

FEB 01 2022

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No. 22-377IN THE  
Supreme Court of the United States

Steven Elmer Hinds,

*Petitioner*

v.

Sheriff Jess Ramos, Deputy John Seery, Deputy Matt Barnes, Deputy Mark Avila,  
Texas Ranger Jason Bobo, County Attorney John Greenwood and Judge Randall  
Hoyer – all in Lampasas County, Texas

*Respondents*

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On Petition for Writ of Certiorari to the  
Third Texas Court of Criminal Appeals

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PETITION FOR WRIT OF CERTIORARI

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Steven Elmer Hinds, Appellant  
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## QUESTIONS PRESENTED

This Court has repeatedly admonished and corrected lower courts' disregard of constitutionally-secured rights with many decisions: the 5<sup>th</sup> and 14<sup>th</sup> Amendments secure the rights of individuals to procedural due process and equal treatment, insufficient anonymous tips violate 4<sup>th</sup> Amendment, protection of the 4<sup>th</sup> Amendment against unreasonable searches and seizures is not limited to a situation in which an individual is *suspected* of criminal behavior, the Fourth Amendment is designed to prevent, not simply to redress, unlawful police action, arrest must stand on firmer ground than mere suspicion and is the fruit of official illegality, arrests can only be made on probable cause, searches conducted without a warrant fail to conform to the Fourth Amendment and are unconstitutional, evidence obtained by unconstitutional search is inadmissible and vitiates conviction, conspiracy is a distinct evil, dangerous to the public and punishable in itself, judges cannot re-write legislation, the Constitution is the supreme law of the land, all laws repugnant to the Constitution are null and void, a lawyer's special duty is to prevent and disclose frauds upon the court, perjury is as much a crime as tampering with witnesses or jurors and undermines the administration of justice, due process includes the court reviewing the judgment to take into account and not disregard relevant legal authority not presented to or considered by court of first instance, Judge's deep seated antagonism towards accused, practicing law from the bench and litigating FOR the prosecutor makes fair judgment impossible, and legislating lifestyle is not function of government.

This Court has repeatedly admonished lower courts' disregard of constitutionally-secured rights with many decisions in favor of the 5<sup>th</sup> and 14<sup>th</sup> Amendment rights of individuals to procedural due process and equal treatment, insufficient anonymous tips violate 4<sup>th</sup> Amendment, protection of the 4<sup>th</sup> Amendment against unreasonable searches and seizures is not limited to a situation in which an individual is *suspected* of criminal behavior, the Fourth Amendment is designed to prevent, not simply to redress, unlawful police action, arrest must stand on firmer ground than mere suspicion and is the fruit of official illegality, arrests can only be made on probable cause, searches conducted without a warrant fail to conform to the Fourth Amendment and are unconstitutional, evidence obtained by unconstitutional search is inadmissible and vitiates conviction, conspiracy is a distinct evil, dangerous to the public and punishable in itself, judges cannot re-write legislation, the Constitution is the supreme law of the land, all laws repugnant to the Constitution are null and void, a lawyer's special duty is to prevent and disclose frauds upon the court, perjury is as much a crime as tampering with witnesses or jurors and undermines the administration of justice, due process includes the court reviewing the judgment to take into account and not disregard, relevant legal authority not presented to or considered by court of first instance, Judge's deep seated antagonism towards accused, practicing law from the bench and litigating FOR the prosecutor makes fair judgment impossible, and legislating lifestyle is not function of government.

The Appeals Court's judgment upholding convictions under Texas Penal Code (T.P.C.) § 42.105 is catastrophic for holding that: Petitioner (or anybody else charged under T.P.C. § 42.105) has no 4<sup>th</sup> Amendment rights to privacy on *private* property, no 5<sup>th</sup> Amendment rights to due process of law and post-deprivation remedies, no 6<sup>th</sup> Amendment rights to face their accuser or cross-examine witnesses, no 8<sup>th</sup> Amendment rights to be free from cruel and unusual punishment (overcharged, false charges, conceal and carry permit revoked), no 14<sup>th</sup> Amendment rights to equal protection – all after conviction is obtained and upheld on police *opinion* sans proof, and after being charged under a code that was not lawfully passed. The questions presented are:

Is Texas Penal Code (T.P.C.) § 42.105 repugnant to the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> Amendments to the Constitution for the United States needing urgent review by this Court for creating a conflict of laws by positioning the State of Texas as the *victim* and the *prosecutor* at the same time? Is this or is this not *arbitrary*?

Do the 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendments prohibit or allow creation of statutes and codes that make the state the victim and the prosecutor?

Does T.P.C. § 42.105 create a system of policing for profit?

Is policing for profit unconstitutional under the 5<sup>th</sup> and 6<sup>th</sup> Amendments?

Does policing for profit violate the Constitution for the United States?

Does the 6<sup>th</sup> Amendment secure the accused's right to face his accuser as opposed to a police officer's "charges" based on *opinion* in the absence of a victim, a grand jury indictment, and/or a citizen's sworn complaint?

On what authority or authorities do the appeals courts rely for their decisions? Case law? The Constitution? Commercial law?

Are the appeals courts required to take into account all the evidence, facts, jurisdiction and standing of the parties?

## **REVIEW**

Texas Court of Criminal Appeals PD-0696-21

Court of Appeals 03-19-00500-CR

Trial cause 21045

## **PARTIES**

Petitioner is myself, Steven Elmer Hinds, unschooled in law with no BAR attorney, a mail carrier living in the heart of Texas in the town of Burnet.

Respondents are: Jess Ramos, Sheriff of Lampasas County; John Seery, Lampasas County Deputy; Matt Barnes, Lampasas County Deputy Mark Avila, Lampasas County Deputy; Jason Bobo, Texas Ranger; John Greenwood, County Attorney; and Randall Hoyer, County Judge.

## **RELATED CASES**

Writ of Certiorari for Texas Court of Criminal Appeals PD-0603-21, COA No.: 13-20-00200-CR, Trial Cause No.: CR-2019-0218, filed concurrently with this Writ; related cases include thousands of Texas farmers, ranchers, livestock owners,

chicken owners, pet shop owners, kennels, pet owners, etc. who have been damaged, or destroyed by having all their civil rights violated by unconstitutional, victimless animal welfare statutes similar to T.P.C. § 42.105 used against them to criminalize, incarcerate and funnel them into prisons-for-profit systems, seize their land, seize their animals, and shut down their businesses, farms, food supply and livelihoods by prosecutors and police giving the animals “rights” not found in the Declaration of Independence or either Texas or U.S. Constitution, and the State acting as victim (animal) and prosecutor at the same time.

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

I, Petitioner Steven Elmer Hinds ("I," "me," "my," "mine"), respectfully pray that a Writ of Certiorari be issued to review the judgments below for federal-state conflict of laws, and for conflicting with and for being repugnant to the Constitution for the United States of America, in particular the 6<sup>th</sup> Amendment, for omitting to rule at all on my constitutional arguments or take my rights into account, and for failure to establish jurisdiction and standing of the parties – all of which damaged me.

**OPINIONS BELOW**

On August 11, 2021, the Opinion of the Court of Appeals ("COA"), Third District of Texas, Appeals Number 03-19-00500-CR, Trial Court Case Number 21,045, was that my motion for rehearing was denied, see App. 3, all except last two pages.

On 10/20/2021, the Opinion of the Court of Criminal Appeals, COA No. 03-19-00500, Trial Court No. 21,045, PD-0696-21, was that my Petition for Discretionary Review was refused, App. 3, second to last page. The COA never investigated or considered facts in my briefs, App. 1A, that T.P.C. § 42.105 had only one hearing instead of the required three in each the House and the Senate, during which the only voice that was heard was that of convicted felon and former HSUS employee J.P. Goodwin, formerly with FBI declared domestic terrorist group Animal Liberation Front, who was responsible for arson attacks at a California meat

processing plant and a farmer's feed co-op in Utah (which nearly killed a family sleeping on the premises). When asked about this arson, Goodwin replied, "We're ecstatic." These facts can be checked from: FBI'S TOP DOMESTIC TERRORISTS WERE ALF AND ELF BUT... (thedogplace.org), HSUS Employs ALF Criminals, 10 Things You Should Know About HSUS - HumaneWatch, HSUS and Co-Defendants Pay \$15.75 Million in Racketeering Lawsuit - HumaneWatch, and Animal Rights may have started as Communist Front - Trapperman Forums. Related facts were presented in my appeal, App. 1A, which the COA never considered or addressed, and thus, by their silence, admit.

On 11/12/21, the Opinion from the Texas Court of Criminal Appeals No. 03-19-00500-CR, Trial Court No. 21,045, PD-0696-21, was that my motion for rehearing was rejected for non-compliance with Rule 79.2(c) T.R.A.P., see App. 3 last page.

On January 18, 2022, the trial court entered a verbal Order confiscating my and my father, Elmer Hinds' money and other innocent property. There was no court reporter present, I presented oral argument, and Judge Randall Hoyer orally replied that it was over, that I was not to receive return of my innocent property or my father's innocent property – some of which was never entered on the "evidence list" but simply stolen by police. My father died before he was charged with a crime.

#### **BASIS FOR THIS COURT'S JURISDICTION**

The jurisdiction of this court is invoked under Title 28 U.S.C. § 1257(a), as Texas Penal Code § 42.105 is arbitrary, unreasonable and repugnant to the

Constitution both to the State of Texas and to the Constitution for the United States of America, and represents a conflict of laws for permitting the State of Texas to act as both prosecutor and victim minus an actual victim statement, complaint or witness, and file charges based on anonymous "tips" from other locales and states without disclosure required by the 6<sup>th</sup> Amendment.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Article VI, Section 2 of the United States Constitution provides that:

This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding

The Sixth Amendment to the United States Constitution provides that:

Right to speedy and public trial by impartial jury; crime ascertained by law; [right to] be informed of the nature and cause of the accusation; confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor; assistance of counsel.

The Declaration of Independence provides that:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. ...

Samuel Adams:

"The Declaration of Independence was the Promise. The Constitution was the fulfillment."

John Hancock:

"...the powers by the people (under the Constitution) render them secure, and, until they themselves become corrupt, they will always have upright and able rulers."

*Lansing v. Smith*, 21 D 89 was published after we fought England, kicked England out, and our Founding Fathers went to France to sign the Treaty of Peace, wherein the King of England relinquished all of his sovereign authority and all of his God-given kingly rights to the People:

"People of a state are entitled to all rights which formerly belonged to the King by his prerogative."

The Constitution for the United States and the 6<sup>th</sup> Amendment secures the accused's right to have disclosed to him or her the true nature and cause of the accusations. This Court has jurisdiction over the above.

#### **STATEMENT OF THE CASE**

This case arises from an alleged cock fight raid, during which police did not identify themselves, did not present a warrant, pointed guns at everyone, terrorized and robbed Petitioner and his 84 year old father at gunpoint (accompanied by other heavily armed individuals and a circling, low-flying helicopter), and did not Mirandize him. Petitioner was tried and convicted under Texas Penal Code (T.P.C.) § 42.105 "spectating," where all his objections and duly filed motions on the constitution were overruled no matter what; there was no witness or informant produced against him to cross examine, no warrant backed by a citizen's complaint, there were no facts against him, and his and his father's property stolen by police was never returned to him, so he appealed his conviction. Petitioner's 84 year old

father was tried and convicted under T.P.C. § 42.105 after he died. There was no court hearing, trial or record, and his innocent property was kept by police.

The COA never addressed: Was the arrest and charge of Petitioner and his father lawful, were there sufficient facts in evidence against him, did the state have jurisdiction, what was the standing of the parties, did the COA follow the Constitution, was T.P.C. § 42.105 lawfully passed, and what was the law or constitutional provision that allowed the State to charge, try and convict a man after he was dead and keep his property without an court proceedings or record.

Petitioner never got any ruling on these and other issues. App. 1A, 1B, 2, 4, 5 and

6. The Appeals Court Docket at Case Detail (txcourts.gov) incorrectly titled Petitioner's Objection, filed 11/30/2021, instead calling it "MISC DOCUMENT FOR A PDR," and didn't hear it.

#### **A. Background of Texas Penal Code § 42.105**

In 2011 the Texas Legislature voted to pass Texas Penal Code § 42.105 just days before the end of the session, arbitrarily signed by Governor Rick Perry, after Perry suspended the required 3-day hearings in the House and the Senate. The Legislature did not conduct the three public hearings in the House and the Senate required by the Texas Constitution. Instead, the three day rule was suspended in passing T.P.C. § 42.105. The Texas Constitution Article III Section 32, Amended November 2 1999, does not affect Texas Constitution Article III sections 29 through 39 and Article III Section 62 subsections A, B, C, D, E, F, G, which PROTECT the citizens from the passage of illegal and unlawful Bills and Statutes. Only one

public hearing was conducted in the House at 3:00 a.m. Approximately 300 Texans stayed all night to voice opposition to T.P.C. § 42.105 in both the House and Senate during only one hearing in each house. John Goodwin with Humane Society of the United States (“HSUS”) and 3 others spoke in favor of T.P.C. § 42.105 in both the House and Senate. App. 2A pg. 11. The required two other public hearings regarding T.P.C. § 42.105 were never held in violation of the Texas Constitution. One hearing at 3:00 a.m., 4 for, 300 against, no other required public hearings, and T.P.C. § 42.105 gets passed?

#### **B. T.P.C. § 42.105 Conflict of laws**

T.P.C. § 42.105 outlaws cockfighting, spectating at a cockfight, which is arbitrary and unreasonable, as T.P.C. § 42.105 gives animals “rights” not found in the U.S. or Texas Constitutions. T.P.C. § 42.105 strips the chicken owner or spectator of chickens of his or her unalienable rights and gives a chicken more rights than the chicken’s owner or a chicken spectator. The State of Texas becomes the prosecutor on behalf of the *chicken*, and prosecutes the chicken’s owner or an innocent bystander loitering anywhere near a chicken. The *victim* is never brought into court for cross examination. The anonymous tipper from over 1,700 miles away is never brought into court for cross-examination, and the police are exempt from objections to perjury.

It is legal to watch triple-X porn between two consenting adults, or go to private clubs to watch a live sex show. But T.P.C. § 42.105 criminalizes watching two consenting game cocks fight based on police or anonymous activists’ *opinion*

whether two roosters were fighting or not. T.P.C. § 42.105 allows the state to become the moral police based on *opinion* to deny freedoms and right to watch a *private* event on *private* property with no victim, see *U.S. v. Langford*, 641 F.3d 1195 (10<sup>th</sup> Cir. 2011) decision that cock fighting is a victimless crime. President Lincoln warned that nanny states don't work, see *Schad v. Ephraim*, 452 U.S. 61, 68 L.Ed.2d 671, 101 S.Ct. 2176 (1981), the "tittie bar" case, in which this Court decided that government cannot legislate lifestyles protected by the First and Fourteenth Amendments to the Constitution and cannot tell the citizenry what they can or cannot watch in *privacy* on *private* property when there is no victim. T.P.C. § 42.105 was passed on opinion, based on opinion and personal prejudices, and is not based on the Constitution.

The state's role is not nanny or moral police to deny rights to watch a private event with no victim based on police or radical activists' *opinion* of what is morally wrong. The Declaration of Independence recognized the evils of this kind of dictatorship with the citizenry being forced to live under other peoples' *opinions*.

T.P.C. § 42.105 causes untold damage to me by moral police enforcing an unconstitutional and hypocritical code in violation of my First Amendment rights of expression by spectating and associating with like-minded people. Bull riding, dog racing, falconry, hunting, fishing, horse racing, calf-roping, bronc riding, boxing, mixed martial arts, football, dog/coyote and dog/hog hunting are a few examples of sanctioned sports that we Texans as a society look upon with approval (in which sometimes both animals and men have perished from participation) without the

fear of being arrested. In another extreme display of hypocrisy, *National Geographic* aired multiple seasons of weekly national television shows titled *Animal Fight Night* and *Animal Fight Club* for people to watch, which featured bloody battles between various birds and animals: tigers, moose, bears, penguins (the bloodiest), wildebeest, horses, antelope, zebras (also very bloody), mudskippers, etc. Human combat sports are VERY popular, and comprise a multi-billion a year industry: cage fighting, wrestling, boxing, martial arts, etc. T.P.C. § 42.105 opens the door wide to corruption to criminally charge and rob the accused under color because of two roosters battling for dominance – an act that is completely natural with all animals, birds, fish, insects and Man, and which other animals and birds' bloody battles are widely publicized for entertainment. Privately owned roosters who voluntarily do battle are demonized and used to create unconstitutional code T.P.C. § 42.105 to destroy the constitution, as it is based on personal prejudices of a vocal minority, which have – through massive propaganda bought and paid for in our media and schools – forced their opinion on the majority. This is unreasonable, as every word in the Constitution defends the minority individual's rights. I have come to the Supreme Court for my individual rights for the protection from a majority opinion. Spectating at a cockfight is a protected right under the Constitution, and in all of the case law and facts I have stated in my Appeals, Appendixes and duly filed motions, which have not received any opinion from the COA.

The 3<sup>rd</sup> COA has refused to address or secure my individual rights under the Constitution, and cannot cite a constitutional argument against my firmly held constitutional and religious beliefs. I have been prosecuted, convicted and persecuted on personal prejudices and use of a code that was not lawfully passed. I Steven Elmer Hinds request that the Supreme Court of the United States grant Certiorari and cite or prove to me that the Constitution, Bill of Rights and all my briefs are worthless in that the government is not restricted from creating a law based on personal prejudices and opinions, that is also used to charge, convict and rob a dead man, Elmer Hinds, and stop me from enjoying my First Amendment right to spectate under freedom of expression, and communing with God by enjoying His creation. T.P.C. § 42.105 must be declared void.

T.P.C. § 42.105 denies equal protection per the 4<sup>th</sup> and 14<sup>th</sup> Amendments. The Texas appeals court in *Lawrence v. State*, 41 S.W.3d 349 (2001) decided that the protections of the 4<sup>th</sup> Amendment extend to the privacy of a motel room in which two men were engaged in homosexual acts, while T.P.C. § 42.105 deprives the accused of all 4<sup>th</sup> Amendment protection on *private* property at a *private* event, with none of the 14<sup>th</sup> Amendment equal protections enjoyed by homosexuals. I am damaged for being denied the same 4<sup>th</sup> and 14<sup>th</sup> Amendment equal protections of enjoying a *private* event on *private* property with no victim and no crime.

There is NO VICTIM under T.P.C. § 42.105. The State of Texas becomes the *victim* (chicken) and the *prosecutor* (County Attorney) at the same time. This is a conflict of laws – no actual victim/accuser is produced other than a chicken, no

statement from a victim or grand jury indictment is produced during the proceedings – there is no basic due process of law secured by the 5<sup>th</sup> and 6<sup>th</sup> Amendments. The underlying trigger lacks basic due process secured by the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments. I have been damaged by being denied basic due process both in the trial court and the COA.

### **C. Review of T.P.C. § 42.105 is crucial**

T.P.C. § 42.105 must be reviewed by this Court for conflicting with existing laws, the 6<sup>th</sup> Amendment, the U.S. Constitution, and for being spawned and passed by minority opinion by contravening the lawful legislative process. It is repugnant to the Constitution and an act of Treason for an American citizen or government agency to adopt and practice the very enemy ideology against which we fought two world wars to eliminate: totalitarian dictatorship which elevates animal life over human life and God-given rights, theft by police sanctioned by the courts, the courts closed to the People. I have been damaged by a government that – in violation of the Treaty of Peace – has wrongly assumed authority over me to give rights to a chicken, charge me for looking at a couple of chickens, dictate what I can watch for pleasure, and dictate what my religious beliefs and faith in God and God's laws as opposed to man's laws are supposed to be.

T.P.C. § 42.105 must be reviewed by this Court for opening the door wide to fraud, misuse and abuse of the system. A public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot

be less than those of a private individual. Any enterprise undertaken by the public official which tends to weaken the public confidence and undermine the sense of security for individual rights is against public policy. 63C Am. Jur. 2d, Public Officers and Employees, 247. Fraud in its common law sense of deceit – and this is one of the meanings that fraud bears in the statute, see *United States v. Dial*, 757 F 2d, 163, 168 (7th Cir. 1985) – includes the concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them, he is guilty of fraud, see *McNally v. United States*, 483 U.S. 350 (1987), *U.S. v. Inzunza*, 580 F.3d 894 (9th Cir. 2009), clarifying public servant's culpability for denial of the public's intangible right to honest services, and *Brady v. Maryland*, 373 US 83 (1963), wherein the COA never addressed that the informant was not revealed to me, there was no victim.

### **1. State court proceedings – Lampasas**

On June 11, 2016, T.P.C. § 42.105 was used against me, Steven Elmer Hinds and my father Elmer Hinds to charge me with “spectating,” and seize money and property from both of us during an alleged cockfight raid in Lampasas Texas, triggered by an anonymous “tip” originating in *California* passed on to Lampasas via the Humane Society (“HSUS”) – a non-government agency – for “prosecution.”

Both my father and I were given receipts for items police took from us at gunpoint: Texas Ranger Jason Bobo wrote Elmer Hinds receipt number 0253555, for 2 bins of birds (chickens), gaffs/tools on ground and a USB flash drive.

Lampasas County Deputy Mark Avila wrote me, Steven Hinds, receipt number 025221 for \$1,344.00 and a flash drive. App. 5 Ex. B. The items listed on receipts 025355 and 025221 were not listed on the return inventory list; there was no chain of custody, no post-deprivation hearings. Elmer Hinds was never given a hearing within 10 days required by Texas Health and Safety Code § 821.023, which the arresting officer Jason Bobo was bound by oath and law to hold regarding the return of Elmer Hinds' private property/ live chickens.

After the raid and robbery, and before the trial, both my father and I immediately filed a series of documents (Commercial Affidavits) in the nature of a Bill of Particulars, Request for Documentation and Return of Property Unlawfully Seized, as there was no warrant, and chickens, money, tools and collectibles are innocent property, neither contraband or stolen. App. 2A, 2B, 2C and 5. Both of us served these document requests Certified upon both John K. Greenwood and Jess Ramos, and were included in my appeal. Neither Greenwood or Ramos responded to either of us, and are in Default.

I was tried and convicted on police officer opinion hearsay testimony, without a victim other than what the State of Texas alleged on behalf of a box of chickens, without a grand jury indictment, without a witness, without an actual human victim complaint backed by a signed affidavit, and without the production of my actual accuser 1,750 miles away in California. No police saw a cockfight or saw me spectating at a cock fight. By not stopping the *opinion* hearsay by police, Judge

Hoyer practiced law from the bench, showed hostility and bias against me, and litigated FOR the prosecution – which the COA should have, but did not, address.

During the trial, items from my, Steven Hinds' receipt 025221, obtained without a warrant, were used against me as “evidence” in trial number 21,045. My motions to dismiss, and object and challenge the constitutionality of the proceedings were denied, no reason given other than Judge Hoyer saying “because I said so.” I was blocked from objecting to opinions and lies by police, no witness was produced for me to cross-examine – my facts and evidence were completely blocked from having the jury hear any of them. I was convicted, and appealed.

I appealed my conviction pro se for spectating at a cockfight, COA No.: 03-19-00500-CR, PD-0696-21. My appeal was denied. Review should focus on what the COA didn't do, what they didn't address. When my father died, I became the Executor of Elmer Hinds' Estate, and included his documents /Affidavits /Demands/ Defaults in my appeals. App. 2A, 2B, 2C, 5. The COA never addressed these documents, never addressed Elmer's death, and I never got the return of his or my innocent property (chickens, cash, tools, collectibles), whereas Lee Harvey Oswald's wife Marina Oswald got back the rifle that Oswald allegedly used to shoot John F. Kennedy. Elmer's death should have, but did not stop ALL legal action against Elmer Hinds because he was deceased, and died before being charged, tried and convicted of a crime with NO record of his trial in any court. The COA never gave me a case or law saying that a policeman can charge, prosecute and convict a dead man without going to court, keep his property, and deny the Defaults he obtained

while he was still alive. App. 2A, 2B, 2C, 5. The 3<sup>rd</sup> Court of Appeals did not address the theft, did not address standing of the parties, did not address Elmer's and my administrative notices, which neither Greenwood or Ramos rebutted, denied or responded, thus admit, are in Default, and owe us the money/damages we outlined to make us whole. App. 2A, 2B, 2C, 5.

The COA did not address anything in my motion for rehearing including my 6<sup>th</sup> Amendment right to know if the trial court had securitized my case, pooled and sold it to investors through Court Registration Investment System (CRIS) without giving me a 1099 OID and sharing the proceeds with me as outlined in my motion's Exhibits App. 5 featuring CRIS newsletter *The Third Branch*. My motion for rehearing was "Received" and "Rejected" the same day. App. 5.

On Tuesday January 18, 2022, Cause No. 21045 was set for Forfeiture hearing per Article 18.18. I made oral arguments for the return of my \$1,344.00 and thumb drive on receipt no.: 025221. I also argued that my father, Elmer Hinds died before being charged with a crime. The law required Greenwood to stop prosecution of the deceased Elmer Hinds which he didn't do, the judge did not stop prosecution either, and the COA never addressed it.

#### **REASONS FOR GRANTING THE PETITION**

**1. T.P.C. § 42.105 conflicts with the 6<sup>th</sup> Amendment's guarantee that the accused shall be informed of the nature and cause of the accusation; to be confronted with the witnesses against him**

T.P.C. § 42.105 is void and repugnant to the Constitution for: 1) No cops saw a cockfight, no informant saw a cock fight, yet I am convicted of spectating at something the State of Texas only *assumes* was going to happen, and 2) creating a victimless crime in which the State of Texas is now BOTH the victim (chicken) and prosecutor, and no actual injured human victim needs to be produced. T.P.C. § 42.105 has opened the door wide to extreme abuse of process, with NO remedies available to the chicken owner who is convicted of a victimless crime based on opinion *without* witnesses, *without* grand jury indictment, *without* victim testimony or proof, *without* due process. Under T.P.C. § 42.105, no cross-examination of an informant, tipster or witness is allowed. Under T.P.C. § 42.105, the question needs to be settled as to how a box of perfectly healthy chickens removed from a truck without a warrant could possibly be brought into court and testify that they were “victims” with accusations against a living man. T.P.C. § 42.105 gives a chicken more rights than its owner, and creates *animal rights* which do not exist in the U.S. Constitution, or the Texas Constitution, or in any of God’s Laws. T.P.C. § 42.105 permits extreme abuse of process – charges and convictions based only on *opinion* with no witness or victim, whether you are alive or dead.

Review is necessary to determine if prosecutors and judges violate their oaths by using T.P.C. § 42.105 to prosecute a dead man, convict him in absentia with no court record, and keep his innocent property taken from him by police at gunpoint without a warrant to justify police and prosecutor theft of his property and evasion of Defaults. App. 2A, 2B, 2C, 5.

Review is necessary to determine the constitutionality of T.P.C. § 42.105 being used to create charges on a victimless crime. Under T.P.C. § 42.105, the accused can be tried and convicted on police officer opinion hearsay testimony, without a victim other than what the State of Texas alleged that the accused was *thinking* about a couple of chickens, without a grand jury indictment, without a witness, without an actual complaining human backed by a signed affidavit, without the production of my actual accuser 1,750 miles away in California, and without cross-examination of anybody by the accused. Even if the accused is dead, he can still be tried and convicted under T.P.C. § 42.105. Review is also necessary to determine if this complies or conflicts with the Declaration of Independence and the Constitution in particular the 6<sup>th</sup> Amendment.

**2. T.P.C. § 42.105 conflicts with law and is void for being passed without the complete and full legislative process**

T.P.C. § 42.105 conflicts with the Constitution for: 1) being passed at 3:00 a.m. without the required legislative requirements of three days' public hearings in each the house and the senate as Texas Constitution Article III Section 32, Amended November 2 1999, does not affect Texas Constitution Article III sections 29 through 39, and Article III Section 62 subsections A, B, C, D, E, F, G which PROTECT the citizens from the passage of illegal and unlawful Bills and Statutes; 2) for being passed based on *minority* opinion of convicted felon and arsonist John Goodwin along with 3 other persons, during which the 300 other voices who spoke out against its passage were disregarded, and 3) permitting the State of Texas to be

both the prosecutor and the victim at the same time. T.P.C. § 42.105 is repugnant to the Constitution, as it is based on personal opinions and prejudices, and is not based on the restrictions found in the U.S. Constitution, the Supreme law of the land per this Court's decision in *Marbury v. Madison*, 5 US (2 Cranch) 137, 180 (1803) that all laws (Rules of Practice) which are repugnant to the Constitution are null and void; the Constitution of the United States of America is the supreme law of the land. The Constitution's Article 6 clause 2 states that the constitution shall be the supreme law of the land, and the judges in every state shall be bound thereby. This goes directly to jurisdiction, and this Court's review is vital as to what is *supreme law* here – the Declaration of Independence and Constitution for the United States of America, or the interpretations, opinions and application of T.P.C. § 42.105 by Lampasas County Respondents Sheriff Jess Ramos, Lampasas County Deputy John Seery, Lampasas County Deputy Matt Barnes, Lampasas County Deputy Mark Avila, Texas Ranger Jason Bobo, County Attorney John Greenwood and Lampasas County Judge Randall Hoyer.

**3. T.P.C. § 42.105 creates a crime on behalf of a corporation against a living man; standing and jurisdiction issues can be raised at any time**

Certiorari is needed to review if any judge in any court addressed standing of the parties and settled whether a municipal corporation – a legal fiction – has standing to trespass against me, a living man, and whether *public* code T.P.C. § 42.105 applies to *private* property not owned by said corporation. This Court decided in *Rundle v. Del. & Raritan Canal Co.*, 55 U.S. 80, 98, 14 L. Ed. 335 (1852)

that as corporations are mere paper, they cannot contend with a real, living man or his property. Corporations/ municipalities are legal fictions, and the question needs to be settled regarding jurisdiction – can Appellees seize my father's and my private property and charge us based on a *corporate* code without a warrant backed by a verified complaint from an injured party making a complaint and bringing evidence before the court as to how an anonymous complaint from California named me or my father, and how I injured him or her from 1,750 miles away, and how was the “cock fighting raid” accomplished without a grand jury indictment or witness/victim testimony? This Court decided in *Mireles v. Waco*, 502 U.S. 9, 11-12, 112 S.Ct. 286, 116 L.Ed.2d 9 (1991), that jurisdictional issues cannot be waived; *Barnham v. Superior Court of California, County of Marin*, 110 S.Ct. 2105 (1990) also decided that judgment of court lacking jurisdiction is void; and *Maine v. Thiboutot*, 100 S.Ct. 250 decided that jurisdiction, once challenged, cannot be assumed, and must be decided. Certiorari is needed to review whether the trial court, conducted by Judge Hoyer, and all of my other court and appeal proceedings and appeals ever addressed original jurisdiction and standing of the parties.

Certiorari is needed to settle whether T.P.C. § 42.105 is repugnant to the Declaration of Independence, the Constitution and the 6<sup>th</sup> Amendment for creating a victimless crime in which the accused is found guilty based on police opinion, and policing for profit on behalf of a *corporation*, the State of Texas, which has a Dun & Bradstreet number 002537595. App. 2A, pg. 3. The *corporation* – a legal fiction created by the minds of men and existing only on paper – is also the prosecutor, a

conflict of laws repugnant to the Constitution, as a *corporation* cannot contend with a living man – its legal status is not on an equal footing, as this Court clarified in *Rundle*, deciding that as corporations are mere paper, they cannot contend with a real, living man or his property. Corporations/ municipalities are legal fictions, and the County of Lampasas cannot enter private property or level criminal charges based on a *corporate* code without a warrant backed by a verified complaint from an injured party/living human being making a complaint and bringing evidence before the court as to how I injured him or her in their person or property as opposed to an anonymous “tip” from California via private corporation HSUS. The ONLY way the *corporate* State of Texas and/or *corporate* County of Lampasas can have jurisdiction over a living man is if the *corporations* use fraud to force the accused into the *corporation* known as THE UNITED STATES ten square miles around Washington DC, DUNS number 052714196, with *corporate* sub chapters in Texas and Lampasas County Texas, DUNS number 035012593, in participation with private *corporation* Corrections Corporation of America with twenty-one Texas branches each of their own DUNS numbers – repugnant to the Constitution for guilty-until-proven innocent practices and policies to secure and profit from convictions, and for being used to charge, convict and steal from a man after his death. The 6<sup>th</sup> Amendment requires that this corporate status be revealed to the accused so he can face his ACTUAL accuser and know the underlying *nature* (scheme) of the trial court profiting from convictions so he can prepare his defense for a fair trial. This corporate status was not disclosed to me in conflict with the 6<sup>th</sup> Amendment’s

assurance that I be faced with my ACTUAL accuser and have disclosed to me the underlying *nature* (scheme) of the trial court profiting from convictions.

Steven Hinds and Elmer Hinds and Elmer Hinds Estate request that this Court declare that T.P.C. § 42.105 is an unconstitutional *corporation* code and not applicable to Steven and Elmer Hinds, living men who are not *corporate* entities per the Sixth Amendment. The question needs to be resolved as to whether the trial court is an Article I court or an Article III court per the 6<sup>th</sup> Amendment guarantee to have revealed the true nature and cause of the action to the accused.

## CONCLUSION

There is no other purpose of government than to secure our rights. Certiorari is needed to settle 6<sup>th</sup> Amendment conflicts of non-disclosure of the nature and cause of accusations regarding application of T.P.C. § 42.105 – is the *victim* a living human being with sworn complaint that I have injured him or her in his or her person or property, or is the *victim* a box of healthy, uninjured chickens removed from a truck (or, in thousands of other documented cases, a cat, a cow, a horse, a poodle, a calf, a snake), or is it a corporate code applied to me on the presumption that I am a corporation and not a living man, a corporate sub-chapter of and subject to the corporate State of Texas, or is it the Texas government's job to be the moral police? Are the trial Court's and COA's decisions fair and equitable to deny all my motions, arguments and appeals and suspend of all my rights and the Constitution based on a police officer's *opinion* from an *anonymous tip* from California 1,750 miles away? Or is it arbitrary and unreasonable to rob, charge and convict without proof,

without facts, based on opinion, without a grand jury indictment by invoking *cock fighting* sans proof, by use of a statute/ T.P.C. § 42.105 that was passed without conforming to the legislative process, and which was passed as the result of lobbying by declared, convicted domestic terrorists and non-government organizations backed by domestic and international enemy foundations? Or is it based on the Constitution, which I argued in all my appeal briefs? Or is it a result of appellate and trial judges and prosecutors ONLY being taught “constitutional law” in law school and NOT the Constitution?

It is critical that this Court review this Petition, as I need to know if the Declaration of Independence and the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Amendments have been rewritten to allow anonymous complaints, allow non-disclosure of actual standing and legal status of the parties, allow a box of healthy, uninjured chickens to criminally charge a bystander with *intent* on something that has not occurred, or proof that it will occur, allow a chicken (or other animal) to criminally charge its owner, and allow non-government entities to run our country and eliminate the Constitution. Are all court decisions and appeals based on case law? Or are any of the based on the Constitution? I also need to know if I still have a 6<sup>th</sup> Amendment right to full disclosure, and 1<sup>st</sup> Amendment rights to petition when seeking redress in our courts including post-deprivation remedies. I need to know what my remedies are: if the court is an Article I court, this Court needs to answer what remedies lie with my and my father’s non-opposed or rebutted affidavits, defaults in the nature of a declaratory judgment that – by his silence – Greenwood and Ramos

have accepted that T.P.C. § 42.105 is null and void. App. 2A, 2B, 2C, 5. If the court is an Article III court under the constitution, T.P.C. § 42.105 null, void and unconstitutional for all the reasons stated above.

This case matters and demands a fair review to halt the egregious abuse of the 6<sup>th</sup> Amendment by the courts. The trial court, and the other courts never settled whether the underlying trigger – the anonymous “tip” from California 1,750 miles away which did not name me or my father, the subsequent participation of non-government HSUS in the armed raid, robbery and prosecution, the warrantless drive through the day before the Lampasas raid, which was used in the Affidavit for a *search warrant* – overruled the United States Supreme Court and the Constitution, whether it violated my 4<sup>th</sup> Amendment rights, whether jurisdiction was established, whether standing of the parties was addressed, whether I was entitled to all disclosures per the 6<sup>th</sup> Amendment, and whether I was entitled to the relief demanded in my and my father’s Affidavits.

Without review by this Court, questions remain: is the judicial system actually run by the Blue Code of Silence, Policing For Profit and prisons for profit? Are my individual rights enshrined by the Constitution totally irrelevant in the eyes of the state, federal and appeals courts? Will this Court review my arguments presented in this Writ, in my attached Appendixes, my trial court motions, my trial court transcripts, and in my appeal briefs, replies and objections?

My case and my duly filed motions in both the trial court and Texas Court of Criminal Appeals are ripe for this Court’s review, as convictions based on police

*opinion* and abuse of animal protection laws such as T.P.C. § 42.105 are of national interest not just Texas, for being repugnant to the Constitution, in particular the 4<sup>th</sup> 5<sup>th</sup> and 6<sup>th</sup> Amendments.

My case and my arguments are ripe for review for determining: is the judicial system run by the blue code of silence, policing for profit, prisons for profit, or the Humane Society? App. 1A, 4. Are my individual rights enshrined by the Constitution totally discarded by the state, federal and appeals courts? Will this Court review my rights and arguments presented in this Writ, in my attached Appendixes, in my COA briefs, replies and objections, and in my trial court duly filed motions and transcripts?

My case and my arguments are ripe for review, as convictions based on police *opinion* and abuse of animal protection laws such as T.P.C. § 42.105 are of national interest not just Texas, for being repugnant to the Constitution in particular the 5<sup>th</sup> and 6<sup>th</sup> Amendments.

## **PRAYER**

Accordingly, I pray that the Supreme Court of the United States of America Grant my Petition for Writ of Certiorari and review it under the Founding Fathers intent that THIS Constitution is a limit on police and government powers and a limit on what laws can be forced on the individual without violating the Constitution.

I pray that this Court base its review upon the Declaration of Independence, the Constitution and Bill of Rights, and review whether case law, codes and

statutes (such as T.P.C. § 42.105) overthrow the Constitution and my God given rights and freedoms., taking into account all the facts and the record. I have been damaged by each and every respondent's failure to uphold the Constitution, and by the COA's egregious omissions and failure to address all the arguments in my motions in the lower court and in my appeals briefs including my Objection, App. \_\_\_, which was misnamed.

I pray that T.P.C. § 42.105 be declared unconstitutional under the 4<sup>th</sup> Amendment as there is no invasion of privacy and privacy rights, and no domestic surveillance in a free country, clarified in *Florida v. J. L.*, 529 US \_\_, 146 L Ed 2d 254, 120 S Ct \_\_ (2000) and multitudinous other opinions from this Court.

I pray that T.P.C. § 42.105 be declared unconstitutional under the 6<sup>th</sup> Amendment as: 1) there is no victim and no crime, 2) T.P.C. § 42.105 is a policing for profit U. N. Agenda 21 scheme to overthrow the U S Constitution, overthrow our Republican form of government and deprive me of my God given rights, and 3) it is null and void per *Marbury v. Madison*, 5 US (2 Cranch) 137 (1803) decision that the Constitution is the supreme law of the land. Trial court Judge Hoyer denied my duly filed motions "Because I said so."

I pray that my conviction be overturned.

I pray that my conceal and carry permit be restored.

I pray that my father, Elmer Hinds' conviction obtained after he died be overturned.

I pray that I be made whole and my and my father's property and good names be returned.

I pray that this court rule that the state has no standing.

I pray that my freedom and my rights be restored as argued in all my appeals and my duly filed motions.

I pray that this Court reverse, dismiss and expunge my conviction with prejudice, declare T.P.C. § 42.105 to be unconstitutional and null and void per *Marbury v. Madison*, 5 US (2 Cranch) 137 (1803), grant me and my father the relief we demanded in our Affidavits/ letters/ Bill of particulars that we each sent to John Greenwood and Sheriff Jess Ramos, grant me a Declaratory Judgment for both me and my father Elmer Hinds, seeing as how neither Greenwood and Ramos replied, rebutted or opposed a single claim we asserted, and Order the return my and my father's innocent property – chickens, money, flash drive, collectibles. App. 2A, 2B, 2C, 5.

I pray that Greenwood and Ramos be Ordered to reimburse us the money damages we requested in our Commercial Affidavit Process as neither rebutted, denied, opposed, and have admitted to committing the complained of conduct, and agreed to reimburse us. App. 2A, 2B, 2C, 5.

I pray that this Court issue a Civil Investigative Demand in writing to the Department of Justice per Title 18 U.S.C § 1968 to be served upon civil employees police (Bobo, Barnes, Avila, Ramos and Seery) and judicial officers (Greenwood, Hoyer), within and doing business with the trial court to produce any and all

documents relating to using the public facilities as a racketeering enterprise including but not limited to: false charges, theft under color, false claims (denial of intangible right to honest services by a government employee), and kickbacks and bribes from any of the multitudinous prisons for profit industries in Texas.

I pray that the policing for profit scheme carried out by John K. Greenwood, Judge Randall Hoyer and the deputies named above be prosecuted by the DOJ under Title 18 U.S.C. §§ 1341, 1343 and RICO for fraud and swindle, wire fraud, using the courtroom for racketeering, for using T.P.C. § 42.105 to obtain money and property under false and fraudulent pretenses, for misuse and abuse of office, and for denying the public of their intangible right to honest services. The law as written applies to *whoever*. It does NOT say, “Whoever except County Attorneys, judges and police.” Although not defined in statute, if an official secretly makes his decision based on his own personal interests – as when an official aids and abets theft and laundering of stolen property (police stealing money, tools, chickens and other valuables at gunpoint without a warrant) or personally benefits from an undisclosed conflict of interest such as financial ties to prisons for profit and/or CRIS (App. 5), the official has deprived the public of his honest services.

I pray that this Court recognize that I have been damaged by being charged under an illegal code. I lost money, time, property, good name, lost my father, and lost faith in our government that corruption in the police and courts can go unaddressed, unpunished, and my Constitutionally protected rights completely disregarded – my 1<sup>st</sup> Amendment right to pursue happiness and associate with like-

minded people, my 4<sup>th</sup> Amendment right to be free of unreasonable searches and seizures, my 5<sup>th</sup> Amendment right to due process/ properly charged/ court's determination of jurisdiction and standing of the parties. Per *Wong Sun v. United States*, 371 U.S. 471, 481-482 (1963), my arrest should have stood on firmer ground than mere suspicion, and was the fruit of official illegality. I have been damaged by being denied my 6<sup>th</sup> Amendment right to be faced with my actual accuser, my 7<sup>th</sup> Amendment right to a FAIR trial before an unbiased judge in which ALL facts were revealed to the jury including my Defaults, my 8<sup>th</sup> Amendment right to be free from the cruel and unusual punishment of being charged on *opinion* and overcharged based on no facts, my 14<sup>th</sup> Amendment right to the privacy and equal protection, and my intangible right to honest services to have the Texas Court of Criminal Appeals consider ALL the facts and do a thorough investigation.

I pray that this Court order Respondents be reported to DOJ and Homeland Security for fraud and breach of their Oaths, see 63C Am. Jur. 2d, Public Officers and Employees, 247:

A public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. Any enterprise undertaken by the public official which tends to weaken the public confidence and undermine the sense of security for individual rights is against public policy.

Fraud in its common law sense of deceit – and this is one of the meanings that fraud bears in the statute, see *United States v. Dial*, 757 F 2d, 163, 168 (7th Cir. 1985) – includes the concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of

a judge, the litigants who appear before him, and if he deliberately conceals material information from them, he is guilty of fraud, Congress specifically enacted 18 U.S.C. § 1346 (Definition of “scheme or artifice to defraud”) in 1988 to overturn *McNally v. United States*, 483 U.S. 350 (1987) and restore the “honest services” mail fraud provision which existed prior to McNally, see Joshua A Kobrin, Note, “Betraying Honest Services: Theories of Trust and Betrayal Applied to the Mail Fraud Statute and § 1346,” 61 N.Y.U. ANN. SURV. AM. L. 779, 814 (2006).

I pray that this Court Order notification to the appropriate agencies to have the federal budget for the entire State of Texas suspended per Title 18 U.S.C. § 666 until the DOJ sorts out which state and local agencies directly or indirectly receiving federal funds are being used to honestly dispense justice and public services, and which ones have unclean hands and are being used for fraud, false claims, conspiracy, racketeering, laundering stolen property, and public employees’ breach of their Oaths to uphold and defend the Constitution from enemies within and without. *U.S. v. Inzunza*, 580 F.3d 894 (9th Cir. 2009), clarified public servant’s culpability for denial of the public’s intangible right to honest services.

I Pray that this Court Order the trial court to issue me a 1099 OID to share the proceeds off securitizing, pooling and selling my case/account to investors. I pray for any and all other remedies and relief.

I pray for any and all other remedies and relief to which I am entitled. Above all, I sincerely Pray that this Writ of Certiorari by GRANTED.

Respectfully submitted

10-1-22 Steven J. Mays

Date: 10-1-22