

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Alluette Jones, Appellant,

v.

Mikell R. Scarborough, NBSC/SYNOVUS BANK,  
Judge DANIEL MARTIN JR, CASDELL SINGLETON,

Representative Andrew Sullivan

SRP 2011-6 LLC and others

Appellate Case No. 2019-001572

RECEIVED

FEB 06 2020

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY

*Mikell R. Scarborough*, Master-In-Equity Court Judge

**MEMORANDUM of LAW POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO EXTEND TIME FOR  
INITIAL BRIEF**

I Alluette Jones submit this Memorandum of Law on MOTION TO EXTEND TIME FOR INITIAL BRIEF

It is not the duty of the court to be religious and mediate faith/Fiat claims deficient of empirical evidence. Men can claim anything, but the court has no duty to any Plaintiff lacking proof of claim. Even historic Christianity avoided fideism by providing many "infallible proofs" in its assertion that the Prophet Jesus Christ rose from the dead (John 20:25; Acts 1:3).

It is not the duty of the court to be involved in politics, voting for their favorite party or to cast a vote for party slogans. The fact that the opposing attorney and the judge belong to the same commercial club

called the BAR should alert the Court that the judge in the instant case is called to be fair, impartial, and non-prejudicial.

[Judges] are the **depository** of the laws; the living oracles, who must decide in all cases of doubt, and **who are bound by an oath** to decide according to the law of the land. [Blackstone, 1 COMMENTARIES \*69.]

**It is the duty of the Court to ensure that pleadings are sufficient to invoke judicial authority.** Pleadings that lack evidence supported by fact can only be deemed as a “failure to state a claim upon which relief can be granted” (Rule 1-012).

**It is the duty of the Court to seek the truth.** Lady Justice is blind. She carries the scales of justice with a duty to make sure there is an “agreement between thought and reality;” between “faith claims and reality.”

**It is the duty of the Court and jury to determine the facts,** the actual events or existence of an occurrence. Facts differ from truth in that facts are more related to specific events of an occurrence, while truth is a holistic, unified conclusion regarding a series of actual occurrences.

It is, therefore, the duty of the Court to discern the truth in a controversy by weighing the evidence.

See Ortiz vs State, DODGE v. STATE, 09-09-00287-CR (Tex.App.-Beaumont 3-18-2010) for Extension of time.

Piecemeal practices, procedures and rules of administration of any court in south Carolina are void according to SC Con Article V section 1 also see Spartanburg County Dept. of Social Services vs Padgett (1988) 296 SC 79, 370 SE2d 872. See Ex Parte Tillman (1910).dealing with Due Process.

When interpreting pro se papers, the Court should use common sense to determine what relief the party desires. S.E.C. v. Elliott, 953 F.2d 1560, 1582 (11th Cir. 1992). See also, United States v. Miller, 197 F.3d 644, 648 (3rd Cir. 1999) (Court has special obligation to construe pro se litigants' pleadings liberally); Poling v. K.Hovnanian Enterprises, 99 F.Supp.2d 502, 506-07 (D.N.J. 2000).

Citing Ex parte Tillman (1910). Without pausing to apply the comprehensive definition of due process of law laid down in Turpin v. Lemon, 187 U.S. 51, 47 L.Ed., 70, it is sufficient to say here that it is universally understood that on the issue of custody — deprivation of liberty, or illegal restraint of children — due process of law requires judicial investigation and determination of the rights of parents and children under a writ of *habeas corpus* or by an appropriate proceeding in the Court of equity. *Prather v. Prather*, 4 DeS., 33; *ex parte Schumpert*, 6 Rich., 346; *ex parte Hewitt*, 11 Rich., 326; *ex parte Williams*, 11 Rich., 452; *ex parte Reed*, 19 S.C. 604; *Anderson v. Young* 54 S.C. 388, 32 S.E., 448, 44 L.R.A., 277; *ex*

parte Davidge, 72 S.C. 16, 51 S.E., 269; ex parte Reynolds, 73 S.C. 296, 53 S.E., 490; Brown v. Robertson, 76 S.C. 151, 56 S.E., 786, 9 L.R.A. (N.S.), 1173n; ex parte Rembert, 82 S.C. 336.

### SUMMARY

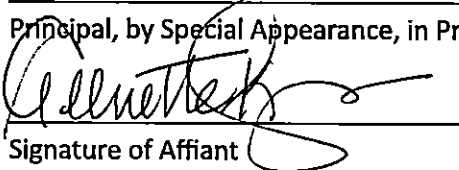
The court's only duty is to weigh the Facts and evidence. Attorney's briefs and or verbal statements are not proof of anything and cannot be entered into the record as Discovery evidence. If there are no affidavit of truth, there are not sufficient facts, if there are no sufficient facts, there is no evidence on record; if there is no Discovery evidence to support a claim, or violation of consent/contract between Plaintiff and Defendant the claim must be dismissed. Citing Coleman v. Dunlap, 306 S.C. 491, 494-95, 413 S.E.2d 15, 17 (1992). "An abuse of discretion arises where the trial judge was controlled by an error of law or where his order is based on factual conclusions that are without evidentiary support.

### PLEADING

Therefore, I Alluette Jones Pray the court to rule in my favor and grant my motion to extend time for initial brief. Alluette Jones Pray that all my rights are to be preserved. I Nehemiah Bryant motion the court to rule in my favor for it is my Liberty and Rights under attack. It is the court duty to protect those State vs Montgomery.

Subscribed and sworn, without prejudice, and with all rights reserved.

Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.

  
Signature of Affiant

ACKNOWLEDGMENT

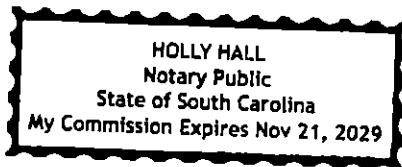
state of SOUTH CAROLINA

county of Charleston

On this 3 day of February, 2020 before me

personally appeared Alluette K. JONES, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed, for the purposes therein set forth.

Holly Hall My Commission Expires November 21, 2029



**PROOF OF SERVICE FOR MOTION TO EXTEND TIME**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Alluette Jones, Appellant,

v.

Mikell R. Scarborough, NBSC/SYNOVOUS BANK,  
Judge DANIEL MARTIN JR, CASDELL SINGELTON,

Representative Andrew Sullivan

SRP 2011-6 LLC and others

Appellate Case No. 2019-001572

APPEAL FROM CHARLESTON COUNTY

*Mikell R. Scarborough, Master-In-Equity Court Judge*

\_\_\_\_\_  
Mikell R. Scarborough,  
NBSC/SYNOVOUS BANK,  
Judge DANIEL MARTIN JR,  
CASDELL SINGELTON,  
Representative Andrew  
Sullivan SRP 2011-6 LLC and  
others

Respondent,

**RECEIVED**

FEB 06 2020

SC Court of Appeals

v.

Alluette Jones

Appellant.

\_\_\_\_\_  
PROOF OF SERVICE  
\_\_\_\_\_

I certify that I have served the Motion for Extension of time to complete brief on Mikell R. Scarborough, NBSC/SYNOVOUS BANK, Judge DANIEL MARTIN JR, CASDELL SINGELTON, Representative Andrew Sullivan SRP 2011-6 LLC and others by depositing a copy of it in the United States Mail, postage prepaid, on February \_\_, 2020, addressed to Mikell R. Scarborough, NBSC/SYNOVOUS BANK, Judge DANIEL MARTIN JR, CASDELL SINGELTON, Representative Andrew Sullivan SRP 2011-6 LLC and others, 100 Broad St CHARLESTON, S.C 29403[by personally delivering a copy of it to her Clerk of record, \_\_\_\_\_, at her office at 100 Broad St CHARLESTON, S.C 29403 on January 6th, 2020].

February 3, 2020

Alluette Karen Jones, Appellant  
142 Coming Street  
Charleston SC, 29403  
(843) 813-1910