

20-7512
No.

In The Supreme Court of The United States

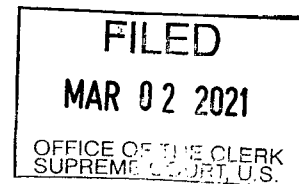
Khayree Smith-El , Petitioner

V.S.

174th District Court, Harris County, TX - Respondent

Writ of National Habeas Corpus
Jurisdictional Challenge, Avernment thereof
In Propria Persona Sui Juris

Khayree Smith-El
Ferguson Unit
12120 Savage Dr
Midway, TX 75852



QUESTIONS PRESENTED

- A) What branch of law authorized states to apply abolished slave labels (Negro, Black, colored) to any person of African descent after 1865? This act reinstates such persons as chattel property and reopens the institution of slavery under colorable constitutional amendments.
- B) Are blacks 'slaves' or otherwise 'persons, as used in the 14th amendment, and how can they be made 1st class citizens without their inalienable Free National descendant name of their forefathers?
- C) As for blacks with criminal records, what crimes can 'property' commit which it's owner, the slave master, is not accountable for in a court of law?
- D) If one can produce a (black) 'slave'. the same one must also produce the (black) slave owner.

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

National Habeas Corpus

Now comes the petitioner, Khayree Smith El, Moorish American, in propria persona, sui juris, to move this avowment of jurisdiction to the status of the petitioner, hereby challenge the defendant, 174th Harris County District Court of Texas.

The Supreme laws of the U.S. uphold there can be no legal proceeding without the right order establishment of proper status and apposite jurisdiction. These two pillars of law must be in place and have precedence before the adjudication of all formal matters of lawful substance can be addressed.

U.S Supreme Court Case Cited: Dred Scott v. J. Sandford.

Prior to adjudication, the defendant denationalized the petitioner with the slave label of 'Black' via the usage of arrest report, Court documents, and Indictment. At no time did the defendant establish proper status or jurisdiction in written personam.

Hear now the greatest bounds of jurisdiction empowered to the wisdom in the Supreme Court of the United States of America, is hereby challenged to render, in written personam, it's Constitutional jurisdiction to govern the petitioner.

The above cited Supreme Court decision combined with restorers of Elion Gonzales of Cuba v. i. The laws and citizens of the United States were the lawful basis personifying the Supreme issue of Status and jurisdiction; these issues are relevant to the immediate matters of Nationality of the petitioner.

The defendant, in full authority to exercise the powers of the U.S. Constitution, joined with the entire embodiments of Congress, now have the burden of proof to any jurisdiction to justly govern the petitioner in his proper person.

Now, the defendant, being in want of said jurisdiction and therefore without power to issue an "In personam judgement", this petitioner does hereby proclaim his inalienable right is to be Free and released in his own right and proper person

Relief Sought

To commute petitioners sentence; overturn conviction and release petitioner in his own right and proper person. The relief sought is what is required by law from this court.

VERIFICATION

That I affirm under penalty of perjury under common law of America, without "UNITED STATES", under laws of the United States of America that the foregoing is true and correct to the best of my current information, knowledge and belief, per 28 USC 1746(1)

Certificate of Service

A true and correct copy has been served to: Clerk of the U.S. Supreme Court; one 1st St NE, Washington, DC 20543

Date 3-1-21

Whynot Smith

REASON FOR GRANTING PETITION

THE STATE has knowingly committed the Federal crime of 'denationalization' by applying the abolished slave label of 'black' against me. All people who are Free Nationals are born with the inalienable right to inherent the nationality of their forefathers i.e. Mexican, Moorish, etc. Any act, lawful or disguised, which deprives a person or people of this birthright given to them by their Creator is an act of denationalization and genocide because it places them outside of the constitutional protection of the law. These are first degree criminal violations for any government to enact upon a people under colorable amendments to its constitutional laws. This confirmation is in dire violation of the U.S. Constitution Article 1, section 9 (clause 3) and 10, which are Ex Post Facto and the courts that enforce these laws are criminally liable. Fact: All slave names, slave owners and slaves were legally abolished in 1865 via the 13th Amendment. The Slave identifying marks of Negro, black, colored, etc. which were given to those enslaved were also voided with their institution because these names that were applied to captured and imported African Moors were 'demurable' and placed them out of their proper person to be treated unfairly and unjustly. Hence, all 'blacks' are lawfully 3/5 of a person (slave). The Supreme laws of the U.S. judicially uphold there can be no legal proceeding without the establishment of 1) Proper status and 2) correct jurisdiction. Jurisdiction cannot be sustained by a lower court. The claim of the 13th Amendment to abolish all entities of slavery (slaves, slave owner and slave names, .e.g Negro, Black, Colored) now become Expost Facto in the 14th Amendment where it then declares the same Negro, Black and colored slaves as 'citizens' disguised under the word person and made subject to the jurisdiction. This claim gives rise to the legal conflict between freedom and slavery which is a constitutional issue. The Supreme court, empowered by the U.S. constitution is the only court that can address this matter of proper jurisdiction, denationalization and slavery. To NOT grant this petition would express that the States have been lawfully authorized by this supreme court (per the constitution) and Congress to reinstate the institution of slavery.


REASON FOR NOT APPPLYING TO DISTRICT COURT

PRIOR to adjudication I was ~~denationalized~~ through unlawful procedures and given the slave label of 'black'. Per U.S. constitution article 1, section 2(clause 3), all blacks are 3/5 ~~of a~~ person(slave). And per U.S. supreme court decision of Dred Scott v Sandford, "The Black Man has no rights that true U.S. citizens are bound to respect". Thus, 'black' is not proper status and only the proper status can be heard in the proper jurisdiction. Being 'black' is not a district court or superior court issue. In fact, the 'black' label would leave any court in want of jurisdiction except the U.S. Supreme court. Under the Supreme court ruling of Hagans v Lavine jurisdiction cannot be sustained by a lower court or entertain and decide any claim of conflict between State and Federal Laws. This ruling also expresses that the conflict itself is a constitutional matter regarding proper jurisdiction. The Claim that the 13th Amendment abolishes all entities of slavery(Slaves, slave owner and slave names, e.g. negro, black, colored, etc.) now becomes Ex Post Facto in the 14th Amendment which then declare the same negro, black and colored slaves as 'citizens' disguised under the word 'person' and made subject to the jurisdiction. This claim gives rise to the legal conflict between slavery and freedom and is itself a constitutional matter. District courts do not have authority to decide constitutional matters raised in this habeas corpus, ONLY the U.S. Supreme court can correct the matter. Any application to district courts, per article 3, section 1 and 2 of the U.S. Constitution, regarding jurisdictional challenges and proper status would be unconstitutional, as district courts are only delegated limited authority and cannot lawfully act on or even respond to the above matters. The State, via its district courts, are operating under 'assumable jurisdiction', denationalization and reopening the Institution of slavery.

CONCLUSION

THE PETITION FOR WRIT OF NATIONAL HABEAS CORPUS SHOULD BE GRANTED

RESPECTFULLY SUBMITTED

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IN PROPRIA PERSONA SUI JURIS

Date: 3-21-21 _____