

NO: 25-1155

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
APR 19 2024
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SUPREME COURT, U.S.

Lucas Randal Nelson, *Petitioner*

ORIGINAL

v.

Robyn Griffith, *Respondent*

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Texas

PETITION FOR WRIT OF CERTIORARI

Lucas Randal Nelson
[REDACTED]
[REDACTED]
[REDACTED]
Alfred D Hughes Unit
c/o: 3201 Fm 929
Gatesville, Texas [76528]

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QUESTIONS PRESENTED FOR REVIEW

The DISTRICT COURT OF BRAZORIA COUNTY, TEXAS, 149TH JUDICIAL DISTRICT lacked lawful jurisdiction in cause no: **80654-CR** for the reasons below:

1. The Complaint (Notice of Void Judgment and Jurisdictional Challenge cause no: **116189-CV**, presents a detailed recitation of Plaintiffs' assertions that more than satisfies the pleading requirements of a Jurisdictional Challenge of the Trial Court.
2. Consideration of the Complaint, at LAW, as a whole demonstrates that said complaint meets the requirements established under the Federal Rules for a lawful challenge of the Courts alleged Jurisdiction asserted by Robyn Griffith.

3. In reviewing a facial challenge, which contests the sufficiency of the pleadings, "the court must only consider the allegations of the complaint and documents referenced therein and attached thereto, in the light most favorable to the plaintiff NOT the alleged merits of the cause in question as it was presented to the court.
4. The Court[s] must accept as true all material allegations set forth in the complaint, or present documented evidence of fact which would testify to the inconsistency of any/all material allegation(s) and must construe those facts in favor of the nonmoving party.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1.) Lucas Randal Nelson, Plaintiff

2.) Robyn Griffith, D/B/A,

ROBYN GRIFFITH, Respondent

Formerly, Brazoria County District Attorney

11200 Broadway Street, Suite 2743

Pearland, Texas [77584]

TABLE OF CONTENTS

	Page
Questions Presented for Review	i, ii
List of Parties.....	iii
Table of Contents.....	iv, v
Table of Authorities.....	vi, vii
Opinions.....	1
Jurisdiction Opinion.....	2
Petition for Writ.....	3
Opinions Below.....	4
Jurisdiction.....	4
Constitutional and Statutory Provisions Involved	5
Statement of the Case.....	7
Factual Background.....	8
Proceedings Below.....	9

1. State Criminal Court.....	9
2. State Civil Court.....	9
3. Court of Appeals.....	12
Reasons for Granting the Writ.....	13
Conclusion.....	16

INDEX TO APPENDICES

APPENDIX A:

State Civil Court.....	17
------------------------	----

APPENDIX B:

State Appellate Court.....	18
----------------------------	----

APPENDIX C:

Supreme Court of Texas.....	19
-----------------------------	----

TABLE OF AUTHORITIES

	Page
<u>Basso v. Utah Power & Light Co.</u>	
495 2d 906 at 910 (1974).....	11
<u>Griffith v. Frazer</u>	
8 Cr. 9, 3 L. Ed. 471 (1814)	10
<u>Hafer v. Melo</u>	
502 U.S. 21 (1991).....	12
<u>Hagans v. Levine</u>	
415 U.S. 533 (1974).....	10
<u>Main v. Thiboutot</u>	
448 U.S. 1, 100 S. Ct. 2502 (1980).....	10, 15
<u>Owen v. City of Independence</u>	
445 U.S. 622 (1980).....	12

TABLE OF AUTHORITIES - Continued

Sanchez v. Hester

911 S.W. 2d. 173, (Tex. App.-Corpus Christi 1995).....	15
---	----

Stanard v. Olesen et al. 74 S. Ct. 768 (1954);

Title 5 U.S.C. Sec. 556 and 558(b).....	10
---	----

Thompson v. Tolmie

2 Pet. 157, 7 L. Ed. 381.....	10
-------------------------------	----

United States v. Lee

106 U.S. 196, 200, 221, 1 S.Ct. 240, 261	11
--	----

U.S.C.A. Const. Amend. 5, Hays v. Louisiana Dock Co.

452 N.E. 2d 1383 (III App. 5 Dist. 1983). [Emphasis Added].....	15
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**IN THE SUPREME COURT OF
THE UNITED STATES**

PETITION FOR WRIT OF CERTIORARI

Petitioner, Lucas Randal Nelson, respectfully prays that a writ of certiorari be issued to review the judgment below:

OPINIONS

For the case from the **State Civil Court**:

1. The opinion of the 149TH DISTRICT COURT BRAZORIA COUNTY, TEXAS, Case No. **116189-CV** appears at **Appendix A** page 17 to the petition and is
 reported at _____; or
 has been designated for publication but is not yet reported; or
 is unpublished

For the case from the **Appellate Court**:

2. The opinion of the COURT OF APPEALS FOR THE FOURTEENTH DISTRICT OF TEXAS AT HOUSTON TEXAS, Case No. **14-22-00329-CV** appears at Appendix B page 18 to the petition and is
 reported at _____; or
 has been designated for publication but is not yet reported; or
 is unpublished

JURISDICTION OPINION

For cases from **State Court**:

1. The date on which the DISTRICT COURT OF BRAZORIA COUNTY, TEXAS, 149TH JUDICIAL DISTRICT decided the original cause was **116189-CV**.
 No petition for rehearing was timely filed in my case

A timely petition for rehearing was denied by the COURT OF APPEALS FOR THE FOURTEENTH DISTRICT OF TEXAS AT HOUSTON TEXAS on the following date: August 17, 2023,

And a copy of the order denying rehearing appears at Appendix _____

An extension of time to the petition for the writ of certiorari was granted to and including _____ (date) on _____ (date) in Application

No: N/A

PETITION FOR WRIT OF CERTIORARI

Petitioner, Lucas Randal Nelson respectfully presents this Petition for a Writ of Certiorari before judgment to review a decision of the **Supreme Court of Texas**.

OPINIONS BELOW

The opinion of the DISTRICT COURT OF BRAZORIA COUNTY, TEXAS, 149TH JUDICIAL DISTRICT for which this petition is filed is reported of Cause No. **116189-CV** which was filed under 28 USC §1331. [Decision is show in Exhibit "A"]

JURISDICTION

The case is docketed in the Supreme Court of Texas as Cause No. **23-0894** and was decided on **February 23, 2024**. [See Exhibit "C"]

CONSTITUTIONAL AND STATUTORY**PROVISIONS INVOLVED**

1. The Equal Protection Clause of Section 1 of the Fourteenth Amendment provides that no State shall "deny to any person within its jurisdiction the equal protection of the Laws."
2. Under Federal Criminal Rule F.R.C.P. 12 (e) and the Administrative Procedures Act, to insure the right to disclosure of the Nature and cause of "The Respondent's Action(s)" by ordering the Respondent to answer the "Petition for Redress/Demand for a more definite Statement to determine the nature of the Cause of "Respondent's Action."
3. If charges are discharged in accord with Title 28 USC §2041, Title 27 CFR §72.11, CISG Treaty, Bills of Exchange Act of 1968, UCC 3-603, and UCC 3-307, why has the petitioner not been released from confinement?

4. The Supreme Court of Texas in moving forward, knowing that the Petitioner had served a Special Visitation, Commercial Affidavit, and Petition for Redress upon the Respondent as the Petitioner's demands have not been answered and completely avoided by the Respondent, was a clear act of bad faith on the part of both the Texas Court of Appeals, Supreme Court of Texas, and the Respondent.
5. As the Petitioner, was never a party in interest, a substituted party of record or a proper party to any other pleading regarding "The Respondents Action" 149TH DISTRICT COURT BRAZORIA COUNTY, TEXAS, Case No. 80654-CR, did not acquire lawful jurisdiction over the Plaintiff, a violation of F.R.C.P. 12(b)(2) lack of jurisdiction.

STATEMENT OF THE CASE

Petitioner requests this Court exercise its power and discretion under **Rule 14.1(e)** of its rules to grant a Writ of Certiorari after judgment to the Supreme Court of Texas, which has entered judgment on an appeal of this case. The case presents questions about jurisdiction. This Court, and all public offices, is defined under **FRCP Rule 4(j)** as a FOREIGN STATE, and as defined under **TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE** in accord with the Foreign Sovereign Immunities Act (FSIA) of 1976, which is a United States law, codified at Title 28 U.S.C. Sections 1330, 1332, 1391(f), 1441(d), and 1602-1611, and is being jurisdictionally challenged, and "full disclosure" of the "true" jurisdiction of this court has been challenged.

FACTUAL BACKGROUND**A. Plaintiff**

Plaintiff, Lucas Randal Nelson, is a Secured Party Creditor with Filings with the COLORADO Secretary of State, UCC # 20212119716. An Affidavit of Notice [of Discharge] was sent to the DISTRICT COURT OF BRAZORIA COUNTY, TEXAS, 149TH JUDICIAL DISTRICT, giving notice of said status. Rescinding signature for non-Full disclosure of contract signed, showing that I'm Holder-In-Due-Course of all document(s). I do not take any benefits from the government as the Birth Certificate and Social Security was discharged through the United States Secretary of State as well as other Government Agencies.

PROCEEDINGS BELOW**A. The State Criminal Court:**

This Action commenced on **January 19, 2017**, and sentencing was on **June 22, 2018**, in the DISTRICT COURT OF BRAZORIA COUNTY, TEXAS, 149TH JUDICIAL DISTRICT, by Judge Terri Holder. An Affidavit of Notice [of Discharge] was sent to the Clerk of Court of aforementioned court to rescind signature on any/all contracts signed for, Non-Full disclosure.

B. The State Tort Claim Court:

This action commenced on **May 5, 2022**, though it was [brief] filed on **July 13, 2022**. The Complaint demanded that the defendants prove jurisdiction under title 28 USC §1331. The request of Jurisdiction was ignored in any/all matters. [See Exhibit "A" for ruling on DISTRICT COURT OF BRAZORIA COUNTY, TEXAS, 149TH JUDICIAL DISTRICT.] This was an error pursuant to the following court cases:

- (a) "The law provides that once the state and federal jurisdiction has been challenged, it must be proven."
Main v. Thiboutot, 448 U.S. 1, 100 S. Ct. 2502 (1980);
- (b) "Once jurisdiction is challenged, it must be proven."
Hagans v. Levine, 415 U.S. 533 (1974);
- (c) "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct attack."
Thompson v Tolmie, 2 Pet. 157, 7 L. Ed. 381; Griffith v. Fraser, 8 Cr. 9, 3 L. Ed. 471 (1814);
- (d) "No sanctions can be imposed absent of proof of jurisdiction." Stanard v. Olesen et al., 74 S. Ct. 768 (1954); Title 5 U.S.C. Sec. 556 and 558(b);
- (e) "The proponent of the rule has the burden of proof."
Title 5 U.S.C., Sec. 556(d);

(f) "Jurisdiction can be challenged at anytime, even on final determination." *Basso v. Utah Power & Light Co.*, 495 2d 906 at 910 (1974);

(g) When jurisdiction challenges the act of Federal or State official as being illegal, that official cannot simply avoid liability based on the fact that he is a public official. [*United States v. Lee*, 106 U.S. 196, 220, 221, 1 S. Ct. 240, 261].

Let it be known, until such a time as evidence of facts of jurisdiction is demonstrated and filed in the court record of this case, the Accused shall be entitled to the conclusive presumption the lawful jurisdiction is lacking In Personam and In Rem. Let this statement serve as Constructive Notice that this common-law constitutional national entity, in the eyes of the Law, intends to prosecute to the fullest extent of the Law

anyone who infringes its rights as “officers of the court have no immunity, when violating a constitutional right, from liability, for they are deemed to know the law.” *Owen v. City of Independence*, 445 U.S. 622 (1980); *Hafer v. Melo*, 502 U.S. 21 (1991).

C. The Court of Appeals:

The appeal was submitted on July 13th, 2022, and affirmed on July 13th, 2022, and again jurisdictional issues were disregarded in all matters affirming with the DISTRICT COURT OF BRAZORIA COUNTY, TEXAS, 149TH JUDICIAL DISTRICT [see exhibit “B” for ruling on appeals court].

REASONS FOR GRANTING THE WRIT**This Court Should Exercise Its Power to Grant
Review Before Judgment.**

For several reasons, the circumstances of this case make it appropriate for granting Plaintiff's request for proof of jurisdiction.

First, the case presents issues of fundamental importance. It concerns important constitutional and civil rights, and the resolution of these issues will almost certainly have effects that extend far beyond the parties to the case.

Second, this Court knows, it is the court's responsibility to prove it has subject matter jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's

right to due process of the law. It is, in fact, the Prosecutor's (and subsequently, the Court's) responsibility to prove, on the record, that jurisdiction exists, and jurisdiction can be challenged at any time, even years later, and even collaterally, as in a private administrative process, as was done herein. It is the petitioner's right to challenge jurisdiction, and it is Robyn Griffith's (prosecutor's) duty to prove it exists. The respondent, Robyn Griffith, was given the opportunity (multiple times) to put the evidence of facts of jurisdiction on the official record, but acquiesced by tacit procurement to the fact that the constitutional and due process violations alleged by the petitioner did, in fact, occur, and did, in fact, deprive the court of subject matter jurisdiction, which is now the record before the court.

While voidable orders are readily appealable and must be attacked directly, void orders may be circumvented by collateral attack or remedied by mandamus, Sanchez v. Hester, 911 S.W. 2d. 173, (Tex. App.-Corpus Christi 1995).

The law provides that once state and federal jurisdiction has been challenged, it must be proven.

Main v. Thiboutot, 448 U.S. 1, 100 S. Ct. 2502 (1980).

Jurisdiction was NEVER proven. A void judgment(s) under state and federal law is one in which the rendering court lacked subject matter jurisdiction over dispute of jurisdiction over all parties, or acted in a manner inconsistent with due process of law or otherwise acted unconstitutionally in entering judgment, U.S.C.A. Const. Amend. 5, Hays v. Louisiana Dock Co., 452 N.E. 2d 1383 (III App. 5 Dist. 1983). [Emphasis added].

CONCLUSION

For the foregoing reasons, Lucas Randal Nelson respectfully requests this honorable court to grant his petition for a Writ of Certiorari, which should be granted.

Done so, this ____ day in the month of April 2024.

Respectfully submitted,

Lucas Randal Nelson