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

4  
5 **Appeal from Spartanburg County**

6 **Court of Common Pleas**

7 Judge J. Mark Hayes, II

8 **RECEIVED**

9 DEC 07 2018

10 **Case No. 2017-CP-42-01180**

11 **SC Court of Appeals**

12 **Appellate Case No. 2018-001747**

13  
14 Road/Route: S-30 Project: 0041116, Tract 12,

15 South Carolina Department of transportation

16 v.

17 Geary Thomas Dooly, and Eleanor S. Dooly

18 Of whom Geary Thomas Dooly is the Appellant.

19  
20  
21 **PETITION TO REINSTATE APPEAL**

22  
23 geary-thomas, Dooly, appellant, sui juris  
24 c/o Post Office box 3326  
25 Spartanburg, South Carolina [29304]  
26 Phone (864) 978-3426

27  
28  
29  
30 Petition to Reinstate Appeal – 2018-001747

1  
2 COMES NOW, geary-thomas of the family Dooly on behalf of himself and as guardian, ad  
3 litem, for eleanor-sanders of the family Dooly, one of the people of South Carolina state, in  
4 a special limited appearance, without granting jurisdiction. geary-thomas submits the facts  
5 herein and does Petition The South Carolina Court of Appeals to reinstate subject appeal.  
6 This petition is made and intended to comply with and fulfill all South Carolina Rules of  
7 Civil Procedure, as well as the Rules of the South Carolina Appellate Court. The Court is  
8 further noticed, that geary-thomas, Pro Se Vivus/Triformis, not being educated in the law,  
9 the court must read and construe liberally, all pleadings by geary-thomas. *Hanes v. Kerner*  
10 *404 US 520, Birl v Estelle 660 F.2d 592.*  
11  
12  
13  
14  
15

#### 16 TABLE OF AUTHORITIES

17 *Basso v. Utah Power & Light Co., 495 F.2d 906, 910.* "Jurisdiction can be challenged  
18 at any time."  
19

20  
21 *Criterion Co. v. State, 458 So.2d. 22 (Fla. 1st DCA 1984).* "Challenge to court's  
22 jurisdiction is raised by motion to dismiss."  
23

24 *Hagans v Lavine, 415 U.S. 533.* "The law requires proof of jurisdiction to appear on the  
25 record of the administrative agency and all administrative proceedings."  
26

27  
28 *Hanes v. Kerner 404 US 520, Birl v Estelle 660 F.2d 592.*  
29

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1 *Joyce v. U.S.*, 474 2D 215. “There is no discretion to ignore lack of jurisdiction.”

2 *Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York*, 37 F.Supp. 150. . “Court must  
3 prove on the record, all jurisdiction facts related to the jurisdiction asserted.”  
4

5 *Main v. Thiboutot*, 100 S.Ct. 2502 (1980). “The law provides that, once State or Federal  
6 Jurisdiction has been challenged, it must be proven.”  
7

8 *Stuck v. Medical Examiners*, 94 Ca.2d 751. 211 P.2d 389. “Once challenged, jurisdiction  
9 cannot be assumed, it must be proved to exist.”  
10

### 11 12 13 **Grounds for Petition to Reinstate Appeal**

14 **1.** Appellant’s Motion To Dismiss was entirely about Jurisdiction over Geary Thomas  
15 Dooly, the living man, a NON-U.S. Citizen, a NON- “The State of South Carolina Citizen,  
16 and NOT about “Law governing the Case”, however The South Carolina Court of Appeals  
17 (SCCA) based it’s dismissal upon certain cases wherein “Motion To Dismiss” was relating  
18 to “Law governing the Case”, rather than the status of the man. *See Deskins v. Bolton*, 319  
19 S.C. 356, 461 S.E.2d 395 (1995); *Woodard v. Westvaco Corp.*, 319 S.C. 240, 460 S.E.2d  
20 392 (1995).  
21  
22  
23

24  
25 **2.** It is certainly arguable that the two mentioned cases in #1 above would be “not  
26 immediately appealable” based on the fact that the issue revolved around “..exclusive  
27 remedy was to bring an action under the Workers’ Compensation Act.”, and/or similar such  
28 basis. Neither Case involved Jurisdiction over a living man as described in #1 above.  
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1 Therefore, the two cases are not parallel cases to the instant case question of Jurisdiction,  
2 and give no basis to support a dismissal of Appellant's Appeal.  
3

4 3. Case Law supports that jurisdiction is raised by motion to dismiss. *See Criterion Co. v.*  
5 *State, 458 So.2d. 22 (Fla. 1st DCA 1984).* "Challenge to court's jurisdiction is raised by  
6 motion to dismiss."  
7

8  
9 4. Case Law is very plain about the import of jurisdiction being FIRST established by the  
10 Plaintiff, and that proof of jurisdiction is that once challenged, it MUST be PROVEN on  
11 the record of the court. See the following Court Cases with Appellant's comments  
12 following each:  
13

14 a) *Basso v. Utah Power & Light Co., 495 F.2d 906, 910.* "Jurisdiction can be challenged  
15 at any time." --- Appellant's comment: Jurisdiction was repeatedly challenged even prior to  
16 case filing by Respondent.  
17

18  
19 b) *Hagans v Lavine, 415 U.S. 533.* "The law requires proof of jurisdiction to appear on the  
20 record of the administrative agency and all administrative proceedings." --- Appellant's  
21 comment: All alleged proof was NOT relevant to "the living man", as described in #1  
22 above.  
23

24  
25 c) *Joyce v. U.S., 474 2D 215.* "There is no discretion to ignore lack of jurisdiction." ---  
26 Appellant's comment: Every plea for proof of jurisdiction as filed on the record, and given  
27 at hearing was ignored. Subject Appeal is about that "discretion to ignore".  
28

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30 Petition to Reinstate Appeal – 2018-001747  
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1 d) *Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York*, 37 F.Supp. 150. "Court must  
2 prove on the record, all jurisdiction facts related to the jurisdiction asserted." ---

3 Appellant's comment: There is no specific proof on the record of this case of the existence  
4 of Jurisdiction in this Court over the living man as described in #1 above. It is totally void.

5 e) *Main v. Thiboutot*, 100 S.Ct. 2502 (1980). "The law provides that, once State or Federal  
6 Jurisdiction has been challenged, it must be proven." --Appellant's comment: It was  
7 challenged repeatedly and ignored repeatedly.  
8

9  
10 f) *Stuck v. Medical Examiners*, 94 Ca.2d 751. 211 P.2d 389. "Once challenged, jurisdiction  
11 cannot be assumed, it must be proved to exist." . --- Appellant's comment: Throughout this  
12 case it was, apparently, simply assumed that jurisdiction did exist since the Case was being  
13 brought by Department of Transportation. "Assumed" does not work in law re jurisdiction.  
14  
15

16  
17 5. Challenge of jurisdiction was made with several filings, letters, and testimony at hearing,  
18 however, to this Petition To Reinstate Appeal is attached just one such filing into subject  
19 case on May 4, 2017. See [EXHIBIT #1- AFFIDAVIT OF NONCONSENT -5 pages,

20  
21 Wherein this appellant made 26 avers as to, in part, the status of Geary-Thomas Dooly; who  
22 is in possession on subject land; mischaracterizations of Geary-Thomas Dooly, the living  
23 man; offers to resolve the need for a portion of subject land with no court case; and "#25

24  
25 *That Affiant does not agree there is jurisdiction, or has jurisdiction been given, or*  
26 *established in said case,...*". These sworn affidavits were never addressed by respondent

27  
28 and stand as fact in this case as to there NOT being jurisdiction over Geary-Thomas Dooly,  
29 the living man. Thus the appeal is warranted.

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1  
2 **CONCLUSION**

3  
4 Given that there is adequate case law in support of the need, Law, and import when  
5 jurisdiction is challenged, the challenged party, in this case the Respondent, must establish  
6 and show proof on the record that there is (in this case) in fact, Jurisdiction over the living  
7 man, a NON-U.S. Citizen, a NON-Citizen of The State of South Carolina.  
8

9  
10 This case is not parallel to the two stated cases made in the Order to dismiss, in that they  
11 did not address jurisdiction over the living man, and were primarily addressing "law  
12 governing a case", and/or jurisdiction of Workers' Compensation Act, et alia.  
13

14 **THEREFORE,**  
15 It is respectfully petitioned that subject Appeal be reinstated.

16 December 4, 2018

17 Respectfully submitted,  
18 geary-thomas: Dooly  
19 the living man, appellant, sui juris  
20 c/o: Post Office Box 3326  
21 Spartanburg, South Carolina [29304]  
22 Phone (864) 978-3426

*geary-thomas: dooly*

1  
2 **CERTIFICATE OF SERVICE**

3 I, Geary-Thomas: Dooly, hereby certify that a copy of the following documents have been  
4 mailed on or before this date via USPS with proper postage to each party listed below:  
5

6 **DOCUMENTS**

7 **1. PETITION TO REINSTATE APPEAL**, including Certificate of Service.  
8  
9

10 **PARTY(IES)**

11 HARRISON WHITE, PC  
12 Attn: Ryan F. McCarty & John B. White  
13 P. O, Box 3547  
14 Spartanburg, South Carolina 29304

15 South Carolina Court of Appeals  
16 Jenny Abbott Kitchings, Clerk of Court  
17 Post Office Box 11629  
18 Columbia, South Carolina 29211

19 Office of Court Administration  
20 1220 Senate Street, Suite 201  
21 Columbia, South Carolina 29201

22 Date: December 4, 2018

geary-thomas: Dooly  
the living man, appellant, sui juris  
c/o: Post Office Box 3326  
Spartanburg, South Carolina [29304]  
Phone (864) 978-3426

*geary-thomas: dooly*

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30 Petition to Reinstate Appeal – 2018-001747

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5-4-17  
EXHIBIT # 1  
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STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG ) CASE NO. 2017-CP-42-01180

Road/Route: S-30 )

Project: 0041116 )

Tract: 12 ) AFFIDAVIT OF NONCONSENT

South Carolina Department of )

Transportation, )

Condemnor, )

vs. )

Geary Thomas Dooly and Eleanor S. Dooly, )

Alleged Landowners )

\_\_\_\_\_ )

2017 MAY -4 AM 9:49  
CLERK OF COURT

**ALLEGED DEFENDANT'S PRESENTATION OF AFFIDAVIT OF NONCONSENT**

**COMES NOW, geary-thomas: dooly, the living man on behalf of himself and as guardian ad litem for eleanor-s.: dooly, the living woman, both living on the soil of the State of South Carolina, in a special limited appearance, without granting jurisdiction. I, geary-thomas: dooly, the living man (hereinafter Affiant or geary-thomas: dooly) being of lawful age and being first duly sworn on oath, states and deposes the following Affidavit of NONCONSENT upon this Court of Common Pleas, upon this specific Case number 2017-CP-42-01180, upon each and every party associated with said case, upon any party that may become associated or a party to said case, and upon the United States, and all associated acting agents.**

**1. That Affiant has not knowingly given consent, nor do I ever intend to consent to a military court of "STATE OF SOUTH CAROLINA", a non-governmental corporation mischaracterizing as South Carolina, one of the states of the united States of America, and**

**2. That Case number 2017-CP-42-01180 mischaracterizes geary-thomas: dooly a living man as a Trust, and**

**3. That geary-thomas: dooly is in possession of his birth certificate with a raised State seal that properly identifies his name as Geary Thomas Dooly with no other capitalization that may insinuate that he is any kind of corporate entity, or trust, and**

8 of 12

4. That geary-thomas: dooly has never knowingly consented to being anything other than the living man, and
5. That STATE OF SOUTH CAROLINA is a government Service Agency under the United States Inc., and
6. That geary-thomas: dooly the living man does not consent to being a party to this case, and
7. That geary-thomas: dooly the living man is in possession of the land designated as tract 12 by DOT, and
8. That submissions made IN THE COURT OF COMMON PLEAS can only be made as part of a case by and to a corporate person, not a living man, and
9. That it is a mischaracterization, by the Attorney Firm HARRISON, WHITE, SMITH, & COGGINS, PC wherein they even style their name in all caps identifying themselves as a Corporate Entity, in that, they are mischaracterizing geary-thomas:dooly as a Trust, Corporate Entity, et al, and
10. That geary-thomas: dooly as the living man cannot communicate with an inanimate Entity that cannot speak, write, or carry on any living activity, and
11. That geary-thomas: dooly is NOT part of the United States Military and has no reason to appear in a Military Court flying a Military Flag with gross mischaracterization, and mischaracterization of jurisdiction, and
12. That geary-thomas: dooly made a just counter offer in writing directly to Department of Transportation (DOT) wherein geary-thomas: dooly identified three (3) options to resolve the alleged needs of DOT, and
13. That relocation to the North rather than the South is by far the superior solution for DOT wherein the private property of geary-thomas: dooly would not be encroached, and no cost incurred in acquiring private land, and
14. That the only property that would be affected by relocating North, is one place of business, a duplex rental, that would not affect the owners living needs in that he does not cultivate the land, and
15. That the amount that the living man, geary-thomas: dooly will accept is NOT determined by what other people may accept for a like size piece of land, but the amount could only be determined by what geary-thomas: dooly, the living man, was willing to accept, which IS the 2 other counter options, and

EXHIBIT # 1  
Pg 3-5

16. That the only solution for the DOT is to accept one of the three options made by geary-thomas: dooly, the living man, and
17. That geary-thomas: dooly has not knowingly elected to become a United States citizen, and
18. That Affiant has no evidence in Affiant's possession that geary-thomas: dooly has knowingly elected to become a United States citizen, and
19. That geary-thomas: dooly has not knowingly elected to reside on land of the United States, and
20. That Affiant has no evidence in Affiant's possession that Affiant has knowingly elected to reside on land of the United States, and
21. That Affiant has not knowingly elected to contract with the United States, and
22. That Affiant has no evidence in Affiant's possession that Affiant knowingly has elected to contract with the United States, and
23. That Affiant states that all interaction, by the Affiant, with the United States, in the past, was done on a false belief that Affiant had a legal duty to do so, and
24. That Affiant has been recently informed that all relationships with the United States is by contract, and
25. That Affiant does not agree there is jurisdiction, or has jurisdiction been given, or established in said case, and
26. That this affidavit being executed without the United States, Affiant declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 4th day of May, 2017.

Further, the Affiant sayeth nought.

Date: 5-4-17

Affiant Signature: *geary-thomas: dooly*

2017 MAY 4 AM 9:49  
LEWIS & CLARK COUNTY

EXHIBIT 1  
Pg 4-5

**CERTIFICATE OF SERVICE BY MAIL**

The undersigned hereby certifies that on date herein, he served a copy of this AFFIDAVIT OF NONCONSENT by placing a copy in a postage paid envelope addressed to each of the following at the address stated below, which is the last known address, and by depositing said envelope in the U.S.Mail.

Parties served:

John B. White, Jr. P.O.Box 3547 Spartanburg, South Carolina 29304

Date: 5-4-17

Signature: *Jean-Thom Doof*

RECEIVED  
MAY 4 2017  
6:15 AM  
MAY 4 2017

EXHIBIT # 1

Pg 5-5

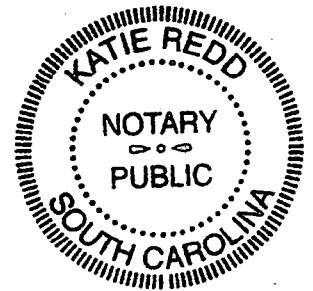
STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG )

Personally appeared before me the undersigned, an officer authorized to administer oaths, Geary-Thomas: Dooly the living man, with valid identification, and/or personally known to me, who first being duly sworn, deposes and says that the forgoing Affidavit of Nonconsent was subscribed and sworn before me, this 4 day of May, 2017.

Katie Redd Notary

Seal



EXPIRES 4-30-18  
11:14:49 AM 5-4-17

Geary-Thomas Dooly  
c/o P.O.Box 3326  
Spartanburg, SC 29306

South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk of Court  
Post Office Box 11629  
Columbia, South Carolina 29211  
Attn: Clerk of Court

*DECEMBER 11/18*  
November 4, 2018

RECEIVED

DEC 07 2018

SC Court of Appeals

Re: SCDOT v. geary Thomas Dooly  
**Appellate Case # 2018-001747**

In your letter of November 29, 2018, you noted that "On November 21, 2018, this appeal was dismissed.", and included a copy of that order.

Please be advised that that I did not receive a copy of that order until you included it in the November 29 letter. That is the reason I submitted "INITIAL BRIEF OF APPELLANT" on November 23, 2018. Note: I, personally, check my mail box and do not have an employee that could have been responsible.

Had I received a copy of the order, the Initial Brief would not have been sent. Oddly enough, if I had NOT sent the Initial Brief that resulted in your letter, I still would not have been aware of the Order of November 21, 2018.

In any event, please find enclosed PETITION TO REINSTATE APPEAL in response to the November 21, 2018 dismissal.

If there be any questions, my address is as above, Phone: 864 978-3426;  
e-mail [tdooly7@aol.com](mailto:tdooly7@aol.com)  
Thank you for your service.

Sincerely,  
Geary-Thomas: Dooly

Copy to: Ryan McCarty and John B. White, Jr.  
Office of Court Administration

not ...  
Lynn

29304



COA

OFFICE OF COURT ADMINISTRATION  
1220 SENATE ST, SUITE 201  
COLUMBIA, SOUTH CAROLINA 29201



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