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SC Court of Appeals

1
2 **The State of South Carolina**
3 **In the Court of Appeals**

4 **Appeal from Spartanburg County**

5 **Court of Common Pleas**

6 **Gordon G. Cooper, Master in Equity**

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10 **Case No. 2012-CP-42-3027**

11 **Appellate Case No. 2017-001238**

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15 **Deutsche Bank National Trust Company,**
16 **as Trustee for Argent Securities, Inc.,**
17 **Asset-Backed Pass-Through Certificates,**
18 **Series 2004-W11, Respondent,**

19 **v.**

20 **Geary Thomas Dooly, Eleanor S. Dooly, and**
21 **United States of America, Defendants,**

22 **Of whom Geary Thomas Dooly is the Appellant.**

23 **FINAL BRIEF OF APPELLANT**

24
25 **geary-thomas, Dooly, appellant, sui juris**
26 **c/o Post Office box 3326**
27 **Spartanburg, South Carolina [29304]**
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Table of Authorities

Cases

Hanes v. Kerner 404 US 520, *Birl v Estelle* 660 F.2d 592.

United States v. Pewee Coal Co., 341 U.S. 115 (1951) The certificate of live birth equals, the State took possession and control over the birth event and denied one the right to exercise their own business judgment, thus the State became proprietor (holder of property as usufructuary) and entitled to all the benefits and subject to all the liabilities that status affords, that is, all revenues and debts are to accrue to the treasury.

Presbyterian Church v. St. Louis Union Trust Co. (1974), 18 Ill. App.3d 713 The "Certificate of Live Birth" evidences a rebuttable presumption that can be disproved by evidence showing the presumed dead is living.

Other Authorities

Cesti Que Vie Act of 1666 When the dead shows up living, the entire estate then re-vest automatically unto the one so identified as the dead for the dead is no longer dead, and

1 the personal appearance of the supposed or assumed dead man cures the condition and
2 revokes all letters of administration ab initio.

3 *Treaty of Paris* All United States citizens and inhabitants of the United States of
4 America are basically Crown subjects.

5 *Treaty of Ghent* There is to be a perpetual peace between united States of America and
6 England.

7 *1954 International Organization Immunities Act* All public officers are hereby
8 transferred to the UN – FARA registration required if one is claiming to be government.

9
10
11 **Statement of Issues in Response**
12

13 1. Was there fraud, deception, and bad faith acts during action in subject case leading up
14 to and including the Hearing for Summary Judgment?

15 2. Did the Respondent fail to establish authority and jurisdiction to act on behalf of
16 Deutsche Bank National Trust Company?

17 3. Did Respondent fail to reply, answer, defend, or comply in a timely fashion with the
18 allegations presented in Appellant's Answer to Motion for Summary?

19 4. Did Judge Cooper focus the hearing on the erroneous statement of Counsel that the
20 points of Appellant's Answer to Motion for Summary Judgment "are just restatements of
21 the counterclaim already dismissed" [see ROA Pg 367- page 9, lines 4 & 5 of hearing
22 transcript], when in fact they were NOT all "restatements"?

23 5. Did Judge Cooper act in bad faith by continuing the case after Appellant stated that he
24 was the living man [ROA Pg 370 - Page 3, lines 7-9 of hearing transcript], which
25 proves that he, Geary Thomas Dooly, is not dead and he, Judge Cooper, has no right to
26 conduct a trial against a living man?

27 6. Did Judge Cooper, by the Appellant's statement immediately above, not know and
28 understand that he, Judge Cooper, is the Surety in this case and that the living man
29 standing before him is the Beneficiary?

30 7. Did Judge Cooper, by the statement of the Appellant referred to immediately above(#5
31

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1 & 6), ignore, and pretend that he was NOT conducting a Military Court under a Military
2 flag posted in his courtroom, by ignoring the statement that is “on the court record”?

3 **8. Did Judge Cooper and the Attorney of record act in bad faith by ignoring, and failing to**
4 **answer or address a VERY critical issue as on the record of the court, namely,**
5 **Appellant’s ANSWER TO MOTION FOR SUMMARY, most specifically Item 6. On**
6 **page 6 of Appellant’s Answer as repeated in part here:[ROA Pgs 368-369 – Item 6-pgs 6**
7 **& 7] “Item 6. Lack of Jurisdiction over geary-thomas: dooly, the living man**

8 I am geary-thomas:dooly, the living man on the soil of South Carolina. The land that I
9 live on is in the following names: geary-thomas; dooly, the living man, and eleanor-s.:
10 dooly, the living woman. It is published in the Spartan weekly News in two entries each
11 of April 7, 14, 21, 2016, namely “LEGAL NOTICE OF: QUIT CLAIM ON LAND”, and
12 LEGAL NOTICE: CERTIFICATE OF ASSUMED NAME FOR A NON-PROFIT,
13 CHARITABLE ORGANIZATION, A SOLE PROPRIETORSHIP, A PARTNERSHIP,
14 A LIMITED PARTNERSHIP, AND OR TRUST”. Therefore, there is no jurisdiction in a
15 Military Court under the Military Flag.”

16 **9. Although the issue raised as immediately above was included as a counterclaim, is it**
17 **reasonable and just that someone as sui juris, not trained in law, would not know to**
18 **placed the issue, as addressed immediately above, under a separate heading, thus making**
19 **it a valid issue that the Respondent Attorney should have addressed rather than ignore?**

20 **10. Is it an act of bad faith for the Respondent Attorney to fail to respond the Appellant’s**
21 **Answer stating facts re the counterclaims having been dismissed BUT addressing this**
22 **issue that was/is not a counterclaim but a fact of law?**

23 **11. Is the wording of the ruling by Court of Appeal nebulous, particularly to someone not**
24 **trained in law, in that, it clearly states that my appeal of 3 specific items is AFFIRMED,**
25 **and never once says denied, nor says explicitly what was AFFIRMED, therefore one**
26 **would deduce that the Appeal was AFFIRMED, yet there seems to be no rule as to how**
27 **rulings are stated?**

28 **12. Is there a serious need to fully document with proof to Judge Cooper, the Court, the**
29 **public, and all positions of government that geary-thomas: dooly is, in fact, a living man,**
30 **is NOT dead, is NOT the Surety in any case heretofore, hereto, or hereafter, and that the**
31 **false, and wrong assumption is invalid and of no effect since the assumed living man is**
NOT dead, and is NOT any corporate, or commercial entity, but, in fact, is a living man
on the soil of South Carolina?

Statement of the Case

1 This Case was initiated by what is called a "Foreclosure Mill" in Atlanta, Georgia,
2 namely "Johnson and Freedman, LLC"(Johnson) on or about July 19, 2012. Then case
3 was sold, transferred, or given to Nelson Mullins Riley & Scarborough LLP (Nelson).
4 Much later the Firm: Brock & Scott PLLC Westpark Center, 3800 Fernandina Road
5 Columbia, South Carolina adopted, bought, or acquired the Case, albeit with no authority
6 or request from the Plaintiff that has been presented by the firm to the Court Record. Thus
7 the firm is masquerading as the Plaintiff with no authority or jurisdiction. Throughout the
8 Case geary-thomas: dooly has presented many points in the Case that could not be
9 overcome in the light of justice, and therefore Plaintiff had to resort to manipulating the
10 Court, Rules, et al so as to have said points "dismissed", or avoided by ignoring defense
11 thereof. Ultimately, all the points of truth were buried, and Brock & Scott unjustly
12 obtained a Judgment via Gordon Cooper without either Brock & Scott or Judge Cooper
13 acknowledging that every time they had no jurisdiction or authority to bring this action
14 against the living man, geary-thomas: dooly. Now, the burden of proof is upon geary-
15 thomas: dooly to show proof to the lower court, the Court of Appeals, and the Attorneys
16 that geary-thomas: dooly is, in fact, a living man upon the soil of South Carolina.
17

Facts

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- 19
- 20 1. The Appellant is not pro se, is not educated in law and is sui juris in all matters. The
21 Court is further noticed that, the Appellant/Defendant being sui juris, not educated in the
22 law, the Court must read and construe liberally all pleadings by Appellant/Defendant per
23 *Hanes v. Kerner 404 US 520, Birl v Estelle 660 F.2d 592.*
- 24 2. The Appellant is, as stated on the record during the hearing of May 16, 2017, "...I am
25 here on special appearance as the living man...", [ROA 370 – Page 3 lines 7- 9 of
26 **Hearing transcript**] which should have been recognized by Judge Cooper and Judge
27 Cooper should have dismissed the case since his court cannot try a live man, but only a
28

1 corporate person that is dead just as any other corporation is dead. Judge cooper never
2 acknowledged the live man, thereby leaving a need to establish that fact on the record.

3 4 **Arguments**

5 . The primary matters before the appellate court are (1)the manipulation of the
6 Case by ignoring points made or skillfully having points dismissed. (2) the repeated
7 refusal of either of the State agents, namely Gordon Cooper and Attorneys of record to
8 recognize geary-thomas: dooly as the living man, albeit possible to do so by lack of
9 geary-thomas:dooly to bring that fact before the court in a manner that the Court would be
10 unable to elude. That must be done. All matters relevant.

11
12
13 1. Was there fraud, deception, and bad faith acts during action in subject case leading up
14 to and including the Hearing for Summary Judgment? **YES.** The Plaintiff was allowed to
15 not be required to file Appellant's answer to MOTION OF SUMMARY JUDGMENT by
16 accepting the statement from Attorney that filing was "only" a restatement of previous
17 counterclaims, whereas some were and some were not.

18 2. Did the Respondent fail to establish authority and jurisdiction to act on behalf of
19 Deutsche Bank National Trust Company? **YES.** Judge Cooper ignored any question as to
20 Respondent having authority from Deutsche Bank even though proof had been presented
21 that there was no such authority from Deutsche Bank.

22 3. Did Respondent fail to reply, answer, defend, or comply in a timely fashion with the
23 allegations presented in Appellant's Answer to Motion for Summary? **YES.** Judge
24 Cooper "shut me down with manipulation" as to the point.

25 4. Did Judge Cooper focus the hearing on the erroneous statement of Counsel that the
26 points of Appellant's Answer to Motion for Summary Judgment "are just restatements of
27 the same counterclaim already dismissed" [ROA Pg 367 -Page 9, lines 4 & 5 of hearing
28 transcript], when in fact they were NOT all "restatements"? **YES.** It is very obvious
29 from the transcript as noted.

30 5. Did Judge Cooper act in bad faith by continuing the case after Appellant stated that he
31 was the living man [ROA Pg 370 Page 3, lines 7- 9 of hearing transcript], which

1 proves that he, Geary Thomas Dooly, is not dead? **YES**. Judge Cooper, has no right to
2 conduct a trial against a living man, and knows that he, Judge Cooper, is, in fact, the
surety for the complaint wrongly presented to the live man.?

3 **6. Did Judge Cooper, by the Appellant's statement immediately above, know and**
4 **understand that he, Judge Cooper, is the Surety in this case, and that the living man**
5 **standing before him is the Beneficiary? YES. Judge Cooper knows this well, and so**
6 **knowing, skillfully manipulates around the issue in attempt to transfer the surety wrongly**
(but knowingly) to the living man before him.

7 **7. Did Judge Cooper, by the statement of the Appellant referred to immediately above,**
8 **ignore, and pretend that he was NOT conducting a Military Court under a Military flag**
9 **posted in his courtroom, by ignoring the statement "on the court record"? YES. Judge**
10 **Cooper knows that the yellow fringe on a flag of different dimensions is not the united**
States of America Flag but a Military Flag to show authority of the collective States.

11 **8. Did Judge Cooper and the Attorney of record act in bad faith by ignoring, and failing to**
12 **answer or address a VERY critical issue as on the record of the court, namely,**
13 **Appellant's ANSWER TO MOTION FOR SUMMARY JUDGMENT, most specifically**
14 **Item 6, on page 6 of Appellant's Answer to respondents Motion for Summary Judgment**
15 **as repeated in part here: [ROA Pg 368-369 – Item 6-pgs 6 & 7] "6. Lack of**
16 **Jurisdiction over geary-thomas: dooly, the living man I am geary-thomas:dooly, the**
17 **living man on the soil of South Carolina. The land that I live on is in the following**
18 **names: geary-thomas; dooly, the living man, and eleanor-s.: dooly, the living woman. It is**
19 **published in the Spartan weekly News via two entries each of April 7, 14, 21, 2016,**
20 **namely #1 "LEGAL NOTICE OF: QUIT CLAIM ON LAND", and, #2 "LEGAL**
21 **NOTICE: CERTIFICATE OF ASSUMED NAME FOR A NON-PROFIT,**
22 **CHARITABLE ORGANIZATION, A SOLE PROPRIETORSHIP, A PARTNERSHIP, A**
23 **LIMITED PARTNERSHIP, AND OR TRUST". Therefore, there is no jurisdiction in a**
24 **Military Court under the Military Flag." YES, very bad faith.**

25 **9. Although the issue raised as immediately above was included as a counterclaim, is it**
26 **reasonable and just that someone as sui juris, not trained in law, would not know to**
27 **placed the issue, as addressed immediately above, under a separate heading, thus making**
28 **it a valid issue that the Respondent Attorney should have addressed rather than ignore?**
29 **YES, but since the two State agents goal is money and not justice, it is in the best**
30 **financial interest to just pass it over with a wink in spite of justice.**

31 **10. Is it an act of bad faith for the Respondent Attorney to fail to respond the Appellant's**
Answer stating facts re the counterclaims having been dismissed BUT addressing this
issue that was/is not a counterclaim but a fact of law? YES, but if the non-counterclaim

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1 issue is addressed in good faith and justice, the Respondent would end (lose) the Case
2 wherein she was masquerading as the Bank Plaintiff with no authority.

3 **11.** Is the wording of the ruling by Court of Appeal nebulous, particularly to someone not
4 trained in law, in that, it clearly states that my appeal of 3 specific items is AFFIRMED,
5 and never once says denied, nor says explicitly what was AFFIRMED, therefore one
6 would deduce that the Appeal was AFFIRMED yet there seems to be no rule as to how
7 rulings are stated? **YES**, the wording is very misleading to a man not trained in the law
8 and manipulative word usage. Appellant had appealed to the Court certain issues, for
9 example, saying that Judge Cooper had no jurisdiction, then the Court makes a one word
10 ruling AFFIRMED. This certainly says that the Court is affirming my issue that Judge
11 Cooper has no jurisdiction. It seems that the Court would say DENIED to an issue, and
12 therefore, we AFFIRM the ruling of Judge Cooper. Question in point: How would you
13 word your ruling if two of the three issues you agreed with, but one, you did not agree
14 with?

15 **12.** Is there a serious need to fully document with proof to Judge Cooper, the Court, the
16 public, and all positions of government that geary-thomas: dooly is, in fact, a living man,
17 is NOT dead, is NOT the Surety in any case heretofore, hereto, or hereafter, and that the
18 false, and wrong assumption is invalid and of no effect since the living man is NOT dead
19 as assumed, and is NOT any corporate, or commercial entity, but a living man on the soil
20 of South Carolina? **YES**, a very serious need to fully document lawfully, and rightfully
21 that geary-thomas: dooly is, in fact, a living man and that the presumption that he is dead,
22 and exist only as a dead entity, much like a dead corporation, is wrong. *Presbyterian
23 Church v. St. Louis Union Trust Co. (1974), 18 Ill. App.3d 713* The "Certificate of Live
24 Birth" evidences a rebuttable presumption that can be disproved by evidence showing the
25 presumed dead is living.

26 CONCLUSION

27 In accord with arguments presented herein this Appeals Court should reverse the
28 ruling of Judge Cooper, and more importantly, dismiss this case in its entirety
29 immediately, since there is no need to waste additional court time and cost on a case that
30 has no merit, no foundation, and no jurisdiction. Furthermore, the case could be said to be
31 operating outside the law currently.

The living man, geary-thomas: dooly operates in peace and harmony with our
Father the Creator God, and has no desire to impose any kind of fine or penalty upon

1 Judge Cooper, or the Attorneys. Yes, I have been harmed, but not injured; therefore, I
2 request dismissal in total of this case, barring others for repeating such harm.

3 *FEB 15*
4 July 15, 2018

Respectfully submitted,

5 geary-thomas: Dooly
6 the living man, appellant, sui juris
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Geary Thomas: Dooly