NO. COA12-477 TWENTY-FIRST DISTRICT

NORTH CAROLINA COURT OF APPEALS

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STATE OF NORTH CAROLINA	)	
	)	
v.	)	From Forsyth County
	)	
Amanda Lea Rose, *Pro Se*	)	

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DEFENDANT-APPELLANT'S BRIEF

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DEFENDANT-APPELLANT'S BRIEF

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ISSUES PRESENTED

I. Standard of Review

II. When the jurisdiction of the STATE OF CAROLINA ("STATE") is challenged the STATE bears the burden of proving jurisdiction to exist beyond a reasonable doubt and that does not include the judge acting as counsel for the STATE.

III. The prosecutions' argument fails to settle the Appellant's jurisdictional challenge and prove the STATE's jurisdiction beyond a reasonable doubt.

IV. The superior court addressed the wrong issues and issues in the wrong order.

STATEMENT OF THE CASE

This action began with the issuance of a "North Carolina Uniform Citation" by Trooper B.K. Palmiter 10 May 2011. (R p 2). The district court summarily entered a verdict of guilty which was appealed to the superior court on 10 October 2011. (R pp 3-4). On the same day Appellant Amanda Lea Rose ("Rose") filed a notice of special appearance in the superior court including a memorandum of law with exhibits challenging the STATE OF NORTH CAROLINA's ("STATE"s) presumption of jurisdiction. (R pp 3-58). Also on 10 October 2011 a brief hearing was held before the Honorable Ronald E. Spivey, Superior Court Judge presiding, and a transcript (5 pages) of that hearing has been filed in this case pursuant to Appellate Rules 7(b) and 9(c). On 28 November 2011 and 30 November 2011, hearings were held before the Honorable V. Bradford Long, Superior Court Judge presiding, and a transcript of those hearings has been filed in this case pursuant to the Appellate Rules, in two volumes, totaling 87 pages. Rose filed notice of appeal of Judge Long's rulings on 9 December 2011. (R pp 67-68). The STATE did not respond to Rose's proposed record on appeal and the Record on Appeal was deemed settled on 9 April 2012 per Appellate Rule 11(b). The Record was filed on 23 April 2012 and docketed on 24 April 2012. The STATE filed a motion to dismiss on 25 May 2012, Rose filed her response on 5 June 2012 and on 6 June 2012 an Order was issued for the panel to consider that motion. On 22 May 2012, Rose's motion for an extension of time to file this Brief was granted and the time period was extended to 25 June 2012.

STATEMENT OF THE GROUNDS FOR APPELLATE REVIEW

The fundamental issues in this case involve a question of the jurisdiction of the STATE including its courts and the fact that the STATE did not prove beyond a reasonable doubt that it has *in personam* jurisdiction over the Appellant Amanda Lea Rose ("Rose") (*see e.g.*, *State v. Batdorf*, 238 S.E.2d 497 (1977)). Rose's pre-arraignment jurisdictional challenge was preserved pursuant to N.C. Gen. Stat. § 15A-1446 (a) and (d)(2). (T Vol II pp 71[1] -74; p 85, lines 14-21; pp 92-95).

STATEMENT OF THE FACTS

From the beginning of this case Appellant Rose has challenged the jurisdiction of the STATE including the source of its authority and the details of Rose's position are laid out in her "Notice of Pre Arraignment Special Appearance" also including the Memorandum of Law, the Addendum thereto, and the Exhibits incorporated therein. (R pp 5-58). The prosecution's only response was its

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1 "Now, another way to resolve this . . . if what you want is a ruling up or down by the Court of Appeals or perhaps ultimately by the Supreme Court on my jurisdictional ruling, what we can do is this: You can enter into a transcript of plea, and we can write out on there "the defendant reserves the right to appeal the Court's jurisdictional rulings to the North Carolina Court of Appeals," and then you can enter what's called an Alford guilty plea, which means you do not accept responsibility; that you plead not guilty but do not resist a finding of guilt by the Court.

I'm just laying all our cards on the table. If what you wanna do is try -- I've not discussed this with the district attorney. There's been no discussion between he and I about this case. If you wanna do that, I'll charge you the court cost, I'll remit the court cost, you can appeal it to the North Carolina Court of Appeals and have your day if you wish to make law with the North Carolina Court of Appeals . . ." (T Vol II, p 71, lines 5-24).

"Responsive Brief on Constitutionality and Jurisdiction" (R pp 59-63) which was not served on Rose in a timely manner (T Vol 2 pp 44-45) and is addressed herein.

The main question put to the prosecution, which admittedly requires the court to judge its own authority and the authority of the STATE which created it, is, from what is the *de facto* STATE OF NORTH CAROLINA's authority derived? —— "from the consent of the governed" as the twelfth State to join the American Union? —— or as Rose has clearly shown, from blatantly unconstitutional Acts of the Thirty-Ninth Congress which created a new State within the geographical boundaries of the original? Arguably, this court is not the proper forum for such issues and the federal courts would be, however, Rose must "climb the procedural ladder" to have the issues ruled on and the misdemeanor driving without a license charge filed against her by the STATE gives Rose the opportunity to do that. And although the STATE argues that the issues Rose has raised involve the "political question doctrine", such is not the case —— the issues involved are issues of fact on the public record and are justiciable by "a court of competent jurisdiction". Granted, Rose contends that the STATE's courts are not "courts of competent jurisdiction" regarding several issues raised, nonetheless, she must "climb the procedural ladder", allow the STATE to present its argument(s), and this court certainly has jurisdiction over the conduct of the STATE's lower courts and the STATE's district attorney prosecutors.

ARGUMENT

I. Standard of Review

Appellant Amanda Lea Rose ("Rose") requested that the Honorable V. Bradford Long, Superior Court Judge presiding during the hearings on 28 and 30 November 2011 certify her jurisdictional challenge as an interlocutory appeal but judge Long denied that request. (T Vol II, p 73, lines 3-9). Consequently there was a long discussion concerning an "Alford plea" arrangement and the method(s) available to Rose to preserve her jurisdictional challenge. (T Vol II, pp 73-104). Judge Long apparently did everything he could do to preserve Rose's jurisdictional challenge for this court to rule on, and pursuant to N.C. Gen. Stat. § 15A-1446(a) and (d)(2), said challenge was persevered.

II. When jurisdiction is challenged the STATE bears the burden of proving jurisdiction to exist beyond a reasonable doubt and that does not include the judge acting as counsel for the STATE.

In *State v. Batdorf*, 238 S.E.2d 497 (1977) the STATE's supreme court held that there was no error in the lower courts' rulings, but did fundamentally shift the burden of proof in a situation where the jurisdiction of the STATE including its courts was challenged;

> This Court has traditionally regarded a challenge to jurisdiction as an affirmative defense with the burden of persuasion on the defendant. (Citations omitted).
>
> * * *
>
> A defendant's contention that this State lacks jurisdiction may be an affirmative defense in that it presents, in the words of Justice Barnhill in *State v. Davis,* 214 N.C. 787, 793, 1 S.E.2d 104, 108 (1939), a matter "beyond the essentials of the legal definition of

> the offense itself." Jurisdictional issues, however, relate to the authority of a tribunal to adjudicate the questions it is called upon to decide. *When jurisdiction is challenged, the defendant is contesting the very power of this State to try him*. We are of the view that a question as basic as jurisdiction is not an "independent, distinct, substantive matter of exemption, immunity or defense" (*State v. Davis, supra*) and ought not to be regarded as an affirmative defense on which the defendant must bear the burden of proof. Rather, jurisdiction is a matter which, when contested, *should be proven by the prosecution as a prerequisite to the authority of the court to enter judgment*. [Emphasis added]
>
> * * *
>
> Our former cases holding that a challenge to the jurisdiction is an affirmative defense with the burden of persuasion on the accused are no longer authoritative.

While *Batdorf* was a murder case which involved a determination of the State in which the murder took place and this is not a case where the geographical location of where a criminal act took place is the issue, this case does involve two States, and first it must be noted that the STATE's trial courts are still adhering to the overturned "affirmative defense" standard addressed above. And second, when, as in this case, Rose "is contesting the very power of this State to try him(her)", the authority of the STATE "should be proven by the prosecution as a prerequisite to the authority of the court to enter judgment." *Batdorf, supra*. But that is not what we have in this case, where the prosecution, having had Rose's jurisdictional challenge for seven weeks, served Rose with its response the day after Thanksgiving, the Friday before Rose's appearance scheduled for the next Monday (28 November 2012) (T pp 44-45), and before Rose had a reasonable opportunity to rebut the prosecution's arguments, the superior court judge stepped in to

represent the STATE.[2]

Furthermore, the superior court wasted an inordinate amount of time on the issue of whether Rose was going to "represent herself" and did not want court-appointed counsel when the jurisdictional question had not been addressed and the matter of counsel was irrelevant. (T 10 Oct 2011, T Vols I, and II pp 27-41). An analogy would be a citizen of another county having "diplomatic immunity" coming to court after being issued a traffic citation; would the court waste its time trying to determine if the diplomat could afford to hire his own attorney or wanted to represent himself? Or would the court first require some documentation from the individual to determine if the court even had jurisdiction over him to begin with? One would think the latter course is what the court would take and that would certainly be the logical course of action, given the fact that if the individual indeed has diplomatic immunity from prosecution the court would not have jurisdiction over him, and whether he has an attorney or not is irrelevant. But in this case, the STATE has always operated, and still operates, under the *presumption* that it and its courts have jurisdiction over Rose, even though the prosecution's only attempt to prove that was a paper served on Rose at the last minute R pp 59-63), with no meaningful opportunity to reply (T Vol II pp 44-45). However, this

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2 The 10 October 2011 Transcript and Volumes I and II of the Transcript of the proceedings in the superior court on 28 and 30 November 2011 have to be read to see the context, and the facts that 1) the prosecution did not carry its burden of proving jurisdiction to exist "beyond a reasonable doubt" (*Batdorf, supra*) and 2) the superior court judges represented the STATE.

does not surprise Appellant Rose as the STATE has established a "policy and custom" of ignoring that which it does not want to deal with, of obfuscating the facts, and of forcing a "defendant" to traverse into matters not germane to the issue at hand. One can understand the judge's desire to "cover the bases" including not proceeding until the matter of counsel for the "defendant" has been resolved, but is certainly a waste of time to belabor the point when it is *irrelevant* until the issue of jurisdiction is first resolved, and according to *Batdorf, supra*, when jurisdiction has been challenged, until the prosecution has proven it to exist it does not.

III. The prosecutions' argument fails to settle the Appellant's jurisdictional challenge and prove the STATE's jurisdiction beyond a reasonable doubt.

Because Appellant Rose was not timely served with the STATE's response to her jurisdictional challenge (R pp 59-63) and was not given time to address it in the superior court (T pp 44-45), Rose will address the key points here.

As expected, the STATE characterizes Rose's jurisdictional challenge (R pp 5-58) as falling under the "political question doctrine", a convenient "tool" courts have used for well over 140 years to avoid having to deal with issues head-on, and the prosecution incorrectly uses part of a statement in *Baker v. Carr*, 369 U.S. 186 (1962) to bolster its argument. First, the "quote" attributed to *Baker v. Carr* is not on page 210 (of U.S. Reports Volume 369) as indicated (R p 59), it is a snippet from a paragraph

on page 217, and the prosecution takes that partial statement out of context. Second, *Baker v. Carr* was a 14th Amendment *voter rights* case demanding a declaratory judgment on a 1901 Tennessee statute, and while the federal district court dismissed the complaint for lack of subject-matter jurisdiction and failure to state a claim on which relief could be granted, the supreme Court of the United States held that the lower court did indeed have jurisdiction, and that the complainants had presented a "justiciable constitutional cause of action upon which [the complainants were] entitled to a trial and a decision." The supreme Court in *Baker v. Carr* specifically held that case did *not* involve a "political question" and nothing in that decision stands for the STATE's contention that Rose's jurisdictional challenge is a "political question". Furthermore, *Baker v. Carr* deals with *federal* court jurisdiction, not State court jurisdiction, and quoted below is the published *Syllabus* of that decision:

> [369 U.S. 186] Appellants are persons allegedly qualified to vote for members of the General Assembly of representing the counties in which they reside. They brought suit in a Federal District Court in Tennessee under 42 U.S.C. §§ 1983 and 1988, on behalf of themselves and others similarly situated, to redress the alleged deprivation of their federal constitutional rights by legislation classifying voters with respect to representation in the General Assembly. They alleged that, by means of a 1901 statute of Tennessee arbitrarily and capriciously apportioning the seats in the General Assembly among the State's 95 counties, and a failure to reapportion them subsequently notwithstanding substantial growth and redistribution of the State's population, they suffer a "debasement of their votes," and were thereby denied the equal protection of the laws guaranteed them by the Fourteenth Amendment. They sought, *inter alia*, a declaratory judgment that the 1901 statute is unconstitutional and an injunction restraining certain state

> officers from conducting any further elections under it. The District Court dismissed the complaint on the grounds that it lacked jurisdiction of the subject matter and that no claim was stated upon which relief could be granted.
>
> *Held:*
>
> 1. The District Court had jurisdiction of the subject matter of the federal constitutional claim asserted in the complaint. Pp. 198-204.
>
> 2. Appellants had standing to maintain this suit. Pp. 204-208.
>
> 3. The complaint's allegations of a denial of equal protection presented a justiciable constitutional cause of action upon which appellants are entitled to a trial and a decision. Pp. 208-37.
>
> 179 F.Supp. 824, reversed and cause remanded.

And although *Baker v. Carr* does not stand for the prosecution's contention that Rose's jurisdictional challenge "falls under the political question doctrine" (R p 59), in that decision the high Court does discuss "justicability" and "political question" issues to a certain extent, and there are some comments in which may be instructive in this case;

> Our discussion, even at the price of extending this opinion, requires review of a number of political question cases, in order to expose the attributes of the doctrine -- attributes which, in various settings, diverge, combine, appear, and disappear in seeming disorderliness. Since that review is undertaken solely to demonstrate that neither singly nor collectively do these cases support a conclusion that this apportionment case is nonjusticiable, we, of course, do not explore their implications in other contexts. That review reveals that, in the Guaranty Clause cases and in the other "political question" cases, it is the relationship between the judiciary and the coordinate branches of the Federal Government, and not the federal judiciary's relationship to the States, which gives rise to the "political question." We have said that,
>
> > In determining whether a question falls within [the political question] category, the appropriateness under our system of government of attributing

> finality to the action of the political departments and also the lack of satisfactory criteria for a judicial determination are dominant considerations.

Coleman v. Miller, 307 U.S. 433, 454-455. The non-justiciability of a political question is primarily a function of the separation of powers. Much confusion results from the capacity of the "political question" label to obscure the need for case-by-case inquiry. Deciding whether a matter has in any measure been committed by the Constitution to another branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation, and is a responsibility of this Court as ultimate interpreter of the Constitution. To demonstrate this requires no less than to analyze representative cases and to infer from them the analytical threads that make up the political question doctrine. We shall then show that none of those threads catches this case.

369 U.S. 210, 211.

> We come, finally, to the ultimate inquiry whether our precedents as to what constitutes a nonjusticiable "political question" bring the case before us under the umbrella of that doctrine. A natural beginning is to note whether any of the common characteristics which we have been able to identify and label descriptively are present. We find none: the question here is the consistency of state action with the Federal Constitution. We have no question decided, or to be decided, by a political branch of government coequal with this Court. [Footnote omitted]

369 U.S. 226.

Again, is there anything in *Baker v. Carr*, *supra*, which supports the STATE's contention (R p 58) that this case "falls under the political question doctrine"? No. Then let us move on to what it does involve.

First, there is the simple issue of the identity of the person who is to represent the STATE and prove that it and its courts have *in personam* jurisdiction over an individual who, with substantial

documentation of her position, asserts that the STATE does not have jurisdiction over her. According to *Batdorf, supra* it is the *prosecution* which is to make the STATE's argument for jurisdiction not the judges, but the prosecution did not prove the STATE's jurisdiction beyond a reasonable doubt before or during the superior court proceedings, and the prosecution's untimely served Brief addressed above does not prove jurisdiction per *Batdorf* either. Equally as important if not more so, the judge took upon himself the mantle of counsel and apologist for the STATE, without any authority from statutory or case law to replace the prosecutor as STATE's counsel.

Second, the foundational issue of whether or not the STATE derives its authority from "the consent of the governed" or from Acts of Congress made when Congress summarily determined that the State of North-Carolina had no lawful government —— after, it must be noted, Congress recognized North-Carolina's government with such actions as sending the 13th Amendment to the *de jure* State for review and ratification. In other words, after the "Civil War" ended, Congress recognized the government of the State of North-Carolina when it suited Congress' purposes, but not when it didn't, and when it suited Congress' purposes to annul existing States and replace them with new ones, that is just exactly what Congress did —— without a scintilla of Constitutional authority to do so.

If the prosecution was searching for a United States supreme Court case which bears some similarity to Rose's jurisdictional

challenge, the prosecution should have studied the *State of Georgia v. Stanton*, 73 U.S. (6 Wall.) 50 (1867) decision, the *Syllabus* of which starts out saying:

> 1. A bill in equity filed by one of the United States to enjoin the Secretary of War and other officers who represent the Executive authority of the United States from carrying into execution certain acts of Congress on the ground that such execution would annul and totally abolish the existing state government of the state and establish another and different one in its place —— in other words, would overthrow and destroy the corporate existence of the state by depriving it of all the means and instrumentalities whereby its existence might and otherwise would be maintained —— calls for a judgment upon a political question, and will therefore not be entertained by this Court.

However, while there are similarities between that case and Rose's jurisdictional challenge (R pp 5-58) points that not only was the original constitution and state government of the *de jure* State of North-Carolina replaced with a new "STATE", the body politic was changed as well, the *Georgia v. Stanton*, *supra* decision does not decide the issues in this case regarding the requirement that the prosecution prove beyond a reasonable doubt that the STATE has in *personam jurisdiction* over Rose and/or acts of hers which do not cause an injury to anyone or anything.[3] Furthermore, while the high Court stated in *Georgia v. Stanton*, *supra* that "No case of private rights or private property infringed or in danger of actual or threatened infringement is presented by the bill in a judicial form for the judgment of the Court" (73 U.S. at 77), in this case

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3 The charge of driving without a license does not involve an injury and until the STATE proves *in personam* jurisdiction over Rose, it cannot compel her to get such a STATE "privilege" license.

the issues do involve Rose's private rights and her ability (or lack thereof) to enforce them.

IV. The STATE "puts the cart before the horse".

Even if the STATE could prove that Rose's contentions in her jurisdictional challenge (R pp 5-58) are factually incorrect (which would be impossible), the STATE, by and through the prosecutor, was required to prove them incorrect and to establish the STATE's jurisdiction over Rose *before* proceeding, even with the issue of whether or not Rose wanted a court-appointed attorney. And this fact returns us to the crux of the matter —— Rose is not asking this court to overturn the "Reconstruction Acts" (or the 14th Amendment), rather, she demanded that the STATE prove its claimed jurisdiction over her and under the laws of this STATE that job falls to the prosecutor's office.

Nor does Rose seek "to have the court invalidate the State Constitution, all laws which have been promulgated under its authority by the North Carolina General Assembly, and any common law that courts have made since the 1700's." (R p 60). And with that statement the prosecution shows that it is not cognizant of the facts that 1) the common law established by the original State of North-Carolina and the *de facto* STATE as a political subdivision of Washington, D.C., are two very different things, and that 2) the General Statutes enacted by the STATE have virtually legislated the common law out of existence —— even N.C. Gen. Stat. Chapter 4 (Common law declared to be in force) admits that:

> All such parts of the common law as were heretofore in force and use within this State, *or so much of the common law as is not destructive of, or repugnant to, or inconsistent with, the freedom and independence of this State and* <u>*the form of government therein established*</u>*, and which has not been otherwise provided for in whole or in part, not abrogated, repealed, or become obsolete*, are hereby declared to be in full force within this State. [Emphasis added]

Furthermore, the prosecution's argument (section III, R p 61) that Rose has challenged the constitutionality of a statute fails as she has done no such thing —— rather, she has asserted who she is, what body politic she belongs to, which lawful government she owes allegiance to, and she challenged the STATE to prove it somehow has lawfully established authority superior to that of the re-established *de jure* State of North-Carolina.

In addition, the prosecution uses the *de facto* STATE's constitution and statutes to support its claim that the STATE has jurisdiction over Rose —— a "*non sequitur*" at best —— one cannot argue that the constitutions and statutes which came into effect *after* a new STATE and political subdivision of Washington, D.C. was created stand for the proposition that the STATE is merely an extension of the original the *de jure* State of North-Carolina.

Finally, the prosecution's argument makes a claim which was fully expected —— "the fact that [Rose] had a North Carolina Drivers License shows beyond a reasonable doubt that [Rose] was, and still is, under [the STATE's] jurisdiction." (R p 62). With that claim, the prosecution shows that it has ignored two very important points; 1) duress and necessity, as in getting a license to stay out of jail in a foreign jurisdiction and to use as

identification and, 2) the fact that one can be brought up to believe things which simply are not true, and the actual facts will not be discovered until he does his own research —— it can hardly be argued that indoctrination and "revisionist history" is what is taught in this country, not historical fact.

Perhaps the prosecution could have invoked the "de facto doctrine" [4] but of course that would be admitting the STATE was not created "by (or with) the consent of the governed" as the *Declaration of Independence* and even the de facto STATE's 1971 constitution demands ("Sec. 2. . . . All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."). And it must be noted that neither the prosecution nor the superior court argued that Rose's constitutional challenge (R pp 5-58) had no foundation or merit, or that it was "frivolous" (a word government loves to use regarding any argument it does not want to deal with).

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[4] "The *de facto* doctrine is a rule or principle of law which, in the first place, justifies the recognition of the authority of governments established and maintained by persons who have usurped the sovereign authority of the State, and asset themselves by force and arms against the lawful government; secondly, which recognizes the existence of, and protects from collateral attack, public or private bodies corporate, which, though irregularly or illegally organized, yet, under colour of law, openly exercises the powers and functions of regularly created bodies; and, thirdly, which imparts validity to the official acts of persons who, under colour of right or authority, hold office under the aforementioned governments or bodies, or exercise lawfully existing offices of whatever nature, in which the public or third persons are interested, where the performance of such official acts is [allegedly] for the benefit of the public or third persons, and not for their own personal advantage..." —— Albert Constantineau, *A Treatise on the De Facto Doctrine* (1910)

CONCLUSION

While delving into the two States of North Carolina, the original created by the Representatives of the freemen of North-Carolina with the consent of the governed and the twelfth State to join the American Union, and the *de facto* STATE created by Acts of Congress, is a fascinating study, it is not the key issue in this case, which is that once jurisdiction is challenged, for whatever non-frivolous reason, the burden of proof is on the STATE, by and through the prosecutor's office, not the district or superior court judges, to prove jurisdiction to exist beyond a reasonable doubt, and in this case that has not been done.

The Appellant, Amanda Lea Rose ("Rose") did not ask the district or superior courts to overturn or declare unconstitutional any statute, State constitution, Act of Congress or United States supreme Court ruling and she knows the STATE's courts do not have the authority to do so to begin with —— rather, she simply stated who she is, which body politic she belongs to, which lawful government she owes allegiance to, and she challenged the STATE to prove it has somehow lawfully established authority superior to that of the re-established *de jure* State of North-Carolina. And when Rose's jurisdictional challenge (R pp 5-58) was filed, it became incumbent on the prosecutor's office, not the district or superior courts, to prove beyond a reasonable doubt that either Rose is wrong about her contentions, or that some other factor gives the STATE lawful jurisdiction over her and/or over any of her act(s) which do not injure any person or property.

And again, while it may be argued that this court is not the proper forum to make rulings on numerous points Rose has raised, pursuant to the STATE's judicial system this court is the proper forum to determine that the STATE's lower courts erred in their procedures, that the prosecution failed in its duty to prove jurisdiction to exist, and that the lower courts improperly took on the mantle of counsel and apologist for the STATE. Regarding the latter issue, it cannot be argued that the judges of the STATE's lower courts may be allowed to wear two hats, especially at the same time —— that a judge may argue points of law on behalf of the STATE and then make a ruling on the same points.

WHEREFORE the North Carolina Court of Appeals should reverse the ruling of the Forsyth county superior court regarding the STATE's jurisdiction over the Appellant Amanda Lea Rose, as a matter of "judicial economy" dismiss the misdemeanor charge brought against her, or in the alternative remand the case to the superior court with instructions to apply the standard the STATE's supreme court set in *State v. Batdorf*, 238 S.E.2d 497 (1977).

Respectfully submitted this 25th day of June 2012.

By: /s/ Amanda Lea Rose
9097 Concord Church Rd.
Lewisville, North-Carolina
27023
336-745-9251
jackofalltrades@triad.rr.com

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 28(j) of the Rules of Appellate Procedure, the Appellant certifies that the foregoing brief, which is prepared using a proportional font, is less than 8,750 words (excluding cover, indexes, tables of authorities, certificates of service, this certificate of compliance and appendixes) as reported by the word-processing software.

/s/ Amanda Lea Rose, *Pro Se*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a copy of the foregoing brief on counsel for the Appellee by depositing a copy, contained in a first-class postage-paid wrapper, into a depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

This the 25th day of June, 2012.

/s/ Amanda Lea Rose
9097 Concord Church Rd.
Lewisville, North-Carolina
27023