

**IN THE MUNICIPAL COURT FOR STATE OF TEXAS IN GAINES  
COUNTY AT SEMINOLE THE 106th JUDICIAL DISTRICT**

**Jeramy-Lee: Baker**  
**Petitioner**

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**No. 05-2065**

**CITY OF SEMINOLE**  
**Respondent**

**EX PARTE PETITION FOR A WRIT QUO WARRANTO**

**I. Request for Relief**

This Petition Quo Warranto is the proper procedure for attacking a judgment where the judge and prosecutor do not have their oaths of office as required by the District of Columbia and The State Of Texas Constitution Art. XVI. Section 1.

**II. History**

Officer Furlow charged petitioner with an alleged crime on 3/30/13.

There was no indictment filed on the Petitioner in this Matter.

The judge in the case was Shain.

The prosecutor in the case was The City of Seminole.

**III. Quo Warranto is the Proper Procedure**

A challenge to the jurisdiction of a prosecutor can not be attacked collaterally, but must be attacked "in a quo warranto proceeding". See, for

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example, *Prieto Bail Bonds v. State of Texas*, No. 08-96-00342-VB, 6/30/97.

#### IV. Argument

The United States Constitution requires that all elected and appointed officers of the State, before taking the oath of office, shall swear or affirm that they have not paid or promised any money or thing of value or promised public office or employment to secure votes or an appointment ("the anti-bribery oath"). This oath must be filed with the Secretary of State before swearing or affirming to the oath of office, in which the officer swears to faithfully execute his or her duties and preserve, protect and defend the Constitutions of the United States and the state in which they operate. See, e.g., . Tex. Const. art. XVI section 1.

Whatever the form in which the Government functions, anyone entering into an arrangement with the Government **takes the risk of having accurately ascertained that he who purports to act for the Government stays within the bounds of his authority.** The scope of this authority may be explicitly defined by Congress or be limited by delegated legislation, properly exercised through the rulemaking power. See *Federal Crop Insurance v. Merrill*, 332 US 380 (1947).

Thus having failed to fulfill the Constitutional prerequisites to holding office, the actions of the officer are void. *Prieto*, supra, pg. 2 of 5; *Lone Star*

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*Industries Inc. v. Ater*, 845 S.W. 2d 334, 337 (Tx. App.-El Paso 1992)(orig. proceeding). Failure to take the oaths of office renders any judicial act void.

In enacting a statute, it is presumed that (1) compliance with the constitutions of this state and the United States is intended.

“The only means of challenging the judge’s authority then is through a quo warranto action, in which the state is an indispensable party. *Lewis v. Drake*, 641 S.W. 2d 392, 395 (Tex.App.-Dallas 1982)(orig. proceeding).” *Prieto*, supra, page 3 of 5. “Elected judges must take a new oath with each new term.” *Prieto*, supra, Note 4, page 5 of 5. See 28 USC section 453. Judges must take oath of office. In this case, neither the judges in the case nor the prosecutor can produce their original oath of office as required by the Constitution. As required by law, the court must issue an order dismissing the judgment with prejudice.

## **V. Conclusion**

Quo Warranto is the proper procedure when the prosecutor and the judge in the instant case do not have the credentials as required by the Constitution and statutes to operate in their official function. Neither the prosecutor nor the judge in this case have their credentials and all actions in this case must be declared ***void ab initio***.

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## **VI. Prayer for Relief**

For the reasons stated herein, supported by law, Petitioner hereby moves the court to declare the actions of the judge and prosecutor in violation of the laws and statutes of the United States and issue a writ of quo warranto declaring their actions against Petitioner null and void ab initio.

Respectfully submitted,

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Jeramy-Lee: Baker  
Rt. 3 Box 9a  
Seminole Tx. 79360  
(432) 209-6674

### **VERIFICATION**

I certify the foregoing is true and correct under the penalty of perjury pursuant to 28 USC § 1746 (1) without the UNITED STATES / United States Title 28 USC 3002 (15) that I am over the age of 18 years, that I have personal knowledge of the facts stated herein, and that I am fully competent to testify to those facts.

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5 USC § 3331 - Oath of office Texas Constitution Article XVI. Section 1. OFFICIAL OATH. (a) All elected and appointed officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

OATH

"I, \_\_\_\_\_, do solemnly affirm, that I will faithfully execute the duties of the office of Private Attorney General of the State Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God."

**VERIFICATION**

I certify the foregoing is true and correct under the penalty of perjury pursuant to 28 USC § 1746 (1) without the UNITED STATES / United States Title 28 USC 3002 (15) that I am over the age of 18 years, that I have personal knowledge of the facts stated herein, and that I am fully competent to testify to those facts.

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Texas Constitution Article XVI. Section 1. (b) All elected or appointed officers, before taking the Oath or Affirmation of office prescribed by this section and entering upon the duties of office, shall subscribe to the following statement:

ANTI-BRIBERY AFFIDAVIT.

"I, \_\_\_\_\_, do solemnly affirm that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God."

**VERIFICATION**

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## As a Citizen of the United States of America

### I Accept This

#### Commission by Declaration

Know All Men And Women By These Presents that:

**:jeramy-lee: of the family baker:** is hereby accepts his commission as:

**Private Attorney General** – 42 U.S.C. 1988

**Qualified Criminal Investigator** – 18 U.S.C. 1510

**Federal Witness** – 18 U.S.C. 1512

Ex Relatione of THE STATE OF ALASKA~ Ex Relatione United State of America

**Comes Now**, as One of “We The People”, of THE STATE OF TEXAS for The People of United states of America Sovereign De Jure, “A Man upon the land” has elected to become “Next Friend” to “The People of **THE STATE OF TEXAS**” and To The People of the several states” by virtue of Article No. 35 of the Judiciary Act of 1789 September 24, 1789. 1 Stat. 73 Pursuant to and in accordance with his reservation of rights as established in the 9<sup>th</sup> and 10<sup>th</sup> Amendments to the United States Constitution that states:

*“The enumeration in the Constitution, of certain rights, shall not be construed to deny Or disparage others retained by the people.” [Article the eleven [Amendment IX]]*

### Declaration and Commission

Pursuant to and in accordance with the tenth Amendment to the Constitution of the United States of America that clearly state in the relevant part:

*“The powers not delegated to the United States by the Constitution, **nor prohibited** By it to the states, are reserved to the states respectively, **or to the People.**” [Amendment X]*

Whereas, U.S. Congress has enacted and codified the powers of the Private Attorney General (de jure) pursuant to 42 U.S.C. 1988, qualified as the appointed “Private Attorney General” as a “Qualified Criminal Investigator” pursuant to 18 U.S.C. 1510 and guaranteed **his** protection as a “Federal Witness” pursuant to 18 U.S.C. 1512; furthermore, Article 1 Section 8:10-11 of the Constitution of the United States of America empowers the Private Attorney General to an automatic Letter of Marque and Reprisal In The Admiralty Jurisdiction issued by Congress upon Receipt of the Oath of Allegiance – (Public Law 97-280 97<sup>th</sup> Congress; the Bible is “*The Word of God*” [S.J.Res.165] 96 Stat 1211, of the Private Attorney General by the Clerk of the House of

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Representatives and said Oath is recorded by the Clerk as the Commission of a newly appointed Private Attorney General with all public ministerial duties, privileges, and ambassadorial immunities as guaranteed by the Federal Constitution and Treaties of Vienna, Paris, Magna Carta Libertatum, Common Law Authority of the Supreme Court Decisions, and subsequent

### **Oath of Office of the Private Attorney General**

*"I, Jeramy-Lee: **of the family baker**, say "Yes" as a sovereign, I do solemnly affirm that I will support and defend the Constitution of the United States of America against all enemies, foreign and domestic; "Yes" I will be trustworthy and loyal in allegiance to the same; in obedience to the Word of God found in Matthew 5:33 that I take this obligation freely without any mental reservation or purpose of evasion; and say "Yes" I will well and faithfully discharge the duties of the office on which I am about to enter. "My Yes is My Yes, My No is My No". Done under Penalties of Perjury without the United States, without recourse: All Rights Reserved: So help me God!*

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Jeramy-Lee: Baker  
Private-Attorney-General  
42 U.S.C. 1988

### **VERIFICATION**

I certify the foregoing is true and correct under the penalty of perjury pursuant to 28 USC § 1746 (1) without the UNITED STATES / United States Title 28 USC 3002 (15) that I am over the age of 18 years, that I have personal knowledge of the facts stated herein, and that I am fully competent to testify to those facts.

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**CERTIFICATE OF SERVICE**

I, Jeramy-Lee: Baker, certify that a true and correct copy of this Appeal was filed on this 15th day of April 2013 by providing a true and correct copy to the opposing counsel of record by first class mail or better.

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