

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Clifton B. Newman, Circuit Court Judge

RECEIVED

MAR 02 2020

SC Court of Appeals

THE STATE,

RESPONDENT

V.
MARQUILLE RONDALE LIVINGSTON

APPELLANT

APPELLANT CASE NO. 2018-001595

RETURN TO JUDGES ORDER

This Appellant (Natural Being-IN Propria Persona) Sui Juris, Sui Heredes, IN Solo Proprio (being in my own proper person), by birthright; and by Heirship INHERITANCE and ⁽¹⁴¹⁸⁾ Without ~~IMP~~ IMPOSITION of the foreign, Imposed Color-of-Law, Color-of-Authority, Nor By Any ASSUMED or Colorable JURISDICTIONS OR DUE PROCESSES? of the foreign UNION STATES Society persons doing business at North America/NORTHWEST AMEXEM; MOVES this Court pursuant to, but not limited to:

- 1.) Universal Declaration of Human Rights - UNITED NATIONS Human Rights [Article fifteen (15)]
- 2.) FREE Moorish-American Zodiac Constitution: (Zodiac Constitution and Birthrights of the Moorish Americans) - being Ali, Bey, El, DEY and Al, affirmed and supported by Article two (2), paragraph two (2)
- 3.) United States Supreme Court: SUPREME LAW - Acts of State.

4.) United States Constitution: Article III(3), SECTION TWO(2), AMENDMENT V(5) (Liberty Clause) and AMENDMENT IX(9) (Reservation of the Rights of the People)

5.) Rights of Indigenous Peoples - United Nations: General Assembly - Part 1, Article 4, Article 5.

I Marquille Rondale Livingston Bey, being a direct descendant of the Ancient Canaanites/Moabites, assert my Birthright Claim of Right and Title. Standing Squarely and duly Affirmed, I do Declare, and Proclaim, upon Divine Law; upon Nature's Law; upon Universal Law; upon My Moorish Birthrights; upon International Law; and by Treaty and Constitutional Law; Declare, Proclaim and Say: I, Marquille Rondale Livingston Bey, being previously misclassified and misidentified by persons of the Union States Society, U.S.A - doing business at North America, was falsely designated under the Colorable, ward-Ship Name, MARQUILLE RONDAL ~~LIVINGTON~~ LIVINGSTON, and do hereby refute the said misclassifications and frauds; making it known to the Public; and Publish my Corrected Free National Name, Attribute and Title. I Declare and Affirm my true, "Proper Person Status and Estate" and assertively Reclaim My Rightful Social and Cultural life of the State. My Declaration, Correction, Proclamation and Publications are in sanguineous and harmonious accord with My Moorish Nation of Northwest AMEXEM/North America - acknowledging my birthrights. Having Lawfully, Dutifully, and Legally Obtained and Proclaimed my Moorish Nationality and Birthrights, Name and Title; in Harmony with, in association with, and in Accord with Divine Law; the archaic Customs; and the Laws, Rules, and usages of "The Moorish Divine and National Movement"; Being Aboriginal and Indigenous, and bound to the North American Continent by Heritage, By Primogeniture; By Birthright; by Natural Birth; By Freehold; and by Heirship Inheritance.

The Organic United States Republic Constitution (derived from Ancient Moabite/Moorish Law) remains "The Supreme Law of the Land"; and all Treaties Made of which shall be made, under the Authority of the United States Government, and under its flag of peace, pursuant to United States Code, Title 4, Chapter 1.

Any law or Colorable process which are Repugnant to the Constitution or Treaty shall remain forever "Colorable" and are Null and Void. Marbury v. Madison 5 U.S. 137, 174, 176 (1803) and, The State is Prohibited from violating Substantive Rights. OWENS v. City, 445 US 662 (1980).

FURTHERMORE, I ASSERT My full Birthrights - Sovereignty and Substantive Rights and My Right of Claim to all Hereditaments - Being a Sundry free Moor/Mour and a (Natural Being) distinguished from all and any spurious Constructs, Created by the foreigners, or by their agencies, pursuant to: Moabite/Moorish Pedigree; THE FREE Moorish Zodiac Constitution; THE Great Seal of the Moorish Nation (Ab Antiquo); THE Treaty of Peace and Friendship - 1786-1787/1836; THE Sundry FREE MOORS Act of 1790; THE 1781 Organic United States Constitution; THE Moorish Federal FINANCIERS Act (Union States Army; 1861-1863); THE 1854 ROMAN Catholic Magna Charta; THE KNIGHTS OF COLUMBUS Code; THE KU KLUX KLAN Oath; THE UNITED NATIONS Charter, Article 55(c); THE RIGHTS OF INDIGENOUS PEOPLE: Part I, Articles 1, 2, 3, 4, 5; Part II, Article 6; THE UNITED STATES SUPREME COURT 'Acts of State'; THE FOREIGN SOVEREIGN IMMUNITIES Act 28 USC 1601; et Sequa., THE CONVENTION ON INTERNATIONAL ROAD TRAFFIC - Day 19, September 1949, THE WORLD COURT Decision, THE HAGUE, NETHERLANDS Day 21, January 1958 A.D = 1378 M.C. IN REFERENCE TO THE RIGHTS OF THE NATURAL PEOPLES AND OF THEIR SUBSTANTIVE RIGHTS, ETC., THE FOLLOWING ARE PRETINENT AND ESTABLISHED SUPREME COURT DECISIONS, (STATE DECISIONS AND RES JUDICATA) TO WIT:

- 1.) THE RIGHT TO TRAVEL; THE RIGHT TO MODE OF CONVEYANCE; THE RIGHT TO LOCOMOTION ARE ALL ABSOLUTE RIGHTS, AND THE POLICE CAN NOT MAKE VOID THE EXERCISE OF RIGHTS. STATE V. ARMSTEAD, 60 S. 778, 779, AND 781.
- 2.) FOR A CRIME TO EXIST, THERE MUST BE AN INJURED PARTY (CORPUS DELICTI). THERE CAN BE NO SANCTION OR PENALTY IMPOSED ON ONE BECAUSE OF THIS CONSTITUTIONAL RIGHT. SHERER V. CULLEN 481 F. 945:
- ④ 3.) IF ANY TRIBUNAL (COURT) FINDS ABSENCE OF PROOF OF JURISDICTION OVER A PERSON AND SUBJECT MATTER, THE CASE MUST BE DISMISSED. LOUISVILLE V. MOTLEY 211 U.S. 149, 29 S. CT 42. "THE ACCUSER BEARS THE BURDEN OF PROOF BEYOND A REASONABLE DOUBT?"

4.) "Lack of federal jurisdiction can not be waived or overcome by agreement of parties?" Griffin v. Matthews, 310 F Supra 341, 343 (1969); and "Want of Jurisdiction may not be cured by consent of parties?" Industrial Addition Association v. C.I.R., 323 US 310, 313.

5.) Where Rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them. Miranda v. Arizona 384 US 436, 125:

REPRESENT MEANS TO 'DEPICT' TO 'PORTRAY', TO 'SYMBOLIZE' AND TO 'STAND FOR'?
LET IT BE KNOWN THAT THE UNION STATES SOCIETY 'BAR ASSOCIATION' LAWYERS, ESQUIRES, AND ATTORNEYS OF EUROPEAN COLONIAL DESCENT, AND FOREIGN CORPORATION, CANNOT DEPICT, PORTRAY OR SYMBOLIZE A FREE MOOR; AS THEY ARE NOT OF THE SAME NATION JURISDICTION, CUSTOMS, OR NATIONAL PEERS; AND CANNOT SIT IN JUDGMENT OF ANY FREE MOOR (ACTS OF STATE) EUROPEANS ARE NOT INDIGENES TO THE LAND (AMERICAS) - MOORS ARE ABORIGINAL! UNION STATES LAWYERS AND ATTORNEYS OPERATE IN DEMO-POLITICAL FORMAT, WHICH IS CONTRARY TO ARTICLE IV, SECTION 4 OF THE CONSTITUTION FOR THE UNITED STATES. MOORS OPERATE IN A REPUBLICAN FORM OF GOVERNMENT, CONJOINED WITH ISONOMI PRINCIPLES - BEING IN HARMONY WITH THE CONSTITUTION. MOORS RESPECT CONSTITUTION PRINCIPLES. THE UNCONSTITUTIONAL TRIBUNALS OPERATING UNDER THE UNION STATES SOCIETY CONFLICTS WITH, AND IS REPUGNANT TO "DUE PROCESS", UNDER CONSTITUTION PRINCIPLES, AND FUNCTIONS PRIMARILY IN "COLORABLE" PROCEDURES. THEREFORE, NO 'FAIR', 'JUST' TRIAL, OR REMEDY IS AVAILLED TO THE NATURAL PEOPLES OF THE LAND, THROUGH SUCH 'COLORABLE' PROCESSES! THESE VIOLATING ACTS CONSTITUTE A 'CONFLICT OF INTEREST'; A 'CONFLICT OF LAW'; AND CLEARLY ESTABLISH THE 'FEDERAL QUESTION' OF 'DIVERSITY OF CITIZENSHIP'; A 'CONFLICT OF IDENTITY'; AND OF NATIONALITY AND INTERNATIONAL LAW, ETC. THUS, A CLEAR AND DOCUMENTED 'AVERMENT OF JURISDICTION/ QUO WARRANTO' IS ALSO HEREBY PROCLAIMED AND ADVANCED TO ALL PARTIES OF INTEREST. ONLY MOORS CAN 'PRESENT' AND 'DEPICT' THEMSELVES AS BEING MOORS/ ALL MOROCCANS, AND ABORIGINAL/ INDIGENES OF THE LAND! THUS ONLY MOORS CAN 'PRESENT' SELF!

The Sixth Amendment of the United States Constitution guarantees the right to Counsel; There is No Obligation to Counsel within the Constitution of the United States. Furthermore, the Sixth Amendment of the United States Constitution preexist the creation of 'Bar Association' (1872). Therefore, the Sixth Amendment Right to Counsel, is not in Relation to any 'Bar Association' MEMBER, LAWYER, ESQUIRES, and ATTORNEYS.

This Appellant (Natural being - IN PROPRIA PERSONA) does NOT abandon any of MY ESTATE RIGHTS; do NOT WAIVE ANY SUBSTANTIVE RIGHTS; does NOT transfer 'POWER OF ATTORNEY' to any foreigner; and does NOT willingly CONSENT to any public trial or Ministerial hearing in any 'Colorable' tribunal VENUE or involvement with any NON-ARTICLE III, UNCONSTITUTIONAL JURISDICTIONS. THE OFFICIAL OATHS AND BONDS; THE OBLIGATIONS; and Fiduciary duties of all accusers and Proof-Bound 'CLAIMANTS' to National Constitution and Treaty Law and Order; THE CIVILIZATION PRINCIPLES fixed in Constitution Law, still stands! DEFINITION and Truth still Rules. NON-COMPLIANCE is a Federal law violation and International Law OFFENCE and TRESPASS.

Hague CONVENTION ON THE SERVICE ABROAD OF JUDICIAL and EXTRAJUDICIAL DOCUMENTS in CIVIL or COMMERCIAL MATTERS, as ratified treaty, is SUPREME LAW of the land. IN RE HARNISCHFEGER INDUSTRIES, INC, Bkrtcy. D. Del. 2003, 288 B.R. 79; and, INTERNATIONAL LAW is part of law of United States, but it must give way when it conflicts with or is superseded by federal statute or Treaty, Made SUPREME, under this clause, To extent permitted by due process of AMEND. 5. Zenith Radio Corp. v. Matsushita Elec. Co., Ltd. Ed. Pa. 1980, 494 F. Supp. 116d

This case is a COMMERCIAL BUSINESS transaction, and the Richland County Solicitors office (Court of GENERAL SESSION) have a duty under the INTERNAL REVENUE SERVICE Article VI (6) to uphold your oath of fealty. I have RECLAIMED MY NATIONALITY as Moorish AMERICAN. I AM NO LONGER UNDER the status of a U.S. citizen. I AM NOW UNDER the protection of the INTERNATIONAL LAWS and am supported by the Universal Declaration of Human Rights (Article 15). Every^{one} has the right to claim their nationality UNDER the INTERNATIONAL LAW.

I lay claim to the RIGHTS and BENEFITS UNDER the Treaty Series 881, DECEMBER 26th 1933 49 Statute 3097 (CONVENTION ON RIGHTS and DUTIES OF STATES) STATED CONGRESS REPEALED STATUTES WITH INTERNATIONAL LAW, placing all states under INTERNATIONAL LAW, including Washington, DC. Therefore this court (Richland County Court of GENERAL SESSION) has a duty to use INTERNATIONAL LAW verses any statutes because I AM AN AMERICAN AND NOT A U.S. CITIZEN.

I Marquille Rondale Livingston Bey Notice you (State office of Attorney General) and (South Carolina Commission on Indigent Defense) to CEASE and DESIST, and RETURN the ISSUE to SOURCE by filing the 1099-OID ON this CASE. UNDER INTERNATIONAL LAW, he who brings the CLAIM must also bring the REMEDY. Therefore you MUST provide a REMEDY in this CASE. You (STATE REPRESENTATIVES) HAVE violated INTERNATIONAL LAW BECAUSE you have brought a CLAIM WITHOUT A REMEDY and without a proof of claim filed with the INTERNAL REVENUE SERVICE.

According to (Code Federal Regulations) 27 C.F.R 72.11..... COMMERCIAL CRIMES. ANY of the following types of CRIMES (Federal or State): OFFENSES against the REVENUE laws; Burglary; Counterfeiting; forgery; Kidnapping; Larceny; Robbery; illegal sale or possession of deadly weapons; Prostitution; Extortion; Swindling and Confidence games; and attempting to commit, Conspiring to commit, or Compounding any of the foregoing CRIMES. Addiction to Narcotic drugs and use of Marijuana will be treated as if such were COMMERCIAL CRIMES.

The party Seeking to invoke personal jurisdiction over a nonresident defendant bears the burden of proving the existence of personal jurisdiction. Callum v. CVS Health Corporation 137 F.Supp. 3d 817; and "When a Court's personal jurisdiction is challenged, the burden is on the plaintiff to establish that a ground for jurisdiction exists. Gourdi v. Karl Storz Endoscopy-America, Inc. 223 F.Supp. 3d 475 (2016)

It is a fact that "THE STATE OF SOUTH CAROLINA" is a legal entity, It is also a fact that My legal estate "MARQUILLE RONDALÉ LIVINGSTON", which is a decedent known as the Appellant in this Case, is also a legal entity, according to Title 26 § 303 and § 7701, Companies, Corporations, and associations and Trust are all decedents. also according to IRS Manual 21.7.13.3.2.2. An infant is the decedent of an estate or grantor, owner or trustor of a trust, guardian, guardianship, receivership or custodianship that has yet to receive a SSN. I (Natural being - IN PROPRIA PERSONA) Hereby Notice this Court that I Have updated My Master file to indicate NON DECEDENT.

Therefore, in the preservation of 'The Rights of Indigenous Peoples' and the Preservations of the Rights of the People, IN ACCORD and DEFENSE of the Constitution for the United States Republic of North America and its Republican Form of Government - being the 'Supreme Law of the Land'; and PRIMAL to the Contractual liabilities, Oath-bound Obligations, and Fiduciary Duties of the Officers of the Courts - Federal, State, City, Municipal, etc., I Hereby, Demand the ENFORCEMENT of the DE VIRE Laws of the United States, and all TREATIES MADE UNDER the Authority of the United States, accord with ARTICLE VI of the Constitution; The Bill of Rights; The Declaration of the Rights of the Child; The Rights of Indigenous People;

The Universal Declaration of Human Rights; The United Nations Charter, Article 55 (c); The United States Supreme Court - 'Acts of State'; The Foreign Sovereign Immunities Act 28 USC 1601; et Sequa., The Convention on 'International Road Traffic' - Day 19, September 1949, The World Court Decisions, The Hague, Netherlands, Day 21, January 1958 A.D = 1378 M.C.; and "EXECUTIVE ORDER 13107" - United States Republic, North America; The Implementation of Human Rights Treaties; The National Constitution for the Continental United States, Article III, Section 2; Amendment V - Liberty Clause; Amendment IX, etc., etc.

I Hereby, Demand a Dismissal of any and all unconstitutional sanctions, claims, or other warrants or charges made or issued, which are devoid of true identity personages; a denial of 'DUE PROCESS' of a 'Trial' by a jury of My own National Peers; or absent of a verified and lawful indictment, sanctioned by an assembled Grand Jury; and that I be availed all lawful Constitutional-secured Safeguards, established by the Supreme Law; with documented proper Jurisdiction and Venue Confirmed and in place.

Furthermore, I am (Natural Being - IN propria Persona) Sui Juris, Sui Heredes, IN Solo Proprio (being in my own proper person), Not to be misclassified, or misidentified with any legal entity, ~~or~~ Corporations, legal fictions, or any other Fraud based classifications, Made by any Government Agent at any level.

I am the Beneficiary/EXECUTOR of the MARQUILLE RONDALE LIVINGSTON, estate and Cestui que trust. I am Not a ward of the State, I am Not a ward of the Court, I am Not "lost at Sea", I am Not incompetent, I am Not in need of a fiduciary, As the EXECUTOR of the EXECUTIVE office, I can handle all affairs of the above listed Estate.

The court trial record will show that this Appellant did not comply, Contract, Nor Consent to any court process by the (Richland County General Sessions ~~or~~ Court) State and its Agents. And Appellant expressed his liberty interest, in Life, Liberty, and property before the trial court.

2) A state prisoner may overcome the prohibition on reviewing procedurally defaulted claims if he can show "cause" to excuse his failure to comply with the state procedural rule and "actual prejudice resulting from the Alleged Constitutional violation". *Wainwright v. Sykes*, 433 U.S. 72, 84, 97 S.Ct. 2497, 53 L.Ed.2d 594 (1977); Substantive due process is "the doctrine that governmental deprivation of life, liberty, or property are subject to limitations regardless of the adequacy of the procedures employed?" *Bowers v. City of Flint*, 325 F.3d 758, 763 (6th Cir. 2003) See Also:

2.) A plaintiff's claim alleging that the government has violated his or her substantive due process right may be presented in two forms. The first form is as a challenge to a law or regulation and the second is a challenge to a discretionary action by a government official. *Strader v. Kentucky Cabinet for Health & Family Servs.*, No. 3:09-CV-00947-H, 2012 WL 967599, at *1 (W.D. Ky. Mar. 21, 2012); The "Shock the Conscience" Standard is for Substantive due process claims is difficult to satisfy; to Shock the Conscience, the conduct must be so egregious that it can be said to be arbitrary in the constitutional sense. *Blythe v. Schlievert*, 245 F.Supp.3d 952 (2017); "Arbitrary and Capricious" behavior is willful and unreasoning action without consideration or regard for the facts and circumstances. *Boothe v. Roofing Supply, Inc. of Monroe*, 893 So.2d 123, 39.122 (La. App. 2 Cir. 1/20/05)

3.) The trial "is the main event at which a defendant's rights are to be determined." *McFarland v. Scott*, 512 U.S. 849, 859, 114 S.Ct. 2568, 129 L.Ed.2d 666 (1994) "And not simply a tryout on the road to Appellate review." *Freytag v. Commissioner*, 501 U.S. 868, 895, 111 S.Ct. 2631, 115 L.Ed.2d 764 (1991)

Explicit Reservation and use of 'All Rights Reserved Without Prejudice' U.C.C. 1-207/308, U.C.C. 1-103, is noted to All Federal, State, City, and Municipal Peace Officers; In harmony State's Statutes, and indicates the Reservation of My Rights. Whereby I may Reserve My Substantive Rights and Constitutional-secured Rights and Immunities to 'NOT' be Compelled to perform under any Contracts or Agreements that I have not entered into knowingly, voluntarily, willingly, or unintentionally. I don't (do not) accept any actual or implied 'liabilities' associated with any 'Compelled - Benefits' of any 'unrevealed' or deceptively-imposed Commercial Contracts. I, Furthermore, do not sanction any 'unconstitutional' rules or policies, or acts of Misprision Committed by any US. Government or State Officials, at any level, claimed by any of them, in the name of the United States Republic, nor do I assent to any implied colorable policies made by alleged representatives, as being sanctioned by the People and Citizens. Consider any formerly-assumed constructs alleged to be related to me as being misrepresentations and thusly 'Cured' forthwith.

CONSENSUS FACIT LEGEM

CONTRA VERITATEM LEX NUNQUAM ALIQUID PERMITTIT

Respectfully Submitted

"All Rights Reserved Without Prejudice"

S/ Marquille R Livingston Bey UCC 1-308
Marquille R Livingston Bey #274774
PCI BY13
430 Oaklawn Road
Pelzer, SC 29669

Date: 2-21-2020

CC: Alan M. Wilson, Esquire
William M. Bitch, Jr., Esquire
Lara M. Caudy, Esquire

UNIVERSAL POSTAL UNION INTERNATIONAL BUREAU
PO Box 312
3000 BURNES SWITZERLAND

SWORN to before ME
this 21st day of February year 2020

Nancy C. Coble
Notary Public for South Carolina

1-23-2023.
My COMMISSIONS EXPIRES

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Clifton B. Newman, Circuit Court Judge

RECEIVED

Respondent MAR 02 2020

SC Court of Appeals

THE STATE,

v.

MARQUILLE RONDALE LIVINGSTON,

Appellant

CERTIFICATE OF SERVICE

The Appellant hereby certifies that a true copy of the Return to the Courts Order, Addressing Appellants Motion to Relieve Counsel, in the Above listed case has been served upon William M. Blich, Jr., Esquire, at Post Office Box 11549 Columbia, SC 29211; and a copy of the Return to the Courts Order has been served upon Lara M. Caudy, Esquire at 1330 Lady Street, Suite 401 Columbia, SC 29201;

"All Rights Reserved without prejudice"

SWORN to before ME
this 21st day of February year 2020

S/ Marquille R. Livingston BEY UCC 1-308
Marquille R. Livingston BEY #274774
PCI BY13
436 Oaklawn Road
Pelzer, SC 29669

Nancy C. Coble
Notary Public for South Carolina

1-23-2023
My Commission Expires

SOUTH CAROLINA COURT OF APPEALS

February 21, 2020

RECEIVED

MAR 02 2020

SC Court of Appeals

Ms. Jenny Abbott Kitchings
Post Office Box 11609
Columbia, SC 29211

RE: The State v. Marquille R. Livingston
Appellate Case No. 2018-001595

Dear Clerk,

Enclosed is a copy of the Return to the Court Order,
Dated February 11, 2020, Addressing Appellant's Motion
to relieve ~~some~~^{MR} COUNSEL.

Respectfully Submitted

cc: Alan M. Wilson, Esquire
William M. Bitch, Jr., Esquire
Lara M. Caudy, Esquire

"All Rights Reserved Without Prejudice"

UNIVERSAL POSTAL UNION INTERNATIONAL BUREAU
PO Box 312
3000 BURNE 15 SWITZERLAND

S/ Marquille R Livingston BEY UCC: 1-308
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430 OAKLAWN ROAD
PETZER, SC 29669