

ORIGINAL

Supreme Court, U.S.
FILED

MAR 01 2019

OFFICE OF THE CLERK

NO: 18-8344

Before The
United States Supreme Court

James E. Whitney

Petitioner

v.

State of Arkansas

Respondent

On Petition for Writ of Certiorari
to the Supreme Court for the State of Arkansas
Case no: CR-18-437

Petition for Writ of Certiorari

James E. Whitney, Pro Se
Sui Juris In Propria Persona
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Unsettled Issues Presented for Consideration and Review

- 1) The Clerk of the court has improperly declined to lodge the record on my appeal from the order of the Circuit Court for Washington County Arkansas, case # 72cr-17-2275. Dated 08 Dec 2017 and filed for Record on 21 Dec. 2017,
- 2) That the Clerk of the Court has incorrectly read the file mark date on the order from the Circuit Court for Washington County, Arkansas.
- 3) That the Clerk of the Court improperly noted the file Date of my notice and designation of the record with a certification of Institutional filing Dated 18 Jan 2018 and copy of the envelope it was received in
- 4) That the Clerk of the Court is incorrect to state that my notice of appeal was not filed timely. And should not have declined to lodge the record for same.

Preface

Pay heed and hear me, be still and I will speak; If you have what to say, answer me; But if not, listen to me; Be still and I will teach you wisdom. But where does wisdom come? Where is the source of understanding? See! Fear of the Lord is wisdom; to shun Evil is understanding; no man can set a value on the for it is the breath of El Shaddai from which they come. It is not the aged who are wise, nor the elders who understand how to judge. As long as there is life in me, and God's breath is in my nostrils, my lips will speak no wrong, nor my tongue utter deceit. Until I die I will maintain my integrity, I persist in my righteousness and I will not yield; I shall be free of reproach as long as I live. I would not temper my speech for anyone's sake nor show regards for any man, for I do not know how to temper my speech- my maker would soon carry me off. My words bespeak the uprightness of my heart, my lips utter insight honestly, the spirit of God formed me; The Breath of El Shaddai sustains me. You and I are the same before God. I too was nipped from clay. Listen, o wise ones, to my words you who have knowledge, give ear to me; Do you know the Laws Of Heaven or impose its Authority on Earth? For the ear test arguments, as the palate taste food. If God but intends it. He can call back his spirit and breath; all flesh would at once expire, and all mankind return to oust. See God is greater than we can know; The number of his years cannot be counted. He keeps turning events by his stratagems, that they might accomplish all that he commands them throughout the inhabited earth. Whoever confronts me I will requite, for everything under the Heavens is mine - Declares the Lord. Remember, then, to magnify his works, of which men have have sung.

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List of Parties

All parties that have and interest in this Petition Do Not appear in the Caption of this case on the Cover Page. A List of all persons that have an Interest in or are a party to the Proceeding in the Court whose Judgment is the Subject of this Petition is as follows:

Clerk of the Court
Arkansas Supreme Court
625 Marshall Street
Little Rock, Arkansas 72201-1080

State of Arkansas
c/o Arkansas Attorney Generals Office
323 Center Street
suite 200
Little Rock, Arkansas 72201-2610

Hon. Mark Lindsay
Circuit Court for Washington County, Arkansas
P.O. Box 1612
Fayetteville, Arkansas 72702-1612

Kevin Metcalf
Washington County Deputy Prosecuting Attorney
280 N. College Ave.
Suite 301
Fayetteville, Arkansas 72701

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In The United States Supreme Court
Petition for Writ of Certiorari

I, James E. Whitney, A living Breathing Sentient Natural Sovereign Mortal, Proceeding Pro Se do hereby Respectfully request that a Writ of Certiorari be Issued to review the Judgments below

Opinions Below

The opinion of the Supreme Court of Arkansas appears at Appendix A, Page and is unpublished

The opinion of the Circuit Court of Washington County, Arkansas Appears at Appendix A,page 8 and is unpublished

Judicial Statement

The date on which the Supreme Court of Arkansas decided my case was on 18 October 2018. A timely Petition for Rehearing was denied by The Supreme Court of Arkansas on the following date 06 December 2018, and a copy of the order denying rehearing appears at Appendix A, page 1.

Therefor, knowing that I have 90 days from the date denying my petition for rehearing in which to file my petition for writ of Certiorari; I pray This Court will render her opinion on the square and by the compass when reviewing the Constitutional issues and questions of Law which I have raised and brought before this Court.

Further, I invoke the Jurisdiction of this Court pursuant to 28 U.S.C.A. § 1257(a)

Introduction

1) I, James E. Whitney, am a Living Breathing Sentient Natural Sovereign Mortal, not simply because I say I am, but by the fact that I was born a Sovereign as bestowed upon me by my Creator Lord, and King, YHWH, in the beginning and the source of Breath of All Flesh, Numbers 27:16 and not by way of any World-of-Man Government constructs, be they allegedly a State, Nation, or the like and such Sovereignty may not be modified altered, restricted, or diminished but by consent, And I have given no such consent, nor have I knowingly entered into any contract or agreement with any World-of-Man Government. See *Afroyim v. Rusk*, 87 S.Ct.1660,(1967)

2) That I am being held captive illegally by the State of Arkansas, as a prisoner in their Department Of Correction, at the Varner / Supermax unit in Grady, Arkansas, being confined and sequestered to a cell 24/7 approximately 8'x12' in size since 14 Nov. 2016 under extended Protective Restrictive Housing Pursuant to threats of Great Physical Harm from both Staff and Inmates alike.

3) That the sentence of 540 years confinement, under which I am currently being held captive as a Defacto sentence of Life Without Parole, The Indictment being duplicitous in nature. The sentence Imposed is contrary to and in violation of the United States and the State of Arkansas. See Arkansas code annotated, (A.C.A.) § 5-1-109; § 5-1-110; § 5-1-112; § 5-4-501; § 16~~40~~-107; § 16-91-113; 1993 Arkansas Laws Act 550; Arkansas Sentencing Standards Grid; United States Constitutional Amendments I, IV, V, VIII, IX, XIV; Constitution of the State of Arkansas, Article 2, §§ 1,2,6,8,15, and 29; Article 5 § 20.

4) That the Trial Court lacked Rem Jurisdiction, Personam Jurisdiction, and subject matter jurisdiction. The Trial Court further lacked subject matter jurisdiction in that any Statute of limitations had elapsed prior to the commencement of Proceeding.

5) Per Rule 4-3(i), Rules of the Arkansas Supreme Court, when the sentence is death of Life imprisonment, the Court Must Review All Errors Prejudicial to the Appellant in accordance with A.C.A. § 16-91-113, a sentence of 540 years is clearly a Defacto sentence of Life imprisonment

without parole. However, The Supreme Court of Arkansas Has continually Refused, Avoided, and Resisted their Duty and Responsibility to comply with it's own Rules and Conduct the required Review by obstructing in an ever increasing number of Instances to accept and hear my Pro Se Pleadings and Motions, to wit: Court order entered 01 Mar 2017, CR-16-964, Denying my motion to file a Pro Se Supplemental Appellant Brief; Court order entered, 05 Apl. 2017, Denying motion for Reconsideration of Denial to allow filing of Pro Se Supplemental Appellant Brief; Court order entered, 19 July 2017, CR-16-964 Denying my Pro Se Motion for copy of the record; Court order entered, 09 Nov 2017, Cr-16-964 Denying of Pro Se Motion for copy of the Record on Appeal and Related Documents, Additionally, there are a number of other Actions Pending before the Court that are being Denied without being heard.

6) That whenever any Court of Record, Justice of the Supreme Court, or any other Judicial officer receives information of gains knowledge form any Judicial proceedings before them that suggest the possibility that an individual is being held captive illegally against the Constitutions, Statutes, Laws, or Treaties of the United States, the States of the Union, or any of Their Political subdivisions. it is required by statute and the duty of the Courts to issue a writ of Habeas Corpus, even though no application or petition has been presented for the writ. See A.C.A. § 16-112-122; A.C.A. § 16-112-123.

7) That I am considered and viewed as an "Enemy of the State" and a threat to Law Enforcement and National Security, see "Sovereign Citizens, a Growing Domestic threat to Law Enforcement", F.B.I.. Law Enforcement Bulletin, September 2011. And as such that the secured and Guaranteed Constitutional Protections, Rights, Freedoms, and Liberties Do Not apply to me under the Laws of war philosophy/ policy being that I am seen as a direct threat to their continued existence. And Positions of Power over the Living Breathing Sentient Natural Sovereign Mortal.

Constitutional and Statutory Provisions Involved

- 1) My Guaranteed Constitutional and Statutory Right to Due Process, that being the opportunity to speak and be heard, and it is an opportunity which must be granted and a meaningful time and a meaningful manner, has been violated by the State of Arkansas and the Courts below.
- 2) My Rights as Expressed and secured by clause two of section one of the Fourteenth Amendment to the United States Constitution; "No State shall make or enforce any Law which shall abridge the Privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without Due Process of Law; nor deny to any person within it's Jurisdiction the Equal protections of the Law" has been extensively violated by the Courts below.
- 3) The Courts below have departed far from Federal and State Constitutional and Statutory Laws as to have erroneously Invalidated and violated my Secured and Guaranteed Protection, as found Expressed in the Constitution.
- 4) The Courts below has acted with Legislative intent to usurp Protected and secured Rights of the Sovereign Living Breathing, Sentient Natural Mortal, not serving in any World-of -Man Government Positions, and as expressed in the Common Law, Bunch v. State, 370 Ark. 3 (2007). This is not to be allowed.
- 5) The Language, Spirit, and Intent of the Declaration of independence and the Constitution of the United States is to limit, contain, and reign in those who chose to

serve in Public Offices. These founding Documents of the Republic were designed and Penned to subject and hold those individuals accountable for their conduct in the performance of their Public duties and to hold them Responsible for the actions of their subordinates, not only within their branch, but also by the other branches of Government by way of checks and balances, moreover to the True Sovereigns of the Republic. And as all statutes enacted by the legislations are to be only for execution of the powers vested by the Constitution in the World-of -Man Governments, and all others that have been Penned and created by the Legislation are plain and clearly unconstitutional in their very nature and Fact of Law. See Article one section eight, paragraph eighteen of the U.S. Constitution.

6) These Limitations imposed therein, textualized and Penned by the founders of the American Republic, guided by our Creator, are to distinctly and decisively imposed such restrictions to prevent a recurrence of the tyranny they experienced first hand by such as those who thirst after and lust for Power and control over others.

7) the Constitution of the United States (17 Sept. 1787) consist of 7 articles which express the duties, limits, and responsibilities of the three branches, executive, legislative and Judiciary of the World-of-Man “Government”. Defining the limits of each of them to impose their will and view of morality upon the rights, liberties, privileges, protections,

or any other such power as reserved to the Living Breathing Sentient Natural Sovereign Mortal. These articles, along with the " Bill of Rights", articles of Amendment I through X, act as points of contract which operates only upon those employed or as serving in Constitutional and Legislative and Judiciary to the Natural People, with whom the Sovereign Power is found and this relationship cannot be severed but by consent of the natural person. *Afroyim v. Rusk*, 87 S.Ct. 1660(1967); Founding Documents.

8) The Language, spirit, and intent of the Constitutions of the United States and the State of Arkansas is to limit and reign in those who choose to serve in Public Offices. This founding Document of the Republic is to subject and hold them responsible for the actions of their subordinates, not only within their own Division of Government; but also by the other Divisions of the Government, Moreover, to the true Sovereign of the Republic. However, if there is no civil remedy available to the people by which they can hold their Public servants accountable, then the lives lost to establish and maintain this Republic have been for naught.

9) The Eleventh Amendment has been twisted and misconstrued to provide improper protection for those serving in Constitutional or Legislative created positions, by means of Sovereign Immunity, Qualified Immunity, Quasi- Judicial, and Judicial Immunity.

However, neither the Eleventh Amendment nor any other provision in the Constitution affords any Public Servant any such protection in any form of fashion; Quite the opposite is found expressed in the founding documents for the Republic. the Eleventh Amendment simply modifies article Three, Section Two, of the U.S. Constitution, nothing more can be implied from it than that which is expressed therein.

10) the Courts below are using Procedural rules to usurp the Guaranteed right to Due Process, The fundamental Requirement of Due Process being the opportunity to speak and be heard, and it is an opportunity which must be granted at a meaningful time and in a meaningful manner, *Paratt v Taylor*, 101S.Ct. 1908(1981). The Court has become Highly Technical on Procedural issues for the simple means of clearing the docket and the results is that a Petitioner's appeal is not considered on the merits, which has the potential of increases the possibility of exposing the errors, misconduct, decisions, abuses of power and tyranny of the Courts. This is ever more prevalent when the Petitioner elects not to use a member of the Bar and proceeds Pro Se.

11) Jurisdiction is the Power of the Court to hear and determine the matter in controversy between the Parties. A court lacks Jurisdiction. " If it cannot hear a matter 'under any circumstance' and is 'wholly incompetent to grant relief sought'. See *Nance v. State*, 2014 Ark. 201.

Statement of the Case

1) It is wholly disingenous for the majority of the Arkansas Supreme Court to rule in favor of their Clerk and against me when the record clearly demonstrates that the Clerk was in error in refusing to lodge my appeal before the Arkansas Supreme Court, where the Clerk of the court:

A) Incorrectly read the file mark date on the order from the Circuit Court for Washington County, Arkansas.

B) Improperly noted the file date of my notice of appeal and designation of the record with a certification of Institutional filing dated 18 January 2018.

With a copy of the envelope it was received in.

C) is incorrect to state that my notice of appeal was not filed timely, declining to accept the conclusion of Law concerning the institutional Mail Box Rule. And should not have declined to lodge the Record for my appeal of the order of Washington County, Arkansas Circuit Court. See Rule 2, Arkansas Rules of Appellant Procedure, Criminal

2) The Circuit Court of Washington County, Arkansas and the Arkansas Supreme Court are violating their own Rules and improperly utilizing Procedural issues to usurp and violate my secured and Protected Rights of Due Process and access to the Courts for

redress, these being keystones to the legitimacy of the American Republic, from which all courts derive their charge and commission. The fundamental requirement of Due Process being the opportunity to speak and be heard, and that opportunity must be granted in a meaningful manner, See Parratt v. Taylor, 101 S.Ct. 1908, (1981).

3) The Circuit Court of Washington County, Arkansas, and the Arkansas Supreme Court are highly Technical on Procedural Issues as an Improper means of avoiding to consider a case on it's merits. However, procedural rules are aptly defined as claim processing rules, see Kontrick v. Ryan, 124 S.Ct. 906,(2004). Procedural Law is defined as rules that prescribe the steps for having a right or duty judicially enforced, as opposed to the Law that defines the specific rights or duties themselves, see Summerville v. Thrower, 369 Ark. 231,(2004). A procedural rule is a guideline and has nothing to do with whether or not a case may be examined by an impartial non-interested unbiased third party on the issues contained therein, see Amendment 80, section 3, to the Constitution for the State of Arkansas, which provides that the Arkansas Supreme Court has the authority to alter and/ or disregard Procedural Rules on a case by case basis, or make permanent changes Sua Sponte.

4) The Supreme Court of the United States in Kontrick v. Ryan, 124 S.Ct. 906, (2004), stated that the "Courts" have been less than meticulous in their use of the term Jurisdictional. They have more than occasionally used the term " Jurisdiction" The Supreme court of the United States has aptly observed, " is a word of many, too many

meanings". Clarity would be facilitated if the Courts and litigants used the label "Jurisdictional" not for claim-processing rules, but only for prescriptions delineating the classes of cases falling within the Courts adjudicatory authority.

5) Jurisdiction is the power of the "Court" to hear and determine the matter in controversy between the parties. A Court lacks Jurisdiction, "If it cannot hear a matter 'Under Any Circumstance' and is 'wholly incompetent to grant the relief sought'. Nance v. State, 2014 Ark. 201.

6) The Circuit Court of Washington County, Arkansas and the Arkansas Supreme Court are engaging in these Unconstitutional acts to clear their dockets; attempting to avoid any actions with any potential of exposing their errors, misconduct, deceptions, abuse of discretion, abuses of authority, any tyranny to the populace at large; This has an additional effect of making it appear that they are being financially responsible with the resources provided, effective, and expeditious in conducting the administration of the business of the Courts; such practices are and affront to the sensibilities of the people of the American Republic and the World; and should also be so to it's leaders and officials. The result of this conduct is that a person's petition is not actually considered on the issues within the pleadings, as they should be, no matter how inartfully styled or inarticulately presented they may be.

7) A further point of Law; Hon. Chief Justice John D. Kemp of the Arkansas Supreme Court should have recused himself from this or any other proceedings that I am a party to within the venue of the Arkansas Supreme Court, as he knows or reasonably should know that he is a directly named defendant in an active ongoing Federal Civil action that I am prosecuting; Therefor, Honorable Chief Justice John D. Kemp is not nor can he be an impartial non-interested unbiased third party in any action of which I am a party to.

Reasons For Granting My Petition

This Honorable Court Should Grant My

Petition Based Upon:

- 1) This is a case involving issues of first impressions, issues of significant public interest, and of substantial questions of law concerning the interpretations of the Constitution, Statutes, and Acts of the Legislature. A review of this instant case would help to illuminate unconstitutional actions and omissions by public servants; establishing proper Constitutional strict precedents.
- 2) That the decisions of the Courts below are erroneous and conflicting with opinions previously held by other appellant Courts and this High Court, to the extent that the opinion of this Court in *Afroyim v. Rusk* , 87 S.Ct. 1660 (1967). that the people are the sovereign in the American Republic and not the World-of-Man Government construct or any individual serving in any position or capacity thereof; and is squarely in conflict with the decisions rendered by the courts below in this instant action.
- 3) That the opinions of the courts below, if allowed to stand, may have a severely adverse effect on the perception of the courts ability for independence, integrity, and impartiality, it's function in the checks and balances of power structure that is one of the foundational stones of the republic, and will negatively effect the public's confidence in

the judiciary, as it is the courts duty and responsibility to hold accountable, not protect, all those who serve in any capacity or positions within the governments of the United States, the States of the Union, Their agencies, departments and subdivisions; To the Sovereign, that being the living breathing sentient natural mortal, the people. In the American Republic, as in much of the world today, perception is by and far reality for the many.

4) That the conduct of the courts below are prejudicial to the effective and expeditious administrations to the business of the court, harassing, causing unnecessary delays, and needlessly, increasing the cost of litigation to pro-se prisoner litigants is improper and an affront to the efficiency of the judiciary.

5) No individual serving or employed in any World-of -Man Government construct constitutional or legislative created position or capacity is entitled to immunity in any form or fashion for their conduct or decision made in the course of their public duties and responsibilities.

6) The courts below have violated and disregarded their duties and responsibilities as expressed in the founding documents and of the spirit of their pledge, mission, and function of being the "watch dog" for the people against tyrannical power seekers. As intended by the founding members of the republic.

7) The courts below has departed so far from the customary and common place practices of the judiciary as expressed and defined by The Constitution of the United

States and Federal Statutes and sanctioned such departures within the states lower courts as to present the belief that as a whole the State of Arkansas is above and beyond adherence to Federal Statutes and Constitutional Law, issue thought long to have been resolved with the conclusion of the U.S. Civil War, as to call for the exercise of the United States Supreme Courts supervisory power as found expressed in Articles Three and Six of the United States Constitution.

- 8) The courts below have issued rulings and opinions in direct conflict with Federal Statutes, Constitutional Law, and accepted and usual practices of the judiciary as to be on the face at least the appearance of impropriety in the Independence, integrity, and Impartiality of all the judiciary, and as such compels this court to take up the matter, rendering a ruling on the square and by the compass. See rules 1.2, 2.2, 2.3, and 2.6, Ark. code Judicial Conduct.
- 9) The courts below have not only violated my personal guaranteed and secured Constitutional and Statutory Rights, but have set upon a dangerous path for creating a precedent to allow the ignoring, invalidating, and dismissing the protected and expressed constitutional and statutory rights of the public at large. There by creating a necessity for this Court to Involve itself for the benefit and defense of all menu peoples.
- 10) If there's no civil remedies readily available to the people, who are the true Sovereign, as found in the founding documents, by which they can hold their public

servants accountable, then the innumerable live sacrifice to establish and maintain this Republic were all for naught.

- 11) This Court, as with all Courts have a divine and constitutional obligation not to protect, but to hold accountable those individuals serving or employed in public duties as it is defined and expressed in the founding documents of the Republic.
- 12) That all courts have an ethical and moral duty to act in accordance with biblical principles upon which the institution find it's foundation. See Exodus18: 15-23. And we must look to the scriptures for how to apply the justice of Elohim. That includes the magistrates being of a righteous and upright nature, trust worthy, spurn ill-gotten gain, and keep Their hands from holding bribes.
- 13) All Courts have a responsibility to hold the highest standards as required of them by the Biblically Based founding documents of the Republic; and to affirm the lower courts decision in the instant case is an out right declaration that these Republic creating documents. Upon which all courts receive their authority are no longer valid and therefor dissolve this Republic and all of it's institutions in De facto.
- 14) Does a Judge/ Justice in their supervisory role over those within ther sphere of influence, have a duty and responsibility to take action and/ or corrective measures when so informed of a subordinates inappropriate actions?

15) I am being held to a higher standard of pleading than conclusions of common law calls Pro Se litigants to be subjected to.

It is for these reasons herein that I respectfully request and believe that this Honorable High Court will find it reasonable to review the renderings of the court below for abuses against the Constitution of the United States. The National importance for the Supreme Court to weigh and issue an opinion on the square and by the compass on the issues presented, as well as the individual importance to myself and all others currently within this Republic to just who is accountable to whom and how is it to go about securing this accountability.

Conclusion

1) As I am a pro-se litigant, without a formal legal education or professional legal training, the court before granting any motions of opposing party or the entry of any order or judgment, is to review and consider as evidence all of the pro-se litigants contentions offered in pleadings and motions, where such contentions are based on personal knowledge set forth in facts that would be admissible as evidence, and where the pro-se litigant attested under penalty of perjury to the truth of the contents. Jones v. Blanas, 393 F.3d 918 (9th Cir. 2004).

The natural people, sovereigns, are the creators of the "Government," my rights , liberties and protections are long antecedent to the creation of the " state," those rights, liberties and protections are inherent and non-negotiable. The "Government" can list them, and protect them, that is their duty and responsibility, but they are not theirs to give away, alter, restrict, or diminish in any way.

2) Many in todays society would say that I should humble my words and pay regard to the public servants of the republic. Howbeit, YHWH Elohe Yisrael charges and commands his people to call out injustice and wickedness when it is observed, where it occurs; we must give warning that unless they repent, change their ways and turn back, they are about to be destroyed- as to be as if they had never be born! Therefor, I will not temper my speech for anyone's sake, nor show regard for any man; for no sooner would I do so then El Shaddai would call back His spirit and breath of life, I would at once expire and descend down to Sheol, going the way of all the Earth.

3) Considering that there are many sides to sagacity; That to answer a man before hearing him out is foolish and disgraceful, for to deny a man his rights in the presence of the Most High is to wrong a man in his cause; for all shall be held accountable for partiality in their judgments, and shall fare ill; for as their hands have dealt, so shall it be done to them; El Shaddai shall deal with each according to their ways as held their hearts and according to their conduct and deeds. He will requite each one!

Wherefore premises considered, I respectfully request and believe an Honorable Impartial non-interested unbiased third party Court with ethics and integrity will find it reasonable to:

Review and reverse the opinion delivered; Take up the true and actual issues of my appeal; allow me the opportunity and resources needed to perfect my appeal; rule on the square and by the compass on the true merits of my case; That I be awarded reasonable compensation for my time and effort expended; Be reimbursed for expenses incurred by the necessity to bring this action to this Juncture; Plus any and all other relief and expiation that maybe available, just, and proper.

Respectfully Submitted,
01 March 2019 C.E.

James E. Whitney, Pro Se
Sui Juris In Propria Persona
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71644-0600

Statement Of Incontrovertible Essential Eternal Truths And Material Facts

1) I, James E. Whitney, am a living breathing sentient natural sovereign mortal, not simply because I say I am, but by the fact that I was born a sovereign as bestowed upon me by my Creator, Lord and King, YHWH, the source of breath of all flesh, and not by way of any World-of-Man Government constructs, be they allegedly a state, nation or the like, and such sovereign may not be modified, altered, restricted or diminished but by consent and I have given no such consent nor have I knowingly entered into any contract or agreement with any World-of-Man Government.

2) I reserve all of my freedoms, liberties, rights and protections at all times and I waive none of them at any time nor will I sign anything that relieves me of my security interest as beneficiary.

3) I do not recognize any pledges, nor any loyalties or allegiances to any such world-of-man government constructs. My loyalty and allegiance is pledged, In Toto, without reservation, only to the supreme sovereign ruler, YHWH, Leviticus 18:4-5; Deuteronomy 13:5.

4) I was made in the image of my Creator, Lord and King, Ehyeh-asher-ehyeh, (YHWH) Genesis 1:26-27.

5) I was given dominion over and tasked as a steward and caretaker over all that is above, below, and on the earth by the Supreme Sovereign ruler, YHWH. Genesis 1:28-30.

6) I am only subject onto the Kingdom of YHWH. Exodus 19:5-6; Exodus 34:10.

7) As a first born son of a descendant of Israel, I am further consecrated as an ambassador of the Kingdom of YHWH. Exodus 13:1-2.

8) There is no other authority, instruction, law or rules, but as those provided by YHWH and recorded in Torah, Leviticus 18:4-5; Leviticus 26:46; Deuteronomy 4:2.

9) Although I may reside within or be confined in the lands or territories of any World - of - Man Government constructs. I am neither to bend the knee or confirm with their ways or practices. I operate and function as a Vassal and Ambassador for the expression of the Kingdom of YHWH, Exodus 23:24; Deuteronomy 13:1; Judges 2:2.

10) There has been no evidence or documentation provided of my liability to any World - of - Man Government constructs or that any World - of - Man constitutions operate upon me and therefore subject me to any of their regulations or statutes or that I am under contract to or have entered into an agreement with any World - of - Man Government of any of their agencies or subdivisions.

11) The World - of - Man constructs constitutions, rules, regulations, and statutes only apply to those employed or serving in constitutional or legislatively created position or offices and those who contract with the "state". The purpose of the constitutions, agreements, contract, covenants, social compacts and statutes are to limit those in constitutional and legislative created positions or offices and those who contract with government units, to the end of protecting the living breathing sentient natural sovereign mortals whom may reside within their sphere of influence from corruption and abuses of power that have previously been experienced.

12) I am not a person regulated by the "state", I do not hold any position or office where I am subject to the constitutions or legislators. The World - of - Man constitutions and legislators do not dictate what I do or do not do, nor am I currently under oath of office, and rescind any and all prior endorsements, of such, I further decline any and all offers to contract and reserve the right to reject any and all, I do not concede to any presumptions to the contrary, whether known or unknown to me, with or without my consent.

13) The World - of - Man Government construct, nor any of its agencies or subdivisions, may not lawfully move against me, as they did not create the office or position of the Sovereign. Therefore they do not regulate or control those in the position of being the Sovereign, and I as a Sovereign, have not delegated to them any such power. No World - of - Man Government

construct, nor any of its agencies or subdivisions may ascribe penalties for the breach of the office of the Sovereign.

14) I am not a party or signatory nor knowingly a descendant of any party or signatory of any of the contracts, covenants, or social compacts that establish or make up the World - of - Man Government of the United States or any of its subdivisions.

15) The living breathing sentient natural sovereign mortals, are the creators of the “*state*”. My freedoms, liberties, rights, and protection are long antecedent to the creations of the “*state*” and are inherent, they are not dependant on any World - of - Man Government construct, benefit, constitutions or piece of legislation, they are non - negotiable, the “*state*” can list them and protect them that is their duty, but they are not their’s to give away, alter, restrict or diminish in any way and they can not be waived under any circumstances or act. Nor do I agree or consent to any World - of - Man “*Government*” to subjugate me, my freedoms, liberties, rights, or protections.

16) I am not named in any World - of - Man constructs, constitutions, covenants, social compacts or statues of the United States or The State of Arkansas. If otherwise, produce the evidence and documentation where I am.

17) The Supreme Court held in Hale v. Hinkley, 201 U.S. 43 (1905) that since the private man [*the living breathing sentient natural sovereign mortal*] is not named in the statutes and all statutes are for the regulation of businesses due to the fact that the natural persons rights existed long antecedent to the organization of the “*state*” he owes no such duty or loyalty to such, since he receives nothing therefrom.

18) That I am being held captive and illegally by the State of Arkansas. As a prisoner in their Department of Correction, at Varner/Varner Supermax Unit in Grady, Arkansas, being confined and sequestered in a cell 24/7 approximately 8' x 12' in size under Extended Protective Restrictive Housing pursuant to threats of great harm from both staff and prisoners alike since 14 Nov. 2016.

19) The sentence of 540 years, which I am currently being held captive under, is a de facto sentence of life without parole, the indictment being duplicitous in nature. The sentence imposed is contrary to and in violation of the Constitutions, Laws, Statues, and Treaties of the United States and the State of Arkansas. *See Arkansas Code Annotated (A.C.A.) § 5-1-109; § 5-1-110; § 5-1-112; § 5-4-501; §5-27-602; §16-90-107; §16-91-113; 1993 Arkansas Law Act 550; Arkansas Sentencing Standards Grid; U.S. Constitution Amendments 1, 4, 5, 8, 9, and 14; Constitution for the State of Arkansas Article 2§1, §2, §6, §8, §9, §15 and §29.*

20) No individual serving or employed in any World - of - Man construct constitutional or legislative created position or capacity is entitled to immunity in any form or fashion for their conduct or decisions made in the course of their duties. The founders of the American Republic found it so sacred, compelling and important that the living breathing sentient natural mortal be recognized as by and for the sovereign superior to any World - of - Man Government Constructs that they decisively acknowledged this in the creation and textualization of the founding documents: *See the declaration of Independence, 04 July 1776; The preamble and Tenth Amendment to The Constitution of the United States, 17 September 1787; The Preamble to Article 2§§.1 and 29 of The Constitution of The State of Arkansas, to protect the living breathing sentient natural sovereign mortal, not to subjugate or rule over them, To Put An End to such corruption and abuse of power as had been previously experienced, so that they should ever be extirpated.* Moreover, these founding documents as well as any legislature or statutes to be created were/are to be controlling and limiting only over those individuals employed or serving in Constitutional or Legislative created positions as well as those who contract with such World - of - Man Government construct and I am neither one who holds any such position nor am I under any contract or entered into any agreement with any of these constructs. *See Afroyim v. Rusk, 87 S.Ct. 1600 (1967); Padelford, Fay & Co. v. The Mayor and Alderman of The City of Savannah, (Ga. S.Ct. 1854).*

21) Allegiance and loyalty in the United States is not due any of the three branches, but from the Executive, Legislative and Judiciary to the natural people, with whom the Sovereign

power is found and this relationship cannot be severed but by consent of the natural person, See Afroyim v. Rusk, 87 S.Ct. 1600 (1967); Founding Documents.

22) Any statute, which in general terms divest any pre-existing rights, freedoms, liberties, privileges or protections will not be applied to the Sovereign without express words to that effect. See U.S. v. United Mine Workers, 67 S.Ct. 677 (1947).

23) It is incorrect to apply or utilize the title of Sovereign to refer to any World-of-Man Government constructs, such as The United States, The State of Arkansas, their agencies, department, subdivisions or those who serve in any capacity thereof. The second paragraph of the Declaration of Independence of 1776 states: "That all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just power from the consent of the governed that whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or abolish it. "The founding document of the American Republic goes on further to state: "But when a long train of abuses and usurpation, pursuing invariably the object evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such Government." This is a plain and clear demonstration that those who penned this document decisively acknowledged that the individual living breathing sentient mortal is by and far the Natural Sovereign Superior, this having been established by my Creator, Lord and King, YHWH, in beginning, and it is therefore improper and unconstitutional to refer to any World-of-Man Government constructs by the title of Sovereign or to infer the powers of Sovereign upon them, be they allegedly a state, nation or the like.

24) My religious beliefs, political views, and position that the Living Breathing Sentient Mortal is by and far the Sovereign, being superior to all World-Of-Man Government, That no World-of-Man Government nor any of those serving or employed therein, are to be considered a Sovereign Entity in any form or fashion. With my convictions to see to the spread of this information to the populace, and that position of Sovereign belongs securely and solely to the Living Breathing Sentient Natural Mortal, this status existing long antecedent to the creation of

the "State". That the World-of-Man Government Constructs and those serving or employed in any and all Constitutional, legislative, or executive created positions or offices hold no immunity, in any form or fashion, from accountability for their conduct while performing their duties and responsibilities of Public office.

These resolutions of mine has caused me to become labeled and classified as an "Enemy of the State", a threat to Law Enforcement and National Security, see "Sovereign Citizens, a growing domestic threat to Law Enforcement", F.B.I. Law Enforcement bulletin, September 2011.

Because I will not compromise my resolve, submit, bend knee and yield to the World-of-Man Governments Constructs demand that I recognize them as the absolute authority being infallible and beyond reproach. However, the "State" needs to be continually reminded that it exist to serve, that is to say they are to maintain an attitude of selflessness and sacrifice to the populace; as is found expressed in the founding documents of the American Union. These facts and history the politicians and power brokers wish to remain repressed and hidden from the populace, that is the Living Breathing Sentient Natural Sovereign Mortal.

25) The Constitution of the United States (17 Sept. 1787) consist of 7 articles which express the duties, limits, and responsibilities of the three branches, executive, legislative and judiciary of the World-of-Government". Defining the limits of each of them to impose their will and view of morality upon the rights, liberties, privileges, protections, or any other such power as reserved to the living breathing sentient natural sovereign mortal. These Articles, along with the "Bill of Rights", Articles of Amendment I thru X, act as points of contract which operates only upon those employed or serving in constitutional and legislative created positions, and those who contract with the "Government" units; allegiance and loyalty in the United States is not due to any of the three branches, but from the executive, legislative and judiciary to the natural people, with whom the sovereign power is found and this relationship cannot be severed but by consent of the natural person. *Afroyim v. Rusk*, 387 U.S. 153 (1967); founding documents.

26) The original intent, design and purpose of the courts in the American Republic was patterned after the common pleas venue of the English Common Wealth, where one individual took action against another in business matters or a individual sought redress against another person or the "Government" for a violation of some secured and protected right, freedom, liberty

or privilege. Where the court was an impartial, un-bias, non-interested third party to assure Court Rules and Proceeding were adhered to and render a judgment based solely on the evidence adjudicated before a jury. That is to have been and shall be the sole purpose for the court in the American Republic. There is no provision or article to be found in any of the originating documents which permits the World-of-Man government to independently pursue, persecute or prosecute any natural person from which they derive their just powers or to divest the living breathing sentient natural sovereign mortal of any of their powers of earth, laws of nature or unalienable rights as endowed by our Creator, YHWH. Exodus 18:15-23. In fact quite the opposite is found to be expressed in the founding documents. See Hale v. Hinkle, 201 U.S. 43 (1905); U.S. v. United Mine Workers, 330 U.S. 258 (1947). To say otherwise is to say that the great experiment has failed, thus applying a failing grade to and rendering null and void the documents upon which this Republic was formed and declaring that the United States of America no longer exist as founded.

27) The Criminal Courts are not constitutional courts, See Fehl v. Jackson County, Oregon, Oregon Supreme Court, citing In Re: will of Pittock, 199 P. 635, 202 P. 216, 17 A.L.R. 218, (1968). If the Criminal Courts are not constitutional courts; Then by what authority do they operate their "Administrative Units/Courts" against the living breathing sentient natural sovereign mortal via their fines and punishments? Where there is no nexus other than by adhesion of undisclosed fraud to their statutes for any liability to attach any style of jurisdiction to the living breathing sentient natural sovereign mortals in their non constitutional courts.

28) However, with the creation of a criminal division venue and the advent of a state prosecutor, usurping the role of the sovereign or victim proper to make the decision to pursue an action or more so improper when the World-of-Man Government construct presumes to become a victim when no such victim exist, one ends up with the recreation of the King's Bench venue that the founders of the Republic found so abhorrent and abominable as to have expressed that the abuses of the King's Bench as a number of the issues for which they found the need to separate and Declare Independence from the English Monarchy and penned them decisively in paragraphs 11, 12, 16, 18, 21, and 23 of the Declaration of Independence of 1776. In the criminal division venue as with the King's Bench the state court's no longer a impartial, unbiased,

uninterested third party but being inextricably intertwined with the state prosecutor and through the simple logic that a house divided against itself cannot prosper by necessity the state court must side with the state prosecutor, with rare exception, who as an interloper has illegally and improperly taken on the role of victim with indifference and insolent as to whether or not there is an actual victim proper and disregarding the choice and option of any victim proper as to proceed or not with an action. This impropriety is demonstrated by Article 5 § 20 of the Constitution of the State of Arkansas which state: "The State of Arkansas shall never be made defendant in any of her courts," and Arkansas Code Annotated § 16-58-101 which states: "No action shall be entered upon the docket of any court nor any original mesne or final process issued in the action, except in criminal cases and cases where the state is Plaintiff, until the fees for entering the case upon the docket and for issuing the writ and the taxes thereon, if any, are paid, bond and security to the approval of the clerk given therefore." In other words the sovereign must pay a fee to access the state court, but the state prosecutor need not pay any fee to access their court, thereby rendering the criminal court venue contrary to the originating documents of the American Republic and unconstitutional in nature, to publish an opinion otherwise is to rule that the documents upon which the United States of America was founded are null and void and the Republic which they formed no longer exist as it was intended and designed.

29) The Unconstitutional Criminal Court Venue is used primarily to harass, coerce, threaten, silence, demonize, dehumanize, or otherwise suppress those who voice an opinion or hold a view in opposition to those of the World-Of-Man Government construct power holders. To justify its illegal exitance, it is also utilized on rare occasions as a venue for rendering sanctions and punishments for violations of the Laws of YHWH Elohe Yisrael, for all except those under the protection umbrella of the World-Of-Man Government power brokers.

30) The courts are nothing more than a revenue generating source for the world-of-man Government construct leaders, who already have this nation in trillions of dollars of debt; That can never possibly be repaid or called in as it would be the fiduciaray destruction of the Republic; and these leaders and officials continue to spend money that does not nor will ever exist; counting on securing bonds from private and foreign entities using the potential earnings and

lives of the living breathing sentient natural sovereign mortal as collateral for these obligations of record.

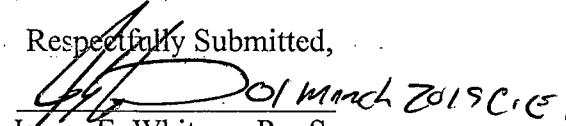
Epilogue

As a pro-se litigant, without formal education or professional legal training, the Court before granting any motions of opposing party or entry of any order or judgment, is to review and consider as evidence all of a pro-se litigants contentions offered in pleadings and motions, where such contentions are based on personal knowledge, set forth as facts that would be admissible as evidence, and where the pro-se litigants attested under penalty of perjury to the truth of the contents, National Hockey League v. Metropolitan Hocke Club, Inc 96 S.Ct. 2778 (1976), some would argue that in one breath I invoke the protections secured by the World-of-Man "Government" documents. Then in the next cry that they do not apply to me. However, it is they who are attempting to muddy the otherwise clear water, what I am plainly and stating and as is found expressed in the charter, contract, covenant and social compact and what I claim is true and accurate. The founding documents and their subsequent follow-ons are not controlling or limiting over me. They do not define what I can and cannot do. If you find yourself disagreeing, I challenge you to go back and again read these documents. I as a living breathing natural sovereign mortal am not subjugated to them. They were penned with the intent, purpose and design to secure protections for the natural person from the abuses and corruption of powers previously experienced throughout world history so the such should every be rendered unexperienced by current or future generations.

Expressio unius est exclusio alterius

Falsus in uno, Falsus in omnibus

Respectfully Submitted,

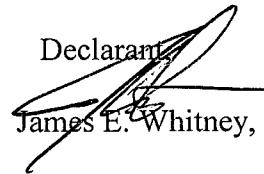

James E. Whitney, Pro Se
Sui Juris In Propria Personsa
#163817

P.O. Box 600
Grady, Arkansas
71644-0600

Declaration

I, James E. Whitney, a Living Breathing Sentient Natural Sovereign Mortal, do hereby declare and verify, under penalty of perjury in accordance with 28 U.S.C.A. § 1746 and 18 U.S.C.A. § 1621 that the above statements contained herein are true and correct to the best of my knowledge and belief as executed by my hand this 1st day of *March 2019 C.O.*

Declarant


James E. Whitney, Pro Se

Sui Judris In Propria Persona