

No. 22-378

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 Rehearing From Denial of Writ of Certiorari No.: 22-378

Related case 22-277

PETITION FOR REHEARING

Steven Elmer Hinds, Appellant

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PETITION FOR REHEARING
INTRODUCTORY STATEMENT

Petitioner Steven Elmer Hinds requests that this court rehear Writ of Certiorari 22-378 and provide a thorough review of Texas Court of Criminal Appeals PD-0603-21 Court of Appeals 13-00200-CR Trial cause #CR-2019-0218 decision, specific attention to the lower courts' deprivation of Hinds' rights articulated in his Motions to Dismiss.

REASONS FOR GRANTING REHEARING

In *United States v. Smith*, 133 S.Ct 714 (2013), this Court clarified that the prosecution must always bear the burden of disproving a defense that necessarily negates an element of the charged offense. 133 S.Ct. at 719.

The prosecution never attempted to disprove the defense presented in the constitutional claims of Steven Elmer Hinds, Judge Wade Hedtke simply denied Hinds' constitutional claims. The Appellate Court waived Hinds' fundamental, absolute constitutional claims without power of attorney and without answering in order to avoid admitting that the government has moved animals above human rights. Rehearing is essential on the merits and weight of Hinds' constitutional claims which trial court judge Hedke violated and the appellate judges unjustifiably waived and refused to consider.

This Court's Rule 44.2 authorizes a petition for rehearing based on "intervening circumstances of a substantial... effect." A majority of this Court recently expressed general agreement with that proposition in *Fulton v. City of*

Philadelphia, 141 S. Ct. 1868, 1882 (2021): “it is difficult to see why the Free Exercise Clause—lone among the First Amendment freedoms—offers nothing more than protection from discrimination.”

Hinds’ First, Fourth, Fifth, Eighth, Ninth, Tenth and Fourteenth Amendment claims have never been presented and considered by any court with the judicial protections of strict scrutiny Hinds is entitled to under the Federal Government's own guidelines of a "socially disadvantaged farmer and rancher.” This case deserves to be reheard on these grounds alone.

As members of this Court have emphasized, the First Amendment’s text “guarantees the free exercise of religion, not just the right to inward belief.” *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2026 (2017). The lower courts’ refusal to answer Hinds’ constitutional claims Hinds means that the government's respect for Pagan religion will continue to be forced on America's Gamecock Farmers in direct opposition to the Christian religion which the majority of these farmers like Hinds believe in and practice. Again, rehearing is warranted.

This Court articulated the standards for the right of appeal in *Miller-El v. Cockrell*, 123 S.Ct. 1029 (2003): A prisoner seeking an appeal need only demonstrate a "substantial showing of the denial of a constitutional right." A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists of reason could conclude the issues presented are adequate to deserve encouragement to proceed further. *Id.*, 123 S.Ct. at 1034. The test is met where

the petitioner makes a showing that "the petition should have been resolved in a different manner or that the issues presented are 'adequate to deserve encouragement to proceed further'" Id., at 1039. This means that petitioner does not have to prove that the lower courts were necessarily "wrong," just that the resolution of the constitutional claim is "debatable." See *Miller-El, Slack and Buck v. Davis*, 137 S.Ct. 759 (2017).

The prosecutor and trial judge refused to allow the jurors to hear the constitutional claims made by Hinds in his duly filed Motions to Dismiss. The trial court judge usurped the authority of the jury to "take it upon themselves to be the judges of the law as well as the facts" as First Chief Justice of the United States Supreme Court John Jay acknowledged was not just the right, but the duty of the jury.

This Court should reconsider its denial of Hind's Writs of Certiorari in the two Pro se cases 22-377 and 22-378 he currently has before this court regarding constitutional challenges made against Texas Penal Code (T.P.C.) § 42.105. This court has the option of granting both petitions and consolidating these cases.

Rehearing by this court and rendering a constitutionally correct decision is essential, warranted and paramount to stop future raids in Texas and prevent the potential death of a Texas gamecock farmer by government agents defending chickens.

ARGUMENTS

The arguments and claims raised by Petitioner are based on the United States Constitution which the lower courts could not honestly overcome. This court must consider and provide answers to how government officials can justify violating human rights and endangering human lives of American farmers to protect chickens from the same farmers that own the chickens. It is impossible, unless our government officials and judicial system have placed a higher value on chickens than human beings and reduced human rights and human lives to the equivalency of chickens.

If there is a lack of citations as the appellate court alleges, it is proof that Hinds' arguments have not previously been presented to this court, making this a case of First Impression, a "landmark case" that this Court should answer.

Every violation of the Constitution infringes on and deprives Americans of their rights and freedoms, which creates a claim for damages. T.P.C. § 42.105 denies Petitioner Hinds and other gamecock farmers of their culture, heritage, agriculture industry, right of association, freedom of assembly, right to privacy, freedom from government raids and intrusion into private property, free exercise of their religious belief of dominion over the livestock they own, freedom from cruel, unusual and excessive punishment by subjecting these farmers to threats of government force while being coerced into the government-sanctioned religious belief of Paganism which, as cited by Petitioner, is contrary to this Court's decision in *Cantwell v. Connecticut*, 310 U.S. 296 (1940): "The fundamental concept of liberty embodied in the First Amendment embodies the liberties guaranteed by the First

Amendment. The enactment by a State of any law respecting the establishment of religion or prohibiting the free exercise thereof is forbidden by the Fourteenth Amendment.”

Many Americans are aware of the religion involved with the nature worshiping Pagan beliefs behind the “climate change” agenda. However “nature” is not just the environmental protections being used to destroy industries and human rights. Nature includes animals. Texas T.P.C. § 42.105 is codified government enforcement of the animal worship religion of Paganism, prohibited by the First Amendment of the U.S. Constitution for simultaneously destroying a man’s right to freely exercise his religion of God given dominion declared in the Christian Bible.

There are two religious doctrines at conflict in this court case which affect every court in this country: the religious doctrine of environmentalism and animal rights (Paganism) versus the religious doctrine found in the Christian Bible specifically stating that “God gave man dominion (control and rule) over the earth, animals, fish and fowl.” The Constitution specifically protects the God given rights of each individual. This court must resolve this conflict by ensuring the neutrality of the government toward religion and end the establishment of the government's enforcement of Pagan religion.

This Court needs to resolve the serious conflict between the U.S. Constitution and the judicial precedent established by Appellate Court Judges upholding the trial court judge’s dismissal of Hinds’ constitutional claims based on personal opinion. Petitioner currently has two cases before this court challenging the entirety

of the constitutionality of Texas Penal Code (T.P.C.) § 42.105. For justice to prevail, this court must take up and render a decision for both of these cases, as it cannot be a criminal act to be a spectator watching an event by permission of the participants if the statute attempting to criminalize the event is unconstitutional and thereby, as the Petitioner argues in his other case before this court, the event itself is not a crime.

When lower courts fail to adhere to the United States Constitution as the Supreme Law of the Land, there can be no justice unless one has the wealth to hire lawyers and/or the mental capability, skill set and knowledge necessary to appeal to the higher courts.

The intentional undermining of Article VI Paragraph II of the United States Constitution by the judiciary “This Constitution, and the Laws of the United States which shall be made Pursuance thereof; . . shall be the supreme Law of the land; and the Judges in every State shall be bound thereby” has disenfranchised Americans of the moderate and lower economic classes thus creating a system of unequal justice.

Has our government placed a higher value on chickens and other livestock animals than the human rights and lives of American farmers? Although this case is not unique in the manner of human rights violations, it is the first case fully presenting the constitutional arguments of the First, Fourth, Fifth, Eighth, Ninth, Tenth and Fourteenth Amendments of the US Constitution and as such, must be considered a case of First Impression.

Petitioner requests this honorable court render a decision affirming the limits of government authority do not justify violating human rights using the excuse of protecting chickens. A decision is requested which ensures our government is constitutionally prohibited from placing a higher value on chickens than human rights. A constitutionally sound decision by this court regarding Petitioner Hinds' constitutional arguments is necessary to immediately secure his God given human rights as a Christian, derived from our Creator. All of the people within America deserve the respect to practice their culture and heritage (dominion) involving animal agriculture industries and animal sports without the physical threat of death by government force.

All judges in every state must adhere to Article VI of the United States Constitution and be bound by oath and/or affirmation "to uphold, support, defend and obey the Constitution as the supreme law of the land" before assuming the duties of the office they hold. Judges cannot disregard the constitutional questions being presented as a defense by Americans of moderate and lower income and/or minority classes during trial and/or during appeal regarding legislation targeting their social groups. The Constitution is the supreme law of the land, all laws repugnant to the Constitution are null and void. Disregarding the United States Constitution is fraud, and as much a crime as tampering with witnesses or jurors, see *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821): "to war with the Constitution is treason," also decided in *Cooper v. Aaron*, 358 U.S. 1 (1958) "No State legislator or executive or judicial officer can war against the constitution

without violating his undertaking to support it.” See also *In Re Sawyer*, 124 U.S. 200 (1888), and *U.S. v. Will*, 449 U.S. 200, 216.

Judges that disregard the United States Constitution undermine the administration of justice and equal protection of the supreme law of the land, the United States Constitution. Due process must include judicial review of a judgment without disregarding relevant constitutional arguments made during trial and on appeal. Judges must be bound by the United States Constitution as the Supreme Law of the Land, otherwise Judges will consider themselves above the law and free to impose their personal ideology from the bench.

Judges who act contrary to the limits of constitutional authority make real, honest justice impossible for those Americans in the moderate and lower economic classes.

Unconstitutionality of a statute dates from the date of its enactment and not just from the date declaring it unconstitutional. It must be remembered that Adolf Hitler used animal rights laws the same way to undermine and destroy human rights to justify the government treating some people within society like animals, and use government authority to subjugate and even euthanize human beings (Jewish people) that the government identified as “inferior specimens of (human) animals.” In the interest of justice, this case must be reviewed and a constitutionally sound decision rendered by this Court to prohibit the same subjugation of human beings that Adolf Hitler carried out in Nazi Germany through the same type of animal rights laws. See Appendixes 1 and 2.

QUESTIONS PRESENTED

Is Texas Penal Code (T.P.C.) § 42.105 repugnant to the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the Constitution for the United States and the numerous Amendments of the Texas Constitution as presented in Petitioner's five duly filed Motions to Dismiss which were disregarded by the Trial Judge and the Appellate Judges?

Can the government institute laws contrary to the First Amendment protection to be free from the government respected religion of Paganism?

Can the government enact laws which violate the First Amendment right to free exercise of God given dominion over the animals, fish and fowl one owes as stated in the Christian religion?

Can the government violate the Fourth Amendment right of privacy on private property by issuing a warrant on behalf of a chicken, seeing as warrants to seize animals birds and eggs was repealed in 1981 per Title 18 U.S.C. § 3112?

Can the government deprive a man of the God given dominion of his private property in violation of the Fifth Amendment right to "use of private property for one's own industry" using the welfare of a chicken as justification?

Can a chicken be the corpus delicti in a *criminal* case?

Can the government violate the Eighth Amendment right to be free from cruel, unusual and excessive punishment using the excuse that chickens take priority above human rights?

Can the government violate the Ninth Amendment protections of rights secured “to the people” using the excuse of protecting chickens?

Are gamecock farmers considered “equal” as people under a government that violates the Tenth Amendment protections of “rights secured to the people” contrary to individual liberty and rights upon which America is founded?

Does T.P.C. § 42.105 create a system of policing for profit? Does policing for profit violate the protections of individual fundamental human rights guaranteed by the United States Constitution?

Can government officials supersede God and deprive a man of the right of dominion over the animals he owns which are derived from his Creator, based solely on the emotional opinion that it is within the government’s authority to protect chickens from the farmer who owns the chickens? *Cantwell v. Connecticut*, 310 U.S. 296 (1940) decided: “The fundamental concept of liberty embodied in the Fourteenth Amendment embraces the liberties guaranteed by the First Amendment. The enactment by a State of any law respecting an establishment of religion or prohibiting the free exercise thereof is forbidden... .”

Does the Appellate Court have the duty to consider all constitutional arguments presented and render a decision based on the limitations placed on governmental authority as set forth and established by the U.S. Constitution and the Texas State Constitution?

a) The case of *American Bush v. City of South Salt Lake*, 2006 UT 40 140 P.3d. 1235 clearly states that “the Constitution of the United States along with

State Constitutions do not grant rights to the people. These instruments measure the power of the rulers but they do not measure the rights of the governed, and they are not the fountain of law nor the origin of the people's rights, but they have been put in place to protect their rights. Therefore the statutes and case law cited by Respondents claiming immunity from Brunson's claims in this instance are unconstitutional... ." The same claim for relief must hold true in the current case being brought by Steven Elmer Hinds.

The very purpose the Constitution was written is to restrain government power and protect our self-evident rights. The Constitution cannot be construed by any means, by any legislative, judicial and/or executive bodies, by any court of law to deny or disparage rights the individual was given by his Creator without proving a significant and compelling government interest.

Are the Judges in every State bound by the U.S. Constitution? Do lower court Judges have the power to deny and disregard the U.S. Constitution as the Supreme Law of the Land per Article VI?

c) The First Amendment of the Constitution states that Congress shall make no law respecting the establishment of religion nor prohibit the free exercise thereof ... nor prohibiting the right of the people to petition the Government for a redress of grievances.

This case epitomizes the systemic, decades old promotion of animal protection laws by non-government agencies such as the Humane Society of the United States and A.S.P.C.A. in conspiracy with politicians, mainstream media, police,

prosecutors and judges to force Americans into the religious beliefs of Paganism and rob Christian Americans of our God given dominion over the animals we own and have sole dominion of and property rights. Whether it's chickens, cattle, dogs, cats, horses, etc., many of the government created human victims being subjected to these raids like Steven Elmer Hinds have been and are being reduced to second class citizens and denied equal protection of their constitutionally secured fundamental human rights in the lower courts and throughout the appeal process.

CONCLUSION

The lower courts implementation of animal protection laws further the same socialist/communist agenda of Nazi Germany of usurping property rights and property ownership, violating due process and denial of honest and equal justice within our courts. Animal rights laws are being used to violate human rights in every state in America, see Appendix 3.

For the foregoing reasons, and those stated in the Petition for a Writ of Certiorari, the Court should grant rehearing, grant the petition for Writ of Certiorari, declare T.P.C. § 42.105 unconstitutional and reverse.

PRAYER

Petitioner prays to the God of the Christian Bible, I AM, Jehovah, Jesus Christ, the father, the son and the Holy Spirit, this honorable court will grant certiorari, protect Christian farmers against the judicial institutionalization of the doctrine of equitable maxim, declare T.P.C. 42.105 an arbitrary and unreasonable violation of Petitioner Hind's right of dominion as derived from his creator

regarding the animals he owns, that through this court we shall be granted peaceful relief and restoration of our God given rights, end government respect for the Pagan religion and the reestablish the restrictions against the abusive power of our government.

**Additional material
from this filing is
available in the
Clerk's Office.**