

APPENDIX

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- B) Miss. Supreme Courts' order denying Certiorari in 2016-CP-01353-COA dated 18th April 2019 'filed'
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Letter from Circuit Court Judge dated 14th December 2016.
Miss Supreme Courts' order on Mandamus dated 19th December 2016.
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dated 29th December 2016.
- Q) Batemans' 'Petition for Interlocutory Appeal' in the Miss Court of Appeals dated 12th July 2017
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- S) Miss Court of Appeals denying Batemans' motion for reconsideration to supplement the Record dated 27th September 2017.
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Miss. Court of Appeals denial of rehearing dated 29th January, 2019.
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- X) Batemans' 'Petition for Writ of Certiorari' to the Miss Supreme Court. dated February 2019
- Y) Miss. Code Ann. (1972) § 3-3-1, Boundaries as published from before 1990 until 1st July 2013.
Miss Code Ann (1972) § 3-3-1, Boundaries as amended on 1st July 2013.
- Z) Miss. General Law of 1990; Chapter 692, Senate Concurrent Resolution No[#] 520
- AA) Bateman v State, 267 So 3d 793 (2018)
Cortez v State, 9 So 3d 445 (2009)
Doss v State, 757 So 2d 1016 (2000)

BB) Transcripts of arraignment in criminal trial
2401-10-021 in Harrison County Circuit Court
dated 8th February 2010

CC) Letters between Bateman and State Public Defender
various dates

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dated 9th August 2017
Letter in response from M.D.C.s' office of
Constituent Services.

EE) Batemans' 'Motion for Rehearing' to Miss Supreme
Court in criminal proceedings 12th October 2013
Miss. Supreme Courts' Mandate in Batemans'
criminal trial dated 2nd December 2013.
Miss. Supreme Courts' denial of Rehearing.
dated 21st November 2013.

FF) Various Letters

GG) Various Letters to Miss Supreme Court Clerk and
Clerks' responses

HH) Letter to Congress dated 8th March 2013 and
response from Congress.

II) Various filings into States' criminal process
B 2401-2010-21 dated 1st February 2012

JJ) Extension of time to file 'Petition for Writ of
Certiorari' to 15th September 2019 inclusive.

KK) Mississippi Rules of Civil Procedure (M.S.R.C.P.)
Rule 60(b)

LL) Case Quotes:

Hooven + Allison Co v Evatt, 324 U.S. 652.

Leitenderfer v Webb, 61 U.S. 176.

Grupa Dataflux v Atlas Global Group L.P.,
541 U.S. 567.

Rose v Himley, 8 U.S. 241.

Voorhees v Jackson, 35 U.S. 449.

Cohen v. Virginia, 19 U.S. 264.

Ex-parte McCardle, 74 U.S. 506.

Steel Co v. Citizens for a Better Environment,
523 U.S. 83.

Pennoy v. Neff, 95 U.S. 714.

Luther v. Borden, 48 U.S. 1.

State Cases:

Miss. Div. of the Sons of Confederate
Veterans v. Miss State Conf. of
the W.A.A.C.P. et. al., 774 So.2d 388.

APPENDIX

BOOK I

A-H

Appendix BOOK I

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- C) Miss Court of Appeals denial of rehearing in 2016-CP-01353-COA dated 29th January 2019.
- D) Docket sheet in 2016-CP-01353-COA.
- E) Miss Court of Appeals' Mandate in 2016-CP-01353-COA dated 9th Mar 2019.
- F) Letter from Warden at Harrison County Adult Detention Center dated 21 December 2010.
- G) Docket sheet in 24CI1:11-cv-00048 Harrison County Circuit Court,
The governing rule U.C.C.R 2.07
- H) 'Habeas Corpus in Preconviction': A 2401-2011-48
Filed in Harrison County Circuit Court 9th Feb. 2011

APPENDIX A

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2016-CP-01353-COA

**CLAYTON PAUL BATEMAN A/K/A CLAYTON
P. BATEMAN A/K/A CLAYTON BATEMAN**

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

DATE OF JUDGMENT:	12/16/2016
TRIAL JUDGE:	HON. LAWRENCE PAUL BOURGEOIS JR.
COURT FROM WHICH APPEALED:	HARRISON COUNTY CIRCUIT COURT, FIRST JUDICIAL DISTRICT
ATTORNEY FOR APPELLANT:	CLAYTON PAUL BATEMAN (PRO SE)
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: ALICIA MARIE AINSWORTH
NATURE OF THE CASE:	CIVIL - POST-CONVICTION RELIEF
DISPOSITION:	AFFIRMED: 09/25/2018
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

BEFORE GRIFFIS, P.J., BARNES AND GREENLEE, JJ.

BARNES, J., FOR THE COURT:

¶1. Clayton Bateman, appearing pro se, appeals the Harrison County Circuit Court's dismissal of his "Motion for Relief from Judgment" for lack of jurisdiction. Finding no error, we affirm.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

¶2. In January 2010, Bateman was indicted for three counts of sexual battery and two counts of lustful touching of a child. The victims were his two daughters, aged eight and nine. In February 2011, Bateman, appearing pro se, filed a "Petition for Habeas Corpus in

PreConviction,” claiming he was illegally imprisoned and requesting “immediate release.” The petition was filed after his indictment but approximately one year before his trial. Bateman argued that the circuit court, or any court within the State, lacked jurisdiction over his case because the boundaries of the State of Mississippi had allegedly been dissolved by constitutional amendment in 1990,¹ and the court’s jurisdiction is dependent upon these constitutional boundaries. He claimed the State took his liberty by “fraud.” Additionally, Bateman alleged that his indictment was void from lack of jurisdiction, and the court’s officers, including the circuit-court judge, were illegitimate “agents of the state” because they had not provided him with their oaths of office.² Finally, he requested copies of transcripts of his proceedings, appointment of counsel, and an evidentiary hearing on his petition.

¶3. On February 7, 2012, the day before trial commenced, a hearing was held on

¹ Bateman is referring to Senate Concurrent Resolution Number 520, which proposed to repeal Section 3 of Article 2 of the Mississippi Constitution of 1890, which identified the boundaries of the State. The resolution was adopted by both the Mississippi Senate and House of Representatives in February and March 1990, respectively. The electorate ratified the amendment in November 1990, and the Secretary of State proclaimed Section 3 repealed in December 1990. *See* Laws, 1990, Ch. 692, eff. December 19, 1990. In 2013, the Legislature amended section 3-3-1 of the Mississippi Code to exchange a reference to Section 3, Article 2 with a reference to “the boundaries described in the act of Congress of March 1, 1817, together with all territory ceded to the State of Mississippi by later acts of Congress or by compacts or agreements with other states, as such territory and boundaries may have been or may be modified by the United States Supreme Court” *See* Chapter 23, 14th Cong., 2 Stat. 348 (1817) (enacted).

² Apparently Bateman requested the oaths to question the validity of the judicial officers and judges.

Bateman's habeas-corpus petition, as well as other pro-se pretrial motions he had filed.³ The circuit court denied his petition and motions from the bench. Bateman proceeded to trial, where a jury convicted him of two counts of sexual battery and two counts of touching of a child for lustful purposes. Bateman was sentenced to thirty years for each count of sexual battery, to run concurrently. He was sentenced to fifteen years for each count of touching of a child for lustful purposes, to run consecutively to each other, and concurrently with the two counts of sexual battery, all in the custody of the Mississippi Department of Corrections. Bateman appealed, and the Mississippi Supreme Court affirmed his convictions and sentences in *Bateman v. State*, 125 So. 3d 616 (Miss. 2013).

¶4. On February 16, 2016, approximately four years after his conviction, Bateman filed a "Motion for Relief from Judgment" under Mississippi Rule of Civil Procedure 60(b)(4) and (6). In the motion, Bateman reiterated and elaborated the arguments of his habeas-corpus petition, claiming that the judgment (presumably of conviction) was void and the State committed a fraud upon the court because the court lacked jurisdiction. The circuit court treated the motion as one for post-conviction relief (PCR) under the Mississippi Uniform Post-Conviction Collateral Relief Act (UPCCRA) of Mississippi Code Annotated section 99-39-1 through -29 (Rev. 2015). The circuit court ruled that it lacked jurisdiction

³ Bateman initially complained that he was not represented by counsel at his pretrial motions hearing, but then he modified his argument to state his counsel "refused to assist" him and "did nothing"; however, contrary to Bateman's assertions, his appointed counsel was present and available, but Bateman insisted on arguing the motions himself.

to hear the motion because, under post-conviction relief procedures, Bateman failed to request permission from the Mississippi Supreme Court to file the motion under section 99-39-7.⁴ Bateman timely appealed.

STANDARD OF REVIEW

¶5. This Court reviews the circuit court’s denial or dismissal of a PCR motion for abuse of discretion. The circuit court’s findings will only be disturbed if they are clearly erroneous. *Doss v. State*, 19 So. 3d 690, 694 (¶5) (Miss. 2009). Questions of law are reviewed de novo. *Id.*

ANALYSIS

¶6. Bateman makes two arguments on appeal—one procedural and one substantive. Procedurally, he argues that the circuit court misconstrued his self-styled “Motion for Relief from Judgment” as a PCR motion. Bateman claims the motion was in response to the denial of his habeas-corpus petition four years earlier and should be treated as such; it was not a post-conviction collateral challenge. Substantively, he claims that the State of Mississippi lacked jurisdiction over his entire criminal proceeding because the State has no boundaries due to the 1990 Mississippi constitutional amendment of Section 3 of Article 2.

¶7. We find the circuit court did not err in considering Bateman’s motion as one for post-conviction relief. Bateman had already been convicted once he filed the motion, and the

⁴ Further, the circuit court found that even if it had jurisdiction, Bateman’s arguments were without merit.

circuit court properly dismissed the motion for lack of jurisdiction.

¶8. Proper post-conviction procedure mandates that where a criminal defendant's case is affirmed on direct appeal, the defendant must obtain permission from the Mississippi Supreme Court to seek post-conviction relief from the circuit court. Miss. Code Ann. § 99-39-7 (Rev. 2007). "This procedure is not merely advisory, but jurisdictional." *Doss*, 757 So. 2d at 1017 (¶6). Here, the circuit court considered Bateman's filing as a PCR motion. Bateman's conviction and sentence had been previously affirmed on direct appeal by the supreme court; therefore, he was required to obtain permission from the supreme court to seek post-conviction relief, but he failed to do so. Accordingly, the circuit court lacked jurisdiction to consider the merits of Bateman's motion. *See Cortez v. State*, 9 So. 3d 445, 446 (¶6) (Miss. Ct. App. 2009).

¶9. In an apparent attempt to avoid the requirement of obtaining permission from the Supreme Court to file a PCR, Bateman contends that his "Motion for Relief from Judgment" is not a PCR motion, as the circuit court considered it, but a response to the circuit court's ruling on his habeas-corpus petition. Therefore, he claims the circuit court should not have dismissed his motion. We disagree.

¶10. In Mississippi, the writ of habeas corpus is "narrow in its scope and applicability" unlike the "boundless" federal habeas corpus. *Nelson v. Tullos*, 323 So. 2d 539, 542 (Miss. 1975). A writ of habeas corpus tests "the legality of a petitioner's detention *prior to conviction*." *Id.* (emphasis added). "The function of the habeas corpus court in Mississippi

in criminal cases is to release a prisoner who is being unlawfully held or to grant [the prisoner] a bail bond which [the prisoner] can make.” *Smith v. Banks*, 134 So. 3d 715, 719 (¶9) (Miss. 2014) (quoting *Keller v. Romero*, 303 So. 2d 481, 483 (Miss. 1974)). After a defendant has been indicted, the habeas-corpus court has no power to discharge the defendant, but the court is limited to granting bail. *Id.* (citing *Street v. State*, 43 Miss. 1, 30 (1870)). Further, a habeas-corpus writ cannot “be used as a collateral method to prevent a trial on an indictment.” *Id.*

¶11. Prior to the 1984 enactment of the UPCCRA, habeas-corpus procedure for both pre- and post-conviction matters was governed by Chapter 43 of Title 11 of the Mississippi Code Annotated of 1972.⁵ The UPCCRA “repealed *post-conviction* use of habeas corpus and implemented a motion framework specifically for post-conviction collateral review of challenges to convictions or sentences, as opposed to pre-conviction challenges.” *Edmond v. Miss. Dep’t of Corr.*, 783 So. 2d 675, 677 (¶8) (Miss. 2001) (citing Miss. Code Ann. § 99-39-3 (Rev. 2015)) (emphasis added). Mississippi appellate courts have stated the UPCCRA, “in the pure post-conviction collateral relief sense, is arguably ‘post-conviction habeas

⁵ The UPCCRA specifically repealed the statutory writ of error coram nobis and abolished the common law writs relating to post-conviction collateral relief, including post-conviction habeas corpus. The UPCCRA explains that “relief formerly accorded by such writs may be obtained by an appropriate motion under this article.” However, “[t]he enactment of this article does not affect any pre-conviction remedies.” Miss. Code Ann. § 99-39-3 (Rev. 2015). Portions of Chapter 43, Title 11, were amended to exclude post-conviction claims from that chapter. *See* Miss. Code Ann. § 11-43-3 (Rev. 2012) (excepting post-conviction relief from chapter) and -9 (deleting reference to claims by inmates).

corpus renamed.” *Putnam v. Epps*, 963 So. 2d 1232, 1234 (¶5) (Miss. Ct. App. 2007) (citing *Walker v. State*, 555 So. 2d 738, 740-41 (Miss. 1990)). Now, if inmates request post-conviction relief, the UPCCRA must be followed. See Miss. Code Ann. § 99-39-3 (explaining the purpose of UPCCRA).

¶12. Bateman claims he may utilize a writ of habeas corpus to seek “immediate release” post-conviction because the circuit court lacked jurisdiction over his case. In support, he quotes the following passage in *Allred v. State*, 187 So. 2d 28, 30 (1966): “In this state the writ of habeas corpus has a limited function: to inquire into the competency and *jurisdiction* of the tribunal and to determine *whether or not it had jurisdiction* to enter the judgment on conviction.” (Quoting *Smith v. State*, 155 So. 2d 494, 495 (1963)) (emphasis added). These cases were, however, decided prior to the enactment of the UPCCRA. “[R]elief formerly accorded by such writs may be obtained by an appropriate motion under [the UPCCRA].” *Jeanty v. State*, 148 So. 3d 1056, 1058 (¶6) n. 4 (Miss. Ct. App. 2014).

¶13. Next, Bateman attempts to evade the fact his motion was filed post-conviction by pointing out that it was filed under Rules 60(b)(4) and (6) of the Mississippi Rules of Civil Procedure, and claiming it relates back to his “preconviction” habeas-corpus petition. These portions of Rule 60 allow the trial court to provide relief from judgment when the judgment is void or “any other reason justifying relief from the judgment,” respectively. However, neither of these conditions apply to the case before us. Moreover, a motion under Rule 60(b)(4) or (6) must be made in a “reasonable time.” Four years after the ruling is not

“reasonable.”

¶14. Bateman also complains that the circuit court never entered an order denying his writ of habeas-corpus petition; therefore, he could not “appeal” in a timely manner, and his due-process rights were violated. He also claims he requested the cause’s “final disposition” from the circuit-court clerk but received no response. We find these complaints without merit. Bateman was present and represented himself at the hearing, and heard first-hand the circuit-court judge’s “final disposition” of his petition. The next day his trial began. Bateman was convicted and that conviction was upheld on appeal. Any relief must be obtained through the post-conviction procedures outlined in the UPCCRA. Bateman did not obtain permission from the supreme court; therefore, neither the circuit court nor this Court has jurisdiction. Should he wish to continue his novel argument, Bateman must obtain permission from the supreme court.

¶15. The circuit court did not err in dismissing Bateman’s PCR motion for lacking jurisdiction.

¶16. **AFFIRMED.**

**LEE, C.J., IRVING AND GRIFFIS, P.JJ., CARLTON, FAIR, WILSON,
GREENLEE, WESTBROOKS AND TINDELL, JJ., CONCUR.**

APPENDIX B

Serial: 225084

FILED

IN THE SUPREME COURT OF MISSISSIPPI

APR 18 2019

No. 2016-CT-01353-SCT

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

**CLAYTON PAUL BATEMAN A/K/A
CLAYTON P. BATEMAN A/K/A
CLAYTON BATEMAN**

Appellant/Petitioner

v.

STATE OF MISSISSIPPI

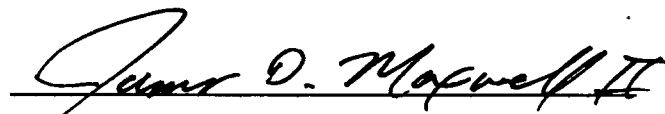
Appellee/Respondent

ORDER

Now before the Court is Clayton Paul Bateman's Petition for Writ of Certiorari. After due consideration, we find the petition should be denied.

IT IS THEREFORE ORDERED the petition is denied.

SO ORDERED, this the 10th day of April, 2019.


JAMES D. MAXWELL II, JUSTICE
FOR THE COURT

TO DENY: RANDOLPH, C.J., KITCHENS AND KING, P.JJ., COLEMAN, MAXWELL, BEAM, CHAMBERLIN AND ISHEE, JJ.

GRIFFIS, J., NOT PARTICIPATING.

APPENDIX C

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

D. Jeremy Whitmire
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082

e-mail: sctclerk@courts.ms.gov

January 29, 2019

This is to advise you that the Mississippi Court of Appeals rendered the following decision on the 29th day of January, 2019.

Court of Appeals Case # 2016-CP-01353-COA
Trial Court Case # A2401-2011-00048

Clayton Paul Bateman a/k/a Clayton P. Bateman a/k/a Clayton Bateman v. State of Mississippi

Current Location:
MDOC # 175035
P. O. Box 1419
Leakesville, MS 39451

The motion for rehearing is denied. McDonald, Lawrence and McCarty, JJ., Not Participating.

*** NOTICE TO CHANCERY/CIRCUIT/COUNTY COURT CLERKS ***

If an original of any exhibit other than photos was sent to the Supreme Court Clerk and should now be returned to you, please advise this office in writing immediately.

Please note: Pursuant to MRAP 45(c), amended effective July, 1, 2010, copies of opinions will not be mailed. Any opinion rendered may be found by visiting the Court's website at: <https://courts.ms.gov>, and selecting the appropriate date the opinion was rendered under the category "Decisions."

APPENDIX D



**Supreme Court of Mississippi
Court of Appeals of the State of Mississippi**

Clerk's Docket

2016-CT-01353-COA

Clayton Paul Bateman v. State of Mississippi

Harrison Circuit Court District 1

Trial Court Case # A2401-2011-00048

The Honorable Lawrence Paul Bourgeois Jr.

Ruling Date: 12/16/2016

Appellant Attorneys

Clayton Paul Bateman

Represented By:

Pro Se

Appellee Attorneys

State of Mississippi

Represented By:

Jim Hood

Gia Nicole McLeod

Jason L. Davis

Alicia Marie Ainsworth

Other Party Attorneys

No Party Association

Represented By:

Darrell Clayton Baughn

Anthony Louis Schmidt Jr.

GENERAL DOCKET

09/20/2016	Miscellaneous Case Created
09/20/2016	Motion # 2016 - 4119 Petition for Writ of Mandamus
09/20/2016	Mandamus Judge Assignment Form
11/22/2016	Order Entered Motion # 2016 - 4119
12/05/2016	Motion # 2016 - 5183 Petition for Writ of Mandamus
12/05/2016	Correspondence Letter Issued.
12/16/2016	Response filed Motion # 2016 - 5183
12/19/2016	Order Entered Motion # 2016 - 5183

12/30/2016	Certificate of Compliance received - Clayton Paul Bateman
12/30/2016	Designation of Record received - Clayton Paul Bateman
12/30/2016	Motion # 2016 - 5556 Motion for De Novo Review
12/30/2016	Notice of Appeal
01/03/2017	Notice of Assignment to Court of Appeals
01/10/2017	Order Entered Motion # 2016 - 5556
01/12/2017	Attorney Deficiency Notice Letter - Clayton Paul Bateman
03/06/2017	Trial Court Order received - IFP Granted & Record Limited - Hon. Connie Ladner
05/02/2017	LCC Exact Status Letter - Lawrence Paul Bourgeois, Jr.
06/01/2017	LCC Exact Status Letter - Judge Lawrence Paul Bourgeois, Jr.
06/19/2017	Trial Court Order received - Hon. Connie Ladner
06/20/2017	Record Filed
06/20/2017	Briefing Schedule Notice Letter
06/20/2017	Appearance Form Issued - Jim Hood and Jason L. Davis
07/13/2017	Motion # 2017 - 2718 Petition for Interlocutory Appeal
07/13/2017	Motion # 2017 - 2719 Motion to Set in Abeyance
07/21/2017	Order Entered Motion # 2017 - 2719
07/25/2017	Motion # 2017 - 2885 Motion for Enlargement of Time
07/25/2017	Clerks Notice Issued Motion # 2017 - 2885
08/28/2017	Motion # 2017 - 3359 Motion for Further Enlargement of Time
08/28/2017	Clerks Notice Issued Motion # 2017 - 3359
09/05/2017	Appellant's Brief filed on behalf of Clayton Paul Bateman
09/05/2017	Brief Notification Letter
09/05/2017	Motion # 2017 - 3525 Motion to Supplement the Record

09/27/2017	Order Entered Motion # 2017 - 3525
10/05/2017	Motion # 2017 - 3927 Motion for Enlargement of Time Within Which to File Brief for Appellee
10/05/2017	Clerks Notice Issued Motion # 2017 - 3927
10/06/2017	Entry of Appearance
10/16/2017	Motion # 2017 - 4058 Motion to Disregard State's Answer
10/16/2017	Motion Notification Letter
10/25/2017	Order Entered Motion # 2017 - 4058
11/08/2017	Motion # 2017 - 4417 Second Motion for Enlargement of Time Which to File Brief for Appellee
11/08/2017	Clerks Notice Issued Motion # 2017 - 4417
11/28/2017	Appellee's Brief filed on behalf of State of Mississippi
12/11/2017	Motion # 2017 - 4872 Motion for Enlargement of Time
12/11/2017	Clerks Notice Issued Motion # 2017 - 4872
01/16/2018	Appellant's Reply Brief filed on behalf of Clayton Paul Bateman
01/16/2018	Brief Notification Letter
03/08/2018	Case Submitted without Oral Argument
09/25/2018	DECISION: Affirmed
09/25/2018	Decision Letter Issued
09/27/2018	Inmate Confirmation Notice
10/01/2018	Motion # 2018 - 3820 Motion For Enlargement Of Time
10/01/2018	Clerks Notice Issued Motion # 2018 - 3820
10/04/2018	Inmate Confirmation Notice
10/25/2018	Motion # 2018 - 4209 Motion For Rehearing
10/25/2018	Motion Notification Letter
01/29/2019	Rehearing Denied Motion # 2018 - 4209

01/29/2019	Decision Letter Issued
02/01/2019	Inmate Confirmation Notice
02/11/2019	Motion # 2019 - 552 Motion for Enlargement of Time
02/11/2019	Clerks Notice Issued Motion # 2019 - 552
02/11/2019	Inmate Letter/Request - Clayton Bateman
02/13/2019	Inmate Confirmation Notice
02/14/2019	Letter Issued by Clerks Office Response to C Bateman
02/26/2019	Motion # 2019 - 835 Petition for Writ of Certiorari
02/26/2019	Motion Notification Letter
04/18/2019	Order Entered Motion # 2019 - 835
04/22/2019	Inmate Confirmation Notice
05/09/2019	Mandate Issued
05/14/2019	Inmate Confirmation Notice

APPENDIX E



MANDATE
COURT OF APPEALS OF THE STATE OF MISSISSIPPI

To the Harrison County Circuit Court 1st Judicial District - GREETINGS:

In proceedings held in the Courtroom in the City of Jackson, Mississippi, the Court of Appeals of the State of Mississippi entered a judgment as follows:

Court of Appeals Case # 2016-CT-01353-COA
Trial Court Case #A2401-2011-00048

Clayton Paul Bateman a/k/a Clayton P. Bateman a/k/a Clayton Bateman v. State of Mississippi

Tuesday, 25th day of September, 2018

Affirmed. Harrison County taxed with costs of appeal.

Tuesday, 29th day of January, 2019

The motion for rehearing is denied. McDonald, Lawrence and McCarty, JJ., Not Participating.

Thursday, 18th day of April, 2019

DISPOSITION OF THE MISSISSIPPI SUPREME COURT - Clayton Paul Bateman's Petition for Writ of Certiorari is denied. To Deny: Randolph, C.J., Kitchens and King, P.JJ., Coleman, Maxwell, Beam, Chamberlin and Ishee, JJ. Not Participating: Griffis, J. Order entered.

YOU ARE COMMANDED, that execution and further proceedings as may be appropriate forthwith be had consistent with this judgment and the Constitution and Laws of the State of Mississippi.

I, D. Jeremy Whitmire, Clerk of the Supreme Court of Mississippi and the Court of Appeals of the State of Mississippi, certify that the above judgment is a true and correct copy of the original which is authorized by law to be filed and is actually on file in my office under my custody and control.

Witness my signature and the Court's seal on May 9, 2019, A.D.

A handwritten signature in cursive script, reading "D. Jeremy Whitmire", written over a horizontal line.

CLERK

APPENDIX F



HARRISON COUNTY SHERIFF'S OFFICE

Melvin T. Brisolara, *Sheriff*
(228) 865-7095

Memorandum

From: Donald A. Cabana, Ph.D., Warden

To: Inmate Clayton Bateman #324016

Re: Grievance

Date: December 21, 2010

Mr. Bateman, this memorandum is to be considered a third step response to your grievance dated November 30, 2010. This will therefore, alienate the need for you to pursue a response from first step respondent Deputy McMillian or second step respondent Deputy Whittle.

Let me attempt to answer your grievance in something that resembles organized order:

- I have received no notice from the United States District Court for the Southern District of Mississippi, or from the United States Court of Appeals for the Fifth Circuit with regard to lack of inadequate access to the law library. Neither have I received any such complaints from the Department of Justice.
- While I appreciate your positive comments concerning Deputy McMillian's diligence in the performance of her duties, and I am well aware of your exhaustive legal knowledge, it is not to be construed by inmates that access to the law library, and endless requests for meaningless material that is of no consequence to your criminal defense, have to be or will be allowed. I have reviewed your attached request for two (2) pages of various materials. Your request is denied, your grievance is denied, and you will be denied access to the law library if you persist in frivolous conduct. You are to confine all future requests to your immediate case at hand.

cc: Grievance Officer
Deputy McMillian

APPENDIX G

Mississippi Electronic Courts
Harrison County Circuit Court (Circuit Court - Gulfport)
CIVIL DOCKET FOR CASE #: 24CI1:11-cv-00048
Internal Use Only
Edit Case Data
Edit Case Participants

Bateman v. State of Mississippi
Assigned to: Lawrence P. Bourgeois, Jr

Date Filed: 02/09/2011
Jury Demand: None
Nature of Suit: 39 Habeas Corpus
Jurisdiction: General

Plaintiff**Clayton Bateman**





















represented by **Clayton Bateman**
PRO SE

V.

Defendant

State of Mississippi
P.O. Box 1180
Gulfport, MS 39502

represented by **R. Joel Smith , Jr.**
District Attorney - Second Judicial
District Attorney
P.O. Box 1180
GULFPORT , MS 39502
228-865-4003
Fax: 228-865-4239
Email: khowell@co.harrison.ms.us
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/09/2011	   <u>1</u> 	CASE DOCKET from 02/09/2011 to 01/17/2012. (JT) (Entered: 01/17/2012)
03/04/2013	   <u>2</u> 	Letter from Clayton Bateman to Circuit Court by Clayton Bateman. (DT) (Entered: 03/05/2013)
02/16/2016	   <u>3</u> 	LETTER by Clayton Bateman. (LB) (Entered: 02/19/2016)
02/16/2016	   <u>4</u> 	MOTION FOR RELIEF FROM JUDGMENT (LB) (Entered: 02/19/2016)
03/04/2016	   <u>5</u> 	NOTICE TO COURT by Clayton Bateman (AH) (Entered: 03/04/2016)

Rule 2.06
SERVICE OF COPIES AND CERTIFICATE OF SERVICE

Unless otherwise ordered by the court, all pleadings, motions, or applications to the court, except the initial pleading, must be served by any form of service authorized by Rule 5 of the Mississippi Rules of Civil Procedure on all attorneys of record for the parties, or on the parties when not represented by an attorney, and the person filing the same shall also file an original certificate of service certifying that a correct copy has been provided to the attorneys or to the parties, the manner of service, and to whom it was served. Except as allowed by this rule or allowed by the court for good cause shown, the clerk may not accept for filing any document which is not accompanied by a certificate of service.

Rule 2.07
**HABEAS CORPUS IN PRECONVICTION
AND EXTRADITION MATTERS**

A. Habeas Corpus in Cases Other Than Post-Conviction and Extradition

1. The writ of habeas corpus shall extend to all cases of illegal confinement or detention by which any person is deprived of his/her liberty, or by which rightful custody of the person is withheld from the person entitled thereto.

2. If the person for which habeas relief is sought is charged with a crime in this state for which the accused may be imprisoned or confined to jail, and the accused is indigent and makes an affidavit of indigence, then the court shall appoint an attorney, if one has not already been appointed. The court may appoint an attorney for an indigent seeking relief hereunder even though the indigent has not been formally charged with a crime in this state.

3. The proceedings and judgments shall in all cases be entered on record.

4. The motion for the writ of habeas corpus shall be in writing, sworn to and signed by the person for whose relief it is intended, or by someone on his/her behalf, and shall contain the following matters:

- a. A description of where and by whom the movant is deprived of his/her liberty;
- b. The facts and circumstances of the restraint;
- c. The form of the relief sought;
- d. The grounds upon which relief is sought; and
- e. If desired, a request for a copy of transcripts of any prior proceeding if the movant qualifies as an indigent under § 99-15-15 of the Mississippi Code of 1972, specifying what portions are necessary to decide the issues, and why they are necessary.

5. The motion for writ of habeas corpus shall be filed with the clerk of any court of competent jurisdiction of the county where the movant is detained. The proper respondent and, in cases where the person for whom habeas relief is sought is charged with a crime, the prosecuting attorney must receive three (3) days written notice, with a copy of the motion attached, prior to any hearing or consideration by the court. Such three (3) day notice may be waived for grounds sufficiently urgent and necessary to due process and the grounds therefore shall be found by the court and made a part of the record. If no court has entertained any proceeding on the movant's matter, excepting bond, the motion for habeas corpus shall be filed with the clerk of the circuit court in the county in which the movant is detained.

6. The court shall give preliminary consideration of the motion for the writ of habeas corpus as follows:

- a. The motion shall be examined promptly by the judge of the court in which the motion is filed.
- b. If the motion, upon examination, does not substantially comply with the requirements of this rule, it need not be entertained on its merits and the clerk shall so notify the movant.
- c. If, from the showing made by the motion, it is manifest that the person on whose behalf it is presented is not entitled to any relief, the court can refuse to grant the writ and enter an appropriate order.
- d. Upon granting the writ, the court shall order the respondent to file an answer within a reasonable time and in an appropriate court.
- e. Upon granting the writ, the court shall also order the respondent to bring or cause to bring the person for whom habeas relief is sought before the court at the time and place of the hearing on the writ.
- f. If the movant requests transcripts of any prior proceeding and the movant qualifies as an indigent as under § 99-15-15 of the Mississippi Code of 1972, the judge shall order the portions of the transcripts the court deems necessary to the issues to be made available to the movant within a reasonable time before the date of the hearing on the writ.

7. The respondent upon whom the writ of habeas corpus is served shall file a response in writing. The response shall be filed by the date and in the court designated in the writ of habeas corpus and a copy served as provided in these rules. The response must respond to all the allegations of the motion including the following matters:

- a. Whether the respondent has or has not the person in custody or power or restraint.

- b. If the respondent does have the movant in custody or power or restraint, the respondent shall state the authority and cause of the restraint.
- c. If the movant is restrained by virtue of any writ, warrant, or other written authority a copy of such shall be attached to the answer.
- d. If the respondent has had the movant in restraint at any time prior to or subsequent to the date on the writ of habeas corpus, but such person has escaped or been transferred to the custody of another, a description of the escape or if transfer, the time, place, for what cause, and by what authority such transfer took place.

8. A party shall be entitled to invoke the processes of discovery available under the Mississippi Rules of Civil Procedure, if and to the extent that the court, in the exercise of its discretion and for good cause shown, grants leave to do so, but not otherwise.

9. Upon a hearing of the matter:

- a. The court shall either discharge, or commit, or admit to bail, or remand the movant or award custody to the party entitled thereto as the law and the evidence shall require. The court may make any temporary order in the cause during the progress of the proceeding that justice may require.
- b. The order rendered by the court shall be conclusive until reversed and shall be a bar to another writ of habeas corpus in the same cause, except by appeal or civil action for false imprisonment.

B. Habeas Corpus in Extradition Matters

1. The motion for the writ of habeas corpus in extradition matters shall be in writing, sworn to and signed by the person for whose relief it is intended, or by someone in his/her behalf, and shall contain the following matters:

- a. A description of where and by whom the movant is deprived of liberty;
- b. The facts and circumstances of the restraint;
- c. The form of the relief sought; and
- d. The grounds upon which relief is sought, which is limited to those areas specified in subsection six (6) below.

2. Upon issuance of the rendition warrant by the proper authorities of the State of Mississippi, the person detained thereunder shall not be entitled to bond.

3. If no court has entertained any proceeding on the movant's matter, excepting bond or the denial of bond, the motion for habeas corpus shall be filed with the clerk of the circuit court in the county in which the movant is detained.

4. The court shall give preliminary consideration of the motion for the writ of habeas corpus as follows:

- a. The motion shall be examined promptly by the judge of the court in which the motion is filed.
- b. If the motion, upon examination, does not substantially comply with the requirements of this rule, it need not be entertained on its merits and the clerk shall so notify the movant.
- c. If, from the showing made by the motion, it is manifest that the person whom, or on whose behalf, it is presented is not entitled to any relief, the court can refuse to grant the writ and enter an appropriate order.
- d. Upon granting the writ the court shall order the respondent to file an answer within a reasonable time and in an appropriate court.
- e. Upon granting the writ the court shall also order the respondent to bring or cause to bring the movant before the court at the time and place of the hearing on the writ.
- f. The Attorney General of Mississippi must receive three days written notice, with a copy of the motion for habeas corpus attached, prior to any hearing or consideration by the court.

5. The respondent upon whom the writ of habeas corpus is served shall file a response in writing. The response shall be filed by the date and in the court designated in the writ of habeas corpus and a copy served as provided in these rules. The response must respond to all the allegations of the motion including the following matters:

- a. Whether the respondent has or has not the movant in custody or power or restraint.
- b. If the respondent does have the movant in custody or power or restraint, the respondent shall state the authority and cause of the restraint.
- c. If the movant is restrained by virtue of any writ, warrant, or other written authority a copy of such shall be attached to the answer.
- d. If the respondent has had the movant in restraint at any time prior to or subsequent to the date on the writ of habeas corpus, but such person has escaped or been transferred to the custody of another, a description of the escape or if

transfer, the time, place, for what cause, and by what authority such transfer took place.

6. The hearing before the court shall be a limited hearing and the court may inquire only into:

- a. Whether the extradition documents on their face are in order;
- b. Whether the movant for habeas relief has been charged with a crime in the demanding state;
- c. Whether the movant is the person named in the request for extradition; and
- d. Whether the movant for habeas relief is a fugitive.

The introduction into evidence of the rendition warrant issued by the proper official of the State of Mississippi creates a presumption that all the requirements for extradition have been met and constitutes a prima facie case for the state.

7. Extradition is a civil matter and does not entitle the subject of extradition to a court appointed attorney if the subject is indigent.

Rule 3.01 PROMPT ATTENDANCE AND INFORMING COURT OF PRESENCE OF EXPERT WITNESS

Every person whose presence is required for the conduct of the business of the court shall be prompt in attendance. Any attorney or party who subpoenas an expert witness to testify shall inform the court of the presence of such witness at the time of such witness' initial appearance.

Rule 3.02 CONDUCT OF ATTORNEYS

Attorneys should manifest an attitude of professional respect toward the judge, the opposing attorney, witnesses, defendants, jurors, and others in the courtroom. In the courtroom, attorneys should not engage in behavior or tactics purposely calculated to irritate or annoy the opposing attorney and shall address the court, not the opposing attorney, on all matters relating to the case.

All objections to testimony must be made to the judge and not to the opposing attorney. The objection must be specific and not general. The attorneys will not be permitted to argue between themselves. Attorneys must stand when addressing the court, examining witnesses, and addressing the jury, except when excused for good cause by the court. Attorneys may direct remarks to the jury panel only during voir dire, opening and closing statements.

Attorneys must limit themselves to asking questions and must refrain from making statements, quips, or side remarks in an examination of a witness. The examination of witnesses will be conducted fairly and objectively, with the attorneys and witnesses displaying respect and courtesy to each other. The attorneys may not ask questions merely to embarrass or humiliate the witness. No more than one attorney per party shall be allowed to examine a witness.

In opening statements, and in closing arguments, the attorneys may not attack the opposing attorney. The attorneys may not call any juror by name, or have any personal contact with the jury whatsoever, nor attempt to converse with or solicit audible answers from the jurors individually. In the argument to the jury, the attorneys will be required to keep within proper bounds, and any attempt to inject improper matter may be stopped by the court without the necessity of an objection. The attorneys will refrain from thanking the jury for acting as jurors and after return of a verdict by the jury neither the attorneys, parties, nor spectators shall offer their congratulations, thanks or condemnation to the jury for the verdict returned.

After a verdict concerning the case, attorneys are prohibited from harassing or exhibiting disrespect for the jurors. The jurors shall be instructed by the court to report any harassment or objectionable conduct from any party, attorney, or representative of any party or attorney to the court immediately.

It is the duty of the court to enforce this rule of its own motion and without objection being made, but the court's failure to do so, where there is no objection made, will not constitute a ground for exception.

Rule 3.03
NUMBER OF PETIT JURORS SUMMONED;
CIRCUIT AND COUNTY AND EMINENT DOMAIN
COURT MAY USE SAME VENIRE

The court may direct the clerk of court concerning the number of petit jurors needed to be summoned for jury duty. The circuit and county court may employ the same jury venire in the selection of petit juries. Special Courts of Eminent Domain may employ the jury venire of either county or circuit court in the selection of petit juries, or may direct the clerk of court concerning the number of petit jurors needed to be summoned for jury duty.

Rule 3.04
COMMUNICATION WITH JURY

Except as provided by these rules, no person or attorney for the person involved in any case may communicate with or offer any favor, however slight, to any person on the jury venire.

Rule 3.05
VOIR DIRE

APPENDIX H

COVER SHEET

Civil Case Filing Form

(To be completed by Attorney/Party
Prior to Filing of Pleading)

Court Identification Docket #

24 1 CT
County # Judicial Court ID
District (CH, CI, CO)

Case Year

2011

Docket Number

00048

Local Docket ID

Mississippi Supreme Court

Form AOC/D1

Administrative Office of Courts

(Rev 2009)

This area to be completed by clerk

Case Number if filed prior to 1/1/94

In the CircuitCourt of HarrisonCounty - First

Judicial District

Origin of Suit (Place an "X" in one box only)

- ☐ Initial Filing ☐ Reinstated ☐ Foreign Judgment Enrolled ☐ Transfer from Other court ☐ Other
☐ Remanded ☐ Reopened ☐ Joining Suit/Action ☐ Appeal

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual

BatemanClayton

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency _____

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:
D/B/A _____

Address of Plaintiff

Attorney (Name & Address)

MS Bar No. _____

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing: _____

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency _____

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:
D/B/A _____

Attorney (Name & Address) - If Known

MS Bar No. _____

Damages Sought: Compensatory \$ _____ Punitive \$ _____ Check (x) if child support is contemplated as an issue in this suit.*
*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

Domestic Relations

- ☐ Child Custody/Visitation
☐ Child Support
☐ Contempt
☐ Divorce: Fault
☐ Divorce: Irreconcilable Diff.
☐ Domestic Abuse
☐ Emancipation
☐ Modification
☐ Paternity
☐ Property Division
☐ Separate Maintenance
☐ Termination of Parental Rights
☐ UIFSA (eff 7/1/97; formerly URESA)
☐ Other _____

Appeals

- ☐ Administrative Agency
☐ County Court
☐ Hardship Petition (Driver License)
☐ Justice Court
☐ MS Dept Employment Security
☐ Worker's Compensation
☐ Other _____

Business/Commercial

- ☐ Accounting (Business)
☐ Business Dissolution
☐ Debt Collection
☐ Employment
☐ Foreign Judgment
☐ Garnishment
☐ Replevin
☐ Other _____

Probate

- ☐ Accounting (Probate)
☐ Birth Certificate Correction
☐ Commitment
☐ Conservatorship
☐ Guardianship
☐ Heirship
☐ Intestate Estate
☐ Minor's Settlement
☐ Muniment of Title
☐ Name Change
☐ Testate Estate
☐ Will Contest
☐ Other _____

Children/Minors - Non-Domestic

- ☐ Adoption - Contested
☐ Adoption - Uncontested
☐ Consent to Abortion Minor
☐ Removal of Minority
☐ Other _____

Civil Rights

- ☐ Elections
☐ Expungement
☒ Habeas Corpus
☐ Post Conviction Relief/Prisoner
☐ Other _____

Contract

- ☐ Breach of Contract
☐ Installment Contract
☐ Insurance
☐ Specific Performance
☐ Other _____

Statutes/Rules

- ☐ Bond Validation
☐ Civil Forfeiture
☐ Declaratory Judgment
☐ Injunction or Restraining Order
☐ Other _____

Real Property

- ☐ Adverse Possession
☐ Ejectment
☐ Eminent Domain
☐ Eviction
☐ Judicial Foreclosure
☐ Lien Assertion
☐ Partition
☐ Tax Sale: Confirm/Cancel
☐ Title Boundary or Easement
☐ Other _____

Torts

- ☐ Bad Faith
☐ Fraud
☐ Loss of Consortium
☐ Malpractice - Legal
☐ Malpractice - Medical
☐ Mass Tort
☐ Negligence - General
☐ Negligence - Motor Vehicle
☐ Product Liability
☐ Subrogation
☐ Wrongful Death
☐ Other _____

In the CIRCUIT COURT OF HARRISON COUNTY,
MISSISSIPPI; FIRST JUDICIAL DISTRICT

FILED
FEB 09 2011
GAYLE PARKER, Circuit Clerk
By Cody M. [Signature] Doc

STATE OF MISSISSIPPI

Respondant

vs.

case No#: A2401-2011-48

Clayton Paul Bateman

Petitioner

PETITION FOR HABEAS CORPUS IN PRECONVICTION

Comes Now the above named indigent petitioner Pro-per, and in his natural capacity, and files this his petition for Habeas Corpus pursuant to 2.07 of the URCCC, and Rule 8.07 of the UCRCC, and in support thereof would show unto this Honorable court the following facts and matters to-wit:

I JURISDICTION

This Court has jurisdiction over the Respondant and the subject matter, in accordance with Rule 2.02, and 2.07(A)(5) of the Uniform Rules of Circuit and County Court Practice.

SCANNED
CR

II DEPRIVATION OF LIBERTY

The Petitioner is currently being held at the HARRISON COUNTY ADULT DETENTION CENTER by HARRISON COUNTY SHERIFF'S DEPARTMENT on behalf of THE STATE OF MISSISSIPPI.

III FACTS AND CIRCUMSTANCES OF RESTRAINT

Petitioner was bodily taken by armed agents of HARRISON COUNTY SHERIFFS DEPARTMENT at 1:00 am on the morning of March 18th 2009, on a warrant for Molestation with a bond of \$150,000 set and signed by Judge DEDEAUX, a Justice Court Judge.

On March 19th 2009 2 (two) charges of sexual battery with bonds of \$200,000 each, and 1 (one) charge of molesting with a bond of \$100,000 were added. All bonds set by Judge DEDEAUX.

Petitioner remained detained thereby until he was arrested on the 22nd of January 2010 under an indictment returned on 19 January 2010 for violation of 97-3-95(1)(d) sexual battery, 3 (three) counts; and 97-5-23(1) lustful touching, 2 (two) counts. Indictment was witnessed by

Judge Lisa P. Dodson, Judge of the Second Circuit District of the State; so says the *capias*.

Petitioner has remained deprived of his liberty continuously since the 18th of March 2009.

IV FORM OF RELIEF SOUGHT

"In the State of Mississippi the Writ of Habeus Corpus has a limited function: to inquire into the competency and jurisdiction of the tribunal, and to determine wheather or not it had jurisdiction to enter the judgement on conviction"

Allred v. State, 187 So 2d 28 (1966 Miss)

Since there is no Habeus Corpus in post-conviction of any substance in Mississippi the above related function must also address wheather or not a given tribunal can hear the case or hold anyone to its orders of confinement.

"A Habeus Corpus proceeding has but one purpose; that is to set at liberty persons illegally held, by entering an order discharging the prisoner, granting bail, or for the

purpose of delivering children...."

STATE v. Ridinger, 279 So 2d 618. (1973)

The forgoing being considered; Petitioner seeks immediate release upon showing unto the court the merits of his claim.

Petitioner has been rendered a pauper as a result of his liberty being unlawfully and illegally taken from him, and can afford no bail of any kind whatsoever.

Petitioner seeks unequivocal release without delay.

V GROUND FOR RELIEF

Petitioner Contends:

The State of Mississippi, THE STATE OF MISSISSIPPI, nor any sub-division, political or corporate, of either are properly vested with the authority to deprive Petitioner of his Liberty. The forum of the cause against him is void.

VI CONSTRUCTION OF CLAIM

Petitioner believes, holds and maintains the following

- 1) Petitioner, Clayton Paul Bateman, is a natural person, and is a Citizen of the United States by virtue of his birth in Louisiana.
- 2) CLAYTON PAUL BATEMAN is the title to a Social Security Trust account, a legal fiction, but is considered to be a person, by legal construction, and it is a citizen franchise of the UNITED STATES. It is domiciled in the District of Columbia, where it was created.
- 3) Petitioner and the legal fiction identified above are separate and severable. They each have different standings in law.
- 4) Petitioner is a signatory of ^{the} trust account identified above as CLAYTON PAUL BATEMAN so that it may operate among the several States.

- 5) The State of Mississippi is a Sovereign government; organized by a Constitution and is a member State of the United States.
- 6) The STATE OF MISSISSIPPI is an incorporated sub-division, a sub-corporation, of the UNITED STATES.
- 7) The UNITED STATES is a Federal corporation of the United States: it is domiciled inside of the District of Columbia.
- 8) The United States is a Sovereign Government.
- 9) Harrison County is a political sub-division of the State of Mississippi. It also has a geographical nature.
- 10) HARRISON COUNTY is a corporate sub-division of the STATE OF MISSISSIPPI.
- 11) HARRISON COUNTY SHERIFFS' DEPARTMENT, the SECOND CIRCUIT COURT DISTRICT, the OFFICE OF THE DISTRICT ATTORNEY are each corporate constructs, and each are subserviant to the STATE OF MISSISSIPPI.

25) The boundaries of the State of Mississippi were repealed on the 19th of December 1990. This was done by Constitutional amendment, requiring a vote of the people of the State. Repealing Art. 2 Sec 3 of the State Constitution.

26) "The jurisdiction of a State is ~~co-extensive~~ co-extensive with its established boundaries." Henderson Bridge Co. v Henderson, 173 U.S. 592 19 S.Ct. 553; United States v Bevens, 3 Wheat 336.

27) The geographical jurisdiction (territorial) of the State extend only to property owned by the State in fact.

28) "The Boundary line is the line of Sovereignty"; Central R. Co. v Jersey City 209 U.S. 473 28 S.Ct. 592

29) "All proceeding of a court beyond its jurisdiction are void"

Wise v Withers, 3 Cranch 331, 1 Peter Condensed Rep. 552

Rose v Hirrely, 4 Cranch 241, 268, 552

Doe v. Harden, Paine's Rep, 55, 58, 59.

- 12) The DISTRICT ATTORNEY, the CLERK OF COURT, the SHERIFF, and the judges of the various courts, wheather circuit or otherwise, are operating generally as agents of the various corporations mentioned above, and not in their de-jure capacity.
- 13) The various courts are not operating as judicial forums, but rather as administrative executive courts. These courts circuit or otherwise are operating under the color of Law.
- 14) Sovereigns and corporations, even governmental corporations, each have different standings in Law.
- 15) Corporations named in this petition bearing simular names to those provided for in the Constitution of the State of Mississippi, are not the same entities and are seperate, severable, and different creations of government.
- 16) Petitioner has repeatedly attempted to aquire the public record of the various judges oaths of office. There are none in evidence.

- 17) The rules of English are to be applied to all legal writings to avoid misunderstanding
- 18) Sovereigns are considered, ~~the~~ by the rules of English, to be proper nouns and are written to demonstrate that by capitalizing the first letter. Improper nouns, such as titles, ~~to~~ fictional entities, are generally written in all capital letters.
- 19) Petitioner is not chattel of any corporation.
- 20) Petitioner is not a member of any military.
- 21) A valid court is a basic element of due process.
- 22) The forum that Petitioner has been forced into by the STATE is an internal administrative corporate court of the STATE, or it is some nature of military court, but it is not a court of competent jurisdiction as contemplated in the Constitution of the State.
- 23) A court must gain jurisdiction by process.
- 24) The charges against Petitioner have no existence at common law.

- 30) "Where want of jurisdiction is suggested by the record or appears from a geographical, historical or other fact of which the court must take judicial notice."

Graham v State 196 Mis 382, 17 So 2d 210

"Court must take judicial notice of territorial extent of jurisdiction exercised by the government, the law of which they administer, and the extent and boundaries of territories under which they themselves can exercise jurisdiction."

Graham v State 196 Mis 382, 17 So 2d 210

- 31) The Statutes provided in the MISSISSIPPI CODE ANNOTATED 1972 operate as internal corporate policy.

- 32) "Courts created by statute can have no jurisdiction but such as the statute confers."

Christianson et al v Colt Industries

Operating Corp., 486 U.S. 800; 108 S.Ct 2166;
L.Ed 2d 811

- 33) "What a State may not do directly it may not do indirectly."

Barley v Alabama, 219 U.S. 219, 31 S.Ct 145

34) The national flag, as flown in the courtroom, is an executive branch flag pursuant to U.S. ARMY FM 840-10 chapter 2, section 3b, and chapter 8, section 2, or it is in direct violation of title 4 chapter 1 sections 5 and 10 of the U.S. Code.

35) The Law of the Flag holds that the Flag, as Flown, sets the jurisdiction under which the law is interpreted; it declares what and whose law is in fact in operation, and is considered to be notice of the same.

36) "The State can make No Thing, but gold and silver Coin a Tender in Payment of Debt."

U.S. Constitution Art. I Sec. 10 cl. 1

This has not been amended. The State cannot pay compensation to it's officers with private foreign scripts such as FEDERAL RESERVE NOTES. State courts cannot require them (FRN) as payment of fines or fee; or as an issue of bail or bond.

37) Petitioner holds that he has not knowingly and/or voluntarily been inside the State of Mississippi since 1990 or entered into a contract that would bind him to this court.

VII

SYNOPSIS

- A) The boundaries of the State being repealed by an actual change to the State Constitution effectively removes the authority of the Legislature from the territory that were included in "all lands which were at any time heretofore a part of the State." (repealed Art 2 sec 3 of the State Constitution) By virtue of that, the Supreme Court of the State also loses its territorial jurisdiction as well as all inferior courts. The exception being actual property owned by the State or issues brought before it by valid process and consent of the parties as in arbitration.

I, the Petitioner, have granted no such consent.

"All the territory within the jurisdiction of the United States not included in any State must be governed by or under the authority of Congress."

First Nat. Bank v Yankton County, 101 U.S 129
Petitioner is not being held to answer to any Federal charge.

Petitioner refuses, and holds as invalid the indictment against him.

"Within the sphere of constitution action, the people, acting not through the courts, but through their elected legislative representatives, have the power to determine as conditions demand, what services and functions the public welfare requires."

Garcia v San Antonio Metro Transit Authority et al,
469 U.S. 528; 105 S.Ct. 1005; 83 L.Ed 2d 1016

B) Petitioner, being trustee to CLAYTON PAUL BATEMAN, may fall prey, by undisclosed construction, to the operation of the statutes of the STATE. All of the booking forms used to detain Petitioner identified the above trust by title and number. The judge presiding over the arraignment of the charges against Petitioner, or the trust, as the case may be, ask for the number to the above trust to confirm identity before the bar. STATE has provided no evidence to show the court or Petitioner that the alleged crimes were committed in a capacity of trustee. Barring at least such a showing Petitioner is not inside a jurisdiction that can bring meaningful action against him on this issue.

Petitioner has asked the nature and cause of the action against him of both the court and assigned council, Neither would address the question.

- c) Petitioner believes that the STATE has taken his liberty by Fraud.

The de-jure authorities that are believed to be in operation as governmental entities are in fact dormant and non-responsive. The entities that are in operation as the de-facto government are the same individuals that hold our sacred offices of trust, but also operate as corporate agents. In the past this construction of an overlayed corporate nature may have been legal and lawful.

However, Petitioner can show that there is currently a conflict of interest in that construction. This invalidates any court so constructed. In part this is why state courts operate under color of Law: that which appears to be Law, but is not; without substance.

Further, Petitioner brings forth issues of disclosure, None of the foregoing is commonly known nor is it readily available to the lay person whom may fall prey to its' operation. Petitioner has been severely limited in his ability to research and defend himself by the restraints placed upon by this unlawful deprivation of his Liberty.

Petitioner holds that his rights according to the State Constitution sec. 14 and as trustee his U.S. Constitutional 14th amendment right has been violated.

D) Petitioner knows of only two constructions of a valid court:

1) Constitutionally created or provided for: in which case the repeal of Art 2 sec. 3 would defeat that construction.

2) Statutory courts and contract courts both operate upon the same construction: the conveyin of authority. In the statutory court its' jurisdiction must be found in the statute, and it must be compliant with the Constitution. it is defeated just as a constitutional court. A contract court find authority in the contract itself. No contract, no authority.

REQUEST FOR TRANSCRIPTS

Pursuant to Rule 2.07 (A)(4)(e) of the Uniform Rules of Circuit and County Court Practice, and Rule 8.07(1)(e) of the Uniform Criminal Rules of Circuit Court Practice, Petitioner is an indigent prisoner and requests that a review of any and all pre-trial motions and any and all transcripts of all proceedings in his cause, will be necessary to an equitable and just adjudication of the issues raised in this Petition. Specifically, said transcripts will substantiate Petitioner's claim.

REQUEST FOR APPOINTMENT OF COUNSEL

Pursuant to Rule 2.07 of the UCCCR Petitioner humbly request of this court the appointment of counsel; that he may better prepare and present his case to the court.

VI

REQUEST FOR EVIDENTIARY HEARING

Petitioner respectfully requests that he be entitled to an in-court opportunity to prove his claims substantially showing a denial of a state or federal right, (*Williams v. State*, 469 So2d 44 (MISS 1996); *Jimian v. State*, 857 So2d 468 (MISS 2003), because a petition which meets statutory pleading requirements, requires an evidentiary hearing unless it appears beyond doubt that Defendant/Petitioner can prove no set of facts in support of his claim which would entitle him to relief, and Petitioner needs only demonstrate the potential existence of facts tending to establish facts that would entitle him to some sort of relief in order for an evidentiary hearing to be required. (See *Wilson v. State* 760 So2d 862 (2000)).

Wherefore, Premises Considered, Petitioner respectfully requests and prays that this Honorable Court issue a Writ of Habeas Corpus, and enjoin the DISTRICT ATTORNEY from further prosecution in the Circuit Court in this cause, until the proceedings of this Writ are concluded,

Clayton Paul Butner

Petitioner, Pro-per

Sworn to and Subscribed before me, on this
the 26th day of January 2011.



Sheila F. McMillan

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I, Clayton Paul Bateman, Petitioner, do hereby certify that I have this day caused a true and correct copy of the above and foregoing Petition to be served upon the office of the District Attorney, P. O. Box 1180, Gulfport, MS. 39502, by United States mail, postage prepaid, on the 27 day of January, 2011, from the Harrison County Adult Detention Center, 10451 Larkin Smith Drive, Gulfport, Mississippi 39502.

This the 27 day of January, 2011.

Clayton Paul Bateman

PETITIONER PRO-PER

HARRISON Co. Adult Detention Center

10451 Larkin Smith Dr.

Gulfport, MS. 39502

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
First JUDICIAL DISTRICT

STATE OF MISSISSIPPI

RESPONDENT

VS.

CAUSE NO. _____

Clayton Paul Bateman
(Name)

PETITIONER

AFFIDAVIT OF INDIGENCY

STATE OF MISSISSIPPI

COUNTY OF HARRISON

I, Clayton Paul Bateman, being first duly sworn, depose and say:

I am the Petitioner in the above styled and numbered cause. I hereby make this
Affidavit of Indigency and state as follows:

I own nor have any access to any assets, funds, cash, money, bank accounts,
stocks, bonds, or other real or personal property of any kind or character.

This the 27th day of January, 20 11.

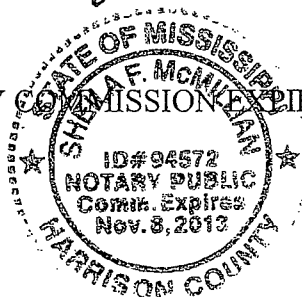
Clayton Paul Bateman

SWORN TO AND SUBSCRIBED BEFORE ME, this the 27th day of

January, 20 11.

Shirley M. Miller
NOTARY PUBLIC

MY COMMISSION EXPIRES:



APPENDIX I

IN THE CIRCUIT COURT OF HARRISON
COUNTY, MISSISSIPPI; FIRST
JUDICIAL DISTRICT

82401-10-021

FILED
JUN 23 2011

GAYLE PARKER, Circuit Clerk
By [Signature]
Petitioner

Clayton Paul Bateman

vs

Case No# 24-1-CI-00048

STATE OF MISSISSIPPI

Respondant

ORDER RELEASING PETITIONER

This day this cause came on to be heard on the
Petition for Habeas Corpus in Preconviction Filed by
the Petitioner; Clayton Paul Bateman; pro-per in
this cause

And the STATE, not having responded to the
Petition, it is hereby ordered and adjudged the
Petitioner be released forthwith from the
custody of the Sheriff of Harrison County,
Mississippi.

Ordered and Adjudged this the _____ day
of _____ 2011

Prepared by:

Clayton Paul Bateman
#324016

10451 Larkin Smith Ln.
Gulfport MS 39503

**Additional material
from this filing is
available in the
Clerk's Office.**