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S.C. SUPREME COURT

Exhibit

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david duren  
david duren  
#181965 WANDO C-264  
LIEBER C.I. P.O. BOX 205  
RIDGEVELLE, S.C. 29472

RE: CASE 2017-000605

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SEP 11 2017

TO: THE S.C. SUPREME COURT CLERK ET. AL., S.C. SUPREME COURT

I HAVE ASKED JASON GOURDINE TO SEND THESE DOCUMENTS IN FOR ME CERTIFIED MAIL WITH A RETURN CARD TO ENSURE THAT THEY DO NOT GET LOST IN THE MAIL. THE ATTACHED DOCUMENTS ARE BEING FILED FOR THE PURPOSE OF MOTIONING TO RELIEVE STATE APPOINTED COUNSEL. PLEASE DO NOT CONSTRUE THIS AS JASON GOURDINE OR LAWRENCE CRAWFORD AS FILING THESE DOCUMENTS. THEIR NAMES APPEAR ON SOME OF THEM BECAUSE WE ARE INVOLVED IN PARALLEL LITIGATION BEFORE THE U.S. DISTRICT COURT. WHAT'S FILED IN MY FEDERAL CASE IS FILED WITHIN ALL THE PARALLEL FEDERAL CASES INVOLVED. THESE ARE NOT THEIR DOCUMENTS. THEY ARE COPIES OF DOCUMENTS FILED WITHIN MY HABEAS CORPUS AND § 1983 ACTION UNDER CASE 2:17-cv-1127-JMC-MGB. I AM FILING THESE DOCUMENTS AS EXHIBITS IN SUPPORT OF MY MOTION TO RELIEVE STATE APPOINTED COUNSEL. THERE IS NO ORDER FROM ANY STATE COURT STATING THAT "I" CAN'T FILE THESE DOCUMENTS WHEN THEY ARE MY DOCUMENTS FILED WITHIN MY CASE, AND THE S.C. COURT OF APPEALS ALLOWED JASON GOURDINE UNDER CASE 2016-000640 TO MAKE A SIMILAR FILING. I AM FILING THESE DOCUMENTS NOT GOURDINE OR CRAWFORD. PLEASE FILE THEM IN CASE 2017-000605. THE LEAD DOCUMENT IS THE (16) PAGE DOCUMENT. THE REMAINDER ARE ATTACHMENT TO IT. THANK YOU.

RESPECTFULLY,  
david duren

SEPTEMBER 1, 2017

david duren



STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM SUMTER COUNTY  
COURT OF COMMON PLEAS

JUDGE NEWMAN, PRESIDING JUDGE

APPELLATE CASE No. 2017-000605

RECEIVED

SEP 11 2017

S.C. SUPREME COURT

david duren,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA ET. AL.,

RESPONDENTS

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO  
TERMINATE STATE APPOINTED COUNSEL DUE TO FRAUD UPON  
THE COURT(S), CRIMINAL CONSPIRACY AND OBSTRUCTION OF  
JUSTICE; PETITION TO REMOVE AND MOTION TO MOTION THEREFOR

TO: THE S.C. COURT OF APPEALS,  
THE U.S. DISTRICT COURT,  
THE 4TH. CIRCUIT COURT OF APPEALS ET. AL.,

THE APPELLANT IN THIS CASE GIVES THE COURTS AND ALL

PARTIES JUDICIAL NOTICE AND OFFICIALLY NOTIFY ALL PARTIES THAT THE APPELLANT MOTIONS TO RELIEVE ATTORNEY CAUDY OF THE APPELLATE DEFENSE OFFICE. ATTORNEY LARA CAUDY, MAM, YOU ARE FIRED!! , AND THE APPELLANT OFFICIALLY INVOKES HIS CONSTITUTIONAL DUE PROCESS RIGHT OF SELF REPRESENTATION DUE TO THE EGREGIOUS ACTS OF FRAUD UPON THE COURTS, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE. THE APPELLANT EXERCISES HIS RIGHT TO ACT PRO SE FOR THE PURPOSE OF DEALING WITH THE FRAUD AND TO CHALLENGE THIS COURT'S JURISDICTION. THE APPELLANT INVOKES THIS CHOICE WITH HIS EYES OPEN BEING FULLY AWARE OF THE DANGERS OF SELF REPRESENTATION. THIS IS NOT DONE AS A LEGAL TACTIC OR INTENT TO DISRUPT THE COURT. IT IS DONE TO ADDRESS THE FRAUD THAT PRODUCED THIS APPEAL TO WHICH THE STATE APPOINTED ATTORNEY'S PRESENCE IS IN FURTHERANCE OF THE CONSPIRACY WHERE THE STATE APPOINTED ATTORNEY CONSPIRED WITH THE S.C. ATTORNEY GENERAL AND OTHER INVOLVED PARTIES TO PRODUCE THIS CASE IN THEIR "MEETING OF THE MINDS". THUS, MY RIGHT TO SELF REPRESENTATION CANNOT IN FUNDAMENTAL FAIRNESS BE DENIED. THE CONSPIRING COURTS AND ATTORNEYS ARE IN VIOLATION OF THE CANON OF JUDICIAL CONDUCT AND THE CODE OF PROFESSIONAL ETHICS, WARRANTING SANCTIONS FOR THEIR ACTS OF FRAUD AND CRIMINAL CONSPIRACY, STATE-v.-HENDERSON, 205 Kan. 231, 468 P.2d. 136 (1970); PEOPLE-v.-BLALOCK, 197 Colo. 320, 592 P.2d. 406 (1979); STRICKLAND-v.-WASHINGTON, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d. 674(1984); WILLIAMS-v.-TAYLOR, 529 U.S. 362, 391, 120 S.Ct. 1495, 146 L.Ed.2d. 389(2000); UNITED-STATES-v.-ECHLES, 352 F2d. 892 (7th.Cir.1965); UNITED-STATES-AIDS-FUND-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); FOX-EX-REL.-FOX v.-ELK-RUN-GOAL-CO.,-INC., 739 F3d. 131 CA4(2014); MR.T.-v. MRS.T., 378 S.C. 127, 662 S.E.2d. 413(S.C.App.2008); LUCAS-v. BRISTOL-CONDOMINIUM-PROPERTY-OWNERS-ASS'N., S.E.2d., 2015 WL 3885837 (S.C.APP.2015; BENTON-v.-BURNS, 2017 WL 491251(D.C.Md. 2017); PEGG-v.-HEARNBERGER, 845 F3d. 112(4TH.Cir.2017); GRAHAM v.-GAYRON, 831 F3d. 176(4th.Cir.2016); NORTH-AMERICAN-RESCUE PRODUCTS,-INC.-v.-RICHARDSON, 411 S.C. 371, 769 S.E.2d. 237

(S.C.2015); IANNELLI-v.-U.S., 420 U.S. 770, 95 S.Ct. 1284, 43 L.Ed.2d. 616; STATE-v.-BARNES, 407 S.C. 27, 753 S.E.2d. 545 (S.C.App.2014); BRIDWELL-v.-STATE, 306 S.C. 518, 413 S.E.2d. 30 (S.C.App.1992); STATE-v.-MOSELY, S.E.2d., 2016 WL 4446305 (S.C.App.2016); STATE-v.-STARNES, 388 S.C. 590, 698 S.E.2d. 604(S.C.App.2010); STATE-v.-WINKLER, 388 S.C. 574, 698 S.E.2d. 596(S.C.App.2010). I ALSO MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT.

THE APPELLANT GIVES THE COURTS AND PARTIES JUDICIAL NOTICE; THAT IN ORDER TO ADDRESS THE STATE APPOINTED ATTORNEY'S TERMINATION, FRAUD AND PART IN THE CONSPIRACY. THE APPELLANT IS ARGUING PREEMPTION DUE TO FEDERAL QUESTION THAT ATTACHES TO THIS CASE, AS WELL AS ARTICLE III SECTIONS 1 AND 2 PROVISIONS, AS WELL AS REMOVAL OF THIS CASE TO THE FEDERAL COURT PURSUANT TO 28 U.S.C. §§ 1443(1), 1602-1612 et. seq., SINGLETON-v.-TOWN OF-ESTILL, 2013 WL 4027765 (DSC.2013); WEDDLE-v.-CHARLESTON COUNTY-SHERIFF-OFFICE, 2014 WL 2155235 (DSC.2014); JOHNSON-v.-AMERICAN-TOWERS,-LLC., 781 F3d. 693 CA4 (S.C.2015); TONEY-v.-LaSALLE-BANK-NAT.-ASS'N, 36 F.Supp.3d. 657(DSC.2014); EIE-GUAM LONG-TERM-CREDIT-BANK,-JAPAN, 322 F3d. 635 (9TH.Cir.2003); ADAIR ASSET-MANAGEMENT-LLC.-V.-U.S.-DEPARTMENT-OF-HOUSING-ACT-URBAN DEVELOPMENT, 2016 WL 3248569(2016).

THUS, ANY DEFECT IN FORM OR PAGE LIMIT FOR THIS DOCUMENT MUST BE WAIVED WHERE FEDERAL RULES WOULD PREEMPT S.C. SUPREME COURT RULES AND THE LAW REQUIRES THAT THE EXACT SAME DOCUMENT(S) I FILE IN THE FEDERAL COURT, ALSO BE SERVED UPON THE STATE COURT. PREEMPTION IS ARGUED. IN SUCH, I EXPAND THE SCOPE AND GIVE ALL PARTIES JUDICIAL NOTICE THAT I WANT THE TRANSCRIPT TAPES AND RECORDINGS FROM THE PCR HEARING UNDER CASE 2015-CP-30-2134 PRESERVED. NOTIFY THE COURT REPORTER. THOSE TAPES, UNLESS YOU SPOLIATE OR COMPROMISE THEM, ARE CONCRETE EVIDENCE OF THE FRAUD DONE BY THE STATE AND FEDERAL ACTORS INVOLVED REGARDING THEIR EFFORTS AT FRAUD AND OBSTRUCTION OF JUSTICE. THE CONSPIRACY IS PREVALENT. ALL DOCUMENTS FILED IN THE JASON GOURDINE CASE UNDER 2016-000640 FROM THE S.C. COURT OF APPEALS ARE NOW DEEMED

FILED IN THIS CASE 2017-000605. IF THE S.C. SUPREME COURT IN VIOLATION OF 18 U.S.C. §§ 242 AND 1001 REFUSE THE EXPANSION. THE APPELLANT GIVES YOU ALL JUDICIAL NOTICE THAT THE DOCUMENTS WILL SOON BE ELECTRONICALLY SENT TO THE COURT. PLEASE DO NOT BLOCK THEIR SENDING AND FILING BECAUSE I AM SENDING THEM. NOT ANYONE ELSE NO MATTER WHO UPON THEIR FACE APPEARS TO BE SENDING THEM. THEY ARE NOW ALL OFFICIALLY ATTACHED TO THE FACE OF THIS DOCUMENT TO ESTABLISH THE FACTS RELATED TO TERMINATING STATE APPOINTED COUNSEL AND DEMONSTRATE THE "CAUSE AND INTENT" BEHIND THE CONSPIRACY, AS WELL AS TO CHALLENGE THE S.C. SUPREME COURT'S JURISDICTION, U.S.-EX-REL.-KNIGHT-v.-RELIANT-HOSPICE-INC., F.Supp.2d., 2011 WL 1321584(DSC.2011); HARBISON-v.-BELL, 556 U.S. 180, 129 S.Ct. 1481(U.S.2009); MIDDLETON-v.-NISSAN-MOTORS CO.-LTD., F.Supp.2d., 2012 WL 3612572(DSC.2012).

FOR THE RECORD. THE S.C. SUPREME COURT AND PARTIES ARE NOT TO CONSTRUE, IN ACTS OF FRAUD AND AN ABUSE OF DISCRETION, THAT EITHER JASON GOURDINE OR LAWRENCE L. CRAWFORD IS ATTEMPTING TO ARGUE THIS CASE OR FILE THESE DOCUMENTS. I, david duren, MOTIONING TO ACT PRO SE, AM ARGUING THIS FIRING, TERMINATING, OF LEGAL COUNSEL, AND THESE LEGAL DOCUMENTS SUBMITTED ARE FILED IN MY PENDING FEDERAL HABEAS CORPUS CASE TO WHICH THIS S.C. SUPREME COURT CASE IS PETITIONED REMOVED. THE DOCUMENTS ARE RELEVANT TO THE CLAIMS, ISSUES AND DEFENSES ARGUED BEFORE ALL COURTS INVOLVED. THIS IS NOT TO BE CONSTRUED AS HYBRID-DEFENSE OR INMATE(S) REPRESENTING OTHER INMATES. I, david duren, AM SEEKING TO TERMINATE STATE APPOINTED COUNSEL AND ACT PRO SE. I AM FILING DOCUMENTS THAT ARE FILED IN MY FEDERAL CASE AND ITS PARALLEL CASES FOR THAT PURPOSE. THERE IS NO ORDER FROM ANY STATE COURT RESTRICTING "ME", "david duren" FROM DOING SO. TO DENY OR BLOCK SUCH FILING WOULD BE AN ACT OF MACHINATION, OBSTRUCTION OF JUSTICE AND AN ATTEMPT TO PREVENT ME FROM BEING FULLY HEARD ON THE ISSUES OF CONCERN, WHEN WE ARE DEALING WITH MOTION TO TERMINATE LEGAL COUNSEL AND EXERCISE THE CONSTITUTIONAL RIGHT OF SELF REPRESENTATION, DENYING ME THE EQUAL PROTECTION OF THE LAWS WHERE THESE SAME DOCUMENTS WERE PERMITTED TO BE FILED IN THE S.C. COURT OF APPEALS UNDER THE JASON GOURDINE

CASE, SPECIFICALLY, CASE 2016-000640, LACRA-v.-ROSENBAUM, 2016 WL 6775638(N.C.2016); JOHNSON-v.-BYRD, 2016 WL 6839410(N.C.2016); STATE-v.-BURGESS, 391 S.C. 15, 703 S.E.2d. 512(S.C.App.2010).

HERE THE COURT AND PARTIES WILL ALSO FIND ATTACHED:

(1) EXHIBIT # [1], A COPY OF THE STATE APPOINTED ATTORNEY AND S.C. SUPREME COURT LETTERS.

(2) EXHIBIT # [2], A COPY OF THE NOTICE EXERCISING THE CONSTITUTIONAL RIGHT OF SELF REPRESENTATION.

(3) EXHIBIT # [3], THE SECOND NOTICE EXERCISING THE CONSTITUTIONAL RIGHT TO SELF REPRESENTATION.

(4) EXHIBIT # [4], THE [22] PAGE RESPONSE FILED IN CASE 9:16-cv-3808-TLW-BM AND THE OTHER PARALLEL CASES, DATED MAY 16, 2017.

(5) EXHIBIT # [5], A COPY OF THE JASON GOURDINE BRIEF FILED IN CASE 2016-000640 PENDING IN THE S.C. COURT OF APPEALS.

(6) EXHIBIT # [6] , THE [26] PAGE MANDAMUS THAT MAKE UP CASE 16-2299 PENDING WITHIN THE 4TH. CIRCUIT COURT OF APPEALS.

(7) EXHIBIT # [7], THE [23] PAGE DOCUMENT DATED JULY 8, 2017 FILED WITHIN ALL FEDERAL PARALLEL CASES.

(8) EXHIBIT # [8], THE [3] PAGE AFFIDAVIT TO VACATE THE ORDER IN CASE 2:17-cv-1127-JMC-MGB DATED MAY 25, 2017.

(9) EXHIBIT # [9], THE [6] PAGE AFFIDAVIT OF FACTS FILING WRIT OF ERROR, FILED IN CASE 2:17-cv-1127-JMC-MGB DATED MAY 19, 2017.

PURSUANT TO ARTICLE 5 § 5 OF THE S.C. CONSTITUTION. THE APPELLATE COURT HAS AUTHORITY TO REVIEW FINDINGS OF FACT AS WELL AS CONCLUSIONS OF LAW IN APPEALS FROM ALL EQUITY ACTIONS. S.C. CODE ANN. § 62-7-102 PERMITS THE S.C. COURT OF APPEALS AND OR S.C. SUPREME COURT TO REVIEW MATTERS OF EXPRESSED TRUSTS. S.C. CODE ANN. § 36-9-109 ALLOW THE COURT TO REVIEW MATTERS OF CONTRACTS AND LIENS. THE APPELLANT MOTIONS TO EXPAND THE SCOPE IN HIS EFFORTS TO ADDRESS THE TERMINATION OF STATE APPOINTED LEGAL COUNSEL AND ESTABLISH WHY THE FRAUD AND CONSPIRACY EXIST, RUTHERFORD-v.-RUTHERFORD, (S.C.1992) 307 S.C. 199, 414 S.E.2d. 157; SIMMONS-v.-SIMMONS, 392 S.C. 412, 709 S.E.2d. 666 (Ct.App.2011); GLASSMEYER-v.-CITY-OF-COLUMBIA, 414 S.C. 213, 777 S.E.2d. 835(2015); TILLMAN-v.-OAKES, 398 S.C. 243, 728 S.E. 2d. 45(2012); GLASSMEYER-v.-CITY-OF-COLUMBIA, S.E.2d., 2016 WL 4446306(2016); GARLAND-v.-CATOE, F.Supp.2d., 2001 WL 34681751.

I OFFICIALLY GIVE THE JUDGES OF THE S.C. SUPREME COURT JUDICIAL NOTICE. YOU ARE DEFENDANTS IN THESE PARALLEL CASES PENDING BEFORE THE U.S. DISTRICT COURT. YOUR PRESENCE ON THIS CASE PRODUCES A STRUCTURAL ERROR THAT VOIDS YOUR JURISDICTION FOR DUE PROCESS VIOLATION. I OBJECT. YOU CANNOT SIT UPON YOUR OWN CASES OR CASES TO WHICH YOU HAVE AN INTEREST IN THE OUTCOME OR CASES WHERE YOUR PRESENCE PRODUCES A POTENTIAL FOR BIAS OF SUCH A MAGNITUDE, YOUR PRESENCE RISES TO AN UNCONSTITUTIONAL LEVEL. YOU HAVE FRAUD GOING ON, TO WHICH IT IS CONSPICUOUS THAT YOU ARE PRIVY TO IT. I MOTION FOR ALL OF THE JUDGES OF THE S.C. SUPREME COURT'S RECUSAL AND OR DISQUALIFICATION. YOU AND THE S.C. APPEALS COURT JUDGES ARE DEFENDANTS IN THESE PENDING PARALLEL CASES REQUIRING YOUR RECUSAL AND OR DISQUALIFICATION, WILLIAMS-v.-PENNSYLVANIA, 136 S.Ct. 1899(2016); IN-RE:-SYNTAX-BRILLIAN-CORPORATION, 2016 WL 7177615 (D.Md.2016); ETHRIDGE v.-UNITED-STATES, 2016 WL 337749(N.C.2016); 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); UNITED-STATES-v. QUINONES,--F.Supp.3d.,--, 2016 WL 4413149(2016).

ADDITIONALLY, THERE IS TRUSTEE APPOINTED OVER THESE MATTERS WHICH INCLUDE ALL STATE AND FEDERAL CASES FILED. THESE CASES ARE ON APPEAL IN THE 4TH. CIRCUIT UNDER CASE 17-6693 AND IN AT LEAST (3) OTHER CASES BEING PROCESSED. YOU ARE GIVEN NOTICE THAT YOU ARE DIVESTED OF JURISDICTION OVER THESE MATTERS. SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANY TIME, CANNOT BE WAIVED, CAN BE RAISE FOR THE FIRST TIME ON APPEAL, AND THE COURT SHALL NOT 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); McCANN 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) ; U.S.-v.-BEASLEY, 495 F3d. 142 (4th.Cir.2017); BROWN-v.-U.S., 2014 WL 2871398(DSC.2014); SHANKLIN-v.-SEALS, 461 Fed. Appx' 313, 2012 WL 29186 (4th.Cir.2012); RUSS-v.-HEWITT, 69 Fed. Appx' 185, 2003 WL 21546021 (4th.Cir.2003); KAMP-v.-WARDEN-OF-GRAHAM C.I., 2014 WL 6809522(DSC.2014); ASHCROFT-v.-IQBAL, 556 U.S. 662, 129 S.Ct. 1937(U.S.2009); UNITED-STATES-v.-ROGERS, 101 F.3d. 247(2nd.Cir.1996). I MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT.

FURTHERMORE, THE COURT WILL FIND ATTACHED: EXHIBIT # (10), THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; PETITION TO REMOVE. CASE 2017-000605 AND ANY OTHER CASE YOU HAVE PENDING WITHIN THIS COURT RELATED TO THE PCR UNDER 2015-CP-43-2134 IS PETITIONED REMOVED TO EVERY FEDERAL PARALLEL CASE PENDING IN THE DISTRICT COURT TO PROTECT IT FROM ANY ADDITIONAL ACTS OF FRAUD AND CRIMINAL CONSPIRACY. THIS DIVESTS YOU OF JURISDICTION ALSO, EDMOND v.-OZMINT, F.Supp.2d., 2008 WL 4832539(DSC.2008); REAVES v.-SWEENEY, F.Supp.2d., 2007 WL 1068452(DSC.2007); DEUTSCHE BANK NAT.-TRUST CO.-v.-LOVETT, F.Supp.2d., 2012 WL 3135377(DSC.2012); ACKERMANN v.-EXXON-MOBIL-CORP., 734 F3d. 237 CA4 (Md.2013); LOVETT-v.-DEUTSCHE-BANK-NAT.-TRUST-CO., F. Supp.2d., 2013 WL 841679(DSC.2013). I MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT.

THIS IS WHAT IS GOING ON HERE. WE ARE ARGUING AGAINST

THE PRECEDENT ESTABLISHED BY STATE-v.-LANGFORD AND STATE-v.-GENTRY PRODUCED IN 2012 AND 2005, AMONG OTHER THINGS, TO WHICH THE STATE'S HIGHEST COURTS ENGAGED IN ACTS OF FRAUD UPON THE COURTS, AND CONSPIRACY IN VIOLATION OF THE CIVIL RIGHTS ACT; THE RICO ACT; ALSO VIOLATING 18 U.S.C. §§ 242 AND 1001 TO PRODUCE THESE CASES, AMONG OTHER CLAIMS THAT ARE ARGUED WITHIN THE PENDING PARALLEL CASES, 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-HOLDINGS-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); STATE-v.-GENTRY, 363 S.C. 93, 610 S.E.2d. 494, 495(S.C.2005).

THE PCR, CASE 2015-CP-43-2134 WAS REMOVED TO THE U.S. DISTRICT COURT PURSUANT TO 28 U.S.C. §§ 1443(1), 1602-1612 ET. SEQ., MAKING IT A FEDERAL CASE. I SOUGHT LEAVE TO APPEAL FOR CLASS ACTION CERTIFICATION ESTABLISHING CASE 17-6693 IN THE 4TH. CIRCUIT COURT OF APPEALS. THE CONSPIRING STATE AND FEDERAL ACTORS APPEALED THE PCR CASE WITHOUT A PROPER HEARING AND WITHOUT MY CONSENT CONSPIRING UNDER COLOR OF STATE LAW. THEY THEN PLACED THIS STATE APPOINTED ATTORNEY ON ME AGAINST MY WILL TO KILL MY VOICE BEFORE THIS COURT AND THE 4TH. CIRCUIT SO IT WOULD BE SAID THAT I HAVE AN ATTORNEY AND THERE IS NO HYBRID-DEFENSE. THEY DID THIS TO ALSO PREVENT THE CONSPIRING JUDGES INVOLVED DISQUALIFICATION AND TO IMPEDE CLASS ACTION CERTIFICATION, TO INCLUDE THE ISSUE OF CHANGE OF VENUE BEING ADDRESSED BEFORE THE 4TH. CIRCUIT. BOTH, STATE AND FEDERAL ACTORS ARE INVOLVED, INCLUDING UNDISCLOSED PARTIES IN THE S.C. SUPREME COURT WHO INTENDED TO HEAR THIS FRAUDULENTLY PRODUCED APPEAL. BY THESE EGREGIOUS ACTS OF FRAUD AND MACHINATION. THERE ARE NO AVAILABLE STATE REMEDIES AND EXHAUSTION IN THIS INSTANCE IS NOT REQUIRED AND WOULD BE FUTILE. YOU CAN'T SIT UPON YOUR OWN CASES TO WHICH YOU HAVE AN INTEREST IN THE OUTCOME. YOU ADD THE FRAUD COMMITTED TO ALLOW YOU TO INAPPROPRIATELY ENTERTAIN JURISDICTION, YOUR PRESENCE PRODUCES A POTENTIAL FOR BOTH PERSONAL AND JUDICIAL BIAS THAT RISES TO AN UNCONSTITUTIONAL LEVEL AND YOUR JURISDICTION IS MADE VOID FOR DUE PROCESS VIOLATION, WILLIAMS-v.-PENNSYLV-

VANIA SUPRA.; 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 v. FARAG, 2016 WL 2944561 (2016).

THE PCR WAS REMOVED BEFORE ANY HEARING OCCURRED BY THE MAILBOX RULE, WHERE PREEMPTION IS ARGUED IN ALL STATE AND FEDERAL PARALLEL CASES INVOLVED. IF THE PCR WAS REMOVED BEFORE JUDGE NEWMAN SAT, WHICH IT WAS. THE HEARING IS VOID BY THE REMOVAL AND NO ORDER IN THE LOWER COURT CAN BE PRODUCED UNTIL A PROPER HEARING OCCURRED WHERE THERE WAS NO REMOVAL ISSUE AND OR CONCERN. THIS DID NOT OCCUR, SEE LOVETT v. DEUTSCHE-BANK-NAT. TRUST-CO., F.Supp.2d., 2013 WL 841679(DSC.2013).

DESPITE THE REMOVAL, THE PCR COURT CONTINUED WHICH CORRUPTED THE ENTIRE HEARING RENDERING IT VOID. YET, DURING THAT PROCEEDING, JUDGE NEWMAN GRANTED ME THE RIGHT TO ACT PRO SE. ATTORNEY TIMOTHY GRIFFITH THEN GAVE ME THE CASE FILE AND IMMEDIATELY LEFT THE COURT ROOM, LEAVING ME ALONE AT CRITICAL STAGES OF THE PROCEEDINGS. WITHOUT THE PRESENCE OF STATE APPOINTED COUNSEL, THE HEARING CONTINUED DESPITE THE COURT'S JURISDICTION BEING DIVESTED BY THE REMOVAL. UNLESS THE STATE CAN PRODUCE A REMAND ORDER ISSUED BEFORE JULY 26, 2016 FROM CASES 8:16-cv-3327, 3328, 3194-RBH-JDA AND THE OTHER PARALLEL CASES TO WHICH THE PCR WAS REMOVED, THE ORDER ISSUED BY JUDGE NEWMAN IS VOID FOR WHICH THAT ORDER IS A "[J]URISDICTIONAL [P]REREQUISITE" FOR THE S.C. SUPREME COURT TO ENTERTAIN JURISDICTION. A REMOVED PCR CANNOT GRANT RULING TO ACT PRO SE. THIS PRODUCED A STRUCTURAL ERROR WHERE COUNSEL WAS NOT PRESENT AT CRITICAL STAGES OF THE PROCEEDINGS, 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); WHITE v. MARYLAND, 373 U.S. 59, 83 S.Ct. 1050, 10 L.Ed.2d. 199(U.S.1963); MEMPHO 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); UNITED-STATES-v.-WADE, 388 U.S. 218, 87 S.Ct. 1926, 18 L.Ed.2d. 1149(U.S.1967).

THIS POSES SEVERAL STRUCTURAL PROBLEMS THAT VIOLATE DUE PROCESS TO WHICH JURISDICTION IS MADE VOID BY THIS FRAUD. IF THE PCR WAS REMOVED. THEN IT IS INDISPUTABLE THAT THE HEARING THAT FOLLOWED WAS VOID TO WHICH NO FINAL ORDER CAN BE PRODUCED FOR IT WHICH IS THE VEHICLE FOR THE S.C. SUPREME COURT ENTER-TAINING JURISDICTION. IF THE HEARING WAS NOT VOID. THEN WHERE IS THE "[W]RITTEN" (EMPHASIS ADDED) ORDER GRANTING OR DENYING MY ASSERTING THE RIGHT OF SELF REPRESENTATION? THE PCR COURT COULD NOT HEAR OR GRANT IT IF THE CASE WAS REMOVED, WHICH IT WAS. THIS MADE IT ESSENTIAL, CRUCIAL, THAT A SUBSEQUENT HEARING OCCUR TO ADDRESS THIS SUBSTANTIAL CONSTITUTIONAL DUE PROCESS RIGHT, WHICH SUCH SUBSEQUENT HEARING NEVER OCCURRED. I OBJECT. MY RIGHT OF ASSERTION OF SELF REPRESENTATION WAS CLEAR, KNOW-INGLY, INTELLIGENTLY, VOLUNTARILY DONE. IT WAS TIMELY AND NOT MEANT TO DELAY OR DISRUPT THE COURT. THIS CREATED A STRUCTURAL ERROR THAT VOIDED THE PCR COURT'S JURISDICTION FOR DUE PROCESS VIOLATION AND FRAUD, BROOKS-v.-SOUTH-CAROLINA-COMMISSION-OF INDIGENT-DEFENSE, 419 S.C. 319, 797 S.E.2d. 402(S.C.2017); STATE v.-POLITE, S.E.2d., 2017 WL 105020(S.C.2017); STATE-v.-MAZIQUE, 419 S.C. 282, 797 S.E.2d. 730(S.C.2016); STATE-v.-GREEN, S.E.2d., 2016 WL 3200132(S.C.2016); FORTMILL-v.-FITZGERALD, S.E.2d., 2014 WL 7339453(S.C.App.2014).

IF THE COURT AFFIRMS THAT DESPITE THE VOID HEARING, THAT THE COURT DID GRANT MY RIGHT TO SELF REPRESENTATION. THEN HOW DID THIS CASE GET UP IN THE S.C. SUPREME COURT? I DIDN'T FILE AN APPEAL AS PRO SE COUNSEL. THE CORRUPT OFFICIALS WHO ARE PARTY TO THE CONSPIRACY DID. NO ONE HAD MY PERMISSION TO FILE THIS APPEAL IF I AM PRO SE. IF I AM PRO SE IN THE PCR COURT, WHICH WAS GRANTED WITHIN THE VOID REMOVED HEARING. THEN I WAS DENIED OPPORTUNITY TO FULLY ADDRESS THE DNA DISCOVERY. I WAS DENIED

A PROPER HEARING WHERE THE REMOVAL DID NOT TAINT IT. I WAS DENIED THE OPPORTUNITY TO SUBMIT THE LEGAL ISSUES SUBMITTED FOR CLASS ACTION CERTIFICATION SEEN IN THE GOURDINE BRIEF AND FEDERAL DOCUMENTS. I WAS DENIED MY OPPORTUNITY TO SUBMIT RULE 59(e) MOTION AND OR 60(b) MOTION OR MOTION FOR A REHEARING BY THIS FRAUD REQUIRING SANCTIONS, WHICH I MOTION FOR, AT CRITICAL STAGES OF THE PCR PROCEEDINGS CREATING ANOTHER STRUCTURAL ERROR THAT VOIDS THEIR JURISDICTION FOR DUE PROCESS VIOLATION AND FRAUD, DENYING ME THE RIGHT TO BE "FULLY" HEARD, STATE-V.-BURGESS, 391 S.C. 15, 703 S.E.2d. 512(S.C.App.2010); BRANDT-V.-OZMINT, 664 F.Supp.2d. 626(DSC.2009); IN-RE:-KEVIN-R., 409 S.C. 297, 762 S.E.2d. 387(S.C.2014); U.S.-V.-MOUSSAGUI, 483 F3d. 220 CA4 (Va.2007); STATE-V.-BRANDT, 394 S.C. 526, 713 S.E.2d. 591(S.C. 2011); SOUTHEASTERN-SITE-PREP.-LLC.-V.-ATLANTIC-COAST-BUILDERS AND-CONTRACTORS.-LLC., 394 S.C. 97, 713 S.E.2d. 650(S.C.App. 2011); BLUE-SKY-TRAVEL-AND-TOURS.-LLC.-V.-AL-TAYYAR, --Fed. Appx<sup>o</sup>- 2015 WL 1451636 CA4 (Va.2015); LAFLER-V.-COOPER, 132 S.Ct. 1376; SELLNER-V.-STATE, 416 S.C. 606, 787 S.E.2d. 525(S.C.App.2016); 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.-MARCUS, 560 U.S. 258, 130 S.Ct. 2159, 176 L.Ed.2d. 1012 (U.S.2010).

THE S.C. SUPREME COURT JUDGES AND THIS COMPROMISED STATE APPOINTED ATTORNEY IS FRAUDULENTLY PUT IN PLACE TO PREVENT ME FROM BEING HEARD WITHIN THIS COURT, THE 4TH. CIRCUIT IN CASE 17-6693 AND THE FEDERAL DISTRICT COURT TO BE PARTY IN SEEKING CLASS ACTION CERTIFICATION. ALL OF YOU ARE PRIVY AND PARTY TO THIS CONSPIRACY. I OBJECT. IT SHOULD HAVE BEEN OVERWHELMINGLY OBVIOUS TO YOU S.C. SUPREME COURT JUDGES AND THIS CORRUPT, COMPROMISED STATE APPOINTED ATTORNEY THAT SOMETHING "STINKS", BUT YOU IGNORED IT BECAUSE YOU ARE PARTY TO IT. BY YOUR FRAUD AND MACHINATION AS WELL AS CRIMINAL CONSPIRACY, EXHAUSTION IS FUTILE. I NO LONGER HAVE TO EXHAUST WHERE YOUR ACTIONS ESTABLISH THAT THERE ARE NO AVAILABLE STATE REMEDIES PLACING THIS COMPROMISED STATE APPOINTED ATTORNEY ON ME TO BLOCK ME FROM BEING HEARD

BEFORE THIS COURT TO ADDRESS THE FRAUD AND BEFORE THE 4TH. CIRCUIT TO PREVENT THE LEGAL ISSUES OF CONCERN FROM OBTAINING A FAIR AND PROPER REVIEW. I OBJECT. THE STATE APPOINTED ATTORNEY IS FIRED AND I AM NOW PRO SE TO ADDRESS THE FRAUD, MACHINATION AND SEEK THE S.C. SUPREME COURT'S RECUSAL AND DISQUALIFICATION. I MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT ON ALL ISSUES AND CONCERNS RAISED WITHIN THIS DOCUMENT AND THE PARALLEL CASES, ROSS-V.-BLAKE, 136 S.Ct. 1850(2016); STORM-M.H.-EX-REL. McSWAIN-V.-CHARLESTON-COUNTY-BD.-OF-TRUSTEES, 400 S.C. 478, 735 S.E.2d. 492(S.C.2012); SOUTH-CAROLINA-SELF-STORAGE-ASS'N V.-CITY-OF-AIKEN, S.E.2d., 2012 WL 10862806(S.C.2012); CROUCH CONST.-CO., INC.-V.-CAUSEY, 405 S.C. 155, 747 S.E.2d. 482(S.C. 2013); GREAT-AMERICAN-INS.-CO.-V.-NEXTDAY-NETWORK-HARDWARE-CORP., 73 F.Supp.3d. 636(2014); U.S.-V.-BURTON, 11 Fed. Appx' 328, 2011 WL 640248 CA4 (2011).

THE S.C. COURT OF APPEALS DENIED JASON MORRIS GOURDINE UNDER CASE 2016-000640 HIS MOTION TO EXCEED THE PAGE LIMIT TO BLOCK REVIEW OF THE LEGAL ISSUES IN ACTS OF FRAUD UPON THE COURT, AS THEIR PART IN THIS CONSPIRACY, TO WHICH BOTH YOU STATE COURTS ARE PRIVY TO THIS IN EFFORTS TO DEPRIVE US OF OPPORTUNITY TO BE HEARD. THE STATE APPOINTED ATTORNEY IS FIRED!!! I MOTION FOR SUCH. I AM NOW PRO SE. I SEEK AND MOTION FOR YOUR RECUSAL AND DISQUALIFICATION AND THIS CASE IS REMOVED. YOU CANNOT REVIEW A PCR RULING OBTAINED BY OUTRAGEOUS ACTS OF FRAUD UPON THE COURT, MACHINATION, OBSTRUCTION OF JUSTICE AND CRIMINAL CONSPIRACY TO PREVENT REVIEW OF LEGAL ISSUES BEING HEARD BEFORE THE FEDERAL DISTRICT COURT AND 4TH. CIRCUIT BEHIND RELIGIOUS AND RACIAL HATRED. YOU ARE IN VIOLATION OF THE EQUAL PROTECTION OF THE LAWS CLAUSE. BY THIS FRAUD THE STATE IS IN FORFEITURE OF THE CASES AND CAUSE VIA SANCTIONS SOUGHT ALSO, CHRISTIANSØN-V.-M.B.N.A. AMERICAN-BANK-N.A., S.E.2d., 2013 WL 8507850(S.C.App. 2013); CALDWELL-V.-WINQUIST, 402 S.C. 595, 741 S.E.2d. 583(S.C. App.2013); TILLMAN-V.-TILLMAN-EX-REL-ESTATE-OF-TILLMAN, S.E.2d., 2013 WL 8508108; MILLER-V.-COLUMBIA-FORREST-INC., S.E.2d., 2014 WL 5390504(S.C.App.2014); BODMAN-V.-STATE, 403 S.C. 60, 742 S.E.2d. 363(S.C.2013); MARSHALL-V.-CITY-OF-ROCKHILL, S.E.2d., 2015 WL 3884258(S.C.App.2015); U.S.-V.-ALADEKCHA, 2010 WL 4054267

(D.C.Md.2010); WHITE-V.-MANIS, 2014 WL 1513280(DSC.2014); ADDISON V.-C.M.H.-HOMES, INC. 47 F.Supp.3d. 404(DSC.2014); U.S.-V. BAKER, 598 Fed. Appx' 165(4th.Cir.2015); U.S.-V.-HAMILTON, 699 F3d. 356 CA4 (N.C.2012); ROBERTS-V.-ROBERTS, S.E.2d., 2008 WL 9842601(S.C.App.2008). ALSO ATTACHED ARE EXHIBITS #'S 11 AND 12. GET THIS CORRUPT, COMPROMISED ATTORNEY OFF OF ME PLEASE.

REFERRING BACK TO ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE-V.-GENTRY AND STATE-V.-LANGFORD, TO INCLUDE THE S.C. SUPREME COURT MODIFYING THE ARTICLE V § 4 ORDER IN 2013 TO WATER IT DOWN BECAUSE YOU DISCOVERED THAT THE INMATES OF THIS STATE FIGURED OUT HOW TO PROPERLY ARGUE AGAINST IT, ESTABLISHING LAWS BEHIND A CLASS BASED INVIDIOUSLY DISCRIMINATORY ANIMUS, DISPROPORTIONATELY AFFECTING THE MINORITIES OF THIS STATE IN VIOLATION OF THE HOLDINGS MADE IN EX-PARTE-VIRGINIA, 100 U.S. 339(1880), AND FRAUDULENTLY SEEKING OUT VAGUE CASE LAW FOR THE PURPOSE OF ADJUDICATING CLEAR DUE PROCESS ISSUES UNDER THE INCORRECT PRONG TO SUBJECT MATTER JURISDICTION.

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR ON ISSUES SUCH AS THESE, WHICH INCLUDE THE STATE-V. GENTRY-ETC.-CASES.-IF-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, WHICH 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 AND YOU DON'T DISPROPORTIONATELY TARGET AFRICAN AMERICANS OR OTHER MINORITIES) OF CONSTITUTIONAL LAW IS NOT JUST MERELY 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 SUBSTANTIVE RULE, REGARDLESS OF WHETHER THE CONVICTION, SENTENCE, LEGISLATION, OR JUDICIAL DETERMINATION BECOMES FINAL BEFORE THE RULE IS ANNOUNCED. JURISDICTION IS MADE VOID FOR DUE PROCESS VIOLATION AND THE STATE-v.-GENTRY CASE AND OTHER ISSUES ARGUED CANNOT STAND, MONTGOMERY-v.-LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S. 2016); GEET-OUTDOORS-LLC.-v.-CONSOLIDATION-CITY-OF-INDIANAPOLIS \*\*\*, 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 UNITED STATES SUPREME COURT. A FEW STATES, COURTS OR 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 LADIES AND GENTLEMEN, BECAUSE I WAS NOT DECEIVED BY THE "VERBAL VODOO", "THE WORD WINX", "THE LINGUISTIC LURING INTO LETHARGY", THE "JUDICIAL CHICANERY" OR DECEPTIVE LEGAL MANEUVER AND TACTIC EMPLOYED AND ENGAGED IN BY THOSE COURTS AND PARTIES. LETS "NAIL" THIS THING AND KILL ANY EFFORT FOR THE CONSPIRING PARTIES TO ATTEMPT TO USE THIS MANEUVER. I WANT YOU TO KNOW THAT I AM FULLY COGNIZANT OF WHAT THE UNITED STATES SUPREME COURT ESTABLISHED BY THE MONTGOMERY CASE. EVEN THOUGH THAT CASE DEALT WITH JUVENILES. THE SUBSIDIARY FACT HERE IS THAT THE U.S. SUPREME COURT CLEARLY ADDRESSED WHAT OCCURS WHEN COURT'S MAKE USE OF "[A]NY" (EMPHASIS ADDED) UNCONSTITUTIONAL LAW, LEGISLATION, SENTENCE ETC. RELATED TO CONVICTIONS.

INSOMUCH, WHAT MAKES THE RELIEF THAT WE SEEK MANDATORY

AND AN ABUSE OF DISCRETION FOR FAILURE TO GRANT, IS THE ESSENTIAL LANGUAGE ADJUDICATED BY THE U.S. SUPREME COURT WHICH THE AFORE MENTIONED CONSPIRING COURTS FAILED TO ADDRESS, SKIRTING THE OBLIGATION TO GRANT RELIEF. THE FOCUS IS NOT SO MUCH ON WHETHER THE RELIEF BY USE OF AN UNCONSTITUTIONAL LAW APPLIES RETROACTIVELY. THE CONSPIRING COURTS ABUSED THEIR DISCRETION IN ACTS OF FRAUD TO DIVERT ATTENTION FROM THE U.S. SUPREME COURT'S ESSENTIAL LANGUAGE. THE EMPHASIS IS ON SECTIONS "20-27" OF THE MONTGOMERY CASE WHERE THE U.S. SUPREME COURT STATED IN "HAEC VERBA":

" THE LAW EXPLAINED THAT IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE FOUNDATION OF THE "WHOLE" PROCEEDING. AN UNCONSTITUTIONAL LAW OR JUDICIAL DETERMINATION IS VOID AND IS AS IF THERE WAS NO LAW DETERMINED AT ALL".

BY THIS LANGUAGE, IT IS PERSPICUOUS THAT THE U.S. SUPREME COURT ADJUDICATED. THEIR CLEAR INTENT WAS TO MAKE THE USE OF "[A]NY" UNCONSTITUTIONAL LAWS, LEGISLATION OR JUDICIAL DETERMINATION OF THIS MAGNITUDE A "CONSTITUTIONAL STRUCTURAL ERROR" NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE. THEIR INTENT WAS TO MAKE IT "[J]URISDICTIONAL" IN NATURE, WHICH VOIDS JURISDICTION FOR DUE PROCESS VIOLATION. THEREFORE, WHETHER YOU WANT TO APPLY IT RETROACTIVE OR NOT. IT DOESN'T MATTER, BECAUSE THE USE OF UNCONSTITUTIONAL LAW OF THIS MAGNITUDE IS STRUCTURAL (ei."FOUNDATION") AND IS JURISDICTIONAL, WHICH CANNOT BE WAIVED BY THE DEFENDANT, CAN BE RAISED AT ANY TIME, AND THE COURTS SHALL NOT FAIL TO TAKE NOTICE. THUS, WHETHER OR NOT SUCH CONSTITUTIONAL VIOLATIONS APPLY RETROACTIVE IS IRRELEVANT. THEY ARE JURISDICTIONAL AND VOID JURISDICTION FOR DUE PROCESS VIOLATION, LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19(2014); MONTGOMERY-v.-LOUISIANA, 136 S.Ct. 718(2016); WHITE-v.-MANIS, 2014 WL 1513280(DSC.2014).  
HAVE A NICE DAY.

RESPECTFULLY,

david duren

*David Duren*

AUGUST 7, 2017