Cause No(s). 0200020006 (D.W.L.I. On 05-01-2010A.D.

The State of Texas	§	**IN THE ____ DISTRICT COURT**
	§	
VS.	§	_____
	§	
Billy Joel Fuchs	§	**CALHOUN COUNTY, TEXAS**

Judicial Notice
Pursuant under 201(d) of the Texas and Federal Rules of Evidence
MANDATORY

Public Law 93-595: A Court shall take Judicial Notice if requested by a party and supplied with the necessary information.

MOTION TO VACATE VOID ORDER LACKING PERSONAL & SUBJECT MATTER JURISDUCTION

I, Billy Fuchs, a living man without benefit of counsel, hereinafter known as the Accused, and by special appearance, moves this court to Dismiss the above cause and states the following:

1. The Accused was forced to sign traffic citations associated to the above cause(s) under threat, coercion and duress which voids the promise to appear, which forms an unconscionable contract.

   Knowing failure to disclose material information necessary to prevent statement from being misleading, or making representation despite knowledge that it has no reasonable basis in fact, are actionable as fraud under Texas law. *Rubinstein v. Collins*, 20 F.3d 160, 1990.

2. The Accused was not paid consideration to perform the obligation of the promise to appear under the Texas Business and Commerce Code Section 3.408..
3. No antecedent obligation of the Accused to be subjected to a liability associated with the above cause has been submitted into evidence.
4. The Accused was not involved in commerce at the time of the traffic stop.

   See Schactman v Dulles; Kent v. Dulles (reaffirmed in Zemel v. Rusk); Edwards v. California; Chicago Motor Coach v. Chicago; Thompson v. Smith; House v. Cramer; and also, "A license when granting a privilege, may not, as the terms to its possession, impose conditions which require the abandonment of constitutional rights." Frost Trucking Co. V. Railroad Commission, 271 US 583, 589 (1924); Terral v. Burke Construction Company, 257

US 529, 532 (1922).

5. The Accused's body is not a vessel as described in 18 U.S.C. 7(1).
6. The automobile the Accused was traveling in during the traffic stop is not a vessel as described in 18 U.S.C. 7(2).

> **United States Code Title 18**
> **§ 7. Special maritime and territorial jurisdiction of the United States defined**
> The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:
> •(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.
> •(2) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line.

7. There is no contract between the plaintiff and the accused which gives the plaintiff interest in the Accused and no evidence of such interest has been admitted into evidence.
8. There is no contract between the plaintiff and the accused which gives the plaintiff interest in the Accused's private automobile and no evidence of such interest has been admitted into evidence.
9. The Accused has been denied the Nature and Cause of the accusations associated with the above cause.

> The constitutional right to be informed of the nature and cause of the accusation entitles the defendant to insist that the indictment apprise him of the crime charged with such reasonable certainty that he can make his defense and protect himself after judgment against another prosecution on the same charge. *United States v. Cruikshank*, 92 U.S. 542, 544, 558 (1876); *United States v. Simmons*, 96 U.S. 360 (1878); *Bartell v. United States*, 227 U.S. 427 (1913); *Burton v. United States*, 202 U.S. 344 (1906).

10. No legitimate information has been filed in to evidenced associated with the above cause.

> If an offense cannot be accurately and clearly described without an allegation that the accused is not within an exception contained in the statutes, an indictment which does not contain such allegation is defective. *United States v. Cook*, 84 U.S. (17 Wall.) 168, 174 (1872).

11. Article 5, Section 12(b) of the Texas Constitution states that the court does not have jurisdiction until the information is filed into court.

> Texas Constitution - Article 5, Section 12(b)

"... The presentment of an indictment or information to a court invests the court with jurisdiction of the cause.

12. The prosecution has the burden of proof to show that the court has subject matter jurisdiction.

"A man must assign a good reason for coming (to the court). If the fact is denied, upon which he grounds his right to come (into the court), he must prove it. He, therefore, is the actor in the proof, and, consequently, **he has no right, where the point is contested, to throw the onus probandi on the defendant**." Maxfield's *Lessee v. Levy*, 4 U.S. 330. [Emphasis added]

13. The Accused demands this court to take Judicial Notice that it does not have subject matter jurisdiction.

When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost. *Rankin v. Howard*, (1980) 633 F.2d 844, cert. den. *Zeller v. Rankin*, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.

A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts. *Davis v. Burris*, 51 Ariz. 220, 75 P.2d 689 (1938).

When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process even though his act involved a decision made in good faith, that he had jurisdiction. *Little v. U.S. Fidelity & Guaranty Co.*, 217 Miss. 576, 64 So. 2d 697.

"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." *Ableman v. Booth*, 21 Howard 506 (1859).

"We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." *Cohen v. Virginia*, (1821), 6 Wheat. 264 and *U.S. v. Will*, 499 U.S. 200.

SUPREME LAW

"If the order is void, it may be attacked at any time in any proceeding," *Evans v Corporate Services*, 207 Ill.App.3d 297, 565 N.E.2d 724 (2nd Dist. 1990)

"a void judgment, order or decree may be attacked at any time or in any court, either directly or collaterally" *Oak Park Nat. Bank v Peoples Gas Light & Coke Col*, 46 Ill.App.2d 385, 197 N.E.2d 73, 77 (1st Dist. 1964)

"that judgment is void and may be attacked at any time in the same or any other court, by the parties or by any other person who is affected thereby.". It is also clear and well established law that a void order can be challenged in any court at any time." *People v Wade*, 116 Ill.2d 1, 506 N.E.2d 954 (1987)

"A void judgment may be attacked at any time, either directly or collaterally." *In re Marriage of Macino*,

236 Ill.App.3d 886 (2nd Dist. 1992)

"if the order is void, it may be attacked at any time in any proceeding," *Evans v Corporate Services*, 207 Ill.App.3d 297, 565 N.E.2d 724 (2nd Dist. 1990)

"a void judgment, order or decree may be attacked at any time or in any court, either directly or collaterally" - The law is well-settled that a void order or judgment is void even before reversal. *Vallely v Northern Fire & Marine Ins. Co.*, 254 U.S. 348, 41 S.Ct. 116 (1920)

"Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply void, and this even prior to reversal." *Old Wayne Mut. I. Assoc. v McDonough*, 204 U.S. 8, 27 S.Ct. 236 (1907); *Williamson v Berry*, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); *Rose v Himely, 4 Cranch* 241, 269, 2 L.Ed. 608, 617 (1808).

a court "cannot confer jurisdiction where none existed and cannot make a void proceeding valid." *People ex rel. Gowdy v Baltimore & Ohio R.R. Co.*, 385 Ill. 86, 92, 52 N.E.2d 255 (1943).

"It is clear and well established law that a void order can be challenged in any court." *Old Wayne Mut. L. Assoc. v McDonough*, 204 U.S. 8, 27 S.Ct. 236 (1907)

"A void order which is one entered by court which lacks jurisdiction over parties or subject matter, or lacks inherent power to enter judgment, or order procured by fraud, can be attacked at any time, in any court, either directly or collaterally," People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (Ill.App. 2 Dist. 1994).

"A judgment is characterized as void and may be collaterally attacked at any time where the record itself furnished the facts which establish that the court acted without jurisdiction." People v Byrnes, 34 Ill.App.3d 983, 341 N.E.2d 729 (2nd Dist. 1975).

Texas Law

Judicial action taken after the trial court's plenary power has expired is void. See *State ex. rel Latty v. Owens*, 907 S.W.2d 484, 486 (Tex. 1995); see also *Mapco, Inc. v. Forrest,* 795 S.W.2d 700, 703 (Tex. 1990) (defining a ***void judgment*** as one rendered when a court has no jurisdiction over the parties or subject matter, no jurisdiction to render judgment, or no capacity to act as a court). A party affected by void judicial action need not appeal. *State ex rel. Latty*, 907 S.W.2d at 486. If an appeal is taken,

however, the appellate court may declare void any orders the trial court signed after it lost plenary power over the case.. "A ***void judgment*** is a nullity from the beginning, and is attended by none of the consequences of a valid judgment. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." *Ex parte Seidel*, 39 S.W.3d 221, 225 (Tex. Crim. App. 2001). Only void convictions are subject to collateral attack. *Christian v. State*, 865 S.W.2d 198, 201 (Tex. App.-Dallas 1993, pet. ref'd) (challenge to voidable error in conviction, raised on appeal from revocation order, was impermissible collateral attack). A ***Void Judgment*** Is a ***Void Judgment*** Is a ***Void Judgment***-Bill of Review and Procedural Due Process in Texas, 40 Baylor L. Rev. 367, 378-79 (1988). See *Thomas*, 906 S.W.2d at 262 (holding that trial court has not only power but duty to vacate a ***void judgment***). A judgment is void only when it is clear that the court rendering judgment had no jurisdiction over the parties or subject matter, no jurisdiction to render judgment, or no capacity to act as a court. When appeal is taken from a ***void judgment***, the appellate court must declare the judgment void. Because the appellate court may not address the merits, it must set aside the trial court's judgment and dismiss the appeal. A ***void judgment*** may be attacked at any time by a person whose rights are affected. See *El-Kareh v. Texas Alcoholic Beverage Comm'n*, 874 S.W.2d 192, 194 (Tex. App.--Houston [14th Dist.] 1994, no writ); see also *Evans v. C. Woods, Inc.*, No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex. App.--Tyler Aug. 30, 1999, no pet. h.). A ***void judgment*** is a "nullity" and can be attacked at any time. *Deifik v. State*, No. 2-00-443-CR (Tex.App. Dist.2 09/14/2001) "A ***void judgment*** is a nullity from the beginning, and is attended by none of the consequences of a valid judgment. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." Since the trial court's dismissal "with prejudice" was void, it may be attacked either by direct appeal or collateral attack *Ex parte Williams*, No. 73,845 (Tex.Crim.App. 04/11/2001). "A ***void judgment*** is a nullity from the beginning, and is attended by none of the consequences of a valid judgment. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." *Ex parte Spaulding*, 687 S.W.2d at 745 (Teague, J., concurring). Since the trial court's dismissal "with prejudice" was void, it may be attacked either by direct appeal or collateral attack. See Ex parte Shields, 550 S.W.2d at 675 a void judgment can be collaterally attacked. See *Glunz v. Hernandez*, 908 S.W.2d 253, 255 (Tex. App.-San Antonio 1995, writ denied); *Tidwell v. Tidwell*, 604 S.W.2d 540, 542 (Tex. Civ. App.- Texarkana 1980, no writ) (finding that a ***void judgment*** may be collaterally attacked by a suit to set aside the judgment after it has become final if such ***void judgment*** becomes material). We agree. A collateral attack is any proceeding to avoid the effect of a judgment which does not meet all the requirements of a valid direct attack. See *Glunz*, 908 S.W.2d at 255. There is neither a set procedure for a collateral attack nor a statute of limitations. See *Glunz*, 908 S.W.2d at 255; *Davis v. Boone*, 786 S.W.2d 85, 87 (Tex. App.-San Antonio 1990, no writ). Collateral attacks may be only used to set aside a judgment which is void, or which involved fundamental error. See *Glunz*, 908 S.W.2d at 255. Fundamental error for this purpose means cases where the record shows the court lacked jurisdiction or that the public interest is directly and adversely affected as that interest is declared in the statutes or the Constitution of Texas. See id. The

cases distinguish between judgments which are void, and therefore may be set aside by a collateral attack, and those which are voidable and must be attacked by a valid direct attack. See id. A judgment is void if it is shown that the court lacked jurisdiction 1) over a party or the property; 2) over the subject matter; 3) to enter a particular judgment; or 4) to act as a court. Jurisdiction could not be conferred by waiver or retroactively *ELNA PFEFFER ET AL. v. ALVIN MEISSNER ET AL.* (11/23/55) 286 S.W.2d 241. Strictly speaking a ***void judgment*** is one which has no legal force or effect whatever. It is an absolute nullity and such invalidity may be asserted by any person whose rights are affected, at any time and at any place. It need not be attacked directly, but may be attacked collaterally whenever and wherever it is interposed. Usually it carries the evidence of its invalidity upon its face, while a voidable judgment is one apparently valid, but in truth wanting in some material respect; in other words, one that is erroneous. Such vice may be the want of jurisdiction over the person or other similar fundamental deficiency, but which vice does not affirmatively appear upon the face of the judgment.'" *BILLY DUNKLIN v. A. J. LAND ET UX.* 297 S.W.2d 360 (12/21/56). Where a ***void judgment*** has been rendered and the record in the cause, or judgment roll, reflects the vice, then the court has not only the power but the duty and even after the expiration of the term to set aside such judgment. *Harrison v. Whiteley, Tex.Com.App.*, 6 S.W.2d 89. This court in *Neugent v. Neugent*, Tex.Civ.App., 270 S.W.2d 223, followed and applied the rule announced in the Harrison-Whiteley case. The Supreme Court, speaking through Folley, Commissioner, in *Bridgman v. Moore*, 143 Tex. 250, 183 S.W.2d 705, at page 707, said: "The court has not only the power but the duty to vacate the inadvertent entry of a ***void judgment*** at any time, either during the term or after the term, with or without a motion therefore." We will not extend this discussion further than to state that we here reaffirm the holding on the point involved as announced by Justice Hightower in the former appeal (301 S.W.2d 181). While this holding was premature in view of the action of the Supreme Court (304 S.W.2d 265) reversing our holding, it was not upon the points discussed in Justice Hightower's opinion, but was on the point that since the judgment appealed from was an interlocutory one and not final, the appeal should be dismissed. However, we think our holding then is now appropriate. A ***void judgment*** has been termed mere waste paper, an absolute nullity; and all acts performed under it are also nullities. Again, it has been said to be in law no judgment at all, having no force or effect, conferring no rights, and binding nobody. It is good nowhere and bad everywhere, and neither lapse of time nor judicial action can impart validity. *Commander v. Bryan*, 123 S.W.2d 1008, (Tex.Civ.App., Fort Worth, 1938, n.w.h.); 34 Tex.Jur., Sec. 262, page 177; *Maury v. Turner*, 244 S.W. 809, (Tex.Com.App., 1922). Also, a ***void judgment*** has been defined as "one which has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at anytime and at any place directly or collaterally." Black's Law Dictionary; *Reynolds v. Volunteer State Life Ins. Co.*, 80 S.W.2d 1087, (Tex.Civ.App., Eastland, 1935, writ ref.); *Gentry v. Texas Department of Public Safety*, 379 S.W.2d 114, 119, (Tex.Civ.App., Houston, 1964, writ ref., n.r.e., 386 S.W.2d 758). It has also been held that "It is not necessary to take any steps to have a ***void judgment*** reversed, vacated, or set aside. It may be impeached in any action direct or, collateral.' *Holder v. Scott*, 396

S.W.2d 906, (Tex.Civ.App., Texarkana, 1965, writ ref., n.r.e.).

The Texas Constitution Article 5 sections 12(b) An indictment is a written instrument presented to a court by a grand jury charging a person with the commission of an offense. An information is a written instrument presented to a court by an attorney for the State charging a person with the commission of an offense. The practice and procedures relating to the use of indictments and informations, including their contents, amendment, sufficiency, and requisites, are as provided by law. ***The presentment of an indictment or information to a court invests the court with jurisdiction of the cause.***

Citation and Complaint Are Insufficient On Respective Faces

As Defendant has not been given the necessary information by Plaintiff to assert what specific sections of the commercial Transportation Code are being applied to Defendant, Defendant has been forced to make certain "presumptive guesses" as to what statutory sections are being insinuated by Plaintiff based upon the ambiguous charges written on the face of citation no. 0200020006, dated 5/01/2010, and issued and signed by plaintiff. Therefore, Defendant can only present arguments as follows.

The citation fails to state with requisite specificity the specific nature of the charges being levied against Defendant, as does the written and sworn complaint.

Defendant asserts that it is impossible to determine from the ambiguous charges written on the citation whether the charges are considered civil or criminal in nature.

The citation fails to state with requisite specificity under what lawful authority and statute Defendant is being charged. Defendant cannot determine from the citation whether the charge alleged arises under municipal or county ordinance or some state law; and, if the charge does arise under state law, whether the specific law pertaining to the alleged charge is to be found within the Transportation Code, Administrative Code, Family Code, Property Code, Penal Code, or any of the other various codes.

The citation is wholly insufficient to meet the statutory requirements of a valid and verified complaint regarding arrest without warrant as it was signed by the arresting officer absent the presence of a judge, clerk, or notary and is without verification under oath as mandated and required pursuant Texas Code of Criminal Procedure Sec. 45.019, thus negating the possibility of the citation itself serving as the complaint. This fact is self-evident by the lack of any certifying signature and seal to that effect on the face of the citation, or on the copy presented to Defendant.

As this case is being heard in a municipal court, the rules of a valid complaint for an arrest without warrant can only be those codified pursuant Texas Code of Criminal Procedure Sec. 45.019, infra. And in as much as valid complaint must be signed and sworn under oath and penalty of perjury the assertion of a lesser manner of creating a valid complaint pursuant Texas Code of Criminal Procedure Sec. 27.14(d) , infra, cannot stand. It is a gross constitutional violation of Defendant's unalienable due process rights to assert that any piece of paper containing a written accusation, but such accusation being neither sworn to nor signed under penalty of perjury as true by the accuser, or, one having reason to believe and whom does in fact

believe, that, the Defendant committed the act alleged therein.

Texas legislature may not bypass the necessity of a sworn and verified complaint as the basis for a valid charging instrument through the enactment of Texas Code of Criminal Procedure Art. 27.14(d). An unsigned and unsworn complaint cannot serve as a valid charging instrument under any circumstances, Art. 27.14(d) notwithstanding. Article 5 Sec. 12(b) of the Texas Constitution clearly reads that it is only an indictment or information that vests the court with jurisdiction to hear the case, there is absolutely no mention of a complaint serving as a valid charging instrument, and most certainly no mention of a citation serving as a valid complaint or as a substitute for either of these charging instruments. Defendant therefore alleges that Art. 27.14(d) Code of Criminal Procedure is unconstitutional on its face. Inasmuch as Art. 27.14(d) Code of Criminal Procedure asserts that the unsigned and/or unsworn citation made by the officer is a valid charging instrument vesting the court with jurisdiction of the cause, said article is in direct violation of Article 5 Sec. 12(b) of the Texas Constitution and the unalienable due process rights of Defendant, therefore Art. 27.14(d) must be declared unconstitutional on those grounds.

Art. 27.14. PLEA OF GUILTY OR NOLO CONTENDERE IN MISDEMEANOR.

...

(d) If written notice of an offense for which maximum possible punishment is by fine only or of a violation relating to the manner, time, and place of parking has been prepared, delivered, and filed with the court and a legible duplicate copy has been given to the defendant, the written notice serves as a complaint to which the defendant may plead "guilty," "not guilty," or "nolo contendere." If the defendant pleads "not guilty" to the offense, a complaint shall be filed that conforms to the requirements of Chapter 45 of this code, and that complaint serves as an original complaint. A defendant may waive the filing of a sworn complaint and elect that the prosecution proceed on the written notice of the charged offense if the defendant agrees in writing with the prosecution, signs the agreement, and files it with the court.

Neither the unsigned and unsworn citation nor the signed and verified complaint created pursuant Code of Criminal Procedure Sec. 45.019 are sufficient to vest the court with jurisdiction pursuant Texas Constitution Article 5 Sec. 12(b), and the legislature does not have the power and authority to create any statutory enactment intended to ignore, circumvent or deny any provision or prohibition of the respective constitutions, especially the Texas Constitution, pursuant Article 1, Section 29, supra.

In as much as the trial court routinely ignores Defendant's substantive right to an examining trial as mandated by law pursuant Texas Code of Criminal Procedure Arts. 14.06 and 15.17, infra, and the entirety of Chapter 16 of that code, as the proper and requisite procedure for all criminal cases, Defendant has never been apprised of the nature of the charges levied, which Defendant asserts is a violation of Texas Constitution Article 1 Section 10, as well as the laws of Texas. This criminal deprivation of fair and impartial justice by the trial court is then used to facilitate a complete denial of Defendant's substantive due process rights in the name of expediency for the sole purpose of revenue generation.

This action is not only a violation of Defendant's protected substantive and vested rights under various self-enacting clauses of the Texas Constitution, it also serves as a fatal omission by plaintiff in the instant matter pursuant Texas Constitution Article 1, Sec. 10, infra, to wit:

THE TEXAS CONSTITUTION
ARTICLE 1. BILL OF RIGHTS

Sec. 10. RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.
(Amended Nov. 5, 1918.)

This omission acts to prevent Defendant opportunity to determine whether Defendant is being charged with an administrative, civil, or criminal offense, which is a violation of a constitutionally protected substantive and vested right.

This omission also acts to prevent Defendant opportunity to determine if the respective officers of the state, county, or municipality have any lawful authority to enforce these particular laws against Defendant and/or on what alleged authority such enforcement is being based

BE IT NOTICED THAT ON JAN 24, 2014 AD ; THE DEPUTY CLERK FOR CALHOUN COUNTY INFORMED Billy Fuchs THAT IF Billy Fuchs DID NOT PAY THE FINE IN EXCESS OF $400 HE WOULD BE IMPRISONED. UNDER DURESS A "PLEA" OF "NOLO CONTENDERE" WAS ENTERED AS THIS WAS THE ONLY WAY TO DEAL WITH THE "WARRANT" Billy Fuchs SIGNED UNDER DURESS, AND (UCC 1-308, ALL RIGHTS RESERVED WAS ADDED) Billy Fuchs does still retain his original, and a fax copy sent to the agency.

The court has already been noticed that Billy reserves all rights, and to accept the signature is to accept this notice. My rights to due process have been violated every step of the way. My right to travel is being criminalized, converted into a priveledge and that priveledge has been revoked without just cause.

Whereas, the Accused states that this court lacks subject matter jurisdiction and demands that: This case be dismissed, any and all orders declaired void ab initio- including but not limited to; the order(s) of suspension, order(s) to pay any fine or fees or any other order derivitave of this unlawful matter.

Furthermore, the Accused requests all monies paid in leu of the "citation" issued be returned at once, and the order to Vacate previous orders be forwarded to the proper agencies to update their own records.

The foregoing is true and correct to the best of my knowledge, *so help me god.*

Respectfully,

(s)Billy J Fuchs, ALL RIGHTS RESERVED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing has been delivered to the following party or counsel of record via certified mail, return receipt requested, hand delivery or fax on this _25th day of JANUARY, 2015_.

CALHOUN COUNTY DISTRICT COURT CLERK

_____

_(S)Billy Fuchs All Rights Reserved
111 dustins drive near uhland Tex. (Zip exempt)

Cause No(s). _____

The State of Texas	§	**IN THE ____ DISTRICT COURT**
	§	
VS.	§	_____
	§	
Billy Fuchs	§	**CALHOUN COUNTY, TEXAS**

ORDER ON MOTION TO VACATE VOID ORDER LACKING JURISDICTION

On this the _____ day of _____, 201__, came on to be heard the Accused's Motion to Challenge Subject Matter Jurisdiction for the above entitled and numbered cause(s), and the court, having heard the said motion, and the evidence thereon submitted, is of the opinion that said Motion should be

_____ Granted the Charge is Dismissed, all orders regarding this case are hereby Vacated

_____ Denied, Grounds Being _____

_____

Signed and entered this _____ day of _____, 201__.

_____
Judge Presiding