

[Uncorrected – Published as received]

Superior Court district 27 B
Lincoln County Court

Rodney -Dale ;Class
Private Attorney General
432 N Lincoln Street
High Shoals, NC 28077
Living man as the Declarant

Case #

CASE # 13 CR 050407
on Appeal

Vs

Administrative Law Judge

STATE OF NORTH CAROLINA *et,al*
& LINCOLN COUNTY
Both Fictitious Entity
No Corpus delecti or Real Party of Interest

Appeal Brief
Procedural Error

The Declarant points to the Congressional Act in the same manner that the Judiciary Act of 1789 created the inferior courts, the Atty. Gen.'s office, US marshals and by Congressional Act, Congress created the enabling rule act of 1934 also created the Private Attorney General Act and the Bounty Hunter act to enforce the laws as a Constitutional Enforcement Officers to defend and protect the civil rights of citizens of this nation under Title 42 USC and Title 18 USC and by Title 31 USC 3729 and the 14 amendment section 4. This State own legislation has also created the courts, the District Attorney's Office and the Bail bondsman to operate as law enforcement in the state of North Carolina

NOW, COMES The Declarant Rodney Dale Class in his official position as a Private Attorney General and a 14th amendment section 4 Bounty Hunter (here in after Declarant) to file this document named Appeal Brief Procedural Error into the clerk of court of the Superior Court district in Lincoln County Court.

I Parties to the Action and Standing

All issue are incorporated in paragraph 1 through 5 to the foundation of the Declarant debate of Procedural errors

1 The first party to this action is Rodney Dale Class in his official position as a Private Attorney General and a 14th amendment section 4 Bounty Hunter.

- a) These Acts / laws being the **Civil Rights Act of 1866**, 14 ~~Stat.~~ [27](#), enacted April 9, 1866, (and sometimes referred to as The Private Attorney General Act) 39th Congress, Sess 1, Ch 31 (1866), CHAP. XXXL, *(Formally titled): An Act to protect all Person in the United States in their Civil Rights, and furnish the Means of their Vindication*, April 9, 1866; Public Law 104-317, Oct 19, 1996, 110 Stat 3853; 93 stat 1284; Public Law 96-170, 96th Congress, Dec 9th 1979. Congress created the position of Private Attorney General and passed it into Public Law to give the People like this PAG the same right as the Federal or State Attorneys General to bring suit in the name of the People when those who hold Public Office as Federal or State Attorneys General or County Prosecutors fail or refuse to protect the People rights because it conflicts with their BAR Oaths.
- b) The notion of a "private attorney general" was first recognized by Judge Jerome

Frank in Associated Industries of New York State v. Ickes, 134 F.2d 694 (2d Cir. 1943).

“Judge Frank wrote that instead of designating the Attorney General, or some other public officer, to bring an action, Congress can constitutionally enact a statute conferring on any non-official persons, or on a designated group of non-official persons, authority to bring a suit ...even if the sole purpose is to vindicate the public interest. **Such persons, so authorized, are, so to speak, private Attorney Generals.**”

c) SECTION 1. SHORT TITLE.

This Act may be cited as the 'Bounty Hunter Responsibility Act of 2005'.

SEC. 2. CLARIFICATION OF APPLICATION OF CIVIL RIGHTS LAWS.

In General- For purposes of section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 242 of title 18, United States Code, and other Acts of Congress providing civil or criminal liability for the deprivation of federally protected rights under color of any statute, ordinance, regulation, custom, or usage, of a State—

2. Second party to this action is the Lincolnton County Sheriff Department as a private contractor with no public offices standing.
3. Third party to this action is the Lincolnton County prosecutor office in violation of the Bar Association regulation Ch 84 N.C.G.S. Title 27 N.C. A.C and this State Legislative Statutes.
4. Fourth Party Judge Ali B. Paksoy District Court judge did violate Judicial Rule of Canon and National Defense Authorization Act and the state of emergency clause of 1933 did violate this State Legislation Statutes and its State regulation under Administrative procedures and failing to file his written order for this Appeal as it is a Court of nor record.
5. Fifth Arrangement Judge in the administrative court did violate administrative procedures of this State Legislation procedure

II Statement of Errors by County Parties

All issue and or allegation are incorporated in paragraph 1 through 18 to the foundation of the Declarant debate of Procedural errors

Errors of the Sheriff Department

6. The North Carolina Administrative Court Judge Melissa Owens Lassiter has ruled the Sheriff Department is not an administration under the North Carolina State. Case # 11 DOJ 09708.
7. North Carolina General Statutes Article 3 Duties of Sheriff place a limitation of the ability of the Sheriff or his deputies to arrest and detain any one on the Highway or Street in North Carolina.
8. This supports the administrative Court ruling.
9. The Sheriff Office deputies did with full intend violate North Carolina General Statutes 15A-231 other searches and seizures.
10. The Declarant is pointing to the North Carolina General Statute as its proper procedures to how thing are to be adhere to as a creation of this State Legislation.
11. The Sheriff deputies once placed on the witness stand by the county prosecutor office the Declarant was able to cross exam them and expose they have no knowledge in law.
12. This to confirm the administrative court ruling and the Article 3 of North Carolina General Statutes that they lack authority to arrest on the Highway and or on the Street.
13. The mere fact that North Carolina Department of Insurance (Tim Pardue) was involved on the ground of the Declarant being a Bounty Hunter created a "Fruit of the Poison Tree" issue.

a) An extension of the ~~exclusionary rule~~ established in ~~Silverthorne Lumber Co. v. United States~~, 251 U.S. 385 (1920). This doctrine holds that evidence gathered with the assistance of illegally obtained information must be excluded from trial. Thus, if an illegal interrogation leads to the discovery of physical evidence, both the interrogation and the physical evidence may be excluded, the interrogation because of the exclusionary rule, and the physical evidence because it is the “fruit” of the illegal interrogation.

DEFINITION FROM NOLO’S PLAIN-ENGLISH LAW DICTIONARY

b) In criminal law, the doctrine that evidence discovered through unconstitutional means (such as a forced confession or illegal search and seizure), may not be used as evidence against a criminal defendant. For example, if a suspect is arrested but is not read the *Miranda* rights, then tells the police the location of stolen property, and the police then find the stolen property as a result of the interrogation, the stolen property is inadmissible because it was acquired through an unconstitutional interrogation.

14. The Declarant was never served with a warrant to search or seizure or read his *Miranda* rights before being arrested.

Error of the County Prosecutors Offices

15. The County Prosecutor ADRIAN HODGES, comes under North Carolina Statutes 7A-60 District Attorneys and prosecutorial.

16. County Prosecutor ADRIAN HODGES is also a member of the North Carolina Bar Association North Carolina General Statutes Ch. 84 and North Carolina Administrative Code Title 27.

17 The Declarant is pointing to the North Carolina General Statute again as these are procedures created by this State Legislation to be followed.

18. County Prosecutor ADRIAN HODGES pursuant to the above named Statues of this State is required to have good morals and not misrepresent the laws or regulation / procedures of this State in the courtroom.

IV Procedural Violation of the District Attorney Office

All issue and or allegation are incorporated in paragraph 1 through 36 to the foundation of the Declarant debate of Procedural errors

19. The prosecution under it rule of profession ethic under North Carolina General Statute Ch. 84 and North Carolina Administrative Code Title 27 did with intend violate procedures.

20. The prosecution has failed to follow the procedures in order to get a clean hands verdict of guilty.

21. The prosecution was aware that there was no search warrant issued brought up by the Declarant.

22. The prosecution being learned in the Statutes of this State and learned in the Constitution of this State was aware that a jury had to be present in the court room in order for the hearing to proceed.

23. The prosecution once made aware that the Sheriff Deputies lack knowledge in law was require by moral ethic to ask the Court for a dismissal of its case.

24. The prosecution was made aware in the filing to the District Court by the Declarant that the Sherriff Department lacks standing to bring a claim as the Declarant notify the District Court and the prosecution of its filing of the Administrative Ruling to such.

25. The prosecution failed to answer any of the Declarant filing when it was filed in prior to the arraignment.

26. The prosecution failure to rebut, dispute or answer the Declarant Filing is a procedural error and admission to the lack of the Court jurisdiction.
27. Pursuant to proper procedures to file a claim the prosecutor's office was required an affidavit, a written complaint, and a warrant to set forth the County complaint and set jurisdiction for the District Court to have jurisdiction.
28. North Carolina State Legislation created Ch 1 A **Rules of Civil Procedure ,Ch 8 C Evidence Code** and **Ch 15A Criminal Procedure Act** for one reason," to be followed".
29. At no time did the County Prosecutor ADRIAN HODGES Petition or file a written Complaint into the clerk of court office to set subject matter or jurisdiction of the Court.
30. At no time did the County Prosecutor ADRIAN HODGES receive an affidavit of a complaint by a real party of interest under Rule 17 or a valid complaint under Ch 15A Criminal Procedure that has ever been placed into the court record.
31. At no time did the County Prosecutor Offices nor did the Sherriff Department render payment to the clerk of court as a filing fee.
32. The Declarant will point to this State own Legislation in Court Rules it does not Bar the State from paying filing fees when fees are required.
33. The County Prosecutor ADRIAN HODGES being learned in the this State Statutes and being a Bar Member did violate procedures under Ch 84 and Title 27 Administrative Codes.
- a) Being a Bar member and County Prosecutor ADRIAN HODGES cannot disregard this State Constitution to a fair and unbiased hearing by a trial by jury.

b) Being a Bar member and County Prosecutor ADRIAN HODGES cannot disregard this State legislation statutes that a search warrant and a proper warrant for arrest was required.

c) Being a Bar member and County Prosecutor ADRIAN HODGES cannot disregard Federal Legislation under the Statutes at Large nor U.S. supreme Court decisions that was filed in by the Declarant.

d) Being a Bar member and County Prosecutor ADRIAN HODGES did sit in court and did allow this State Statutes to be violate by both Sherriff Deputies while on the witness stand and by the judge is.

34. Being a Bar member and County Prosecutor ADRIAN HODGES failed to come in compliance under Article 3 Ch 150 B as ADRIAN HODGES allowed the Sheriff Department to act as an administration office to bring forth administration claim against the Declarant.

35. Being a Bar member and County Prosecutor ADRIAN HODGES was aware of this Declarant administrative Ruling that the all law enforcement under Ch 17 are listed as private contractors and lack subject matter or jurisdiction to represent private contractors on behalf of the State or County.

36. Being a Bar member and County Prosecutor ADRIAN HODGES being learned in this State Statutes cannot presume that the Sheriff deputies has authority to arrest anyone when the State legislation did not designate or fails stated in the written statutes.

IV Procedural Violation of the District Court

All issue and or allegation are incorporated in paragraph 1 through 55 to the foundation of the Declarant debate of Procedural errors.

37. Judge Ali B Paksoy lack jurisdiction as the County Prosecutor office did fail to file a proper complaint into the clerk of court office in compliance with **Ch 1A Rules of Civil Procedure, Ch 8 C Evidence Code and Ch 15A Criminal Procedure.**

38. Judge Ali B Paksoy lack jurisdiction as the Sheriff Department did fail to file a proper complaint into the clerk of court office in compliance with **Ch 1 A Rules of Civil Procedure ,Ch 8 C Evidence Code and Ch 15A Criminal Procedure.**

39. Judge Ali B Paksoy was aware that he was operating in an administrative court and not a judicial court and therefore lacked jurisdiction and subject matter over the Declarant.

40. Judge Ali B Paksoy was aware that he was operating under a foreign state status as the Declarant did explain to him on the record that he relinquished his national citizenship and took on a foreign status as a federal citizen under the 14th amendment of the United States Constitution.

41. Judge Ali B Paksoy was aware that he was allowing the Sheriff Department to act as agency of the state and allowing such agency to set forth administrative claims against the Declarant.

42. Judge Ali B Paksoy did knowingly violate the states legislation whenever the issue of an improper warrant for search and seizure and arrest was addressed in court by the Declarant.

43. Judge Ali B Paksoy did knowingly violated procedures under the judicial rules of Canon of being impartial and unbiased by disregarding Rules of Court for proper filing of the complaint by the prosecutor's office for the Sheriff's office.

44. Judge Ali B Paksoy did disregard federal legislation under statutes at large and United States code under title 42 public health and welfare; federal funding to which the court receive such federal funding.

45. Judge Ali B Paksoy did knowingly disregard administrative rulings and decisions by the Administrative Court in Raleigh and by the North Carolina Atty. Gen.'s office stating that the Sheriff Department had no standing to bring an action in law enforcement.

46. Judge Ali B Paksoy did knowingly violate the 11th amendment to United States Constitution declaring that he had no judicial powers in law or in equity and that the County could not commence prosecution against the Declarant.

47. Judge Ali B Paksoy did act in a manner of prejudiced and biased by denying the Declarant a trial by jury pursuant to this States Constitution.

48. Judge Ali B Paksoy did knowingly violate the state of emergency clause of 1933 public law 1, 48 stat C1 knowing that administrative agencies were given authorities to regulate did knowingly violate article 3 chapter 150 B of this State legislative statutes.

49 Judge Ali B Paksoy being learned in law of the national Defense authorization act placed in this country under state of emergency court was required to have disclosed this to the Declarant.

50. Judge Ali B Paksoy been aware the Federal Reserve act of 1913 and the state of emergency act of 1933 and the Social Security act of 1935 and the alien registration act of 1940 Judge Ali B Paksoy was aware and failed to disclose that these were commercial violations and administrative policy violations to which the court had no subject matter over the Declarant.

51. Judge Ali B Paksoy is aware of the judicial rules of Canon that required him to be impartial and unbiased requiring integrity and good moral ethics to install confidence in the court room was violated by him in court.

a) by denying the Coram Nobis that challenge the jurisdiction.

b) by denying declaration the statutes at large, United States code, North Carolina general statutes and North Carolina administrative codes.

c) by denying by 12 B6

d). By breaching his fiduciary duties to discharge the debt to the cestui que trust the state of emergency of 1933.

52. Judge Ali B Paksoy did knowingly violate judicial rules of Canon by allowing a “quasi-in rem claim” to be brought before the court to which there was not a real victim or injured party.

53. Judge Ali B Paksoy hasn’t yet put in writing a proper court order of his decision or ruling for March 26, 2013.

54. Judge Ali B Paksoy did knowingly run a Court of no record in violation of the States Constitution to a fair and unbiased trial by jury.

55. Judge Ali B Paksoy being aware of the national defense authorization act Judge Ali B Paksoy did knowingly allow the County Prosecutors office and private contractors to violate the rules of engagement of an American citizen under lieber code.

IV Procedural Violation of the arrangement Court

All issue and or allegation are incorporated in paragraph 1 through 60 to the foundation of the Declarant debate of Procedural errors.

56. The arrangement court being administrative court was required by administrative procedures of this states legislative statute to address the Declarant filings that were filed in his arraignment.

57. The arrangement court being an administrative court failed to follow administrative procedures and dismiss this case as the Declarant is not part of the administration.

58. The arrangement court being a court of non-record lack subject matter jurisdiction to take a plea when it refused to address the Declarant paperwork for dismissal.

59. The Declarant filings were disregarded by the arrangement court as well as the County prosecutor's office to have this case dismissed and addressed in the first administrative hearing.

60. The arraignment courts action violates administrative procedures pursuant to this States legislation statute to how administrative courts are to operate.

V Conclusion

All issue and or allegation are incorporated in paragraph 1 through 58 to the foundation of the Declarant debate of Procedural errors.

The Declarant has pointed out that this State Legislation has created Statutes and the Rules of Court, evidence code and criminal procedures. These regulations were created for the Courts to follow and members of the bar Association that when they walked into these courts. Members of the court in the court itself are required to see that the statutes and regulations are adhered to when they commence any actions in that court room.

What is the use of having this State legislation creates all these procedures when the court or bar member's or the County prosecutor doesn't have to follow the written

procedures to a proper trial or administrative hearing. The State legislation created these procedures and regulations to ensure proper procedural performance and to ensure a fair and unbiased and unprejudiced trial on behalf of and for the defendant in these courts. When members of the court disregard the very legislation that regulates courtroom procedures and disregards the rule of law how can you not have procedural errors in violations against the citizens of this nation

This Declarant is drawn the Appeals Court attention to how can the people be held to a set of regulations that this state legislative and acted as acts to which the court and the Bar Association has total disregard for following proper procedures.

The state legislation has created the lawyers handbook which entails chapter 84 of the state statutes to how a lawyer is to operate in the court room. Lawyers and judges cannot violate their own procedures and disregard legislation to how they are to operate and conduct a trial while trying to hold the citizen to set of standards that the prosecution in the court itself disregards in overrides in order to get a conviction.

No place in the Rules of Court, evident codes or criminal procedures does it allow the State not to pay a filing fee when a claim is filed. No place in the Rules of Court evident codes or criminal procedure its state that the prosecution or an agency doesn't have to file a proper claim for an action in the clerk of courts office.

No place in this State's Legislation does it give a presumption or presumed authority to the Sheriff Department, Police Department or even the state Highway Patrol to the arrest and detain out on the Highway are out on the streets when it is not written in the statutes. The prosecution and the court cannot give authority to private contractors where it is not written into the states legislation or when the state legislation fails

statement. Unlike the Declarant has congressional authority to the private Atty. Gen. act and the bounty Hunter responsibility act and under the 14th amendment Congress did give written authority for the private citizen to act as a Constitutional enforcement officer and to bring claims under title 42 United States code title 18 criminal code title 31 United States code financial and under the 14th amendment section 4 of the United States Constitution. As these public offices hold surety bonds to operate once the surety bonds has been violated because a breach of public duty this Declarant by congressional authority is to enforce the laws of this state or any other states in this nation as law enforcement.

The Declarant points to the Congressional Act in the same manner that the Judiciary Act of 1789 created the inferior courts, the Atty. Gen.'s office, US marshals and by Congressional Act, Congress created the enabling rule act of 1934 also created the Private Attorney General Act and the Bounty Hunter act to enforce the laws as a Constitutional Enforcement Officers to defend and protect the civil rights of citizens of this nation under Title 42 USC and Title 18 USC and by Title 31 USC 3729 and the 14 amendment section 4. This State own legislation has also created the courts, the District Attorney's Office and the Bail bondsman to operate as law enforcement in the state.

The Declarant remind the Appeals Court even though the federal legislation and state legislation may have created the office only for judicial, Atty. Gen., district attorney, and bail bondsman only people can fill these offices through election or appointments, however the United States Congress did authorized by the legislative act for the private citizen to act as a private Atty. Gen. and bounty Hunter to enforce the laws under title 42

public health and welfare in title 18 criminal code Title 31 and the 14th amendment as law enforcement across this nation.

Rodney -Dale ;Class
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432 North Lincoln Street
High Shoals N.C. 28077
Bounty Hunter Seal

Private Attorney General Seal

Proof of Service

NOW,COMES, the Declarant Rodney- Dale; Class in his official position as a Private Attorney General and a 14th amendment section 4 Bounty Hunter (here in after Declarant) to file this document named Appeal Brief Procedural Error by the Declarant into the clerk of court of the superior court on this day of _____ in the month of _____ in the year of our Lord 2013 AD

Rodney -Dale ;Class
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cc

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