

NORRIS H. SMITH, 334335

386-REDEMPTION WAY

McCormack Commercial Bldg.

McCormack St. 29899

MAY 9, 2019

RE: NORRIS H. SMITH V. STATE

APPELLATE CASE NO. 2019-000694

RECEIVED

MAY 13 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 RELIEVES GROUNDS THAT PRESENT MATERIAL  
ISSUES OF FACTS THAT SURVIVE, SUMMARY JUDGEMENT  
MOTION, AND FINAL ORDER OF DESMESSAL, A HEARING  
"MUST" BE HELD EVIDENCE AND TESTIMONY MAY BE  
PRESENTED THROUGH AFFIDAVITS.

SINCERELY,  
Norris H. Smith  
NORRIS H. SMITH, PRO-SE

STATE of South Carolina  
County of Horry.

SOUTH CAROLINA COURT OF APPEALS.

NORRIS H. SMITH, 334335

EXPLANATION.

v.

STATE of South Carolina.

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MAY 13 2013

S.C. SUPREME COURT

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 CHARGED AND SENTENCED TO A CHARGE THAT IS NOT LAW IN SOUTH CAROLINA, CRIMINAL SEXUAL CONDUCT WITH MINOR - VICTIM UNDER 11-YRS OF AGE - FIRST DEGREE. AND, "NEVER" HAS BEEN LAW 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.

THERE IS 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 V. UNLESS 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 PERMISSORY 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. 1975 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.

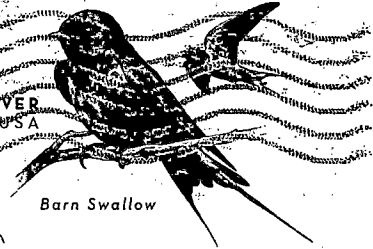
THE DETERMINATION IS IMPROPER, AND THIS COURT  
SHOULD GRANT A HEARING, BECAUSE THERE ARE CONSTITUTIONAL  
VIOLATION, AND THE LAWS OF THIS STATE OR VOID, BECAUSE THE  
LAWS ARE MISSING THE GREAT SEAL OF THIS STATE OF  
SOUTH CAROLINA.

Norris H. Smith  
NORRIS H. SMITH

NORRIS H. SMITH, # 334335  
#1-0217-3  
McCormick Correctional Inst.  
386 - REDEMPTION KIM  
McCormick SC. 29899

AUGUSTA, GA 309  
09 MAY 2019 PM 1 L

FOREVER  
USA



Barn Swallow

THE SUPREME COURT OF SOUTH CAROLINA  
DANIEL E. SHEAROUSE, CLERK OF COURT  
Post Office Box 11330  
Columbia, South Carolina, 29211

2521181030

