STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
KRISTI LEA HARRINGTON, PRESIDING JUDGE

THE STATE,

RESPONDENT

Vs.

JASON MORRIS GOURDINE,

APPELLANT

APPELLATE CASE No. 2016-000640

APPELLANT BRIEF

JASON MORRIS GOURDINE
#199055 WANDO C-255
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, S.C. 29472
APPELLANT

Jason Morris Gourdine

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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

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. Mc Neely. 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 prosecutional 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 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?

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., 288 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 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 INDICTMENT(S), BY THEIR LANGUAGE CONTAINED THEREIN POSSESS A STRUCTURAL CONSTITUTIONAL ERROR THAT TAKE AWAY THE PRESUMPTION OF INNOCENCE AND SHIFT THE BURDEN OF PERSUASION TO THE DEFENDANT. THIS IS A DUE PROCESS ISSUE WHICH VOIDS JURISDICTION FOR DUE PROCESS VIOLATION. IT CAN BE RAISED AT ANY TIME AND CANNOT BE WAIVED BY THE DEFENDANT. THEREFORE, IT DOES NOT HAVE TO BE PRESERVED BY A TIMELY OBJECTION AND CAN BE RAISED FOR THE FIRST TIME ON APPEAL. THE INDICTMENTS BY THEIR LANGUAGE PREDETERMINE GUILT OF ALL OFFENSES CHARGED, TO INCLUDE THE "MENS REA" ELEMENTS BEFORE ANY PROCEEDING BEGIN, CREATING AN INSTANT DOUBLE JEOPARDY CLAIM. THE GRAND JURY BY THE LANGUAGE CONTAINED WITHIN THE INDICTMENTS HAS ILLEGALLY TAKEN UPON THEMSELVES THE ROLE OF THE TRIAL JURY AND HAS CONVICTED THE APPELLANT, 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. BY THIS MISCARRIAGE OF JUSTICE. THE STATE HAS ESSENTIALLY ESTABLISHED A NEW FORM OF JIM CROW LAW AND OR MODERN DAY SLAVERY WHERE THIS DEFINITION FOR SLAVERY BY USE OF FRAUD AND DECEPTION, IS DEFINED WITHIN THE CONVENTION AGAINST TORTURE TREATY (THE C.A.T. TREATY) TO WHICH CONGRESS RATIFIED. BY SUCH, I CAN NO LONGER BE DEEMED **"DULY"** (EMPHASIS ADDED) IN VIOLATION OF S.C. CODE ANN § 17-25-10 WHERE SUCH LANGUAGE ALSO APPEARS IN THE 13th. AMENDMENT. SEE ARTICLE IV § 2 U.S. CONST.; S.C. CODE ANN §§ 17-19-10, 17-19-20; 41 AM. JURS.2d INDICTMENTS AND INFORMATION , MUNN v. STATE, 357 S.E.2d. 461(S.C.1987); SANDSTROM v. MONTANA, 442 U.S. 510 at 520, 99 S.Ct.(2450) at 2457 (61 L.Ed.2d. 39) (1979); MULLANEY v. WILBUR, 421 U.S. 684, 95 S.Ct. 1881, 44 L.Ed.2d. 508(1975); HUMANIK v. BEYERS, 811 F2d. 432(3rd.Cir.1989) ; UNITED STATES v. CLEMENS, 843 F2d. 741, 752(3rd.Cir.1988); MOORE v. DEMPSEY, 43 S.Ct. 265, 67 L.Ed. 542(1923); STATE v. PERRY, 595 S.E.2d. 883, 358 S.C. 633(S.C.2004); FRANCES v. FRANLIN, 471 U.S. 307, 105 S.Ct. 1965, 85 L.Ed.2d. 344(1983); STROMBERG v. CALIFORNIA, 283 U.S. 359, 51 S.Ct. 532, 75 L.Ed. 117 (1931); ROBINSON v. ARVONIO, 27 F3d. 877 REHEARING DENIED, CERT. GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129; STIRONE v. UNITED STATES, 361 U.S. 212(1960); UNITED STATES v. CALANDRA, 414 U.S. 338, 342-343, 98 S.Ct. 613, 617, 38 L.Ed.2d 561, 568(1974); UNITED STATES v. CHADWICK, CA9 (NEV.) 1977, 556 F2d. 450; SCREWS v. UNITED STATES, 325 U.S. 91, 65 S.Ct. 1031(1945); UNITED STATES v. PIRRO, 212 F3d. 89 (2nd.Cir.2000); 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; UNITED STATES DIRECT SALES CO., 40 F.Supp. 917 D.S.D.C. (1941); 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). THE COURT WILL FIND HOW THIS EXACT SAME ISSUE IS BEING ARGUED IN FULLNESS WITHIN THE APPELLANT'S HABEAS CORPUS UNDER CASE 9:17-cv-1803 IN THE U.S. DISTRICT COURT TO WHICH THIS CASES IS PETITIONED REMOVED AND THE OTHER PARALLEL CASES. THE EXTENDED VERSION OF THIS ISSUE BEFORE THE U.S. DISTRICT COURT IS SEEN

ON PAGES 1 THROUGH 21 OF EXHIBIT # 2 WHICH IS A DUPLICATE OF THE DOCUMENT FILED IN THE U.S. DISTRICT COURT FOR PURPOSES OF SEEKING CLASS ACTION CERTIFICATION.

ISSUE (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).

INASMUCH, THE ACT OF DENYING THE MOTION FOR SEVERANCE WAS DONE FOR THE INTENTION OF ENGAGING IN ACTS OF FRAUD UPON THE COURT. THE INDICTMENTS WERE FATALLY DEFECTIVE WHICH IS WHY THE SEVERANCE WAS DENIED TO CONCEAL THE PROSECUTION'S FATAL DEFECTS AND ERRORS. THE SPECIFIC NAME OF THE PERSON THE APPELLANT ALLEGEDLY CONSPIRED WITH WAS NOT ALLEGED IN THE BODY OF THE CHARGING INSTRUMENT, SO THEY HAD TO TRY US TOGETHER TO CONCEAL THIS DEFECT AND ALLOW THE JURY TO SEE EXACTLY WHO IT WAS I ALLEGEDLY CONSPIRED WITH OR THEY WOULD HAVE BEEN LEFT TO SPECULATE, DEMONSTRATING THAT THE PROSECUTION COULD NOT PROVE THE ESSENTIAL

ELEMENTS WITHOUT TRYING US TOGETHER. THIS IS A DUE PROCESS ISSUE WHICH VOIDS JURISDICTION FOR DUE PROCESS VIOLATION. THEREFORE, IT DOES NOT HAVE TO BE PRESERVED BY TIMELY OBJECTION BEING JURISDICTIONAL IN NATURE. FRAUD UPON THE COURT WAS COMMITTED, ALSO IN VIOLATION OF 18 U.S.C. §§ 242 AND 1001 FOR THE PURPOSE OF CONCEALING MATERIAL FACTS REGARDING THEIR FATAL INDICTMENT ERRORS AND FRAUD. THE ISSUE CAN BE RAISED UNDER THE INDEPENDENT ACTION RULE FOR FRAUD UPON THE COURT. THE PROSECUTION CONSPIRED UNDER COLOR OF STATE LAW TO BRING THE CASES AND CONCEAL THAT THE INDICTMENTS WERE FATALLY DEFECTIVE WHICH GAVE WAY TO CONSTRUCTIVE AMENDMENT. THEY DID THIS TO ALSO CONCEAL THE FACT THAT THERE WAS NO FINAL WRITTEN ORDER ISSUED FOR THE STAND YOUR GROUND HEARING. THE APPELLANT'S CONSTITUTIONAL DUE RIGHT PURSUANT TO NOTICE; BEING PROPERLY APPRISED AS TO THE CAUSE AND NATURE OF THE ACCUSATION OR OFFENSES; HAVING CRUCIAL, ESSENTIAL ELEMENTS AND OR AVERMENTS PASSED UPON BY THE GRAND JURY; TO CALL THE CO-DEFENDANT TO TESTIFY; TO ESTABLISH POTENTIAL ALIBI AND NOT HAVE THE INDICTMENTS CONSTRUCTIVELY AMENDED THROUGHOUT THE PROCEEDINGS WERE VIOLATED, PRODUCING EXTREME PREJUDICE, VOIDING JURISDICTION FOR DUE PROCESS VIOLATION, STATE-v.-McDONALD, 412 S.C. 133, 771 S.E.2d. 840(S.C.App.2015); STATE-v.-BECKMAN, 415 S.C. 632, 785 S.E.2d. 202(2016); STATE-v.-ROCHELLE, 425 S.E.2d. 32(S.C.1993); 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); U.S.-v.-BARTKO, 728 F3d. 327(4TH.Cir.2013); MOONEY-v.-HOLOHAN, 294 U.S. 103, 55 S.Ct. 340(U.S.1935); 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); 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); 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). THE EXTENDED VERSION OF HOW THIS EXACT SAME ISSUE IS BEING ARGUED BEFORE THE U.S. DISTRICT

COURT IN CASE 9:17-cv-1803 AND THE PARALLEL CASES, SEEKING THIS CASE'S REMOVAL TO THOSE FEDERAL CASES. IT IS SEEN IN EXHIBIT No. (2) ON PAGES 21 THROUGH 28.

ISSUE No. (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).

INSOMUCH, THE INDICTMENTS ARE FATALLY DEFECTIVE IN THAT THEY DO NOT ALLEGE WHAT WEAPON WAS SUPPOSEDLY USED, OR WHO IT WAS THAT THE APPELLANT ACTED IN CONCERT WITH, OR CONSPIRED WITH GIVING WAY TO CONSTRUCTIVE AMENDMENT OF THE INDICTMENTS BEFORE THE COURT. THIS IS A DUE PROCESS CLAIM THAT VOIDS JURISDICTION FOR DUE PROCESS VIOLATION. IT CAN BE RAISED FOR THE FIRST TIME

ON APPEAL. NO OBJECTION IS NEEDED TO PRESERVE THIS ISSUE SINCE IT IS JURISDICTIONAL IN NATURE DUE TO ME ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY. SEE STATE v. RALLO, 403 S.E.2d. 653(1991); STATE v. HARDEE, 279 S.C. 409, 308 S.E.2d. 521(1983); IN RE: JASON T., 340 S.C. 455, 531 S.E.2d. 544(S.C. App.2000); S.C. CODE ANN §§ 17-19-10, 17-19-20, 17-25-10; STATE v. TATE, 345 S.C. 577, 549 S.E.2d. 601(S.C.2001); STATE v. TABORY, 262 S.C. 136, 141, 202 S.E.2d. 852(1974); WHITE v. MANIS, 2014 WL 1513280(DSC.2014); U.S. v. $41,320 U.S. CURRENCY, 9 F.Supp.3d. 582, 2014 WL 126640; UNITED STATES v. ABRAMS, 539 F.Supp. 378, 384(S.D.N.Y.1982); CASTILLO v. HOLDER, --F3d.--,2015 WL 161952 CA4 (2015); 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). THE EXTENDED VERSION OF THIS EXACT SAME ISSUE AND HOW IT IS BEING ARGUED IN MY PENDING WRIT OF HABEAS CORPUS ACTION UNDER CASE 9:17-cv-1803 SEEKING THIS CASE'S REMOVAL AND DISQUALIFICATION OF THE S.C. COURT OF APPEALS, WHICH THE DOCUMENT IS ALSO FILED IN THE PARALLEL CASES INVOLVED. IT IS SEEN IN EXHIBIT NO.(2) ON PAGES 28 THROUGH 35.

ISSUE NO.(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).

IN REGARD TO THE APPELLANT'S STAND YOUR GROUND HEARING. THERE IS MORE EGREGIOUS ACTS OF FRAUD UPON THE COURT OCCURRING. THE ISSUING OF A WRITTEN ORDER IS JURISDICTIONAL IN NATURE, WHICH DO NOT HAVE TO BE PRESERVED BY TIMELY OBJECTION WHICH CAN BE RAISED FOR THE FIRST TIME ON APPEAL. THIS VOIDS THE STATE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION. THE STATE LOWER COURT DID THIS IN ACTS OF FRAUD UPON THE COURT TO CONCEAL THE FACT THAT THE STATE DID NOT MEET THE BURDEN OF ESTABLISHING THAT THE APPELLANT WAS NOT ENTITLED TO AN IMMUNITY DEFENSE. THE WRITTEN ORDER IN THE STAND YOUR GROUND HEARING IS A "[J]URISDICTIONAL [P]REREQUISITE" WHICH PROHIBIT THE TRIAL COURT FROM COMMENCING UNTIL IT WAS OBTAINED. BY NOT ISSUING THE ORDER, THIS CONSTITUTES THEIR CONSPIRING UNDER COLOR OF STATE LAW TO DENY ME AN APPEALABLE ISSUE WHICH TAINTS ANY SUBSEQUENT PROCEEDING DUE TO THE FRAUD, PRODUCING EXTREME PREJUDICE REGARDING MY DUE PROCESS RIGHTS. THEY DID THIS TO ALSO CONCEAL THE FACT THAT THE STATE KNOWINGLY MADE USE OF PERJURED TESTIMONY, WHICH THEY LATER CHANGED ONCE THEY'VE OBTAINED THEIR OBJECTIVE. THE LOWER STATE COURT GAVE A MOCKED HEARING TO GIVE A FRAUDULENT PERCEPTION THE MATTER WAS RESOLVED AS A PRETEXT TO VIOLATE THE APPELLANT'S DUE PROCESS RIGHTS. THE STATE PROSECUTION NEVER MET THE BURDEN OF ESTABLISHING THE ELEMENTS THAT WOULD SUBSTANTIATE THAT THE APPELLANT WAS NOT ENTITLED TO AN IMMUNITY DEFENSE. THE APPELLANT'S CASE IS ALMOST IDENTICAL TO STATE-v.-POMPEY. THE PREJUDICE IS INHERENTLY PATENT SO THE ISSUE MUST BE DEEMED PRESERVED. THE LOWER COURT'S FAILURE TO PRODUCE 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 UPHOLDING A STATE COURT ORAL DETER-

MINATION. UNTIL A WRITTEN 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 COURT AND JUDGE RETAIN THE DISCRETION TO CHANGE ITS MIND AND AMEND THE ORAL DETERMINATION ACCORDINGLY. THE WRITTEN ORDER, NOT THE ORAL DETERMINATION CONSTITUTES A FINAL JUDGMENT OF THE COURT ALSO FOR JURISDICTIONAL PURPOSES. JURISDICTION IS VOID FOR DUE PROCESS VIOLATION WHERE THESE PARTIES WERE CONSPIRING UNDER COLOR OF STATE LAW IN ACTS OF FRAUD UPON THE COURT, 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.-L.L.P.-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-HOSPITAL, 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); ALADEKCHA-v.-U.S., 2010 WL 4054267(2010); UNITED-STATES-v.-BARTKO-SUPRA.; NUPUE v.-PEOPLE-OF-THE-STATE-OF-ILLINOIS, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d. 1217(U.S.1959); NELSON-v.-LEVY-CENTER-LLC., 2016 WL 1276414. THE EXTENDED VERSION OF THIS EXACT SAME ISSUE AND HOW IT IS BEING ARGUED WITHIN MY PENDING HABEAS CORPUS ACTION UNDER CASE 9:17-cv-1803, SEEKING TO REMOVE MY DIRECT APPEAL TO IN ORDER TO BE PARTY IN THE SOUGHT CLASS ACTION AND THE OTHER PENDING PARALLEL CASES IS SEEN IN EXHIBIT NO.(2) ON PAGES 35 THROUGH 45 IN THE DESIGNATION OF MATTER.

ISSUE NO.(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 VIOILATED, 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).

INSOMUCH, IN THIS MOCKERY OF A JUDICIAL PROCEEDINGS. THE LOWER COURT DENIED ME THE ASSISTANCE OF LEGAL COUNSEL AT A CRITICAL STAGE OF THE PROCEEDINGS. THIS IS SUCH AN EGREGIOUS INJUSTICE THAT IT PRODUCES A STRUCTURAL ERROR OF SUCH A MAGNITUDE THAT IT RENDERS VOID THE LOWER COURT'S JURISDICTION FOR DUE PROCESS VIOLATION. DUE TO THE LOWER STATE COURT NOT CONTINUING THE PROCEEDINGS UNTIL MY LEGAL COUNSEL WAS PRESENT. I WAS CRIMINALLY, UNJUSTLY DENIED VOICE TO OPPORTUNITY TO ASSERT ESSENTIAL CONSTITUTIONAL DUE PROCESS RIGHTS, WHICH INCLUDED VOICE TO OBJECT TO THE COURT'S FAILURE TO PRODUCE A WRITTEN ORDER AT THE STAND YOUR GROUND HEARING, WHICH OF COURSE IS JURISDICTIONAL IN NATURE AND DO NOT HAVE TO BE PRESERVED BY A TIMELY OBJECTION. BEING JURISDICTIONAL IN NATURE, IT CAN BE RAISED FOR THE FIRST TIME ON DIRECT APPEAL. THIS PRODUCES OVERWHELMING PREJUDICE. THE 6th. AMENDMENT RIGHT TO DEFENSE COUNSEL IN A FELONY PROSECUTION IS A FUNDAMENTAL RIGHT, BINDING ON THE STATE THROUGH THE 14th. AMENDMENT. A DEFENDANT HAS A CONSTITUTIONAL RIGHT TO ASSISTANCE OF COUNSEL AT "[E]VERY [C]RITICAL [S]TAGE" OF THE PROCEEDINGS AGAINST HIM OR WHEN A SUBSTANTIAL RIGHT MAY BE AFFECTED. THE APPELLANT'S STAND YOUR GROUND HEARING PRODUCED A SUBSTANTIAL RIGHT OF IMMUNITY DUE TO THE CIRCUMSTANCES SURROUNDING THIS

CASE. THE DEPRIVING OF THIS RIGHT TO HAVE LEGAL COUNSEL PRESENT WAS USED TO DENY THE APPELLANT A FINAL WRITTEN ORDER AT THE STAND YOUR GROUND HEARING, WHERE THE LACK OF COUNSEL AT THIS STAGE CONTAMINATED AND AFFECTED THE ENTIRE SUBSEQUENT PROCEEDING, DUE TO THEIR CONSPIRING UNDER COLOR OF STATE LAW IN ACTS OF FRAUD UPON THE COURT. THIS CONSTITUTIONAL RIGHT TO THE PRESENCE OF COUNSEL AT EVERY STAGE TRIGGERS THE MINUTE THE APPELLANT DISCOVERS THE CHARGES BEING LEVIED AGAINST HIM. THIS EGREGIOUS MISCARRIAGE OF JUSTICE VOIDS THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION, LOUMIET-v.-UNITED-STATES-SUPRA.; APPELLATE RULE 203(b); 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); 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); GIDEON-v.-WAINWRIGHT, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d. 799(1963); HAMILTON-v. ALABAMA, 368 U.S. 52, 54, 82 S.Ct. 157, 158-59(1961); HIDALGO v.-BARKER, 176 WASH. APP. 527, 309 P.3d. 687(2013); STATE-v. THOMPSON,--S.E.2d.--, 2016 WL 7151279(2016); U.S.-v.-BAHER, 598 FED. APPX' 165(4th.Cir.2015); 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; 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); LAFLER-v.-COOPER, 132 S.Ct. 1376; UNITED-STATES-v.-WRIGHT, 59 F3d. 169 (TABLE), 1995 WL 378584 (4th.Cir.1995); VINES-v.-UNITED-STATES, 28 F3d. 1123 CRIM. LAW 1116(1), 1156(1); SELLNER-v.-STATE, 416 S.C. 606, 787 S.E.2d. 525(S.C.App.2016). THE EXTENDED VERSION OF THIS EXACT SAME ISSUE THAT IS BEING ARGUED IN MY FEDERAL HABEAS CORPUS TO WHICH THIS CASE IS SOUGHT REMOVED TO, AND THAT IS FILED IN THE PARALLEL CASES SEEKING CLASS ACTION CERTIFICATION IS SEEN IN EXHIBIT NO.(2) ON PAGES 45 THROUGH 50 IN THE DESIGNATION OF MATTER.

ISSUE NO.(6). DID THE TRIAL COURT ERR, AND WAS THE APPEL-

LANT'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 THE 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).

IN REGARDS TO THIS ISSUE. THE TRIAL COURT GAVE AN IMPROPER JURY INSTRUCTION IN ASSERTING TO THE JURY THAT THE SPECIFIC INTENT TO KILL IS NOT AN ELEMENT OF ATTEMPTED MURDER WHEN OF COURSE IT IS. THIS EXTREMELY PREJUDICED THE APPELLANT'S DUE PROCESS MATTERS VOIDING THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION. JURISDICTIONAL ISSUES DO NOT NECESSARILY HAVE TO BE PRESERVED BY A TIMELY OBJECTION AND CAN BE RAISED FOR THE FIRST TIME ON APPEAL. THE LOWER COURT ABUSED ITS DISCRETION. THE SPECIFIC INTENT TO KILL, IS WITHOUT A DOUBT, AN ESSENTIAL ELEMENT OF ATTEMPTED MURDER, 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); STATE v. KING, 412 S.C. 403, 772 S.E.2d. 189(S.C.App.2015); STATE v. BELCHER, 385 S.C. 597, 611, 685 S.E.2d. 802, 809(2009); 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).

ISSUE No.(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 STATE-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--CRAVEN 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).

INSOMUCH, THE STATE HAD (180) DAYS, AND OR IF WE USE THE REVISED ORDER, THE STATE HAD (365) DAYS TO BRING ME TO TRIAL. THEY VIOLATED MY DUE PROCESS RIGHTS ESTABLISHED UNDER THE S.C.

CONSTITUTION. THEN WHEN THE STATE ACTORS, CONSPIRING UNDER COLOR OF STATE LAW, DISCOVERED THAT THE INMATES OF THIS STATE FINALLY FIGURED OUT HOW TO ARGUE THIS ISSUE. THE S.C. SUPREME COURT UNDER THE GUIDANCE OF JUDGE JEAN TOAL CONSPIRING WITH THE S.C. ATTORNEY GENERAL IN ACTS OF FRAUD AND BEHIND A CLASS BASED INVIDIOUSKLY DISCRIMINATORY ANIMUS, SOUGHT TO CHANGE THIS PARTICULAR LAW TO HINDER AND OBSTRUCT FAIR REVIEW BEFORE THE INMATES COULD GET THESE MATTERS PROPERLY BEFORE THE APPROPRIATE COURT ENGAGING IN CRIMINAL CONSPIRACY ALSO IN VIOLATION OF 18 U.S.C. §§ 242 AND 1001. THEIR ACTIONS WERE DESIGNED TO DISPROPORTIONATELY TARGET THE AFRICAN AMERICAN AND MINORITY INMATES OF THIS STATE IN VIOLATION OF THE U.S. SUPREME COURT HOLDINGS UNDER EX-PARTE VIRGINIA, 100 U.S. 339(1880). THE STATE'S JURISDICTION IS VOID FOR DUE PROCESS VIOILATION AND COLLATERAL ESTOPPEL ATTACHES TO JUST ABOUT ALL ISSUES CONTAINED WITHIN THIS DOCUMENT ARGUED EMERGING FROM CASE 2013-CP-400-0084 OUT OF THE RICHLAND COUTY COURT OF COMMON PLEAS. THE STATE, THE PROSECUTOR AND PARTIES JURISDICTION IS MADE VOID FOR DUE PROCESS VIOLATION. FRAUD UPON THE COURT, EVEN UNDER THE INDEPENDENT ACTION RULE, AS WELL AS SUBJECT MATTER JURISDICTION DO NOT HAVE TO BE PRESERVED BY A TIMELY OBJECTION AND CAN BE RAISED FOR THE FIRST TIME ON APPEAL, 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); PAUL-ADAMS-v.-CALIFORNIA INSTITUTION, 2016 WL 6464444; ASTERBADI-v.-LEITESS, 176 Fed. Appx' 426 CA4 (Va.2006); STATE-v.-GENTRY, 363 S.C. 93, 610 S.E.2d 494, 495(S.C.2005); 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--CRAVEN-HOLDING-CORP.-v.-ROBINSON, 416 S.C. 517, 787 S.E.2d. 485(S.C.App.2016); ARTICLE V § 4 S.C. CONST.; S.C. RULES OF COURT 2003 EDITION ON PAGE 652; S.C. RULES OF COURT 2004 EDITION PAGE 659; STATE-v.-BRANNON, 666 S.E.2d. 272(S.C.App. 2008); EX-PARTE-VIRGINIA, 100 U.S. 339(1880); TOYOTA-OF-FLORENCE, INC-v.-LYNCH, 314 S.C. 257, 442 S.E.2d. 611, 615(1994); IN-RE: JOSHUA-R.L., S.E.2d., 2014 WL 3369006(S.C.App.2014); ROBINSON

v. SHELL OIL COMPANY, 117 S.Ct. 843(1997); ARTICLE 1 § 23 S.C. CONST.; THE AMISTAD SUPRA.; EDWARD KENNEDY, 2000 WL 35763420 (2000); 1997 WL 10291 U.S. (APPELLATE BRIEF) BRIEF OF U.S. SENATORS ORIN G. HATCH, STROM THURMOND ET. AL.,. THE EXTENDED VERSION OF THE EXACT SAME ISSUE THAT IS BEING ARGUED IN MY PENDING FEDERAL HABEAS CORPUS TO WHICH I AM SEEKING REMOVAL OF THIS CASE TO UNDER CASE 9:17-cv-1803 IS SEEN IN EXHIBIT No.(2) ON PAGES [52] THROUGH [65] WITHIN THE DESIGNATION OF MATTER.

ISSUE No.(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 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 LOWER COURT HAS CONSTRUCTIVE AMENDMENT OF THE INDICTMENTS GOING ON ALL OVER THE PLACE. THIS IS A DUE PROCESS ISSUE BEING ARGUED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION. SINCE I AM ARGUING AGAINST THE PRECEDENT. THIS IS JURISDICTIONAL IN NATURE. IT DOES NOT HAVE TO BE PRESERVED BY A TIMELY

OBJECTION, CANNOT BE WAIVED BY THE APPELLANT AND CAN BE RAISED FOR THE FIRST TIME ON DIRECT APPEAL. THE INDICTMENT(S) FOR ATTEMPTED MURDER USE THE TERM "ON OR ABOUT". THE ATTEMPTED MURDER INDICTMENT(S) DO NOT ALLEGE WHAT WEAPON WAS SUPPOSEDLY USED. THE CONSPIRACY INDICTMENT(S) DO NOT ALLEGE WHO IT WAS THE APPELLANT SUPPOSEDLY CONSPIRED WITH. NO ONE CAN SAY WHAT WAS IN THE MIND OF THE GRAND JURY. THE WORDING IS SO LOOSE AND VAGUE IT CREATES AN ENIGMA AS TO EXACTLY WHAT THE APPELLANT IS CALLED UPON TO MEET AND DEFEND. THE TRIAL COURT IS NOT LEGALLY PERMITTED TO ADD THESE MATERIAL AVERMENTS AS THEY DID WITHOUT THEM FIRST BEING PASSED UPON BY THE GRAND JURY IN ACCORDANCE TO THE SUBSTANTIAL DUE PROCESS RIGHTS OF THE ACCUSED WHICH SET THE APPELLANT UP FOR "INDICTMENT AMBUSH". THIS DOES NOT EVEN TAKE INTO ACCOUNT THE STRUCTURAL ERROR THAT EXIST IN THE INDICTMENTS WHERE THEY PREDETERIMINE IN ADVANCE THE OUTCOME OF THE PROCEEDINGS AND THEY CONSTRUCTIVELY AMEND THE "MENS REA" ELEMENTS IN THEIR EFFORT TO CORRECT THIS INJUSTICE. THIS EXTREMELY PREJUDICED THE APPELLANT DEPRIVING HIM OF HIS 6TH. AMENDMENT RIGHT TO PROPER NOTICE AND VOIDS THE LOWER COURT'S JURISDICTION FOR DUE PROCESS VIOLATION, STATE v. SUTTON, 340 S.C. 393, 397, 532 S.E.2d. 283, 285 (2000); S.C. CODE ANN. §§ 17-19-10, 17-19-20, 17-25-10, 17-19-100; 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; UNITED STATES v. UMANA, 750 F3d. 320 CA4 (N.C.2014); UNITED STATES v. DINKINS, 691 F3d. 358 CA4 (Md.2014); 130 S.Ct. 2896; UNITED STATES v. MILLS, 555 Fed. Appx' 241 CA4 (Va.2014); STATE v. GREEN, 406 S.C. 589, 753 S.E.2d 259(S.C.App.2014); ROBERTS v. STATE, 408 S.C. 123, 757 S.E.2d. 744(S.C.App.2014). THE FULL AND EXTENDED VERSION OF THIS EXACT SAME ISSUE AND HOW IT IS BEING ARGUED IN MY FEDERAL HABEAS CORPUS PRESENTLY PENDING, TO WHICH THIS CASE IS SOUGHT TO BE REMOVED TO, IS FOUND IN EXHIBIT No.(2) ON PAGES [65] THROUGH [77] IN THE DESIGNATION OF MATTER.

ISSUE No.(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?

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).

IN REGARD TO THIS PARTICULAR ISSUE. "[T]IME AND [P]LACE" ARE ESSENTIAL ELEMENTS OF THE OFFENSE(S) FOR MURDER, ASSAULT AND BATTERY WITH THE INTENT TO KILL AND ATTEMPTED MURDER. IT IS A SUBSTANTIAL DUE PROCESS VIOLATION GIVING WAY TO CONSTRUCTIVE AMENDMENT OF THE INDICTMENTS WHEN THE STATE MAKES USE OF THE TERM "ON OR ABOUT" RELATING TO THIS ESSENTIAL ELEMENT. ONCE THE COURT AND PARTIES CONSPIRE UNDER COLOR OF STATE LAW TO CONSTRUCTIVELY AMEND THE INDICTMENTS IN EFFORTS TO CORRECT THIS FATAL DEFECT. IT BECOMES A DUE PROCESS ISSUE WHICH VOIDS THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION. THE CONVICTION MUST BE VACATED FOR THIS EGREGIOUS DUE PROCESS VIOLATION, LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19(2014); GRUPO DALAFLUX v. ATLAS GLOBAL GROUP L.P., 541 U.S. 567, 124 S.Ct. 1920, 158 L.Ed. 2d. 866(U.S.2004); STATE v. RECTOR, 158 S.C. 212, 155 S.E. 385 (1930); STATE v. SUTTON SUPRA.; UNITED STATES v. MASOTTO, 73 F3d. 1233 CERT. DENIED 117 S.Ct. 54, 136 L.Ed.2d. 18; STATE v. BRANDT, 393 S.C. 526, 713 S.E.2d. 591(S.C.App.2011); STATE

v.-BLAKENEY, 33 S.C. 111, 11 S.E. 637; STATE-v.-PIERCE, 207 S.E.2d. 414. THE EXTENDED VERSION OF THIS EXACT SAME ISSUE AND HOW IT IS BEING ARGUED IN MY PENDING FEDERAL HABEAS CORPUS TO WHICH THIS CASE IS PETITIONED REMOVED TO, AS WELL AS THE OTHER PARALLEL CASES. IT IS SEEN IN EXHIBIT No.(2) ON PAGES [78] THROUGH [83] IN THE DESIGNATION OF MATTER.

ISSUE No.(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 "[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 FRAUD AND 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" VIASTATE LEGISLATIVE STATUTES AND OR CONGRESSIONAL INTENT, DUE TO THE INDICTMENT DEFECTS AND OR ERRORS CONTAINED AND ARGUED WITHUIN 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. §§ 242, 1001, AND THE LAWS OF DUE PROCESS?

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, FRAUD AND MACHINATION ON THE PART OF THE SOUTH CAROLINA SUPREME

COURT THAT HAS AN IDENTIFIABLY NEGATIVE IMPACT ON ALL PROCEEDINGS STATEWIDE AND POTENTIALLY NATIONALLY TO SUCH A DEGREE, THE THE CONSTITUTIONAL RIGHTS OF ALL DEFENDANTS AND OR INMATES WITHIN THIS STATE AND POTENTIALLY NATIONALLY, INCLUDING THE APPELLANT'S ARE COMPROMISED. A MANIFEST CONSTITUTIONAL ERROR, CRIMINAL CONSPIRACY, VIOLATIONS OF THE ANTI-PEONAGE ACT, THE RICO ACT AND FRAUD UPON THE COURT OF THIS MAGNITUDE CANNOT BE WAIVED, ESTABLISHES EQUITABLE TOLLING, IS NOT SUBJECT TO 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 S.C. SUPREME COURT'S DECISION AND FRAUDULENT ACTIONS DISPROPORTIONATELY EFFECT AFRICAN AMERICANS AND ALL OTHER INMATES WITHIN THIS STATE AND POTENTIALLY AROUND THE NATION, 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); THE ANTI-PEONAGE ACT OF THE 13th. AMENDMENT; THE RICO ACT; EX PARTE VIRGINIA, 100 U.S. 339, 346, 25 L.Ed. 676 (1880); BLACK LAW DICTIONARY 8TH. EDITION.

THE APPELLANT DID NOT OBJECT TO THE INDICTMENT DEFECTS AND OR ERRORS THAT ARE ARGUED WITHIN THIS DOCUMENT 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..

I AM ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY, 363 S.C. 93, 610 S.E.2d. 494, 495(S.C.2005). IN ACTS OF MACHINATION IN VIOLATION OF THE HOLDINGS MADE IN ROSS v.

BLAKE, 136 S.Ct. 1850(2016). THE GENTRY COURT, ALONG WITH THE S.C. ATTORNEY GENERAL, CONSPIRING UNDER COLOR OF STATE LAW, WENT ON A **"FISHING EXPEDITION"** TO FIND VAGUE CASE LAW THAT THEY KNEW WERE ADJUDICATED UNDER THE INCORRECT PRONG TO SUBJECT MATTER JURISDICTION. THE CONSPIRING JUDGES KNEW WHAT THEY WERE DOING ALL ALONG, AND DID IT BEHIND A CLASS BASED INVIDIOUSLY DISCRIMINATORY ANIMUS BEHIND RACIAL HATRED IN VIOLATION OF THE HOLDINGS MADE IN EX-PARTE-VIRGINIA, CREATING A NEW FORM OF JIM CROW LAWS FOR THE PURPOSE OF KEEPING US BRANDED AS FELONS TO DEPRIVE US OF THE RIGHT TO VOTE AND KILL AND OR DIMINISH OUR POLITICAL VOICE, WHERE WE CAN NO LONGER BE DEEMED **"DULY"** CONVICTED IN VIOLATION OF S.C. CODE ANN. § 17-25-10. THEY DID THIS ALSO IN VIOLATION OF 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 242 AND 1001 IN EFFORTS TO CONCEAL MATERIAL FACTS IN ANY FUTURE FEDERAL REVIEW. THE CONSPIRING STATE ACTORS, BY THEIR ACTIONS, CREATED A NEW FORM OF MODERN DAY SLAVERY AS IS DEPICTED IN THE DEFINITION FOR SLAVERY WRITTEN WITHIN THE CONVENTION AGAINST TORTURE TREATY (THE C.A.T. TREATY) WHICH CONGRESS RATIFIED, AND BY THE CLEAR EVIDENCE AND STATISTICS GATHERED BY MICHELLE ALEXANDER, AN INDEPENDENT INVESTIGATOR, IN HER BOOK ENTITLED, "MASS INCARCERATION DURING THE AGE OF COLORBLINDNESS , THE NEW JIM CROW". THERE ARE TWO PRONGS TO SUBJECT MATTER JURISDICTION. THE CONSPIRING STATE ACTORS, AIDED BY FEDERAL ACTORS, INTENTIONALLY SOUGHT OUT LITIGATION AND OR CASE CITINGS THAT WERE ADJUDICATED UNDER THE INCORRECT PRONG FOR THE PURPOSE OF DEFRAUDING THE INMATES OF THIS STATE. INDICTMENT DEFECTS FALL UNDER THE 5th., 6th. AND 14th. AMENDMENTS, WHICH IS A DUE PROCESS ISSUE THAT VOIDS JURISDICTION FOR DUE PROCESS VIOLATION. THE GENTRY COURT'S JURISDICTION IS VOID FOR ACTS OF FRAUD UPON THE COURT AND DUE PROCESS VIOLATION, 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); ASTERBADI-v.-LEITESS, 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); MANIS-v.-WHITE, 2014 WL 1513280(DSC.2014).

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 IN PLACE, THAT IS EGREGIOUSLY CONTRARY TO THE U.S. CONSTITUTION'S INHERENT, INTRINSIC, AND EXPLICIT PRESUPPOSITIONS THAT BY ITS VERY NATURE IS INTENSE ESPIONAGE AND DIABOLICAL SABOTAGE, AND STANDS IN DEFIANCE TO THE RIGHTS OF THE COMMONWEALTH 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 AMERICAN AND MINORITIES OF THIS 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 OR DURING THE CIVIL RIGHTS ERA, AND THE LIKE; WHERE TRIALS 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 FROM THEM 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 AN INJURY TO A SINGLE LITIGANT, BUT WAS RATHER A WRONG AGAINST THE INSTITUTION

SET UP TO PROTECT AND SAFE GUARD 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); DeVAUX 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); CHRISTIANSON v. M.B.N.A. AMERICAN BANK N.A., S.E.2d., 2013 WL 8507850(S.C.App.2013); GE ZHANG v. PROMONTERY INTERFINANCIAL 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.App.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).

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 OR THOSE SEEN WITHIN THE DESIGNATION OF MATTER MADE APPLICABLE TO THE 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 INDICTMENTS THE DUE PROCESS ISSUES AFORE MENTIONED WITHIN THIS DOCUMENT AND AS SEEN IN THE DESIGNATION OF MATTER.

BY THE HOLDINGS MADE IN THE GENTRY CASE. THE 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 SITUTATION THAT CAN DIVEST OR VOID JURISDICTION. THIS IS A LUDICROUS AND CRIMINAL POSITION TO TAKE WHICH SHALL BE PROVEN BE JUDICIAL DETERMINATIONS MADE AFTER THE GENTRY CASE WAS ESTABLISHED.

THERE ARE ESSENTIALLT (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, 9 F.Supp.3d. 582, 2014 WL 126640; 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); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063 (U.S. 2016).

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 ESTABLISH 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 THE OBLIGATION TO INTERPRET THE COTTON CASE AS IT RELATES TO GENTRY, ABRAMS, GAITHER, STIRONE, RUSSELL, MONTGOMERY AND THE VOIDING OF JURISDICTION FOR DUE PROCESS VIOLATION UNDER THE DUE PROCESS PRONG, NOT THE OTHER PRONG. **"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 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.2007); LOVETT v. DEUTSCHE BANK NAT. TRUST CO., F.Supp. 2d., 2013 WL 841697(DSC.2013). A CASE IS IN THE LOWER COURT. A MOTION IS FILED WHERE AN 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 A "[J]URISDICTIONAL [P]REREQUISITE". IF A 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 WILL, PROBATE AND ESTATES, SEE DICKERSON v. ALEXANDER HOSPITAL, 177 F2d. 876 CA4 (Va.1949); ALADEKCHA, 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 AND 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-v.-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.-ESPINOZA, 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 AFFECTED 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 I SEEKING CLASS ACTION CERTIFICATION AND ALL MONIES THAT WERE PAID OUT (ei. RESTITUTION ETC.) BE

RETURNED, UNITED STATES AIDS FUNDS, INC. v. ESPINOZA 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 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).

THE EXTENDED VERSION OF THIS EXACT SAME ISSUE AND HOW IT IS BEING ARGUED IN MY PENDING FEDERAL HABEAS CORPUS TO WHICH THIS DIRECT APPEAL IS PETITIONED REMOVED TO IS SEEN IN EXHIBIT No.(2) ON PAGES [84] THROUGH [115] IN THE DESIGNATION OF MATTER.

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR ON ISUES SUCH AS THESE, WHICH INCLUDE THE STATE v. GENTRY CASE. IF A RULING HAS BEEN OBTAINED UNDER UNCONSTITUTIONAL STATUTES AND OR LEGISLATIVE PROVISIONS AND OR INTERPRETATION OF LAW. THE COURT EXPLAINED THAT IF THIS POSITION IS WELL TAKEN, AND IT IS, IT EFFECTS THE FOUNDATION OF THE **"WHOLE"** (EMPHASIS ADDED) PROCEEDING. AN UNCONSTITUTIONAL LAW OR JUDICIAL DETERMINATION IS VOID AND IS AS IF THERE WERE NO LAW DETERMINED AT ALL. WHERE DIRECT AND OR COLLATERAL REVIEW PROCEEDINGS PERMIT PERSONS TO CHALLENGE THE LAWFULNESS OF THEIR CONFINEMENT, STATES CANNOT REFUSE TO GIVE RETROACTIVE EFFECT TO SUBSTANTIVE CONSTITUTIONAL

RIGHT THAT DETERMINES THE OUTCOME OF THAT CHALLENGE OR JUDICIAL DETERMINATION. A CONVICTION OR JUDICIAL DETERMINATION RENDERED UNDER AN UNCONSTITUTIONAL LAW OR INTERPRETATION OF LAW IS NOT MERELY ERRONEOUS, BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT OR JUDICIAL DETERMINATION. A SENTENCE, CONVICTION, LEGISLATION, OR EVEN A JUDICIAL DETERMINATION IMPOSED IN VIOLATION OF A SUBSTANTIVE RULE (ei. INDICTMENTS ARE TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION) OF CONSTITUTIONAL LAW IS NOT JUST ERRONEOUS, BUT CONTRARY TO LAW, AND IT FOLLOWS, AS A GENERAL PRINCIPLE, THAT A COURT HAS NO AUTHORITY TO LEAVE IN PLACE A CONVICTION, SENTENCE, LEGISLATION (SUCH AS THAT WHICH VIOLATES EX-PARTE VIRGINIA), OR A JUDICIAL DETERMINATION THAT VIOLATES A SUBSTANTIAL RULE, REGARDLESS OF WHETHER THE CONVICTION, SENTENCE, LEGISLATION, OR DETERMINATION BECOMES FINAL BEFORE THE RULE IS ANNOUNCED. JURISDICTION IS MADE VOID FOR DUE PROCESS VIOLATION AND THE STATE-v.-GENTRY CASE CANNOT STAND, MONTGOMERY-v.-LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S. 2016); GEFT-OUTDOOR-LLC.-v.-CONSOLIDATION-CITY-OF-INDIANNAPOLIS ***, 187 F.Supp.3d. 1002, 1012, S.D. Ill.; HILL-v.-SNYDER, 821 F3d. 763, 765+(6th.Cir.MICH); PEOPLE-v.-SOLO, N.E.3d., 2017 WL 1838423(2017).

SINCE THE MONTGOMERY CASE WAS ISSUED BY THE U.S. SUPREME COURT. VARIOUS COURTS AND PARTIES CONSPIRING UNDER COLOR OF STATE LAW AND OR AUTHORITY MADE EFFORTS TO SKIRT THE REQUIREMENT OF GRANTING RELIEF FRAUDULENTLY ASSERTING AND OR ARGUING AGAINST WHETHER OR NOT THE RULING WAS TO BE GIVEN RETROACTIVE EFFECT. WE ARE NOT GOING TO PLAY GAMES WITH THIS LAW GENTLEMEN, BECAUSE I WAS NOT DECEIVED BY THE JUDICIAL CHICANERY OR DECEPTIVE LEGAL MANEUVER. WHAT MAKES THE RELIEF MANDATORY IS NOT THE FOCUS ON ANY RETROACTIVE APPLICATION. THE COURTS ABUSED THEIR DISCRETION THAT DECLINED TO ACCEPT THE SUPREME COURT'S RULING. THE EMPHASIS IS ON **"THE LAW EXPLAINED THAT IF THIS POSITION IS WELL TAKEN, AND I IS, IT EFFECTS THE FOUNDATION OF THE WHOLE PROCEEDING. AN UNCONSTITUTIONAL LAW OR JUDICIAL DETERMINATION IS VOID AND IS AS IF THERE WERE NO LAW DETERMINED AT ALL".**

BY THIS LANGUAGE ADJUDICATED BY THE U.S. SUPREME COURT. THEIR INTENT WAS TO CLEARLY MAKE THE USING OF UNCONSTITUTIONAL LAW JURISDICTIONAL IN NATURE WHICH VOIDS JURISDICTION FOR DUE PROCESS VIOLATION. THEREFORE, IF YOU WANT TO APPLY IT RETROACTIVE OR NOT. IT DOESN'T MATTER BECAUSE IT JURISDICTIONAL WHICH CANNOT BE WAIVED AND CAN BE RAISED AT ANY TIME, HUNT-v.-UNITED-STATES, F.Supp.2d., 2007 WL 5131716(DSC.2007); MANIS-v.-WHITE, 2014 WL 1513280(DSC.2014); U.S.-v.-$41,320-U.S.-CURRENCY, 9 F.Supp.3d. 582, 2014 WL 1266240.

RESPECTFULLY,
JASON MORRIS GOURDINE

Jason Morris Gourdine

AUGUST 2, 2017

JASON MORRIS GOURDINE
#199055 WANDO C-255
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, S.C. 29472

IN RE: CASE 2016-000640

TO: THE S.C. COURT OF APPEALS,

THE COURT REQUIRED THAT I SUBMIT MY BRIEF WITHIN THE TIME THEY DESIGNATED HAVING THE BRIEF WITHIN THE (50) PAGE LIMIT. THE (44) PAGE BRIEF NOW SUBMITTED IS FOR THE PURPOSE OF BEING IN COMPLIANCE TO THE COURT OF APPEALS INSTRUCTION. THE REMAINDER OF THE DOCUMENTS ARE FILED AS EXHIBITS THAT ARE PART OF THE ALSO SUBMITTED DESIGNATION OF MATTER THAT I SEEK TO FILE WITH MY NOW SUBMITTED BRIEF. PLEASE FILE THEM IN THE ABOVE CAPTIONED CASE AND FORWARD THEM ACCORDINGLY. I THANK YOU IN ADVANCE. STILL REMAIN,

RESPECTFULLY,
JASON MORRIS GOURDINE

Jason Morris Gourdine

AUGUST 6, 2017

(B)

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
KRISTI LEA HARRINGTON, PRESIDING JUDGE

THE STATE,

RESPONDENT

Vs.

JASON MORRIS GOURDINE,

APPELLANT

APPELLATE CASE No. 2016-000640

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

THE APPELLANT PROPOSES THE FOLLOWING TO BE INCLUDED IN THE RECORD ON APPEAL.

LISTED ITEMS:

(1) EXHIBIT No.[1]. A COPY OF THE AFFIDAVIT OF SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE, FILING OBJECTIONS TO THE REPORT AND RECOMMENDATION IN THIS CASE CORRUPT JUDGES AND MOTION TO MOTION THEREFOR, [23] PAGES DATED MAY 16, 2017.

(2) EXHIBIT No.[2]. A COPY OF THE EXTENDED BRIEF [115] PAGES WHICH IS FILED IN MY PENDING FEDERAL HABEAS CORPUS TO WHICH THIS APPEAL IS SOUGHT REMOVED.

THESE (2) DOCUMENTS REPRESENT HOW MY HABEAS CORPUS AND ITS PARALLEL CASES ARE ESSENTIALLY CONSTRUCTED BEFORE THE S.C. U.S. DISTRICT COURT, WHICH INCLUDE MY CASE UNDER 9:17-cv-1803 TO WHICH THIS DIRECT APPEAL IS PETITIONED REMOVED. THE [115] PAGE BRIEF REPRESENTS THE EXTENDED VERSION OF THE EXACT SAME ISSUES THAT ARE PENDING BEFORE THE S.C. COURT OF APPEALS.

(3) EXHIBIT NO.[3]. THIS IS THE TRUSTEE DOCUMENT. IT IS FILED AND INTENDED AS A CHALLENGE TO THIS COURT'S JURISDICTION. IT DEMONSTRATES THAT THERE IS A TRUSTEE APPOINTED OVER THESE MATTERS WHICH INCLUDE THIS DIRECT APPEAL DUE TO I BEING ONE OF THE BENEFICIARIES OF THE TRUST PRODUCED BY THE PARTIES INVOLVED.

(4) EXHIBIT No.[4]. THIS EXHIBIT IS LISTED AS "4th. CIRCUIT APPEAL # 1". IT IS 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.

(5) EXHIBIT No.[5]. THIS DOCUMENT IS LISTED AS "4TH. CIRCUIT APPEAL # 2". IT IS A COPY OF THE AFFIDAVIT OF SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO SUPPLEMENT THE CAUSE 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, [23] PAGES DATED JULY 8, 2017.

THESE DOCUMENTS DEMONSTRATE THAT I AND THE OTHERS ARE SEEKING LEAVE TO APPEAL THIS CASE, 2016-000640 AND OTHER MATTERS,

DUE TO THE RELEVANT STATE CASES BEING PETITIONED REMOVED TO CASES 8:16-cv-3327, 3328, 3194-RBH-JDA TO WHICH IS CURRENTLY BEFORE THE 4TH. CIRCUIT COURT OF APPEALS. FOR THE RECORD. ALL APPEAL AND REMOVAL DOCUMENTS ARE NOT JUST SERVED UPON THE COURT ITSELF. THEY ARE SERVED ON EACH OF THE JUDGES OF THE STATE COURTS INVOLVED INDIVIDUALLY. THIS IS JURISDICTIONAL CHALLENGE TO THE S.C. COURT OF APPEALS. THESE MATTERS ARE NOW BEFORE THE 4TH. CIRCUIT COURT OF APPEALS DIVESTING THE S.C. COURT OF APPEALS OF JURISDICTION UNDER THE DISTRICT COURT CASES SOUGHT LEAVE TO APPEAL. THIS ALSO DEMONSTRATE WHY, CONSPIRING UNDER COLOR OF STATE LAW, THE S.C. COURT OF APPEALS DENIED MY MOTION TO EXCEED THE PAGE LIMIT AS AN ACT OF MACHINATION IN VIOLATION OF THE HOLDINGS MADE IN ROSS v. BLAKE, 136 S.Ct. 1850(2016) DEMONSTRATING THERE ARE NO AVAILABLE STATE REMEDIES AND I DO NOT HAVE TO EXHAUST ANY FURTHER.

(6-9) EXHIBITS [6-9]. THESE ARE ADDITIONAL REMOVAL DOCUMENTS TO DEMONSTRATE THIS CASE IS PETITIONED REMOVED TO THE U.S. DISTRICT COURT ALSO AS A PRECAUTIONARY MEASURE TO PROTECT THIS DIRECT APPEAL FROM ANY FURTHER ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE.

I CERTIFY THAT THIS DESIGNATION OF MATTER CONTAINS NO MATTER WHICH IS IRRELEVANT TO THIS APPEAL. I CERTIFY THAT I AM PERSONALLY FILING THESE DOCUMENTS NOT ANY OTHER INMATE OR PARTY AND THERE IS NO HYBRID-DEFENSE.

JASON MORRIS GOURDINE
#199055 WANDO C-255
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, S.C. 29472
APPELLANT

AUGUST 2, 2017

Jason Morris Gourdine

EXHIBIT NUMBER 2