

MOTION FOR NATURE AND CAUSE OF ACCUSATION(S)

Cause No(s). _____

The State of Texas § IN THE _____ COURT

§

VS. § _____
§

_____ § _____ COUNTY, TEXAS

MOTION FOR NATURE AND CAUSE
OF ACCUSATION(S)

I, _____, a living man without benefit of counsel, hereinafter known as The Accused, moves this court to conduct a fair and impartial trial and states the following:

1. The Accused, requests that the Honorable Judge of the Court will follow and be in compliance with the Constitution for the United States of America and the Constitution for the State of Texas.
2. The Accused, requests the Honorable Judge of the Court by reminding the Prosecutor that all essential elements of the charge must be proven beyond a reasonable doubt and that the Accused will be informed of the Nature and the Cause of the accusations which is being brought forth for consideration by this Court.

3. As shown by *Bartell v. U.S.*, the obligation of the Prosecutor to inform the Accused the Nature and Cause of the accusation is elementary and not something extraordinary to be expected.

BARTELL v. U S, 227 U.S. 427 (1913)

"It is elementary that an indictment, in order to be good under the Federal Constitution and laws, shall advise the accused of the nature and cause of the accusation against him, in order that he may meet the accusation and prepare for his trial, and that, after judgment, he may be able to plead the record and judgment in bar of further prosecution for the same offense."

"... however general the language used, is yet so described as reasonably to inform the accused of the nature of the charge sought to be established against him; and . . . in such case, the accused may apply to the court before the trial is entered upon for a bill of particulars,..."

4. As shown by *Nyanza S.S. Co. v. Jahncke Dry Dock No. 1* and *Robertson v. Chambers*, there is a distinct difference between the Nature and the Cause of the accusation.

NYANZA S S CO. v. JAHNCKE DRY DOCK NO 1, 264 U.S. 439 (1924)

"And the judgment must be, not only in its nature final, but a complete disposition of the cause."

ROBERTSON v. CHAMBERS, 341 U.S. 37 (1951)

"These powers of the Retiring Board have been given a wide reach, so that the nature and cause of the disability may be ascertained."

"We think it would be more in harmony with the nature of the procedure, ..."

5. As shown by *Western Union Tel. Co. v. Andrews*, *Hastings v. Selby Oil & Gas Co.* and *Peters v. Veasey*, the Nature of the accusation is the type of law where a violation could occur. There are many types of law, which have their own rules of procedure.

WESTERN UNION TEL CO. v. ANDREWS, 216 U.S. 165 (1910)

"The various authorities we have referred to furnish ample justification for the assertion that individuals who, as officers of the state, are clothed with some duty in regard to the enforcement of the laws of the state, and who threaten and are about to commence proceedings, either of a civil or criminal nature, to enforce against parties affected an unconstitutional act, violating the Federal Constitution, may be enjoined by a Federal court of equity from such action."

HASTINGS v. SELBY OIL & GAS CO., 319 U.S. 348 (1943)

"This is an action in the nature of an equity proceeding brought by the respondents ..."

PETERS v. VEASEY , 251 U.S. 121 (1919)

"The work in which defendant in error was engaged is maritime in its nature; ..."

6. Just some of the Laws that could be stated as the Nature of an accusation could be as follows:

•Administrative Law - •Antitrust & Trade Law - •Banking Law - •Bankruptcy Law - •Civil Rights Law -
•Commercial Law - •Common Law - •Communications Law - •Constitutional Law - •Contract Law -
•Corporation & Enterprise Law - •Criminal Law - •Cyberspace Law - •Dispute Resolution & Arbitration
Law - •Education Law - •Entertainment & Sports Law - •Environmental Law - •Ethics & Professional
Responsibility Law - •Family Law - •Government Benefits Law - •Government Contract Law - •Health
Law - •Immigration Law - •Indian Law - •Injury and Tort Law - •Intellectual Property Law - •International
Law - •International Trade Law - •Labor & Employment Law - •Probate Law - •Trusts & Estates Law -
•Property Law - •Real Estate Law - •Securities Law - •Tax Law - •Admiralty Law - •Maritime Law.

7. The Accused request the Nature of the accusation as by the type of Law that was violated.

8. The Cause of the accusation is the law, rule, code, ordinance, statute, regulation, policy, or by which means the prosecutor can find remedy of the action.

9. The Accused request information from the prosecutor for the Cause of the Action.

10. A mere statement of the Charge is vague and does not show all elements of the charge so that an actual defense of the true charges can be administered.

11. The Accused request the Nature and Cause of the Accusation(s) from the Prosecutor before jurisdiction can be established.

Respectfully,

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__.

Cause No(s). _____

The State of Texas § IN THE _____ COURT

§

VS. § _____

§

_____ § _____ COUNTY, TEXAS

ORDER ON MOTION FOR NATURE AND CAUSE

OF THE ACCUSATION(S)

On this the day of , 201__, came on to be heard the Accused Motion for Nature and Cause of the Accusation(s) in the above entitled and numbered cause, and the court, having heard the said motion, and the evidence thereon submitted, is of the opinion that said Motion should be

Granted

Denied, Grounds Being _____

Signed and entered this day of , 201__.

SEAL

Judge Presiding

INSTRUCTIONS

This document asks for the famous 'Nature and Cause' as required by all Constitutions. This document gives the authority to receive the nature and cause and states what nature and cause is. Remember that a motion that is not granted and signed, is determined to be denied. This document denied will be evidence of the violation of your substantive and procedural rights.

File this document at least 10 days before the pretrial.

Do not have a page number on the ORDER – you may need to cut and paste to a new document.

Original is filed with the court clerk, copy served on the prosecutor, a copy for you.

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: Put your name in Upper and Lower Caps.

There is a space left for you to put a "wo" in front of 'man' if need be.

Line 7: Sign your name, below the line, print your name in Upper and Lower Caps then below that print your address.

Line 8: Where you put the cause numbers of the case.

Line 9: Put either 'Municipal', 'Justice of the Peace' or County.

Line 10: Put either 'In the City of (whatever City)', "Precinct (whatever number)" or "(whatever county Court it is – like – At Law #11)

Line 11: Put your name in Upper and Lower Caps.

Line 12: Put whatever county the court is in – like – "Galveston".

Line 13: Leave for the Judge to fill out.

Line 14: Leave for the Judge to fill out.

Line 15: Leave for the Judge to fill out.

Line 16: Leave for the Judge to fill out.

Line 17: Leave for the Judge to fill out.

Line 18: Leave for the Judge to fill out.

Line 19: Leave for the Judge to fill out.

Line 20: Leave for the Judge to fill out.

Line 21: Leave for the Judge to fill out.

Line 22: Leave for the Judge to fill out.

Line 23: Leave for the Judge to fill out.

Line 24: Put the numbered day of the Month that you serve a copy of this document to the prosecutor.

Line 25: Put the name of the Month that you serve a copy of this document to the prosecutor.

Line 26: Put the last number of the year that you serve a copy of this document to the prosecutor. – like - 2013 .

Line 27: Put " Prosecutor for (Whatever Court)

Line 28: Put the street address where the prosecutor will be served.

Line 29: Put the City, State and Zipcode where the Prosecutor will be served.

Line 30: Sign your name, below the line, print your name in Upper and Lower Caps then below that print your address.

Original goes to the clerk of the court, one copy to the Prosecutor and one copy for you to keep and have stamped by the clerk. Be sure and NOT include the instruction sheets.