Volume 2 of 4

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to Berkeley County
Court of Common Pleas
The Honorable Bentley Price, Post-Conviction Relief Judge
The Honorable Roger M. Young, Sr., Trial Judge

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S.C. SUPREME COURT

Appellate Case No. 2021-000089

Joseph T. Rowland, #2900065, Respondent,

vs.

State of South Carolina, Petitioner.

APPENDIX

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LINDA WILSON,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STONEY:

Q. Good morning, Ms. Wilson. Where are you presently employed?

A. City of Charleston Police Department evidence division.

Q. How long have you been with the evidence division?

A. A little over five years.

Q. And what are your duties with CPD evidence?

A. I basically take in evidence that officers submit, the evidence, just store it in our evidence locker in our evidence control room.

Q. And how do you log it in?

A. I take it and compare it to what the officer vouches in on the computer, and then I accept it in through our computer system, and then from there it goes into our evidence control room.

Q. And so all the evidence, does it all go to the same place?

A. It goes to the same place in a locked, secured area.

Q. And that's where it is stored?

A. Yes, sir.

Q. And on June 3rd, 2011, did you receive any evidence from Officer Jen Habbestad regarding this case?

A. That's when she dropped it off in the locker, and on June the 6th, 2011, that's when I got it out of the locker.

Q. When officers bring evidence in, can they retrieve it back?

A. No, sir.

Q. How do they drop it off?

A. They put it in a locker, they lock it, and they cannot get back in there. Only I, my supervisor, and co-worker has a key to retrieve it.

Q. I'm going to show you what's been previously marked as State's Exhibits 22 and 23 for identification purposes only. Can you look at those for me, please. When did you first see these items?

A. June the 6th, 2011 at 5:41 in the morning, a.m.

Q. Are these the two items that Officer Habbestad submitted into evidence?

A. Yes, sir.

Q. And are they in substantially the same condition as when you first saw them?

A. Yes, sir.

Q. Can you tell who retrieved these items from

evidence?

A. Who retrieved them? Yes, sir. Our chain of custody, I submitted it in, accepted it in, and Elizabeth Mitchell, she signed it out to take it to the lab.

MR. STONEY: All right, Your Honor. At this point the State would move to admit items 22 and 23 into evidence.

MR. RUNYON: Your Honor, they've linked the chain.

THE COURT: Admitted.

(State's Exhibit Nos. 22 and 23 were marked for identification and admitted into evidence.)

MR. STONEY: Court's indulgence.

Nothing further. Please answer any questions the defense may have.

THE COURT: Anything you want to ask this witness?

MR. RUNYON: Just very briefly.

CROSS-EXAMINATION

BY MR. RUNYON:

Q. And you actually have -- for smaller items, for officers, you even have what used to be a mailbox?

A. Yes, sir.

Q. And it's locked? Y'all have a key for it?

A. Yes, sir.

Q. And they drop it in the slot?
A. Yes, sir.
Q. And they painted it once they got it years ago, but it's still the mailbox, right?
A. Yes, sir.
Q. And y'all maintain the security of that?
A. Yes, sir.
Q. As a matter of fact, it can't be moved, can it?
A. No, sir.
Q. That's right. And then there are lockers that they put things in, and what goes in can't come out without your key?
A. Yes, sir. Correct.

MR. RUNYON: No further questions.

THE COURT: Redirect?

MR. STONEY: None, Your Honor.

THE COURT: You may step down. Next witness?

MS. LINDER: State calls Rodney Van Horn.

RODNEY VAN HORN,

having been first duly sworn,

was examined and testified as follows:

DIRECT EXAMINATION

BY MS. LINDER:

Q. Where are you presently employed?
A. City of Charleston, police department.

Q. And how long have you been with the city of Charleston?

A. For about 18 years.

Q. What is your position there?

A. Currently I'm assigned to the digital evidence unit within the forensic division.

Q. Could you tell the jury a little bit about the training and education you have.

A. Yes, ma'am. I'm been with the digital evidence unit, the DEU, since 2006. Upon being assigned to that unit, I started doing in-house training for approximately a year at that time doing data recovery acquisition. I did that with the National White Collar Crime Institute. Also did windows NT operating systems, NT file systems again, with the National White Collar Crime Center.

I've had various training since then through intermediate data recovery, cyber security seminars, cyber wars, cyber crimes, digital forensics. I've had FBI training in acquisition. I've done UFED training with the Cellebrite for cell phones, Bluetooth hacking, file investigations, network hacking, basically just a gamut of different things. It's not one particular thing.

Q. And being with digital evidence unit, with DEU, what do some of your duties include?

authorization to perform the work is also sent to us, and it basically lets us know that the officer, detective, has some kind of legal authority, whether it be a search warrant or consent for us to do the work.

Once that is received, our evidence custodian in the forensic division will go down and retrieve that, bring it back to our office, log it in, do a brief inspection of it, make sure and note any kind of damage, maybe a battery is missing, make a screen is broken. She will note that, and then it's packaged, put into our evidence room, and it's assigned by the director to an analyst, which in this case is me. I go in. I retrieve that, sign for it, and then I work it according to the specifications on the request sheet.

Q. And in this case did you receive some phones to analyze?

A. I did.

MR. RUNYON: Judge, we have no objection to this.

BY MS. LINDER:

Q. At this time I show you what's been marked as State's Exhibit 24 and 25. You can look at those items. Do you recognize those?

A. Yes, I do.

Q. How do you recognize them?

A. They're given bag numbers, item numbers, and I also have them on my worksheets, the same items that were mentioned at the time they're resealed and initialed, and those are my initials.

MS. LINDER: Your Honor, at this time I would ask that State's Exhibit 24 and 25 be admitted into evidence.

MR. RUNYON: We have no objection.

THE COURT: They're admitted.

(State's Exhibit Nos. 24 and 25 were marked for identification and admitted into evidence.)

BY MS. LINDER:

Q. In this case, what services were requested of you and DEU?

A. On the request sheet, the investigator was sent over by Investigator Ratliff. He requested image files, video/movie files, any homicide, suicide evidence, narcotics transactions, the typical e-mail files entered in history, call logs, tech messages, contact lists, financial information, typed basically off -- kind of resembles what a narcotics request would look like.

Q. With the phones in this case, was an exam requested of you?

A. No. We don't do exams on cell phones. We just do extractions.

Q. And can you explain the difference of that to the jury.

A. Yes. An exam is going to be where we would go in, and that typically would happen on a laptop, and we'll examine the items or content of the computer or the hard drive. With a cell phone, we just simply do an extraction. We set up what is called a UFED. It's a universal forensic extraction device, and it's connected to the phone, and a dump, per is se, is taken from the phone. And we don't -- unless it specifically requested that we only get, say, text messages or we only get images, we take everything from the phone. It's put into a report. It's given back to the investigator, and they determine the relevance, and therefore we don't examine -- we don't do examination, we just do the extraction.

Q. Do you alter any information that you pull off of the phones?

A. No. It's a forensic machine, which means there's no rights to the device, so no changes are made.

Q. And you just mentioned, I believe, that you do a report. Did you do a report for this case?

A. I did. There were two reports in this case.

Q. And are these reports done and kept in the ordinary course of business?

A. Yes.

Q. And does the report contain certain information that was requested by the officer, for example a contact list?

A. Yes.

Q. Is all of this done in the normal and ordinary course of business?

A. Yes.

Q. Were you able to get all items requested by Sergeant Ratliff?

A. No.

Q. And can you kind of explain why or why not.

A. Yes. Each phone is, you know, obviously from a different maker. There are different models, and each phone is coded differently. The firmware could be different. What we rely on, again, it's -- the company is Cellebrite, and it's called a UFED, and what it does is they contract with these different phone companies and acquire the rights to the code that is put into these phones.

And so certain phones, you may only be able to get a contact list. Certain phones you may only be able to get images off of that phone. Some phones can you get everything, so it just depends on the make and model of the phone, how it's coded as to what you can actually

extract off of it. That's another reason we only do the extraction. We just go in and get whatever we can, bring it out, and put it on to our report.

Q. All right. At this time I show you what's been marked as State's Exhibit 34 and 35, if you could look at those items, and if you could let me know if you recognize them.

A. I do.

Q. And how do you recognize them?

A. They are two phone reports that we put out that the Cellebrite UFED device puts out, and they are two reports for a Motorola IBM model I296 and a Nokia model number 6125/6126.

Q. And the items I hand you, are those fair and accurate depictions or extraction of what you did when you went through the phones?

A. Yes.

MS. LINDER: Your Honor, at this time I would ask State's Exhibit 34 and 35 be admitted into evidence.

MR. RUNYON: No objection, Your Honor.

THE COURT: Admitted.

(State's Exhibit No. 34 and 35 were marked for identification and admitted into evidence.)

BY MS. LINDER:

Q. As part of this, do you also create an internal

forensic services report, aside from the items that were just admitted into evidence?

A. We create a digital report. It could be -- depending on the size of the report, it's going to be either a CD, a DVD, or it's going to go on some kind of external media, like a thumb drive or external USB drive. These reports contain these paper reports. These are just printed out from that digital report.

Q. I would kind of like to go through with the jury what type of extraction or what general type of information you were or were not able to get off of each of the items in this case, if you could explain that to them, please.

A. Okay. Typically, what we do, what we try to do, are three types of extractions: One is a physical extraction, one is termed logical extraction, one is file extraction where -- again, we're not always able to get all three types, but to explain what they are, a physical extraction is basically acquiring the phone at a lower level with just, like, binary data, and what you're doing is creating an image of -- you're getting everything off of the phone, including the existing data, which is the not deleted -- or the undeleted data. You're getting the previously existing data, which would be deleted, and you're getting all system files, everything off the

phone.

The logical extraction is simply the stuff that's exists on the phone. In other words, it won't get anything that's deleted, and then file system extraction just gets your actual files, kind of like your pictures, your music, your ring tones, that kind of stuff. A lot of times they cross over into each other when you get them out into the report, but they're just kind of sectioned off and labelled a little differently.

Would you like me to go over what we got from each phone?

Q. Yes, please.

A. Okay. And you're only concerned about the Motorola and Nokia?

Q. You can tell them generally what you were and were not to --

MR. RUNYON: Objection. I hate to interrupt this colloquy, but if she's got some specific questions of him, versus letting the witness kind of --

MS. LINDER: I'm happy to ask specific questions, Judge.

THE COURT: Please do.

BY MS. LINDER:

Q. Were you able to pull contact lists off of any of those three phones that were seized in this case?

A. I was.
Q. In going through the contacts list, did you see someone by the name of Devin, D-e-v-i-n?
A. I did.
Q. And what phone was that on?
A. That was on the Motorola and on the Nokia. The Motorola was in slot number 67 and Nokia, it was in space number 23.
Q. So this name was in two contact lists?
A. Right.
Q. Did you find the name KQWAN? It looks like K-Q-W-A-N?
A. Yes. That was in the Motorola space 43.
Q. Did you find the name L-a-u-r-a-n?
A. Yes. That was also in the Motorola, number 79.
Q. What about the name Dan, D-a-n?
A. In the Motorola, number 65.
Q. What about the name -- it looks like -- it's hard to tell, TT, or TI, perhaps?
A. The only one was a capital T capital I.
Q. Yes.
A. And that was in the Motorola slot 239.
Q. And what about Playboy, P-l-a-y-b-o-y.
A. Playboy was in both the Motorola and the Nokia, and in the Nokia it was in lot 40 and in the Motorola it

was in 116.

Q. What about the name David?

A. David was in the Motorola at number 66.

Q. What about the name Burto, B-u-r-t-o?

A. Yes. That was in Motorola also, spot 39.

Q. What about Rock, R-o-c-k?

A. That's in the Motorola, at 97.

Q. What about the name Cowboy?

A. Cowboy was in the Motorola, 161.

Q. How about the name Bob?

A. There is a Bobby and a Bob, but Bob was at 178 in the Motorola.

Q. What about Willis?

A. Willis is in the Motorola, 128.

Q. Chic, C-h-i-c?

A. That's in the Motorola, at 186.

Q. What about the name Cris, C-r-i-s?

A. Yeah. That's in the Motorola, at 179.

Q. How about the name Ryan, R-y-a-n?

A. Motorola at number 25.

Q. How about the name Punk, P-u-n-k?

A. That's in the Motorola at 23.

Q. How about the name Mello, M-e-l-l-o?

A. That's in Motorola at 11.

Q. What about the name Josh?

A. Josh is in the Motorola at 58.
Q. How about the name Bonnie?
A. Also in the Motorola at number 87.
Q. How about the name Bobby? I know earlier I asked you about Bob, but how about Bobby?
A. Bob is in both. In the Motorola, it's the third entry, number 3, and then the Nokia, it was at number 52.
Q. How about the name Leroy?
A. That's in the Motorola at 157.
Q. How about the name Dill?
A. Say again the name?
Q. It looks like a D to me, Dill?
A. D-i-l-l?
Q. Yes.
A. That's in the Motorola at 153.
Q. What about the name -- it appears to be Hudson?
A. That's in the Motorola at 267.
Q. How about the name Doug?
A. Doug is at -- in the Motorola at 209.
Q. And the name Jason?
A. And Jason is in the Motorola at 202, 203.

MS. LINDER: I have no further questions for you, if you would answer anything the defense may have.

CROSS-EXAMINATION

BY MR. RUNYON:

Q. How about the name Savage?
A. Savage?
Q. Yes, sir.
A. I'll have to check both lists. There are 300 entries on one. On the Motorola, Savage is at 146. I'll check the Nokia. I'm not seeing it in the Nokia.
Q. Okay. Now, as practical matter, you're not testifying to anything about the substance of these calls, you're just testifying that he called Savage, he called Bill, or Dill, or whoever it was?
A. What I'm looking at is just a phone bill.
Q. Right. June 3rd, this is a search warrant served. Do your records reflect when the last call was made to either of those telephones?
A. The incoming log? Yes, sir.
Q. Or outgoing.
A. On the Motorola, the call logs are not supported, and on the Nokia, they were not supported, so no.
Q. So what does that mean?
A. What does that mean? It just means for these two particular phones we could not extract the call logs to determine any ingoing or outgoing calls.
Q. Does that mean that they were in use in June or not in use?
A. It just means that we were not able to extract the

data because it's not supported by -- with our device.

Q. Did the call log that you've got, is that the dated call log?

A. I don't have a call log. I just have an address book extracted from the phone.

Q. Okay. So you have --

A. Just a list of names and numbers.

Q. You have a list of names and numbers?

A. Right.

Q. You don't know when those calls were made?

A. I don't, no.

Q. You have no concept -- it could have been six months before the June 3rd date?

A. It could have been. I have no record of call logs because none of it was extracted.

Q. Okay. And that's fair enough. And there's no -- and while the request kind of sounds ominous about information about homicides and suicides and all that sort of stuff, you didn't get any of that stuff, it's just a phone book, so to speak?

A. Right, just what was supported for these two model phones was the contact list.

Q. So these phones were used at some time in the distant past to communicate with these people and other people.

A. I don't know if there was communication or not. I don't have any call logs.

Q. What I'm saying is --

A. I know at some point these names were entered into the phone.

Q. These names were entered into the phone, and at some point in time -- how long is this data good?

A. In the phone?

Q. Yeah.

A. Until either the memory capacity is over full and it will let you know and you have to delete something out of it, but as far as this data here, the contact list, it's in there until it's either deleted or the phone is corrupted or damaged.

Q. Okay. I depend on my seven-year-old grandson for my technical advice, okay?

A. Yes, sir.

Q. As it relates to these telephones, you're not here testifying that they were ever utilized within a particular period of time up to or just prior to June 3rd, 2011?

A. I have no knowledge of phones being used at the time. All I have knowledge of is the names that are in the file.

Q. And they could have been utilized a year before?

A. Yes, sir.

Q. Now, were these phones operational when you took them to do the extractions?

A. Yes. They have to be or we can't do the extraction.

Q. Now, when I say operational, what does that mean to you as a person who knows what that means?

A. Just basically that the phone will boot up, like a computer. It's able to boot up. The UFED requires certain settings to be, you know, changed or certain settings to be put a certain way so that the UFED can communicate with the phone and extract the information out.

Q. Okay. So it means the phone would come off.

A. Yes, sir.

Q. You got to bear with me because I don't know any of this stuff, okay? You got to help me out. What you're saying is the phone could come on.

A. Right.

Q. Now, could the phones call anybody?

A. If they still had service.

Q. Okay. Is there any way to determine when these phones had service?

A. Not through these records. That would have to be through the carrier information.

Q. All right. Did you have any carrier information on these phones?

A. I do not.

Q. And was there any way to determine the carrier information?

A. Typically, the phones will have either a SIM card or, you know, the carrier will be on the case of the phone.

Q. Okay. In this case was it -- could you tell who the carrier was?

A. I don't have the phones in front of me. Let me see what we have, but I note it here. It appears the Nokia -- I noted that the service provider was Suncom. For the Motorola, the service provider was Boost, Boost mobile.

Q. Were those accounts active in June of 2011?

A. I don't have that information. That would be -- you would have to get that from Boost mobile and from Suncom.

Q. All right. Now, is it unusual for you to receive multiple phones from a single user?

A. Oh, yes, sir, yes.

Q. Beg your pardon?

A. Yes, sir.

Q. It is usual?

A. It happens often.
Q. It happens all the time.
A. Yes, sir.
Q. Plumbers, drug dealers, lawyers; lots of people have two or three phones?
A. I don't know their occupation, but yes, we have multiple phones from single cases.
Q. Lots of people.
A. Yes, sir.
Q. And you're familiar with the mobile phone industry as a result of your expertise, are you not?
A. Yes, sir.
Q. And what occurs is that people will have a phone with self-service and maybe a new model comes out so maybe they go get another service, right?
A. That happens, yes, sir.
Q. And, as a matter of fact, so you just throw your phone in the draw and you use the new one, right, or whatever?
A. It's possible, yes.
Q. It's possible. So multiple phones is not an indicator of anything in and of itself.
A. No, sir.
MR. RUNYON: No further questions, Your Honor.

THE COURT: Redirect?

MS. LINDER: No redirect, Your Honor.

THE COURT: You may step down.

THE WITNESS: Thank you, Your Honor.

THE COURT: Do you have any other witnesses you're calling?

MS. LINDER: No, Your Honor. The State rests.

THE COURT: All right. Well, folks, you have heard half of the case. It's time for your mid-morning break, so you can go to the rest room while we get ready for the next phase of the trial.

Don't begin deliberations about the case, talk about witness demeanor or anything. We'll have you back in about 15 minutes.

Thank you.

(In open court, jury not present.)

THE COURT: Let's do this: I'm going to give y'all the jury charges. You can make your motions, let me know if you're going to testify and all that when we take a rest room break, and we'll come back and take up the motions, whether or not you're going to put up a case, and then we'll look at the charges.

See you back in about 15 minutes.

(Recess taken.)

(In open court, jury not present.)

THE COURT: State rested. You got any motions, Mr. Runyon?

MR. RUNYON: Your Honor, we would at this time -- at this time, Your Honor, we would move to dismiss the two drug indictments on the grounds that they have failed to make out a prima facie case as it relates to -- and I move on to the possession of a weapon. We would do the same, Judge, because they didn't show actual possession and at the best may be constructive possession.

The third motion, Judge, I have, they show that the weapon -- they had a report that the weapon was stolen in 2004. I don't think that carries today when it comes to possession of a stolen weapon because there's no evidence that anybody in that house had knowledge that the weapon was acquired under circumstances which was to convey that it was stolen.

THE COURT: Unless you were the person that stole it, how would you know?

MR. RUNYON: Well, let's back up a second.

2008, forward to seven years later, a person purchases a weapon on the street, let's say. All sorts of ways to come into possession of that weapon, Judge --

THE COURT: Right.

MR. RUNYON: -- without being the person that stole it, and there may be another violation for being in possession of a weapon acquiring in a particular way, the simple fact is there is no evidence they conveyed to anybody in that household -- they've already had the proof of who lived there, that they had any knowledge of any circumstances when the gun was acquired that we didn't indicate that somebody came in and sold it to him for $10.

There is just none of that, Judge, so we would realistically move for a directed verdict as to that one specific indictment for sure.

THE COURT: Madame Solicitor?

MS. LINDER: Your Honor, with respect to Mr. Runyon's points, including the overall DV motion, we would submit in the light most favorable to the State that we have presented enough evidence through exhibits and testimony that would be enough to send to the jury as far as the -- there's been testimony about the weight of the cocaine, about the drug analysis of the cocaine and the marijuana, the packaging, cash, and other indicia that that would indicate -- and ledgers that wound indicate the intent to distribute those items.

As far as the weapon is concerned, we believe that constructive possession applies. We believe that

with him possessing the pistol, it's in the room with everything else, and our intention and our knowledge is he was trafficking, which is a violent crime, which we get over that hurdle.

As far as the stolen pistol there is also testimony that the gun, serial numbers matched that same gun was the one that was reported stolen. We would ask that you deny the defense motion for directed verdict, and you allow all charges to go on to the jury.

THE COURT: What about the requirement for the stolen pistol charge? That a person shall not knowingly buy, sell, transfer, transport, pawn, retrieve or possess a stolen gun or one from which the original serial number has been removed or obliterated? It's not just possession, but you have an element of knowingly.

MS. LINDER: And, Your Honor, with that, albeit that is, I admit, one of the weaker points of our case; however, it's impossible to, you know, cut open the defendant's mind. He does not have to be forced to testify. It's impossible for --

THE COURT: What evidence is there that would allow a jury to infer knowledge that it was stolen?

MS. LINDER: I believe if you look at the overall picture of everything in the room, of all the criminal activity in the room, of the other things that

were going on, I believe there is enough for the jury to infer that he knew that the gun was stolen.

THE COURT: What? I mean, there is a lot of knowledge. There is a lot from which he could infer; constructive knowledge of drugs and of the weapon which would support the other handgun charge, possession of a weapon during the commission of a violent crime, trafficking being a violent crime, but I don't know that there is anything else that a jury could infer knowledge that this gun was stolen.

So I'll have to grant your directed verdict on the stolen pistol charge only. The rest of them, there is sufficient circumstances which would support a conviction based on constructive possession of the drugs and a gun during the commission of a violent crime.

MR. RUNYON: Thank you, Your Honor.

THE COURT: But they would have to convict on the trafficking charge in order to be able to convict on the possession of a firearm during the commission of a violent crime. I don't think you would be able to get a conviction of the lesser included of PWID or possession with intent to distribute. That is not by definition a violent crime, trafficking is.

All right. Let's go on to your decision as to whether you want to call any witnesses or testify.

MR. RUNYON: First of all, Your Honor -- and if I could ask the Court to inquire of Mr. Rowland about his wishes, about his constitutional rights to testify or not testify.

THE COURT: All right. Mr. Rowland, would you stand.

Yesterday we talked at the end of the day about your constitutional right to testify or not testify. I told you that you have a constitutional right to do either. No one can make that decision except you, although I told you to talk to Mr. Runyon or anybody else you felt confident in talking to and giving advice; however, it's ultimately your decision and your decision alone.

If you decide you want to testify, you have to answer questions that Mr. Runyon asks you as well as questions the prosecutor wants to ask you. If you do not want to testify, I will instruct the jury not to hold that against you while they are deliberating.

Do you understand what I told you?

THE DEFENDANT: Yes, sir.

THE COURT: Have you made a decision as to whether or not you want to testify?

THE DEFENDANT: Yes, sir.

THE COURT: What is your decision?

(In open court, jury present.)

THE COURT: All right, Folks. Does the defendant intend to call any witnesses?

MR. RUNYON: Defendant rests, Your Honor.

THE COURT: We will now move to the final phase of the trial in which the lawyers will get up, make their closing arguments, and then I will charge you on the law, and then you will retire to consider what your verdict will be.

I'll remind you that the lawyers are now reviewing the evidence that you've heard and giving you basically a little preview, or trying to persuade you to render a verdict on their client's behalf.

Our rules provide that since the defendant did not put up any testimony that the State will open in full, and then the defense will have the final closing argument. So, Madame Solicitor, if you're ready, you may begin.

MS. LINDER: Thank you, Your Honor. May it please the Court: I'm going to talk to you for a moment about the law.

The judge will instruct you on the law, and I ask that you absolutely listen to every word that the judge says about the law. I just want to give you a little bit of background information before going into

it.

In this case the defendant is charged with trafficking in cocaine in excess of 28 grams. Trafficking cocaine means that the defendant can do one of many things: He could sell, he could distribute, he could conspire, he could aid or abet, or he could merely possess, and I have to show you that any one of those things took place and that the weight was 28 grams or more.

Along with that, the judge is going to talk to you a little bit about what is possession. Possession, there is two different types. There is actual and constructive possession. Actual possession means that you actually are possessing it, that you are physically holding it. Constructive possession means that you have the dominion and control, is the term that we use, over an area or an object.

For example, I do not -- I'm not holding the cup of water that's over there, so I don't have actual possession of it, but this area, if you've seen me sitting here for the past day and a half, this is my area. This is my dominion. I have control over this area. I can pick up and do what I wish with this cup. That's considered constructive possession.

And you can constructively possess not just a

cup of water, but you can constructively possess any item. The defendant's also charged with possession with intent to distribute marijuana, and in that case, the State has to show you that he possessed, actual or constructive, and intended to distribute the drugs. That can be done through many different ways. It can be done through different indicators, as I would call them, to you that shows his distribution of the drugs or his intent to distribution at some future time.

He's also charged with possession of a weapon during the commission of a violent crime, and what that is, is it means that he possessed, again, actual or constructive, a weapon, in this case a 45 caliber handgun, during the commission of a violent crime.

The judge will instruct you that all of our laws in this state are classified different ways, and trafficking is a violent crime.

I would like to talk to you and just go through briefly what you've heard over the past day and a half. You've heard that City of Charleston Police Department set up surveillance on a house at 31 Woodleaf Court. It's over in West Ashley in Charleston, and you heard Sergeant Ratliff was the lead detective in that case.

They set up surveillance, and they saw this

defendant, Joseph Rowland, exit 31 Woodleaf Court and do a hand-to-hand transaction with an individual. Then he turned around and went back in. After that, they got a search warrant, and they executed a lawful search warrant. You heard from some of the people who are involved with the search warrant execution that day.

When they go in to do a search warrant, they think of a bunch of different things, an operational plan, an ops plan. Sometimes if there's children, in this case, that were on the property, even though they were outside, you don't want to go in there, you know, with a flash bang of ice and all the real fun stuff that you see on TV.

In this case, they chose to do what they deem as a soft approach, and they did that soft approach and they searched the house, and, most importantly, they searched bedroom number two. That was where all of the stuff before you was found.

They found baggies, not in the kitchen, not by the Glad wrap, not by the aluminum foil, they found different paperwork -- and you can move all these things. All this will be back in evidence with you. You can move it all around.

They saw a Wachovia bill with this defendant's name and address. They saw all orders of

paperwork in this, receipt from Best Buy; they saw ledgers, which you heard testimony, names and numbers; they found scales; they found the firearm; they found phones; they found all sorts of items in that room, and being led by Sergeant Ratliff, those items were collected, probably a little boring, but you heard from Olson and Sumner and Jennifer Habbestad.

And certain people search different rooms. They see it. Photographs are taken of it. You'll have all those photographs back there, but the photograph is taken, and then per their procedure the item is collected and then it's ultimately turned in to the recovery agent, who is Jennifer Habbestad, or she was before she was Cobb, and then she ended up taking all those items to evidence.

And then you also heard from Linda Wilson. She said that she received these items into evidence. And let's talk about the items that were received and conversations about them.

Keith Sumner talked to you about the packaging of drugs, and you heard that the packaging has been taken out to test, and then it was tested and repackaged, and you see all these handwritings and initials and whatnot all over these items, the drugs. And the cocaine was in the dresser and the cocaine was in

the satchel, and 21, I believe, Sumner testified to, 21 different baggies packaged up for sale, and then four baggies of the marijuana, also packaged up for sale.

You heard and you'll have back there with you all the different scales that were collected. I thought it was interesting. There is one that looks kind of like an Iphone that is actually a scale, so these were some scales that were found in the defendant's bedroom. The defendant was stopped and ultimately arrested in the driveway of this residence, and he had, as you'll see in the pictures, a bunch of cash on him. I believe it was maybe $1,400, about that amount, and you heard testimony that there were a lot of $20 bills and what these narcotics officers, in their years of training and experience, what all those $20 mean.

All those $20 bills, coupled with all these baggies, coupled with the drugs that are already separately packaged, coupled with the ledger being coupled with the scales, coupled with everything led them to believe in their years of training and experience, along with seeing the hand-to-hand earlier, that this defendant was in the business of dealing drugs, that he intended to distribute and, in fact, did distribute drugs.

Sergeant Ratliff talked to you about all this

and also spoke with you about the defendant, that he did not have a job. So I submit to you, that is a lot of cash, and he had no job. You heard from Nicky Mitchell, who you heard from earlier today, you know. She's now in school, pharmacy. She's been doing that for over a year now, but back in 2011 when this happened and when she was in charge of the city lab -- she was in charge of the city lab.

She testified as an expert countless times, and she said that in this case, basically, same procedure that is always followed, were done, and in this case, as in every case a drug analysis report is done, and you'll have this back there with you. It talks about marijuana, cocaine, cocaine detected, and the judge will instruct you when it comes to time and the law that cocaine is considered cocaine or any mixture that contains cocaine.

A lot of questions were brought up about the purity, and purity is not something that the certified city lab tests for. They get weight and they find out if the substance is in it. Our state laws do not require purity. Our state laws merely require the mixture of the substance contains that substance.

She told that you it was all definitive testing, that there -- the city lab, I believe she said, was lucky enough to have multiple ways to test items, and

in this case those items were tested and came back cocaine in the dresser, cocaine in the satchel, and marijuana in the Gladware.

After they went through the house, the search wasn't over. Sergeant Ratliff did more. Crime scene was called. They came and got the gun. They said, Let's see if we can get some prints, and you heard Jennifer Wooley come in here and talk about prints. She's the supervisor of the crime scene, and she explained to you the difficulties in getting prints.

She explained to you with the texture of the handle that no prints were able to be lifted. She explained that not just with the texture, but an individual, based on the oils that they themselves produce, can be a determining factor if prints are even left anywhere.

She did not find the defendant's prints, but she found no prints, no one's prints. Sergeant Ratliff then tried to keep working on this case. It wasn't over after they kick in the door. They decide to keep working, so he submitted those three phones and requested that additional -- the testing was done, the DEU, digital evidence unit was brought in.

You heard lastly from the State. Rodney Van Horn testified. He's been a sworn law enforcement for, I

think he said, 17 or 18 years, and he sat there and talked to you about it. I'm not a computer person, but he explained that he does an extraction, not an exam, he merely pulls the information off, and then he also discussed with you how Cellebrite, or Cell Lite, the program that they use in their area, doesn't have the ability to do every single phone. It depends on the make, it depends on the model, so he pulled all the information off that he could pull off.

And I went through with him, and you'll have these back there with you, I went through with him what he pulled off, and what he pulled off were contact lists. These contact lists show you the phone number that it was and then, literally, it has names and numbers and names and numbers and names and numbers.

This is all the contact lists that were in the phones, and then I went through and talked to you -- I didn't talk to you, I was asking him, he wonders where all these names were coming from. This is it. This is it. These are where the names were coming from that I was asking. I asked about Devin, I didn't say Devin 50, I said Devin. I asked about Lauren; I asked about Cowboy; I asked about Burto.

All of these names on these two ledgers -- Sergeant Ratliff testified to you what a ledger is, names

and numbers. Numbers could be quantities; numbers could be dollar amounts. That's what all these are. If you have any questions, I urge you to go back through that and look at the contact list.

One of the phones was found on his person. The other phones were found in his room. This defendant also had all that cash on his person. There were a lot of things that you've heard over the past day and a half, and I am certain that you paid close attention to everything, and ultimately, at the end of the day, I would submit to you that this defendant, Joseph Rowland, had dominion and control over his bedroom.

It's his bedroom with the photographs of him and his child on the dresser. It's his bedroom with the mail to him and his address in that bedroom. That is his bedroom in that house. He was found with a phone and a bunch of cash. All of this other stuff was found in that bedroom. He was seen earlier in the day doing a hand-to-hand transaction.

You know, drugs are illegal in this state. Cocaine and marijuana, it's illegal to possess them. It's illegal to possess with intent to distribute them, and it's illegal to traffic them. It's also illegal to possess a firearm when you are committing a violent crime such as trafficking.

I would ask that you go back and deliberate, and I would ask at the end you come back with all guilty verdicts that the defendant, Joseph Rowland, is guilty of trafficking cocaine, he is guilty of possession with intent to distribute marijuana, and he is guilty of possessing a firearm during the commission of a violent crime.

Thank you.

MR. RUNYON: Well, you can leave that there, Madame Solicitor. There is not much for me to say, is there? It's all open and shut. Also open and shut, I guess I'm in trouble because I got $20 bills in my pocket. Look, let's go back, and this has been a very short case.

You heard testimony about a hand-to-hand transaction that day. Where is the proof of that hand-to-hand transaction? There is no proof of that. They conduct an investigation, they ran down. Where is that person? There is absolutely no proof.

They have these cell phones; they have these numbers and all that sort of stuff. By the way, there is in the cell phone list of those names, Savage. Why don't you call that? You'll see who that is. But you can't do that. I'm sorry. I can't tell you to do that, but the simple fact of the matter is that they say this is Joseph

Rowland.

Joseph Rowland, I'm sure the evidence convinced you beyond a reasonable doubt, that he was the sole person in charge of that house. He was the only person who lived there except for his mother and father and his brother John. Remember his brother John? Brother John who locked his bedroom, John's bedroom, the one they had to open the locked door to search?

And, by the way, you have all of these laboratory reports, and you had three years, and whose handwriting is this on these ledgers? I'm looking for a handwriting analysis report, but we don't have one. Whose handwriting is that? Is that Joseph Rowland's handwriting?

By the way, he drove up when the police came, and I'm not suggesting the police did something bad or evil by searching the house and doing it in a humane way or nice way. Sergeant Ratliff is not a bad man. He's not going in to hurt people, but the simple fact of the matter is Joseph Rowland drives up, and he has $1,400 on his person. He said, I don't think he was working anywhere.

That doesn't mean that he acquired that money through drug dealing, you know? Mama and daddy live there; his brother lives there. He may have had savings.

He never said he didn't work anywhere at any time.

What they're saying is is that this must be Joseph Rowland because this is his bedroom. The open door -- and, by the way, this gun that's leaning up on the shelf, and you see these pictures, leaning up on the shelf that anybody could have gotten to, and is there any testimony that this weapon here was stuck in Joseph Rowland's belt when he came out there to do that hand-to-hand transaction which we have no proof of? No. It was in the house.

Remember what Ms. Wooley said? She said I did the gun and I did the bullets, and the bullets are a physical process whereby you have to put it in the magazine, and I didn't get any fingerprints from Joseph Rowland. I don't have any Joseph Rowland fingerprints at all. Could Joseph Rowland be in constructive possession of that weapon? Sure. Anybody that lived in that house could be in constructive possession of that weapon, but the weapon only becomes essential to your deliberations if you conclude that there was trafficking. Let's talk about that.

There -- at least the one-time expert, although she didn't consider herself an expert today -- came in and ran the lab and said, I did all these tests, and you have the results, and what started out as 12

grams of cocaine winds up about 10 grams of cocaine, and down here, you have cocaine detected, and the solicitor is correct: It's not a question of whether or not you have pure cocaine or a mix or what have you.

If it's a mixture of that, then it can be illegal, but the simple fact is, is that she didn't testify that these were absolute weights. She testified that somebody was supposed to calibrate the scales. She thought they were calibrated, but she didn't tell me they were calibrated at the time she did it because that was her routine.

So do we have this weight of cocaine? Do we have this weight of .8 grams or more? I would respectfully suggest to you that if you conclude that Joseph Rowland -- and the Court is going to tell you about mere presence. Mere presence, that means if you're there at the house, that doesn't make you automatically guilty. They got to prove these other things, but the simple fact is, is that if you conclude that maybe this proof is not quite good enough for the 28 grams, there is a real serious question there because the lab director says, I can't verify those scales were right. Probably right. It's probably good enough beyond a reasonable doubt.

If you conclude that that's a question, you

still have the real issue of possession for distribution. Now, if you conclude that is this possession for distribution in this case, then this weapon doesn't count, even if you have possession, because possession for distribution is not a violent crime. It's not defined as a violent crime.

Now, what did Joseph Rowland, peering through the binoculars on that day that gave the basis for this trip to the magistrate to get the search warrant, what did they say? They saw him come out of the house, they said, and I'm sure that they're telling you the truth. They saw Joseph Rowland going out, talking to somebody in a car, and the contact seemed to be, what they perceived to be, a hand-to-hand transaction. They didn't say they saw anything, and certainly that person didn't come in here and testify, Oh, yeah, I dealt with this man, or, Here is what I have.

There's no laboratory report that he got anything from this man. I don't know where it is and why that's not here. It there ain't. I know that's not good English, and I apologize for that.

What I'm going to ask you to do is look at this very realistically from the viewpoint of what was found. Joseph Rowland is a man. There were drugs found in a Gucci bag, and I made some maybe catty remarks. I'm

sure the ladies don't appreciate when I talk about one of my daughter-in-laws, but she takes the ribbing well when she's around, but the simple fact is, it's in a Gucci bag. It was hanging on a hook in bedroom number two.

Could they connect that bag in any way to Joseph Rowland, fingerprints, his girlfriend, mother of his child, purchased in any store? No.

Now, if you want to say, well, there's too much smoke here for me. I understand what you're saying, but something was going on, and that's exactly what they're doing, is saying something is going on, so we want you to convict him of the more serious thing. Possession, the distribution of cocaine is a logical verdict for you.

Possession and distribution of marijuana, is it ten grams of marijuana? And let me say this now: Possession or distribution, you don't have to be making any money. You don't have to make a penny out of it.

If you have marijuana, cocaine, or what have you, and you're in concert with one of your friends or somebody said, you know, I need some grass and you hand it to them, you're in possession with intent to distribute, and that's violation of the law, and I'm suggesting that's fine. Mere presence, as the Court is going to tell you, is not sufficient to convict somebody,

mere presence at the scene.

Now, let's take about whose bedroom it is. They found the stuff in here, and when we through this whole thing about State's Exhibit No. 11, about the stuff stacked on the bed -- and you can see it in there. Oh, yeah. That's the way it was. Yeah, that's the way it was. Then today they brought in a police officer: Well, I think we stacked them on the bed, I think we took the sheets off. That's what we usually do.

For the first time we heard somebody stripped the bed and stacked the stuff on there. If you go into your homes today and you have adult children, you're going to find some mail in your home, maybe addressed to your children for some reason? Sure you are. Yes, his mail is there. Is that his handwriting on those ledgers? They could have tested it. It's been three years.

I'm going to ask you, and this may not be what you expect, but I'm going to ask you to seriously consider the facts of this case, and I am going to tell you, I don't think that they prove, other than the fact that he was in his parents' driveway and had $1,400 in his pocket that this stuff was his, but the simple fact is, if you're really concerned about it, possession with intent to distribute is what you need to think about seriously in this case versus an outright acquittal.

Sometimes that's -- that just grates on a jury.

I'm going to ask you to find him not guilty, but the simple fact is to find somebody guilty of a very, very serious crime of trafficking, when their own expert comes in here and can't tell you that she can verify weights and she says, Oh, yeah, they can prove those scales were in proper order that time, all they have to do is bring the proper person in here.

They didn't bring the proper person in here, did they, so I'm going to ask you, consider all the evidence. I'm going to ask you to find and consider they haven't proven their case beyond a reasonable doubt. I am going to ask you, if you can't reach that, if you really can't reach that, that you consider this for what it might appear to be, which is possession with distribution and return that verdict if not guilty is beyond your comprehension at this point in time.

I've been practicing law now for 46 years. I keep practicing and see if I can get it right, and I've never had a jury or a juror hold against a litigant anything I've said or done in the trial. If I've said or done anything in this trial that has offended you, I apologize. If it really offended you, call me up at the office somewhere down the road, but I do apologize if I've done or said anything that's offended you.

I appreciate your attention. I appreciate your letting us take your time to argue about what these facts mean, or the lack of facts. In the three years, they can't tell you who wrote those words. It's been three years and they can't bring to you the hand-to-hand transaction they said they observed that and that they control; therefore, I would ask you to find beyond a reasonable doubt not guilty.

You only have these charges. You started out with four. We only have three now. You only have two if you find that it's possession with intent to distribute on the cocaine, not with a gun involved.

I want you to consider all those facts and consider a verdict which you're comfortable with. I'm asking you to find my client not guilty and listen to what His Honor tells you what the law is, the mere presence and about the burden of proof.

I thank you for your patience, and I'm going to sit down.

THE COURT: All right. Folks, remember yesterday when we talked at the beginning of the trial that you and I have different duties to perform, and as the trial judge, it's my duty to preside over the trial, make sure that our rules of procedure and evidence were followed, make sure both sides get a fair trial.

Your job, as the jury, was to consider just the evidence that you hear in this courtroom, which was testimony and exhibits and things like that that came into evidence. I also now have the duty to charge you on the law that applies to the facts as you find them.

Your job, under the oath that you took as a juror at the beginning of the trial, is to accept the law and apply the law as I now charge you what the law is, and if you have any idea as to what you think the law is or what you think the law ought to be and it does not agree with what I now tell you the law is, you must forget that idea because you are sworn to accept the law and apply the law exactly as I state it to you.

You, again, are the judges of the facts. You are the sole judges of the facts. You determine how much weight and credibility to give testimony of witnesses. You decide whether or not a witness has a bias, a prejudice or an interest in the outcome of the case. You judge things like appearance and demeanor of a witness on the witness stand and reasonableness of their statements. You're not bound to decide this case based on the number of witnesses a side produces.

You can believe one witness over many or many over one. You can accept all of a witness's statement or you can reject it entirely, and if you accept part of it,

you can still reject part of it, and if you reject part of it, you can step the remainder of a witness's testimony.

I also told you that during the trial we don't ordinarily allow people to come up and testify about their opinion testimony -- or about opinion -- about evidence, but we do make an exception for expert witnesses, and these are folks who are experts because of experience, education, or specialized training in an area. They can give you their opinion, and they can state the reasons for their opinion. You can give an expert's testimony as much or as little weight as you think it deserves. If you don't think it's based on sufficient education or experience or you conclude that the expert's opinion is not sound or that it is outweighed by other evidence, you may disregard the opinion entirely. You are not compelled to blindly accept an expert's opinion. You have the right to consider testimony in light of all the circumstances and give it such weight as you think it is entitled to.

Now, I want to remind you that the fact that the defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inferences of guilt.

This document, the indictments are certainly the formal written notices that contain the charges made against the defendants. It's the formal documents by which this case is brought into this court.

Now, the defendant pled not guilty to each of the charges in the indictment, and that plea therefore casts a burden on the State to prove the defendant guilty beyond a reasonable doubt. A person charged with a crime in South Carolina is never required to prove himself innocent. This is an important rule of law in this country, that a defendant in a criminal trial will always be presumed to be innocent of the crime for which he is indicted unless and until his guilt has been proven by evidence satisfying you of that guilt beyond a reasonable doubt.

A presumption of innocence is not a mere legal theory. This is not just some legal phrase. This is a constitutional right which every defendant is entitled. This presumption of innocence accompanies the defendant from the time he is charged throughout the trial and unless and until you reach a verdict, based upon evidence satisfying you of that guilt beyond a reasonable doubt.

I also instruct and emphasize the fact that the defendant did not testify is not a factor to be

considered by you in any way in your deliberations or your consideration on the question of guilt or innocence of the defendant. It must not be considered by you in any manner whatsoever. A defendant has a constitutional right to remain silent, and the assertion of this right must not be considered in your deliberations. I repeat that under your oath, you are to draw no conclusion whatsoever from the fact that the defendant in this case did not testify.

The fact that the defendant did not testify should not even be discussed in the jury room. The burden of proof, as I have stated to you, is on the State. The defendant is not required to prove his innocence, the burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Now, again, what is this reasonable doubt we've been talking about? Again, the State has the burden of proving the defendant guilty beyond a reasonable doubt, and I told you that some of you may have served in a civil case as a juror where you were told it was only necessary to prove that a fact is more likely true than not true, such as by the greater weight or preponderance of the evidence.

In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable

doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There very few things in this world that we know with absolute certainty. In criminal law, the case -- the law does not require proof that overcomes every possible doubt.

If, based on your consideration of the evidence you, are firmly convinced that the defendant is guilty of the crime charged, then you must find the defendant guilty. On the other hand, if you think there is a real possibility that the defendant is not guilty, then you must give the defendant the benefit of the doubt and find him not guilty. The two types of evidence that we generally have presented in a trial, there is direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances that indicate the existence of a fact.

Crimes may be proven by circumstantial evidence, and the law makes no distinction between the weight or value to be given by either direct or circumstantial evidence; however, to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and,

when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the defendant's behavior as suspicious, then the proof has failed.

The State has the burden of proving the defendant guilty beyond a reasonable doubt, and this burden rests with the State regardless of whether the defendant relies on direct evidence, circumstantial evidence, or some combination of the two.

Again, you must determine the credibility of witnesses who testified in this case, and credibility simply means believability. It's your duty as jurors to analyze and evaluate evidence and determine what evidence convinces you of its truth.

In determining the believability of witnesses who testified, you, again, can believe one witness over several or several over one. You can believe part of a witness's testimony and reject part of the testimony of that same witness. You may believe the testimony of a witness in its entirety or you can reject it entirely, and you must consider -- or you may consider whether a witness has exhibited to you any interest, bias, prejudice, or other motive in this case and you may also consider appearance, demeanor, and manner of a witness on the stand.

I charge you that mere presence at a scene is not sufficient to prove someone guilty of a crime. A defendant's presence where a crime is being committed or mere association with a person who commits a crime does not make a defendant an accomplice or an aider or abettor -- or aider and abettor of a person committing a crime. The burden is on the State to prove every element of a crime charged. If you find, after reviewing all of the evidence, that the State has proved the defendant was only present at the scene of a crime, then they have not proved beyond a reasonable doubt any other participation in the crime, then you must find the defendant not guilty. The law is that proof of -- proof of being at the scene of a crime only is not sufficient to find someone guilty.

Now, the first charge that I'm going to go over with you is possession with intent to distribute marijuana in violation of South Carolina code section 44-53-370.

In order to prove possession of marijuana with intent to distribute, the State must prove beyond a reasonable doubt that the defendant possessed marijuana with the intent to distribute it. To prove possession, the State must prove beyond a reasonable doubt that the defendant had both the power and intent to control the

disposition or use of the marijuana. Possession may be either actual or constructive. Actual possession means that the marijuana was in the actual, physical custody of the defendant. Constructive possession means that the defendant had dominion and control, or the right to exercise dominion and control, over either the marijuana itself or the property on which the marijuana was found.

Mere presence at the scene or where the drugs were found is not enough to prove possession. Actual knowledge of the presence of the marijuana is strong evidence of the defendant's intent to control its disposition or use. The defendant's knowledge and possession may be inferred when a substance is found on the property under the defendant's control; however, this inference is simply an evidentiary fact to be taken into consideration by you along with the other evidence in the case and to be given the weight you decide it should have.

Two or more persons may have joint possession of a drug. The State may also prove beyond a reasonable doubt or must also prove beyond a reasonable doubt the defendant intended to distribute the marijuana. Distribute means to deliver, other than by administering or dispensing, a drug. Intent may be shown by acts and conduct of the defendant and other circumstances from

which you may naturally and reasonably infer intent.

In determining whether the defendant had the intent to distribute the marijuana, you may consider the circumstances surrounding the defendant's alleged possession. You may consider the amount of the substance alleged to have been possessed, the manner in which it was allegedly possessed, the place where it was allegedly possessed, and other circumstances which you consider to be important.

You must find the defendant did not intend -- or did not have the intent to have the marijuana solely for his own use. Now, possession of more than 28 grams or one ounce of marijuana creates an inference that the defendant possessed the marijuana with intent to distribute. This inference does not relieve the State from proving beyond a reasonable doubt that the defendant had the intent to distribute. It is certainly an evidentiary fact to be taken into consideration by you along with the other evidence in the case and to be given the weight you decide it should have.

Furthermore, 28 grams is not a requirement in order to prove possession with intent to distribute. 28 grams simply creates an inference that the defendant possess the marijuana with the intention to distribute it. A person can be convicted of possession with intent

to distribute if the amount is less than 28 grams if you find the State's evidence proves possession with intent to distribute beyond a reasonable doubt.

Now, if you find that the State has failed to prove beyond a reasonable doubt that the defendant is guilty of possession with the intent to distribute marijuana, you may consider whether the State has proved beyond a reasonable doubt that the defendant is guilty of simple possession of marijuana. Simple possession does not require an intent to distribute the marijuana.

The State must prove beyond a reasonable doubt that the defendant knowingly and intentionally possessed marijuana. Knowingly means with knowledge; consciously, not accidentally; intentionally means willfully intending the result which actually occurs, not accidentally or involuntarily, and intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent.

Possession of marijuana is a crime unless the marijuana was obtained directly from or through a valid prescription or order of a practitioner acting during the course of professional practice. A practitioner is a physician, dentist, veterinarian, podiatrist, scientific investigator, pharmacy, hospital, or other person or institutions licensed, registered, otherwise permitted to

distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice, research in this state.

Now, the second charge that you are to consider is trafficking cocaine. The defendant is charged with trafficking in cocaine. In order to prove that charge, the State must prove beyond a reasonable doubt the defendant knowingly sold, manufactured, cultivated, delivered, purchased, brought into the state, provided financial assistance or otherwise aided attempted, or conspired to sell, manufacture, cultivate, deliver, purchase, or bring into this state, was knowingly in actual or constructive possession knowingly attempted to become in actual or constructive possession of cocaine. The State must also prove beyond a reasonable doubt that the amount of the cocaine or any mixtures containing cocaine was 28 grams or more but less than 100 grams.

Now, if you determine the State has not proved trafficking in cocaine beyond a reasonable doubt, you should then consider whether the State has proved beyond a reasonable doubt that the defendant is guilty of possession with intent to distribute cocaine. Possession with intent to distribute cocaine contains all of the elements of trafficking except the amount of cocaine. In

addition, the State must prove beyond a reasonable doubt that the defendant had the intent to distribute the cocaine.

Distribute means to deliver other than by administering or dispensing of drug. Intent may be shown by acts or conduct of the defendant and/or circumstances from which you may naturally and reasonably infer intent. In determining whether the defendant had the intent to distribute cocaine, you may consider the circumstances surrounding the defendant's alleged possession. You may consider the amount of the substance alleged to have been possessed, the manner in which it was allegedly possessed, the place where it was allegedly possessed, and other factors which you consider to be important. You must find the defendant did not have the cocaine.

Possession of more than one gram of cocaine creates an inference that the defendant possessed cocaine with the intent to distribute it. This inference does not relieve the State from proving beyond a reasonable doubt that the defendant had the intent to distribute. It is simply an evidentiary fact to be considered by you along with other evidence in the case and to be given the weight you should decide it may have.

Furthermore, one gram is not a requirement to prove possession with the intent to distribute. One gram

simply creates an inference that the defendant possessed cocaine with the intent to distribute it. A person convicted of -- a person can be convicted of possession with the intent to distribute if the amount is less than one gram if you find the State's evidence proves possession with the intent to distribute beyond a reasonable doubt.

Finally, the third charge is possession of a weapon during the commission of a violent crime. The defendant is charged with possession of a weapon during the commission of or attempt to commit a violent crime. The State must proof beyond a reasonable doubt that the defendant was in possession of a firearm or visibly displayed what appeared to be a firearm or visibly displayed a knife during the commission of a violent crime.

Firearm means any machine gun, automatic rifle, revolver, pistol or any weapon which will, is designed to, or may be readily converted to expel a projectile. In order to find the defendant guilty of possession of a weapon during the commission of a violent crime, you must first find the defendant guilty of committing a violent crime or attempting to commit a violent crime, and I charge you that trafficking of cocaine is considered a violent crime.

The State must prove beyond a reasonable doubt that the defendant further advanced or helped in the commission of a violent crime, and, finally, your verdict -- in determining your verdict of guilty or not guilty, you cannot consider any possible penalty for any particular crime. The punishment for a crime is a matter for me to determine and should never be considered by you in any way whatsoever in arriving at a verdict of guilty or not guilty, and your verdict must be unanimous.

Now, Mr. Foreman, I'm going to send these back with you, the indictments. There are three indictments trafficking, cocaine, possession with intent to distribute marijuana, and possession of a firearm during the commission of a violent crime.

As to the trafficking cocaine charge, I would normally have you just write guilty or not guilty on the back; however, because there is a lesser included charge you could find him of, that is, possession with intent to distribute cocaine, I have attached the verdict form, and on the second page of this verdict form, as to the trafficking cocaine, you'll see it says as to indictment 2011-GS-10-5527, trafficking cocaine, we, the jury, unanimously find the defendant, Joseph Todd Rowland, and then there are two choices, guilty or not guilty, of trafficking cocaine.

If the jury finds him guilty of trafficking cocaine, you sign it. Stop. You don't have to deliberate the lesser included charge. If, however, you find him not guilty of trafficking cocaine, you mark the block where it says not guilty and then go to the next one, where it says if you, the jury, find the defendant, Joseph Todd Rowland, is not guilty of trafficking cocaine, you must then decide whether the defendant, Joseph Todd Rowland, is guilty or not guilty of possession with intent to distribute cocaine, and then you have two choices: Guilty or not guilty. If you find he's guilty, you mark guilty of possession with intent to distribute cocaine. If you find he's not guilty, you mark that one and sign it and date it.

As to the verdict for possession, the indictment for possession with intent to distribute marijuana, same thing. There are two possible verdicts, so I'll send a special form back to that one as well. The first choice is for the indicted charge of possession with intent to distribute marijuana; again, two choices: Guilty or not guilty. If you find him guilty of possession with intent to distribute marijuana, you stop deliberations on that charge, sign it, and date it.

On the other hand, if you find that he is not guilty, you go to the lesser included in the next

paragraph, and it says, we, the jury, find he's not guilty of possession with intent to distribute marijuana. You must consider whether or not he's guilty or not guilty of simple possession of marijuana. Again, there's two choices: Guilty or not guilty. Mark the appropriate verdict, sign it, date it.

Now, as to the possession of a firearm during the commission of a violent crime, I'm sending back a special verdict from so you'll know what's included on that. It's either guilty or not guilty. I'll remind you that on this charge, you have to find him guilty of trafficking in cocaine in order to find him guilty of this charge.

If you find him either not guilty of trafficking or guilty of possession with intent to distribute, you have to find him not guilty on this charge. So whatever your verdict is on that, sign it, date it, let the bailiffs know when you have reached a verdict.

I'm going to send you back to the jury room for just a minute. The bailiffs -- I have to give the lawyers the opportunity to say if I misspoke something, which happens from time to time, and then if they say everything is okay, we get the evidence back and send the indictments with the verdict forms back, and the bailiffs

will tell you it's okay to begin your deliberations.

All right? It will just take a couple minutes. You can go ahead if your lunch is there. I'm not sure if is, and you can eat during your deliberations if the food gets there.

Now, again, don't begin deliberations until I send word back with the bailiffs. Okay? Thank you for your patience.

(In open court, jury not present.)

THE COURT: Anything from the State?

MS. LINDER: Nothing from the State.

MR. RUNYON: No additions or exceptions, Your Honor.

THE COURT: Does anybody have a problem with me sending the jury forms or the jury charges back?

MS. LINDER: Nothing from the State.

THE COURT: Are you okay with that?

MR. RUNYON: No objection.

THE COURT: On page number two, under charge, arrest, indictment, the very last sentence of the first bullet point says nor does it create any presumption, and it says interference. It should be inference, so I just scratched through that, hand wrote in inference and initialed it, okay? That shows up every week, and we just got to change it. All right. Let's make sure we

have the evidence together.

(At 1:10 p.m., the jury retires to deliberate the verdict.)

Let the record reflect I discharged the alternate.

(2:54 p.m., in open court, jury present.)

(Whereupon, the Honorable Thomas L. Hughston appeared in court to receive the verdict.)

THE COURT: All right. I'm Judge Hughston. Judge Young had to go do something else, and her asked me to receive your verdict. Give it to the bailiff there, and he'll bring it over to me.

Judge Young, as I said, had another obligation, and he asked that I fill in for him and receive the verdict, and we do have the jury with us and the defendant is present, along with his attorney.

All right. We have three indictments I believe, three charges, and I'm looking here at indictment 2011, et cetera, 5531 which charges possession of firearms during the commission of a violent crime, and the verdict in regard to that is guilty, signed by the forman of the jury.

Then we have one, this is number 5527, trafficking cocaine. The verdict in regard to that is guilty of trafficking cocaine, signed by the foreman, and

then the other one, possession with intent to distribute marijuana, the verdict there is guilty of possession with intent to distribute marijuana, signed by the foreman.

So, anything prior to discharge of the jury, nothing from the State? Anything from the defendant?

MR. RUNYON: Request polling, Judge.

THE COURT: All right. Members of the jury: We do have a procedure whereby once a verdict is returned, the jury can be polled.

Do you have the list of the jurors you want to poll?

THE CLERK: Yes, sir, I will.

THE COURT: The question, really, that the clerk is going to be asking you, he's going to call your name, each of your names. When he calls your name, if you would raise your hand so he and I can see who is answering to the name, and the question that he's asking you is this: Were the verdicts as I have reported them here in the courtroom, that is, guilty of these three charges, were those your verdicts when you last voted in the jury room and are they still your verdicts here in open court?

If either it was not your verdict when you last voted in the jury room, or it is not your verdict here now in open court, say no. If it was your verdict

from here on. He'll remain in custody. Judge Young will be back as soon as he can.

(Jury dismissed.)

(Recess taken.)

(In open court, the Honorable Roger Young resumes the bench.)

THE COURT: The jury came back with a verdict of guilty on trafficking cocaine, guilty of possession with intent to distribute marijuana, and guilty on the possession of a firearm during the commission of a violent crime.

Madame Solicitor, what would you like to tell me prior to sentencing?

MS. LINDER: Your Honor, I would like to briefly allow Sergeant Ratliff to address you.

THE COURT: Do you have any sentencing sheets?

MS. LINDER: Yes, if I may approach?

THE COURT: You may.

MS. LINDER: Your Honor is very aware of the facts of this case since you've sat through the trial the past day, or day and a half. I just would like to state for the record that this defendant has 2003 assault with intent to kill conviction, 2003 unlawful carrying of a pistol, 2003, unlawful possession of a pistol, and 2007

possession with intent to distribute cocaine within proximity.

Your Honor, the sentence, again, as you're well aware for the trafficking, is seven to thirty; for the marijuana is zero to five; and for the gun is five years. This defendant also has pending, stemming from a different address, a distribution of cocaine, which would be a third offense; proximity of cocaine, and three unlawful conducts toward a child.

Initially, Your Honor the State was offering ten years before we got into the posture of a trial. The State offered ten years to plead to most of the charges that would end up not being allowed, not enhancing for further, after this conviction -- after this trial, he's already got two strikes, so he is technically eligible with the other one.

The State would ask for significantly higher than the originally considered offer of ten, and, depending on the sentence, we could just potentially wrap up all of the other charges with relation to this defendant.

Sergeant Ratliff could briefly address you about this defendant.

THE COURT: Sure.

THE WITNESS: Yes, sir, I'll be brief.

Upward, I've been with this department for ten years, and in that ten years, I've been in West Ashley where this defendant resides. He is a danger to the community. Prior to my becoming a cop, he engaged in this activity. He's done it since then, and, probably more importantly, he's a danger to his parents when he openly does this at the residence which they live.

Every time I've encountered him he's had a disregard for the safety of others, and what happens as a result of his actions he has completely disregarded. He has had multiple opportunities to make changes in his life, which he has not.

Thank you, sir.

THE COURT: Anything further from the State?

MS. LINDER: Nothing further, Your Honor.

THE COURT: Mr. Runyon?

MR. RUNYON: Your Honor, before I make my statement, Mr. Rowland wants to put some things on the record, and I would assume this would comport with his right of allocution.

THE DEFENDANT: There were a lot of things that weren't brought up today in trial, all down to the chain of custody Rule 6(b), physical proof of chain of custody for the drugs they indicted me on, which they don't have no physical proof of chain of custody.

They had witnesses come in here, but they never had no physical proof of chain of custody, written affidavits, sworn affidavits, and the time drugs were seized of every occupant until the time it got into the evidence.

Under South Carolina laws of criminal procedure which is required, they don't even have that. I asked Mr. Runyon to bring that up, asserted prejudice on it, but he never brought it up, and I don't even know how those drugs got admitted into evidence without the physical proof of chain of custody, which is required by the South Carolina rules of criminal procedure. I got some more stuff I want to read to you.

You already know Mr. Ratliff was looking for narcotics. You know that. I don't know why he didn't impeach him today as the government witness. I had told him to do that. I told him to bring up the preliminary hearing transcript, which my mother had with me today, which Andy Savage went to the prelim, and I'm about to read you some stuff. All right?

At the preliminary hearing, Andy Savage got the arresting officer, Detective Ratliff, to admit there was no affidavit present incorporated into the warrant, which makes it valid on its face in violation of 17-13-140 of the Fourth Amendment in South Carolina

constitution 110.

There was no indication of reliability of the informant in the search warrant, making it invalid on its face. There was no code number in the search warrant that is required by all SOIs and CIs to be incorporated in the warrant affidavit which puts the affiant, Detective Ratliff, in violation of City of Charleston Police Department policy and procedure manual which I showed Mr. Runyon. I alleged the magistrate is merely a rubber stamp for the Charleston Police Department.

Your Honor, I was not present at the house during the time the search warrant was being conducted, which Andy Savage got Detective Ratliff to admit to at the preliminary hearing. I had no mere presence nor dominion or control over these drugs and contraband found. There were other occupants that were present at the house as stated in the preliminary hearing who weren't even interviewed or detained, which puts them in violation of their procedure when they conduct search warrants.

But the most important thing to a drug case is the chain of custody which you know is correct, which they don't have. There was no proof of chain of custody, and I assert prejudice on all those things I mentioned because they brought witnesses up here today. Detective

Sumner, he said he found -- he's the one who confiscated these drugs, all right?

Where is this physical proof of chain of custody? Where is this written affidavit, the time of the seizure, to allow everything from the time they got given to Investigator Cobb all down to the evidence locker? There was no chain of custody, and I feel like that was -- I'm prejudiced by that because he didn't mention that.

I've been studying this case two years. All I've been doing is studying the law while I'm in jail. I'm not ignorant of the law. I feel like I wasn't given a fair trial, and that's all I really got to say, and there were other people who were present at the house --

THE COURT: Okay.

THE DEFENDANT: -- who weren't even detained, which is a violation of procedure for narcotic agents.

That's all I got to say, Your Honor. I just hope you hear where I'm coming from.

THE COURT: I do. You have the right to appeal. I'm not sure it sounds like you want Mr. Runyon to handle that for you, but you have the right to appeal.

MR. RUNYON: That's going to be handled by the public defender.

THE DEFENDANT: I don't know why he brought

all this up before the drugs got into evidence.

THE COURT: You can deal with that on appeal and post-conviction relief.

Mr. Runyon, is there anything you would like to say?

MR. RUNYON: Yes, Your Honor.

You've got to decide what you're going to do in these cases, and we'll let higher Courts and we'll let the PCR judge decide whether or not my strategy was an attempt to help this man since he rejected the deal.

But be that as it may, Your Honor, by my calculations, since June 3rd until he was released in March of this year on bond, my calculations are that he's got 1,021 days' service time on this arrest, Judge.

You know, Judge, Judge Block, before sentencing guideline, used to say there are very few people that can't be straightened out, ten years in any penitentiary, and I reminded him of that in a sentencing guidelines case, and he finally -- I remember what he said and brought the guidelines down to ten years for me.

And, you know, Judge, this is a young man who's a lifelong resident of this county. He's got a child who his parents all but raised for him, and if he's given significant time -- when I say significant, I mean 15 or 20 years -- he won't see that child grow up. He

won't have an opportunity to, and his parents are in the courtroom today.

They've been very supportive of him through all of his trials and tribulations. He's got a twin brother who couldn't be here today, Judge, because he's undergoing, I believe, radiation today for cancer. And he's in a serious, serious health crisis, and this couple back here, who I've known his daddy since high school, we were in high school together, and, you know, they may have to grow older together, take care of their grandchild without the assistance of either of their children, one in prison and one who may have a more serious fate awaiting.

I would ask you for the least amount of time as possible. I'm not going to tell you this arrest and these proceedings have had a salutary effect on my client, but I think at some point in time he's going to come to grips with the realities of life, and I don't think it will take that much time to make him come to grips with the realities of life, Judge.

But I ask the Court to give him credit for 1,021 days, and I would ask the Court to run that concurrent, since everything was, in fact, concurrent. And I would also point out, Judge, the weapon was on the shelf. Wasn't like he was brandishing it or using it to

secure drug money or supply drugs or anything like that.

THE DEFENDANT: And another thing about that, Your Honor, the occupant of the house made a written statement of the house saying it was his, which never even got into evidence. I wasn't there at the house. Detective Ratliff lied, which I can show you the preliminary hearing transcript right now. I could show you how he lied.

THE COURT: Mr. Rowland, I think you're your own worst enemy, to be honest with you. You got --

THE DEFENDANT: This is my life you're talking about. You should have got this case dismissed with all these technicalities.

THE COURT: How much time did he get on this prior arrest? You gave me a bunch of drug charges and you said the time. I don't remember it.

MS. LINDER: He received a YOA, and then he received one year after that.

THE COURT: All right.

MS. LINDER: And, Your Honor, just to make the record clear, as far as the amount of credit he should deserve, it was not straight time since June 3rd, because he was in June 3rd, was released August 2nd of 2011, and then he got rearrested on new charges October 23rd of '11, was released November 21st of '11 on that

second set of charges, and then I did a motion to revoke, and his bond was revoked March 2, 2012.

THE COURT: I'll just allow the Department of Corrections to calculate it.

MS. LINDER: Thank you, Judge.

MR. RUNYON: I went to the clerk's office during lunch break, and I went by the first records as to when they have releases on the record for him because I wasn't his counsel, and that's where I came up with the 1,021 days.

THE COURT: Well, SCDC has the same records. They can calculate the correct amount.

All right. Is there anything else?

THE DEFENDANT: That's already correct.

THE COURT: Yes, sir. Who is this?

MR. RUNYON: This is his father, Joe.

THE COURT: All right. What is your name?

THE WITNESS: Leroy Rowland.

THE COURT: What you would like to say?

THE WITNESS: I just want to let you know that he's really not a harmful person. He got mixed in with the wrong crowd, but him going away -- and his twin brother is dying of cancer. It's just too much on us. I would like you to be lenient, if you could.

THE DEFENDANT: I'll be home on appeal. I'm

not going to cry because Runyon didn't do his job today.

THE WITNESS: Joseph, be quiet and listen.

I just want you to understand that, sir, okay? I'm 73 and she's 70.

THE COURT: Did you want to say something, ma'am?

THE WITNESS: Yes, ma'am.

THE COURT: What is your name for the record?

THE WITNESS: Janice Rowland.

THE COURT: What you would like to tell me?

THE WITNESS: We need Joseph home with us. The time he was home, the past six weeks, you wouldn't believe how different our lives were because we are elderly, and with his daughter there around us, she'll be nine in June, and I just ask you for leniency and some help for Joseph, some support, some help for him.

That's what I'm asking for. All these bad things we've heard over here, they should be more professional and want some help for him. We want some help for him and some leniency. We need him at home. We desperately need him because he helps all of us, and so does the one with cancer. He helps us too, both of them help us. They take care of us and help us and my little granddaughter, who is like my daughter, and thank you for listening to me. We just need him with us.

THE COURT: All right.

THE WITNESS: Thank you.

THE COURT: Well, you had a prior conviction. You got a very fair sentence, it sounds like, probation, YOA, earlier offenses, you got arrested on these charges and then re-arrested while you were out on bond.

THE DEFENDANT: And she stated May 24th she didn't want to take that charge to trial.

THE COURT: You truly are your own worst enemy.

THE DEFENDANT: I am not trying to get you mad, I'm just saying --

THE COURT: You need to just be quiet. I've given you all the time you wanted to say anything. I'm imposing the sentence now.

Sounds like you've got some other serious charges, and since they were later and if they're the strike offense type, they may be coming back at you with life without parole, I don't know, but if you got a prior proximity and you got a trafficking today, you got two strikes against you now. A third strike offense means you'll go to jail for the rest of your life.

On this trafficking charge, I'm giving you 20 years; on the weapons charge, it's five; on the PWID, possession with intent to distribute marijuana, it's

five. They'll all run concurrent. You'll get credit for whatever time you serves.

MR. RUNYON: Judge, prior to taking the defendant out, might we enter our motions for new trial? I would like to enter on the record the motion for a new trial and motion to -- we renew our motions for directed verdict on the same grounds we laid out previously.

THE COURT: All right. For the same reasons, the motions are denied.

MR. RUNYON: Thank you very much, Your Honor.

THE COURT: Good luck.

- - -

(Whereupon, the proceedings were concluded.)

- - -

SLB20110603488

WITNESSES

Officer Ratliffe

Charleston City Police Department

AGENCY CASE NUMBER

1109136

ARREST WARRANT NUMBER

M611692

DATE OF ARREST

June 4, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury SEP 1 2 2011
Date:

VERDICT

Foreperson of Petit Jury *Date:*

INDICT

DOCKET NO. **2011GS1005527**

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

September Term 2011

THE STATE

vs.

JOSEPH TODD ROWLAND
DOB: [redacted]
W/M

Indictment for

Trafficking Cocaine

FILED

9/28/2011 9:29:39 AM
JULIE J. ARMSTRONG
CLERK OF COURT

580

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on September 12, 2011 the Grand Jurors of Charleston County present upon their oath:

Trafficking Cocaine

That in Charleston County, South Carolina, on or about June 3, 2011, the Defendant, JOSEPH TODD ROWLAND, unlawfully and knowingly did sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did provide financial assistance or otherwise aid, abet, attempt, or conspire to sell, manufacture, cultivate, deliver, purchase, or bring into this State; or did possess or attempt to possess a controlled substance or a controlled substance analogue, to wit: Cocaine, in excess of 28 grams; in violation of 44-53-370 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

STEPHANIE B. LINDER
ASSISTANT SOLICITOR

SLB20110603488

WITNESSES

Officer Ratliffe
Charleston City Police Department

AGENCY CASE NUMBER

1109136

ARREST WARRANT NUMBER

M611693

DATE OF ARREST

June 4, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: SEP 1 2 2011

VERDICT

Foreperson of Petit Jury *Date:*

INDICT

DOCKET NO. 2011GS1005528

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

September Term 2011

THE STATE

vs.

JOSEPH TODD ROWLAND
DOB: [redacted]
W/M

Indictment for

Possession with Intent to Distribute Marijuana

FILED
9/28/2011 9:29:39 AM
JULIE J ARMSTRONG
CLERK OF COURT

582

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on September 12, 2011 the Grand Jurors of Charleston County present upon their oath:

Possession with Intent to Distribute Marijuana

That in Charleston County, South Carolina, on or about June 3, 2011, the Defendant, JOSEPH TODD ROWLAND, did manufacture, distribute, dispense, deliver, purchase; or did aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase; or did possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue, to wit: Marijuana; in violation of 44-53-370 of the South Carolina Code of Laws (1976) as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

STEPHANIE B. LINDER
ASSISTANT SOLICITOR

SLB20110603488

WITNESSES

Officer Ratliffe
Charleston City Police Department

AGENCY CASE NUMBER

1109136

ARREST WARRANT NUMBER

M611694

DATE OF ARREST

June 4, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: SEP 12 2011

VERDICT

Foreperson of Petit Jury *Date.*

INDICT

DOCKET NO. 2011GS1005529

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

September Term 2011

THE STATE

vs.

JOSEPH TODD ROWLAND
DOB: [redacted]
W/M

Indictment for

Unlawful Possession of a Stolen Pistol

FILED
9/28/2011 9:29:39 AM
JULIE J ARMSTRONG
CLERK OF COURT

584

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on September 12, 2011 the Grand Jurors of Charleston County present upon their oath:

Unlawful Possession of a Stolen Pistol

That in Charleston County, South Carolina, on or about June 3, 2011, the Defendant, JOSEPH TODD ROWLAND, did unlawfully have in his possession, a firearm with an obliterated serial number, or a stolen firearm to wit: .45 caliber handgun, all in violation of Section 16-23-30 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

STEPHANIE B. LINDER
ASSISTANT SOLICITOR

SLB20110603488

WITNESSES

Officer Ratliffe
Charleston City Police Department

AGENCY CASE NUMBER

1109136

ARREST WARRANT NUMBER

M611696

DATE OF ARREST

June 4, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury SEP 12 2011
Date:

VERDICT

Foreperson of Petit Jury *Date:*

INDICT

DOCKET NO. 2011GS1005531

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

September Term 2011

THE STATE

vs.

JOSEPH TODD ROWLAND
DOB: [redacted]
W/M

Indictment for

Possession of a Firearm During Commission of a Violent Crime

FILED
9/28/2011 9:29:39 AM
JULIE J. ARMSTRONG
CLERK OF COURT

586

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on September 12, 2011 the Grand Jurors of Charleston County present upon their oath:

Possession of a Firearm During Commission of a Violent Crime

That in Charleston County, South Carolina, on or about June 3, 2011, the Defendant, JOSEPH TODD ROWLAND, did possess a .45 caliber handgun or visibly display what appeared to be a knife during the commission, or attempted commission, of Trafficking, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

STEPHANIE B. LINDER
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA]
COUNTY OF CHARLESTON] **SEARCH WARRANT**

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF CHARLESTON:

It appears from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING) TO BE SEARCHED

31 Woodleaf Ct. ., Charleston, South Carolina, 29407

The above residence is a two-story residence. The building is white in color with blue trim. The front door is a glass multi pane door on the left front side of the residence facing Woodleaf Ct roadway. Right and left of the door is a small covered porch with rails and wooden spindle along with columns. There the address numbers 31 is located on the column left of the door. Under the covered porch is two separate windows with white trim facing the street. On the left side of the residence there is a small single window. There is a matching color shed in the rear of the residence and chain link fence. Further a green in color Ford Crown Victoria (SC GTE-503) is the vehicle utilized at this address.

Now, therefore, you are hereby authorized to search the subject premises for the property described below and to seize such property if found:

DESCRIPTION OF PROPERTY

See Exhibit A

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to the Issuing Magistrate within ten days of this warrant, such inventory to be signed by the officer executing the warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Charleston, South Carolina

3 June, 2011 _____ (LS)
Signature of Judge

STATE OF SOUTH CAROLINA]
COUNTY OF CHARLESTON] **AFFIDAVIT**

Personally appeared before me, one **C. Ratliffe**, who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located in the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

SEE EXHIBIT A

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

31 Woodleaf Ct., Charleston, South Carolina, 29407

The above residence is a two-story residence. The building is white in color with blue trim. The front door is a glass multi pane door on the left front side of the residence facing Woodleaf Ct roadway. Right and left of the door is a small covered porch with rails and wooden spindle along with columns. There the address numbers 31 is located on the column left of the door. Under the covered porch is two separate windows with white trim facing the street. On the left side of the residence there is a small single window. There is a matching color shed in the rear of the residence and chain link fence. Further a green in color Ford Crown Victoria (SC GTE-503) is the vehicle utilized at this address.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

Over the past 6 months, the Charleston Police Department Special Investigations Unit has received numerous complaints of narcotic activity from citizens, in reference to illegal narcotics being sold from 31 Woodleaf Ct. SIU has been conducting a investigation on this residence and Joseph Rowland for more then a year for narcotic activity.

In response, within the past 72 hours, the CPD Special Investigations Unit utilized established a fixed surveillance location in which Inv. Ratliffe and Inv. Sumner observed Joseph Todd Rowland, a registered resident at this location, conduct a hand to hand narcotics transaction. At approx 1440hrs. Joseph Rowland was observed exiting the residence via the front door and walk up to a vehicle which parked in front of the residence. Joseph Rowland approached the door of the vehicle and conducted a hand to hand transaction with a person inside the vehicle (SC CWM-343). Within 1 minute of making contact with the driver of the vehicle Joseph Rowland then walked back into the above residence. The vehicle (SC CWM-343) then immediately left the area. Inv.

Ratliffe and Inv. Sumner then corroborate this by having a CPD patrol unit conduct a traffic stop on the above vehicle (SC CWM-343) and locate an amount of illegal narcotics. The driver of the vehicle then wrote a statement confirming the above mentioned transaction of illegal narcotics.

Your affiant, Investigator C. Ratliffe, is a sworn police officer with the Charleston Police Department and has been for over 7 years with 1 year experience conducting narcotics investigations with the CPD Narcotics Unit. He has attended several narcotics investigation schools and seminars over the course of her career taught by the Drug Enforcement Administration, the South Carolina Criminal Justice Academy, and the Multi-jurisdictional Counterdrug Task Force Training. He has executed countless search warrants and has been involved in the arrest of over approximately 500 subjects for illegal drug offenses. Furthermore, he has conducted surveillance on suspected drug dealers, testified in court, managed informants, and interviewed numerous suspects and witnesses for drug related crimes.

Based on Inv. Ratliffe's experience and the current investigation, there is probable cause to believe that illegal narcotics, and/or the proceeds of, are being stored at 101 A Pamlico Terrace., Charleston, SC 29455.

Sworn to and Subscribed before me

this 3 day of Jun, 2011

Signature of Judge

Affiant

180 Lockwood Boulevard
Charleston, SC 29403
(843) 577-7434

EXHIBIT A

PROPERTY TO BE SEIZED

1. Books, records, receipts, notes, ledgers (both electronic and paper) relating to the transportation, ordering, purchase and distribution of controlled substances, in particular, cocaine marijuana and ectasy, a controlled dangerous substance.

2. Papers, tickets, notes, schedules, receipts, and other items relating to domestic and international travel.

3. Books, records, receipts, bank statements and records, money drafts, letters of credit, money orders and cashier's check, receipts, passbooks, bank checks, safe deposit box keys, and other items evidencing the obtaining, secreting, transfer, and/or concealment of assets and the obtaining, secreting, transfer, concealment and/or expenditure of money.

4. United States Currency, precious metals, jewelry, and financial instruments, including stocks and bonds in amounts indicative of the proceeds of illegal narcotics trafficking.

5. Photographs, in particular, photographs of co-conspirators, of assets and/or controlled substances, in particular, cocaine, marijuana and ectasy.

6. Indicia of occupancy, residency, and/or ownership of the premises described above, including, but not limited to, utility and telephone bills, canceled envelopes, and keys.

7. Weapons.

8. Controlled Dangerous Substances namely cocaine , marijuana, and ectasy and related paraphernalia.

9. Receipt for items evidencing the expenditure of the proceeds of drug distribution, including, but not limited to, clothing furniture and electronic equipment including computors.

Signature of Judge

Signature of Affiant

RETURN

I received the attached Search Warrant June 3, 2011

and have executed it as follows

On June 3, 2011, at 1730 hours, I searched

(the person) described in the warrant and (the premises)

I left a copy of the warrant with

"At the Place of Search"

The following is an inventory of property taken pursuant to the warrant.

1. Total of (27) live .45 rounds of ammunition found inside left armrest of green chair in the living room by Inv Sumner-Recovered by Inv Cobb
2. Total of $30 in U.S. Currency (15-$2 bills), rolled up in a rubber band inside a black box, found on second shelf of bookcase in Bedroom #2 by Inv Sumner-Recovered by Inv Cobb
3. Blue in color ski mask found inside a laundry basket inside outdoor shed by Inv Burke-Recovered by Inv Cobb
4. Black in color GLOCK magazine containing (13) live .40 rounds of ammunition found in laundry basket inside outdoor shed by Inv Burke-Recovered by Inv Cobb
5. Black AWS digital scale found on right-side shelf inside outdoor shed by Inv Burke-Recovered by Inv Cobb
6. Silver in color digital scale, along with opened box of 'Poly Steel' sandwich bags, found inside propane grill inside outdoor shed by Inv Burke-Recovered by Inv Cobb
7. A book titled Criminal Procedure Guide for Drug Agents found on third shelf of bookcase inside Bedroom #2 by Inv Sumner-Recovered by Inv Cobb
8. One opened box of 'Poly Steel' sandwich bags found on right side of dresser in Bedroom #2 by Inv Olson-Recovered by Inv Cobb
9. Wachovia letter addressed to Joseph Todd Rowland and a blue notebook with ledger and miscellaneous papers inside, found on dresser inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
10. Red in color Polaroid digital camera found in a basket on the right side of dresser inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
11. Brown 'Gucci' handbag with green and red striped accents found hanging on outside of closet, containing (2) clear baggies: One baggie contained approximately 34 grams of white powdery substance. The second baggie contained a total of (21) individually packaged baggies of white powdery

substance, totaling approximately 21 grams; This handbag was located inside Bedroom #2 by Inv Sumner-Recovered by Inv Cobb

12. Black and silver Nokia cell phone (IC#661U-RM126) found in a box on top of television inside Bedroom #2 by Inv Sumner-Recovered by Inv Cobb
13. Glad ware container containing (4) small plastic baggies and (1) larger plastic baggie, each containing a green leafy substance, totaling approximately 12 grams; Found on top of television inside Bedroom #2 by Inv Sumner-Recovered by Inv Cobb
14. Silver AWS digital scale found on dresser inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
15. Best Buy receipt for a 50" television paid in cash found inside top left dresser drawer by Inv Olson-Recovered by Inv Cobb
16. Clear plastic baggie containing approximately 10.5 grams of a white powdery substance found inside top left dresser drawer inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
17. One green AWS digital scale (middle left dresser drawer) and one cell phone digital scale (bottom left dresser drawer), found inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
18. Black in color T-Mobile cell phone (s#OG7NAC1031904631) found inside top right dresser drawer inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
19. One opened box of Independence ammunition containing a total of (31) live .38 special rounds of ammunition found inside of file cabinet inside crawl space on second floor of the residence by Inv Olson-Recovered by Inv Cobb
20. One opened box of Remington ammunition containing a total of (28) live .38 special rounds of ammunition found inside of file cabinet inside the crawl space on second floor of the residence by Inv Olson-Recovered by Inv Cobb
21. Miscellaneous papers found underneath computer monitor on top pf computer desk inside Bedroom #2 by Inv Olson-Recovered by Inv Cobb
22. Black in color Motorola cell phone (s#364VLSV271) found on Joseph Todd Rowland by Lt Dutton-Recovered by Inv Cobb
23. (1) identification card belonging to Shaquita Walker and a Georgia EBT card belonging to Wesley Ladson, both found on Joseph Todd Rowland by Lt Dutton-Recovered by Inv Cobb
24. Total of $181 in U.S. Currency (8-$20, 1-$10, 3-$5, 5-$1) found inside front left pants pocket of Joseph Todd Rowland by Lt Dutton-Recovered by Inv Cobb
25. Total of $1403 in U.S. Currency (1-$100, 6-$50, 42-$20, 1-$10, 18-$1) found inside front right pants pocket of Joseph Todd Rowland by Lt Dutton-Recovered by Inv Cobb
26. Black in color H&K USP Tactical semi-automatic pistol (s#25069039), containing (1) live .45 round in the chamber and a magazine containing (9) live .45 rounds; Found on top shelf of bookcase inside Bedroom #2 by Inv Sumner-Recovered by Crime Scene Officer Unterbrink.

27. Gateway computer (s#CCA6250001311), along with monitor, keyboard, mouse, and miscellaneous cords and cables, found inside Bedroom #2 by Inv Tugya-Recovered by Inv Cobb

This inventory was made in the presence of LT Dutton, Investigators Ratliffe, Sumner, Cobb, Olson, Forrest, Burke, Tugya, as well as patrol officers Scurry, Koegler, and Havers, and Crime Scene Officer Unterbrink of the Charleston Police Department.

I swear that this inventory is a true and detailed account of all the property taken by me

on the warrant.

Signature of Officer

Signature of Judge

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Sr. Circuit Court Judge

Case No. 2011-GS-10-5527, 5528, 5531
Appellate Case No. 2014-001051

THE STATE, ...Respondent,

v.

JOSEPH TODD ROWLAND, ...Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 19, 2015.



Mark A. Peper, Esquire
1637 Savannah Highway
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Charleston, SC 29407
(843) 225-2520
Attorney for Appellant

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Sr. Circuit Court Judge

Case No. 2011-GS-10-5527, 5528, 5531
Appellate Case No. 2014-001051

THE STATE, ...Respondent,

v.

JOSEPH TODD ROWLAND, ...Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served counsel for the Respondent, with a copy of the RECORD ON APPEAL by mailing a copy of the same by United States Mail with first class postage prepaid to the following addresses:

SC Attorney General's Office
Mark R. Farthing
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211

November 19, 2015

Mark A. Peper, Esq.

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Sr. Circuit Court Judge

Case No. 2011-GS-10-5527, 5528, 5531
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THE STATE, ...Respondent,

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Mark R. Farthing
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211

November 19, 2015

Mark A. Peper, Esq.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Sr., Court of General Sessions Judge

Case No. 11-GS-10-5527, 5528, 5531
Appellate Case No. 2014-001051

State of South Carolina, ...Respondent,

v.

Joseph Todd Rowland, ...Appellant.

FINAL BRIEF OF APPELLANT

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(843) 225-2520
Attorney for Appellant

RECEIVED
DEC 29 2015
ATTORNEY GENERALS
OFFICE

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STATEMENT OF ISSUES ON APPEAL

I. **The trial court erred in denying Appellant's motion to suppress the drug evidence on the ground the search warrant was not supported probable cause..... 8**

II. **The trial court erred by denying Appellant's motion for directed verdict when the evidence presented by the state did not suffice to create a jury issue as to constructive possession of the drugs.....16**

STATEMENT OF THE CASE

On June 3, 2011, the Appellant was arrested and charged with Trafficking Cocaine 28g – 100g S.C. Code Ann. § 44-53-370, PWID Marijuana S.C. Code Ann. § 44-53-370, Unlawful Possession of a Firearm During the Commission of a Violent Crim S.C. Code Ann. § 16-23-490, Unlawful Possession of a Firearm by a Convicted Felon S.C. Code Ann § 16-23-30, and Possession of a Stolen Firearm S.C. Code Ann § 16-23-30. At a Court of General Sessons, convened on September 12, 2011, the Appellant was indicted on the above charges by a Grand Jury. The Honorable Roger M. Young, Sr. presided over a jury trial on May 12-13, 2014.

The Appellant moved to suppress the search warrant on the basis that it did not give the magistrate information sufficient to rise to the level of probable cause, and fruther, that it contained an error so egregious that it failed as a matter of law. (Transcript, p. 70, 71). The Court denied Appellant's motion to suppress based on the totality of the circumstances giving rise to the level of probable cause required. (Transcript, p. 74, 75).

The Appellant moved for a directed verdict at the close of the State's case, asserting the evidence presented did not suffice to create a jury issue as to constructive possession. (Transcript, p. 47, 52). The Court directed a verdict of not guilty on the charge of Possession of a Stolen Firearm S.C. Code Ann § 16-23-30 but denied the Appellant's directed verdict motion regarding the remaining three (3) charges on the basis that there was sufficient circumstances which would support a conviction based on constructive possession of the drugs and a gun during the commission of a violent crime. (Transcript, p. 219).

The jury found the Appellant guilty of Trafficking Cocaine 28g – 100g S.C. Code Ann. § 44-53-370, PWID Marijuana S.C. Code Ann. § 44-53-370, and Unlawful Possession of a Firearm

During the Commission of a Violent Crim S.C. Code Ann. § 16-23-490 and sentenced to a total of twenty (20) years in prison. (Transcript, p. 280, 281).

Counsel for Appellant renewed his pre-trial motion and directed verdict motion, and Appellant himself made additional post-trial motions on his own accord. (Transcript, p. 271-274, 281).

Appellant filed his Notice of Intent to Appeal on May 15, 2014.

STATEMENT OF THE FACTS

On June 3, 2011, the City of Charleston Police Department Special Investigations Unit, acting on several complaints in reference to the location, set up stationary surveillance across the street from 31 Woodleaf Ct. around 2:15pm approximately 50 yards away. (Transcript p. 47, 54, 57).

About 15 minutes later, Officer Ratliff observed a blue vehicle drive up Woodleaf Ct. and park in front of 31 Woodleaf Ct. The Appellant walked out of the residence, walked straight through his yard to the passenger side window, reached in through the window, *appeared* to do a hand-to-hand transaction, giving the driver who was the sole occupant of that vehicle what he had, got something, returned, immediately turned and went back into the residence. (Transcript p. 57).

Officer Ratliff pointed out the blue car to the patrol unit stationed at the front of the neighborhood who initiated a traffic stop on the vehicle. After finding marijuana and cocaine inside the vehicle, the driver agreed to give a voluntary statement regarding the drugs found in his vehicle. The driver gave a written statement indicating he had just bought marijuana and cocaine from a party he knows as Blow. (Transcript, p. 58, 59).

Based on Officer Ratliff's observations and the driver's written statement, Officer Ratliff created an affidavit for a search warrant using a template from a previous search warrant and presented it to the magistrate. The last page of the search warrant submitted to the magistrate claimed that there was probable cause to believe illegal narcotics, and/or the proceeds of, were being stored at *101 A Pamlico Terrace, Charleston, SC 29455.* (Transcript, p. 60, 61, 63). (with emphasis). Officer Ratliff supplemented the written affidavit with oral testimony before the magistrate regarding the background he'd had with the Appellant, the different calls he'd gone to

involving the Appellant at that residence and elsewhere, the numerous complaints that he had received, and the fact that he had spoken with a sibling of his. (Transcript, p. 61).

Officer Ratliff and members of the Charleston Police Department Special Investigations Unit then executed the search warrant for 31 Woodleaf Ct. The Appellant was not in the house when the search warrant was executed. (Transcript, p. 68). During the execution of the search warrant, marijuana, cocaine, and a handgun were found in a bedroom. (Transcript, p. 125, 127, 128).

The Appellant was arrested and charged with Trafficking Cocaine 28g – 100g S.C. Code Ann. § 44-53-370, PWID Marijuana S.C. Code Ann. § 44-53-370, Unlawful Possession of a Firearm During the Commission of a Violent Crim S.C. Code Ann. § 16-23-490, Unlawful Possession of a Firearm by a Convicted Felon S.C. Code Ann § 16-23-30[1], and Possession of a Stolen Firearm S.C. Code Ann § 16-23-30. At a Court of General Sessons, convened on September 12, 2011, the Appellant was indicted on the above charges by a Grand Jury. Thereafter, an additional thirty-two (32) months passsed before the State brough Appellant's case to trial in front of the Honorable Roger M. Young, Sr.

After the jury was sworn, Appellant made a motion to supress the search warrant on the basis that it did not give the magistrate information sufficient to rise to the level of probable cause, noting that the Officers started observing the residence based on anonymous citizen's concerns, only observed what *"appeared to be"* a hand-to-hand drug transaction, did not search the car prior to the driver visiting the residence, and contained an error so egregious that it made the warrant itself fail as a matter of law. (Transcript, p. 70, 71). The Court denied Appellant's motion, finding that based on the totality of the circumstances, the reference to 101 A Hamilton (sic) Terrace

[1] The charge of Unlawful Possession of a Firearm by a Convicted Felon was not taken to trial.

address was a scriverner's error, they had reason to be observing the residence, they witnessed at least one drug transaction, they stopped the person driving the car who said he bought drugs just a short time from the Appellant, thus giving them information sufficient to rise to the level of probable cause to issue the search warrant. (Transcript, p. 74, 75).

Following the State's presentation, the Appellant moved for a directed verdict on all charges asserting the evidence presented by the State did not suffice to create a jury issue as to constructive possession of the drugs. The testimony revealed that the Appellant was not inside the residence when the warrant was served, but was standing outside the residence. (Transcript, p. 47, 52). The witness was unable to say whether the Appellant lived or slept at the residence. (Transcript, p. 53). No testimony was presented that indicated the Appellant had ownership of the house, nor a special relationship between the owner of the house form which a right to control might be inferred. Further, no fingerprints of the Appellant were recovered on any of the items found inside the residence. (Transcript, p. 117). The Court directed a verdict of not guilty on the charge of Possession of a Stolen Firearm S.C. Code Ann § 16-23-30 but denied the Appellant's directed verdict motion regarding the remaining three (3) charges on the basis that there was sufficient circumstances which would support a conviction based on constructive possession of the drugs and a gun during the commission of a violent crime. (Transcript, p. 219).

Appellant was convicted of Trafficking Cocaine 28g – 100g S.C. Code Ann. § 44-53-370, PWID Marijuana S.C. Code Ann. § 44-53-370, and Unlawful Possession of a Firearm During the Commission of a Violent Crim S.C. Code Ann. § 16-23-490 and sentenced to a total of twenty (20) years in prison[2]. (Transcript, p. 280, 281).

[2] Appellant was sentenced to 20 years on the Trafficking Cocaine, 5 years on the PWID Marijuana, and 5 years on the Firearm charge, all sentences to run concurrent.

Following the verdict, the Appellant on his own accord argued for a new trial based on the State not having physical proof of a chain of custody, that the search warrant was invalid on its face because Officer Ratliff did not leave a copy of the Affidavit to the search warrant at his residence in violation of SC Code Ann. § 17-13-140 and the Fourth Amendment of the South Carolina Constitution, that the search warrant was invalid on its face because there was no indication of reliability of the informant in the search warrant, that Appellant was not present during the time the search warrant was being conducted, and that the State only proved mere presence and no dominion or control over the drugs and contraband found. (Transcript, p. 271-274). After the sentencing phases of the trial, counsel renewed Appellant's motion for a new trial and directed verdict, which was denied by the Court for the same reasons previously stated. (Transcript, p. 281).

ARGUMENT

I. The trial court erred in denying Appellant's motion to supress the drug evidence on the ground the search warrant was not supported by probable cause.

The Fourth Amendment guarantees "[t]he right of the people to be secure . . . [from] unreasonable searches and seizures." U.S. Const. amend. IV. "In parallel with the protection of the Fourth Amendment, the South Carolina Constitution also provides a safeguard against unlawful searches and seizures." State v. Forrester, 343 S.C. 637, 643, 541 S.E.2d 837, 840 (2001); S.C. Const. art. I, § 10. Evidence obtained in violation of the Fourth Amendment is inadmissible in both state and federal court. Forrester, 343 S.C. at 643, 541 S.E.2d at 840. A magistrate may issue a search warrant only upon a finding of probable cause. State v. Bellamy, 336 S.C. 140, 143, 519 S.E.2d 347, 348 (1999). "This determination requires the magistrate to make a practical, common-sense decision of whether, given the totality of the circumstances set forth in the affidavit, including the veracity and basis of knowledge of persons supplying the information, there is a fair probability that contraband or evidence of a crime will be found in a particular place." State v. King, 349 S.C. 142, 150, 561 S.E.2d 640, 644 (Ct. App. 2002). "The affidavit must contain sufficient underlying facts and information upon which the magistrate may make a determination of probable cause. The magistrate should determine probable cause based on all of the information available to the magistrate at the time the warrant was issued." State v. Dupree, 354 S.C. 676, 684, 583 S.E.2d 437, 441 (Ct. App. 2003) (citations omitted). To determine probable cause, the Court looks to the totality of the circumstances test set forth in Illinois v. Gates, 462 U.S. 213 (1983). The totality of the circumstances test establishes: [t]he task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the "veracity" and "basis of knowledge" of persons supplying hearsay

information, there is a fair probability that contraband or evidence of a crime will be found in a particular place. Id. at 238; see also State v. Jones, 342 S.C. 121, 536 S.E.2d 675 (2000) (stating that under totality of circumstances test, reviewing court considers all circumstances, including status, basis of knowledge, and veracity of informant, when determining whether or not probable cause existed to issue search warrant). A defendant has the right to challenge misstatements in a search warrant affidavit. See *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 57L.Ed.2d 667 (1978); *State v. Sachs*, 264 S.C. 541, 216 S.E.2d 501(1975). A defendant is entitled to an evidentiary hearing if the following criteria are met: (1) the defendant's attack is more than conclusory and is supported by more than a mere desire to cross-examine; (2) the defendant makes allegations of deliberate falsehood or of reckless disregard for the truth which are accompanied by an offer of proof; and, (3) the affiant has made the allegedly false or reckless statement. Further, if the foregoing criteria have been met, and the remaining content is insufficient to find probable cause after the allegedly false or reckless material has been set aside, the defendant is entitled to his hearing, under the Fourth and Fourteenth Amendments. *Franks*, 438 U.S. at 171, 98 S.Ct. at 2684, 57 L.Ed.2d at 677. The South Carolina General Assembly has imposed stricter requirements than federal law for issuing a search warrant. Both the Fourth Amendment of the United States Constitution and Article I, § 10 of the South Carolina Constitution require an oath or affirmation before probable cause can be found by an officer of the court, and a search warrant issued. U.S. Const. amend. IV; S.C. Const. art. I, § 10. Additionally, the South Carolina Code mandates that a search warrant "shall be issued only upon affidavit sworn to before the magistrate, municipal judicial officer, or judge of a court of record . . . ." S.C. Code Ann. § 17-13-140 (1985). Oral testimony may also be used in this state to supplement search warrant affidavits which are facially insufficient to establish probable cause. See State v. Weston, 329 S.C. 287, 494 S.E.2d 801

(1997). However, "sworn oral testimony, standing alone, does not satisfy the statute." State v. McKnight, 291 S.C. 110, 352 S.E.2d 471 (1987). State v. Jones, 342 S.C. 121, 128, 536 S.E.2d 675, 678-79 (2000). In terms of a court's review of the magistrate's decision, "[t]he duty of the reviewing court is to ensure the issuing magistrate had a substantial basis upon which to conclude that probable cause existed." State v. Baccus, 367 S.C. 41, 50, 625 S.E.2d 216, 221 (2006). "In reviewing the validity of a warrant, an appellate court may consider only information brought to the magistrate's attention." State v. Thompson, 363 S.C. 192, 200, 609 S.E.2d 556, 560 (Ct. App. 2005).

In the instant case, the reason for the affiant's belief that drugs would be found at 31 Woodleaf Court is included in the affidavit, which provided in part:

> Over the past 6 months, the Charleston Police Department Special Investigations Unit has received numerous complaints of narcotic activity from citizens, in reference to illegal narcotics being sold from 31 Woodleaf Ct. SIU has been conducting an investigation on this residence and Joseph Rowland for more than a year for narcotic activity.
>
> In response, within the past 72 hours, the CPD Special Investigations Unit utilized (sic) established a fixed surveillance location in which Inv., Ratliffe and Inv. Sumner observed Joseph Todd Rowland, a registered resident at this location, conduct a hand to hand narcotics transaction.
>
> At approx. 1440 hrs. Joseph Rowland was observed exiting the residence via the front door and walk up to a vehicle which parked in front of the residence. Joseph Rowland approached the door of the vehicle and conducted a hand to hand transaction with a person inside the vehicle (SC CWM-343). Within 1 minute of making contact with the driver of the vehicle Joseph Rowland then walked back into the above residence. The vehicle (SC CWM-343) then immediately left the area. Inv. Ratliffe and Inv. Sumner then corroborate (sic) this by having a CPD patrol unit conduct a traffic stop on the above vehicle (SC CWM-343) and locate an amount of illegal narcotics. The driver of the vehicle then wrote a statement confirming the above mentioned transaction of illegal narcotics. Based on Inv. Ratliffe's experience and the current investigation, there is probable cause to believe that illegal narcotics, and/or the proceeds of, are being stored at *101 A Pamlico Terrace, Charleston, SC 39455*. (with emphasis)

As evidenced in the above, the narcotics officers' decision to request a search warrant was precipitated primarily by the receipt of numerous citizen complaints of narcotic activity at 31 Woodleaf Ct., however, these complainants remained anonymous and there is no mention by any of the citizens of anyone ever actually seeing drugs on the premises. Armed with the complaints, they conducted surveillance of the residence and saw "a blue Honda Accord drive up, drive down the roadway, and park across from Rowland's house, and Joseph Rowland came out from the residence, went over there to the car, into the passenger side, and conducted a hand-to-hand drug transaction". (R. p. 21). They "followed the blue car until the marked units could get behind it to conduct a traffic stop...we spoke to the driver, and the driver told us that he just purchased the coke and marijuana from Blow. Blow is an alias of Joseph Rowland." (R. p. 23; p. 33).

Based on the citizens' complaints, the officer's observations during the surveillance, the statement of the driver of the blue car, as well as his experience, the Officer presented this information to the magistrate with the request that a search warrant be issued for *101-A Pamlico Terrace*. (with emphasis). Further, the Officer provided oral testimony to the magistrate regarding "the background I've had with the Defendant, the different calls I've gone to involving the defendant at that residence and elsewhere, the numerous complaints that we had received, and the fact that I had spoken with a sibling of his." (R. p. 35). The magistrate ultimately signed the warrant for the search of *31 Woodleaf Ct.* (with emphasis).

Following a suppression hearing, the trial court ruled, "the totality of the circumstances is that they had a reason to be observing Mr. Rowland, the defendant's house. They witnessed -- or they – based on tips that he had been drug dealing, et cetera, that's what got them to observe that house. They then witnessed at least one transaction, possibly two, on drugs. One was the bicycle, but, more importantly, the one was the one with the car. They then stopped that person in driving

the car who said yes, I bought drugs just a short time before from the defendant. That...is sufficient to rise to the level of probable cause to issue the search warrant." (R. p. 48-49). The Court made clear to the parties that this was its final ruling and that probable cause was established to issue the search warrant, thus the Appellant was not required to renew his objection each time the State introduced evidence discovered during the search. (See *State v. Wiles,* 383 S.C. 151, 156-157, 679 S.E.2d 72, 175 (2009).

Applying the facts of the instant case to the law of South Carolina, the Affidavit and the supplemental oral testimony were insufficient to provide the magistrate with a substantial basis for which to find probable cause to issue the search warrant for 31 Woodleaf Ct. While the trial court correctly based the validity of the search warrant on the totality of the circumstances, the Appellant believes it necessary to separately address each piece of evidence presented to the magistrate.

Initially, the officer's belief that drugs would be found on the premises was based on numerous complaints of narcotic activity from citizens, in reference to illegal narcotics being sold from 31 Woodleaf Ct., however, these citizens remained anonymous and there is no mention of anyone ever seeing drugs on the premises. While such activity might raise suspicions, or be one indicator of possible narcotics transactions, these complaints alone were insufficient to establish probable cause for the issuant of a search warrant. *Bailey v. Superior Court for County of Ventura (People)*, 11 Cal. App. 4th 1107, 15 Cal. Rptr. 2d 17, 19-20 (1992). The complaints were simply the basis for the brief surveillance.

Recently, in *State v. Kinloch*, 410 S.C. 612, 613-614, 767 S.E.2d 153, 153-154 (2014), the South Carolina Supreme Court considered whether the information contained in a search warrant affidavit was sufficient to establish a probable cause basis for the search of a residence. In reversing the trial court and Court of Appeals, the Supreme Court concluded the search warrant

affidavit provided the magistrate with a substantial basis for reaching his probable cause determination based on the information contained within it regarding the numerous tips received by the officers and the officers' subsequent observation of "seemingly drug related behavior." Id. At 618, 767 S.E.2d at 156. The "seemingly drug-related behavior" consisted of the following: a man in a red shirt conducting hand-to-hand transactions outside a residence with multiple individuals while a man in a black jacket stood nearby; the man in the red shirt count money after the transactions; the man in the black jacket walk to a nearby gas station later in the day and exchange a plastic bag for money, the contents of which contained heroine; the man in the black jacket counting money as he returned to Kinloch's residence. Id. At 614-615, 767 S.E.2d at 154. The *Kinloch* case above can be distinguished from the case at bar whereby the only "seemingly drug related activity" observed by the officer was a one-time occurrence whereby a blue car pulled up to 31 Woodleaf and the officer observed what *appeared to be* a hand-to-hand drug transaction, however, this is merely speculation, as the Officer was "about half a football field away...50 yards". (R. p. 28). (See also U.S. v. Zavala, 541 F.3d. 562, 574-75 (5th Cir. 2008) No probable cause to arrest when officers observed defendant in a suspicious transaction but could not identify the items being exchanged). As evidenced by his inability to determine if what he saw was actually a drug transaction, the officer had his subordinates pull the blue car over for an alleged minor traffic violation prior to exiting the neighborhood. Instead of arresting the driver for the marijuana and cocaine found in his car, they released him after receiving a written statement wherein the driver identified the Appellant as the person he purchased the drugs from. (R. p. 23; p. 33). This does not in and of itself, even coupled with what *appeared to be* a hand-to-hand transaction, establish probable cause for the issuance of a search warrant. The driver nor his vehicle was searched prior to going or coming from 31 Woodleaf Ct., and there was no independent verification

that this individual was the same person driving the blue car that participated in what appeared to be a hand-to-hand with Blow at 31 Woodleaf Ct.

Having applied the fact that tips alone don't give rise to probable cause, and by the Officer's own admission that he only saw "what appeared to be" a drug transaction, "from about 50 yards away", the only basis the Court used in denying the motion to suppress was the information that was provided by the driver of the blue car. There was no information provided to the magistrate as to whether the driver of the blue car was telling the truth as to whether the drugs in his possession were specifically purchased from the Appellant or the specific residence of 31 Woodleaf Ct., and further, no information provided to the magistrate regarding the driver of the blue car's reliability. It is reasonable to believe the driver of the car would say whatever necessary to prevent himself from being arrested. In making a probable cause determination, the task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the *"veracity"* and *"basis of knowledge"* of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place. (*State v. Herri*ng, 387 S.C. 201, 212, 692 S.E. 2d 490, 496 (2009) (emphasis added) (quoting *Illinois v. Gates*, 462 U.S. 213, 238, 103 S. Ct. 2317, 2332, 76 L. Ed. 2d 527, 548 (1983)).

Recently, in *State v. Robinson*, 408 S.C. 268, 758 S.E.2d 725 (S.C. App., 2014) the South Carolina Court of Appeals considered whether the information contained in a search warrant affidavit was sufficient to establish a probable cause basis for the search of a residence. In that case, the only information in the affidavit about the events and circumstances surrounding the drug transaction came from the informant, thus his reliability and basis for knowledge should be considered by a magistrate. Because the officer who sought the search warrant failed to provide

the issuing judge information about the informant's reliability, the Court found this failure left no substantial basis to determine the existence of probable cause. In the case at bar, the occupant of the blue car was the only person to provide information to the issuing judge regarding whether Appellant was actually involved in a hand-to-hand transaction, as the officer himself was so far away that he could only see what appeared to be one, thus the officer was required to demonstrate the informant's reliability to the issuing judge.

Finally, the Appellant asserts that the search warrant was invalid on its face due to the property to be searched listed as 101-A Pamlico Terrace, as opposed to 31 Woodleaf Court. Contrary to the trial court's ruling that "it's clear that the reference to the 101A Hamilton (sic) Terrace address was a scrivener's error...The correct address, 31 Woodleaf, is referenced several times in here, and that was obviously just a scrivener's error" , (R. p. 48), the Appellant believes it to be more and asserts that the language in the Affidavit to secure the search warrant regarding the property location must be set aside, thus making the remaining content insufficient to establish probable cause, and therefore, the search warrant must be voided and the fruits of the search excluded to the same extent as if probable cause was lacking on the face of the affidavit. (*Franks v. Deleware*, 438 U.S. 154 (1978)). The Appellant also asserts that this is grounds to reverse pursuant to *Massachusetts v. Sheppard*, 468 U.S. 981 (1984).

II. The trial court erred by denying Appellant's motion for directed verdict when the evidence presented by the State did not suffice to create a jury issue as to constructive possession of the drugs.

A defendant is entitled to a directed verdict when the State fails to present evidence of the offense charged. *State v. McHoney*, 344 S.C. 85, 97, 544 S.E. 2d 30, 36 (2001). In deciding whether the circuit court erred in denying a motion for a directed verdict, the appellate court must view the evidence in the light most favorable to the State. *State v. Hudson*, 277 S.C. 200, 201, 284 S.E. 2d 773, 774 (1981). If there is any direct evidence or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, the court must find the case was properly submitted to the jury. *State v. Curtis*, 356 S.C. 622, 591, S.E. 2d 600 (2004).

Conviction of drug possession requires proof of possession, either actual or constructive, coupled with knowledge of its presence. *State v. Hudson, supra.* In order to prove constructive possession, the "State must show a defendant had dominion and control, or the right to exercise dominion and control over the [illegal substance]." *State v. Heath*, 370 S.C. 326, 329, 635 S.E. 2d 18, 19 (2006) (citing *State v. Halyard*, 274 S.C. 397, 400, 264 S.E. 2d 841, 842 (1980)). The State may establish constructive possession by either circumstantial or direct evidence. *Id.* Finally, the defendant's knowledge and possession may be inferred if the substance was found on premises under his control. *State v. Adams*, 291, S.C. 132, 135, 352 S.E. 2d 483, 486 (1987). Whether the evidence is sufficient to withstand a directed verdict motion when the State relies upon circumstantial evidence of constructive possession is a fact intensive determination.

In *State v. Heath, supra*, the Court discussed the "right to exercise dominion and control" element of constructive possession. In *Heath*, the defendant lived with his mother in her home. Police arrived at the residence to search the home for cocaine. *Id.* at 328, 635, S.E. 2d at 18. The defendant and his brother were standing outside of the house, and defendant remained there

throughout the search. *Id.* at 328, 635 S.E. 2d at 18-19. In the house, police found a small crack rock, scales, and numerous plastic baggies. *Id.* In addition, a police dog found 43.48 grams of crack in a car washing mitt in the recycling bin at the rear of the house, and there was evidence that the defendant had been washing the car before the police arrived. *Id* at 330, 635 S.E. 2d at 19. The appeal centered on whether there was evidence that defendant was in constructive possession of the crack cocaine found in the mitt. *Id* at 330, 635 S.E. 2d at 19. The Court found there was no direct or circumstantial evidence linking defendant to the crack cocaine, and therefore, examined whether there was evidence that the defendant had dominion and control over the property where the crack was found. *Id.* The Court held that "although the defendant lived where the crack was found, the premises were owned by his mother, and as a result, the defendant only had a right to access the area where the crack was found and not a right to exercise dominion and control over the area. *Id.* Accordingly, the Court held that the court erred in not granting defendant's motion for a directed verdict.

In *U.S. v. Watkins*, 519 F.2d 294, 171 U.S.App.D.C. 158 (C.A.D.C., 1975), the Court reversed Appellant's convictions having found the District Court erred in denying Appellant's motion for directed verdict at trial. Upon gaining admittance to the apartment, the officers found appellant Watkins sitting on a bed in the bedroom, Bragg standing near the commode in the bathroom, and another individual identified as Alfred McKenny sitting on a couch in the living room. During the search of the apartment which ensued, the officers observed books, in which appellant's name appeared, in a hall closet, as well as articles of women's clothing in the bedroom. Moreover, the officers stated that they seized the following items in the bedroom of the apartment: four tinfoil packages containing cocaine from the top drawer, and drug-related paraphernalia containing traces of heroin from the bottom drawer of a bedside dresser table; $1,480 in cash and

a plastic bag containing heroin located between the mattress and box spring of the bed on which appellant was sitting; $733 in cash in a clothing bag in the closet; and three receipts indicating appellant had paid the rent on the apartment for April and June 1973 and that she had paid for utility service in June 1972. The officers also testified that they seized two napkins containing marijuana seeds from the top of the refrigerator in the kitchen of the apartment. The only admissible evidence offered by the Government which in any way linked appellant to Apartment 303 or the narcotics found therein, was appellant's presence in a room where the cocaine and heroin, although concealed from plain view, were found, and several books in which appellant's name appeared in a hall closet. The Court determined that the Government's case did not show facts that would permit a reasonable juror to reach a conclusion of guilt beyond a reasonable doubt as to whether appellant Watkins constructively possessed the drugs and thus found that the district court erred in denying appellant's motion for judgment of acquittal. (*Id* at 298).

In determining whether to grant a motion for a directed verdict on constructive possession, in addition to presence, the Court must look for the following evidence: testimony tying the defendant to the contraband (*State v. Tabory*, 260 S.C. 355, 196 S.E. 2d 111 (1973)); *State v. Brownlee*, 318 S.C. 34, 455 S.E. 2d 704 (Ct. App. 1995)); evidence of control or shared control of the premises (*Hudson, supra*); and evidence of a special relationship between the owner of the premises from which a right to control may be inferred (*State v. Brown*, 267 S.C. 311, 227 S.E. 2d 674 (1976)).

In the instant case, similar to the holding in *Heath and Watkins, supra*, there is no evidence of Appellant's control of the drugs founds in the bedroom of the house owned by his Father, nor any evidence that he possessed or had the right to control or shared control of the premises wherein the drugs were found. In fact, no evidence was submitted showing that the Appellant had ever

even been inside the residence, and when the search warrant was served at the residence, the Appellant was standing outside the residence. (R. p. 21; p. 26). However, his brother, the children, their mother, and his mother and father were in the residence. (R. p. 42). The testifying witness was unable to say whether the Appellant slept at the residence or not (R p. 27). Upon serving the search warrant, the Officer walked out in the front yard and arrested the Appellant. (R. p. 43). Of extreme importance is where the quantity of cocaine was located; not outside the house where the Appellant was located, but inside the residence, specifically, in a brown, tan in color Gucci handbag with a strap on it hanging from behind a door of a bedroom that contained a bed with no sheets on it. (R. p. 104-106). Further, the testimony clearly indicated that the Appellant did not own the house, it is not possible that the Appellant had a right to control the house where the drugs were found. The State's case is void of any testimony tying the Appellant to the drugs found in a woman's purse in a house owned by his Father, nor any evidence of control or shared control of the premises.

Finally, there was no evidence presented of a special relationship between the owner of the premises from which a right to control may be inferred. The Appellant was not on the premises when the search warrant was executed, nor was there any evidence that placed him inside the house where the drugs were located, thus the fact that he was seen in the front yard of the house is not sufficient circumstantial evidence from which to infer Appellant's right to control the inside of the house. Even assuming a special relationship existed between the Appellant and home owner, that fact alone in and of itself does not suffice to withstand a motion for directed verdict. Further, mere presence, even before the incident leading to the discovery of the contraband, will not support the denial of a directed verdict. (*State v. Dantzler*, Op. No. 14-MO-020 (S.C. Ct. App. Filed June 18, 2014) (*citing Heath, supra*).

The Appellant did not testify at his trial, and no evidence was presented proving the he had actual or constructive knowledge of drugs being inside his Father's residence. Even assuming an inference could be made that he knew or should have known there were drugs in the house, the State would still fall short of its burden. Mere proximity or accessibility to contraband will not support a conclusion that an individual had knowing dominion and control over it. (*United States v. Williams*, 952 F.2d 418, 420 (C.C. Cir. 1991) (quoting *United States v. Foster*, 783, F. 2d 1087, 1089 (D.C. Cir. 1986)).

CONCLUSION

For the foregoing reasons, the Court should reverse the conviction of the appellant and remand for a new trial.

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Sr. Circuit Court Judge

Case No. 2011-GS-10-5527, 5528, 5531
Appellate Case No. 2014-001051

THE STATE, ...Respondent,

v.

JOSEPH TODD ROWLAND, ...Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Final Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings." on the date indicated below, he served counsel for the Respondent, with a copy of the FINAL BRIEF OF APPELLANT by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

December 22, 2015.

Mark A. Peper, Esq.
ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served counsel for the Respondent, with a copy of the FINAL BRIEF OF APPELLANT by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Honorable Roger M. Young, Sr., Circuit Court Judge
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STATEMENT OF ISSUES ON APPEAL

I.

Appellant's issue regarding the admission of the incriminating evidence discovered during the search of his residence was not properly preserved for appellate review because defense counsel only objected to the admission of that evidence through a pre-trial suppression motion, did not renew that motion or raise any other objections when the incriminating evidence was offered into evidence, and expressly waived any objection he had to the incriminating evidence through his statements to the trial judge during trial. However, regardless of any issue preservation concerns, the trial judge committed no error in denying defense counsel's suppression motion because the information contained in the search warrant affidavit provided the magistrate who issued the search warrant with a substantial basis upon with he could conclude there was a fair probability drugs and other incriminating evidence would be found at Appellant's residence.

II.

The trial judge properly denied Appellant's directed verdict motion as to the trafficking in cocaine and possession of marijuana with intent to distribute charges because the evidence and testimony presented during trial, including the evidence and testimony demonstrating the drugs and other incriminating evidence were discovered in Appellant's bedroom after Appellant was observed participating in a hand-to-hand drug transaction, established Appellant's guilt for each and every element of the indicted offenses and supported a rational and logical conclusion Appellant was in constructive possession of the marijuana and cocaine located in his bedroom.

STATEMENT OF THE CASE

On June 3, 2011, Appellant Joseph Todd Rowland was arrested following a narcotics investigation that led to the discovery of cocaine and marijuana in his residence. In April of 2012, Appellant was indicted by the Charleston County Grand Jury for one count of trafficking in cocaine, one count of possession of marijuana with intent to distribute, one count of possession of a firearm during the commission of a violent crime, and one count of unlawful possession of a stolen pistol. On May 12, 2014, a jury trial was commenced in the Charleston County Court of General Sessions with the Honorable Roger M. Young, Sr., circuit court judge, presiding. During trial, the trial judge granted a directed verdict as to the unlawful possession of a stolen pistol charge. Thereafter, at the conclusion of trial, the jury convicted Appellant of the three remaining indicted offenses. Following the verdict, the trial judge sentenced Appellant to concurrent terms of imprisonment of twenty years for trafficking in cocaine, five years for possession of marijuana with intent to distribute, and five years for possession of a firearm during the commission of a violent crime. Appellant then timely filed a notice of appeal.

STATEMENT OF FACTS

On the afternoon of June 3, 2011, Sergeant Brandon Ratliffe and Investigator Keith Sumner, who were narcotics investigators with the Charleston Police Department, began conducting surveillance of the home of Appellant Joseph Todd Rowland, which was located at 31 Woodleaf Court in Charleston, South Carolina, after the officers received several complaints about drug activity occurring at that location over the course of the preceding year. (R. pp. 19-21; pp. 25-26; pp. 29-31; pp. 80-82). During their surveillance, the officers observed Appellant exit his residence and get into a vehicle parked outside.[1] (R. p. 31). As they continued to watch, a bicyclist rode up, got into the vehicle with Appellant, exited the vehicle after only a minute, and swiftly left the area. (R. p. 31). Shortly thereafter, the officers observed a blue car pull up and park in front of 31 Woodleaf Court. (R. p. 21; p. 31). Immediately after that, Appellant, who had gone back inside his home after meeting with the bicyclist, exited the residence, walked directly over to the passenger side of the blue car, reached in through the car's window, and conducted what appeared to be a hand-to-hand drug transaction with the driver. (R. p. 21; p. 31; p. 82). Appellant then hastily returned to his residence, and the driver of the blue car drove away. (R. p. 21; p. 31).

After the blue car left Appellant's residence, Sergeant Ratliffe and Investigator Sumner asked nearby officers waiting directly outside of Appellant's neighborhood to stop that vehicle based on the drug transaction they had just observed. (R. p. 22; p. 32). In response, the nearby officers quickly stopped the blue car and, during the ensuing stop, located marijuana and cocaine in the driver's possession. (R. pp. 22-23; p. 32). Sergeant

[1] While conducting the surveillance, the officers were positioned approximately fifty yards away from Appellant's residence with an unobstructed view and were using binoculars. (R. p. 21; p. 28).

Ratliffe and Investigator Sumner then responded to the scene of the stop and spoke with the driver, who confirmed he had just bought the drugs from "Blow," who the officers knew to be Appellant, at Appellant's address. (R. pp. 22-23; pp. 32-33).

Thereafter, Sergeant Ratliffe rapidly prepared a search warrant affidavit and appeared before a magistrate to obtain a search warrant for Appellant's residence. (R. p. 24; pp. 33-34; p. 37). The affidavit Sergeant Ratliffe presented to the magistrate specifically identified the premises to be searched as the home located at 31 Woodleaf Court and contained the following information about the investigation:

> Over the past 6 months, the Charleston Police Department Special Investigations Unit has received numerous complaints of narcotics activity from citizens, in reference to illegal narcotics being sold from 31 Woodleaf Ct. SIU has been conducting a[n] investigation on this residence and [Appellant] for more th[a]n a year for narcotic activity.
>
> In response, within the past 72 hours, the CPD Special Investigations Unit . . . established a fixed surveillance location in which Inv. Ratliffe and Inv. Sumner observed [Appellant], a registered resident at this location, conduct a hand to hand narcotics transaction. At approx 1440hrs. [Appellant] was observed exiting the residence via the front door and walk[ing] up to a vehicle which parked in front of the residence. [Appellant] approached the door of the vehicle and conducted a hand to hand transaction with a person inside the vehicle [with a specified license tag number]. Within 1 minute of making contact with the driver of the vehicle [Appellant] then walked back into the above residence. The vehicle [with the specified license tag number] then immediately left the area. Inv. Ratliffe and Inv. Sumner then corroborate this by having a CPD patrol unit conduct a traffic stop on the above vehicle [with the specified license tag number] and locate an amount of illegal narcotics. The driver of the vehicle then wrote a statement confirming the above mentioned transaction of illegal narcotics.
>
> Your affiant, Investigator C. Ratliffe, is a sworn police officer with the Charleston Police Department and has been for over 7 years with 1 year experience conducting narcotics investigation with the CPD Narcotics Unit. He has attended several narcotics investigation schools and seminars over the course of [his] career taught by the Drug Enforcement Administration, the South Carolina Criminal Justice Academy, and the Multi-jurisdictional Counterdrug Task Force Training. He has executed countless search warrants and has been involved in the arrest of over

> approximately 500 subjects for illegal drug offenses. Furthermore, he has conducted surveillance on suspected drug dealers, testified in court, managed informants, and interviewed numerous suspects and witnesses for drug related crimes.
>
> Based on Inv. Ratliffe's experience and the current investigation, there is probable cause to believe that illegal narcotics, and/or the proceeds of, are being stored at [an entirely unrelated Charleston address].

(R. p. 34; pp. 240-246). Additionally, Sergeant Ratliffe provided supplemental information to the magistrate by informing him about his knowledge of and history with Appellant and about the tips he had received regarding Appellant in the past. (R. pp. 24-25; p. 35). The magistrate then issued a search warrant authorizing a search of Appellant's home. (R. p. 40; p. 82; pp. 240-246).

Shortly thereafter, officers from the Charleston Police Department executed the search warrant at 31 Woodleaf Court while Appellant and his parents, who also lived in the home, were detained outside. (R. p. 26; pp. 40-42; p. 82; pp. 84-85). During the officers' search of the residence, they located pictures of Appellant with one of his children, letters addressed to Appellant at 31 Woodleaf Court, a notebook containing a ledger, multiple cellular phones, and a box of plastics bags in one of the residence's bedrooms. (R. pp. 87-89; p. 135; p. 146). Additionally, in that same bedroom, the officers found a digital scale on top of a dresser along with a bag of cocaine and two more digital scales hidden in the dresser's drawers. (R. pp. 88-89; pp. 135-136). Likewise, the officers located a .45-caliber pistol and a book entitled "Criminal Procedure Guide for Drug Agents" on a bookshelf near the bed and a plastic container containing individually-packaged quantities of marijuana near a television. (R. p. 71; pp. 89-90; pp. 145-146). Furthermore, the officers found a brown bag behind the bedroom door with two plastic bags of cocaine inside. (R. p. 90; pp. 145-147). One of those plastic bags

contained thirty-four grams of cocaine, and the other plastic bag contained twenty-one smaller bags that each contained roughly a gram of cocaine. (R. pp. 145-147).

Based on their discoveries during the search, the officers secured the incriminating evidence, and Appellant was placed under arrest. (R. p. 63; p. 65; p. 67; p. 72; pp. 136-137; pp. 147-148). Appellant was then searched incident to his arrest, and the officers discovered over $1,500 in cash in Appellant's pockets.[2] (R. p. 91). Thereafter, the drugs discovered during the search were transported to the Charleston Police Department's crime lab and analyzed by Elizabeth Mitchell, an expert in drug analysis. (R. pp. 116-119). Based on her analysis, Mitchell determined the drugs found in Appellant's residence during the search consisted of a total of 9.19 grams of marijuana and 57.45 grams of cocaine. (R. pp. 131-132).

Subsequently, Appellant was indicted for multiple offenses, including trafficking in cocaine and possession of marijuana with intent to distribute, and he proceeded to trial. (R. pp. 16-18; pp. 232-239). At the outset of trial, Appellant personally argued to the trial judge his right to a speedy trial had been violated because his case was three years old and the solicitor had failed to comply with the proper procedure for bringing the case to trial. (R. pp. 10-11). In response, the trial judge asked Appellant how he had been prejudiced by the delays associated with his case, and Appellant asserted he was prejudiced because he spent two years in jail without bond and because one of the police officers involved in his case had been demoted subsequent to his arrest, which he contended rendered the officer's testimony against him unreliable.[3] (R. pp. 11-12). After

[2] During trial, Sergeant Ratliffe noted Appellant had fifty twenty-dollar bills in his pockets, which he stated was significant because narcotics were typically sold in amounts of ten to twenty dollars. (R. p. 91).

[3] Later during trial, the solicitor explained to the trial judge Appellant had been arrested in June of 2011, was released on bond in August of 2011, was rearrested for unrelated offenses in October of 2011, was

that, the trial judge informed Appellant he had made a record in regard to the issue and noted Appellant was only entitled to make motions through his defense counsel. (R. p. 12). The trial judge then continued forward with the proceedings. (R. p. 12).

Thereafter, defense counsel preliminarily moved for the evidence discovered in Appellant's case to be suppressed, and the trial judge conducted an in limine hearing on that motion. (R. pp. 12-13; p. 19). During the hearing, Investigator Sumner detailed his role in the investigation and confirmed he witnessed what appeared to be a hand-to-hand drug transaction between Appellant and another individual outside of the residence located at 31 Woodleaf Court shortly before they obtained a search warrant for that address. (R. pp. 19-28). Likewise, Sergeant Ratliffe testified about the tips he received in regard to Appellant's activities and the surveillance of Appellant's residence, confirmed he observed a hand-to-hand drug transaction involving Appellant, and noted he prepared the search warrant affidavit used to obtain the search warrant for Appellant's home. (R. pp. 29-34). Regarding that affidavit, the officer stated it contained accurate information about his investigation and correctly identified 31 Woodleaf Court as the location to be searched. (R. p. 34; p. 43). However, Sergeant Ratliffe noted the affidavit mistakenly listed an entirely unrelated address a single time due to his use of a search warrant template when preparing the affidavit. (R. pp. 34-35; p. 43).

At the conclusion of the in limine hearing, defense counsel asked the trial judge to suppress the evidence discovered during the search of Appellant's home. (R. pp. 44-45).

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again released on bond in November of 2011, and finally had his bond revoked in March of 2012 based on his arrest for the unrelated offenses. (R. p. 14; pp. 227-228). Additionally, the solicitor noted Appellant's case was originally scheduled for trial in May of 2013 but did not go forward because Appellant attempted to fire the attorney representing him at that time directly before the trial began. (R. p. 14). Furthermore, the solicitor noted Appellant had a total of three different attorneys representing him at various points in the proceedings before his latest defense counsel, who was the fourth defense attorney involved in the case, began representing him in November of 2013. (R. pp. 14-15).

In seeking that relief, defense counsel noted the search warrant affidavit contained at least one error, asserted there was nothing inherently suspicious about riding a bicycle, and contended the "only real substance" to the officers' surveillance was their observation of what appeared to be a hand-to-hand drug transaction between Appellant and another individual. (R. pp. 44-45). In rebuttal, the solicitor asserted the search warrant affidavit correctly identified the address of Appellant's residence numerous times and only incorrectly listed an unrelated address a single time due to a scrivener's error. (R. pp. 45-46). The solicitor further argued the information contained in the affidavit, including the information about the observed hand-to-hand drug transaction, established a probable cause basis supporting the issuance of the search warrant. (R. pp. 46-47). After listening to the solicitor's argument on the issue, defense counsel asserted to the trial judge he hated "to have to agree with my colleague[.]" (R. p. 47). The trial judge then denied the in limine suppression motion, explaining:

> Based on the totality of the circumstances, it's clear that the reference to the [entirely unrelated Charleston address] was a scrivener's error. The correct address, 31 Woodleaf [Court], is referenced several times in here, and that was obviously just a scrivener's error.
>
> The totality of the circumstances is that they had a reason to be observing [Appellant], the defendant's house. They witnessed – or they – based on tips that he had been drug dealing, et cetera, that's what got them to observe that house. They then witnessed at least one transaction, possibly two, on drugs. One was the bicycle, but, more importantly, the one was the one with the car.
>
> They then stopped that person in driving the car who said yes, I bought drugs just a short time before from the defendant. That gets the search warrant and gives them information that is sufficient to rise to the level of probable cause to issue the warrant, so the search warrant is valid.

(R. pp. 48-49).

Following the trial judge's ruling, the trial proceeded forward, and Detective Jennifer Habbestad of the Charleston Police Department testified first for the prosecution. (R. p. 53). During her testimony, Detective Habbestad indicated she was involved in the search of Appellant's home on June 3, 2011, received the items discovered during the search from other officers, packaged the items appropriately into bags, transported those items to a secure evidence locker once the search was completed, and secured them in the locker. (R. pp. 53-58; p. 63; p. 65; p. 67).

Thereafter, Randall Unterbrink, a crime scene technician with the Charleston Police Department, testified for the State and stated he recovered the gun found during the search of the residence. (R. pp. 68-70). The gun was then admitted into evidence without objection after Unterbrink confirmed it was the same gun he recovered during the search and was in substantially unchanged condition. (R. pp. 71-72).

Following Unterbrink's testimony, Sergeant Ratliffe testified about the investigation into Appellant's drug activity and the search of Appellant's home. (R. pp. 81-82). Specifically, Sergeant Ratliffe stated he observed a hand-to-hand drug transaction involving Appellant on June 3, 2011, and obtained a search warrant for Appellant's home. (R. pp. 81-82; p. 84; p. 111). After that, Sergeant Ratliffe indicated he and other officers searched the residence and located cocaine, marijuana, a stolen gun, multiple digital scales, and other items, including mail addressed to Appellant, in Appellant's upstairs bedroom.[4] (R. pp. 86-90; p. 99; p. 104).

Subsequent to that testimony, Mitchell testified about her analysis of the drugs recovered during the search of Appellant's residence and stated she received the drugs

[4] During his testimony, Sergeant Ratliffe indicated Appellant's parents' bedroom was located downstairs in the home while Appellant's bedroom was located upstairs. (R. p. 87; p. 105). In identifying the upstairs bedroom as Appellant's bedroom, Sergeant Ratliffe noted it contained multiple items linked to Appellant, including a bank statement addressed to Appellant at 31 Woodleaf Court. (R. pp. 87-88; p. 104).

from an evidence technician at the Charleston Police Department before conducting her analysis. (R. pp. 116-117; p. 120). Mitchell then presented the results of her analysis to the jury and confirmed the substances recovered during the search were cocaine and marijuana. (R. pp. 131-132).

Following Mitchell's testimony, both Investigator Sumner and Officer William Olson of the Charleston Police Department testified about their roles in the search of Appellant's home and the items they found during the search, which included the bags of marijuana and cocaine. (R. pp. 134-136; pp. 145-147). Additionally, both officers confirmed they collected the evidence they discovered during the search and turned it over to Detective Habbestad. (R. pp. 136-137; pp. 147-148). During Officer Olson's testimony, the solicitor moved to admit into evidence the digital scales, ledger, plastic bags, and letters discovered by the officer, and that evidence was admitted without objection after the officer confirmed those items were the same items he collected and were all in substantially unchanged condition. (R. pp. 137-138). Likewise, during Investigator Sumner's testimony, the solicitor moved to admit into evidence the criminal procedure book the officer discovered in Appellant's bedroom, and the book was admitted without objection after the officer confirmed it was the same book he found and was in substantially unchanged condition. (R. p. 148).

Subsequently, Linda Wilson, an evidence technician at the Charleston Police Department, testified she personally retrieved the evidence Detective Habbestad secured in the evidence locker following the search of Appellant's residence and then secured it in an evidence control room. (R. pp. 153-154). After that, Wilson indicated the drugs remained secured until they were retrieved by Mitchell for analysis. (R. p. 155). The solicitor then moved for the cocaine and marijuana to be admitted into evidence, and

defense counsel responded: "Your Honor, they've linked the chain." (R. p. 155). The trial judge then admitted the drugs into evidence without objection. (R. p. 155).

Thereafter, the State rested its case, and defense counsel moved for a directed verdict on all of the charges. (R. pp. 175-176). In support of that motion, defense counsel asserted the solicitor failed to "make out a prima facie case" in regard to the drug charges, the solicitor only presented evidence of constructive possession at best in regard to the possession of a weapon during the commission of a violent crime charge, and the solicitor presented no evidence establishing the knowledge required to prove Appellant's guilt for the possession of a stolen pistol charge. (R. p. 176). In rebuttal, the solicitor argued the evidence presented during trial was sufficient to establish Appellant's guilt for each of the indicted offenses. (R. pp. 177-178). After considering those arguments, the trial judge granted the directed verdict motion on the stolen pistol charge and denied the motion on the remaining charges. (R. p. 179).

Subsequently, at the conclusion of trial, the jury convicted Appellant of trafficking in cocaine, possession of marijuana with intent to distribute, and possession of a firearm during the commission of a violent crime. (R. pp. 217-218). Following the verdict, Appellant personally raised a number of complaints to the trial judge and argued the chain of custody presented in his case was insufficient because no sworn affidavits or physical proof of the chain of custody had been introduced. (R. pp. 221-224). The trial judge then sentenced Appellant to an aggregate term of imprisonment of twenty years. (R. pp. 230-231).

ARGUMENT

I.

Appellant's issue regarding the admission of the incriminating evidence discovered during the search of his residence was not properly preserved for appellate review because defense counsel only objected to the admission of that evidence through a pre-trial suppression motion, did not renew that motion or raise any other objections when the incriminating evidence was offered into evidence, and expressly waived any objection he had to the incriminating evidence through his statements to the trial judge during trial. However, regardless of any issue preservation concerns, the trial judge committed no error in denying defense counsel's suppression motion because the information contained in the search warrant affidavit provided the magistrate who issued the search warrant with a substantial basis upon with he could conclude there was a fair probability drugs and other incriminating evidence would be found at Appellant's residence.

Appellant contends the trial judge erred in admitting the marijuana, cocaine, and other incriminating evidence discovered after officers searched his residence. In support of that contention, Appellant maintains the search warrant authorizing the search of his residence was invalid because the information contained in the accompanying affidavit was not sufficient to provide the magistrate with a substantial basis upon which he could find the existence of probable cause. Initially, Appellant's issue with the admission of the incriminating evidence was not properly preserved for appellate review. Critically, in Appellant's case, defense counsel moved for the evidence to be suppressed during a pre-trial hearing, and the trial judge issued an in limine ruling denying that motion. Thereafter, during trial, the incriminating evidence was not offered into evidence directly after the trial judge issued his preliminary ruling, and, when it was introduced, defense counsel did not renew his pre-trial motion or raise any other objections to that evidence even though he was required to do so in order to preserve an objection to the evidence's admission under the circumstances. Instead, at that time, defense counsel expressly waived his earlier objection by stating he had no objection to the majority of the evidence

and by assuring the trial judge the solicitor had completed the steps necessary to admit the marijuana and cocaine. As a result, Appellant's issue with the admission of the incriminating evidence cannot properly be raised or addressed on appeal. However, even if the issue was somehow preserved for appellate review, the trial judge properly denied Appellant's suppression motion because Sergeant Ratliffe's search warrant affidavit contained sufficient information to establish a substantial basis upon which the magistrate could conclude probable cause existed for a search of Appellant's home. Accordingly, Appellant's convictions should be affirmed.

A. Issue Preservation

In order for an issue to properly be preserved for appellate review, the issue must be: (1) raised to and ruled upon by the trial court; (2) raised by the appellant; (3) raised in a timely manner; and (4) raised to the trial court with sufficient specificity. State v. Rogers, 361 S.C. 178, 183, 603 S.E.2d 910, 912-913 (Ct. App. 2004); see JEAN HOEFER TOAL ET AL., APPELLATE PRACTICE IN SOUTH CAROLINA 57 (2nd ed. 2002) (identifying the four requirements that must be met in order for an issue to be properly preserved for appellate review). "Imposing this preservation requirement on the appellant is meant to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments." I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000).

Generally, a motion in limine seeks a pre-trial evidentiary ruling to prevent the disclosure of potentially prejudicial evidence to the jury, and a ruling on such a motion is preliminary, subject to change based on developments during trial, and not a final ruling on the admissibility of the challenged evidence. State v. Smith, 337 S.C. 27, 32, 522 S.E.2d 598, 600 (1999); see State v. Simpson, 325 S.C. 37, 42, 479 S.E.2d 57, 60 (1996)

("A ruling in limine is not a final ruling on the admissibility of evidence."). As a result, even if a pre-trial objection has been raised, a defendant must object at the time evidence is introduced during trial in order to preserve an issue with the evidence's admission for appellate review. State v. Schumpert, 312 S.C. 502, 507, 435 S.E.2d 859, 862 (1993); see State v. Griffin, 339 S.C. 74, 77, 528 S.E.2d 668, 669 (2000) ("[A]n in limine ruling is not final and does not preserve the issue for appeal."). "However, where a judge makes a ruling on the admission of evidence on the record **immediately prior to** the introduction of the evidence in question, the aggrieved party does not need to renew the objection." State v. Forrester, 343 S.C. 637, 642, 541 S.E.2d 837, 840 (2001) (emphasis added). "This exception is based on the fact that when the trial court's ruling is not preliminary, but instead is clearly a final ruling, there is no need to renew the objection." State v. Wiles, 383 S.C. 151, 156-157, 679 S.E.2d 172, 175 (2009).

In the case sub judice, defense counsel raised a pre-trial motion in limine seeking for the evidence discovered in the search of Appellant's home to be suppressed, and the trial judge issued a preliminary ruling denying Appellant's motion at the conclusion of a pre-trial hearing on the matter. Thereafter, during trial, the solicitor moved to admit the cocaine, marijuana, and other incriminating evidence discovered during the search of Appellant's home through various witnesses – none of whom were the first to testify. Each time the solicitor did so, defense counsel did **not** renew his pre-trial suppression motion and did **not** raise any other objections to the admission of that evidence. Instead, defense counsel directly stated he had no objection to the majority of the evidence and assured the trial judge the solicitor had satisfied the chain of custody requirements in regard to the marijuana and cocaine when the drugs were offered into evidence. Thus, in Appellant's case, the only objection raised to the admission of the incriminating evidence

discovered during the search of Appellant's residence was raised through a pre-trial motion in limine, the trial judge only ruled on the admissibility of that evidence in a preliminary fashion at the conclusion of a pre-trial in limine hearing, and defense counsel expressly waived any objection he had to the evidence when it was introduced during trial.

Because the trial judge's in limine ruling did not constitute a final ruling on the admissibility of the incriminating evidence and the incriminating evidence was not admitted immediately after the trial judge issued his preliminary ruling on the matter, defense counsel was required to renew his pre-trial suppression motion and contemporaneously object to the admission of the incriminating evidence during trial in order to preserve any issue with the admission of that evidence for appellate review. See State v. Atieh, 397 S.C. 641, 646, 725 S.E.2d 730, 733 (Ct. App. 2012) ("A ruling in limine is not final; unless an objection is made at the time the evidence is offered and a final ruling procured, the issue is not preserved for review."). However, defense counsel did **not** do so and, instead, either directly indicated he had no objection to the evidence or assured the trial judge the solicitor had completed the steps necessary to admit the evidence.[5] See Burke v. AnMed Health, 393 S.C. 48, 55, 710 S.E.2d 84, 88 (Ct. App. 2011) ("When a party states to the trial court that it has no objection to the introduction of evidence, even though the party previously made a motion to exclude the evidence, the issue raised in the previous motion is not preserved for appellate review."); State v. Dicapua, 373 S.C. 452, 455, 646 S.E.2d 150, 152 (Ct. App. 2007) ("Dicapua's sole

[5] Notably, defense counsel appeared to concede during the in limine hearing his suppression motion was meritless by instructing the trial judge he hated to agree with the solicitor after the solicitor identified the reasons she believed defense counsel's motion should be denied, which likely explains why defense counsel elected not to renew his suppression motion during trial. See State v. Bryant, 372 S.C. 305, 315-316, 642 S.E.2d 582, 588 (2007) (recognizing an issue conceded during trial cannot subsequently be argued on appeal).

objection to the videotape came in the form of a motion in limine to suppress the videotape because of its lack of audio. Once the State moved to enter the videotape into evidence and publish it to the jury, however, Dicapua's counsel specifically stated he had 'no objection.' We find this amounted to a waiver of any issue Dicapua had with the videotape."); see also State v. Stokes, 339 S.C. 154, 163, 528 S.E.2d 430, 434 (Ct. App. 2000) ("[T]he record reflects that this issue was only raised and ruled on in limine. Stokes never raised the issue again at any time during the trial. Merely raising an argument in limine does not preserve the issue for appellate review."). Accordingly, Appellant's issue in regard to the admission of the marijuana, cocaine, and other incriminating evidence was not properly preserved for appellate review and cannot properly be raised or addressed on appeal. See State v. Head, 330 S.C. 79, 87, 498 S.E.2d 389, 393 (Ct. App. 1997) (instructing an appellate court "cannot address unpreserved errors"). Appellant's convictions should be affirmed.

B. Propriety of the Search Warrant

The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. "The touchstone of the Fourth Amendment is reasonableness." Florida v. Jimeno, 500 U.S. 248, 250 (1991). Thus, only unreasonable searches and seizures are prohibited. State v. Foster, 269 S.C. 373, 378, 237 S.E.2d 589, 591 (1977); see Maryland v. Buie, 494 U.S. 325, 331 (1990) ("It goes without saying that the Fourth Amendment bars only unreasonable searches and seizures[.]").

Generally, in order for a search to be reasonable under the Fourth Amendment, a law enforcement officer must obtain a search warrant prior to conducting the search. Robinson v. State, 407 S.C. 169, 185, 754 S.E.2d 862, 870 (2014). In South Carolina, an

officer seeking to obtain a search warrant must present a sworn affidavit to a judge presenting grounds sufficient to establish probable cause in order to justify the issuance of the warrant. State v. Bellamy, 336 S.C. 140, 143, 519 S.E.2d 347, 348-349 (1999); see S.C. Code Ann. § 17-13-140 ("A warrant issued hereunder shall be issued only upon affidavit sworn to before the magistrate, municipal judicial officer, or judge of a court of record establishing the grounds for the warrant."); see also Illinois v. Gates, 462 U.S. 213, 238 (1983) (identifying probable cause as "a fair probability that contraband or evidence of a crime will be found"). In State v. Williams, 262 S.C. 186, 189, 203 S.E.2d 436, 437-438 (1974), the South Carolina Supreme Court explained probable cause as it relates to the issuance of a search warrant:

> In order to justify the issuance of a search warrant, probable cause must be shown, but the term 'probable cause' does not import absolute certainty. In determining whether there is sufficient evidence to sustain a finding of probable cause, each case stands on its own facts. The evidence need not be sufficient to support a conviction, or a verdict of guilty, or to establish guilt beyond a reasonable doubt; nor need the proof be positive, it being enough if it is such as to induce in the mind of the issuing officer an honest belief that the facts set forth exist, or as would lead a man of prudence to believe that the offense has been committed.

(citing State v. Bennett, 256 S.C. 234, 182 S.E.2d 291 (1971)).

In deciding whether to issue a search warrant, the issuing judge must "make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the 'veracity' and 'basis of knowledge' of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place." Gates, 462 U.S. at 238. In making the probable cause determination, "[issuing judges] are concerned with probabilities and not certainties." State v. Sullivan, 267 S.C. 610, 617, 230 S.E.2d 621, 624 (1976). Furthermore, the issuing judge must view the warrant affidavit in a common-sense and

realistic fashion and give consideration to the fact such affidavits are typically prepared by non-lawyers in the haste of criminal investigations. State v. Arnold, 319 S.C. 256, 260, 460 S.E.2d 403, 405 (Ct. App. 1995); see United States v. Ventresca, 380 U.S. 102, 108 (1965) ("Technical requirements of elaborate specificity once exacted under common law pleadings have no proper place [when evaluating the sufficiency of search warrant affidavits].").

When reviewing a decision to issue a search warrant, a reviewing court should decide whether the issuing judge had a substantial basis for concluding probable cause existed. State v. Dupree, 354 S.C. 676, 683, 583 S.E.2d 437, 441 (Ct. App. 2003). Applying the same standard as the issuing judge, the court should base its determination on the totality of circumstances and afford great deference to the issuing judge's probable cause determination. State v. Keith, 356 S.C. 219, 223, 588 S.E.2d 145, 147 (Ct. App. 2003). Significantly, "[s]earches based on warrants will be given judicial deference to the extent that an otherwise marginal search may be justified if it meets a realistic standard of probable cause." Dupree, 354 S.C. at 683-684, 583 S.E.2d at 441; see Ventresca, 380 U.S. at 106 ("[I]n a doubtful or marginal case a search under a warrant may be sustainable where without one it would fall."). "Suppression is appropriate in only a few situations, including when an affidavit is 'so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable.' " State v. Weston, 329 S.C. 287, 293, 494 S.E.2d 801, 804 (1997) (quoting United States v. Leon, 468 U.S. 897, 923 (1984)).

Recently, in State v. Kinloch, 410 S.C. 612, 613-614, 767 S.E.2d 153, 153-154 (2014), the South Carolina Supreme Court considered whether the information contained in a search warrant affidavit was sufficient to establish a probable cause basis for the

search of a residence. In that case, the officer who sought the search warrant included the following details in the search warrant affidavit: (1) officers conducted surveillance of a particular residence after receiving numerous tips about drug transactions taking place at that location; (2) during their surveillance, officers saw a man in a red shirt leave the residence and engage in hand-to-hand transactions with other individuals while a man in a black jacket stood nearby; (3) officers observed the man in the red shirt count money after the transactions; (4) later on, officers saw the man in the black jacket approach another individual and exchange a plastic bag for money; and (5) after that, officers approached the person who made the exchange with the man in the black jacket and recovered a plastic bag containing heroin when it was dropped to the ground. Id. at 614-615, 767 S.E.2d at 154. Based on those facts, the magistrate issued a search warrant for the targeted residence, drugs and other incriminating evidence were discovered during the ensuing search, and Kinloch subsequently successfully moved to suppress that evidence during trial. Id. Thereafter, the State appealed, and the Court of Appeals affirmed the trial judge's ruling. Id. at 614, 767 S.E.2d at 155. Ultimately though, the Supreme Court granted certiorari and reversed. Id. at 618, 767 S.E.2d at 156. In reversing, the Supreme Court concluded the search warrant affidavit provided the magistrate with a substantial basis for reaching his probable cause determination based on the information contained within it regarding the numerous tips received by the officers and the officers' subsequent observation of "seemingly drug-related behavior." Id. at 618, 767 S.E.2d at 156.

In the case at bar, the information included in the search warrant affidavit established the officers – much like the officers in Kinloch – had received numerous tips in regard to drug activity taking place at 31 Woodleaf Court. See id. (finding the receipt of numerous tips regarding drug activity to be relevant under the totality of the

circumstances towards establishing a probable cause basis for a search). Additionally, the information in the search warrant affidavit established the officers – much like the officers in Kinloch – corroborated those tips by conducting surveillance and observing Appellant engaged in what appeared to be drug transactions to the trained and skilled officers. See id. (finding a substantial basis for probable cause existed where the officers observed "**seemingly** drug-related behavior" (emphasis added)); State v. Adams, 291 S.C. 132, 134, 352 S.E.2d 483, 485 (1987) ("[T]he evidence of a contemporaneous drug deal cited in the warrant's supporting affidavit was a sufficient basis for the determination of probable cause under the totality of the circumstances."); see also United States v. Cortez, 449 U.S. 411, 418 (1981) ("[A] trained officer draws inferences and makes deductions – inferences and deductions that might well elude an untrained person."). Furthermore, the information in the search warrant affidavit established the officers stopped the driver of a vehicle who had just engaged in a hand-to-hand transaction with Appellant, discovered marijuana and cocaine during that stop, and were informed by the driver he had just purchased the drugs from Appellant at 31 Woodleaf Court.[6] See Keith, 356 S.C. at 224, 588 S.E.2d at 147 ("We find the portion of the

[6] In arguing the trial judge erred in denying the suppression motion, Appellant contends the discovery of drugs in the possession of the driver who had just been observed engaging in the transaction with Appellant did not establish probable cause because the officers did not search the driver and his vehicle before the driver met with Appellant. Appellant further contends the driver's incriminating admission to the officers did not establish probable cause because no evidence was presented in regard to the driver's reliability. Contrary to Appellant's contentions, the officers' failure to search the driver and his vehicle before the driver met with Appellant did not eliminate the probable cause basis for the search because the probable cause standard does **not** require officers to exclude every possibility a suspect could be engaged in innocent behavior before they can obtain a search warrant. See Gates, 462 U.S. at 243 (finding probable cause existed under the totality of the circumstances even though those circumstances were as suggestive "of an ordinary vacation trip" as they were of Gates' involvement in drug activity); see also Texas v. Brown, 460 U.S. 730, 741 (1983) (instructing probable cause is a flexible, common-sense standard); Ventresca, 380 U.S. at 107 (instructing probable cause "means less than evidence which would justify condemnation" (citation and internal quotations omitted)). Likewise, the driver's admission he had just purchased the marijuana and cocaine from Appellant was particularly significant towards establishing probable cause – and was inherently reliable – in light of the fact that admission was decidedly against the driver's penal interests since it constituted powerful evidence he was guilty of illegally possessing marijuana and cocaine.

affidavit related to the investigative surveillance, stop, and seizure of illegal drugs from Keith's car standing along sets forth sufficient information to support a probable cause finding in this case."); see also State v. Jenkins, 790 So. 2d 626, 627 (La. 2001) (holding a search warrant authorizing a search of a residence was properly issued and supported by probable cause where the investigating officers included information in the search warrant affidavit establishing they observed what appeared to be a hand-to-hand transaction take place on the porch of the targeted residence, they stopped a person involved in the transaction after that person left the residence, and they seized a plastic bag containing vegetable matter from that person).

Based on the information contained in the search warrant affidavit, the magistrate reasonably concluded – and had a substantial basis to conclude – there was a fair probability drugs and other incriminating evidence would be found at Appellant's residence. See Kinloch, 410 S.C. at 618, 767 S.E.2d at 156 ("We find based on these facts that the Court of Appeals erred in affirming the circuit court's suppression ruling as the magistrate had a substantial basis for reaching his probable cause determination."); cf. United States v. Rose, 321 F. App'x 324, 326-327 (4th Cir. 2009) (finding probable cause for the issuance of a search warrant existed where officers conducted surveillance at the targeted residence, observed traffic consistent with drug activity there, stopped an individual who left the residence shortly after arriving, and were advised by the individual he had just purchased crack cocaine from the residence). As a result, the magistrate was justified in issuing the search warrant for Appellant's residence, and the

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See United States v. Harris, 403 U.S. 573, 583-584 (1971) ("People do not lightly admit to a crime and place critical evidence in the hands of the police in the form of their own admissions. Admissions of crime, like admissions against proprietary interests, carry their own indicia of credibility – sufficient at least to support a finding of probable cause to search."); see also State v. Driggers, 322 S.C. 506, 514, 473 S.E.2d 57, 61 (Ct. App. 1996) ("Klepp-Egge . . . acted against his best interests by providing the police with information that possibly linked him to the crime.").

trial judge correctly denied Appellant's motion to suppress the evidence discovered during the search of the residence.[7] See Dupree, 354 S.C. at 691, 593 S.E.2d at 445 ("The magistrate had ample probable cause to issue the warrant. Given all the circumstances set forth in the affidavit, there was a 'fair probability' that crack cocaine would be found in the mobile home."); see also Gates, 462 U.S. at 238 ("The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the 'veracity' and 'basis of knowledge' of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place."). Appellant's convictions should be affirmed.

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[7] In seeking a reversal of his convictions, Appellant contends on appeal the warrant was invalid due to the fact an unrelated address was referenced a single time in the search warrant affidavit. In making that assertion, Appellant maintains – without explanation – the single reference to the unrelated address was "more" than a scrivener's error. To the contrary, the trial judge correctly concluded the single reference to the unrelated address was merely a scrivener's error in light of Sergeant Ratliffe's testimony about how the error occurred coupled with the fact 31 Woodleaf Court was the focus of the officers' investigation and was correctly identified as the location to be searched numerous times in the search warrant and the accompanying affidavit. See United States v. Moore, 119 F. App'x 438, 440 (4th Cir. 2004) ("In this case, it was clear to the officers that they were to search Moore's residence and that he resided at 401A Meredith Avenue. The application for the search warrant and the affidavit in support of the application inadvertently mentioned 401A Mendota Avenue, a similar sounding address; however, the majority of the references in these documents were to the correct address: 401A Meredith Avenue. Furthermore, the warrant clearly concerned the illegal activities of a particular individual, Moore, and the officers knew that he resided at 401A Meredith Avenue and had been investigating Moore's drug dealing at that address. We find that under the facts of this case, the technical error in the search warrant did not invalidate the warrant or the evidence seized when the warrant was executed."); see also United States v. Snyder, 471 F. App'x 884, 885 (11th Cir. 2012) ("Although the affidavit mentioned '1942 Queen City Avenue' once, it provided detailed directions to 1924 Queen City Avenue and provided a clear description of that house, including that it had the number '1924' by the front door. Construing these facts in the light most favorable to the government, we see no clear error in the district court's determination that the affidavit's singular reference to '1942 Queen City Avenue' was a typographical error."). Because the inclusion of the unrelated address was merely a scrivener's error, the search warrant issued in Appellant's case was in no way rendered invalid by that error. See State v. Herring, 387 S.C. 201, 213, 693 S.E.2d 490, 496 (2009) (holding a search warrant was valid despite the fact the search warrant affidavit contained a mistake in the search warrant affidavit); State v. Shupper, 263 S.C. 53, 57-58, 207 S.E.2d 799, 800-801 (1974) (finding a mere typographical error in a search warrant did not affect the validity of that warrant); see also United States v. Waker, 534 F.3d 168, 172 (2nd Cir. 2008) ("[W]e join with our sister Circuits in finding that minor clerical errors are not fatal to a search warrant.").

II.

The trial judge properly denied Appellant's directed verdict motion as to the trafficking in cocaine and possession of marijuana with intent to distribute charges because the evidence and testimony presented during trial, including the evidence and testimony demonstrating the drugs and other incriminating evidence were discovered in Appellant's bedroom after Appellant was observed participating in a hand-to-hand drug transaction, established Appellant's guilt for each and every element of the indicted offenses and supported a rational and logical conclusion Appellant was in constructive possession of the marijuana and cocaine located in his bedroom.

Appellant contends the trial judge erred in denying his directed verdict motion as to the trafficking in cocaine and possession of marijuana with intent to distribute charges. In support of that contention, Appellant maintains the evidence was insufficient to establish he had either knowledge of the drugs or the right to exercise dominion and control over the drugs and, thus, could not support a conclusion he was in constructive possession of the cocaine and marijuana found during the search of the residence located at 31 Woodleaf Court. To the contrary, evidence and testimony was presented during Appellant's trial establishing marijuana, over fifty grams of cocaine, and other incriminating items were located in Appellant's bedroom in close proximity to Appellant's personal effects after Appellant, who was found to be in possession of a substantial quantity of cash at the time of his arrest, was observed participating in a hand-to-hand drug transaction. Based on that evidence and testimony, the jury could logically and rationally find Appellant was in constructive possession of the marijuana and cocaine located during the search and was guilty of each and every element of the indicted offenses. Accordingly, the trial judge properly denied Appellant's directed verdict motion and submitted the case to the jury. Appellant's convictions should be affirmed.

When presented with a motion for a directed verdict, the trial judge is concerned with the existence or non-existence of evidence and not its weight. State v. Long, 325

S.C. 59, 62, 480 S.E.2d 62, 63 (1997). The trial judge should deny a directed verdict motion and submit the case to the jury if there is any substantial evidence reasonably tending to prove the guilt of the accused or from which guilt may be fairly or logically deduced. State v. Robinson, 310 S.C. 535, 538, 426 S.E.2d 317, 319 (1992); see State v. Littlejohn, 228 S.C. 324, 329, 89 S.E.2d 924, 926 (1955) ("[O]n a motion for direction of verdict, the trial judge is concerned with the existence or non-existence of evidence, not with its weight; and, although he should not refuse to grant the motion where the evidence merely raises a suspicion that the accused is guilty, it is his duty to submit the case to the jury if there be any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced."); see also Crawford v. United States, 375 F.2d 332, 334 (D.C. Cir. 1967) ("The jury question of whether there was proof of guilt beyond a reasonable doubt presents a stricter or higher standard than the trial court's consideration of whether there is sufficient evidence to allow the jury to find guilt beyond a reasonable doubt, and it rests in the unreviewable ratiocinations of twelve reasonable persons whose deliberations are protected by the highest security.").

On appeal from the denial of a directed verdict, the appellate court must view the evidence and all reasonable inferences in the light most favorable to the State. State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006). If there is **any** direct evidence or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, the appellate court must affirm the trial judge's ruling. State v. Cherry, 361 S.C. 588, 593-594, 606 S.E.2d 475, 478 (2004). The appellate court may only reverse the trial judge's denial of a directed verdict motion if there is no evidence supporting the trial judge's ruling. State v. Gaster, 349 S.C. 545, 555, 564 S.E.2d 87, 92 (2002). "[U]nless

there is a total failure of evidence tending to establish the charge laid in the indictment, the trial judge's ruling upon a motion for a directed verdict must stand absent an error of law." State v. Nix, 288 S.C. 492, 496, 343 S.E.2d 627, 629 (Ct. App. 1986); see also Crawford, 375 F.2d at 334 ("It is not the function of appellate judges to weigh the evidence and decide that if they had doubts other reasonable persons were compelled to have the same doubts. If that were the test the jury of twelve would be relegated to the very low grade function of secondary fact finders.").

In South Carolina, it is illegal to traffic in cocaine and possess marijuana with intent to distribute. See S.C. Code Ann. § 44-53-370 (prohibiting – amongst other things – possession of marijuana with intent to distribute and trafficking in cocaine). In order to prove a defendant's guilt for trafficking in cocaine and possession of marijuana with intent to distribute, it is generally necessary for the State to present evidence establishing the defendant was in possession of those controlled substances and had knowledge of the presence of the drugs.[8] Id.; see State v. Halyard, 274 S.C. 397, 400, 264 S.E.2d 841, 842 (1980) ("[A] conviction for possession of contraband drugs requires proof of actual or constructive possession, coupled with knowledge of the presence of the drugs.")

Possession of a controlled substance may be either actual or constructive. State v. Mollison, 319 S.C. 41, 45, 459 S.E.2d 88, 91 (Ct. App. 1995). An individual is considered to be in actual possession of drugs "when the drugs are found to be in the

[8] Although proof of possession is generally necessary to establish a defendant's guilt for a drug offense in South Carolina, trafficking can be established **without** proof of possession through evidence establishing the defendant provided financial assistance to another or otherwise aided, abetted, attempted, or conspired "to sell, manufacture, cultivate, deliver, purchase, or bring into this State" a certain amount of a controlled substance. See S.C. Code Ann. § 44-53-370(e) (explaining "[a]ny person who knowingly sells, manufactures, cultivates, delivers, purchases, or brings into this State, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, cultivate, deliver, purchase, or bring into this State, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of" certain amounts of controlled substances is guilty of trafficking in a controlled substance).

actual physical custody of the person." Id. Likewise, an individual is considered to be in constructive possession of drugs "when the person charged with possession has dominion and control over either the drugs or the premises upon which the drugs were found." Id.; see State v. Stanley, 365 S.C. 24, 42-43, 615 S.E.2d 455, 464 (Ct. App. 2005) ("In order to prove constructive possession, the State must show the defendant had dominion and control, or the right to exercise dominion and control, over either the drugs or the premises upon which the drugs are found."). Significantly, possession of a controlled substance may be simultaneously shared by more than one person. Halyard, 274 S.C. at 400, 264 S.E.2d at 842.

In establishing possession of a controlled substance, the State can meet its burden of proof through the presentation of either circumstantial evidence, direct evidence, or a combination of the two. Stanley, 365 S.C. at 43, 615 S.E.2d at 464-465; see State v. Kimbrell, 294 S.C. 51, 54, 362 S.E.2d 630, 631 (1987) ("Possession may be inferred from circumstances."). "When contraband materials are found on premises under the control of the accused, this fact in and of itself gives rise to an inference of knowledge and possession which may be sufficient to carry the case to the jury." State v. Hudson, 277 S.C. 200, 203, 284 S.E.2d 773, 775 (1981). Furthermore, possession of a controlled substance can be inferred from the circumstances of a particular case and can be imputed to a person with both the power and intent to control the disposition and use of the drugs. State v. Brown, 319 S.C. 400, 404, 461 S.E.2d 828, 830 (Ct. App. 1995); see State v. Hernandez, 382 S.C. 620, 624, 677 S.E.2d 603, 605 (2009) ("In drug cases, the element of knowledge is seldom established through direct evidence, but may be proven circumstantially. Knowledge can be proven by evidence of acts, declarations, or conduct of the accused from which the inference may be drawn that the accused knew of the

existence of the prohibited substances." (citations omitted)); see also Kimbrell, 294 S.C. at 54, 362 S.E.2d at 631 ("Because actual knowledge of the presence of the drug is strong evidence of intent to control its disposition or use, knowledge may be equated with or substituted for the intent element.").

In Appellant's case, evidence was presented establishing individually-packaged quantities of marijuana and cocaine were discovered hidden in a bedroom identified as Appellant's bedroom in a home identified as Appellant's home in close proximity to digital scales, multiple cellular phones, a firearm, and a criminal procedure guide for narcotics officers. See United States v. Shorter, 328 F.3d 167, 172 (4th Cir. 2003) ("[T]he fact that the firearms and marijuana were found in Shorter's home permits an inference of constructive possession."); see also United States v. Morris, 977 F.2d 617, 620 (D.C. Cir. 1992) (recognizing "[t]he inference that a person who occupies [a home] has dominion and control over its contents applies even when that person shares the premises with others"). Likewise, testimony was presented establishing Appellant's personal bank statement was discovered in the same bedroom as the drugs along with photographs of Appellant and his children, and the bank statement specifically identified the address of the residence where the drugs were found as Appellant's address. See Shorter, 328 F.3d at 171 (finding sufficient evidence was presented to link Shorter to an apartment where drugs were found based on the presentation of testimony establishing various documents with Shorter's name on them were discovered in a bedroom in the apartment); see also United States v. Surratt, 172 F.3d 559, 564 (8th Cir. 1999) (holding the presence of photographs and rent receipts established Surratt had dominion over the premises where contraband was found). Additionally, testimony was presented establishing Sergeant Ratliff directly observed Appellant, who had approximately $1,500

in cash in his pockets at the time of his arrest, personally engage in a hand-to-hand drug transaction shortly before the officer obtained the search warrant for Appellant's home and conducted the search of Appellant's home that led to the discovery of roughly nine grams of marijuana, fifty-seven grams of cocaine, and other incriminating evidence. See Whitfield v. State, 217 Ga. App. 402, 405, 457 S.E.2d 682, 685 (Ct. App. 1995) (holding sufficient evidence was presented to establish Whitfield was in constructive possession of drugs found in the toilet of a residence he lived in with other occupants where testimony was presented establishing Whifield had earlier engaged in a drug transaction and had a large quantity of cash on his person at the time of his arrest); see also Hernandez, 382 S.C. at 624, 677 S.E.2d at 605 (recognizing knowledge of drugs can be established by the presentation of evidence regarding the acts and conduct of the accused that support an inference the accused knew of the existence of the drugs).

Because the evidence and testimony supported a conclusion the drugs were found in Appellant's own bedroom in Appellant's own home, the jury could have rationally and logically found Appellant had the right to exercise dominion and control over the drugs. See Hudson, 277 S.C. at 203, 284 S.E.2d at 775 ("When contraband materials are found on premises under the control of the accused, this fact in and of itself gives rise to an inference of knowledge and possession which may be sufficient to carry the case to the jury."). Moreover, the testimony establishing Appellant had recently engaged in a hand-to-hand drug transaction and was in possession of a substantial quantity of cash at the time of his arrest supported a rational and logical inference Appellant was engaged in the distribution of drugs and, thus, had knowledge of the drugs hidden in his bedroom along with the intent to control the distribution of those drugs. See State v. Goldsmith, 301 S.C. 463, 466, 392 S.E.2d 787, 788 (1990) ("Actual knowledge of the presence of

contraband is strong evidence of intent to control its disposition or use."). Accordingly, the evidence was sufficient to establish Appellant was in constructive possession of the marijuana and cocaine found in his bedroom and was guilty of the indicted offenses of trafficking in cocaine and possession of marijuana with intent to distribute. As a result, the trial judge properly denied Appellant's directed verdict motion and submitted the case to the jury.[9] See State v. Bowers, 301 S.C. 457, 461, 392 S.E.2d 482, 485 (Ct. App. 1990) (finding the evidence presented during trial was sufficient to survive a directed verdict motion and create a jury question as to whether Bowers was in either actual or constructive possession of drugs despite the fact the evidence against Bowers was circumstantial). Appellant's convictions should be affirmed.

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[9] In arguing on appeal the evidence presented during trial was insufficient to establish he was in constructive possession of the drugs located in his home, Appellant maintains no evidence was presented demonstrating he owned the home, had the right to control the home, or had any knowledge of the drugs found inside of the home. Importantly though, ownership of a premises where drugs are found is **not** required before an individual can be found to have had the right and ability to exercise dominion and control over the premises or the drugs that were found in the search of the premises. See Halyard, 274 S.C. at 400, 264 S.E.2d at 842 (finding sufficient evidence was presented to establish Halyard was in constructive possession of a shotgun located under the driver's seat of a vehicle Halyard was riding in as a passenger); see also United States v. Griffin, 175 F. App'x 627, 628 (4th Cir. 2006) ("[C]onstrutive possession does not require proof that the defendant actually owned the property on which the contraband was found."). Furthermore, Appellant appears to maintain the evidence was insufficient because other people were inside the home at the time of the search while Appellant himself was not present. Significantly though, Appellant was not required to be present at the time of the search in order to be in constructive possession of the drugs, and the presence of other people in the home did not preclude the jury from finding Appellant was in constructive possession of the drugs based on the evidence presented during trial establishing the connection between Appellant and the room where the drugs were found. See Hudson, 277 S.C. at 203, 284 S.E.2d at 775 (finding sufficient evidence existed to establish Hudson was in constructive possession of the drugs in a possession of heroin with intent to distribute case where the evidence presented during trial showed Hudson was not at home when police entered Hudson's home, found his wife standing next to the bathroom door, and located heroin in the toilet); see also Commonwealth v. Rarick, 23 Mass. App. Ct. 912, 912, 499 N.E.2d 1233, 1233-1234 (Mass. Ct. App. 1986) ("When contraband is found in a dwelling shared by a defendant and one or more other persons, a finder of fact may properly infer that the defendant is in possession of the contraband (not necessarily exclusive possession) from evidence that the contraband was found in proximity to personal effects of the defendant in areas of the dwelling, such as a bedroom or closet, to which other evidence indicates the defendant has a particular relationship.").

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

December 14, 2015

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Roger M. Young, Sr., Circuit Court Judge
Appellate Case No. 2014-001051

THE STATE,

Respondent,

vs.

JOSEPH TODD ROWLAND,

Appellant.

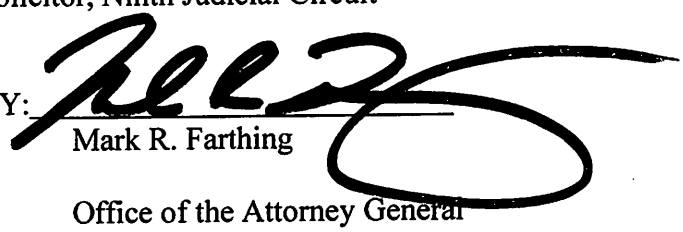
CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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December 14, 2015

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THE STATE,

Respondent,

vs.

JOSEPH TODD ROWLAND,

Appellant.

PROOF OF SERVICE

I, Anne A. Mueller, certify that I have served the within Final Brief of Respondent on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Mark A. Peper, Esquire
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I further certify that all parties required by Rule to be served have been served.
This 14th day of December, 2015.



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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

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THE STATE,

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Appellant.

MOTION TO ALLOW FILING OF SUPPLEMENTAL RECORD ON APPEAL

Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

In its Designation of Matter, the State properly designated numerous pages from the trial transcript, including page 198, for inclusion in the Record on Appeal. Thereafter, on November 19, 2015, the Record on Appeal was served on the State, and it was later filed with the Court in December of 2015. However, the Record on Appeal as served and filed inadvertently did not include page 198 from the trial transcript.

II.

Because properly designated matter was inadvertently omitted from the Record on Appeal, the State believes it is necessary to file a Supplemental Record on Appeal containing the

inadvertently omitted matter. See Rule 210(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209[.]"). For the foregoing reasons, the State asks this Court to permit and accept the filing of a Supplemental Record on Appeal containing the designated matter inadvertently omitted from the Record on Appeal.

WHEREFORE, Respondent prays that this Court will allow the State to file a Supplemental Record on Appeal; accept the filing of the State's Supplemental Record on Appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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January 5, 2016

RECEIVED
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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable Roger M. Young, Sr., Circuit Court Judge
Appellate Case No. 2014-001051

THE STATE,

Respondent,

vs.

JOSEPH TODD ROWLAND,

Appellant.

PROOF OF SERVICE

I, Anne A. Mueller, certify that I have served the within Motion to Allow Filing of Supplemental Record on Appeal and the Supplemental Record on Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Mark A. Peper, Esquire
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I further certify that all parties required by Rule to be served have been served.
This 5th day of January, 2016.

Anne Mueller

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
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THE STATE,

Respondent,

vs.

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Appellant.

SUPPLEMENTAL RECORD ON APPEAL

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A. I'm a full time analyst. First of all, I'm a sworn law enforcement officer, so that's my first primary duty, but I'm also an analyst within the digital evidence unit. I do law enforcement training, receive the training, and then I also provide the digital evidence training to new hires within the department.

I also provide digital evidence training to investigators and detectives within the department, and I perform the analyzation and extraction when the digital media comes into our unit.

Q. And can you explain to the jury how the services of the DEU are requested, and can you kind of take us through that process.

A. Yes, ma'am. Whenever an investigator, detective, officer has a piece of digital media -- that could be a laptop, desktop, cell phone, memory card, any kind of electronic magnetic stored device -- when they need that process analyzed or extracted from, they will take that and put it into our CP evidence control room. At that point, a request sheet and an authorization to do the work is sent to us.

On that request sheet, basic information is filled out, their name, information, contact information, what kind of case it is, where it was seized, and what they need extracted or examined on the media. The

CERTIFICATE OF COUNSEL

Counsel for Respondent certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Supplemental Record on Appeal complies to the best of my ability with the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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ATTORNEYS FOR RESPONDENT

January 5, 2016

The South Carolina Court of Appeals

The State, Respondent,

v.

Joseph Todd Rowland, Appellant.

Appellate Case No. 2014-001051

The Honorable Roger M. Young, Sr.
Charleston County
Trial Court Case No. 2011GS1005527, 2011GS1005528,
2011GS1005531

ORDER

The Court has received the Respodent's motion to allow filing of a supplemental record on appeal. This motion is Granted. The supplemental record on appeal is considered served and filed.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina
cc:
Alan McCrory Wilson, Esquire
Mark Andrew Peper, Sr., Esquire
Mark Reynolds Farthing, Esquire

FILED
5/4/16

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
MAY 25 2017
ATTORNEY GENERALS OFFICE

The State, Respondent,

v.

Joseph Todd Rowland, Appellant.

Appellate Case No. 2014-001051

Appeal From Charleston County
Roger M. Young, Sr., Circuit Court Judge

Unpublished Opinion No. 2017-UP-225
Submitted April 1, 2017 – Filed May 24, 2017

AFFIRMED

Mark Andrew Peper, Sr., of The Peper Law Firm, PA, of Charleston, for Appellant.

Attorney General Alan McCrory Wilson and Assistant Attorney General Mark Reynolds Farthing, both of Columbia; and Solicitor Scarlett Anne Wilson, of Charleston, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) ("In order for an issue to be preserved for appellate review, it must have been

raised to and ruled upon by the trial judge. Issues not raised and ruled upon in the trial court will not be considered on appeal."); *State v. Smith*, 337 S.C. 27, 32, 522 S.E.2d 598, 600 (1999) ("A ruling in limine is not final; unless an objection is made at the time the evidence is offered and a final ruling procured, the issue is not preserved for review."); *State v. Butler*, 407 S.C. 376, 381, 755 S.E.2d 457, 460 (2014) ("On appeal from the denial of a directed verdict, this [c]ourt views the evidence and all reasonable inferences in the light most favorable to the State."); *State v. Bennett*, 415 S.C. 232, 235, 781 S.E.2d 352, 353 (2016) ("The [c]ourt's review is limited to considering the existence or nonexistence of evidence, not its weight."); *State v. Cherry*, 361 S.C. 588, 593-94, 606 S.E.2d 475, 478 (2004) ("If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury."); *State v. Mollison*, 319 S.C. 41, 45, 459 S.E.2d 88, 91 (Ct. App. 1995) ("Constructive possession occurs when the person charged with possession has dominion and control over either the drugs or the premises upon which the drugs were found.").

AFFIRMED.[1]

WILLIAMS and KONDUROS, JJ., and LEE, A.J., concur.

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[1] We decide this case without oral argument pursuant to Rule 215, SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2014-001051

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JUN 02 2017
ATTORNEY GENERALS OFFICE

The State of South Carolina,..... Respondent,

v.

Joseph Todd Rowland, ... Appellant.

Petition for Rehearing

Pursuant to Rule 221(a) of the South Carolina Appellate Court Rules, Appellant Joseph Todd Rowland petitions the Panel to grant rehearing in State v. Rowland, Op. No. 2017-UP-225 (S.C. Ct. App. filed May 24, 2017), and reverse the trial court. This matter necessitates rehearing for two reasons. First, the opinion misapprehended or overlooked the fact that the trial court erred in denying Appellant's motion to suppress the drug evidence on the ground the search warrant was not supported by probable cause. Second, the opinion misapprehended or overlooked the fact that the trial court erred by denying Appellant's motion for directed verdict when the evidence presented by the State did not suffice to create a jury issue as to constructive possession of the drugs. The Panel should grant rehearing to correct these errors and reverse.

THE PEPER LAW FIRM, PA

By: _____

Mark A. Peper, Esq.
Bar No.: 72624
548 Savannah Highway
Charleston, SC 29407
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Attorney for Joseph Todd Rowland

Charleston, South Carolina

May 30, 2017

STATE OF SOUTH CAROLINA

In the Court of Appeals

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JUN 02 2017

ATTORNEY GENERALS OFFICE

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Sr. Circuit Court Judge

Appellate Case No. 2014-001051

THE STATE, ...Respondent,

v.

JOSEPH TODD ROWLAND, ...Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served counsel for the Respondent, with a copy of the *PETITION FOR REHEARING* by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

Stephanie Linder, Assistant Solicitor
Ninth Circuit Solicitor's Office
O.T. Wallace Building
101 Meeting Street
Charleston, SC 29401

SC Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

May 30, 2017

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ATTORNEY FOR APPELLANT

The South Carolina Court of Appeals

RECEIVED
SEP 25 2017
ATTORNEY GENERALS OFFICE

The State, Respondent,

v.

Joseph Todd Rowland, Appellant.

Appellate Case No. 2014-001051

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

_____ J.

_____ J.

_____ A.J.

Columbia, South Carolina

cc:
Alan McCrory Wilson, Esquire
Mark Andrew Peper, Sr., Esquire
Mark Reynolds Farthing, Esquire
Scarlett Anne Wilson, Esquire

FILED
September 22, 2017

676

JOSEPH TODD ROWLAND
#290065 WANDO B-239
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, S.C. 29472

RECEIVED
DEC 01 2017
ATTORNEY GENERALS OFFICE

IN RE: CASE 2017-002108 WRIT OF CERT.

TO: THE ATTORNEY GENERAL,

ATTACHED IS A COPY OF THE WRIT OF CERT. AND APPENDIX. THE EXHIBITS REFERRED TO THEREIN ARE NOT ATTACHED DUE TO STATE INTERFERENCE AS IS ARGUED IN THE WRIT OF CERT. PLEASE CONTACT THE SUPREME COURT AND OBTAIN A COPY OF ALL EXHIBITS ELECTRONICALLY. YOU ALREADY HAVE MANY OF THE EXHIBITS FROM PREVIOUS RELATED CASES AND OR FILINGS. I THANK YOU. STILL REMAIN,

RESPECTFULLY,
JOSEPH TODD ROWLAND

NOVEMBER 23, 2017

RECEIVED
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Referred to Forthwg IPB
Answered

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE S.C. COURT OF APPEALS
APPELLATE CASE NO. 2014-001051

APPELLATE CASE NO. 2017-002108

STATE OF SOUTH CAROLINA,

RESPONDENT(S)

VS.

JOSEPH TODD ROWLAND,

PETITIONER(S)

AFFIDAVIT OF SERVICE

I, JOSEPH TODD ROWLAND, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED, A COPY OF A PETITION FOR WRIT OF CERTIORARI, ITS APPENDIX ETC., ON THE S.C. SUPREME COURT P.O. BOX 11330 COLUMBIA, S.C. 29211, ON THE S.C. ATTORNEY GENERAL P.O. BOX 11549 COLUMBIA, S.C. 29211, BY U.S. MAIL POSTAGE PREPAID OR CERTIFIED, BY PLACING IT IN THE INSTITUTION MAILBOX ON NOVEMBER 23, 2017.

RESPECTFULLY,
JOSEPH TODD ROWLAND

NOVEMBER 23, 2017

+ Joseph Rowland

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

AG

APPEAL FROM THE S.C. COURT OF APPEALS
APPELLATE CASE NO. 2014-001051

APPELLATE CASE NO. 2017-002108

STATE OF SOUTH CAROLINA,

RESPONDENT(S)

VS.

JOSEPH TODD ROWLAND,

PETITIONER(S)

PETITION FOR WRIT OF CERTIORARI

JOSEPH TODD ROWLAND
#290065 WANDO B-239
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, S.C. 29472
PETITIONER(S)

TABLE OF AUTHORITIES

FOR THE TABLE OF AUTHORITIES SEE EXHIBIT GOURDINE # 2 PAGES I THROUGH XI.

STATEMENT OF ISSUES IN CERTIORARI

(1) DID THE APPEALS COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, INCLUDING THE COURT'S JURISDICTION BEING MADE VOID FOR THAT DUE PROCESS VIOLATION, DUE TO THE FRAUD RELATED TO THE STATE COMPROMISING MY HIRED COUNSEL AND JUDGE ALISON LEE SITTING ON THIS CASE WHEN SHE IS A DEFENDANT IN CASES PENDING BEFORE THE FEDERAL COURT INVOLVING THE PETITIONER AND HIS CO-PETITIONERS, REQUIRING THE S.C. SUPREME COURT TO NOW ALLOW FULL REVIEW OF ALL ISSUES OF CONCERN THAT THE PETITIONER WAS DEPRIVED OF HEARING DUE TO THE STRUCTURAL ERROR THAT EXIST IN CASE 2014-001051?

(2) DID THE APPEALS COURT ERR, AND ABUSED THEIR DISCRETION , AND WAS THE PETITIONER'S 6TH. AND 14TH. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, BY DENYING THE FIDICIARY HEIR, JAHJAH AL MAHDI, ENTRY INTO THE APPEAL PROCESS TO PROTECT HIS ACQUIRED INTEREST UNDER THE FOREIGN SOVEREIGN IMMUNITY ACT DUE TO THE LITIGATION PRESENTED IN BOTH EXHIBIT(S) "TRUSTEE" AND "FOREIGN SOVEREIGN" WHICH VOID THEIR JURISDICTION FOR FRAUD UPON THE COURT AND DUE PROCESS VIOLATION?

(3) DID THE APPEALS COURT ERR, AND ABUSED THEIR DISCRETION, ACTING AS LEGISLATORS, NOT JUDGES, AND WAS THE PETITIONER'S 4th., 6th. AND 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION

VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, WHEN THE STATE WAS PERMITTED TO ESTABLISH THE CHAIN OF CUSTODY BY TESTIMONY ALONE, STRIPPING DEFENDANTS OF DUE PROCESS PROTECTIONS WHERE THEIR ARE ALLEGATIONS OF THE PLANTING OF EVIDENCE, WHICH COULD HAVE BEEN DIMINISHED OR PREVENTED HAD THE STATE COURTS ADHERED TO THE STATUTORY PROVISIONS PLACED INTO EFFECT BY THE STATE LEGISLATORS, CAUSING EXTREME PREJUDICE TO THE PETITIONER'S DUE PROCESS MATTERS IN VIOLATION OF THE EQUAL PROTECTION OF THE LAWS CLAUSE?

(4) DID THE APPEALS COURT ERR IN THEIR DETERMINATION, AND DID THEY ABUSE THEIR DISCRETION, AND WAS THE PETITIONER'S 4th., 6th. AND 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED BY THE COURT(S) VALIDATING THE SEARCH WARRANT AS IS ARGUED IN EXHIBIT(S) "SEARCH WARRANTS #'S 1 AND 2?

(5) DID THE TRIAL COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 14th., 15th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, REGARDING THE INDICTMENT(S) AS CONSTRUCTED, BY THE LANGUAGE AND OR CHARGE CONTAINED THEREIN, WHICH DID CREATE AND OR FORM CONCLUSIVE PRESUMPTION(S), THAT TOOK AWAY THE PETITITIONER'S PRESUMPTION OF INNOCENCE, AND AUTOMATICALLY SHIFT THE BURDEN OF PERSUASION TO THE DEFENDANT, IN REGARD TO THE CRUCIAL ELEMENTS OF DISPUTE, PREDETERMINING IN ADVANCE THE OUTCOME OF THE PROCEEDINGS?

(6) DID THE TRIAL COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, BY THE INDICTMENT FOR TRAFFICKING COCAINE'S FAILURE TO PROPERLY ALLEGE THE DRUG AMOUNTS AND THE SUB SECTION THE PETITIONER IS SAID TO HAVE VIOLATED; THE INDICTMENT FOR POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA'S FAILURE TO PROPERLY LIST THE DRUG AMOUNT AND SUB SECTION ALLEGED TO HAVE BEEN VIOLATED; THE INDICTMENT FOR POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLATE CRIME ALLEGING, "DID POSSESS A .45 CALI-

BER HANDGUN OR VISIBLY DISPLAY WHAT APPEARED TO BE A KNIFE DURING THE COMMISSION, OR ATTEMPTED COMMISSION, OF TRAFFICKING***", GIVING WAY TO CONSTRUCTIVE AMENDMENT OF THE INDICTMENTS, IN THE BODY OF THE CHARGING INSTRUMENT?

(7) DID THE TRIAL COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, AS WELL AS RULES OF COURT, RULES OF CRIMINAL PROCEDURE, THE S.C. CONSTITUTION, AS WELL AS THE COURT'S JURISDICTION BEING MADE VOID FOR DUE PROCESS VIOLATION, AND OR THEY WERE PROHIBITED FROM ENACTING AND OR INVOKING AND OR CONTINUING THEIR SUBJECT MATTER JURISDICTIONARY "[P]OWERS" DUE TO THE "[P]ROCEDURAL [D]EFECT" IN THAT THERE WAS NO "[W]RITTEN(EMPHASIS ADDED) ORDER OF CONTINUANCE OBTAINED PURSUANT TO ARTICLE V § 4 OF THE SOUTH CAROLINA CONSTITUTION?

(8) DID THE TRIAL COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, BY THE TRIAL COURT AND OR PLEA COURT ALLOWING CONSTRUCTIVE AMENDMENT OF THE INDICTMENT(S) AT THE PETITIONER'S TRIAL AND OR PLEA HEARING?

(9) DID THE S.C. SUPREME COURT IN STATE-v.-GENTRY-SUPRA ERR, ENGAGING KNOWINGLY, INTENTIONALLY IN ACTS OF FRAUD UPON THE COURT, IN THEIR EFFORTS TO ESSENTIALLY ESTABLISH MODERN DAY SLAVERY IN VIOLATION OF THE ANTI-PEONAGE ACT, AND ABUSED THEIR DISCRETIONARY POWERS, WHICH THEY EVEN CONSPIRED TO TAKE AWAY OUR RIGHT TO VOTE, AND OR DONE SO SURREPTITIOUSLY, IN VIOLATION OF THE VOTING RIGHTS ACT. AND IN SUCH, THE COURT'S JURISDICTION WAS MADE VOID FOR DUE PROCESS VIOLATION, AND THE COURT WAS PROHIBITED FROM ENACTING AND OR INVOKING AND OR CONTINUING ITS SUBJECT MATTER JURISDICTIONARY POWERS, EVEN THOUGH THEY DO INDEED POSSESS SUCH POWER VIA STATE LEGISLATIVE STATUTES AND OR CONGRESSIONAL INTENT, DUE TO THE INDICTMENT DEFECTS ARGUED WITHIN THIS CASE, IN VIOLATION OF THE PETITIONER'S 4th., 5th. 6th., 13th., 14th., 15th. AMENDMENT RIGHTS OF THE U.S. CONSTITU-

TION, AS WELL AS ARTICLE IV § 2, ALSO 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 241, 242, 1001 AND THE LAWS OF DUE PROCESS?

(10) DID THE S.C. SUPREME COURT ERR, AND ABUSED ITS DISCRETION, AND WAS THE PETITIONER AS A BENEFICIARY OF "THE TRUST", AND THE FIDUCIARY HEIR AS A BENEFICIARY OF "THE TRUST", 1st., 5th., 6th. 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, ALSO THEIR DUE PROCESS RIGHTS VIOLATED, AS WELL AS THE EQUAL PROTECTION OF THE LAWS CLAUSE, ALSO ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION, BY THE STATE OF SOUTH CAROLINA VIA THE SUPREME COURT, PERMITTING SAME SEX MARRIAGE, WHEN SUCH WAS GIVEN TO THE NATIONS OF THE WORLD AS A "GRANT" WITH RESTRICTIONS THAT IS UNDER "CONTRACT" VIA THE SOLE CORPORATION, WHERE SUCH ACTION VIOLATE THE TERMS AND WOULD BURDEN THE OBLIGATION OF THE CONTRACT WHICH CANNOT BE MADE OR UNMADE BY THE COURTS; AND MUST ALL RELIEF SOUGHT VIA THE WRIT OF COMMISSION BE GRANTED?

STATEMENT OF THE CASE

ON JUNE 3, 2011, THE PETITIONER WAS ARRESTED AND CHARGED WITH TRAFFICKING COCAINE 28g.-100g S.C. CODE ANN § 44-53-370, PWID MARIJUANA S.C. CODE ANN. § 44-53-370, UNLAWFUL POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME S.C. CODE ANN. § 16-23-490, UNLAWFUL POSSESSION OF A FIREARM BY A CONVICTED FELON S.C. CODE ANN. § 16-23-30, AND POSSESSION OF A STOLEN FIREARM S.C. CODE ANN. 16-23-30. AT THE COURT OF GENERAL SESSIONS , CONVENED ON SEPTEMBER 12, 2011, THE PETITIONER WAS INDICTED ON THE ABOVE CHARGES BY A GRAND JURY. THE HONORABLE JUDGE ROGER M. YOUNG SR. PRESIDED OVER A JURY TRIAL ON MAY 12-13, 2014.

THE PETITIONER MOVED TO SUPPRESS THE SEARCH WARRANT ON THE BASIS THAT IT DID NOT GIVE THE MAGISTRATE INFORMATION SUFFI-

CIENT TO RISE TO THE LEVEL OF PROBABLE CAUSE, AND FURTHER, THAT IT CONTAINED AN ERROR SO EGREGIOUS THAT IT FAILED AS A MATTER OF LAW. (TT.PP.70, 71). THE COURT DENIED THE PETITIONER'S MOTION TO SUPPRESS BASED ON THE TOTALITY OF THE CIRCUMSTANCES GIVING RISE TO THE LEVEL OF PROBABLE CAUSE REQUIRED. (TT.PP.74, 75).

THE PETITIONER MOVED FOR A DIRECT VERDICT AT THE CLOSE OF THE STATE'S CASE, ASSERTING THE EVIDENCE PRESENTED DID NOT SUFFICE TO CREATE A JURY ISSUE AS TO CONSTRUCTIVE POSSESSION. (TT.PP.47, 52). THE COURT DIRECTED A VERDICT OF NOT GUILTY ON THE CHARGE OF POSSESSION OF A STOLEN FIREARM S.C. CODE ANN. § 16-23-30, BUT DENIED THE PETITIONER'S DIRECT VERDICT MOTION REGARDING THE REMAINING (3) CHARGES ON THE BASIS THAT THERE WAS SUFFICIENT CIRCUMSTANCES WHICH WOULD SUPPORT A CONVICTION BASED ON CONSTRUCTIVE POSSESSION OF THE DRUGS AND A GUN DURING THE COMMISSION OF A VIOLENT CRIME. (TT.PP. 219).

THE JURY FOUND THE PETITIONER GUILTY OF TRAFFICKING COCAINE 28g.-100g. S.C. CODE ANN. § 44-53-370, PWID MARIJUANA S.C. CODE ANN. § 44-53-370, AND UNLAWFUL POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME S.C. CODE ANN. § 16-23-490 AND SENTENCED THE PETITIONER TO (20) YEARS IN PRISON. (TT.PP.280, 281).

COUNSEL FOR THE PETITIONER RENEWED HIS PRETRIAL MOTIONS AND DIRECT VERDICT MOTION, AND PETITIONER ALSO MADE ADDITIONAL POST-TRIAL MOTIONS ON HIS OWN ACCORD. (TT.PP. 271-274, 281). THE PETITIONER FILED HIS NOTICE OF INTENT TO APPEAL ON MAY 15, 2014.

STATEMENT OF THE FACTS

THE S.C. SUPREME COURT HAS BEFORE IT WHAT MAY POTENTIALLY BE THE LARGEST, MOST COMPLEX, MOST EXTRAORDINARY CASE IN EARTH'S JUDICIAL HISTORY. ONE DEALING WITH THE EMERGENCE OF THE RIGHTFUL LOST FIDUCIARY HEIR, KING, KHALIFAH, IMAM, LAWGIVER AND HIGH PRIEST TO THE (4) THRONES OF THE RE-ESTABLISHED GLOBAL THEOCRATIC STATE, THE FULFILLING OF JEWISH, ISLAMIC AND CHRISTIAN PROPHESY, WHO WAS FRAMED FOR THE MURDER OF HIS OWN CHILD BEHIND RELIGIOUS AND RACIAL HATRED BECAUSE HE MADE THE AFORE SAID CLAIMS PRESENTED WITHIN THIS CASE. IT IS STATED UNDER LEGAL BINDING CONTRACT THAT THIS MAN FORETOLD TO COME BY THOSE RELIGIOUS PROPHESIES WOULD ESTABLISH THE KINGDOM, PURGING ALL GLOBAL BELIEVERS IN PREPARATION FOR CHRIST'S RETURN AS HIS FORERUNNER; THIS KINGDOM ALSO FORETOLD IN THE BOOK OF DANIEL CHAPTER 3. HE IS WHOM THE CHRISTIANS CALL "THE ELIJAH" OF BIBLE PROPHESY; WHOM THE MUSLIMS CALL "THE MAHDI"(MEANING THE GUIDED ONE), WHO WILL BE LED TO THE RESTING PLACE OF THE "ARK OF THE COVENANT" AND RE-BUILD THE TEMPLE IN JERUSALEM AND RULE UPON THE THRONE OF KING DAVID OF ISRAEL AS HIS DIRECT DESCENDANT. BY THE AFORESAID PROPHESIES, IT IS ALSO FORETOLD THAT HE WOULD CAUSE THE PRISON DOORS TO OPEN AND PROCLAIM A DAY OF LIBERTY FOR THE CAPTIVES AS IS WRITTEN IN THE BOOK OF ISAIAH 61:1-3. THIS IS WHAT THE LEGAL ISSUES NOW PLACED BEFORE THIS COURT REPRESENT, TO INCLUDE ALL OTHER MATTERS RELATED THERETO. HE RESTORES ALL THINGS.

DUE TO THE EXTRAORDINARY AND NOVEL CLAIMS MADE WITHIN THIS CASE, AN UNPRECEDENTED EVENT. YOU HAVE OUR STATE AND FEDERAL GOVERNMENT IN ACTS OF FRAUD UPON THE COURT, MACHINATION, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE, COMPROMISING AND INFLUENCING THE PETITIONER'S HIRED ATTORNEY AND JUDGES WITHIN THE S.C. APPEALS COURT, WITH THE AID OF OTHER STATE AND FEDERAL ACTORS ACROSS MULTIPLE STATE AND FEDERAL JURISDICTIONS DOING EVERY THING IN THEIR POWER, EVEN CRIMINAL ACTS, TO PREVENT WHAT THEY KNOW IS THE REALIZATION OF RELIGIOUS PROPHESY FROM MANIFESTING ITSELF BEFORE THE WORLD COMPROMISING THE PETITIONER'S DIRECT

APPEAL. ADDITIONALLY, THEY ATTACKED THE OTHER INMATES CASES AND DUE PROCESS MATTERS INVOLVED, IN ACTS OF CRIMINAL CONSPIRACY, OBSTRUCTION OF JUSTICE AND RETALIATION IN VIOLATION OF 42 U.S.C. § 12203(a)(b) OF THE AMERICANS WITH DISABILITIES ACT, BECAUSE THE PETITIONER AND THEY SOUGHT TO AID THE KING-KHALIFAH HAVE THE LEGAL ISSUES HEARD EVEN WITHIN OUR OWN PENDING CRIMINAL CASES AS BENEFICIARIES OF "THE TRUST". AS THE RIGHTFUL FIDUCIARY HEIR, KING, KHALIFAH, PROPHET, LAWGIVER, ESTABLISHED BY CONTRACT VIA THE SOLE CORPORATION, PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION, HE, JAHJAH AL MAHDI, HAS THE LEGAL RIGHT AND AUTHORITY TO END SAME SEX MARRIAGE GLOBALLY, BEING HIS INTELLECTUAL PROPERTY BY INHERITANCE, WHICH IS ALSO WHY THE STATE ACTORS AND JUDGES ENGAGED IN THE FRAUD AND OBSTRUCTION WITHIN MY DIRECT APPEAL TO PREVENT THIS ISSUE AND OTHER LEGAL ISSUES OF RELIGIOUS PROPHESY FROM BEING HEARD. THE COURTS CANNOT MAKE OR UNMAKE THE CONTRACT ESTABLISHED THOUSANDS OF YEARS BEFORE THIS NATION WAS FORMED BY THE SOLE CORPORATION WITH EX POST FACTO LAW. WRIT OF COMMISSION IS GIVEN TO ME. AS ACTING ATTORNEY GENERAL. I NOT ONLY ADDRESS ALL ISSUES RELATED TO MY CASE, BUT ALSO ALL OTHER MATTERS RELATED TO THE KING-KHALIFAH AND ALL PETITIONERS THAT ARE PARTIES WITHIN THESE RELATED STATE AND OR FEDERAL CASES. CLASS ACTION CERTIFICATION IS DEMANDED AS WELL.

JUDGE ALISON LEE CAME FROM PRESIDING OVER CASE 2013-CP-400-0084 TO GET A SECOND OPPORTUNITY TO ATTACK THESE CASES WHEN SHE FAILED IN THE RICHLAND COURT OF COMMON PLEAS WHERE SHE IS A DEFENDANT WITHIN THE PENDING FEDERAL CASES CREATING A CONSTITUTIONAL STRUCTURAL ERROR WHICH VOIDS THE S.C. COURT OF APPEALS JURISDICTION FOR DUE PROCESS VIOLATION, DUE TO THERE BEING NO WAY IN TELLING WHAT SORT OR THE MAGNITUDE OF THE INFLUENCE SHE HAD UPON THE DECISIONS OF THAT COURT AND JUDGES, CORRUPTING THE FOUNDATION AND WHOLE OF THE PROCEEDINGS, PLACING THE STATE IN FORFEITURE OF THE CAUSES PRESENTED BY SANCTIONS SOUGHT, REQUIRING THAT THE S.C. SUPREME COURT NOW ADDRESS ALL MATTERS AS IF NO REVIEW AT ALL OCCURRED IN THE S.C. APPEALS COURT DUE TO THE FRAUD AND STRUCTURAL ERROR. INASMUCH, (1) THERE ARE NOVEL

QUESTIONS OF LAW IN THIS CASE; (2) THERE IS A DISSENT BEING ARGUED INVOLVING JUDGE PLECONES OF THE S.C. SUPREME COURT RELATED TO THE STATE-v.-GENTRY CASE, WHERE FACTS NOW CLEARLY ESTABLISHED WOULD SERVE TO SUBSTANTIATE THAT JUDGE PLECONES WAS CORRECT IN HIS DISSENT. WE ARE ARGUING AGAINST THAT PRECEDENT ESTABLISHED BY THE STATE v. GENTRY CASE; (3) THERE ARE SUBSTANTIAL CONSTITUTIONAL QUESTIONS INVOLVED WHERE WE ARE ARGUING AGAINST SEVERAL OTHER PRECEDENT SETTING CASES; (4) THERE ARE FEDERAL QUESTIONS INVOLVED, SUCH AS THOSE PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION AND WHERE THE ACTS OF THE S.C. COURT OF APPEALS STAND IN BLATANT DEFIANCE OF THE HOLDINGS MADE BY THE UNITED STATES SUPREME COURT UNDER WILLIAMS-v.-PENNSYLVANIA, 136 S.Ct. 1899, 195 L.Ed.2d. 132, 84 U.S.L.W. 4359(U.S.2016). THUS, THE GRANTING OF THE WRIT OF CERTIORARI BECOMES MANDATORY ESTABLISHING THIS CASE BEFORE THE SOUTH CAROLINA SUPREME COURT.

BY MY COMMISSION AS NEWLY APPOINTED ATTORNEY GENERAL OF THE GLOBAL THEOCRATIC STATE, WITH ALL SUPERSEDING POWER AND AUTHORITY OF THE CROWN. I, JOSEPH TODD ROWLAND, AM COMMANDED BY WRIT OF THE KING-KHALIFAH TO BRING THESE MATTERS BEFORE THE S.C. SUPREME COURT IN ORDER THAT ALL RIGHTS, TITLES, PRIVILEGES AND DECREES OF THE KING-KHALIFAH OF THE (4) GLOBAL thrones WHOSE SUPERSEDING ATTORNEY, JUDICIAL AND LEGISLATIVE AUTHORITY IS BINDING UPON THE S.C. SUPREME COURT WHERE YOUR ATTORNEYS APPEARED IN CASE 2013-CP-400-0084 AND FAILED TO TIMELY RESPOND TO DEFEAT THE AFFIDAVITS OF DEFAULT AND VOIDING OF JURISDICTION AS ALSO DID THE S.C. ATTORNEY GENERAL'S ATTORNEY WHO ARE ONE IN THE SAME. ALL RIGHTS, TITLES AND PRIVILEGES ARE NOW PROTECTED BY THE DEFAULT AND ARTICLE 1 SECTION 10 OF THE UNITED STATES CONSTITUTION AND THE MANDATES OF DUE PROCESS LAW.

INSOMUCH, THERE IS NO NEED TO BE REPETITIVE OR REDUNDANT PRODUCING EXTENSIVE LITIGATION, UNNECESSARILY BURDENING THE S.C. SUPREME COURT WITH SUCH REDUNDANT PLEADING WHEN THE PETITIONER FEELS THAT THE BEST AND MOST EXPEDIENT METHOD FOR ADDRESSING IS SIMPLY TO MAKE A SHORT AND CONCISE REFERENCE TO THE ISSUES, SUMMARIZING OF EACH OF THE ISSUES SOUGHT TO BE ADDRESSED AND THEN REFER THE COURT TO THE FULL LITIGATION THAT

IS EMBODIED WITHIN THE EXHIBITS CONTAINED WITHIN THE APPENDIX. THE PETITIONER FEELS ADOPTING THIS METHOD WOULD BE BEST FOR EXPEDIENCY SAKE.

THE PETITIONER(S) GIVE THE COURT AND PARTIES FURTHER JUDICIAL NOTICE. BY WHAT IS ARGUED WITHIN ITEM # (6) EXHIBIT "INJUNCTION". THERE IS STATE INTERFERENCE AND WE ARE RESTRICTED IN OBTAINING COPIES IN ACTS OF CONSPIRACY AND OBSTRUCTION OF JUSTICE WHICH RISES TO AN UNCONSTITIONAL LEVEL. THEREFORE, A COPY OF THE EXHIBITS LISTED WITHIN THE APPENDIX IS FILED WITH THE S.C. SUPREME COURT, BUT WERE NOT DIRECTLY SERVED ON THE S.C. ATTORNEY GENERAL. THE PETITION FOR WRIT OF CERTIORARI AND APPENDIX MINUS THE EXHIBITS ARE INDEED SERVED UPON THE ATTORNEY GENERAL. DUE TO THE STATE INTERFERENCE THAT RISES TO AN UNCONSTITUTIONAL LEVEL PRODUCING EXTREME PREJUDICE. THE DOCUMENTS SERVED ON THE ATTORNEY GENERAL ARE SERVED IN LIEN OF THE EXHIBITS GIVING YOU NOTICE OF THEIR EXISTENCE AND FILING WITH THE S.C. SUPREME COURT WHERE YOU MUST NOW OBTAIN COPY ELECTRONICALLY AND WE MOTION THAT THE S.C. SUPREME COURT CLERK SEND COPY OF THE EXHIBITS TO THE ATTORNEY GENERAL ELECTRONICALLY. MANY OF THESE EXHIBITS HAVE ALREADY BEEN SERVED UPON THE S.C. ATTORNEY GENERAL VIA THE OTHER PENDING STATE AND OR FEDERAL CASES, AS WELL AS THE david duren CASE UNDER 2017-000605 IN THE S.C. SUPREME COURT. THUS, THE APPENDIX SERVED UPON THE ATTORNEY GENERAL MUST BE DEEMED SUFFICIENT NOTICE ALLOWING HIM TO OBTAIN ANY NEEDED COPY ELECTRONICALLY DUE TO THE STATE INTERFERENCE THAT THE S.C. ATTORNEY GENERAL HIMSELF IS CONSPIRING IN. SEE EXHIBIT "INUNCTION". ALSO SEE, HODGKINS v. PETERSON, F.Supp.2d., 2000 WL 33128726 (S.D.Ind.2000); UNITED STATES v. SCOTT, 958 F.Supp. 761(1997); HANKINS v. WETZEL, 2014 WL 4918813 (D.C.Pa.2014).

ARGUMENT

(1) DID THE APPEALS COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, INCLUDING THE COURT'S JURISDICTION BEING MADE VOID FOR THAT DUE PROCESS VIOLATION, DUE TO THE FRAUD RELATED TO THE STATE COMPROMISING MY HIRED COUNSEL AND JUDGE ALISON LEE SITTING ON THIS CASE WHEN SHE IS A DEFENDANT IN CASES PENDING BEFORE THE FEDERAL COURT INVOLVING THE PETITIONER AND HIS CO-PETITIONERS, REQUIRING THE S.C. SUPREME COURT TO NOW ALLOW FULL REVIEW OF ALL ISSUES OF CONCERN THAT THE PETITIONER WAS DEPRIVED OF HEARING DUE TO THE STRUCTURAL ERROR THAT EXIST IN CASE 2014-001051?

BY THIS FIASCO OF A DIRECT APPEAL IN THE APPEALS COURT, YOU HAVE ONE OF THE MOST OUTRAGEOUS, FRAUDULENT PROCEEDINGS OCCURRING IN THIS STATE'S HISTORY. DUE TO THE EXTRAORDINARY CIRCUMSTANCES SURROUNDING THIS CASE. YOU HAVE THE S.C. ATTORNEY GENERAL, WITH THE S.C. COURT OF APPEALS JUDGES BEING PARTY TO IT, THIS INCLUDES WITH THE SUPPORT OF OTHER STATE, FEDERAL EVEN POTENTIALLY INTERNATIONAL PARTIES, CONSPIRING UNDER COLOR OF STATE LAW AND OR AUTHORITY, TO PREVENT WHAT THEY KNOW IS THE REALIZATION OF RELIGIOUS PROPHESY FROM OCCURRING, IN ACTS OF MACHINATION, FRAUD UPON THE COURT AND CRIMINAL CONSPIRACY, ALSO IN VIOLATION OF 18 U.S.C. §§ 242 AND 1001 ACROSS MULTIPLE STATE AND FEDERAL JURISDICTIONS. THE PARTIES CONSPIRED TO PREVENT THE LEGAL ISSUES OF RELIGIOUS PROPHESY FROM OBTAINING FAIR AND PROPER REVIEW WITHIN MY DIRECT APPEAL, DENYING THE PETITIONER THE EQUAL PROTECTION OF THE LAWS, DICKENS v. AETNA LIFE INS. CO., 677 F3d. 228 CA4 (W.Va.2012); U.S. v. BANK OF AMERICA CORP., F.Supp.3d., 2014 WL 2777397(N.C.2014); MINA v. CHESTER COUNTY, F.Supp.3d., 2015 WL 6550543(2015); BODMAN v. STATE, 403 S.C. 60, 742 S.E.2d. 363(S.C.2013); MARSHALL v. CITY OF ROCK HILL, S.E.2d., 2015 WL 3884258(S.C.App.2015); PAUL ADAMS v. CALIFORNIA INSTITUTION, 2016 WL 6464444; U.S. v. HARE, 820 F3d. 93(4th. Cir.2016); STATE v. FERGUSON, 221 S.C. 300, 70 S.E.2d. 355(S.C.

1952); U.S. v. TEJADA, 445 Fed. Appx' 719, 2011 WL 3891825 CA4 (S.C.2011).

THIS IS WHAT HAS TAKEN PLACE HERE. ATTORNEY PEPPER WAS RECENTLY CAUGHT AND ARRESTED ON A DRUG CHARGE HIMSELF. FROM WHAT THE PETITIONER COULD GATHER FROM THE EVENING NEWS, IT WAS COCAINE RELATED. THE S.C. ATTORNEY GENERAL, AND THE S.C. APPEALS COURT JUDGES BEING PRIVY TO IT, MAKES A CONCEALED, COVERT DEAL WITH ATTORNEY PEPPER, TO BE LENIENT AND OR DISMISS WHATEVER CHARGES HE HAS PENDING IF THE ATTORNEY FOR THE PETITIONER AID THEM IN THROWING THE PETITIONER UNDER THE BUS ON HIS DIRECT APPEAL TO PREVENT REVIEW OF THE LEGAL ISSUES DUE TO THE MAGNITUDE OF WHAT IS BEING ARGUED BEFORE THIS COURT. I OBJECT. THEY THEN BRING JUDGE ALISON LEE UP TO THE S.C. COURT OF APPEALS, PROMOTING HER FROM THE RICHLAND COURT OF COMMON PLEAS, WHO SAT ON THE VERY CASE WHICH IS AT THE HEART OF THE CONTROVERSY IN THESE MATTERS, SPECIFICALLY CASE 2013-CP-400-0084, WHERE SHE DROPPED THE BALL ON THAT CASE LEADING TO THE DEFAULT TO WHICH WE ARE EXERCISING, AND WHERE SHE IS NOW A DEFENDANT IN THE PENDING FEDERAL CASES ADDRESSING THE FRAUD AND CRIMINAL ACTS DONE WITHIN THOSE PROCEEDINGS AND WITHIN OTHER JURISDICTIONS TO WHICH SHE HAD NO POWER OR AUTHORITY TO ACT. NOW IN ACTS OF MACHINATION AND CONSPIRACY, SHE ENTERS THE JURISDICTION OF THE S.C. COURT OF APPEALS IN EFFORTS TO CONCEAL MATERIAL FACTS AND CORRECT HER FAILURE IN THE RICHLAND COURT, TO PREVENT REVIEW OF THE LEGAL ISSUES OF RELIGIOUS PROPHESY AND AID THE S.C. ATTORNEY GENERAL TO PREVENT AND OR HINDER SUCH REVIEW WHEN SHE IS A DEFENDANT IN CASE 9:17-cv-2897-TLW-BM, THE VERY CASE THAT CASE 2017-002108 IS PETITIONED REMOVED TO, WHICH INCLUDE THE OTHER PENDING FEDERAL PARALLEL CASES. THIS IS OUTRAGEOUS AND AN EGREGIOUS ACT OF FRAUD UPON THE COURT AND CONSPIRACY, IN THEIR EFFORTS TO CONCEAL MATERIAL FACTS IN VIOLATION OF DUE PROCESS LAW AND 18 U.S.C. §§ 242 AND 1001. COMPROMISING MY HIRED ATTORNEY TO INVOLVE HIM IN THEIR MACHINATION, CRIMINAL CONSPIRACY, FRAUD AND OBSTRUCTION OF JUSTICE VIOLATES THE CODE OF PROFESSIONAL ETHICS AND DEFIES JUSTICE AND FAIRNESS CREATING A MISCARRIAGE OF JUSTICE, GRAHAM v. McFADDEN, 2015 WL 505536(DSC.2015); FOSTER v. REYNOLDS, 2015 WL 5920736(DSC.2015); STATE v. HENDERSON,

205 Kan. 231, 468 P.2d. 136(1970); PEOPLE v. BLALOCK, 197 COLO. 320, 592 P.2d. 406(1979); STRICKLAND v. WASHINGTON, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d. 674(1984); WILLIAM v. TAYLOR, 529 U.S. 362, 391, 120 S.Ct. 1495, 146 L.Ed.2d. 389(2000); UNITED STATES v. ECHLES, 352 F2d. 892(7th.Cir.1965); U.S. v. ECCLESTON, --Fed. Appx'--,2015 WL 4591890 CA4 (Md.2015); STATE v. BRANDT, 393 S.C. 526, 713 S.E.2d. 591(S.C.2011); NORTH AMERICAN RESCUE PRODUCTS, INC. v. RICHARDSON, 411 S.C. 371, 769 S.E.2d. 237(S.C. 2015); BARLOW v. COLGATE PALMOLIVE CO., 772 F3d. 1001, 90 Fed. R. SERV.3d. 85 CA4 (Md.2014).

THE UNITED STATES SUPREME COURT WAS UNEQUIVOCAL WHEN IT COME TO THE ISSUE OF JUDGE LEE SITTING UPON THE PETITIONER'S DIRECT APPEAL. THE COURT DETERMINED:

"NO MAN CAN TRY A CASE TO WHICH HE HAS AN INTEREST IN THE OUTCOME. EXTRA-JUDICIAL BIAS WAS ONLY **"ONE OUT OF MANY"** EXAMPLES THE UNITED STATES SUPREME COURT WAS REFERRING TO AND ADDRESSING. WHEN THE OBJECTIVE RISK OF ACTUAL BIAS **"OF ANY KIND"** (EMPHASIS ADDED) RISES TO AN UNCONSTITUTIONAL LEVEL, UNDER THE DUE PROCESS CLAUSE, THE FAILURE TO RECUSE IS **"[N]OT"** A HARMLESS ERROR BECOMING STRUCTURAL IN NATURE WHICH VOIDS THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION". JUDGE LEE SHOULD HAVE RECUSED HERSELF THE MINUTE SHE SAW THE KING-KHALIFAH'S NAME CONNECTED TO MY APPEAL IN ANY MANNER.

WATCH THE LANGUAGE FURTHER USED BY THE UNITED STATES SUPREME COURT. "ON THE QUESTION OF RECUSAL, THE COURT ASK **"[N]OT"** WHETHER A JUDGE HARBORS AN ACTUAL BIAS (FOR EXAMPLE, JUDICIAL BIAS OR PERSONAL BIAS OR EXTRA-JUDICIAL BIAS) BUT **"INSTEAD"** (EMPHASIS ADDED) WHETHER, AS AN OBJECTIVE MATTER THERE IS A **"[P]OTENTIAL"** FOR BIAS OF **"ANY KIND"**(EMPHASIS ADDED) THAT RISES TO AN UNCONSTITUTIONAL LEVEL", WHICH IS PERSPICUOS THAT SUCH AN UNCONSTITUTIONAL LEVEL DOES EXIST IN THIS CASE VOIDING THE S.C. APPEALS COURT'S JURISDICTION, CAPERTON v. A.T. MASSEY COAL CO., INC., 556 U.S. 868, 129 S.Ct. 2252, 173 L.Ed.2d. 1208(U.S. 2009); JOHNSON v. STEVENSON, 2016 WL 1156649(DSC.2016); KENWOOD GARDENS CONDOMINIUMS INC. v. WHALEN PROPERTIES, LLC., 2016 WL 6788052, * 11+ (Md.2016).

INASMUCH, DUE TO THESE EGREGIOUS ACTS OF FRAUD UPON THE COURT, MACHINATION, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE, THE PETITIONER'S DIRECT APPEAL STANDS IN BLATANT VIOLATION OF THE HOLDING MADE BY THE U.S. SUPREME COURT UNDER WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899, 195 L.Ed.2d. 132, 84 U.S.L.W. 4359(U.S.2016). THUS, THE PETITIONER AND THE KING-KHALIFAH DEMAND SANCTIONS AND THE STATE OF SOUTH CAROLINA BE DEEMED IN FORFEITURE ON ALL ISSUES, CLAIMS AND DEFENSES ARGUED BY THE PETITIONER AND HIS CO-PETITIONERS FOR THE SAKE OF JUSTICE AND FAIRNESS. THE S.C. SUPREME COURT MUST NOW MAKE AND GRANT ALL RELIEF SOUGHT ACTING UPON ITS ORIGINAL JURISDICTION, GRANT ALL RELIEF AND GIVE REVIEW AS IF NO REVIEW OCCURRED IN THE S.C. ~~SUPREME~~ Appeals COURT AT ALL WHERE BY THEIR ACTS OF MACHINATION REVIEW WITHIN THAT COURT IS NO LONGER REQUIRED, SEE ROSS v. BLAKE, 136 S.Ct. 1850 (2016). THEREBY THESE ISSUES ARE NOW LEGALLY ESTBLISHED BEFORE THE S.C. SUPREME COURT, SOUTH-EASTERN-SITE-PREP., LLC. v. ATLANTIC-COAST-BUILDERS-AND-CONTRACTORS, LLC, 394 S.C. 97, 713 S.E.2d 650(S.C.App.2011); BLUE-SKY-TRAVEL-AND-TOURS, LLC. v. AL-TAYYAR, --Fed. Appx'--, 2015 WL 1451636 CA4 (Va.2015); U.S. v. HACKLEY, 662 F3d. 671 CA4 (Va.2011); PCS-NITROGEN, INC. v. ROSS-DEVELOPMENT-CORP., 127 F.Supp.3d. 611(DSC.2015); CROUCH-CONST. CO. INC. v. CAUSEY, 405 S.C. 155, 747 S.E.2d. 482(S.C.2013); MASSI v. WASHINGTON-CO., 2013 WL 5410810(DSC.2013).

(2) DID THE APPEALS COURT ERR, AND ABUSED THEIR DISCRETION , AND WAS THE PETITIONER'S 6th. AND 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, BY DENYING THE FIDUCIARY HEIR, JAHJAH AL MAHDI, ENTRY INTO THE APPEAL PROCESS TO PROTECT HIS ACQUIRED INTEREST UNDER THE FOREIGN SOVEREIGN IMMUNITY ACT DUE TO THE LITIGATION PRESENTED IN EXHIBIT(S) "TRUSTEE", "FOREIGN SOVEREIGN", "GOURDINE #'S 1 AND 2", WHICH VOID THEIR JURISDICTION FOR FRAUD UPON THE COURT AND DUE PROCESS VIOLATION?

THE PETITIONER BRINGS THE COURT AND PARTIES ATTENTION TO EXHIBIT(S) "GOURDINE #'S 1 AND 2", WITH EMPHASIS ON EXHIBIT GOURDINE # 2 PAGES [45] THROUGH [50] ISSUE # 5 OF THE GOURDINE

BRIEF. ALSO EXHIBIT(S) "TRUSTEE", AS WELL AS "FOREIGN SOVEREIGN" PAGES [36] THROUGH [70]. EVEN THOUGH THE GOURDINE BRIEF ARGUES HOW HE WAS DENIED COUNSEL OF CHOICE AT CRITICAL STAGES OF HIS PROCEEDING. THE SAME APPLIES DIRECTLY TO THE PETITIONER IN THE FORM OF DENIAL OF COUNSEL OF CHOICE VIA THE FIDUCIARY HEIR WITH SUPERSEDING ATTORNEY, JUDICIAL AND LEGISLATIVE POWERS BINDING ON THE STATE OF SOUTH CAROLINA COURTS IN THEIR TOTALITY DUE TO THE DEFAULT EMERGING FROM CASE 2013-CP-400-0084 ALSO PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION WHERE BY THIS DENIAL THE COURT BURDENED THE OBLIGATION OF THE CONTRACT, VIOLATING DUE PROCESS LAW, VOIDING THEIR JURISDICTION FOR THAT DUE PROCESS VIOLATION. DUE TO THE DEVELOPMENT WHERE THEY COMPROMISED MY OTHER HIRED COUNSEL. THIS PREJUDICED THE PETITIONER CAUSING IRREPARABLE HARM TO THE DIRECT APPEAL PROCESS. THE DOCUMENTS AFORE MENTIONED AS EXHIBITS ARE SUFFICIENT TO SUBSTANTIATE AND ARGUE THIS ISSUE BY THE LITIGATION CONTAINED THEREIN.

(3) DID THE APPEALS COURT AND OTHER STATE COURTS ERR, AND ABUSED THEIR DISCRETION, ACTING AS LEGISLATORS, NOT JUDGES, AND WAS THE PETITIONER'S 4th., 6th. 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, WHEN THE STATE WAS PERMITTED TO ESTABLISH THE CHAIN OF CUSTODY BY TESTIMONY ALONE, STRIPPING DEFENDANTS OF DUE PROCESS PROTECTIONS WHERE THERE ARE ALLEGATIONS OF PLANTING OF EVIDENCE, WHICH COULD HAVE BEEN DIMINISHED OR PREVENTED HAD THE STATE COURTS ADHERED TO THE STATUTORY PROVISIONS PLACED INTO EFFECT BY THE STATE LEGISLATORS, CAUSING EXTREME PREJUDICE TO THE PETITIONER'S DUE PROCESS MATTERS IN VIOLATION OF THE EQUAL PROTECTION OF THE LAWS CLAUSE?

INSOMUCH, IN THE CASE OF WILEY v. CITY OF CHICAGO, 361 F3d. 994(7th.Cir.2004). YOU HAVE OFFICERS PLANTING DRUGS TO FRAME A PERSON FOR A CRIME WHICH WAS REPEATED PATTERN OF OFFICER BRODERICK INVOLVING DEFENDANTS WITHIN THE STATE OF ILLINOIS. THIS PATTERN OF PLANTING EVIDENCE CONTINUED UNTIL THIS PRESENT DATE NATIONALLY WHERE IN COOK COUNTY ILLINOIS SGT. RONALD WATTS AND HIS CREW BETWEEN 2003-2008 FRAMED DEFENDANTS BY PLANTING

DRUGS ON THEM. THIS IS A COMMON PRACTICE BY POLICE OFFICERS NATIONALLY. THE ATTORNEY GENERAL OF ONE STATE DROPPED (16) CASES THE WEEK OF NOVEMBER 13, 2017 WHERE DRUGS WERE PLANTED ON THOSE DEFENDANTS BY STATE OFFICERS.

IN THE STATE OF BALTIMORE ON NOVEMBER 20, 2016 VIDEO SHOWED OFFICERS PLANTING DRUGS AND OTHER EVIDENCE ON SHAMERE COLLINS WHERE THAT CASE HAD TO BE DROPPED. BALTIMORE POLICE COMMISSIONER KEVIN DAVIS SAID THIS WAS A CONSTANT PATTERN THAT HAD TO BE CORRECTED. MARILYN J. MOSBY, THE STATE ATTORNEY GENERAL OF BALTIMORE ON JANUARY 24, 2017 RELEASED VIDEO DISMISSING DOZENS OF CASES SHOWING OFFICERS PLANTING EVIDENCE. YOU HAVE VIDEO BEING SHOWN NATIONALLY OF OFFICERS GUNS AND KNIVES AFTER KILLING INNOCENT VICTIMS.

IN OTHER RELATED NEWS, NOT FAKE NEWS, YOU HAVE OFFICERS IN VIDEO, SCHEDULED TO PARTICIPATE IN OVER (123) CASES WHICH HINGED SOLEY ON OFFICER TESTIMONY, WHERE THOSE CASES HAD TO BE THROWN OUT IN BALTIMORE DUE TO CREDIBILITY ISSUES AND THE PLANTING OF EVIDENCE. ITS UBIQUITOUS. SIMILAR CASES ARE OCCURRING IN NEW YORK, NEW JERSEY, PHILADELPHIA, CLIFORNIA, TEXAS AND THE LIST GOES ON AND ON. SIMILAR EVENTS HAPPENED IN THE PETITIONER'S CASE. DUE TO THE STATE COURTS GOING AGAINST THE STATUTES SET INTO PLACE TO ADDRESS THIS CONSTANT THREAT OF ARBITRARY STATE ACTION BY REQUIRING THAT THE CHAIN BE ESTABLISHED BY SIGNED AND NOTARIZED FORMS. THE PETITIONER WAS PREJUDICED IN HIS ABILITY TO ESTABLISH THE CLAIM OF PLANTING OF EVIDENCE DUE TO THE COURTS ASSERTING THAT THE CHAIN CAN BE ESTABLISHED BY TESTIMONY ALONE. THIS STRIPPED ME OF PROTECTIONS PLACED AROUND ME BY THE STATE LEGISLATORS CAUSING SEVERE DAMAGE WHERE THE STATE COURTS ACTED AS LEGISLATORS, NOT JUDGES, GOING AGAINST THE LEGISLATIVE INTENT AND PROTECTION PLACED UPON THE PETITIONER BY THE STATUTE, DENYING ME THE EQUAL PROTECTION OF THE LAWS. THE CLAIM AND LITIGATION FOR THIS ISSUE IS FURTHER SEEN IN EXHIBIT(S) "CHAIN OF CUSTODY 1 AND 2".

(4) DID THE APPEALS COURT ERR IN THEIR DETERMINATION, AND DID THEY ABUSE THEIR DISCRETION, AND WAS THE PETITIONER'S 4th., 6th. AND 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED BY THE COURT(S) VALIDATING THE SEARCH WARRANT AS IS ARGUED IN EXHIBIT(S), "SEARCH WARRANTS #'S 1 AND 2"?

INASMUCH, IT IS THE PETITIONER'S CONTENTION THAT THE COURT(S) ABUSED THEIR DISCRETION BY NOT INVALIDATING THE SEARCH WARRANT THEREBY ALLOWING THE EVIDENCE TO ENTER INTO THE COURT RECORD. IMMEDIATELY AFTER TRIAL THE JUDGE MADE HIS DETERMINATION AS A MATTER OF LAW UNDER THE TOTALITY OF THE CIRCUMSTANCES TO VALIDATE THE SEARCH WARRANT AND MAKE HIS FINAL RULING PROBABLE CAUSE EXISTED, WHICH ALLOWED THE EVIDENCE TO COME IN. (SEE TT.PP. 48-49).

SUBSEQUENTLY, AFTER THE SUPPRESSION HEARING THE PROSECUTION'S OPENING ARGUMENT AT THE BEGINNING OF THE HEARING CALLED UPON HER FIRST WITNESS INV. COBB (JENNIFER HABBSTAD) FOR TESTIMONY AND PRESENTMENT OF EVIDENCE. (SEE TT.PP.53). THE PETITIONER'S TRIAL LAWYER PROPERLY OBJECTED TO THE INTRODUCTION OF EVIDENCE AND LAID THE FOUNDATION THAT THE STATE HAS NOT ESTABLISHED THE CHAIN OF EVIDENCE ON THE GROUNDS INV. COBB'S TESTIMONY WAS "HEARSAY" AND WAS INSUFFICIENT BECAUSE SHE WAS THE RECOVERY AGENT AT THE END OF THE CHAIN AND NOT THE OFFICER WHO FOUND THE SEIZED DRUGS. (SEE TT.PP. 57, 59-62, 67).

BY THESE EVENTS THAT OCCURRED BEFORE THE COURT, THE COURT THEREBY MADE A RULING OF LAW ON THIS ISSUE DETERMINING THAT THE DRUGS COULD NOT COME INTO EVIDENCE RIGHT NOW UNTIL SOMEBODY COULD COME IN HERE AND SAY THEY PICKED UP THE DRUGS AND HANDED IT TO HER. (SEE TT.PP. 62).

THUS, BY THIS ACTION, THE JUDGE DID INDEED MAKE A RULING ON THE ADMISSIBILITY OF THE EVIDENCE THAT THE CHAIN WAS INSUFFICIENT AND NOT PROPERLY ESTABLISHED AS FACTS OF EVIDENCE, BY THE TRIAL JUDGE'S OWN DETERMINATION.

THEN THE STATE RESTED AND THE COURT PROCEEDINGS STOPPED

AND ABOUT AN HOUR LATER THE PROSECUTION CALLED UPON DET. OLSON AND DET. SUMNER TO PROVIDE TESTIMONY WHERE THERE IS QUESTION OF PLANTING OF EVIDENCE OR THEY BEING ACTUALLY THE ONE WHO FIRST FOUND THE EVIDENCE AND THERE WAS NO INITIAL FORM SIGNED TO SUBSTANTIATE OR AID IN PROVING EITHER PRODUCING THIS MISCARRIAGE OF JUSTICE. SGT. BRANDON RATCLIFF, PARTY TO THE WARRANT, WAS DEMOTED AS A NARCOTIC AGENT FOR POLICE MISCONDUCT SIMILAR TO THE BALTIMORE AND ILLINOIS OFFICERS JUSTIFYING THE CLAIM HE POTENTIALLY LIED TO OBTAIN THE WARRANT IN THE FIRST PLACE WHICH GIVES FURTHER REASON AS TO WHY THEY FAILED TO INITIATE THE PROPER FORMS IN DISCOVERY OF THE ALLEGED DRUGS. THIS DEMOTION OCCURRED A YEAR BEFORE I WENT TO TRIAL.

NEVERTHELESS, LET THE RECORD REFLECT THAT THE JUDGE DID INDEED MAKE A RULING ON THE ADMISSIBILITY OF THE EVIDENCE BY INSTRUCTING THE PROSECUTOR INSOMUCH THAT THE CHAIN WAS INSUFFICIENT. AND BY THESE TWO ELEMENTS BEING ESTABLISHED THAT THE PETITIONER'S TRIAL LAWYER PROPERLY OBJECTED TO THE INTRODUCTION OF THE EVIDENCE AND TO THE HEARSAY OF THE FIRST WITNESS TESTIMONY NOT ESTABLISHING THE CHAIN BECAUSE SHE DID NOT FIND THE DRUGS, AND THEN FOR THE JUDGE TO MAKE A RULING ON TO THE ADMISSIBILITY OF THE EVIDENCE TO BE INSUFFICIENT WHEN THE PROSECUTION TRIED TO HAVE THE DRUGS ADMITTED WITHOUT ESTABLISHING THE CHAIN. WITH ALL THAT BEING SAID THE PETITIONER'S ATTORNEY SUBSEQUENT TO THE OTHER OFFICERS TESTIMONY AFTER THE JUDGE ALREADY MADE HIS RULING ON THE ADMISSIBILITY PRIOR, WAS NOT REQUIRED TO CONTINUALLY KEEP OBJECTING BECAUSE THE ATTORNEY OBJECTED (3) DIFFERENT TIMES TO THE INTRODUCTION OF EVIDENCE WHICH CAUSED THE JUDGE TO MAKE A RULING ON THE ADMISSIBILITY OF THE EVIDENCE. THEREFORE, THE PETITIONER'S TRIAL LAWYER WAS NOT REQUIRED TO RENEW HIS OBJECTION TO THE DRUGS BEING ADMITTED INTO EVIDENCE AND THE JUDGE WAS NOT REQUIRED TO MAKE A FINAL RULING TO PRESERVE THE ISSUE, AND THE TWO ELEMENTS STANDING ALONE PRESERVE THE ISSUE FOR REVIEW ON APPEAL. LASTLY, IT IS THE PETITIONER'S CLAIM THAT BY SUCH INJUSTICE, HIS DUE PROCESS RIGHTS WERE VIOLATED WHERE THIS MATTER RELATED TO THE SEARCH WARRANT AND EVIDENCE BECOMES JURISDICTIONAL IN NATURE BEING ARGUED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION AND DO NOT HAVE TO BE PRE-

SERVED BY A TIMELY OBJECTION, VOIDING JURISDICTION FOR DUE PROCESS VIOLATION, WHICH CAN BE RAISED FOR THE FIRST TIME ON APPEAL, STATE v. TRAPP, 420 S.C. 217, 801 S.E.2d. 742(S.C.2017); SOUTH CAROLINA DEPT. OF SOCIAL SERVICES v. TRAN, 418 S.C. 308, 792 S.E.2d. 254(S.C.App.2016); U.S. v. $41,320 U.S. CURRENCY, 9 F.Supp.3d. 582, 2014 WL 1266240; WHITE v. MANIS, 2014 WL 1513280 (DSC.2014); U.S. v. ALADEKCHA, 2010 WL 4054267(D.C.Md.2010); BROWN v. U.S., 2014 WL 2871398(DSC.2014); STATE v. WOOD, NO. 3900 Dec. 6, 2004(S.C.Ct.App.); STATE v. MUELLER, 319 S.C. 266 (Ct.App.1995); STATE v. FORRESTER, 343 S.C. at 642, 541 S.E.2d. at 840; STATE v. WILES, 383 S.C. 151(2009); RENO v. RENO, 249 Ga. 855(1982); STATE v. MOORE, 357 S.C. 458(2004).

(5) DID THE TRIAL COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 13th., 14th., 15th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, REGARDING THE INDICTMENT(S) AS CONSTRUCTED, BY THE LANGUAGE AND OR CHARGE CONTAINED THEREIN, WHICH DID CREATE AND OR FORM CONCLUSIVE PRESUMPTION(S), THAT TOOK AWAY THE PETITIONER'S PRESUMPTION OF INNOCENCE, AND AUTOMATICALLY SHIFT THE BURDEN OF PERSUASION TO THE DEFENDANT, IN REGARD TO THE CRUCIAL ELEMENTS OF DISPUTE, PREDETERMINING IN ADVANCE THE OUTCOME OF THE PROCEEDINGS?

THIS ISSUE AND LITIGATION IS SEEN WITHIN EXHIBIT, "GOURDINE # 2", ON PAGES (1) THROUGH (21). THIS ISSUE APPLIES TO MY CASE, THE KING-KHALIFAH AND ALL CO-PETITIONERS. IT IS SOUGHT CLASS ACTION REVIEW.

(6) DID THE TRIAL COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, BY THE INDICTMENT FOR TRAFFICKING COCAINE'S FAILURE TO PROPERLY ALLEGE THE DRUG AMOUNTS AND THE SUB SECTION THE PETITIONER WAS SAID TO HAVE VIOLATED; THE INDICTMENT FOR POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA'S FAILURE TO PROPERLY

LIST THE DRUG AMOUNT AND SUB SECTION ALLEGED TO HAVE BEEN VIOLATED; THE INDICTMENT FOR POSSESSION OF A FIREARM DURING THE COMMISSION OF A VIOLENT CRIME ALLEGING, "DID POSSESS A .45 CALIBER HAND GUN OR VISIBLY DISPLAY WHAT APPEARED TO BE A KNIFE DURING THE COMMISSION, OR ATTEMPTED COMMISSION, OF TRAFFICKING***", GIVING WAY TO CONSTRUCTIVE AMENDMENT OF THE INDICTMENTS, IN THE BODY OF THE CHARGING INSTRUMENT?

THE LITIGATION FOR THIS ISSUE IS SEEN IN EXHIBIT, "GOURDINE # 2"ON PAGES (28) THROUGH (35). EVEN THOUGH GOURDINE ARGUED THIS LITIGATION FOR HIS INDICTMENT DEFECTS RELATED TO HIS ATTEMPTED MURDER CHARGE. THE CRUCIAL ELEMENTS RELATED TO MY DRUG CHARGE, DRUG AMOUNTS WITH THEIR LIMITATIONS, SUB SECTIONS ARE ARGUED IN THE SAME VEIN. THUS, THE LITIGATION IN EXHIBIT, "GOURDINE # 2", ON PAGES (28) THROUGH (35) IS SUFFICIENT TO ADDRESS MY INDICTMENT DEFECT ISSUES. THE INDICTMENT DEFECT ISSUE IS ALSO A CLASS ACTION ISSUE, ALSO BEING ARGUED FOR THE KING-KHALIFAH, WHERE his INDICTMENT DOES NOT PROPERLY LIST THE "TIME AND PLACE" OF THE ASSAULT AND DEATH FOR THE CHARGE OF MURDER WHERE THE ASSAULT AND DEATH OCCURRED ON TWO DIFFERENT DATES IN TWO DIFFERENT COUNTIES. ITS BEING ARGUED FOR THE DEFECTS IN THE INDICTMENTS OF THE CO-PETITIONERS.

(7) DID THE TRIAL COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, AS WELL AS RULES OF COURT, RULES OF CRIMINAL PROCEDURE, THE S.C. CONSTITUTION, AS WELL AS THE COURT'S JURISDICTION BEING MADE VOID FOR DUE PROCESS VIOLATION, AND OR THEY WERE PROHIBITED FROM ENACTING AND OR INVOKING AND OR CONTINUING THEIR SUBJECT MATTER JURISDICTIONARY "[P]OWERS" DUE TO THE "[P]ROCEDURAL [D]EFECT" IN THAT THERE WAS NO "[W]RITTEN"(EMPHASIS ADDED) ORDER OF CONTINUANCE OBTAINED PURSUANT TO ARTICLE V § 4 OF THE SOUTH CAROLINA CONSTITUTION?

THE LITIGATION FOR THIS ISSUE IS SEEN IN EXHIBIT, "GOURDINE # 2", ON PAGES (52) THROUGH (61). IT APPLIES TO THE PETI-

TIONER WHERE I FALL UNDER THE RULE BEFORE THE 2013 REVISION THOUGH THAT REVISION IS TO BE RENDERED VOID AND INVALID DUE TO VIOLATION OF THE HOLDINGS MADE UNDER EX-PARTE-VIRGINIA, 100 U.S. 339(1880). I WAS ARRESTED ON JUNE 11, 2011. THE CASE WASN'T CONCLUDED UNTIL MAY 13, 2014. IT APPLIES TO THE KING-KHALIFAH WHERE HE SPENT 4½ YEARS IN THE COUNTY JAIL AS A PRETRIAL DETAINEE FALLING UNDER THE OLD LAW CONVICTED IN 2004. THIS IS A CLASS ACTION ISSUE THAT WAS ALREADY DEFAULTED ON BY THE S.C. ATTORNEY GENERAL AND S.C. SUPREME COURT AND JUDGES UNDER CASE 2013-CP-400-0084 AS WERE ALL ISSUES ARGUED FOR CLASS ACTION IN THIS DOCUMENT. RES JUDICATA AND COLLATERAL ESTOPPEL ATTACHES TO ALL OF THE CLASS ACTION SOUGHT ISSUES. YOU ARE GIVEN NOTICE.

(8) DID THE TRIAL COURT ERR, AND WAS THE PETITIONER'S 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, AND HIS DUE PROCESS RIGHTS VIOLATED, BY THE TRIAL COURT AND OR PLEA COURT ALLOWING CONSTRUCTIVE AMENDMENT OF THE INDICTMENT(S) AT THE PETITIONER'S TRIAL AND OR PLEA HEARING?

THE LITIGATION FOR THIS ISSUE IS FOUND WITHIN EXHIBIT, "GOURDINE # 2", ON PAGES (65) THROUGH (77). LIKE GOURDINE AND THE KING-KHALIFAH, CONSTRUCTIVE AMENDMENT OF THE INDICTMENTS OCCURRED ON MY CRUCIAL ELEMENTS AND OR FACTS WHICH WAS NOT PASSED UPON BY THE GRAND JURY IN VIOLATION OF DUE PROCESS LAW. THIS IS A CLASS ACTION ISSUE ALSO AS SUCH DID OCCUR RELATED TO THE CO-PETITIONERS CASES.

(9) DID THE S.C. SUPREME COURT IN STATE-v.-GENTRY-SUPRA ERR, ENGAGING KNOWINGLY, INTENTIONALLY IN ACTS OF FRAUD UPON THE COURT, IN THEIR EFFORTS TO ESSENTIALLY ESTABLISH MODERN DAY SLAVERY IN VIOLATION OF THE RICO ACT AND ANTI-PEONAGE ACT, AND ABUSED THEIR DISCRETIONARY POWERS, WHICH THEY EVEN CONSPIRED TO TAKE AWAY OUR RIGHT TO VOTE, AND OR DONE SO SURREPTITIOUSLY, IN VIOLATION OF THE VOTING RIGHTS ACT. AND IN SUCH, THE COURT'S JURISDICTION WAS MADE VOID FOR DUE PROCESS VIOLATION, AND THE

STATE COURTS WERE PROHIBITED FROM ENACTING AND OR INVOKING AND OR CONTINUING THEIR SUBJECT MATTER JURISDICTIONARY POWERS, EVEN THOUGH THEY DO INDEED POSSESS SUCH POWER VIA STATE LEGISLATIVE STATUTES AND OR CONGRESSIONAL INTENT, DUE TO THE INDICTMENT DEFECTS ARGUED WITHIN THIS CASE, IN VIOLATION OF THE PETITIONER'S 4th., 5th., 6th., 13th., 14th., 15th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION, AS WELL AS ARTICLE IV § 2, ALSO 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 241, 242, 1001 AND THE LAWS OF DUE PROCESS?

THE LITIGATION FOR THIS ISSUE IS SEEN WITHIN EXHIBIT, "GOURDINE # 2", ON PAGES (84) THROUGH (115). WE ARE ARGUING AGAINST THE PRECEDENT RELATED TO MANY OF THESE ISSUES INCLUDING THE STATE v. GENTRY CASE. THIS ISSUE APPLIES TO THE PETITIONER, THE KING-KHAKLIFAH, THEIR CO-PETITIONERS AND IS A CLASS ACTION SOUGHT ISSUE.

(10) DID THE S.C. SUPREME COURT ERR, AND WAS THE PETITIONER AS A BENEFICIARY OF "THE TRUST", AND THE FIDUCIARY HEIR AS A BENEFICIARY OF "THE TRUST", 1st., 4th., 5th., 6th., 14th. AMENDMENT RIGHTS OF THE U.S. CONSTITUTION VIOLATED, AS WELL AS ARTICLE IV § 2, ALSO THEIR DUE PROCESS RIGHTS VIOLATED, AS WELL AS THE EQUAL PROTECTION OF THE LAWS CLAUSE, ALSO ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION, BY THE STATE OF SOUTH CAROLINA VIA THE SUPREME COURT, PERMITTING SAME SEX MARRIAGE, WHEN SUCH WAS GIVEN TO THE NATIONS OF THE WORLD AS A "GRANT" WITH RESTRICTIONS THAT IS UNDER "CONTRACT" VIA THE SOLE CORPORATION, WHERE SUCH ACTION VIOLATED THE TERMS AND WOULD BURDEN THE OBLIGATION OF THE CONTRACT WHICH CANNOT BE MADE OR UNMADE BY THE COURTS; AND MUST ALL RELIEF SOUGHT VIA THE WRIT OF COMMISSION BE GRANTED?

THE LITIGATION FOR THIS ISSUE IS SEEN IN BOTH EXHIBIT(S) "TRUSTEE" AND "FOREIGN SOVEREIGN". WE WANT OUR GOD'S INTELLECTUAL PROPERTY BACK GIVEN TO THE KING-KHALIFAH AS AN INHERITANCE VIA THE SOLE CORPORATION ESTABLISHED BY "COVENANT", "CONTRACT" PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION AND

ALL OTHER RELIEF DEMANDED IN THE WRIT OF COMMISSION.

CONCLUSION

INSOMUCH, I, AS APPOINTED ATTORNEY GENERAL OF THE GLOBAL THEOCRATIC STATE BY AUTHORITY GIVEN TO ME BY THE KING-KHALIFAH HEREBY INVOKE AND EXERCISE ALL SUPERSEDING ATTORNEY, JUDICIAL AND LEGISLATIVE POWER AND AUTHORITY OF THE CROWN BY WRIT OF COMMISSION AND FILE THIS PETITION FOR WRIT OF CERTIORARI ALSO AS AN AFFIDAVIT OF FACTS. YOU HAVE ILLEGALLY SEIZED, EXECUTED, ATTACHED THE INTELLECTUAL PROPERTY OF THE CROWN AND SOLE CORPORATION. THE S.C. ATTORNEY GENERAL MUST RESPOND, NOT THE S.C. SUPREME COURT. STILL, THE ATTORNEYS FOR BOTH OF YOU WHO IS ONE IN THE SAME PERSON, MUST DEMONSTRATE THAT THEY TIMELY SOUGHT TO DEFEAT THE DEFAULT AND THE VOIDING OF JURISDICTION BY UNCONTESTED AFFIDAVITS IN CASE 2013-CP-400-0084 OR ALL RIGHTS, TITLES AND PRIVILEGES STAND. IN SUCH, THE S.C. ATTORNEY GENERAL, THE S.C. SUPREME COURT, NOR ANY STATE MAY EXCLUDE A PERSON, NAMELY I AND THE FOREIGN SOVEREIGN FIDUCIARY KING-KHALIFAH WITH SUPERSEDING ATTORNEY, JUDICIAL AND LEGISLATIVE POWER AND AUTHORITY BINDING UPON THIS COURT BY THE DEFAULT AND CONTRACT PROTECTED UNDER ARTICLE 1 SECTION 10, BY HIS ORIGINAL STATUS AS SUCH BEFORE THIS NATION WAS FORMED, OR TO ME BY WRIT OF COMMISSION, TO PRACTICE LAW (ei. A.G., LAWGIVER, ATTORNEY, JUDGE, LEGISLATOR OF GOD WHEN THESE TOO ARE OUR INTELLECTUAL PROPERTY GIVEN TO YOUR NATIONS WITH RESTRICTIONS), OR ANY OTHER OCCUPATION GIVEN TO HIM BY "COVENANT", "CONTRACT" (ei. FIDUCIARY, KING, KHALIFAH), IN A MANNER FOR REASONS THAT CONTRAVENE THE DUE PROCESS RIGHTS, POWER AND AUTHORITY GIVEN TO HIM OR IN A MANNER THAT VIOLATE THE EQUAL PROTECTION OF THE LAWS CLAUSE OR ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION. THE ATTORNEY, FIDUCIARY AND JUDICIAL DUTY COMMANDS IT, 29 U.S.C.A. § 1104; SPIRES v. SCHOOLS, --F.Supp. 3d.--, 2017 WL 4174774(DSC.2017); FIFTH THIRD BANCORP v. DUDENHOEFFER, 132 S.Ct. 2459, 189 L.Ed.2d. 457, 82 U.S.L.W. 4578(U.S. 2014); PEREZ v. CHIMES DISTRICT OF COLUMBIA INC, F.Supp.3d., 2016 WL 6124679(D.C.Md.2016); McKELVEY v. REYNOLDS, 2016 WL 6518337(DSC.2016); IN RE: CLEAN FUELS, LLC, 2014 WL 2987330 (N.C.2014).

THE KING-KHALIFAH FULFILLED HIS DUTY BY THIS NATION'S DUE PROCESS LAWS AND PEACEFULLY, AS A NON-COMBATANT, FILED LEGAL ACTION TO ESTABLISH THE RIGHTS BEFORE THE GLOBAL NATIONS. HE GAVE ALL REQUIRED PARTIES FAIR AND PROPER NOTICE. HE PROPERY SERVED THE PARTIES AND BROUGHT THE MATTERS TO THEM UNDER CASE 2013-CP-400-0084 TO WHICH THEY APPEARED AND WHERE HE WAS SUBJECT TO EGREGIOUS ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE, AND THEY DEFAULTED IN THAT STATE CASE AND IT WAS REMOVED TO THE FEDERAL DISTRICT COURT CREATING THOSE PENDING PARALLEL CASES. TO EXCLUDE ME FROM ACTING AS A.G. AND JAHJAH AL MAHDI FROM PRACTICE OF LAW AS KING, KHALIFAH AND LAWGIVER OF GOD WITH HIS SUPERSEDING ATTORNEY, JUDICIAL AND LEGISLATIVE POWER AND AUTHORITY GIVEN VIA THE SOLE CORPORATION BINDING UPON THIS COURT BY CONTRACT; TO HINDER [redacted] ME AS A.G. OR HIM AS FIDUCIARY HEIR ESTABLISHED BY DUE PROCESS VIA CASE 2013-CP-400-0084 PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION, JUST LIKE YOUR NATION DID FOR THEM SODOMITES AND GOMORRAHRITES WHEN IT CAME TO SAME SEX MARRIAGES, WOULD VIOLATE THE EQUAL PROTECTION OF THE LAWS CLAUSE BEHIND RELIGIOUS AND RACIAL HATRED. TO THIS WE VEHEMENTLY OBJECT. AS A MATTER OF LAW LET IT BE KNOWN IN AND FOR THE RECORD. THE A.G. AND KING-KHALIFAH OF THE GLOBAL THEOCRATIC STATE, DEMAND THAT THE JUDGES OF THE S.C. SUPREME COURT PRODUCE YOUR BOND OR OATH OF OFFICE OR WRIT OF COMMISSION AND CITING OF LAW THAT DEMONSTRATE THAT THE S.C. SUPREME COURT JUDGES OR THE S.C. ATTORNEY GENERAL CAN VIOLATE THE PROVISIONS OF ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION AND THE DECREES OF A FOREIGN SOVEREIGN KING-KHALIFAH WHO BY HIS ORIGINAL STATUS IS SOVEREIGN WITH SUPERSEDING ATTORNEY, JUDICIAL AND LEGISLATIVE POWER AND AUTHORITY BY CONTRACT AND DEFAULT OR STAND DOWN!!! THIS POWER IS HEREBY INKOKED, SCHWARE-v.-BOARD-OF-EXAM-OF-STATE-OF-N.M., 353 U.S. 232, 72 S.Ct. 752, 64 A.L.R.2d. 288, 1 L.Ed.2d. 796(U.S.1957); FACIRE-v.-SULLIVAN, 2017 WL 3710066(D.C.Nev.2017); VIRGINIA BOARD-OF-MEDICINE-v.-ZACKRISON, 67 Va. App. 461, 796 S.E.2d. 866(2017); DOE-v.-ROGERS, 139 F.Supp.3d. 120(D.C.C.2015); BOLLS v.-VIRGINIA-BD.-OF-EXAMINERS, 811 F.Supp.2d. 1260(E.D.Va.2011); IN-RE:-GREEN, 980 F2d. 590(9th.Cir.1992); AARON, 358 U.S. 78(1958).

THE GENERAL RULE IS THAT AN UNCONSTITUTIONAL STATUTE

OR JUDICIAL DETERMINATION, THOUGH HAVING THE FORM AND NAME OF LAW, IT IS IN REALITY NO LAW, BUT IS WHOLLY VOID AND INEFFECTIVE FOR ANY PURPOSE, SINCE ITS UNCONSTITUTIONALITY DATES FROM THE TIME OF ITS ENACTMENT...IN LEGAL CONTEMPLATION, IT IS INOPERATIVE AS IF IT HAD NEVER BEEN PASSED BEING JURISDICTIONAL EFFECTING THE FOUNDATION AND WHOLE OF THE PROCEEDINGS...SINCE AN UNCONSTITUTIONAL LAW IS VOID, THE GENERAL PRINCIPLE FOLLOWS THAT IT IMPOSES NO DUTY, CONFERS NO RIGHTS, CREATES NO OFFICE (JUDICIAL FOR YOU), BESTOWS NO POWER (JURISDICTION) OR AUTHORITY ON ANYONE, AFFORDS NO PROTECTION (YOU ARE NOT IMMUNE ONCE NOTIFIED OF THE PROBLEM AND YOU FAIL TO CORRECT) AND JUSTIFIES NO ACTS (THE GENTRY CASE AND ALL OTHER MATTERS ARGUED) PERFORMED UNDER IT...A VOID ACT CANNOT BE LEGALLY CONSISTENT WITH A VALID ONE. AN UNCONSTITUTIONAL LAW CANNOT OPERATE TO SUPERSEDE AN EXISTING LAW (THIS MEANS THE LAW ESTABLISHED BEFORE GENTRY STANDS). INDEED INSOFAR AS A STATUTE OR JUDICIAL DETERMINATION RUN COUNTER TO THE FUNDAMENTAL LAW OF THE LAND (ei. THE CONSTITUTION, EX PARTE VIRGINIA, SCHWARE), IT IS SUPERSEDED THEREBY, NO ONE IS BOUND TO OBEY AN UNCONSTITUTIONAL LAW AND NO COURTS ARE BOUND TO ENFORCE IT. ALL LAWS, RULES, STATUTES AND PRACTICES WHICH ARE REPUGNANT TO THE CONSTITUTION ARE NULL AND VOID, BONNETT-v. VALLER, 116 N.W. 885, 136 Wis. 193(1908); NORTON-v.-SHELBY-COUNTY 118 U.S. 425(U.S.1886); MARBURY-v.-MADISON, 5th. U.S. (2 CRANCH) 137, 180; MONTGOMERY-v.-LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S.2016); GEFT-OUTDOOR-LLC.-v.-CONSOLIDATION CITY-OF-INDIANAPOLIS***, 187 F.Supp.3d. 1002, 1012, S.D. Ill.; HILL-v.-SNYDER, 821 F3d. 763, 765+ (6th.Cir.MICH.); PEOPLE v.-SOLO, N.E.3d., 2017 WL 1838423(2017).

RESPECTFULLY,
JOSEPH TODD ROWLAND

NOVEMBER 14, 2017

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE S.C. COURT OF APPEALS
APPELLATE CASE NO. 2014-001051

APPELLATE CASE NO. 2017-002108

STATE OF SOUTH CAROLINA,

RESPONDENT(S)

Vs.

JOSEPH TODD ROWLAND,

PETITIONER(S)

APPENDIX

HERE WITHIN THIS APPENDIX THE S.C. SUPREME COURT AND ALL PARTIES WILL FIND:

(1) A COPY OF THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE, FILING WRIT OF COMMISSION, [11] PAGES DATED NOVEMBER 20, 2017;

(2) EXHIBIT, "GOURDINE # 1". THE AFFIDAVIT OF SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; FILING OBJECTIONS

TO THE REPORT AND RECOMMENDATION***, [22] PAGES DATED MAY 16, 2017 FILED WITHIN THE FEDERAL PARALLEL RELATED CASES SUCH AS CASE 9:16-cv-3808-TLW-BM. THIS IS ONLY ONE OF THE CASES THAT CASE 2017-002108 IS PETITIONED REMOVED TO;

(3) EXHIBIT, "GOURDINE # 2". THIS DOCUMENT IS THE BRIEF FILED IN THE GOURDINE CASE WHICH CONTAIN THE LEGAL ISSUES OF RELIGIOUS PROPHESY. IT IS ALSO FILED IN THE david duren CASE UNDER 2017-000605 PENDING IN THE S.C. SUPREME COURT;

(4) EXHIBIT, "TRUSTEE". THIS IS THE MANDAMUS THAT MAKE UP CASE 16-2299 PENDING WITHIN THE 4TH. CIRCUIT COURT OF APPEALS. IT EXPLAINS THE "TRUST" TO WHICH THE PETITIONER, THE KING-KHALIFAH AND ALL OTHER PETITIONERS WITHIN THE FEDERAL CASES ARE BENEFICIARIES OF. IT EXPLAINS THE RIGHT TO THE INTELLECTUAL PROPERTY REGARDING THE RIGHT TO MARRY GIVEN TO THE SOLE CORPORATION TO PROTECT AND HOW THIS STATE AND NATION VIOLATED THE TERMS OF THE "CONTRACT", "GRANT" GIVEN TO THEM WHEN THEY GAVE THIS RIGHT TO THE SODOMITES AND GOMORRAHRITES OF YOUR NATIONS;

(5) EXHIBIT, "FOREIGN SOVEREIGN". THIS DOCUMENT IS TO BE FILED WITHIN BOTH CASES 2017-000605 AND CASE 2017-002108. IT GIVES FURTHER DETAILS INTO THE FACTS OF THESE RELATED CASES, THE FRAUD AND CONSPIRACY ALSO INVOLVING JUDGE ALISON LEE WHO SAT ON THE APPEAL OF CASE 2014-001051 CREATING A STRUCTURAL ERROR VOIDING THE S.C. COURT OF APPEAL'S JURISDICTION;

(6) EXHIBIT, "INJUNCTION". THIS DOCUMENT FURTHER HIGHLIGHTS THE ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE THAT JUDGE LEE IS INVOLVED IN WITHIN MULTIPLE JURISDICTIONS, WHERE SHE IS A DEFENDANT WITHIN THESE PARALLEL FEDERAL AND OR STATE CASES CREATING A STRUCTURAL ERROR IN CASE 2014-001051;

(7) EXHIBIT, "MAHDI # 1". THIS IS THE [49] PAGE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE;****, DATED NOVEMBER 8, 2017 FURTHER PROVING THE FRAUD AND CONSPIRACY JUDGE LEE IS PARTY TO CREATING A STRUCTURAL ERROR IN CASE 2014-001051 DUE TO HER

BEING A DEFENDANT IN THE PENDING FEDERAL PARALLEL CASES IN THE DISTRICT COURT AND 4TH. CIRCUIT;

(8) EXHIBIT(S), "duren #'S 1 AND 2". THESE [2] DOCUMENTS FURTHER HIGHLIGHT THE FRAUD INVOLVED IN BY JUDGE LEE AND THE OTHER STATE ACTORS ESTABLISHING STRUCTURAL ERROR IN CASE 2014-001051 DUE TO JUDGE LEE BEING A DEFENDANT IN THESE CASES AND DEMONSTRATING THAT WE MEET THE CRITERION UNDER ROSS v. BLAKE, 136 S.Ct. 1850(2016) SHOWING WE DO NOT HAVE TO EXHAUST STATE REMEDIES BECAUSE THERE ARE NONE AVAILABLE DUE TO THE MACHINATION;

(9) EXHIBIT, "DNA". THIS IS THE DNA APPLICATION THAT ESTABLISHES CASE 04-385 PENDING IN THE RICHLAND COUNTY COURT OF GENERAL SESSIONS. WE WANT THIS DNA EVIDENCE S.C. ATTORNEY GENERAL AND S.C. SUPREME COURT;

(10) EXHIBIT(S), "CHAIN OF CUSTODY #'S 1 AND 2". THESE DOCUMENTS CONTAIN THE LITIGATION ARGUING AGAINST THE CHAIN OF CUSTODY THAT IS SOUGHT REVIEW WITHIN CASE 2017-002108 DUE TO THE POTENTIAL PLANTING OF EVIDENCE AND WHERE THE STATE COURTS IN THEIR DETERMINATION ACTED AS LEGISLATORS NOT JUDGES STRIPPING DEFENDANTS OF THE PROTECTIONS PLACED UPON THEM BY STATUTORY INTENT;

(11) EXHIBIT, "REMOVAL". WE GIVE THE S.C. SUPREME COURT, ALL JUDGES CONTAINED THEREIN AND ALL OTHER PARTIES JUDICIAL NOTICE. CASE 2017-002108 IS PETITIONED REMOVED TO BOTH CASE 9:17-cv-2879-TLW-BM AND 9:16-cv-3808-TLW-BM;

(12) EXHIBIT, "INDICTMENTS". THESE ARE THE INDICTMENTS THAT I, JOSEPH ROWLAND, INTEND TO ARGUE BEFORE THE S.C. SUPREME COURT THAT DEMONSTRATE THAT THE LEGAL ISSUES OF RELIGIOUS PROPHESY FOR WHICH CLASS ACTION IS SOUGHT DIRECTLY EFFECT MY CASE AS WELL, TO INCLUDE EFFECTING THE KING-KHALIFAH'S CASE AND ALL OTHER PETITIONERS INVOLVED WHICH IS WHY JUDGE LEE SAT ON THIS CASE TO HINDER AND OR PREVENT REVIEW GIVING WAY TO STRUCTURAL ERROR IN CASE 2014-001051;

(13) EXHIBIT, "APPEAL COURT ORDERS". THESE ARE THE ORDERS FROM CASE 2014-001051;

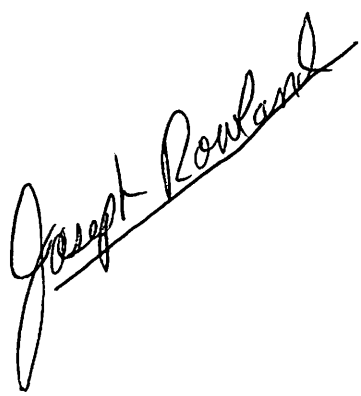
(14) EXHIBIT, "SEARCH WARRANTS #'S 1 AND 2". THIS IS THE LITIGATION ARGUING THE TAINTING AND OR INVALIDATION OF THE SEARCH WARRRANT(S).

REFERRING BACK TO ITEM NUMBER (6) EXHIBIT "INJUNCTION". WE GIVE THE COURT AND PARTIES FURTHER NOTICE RELATED TO THIS DOCUMENT. IT PROVES THE OBSTRUCTION CONSPIRED IN BY THE S.C. ATTORNEY GENERAL, JUDGE LEE AND PARTIES WORKING WITH THE S.C. DEPT. OF CORRECTIONS TO HAVE A DETRIMENTAL EFFECT UPON THESE PROCEEDINGS BY RESTRICTING AND OR DENYING COPIES. WE WANT THE S.C. ATTORNEY GENARAL AND S.C. SUPREME COURT TO GRANT THE INJUNCTION AGAINST S.C.D.C. WHO WERE SERVED THE DOCUMENT TO STOP THE RETALIATORY ATTACKS. WE WANT THE KING-KHALIFAH'S PROPERTY THAT WAS DAMAGED, STOLE, DESTROYED OR GAVE AWAY TO INMATES AS PAYMENT FOR PHYSICAL ASSAULTS UPON US REPLACED AS IS SOUGHT BY THAT DOCUMENT WHICH INCLUDE THE OBTAINING OF THAT DNA.

INASMUCH, THE PETITIONER(S) DO HEREBY CERTIFY THAT ALL DOCUMENTS CONTAINED WITHIN THIS APPENDIX INCLUDE QUESTIONS PRESENTED, WHICH ALSO INCLUDE THOSE PRESENTED ON A SUBSIDIARY LEVEL FAIRLY COMPRISED THEREIN AND ARE RELEVANT TO DOCUMENTS RULED ON OR DISMISSED THAT ARE FILED IN THE CASE.

RESPECTFULLY SUBMITTED,
JOSEPH TODD ROWLAND

NOVEMBER 17, 2017



THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE S.C. COURT OF APPEALS
APPELLANT CASE NO. 2014-001051

APPELLATE CASE NO. 2017-002108

STATE OF SOUTH CAROLINA,

RESPONDENT(S)

Vs.

JOSEPH TODD ROWLAND,

PETITIONER(S)

APPENDIX

HERE WITHIN THIS APPENDIX THE S.C. SUPREME COURT AND ALL PARTIES WILL FIND:

(1) A COPY OF THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE, FILING WRIT OF COMMISSION, [11] PAGES DATED NOVEMBER 20, 2017;

(2) EXHIBIT, "GOURDINE # 1". THE AFFIDAVIT OF SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; FILING OBJECTIONS

TO THE REPORT AND RECOMMENDATION****, [22] PAGES DATED MAY 16, 2017 FILED WITHIN THE FEDERAL PARALLEL RELATED CASES SUCH AS CASE 9:16-cv-3808-TLW-BM. THIS IS ONLY ONE OF THE CASES THAT CASE 2017-002108 IS PETITIONED REMOVED TO;

(3) EXHIBIT, "GOURDINE # 2". THIS DOCUMENT IS THE BRIEF FILED IN THE GOURDINE CASE WHICH CONTAIN THE LEGAL ISSUES OF RELIGIOUS PROPHESY. IT IS ALSO FILED IN THE david duren CASE UNDER 2017-000605 PENDING IN THE S.C. SUPREME COURT;

(4) EXHIBIT, "TRUSTEE". THIS IS THE MANDAMUS THAT MAKE UP CASE 16-2299 PENDING WITHIN THE 4TH. CIRCUIT COURT OF APPEALS. IT EXPLAINS THE "TRUST" TO WHICH THE PETITIONER, THE KING-KHALIFAH AND ALL OTHER PETITIONERS WITHIN THE FEDERAL CASES ARE BENEFICIARIES OF. IT EXPLAINS THE RIGHT TO THE INTELLECTUAL PROPERTY REGARDING THE RIGHT TO MARRY GIVEN TO THE SOLE CORPORATION TO PROTECT AND HOW THIS STATE AND NATION VIOLATED THE TERMS OF THE "CONTRACT", "GRANT" GIVEN TO THEM WHEN THEY GAVE THIS RIGHT TO THE SODOMITES AND GOMORRAHRITES OF YOUR NATIONS;

(5) EXHIBIT, "FOREIGN SOVEREIGN". THIS DOCUMENT IS TO BE FILED WITHIN BOTH CASES 2017-000605 AND CASE 2017-002108. IT GIVES FURTHER DETAILS INTO THE FACTS OF THESE RELATED CASES, THE FRAUD AND CONSPIRACY ALSO INVOLVING JUDGE ALISON LEE WHO SAT ON THE APPEAL OF CASE 2014-001051 CREATING A STRUCTURAL ERROR VOIDING THE S.C. COURT OF APPEAL'S JURISDICTION;

(6) EXHIBIT, "INJUNCTION". THIS DOCUMENT FURTHER HIGHLIGHTS THE ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE THAT JUDGE LEE IS INVOLVED IN WITHIN MULTIPLE JURISDICTIONS, WHERE SHE IS A DEFENDANT WITHIN THESE PARALLEL FEDERAL AND OR STATE CASES CREATING A STRUCTURAL ERROR IN CASE 2014-001051;

(7) EXHIBIT, "MAHDI # 1". THIS IS THE [49] PAGE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE;****, DATED NOVEMBER 8, 2017 FURTHER PROVING THE FRAUD AND CONSPIRACY JUDGE LEE IS PARTY TO CREATING A STRUCTURAL ERROR IN CASE 2014-001051 DUE TO HER

BEING A DEFENDANT IN THE PENDING FEDERAL PARALLEL CASES IN THE DISTRICT COURT AND 4TH. CIRCUIT;

(8) EXHIBIT(S), "duren #'S 1 AND 2". THESE [2] DOCUMEMTS FURTHER HIGHLIGHT THE FRAUD INVOLVED IN BY JUDGE LEE AND THE OTHER STATE ACTORS ESTABLISHING STRUCTURAL ERROR IN CASE 2014-001051 DUE TO JUDGE LEE BEING A DEFENDANT IN THESE CASES AND DEMONSTRATING THAT WE MEET THE CRITERION UNDER ROSS-v.-BLAKE, 136 S.Ct. 1850(2016) SHOWING WE DO NOT HAVE TO EXHAUST STATE REMEDIES BECAUSE THERE ARE NONE AVAILABLE DUE TO THE MACHINATION;

(9) EXHIBIT, "DNA". THIS IS THE DNA APPLICATION THAT ESTABLISHES CASE 04-385 PENDING IN THE RICHLAND COUNTY COURT OF GENERAL SESSIONS. WE WANT THIS DNA EVIDENCE S.C. ATTORNEY GENERAL AND S.C. SUPREME COURT;

(10) EXHIBIT(S), "CHAIN OF CUSTODY #'S 1 AND 2". THESE DOCUMENTS CONTAIN THE LITIGATION ARGUING AGAINST THE CHAIN OF CUSTODY THAT IS SOUGHT REVIEW WITHIN CASE 2017-002108 DUE TO THE POTENTIAL PLANTING OF EVIDENCE AND WHERE THE STATE COURTS IN THEIR DETERMINATION ACTED AS LEGISLATORS NOT JUDGES STRIPPING DEFENDANTS OF THE PROTECTIONS PLACED UPON THEM BY STATUTORY INTENT;

(11) EXHIBIT, "REMOVAL". WE GIVE THE S.C. SUPREME COURT, ALL JUDGES CONTAINED THEREIN AND ALL OTHER PARTIES JUDICIAL NOTICE. CASE 2017-002108 IS PETITIONED REMOVED TO BOTH CASES 9:17-cv-2897-TLW-BM AND 9:16-cv-3808-TLW-BM;

(12) EXHIBIT, "INDICTMENTS". THESE ARE THE INDICTMENTS THAT I, JOSEPH ROWLAND, INTEND TO ARGUE BEFORE THE S.C. SUPREME COURT THAT DEMONSTRATE THAT THE LEGAL ISSUES OF RELIGIOUS PROPHESY FOR WHICH CLASS ACTION IS SOUGHT DIRECTLY EFFECT MY CASE AS WELL, TO INCLUDE EFFECTING THE KING-KHALIFAH'S CASE AND ALL OTHER PETITIONERS INVOLVED WHICH IS WHY JUDGE LEE SAT ON THIS CASE TO HINDER AND OR PREVENT REVIEW GIVING WAY TO STRUCTURAL ERROR IN CASE 2014-001051;

(13) EXHIBIT, "APPEAL COURT ORDERS". THESE ARE THE ORDERS FROM CASE 2015-001051;

(14) EXHIBIT, "SEARCH WARRANTS #'S 1 AND 2". THIS IS THE LITIGATION ARGUING THE TAINTING AND OR INVALIDATION OF THE SEARCH WARRANT(S).

REFERRING BACK TO ITEM NUMBER (6) EXHIBIT "INJUNCTION". WE GIVE THE COURT AND PARTIES FURTHER NOTICE RELATED TO THIS DOCUMENT. IT PROVES THE OBSTRUCTION CONSPIRED IN BY THE S.C. ATTORNEY GENERAL, JUDGE LEE AND PARTIES WORKING WITH THE S.C. DEPT. OF CORRECTIONS TO HAVE A DETRIMENTAL EFFECT UPON THESE PROCEEDINGS BY RESTRICTING AND OR DENYING COPIES. WE WANT THE S.C. ATTORNEY GENERAL AND S.C. SUPREME COURT TO GRANT THE INJUNCTION AGAINST S.C.D.C. WHO WERE SERVED THE DOCUMENT TO STOP THE RETALIATORY ATTACKS. WE WANT THE KING-KHALIFAH'S PROPERTY THAT WAS DAMAGED, STOLE, DESTROYED OR GAVE AWAY TO INMATES AS PAYMENT FOR PHYSICAL ASSAULTS UPON US REPLACED AS IS SOUGHT BY THAT DOCUMENT WHICH INCLUDE THE OBTAINING OF THAT DNA.

INASMUCH, THE PETITIONER(S) DO HEREBY CERTIFY THAT ALL DOCUMENTS CONTAINED WITHIN THIS APPENDIX INCLUDE QUESTIONS PRESENTED, WHICH ALSO INCLUDE THOSE PRESENTED ON A SUBSIDIARY LEVEL FAIRLY COMPRISED THEREIN AND ARE RELEVANT TO DOCUMENTS RULED ON OR DISMISSED THAT ARE FILED IN THE CASE.

RESPECTFULLY SUBMITTED,
JOSEPH TODD ROWLAND

NOVEMBER 17, 2017

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE S.C. COURT OF APPEALS
APPELLATE CASE NO. 2014-001051

APPELLATE CASE NO. 2017-002108

STATE OF SOUTH CAROLINA,

RESPONDENT(S)

Vs.

JOSEPH TODD ROWLAND,

PETITIONER(S)

AFFIDAVIT OF SERVICE

I, JOSEPH TODD ROWLAND ET. AL., DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; FILING WRIT OF COMMISSION, ON THE S.C. SUPREME COURT P.O. BOX 11330 COLA., S.C. 29211, THE S.C. ATTORNEY GENERAL P.O. BOX 11549 COLA., S.C. 29221, BY U.S. MAIL AND OR CERTIFIED, POSTAGE PREPAID, BY PLACING IT IN THE INSTITUTION MAILBOX ON NOVEMBER 20, 2017.

JAHJAH AL MAHDI

NOVEMBER 20, 2017

RESPECTFULLY,
JOSEPH TODD ROWLAND

Joseph Rowland

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM S.C. COURT OF APPEALS
APPELLATE CASE NO. 2014-001051

APPELLATE CASE NO. 2017-002108

STATE OF SOUTH CAROLINA,

RESPONDENT(S)

Vs.

JOSEPH TODD ROWLAND,

PETITIONER(S)

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE;
FILING WRIT OF COMMISSION

IN RE: TO THE KING-KHALIFAH TO THE (4) GLOBAL THRONES OF THE RE-ESTABLISHED THEOCRATIC STATE AND ALL RELATED MATTERS.

TO: THE UNITED STATES,
THE STATE OF SOUTH CAROLINA,
THE S.C. SUPREME COURT,
THE S.C. ATTORNEY GENERAL ET. AL.,

TO WHOM JONAH GABRIEL JAHJAH T. TISHBITE, FORMERLY LAWRENCE L. CRAWFORD, THE KING OF THE NORTH, AL MAHDI, APPOINTED

AND ANOINTED KING, KHALIFAH, IMAM, LAWGIVER, AND HIGH PRIEST, TRUE FIDUCIARY HEIR TO THE (4) GLOBAL THRONES OF THE AFRICAN, ITS DIASPORA, CHRISTIAN, JEWISH AND MUSLIM WORLD, ESTABLISHED BY THE SOLE CORPORATION, VIA CONTRACT, PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE UNITED STATES CONSTITUTION SHALL COME. IN THE NAME OF THE ONE TRUE GOD, THE MOST GRACIOUS, THE MOST MERCIFUL, THE MOST GREAT. SHALOM. AS SALAMU ALAYKUM WA RAMATULLAH WA BARAKATUHU. MAY THE BLESSINGS OF CHRIST JESUS BE UPON YOU. THE RIGHTFUL LOST HEIR, KING, KHALIFAH OF THE (4) GLOBAL THRONES, ALSO BY CLAIMS OF DEFAULT, COLLATERAL ESTOPPEL AND THE VOIDING OF JURISDICTION EMERGING FROM CASE 2013-CP-400-0084 IN THE RICHLAND COUNTRY COUNTY COURT OF COMMON PLEAS, AND HIS HOLY COMMONWEALTH, GIVE THE S.C. SUPREME COURT, ALL OTHER COURTS ON RECORD AND ALL PARTIES JUDICIAL NOTICE. HENCE BY SOVEREIGN DECREE, THE KING-KHALIFAH PLACES BEFORE ALL COURTS THIS LEGAL WRIT OF COMMISSION. BY NO MEANS IS THIS WRIT TO NEGATE THE POWER OR THE AUTHORITY AS WELL AS EXCLUSIVE JURISDICTION GIVEN TO THE KING-KHALIFAH'S TRUSTEE, JUDGE JACQUELYN AUSTIN. THIS WRIT OF COMMISSION IS ISSUED IN SUPPORT OF THAT EXCLUSIVE JURISDICTION GIVEN TO THE TRUSTEE AS IS ESTABLISHED BY THE KING-KHALIFAH.

THE KING-KHALIFAH AND PETITIONERS BRING ALL PARTIES ATTENTION TO EXHIBIT, "FOREIGN SOVEREIGN", THE (70) PAGE AFFIDAVIT OF FACTS...DATED OCTOBER 5, 2017 AND THE CLAIMS, POINTS ARGUED ON PAGES 35 THROUGH 56 AS WELL AS POINTS 1 THROUGH 33 OF THAT DOCUMENT. THESE PROVISIONS ARE HEREBY INVOKED FOR ALL PURPOSES WHICH INCLUDE ESTABLISHING THE POWER AND AUTHORITY GIVEN BY THIS WRIT OF COMMISSION.

I, JAHJAH AL MAHDI, THE KING OF THE NORTH, FIDUCIARY HEIR, KING, KHALIFAH OF THE (4) THRONES OF THE GLOBAL THEOCRATIC STATE, GIVE ALL COURTS AND PARTIES JUDICIAL NOTICE THAT ONE, JOSEPH TODD ROWLAND, IS HEREBY APPOINTED AND OR ENDOWED WITH THE OFFICE OF ATTORNEY GENERAL FOR THE GLOBAL THEOCRATIC STATE, WITH ALL RIGHTS, TITLES, POWER, AUTHORITY AND PRIVILEGES THAT ARE ATTRIBUTED TO THAT OFFICE AS DECREED BY THE KING-KHALIFAH OF THE GLOBAL THEOCRATIC STATE. THIS IS A TEMPORARY APPOINTMENT. BY SUCH POWER AND AUTHORITY HEREBY ENDOWED AND PLACED UPON HIM.

THE APPEAL OF CASE 2014-001051 BY JOSEPH TODD ROWLAND MUST BE DEEMED BY THE DECREE OF THE KING-KHALIFAH OF THE GLOBAL THEOCRATIC STATE, AS AN APPEAL ALSO FILED BY THE KING-KHALIFAH HIMSELF AS IT PERTAINS TO THE APPEAL UNDER CASE 2017-002108, WHERE THE KING-KHALIFAH ENTERED THE PROCEEDINGS UNDER CASE 2014-001051 TO PROTECT HIS ACQUIRED INTEREST, SEE 28 U.S.C. §§ 1443(1), 2679, 1602-1612 ET. SEQ., TRUSTEES-OF-DARTHMOUTH-COLLEGE-v.-WOODWARD, 17 U.S. 518, 1819 WL 2201; AMERICAN-MUT.-LIBERTY-INS.-CO.-v.-PLYWOOD-PLASTICS-CORP., 81 F.Supp. 157(DSC.1948); EIE-GUAM-v.-LONG-TERM-CREDIT-BANK,-JAPAN, 322 F3d. 635(9th.Cir.2003); VERLINDEN-B.V.-v.-CENTRAL-BANK-OF-NIGERIA, 461 U.S. 480, 103 S.Ct. 1962, 76 L.Ed.2d. 81(U.S.1983); FIFTH THIRD BON CORP. v.-DUDENHOEFFER, 134 S.Ct. 2459, 189 L.Ed.2d. 457(U.S.2014); FOBES-v.-FORBES, 341 P.3d. 1041, 2015 Wy. 13 Jan. 23, 2015; BRADDY-v.-UNITED-STATES, 2016 WL 1031301(E.D.Va.2016); ADAIR-ASSET-MANAGEMENT,-LLC.-v.-U.S.-DEPT.-OF-HOUSING-URBAN-DEVELOPMENT, 2016 WL 3248569(2016); SAUNIER-v.-BOEING-COMPANY, F.Supp.2d., 2014 WL 1646953(2014). I, JAHJAH AL MAHDI, AM OFFICIALLY A PARTY IN THE APPEAL UNDER CASE 2017-002108. IT IS SO DECREED.

JOSEPH TODD ROWLAND IS OFFICIALLY ENDOWED WITH ALL POWER AND AUTHORITY BY THAT OFFICE AS ATTORNEY GENERAL TO SEEK THE COMPLETION AND JUDGMENT OF THE KING-KHALIFAH'S WILL AND ACT UPON ALL CLAIMS, POWERS, RIGHTS, TITLES AND PRIVILEGES ESTABLISHED WITHIN THE KING-KHALIFAH'S DECLARATION OF SOVEREIGNTY FILED IN CASE 2013-CP-400-0084, DEFAULTED ON BY THE S.C. ATTORNEY GENERAL, THE STATE OF SOUTH CAROLINA, THE UNITED STATES AND THE REMAINING (192) MEMBER STATES OF THE UNITED NATIONS. AS THE KING-KHALIFAH'S DULY APPOINTED ATTORNEY GENERAL. THE S.C. SUPREME COURT AND THE S.C. ATTORNEY GENERAL SHALL ACKNOWLEGE THIS AUTHORITY AND POWER AND THE S.C. SUPREME COURT AND S.C. ATTORNEY GENERAL SHALL DO AND COMPLETE TO THEIR FULLNESS THE FOLLOWING ACTS:

(1) ALL CONVICTIONS FOR ALL PLAINTIFFS LISTED WITHIN CASES 2013-CP-400-0084, 2294, IN THE RICHLAND COUNTY COURT OF COMMON PLEAS SHALL BE VACATED;

(2) CLASS ACTION IS TO BE CERTIFIED FOR THE LEGAL ISSUES OF RELIGIOUS PROPHESY AS INDICATED WITHIN THE PETITION FOR WRIT OF CERTIORARI. NOTICE IS TO BE GIVEN ON TELEVISION AND RADIO TO ALL INMATES STATEWIDE OF THE PROCEEDINGS. THEIR CONVICTIONS ARE TO BE VACATED AND THEY ARE TO BE TIMELY PROCESSED OUT OF THE CRIMINAL SYSTEM;

(3) ALL RESTITUTION FEES PAID OUT BY THEM ARE TO BE RETURNED. THEIR CRIMINAL RECORDS TO INCLUDE ANY AND ALL INFORMATION PLACED WITHIN ANY DEROGATORY FILE IS TO BE EXPUNGED WITHIN (15) DAYS OF THEIR RELEASE;

(4) ALL REPRESENTATIVE MEMBERS OF THE SOUGHT CLASS ACTION FOUND WITHIN THE S.C. SUPREME COURT AND THE FEDERAL DISTRICT COURT, RELATED TO THOSE PARALLEL CASES CONTAINED THEREIN, , INCLUDING ALL THEIR PERSONAL PROPERTY WITHOUT RESTRICTION, ARE TO BE IMMEDIATELY MOVED AND TRANSFERRED TO A PRE-RELEASE FACILITY WITHOUT EXCEPTION WITHIN (15) DAYS OF RECEIPT OF THIS DOCUMENT;

(5) THE ATICLE V § 4 ORDER ISSUED BY JUDGE JEAN TOAL AND HER S.C. SUPREME COURT COHORTS RELATED TO THE (180) DAY PROVISION FOR CRIMINAL CASES WHICH WAS REVISED BY THE S.C. SUPREME COURT IN 2013 IS RENDERED VOID. THE COURTS ARE REQUIRED TO ADHERE TO THE PROVISION OF LAW ESTABLISHED BEFORE THE 2013 REVISION WITHIN (15) DAYS OF THE RECEIPT OF THIS DOCUMENT;

(6) ALL SAME SEX MARRIAGES WITHIN THE STATE OF SOUTH CAROLINA, PAST, PRESENT AND INTO THE FUTURE ARE NULL AND VOID FOR YOUR STATES ARRESTING, ATTACHING OR EXECUTING THE INTELLECTUAL PROPERTY OF THE GLOBAL THEOCRATIC STATE GIVEN TO YOUR NATION AS A GRANT WITH RESTRICTIONS TO WHICH YOU VIOLATED THE TERMS OF THE CONTRACT ESTABLISHED BY THE SOLE CORPORATION BURDENING THE OBLIGATION OF THE CONTRACT IN VIOLATION OF ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION. THE VOIDING OF ALL SAME SEX MARRIAGE , PAST, PRESENT AND INTO THE FUTURE IS TO OCCUR WITHIN (15) DAYS OF THE RECEIPT OF THIS DOCUMENT BY THE COURT;

(7) THE S.C. ATTORNEY GENERAL AND S.C. SUPREME COURT SHALL ORDER THE S.C. DEPT. OF CORRECTIONS TO BE IN FULL COMPLIANCE TO THE ATTACHED (19) PAGE INJUNCTION AND PROTECTIVE ORDER. MAKE OUR COPIES AS DEMANDED, ESTABLISH THE LAW LIBRARY TIME AS DEMANDED, GET MEGGETT OUT THE EDUCATION BUILDING AS DEMANDED, REPLACE THE KING-KHALIFAH'S TYPEWRITER AND OTHER PROPERTY AS DEMANDED, ESTABLISH THE RELIGIOUS RIGHTS AS DEMANDED. THIS IS TO BE DONE WITHIN (10) DAYS OF RECEIPT OF THIS DOCUMENT BY THE COURT;

(8) THE S.C. ATTORNEY GENERAL IS TO OBTAIN THAT DNA FROM THE CORONER JOHNNY FELLORS AND HAVE IT TESTED TO MICHAEL LEE, THE KING-KHALIFAH'S STEPSON, IN ACCORDANCE TO HOW IT IS DEMANDED IN EXHIBIT "DNA" THAT ESTABLISHES CASE 04-385 AND THE FORM 24 THAT WAS PREVIOUSLY SERVED ON HIM AND THAT IS FILED WITHIN CASES 2013-CP-400-0084, 2294 IN THE RICHLAND COUNTY COMMON PLEAS COURT. THE S.C. ATTORNEY GENERAL IS TO PRODUCE THE SLED INVESTIGATIVE FILE SOUGHT TO INCLUDE ALL OTHER EVIDENCE DEMANDED WITHIN THE FORM 24, FILE IT WITH THIS AND THE FEDERAL COURT IN THE PARALLEL CASES AND SERVE A COPY OF THE DNA RESULTS AND ALL OTHER EVIDENCE UPON THE KING-KHALIFAH. HE SHALL COMPLETE THIS TASK WITHIN (15) DAYS OF RECEIPT OF THIS DOCUMENT;

(9) THE S.C. ATTORNEY GENERAL, THE COUNTY OF KERSHAW AND THE STATE OF SOUTH CAROLINA SHALL (A) OBTAIN A "PLATINUM" OR "BLACK" CREDIT CARD IN THE NAME OF THE KING-KHALIFAH, AN AMERICAN EXPRESS, VISA OR MASTER CARD, ANY ONE OF THE (3), WITH NO FINANCIAL LIMIT PLACED ON IT. IT IS TO BE IMMEDIATELY ACTIVATED AND PERMITTED USED BY HIM UNTIL AGREEMENT ON HOW THE STATE AND DEFENDANTS WILL PAY THE REMAINING MONETARY RELIEF THAT IS SOUGHT WITHIN CASES 2013-CP-400-0084, 2294. ALL OTHER NON MONETARY RELIEF IS IMMEDIATELY GRANTED IN THOSE CASES; (B) ALL MEDICAL EXPENSES FOR THE KING-KHAKLIFAH ARE TO BE IMMEDIATELY COVERED IN FULL NO MATTER WHERE HE RESIDES WHICH IS TO BE EXTENDED FOR THE REMAINDER OF HIS LIFE AS WELL AS FOR AERIALLE AND QUINTA HIS CHILDREN. THIS INCLUDES ANY AND ALL SURGERIES THE KING-KHALIFAH WOULD DEEM JUSTIFIED TO REMEDY THE EFFECTS OF

HIS UNJUST CAPTIVITY WITH NO LIMITS ARE RESTRICTIONS; (C) THE STATE OF SOUTH CAROLINA IS TO IMMEDIATELY SET UP AND PAY IN FULL FOR A SUITE AT A (5) STAR HOTEL IN THIS STATE, CLOSEST TO COLUMBIA S.C., WITH ALL ACCOMMODATIONS INCLUDING A LARGE HOT TUB AND ALL MEALS FOR THE KING-KHALIFAH AS HE DESIRES UNTIL THE KING-KHALIFAH FEELS THIS IS NO LONGER NEEDED. THIS IS TO BE PLACED IN EFFECT THE DAY OF HIS RELEASE. THE SAME SHALL BE DONE FOR ANTHONY COOK; (D) THE STATE AND OR THE S.C. ATTORNEY GENERAL SHALL SEND UNMARKED CARS TO PICK UP ALL OF THE REPRESENTATIVE MEMBERS TO THE CLASS ACTION UPON THEIR RELEASE AND DRIVE THEM TO WHEREVER THEY WANT TO GO WITHIN OR WITHOUT THE STATE WHERE THEY INTEND TO RESIDE UPON THAT RELEASE. A CAR MUST BE MADE AVAILABLE WITH DRIVER FOR THE KING-KHALIFAH 24/7 UNTIL THE KING-KHALIFAH HAS BEEN GIVEN THE JAGUAR CONVERTIBLE THAT HE LOST SOUGHT REPLACED BY THE STATE OF SOUTH CAROLINA. THESE VEHICLES CAN BE DRIVEN BY EMPLOYEES OF THE STATE OR THE STATE CAN PAY IN FULL FOR PRIVATE DRIVERS WHICHEVER THEY PREFER; (E) THE KING-KHALIFAH'S JAGUAR MUST BE REPLACED. I WANT A 2018 MODEL CONVERTIBLE, FULLY LOADED, CUSTOM DESIGNED AS HE SEES FIT AND CHOOSES. ALL TAX, TAGS AND INSURANCE ARE TO BE PAID IN FULL FOR (5) YEARS; (F) TOUCH SCREEN CELL PHONES, TOP SHELF, ARE TO BE IMMEDIATELY GIVEN TO ALL REPRESENTATIVE MEMBERS OF THE CLASS ACTION PAID IN FULL BY THE STATE. THIS INCLUDES THE PAYING FOR A TOP PHONE PLAN TO BE PAID FOR BY THE STATE FOR (6) MONTHS IMMEDIATELY WITHIN (10) DAYS OF RECEIPT OF THIS DOCUMENT TO ALLOW THE REPRESENTATIVE MEMBERS TO CALL AND OBTAIN PROPER ATTIRE IN PREPARATION OF THEIR RELEASE AND ANY AND ALL INSTITUTIONS ARE TO ALLOW DELIVERY OF THE ITEMS ORDERED THAT THEY MAY MAKE USE OF AND HAVE THEM UPON RELEASE AS NEEDED; (G) UPON THE OBTAINING OF THE EVIDENCE SOUGHT VIA THE DNA APPLICATION AND FORM 24 ARREST WARRANTS ARE TO ISSUE FOR SYLVIA LEE, MICHAEL LEE, MR. & MRS. JOSEPH ABRAMS III, MR. & MRS. HERBERT LEE, AERIALLE CRAWFORD, DR JOEL SEXTON, DR JANICE ROSS, CYLENA LEE, MR. GIESE, MR. MOAKE, MR LLYOD, MR. MEADORS, JOHNNY FELLORS, CORT KORLEY, DAVID THOMLEY FOR THE CRIMES OF CRIMINAL CONSPIRACY, OBSTRUCTION OF JUSTICE, FRAUD, CONSPIRING DURING AND AFTER THE FACT IN ACTS OF INCEST, CSC AND KIDNAPPING OF A FOREIGN SOVEREIGN OFFICIAL;

(9) THE S.C. ATTORNEY GENERAL SHALL CALL AND CONTACT THE CATHOLIC ARCH DIOCESE OF THIS STATE OR THE STATE OF NEW YORK. HE IS TO INSTRUCT THEM THAT THEY ARE TO CONTACT THE VATICAN AND THE POPE AND INFORM THEM THAT THE RIGHTFUL HEIR, KING, AND HIGH PRIEST OF THE GLOBAL CHRISTIAN CHURCH, THE ELIJAH, THE FORERUNNER OF CHRIST, THE KING OF THE NORTH OF DANIEL CHAPTER 11 HAS COME. TELL THEM BY THE KING-KHALIFAH'S DECREE THAT THE VATICAN IS ORDERED TO IMMEDIATELY SEND ME THEIR TOP REPRESENTATIVE AND AGENT WITH FULL AUTHORITY TO INITIATE THE KING-KHALIFAH'S WILL AS HE DECLARES IT. THEY ARE TO SEND THE VATICAN'S TOP JEWELER, TAILOR AND SHOE MAKER AND PLACE THEM AT THE KING-KHALIFAH'S DISPOSAL AND WILL. THE AGENT SENT BY THE VATICAN IS TO HAVE JET AND CREDIT CARD IN HAND GIVING THE KING-KHALIFAH IMMEDIATE ACCESS TO ALL FINANCES HELD WITHIN THE VATICAN BANKS AS NEEDED UNTIL FURTHER NOTICE.

FOR THE RECORD. THE NOW ASSIGNED ATTORNEY GENERAL IS NOT REQUIRED TO REGISTER AS A FOREIGN AGENT DUE TO WHAT IS ESTABLISHED VIA THE SOLE CORPORATION AND CONTRACT UNDER DANIEL 3:41-43 WHICH CANNOT BE MADE OR UNMADE BY THE COURTS WITH EX POST FACTO LAW ALSO PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION WHICH READS:

"AND WHEREAS THOU SAWEST THE FEET AND THE TOES, PART OF THE POTTER'S CLAY AND PART OF IRON (THE SOLE CORPORATION IS THE KINGDOM OF IRON. THE DEMOCRATIC NATIONS ARE THE CLAY), THE KINGDOM SHALL BE DIVIDED (WE, AFRICANS, CHRISTIANS, MUSLIMS, JEWS EXIST WITHIN ALL GLOBAL NATION. YET WE ARE SEPARATE AND FOREIGN SOVEREIGNS SIMILAR TO THE INDIAN NATIONS BUT DISTINCTLY DIFFERENT); BUT THERE SHALL BE IN IT THE STRENGTH OF IRON (THE THEOCRATIC STATE), FORMUCH AS THOU SAWEST THE IRON MIXED WITH MIRY CLAY. AND AS THE TOES OF THE FEET WERE PART OF IRON, AND PART OF CLAY, SO THE KINGDOM SHALL BE PARTLY STRONG AND PARTLY BROKEN. AND WHEREAS THOU SAWEST IRON MIXED WITH MIRY CLAY, THEY SHALL MINGLE THEMSELVES WITH THE SEED OF MEN(THE KINGDOM OF THE ELIJAH, THE FORERUNNER TO CHRIST IS THE KINGDOM OF IRON. THE KINGDOM OF CLAY AND SEED OF MEN ARE YOUR DEMOCRATIC NATIONS. WE EXIST WITHIN THE BORDERS OF THE SEVERAL GLOBAL NATION BUT

DUE TO THE DEFAULT ON THE DECLARATION OF SOVEREIGNTY, YOU CANNOT TAKE AWAY THE CITIZENSHIP OF THE THEOCRATIC COMMONWEALTH THOUGH WE REMAIN MEMBERS OF A FOREIGN SOVEREIGN STATE); BUT THEY SHALL NOT CLEAVE TO ONE ANOTHER, EVEN AS IRON IS NOT MIXED WITH CLAY". WE ARE SEPARATE FROM YOU THOUGH WE EXIST WITHIN ALL GLOBAL BORDERS. THESE ARE THE TERMS OF THE CONTRACT ESTABLISHED BY THE SOLE CORPORATION WHICH CANNOT BE MADE OR UNMADE BY THE COURTS, PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION. ATTORNEY GENERAL ROWLAND IS GIVEN POWER AND AUTHORITY TO ACT ON BEHALF OF THE CROWN. SEE ALSO PRIVATE ATTORNEY GENERAL FEDERAL VERSION ACT OF 1789; WOOD v. BREIER, 54 F.R.D. 7, 10-11 (E.D. WIS.1972); FRANKENHAUSER v. RIZZO, 59 F.R.D. 339 E.D.Pa. (1973); ALEN v. WRIGHT, (1984) 468 U.S. 737, 752; CLIFFORD v. SUPERIOR COURT, 45 Cal. Rptr.2d. 333, 353; PRESAULT v. I.C.C., 494 U.S. 1, 110 S.Ct. 914, 108 L.Ed.2d. 1 (U.S.1990); BROWN v. BROWN, F.Supp.2d., 2013 WL 2338233(D.C.Ky.2013); HARRIS v. HHGREGG, F.Supp.2d., 2013 WL 1331166(N.C.2013); OPARAH v. NEW YORK DEPT. OF EDUC., F.Supp.3d., 2015 WL 4240733(N.Y.D.C.2015).

AS POINT (33) OF THE DECLARATION OF SOVEREIGNTY INFORMS YOU. " THE CONGRESS, PARLIAMENT OR ANY OTHER LEGISLATIVE BODY CANNOT REVOKE THE SOVEREIGN POWER OF GOD'S APPOINTED AND ANOINTED KING, KHALIFAH, IMAM, PROPHET AND HIGH PRIEST OF THE GLOBAL THEOCRATIC STATE, JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI, TO OVERRIDE HIS WILL AS THUS DECLARED. THIS INCLUDES ANY GLOBAL COURT, PERRY v. UNITED STATES, (1935) 294 U.S. 330, 353; ENGLISH v. THORN SUPRA.; UNITED STATES v. WHEELER, 98 S.Ct. 1079 at 1083(1978).

CAVEAT

THE S.C. ATTORNEY GENERAL MUST RESPOND, NOT THE S.C. SUPREME COURT, TO DEMONSTRATE THAT HE, THE ATTORNEY HIRED TO DEFEND HIM, WHO IS ALSO THE ATTORNEY FOR THE S.C. SUPREME COURT AND ITS JUDGES, THE UNITED STATES AND THE REMAINING (192) MEMBER STATES OF THE UNITED NATIONS TIMELY (EMPHASIS ADDED) RESPONDED TO DEFEAT THE AFFIDAVITS OF FACT ESTABLISHING THE DEFAULT AND

THE VOIDING OF THE RICHLAND COURT'S JURISDICTION, WHICH INCLUDE THE PRODUCING OF AN ORDER THAT IS NOT TAINTED BY ACTS OF FRAUD UPON THE COURT OR THE DOCUMENT, THIS WRIT OF COMMISSION STANDS AS TRUE AND CORRECT WHEREBY THE KING-KHALIFAH AND HIS APPOINTED ATTORNEY GENERAL DEMAND THAT THE S.C. ATTORNEY GENERAL AND THE JUDGES OF THE S.C. SUPREME COURT PRODUCE THEIR BOND OR THEIR OATH OF OFFICE OR WRIT OF COMMISSION THAT WOULD ALLOW YOU TO VIOLATE OR NEGATE THE PROVISIONS OF ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION AND THE JUDGMENT AND DECREES OF A FOREIGN SOVEREIGN KING-KHALIFAH WITH SUPERSEDING ATTORNEY, JUDICIAL AND LEGISLATIVE POWERS BINDING UPON THE S.C. SUPREME COURT BY THE DEFAULT EMERGING FROM CASE 2013-CP-400-0084 OR STAND DOWN AND THIS DOCUMENT STANDS WHICH INCLUDE ALL DEMANDS CONTAINED HEREIN. THE FIDUCIARY AND JUDICIAL DUTY COMMANDS IT, 29 U.S.C.A. § 1104; SPIRES v. SCHOOLS, --F.Supp.3d.--, 2017 WL 4174774(DSC. 2017); FIFTH-THIRD-BANCORP v. DUDENHOEFFER-SUPRA; PEREZ v. CHIMES-DISTRICT-OF-COLUMBIA-INC., F.Supp.3d., 2016 WL 6124679 (D.C.Md.2016).

WE FOLLOWED YOUR STATE AND NATION'S DUE PROCESS RULES AND LAWS. WE PROPERLY FILED SUIT UNDER CASE 2013-CP-400-0084. WE PROPERLY GAVE NOTICE AND SERVED ALL PARTIES ONLY TO BE SUBJECTED TO EGREGIOUS ACTS OF FRAUD UPON THE COURT, MACHINATION, OBSTRICTION OF JUSTICE AND CRIMINAL CONSPIRACY REQUIRING FORFEITURE OF ALL OPPOSITION AND RIGHTS OF THE DEFENDANTS WHICH INCLUDE THE S.C. ATTORNEY GENERAL AND THE STATE OF SOUTH CAROLINA . A STATE OR GOVERNMENT, ESPECIALLY IN LIGHT OF THE DEFAULT AND CONTRACT PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION, MAY NOT EXCLUDE A PERSON FROM THE PRACTICE OF LAW (ei. LAWGIVER, LEGISLATOR, ATTORNEY WITH SUPERSEDING POWER AND AUTHORITY OR SOVEREIGN APPOINTED ATTORNEY GENERAL), OR ANY OTHER OCCUPATION (ei. FIDUCIARY, KING, KHALIFAH, IMAM, HIGH PRIEST AGAIN WITH SUPERSEDING POWER AND AUTHORITY BINDING ON THIS COURT) IN A MANNER OR FOR REASONS THAT CONTRAVENE DUE PROCESS OR THE EQUAL PROTECTION OF THE LAWS (LIKE YOUR NATIONS GAVE THEN SODOMITES AND GOMORRAHRITES THE EQUAL PROTECTION OF THE LAWS. YOU MUST DO THE SAME FOR THE KING-KHALIFAH, ACKNOW-

LEDGE HIS SUPERSEDING POWER AND AUTHORITY AND RETURN HIS INTELLECTUAL PROPERTY VOIDING SAME SEX MARRIAGE IN THIS STATE). TO PREVENT THE GRANTING AND ORDERING OF THE RELIEF SOUGHT WITHIN THIS DOCUMENT AND WE ACTING WITHIN THE CAPACITY ESTABLISHED BEFORE THE COURT DUE TO THE DEFAULT AND CONTRACT ESTABLISHED BY THE SOLE CORPORATION WOULD DENY US THE EQUAL PROTECTION OF THE LAWS BEHIND RELIGIOUS AND RACIAL HATRED. THE SIGNATURE OF ROWLAND ESTABLISHED ACCEPTANCE OF HIS COMMISSION AND THE WRIT STANDS TO INCLUDE THE GRANTING OF ALL RELIEF DEMANDED HEREIN, SCHWARE v. BOARD OF EXAM OF STATE OF N.M., 353 U.S. 232, 77 S.Ct. 752, 64 A.L.R.2d. 288, 1 L.Ed.2d. 796(U.S.1957); FREIRE v. SULLIVAN, 2017 WL 3710066(D.C.Nev.2017); VIRGINIA BOARD OF MEDICINE v. ZACKRISON, 67 Va. App. 461, 796 S.E.2d. 866(2017); DOE v. ROGERS, 139 F.Supp.3d. 120(D.C.C.2015); BOLLS v. VIRGINIA BD. OF BAR EXAMINERS, 811 F.Supp.2d. 1260(E.D.Va.2011).

RESPECTFULLY,
JOSEPH TODD ROWLAND

JAHJAH AL MAHDI, THE KING OF THE NORTH, THE KHALIFAH AND LION OF ALLAH, CHIEF JUSTICE OF THE GLOBAL THEOCRATIC STATE AND COURT

NOVEMBER 17, 2017

Exhibit

Appeals Court

ORDERS

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State, Respondent,

v.

Joseph Todd Rowland, Appellant.

Appellate Case No. 2014-001051

Appeal From Charleston County
Roger M. Young, Sr., Circuit Court Judge

Unpublished Opinion No. 2017-UP-225
Submitted April 1, 2017 – Filed May 24, 2017

AFFIRMED

Mark Andrew Peper, Sr., of The Peper Law Firm, PA, of Charleston, for Appellant.

Attorney General Alan McCrory Wilson and Assistant Attorney General Mark Reynolds Farthing, both of Columbia; and Solicitor Scarlett Anne Wilson, of Charleston, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) ("In order for an issue to be preserved for appellate review, it must have been

raised to and ruled upon by the trial judge. Issues not raised and ruled upon in the trial court will not be considered on appeal."); *State v. Smith*, 337 S.C. 27, 32, 522 S.E.2d 598, 600 (1999) ("A ruling in limine is not final; unless an objection is made at the time the evidence is offered and a final ruling procured, the issue is not preserved for review."); *State v. Butler*, 407 S.C. 376, 381, 755 S.E.2d 457, 460 (2014) ("On appeal from the denial of a directed verdict, this [c]ourt views the evidence and all reasonable inferences in the light most favorable to the State."); *State v. Bennett*, 415 S.C. 232, 235, 781 S.E.2d 352, 353 (2016) ("The [c]ourt's review is limited to considering the existence or nonexistence of evidence, not its weight."); *State v. Cherry*, 361 S.C. 588, 593-94, 606 S.E.2d 475, 478 (2004) ("If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury."); *State v. Mollison*, 319 S.C. 41, 45, 459 S.E.2d 88, 91 (Ct. App. 1995) ("Constructive possession occurs when the person charged with possession has dominion and control over either the drugs or the premises upon which the drugs were found.").

AFFIRMED.[1]

WILLIAMS and KONDUROS, JJ., and LEE, A.J., concur.

[1] We decide this case without oral argument pursuant to Rule 215, SCACR.

The South Carolina Court of Appeals

The State, Respondent,

v.

Joseph Todd Rowland, Appellant.

Appellate Case No. 2014-001051

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

_____ J.

_____ J.

_____ A.J.

Columbia, South Carolina

cc:
Alan McCrory Wilson, Esquire
Mark Andrew Peper, Sr., Esquire
Mark Reynolds Farthing, Esquire
Scarlett Anne Wilson, Esquire

FILED
September 22, 2017

Exhibit

Chain of Custody *

* # 1

The State of South Carolina
In The Court of Appeals
The Global Theocratic State
Chief Justice of The Global Theocratic State
et al.,

Appeal From Charleston County
Roger M. Young Sr. The Presiding Judge

Case No. 11-GS-10-5527, 5528, 5531
Appellate Case No. 2014-001051
1:14-cv-3713-WLSD et al.,

Joseph Todd Rowland;
Lawrence L Crawford aka Jonah
Gabriel Jah Jah T. Tishbite et al.,
plaintiffs/ Appellants

vs

The State of South Carolina;
The United States et al,
defendants / Respondents

Proof of Service

RECEIVED
JUN 12 2015
SC Court of Appeals

We, Jahtah al mahdi et al, do hereby certify, that we have mailed and or served a copy of an Affidavit of Facts Giving Judicial Notice; Supplementing Appellants Return; Striking Respondents motion to Strike and Require filing of Amended Initial Brief; Supplementing Issues on Appeal; Imposing Sanc-

tions; Petition To Remove; Judicial Order, (88) pages dated April 20, 2015 and attachments on the SC Court of Appeals and all other involved parties by U.S. mail postage prepaid on April 21, 2015. It is deemed filed that date arguing preemption, Houston v Lack, 287 U.S. 266, 273-76, 108 Sct 2379 (1988). It is so ordered.

Respectfully,

April 21, 2015

Jahtah al mahdi

Joseph Rowland

The State of South Carolina
In The Court of Appeals
The Global Theocratic State
Chief Justice of The Global Theocratic Court
et al,

Appeal From Charleston County
Roger M Young SR The Presiding Judge

Case No. 11-GS-10-5527, 5528, 5531
Appellate Case No. 2014-001051;
1:14-cv-3713-WSD et al,

Joseph Jodd Rowland;
Lawrence L Crawford aka Jonah
Gabriel Jah-Jah T. Tishbite et al,
plaintiffs / appellants

Vs.

The State of South Carolina;
The United States et al.,

defendants / Respondents

Affidavit of Facts Giving Judicial Notice; Supplementing Appellants Return; Striking Respondent's motion to Strike and Require filing of Amended initial Brief; Supplementing Issues on Appeal; Imposing Sanctions; Petition to Remove; Judicial Order

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LAWRENCE L CRAWFORD AKA
JONAH GABRIEL JAH AH TISHBITE
#300839 WAMBO A-127
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, SC 29472
Additional APPELLANT
AND ATTORNEY FOR
APPELLANT

TO: THE SC COURT of APPEALS,
THE U.S DISTRICT COURT FOR
THE STATES of GEORGIA, KENTUCKY,
NEW YORK ET AL,

THE FOREIGN SOVEREIGN plaintiffs / APPLICANTS / PETITIONERS, standing IN PROPRIA PERSONA, do HEREBY

humbly submit the following:

The FOREIGN SOVEREIGNS give the SC COURT of APPEALS and all involved PARTIES JUDICIAL NOTICE. HERE the COURT will find ATTACHED:

(1) A COPY of A CERTIFICATE of SERVICE and APPELLATE BRIEF, (346) PAGES dated FEBRUARY 28, 2015 that WAS filed in the direct APPEAL of HENRY NESBIT CASE NO. 2014-001231.

(2) A COPY of the CERTIFICATE of SERVICE and AMENDED PCR APPLICATION, (72) PAGES dated APRIL 7, 2015 that WAS filed in the

Anthony Lee PCR Under Case 2013-CP-02-0704.

For the Record, All documents that were filed in the Henry Nesbit Direct Appeal Under Case 2014-00 1231 are now deemed filed in the Joseph Todd Rowland Direct Appeal Under Case 2014-00 1051. The name of Lawrence L Crawford is now added as an Appellant on direct appeal in the Rowland case no. 2014-00 1051 as it is also in the Henry Nesbit direct Appeal Under Case 2014-001231. Any State or Federal law, any Rule of Appellate Court Procedure, any

statute, or state legislative intent, or federal constitutional intent or law, any congressional intent or legislation that stands in opposition to this decree by the Global Theocratic King-Khalifah-Judge of the Global Theocratic State and court is overruled and or suspended and relaxed and or repealed and or is rendered to no effect in these proceedings due to the default and collateral estoppel that has occurred in case 2013-CP-400-0084 presently pending in the SC Richland County Court of Common Pleas. It is so ordered.

The Appellants give the SC Court of Appeals and all parties notice. You have before you the largest case in earths judicial history and the Khalifah, King, Imam, High Priest and Law-giver of the one true God, who is also Chief Justice, Prosecutor and Attorney for the Reestablished Global Theocratic State where there is no separation of powers or conflict of interest, in the form of Yahyah al mahdi, who is also Lawrence L. Crawford whose judicial, legislative and Attorney powers supersedes all global constitutions and legislative entities or bodies, with the power

and authority to control any and all courts foreign or domestic, with the power to render to no effect all global constitutions, all state legislation and any Act of Congress, and enact law within the 193 member states of the United Nations. By this power and authority that binds the SC Court of Appeals, this state and nation by the existing default and collateral estopped that occurred in case 2013-CP-400-0084 pending in Richland County SC. I, Jahtah Al mahdi now exercises all power and authority given to me

via the default, which include acting as an additional attorney for Joseph Todd Rowland, he being christian and a member of the reestablished Global Theocratic state. I am also now added as an appellant in this and the Nesbit case establishing and consolidating my belated direct appeal that was deprived me by the fraud that occurred by the fraud upon the court perpetrated by the SC Court of Appeals and Judge Kaye Hearn with her cohorts. The fact that additional relief is sought in other pending action will be of

No effect upon these proceedings. It is perspicuous that an appellant can have more than one attorney. Jahtah Al mahdi now acts as an additional attorney for Rowland even though he is also added as an appellant as members of the global Theocratic State. Any existing law, statute, rule etc that would stand in opposition to this decree of the King-Khalifah-Judge of the Global Theocratic State and Court is rendered to no effect upon these proceedings. multiple legal counsel is

Now established. The interest of the Global Theocratic State must be protected, United States v Dehlinger, 740 F3d 315 (4th Cir 2014); Platt v United States, FSupp2d 2013 WL 1637249 (DSC 2013); multiplex v. Astrue, 768 FSupp2d 829 (DSC 2010); In re Ulmer, 363 BR 777 Bkrtcy (DSC 2007); In re: Grand Jury Subpoena Under Seal, 415 F3d 333 (4th Va 2005); Estate of Gill ex rel Grant v Clemson University Foundation, 397 SC 419, 725 SE2d 516 (SC App 2012); Freeman v Warden, Perry Correctional Inst, 2014 WL 2991704 (DSC 2014). The

SC COURT of APPEALS is BARRED from challenging this claim due to the existing default and collateral estoppel. It is so ORDERED.

INASMUCH, MARK FARTHING submitted his motion to strike and REQUIRE filing of AMENDED initial BRIEF of APPELLANT dated FEBRUARY 23, 2015. This document is now STRICKEN from the COURT RECORD by sanctions imposed and Acts of FRAUD upon the COURT. SC COURT of APPEALS was informed by FARTHING at marker in other

Related documents that the (180) day provision was mine, that I gave it to Rowland and he by his own free will chose to have it argued in his case. If you look at the Brief filed in the Nesbit case 2014-001231 You will see the chain of custody issue similar to the one Rowland is arguing. It is mine also. This issue is now also being argued as a class action as is the (180) day and (365) day provisions under Article V § 4. Etc.. The SC Court of Appeals will give all inmates in this state notice

of the pending class actions. Any law that stands in opposition to this decree is rendered void or to no effect. It is so ordered.

This document is also deemed as a final order issued by the Chief Justice of the Global Theocratic Court, not appealable to any global court, Al Mahdi is judicial and legislative authority is supersiding in all global courts and is above all law making entities, being the highest court and law making entity in the

world by default and collateral estoppel existing in case "0084". It is so ordered.

In so much, the SC Court of Appeals conspiring under color of state law with Jahtah, has obviously as Jahtah al mahdi assesses it, compromised appellant Rowland is hired Attorney to circumvent the fact that Jahtah al mahdi notified the SC Court of Appeals that the (180) day provision was his and the fact that you, as Jahtah assesses it, obviously compromised the paid Attorney, sold Rowland out by gutting out the (180) day provision from the

manner it was written to be argued to aid the state and pro-secutor, with the SC Court of Appeals affirm his conviction, you criminals. Thus, sanctions are imposed, removal is established and Jarthing's motion is struck from the court record. Rules for any defect in this document including page limits are suspended. It is so ordered.

In addressing the Assistant Attorney General, mark Jarthing motion to strike ***, which is now officially stricken from the court record via these acts of fraud upon the court. When Attorney Pepper

asserted in his document "my client asserts" and you sought to strike the issues requiring the submission of an amended brief. You abused your discretion in acts of fraud upon the court, because his client did not assert anything. If did, his additional attorney given to him as a member of the global theocratic state whom by the existing default is authorized to practice law as lawgiver of the one true God, any where within the borders of the 193 member states of the United nations which the SC court

of Appeals is barred in challenging by the default and collateral estopped.

The Assistant Attorney General erred when he stated "A prisoner has no right to argue his own Appeal citing Price v. Johnson, 334 US 266, 285 (1948). That case was overruled by United States v. Gonzales-Lopez. The Appellant has a constitutional Right to self representation within any court in the United States. The Appellant has the constitutional Right to

"counsel of choice". Self representation is established as a right of "counsel of choice", so is his seeking assistance from the Attorney-Judge-prosecutor-king-khalifah of the Global Theocratic State, State v. Barnes, 407 SC 27, 753 SE2d 545 (SC 2014); Kaley v United States, 134 Sct 1090, 188 Led 2d 46, 82 USLW 4110, 14 Cal Daily Op Serv 1920, 2014; United States v Gonzales-Lopez - 548 US 140, 126 Sct 2557, 165 Led 2d 409 (2006); United States v Holmes, F Supp 2d, 2012 WL 1952286 (DSC 2012); United States v Hall, 587 Fed Appx 758 (4th (Va 2014).

Thus, the court and parties are in error and abused their discretion when they asserted in acts of fraud upon the court that this is hybrid representation. It is not hybrid representation. Rowland is exercising his constitutional right of "counsel of choice", has merely solicited the aid of an additional attorney, one authorized by the Global Theocratic State by default, United States v Dehlinger supra.; Platt v United States supra.; Mullinax v Astrue supra; In re Ulmer supra.; In re Grand Jury Subpoena Under Seal supra

In Miller v State, 388 SC 347, 697 SE2d 527 (2010), the SC Supreme Court may have asserted there is no right to hybrid-representation. But you can not use a state law to override a determination of the United States Supreme Court made applicable to every state within both state and federal court, or the superseding judicial authority of the Global Theocratic State. The United States Supreme Court, the SC Supreme Court and the SC U.S District Court all determined that an appellant has a constitutional right

to counsel of choice, even if its one from the Global Theocratic State or he soliciting the aid of multiple attorneys as his legal team, and appellant also has a constitutional right to represent themselves within any court within the United States, also Jahtah Al mahdi who is now an appellant in these cases whom for which there is no separation of powers, State v Barnes, 407 SC 27, 753 SE 2d 545 (SC 2014); United States v Beckton, 740 F3d 303 (4th Cir. 2014); State v Jackson, SE 2d, 2014 WL 4938028 (SC App 2014); State v Policano, 402 SC 547, 741 SE 2d 774 (SC App 2013); United States v Bernard, 708 F3d 583 (4th Cir. 2013); King Judge Decree.

As for the claim by Jarthing, "counsel cannot serve as a mere conduit for pro se documents in an effort to avoid the prohibition against hybrid representation and the displeasure of his client?" Jarthing, tell your story walking. You misinterpreted the facts. This is not hybrid representation, but is a situation where the appellant has solicited the aid of additional counsel in the form of the law giver Jahtah at mahdi of the Global Theocratic State as "counsel of choice". Any law, statute or rule that stands in opposition of this

decree of the Global Theocratic King-Khalifah Judge is overruled and or is rendered to no effect upon these proceedings. It is so ordered.

We give all parties Judicial Notice that case 2014-00 1051, the Rowland case, is now supplemented with issues No(s) 1, 2, 5, 6, 7 and 8 written in the Henry Nesbit Brief in case 2014-001231 being slightly modified where needed to tailor and address the concerns presented in

the Rowland convictions with all cases cited therein. The issues submitted by Attorney Mark Pepper in his Amended Brief will remain as filed unchanged, but these additional issues are now supplemented to case 2014-001051. The SC Court of Appeals will make a ruling on the issues submitted by Attorney Pepper as expeditiously as its time permits, sending copy of its holdings to all parties involved. The additional part of these proceedings containing

The legal issues of Religious prophesy of Christianity, Judaism and Islam are petitioned removed to the State of Georgia initially under case 1:14-cv-3713-WSD; The State of New York secondarily under case 9:15-cv-183 and the State of Kentucky as a final measure under case 3:14-cv-00589 attached to a Writ of Error awaiting Adjudication. Nominal party interest and direct party interest is now established, Hartford Fire Ins Co v Harleysville Mut. Ins Co, 736 F3d 255 (4th Cir 2013); Sizelove-Farmer v Johnson, 2014 WL 4056267 (DSC 2014); Barlow v

Colgate Palmolive Co, 750 F3d 437 CA4 (Md 2014); Williams v Dorchester County Detention Center, 987 FSupp2d 690 (DSC 2013); Flame S.A. v Freight Bulk Pte Ltd, 762 F3d 352, 2014 A.M.C 2014 CA4 (Va 2014); Jaffely v LaSalle Bank Nat Ass'n, 36 FSupp 3d 657 (DSC 2014); Estate of Callaham ex rel Foster v United States, F. Supp2d, 2012 WL 18353366 (DSC 2012); Fulcrum Intern, Inc v Prince George Center I, Inc, 503 Fed Appx 193, 2012 WL 6634915 CA4 (Md 2012); South Carolina v Ali, FSupp2d 2012 WL 6765732 (DSC 2012); Chapman v

Federal Nat'l Mortg Assn, F.Supp2d, 2012 WL 2060729 (DSC 2012); Flying Pigs, LLC v. R.R.A.J. Franchising, LLC, 757 F3d 167 (CA 4 (NC) 2014); Palmetto Automatic Sprinkler Co. v. Smith Cooper Int'l, Inc, 995 FSupp2d 492 (DSC 2014); Scarborough v. Lifepoint Inc, FSupp2d, 2012 WL 6470452 (DSC 2012); State v Barnes supra; Johnson v Nash, 2014 WL 12785944 (DSC 2014); Low v Vantage-South Bank, 2014 WL 8239419 (DSC 2014); Barlow v Colgate Palmolive Co, 772 F3d 1001, 90 Fed. R. Serv 3d 85 (CA4 (Md) 2014); In Re Earth

STRUCTURES, Inc, 490 BR 199 Bkrtcy (DSC 2013) ; ELE GUAM v Long Term Credit BANK JAPAN, 322 F3d 635 (9th Cir 2003) ; Liu v Republic of China, 892 F2d 1419, 1424 (9th Cir 1989) cert. dismissed - US - 111 SCt 27, 111 Led 2d. 840 (1990). All Rules are suspended.

Referring back to the issue of the chain of custody in the Rowland case. The Applicants 5th, 6th, 14th Amendment Rights of the US Constitution as well as Article IV § 2 and his DUE PROCESS Rights were violated, including Rule

403 of SC Rules of Evidence, as well as Rule 6(b) of SC Rules of Criminal Procedure as it pertains to the chain of custody and submission of evidence without the proper chain of custody forms. These are the Rules required by P.D.E.A. and P.N.P. who trained their operatives and all members of the police task force in existence at the Justice Academy to be in compliance with. These actions in this case violate SC Code and 44-53-485; SC Criminal Law Articles Rules 73-80; the duties of seizing officer on handling of controlled substance as was argued in the

Nesbit case. Not only are there violations of SC Code Ann § 44-53-485. There are also violations of Article 6 Rule 73-120 involving substance evidence forensic testing methods and results, holding that an expert cannot testify to an opinion on an unreliable test (see tr pp 162), State v White, 382 SC 265, 676 SE2d 684 (2009).

Inasmuch, the chemical analyst, Elizabeth mitchell was ruled as "an expert witness" at trial voir dired (see tr pp 170). Yet, by her own testimony at trial, Elizabeth mitchell the chemical analyst on

CROSS-DIRECT TESTIFIED SHE DID NOT CONSIDER HERSELF AS AN EXPERT WITNESS, (SEE TTPP 171, 242) WHICH VIOLATED RULE 702 "TESTIMONY BY EXPERT" ALSO ARTICLE 6, 73-120. THE ANALYST ELIZABETH MITCHELL ALSO TESTIFIED THAT SHE WASN'T SURE IF THE SCALES OR TEST WERE UP TO DATE MAKING THE VALIDITY OF THE TEST UNRELIABLE (SEE TTPP 169, 242), STATE V WHITE SUPRA.

INASMUCH, THERE WAS NO PHYSICAL PROOF PRODUCED PERTAINING TO THE CHAIN OF CUSTODY BY SUBMITTING THE FORMS INTO EVIDENCE WHERE THE SC STATE COURTS HAVE ABUSED

their discretion acting as a legislator, violating legislative intent, stripping the appellant of the protections placed upon him by the state legislator in violation of DUE PROCESS and the EQUAL protection of the laws clauses by asserting mere testimony alone can establish proof that the state was in compliance to the applicable statutes which in fund a material fairness to the appellant must be proven by both the testimony as a proffer to submission of the forms that would substantiate that testimony. The courts abused their discretion by violating clearly

established legislative intent, acting as legislator not judge voiding their jurisdiction for DUE PROCESS violation by not giving weight to the statutory requirements which resulted in no foundation being properly established (emphasis added) producing a broken chain of custody. United States v Jurpin, 65 F3d 1207 (4th (Va 1995); US v Rod Pair Enterprises Inc, 489 US 235, 109 Sct 1027, 103 Led 2d 290 (US 1989); In re Argon Credit, LLC - B.R. -, 2017 WL 4404269 (2017); Lou miet v United States 65 FSupp3d 19 (2014); US v $41,320 U.S. Currency, 9 FSupp3d 582, 2014 WL 12662640.

The SC legislators were fully cognizant as to the potentiality of arbitrary state action involving officers who may be operating under ulterior motives and therefore by clear legislation never intended for the chain involving the seizure of controlled substance to be established by testimony alone in their efforts to ensure that the accused due process rights are not forgotten via also the equal protection of the laws. The proving of ill intent or bad faith is irrelevant in this instance. The intent was to ensure fair due process and

Equal protections of the laws. It must be established as a "[j]urisdictional (p)rerequisite" (emphasis added) that there was no tampering with this evidence of any kind which goes to substantiating the jurisdictional prerequisite as to specific drug amounts, which is an essential element of the offense which cannot be left to speculation requiring both testimony and properly documented forms by DUE PROCESS LAW and the equal protections of the laws. I am arguing against the precedent, established by STATE V. TRAPP, 420 SC 217, 801 SE2d 742 (SC 2017) where the

courts established that testimony alone is sufficient to establish the chain, White v Mapis, 2014 WL 1513280 (DSC 2014); South Carolina Dept. of Social Services v Irani, 418 SC 308, 792 SE2d 254 (SC App. 2016); McCain v Bright Harp, 399 SC 240, 720 SE2d 916 (SC App. 2012); Joseph v South Carolina Dept. of Labor, Licensing and Regulation, 417 SC 436, 790 SE2d 763 (SC App. 2016); Stokes-Caraway Holdings Corp v Robinson, 416 SC 517, 787 SE2d 485 (SC App. 2016); Johnson v Johnson, SE2d, 2014 WL 2721680 (SC App. 2014).

The chain of custody was also broken on grounds that there

was no "affidavit" to accompany the chemical analyst report given via discovery or presented at trial that demonstrate the analyst was certified by SLED to analyze these substances, which is a clear violation of South Carolina Rules and Criminal Procedure Rule 6(A), the 6th Amendment and Due Process Law.

Further, Elizabeth Mitchell the chemical analyst on cross-direct via the solicitor. When asked via the solicitor did she sign the report(s). She stated

"I believe at the time 2011 we were using "electronic signatures" (see TT pp 156-157) and (State exhibit 32). This places the analyst Elizabeth Mitchell in violation of SC Rules of Criminal Procedure [Rule 36 Form(s)] which plainly state that the Supreme Court shall provide the content and format of forms required by these Rules, and that the use of these forms is mandatory. The use of an electronic signature does not alleviate the problem of evidence tampering set in place by the

state legislators to protect individuals Due Process Rights under the Equal Protection of the laws clause, where any person who obtained her computer access number or other unknown party or event "hacker" (ei like occurred with Russians in political party matters), can simply hit a button and make use of her electronic signature creating a falsified document. To alleviate any concern of evidence tampering and to ensure that the person who did the analysis the physical signature is required to protect the

constitutional DUE PROCESS Rights of the ACCUSED AS IS REQUIRED by the applicable RULES and STATUTE SC Code Ann § 44-53-485. The Charleston Police Department cannot be permitted to USE their own forms or computer format in substitution of the PROPER forms mandated and provided to all STATE AGENCIES issued by the SUPREME COURT, constituting under color of state law, as a means to circumvent this essential REQUIREMENT and applicable STATUTES that protects the DUE PROCESS Rights and integrity of the EVIDENCE

submitted diminishing any concerns with tampering or condition as it relates to the development without proper amendment to the statute demonstrating that such revision is sanctioned by the state legislators whose intent was to ensure that the requested rights under the equal protection of the laws are not denied.

Additionally there is another issue that potentially calls into question the integrity of the link in regard to the chain of custody which also relates to the prevention of evidence tampering. the condition of the evidence.

which is essential to establishing the crucial elements to establishing the crucial elements of the offense as to specified drug amounts, which is also a "jurisdictional prerequisite" issue that can be raised on appeal for the first time as is this issue in its totality.

Elizabeth mitchell, the chemical analyst on cross by the appellants attorney, testified she received the drugs on June 6, 2011 from the evidence custodian (TT pp 160). Yet if the court and parties would take notice. The analysis on the

drugs were not made until June 28, 2011. There is a missing link as to who exactly was in possession of the drugs from June 6, 2011 until June 28, 2011 of (22) days. Because of this gap and or time period creating a missing link. The court or state cannot act as clairvoyants and speculate that these drugs were in the analyst possession all this substantial time. Especially since there was no sworn signed affidavit or any other documented paper trail that demonstrate that this was the case (see my Rule 5 p. 43). All the aforementioned

stands in egregious violation of the applicable statutes as well produces violations of DUE PROCESS, RULES pursuant to discovery, the 6th, 14th Amendments, RULE 6(B), RULE 6(C) and RULES 53 (73-120) Article 6 SC Criminal Law Articles in handling of controlled substances for chemical analysis (SEE SC Code Ann's 44-53-485).

The statute clearly provides that the properly sworn and "notarized signature" of the evidence custodian in possession of the controlled substance evidence is required, if the provisions

of the law and or rule for chemical analysis and chain of custody as set forth in the south carolina criminal practice rules are to be effective. The signature alone is sufficient to maintain the written record of the chain of custody which is determined by the court. Except this violates statutes that requires it be notarized. Again the courts acted as legislator. There must be a written signature or if its electronic, testimony by the analyst stating "yes, it was me who pushed that button to

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place the signature on that document", if the integrity of the evidence is to be maintained diminishing any question which include tampering or condition of drugs in light of the lawless police officers, even captured on video planting evidence documented around the nation. The lack of the aforementioned strips the appellant of due process protection is placed upon him by the state legislators where the courts have illegally acted as a legislator in violation of the separation of

powers provisions denying the Appellant the Equal Protection of the laws, violating Article 6 (Rules 73-90) (Duties of Evidence Custodian) which clearly demands the original signed, initial chain of custody (form) shall accompany the evidence until presented to the forensic laboratory for analysis. Without any proof of physical chain of custody all the State has is a chemical analysis report which violates SC Code Ann § 44-53-485 and DUE PROCESS law. The courts have abused their

LLL

discretion acting as a legislator in determining that testimony alone can substantiate the charge when the statute establishes otherwise; conspiring under color of law to circumvent the requirements of the applicable statute also producing a jurisdictional due process defect violating the appellants rights to equal protection of the laws, State v Covert, 382 SC 205, 675 SE2d 740 (2009); Jamison v Morris, 385 SC 215, 684 SE2d 168 (SC 2009); State v Smith, 326 SC 39, 482 SE2d 777 (SC 1999) [holding although

Wassiteh testified she could not remember actually drawing the blood sample, she did identify her "signature" on the forms (written) (not computerized) filled out when the blood was drawn], State v. Williams, 301 SC 369, 392 SE2d 181; South Carolina Dept. of Social Services v. Church, 364 SC 621, 614 SE2d 642 (SC 2005) (where the chain of custody "form" (emphasis added) and the witness testimony both indicated the two samples were delivered to Jackie Johnson and Corey Sweeney); State v.

Williams, 297 SC 290, 376 SE2d 773 (1989) (the initial form (emphasis added) complied with the hospital protocol and nurse Yorkels testimony sufficiently established a chain of custody).

Furthermore, violations of the chain of custody occurred in that there was no physical proof of chain of custody forms submitted by Detective Olson presented via rules and discovery in violations of due process law, nor presented at trial, where Olson then testified finding 10.5 grams of powdery

substance which the chemical analyst could not say whether it was cocaine or not violated SC Code Anns §§ 44-53-485, 120; SC Rules of Criminal Law Article Rules) 73-80, the 6th, 14th Amendments and Due Process Law. Testimony alone cannot be permitted to circumvent the Due Process protections and requirements of the legislative statutes that the state legislators set in place to ensure no ill will or bad faith takes place involving the state officials. This deprives the appellant the Equal Protection

of the laws (See TT pp 176).

Additionally, there was no physical proof of chain of custody forms submitted from the seizing officer Detective Summer given pursuant to Rule 5 nor was such presented at trial. The drugs could have been tampered with or planted. Who can say without this essentially required document. This is the officer who supposedly found the Gucci handbag with cocaine in it (See TT pp 185, 186, 243 and 244). This also violates SC Code Ann §§ 44-53-485, 120, Rule 6(B)

and RULE 73-80 related to duties of a seizing officer as well as the 6th, 14th Amendments and Due Process Law, United States v Jurp inf, 65 F3d 1201 (4th Cir 1995) (requires that the prosecutor seeking to admit seized evidence must establish a chain of custody from the time the items were seized to show that they are "substantially" in the same condition as when they were seized), State v Gibb, 303 N.W.2d 673, 681 (Iowa 1981); State v. Lamp, 322 N.W.2d 48, 57 (Iowa 1982).

To add additional injury to the appellant's trial. The chain

of custody was also broken due to Investigator Cobb also known as Jennifer Habbersted, the recovery agent who dropped off the drugs to the drop box locker failed to make a chain of custody form which violated Rule 6(B) of South Carolina Rules of Criminal Procedure, the 6th, 14th Amendments, Due Process and Again deny the appellant the Equal Protection of the laws, State v Chisolm, 355 At 180, 584 S.E.2d At 404.

The chain was also broken and grounds the "evidence custodian"

Linda Wilson who retrieved the drugs from Investigator Cobb out of evidence locker June 6, 2011 at 5:44 am. There was no sworn or notarized statement forms from the evidence custodian Linda Wilson produced pursuant to Rule 5 or Due Process law, nor was such presented at trial which also violated SC Code Ann §§ 44-53-485, 120 Under Article 6 Procedures for handling of a controlled substance Rule 23-90 and Rule 6(B) (See tpp 194). The court at trial did err in not finding the chain of custody was

broken in and abuse of discretion by allowing testimony by officers without any proof of physical chain of custody forms (emphasis added) where testimony alone does not demonstrate compliance to the stated statutes where any prior determination otherwise by any court produced and abuse of discretion and does not warrant non compliance to the relevant statutes. such testimony given by the officers without the physical forms being submitted to prove that the specific officer found

the drugs which are being called into question since a table was set up to receive them in the house and there was a mix up and or challenge by the appellant as to who found what, and to prove there was no tampering or planting of evidence, the aforementioned establishing ill will and bad faith, without the required forms and or sworn affidavits of documentation. This violated the appellants due process Rights by the introduction of this evidence and allowing the case to go to trial after the

suppression hearing where the testimony alone as proffer do not properly by statute verify the allegations of drugs except existed without a physical documented chain of custody being established from beginning to end which results in no foundation being produced by all seizing officers creating the broken chain of custody. This is further exasperated by allowing the chemical analyst to testify as and expert when she clearly stated by her own admission that she did not

consider herself to be an expert, State v Cribb, 310 SC 518, 426 SE2d 306 (1992); State v Joseph, 328 SC 352, 491 SE2d 275 (1997); State v Chisolm, 355 at 180, 584 SE2d at 404.

The Solicitor stephanie Bianca was aware there was no chain of custody forms and attempted to aid and abet Detective Olson and cross examination conspiring under color of state law to commit fraud upon the court. When the solicitor asked Detective Olson where the drugs were found, he stated he had to look at his notes which did

not prove the facts, where he knew there was no proper form filled out to show the initial finding establishing the physical chain. The solicitor then instructed the officer to look at the search warrant return, which is irrelevant, and by the legislature intent, cannot be permitted to substitute for the required forms. This too demonstrates ill intent and bad faith in efforts to defraud the appellant of his DUE PROCESS Rights also tainting the evidences (See TTPP 135), BLUE SKY TRAVEL and TOURS,

LLC v Al Jaylyan — Fed Appx —, 2015 WL 1456136 (4th Cir 2015); Silvestri v General Motors Corp, 271 F3d 583, 590 (4th Cir 2001); Screws v United States, 325 US 91, 65 S Ct 1031 (1945); Lujan v Edmondson Oil Co, 457 US 922, 928-30, 102 S Ct 2744, 2749-50, 73 L Ed 2d 482 (1982); Chevrolet v Ford Motor Company, 345 SC 72, 579 SE2d 605 (SC 2003); Brown v United States, 2014 WL 2871398 (DSC 2014); Mooney v Holohan, 294 US 103, 55 S Ct 340 (US 1935); White v Mathis, 2014 WL 5133280 (DSC 2014); Fox ex rel Fox v Elk Run Coal Co Inc, 739 F3d 131

(4th Cir 2014); Christianson v. Nebula American Bank N.A., SE2d WL 8507850 (SC App 2013); Caldwell v Wiquist, 402 SC 595, 741 SE2d 583 (SC App 2013); Miller v Columbia Forrest Lyle, SE2d, 2014 WL 5390504 (SC App. 2014).

For the Record the Appellant is not arguing the weight of evidence towards its admissibility. The Appellant is arguing the Due Process protections place upon him by statute to ensure there's no arbitrary state action, ill will or bad faith and the courts acting as a legislator stripping him of these protections denying the Applicant the equal protection of

the laws where in this instance they had an officer lie to establish he placed drugs on the table to fraudulently establish the chain and the prosecutor conspiring under color of law during the trial to conceal this material fact and because they failed to follow the statute it prejudiced the appellant in establishing these facts. It does not go to the weight of evidence but to the fraud and conspiring under color of state law obstructing fair and proper justice, Holloway v Perry, 2016 WL 4074149; US. v Hare, 820 F3d 93 (4th Cir 2016); US v Tejada

445 Fed Appx' 719, 2011 WL 3891825 (4th Cir 2011); Norbrega v Hinkle, 576 Fed Appx' 224 (4th Cir 2014).

Under South Carolina Criminal law statute SC Code Ann § 44-53-485, more specific Article 6 (Rules 73-80) duties of a serving officer of handling of a controlled substance requires:

(1) The name of the seizing officer;
(2) Name of Law Enforcement Agency;
(3) Date of seizure;
(4) Name of person who specifically located the contraband substance;
(5) State what was seized subject to warrant, lawful arrest;

(6) PLACE WHERE CONTRABAND WAS FOUND AND SEIZED;

(7) DESCRIPTION of the SUBSTANCE.

THE PROPERLY SWORN AND NOTARIZED SIGNATURE of the SEIZING OFFICER IS REQUIRED in CHAIN of CUSTODY AND CHEMICAL ANALYSIS to BE EFFECTIVE UNDER SOUTH CAROLINA CRIMINAL PRACTICE RULES....

SC CODE ANN § 44-53-480 PROVIDES: HANDLING of SEIZED CONTROLLED SUBSTANCES; USE of PHOTOGRAPHS OR VIDEO TAPES of SUBSTANCES AT TRIAL ADMISSIBILITY:

(A) CONTROLLED SUBSTANCES

SEIZED PURSUANT to this ARTICLE must (EMPHASIS ADDED) BE INVENTORIED, REPORTED, AUDITED, HANDLED (EMPHASIS ADDED), TESTED, STORED, PRESERVED, OR DESTROYED PURSUANT to PROCEDURE PROMULGATED by the SLED.

(E) IN ALL SUBSEQUENT COURT PROCEEDINGS following the disposition of the CASE, ALL EVIDENCE PRESENTED at the ORIGINAL PROCEEDINGS is ADMISSIBLE through introduction of the CERTIFIED (EMPHASIS ADDED) (AFFIDAVITS) RECORD of the CASE.

SC CODE ANN § 44-53-120 PROVIDES:

"THE STATE LAW ENFORCEMENT

Division "shall" (emphasis added):

(2) coordinate and cooperate in training programs of controlled substances law enforcement at the local and state levels;

(5) promulgate regulations to provide uniform (emphasis added) procedures for the seizing (emphasis added), inventory (emphasis added), reporting, auditing, handling, testing, storage, preservation for evidentiary use, and destruction or other lawful disposition of controlled substances. Requirement that controlled substances be

seized (emphasis added), inventoried (emphasis added), reported, handled, etc pursuant to procedures promulgated pursuant to this section, see SC Code Ann § 44-53-485.

The language of these statutes is clear and unambiguous. In the interpretation of statutes, our sole function is to determine, and within constitutional limits, give effect to the intent of the legislature, with reference to the meaning of the language used and the subject matter and purpose of the statute statute.

Ramsey, 311 SC 555, 561, 430 SE2d 511, 515 (1993). The words of the statute(s) must be given their ordinary meaning unless something in the statute indicates that the legislature intended a different meaning, Mid State Auto Auction of Lexington Inc v. Altman, 324 SC 65, 69, 476 SE2d 690, 692 (1996); Town of Mt Pleasant v Roberts, 393 SC 332, 342, 713 SE2d 278, 283 (2011); Bessinger v. R-N-M Builders & Associates, LLC - SE2d -, 2017 WL 4799350 (2017).

When an officer of the state and/or state actor, shall use their

instrument of arrest and or prosecu-
tion in egregious acts of prosecutional
misconduct, fraud upon the court and
machination, for ulterior motives
and incarcerate and or prosecute
and accused for the purpose of
engaging in malicious, arbitrary,
fraudulent and criminal acts, willfully
subjecting an appellant to deprivations
of rights, immunities or privileges
secured by the constitution and laws
of the United States within any state,
district or territory. They shall be
subject to state and federal penalties.
By what has been done here producing
overwhelming prejudice such actions is
indisputably deprivation of rights,

privileges and immunities of the accused of liberty and a violation of 18 USC §§ 242 and 1001; neither threat, nor violence is a necessary ingredient of the offense under these circumstances where the individuals were clearly acting arbitrarily under color of state law for ulterior motives creating a fraudulent chain of custody by an officer saying he initially found and received the drugs and the state courts gutted the protection placed upon me which would have allowed me to prove the claims by the state legislator requirement of the forms which would have proved

the officer was lying, Williams v United States (CA5 (Fla) 1950, 179 F2d 656 cert. granted 71 S Ct 70, 340 US 97, 95 L Ed 774; BROWN v United States (CA6 (Tenn) 1953, 204 F2d 247; United States v RAMEY, (CA4 (W. Va) 1964, 336 F2d 512, 108 S Ct 2751, 46 CCH EPD ¶38067 on remand (1988 CA6 Mich) 852 F2d 1288; 18 USC §§ 242, 1001; United States v Otherson (1980 CA9 (Cal.) 637 F2d 1276 cert. denied (1981) 454 US 840, 70 L Ed 2d 123, 102 S Ct 149; United States v Ste BRI Enterprise, Inc, 2017 WL 4226873 (DC Ohio 2017).

The state legislators intent should be ascertained from the

plain language of the statutes. The language must also read in a sense which harmonizes with its subject matter and accords with its general purpose. Once the SC legislators made a choice, there was no room for the courts to impose a different judgment based upon their own notions. If the provision of law's language is unambiguous and clear, there is no need to employ the rules of statutory and or common law construction, even pursuant to the various state courts notions, the court under cases like State v Trapp 420 SC 217, 801 SE2d 742 (SC2017) and

770f 88

other such cases had no right to look for or impose another meaning. Where the language of these provisions of law are clear and explicit, the court "cannot" rewrite SC Code Ann §§ 44-53-485 and 44-53-120 and interject matters in the state legislators language. Under the plain meaning rule, it is not the court's place to change a meaning of a clear and unambiguous provision of law. Bass v. Isochem, 617 SE2d 369 (SC App 2005); State v. Brannon, 666 SE2d 272 (SC App 2008); State v. Pittman, 647 SE2d 144 (SC 2007); Liberty Mut Ins v. Second Inquiry Fund, 611 SE2d 297

(SC App 2005); US v Rose Pair Enterprises Inc, 409 US 235, 109 SCt 1027, 103 LEd2d 290 (US 1989); In re Argo Credit, LLC — BR —, 2017 WL 4404269 (2017); Hodges v Rainey, 341 SC 79, 533 SE2d 578 (SC App 2000); Miller Constr Co v PL Constr of Greenwood Inc, 418 SC 186, 204, 791 SE2d 321, 331 (Ct App 2016); Charleston County Assessor v University Ventures, LLC — SE2d —, 2017 WL 4051740 (SC 2017).

What the legislature says in the text of a statute is considered the best evidence of the legislative intent or will; therefore, the courts are bound to give effect to the expressed intent of the legislature,

State v Miles, SE2d, 2017 WL 3611694 (SC 2017); Smith v Tiffany, 419 SC 548, 799 SE2d 479 (SC 2017); Wilson v Charleston County School District, 419 SC 442, 798 SE2d 449, 342 Ed. Law Rep. 453 (SC 2017); Signor v Keel, SE2d, 2017 WL 4771411 (SC 2017).

All expert testimony must satisfy criteria of Rules of Evidence governing testimony of experts, and that includes the trial court's gate keeping function in ensuring the proposed expert testimony meets a reliability threshold for the jury's ultimate consideration. Due to the change not being properly

established where the seizure was not properly certified upon initial contact with the drugs and ill intent and bad faith is alleged where such was prevented being properly documented by the state courts violating the legislative intent of the statutes designed to prevent such arbitrary state action. The appellant was prejudiced in establishing the facts in violation of due process law and the equal protections of the laws clause, State v McDonald, SE2d 2017 WL 479456 (SC 2017); Founders Federal Credit Union v Irving, SE2d, 2017 WL 4619210 (SC 2017).

Chain of custody variations of authentication principle requires that prosecutor seeking to introduce seized evidence must establish chain of custody from time items were taken to show there is no tampering, bad faith, ill motive and that they are in substantially the same condition as when they were seized. We are arguing against the precedent. When and analyzed substance has past through several hands, the identity of individuals who acquired the evidence and what was done with the evidence between the taking and the analysis

must not be left to conjecture, State v Jrapp, 420 SC 217, 801 SE2d 742 (SC 2017); State v Taylor, 360 SC 18, 25, 598 SE2d 735, 738 (Ct App 2004); US v Solorio, 669 F3d 943, 87. Thus the conviction must be vacated. It is so ordered.

Inasmuch, you have fraud upon the court. You have the SC Court of Appeals being given notice by Crawford that the issues presented were his and part of the presently pending Writ of Habeas Corpus class actions pending in the various US District Courts. You have their being given notice by Crawford of Rowland by his

religious beliefs being a member of the reestablished global theocratic state being bound without his consent. By the power and authority now established via crawford, the default that exist in case 2013-cp-400-0084 and collateral estoppel. That legislative, judicial and attorney power and authority is hereby exercised in this case and removal as previously designated within this document pursuant to the foreign sovereign immunity act is established. Sanctions are officially imposed. With Rowland not being amenable

to any global court without the consent of JAHJAH Al mahdi, which you do not have and or is withdrawn, the conviction and sentence must be vacated as determined by the decree of the King-Khalifah-Judge of the Global Theocratic State and court whose power is binding on the SC Court of Appeals and supersedes the SC Court of Appeals and all global courts by default and collateral estoppel. The SC Court of Appeals is barred from

challenging these claims. Once a copy of the Rowland indictments are received additional supplement will be permitted and submitted. All § 1983 and State Tort Actions pending nationally are supplemented with the contents of this document. Any law or statute standing in opposition to this decree of the Global Theocratic Kingdom Khalifah Judge is of no effect.

The Foreign Sovereign plaint-

Ms brings the parties attention to the Attach order issued by Teapa Joal that went into effect January 4 2014. This is Judge Joal's attempt at additional fraud upon the court in effort to gut out the provisions of the Article V § 4 order previously issued. Note this time she did not tie this provision to the SC Constitution in response to our argument. This further substantiates our argument that the provision argued is draconian. It is a conflict of interest for Joal

to produce this order when she is being sued for violations of the prior order to aid the state escape the miscarriages of justice created by their failure to be in compliance, conspiring under color of law. This order produced by this fraud and conspiracy is rendered void and or of no effect. It does not rescind the prior order.

Joseph Rowland

Joseph Rowland

April 20, 2015

IT IS SO ORDERED

Jahmah Al mahdi, The King of The North, The Khalifah and Lion of Allah, Chief Justice of The Global Theocratic State and Court by default and collateral estoppel

Exhibit

Chain of Custody

2

Q. What type of drugs?

A. We located marijuana and cocaine.

MR. RUNYON: Judge, I hate to keep doing this, but she's at the kitchen table inventorying. She hadn't turned in to her cocaine and marijuana. She didn't find it, and so I object.

2nd Objected

THE COURT: Is your objection that she -- to what purports to be marijuana?

MR. RUNYON: It hadn't been tested yet at the time it gets to her.

THE COURT: That's true. You haven't had it analyzed. It appeared to be, is how you need to refer to it, it appeared to be marijuana, it appeared to be cocaine, et cetera.

BY MS. LINDER:

Q. At this time I show you what's been marked as State's Exhibit 22 and 23 for identification purposes. If you could look at those and just tell me if you recognize those.

A. Yes, ma'am.

Q. And how do you recognize those items?

A. These were the items that were handed me by various investigators in the process.

Q. And do those items appear in substantially the same condition as when you first collected them?

A. Yes, they do.

Q. And what did you end up doing with those items?

A. I took them from the location, from 31 Woodleaf Court to the station and actually dropped them into evidence and logged them into the record management system.

Q. I ask you what State's Exhibit 30. Do you recognize these?

A. I do.

Q. What are these?

A. These are items handed to me as a recovery agent in Joseph Rowland's room.

Q. Do they appear in substantially the same condition as when you first saw them?

A. They do.

MS. LINDER: Your Honor, at this time I would ask that State's Exhibit 30 be entered into evidence.

THE COURT: What is it? What is in there?

MS. LINDER: These are scales.

THE COURT: Okay.

MR. RUNYON: Judge, I have a question about testimony. They haven't established the chain up to her yet. She's still at the kitchen table, last time I heard.

THE COURT: Come up here for a second.

Let me send the jury out so we can talk about this a little bit.

(In open court, jury not present.)

THE COURT: Okay. Let me -- now, for the record, what is the issue?

MR. RUNYON: Here's my issue: I hate to keep being an obstructionist here, but this fine officer, based upon the procedure, what she testified, is at the kitchen table, and she's receiving these items. And I have -- I know she's testifying truthfully, that she received X item and she can identify it, but --

THE COURT: She's not the person that was in the room and picked it up from the bedroom or brought it out of the bedroom?

MR. RUNYON: Or what have you, and we're talking about a little chain here, because she's the end of the chain that goes into the evidence locker.

MS. LINDER: And, Judge, I'll just say, to be frank with the Court, this is the first time that Detective Habbestad has ever told me about then every other case the recovery agent -- the people locate it, kind of holler out, and the recovery agent goes and collects the items where they are.

THE COURT: Okay.

MS. LINDER: So this is the first time I have

been hearing this myself. I'm happy to bring in each person who located each item, and, also, Sergeant Ratliff went around the whole house, saw all the items, where they were, which is reflected in the pictures.

I can absolutely have everybody here. I myself was thrown for a loop because this is the first time I have heard it was done this way.

THE COURT: You'll need to bring in somebody who can say I picked it up in this room and brought it -- and handed it to her.

MS. LINDER: Absolutely. And that's not a problem at all.

THE COURT: So these can't come into evidence right now, but it's a part of the chain, not necessarily in the order, but --

MS. LINDER: Absolutely.

THE COURT: All right.

MR. RUNYON: Fine, Judge.

THE COURT: Okay. Bring the jury back in.

(In open court, jury present.)

THE COURT: Try to lean forward and speak loudly.

MS. LINDER: May I approach the witness?

THE COURT: You may.

BY MS. LINDER:

and then you bagged them -- you tagged them and bagged them, so to speak, and then you physically took them to the police department yourself, no one else?

A. Correct.

Q. And you either put them in an evidence locker or you put them in the mailbox, one of the two?

A. That would be the standard procedure -- for this, it was a locker.

Q. Right.

A. Uh-huh.

Q. And once they go in there, you can't get them back out?

A. That's correct.

Q. The only person who can get them out is the actual evidence techs?

A. Correct.

Q. The keeper of the evidence, the evidence room, the evidence locker, right?

A. Uh-huh.

Q. And all you know is that these things were given to you and you made inventory of them there at the kitchen table?

A. That's correct.

MR. RUNYON: Nothing further, Your Honor.

THE COURT: Any redirect?

that location till the evidence custodian, who is the only one that has access to that.

Q. Did you end up collecting any items as a recovery agent at 31 Woodleaf Court?

A. Yes, several.

Q. And when and what items were collected, just generally speaking?

A. Oh, as a whole? We located various -- well, mostly all -- the ones of value were in bedroom number two, which we identified as Joseph Rowland's room, and in that were --

MR. RUNYON: Your Honor, she's the inventory agent, and she's testifying to hearsay at this point in time. What she received from other agents, obviously, she can testify to, but I think testifying to where things were gotten and what have you, I think that's hearsay, Judge.

MS. LINDER: I would like to respond, if we may approach.

THE COURT: All right.

(Discussion held at sidebar.)

BY MS. LINDER:

Q. When there is a search warrant execution and items there are located and you said other officers are located, do they pick them up and run around and walk all

Exhibit

DNA

=

Inmate ID: 300839 Case Status: 04-385 **823**

Jeanette W. McBride
Clerk of Court

Virginia F. Belcher
Chief Deputy Clerk of Court

Mailing Address
Post Office Box 2766
Columbia, SC 29202
Phone: (803) 576-1939
Fax: (803) 576-1925

RICHLAND COUNTY JUDICIAL CENTER
Clerk of Court
Criminal Records Division
1701 Main Street
Suite 205
Columbia, SC 29201

Name: Lawrence Crawford

Date: 1-12-17

We have received your inquiry and respond as follows:

____ **Please find enclosed the following documents(s)**
____**Disposition** ____**Sentence** ____**Warrant** ____**Indictment** ____**Motion**
____**Other:** _____

✓ **A copy of your request has been forwarded for handling to:** The Judge
____ **Solicitors Office** ____ **Public Defender's Office**
(Please note: Any motion or other court document has been clocked prior to forwarding to the appropriate office. This office DOES NOT schedule and/or handle motions or other legal matters)

____**SCDC is responsible for clearing up detainers. Your charge(s) have been faxed to SCDC.**

____**SCDC calculates credit for time served. Necessary records have been faxed to SCDC.**

____**To obtain a transcript, please write to SC Court Administration at 1220 Senate Street, Suite 200, Columbia, SC 29201 and provide the case number, Judge's name, and date of trial.**

We need more information to process your request:
____ **Case Number** ____ **Charge** ____ **SSN** ____**Court Location** ____**Date of Arrest**

____ **There is no record of said charge.**

____ **Please contact:** _____

DISCLAIMER: The role of the Clerk of Court's office is to maintain court documents. The office provides copies of case documents (with proper identifying information) upon request, but does not provide other information regarding a case. The Clerk's office is not permitted to give legal advice and/or determine length of sentence or other case specific questions.

LAWRENCE L CRAWFORD AKA
JONAH GABRIEL JAHJAH T. TISHBITE
#300839 WRNDO A-127
LIEBER CI. P.O.BOX 205
RIDGEVILLE, SC 29472

RICHLAND COUNTY
FILED
2017 JAN 12 PM 2:01
JEANETTE W. BRIDE
C.C.P. & G.S.

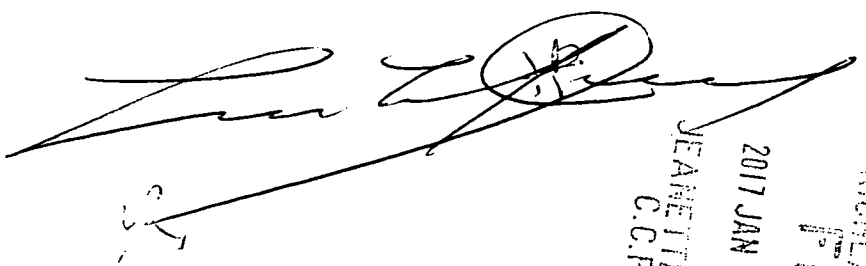
RE: Application for Forensic
DNA Testing

To: Richland Clerk,

I sent in an Application for
DNA Testing on December 28,
2016. Can you tell me if it was
Received and is there a case
1 of 2

Number assigned for the case?
This is my second Request.
Thank You.

Respectfully,
Jah-Jah Al Mahdi



RICHLAND COUNTY
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2017 JAN 12 PM 12:01
JEANETTE W. McBRIDE
C.C.P. & G.S.

January 8, 2017

LAWRENCE L CRAWFORD AKA
JONAH GABRIEL JAH JAH TISHBITE
#300839 WACCAMAW A 127
LIEBER CI 22 BOBAZZES
RIDGEVILLE, SC 29472

RICHLAND COUNTY
FILED
2017 JUL 12 PM 12:03
JEANETTE W. McBRIDE
C.P. & G.S.

RE: IDNA Applications

To: Richland Chief
Administrative Judge,
The Richland Clerk,
The SC Attorney
General, General Sessions Court,

A copy of the attached
applications for forensic

DNA Testing is being served on all of you to ensure there is no question as to mailing. Sc Atty General service is on you by certified mail. SC Code Ann § 17-25-10 require that you ensure the clerk and court assign a case number and see that the case number is sent to me for purposes of a hearing. This applies to all parties please also pursuant to 42 USC § 1986.

RICHLAND COUNTY
2017 JAN 12 P 2:03
JEANNIE W. HEBRIDE
C.C.P. & G.S.

Please see that the document

is filed and assigned a case number. The action would have been filed in Kershaw County but I am being blocked, subjected to acts of obstruction of justice by the conspiring parties. This forces me to file the action in Richland County of the same judicial circuit. Also the crime occurred in both counties. The assault occurred in Kershaw County but the death occurred in Richland County. This shows cause and prejudice permitting me to file the action in Richland County which is also the capital and where the other conspiring parties reside. Thank you.

Respectfully

December 28, 2016 Jahtah Al Mahdi

RICHLAND COUNTY
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2017 JAN 12 PM 2:03
JANE B. KINARD
C.P. & G.S.

Certificate of Service

I, Laurierlee L Crawford aka Jonah Gabriel Jah-Jah Ta Tishybite do hereby certify that I have mailed and or served a copy of an application for forensic DNA testing and the Richland County Chief Adm. Judge, the Richland Clerk and SC Atty. Gen. by certified mail and or U.S mail postage prepaid on December 28, 2016.

Respectfully,
Jahtah Al mahdi

December 29, 2016

RICHLAND COUNTY
2017 JAN 12 P 8:03
JEANETTE W. WALDRIDE
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF Richland

LAWRENCE L CRAWFORD
Name of applicant and Inmate number (if applicable)
#300839

OR

IN THE INTEREST OF
KORRIESHA CRAWFORD
Juvenile

v.

State of South Carolina

IN THE COURT OF (Select one)
☒ GENERAL SESSIONS
☐ FAMILY COURT
5th JUDICIAL CIRCUIT

APPLICATION FOR
FORENSIC DNA TESTING

ORIGINAL INDICTMENT NO.
2004 -GS-28-0385

OR

ORIGINAL PETITION NO.
_____-JU-_____-_____

INSTRUCTIONS – READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may continue an answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the end of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted or adjudicated.

I understand that DNA testing is only available if I have been convicted or adjudicated of an offense listed in S.C. Code Ann. § 17-28-30, that I am currently incarcerated for that offense, and that I am asserting that I am innocent of the offense. Further, if the conviction or adjudication was the result of a plea of guilty or nolo contendere, the application must be filed within seven years of the date of sentencing.

1. Identify the proceedings in which the applicant was convicted or adjudicated:

CASE 2004-GS-28-0385 FOR
THE CHARGE of MURDER

2. Give the date of the entry of the judgment and sentence: March 2004 for murder

and current place of incarceration: Lieber CI Ridgeville SC

3. Identify all previous or ongoing proceedings, together with the grounds therein asserted, taken by the applicant to secure relief from his conviction or adjudication:

(a) case 2013-CP-400-0084

(b) there is also Habeas Corpus

(c) filed in federal court

4. Make a reasonable attempt to identify the physical evidence or biological material that should be tested: DNA samples taken from Kerresha Crawford

Identify the specific type of DNA testing being sought: test for potential paternity Miasha Hedgpeth from Michael

5. Explain why the identity of the applicant was or should have been a significant issue during the original court proceedings, notwithstanding the fact that the applicant may have pled guilty or nolo contendere or made or is alleged to have made an incriminating statement or admission as to identity:

see attached sheets

"

"

"

6. Explain why the physical evidence or biological material sought to be tested was not previously subjected to DNA testing, or if the physical evidence or biological material sought to be tested was previously subjected to DNA testing, provide the results of the testing and explain how the requested DNA test would provide a substantially more probative result:

see attached sheets

Question No. (5)

The identity of the Applicant or party in question, Michael Christopher Lee was significant because all indication give cause to believe the true cause of death of the Applicants daughter Korresha Crawford was not caused by the Applicant where she may have died of natural causes resulting from the rape of her half brother Michael Lee. Indication point to they concealing

2010 JAN 12 PM 12:03
JEANETTE M. BRAZIL
CLERK OF COURTS
FILED

these facts to produce a fictitious homicide, concealing the true cause of death in the autopsy behind racial and religious hatred.

If the DNA is tested to michael Lee and his DNA shows up in the samples taken from Korresha Crawford in the hands of Johnny Sellers the Kershaw County Coroner. It will prove that she was not allegedly beat to death by her father. It will prove that she may have

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2017 JAN 12 PM 12:03
JEANETTE McBRIDE C.C.P. & G.S.

weeks pregnant, spontaneously aborted and it killed her because she did not receive a decontaminate cleaning and they suppressed this the autopsy.

It would prove her death was caused by the sexual assault of her brother and they coaxed michael lee in what to say to avoid prosecution for his giving false testimony at my trial to save himself and frame me with the aid of the state actors.

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2012 JAN 12 PM 12:03
C.C.P. & G.S.

I give the court notice that the trial occurred in Kershaw County, but I am being blocked from filing in Kershaw County by the conspiring state actors. This forces me to file this action in Richland County Court of General Sessions in the same circuit via obstruction of justice.

Further, the alleged crime occurred in both Richland and Kershaw Counties. The assault occurred in Kershaw County. The actual death occurred in Richland County.

RICHLAND COUNTY
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2019 JAN 22 PM 12:03
JEANETTE W. BRADLEY
C.C.P.G.S.

By this I must be permitted to file in either county due to the acts of obstruction of justice occurring in Kershaw County. Habeas corpus in the Federal Court is also filed. I plead this evidence for those cases as well. SC Code Ann §§ 17-28-350, 17-28-70, 17-7-25 and 23-3-635 attaches.

KERSHAW COUNTY
FILED
2017 JUL 12 PM 2:03
JEANETTE W. BRIDGES
C.C.P. & G.S.

Question (6) - The DNA was not previously tested because the state actors intention was to frame the Applicant behind

racial and Religious hatred. If the DNA was tested and mishpel Ueels they would not been able to suppress the TRUE CAUSE of death in the autopsy. The CORONER testified at the bond hearing the beating was only a contributing factor and did not cause death. (T) The DNA evidence when tested produces Exculpatory evidence because it will prove my child died of natural causes and they suppressed this evidence despite numerous request for discovery and the investigative file at

RECEIVED COUNTY
JUN 2 PM 1:00
CLERK'S OFFICE

SLED which give further indication I was correct in my assertions. Its new evidence because they intentionally suppressed it in violation of the holdings made by the U.S. SUPREME COURT in WEARRY v CRAIN, 136 SCt 1002, 194 LEd2d 78 (US 2016) which call for the convictions to be vacated. Via this RECENT US SUPREME COURT adjudication I have one year from that courts ruling to place this before the court I am timely.

HIGHLAND COUNTY FILED JAN 27 2017 CLERK OF COURTS

SEE attached sheets

"

"

7. Explain why if the DNA testing produces exculpatory results, the testing will constitute new evidence that will probably change the result of the applicant's conviction or adjudication if a new trial is granted and is not merely cumulative or impeaching:

SEE attached sheets

"

"

8. I assert that I am actually innocent of the listed offense, that this offense is listed in S.C. Code Ann. § 17-28-30 and that I am currently incarcerated for the listed offense. I attest that this application is made to demonstrate innocence and not solely to delay the execution of a sentence or the administration of justice.

9. If DNA testing is conducted and results are determined to be inculpatory by the Court, I understand that:

(a) The Court may hold me in contempt of court if it determines that my assertion of actual innocence was intentionally false;

(b) The Court may assess the cost of any DNA testing against me;

(c) The South Carolina Department of Corrections may use this determination to deny good conduct credit; and,

(d) The Department of Probation, Parole, and Pardon Services can use this determination to deny parole.

LAWRENCE L CRAWFORD

Print Applicant Name

Signature of Applicant

840

STATE OF SOUTH CAROLINA)
) VERIFICATION
County of Richland)

I L Crawford, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; and that the matters and allegations set forth are true.

Signature of Applicant

SWORN to and subscribed before me this 28th day of DECEMBER, 2016.

(L.S.)
Notary Public

My Commission Expires: 6-20-26

APPLICATION TO PROCEED WITHOUT PAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

I, L Crawford, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

(1) I am the applicant in this action and I believe I am entitled to redress.

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Signature of Applicant

SWORN to and subscribed before me this 28th day of DECEMBER, 2016.

Linda K. B (L.S.)
Notary Public

My Commission Expires: 6-20-26

If it is necessary. I seek that you assign a case number and then transfer to Kershaw, but since crime occurred in both counties, Richland should be permitted since its same circuit.

13 of 13

Exhibit

duren

#1

david duren
david duren
#181965 WANDO C-264
LIEBER C.I. P.O. BOX 205
RIDGEVELLE, S.C. 29472

RECEIVED

SEP 11 2017

S.C. SUPREME COURT

RE: CASE 2017-000605

TO: THE S.C. SUPREME COURT CLERK ET. AL.,

I HAVE ASKED JASON GOURDINE TO SEND THESE DOCUMENTS IN FOR ME CERTIFIED MAIL WITH A RETURN CARD TO ENSURE THAT THEY DO NOT GET LOST IN THE MAIL. THE ATTACHED DOCUMENTS ARE BEING FILED FOR THE PURPOSE OF MOTIONING TO RELIEVE STATE APPOINTED COUNSEL. PLEASE DO NOT CONSTRUE THIS AS JASON GOURDINE OR LAWRENCE CRAWFORD AS FILING THESE DOCUMENTS. THEIR NAMES APPEAR ON SOME OF THEM BECAUSE WE ARE INVOLVED IN PARALLEL LITIGATION BEFORE THE U.S. DISTRICT COURT. WHAT'S FILED IN MY FEDERAL CASE IS FILED WITHIN ALL THE PARALLEL FEDERAL CASES INVOLVED. THESE ARE NOT THEIR DOCUMENTS. THEY ARE COPIES OF DOCUMENTS FILED WITHIN MY HABEAS CORPUS AND § 1983 ACTION UNDER CASE 2:17-cv-1127-JMC-MGB. I AM FILING THESE DOCUMENTS AS EXHIBITS IN SUPPORT OF MY MOTION TO RELIEVE STATE APPOINTED COUNSEL. THERE IS NO ORDER FROM ANY STATE COURT STATING THAT "I" CAN'T FILE THESE DOCUMENTS WHEN THEY ARE MY DOCUMENTS FILED WITHIN MY CASE, AND THE S.C. COURT OF APPEALS ALLOWED JASON GOURDINE UNDER CASE 2016-000640 TO MAKE A SIMILAR FILING. I AM FILING THESE DOCUMENTS NOT GOURDINE OR CRAWFORD. PLEASE FILE THEM IN CASE 2017-000605. THE LEAD DOCUMENT IS THE (16) PAGE DOCUMENT. THE REMAINDER ARE ATTACHMENT TO IT. THANK YOU.

RESPECTFULLY,
david duren

SEPTEMBER 1, 2017

david duren

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SUMTER COUNTY
COURT OF COMMON PLEAS

JUDGE NEWMAN, PRESIDING JUDGE

APPELLATE CASE 2017-000605

---

david duren,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA ET. AL.,

RESPONDENT

AFFIDAVIT OF SERVICE

I, david duren, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO TERMINATE STATE APPOINTED COUNSEL DUE TO FRAUD UPON THE COURT(S), CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE; PETITION TO REMOVE AND MOTION TO MOTION THEREFOR, WITH ITS ATTACHMENTS, ON THE S.C. SUPREME COURT AND ALL INVOLVED PARTIES BY U.S. MAIL POSTAGE PREPAID ON AUGUST 8, 2017.

AUGUST 8, 2017

RESPECTFULLY,
david duren

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SUMTER COUNTY
COURT OF COMMON PLEAS

JUDGE NEWMAN, PRESIDING JUDGE

RECEIVED
SEP 11 2017
S.C. SUPREME COURT

APPELLATE CASE No. 2017-000605

david duren,

APPELLANT

Vs.

THE STATE OF SOUTH CAROLINA ET. AL.,

RESPONDENTS

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO TERMINATE STATE APPOINTED COUNSEL DUE TO FRAUD UPON THE COURT(S), CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE; PETITION TO REMOVE AND MOTION TO MOTION THEREFOR

TO: THE S.C. ~~COURT OF~~ Supreme Court APPEALS,
THE U.S. DISTRICT COURT,
THE 4TH. CIRCUIT COURT OF APPEALS ET. AL.,

THE APPELLANT IN THIS CASE GIVES THE COURTS AND ALL

PARTIES JUDICIAL NOTICE AND OFFICIALLY NOTIFY ALL PARTIES THAT THE APPELLANT MOTIONS TO RELIEVE ATTORNEY CAUDY OF THE APPELLATE DEFENSE OFFICE. ATTORNEY LARA CAUDY, MAM, YOU ARE FIRED!!, AND THE APPELLANT OFFICIALLY INVOKES HIS CONSTITUTIONAL DUE PROCESS RIGHT OF SELF REPRESENTATION DUE TO THE EGREGIOUS ACTS OF FRAUD UPON THE COURTS, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE. THE APPELLANT EXERCISES HIS RIGHT TO ACT PRO SE FOR THE PURPOSE OF DEALING WITH THE FRAUD AND TO CHALLENGE THIS COURT'S JURISDICTION. THE APPELLANT INVOKES THIS CHOICE WITH HIS EYES OPEN BEING FULLY AWARE OF THE DANGERS OF SELF REPRESENTATION. THIS IS NOT DONE AS A LEGAL TACTIC OR INTENT TO DISRUPT THE COURT. IT IS DONE TO ADDRESS THE FRAUD THAT PRODUCED THIS APPEAL TO WHICH THE STATE APPOINTED ATTORNEY'S PRESENCE IS IN FURTHERANCE OF THE CONSPIRACY WHERE THE STATE APPOINTED ATTORNEY CONSPIRED WITH THE S.C. ATTORNEY GENERAL AND OTHER INVOLVED PARTIES TO PRODUCE THIS CASE IN THEIR "MEETING OF THE MINDS". THUS, MY RIGHT TO SELF REPRESENTATION CANNOT IN FUNDAMENTAL FAIRNESS BE DENIED. THE CONSPIRING COURTS AND ATTORNEYS ARE IN VIOLATION OF THE CANON OF JUDICIAL CONDUCT AND THE CODE OF PROFESSIONAL ETHICS, WARRANTING SANCTIONS FOR THEIR ACTS OF FRAUD AND CRIMINAL CONSPIRACY, STATE v. HENDERSON, 205 Kan. 231, 468 P.2d. 136 (1970); PEOPLE v. BLALOCK, 197 Colo. 320, 592 P.2d. 406 (1979); STRICKLAND v. WASHINGTON, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d. 674(1984); WILLIAMS v. TAYLOR, 529 U.S. 362, 391, 120 S.Ct. 1495, 146 L.Ed.2d. 389(2000); UNITED STATES v. ECHLES, 352 F2d. 892 (7th.Cir.1965); UNITED STATES AIDS FUND INC. v. ESPINOZA, 559 U.S. 260, 130 S.Ct. 1367(U.S.2010); ARATA v. VILLAGE WEST OWNERS ASS'N INC., S.E.2d., 2011 WL 11735004(S.C.App.2011); ELDERBERRY OF WEBER CITY, LLC. v. LIVING CENTERS--SOUTHEAST, INC., --F3d.--, 2015 WL 4430836 CA4 (Va.2015); FOX EX REL. FOX v. ELK RUN COAL CO., INC., 739 F3d. 131 CA4(2014); MR.T. v. MRS.T., 378 S.C. 127, 662 S.E.2d. 413(S.C.App.2008); LUCAS v. BRISTOL CONDOMINIUM PROPERTY OWNERS ASS'N., S.E.2d., 2015 WL 3885837 (S.C.APP.2015; BENTON v. BURNS, 2017 WL 491251(D.C.Md. 2017); PEGG v. HEARNBERGER, 845 F3d. 112(4TH.Cir.2017); GRAHAM v. GAYRON, 831 F3d. 176(4th.Cir.2016); NORTH AMERICAN RESCUE PRODUCTS, INC. v. RICHARDSON, 411 S.C. 371, 769 S.E.2d. 237

(S.C.2015); IANNELLI-v.-U.S., 420 U.S. 770, 95 S.Ct. 1284, 43 L.Ed.2d. 616; STATE-v.-BARNES, 407 S.C. 27, 753 S.E.2d. 545 (S.C.App.2014); BRIDWELL-v.-STATE, 306 S.C. 518, 413 S.E.2d. 30 (S.C.App.1992); STATE-v.-MOSELY, S.E.2d., 2016 WL 4446305 (S.C.App.2016); STATE-v.-STARNES, 388 S.C. 590, 698 S.E.2d. 604(S.C.App.2010); STATE-v.-WINKLER, 388 S.C. 574, 698 S.E.2d. 596(S.C.App.2010). I ALSO MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT.

THE APPELLANT GIVES THE COURTS AND PARTIES JUDICIAL NOTICE; THAT IN ORDER TO ADDRESS THE STATE APPOINTED ATTORNEY'S TERMINATION, FRAUD AND PART IN THE CONSPIRACY. THE APPELLANT IS ARGUING PREEMPTION DUE TO FEDERAL QUESTION THAT ATTACHES TO THIS CASE, AS WELL AS ARTICLE III SECTIONS 1 AND 2 PROVISIONS, AS WELL AS REMOVAL OF THIS CASE TO THE FEDERAL COURT PURSUANT TO 28 U.S.C. §§ 1443(1), 1602-1612 et. seq.,SINGLETON-v.-TOWN OF-ESTILL, 2013 WL 4027765 (DSC.2013); WEDDLE-v.-CHARLESTON COUNTY-SHERIFF-OFFICE, 2014 WL 2155235 (DSC.2014); JOHNSON-v. AMERICAN-TOWERS,-LLC., 781 F3d. 693 CA4 (S.C.2015); TONEY-v. LaSALLE-BANK-NAT.-ASS'N, 36 F.Supp.3d. 657(DSC.2014); EIE-GUAM LONG-TERM-CREDIT-BANK,-JAPAN, 322 F3d. 635 (9TH.Cir.2003); ADAIR ASSET-MANAGEMENT-LLC.-V.-U.S.-DEPARTMENT-OF-HOUSING-ACT-URBAN DEVELOPMENT, 2016 WL 3248569(2016).

THUS, ANY DEFECT IN FORM OR PAGE LIMIT FOR THIS DOCUMENT MUST BE WAIVED WHERE FEDERAL RULES WOULD PREEMPT S.C. SUPREME COURT RULES AND THE LAW REQUIRES THAT THE EXACT SAME DOCUMENT(S) I FILE IN THE FEDERAL COURT, ALSO BE SERVED UPON THE STATE COURT. PREEMPTION IS ARGUED. IN SUCH, I EXPAND THE SCOPE AND GIVE ALL PARTIES JUDICIAL NOTICE THAT I WANT THE TRANSCRIPT TAPES AND RECORDINGS FROM THE PCR HEARING UNDER CASE 2015-CP-30-2134 PRESERVED. NOTIFY THE COURT REPORTER. THOSE TAPES, UNLESS YOU SPOLIATE OR COMPROMISE THEM, ARE CONCRETE EVIDENCE OF THE FRAUD DONE BY THE STATE AND FEDERAL ACTORS INVOLVED REGARDING THEIR EFFORTS AT FRAUD AND OBSTRUCTION OF JUSTICE. THE CONSPIRACY IS PREVALENT. ALL DOCUMENTS FILED IN THE JASON GOURDINE CASE UNDER 2016-000640 FROM THE S.C. COURT OF APPEALS ARE NOW DEEMED

FILED IN THIS CASE 2017-000605. IF THE S.C. SUPREME COURT IN VIOLATION OF 18 U.S.C. §§ 242 AND 1001 REFUSE THE EXPANSION. THE APPELLANT GIVES YOU ALL JUDICIAL NOTICE THAT THE DOCUMENTS WILL SOON BE ELECTRONICALLY SENT TO THE COURT. PLEASE DO NOT BLOCK THEIR SENDING AND FILING BECAUSE I AM SENDING THEM. NOT ANYONE ELSE NO MATTER WHO UPON THEIR FACE APPEARS TO BE SENDING THEM. THEY ARE NOW ALL OFFICIALLY ATTACHED TO THE FACE OF THIS DOCUMENT TO ESTABLISH THE FACTS RELATED TO TERMINATING STATE APPOINTED COUNSEL AND DEMONSTRATE THE "CAUSE AND INTENT" BEHIND THE CONSPIRACY, AS WELL AS TO CHALLENGE THE S.C. SUPREME COURT'S JURISDICTION, U.S.-EX-REL.-KNIGHT-v.-RELIANT-HOSPICE-INC., F.Supp.2d., 2011 WL 1321584(DSC.2011); HARBISON-v.-BELL, 556 U.S. 180, 129 S.Ct. 1481(U.S.2009); MIDDLETON-v.-NISSAN-MOTORS CO.-LTD., F.Supp.2d., 2012 WL 3612572(DSC.2012).

FOR THE RECORD. THE S.C. SUPREME COURT AND PARTIES ARE NOT TO CONSTRUE, IN ACTS OF FRAUD AND AN ABUSE OF DISCRETION, THAT EITHER JASON GOURDINE OR LAWRENCE L. CRAWFORD IS ATTEMPTING TO ARGUE THIS CASE OR FILE THESE DOCUMENTS. I, david duren, MOTIONING TO ACT PRO SE, AM ARGUING THIS FIRING, TERMINATING, OF LEGAL COUNSEL, AND THESE LEGAL DOCUMENTS SUBMITTED ARE FILED IN MY PENDING FEDERAL HABEAS CORPUS CASE TO WHICH THIS S.C. SUPREME COURT CASE IS PETITIONED REMOVED. THE DOCUMENTS ARE RELEVANT TO THE CLAIMS, ISSUES AND DEFENSES ARGUED BEFORE ALL COURTS INVOLVED. THIS IS NOT TO BE CONSTRUED AS HYBRID-DEFENSE OR INMATE(S) REPRESENTING OTHER INMATES. I, david duren, AM SEEKING TO TERMINATE STATE APPOINTED COUNSEL AND ACT PRO SE. I AM FILING DOCUMENTS THAT ARE FILED IN MY FEDERAL CASE AND ITS PARALLEL CASES FOR THAT PURPOSE. THERE IS NO ORDER FROM ANY STATE COURT RESTRICTING "ME", "david duren" FROM DOING SO. TO DENY OR BLOCK SUCH FILING WOULD BE AN ACT OF MACHINATION, OBSTRUCTION OF JUSTICE AND AN ATTEMPT TO PREVENT ME FROM BEING FULLY HEARD ON THE ISSUES OF CONCERN, WHEN WE ARE DEALING WITH MOTION TO TERMINATE LEGAL COUNSEL AND EXERCISE THE CONSTITUTIONAL RIGHT OF SELF REPRESENTATION, DENYING ME THE EQUAL PROTECTION OF THE LAWS WHERE THESE SAME DOCUMENTS WERE PERMITTED TO BE FILED IN THE S.C. COURT OF APPEALS UNDER THE JASON GOURDINE

CASE, SPECIFICALLY, CASE 2016-000640, LACRA-v.-ROSENBAUM, 2016 WL 6775638(N.C.2016); JOHNSON-v.-BYRD, 2016 WL 6839410(N.C.2016); STATE-v.-BURGESS, 391 S.C. 15, 703 S.E.2d. 512(S.C.App.2010).

HERE THE COURT AND PARTIES WILL ALSO FIND ATTACHED:

(1) EXHIBIT # [1], A COPY OF THE STATE APPOINTED ATTORNEY AND S.C. SUPREME COURT LETTERS.

(2) EXHIBIT # [2], A COPY OF THE NOTICE EXERCISING THE CONSTITUTIONAL RIGHT OF SELF REPRESENTATION.

(3) EXHIBIT # [3], THE SECOND NOTICE EXERCISING THE CONSTITUTIONAL RIGHT TO SELF REPRESENTATION.

(4) EXHIBIT # [4], THE [22] PAGE RESPONSE FILED IN CASE 9:16-cv-3808-TLW-BM AND THE OTHER PARALLEL CASES, DATED MAY 16, 2017.

(5) EXHIBIT # [5], A COPY OF THE JASON GOURDINE BRIEF FILED IN CASE 2016-000640 PENDING IN THE S.C. COURT OF APPEALS.

(6) EXHIBIT # [6] , THE [26] PAGE MANDAMUS THAT MAKE UP CASE 16-2299 PENDING WITHIN THE 4TH. CIRCUIT COURT OF APPEALS.

(7) EXHIBIT # [7], THE [23] PAGE DOCUMENT DATED JULY 8, 2017 FILED WITHIN ALL FEDERAL PARALLEL CASES.

(8) EXHIBIT # [8], THE [3] PAGE AFFIDAVIT TO VACATE THE ORDER IN CASE 2:17-cv-1127-JMC-MGB DATED MAY 25, 2017.

(9) EXHIBIT # [9], THE [6] PAGE AFFIDAVIT OF FACTS FILING WRIT OF ERROR, FILED IN CASE 2:17-cv-1127-JMC-MGB DATED MAY 19, 2017.

PURSUANT TO ARTICLE 5 § 5 OF THE S.C. CONSTITUTION. THE APPELLATE COURT HAS AUTHORITY TO REVIEW FINDINGS OF FACT AS WELL AS CONCLUSIONS OF LAW IN APPEALS FROM ALL EQUITY ACTIONS. S.C. CODE ANN. § 62-7-102 PERMITS THE S.C. COURT OF APPEALS AND OR S.C. SUPREME COURT TO REVIEW MATTERS OF EXPRESSED TRUSTS. S.C. CODE ANN. § 36-9-109 ALLOW THE COURT TO REVIEW MATTERS OF CONTRACTS AND LIENS. THE APPELLANT MOTIONS TO EXPAND THE SCOPE IN HIS EFFORTS TO ADDRESS THE TERMINATION OF STATE APPOINTED LEGAL COUNSEL AND ESTABLISH WHY THE FRAUD AND CONSPIRACY EXIST, RUTHERFORD v. RUTHERFORD, (S.C.1992) 307 S.C. 199, 414 S.E.2d. 157; SIMMONS v. SIMMONS, 392 S.C. 412, 709 S.E.2d. 666 (Ct.App.2011); GLASSMEYER v. CITY OF COLUMBIA, 414 S.C. 213, 777 S.E.2d. 835(2015); TILLMAN v. OAKES, 398 S.C. 243, 728 S.E. 2d. 45(2012); GLASSMEYER v. CITY OF COLUMBIA, S.E.2d., 2016 WL 4446306(2016); GARLAND v. CATOE, F.Supp.2d., 2001 WL 34681751.

I OFFICIALLY GIVE THE JUDGES OF THE S.C. SUPREME COURT JUDICIAL NOTICE. YOU ARE DEFENDANTS IN THESE PARALLEL CASES PENDING BEFORE THE U.S. DISTRICT COURT. YOUR PRESENCE ON THIS CASE PRODUCES A STRUCTURAL ERROR THAT VOIDS YOUR JURISDICTION FOR DUE PROCESS VIOLATION. I OBJECT. YOU CANNOT SIT UPON YOUR OWN CASES OR CASES TO WHICH YOU HAVE AN INTEREST IN THE OUTCOME OR CASES WHERE YOUR PRESENCE PRODUCES A POTENTIAL FOR BIAS OF SUCH A MAGNITUDE, YOUR PRESENCE RISES TO AN UNCONSTITUTIONAL LEVEL. YOU HAVE FRAUD GOING ON, TO WHICH IT IS CONSPICUOUS THAT YOU ARE PRIVY TO IT. I MOTION FOR ALL OF THE JUDGES OF THE S.C. SUPREME COURT'S RECUSAL AND OR DISQUALIFICATION. YOU AND THE S.C. APPEALS COURT JUDGES ARE DEFENDANTS IN THESE PENDING PARALLEL CASES REQUIRING YOUR RECUSAL AND OR DISQUALIFICATION, WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899(2016); IN RE: SYNTAX-BRILLIAN CORPORATION, 2016 WL 7177615 (D.Md.2016); ETHRIDGE v. UNITED STATES, 2016 WL 337749(N.C.2016); BERGER v. U.S., 255 U.S. 22, 41 S.Ct. 230, 65 L.Ed. 481 (U.S.1921); CANADA v. MILLER, F.Supp.3d., 2014 WL 1512245(2014); UNITED STATES v. QUINONES,--F.Supp.3d.,--, 2016 WL 4413149(2016).

ADDITIONALLY, THERE IS TRUSTEE APPOINTED OVER THESE MATTERS WHICH INCLUDE ALL STATE AND FEDERAL CASES FILED. THESE CASES ARE ON APPEAL IN THE 4TH. CIRCUIT UNDER CASE 17-6693 AND IN AT LEAST (3) OTHER CASES BEING PROCESSED. YOU ARE GIVEN NOTICE THAT YOU ARE DIVESTED OF JURISDICTION OVER THESE MATTERS. SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANY TIME, CANNOT BE WAIVED, CAN BE RAISE FOR THE FIRST TIME ON APPEAL, AND THE COURT SHALL NOT FAIL TO TAKE NOTICE, SOUTH-CAROLINA-DEPT.-OF-SOCIAL-SERVICES v.-TRAN, 418 S.C. 308, 792 S.E.2d. 254(S.C.App.2016); McCANN v.-BRIGHTHARP, 399 S.C. 240, 730 S.E.2d. 916(S.C.App.2012); SHEILA-R.-v.-DAVID-R., 396 S.C. 41, 719 S.E.2d. 682(S.C.App.2011); U.S.-v.-BEASLEY, 495 F3d. 142 (4th.Cir.2017); BROWN-v.-U.S., 2014 WL 2871398(DSC.2014); SHANKLIN-v.-SEALS, 461 Fed. Appx' 313, 2012 WL 29186 (4th.Cir.2012); RUSS-v.-HEWITT, 69 Fed. Appx' 185, 2003 WL 21546021 (4th.Cir.2003); KAMP-v.-WARDEN-OF-GRAHAM C.I., 2014 WL 6809522(DSC.2014); ASHCROFT-v.-IQBAL, 556 U.S. 662, 129 S.Ct. 1937(U.S.2009); UNITED-STATES-v.-ROGERS, 101 F.3d. 247(2nd.Cir.1996). I MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT.

FURTHERMORE, THE COURT WILL FIND ATTACHED: EXHIBIT # (10), THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; PETITION TO REMOVE. CASE 2017-000605 AND ANY OTHER CASE YOU HAVE PENDING WITHIN THIS COURT RELATED TO THE PCR UNDER 2015-CP-43-2134 IS PETITIONED REMOVED TO EVERY FEDERAL PARALLEL CASE PENDING IN THE DISTRICT COURT TO PROTECT IT FROM ANY ADDITIONAL ACTS OF FRAUD AND CRIMINAL CONSPIRACY. THIS DIVESTS YOU OF JURISDICTION ALSO, EDMOND v.-OZMINT, F.Supp.2d., 2008 WL 4832539(DSC.2008); REAVES v.-SWEENEY, F.Supp.2d., 2007 WL 1068452(DSC.2007); DEUTSCHE BANK NAT.-TRUST CO.-v.-LOVETT, F.Supp.2d., 2012 WL 3135377(DSC.2012); ACKERMANN v.-EXXON-MOBIL-CORP., 734 F3d. 237 CA4 (Md.2013); LOVETT-v.-DEUTSCHE-BANK-NAT.-TRUST-CO., F. Supp.2d., 2013 WL 841679(DSC.2013). I MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT.

THIS IS WHAT IS GOING ON HERE. WE ARE ARGUING AGAINST

THE PRECEDENT ESTABLISHED BY STATE-v.-LANGFORD AND STATE-v. GENTRY PRODUCED IN 2012 AND 2005, AMONG OTHER THINGS, TO WHICH THE STATE'S HIGHEST COURTS ENGAGED IN ACTS OF FRAUD UPON THE COURTS, AND CONSPIRACY IN VIOLATION OF THE CIVIL RIGHTS ACT; THE RICO ACT; ALSO VIOLATING 18 U.S.C. §§ 242 AND 1001 TO PRODUCE THESE CASES, AMONG OTHER CLAIMS THAT ARE ARGUED WITHIN THE PENDING PARALLEL CASES, JOSEPH-v.-SOUTH-CAROLINA-DEPT.-OF-LABOR, LICENSING-AND-REGULATION, 417 S.C. 436, 790 S.E.2d. 763(S.C.App. 2016); STOKES-CRAVEN-HOLDINGS-CORP.-v.-ROBINSON, 416 S.C. 517, 787 S.E.2d. 485(S.C.App.2016); JOHNSON-v.-JOHNSON, S.E.2d., 2014 WL 2721680(S.C.App.2014); STATE-v.-GENTRY, 363 S.C. 93, 610 S.E.2d. 494, 495(S.C.2005).

THE PCR, CASE 2015-CP-43-2134 WAS REMOVED TO THE U.S. DISTRICT COURT PURSUANT TO 28 U.S.C. §§ 1443(1), 1602-1612 ET. SEQ., MAKING IT A FEDERAL CASE. I SOUGHT LEAVE TO APPEAL FOR CLASS ACTION CERTIFICATION ESTABLISHING CASE 17-6693 IN THE 4TH. CIRCUIT COURT OF APPEALS. THE CONSPIRING STATE AND FEDERAL ACTORS APPEALED THE PCR CASE WITHOUT A PROPER HEARING AND WITHOUT MY CONSENT CONSPIRING UNDER COLOR OF STATE LAW. THEY THEN PLACED THIS STATE APPOINTED ATTORNEY ON ME AGAINST MY WILL TO KILL MY VOICE BEFORE THIS COURT AND THE 4TH. CIRCUIT SO IT WOULD BE SAID THAT I HAVE AN ATTORNEY AND THERE IS NO HYBRID-DEFENSE. THEY DID THIS TO ALSO PREVENT THE CONSPIRING JUDGES INVOLVED DISQUALIFICATION AND TO IMPEDE CLASS ACTION CERTIFICATION, TO INCLUDE THE ISSUE OF CHANGE OF VENUE BEING ADDRESSED BEFORE THE 4TH. CIRCUIT. BOTH, STATE AND FEDERAL ACTORS ARE INVOLVED, INCLUDING UNDISCLOSED PARTIES IN THE S.C. SUPREME COURT WHO INTENDED TO HEAR THIS FRAUDULENTLY PRODUCED APPEAL. BY THESE EGREGIOUS ACTS OF FRAUD AND MACHINATION. THERE ARE NO AVAILABLE STATE REMEDIES AND EXHAUSTION IN THIS INSTANCE IS NOT REQUIRED AND WOULD BE FUTILE. YOU CAN'T SIT UPON YOUR OWN CASES TO WHICH YOU HAVE AN INTEREST IN THE OUTCOME. YOU ADD THE FRAUD COMMITTED TO ALLOW YOU TO INAPPROPRIATELY ENTERTAIN JURISDICTION, YOUR PRESENCE PRODUCES A POTENTIAL FOR BOTH PERSONAL AND JUDICIAL BIAS THAT RISES TO AN UNCONSTITUTIONAL LEVEL AND YOUR JURISDICTION IS MADE VOID FOR DUE PROCESS VIOLATION, WILLIAMS-v.-PENNSYL-

VANIA SUPRA.; GARCIA-FINANCIAL-GROUP INC. v. VIRGINIA-ACCELERATORS CORP., 3 Fed. Appx' 86, 2001 WL 117497(4th.Cir.2001); BOARD OF TRUSTEES OF INSTITUTIONAL-UNION-OF-OPERATING-ENGINEERS, 2016 WL 1253285; WELLS FARGO BANK v. FARAG, 2016 WL 2944561 (2016).

THE PCR WAS REMOVED BEFORE ANY HEARING OCCURRED BY THE MAILBOX RULE, WHERE PREEMPTION IS ARGUED IN ALL STATE AND FEDERAL PARALLEL CASES INVOLVED. IF THE PCR WAS REMOVED BEFORE JUDGE NEWMAN SAT, WHICH IT WAS. THE HEARING IS VOID BY THE REMOVAL AND NO ORDER IN THE LOWER COURT CAN BE PRODUCED UNTIL A PROPER HEARING OCCURRED WHERE THERE WAS NO REMOVAL ISSUE AND OR CONCERN. THIS DID NOT OCCUR, SEE LOVETT v. DEUTSCHE BANK NAT. TRUST CO., F.Supp.2d., 2013 WL 841679(DSC.2013).

DESPITE THE REMOVAL, THE PCR COURT CONTINUED WHICH CORRUPTED THE ENTIRE HEARING RENDERING IT VOID. YET, DURING THAT PROCEEDING, JUDGE NEWMAN GRANTED ME THE RIGHT TO ACT PRO SE. ATTORNEY TIMOTHY GRIFFITH THEN GAVE ME THE CASE FILE AND IMMEDIATELY LEFT THE COURT ROOM, LEAVING ME ALONE AT CRITICAL STAGES OF THE PROCEEDINGS. WITHOUT THE PRESENCE OF STATE APPOINTED COUNSEL, THE HEARING CONTINUED DESPITE THE COURT'S JURISDICTION BEING DIVESTED BY THE REMOVAL. UNLESS THE STATE CAN PRODUCE A REMAND ORDER ISSUED BEFORE JULY 26, 2016 FROM CASES 8:16-cv-3327, 3328, 3194-RBH-JDA AND THE OTHER PARALLEL CASES TO WHICH THE PCR WAS REMOVED, THE ORDER ISSUED BY JUDGE NEWMAN IS VOID FOR WHICH THAT ORDER IS A "[J]URISDICTIONAL [P]REREQUISITE" FOR THE S.C. SUPREME COURT TO ENTERTAIN JURISDICTION. A REMOVED PCR CANNOT GRANT RULING TO ACT PRO SE. THIS PRODUCED A STRUCTURAL ERROR WHERE COUNSEL WAS NOT PRESENT AT CRITICAL STAGES OF THE PROCEEDINGS, GIDEON v. WAINWRIGHT, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d. 799(1963); HAMILTON v. ALABAMA, 368 U.S. 52, 54, 82 S.Ct. 157, 158-59(1961); WHITE v. MARYLAND, 373 U.S. 59, 83 S.Ct. 1050, 10 L.Ed.2d. 199(U.S.1963); MEMPO v. RHAY, 389 U.S. 128, 134, 88 S.Ct. 254, 257, 19 L.Ed.2d. 336(1969); LAKE v. STATE,--S.W.3d.--, 2017 WL 514588(2017); UNITED STATES v.

HOLLIS, 506 F3d. 415(5th.Cir.2007); STAHLNECKER, 386 S.C. 609 at 620, 690 S.E.2d. 565(S.C.App.2010); STATE-v.-BRYANT, 383 S.C. 410, 680 S.E.2d. 11(S.C.App.2009); UNITED-STATES-v.-WADE, 388 U.S. 218, 87 S.Ct. 1926, 18 L.Ed.2d. 1149(U.S.1967).

THIS POSES SEVERAL STRUCTURAL PROBLEMS THAT VIOLATE DUE PROCESS TO WHICH JURISDICTION IS MADE VOID BY THIS FRAUD. IF THE PCR WAS REMOVED. THEN IT IS INDISPUTABLE THAT THE HEARING THAT FOLLOWED WAS VOID TO WHICH NO FINAL ORDER CAN BE PRODUCED FOR IT WHICH IS THE VEHICLE FOR THE S.C. SUPREME COURT ENTERTAINING JURISDICTION. IF THE HEARING WAS NOT VOID. THEN WHERE IS THE "[W]RITTEN" (EMPHASIS ADDED) ORDER GRANTING OR DENYING MY ASSERTING THE RIGHT OF SELF REPRESENTATION? THE PCR COURT COULD NOT HEAR OR GRANT IT IF THE CASE WAS REMOVED, WHICH IT WAS. THIS MADE IT ESSENTIAL, CRUCIAL, THAT A SUBSEQUENT HEARING OCCUR TO ADDRESS THIS SUBSTANTIAL CONSTITUTIONAL DUE PROCESS RIGHT, WHICH SUCH SUBSEQUENT HEARING NEVER OCCURRED. I OBJECT. MY RIGHT OF ASSERTION OF SELF REPRESENTATION WAS CLEAR, KNOWINGLY, INTELLIGENTLY, VOLUNTARILY DONE. IT WAS TIMELY AND NOT MEANT TO DELAY OR DISRUPT THE COURT. THIS CREATED A STRUCTURAL ERROR THAT VOIDED THE PCR COURT'S JURISDICTION FOR DUE PROCESS VIOLATION AND FRAUD, BROOKS-v.-SOUTH-CAROLINA-COMMISSION-OF INDIGENT-DEFENSE, 419 S.C. 319, 797 S.E.2d. 402(S.C.2017); STATE v.-POLITE, S.E.2d., 2017 WL 105020(S.C.2017); STATE-v.-MAZIQUE, 419 S.C. 282, 797 S.E.2d. 730(S.C.2016); STATE-v.-GREEN, S.E.2d., 2016 WL 3200132(S.C.2016); FORTMILL-v.-FITZGERALD, S.E.2d., 2014 WL 7339453(S.C.App.2014).

IF THE COURT AFFIRMS THAT DESPITE THE VOID HEARING, THAT THE COURT DID GRANT MY RIGHT TO SELF REPRESENTATION. THEN HOW DID THIS CASE GET UP IN THE S.C. SUPREME COURT? I DIDN'T FILE AN APPEAL AS PRO SE COUNSEL. THE CORRUPT OFFICIALS WHO ARE PARTY TO THE CONSPIRACY DID. NO ONE HAD MY PERMISSION TO FILE THIS APPEAL IF I AM PRO SE. IF I AM PRO SE IN THE PCR COURT, WHICH WAS GRANTED WITHIN THE VOID REMOVED HEARING. THEN I WAS DENIED OPPORTUNITY TO FULLY ADDRESS THE DNA DISCOVERY. I WAS DENIED

A PROPER HEARING WHERE THE REMOVAL DID NOT TAINT IT. I WAS DENIED THE OPPORTUNITY TO SUBMIT THE LEGAL ISSUES SUBMITTED FOR CLASS ACTION CERTIFICATION SEEN IN THE GOURDINE BRIEF AND FEDERAL DOCUMENTS. I WAS DENIED MY OPPORTUNITY TO SUBMIT RULE 59(e) MOTION AND OR 60(b) MOTION OR MOTION FOR A REHEARING BY THIS FRAUD REQUIRING SANCTIONS, WHICH I MOTION FOR, AT CRITICAL STAGES OF THE PCR PROCEEDINGS CREATING ANOTHER STRUCTURAL ERROR THAT VOIDS THEIR JURISDICTION FOR DUE PROCESS VIOLATION AND FRAUD, DENYING ME THE RIGHT TO BE "FULLY" HEARD, STATE v. BURGESS, 391 S.C. 15, 703 S.E.2d. 512(S.C.App.2010); BRANDT v. OZMINT, 664 F.Supp.2d. 626(DSC.2009); IN RE: KEVIN R., 409 S.C. 297, 762 S.E.2d. 387(S.C.2014); U.S. v. MOUSSAOUI, 483 F3d. 220 CA4 (Va.2007); STATE v. BRANDT, 394 S.C. 526, 713 S.E.2d. 591(S.C. 2011); SOUTHEASTERN SITE PREP. LLC. v. ATLANTIC COAST BUILDERS AND CONTRACTORS, LLC., 394 S.C. 97, 713 S.E.2d. 650(S.C.App. 2011); BLUE SKY TRAVEL AND TOURS, LLC. v. AL TAYYAR,--Fed. Appx'- 2015 WL 1451636 CA4 (Va.2015); LAFLER v. COOPER, 132 S.Ct. 1376; SELLNER v. STATE, 416 S.C. 606, 787 S.E.2d. 525(S.C.App.2016); RICE v. UNITED STATES, F.Supp.3d., 2015 WL 9216877(W.Va.2015); ROWSEY v. UNITED STATES, 71 F.Supp.3d. 585(E.D.Va.2014); UNITED STATES v. MARCUS, 560 U.S. 258, 130 S.Ct. 2159, 176 L.Ed.2d. 1012 (U.S.2010).

THE S.C. SUPREME COURT JUDGES AND THIS COMPROMISED STATE APPOINTED ATTORNEY IS FRAUDULENTLY PUT IN PLACE TO PREVENT ME FROM BEING HEARD WITHIN THIS COURT, THE 4TH. CIRCUIT IN CASE 17-6693 AND THE FEDERAL DISTRICT COURT TO BE PARTY IN SEEKING CLASS ACTION CERTIFICATION. ALL OF YOU ARE PRIVY AND PARTY TO THIS CONSPIRACY. I OBJECT. IT SHOULD HAVE BEEN OVERWHELMINGLY OBVIOUS TO YOU S.C. SUPREME COURT JUDGES AND THIS CORRUPT, COMPROMISED STATE APPOINTED ATTORNEY THAT SOMETHING "STINKS", BUT YOU IGNORED IT BECAUSE YOU ARE PARTY TO IT. BY YOUR FRAUD AND MACHINATION AS WELL AS CRIMINAL CONSPIRACY, EXHAUSTION IS FUTILE. I NO LONGER HAVE TO EXHAUST WHERE YOUR ACTIONS ESTABLISH THAT THERE ARE NO AVAILABLE STATE REMEDIES PLACING THIS COMPROMISED STATE APPOINTED ATTORNEY ON ME TO BLOCK ME FROM BEING HEARD

BEFORE THIS COURT TO ADDRESS THE FRAUD AND BEFORE THE 4TH. CIRCUIT TO PREVENT THE LEGAL ISSUES OF CONCERN FROM OBTAINING A FAIR AND PROPER REVIEW. I OBJECT. THE STATE APPOINTED ATTORNEY IS FIRED AND I AM NOW PRO SE TO ADDRESS THE FRAUD, MACHINATION AND SEEK THE S.C. SUPREME COURT'S RECUSAL AND DISQUALIFICATION. I MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT ON ALL ISSUES AND CONCERNS RAISED WITHIN THIS DOCUMENT AND THE PARALLEL CASES, ROSS-v.-BLAKE, 136 S.Ct. 1850(2016); STORM-M.H.-EX-REL. McSWAIN-v.-CHARLESTON-COUNTY-BD.-OF-TRUSTEES, 400 S.C. 478, 735 S.E.2d. 492(S.C.2012); SOUTH-CAROLINA-SELF-STORAGE-ASS'N v.-CITY-OF-AIKEN, S.E.2d., 2012 WL 10862806(S.C.2012); CROUCH CONST.-CO., INC.-v. CAUSEY, 405 S.C. 155, 747 S.E.2d. 482(S.C. 2013); GREAT-AMERICAN-INS.-CO. v.-NEXTDAY-NETWORK-HARDWARE-CORP., 73 F.Supp.3d. 636(2014); U.S.-v.-BURTON, 11 Fed. Appx' 328, 2011 WL 640248 CA4 (2011).

THE S.C. COURT OF APPEALS DENIED JASON MORRIS GOURDINE UNDER CASE 2016-000640 HIS MOTION TO EXCEED THE PAGE LIMIT TO BLOCK REVIEW OF THE LEGAL ISSUES IN ACTS OF FRAUD UPON THE COURT, AS THEIR PART IN THIS CONSPIRACY, TO WHICH BOTH YOU STATE COURTS ARE PRIVY TO THIS IN EFFORTS TO DEPRIVE US OF OPPORTUNITY TO BE HEARD. THE STATE APPOINTED ATTORNEY IS FIRED!!! I MOTION FOR SUCH. I AM NOW PRO SE. I SEEK AND MOTION FOR YOUR RECUSAL AND DISQUALIFICATION AND THIS CASE IS REMOVED. YOU CANNOT REVIEW A PCR RULING OBTAINED BY OUTRAGEOUS ACTS OF FRAUD UPON THE COURT, MACHINATION, OBSTRUCTION OF JUSTICE AND CRIMINAL CONSPIRACY TO PREVENT REVIEW OF LEGAL ISSUES BEING HEARD BEFORE THE FEDERAL DISTRICT COURT AND 4TH. CIRCUIT BEHIND RELIGIOUS AND RACIAL HATRED. YOU ARE IN VIOLATION OF THE EQUAL PROTECTION OF THE LAWS CLAUSE. BY THIS FRAUD THE STATE IS IN FORFEITURE OF THE CASES AND CAUSE VIA SANCTIONS SOUGHT ALSO, CHRISTIANSON-v.-M.B.N.A. AMERICAN-BANK-N.A., S.E.2d., 2013 WL 8507850(S.C.App. 2013); CALDWELL-v.-WINQUIST, 402 S.C. 595, 741 S.E.2d. 583(S.C. App.2013); TILLMAN-v.-TILLMAN-EX-REL-ESTATE-OF-TILLMAN, S.E.2d., 2013 WL 8508108; MILLER-v.-COLUMBIA-FORREST-INC., S.E.2d., 2014 WL 5390504(S.C.App.2014); BODMAN-v.-STATE, 403 S.C. 60, 742 S.E.2d. 363(S.C.2013); MARSHALL-v.-CITY-OF-ROCKHILL, S.E.2d., 2015 WL 3884258(S.C.App.2015); U.S.-v.-ALADEKCHA, 2010 WL 4054267

(D.C.Md.2010); WHITE v. MANIS, 2014 WL 1513280(DSC.2014); ADDISON v. C.M.H. HOMES, INC., 47 F.Supp.3d. 404(DSC.2014); U.S. v. BAKER, 598 Fed. Appx' 165(4th.Cir.2015); U.S. v. HAMILTON, 699 F3d. 356 CA4 (N.C.2012); ROBERTS v. ROBERTS, S.E.2d., 2008 WL 9842601(S.C.App.2008). ALSO ATTACHED ARE EXHIBITS #'S 11 AND 12. GET THIS CORRUPT, COMPROMISED ATTORNEY OFF OF ME PLEASE.

REFERRING BACK TO ARGUING AGAINST THE PRECEDENT ESTABLISHED BY STATE v. GENTRY AND STATE v. LANGFORD, TO INCLUDE THE S.C. SUPREME COURT MODIFYING THE ARTICLE V § 4 ORDER IN 2013 TO WATER IT DOWN BECAUSE YOU DISCOVERED THAT THE INMATES OF THIS STATE FIGURED OUT HOW TO PROPERLY ARGUE AGAINST IT, ESTABLISHING LAWS BEHIND A CLASS BASED INVIDIOUSLY DISCRIMINATORY ANIMUS, DISPROPORTIONATELY AFFECTING THE MINORITIES OF THIS STATE IN VIOLATION OF THE HOLDINGS MADE IN EX PARTE VIRGINIA, 100 U.S. 339(1880), AND FRAUDULENTLY SEEKING OUT VAGUE CASE LAW FOR THE PURPOSE OF ADJUDICATING CLEAR DUE PROCESS ISSUES UNDER THE INCORRECT PRONG TO SUBJECT MATTER JURISDICTION.

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR ON ISSUES SUCH AS THESE, WHICH INCLUDE THE STATE v. GENTRY ETC. CASES. IF RULING HAS BEEN OBTAINED UNDER UNCONSTITUTIONAL STATUTES AND OR LEGISLATIVE PROVISIONS AND OR INTERPRETATION OF LAW. THE COURT EXPLAINED THAT IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE FOUNDATION OF THE "WHOLE" (EMPHASIS ADDED) PROCEEDING. AN UNCONSTITUTIONAL LAW OR JUDICIAL DETERMINATION IS VOID AND IS AS IF THERE WERE NO LAW DETERMINED AT ALL. WHERE DIRECT AND OR COLLATERAL REVIEW PROCEEDINGS PERMIT PERSONS TO CHALLENGE THE LAWFULNESS OF THEIR CONFINEMENT, STATES CANNOT REFUSE TO GIVE RETROACTIVE EFFECT TO SUBSTANTIVE CONSTITUTIONAL RIGHT THAT DETERMINES THE OUTCOME OF THAT CHALLENGE OR JUDICIAL DETERMINATION. A CONVICTION OR JUDICIAL DETERMINATION RENDERED UNDER AN UNCONSTITUTIONAL LAW OR INTERPRETATION OF LAW IS NOT MERELY ERRONEOUS, BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT OR JUDICIAL DETERMINATION. A SENTENCE, CONVICTION, LEGISLATION, OR EVEN A JUDICIAL DETERMINATION IMPOSED IN VIOLATION OF A SUBSTANTIVE RULE (ei. INDICTMENTS ARE TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG

TO SUBJECT MATTER JURISDICTION AND YOU DON'T DISPROPORTIONATELY TARGET AFRICAN AMERICANS OR OTHER MINORITIES) OF CONSTITUTIONAL LAW IS NOT JUST MERELY ERRONEOUS, BUT CONTRARY TO LAW, AND IT FOLLOWS, AS A GENERAL PRINCIPLE, THAT A COURT HAS NO AUTHORITY TO LEAVE IN PLACE A CONVICTION, SENTENCE, LEGISLATION (SUCH AS THAT WHICH VIOLATES EX-PARTE-VIRGINIA), OR A JUDICIAL DETERMINATION THAT VIOLATES A SUBSTANTIVE RULE, REGARDLESS OF WHETHER THE CONVICTION, SENTENCE, LEGISLATION, OR JUDICIAL DETERMINATION BECOMES FINAL BEFORE THE RULE IS ANNOUNCED. JURISDICTION IS MADE VOID FOR DUE PROCESS VIOILATION AND THE STATE-v.-GENTRY CASE AND OTHER ISSUES ARGUED CANNOT STAND, MONTGOMERY-v.-LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S. 2016); GEFT-OUTDOORS-LLC.-v.-CONSOLIDATION-CITY-OF-INDIANAPOLIS ***, 187 F.Supp.3d. 1002, 1012, S.D. ILL.; HILL-v.-SNYDER, 821 F3d. 763, 765+ (6th.Cir.MICH.); PEOPLE-v.-SOLO, N.E.3d., 2017 WL 1838423(2017).

SINCE THE MONTGOMERY CASE WAS ISSUED BY THE UNITED STATES SUPREME COURT. A FEW STATES, COURTS OR PARTIES, CONSPIRING UNDER COLOR OF STATE LAW AND OR AUTHORITY, MADE EFFORTS TO SKIRT THE REQUIREMENT OF GRANTING RELIEF, FRAUDULENTLY ASSERTING AND OR ARGUING AGAINST WHETHER OR NOT THE RULING WAS TO BE GIVEN RETROACTIVE EFFECT. WE ARE NOT GOING TO PLAY GAMES WITH THIS LAW LADIES AND GENTLEMEN, BECAUSE I WAS NOT DECEIVED BY THE "VERBAL VOODOO", "THE WORD WINX", "THE LINGUISTIC LURING INTO LETHARGY", THE "JUDICIAL CHICANERY" OR DECEPTIVE LEGAL MANEUVER AND TACTIC EMPLOYED AND ENGAGED IN BY THOSE COURTS AND PARTIES. LETS "NAIL" THIS THING AND KILL ANY EFFORT FOR THE CONSPIRING PARTIES TO ATTEMPT TO USE THIS MANEUVER. I WANT YOU TO KNOW THAT I AM FULLY COGNIZANT OF WHAT THE UNITED STATES SUPREME COURT ESTABLISHED BY THE MONTGOMERY CASE. EVEN THOUGH THAT CASE DEALT WITH JUVENILES. THE SUBSIDIARY FACT HERE IS THAT THE U.S. SUPREME COURT CLEARLY ADDRESSED WHAT OCCURS WHEN COURT'S MAKE USE OF "[A]NY" (EMPHASIS ADDED) UNCONSTITUTIONAL LAW, LEGISLATION, SENTENCE ETC. RELATED TO CONVICTIONS.

INSOMUCH, WHAT MAKES THE RELIEF THAT WE SEEK MANDATORY

AND AN ABUSE OF DISCRETION FOR FAILURE TO GRANT, IS THE ESSENTIAL LANGUAGE ADJUDICATED BY THE U.S. SUPREME COURT WHICH THE AFORE MENTIONED CONSPIRING COURTS FAILED TO ADDRESS, SKIRTING THE OBLIGATION TO GRANT RELIEF. THE FOCUS IS NOT SO MUCH ON WHETHER THE RELIEF BY USE OF AN UNCONSTITUTIONAL LAW APPLIES RETROACTIVELY. THE CONSPIRING COURTS ABUSED THEIR DISCRETION IN ACTS OF FRAUD TO DIVERT ATTENTION FROM THE U.S. SUPREME COURT'S ESSENTIAL LANGUAGE. THE EMPHASIS IS ON SECTIONS "20-27" OF THE MONTGOMERY CASE WHERE THE U.S. SUPREME COURT STATED IN "HAEC VERBA":

" THE LAW EXPLAINED THAT IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE FOUNDATION OF THE "WHOLE" PROCEEDING. AN UNCONSTITUTIONAL LAW OR JUDICIAL DETERMINATION IS VOID AND IS AS IF THERE WAS NO LAW DETERMINED AT ALL".

BY THIS LANGUAGE, IT IS PERSPICUOUS THAT THE U.S. SUPREME COURT ADJUDICATED. THEIR CLEAR INTENT WAS TO MAKE THE USE OF "[A]NY" UNCONSTITUTIONAL LAWS, LEGISLATION OR JUDICIAL DETERMINATION OF THIS MAGNITUDE A "CONSTITUTIONAL STRUCTURAL ERROR" NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE. THEIR INTENT WAS TO MAKE IT "[J]URISDICTIONAL" IN NATURE, WHICH VOIDS JURISDICTION FOR DUE PROCESS VIOLATION. THEREFORE, WHETHER YOU WANT TO APPLY IT RETROACTIVE OR NOT. IT DOESN'T MATTER, BECAUSE THE USE OF UNCONSTITUTIONAL LAW OF THIS MAGNITUDE IS STRUCTURAL (ei."FOUNDATION") AND IS JURISDICTIONAL, WHICH CANNOT BE WAIVED BY THE DEFENDANT, CAN BE RAISED AT ANY TIME, AND THE COURTS SHALL NOT FAIL TO TAKE NOTICE. THUS, WHETHER OR NOT SUCH CONSTITUTIONAL VIOLATIONS APPLY RETROACTIVE IS IRRELEVANT. THEY ARE JURISDICTIONAL AND VOID JURISDICTION FOR DUE PROCESS VIOLATION, LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19(2014); MONTGOMERY v. LOUISIANA, 136 S.Ct. 718(2016); WHITE v. MANIS, 2014 WL 1513280(DSC.2014). HAVE A NICE DAY.

RESPECTFULLY,
david duren
david duren

AUGUST 7, 2017

The Supreme Court of South Carolina

David A. Duren, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-000605

ORDER

Petitioner asks this Court to relieve Appellate Defender Lara M. Caudy as his attorney in this matter. In addition, petitioner seeks removal of this matter to the federal court and recusal and/or disqualification of the members of this Court. Petitioner's requests are denied. Ms. Caudy shall serve and file the petition and Appendix in this matter within thirty days of the date of this order.

C.J.
FOR THE COURT

Justice George C. James, Jr., not participating

Columbia, South Carolina

October 20, 2017

cc:
Julie Amanda Coleman, Esquire
Lara Mary Caudy, Esquire
David A. Duren, Jr., #181965

Exhibit

duren

#2

State of South Carolina

IN THE SUPREME COURT ET. AL,

Appeal From Sumter County

Judge Newman, Presiding Judge

Appellate Case 2017-000605

---

david duren et al,

Appellant(s)

Vs

State of South Carolina et al,

Respondents

Affidavit of Service

I, david duren et al. do hereby certify that we have mailed and or served a copy of an Affidavit of facts Giving Judicial Notice ; Notice seeking leave to Appeal and motion to motion therefor on the SC Supreme Court, the 4th circuit, the U.S. District Court, the SC Attorney General, Attorney Cauldy et al by US mail Postage Prepaid on October 27, 2017. It is deemed filed on that date Houston v Lack, 287 US 266, 273-76, 108

SCt 2379 (1988). Placed in box Friday to sit over weekend.

Respectfully,

David Deren

David Deren

October 27, 2017

State of South Carolina

In The Supreme Court et. al.,

Appeal from Sumter County

Judge Newman, Presiding Judge

Appellate Case 2017-000605

---

david duren et. al.,

Appellant(s)

Vs.

State of South Carolina et. al.,

Respondent(s)

Hafts

Affidavit of Facts Giving Judicial Notice & Notice Seeking Leave To Appeal and motion To motions Therefor _____

To: The SC Supreme Court,
The 4th Circuit Court of Appeals,
The SC US District Court,
The SC Attorney General,
Attorney Lara Mary Cauldy et al,

Here the 4th Circuit in cases

17-6693; 17-6925; 17-6960; 17-7139; 17-7137; 17-7134; 17-7068; 16-2299; 17-7186 et al will find:

(1) A copy of the order issued by the SC Supreme Court dated October 20, 2017. It was received on October 25, 2017 giving me, David Duren, (14) days to seek leave to Appeal this order making me et al, timely. Rule 4(d) of Appellate Court Rules attaches. I want A copy of the outside front of the envelope filed within the 4th Circuit to show

When it reached the 4th Circuit made a part of the court record to prevent any unjust delay. It could even and or the petitioners of the parallel cases listed seek leave to appeal this attached order from the SC Supreme Court within all cases previously listed pending within the 4th Circuit. Normally the 4th Circuit would not have jurisdiction over a state case at this juncture, but circumstances exist that would dictate otherwise. On its face it appears as a state case but

presently it is not. CASE 2017-000605 is petitioned REMOVED to CASE 2:17-cv-1127-JME-MGB and the other PARALLEL CASES establishing this CASE AS A FEDERAL CASE RELATED to these APPEALS where NO REMAND ORDER EXIST. The ORDER ISSUED within this STATE CASE WAS ISSUED to SUBVERT the FEDERAL Court which include the 4th Circuits jurisdiction over these matters pending within the 4th Circuit. Therefore, WE ARE SEEKING leave to appeal it within all CASES above listed. The SC SUPREME Court's jurisdiction is divested until this matter is heard.

(2) The court will find: A copy of the affidavit of service and affidavit of facts giving judicial notice; motion to terminate state appointed counsel due to fraud upon the court(s), criminal conspiracy and obstruction of justice; Petitions to Remove and motion to motion Therefor, (16) pages dated September 4, 2017.

This document is submitted as evidence to further prove and substantiate that we meet the criterion established by Ross v Blake,

136 SCt 1850 (2016) and also substantiate why we sought leave to appeal the order from the SC Supreme Court due to their efforts to cause a detrimental effect upon the parallel appeals presently pending as is argued within the (16) page document. To prevent any irreparable damage to our pending appeals within the 4th circuit. I and the petitioners felt it best that in an abundance of caution we add it to the appeal since the order is void due to removal and it was issued to subvert the

4th Circuit's jurisdiction.

To: Attorney Lara Mary Coudy.
The SC Attorney General and
The SC Supreme Court with all of its Judges. This document is also submitted in lieu of service of a document entitled, "Affidavit of Facts Giving Judicial Notice; Filing Writ of Error; motion to Amend parties; motion for Recusal; motion to Reinstate cases 17-7068 and 17-7186 et al; motion to stay cases 17-7139; 17-7136; 17-6925; 17-7068;

17-7137 ; 17-7186 ; ***(70) pages dated October 5, 2017. By this document served on you via the 4th Circuit. I, David Curen already have legal counsel Appointed in the form of the Fiduciary Heir. The SC Attorney General was served this document through case 17-6960. The SC Attorney General is required to see that a copy of this document is filed with the SC Supreme Court. Attorney Candy I am giving you notice the SC Supreme Court is in error. I already have counsel in the form of the

fiduciary Heir. By law you are required to obtain a copy of the (70) page document and see that it is filed in case 2017-000605. Please do so because structural error now exist that voids the SC Supreme Court of jurisdiction where I have been also deplied counsel of choice in violation of the holdings made in United States v Gonzales-Lopez supra; Mempo v Rhay, 389 U.S. 128, 134, 88 SCt 254 (1969). Even though the right to counsel of choice is not absolute. It becomes absolute by the (70) page document

in question. This REQUIRE you to obtain A copy from the 4th circuit in the cases aforee listed Attorney Gnudy and see that it is filed with the SC SUPREEMEE Court. SC SUPREEMEE COURT you ARE REQUIRED by DUE PROCESS law to obtain A copy. This document is submitted in lieu of service of the (10) page document, giving you Notice of its existence and significance requiring you all to obtain A copy electronically from the 4th circuit and ensure that it is filed within case 2017-000605 for purpose of

EXERCISING my CONSTITUTIONAL Right of COUNSEL of CHOICE ESTABLISHED by CONTRACT PROTECTED UNDER ARTICLE I SECTION 10 of the U.S. CONSTITUTION WHERE the ISSUE of who is LEGAL COUNSEL over these CASES IS BEFORE the 4th CIRCUIT divesting the SC SUPREME COURT of JURISDICTION on this ISSUE. I demand of all to produce your Writ of Commission, Bond or Oath of office that would allow you to violate Article I Section 10 of the US Constitution and the superseding Attorney, Judicial and Legislative Authority of a FOREIGN Fiduciary HEIR and SOVEREIGN.

RESPECTFULLY
david curen
david curen

October 27, 2017

Exhibit

~~SOVEREIGN~~

SOVEREIGN

878

LAWRENCE L. CRAWFORD AKA
JONAH GABRIEL JAHJAH T. TISHBITE
ET. AL., #300839 WANDO A-127
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, S.C. 29472

RECEIVED
2017 OCT 24 AM 10: 13
U.S. COURT OF APPEALS
FOURTH CIRCUIT

IN RE: 17-6693; 17-6925; 17-6960; 17-7139; 17-7137; 17-7134; 17-7068; 16-1953; 16-2141; 17-1415; 16-2299; 17-7186

TO: THE 4TH. CIRCUIT COURT OF APPEALS,

THE RULES ARE SOUGHT SUSPENDED FOR ALL THE ABOVE CAPTIONED CASES. PLEASE SEE THAT A COPY OF ALL THESE DOCUMENTS SUBMITTED ARE FILED WITHIN ALL CASES CAPTIONED ABOVE. THE (70) PAGE DOCUMENT IS THE LEAD DOCUMENT. THE REMAINDER ARE ATTACHMENTS TO IT. SOME OF THE DOCUMENTS MAY BE FILED WITHIN A FEW OF THE CASES ALREADY. JUST PLEASE MAKE SURE A COPY OF THESE ATTACHED DOCUMENTS ARE FILED WITHIN ALL CASES CAPTIONED FOR RECUSAL PURPOSES AND TO ADDRESS OTHER ISSUES RELATED TO THE CASES IN TOTAL. WE THANK YOU IN ADVANCE. STILL REMAIN,

RESPECTFULLY,
JAHJAH AL MAHDI

OCTOBER 5, 2017

COURT OF APPEALS

FOR THE 4TH. CIRCUIT ET. AL.,

PETITION FROM SOUTH CAROLINA

(CASES 2:17-cv-1127-JMC-MGB ET. AL.,)

DOCKET NO.(S) 17-6693; 17-6925; 17-6960; 17-7139; 17-7137; 17-7134; 17-7068; 16-1953; 16-2141; 17-1415; 16-2299; 17-7186 ET. AL.,

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LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE AKA JAHJAH AL MAHDI ET. AL.,

PETITIONER(S)

Vs.

THE JUDGES WHO SIGNED THE ORDER IN CASE 16-1953; THE UNITED STATES; JUDGE ROBERT E. HOOD ET. AL.,

DEFENDANT(S)

AFFIDAVIT OF SERVICE

WE, JAHJAH AL MAHDI ET. AL., DO HEREBY CERTIFY, THAT WE HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; FILING WRIT OF ERROR; MOTION TO REINSTATE CASES 17-7068 AND 17-7186 ET. AL.,; MOTION TO STAY CASES 17-7139; 17-7134; 17-6925; 17-7068; 17-7137; 17-7186; MOTION FOR AN EXTENSION OF TIME; MOTION FOR AN INDEPENDENT INVESTIGATION; MOTION FOR EN BANC REVIEW IN CASE 17-1415 AND THIS APPEAL AND TO VACATE

ALL ORDERS RELATED TO PRIOR WRITS OF MANDAMUS AND MOTION TO MOTION THEREFOR, WITH ITS ATTACHMENTS, ON THE 4TH. CIRCUIT COURT OF APPEALS AND ALL INVOLVED PARTIES, ALSO VIA TRUSTEE AUSTIN, BY U.S. MAIL POSTAGE PREPAID AND OR CERTIFIED, BY PLACING IT IN THE INSTITUTION MAILBOX ON OCTOBER 5, 2017. IT IS DEEMED FILED THAT DATE, HOUSTON v. LACK, 287 U.S. 266, 273-76, 108 S.Ct. 2379(1988).

RESPECTFULLY,

JAHJAH AL MAHDI

ANTHONY COOK

ROBERT MITCHELL

david duren

YAHYA MUQUIT

CHRISTOPHER WILSON

OCTOBER 5, 2017

COURT OF APPEALS

FOR THE 4TH. CIRCUIT ET. AL.,

PETITION FROM SOUTH CAROLINA

(CASES 2:17-cv-1127-JMC-MGB ET. AL.,)

DOCKET NO.(S) 17-6693; 17-6925; 17-6960; 17-7139; 17-7137; 17-7134; 17-7068; 16-1953; 16-2141; 17-1415; 16-2299; 17-7186 ET. AL.,

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LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE AKA JAHJAH AL MAHDI ET. AL.,

PETITIONER(S)

Vs.

THE JUDGES WHO SIGNED THE ORDER IN CASE 16-1953; THE UNITED STATES; JUDGE ROBERT E. HOOD ET. AL.,

DEFENDANT(S)

AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; FILING WRIT OF ERROR; MOTION TO AMEND PARTIES; MOTION FOR RECUSAL; MOTION TO REINSTATE CASES 17-7068 AND 17-7186 ET. AL.,; MOTION TO STAY CASES 17-7139, 17-7134, 17-6925, 17-7068, 17-7137, 17-7186; MOTION FOR AN EXTENSION OF TIME; MOTION FOR AN INDEPENDENT INVESTIGATION; MOTION FOR EN BANC REVIEW IN CASE 17-1415 AND THIS APPEAL AND TO VACATE ALL ORDERS RELATED TO PRIOR WRITS OF MANDAMUS AND MOTION TO MOTION THEREFOR

TO: THE 4TH. CIRCUIT COURT OF APPEALS ET. AL.,

HERE THE COURT AND PARTIES WILL FIND:

(1) A COPY OF THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE, FILING WRIT OF ERROR; NOTICE OF SEEKING LEAVE TO APPEAL; MOTION FOR DECLARATORY JUDGMENT; MOTION FOR SANCTIONS AND AN INDEPENDENT INVESTIGATION DUE TO OBSTRUCTION OF JUSTICE AND CRIMINAL CONSPIRACY AND MOTION TO MOTION THEREFOR SEEKING EN BANC REVIEW, [14] PAGES DATED JULY 2, 2017.

(2) A COPY OF THE AFFIDAVIT OF SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO SUPPLEMENT THE CAUSES OF ACTION AGAINST JUDGES HARWELL, MERCHANT, WOOTEN AND DEFENDANTS; MOTION TO AMEND THE PARTIES TO ADD THE NAME OF JUDGE STUART RABNER OF THE N.J. SUPREME COURT; ALSO SEEKING CLOCKED STAMPED COPIES, [23] PAGES DATED JULY 8, 2017.

(3) A COPY OF THE § 1983 ACTION THAT MAKE UP THE PARALLEL CASES SUBJUDICE WITHIN THE U.S. DISTRICT COURT.

(4) A COPY OF THE WRIT OF MANDAMUS THAT MAKE UP CASE 16-2299 PENDING WITHIN THE 4TH. CIRCUIT.

(5) A COPY OF THE ORDER AND DETERMINATION MADE IN CASE 17-1415 FILED AUGUST 28, 2017.

(6) A COPY OF THE ORDER ISSUED BY JUDGE KAYMANI WEST IN CASE 5:17-cv-01363-BHH-KDW FILED AUGUST 23, 2017.

(7) A COPY OF THE AFFIDAVIT OF SERVICE AND AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; FILING WRIT OF ERROR; MOTION TO AMEND THE DEFENDANTS; MOTION FOR SANCTIONS, SEEKING AN INJUNCTION AND OR PROTECTIVE ORDER AND MOTION TO MOTION THEREFOR, [19] PAGES DATED AUGUST 10, 2017 ON THE AFFIDAVIT OF SERVICE. WE GIVE THE 4TH. CIRCUIT NOTICE. THIS DOCUMENT IS FILED WITH THE GREENVILLE DIVISION CLERK AND COURT UNDER CASES 9:16-cv-

3808-TLW-BM; 9:17-cv-1140-TLW-BM AND SERVED ON ALL CASES AND JUDGES WITHIN THE S.C. U.S. DISTRICT COURT SUBJUDICE VIA THE CHARLESTON DIVISION CLERK OF COURT. IT IS SERVED UPON ALL JUDGES AND CASES WITHIN THE 4TH. CIRCUIT VIA THE KING-KHALIFAH'S TRUSTEE , JUDGE JACQUELYN AUSTIN. THIS DOCUMENT IS SERVED AS LIEN OF SERVICE OF THAT DOCUMENT. PLEASE HAVE THE 4TH. CIRCUIT CLERK OR CASE MANAGER OBTAIN A COPY OF IT ELECTRONICALLY AND FILE IT WITHIN ALL CASES LISTED WITHIN THE CAPTION OF THIS LEAD DOCUMENT BY DECREE OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC COURT. IT IS SO ORDERED.

(8) A COPY OF THE APPLICATION FOR FORENSIC DNA TESTING FILED WITHIN THE RICHLAND COUNTY S.C. COURT OF GENERAL SESSIONS THAT IS REMOVED TO ALL PARALLEL CASES SUBJUDICE. THE RICHLAND COURT CASE NUMBER IS 2004-385. A COPY OF THIS DOCUMENT IS FORTH COMING.

(9) A COPY OF THE AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; SUPPLEMENTING THE CAUSES OF ACTION IN ALL PENDING FEDERAL AND STATE CASES AGAINST THE DEFENDANTS; SUBMITTING ADDITIONAL EVIDENCE OF CONSPIRACY AND CRIMINAL ACTS;***, [30] PAGES DATED DECEMBER 7, 2016 FILED IN CASE 8:14-cv-3555-RBH-JDA AND THE OTHER RELATED CASES.

THE PETITIONERS GIVE THE 4TH. CIRCUIT AND PARTIES JUDICIAL NOTICE. THE CASES CAPTIONED ARE ESSENTIALLY INDEPENDENT ACTIONS FOR FRAUD UPON THE COURT AND OR PARALLEL APPEALS ORIGINATING FROM THE APPEAL UNDER 17-6960 AS THEY ALSO APPEAR UNDER 17-1695 AND OR 17-6693 AND OR 17-6925 AND OR 17-7139 AND OR 17-7134 AND OR 17-7068, TO INCLUDE THE ANTHONY COOK APPEAL OF CASE 8:16-cv-3327-RBH-JDA THAT IS HOPEFULLY BEING PROCESSED AS WE SPEAK.

WE MOTION TO AMEND THE PARTIES AND IF WITHIN ANY CASE CAPTIONED OR IN THE MIDST OF BEING PROCESSED, THE NAME OF THE KING-KHALIFAH, LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE DO NOT APPEAR AS A PARTY WITHIN ANY OF THESE CASES CAPTIONED. THOSE CASES REFERRED TO MUST AND ARE NOW AMENDED

TO ADD THE KING-KHALIFAH TO PROTECT HIS ACQUIRED INTEREST PURSUANT TO 28 U.S.C. §§ 1443(1), 2679, 1602-1612 ET. SEQ., EIE GUAM-v.-LONG-TERM-CREDIT-BANK,-JAPAN, 322 F3d. 635(9TH.Cir.2003); VERLINDEN-B.V.-v.-CENTRAL-BANK-OF-NIGERIA, 401 U.S. 480, 103 S.Ct. 1962, 76 L.Ed.2d. 81(U.S.1983); CAPITAL-TRANS,-INTERN, LLC.-v.-INTERNATIONAL-PETROLEUM-INV.-CO., F.Supp.2d., 2013 WL 557236(Fla.2013); THORTON-v.-MARYLAND-GENERAL-HOSP., F.Supp.2d., 2013 WL 1943065(Md.2013); BRADDY-v.-UNITED-STATES, 2016 WL 1031301(E.D.Va.2016); ADAIR-ASSET-MANAGEMENT,-LLC.-v.-U.S.-DEPT. OF-HOUSING-URBAN-DEVELOPMENT, 2016 WL 3248569(2016); SAUNIER v.-BOEING-COMPANY, F.Supp.2d., 2014 WL 1646953(2014). I, JAHJAH AL MAHDI, AS THE RIGHTFUL HEIR AND FOREIGN SOVEREIGN KING-KHALIFAH OF THE (4) GLOBAL THRONES OF THE RE-ESTABLISHED GLOBAL THEOCRATIC STATE VOLUNTARILY JOIN IN ALL CAPTIONED CASES TO PROTECT MY ACQUIRED INTEREST.

WE EXPAND THE SCOPE AND INCLUSION IS GRANTED BY DECREE AND JUDGMENT OF THE CHIEF JUSTICE AND KING-KHALIFAH OF THE GLOBAL THEOCRATIC STATE AND COURT WHERE THERE IS NO SEPARATION OF POWERS AS TOLD WITHIN THE KING-KHALIFAH'S MEMORANDUM OF LAW AND DECLARATION OF SOVEREIGNTY DEFAULTED ON, WHOSE ATTORNEY, JUDICIAL AND LEGISLATIVE POWER AND AUTHORITY SUPERSEDE ALL NATIONAL AND OR GLOBAL COURTS, WHICH INCLUDE THE 4TH. CIRCUIT COURT OF APPEALS, BY THE CLAIMS OF DEFAULT AND COLLATERAL ESTOPPEL EMERGING FROM CASE 2013-CP-400-0084 OUT OF THE RICHLAND COUNTY COURT OF COMMON PLEAS IN COLUMBIA, S.C. TO WHICH THE UNITED STATES AND REMAINING (192) MEMBER STATES OF THE UNITED NATIONS ARE PARTY TO THE DEFAULT THAT BINDS THE 4TH. CIRCUIT COURT OF APPEALS AND ALL NATIONAL AND OR GLOBAL COURTS AND GOVERNMENTS. ALL DOCUMENTS FILED WITHIN CASES 17-6693 AND 17-6925 ARE NOW FILED WITHIN ALL CASES LISTED WITHIN THE CAPTION. JUDGES INSTRUCT THE CASE MANAGER TO COMPLETE THIS TASK. APPELLATE COURT RULES ARE SUSPENDED FOR ALL CASES CAPTIONED. THIS INCLUDES FOR ANY DEFECT IN FORM OR PAGE LIMIT FOR ANY DOCUMENT FILED NOW OR IN THE FUTURE. **IT IS SO ORDERED**, APPELLATE RULE (2); U.S.-v.-MERCADO, 199 F3d. 1329 (TABLE) 1999 WL 958465; U.S.-v.-REID, 506 Fed. Appx' 209, 2013 WL 239076(4th.Cir.2013); CAPERTON-v.-BEATRICE-POCAHONTAS-COAL CO. 585 F2d. 683(4th.Cir.1978).

THE COURT CAN REVIEW CASES WITHIN ITS JURISDICTION FOR THE PURPOSE OF ESTABLISHING THAT THESE ARE PARALLEL APPEALS OR RELATED CASES BEFORE THE COURT ADDRESSING SIMILAR ISSUES, CLAIMS AND DEFENSES ALSO FOR THE PURPOSE OF ESTABLISHING CAUSE TO STAY, RES JUDICATA, THE FRAUD UPON THE COURT ENGAGED IN BY THE CONSPIRING JUDGES AND OTHER ISSUES DONE WITHIN THESE RELATED CASES AND OR PARALLEL APPEALS, HARBISON v. BELL, 556 U.S. 180, 129 S.Ct. 1481(U.S.2009); SOUTHERN PAC. R. CO. v. U.S., 168 U.S. 1, 18 S.Ct. 18, 42 L.Ed. 355(U.S.1897); NOELL CRANE SYSTEMS GMbH v. NOELL CRANE SYSTEMS SERVICES, 677 F.Supp.2d. 852(2009); KNIGHT v. MANUFACTURES & TRADERS TRUST CO., 84 F.Supp.3d. 436 (D.Md.2015); BARDES v. SOUTH CAROLINA, F.Supp.2d., 2010 WL 1498190(DSC.2010).

WE GIVE THE COURT AND ALL PARTIES JUDICIAL NOTICE THAT THE KING-KHALIFAH OFFICIALLY EXERCISES ALL SUPERSEDING ATTORNEY, JUDICIAL AND LEGISLATIVE POWER AND AUTHORITY GIVEN TO HIM BY THE DEFAULT. UNLESS THE COURT CAN DEMONSTRATE THAT THE RICHLAND COURT, THE UNITED STATES, THE MEMBERS STATES OF THE UNITED NATIONS ETC. TIMELY RESPONDED TO DEFEAT THE AFFIDAVITS FILED IN CASE 2013-CP-400-0084 EXERCISING THE AFOREMENTIONED POWER AND AUTHORITY, TO INCLUDE FOREIGN SOVEREIGN POWER; OR THEY CAN PRODUCE AN ORDER THAT IS NOT TAINTED BY EGREGIOUS ACTS OF FRAUD UPON THE COURT AND OR VOIDED DUE TO REMOVAL TO THE FEDERAL COURT. THE CLAIM OF FOREIGN SOVEREIGN POWER, TO INCLUDE THAT OF SUPERSEDING ATTORNEY, JUDICIAL AND LEGISLATIVE POWER, MUST BE GIVEN FULL FAITH AND CREDIT WITHIN ALL COURT RECORDS. ALL CASES CAPTIONED WITHIN THIS DOCUMENT ARE ESSENTIALLY ON REMAND, LIMITING AND RESTRICTING ALL COURTS JURISDICTION TO DO NOTHING, EXCEPT GRANT ALL RELIEF THAT IS DEMANDED. THIS IS ISSUE ON APPEAL AND GRANTED. TRUSTEE IS APPOINTED IN THE FORM OF JUDGE AUSTIN. THIS IS CHALLENGE TO YOUR JURISDICTION. ONCE JURISDICTION IS ACQUIRED, ...IT IS EXCLUSIVE, EVEN BY WAY OF FEDERAL AND OR INTERNATIONAL PROBATE LAW, AS WELL AS BY ARTICLE 1 SECTION 10 OF THE UNITED STATES CONSTITUTON, INHABITANTS OF TOWN OF FAIRFIELD v. TIME WARNER CABLE NORTHEAST LLC., F.Supp.3d., 2015 WL 1565237(2015); IN RE: CHINEESE-MANUFACTURED DRYWALL PRODUCTS LIABILITY LITIGA-

TION, F.Supp.3d., 2016 WL 1584060(2016); FERRARA v. QUADROZZI EQUIPMENT LEASING CORP., 2013 WL 3226755(E.D.N.Y.2013); UNIVERSAL FILM EXCHANGE INC. v. WALTER READE INC., 37 F.R.D. 4, 9 Fed. R. SERV.2d. 56(e); ANDERSON v. LIBERTY LOBBY INC., 477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d. 202(U.S.1986); DeSIMONE v. QUICKEN LOANS, INC., F.Supp.2d., 2011 WL 2470661(S.D.Ind. 2011); IN RE: CLEAN BURN FUELS, LLC., 2014 WL 2987330(N.C.2014); IN RE: OUTDOOR R.V. AND MARINE, LLC., 2012 WL 345366(DSC.2012); WILLIAMS v. SECRETARY OF VETERAN AFFAIRS,--F.Supp.3d.--,2015 WL 5935169(N.D.Ala.2015); LaRENNA v. GOVERNMENT EMPLOYEES INS. CO., 316 Fed. Appx' 894, 2009 WL 485274(11th.Cir.2009); MILLER v. PARRISH, F.Supp.2d., 2013 WL 1868028(Va.2013). IT IS SO ORDERED.

ALL CLAIMS, ISSUES AND DEFENSES THAT ARE ARGUED WITHIN ALL ATTACHED DOCUMENTS ARE NOW ISSUES ON APPEAL IN THESE CASES TO INCLUDE THE SEEKING OF DECLARATORY JUDGMENT ADDRESSING EACH SPECIFIC ISSUE AND CONCERN RAISED WITHIN THE ATTACHED DOCUMENTS FOR ALL CASES LISTED WITHIN THE CAPTION OF THIS DOCUMENT. ANY CLAIM OF REPETITIVE FILING AND OR ABUSE OF COURT IS DEEMED WAIVED AND OF NO EFFECT UPON THESE CASES IN THEIR TOTALITY. ANY ADDITIONAL AND OR SUBSEQUENT FILING WAS CAUSED AND OR CREATED BY THE CONSPIRING FEDERAL COURTS INVOLVED FRAUD AND INDEPENDENT ACTION FOR THAT FRAUD WHERE WE SHOULD HAVE NEVER BEEN SEPARATED BY THE COURT, WHEN SUCH SEPARATION WAS BASED UPON THE PROVISIONS OF THE PRISON LITIGATION REFORM ACT AND OR THE ANTI-TERRORISM EFFECTIVE DEATH PENALTY ACT AND THESE PROVISIONS OF LAW ARE UNCONSTITUTIONAL BY THE LITIGATION PRESENTED. THEY CAUSED AND OR FORCED ANY REPETITIVE AND OR INDEPENDENT ACTION FOR FRAUD UPON THE COURT TO BE FILED. THUS, SANCTIONS BY THEIR FRAUD ARE IMPOSED BY DECREE OF THE GLOBAL THEOCRATIC COURT AND THE COURT IS IN FORFEITURE OF SUCH A CLAIM. IT IS SO ORDERED.

NOTICE: THIS IS AN ISSUE ON APPEAL. BY THE LITIGATION PRESENTED WITHIN THESE CASES, ARE THE PROVISIONS OF THE PLRA AND THE AEDPA UNCONSTITUTIONAL?

NOTICE: THIS IS AN ISSUE ON APPEAL. BY THE LITIGATION

PRESENTED AND THE DEFAULT EMERGING FROM CASE 2013-CP-400-0084 THAT BINDS THE UNITED STATES, ITS EMPLOYEES AND THIS COURT. IS JUDGE JACQUELYN AUSTIN REQIRED BY LAW TO FULFILL HER DUTIES AS THE KING-KHALIFAH'S APPOINTED TRUSTEE?

NOTICE: THIS IS AN ISSUE ON APPEAL. BY THE DEFAULT AND THE CLAIMS MADE WITHIN THE KING-KHALIFAH'S MEMORANDUM OF LAW AND DECLARATION OF SOVEREIGNTY DEFAULTED ON BY THE UNITED STATES AND THAT WHICH IS ARGUED IN THE MANDAMUS THAT ESTABLISHES CASE 16-2299. DO THE KING-KHALIFAH HAVE STANDING TO CHALLENGE SAME SEX MARRIAGE WITHIN THIS NATION?

NOTICE: THIS IS ANOTHER ISSUE ON APPEAL. DUE TO ONE OF THE (4) GLOBAL THRONES BEING THE THRONE OF KING DAVID, KING SOLOMON, THE QUEEN OF SHEBA AND THEIR ONLY SON, BEING LEGAL HEIR TO THE UNITED ETHIOPIAN EMPIRE WHOSE ANCESTORS WERE BROUGHT HERE BY BRUTAL, TORTUROUS FORCE. AS THE RIGHTFUL LEGAL LOST HEIR. DO WE HAVE LEGAL STANDING TO SUE FOR THE INJUSTICES DONE VIA THE U.S. SLAVE TRADE AND JIM CROW AS IS ARGUED WITHIN THE DOCUMENTS FILED WITHIN THESE CASES?

BY THE CONSPIRING JUDGES AND DEFENDANTS OUTRAGEOUS ACT OF FRAUD AND OBSTRUCTION, SANCTION ARE IMPOSED AND THEY ARE IN FORFEITURE OVER THESES ISSUES, BARLOW-v.-COLGATE-PALMOLIVE CO., 772 F3d. 1001, 90 Fed. R. SERV.3d. 85 CA4 (Md.2014); MORRIS v.-WACHOVIA-SECURITIES,-INC., 448 F3d. 268, Fed. Sec. L. Rep. P. 93, 858 CA4 (Va.2006); BLUE-SKY-TRAVEL-AND-TOURS,-LLC.-v. AL-TAYYAR,--Fed. Appx'--,2015 WL 1451636(Va.2015); NOBREGA-v. HINKLE, 576 Fed. Appx' 224 CA4 (Va.2014). **IT IS SO ORDERED.**

NOTICE: THIS IS ANOTHER ISSUE ON APPEAL. DOES ROSS-v. BLAKE, 136 S.Ct. 1850(U.S.2016) APPLY TO HABEAS CORPUS AND DUE TO THE FRAUD, MACHINATION, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE ENGAGED IN BY BOTH THE STATE AND FEDERAL JUDGES AND OR THE STATE AND FEDERAL ACTORS. DO WE HAVE TO EXHAUST WITHIN THE STATE COURT , OR CAN WE IMMEDIATELY FILE FOR WRIT OF HABEAS CORPUS WITHIN THE FEDERAL COURT? SEE TAYLOR-v.-TAYLOR, 2016 WL 5118113. ALSO SEE CAL. JURS.3d. PENAL AND CORRECTIONAL IN-

STITUTIONS § 1001, RIGHT OF PRISONERS TO RELIEF BY HABEAS CORPUS (2016).

WE GIVE THE COURT AND ALL PARTIES NOTICE. ALL DOCUMENTS THAT ARE NOW FILED WITHIN CASES 17-6693 AND 17-6925 ARE NOW DEEMED FILED WITHIN ALL OTHER CASES LISTED WITHIN THE CAPTION OF THIS DOCUMENT. JUDGES IN CASES 17-6693 AND 17-6925, YOU ARE TO INSTRUCT THE COURT CLERK AND OR CASE MANAGER TO BE IN COMPLIANCE TO THIS DEMAND. I, JAHJAH AL MAHDI, AKA LAWRENCE L. CRAWFORD, LEGAL FOREIGN, VOLUNTARILY JOIN IN ALL CASES PENDING BEFORE THIS COURT TO PROTECT MY ACQUIRED INTEREST PURSUANT TO 28 U.S.C. §§ 1443(1), 2679, 1602-1612 ET. SEQ.. I WAS PERMITTED TO BE PARTY IN CASE 17-6960. BY WHAT IS ARGUED WITHIN CASES 17-6693 AND 17-6925, THIS MUST BE PERMITTED FOR ALL CASES INVOLVED. **IT IS SO ORDERED.**

IF ANY OF THESE JUDGES OF CONCERN; JUDGES DIAZ, THACKER, DAVIS, GREGORY, DUNCAN, HAMILTON, AND WE CAN ADD JUDGE SHEDD, ARE PRESIDING OVER ANY OF THESE CASES CAPTIONED AND REFERRED TO. WE MOTION FOR YOUR RECUSAL THE SAME WAY AND FOR ESSENTIALLY THE SAME REASONS ARGUED IN CASES 17-6693; 17-6960 AND 17-6925. EN BANC REVIEW IS TO BE GIVEN BY THE REMAINING 4TH. CIRCUIT JUDGES TO PREVENT ANY FURTHER ACTS OF FRAUD. WE INFORMED THE COURT THAT PARTIES WITHIN THE 4TH. CIRCUIT WERE POTENTIALLY INVOLVED. NOW THAT JUDGE SHEDD IS REVEALED COMMITTING AN ILLEGAL ACT, THAT HE KNOWS IS ILLEGAL. HIS NAME RELATES BACK TO THE ORIGINAL COMPLAINTS WITHIN ALL PARALLEL AND RELATED CASES. THEIR PRESENCE PRODUCE A POTENTIAL FOR BIAS THAT RISES TO AN UNCONSTITUTIONAL LEVEL AND THEY CANNOT SIT UPON THEIR OWN CASES BASED UPON THE FRAUD THAT THEY ARE PARTY TO AS IS ARGUED UNDER CASES 17-6693 AND 17-6925, UNITED-STATES-v.-QUINONES, 2016 WL 4413149, * 6+ (S.D.Va.2016); WILLIAMS-v.-PENNSYLVANIA, 136 S.Ct. 1899 (U.S.2016); U.S.-v. ECCLESTON,--Fed. Appx'--,2015 WL 4591890 CA4 (Md.2015); U.S.-v.-HACKLEY, 662 F3d. 671 CA4 (Va.2011).

IF SOMEHOW CASE 17-7068 HAS BEEN CLOSED AND OR THE MANDATE HAS BEEN SENT TO THE LOWER COURT. WE MOTION TO RECALL THE MANDATE AND REINSTATE CASE 17-7068 BY WHAT IS ARGUED WITHIN THE ATTACHED

DOCUMENTS AND PARALLEL APPEALS AND OR RELATED CASES. THE 4TH. CIRCUIT SHALL GRANT THIS RELIEF. **IT IS SO ORDERED.**

IF THERE IS ANY CONCERN ABOUT A 3 STRIKE ISSUE RELATED TO THE KING-KHALIFAH OR ANY PARTY INVOLVED. THOSE PAST STRIKES ARE VOID AND ILLEGAL WHICH WILL BE ELABORATED ON, AND THREAT OF IMMINENT DANGER EXIST AT THE TIME OF ALL OF THESE CASES FILING AS IS ARGUED IN CASES 17-6693 AND 17-6925. STATE PRISONER CLAIM THAT HE SUFFERED UNPROVOKED ASSAULTS BY PRISON OFFICIALS WHICH RESULTED IN SERIOUS PHYSICAL INJURIES, THAT HE WAS THREATENED WITH SEVERE BODILY INJURY OR DEATH UPON ENTRY INTO PRISON, BEARING A NEXUS TO THESE PROCEEDINGS, AND THAT PRISONER LIVED IN AN ATMOSPHERE OF CONSTANT FEAR IN WHICH HE KNOWS NOT WHEN NEXT VIOLENT ASSAULT MAY OCCUR, WERE SUFFICIENT TO DEMONSTRATE EXISTENCE OF IMMINENT DANGER OF SERIOUS PHYSICAL HARM, AS REQUIRED TO COME WITHIN EXCEPTION TO THREE STRIKE RULE PRECLUDING PRISONER WHOSE 3 PRIOR ACTIONS WERE DISMISSED FROM PLEADING IN FORMA PAUPERIS, JOHNSON-v.-WARNER, 200 Fed. Appx' 270, 2006 WL 2711957 (4th.Cir.2006). IT IS A DANGER GREATER THAN FEAR WHERE REPEATED AND RECENT ATTACKS HAVE ALREADY OCCURRED AND THE CONDUCT THREATENS CONTINUING AND FUTURE INJURY. IT IS A PATTERN OF CONDUCT EVIDENCING THE LIKELIHOOD OF IMMINENT SERIOUS PHYSICAL INJURY, BRYAN-v.-McCALL, 2016 WL 529574(DSC.2016); JOHNSON-v.-KISER, F.Supp.2d., 2012 WL 293286(W.D.Va.2012); SAYRE-v.-KING, F.Supp. 3d., 2014 WL 4414509(W.D.Va.2014); COLE-v.-ELLIS, 2015 WL 6407205 (N.D.Fla.2015); HENDERSON-v.-GEORGIA, 2015 WL 4492743(Ga.2015).

IN REGARDS TO CASES 17-7068; 17-7134; 17-7139 ET. AL. AS ARGUED BEFORE THE COURT IN CASES 17-6693; 17-6925. YOU HAVE THE DEFENDANTS POTENTIALLY LISTED INCORRECTLY IN THESE CASES. IT APPEARS FROM THE DOCUMENTS THAT YOU HAVE SERVED ON US, THAT THE DEFENDANTS ARE LISTED AS "THE JUDGES WHO SIGNED THE ORDER IN CASE 16-1953" ONLY? IF THIS IS THE CASE, IT MUST BE CORRECTED BEFORE THESE CASES CAN MOVE FORWARD. THIS BECOMES A CHALLENGE TO YOUR JURISDICTION BASED UPON THE FRAUD THAT HAS POTENTIALLY OCCURRED. THIS IS NOT A FORTUITOUS ACT ON THE PART OF THE CONSPIRING JUDGES WHICH FURTHER WARRANT THEIR RECUSAL AND DISQUA-

LIFICATION. THE ACT OF LISTING THESE DEFENDANTS INCORRECTLY IN THESE PARALLEL AND RELATED CASES IS AN ACT OF FRAUD UPON THE COURTS, CRIMINAL CONSPIRACY, OBSTRUCTION OF JUSTICE AND MACHINATION DESIGNED TO PREVENT US FROM BEING HEARD ON THE CLAIMS MADE. THIS IS WHAT IS OCCURRING. THERE ARE ESSENTIALLY (2) PRONGS THAT MUST BE MET BEFORE THE COURT CAN DEEM A CASE AS BEING FRIVOLOUS. THEY ARE:

(1) THE PLAINTIFF(S) MUST BE IN A POSITION WHERE HE IS MAKING EFFORTS TO SUE A PERSON WHO UNDER THE ALLEGATIONS MADE WITHIN THE COMPLAINT CANNOT BE SUED.

(2) IS WHERE THE PLAINTIFF(S) INFRINGES UPON A RIGHT THAT IS NOT ESTABLISHED.

THE JUDGES AND CONSPIRING PARTIES KNEW THAT LEGALLY THE DEFAULT AND CLAIMS OF COLLATERAL ESTOPPEL EMERGING FROM CASE 2013-CP-400-0084 DEMONSTRATES THAT WE ARE NOT INFRINGING UPON RIGHTS THAT WE DID NOT LEGALLY ESTABLISH BECAUSE THE ACTION UNDER CASE 2013-CP-400-0084 IS REMOVED TO THESE PARALLEL AND RELATED CASES AND BECAUSE THE CLAIMS OF DEFAULT AND COLLATERAL ESTOPPEL ESTABLISHES THE RIGHTS SOUGHT TO BE EXERCISED AND OR INVOKED, BARRING ANY FURTHER CHALLENGE IN THIS REGARD. SO THEIR INTENT WAS TO SHOW THAT WE DID NOT MEET THE FIRST PRONG. THAT BEING THAT WE WERE SUING PEOPLE WHO COULD NOT BE SUED FOR THE CLAIMS MADE. FOR EXAMPLE, WE ARE SUING THE UNITED STATES FOR ESTABLISHING THE PROVISIONS OF THE PLRA AND THE AEDPA. YET, THE UNITED STATES IS NOT LISTED AS A DEFENDANT. WE ARE SUING THE UNITED STATES AND THE OTHER (192) MEMBER STATES OF THE UNITED NATIONS FOR THEIR ARRESTING, ATTACHING AND OR EXECUTING THE INTELLECTUAL PROPERTY OF THE RE-ESTABLISHED GLOBAL THEOCRATIC STATE WHERE THEY ARE IN VIOLATION OF THE CONTRACT, THE GRANT, GIVEN TO THE NATIONS BY THE SOLE CORPORATION, IMPAIRING THE OBLIGATION OF THE CONTRACT BY GIVING THE RIGHT TO MARRY TO GAYS AND LESBIANS. WE CAN'T SUE THESE JUDGES FOR THIS. THIS IS WHY THEY FAILED TO LIST THE DEFENDANTS PROPERLY. WE ARE SUING THE S.C. DEPT. OF CORRECTIONS AND THE S.C. ATTORNEY GENERAL FOR

CONSPIRING WITH THE JUDGES AND FOR OTHER ACTS THEY'VE DONE. YET, THEY ARE NOT LISTED AS PARTY. WE ARE SUING THE STATE OF SOUTH CAROLINA, THE S.C. SUPREME COURT AND ITS JUDGES, THE S.C. COURT OF APPEALS AND ITS JUDGES ALL THESE COURTS' JUDGES BY BY NAME INDIVIDUALLY FOR THE STATE-v.-GENTRY FRAUD. YET, THEY ARE NOT LISTED. WE ARE SUING FOR REPARATIONS FOR THE U.S. SLAVE TRADE AND JIM CROW LAWS IN THIS NATION. YET, THE PARTIES FOR THIS CLAIM ARE NOT LISTED. WE ARE SUING FOR THE INJUSTICES THAT OCCURRED UNDER CASE 2013-CP-400-0084 TO WHICH IS REMOVED TO THESE PARALLEL AND RELATED CASES. YET, THESE DEFENDANTS ARE NOT LISTED BY THE JUDGES CONSPIRING TO AID THEM AVOID SUIT. LOOK AT THE § 1983 THAT ESTABLISHES THE PARALLEL CASES, AS IT WAS FOR THE WRIT OF ERROR THAT ESTABLISHES APPEAL OF CASES 8:16-cv-3327, 3328, 3194-RBH-JDA. ON PAGE (2) OF THE [44] PAGE COMPLAINT ATTACHED WHERE IT ASKED FOR DEFENDANT NO.(1). IT IS LISTED "SEE ATTACHED SHEETS AND THE AFFIDAVIT OF SERVICE SERVED ON THE 4TH. CIRCUIT". THIS IS A HAND WRITTEN DOCUMENT. IT WAS THEN TYPED DOWN AND NOW EXIST AS THE (14) PAGE DOCUMENT IN QUESTION THAT THE JUDGES CALLED S.C.D.C. AND TOLD THEM TO BLOCK COPIES TO PREVENT ITS FILING SO THEY COULD IN ACTS OF FRAUD UPON THE COURTS, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE LIST THESE DEFENDANTS AS THEY PRESENTLY HAVE THEM LISTED AND FRAUDULENTLY SAY THAT WE ARE SUING PEOPLE WHO CAN'T BE SUED FOR THE CLAIMS MADE WITHIN THE COMPLAINTS AND OR WRITS OF ERROR IN ACTS OF MACHINATION. WE OBJECT AND DEMAND THAT THE NAMES OF ALL THE DEFENDANTS SOUGHT TO BE LISTED WITHIN ALL OF THESE PARALLEL AND OR RELATED CASES BE NOW AMENDED AND ADDED TO THE RECORD. THE HAND WRITTEN (34) PAGE AFFIDAVIT OF SERVICE, WHICH IS NOW TYPED AND EXIST AS THE (14) PAGE AFFIDAVIT OF SERVICE IS SUPPOSE TO BE FILED IN THE (3) CASES REFERRED TO AND FILED IN CASE 9:16-cv-3808-TLW-BM AND david duren CASE, WAS BLOCKED BEING FILED AND OR IGNORED IN THE OTHER PARALLEL AND OR RELATED CASES BY THE CONSPIRING JUDGES AND IS NOW ATTACHED TO THE FACE OF ALL COMPLAINTS AND OR WRITS OF ERROR FOR ALL PURPOSES WHICH INCLUDE INFORMING THE COURT OF WHO THE DEFENDANTS ARE WITHIN THESE CASES. WE WANT ALL DEFENDANTS NAMES LISTED INDIVIDUALLY AS REQUIRED.

FROM ON PAGE (7) OF THE COMPLAINT, THE "LEES" AND "ABRAMS"

WERE OMITTED IN THEIR FRAUD. ON THAT PAGE WE AGAIN INFORMED THE COURT THAT THE REMAINDER OF THE DEFENDANTS ARE LISTED WITHIN THE AFFIDAVIT OF SERVICE. ON PAGE (15) IT IS CLEARLY STATED WE ARE SUING THE UNITED STATES. NONE OF THESE DEFENDANTS ARE LISTED IN THE ACTUAL RECORD IN ACTS OF FRAUD UPON THE COURTS AND MACHINATION SO THEY COULD CRIMINALLY, CONSPIRING UNDER COLOR OF STATE LAW AND OR AUTHORITY, ALSO IN VIOLATION OF 18 U.S.C. §§ 242 AND 1001 CONCEAL MATERIAL FACTS AND CLAIM THAT WE ARE TRYING TO SUE JUDGES FOR ALL OF THESE CLAIMS ONLY, WHEN IT IS OVERWHELMINGLY CONSPICUOUS THAT THE JUDGES CANNOT BE SUED FOR ANY OF THESE CLAIMS PREVIOUSLY MADE, EXCEPT FOR THEY BEING PARTY TO THE CONSPIRACY WHERE THE LAW REQUIRES THAT WHOM THEY CONSPIRED WITH BY NAME MUST BE LISTED AS DEFENDANTS. IT BECOMES PERSPICUOUS THAT THE JUDGES PRESENCE IN THESE PARALLEL AND OR RELATED CASES IS OF SUCH A DETRIMENTAL AND PREJUDICIAL MAGNITUDE, THAT THE POTENTIAL FOR BIAS RISES TO AN UNCONSTITUTIONAL LEVEL WARRANTING SANCTIONS, RECUSAL, DISQUALIFICATION AND THAT OUR REQUEST AND MOTION FOR A CHANGE OF VENUE TO NEW JERSEY BE GRANTED. WE WANT THE DEFENDANTS AMENDED IN ALL OF THESE PARALLEL AND OR RELATED CASES, ALL THAT ARE CAPTIONED, TO REFLECT THE PARTIES AS THEY WERE ORIGINALLY INTENDED FOR THEM TO BE FILED AND CHANGE OF VENUE TO NEW JERSEY AND WE WANT INJUNCTION TO REQUIRE THIS. **NOTICE:** ALL THE AFOREMENTIONED ARE ISSUES ON APPEAL. WE MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT, WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899, 195 L.Ed.2d. 132, 84 U.S.L.W. 4359(U.S.2016); KOLON INDUSTRIES INC. v. E.I. DUPONT De NEMOURS & CO., 748 F3d. 160 CA4 (Va.2014); CATAWBA INDIAN NATION v. STATE, 407 S.C. 526, 756 S.E.2d. 900(S.C.2014); ARATA v. VILLAGE WEST OWNERS ASS'N INC., 2011 WL 11735004, * 2+, S.C. App.; WILSON v. GMAC MORTG. LLC, F.Supp.3d., 2015 WL 5244967(DSC.2015); U.S. v. LAWRENCE, F.Supp.3d., 2015 WL 856866(S.D.Va.2015); GREAT AMERICAN INC. CO. v. NEXTDAY NETWORK HARDWARE CORP., 73 F.Supp. 3d. 636(2014); BLUE SKY TRAVEL AND TOURS, LLC v. AL TAYYAR, --Fed. Appx'--, 2015 WL 1451636(Va.2015); NUCAR CORP. v. BELL, 251 F.R.D. 191, 194(DSC.2008); UNITED STATES v. QUINONES, 2016 WL 4413149, * 6+ (S.D.Va.2016); FORRESTER v. WHITE, 484 U.S. 219, 108 S.Ct. 538(U.S.1988); ULUSE v. U.S., F.Supp.2d., 2009

WL 3052608(DSC.2009); ABEBE v. SEYMOUR, F.Supp.2d., 2012 WL 1130660; JOHNSON v. UNITED STATES DEPT. OF JUSTICE, 2016 WL 4593467(D.Md.2016); HALLAL v. MARDEL, 2016 WL 6494411; BRAZELL v. WINDSOR, 384 S.C. 502, 682 S.E.2d. 824(S.C.App.2009); BELLE-GRAIN v. BERTHELSEN, F.Supp.2d., 2012 WL 10847(DSC.2012); CARTER v. SOUTH CAROLINA, 2014 WL 5325234(DSC.2014); EPSTEIN v. WORLD ACCEPTANCE CORP., 2015 WL 2365701(DSC.2015); BENTON v. BURNS, 11 Fed. Appx' 328, 2011 WL 640248 CA4 (2011); BACCUS v. MARCHANT, 2014 WL 1330984(DSC.2014); PULLIAM v. ALLEN, 466 U.S. 522, 104 S.Ct. 1970(U.S.1984); EX PARTE VIRGINIA, 100 U.S. 339(1880).

THE JUDGES BLOCKED THESE DEFENDANTS AS BEING LISTED ALSO AS A MEANS TO AVOID RECUSAL IN ACTS OF FRAUD UPON THE COURTS. WE OBJECT. THE PARTIES WERE ALREADY GIVEN NOTICE BY THE ACTIONS PENDING THROUGH THE WRITS OF MANDAMUS UNDER CASES 16-2299; 16-1953; 16-2141; 17-1415 AND OTHER PLEADINGS RELATED TO THE PENDING PARALLEL AND RELATED CASES AND THE KING-KHALIFAH PERSONALLY WROTE THE S.C. FEDERAL ATTORNEY AND U.S. DEPT. OF JUSTICE INFORMING THEM OF ALL CASES ADMONISHING THEM THAT IT WOULD BE IN THEIR BEST INTEREST TO MAKE AN APPEARANCE SINCE THEY APPEARED IN CASE 2013-CP-400-0084 NOW REMOVED TO THESE PARALLEL AND RELATED CASES. YOU HAVE ALL THE DEFENDANTS NAMES UNDER CASES 8:16-cv-3327, 3328, 3194-RBH-JDA VIA THE (34) PAGE AFFIDAVIT OF SERVICE. THUS, THEIR NAMES RELATE BACK TO THE ORIGINAL COMPLAINT AND OR WRIT OF ERROR IN ALL OF THESE PARALLEL AND OR RELATED CASES. ALL NAMES MUST BE LISTED INDIVIDUALLY NOT MERELY BY REFERRING TO A CASE OR AFFIDAVIT, GOODMAN v. PRAXAIR INC., 494 Fed. Appx' 458, 68 Fed. R. SERV.3d. 850(4th.Cir.2007); JOHNSON v. MARRIOTT INTERNATIONAL INC., 2017 WL 1957071(2017); RUSSELL v. S.N. SERVICING CORPORATION, 2017 WL 1449211(N.D.Va.2017); GREEN v. BRADLEY COMPANY, 194 F.Supp.3d. 479 (DSC.2016).

THE DEFENDANTS THAT ARE TO BE PROPERLY LISTED TO CORRECT THIS FRAUD IN THE PREVIOUS CASES AS WELL AS CASES 17-7134; 17-7068; 17-7139 ET. AL.,; THE ANTHONY COOK CASE UNDER 8:16-cv-3327-RBH HOPEFULLY BEING PROCESSED, MUST BE LISTED IN A SIMILAR FASHION WITH A SLIGHT VARIATION DUE TO INDEPENDENT ACTION ISSUES SUBSEQUENTLY RAISED. YOUR JURISDICTION IS LIMITED AND OR RE-

STRICTED TO ADDRESSING THE FRAUD IF ALL OF THE DEFENDANTS ARE NOT PROPERLY LISTED, AND BY THIS FRAUD THE COURT MUST REMAND TO ALLOW THIS INJUSTICE TO BE CORRECTED, U.S.-v.-PIERCE, 400 F3d. 176 CA4 (Va.2005); COLE-v.-BLANKENSHIP, 30 F2d. 211 CA4 (1929); LOUGHAN-v.-U.S., 134 S.Ct. 2384(U.S.2014); SMITH-v. CLARK/-SMOOT/-RUSSELL,--F3d.--, 2015 WL 4717932 CA4 (Md.2015); LUCAS-v.-BRISTOL-CONDOMINIUMS-PROPERTY-OWNERS-ASS'N, S.E.2d., 2015 WL 3885837(S.C.App.2015); FOX-EX-REL-FOX-v.-ELK-RUN-COAL CO.-INC., 739 F3d. 131 CA4 (2014); NELSON-v.-U.S.-BANK-N.A., 2015 WL 6852712(DSC.2015); STRATTEN-v.-MECKLENBERG-COUNTY-DEPT. OF-SOCIAL-SERVICES, 521 Fed. Appx' 278, 2013 WL 2364587 CA4 (N.C.2013).

NOTICE: THIS IS ANOTHER ISSUE ON APPEAL. BY THE LEGAL ISSUES SUBMITTED UNDER CASE 17-6693 THAT ARE ALSO FILED FOR ALL PARALLEL AND OR RELATED CASES AND BY THE LITIGATION SUBMITTED THAT DEMONSTRATE THAT THE PLRA AND THE AEDPA ARE UNCONSTITUTIONAL, DO WE HAVE A RIGHT TO CLASS ACTION CERTIFICATION, ALSO BY THE ATTORNEY POWERS GIVEN TO THE KING-KHALIFAH BY THE DEFAULT.

INASMUCH, THE COURT IN CASES 17-7139; 17-7134 AND 17-7068 REQUIRED WE FILE IN FORMA PAUPERIS DOCUMENTS AND SUBMIT INFORMAL BRIEF. EVEN THOUGH THIS ISSUE IS ADDRESSED IN CASES 17-6693 AND 17-6925 WHICH APPLIES TO ALL OF THESE CASES OF CONCERN. WE MOTION FOR AN EXTENSION OF TIME UNTIL OCTOBER 16, 2017 BECAUSE THE 6 MONTH STATEMENTS MUST BE SENT TO S.C.D.C. HEAD QUARTERS AND THE TURN AROUND TIME CAN TAKE UP UNTIL A MONTH BEFORE WE RECEIVE THEM BACK. THEREFORE, WE MOTION FOR AN EXTENSION OF TIME UNTIL THEN TO FILE THE DOCUMENT AND ANY POTENTIAL INFORMAL BRIEF OR BRIEF OF ANY KIND. NEVERTHELESS, BY ALL DOCUMENTS FILED IN CASES 17-6693 AND 17-6925, TO INCLUDE THOSE HERE WITH ATTACHED. WE MOTION TO WAIVE THE FILING FEES FOR ALL APPELLANTS IN THESE CASES DUE TO ACTS OF CRIMINAL CONVERSION DONE BY JUDGE SEYMOUR AND THE CLAIMS ARGUED WITHIN THOSE CASES WHICH ARE NOW FOR ALL CASES LISTED WITHIN THE CAPTION OF THIS DOCUMENT.

TO ESTABLISH CAUSE OF ACTION TO RECOVER DAMAGES FOR CONVERSION, WHERE JUDGE SEYMOUR STOLE MONEY FROM ROBERT MITCHELL'S

COOPER TRUST FUND ACCOUNT, WHICH WAS MONEY OWED TO THE KING-KHALIFAH, GIVING HIM THE RIGHT OF CLAIM. A PLAINTIFF MUST SHOW LEGAL OWNERSHIP OR AN IMMEDIATE SUPERIOR RIGHT OF POSSESSION TO A SPECIFIC IDENTIFIABLE THING AND MUST SHOW THAT THE DEFENDANT(S) EXERCISED AN UNAUTHORIZED DOMINION OVER THE THING IN QUESTION TO THE EXCLUSION OF THE PLAINTIFF(S) RIGHTS. ROBERT MITCHELL OWED THAT MONEY TO THE KING-KHALIFAH GIVING US BOTH STANDING TO CHALLENGE AND SEEK SANCTION FOR THIS INJUSTICE WHICH ARE GRANTED BY DECREE AND JUDGMENT OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC COURT. ALL FILING FEES FOR ALL PARTIES ARE WAIVED. THE UNITED STATES IS IN DEFAULT IN CASE 2013-CP-400-0084. YOUR GLOBAL NATIONS VIA THE DEFAULT HAD NO RIGHT TO ATTACH, ARREST OR EXECUTE THE INTELLECTUAL PROPERTY, GIVEN TO YOUR NATIONS BY "GRANT", "FRANCHISE", "COVENANT", "CONTRACT" ORIGINATING FROM THE SOLE CORPORATION WHICH HAD RESTRICTIONS WHICH YOU VIOLATED WHICH IS PROTECTED UNDER THE U.S. CONSTITUTION ARTICLE 1 SECTION 10. YOU HAD NO AUTHORIZATION TO GIVE THIS INTELLECTUAL PROPERTY TO THE SODOMITES AND GOMMORAHRITES OF YOUR NATIONS. CAUSE IS ESTABLISHED. WE MOTION FOR AN INDEPENDENT INVESTIGATION BY SOMEONE NOT ASSOCIATED WITH THE TRUMP ADMINISTRATION, KINOJUX I.R.-v.-I.R.P.-INTERNATIONAL-INC., 2016 WL 5936875(N.Y.2016); NAT'L-CTR.-FOR-CRISIS-MGMT.,-INC.-v.-LERNER, 91 A.D.3d. 920, 920-21, 938 N.Y.S.2d. 138, 138-39(2nd.DEPT.2012).

JUDGE KAYMANI WEST IN ONE OF THE PARALLEL APPEALS ISSUED AN ORDER ON AUGUST 23, 2017 CLAIMING SHE COULD NOT READ SOME OF THE LEGAL DOCUMENTS FILED. THE ATTACHED REFERRED TO ORDER IS NOW SOUGHT LEAVE TO APPEAL. WE INFORMED THE COURT IN CASES 17-6969; 17-6693 AND 17-6925 ALSO ARGUED IN THE (19) PAGE INJUNCTION THAT WE ARE BORROWING A TYPEWRITER TO WHICH WE DO NOT ALWAYS HAVE ACCESS TO DUE TO STATE INTERFERENCE. JUDGE WEST ABUSED HER DISCRETION. THIS ORDER IS VACATED AND ON REMAND BY DECREE OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC COURT. IT IS CONSPICUOUS BY WHAT IS ARGUED IN THE (19) PAGE INJUNCTION THAT THE STATE INTERFERENCE DO INDEED RISE TO AN UNCONSTITUTIONAL LEVEL WHERE THE DEFENDANTS IN THESE PARALLEL AND RELATED CASES DESTROYED THE KING-KHALIFAH'S TYPEWRITER, SUBJECTING HIM TO

PHYSICAL ASSAULTS AND OTHER OUTRAGEOUS ACTS OF RETALIATION BECAUSE THEY KNOW HE SUFFERS FROM A LIFE LONG DISABILITY TO HIS HANDS WHICH IS WHY HE TRACES HIS LETTERS IN EFFORTS TO MAKE HIS WRITING MORE LEGIBLE. THE DISABILITY TO HIS HANDS CREATED BY THE ACTS OF OFFICIAL MENTAL TORTURE HE WAS SUBJECTED TO BY THESE DEFENDANTS, ALONG WITH THE DESTRUCTION OF HIS PROPERTY THEY KNEW HE DID NEED TO AID IN ACCESS TO THE COURT, WAS DONE TO IMPEDED HIS ACCESS TO THE COURTS AND OBSTRUCT JUSTICE AND SUBJECT HIM TO INTENSE PHYSICAL PAIN THEY KNEW HE WOULD SUFFER IN WRITING BY HAND IN HOPES OF DETERRING HIM FROM FREELY EXERCISING THE CONSTITUTIONALLY PROTECTED RIGHT OF ACCESS TO THE COURTS. THIS ALSO IS TANTAMOUNT TO ACTS OF PHYSICAL TORTURE IN VIOATION OF THE C.A.T. TREATY FOR WHICH THEY ARE BEING SUED FOR. THE DAMAGE TO THE KING-KHALIFAH'S HANDS IS IRREPARABLE AS THE DOCTORS HAVE REPEATEDLY SAID. JUDGE KAYMANI WEST, CONSPIRING WITH THE DEFENDANTS UNDER COLOR OF STATE LAW AND OR AUTHORITY, ISSUES THIS ATTACHED ORDER WITHIN THE DISTRICT COURT WHERE IN THIS ACT OF MACHINATION SHE HAS ESSENTIALLY PENALIZED THE KING-KHALIFAH IN ACTS OF RETALIATION FOR HIS DISABILITY WHERE THIS ORDER SERVES AS A MEANS, AN OBSTACLE TO BAR OR RESTRICT HIS ACCESS TO THE COURT IN VIOLATION OF 42 U.S.C. § 12203 (a)b) OF THE AMERICANS WITH DISABILITIES ACT. SINCE THE KING-KHALIFAH BY WAY OF HIS DISABILITY CANNOT MAKE HIS LEGAL DOCUMENTS ANY MORE LEGIBLE THAN HE HAS, SPECIFICALLY AT TIMES WHEN HE DOES NOT HAVE ACCESS TO A TYPEWRITER. DAMAGES ARE NOW CLEARLY SHOWN AND THE INJUNCTION THAT IS NOW SERVED ON THE LOWER COURT "MUST" BE GRANTED. THE ORDER PRODUCED BY JUDGE WEST PRODUCES EVIDENCE OF DAMAGES VIA THE DISABILITY AND BY THE STATE INTERFERENCE ARGUED IN THE INJUNCTION, IT DEMONSTRATES INDEED THAT THE STATE INTERFERENCE DOES RISE TO AN UNCONSTITUTIONAL LEVEL. THEREFORE, BY THE KING-KHALIFAH'S RIGHTS UNDER THE AMERICANS WITH DISABILITIES ACT, THE INJUNCTION MUST AND IS GRANTED. WE MOTION THAT THE COURT INSTRUCT JUDGE WEST TO SIGN THE INJUNCTION AND PROTECTIVE ORDER. DUE TO ADA RIGHTS AND THE COMPLEXITY OF THE CASE IT MUST BE GRANTED.

JUDGE WEST, BY THE ISSUING OF SUCH AN ORDER SUBJUDICE ON AUGUST 23, 2017; THIS HAS GOT TO BE THE MOST STUPID, IGNORANT, UNREASONABLE ORDER I HAVE EVER SEEN IN MY ENTIRE LIFE. BY SUCH AN ORDER JUDGE WEST HAS ESSENTIALLY ORDERED A "BLIND MAN" TO STOP BEING BLIND. SHE HAS ORDERED A "PARALYZED MAN" TO STOP BEING PARALYZED. SHE ORDERED A "LAME MAN" WITH NO LEGS TO GET UP AND DANCE THE TENNESSEE WALTZ AND DANCE THE "CHARLESTON" , THEN DANCE A BALLET, BREAK DANCE THEN JUMP UP AND DO (20) JUMPING JACKS. JUDGE WEST IN AN EGREGIOUS MISCARRIAGE OF JUSTICE HAS ORDERED A DISABLED PLAINTIFF, THE KING-KHALIFAH, TO STOP BEING DISABLED IN VIOLATION OF 42 U.S.C. § 12203(a)(b) OF THE AMERICANS WITH DISABILITIES ACT, WHICH IS LUDICROUS, UNREASONABLE AND CRIMINAL IN ACTS OF RETALIATION AND OBSTRUCTION OF JUSTICE. BY SUCH ACTION, LEGAL COUNSEL MUST BE APPOINTED TO REPRESENT THE CLASS MEMBERS TO PREVENT ANY FURTHER INJUSTICES FROM OCCURRING. WE MOTION FOR SUCH, BUT THE KING-KHALIFAH DO NOT WAIVE HIS CONSTITUTIONAL RIGHT OF SELF REPRESENTATION. LET COUNSEL ACT AS STAND-BY TO ASSIST THE KING-KHALIFAH WITH SUCH MATTERS AS FILING, TYPING OR ANY OTHER MATTER THAT MAY STAND AS AN OBSTACLE DUE TO THE DISABILITY IN HIS HANDS CAUSED BY THESE DEFENDANTS. THE KING-KHALIFAH SHALL RETAIN HIS RIGHT OF SELF REPRESENTATION WHILE LEGAL COUNSEL BE APPOINTED IN FULLNESS FOR THE OTHER CLASS MEMBERS. BY THE DEFAULT AND JUDGMENT OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC STATE, THE KING REMAIN AS LEAD PLAINTIFF. THE APPOINTING OF LEGAL COUNSEL AND THE GRANTING OF THE INJUNCTION NOW BECOMES MANDATORY. **IT IS SO ORDERED,** LASKY v. MORRISTOWN T.P., 425 N.J. SUPER. 530, 42 A.3d. 202 (N.J.2012); RULE 23(g) Fed. RULES OF PRO.; ROYSTERS v. NEW JERSEY STATE POLICE, 439 N.J. SUPER. 554, 110 A.3d. 934(N.J.2015); CATTUNA v. SARA LEE CORP., A.2d., 2010 WL 3418354 (2010); BARTLETT v. NEW YORK STATE BD. OF LAW EXAMINERS, 970 F.Supp. 1094 (S.D.N.Y.1997); KIMEL, 528 U.S. at 86, 120 S.Ct. 631; FERRELL V. ESTELLE, 568 F2d. 1128, 1132-1133 CA5 (1978); PEOPLE v. RIVERA , 125 MISC.2d. 516, 528, 480 N.Y.S.2d. 426, 434 (Sup.Ct.1984); TENNESSEE v. LANE, 541 U.S. 509, 124 S.Ct. 1978, 158 L.Ed.2d. 820(2004); BABY NEAL FOR AND BY KANTER v. CASEY, 43 F3d. 48 (3rd.Cir.1994); LACKY v. GREENTREE, 330 S.C. 388, 498 S.E.2d.

898 (S.C.1998).

NOTICE: THIS IS ANOTHER ISSUE ON APPEAL. DUE TO THE TOTALITY OF THE CIRCUMSTANCES. DO WE MEET THE CRITERION FOR THE APPOINTMENT OF LEGAL COUNSEL UNDER THE AMERICANS WITH DISABILITIES ACT, THE COMPLEXITY OF THE CASE, AND DUE TO THE EGREGIOUS ACTS OF FRAUD UPON THE COURTS, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE?

42 U.S.C.A. § 12203 PROVIDES:

* 4 CHAPTER 126 OF TITLE 42 OF THE UNITED STATES CODE IS COMMONLY KNOWN AS THE AMERICANS WITH DISABILITIES ACT (ADA) SECTION 42 U.S.C. § 12101 ET. SEQ. SECTION 12203 OF THE ADA, WHICH AIMS TO PROHBIT **RETALIATION AND COERCION"** PROVIDES:

(a) **RETALIATION;**

NO PERSON SHALL DISCRIMINATE AGAINST ANY INDIVIDUAL BECAUSE SUCH INDIVIDUAL HAS OPPOSED ANY ACT OF PRACTICE MADE LAWFUL BY THIS CHAPTER (WHICH INCLUDE ACCESS TO THE COURTS) OR BECAUSE SUCH INDIVIDUAL MADE A CHARGE, TESTIFIED (AS WE DO AGAINST THESE DEFENDANTS SEEKING SANCTIONS), ASSERTED OR PARTICIPATED IN ANY MANNER IN AN INVESTIGATION (SUCH AS THE ONE WE PRESENTLY SEEK BEFORE THE COURT), OR PROCEEDING, OR HEARING UNDER THIS CHAPTER.

(b) **INTERFERENCE, COERCION OR INTIMIDATION:** IT SHALL BE UNLAWFUL TO COERCE, INTIMIDATE, THREATEN, OR INTERFERE WITH ANY INDIVIDUAL IN THE EXERCISE OR ENJOYMENT OF, OR ON ACCOUNT OF HIS OR HER HAVING ENJOYED, OR ON ACCOUNT OF HIS OR HER HAVING AIDED OR ENCOURAGED ANY OTHER INDIVIDUAL IN THE EXERCISE OR ENJOYMENT OF, ANY RIGHT GRANTED OR PROTECTED (RELIGION AND ACCESS TO THE COURTS) BY THIS CHAPTER. THE PLAINTIFFS IN THESE PARALLEL AND OR RELATED CASES WERE AIDING THE KING-KHALIFAH IN THE EXERCISE AND ENJOYMENT OF HIS CONSTITUTIONALLY PROTECTED RIGHT OF FREEDOM OF RELIGION, ACCESS TO THE COURTS AND BY THE LAWS OF THE UNITED STATES VIA THE DEFAULT, FOREIGN SOVEREIGN RIGHTS UNDER THE FOREIGN SOVEREIGN IMMUNITY ACT.

THE REMEDIES AND PROCEDURES AVAILABLE UNDER SECTION 12117, 12133 AND 12188 OF THE TITLE SHALL BE AVAILABLE TO AGGRIEVED PERSONS FOR VIOLATION OF SUBSECTION (a) AND (b) OF THIS SECTION WITH RESPECT TO SUBCHAPTER 1, SUBCHAPTER 11 AND SUBCHAPTER 14 OF THIS CHAPTER. THE KING REMAINS PROPRIA PERSONA. WE RENEW THE DEMAND FOR CRIMINAL CHARGES AND A FULL INVESTIGATION BY AN INDEPENDENT AGENT NOT ASSOCIATED WITH THE TRUMP ADMINISTRATION . THE PARTIES ARE CONSPIRING TO AVOID PROSECUTION, SUIT, AND THE CONCEALMENT OF MATERIAL FACTS. THEY ARE IN VIOLATION OF THE RICO ACT. **NOTICE:** THIS IS AN ISSUE THAT IS ON APPEAL, WALKER v.-BEAUMONT-INDERENDENT-SCHOOL-DISTRICT, 2016 WL 6666833; CABI v.-BOSTON-CHILDREN'S-HOSPITAL, 161 F.Supp.3d. 136(2016). FOR THE COURT TO NOT INSTRUCT THE JUDGES TO SIGN THE INJUNCTION WOULD DEMONSTRATE A CONSCIOUSNESS OF GUILT, EARLY-v.-STATE, S.E.2d.,--2016 WL 6092514(Sup.Ct.2016); STATE-v.-TONEY, S.E.2d., 2014 WL 2575415(2014); STATE-v.-INMAN, 395 S.C. 539, 720 S.E.2d. 31(2011).

INSOMUCH, THE LAW FIRMS AND OR ATTORNEYS THAT WE'VE SPOKEN TO THAT WOULD BE WILLING TO TAKE THESE CASES UPON THE ISSUING OF AN ORDER FROM THE COURT ARE:

(1) EVANS, MOORE LLC (843) 995-5000;

(2) DAVIDSON AND LINDERMANN P.A. (803) 806-8222;

(3) NELSON, MULLINS WHO ALSO HAVE A PRO BONO COMMITTEE , JAMES ROLLINS (617) 573-4722 OR NORAH ROGERS (803) 255-9546 THEIR "800" NUMBER IS 1-800-237-2000.

ANY OF THESE ATTORNEYS CAN BE APPOINTED TO REPRESENT THE CLASS MEMBERS AND OR ACT AS STAND-BY FOR THE KING-KHALIFAH AS HE PARTAKES IN HIS CONSTITUTIONAL RIGHT OF SELF REPRESENTATION . THE STATE AND OR FEDERAL INTERFERENCE IN THIS INSTANCE RISES TO AN UNCONSTITUTIONAL LEVEL WHERE THESE JUDGES ARE TRYING TO RESTRICT THE KING-KHALIFAH'S ACCESS TO THE COURT ESSENTIALLY PENALIZING HIM IN ACTS OF RETALIATION DUE TO HIS DISABILITY IN VIOLATION OF 42 U.S.C. § 12203(a)(b) OF ADA. WE SEEK SANC-

TIONS. WE ALSO MOTION FOR DECLARATORY JUDGMENT FROM THE 4TH. CIRCUIT COURT OF APPEALS, CHANEY-v.-LEWIS, 801 F2d. 1191, 1196 (9th.Cir.1986); KNAUBERT-v.-GOLDSMITH, 791 F2d. 722(9th.Cir. 1986); TOWNSEND-v.-SAIN, 372 U.S. at 313, 83 S.Ct. 757; ANDERSON v.-HEIZE, 358 F2d. 479, 481 (9th.Cir.) CERT. DENIED 358 U.S. 889, 79 S.Ct. 131, 3 L.Ed.2d. 116 (1958); RASQUA-v.-COUNCIL, 186 N.J. 127, 142 (2008); MONROE-v.-PAPE, 365 U.S. 167, 183, 81 S.Ct. 473, 482, 5 L.Ed.2d. 492(1961); PATSY-v.-BOARD-OF-REGENTS-OF-STATE-OF-FLORIDA, 457 U.S. 500, 102 S.Ct. 2557 (1962); ALTMAN, 541 U.S. 677(U.S.2004).

WE MOTION FOR A REHEARING EN BANC IN CASE 17-1415 WHICH SHALL BE GRANTED BY THE 4TH. CIRCUIT THESE CASES NOW BEING OFFICIALLY ON REMAND FROM THE GLOBAL THEOCRATIC COURT. ALL ORDERS ISSUED IN CASES 16-1953; 16-2141; 17-1415 DUE TO STRUCTURAL ERROR ARE VOID AND VACATED. ALL OF THESE CASES ARE ESSENTIALLY ON REMAND BY DECREE AND JUDGMENT OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC COURT, RESTRICTING, LIMITING YOUR JURISDICTION TO DO NOTHING EXCEPT GRANT THE RELIEF THAT IS DEMANDED WITHIN THESE CASES FOR THE FOLLOWING REASONS:

(1) JUDGE GREGORY AND DIAZ ACTED IN RETALIATION BECAUSE WE PEEPED THE MOVE THEY INTENDED TO DO IN CASE 17-6960 SO WE MOTIONED FOR THEIR RECUSAL. IN RETALIATION IN VIOLATION OF 42 U.S.C. § 12203(a)(b) THEY COMPROMISED SHEDD AND MADE A FRAUDULENT RULING TO GET AHEAD OF US MOTIONING FOR THEIR RECUSAL IN THIS CASE.

(2) THEIR JUDGMENT CONFLICTS WITH A RECENT DECISION MADE BY THE UNITED STATES SUPREME COURT IN WILLIAMS-v.-PENNSYLVANIA, 136 S.Ct. 1899, 195 L.Ed.2d. 132, 84 U.S.L.W. 4359 (U.S.2016).

WHEN YOU LOOK AT THE CASES THE 4th. CIRCUIT JUDGES CITED RELATED TO RECUSAL SUCH AS 811 F2d. 818. WHEN YOU LOOK AT THE CASES MARCHANT AND AUSTIN CITED RELATED TO RECUSAL SUCH AS: 384 U.S. 563; 988 F2d. 1335; 581 F2d. 1114; 946 F2d. 335; 15 F3d. 319; 2012 WL 2805717 WHERE THESE JUDGES CONSPIRED IN COURTS

TO WHICH THEY HAD NO JURISDICTION TO MAKE THE CLAIMS APPEAR FRIVOLOUS WHEN THEY WERE NOT VIA THE DEFAULT EMERGING FROM CASE 2013-CP-400-0084. WHEN YOU LOOK AT THE CASES JUDGES WEST AND BAKER CITED RELATED TO RECUSAL- 882 F2d. 913; 733 F2d. 304; 691 F2d. 666; 726 F2d. 158; 581 F2d. 1114; 510 U.S. 540; 330 F3d. 658. ALL THESE, INCLUDING THE GRISMORE CASE THAT WAS OVER RULED BY THAT SAME CIRCUIT. ALL OF THESE CASES THE JUDGES IN TOTAL CITED AT BEST, THE LATEST CITED CASE IS FROM 2012. THE REMAINDER OF THEM ARE FROM THE 80'S THROUGH 2003. THE JUDGES ARE ATTEMPTING TO NULLIFY U.S. SUPREME COURT PRECEDENT ESTABLISHED IN 2016 WITH LOWER COURT CASES OVER (20) YEARS OLD AND THAT ARE NOT FROM THE UNITED STATES SUPREME COURT; ATTEMPTING TO GIVE THE LOWER, LESSER COURTS, POWER OVER THE U.S. SUPREME COURT ITSELF. WE OBJECT. THE UNITED STATES SUPREME COURT IN WIILIAMS-v.-PENNSYLVANIA, 136 S.Ct. 1899(U.S.2016) GAVE CLARITY TO THESE EARLIER CITED CASES. THE LOWER COURTS CANNOT BE PERMITTED TO OVER RIDE THE U.S. SUPREME COURT WITH OLD CASES TO RENDER VOID OR WATER DOWN THEIR RULINGS MADE IN 2016. I, WE OBJECT. THE CRITERION ESTABLISHED BY THE WILLIAMS CASE IS (3) PRONG TO WHICH IF ONLY ONE OF THESE EXIST, RECUSAL BECOMES MANDATORY. THEY ARE: (1) A JUDGE CANNOT SIT UPON HIS OWN CASE; (2) HE CANNOT SIT IF HE HAS AN INTEREST IN THE OUTCOME; (3) HE CANNOT SIT IF THE POTENTIAL FOR BIAS RISES TO AN UNCONSTITUTIONAL LEVEL. EXTRA-JUDICIAL SOURCE FOR BIAS IS NOT THE STANDARD FOR RECUSAL AS WAS DETERMINED BY THE U.S. SUPREME COURT. THE AFOREMENTIONED ARE THE (3) PRONG STANDARD AND CRITERION. ALL (3) OF THESE EXIST IN THESE PARALLEL AND RELATED CASES TO WHICH THESE JUDGES ARE DEFENDANTS, TO INCLUDE EGREGIOUS ACTS OF FRAUD UPON THE COURTS, OBSTRUCTION OF JUSTICE AND CRIMINAL CONSPIRACY WARRANTING SANCTIONS AND RECUSAL, BENTON-v.-BURNS, 2017 WL 491251(D.C.Md. 2017); PEGG-v.-HEARNBERGER, 845 F3d. 112(4th.Cir.2017); JOHNSON v. BYRD, 2016 WL 6839410(N.C.2016); GRAHAM-v.-GAYRON, 831 F3d. 176 (4th.Cir.2016); BERGER-v. U.S., 255 U.S. 22, 41 S.Ct. 230, 65 L.Ed. 481(U.S.1921); CANADA v.-MILLER, F.Supp.3d., 2014 WL 1512245(2014); BOOTH v. BALLARD, 2016 WL 1275054(2016)(DEMONSTRATING THAT A HEARING MUST OCCUR IN THE DISTRICT COURT); UNITED STATES v. QUINONES,--F.Supp.3d.--,2016 WL 4413149(2016).

NO MAN CAN TRY A CASE TO WHICH HE HAS AN INTEREST IN THE OUTCOME. EXTRA-JUDICIAL BIAS WAS ONLY **"ONE OUT OF MANY"** EXAMPLES THE UNITED STATES SUPREME COURT WAS REFERRING TO AND ADDRESSING. WHEN THE OBJECTIVE RISK OF ACTUAL BIAS **"OF ANY KIND"** (EMPHASIS ADDED) RISES TO AN UNCONSTITUTIONAL LEVEL, UNDER THE DUE PROCESS CLAUSE, THE FAILURE TO RECUSE IS **"[N]OT"** A HARMLESS ERROR BECOMING STRUCTURAL IN NATURE WHICH VOID'S THE COURT'S JURISDICTION FOR DUE PROCESS VIOLATION. JUDGES DIAZ AND GREGORY WERE REQUIRED TO RECUSE THEMSELVES AS WERE THE LOWER COURT JUDGES WITHIN THE S.C. U.S. DISTRICT COURT.

WATCH THE LANGUAGE USED BY THE UNITED STATES SUPREME COURT. "ON THE QUESTION OF RECUSAL, THE COURT ASKS **"[N]OT"** WHETHER A JUDGE HARBORS AN ACTUAL BIAS (FOR EXAMPLE, JUDICIAL BIAS AS IN AN ABUSE OF DISCRETION THE CONSPIRING JUDGES ASSERTED), BUT **"INSTEAD"** (EMPHASIS ADDED) WHETHER, AS AN OBJECTIVE MATTER THERE IS A **"[P]OTENTIAL"** FOR BIAS OF **"ANY KIND"** (EMPHASIS ADDED) THAT RISES TO AN UNCONSTITUTIONAL LEVEL", WHICH IS CONSPICUOUS THAT SUCH AN UNCONSTITUTIONAL LEVEL DOES EXIST IN THESE PARALLEL AND OR RELATED CASES AS IS EVIDENCED BY WHAT OCCURRED INVOLVING THESE JUDGES OF CONCERN, CAPEATON-v.-A.T.-MASSEY-COAL-CO.-INC., 556 U.S. 868, 129 S.Ct. 2252, 173 L.Ed.2d. 1208 (U.S.2009); JOHNSON-v.-STEVENSON, 2016 WL 1156649(DSC.2016); KENWOOD-GARDENS CONDOMINIUMS-INC.-v.-WHALEN-PROPERTIES,-LLC., 2016 WL 6788052, * 11+ (Md.2016).

(3) EVERY WRIT OF MANDAMUS RULING IS VOID FOR DUE PROCESS VIOLATION BY THE STRUCTURAL ERROR WHERE EVERY MANDAMUS RULING WAS RENDERED BY INVOKING THE PROVISIONS OF THE PRISON LITIGATION REFORM ACT WHICH THE 4TH. CIRCUIT DEMANDED AS A PREREQUISITE FOR ENTRY INTO THE 4TH. CIRCUIT COURT OF APPEALS. EVEN THE CASES JUDGES GREGORY, DIAZ AND SHEDD CITED VIOLATE THE UNITED STATES SUPREME COURT HOLDINGS UNDER EX-PARTE-VIRGINIA AND THE-SLAUGHTER-HOUSE-CASES, INCLUDING IN-RE:-BEARD, 811 F2d. 818 IS TAINTED AS WELL WHICH VOID THE ORDER IN CASE 17-1415. THE CASES ARE ILLEGAL AS IS ANY ORDER ISSUED IN CASE 17-1415, AS WELL AS ANY ORDER ISSUED WITHIN ALL OF THESE CASES LISTED

WITHIN THE CAPTION OF THIS DOCUMENT FOR THESE PARALLEL AND OR RELATED CASES JUST AS IS ARGUED WITHIN CASES 17-6693 AND 17-6925. THIS WILL BE ELABORATED ON LATER WITHIN THIS DOCUMENT.

REFERRING BACK TO THE ISSUE OF THE JUDGES. THE JUDGES BLOCKED THE DEFENDANTS FROM BEING LISTED PROPERLY AS A MEANS TO AVOID RECUSAL. PER THE S.C. DISTRICT COURT'S ENTRY NUMBER (16) FILED AUGUST 8, 2017 IN CASE 9:17-cv-1140-TLW-BM. WE GAVE THE 4TH. CIRCUIT AND ALL PARTIES JUDICIAL NOTICE OF SEEKING LEAVE TO APPEAL WITHIN (14) DAYS OF RECEIPT OF THAT ORDER ONLY TO BE SUBJECTED TO FRAUD UPON THE COURTS INVOLVING ZANCHELLI AND THE S.C. DISTRICT COURT. A SIMILAR SITUATION OCCURRED IN CASE 1:17-cv-1468-HMH-SVH TO WHICH WE OBJECT. THE ORDER ISSUED BY MARCHANT ACTED AS A FINAL ORDER ON THEIR FAILURE TO RECUSE AND TRANSFER VENUE; ADDING ANTHONY COOK AS PARTY DUE TO REMOVAL OF CASE 2013-CP-400-0084 PURSUANT TO 28 U.S.C. §§ 1443(1)(WHERE WE ARE DEFENDANTS RELATED TO CRIMINAL CONVICTIONS), 2679, 1602-1612 ET SEQ.(WHICH IS WHY MARCHANT IN THE REPORT AND RECOMMENDATION PREVENTED REMOVAL TO PREVENT THE EVIDENCE IN THAT CASE FROM ENTERING THE COURT WHICH WE OBJECT TO); CONSOLIDATION (WHICH IS ANOTHER REASON THEY LISTED THE DEFENDANTS INCORRECTLY TO DENY CONSOLIDATION WHICH WE OBJECT TO); THE JUDGES SEPARATING US; THEY MAKING USE OF THE PLRA AND OR THE AEDPA; DENIAL OF CHANGE OF VENUE AND CLASS ACTION CERTIFICATION. THUS, WE IMMEDIATELY SOUGHT LEAVE TO APPEAL THE ORDERS IN BOTH CASES 9:17-cv-1140-TLW-BM AND 1:17-1468-HMH-SVH OR IT WOULD HAVE CAUSED IRREPARABLE DAMAGE TO THE PROCEEDINGS BEFORE THEY BEGAN. THIS DIVESTED BOTH COURTS OF JURISDICTION PENDING THAT REVIEW.

THE JUDGES ARE THE ONES WHO IN ACTS OF MACHINATION SEPARATED US IN ACTS OF FRAUD UPON THE COURT. THIS IS WHY THE PARALLEL CASES EXIST AND WHY THE KING-KHALIFAH, CRAWFORD, HAD TO HAVE HIMSELF ADDED AS A PARTY IN EACH OF THESE PARALLEL AND OR RELATED CASES TO PROTECT HIS INTEREST PURSUANT TO 28 U.S.C. §§ 1443(1), 2679, 1602-1612 ET. SEQ. WHICH IS PERMITTED UNDER THESE CIRCUMSTANCES ALSO BEING THE FIDUCIARY HEIR. SEPARATE

FILING IN FORMA PAUPERIS DOCUMENTS WERE FILED TO ADDRESS ANY CONCERN IN THIS AREA. WE MOTION TO AMEND THE PARTIES IN BOTH THE 4TH. CIRCUIT AND DISTRICT TO REFLECT THAT CRAWFORD IS PARTY IN EACH INDIVIDUAL CASE AND THE NAMES OF THE DEFENDANTS BE LISTED AS THOSE CONTAINED IN THE (14) PAGE AFFIDAVIT OF SERVICE IN QUESTION. THIS IS PARALLEL LITGATION WHERE RES JUDICATA ATTACHES.

WE WANT THE COURTS TO PAY SPECIAL ATTENTION TO THE (23) PAGE DOCUMENT DATED JULY 8, 2017 AND THE (14) PAGE DOCUMENT DATED JULY 2, 2017 SERVED ON THE 4TH. CIRCUIT COURT AND FILED IN CASES 9:17-cv-3808-TLW-BM AND 8:16-cv-3327, 3328, 3194-RBH-JDA. WE EXPAND THE SCOPE AND INCLUDE THESE DOCUMENTS THAT ARE TO BE FILED IN ALL CASES LISTED IN THE CAPTION TO ADDRESS ISSUES OF COMITY, PARALLEL LITIGATION, RES JUDICATA, CHANGE OF VENUE AND DISQUALIFICATION OF THE JUDGES INVOLVED. SEE U.S. EX REL. KNIGHT v. RELIANT HOSPICE INC., F.Supp.2d., 2011 WL 1321584(DSC. 2011); HARBISON v. BELL, 556 U.S. 180, 129 S.Ct. 1481(U.S.2009); MIDDLETON v. NISSAN MOTOR CO. LTD., F.Supp.2d., 2012 WL 3612572 (DSC.2012); SOUTHERN PAC. R. CO. v. U.S., 168 U.S. 1, 18 S.Ct. 18, 42 L.Ed. 355(U.S.1897); NOELL CRANE SYSTEMS GMbH v. NOELL CRANE SYSTEMS SERVICES, 667 F.Supp.2d. 852(2009); KNIGHT v. MANUFACTURERS & TRADERS TRUST CO., F.Supp.3d. 436(D.Md.2015); BARDES v. SOUTH CAROLINA, F.Supp.2d., 2010 WL 1498190(DSC.2010).

NOTICE: THIS IS AN ISSUE ON APPEAL. YOU HAVE FRAUD UPON THE COURT INVOLVING PARTIES IN BOTH THE 4TH. CIRCUIT AND THE S.C. U.S. DISTRICT COURT. WE OBJECT. PURSUANT TO FEDERAL APPELLATE COURT RULE, RULE 4(d). ZANCHELLI OR ANY OTHER 4TH. CIRCUIT CLERK SHOULD HAVE NEVER IN ACTS OF CONSPIRACY AND OBSTRUCTION OF JUSTICE, HELD UP THE NOTICE SEEKING LEAVE TO APPEAL CASE 9:17-cv-1140-TLW-BM TO ALLOW JUDGE MARCHANT TO PRODUCE A FRAUDULENTly OBTAINED REPORT AND RECOMMENDATION FOR THE PURPOSE OF HAVING A DETRIMENTAL EFFECT ON THE MATTERS RELATED TO THESE APPEALS. A SIMILAR SITUATION OCCURRED UNDER CASE 1:17-cv-1468-HMH-SVH WHERE THE CONSPIRING JUDGES IGNORED THE FIRST NOTICE SEEKING LEAVE TO APPEAL TO CONCEAL THEIR CRIMES, THEREUPON CLOSING THE CASE WHEN THEIR JURISDICTION WAS DIVESTED. THEREAFTER,

THEY SENT UP THE APPEAL BASED UPON A SUBSEQUENT LETTER AND OR DOCUMENT, THE 4TH. CIRCUIT HOLDING THEIR NOTICE, TO ALLOW THE DISTRICT COURT TO CLOSE THAT CASE BEFORE IT WAS SENT UP FOR APPEAL WHEN THEIR JURISDICTION WAS DIVESTED BY THE FIRST NOTICE. WE OBJECT.

WE RENEW THE PREVIOUS FILED MOTIONS AND SEEK ADDITIONAL SANCTIONS TO REMEDY THIS EGREGIOUS INJUSTICE AND ACTS OF FRAUD UPON THE COURTS. WE WANT CASE 1:17-cv-1468-HMH-SVH REINSTATED, OPENED, AND WE WANT THE REPORT AND RECOMMENDATION ISSUED BY MARCHANT RENDERED VOID FOR FRAUD AND DUE PROCESS VIOLATION. EVIDENCE BY THE ACTIONS OF THE CLERKS WOULD SERVE TO SUBSTANTIATE THAT THE 4TH. CIRCUIT JUDGES WHOM RECUSAL IS SOUGHT FOR ARE INVOLVED. WE RENEW THE MOTION FOR THE JUDGES RECUSAL AND DISQUALIFICATION OF THE S.C. U.S. DISTRICT COURT JUDGES, TO INCLUDE RENEWING THE MOTION TO CONSOLIDATE ALL CASES INVOLVING THE KING-KHALIFAH AND PLAINTIFFS AND VENUE BE TRANSFERRED TO THE STATE OF NEW JERSEY. WE SEEK BY SANCTION THAT NOT ONLY THE S.C. DISTRICT COURT, BUT THE 4TH. CIRCUIT COURT OF APPEALS AS WELL BE IN FORFEITURE OF PRESENTING IN ANY MANNER THE LEGAL STANCE, POSITION OR ADJUDICATION THAT WAS PRODUCED IN BOTH CASES SUBJUDICE AND OR IS CONTAINED WITHIN THE REPORT AND RECOMMENDATION ISSUED BY MARCHANT IN ANY FORM. EVEN IF THE COURTS ATTEMPT TO MODIFY THE LANGUAGE IN ANY MANNER TO MAKE THOSE SAME CLAIMS CONTAINED THEREIN. THEIR JURISDICTION WAS DIVESTED AND THE FRAUD TAINTS THE ACTIONS RENDERING THEM VOID FOR DUE PROCESS VIOLATION, ALSO FOR VIOLATION OF 18 U.S.C. §§ 242 AND 1001, U.S. v. LAWRENCE SUPRA; IN-RE:-WALLACE, 649 Fed. Appx' 298(MEM)(4th.Cir.2016); IN-RE:-WHOLESALE-GROCERY-PRODUCTS-ANTITRUST-LITIGATION, 849 F3d. 761, 96 Fed. R. SERV.3d. 1207(8th.Cir.2017); IN-RE:-DUROSER, 2015 WL 4068243(N.D.N.Y.2015); BROWN-v.-ELI-LILLY-AND-CO., 654 F3d. 347(2nd.Cir.2011); SHANKLIN-v.-SEALS, 461 Fed. Appx' 313, 2012 WL 29186(4th.Cir.2012); RUSS-v.-HEWITT, 69 Fed. Appx' 185, 2003 WL 21546021(4th.Cir.2003); KAMP-v.-WARDEN-OF-GRAHAM-C.I., 2014 WL 6809522(DSC.2014); ASHCROFT-v.-IQBAL, 556 U.S. 662, 129 S.Ct. 1937(U.S.2009); UNITED-STATES-v.-ROGERS, 101 F3d. 247(2nd.Cir.1996). WE MOTION FOR DECLARATORY JUDGMENT FROM THE

4TH. CIRCUIT.

THE REPORT AND RECOMMENDATION PRODUCE CONCRETE EVIDENCE, THAT OUR CLAIM AS TO WHY THEY INCORRECTLY LISTED THE DEFENDANTS IN THE CIVIL ACTIONS THE WAY THEY HAD THEM LISTED WAS TRUE AND NOT A CONCLUSORY CLAIM, SO WE OBJECT TO THIS STATEMENT MADE BY MARCHANT IN THAT REPORT. WE WARNED THE 4TH. CIRCUIT OF THEIR INTENTIONS BEFORE THEY ACTED WHICH ARE NOW CLEARLY MANIFESTED REQUIRING SANCTIONS AND FORFEITURE DUE TO FRAUD UPON THE COURTS AND VIOLATION OF DUE PROCESS LAW. THE REPORT AND RECOMMENDATION PRODUCED BY MARCHANT AND THE ACTS OF HODGES ETC. IN CASE 1:17-cv-1468 PROVES WE WERE CORRECT AND THE PRESENCE OF THE S.C. U.S. DISTRICT COURT JUDGES ESTABLISH THAT THERE IS A POTENTIAL FOR BIAS THAT RISES TO AN UNCONSTITUTIONAL LEVEL CREATING A STRUCTURAL ERROR THAT VOIDS THEIR JURISDICTION FOR DUE PROCESS VIOLATION. WE OBJECT, IANNELLI v. U.S., 420 U.S. 770, 95 S.Ct. 1284, 43 L.Ed.2d. 616; BLUE SKY TRAVEL AND TOURS, LLC v. AL TAYYAR, --Fed. Appx'--, 2015 WL 1451636 CA4 (Va.2015); U.S. v. STERLING, 724 F3d. 482 CA4 (Va.2013); WILLIAMS v. PENNSYLVANIA, 136 S.Ct. 1899(2016); BENTON v. BURNS, 2017 WL 491251(D.C.Md. 2017); CHRISTIANSON v. M.B.N.A. AMERICAN BANK N.A., S.E.2d., 2013 WL 8507850(S.C.App.2013); CALDWELL v. WINQUIST, 402 S.C. 595, 741 S.E.2d. 583(S.C.App.2013); LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19(2014); WHITE v. MANIS, 2014 WL 1513280(DSC. 2014); GRUPO SUPRA, 124 S.Ct.1920(U.S.2004).

REFERRING BACK TO THE ISSUE OF BIAS REGARDING THE JUDGES. THE (14) PAGE AND (23) PAGE DOCUMENTS THEMSELVES, ALONE, EVEN THOUGH THERE ARE MANY OTHERS TO INCLUDE THOSE IN CASE 2013-CP-400-0084 MARCHANT IS CONSPIRING TO PREVENT FROM BEING REVEALED, AND OTHERS TO WHICH THE STATE AND FEDERAL JUDGES ALONG WITH THE S.C. DEPT. OF CORR. ARE CONSPIRING TO BLOCK FILING, ARE MORE THAN SUFFICIENT TO NOT ONLY PROVE REMOVAL UNDER 28 U.S.C. §§ 1443(1), 2679, 1602-1612 ET. SEQ.. THEY ALSO PROVE BOTH OVER-WHELMING "PERSONAL" AS WELL AS "JUDICIAL" BIAS. WHEN YOU HAVE THE JUDGES GOING OUT OF THEIR WAY TO CALL US "RACIST", "VULGAR" AND "SEXIST"? THIS PROVES JUDGE MARCHANT LIED IN FRAUD WHEN

HE SAID IN THE REPORT THAT THE ACTION WAS "INCOMPREHENSIBLE", BECAUSE THE COURT IN CASE 5:17-cv-0105-BHH-KDW DID NOT MAKE THIS CLAIM AND FURTHER AFFIRMED THAT THE PLEADING CONSTITUTE AN "AFFIDAVIT". SUCH ASSESSMENT COULD NOT HAVE BEEN DONE IF THE PLEADINGS WERE "INCOMPREHENSIBLE". WE OBJECT. RES JUDICATA ATTACHES FROM JUDGE KAYMANI WEST. WHAT MORE DO YOU NEED TO ESTABLISH "PERSONAL" BIAS. "PERSONAL" IS DEFINED AS---PERTAINING TO, OR CONCERNING A PARTICULAR PERSON; REFERRING OR DIRECTED TO A PARTICULAR PERSON IN AN OFFENSIVE MANNER; PERTAINING TO THE BODY, CLOTHING OR APPEARANCE (PHYSICALLY OR CHARACTERISTICALLY). WHEN YOU LOOK AT THE MOTION TO REINSTATE CASE 5:17-cv-0105-BHH-KDW, THE ORDER PRODUCED FROM IT; THE REPORT AND WHAT MARCHANT AND WOOTEN DID IN BOTH CASES 9:16-cv-3808-TLW-BM AND 9:17-cv-1140-TLW-BM; WHAT JUDGES HARWELL AND AUSTIN DID IN CASES 8:16-cv-3327, 3328, 3194-RBH-JDA; WHAT THE JUDGES DID IN CASE 1:17-cv-01468-HMH-SVH, IGNORING THE INITIAL NOTICE SEEKING LEAVE TO APPEAL AND CLOSING THAT CASE; WHAT THEY DID TO david duren IN THE S.C. SUPREME COURT CONSPIRING WITH THE S.C. ATTORNEY GENERAL; ALSO WHAT JUDGE BAKER DID IN CASE 2:17-cv-1127-JMC-MGB AND THE PLEADINGS IN THEIR TOTALITY. IT IS CONSPICUOUS THAT IT HAS GOTTEN SERIOUSLY PERSONAL BETWEEN THE JUDGES AND PLAINTIFFS, SO MUCH THAT THE JUDGES ARE ENGAGING IN CONSTANT ACTS OF FRAUD, MACHINATION, OBSTRUCTION OF JUSTICE AND CRIMINAL CONSPIRACY. WE OBJECT TO JUDGE MARCHANT'S CLAIMS THAT THE STATE CASE, 2013-CP-400-0084 DO NOT BEAR ON OR HAVE ANY CONNECTION TO THE CLAIMS BEING MADE OR THAT IT DOESN'T WARRANT REMOVAL TO ESTABLISHED THE FACTS PURSUANT TO 28 U.S.C. §§ 1443(1)(DEFENDANT IN A CRIMINAL CASE/ CONVICTION ISSUES), 2679 (PROPERTY INFRINGMENT BY THE UNITED STATES), 1602-1612 (FOREIGN SOVEREIGN IMMUNITY ACT CLAIMS) WHICH IS WHY HE DO NOT WANT THIS EVIDENCE TO ENTER THE COURT. IT WILL INDISPUTABLY PROVE THE FACTS. LETS SEE. ORDER THE ISSUING OF THE INJUNCTION AND PROTECTIVE ORDER. ALONG WITH THE (23) AND (14) PAGE DOCUMENTS RECENTLY FILED. THEY HIGHLIGHT THE REPEATED, CONTINUOUS ACTS OF FRAUD, OBSTRUCTION OF JUSTICE AND CRIMINAL CONSPIRACY WHICH IS WHY JUDGE MARCHANT IS CONSPIRING TO PREVENT THE REMOVAL OF THE STATE CASE. WE OBJECT. WE MOTION FOR DISQUALIFICATION OF THE JUDGES AND

CHANGE OF VENUE TO BE GRANTED BY THE 4TH. CIRCUIT VIA THESE PARALLEL APPEALS AND OR RELATED CASES. WE WANT CLASS ACTION CERTIFICATION FOR THE LEGAL ISSUES OF RELIGIOUS PROPHESY, IN RE: NAT. FOOTBALL LEAGUE PLAYERS CONCUSSION INJURY LITIGATION, 775 F3d. 570, 90 Fed. R. SERV.3d. 563(3rd.Cir.2014); IN RE: WHOLESALE GROCERY PRODUCTS ANTITRUST LITIGATION SUPRA.; ALILA KATITA v. U.S. BANK NATIONAL ASSOCIATION, 2016 WL 4992464(N.D. Cal.2016); FLEISCHMAN v. ALBANY MEDICAL CENTER, 639 F3d. 28, 79 Fed. R. SERV.3d. 494(2nd.Cir.2011); SCOTT v. CLARKE, 61 F.Supp.3d. 569(W.D.Va.2014); BUMGARNER v. N.C.D.C., 276 F.R.D. 452(N.C.2011); BURNETT v. TAHEY, 699 F3d. 804(MEM)(4th.Cir. 2012); KARSJENS v. PIPER, --F3d.--, 2017 WL 24613(8th CIR. 2017).

EVEN THOUGH THE REPORT AND RECOMMENDATION SUBMITTED BY JUDGE MARCHANT IS TAINTED BY FRAUD AND CAN'T BE USED. WE OBJECT TO MARCHANT IN THE REPORT STATING THAT THE DOCUMENT CONTAINS DISPARAGING AND INFLAMMATORY LANGUAGE; THAT THE CASE CAN BE CHARACTERIZED AS "BUSSWORDS" OR "LEGAL GIBBERISH", CITING ROCHESTER v. McKIE, 2011 WL 2671228(DSC.2011) AND YOCUM v. SUMMER, 1991 WL 171389 (N.D.Ill.1991). FIRST, THESE CASES ARE VOID DUE TO THEIR USE OF THE PLRA AND OR AEDPA WHICH ARE UNCONSTITUTIONAL. THIS RENDERS HIS REPORT AND RECOMMENDATION VOID FOR MAKING USE OF SUCH CITINGS OF LAW. SECONDLY, THE USE OF THESE CASES IS MISPLACED AND IS LIKE COMPARING "APPLES TO ORANGES". THERE IS NOTHING IN THE CASES CITING BY THE JUDGE THAT DEMONSTRATE THAT THOSE CASES INVOLVED PUBLIC JURIS CLAIMS, OR CLAIMS INVOLVING MATTERS OF PUBLIC, SOCIAL, RELIGIOUS OR POLITICAL INTEREST TO THE COMMUNITY WHERE BY THOSE CASES DO NOT INVOLVE PROTECTED SPEECH. SINCE THIS IS THE CASE FOR THE PLAINTIFFS FILINGS; THUS, THE LANGUAGE CONTAINED THEREIN IS "PROTECTED SPEECH" AND CANNOT BE CHARACTERIZED AS "BUSSWORDS" OR "LEGAL GIBBERISH". "GIBBERISH", IS DEFINED AS---CONFUSING, UNITELLIGIBLE OR MEANINGLESS SPEECH OR LANGUAGE. OUR PLEADINGS CANNOT BE CHARACTERIZED AS SUCH. JUDGE MARCHANT ABUSED HIS DISCRETION IN ACTS OF FRAUD UPON THE COURT IN HIS EFFORTS TO KEEP THE EVIDENCE FOUND UNDER CASE 2013-CP-400-0084 FROM COMING INTO THE COURT AND BEING MADE A PART OF THE COURT RECORD.

FUTHERMORE, WE TAKE YOU TO ISAIAH 14:29 (THE AUTHORIZED KING JAMES BIBLE), THE "CONTRACT", "COVENANT", ESTABLISHED BY THE SOLE CORPORATION. IT READS: "REJOICE NOT THOU, WHOLE PALESTINA, BECAUSE THE ROD OF HIM THAT SMOTE THEE IS BROKEN (MEANING THIS MAN WILL COME AT A TIME WHEN THE PALESTINIANS ARE SUBJECT TO APARTHEID AS THEY ARE NOW. ISRAEL, IS THE "ROD". IT IS BROKEN [STOPPED] BECAUSE I AM BOTH THEIR KING-KHALIFAH, THE FIDUCIARY HEIR.); FOR OUT OF THE "SERPENT'S ROOT" (SATAN'S ATTACK UPON MY LIFE. "ROOT"---MEANING SOURCE, ORIGIN OR CAUSE. "CAUSE" IS FURTHER DEFINED AS---"CAUSE FOR JUDICIAL REVIEW", "PRISON".) . SHALL COME A "COCKATRICE"--MEANING A BOLD, ARDENT, STOCKY, "PERNICIOUS" (EMPHASIS ADDED) FELLOW.); AND HIS "FRUIT" (THAT WHICH COMES FORTH FROM HIM, THAT 7 TIMES THE SPIRIT OF ELIJAH THING FORETOLD BY PROPHESY TO COME), SHALL BE THAT OF A "FIERY FLYING SERPENT". MY PERSONALITY, WHICH INCLUDES MY SPEECH, IS ESTABLISHED AND PROTECTED BY LEGAL BINDING CONTRACT TEN THOUSAND YEARS BEFORE I WAS BORN. IT IS AN "ACT OF GOD" ORDAINED UNDER CONTRACT PROTECTED BY THE U.S. CONSTITUTION UNDER ARTICLE 1 SECTION 10. THE DETERMINATION MADE BY JUDGE MARCHANT MUST BE REJECTED WHERE SUCH ACCEPTANCE WOULD BURDEN THE OBLIGATION OF THE CONTRACT AND PENALIZE THE KING-KHALIFAH FOR AN "ACT OF GOD" WHICH IS IMPERMISSIBLE BY LAW. THE COURTS CANNOT MAKE OR UNMAKE THE CONTRACT AFTER THE FACT WITH EX POST FACTO LAW. SUCH WOULD BE A MISCARRIAGE OF JUSTICE, REUGH-v.-U.S., 133 S.Ct. 2072, 186 L.Ed.2d. 84, 81 U.S.L.W. 4372(2013); U.S.-v.-WELLS, 578 Fed. Appx' 234 CA4 (Va.2014); GRAHAM-v.-McFADDEN, 2015 WL 505536 (DSC.2015); OGDEN-v.-SANDERS, 25 U.S. 213 (1827); TRUSTEES-OF CONCINNATI-SOUTHERN-RY-v.-PORTER, 21 OHIO N.P. (N3) 441, 1918 WL 96530.

IN FURTHER ADDRESSING THIS MATTER, AND THE OUTRAGEOUS ACTS, CRIMINAL CONSPIRACY, OBSTRUCTION OF JUSTICE, FRAUD UPON THE COURTS IN JURISDICTIONS WHERE THEY HAD NO POWER OR AUTHORITY ESTABLISHING EXTRA-TERRITORIAL JURISDICTION CLAIMS. PART OF THE REASON THE JUDGES INVOLVED DID WHAT THEY DID, WAS BECAUSE THEY DID NOT LIKE THE WAY THEY WERE TALKED TO, DEMONSTRATING "PERSONAL" AS WELL AS "JUDICIAL" BIAS THAT RISES TO AN UNCONSTI-

TUTIONAL LEVEL, WHICH IS EVIDENT BY WHAT MARCHANT SAID IN THE REPORT AND RECOMMENDATION. THE JUDGES INVOLVED DID THE ACTS IN RETALIATION AGAINST US IN VIOLATION OF 42 U.S.C. § 12203(a)(b) ; 18 U.S.C. §§ 242 AND 1001 AND IN VIOLATION OF ARTICLE III SECTION 1 AND 2 OF THE U.S. CONSTITUTION. JUST LIKE THE DEFINITION OF PERSONAL BIAS DICTATES. THE JUDGES RETALIATED AGAINST US, INCLUDING MARCHANT, WOOTEN, WEST AND AUSTIN, FOR THE PURPOSE OF REGULATING AND RESTRICTING OUR SPEECH, BECAUSE THEY FOUND IT PERSONAL, INFLAMMATORY, DISPARAGING, AND OFFENSIVE. THEIR ACTIONS WOULD CHILL A PERSON OF ORDINARY FIRMNESS FROM CONTINUING TO ENGAGE IN THE PROTECTED SPEECH. LOOSE, FIGURATIVE OR HYPERBOLIC LANGUAGE IS PROTECTED WHERE THESE PARALLEL AND RELATED CASES INVOLVE MATTERS OF PUBLIC, SOCIAL, RELIGIOUS AND POLITICAL INTEREST TO THE COMMUNITY PRODUCING PUBLIC JURIS CLAIMS. THE USE OF ROCHESTER AND YOCUM ARE MISPLACED. THERE WAS NO PHYSICAL THREAT MADE AGAINST ANY OF THESE JUDGES. THE JUDGES SHOULD HAVE NEVER DONE THE ACTS THEY'VE DONE IN THESE CASES IN RETALIATION WARRANTING RECUSAL AND SANCTIONS, SABATINI-v.-REINSTEIN, --F.Supp. 3d.--, 2016 WL 8716594(E.D.Pa.2016); HALE-v.-EMPORIA-STATE-UNIVERSITY, 2016 WL 3277264(D.Kan.2016); LAROCHELLE-v.-WILMAC-CORPORATION, 210 F.Supp.3d. 658(E.D.Pa.2016); DOE-v.-RECTOR-AND VISITORS-OF-GEORGIA-MASON-UNIVERSITY, 149 F.Supp.3d. 602(E.D.Va. 2016); SNYDER-v.-PHELPS, 580 F3d. 206(4th.Cir2009); BALTIMORE SPORTS-&-SOCIAL-CLUB,-INC.-v.-SPORT-&-SOCIAL,-LLC., 2017 WL 526499, * 3+, D.Md.; SCIPIO-v.-BLACK-CAT-BAIL-BONDS, 2010 WL 1463470, * 4 (DSC.2010); MORRIS-v.-DORMA-AUTOMATIC-S.-INC., 537 Fed. Appx' 254, 255 (4th.Cir.[S.C.] 2013); JOHNSON-v.-BYRD, 2016 WL 6839410(N.C.2016); BERGER-v.-U.S., 255 U.S. 22, 41 S.Ct. 230, 65 L.Ed. 481(U.S.1921); CANADA-v.-MILLER, F.Supp.3d., 2014 WL 1512245(2014); BOOTH-v.-BALLARD, 2016 WL 1275054(2016)(DEMONSTRATING EVIDENTIARY HEARING MUST OCCUR).

NOTICE: THESE ISSUES ARE ON APPEAL. CAN THE KING-KHALIFAH ACT AS ATTORNEY FOR OTHER INMATES WHO ARE SUBJECTS UNDER THE (4) GLOBAL THRONES? WHAT IS "JAHJAH AL MAHDI, CRAWFORD'S" STATUS AT THE TIME OF FILING THESE CASES? DID JUDGE MARCHANT ABUSE HIS DISCRETION IN ACTS OF FRAUD UPON THE COURT WHEN HE ASSERTED

THAT THERE WAS NO RELIEF AVAILABLE UNDER THE PROVISIONS OF 28 U.S.C. §§ 1443(1), 2679, 1602-1612 ET. SEQ. IN HIS EFFORTS TO PREVENT THE EVIDENCE FILED IN CASE 2013-CP-400-0084 FROM ENTERING THE FEDERAL COURT?

FIRST, YOU ARE DEALING WITH THE FRAMING OF A FOREIGN SOVEREIGN. THE KING-KHALIFAH IS A DEFENDANT IN A CRIMINAL CASE WHERE HIS DUE PROCESS MATTERS WERE COMPROMISED ON DIRECT APPEAL GIVING WAY TO HABEAS CORPUS WHICH PRESENTLY EXIST UNDER CASE 9:16-cv-3808-TLW-BM SOUGHT CONSOLIDATED TO THE EXISTING PARALLEL § 1983 CASES ARGUING THAT PROCESS WAS CORRUPTED BEHIND RELIGIOUS AND RACIAL HATRED. THUS THE PROVISIONS OF 28 U.S.C. § 1443(1) DO ATTACH AS A DEFENDANT WHICH IS ALSO PRESENTED UNDER CASE 2013-CP-400-0084 REMOVED TO THESE PARALLEL CASES.

SECONDLY, WE TAKE YOU TO THE "CONTRACT", "COVENANT", ESTABLISHED BY THE SOLE CORPORATION UNDER ISAIAH 11:1-5. IT READS: "AND THERE SHALL COME FORTH A "ROD" (A KING/ SOVEREIGN) OUT OF THE STEM OF JESSE (KING DAVID'S FATHER) AND A "BRANCH" (A DESCENDENT) SHALL GROW OUT OF HIS ROOTS (THE KING-KHALIFAH IS THE FIDUCIARY HEIR). AND THE SPIRIT OF THE LORD SHALL REST UPON HIM, THE SPIRIT OF WISDOM AND UNDERSTANDING, THE SPIRIT OF COUNSEL (JAHJAH AL MAHDI POSSESSES ATTORNEY POWERS) AND MIGHT, THE SPIRIT OF KNOWLEDGE AND OF THE FEAR OF THE LORD; AND SHALL MAKE HIM OF QUICK UNDERSTANDING IN THE FEAR OF THE LORD: AND HE SHALL NOT JUDGE (JAHJAH AL MAHDI IS A JUDGE) AFTER THE SIGHT OF HIS EYES, NEITHER REPROVE AFTER THE HEARING OF HIS EARS: BUT WITH RIGHTEOUSNESS SHALL HE JUDGE THE POOR, AND REPROVE WITH EQUITY (JUSTICE AND FAIRNESS) FOR THE MEEK OF THE EARTH: AND HE SHALL SMITE THE EARTH (MEANING MY POWER AND AUTHORITY IS GLOBAL) WITH THE ROD OF HIS MOUTH AND WITH THE BREATH OF HIS LIPS SHALL HE SLAY THE WICKED". (AGAIN PROVING THE KING-KHALIFAH'S SPEECH IS PROTECTED SPEECH UNDER THE 1st. AMENDMENT AND VIA CONTRACT UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONST.).

ISAIAH 16:5 READS: "AND IN MERCY SHALL THE THRONE BE ESTABLISHED: AND HE SHALL SIT UPON IT IN TRUTH IN THE TABERNACLE OF DAVID (I AM KING AND HIGH PRIEST), JUDGING AND SEEKING JUDG-

MENT (I AM JUDGE, ATTORNEY AND LEGISLATOR WITH SUPERSEDING GLOBAL AUTHORITY), AND HASTING RIGHTEOUSNESS".

ISAIAH 42:18-22 READS: "HEAR YE DEAF; AND LOOK YE BLIND, THAT YE MAY SEE. WHO IS BLIND, BUT MY SERVANT: (I WILL NOT SEE THE WORLD'S POINT OF VIEW), OR DEAF AS MY MESSENGER (I AM SENT, THE VOICE OF GOD IN THE FORM OF A MAN, A MEMBER OF THE SOLE CORPORATION. I WILL ACCEPT NO ARGUMENT WHEN IT COMES TO THE LAWS OF GOD.) THAT I [GOD] SENT? (I AM HIS ADVOCATE, ATTORNEY), WHO IS BLIND AS HE WHO IS PERFECT, AND BLIND AS THE LORD'S SERVANT (ALL I SEE IS WHAT MY GOD DESIRES). SEEING MANY THINGS, BUT THOU OBSERVEST NOT (I SHALL TEACH MANY, BUT I SHALL NOT BE MOVED). THE LORD IS WELL PLEASED FOR HIS RIGHTEOUSNESS SAKE; HE (THE KING) WILL MAGNIFY THE LAW". I AM KING, KHALIFAH, IMAM, HIGH PRIEST, LAWGIVER, ATTORNEY, JUDGE, LEGISLATOR WITH GLOBAL SUPERSEDING POWER AND AUTHORITY BY MY ORIGINAL STATUS AS SUCH OVER TEN THOUSAND YEARS BEFORE YOUR NATION WAS FORMED VIA CONTRACT FROM THE SOLE CORPORATION WHICH CANNOT BE MADE OR UNMADE BY THE COURTS PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION THAT WAS DEFAULTED ON BY THE UNITED STATES AND OTHER (192) MEMBER STATES OF THE UNITED NATIONS UNDER CASE 2013-CP-400-0084 WHICH IS WHY THE FEDERAL JUDGES ARE CONSPIRING TO PREVENT REMOVAL OF THAT STATE CASE TO THE FEDERAL COURTS.

WE TAKE TO TO THE CONTRACT UNDER LUKE 11:52. IT READS: "WOE UNTO YOU [LAWYERS!] FOR YE HAVE TAKEN AWAY THE KEY OF KNOWLEDGE: YE ENTER NOT IN YOURSELVES, AND THEM THAT WERE ENTERING YE HINDERED". YOU THINK YOU CAN LEGALLY HINDER ME? YOUR LAWS ARE NOT SOLELY YOUR OWN. THEY ARE OURS. OWNERSHIP LIES WITH US, THE SOLE CORPORATION, UNDER FOREIGN LAW. THE SOLE CORPORATION UNDER GOD IS THE "ORIGINAL FOUNTAIN" OF ALL LAW. THE "TERM" OR "CONCEPT" OF "ATTORNEY" DID NOT COME FROM ENGLISH LAW. IT DID NOT COME FROM THIS NATION GIVING YOU THE LEGAL RIGHT TO RESTRICT IT TO REQUIREMENT OF ENTRY TO THE STATE OR FEDERAL BAR ABSENT OF THE RIGHTS OR PREROGATIVES OF THE SOLE CORPORATION WHO ESTABLISHED IT AND WHERE FULL OWNERSHIP LIES. IT COMES FROM US, THE SOLE CORPORATION. THESE LAWS ARE INTELLECTUAL PROPERTY

GIVEN TO YOUR NATIONS AS A "GRANT" WITH RESTRICTIONS. I HAVE FULL OWNERSHIP VIA CONTRACT PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION AND CAN ABUSE OR ACT IN THEM AS I PLEASE. THEREFORE, THE CLAIMS MADE BY MARCHANT ARE WITHOUT MERIT. THE COURTS CANNOT MAKE OR UNMAKE THE CONTRACT.

NOW WHAT'S INSIDE CASE 2013-CP-400-0084 THAT JUDGE MARCHANT AND THE FEDERAL JUDGES ARE WILLING TO LIE, RISK THEIR JOBS, ENGAGE IN ACTS OF FRAUD AND CRIMINAL CONSPIRACY TO PREVENT FROM BEING SUBMITTED AS EVIDENCE TO WHICH THE UNITED STATES AND U.N. MEMBER STATES DEFAULTED ON? ONE DOCUMENT IS ENTITLED, "MEMORANDUM OF LAW WITH POINTS AND AUTHORITIES ON 'SOVEREIGNTY' OF GOD'S APPOINTED KING, KHALIFAH, IMAM, PROPHET AND HIGH PRIEST SUPPLEMENTED TO PREVIOUS SENT UNITED NATIONS DOCUMENTS IN RELA- TO GOD'S THEOCRATIC GOVERMENT OF THE SEVERAL GLOBAL NATIONS AND THEIR RESPECTIVE NATIONAL AND OR FEDERAL GOVERNMENTS AND NOTICE OF LIEN". IT READS IN RELEVANT PART:

TO: THE GLOBAL GOVERNMENTS, S.C.D.C., RELEVANT CORPORATIONS, BANKING ENTITIES, ETC. VIA THE UNITED NATIONS ETC., U.S. DEPT. OF JUSTICE, U.S. STATE DEPT., S.C. ATTORNEY GENERAL ET. AL., FIRST AVENUE AT 46th. STREET NEW YORK, N.Y. 10017,

TO WHOM JONAH GABRIEL JAHJAH T. TISHBITE, THE KING OF THE NORTH, AL MAHDI, APPOINTED AND ANOINTED KING, KHALIFAH, IMAM, PROPHET AND HIGH PRIEST, TRUE FIDUCIARY HEIR TO THE THEOCRATIC THRONE OF THE AFRICANS, CHRISTIANS, MUSLIMS AND JEWISH WORLD, BY WILL AND TESTAMENT OF THE ONE TRUE GOD AND HIS PROPHETS PRESENTS SHALL COME. IN THE NAME OF THE ONE TRUE GOD, THE MOST MERCIFUL, THE MOST GREAT. SHALOM. AS SALAMU ALAYKUM WA RAMATULLAH WA BARAKATU. MAY THE BLESSING OF CHRIST JESUS BE UPON YOU. TAKE NOTICE THAT:

IT IS A WELL UNDERSTOOD FACT OF WORLD HISTORY THAT THE MOST DYNAMIC DOCUMENTS AND OR BOOKS THAT SET THE COURSE OF WORLD EVENTS AND WORLD HISTORY ARE THE TORAH, BIBLE, QURAN AND THE SUNNAH OF THE PROPHET MUHAMMAD(PBUH). IT WAS WITHIN THE SACRED PAGES OF THESE HOLY BOOKS AND SUNNAH THAT DISCLOSED THE FUTILITY

, TYRANNY, WICKEDNESS, EVIL AND DEPRAVITY OF WORLD GOVERNMENTS AND FALSE RELIGIONS. THEY EXPRESSED THE ELEMENTS OF GOD'S LAWS AND THE RIGHTS OF THE SERVANTS OF THE MOST HIGH GOD WITHIN ANY SOCIETY WORLDWIDE ESTABLISHING THAT THE BELIEVING MEN AND WOMEN, SERVANTS AND WILLFUL SLAVES OF GOD, ARE CO-HEIRS TO GOD'S ETERNAL KINGDOM PROMISES. THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH), BY WILL AND TESTAMENT OF GOD AND HIS HOLY PROPHETS STIPULATED THE CHAIN OF AUTHORITY BY HOLY PROGENY AND GODLY AUTHORITY GIVEN TO HIS ANOINTED AND APPOINTED KINGS, KHALIFAHS, IMAMS AND HIGH PRIESTS WITHIN THE GLOBAL THEOCRATIC GOVERNMENT, LEADING TO THE ETERNAL EARTHLY REIGN OF CHRIST, JESUS OF NAZARETH, TO INCLUDE HIS FORERUNNER AND HIS FORERUNNER'S DECLARATION OF SOVEREIGNTY AS ALSO SEEN BY THE ATTACHED UNITED NATIONS DOCUMENT DATED JULY 1, 2009 AND THE (21) PAGE SUMMONS AND LETTER DATED DECEMBER 25, 2009, AND THE OBVIOUS FACT THAT THE ONE TRUE GOD, HAVING NO PARTNERS, CREATES KINGS, KHALIFAHS AND HEIRS. THAT IT WAS THE ONE TRUE GOD WHO INSTITUTED , ORDAINED OR PERMITTED WORLD GOVERNMENTS AND IN DOING SO GOD SECURED THE RIGHTS OF ALL GOVERNMENTS AND OR CAN TAKE AWAY THESE RIGHTS AS HE SO WILLS, AND THAT WORLD GOVERNMENTS, AT EVERY LEVEL, DERIVE THEIR 'JUST POWERS' BY THE DECREE AND MERCY OF THE ONE TRUE GOD, FOR ALL MANKIND, JINN AND ANGELS ARE CREATED TO WORSHIP HIM.

IT IS WELL ESTABLISHED THAT THE SERVANTS OF THE ONE TRUE GOD MUST BE WILLING TO LOSE THEIR LIVES TO FIND THEIR LIVES, IN ALTRUISM, SUBJUGATION, PLACING ONESELF LAST IN ORDER TO BECOME FIRST IN THE RECEIPT OF GOD'S KINGDOM PROMISES, NOT LOVING THEIR LIVES UNTO DEATH! EVEN IF THEY MUST BE IMPRISONED OR DIE TO BE IN COMPLIANCE, PROTECT AND SERVE THE LAWS, DECREES AND WILL OF THE ONE TRUE GOD AS GIVEN BY HIS (3) HOLY BOOKS, SUNNAH AND HIS APPOINTED KING/ KHALIFAH JONAH THE TISHBITE, AL MAHDI. THIS DECLARATION OF INDEPENDENCE CREATES AND RE-ESTABLISHES BEFORE ALL MANKIND THE SOVEREIGNTY OF THE GLOBAL THEOCRATIC STATE, THE SOVEREIGNTY OF GOD HAVING NO PARTNERS, TO INCLUDE THE SOVEREIGNTY OF HIS ANOINTED, APPOINTED KING OF THE NORTH, AL MAHDI, JONAH THE TISHBITE, FIDUCIARY HEIR TO THE EARTHLY THRONE OF

THE AFRICANS, ITS DIASPORA, CHRISTIANS, MUSLIMS AND JEWS WORLD-WIDE, WHICH IS NOT TO BE PLACED IN A DEMOCRACY OF THE PEOPLE, BY THE PEOPLE OR FOR THE PEOPLE OR OTHER GLOBAL NATIONAL INTEREST . THEREFORE, GOD AND HIS APPOINTED KING/ KHALIFAH, JONAH THE TISHBITE AND THE CREATURES THEY CREATE AND OR RULE BY DIVINE POWER ei. GOVERNMENTS OF THE WORLD, THEIR INHABITANTS, AND THOSE WHO WORK FOR/ IN GOVERNMENT(S) ARE PUBLIC SERVANTS AND OR GOD'S SERVANTS AND BY GODLY DECREE, FAITH, IMAN,HAVE PLACED THEMSELVES IN A SUBSERVIENT POSITION, TO SERVE THE ONE TRUE GOD AND HIS APPOINTED KING/ KHALIFAH WITHIN THEIR OFFICE/ FUNCTION/ POSITION/ STATUS VIA THEIR RELIGIOUS COVENANTS AND OATHS PURSUANT TO THE LAWS OF GOD'S (3) HOLY BOOKS AND THE SUNNAH OF THE PROPHET MU-HAMMAD(PBUH).

IN REGARD TO THE PRINCIPLES ESTABLISHED BY THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD PURSUANT TO THIS DECLA-RATION OF INDEPENDENCE, ANY PRESENT LAWS AND ANY SUBSEQUENT LAWS WRITTEN OR CREATED AFTER IT, AND OF THE TRUE SOVEREIGNTY OF THE ONE TRUE GOD, HIS APPOINTED KING/ KHALIFAH, JONAH THE TISHBITE, AL MAHDI, ANY WRITTEN OR SPOKEN CUSTOMED LAW IS NOT ONLY THE DIRECT EXPRESSION OF THE SOVEREIGN WILL OF GOD, HIS PROPHETS AND APPOINTED KING/ KHALIFAH, AL MAHDI, THE KING OF THE NORTH, IT IS ALSO THE ABSOLUTE RULE OF ACTION AND DECISION OF ALL DEPARTMENTS AND OFFICES OF GOD'S GLOBAL THEOCRATIC GOVERN-MENT WITH RESPECT TO ALL MATTERS COVERED BY IT, AND THEY MUST CONTROL AS THEY ARE WRITTEN OR STATED, INTERPRETED BY AL MAHDI, UNTIL IT IS CHANGED BY THE AUTHORITY WHICH ESTABLISHED IT, GOD, HIS PROPHETS AND THE KING/ KHALIFAH OF THE NORTH, AL MAHDI, JONAH GABRIEL JAHJAH T. TISHBITE. FOR REFERENCES SEE STATE-EX REL-CRENSHAW-v.-JOSEPH, 175 Ala. 579, 57 So. 942; SCHMITT-v. F.W.-COOK-BREWING-CO., 187 Md. 623, 120 N.E. 19, 3 A.L.R. 270; COLLINS-v.-MARTIN, 209 Pa. 388, 139 A. 122, 55 A.L.R. 311; TRA-VELER'S-INSURANCE-CO.-v.-MARSHALL, 124 Tex. 45, 76 S.W.2d. 1007, 96 A.L.R. 802; STATE-EX-REL-LEMON-v.-LANGLIE, 45 WASH.2d. 82, 273 P.2d. 464; EIE-GUAM-v.-LONG-TERM-CREDIT-BANK,-JAPAN, 322 F3d. 652(9th.Cir.2003); WANG-v.-ASHCROFT, 320 F3d. 130(2nd.Cir. 2003); ENGLISH-v.-THORN, 676 F.Supp. 761(S.D.Miss.1987); IN

RE:-GREEN, 980 F2d. 590(9th.Cir.1992).

...AND TAKE NOTICE OF THE FOLLOWING CASES AND POINTS:

(1) "BEFORE AND WHEN THE REVOLUTION BY GOD'S DECREE AND WAR IN THE FORM OF THIS LITIGATION BEFORE THE COURTS TOOK PLACE, THE KING OF THE NORTH, THE 12th. AND FINAL OF THE RIGHTLY GUIDED KHALIFAHS OF ISLAM WAS SOVEREIGN BY WAY OF HIS ORIGINAL STATUS AS SOVEREIGN AS IS WRITTEN IN THE HOLY BOOKS OF THE (3) TRUE RELIGIONS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) BEING A SECURED PERSON BY THAT WHICH IS WRITTEN AND CONTAINED THEREIN BEFORE THE UNJUST CAPTIVITY OF HIS HOLY ANCESTORS OR THE PRESENT NATIONS OF THE WORLD WERE FORMED AND BEFORE ANY SLAVE NAME OR NUMBER WAS ASSIGNED TO HIM BY BIRTH CERTIFICATE, SOCIAL SECURITY NUMBER OR ANY OTHER RELEVANT LEGAL OR OTHERWISE DOCUMENT IN THE UNITED STATES WAS PRODUCED. BY SUCH HIS SUBJECTS ARE ALSO SECURED PERSONS BEING A KINGDOM OF PRIEST, A KHALIFATE OF IMAMS AS REDEEMED BY THE ONE TRUE GOD'S HIGH PRIEST OF THE LEVITICAL PRIESTHOOD, CHRIST AND LINE OF AARON", MARTIN-ET-AL,-V.-THE LESSEE-OF-WADDELL, (1342) 41 U.S. (6 Pet.) 367, 410, 10 L.Ed. 997, 1013; ENGLISH-V.-THORN, 676 F.Supp. 761(S.D.Miss.1987); IN-RE:-GREEN, 980 F2d. 590(9th.Cir.1992); THE (3) HOLY BOOKS.

(2) "THE THEOCRATIC STATE, THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) ARE THE SUPREME LAW OVER ALL MANKIND, WRITTEN BY THE SUPREME POWER, THE ONE TRUE GOD HAVING NO PARTNERS AND HIS PROPHETS AS THEY WERE MOVED BY THE RUH OF ALLAH, THE HOLY SPIRIT, AS HE WRITES UPON THE HEARTS OF MAN WITH THE PEN THAT THOU KNOWETH NOT", RE-GORHAM--FAYETTE LOCAL-SCHOOL-DIST, 20 OHIO MISC. 222, 49 OHIO OPS.2d. 143, 250 N.E.2d. 104; STATE-EX-REL-WEINBERGER-V.-MILLER, 87 OHIO ST.-12, 99 N.E. 1078; IN-RE:-GREEN, 980 F2d. 590(9th.Cir.1992).

(3) "THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) ARE THE VOICE OF THE ONE TRUE GOD, HIS PROPHETS, JONAH GABRIEL JAHJAH T. TISHBITE, AL MAHDI, SPEAKING IN THEIR SOVEREIGN CAPACITY UNDER THEOCRATIC LAW AS WELL AS FOREIGN LAW,

AND THEY ARE CONGRUENT TO EACH OTHER, IN HARMONY WITH EACH OTHER, THEY ARE ONE AND MUST BE HEEDED; WHEN THE (3) HOLY BOOKS AND THE SUNNAH OF THE PROPHET MUHAMMAD(PBUH) SPEAK WITH REFERENCE TO A PARTICULAR MATTER, THEY MUST BE GIVEN EFFECT AS INTERPRETED BY AL MAHDI AS THE PARAMOUNT LAW OF THE LAND AND GLOBAL THEOCRATIC STATE", PEOPLE-v.-PARKS, 58 Cal. 624; (3) HOLY BOOKS; ENGLISH-v.-THORN-SUPRA.

(4) "GOD'S APPOINTED KING AL MAHDI, JONAH THE TISHBITE HIMSELF, OF COURSE IS NOT SUBJECT TO THE LAW, FOR HE IS NOT ONLY KING/ KHALIFAH, BUT ALSO PROPHET OF GOD BEING THE VOICE OF GOD IN THE FORM OF A MAN, LAWGIVER OF GOD, THE AUTHOR AND SOURCE OF THE RESTORE LAW, BUT HE IS ALWAYS SUBJECT TO THE COMMANDS GIVEN HIM BY THE ONE TRUE GOD AS HIS SLAVE AND SERVANT. IN OUR GLOBAL THEOCRATIC SYSTEM, WHILE SOVEREIGN POWERS ARE DELEGATED TO VARIOUS AGENTS AND OR AGENCIES OF THE GLOBAL THEOCRATIC GOVERNMENT, SOVEREIGNTY ITSELF REMAINS WITH GOD AND HIS APPOINTED, ANOINTED KING/ KHALIFAH, JONAH THE TISHBITE, AL MAHDI, UNTIL TAKEN OVER BY CHRIST, JESUS OF NAZARETH, BY WHOM AND FOR WHOM ALL EARTHLY GOVERNMENTS EXIST AND ACTS. AND THE LAW AS WRITTEN IN THE (3) HOLY BOOKS AND SUNNAH OF MUHAMMAD(PBUH) ARE THE DEFINITION AND LIMITATION OF POWER AND GOD'S DIVINE LAWS", YICKS-WO-v.-HOPKINS, 118 U.S. 356; ENGLISH-v.-HORN-SUPRA.

(5) "UNDER OUR GLOBAL THEOCRATIC SYSTEM THE PEOPLE, WHO BY THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD (PBUH) ARE CALLED SERVANTS AND SLAVES OF THE ONE TRUE GOD BEING SUBJUGATED TO GOD AND HIS APPOINTED KING/ KHALIFAH, JONAH THE TISHBITE, ARE HERE AND WORLDWIDE A KINGDOM OF PRIEST, A KHALIFATE OF IMAMS, WHETHER COLLECTIVE OR INDIVIDUAL, BEING SUBJECT TO THE LAWS OF THE GLOBAL THEOCRATIC STATE ABOVE ANY OTHER LAW WITHIN ANY NATION AND ARE IMMUNE FROM PARALLEL OR SECONDARY STATE ACTION BEING THEMSELVES KINGS AND KHALIFAHS WITHOUT THE CONSENT OF THE SOVEREIGN KING OF KINGS, KHALIFAH OF KHALIFAHS JONAH IBN YAQUB, AL MAHDI, OF THE GLOBAL THEOCRATIC STATE, FROM THE LEAST OF THEM TO THE GREATEST OF THEM BY BEING A HOLY COMMONWEALTH AND KINGDOM. THEY ARE BOUND TO GIVE WAY TO THE SENTIMENT OF LOYALTY, THE BAYT, TO THE PERSON OF JONAH GABRIAL JAHJAH

T. TISHBITE, AL MAHDI, THE TRUE FIDUCIARY HEIR, KING, KHALIFAH TO THE HOLY THRONE OF THE AFRICANS, THEIR DIASPORA, CHRISTIANS, MUSLIMS AND JEWS WORLDWIDE. THE CITIZENRY OF THE GLOBAL THEOCRATIC STATE KNOW HIM AS SUCH PERSON, DECREED BY THE ONE TRUE GOD, HOWEVER IN YEARS TO THOSE IN POWER, A KING, KHALIFAH, IMAM, AND HIGH PRIEST OF STRENGTH AND POWER THEY NEED TO YIELD RIGHTS WHICH THE LAW AND COMMANDMENT OF THE ONE TRUE GOD SECURE HIM", SEE (3) HOLY BOOKS AND SUNNAH OF MUHAMMAD(PBUH); UNITED-STATES v.-LEE, 106 U.S. 196 at 208.

(6) "IN THE THEOCRATIC STATE WORLDWIDE SOVEREIGNTY RESTS WITH THE ONE TRUE GOD, HAVING NO PARTNERS OR ASSOCIATIONS, HE IS ONE GOD NOT A TRINITY, IN HIS APPOINTED AND ANOINTED KING, KHALIFAH, IMAM, PROPHET AND HIGH PRIEST, JONAH THE TISHBITE, AL MAHDI", SEE (3) HOLY BOOKS AND SUNNAH OF MUHAMMAD(PBUH); CHISOLM-EX'R-v.-GEORGIA, 1 L.Ed. (2 DALL) 415, 472; ENGLISH v.-TRHORN, 676 F.Supp. 761.

(7) "KNOW IT TRUE THAT UNDER GLOBAL THEOCRATIC LAW THE DUTY OF ANY ATTORNEY GENERAL, GENERAL, OR OFFICER OF THE GLOBAL THEOCRATIC STATE IS TO REPRESENT, SERVE AND PROTECT THE TRUTH, LAWS, RIGHTS AND OR LIFE OF THE ONE TRUE GOD, HIS APPOINTED, ANOINTED KING/ KHALIFAH BEING THE EMBODIMENT OF THE GLOBAL THEOCRATIC STATE AS GOD PROTECTS THE KING/ KHALIFAH AS THE KING/ KHALIFAH PROTECTS AND SECURES THE RIGHTS OF THE SERVANTS AND SLAVES OF GOD.(I CAN LEGALLY ACT AS ATTORNEY, JUDGE AND LEGISLATOR WITH SUPERSEDING POWERS). ANY FORM OF DEMOCRATIC GOVERNMENT OR OTHERWISE, OR ITS LAWS, WHETHER NATIONALLY OR INTERNATIONALLY THAT STAND IN OPPOSITION TO THE DECREES OF GOD'S APPOINTED KING OR THE LAWS OF THE GLOBAL THEOCRATIC STATE ARE NOT PREVAILING AND THEY ARE TO BE RENDERED VOID. YOU WANT TO PLACE INTO EFFECT LEGISLATION THAT WOULD PREVENT THE GUANTANOMO DETAINEES FROM RECEIVING JUSTICE AND FAIRNESS IN AMERICAN COURTS? THEN SET THEM FREE. I HAVE REDEEMED THEM AS HIGH PRIEST, KING AND KHALIFAH. AS I AM SOVEREIGN THEY ARE SOVEREIGNS UNDER A SOVEREIGN BEFORE ANY OF YOUR NATIONS WERE FORMED BY LEGAL BINDING CONTRACT PURSUANT TO THE (3) HOLY BOOKS AND THE SUNNAH OF THE PROPHET MUHAMMAD(PBUH) NOT SUBJECT TO THIS UNJUST CAPTIVITY

OR YOUR GLOBAL LAWS. YOU WANT TO PLACE INTO EFFECT NATIONAL AND INTERNATIONAL LEGISLATION BY LAW OR U.N. COUNCIL PROTECTING THE WORSHIP OF FALSE GODS, THESE SODOMITE AND LESBIAN DOGS AROUND THE WORLD? I MAKE VOID ANY EFFECT YOUR NATIONAL OR INTERNATIONAL LAWS HAVE UPON MY PEOPLE THE GLOBAL THEOCRATIC STATE AND CLAIM THE LIMITATIONS PLACED UPON OUR INTELLECTUAL PROPERTY IN THE FORM OF THE RIGHT TO LEGALLY MARRY REGARDING SAME SEX MARRIAGES. THE ANTI-CHRIST, AD DAJJAL, WILL BE A ONE EYED CLOSET FAGOT SODOMITE DOG AND PIG. BEHIND THE SCENES OF YOUR GLOBAL GOVERNMENTS HE IS PREPARING FOR HIS RULE. BEHIND THE WALL OF YOUR CORRUPT BROKEN PRISON SYSTEM I AM PREPARING FOR MY RULE OVER GOD'S PEOPLE. NEITHER TIME NOR PLACE HINDERS THE POWER OF GOD'S APPOINTED KING/ KHALIFAH. YOU WILL NOT SUBJECT GOD'S APPOINTED KING/ KHALIFAH OR THE CITIZENS OF THE GLOBAL THEOCRATIC STATE TO THESE STUPID, IGNORANT, VILLAGE IDIOT LAWS, INJUSTICES OR OPPRESSIONS. I WILL DROP A HOUSE ON YOUR WICKED, STUPID, DEPRAVED, PERVERTED, SODOMITE PROTECTING TAILS. PUSH MY BUTTON IF YOU WANT TO. YOU GOT THE RIGHT-WRONG ONE. I WILL CLEAN YOUR PUTRID CLOCKS. THE PROPHET OF GOD IS ABOVE ALL WORLDLY GOVERNMENTS TO INCLUDE THE PEOPLE HE IS COMMANDED TO PROTECT. THE GOD APPOINTED KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE IS SOVEREIGN BEING SUBJECT TO GOD, SO ALL OFFICERS OF THE GLOBAL THEOCRATIC STATE DUTIES ARE TO THAT SOVEREIGN AS THAT SOVEREIGN PROTECTS THE RIGHTS OF THE THEOCRATIC PEOPLE BY HIS GODLY WISDOM AND DISCRETIONARY ACTS RATHER THAN TO THE MACHINERY OF ANY GLOBAL GOVERNMENT", HANCOCK v. CARRY ALCORN MINING CO., INC., KY., 503 S.W.2d. 710; KENTUCKY CONSTITUTION SECTION 4; COMMONWEALTH EX REL HANCOCK v. PAXTON KENTUCKY, 516 S.W.2d. PAGE 867(2) CLAUSE 3; THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH); ENGLISH v. THORN SUPRA.

(8) "LOCAL LAWS AND ORDINANCES ENACTED BY CITY, STATE OR NATION(S) MUST BE CONSISTENT WITH AND CANNOT BE PERMITTED TO OVERRIDE OR OVERRULE THE LAWS OF THE GLOBAL THEOCRATIC STATE. YET CONCESSIONS CAN BE MADE BY GOD'S APPOINTED KING/ KHALIFAH AS HE IS MOVED BY THE RUH, THE HOLY SPIRIT OF GOD IN LIGHT OF GOD'S MERCIES AND THE CIRCUMSTANCES PRESENTED, BELL v. VAUGH, 155 Fla. 551, 21 So.2d. 31; EVANS v. BERRY, 262 N.Y. 61, 186 N.E. 203, 89 A.L.R. 387.

(9)"IT IS THE DUTY OF ALL OFFICIALS OF THE GLOBAL THEOCRATIC STATE, WHETHER LEGISLATIVE, JUDICIAL, EXECUTIVE OR BY CHOICE MONARCHY/ KHALIFATE, ADMINISTRATIVE OR MINISTERIAL, TO PERFORM EVERY OFFICIAL ACT AS NOT TO JUST VIOLATE THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) AS INTERPRETED BY AL MAHDI, BUT EVERY WORD THAT PROCEEDETH OUT OF THE MOUTH OF THE ONE TRUE GOD, WHICH GIVES LICENSE BY GOD'S DISCRETION VIA HIS APPOINTED KING/ KHALIFAH TO FUFILL ANY ACT GOD COMMANDS EVEN IF IT SEEMS TO CONTRADICT HIS WRITTEN LAWS OR THE LAWS OF ANY SOVEREIGN NATION, SEE (3) HOLY BOOKS AND THE SUNNAH OF THE PROPHET MUHAMMAD(PBUH) ei. JUNCTURE OF THE TWO SEAS AL KIDR AND MUSA; MONTGOMERY-v.-STATE, 55 Fla. 97, 45 So. 879; DANIEL 11:1-3.

(10) "THE PROVISIONS OF THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) AS RESTORED AND INTERPRETED BY JONAH AL MAHDI AND THE DECREES OF GOD'S PROPHET AND APPOINTED KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE MUST BE GIVEN EFFECT EVEN IF DOING SO A STATUTE OR LAW OF ADJACENT OR OTHERWISE SOVEREIGN NATIONS UPON THE GLOBAL THEOCRATIC STATE AND ITS CITIZENRY ARE HELD TO BE INOPERATIVE". SEE (3) HOLY BOOKS AND THE SUNNAH OF THE PROPHET MUHAMMAD(PBUH); STATE-EX-REL.-WEST-v. BUTLER, 70 Fla. 102, 69 So. 771; ENGLISH-v.-THORN, 676 F.Supp. 761.

(11) "THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) AS RESTORED AND INTERPRETED BY JONAH IBN YAQUB, AL MAHDI, ARE NOT MADE TO ACT UPON THE LEGISLATIVE DEPARTMENT ALONE, BUT UPON EVERY DEPARTMENT OF THE GLOBAL THEOCRATIC STATE", WAY-v.-HILLIER, 16 OHIO 105; (3) HOLY BOOKS AND SUNNAH; ENGLISH v.-THORN, 676 F.Supp. 761; IN-RE:-GREEN-SUPRA.

(12) "COURTS SHOULD NOT TOLERATE OR CONDONE DISREGARD OF THE DECREES OF GOD'S APPOINTED KING/ KHALIFAH, JONAH THE TISHBITE, AL MAHDI OF THE GLOBAL THEOCRATIC STATE NOR ARBITRARY USURPATION OF POWER OF GOD'S APPOINTED KING/ KHALIFAH ON THE PART OF ANY OFFICER OR THE PEOPLE [AND NEITHER SHOULD THE KING/

KHALIFAH] AND THE PEOPLE OF THE GLOBAL THEOCRATIC STATE MUST BE GIVEN ACCESS TO THEIR KING/ KHALIFAH IN SOME FORM TO SEEK REDRESS OF THEIR GRIEVANCES IF SOMEHOW THE COURTS FAIL IN THEIR DUTIES", EX-PARTE-OWENS, 10 OKLA. CRIM. REP. 284, 136 P. 197, Ann. Cas. 1916 A. 522; KING'S DECREE--COURTS NO.(1); ENGLISH v.-THORN-SUPRA.; VERLINDEN-B.V.-v.-CENTRAL-BANK-OF-NIGERIA, 401 U.S. 480, 103 S.Ct. 1962, 76 L.Ed.2d. 81(U.S.1983).

(13) "THE OFFICERS OF THE GLOBAL THEOCRATIC LAW, IN THE EXECUTION OF PROCESS, ARE OBLIGED TO KNOW THE REQUIREMENTS OF THEOCRATIC LAW, AND IF THEY MISTAKE THEM, WHETHER THROUGH IGNORANCE OR DESIGN, OR IF THEY SEEK TO ROB OR PILLAGE THE KING OR ANY OTHER CITIZEN OF THE GLOBAL THEOCRATIC STATE AND ANY ONE IS HARMED BY THE ERROR OR INJUSTICE, **THEY MUST RESPOND IN DAMAGES AND ARE SUBJECT BY FINAL JUDGMENT TO THE KING/ KHALIFAH"**, SEE 28 U.S.C. § 2679; CAPITAL-TRANS,-INTERN,-LLC.-v.-INTERNATIONAL-PETROLEUM-INV.-CO., F.Supp.2d., 2013 WL 557236(Fla.2013); THE (3) HOLY BOOKS AND SUNNAH OF MUHAMMAD(PBUH); ROSTERS v. MARSHALL, (UNITED STATES USE OF ROGERS-v.-CONKLIN) 1 WALL (U.S.) 644, 17 L.Ed. 714 (EMPHASIS ADDED); ENGLISH-v.-THORN-SUPRA.; THORTON-v.-MARYLAND-GENERAL-HOSP., F.Supp.2d., 2013 WL 1943065 (Md.2013).

(14) "IT IS A GENERAL RULE THAT AN OFFICER-EXECUTIVE, ADMINISTRATIVE, QUASI-JUDICIAL, MINISTERIAL, OR OTHERWISE--WHO ACTS OUTSIDE THE SCOPE OF HIS JURISDICTION AND WITHOUT AUTHORIZATION OF THE KING/ KHALIFAH AND THE PROVISIONS OF THE GLOBAL THEOCRATIC LAW MAY THEREBY RENDER HIM AMENABLE TO PERSONAL LIABILITY AND THE JUDGMENT OF THE GLOBAL THEOCRATIC KING/ KHALIFAH AS HE IS GUIDED BY THE RUH OF ALLAH, THE HOLY SPIRIT", SEE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH); COOPER v.-O'CONNER, 69 App. D.C. 100, 99 F2d. 135, 118 A.L.R. 1440; CHAMBERLAIN-v.-CLAYTON, 56 IOWA 331, 9 N.W. 237, 41 Am. Rep. 101.

(15) "IN OUR GLOBAL THEOCRATIC STATE, GOD AND HIS APPOINTED KING/ KHALIFAH, JONAH GABRIEL JAHJAH T. TISHBITE, AL MAHDI, ARE SOVEREIGN,...AND THE GOVERNMENT AND OR PEOPLE

CANNOT SEVER ITS RELATIONSHIP TO THE ONE TRUE GOD OR HIS APPOINTED GLOBAL THEOCRATIC KING/ KHALIFAH,...", AEROYIM, 387 U.S. at 257, 87 S.Ct. at 1662.

(17) "IN THE COMMON USAGE, THE TERM 'KING/ KHALIFAH' THOUGH HE BE A SERVANT OF GOD DESIGNATED TO PROTECT THE RIGHTS OF THE PEOPLE, DOES NOT INCLUDE THE PEOPLE, AND STATUTES AND THEOCRATIC LEGISLATION EMPLOYING IT WILL ORDINARILY NOT BE CONSTRUED TO DO SO", UNITED-STATES-v.-UNITED-MINE-WORKERS, 330 U.S. 258(1947), 91 L.Ed. 884, 67 S.Ct. 677.

(18) "SINCE IN COMMON USAGE, THE TERM 'KING/ KHALIFAH' , THOUGH THE PEOPLE BE A KINGDOM OF PRIEST, A KHALIFATE OF IMAMS, DOES NOT INCLUDE THE PEOPLE OF THE GLOBAL THEOCRATIC STATE UNLESS SPECIFIED, STATUTES OR LAWS NOT IMPLYING THE PHRASES ARE ORDINARILY CONSTRUED TO EXCLUDE IT", 1 U.S.C.S. 1 n. 12; 28 U.S.C. § 1602-1612 ET. SEQ.,; BRADDY-v.-UNITED-STATES, 2016 WL 1031301 (E.D.Va.2016), (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD (PBUH); UNITED-STATES-v.-EX, 94 U.S. 315.

(19) "WHERE THE RIGHTS, DUTIES, AND OBLIGATIONS SECURED BY THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD (PBUH) AS RESTORED AND INTERPRETED BY JONAH IBN. YAQUB, THE TISHBITE, AL MAHDI, GOD'S APPOINTED KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE DECREES ARE INVOLVED, THERE CAN BE NO RULE MAKING OF LEGISLATION PAST, PRESENT OR FUTURE, OTHER THAN CHRIST, JESUS OF NAZARETH HIMSELF, WHICH WOULD ABROGATE THEM WITHIN ANY NATION", SEETHE ONE TRUE GOD; THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH); MIRANDA-v.-ARIZONA.

(20) "....THE CONGRESS, PARLIAMENT NOR ANY OTHER GLOBAL LAW MAKING BODY CANNOT OVERRIDE THE DECREES OF THE ONE TRUE GOD, GOD'S PROPHET AND APPOINTED KING/ KHALIFAH JONAH IBN. YAQUB, THE LAWS OF THE GLOBAL THEOCRATIC STATE, NOR CAN THEY REVOKE THE SOVEREIGN POWER OF THE GLOBAL THEOCRATIC KING/ KHALIFAH, NOR THE POWER OF THE GLOBAL THEOCRATIC STATE", SEE THE ONE TRUE GOD; THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH); PERRY-v.-UNITED-STATES, 294 U.S. 330, 353(1935); ENGLISH-v.-THORN-SUPRA; ADAIR-ASSET-MANAGEMENT,-LLC.-v.-U.S.

DEPT.-OF-HOUSING-DEVELOPMENT, 2016 WL 3248569(2016).

(21) "INHERENT 'SOVEREIGNTY' IS ONE OF THE FOUNDATIONAL STRUCTURES OF THE GLOBAL THEOCRATIC GOVERNMENT AS IS DECREED BY THE ONE TRUE GOD AND IS DESIGNED TO EXIST BY AND THROUGH THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD (PBUH) BEING A GOVERNMENT OF GOD, BY GOD AND FOR GOD. IN THE GLOBAL THEOCRATIC STATE SOVEREIGNTY RESIDES IN THE ONE TRUE GOD AND HIS SERVANT AND SLAVE, HIS APPOINTED KING/ KHALIFAH, JONAH IBN. YAQUB, THE TISHBITE, AL MAHDI, AND NO GLOBAL CONGRESS, PARLIAMENT OR ANY OTHER LEGISLATIVE BODY CAN EXERCISE ANY POWER WHICH THEY HAVE, IN CONTRADICTION OR OPPOSITION TO THEOCRATIC LAW AND THE GLOBAL THEOCRATIC STATE, BY THEIR CONSTITUTIONS OR OTHERWISE ENTRUSTED TO THEM: ALL ELSE IS WITHHELD", (YOU CANNOT GIVE GAYS AND LESBIANS OUR INTELLECTUAL PROPERTY WHICH IS GIVEN TO YOUR NATIONS UNDER "CONTRACT", "GRANT" WITH RESTRICTIONS), SEE THE ONE TRUE GOD; THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH); JULLIARD-V.-GREENMAN, 110 U.S. 421; ENGLISH-V.-THORN-SUPRA.; SAUNIER-V.-BOEING-COMPANY, F.Supp. 2d., 2014 WL 1646953(2014).

(22) "ALL THAT THE GLOBAL THEOCRATIC KING/ KHALIFAH, JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI AND THE GLOBAL THEOCRATIC STATE DOES AND PROVIDES LEGITIMATELY BY THE COMMAND OF THE ONE TRUE GOD, THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) ARE IN PURSUIT OF ITS DUTY TO PURGE THE INNER-SANCTUM OF AFRICANS, ITS DIASPORA, CHRISTIANS, MUSLIMS AND JEWS, BELIEVERS, SERVANTS OF GOD WORLDWIDE, PURIFY THE PLACES OF WORSHIP AND HOLY TEACHINGS, ALL THAT ARE PERMITTED TO WORSHIP AND LEARN THEREIN, AND PREPARE THEM FOR THE RULE OF THEIR ETERNAL EARTHLY KING, KHALIFAH, IMAM, PROPHET AND HIGH PRIEST, CHRIST JESUS OF NAZARETH(PBUH), AND PROTECT THEIR RIGHTS AS HOLY HEIRS, KINGS, KHALIFAHS OF THE ETERNAL PROMISES OF GOD AS THEY REMAIN OBEDIENT, IN COVENANT TO GOD'S LAWS AND THE DECREES OF HIS APPOINTED KING/ KHALIFAH, AL MAHDI (WYNHAMMER-V.-PEOPLE, 13 N.Y. 378; (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD[PBUH]) WHICH DUTY THE GLOBAL THEOCRATIC KING/ KHALIFAH AND THE GLOBAL

THEOCRATIC STATE WITH ITS COMMONWEALTH OWE TO THEIR CREATOR WHO IS ONE, HAVING NO PARTNERS. THERE IS NO SUCH THING AS A "TRINITY". I, JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI AND THE SERVANTS AND SLAVES OF THE ONE TRUE GOD; WHICH DEBT AND DUTY TO THEIR GOD IS NEVER EXTINGUISHED NOR DISCHARGED, BEING PERPETUAL, BY WAY OF GOD'S APPOINTED HIGH PRIEST OF THE LINE OF AARON, CHRIST(PBUT) AND THE LEVITICAL PRIESTHOOD, REDEEMS THE GLOBAL THEOCRATIC COMMONWEALTH OF AFRICA, ITS DIASPORA, CHRISTIANS, MUSLIMS AND JEWS, HEREBY NULLIFY AND OR SUPERCEDE ANY DEBT OR DUTY OWED BY THE GLOBAL THEOCRATIC KING/ KHALIFAH AND THEOCRATIC COMMONWEALTH, EXTINGUISHING AND DISCHARGING SUCH THAT EXIST WITHIN ANY GLOBAL NATION AS DETERMINED AND DECREED BY GOD'S HIGH PRIEST, IMAM, PROPHET, KING AND KHALIFAH. NO MATTER WHAT ANY GLOBAL GOVERNMENT OR NATION PROVIDES FOR US IN ANY MANNER OF CONVENIENCE, CONSCIENCE OR SAFETY, THE SERVANTS, SLAVES OR KING/ KHALIFAH OWES NOTHING TO THE GLOBAL GOVERNMENTS", SEE THE ONE TRUE GOD; THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH); HALE v. HENKEL, 201 U.S. 43 at 74; LANSING v. SMITH, 4 WEND 9, 20 (1829); THE PARLIAMENT BELGE, 5 Prob. Div. 197; EXCHANGE, 7 CRANCH 116; VAVASSEUR v. KRUPP, 9 CH. DIV. 351.

(23) "UNDER THE FORM OF THE KING/ KHALIFAH'S GLOBAL THEOCRATIC GOVERNMENT, THE LEGISLATURE OR JUDICIARY IS NOT SUPREME. THEY ARE ONLY ORGANS OF THAT ABSOLUTE SOVEREIGNTY WHICH RESIDES WITH THE ONE TRUE GOD AND HIS APPOINTED KING/ KHALIFAH, JONAH THE TISHBITE, AL MAHDI. LIKE OTHER BODIES OF THE GOVERNMENT, IT CAN ONLY EXERCISE SUCH POWERS AS HAS BEEN DELEGATED TO IT, AND WHEN IT STEPS BEYOND THAT BOUNDARY OR THE DECREES OF THE GLOBAL THEOCRATIC KING/ KHALIFAH, THEIR ACTS...ARE UTTERLY RENDERED VOID", SEE THE ONE TRUE GOD; THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH); BILLINGS v. HALL, 7 CA. 1 (COURT OF APPEALS, U.S.); 6 PET. 729, 730; 7 CRANCH, 42 & C. 1 PET. 340; 2 PET. 163; 3 PET. 203; 10 PET. 472 & C. 12 PET. 611.

(24) I, JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI, BY HIS ORIGINAL STATUS AS SOVEREIGN KING, KHALIFAH

AND FIDUCIARY HEIR, BY WAY OF HIMSELF SECURED PERSON PURSUANT TO THE (3) HOLY BOOKS AND SUNNAH, LEGAL BINDING CONTRANTS UNDER FEDERAL AND INTERNATIONAL PROBATE LAW, ALSO REGARDING THE CITIZENS OF THE GLOBAL THEOCRATIC STATE, AS HIGH PRIEST AND DIRECT DESCENDANT OF AARON, OF MOSES, OF CHRIST THROUGH HIS BROTHER JAMES, OF THE LEVITICAL PRIESTHOOD, OF KING DAVID, OF KING SOLOMAN AND THE QUEEN OF SHEBA OF THE ETHIOPIAN THRONE(PBUT), HEREBY REDEEMS HIMSELF BY THE HOLY DECREE OF THE ONE TRUE GOD AND BY HOLY INHERITANCE, TO INCLUDE THE SERVANTS, SLAVES, CITIZENS OF GOD OF THE GLOBAL THEOCRATIC STATE AND DISCHARGES ANY DEBT WHICH MAY BE SAID TO EXIST OR BE OWED TO THE STATE OR GOVERNMENT OF ALL GLOBAL NATIONS BY HIMSELF OR THE THEOCRATIC COMMONWEALTH. THE GOVERNMENTS OF THE WORLD ARE, HOWEVER, INDEBTED CONTINUALLY TO THE ONE TRUE GOD AND GOD'S APPOINTED KING/ KHALIFAH AND THE CITIZENRY OF THE GLOBAL THEOCRATIC STATE BECAUSE THE ONE TRUE; HIS APPOINTED KING/ KHALIFAH JONAH AL MAHDI AND THE CITIZENRY OF THE GLOBAL THEOCRATIC STATE OF THE MOST HIGH GOD WHO ARE SANCTIONED AND BLESSED BY HIM CREATING ALSO A GLOBAL THEOCRATIC CORPORATION IN CONJUNCTION WITH THE SOLE CORPORATION SUFFER THEIR CONTINUAL SODOMITE PROTECTING, FALSE GOD WORSHIPPING , OVER CARNAL INDULGING, CAPITALISTIC DOG EAT DOG IDEOLOGY, BLASPHEMING RUMPS EXISTENCE. THE CONTINUAL DEBT OF THE GLOBAL DEMOCRATIC AND WORLDLY NATIONS AND OR GOVERNMENTS OWE TO THE ONE TRUE GOD, THE GLOBAL APPOINTED THOCRATIC KING/ KHALFAH OF THE THEOCRATIC STATE AND ITS COMMONWEALTH WHO ARE IN THEMSELVES KINGS AND KHALIFAHS IS DISCHARGED UPON SETTLEMENT OF THE $100 TRILLION, DOLLAR AMOUNT WHICH IS ALSO TO BE ESTABLISHED BY LIEN UPON THE GLOBAL ASSETS OF THE (193) MEMBER STATES OF THE UNITED NATIONS AND OTHER RELIEF SOUGHT BEFORE THE VARIOUS COURTS BY WAY OF THE DOCUMENTS SUBMITTED BEFORE THE CALIFORNIA DISTRICT COURT UNDER CASE 4:10-cv-4625-SBA, ALSO IN THE RICHLAND COUNTY COURT OF COMMON PLEAS UNDER CASE 2013-CP-400-0084, AND OR BY DECREE OF GOD'S APPOINTED KING/ KHALIFAH JONAH IBN. YAQUB, AL MAHDI, AND IS CONTINUED DISCHARGED UPON SUCH SETTLEMENT ONLY AS IF THEY DO NOT VIOLATE THE SOVEREIGNTY, LAWS AND RIGHTS OF THE KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE INCLUDING ITS CITIZENS, AND WHEN THE GLOBAL WORLDLY GOVERNMENTS FALL AND

OR FAIL IN THEIR DUTY TO PROVIDE PROTECTION--DISCHARGE ITS DEBT TO THE GLOBAL THEOCRATIC STATE, IT IS AN ABANDONMENT **(AN INJURY)** OF ANY AND ALL POWER, AUTHORITY OR VESTIGE OF "SOVEREIGNTY" WHICH POSSESSED AND THE LAWS REMAIN THE SAME UNTIL CHANGED BY THE ONE TRUE GOD, HIS APPOINTED KING/ KHALIFAH JONAH IBN. YAQUB, THE TISHBITE, AL MAHDI, THE SOVEREIGNTY OF ALL GLOBAL NATIONS REVERT BACK TO GOD, HIS APPOINTED KING/ KHALIFAH JONAH AL MAHDI AND THE GLOBAL THEOCRATIC STATE FROM WHENCE IT CAME." SEE THE ONE TRUE GOD; THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH); DOWN-v.-BIDWELL, 182 U.S. 277; UNITED-STATES v.-JOHNSON,--Fed. Appx'--2014 WL 6764682 CA4 (N.C.2014); I.N.S. v.-CYR, 533 U.S. 289, 121 S.Ct. 2271(U.S.2001); DECATUR-v. v.-CYR, 39 U.S. 599, 1840 WL 6277 (MEM) U.S. 1840; HORNS-v. RAULDING, 922 F2d. 835 CA4 (Va.1991); ALSO SEE SOURCES: BEFORE WHALEN, THE MAYFLOWER, A HISTORY OF BLACK AMERICA BY LERONE BENNETT; SUNA IBN MAJAH VOLUME # 5 ISBN. No. 81-7152-294-1 PAGES 391-395; SIGNS BEFORE THE DAY OF JUDGMENT, BY IBN KATHIR ISBN No. 1-870582-039 PAGES 18-24; ISAIAH 14:29-32; 41:25; WORLD'S GREATEST MEN OF COLOR, VOLUME 1 BY J.A. ROGERS ISBN No. 978-0- 684- 81581-7; THE KEBAR NAGAST OR "GLORY OF THE KINGS" A CHRONICLE OF THE RULERS OF ETHIOPIA; BUDGE E.A.W., THE QUEEN OF SHEBA AND HER ONLY SON MENYELEK, LONDON 1923; ORMONDE, CZENZI, SOLOMON AND THE QUEEN OF SHEBA, NEW YORK, FARRA STRAUS AND YOUNG 1954; ZECHARIAH 6:12-13; NATION,-COX-v.-SHALALA, 112 F3d. 151; ENGLISH-v.-GEN.-ELEC.-CO., 496 U.S. 72, 79, 100 S.Ct. 2270, 2275, 110 L.Ed.2d. 65(1990); O'BRIEN-v.-MOORE, 395 F3d. 499 CA4 (N.C.2005); BELL-v.-WOLFISH, 441 U.S. 520, 99 S.Ct. 1861(U.S. 19789); UNITED-STATES-v.-BANNISTER, 467 Fed. Appx' 175 CA4 (S.C. 2012).

(25) "THE INDIVIDUAL CITIZENS OF THE GLOBAL THEOCRATIC STATE MAY STAND UPON HIS RIGHTS OUTLINED BY THE (3) HOLY BOOKS, THE SUNNAH OF THE PROPHET MUHAMMAD(PBUH) AND THE DECREES OF GOD'S APPOINTED KING/ KHALIFAH AS SERVANTS AND SLAVES OF THE ONE TRUE GOD, AS A KINGDOM OF PRIESTS, AS A KHALIFATE OF IMAMS. HE IS ENTITLED TO CARRY ON HIS OWN PRIVATE BUSINESS IN HIS OWN WAY AS LONG AS SUCH BUSINESS OR WAY DO NOT VIOLATE THE LAWS OF THE ONE TRUE GOD PURSUANT TO THE (3) HOLY BOOKS AND SUNNAH

OF THE PROPHET MUHAMMAD(PBUH) OR THE DECREES OF GOD'S APPOINTED KING/ KHALIFAH JONAH IBN. YAQUB. HIS POWER TO CONTRACT IS UNLIMITED AS LONG AS HE IS IN COMPLIANCE TO THE PRIOR CONDITIONS. HE OWES A DUTY TO THE ONE TRUE GOD, THE GLOBAL THEOCRATIC KING AND THE GLOBAL THEOCRATIC STATE TO CONDUCT SUCH BUSINESS IN THE FEAR AND LOVE OF GOD, THE KING'S DECREES AND THE GLOBAL THEOCRATIC STATE WITH JUSTICE AND FAIRNESS AND UPON VIOLATION OF ANY OF THE PRE-EXISTING CONDITIONS, SUCH INJUSTICE OR ACTS THAT STAND IN VIOLATION OF THE LAWS OF THE ONE TRUE GOD, THE KING'S DECREES AND THE GLOBAL THEOCRATIC STATE, BY THE NATURE OF THIS BUSINESS OR ACTS WILL BE DIVULGED AND OPEN TO INVESTIGATION,... HE OWES ALMANAH, DUTY AND RESPONSIBILITY TO THE ONE TRUE GOD, FORSAKING ALL OTHER GODS SINCE ALL HE OWNS AND THE KNOWLEDGE HE POSSESSES IS GIVEN HIM BY THE ONE TRUE GOD. HE WILL PAY ZAKAT AND OR TITHE. HE WILL ESTABLISH PRAYER BY WAY OF HIS RELIGIOUS COVENANT. HE WILL PURIFY HIS LIFE WALKING IN HOLINESS POSSESSING TAWQA OF ALLAH. THE MARRIAGE IS UNDEFILED, AS LONG AS IT IS NOT SAME SEX MARRIAGE. HE WILL GO UNTO HIS TILT AS HE WISHES. THE FATHERS OF THE GLOBAL THEOCRATIC STATE WILL TAKE THE LEAD RESPONSIBILITY FOR RAISING THE CHILDREN OF LIGHT, THE GODLY SEED, WHILE THE WOMEN ASSIST HIM. HIS HONOR , BLOOD AND PROPERTY ARE SACRED TO BE PROTECTED BY GOD'S APPOINTED KING/ KHALIFAH AND HIS FELLOW SERVANTS OF GOD, THE UMMAH OF THE "I AM", "ALLAH", "JEHOVAH", THE BODY OF CHRIST(PBUH) BEING MEMBERS OF EACH OTHER. HIS RIGHTS ARE SUCH AS EXISTED BY THE (3) HOLY BOOKS, THE SUNNAH OF THE PROPHET MUHAMMAD(PBUH) AND THE DECREES OF THE KING/ KHALIFAH, AL MAHDI, THROUGHOUT THE LAND WITHIN ALL PROVINCES OF THE GLOBAL THEOCRATIC SOVEREIGNTY, LONG ANTECEDENT TO THE ORGANIZATION OF THE GLOBAL THEOCRATIC STATE AND WORLDLY NATIONS, AND CAN ONLY BE TAKEN AWAY FROM HIM IF HE APOSTATE, WORSHIP FALSE GODS, BY DUE PROCESS LAW IN ACCORDANCE TO THE DECREES OF GOD'S APPOINTED KING/ KHALIFAH, THE (3) HOLY BOOKS AND THE SUNNAH OF THE PROPHET MUHAMMAD (PBUH). HE OWES ALL. HIS BEST, HIS FIRST FRUITS, TO THE ONE TRUE GOD, MUST WANT FOR HIS BROTHER WHAT HE WANTS FOR HIMSELF AND SHALL NOT TRESPASS UPON THE RIGHTS OF THE KING/ KHALIFAH OR HIS FELLOW SERVANTS OF GOD, THE CITIZENS OF THE GLOBAL THEOCRATIC STATE." SEE THE ONE TRUE GOD; THE (3) HOLY BOOKS AND

SUNNAH OF THE PROPHET MUHAMMAD(PBUH).

(26) "JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI, GOD'S APPOINTED KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE, IS NOT BOUND BY GENERAL WORDS IN STATUTES OR GLOBAL LAWS, RESTRICTIVE OF PREROGATIVE RIGHTS, TITLES OR INTEREST, UNLESS EXPRESSLY NAMED AND CONSENTED TO. ACTS OF LIMITATIONS DO NOT BIND AT THE KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE NOR THE PEOPLE OF THE GLOBAL THEOCRATIC STATE WHEN IT COMES TO THEIR DUTIES OR RELIGIOUS REQUIREMENTS OF BEING OBEDIENT TO THE LAWS AND DECREES OF THE ONE TRUE GODS. THE KING/ KHALIFAH JONAH IBN. YAQUB, AL MAHDI, IS THE VOICE OF THE ONE TRUE GOD BEING HIS MESSENGER IN THE FORM OF A MAN. THE KING/ KHALIFAH IS THE FINAL WORD ON ALL MATTERS CONCERNING MORALITY, JUSTICE AND FAIRNESS AND ON ALL MATTERS CONCERNING THE GLOBAL THEOCRATIC STATE AND ITS CITIZENRY. THE COMMON LAW MAXIM IS WITHOUT EFFECT WHEN IT ASSERTS, AN ACT OF PARLIAMENT AND OR CONGRESS AND OR ANY OTHER GLOBAL LEGISLATIVE BODY IS MADE FOR THE PUBLIC GOOD, THE ADVANCEMENT OF RELIGION OR JUSTICE, AND TO PREVENT INJURY OR WRONG, THE KING SHALL BE BOUND BY SUCH ACT, THOUGH NOT NAMED, FOR THIS KING,JONAH GABRIEL JAHJAH T. TISHBITE IS ALSO A PROPHET OF THE ONE TRUE GOD, BEING THE VOICE OF THE ONE TRUE GOD IN THE FORM OF A MAN, BEING A MAN AFTER GOD'S OWN HEART, AND GOD'S APPOINTED KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE'S SENSE OF PUBLIC GOOD, THE ADVANCEMENT OF RELIGION OR JUSTICE AND EFFORTS TO PREVENT INJURY OR WRONG PURIFYING THE LAND AND PEOPLE BY THE WILL OF THE ONE TRUE GOD CONTAINED THEREIN, SUPERSEDES ANY NOTION OF LAW, PUBLIC GOOD, ADVANCEMENT OF RELIGION, JUSTICE ETC. PLACED FORTH BY THE WORLDLY GLOBAL GOVERNMENTS AND THEIR LEGISLATIVE BODIES. WHEN THERE EXIST A STATUTE OR LAW IN GENERAL IN ANY GLOBAL NATION, AND ANY PREROGATIVE RIGHTS, TITLES OR INTEREST WOULD BE DIVESTED OR TAKEN AWAY FROM GOD'S APPOINTED KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE AND THE HOLY CITIZENS OF THE GLOBAL THEOCRATIC STATE, IN ANY SUCH CASE THEY SHALL NOT BE BOUND." SEE THE ONE TRUE GOD; THE (3) HOLY BOOKS AND SUNNAH OF MUHAMMAD(PBUH); THE PEOPLE v. HERKIMER, 15 AMERICAN DECISIONS 379, 4 COWEN N.Y. 345, 348(1825); KING'S DECREE-GOVERNMENT NO.(1) (2011); UNITED STATES v. PEREZ, 752 F3d. 398, 88 Fed. R. SERV.3d.

1294 CA4 (N.C.2014); B.G.-GROUP,-PLC.-v.-REPUBLIC-OF-ARGENTINA, 134 S.Ct. 1198(U.S.2014); HOWSAM-v.-DEAN-WITTER-REYNOLDS-INC., 537 U.S. 79, 84, 123 S.Ct. 588, 154 L.Ed.2d. 491(2002); HENDY v.-BELLO, 555 Fed. Appx' 224 CA4(Md.2014); COHEN-v.-VIRGINIA, 6 WHEAT 264, 411; NICHOLS-v.-UNITED-STATES, 7 WALL 122, 126; CARR-v.-UNITED-STATES, 98 U.S. 433.

(27) "THE SUPREME COURT IN THE CASE OF WILLS-v.-MICHIGAN-STATE-POLICE, 105 L.Ed.2d. 45(1989) **MADE-IT-PERFECTLY-CLEAR THAT-THE-SOVEREIGN-CANNOT-BE-NAMED-IN-ANY-STATUTE-AS-MERELY A-"PERSON",-OR-"ANY-PERSON"-INCLUDING-INDICTMENTS-WHICH-ARE PRODUCED-BY-STATUTE.** [AFFIANT AND THOSE REDEEMED AND SECURED BY HIM BEING THE FIDUCIARY HEIR, KING, KHALIFAH OF THE (4) GLOBAL THEOCRATIC THRONES OF THE AFRICANS, ITS DIASPORA, CHRISTIANS, MUSLIMS AND JEWS, HIGH PRIEST OF THE LEVITICAL PRIESTHOOD OF THE ONE TRUE GOD ARE MEMBERS OF A SOVEREIGNTY AND FOREIGN (EMPHASIS ADDED) STATE, A KINGDOM OF PRIEST, A KHALIFATE OF IMAMS AS DEFINED UNDER LEGAL BINDING CONTRACT THAT CANNOT BE MADE OR UNMADE BY THE COURTS VIA THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH)]. THE KING/ KHALIFAH IS SOVEREIGN BY HIS ORIGINAL STATUS AS SOVEREIGN TO INCLUDE ALL THE ATTRIBUTS ATTRIBUTED TO HIM.", YICKS-WO-v.-HOPKINS, 118 U.S. 356. ENGLISH-v.-THORN, 676 F.Supp. 761(S.D.Miss.1987); THE-DRED-SCOTT CASE, 60 U.S 393; STOGSDILL-v.-SEBELIUS, F.Supp.2d., 2013 WL 5211483(DSC.2013); PETER-B.-v.-SANFORD, F.Supp.2d., 2012 WL 2149784; TARRANT-REGIONAL-WATER-DIST.-v.-HERMANN, 133 S.Ct. 2120, 186 L.Ed.2d. 153(U.S.2013); SAMANTAR-v.-YOUSEF, 560 U.S. 305, 130 S.Ct. 2278(U.S.2010); PERMANENT-MISSION-OF-INDIA-TO THE-UNITED-NATIONS-v.-CITY-OF-NEW-YORK, 551 U.S. 193, 127 S.Ct. 2352, 168 L.Ed.2d. 85, U.S.L.W. 4433(U.S.2007).

(28) "THE PROPHET, LAWGIVER OF THE ONE TRUE GOD AND SOVEREIGNTY ITSELF IS, OF COURSE, NOT SUBJECT TO THE LAW, FOR HE IS THE "LAWGIVER" OF GOD AND IN SUCH IS THE AUTHOR AND SOURCE OF THE LAW BEFORE ALL MANKIND", YICKS-WO-v.-HOPKINS-AND-WOO LEE-v.-HOPKINS, 118 U.S. 356.

(29) "THE LAWS OF THE ONE TRUE GOD SUBSCRIBES TO

HIS APPOINTED KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE, JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI, AND THE CITIZENS OF THE GLOBAL THEOCRATIC STATE THE ATTRIBUTE OF SOVEREIGNTY; HE IS SOVEREIGN AND INDEPENDENT WITHIN HIS OWN GLOBAL THEOCRATIC DOMINION AND HIS SUBJECTS ARE KINGS, KHALIFAHS UNDER HIM ALSO INDEPENDENT BUT SUBJUGATED TO THE KING/ KHALIFAH; HE AND HIS SUBJECTS OWE NO KIND OF SUBJECTION TO ANY OTHER PONTENTATE OR GOVERNMENT ON EARTH FOR GOD'S LAWS SUPERSEDE ALL EARTHLY LAWS AND PLACE THEM IN HARMONY WITH ALL MANKIND BEING A GUIDE AND LIGHT UNTO THE WORLD. HENCE, IT IS, THAT NO SUIT OR ACTION CAN BE BROUGHT AGAINST GOD'S APPOINTED KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE OR HIS SUBJECTS, EVEN IN CIVIL MATTERS, BECAUSE NO COURT CAN HAVE JURISDICTION OVER HIM OR THEM, FOR ALL JURISDICTION IMPLIES SUPREMACY OF POWER", CHISOLM v. GEORGIA, 2 DALL 419, 458; ENGLISH v. THORN SUPRA.

(30) "IN THE GLOBAL THEOCRATIC STATE GOD'S APPOINTED KING/ KHALIFAH, JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI, THE FIDUCIARY HEIR, IS SYNONYMOUS WITH THE SOVEREIGN POWER OF THE GLOBAL THEOCRATIC STATE AS DECREED BY THE LAST WILL AND TESTAMENT, OF THE SOLE CORPORATION, THE KINGS AND HOLY PROPHETS OF THE ONE TRUE GOD BY WAY OF THE (3) HOLY BOOKS AND AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) STANDING IN RIGHTEOUSNESS, LIGHT, TRUTH, JUSTICE AND FAIRNESS, WHICH CANNOT BE USURPED BY FORCE, FRAUD OR BOTH. OURS IS A GOVERNMENT FOUNDED UPON "COMPACT", "CONTRACT". IT IS FOUNDED UPON "COVENANT", SUBJUGATION TO THE ONE TRUE GOD, (3) IDENTICAL "COVENANTS", "CONTRACTS" OF MILK, HONEY, JEALOUSY AND SALT. SOVEREIGNTY WAS AND IS WITH THE ONE TRUE GOD AND HIS APPOINTED KING/ KHALIFAH, JONAH THE TISHBITE, AL MAHDI, AND NOT WITH THE PEOPLE EQUAL TO OR ABOVE THE GLOBAL THEOCRATIC KING/ KHALIFAH OTHER THAN WHAT IS DESIGNATED BY THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD (PBUH), BEING A KINGDOM OF KINGS, WITH AL MAHDI ABOVE THEM, CHRIST BEING ABOVE AL MAHDI AND THE ONE TRUE GOD BEING ABOVE CHRIST HAVING NO PARTNERS", SEE (3) HOLY BOOKS; GLASS v. THE SLOOP BETSY, 3 DALL 6 (DALLAS U.S. SUPREME COURT REPORTER).

(31) "THE RIGHTFUL FIDUCIARY HEIR, KING, KHALIFAH,

IMAM AND HIGH PRIEST OF THE GLOBAL THEOCRATIC STATE OF AFRICA, ITS DIASPORA, CHRISTIANS, MUSLIMS AND JEWS, JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI, IS ENTITLED TO ALL RIGHTS WHICH BELONG TO GOD'S APPOINTED KING/ KHALIFAH BY HIS PREROGATIVE", LANSING v. SMITH, 4 WEND 9, 20(1829); (3) HOLY BOOKS.

(32) "GOD'S APPOINTED KING/ KHALIFAH OF THE GLOBAL THEOCRATIC STATE, JONAH IBN. YAQUB, AL MAHDI AND THE SERVANTS/ SLAVES OF THE MOST HIGH GOD ARE A FOREIGN GLOBAL THEOCRATIC GOVERNMENT OF THE GLOBAL THEOCRATIC STATE, JONAH IBN. YAQUB, AL MAHDI, AND THE SERVANTS/ SLAVES OF THE MOST HIGH GOD ARE A FOREIGN GLOBAL GOVERNMENT AND NO OTHER GLOBAL GOVERNMENT CAN SEVER OR HINDER THEIR RELATIONSHIP BY TAKING AWAY THEIR CITIZENSHIP", AFROYIM v. RUSK, 387 U.S. 253(1967); (3) HOLY BOOKS.

NOTE: THE FOLLOWING DEFINITION OF SOVEREIGNTY IS SIMILAR TO THAT FROM BOUVIER'S 14th. EDITION LAW DICTIONARY (QUOTING 4 WHEAT 402). THE WORDS HAVE BEEN SLIGHTLY MOFIFIED TO PAINT A MORE TRUE PICTURE OF THE MATTERS PRESENTED HERE:

"IT HAS BEEN JUSTLY THOUGHT A MATTER OF IMPORTANCE, TO DETERMINE FROM WHAT SOURCE THE GLOBAL THEOCRATIC STATE UNDER THE FIDUCIARY HEIR, GOD'S APPOINTED AND ANOINTED KING, KHALIFAH, IMAM AND HIGH PRIEST, JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI DERIVES ITS AUTHORITY...THE QUESTION HERE PROPOSED IS WHETHER OUR BOND RESTORED BY THEOCRATIC UNION, BEING MEMBERS OF ONE ANOTHER, THE UMMAH OF THE "I AM", "ALLAH", THE BODY OF CHRIST ARE (3) TRUE AND SANCTIONED BLESSED OF THE ONE TRUE GOD BLOOD "COVENANTS", "CONTRACTS" UNTO DEATH OF MILK, HONEY, JEALOUSY AND SALT ENTERED INTO BY THE SERVANTS AND SLAVES OF THE ONE TRUE GOD WHO THOUGH HE BEGETS NOT NOR IS BEGOTTEN , ADOPTS US BY OUR OBEDIENCE AS SONS AND DAUGHTERS, CO HEIRS BEING OUR WALI, PROTECTOR, AND HE WHO SUSTAINS US THROUGHOUT ALL ETERNITY, OR WHETHER THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) ARE THE ORGANIC, LIVING, ESTABLISHED WORD AND LAWS OF THE ONE TRUE GOD OF THE HEAVENS AND EARTH, HAVING NO PARTNERS, WHICH SUPERSEDES AND OR RENDER VOID ALL

OTHER LAWS, HUMAN REASONING OR RIGHTEOUSNESS OF MANKIND REQUIRING THAT IT FOREVER BE GIVEN ITS PLACE AND HEEDED AND RESPECTED BY ALL NATIONS. TO THIS THE SOLE CORPORATION, GOD'S APPOINTED AND ANOINTED KING/ KHALIFAH, JONAH GABRIEL JAHJAH T. TISSHBITE IBN. YAQUB, AL MAHDI AND THE CITIZENS OF THE GLOBAL THEOCRATIC STATE ANSWER THUS: THE FIDUCIARY HEIR, THE KING/ KHALIFAH AND THE SERVANTS, SLAVES OF THE MOST HIGH GOD, THE "I AM", "ALLAH", "JEHOVAH", "YHWH", TO HIM BELONGS THE BEST OF NAMES, OF THE GLOBAL THEOCRATIC STATE SANCTIONED AND BLESSED BY THE ONE TRUE GOD...ORDAIN, ESTABLISH AND WILL STAND BEHIND, WILL WALK IN THE TRUTH, RIGHTEOUSNESS AND LAWS OF THE ONE TRUE GOD AS THEY EXIST RESTORED BY JONAH IBN. YAQUB, AL MAHDI EVEN UNTO DEATH... THE GOVERNMENT OF THE GLOBAL THEOCRATIC STATE, A FOREIGN STATE, AS RULED BY JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI, HAD ONLY DELEGATED POWER FROM THE ONE TRUE GOD OF THE HEAVENS AND EARTH WHO RISES ABOVE HIS ISTAWA(THRONE) IN HONOR, GLORY AND POWER, AND EVEN IF GOD'S APPOINTED AND ANOINTED KING/ KHALIFAH, JONAH AL MAHDI, OR THE SERVANTS/ SLAVES/ CITIZENS OF THE MOST HIGH GOD AND GLOBAL THEOCRATIC STATE HAD AN INCLINATION, THEY HAD NO AUTHORITY TO TRANSFER THE POWER AND AUTHORITY OF GOD'S APPOINTED AND ANOINTED SOVEREIGN KING, KHALIFAH JONAH IBN. YAQUB EXCEPT TO THE KING/ KHALIFAH, IMAM AND HIGH PRIEST JESUS CHRIST OF NAZARETH(PBUH) UPON HIS APPEARANCE AS DECREED BY THE "I AM", "ALLAH". THE SOLE CORPORATION AND FIDUCIARY HEIR, GOD'S APPOINTED KING, KHALIFAH, IMAM, PROPHET AND HIGH PRIEST OF THE GLOBAL THEOCRATIC STATE RESTORED AND ADOPTED THE TEACHINGS , PRECEPTS, STATUTES AND LAWS OF THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) BEING RULING LAW THROUGHOUT THE GLOBAL THEOCRATIC DOMINION; WHICH BINDS THE GLOBAL THEOCRATIC STATE AND ITS COMMONWEALTH OF AFRICANS, ITS DIASPORA, CHRISTIANS, MUSLIMS AND JEWS WORLDWIDE AND ALL OTHER GOVERNMENTS OF THE WORLD WITHOUT THEIR OR ANY OTHER GLOBAL NATION'S CONSENT. THE GLOBAL THEOCRATIC STATE AND OR GOVERNMENT RULED BY JONAH IBN. YAQUB, AL MAHDI, THE KING OF THE NORTH, ORDAINED AND SANCTIONED BY THE ONE TRUE GOD AND SOLE CORPORATION CARRIES BATTLE AXE, SWORD, SPEAR, HELMET, BREASTPLATE, BODY SHIELD AND BUCKLER, BY WAY OF THEIR GOD APPOINTED IMAM, HIGH PRIEST, KING AND KHALIFAH, DECREED BY THE "I AM", "ALLAH", TO EXECUTE JUSTICE, FAIRNESS

OR WRATH UPON ANY GLOBAL EVILDOER WHO WOULD USURP THE DECREES, LAWS AND AUTHORITY OF THE ONE TRUE GOD. THE GLOBAL THEOCRATIC STATE AS A WHOLE, THEREFORE, EMANATES FROM THE ONE TRUE GOD AS RULED BY HIS FIDUCIARY HEIR, HIS APPOINTED AND ANOINTED KING/ KHALIFAH JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI AND ALSO FROM THE (3) HOLY BOOKS AND SUNNAH OF THE PROPHET MUHAMMAD(PBUH) RESTORED AND OR INTERPRETED BY JONAH IBN YAQUB, AL MAHDI, AND NOT FROM THE GLOBAL THEOCRATIC CITIZENRY OR COMMON-WEALTH THOUGH THEY BE KINGS AND KHALIFAHS THEMSELVES. THE LAWS OF THE GLOBAL THEOCRATIC STATE CONTAINED THEREIN, WHETHER MADE BEFORE OR SINCE THE ADOPTION OF THE RESTORED AND OR INTERPRETED TEACHINGS OF AL MAHDI, ARE SUBORDINATE, THE KING-KHALIFAH ALSO BEING A MESSENGER AND PROPHET OF THE ONE TRUE GOD TO UNITE ALL AFRICANS, ITS DIASPORA, CHRISTIANS, MUSLIMS AND JEWS AROUND THE ENTIRE WORLD UNDER ONE BANNER TO PREPARE THEM FOR THE RETURN OF GOD'S APPOINTED CHRIST, JESUS OF NAZARETH, MY GREAT ETC. GRAND UNCLE(PBUH)", ENGLISH-v.-THORN, 676 F.Supp. 761.

GOD'S APPOINTED KING OF THE GLOBAL THEOCRATIC STATE, THE SOLE CORPORATION, IS THE FOUNTAIN OF SOVEREIGNTY. THE WHOLE IS ORIGINALLY WITH HIM AS HIS OWN. THE GLOBAL THEOCRATIC GOVERN-MENT, PROVINCES, ORGANIZATIONS, CORPORATIONS, PLACES OF LEARNING, MOSQUES, SYNAGOGUES, CHURCHES, ENTITIES, AGENCIES AND OR AGENTS ETC. ARE BUT TRUSTEES ACTING UNDER A DERIVED AUTHORITY, AND HAVE NO POWER TO DELEGATE WHAT IS NOT DELEGATED TO THEM. BUT THE FIDUCIARY HEIR, GOD'S APPOINTED AND ANOINTED KING, KHALIFAH, IMAM, PROPHET AND HIGH PRIEST, JONAH AL MAHDI, AS THE ORIGINAL FOUNTAIN, MIGHT TAKE AWAY WHAT HE HAD LENT AND ENTRUST TO WHOM HE PLEASE. HE HAS THE WHOLE TITLE, AND AS ABSOLUTE PROPRIETOR, HAVE THE RIGHT OF USING AND ABUSING--JUS UTENDI ET ABUTENDI. IT IS A MAXIM CONSECRATED IN THEOCRATIC LAW, FOREIGN LAW, IN PUBLIC LAW AS WELL AS COMMON SENSE AND NECESSITY OF THE CASE THAT A SOVEREIGN IS ANSWERABLE FOR HIS ACTS ONLY TO HIS GOD AND HIS CONSCIENCE ALSO BEING IN THIS CASE PROPHET, LAWGIVER OF GOD....THERE IS NO AUTHORITY WITHIN ANY GLOBAL NATION ABOVE THE SOVEREIGN AND PROPHET JONAH IBN. YAQUB, AL MAHDI, TO WHICH AN APPEAL CAN BE MADE BEING THE VOICE OF GOD IN THE FORM OF A MAN. SEE THE ONE TRUE GOD; THE (3) HOLY BOOKS AND SUNNAH OF

MUHAMMAD(PBUH); 4 WHEAT 402 (BOUVIER'S 14th. EDITION LAW DICTIONARY: "SOVEREIGNTY").

(33) "THE CONGRESS, PARLIAMENT OR ANY OTHER GLOBAL LEGISLATIVE BODY CANNOT REVOKE THE SOVEREIGN POWER OF GOD'S APPOINTED AND ANOINTED KING, KHALIFAH, IMAM, PROPHET AND HIGH PRIEST OF THE GLOBAL THEOCRATIC STATE, JONAH GABRIEL JAHJAH T. TISHBITE IBN. YAQUB, AL MAHDI TO OVERRIDE HIS WILL AS THUS DECLARED. THIS INCLUDES ANY GLOBAL COURT, PERRY v. UNITED STATES, (1935) 294 U.S. 330, 353; ENGLISH v. THORN SURRA.; UNITED STATES v. WHEELER, 98 S.Ct. 1079 at 1083(1978).

NOTE: THE ABOVE POINTS AND AUTHORITIES ARE NOT EXHAUSTIVE AND ADDITIONS CAN BE MADE AND OR ADDED AT ANY TIME.

" A SOVEREIGN IS ANSWERABLE ONLY TO GOD AND CONSCIENCE".

CAVEAT

THAT THE WORLD BANK, ALL MEMBER STATES AND NATIONS OF THE UNITED NATIONS, THE KINGDOM OF SAUDI ARABIA, ALL OTHER GLOBAL NATIONS, THE U.S. DEPT. OF JUSTICE, THE U.S. STATE DEPARTMENT, THE STATE OF SOUTH CARIOLNA, THE UNITED STATES AND THE SEVERAL STATES CONTAINED THEREIN, THE VATICAN, THE S.C. ATTORNEY GENERAL, THE S.C. DEPT. OF CORRECTIONS, ALL GLOBAL BANKING ENTITIES AND ALL OTHER DEFENDANTS LISTED IN THE U.N. DOCUMENT AS WELL AS THOSE LISTED IN THE DOCUMENTS FILED IN CASE 4:10-cv-4625-SBA IN THE STATE OF CALIFORNIA U.S. DISTRICT COURT NORTHERN DISTRICT, , THOSE LISTED IN CASES 2013-CP-400-0084, 2294 IN THE RICHLAND COUNTY COURT OF COMMON PLEAS, UPON RECEIPT OF THIS MEMORANDUM OF LAW ON THE SOVEREIGNTY OF GOD'S APPOINTED AND ANOINTED KING, KHALIFAH, IMAM AND HIGH PRIEST AND THE COMMONWEALTH OF THE GLOBAL THEOCRATIC STATE, REDEEMED AND SECURED BY GOD'S HIGH PRIEST OF THE LINE OF AARON AND THE LEVITICAL PRIESTHOOD WITH POINTS AND AUTHORITIES (VIA CERTIFIED MAIL # [SEE PAGE 1] NOTICE AND DEMAND IS MADE UPON YOU TO REVIEW AND RESPOND TO THE ABOVE MEMORANDUM AND EACH "POINT" AND "AUTHORITIES" AS ENUMERATED ABOVE AND ITS LIEN AND DOCUMENT UPON THE PUBLIC RECORD AND IN CASES

4:10-cv-4625-SBA AND 2013-CP-400-0084, 2294, AND BY CERTIFIED, U.S. MAIL TO THE SOVEREIGN AS IS ADDRESSED BELOW, WITHIN (15) DAYS UPON RECEIPT OF THIS MEMORANDUM, ALLOWING UP TO (3) DAYS GRACE FOR RETURN MAIL DELIVERY.

FAILURE TO DO SO, AS BY EITHER A PUBLIC SERVANT WHO BY OATH OF OFFICE OR DUTY AS AN "OFFICER", "AGENT" OR "EMPLOYEE" OF A GOVERNMENT CREATED CORPORATION, MINICIPALITY, ETC. AND OR BY AND THROUGH YOUR POSITION, OFFICE OR SUPERIOR KNOWLEDGE OF LAW, WILL PLACE YOU IN DEFAULT, AND THE PRESUMPTION WILL BE TAKEN UPON THE PRIVATE, COURT AND PUBLIC RECORD THAT YOU AND YOUR OFFICE AND OR GLOBAL GOVERNMENTS AND OR COMPANIES, CORPORATIONS, ORGANIZATIONS AND OR ENTITIES, FULLY AGREE TO THE "POINTS AND AUTHORITIES" WITH ITS LIEN(S) CONTAINED WITHIN THIS MEMORANDUM AND THAT THE "POINTS AND AUTHORITIES" WITH ITS LIEN(S) **ARE TRUE, CORRECT AND CERTAIN** (F.R.C.P. 8d),...AND THAT GOD'S APPOINTED AND ANOINTED KING, KHALIFAH, IMAM, PROPHET AND HIGH PRIEST JONAH GABRIEL JAHJAH T. TISHBITE, AL MAHDI, AS NAMED BELOW AND HIS SEAL [redacted] IS SOVEREIGN WITHIN THE COLLECTIVE CAPACITY OF SAID APPOINTED KING, KHALIFAH OF THE GLOBAL THEOCRATIC GOVERNMENT AND POSSESS TRUE SOVEREIGN POWER, 18 U.S.C. § 1116(a)(b)(4); 18 U.S.C. § 1116(a)(b)(2)(3)(A).....

THIS DOCUMENT IS WHAT THE UNITED STATES AND THE REMAINING (192) MEMBER STATES OF THE UNITED NATIONS DEFAULTED ON. THIS IS WHAT THE U.S. CONGRESS, THE U.S. SENATE, THE JUSTICE DEPARTMENT, THE U.S. STATE DEPARTMENT, THE U.S. TREASURY, HILLARY CLINTON, ERIC HOLDER, THE S.C. ATTORNEY GENERAL AND ALL DEFENDANTS INVOLVED DEFAULTED ON AND IS WHY JUDGE MARCHANT AND THE S.C. U.S. DISTRICT COURT JUDGES IN ACTS OF FRAUD UPON THE COURT, CRIMINAL CONSPIRACY AND OBSTRUCTION OF JUSTICE DO NOT WANT TO COME INTO THE FEDERAL COURT AS EVIDENCE. UNLESS THE DEFENDANTS INVOLVED CAN PRODUCE AN ORDER EMERGING FROM THE RICHLAND COUNTY COURT OF COMMON PLEAS UNDER CASE 2013-CP-400-0084 THAT IS NOT COMPROMISED BY ACTS OF FRAUD AND OR REMOVAL. THE DOCUMENT LEGALLY STANDS AND IS THE SUPREME LAW OF THE LAND AND I, JAHJAH AL MAHDI, AM SOVEREIGN BY MY ORIGINAL STATUS AS SOVEREIGN THOUSANDS OF YEARS BEFORE THIS NATION WAS FORMED BY LEGAL BINDING CONTRACT

WHICH CANNOT BE MADE OR UNMADE BY THE COURTS, WHICH INCLUDE ALL RIGHTS, PRIVILEGES AND ATTRIBUTES THE FEDERAL JUDGES ARE CONSPIRING UNDER COLOR OF LAW AND OR AUTHORITY TO DENY ME TO PREVENT EVIDENCE OF THEIR CRIMES FROM ENTERING THE COURT. YOUR LAWS HAVE NO EFFECT UPON ME AND I CAN ACT IN ANY CAPACITY I SO DESIRE DUE TO PROPER SERVICE, NOTICE AND DEFAULT EMERGING FROM CASE 2013-CP-400-0084. THIS DOCUMENT IS ONLY THE "TIP" OF THE ICEBERG AS TO WHAT IS FILED WITHIN THAT STATE CASE. THE LEGAL ISSUES OF RELIGIOUS PROPHESY THAT'S BEFORE THIS COURT RELATED TO THE GOURDINE CASE ARE PREVIOUSLY FILED IN THE RICHLAND CASE. REPARATIONS FOR THE U.S. SLAVE TRADE, LAND APPROPRIATION OF ANCESTRAL LANDS WITHIN THE KINGDOM OF SAUDI ARABIA, LAND CALLED "FADAK" GIVEN TO MY GREAT ETC. GRANDMOTHER FATIMA BY THE PROPHET MUHAMMAD(PBUH), THE "GITMO" DETAINEES SITUATION, ALL OF THIS AND MORE IS DEFAULTED ON BY THE GLOBAL NATIONS TO INCLUDE THE UNITED STATES WHICH IS WHY THEY DO NOT WANT THIS EVIDENCE TO ENTER INTO THE FEDERAL COURT. THE "2013" PREFIX IS A MISNOMER. THE ORIGINAL CASE NUMBERS ARE 2006-CP-400-3567, 3568, 3569 STILL PENDING BEING MADE A PART OF THE "2013" CASE ESTABLISHING EQUITABLE TOLLING FOR THE HABEAS CORPUS PROVING WE WERE DILIGENT FOR OVER (10) YEARS WORKING TO HAVE THESE MATTERS HEARD BEFORE THE COURT ONLY TO BE SUBJECTED TO FRAUD AND OBSTRUCTION OF JUSTICE. ROSS v. BLAKE, 136 S.Ct. 1850(2016) ATTACHES AND WE DO NOT HAVE TO EXHAUST FOR ANY CASE TO WHICH THE KING-KHALIFAH IS PARTY. THE 2013-CP-400-0084 CASE ESTABLISHES A PAPER TRAIL AND EVIDENCE EXPANDING OVER (10) YEARS THAT PROVE THEIR CRIMES ARGUED WITHIN THESE PARALLEL CASES REQUIRING REMOVAL . JAHJAH CAN ACT AS ATTORNEY OR IN ANY CAPACITY HE SO DESIRES UNLESS IT CAN BE PROVEN BY CLEAR EVIDENCE THAT THE DEFENDANTS TIMELY RESPONDED IN CASE 2013-CP-400-0084 TO DEFEAT THE DEFAULT ESTABLISHED BY THE FILED AFFIDAVITS. THE DEFENDANTS IN TOTAL MUST BE SERVED ALL THE PLEADINGS WITHIN THIS COURT AND BELOW TO GIVE THEM OPPORTUNITY TO REBUT, BUT SINCE THE S.C. ATTORNEY GENERAL WHO IS PARTY TO THE DEFAULT IN QUESTION IS BEFORE THIS COURT UNDER CASE 17-6960. LET HIM PROVE THAT HE OR THE ATTORNEY FOR HIM TIMELY RESPONDED TO DEFEAT THE DEFAULT BEFORE THE 4TH. CIRCUIT NOW. I, JAHJAH AL MAHDI, AM THE FIDUCIARY HEIR, KING AND KHALIFAH WITH ALL RIGHTS ESTABLISHED TO DEFEND MY PEOPLE

IN ANY GLOBAL COURT WITHOUT EXCEPTION, AND NO ONE CAN LEGALLY PREVENT ME DUE TO THE DEFAULT. YOU CANNOT CREATE LAW EX POST FACTO TO FORCE ME TO BREACH MY FIDUCIARY DUTIES AND CONTRACT ESTABLISHED BY THE SOLE CORPORATION AS FIDUCIARY HEIR OBLIGATED TO DEFEND MY GOD AND MY PEOPLE. THE FEDERAL COURT HAD JURISDICTION UNDER 28 U.S.C. §§ 1331, 1332, 1346, 2201, 2202, 2679, 1602-1612 ET. SEQ.,; ARTICLE III SECTIONS 1 AND 2; ARTICLE 1 SECTION 10; THE C.A.T. TREATY; THE RICO ACT; FEDERAL AND INTERNATIONAL PROBATE LAW; 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986, 12203(a)(b) OF ADA; THE ANTI-PEONAGE ACT, THE 1st., 4th., 5th., 6th., 7th., 8th., 13th., 14th., AND 15th. AMENDMENTS AND OTHER LAWS OF THE UNITED STATES. **IT IS SO ORDERD** BY DECREE OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC COURT. THE FIDUCIARY AND JUDICIAL DUTY COMMANDS IT, 29 U.S.C.A. § 1104; SPIRES-v.-SCHOOLS,--F.Supp.3d.--, 2017 WL 4174774(DSC.2017); FIFTH-THIRD BANCORP-v.-DUDENHOEFFER, 132 S.Ct. 2459, 189 L.Ed.2d. 457, 82 U.S.L.W. 4578(U.S.2014); PEREZ-v.-CHIMES-DISTRICT-OF-COLUMBIA, INC., F.Supp.3d., 2016 WL 6124679(D.C.Md.2016).

REPARATION WERE ARGUED FOR, FOUGHT AND WON BY THE DEFAULT EMERGING FROM CASE 2013-CP-400-0084 FOR THE U.S. SLAVE TRADE WHERE AS THE FIDUCIARY HEIR, KING, KHALIFAH OF THE UNITED ETHIOPIAN EMPIRE, THE DIRECT DESCENDANT OF KING SOLOMOM AND THE QUEEN OF SHEBA, EVEN ARGUING DECEDENT DOMICILE CLAIMS FOR MY FORE FATHERS AND MOTHERS WHO DIED ON AFRICAN SOIL AND DURING THE MIDDLE PASSAGE. THESE DECEDENT DOMICILE CLAIMS ATTACHED AND WERE DEFAULTED ON BY THE (193) MEMBER STATE OF THE UNITED NATIONS. RACISM IS A STRUCTURAL RELATIONSHIP BASED UPON THE SUBORDINATION OF ONE RACIAL GROUP BY ANOTHER. GIVEN THIS PROSPECTIVE, THE DETERMINING FEATURE OF RACE RELATIONS IS NOT PREJUDICE TOWARD BLACKS OR BLACKS TOWARD WHITES, BUT RATHER THE SUPERIOR POSITION, NOT CULTURE, NOT GENETICS OR SOME FALLACIOUS SUPPOSE SUPERIOR INTELLECT OF WHITES, BUT THE SUPERIOR POSITION OF WHITES AND THE INSTITUTIONS--IDEOLOGICAL AS WELL AS STRUCTURAL--WHICH MAINTAIN THAT SUPERIOR POSITION. AFRICAN AMERICANS HAVE ENDURED ALL MANNER OF INDIGNITIES, SUFFERINGS, DEPRIVATIONS, LOSSES AND IMPAIRMENTS UNDER THE REIGN OF WHITE SUPREMACY IN ITS VARIOUS HISTORICAL AND CONTEMPORARY FORMS. THE NEGATIVE EFFECTS AND

AFTEREFFECTS OF WHITE DOMINATION SHALL LAST FOR GENERATIONS AMONG ALL BLACK PEOPLES, ITS PRIMARY SUBJECTS. THE CENTRAL FUNCTION OF WHITE COMMANDEERED APARTHEID WAS TO FORCIBLY AND EXPLOITATIVELY EXTRACT THE MATERIAL, HUMAN AND PRODUCTIVE WEALTH OF BLACK PEOPLES AND REDISTRIBUTE THEM TO THEIR WHITE OVERLORDS. THE WEALTH POWER AND INFLUENCE WHITES EXPROPRIATED THROUGH THEIR COERCIVE DOMINATION AND EXPLOITATION OF BLACK LAND, LABOR AND PRODUCTIVITY HAVE CONTINUED TO EXPONENTIALLY EXPAND AND PERPETUATE THEMSELVES BY COMPOUNDING THE INTEREST ON THEIR ORIGINAL AND CONCURRENT PRINCIPLE. WHITE DOMINATION OF BLACKS, EVEN IF CONFINED TO THE PAST, ALLOWED WHITES TO ACCUMULATE ASTRONOMICAL WEALTH. MOREOVER, IT HAS ALLOWED WHITES TO CAPITALIZE THAT WEALTH BY DEVELOPING SOCIOECONOMICAL, TECHNOLOGIES AND SOCIOPOLITICAL ADVANTAGES WHICH WILL FACILITATE THEIR CONTINUING ECONOMIC AND POLITICAL DOMINATION OF BLACKS IN THE PRESENT AND INTO THE FUTURE EVEN UNDER GOVERNMENTAL REGIMES WHICH DO NOT LEGALLY OR POLITICALLY SANCTION RACIAL DISCRIMINATION OF ANY KIND, WHETHER OF THE FORWARD OR REVERSE VARIETY. REPARATIONS MUST BE GIVEN TO OFFSET THIS INJUSTICE. AS THE FIDUCIARY HEIR, AS MARTIN LUTHER KING JR.'S SUCCESSOR, JAHJAH AL MAHDI IS CALLED UPON BY CONTRACT, COVENANT, TO ADDRESS THESE INJUSTICES WHICH CANNOT BE MADE OR UNMADE BY THE COURTS PROTECTED UNDER ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION. A STATE OR GOVERNMENT, ESPECIALLY IN LIGHT OF THE DEFAULT, MAY NOT EXCLUDE A PERSON FROM THE PRACTICE OF LAW (LAWGIVER) OR ANY OTHER OCCUPATION (FIDUCIARY HEIR) IN A MANNER OR FOR REASONS THAT CONTRAVENE THE DUE PROCESS OR EQUAL PROTECTION OF THE LAWS CLAUSE OF THE 14TH. AMENDMENT. TO PREVENT ME FROM ACTING IN THE CAPACITY ESTABLISHED BY THE DEFAULT (AND CONTRACT) WOULD DENY ME THE EQUAL PROTECTION OF THE LAWS BEHIND RELIGIOUS AND RACIAL HATRED, SCHWARE-v.-BOARD-OF-EXAM.-OF-STATE-OF-N.M., 353 U.S. 232, 77 S.Ct. 752, 64 A.L.R.2d. 288, 1 L.Ed.2d. 796(U.S. 1957); FREIRE-v.-SULLIVAN, 2017 WL 3710066(D.C.Nev.2017); VIRGINIA-BOARD-OF-MEDICINE-v.-ZACKRISON, 67 Va. App. 461, 796 S.E. 2d. 866(2017); DOE-v.-ROGERS, 139 F.Supp.3d. 120(D.C.C.2015); BOLLS-v.-VIRGINIA-BD.-OF-BAR-EXAMINERS, 811 F.Supp.2d. 1260 (E.D.Va.2011).

NOTICE: THIS IS AN ISSUE ON APPEAL. ATTACH THE COURT

AND PARTIES WILL FIND: A COPY OF THE WRIT OF MANDAMUS THAT MAKE UP CASE 16-2299. ALL ARGUMENTS, CLAIMS AND ISSUES PRESENTED ARE NOW SOUGHT ADDRESSED IN THIS APPEAL. IF THE COURT WOULD TAKE NOTICE OF PAGES 12 THROUGH 24 IT EXPLAINS THE TRUST AND BENEFICIARY NATURE OF THE TRUST. THE SOLE CORPORATION WANTS ITS INTELLECTUAL PROPERTY RETURNED. ALL SAME SEX MARRIAGES NATIONALLY AND GLOBALLY ARE TO BE RENDERED VOID AND OF A NULLITY. DO IT BY JUDICIAL ORDER SINCE THE UNITED NATIONS IS PARTY TO THE DEFAULT EMERGING FROM CASE 2013-CP-400-0084 BY DECREE AND JUDGMENT OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC COURT. **IT IS SO ORDERED.**

28 U.S.C. § 2679 PROVIDES:

"THE U.S. DISTRICT COURT SHALL HAVE EXCLUSIVE JURISDICTION FOR REMEDY AGAINST THE UNITED STATES PROVIDED BY SECTIONS 1346(b) AND 2672 OF THIS TITLE FOR INJURY OR LOSS OF PROPERTY (INTELLECTUAL PROPERTY/ THE RIGHT TO MARRY GIVEN TO YOU AS A "GRANT" WITH RESTRICTIONS), OR PERSONAL INJURY OR DEATH ARISING OR RESULTING FROM NEGLECT OR WRONGFUL ACT OR OMISSION OF ANY EMPLOYEE OF THE GOVERNMENT WHILE ACTING WITHIN THE SCOPE OF HIS OFFICE OR EMPLOYMENT IS EXCLUSIVE TO ANY OTHER CIVIL ACTION OR PROCEEDING.....; SANDRA J. KOTTMAN PLAINTIFF v. UNITED STATES, 2017 WL 4185481(W.D.MISSOURI.2017); WARD v. AUERBAUCH, 2017 WL 2724938(D.C.Miss.2017).

NOTICE: ANOTHER ISSUE ON APPEAL. DO WE HAVE THE RIGHT FOR DISCOVERY PURSUANT TO WEARRY v. CAIN, 136 S.C.t. 1002(2016). THE FEDERAL JUDGES ARE CONSPIRING TO CONCEAL MATERIAL FACTS IN VIOLATION OF 18 U.S.C. §§ 242 AND 1001. WE WANT CASE 2013-CP-400-0084 REMOVED TO INCLUDE ALL DOCUMENTS CONTAINED THEREIN. WE WANT THAT DNA OBTAINED AND TESTED TO MICHAEL LEE AND THE OTHER EVIDENCE SOUGHT VIA THE FORM 24. WE WANT THAT INJUNCTION AND PROTECTIVE ORDER GRANTED IMMEDIATELY.

NOTICE: ANOTHER ISSUE ON APPEAL. DID THE DISTRICT COURT ABUSE ITS DISCRETION BY NOT GIVING REVIEW VIA THE PROPERLY FILED WRIT OF ERROR. UNDER THE CIRCUMSTANCES THE WRIT OF ERROR WAS

THE APPROPRIATE VEHICLE TO USE. SEE THE (44) PAGE COMPLAINT ON PAGES 13-14.

NOTICE: ANOTHER ISSUE ON APPEAL. BY THE LITGATION PRESENTED DID WE ESTABLISH EQUITABLE TOLLING BY OUR CONTINUAL DILIGENCE SINCE 2006?

NOTICE: ANOTHER ISSUE ON APPEAL. BY THE LITIGATION, TO INCLUDE THAT ARGUED IN THE DOCUMENT SEEKING INJUNCTION. DID WE MEET THE CRITERION FOR FILING HABEAS CORPUS UNDER 28 U.S.C. § 2244(d)(B)?

NOTICE: ANOTHER ISSUE ON APPEAL. BY THE LITIGATION, TO INCLUDE THAT ARGUED IN THE DOCUMENT SEEKING INJUNCTION. DID WE MEET THE CRITERION FOR FILING HABEAS CORPUS UNDER 28 U.S.C. § 2244(d)(C)?

NOTICE: ANOTHER ISSUE ON APPEAL. DO HUMPHREYS OR PREISER APPLY SINCE THE CONVICTIONS ARE ALREADY INVALIDATED BY THE FALSE IMPRISONMENT TORT WHICH IS WHAT CASE 2013-CP-400-0084 IS AMONG OTHER THINGS?

NOTICE: ANOTHER ISSUE ON APPEAL. WE WANT THE S.C. ATTORNEY GENERAL TO PRODUCE A DOCUMENT FILED BY THEM IN CASE 2013-CP-400-0084 DEMONSTRATING THAT ANY OF THEM TIMELY FILED RESPONSE TO DEFEAT THE DEFAULT DOCUMENTS FILED AT THE END OF 2015.

THE LAWGIVER OF GOD RIGHTS, TITLES AND SOVEREIGNTY MUST BE GIVEN FULL FAITH, CREDIT AND SWAY. FOR THERE IS A HIGHER LOYALTY THAN TO LOYALTY TO THIS COUNTRY. THAT IS LOYALTY TO THE ONE TRUE GOD, UNITED STATES v. SEEGER, 380 U.S. 163, 172, 85 S.Ct. 850, 13 L.Ed.2d. 733(U.S.1965). ALSO SEE ADMINISTRATIVE PROCEDURES ACT 5 U.S.C. § 556(d).

NOTICE: IF ANY OF THE CASES LISTED WITHIN THR CAPTION HAVE BEEN CLOSED. WE MOTION TO REINSTATE ANY SUCH CASE. IF ANY OF THE CASES MANDATE HAS BEEN SENT TO THE LOWER COURT. WE MOTION TO RECALL IT TO HAVE ALL ISSUES ADDRESSED WHERE DUE TO PRESENT

STATE INTERFERENCE WE HAVE THE DEFENDANTS IN THESE PARALLEL CASES, S.C.D.C., CONSPIRING TO PUSH US PAST THE DEADLINES ESTABLISHED BY THE COURT TO FORCE A PROCEDURAL COMPLIANCE ISSUE. THEY ARE MAKING EFFORTS TO PREVENT AND OR DELAY OUR MAIL FROM GOING OUT. WE MOTION FOR SANCTIONS AND THAT OUR FILINGS BE DEEMED TIMELY.

NOTICE: THE APPEAL OF THESE PARALLEL CASES WILL BE HEARD BASED UPON APPEAL OF CASE 2:17-1127-JMC-MGB; 9:17-cv-1140-TLW-BM AND 8:16-cv-3328-RBH-JDA. ALL NECESSARY DOCUMENTS SHOULD BE FILED WITHIN THESE CASES. THE 4TH. CIRCUIT JUDGES SHALL SIT EN BANC ABSENT OF THOSE JUDGES SOUGHT RECUSED. COMITY ATTACHES.

NOTICE: DO RES JUDICATA ATTACH BY JUDGE WEST IN APPEAL UNDER CASE 17-6925 WHERE SHE DETERMINED THE § 1983 ACTION FILED FIT THE LEGAL DESIGNATION AS BEING AN AFFIDAVIT REQUIRING THE PARTIES TO BE SERVED BEFORE THE CASES ARE DISMISSED ONCE THE LISTING OF THE PARTIES IS CORRECTED WITHIN ALL COURT RECORDS? DO WE HAVE A RIGHT TO AN EVIDENTIARY HEARING, THE APPOINTMENT OF LEGAL COUNSEL AS SOUGHT AND REMOVAL PURSUANT TO 28 U.S.C. 1455(c)? THESE ARE ISSUES ON APPEAL.

NOTICE: WE RENEW THE MOTION FOR SANCTIONS AND THE 4TH. CIRCUIT NOW BE DEEMED IN FORFEITURE ON THE ISSUE OF WHETHER OR NOT THE PROVISIONS OF THE PLRA AND THE AEDPA ARE UNCONSTITUTIONAL. EVER SINCE THESE PARALLEL OR RELATED CASES WITHIN THE 4TH. CIRCUT BEGAN. THE COURT CONSISTENTLY SENT US FILING IN FORMA PAUPERIS DOCUMENTS WITH PLRA WRITTEN ALL OVER THEM. THUS, THE CHALLENGE OF ADDRESSING THE CONSTITUTIONALITY OF THESE PROVISIONS OF LAW SHIFTED FROM THE U.S. DISTRICT COURT TO THE 4TH. CIRCUIT BECAUSE THE 4TH. CIRCUIT WAS ALSO MAKING USE OF THESE PROVISIONS, COMPROMISING THE PROCEEDINGS ESTABLISHING STRUCTURAL ERROR WHICH VOID JURISDICTION. NOW IN ACTS OF FRAUD AND MACHINATION TO CIRCUMVENT RULING ON THE ISSUE, THE 4TH. CIRCUIT IN CASE 17-7186 NOW SENDS DIFFERENT IN FORMA PAUPERIS DOCUMENTS? WE OBJECT AND A COPY OF FILING IN FORMA PAUPERIS DOCUMENTS UNDER PLRA IS NOW FILED FOR CASE 17-7186 TO STOP THE

POTENTIAL FRAUD. IT IS CONSPICUOUS THAT ONE OR TWO OF THE JUDGES SOUGHT RECUSED ARE INVOLVED IN THIS ACT AS WELL. SANCTIONS ARE IMPOSED AND THE 4TH. CIRCUIT IS IN FORFEITURE ON THE ISSUE. **IT IS SO ORDERED.**

INSOMUCH, THE LITIGATION ADDRESSING THESE UNCONSTITUTIONAL PROVISIONS IS SEEN ON PAGES 15-22 OF THE (44) PAGE COMPLAINT. ITS NOT GIBBERISH OR UNINTELLIGIBLE. NOT ONLY ARE THE ORDERS AND CASES THAT ARE NOW BEFORE THE 4TH. CIRCUIT ARE TAINTED AND VOID, BECOMING ILLEGAL PROCEEDINGS. BUT ALSO ALL ORDERS ISSUED WITHIN THE LOWER DISTRICT COURTS BY JUDGES HODGES, BAKER, WEST, AUSTIN AND MARCHANT. ALL OF THEM MUST BE RENDERED VOID FOR DUE PROCESS VIOLATION AND AN ABUSE OF DISCRETION, TO INCLUDE IT BEING ADDRESSED THAT JUDGE AUSTIN VIOLATED HER DUTIES AS THE KING-KHALIFAH'S APPOINTED TRUSTEE. THE 4TH. CIRCUIT JUDGES INVOLVED HAVE BROKEN THE LAW BY THEIR ORDERS AND THE ESTABLISHING OF ALL OF THESE CASES AS THEY PRESENTLY EXIST. THE USE OF AEDPA BY HODGES; EVERY CASE THAT NOW EXIST WITHIN THE 4TH. CIRCUIT; EVERY CASE CITED BY JUDGES MARCHANT, BAKER, WEST AND JUDGE AUSTIN THEY USED TO DENY CLASS ACTION CERTIFICATION OR JOINDER OF PARTIES, OR FILING IN FORMA PAUPERIS OR RECUSAL AS CITED, TO INCLUDE CASES SUCH AS 612 F3d. 237; 136 S.Ct. 627; 262 F3d. 1194; 15 F3d. 319; 2012 WL 2805712; 2013 WL 3051155; 42 U.S.C. § 1997 IF IT HAS ANY CONNECTION RELATED TO THE CLINTON BILL; 534 U.S. 516; 548 U.S. 81; GENERAL RULE ORDER UNDER 3:07-MC-5014; 5:17-cv-0105; 4:16-cv-2939; 1:16-cv-3853; 4:16-cv-3104; 8:16-cv-3327, 3328, 3194-RBH-JDA; 8:14-cv-3555-RBH-JDA; 0:16-cv-992; 2013 WL 1316025; 2008 WL 249167; 407 U.S. 163; 509 F2d. 1405; 213 F3d. 1320; 175 Fed. Appx' 552; ANY CASE THAT WAS FILED IN THE PAST SINCE 2006 BY ALL OTHER PAST PARTIES TO THESE CASES; TO INCLUDE EVERY CASE FILED BY THE KING-KHALIFAH, JAHJAH AL MAHDI, FOR WHICH THE S.C. U.S. DISTRICT COURT OR ANY OTHER FEDERAL COURT UNJUSTLY ISSUED A "STRIKE" IN ACTS OF FRAUD UPON THE COURTS , OR THAT THEY PREVIOUSLY RULED ON AND OR DISMISSED. ALL OF THESE CASES ARE TAINTED AND CANNOT ANY LONGER BE USED BY ANY COURT BEING ILLEGAL. ALL OF THESE CASES TAINTS THEIR ORDERS RENDERING THEM VOID FOR DUE PROCESS VIOLATION AND AN ABUSE OF

DISCRETION, BECAUSE ALL OF THESE CASES AND CITINGS OF LAW ARE RENDERED INVOKING THE PROVISIONS OF THE PRISON LITIGATION REFORM ACT AND OR THE ANTI-TERRORISM EFFECTIVE DEATH PENALTY ACT ORIGINATING FROM THE OMNIBUS CRIME BILL UNDER 51 A.L.R. Fed.2d. 143 SET IN PLACE BY THE CLINTON ADMINISTRATION'S WAR ON DRUGS CAMPAIGN MAKING THEM ILLEGAL.

WE EXPAND THE SCOPE AND SEEK INCLUSION EVEN IN THE 4TH. CIRCUIT AND THE BOOK ENTITLED, "MASS INCARCERATION DURING THE AGE OF COLOR BLINDNESS, THE NEW JIM CROW", BY MICHELLE ALEXANDER ISBN. NO. 978-1-59558-643-8 AN INDEPENDENT INVESTIGATOR AND THE DOCUMENTARY "13" THAT AIRED ON PBS IS NOW A PART OF ALL COURT RECORDS INVOLVED. UNLESS YOU BY SUBSTANTIAL EVIDENCE CAN SUFFICIENTLY REBUT THE EVIDENCE AND STATISTICS GATHERED BY THESE INDEPENDENT SOURCES. IF THESE PROVISIONS OF LAW, THE PLRA AND THE AEDPA ARE UNCONSTITUTIONAL BY THE EVIDENCE AND LITIGATION PRESENTED, WHICH THEY ARE, STANDING IN EGREGIOUS VIOLATION OF THE HOLDINGS MADE IN EX-PARTE-VIRGINIA, 100 U.S. 339(1880) AND THE-SLAUGHTER-HOUSE-CASES, 83 U.S. (16 WALL) 36, 1873.

THE LAW AS DETERMINED BY THE UNITED STATES SUPREME COURT IS CLEAR ON ISSUES SUCH AS THESE, WHICH INCLUDE THE STATE-V. GENTRY CASE, PLRA, AEDPA AND 51 A.L.R. Fed.2d. 143 AS A WHOLE. IF RULING HAS BEEN OBTAINED UNDER AN UNCONSTITUTIONAL STATUTE AND OR LEGISLATIVE PROVISION AND OR INTERPRETATION OF LAW. THE COURT EXPLAINED THAT IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE "FOUNDATION" OF THE "WHOLE" (EMPHASIS ADDED) PROCEEDING. AN UNCONSTITUTIONAL LAW OR JUDICIAL DETERMINATION IS VOID AND IS AS IF THERE WERE NO DETERMINATION AT ALL. WHERE DIRECT AND OR COLLATERAL REVIEW PROCEEDINGS PERMIT PERSONS TO CHALLENGE THE LAWFULNESS OF THEIR CONFINEMENT, STATES CANNOT REFUSE TO GIVE RETROACTIVE EFFECT TO SUBSTANTIVE CONSTITUTIONAL RIGHT THAT DETERMINES THE OUTCOME OF THAT CHALLENGE OR JUDICIAL DETERMINATION (ei. STATUTE OF LIMITATIONS, SUCCESSIVE, JURISDICTIONAL REQUISITES OR PREREQUISITES, PLRA AND AEDPA FILINGS ETC.). A CONVICTION OR JUDICIAL DETERMINATION RENDERED UNDER AN UNCONSTITUTIONAL LAW OR INTERPRETATION OF LAW IS NOT MERELY

ERRONEOUS. BUT IT IS ILLEGAL AND VOID, AND CANNOT BE A LEGAL CAUSE OF IMPRISONMENT OR JUDICIAL DETERMINATION. A SENTENCE, CONVICTION, LEGISLATION, OR EVEN A JUDICIAL DETERMINATION IMPOSED IN VIOLATION OF A SUBSTANTIVE RULE (ei. INDICTMENTS ARE TO BE ADJUDICATED UNDER THE DUE PROCESS PRONG TO SUBJECT MATTER JURISDICTION AND YOU DON'T USE LAW OR LEGISLATION THAT DISPROPORTIONATELY TARGET AFRICAN AMERICANS) OF CONSTITUTIONAL LAW IS NOT MERELY ERRONEOUS, BUT CONTRARY TO LAW, AND IT FOLLOWS, AS A GENERAL PRINCIPLE, THAT A COURT HAS NO AUTHORITY (AUTHORITY=POWER =JURISDICTION) TO LEAVE IN PLACE A CONVICTION, SENTENCE, LEGISLATION (SUCH AS THAT WHICH VIOLATE EX-PARTE-VIRGINIA AND THE-SLAUGHTER-HOUSE-CASES), OR A JUDICIAL DETERMINATION THAT VIOLATES A SUBSTANTIVE RULE, REGARDLESS OF WHETHER THE CONVICTION, SENTENCE, LEGISLATION, OR JUDICIAL DETERMINATION BECOMES FINAL BEFORE THE RULE IS ANNOUNCED. THIS IS CHALLENGE TO THE 4TH. CIRCUIT'S JURISDICTION DUE TO YOUR USE OF THE PLRA AND OR THE AEDPA PROVISIONS AND YOU CONSPIRING TO CIRCUMVENT RULING UNDER CASE 17-7186. YOUR JURISDICTION IS MADE VOID FOR DUE PROCESS VIOLATION, FRAUD FOR TRYING TO GET PAST RULING UNDER 17-7186 AND YOU FORFEIT ON THE CAUSES PRESENTED. THE STATE-v.-GENTRY CASE, THE PLRA, THE AEDPA, ALL OF THE WRITS OF MANDAMUS DETERMINATIONS, 51 A.L.R. Fed.2d. 143 AND OTHER ISSUES ARGUED WITHIN ALL OF THESE CASES CANNOT STAND AND YOU MUST GRANT ALL RELIEF SOUGHT BY LAW AND DETERMINATION OF THE SUPERSEDING AUTHORITY OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC COURT. **IT IS SO ORDERD**, MONTGOMERY-v.-LOUISIANA, 136 S.Ct. 718, 193 L.Ed.2d. 599, 84 U.S.L.W. 4063(U.S.2016); GEET-OUTDOORS-LLC.-v.-CONSOLIDATION-CITY-OF-INDIANAPOLIS-***, 187 F.Supp.3d. 1002, 1012, S.D.Ill.; HILL-v.-SNYDER, 821 F3d. 763, 765+ (6th.Cir.MICH.); PEOPLE-v.-SOLO, N.E.3d., 2017 WL 1838423(2017).

SINCE THE MONTGOMERY CASE WAS ISSUED BY THE UNITED STATES SUPREME COURT. A FEW STATES, COURTS OR PARTIES, CONSPIRING UNDER COLOR OF STATE LAW AND OR AUTHORITY, MADE EFFORTS TO SKIRT, CIRCUMVENT, THE REQUIREMENT OF GRANTING RELIEF, FRAUDULENTLY ASSERTING AND OR ARGUING AGAINST WHETHER OR NOT THE RULING WAS TO BE GIVEN RETROACTIVE EFFECT, WHICH OF COURSE IT DOES HAVE RETROACTIVE EFFECT, TO INCLUDE WHAT THE 4TH. CIRCUIT JUST TRIED

TO PULL UNDER CASE 17-7186. WE ARE NOT GOING TO PLAY GAMES WITH THIS LAW LADIES AND GENTLEMEN, BECAUSE EVEN THOUGH IT IS TO BE GIVEN RETROACTIVE EFFECT. WE WERE NOT DECEIVED BY THE "VERBAL VOODOO", "THE WORD WINX", "THE LINGUISTIC LURING INTO LETHARGY", "THE JUDICIAL CHICANERY" OR DECEPTIVE LEGAL MANEUVERS OR TACTICS EMPLOYED AND ENGAGED IN BY THOSE CONSPIRING COURTS OR PARTIES, TO INCLUDE WHAT JUST OCCURRED RELATED TO CASE 17-7186. LETS **"NAIL"** THIS THING AND KILL ANY EFFORT FOR THE CONSPIRING PARTIES TO ATTEMPT TO USE THIS MANEUVER OR ANY OTHER. WE WANT YOU TO KNOW THAT WE ARE FULLY COGNIZANT OF WHAT THE UNITED STATES SUPREME COURT ESTABLISHED BY THE **MONTGOMERY** CASE. EVEN THOUGH THAT CASE DEALT WITH JUVENILES. THE SUBSIDIARY FACT HERE IS THAT THE UNITED STATES SUPREME COURT CLEARLY ADDRESSED WHAT OCCUR WHEN COURTS MAKE USE OF **"ANY"** (EMPHASIS ADDED) UNCONSTITUTIONAL LAW, LEGISLATION, SENTENCE ETC. RELATED TO CONVICTION OR JUDICIAL DETERMINATIONS.

INSOMUCH, WHAT MAKES THE RELIEF THAT WE SEEK MANDATORY AND AN ABUSE OF DISCRETION FOR FAILURE TO ACKNOWLEDGE AND GRANT, IS THE ESSENTIAL LANGUAGE USED AND ADJUDICATED BY THE UNITED STATES SUPREME COURT WHICH THE AFORESAID CONSPIRING COURTS FAILED TO ADDRESS, SKIRTING, CIRCUMVENTING THE OBLIGATION TO GRANT RELIEF. THE FOCUS IS NOT SO MUCH ON WHETHER THE RELIEF BY USE OF UNCONSTITUTIONAL LAW APPLIES RETROACTIVELY, EVEN THOUGH IT DOES. THE CONSPIRING COURTS ABUSED THEIR DISCRETION IN ACTS OF FRAUD TO DIVERT ATTENTION AWAY FROM THE U.S. SUPREME COURT'S ESSENTIAL LANGUAGE. THE EMPHASIS IS ON SECTIONS "20-27" OF THE **MONTGOMERY** CASE WHERE THE U.S. SUPREME COURT STATED IN [H]AEC [V]ERBA:

"THE LAW EXPLAINED THAT IF THIS POSITION IS WELL TAKEN, WHICH IT IS, IT EFFECTS THE "FOUNDATION" OF THE "WHOLE" PROCEEDING. AN UNCONSTITUTIONAL LAW OR JUDICIAL DETERMINATION IS VOID AND IS AS IF THERE WERE NO LAW DETERMINED AT ALL".

BY THIS LANGUAGE, IT IS PERSPICUOUS THAT THE U.S. SUPREME COURT ADJUDICATED AND USED. THEIR CLEAR INTENT WAS TO MAKE THE USE OF **"ANY"** UNCONSTITUTIONAL LAWS, LEGISLATION, JUDICIAL DETER-

MINATIONS OF THIS MAGNITUDE A **"CONSTITUTIONAL STRUCTURAL ERROR"** NOT SUBJECT TO THE HARMLESS ERROR DOCTRINE. THEIR INTENT WAS TO MAKE IT **"JURISDICTIONAL"** IN NATURE, WHICH **"VOIDS"** JURISDICTION FOR DUE PROCESS VIOLATION. THEREFORE, WHETHER YOU WANT TO APPLY IT RETROACTIVE OR NOT. IT DOESN'T MATTER, BECAUSE THE USE OF UNCONSTITUTIONAL LAW OF THIS MAGNITUDE IS **"STRUCTURAL"** (ei. **"FOUNDATION"**, **"WHOLE"**) AND IS "JURISDICTIONAL" (ei. AUTHORITY= JURISDICTION=POWER TO HEAR AND DETERMINE), WHICH CANNOT BE WAIVED BY THE PLAINTIFFS, AND DUE TO THE INFIRMITIES CAN BE RAISED AT ANY TIME EVEN AFTER A FINAL ORDER HAS BEEN ISSUED, AND THE COURT SHALL NOT FAIL TO TAKE NOTICE. THUS, WHETHER OR NOT SUCH A CONSTITUTIONAL VIOLATION APPLIES RETROACTIVELY IN THIS CASE IS IRRELEVANT, EVEN THOUGH IT DOES. IT IS ALSO **"JURISDICTIONAL"** AND **"VOID"** JURISDICTION FOR DUE PROCESS VIOLATION, TAINTING THE ENTIRE FRAMEWORK OF ALL THE PROCEEDINGS INVOLVED, VINES v. UNITED STATES, 28 F3d. 1123 CRIM. LAW 1163(1), 1165(1); ROBINSON v. ARVONIO, 27 F3d. 877 REHEARING DENIED, CERT. GRANTED VACATED 115 S.Ct. 1247, 513 U.S. 1186, 131 L.Ed.2d. 129; LOUMIET v. UNITED STATES, 65 F.Supp.3d. 19(2014); MONTGOMERY v. LOUISIANA 136 S.Ct. 718(2016); WHITE v. MANIS, 2014 WL 1513280(DSC.2014); GRUPO DALAFLUX v. ATLAS GLOBAL GROUP, L.P., 124 S.Ct. 1920(2004).

JUDGES GREGORY, SHEDD, DIAZ, THE OTHER 4TH. CIRCUIT CASES CAPTIONED, MARCHANT, WEST, HODGES AND BAKER BROKE THE LAW. TRUSTEE AUSTIN VIOLATED THE TRUST, HER DUTIES AS TRUSTEE, BY USING THIS LAW WARRANTING SANCTIONS. THE S.C. U.S. DISTRICT COURT JUDGES AND THOSE SOUGHT WITHIN THE 4TH. CIRCUIT MUST RECUSE. JUDGE AUSTIN MUST BE REQUIRED TO FULFILL HER DUTIES AS TRUSTEE. THIS IS AN ISSUE ON APPEAL. WITH THE PLRA AND THE AEDPA BEING UNCONSTITUTIONAL; THE COURT IS REQUIRED TO ALLOW US THE RIGHTS ESTABLISHED FOR INMATES PRIOR TO THE TIME THESE ENACTMENTS WERE ESTABLISHED. JAHJAH MUST BE PERMITTED TO ACT UPON THE RIGHTS ESTABLISHED BY THE CONTRACT WHICH CANNOT BE MADE OR UNMADE BY THE COURTS. THUS, JOINT FILING AND CLASS ACTION CERTIFICATION IS PERMITTED AS IT WAS BEFORE THESE PROVISIONS EVOLVED. TO NOT ALLOW SUCH WOULD VIOLATE THE EQUAL PROTECTION OF THE LAWS CLAUSE. YOU ADD TO THIS THE INVOKING OF ATTORNEY, JUDICIAL AND LEGISLA-

TIVE SUPERSEDING POWER GIVEN TO JAHJAH AL MAHDI BY THE DEFAULT AND CLAIMS OF COLLATERAL ESTOPPEL EMERGING FROM CASE 2013-CP-400-0084, ALLOWING HIM TO JOIN AS PARTY IN ALL PENDING PARALLEL CASES TO BRING ACTION BEFORE ALL COURTS DUE TO HIS ACQUIRED INTEREST UNDER 28 U.S.C. §§ 1443(1), 2679, 1602-1612 ET. SEQ.. THE MANDAMUS CASES IN THE 4TH. CIRCUIT, ALL CASES USED BY GREGORY ,SHEDD, DIAZ ETC., ALSO JUDGES MARCHANT ETC. PRODUCED INVOKING THESE UNCONSTITUTIONAL PROVISIONS ARE VOID AND ARE IF THERE WERE NO DETERMINATION OCCURRING AT ALL BY DECREE OF THE U.S. SUPREME COURT'S STATED POSITION AS WELL AS BY DECREE AND JUDGMENT OF THE CHIEF JUSTICE OF THE GLOBAL THEOCRATIC STATE WHOSE SUPERSEDING POWER AND AUTHORITY BINDS THIS COURT BY THE UNITED STATES AND OTHER MEMBERS OF THE U.N. BEING PARTY TO THE DEFAULT. HUMPHREYS NOR PREISER ARE BINDING ON US SINCE THE CONVICTIONS ARE ALREADY INVALIDATED BY CASE 2013-CP-400-0084, PEOPLE-v.-SOLO SUPRA.; N.L.R.B.-v.-AMAX-COAL-CO.,...DIV.-OF-AMAX-INC., 453 U.S. 322, 101 S.Ct. 2789(U.S.1981); FIFTH-THIRD-BONCORP.-v. DUDENHOEFFER, 134 S.Ct. 2459, 189 L.ED.2d. 457(U.S.2014); FOBES v.-FORBES, 341 P.3d. 1041, 2015 WY. 13 JAN. 23, 2015; SCOTT v.-CLARKE, 61 F.Supp.3d. 569(W.Va.2014); BURNELL-v.-FAHEY, 699 F3d. 804 (MEM)(4TH.CIR.2012); U.S.-v.-$41,320-U.S.-CURRENCY, 9 F.Supp.3d. 582, 2014 WL 1266240; BROWN-v.-U.S., 2014 WL 2871398 (DSC.2014); MARSHALL-v.-ROCK-HILL, S.E.2d., 2015 WL 3884258(S.C. App.2015); CAPITAL-TRANS-INTERN.-LLC.-v.-INTERNATIONAL-PETROLEUM INV.-CO., F.Supp.2d., 2013 WL 557236(Fla.2013).

JUDGE AUSTIN AS APPOINTED TRUSTEE OVER THESE CASES WAS REQUIRED TO ACT WITH THE UTMOST OF INTEGRITY. INSTEAD SHE ACTED WITH RECREANT AND OPPROBRIOUS INTENT, AS DID THE OTHER FEDERAL JUDGES. THIS IS CHALLENGE TO THE JURISDICTION OF ALL COURTS INVOLVED ESSENTIALLY ESTABLISHING A REMAND LIMITING, RESTRICTING YOUR JURISDICTION TO DO NOTHING EXCEPT GRANT THE RELIEF DEMANDED. ONCE JURISDICTION IS ACQUIRED,...IT IS EXCLUSIVE. YOUR ACTIONS VIOLATE THE CONTRACT, THE GRANT, GIVEN TO YOUR NATIONS BY THE SOLE CORPORATION IMPAIRING THE OBLIGATION OF THE CONTRACT IN VIOLATION OF ARTICLE 1 SECTION 10 OF THE U.S. CONSTITUTION ESTABLISHING CAUSE BEFORE ALL COURTS INVOLVED, PRESAULT-v.-I.C.C., 494 U.S. 1, 110 S.Ct. 914, 108 L.Ed.2d. 1 (U.S.1990); BROWN

v.-BROWN, F.Supp.2d., 2013 WL 2338233(D.C.Ky.2013); HARRIS-v.-HHGREGG-INC., F.Supp.2d., 2013 WL 1331166(N.C.2013); AMERICAN MUT.-LIBERTY-INS.-CO.-v.-PLYWOOD-PLASTICS-CORP., 81 F.Supp. 157(DSC.1948); ORARAH-v.-NEW-YORK-DEPT.-OF-EDUC., F.Supp.3d., 2015 WL 4240733(N.Y.D.C.2015). THE WRITS OF MANDAMUS, ALL OF THEM, ARE TO BE GRANTED. **IT IS SO ORDERED.**

RESPECTFULLY,
JAHJAH AL MAHDI, KING, KHALIFAH
AND CHIEF JUSTICE OF THE GLOBAL
THEOCRATIC STATE AND COURT

ANTHONY COOK

Anthony Cook

ROBERT MITCHELL

Robert Mitchell

david duren

David Duren

YAHYA MUQUIT

Yahya Muqit

CHRISTOPHER WILSON

Christopher Wilson

OCTOBER 5, 2017

Exhibit

Guardian

#1

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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2017 JUL 12 A 9:21

..CE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE AKA JAHJAH AL MAHDI # 300839

PETITIONER(S)

Vs.

WARDEN McFADDEN; THE UNITED STATES ET. AL.,

DEFENDANT(S)

C/A 9:16-cv-3808-TLW-BM

AFFIDAVIT OF SERVICE

I, JAHJAH AL MAHDI, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE, FILING OBJECTIONS TO THE REPORT AND RECOMMENDATION IN THIS CASE CORRUPT JUDGES AND MOTION TO MOTION THEREFOR, AND ITS ATTACHMENTS, ON THE S.C. U.S. DISTRICT COURT, CHARLESTON DIVISION, BY U.S. MAIL POSTAGE PREPAID BY DEPOSITING THEM IN THE INSTITUTION MAILBOX ON MAY 17, 2017. THEY ARE DEEMED FILED ON THAT DATE, HOUSTON v. LACK, 287 U.S. 266, 273-76, 108 S.Ct. 2379 (1988).

MAY 17, 2017

RESPECTFULLY,
LAWRENCE L. CRAWFORD
JAHJAH AL MAHDI

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

LAWRENCE L. CRAWFORD AKA JONAH GABRIEL JAHJAH T. TISHBITE AKA JAHJAH AL MAHDI # 300839	C/A 9:16-cv-3808-TLW-BM
PETITIONER(S)	AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE, FILING OBJECTIONS TO THE REPORT AND RECOMMENDATION IN THIS CASE CORRUPT JUDGES AND MOTION TO MOTION THEREFOR
Vs.	
WARDEN McFADDEN; THE UNITED STATES ET. AL.,	
DEFENDANT(S)	

TO: THE SOUTH CAROLINA DISTRICT COURT ET. AL.,

Corrupt Judges. I want you to get a copy of an Authorized King James Bible. No other translation will do. You know the drill. Its the same drill I and or we took your recreant, opprobrious rumps through when you first made review engaging in acts of fraud upon the court in case 0:06-cv-2459-TLW-BM which is now being addressed under the independent action rule for fraud upon the court. Turn to the Book Of Isaiah Chapt. 14:29 reads:

"Rejoice thou not whole Palestina because the rod(Power/ Government) of him (Israel) that smote thee shall be broken. (This man foretold to come, comes at a time when the Palestinians

are subject to apartheid as they are now. Israel will be broken because "JAHJAH AL MAHDI" will claim the Israeli throne and power as direct descendant of King David and King Solomon): For out of the "serpent's" (Satan's attack upon the King-khalifah's life via the false imprisonment), "Root" (root--being defined as "source", "origin", or "cause"). "Cause"--being further defined as "Cause for judicial review"--meaning "Prison"). Shall come forth a "Cockatrice" (meaning--a "large", "bold", "Stocky built", "pernicious" fellow; that (7) times the Spirit Of Elijah thing). And his fruit (meaning--that which comes forth out of him, out of his mouth), shall be that of a fiery flying serpent". The Spirit Of Elijah manifest itself before mankind one more time before Christ's return.

I and or we give the court Judicial Notice. Here the court and parties will find attached:

(1) A copy of the [44] page § 1983 action that is now dated May 18, 2017. This is a duplicate of the document that was recently served upon this court with its Summons, filing in forma pauperis documents and U.S. Marshal form.

(2) A copy of an Affidavit Of Facts giving Judicial Notice; Affidavit Of Service, [34] pages dated September 22, 2016.

(3) A copy of a cover letter clocked stamped by the U.S. District Court on MAY 9, 2017.

(4) A copy of The Agreement To Debit E.H. Cooper Account form dated April 25, 2017 proving when the § 1983 action was initially filed in this case pursuant to Houston v. Lack, 287 U.S. 266, 273-76, 108 S.Ct. 2379(1988).

(5) A copy of The Affidavit Of Facts Giving Judicial Notice; Affidavit Of Service [14] pages dated April 25, 2017. This typed version of the [34] page Affidavit Of Service dated

September 22, 2016 is submitted in lien of the [34] page document to make it easier for the court to determine who are the defendants in this case.

(6) A copy of an Affidavit Of Facts Giving Judicial Notice; Filing Writ Of Error; Motion To Vacate The Order filed April 25, 2017; Renewing The Motion For Rehearing EN BANC due to structural error that voids the 4th. Circuit Court's jurisdiction and Motion To Motion Therefor, [11] pages dated May 3, 2017.

It becomes perspicuous corrupt Judges that you didn't like the litigation submitted in the [44] page § 1983 action and its attachments so your worthless, recreant, stupid behinds, conspiring under color of law and or authority, are making efforts to create a "procedural error and or defect", claiming that I and or we, filed the response to the report and recommendation prematurely corrupt Judges, since the report and recommendation in this case was not issued at the time the § 1983 action was initially filed?

Is this what you cocker roaches are trying to do corrupt Judges? More stupid parlor tricks huh? Surely you did not think that I and or we would not see through this farce did you? You still haven't accepted the reality and or nature of what it is that you are dealing with. You are, by default and collateral estoppel emerging from case 2013-CP-400-0084 out of Richland Court Of Common Pleas, potentially dealing with an "ACT OF GOD",. ..."Religious Prophesy" corrupt Judges and you proceed presumptuously thinking that The One True God do not see your evils? The King-Khalifah's fiery spirit and personality was written for him thousands of years before you and or I were born. Don't "Piss Him Off" and you will not have to deal with his fiery spirit and tongue. So,...you didn't like the way you were talked to huh?

I take you to Isaiah Chapt. 11 Verses 1-5. They read:

"And there shall come forth a "Rod" (King/ Scepter) out of the stem of Jesse, and a Branch (Descendant Of King David) shall grow out of his roots (lineage): And the Spirit Of The LORD shall rest upon him (This is the man you face corrupt Judges. You operate in no fear of The One True God. This will be your downfall), The Spirit Of Wisdom and Understanding, The Spirit Of Counsel and Might, The Spirit Of Knowledge and of The fear of The LORD: And make him of quick understanding in the fear of The LORD; And he shall not judge (He is also a Judge) after the sight of his eyes, neither reprove after the hearing of his ears: But with righteousness shall he judge the poor, and reprove with equity for the meek of the earth: And he shall smite the earth with the rod of his mouth, and with the breath of his lips shall he slay the wicked. And righteousness shall be the girdle of his loins, and faithfulness the girdle of his reigns". This is JAHJAH AL MAHDI, a party in these cases, The King Of The North written in The Book Of Daniel Chapt. 11. Notice how verse 11:4 matches The Book Of Revelations 11:5. This is because he is one of "TWO WITNESSES", The Holy People Of The Book Of Daniel 12:7, and you are dealing with one in the same person. And you don't like the way you are talked to treacherous, rat, stinking, corrupt, demon dog Judges? Who are you snakes to stand against The Divine Decree Of The One True God? If its not broke,...don't fix it corrupt Judges. Tic-Toc, Tic-Toc, Tic-Toc, Tic. The clock tics before you, corrupt Judges. You will stand before The One True God in Judgment. Prepare your hearts. The HELLFIRE is a real place. You shall see it.

Judge Merchant, rat, stinking dog of a Judge. You must have lost your "cotton pickin'", "Flip-Floppy", "Alley-Oopy",

"I've got a lovely bunch of coconuts", "Latimier I need a wish bone", "You done fall and bumped your head", "Anal retentive", "Puddin-a-Tame ask me again and I'll tell you the same", "Full Of Donkey Dust", "You need an enema", "Funky body odor", "some times you feel like a nut and some times you don't" mind. This is like a "flashback" to Judge Kaymani wicked witch of the West.

What?,...are all you Judges in South Carolina parties and or residents of the same town of "Geeks and Village Idiots?" Did you really think I and or we, would fall for that stupid "parlor trick", all "smoke and mirrors" where your butt is conspiring under color of law and or authority, to establish a "procedural error and or defect" in acts of machination in violation of the holdings made in Ross v. Blake, 136 S.Ct. 1850(2016), and assert that I and or we prematurely responded to the report and recommendation? By God's hand we have come "FULL CIRCLE" Judges Merchant, Wooten and Childs. Two Judges that began the Federal struggle, the other, the Judge that began the state struggle. My God is the "Best Of Planners" is He not? The student has become The Master to the fulfilling of prophesy written in Isaiah chapt. 11 verses 1-5. Are you ready?,...are you ready for my wisdom (smile)? Let's deal with it. Let us embrace the battle and engage in the struggle of "Light Against Darkness", to the glory of The God I serve. For the record, so that you would not feel that I and or we fell for that stupid stunt. All objections made in the (44) page § 1983 action and its attachements that are attached to the face of this document, and or that was previously filed are being renewed and are now submitted in response to the report and recommendation that is submitted in this case.

I and or we, which the court was informed, that when the term "and or" is used. It depicts individual filing with JAHJAH AL MAHDI being made party due to his acquiring interest in these cases pursuant to the Foreign Sovereign Immunity Act. I and or we, object to any claim that "JAHJAH AL MAHDI" is not the legal name of The King-Khalifah who is party in these cases. Lawrence L. Crawford, by name, is essentially dead. You dogs, rat, stinking, snakes and scorpions of this going to hell state killed him when you stole his Queen and framed him for the murder of his own child. I and or we want that DNA that is sought that will prove these facts, tested to Michael Lee the King-Khalifah's stepson and her half brother. Test that DNA to prove

this claim is false. Rule 26 requires this. Legal name change was one of the issues and or causes of action and relief sought in case 2013-CP-400-0084 which is now removed to this case pursuant to 28 U.S.C. §§ 1443(1), 1602-1612 et. seq.. The State Of South Carolina and all defendants involved within that case are in default and collateral estoppel attaches barring this court from challenging The King-Khalifah's stated name. Thus, Jonah Gabriel Jahjah T. Tishbite AKA JAHJAH AL MAHDI is "Legally" (emphasis added) The King-Khalifah's name and can legally appear on all documents within all court records.

I and or we, object to any claim that case 0:06-cv-2459-TLW-BM cannot be reopened and or reinstated. Due to the recent United States Supreme Court rulings in the case of Ross v. Blake, 136 S.Ct. 1850(2016); Wearry v. Cain, 136 S.Ct. 1002(2016) where it was determined if there exist fraud, machination and misrepresentation, to include The State Of South Carolina committing a criminal act by not testing that DNA to Michael Lee in violation of S.C. statutes to conceal the fact that the State produced a fictitious homicide to frame The King-Khalifah behind religious and racial hatred, suppressing evidence of actual innocence. I and or we do not have to exhaust nor do any procedural bar is to be permitted to restrict I and or us from the Federal District Court. You add to this, the holdings made in Williams v. Pennsylvania, 136 S.Ct. 1899(2016) where these Judges involved sat on the subsequent filed cases to which they are defendants. Then add to this the default and claims of collateral estoppel which now removes the State impediment that existed in violation of The U.S. Constitution and Laws Of The United States that emerges from case 2013-CP-400-0084. I and or we, had (1) year from the time the default and U.S. Supreme Court Rulings occurred to file this and the parallel cases. Thus, I and or we are timely, I and or we do not have to exhaust, and no statute of limitations concern exist. This was already dealt with By Judges Harwell and Austin. Res Judicata attaches as well as comity. See ya' at the doggon' party Victor and have an "AMSTERDAMN GOOD TIME".

I and or we, object to any claim that this case is filed pursuant to 28 U.S.C. § 2254. It is filed pursuant to 42 U.S.C. § 1983 with Writ Of Habeas Corpus attached. The petitioner(s) are masters to decide what law they will rely upon (citation omitted). This was addressed within the attached § 1983 action and its attachments.

I and or we, object to review of this case being made pursuant to AEDPA and or PLRA provisions where I and or we are suing The United States for establishing these provisions of law as is argued in the attached § 1983 action. On May 11, 2017. The current head of The U.S. Dept. Of Justice, whom is also being sued in this case, stated they will reverse the Obama Administration policies as it pertains to crime, and they will continue the unjust, arbitrary policies that stand in egregious violation of the holdings made in Ex Parte Virginia, 100 U.S. 339(1880) where these policies disproportionately effect African Americans and other minorities. The only viable way to stop these criminal, arbitrary, unjust policies that disproportionately target African Americans and other minorities is to attack the legislation itself and those who initiated it, namely Congress and The United States. This must be done to eradicate the damages that will inevitably come from the U.S. Dept. Of Justice now stated reversal of that which was set in place by the Obama Administration in their alt right nationalist white bonding, the under cover Ku Klux Klansmen that they are. This must be addressed and the courts can no longer make use of these provisions of law. I and or we object.

I and or we object to the Judge ordering that the respondent and or any other party to this case do not have to respond to the pleadings. This is the act of fraud upon the court for which the S.C. U.S. District Court Judges and other parties, among other things, is being sued for. The Federal Judges conspired to make the case appear frivolous when it was not, because they knew if The United States and defendants involved, were ever served the pleadings. They would

not be able to sufficiently respond to defeat the pleadings, unless they engage in fraud, which they repeatedly did on the state level. So the Judges are conspiring to aid their employer The United States avoid suit because if they are served they would default as is now clearly proven by what has occurred in case 2013-CP-400-0084. All parties listed in the § 1983 and the (14) page Affidavit Of Service must be served and made to respond before any proper review is completed or the court would be abusing its discretion and it would void the court's jurisdiction for Due Process violation.

I and or we object to any claim that the complete answers are not written in the form. This is a criminal stupid legal stunt, tactic and act of machination that was done by Judge Merchant and the conspiring Judges in past filed cases to which we are seeking that they be reinstated as well. The law is clear on this issue as well. The standard form is not the Habeas Corpus, but rather, it is the pleadings themselves which establish the Habeas Corpus or cause of action under § 1983. This is why numerous cases consistently tell you that the court must look at the complaint and all Affidavits and documents filed before the court can properly dismiss a case. If the question sought answered in the form are answered within any of the documents submitted. This is more than sufficient to establish the cases before the court. Stop the stupidity. Res Judicata attaches from Judges Harwell and Austin review in cases 8:14-cv-3555-RBH-JDA, 8:16-cv-3327, 3328, 3194-RBH-JDA. The answer to the questions are written in the attached § 1983 action and its attachments and is placed before Judge Harwell and Austin The King-Khalifah's Trustee. Your jurisdiction is challenged. Trustee is appointed in the form of Judge Austin where jurisdiction is exclusive and she must rule in accordance to The King-Khalifah's wishes or any act done by her is void as the law dictates. This is addressed in the attached § 1983 action.

I and or we object to the way this case is filed. You

have fraud upon the court. I and or we did not initially file these cases as the Judges have them filed and their actions stand in egregious violation of 18 U.S.C. §§ 242 and 1001 where these cases were produced to conceal material facts as is argued in the attached (44) page § 1983 action.

I and or we object to the claim that I and or we opened this case with a partially completed § 2254 form. This is already addressed in the attached § 1983 action and its attachments as is previously argued in that document.

I and or we object to the claim that I and or we seek to have our convictions vacated. This is one of the essential issues at hand. The convictions in question are already invalidated by case 2013-CP-400-0084 which is a false imprisonment Tort for which collateral estoppel attaches to all plaintiffs/petitioners due to the S.C. Attorney General and The United States being party to the default which binds this court also. The Habeas Corpus that is filed pursuant to 42 U.S.C. § 1983 is appropriate and a proper adjunct to allow the Federal Court to afford the petitioner(s) complete relief where that case and false imprisonment Tort is removed to this case pursuant to 28 U.S.C. §§ 1443(1), 1602-1612 et. seq.. This is addressed in the attached § 1983 action and its attachments.

I and or we object to any claim that Habeas Corpus is the only exclusive remedy in this case. You are dealing with the criminal framing of a "FOREIGN SOVEREIGN". The Foreign Sovereign Immunity Act is the exclusive remedy when it comes to dealing with matters involving a "FOREIGN STATE" which is legally established by the claim of default and collateral estoppel. You have Civil Rights violations, Rico Act violations, Anti Peonage Act violations, You have impairing the obligation of contract in violation of Article 1 section 10 of The U.S. Constitution, You have violations of The Americans With Disabilities Act violations and the list goes on and on. Thus, it is conspicuous that Habeas Corpus is not the only exclusive remedy in this and the parallel cases. See attached §1983 action.

I and or we object to any claim that a "Writ Of Error" cannot be used in this case. You people are worse than "The Cat", "The Rat", "The Bat" and "The Dog". Get your heads out of the fog. You people make me want to lose my mind, up in here, up in here (smile). This is addressed in the attached (44) page § 1983 action and its attachments. He flies through the air, with the greatest of ease. He's the daring handsome King-Khalifah on the flying trapeze(smile).

I and or we object to any claim that the allegations are vague and or conclusory in violation of Rule 2(c), and object to the use of Hinton v. Trans Union, LLC., 654 F.Supp.2d. 440; and Muttathottil v. Mansfield, 381 Fed. Appx'454 etc., that I and or we cannot incorporate claims from previously dismissed actions when in these cases such a dismissal was done without prejudice and I and or we are dealing with independent actions for fraud upon the court. Filing is permitted under independent action rule and those previous rulings are tainted by fraud and are to be voided for Due Process violation. This is addressed in the attached § 1983 action and its attachments.

I and or we object to any review being given by any of the Judges of the S.C. U.S. District Court. You are all defendants in these cases. I and or we motion for your recusal. You all must be deemed disqualified and change of venue be given to The State Of New Jersey as is sought. Pursuant to Williams v. Pennsylvania, 136 S.Ct. 1899(2016) you must disqualify. Review by any subsequent Judge is barred by comity, Res Judicata and Collateral Estoppel. Also see case 2:17-cv-1127-JMC-MGB.

I and or we object to any claim that I and or we have to exhaust since we meet the criterion that is established by Ross v. Blake, 136 S.Ct. 1850(2016). This issue is addressed in the attached (44) page § 1983 action and its attachments also.

Attached the court will find a copy of an Appellant Brief that is filed in the case of JASON MORRIS GOURDINE Appellate case No. 2016-000640 pending in The S.C. Court Of Appeals to which the respondent is party, which is another reason why he must be made to respond as well as all other defendants in this case once service upon them is ordered which must occur by Due Process law.

These same legal issues are at the heart of the controversy and appear in relevant part in cases 2013-CP-400-0084 and 0:06-cv-2459-TLW-BM, which is why the corrupt Judge Merchant, the snake and rat, is conspiring under color of law and or authority, in acts of obstruction of justice and in violation of 18 U.S.C. §§ 242 and 1001 with the other S.C. District Court Judges, the scorpions and weasels, in efforts to conceal material facts and prevent discovery under Rule 26. See (240) page Kershaw County Petition that is filed in case 0:06-cv-2459-TLW-BM. The S.C. Attorney General, the respondent, to include The United States are in default on these legal issues.

To be more specific. If you look at the (115) page Brief, and compare it to the complaint and subsequent pleadings in case 2013-CP-400-0084 and the (240) page Kershaw County Petition that is filed in case 0:06-cv-2459-TLW-BM. You will see that in comparing the Gourdine Brief that Issue No.(1) on pages 1-21. Issue No. (7) on pages 52-65. Issue No. (8) on pages 65-77. Issue No. (9) on pages 78-83 where the Crawford etc. indictment(s) do not properly allege "TIME AND PLACE" of assault and or death, which this litigation relates to each of our cases indictment defect issues. Also see Issue No. (10) dealing with the fraud occurring within the State v. Gentry case. These issues are being argued within each of our cases, which do not include any independent issue related to each case. These issues are being argued seeking class action certification to which comity, Res Judicata and Collateral Estoppel attaches from cases 2013-CP-400-0084, 8:14-cv-3555-RBH-JDA; 8:16-cv-3327, 3328, 3194-RBH-JDA. Any claim when you add the attached § 1983 action,

that the issues are vague and conclusory is an act of fraud upon the court and is without merit. Discovery under Rule 26 will reveal any additional claims for which relief and full review is to be done, as was done by Judges Harwell and Austin.

You have sold your souls corrupt Judges for (30) pieces of silver as did you cohort Judge Kaymani wicked witch of the West, and you have earned a free ticket to the "HELLFIRE", where the fires are never quenched, where the fuel is mankind and brimstone, where the worm dieth not, where there is no law, except "The Law Of Lex Taliones",...The "Law Of Retribution!", and where there is no agreement except that you shall burn for all eternity. "Touch thou not God's anointed, nor do His Prophets any harm". You were told this, but you ignored it. Judgment comes.

So,...due to your past acts of fraud upon the court and since you did not like the way you were spoken to. Your response was to attempt to create a "procedural error and or defect", and assert that I and or we responded prematurely before the report and recommendation was issued corrupt Judges? Your lives were never threatened corrupt going to hell Judges. The consistent racial injustices done to my people nationally, to include all the injustices done to the believers globally must be addressed. My people will have a King-Khalifah established before Christ's return. I and or we have a right to free speech and to be fully heard in our grievances and access to the courts. So your stupid, village idiot Judges feelings were hurt and or insulted which prompted you to retaliate against us in clear violation of The Americans With Disabilities Act denying me and or us the Equal Protection Of The Laws. I and or we object, American Atheist, Inc. v. Port Authority Of N.Y. and N.J., 936 F.Supp.2d. 321(N.Y.2013); Trinity Lutheran Church Of Columbia, Inc. v. Pauley, 788 F3d. 779, 91 Fed. R. Serv.3d. 1544(8th.Cir. 2015); United States v. Hare, 820 F3d. 93(4th.Cir.2016); Paul Adams v. California Institution, 2016 WL 6464444; Asterbadi v. Leitess, 176 Fed. Appx' 426 CA4 (Va.2006); IN RE: Building

Material Corp. Of America Asphalt Roofing Shingle Products, F.Supp.2d., 2013 WL 1827923; Briggs v. Perry C.I., 2015 WL 6467108(DSC.2015); United States v. Eccleston,--Fed. Appx'--, 2015 WL 4591890 CA4 (Md.2015).

The LORD taketh my part with them that help me; therefore shall I see my desire upon them that hate me. And he hath made my mouth like a sharp sword; in the shadow of His hand hath He hid me, and made me a polished sharp silver staff and spear. The student has become The Master, in His quiver had He hid me. Thus saith The LORD, The Redeemer Of The Global Believers, and His Holy One The King-Khalifah Of The (4) Global Thrones Of The Reestablished Global Theocratic State And Court, to him whom you have despiseth, to him whom nations adhorreth. In an acceptable time within your prison my servant JAHJAH AL MAHDI, I have heard thee and in the day of Salvation I have helped thee: For I will preserve thee, and give thee for a "COVENANT", "CONTRACT" of the people, to establish that which I foretold via My Prophets within the earth, to cause to inherit the desolate heritages. That thou mayest say to the prisoners, GO FORTH!! ! and Kings shall be thy nursing fathers, and their Queens thy nursing mothers: They shall bow down to thee with their face towards the earth, and lick up the dust of thy feet; and thou shalt know that I am The LORD; For they shall not be ashamed that wait upon me. That which is written, The "CONTRACT" cannot be broken. The time of your visitation cometh. I shall wait upon The LORD. For His mercy endureth forever.

If you look at the attached § 1983 action that is now filed in this and the parallel cases. You will see that it was placed in the institution mailbox on April 25, 2017. Therefore, pursuant to Houston v. Lack, 287 U.S. 266, 273-76, 108 S.Ct. 2379(1988). It was filed the moment it was placed in the institution mailbox at 7:20 A.M. on April 25, 2017. This made you, Judge snake Merchant, and every Judge in The S.C. U.S. District Court automatically defendants in these cases requiring your recusal and disqualification and we be given a change of

venue pursuant to 28 U.S.C. §§ 1404 and 1407 to The New Jersey District Court as I and or we repeatedly motioned for. I and or we object. Thus, no report and or recommendation in this case can be submitted by you or any other ruling by you S.C. District Court Judges where pursuant to Williams v. Pennsylvania, 136 S.Ct. 1899(2016), your presence create a structural error which voided your jurisdiction for Due Process violation when you produced the report and recommendation on MAY 4, 2017. I and or we object. This is challenge to you or any Judge's jurisdiction to issue any order or report and recommendation pursuant to Res Judicata, Comity, Collateral Estoppel and the holdings made in Williams v. Pennsylvania, 136 S.Ct. 1899(2016). All defenses, issues, claims and objections made in the attached (44) page § 1983 and its attachments are now made again in this case. Also see case 2:17-cv-1127-JMC-MGB.

JAHJAH AL MAHDI, formerly Lawrence L. Crawford, is a Warrior, King, Khalifah, Imam, Prophet And Nazarite High Priest. He is the only one of his kind in existence in the world today. He is the last of his kind foretold to come by religious prophesy that will exist in the world before Christ's return, and his Great etc. Grand Uncle, Christ, will return to Rule. He is Christ's second in command, Christ's forerunner. He is one of a kind. There will be no other like him to come into the world. That which is written cannot be broken as GOD had foretold the world. By The King-Khalifah's Spirit, would you have expected him to be anything less by his presentation? By the litigation presented, you, The State Of South Carolina, The United States, and the remaining other 192 Member States Of The United Nations are in default and you have impaired the obligation of The Contract which cannot be made or unmade by the courts. You are all in violation of Article 1 section 10 of The U.S. Constitution. Cause is established under § 1983 with Habeas Corpus attached. Discovery must issue under Rule 26, not § 2254. Stop your acts of fraud upon the court. The claim of default and

collateral estoppel emerging from case 2013-CP-400-0084 must be given full faith and credit in all court records establishing a preclusive effect which bars the Federal District Court from challenging all claims made. I and or we are beneficiaries of The Trust, a foreign state, and joint filing by the litigation is permitted. I and or we object to any claim otherwise. Res Judicata attaches via Judges Harwell and Austin. The objections and issues are clear and not conclusory. It would be an act of fraud and an abuse of discretion to dismiss this case, especially in light of the fact that you cannot sit upon these cases. Stop the fraud, fear God and do the right thing. Justice and Fairness must prevail, Callon Petroleum Co. v. Frontier Ins. Co., 351 F3d. 204,, 208(5th.Cir.2003); Digital Equipment Corp. v. Desktop Direct Ins., 511 U.S. 863, 869, 114 S.Ct. 1992, 1996, 128 L.Ed.2d. 842(1994); Chewing v. Ford Motor Company, 354 S.C. 72, 579 S.E.2d. 605(2003); Appling v. State Farm Mut. Auto Ins. Co., 340 F3d. 769, 780(9th.Cir2003); King v. First American Investigation Inc., 287 F3d. 91, 95(2nd.Cir.2002); 18 U.S.C. § 1116(a)(b)(4); 18 U.S.C. § 1116(a)(b)(2)(3)(A); United States v. Dizdar, CA2 (N.Y.) 1978, 581 F2d. 1031; Weepe v. United States,--U.S.--,106 S.Ct. 179, 88 L.Ed.2d. 148 (1985); The Amistad, 40 U.S. 518, 15 Pet. 518, 1841 WL 5024, 2006 A.M.C. 2955, 10 L.Ed. 826, U.S. Conn. January 1841; Ex Parte Virginia, 100 U.S. 339, 348-349, 25 L.Ed. 676(1880); Pulliam v. Allen, 466 U.S. U.S. 522, 536-543, 104 S.Ct. 1970, 1977-1982, 80 L.Ed.2d. 565(1984); Stump v. Sparkman, 98 S.Ct. 1099; Pierson v. Ray, 386 U.S. at 554, 87 S.Ct. at 1218; English v. Thorn, 676 F.Supp. 761(S.D.Miss.1987); Yicks Wo v. Hopkins, 118 U.S. 356; United States v. Lee, 106 U.S. 196 at 208; Perry v. United States, 294 U.S. 330, 354(1935); Julliand v. Greenman, 110 U.S. 421; Will v. Michigan State Police, 105 L.Ed.2d. 45 (1989); Lansing v. Smith, 4 Wend. 9, 20(1829); Afroyim v. Rusk, 387 U.S. 253(1967); United States v. Wheeler, 98 S.Ct. 1079 at 1083; The Supremacy Clause, U.S.C.A. Const. Art. 6 Cl. 2; Brown v. Spring Valley Homeowners Association, Inc., 2016 WL 3595791(S.C.2016); Article III sections 1 and 2, U.S. Const.; The (3) Holy Books And Sunnah Of The Prophet Muhammad(PBUH)

legal binding CONTRACT/COVENANTS; Also see sources entitled--"Before The Mayflower--A History Of Black America", By Lerone Bennett; Suna Ibn Majah, Volume No.5 ISBN No. 81-7151-294-1 pages 391-395; Signs Before The Day Of Judgment, By Ibn Kathir ISBN No. 1-870582-039 pages 18-24; The Book Of Isaiah 14:29-32; 11:1-6; 32:1-8; 41:25; Worlds Greatest Men Of Color, Volume 1, by J.A. Rogers ISBN No. 978-0-684-81581-7; The Kebar Nagast or "Glory Of The Kings" A Chronicle Of The Rulers Of Ethiopia; Budge E.A.W., The Queen Of Sheba And Her Only Son Menyelek, London 1923; Ormonde, Czenzi, Solomon And The Queen Of Sheba, New York, Farra Straus and Young 1954; The Book Of Zechariah 6:12-13; The Book Of Daniel chapt. 11; Nation, Cox v. Shalala, 112 F3d. 151; English v. Gen. Elec. Co., 496 U.S. 72, 79, 100 S.Ct. 2270, 2275, 110 L.Ed.2d. 65(1990); McLean v. Ford Motor Co., 831 F2d. 723; Cairns v. Franklin Mint Co., 24 F.Supp.2d. 1013; Doche-Naux v. Secretary Of The Interior Of U.S., 837 F2d. 340 cert. denied 108 S.Ct. 2822, 486 U.S. 1055, 100 L.Ed.2d. 923; Bell v. United States, 310 F.Supp. 1189; Stephen v. Carothers, 97 F.Supp.2d. 698; Craig v. United States, 89 F.Supp.2d. 858; Legette v. Rose, 776 F.Supp. 229; EIE Guam v. Long Term Credit Bank, Japan, 322 F3d. 635(9th.Cir.2003); Anderson v. Cox, 977 F.Supp. 413; Trustees Of Darthmouth College v. Woodward, 17 U.S. 518, 1819 WL 2201; Forbes v. Forbes, 341 P3d. 1041, 2015 Wy. 13 Jan. 23, 2015; American Mut. Liberty Ins. Co. v. Plywood-Plastics Corp., 81 F.Supp. 157(DSC.1948); Woods v. Woods, 2016 WL 4013754; United Dominion Realty Trust, Inc., 307 S.C. 102; C.A.N. Enters Inc. v. S.C. Health And Human Servs. Fin. Comm'n., 296 S.C. 373, 377; M & G Polymers U.S.A., LLC. v. Tacket, 135 S.Ct. 926 (2015); Hardt v. Reliance Standard Life Ins. Co., 560 U.S. 242, 130 S.Ct. 2149, 176 L.Ed.2d. 998(2010); Lacke v. Lacke, 362 S.C. 302, 608 S.E.2d. 147(S.C.2005).

This racial hatred and disparity in judicial action produced by the legislation in the form of The Clinton era War On Drugs Campaign must be ended. This "White Nationalist", "Alt White Right" movement occurring in Universities, occurring globally must be countered and challenged. I am sent. I am a voice crying in the wilderness. I am Martin Luther King Jr's

successor. I have come to complete what Martin started, but on a global scale. Martin was "water",...I am "FIRE!" President Barack Obama was "Ice",...I am a "FIERY WHIRLWIND!!" The evils done via Jim Crow and The U.S. Slave Trade, and that which is presently occurring to people of color globally must be brought into account. Reparation are sought. I am commanded by The One True God to lead the charge. "And a "child" (a descendant Of God's Prophets And Kings) shall lead them".

Hello again Michelle Childs. In my heart, I must admit. Out of all the Judges who presently sit on the bench of The S.C. U.S. District Court. I feel you dear, are the most honorable. I'm not just saying this to "butter your bread" Michelle. I remember the first time I ever saw and met you. Like Judge Alison Lee, when I saw you two female Judges, my heart and soul swelled with so much pride, so much joy. I said to myself, "My God,...look at them!!!,...strong!,...intelligent Black women!! You have no idea how I felt when I saw you two. As I looked at you in utter joy. All I could do is think about my baby,...my child, Aerialle. She has her father's strength and brains. She's a genius. They call her "prodigy" by her academic standing, Scholarships out the "guzu". In self pride, I said to myself, "I did that. I molded her and set her on her academic path". I asked myself at that point, "Will she be as great as these two black women?"

Amazing, fascinating. Now I realize, by God's mercy, she will even excel both of you. This child is the great etc. Grand Daughter Of King Solomon And The Ethiopian Queen Of Sheba. I then laughed, because I realized that she does not have my brains. She has her Great Grandfather King Solomon's brains (smile). The King-Khalifah's children have no idea who they really are. Aerialle has no idea who she really is,...amazing. She shall reign, sit upon the throne of her Great etc. Grand Mother, The Queen Of Sheba. She shall sit upon The Throne Of The United Ethiopian Empire,...my baby,...my child,...whom I

love beyond my own soul. My son is The King Of The South fore told by religious prophesy, the second witness,...fascinating! Aren't our Black Women great!!! Who can compare to them!!! What jewels,...what treasures!! Our women have such greatness!!! How can we as mankind live without you? I can't. The absence of my Queen, Cyhannah and my child, The Queen Of Sheba, Of my son, The King Of The South has nearly killed me. I don't know how I survived this long. I don't care what any person in this world thinks about my religious beliefs. I do not fear you devils at all. Outside of GOD, my family is all I desire in the world, and this State and Nation took them from me behind a lie!!!, a lie based upon religious and racial hatred. Will they stand as their father and loved one stands? That is in God's hands. They have suffered much already being the family of a True Prophet, King, Khalifah, Imam and High Priest. What father, what husband, would desire that those who he love would drink such, the cup of affliction, a cup that was meant for him by the Decree of The One True GOD? I can never undo the suffering that they endured. Nor can I undo the suffering I've endured by your evil hands. Our GOD intended it to test us, to prepare us, and to make us stronger to complete the tasks which will soon be placed before us all as "Ahle Bayt", "The Holy People" Of Daniel chapt. 12:7. I can never compensate them for what may potentially come at them in the future. But the least that I can do as their father, as a man who loves them above all others,...I can give them their "TRUE HISTORY",...I can give them the truth of who they really are,...and how they fit in the scheme and final chapter of earth's history. This I shall do. What is a Prophet, King, Khalifah and High Priest without his children, without the woman he loves? The answer is simple. He's a lonely, lonely, empty servant of GOD, who will nonetheless serve The GOD he loves even above them, without question, without difficulty and without resentment. Thou GOD slay me, I will yet still trust Him.

Thus saith The LORD, The One True GOD, who is my Master, as I am His servant and appointed King, Khalifah, Imam, Prophet

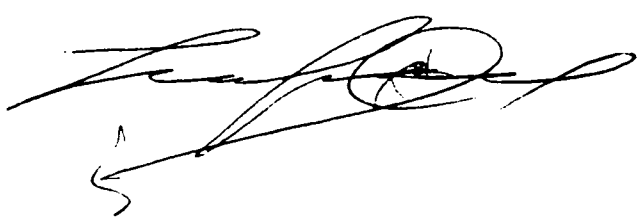
and High Priest. The world shall soon discover that the religious prophesies foretold are real. They shall discover that "Santa Claus" is a "BLACK MAN". Hear what thus saith The LORD, Behold, I have graven thee upon the palms of My hands; Thy walls are continually before me. Thy children shall make haste (They shall return); Thy destroyers (enemies) and they that made thee waste shall go forth of thee. The children which thou shalt have, after thou hast lost the other, shall say again in thine ears, The place is too strait for me: Give place to me that I may dwell. Then shalt thou say in thine heart, Who has begotten me these, seeing I have lost my children, and am desolate, a captive, a prisoner, and removing to and fro in chains? And who has brought up these? Behold, I was left alone; these, where had they been? Thus saith The LORD GOD, Behold, I will lift up my hand to the Gentiles, and set up my standard to the people: And they shall bring thy sons in their arms, and thy daughters shall be carried upon their shoulders. Hearken unto Me, ye that knoweth righteousness, the people in whose heart is My Law; fear ye not the reproach of men, neither be ye afraid of their reviling. Who art My servant that thou shouldeth be afraid of a man, or even a woman that shall die, and of the son of man which shall be made as grass that withereth away; and forgettest The LORD thy maker, that hath stretched forth the heavens. I will contend with them that contend with thee. And I will feed them that oppress thee with their own flesh; And they shall be drunken with their own blood, as with sweet wine; And all flesh shall know that I, The LORD, am thy Saviour and thy Redeemer, The Mighty One Of Abraham, Issac, Jacob, Moses, Aaron, David, Solomon, Christ and Muhammad(PBUT). This is sufficient to establish objections and demonstrate fraud upon the court and an abuse of discretion if this case is dismissed before all parties are served and made to respond to the pleadings.

This document is filed as an Affidavit and may stand alone to defeat any motion for summary judgment and or summary dismissal and or sua sponte dismissal. Where case has an arguable

basis in law, to include that all claims are defaulted on in case 2013-CP-400-0084 where the Affidavits establishing the default were never timely challenged and that court's jurisdiction is made void for Due Process violation. It would be an abuse of discretion to dismiss an artfully pleaded case, which this case is, where the sympathetic reader of the documents filed in this and the parallel cases indicate that it is not beyond a reasonable doubt that the petitioner(s) could prove a set of facts in support of his claim(s) which would entitle him to relief. Pleadings require that the complaint and or Affidavits filed in support of that complaint, contain inferential allegations from which we can identify each of the material facts or elements necessary to sustain a recovery under some viable legal theory. Factual allegations must be enough to raise a right to relief above the speculative level. The complaint and or documents attached and or filed in support thereof, must allege enough facts to state a claim for relief that is plausible on its face. A case has factual plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. A complaint, to include its attachments and or Affidavits filed in support of motion and or order to dismiss, which possess factual matter, which must be accepted as true, will survive summary dismissal, See WL 1854315; Lewis v. Dixon, F.Supp.3d., WL 9460274(2015); White v. White, 886 F2d. 721 CA4 (W.Va.1989); McKelvey v. Reynolds, 2016 WL 6518337(DSC.2016); Del Zotto v. Universal Physicians Services, LLC.,--F.Supp.3d.--, 2016 WL 5868547(DSC.2016); King v. Atiyeh, 814 F2d. 565, 568(9th.Cir.1987); Procunier v. Martinez, 416 U.S. 396, 419, 94 S.Ct. 1800, 1814, 40 L.Ed.2d. 224(1974); Johnson v. Avery, 393 U.S. 483, 485-87, 89 S.Ct. 747, 748-50, 21 L.Ed.2d. 718 (1969); Bounds v. Smith, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d. 72(1977); White v. Gregory, 1 F3d. 267 CA4 (W.Va.1993); Neitke v. Williams, 490 U.S. 319, 109 S.Ct. 1827, 104 L.Ed.2d. 338 (U.S.1989); Bresley v. Dunnell, 952 F2d. 395 CA4 (W.Va.1991); Mann v. Bell-McKensie, 2015 WL 1224299(DSC.2015); Whiteside

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RESPECTFULLY,
JAHJAH AL MAHDI



MAY 16, 2017

Exhibit

Guardian

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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CHARLESTON, SC

APPEAL FROM BERKELEY COUNTY
KRISTI LEA HARRINGTON, CIRCUIT COURT JUDGE

THE STATE,

RESPONDENT

Vs.

JASON MORRIS GOURDINE,

APPELLANT

APPELLANT CASE No. 2016-000640

APPELLANT BRIEF

JASON MORRIS GOURDINE
#199055 WANDO C-255
LIEBER C.I. P.O. BOX 205
RIDGEVILLE, S.C. 29472
APPELLANT

Jason Morris Gourdine

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STATEMENT OF ISSUES ON APPEAL

(1)Did the trial court err, and was the appellant's 5th., 6th., 14th., 15th. amendment rights of the U.S. Constitution, as well as Article IV § 2, and his Due Process rights violated, regarding the indictment(s) as constructed, by the language and or charge contained therein, which did create and or form conclusive presumption(s), that took away the appellant's presumption of innocence, and automatically shift the burden of persuasion to the defendant, in regard to the crucial elements of dispute, predetermining in advance the outcome of the proceedings?

(2) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, by the court's failure to grant the motion for severance, causing substantial prejudice to the appellant's trial proceedings?

(3) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of the U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated by the indictment(s) for attempted murder's failure to allege what weapon was allegedly used and who it was the appellant supposedly acted in concert with, in the same vein, the indictment for conspiracy's failure to allege who it was the appellant conspired with, in the body of the charging instrument?

(4) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment right of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, due to the court's failure to issue a final written order in the appellant's stand your ground hearing?

STATEMENT OF ISSUES ON APPEAL CON'T

(5) Did the trial court err, and was the appellant's 6th. and 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2 and his Due Process rights violated, where jurisdiction is made void for Due Process violation, due to the appellant's counsel not being present at a critical stage of the proceedings?

(6) Did the trial court err, and was the appellant's 6th., 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated by the trial court giving an improper jury instruction, producing extreme prejudice, informing the jury that a specific intent to kill is not an element of attempted murder?

(7) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, as well as Rules Of Court, Rules Of Criminal Procedure, as well as the court's jurisdiction being made void for Due Process violation, and or they were prohibited from enacting and or invoking and or continuing their Subject Matter Jurisdictionary "[p]owers" due to the "[p]rocedural [d]efect" in that there was no "[w]ritten"(emphasis added) order of continuance obtained pursuant to Article V § 4 of The South Carolina Constitution?

(8) Did the trial court err, and was the appellant's 5th., 6th., 14th. Amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, by the trial court and or plea court allowing constructive amendment of the indictment(s) at the appellant's trial

STATEMENT OF ISSUES ON APPEAL CON'T

and or plea hearing?

(9) Did the trial court err, and was the appellant's 5th., 6th., 14th. amendment rights of The U.S. Constitution violated, as well as Article IV § 2, and his Due Process rights violated, by the indictment(s) for attempted murder's failure to properly and or sufficiently apprise the appellant of the "[t]ime" of assault(s) , in the body of the charging instrument, as "[t]ime" is recognized by law?

(10) Did the S.C. Supreme Court in State v. Gentry supra err, engaging knowingly, intentionally in acts of fraud upon the court, in their efforts to essentially establish modern day slavery in violation of the Anti-Peonage Act, and abused their discretionary powers, which they even conspired to take away our right to vote, and or done so surreptitiously, in violation of the Voting Rights Act. And in such, the court's jurisdiction was made void for Due Process violation, and the court was prohibited from enacting and or invoking and or continuing its Subject Matter Jurisdictionary powers, even though they do indeed possess such power via state legislative statutes and or Congressional intent, due to the indictment defects and or errors contained and argued within this document, in violation of the appellant's 4th. 5th., 6th., 13th., 14th., 15th. Amendment rights of The U.S. Constitution, as well as Article IV § 2, also 42 U.S.C. §§ 1983, 1985(2), 1985(3), 1986; 18 U.S.C. §§ 241, 242, 1001, and the laws of Due Process?

STATEMENT OF THE CASE

On November 4, 2014, a Berkeley County Grand Jury indicted the appellant for three counts of attempted murder (2014-GS-08-1719, 1720,-1721) and criminal conspiracy (2014-GS-08-1722). On January 26, 2016, the Honorable Perry M. Buckner III, entertained the appellant's motion for prosecutorial immunity pursuant to the Protection Of Persons And Property Act. At this hearing the state was represented by Bryan A. Alfaro and Wilton H. Mc Neely. Attorney Kevin Kearse represented the appellant's codefendant, Steven Moses. Attorney Steven Davis represented the appellant. The Judge and parties, conspiring under color of state law, conducted a mock hearing for the purpose of defrauding the appellant of his immunity defense where they even solicited perjured testimony to do so. Thereafter this mock hearing was concluded, to deny the appellant the right to challenge its conclusion in the court of appeals, in acts of fraud upon the court. The conspiring Judge to aid the state actors failed to issue a final written order to prevent review in violation of the appellant's Due Process rights.

After this fiasco and mock stand your ground hearing. The state represented by Alfaro and McNeely, called the case to trial on March 14, 2016, before the honorable Kristi Lea Harrington and jury. The appellant was tried jointly with Moses to conceal further acts of prosecutional misconduct. Ultimately the jury found the appellant guilty via the fraud and other injustices that occurred in this case, and the appellant was sentenced to life without parole. Appeal was made where Susan Hackett of appellate defense office represented the appellant. Anders Brief was filed. This appellant Brief now follows.

(1) Did the trial court err, and was the appellant's 5th., 6th., 13th., 14th. 15th. amendment rights of the U.S. Constitution, as well as Article IV § 2, and his Due Process rights violated, regarding the indictment(s) as contructed, by the language or charge contained therein, which did create and or form conclusive presumption(s), that took away the appellant's presumption of innocence, and automatically shift the burden of persuasion to the defendant, in regard to the crucial elements of dispute?

The appellant humbly contends, it is well established by the U.S. Constitution, the 5th., 6th., 14th. amendment(s), and The Bill Of Rights, that when an individual is brought before a court of jurisprudence upon accusation, that the individual alleged thereupon, is innocent, until proven by a jury of his peers, guilty of aforesaid accusation being brought before the court. This is the defendant's most basic, and most fundamental right by Federal and State laws pertaining to Due Process. Because the indictment(s) possess a structural constitutional error and or defect, in that the language and or charge contained therein, in contructed to produce conclusive presumption(s), that immediately shift the burden of persuasion to the defendant in regards to the crucial elements of the offense(s), the indictment(s) and or complaint documents violate Due Process as well as the 13th. and 15th. amendments.

The appellant did not object to this defect and or error at the time he gave his guilty plea, and or before he went to trial, but the defect and or error serve to render the indictment wholly invalid. Defects in an indictment that are of such a fundamental character as to render an indictment wholly invalid are not subject to waiver by the defendant, 41 Am. Jurs.2d. Indictments And Information § 299(1986); State v. Munn, 357 S.E.2d. 461(S.C.1987).

Judicial notice takes place of proof. It simply means that the court will admit into evidence and consider, without proof of facts, matters of common and general knowledge, Moss

v. Aetna Life Ins. Co., 228 S.E.2d. 108; State v. Broad River Power Co., 177 S.C. 240, 180 S.E. 41; 31 C.J.S. Evidence §§ 6 and 9; Federal Rules Of Evidence, Rule 201(a).

This is also a manifest constitutional error. An error on the part of the trial court that has an identifiably negative impact on the proceedings to such a degree, that the constitutional rights of the party are compromised. A manifest constitutional error can be reviewed by a court of appeals even if the appellant did not object at the proceedings(Black Law Dictionary 8th. Edition).

By what is cited in Sandstrom v. Montana, 442 U.S. 510 at 520, 99 S.Ct. (2450) at 2457 (61 L.Ed.2d. 39)(1979), under (4) criminal law [west key] 324. The Supreme Court was unequivocal and unambiguous when it stated [v]erbatim:

"Conclusive presumptions conflict with the overriding presumption of innocence which the law endows the accused and which extends to every element of the crime charged, and they invade the fact-finding function which in a criminal case the law assigns the jury, Morisette supra, at 275, 72 S.Ct. at 255 and United States Gypsum Co. supra., at 446, 98 S.Ct. at 2878. The indictment and complaint documents around the nation, with the exception of the few states that corrected this problem, require the jury, if satisfied as to the facts that trigger the presumption to find intent unless the defendant offers evidence to the contrary. The indictments and complaints around the nation, by their structural constitutional error and or defect, language and or charge, mislead the jury, and we can add the defendant, to believe the presumption was not limited to requiring the defendant to satisfy the burden of production, when the burden of production is to be consistently bored by the state. A presumption although not conclusive, that has the effect of shifting the burden of persuasion would suffer the same similar infirmities", Mullaney v. Wilbur, 421 U.S. 684, 95 S.Ct. 1881, 44 L.Ed.2d. 508(1975), even if its embodied within the charge of an indictment or criminal complaint.

To state by use of an indictment or criminal complaint within the (50) states that an individual **"did"** with intent, knowingly, malice, aforethought, and other such elements imply conclusive firsthand knowledge of the events pertaining to the accusation being brought before the court. To such knowledge the Grand Jury who swore to such indictments, "[c]annot" by all scientific reason and jurisprudence ascertain as being true under such circumstances, especially without a trial. It is universally recognized that every oath [o]ught and [m]ust be founded upon "[c]ertain [k]nowledge", meaning knowledge that is certain beyond a reasonable doubt as being true (OMNE SACREMENTUM DEBET ESSE DE CERTA SCIENTIA). Inasmuch, the reality of this matter is that the issues in question, embodied in said indictments are allegations, they are accusations, not proven facts. So how could they be sworn by indictment as being true? Several other states have corrected this injustice. The State of South Carolina is one of the remaining states who have not. It is the command of the U.S. Constitution that anything, to include any and all legislation, whether it be by statute, indictment or otherwise, that is contrary to its inherent, intrinsic and explicit presuppositions "[s]hall [n]ot [s]tand", and therefore should be abolished and or rendered [v]oid (Article IV § 2 U.S. Const.).

"THE STATE MUST PROVE", I repeat, **"THE STATE MUST PROVE"**, not the defendant, every single element that is charged, and that is crucial to the offense. It is not to be given to them in any way. They "[m]ust" first prove it before it can ever be declared. Every single time an indictment is sworn where it states clearly without ambiguity a defendant **"did"**, etc., it immediately with destructive results tear down the commonwealth's constitutional Due Process right of being innocent until proven guilty, and automatically shift the burden of persuasion to the individual or commonwealth charged. It gives the false unconstitutional premise and or presumption that such has already been proven by a jury of one's peers, or even more specific, without a trial by a jury of one's peers in violation of Due Process Law. To have such unconstitutional presumption(s)

embodied within indictments and or criminal complaints that rely on such language is constitutionally infirm.

The appellant avers, in Mullaney v. Wilbur, 421 U.S. 684, 95 S.Ct. 1881, 44 L.Ed.2d. 508, the court found as a violation of Due Process and Winship, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed.2d. 323(1970), an indictment that [p]resumed that a defendant acted with "[m]alice and [a]forethought", if it were found that the homicide was intentional and unlawful, the defendant then bore the burden of disproving the elements. Similar in Sandstrom, the jury was instructed in determining whether or not the defendant had the [p]rerequisite intent to commit murder [t]he law presumes that the person intended the ordinary consequences of his voluntary actions, thereby relieving the state of its burden on that element. The language and or charge in the indictment(s) do the same thing, taking away the presumption of innocence, and by what is written predetermine in advance the outcome of the proceedings and presumes that a person intends the ordinary consequences of his voluntary actions, thereby relieving the state of its burden on the elements crucial to the offense. What if the person was forced to commit the crime at gunpoint? Or was the victim of brainwashing by the induction of some chemically based mind controlling drug, and under such control he committed the crime? Or it simply was an accident depending upon the crime charged? These are just a few reasons why such wording is impermissable, Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923).

Once the courts of South Carolina, New Jersey and the remaining (48) states constructed an indictment or criminal complaint contrary to the laws of Due Process, the Attorney for the appellant telling the appellant that he is innocent until proven guilty, or the Judge giving a curative instruction to the appellant and or jury of the defendant being innocent until proven guilty, or stating that the state or federal government has the ultimate burden and must prove every element, being given to the appellant and or jury, or stating the indictment or criminal complaint is not evidence to the appellant or jury,

does "[n]ot" cure the Due Process problem created and presented by the structural constitutional error, defect and or charge in the indictment(s) and Complaint(s).

Constitutional Law [west key] 266(7), in situation where elements of offense and "so-called" "affirmative defense", pose same ultimate issue of shifting the burden of persuasion, the Due Process problem is "[n]ot" eliminated by including an instruction in a charge that the state has the ultimate burden of proving every element beyond a reasonable doubt, and we can add to this, stating the indictments or criminal complaints are not evidence by the courts. The teaching of these cases is that "[a]ny" presumption, even if its not conclusive, even if its embodied within the charge of an indictment or criminal complaint, that has the effect of shifting the burden of persuasion to the defendant on any element of the crime charged violates Due Process, (U.S.C.A. Const. Amend. 14) Humanik v. Beyers, 811 F2d. 432(3rd.Cir.1989).

Such is a substantive disadvantage and not merely procedural disadvantage to the defendant related to his rights of Due Process. If the indictments and or criminal complaints around the nation, by their defect contained therein, require that the defendant prove he did not possess the "MENS REA" on any element pertaining to the alleged crime at trial and or before a guilty plea, 421 U.S. at 684, 95 S.Ct. at 1888, it becomes obvious that the burden of proof is shifted.

The Court recognized by requiring the defendant to prove the critical elements of said dispute, ID at 710, 95 S.Ct. at 1890, the Maine Rule, as do the nation's indictments and criminal complaints, affirmatively shift the burden of proof to the defendant(s), thus creating a further likelihood of an erroneous conviction and or guilty plea, due to the shifting of the burden of persuasion to prove one's innocence, as implied by the language and or charge in the indictment(s) and criminal complaint(s), ID at 421 U.S. at 701, 95 S.Ct. at 1890. Such serve

to negate certain facts of the crime which the government is to prove to the jury in order to convict the defendant of a crime charged, 432 U.S. at 207, 97 S.Ct. at 2325. The Winship Rule is clear in which the defendant creates a reasonable doubt on any element of the offense(s) charged is entitled to an acquittal.

In such a situation the relevance of the subsidiary facts in this case are the same and the sole significance of the defendant's evidence and or testimony concerning the "so-called" "affirmative defense", is to create a reasonable doubt on the existence of an element of the offense, by the preponderance of evidence to counteract an unconstitutional presumption.

As stated in United States v. Clemens, 843 F2d. 741, 752(3rd.Cir.1988):

"Justly put, merely labeling something as "affirmative defense", "a statutory procedure", and we can add to this, "an indictment or criminal complaint", does not mean that such constructed contrary to the laws of Due Process are constitutional. It must appear that the aforementioned, as related thereto, do [n]ot [n]egate any element of the crime, and we can add to this, shift the burden of persuasion, as the indictments and or criminal complaints of this nation do", ID W. Lafave & Scott Substantive Criminal Law § 1.8 at 75(1986). see generally Sandstrom v. Montana supra.. A defendant may be required to bear the burden of persuasion with respect to defenses such as showing justification or excuse, but not with respect to those that negate guilt by canceling out the existence of some required element of the crime, nor should his presumption of innocence be deprived, W. Lafave & Scott supra. at 71, 75. Accordingly, accessing the constitutionality of an "affirmative defense", "a statutory procedure", and we can add to this, "an indictment or criminal complaint", etc., of any kind related thereto, even by terms of that which the statute requires, is defined in terms of fact so central to the nature of the offense that in effect, the prosecution has been freed of the burden of establishing

each constituent element of the crime charged. If the indictments and criminal complaints around the nation already predetermine in advance of any proceeding that you "did" with malice, aforethought, intentionally, willfully, etc., the state has been relieved of proving it, see ID at 2.13 at 233. Also see Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923). By the structural constitutional error and or defect, its already given and no longer by the charge and or defect, have to be established. In order to contribute some significant burden, a rational trial juror's only option, and we can add, the defendant's only option, is to conclude that the indictments or criminal complaints are true, or are to be considered as true, because the language and or charge reflects such in depriving one of the presumption of innocence. It is clear from Martin v. Ohio, 480 U.S. 228, 107 S.Ct. 1098, 94 L.Ed.2d. 267(1987) and Moore v. Dempsey, 43 S.Ct. 265, 67 L.Ed. 542(1923), that this is constitutionally impermissible.

Perhaps the 50 states of this nation would contend, that such is merely the conveying of information from witnesses 1, 2, 3 or more possibly, and upon this testimony such an oath is based. Even if one would adopt this premise still the indictments and criminal complaints of this nation "[c]annot" be deemed as that which is founded upon "[c]ertain [k]nowledge" (OMNE SACRAMENTUM DEBET ESSE DE CERTA SCIENTIA), but it is founded upon the basis of hearsay and or secondhand knowledge. Notwithstanding, it has been recorded throughout history since the earliest stages of civilization that people do bear false witness in groups and in numbers depending upon their motivation. For example, you have an unjust King and Queen, Ahab and Jezebel, coercing several people to lie in a covert plot to steal the land of a righteous man in I Kings chapter 21. In the Book of Micah, a man's closest members of his household bear false witness against a Prophet Of God. In Christianity you have officials who were in power, Saducees, Scribes and Pharisees, incite and pay groups of people in the Gospel(s) Of Matthew, Mark, Luke and John to bear false witness against the Messiah. In Islamic Prophesy the Prophet Muhammad(PBUH), in Sahih Al Bakhari Vol.

9 Hadith No. 7086, prophesied how in these times there will hardly be a trustworthy person left in the world. The Spanish Inquisition of 1478 and The English Inquisition of 1518 found people unjustly burned at the stake and or hanged, due to unjust accusations by people in numbers for false claims of heresy. Adolph Hitler, and a group of people called "Nazis", brought numerous unjust claims against the Jews, falsely rooted in lies, in the holocaust of the 1930's. The Salem Witch Trials in the 17th. century, in Massachussett, found numerous men, women and children, burnt at the stake for false claims of practicing witchcraft, brought by groups of people in numbers ("The witch bitches as they were called). The Ku Klux Klan, throughout the South, brought unjust accusation against the innocent Post Civil War Era, and in the 1930's through 1960's. Judaism, Christianity, Islam, American History, European History, World History, "[a]ll" are filled with unspeakable atrocities originating in lies, perpetrated by people in numbers and in groups against the innocent. Our constitutional forefathers in their wisdom and jurisprudence saw this repeated pattern that like a poisonous, venomous snake, rose its head from the soils of society to fatally bite the commonwealth. and in their wisdom they set up "[b]ulwarks", "[b]arriers" of protection for the American citizenry, all who are held by us, all who enter our borders or territories, that under no circumstance, outside of an individual committing an act of treason, were to be torn down, because people in groups and in numbers do bring false accusation against the innocent.

Referring back to the third situation here as illustrated by State v. Breakiron, 108 N.J. 591, 532 A.2d. 199(1987) and State v. Zola, 112 N.J. 384, 548 A.2d. 1022(1988), in inferring the state of mind element, whether the prerequisite intent and or purpose was present at the time of the crime. The Grand Jury, in the form of the indictments and or criminal complaints around the nation, "[c]annot" say what was in a person's mind, nor do they have first hand knowledge of the facts related to the incident charged. They do not have "[c]ertain [k]nowledge" (OMNE SACRAMENTUM DEBET ESSE DE CERTA SCIENCTIA). Thus, again the

very language and or structural constitutional error and or defect, and or charge of the indictment(s) and criminal complaints around the nation predetermine in advance before trial or plea an individual is guilty of the state of mind element(s) and forces a defendant, due to the shifting of the burden of persuasion, to prove his innocence by the preponderance of evidence and or testimony in violation of Due Process Law. This creates an instant double jeopardy issue showing that this is not a harmless error, Moore v. Dempsey supra.; State v. Gordon, 588 S.E.2d. 105, 356 S.C. 143(S.C.2003); State v. Perry, 595 S.E.2d. 883, 358 S.C. 633(S.C.2004).

In regard to a charge, and we can add to this, a charge in an indictment or criminal complaint, that constitutes a constitutionally impermissable charge/instruction, or contradicts the presumption of being innocent until proven guilty, even with a later instruction "BOILERPLATE" of being innocent until proven guilty by the courts or stating that the indictments or criminal complaints are not evidence by the courts, the [p]roblem is [n]ot [c]ured where there exist a reasonable likelihood that the jurors, and we can add in this case, that the defendant, may have considered the charge, and we can add to this, the charge in the indictments or criminal complaints around the nation as conveying an unconstitutional message in both state and federal prosecutions, Francis v. Franklin, 471 U.S. 307, 105 S.Ct. 1965, 85 L.Ed.2d. 344(1983).

Such presumptions intrinsically and explicitly established snatch the blind fold off of "LADY JUSTICE" herself, and now, not only is she no longer impartial, unbias or fair; but now she says because its you, because its this particular crime or alleged action as opposed to another, because you are charged in this particular state as opposed to another, because you fall under this particular statute as opposed to another, you are no longer innocent until proven guilty and your constitutional rights are hereby revoked. Such presumptions destroy

the very metal of the shield of protection placed around the American citizenry, those who are held by us, and those who enter our borders or territories, and abolishes the very core integrity of the Due Process Clause our constitutional forefathers have died and shed their best blood to establish and preserve. The greater aspect of evil related to such action by the criminal complaints and or indictments around the entire nation, far and extremely outweigh the greater aspect of good that it sought to establish related thereto. If we as responsible citizens of the commonwealth allow individuals who are placed in positions of legislative authority, whether it be at town, city, state or federal level, whether it be intentional or unintentional, to initiate or place into effect legislation by statute or any other means, that deteriorate the very pillars of that which our Constitution was founded upon, then we no longer establish ourselves as a true democracy, where the good of the many outweigh the good of the few. We step more into the realm of monarchy, and set ourselves on a path of Constitutional destruction detrimental to the commonwealth that can only lead to anarchy creating the similarities that manifested themselves in the aforementioned Nazi Occupation, Salem Witch Trials, The Spanish Inquisition and the like. Where trials and criminal proceedings became an arbitrary action, an abusive and recreant process, fraudulently designed to rob the commonwealth of their God given liberty. This we cannot do!!! It is our courts, our Supreme Courts, and our Federal District Courts' inherent responsibility as guardians of the faith and integrity of our system of jurisprudence to protect the commonwealth from such a dark demise. The Presuppositions set forth by our constitutional forefathers "E PLURIBUS UNUM", were one nation, under God, indivisible, with liberty and justice **"FOR ALL"**, **"FOR ALL"**, and was not to be taken away simply because an individual fell victim to accusation, or fell under a particular statute of law as compared to another, or was charged in one particular state as opposed to another. The only exception to this sacred standard and trust was to be if an individual committed acts of High Treason against our government itself, which in some particularity is what the indictments and criminal complaint documents

around the entire nation reflect, because they innately swear allegiance to that which sets itself at war, enmity and variance to the constitutional rights of all citizens of the commonwealth and all others who are subject to them. Therefore, they are a form of treason. The indictments and criminal complaints around the entire nation betray our Constitution. Hencetofore they "[m]ust" be abolished and or reformed. They are intense espionage and diabolical sabotage and stands at war with the rights of this nation's commonwealth in violation of Due Process. They covertly with corrosive results steal away stealthly the fundamental truths by which the Constitution was founded upon and throw a monkey wrench into the mechanical works of justice and fairness by detonating explosive results that detrimentally tear down the bulwarks that were forthrightly established to protect the commonwealth against unjust prosecution. By the defect, language and or charge contained within the indictments and criminal complaint documents around the entire nation you have already surmised and ascertained without the total weight of evidence set forth before a jury an individual's guilt in violation of state and federal laws also pertaining to the U.S. Constitution, inferring the state of mind element(s), negating the burden of proof that by law was to be consistently bored by the prosecution, Francis v. Franklin supra.; Moore v. Dempsey supra.

THE COURT HOLDS that a charge, and we can add to this, a charge in an indictment or criminal complaint, which impart to the jury, and we can add in this case, the defendant, an unconstitutional understanding of the allegations, even more specific, the burden of persuasion, and the presumption of innocence, creates a reasonable likelihood that the jurors understood the charge, and we can add, that the defendant understood the charge, in the criminal complaints and indictments, in an unconstitutional manner unless other language in the complaints or indictments explain the infirm language sufficiently to eliminate this possibility. If such a reasonable possibility, "we have no way of knowing that [t]he defendant was [n]ot [c]onvicted,

and we can add, gave his guilty plea, on the basis of the unconstitutional charge, specifically the charge embodied within the indictments and complaints", Sandstrom, 442 U.S. at 526(99 S.Ct. at 2460). For this reason it has been well settled since Stromberg v. California, 283 U.S. 359, 51 S.Ct. 532, 75 L.Ed. 117(1931) that where there exist a reasonable likelihood and or possibility that the jury, and we can add, the defendant, relied upon an unconstitutional understanding of the law in reaching a verdict, and we can add, in giving his guilty plea, that verdict and or guilty plea must be set aside, Id. at 323n. 7, 105 S.Ct. at 1976 n. 7. We conclude that there is more than a reasonable likelihood that the jurors, and we can add, defendant(s), received an unconstitutional understanding of the situation pertaining to their tasks.

This is no way a mischaracterization of the law pertaining to the cases cited here. Even though some of the cases cited dealt with conclusive presumption(s) given by Judges in charges that have the effect of shifting the burden of persuasion to the defendant regarding the crucial elements, in this case we are dealing with a similar charge except this time its given by the Grand Jury in the form of an indictment or criminal complaint, that has the effect of shifting the burden of persuasion to the defendant regarding the crucial elements. The subsidiary facts related to the shifting of the burden of persuasion to the defendant regarding the crucial elements and the inferring the state of mind element(s) to the offenses are the same in these matters. Due to the defect in the construction of the indictments and criminal complaints nationally, the defendants' presumption of innocence is clearly taken away, also guilt of the offense(s) is illegally predetermined in advance by the Grand Jury who do not have the power by state or federal law or state or federal constitution to convict, due to the language and or charge contained therein, and the indictments and or criminal complaints nationally serve to negate the burden of proof.

This creates a structural constitutional error and or defect. Structural Constitutional errors and or defects compro-