

No. 19-7803

ORIGINAL

Supreme Court, U.S.
FILED

JAN 07 2020

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

BRANDON WILLIAMS,

Petitioner,

Versus

STATE OF GEORGIA OFFICE OF THE GOVERNOR c/o Attorney General,
ROBERT D. ALEXANDER,

Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Brandon Williams
P.O. Box 791481
Charlotte, North Carolina [28206 - 7923]
(704) 493 - 6149

Certified Mail No. 7019 1120 0001 2772 6026

Notice to agent is notice to principal. Notice to principal is notice to agent

PARTIES TO THE PROCEEDINGS

The only parties to this proceeding are Petitioner, Brandon Williams, and Respondent, State of Georgia Office of Governor, et. al.

RULE 29.6 DISCLOSURE

Alexander, Robert D., - Judge, State Court of Georgia / Respondent

Carr, Christopher M., - Attorney General of Georgia / Respondent

Kemp, Brian P., - Governor of Georgia / Respondent

Story, Richard W., - United States District Judge / Respondent

Smith, J. Bradley, - District Attorney / Respondent

Pryor H. William – Circuit Judge / Respondent

Rosenbaum S. Robin – Circuit Judge / Respondent

I. QUESTIONS PRESENTED

1. Did the United States Court of Appeals for the Eleventh Circuit exceed its enumerated powers and violate basic principles of federalism which seemed to have caused confusion regarding reconsideration of Petitioner Williams' case and ruled to dismiss it based on biasness or prejudice? See, Maddox v. State, 32 Ga. 587, 79 Am.Dec. 307; Pierson v. State, 18 Tex.App; Yarbrough v. Mallory, 225 Ala. 579, 144 So. 447, 448; and Evans v. Superior Court in and for Los Angeles County, 107 Cal.App. 372, 290 P. 662, 665.

2. Was it not due to negligence, pursuant to 42 U.S.C. §§ 1986 that the Respondents of STATE OF GEORGIA, in which they had power to prevent or aid in preventing such wrongful acts which makes them liable to the party who is the Petitioner that was injured, or Respondents legal representatives for all damages caused by such wrongful acts, by which such "persons" by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of "persons" guilty of such wrongful neglect or refusal may be joined as defendants in this action? See Schneeweisz v. Illinois Cent. R. Co., 196 Ill.App.248, 253; Schneider v. C. H. Little Co., 184 Mich. 315, 151 N.W. 587, 588; Hulley v. Moosbrugger, 88 N.J.L. 161, 95 A. 1007, 1010, L.R.A. 1916C, 1203; and Krom v. Antigo Gas Co., 154 Wis. 528, 143 N.W. 163, 164

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1.

**IN THE SUPREME COURT OF THE UNITED STATES
PETITION FOR A WRIT OF CERTIORARI**

Petitioner prays unto the Creator of the Universe and respectfully submits that a Writ of Certiorari be issued to review the judgment of the United States Court of Appeals for the Eleventh Circuit in this case.

OPINIONS BELOW

The decision made by the Court of Appeals for the Eleventh Circuit denying Petitioner's direct appeal is reported as Napier v. Preslicka, 314 F.3d 528, 531 (11th Cir. 2002). That order and Judge Pryor Jr's dissent is attached at **Appendix 1a** (Ex. B). Further decision made by Circuit Judges after Petitioner Williams filed a timely appeal was dismissed by the clerk without further notice unless Petitioner Williams pay to the DISTRICT COURT clerk the docketing and filing fees, with notice to this office is attached at **Appendix 1b** (Ex. I). In addition, the Circuit Judges, William Pryor and Rosenbaum denied Petitioner Williams' motion for reconsideration, pursuant to 11th Cir. R, 27-2 to proceed in forma pauperis in my appeal and alleged that Petitioner did not include any points of law or fact that the court did overlook in my Appeal Brief that was returned. That order is attached at **Appendix 1c** (Ex. E) Lastly, Petitioner Williams' entire file was returned by Clerk Smith, of my Motion for permission to Appeal In Forma Pauperis and Affidavit denying me for reconsideration is attached at **Appendix 1d** (Ex. J). These actions are unfair, bias, and an unequal ruling entered by the Clerk and Circuit judges. The Clerk and Circuit judges are seemingly acting as attorneys for the defense in defiance of the law,

overstepping the canons of legal ethics and are disqualified to adjudicate this case and matter.

Amendment 1 of the U.S. Constitution gives Petitioner the right to petition the Government for a redress of grievances. See State v. Bowers, 178 Minn. 589, 228 N.W. 164, 165. Moreover, every final judgment of a circuit court in a civil case is appealable as a right. But in this case, Petitioner continues to be denied that right. According to an Illinois Supreme Court. Rule, *"The appeal is initiated by filing a notice of appeal. No other step is jurisdictional. An appeal is a continuation of the proceeding, and that the trial courts are not revested with jurisdiction until the mandate issues and the parties have exhausted all of their rights of appeal."* See, Independent Voters of Illinois v. Illinois Commerce Commission, 117 Ill.2d 90 (1987) and Jones v. Board of Fire and Police Commissioners of Village of Mundeline, 127 Ill.3d 793 (2nd Dist., 1984).

Moreover, the U.S. District Court and Court of Appeals failed to take action in adjudicating this matter pursuant to the Federal Rules of Civil Procedure, Rule 1 – Scope and Purpose where states; *"These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding."*

To date, Petitioner still have not received such notice to file my brief in accordance with Clerk, David J. Smith's instructions. Petitioner also spoken with Smith and was again informed to wait until further instructions were given. See attached as **Exhibit A** dated, 08/15/2019. The Court of Appeals also denied Petitioner's motion to proceed on appeal in forma pauperis alleging that my appeal is "frivolous". See App. 1a (Ex. B) dated, 11/07/2019, attached.

Petitioner filed a timely Notice of Appeal in response to my appeal being denied because of "frivolity" See **Exhibit C**. Petitioner also filed an Affidavit of Indigency to the Court, dated 11/05/2019 and was received and filed by the Court, file stamped on 11/07/2019, see **Exhibit D**. Petitioner filed another timely Appeal in response to the Court alleging that I have not provided "any points of law or facts" dated 12/12/2019 and was received and filed by Court stamp dated on 12/16/2019, see attached as **Exhibits E and F**. Petitioner received another notice from Clerk Smith, now about not receiving my Certificate of Interested Persons and Corporate Disclosure Statement (C.I.P), see attached as **Exhibit G**. Petitioner sent confirmation that my C.I.P was received by the Court by First Class Certified Mail, sent by the U.S. Postal Service with Tracking No. **7019 1120 0000 5300 9460** dated 08/26/2019 at 12:09 p.m. See **Exhibit H**. Petitioner then received two final letters from Court of Appeals, see **Exhibit I** ; dated 12/10/2019 alleging of the 14 (fourteen) day limit and dismissed my appeal without further consideration, unless I pay the District Court clerk the docketing and filing fees, after I already submitted my notice of Indigency on several occasions. Petitioner lastly received a letter dated 12/26/2019 with my entire packet returned, again, denying my motion to proceed in formal pauperis. See **App. 1d (Ex. J)**.

5.

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1). Petitioner, who is contemporaneously filing a motion for leave to proceed in forma pauperis, is timely filing this Petition for a Writ of Certiorari by Certified First Class United States Mail on or before January 5, 2020. See, Sup. Ct. R. 13.1 & 29.2. This Court does have discretion to review decisions that the Court of Appeals misapplied Rule 42-1(b), based on what was filed in their Court, with the Exhibits provided.

The willingness of the Court to review decisions implicating this misapplication is understandable because those decisions directly affect the Petitioner's due process rights as guaranteed by the United States Constitution. Petitioner's Williams rights should not depend upon the federal circuit in which he finds himself. See, Sup. Ct. R. 10(a). Consequently, a writ of certiorari is warranted in this case.

CONSTITUTIONAL PROVISIONS INVOLVED

Amendment 5 pursuant to the United States Constitution provides: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.

STATEMENT OF THE CASE

Petitioner was arrested on September 17, 2018, in Banks County due to a minor traffic infraction. There was and still no valid Warrant for Petitioner's arrest, but injury was done to Petitioner as well as Petitioner's property in violation of Amendment 4 of the United States Constitution.

Petitioner was detained in Banks County jail overnight. After posting bond, Petitioner was detained in Jackson County Jail for 2 nights and had to again post bond. Finally, Petitioner was extradited to Franklin County Jail and was released after posting a third bond. There was no guaranteed Warrant to issue, pursuant to Amendment 4 for any of this activity, as well as violations against the 5th, 6th, and 14th Amendments of the U.S. Constitution which is wrongful imprisonment.

The policemen chose to utilize the Pursuit Intervention Technique, PIT maneuver, to force Petitioner's car to turn sideways abruptly, causing Petitioner to lose control, slide across the road and fall into a ditch. The Policemen then snatched Petitioner out of his vehicle, threw him to the ground and held him down with a knee in his back. This caused Petitioner to be choked to the point of almost losing consciousness. During this ordeal, Petitioner was handcuffed so tightly that both wrists were swollen and bruised. Petitioner still feels numbness in his hands, wrists and arms to this very date at times. Petitioner was then carried and thrown into the back of a police vehicle and taken to Banks County jail. Petitioner's vehicle was seized and taken 34 minutes away from Banks County to Royston Georgia, a city in Franklin, Hart, and Madison counties. Petitioner did not authorize this transfer of his vehicle and there was no valid

warrant to do so making this grand theft auto. Because of the PIT maneuver, Petitioner's vehicle required a front wheel spindle, driveshaft and camper replacement. This unlawful search, seizure, unnecessary and excessive force, and other illegal police activity gives Petitioner the right to bring this civil action against the law enforcement involved. During this entire ordeal, Petitioner is the only victim. This is a result of Police misconduct and brutality which violates Amendments 4 and 8 of the U.S. Constitution.

Meanwhile, Banks County set Petitioner's bail at \$6,700. Petitioner paid \$1,025 to a bail bondsman to secure his freedom. In Jackson County the bail was set at \$5,500 and Petitioner paid a bail bondsman \$825 to be released. In Franklin County the bail was set at \$14,700 and Petitioner paid a bail bondsman \$1,490 to secure his freedom. This is excessive bail in violation of Amendment 8 of the U.S. Constitution. To extradite is to surrender a fugitive from one jurisdiction to another where the fugitive is sought for trial or punishment. See, e.g. United States v. Alvarez-Machain, 504 US 655 (1992), and in the matter of Morris Strauss, 197 US 324 (1905). Without a Warrant, there is no fugitive and is to be no punishment. The Model Penal Code § 212.1 defines this extradition as kidnapping because Petitioner was physically asported without lawful authority and without Petitioner's consent, with the intent to use the abduction in connection with the nefarious objective of Respondent's wealth-based traffic ticket scheme. The state actors' purpose included facilitating the commission of a felony, terrorizing and inflicting bodily injury on Petitioner and interfering with a governmental or political function. This extradition, kidnapping and slavery violates Amendments 5, 13 and 14 of the U.S. Constitution.

8.

Moreover, Robert D. Alexander, judge in Jackson County neglected to prevent further injury to Petitioner. Alexander had knowledge of the wrongdoings that were conspired to be done to Petitioner; which he had the power to prevent further injury but neglected to do so. Instead, Alexander contributed to the conspiracy by ordering Petitioner to return to the Georgia court on several occasions knowing that Georgia lacks jurisdiction over North Carolina state citizens. Alexander also knows or should know that the Georgia charges against Petitioner are under color of law and not law because there is no Oath or affirmation signed by any victim. Further, because the State of Georgia is a party to this action, the Supreme Court has original Jurisdiction per Article III § 1 of the U.S. Constitution. However, Alexander refuses to heed the superior authority of the federal court by ordering Petitioner to appear before him knowing that this case has been removed to federal court.

Alexander has taken an Oath of Office but it does not conform to the oath mandated by Georgia law. This causes Alexander's office to be vacant and judicial immunity to be lost which is especially true while Alexander lacks proper jurisdiction. In his oath, Alexander has changed words, pluralized a word and added punctuation where none exists. Alexander also capitalized the entire last sentence. The differences in the lawful oath and Alexander's oath are detailed below as illustrated in my Complaint:

O.C.G.A. § 15-6-6 Oath:

"I swear ... without respect to person and ... rich and ... incumbent on me as judge of the superior courts of this state, according ... ability and understanding, and ... So help me God."

Versus

Alexander's Oath:

"I, Robert D. Alexander, do swear ...without respect of persons, and ...rich, and ... incumbent upon me as Judge of the State Court of JACKSON County according ... ability and understand and ... SO HELP ME GOD!"

Petitioner also received a Notice of Arraignment from J. Bradley Smith, District Attorney of Piedmont Judicial Circuit, to appear at Banks County Court on 12/06/2019 at 8:30 a.m.

Petitioner sent Smith a Notice to Cease and Desist Harassment, since Smith know or should know that an effect of a case that has been removed to federal court; ***"the State court shall proceed no further unless and until the case is remanded."*** Which has not been the case.

Further, STATE OF GEORGIA judges are prone to be bias because their salaries are paid by the STATE OF GEORGIA, or a subdivision of the STATE OF GEORGIA. Reasonable persons would view those judges as incapable of being fair and impartial in this instance, and there is no way that I can get a fair trial. Moreover, this case has been filed in Federal Court on May 27, 2019, as STATE OF GEORGIA STATE COURT OF JACKSON COUNTY and SUPERIOR COURT OF BANKS COUNTY knew or should have known not to continue proceeding, as Respondents are in violation of 28 U.S.C. §§ 1446(d). This is Negligence actionable under 42 USC §§ 1986, a defective oath of office and is excess of jurisdiction. See, **Olson v. District Court of Salt Lake County, 93 Utah, 145, 71 P.2d 529, 534, 112 A.L.R. 438**, also see, **Beckwith v. McAlister, 165 S.C. 1, 162 S.E. 623, 628; Carter v. Mitchell, 225 Ala. 287, 142 So. 514, 517; In re Knox' Estate, 52 Cal.App.2d 338, 126 P.2d 108, 112**, and **Abelleira v. District Court of Appeal, Third Dist., 17 Cal.2d 280, 109 P.2d 942, 948, 132 A.L.R. 715**.

Petitioner, by the way has Accepted for Value and Honor on Behalf of State of Georgia by all Notices attached as; **ORDER** received from the State Court of Jackson County, dated January 31, 2019, **BOND FORFEITURE ORDER** and **BENCH WARRANT** both received from the Superior Court of Banks County State of Georgia, dated December 6, 2019.

REASONS FOR GRANTING THE WRIT

A writ of certiorari is warranted in this case because a conflict and misapplication of Rule 42-1(b), exists among the Circuit judges as to whether Petitioner did not file a timely appeal and awaited further instructions to furnish his brief as indicated. Because that conflict is now ripe for judgment, this Court should issue a writ of certiorari to resolve this conflict and misapplication in favor of Petitioner, as the Respondents must produce any requested, exculpatory evidence, admissible or not, where that evidence is likely to lead to the discovery of admissible evidence. See, Hosmer v. Hoitt, 161 Mass.173, 36 N.E. 835.

A. THE COURT SHOULD ISSUE A WRIT OF CERTIORARI TO RESOLVE THE CONFLICT AND MISSAPPLICATION OF RULES IN THE FEDERAL CIRCUITS AS TO WHETHER PETITIONER WILLIAMS FAILED ANY OF THE DUTIES HE WAS INSTRUCTED TO FOLLOW IN ACCORDANCE TO THE FEDERAL RULES OF CIVIL PROCEDURE THROUGHOUT THIS ENTIRE PROCESS.

See all aforementioned as attached in Appendices 1a – 20b and Exhibits attached.

B. THE GOVERNMENT'S OBLIGATION UNDER PETITIONER WILLIAMS' PRESENTMENTS IN THIS CASE IS NOT EXCUSED BECAUSE THEIR DUTY IS TO PROTECT THE LIVES OF ITS CITIZENS UNDER DUE PROCESS OF LAW AS IN ACCORDANCE WITH THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

See, Pennoyer v. Neff, 95 U.S. 733, 24 L.Ed. 565.

CONCLUSION

Petitioner submits this Writ of Certiorari detailing the criminal, biased and unfair activity against Petitioner by government officials whose job is to serve and not harm the public. Petitioner was arrested, imprisoned, brutalized by the police, made to pay excessive bail and was extradited twice. All was done without a valid Warrant, oath of affirmation, reading of the Miranda Warning or Petitioner's permission. Petitioner was injured and his unalienable rights were violated. Petitioner was deprived of rights and conspired against under the color of state law. Petitioner is entitled to bring this action for these deprivations and for Robert Alexander, J. Bradley Smith and the other Georgia state actors neglecting to prevent further injury to Petitioner. This police misconduct results in a violation of Petitioner's unalienable rights and Petitioner seeks compensation and accountability from the police officer, the municipality employing the police officers and the State of Georgia.

18 U.S.C. §§ 1001 Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully:

1. Falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
2. Makes any materially false, fictitious, or fraudulent statement or representation; or
3. Makes or uses any false writings or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism, imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

(b) Subsection (a) does not apply to a party to judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate [United States magistrate judge] in that proceeding.

Given all of the above, this Court should grant certiorari, consider this case on the merits, and answer the questions presented. Consequently, this Petition for a Writ of Certiorari should be granted as Petitioner has exhausted all of my administrative remedies in defending this matter.

CERTIFICATE OF SERVICE

I declare that a copy of this WRIT OF CERTIORARI was served via First Class U.S. Mail to the parties as follows:

Camie W. Thomas, Clerk of Superior and
State Court c/o Robert D. Alexander, Judge
P.O. Box 7
Jackson County Courthouse
Jefferson, Georgia 30549
7019 2280 0001 4269 5862

Timothy A. Harper, Clerk of Superior
Court, c/o Judge Presiding
P.O. Box 337
Banks County Courthouse
P.O. Box 337
Homer, Georgia 30547
7019 2280 0001 4269 5879

State of Georgia Office of the Governor
c/o Office of Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334
7019 1120 0001 2772 6033

Respectfully submitted,

February 24, 2020



Brandon Williams, Sui Juris, Secured Party Creditor for:
BRANDON WILLIAMS™©, DEBTOR
PO Box 791481
Charlotte NC 28206-3736