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IN THE COURT OF APPEALS
OF MISSISSIPPI

FILED
AUG 27 2007
OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

TERRANCE GUINN,
APPELLANT,

VS.

Case No. 2007-CP-00518-COA

STATE OF MISSISSIPPI,
APPELLEE,

REPLY BRIEF

Prepared by:

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TABLE OF AUTHORITIES

Federal Statutes

Augument

The State should receive an Oscar award and a standing ovation for this wonderful theatrical performance. Unfortunately, Guinn has to take this Honorable Court behind the scene to show He's not postulating and this is merely a cover-up act. Moreover, This Honorable Court should treat the State's Brief as insolent, because it has no vapid argument that Guinn is assuming that the Honorable Trial Court lacks subject matter Jurisdiction.

While, it may be true that on April 16, 1971, The Uniform Controlled Substances Law was passed by the Mississippi Legislature. However, if the researcher were one who sought to prove all things and hold fast that which is good" said researcher would then look to the "enacting clause". The "enacting clause" acts as a sign or seal of Constitutional authority and of Constitutional authority of law. The unenacted policy of the Congressional Controlled Substance Act best illistrates the governments agents acting under a policy, <u>not under law</u>, but under color of law, which denies Constitutional rights to Citizens, by the application of Statutes ... Codes ... and Titles. 61 Stat. 633 § 101, requires that an <u>enacting clause</u> is to be placed "on the face of the law". The Congressional Controlled Substance Act fails on its face to commence with the requirement.

With this found, it is Guinn factual allegation that the State have intentions on decieving this Honorable Court and the Citizens of this great State who have place their full faith and trust in their government and duly elected officials, only to discover that Title 41 also has No enacting clause. But, how can this be if it so clearly states "as a matter of law" in 61 Stat 633, §101 that an <u>enacting clause</u> is to be placed on the face of every law?

It is understood that if a Title does not begin with an enacting clause, it is merely a policy and not an enacted law. One has to wonder if the Non-use of an enacting clause on the face of the law has become standard practice among our law makers, and if so, how many other laws have been breached or mis-applied all together through the course of "law making"? To fufill the purpose of identifying a law cannot be regarded as comming from an authorized source if it does not have an enacting clause duly "promulgated", the enacting clause provides evidence that the law which follows is one of proper legislative sources or jurisdictions, Pearce v. Vittum, 61 NE. 1116, 1117, 193 Ill. 192 (1901).

The Supreme Court of Georgia said the use of an enacting clause is most essential, and that without it, the Act they had under consideration is a nullity and of no force and effect as law. Joiner v. State, 155 SE. 2nd 8, 10, 223 Ga. 367 (1967).

Pursuant to the Controlled Substance Policy, "it is unlawful for any "person" knowingly or intentionally ... to sell, barter, tranfer, manufacture, distribute, dispense or posseses with intent to create sell, barter, tranfer, distribute or dispense a controlled substance, Clearly, Guinn is an individual not included within the class of "persons" registered or licensed with the Attorney General pursuant to Title 21 U.S.C.A. § 1307 and 1316. of the federal rules and regulations.

Whereas, a crime has been committed; the State and other oath takers have deprived Guinn of human and Constitutional rights.

In shafer v. U.S., 229 F. 2d 2nd 124, cert. den. 76 S.Ct 78, 531, " The publication of a document in the Federal (State) Register creates a rebuttable presumption of validity. Furthermore, it was the government burden to prove all elements of the charged crime, U.S. v. James, 987 F.2nd 648, 650 (9th Cir. 1993); and failure to prove an essential element of the charged crimes mandates that the Convictions cannot stand. Thompson v. Virginia, 443 US 307, 61 L.Ed. 2nd. 560, 573 (1979).

Therefore, the Trial Court is without subject matter Jurisdiction.

Whereas, the D.A. relied heavily upon the innate ignorance of legally untrained men and women regarding the process of exactly how Congress enacts a law to carry off fraudulently induced indictments. A clear miscarriage of Justice. Today most Courts have adopted the bad habit of using "Codes" as the basis of its Jurisdiction and until the challenge of it validity of said codes being the basis upon which the jurisdiction of said courts can be invoked, said codes will no doubt be used as the basis to try and convict criminally charged defendants. In Caston v. State, 949 So.2d 852, which Quinn is very familar with, this ~~Court~~ Judge said it best "Our legislature create laws in Mississippi. We, as an intermediate appellate court, follow those laws. Until the legislature or the supreme court rules differently, we must follow the decisions of the Mississippi Supreme Court and the U.S. Supreme court like it or not. It is not our prerogative to do otherwise.

CONCLUSION

Guinn humbly informs this Honorable Court(s) that he is a team player and Guinn prays that this Court allow Guinn to be release, and go home.

8-27-07

Terrance Guinn

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CERTIFICATE OF SERVICE

I, Terrance Guinn, do hereby certify that I have this day mailed, a true and correct copy of the foregoing document, by U.S. mail, postage pre-paid, to the following person(s):

Honorable Judge Lamar Pickard
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