IN THE SUPREME COURT OF THE STATE OF Oregon

Brandie Litts

Petitioner,

vs.

Clatsop County Circuit Court

Respondent.

Case No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Provided by clerk of court)

PETITION FOR WRIT OF HABEAS CORPUS

I. David Paul Lee

A. Place of confinement: The United States of America

B. Petitioner’s institutional address:

\_636 Duane St Astoria, OR \_\_\_\_97103\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

II. SUBJECT OF THIS PETITION

A. Indicate the type of decision or action which you are challenging:

\_\_\_\_\_\_\_\_\_\_ Denial of parole

\_\_\_\_\_\_\_\_\_\_ Revocation of parole

\_\_\_\_\_\_\_\_\_\_ Disciplinary matter

\_\_\_\_\_\_\_\_\_\_ Revocation of good time credits

\_\_\_\_\_\_\_\_\_\_ Detainer

\_\_\_\_\_\_\_\_\_\_ Immigration or deportation order

\_\_\_\_\_X\_\_\_\_\_ Other

This petition for a writ of Habeas Corpus is regarding rights violations committed by

agents of the State under the guise of safety enforcement known here as Seaside Police Department This writ is proper in the equal protections of rights and law as

used in PA and NY. “The benefit of the writ of habeas corpus is given in "all cases

where any person, not being committed or detained for any criminal, or supposed

criminal matter," Who "shall be confined or restrained of his or her liberty, under any

color or pretence whatsoever." The color of law being used by The Seaside Police Deaprtment who have removed David Paul Lee without any evidence of an actual crime.

prior to any conviction having turned due process of law on its head, is restraining me

in my freedom and FUNDAMENTAL RIGHT TO due process of law as well as freedom

against self incrimination.

B. Who made the decision or took the action? Seaside Police Department

C. Date of decision or action? 3/27/14

D. Was there a hearing of any kind? Yes (X ) No ( )

E. Were you represented by counsel or a staff member at any hearing?

Yes ( ) No (X )

D. Have you filed any previous lawsuit(s) related to your present claim?

Yes ( ) No (X )GROUNDS FOR RELIEF:

A. Ground One:

While it is true that the use of this writ is not common practice for the

Nature of this situation it is appropriate and proper that this writ be the method for

Seeking injunctive relief. I understand that equality under and before the law is

Paramount, and as such I claim the right to use this writ under equal protections, as

It is used in PA and NY “in all cases where one is confined or restrained of his/her

Liberty under any color or pretense whatsoever” while IN action of imprisonment, the restraint of freedom caused by Seaside Police Department

Agents who have in utter disregard of all due process, removed my David Paul Lee without

Evidence of any crime being committed, these agents who are attempting to intimidate me in

The free exercise and enjoyment of the right to refuse to be a witness against myself, in

Connection to an obviously unfounded complaint intended to harass me.

B. Ground Two:

The intimidation of petitioner in the free exercise and enjoyment of rights

being so fundamental to the nature of freedom, this deprivation committed at the

Hands of The Seaside Police Department and the agent of that

Bureaucracy, has created restraints and fear in the exercise of basic freedoms and

fundamental rights. The investigative efforts of The Seaside Police Department have created undue harassment without ANY form of valid cause for such an

investigation. There is absolutely ZERO evidence of any crime. The injunctive relief

sought to prevent The Department of Children and Families from continuing this

oppressive investigation and other actions is both appropriate and necessary in the

name of justice.

C. Ground 3:

The third ground for the requested relief exists within the elements of corpus

delicti, more accurately stated, the complete lack of a single element of corpus delict.

The Seaside Police Department has ZERO evidence of the existence of

damage or injury to person or property, and ZERO evidence of a violation of any one

else’s rights. And as such there is no redress ability for any court in this matter. As this

is the case the investigation should be close because it was unfounded from the

beginning and is the very essence of a “false report” filed with the sole intent of

harassing me, not protecting children.

D. Ground 4:

The 4th ground is that The Seaside Police Department has not allowed me access to any information to be able to file the proper legal paperwork to have David Paul Lee Released. They have denied me access to the case numbers and statues that David Paul Lee allegedly is charged with. The Seaside Police Department is harassing David Paul Lee and Brandie Marie Litts for filing a lawsuit against them and charges for the following violations of unalienable rights; no warrant, no valid cause of action for which relief may be granted, perjury, kidnapping, extortion, malfeasants, misfeasants, dereliction of duty, waring against the constitution, unlawful detox, trespassing on private property ignoring posted signs and warnings, violation of their Oath of Office, making legal determinations without fact or evidence, fraudulent charges imposed on David Paul Lee made by officer Peterson due to this lawsuit. This has taken my right for life, liberty and the pursuit of happiness. Intimidation, violence and fear are the factors The Seaside Police Department are using to detain David Paul Lee.

V. REQUEST FOR RELIEF

In this writ the petitioner seeks injunctive relief against the malicious investigation

launched by agents of The Seaside Police Department and the lawless

behavior of it’s agents who are acting under mere color of law but whom have no real

authority. I will not have the claim and exercise of my fundamental rights alone be used

as the basis for the State to seize David Paul Lee. David Paul Lee is NOT state property in

spite of any potential agreement that may exist as I never knowingly consented to waive

any rights or to sign David Paul Lee over to the State. The relief I am requesting is an

injunction and granting of this petition to relieve the restrains of my freedom put upon

me by the intimidation and tactics of The Seaside Police Department and it’s

agents. The crime here has been committed AGAINST ME not BY me.

VI. CONCLUSIONS

As this writ of habeas corpus is a special and extraordinary writ that is to be granted in

all cases where one is “confined or restrained of their freedom under any color or

pretense whatsoever”, it is both proper and necessary in the name of justice and truth,

that the requested injunctive relief be granted. THIS court has jurisdiction as standing

has been proven by this complaint filed under penalty of perjury alleging all 3 elements

of corpus delicti against The Seaside Police Department and it’s agents,

which consequently the respondent cannot itself establish. Subsequent criminal and

civil charges are going to follow once David Paul Lee is protected by the injunction and

granting of this writ. It is self evident in this complaint that I have been restrained in my

freedom, and it is also self evident that the court has a duty to remove this restraint

which takes the form of the UNLAWFUL removal of my child David Paul Lee without CAUSE or

EVIDENCE, by granting the injunctive relief sought.

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VII. DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, declare, (swear, certify, verify AND state) under penalty of

perjury, that I am the petitioner in the above action, that I have read the above

petition and that I have personal knowledge of the information contained herein and

that all statements made are true and correct to the best of my knowledge. 28 U.S.C.

§ 1746; 18 U.S.C. § 1621.

Signed this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2014.

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Signature of Petitioner

Notary / Seal