

JAMES LEE GROWNS, 330617
McCormick Correctional Inst.
386 - REDEMPTION WAY
McCORMICK, SC 29899

APRIL 25TH, 2019

RE: JAMES L. GROWNS V. STATE
APPELLATE CASE No. 2019-000603

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APR 29 2019

S.C. SUPREME COURT

DEAR CLERK:

ENCLOSED IS MY EXPLANATION AS REQUIRED BY LAW, PURSUANT TO RULE 243(C) OF THE SOUTH CAROLINA APPELLATE COURT RULES. WITH EXHIBITS AND AFFIDAVITS. WHICH RECITES GROUNDS THAT PRESENT MATERIAL ISSUES OF FACTS THAT SURVIVES, SUMMARY JUDGMENT MOTION, AND FINAL ORDER OF DISMISSAL, A HEARING "MUST" BE HELD EVIDENCE AND TESTIMONY MAY BE PRESENTED THROUGH AFFIDAVITS.

(SEE - BECKETT V. STATE, 278 S.C. 222, 294 SE 2d 46 1982).

SINCERELY,

James Lee Grows
JAMES LEE GROWNS, PRO-SE

STATE of South Carolina
County of Horry.

SOUTH CAROLINA COURT OF APPEALS.

JAMES VEE GROWN, 330617

EXPLANATION.

v.

STATE of South Carolina.

PURSUANT TO RULE 243 (C). OF THE SOUTH CAROLINA APPELLATE COURT RULES. APPELLATE WILL AT THIS POINT, SHOW THIS COURT THAT HIS CASE "SHOULD NOT" BE BARRED OR DEEM SUCCESSIVE, OR UNTIMELY UNDER THE STATUTE OF LIMITATIONS.

APPELLATE WAS CHARGE AND SENTENCE TO A CHARGE THATS NOT LAWS IN SOUTH CAROLINA, CRIMINAL SEXUAL CONDUCT WITH MINOR - VICTIM UNDER 11-YRS OF AGE - FIRST DEGREE. AND, "NEVER" HAS BEEN LAWS IN THIS STATE OF SOUTH CAROLINA, THE CHARGE HAS "NEVER" BEEN AFFIXED WITH THE GREAT SEAL, OF SOUTH CAROLINA, PURSUANT TO ARTICLE 3, SECTION 18.

THERES NO D.N.A. EVIDENCE OR CHANGE OF CUSTODY, IN THIS CASE. IN THIS CASE, SUBJECT MATTER JURISDICTION IS LACKING AND THE ACTION (MUST) BE DISMISSED. RULE (12) (b) AND (H) (3), FED. R. CIV. P. WHERE THE COURT "DOES NOT" HAVE SUBJECT MATTER JURISDICTION, IT SHOULD REFRAIN FROM ANY FURTHER EXERCISE OF POWER.

APPELLATE SHOULD BE GRANTED, A HEARING AND RELIEF. THIS IS A UNCONSTITUTIONAL SENTENCE AND CONVICTION. IN VIOLATION OF ARTICLE-3, SECTION 18.

1993 ACT NO. 184 AND 1995 ACT NO. 7. IN WHICH THE GREAT SEAL OF THIS STATE IS MISSING. WHICH PLACES APPELLATE FALSE IMPRISONMENT. THIS IS FRAUD UPON THE COURT, BY OFFICERS OF THE COURT, 60 (d) (3). FED. RULES. CRIM. P. THE CONSTITUTION IS THE HIGHEST LAW OF THE LAND.

THE CONSTITUTION IS THE VOICE OF THE PEOPLE SPEAKING IN THEIR SOVEREIGN CAPACITY, AND IT "MUST" BE HEEDED; WHEN THE CONSTITUTION SPEAKS WITH REFERENCE TO A PARTICULAR LAW OF LAND.

IT "MUST" BE GIVEN EFFECT AS PARAMOUNT LAW OF THE LAND.

PEOPLE V. PARKS, 58 CAL. 624

IT IS THE DUTY OF ALL OFFICIALS, WHETHER LEGISLATIVE, JUDICIAL, EXECUTIVE, ADMINISTRATIVE, OR MINISTERIAL, TO SO PERFORM EVERY OFFICIAL ACT AS NOT TO VIOLATE CONSTITUTION PROVISIONS.

MONTGOMERY V. STATE, 55 FLA. 45 SO. 879

THE CONSTITUTION WAS MADE NOT TO ACT UPON THE LEGISLATIVE DEPARTMENT ALONE, BUT UPON EVERY DEPARTMENT OF THE GOVERNMENT.

WAY V. HELLER, 16 OHIO 105.

ARTICLE I. INTERPRETS THE WORDS "SHALL PROVIDE..." IN THIS CONTEXT "SHALL" IS MANDATORY. SEE U.S. V. MYERS, 106 F.3d 936, 941 (CA. 10 1997).

ARTICLE I § 23. PROVISIONS OF CONSTITUTIONS MANDATORY.

THE PROVISIONS OF THE CONSTITUTION SHALL BE TAKEN, DEEMED, AND CONSTRUED TO BE MANDATORY AND PROHIBITORY, AND NOT MERELY DIRECTORY, EXCEPT WHERE MADE DIRECTORY OR PERSUASORY BY IT OWN TERMS.

WITH RESPECT TO ART. III, § 18, THIS OFFICE HAS CONSISTENTLY RECOGNIZED THAT THE GREAT SEAL OF THE STATE REQUIRE CONTAINED THEREIN IS MANDATORY AND "MUST" BE OBEYED. IN SC. Op. ATT. GEN., 1995 WL 22311 (APRIL 7, 1995), WE ADVISED THAT "IT IS NECESSARY THAT THE GREAT SEAL OF THE STATE BE ATTACHED BEFORE AN ACT SHALL BECOME EFFECTIVE".

THE PROVISIONS OF THE CONSTITUTION ARE, OF COURSE, MANDATORY AND PROHIBITIVE UNLESS DECLARED TO BE OTHERWISE. ARTICLE I, SECTION 23, CONSTITUTION OF SOUTH CAROLINA.

LIKEWISE, IN Op. Atty Gen., 1985 WL 259198 (JUNE 27, 1985),
WE STATED:

[W]E WOULD ALSO MENTION THAT ARTICLE III, SECTION § 18 OF THE STATE
CONSTITUTION, WHICH SPECIFIES THE FORMALITIES WHICH [MUST] BE FOLLOWED PRIOR
TO THE EFFECTIVENESS OF AN ACT, HAS BEEN INTERPRETED BY THIS OFFICE
IN OPINION No. 4013, DATE APRIL 9, 1975, TO MEAN THAT THE GREAT SEAL
OF THE STATE [MUST] BE ATTACHED TO A STATUTE BEFORE IT SHALL BECOME
EFFECTIVE.

WE AGREE WITH THOSE OPINIONS, CONCLUDING THAT ART. III, § 18 IS MANDATORY
AND [MUST] BE OBEYED. AS FAR AS WE CAN DETERMINE, IT HAS LONG
BEEN THE CONSTITUTIONAL DUTY OF THE SECRETARY OF STATE TO ATTACH
THE "GREAT SEAL" OF THE STATE TO AN ACT UPON ITS PASSAGE.

INDEED, AS LONG AGO AS 1802, IN MOUNCE V. INGRAM,
3 S.C. 1. 55 (1802). IT WAS OBSERVED THAT "[T]HE SECRETARY
OF STATE HAS CUSTODY OF THE GREAT SEAL...." THUS, IT IS TODAY, AND
LONG HAS BEEN THE MANDATORY DUTY PURSUANT TO ART. III, § 18
FOR THE SECRETARY OF STATE TO AFFIX THE GREAT SEAL OF THE STATE UPON
AN ACT OF THE GENERAL ASSEMBLY UPON RECEIPT OF IT IN HIS OFFICE.
SUCH DUTY CANNOT BE AVOIDED OR IGNORED.

THE CONSTITUTION IS A [SWORD] AND A [SHIELD]
TO PROTECT PEOPLE.

THE SUPREME LAW OF THE LAND.

UNCONSTITUTIONAL ACT IS NOT LAW.

"THE CONSTITUTION [MUST] ALWAYS BE ENFORCED
AND OBEYED."

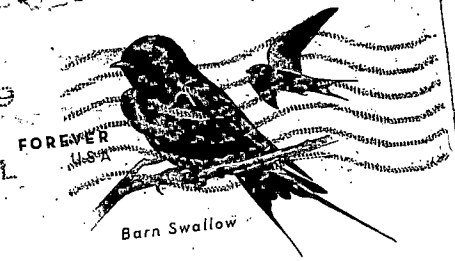
CONCLUSION.

THE DETERMINATION IS IMPROPER, AND THIS COURT
SHOULD GRANT A HEARING, BECAUSE THERE ARE CONSTITUTIONAL
VIOLATION, AND THE LAWS OF THIS STATE OR VOID, BECAUSE THE
LAWS ARE MISSING THE GREAT SEAL OF THIS STATE OF
SOUTH CAROLINA.

James Lee Brown
JAMES LEE BROWN, 330617

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McCORMICK CORRECTIONAL INST.
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McCormick, SC 29899

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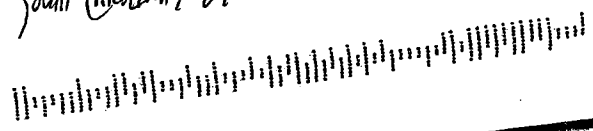
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THE SUPREME COURT OF SOUTH CAROLINA
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