CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution Amendment(s) I, IV, V, VI, VIII, Ii;, X.

Amendment I: Congress shall make no law respecting an establishment of religion, or prohibiting the free excercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V: No person shall be held to answer for a capital, or otherwis infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subje for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just Compensation.

Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature an cause of the accusation; to be confronted with the witnesses against him; have compulsory process for obtaining witnesses in his favor, and have the assistance of Counsel for his defense.

Amendment VIII: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Constitutional and Statutory Provisions Involved cont'd...

Amendment IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states respectfully, or to the people

North Carolina's State Constitution Sections 1, 2, 3, 5, 7, 13, 16, 17, 18, 23, 24, 27, 36

Sec. 1: The Quality and Rights of persons.

We hold it to be self-evident that all persons are created equal; they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Sec. 2: Sovereignty of the people.

All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is institut solely for the good of whole.

Sec. 3: Internal government of the State.

The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolish their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.

Sec. 5: Allegiance to the United States.

Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of the St in contravention or subversion thereof can have any binding force.

Constitution and Statutory Provisions Involved cont'd...

Sec. 7: Suspending laws.

All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be excercised.

Sec. 13: Religious Liberty.

All persons have a right to assemble together to consult for their common good to instruct their representatives, and to apply to the General Assembly for redress of greivances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

Sec. 16: Ex post facto laws.

Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

Sec. 17: Slavery and involuntary servitude.

Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibit

Sec. 18: Court shall be open.

All courts shall be open; every person for an injury done him in his lands, goo person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

Sec. 19: Law of the land; equal protection of the laws.

No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his liberty, or property but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race,

Constitutional and Statutory Provisions Involved contd...

Sec. 23: Rights of accused.

In all criminal prosecutions, every person charged with crime has the righ to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and no be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 24: Right of jury trial in criminal cases.

No person shall be convicted of any crime but by unanimous verdict of a jury in ope court, except that a person accused of any criminal offense for which the State is not seeking a sentence of death in superior court may, in writing or on the record of the court and with the consent of the trial judge, waive jury trial, subject to procedures prescribed by the General Assembly. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

Sec. 27: Bail, fines, and punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 36: Other rights of the people.

The enumeration of rights in this Article shall not be construed to impair or deny others retained by the people.

North Carolina General Statutes Chapter 4. Common Law.

§4-1. Common law declared to be in force.

All such parts of the common law as were heretofore in force and use within this State, or so much of the Common Law as is not destructive of, or repugnant to, or inconsistent with, the freedom and independence of this State and the form of government therein established, and which has not been otherwise provided in whole or in part, not abrogated, repealed, or become obsolete, are hereby declared to be in full force within this State.
(1715, c. 5, cc. 2, 3. P.R.; 1778, 133. P.R.; R.C., c. 22; Code, s. 641; Rev., s. 932; C.S., s. 970.

(5)

Appendices D

See Laws of New York 1901, Chapter 53, page 1316, Section 109.

See also Laws of Wyoming 2002, Motor Vehicle Code, page 142, Section 31-5-110. See RCW 5.24.010;

"**Privately owned** Buses not engaged in for hire Transportation are outside the **jurisdiction** of Division of Motor Vehicles enforcement of N.C. G.S. Article ... Chapter 20••••• 58 N.C.A.G. 1 **(It follows that those Citizens not engaged in extraordinary use of the highway for profit or gain are likewise outside the jurisdiction of the Division of Motor Vehicles.)**

"Since **a sale of personal property is not required to be evidenced by any written instrument in order to be valid**, it has been held in North Carolina that there may be **a transfer of title to an automobile without complying with the registration statute which requires a transfer and delivery of a certificate of title.**" **N.C. Law Review Vol. 32 page 545, Carolina Discount Corp. v. Landis Motor Co., 190 N.C. 157.**

"The following **shall be exempt from the requirements of registration and the certificate of title**: 1.) Any such vehicle driven or moved upon the highway in conformance with the provisions of this Article relating to manufacturers' dealers, or **nonresidents**." 2.) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another ••••20-51(1)(2 (comment: not driven or moved upon the highway for transporting persons or property for profit.) **(Case note to North Carolina G.S. 12-3 "Statutory Construction")**

The California ... similar statements ... mandates that no one **be compelled to be a witness against himself,**" is in agreement with the ... **Haynes v. U.S.**, 39[illegible] was that **to force anyone to register anything is communicative** and such communicative evidence is **precluded by the 5th Amendment.**

"No State government entity has the power to allow or deny passage on the highways, ... vehicles and personal property ... business, but by being subject only to ... safety, caution, traffic lights, speed limits, ... **Travel not a privilege requiring, licensing, vehicle registration, or forced insurances."** *Chicago Coach Co. v. City of Chicago,* Ill. 200, 169 N.E. 2...

S.C. RFRA 76-1.03

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This free Inhabitant of the American Republic and the **free State of New Mexico** (as correctly spelled herein, and not in all capital letters) is NOT a "**driver**" nor is this private, wholly owned conveyance a "**motor vehicle.**" *Please refer to your own colorable codes for official corporate government definitions at:*

US Code Title 18, 1, chapter 2, 31. Definitions 'Motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo;

'Used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit;

New Mexico 66-4.1.1 Definitions. As used in the Motor Vehicle Code.
K. "driver" means every person who drives or is in actual physical control of a motor vehicle, including a motorcycle, upon a highway, who is exercising control over or steering a vehicle being towed by a motor vehicle or who operates or is in actual physical

STATEMENT OF THE CASE

The matter presently before this Court, was originally filed on May 02, 2016, with/in the United States District Court Middle District. The matter was erroniosly, dismissed with prejudice by Judge Catherine Eagles for failing to state a "Claim", on September 23, 2016. It was then appealed to the United States Courts of Appeal, 4th Circuit, in which Cheif Judge Gregory et.al. affirmed U.S. District Court Judge, Catherine Eagles disposition. On the 21st day, of February 2017, Chief Judge Gregory et.al., affirms decision stating that the basis for Catherine Eagles disposition was not challenged. (Unpublished per curiam) Also denied petition for rehearing on March 21, 2017. Which brings us to this present day in which this Matter comes before the highest Court in the land, the United States Supreme Court.

Now come the Facts

1.) This matter arises, from an incident that occurred, on the night of, April 14, 2016. Where with the defendants, did unlawfully, arrest/kidnap, commit human trafficking, extortion (excessive bail), perjury, libel, slander, defamation of character, intimidation, and theft, as well as Conspiracy against Rights and deprivation of rights under color of law.

2.) The defendants activated both the emergency lights and siren as if there was an actual emergency, Crime in progress, or immediate threat to public safety, when in Fact, neither elements or factors of such existed.

Statement of Case contid...

3.) The defendants say that they were enforcing the law, and claim that the Plaintiff had committed a crime. For this to be true, the defendants were either injured by the Plaintiff or were witnesses of injury to some/any person or property. This is "false", thereby constituting "fraud", "Perjury", "Libel", and "Slander" on the sworn statement given by the defendants while engaged in the aforementioned Crimes committed by Defendants. "In order for Crime to exist, there must be an injured party. (Corpus delecti) The State cannot be injured party.

4.) Pursuant to USC 18 § 241 - Conspiracy Against Rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State in the free excercise or enjoyment of any right they shall be fined under this title or imprisoned not more than ten years, or both.

5.) Pursuant to USC 18 § 242 - Deprivation of Rights Under Color of Law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State to the deprivation of any rights shall be fined under this title of imprisoned not more than one year, or both.

6.) Color of law; which is, "the appearance or resemblance, without the substance, of legal right." McCain v. Des Moines, 174 U.S. 108, 19 Sup Ct. (44, 43 L. Ed. 936)

7.) The word Statute is used to designate the written law in contradistinction to the unwritten law. (Foster v. Brown, 199 Ga. 444, 34 S.E. 2d, 530 535 see Common Law) [Unwritten law is Common law; "contradistinction" means "as opposed to" "opposite to"] Thereby making it repugnant to the Constitution.

8.) No one is bound to obey an unconstitutional law, and no courts are bound to enforce it. Supreme Law is the basis of all law. All fiction of law is Null and Void. 16 Am Jur. 2nd § 177 sec. 256

Statement of Case contd...

9.) The Defendants accused the Plaintiff of committing a crime by violating a statute business policy not law. "The Common Law is the real Law, the Supreme Law of the Land, the code, rules, regulations, policy and Statutes are not the Law." [Self v. Rhay 61 Wn (2d) 261].

10.) The California Constitution in Article I, section 8 (and similar statements made in all other state constitutions), mandates that no one be compelled to be a witness against him/herself is in agreement with the Supreme Court ruling in (Haynes v. U.S., 390 U.S. 85, 88 S.Ct. 722) wherein the ruling was, that to force anyone to register anything is communicative evidence precluded by the 5th Ammendment.

11.) No State government has the power to allow or deny passage on the highways, byways, nor waterways... transporting his/her vehicles and personal property for either recreation or business, but by being subject only to local regulation i.e., safety, caution, traffic lights, speed limits, etc. Travel is not a privilege requiring licensing, vehicle registration, or forced insurances. (Chicago Coach Co. v. City of Chicago, 337, Ill. 200, 169 N.E. 22.)

12.) "The general rule is that an unconstitutional act of the legislature protects no one. It is said that all persons are presumed to know the Law, meaning that ignorance of the law excuses no one; if any person acts under an unconstitutional statute, he/she does so at his/her peril and must take the consequences." (16 Am. Jur. 2d. §178)

13.) "Traveling in an automobile on the public roads was not a threat to public safety or health and constituted no hazard to the public, and such traveler owed nothing more than "due care" (as reguard to tort for negligence) to the public and the owner owed no other duty to the public (e.g. State), he/she and his/her auto, having equal rights to and on the roadways/highways as horse and wagons, et cetera; this same right is still a substantive rule, in that speeding, running stop signs, and traveling without license plates, or registration are "not a threat" to the public safety, and thus, are not arrestable offenses. (Christy v. Elliot, 216 I 131, 74 NE 1035, LRA NS 1905-1910: California v. Farley 98 CED Rpt/89, 20 CA 3rd 1032 [1971]).

14.) Police power extend only to immediate threats to public safety, health, welfare, et cetera, (Michigan v. Duke 266 US, 476 LED. At 449.)

15.) The Defendants, in the name of the State, as witnesses for the State which they claim as the injured Party, [The State is a people and not the created form of government.] (Texas v. White, 7 Wallace, 700-24) claim that Plaintiff committed a crime against the State.

16.) "The State cannot diminish the rights of the People." (Hurtado v. California, 110 U.S. 516

17.) Reiterating fact; "For crime to exist, there must be an injured party (Corpus Delecti) There can be no sanction or penalty imposed on one because of his/her excercise of a right. (Serer V. Cullen 481 F. 945)

18.) "The right to travel is a well-established Common Right that does not owe its existence to the Federal Government. It is recognized by the courts as a Natural Right." (Schactman v. Dulles 96 App. DC 287, 225, F2d 938, at 941.)

19.) "No State shall convert a Liberty into a privelege, license it, and attach a fee to it." (Murdock v. Penn. 319 U.S. 105: 1943)

20.) "If the State converts a liberty into a privilege, the citizen can engage the right with impunity." (Shuttlesworth v. Birmingham Al. 373 U.S. 262: 1962) "Ignoring the license and Fee.

21.) "No change in ancient procedure can be made which disrupts those fundamental principles, which protect the citizen in his/her private right and guard him/her against the arbitrary action of the government." (Ex parte Young, 209 U.S. 123)

22.) The People, ie. Citizen or Natural Person, are Supreme, Not the State. (Waring v. Mayor of Savannah, 60 Georgia, P. 93.)

24.) "The Right of the citizen to Drive on the public street with freedom from police interference, unless he/she is engaged in suspicious conduct associated in some manner with criminality is a Fundamental Constitutional Right which must be protected by the courts." (Simeone v. Lindsay, 65 Atl. 778, 779; Hannigan v. Wright, 63 Atl. 234, 236.)

25.) In (Thompson v. Smith, 154 SE 579, 11 Am. Jur. Constitutional Law, Sec. 329, page 1135) "The right of the Citizen (Natural Person) to Travel upon the public highways and to transport his/her property thereon, in the ordinary course of life and business, is a common Right which he/she has under the Right to enjoy life and liberty, to aquire and possess property, and to pursue

happiness and safety. It includes the Right, in so doing, to use the ordinary and usual conveyences of the day, and under the existing modes of travel, includes the right to drive a horse drawn carriage or wagon thereon or to operate an automobile thereon, for the usual and ordinary purpose of life and business."

26.) The statutes(s), which the Defendants erroneously enforced upon the Plaintiff, Mervin Hinson-Bey, Natural Person. Only Apply to the Defendants as evidenced in (Rodriques v. Ray Donovan) as Justices ruled that, "All Codes, Rules, Regulations, are for government authorities only, not Human/Creators in accordance with Gods laws. All codes, rules, and regulations are unconstitutional and lacking "Due Process..."

27.) "... every man is independent of all laws, except those prescribed by Nature. He is not bound by any institutions formed by his fellowman without his consent." (Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E.)

28.) These statutes also lack an enacting clause. "It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law." (People v. Detterthaler, 77 N.W. 450, 451, 118 Mich. 595 [1898]).

29.) "That the almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to "identify" it as an act of legislation by expressing on its face the authority behind the act." 73 Am. Jur. 2d, "Statutes," §93, p. 319, 320; Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932).

30.) "That the purpose of thus prescribing an enacting clause - "the style of the acts" - is to establish it; to give it permenance, uniformity, and certainty; to identify the act of legislation as of the general assembly; to afford evidence of its legislative statutory nature; and to secure uniformity of identification, and thus prevent inadvertance, possibly mistake or fraud. (State v. Patterson, 4 S.E. 350, 352, 98 N.C. 660 [1887]; 82 C.J.S. "Statutes," §65, p. 104; Joiner v. State, 155 S.E. 2d. 8, 10, 223 Ga. 367 [1967]).

31.) For an enacting clause to appear on the face of a law, it must be recorded or published with the law so that the People can readily identify the authority for that particular law.

Statement of Case contid...

32.) During the Defendants undertaking of Fraudulently and Colorably enforcing these Statutes listed on any Citation as a code violation. The Defendants also seized/stole the Plaintiff, Mervin Hinson-Bey's personal/private Automobile, as well as kidnapped and held Plaintiff as a hostage for ransom. Without Due Process of Law.

33.) "It is beyond question that any procedure which deprives an individual of a property interest must conform to the dictates of the "Due Process Clause." (Monville v. Block, 69, Lot 10, 74 N.J. 1, 8 [1977]) (Citations Omitted).

34.) "The Constitution demands that a person not be deprived of property or liberty absent Due Process of Law. (Cunningham v. Dept. of Civil Services, 69 N.J. 13, 19, 350 A 2d. 68 [1975]).

35.) "...that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of Common Law, would not be the law of the land." (Hoke v. Henderson, 15, N.C. 15, 25 AM Dec 677).

36.) "If any question of fact or liability be conclusively presumed against him, this is not due process of law." (Zeigler v. Railroad Co., 58 Ala. 599.)

37.) The Plaintiff claims full and equal protection of the Law.

38.) "The Constitution of the United States is Supreme Law of the Land. Any Law, that is repugnant to the Constitution, is null and void of law." (Marbury v. Madison 5 US. 137)

39.) The 5th Amendment require that all persons within the United States must be given "Due Process" of the law and equal protection of the law.

40.) The Plaintiff is not subject to the jurisdiction of the Defendants.

41.) The Plaintiff has no contract with the State of North Carolina, or with any other segment of the United States of America that can grant jurisdiction over human rights; or over political, economic, social and cultural Rights of Indigenous people.

42.) The Plaintiff is Aboriginal/Indigenous within the contextual meaning of the description of the Draft Declaration of the Inter-American Declaration of the Rights of Indigenous People at Article 1 definition: "In this Declaration

Statement of Case contid...

Indigenous Peoples are those who embody historical continuity with societies which existed prior to the conquest and settlement of their territories by Europeans..."

43.) "Indigenous People have the right to a full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations; The Universal Declaration of Human Rights and International Human Law."

44.) The Defendants, with cause of damage to the Plaintiff, committed also the acts / crimes of: Slander, Libel, Defemation of Character, and Perjury. The Defendants done so, as a means to deprive the Plaintiff of his "Liberty", "Property", as well as his "Peace of Mind."

45.) These Crimes were committed by the Defendants when they swore under Oath, a falsified statement claiming that the Plaintiff had committed said criminal offenses, then publishing it in the Local News Paper. (Stanly News and Press).

46.) In this statement, the Defendants, in the name of the State, accused the Indigenous Plaintiff, of being: 1st an artificial / fictitious Legal person / entity or a representiative thereof; 2nd being branded or racially profiled as a Black / African-American Male; 3rd a criminal and had committed said crimes against said State.

47.) In spite of being made well / fully aware of the Plaintiffs National Identity, National Name and correct Spelling (Mervin Hinson-Bey), and Status as the Sovereign and Natural Person, and being informed of their own business policies / codes and U.S. Court decisions pertaining to or relevent to the

Matter at hand. They willfully chose to infringe upon the rights of the Plaintiff.

48.) Lawful government, does not and can not mandate anything on the people.

49.) The Defendants forcefully demanded that the Plaintiff contract with one of their corporate business associates known as the Department of Motor Vehicles by way of obtaining a Quasi Contract known as a Drivers License, and to pay fines and cost imposed under threat of loss of "Liberty," or "Property." A "Drivers License" is only required by those driving Commercially.

50.) The Defendants wish to claim immunity and need to be made aware of the fact that there is no such security provided for any officer / public servant acting outside their duty of Upholding their "Oath" or "Affirmations" to enforce Common law. In any situation which does not involve Common Law, the officer / public servant is on their own, acting as an individual Contractor and such is wide open to action against them, either under Common Law if he/she is acting unlawfully or by civil court action if his/her actions warrant it.

51.) All contracts in order to be binding, must be entered into knowingly, with full disclosure,

52.) If there is failure to establish "Joinder" (Which is where the Natural person / human voluntarily agrees to represent the "Strawman" [Name in all Caps] or Ficticious Legal Person and so become subject to the Statutes), then the presumed authority of a Police Officer / Public Servant does not exist in any respect and the officer is acting solely as an individual whose only authority is to enforce "Common Law"

Statement of Case cont'd...

53.) The Plaintiff has not, and refuses to, Contract with the Defendants or their business partners / associates. Thereby not being compelled to perform in accordance with any of their business endeavors or undertakings. As each individual Police force is a commercial company, in a way like a Mc Donalds restaurant in strategy, it has no power or "Authority" to enforce anything, anymore than a McDonalds has. The Defendants under the banner of their Local Police Department, upon taking up their occupation, took an Oath of Office/Duty, Pledging to uphold the Common / Constitutional Law. Their Oath, and nothing else, gives them the Authority to act to enforce Common / Constitutional Law. It does not authorize them to do anything connected with so-called government "Statutes".

54.) Being that the Defendants are also "employed" by a "for profit" business / organization, engaging in "commerce / commercial business." The Defendants are not only bound by their "Oaths of office or Duty", but also bound by their rules of business law, i.e. the "Uniform Commercial Code" (U.C.C.)

55.) U.C.C. 1-308 is "Performance or Acceptance under Reservation of Rights."

56.) U.C.C. 1-207 is "Without Prejudice, Not compelled to perform under any contract or commercial agreement that I (Plaintiff) didn't enter into knowingly, voluntarily, or intentionally. I (Plaintiff) do not except the liability of the compelled benefit of any unrevealed contract or commercial agreement.

57.) U.C.C. 1-306 is "The Code is complimentary to the Common Law, which remains in force except where displaced by the code." A "Statute" should be construed in harmony with the Common Law unless there is clear Legislative intent to abrogate the Common Law.

58.) U.C.C. 1-207.4 - "The Sufficiency of the reservation." Any expression indicating an intention to reserve Rights is sufficient.

59.) N.C.G.S. 4-1 - "The Common Law Declared to be in force."

60.) N.C.G.S. 11-7 - "Oath or Affirmation to support the Constitution; all officers to take.

61.) Other statutory provisions, evidenced in Appendices D page 5.

62.) The Plaintiff had these codes clearly displayed on his personal/private automobile which is an expression of his intent to "Reserve his Rights" and not to enter into any contracts or commercial agreements with the Defendants or any of their business associates/partners. (Evidenced in photos of original filing and photos taken by the Defendants)

63.) Article 6 U.S. Constitution - "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.

64.) Courts to be made aware of 1787 Treaty of Peace and Friendship between the United States and Morocco.

65.) Judges sworn to obey constitution irrespective of opinion & consequences. Constitution rules over Statutes. "Any Judge who does not comply with his Oath to the Constitution of the United States wars against that Constitution and engages in acts in Violation of the Supreme Law of the Land. The Judge is engaged in acts of Treason." (Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 [1958])

66.) Judges of all states and Politicians take their Oaths of Office on the Constitution of the United States of America, not on Police policy, Code books, or Municipal rules and regulations.

67.) "The Courts are not bound by an officer's interpretation of the law under which he presumes to act." (Hoffsomer v. Hayes, 92 Okla 32, 227 F. 417)

68.) "It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon. Their motto should be Obsta Principiis." (Boyd v. United States, 116 U.S. 616 at 635 [1885])

69.) "... No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution." (Downs v. Bidwell, 182 U.S. 244 [1901]).

70.) "... the Right to be let alone is the most comprehensive of rights and the Right most valued by civilized man. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment." (Olmstead v. U.S., 277 U.S. 438, 478 [1928]).

71.) If the constitution perscribes one rule and the Statute another in a different rule, it is the duty of the Courts to declare that the Constitution and not the statute governs in cases before them for judgement. (16 Am. Jur. 2d., Sec. 155)

Statement of Case cont'd... Appendices E

72.) Bringing the courts attention to the Status and National Identity of the Plaintiff, a Muur/Moor born in America, thereby binding all Judicial officials at Article 6 of the U.S. Constitution, bringing to Light the 1789 Treaty of Peace and Friendship with Morocco, the Declaration of Human Rights, and the Declaration of the Rights of Indigenous People signed by former President, Barack Obama in 2010. Both International and Human Rights Law.

73.) Indigenous People are seperate and distinct; alien to this administration; and have a seperate and distinct status from the administrators of the Colonial occupiers of the land; as recognized in the "Declaration on Principles of International Law of Friendly Relations and Cooperation Among States;" wherein it does say under the Principles of Equal Rights and Self Determination of Peoples (B5): "The territory of a colony or other Non-Self Governing Territory has, under the Charter, a status seperate and distinct from the territory of the State administering it..."

74.) Colonial legislators were divested of their legislative powers, and required to transfer Jurisdiction. and all powers over the cultural rights of Indigenous and minority peoples to those peoples and prohibited from making any law that affects the rights of indigenous people to fully and effectively enjoy their right to self-determination in Article 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Adopted by General Assembly resolution 1514 (xv) of December 14, 1960. See Article 5 to wit: "Immediate steps shall be taken, in Trust and Non-Self Governing territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire..." (see also, The American Declaration of the Rights and Duties of Man at Articles 5, 17, 26, Adopted by the Ninth International Conference of American States, in Bogata Columbia 1948)

75.) Form 1099 under our authority copy book 621, page 579, Hurd6-Smith Revised Statutes Chapter 32, Section 36, Paragraphs 164-165, State of Illinois. Pa. Resolution No. 75, Truth A-1 Freehold Status Copyright Certificate AA 222141 of the Library of Congress and registered with the United States Department of Justice (22 USC §141); annotating USA Department of State No. 09001536-1 | 09024889-5, serial number 339901: as recorded in the United States, Forsyth County, North Carolina Register of Deeds Office and evidenced in book 3299, page 1034-1035 Mervin Hinson-Bey©, A Natural Person, In Propria Persona, Sui Juris. Holding the Official Title of Shiek Mufti of the Mervin Hinson-Bey Estate, transmitting utilities as it relates to the Moorish Science Temple of America, a Sovereign Theocratic Government. U.C.C. 1 Financing Statement, File Id No.: 150628-1143430, Certificate Id. No.: 150910-1516525 properly filed and recorded with the ministerial office of the Secretary of State for the State of South Carolina; and not a Statutory Person. Indigenous, possessing Free-hold by inheritance status; standing squarely affirmed and bound by the Zodiac Constitution (Laws of Nature), with all due respect to the Constitution for The united States of America Republic. Decendant of the Ancient Moabites whose Dominion and inhabitation extended from Northeast and Southwest Africa, across the great Atlantic, even unto present North, South, and Central Americaand adjoining islands. Squarely affirmed to the Treaty of Peace and Friendship of 1787 A.D superseded by the Treaty of Peace and Friendship between the united States of America and Morocco, 1836 A.D. (Bivens Law Book of Treaties), the same as displayed under Treaty Law, Obligation, and Authority as expressed in Article C of the Constitution for The united States of America (Republic):

1787 Treaty of Peace and Friendship Articles 20 & 21

Article 20 "If any of the Citizens of the united States, or any person under their protection, shall have any disputes with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from our Government, to enforce his decisions, it shall be immediately granted to him"

Article 21 "If any Citizen of the united States should kill or wound a Mour/Moor, or, on the contrary, if a Mour/Moor shall Kill or wound a Citizen of the United States, the Law of the Country shall take place, and equal justice shall be rendered, the Consul assisting at the Trial; and if any delinquent shall make his escape the Consul shall not be answerable for him in any manner whatever."

76.) Declaration on the Rights of Indigenous Peoples Articles 6, 7, 8, 9, 18, 19, 40

Article 6 "Every Indigenous individual has the Right to a Nationality."

Article 7 "Indigenous individuals have the Right to life, physical and mental integrity, liberty and Security of Person.

Article 8 "(1) Indigenous peoples and individuals have the Right not to be subjected to forced assimilation or destruction of their culture. (2) States shall provide effective Mechanisms for prevention of, and redress for: a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.

Article 9 "Indigenous peoples and individuals have the Right to belong to an Indigenous Community or Nation, in accordance with the traditions and customs of the Community or Nation concerned. No discrimination of any kind may arise from the exercise of such a Right.

Article 18 "Indigenous peoples have the Right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own decision making institutions.

Article 19 States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that May affect them.

Article 40 "Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective Rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the Indigenous peoples concerned and International Human Rights.

77.) Universal Declaration of Human Rights Articles 1, 2, 3, 4, C, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 24, 25, 2C, 30

Article 1 "Right to Equality."
Article 2 "Freedom From discrimination."
Article 3 "Right to Life, Liberty, Personal Security."
Article 4 "Freedom from Slavery."
Article C "Right to recognition as a Person before the Law."
Article 7 "Right to equality before the Law."
Article 8 "Right to Remedy by Competent Tribunal."
Article 9 "Freedom from arbitrary arrest and exile."
Article 10 "Right to fair Public Hearing."
Article 11 "Right to be considered innocent until proven guilty."
Article 12 "Freedom from interference with privacy, family, home, and correspondence
Article 13 "Right to free Movement in and out of the Country."
Article 15 "Right to a Nationality and Freedom to change it."
Article 17 "Right to own property."
Article 18 "Freedom of belief and Religion."
Article 24 "Right to rest and leisure."

Statement of Case contid... Appendices E

Article 25 "Right to adequate living Standard".

Article 26 "Right to Education."

Article 30 "Freedom from State of personal interference in the above Rights.

78.) See also: Sundry Free Moors Act of 1790 and U.S. v. Heirs of Henry Turner, #192

79.) The Defendants in the name of the State and through its commercial agencies, on the Drivers License, and other misrepresented instruments, ie.; Ticket/Complaint, Suit/Bill of exchange, Summons/Order, has commited Fraud to accomplish what is called in legal contemplation, "Capitis Diminutio Maxima", which is that the Plaintiff's natural name has been murdered and he was resurrected as a non-natural, created entity (Cestui Que Vie) subject to regulation and denied the protections of National and International Law. By coercing of the courts with a "man-of-straw"/misnomer word, misrepresented as implying Plaintiffs name, and typed upon the Order/instrument, and was improperly spelled; "MERVIN DAVENPORT HINSON II" in ALL CAPITAL LETERS. That misnomer and CORPERATE NAME, "MERVIN DAVENPORT HINSON II" is clearly an artificial-person/entity; Is not the Plaintiff, the Natural Person; is a deliberate grammatical error, intended to cause injury to the Plaintiff; (which also constitutes slander/defemation of character by way of making Plaintiff appear as a Criminal, damaging his GOOD Name, and Reputation) is clearly not of Consanguine relationship to him or his (Mervin Hinson-Bey Nationality, in any form, Truth, or manner.: Nor his Family Bloodline. This is a Violation of the U.C.C. 1 Financing Statement File ID No.: 150628-1143430, Certificate ID No.: 150910-1516525) Plaintiffs secured rights to his Name and Nationality; A Violation of International Law; and a Violation of the Defendants Obligation, Fiduciary Duties, and Official Oaths to uphold and to support Article VI of The united States Constitution) and thus Violating Plaintiffs Substantive Rights.

80.) "Where Rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." (Miranda v. Arizona, 384 U.S. 436, 491)

Statement of Case cont'd...

81.) "No man in this Country is so high that he is above the law. No officer of the Law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it"... "It is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes on the exercise of the authority which it gives." (U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171 [1882]).

82.) "There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the Sovereign." (Cooper v. O'Conner, 99 F. 2d 133)

83.) "... it is a general and indisputable rule that where there is a legal Right, there is also a legal Remedy" (a legal maxim)

84.) "... that every Right, when withheld, must have a remedy, and every injury its proper redress." (5 U.S. 137, Marbury v. Madison) "The Government of the united States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation if the Laws furnish no remedy for the Violation of a vested legal right." (Marbury v. Madison)

85.) "It has been said that without reference to the Common Law, the language of the Federal Constitution could not be understood." (16 Am Jur 2d., Sec. 114)

86.) U.S. District Court (Middle District) Judge Catherine Eagles states in her unpublished per curiam disposition: Plaintiffs suit is dismissed with prejudice for failure to state a claim on which relief can be granted. Later affirmed by Chief Judge Gregory (U.S. Court of Appeals) for failing to challenge the basis of Catherine Eagles disposition.

87.) The Plaintiff/Claimant in this matter, has always claimed the Violations of enumerated Rights according to the "Bill of Rights", "International and Human Rights Laws", "1787 Treaty of Peace and Friendship", "Oath of Office or Fiduciary/Obligatory Duties", "Personal Unalienable and Substantive Rights", Deprivation of Rights Under Color of Law or Authority, Deprivation of Liberty and Property" as well as "Kidnapping" "Theft" "Slander" "libel" "Defamation

Statement of Case contd ... Appendices E

of Character", and "Perjury", on part of the Defendants with cause of Injury to the Claimant / Plaintiff. Also Violating "Due Process / Due Cause of Law."

88.) Due to the unlawful actions of the Defendants, Claimant was unable to maintain gainful employment as well as forced to discontinue his Educational / Academic Advancement because Claimant's personal / private mode of conveyence was removed (Forcefully) from his care. Now Seeking Remedy and Proper Redress.

89.) Pursuant to Title 18 U.S. Code 2381 - Capital Felony Treason, Cooper v. Aaron, and in Light of the aforegoing Statement, U.S. District Court Judge (Middle District) Catherine Eagles has Taken her Oath of Office Lightly, by failing to correct the wrongs addressed in her Court while having the Obligatory duty to do so.

90.) Catherine Eagles (Respondent) unpublish per curiam disposition is hereby Challenged.

91.) Chief Judge Gregory (Respondent) U.S. Court of Appeals, affirmed Catherine Eagles Disposition although Unpublished Dispositions are not binding in their Circuit.

92.) Chief Judge Gregory's (Respondent) Disposition is hereby Challenged.

93.) The Claimant (Plaintiff) asserts his Right to equal protection under the Law. "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice." (Davis v. Wechsler, 263 U.S. 22, at 24) see also: (Stromberb v. California, 283 U.S. 359; NAACP v. Alabama, 376 U.S. 449)

94.) The Claimant (Plaintiff), is not subject to the jurisdiction of the Defendants. Any alleged Complaint against Plaintiff (Claimant) must be brought before a Competent Lawful Tribunal. All Lawful agencies of Government Must possess a "Delegation Order of Authority" from Congress or the House Parliament. Claimant Demands that this is produced by the Defendants and their employers. "Where there is no Jurisdiction, there can be no discretion, for discretion is incident to jurisdiction." (Piper v. Pearson, 2 Grag 120)

95.) Jurisdiction / Venue are hereby placed in one United States Supreme Court, pursuant to Article III Section 2 for the United States Republic, and the several States under the Constitution; Article VI; and reaffirmed by obligatory Official Oaths.

REASONS FOR GRANTING THE PETITION

1.) U.S. Supreme Court Case Isbill v. Stovall the court is defined as "An agency of the Soveriegn (Claimant/Plaintiff) created by him directly or indirectly under his Authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority."

2.) Mayo v. Wilson, 1 N.H. 53 "Law of the Land" is "Due process of law warranted by the Constitution, by the Common Law adopted by the Constitution, or by Statutes passed in pursuance of the Constitution.

3.) The 5th Amendment requires that all persons within the United States must be given due process of the law and equal protection of the law.

4.) "... All Judicial officers, both of the united States and of the several States shall be bound to support this Constitution..." Clause 3 U.S. Constitution.

5.) The United States of America is required to obey the requirements of the Declaration on the Principles of International Law, and to obey the principles of International Law enumerated therein.

6.) The Vienna Convention on the Law of Treaties requires the United States of America fulfill its obligations incurred thereunder.

7.) The United States of America is a member of the United Nations, and is bound by the Charter of the United Nations to promote and protect the Rights of Indigenous People.

8.) Executive Order Number: 13107, 63, Federal Register, 68991 (1998) Implementation of Human Rights Treaties, which states: "It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of Human Rights and fundamental freedoms, fully to respect and implement its obligations under the International Human Rights Treaties to which it is a party to, including the "ICCPR", the "CAT", and the "CERD."

9.) The respondents in this matter need to be made aware that failure to correct the wrongs that were addressed makes them liable to the Plaintiff/Claimant

by way of committing Perjury on their Oath of Office / Obligatory Duties to support and Uphold the Constitution i.e. "Bill of Rights" et cetera. Thereby becoming co-conspirators of the Defendants in depriving the Claimant (Plaintiff) of a Vested legal Right.

10.) "... the Right to file a lawsuit pro se is one of the most important Rights under the Constitution and Laws." (Elmore v. McCammon [1986] 640 F. Supp. 905)

11.) Title 42 U.S.C. sec. 1983, 1985, and 1986 clearly establishes the right to sue anyone who violates or deprive an individual of their Rights.

12.) This Court hereby take Mandatory Judicial Notice of the aforegoing facts, Obligatory Official Oaths, and the Supreme Law of the Land.

13.) Simply because it is the "Right" and "Just" thing to do.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Muri Ki-Bey

Date: May 18, 2017

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

February 6, 2018

Mervin Hinson-Bey
869 Shalimar Drive
Winston-Salem, NC 27127

RE: Mervin Hinson-Bey v. City of Albermarle Police Dept., et al.
No: 16-5758

Dear Mr. Hinson-Bey:

The petition for rehearing in the above-entitled case was postmarked November 24, 2017 and received November 30, 2017 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

You must also certify that the petition for rehearing is presented in good faith and not for delay.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,
Scott S. Harris, Clerk
By:

Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures