IN THE COUNTY COURT OF DALLAS COUNTY

DALLAS COUNTY, STATE OF TEXAS.

THE PEOPLE OF THE STATE OF TEXAS ]

ON THE RELATION ] Cause No.\_\_\_\_\_\_\_\_\_\_\_\_\_

James Darrel, Clan of Smith ]

Claimant ] WRIT OF

against ] HABEUS CORPUS

 ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ]

Chief of Police, City of Grand Prairie ]

Dallas County, Texas ]

Respondent ]

The State of Texas to the Chief of Police City of Grand Prairie, Texas:

WHEREAS, Information by affidavit has been laid before the \_\_\_\_\_\_\_\_\_\_\_\_, Judge of the Texas County Court, Dallas County, State of Texas, that you, Steve Dye, the said Chief of Police, have unlawfully in your custody the body of one James Darryl; Clan of Smith, pursuant to an order issued by a judge of this Court on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This is therefore to command you, all excuse and delays set aside, to have the body

of the said Clan of Smith before the Judge\_\_\_\_\_\_\_\_\_\_\_ by \_ 0' clock am on the \_\_ th day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_at\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Court, then and there to do and receive what shall be ordered concerning the said James Darryl: cIan of Smith; to then and there have this Writ and make return of same. Hereof fail not under penalties of the law.

WITNESS my hand and the Seal of this Court this \_\_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CLERK OF THE COUNTY COURT, DALLAS COUNTY

CERTIFICATE OF SERVICE

I do hereby certify that on the \_\_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ a true and correct copy of the foregoing Writ of Habeas Corpus was hand delivered the Grand Prairie Chief of Police of Dallas County, and to the Dallas County District Attorney, State of Texas.

CC

Chief of Police

Irving Texas

Dallas County District Attorney

County Court Building

Dallas Texas

DELIVERED BY \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

..

IN THE COUNTY COURT OF DALLAS COUNTY

DALLAS COUNTY, STATE OF TEXAS.

THE PEOPLE OF THE STATE OF TEXAS ]

ON THE RELATION ] Cause No.\_\_\_\_\_\_\_\_\_\_\_\_\_

James Darrel, Clan of Smith ]

Claimant ] RETURN OF WRIT OF

against ] HABEUS CORPUS

 ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ]

Chief of Police, City of Grand Prairie ]

Dallas County, Texas ]

Respondent ]

COMES NOW STEVE DYE Chief of Police of City of Grand Prairie, Dallas County, TEXAS, and for his return to the Writ of HABEAS Corpus issued herein, states: That James Darryl; Clan of Smith was placed in the custody of the Municipal Jail on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_\_ by Magistrate \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Municipal Court Judge, and was jailed on class C misdemeanor(s) being non-jailable infractions Civil code and is being held for on the person of, \_\_\_\_\_\_\_\_\_\_\_\_ plus towing and storage charges placed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, vehicle, when arrested upon issuing Citations.

In obedience to the Writ of Habeas Corpus issued herein, I now produce the body of said James Darryl; Clan of Smith before the Judge of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Court, to be dealt with according to law, together with the original of my authority for said imprisonment.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief of Police, Grand Prairie, Texas

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ being duly sworn upon oath, state that the set forth in the above return are true

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

IN THE COUNTY COURT OF DALLAS COUNTY

DALLAS COUNTY, STATE OF TEXAS.

THE PEOPLE OF THE STATE OF TEXAS ]

ON THE RELATION ] Cause No.\_\_\_\_\_\_\_\_\_\_\_\_\_

James Darrel, Clan of Smith ]

Claimant ] CLAIM OF WRIT OF

against ] HABEUS CORPUS

 ] (NON-STATUTORY)

 ]

Chief of Police, City of Grand Prairie ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dallas County, Texas ]

Respondent ]

This Claim of the people of the Republic of Texas on the relation of James Darryl; Smith, Claimant, against the Respondent, CHIEF OF POLICE, CITY OF GRAND PRAIRIE, COUNTY OF TARRANT*,* STATE OF TEXAS, et al De facto, shows:

1 All the Facts stated herein are true, correct, complete, are not hearsay, are not misleading, but are admissible as evidence, if not rebutted and proven inaccurate, and if called to testify, the Claimant shall so State, and further,

2 The Claimant has standing capacity to act as to the lawful matters herein, and further,

3 The Claimant has personal, firsthand knowledge, executive and documented knowledge of the facts stated herein, and further,

4 The Claimant is a Living Soul, and a Holder of the Office of “the People”, and further,

5 The Claimant is NOT a corporation or fictitious entity, or US citizen, cestui que trust, estate, or citizen of the District of Columbia, and further,

6 The Claimant is not in the military, and further,

7 The use of any statutes, codes, rules, regulations, or court citations, within any document created by the Claimant, at any time, is only to notice that which is applicable to government officials, and is not intended, nor shall it be construed, to mean that the Claimant has conferred, submitted to, or entered into any jurisdiction alluded to thereby, and further,

8 Equality under the Law is paramount and mandatory by Law, and further,

9 No man or woman, nor any person, is competent in dealing with any of the Claimant’s affairs, and further,

10 The Claimant is competent for dealing in all of the Claimant’s affairs, and further,

11. Claimant is restrained of his liberty and unlawfully imprisoned by the Respondent in

the GRAND PRAIRIE CITY JAIL, in the COUNTY OF TARRANT, STATE OF TEXAS, et al De facto, and further,

Claim of Writ of Habeus Corpus (Non-Statutory) Page 1

12. Claimant is NOT a government employee, or US citizen, with no access to Federal Reserve Notes, and therefore unable to pay the fine or the bail imposed, nor does the Claimant have friends or relatives who are government employees, or US citizen, and therefore able or willing to pay the imposed fine or post such EXCESSIVE BAIL bond. See Article 1 Sec. 13 (Bill Of Rights) Constitution for the state of Texas Republic, also Article VIII (Bill Of Rights) in Amendment for the Constitution for the united States of America Republic, and further,

13. No evidence has been introduced into the case, other than possibly hearsay evidence, (which is inadmissible in any court of law), that the Claimant is a US citizen,

**“(h) The United States is located in the District of Columbia.”** Uniform Commercial Code Sec. 9.307. LOCATION OF DEBTOR.

**"If any citizen or resident of the United States does not reside in (and is not found in) any United States Judicial District, such citizen or resident shall be treated as residing in The District of Columbia for purposes of any provisions of this Title to “ (A) jurisdiction of courts, or (B) enforcement of summons."** 26 USC § 7701(39)

see also 26 USC § 7408(C) and Art. 1, Section 8, Clause 17 Constitution for the United States of America as defined and reinstated in *National Mutual Insurance Company of the District of Columbia v. Tidewater Transfer Company*, 337 U.S. 582, 93 L.Ed. 1556 (1948):

which further states that **citizens of the District of Columbia are not embraced by the judicial power under Article 3** of the Constitution for the United States of America, the same statement is held in *Hepburn v. Dundas v. Elizey*, 2 Cranch (U.S.) 445, 2 L.Ed. 332.; In 1804, the Supreme Court, through Chief Justice Marshall, held that a citizen of the District of Columbia was not a citizen of a state;

**"We therefore decline to overrule the opinion of Chief Justice Marshall: We hold that the District of Columbia is not a state within Article 3 of the Constitution. In other words cases between citizens of the District and those of the states were not included of the catalogue of controversies over which the Congress could give jurisdiction to the federal courts by virtue of Article 3. In other words Congress has exclusive legislative jurisdiction over citizens of Washington District of Columbia and through their plenary power nationally covers those citizens even when in one of the several states as though the district expands for the purpose of regulating its citizens wherever they go throughout the states in union"** National Mutual Insurance Company of the District of Columbia v. Tidewater Transfer Company, 337 U.S. 582, 93 L.Ed. 1556 (1948), and further,

14. The cause of the restraint, according to the; best knowledge and belief of Claimant, is set forth as follows:

Claimant was arrested and his private automobile conveyance was seized because it was NOT Registered.

Claimant's restraint in the City Jail is by order of a MUNICIPAL COURT JUDGE, who, if properly sitting?, is so sitting under his own SWORN OATH TO SUPPORT, PROTECT, AND DEFEND THE CONSTITUTIONS OF THE Republic of Texas and the united States of America. Who is now imposing imprisonment on Claimant for traffic infractions which are Color of law class C Misdemeanors that ARE NOT JAILABLE OFFENSES, AND WARRANTS THAT ARE NOT LAWFUL FOURTH (4th) AMENDMENT WARRANTS. They are computer generated and are not SIGNED BY A JUDGE.

Claim of Writ of Habeus Corpus (Non-Statutory) Page 2

**“"When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts administrating or enforcing statutes do not act judicially, but merely ministerially….but merely act as an extension as an agent for the involved agency -- but only in a “ministerial” and not a “discretionary capacity...”** Thompson v. Smith, 154 S.E. 579, 583; Keller v. P.E., 261 US 428; F.R.C. v. G.E., 281, U.S. 464.

**"...judges who become involved in enforcement of mere statutes (civil or criminal in nature and otherwise), act as mere "clerks" of the involved agency..."** K.C. Davis, ADMIN. LAW, Ch. 1 (CTP. West's 1965 Ed.)

**"It is the accepted rule, not only in state courts, but, of the federal courts as well, that when a judge is enforcing administrative law they are described as mere 'extensions of the administrative agency for superior reviewing purposes' as a ministerial clerk for an agency..."** 30 Cal 596; 167 Cal 762

and a Clerk masquerading as a Judge is NOT competent to do anything judicial, therefore the so-called Warrant is a fraud and a nullity

**"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities"** Burns v. Sup., Ct., SF, 140 Cal. 1

ATTORNEY GENERAL JIM MATTOX, in 1985 wrote in his opinion that it is un-Constitutional to impose a cash bond on a person in a simple Misdemeanor case or on a simple traffic infraction. Claimant's restraint is not because he has been adjudged guilty of the infraction charged, but only because he was unable to pay the fine or post the bail, and further,

15. Steve Dye, Chief of Police, City of Grand Prairie is operating in his private capacity

**“All oaths must be lawful, allowed by the common law, or some statute; if they are administered by persons in a private capacity, or not duly authorized, they are *coram non judice,* and void; and those administering them are guilty of a high contempt, for doing it without warrant of law, and punishable by fine and imprisonment. 3 *Inst.* 165; 4 *Inst.* 278; 2 *Roll. Abr. 277.*”** Tomlin’s Law Dictionary 1835 Edition, Volume 2

**“An officer who acts in violation of the Constitution ceases to represent the government”.** Brookfield Const. Co. v. Stewart, 284 F. Supp. 94.

using The Federal Tax Lien Act of 1966 at Public Law 89-719 at 80 Stat. 1130-1131 it says:

**"(h) DEFINITIONs.-For purposes of this section and section 6324-**

**" (1) SECURITY INTEREST.-The term 'security interest' means any interest in property acquired by contract for the purpose of securing payment or performance of an obligation or indemnifying against loss or liability. A security interest exists at any time**

**"(3) MOTOR VEHICLE.-The term 'motor vehicle' means a self-propelled vehicle which is registered for highway use under the laws of any State or foreign country.**

**"(4) SECURITY.-The term 'security' means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by a corporation or a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase any of the foregoing: negotiable instrument: or money.**

Claim of Writ of Habeus Corpus (Non-Statutory) Page 3

because they are demanding negotiable instruments in payment, and they are accusing the Claimant of driving an unregistered vehicle, and they have converted a civil matter into a criminal matter because there is no evidence that the Claimant was carrying passengers or property for hire, and the Claimant does NOT EVER carry passengers or property for hire

**"The term "Motor Vehicle" means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.**

**The term "used for commercial purposes" means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit."** 18 USC § 31

therefore, Steve Dye is operating as a tax collector under the Uniform Commercial Code, which is governed by the UNIDROIT Treaty, and it is unconstitutional to use the Treaty power inside America

**“but Madison insisted that just “because this power is given to Congress,” it did not follow that the Treaty Power was “absolute and unlimited.” The President and the Senate lacked the power “to dismember the empire,” for example, because “[t]he exercise of the power must be consistent with the object of the delegation.” “The object of treaties,” in Madison’s oft-repeated formulation, “is the regulation of intercourse with foreign nations, and is external.”** Bond v United States 572 US \_\_\_\_ (2014) case number 12-158 [emphasis added]

**“Today, it is enough to high­light some of the structural and historical evidence sug­gesting that the Treaty Power can be used to arrange intercourse with other nations, but not to regulate purely domestic affairs.”** Bond v United States 572 US \_\_\_\_ (2014) case number 12-158 [emphasis added]

 and Steve Dye has no authority to use the UNIDROIT Treaty in America, and the use of the Uniform Commercial Code is unconstitutional

**“The government of the United States . . . is one of limited powers. It can exercise authority over no subjects, except those which have been delegated to it. Congress cannot, by legislation, enlarge the federal jurisdiction, nor can it be enlarged under the treaty-making power”** Mayor of New Orleans v. United States, 10 Pet. 662, 736 [emphasis added]

because Steve Dye intends to impose a quasi-contract;

**"Both in Roman and English law there are certain obligations which were not in truth contractual, but which the law treats as IF they were. They are contractual in law, but not in fact, being the subject-matter of a FICTITIOUS extension of the sphere of contract to cover obligations which do not in reality fall within it."** Salmond, Salmond on Jurisprudence, p. 642 (9th Edition, 1937, Sweet & Maxwell, Ltd. England).

**"A quasi contractual action presupposes acceptance and retention of a benefit by one party with full appreciation of the facts, under circumstances making it inequitable for him to retain the benefit without payment of its reasonable value."** Major-Blakeney Co. v. Jenkins (1953), 121 C.A.2d 325, 263 P.2d 655, hear den.; Townsend Pierson, Inc. v. Holly-Coleman Co. (1960), 178 C.A.2d 373, 2 Cal. Rptr. 812.

Claim of Writ of Habeus Corpus (Non-Statutory) Page 4

**"Constructive/quasi contracts are based solely upon a legal fiction or fiction of law."** Hill v. Waxberg, 237 F.2d 936, [emphasis added]

and they are using their color of law statutes to facilitate the violation of the Claimant’s rights,

**"Constructive/quasi contracts include obligations founded on statutory duties."** Donovan v. Kansas City, 175 S. W. 2d 874; In Re United Burton Co., 140 F. 495, 502.

and they know that they have no obligation of obey an unconstitutional law

**“No one is bound to obey an unconstitutional law and no courts are bound to enforce it."** 16th American Jurisprudence 2d, Section 177 late 2nd, Section 256

and they are forging the Claimant’s signature onto a contract under their UNIDROIT controlled and regulated Uniform Commercial Code

The words “penal” and “penalty” in their strict and primary sense denote a punishment, whether corporal or pecuniary, imposed and enforced by the state for a crime or offense against its laws. **The noun penalty is defined forfeiture or to be forfeited for noncompliance with an agreement**. The words forfeit and penalty are substantially synonymous. Missouri, K. & T. Ry. Co. v. Dewey Portland Cement Co., 242 P. 257, 259, 113 Okla. 142

**A “penal action” is a civil suit** brought for the recovery of a statutory forfeiture when inflicted as punishment for an offense against the public. Such actions are “civil actions, “ on the one hand closely related to criminal prosecutions and on the other to actions for private injuries in which the party aggrieved may, by statute, recover punitive damages. State ex rel. McNamee v. Stobie, 92 SW 191, 212, 194 Mo. 14

by assaulting the Claimant with their US citizen / cestui que trust / slave

**"But individuals, when acting as representatives of a collective group, cannot be said to be exercising their personal rights and duties, nor be entitled to their purely personal privileges. Rather they assume the rights, duties and privileges of the artificial entity or association of which they are agents or officers and they are bound by its obligations."** *Brasswell v. United States* 487 U.S. 99 (1988) quoting, *United States v. White* 322 U.S. 694 (1944),

**“Whenever [the Uniform Commercial Code] creates a "presumption" with respect to a fact, or provides that a fact is "presumed," the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.”** Texas Business and Commerce Code § 1.206 Presumptions [emphasis added]

**“(a) In an action with respect to an instrument, the authenticity of, and authority to make, each signature on the instrument are admitted unless specifically denied in the pleadings. If the validity of a signature is denied in the pleadings, the burden of establishing validity is on the person claiming validity, but the signature is presumed to be authentic and authorized unless the action is to enforce the liability of the purported signer and the signer is dead or incompetent at the time of trial of the issue of validity of the signature.”** Texas Business and Commerce Code § 3.308 Proof of Signatures and Status as Holder in Due Course [emphasis added]

Claim of Writ of Habeus Corpus (Non-Statutory) Page 5

and they have securitized their so-called contract and sold it on Wall Street

**“The following rules apply in an action on a certificated security against the issuer:**

**(1) Unless specifically denied in the pleadings, each signature on a security certificate or in a necessary indorsement is admitted**

**(2) If the effectiveness of a signature is put in issue, the burden of establishing effectiveness is on the party claiming under the signature, but the signature is presumed to be genuine or authorized.”** Texas Business and Commerce Code § 8.114 Evidentiary Rules Concerning Certificated Securities [emphasis added]

and they have sold the Claimant into slavery

**“He [the prisoner] has as a consequence of his crime, not only forfeited his liberty but all his personal rights except those which the law in its humanity affords him. He is for the time being a slave of the state.”** 62 Va. (21 Gratt.) 790, 796 (1871)

**“If a man be found stealing any of his brethren of the children of Israel, and maketh merchandise of him, or selleth him ; then that thief shall die; and thou shalt put evil away from among you.”** Deuteronomy 24:7

therefore they are knowingly, willing, intentionally, deliberately, calculatedly, and maliciously engaging in a seditious conspiracy, since the Claimant is the lawful government in America, and further,

16. Steve Dye, Chief of Police, City of Grand Prairie is converting Claimant’s right to travel

**“The right to travel is part of the liberty of which a citizen cannot be deprived without due process law under the 5th Amendment. This Right was emerging as early as the Magna Carta.”** (1215 c.e.) Kent v Dules 357 US 116 (1958)

**“Complete freedom of the highways is so old and well established a blessing that we have forgotten the days of the "Robber Barons" and toll roads,...”** Robertson v. Department of Public Works, 180 Wn. 133

**"The right to travel over a street or highway is a primary absolute right of everyone."** Foster's, Inc. v. Boise City, 118 P.2d 721, 728.

**“The use of the highway for the purpose of travel … is not a mere privilege, but a common fundamental right of which the public … cannot rightfully be deprived.”** Chicago Motor Coach v. Chicago, 169 NE 221.

**"The right of a citizen to use the highways, including the streets of the city or town, for travel and to transport his goods, is an inherent right which cannot be taken from him."** Florida Motor Lines v. Ward, 137 So. 163, 167; State v. Quigg, (Fla. - 1927), 114 So. 859, 862;

**“The Supreme Court has recognized that personal liberty includes 'the right of locomotion, the right to move from one place to another according to inclination.'"** Davis v. City of Houston, (Tex. Civ. App., 1924), 264 S.W. 625, 629.

**"No one may be required to obtain a license in order to speak. Thus, the State can no more license the Appellant's right to travel in his automobile than it could license his right to print or to speak, for they are all inalienable rights."** Thomas v. Collins, (1944), 323 U.S. 516, 543,

Claim of Writ of Habeus Corpus (Non-Statutory) Page 6

into a privilege by demanding an excise tax for the privilege of travelling without registration

**“2. The requirement of payment for such licenses is only a mode of imposing taxes on the licensed business, and the prohibition, under penalties, against carrying on the business without license is only a mode of enforcing the payment of such taxes.** **5. The recognition by the acts of Congress of the power and right of the states to tax, control, or regulate any business carried on within its limits is entirely consistent with an intention on the part of Congress to tax such business for national purposes.”** License Tax Cases 72 U.S. (5 Wall.) 462 (1866)

**“License, contracts, is a right given by some competent authority to do an act, which without such authority would be illegal. The instrument or writing which secures this right is also called a license. Vide Ayl.Parerg. 353; 15 Vin.Ab 92; Ang. Wat. Co. 61, 85. A license is express or implied. An express license is one in which in direct terms authorizes the performance of a certain act; as a license to keep a tavern by public authority. An implied license is one which though not expressly given, may be presumed from the acts of the party having the right to give it.”** Bouvier’s Law Dictionary 1843 Edition, Volume 2, page 53 [emphasis added],

and the Claimant has exercised his right to ignore Steve Dye’s color of law

**“The claim and exercise of a Constitutional (guaranteed) right cannot be converted into a crime”.** Miller v US, 230 Fed 486,489

**"No State shall convert a liberty into a privilege, license it, and charge a fee therefore."** Murdock v. Pennsylvania, 319 US 105

**"There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights."** Sherer v. Cullen, 481 F 946

**"If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity."** Shuttlesworth v. City of Birmingham Alabama, 373 US 262

because Steve Dye is presuming that the Claimant is a US citizen

**"The privileges and immunities clause of the 14th Amendment protects very few rights because it neither incorporates the Bill of Rights, nor protects all rights of individual citizens. Instead this provision protects only those rights peculiar to being a citizen of the federal government; it does not protect those rights which relate to state citizenship."** Jones v. Temmer, 89 F. Supp 1226

**"...the privileges and immunities of citizens of the United States do not necessarily include all the rights protected by the first eight amendments to the Federal constitution against the powers of the Federal government."** Maxwell v Dow, 20 S.C.R. 448, at pg 455;

**"...that there was a citizenship of the United States and a citizenship of the states, which were distinct from each other, depending upon different characteristics and circumstances in the individual; that it was only privileges and immunities of the citizens of the United States that were placed by the amendment under the protection of the Federal Constitution, and that the privileges and immunities of a citizen of a state, whatever they might be, were not intended to have any additional protection by the paragraph in question, but they must rest for their security and protection where they have heretofore rested."** Maxwell v Dow, 20 S.C.R. 448, at pg 451; [Emphasis added]

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**“A “US Citizen” upon leaving the District of Columbia becomes involved in “interstate commerce”, as a “resident” does not have the common-law right to travel, of a Citizen of one of the several states.”** Hendrick v. Maryland S.C. Reporter’s Rd. 610-625. (1914)

but Steve Dye has no evidence of the Claimant’s citizenship, and his presumptions are NOT a means of escaping constitutional limitations

**“The power to create presumptions is not a means of escape from constitutional restrictions.”** Bailey v Alabama, 219 U.S. 219, 238, et seq., 31 S.Ct. 145; Manley v Georgia, 279 U.S. 1, 5-6, 49 S.Ct. 215, and further,

17. Claimant has been held in the CITY JAIL well in excess of 24 hours, and has not been brought before a magistrate or judge to determine the lawfulness of this incarceration, and further,

18. Claimant is being restrained of his liberty unlawfully in that Claimant has not been

afforded counsel prior to imprisonment, contrary to Article Six in Amendment to the Constitution for the United States of America, binding on all the states. According to the United States Supreme Court in the case of Argersinger v. Hamlin 407 U.S. 25, 92 S.Ct, 2006, 32 L.Ed. 2d 530, the court set forth the Argersinger Doctrine which states, at page 2014 to wit:

**"Under the law we announce today, every judge will know when the trial of a misdemeanor starts that no imprisonment may be imposed even if local law permits it, unless the accused is ''represented by counsel."** [emphasis added]

See also: Walker v. Mclain, 768 F.2d 1181(10th cir 1985), and Ridgeway v. Baker,

720 F.2d 1409 (5th Cir. 1083), and further,

19. The imprisonment is unlawful because to hold a person in arrest of his/her liberty, simply because he/she does not have the resources to post bond on a traffic ticket, is unlawful. The Equal Protection clause prohibits imprisonment where such imprisonment converts an inability to pay into a jail term. (See: Beardon v. Georgia, 461 U.S. 660, 103 S.Ct. 2064, 76 L.Ed. 2d 221 (1983); Tate v. Short, 401 U.S. 395, 91 S.Ct., 668, 28 L.Ed. 2d 130 (1971); Williams v. lllinois, 399 U.S.235, 90 S.Ct., 2018 L.Ed. 2d 586 (1970), and further,

20. The United States Constitution, at Article Five of the Bill of Rights, is a guarantee to each Citizen that he/she will not be deprived of his liberty without due process of law. Claimant is natural-born and an inhabitant of the Republic state of Texas and is entitled to due process of law, and further,

21. Claimant is entitled to present and to represent his/her right afforded by due process under the law. Moreover, it is the fundamental right of every Citizen to petition and redress government for grievances, and never to fear imprisonment for objecting to proceedings of government. In the instant case, Claimant's desire to contest the traffic violation charge has been met with further punishment, in which he has been deprived of his prescription glasses and denied pencil and paper, thus disabling him from preparing his defense while imprisoned.

Claimant should never be met by such arrogant, abuse of executive and judicial authority for a minor traffic infraction. Even if the Claimant was subject to Steve Dye’s color of law codes, rules and regulations, imprisonment is clearly out of the question in such instances, and punishment amounts to a cruel and unusual punishment, in violation of Claimant's rights under the federal and state Constitutions, and further,

Claim of Writ of Habeus Corpus (Non-Statutory) Page 8

22. The imprisonment is unlawful in that your Claimant has stated and demonstrated to the County Criminal Court his ability, willingness, and duty to appear in court as required, and to answer the charges against him. A bail bond is typically and historically a guarantee against '"the risk of flight". Claimant is not a flight risk and should be released on his own recognizance. Justice is not for sale in the Republic state of Texas, and further,

23. The U.S. Supreme Court ruled and upheld a lower court ruling that made a Virginia judge liable for attorney's fees and court costs for jailing a misdemeanor prisoner who could not post bail. The Virginia Supreme Court decision itself dealt with the issue of Judiciary immunity, not the question of whether the suspect should have been detained. Pulliam v. Allen. Also, in a 1971 Houston, Texas case the court established "a person cannot be ordered held in jail to work out a fine if his crime is not punishable by jail time." Tate v. Short, 1971 TX, and further,

CONCLUSION

24. The imprisonment with the additional deprivations, coupled with the Claimant's inability to pay the cost of the bond, are egregious violations of the law, and further,

25. The punishments, especially taken together, constitute cruel and unusual punishment. To imprison a person at a time in which he is struggling to make ends meet, for inability to post a bond, is cruel and unusual punishment, and further,

26. The lawfulness of the imprisonment has not already been adjudged upon a prior proceeding, and further,

27. There is no common law contract by which the Claimant has consented to this imprisonment, and further,

28. There is no lawful court order or other lawful court document which authorizes the imprisonment, and further,

29. The next court date has not been scheduled or docketed, and Claimant has not been

informed of a future court date, and further,

30. The prisoner is not a threat or danger to the public or himself, and further incarceration would be regarded as a crime against the people of Texas, and a dire threat to their freedom, and further,

31. WHEREFORE, your Claimant demands that this Court grant the Writ of HABEAS Corpus and that he be immediately discharged from this imprisonment, and further,

32. All of the foregoing is submitted on behalf of the Claimant this 25th day of January, 2015, and further,

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AFFIRMATION OF CLAIM BY CLAIMANT'S NEXT OF FRIEND

33. Pursuant to Rule 201 of your Rules of Evidence, and locus sigilli, I, Glenn Winningham; Fearn, a best friend, on behalf of the Claimant, in and for the above and foregoing Claim For Writ of HABEAS CORPUS, because Claimant is imprisoned in the GRAND PRAIRIE CITY JAIL by the Respondent, do hereby attest and affirm under the pains and penalty of perjury pursuant to 28 U.S.C. 1746 (1), that the above and foregoing statements are true and correct, to the best of my ability, and further,

34. Further Claimant sayeth not.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_L.S.

Glenn Winningham; Fearn

as next of friend of the Claimant

c/o 6340 Lake Worth Blvd., #437

Fort Worth, Republic of Texas

ZIP CODE EXEMPT

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