County Court of Mclennan County

STATE OF TEXAS

STATE TEXAS Plaintiff  **Patrick Samples**

vs. Cause #

Wrongly Accused

NOTICE (In Lieu of Motion) OF MY CHALLENGE TO THE POLITICAL JURISDICTION OF STATE OF TEXAS OVER ME AND DEMAND THAT ALL CHARGES AGAINST ME BE DISMISSED AS STATE OF TEXAS CANNOT PROPERLY ESTABLISH THAT IT HAS POLITICAL OR CIVIL CONTRACTUAL JURISDICTION OVER ME

**The issues**

1. This is a challenge to the Political and or civil contractual Jurisdiction of the Charging party, such being the Executive Branch of the State of Texas, and NOT to this Honorable Court (more on this below).

2. It is the responsibility of the Executive Branch of the State of Texas, to present its proof, from its existing files, that it has in some manner, in conformance to the restriction set forth and established in the Thirteenth Amendment to the Federal Constitution, that the State of Texas has gained my voluntary agreement to be subservient to the Political or civil contractual Jurisdiction of the State of Texas.

3. As State of Texas has no ability to establish that State of Texas has political or civil contractual jurisdiction over me, as is required of State of Texas, under the prohibition of involuntary servitude mandate, established in the Thirteenth Amendment to the Federal Constitution, this Honorable Court has no standing to proceed, and this Honorable Court has no standing to inquire of me as to my political or civil contractual status, for this Honorable Court to do so would indicate this court to be biased against me, in favor of the charging party. Such action would constitute a violation of the Separation Of Powers Doctrine, and disqualify the judge of this Honorable Court from any further participation in this matter.

4. Please find attached hereto and incorporated herein in full by this reference, as Exhibit "A" hereto, a list of twenty-three (23) appellate court case citations that establish that when jurisdiction (of any manner), is challenged, it must be proved, on the record, by the moving party, the Executive Branch of the State of Texas, not by the judge of this Honorable Court.

5. It is clearly self evident that the Thirteenth Amendment to the Federal Constitution causes the admonitions in these 23 appellate court cases to apply reasonably, in this instant case, to the charging party, the Executive Branch of the State of Texas, and NOT to directly to this Honorable Court. However, as a subdivision of the State of Texas, this Honorable Court has no standing to proceed against me, unless and until the Executive Branch of the State of Texas presents its proof, from its files existing at the time and on the date I was wrongly charged, that such State then had and now has properly gained Political and or civil contractual Jurisdiction over me. And that the State of Texas has gained such jurisdiction in full compliance with and not in violation of the restrictions established in the Thirteenth Amendment to the Federal Constitution.

6. The State of Texas(through either its Administrative/Judicial Branch or its Executive Branch), does not have standing to interrogate me in order to establish that it had Political or civil contractual jurisdiction over me at the time and date I was wrongly charged by the issuing officer of the State of Texas Police, and certainly do not have standing to attempt to establish such jurisdiction to be effective at this late date.

7. The State of Texas must present its proof from its existing files, and if the State of Texas claims to have such proof, such must be presented to me in writing, and I must be accorded a reasonable opportunity to subpoena witnesses and gather evidence in opposition.

8. As it is a foregone conclusion that the Executive Branch of the Government of State of Texas will not be able to present any acceptable proof, because any proof that it might present would have been obtained through fraudulent inducement, not through any honorable and forthright means.

9. In consideration of the foregoing, this Honorable Court has no option, other than to dismiss all charges lodged against me by the Executive Branch of the Government of the State of Texas.

**Discussion**

10. The issue of this Notice and Demand is limited to examining the issue of whether or not the State of Texas can present proof that it has political or civil contractual jurisdiction over me.

11. The relationship of my standing to the State of Texas is a political issue based on the State of Texas's compliance with the Federal Thirteenth Amendment, it is not a judicial issue. This court does not have standing to determine my political status any more than would this court have standing to determine the political status of the Queen of England.

12. This is true because the political status of everyone can only be determined by the voluntary act of each individual, based on their own individual choice, as is clearly established in the prohibition of involuntary servitude, set forth and established in the Thirteenth Amendment to the Federal Constitution.

13. The burden of proof in on the charging party, to present its proof from its existing files, that it gained political or civil jurisdiction over me without violating the prohibition of involuntary servitude recognized and incorporated into the Federal Constitution, in the Thirteenth Amendment thereto.

I,Patrick Samples, Wrongly Accused, respectfully Demand that the charges lodged against me be dismissed due to the fact that State of Texas has no legitimate claim of Political or Civil contractual Jurisdiction over me. **ADDITIONAL NOTICE TO THIS HONORABLE COURT**

Due to the fact that it will not be possible for the Executive Branch of the State of Texas to present proof, in conformance with the Federal Thirteenth Amendment, that the State of Texas has properly gained either Political or Civil Contractual Jurisdiction over me, I,Patrick Samples will not present myself to this Honorable Court unless and until the Executive Branch of the State of Texas presents to me its proof that it has such dominion over me, which I am not able to refute.

Let this Honorable Court and the State of Texas be hereby advised, should the Executive Branch of the State of Texas present such proof to me, in writing, that I cannot refute, I will then conform to any order of this Honorable Court.

**NOTICE TO STATE OF TEXAS**

**LAW ENFORCEMENT**

A certified copy of this Notice and Demand, duly file stamped by the Clerk of this Honorable Court, when presented to any State of Texas Law Enforcement Officer, shall serve as Official Notice to such officer, that the State of Texas has no dominion overPatrick Samples, and such officer shall not further interfere with the travels of Patrick Samples upon the highways of the State of Texas.

Proceeding at all times under Threat, Duress and Coercion

Patrick Samples

**EXHIBIT "A" TO THIS NOTICE AND DEMAND**

**23 case citations**

1. A court may not render a judgment which transcends the limits of its authority, and a judgment is void if it is beyond the powers granted to the court by the law of its organization, even where the court has jurisdiction over the parties and the subject matter. Thus, if a court is authorized by statute to entertain jurisdiction in a particular case only, and undertakes to exercise the jurisdiction conferred in a case to which the statute has no application, the judgment rendered is void.

2. The lack of statutory authority to make particular order or a judgment is akin to lack of subject matter jurisdiction and is subject to collateral attack. 46 Am. Jur. 2d, Judgments § 25, pp. 388-89.

3. A void judgment is to be distinguished from an erroneous one, in that the latter is subject only to direct attack. A void judgment is one which, from its inception, was a complete nullity and without legal effect. Lubben v. Selective Service System, 453 F.2d 645, 649 (1st Cir. 1972)

4. A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).

5. "Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination." Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647.

6. "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court", OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

7. "The law is well-settled that a void order or judgement is void even before reversal", VALLEY v. NORTHERN FIRE & MARINE INS. CO., 254 u.s. 348, 41 S. Ct. 116 ( 1920 )

8. "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities ; they are not voidable, but simply void, and this even prior to reversal." WILLIAMSON v. BERRY, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 ( 1850 ).

9. "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but rather should dismiss the action." Melo v. U.S. 505 F 2d 1026.

10. "There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

11. "The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F 2d 416.

12. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York 37 F Supp. 150.

13. "The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." 100 S. Ct. 2502 (1980).

14. "Jurisdiction can be challenged at any time." Basso v. Utah Power & Light Co. 495 F 2d 906, 910.

15. "Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal." Hill Top Developers v. Holiday Pines Service Corp. 478 So. 2d. 368 (Fla 2nd DCA 1985).

16. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted. "Lantana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F. Supp. 150.

17. "Once challenged, jurisdiction cannot be assumed, it must be proved to exist." Stuck v. Medical Examiners 94 Ca 2d 751. 211 P2d 389.

18. "Jurisdiction, once challenged, cannot be assumed and must be decided." Maine v Thiboutot 100 S. Ct. 250.

19. "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v Lavine 415 U. S. 533.

20. A judgment obtained without jurisdiction over the defendant is void. Overby v. Overby , 457 S.W.2d 851 (Tenn. 1970). Volume 20: Corpus Juris Sec. § 1785.

21. Challenge to court's jurisdiction is raised by motion to dismiss, Criterion Co. v. State, 458 So. 2d. 22 (Fla 1st DCA 1984.

22. Since jurisdiction is fundamental, and it is jurisdiction alone that gives a court power to hear, determine, and pronounce judgment on the issues before it, jurisdiction must be continuing in the court throughout the proceedings, Re. Cavitt, 254 P.599

23. Since jurisdiction is fundamental to any valid judicial proceeding, the first question that must be determined by a trial court in any case is that of jurisdiction, Dillon v. Dillon, 187 P,27.