

REQUEST FOR ADMISSIONS

Cause No(s). _____

The State of Texas § IN THE _____ COURT

§

VS. § _____

§

_____ § _____ COUNTY, TEXAS

TO: Acting prosecutor for the above Cause(s) representing _____ found at
_____.

Pursuant to Rule 198.1 of the Texas Rules of Court, The Accused,
_____, without the benefit of counsel, request that you serve the undersigned with a written response to each of the matters set forth below. Your response should either admit or deny each matter, or set forth in detail the reasons why you cannot either truthfully admit or deny each matter separately. Each of the matters will be admitted by you unless, within 30 days after service of this request or within a time designated by the court, you make and serve a written response to these matters as provided in Rule 198.

This is allowed under the Texas Code of Criminal Procedure, Article 39.04.

Respectfully submitted,

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 delivery confirmation, hand delivery or fax on this _____ day of _____, 201__.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall apply for the purposes of these request:

1. "You", "your", "prosecutor" or "The State of Texas" refer to the party coming against _____ accused of some alleged crime associated with the above Causes(s) and includes his/her/its' agents, representatives and attorneys, and/or all other persons acting or purporting to act on his/her/its' behalf or under his/her/its' control.
2. "Accused" refers to _____, which has been named as a defendant associated in the above Cause(s).

REQUEST FOR ADMISSIONS

The Accused hereby serves this request to the prosecutor pursuant to RULE 198.1 of the Texas Rules of Court. Please state who is answering these admissions.

REQUEST NO. 1

There is no Damaged Party in this alleged case.

ANSWER:

REQUEST NO. 2

The TEXAS TRANSPORTATION CODE applies to "persons" engaged in "Transportation".

ANSWER:

REQUEST NO. 3

A class 'C' Misdemeanor is not a jailable offense.

ANSWER:

REQUEST NO. 4

All of the Accused charges are of a class 'C' Misdemeanor variety.

ANSWER:

REQUEST NO. 5

The Accused, in this alleged case, is not alleged, by the prosecutor, to have been in commercial activity at the time of arrest.

ANSWER:

REQUEST NO. 6

The alleged charges, in this case, are found in the TEXAS TRANSPORTATION CODE.

ANSWER:

REQUEST NO. 7

The Texas Constitution states at Article III, Section 29, "The enacting clause of all laws shall be: "Be it enacted by the Legislature of the State of Texas.""

ANSWER:

REQUEST NO. 8

The Texas Constitution states at Article III, Section 30, "No law shall be passed, except by bill, and no bill shall be so amended in its passage through either House, as to change its original purpose."

ANSWER:

REQUEST NO. 9

The Texas Constitution states at Article III, Section 32, "No bill shall have the force of a law, until it has been read on three several days in each House, and free discussion allowed thereon; but four-fifths of the House, in which the bill may be pending, may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals."

ANSWER:

REQUEST NO. 10

The Texas Constitution states at Article III, Section 36, "No law shall be revived or amended by reference to its title; but in such case the act revived, or the section or sections amended, shall be re-enacted and published at length."

ANSWER:

REQUEST NO. 11

The TEXAS TRANSPORTATION CODE is not law as it does not conform to the requirements set forth for laws in the Texas Constitution at Article III, Sections 29, 30, 32, and 36.

ANSWER:

REQUEST NO. 12

The Accused, at the time of the arrest, was not in an activity that is under the regulatory authority of the TEXAS TRANSPORTATION CODE.

ANSWER:

REQUEST NO. 13

The Accused is not a 'Person' as defined in the TEXAS TRANSPORTATION CODE.

ANSWER:

REQUEST NO. 14

The Accused is not an 'Individual' as defined in the TEXAS TRANSPORTATION CODE.

ANSWER:

REQUEST NO. 15

The prosecutor did not follow Article 5, Section 17 of the Texas Constitution concerning the Cause(s) charging the Accused with a misdemeanor.

ANSWER:

REQUEST NO. 16

There is no record of an indictment for any cause having been returned by a grand jury empanelled in any of the District Courts concerning the Accused.

ANSWER:

REQUEST NO. 17

There is no record of an order transferring an indictment for this cause to this court as required by the Texas Constitution and/or Article 21.26 of the Texas Code of Criminal Procedure.

ANSWER:

REQUEST NO. 18

The TEXAS TRANSPORTATION CODE cannot regulate the Accused right to Assemble as found in Article 1, Section 27 of the Texas Constitution.

ANSWER:

REQUEST NO. 19

Section 201.904 in the TEXAS TRANSPORTATION CODE is the only place which specifically state what activity is regulated by Speed Signs.

ANSWER:

Respectfully,

Send responses to above location

INSTRUCTIONS

This document is served on the prosecutor, right after arraignment or at least 10 before the pretrial. This document is for the prosecutor to admit that the Transportation Code does not apply to you when you are not in commerce, among other things. Always remember to word your Admissions (no more than 25 admissions) in the manner of which you want them to admit as to be in your favor. If they wait and do not answer, then all statements will be taken by the court as admitted. You will then take your copy that was not responded to or the prosecutor's response and during trial submit it as a defense Exhibit of the admissions by the Plaintiff and admit into evidence while in front of the judge. You do not file a copy of this with the court when you serve it on the prosecutor. The prosecutor gets the original document.

Line 1: Where you put the cause numbers of the case.

Line 2: Put either 'Municipal', 'Justice of the Peace' or County.

Line 3: Put either 'In the City of (whatever City)', "Precinct (whatever number)" or "(whatever county Court it is – like – At Law #11)

Line 4: Put your name in Upper and Lower Caps.

Line 5: Put whatever county the court is in – like – "Galveston".

Line 6: Usually 'The State of Texas' goes in this space or whom ever the Prosecutor is representing like "City of ..." or "County of ...".

Line 7: Print your name in Upper and Lower case.

Line 8: Put the name of the Month that you serve a copy of this document to the prosecutor.

Line 9: Sign your name, print your name in Upper and Lower Caps then below that print your address.

Line 10: Put the numbered day of the Month that you serve a copy of this document to the prosecutor.

Line 11: Put the name of the Month that you serve a copy of this document to the prosecutor.

Line 12: Put the last number of the year that you serve a copy of this document to the prosecutor. – like - 2013 .

Line 13: Put " Prosecutor for (Whatever Court)

Line 14: Put the street address where the prosecutor will be served.

Line 15: Put the City, State and Zipcode where the Prosecutor will be served.

Line 16: Sign your name, then below print your name in Upper and Lower Caps then below that print your address.

Line 17: Print your name in Upper and Lower case.

Line 18: Print your name in Upper and Lower case.

Original goes to the Prosecutor and one copy for you to keep and have stamped by the Prosecutor's Secretary or just send it by certified mail. Be sure and NOT include the instruction sheets.