed a final order where the rights of all parties were never adjudicated voiding their jurisdiction for Due Process violation. In such, our convictions are already invalidated via the False Imprisonment Tort which is case 2013-CP-400-0084. We motion for Declaratory Judgment, Surrato v. Building Service 32 B.J. Pension Fund, 554 F.Supp.2d 399; Ocampu v. Building Service 32 B.J. Pension Fund, F.Supp.3d, 2014 WL 687227(2014); Cejaj v. Building Service 32 B.J. Health Fund, F.Supp.2d 2004 WL 414834; Stewart v. Abend, 495 U.S. 207, 110 S.Ct. 1750(U.S.1990); Martin v. Waddell's Lessee, 41 U.S. 367, 16 Pet. 367, 1842 WL 5744; Virginia Marine Resources Comm'n v. Chincoterger Inn, 287 Va. 371, 757 S.E.2d 1 (2014).

Collateral estoppel attaches to all parties since the S.C. Attorney General and The United States were party to the default. We further seek the consolidation because in truth, the separation order issued by Judge Austin do not establish a complete separation. When you look at the order. It is per-spicious that the separation only involves the (117) page Writ Of Error. There are two Writs of Errors filed in case 8:14-cv-3555-RBH-JDA, where all (3) of us are party to each. Since the order does not address the severing of the first Writ Of Error filed January 2016 and only addresses the one they in acts of

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fraud upon the court filed in case 8:14-cv-3555-RBH-JDA. Then we are, Cook and Crawford, still attached to the MuQuit case since the order does not address that January 2016 filing. Do you see the mess they made of our Due Process matters? We motion for sanctions and the court and all parties be deemed waived any opposition in this case going forward, that discovery issues, Attorney be appointed and we be removed to a pre-release camp pursuant to 28 U.S.C. § 1455(c), Stillwagon v. City Of Delaware, 2016 WL 6094157(2016); Lennar Mare Island, LLC. v. Steadfast Insurance Company, 2016 WL 5847010(2016).

We further seek to vacate the separation order because in order to issue it. Judge Austin had to make a determination on some of the underlying merits of the case to do so, and no filing fee was paid, nor were there any filing in forma pauperis documents filed. This is jurisdictional and is required before she can say anything to the merits. Once she made effort to separate us when we are suing the United States for initiating PLRA and AEDPA. By her making use of this provision to separate us. She is by her order essentially saying our claim that the provision is unconstitutional has no merit. See attached (58) page document dated July 21, 2016. This taints the order voiding it where the fee was not paid, nor were there any in forma pauperis documents filed. See (40) page document dated October 25, 2016 for citing of law. We motion for Declaratory Judgment on this issue. Also see Thompson v. Finn, 2016 WL 5724369(2016).

Further, the PLRA only speak to inmates who are inmates in name only. Nothing in the PLRA speak to as to whether or not the plaintiffs are prohibited from filing jointly if they are all beneficiaries to a Trust seeking joint relief pursuant to that Trust, which is also what this case represents. There is Trustee appointed. Nothing in the PLRA gives any impression that Congress intended to invalidate joint filing under Federal Probate and International Probate laws. We are beneficiaries to a Trust which will be elaborated on further. Nothing in the PLRA demonstrates that Congress intended to invalidate Probate statutes and International law that permit joint filing, IN

RE: Gentry, 2016 WL 4061248(2016); IN RE: Edwards, 501 B.R. 666(2013); Chabot v. Chabot, F.Supp.2d 2011 WL 1706744(2011); Jakoblec v. Merrill Lynch Life Ins. Co., F.Supp.2d 2011 WL 1706744(2011); Marcus v. Quattrocchi, 715 F.Supp.2d 524(2010); Parrish v. Alameda County, F.Supp.2d 2007 WL 2904253(2007). Thus, jurisdiction again by decree would jointly fall under Judge Austin as was the King-Khalifah's terms. Once jurisdiction is acquired as it is now. It is exclusive essentially creating a remand which limits all court's jurisdiction under Foreign Law, defaulted on in this case subjudice, Brown v. Brown, F.Supp. 2d, 2013 WL 2338233(D.C.Ky.2013); Harris v. hhgregg Inc., F.Supp. 2d, 2013 WL 1331166(N.C.2013); Karnalcheva v. J.P. Morgan Chase Bank, N.A., 871 F.Supp.2d 834(2012). We Object.

Further, the PLRA only speaks to inmates who are inmates in name only, because the PLRA speaks nothing to as to whether or not plaintiffs are prohibited from filing jointly if they are Foreign citizens and or a Foreign State. Decedent domicile issues attach to this case. We are dealing with an unprecedented event, a legal binding Contract, Covenant, Testament, between God and Adam and Eve, who was a King, creating a sole corporation. The Quran confirms the Biblical Text stating Adam was a "Vicegerant", "King", whom King David and Christ trace their lineage back to, who were also Kings. Pursuant to this legal binding contract. Once the Heir appears, he automatically make every Christian, Jew, Muslim, African and its diaspora Kings and Priest, Khalifahs and Imams, with the same rights established by the F.S.I.A.. See King James Bible, Exodus 19:6; Isaiah 66:21; Revelations 5:10. A Sole Corporation is a series of persons holding office, a continuous legal personality that is attributed to successive holders of certain Monarchical or Ecclesiastical position, such as Kings, Bishops, High Priests and the like. This continuous personality is viewed by legal fiction as having the qualities of a Corporation C.I. Corporation aggregate. Contracts cannot be made or unmade by the courts. A Testament is defined as a legal document disposing of a person's property after death which includes all rights and titles, tangible, intangible and intellectual. A Covenant is a contract which is not to be made broken by the courts. As The Fiduciary Heir, King, Jahjah has legal authority to defend and sue to protect the Contract/ Covenant, American Mut. Liberty Ins. Co. v. Plywood-Plastics Corp., 81 F.Supp. 157(DSC.1948).

A District Court shall not have jurisdiction of a Civil action in which any party, by assignment or otherwise, has been improperly or collusively made or joined to invoke the jurisdiction of such court, 28 U.S.C. § 1359 section 1441(d) consistently has been interpreted to allow Foreign States that are named as third-party plaintiffs in a state case already in progress to remove to federal court. The policies that led Congress to provide a Federal Forum to Foreign States is just as strong when those States acquire an interest in ongoing litigation, and when they voluntarily join such litigation, it is as if they are named originally as party. We hold that a Foreign State that acquires an interest in state court litigation by assignment may remove the case to Federal Court under The F.S.I.A., consoli-

date and be heard jointly, even if the Foreign State joins the litigation voluntarily. I, Jahjah Al Mahdi, give notice. I voluntarily join all plaintiffs involved cases to include those listed in case 2013-CP-400-2294; Reinstate that case and remove them, EIE Guam v. Long Term Credit Bank, Japan, 322 F3d 635(9th.Cir. 2003); Verlinden B.V. v. Central Bank Of Nigeria, 461 U.S. 480, 103 S.Ct. 1962, 76 L.Ed.2d 81(U.S.1983). It is Decreed.

Since there is nothing in the provisions of the PLRA that speaks to these concerns or gives any indication that Congress intended to render void clearly established Federal and International Probate statutes, laws or Treaties. Where the language of a Treaty is clear of ambiguity. There is no room for construction. The F.S.I.A. permits joint filing.

"TOUT CE QUE LA LOI NE DEFEND PAS EST PERMITS"---That which the law does not forbid is permitted. Congress did not intend The Act to deprive of F.S.I.A. rights established under Probate laws or Treaties, Rull v. Secretary Of Dept. Of Health And Human Services, Fed. Cl. 2004 WL 2958453(U.S.F.C.2004); Society For Propagation Of Gospel In Foreign Parts Of Town Of New Haven, 21 U.S. 464, 1823 WL 2477(U.S.1823).

Congress expressed no opinion as to whether or not PLRA applies to inmates who are beneficiaries of a Trust where exclusive jurisdiction would lie before a Trustee appointed by a Foreign State, City Of Columbia v. Ours Garage and Wrecker Services Inc., 536 U.S. 424, 122 S.Ct. 2226(U.S.2002). Consolidate these cases please, Oldland v. Gray, 179 F2d 408(10th.Cir.1950); Guino v. Goard, 380 F3d 670; Wilder v. Virginia, 46 F. 676(W.Va. 1891) Rosen v. Rozan, 179 F.Supp. 829. We motion for Declaratory Judgment and seek all the aforementioned by Mandamus.

Insomuch, there is a recent documentary done and aired on PBS called "13". The evidence gathered by Michelle Allexander is undisputable. The governor of Virginia is presently now making efforts to restore the voting rights of inmates. The question is clear. Do the PLRA and AEDPA provisions which are an intrinsic part of the Clinton War on Drugs Campaign, disproportionately target African Americans? We all know the answer is yes. Put it on the record. We motion for Declaratory Judgment. If the answer is yes, which of course it is. They run afoul of EX Parte Virginia and can no longer be used by the courts. We object.

Here attached the court will find:

(4) A copy of the [92] page default document dated May 2, 2014.

(5) A copy of the [95] page subsequent document exercising power via the default dated December 8, 2014 with [9] page attachment.

(6) The [152] page document dated September 14, 2015 explaining the legal terms the default is established.

(7) The [31] page document dated October 7, 2015 voiding their jurisdiction for Due Process violation and appoint-

ing Judge Lee as Trustee.

When the conspiring parties realized the magnitude of what took place by the submitting of these documents. They had to act in additional crimes of conspiracy and fraud to negate the facts, and to get around the facts, that by their conspiratorial efforts took place. The parties went beyond the time to "LEGALLY" (emphasis added) respond to the documents and defeat them. Thereby they FORFEIT challenge where none was timely made.

An additional act which demonstrates the fraud. Is that Austin in using the PLRA asserted we had to exhaust. So Austin essentially said "BUNK" the U.S. Supreme Court in Ross v. Blake, 136 S.Ct.1850(2016). I don't care that we with the state actors are engaging in fraud, machination, criminal conspiracy, misrepresentation and other outrageous acts including stealing inmate funds. They still must exhaust. We object and motion for Declaratory Judgment where they held these cases up in a deadend within the state courts for well over (10) years when you look at the fraud occurring in the Gentry case involving the S.C. Supreme Court. the highest court is a defendant and defaulted. There are no available state remedies and some relief they don't have the power to grant or refuse to grant. We motion for Declaratory Judgment and file Mandamus to correct this injustice.

Now what is the Trust to which the plaintiffs as Christians, Jews, Muslims, and Africans are the beneficiaries of? The answer in part lies within Black Law Dictionary, which reads, LE LEY EST LE PLUS HAUT ENHERITANCE QUE LE ROY AD, CAR PAR LE LEY, IL MESME ET TOUNTS SES SUJETS SONT RULES, ET SI LE LEY, NE FRUIT, NUL ROY NE NUL ENHERITANCE SERRA". This is law, Foreign Law, Theocratic Law, which is perspicuous because it is found in Black Law Dictionary. Thus, no one can assert this is a conclusory claim. It interprets for the purpose of this case.-- "THE LAWS OF GOD ARE THE HIGHEST INHERITANCE THAT THE KING-KHALIFAH POSSESSES (INTELLECTUAL PROPERTY); FOR BY THE LAWS OF GOD, THE KING-KHALIFAH AND ALL OF HIS SUBJECTS ARE RULED: AND

IF THERE WERE NO LAWS OF GOD, THERE WOULD BE NEITHER GOD APPOINTED KING-KHALIFAH, NOR INHERITANCE". This is defaulted on by the parties subjudice.

This is the heart of the matter and the source of the controversy related to most, if not all, the claims that are placed before the court. Christ confirmed this in the New Testament whenever he spoke his parables and said, "THE KINGDOM OF HEAVEN IS LIKE,...". The "KINGDOM", embodies the laws, rules ordinances, commands, prohibitions, rewards etc. that govern servanthood to demonstrate that you are party to the legal binding contract established by God with "MAN AND WOMAN" that makes one entitled by, to the eternal inheritance promised by God, to paradise, eternal life.

The (4) basic, essential pillars to the contract are "MILK", "HONEY", "JEALOUSY" and "SALT". These (4) pillars make Judaism, Islam and Christianity congruent, in harmony with each other. It makes them "ONE", demonstrating that all (3) of these legal binding Contracts, Wills, Testaments of inheritance are "ONE", and come from the same God. "MILK"---is obedience, servanthood. God milks us for all He Desires. He is an austere God. He has Dominion. "HONEY"---is for this obedience. We are given blessings, all the benefits of the contract(s) which include eternal life after the resurrection. "JEALOUSY"---which shows He is a jealous God and which also means "PROTECTION". He protects us; We protect, fight and stand for His Laws. This is why there are "cities of refuge" in the old testament and blasphemy laws in Israel and the Middle East. And for obedience to the first (3) pillars, conditions of the contract, we become "SALT". "SALT"---is a sweet savour in the mouth of our God. This is why Christ said, "THAT WHICH IS WRITTEN, CANNOT BE BROKEN", signifying that no one including the courts can unmake or dissolve the contracts made, Woods v. Woods, 2016 WL 4013754; United Dominion Realty Trust, Inc., 307 S.C. 102; C.A.N. Enters Inc. v. S.C. Health And Human Servs. Fin. Comm'n, 296 S.C. 373, 377; M & q Polymers U.S.A., LLC. v. Tackett, 135 S.Ct. 926(2015); Hardt v. Reliance Standard Life Ins. Co., 560 U.S. 242, 130

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S.Ct. 2149, 176 L.Ed.2d 998(2010); Lacke v. Lacke, 362 S.C. 302, 608 S.E.2d 147(S.C.2005). Thus, the King-Khalifah and his subjects, the plaintiffs, are required by the terms of the contract to protect its terms and prevent any party, court or nation from violating the terms. ei "A Land Flowing With Milk and Honey".

Is the Contract a perpetual contract established by God and His Holy Prophets and Kings which set the foundation for the Sole Corporation? All one would have to do is look at the contract in part in Zechariah 6:12-13; Numbers 18:1-8; Exodus 40:12-15; 1Kings 8:25; 1Chronicles 17:7-14; Isaiah 14:29-32; Isaiah 61:1-3; Malachi 3:1-4; Malachi 4:5-6; Sunnah ibn. Majah Volume 5 pages 391-396 ISBN No. 81-7151-294-1 and the citing of law and references listed on pages (69) through (78) of the [92] page default document dated May 2, 2014, and the answer would obviously be yes. The Biblical and Islamic references refer to Jahjah, including the claim he would come out of prison betrayed by members of his own household. These are terms and conditions defined in the contract(s), which cannot be broken.

Are your nations' laws your laws, or are they ours? The United States Supreme Court addressed this in particularity in the case of Trustees of Dartmouth College. There can be property (ei Intellectual Property), that is owned by private individuals or corporations that is ubiquitously used in the Civil or Public arenas as a "CHARITY"(GRANT). But this do not negate the fact that the property used in the Civil or Public sphere is privately owned. See Trustees of Dartmouth College v. Woodward, 17 U.S. 518, 1819 WL 2201. This includes intellectual Property (ei The Right To Marry).

If the court would take notice of Genesis 17:1-7, thousands of years before your existence as a nation. God decreed your existence through Abraham to include the establishing of the Sole Corporation in the form of Kings which is an everlasting contract. If your nations were decreed before you came, then so were your laws; for a nation cannot exist without laws to

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govern. Thus, God is the original fountain of all law (ei. "Thou shalt not steal, rob, defraud etc."). This is a "GRANT" given to you though its ownership rests within the Sole Corporation as private property by contract. It is a "GRANT" with conditions.

Genesis 18:17-19 proves the "GRANT" when it said, "ALL THE NATIONS SHALL BE BLESSED BY HIM", and the command is given perpetually as a Trust to protect the terms of the contract as shall command this Trust to your children and future Kings for Justice and Judgment (ei "LAWS"). Thus, your laws are the property of the King-Khalifah who can make or break them to ensure that the terms of the contract remain intact perpetually as "LAWGIVER" of the Sole Corporation and original fountain (ei "GOD"), remaining true to His law that "WE ARE THE SALT OF THE EARTH".

United States Art. 1 § 10 of The Constitution declare THAT NO STATE SHALL MAKE ANY LAW IMPAIRING THE OBLIGATION OF CONTRACTS. The Charter(Covenant) was not dissolved by a break in the chain of successors or the revolution. Thus by God's special grace, knowledge and mere motion, for us, our heirs and successors will and have given, granted and appointed Kings, Khalifahs who are given the Trust and their appointed Trustee and successors shall forever hereafter be, in deed, act and name, a body corporate and politic, and that they, the said body corporate and politic, shall be known and distinguished, in all deeds, grants, bargains, sales, writings, evidences or otherwise howsoever, and in all courts forever now and hereafter, plea and be pleaded by the name of the King-Khalifah and or his appointed Trustee(s) Judge Austin, and that said Sole Corporation by the name aforesaid, shall be able, and in law capable for the use of The Global Theocratic State do whatever is needed or decreed by the King-Khalifah to maintain all terms of the contract between the Sole Corporation and The One True God. Thus, the King-Khalifah by these present, for us, our heirs and successors, bind without her consent as employee of The United States who is party to the default, create, make,

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Constitute and appoint Judge Austin to do among many things, discharge our debts. IT IS SO DECREED.

It can require no argument that the circumstances of this case constitute a perpetual Trust, a contract for which we are the beneficiaries and this private property has also been given as a "GRANT" to the nations, blessings, promised by God through Abraham, though now owned by Jahjah. Marriage is a religious contract which is an intrinsic part of our Covenant given by God to the Sole Corporation, which the world was to be blessed by it as are your laws. It is intellectual property privately owned, and restricted.

It is perspicuous that this element of the contract was given specifically to heterosexuals, because one specific term of the contract was "TO BE FRUITFUL AND MULTIPLY" by natural conception (ei SEX BETWEEN MAN AND WOMAN). To give our intellectual property to Sodomites(homosexuals) and Gomorrahrates (lesbians) by your laws is a breach of the contract and violation of the "CHARITY"(GRANT) given under conditions to which Jahjah as the Sole Corporation and King-Khalifah can challenge in any open court. The Legislature and or courts were restrained from violating the rights of our property. To pass any law impairing the obligation of contracts is repugnant to the Constitution and you add to this fact that we are dealing with Religion also protected under the 1st. Amendment. It violates the Establishment Clause.

The provisions of the Constitution never has been understood to embrace other contracts than those which respect property, in this case intellectual property, or some object of value, and confer rights which may be asserted in a court of justice. When the state legislature and or courts shall pass an act or judgment annulling the prohibitions of the marriage contract set in place by God and the Sole Corporation, His Prophets and Kings, or allowing other parties to annul these prohibitions (ei Gays and Lesbians), without the consent of God or The Sole

Corporation, it will be time enough to inquire, whether such an act is constitutional.

This is the point on which the cause essentially depends. This is not a grant of political power unconditioned. Marriage created a religious institution that by "CHARITY" (GRANT) the Sole Corporation allowed others, with limits to partake, and is intellectual property of a Foreign government. Your laws all together, especially in light of the default, also by contract, are not solely in the hands of your governments. The donors in this case do not become public property and the rightful King-Khalifah by default has appeared to claim all rights of the crown and priesthood. The Trustee Judge Austin is permitted and required to execute the Trust uncontrolled by legislative or judicial authority that violates the contract by decree of the Sole Corporation. Let it be done.

The Sole Corporation is an artificial being, invisible, intangible and existing only in contemplation of God's Laws which are the original fountain of all nations' laws. Being a mere creation of God's Laws and contract, it possesses all properties which the intent of its creation confers upon it either expressly or as incidental to its very existence. These are such as are supposed best calculated to effect the object for which it was created, which among things is to worship, maintain the contracts, and protect God's Laws and prohibitions from those who would seek to water them down or do them harm.

This includes, most important are immortality, and if, the expression may be allowed, individuality---properties by which a perpetual succession of many persons are considered as the same and may act as a single individual. "HABES EST EADEM PERSONA CUM ANTECESSORE"---THE HEIR IS THE SAME PERSON AS HIS ANCESTOR. This enables the Sole Corporation to manage its own affairs and to hold property without the perplexing intricacies, the hazards and endless necessity, of perpetual conveyances for the purpose of transmitting it from hand to hand acting as "ONE" immortal being. This Sole Corporation does not share in the Civil government, nor do the terms, provisions and objects of the contract unless that be the purpose for which it was created. Thus, it is not subject to be annulled, modified or changed in any manner without consent (ei. Giving marriage to gays and lesbians). The will of the donor becomes the law of the donation (1 Bl. Com. 471). There can be no reason for implying in the CONTRACT/COVENANT given for a valuable consideration a power which is not only not expressed, but is in direct contradiction to its expressed stipulations. The King-Khalifah's intellectual property, marriage, whose origin stems from the Sole Corporation can only be given to heterosexuals by the terms of the contract. The particular interest of giving these provisions to Gays and Lesbians as it pertains to God and the Sole Corporation, never entered into the minds of the donors. It was never constituted as a motive for their donation.

It is not public office nor is it a Civil institution by its original creation. It is a religious institution, a

"CHARITY"(GRANT) given to the nations when God told Abraham they would be blessed by him and this contract, and through Adam.

An artificial immortal being was created by God and the Crown, capable of receiving, distributing and protecting forever, according to the will of God, and the Sole Corporation, the terms of the denations and contract(s). This consideration for which is stipulated, even pursuant to your Global laws, which "[m]ust" be "JUST AND FAIR" to which you have miserably failed (ei. Slavery, Jim Crow laws, PLRA, AEDPA) is the perpetual application of this practice of contract in the mode prescribed by God and Sole Corporation.

The Sole Corporation is the assignee of the Trust and rights, the Fiduciary Heir in the form of Jahjah Al Mahdi stands in place and distributes the bounty and the appointed Trustee, Austin, must distribute it in accordance to his wishes, this chain being immortal. One of the main objects here is a New Heaven and Earth and restore God's house to its original position before Satan took 1/3 of the Angels establishing Hell. It is not about monetary gain or individual power, but God's purpose which do not give way to debauchery, Sodomy and Mr. & Mrs. "FREAKY, WAMNA SLIDE DOWN THE STRIP POLE". It is a contract on the faith of which real and personal property and estate has been conveyed to the Sole Corporation. The language of the contract is unambiguous and explicit to exclude such practice.

The law in this case is the law of all. Austin as Trustee via decree of the Sole Corporation and Global Theocratic Court has all power and jurisdiction to act on behalf of the King-Khalifah and plaintiffs who are beneficiaries of the Trust where her powers derive from a regal source. She must partake in the spirit of their origin.

All rights and contracts respecting property, which include intellectual property, remain unchanged by and or due to religious revolution or national revolution or creating of independent states. Christ brought the conditions of the old contract forward and embellished them within the New Contract every time he said, "THE KINGDOM OF HEAVEN IS LIKE,...".; The old contract being a shadow of the new. The New Contract embellishing the old (ei. Christianity), and the 3rd. and final Contract (ISLAM) being components of "BOTH", making them "ONE", all falling under the care and authority of the Sole Corporation. The U.S. Constitution speaks with all clarity. "NO STATE, WHICH INCLUDES ITS JUDICIARY, SHALL PASS NO ACT, TO INCLUDE LAW, IMPAIRING THE OBLIGATION OF CONTRACTS". The Sole Corporation also via its appointed Trustee, as possessing the whole and legal, equitable interest and completely representing the donors and founders of the "CONTRACT/COVENANT" for the purpose of executing the Trust, has rights which are protected by the Constitution. Thus, the act of allowing the Sodomites and Gomorrah-rites to marry and subjecting the King-Khalifah to your laws

via this false imprisonment to include his subjects as co-heirs and beneficiaries to the Trust is repugnant to the Constitution and are rendered to no effect by default and collateral estoppel emerging from case 2013-CP-400-0084. Thus, the Clause within the U.S. Constitution Article 1 sec. 10 declaring that "NO STATE SHALL PASS ANY BILL OF ATTAINDER, EX POST FACTO LAW, OR ANY LAW IMPAIRING THE OBLIGATION OF CONTRACTS" bear on the claims made in this case, King v. Passmore, 3 T.R. 246; Phillip v. Bury, 1 Lord Raym 5 S.C. 2 T.R. 346.

The ingredients requisite to form a contract are parties, consent, and an obligation to be created or dissolved; these must all occur, because the regular effect of all contracts is, on one side, to acquire, and on the other, to part with, some property or rights, or to abridge or to restrain natural liberty, by binding the parties to do or restraining them from doing, something which before they might have done or omitted, Fletcher v. Peck, 6 Cranch 87, in which it was laid down that a contract is either executory or executed; by the former, a party binds himself to do or not to do a particular thing; the latter is one in which the object of the contract is performed, and this differs in nothing from a "GRANT"; but whether executed or executory, they both contain obligations binding on the parties, and both are equally within the provisions of the Constitution of the United States which forbid the states, governments, courts, to pass laws impairing the obligation of contracts.

Your nations' liberty was restrained in giving the right to marry to these people. Your nations were restrained from establishing laws like AEDPA and PLRA that disproportionately effect African Americans, institutionalizing slavery and Jim Crow, placing into effect indictments that take away the presumption of innocence and the other laws you promote which defy "JUSTICE AND FAIRNESS". Your nations are in violation of the contract and the rights of the beneficiaries of the Trust. Cause is established.

A contract is also a "GRANT" by meaning within the Constitution. A Corporation defined by Mr. Justice Blackstone (2 Bl. Com. 37) is to be a franchise with power to maintain perpetual succession, and to do corporate acts. To this "GRANT", "CONTRACT", "FRANCHISE" are God, the King, which in this case is Adam, his wife and co-heir Eve and the person for whom the benefit is created, or Trustee for them which is the Sole Corporation, and those they may for whatever reason appoint. The assent of both are necessary which we have in this case.

The subjects of the "GRANT" are not only privileges and immunities, but property, real and intellectual, or, which is the same thing, a capacity to acquire and hold property in perpetuity. Certain obligations are created binding both the grantor and grantees. On the part of the former, it amounts to an extinguishment of the King's prerogative to bestow the same identical franchise on another corporate body, because it would prejudice his prior "GRANT". You cannot grant the same rights of

the contract (ei. Marriage) on another corporate body (ei. Sodomites and Gomorrhahrites), because it would prejudice the prior "GRANT" given to heterosexuals and violate the terms of the "Contract", "Covenant", "Grant", "Franchise", (2Bl. Com. 37).

You cannot make laws or subject people to laws that defy "JUSTICE, FAIRNESS" and the terms of the Contract, Covenant set in place by God, Adam and Eve who were your forefathers as well as mine, binding us all as mankind. "SEEING THAT ABRAHAM SHALL SURELY BECOME A GREAT AND MIGHTY NATION, AND ALL THE NATIONS OF THE WORLD SHALL BE BLESSED IN HIM? FOR I KNOW HIM, THAT HE WILL "COMMAND"(EMPHASIS ADDED) (NOT ASK) HIS CHILDREN AND HIS HOUSEHOLD "AFTER", "AFTER" HIM, AND THEY "SHALL" (MANDATORY) KEEP THE WAY(LAWS) OF THE LORD, AND DO JUSTICE AND JUDGMENT *****". And right after this very passage you have God's reference to Sodom and Gomorrah. Coincidence? Not on your life. The terms of the contract are unambiguous. Corrupt judges, crooked, racist, brutal cops, slavery, Jim Crow laws, PLRA, AEDPA, same sex marriage. Your nations speak blasphemies, and you violated the terms of the contract mankind, permitting Jahjah to legally intervene, abolish all unjust laws, indictments, marriages and restore all terms of the contract, to which Judge Austin is Trustee. Such is done and established by decree of Jahjah Al Mahdi.

This fulfills the Prophecy written in Mark 9:12 which state, "ELIJAH MUST FIRST COME AND RESTORE ALL THINGS". Every alteration of the Contract, Covenant, however unimportant, even though you claimed was in the interest of "Democracy", though objected to by the rightful heirs to the Kingdom Of God, impaired the obligation of the contract. For it is impossible that a new contract or construction should not violate the old contract, covenant, through Moses, Christ and Muhammad(PBUT), which are "ONE". The reason is obvious---A Covenant, Testament, is a contract, to the validity of which the consent of both parties is essential, and therefore it cannot be altered or added or

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made or unmade by the courts without consent of the Sole Corporation which was never given in cases, and or is officially withdrawn. This includes any laws made by your global legislative bodies. Your nations have interpreted law or placed in effect laws that make the Sole Corporation question your sanity and intent, as though your nations were in a drunken stupor. My People, Christians, Muslims, Jews, Africans and its diaspora will have "JUSTICE AND FAIRNESS". You are in breach of the Trust, of the "GRANT", of Contract, allowing me and my people to jointly bring action as beneficiaries of the Trust and The Fiduciary Heir of The Sole Corporation. see King v. Passmore, 3 T.R. 246; Territt v. Taylor, 9 Cranch 43; 1 Bl. Com. 469, 475, 1 Kyd. on Corp., 13, 69, 189; 1 Wooddes, 471, & C.; Attorney General v. Whorwood, 1 Ves. 534; St. John's College v. Todington, 1 Bl. Rep. 84 S.C. 1 Burr. 200; Woods v. Woods, 2016 WL 4013754; M & G Polymers U.S.A., LLC v. Tachett, 135 S.Ct. 926(2015); Hardt v. Reliance Standard Life Ins. Co., 560 U.S. 242, 130 S.Ct. 2149, 176 L.ED.2d 998(U.S.2010); Trustees Of Dartmouth College v. Woodward, 17 U.S. 518, 1819 WL 2201; Tonbar v. Bangs, 69 U.S. 728, 1864 WL 6590, 17 L.Ed. 768, 2 Wall 728(1864); Oparah v. The New York City Dept. Of Educ., F.Supp.3d, 2015 WL 4240733 (N.Y.D.C.2015); International Ass'n Of Machinist Lodge 1652 v. Internal Aircraft Service Inc(Charleston), 302 F2d 808, 49 L.R.R.M. (BNA) 2976(4th.Cir.1962). We seek Declaratory Judgment.

As aforesaid. The Trustee's duty of loyalty prohibits both self dealing and conflicts of interest: Thus, the Trustee(s) must neither (1) deal with Trust property for the benefit of himself or third parties, (2) place herself in a position inconsistent with interest of the Trust. Austin must recuse and ~~vacate~~ vacate the separation order. Duty of prudence, under the common law of Trust, require the Trustee to adhere to the law. PLRA and AEDPA are unconstitutional by the litigation presented. She broke the law established in Ex Parte Virginia by making use of it in this case in furtherance of the conspiracy. We motion for sanctions and any initial review or time for submission of motion for Summary Judgment by the defendants be

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forfeited, hearing be set, hearing be scheduled, legal counsel be appointed, discovery issue and case be set for trial. All relief sought in case 2013-CP-400-0084, 2294 be granted via sanctions sought for the fraud, for the monies stolen from us, evidence spoliated, physical assaults, corrupt Judges, fictitious homicides being established to frame the King-Khalifah and racial animus consistently displayed. This is outrageous! We seek full faith and credit given to the default and we seek immediate removal pursuant to 28 U.S.C. § 1455(c) and all other relief sought by all the (4) Mandamus that were filed. Judge Austin must be made to stand up and fulfill her duty as Trustee, Fifth Third Bon Corp. v. Dudenhoefer, 134 S.Ct. 2459, 189 L.Ed.2d. 457(U.S.2014). A Trustee shall invest and manage the Trust assets solely in the interest of the beneficiaries, Ws. 1977 & 4-10-905 Loyalty.

Under principles of equity, a Trustee bears an unwavering duty of complete loyalty to the beneficiaries of the Trust, to the exclusion of the interest of all others. To deter a Trustee from all temptation and to prevent any possible injury to the beneficiary, which occurred by her issuing this separation order, separating the plaintiffs from each other to cause harm to our proceedings. The Rule against the Trustee dividing her loyalties must be enforced with uncompromising rigidity. Self dealing by a Trustee or any Fiduciary is always suspect, and it is a universal Rule of equity that a Trustee shall not deal with Trust property to his or her own advantage without knowledge or consent of the Cestui Que Trust. She was given consent to establish the independent action, but not to separate us after that. She must be made to correct this injustice, Fobes v. Forbes, 341 P3d. 1041, 2015 Wy. 13 Jan. 23, 2015; N.L.R.B. v. Amex Coal Co.,...Div. Of Amax, Inc., 453 U.S. 322, 101 S.Ct. 2789(U.S.1981); Central States, Southeast and Southwest Arcas Pension Funds v. Central Transport, Inc., 472 U.S. 559, 105 S.Ct. 2833, 86 L.Ed.2d. 447(U.S.1985).

It is a general Rule of the common law (the reverse of that applied in ordinary cases) that a "GRANT", "CONTRACT",

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"TESTAMENT" of a King-Khalifah at the suit of the grantee, is to be construed most beneficial for the King-Khalifah and most strictly against the grantee. Austin cannot be permitted to abuse the Trust. The laws which are connected to the convictions abuse the Trust and are called into account and are now given no effect being in egregious violation of the Contract. You are in forfeiture of all rights acquired under them by decree of The Global Theocratic King and Court whose power supersedes your global courts by the default and contract via such breach, emerging from case 2013-CP-400-0084. Its time for prison reform and opportunity to fix this mess with these Sodomites your nations devised. It is perspicuous that any act of a legislature or court within your nations which take away any powers of franchise vested by the "COVENANT", "TESTAMENT", "CONTRACT" in the Sole Corporation, or its Trustee, or which restrains or controls the legitimate exercise of them, or transfer them to other persons without its assent is a violation of the obligations of that contract. If the Court and Legislature claim such an authority it must be written within the "WILL AND TESTAMENT", (3) HOLY BOOKS, to which it is not. Thus, the 4th. Circuit is bound to declare that the acts and injustices argued within the plaintiffs cases jointly and or separately do impair the obligations of the "COVENANT", "TESTAMENT", "CONTRACT" which in truth declare that there is no separation of church and state, which is obvious when your political candidates running for office consistently bring up their religious faith. The fact that the "CHARITY" (GRANT) given to you may be used in the public arenas don't make the Sole Corporation public. We are separate from you, a peculiar people, a chosen Kingdom and Priesthood designating limits placed on you via "CONTRACT" perpetually established restricted you giving this religious covenant to homosexuals and lesbians. As "SALT OF THE EARTH", by the (4) pillars we bring suit.

Inasmuch, these claims can no longer be considered frivolous, or it be stated that we infringe upon rights that have

not been established. The claims of default and collateral estoppel emerging from case 2013-CP-400-0084 where the United States and other 192 Member States of the U.N. are parties to, make the claims true producing a preclusive effect preventing the courts from challenging these claims. Legal binding "CONTRACT" is placed before the courts.

It is perspicuous that the lower Federal and State Courts understood and know this to be true or they would have never engaged themselves in acts of machination, criminal conspiracy, obstruction and fraud, attempting to remand when there was no discretionary remand to allow the state actors to obtain the fraudulent, tainted protective orders to misrepresent the truth of this matter. Due to this dilatory, obstructive behavior, sanctions must be imposed and the claims of Sovereignty be given full faith and credit in all court(s) records, Robinson v. U.S., 2015 WL 1524406; U.S. v. Sterling, 724 F3d. 482 CA4(Va.2013); Turner v. U.S., 736 F3d. 274 CA4(N.C.2013); Loveless v. John Ford Inc., 232 Fed. Appx' 229, 2007 WL 1381597 CA4(Va.2007).

We motion for Declaratory Judgment on all issues and claims within this document and all those attached.

We motion to supplement the causes of action in all pending federal cases with the claims, issues and defenses argued within this document and seek this Mandamus to remedy all issues of concern.

We want the injunction sought and all relief in cases 16-1519, 16-1953, 16-2141 granted. We seek the recusal of Judge Austin and Harwell and Austin be required to stand in her position as Trustee and transferring all cases after consolidation to New Jersey where trial will commence. We seek that all plaintiffs in all the cases referred to be removed to the nicest federal pre-release camp this nation has pursuant to 28 U.S.C. § 1455(c). We want our Master's, our God's intellectual property given to the King-Khalifah, the Sole Corporation by default and inheritance returned. Marriage by contract in its original conception is a religious covenant and practice. Not merely

a Civil act or public practice. It is restricted by contract which you violated. The Sole Corporation's right to challenge is established.

The right to issuance of the Writ is indisputable. Austin must exercise power as the King-Khalifah's Trustee. Recusal is sought and other crucial matters. The Writ issues in all cases where the party hath a right to have anything done and hath no other specific means of compelling its performance. Thereupon it must issue as a "WILDCARD" remedy. The primary purpose of a Writ Of Mandamus is to grant an established right and or enforce an imperative duty. By the documents continuously filed over the years, 10+, to include the claims of default and collateral estoppel emerging from case 2013-CP-400-0084 that they criminally, fraudulently conspired to negate and failed. We have established the rights with sufficient certainty and shown the imperative duty placed upon the conspiring State and Federal actors only to be defrauded, criminally delayed and unjustly denied. The Writ in the interest of "JUSTICE AND FAIRNESS" must issue, Porter v. Jedziniak, 334 S.C. 16, 18, 512 S.E.2d. 497, 498(1999) citing Williams v. City Of Greenville, 243 S.C. 82, 132 S.E.2d. 169(1963); Bounds v. Smith, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d. 72(N.C.1977); Robinson v. Leahy, D.C.Ill. 1975, 401 F.Supp. 1027; Vistamar Inc. v. Vazquez, D.C. Puerto Rico, 1971, 337 F.Supp. 375; Wilwording v. Swensen, 1971, 404 U.S. 249, 92 S.Ct. 407, 30 L.Ed.2d 418; Buise v. Hudkins, CA Ind. 1978, 584 F2d. 223; IN RE: Wainwright, CA5 (Fla.) 1975, 518 F2d. 173; Will v. United States, 389 U.S. 90, 95, 88 S.Ct. 269, 273, 19 L.Ed.2d. 305(1967); Kerr v. United States District Court For The Northern District Of California, 426 U.S. 394, 405, 96 S.Ct. 2119, 48 L.Ed.2d. 725 (1976); 3 Blackstone at * 110; IN RE: First Federal Savings & Loan Association Of Dorham, 860 F2d 135, 138 (4th.Cir.1988); 198 F3d. at 511; 695 F2d. 1179.

IT IS SO ORDERED

DATE

JAHJAH AL MAHDI

A handwritten signature in black ink, appearing to read 'Anthony Cook', with a large circular flourish at the end.

ANTHONY COOK

Anthony Cook

YAHYA MUQUIT

Yahya Muquit

November 2, 2016

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

LAWRENCE L. CRAWFORD AKA
JONAH GABRIEL JAHJAH T.
TISHBITE ET. AL.,

PETITIONER(S)

C/A 9:16-cv-3808-TLW-BM; 9:17-
cv-1140-TLW-BM; 8:16-cv-
3328-RBH-JDA

Exhibit #7

Vs.

AFFIDAVIT OF SERVICE

JUDGE ROBERT E. HOOD ET. AL.,

DEPENDANTS

WE, JAHJAH AL MAHDI ET. AL., DO HEREBY CERTIFY, THAT WE HAVE
MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING
JUDICIAL NOTICE; MOTION TO SUPPLEMENT THE CAUSES OF ACTION
AGAINST JUDGES HARWELL, MERCHANT, WOOTEN AND DEFENDANTS; MOTION
TO AMEND PARTIES TO ADD THE NAME OF JUDGE STUART RABNER OF THE
N.J. SUPREME COURT; ALSO SEEKING COPIES, (23) PAGES DATED JULY
8, 2017 WITH ATTACHMENTS, ON TRUSTEE AUSTIN, THE S.C. DISTRICT
COURT AND ALL OTHER INVOLVED PARTIES BY U.S. MAIL POSTAGE PREPAID
BY DEPOSITING THEM IN THE INSTITUTION MAILBOX ON JULY 10, 2017.
THEY ARE DEEMED FILED ON THAT DATE, HOUSTON-V.-LACK, 287 U.S.
266, 273-76, 108 S.Ct. 2379(1988).

JULY 10, 2017

RESPECTFULLY,
JAHJAH AL MAHDI ET. AL.,



UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

LAWRENCE L. CRAWFORD AKA
JONAH GABRIEL JAHJAH T.
TISHBITE #300839 ET. AL.,

PETITIONER(S)

)
)
) C/A 9:16-cv-3808-TLW-BM; 9:17-
) cv-1140-TLW-BM; 8:16-cv-
) 3328-RBH-JDA
)

Vs.

) AFFIDAVIT OF FACTS GIVING
) JUDICIAL NOTICE; MOTION TO
) SUPPLEMENT THE CAUSES OF ACTION
) AGAINST JUDGES HARWELL, MERCHANT
) , WOOTEN AND DEFENDANTS; MOTION
) TO AMEND THE PARTIES TO ADD
) THE NAME OF JUDGE STUART RABNER
) OF THE N.J. SUPREME COURT;
) ALSO SEEKING CLOCKED STAMPED
) COPIES.

JUDGE ROBERT E. HOOD ET. AL.,)
DEFENDANTS)

TO: JUDGE JACQUELYN AUSTIN, THE KING-KHALIFAH'S TRUSTEE,
THE S.C. U.S. DISTRICT COURT,
THE 4TH. CIRCUIT COURT OF APPEALS,
THE NEW JERSEY SUPREME COURT ET. AL.,

HERE THE COURTS AND PARTIES WILL FIND:

(1) A COPY OF THE AFFIDAVIT OF SERVICE AND AFFIDAVIT
OF FACTS GIVING JUDICIAL NOTICE, FILING WRIT OF ERROR; NOTICE
OF SEEKING LEAVE TO APPEAL; MOTION FOR DECLARATORY JUDGMENT;
MOTION FOR SANCTIONS AND AN INDEPENDENT INVESTIGATION DUE TO
OBSTRUCTION OF JUSTICE AND CRIMINAL CONSPIRACY AND MOTION TO
MOTION THEREFOR SEEKING EN BANC REVIEW, [14] PAGES DATED JULY
2, 2017.

(2) AN ADDITIONAL COPY OF THE LEAD PAGE OF THIS SUBMITTED DOCUMENT.

(3) AN ADDITIONAL COPY OF THE RESPONSE TO THE REPORT AND RECOMMENDATION THAT WAS SUBMITTED IN CASE 9:16-cv-3808-TLW-BM, [22] PAGES DATED MAY 16, 2017.

(4) AN ADDITIONAL COPY OF THE FIRST PAGE OF THE JASON MORRIS GOURDINE BRIEF FROM CASE 2016-000640 PENDING IN THE S.C. COURT OF APPEALS THAT IS FILED IN THESE PARALLEL CASES AS AN EXHIBIT.

PER THE LETTER SENT TO ME BY THE U.S. DISTRICT COURT, CHARLESTON DIVISION, DATED JUNE 29, 2017. THE COURT STATED THAT IT WOULD SEND ME CLOCKED STAMPED COPIES OF THE DOCUMENTS I SUBMITTED IF I SEND AN ADDITIONAL COPY AND A SELF ADDRESSED STAMPED ENVELOPE. THAT SELF ADDRESSED STAMPED ENVELOPE IS ENCLOSED WITH THIS MAILING. A DUPLICATE OF THE LEAD PAGE TO THIS DOCUMENT. AN ADDITIONAL COPY OF THE [22] PAGE RESPONSE IS ATTACHED. A COPY OF THE LEAD PAGE TO THE JASON MORRIS GOURDINE BRIEF THAT IS FILED IN THIS AND THE PARALLEL CASES AS AN EXHIBIT IS NOW ATTACHED. PLEASE CLOCK STAMP THESE SUBMITTED ADDITIONAL PAGES AND OR DOCUMENTS ATTACHED, AND RETURN THEM TO ME AS QUICKLY AS YOUR TIME PERMITS. FOR THIS I WOULD BE GRATEFUL.

IN ADDRESSING THE ISSUES AT HAND. THE (14) PAGE DOCUMENT IS BEING SUBMITTED TO SUPPLEMENT THE ADDITIONAL CAUSES OF ACTION AGAINST THE JUDGES AND DEFENDANTS IN THESE PARALLEL CASES AND TO HIGHLIGHT THE ADDITIONAL ACTS OF FRAUD DONE BY THE CONSPIRING JUDGES WHICH FURTHER REQUIRE THE RECUSAL AND DISQUALIFICATION OF THE S.C. U.S. DISTRICT COURT JUDGES, TO INCLUDE THE NEW JERSEY AND RICHLAND COURT JUDGES INVOLVED. THE CONSPIRING JUDGES USED THE FRAUDULENTLY OBTAINED, TAINTED PROTECTIVE ORDER TO PERMIT THEM TO USE THAT ORDER OBTAINED FROM CASE 2013-CP-400-0084 TO RENDER A CRIMINAL DECISION IN CASE 8:16-cv-3328-RBH-JDA, TO DETACH THE REMOVAL OF THE NEW JERSEY CASE 077386 TO ALLOW JUDGE STUART RABNER TO CLOSE THAT CASE IN EFFORTS TO CAUSE A DETRIMENTAL EFFECT IN THE APPEAL IN THE 4TH. CIRCUIT UNDER CASE 17-

6693 AND THE MUQUIT APPEAL BEING PROCESSED. JUDGE HARWELL AND RABNER ARE NOT IMMUNE WHERE THEY CONSPIRED IN JURISDICTIONS TO WHICH THEY HAVE NO POWER OR AUTHORITY, NAMELY, THE RICHLAND COUNTY COURT OF COMMON PLEAS. THEY DID THIS FOR AMONG MANY REASONS, TO INAPPROPRIATELY ENTERTAIN JURISDICTION OVER CASE 8:16-cv-3328-RBH-JDA TO NEGATE OUR CLAIMS OF DEFAULT AND COLLATERAL ESTOPPEL AND TO DETACH THE REMOVAL OF CASE 077386 IN THE NEW JERSEY SUPREME COURT TO ALLOW JUDGE RABNER TO ACT TO CLOSE THAT CASE BEFORE THE 4TH. CIRCUIT COULD GIVE REVIEW SINCE WE WERE SEEKING TRANSFER TO THAT STATE. THE JUDGES FURTHER CONSPIRED IN THE RICHLAND COURT BECAUSE BY THE DEFAULT TRUSTEE IS APPOINTED AND THE JUDGES WOULD NOT HAVE HAD JURISDICTION TO ACT AND CLOSE THE CASES WHERE BY THE DEFAULT JURISDICTION OVER THESE CASES BELONG TO THE EXCLUSIVE JURISDICTION OF JUDGE AUSTIN, THE KING-KHALIFAH'S APPOINTED TRUSTEE. YOUR ACTIONS CONSTITUTE VIOLATIONS OF THE RICO ACT AND ARTICLE III SECTION 1 OF THE U.S. CONSTITUTION WHERE YOU HAVE NOT HELD YOUR OFFICE IN GOOD FAITH. YOU ARE NOT IMMUNE FROM SUIT OR PROSECUTION, BROWN-v.-BROWN, F.Supp. 2d., 2013 WL 2338233(D.C.Ky.2013); HARRIS-v.-hhGREG-INC., F.Supp. 2d., 2013 WL 1331166(N.C.3013); U.S.C.A. § 1962; YUCAIPA-AMERICAN ALLIANCE-FUND-I,-L.P.-v.-EHALICH, F.Supp.3d.--, 2016 WL 4582519 (DEL.2016); WALLACE-v.-BEAUMONT-INDEPENDENT-SCHOOL-DISTRICT, 2016 WL 6666833(Tex.2016); IN-RE:-WALLACE, 649 Fed. Appx' 298 (MEM)(4TH.Cir.2016); BACCUS-v.-MERCHANT, 2014 WL 1330984(DSC. 2014); FORRESTER-v.-WHITE, 484 U.S. 219, 108 S.Ct. 538(U.S.1988); ABRAHAM-v.-INCORPORATED-VILLAGE-OF-MEMSTEAD, 390 Fed. Appx' 4, 2010 WL 3025191(2nd.Cir.2010); JIN-ZHAO-v.-STATE-UNIVERSITY OF-NEW-YORK, 613 Fed. Appx' 61(2nd.Cir.2015); GROSS-v.-RELL, 585 F3d. 72(2nd.Cir.2009); HUMINISKI-v.-CORSONES, 386 F3d. 116 (2nd.Cir.2004); POPICK-v.-COMMISSIONER-OF-SOCIAL-SEC., 32 F.Supp. 3d. 157; GRUPO-DALAFLUX-v.-ATLAS-GLOBAL-GROUP,-L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.Ed.2d. 866(U.S.2004); LOUMIET-v.-UNITED-STATES, 65 F.Supp.3d. 19(2014); FIFTH-THIRD-BONCORP-v.-DUDENHOEFFER, 134 S.Ct. 2459, 189 L.Ed.2d. 457 (U.S.2014); FOBES v.-FORBES, 341 P3d. 1041, 2015 WY. 13 JAN. 23, 2015; N.L.R.B. v.-AMAX-COAL-CO.,...DIV.-OF-AMAX,-INC. 453 U.S. 322, 101 S.Ct.

2789(U.S.1981); MESHAL-v.-HIGGENBOTHAM, U.S. COURT OF APP.,
DIST. OF COL, 804 F3d. 417, 420 U.S. APP. D.C.; KLAYMAN-v.-OBAMA,
125 F.Supp.3d. 67(U.S.D.C.2015); WITTMAN-v.-PERSONHUBALLAH,
136 S.Ct. 1732, 195 L.Ed.2d. 37, 84 U.S.L.W. 4322(U.S.2016).

THE ORDERS ISSUED IN CASES 8:16-cv-3328-RBH-JDA AND IN
THE NEW JERSEY SUPREME COURT BY THE CONSPIRING JUDGES ARE TAINTED
. THEY MUST BE RENDERED VOID FOR THE FRAUD AND DUE PROCESS VIO-
LATION. BOTH ORDERS IN THESE CASES ARE MOTIONED TO BE VACATED
AND THOSE CASES REINSTATED WHICH IS SOUGHT WITHIN (10) DAYS
OF RECEIVING THEM, TOLLING ANY TIME OF APPEAL. EVEN BETTER YET.
I GIVE ALL PARTIES NOTICE THAT BY THE DEFAULT THAT BINDS ALL
COURTS NATIONALLY DUE TO THE UNITED STATES BEING PARTY TO THE
DEFAULT. I AM OFFICIALLY EXERCISING THAT SUPERSEDING JUDICIAL
POWER GIVEN TO ME BY THE DEFAULT. THE ORDERS ISSUED BY THIS
FRAUD IN CASES 077386 AND 8:16-cv-3328-RBH-JDA ARE VACATED AND
BOTH THESE CASES ARE TECHNICALLY ON REMAND LIMITING THE POWER
OF THE COURTS TO DO NOTHING EXCEPT GRANT THE RELIEF SOUGHT AND
ACKNOWLEDGE THE JURISDICTION OF THE KING-KHALIFAH'S TRUSTEE
OVER THESE MATTERS. YOU ARE TO BE IN COMPLIANCE TO ALL RELIEF
SOUGHT OR ADDITIONAL PENALTIES SHALL ATTACH BY DECREE AND JUDG-
MENT OF THE GLOBAL THEOCRATIC COURT. IT IS SO ORDERED, ELDERBERRY
OF-WEBER-CITY,-LLC.-v.-LIVING-CENTERS--SOUTHEAST,-INC.,--F3d.-
-, 2015 WL 4430836 CA4 (Va.2015); NORBREGA-v.-HINKLE, 576 Fed.
Appx' 224 CA4 (Va.2014); FOX-EX-REL.-FOX-v.-ELK-RUN-COAL-CO.
INC., 739 F3d. 131 CA4 (2014); U.S.-v.-KWAI-FUN-WONG, 135 S.Ct.
1625, 191 L.Ed.2d. 533, 83 U.S.L.W. 4258(U.S.2015); BUSTAMONTE
v.-BOROUGH-OF-PARAMUS, 413 N.J. SUPER. 276, 994 A.2d. 573(N.J.
2010); DOUGHTY-v.-DOUGHTY, 27 N.J. Eq. 315, 1876 WL 8351, 12
C.E. GREEN 315(N.J.1876); NEW-JERSEY-DIVISION-OF-CHILD-PROTECTION
AND-PERMANENCY-v.-C.D., A.3d., 2016 WL 6872985(N.J.2016); LUONG
CHAU-v.-KHON-KIM-CHAU, A.3d. 2014 WL 7671570(N.J.2014); MORALES
v.-MORALES, A.3d., 2014 WL 3919040(N.J.2015).

THUS, THE DETERMINATIONS MADE IN CASES 077386 AND 8:16-
cv-3328-RBH-JDA ARE TAINTED, CANNOT STAND, AND ARE IN CLEAR
VIOLATION OF 18 U.S.C. §§ 242 AND 1001. THEY CANNOT BE USED

BY ANY COURT EXCEPT TO ADDRESS THE FRAUD THAT PRODUCED THEM DESIGNED TO PREVENT US FROM BEING FAIRLY AND PROPERLY HEARD ON THE ISSUES BEFORE THE COURTS. THE ACTIONS OF THE JUDGES INVOLVED PROVE THEIR MUTUAL AGREEMENT IN THE CONSPIRACY TO CLOSE THESE CASES BEFORE THE 4TH. CIRCUIT REVIEW COULD OCCUR DUE TO THE MAGNITUDE OF THE PROCEEDINGS, INVOKING EXTRA TERRITORIAL JURISDICTION PERMITTING THE 4TH. CIRCUIT TO ACT TO CORRECT.

LETS EXAMINE THEIR ACTS. FIRST, THE COURT IN CASE 077386 GRANTS THE MOTION FOR AN EXTENSION OF TIME TO SUBMIT THE APPELLANT BRIEF. THEN ON THAT SAME EXACT DAY. IN THE SAME EXACT SITTING, THAT COURT DISMISSES THE CASE. WHAT KIND OF CRAZY, ALLY-OOPY, HERE WE GO ROUND' THE MULBERRY BUSH, MESS THIS CORRUPT NEW JERSEY SUPREME COURT JUDGE GOT GOING ON? WHERE IS THIS DONE AND IS APPROPRIATE? THEIR ACTIONS CONFLICT AND CONTRADICTS THE ORDERS PRESENTED BY THE NEW JERSEY COURT. I, WE, OBJECT.

THE CONSPIRING NEW JERSEY JUDGE ALSO WANTED THE CASE CLOSED BEFORE I COULD ADDRESS AND CORRECT THE FRAUD, BECAUSE HE KNEW THEY FRAUDULENTLY OBTAINED THE PROTECTIVE ORDER IN CASE 2013-CP-400-0084, IN THEIR "MEETING OF THE MINDS". SO THE NEW JERSEY JUDGE FRAUDULENTLY STATED NO SUBSTANTIAL CONSTITUTIONAL QUESTION EXISTED, WHICH OF COURSE IS A BLATANT LIE, BECAUSE HE DID NOT WANT THE 4TH. CIRCUIT TO GIVE REVIEW FOR THE PURPOSE OF TRANSFER, OR ACKNOWLEDGE THAT TRUSTEE WAS APPOINTED OVER THESE CASES, WHICH IS ALSO A SUBSTANTIAL CONSTITUTIONAL QUESTION UNDER RULE 2:2-1(a) AND ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION, AND IS JURISDICTIONAL IN NATURE WHICH CAN BE USED TO VACATE HIS ORDER. JUDGE RABNER'S FAILURE TO ACKNOWLEDGE THESE FACTS IN ACTS OF FRAUD UPON THE COURTS, PLACES A SUBSTANTIAL BURDEN ON THE OBLIGATION OF THE CONTRACT, GRANT GIVEN TO THIS NATION BY THE SOLE CORPORATION REQUIRING THAT THE JUDGMENT BE RENDERED VOID UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION (SEE MANDAMUS THAT MAKE UP CASE 16-2299 FILED IN THESE CASES).

JUDGE HARWELL, CONSPIRING UNDER COLOR OF LAW AND OR AUTHORITY, SITTING UPON HIS OWN CASE IN VIOLATION OF WILLIAMS

V. PENNSYLVANIA, 136 S.Ct. 1899(2016) PRODUCING A STRUCTURAL ERROR THAT VOIDS HIS JURISDICTION FOR DUE PROCESS VIOLATION, MAKES A BOGUS, FRAUDULENT RULING IN CASE 8:16-cv-3328-RBH-JDA TO DETACH THE REMOVAL OF CASE 077386 TO THE FEDERAL CASE TO ALLOW JUDGE RABNER TO ACT, ONCE THEY IN CONCERT GOT JUDGE BENJAMIN TO ACT IN THE RICHLAND COURT. THEY CONSPIRED ACROSS MULTIPLE STATE AND FEDERAL JURISDICTIONS IN VIOLATION OF THE RICO ACT FOR THE PURPOSES OF ESSENTIALLY ESTABLISHING MODERN DAY SLAVERY, TO INAPPROPRIATELY ENTER A JURISDICTION AND NEGATE OUR CLAIMS OF DEFAULT AND COLLATERAL ESTOPPEL. THEY DID THIS TO HAMPER, TWART AND OR PREVENT 4TH. CIRCUIT REVIEW WHICH ESTABLISHES A SUBSTANTIAL CONSTITUTIONAL QUESTION UNDER RULE 2:2-1(a) AND FEDERAL AS WELL AS STATE DUE PROCESS LAW, IN ACTS OF FRAUD UPON THE COURTS. THERE IS CHALLENGE TO BOTH JUDGE HARWELL AND RABNER'S JURISDICTION TO ENTER THESE ORDERS IN CASE 077386 AND 8:16-cv-3328-RBH-JDA WHERE DUE TO THEIR ACTS OF FRAUD AND CRIMINAL CONSPIRACY, THE MERITS OF THE CASE ARE NOT MOOT, ESPECIALLY SINCE THE ISSUES RELATED TO HABEAS CORPUS WERE NEVER ADDRESSED BY BOTH JUDGES HARWELL AND RABNER, PRODUCING CLEAR CITING OF LAW ADDRESSING THE STRUCTURAL ERROR THAT EXIST IN THE INDICTMENTS AROUND THIS NATION. ALL THE MERITS, EVEN THOSE PURSUANT TO HABEAS CORPUS ARE NOT ANSWERED ON ALL ISSUES, WHICH IS REQUIRED BY DUE PROCVCESS LAW. THEY WERE REQUIRED TO PRODUCE WELL SETTLED LAW ADDRESSING "EACH" (EMPHASIS ADDED) ISSUE WHICH WE SOUGHT AND STILL SEEK, TO INCLUDE THOSE ISSUES RAISED RELATED TO CASE 2013-CP-400-0084 WHICH IS REMOVED TO THESE FEDERAL CASES AND WHERE THE PRECLUSIVE EFFECT DIRECTLY IMPACTS CASE 077386. I, WE, OBJECT. THIS SHOWS A CLEAR ABUSE OF DISCRETION ON THE PART OF BOTH THESE JUDGES. THIS IS NOT A EFFORT AT JUDICIAL ECONOMY, BUT AN EFFORT, PLOT AND SCHEME AT FRAUD, MACHINATION, TO AVOID RECUSAL AND TRANSFER OF THESE PARALLEL CASES TO THE STATE OF NEW JERSEY AS THE PETITIONERS SOUGHT AND STILL SEEK BY SANCTIONS, U.S. v. DIETZ, 51 F3d. 269, 1995 WL 133353 (4TH.); SCAN SERVICE INC. v. MITEL NETWORK CORP., F.Supp.2d., 2011 WL 2550719(2011); GARCIA FINANCIAL GROUP INC. v. VIRGINIA ACCELERATORS CORP., 3 Fed. Appx' 86, 2011 WL 117497(4TH.Cir.2011); BOARD OF TRUSTEES OF INTERNATIONAL UNION OF OPERATING ENGINEERS, 2016 WL 1253285;

JUDGE HARWELL IN ACTS OF FRAUD UPON THE COURT, STATED THAT THE ISSUES WERE INCOMPREHENSIBLE AND INCOHERENT?, THAT LYING SNAKE, RAT, BASTARD AND SCORPION OF A GOING TO HELL JUDGE, IN HIS FRAUD AND OBSTRUCTION OF JUSTICE IN VIOLATION OF ARTICLE III SECTION 1 OF THE U.S. CONST. AND 18 U.S.C. §§ 242 AND 1001. ALL ONE WOULD HAVE TO DO IS REVIEW THE DOCUMENTS FILED IN THE CASE. REVIEW THE (22) PAGE RESPONSE TO THE REPORT AND RECOMMENDATION, THE JASON GOURDINE BRIEF, THE (44) PAGE COMPLAINT AND INDEPENDENT ACTION PRODUCED BY YOU JUDGES FRAUD THAT CAME OUT OF CASE 8:16-cv-3328-RBH-JDA THAT ALSO ESTABLISH THE PARALLEL CASES 9:16-cv-3808-TLW-BM; 9:17-cv-1140-TLW-BM; 2:17-cv-1127-JMS-MGB; 2:17-cv-1300-RMG-MGB AND THE ADDITIONAL PARALLEL CASES FILED BEFORE THE FEDERAL COURT. LOOK AT THE (240) PAGE KERSHAW COUNTY PETITION THAT IS FILED IN CASE 0:06-cv-2459-TLW-BM, WHICH JUDGES MERCHANT AND WOOTEN CLEARLY COMPREHENDED. LOOK AT THE CASES IN THE STATE COURT WHICH JUDGES CHILDS, LEE, BENJAMIN. MANNING, GRIFITH, BARBER III AND ALL OTHER JUDGES COMPREHENDED WITHOUT ANY DIFFICULTY. IT BECOMES PERSPICUOUS THAT JUDGE HARWELL IS LYING ENGAGING IN ACTS OF FRAUD REQUIRING HIS RECUSAL PRODUCING BIAS THAT RISES TO AN UNCONSTITUTIONAL LEVEL.

THE INDICTMENTS, BY THE LANGUAGE CONTAINED THEREIN, TAKE AWAY THE PRESUMPTION OF INNOCENCE. THEY PREDETERMINE GUILT, TO INCLUDE THE ESSENTIAL "MENS REA" ELEMENTS, BEFORE ANY PROCEEDINGS BEGIN. THE GRAND JURY BY THE LANGUAGE CONTAINED THEREIN, HAS ILLEGALLY TAKEN UPON THEMSELVES THE ROLE OF THE TRIAL JURY AND HAS CONVICTED A PERSON, GOING BEYOND THE SCOPE OF THE POWER AND AUTHORITY GIVEN TO THEM BY STATE AND OR FEDERAL LAW, AND OR BY STATE AND OR FEDERAL CONSTITUTION. YOU HAVE THE S.C. SUPREME COURT DEFRAUDING US AND ALL INMATES IN THIS STATE, IN THE STATE-V.-GENTRY CASE IN ADDRESSING THE ISSUE OF SUBJECT MATTER JURISDICTION REGARDING THE USE OF INDICTMENTS AND THE S.C DISTRICT COURT WAS PRIVY TO IT, CONSPIRING TO PREVENT FEDERAL RELIEF BEHIND RACIAL HATRED ESTABLISHING LAW IN VIOLATION OF THE HOLDINGS MADE IN EX-PARTE-VIRGINIA, 100 U.S. 339(1880) ESTA-

BLISHING ESSENTIALLY A NEW FORM OF MODERN DAY SLAVERY AND LAWS THAT DISPROPORTIONATELY TARGET AFRICAN AMERICAN AND MINORITY POPULATIONS OF THIS STATE IN YOUR ALT RIGHT, WHITE RACIAL BONDING , CREATING A NEW FORM OF JIM CROW LAWS AND A RACIAL CASTE SYSTEM IN VIOLATION OF THE HOLDINGS MADE IN EX-PARTE-VIRGINIA with THE INTENT TO KEEP US BRANDED AS FELONS SO YOU CAN DENY MY PEOPLE THE RIGHT TO VOTE AND KILL OUR POLITICAL VOICE NATIONALLY, OR AT LEAST DIMINISH IT, IN VIOLATION OF THE 13TH., 14TH. AND 15TH. AMENDMENTS WHERE WE CAN NO LONGER BE DEEMED "DULY" CONVICTED IN VIOLATION OF S.C. CODE ANN § 17-25-10 AND THE LAWS OF DUE PROCESS. THEN THESE CORRUPT JUDGES AND DEFENDANTS WANT TO CONSPIRE ACROSS MULTIPLE STATE AND FEDERAL JURISDICTIONS TO TWART REVIEW IN VIOLATION OF THE RICO ACT MAKING EFFORTS TO HARM AND DENY THE INMATES WITHIN THIS NATION. YOU ADD TO THIS THE FEDERAL COURTS ARE STILL CONSISTENTLY MAKING USE OF PRISON LITIGATION REFORM ACT AND ANTI EFFECTIVE DEATH PENTALTY ACT (AEDPA) PROVISIONS, WHICH PRODUCE THE SAME DETRIMENTAL EFFECT, TARGETING AFRICAN AMERICANS AND MINORITIES FOR WHICH WE ARE SUING THE UNITED STATES FOR IN THESE PARALLEL CASES. THEN YOU ADD THE CONSTRUCTIVE AMENDMENT OF THE INDICTMENT ISSUES, ALSO RELATED TO THE STRUCTURAL ERROR PREVIOUSLY MENTIONED AND OTHER DEFECTS. THEN YOU ADD THE CONVICTION ISSUES THAT EXIST INDEPENDENTLY IN EACH PARALLEL CASE FOR EACH PETITIONER. THE ISSUES ARE CONSPICUOUS AND ANY FOOL CAN SEE THAT THEY PRESENT SUBSTANTIAL CONSTITUTIONAL CLAIMS. I'M A DANGEROUS MAN WITH A LITTLE LAW IN MY POCKET, KEEP UP!!! WHY YA' MAD? FIX YOUR FACE YOU RAT, STINKING, CORRUPT, DEMON DOG OF JUDGES IN BOTH NEW JERSEY, HARWELL AND THE S.C. DISTRICT COURT. NONE OF THIS WAS ADDRESSED IN THE ORDERS PRODUCED BY THE CONSPIRING JUDGES IN AN ABUSE OF DISCRETION.

EVEN THOUGH THE JUDGES INVOLVED WRONGFULLY CONSPIRED TO CIRCUMVENT AND OR ATTEMPTED TO MAKE THE FOREIGN SOVEREIGN CLAIMS APPEAR FRIVOLOUS BUT FAILED SINCE YOU CANNOT PRODUCE AN UNTAINTED ORDER FROM CASE 2013-CP-400-0084 THAT IS NOT COMING UNDER ATTACK VIA SEEKING LEAVE TO APPEAL. THE LEGAL ISSUES ATTACKING THE CONVICTIONS CANNOT BE LEGALLY VIEWED AS FRIVOLOUS BY HISTORICAL PRECEDENT. JUDGE HARWELL, YOU "POND-PUNK". YOU HAVE NO JURISDICTION TO ENTER ANY STRIKE BY YOUR FRAUD DUE TO

THE TRUSTEE HAVING JURISDICTION OVER THIS CASE. I, WE OBJECT. STATE AND FEDERAL LAW OF ALL STATES MANDATE THAT ALL NON FRIVOLOUS ISSUES WERE REQUIRED TO BE HEARD BY BOTH YOU CORRUPT JUDGES ABSENT OF FRAUD AND OBSTRUCTION. NOT ONLY DO THE ISSUES AFORE MENTIONED EXIST. BUT YOU ALSO HAVE IN THIS CASE THE STATE SUPPRESSING EVIDENCE OF ACTUAL INNOCENCE BY NOT TESTING THAT DNA FROM MY CHILD TO MICHAEL LEE, MY STEPSON, HER HALF BROTHER IN VIOLATION OF CLEAR S.C. STATUTE AND CODE ANN. §§ 17-25-10; 17-28-350; 17-28-70; 17-7-25 AND 23-3-635 FOR THE PURPOSE OF CREATING A FICTITIOUS HOMICIDE AND CONCEAL THE TRUE CAUSE OF DEATH AND FRAME ME BEHIND RELIGIOUS AND RACIAL HATRED BECAUSE I CLAIM TO BE THE RIGHTFUL HEIR, KING, KHALIFAH OF THE (4) GLOBAL THRONES.

YOU HAVE THE STATE ILLEGALLY SEIZING EVIDENCE FROM MY HOME AND USING SUCH AT TRIAL WITHOUT THE ISSUANCE OF A SEARCH WARRANT IN VIOLATION OF THE 4TH. AMENDMENT.

YOU HAVE THE STATE MAKING USE OF AND BRINGING MY RELIGIOUS BELIEFS UP AT TRIAL WHEN IT HAD NOTHING TO DO WITH THE CHARGE OF MURDER WHICH DID NOT BREAK ANY LAWS, ESSENTIALLY CONVICTING ME FOR THESE RELIGIOUS BELIEFS IN VIOLATION OF THE 1st. AMENDMENT

YOU HAVE THE STATE BRINGING UP THE 1986 NEW JERSEY CONVICTION AT THE SENTENCING PHASE OF THE PROCEEDINGS TO SEEK LIFE AS OPPOSED TO (30) YEARS CREATING A RESET TO ATTACK THE NEW JERSEY CHARGE ESSENTIALLY USED FOR ENHANCEMENT PURPOSES.

THEN YOU HAVE THE STATE OF SOUTH CAROLINA HOLDING ME AS A PRETRIAL DETAINEE FOR ALMOST (5) YEARS WITHOUT BRINGING ME TO TRIAL IN VIOLATION OF THE S.C. CONSTITUTION, S.C. SUPREME COURT ORDER AND THE LAWS OF DUE PROCESS.

YOU HAVE THE STATE FALSIFYING MY TRIAL TRANSCRIPT ON DIRECT APPEAL TO AFFIRM THE CONVICTION. WHEN I MADE EFFORT TO ACT PRO SE TO ADDRESS THE MATTERS THEY DENIED ME THIS CONSTITUTIONAL DUE PROCESS RIGHT. WHEN I BROUGHT IT BEFORE THE DISTRICT

COURT. JUDGES MERCHANT AND WOOTEN AIDED THEM IN GETTING AWAY WITH IT. NONE OF THIS WAS ADDRESSED IN THE HARWELL ORDER THE CORRUPT, BASTARD AND COCKROACH OF A JUDGE. HARWELL'S ONLY INTENT WAS TO CLOSE THE CASE TO DETACH THE REMOVAL OF CASE 077386 TO AID JUDGE RABNER CLOSE THAT CASE TO PREVENT OR HINDER TRANSFER AND 4TH. CIRCUIT REVIEW. THE ORDERS ARE VACATED FOR FRAUD UPON THE COURTS YOU "DOOKIE FOR BRAINS" JUDGES. ITS TIME TO END THIS MADNESS.

THEN YOU ADD TO THIS THE S.C. ATTORNEY GENERAL AND CONSPIRING DEFENDANTS ATTACKING THE OTHER INMATES IN THE PARALLEL CASES DUE PROCESS MATTERS IN ACTS OF SPOILIATION AND OTHER OUTRAGEOUS ACTS, RETALIATING AGAINST THEM IN VIOLATION OF 42 U.S.C.A. § 12203(a)(b) OF THE AMERICANS WITH DISABILITIES ACT BECAUSE THEY WORKED TO ASSIST ME IN THE EXERCISE OF CONSTITUTIONALLY PROTECTED RIGHTS OF ACCESS TO THE COURTS AND FREEDOM OF RELIGION. THE ISSUES IN THESE PARALLEL CASES ARE OVERWHELMINGLY OBVIOUS AND NOTHING IN THESE ORDERS ADDRESS ANY OF THESE ISSUES IN ACTS OF FRAUD UPON THE COURTS IN AN ABUSE OF DISCRETION. I, WE OBJECT. THE CRIMINAL ACTS OF CONVERSION WHERE JUDGE SEYMOUR ILLEGALLY SEIZED THE MONIES FROM THE ROBERT MITCHELL ACCOUNT, HIS CASE PRESENTLY FILED UNDER 5:17-cv-1364-BHH-KDW HAS NOT EVEN BEEN ADDRESSED. THIS MONEY STOLEN IN ACTS OF CRIMINAL CONVERSION WAS OWED TO ME. THIS GIVES ME LEGAL STANDING TO SUE FOR ITS RETURN. LIKE YOUR WHITE KU KLUX KLANSMAN, WHITE NATIONALIST, DONALD DUCK, DUNCE DOG OF A PRESIDENT. ALL JUDGE HARWELL SPITTED OUT WAS "FAKE NEWS". PLEASE DO NOT INVOLVE YOURSELF IN THIS CONSPIRACY MICHELLE. YOU ARE MORE HONORABLE THAN THAT. YOU TO JACQUELYN. ITS TIME TO CHOSE SIDES KAYMANI. I'M FIGHTING FOR OUR ANCESTORS RIGHTS LADIES WHOM THE INHABITANTS OF THIS RACIST, BASTARD NATION BUTCHERED AND SLAUGHTERED, RIPPING UNBORN FETUS' FROM OUR FORE MOTHERS WOMBS, BURNING THEM AND HANGING THEM FROM TREES AS "STRANGE FRUIT". GET OUT OF MY WAY AND LET ME HANDLE THESE CORRUPT GOING TO HELL JUDGES.

JUDGES MERCHANT AND WOOTEN IN CASE 0:06-cv-2459-TLW-BM, AND YOU, JUDGE "DOOKIE FOR BRAINS" HARWELL, IN CASE 8:14-cv-

3555-RBH-JDA, ONLY CONCERN WAS A HECK-V.-MUMPHREYS ISSUE AND THE REQUIREMENT OF EXHAUSTION. IN THE MUQUIT CASE HARWELL YOU SNAKE. YOU UNDERSTOOD ALL THE CLAIMS THAT WERE MADE. ANY CLAIM NOW TO THE CONTRARY IS SUSPECT, TO SAY THE LEAST, AND AN ACT OF FRAUD DESIGNED TO KEEP US FROM BEING HEARD ON THESE ISSUES. YOU DONALD DUCK, DUNCE TRUMP RACIST FLUNKIE. THE CONVICTIONS ARE NOW INVALIDATED BY CASE 2013-CP-400-0084 WHICH IS A FALSE IMPRISONMENT TORT ARGUING PREEMPTION, SOVEREIGNTY CLAIMS, NAME CHANGE, THE OBSTRUCTION DONE BY S.C.D.C. TO PREVENT THESE CASES FROM GOING FORWARD AND OTHER ISSUES TO WHICH THE STATE AND PARTIES ARE IN DEFAULT. COLLATERAL ESTOPPEL ATTACHES. ROSS-V.-BLAKE, 136 S.Ct. 1850(2016) SAYS YOU WERE WRONG JUDGES MERCHANT AND WOOTEN WHEN YOU CLAIMED THAT I HAD TO EXHAUST IN CASE 0:06-cv-2459-TLW-BM WHICH ALSO INVALIDATE THE STRIKES YOU PEOPLE UNJUSTLY PLACED ON ME. ALL STRIKES ISSUED BY THIS COURT MUST BE ABOLISHED. I MOTION FOR SUCH. I WAS NOT REQUIRED TO EXHAUST THE MINUTE THE STATE FALSIFIED MY TRIAL TRANSCRIPT ON DIRECT APPEAL AND DENIED MY CONSTITUTIONAL RIGHT OF SELF REPRESENTATION IN THAT COURT AS A MEANS TO BLOCK ME ADDRESSING THE ISSUES IN ACTS OF MACHINATION. BY THAT DEFAULT EMERGING FROM CASE 2013-CP-400-0084 I AM THE RIGHTFUL HEIR, KING, HIGH PRIEST OF THE UNITED ETHIOPIAN EMPIRE, THE DIRECT DESCENDANT OF MENYELEK. THE SON OF KING SOLOMON AND THE QUEEN OF SHEBA WHOM THIS NATION KIDNAPPED MY ANCESTORS IN BRUTAL ACTS OF SLAVERY. YOU DID NOT THINK THAT THESE BRUTAL ACTS OF TORTURE DONE TO MY PEOPLE WOULD NOT COME BACK TO BITE YOU TREACHEROUS BASTARDS OF THIS NATION? GOD IS A JUST GOD. REPARATIONS BY MY RIGHT AS THE TRUE HEIR TO THE THRONE ARE BEING SOUGHT FOR MY ENSLAVED ANCESTORS. A GREAT PORTION OF THE MONEY I AM SEEKING BY LIEN BELONGS TO EVERY BLACK MAN, WOMAN AND CHILD IN AMERICA. A MILLION A PIECE, FREE EDUCATION, A HOME OF THEIR OWN IS TO BE GIVEN TO THEM WITH PROPER HEALTH CARE. THIS NATION OWES MY PEOPLE THIS WHERE YOUR PRESENT WEALTH IS BUILT OFF OF THE BLOOD, DEATH AND SUFFERING OF MY PEOPLE. NONE OF THIS WAS ADDRESSED IN YOUR ORDER JUDGE HARWELL. YOU RAT, BASTARD AND SNAKE. HOW IS THIS NOW FOR YOUR COMPREHENSION OF THE ISSUES BEFORE THE COURT JUDGE HARWELL, YOU STUPID, RETARDED, GOING TO HELL, FLYING MONKEY, CRACKHEAD, VILLAGE IDIOT

JUDGE. YOU WERE REQUIRED TO ADDRESS ALL NON FRIVOLOUS ISSUES BY LAW. THIS WAS NOT DONE IN THE ORDERS PRODUCED BY THESE CORRUPT JUDGES HARWELL AND RABNER. I, WE OBJECT. THE ORDERS ARE VACATED, TOLBERT-v.-STEVENSON, 635 F3d. 646(4TH.Cir.2011); LARKINMORE v.-HOOKS, 289 Fed. Appx' 576, 2008 WL 3063704; HINES-v.-THOMAS, 2016 WL 4492816; FOX-v.-VICE, 563 U.S. 826, 131 S.Ct. 2205(U.S. 2011); WOODFORD-v.-GARCEAU, 538 U.S. 202, 123 S.Ct. 1398, 155 L.Ed.2d. 363(2003); CULLEN-v.-PINHOLSTER, 563 U.S. 170, 131 S.Ct. 1388, 179 L.Ed.2d. 557(2011); SMITH-v.-ROBBINS, 528 U.S. 259, 120 S.Ct. 746, 145 L.Ed.2d. 756(2000). YOU DEVILS VIOLATED DUE PROCESS LAW WHICH VOIDS YOUR JURISDICTION. THIS IS MORE THAN SUFFICIENT TO ESTABLISH SUBSTANTIAL CONSTITUTIONAL CHALLENGE BY YOUR FRAUD, JOHNSON-STEEL-STREET-RAIL-CO.-v.-WILLIAM-WHARTON JR.-&-CO., 152 U.S. 252, 14 S.Ct. 608, 38 L.Ed. 429(U.S.1894).

INSOMUCH, SINCE YOU HARWELL, LIKE JUDGE GERBEL, MUST BE ONE OF JUDGE KAYMANI WICKED WITCH OF THE WEST'S "FLYING MONKEYS" ALSO. FLYING MONKEYS AIN'T SUPPOSE TO FLY AND READ. SO ALL SEEMS INCOMPREHENSIBLE TO YOU. BUT LETS CONTINUE TO PROVE YOUR FRAUD DOG AND GOING TO HELL JUDGE. ITS AN INDISPUTABLE FACT THAT EVERY DOCUMENT THAT WAS FILED IN CASE 8:16-cv-3328-RBH-JDA WAS JUST ABOUT FILED IN CASE 8:14-cv-3555-RBH-JDA. AT NO TIME WHEN GIVING REVIEW UNDER CASE 8:14-cv-3555-RBH-JDA DID YOU OR JUDGE AUSTIN EVER CLAIM OR ADJUDICATE THAT ANY CLAIM WAS INCOMPREHENSIBLE OR INCOHERENT. ALL YOU FRAUDULENTLY CLAIMED, WHERE THE S.C. ATTORNEY GENERAL WAS PARTY AND SERVED, WAS THAT A STATUTE OF LIMITATIONS ISSUE EXISTED, WHICH OF COURSE, NO STATUTE OF LIMITATIONS ISSUE EXISTED CORRUPT JUDGE. AT NO TIME, AT NO TIME, IN YOUR FRAUD DID YOU OR JUDGE AUSTIN EVER STATE THAT YOU COULD NOT COMPREHEND THE CLAIMS, ISSUES OR DEFENSES THAT WERE MADE. THE LAW IS CLEAR, YOU STINK TERMITE, PISS ANT AND DIRT WORM. IF THE SAME RIGHT IS INVOKED IN TWO ACTIONS, JUDGMENT IN THE FIRST BARS CONSIDERATION NOT ONLY ON ALL MATTERS ACTUALLY RAISED. IT ALSO BARS CONSIDERATION ON THOSE THAT COULD HAVE BEEN RAISED. THE DETERMINATION AND CLAIMS YOU MADE IN CASE 8:16-cv-3328-RBH-JDA WERE NOT MADE IN CASE 8:14-cv-3555-RBH-JDA WHEN YOU INITIALLY REVIEWED THESE EXACT SAME MATTERS. JUDGES

MERCHANT AND WOOTEN IN CASE 0:06-cv-2459-TLW-BM DID NOT EVER STATE THAT THEY COULD NOT COMPREHEND THE CLAIMS, TO INCLUDE THE SUBSEQUENT CASES THEY REVIEWED ADDRESSING THESE MATTERS. ALL JUDGES IN THE RICHLAND COURT, JUDGE CHILDS BEFORE SHE TRANSFERRED TO THIS COURT. JUDGES LEE, BENJAMIN, MANNING, BARBER, JEAN TOAL, GRIFITH ALL UNDERSTOOD THE ISSUES SO WELL THEY PLACED THE CASE ON THE COMPLEX CASE DOCKET AND REFUSED TO DISMISS THE PLEADINGS. HARWELL YOU RAT, STINKING CRUMB CAKE WITH THE BRAINS OF A FLYING MONKEY AND DEAD LOBSTER. IF YOU DIDN'T MAKE THESE CLAIMS BEFORE WHERE THE EXACT SAME DOCUMENTS, ISSUES, CLAIMS ARE FILED AND RAISED IN CASE 8:14-cv-3555-RBH-JDA. YOU ARE PROCEDURALLY BARRED FROM CLAIMING YOU COULD NOT UNDERSTAND THE ISSUES OR MAKING ANY OTHER DETERMINATION OTHER THAN A STATUTE OF LIMITATIONS CLAIM NOT ONLY BY DEFAULT AND COLLATERAL ESTOPPEL EMERGING FROM CASE 2013-CP-400-0084. YOU ARE ALSO BARRED BY RES JUDICATA FROM CASES 0:06-cv-2459-TLW-BM AND 8:14-cv-3555-RBH-JDA. I, WE OBJECT YOU BASTARD DEMON DOG. THIS ALSO SERVES TO SUBSTANTIATE YOUR FRAUD AND PART IN THE CONSPIRACY, AND PROVE THAT YOU HAVE THE BRAINS OF A "PEANUT", CRACKHEAD, VILLAGE IDIOT, FLYING MONKEY JUDGE, LIKE YOUR JUDICIAL COHORTS. I'LL SEE YA' AT THE DOGGON' PARTY. RES JUDICATA ATTACHES, EICHMAN-v.-FOTOMAT-CORP., 147 Cal. App.3d. 1170, 1174(1983); KEARNEY-v.-FOLEY-AND-LARDNER, LLP., 2016 WL 5405552(2016); PRESSLEY-v.-McMASTER, 2016 WL 1106601(DSC.2016); ZINN-v.-C.F.I.-SALES-MARKETING,-LTD., 415 S.C. 93, 780 S.E.2d. 611(S.C.2015); CATABAW-INDIAN-NATION-v. STATE, 407 S.C. 526, 756 S.E.2d. 900(S.C.2014); ARATA-v.-VILLAGE WEST-OWNERS-ASS'N-INC., 2011 WL 11735004, * 2+, S.C. App.; WILSON v.-GMAC-MORTG.-LLC., F.Supp.3d., 2015 WL 5244967(DSC.2015).

I EXPAND THE SCOPE AND SEEK INCLUSION. ALL DOCUMENTS THAT ARE FILED IN THE PARALLEL CASES ARE NOW FILED IN CASES 077386 AND 8:16-cv-3328-RBH-JDA FOR PURPOSES OF ADDRESSING VENUE, RECUSAL AND RES JUDICATA, TO ALSO DEMONSTRATE THE DAMAGE PRODUCED BY THESE JUDGES PRESENCE ON THESE CASES. A COURT CAN LOOK AT THESE CASES WITHIN ITS JURISDICTION IN ADDRESSING SUCH MATTERS, SOUTHERN-PAC.-R.-CO.-v.-U.S., 168 U.S. 1, 18 S.Ct. 18, 42 L.Ed. 355(U.S.1897); NOELL-CRANE-SYSTEMS-GmbH-v.-NOELL-CRANE-AND-SER-

VICES, -INC., 677 F.Supp.2d. 852(2009); KNIGHT-v.-MANUFACTURERS
&-TRADERS-TRUST-CO., 84 F.Supp.3d. 436(D.Md.2015); BARDES-v.
SOUTH-CAROLINA, F.Supp.2d., 2010 WL 1498190(DSC.2010).

JUDGE RABNER. I AND THE PETITIONERS INVOLVED IN THESE
PARALLEL CASES MOTION FOR YOUR RECUSAL. JUST CONCERN YOURSELF
WITH THE FACT THAT I SEEK SUCH. I, WE, ALSO RENEW OUR MOTION
FOR THE JUDGES OF THE S.C. DISTRICT COURT'S RECUSAL AND OR DIS-
QUALIFICATION IN THE COURT'S ENTIRETY. WE RENEW OUR MOTION FOR
A CHANGE OF VENUE TO THE NEW JERSEY DISTRICT COURT ALSO BY SANC-
TIONS SINCE THE JUDGES CONSPIRED IN ACTS OF FRAUD TO PREVENT
THIS TRANSFER. WE SEEK THIS DESPITE WHAT THEY JUST CRIMINALLY
DONE WITH CASE 077386. THEIR OBSTRUCTIVE, FRAUDULENT AND DILATORY
BEHAVIOR MUST BE DEEMED FORFEITURE OF ANY OPPOSITION TO THIS
REQUEST PURSUANT TO 28 U.S.C. §§ 1404 AND 1407. BY THESE OUT-
RAGEOUS, CRAZY, CRIMINAL ACTS. NONE OF YOU RAT, STINKING, BASTARD
, COCKROACHES OF JUDGES SHOULD HAVE EVER BEEN PERMITTED TO SIT
UPON THESE CASES. NOT YOU JUDGE CHILDS. YOU KNOW YOUR BROTHER
LOVES YOU, BUT I MUST PROTECT THESE CASES. AT PRESENT, EVEN
YOU CAN POTENTIALLY BE INFLUENCED BY THESE SNAKES AND SCORPIONS.
THE PRESENCE OF THESE BASTARD, CORRUPT JUDGES, WHO CONSPIRED
TO SIT UPON THEIR OWN CASES TO AVOID BEING SUED, DEFIES JUSTICE
AND FAIRNESS, CREATING HAVOC, PRODUCED INDISCRIMINATE DAMAGE
AND PRODUCED MORE THAN ENOUGH EVIDENCE TO SUBSTANTIATE STRUCTURAL
ERROR THAT VOIDS THEIR JURISDICTION FOR DUE PROCESS VIOLATION.
IT PROVES THEIR PRESENCE PRODUCED BIAS OF SUCH A MAGNITUDE,
OF SUCH A LEVEL, IT BECOMES UNCONSTITUTIONAL WHERE THEY POSSESSED
AN INTEREST IN THE OUTCOME OF THESE PROCEEDINGS. EXTRA JUDICIAL
SOURCE FOR BIAS IS NOT A NECESSARY CONDITION FOR RECUSAL. IT
IS BIAS THAT RISES TO AN UNCONSTITUTIONAL LEVEL THAT MANDATES
RECUSAL WHICH OCCURRED IN THESE CASES. TRANSFER THESE CASES
TO THE STATE OF NEW JERSEY DISTRICT COURT BY DECREE AND JUDGMENT
OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC COURT WHOSE SUPER-
SEDING JUDICIAL, ATTORNEY AND LEGISLATIVE POWERS BIND THIS COURT
AND ALL OTHER COURTS WITHIN THIS NATION, IN-RE:-SYNTAX-BRILLIAN
CORPORATION, 2016 WL 7177615(D.Md.2016); WILLIAMS-v.-PENNSYLVANIA
136 S.Ct. 1899(2016); IN-RE:-LUNDY, 2016 WL 6108524(D.C.OHIO
2016); ETHRIDGE-v.-UNITED-STATES, 2016 WL 337749(N.C.2016);

DACRES-v.-ATTORNEY-GENERAL-U.S., 615 Fed. Appx' 79(3rd.Cir.2015);
BERGER-v.-U.S., 255 U.S. 22, 41 S.Ct. 230, 65 L.Ed. 481(U.S.
1921); CANADA-v.-MILLER, F.Supp.3d., 2014 WL 1512245(2014);
BOOTH-v.-BALLARD, 2016 WL 1275054(2016)(DEMONSTRATING THAT AN
EVIDENTIARY HEARING MUST BE GIVEN TO US); UNITED-STATES-v.-
QUINONES,--F.Supp.3d.--,2016 WL 4413149(2016).

JUDGE AUSTIN. THIS IS NOT JUST SERVICE UPON THE S.C.
DISTRICT COURT, ALL JUDGES AND OTHER PARTIES. THIS IS SERVICE
UPON YOU AS THE KING-KHALIFAH'S TRUSTEE AND CASES 8:16-cv-3328-
RBH-JDA AND 077386 IN THE NEW JERSEY SUPREME COURT. AS TRUSTEE
YOU ARE INSTRUCTED TO SEE THAT ALL COURTS, CASES, PARALLEL CASES
AND PARTIES IN TOTAL ARE TIMELY SERVED IMMEDIATELY. INSTRUCT
THE CLERK TO DO IT ELECTRONICALLY. YOU ARE RESPONSIBLE FOR THIS
BY THE KING-KHALIFAH'S DECREE. SERVICE UPON THE PRINCIPLE. IS
SERVICE UPON THE AGENT AND VISA VERSA, EVEN THOUGH NO CONSENT
TO BE SUED OR AUTHORIZATION TO AN AGENT TO ACCEPT SERVICE OF
PROCESS HAS BEEN GIVEN. CLERKS ARE AGENTS OF THE COURT. YOU
AND ALL JUDGES, CASES, ARE SERVED, REPUBLIC-PROPERTIES-CORPORA-
TION-v.-MISSION-WEST-PROPERTIES, L.P., 391 Md. 732, 895 A.2d.
732; CUSTOM-POLYMERS-PET., LLC.-v.-GAMMAR-MECCANICA-SPA,--F.Supp.
3d.,--2016 WL 2354599(2016); MYLES-v.-RENT-A-CENTER, INC., 2016
WL 3917212(Md.2016).

EACH GENERATION MUST OUT OF RELATIVE OBSCURITY DISCOVER
ITS MISSION, AND EITHER FULFILL IT, OR BETRAY IT!!! I'VE FOUND
MY MISSION AS COMMANDED BY THE ONE TRUE GOD. WHAT YOU'VE DONE
WITH THESE "SODOMITES AND GOMORRAHRITES" (GAYS AND LESBIANS)
WITHIN YOUR NATIONS MUST BE STOPPED AND ERADICATED. IT SPITS
IN THE FACE!!! OF THE ONE TRUE GOD AND INVOKES HIS WRATH!!!
I SHALL NOT BETRAY MY MISSION IN ANY CONTEXT, INSHALLAH. IF
A MAN IN THIS WORLD HAS NOT FOUND SOMETHING WORTH DYING FOR
AS MARTIN SAID,...THEN HE IS NOT FIT TO LIVE!!! YOU ARE IN POS-
SESSION OF THE INTELLECTUAL PROPERTY OF THE SOLE CORPORATION
OF THE REESTABLISHED GLOBAL THEOCRATIC STATE. TRUTH SPEAKS TO
POWER AND DEMAND!!! FOR PRISTINE JUSTICE AND FAIRNESS. RETURN

TO ME MY GOD'S, MY, AS A DIRECT DESCENDANT OF THE SOLE CORPORATION'S INTELLECTUAL PROPERTY IN THE FORM OF THE RIGHT TO MARRY, WHICH WAS GIVEN TO YOUR NATIONS UNDER CONTRACT, UNDER GRANT WHICH HAD RESTRICTIONS WHICH YOU VIOLATED BY GIVING THIS RIGHT TO HOMOSEXUALS AND LESBIANS. YOU ARE IN VIOLATION OF ARTICLE 1 SECTION 10 OF THE UNITED STATES CONSTITUTION IMPAIRING THE OBLIGATION OF THE CONTRACT. CAUSE BEFORE THE COURT IS ESTABLISHED ON THIS ISSUE AS WELL.

IN DEALING WITH JUDGE KAYMANI WEST IN THE PAST IN THE MITCHELL CASE. JUDGE HENDRICKS ASSERTED THAT MY STATEMENTS TO HER WERE VULGAR, SEXIST AND RACIST? MY STATEMENTS ARE NOT VULGAR PEOPLE. AS PROPHECY FORETELLS. I COME WITH THAT SAME FIERY SPIRIT OF ELIJAH. THE BOOK OF ISAIAH FORETELLS I WOULD BE A "COCKATRICE", A BOLD, ARDENT, PERNICIOUS FELLOW. THE HOLY BOOKS CAN'T LIE. "TRUTH", SOMETIMES CAN GET PRETTY UGLY. ESPECIALLY WHEN WE ARE ADDRESSING THE ACTIVITIES OF LAWLESS, RECKLESS, RECREANT, OPPROBRIOUS, SONS AND DAUGHTERS OF BELIAL AND THE CHILDREN OF THE SHAITAN. AS FOR THE CLAIMS OF "SEXIST". TO MAKE THIS STATEMENT IT IS OBVIOUS THAT THIS CORRUPT JUDGE DO NOT KNOW ME. I'VE SPENT (17) YEARS WITHOUT HOLDING THE WOMAN THAT I LOVE WITHIN MY ARMS, OR ANY OTHER WOMAN FOR THAT MATTER. I DIE WITHIN MY SOUL EVERYDAY FOR THIS INJUSTICE PERPETRATED AGAINST ME. GOD'S SERVANT IS NO FOOL. I NEED AND VALUE, TREASURE WOMEN IMMENSELY, AND NOT JUST FOR SOME SEX OBJECT. MY SPIRITUAL INSIDES LONG, IN PAIN FOR THIS CONNECTION. THE THOUGHT OF THIS OUTSIDE OF MY GOD, IS THE FOOD I EAT AND THE AIR I BREATHE. THE PRESENCE, THE COMPANY, THE FRIENDSHIP, THE INTELLECT OF ALL WOMEN IS PRICELESS TO ME AS IT WAS TO MY FORE FATHER THE PROPHET MUHAMMAD(PBUH), YOU IDIOTS. THIS DOES NOT MEAN THAT I WOULD NOT REPRIMAND ONE IF SHE ENGAGES IN WICKEDNESS AND MAKE EFFORTS TO USURP THE COMMANDMENTS OF THE ONE TRUE GOD. NO ONE IS ABOVE GOD'S LAWS. AS FOR "RACIST?" ISN'T THAT LIKE "THE POT CALLING THE KETTLE BLACK", AS THE SAYING GOES? I AM NO "RACIST". I AM A "REALIST". I AM MARTIN LUTHER KING JR.'S SUCCESSOR. HE PASSED HIS MANTLE UNTO ME WITHIN A DREAM AS EVEN MY FAMILY YOU DEVILS CORRUPTED WILL VERIFY. AS MARTIN'S SUCCESSOR. I AM OF THE REALIZATION

THAT THE ATROCITIES DONE TO MY FORE FATHERS AND MOTHERS, MY PEOPLE, BY THIS BASTARD, RACIST, GOING TO HELL NATION MUST BE BROUGHT INTO ACCOUNT. I AM A REALIST, IN THAT I AM COMPLETELY CONVINCED THAT A LARGE MAJORITY OF THE WHITE CULTURE, ARE WHITE RACIST DOGS WHOSE ACTION ARE IMITATIVE OF YOUR RACIST FORE FATHERS, AS THOMAS JEFFERSON FORESAW, WHO SUBJECTED MY PEOPLE TO THESE BRUTAL ACTS OF TERRORISM IN VIOLATION OF THE CONVENTION AGAINST TORTURE TREATY. AND THIS NATION CALLS MUSLIMS TERRORIST? IN WHAT THIS NATION DID TO MY PEOPLE. YOU ARE THE WORSE TERRORIST ON THE PLANET. INSTEAD OF A MUSLIM BAN. YOU NEED A UNITED STATES BAN. YOU DEVILS WITHIN THIS NATION THROUGHOUT HISTORY HAVE TERRORIZED INDIGENOUS POPULATIONS AROUND THE GLOBE WITHOUT THE SLIGHTEST HINT OF MERCY OR REMORSE. SINCE THIS STATE AND NATION ATTACKED ME NOW, THIS PRESENT DATE, CREATING A FICTITIOUS HOMICIDE FRAMING ME FOR THE MURDER OF MY OWN CHILD FOR MY DIRECT CONNECTION TO THESE VICTIMS OF THE SLAVE TRADE AND JIM CROW AS THE FIDUCIARY HEIR. I HAVE LEGAL STANDING TO BRING ACTION ON BEHALF OF MY PEOPLE, ALSO VIA THE ATTORNEY POWERS GIVIN TO ME BY THE DEFAULT. AND LEGALLY, SINCE YOU ATTACKED AND FRAMED ME NOW FOR MY CONNECTION TO THEM THIS PRESENT DATE. I WOULD NOT BE INVOKING THE PROVISIONS OF THE C.A.T. TREATY RETROACTIVELY. MY PEOPLE WERE SUBJECTED TO UNSPEAKABLE ATROCITIES, CRIMES AGAINST HUMANITY. THE EVIDENCE THAT PRESENTS ITSELF NOW BY THIS NATION'S PRESENT COURSE OF AFFAIRS, TO INCLUDE YOU FRAMING ME FOR THE MURDER OF MY OWN CHILD. AS A REALIST, THEY SUGGEST TO ME THAT YOUR PRESENT RACIST ACTIONS ARE NO DIFFERENT THAN THAT OF YOUR RACIST FORE FATHERS. WHITES ARE NOT SUPERIOR PEOPLE. YOU HAVE DECEIVED YOURSELVES. PROOF OF THAT IS THAT GOD MADE THE FORERUNNER TO HIS CHRIST A "BLACK MAN". IF BEING "WHITE" WAS SUPERIOR? GOD WOULD HAVE MADE HIS CHRIST FORERUNNER WHITE. IN WISDOM, GOD CHOSE "BLACK". IS HE NOT THE BEST OF PLANNERS? (SMILE). YOUR PREDOMINATELY RACIST CULTURE COMMITTED THESE ATROCITIES IN THE PAST. YOU STILL COMMIT THESE RACIST EVILS TODAY LIKE YOU BASTARDS ARE STROLLING THROUGH THE PARK IN A DRUNKEN STUPOR. THE APPLE DON'T FALL TO FAR FROM THE TREE. DESPITE GOD'S

MERCY, YOU WHITE RACIST DEVILS HAVE NOT CHANGED IN OVER HUNDREDS OF YEARS. THIS IS EVIDENT FROM THE RECENT ELECTION PLACING THAT "DAVID DUKES" DOG DONALD TRUMP IN THE WHITEHOUSE; NOOSES ARE STILL BEING HUNG FROM YOUR UNIVERSITY CAMPUSES TREES AND OTHER RACIST ACTS ALL OVER THE INTERNET IN YOUR ALT RIGHT WHITE NATIONALIST RACIAL BONDING, WHITE ILLUSIONARY PRIVILEGE THAT YOU "THINK" YOU HAVE. THE ONLY "WHITE PRIVILEGE" YOU RACIST BASTARDS WILL HAVE, IS TO BE THE FIRST WORTHLESS DOGS THAT ARE TOSSED INTO THE HELLFIRE WHERE YOUR FATHER THE DEVIL WILL BE STICKING A "PITCH FORK" UP YOUR RUMPS. THERE ARE IDIOTS AND BASTARDS WITHIN ALL CULTURES GLOBALLY. YOU DON'T HAVE THE MONOPOLY. YOU RACIST WHITE BASTARDS AND DOGS JUST HAPPEN TO BE SOME OF THE ONES IN YOURS. ITS TIME TO HAVE A CONVERSATION ABOUT RACE IN AMERICA. THE TRUTH CAN GET UGLY, EVEN VULGAR AT TIMES. THIS IS THE NATURE OF WHAT WE HAVE TO DEAL WITH HERE. THE EVILS YOUR RACE HAS DONE, AND CONTINUALLY DO IS NOT A PRETTY PICTURE. I AM A REALIST, AND THIS IS THE REALITY OF THINGS. I AM NOT ISSUING A "BLANKET INDICTMENT" ON THE WHITE RACE. THIS WOULD BE JUST AS EVIL AS THE EVILS YOUR RACE PERPETRATED AGAINST MINE. MANY OF THESE PRECIOUS WHITE SOULS DIED AND SUFFERED THEMSELVES STANDING OUT AGAINST THE INJUSTICES THAT WERE BEING COMMITTED AGAINST MY PEOPLE. MY LOVE AND DEVOTION IS GIVEN TO THEM AND THEIR DESCENDANTS. I, MY PEOPLE AND THE WORLD OWE THEM A DEBT OF GRATITUDE WHERE PART OF THE MONIES SOUGHT WILL GO TO THEIR DESCENDANTS. ITS THE LEAST I CAN DO FOR MY BELOVED WHITE BRETHREN . STILL, YOUR RACIST, EVIL ACTIONS THAT PRESENTLY EXIST ARE INDICATIVE, ENDEMIC WITHIN SOCIETY AND PROVE, BY WHAT YOU DID TO ME, CREATING A FICTITIOUS HOMICIDE AND FRAMING ME FOR THE MURDER OF MY OWN CHILD; THE REALITY OF THE EXISTENCE OF THIS BROKE JUDICIAL SYSTEM THAT DISPROPORTIONATELY TARGET AFRICAN AMERICANS AND OTHER MINORITIES IN YOUR RACIAL PROFILING AND POLICING; THE SHOOTING DOWN IN THE STREETS, IN COLD BLOOD OF MY PEOPLE BY BRUTAL, RACIST COPS WHO GO "SCOTT FREE" IN YOUR "SO-CALLED", "FAIR" (LYING SNAKES) JUDICIAL SYSTEM; THE DENYING MY PEOPLE OF DECENT HOUSING AND FAIR EDUCATIONAL OPPORTUNITIES; THE DENYING THEM OF EQUAL PAY IN EMPLOYMENT AND PROPER HEALTH

CARE. BY ALL OF THESE CONTINUED EVILS PERPETRATED AGAINST MY PEOPLE WHERE THE WEALTH THAT YOUR ANCESTORS ACCUMULATED WAS OFF OF THE BLOOD, DEATH, BUTCHERING, RAPING AND TORTURING OF MY PEOPLE. NOW!!! IS THE TIME TO DEAL WITH YOUR EVILS AND INJUSTICES. I AM NOT A RACIST. I AM A REALIST, AND I HAVE DISCOVERED MY MISSION OUT OF RELATIVE OBSCURITY. MARTIN WAS "WATER",...I AM "FIRE!!!" AS MARTIN ONCE TOLD YOU. TRUTH SPEAKS TO POWER AND DEMAND!!! I HAVE FOUND SOMETHING WORTH DYING FOR, AS MARTIN SAID. WHAT IS WORTH DYING FOR?,...IS THE LOVE OF THE ONE TRUE GOD, HIS LAWS BEING RESTORED GLOBALLY, ESTABLISHING THE RIGHTS OF A ONCE ENSLAVED AND TORTURED PEOPLE, AND ALL OF THE AFOREMENTIONED,...COMES UNDER "JUSTICE AND FAIRNESS".

I AM GETTING TIRED OF YOU PEOPLE CONTINUALLY PLAYING THESE STUPID GAMES WITH ME, PRETENDING LIKE YOU RAT, STINKING, DEMON DOGS DON'T UNDERSTAND LAW, YOU CORRUPT DEVILS. YOU KLANSMEN AND BLACK SLAVE OVERSEER TYPE JUDGES ARE JUST LIKE THAT STUPID, VILLAGE IDIOT RACIST, BASTARD PRESIDENT OF YOURS YOU GOT SITTING IN THE WHITEHOUSE. THE DONALD DUCK DUNCE TRUMP, TALKING ABOUT HE WILL DEFEND AGAINST ALL ENEMIES OF THE SOUTH TO PRESERVE YOUR WAY OF LIFE? YOUR WAY OF LIFE PROMOTES HOMOSEXUALITY AND LESBIANISM. YOUR WAY OF LIFE PROMOTES CAPITISTIC, DOG EAT DOG, GREED, ROBBING YOUR WORKERS AND DECEIVING THE GLOBAL MASSES!!! YOUR WAY OF LIFE WILL SEND YOU ALL TO HELL!!! AND I NOR ANY RIGHTEOUS AFRICAN AMERICAN, CHRISTIAN, MUSLIM OR JEW WANT ANY PART OF THAT. YOU CAN TAKE THAT WAY OF LIFE AND SHOVE IT!!! IT IS FUEL FOR THE FIRES OF HELL. TRUMP NEEDS TO DEFEND AGAINST THE STUPIDITY THAT'S CONTINUALLY COMING OUT OF HIS MOUTH. PUT A SOCK IN IT. EVERY TIME THAT RACIST DOG SPEAKS OR TWEETS, THE NATIONAL I.Q. DROPS DOWN INTO THE SINGLE DIGITS.

JUDGE AUSTIN. YOU ARE COMMANDED AS THE KING-KHALIFAH'S TRUSTEE, TO DISSOLVE ALL SAME SEX MARRIAGES NATIONALLY AND GLOBALLY. ISSUE THE ORDER. YOU ARE TO SEE THAT THE ORDERS ISSUED IN CASES 8:16-cv-3328-RBH-JDA, 077386 AND ANY OTHER ORDER ISSUED BY THE S.C. U.S. DISTRICT COURT JUDGES ADVERSELY ISSUED, ARE VACATED IN ALL RELATED CASES. YOU ARE TO ESTABLISH THE \$100

TRILLION LIEN AGAINST THE (193) MEMBER STATES OF THE UNITED NATIONS AND ALL (50) STATES OF THIS NATION. YOU ARE TO FREEZE THEIR GLOBAL ASSETS IN (15) DAYS, WHICH WILL ALLOW US TO DEAL WITH NATIONAL PRISON REFORM, WHAT THESE DEVILS DID WITH THESE SODOMITES, AND THE ATROCITIES DONE TO MY PEOPLE DURING SLAVERY AND JIM CROW. THE CONSPIRING PARTIES INTENT WAS TO CAUSE A DETRIMENTAL EFFECT IN THE APPEAL IN THE 4TH. CIRCUIT UNDER CASE 17-6693 AND THE APPEAL OF CASE 8:14-cv-3555-RBH-JDA. HARWELL AND RABNER WERE WITHOUT JURISDICTION DUE TO THE FRAUD THEY CONSPIRED IN. THE APPEAL IN CASE 9:16-cv-3808-TLW-BM THAT THE CONSPIRING JUDGES FILED WITHOUT MY CONSENT IS WITHDRAWN UNDER CASE 17-6695 AND THAT CASE REMAINS WITHIN THE JURISDICTION OF THE DISTRICT COURT AS IT EXISTED BEFORE THEIR FRAUD. ALL RELATED CASES, PAST AND PRESENT, TO INCLUDE ALL RELATED PARALLEL CASES, ARE REINSTATED AND OR ARE ESSENTIALLY ON REMAND BY DECREE AND JUDGMENT OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC COURT, WHOSE POWER SUPERSEDES ALL COURTS BY THE DEFAULT, RESTRICTING ALL COURTS INVOLVED JURISDICTION TO DO NOTHING, EXCEPT GRANT THE RELIEF THAT IS DEMANDED. BY THEIR FRAUD, OBSTRUCTION OF JUSTICE AND CRIMINAL CONSPIRACY, THEY ARE IN FORFEITURE OF ALL RIGHTS, AND THEY HAVE SUBSTANTIALLY BURDENED THE OBLIGATION OF THE CONTRACT, OF THE GRANT THAT WAS GIVEN TO THESE NATIONS BY THE SOLE CORPORATION WHERE THEY ARE ALSO IN EGREGIOUS VIOLATION OF ARTICLE III SECTION 1 AND 18 U.S.C. §§ 242 AND 1001. BY THEIR ACTIONS, AS THE FIDUCIARY HEIR. THIS ALLOWS ME TO INTERVENE AND BRING ACTION TO ABOLISH ANY ACT DONE BY THEM, THAT VIOLATES THE TERMS OF THE CONTRACT, THE GRANT, GIVEN BY THE SOLE CORPORATION WHERE THESE PARTIES ARE ALSO IN VIOLATION OF ARTICLE 1 SECTION 10 OF THE UNITED STATES CONSTITUTION. SO IT IS NOW WRITTEN,...SO LET IT BE DONE. THE CONTRACT CANNOT BE MADE OR UNMADE BY THE COURTS, AMERICAN-MUT.-LIBERTY-INS.-CO.-v.-PLYWOOD-PLASTICS-CORP., 81 F.Supp. 157(DSC.1948); OPARAH-v.-THE-NEW-YORK-CITY-DEPT. OF-EDUC., F.Supp.3d., 2015 WL 4240733(N.Y.D.C.2015); INTERNATIONAL-ASS'N-OF-MERCHANTS-LODGE-1652-v.-INTERNATIONAL-AIRCRAFT SERVICES-INC.-{CHARLESTON}, 302 F2d. 808, 49 L.R.R.M. (BNA) 2976(4TH.CIR.1962); TRUSTEES-OF-DARTHMOUTH-COLLEGE-v.-WOODWARD, 17 U.S. 518, 1819 WL 2201. IT IS SO ORDERED.

STAY ALL CASES TRUSTEE AUSTIN, TO INCLUDE THE RICHLAND

COMMON PLEAS COURT. YOU ARE TO VOID ALL PROTECTIVE ORDERS THE PARTIES MADE EFFORTS TO OBTAIN. SEE THAT THIS DOCUMENT IS FILED IN ALL CASES AND SERVED ON ALL JUDGES INVOLVED. JUDGE RABNER'S NAME RELATE BACK TO THE ORIGINAL COMPLAINTS OF THE § 1983'S DUE TO HIS NOW REVEALED PART IN THE CONSPIRACY INVOLVING THE RICHLAND S.C. COURT BEYOND HIS STATE TO PRODUCE A PROTECTIVE ORDER IN ANOTHER COURT TO WHICH HE HAD NO POWER OR JURISDICTION, TO ALLOW HIM TO DEFRAUD ME IN NEW JERSEY TO PREVENT OR THWART TRANSFER AND 4TH. CIRCUIT REVIEW. A JUDGE CAN BE SUED WHERE HE HAD NO JURISDICTION, TO CONSPIRE IN CASES TO WHICH HE IS NOT APPOINTED, OR IF THE ACTS DONE ARE NON JUDICIAL IN NATURE. SINCE HE WAS NOT APPOINTED OVER THAT CASE, IT BECOMES A CLERICAL OR ADMINISTRATIVE ACT DONE BY HIM AND THE OTHER JUDGES. IT IS ALSO NOT A JUDICIAL ACT TO ACT AS AN EMPLOYEE OF THE S.C. DEPT. OF CORR., RESPONSIBLE FOR TRANSPORT, AND PREVENT THE TRANSPORT OF THE KING-KHALIFAH FOR THE PURPOSES OF OBTAINING THOSE PROTECTIVE ORDERS IN QUESTION AND PREVENT JUDICIAL REVIEW IN ANOTHER COURT. NONE OF THESE JUDGES INVOLVED ARE IMMUNE FOR VIOLATIONS OF THE FOREIGN SOVEREIGN IMMUNITY ACT, VIOLATIONS OF THE C.A.T. TREATY, THE RICO ACT, OR THE ANTI PEONAGE ACT. CONGRESS HAS CARVED AN EXCEPTION TO THEIR IMMUNITY UNDER THESE CIRCUMSTANCES AS IS ARGUED. THEY ARE NOT IMMUNE FOR VIOLATIONS OF ARTICLE III SECTION 1 OF THE U.S. CONSTITUTION OR 18 U.S.C. §§ 242 AND 1001. IN THE AFRICAN TONGUE, "ABUNTU". "I AM",... "BECAUSE OF YOU". IN OTHER WORDS, BY THIS NATION'S CONSTANT EVILS AND RACIAL INEQUALITY, BY CORRUPT GOVERNMENT AND JUDICIAL INJUSTICE, THIS NATION HAS MADE ME. I'VE DISCOVERED MY MISSION OUT OF RELATIVE OBSCURITY, AND AS THE "BLACK MESSIAH" I SHALL FILL THE EARTH WITH JUSTICE AND FAIRNESS; THE SAME WAY IT HAD BEEN FILED WITH TYRANNY AND OPPRESSION. FOR THE SAKE OF "JUSTICE AND FAIRNESS", YOUR GLOBAL ASSETS ARE FROZEN WITHIN (15) DAYS. IT IS SO ORDERED.

HAVE THE DISTRICT COURT CLERK SEND ME THE CLOCKED STAMPED COPIES I REQUESTED. ALL PARTIES ARE GIVEN NOTICE THAT WE ARE SEEKING LEAVE TO APPEAL CASE 2:17-cv-1127; THE RICHLAND CASE DEALING WITH THEM TAINTED PROTECTIVE ORDERS YOU SOUGHT AND THE GOURDINE CASE 2016-000640 FROM THE S.C. COURT OF APPEALS. JUDGE AUSTIN AND ALL JUDGES INVOLVED, OUR IMMEDIATE REMOVAL ALONG

WITH ALL OF OUR PERSONAL PROPERTY, WITHOUT EXCEPTION, IS TO OCCUR WITHIN (15) DAYS OF THE FILING AND RECEIPT OF THIS DOCUMENT OR ADDITIONAL PENALTIES WILL ATTACH. NONE OF THE ISSUES CONTAINED WITHIN THIS DOCUMENT ARE ADDRESSED WITHIN ANY ORDER SUBMITTED BY THESE CORRUPT JUDGES IN RETALIATION BEHIND RELIGIOUS AND RACIAL HATRED, EVEN BY THE BLACK OVERSEER TYPES, ALSO BECAUSE THEY DID NOT LIKE THE WAY THEY WERE TALKED TO, WHICH IS PROTECTED SPEECH UNDER THE 1st. AMENDMENT. THIS ALSO DEMONSTRATE THAT THERE IS "PERSONAL BIAS", NOT JUST JUDICIAL BIAS REQUIRING THEIR RECUSAL DUE TO THE FRAUD AND ABUSE OF DISCRETION CONTINUALLY DONE. I, WE, OBJECT. BY THE U.S. SUPREME COURT CASES OF WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899, 195 L.Ed.2d. 132, 84 U.S.L.W. 4359 (U.S.2016); ROSS v. BLAKE, 136 S.Ct. 1850(2016); AND WEARRY v. CAIN, 136 S.Ct. 1002, 194 L.Ed.2d. 78(U.S.2016). WE HAVE ONE YEAR FROM THE TIME THE UNITED STATES SUPREME COURT MADE THEIR DETERMINATION IN THESE CASES TO FILE ACTION WITHIN THE DISTRICT COURT. WE ARE TIMELY YOU RAT, STINKING, CORRUPT, RACIST JUDGES. TRUSTEE AUSTIN GET ME OUT OF THIS PRISON!!! GET MY PEOPLE OUT OF THIS PRISON!!! HAVE US MOVED TO A FEDERAL PRE-RELEASE CAMP PURSUANT TO 28 U.S.C. § 1455(c) WITHIN (15) DAYS OR ADDITIONAL PENALTIES WILL ATTACH. WE MEET THE SUBSTANTIAL REQUIREMENTS OF 28 U.S.C. § 1443, AND THE CONVICTIONS ARE INVALIDATED BY THE FALSE IMPRISONMENT TORT UNDER CASE 2013-CP-400-0084, COMMONWEALTH-OF-VIRGINIA-v.-AYEM-EL,-DEFENDANT, 2016 WL 4507814 (E.D.Va.2016); MARYLAND-v.-GHAZI-EL, 2016 WL 2736183(Md.2016); COMMONWEALTH-OF-VIRGINIA-v.-EL, 2016 WL 3746376(E.D.Va.2016); WILLIAMS-v.-HOLLOWAY, 2014 WL 5529742, * 2+ (E.D.Va.2014); NORTH CAROLINA-v.-DAVIS, 2014 WL 1317647, * 1+ (E.D.Va.2014). IT IS SO ORDERED.

JULY 8, 2017

RESPECTFULLY,

JAHJAH AL MAHDI, THE KING OF
THE NORTH, THE LION AND KING-
KHALIFAH OF ALLAH, CHIEF JUSTICE
OF THE GLOBAL THEOCRATIC STATE
AND COURT BY DEFAULT/ESTOPPEL
ET. AL.

SUPREME COURT OF NEW JERSEY
M-1400/1401 September Term 2016
077386

STATE OF NEW JERSEY,
PLAINTIFF,

V.

LAWRENCE CRAWFORD,
DEFENDANT-MOVANT.

FILED

JUN 29 2017

Mark Henry
CLERK

O R D E R

It is ORDERED that the motion for an extension of time to
file an appellant's brief (M-1400) is granted; and it is further
ORDERED that the motion for stay (M-1401) is denied.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at
Trenton, this 27th day of June, 2017.

Mark Henry
CLERK OF THE SUPREME COURT

SUPREME COURT OF NEW JERSEY
M-1402 September Term 2016
077386

STATE OF NEW JERSEY,
PLAINTIFF,

FILED

JUN 29 2017

V.

Mark Healy
CLERK

ORDER

LAWRENCE CRAWFORD,
DEFENDANT-APPELLANT.

This matter having been duly presented to the Court on defendant's appeal as of right from the judgment of the Superior Court, Appellate Division in A-005205-13; and the Court having determined that the matter does not raise a substantial constitutional question under Rule 2:2-1(a)(1) and the applicable case law;

It is ORDERED that the appeal is dismissed on the Court's own motion.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at
Trenton, this 27th day of June, 2017.

Stuart Rabner
CLERK OF THE SUPREME COURT

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

david duren #181965;
Lawrence L. Crawford AKA
Jonah Gabriel Jahjah T.
MAHDI #300839

PETITIONER(S)

C/A 2:17-cv-1127-JMC-MGB

Exhibit # 8

Vs.

AFFIDAVIT OF SERVICE

JUDGE ROBERT E. HOOD ET. AL.,

DEFENDANT(S)

WE, david duren, ET. AL., DO HEREBY CERTIFY, THAT WE HAVE MAILED
AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL
NOTICE, SUPPLEMENTING THE MOTION TO VACATE THE ORDER SUBMITTED
BY JUDGE BAKER; MOTION TO AMEND THE PARTIES AND MOTION TO MOTION
THEREFOR, ON THE S.C. U.S. DISTRICT COURT, BY U.S. MAIL POSTAGE
PREPAID BY DEPOSITING IT AND ATTACHMENT IN THE INSTITUTION MAIL
BOX ON MAY 25, 2017. IT IS DEEMED FILED ON THAT DATE, HOUSTON
v. LACK, 287 U.S. 266, 273-76, 108 S.Ct. 2379(1988).

RESPECTFULLY,

david duren

David Duren

JAHJAH AL MAHDI

MAY 25, 2017

[Signature]

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

david duren #181965;

Lawrence L. Crawford AKA

Jonah Gabriel Jahjah T.

Tishbite AKA JAHJAH AL

MAHDI #300839

C/A 2:17-cv-1127-JMC-MGB

Exhibit # 9

PETITIONER(S)

Vs.

AFFIDAVIT OF SERVICE

JUDGE ROBERT E. HOOD ET. AL.,

DEFENDANT(S)

WE, david duren ET. AL., DO HEREBY CERTIFY, THAT WE HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE, MOTIONING TO VACATE THE ORDER ISSUED BY JUDGE BAKER ENTRY # 14; MOTION TO AMEND THE PARTIES AND MOTION TO MOTION THEREFOR, ON THE U.S. DISTRICT COURT, BY U.S. MAIL POSTAGE PREPAID BY DEPOSITING THEM IN THE INSTITUTION MAILBOX ON MAY 19, 2017. IT AND ATTACHMENTS ARE DEEMED FILED ON THAT DATE, HOUSTON v. LACK, 287 U.S. 266, 273-76, 108 S.Ct. 2379(1988).

JAHJAH AL MAHDI

RESPECTFULLY,

david duren

David Duren

[Signature]
MAY 19, 2017

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

david duren #181965;

Lawrence L. Crawford AKA

Jonah Gabriel Jahjah T.

Tishbite AKA JAHJAH AL

MAHDI #300839

PETITIONER(S)

Vs.

JUDGE ROBERT E. HOOD ET. AL.,

DEFENDANT(S)

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C/A 2:17-cv-1127-JMC-MGB

AFFIDAVIT OF FACTS GIVING

JUDICIAL NOTICE, FILING WRIT

OF ERROR; MOTIONING TO VACATE

THE ORDER ISSUED BY JUDGE BAKER

ENTRY # 14; MOTION TO AMEND

THE PARTIES AND MOTION TO MOTION

THEREFOR

TO: THE S.C. U.S. DISTRICT COURT ET. AL.,

Attached the court will find:

(1) A copy of an § 2254 petition. I and or we give the District Court notice that Habeas Corpus is being sought for david duren as it is for Crawford, Cook and Muquit under cases 8:14-cv-3555-RBH-JDA; 8:16-cv-3327, 3328, 3194-RBH-JDA.

(2) A copy of the Writ Of Mandamus that make up case 16-2299 pending in the 4th. Circuit Court Of Appeals.

(3) A copy of the Affidavit Of Facts Giving Judicial Notice, Filing Objections To The Report And Recommendation in This case Corrupt Judges And Motion To Motion Therefor, [22]

pages dated May 16, 2017.

(4) A copy of the Affidavit Of Service and Affidavit Of Facts Giving Judicial Notice; Filing Writ Of Error; Motion To Vacate The Order Filed May 11, 2017; Renewing Motion For Rehearing EN BANC To Challenge To The 4th. Circuit Court's jurisdiction To Enter It And Motion To Motion Therefor, [5] pages dated MAY 17, 2017 and its attachment.

(5) A copy of the Appellate Brief in the case of Jason Morris Gourdine v. The State Of South Carolina, Appellate case No. 2016-000640.

Insomuch, Writ Of Error is filed to vacate the order issued by Judge Baker and I and or we motion to vacate reference to the magistrate Judge altogether since the presence of these magistrate Judges are solely for the purpose of engaging in additional acts of fraud upon the court.

If the court would take notice of the (22) page document that was filed in case 9:16-cv-3808-TLW-BM. On page (3) of the document. It refers to a (14) page Affidavit Of Service dated April 25, 2017. By that document filed in case 9:16-cv-3808-TLW-BM. You will see that Judge Baker is listed as a defendant in these cases. These cases represent parallel litigation arguing the same claims. Judge Baker issued the order on May 16, 2017 where as of April 25, 2017 she was a defendant in these cases. Thus, pursuant to Williams v. Pennsylvania, 136 S.Ct. 1899(2016), her presence created a structural error which voided her jurisdiction for Due Process violation. A Judge cannot sit upon cases to which she is a defendant. This is parallel litigation. The order must be deemed void for Due Process violation. I and or we motion for her and your recusal Judge Childs.

I and or we object to the Judge's assessment that this case was filed by david duren alone. The pleadings are specific and clearly inform the court that the case is filed individually

by david duren but Lawrence L. Crawford is also a party to protect his acquired interest under Federal Rules 19 and or 20 and or 23, to include the provisions of The Foreign Sovereign Immunity Act. This right is established by the claim of default and collateral estoppel emerging from case 2013-CP-400-0084 out of Richland County which Judge Childs you are clearly aware of. Unless the District Court can produce an order from case 2013-CP-400-0084 that's not tainted by egregious acts of fraud and machination. Lawrence L. Crawford is now "LEGALLY" (emphasis added) a Foreign Sovereign and a Foreign State. He has acquired ~~interest in this case and voluntarily joins as a party to protect~~ that interest. I and or we motion to amend the plaintiffs in this case to reflect this.

I and or we object to the claim that david duren is specifically suing the defendants as Judge Baker fraudulently assert. It is Lawrence L. Crawford, The Rightful King, Khalifah to The (4) Global Thrones who is suing the parties directly. I and the other parties in the parallel cases are suing them because they conspired with the state actors to compromise our Due Process matters in challenging our convictions because we sought to aid the King-Khalifah exercise rights given to him by the U.S. Constitution, The Foreign Sovereign Immunity Act, The Americans With Disabilities Act and other laws and or Treaties Of The United States. Judge Baker conspiring under color of law abused her discretion in acts of fraud upon the court. This taints the order requiring that it be rendered void.

I and or we object to the claim that the Judges of the S.C. District Court are not being sued in their entirety. If the court would look at the (14) page Affidavit Of Service filed in case 9:16-cv-3808-TLW-BM. You will see Judges Currie, Baker and all the Judges names listed specifically. All the Judges Of The S.C. U.S. District Court are specific defendants. Since pursuant to Williams v. Pennsylvania, 136 S.Ct. 1899(2016) her jurisdiction is voided for Due Process violation. I and or we motion that all parties be named and or the other cases be con-

solidated pursuant to 28 U.S.C. § 1602-1612 et. seq., since the King-Khalifah is legally party to all cases to protect his interest and we are dealing with parallel litigation.

I and or we object to this case not being certified as a class action. If you look at the (22) page document dated MAY 16, 2017, The (26) page Writ Of Mandamus that established case 16-2299, and The Jason Gourdine Brief. It becomes overwhelmingly obvious that we meet every criterion set in place that would require class action review. We already cited the ~~numerous recent cases where even the 4th. Circuit permitted~~ class action review. No one plaintiff is attempting to use one set of filing in forma pauperis documents for numerous plaintiffs. We all filed separate documents and pleadings allowing consolidation.

I and or we object to the use of PLRA provisions as a means to separate us. Unless the S.C. U.S. District Court can show evidence and legal cases recently decided that determine that the evidence gathered by Michelle Alexander, an independent investigator, producing the Book, "Mass Incarceration In The Age Of Colorblindness, The New Jim Crow", and the documentary that aired on PBS called "13" are false. Then PLRA disproportionately affect African Americans and stand in egregious violation Of The United States Supreme Court holdings in Ex Parte Virginia, 100 U.S. 339(1880), and cannot be used by this court, tainting Judge Baker's order making such a determination unconstitutional. I and or we object and motion to vacate the order.

PLRA does not prevent joint filing under The Foreign Sovereign Immunity Act or under International and or Federal Probate Laws where we are beneficiaries of a Trust and the other legal claims made in the Mandamus that make up case 16-2299. If the court cannot produce an order from case 2013-CP-400-0084 that is not tainted by fraud and machination. Not only is Lawrence L. Crawford permitted to join each of these cases as a party. I and or we give the court notice that by the claim

of default and collateral estoppel emerging from case 2013-CP-400-0084. You are given notice that he, Crawford, JAHJAH AL MAHDI, not only invoke the superseding Judicial powers that are given to him by the default to which your employer The United States is party, which binds this court. He now also invoke his Attorney powers given to him by the default and is now acting Attorney on all these cases until further notice. Due to the default the District Court is barred from challenging this. This case is essentially on remand by decree of The Global Theocratic Court, Chief Justice JAHJAH AL MAHDI, and you are hereby ~~ordered to issue service on all involved parties and schedule~~ an evidentiary hearing to address issues of discovery, class action certification, the appointment of additional legal counsel and the transferring of these cases to the New Jersey District Court pursuant to 28 U.S.C. §§ 1404 and 1407. The petitioners and all of their property, without exception is to be removed to the nicest Federal pre-release camp that you can find pursuant to 28 U.S.C. § 1455(c). IT IS SO ORDERED. Res Judicata attaches from Judges Harwell and Austin as well.

RESPECTFULLY,

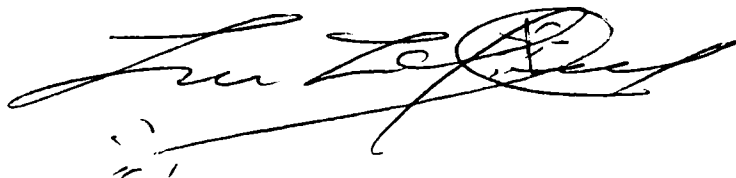
david duren



JAHJAH AL MAHDI Chief

Justice Of The Global

Theocratic Court



MAY 19, 2017

Exhibit # 10

The Petition To Remove

Affidavit of Service

We David Duren ET AL, do hereby Certify,
That we have mailed and served a copy
of an affidavit of fact giving Judicial
Notice; Petition to Remove, on the U.S.
District Court and all involved parties
By U.S. Mail postage prepaid by placing
it in the Institution Mail Box on Friday
July 21, 2017. It is deemed filed on that
date, Houston v Lack, 287 U.S. 266, 273-76,
108 S.Ct. 2379 (1988)

Respectfully

David Duren
David Duren

Tahlah AL Mohli



Anthony Cook

Anthony Cook

Robert Mitchell

Tim Mearl

Tason Gourdine

Tason Gourdine

July 21, 2017

UNITED STATES DISTRICT COURT
DISTRICT OF South Carolina

David Luren ET AL
PETITIONERS

VS.

State of South Carolina
ET AL
DEFENDANTS

2:17-CV-1127-JMC-MGB
8:16-CV-3328-RBH-YDA
9:16-CV-3808-TW-BM
9:17-CV-1140-TW-BM
2:17-CV-1300-RMG-MGB
9:17-CV-1803
2017-000605
5:17-CV-1364-BHM-KDW

Affidavit of Facts
giving Judicial Notice:
PETITION TO Remove

TO: The South Carolina Supreme Court
All Judges Contained Therein, the U.S.
District Court Et Al;

Due to the recent act of fraud upon
the Courts, Criminal Conspiracy, obstruction
of Justice perpetrated by both the State
and Federal Actors in this case to cause
a detrimental effect to the appeal in the
Circuit by these acts of Machination in
Violation of Ross v Blake 136 S.Ct. 1850 (2016)

Case 2017-000605 is petitioned Removed
to all Federal Cases listed in the Caption
of this document to protect it pursuant to
28 U.S.C. §§ 1443(1), 1602-1612 Et Seq. Your
Jurisdiction is divested, Lowett v Deutsche
BANK NAT. TRUST Co., 7 Supp 2d, 2013 WL
841679 (DSC 2013).

Josiah Goundine
Jason London
Robert Mitchell
Ricky Miller

July 20, 2017

Respectfully
David Duren
David Duren

Tahlah Al Mohdi

Anthony Cook
Anthony Cook

Exhibit # 11

The notice of appeal wherein
the attorney admits it was
pro se and an order from
the case wherein no written
order on the issue of
self representation is
produced.

Exhibit # 12

Additional issues that
would have been argued
in the PCR.

(1) DISCOVERY IS Required in Fundamental Fairness to the Plaintiff to prevent the depriving the plaintiff of Substantial Rights of due process in bringing the case Against the defendant

Dyer v Maryland F. Supp 3d..., 2016 WL 2939740 (2016)

Russell v Hokey F. Supp 3d, 2014 WL 2980241 (D.S.C. 2014)

State v Geer 391 S.C. 179, 705 S.E.2d 441 (2010)

State v Moses, 390 S.C. 502, 702 S.E.2d 395 (2010)

State v Smith, S.E.2d, 2015 WL 1546263 (2015)

(2) The Request Relevant and would have a direct impact on any Judicial Termination in this Case. And the failure to grant such detrimental effect upon the plaintiff Case due process Right to Introduce evidence
McClellan v S.C. Dept of Ed: Transportation, 790 S.E.2d 393 (2016)

Tont v S.C. Dept of Corr, 408 S.C. 334, 759 S.E.2d 398 (2014)

(3) The discovery sought is for the purpose of revealing the fraud and Concealing of Material facts which in egregious violation of 18 U.S.C. Sub Section 1001; 42 U.S.C. 1985(2), (3) AND 1986. This is not merely a fishing expedition. The petitioner is attempting to obtain evidence that he knows exist and is relevance to the claim of fraud

Wells Fargo Bank, N.A. v Pappas S.E.2d 2016 WL 3200188 (2016)

Austin v Stokes Craven Holding Corp 387 S.C. 22, 691 S.E.2d 135 (2010)

Gillins v Celoden Trucking Service, Inc 2016 WL 4455018 (2016)

Doan v Cohen, S.E.2d... 2016 WL 4123949 (2016)

M^{rs} Nathan v S.C. Dept of Ed? Transportation 790 S.E.2d 393 (2016)

Simmons v State 416 S.C. 584, 788 S.E.2d 220 (2016)

(4) We are also dealing with a situation here where the Respondent is conspiring under Color of State Law and denying full and proper discovery in violation of due process law; and denied the petitioner the equal protection of the law

Luger v Edmondson Oil Co, Inc. 457 U.S. 922, 102 S.Ct 2744 (U.S. 1982)

France v Lucas ... F3d..., 2016 WL 4655743 (2016)

Patterson v Auto Zone Auto Parts Inc, F Supp 2d, 2011, WL 379427 (D.C.C. 2011)

Brower v Horowitz, 535 F.2d 830 (1976)

Innocent v Bank of New York Mellon, 2016 WL 386222 (2016)

(5) Evidence and Document in question is favorable to the accused. It was in the possession of or known to the prosecution. It was suppressed by the prosecution and it was material to guilt or punishment and would reasonably likely have affected the judgment of the jury and sufficiently undermined the conviction in the verdict.

The State Respondent v Walter Jacob Merka Appellant S.E.2d, 2016 WL 5799737 (2016)

1) Assistant Solicitor Refused to give pro SE defendant Rule 5 and Rule 6 After defendant filed Request for Rule 5 and Rule 6 on Jan 30, 2015, After defendant became pro SE on Jan 21, 2015 and Attorney Jacob Smith of the Public Defender office Refuse to give Client his Complete Case file, or discovery. Solicitor (Asst) Lied AT Trial to Judge Jones that she gave discovery to defendant AT several different time He was brought to Court on the record. defendant would like to subpoena those Court transcript.

(2) Prison uncounsel guilty Pleg. Attorney was not Appointed until day defendant was brought to Court before Judge Newman. (Not given an appeal or a P.C.R for those Charge

3) SC Supreme Court order dated March 5, 1999 (180 days order), No Continuances was even filed

(4) Detective John Milton exceeded the scope of Consent given for Buccab Swab, Violation of 4th amendment Right Violation of Consent (Written Agreement) Violation of the Obligation of Contract. Duress, Coercion (Plain Language Rule) No Chain of Custody after Det. Milton Written Consent was a Contract, Det Milton Violated the terms of the Contract

(5) Amendment to the indictment ^{Changed} ~~changed~~ the Nature of the offense, also the amendment was a new statute from the original indictment

(6) No Chain of Custody for Deer Tracy Tilton who took both blood swab at crime scene, not were there a sworn Affidavit from person performing the test.

(7) 14th Amendment Procedural due process, not given witness list on Jury Questionnaire, not given Adequate Notice of trial, defendant was served two business days with Amendment Indictment, no Jury Roster was given to defendant, no Scheduling order was given to defendant

(8) defendants Require Subpoena for the following

(A) TRANSCRIPT

- (1) Bond Hearing Nov 25, 2015 before Judge Cochran
- (2) Release of Counsel Hearing Jan 21, 2015 before Judge Cochran
- (3) Amend Indictment Hearing May 13, 2015 before Judge Cochran
- (4) DNA Hearing Oct 31, 2016 before Judge Young
- (5) Motion Hearing before Judge James May 18 or 19 2015 And Copy of all Motion placed before Judge James.

9. Violation of 6th Amendment Right to Counsel
At bond hearing for warrant of 2nd degree
Burglary at Thomas & Howard 156 S. Horvin
St., Sumter S.C. Bond hearing was before
Judge Gibson

State of South Carolina
County of Sumter

David A. Duran
RECORDED
2015 OCT 29 PM 2:03
Applicant
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.
-V-

State of South Carolina
Respondent

Court of Common Pleas
Third Judicial Circuit

CASE 2015-CP-43-2134

Affidavit of Facts Showing
Judicial Notice of Exercising
Rights to Act Pro SE

Exhibit #12

TO: The Sumter County Court of Common Pleas ET AL,
The applicant in the above captioned matter hereby gives the
Court and all parties notice that Attorney Timothy Smith,
Sir you are officially fired. The applicant will exercise his
Constitutional Due Process Right to Act Pro SE. He ENTERS INTO
this with his eyes fully open being clearly aware of ALL the
dangers associated with self representation.

This is the Applicant's Right to Counsel of Choice". This
Right extends not only to trial proceeding. It applies to direct
Appeal, PERS, Writ of Cert, Habeas Corpus, including any
other type of Court proceeding.

The provisions of 28 U.S.C. A § 1654 speak with all
Clarity and particularity. By the mandates of U.S.C. A,
Amend 6, in "[ALL]" (emphasis added) Courts of the United
States the parties may plead and conduct their own
case personally or by Counsel AS, by Rules of Such
Court,

Respectively, are permitted to manage and conduct therein, Julien v American Bar Assn, D.C. Tex 1975, 407 F.Supp. 451 Aff'd 539 F.2d 715 Aff'd 542 F.2d 56; United States v Dougherty, 1972, 473 F.2d 1113, 154 U.S. App D.C. 74 United States v Hall, 587 Fed Appx 758 CA1 (VA 2014).

If the Court prevented this, it would not be a harmless error since the applicant seeks to challenge the trial courts jurisdiction, acts of fraud upon the court, where the S.C. Attorney General conspiring under color of state law cause egregious harm to the applicants proceedings knowing fully well there were overwhelming jurisdictional defects, violations of due process in an attempt to establish modern day slavery in violation of the Anti Piracy Act, and even the Rico Act, Chapman v California, 386 U.S. 18, 24, 87 S.Ct 824, 828, 77 L.ed 2d 705, 710-UL 1967.

To compel a criminal defendant to be represented by counsel in all cases would conflict with his statutory and constitutional right to conduct and manage his own defense, Lowen v United States, CA 7 (Ind) 1969, 418 F.2d 110 Cert. denied 90 S.Ct 1378, 397 U.S. 1048 L.ed 2d 660; Lercha v California, 422 U.S. At 83 N. 46, 95 S.Ct At 2541-2549, U.S. L.ed 2d 562, 592 (1975); Wiggins v Estelle, 681 F.2d 266 (1982)

The 6th Amendment itself grants every defendant, state or federal, the right to personally conduct his own defense. ~~He~~ He has the right to proceed without state appointed counsel. If the court is concerned counsel can remain on stand-by, but stand-by only. The applicant voluntarily and intelligently elects to

to do with his eyes wide open aware of the dangers,
Judich v United States, 342 F2d 29, 30 (5th Cir 1965);
Middlebrook v United States, 457 F2d 657, 659 (5th Cir 1972)
(Decision to defend Pro SE is exercising of defendant's Right
to "Freedom of Choice")

The Constitutional Right to have a Lawyer, is a
treasured one, but the Constitutional Right to Refuse a
Lawyer's help is also given Constitutional dignity. The Supreme
Court loathe denying the latter unless compelled to do so by clear
and commanding precedent. The Constitutional Right to Act Pro SE
as Counsel of ones choice must not be denied. Place Appointed
Counsel on stand-by or drop him altogether. once this Right
is recognized by the Court I motion for an extension of
time to prepare, Chapman v United States, 553 F2d 886 (1997);
United States v Pike, 439 F2d 685 (9th Cir 1971); United States
v Warner 428 F2d 730 (8th Cir 1970) Cert. denied 400 U.S.
930, 91 Sct 194, 27 Lcd 2d 191 (1971); Arnold v United States
404 F2d 1056 (9th Cir 1969) Cert denied 396 U.S. 90 Sct 593,
24 Lcd 2d 514 (1970); United States v Platten, 330 F2d 271;
United States v Gonzales-Lopez, 548 U.S. 140, 226 Sct 2557,
165 Lcd 2d 409 (2006); Chaplin & Daysdale Chartered v United
States, 491 U.S. 617, 624-625 (1989); Wheat v United States
486 U.S. 153, 159 (1988); Rodriguez v Chandler, 382 F3d 670,
675 (CA. 7 2004) Cert denied 543 U.S. 1156 (2005); Powell v
Alabama, 287 U.S. 45, 53 (1932); Sullivan v Louisiana, 508 U.S. 275,
282; Arizona v Fulminante, 499 U.S. 279, 309-310; McKaskle v
Wiggins, 465 U.S. 168, 177-178 n. 8 (1984); Kaley v United States,
134 Sct 1090, 188 Lcd 2d 46, 82 USLW 4110, 14 Cal daily of Serv
1920, (U.S. 2014); United States v Holmes F Supp 2d, 2012 WL 195,
2286 (DSC 2012); State v Barnes 407 S.C. 27, 753 SE2d 545
SC (2014)

October 26, 2015

4 of 4

Respectfully
David A. Duran

STATE of South Carolina
County of Sumter

Court of Common Pleas
Third Judicial Circuit

David A. Duren

RECORDED

Applicant

2015 OCT 29 PM 2:02

CASE 2015-CA-43-2134

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

-V-

Proof of Service

State of South Carolina
Respondent

I David A. Duren do hereby certify that I have served a copy of an affidavit of facts giving Judicial Notice of exercising Rights to Act Pro SE, (4) pages dated OCT 26, 2015, at The Sumter County Court of Common Pleas, Attorney Timothy Griffin and The S.C. Attorney General by U.S. Mail postage prepaid on OCT 29, 2015 by giving to Mailroom Clerk on October 29, 2015.

Respectfully
David A. Duren

OCTOBER 29, 2015