

NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT FOR HABEAS CORPUS AND FOR CAUSE¹

COMES NOW Terry George Trussell, hereinafter Plaintiff/Petitioner, under Article III §2² whereas the judicial power shall extend to all cases, in law arising under the Constitution and shall guarantee to every state in this union a Republican form of government Article IV §4³ and shall protect each of them against invasion of rights. Jurisdiction therefore being the Supreme Law of the Land under Article VI Clause 2;⁴

CAUSE: Court not of record proceeded under color of law⁵ incarcerating plaintiff/petitioner un-lawfully without due process in a court of record⁶ and indictment by a non-statutory and impartial Grand Jury;⁷

NOTICE is hereby given to the court and all interested parties that case #14000201CFAXMX in the Florida Circuit Court, Dixie County, is removed to the United States District Court for the Northern District of Florida for Habeas Corpus, for cause.

¹ **FOR CAUSE.** Means for reasons which law and public policy recognize as sufficient warrant for removal and such cause is "legal cause" and not merely a cause which the appointing power in the exercise of discretion may deem sufficient. State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d 995, 998, 99 A.L.R. 321.

² **Article III Section 2** The judicial power shall extend to all cases, in law and equity, arising under this Constitution,...

³ **Article IV Section 4** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

⁴ **Article VI** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

⁵ **COLOR OF LAW.** [Black's Law 4th edition, 1891] -- The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

⁶ **A "COURT OF RECORD"** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.⁷ Cal Jur 571 California Jurisprudence, Bancroft Whitney (1922), Page 580-581

⁷ **Amendment V** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Terry George Trussell



Hagan Smith, Next Friend acting on behalf of petitioner, Rule 17, 28 USCA



**United States District Court, Northern District of Florida
Chief District Judge M.C. Rodgers
401 SE 1st Ave #243, Gainesville, Florida 32601**

CASE NO: 14000201CFAXMX
RE: Florida Circuit Court, Dixie County
214 Northeast Highway 351, Cross City, FL 32628

Terry George Trussell
Plaintiff/Petitioner

Against

Jeffrey A. Siegmeister, James C. Hankinson, Pam Bondi,
Frank Linton and Dewey H. Hatcher, Sr.
Defendants/Respondents

United States Federal Northern District Court

Terry George Trussell

Plaintiff/Petitioner

Magistrate _____

- A -

Case No. _____

Jeffrey A. Siegmeister, James C. Hankinson, Pam Bondi,
Frank Linton and Dewey H. Hatcher, Sr.

Defendants/Respondents

PETITION FOR WRIT OF HABEAS CORPUS

I, Terry George Trussell, petitioner, one of the People of Florida, hereinafter plaintiff, in this court of record sues Jeffrey A. Siegmeister, James C. Hankinson, Pam Bondi and Dewey H. Hatcher, Sr. hereinafter defendants and petitions the Unified United States Common Law Grand Jury in the above entitled court of record⁸ for a Writ of Habeas Corpus⁹ to inquire into the cause of imprisonment and restraint of liberty of Terry George Trussell hereinafter plaintiff, who is not subject to the jurisdiction of the following custodians:

COUNTY OF DIXIE (a legal fiction) State Attorney Jeffrey A. Siegmeister
PO Box 1770; Cross City, FL 32628

JAMES C. HANKINSON (a State Supreme Court Judge/Chancellor)
2nd Judicial Circuit of Florida; 301 South Monroe Street; Tallahassee, Florida 32301

STATE OF FLORIDA (a legal fiction), Attorney General Pam Bondi
The Capitol PL-01; Tallahassee, FL 32399-1050

JAILOR, Sheriff Dewey H. Hatcher, Sr
386 Ne 255th Street; Cross City, FL 32628-3326

FLORIDA DEPARTMENT OF LAW ENFORCEMENT, Frank Linton,
P.O. Box 1489; Tallahassee, FL 32302-1489

⁸ **A COURT OF RECORD** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.7 Cal Jur 571 California Jurisprudence, Bancroft Whitney (1922), Page 580-581

⁹ **US Constitution Article I Section 9.** The privilege of the writ of habeas corpus shall not be suspended...

PETITIONER MAY PROSECUTE A WRIT OF HABEAS CORPUS TO INQUIRE INTO THE CAUSE OF THE RESTRAINT

Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf. -- 28 USC Sec. 2242

Every person unlawfully committed, detained, confined or restrained of his liberty, under any pretense whatever, may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment or restraint.

“In the United States habeas corpus exists in two forms: common law and statutory. The Constitution for the United States of America acknowledges the Peoples’ right to the common law of England as it was in 1789. It does not consist of absolute, fixed and inflexible rules, but broad and comprehensive principles based on justice, reason, and common sense...” Miller v. Monsen, 37 N.W.2d 543, 547, 228 Minn. 400.

28 USC 2243 Issuance of writ; return; hearing; decision. A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondents to show cause why the writ should not be granted unless it appears from the application that the applicant or person detained is not entitled thereto. The writ or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed. **PAPERS DUE OCTOBER 21, 2014 – faxed (888) 891-8977 and mailed.** Unified United States Common Law Grand Jury; P.O. Box 59; Valhalla, New York, 10595

United States Constitution, Article I, Section 9. The privilege of the writ of habeas corpus shall not be suspended...

GENERAL ALLEGATIONS OF FACTS

- 1) This habeas corpus is prosecuted because the taking of the People into custody was without due process in a court of law, aka court of record. The respondent's court acted under statutes thereby not a court of record but nisi prius, except that the jurisdiction was fraudulently acquired without plaintiff volunteering or knowingly agreeing to the proceeding.
- 2) Furthermore the incarceration was vindictive because plaintiff refused a BAR attorney, incapable of representing petitioner under common law the true nature and cause of plaintiffs detention is to break him through incarceration.

- 3) The nisi prius court is in fact a nisi prius court falsa because respondents have taken unlawful dominion of plaintiff so as to deprive him of his court. Plaintiff should be immediately released so that he may return to the jurisdiction of his own court.
- 4) Plaintiff herein declares he has seen no sworn documentary evidence from a competent fact witness to lawfully assert any charges.

Any constitutional provision intended to confer a benefit should be liberally construed in favor in the clearly intended and expressly designated beneficiary. "Then a constitution should receive a literal interpretation in favor of the Citizen, is especially true, with respect to those provisions which were designed to safeguard the liberty and security of the Citizen in regard to person and property." -- **16Am Jur 2d: 16Am Jur 2d., Sec. 97; Bary v. United States - 273 US 128**

- 5) No State can deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Any court that ignores due process is not a common law court such an action proves a court unlawful and consequently no legal authority over the petitioner without his consent.

Whereas defined pursuant to; Supreme Court Annotated Statue: Cruden vs. Neale, 2 N.C. 338 2 S.E. 70 "*The state citizen is immune from any and all government attacks and procedure.*" -- **Dred Scott vs. Sanford. 60 U.S. (19 How.) 393** or as the Supreme Court has stated clearly, "*...every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent.*" -- **Cruden v Neale, 2 N.C.338 May Term 1796**

- 6) Plaintiff has been subjected to unlawful imprisonment and restraint. Plaintiff is thus petitioning through his authorized agent his next friend for a writ of habeas corpus to demand to be restored.

**BECAUSE THE RESPONDENTS COURT SHOULD HAVE BEEN
A COURT OF RECORD BUT INSTEAD FRAUDULENTLY
CONCEALED IT'S JURISDICTION UNDER COLOR OF LAW
WRIT OF HABEAS CORPUS SHOULD ISSUE.**

- 7) The Constitution for the United States of America Article III Section I grant that judges, both of the supreme and inferior courts, shall hold their offices during good behavior¹⁰. No Judge

¹⁰ **GOOD BEHAVIOR.** The term "good behavior" means conduct that is authorized by law, and "bad behavior" means conduct such as the law will punish. State v. Hardin, 183 N.C. 815, 112 S.E. 593, 594. Orderly and lawful conduct; Huyser v. Com., 25

may act without jurisdiction, all lawful jurisdictions must be ordained and established¹¹ by the People. Article IV. Section 4 guarantees a republican form of government¹² against domestic violence, when a judge enforces acts beyond said authority under color of law¹³, judicial immunity is lost¹⁴, it is nothing less than lawless violence¹⁵. Likewise legislative jurisdiction that is not authorized by the United States Constitution is as inoperative as though it had never been passed¹⁶ and judges proceeding without jurisdiction are indictable for treason¹⁷, judges are expected to know the law.

- 8) Article III Section 2 authorizes two jurisdictions law and equity.¹⁸ A court of equity follows the forms and procedure of chancery as distinguished from common law,¹⁹ "courts of equity" and "courts of chancery," are synonymous²⁰. A court of law means court of common law²¹ a

Ky.L. Rep. 608, 76 S.W. 175; In re Spenser, 22 Fed.Cas. 921. "Good behavior," means merely conduct conformable to law, or to the particular law theretofore breached. Ex parte Hamm, 24 N.M. 33, 172 P. 190, 191, L.R. A.1918D, 694; Baker v. Commonwealth, 181 Ky. 437, 205 S.W. 399, 401.

¹¹ **U.S. CONSTITUTION PREAMBLE.** "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

¹² **U.S. CONSTITUTION ARTICLE IV. SECTION 4.** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

¹³ **COLOR OF LAW.** [Black's Law 4th] -- The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

¹⁴ "When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost." -- Rankin v. Howard, (1980) 633 F.2d 844, cert. den. Zeller v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326

¹⁵ "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." - Ableman v. Booth, 21 Howard 506 (1859)

¹⁶ "An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." Norton vs Shelby County 118 US 425 p. 442

¹⁷ "We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." -- Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200

¹⁸ **U.S. CONSTITUTION ARTICLE III. SECTION 2.** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;

¹⁹ **COURT OF EQUITY.** A court which has jurisdiction in equity, which administers justice and decides controversies in accordance with the rules, principles, and precedents of equity, and which follows the forms and procedure of chancery; as distinguished from a court having the jurisdiction, rules, principles, and practice of the common law. Thomas v. Phillips, 4 Smedes & M., Miss., 423.

²⁰ The terms "equity" and "chancery," "court of equity" and "court of chancery," are constantly used as synonymous in the United States. It is presumed that this custom arises from the circumstance that the equity jurisdiction which is exercised by the courts of the various states is assimilated to that possessed by the English courts of chancery. Indeed, in some of the states it is made identical therewith by statute, so far as conformable to our institutions. Wagner v. Armstrong, 93 Ohio St. 443, 113 N.E. 397, 401.

²¹ **AT LAW.** [Blacks 4th] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity

court for the People. In alleged²² criminal cases when Judges claim that they are bound by legislation that is authorized by the constitution as they act under chancery, and not law, they commit fraud on the court. The law of the land is common law²³, not statutes, and judges in every state are bound thereby.

“Courts of record and courts not of record, the former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded.” -- **3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.**

9) Equity courts are nisi prius²⁴ courts not of record proceeding according to statutes have no power to fine or imprison, to do so is a crime. Courts of law are courts of record and proceed according to common law. When the plaintiff was falsely charged petitioner objected to the nisi prius court, thereby resisting the first and proceeding according to common law.

10) Constitutions must be construed to reference the common law - summary proceedings are null and void²⁵ - *"As to the construction, with reference to Common Law, an important canon of construction is that constitutions must be construed to reference to the Common Law." The Common Law, so permitted destruction of the abatement of nuisances by summary proceedings and it was never supposed that a constitutional provision was intended to*

²² "The law itself is on trial quite as much as the cause which is to be decided." Harlan F. Stone, 12th Chief Justice U.S. supreme Court, 1941

²³ **U.S. CONSTITUTION ARTICLE VI.** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

²⁴ **NISI PRIUS.** [Bouvier's Law] Where courts bearing this name exist in the United States, they are instituted by statutory provision. "Nisi prius" is a Latin term (Black's 5th) "Prius" means "first." "Nisi" means "unless." A "nisi prius" procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

²⁵ **SUMMARY PROCEEDINGS.** Bouvier's Law, Summary proceedings are those when the matter in dispute is decided without the intervention of a jury; these must be authorized by the legislature, except perhaps in cases of contempts, for such proceedings are unknown to the common law.; When cases are to be adjudged promptly, without any unnecessary form, the proceedings are said to be summary. 2. In no case can the party be tried summarily unless when such proceedings are authorized by legislative authority, except perhaps in the cases of contempts, for the common law is a stranger to such a mode of trial. 4 Bl. Com. 280; 20 Vin. Ab. 42; Boscawen on Conv.; Paley on Convict.; vide Convictions.

interfere with this established principle and although there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England, adopted in the several states. In interpreting the Federal Constitution, recourse may still be had to the aid of the Common Law of England. It has been said that without reference to the common law, the language of the Federal Constitution could not be understood." -- **16Am Jur 2d., Sec. 114:**

11) Defendant James C. Hankinson acted without constitutional authority thereby without jurisdiction under color of law using unconstitutional statutes and summary proceedings that are null and void under common law. Furthermore defendant James C. Hankinson hid the identity of the jurisdiction he was operating under, clearly it was not under common law and therefore under chancery, a court not of record, a court without the power to imprison, a court without the consent of plaintiff, a court thereby acting under fraud, therefore a writ of habeas corpus should issue.

**BECAUSE NO JURISDICTIONAL BASIS FOR
CUSTODY HAS BEEN PROFFERED OR STATED
A WRIT OF HABEAS CORPUS SHOULD ISSUE.**

12) Broad Meaning of Jurisdiction on Habeas Corpus. For purposes of the writ of habeas corpus, as for purposes of prohibition or certiorari, the term "jurisdiction" is not limited to its fundamental meaning, and in such proceedings judicial acts may be restrained or annulled if they are determined to be in excess of the court's powers as defined by constitutional provision, statute, or rules developed by courts.

13) The liberty of the People is restrained by the CUSTODIANS:

- a. Plaintiff is in custody by color of the authority of the State of Florida and/or the custodians, and is committed for trial before some court thereof; [28 USC 2241(c)(1)]
- b. Plaintiff is in custody in violation of the Constitution or laws of the United States; [28 USC 2241(c)(3)]

14) Although the true cause of custody of plaintiff is unknown, plaintiff on information believes that the claim or authority is under color of law in violation of the Constitutions Florida State

and the United States of America. The true basis for jurisdiction by the custodians has never been proffered or stated. Plaintiff, as one of the People, has never knowingly or voluntarily agreed to such jurisdiction. Plaintiff has disputed and disputes any factual allegation that he has so agreed.

- 15) The jurisdictional facts leading up to the custody and restraint are unknown to the People. The jurisdictional facts by which the custodians presume to continue to deprive the People of his court are unknown to the People.
- 16) The People, on information and belief, allege that the custodians are funded in whole or in part by the State of Florida. Thus motivated, they are acting, under color of law as contractual agents of their principal, the State of Florida.
- 17) The court lacks Personam Jurisdiction because it proceeded under statutes and is therefore a nisi prius court not of record, and does not have plaintiff's consent.
- 18) Plaintiff did not consent and therefore is immune from any and all government attacks and procedure²⁶.
- 19) Plaintiff is independent of all laws, except those prescribed by nature and is not bound by any institutions formed by his fellowman without petitioner's consent²⁷.
- 20) The custodians do not state and the proceedings do not show any lawful authority or jurisdictional facts enabling the custodians to lawfully take dominion over a People of Florida. Lacking such jurisdiction, their actions can only be under color of law, violating due process, in order to execute their own private agendas, whatever they may be. Therefor a writ of habeas corpus should issue.

**A WRIT OF HABEAS CORPUS IS A PROPER REMEDY BECAUSE
PETITIONER WAS DEPRIVED OF HIS LIBERTY WITHOUT DUE PROCESS.**

- 21) Respondents proceeded as a court of equity which is not a court of record and therefore had no power to imprison petitioner.

²⁶ Whereas defined pursuant to; Supreme Court Annotated Statute: **CRUDEN vs. NEALE, 2 N.C. 338 2 S.E. 70** "The state citizen is immune from any and all government attacks and procedure. see, **Dred Scott vs. Sanford. 60 U.S. (19 How.) 393**

²⁷ "..., every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent." **Cruden v. Neale, 2 N.C. 338 May Term 1796.**

Confirmatio Cartarum²⁸ – “sovereign People shall not be taken, or imprisoned, or disseised, or outlawed, or exiled, or anywise destroyed...but by lawful judgment of his peers or by the law of the land.” **Magna Charta, Chapter 39. [Sometimes referred to as Chapter 29]**

22) Petitioner responded obsta principiis²⁹ from the beginning and continues the same against said first of all courts not of record, state or federal.

23) Petitioner was denied due process of law thereby violating petitioner’s unalienable right protected by the 5th Amendment;

“No person shall be ... deprived of life, liberty, or property, without due process of law; Due course of law, this phrase is synonymous with due process of law or "law of the land" and means law in its regular course of administration through courts of justice” [court of record]. **Kansas Pac. Ry. Co. v. Dunmeyer 19 KAN 542.** *“Law in its regular course of administration through courts of justice [court of record] is due process.”* **Leeper vs. Texas, 139, U.S. 462, II SUP CT. 577, 35 L ED 225.**

24) Petitioner was deprived of his unalienable right of due process in a “COURT OF LAW” a/ka/ common law secured by the 5th Amendment therefore a writ of habeas corpus should issue.

**A WRIT OF HABEAS CORPUS IS A PROPER REMEDY BECAUSE
CUSTODIANS HAVE ENGAGED IN PROSECUTORIAL VINDICTIVENESS;
BURDEN IS UPON RESPONDENTS TO REBUT PRESUMPTION**

25) Plaintiff was appointed foreman by the State of Florida Court in Dixie County and acting in that capacity of Grand Jury Foreman and as signatory on a true bill of presentment against State Attorney, Jeffrey A. Siegmeister for criminal acts disclosed in testimony presented before the Grand Jury by an eye witnesses to the overt acts the defendants conspired to unlawfully arrest and proceed with a vindictive prosecution to cover up the crimes.

26) Plaintiff has found that the grand juries being used by the court and prosecutor's office are prevented from hearing crimes committed by government officers that allows such officers to commit crimes with impunity and with no protection for the victims.

27) Plaintiff has shown that sworn testimony of crimes submitted to criminal intake officers with a demand for access to the grand jury for testifying and an investigation are not delivered to

²⁸ **CONFIRMATIO CARTARUM** 1297 The Magna Carta must be accepted as the common law by government. The Magna Carta is the supreme law. All other contrary law and judgments are void.

²⁹ **OBSTA PRINCIPIIS.** Lat. Withstand begin-nings; resist the first approaches or encroach-ments. **Bradley, J., Boyd v. U. S., 116 U.S. 635, 6 Sup.Ct. 535, 29 L.Ed. 746.**

the Grand Jury and such officers add the additional crimes of misprision of felony and obstruction of justice with impunity by the erroneous contention that the power to impanel and control the Grand Jury is within the exclusive control of the government and there is a neglect to transmit such crimes to the Grand Jury for initiating the prosecution of such crimes as a matter of course.

28) These matters are of great interest and importance to the people of Florida and where the power to impanel and control the grand jury lies, in the government, in the people, or both, and whether plaintiff's good faith actions in reliance upon *United States v Williams*, and to act in the capacity of a Grand Jury foreman within the retained powers of the people are crimes.

29) Defendants led by James C. Hankinson recording with an official court and all acting in one accord in said conspiracy to simulate a legal process to incarcerate the plaintiff in violation of 843.0855 by acting under color of law³⁰ opening a De facto court³¹ not of record³² in order to silence the plaintiff to cover up their many felonies.

30) Defendants willfully conspired to kidnap and incarcerate plaintiff by fraud in violation of 18 USC §1346³³ in a Florida court not of record under color of law, statute and regulation without due process for exercising their constitutional right/duty as jury foreman thereby violating plaintiffs unalienable rights protected under the 5th and 7th Amendments in violation of 18 USC §241³⁴, 18, USC §242;³⁵, 42 USC 1985³⁶

³⁰ **COLOR OF LAW** Black's Law 4th -- The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

³¹ **De facto court.** One established, organized, and exercising its judicial functions under authority of a statute apparently valid, though such statute may be in fact unconstitutional and may be afterwards so adjudged; or a court established and acting under the authority of a de facto government. 1 Bl. Judgm. § 173; In re Manning, 139 U.S. 504, 11 S.Ct. 624, 35 L.Ed. 264; *Gildemeister V. Lindsay*, 212 Mich, 299, 180 N.W. 633, 635.

³² **COURTS OF RECORD and COURTS NOT OF RECORD** - The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. [3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225; *Erwin v. U.S.*, D.C.Ga., 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231].

³³ **18 USC §1346** Definition of "scheme or artifice to defraud" For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services.

³⁴ **18, USC §241; CONSPIRACY AGAINST RIGHTS:** If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured – They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to

31) All defendants owed an allegiance by taking an oath to defend and support the Constitution for the United States of America cognizable of said actions were high treason and felonies in violation of 18 USC §4³⁷ and 18 USC §2382³⁸ and all had the opportunity to prevent the wrongs conspired to be done in violation of 42 USC §1986³⁹.

32) Plaintiff was unlawfully arrested pursuant to false complaint filed by officer Frank Linton Florida Department of Law Enforcement claiming that plaintiff simulated a legal process when in fact plaintiff was acting as Grand Jury Foreman, appointed by the court, whereas the

kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

³⁵ **18, USC §242; DEPRIVATION OF RIGHTS UNDER COLOR OF LAW:** Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

³⁶ **42 USC 1985 CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS:** Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

³⁷ **18 USC §4 MISPRISION OF FELONY:** Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

³⁸ **18 USC §2382 MISPRISION OF TREASON:** Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

³⁹ **42 USC §1986 ACTION FOR NEGLIGENCE TO PREVENT:** Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

Grand Jury filing, which cannot be questioned see United States v Williams, was due to jury tampering by the State Attorney, plaintiff having a duty to file.

33) A hearing was held in Dixie County before the Judge James C. Hankinson but because the plaintiff stood outside the BAR judge James C. Hankinson refused to acknowledge the plaintiff was present and ordered the Deputy Sheriffs to arrest the plaintiff without bond and without a hearing.

34) Plaintiff remains in Prison without Bail or due process, therefore a writ of habeas corpus should issue.

WHEREAS plaintiff demands defendants be incarcerated 30 days for each day plaintiff is incarcerated and compensate plaintiff \$50,000 per day in prison for violating plaintiffs unalienable rights.

This application for a writ of habeas corpus is signed and verified on behalf of Terry George Trussell by Hagan Smith acting in his behalf⁴⁰ -- 28 USC Sec. 2242.

“A next friend is a person who represents someone who is unable to tend to his or her own interest.” Federal Rules of Civil Procedures, Rule 17, 28 USCA "Next Friend"

I Hagan Smith, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the aforementioned facts to hereby affirm that the following facts are true, correct and not misleading:

Hagan Smith, Next friend

NOTARY

Florida State, Dixie County on this 17th day of October 2014 before me _____, the subscriber, personally appeared Hagan Smith to me known to be the living man describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free will act and deed.

My commission expires: _____

(Notary Seal)

Notary

⁴⁰ Based on title 28, U.S.C., 1940 ed., § 454 (R.S. § 754). Words “or by someone acting in his behalf” were added. This follows the actual practice of the courts, as set forth in United States ex rel. Funaro v. Watchorn, C.C. 1908, 164 F. 152; Collins v. Traeger, C.C.A. 1928, 27 F.2d 842, and cases cited.