

LAWRENCE L CRAWFORD AKA
JONAH GABRIEL JAHN T. TISHBITZ
#300839 PAB-RM 1260

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MAY 05 2021

SC Court of Appeals

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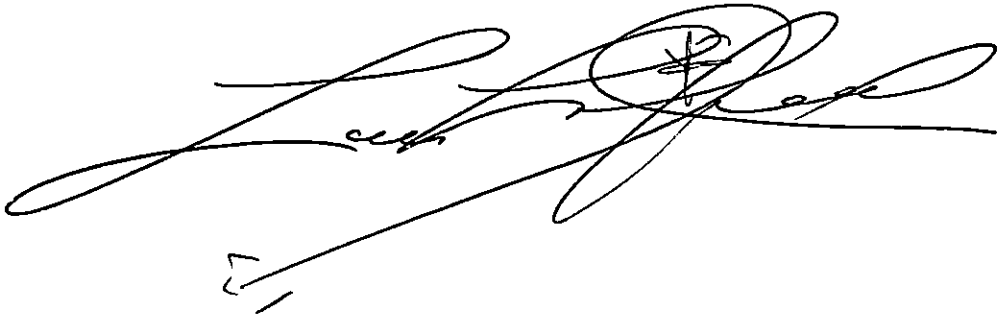
IN RE to CASE 2020-001667

TO THE SC COURT OF APPEALS

Attached you will find 2
sets of copies of documents
intended to be filed in the
above captioned case. Please
file one in the case and

1 of 2

RETURN to me the additional
copy checked stamped. Thank
you in advance.

Respectfully,
Jonah The Fishbite


April 24, 2021

Exhibit

"Benjamin Case"

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The State of South Carolina
IN THE SUPREME COURT

Appellate Case No. _____

Appeal from Greenville County
The Court of Common Pleas
Case No. 2020-CP-23-01050

Benjamin Case #305097
Appellant

vs.

The State of South Carolina

1 of 23

Affidavit of Service

I, BENJAMIN CASE, do hereby certify, that I have mailed and or served a copy of my Affidavit of Facts Giving Judicial Notice; petition and or motion to invoke the SC SUPREME COURT'S ORIGINAL JURISDICTION and motion to motion therefor, on the SC SUPREME COURT, the GREENVILLE chief Administrative Judge, the GREENVILLE COURT of Common Pleas, the SC ATTORNEY GENERAL

and all introduced parties by US
mail postage prepaid by depositing
it with attachments in the
institution mailbox on April
~~24~~, 2021.

Respectfully
BENJAMIN CASE
By line

April ~~24~~, 2021

The State of South Carolina
In The Supreme Court

Appellate Case No. _____

Appeal From Greenville County
The Court of Common Pleas

Case No. 2020-CP-23-01050

Benjamin Case # 305097
Appellant

vs.

The State of South Carolina

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RESPONDENT

affidavit of facts giving judicial
notice, petition and or motions
to invoke the SC SUPREME COURTS
ORIGINAL JURISDICTION AND MOTION
TO MOTION THEREFOR

IN RE CASE 2020-CP-23-01050
pending before the GREENVILLE
COMMON PLEAS COURT AND OTHER
RELATED MATTERS.

TO: THE SC SUPREME COURT,
THE GREENVILLE COUNTY
CHIEF ADMINISTRATIVE JUDGE,

The GREENVILLE COUNTY
COURT OF COMMON PLEAS,
The 13th CIRCUIT SOLICITORS
OFFICE,
The SC ATTORNEY GENERAL

et al.

HERE THE COURT AND PARTIES
WILL FIND:

(1) Exhibit, "Default and
Voiding of Jurisdiction". This is the
(22) page Affidavit of Facts Giving
Judicial Notice; ~~***~~, that was filed in
PCR CASE 2020-CP-23-01050 sub-
judice.

(2) Exhibit, "2021-00309". This is a copy of the Affidavit of Facts Giving Judicial Notice; ~~***~~ (8) pages dated March 10, 2021 initially filed to establish case 2021-00309 pending before the SC SUPREME COURT.

(3) Exhibit, "2020-006615". This is a copy of the Affidavit of Facts Giving Judicial Notice; ~~***~~ (6) pages dated February 22, 2021 filed in the ROY SAKHA MCCRAY case also presently pending before the SC SUPREME COURT.

(4) Exhibit, "JORRENTA". This is the Affidavit of Facts Giving

Judicial Notice 1 *** (23) pages dated
April 3, 2021 that was filed in
CASE 2020-001615 pending before
the SC-SUPREME COURT.

The petitioner / appellant
gives the court and parties
judicial notice. The appellant
petitions and or motions to invoke
the SC SUPREME COURT'S ORIGINAL
JURISDICTION to hear all the merits
related to these cases due to the
PRESENT events the appellant
RECENTLY discovered that ARE going
on within the SC SUPREME COURT.

The Appellant Under his PCR case pending in the GREENVILLE County Common Pleas Court has essentially the same exact default and voiding of jurisdiction document filed in case 2020-CP-23-01050 that is filed in case 2019-CP-08-1992 that establishes case 2020-001615 the RON SANTA MURRAY case presently pending before the SC SUPREME COURT which voids the GREENVILLE Common Pleas Courts jurisdiction for DUE PROCESS violation and Unconstitu-tional Action, Kosciusko v Parham 428 SC 481, 836 S.E.2d 362 (SC App. 2019);

Asterbadi v Leites, 176 Fed Appx' 426
CA 4 (Va 2006); Pyle v United States,
F. Supp. 3d, 2016 WL 1377402 (DC Md 2016);
United States v Conrad, 675 Fed Appx'
263, 265 CA 4 (Fla 2017); Steel Co. v.
Citizens for a Better Environment,
523 US 83, 118 S Ct 1003 (US 1998); Henderson
EX REL Henderson v Shiptel,
131 S Ct 197, 198 + U.S..

→ The appellants Sequoia McKinnon
and Ron Santa McCray have already
invoked the SC SUPREME COURT'S
ORIGINAL JURISDICTION UNDER BOTH CASES
2020-001615 AND 2021-00309 WHERE
MANY OF THE LEGAL ISSUES THAT ARE THE
SOURCE OF THE CONTROVERSY IN THE TWO

CASES REFERRED TO, ARE IDENTICAL
TO THE ISSUES THAT ARE THE SOURCE
OF THE CONTROVERSY IN THE PETITIONERS
CASE. TO DENY THE APPELLANT THIS
SUBSTANTIAL DUE PROCESS RIGHT TO
INVOLVE THE SC SUPREME COURT'S ORIGINAL
JURISDICTION WHERE THE APPELLANTS,
LIKE THE OTHERS, IS ARGUING AGAINST THE
PRECEDENT ESTABLISHED BY THE GENTRY
AND LANGFORD CASES PURSUANT TO APPELLATE
COURT RULE 207 AND THESE MATTERS ARE
ALREADY PRESENTLY PENDING REVIEW BEFORE
THIS COURT? SUCH MATTERS WOULD VIOLATE
THE APPELLANTS RIGHTS UNDER THE EQUAL
PROTECTION OF THE LAWS CLAUSE AND
WOULD BE UNCONSTITUTIONAL, BODMAN V STATE,
403 SC 60; 742 SE2d 363 (SC 2013);

Marshall v City of Rock Hill, S.E.2d, 2015
WL 3884258 (SC App 2015); US v BURTON,
11 Fed Appx' 328, 2011 WL 640248 CA4
(2011); ZANNELLI v U.S., 420 US 770, 95
S.Ct 1204, 43 L.Ed.2d 616; Holloway v
PERRY, 2016 WL 4074149. The appellant,
like McCray and McKinnon, is asserting
his right to non party collateral
estoppel and OR RES JUDICATA where
the SC Attorney General already
defaulted on these issues under the
McCray case as they did in my PER
proceedings subjudice and the issue
of there being two prongs to subject
matter jurisdiction has already been
established res jud by the cases cited
coming out of the state of South

Carolina.

Now referring back to the issue at hand. DOES THE STATE AND/OR COURT'S FAILURE TO OBTAIN THE WRITTEN ORDER OF CONTINUANCE BEFORE THE PRESCRIBED TIME DEADLINE EXPIRES VOID THE COURT'S INVOLVED JURISDICTION FOR DUE PROCESS VIOLATION AND UNCONSTITUTIONAL ACTION? FIRST, IT IS BEYOND DISPUTE THAT A PARTY IS NOT PERMITTED TO WAIVE SUBJECT MATTER JURISDICTION. UNITED STATES v. WHEELER, 886 F.3d 445 (4th Cir. 2018); 139 S.Ct. 1318 (US 2019); MATHENY v. BRECKON, 2020 WL 871085 (N.D. Va. 2020).

FOR THE RECORD, AGAIN, WE ARE NOT DEALING MERELY WITH A PROCEDURAL RULE,

like Rule 3(c). This particular jurisdictional requirement is based upon judicial order. An "order" by its very nature is mandatory so this is not the question. What is more the issue, are the words imbued within the order which clearly read "shall... be concluded". The word "concluded" by its very nature sets in place clear prohibition to move further in any way unless the jurisdictional requisite of the order of continuance is timely and properly obtained and filed within the case. If the court is prohibited to go further by the very nature of the words "shall... conclude" clearly manifesting an inability to "declare law"? The

Ability to "declare law" goes to subject matter jurisdiction. Failure to adhere to jurisdictional timeliness would warrant dismissal of the cause of the conviction at any time, as such requirements implicate the courts power to adjudicate the controversy presented, United States v Johnson, 451 F.Supp.3d. 436 (D Md 2020); United States v Walls, 2020 WL 4748457, #1 D Md.; United States v Edwards, 456 F.Supp.3d 953, 959 + MD JEFF.

The courts may not develop a judicial exception to a jurisdictional bar, such as stating the prosecution can control his docket as it relates to the jurisdictional time frame

to conclude the case requirement
where by such in this case the court
would be expanding their power to
hear cases by judicial decree which
is highly impermissible where the
time line by the SC SUPREME COURT'S
voluntary actions has been attached
to the SC constitutions invoking the
provisions of Article 1 § 23 of the
SC constitution, United States v Smith,
2020 WL 2063417, * 2 + No Ohio; United
States v Walls, 2020 WL 4748457, * 10 (Md.);
United States v Randolph, 2020 WL 8455501,
* 1 ST. IOWA; United States v Gowdy,
2020 WL 7706236, * 2 ST. MISS.

since the rule governs the
court's adjudicatory authority it

must be deemed jurisdictional,
GONZALEZ V JHAVER, 565 US 134, 141,
132 Sct 641, 181 LEd2d 619 (US 2002).

This does not mean that the
state legislature or even the S.C.
supreme court as it pertains to the
order in question, "must invoke
magic words", United State v KWAH
JUN Wong, - US -, 135 Sct 1625, 1632,
191 LEd2d 533 (2015) (internal quota-
tions omitted), like, for example, the
word "jurisdictional" especially in light of
the fact we are dealing with an order
which is more than a procedural rule
like rule 3(c), where this provision is
indisputably attached to the SC consti-
tution. RATHER, "traditional tools

of statutory construction or the SC SUPREME COURT ORDER itself being directly attached to the SC Constitution invoking a jurisdictional mandate pursuant to Article 1 § 23 of the SC Constitution where construction by wording "shall... conclude" imbued a procedural bar with jurisdictional consequences prohibiting any further declaring of law other than ministerial and or clerical matters, Sebelius v Auburn Regional Medical Center, 568 US 145, 153-54, 133 Sct 807, 184 LEd 2d 627 (US 2013).

Thus the provision must be deemed jurisdictional being an order where the legislative intent is attached and invoked via the words "shall ... conclude" creating a legal inability to declare law unless the laws of due process and the US Constitution are indeed violated by such unconstitutional action which include violating the provisions of Article 1 § 23 of the SC Constitution, which demonstrates that this provision is no mere mandatory claim processing rule. HAMER v
NEIGHBORHOOD HOUSING SERVICES OF
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Chicago - US -, 138 S Ct 13, 17, 199
L ed 2d 249 (2017).

There is clear expression of
intent indicating the depriving
of power to determine or declare
law where the language states
"shall ... compel", not giving
any venue way for expansion
by judicial decree which would
violate the separation of powers
clause producing unconstitutional
actions voiding jurisdiction under
the constitutional provision to subject
matter jurisdiction. This is
compounded by the fact that

the United States Supreme Court
in a related ruling determined
that it doesn't matter if the
procedural rule is mandatory or
not, or jurisdictional or not. Where
it is timely and properly raised
as it is in this case, the rule
do indeed becomes mandatory
though this claim must be deemed
jurisdictional anyway, Williams
v Warden, 713 F.3d 1332, 1340
(11th Cir 2013). The language
parallels language that the US
Supreme Court has deemed
jurisdictional such as in cases
like Miller El v Cockrell, 537

US 322, 336, 123 Sct 1029, 154
Led 2d 931 (US 2003); 135 Sct at
1632 where we are dealing with
A DUE PROCESS constitutional right
attach to ~~extend~~ timelines of appeal
which is also protected that was
properly and timely asserted
making it mandatory by this aspect
Also Fort Bend County, Texas v
Davis, 139 Sct 1843 (US 2019); Kevin
Coppage, plaintiff v City of Raleigh,
defendant, 2021 WL 1234506, *4
ED. NC; Walter McJannet, plaintiff
v Jennifer Hobby, defendant, 2021
WL 1197502, *6 + D. Compl; JERRY

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GORALSKI Lamb, plaintiff, v. Thomas
Chiefly SECRETARY of the NAVY et al.
2021 WL 198158, * 10 D. Md.; Fort
Bend County TEXAS v. DAVIS, 139 S.Ct
1843 (US 2019). Thus the Appellant
petitions to invoke the SC SUPREME
COURT'S ORIGINAL JURISDICTION to have
his CASE Added to the growing number
of CASES presently pending where these
MATTERS ARE UNDER REVIEW ARGUING
AGAINST the two PRECEDENT SETTLING
CASES in QUESTION PURSUANT to RULE

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Respectfully
Benjamin CASSE
Guy C.

April 20th 2021

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LAWRENCE L CRAWFORD

#300839 FBI RM 1260

USE CI 990 WISACKY HWY

Bishopville, SC 29010

RECORDED

MAY 24 2012

SC Court of Appeals

THE SC COURT OF APPEALS

P.O. BOX 11629

COLUMBIA, SC 29211