

IN THE SOUTH CAROLINA APPELLANT COURT

IN EXTRAORDINARY EXCLUSIVE EQUITY JURISDICTON

Special Cause No. \_\_\_\_\_

Justin Smalls, pro se  
Petitioner,

vs.

RECEIVED

NOV 25 2020

SC Court of Appeals

CLARENDO COUNTY, Join party  
Elaine S. Bellnier, David M. Bellnier and Denise Filios a.k.  
Denise A Terry,  
DuRant, Christopher R., in his Personal Capacity  
dba CHRISTOPHER R. DuRANT, ID#78080  
Attorney-at-Law for  
JOHNSON, DuRANT, AND LESTER, LLC  
THE LAW OFFICES,  
And CIVIL ACTION NO: 2020-CP-14-00002  
Respondent(s).

**DEMAND FOR AN EQUITABLE PRELIMINARY**  
**INJUNCTION RELIEF AND EMERGENCY RESTRAINING ORDER**  
**In Support of Article 3 Subsection 2 Clause 1 of the**  
**Constitution for the United States of America**  
**and Judiciary Act of 1783-1785**  
**For Constructive Collusion and Use of Statutes to Deprive**  
**Liberties and Unjust Enrichment**

### INTRODUCTION AND STATEMENT OF STANDING

COMES NOW THE ABOVE PETITIONER, Justin Smalls, who is disabled in the rules of at law with clean hands and pure heart, seeking within my private core rights an equitable Order of Emergency Protection from this Honorable Court of competent Article 3 Subs. 2 Clause 1 jurisdiction protected within the Constitution for the united states of America in favor of 'We the People', and such order against the Respondents (collectively) as equity sees as done what ought to have been done for good cause supported by the evidence substantiated herein.

### INTRODUCTION AND STATEMENT OF STANDING

COMES NOW THE ABOVE PETITIONER, Justin, with clean hands and pure heart, seeking an equitable Order of Protection from this Honorable Court of competent Article 3 Subs. 2 Clause 1 jurisdiction protected within the Constitution for the united states of America on behalf of 'We the People'[See evidence "A" GPO Constitution for The United States of America] and such order against the Respondents (collectively) as equity sees as done what ought to have been done for good causes and conscious supported by the evidence contained herein.

### OPENING STATEMENT OF FACTS

Take mandatory notice that injunction relief is based on well-established principles of equity (See. *EBAY INC. v. MERC-EXCHANGE*,

L.L.C., 547 U.S. 388, 391 (2006)) and federal as well as state authority to issue injunctions under traditional principles of equity exercised by English Court of Chancery 1873-1875.

Let this court take cognizance that there is a vital conflict of variance between the rules of at law and my substantial rights held in equity which the inferior lower court has continue to clog my, Justin Smalls, core private inherited equitable rights.

Further evidence can be produced and found on record of the Clarendon Common Pleas Court, Elaine S. Bellnier, David M. Bellnier and Denise Filios a.k. Denise A Terry, and with the SOUTH CAROLINA BAR ASSOCIATION, which shows that these parties have knowingly and willingly participated in unfair and unjust enrichment. Equity refuses to allow a state statute to be used for a cloak for fraud(See attached Order file Nov. 10<sup>th</sup> 2020).

Take mandatory notice that i, Justin Smalls, have been forced involuntarily without implied or expressed consent to such order in favor of Respondent held and suppressed creating an extreme irreparable prejudice. i, Justin Smalls, am disabled in the rules of at law and require this competent court to reward my vigilance to protect my rights.

It is also within this court's knowledge of the current standing of our global health conditions regarding COVID-19 pandemic that has crippled many nations which are now suffering from increasing job lost creating millions of back-log regarding unemployment benefits approvals and foreclosure and eviction rates due to such lost and

businesses closing. Like myself, Justin Smalls, and many other families, have become victims to these extreme conditions creating a irreparable financial disability. Also let this court take mandatory notice that i, Justin Smalls, have been in the state of insolvency rendering me, Justin Smalls, further financially disable.

Due to the lower inferior courts inability and failure to hear my, Justin Smalls, evidence, motions, and afford equal protections under the Constitution for the united states of America, such harmful acts resulted in a complaint being filed with the United States District Court against Respondent's due to the inadequate relief at law (See. *NORTHERN CAL. POWER AGENCY v. GRACE GEOTHERMAL CORP.*, 469 U.S. 1306, 1306(1984)). The lower court's exercise of jurisdiction has violated due process and has offended traditional notions of fair play and substantial justice (See. *WORLD-WIDE VOLKSWAGEN CORP. v. WOODSON*, 444 U.S. 286, 291-92(1980)).

WHEREAS, such behavior from an officer of the court who refuses to take judicial notice under rule 201 of the constitution and his own oath cannot be trusted to say the least. The lower court presiding judge failed to present upon demand as well as stand in honor on his federal and state constitutional oath and such acts sustains and warrants that the Petitioner join county in this instant action seeking both declaratory and injunctive relief for acts of treason against 'We the People'. These supporting grounds stated herein shows a serious question about the merits that are ripe and deserve the eyes of equity to provide relief for equity will not

allow a wrong to be done without remedy and any premature acts to the contrary is recognized as an harmful attempt to rush justice.

### **PRAYER FOR RELIEF BEFORE THE COURT**

Under these extraordinary circumstances i, Justin Smalls, prays that this superior court holding inherently entrusted Article 3 powers considers all of the evidence stated in this equitable emergency injunctive complaint where officers and Respondent's of the lower court acted under color of law with the intent to deprive me, Justin Smalls, of inherited substantial rights acknowledged in the constitution a protective trust in favor of myself,, an inherited beneficiary, Justin Smalls, as one 'We the People'.

This prayer is issued due to the ill-gotten and unfair judgments issued against my, Justin Smalls, res and interest now vested in an equitable trust requires protection from court of equitable jurisdiction in the form of an emergency injunction, restraining Respondents from acting in any way whatsoever, not limited to executing any order or writ of assistance, eviction, or the like until this court may have opportunity to clearly review the merits of this action brought under the Constitution for the United States of America and principals of equity and not blinded justice, with the sword in one hand and scales in the other, condemning all in one scale and rewarding all in the other scales, but opened eye Equity, having neither sword nor scales, wearing the breast plates of good reason and good conscience, using both hands to remove all forms, cloaks, veils, technicalities and subterfuges, that conceal or

distort the real facts and circumstances of the case before her, separating the pure grains of truth from the straw and chaff of fraud and artifice, and appointing each party, whether complainant or defendant, what is good reason and good conscience is his or her just due.

Petitioner prays that justice is swift affording the sought for equitable protections and constitutional guarantees needed to amend the bad behavior and unjust acts of these men who have not honored the seats the State and County entrusted in them for such delay will cause additional actual and imminent injury.

Furthermore, this equitable prayer for good reason is made for this injunction and emergency restraining order to stay acts of unrighteousness and unfairness by these lower inferior courts and may this superior court decide *Ex Aequo Et Bono*. Amen.

1. The General Public will not sustain injury or harm if this superior court of competent jurisdiction grants this demand for an order of protection. Nor would granting this order be adversely against the best interest of the General Public.
2. Respondents will not suffer loss nor sustain injury if the Court grant this motion.
3. Nor will Respondents lose, waive or forfeit a benefit or right they allege they may have once everything is properly before this superior court in special cause proceeding.
4. Petitioner has the right to request this benefit from an order of protection that this Honorable Court has Article 3 judicial

power and authority to do so whereby this action seeks both declaratory and emergency injunctive relief as prayed without a hearing in satisfaction of evidence.

5. WHEREAS, if this Honorable Court denies Petitioner's demand for an equitable injunction and emergency restraining order of protection, Petitioner would be placed in immediate danger, subject to sustain loss, injury and imminent financial disability and ruin.

### **CONCLUSION**

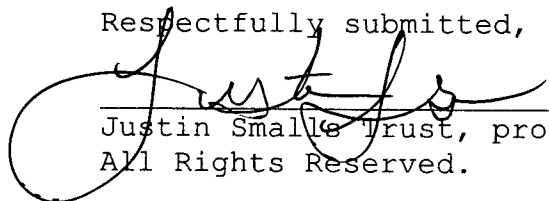
Due to the these extreme measures described herein, i, Petitioner, Justin Smalls, requires this article 3 judicial court to grant in favor of my substantial inherited rights the following;

A. Restrain Respondent's and their employees or agents from executing any eviction or order removing myself, Justin Smalls, from the beneficial interest property at stake in this special cause for at least 120 days from this date;

B. Grant in favor of myself, Justin Smalls, an order for a equitable injunction and emergency relief until this special cause has been heard in a court of inherited exclusive equity without rushing substantial justice;

C. Stay and restrain any writs or orders issued directly from the lower court to any agency or employee to execute until this competent superior court has heard the special interest in danger and a equitable decision has been made by this Article 3 court.

Respectfully submitted, for i am



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Justin Smalls Trust, pro se  
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Special Cause No. \_\_\_\_\_

Justin Smalls, pro se  
Petitioner,

vs.

CLARENDO COUNTY, Join party  
Elaine S. Bellnier, David M. Bellnier and Denise Filios a.k.  
Denise A Terry,  
DuRant, Christopher R., in his Personal Capacity  
dba CHRISTOPHER R. DuRANT, ID#78080  
Attorney-at-Law for  
JOHNSON, DuRANT, AND LESTER, LLC  
THE LAW OFFICES,  
And CIVIL ACTION NO: 2020-CP-14-00002  
Respondent(s).

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**AFFIDAVIT IN SUPPORT OF EQUITABLE INJUNCTION**  
**AND EMERGENCY RESTRAINING ORDER**

i, Justin Smalls, who is competent, of sound mind, and who acts vigilantly to preserve adequate justice, now with clean hands declare the following to be true and correct without intent to waste the courts time.

A. i, Justin Smalls, have suffered violation of liberties and right to be fully informed and availed the opportunity to properly defend oneself.

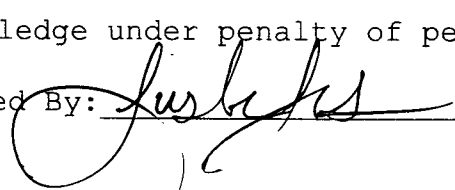
B. i, Justin Smalls, have been irreparably harmed financially by

the COVID-19 pandemic and due to this fact it will cause an extreme present and future financial burden and disabilities if i, Justin Smalls, were to be removed from the property in interest without first being heard in a court of exclusive equity.

C. i, Justin Smalls, has substantial documentation evidencing the unjust enrichment by Respondents and their attempt to use state statute as a cloak for fraud.

I, Justin Smalls, hereby declare the above to be true and correct to the best of my knowledge under penalty of perjury.

11-23-2020

Drafted By: 

THE STATE OF SOUTH CAROLINA

COUNTY OF CLARENDON

IN THE COURT OF COMMON PLEAS  
3RD JUDICIAL CIRCUIT

Elain S. Bellnier, )  
David M. Bellnier, )  
Denise A. Filios aka: )  
Denise A. Terry. )

Plaintiff, )

Case No.: 2020-CP-14-00002

vs. )

**NOTICE OF OBJECTIONS**  
**SC CIVIL RULE 12**

Justin Smalls )

Defendant. )

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NOV 25 2020

**SC Court of Appeals**

TO ALL WHO THESE PRESENTS SHALL COME; GREETINGS

Me, myself, Justin Smalls, a private citizen of South Carolina state, with clean hands and in good faith, requires the aid of this court to seek what's fair, righteous, and just, and not allow a wrong to suffer without remedy. i, Justin Smalls, now enters on to the record of the lower court the following objections to the courts order granted by Judge Koffee on 6<sup>th</sup> of October 2020 in favor of plaintiff(s) for such decision made in error creates unjust enrichment in favor or plaintiff(s), irreparable harm against my, Justin Smalls, rights and interest, and further financially disables me.

I, Justin Smalls, hereby declare the following substantial objections for this lower court to take cognizance to;

A) I, Justin Smalls, object to the Judge Koffee enter into the

record on 6<sup>th</sup> day of October 2020 at 2:00 P.M., to pay \$580.00 [five hundred and eighty dollars] a month rent [as tenant] on the grounds that the private contract entered into the record protected by the Constitution for the United States of America guarantees my right to redress when a wrong has been committed against my, Justin Smalls, persons or property. There has been substantial evidence presented to this lower court of the acts dishonor and fraudulent intent by the Plaintiff(s) resulting in their breach of contract. Let it also be known that the any payment to plaintiff(s) is agreement to the terms and conditions and I, Justin Smalls, do not to agree to such terms or contract.

B) I, Justin Smalls, object to the lower courts order entered into record on 6<sup>th</sup> of October 2020 by Judge Koffee on the substantial grounds that, I, Justin Smalls, attempted to file a incident report with the Clarendon County Sheriff Department regarding the fraud and unjust enrichment committed by Plaintiff(s) regarding the my rights and interest in the property under dispute in this cause of action to preserve my right of action to seek relief and proper justice.

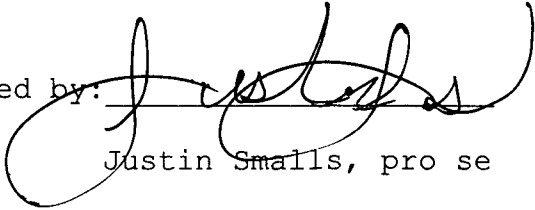
C) I, Justin Smalls, object to the lower courts ordered entered into the record on the 6<sup>th</sup> of October 2020 by Judge Koffee on the grounds that I, Justin Smalls, have acted vigilantly to preserve my equitable rights and interest by appealing to the South Carolina Appellant Court a superior court who shall provide adequate speedy justice by wholes and not by halves.

Furthermore, this court has erred in its decision and failed to

provide adequate substantial and proper justice. This court has failed to take cognizance of my substantial equitable rights and interest has allowed the plaintiff unjustly enrich themselves regarding the property in this cause of action that was contracted while ongoing probate unknowingly to myself, Justin Smalls.

11-23-2020

Date

Drafted by: 

Justin Smalls, pro se

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**THE  
CONSTITUTION OF THE UNITED STATES  
OF AMERICA**

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**LITERAL PRINT**

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## CONSTITUTION OF THE UNITED STATES

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We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

### Article I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term

of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the

United States and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President *pro tempore*, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the

Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take

Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be im-

posed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of *Habeas Corpus* shall not be suspended, unless when in Cases or Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or *ex post facto* Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in the Proportion to the Census of Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: and no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, *ex post facto* Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

#### Article II.

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Sen-

ate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representatives from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and

Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the su-

preme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information on the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all Civil Officers of the United States, shall be removed from Office on Impeachment for and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

#### Article III.

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for

their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

#### Article IV.

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

#### Article V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

#### Article VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

#### Article VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest WILLIAM JACKSON

Secretary

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth. In witness whereof We have hereunto subscribed our Names,

G<sup>o</sup>. WASHINGTON—Presid<sup>t</sup>.  
and deputy from Virginia

New Hampshire JOHN LANGDON  
NICHOLAS GILMAN

Massachusetts NATHANIEL GORHAM  
RUFUS KING

Connecticut	W <sup>m</sup> SAM <sup>l</sup> JOHNSON ROGER SHERMAN
New York . . . .	ALEXANDER HAMILTON
New Jersey	WIL: LIVINGSTON DAVID BREARLEY. W <sup>m</sup> PATTERSON. JONA: DAYTON
Pennsylvania	B FRANKLIN THOMAS MIFFLIN ROB <sup>t</sup> MORRIS GEO. CLYMER THO <sup>s</sup> FITZSIMONS JARED INGERSOL JAMES WILSON GOUV MORRIS
Delaware	GEO: READ GUNNING BEDFORD JUN JOHN DICKINSON RICHARD BASSETT JACO: BROOM
Maryland	JAMES M <sup>c</sup> HENRY DAN OF S <sup>t</sup> THO <sup>s</sup> JENIFER DAN <sup>l</sup> CARROLL
Virginia	JOHN BLAIR— JAMES MADISON JR.
North Carolina	W <sup>m</sup> BLOUNT RICH <sup>d</sup> DOBBS SPAIGHT HU WILLIAMSON
South Carolina	J. RUTLEDGE CHARLES COTESWORTH PINCKNEY CHARLES PINCKNEY PIERCE BUTLER
Georgia	WILLIAM FEW ABR BALDWIN

In Convention Monday, September 17th 1787.

Present

The States of

New Hampshire, Massachusetts, Connecticut, Mr Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled. Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place

assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention

G<sup>o</sup>: WASHINGTON—Presid<sup>t</sup>.

W. JACKSON Secretary.

IN THE SOUTH CAROLINA APPELLANT COURT

IN EXTRAORDINARY EXCLUSIVE EQUITY JURISDICTON

Special Cause No. \_\_\_\_\_

**RECEIVED**

NOV 25 2020

**SC Court of Appeals**

Justin Smalls, pro se  
Petitioner,

vs.

CLARENDO COUNTY, Join party  
Elaine S. Bellnier, David M. Bellnier and Denise Filios a.k.  
Denise A Terry,  
DuRant, Christopher R., in his Personal Capacity  
dba CHRISTOPHER R. DuRANT, ID#78080  
Attorney-at-Law for  
JOHNSON, DuRANT, AND LESTER, LLC  
THE LAW OFFICES,  
And CIVIL ACTION NO: 2020-CP-14-00002  
Respondent(s).

**PROOF OF SERVICE**

i, Justin Smalls, do hereby certify that i have caused to be served the Equitable Injunction and Emergency Restraining Order and Affidavit in Support upon all Respondents named herein by certified mail of the U.S. Mail this 23th day of November, 2020 at the address below.

CLARENDON COUNTY SHERIFF DEPARTMENT

Certified Mail No.: 7024 1810 0002 1187 6752

HONORABLE JOSEPH K COFFEE CLARENDON COUNTY

Certified Mail No.: 7024 1810 0002 1187 6769

NICOLAS G. ROTSIDE, ATTORNEY-AT-LAW.

Certified Mail No.: 7020 1810 0002 1187 6721

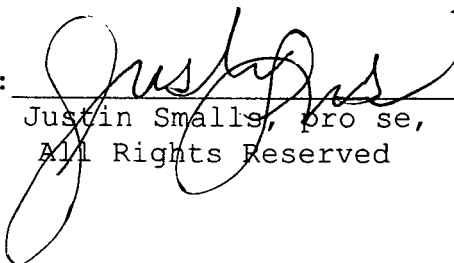
GOVERNOR OF THE STATE OF SOUTH CAROLINA

Certified Mail No.: 7020 1810 0002 1187 6745

ATTORNEY GENERAL FOR THE STATE OF SOUTH CAROLINA

Certified Mail No.: 7020 1810 0002 1187 6714

11-23-2020  
Date

Drafted by:   
Justin Smalls, pro se,  
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Justin Smalls

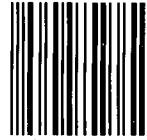
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SC Court of Appeals