

No. 20-8456

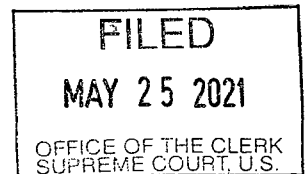
In The
Supreme Court of The United States

In Re: Michael Alonzo Rufus - Applicant

Petition For Writ of Habeas Corpus Pursuant 28 USC § 2241
Original Action



Michael Alonzo Rufus, Pro Se Litigant
Baldwin County Law Enforcement Center
119 Old Monticello Road
Milledgeville, Georgia 31061



Question(s) Presented

Can Applicant, the equivalent of a "citizen" under Georgia's class legislations of O.C.G.A. § 50-2-21(c)¹ and a citizen of the United States, consistent with the prohibitions of Art. 4 Sec. 2, and the Due Process and Equal Protection Clauses of the 5th and 14th Amendments of the United States Constitution be deprived and restrained of his liberty by a commitment order and proceedings of a state court, statutorily limited by O.C.G.A. § 50-2-21(c), that fail to be issued or conducted under the practice of pleadings established as general law for said proceedings e.g. *in forma pauperis*.

Can Applicant consistent with the prohibitions of Art. 4 Sec. 2 and the Due Process and Equal Protection Clauses of the 5th and 14th Amendments of the United States Constitution be deprived and restrained of his liberty by an arrest warrant commitment order(s), grand jury proceedings and indictment issued, summoned, counseled, and adjudicated by judges, district attorney, and clerk (acting as jury clerk) whom are all, but not limited to, paid supplemental payments and other fringe benefits from the counties ultimately for their expertise, experience, and enforcement of an unconstitutional custom of Georgia's laws and jurisdiction being universal² contrary to the uniformity of O.C.G.A. § 50-2-21(c) and under an unconstitutional custom of pleading special matters.

Note 1. O.C.G.A. § 50-2-21(c) holds "The jurisdiction of this state and its laws extend to all persons within its limits, whether as citizens, denizens, or temporary sojourners." Formerly § 15-202

Note 2. Applicant's allegation are and will show the universal laws and jurisdiction that his liberty is being restrained are those for "denizens." Thus Applicant's claims of unconstitutional restraint is embedded the "exemption from any greater burdens and charges" of the Equal Protection Clauses.

List of Parties

All parties do not appear in the caption of the case on the cover page. Pursuant Rule 20.3 (b) the respondents are as follows:

Bill Massee, Sheriff

C. H. Carr, Attorney General of Georgia

Related Cases

State of Georgia v Michael Alonzo Ricks Case no.: 2018CR52779 Baldwin County Superior Court ~~Still~~ pending

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A *Review of State pretrial proceedings see Attachments 1 (Arrest Warrant) and Attachment 2 (Indictment) of Memorandum of Law in Support of Motion For Leave....*

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

Table of Authorities Cited

Cases	Pages
Atkins v United States 556 F.2d 1028	6
Bradley v Fisher 80 US 335	5
In Re Murchison 349 US 133	5, 8
Barey v Bd. of Ed. of Telfair Co 203 Ga 152	4, 5, 6
Marion & Western R. Co. v Davis 13 Ga 68	6

Statutes	Pages
28 USC § 1652	5
28 USC § 2241	7, 10
28 USC § 2242	10
O.C.G.A. § 1-1-10	9
O.C.G.A. § 9-11-9	4, 8, 9
O.C.G.A. § 15-6-29	9
O.C.G.A. § 15-6-88	10
O.C.G.A. § 15-16-10	10
O.C.G.A. § 16-10-20.1	7
O.C.G.A. § 17-7-111	7
O.C.G.A. § 17-12-25	10
O.C.G.A. § 17-16-3	7
O.C.G.A. § 50-2-21(c)	4, 5, 8

OTHER	Pages
Ga Const Art. 1, Sec. 1, Par. 9	9
Ga Const Art. 1, Sec. 1, Par. 12	9
Ga Const Art. 3, Sec. 6, Par. 4	8
U.S. Const Art. 4, Sec. 2	5, 8
U.S. Const 5th Amendment	8, 9
U.S. Const 14th Amendment	8, 9

Jurisdiction

Applicant is seeking review and relief from the orders and proceedings of a State court, packed, in Baldwin County Superior Court Case no. 20BC52779.

28 USC § 2241 authorizes "(2) writ of habeas corpus may be granted by the Supreme Court, any justice thereof..." "(1) The writ of habeas corpus shall not extend to a prisoner unless - (3) He is in custody in violation of the Constitution or law or treaties of the United States."

Constitutional And Statutory Provisions Involved

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. Article IV Section 2 of the United States Constitution

No person shall... be deprived of life, liberty, or property, without due process of law... Amendment V of the United States Constitution

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person within its jurisdiction the equal protection of the laws. Amendment XIV of the United States Constitution

Statement of The Case

Michael Alonzo Rufus, herein "Applicant," a natural born citizen of the United States and resident of South Carolina, an equivalent of a "citizen" under D.C.G.A. § 50-2-21(a), acting pro se, submits this petition for writ of habeas corpus relief from his being unconstitutionally restrained of liberty by prejudicial orders and proceedings of a state court that are corrupt, non-judicial, void, and violative of constitutional prohibition due to the following

Grounds For Not Making Application To The District Court In Accordance With Rule 20.4

Applicant's submission of the petition is of right and necessity because no constitutionally adequate district court can be constituted under the prohibitions of the due process clauses.

Applicant's petition includes claims of his being restrained of his liberty by a commitment order and proceedings of a state court fraudulently acting under the facade that said court is and conducts business as a court of general jurisdiction. The state court's jurisdiction is statutorily limited under the provisions of D.C.G.A. § 50-2-21(a) but, said uniformity is converted under the unconstitutional practice of pleading special matters found D.C.G.A. § 9-11-9(a) and (c). The provisions read, in relevant part, "(a) (specifically, it is not necessary to over the capacity of a party to bring or defend an action, the authority of a party to bring or defend an action in a representative capacity, or the legal existence of an organized association of persons that is not a party," and "(c) Judgment in pleading a judgment or decision of a foreign or domestic court, of a judicial or quasi-judicial tribunal or of a board or officer, it is sufficient to over the judgment or decision without setting forth matter showing jurisdiction to render it."

The practice of pleadings is a special law made where general provisions has been made by Georgia courts in *Conry v. Bd. of Ed. of Telfair Co.*, 203 Ga 152, 156-157, but not limited to, and thereby violative of the prohibitions of Georgia Constitution Art. 3, Sec. 6, Par. 4(a).

The life and continuation of the unconstitutional practice of pleading special matters, which is a custom or practice that permits the universal application of laws and jurisdiction for "denizens," is of actions or inactions of the members of Georgia's State Bar in their various capacities as attorney(s), prosecutors, and judges-judges of the courts

of Georgia and the United States and other persons responsible for dealing with the public in enforcing, constructing, and adjudicating the laws of Georgia.

Applicant has previously victimized by the custom in having been convicted and served an entire ten year sentence in regards Walton County Case no. 2011CR0354 wherein not once in his numerous pretrial or post trial attempts at habeas corpus relief did any judge of Georgia's district court or Court of Appeals of the 11th Circuit acknowledge or apply the substantive laws of O.C.G.A. § 50-2-21(c) to said proceedings. Similarly, through the "citizen of the United States or other persons" provisions creates an obvious presumption of Congress's awareness of State citizenship classifications none of the aforementioned judges have or will acknowledge or applied the provisions or sentences of O.C.G.A. § 50-2-21(c) as required 28 USC § 1652, Fair Trial and Due Process, Art. 4, Sec. 2 or the Equal Protection Clauses of the Constitution.

In that each of the judges of the district courts of Georgia has and is presently participating in the above mentioned custom no constitutionally sufficient district court can be constituted as commanded Applicant's guarantees under the Due Process Clauses. "A fair trial is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has endeavored to prevent even the probability of unfairness. To this end no man... is permitted to try cases where he has an interest in the outcome." See In re Murchison 399 US 133, 136. Said judges had and still have an interest in the outcome of Applicant's suits and attempts at habeas corpus relief because of proper and requisite acknowledgment of O.C.G.A. § 50-2-21(c) and practice of pleadings established as general law by *Boxxy v Bd of Ed of Tallapoosa Co*, 203 Ga 152, 156-157 for said "unfairness" would expose the unconstitutionality of the practice of pleading special matters, the custom of universality, and that every proceeding under the aforementioned custom was justice and void.

Under these circumstances every district court judge of Georgia has a liability connected in the subject matter of Applicant's suit for which neither judicial or absolute immunity can shield. "Where there is clearly no jurisdiction over the subject matter, any authority exercised is a usurped authority, and for the exercise of such authority, when the want of jurisdiction is known to the judge, no excuse is permissible." *Bradley v Fisher*, 80 US 335, 351-352

These circumstances support Applicant's position that necessity and his right require this Court prosecute this suit. "If the law provides for a substitute of person or a board or court, or if another tribunal exists to which resort may

be had, a disqualified member may not act." *Attkins v United States*, 556 F.2d 1028, 1037-1038 (1977).

NOTE 3 "It is settled law that the judgment of a tribunal of limited jurisdiction must show upon its face such facts as are necessary to give the tribunal/entirety the same jurisdiction, or else such judgment is void.... As to courts, it is settled principle that every presumption will be indulged in favor of judgments of a court of general jurisdiction, but that a judgment of a court of special or limited jurisdiction must show upon its face such facts as are necessary to give the court rendering such judgment jurisdiction of the person and subject matter, otherwise the whole proceeding is ~~coram~~ non iudice and void... [I]f an agency or body of special and limited jurisdiction... the facts essential to the existence of its jurisdiction in such matters should affirmatively appear." See also *Macard & Western R. Co. v Davis*, 13 ~~Cal.~~ 68 "Jurisdiction must be exercised according to the requirements of the statute... [T]he rule that applies that Courts of limited jurisdiction must not only act within the scope of their jurisdiction but it must appear on the face of their proceedings, that they have so acted, or their proceedings are ~~coram~~ non iudice and void. Void every where and however attacked."

Petition For Writ of Habeas Corpus Pursuant 28 USC § 2241

Applicable Facts

On 11 January, 2018 documentations show that Special Agent Tucker Griffiths obtained an arrest warrant charging "The Applicant has probable cause to believe that MICHAEL ALONZA RUTAS did knowingly file, enter, or record any document in a public record or court of this state or United States knowing or having reason to know that such document is false or contains a materially false or fictitious or fraudulent statement or representation when he filed a plea against Superior Court Judge Allison Buelson on April 18, 2016 at the Baldwin County Clerk of Superior Court." O.C.G.A. § 16-10-221.

On 04 April, 2018 Applicant caused his "Petition For Equitable Relief From Unlawful Process," to be received and stamped filed by Baldwin County Superior Court Clerk. On 16 April, 2018 upon Applicant's receipt of the 04 April, 2018 petition as returned and, purportedly, unfilled he caused it to be directly mailed to Superior Court Judge Brenda H. Trammell. Judge Trammell was the Judge that issued the warrant and held the initial appearance proceedings.

Applicant's 04 April, 2018 petition challenged the proceedings and the warrant as being *coram non iudice* and void. Applicant's claims were grounded upon those identified in his Motion For Leave To File Application For Writ of Habeas Corpus Pursuant 28 USC § 2241 incorporated herein by reference.

Without adjudicating Applicant's 04 April, 2018 petition, holding a commitment hearing, or informing Applicant that an indictment had been issued as required O.C.G.A. § 17-16-3 on 29 March, 2019 Applicant was brought before Judge Trammell for a, purported, arraignment hearing. In that Applicant was not provided written prior notice of said hearings scheduling it was adjudicated void.

After about two attempted arraignments on 11 October, 2019 Applicant was brought before Superior Court Judge Annabel S. Petty for arraignment proceedings. During these proceedings though Applicant submitted his "Plea to the Jurisdiction of The Court By Benignance or Otherwise With Request For Declaratory Judgment," as permitted O.C.G.A. § 17-7-111 Judge Petty disregarded the plea and signed the indictment allegedly in Applicant's behalf.

On 27 February, 2021 Applicant was taken into custody of Baldwin County Sheriff Bill Massey pursuant to an alleged detainer in regards to the challenged state court proceedings.

On 14 April, 2021 the State Trial Court Case no: 2018CR52779 held a hearing upon Applicant's motioning to disqualify newly appointed Superior Court Judge Massey. The previous two Judges saw some requested themselves. Applicant's request for Judge Massey's disqualification was based upon due process, prohibitions of In re Murchison 399 US 133 due to Massey's receipt of supplemental payments, in addition to his salary, in the amount of \$18,000.00 a year obviously in his participation in the unconstitutional custom of enforcing, constructing and adjudicating Georgia's laws and jurisdiction universally for "denizens" contrary to the uniformity of U.C.B.A. § 50-2-21(c)

No ruling has been issued said motion.

Applicant brings this Application under these circumstances.

GROUND ONE: CHALLENGES IN THIS APPLICATION

GROUND ONE: Applicant's restraint of liberty is by orders and proceedings of the State Trial Court in Case no: 2018CR52779 that violate the protections and prohibitions of Article 4, Sec 2, and the Due Process and Equal Protection Clauses of the 5th and 14th Amendments of the United States Constitution.

(a) Supporting Facts: The initiation and prosecution of the State court proceedings in Case no: 2018CR52779 against Applicant is without once and only time there being on the face of the proceedings are charging documents if under Georgia's class legislations of U.C.B.A. § 50-2-21(c), the party plaintiffs were or acting in behalf of the class/community of persons identified "citizens" or "denizens" or if Applicant was being charged as and being liable to the class of persons identified citizens or denizens.

The initiation and prosecution of said action is under the unconstitutional practice of pleading special matters of U.C.B.A. § 9-11-9(a) and (c). Said practice of pleadings is contrary to those established by case law of Georgia and the United States and thereby violates the prohibitions of at least Art 3, Sec 6, Par. 4(c) against the enactment of special laws wherein general provisions have been made and

Applicant's guarantees as a citizen thereunder.

GROUND TWO: Applicant's restraint of liberty is in violation of Art. 4, Sec. 2 and the Due Process and Equal Protection Clauses of the 5th and 14th Amendment by his access to Georgia's courts being subject of judges, district-assistant district attorney, clerk e.g. jury clerk, but not limited to, all being paid supplemental payments and other fringe benefits for their expertise, experience, and enforcement of an unconstitutional custom of Georgia's laws and jurisdiction being universal for denizens under the practice of pleading special matters

(c) Supporting Facts: The arrest warrant used to initiate Case no: 20180252779 was obtained by Special Agent Gittins from Superior Court Judge Brandon Trammell. Though Gittins is neither a victim or real party of interest in the controversy she is also identified the prosecutor for purpose of the grand jury and indictment.

Georgia's adopting of the common law of England can be found O.C.G.A. § 1-1-10(c) and similar requirements for private citizens to prosecute their own causes is found Ga Const Art. 1, Sec. 1, Par(s) 9 and 12.

Without there being an affirmative statement on the arrest warrant and the indictment that the State court proceedings were those for "denizens" Baldwin County Clerk Mitch Longino, also the jury clerk, summoned grand jurors under the practices of O.C.G.A. § 9-11-9(a) and (c) which did not inform them that they were in fact acting as "denizens."

Similar to those acts of Gittins, Trammell, and Longino, District Attorney Stephen A. Bradley, prepared and submitted the indictment subjected of the challenged action to the grand jurors without affirmative statements of if the proceedings were those for citizens or denizens as classified under O.C.G.A. § 50-2-21(a). Bradley is the grand jurors counselor on issues of law.

Applicant's purported being assigned by Superior Court Judge Petty, disregarding Applicant's plea to the jurisdiction of the court, is presumed to have joined the controversy under the custom of universality.

Applicant is learned that the Superior Court Judges of Georgia receive a supplemental payment from the counties that make up the judicial circuit that they work pursuant O.C.G.A. § 15-6-29(c). Applicant is learned that the payment for

The judicial circuit he is in is \$18,000.00 per year for the 2020 year. Similar payments are made throughout the State of Georgia.

Consistently district attorneys, O.C.G.A. § 15-16-10(b), clerk of courts, O.C.G.A. § 15-6-88(d), and public defenders, O.C.G.A. § 17-12-25(d) are compensated with supplemental payments and other fringe benefits for their participation in the custom.

Reasons For Granting The Petition

Applicant, a citizen of the United States, provided the right to writ of habeas corpus by Constitution and codification of 28 USC § 2241(a) and (c)(3) directly to this Court under 28 USC § 2241(a), 2242, and due process mandates is restrained of his liberty by orders and proceedings of a state court that not only has he provided sufficient information of said restraint being violative of the identified provisions of the Constitution of the United States but he has also provided informations that prove no state or district court can be constituted to review and determine said claimed relief.

It becomes the duty of this Court to issue the writ of habeas corpus in this matter.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on 11 June, 2021

Michael A. Parks
Michael Marco Parks-Pro Se Litigant