

No. 22-378

Supreme Court, U.S.  
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IN THE  
Supreme Court of the United States

Steven Elmer Hinds,

*Petitioner*

v.

County Attorney Jennifer Dillingham, County Clerk Carol Swize, Judge Wade  
Hedtke, Deputies Raul Ramirez, David Kunschick, John Brynelson, Warden Moore,  
Daniel Trejo, and Dwayne Villanueva – all in Karnes County, Texas

*Respondents*

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

PETITION FOR WRIT OF CERTIORARI

Steven Elmer Hinds, Appellant  
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ORIGINAL

## QUESTIONS PRESENTED

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?

## **REVIEW**

Texas Court of Criminal appeals PD-0603-21

Texas Thirteenth court of appeals 13-00200-CR

Trial Cause #CR-2019-0218

## **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 Karnes County Attorney Jennifer Dillingham, County Clerk Carol Swize, Judge Wade Hettke, Deputies Raul Ramirez, David Kunschick, John Brynelson, Warden Moore, Daniel Trejo, and Dwayne Villanueva.

## **RELATED CASES**

COA No.: 03-19-00500-CR, PD-0696-21 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 state acting as victim (animal) and prosecutor.

## TABLE OF CONTENTS

QUESTIONS PRESENTED.....	2-4
PARTIES.....	4
RELATED CASES.....	4-5
OPINIONS BELOW.....	9-10
BASIS FOR THIS COURT'S JURISDICTION.....	10
CONSTITUTIONAL PROVISIONS	
INVOLVED.....	10-12
STATEMENT OF THE CASE.....	12-22
A. Background of Texas Penal Code § 42.105.....	12-13
B. T.P.C. § 42.105 Conflict of laws.....	13-16
C. Review of T.P.C. § 42.105 is crucial.....	16-22
1. State court proceedings – Karnes.....	18-22
REASONS FOR GRANTING THE WRIT.....	22-27
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.....	22-23

2. T.P.C. § 42.105 conflicts with law and is void for being passed without the complete and full legislative process.....	24-25
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.....	25-27
CONCLUSION.....	27-29
PRAYER.....	29-34

#### STATUTES, RULES, AUTHORITIES

Constitution.....	24, 28
Constitution Bill of Rights.....	30
Const. Amend. 1.....	16, 32
Const. Amend. 4.....	2, 3, 16, 28, 32
Const. Amend. 5.....	2, 3, 10, 22, 27, 28, 29, 31, 32
Const. Amend. 6.....	3, 10, 11, 16, 19, 22, 23, 28, 29, 31, 33
Const. Amend. 7.....	3, 16, 33
Const. Amend. 8.....	3, 16, 33, 38
Const. Amend. 9.....	3
Const. Amend. 10.....	3
Const. Amend. 13.....	3
Const. Amend. 14.....	2, 3, 16, 32-33
Constitution Article VI, Section 2.....	10-11, 24
Declaration of Independence.....	11, 20, 24, 28, 30
Texas Constitution Article III Section 32.....	12, 20, 24

Texas Constitution Article III Sects. 29 – 39 .....	12, 13, 20, 24
Texas Constitution Article III Sect. 62 subsections A, B, C, D, E, F, G .....	13, 20, 24
T.P.C. § 42.105 .....	this brief
Title 18 U.S.C. § 666 .....	34
Title 18 U.S.C. §§ 1341, 1343 .....	32
Title 18 U.S.C. § 1346 .....	34
Title 18 U.S.C. § 1968 .....	32

## TABLE OF AUTHORITIES

<u>CASE</u>	<u>PAGE NUMBER</u>
<i>American Pelagic Fishing CO, L.P. v. U.S.</i> , 379 F.3d 1363 (Fed. Cir. 2004) .....	22
<i>Barnham v. Superior Court of California,</i> <i>County of Marin</i> , 110 S.Ct. 2105 (1990) .....	25
<i>Brady v. Maryland</i> , 373 US 83 (1963) .....	18
<i>Florida v. J. L.</i> , 529 US __, 146 L Ed 2d 254, 120 S Ct __ (2000) .....	30
<i>Lansing v. Smith</i> , 21 D 89 .....	11
<i>Lawrence v. State</i> , 41 S.W.3d 349 (2001) .....	16
<i>Maine v. Thiboutot</i> , 100 S.Ct. 250 .....	26
<i>Marbury v. Madison</i> , 5 US (2 Cranch) 137, 180 (1803) .....	24, 31
<i>McNally v. United States</i> , 483 U.S. 350 (1987) .....	17, 34
<i>Mireles v. Waco</i> , 502 U.S. 9, 11-12, 112 S.Ct. 286, 116 L.Ed.2d 9 (1991) .....	25

<i>Pennsylvania Coal Co. v. Mahon</i> , 43 S.Ct 158 (1922)	22
<i>Rundle v. Del. &amp; Raritan Canal Co.</i> , 55 U.S. 80, 98, 14 L. Ed. 335 (1852)	25, 26
<i>Schad v. Ephraim</i> , 452 U.S. 61, 68 L.Ed.2d 671, 101 S.Ct. 2176 (1981)	14
<i>United States v. Dial</i> , 757 F 2d, 163, 168 (7th Cir. 1985)	17, 34
<i>U.S. v. Inzunza</i> , 580 F.3d 894 (9th Cir. 2009)	17-18, 34
<i>U.S. v. Langford</i> , 641 F.3d 1195 (10 <sup>th</sup> Cir. 2011)	14
<i>Wong Sun v. United States</i> , 371 U.S. 471, 481-482 (1963)	10, 33

#### OTHER AUTHORITIES

63C Am. Jur. 2d, Public Officers and Employees, 247	17, 33-34
Abraham Lincoln	14
Black's Law Dictionary, 4 <sup>th</sup> Ed. PROPERTY	21
Black's Law Dictionary, 8 <sup>th</sup> Ed. Maxims of Law	21
John Hancock	11
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)	34
Miranda warning	29
Samuel Adams	11
Treaty of Peace	17
APPENDIXES <u>Note</u> : Each Appendix was reproduced from the original document, with that document's original page number. This Table of Contents reflects the	

original page number. Appendixes 1 and 2 had their own Table of Contents;

Appendix 4 original document not fully numbered

Appellant's Appeal and Exhibits .....	App. 1A
Appellant's Appeal's Exhibits cont. ....	App. 1B
Appellant's Supplemental reply and objection .....	App. 2
Appellant's Sixth Amendment Supplement .....	App. 3
Judgment, Mandate and Mandate – conviction affirmed .....	App. 4
Appellant's Petition for discretionary Review .....	App. 5
Appellant's Objection .....	App. 6

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, 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**

The Opinion of the Texas Court of Criminal Appeals ("COA") PD-0603-21, issued June 24, 2021, COA No.: 13-20-00200-CR, rejected my petition, see Opinion

and Mandate, App. 4, pgs. 1-16 which never answered my arguments, did not prove that my constitutional arguments were wrong, was not based in the constitution, deprived me of rights, and was wrong in asserting that T.P.C. § 42.105 “does not violate the establishment clause.” 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... (thelogplace.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.

### **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 5<sup>th</sup> and 6<sup>th</sup> Amendments.

## **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, government 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, and secures the accused's right to due process and a fair trial. This Court has jurisdiction over the above.

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

Petitioner was tried and convicted under Texas Penal Code (T.P.C.) § 42.105, "intent" where the trial court arbitrarily overruled all his objections no matter what; there was no witness or informant produced against him to cross examine, no warrant backed by a citizen's complaint; no witness or informant was produced for him to cross examine, and there were no facts against him. Petitioner appealed.

The COA never addressed: was the arrest and charge of Petitioner 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. Petitioner never got any ruling on these and other issues. App. 1A, 1B, 2, 4, 5 and 6.

### **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, signed by Governor Rick Perry. 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. 1A. 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 of his or her unalienable rights and gives a chicken more rights than the chicken’s owner.

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 40 miles away is never brought into court for cross-examination.

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. 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 by moral police enforcing an unconstitutional and hypocritical code. 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* had popular 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: hippos, tigers, bears, penguins, wildebeest, lions, foxes, horses, antelope, zebras, etc. Human combat sports are VERY popular, and comprise a multi-billion a year industry: cage fighting, wrestling, boxing, martial arts, etc. 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 and Appendixes.

The 13<sup>th</sup> Court of Appeal 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. Or, 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 arbitrary in the extreme, and a conflict of laws. No actual victim/accuser is produced, not even 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 the biggie *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 – Karnes**

On May 1, 2019, T.P.C. § 42.105 was used against me, Steven Elmer Hinds to charge me with *intent* at an alleged cockfight in Karnes County, Texas, triggered by an anonymous “tip” allegedly out of San Antonio, Texas 40 miles away.

Although he is not a District Attorney or Attorney General, Deputy David Kunschick charged me with “intent,” Case No.: CR-2019-0218, and later added a charge of organized criminal activity – all based on his *opinion* (sans warrant, victim complaint, Grand Jury indictment, etc.). Besides reviewing whether the COA properly addressed basic due process and facts: standing of the parties, jurisdiction, facts indicating whether a *public* offense was committed, and facts indicating a

conflict of interest: Deputy David Kunschick knew the “organized criminal activity” charge against me was bogus as there was no evidence to support it. He knew he did not have authority to “charge” anybody in the name of the people, knew that he was impersonating the County Attorney, but he did it to police for profit. Kunschick knew that Sheriff Dwayne Villaneuva’s relative, J.P. Precinct 3 Delia Villanueva was in charge of setting the bonds for May 1, 2019 cockfight charges. The bail bonds agent in Karnes County is related to both the Sheriff and the J. P. A false charge was put on me by Police officer Kunschick to make money for the Sheriff’s family. This policing for profit, police corruption and Blue Code of Silence was protected and upheld in all the courts. The COA never addressed basic issues of jurisdiction, standing of the parties, constitutional violations, or conflicts of interest which damaged me for violating my rights and denying me the intangible right to honest services to have prosecutors, police and judges obey their Oaths to protect my rights and uphold the Constitution.

Review is necessary to determine the constitutionality of T.P.C. § 42.105 being used to create charges on a victimless crime, and to force BAR attorney’s fees and court fees on the accused. I argued in my motions and my trial the fact that the BAR is a monopoly, which the COA never addressed. Kunschick’s charges forced me to turn myself in and agree to \$2,000.00 personal recognizance for the two charges. I was tried and convicted on police officer opinion hearsay testimony, without a victim other than what the State of Texas alleged that I 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, and without the production of my actual accuser 40 miles away in San Antonio. Review is also necessary to determine if this complies or conflicts with the Constitution's 6<sup>th</sup> Amendment. I was damaged by having fees and fines forced upon me, by my basic constitutional rights, liberties and guarantees denied across the board by both courts, and in essence by being told that I had no rights unless I got a lawyer.

I filed numerous motions to dismiss, which the COA did not include in their decision, as these motions are missing from their web page at Case Detail ([txcourts.gov](http://txcourts.gov)) I request that this Court Order the Thirteenth Court of Appeals and the trial court to cough up all documents – all motions including those of the State, all transcripts, and review this entire case including the Appendixes to see if I asserted that I had rights – which I don't need to assert per the Declaration of Independence, whether the police and judge protected my rights or took them away, whether they fairly addressed standing of the parties, jurisdiction, the due process and constitutionality issues I raised including the extensive background of how the passage of T.P.C. § 42.105 did not meet the state's requirements to include three public hearings with fair, balanced debate, and whether I had standing to challenge the constitutionality of T.P.C. § 42.105, seeing as how I was charged under it. 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. None of my motions to dismiss were considered or addressed.

I appealed my conviction pro se for “intent” at an alleged cockfight, Texas Thirteenth Court of Criminal Appeals No. 13-20-00200-CR. I was denied oral argument, the judge argued that the “Constitution needs changed(?)”, while completely omitting to address the passage of T.P.C. § 42.105 at 3:00 a.m. after only one brief hearing instead of the required three hearings.

The Thirteenth Court of Appeals issued its opinion: “... having considered this cause on appeal, concludes that the judgment of the trial court should be affirmed. The Court orders the judgment of the trial court AFFIRMED.” App 4. My appeal was denied in part on grounds that I “lacked standing” to challenge the T.P.C. § 42.105 based on only one of my arguments, while omitting to address all my OTHER arguments – that the passage of T.P.C. § 42.105 was illegally lobbied for and facilitated by criminal elements using the Humane Society (HSUS) as a front for anti-American think tanks and foundations, whose goals are the destruction of our country from within in part by eliminating all property ownership and property rights. App. 1A. To quote from Black’s Law Dictionary, 8<sup>th</sup> Ed. Maxims of Law: “What is illegal ought not to be admitted under pretext of legality” “A person who does not deny, admits.” By refusing to address my briefs, the COA has admitted that T.P.C. § 42.105 was illegal as being the result of fraud, non-disclosure and anti-American policy injected into Texas law via HSUS and its backers.

Review is needed on the COA's misuse and abuse of *Andrus v. Allard*, 444 U.S. 51, 65 (1979), cited in *Edmonson v. Pearce*, 91 P.3d 605, 619-20 (Okla. 2004) to deny my property rights claims, App. 4, pg. 9. The COA stated that the "...destruction of one 'strand' of the bundle" of property rights did not constitute a taking. *Id.* at 65-66." The fact is, my property rights have great value, for which I am entitled to just compensation for their takings, see Black's Law Dictionary 4<sup>th</sup> Edition:

PROPERTY: "That which is peculiar or proper to any person; that which belongs exclusively to one; in the strict legal sense, an aggregate of rights which are guaranteed and protected by the government."

My government took my property/rights, including my property interests, which was upheld by the COA. If the government breaks it, the government must pay for it, see *American Pelagic Fishing CO, L.P. v. U.S.*, 379 F.3d 1363 (Fed. Cir. 2004), deciding that:

Real property, personal property and intangible property each may constitute the res of a taking claim under Fifth Amendment. U.S.C.A. Const.Amend. 5.

Government may "take" private property, requiring just compensation, either by physical invasion or by regulation. U.S.C.A. Const.Amend. 5.

When a taking is noncatagorical, court will undertake the fact-based inquiry enumerated in Penn Central, under which it considers (1) the character of the governmental action, (2) the economic impact of the action on the claimant, and (3) the extent to which the action interfered with the claimant's reasonable investment-backed expectations, to evaluate whether the governmental action constituted a compensable taking of the property interest. U.S.C.A. Const.Amend. 5.

Review is needed on the use and enforcement of T.P.C. § 42.105 to unreasonably regulate private activities, interests and pursuits, and take 1<sup>st</sup> and 4<sup>th</sup> Amendment rights, see *Pennsylvania Coal Co. v. Mahon*, 43 S.Ct 158 (1922), deciding

that if a regulation goes too far it will be recognized as a taking. The COA never undertook a fact-based inquiry regarding T.P.C. § 42.105 going WAY too far.

## 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...**

No police, informant or witness saw me spectating at a cockfight. T.P.C. § 42.105 is void and repugnant to the Constitution for: 1) No cop or witness saw a cockfight, yet I am convicted of 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 *chicken* has standing, and how a *chicken* could possibly be brought into court and testify that it was a "victim" 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, to justify theft by police.

This case is ripe for review to determine the constitutionality of T.P.C. § 42.105 being used to create charges on a victimless crime. T.P.C. § 42.105 allows arbitrary and unreasonable abuse of office and abuse of process – the accused is tried and convicted on police *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, and without the production of the actual accuser/tipster for cross-examination by the accused. 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 Respondents Karnes County Attorney Jennifer Dillingham, County Clerk Carol Swize, Judge Wade Hettke, Deputies Raul Ramirez, David Kunschick, John Brynelson, Warden Moore, Daniel Trejo, and Dwayne Villanueva.

**3. T.P.C. § 42.105 .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 arrest and charge me 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 San Antonio named me, and how I injured him or her from 40 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 Wade Hettke, and all of my other court and appeal proceedings never 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. 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 Karnes 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 San Antonio. The ONLY way the *corporate* State of Texas and/or *corporate* County of Karnes 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 County of Karnes, Texas, DUNS number 079964414, 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 arbitrary guilty-until-proven innocent practices and policies to secure and profit from convictions. 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 requests that this Court declare that T.P.C. § 42.105 is an unconstitutional *corporation* code and not applicable to Steven Elmer Hinds, living man who is not a *corporate* entity 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 in his or her person or property, or is the *victim* a chicken, (or, in thousands of other documented cases, a cat, a cow, a horse, a poodle, a calf, a snake), or is it the Texas government's job to be the moral police? Is the trial Court's and appeal court's decisions to deny all my motions, arguments and appeals and suspension of all my rights and the Constitution be granted based on a police officer's *opinion* from an *anonymous tip* from San Antonio 40 miles away, a *retired* judge's subsequent issue of a search warrant without a victim or a crime or grand jury indictment can be allowed by invoking *cock fighting* sans proof, by use of a statute 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 our nation’s People 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, allow Texas to use a chicken (or other animal) to criminally charge its owner. The People also need to know if they still have a 6<sup>th</sup> Amendment right to full disclosure, and First Amendment rights to petition when seeking redress in our courts including post-deprivation remedies.

This case matters and demands a fair review to halt the egregious trend of abuse of the 6<sup>th</sup> Amendment (and other Amendments) by the courts. The trial court and the other courts never settled whether the underlying trigger – the anonymous “tip” from San Antonio 40 miles away which did not name me, the armed raid, robbery, arrest sans warrant or Miranda warnings, charges without a victim, witness or proof – overruled the United States Supreme Court and the Constitution, whether jurisdiction was established, whether standing of the parties was addressed, and whether I was entitled to all disclosures per the 6<sup>th</sup> Amendment.

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 arguments need to be reviewed, 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 Appeals courts' 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 6.

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. I pray that this court not be a rubber stamp of approval for unconstitutional code T.P.C. § 42.105. No judge has denied any of my arguments in my motions or appeals briefs, or said they are not valid. They never addressed them, rebutted or denied them, and so admit that my constitutional arguments are valid and that T.P.C. § 42.105 is void.

I pray that my conviction be overturned.

I pray that my conceal-and-carry permit be restored.

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

If this Court's review is in my favor after carefully and thoroughly reviewing ALL the facts and the record, I pray that this Court reverse and dismiss my conviction with prejudice, expunge my "intent" conviction, expunge the bogus "organized criminal activity" charge, return my rights and property including return of monies I paid in fines, court costs, probation fees, 80 hours of community

service, probation appearances; order Dillingham to retract her facebook post that I am a criminal, and pray that this Court, order that the posting of the COA decision on LEAGLE be retracted.

I pray that this Court issue a Civil investigative demand in writing to the Department of Justice per Title 18 USC § 1968 to be served upon civil employees (police) and judicial officers 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 Respondents 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 – 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 carrying off personal belongings in plastic bags taken from zip-tied people forced face down in the dirt and taken from police-vandalizing and

breaking into cars to steal), or personally benefits from an undisclosed conflict of interest such as financial ties to prisons for profit, 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, 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, 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 COA 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 vs. 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).

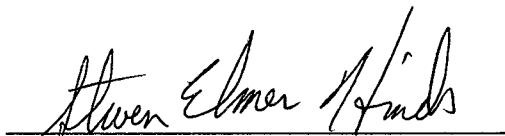
I pray that this Court Order notification to the appropriate agencies to have the federal budget for the entire State of Texas suspended per Title 18 U.S.C. § 666 until the DOJ sorts out which state and local agencies directly or indirectly receiving federal funds are being used to honestly dispense 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 to proceeds from securitizing, pooling and selling my case/account to investors without my knowledge or consent.

I pray for any and all other remedies and relief to which I am entitled.

Respectfully submitted

  
\_\_\_\_\_  
Date: 10-1-22