

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals  
[In the Supreme Court]

APPEAL FROM LEXINGTON COUNTY

Thomas Cooper, Circuit Court Judge

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Case No. 2016-001627

Jamaal Gittens

v.

John Rakowsky

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**RECEIVED**

DEC 06 2019

SC Court of Appeals

MOTION FOR REHEARING

I'm requesting a motion for rehearing, the court erred, made its ruling based of legislative statues, rather than precedent, my argument was based off cases law. What the highest court has ruled, anything law contrary to an indictment or information is null and void, deprivation of rights under a color of law. Attorney Alfred Johnston Cox is not a competent fact witness with firsthand knowledge to testify that defendant john Rakowski didn't received the service of summons, reading from unpublished decisions is invalid

Since the constitution is intended for the observance of the judiciary as well as other departments of government and the judges are sworn to support its provisions, the courts are not at liberty to overlook or disregard its commands or counteract evasions thereof, it is their duty in authorized proceedings to give full effect to the existing constitution and to obey all constitutional provisions irrespective of their opinion as to the wisdom or the desirability of such provisions and irrespective of the consequences, thus it is said that the courts should be in our alert to enforce the provisions of the United States Constitution and guard against their infringement by legislative fiat or otherwise in accordance with these basic principles, the rule is fixed that the duty in the proper case to declare a law unconstitutional cannot be declined and must be performed in accordance with the delivered judgment of the tribunal before which the validity of the enactment it is directly drawn into question. If the Constitution prescribes one rule and the statute the in a different rule, it is the duty of the courts to declare that the Constitution and not the statute governs in cases before them for judgment. **16Am Jur 2d., Const. Law Sec. 155:**

Respectfully submitted

Jamaal A Gittens  
 1206 Marlene Street  
 Charlotte NC 28208  
 (704) 975-8173



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Type or printed notary name

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