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THE STATE OF SOUTH CAROLINA
In the Court of Appeals
[In the Supreme Court]

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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY

Thomas Cooper, Circuit Court Judge

Case No. 2016-001627

Jamaal Gittens,Appellant

v.

Alfred Johnson Cox,Respondent .

FINAL BRIEF OF APPELLANT

Jamaal Gittens
1206 Marlene street
Charlotte NC 28208
(704) 975-8173
Appellant

Alfred Johnston Cox
P.O. Box 7368
Columbia, SC 29202
(803) 000-0000
Attorney for Respondent

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CASES

Adam v Dept of Juvenile Justice of New York City, 143 F.3d 61, 65 (2nd Cir. 1998)

Norton v Shelby County 118 U.S 425 (1886)

Valley Community Hospital 545 F. Supp. 8, 13 (E.D. Tenn. 1981)

Jordan v. Gilligan, 500 F.2d 701, 707 (6th Cir. 1974)

Clifford S. v. Superior Court, 45 Cal.Rptr.2d 333,335.

Anastasoff v U.S. 223.F.3d 898 (8th cir 2000)

Brown v VanKeuren, 340.118.122(1930)

Charles V Gore, 248 Ill App 3d 441,618 NE.2d 633 (1st Dist. 1994)

Thompson v Smith 155 VA 367.154.SE.583, VA (1930)

Adams v City of Pocatello, 416 p.2d.46, 48; 91 Idaho 99 (1966)

Barbarian v Lussier 139 A. 2d 869, 872 87 RI 226, (1958)

City of Chicago v Collins 175 Ill. 445 (Ill 1898)

Trinsey V Pagliaro 229 F. Supp.647 (1964)

Gonzales v Buist 224 U.S 126,56 L Ed 693,32,S Ct 463 (04/01/12)

Forrester v White, 484, U.S.,219 (1988)

16 C.JS constitutional law sec 202 pg287

II Am Jur (1st) constitutional law sec 329 pg 1135

Statements on issues on appeal

Judge John Rakowsky placed a speeding violation on my MVR, suspended my commercial drivers for failure to pay traffic fines, this was outside his judicial capacity, he was acting as an administration officer Forrester v White, 484, U.S.,219 (1988) Defendant John Rakowsky is bound by the doctrine precedent.

Statements of the case

7/23/2014 I received a ticket for allegedly speeding, I had written Lexington Municipal court a motion to dismiss due to lack of subject matter jurisdiction,, I was an over the road truck driver, plus I stayed 2hrs from Lexington SC. I'm aware that an officer cannot file his own service of summons, and that an appearance is not a accusatory instrument; I felt I could get this issue resolved by mail rather than coming to court, things didn't work out as planned

Argument

The United States Constitution established the judicial powers of the courts, Article III sections 2 clause 1 states the judicial Power shall extend to all Cases, in **Law and Equity**, arising under this Constitution, the Laws of the United States; courts are limited in jurisdiction. The federal constitution established a common law system, a system of law made not by legislators, but by courts and judges. The supremacy clause in the constitution provides that state judges are bound by the Federal Constitution, "The supreme law of the land"

The Supreme Court said the constitution must be interpreted in the light of common law, the principals and history of which were familiarly known to the framers of the constitution South Carolina v United States 199 U.S. 437 (1905)

Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him, except to his conduct to others, leaving him the sole judge as to all that affects himself“ Mugler v Kansas 123 US 623 659-60 (1887)

The United States Supreme Court said courts must obey the constitution **rather than the law making department of government**, there are limits beyond which legislation cannot rightfully go, In Mugler v Kansas 123 U.S 632 (1887)

~~The constitution is the supreme law of the land, ordained established by the people, and all~~
legislation must conform to the principals it lays down US v Butler 297 U.S 1 (1937)

Any law that is repugnant to the constitution is null and void of law Marbury n Madison 5 U.S 137

Precedent

Lower courts are bound to the Supreme courts proceedings” Adam v Dept of Juvenile Justice of New York City, 143 F.3d 61, 65 (2nd Cir. 1998) Anastasoff v U.S. 223.F.3d 898 (8th cir 2000) Norton v Shelby County 118 U.S 425 (1886) the defense hasn’t referenced any proceedings that support defendant John Rakowsky Judicial practice, various supreme courts have ruled that that “The Use of Highways for purpose of travel and transportation is not a mere privilege but a common and fundamental right which a citizen can’t be deprived” Escobedo v state, 222 P 2d 1,5(Cal 1950) “it is settle that the streets of the city belongs to the people of the state and the use thereof is an inalienable right to every citizen of the state subject to reasonable regulations” Whyte v. City of Sacramento 224 P.1008,1013, 65 Cal App. 534,547 (1924) See Adams v City of Pocatello, 416 p.2d.46, 48; 91 Idaho 99 (1966) see Berbarian v Lussier 139 A. 2d 869, 872 87 RI 226, (1958) City of Chicago v Collins 175 Ill. 445 (Ill 1898) see 16 C.JS constitutional law sec 202 pg287 see II Am Jur (1st) constitutional law sec 329 pg 1135

The judge of municipal court is acting as an administrative officer and not in a judicial capacity when Revocation drivers license, courts in administrating, do not act judicially, but merely administratively Thompson v Smith 155 VA 367.154.SE.583 VA (1930) see Forrester v White, 484, U.S,219 (1988)

Indictment or information

The defendant John Rakowsky only obtains jurisdiction through one source, sufficient pleadings, jurisdiction is only determined solely from the face of an indictment or information state v Lainez 771 so.2d 617 FL(200) Snyder v state 715 so 2d 367 FLA Dist CT App(1998);the mode prescribed by the Federal, ,State Constitution. A Court has no jurisdiction to determine its own jurisdiction Rescue Army v Municipal Court of Los Angeles 331 U.S 549(1947)

Lack of improper services of summons

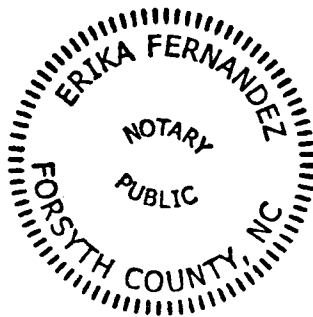
The argument shouldn't be that the documents wasn't sent restricted mail, it should be whether the recipient J Graham, forward it to John Rakowsky; if the defendant received the documents, there's no harm done. John Rakowsky couldn't be cross- examined, impeached; him not receiving service of summons is hearsay see SC civil procedures rule 801(c) "statements of counsel brief or in argument is not sufficient for a summary judgment" Trinsey V Pagliaro 229 F. Supp.647 (1964) see Gonzales v Buist 224 U.S 126, 56 L Ed 693, 32, S Ct 463 (04/01/12)) United States v Lovasco 431U.S 738 (1977) "no instructions was asked, but, we have said, the judge told the jury that they were to regard only the evidence admitted by him, **not statements of counsel**" Holt V United States 218 U.S. 245,54 L..Ed. 1021, 31 S. Ct 2 (1910)

Conclusion

without a petition on record, court has no jurisdiction Brown v VanKeuren, 340.118.122(1930)
A complaint must state a cognizable cause of action against a party Charles V Gore, 248 Ill App
3d 441,618 NE.2d 633 (1st Dist. 1994) there must be a justifiable issues (cause of action)
presented to the court through proper pleading Ligion v Williams 264 III App 3d 701,637 N.E2d
633(1st Dist.1994)

The defense is trying to apply color of law to common law principals, and it's clashing, Defendant
Rakowsky only obtains jurisdiction through sufficient pleadings, opposing parties with a controversy, one
that has suffered injury, Dank v Benson, 2000 OK 40, 5 P, 3d 1088, 1091 The United States Supreme
Court said "only individual complaints maybe maintained", Hague V Committee for industrial
Organization 307 U.S. 496 (1939)

Erika Fernandez
Type or printed notary name
[Signature] Seal
- Place Notary Signature Above -
June 18, 2022
My commission expires
10/5/2017 Date



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In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY

Court of Common Pleas

Thomas Cooper Circuit Court Judge

PROOF OF SERVICE

Case No. 2016-001627

Attn: Jenny Abbott Kitchen

I certify that I forwarded a copy of the final brief to defendants counsel Attorney Cox at Gallivan & White Boyd PA 1201 main street suite 1200 Columbia SC 29202

October 5.2017

Type or printed notary name

Seal

- Place Notary Signature Above -

My commission expires

Date

Sincerely

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