“STATE OF MICHIGAN”

**DISTRICT COURT FOR THE SEVENTY FORTH JUDICIAL DISTRICT**

**FOR BAY COUNTY**

**OBJECTION TO VEXATIOUS RESPONSE**

March 5th, 2013

STATE OF MICHIGAN vs. Destry James Payne

“Plaintiff”, Alleged “Defendant”

Not a state employee

File Number(s) xxxxxxxxxx

[**xxxxxxxxxxx**](http://12.221.137.17/c74/c74_cases_detail.php?case_id=2511973&SID)

Judge

Dawn A Klida

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**Kurt Asbury** and/or Margret A. Leaming

Attorney for alleged “Plaintiff”

Contents: 3 Briefs and 1 Affidavit

**“DEFENDANTS’” OBJECTION TO NON SENSICAL RESPONSE TO CHALLENGE OF JURISDICTION FILED IN A VEXATIOUS MANNER**

To Proposed Answer Drafted by Margret A. Learning on February 22th 2013

**Once jurisdiction is challenged, it must be proven. *Hagens v. Lavine*, 415 U.S. 533 And a Challenge of Jurisdiction is not a Motion and cannot be thrown out!**

All orders or judgments issued by a judge in a court of limited jurisdiction must contain the findings of the court showing that the court and prosecution has subject-matter jurisdiction, not allegations that the court or prosecution has jurisdiction.

Now come one of the people of the organic land of Michigan Destry James Payne with Declaration of exile and proclamation of a new state on the record in the file at the clerk’s office.

**1st Brief in Support**

**Vexation**

Assistant Prosecuting Attorney Margret A. Leaming has responded to the Challenge of Jurisdiction with Nonsensical documents filed in a Vexatious manner. The answer to the Challenge of Jurisdiction contains only the events that took place by company policy enforcers and court actions. No contents of the jurisdictional challenge have been answered in any way to date. Is this an intended joke? Or does this Margret A. Leaming severely lack in education to be able to understand that a record of actions has nothing to do with establishing jurisdiction? Bay County actually employs people with title of nobility that have such ignorance? I now understand one of the reasons why the original 13th Amendment has forbidden any title of nobility from holding any public office or trust. The response signed by Margret A. Leaming was filed to the court record on the date February 22nd 2013and a copy never mailed to the Alleged “Defendant” Destry James Payne.

Any response to the Challenge of Jurisdiction must be done on a point by point basis in writing under penalty of perjury under the laws of the united States of America of The United States of America or accept a default for “Plaintiff’s” actions, and default will be a full dismissal of any and all related charges as well as specific charges in the above cause(s).

**2nd Brief in Support**

Alleged “Defendant” has not received any type of response pertaining to the Challenge of Jurisdiction to this day in the mail, therefore “Plaintiff” cannot request=schedule a hearing date without providing the Alleged “Defendant” proper answer to the Jurisdictional Challenge first, therefore, any hearing dates must be adjourned until a proper response is received first by the Alleged “Defendant”

A.) Plaintiff has failed to answer the Challenge of Jurisdiction.

B.) Due to failure to answer this Challenge of Jurisdiction shows the plaintiff has no authority in bringing these charges due to the fact United States Supreme Court ***Hagens v. Lavine*, 415 U.S. 533** shows that no jurisdiction proven, no case!

C.) Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647 Prosecutor has no first hand experience. Everything the prosecutor has touched is invalid. Therefore I object to the court’s order(S) dated February 25th 2013. Due to these facts and no fact supporting the judge’s opinion for the order dated February 25th 2013, therefore, for this objection to be overturned must be based upon facts from this case file as established so far and the case precedence set by both Federal and United States Supreme Court so far in this matter.

1.) SUBJECT-MATTER jurisdiction is the authority of a court to hear and make a determination in a court action.

2.) "Without subject-matter jurisdiction all orders and judgments issued by a judge are void under law".

3.) Without subject-matter jurisdiction all orders, judgments, and warrants issued by a judge are of no legal force and effect.

4.) Every act of the court beyond the subject-matter jurisdiction is void.

5.) Where a courts' power to act is controlled by statute, the court is governed by the rules of limited jurisdiction.

6.) Courts exercising jurisdiction by statute must proceed within the structure of the statute.

7.) Statutes are written with only limited jurisdiction to agents or employees of the state. There is no evidence at all that the alleged “Defendant” is in any way, shape, or form employed by the state ET AL.

8.) Statutes can only be applied to the subjects,(citizens, etc.) employees of the state which they apply to.

9.) Special statutory jurisdiction is limited to the language of the act countering it.

10.) As regard 9.) above, the court has no power from any other source.

11.) The authority of the court to make an order must be found in the statute.

12.) A judge not have subject-matter jurisdiction, then the law states that the judge has violated the law.

13.) A judge not have subject-matter jurisdiction, then the law states that the judge is a trespasser of the law.

14.) A trespasser is one who has committed unlawful interference with ones person, property, or rights.

15.) The law presumes nothing in favor of the jurisdiction of a court exercising special statutory powers, such as those given by statute under which a court acts.

16.) The judge has a duty to continually inspect the record of the case, and if subject-matter Jurisdiction does not appear from the record of the case, then the judge has the duty to dismiss the case as lacking Subject-matter jurisdiction.

17.) A judge act in any case in which the judge does not have subject-matter jurisdiction, the judge is acting unlawfully.

18.) A judge should not act in any case in which judge is acting without any judicial authority.

19.) Judge's allegation that he/she has subject-matter jurisdiction is only an allegation.

20.) If a judge has no subject-matter jurisdiction, those who advise judge, or execute his process are trespassers.

21.) The judge who acts without subject-matter jurisdiction is a common criminal.

22.) Any one who acts in conjunction with a judge who acts without subject-matter jurisdiction is a common criminal.

23.) A judge and aiding parties can be held liable for impeachment for violating United States Supreme Court rules issued to all inferior courts and/or the bill of rights as a complaint can be made with an impeachment action to the House of Representatives Judicial Committee speaker. Restitution and resolution may be obtained in federal criminal court after impeachment.

**3RD BRIEF IN SUPPORT**

1.) The United States Supreme Court has issued court rules to all inferior courts that must be followed. Is that correct?

2.) The judge and the prosecutor have taken oaths of office to support and uphold the Constitution of the United States of America and that of this state.  Is that correct?

3.) Pursuant to your oaths, you are required to abide by those oaths, in the performance of your official duties, including those before this Honorable Court.  Is that correct?

4.) This court abides by the Federal and State Charters/Constitutions, county/city Charter(s) under Michigan Public Acts 230 & 231 enforced by Quo Warranto to do business and all the Rights guaranteed to all Americans in the Bill of Rights and including due process of law.  Is that correct?

5.) I am presumed innocent of all aspects of the alleged charges, presumptions and assumptions in, by and of this company/court, unless proven guilty by a well-informed jury of my peers, not a jury of family members of state employees as those are not my peers, beyond a reasonable doubt, based solely on verified evidence and proof.  Is that correct?

6.) I have the right to choose a jury of my peers? Is that correct?

7.) I have chosen a jury of my peers from within Bay County that was published in one of your local papers and I presented it to your company/court and I was denied the jury of my peers? Is that correct?

8.) “Proof” consists of verified and demonstrated evidence, and not opinion, especially opinion unsupported by fact, law and evidence.  Is that correct?

9.) Violations to any of the following: United States Supreme Court rules passed down to all inferior courts, Federal and/or state constitutions, The Bill of Rights, and or Oath of Office or the lack of is an impeachable offence? Is that correct?

Since I am presumed innocent of the charges and all aspects, presumptions and assumptions of those charges and this court, I have challenged the jurisdiction of this court, which this court has not proven, on the public record.  Therefore, since I am presumed innocent of all aspects of the charges and presumptions of the court, and since jurisdiction has not been proven, jurisdiction is simply a presumption of this court, of which I am presumed innocent.  Furthermore, no official Oath of Office can be located anywhere, nor has one been put on the public record. Therefore, I move for dismissal of all charges and/or warrants for lack of jurisdiction.  Pursuant to the foregoing, and to numerous federal and Supreme Court rulings, this case must be dismissed and any warrant recalled, with full prejudice, and I hereby move for dismissal of all charges and this case, with full prejudice.

2.) Failure to respond to this formal written notice, dated February 5th, 2013, within 7 days in written format with Proof of Service to the undersigned, constitutes and validates your fraud and failure to honor your Oath of Office.  Furthermore, all said charges, judgments, warrants and/or claims against Destry James Payne, is null and void, without force or effect or lawful power.  Any further harassment of Destry James Payne by this court or any of its officers will be construed as intentional harm, with malice and the conscious intent of inflicting both physical and mental harm to the defendant-in-error in this matter.  Copies of this document along with previous documents will be sent to the Judicial Tenure Commission, House of Representatives, and the Office of Judicial Administrations, Washington DC in the event that justice is not reached.

**Affidavit**

I, Destry James Payne Affiant herein am over the age of twenty-one years, and competent to make this Affidavit of my own first hand knowledge, and do hereby declare under penalty of perjury under the laws of the united States of America of The United States of America that the following statements are true, correct, complete, and not intended to be misleading. Any response to this affidavit must be done on a point by point basis in writing or accept a default for their actions, and default will be a full dismissal of any and all related charges as well as specific charge in the above cause. Time for response shall be seven (7) days from service date.

Affiant makes this Affidavit to make known to all that:

Alleged “Defendant” has not received any type of response pertaining to the Challenge of Jurisdiction to this day, therefore “Plaintiff” has no reason to request=schedule a hearing date without providing the Alleged “Defendant” proper answers under penalty of perjury to the Jurisdictional Challenge first.

I Destry James Payne, not a state employee, declare that the statements above are true to the best of my knowledge.

Respectfully submitted, Signed with explicit reservation of all Rights, and I waive none of my Rights at any time or for any reason.

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Destry James Payne in pro per, sui juris (NOT PRO SE)

Authorized Beneficiary for DESTRY JAMES PAYNE.

cc. Kurt Asbury

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Destry Payne

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