STATE OF TEXAS  
CITY OF ROCKWALL

IN THE COUNTY OF ROCKWALL

STATE OF TEXAS

Plaintiff in Error,

Vs. Cit. No. \_\_\_\_\_\_\_\_\_\_\_\_\_

JAMES EMORY SMITH,

Defendant in Error

**--------------------------------------------------------------------------------------------------------------------**

**CERTIFIED PETITION TO BE INFORMED OF THE NATURE AND CAUSE OF THE**

**ACCUSATION and ACTUAL and CONSTRUCTIVE NOTICE**

--------------------------------------------------------------------------------------------------------------------

**COMES NOW,** the Defendant in Error, James Smith, sui juris, Party Injured, a living, breathing

sovereign American Citizen, non-licensed attorney, claiming all inherent Constitutionally

guaranteed rights; and one of the holders of the inherent political power of the State of Texas¹

and the Republic of these united States of America, hereinafter Accused, and makes his

Certified **Petition** as a **matter of right** and **not** as a motion, as said holder, to be informed of

the nature and cause of the accusation², in the instant case.

AND HEREBY THIS PETITION gives actual and constructive notice to all parties proceeding

in any capacity that Accused challenges their presumptions of subject matter jurisdiction and

they must answer said challenge by proving their aforesaid presumptions have a lawfully

verifiable case.

FURTHER, by such actual and constructive notice the judge, prosecuting attorney, and accuser

have each taken an Oath of Office in exchange for the public trust and filed a commercial bond

to ensure the integrity and honor of the Citizens of Texas not be placed in jeopardy by their

actions; are hereby informed of their oath to uphold and defend the U.S. Constitution,

Constitution and laws of Texas.

**---------------------------------------------------------------------------------------------------------------------**

¹ All political power is inherent in the people, and all free governments are founded on their authority, and

instituted for their benefit. Article 1, Section 2; The Texas Constitution.

² “In all criminal prosecutions the accused shall have.. ..the right to demand the nature and cause of the accusation

against him, and to have a copy thereof.” Article 1, section 10; Texas Constitution.

Certified petition to be informed of the nature and cause of the accusation 1/13

AND FURTHER, Accused shall not accept the term “offense” to be exercised by this court while

Accused is charged with a crime³ as the term, offense, is merely an exercise by the court for the

purpose of extracting a civil penalty under the guise of a criminal proceeding.

AND WHEREAS, the Judge, Prosecuting Attorney, and accusing officer, as public officers,

hence by mandate of their sworn oaths⁴; have no discretion but to answer all particulars of this

challenge of their presumptions of subject-matter jurisdiction in the instant case. They are

further reminded of their respective duties and obligations as expressly evidenced in the Texas

State Constitution and by and through Article XIV of the U.S. Constitution and as further

evidenced by published Rules of Criminal Procedure, expressly to include Miranda v. Arizona.

AND WHEREAS, the Accused makes this Petition hereinall and in the particularities of his

averments made as his sworn statements under penalty of perjury, as a Sovereign, holding

Primacy⁵ of Position and positively can expect no less from the Judge, prosecuting attorney

and accusing Police Officer than their sworn answers to the particulars of his averments.

WHEREFORE, the Accused states as follows:

1. It is an undisputable fact: that on \_\_/\_\_/\_\_ Accused was issued Cit. No. \_\_\_\_\_\_\_\_\_, hereafter

Citations, of the Rockwall Police Department/Texas Department of Motor Vehicles/Division of

Texas Department of Revenue(Texas Comptroller) (hereinafter RPD/DMV/DR), by Officer

\_\_\_\_\_\_, hereinafter \_\_\_\_\_\_, badge No. \_\_\_\_\_\_. On said citation, Officer \_\_\_\_\_\_ alleges

Accused violated 1973 CRS as amended, (hereinafter (statutes).

2. It is an undisputed fact: RPD/DMV/DR statutes are Texas administrative law administered and

enforced by RPD and other agents of DMV/DR, /by/through, an administrative agency of the

Texas state legislature.

3. It is an undisputed fact: Accused was engaged in **no** driving activity, or other activity, **either**

**regulatable** or in fact Texas administrative law, **regulated** by DMV/DR, when Accused was

stopped, detained, and ticketed, hence, it is an undisputed material fact that Accused is not

subject to the administrative jurisdiction wherein DMV/DR statutes may be enforced.

4. It is an undisputed fact: Accused is, at best a **traveler** in his automobile, and not to be

confused with a driver who is hired, contracted, or employed to drive a vehicle.

5. It is an undisputed fact: Accused is not an operator, nor does he operate a service involving a

vehicle or vehicles used for transportation of passengers and property for hire.

**---------------------------------------------------------------------------------------------------------------------**

³ See FootNote 2. The sovereign Citizen can only be charged with only one of two crimes, which must be **civil** in

**nature** or **criminal** in **nature**.

⁴ “…and all executive and judicial officers…shall be bound by oath or affirmation, to support this constitution;…”

Article VI, Clause 3, U.S. Constitution.

⁵ See FootNote 1

Certified petition to be informed of the nature and cause of the accusation 2/13

6. It is an undisputed fact: Accused used an automobile and not to be confused with a vehicle.

7. It is an undisputed fact: Accused has a common law unalienable right⁶ to use public roads

without any form of licensure, a.k.a. permission, of any agency of his state government, for his

personal pleasure and business as if common right without first receiving permission to use

said roads as mere privilege granted by any officer of the aforesaid state government pursuant

to any licensure scheme which may be conceived, devised, and enacted by state legislators,

serving only as political trustees of the aforesaid state political trust, within offices of the state

government, a legal fiction styled as the State of Texas which can only be the people.

8. It is an undisputed fact: Officer \_\_\_\_\_\_ has alleged no nexus connecting Accused to the

instant case.

9. It is an undisputed fact: from the foregoing there is no nexus between Accused and the

DMV/DR in the instant case.

10. It is an undisputed fact: neither Officer \_\_\_\_\_\_ nor any other DMV/DR agent, nor any other

accusing party ever made a verified complaint⁷, information, indictment, affidavit, or any other

form of verified statement alleging Accused committed a criminal act or any other matter of

fact.

11. It is an undisputed fact: Officer \_\_\_\_\_\_ had no prima facie probable cause to believe that the

Accused was subject to the aforesaid administrative jurisdiction of the DMV/DR at the time

he was stopped, detained, and cited.

12. It is an undisputed fact: the alleged charge was made on DMV/DR Citations listed above,

and not pursuant to any published rules for either a civil or criminal matter cognizable in a

judicial power court of the people’s judicial branch of government.

13. It is an undisputed fact: no law enacted by state political trustees who sit in offices of the

aforesaid state legislature is a duly enacted law unless it contains a mandated enacting clause⁸

which is a term and condition of the state political trust expressed in the aforesaid state

Constitution.

**---------------------------------------------------------------------------------------------------------------------**

⁶ “Even the legislature has no power to deny a citizen the right to travel upon the highway and transport his

property in the ordinary course of his business or pleasure, though this right might be regulated in accordance

with public interest and convenience.” Chicago Coach Co. vs City of Chicago, 377 Ill. 200, 169 N.E. 22, 206

⁷ “Held, that a uniform traffic ticket is not sufficient information to be used as a pleading and held that the absence

of verified information was a jurisdictional defect which could not be waived by a plea of guity.”

People vs Marsellus, 157 NYS 2d 148

⁸ “The enacting clause of all laws shall be: "Be it enacted by the Legislature of the State of Texas."”

Article 3, Section 29. Texas Constitution.

Certified petition to be informed of the nature and cause of the accusation 3/13

14. It is an undisputed fact: Officer \_\_\_\_\_\_\_ filed a statement of hearsay when he executed and

filed said Citation \_\_/\_\_/\_\_, in a Texas state administrative law matter, it is prima facie

fact that statutes/ordinances, listed above are merely evidence of law for in no case is it an

enacted law of the officers of the aforesaid legislative body.

15. It is an undisputed fact: the Accused was cited with violating no law duly enacted by officers

of the aforesaid state legislative body.

16. It is an undisputed fact: whenever any unauthorized change in language, structure, terms,

phrases and/or any deletions in part or portion form a body of law are made, the subject law is

modified and becomes null and void and unenforceable due to its unauthorized amendment.

17. It is an undisputed fact: this proceeding is not being conducted as a civil matter pursuant to

the Constitution of these united States in a judicial power court having a civil jurisdictional

authority which is prima facie evident from the form of citation and the fact that proceedings

are not being conducted pursuant to the published Texas Rules of Criminal Procedure.

18. It is an undisputed fact: this proceeding is not being conducted as a criminal matter pursuant

to the National Constitution in a judicial power court having criminal jurisdiction authority

which is prima facie evident from the form of citation and the fact that proceedings are not

being conducted pursuant to the published Texas Rules of Criminal Procedure.

19. It is an undisputed fact: this proceeding is not being conducted pursuant to published

requirements of Administrative Procedures/Tribunals, notwithstanding in to circumstance can

Accused be offered anything less than his unalienable right to full due process⁹.

20. It is an undisputed fact: evident from the foregoing, Accused is compelled to appear in an

ad hoc summary proceeding wherein the rules of court are unpublished; the nature of the

proceeding is intentionally being withheld from the Accused, and Accused is unable to prepare

his defense for want of knowledge of the nature and cause of the accusation, absolutely; yet is

compelled to make his own appearance in what is prima facie, an ad hoc, de facto jurisdiction¹⁰

under threat of loss of life, freedom and property pursuant to ad hoc, de facto police power, in

violation of the due process, the police power provisions of his state and national constitutions,

having no jurisdictional facts in evidence Accused is subject to the ad hoc, de facto jurisdiction

presumed from the face of charging documents or any other part of the public record before

this forum, nor the administrative jurisdiction evidenced from the face of the naked statute

Accused is charged with allegedly violating.

**---------------------------------------------------------------------------------------------------------------------**

⁹ Article II, Bill of Rights, Section 18.

¹⁰ Court must prove on record, all jurisdictional facts related to the jurisdiction asserted.

Latana v. Hopper, 102 F2d. 188; Chicago v. New York, 37 F. Supp. 150

Certified petition to be informed of the nature and cause of the accusation 4/13

21. It is an undisputable fact: evident from the foregoing, Accused is denied his right to plenary

right to due process¹¹ of law and is being deprived of his freedom.

22. It is an undisputed fact: the Accused is being denied his right to due process of law on

grounds the court is commencing action without evidence of a Petition nor Complaint¹² in the

required form.

23. It is an undisputed fact: among his unalienable¹³ rights is the right of the Accused to

unabridged, full, plenary, due process of law in a judicial power court of general jurisdiction

pursuant to the Constitution and laws of the aforesaid people and their aforesaid political trust,

in the event any person charges him with any alleged crime.

24. It is an undisputed fact: Accused did not freely affix his signature to the citation in fear¹⁴ of

his life, freedom and property even when faced with being bodily thrown in jail if he refused to

sign the citation.

25. It is an undisputed fact: Officer \_\_\_\_\_\_, pursuant to his Oath, failed to make disclosure¹⁵ of

the truth at the time she attempted to coerce, intimidate and force Accused to affix his signature

to citation while at the same time not acknowledging guilt of a criminal violation.

26. It is an undisputed fact: the Judge presiding in the instant case, pursuant to his or her Oath

given in exchange for public trust, is witness to the Accuser acting as a police officer not

making full disclosure of the truth in attempting to compel Accused to affix his signature under

the threat of being jailed.

**---------------------------------------------------------------------------------------------------------------------**

¹¹ “…nor be deprived of life, liberty or property, without due process of law…”

Bill of Rights, Article V, U.S. Constitution.

¹² A civil suit in the district or county court shall be commenced by a petition filed in the office of the

Clerk.” Rule 22, Texas Rules of Civil Procedure

¹³ UNALIENABLE. A[djective]. Not alienable; that may not be transferred; as unalienable rights. Webster’s

American Dictionary of the English Language, 1st Ed. Vol. II. Pg. 101 (1828) UNALIENABLE. Inalienable;

incapable of being aliened, that is, sold and transferred. Inalienable rights. Rights which can never be abridged

because they are so fundamental. Black’s Law Dictionary, 6th Ed. Pg. 1523. (1990).

¹⁴ “Where fundamental personal liberties are involved, they may not be abridged by the States simply on a

showing that a regulatory statute has some rationale relationship to the effectuation of a proper state purpose.

Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a

subordinating interest which is compelling.”

City of Carmel-by-the-Sea vs Young, 466 P.2d 225, 232; 85 Cal Rptr. 1 (1970).

¹⁵ Fraud, n. 1. A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to

his or her detriment. Black’s Law Dictionary, 7th Ed. Pg. 670

Certified petition to be informed of the nature and cause of the accusation 5/13

27. It is an undisputed fact; the prosecuting attorney prosecuting the instant case, pursuant to his

or her Oath, given in exchange for the public trust, is witness to the Accuser acting as a police

officer not making full disclosure of the truth in attempting to compel Accused to affix his

signature under threat of being jailed.

28. It is an undisputed fact; the unalienable rights and freedom of the People of America are not

limited, abbreviated, or any manner diminished to only those rights expressly declared in the

National and State Constitutions, inasmuch as the people are, themselves, without power and

authority to derogate or abrogate their unalienable rights.

29. It is an undisputed fact; the aforesaid people of America, have no authority to convert any of

their unalienable rights or the unalienable rights of their fellow citizens into privileges, or

otherwise derogate or abrogate said rights¹⁶.

30. It is an undisputed fact; 1973 CRS as amended, its statutes and its provisions are evidence of

administrative laws enacted by officers of said state legislature body with intent that said laws

be administered and enforced by the DMV/DR.

31. It is an undisputed fact; the administrative laws charged to the DMV/DR, with

administration and enforcement are a licensure scheme in the nature of a traffic regulatory

scheme wherein persons upon whom this scheme is imposed are required to obtain various

permits and permissions and be subject to the scheme’s licensure provisions in order to use the

public roadways.

32. It is an undisputed fact; provisions of the aforesaid Texas statutes may not derogate or

abrogate the unalienable rights of the aforesaid people or create new classes of crimes¹⁷ which

said provisions may classify as misdemeanors or offenses or the like by licensure schemes and

the like by officers of said legislative body.

**---------------------------------------------------------------------------------------------------------------------**

¹⁶ “Where rights secured by the constitution are involved, there can be no rule making or legislation which would

abrogate them.” Miranda v. Arizona, 384, U.S. 436, 491

¹⁷ Where fundamental liberties are involved, they must not be abridged by the States simply on a showing that a

regulatory statute has some rational relationship to the effectuation of a proper statute purpose. When there is a

significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating

interest which is compelling. City-of-Carmel-By-The-Sea v. Young, 466 P2d, 225, 232; Cal Rptr. 1. (1970)

Certified petition to be informed of the nature and cause of the accusation 6/13

33. It is an undisputed fact; any Texas court, when hearing a matter charging an American

Citizen with violation of any provision of statutes in 1973 CRS as amended, as aforesaid is at

best sitting as a legislative court, hence a quasi judicial power court and not as a judicial power

court and the officer¹⁸ sitting on the bench is at best sitting in a ministerial office and a quasi

judicial power office and not a judicial power office and most commonly sits as a state actor

conducting ad hoc summary proceedings.

34. It is an undisputed fact; any Texas court when hearing a matter charging an American

Citizen with violation of any provision of statutes in 1973 CRS as amended, as aforesaid has

no subject-matter jurisdiction¹⁹ to hear and rule upon the cause in the second instance, if the

accused person is not subject to the administrative jurisdiction of the DMV/CRD in the first

instance.

35. It is an undisputed fact; ad hoc summary proceedings against a Citizen are a violation of all

due process of law with willful intent to irreparably harm, damage, injure and destroy the

Accused.

36. It is an undisputed fact; Accused has the right to choice of counsel, a constitutionally

protected right²⁰.

**WHEREFORE**, Accused, to ensure this Honorable Court fully understands his Petition, informs all members of the prosecuting party be and are hereby informed, the following Word Definitions, regardless they may be used in the singular and/or combination, are hereby Incorporated into, bound and made integral to, the Accused’s Petition, and said Word Definitions apply throughout Accused’s Petition. To wit:

**WORD DEFINITION**

(the male gender used herein is generic, the female gender is included as appropriate)

**administrative agency**: an entity, created by the political trustees holding offices in the State

legislature, to administer and enforce administrative law against those within such jurisdiction.

**---------------------------------------------------------------------------------------------------------------------**

¹⁸ “When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal

court is acting as an administrative officer and not in a judicial capacity; courts in administering or ‘enforcing’

statutes so not act judicially, but merely ‘minister ally’.” Thompson v. Smith, 154 S.E. 583

¹⁹ Once jurisdiction is challenged, the court cannot proceed when it clearly appears that that court lacks

jurisdiction, the court has not authority to reach merits, but rather should dismiss the action. Melo v. US, 505

F.2d, 1026 There is no discretion to ignore lack of jurisdiction. Joyce v. U.S., 474 2d 215 The burden shifts to the

court to prove jurisdiction. Rosemond v. Lambert, 469 F.2d, 416

²⁰ See Wheat v. United States, 108 S. Ct. 1692, 1697 (1988)

Certified petition to be informed of the nature and cause of the accusation 7/13

**administrative law**: law created for administering and enforcement against those within such

jurisdiction.

**administrative proceeding**: a proceeding by an administrative agency conducted by a public

officer in a forum not cognizable as a constitutional forum to try a Citizen charged with an

alleged violation of administrative law.

**Agent Principal**: a person, having taken an oath of office, and appoints, hires or contracts

another person to represent said Principal in matters requiring the agent to have knowledge of

the law.

**Agent Principal Oath:** the oath of a public officer who appoints, hires or contracts other persons

to represent him and performs under his oath, attests to these persons having knowledge of the

law.

**American Citizen**: synonymous with Citizen; one who retains full rights, including Bill of

Rights, in the U.S. Constitution and enjoys the benefits thereof, and not to be confused with the

word person.

**automobile**: a mechanical conveyance used for, and by, the Citizen conducting personal business

and not to be confused with the word; vehicle.

**certified petition**: an affidavit setting forth a statement of undisputed facts before the court,

without admitting or accepting jurisdiction of the court nor the administrative law the Accused

is charged with allegedly violating.

**challenge of jurisdiction**: an act by a Citizen, by filing particular Briefs in the forum where

Citizen is compelled to appear, challenges the presumption of jurisdiction held by public

officers to administer and enforce their administrative law against him. The law requires the

providing of verifiable proof of jurisdiction before the court can reach merits of the case.

**choice of counsel**: the Accused retains the right to choice of counsel, not limited to a licensed

attorney, but rather, the right to choose any Citizen who maintains and exercises, in the opinion

of the Accused, an integrity and character necessary to assist the Accused in his defense and/or

counter-complaint and which right is protected by his two Constitutions and law.

**civil penalty**: a monetary fine imposed by an administrative agency of the State against an

American Citizen, while charging said Citizen with an alleged violation of law.

**---------------------------------------------------------------------------------------------------------------------**

Certified petition to be informed of the nature and cause of the accusation 8/13

**constructive trust**: a trust construed to bind the trustee and treat the trustee as if a partner in a

general partnership and therefore acquiring the same liabilities imposed on the trust.

**contract**: two independent acts by Citizens obligating themselves to do something.

**driver**; a person, hired, employed, or otherwise paid, to drive a vehicle or other conveyances.

**fraud**: synonymous with unfaithful, infidelity, turbidity, unfairness; an intentional perversion of

the truth for the purpose of including another in reliance, to part with some valuable thing

belonging to him or to surrender a legal right; a false representation of a matter of fact, whether

by words or by conduct, by false or misleading allegations or by concealment of that which

should have been disclosed, which deceived and is intended to deceive another so that he acts

upon it to his legal detriment.

**injury**; a deprivation of a Citizen’s Rights and undue infliction of pain and penalty imposed on a

Citizen through, and by, the actions, and/or lack of actions, by public officers in a course of

conduct undertaken while charging and holding the said Citizen to an alleged violation of

criminal law.

**judicial court**: an administrative hearing forum converted to judicial, wherein the Citizen retains

full constitutional rights and enjoys the benefits thereof.

**Judicial Notice**: a court filed instrument, consisting of case captioned Notice attached to a

certified copy of oath taken by the presiding Judge in the case; by which an administrative

court is converted to Judicial.

**jurisdiction**: a power possessed by the court when the proper parties are present; unchallenged

power of the court, having a case before it, to hear the merits of the case, make judgment and

enforce the law allegedly violated and enter its judgment.

**licensure, license**; a permission process, a permission instrument, promoted and advanced by

State agencies for the purpose and intent of regulating certain activities by Citizens, which

process is administered and enforced uniformly. Even upon those not within such jurisdiction.

A presumption by State agencies to make unlawful via the process, of what they would

otherwise consider unlawful activities.

**licensure scheme**; a State agency process to issue permission instruments by which to regulate

certain activities and to extract fees for such a privilege, under the wrongful presumption of

said agencies that these certain activities are regulatable and such licensure scheme is

uniformly applicable to all Citizens.

**---------------------------------------------------------------------------------------------------------------------**

Certified petition to be informed of the nature and cause of the accusation 9/13

**nexus**: a link, connection, legal or otherwise, by which a Citizen may be connected to the

jurisdiction claimed by an administrative agency for the purpose of charging him with violation

of administrative law and consequently hold court to hear the merits.

**oath**: synonymous with affirmation; a binding promise, a form of attestation by which a person

signifies he is bound in conscience to act or perform faithfully. An affirmation of truth of a

statement which one renders willfully asserting an untrue statement is punishable by perjury.

**offense**: a new class of crime, not cognizable by the two Constitutions of a Citizen; which is

administered and enforced by an administrative agency of the State; for the purpose of

extracting a civil penalty while charging said Citizen with a criminal violation. A charge of an

offense deprives the said Citizen of a proper defense due to the absence of Published Rules of

Procedure upon which to build an adequate and legal defense, cognizable as deprivation of

Citizen Rights.

**Operator**: a person, under a license to operate as a service, and who prosecutes the business of

the mechanical conveyance by which to transport passengers or passengers and property for

hire.

**Party Injured**: a Citizen who is injured by, and through, the actions and/or lack of action of

public officers who, while being witness to a wrongful action by other public officers,

neglected or refused to correct or prevent such.

**personal business**: business conducted by a Citizen, not regulated nor regulatable by any

licensure scheme, nor requiring a license of the State or its agencies. Such personal business

includes the business of accepting and performing obligations of contracts. perjury of oath; an

act by a public officer, having knowledge of the law, acted contrary to his binding promise, the

falsification, the false swearing to the oath that says that they would uphold the law constitutes

or gives rise to Title 18 USCA, section Certified petition to be informed of the nature and cause

of the accusation 9 1621.

**presumption of jurisdiction**: a posture, a belief, taken and held by public officers, certain

persons are within such jurisdiction and proceeding forward until such presumption is

challenged.

**Principal Agent**: a person, who is appointed, hired or contracted by a Principal for that person to

represent the said Principal in matters requiring the agent to have a knowledge of the law.

**public officer**: any person holding public office, and in exchange for the public trust, has taken

an oath or assumed the oath of Agent Principal and by such oath or assumption of Agent

Principal oath, attest to having knowledge of the law. regulated,

**---------------------------------------------------------------------------------------------------------------------**

Certified petition to be informed of the nature and cause of the accusation 10/13

**regulatable**: a process and procedure imposed on particular activities and which process and

procedure is enforced by State agencies against those persons who have subscribed to and

accepted the particular jurisdiction of such State agencies.

**traffic**: n. Commerce; trade; the sale or exchange of goods, bills, and money.

**trust indenture:** a trust, converted from a constructive trust, having a named Trustee with

enumerated fiduciary duties and responsibilities for managing the trust and severing his

connections to any and all liabilities acquired by the trust.

**Trustee**: a Citizen named as Trustee, who has agreed and accepted the enumerated fiduciary

duties and responsibilities for managing the trust indenture and its assets and having no

connection to the liabilities of the trust.

**Traveler**: the Citizen who passes from place to place, whether for pleasure, instruction, health or

business and whether on foot, horseback, or in his automobile.

**vehicle**: a best definition is found under Title 18, USC 31: “Motor vehicle means every

description or other contrivance propelled or drawn by mechanical power and used for

commercial purposes on the highways in the transportation of passengers, or passengers and

property.” (emphasis added)

AND IN CONSEQUENCE, Accused petitions this court; pursuant to his unalienable right as an

American Citizen, holding Primacy of Position in the State of Texas:

A. To be informed the nature and cause of the accusation in the instant case. Specifically, what is

the nature of this jurisdiction, and its proceedings, and

B. How is he subject to it, in light of the foregoing undisputed jurisdictional facts in the record,

in the instant case?

C. FURTHERMORE, what is the cause, if Accused is not subject to jurisdiction in the first

instance?

D. That the Prosecutor, in the instant case, comply with Texas Rules of Criminal Procedure, if

the instant charges are alleged to be a misdemeanor or a felony crime and that he, or she, shall

include in any information to which he, or she, shall swear his or her oath, pursuant to Federal

Rules of Criminal Procedure, Title 18 Rule 3, Section 10, that he, or she, has knowledge that

the statutes are administrative law of the Texas and that, if he or she shall fail to state whether

statutes are, or are not administrative law, then he, or she, shall admit by his or her silence, the

undisputed jurisdictional fact that Accused is being charged with violating administrative laws

of the State of Texas to which Accused is not subject for want of a nexus connecting Accused

to the administrative agency of said law, namely, the Department of Motor Vehicles/Texas

Department of Revenue(Texas Comptroller) in the first instance, and notwithstanding the want

of the legislature of the State of Texas to convert any unalienable right of the Accused into a

privilege in any case.

**---------------------------------------------------------------------------------------------------------------------**

Certified petition to be informed of the nature and cause of the accusation 11/13

ACTUAL AND CONSTRUCTIVE NOTICE IN THE INSTANT MATTER:

HEREBY NOTICED, the presiding Judge in the instant case, the Accused has filed A Judicial

Notice hereby Noticed this Court is now Judicial and not administrative, and

HEREBY NOTICED the court that the Accused is an American Citizen who retains full

Constitutional Rights and therefore entitled to enjoy the benefits thereof, and

FURTHER NOTICED this court and all members of the prosecuting party all the Constitutional

Rights of the accused are hereby invoked, and

MORE FURTHER NOTICED in the matter of your individual political trusteeships as public office holders in the gift of the people of the State of Texas, if you fail to lawfully answer this Petition you will have no later defense that you were without knowledge of your duties and obligations to the people of the State of Texas, and specifically to the Accused in the instant matter. It would be an understatement in the extreme to say “it is well settled” that the Accused has an unalienable right pursuant to his unwritten state constitution, the common law, a.k.a. the law of the land, protected by his written state and federal constitutions, respectively within their sovereign jurisdictions also known as organic law of the land, to have this Petition answered, and whereas, this Petition is a challenge of the above styled forum’s presumption of subject-matter jurisdiction. State and federal courts acknowledge a most solemn fundamental of American political theory upon which the body of American jurisprudence is absolutely and totally dependant.

DECLARATION UNDER PENALTY OF PERJURY

I declare under the penalties of perjury that my statements in the foregoing Certified Petition are true and correct. All Rights Reserved, Certified petition to be informed of the nature and cause of the accusation 11 Dated this \_\_\_\_\_ day, March, 2016. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
James Smith, Party Injured  
\_\_\_ Old Sawmill Road   
Waco, Texas 767\_\_

**---------------------------------------------------------------------------------------------------------------------**

Certified petition to be informed of the nature and cause of the accusation 12/13

NOTARY STATEMENT

State of Texas )

) s.s.

County of Rockwall )

The above named person did subscribe to before me, a Notary Public in and for the County Of ROCKWALL, State of Texas, on the 16th day of March, 2016.

My commission expires:\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

Seal:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**---------------------------------------------------------------------------------------------------------------------**

Certified petition to be informed of the nature and cause of the accusation 13/13