①

# In the Supreme Court of Missouri

Denny Ray; family of [Hardin]
Inmate # 186144
Moberly Correctional Center
P.O. Box 7
Moberly, Missouri 65270
Petitioner

VS

Case No _____

STATE OF MISSOURI
16th Judicial Circuit Court
W. Stephen Nixon, Chief Judge
c/o Jackson County Courthouse
415 East 12th street
Kansas City Missouri 64106
Case No. 0616-CR01640-01
Respondent

## Application For Habeas Corpus

Comes Now, Denny Ray: family of [Hardin] an "American Citizen", not a "UNITED STATES CITIZEN", who is a life long resident of Missouri as defined in 28 USC 297. I come before this court with the fraudulent reputation of being anti-government, created by Jackson County, Missouri, to minimize my credibility to expose their corruption. I have been

labeled with terms such as "drug dealer", "violent criminal", "Paper Terrorist", among others. In truth I am the strongest supporter of the Constitutions and Laws that dictate "Public Policy", I Know. I have put myself at risk, over and over again, to challenge corruption of government authorities who violate their "Oaths of Office" and act against the Laws they have the duty to uphold. This has made me very unpopular with government authorities who conduct their "Public Office" of trust in any manner they chose regardless of what the law dictates. If the Supreme Court believes it is a crime to actively support our constitutions, then I am guilty. But if the Supreme Court believes in the rights of our Constitutions and my right to openly express them, then I ask the Supreme Court to grant a "Writ of Habeas Corpus" to release me from the "Moberly Correctional Center" where I am currently incarcerate

## My Crime

The "Constitution of Missouri", Article I, Section 4 gives the people of Missouri the sole, inherent and exclusive right to "Apolish" that, within our goverment, which violates our constitutions. In January 2006, I witnessed the trial of Micheal Johnson, in the "Kansas City Municipal Court" for "Codes Violations". He was

unlawfully sentenced to 60 days in jail for having a gas can sitting on his driveway. This violation was one of many, charged by Lowell Gard (Kansas City Prosecutor) who utilizes his Public Office to conduct, what can only be described as a personal vendetta against Micheal Johnson. Knowing the "Constitution of Missouri" Article I Section 31 prohibits fines or imprisonment for Administrative Codes Violations, I wrote an "Application For Habeas Corpus", for Micheal Johnson. I took the petition to the "Kansas City Municipal Court" and attempted to file it with the "Clerk of the Court", where Micheal Johnson was sentenced, she refused. In my frustration, for the Clerk not doing her job properly, I said, "I am going to abolish this court". I peacefully left and filed the petition with the clerk down stairs. Much to the dismay of Lowell Gard, micheal Johnson was soon released.

On March 15th 2006, I was arrested for the crime of "Tampering with Judicial Process". Based upon the "unsigned" statement of probable cause, my words had been twisted to, "I'm going to demolish this court". Thus, the crime of threatening a court was fabricated, for which I was held to account. The warrant, utilized for my arrest, was issued by Associate Judge Robert Beaird and was issued unsighed by him.

First lawful challenge to my incarceration:

Fact: The Court's record clearly shows Robert Beaird issued an unsigned warrant, for my arrest, without a signed statement of probable cause in violation of the 4th Amendment.

## Conflict of Interest

These facts constitute a clear violation of the due process of law, required by the 5th Amendment of the "Constitution for the united states of America", and the Missouri Supreme Court Rules. The Missouri Supreme Court Rules of Criminal Procedure, requires a warrant be signed by the judge who issued it, within Rule 22.04 (6). Because the warrant was lawfully challenged at the initial hearing, Robert Beaird did not arraign me on the charge, as the issuing authority, lawfully required by Rule 22.07. Instead, he claimed "Conflict of Interest" and transferred the case to Associate Judge Preston Dean. The rationale for Robert Beaird's conduct is Robert Beaird was the Attorney of Record for Denny Ray Hardin in Case No. CR91-7821 (1991) and was terminated for refusing to lawfully challenge the "Jackson County Drug Task Force" that he introduced as a member of the "Jackson County Legislature." I believe if a judge

has a "Conflict of Interest" he can not lawfully issue a warrant or sit on the case as clearly established by RSMo 476.180. By issuing a warrant without a signed statement of Probable Cause, the 4th Amendment was clearly violated. Thus, to quote Wong Sun vs The United States, the poisionous tree was established. All acts that follow are the fruits of this poisionous tree.

Second lawful challenge to my incarceration:

Facts: This cause was commenced based upon an unsigned "Complaint" with the Case No 0616-CR01640 that was lawfully challenged with a "Motion to Dismiss" claiming "Conflict of Interest" outlined above. When I was arraigned, before Associate Judge Preston Dean, the Prosecutor presented me with an Indictment and the Case No was changed to Case No 0616-CR01640-01.

## Denial of Due Process

Associate Judge Preston Dean refused a "Court of Record", refused the "Common law Plea" of "Court of Record" and entered a "Not Guilty Plea" on behalf of Denny Ray Hardin, which he refused. Preston Dean by

this conduct, practiced law from the bench as my attorney which I believe constitutes "Judicial Misconduct". The "Indictment" did not claim any injury to person or damage to property which I believe in a necessary element based upon Rule 23.02(f). I believe RSMo 545.010 also makes this a lawful requirement for an "Indictment". My Knowledge of "Common Law" tells me without an injured party or damage to property, there can be no criminal intent established. The final step of this "Arraignment" by Preston Dean was to quash all the subpoenas that had been lawfully served for defense witnesses. This conduct clearly violated the 6th Amendment right to compulsory process for obtaining witnesses. The Missouri Supreme Court Rule 26.02(c) was stated as the authority to violate the 6th Amendment. This Rule stands in opposition of the Constitution of Missouri Article V, Section 5 that prohibits any rule that impairs the examination of witnesses. This clearly established a violation of the 5th Amendment by denial of due process of Law. The United States Supreme Court has repeatedly held, once due process of law is denied, all jurisdiction ceases. So after the foregoing violations were imposed, this case was sent to the Jackson County Circuit Court for "Trial by Jury", to be presided over by the Circuit Judge John M. Torrence.

Third lawful challenge to my incarceration:

Facts: The trial Judge John M. Torrence was appointed to hear this cause of action. From the beginning John Torrence demonstrated biase and prejudice toward the defendant. This is evident in the records, by his decisions in orders and clearly evident on the transcripts of the proceedings held in his court. John Torrence created and allowed the prosecution to maintain a hostile environment throughout all proceedings. This with hunt was devoid of all due process of law.

Prosecutorial Misconduct

In the first pre-trial hearing conducted by John M. Torrence, he quashed the subpoenas issued for the second time for defense witnesses. During this proceeding John Torrence repeatedly tried to make me accept an attorney of the "Missouri BAR Association", which was refused. It is common knowledge that only an incompetent person needs an attorney, I remained competent throughout these proceedings. Finally John Torrence declared I was in a "Corporate Court" where he determines the law, of course this was not put on the transcript, but was witnessed by 20 witnesses present, who could not believe what they were hearing. These witnesses are

all avid students of the Constitutions. They and myself are well aware of Article XI, Section 3 of the Constitution of Missouri that prohibits exercise of police powers by a Corporation. This first hearing clearly set the stage for things to come, it violated the 6th Amendment right to compulsory process for obtaing witnesses for the defense.

Trial by "Jury of Peers" was requested and denied. John M. Torrence determined a "Jury Trial" would be conducted. Common Law dictates the accused is entitled to a "Jury of Peers" (those who Know him) the theory being if a person commits a crime, so hanous that 12 of his friends believe he is guilty, they can turn him over to government for punishment. Instead I was tried by 12 people who did not Know me, did not Know my character and had no Knowledge of my motivation. In a "Court of Record" only a "Trial by Jury of Peers" is allowed, a "Jury Trial" is denial of due process of law in violation of the 5th Amendment.

During this trial, the prosecution was allowed all leway to defame the character of Denny Ray Hardin, accusing him of assult and rape of which he has never been charged. All objections of the prosecution were sustained, all objections by Petitioner were over-ruled. All arguements were heard ex-parte

out of the jury's hearing and all rulings were followed by John Torrence's statement, for the jury to antagonize Denny Ray Hardin of, "You need an Attorney". All prosecution witnesses testified under oath that they had not been harmed in any way, shape or fashion. Only Lowell Gard fraudulently claimed to be threatened and purjured himself claiming "Kansas City Codes" are not "Adminstrative Codes". All rebuttle testimony was suppressed by John Torrence The "Motion to Dismiss" at the close of the State's case for failure to prove an injury, was denied.

During the defense portion of the trial every question was objected to by Bryon Woehlecke and/or Jordon Stanley, and sustained by John Torrence with the added statement, "You need a lawyer". Soon the trial was submitted to the jury who had no evidence to consider except the prosecution version of events. Without any evidence of an injured person or damage to property, I was convicted of this "imposter crime". All the witness present said they had never seen a worse case of "Conspiracy to convict". All wanted to testify, all were denied by John Torrence.

On August 18, 2009, I was sentenced to 5 years (SIS) with three years of probation. The "Motion to set

aside judgment" was denied. John Torrence refused written and verbal requests for "findings of facts and conclusions of Law", required by RSMo 536.090 and 5USC 557(c)(3). John Torrence took my freedom and liberty without any authority of law required by RSMo 1.210.

Fourth lawful challenge to my incarceration:

Fact: This case was appealed to every court possible and all refused to enforce the constitutional rights that had been violated. All refused to grant relief from Judgment.

Denial of Right to Appeal

The "Missouri Court of Appeals, Western District", "Dismissed" the Appeal, claiming "Rules" are superior to "Constitutional Rights". The "Motion For Transfer" to the "Missouri Supreme Court" was "Denied" by the "Clerk of the Court" without a Judge's signature required by the "Bright line test". The "United States District Court for the Western District of Missouri" "Dismissed" the case, without any answers denying the averments of Constitutional Rights violations. All "foreign Agents" 22USC611 are united in "Conspiracy against rights" 18USC241 to allow the

injustice of the 16th Judicial Circuit Court to unlawfully prevail. All these Courts have denied me due process of law and allowed my liberty to be taken in violation of the 5th Amendment. It has become the "common practice" of the "Missouri Bar Association" to simply "Dismiss" an Appeal, rather than lawfully determine if a "Judgment" should be "Affirmed" or "Denied" as required by Common law. At this point, I was defeated and was forced to serve 3 years of probation.

Fifth lawful challenge to my incarceration:

Facts: This case was turned over to W. Stephen Nixon, because John M. Torrence had been criminally charged, not prosecuted, with "Perjury to obtain a conviction of a felony crime" a Class "B" felony under RSMo 575.040 7(2). Thus establishing "Misprison of felonies" 18 USC 4 by the Jackson County Prosecuting Attorney's Office.

After serving 2 years, 11 months and 27 days of the 3 year unlawful probation, I was summoned by W. Stephen Nixon for a probation violation hearing. I had written

an "Affidavit" for court, stating I had paid a debt for Teresa Sensiboy, that was filed by her sister (Melinda Harrington) in the Ray County Circuit Court. W. Stephen Nixon determined this was a violation of Condition #10 of the attached "Judgment". My probation was revoked and I was sentenced to five years in prison. Where I am today.

## Discrimination

During this trial, Melinda Harrington stated under penalty of perjury, she had filed the documents in the Ray County Circuit Court. W. Stephen Nixon refused Rule 20.04g that defines filing of documents with court and determined Denny Hardin had violated his probation. Even though Denny Hardin had not been to the Ray County Circuit Court, had not filed any documents with the Clerk of the Court, He was pronounced guilty and sentenced to 5 years in prison. This is clearly discrimination, because the Rule of law was not allowed to determine if Denny Hardin filed a document. It was determined Denny Hardin filed the document without ever going to the court.

Condition #10 is clearly a violation of the Constitution of Missouri, Article I, Section 8 that allows all people of Missouri the right to write whatever they please, being responsible for whatever they write. Denny Ray Hardin has the reputation of presenting the truth to court much to the dismay of attorneys and judges who usually lie to the Public. John M. Torrence imposed this unconstitutional condition to keep Denny Ray Hardin from petitioning the courts within his First Amendment right to petition for the redress of grievances.

Condition #9 is further evidence of the unconstitutional desire of John Torrence to deny Denny Ray Hardin access to Court. The Constitution of Missouri Article 1, Section 14 clearly states the courts shall be open to all persons. The RSMo 476.170 clearly states all Court's sittings are to be public. These two conditions clearly show the intent of John Torrence was to deny access to court. By the denial of due process of law, W. Stephen Nixon sought to lengthen the sentence from three years to eight years. John Torrence and W. Stephen Nixon have succeeded in their "Conspiracy against rights" to engage in criminal

conduct as defined in 18USC 241. It seems all "foreign agents" 22USC 611 are engaged in the "Conspiracy" to "Monoplize" the Courts of missouri. I say if the people do not have the right to access our courts, our tax dollars should not be funding them. Either, the courts will demonstrate a change of attitude toward the Public or I contend the "Original 13th Amendment" should be resirected, along with the "Outsting clause" of the 1865 Constitution of Missouri to remove all "foreign Agents" from all "Public Offices" of Missouri and every other state of America, After all it is the law. No "foreign Agent" can lawfully hold a "Public Office", this law stood from 1819 when it was ratified until today.

Sixth lawful challenge to incarceration:

Fact: W. Stephen Nixon determined his decision is final and can not be appealed. Trial was held at 9:00am on the 12th day of August 2009. This trial was devoid of of all due process of law as witnessed by the 33 witnesses present. At 2:00pm I was pronounced guilty, hand cuffed and taken to jail. At 3:00am the next morning

I was transported to St Joseph Diagnastic Center.

On August 14th, "Notice of Appeal" to the "Supreme Court of Missouri" was filed in the 16th Judicial Circuit Court. Rule 30.16 requires Release pending Appeal. To date the "Notice of Appeal" has not been logged on Case Net, has not been sent to the Missouri Supreme Court and no "APPEAL Bond" has been set. The only lawful time, bond can be refused is in the case of the death penalty or life in prison has been imposed. All others must be granted bond. All except Denny Ray Hardin, it is "common practice" to descrimate against him and refuse him due process of law. As W. Stephen Nixon (the Governor's Brother) has clearly demonstrated. Since Incarcerated Denny Ray Hardin has mailed a Form 40, that is an appeal under Rule 29.15 that W. Stephen Nixon has not filed in the case or entered into Case Net.

I ask the Supreme Court of Missouri's members, if this had happened to you would you be angry or would you just accept your fate? I chose to present the truth.

# Right to Writ of Habeas Corpus

For over three years, I have been persecuted for exercising my "Freedom of Speech" secured to all Americans by the First Amendment. My claim that I would exercise my sole, inherent and exclusive right to "Abolish" an unconstitutional court, secured by Article 1, section 4 of the Constitution of Missouri has been unlawfully converted to a crime. The one Supreme Court of the United States of America determined, "The claim and exercise of a constitutional right cannot be converted into a Crime." Miller vs U.S. 230 F 486 at 489.

This case began with an unsigned warrant that established the poisionous tree and every act since is fruit of that unlawful act. This case has clearly demonstrated, that judges who are lawfully required to have an "Oath of Office", do not support the constitutions. These Judges have probably never even read the Constitutions, they claim to support. The Constitution of Missouri Article VII Section 11 requires all judges to have an "Oath of Office". RSMo 476.280 requires the "Oath of Office before taking public office. As an inferior judge of the United States of America 28 USC 372 dictates the exact "Oath of Office" a judge must

take to be in compliance with Article VI of the Constitution for the united states of America. 42USC1981 establishes "Equal rights under law" for all Americans. This case clearly demonstrates the clear "Insurrection" 10USC333 of Jackson County, Missouri to operate "Corporate Courts" devoid of all due process of Law.

It is the responsibility of the Missouri Supreme Court to insure every court within Missouri protects the rights, privileges and imunities of every American that comes before them. The Revised Statues of Missouri 1.210 clearly says no person will be restrained or held without authority of law. Every judge has been asked for findings of facts and conclusions of law and all have refused. These "Foreign Agent", are loyal to the "British Atoned Registery" (BAR), and have come to believe they are the law givers, regardless of what the written law may say. I have tried for 20 years to hold these tyrants accountable for their conduct and have repeatedly failed. The Court file for this case has grown into 4 volumes and shows about every law presented in the past, none has been upheld, all has been dismissed. When justice fails, the entire judicial system fails in it "Chief Design".

The "Supreme Court of Missouri" is the highest judicial authority of Missouri and must police all other courts of Missouri to ensure due process of law is properly administered. If justice has not prevailed it is this court's responsibility to correct the injustice. I believe I am entitled to relief from the judgment of John Torrence that violates our Constitutions. I believe I am entitled to relief from the unconstitutional incarceration, imposed without authority of law, by W. Stephen Nixon. This case seems so simple to me, either the "16th Judicial Circuit Court" can write findings of facts and Conclusions of law or it can not. Without this clear statement of law, I am entitled to a "Writ of Habeas Corpus".

## Relief Requested

For the foregoing reasons, I petition this Court for a "Writ of Habeas Corpus" and my immediate release from the Moberly Correctional Center.

## Summation

I have been falsely declared anti-government because I support the Constitutions and the laws

made in support of them. Yes, I have lawfully challenged those within our government who refuse to act within their lawfully established duty. I do not consider this a fault, I consider it the responsibility of every American Citizen, who enjoys the privilege of living in this great nation. Because government is made of people it is prone to mistakes that are a part of human nature. If government believes it is always right, then the possibility of justice is lost. Every defendant is guilty and none have any possibilty of vendication. To allow an injustice to prevail is clearly a miscarriage of justice. God Knows the truth and more and more people are learning how corrupt our government really is. I must place my fate in the hands of the Supreme Court of Missouri and can only hope that truth and justice will prevail. I appeal to the honorable men/women of this Court, who share the responsibility to determine what is right and what is wrong, to examine this cause and see if justice has been served or has an injustice been done.

Statement of Truth

I, Denny Ray Hardin, declare under the penalty

of perjury that the foregoing is true and correct to the best of my knowledge. I have not attempted to mislead this court, only inform it of the facts, law and evidence as I see it.

## Conclusion

In accordance with God's law, I forgive all those who have trespassed against me. Soon I will go to work in the law library to help those who like myself don't deserve to be here. There are many. If it is God's will that I be released then God's will be done. If it is God's will that I remain here and help others, so be it. I place my fate in God's hands, without reservation and stand on my faith in Him. God's will be done.

Denny Ray Hardin Jud

Denny Ray Hardin
2 House Room 397
Moberly Correctional Center
P.O. Box 7
Moberly, Missouri
65270