

Case No. 17387

STATE OF TEXAS,	§	
Plaintiff in Error,	§	2 nd Judicial District Court of
v.	§	Texas, Cherokee County
Robert James Fox,	§	
Defendant in Error.	§	

AS PRESENTED BY AFFIDAVIT OF Robert James Fox

State of Texas	§
Cass County	§

I, Robert James Fox, am a sovereign, sui juris, man upon the land, a follower of Yahshua the Messiah in the laws of The Almighty Supreme Creator, YHVH first and foremost and the laws of man when they are not in conflict (Leviticus 18:3,4). Pursuant to Matthew 5:33-37 and James 5:12, let my yea be yea, and my nay be nay, as supported by Federal Public Law 97-280, 96 Stat. 1211. I am over the age of majority and have personal knowledge of the matters stated herein, and hereby asseverate understanding the liabilities presented in *Briscoe v LaHue* 460 US 325.

PREFACE

“The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense

the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor - indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."

Berger v. U.S., 295 U.S. 78, 88 (1935)

"As an attorney, it was my mandate to fight against authority when it was overbearing, abusive, or unjust, but also to respect and believe in the system. When I challenged the system it was not from disrespect; rather, it was the ultimate form of respect.

I understood then, as I do today, that absent challenge, authority becomes totalitarian. Authority needs to be challenged if we are to ensure the integrity of the process. It is one of the great truths of our system."

-- Judge Harold J. Rothwax

In this case foul blows have been struck, and absent challenge, authority becomes totalitarian, wherefore I timely present my good faith,

AS PRESENTED BY AFFIDAVIT OF Robert James Fox.

CONTEMPT – JUDICIAL NOTICE

1) This court WILL take judicial notice that I hold the utmost respect for the courts of this state and of this nation; however, I do distinguish between the court and an officer of the court and as to the latter, neither my respect nor my contempt is freely given; it must be earned.

OFFER OF PROOF

) I have witnesses, evidence and testimony in an offer of proof that officers of the court

) The court cannot refuse an offer of proof.

) Upon evidencing the essential facts, it will be plain and clear that

) *“Allegations such as those asserted by petitioner, (a pro se litigant), however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. Accordingly, although we intimate no view on the merits of petitioner’s allegations, we conclude that he is entitled to an opportunity to offer proof.”*

Haines v. Kerner, 404 U.S. 519, 522

) Pursuant to *Haines v. Kerner* I hereby **DEMAND A SHOW CAUSE HEARING** in order that the truth be ascertained and proceedings justly determined as per the RULES OF EVIDENCE, RULE 102.

FACTS

) I have a firm, good faith reliance that officers of the court have executed oaths to support both State and Federal Constitutions, and to uphold the law. I have a firm, good faith reliance that officers of the court are educated, trained, paid, and sworn to uphold the law. Officers of the court are required to report criminal activity as promptly as they become aware of it. I have been defrauded by officers of the court by specific intent, since they have no excuse such as ignorance of the law.

) The Constitution guarantees a republican form of government, however I have been defrauded by pettifogger shysters groveling for filthy lucre utilizing democratic, a/k/a “Mob Rule” statutes, depriving me of my right in an attempt to overthrow the Constitution of The United States of America in the nature of sedition and treason.

) Acting in felony breach of fiduciary duty, officers of the court have acted in a criminal conspiracy to take private property without just compensation, violating by specific intent the Fifth Amendment to the Constitution of The United States of America, even as in taking fingerprints and photographs by force or imminent threat of physical violence from people entitled to the presumption of innocence, providing said fingerprints and photographs to a NAZI organization known as INTERPOL, and denying the victims of such egregious conduct the just compensation to which they are properly entitled. It is plain and clear that said violations of the Constitution are but one facet of the B.A.R. TERRORISTS acting in collusion to overthrow the Constitution of The United States of America in the nature of sedition and treason.

) The cornerstone to due process is **notice and opportunity**. Absent proper notice an accused may be absolutely deprived of the opportunity to

defend. Lies, fraud, deceit, shyster shenanigans, and other treachery fail as to proper notice.

✱) Once due process is denied all jurisdiction ceases as per your very own 5 USC §§ 556(d), 557, 706. Judges have no immunity as per your very own *Owen v. City of Independence*, 100 S Ct. 1398; *Maine v. Thiboutot*, 100 S. Ct. 2502; and *Hafer v. Melo*, 502 U.S. 21; judges are deemed to know the law and sworn to uphold the law; judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the citizen cannot plead ignorance of the law, it is ludicrous for a learned judge to plead ignorance of the law therefore there is no judicial immunity in matters of rights secured by the Constitution of the United States of America. See: Title 42 USC § 1983 and Federal Tort Claims Act exception for unconstitutional acts, as well as 18 USC §§ 241/242.

) The Declaration of Independence provides that all men are created equal and that men created government to secure the rights of men.

) Pursuant to the Declaration of Independence, B.A.R. TERRORISTS acting as quislings* attempting to overthrow the Constitution of The United States of America in the nature of sedition and treason cannot claim to be more equal than myself. In other words, their purported claims to titles of nobility and immunity fail to be anything but evidence of being intoxicated with delusions of grandeur requiring professional mental health care, or in the case of the incorrigible, closely supervised activity such as breaking rocks on the chain gang.

* quisling \ n: a traitor who collaborates with the invaders of his country, especially by serving in a puppet government.
Webster's New Collegiate, Seventh Edition (1961)

) It is plain and clear that the First Amendment provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...". Federal Public Law 97-280, 96 Stat. 1211 provides that the Bible is the Word of God and plainly declares that we should apply its teaching in our lives, and I was and am doing so.

) Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, told the Federalist Society of the Harvard Law School on February 28, 2003 "The first 100 years of American lawyers were trained on Blackstone, who wrote that: 'The law of nature ... dictated by God himself ... is binding ... in

all counties and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all force and all their authority ... from this original."

) "One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two or more witnesses, or at the mouth of three witnesses, shall the matter be established. If a false witness rise up against any man to testify against him that which is wrong; Then both the men, between whom the controversy is, shall stand before the Lord, before the priests and judges, which shall be in those days; And the judges shall make diligent inquisition: and, behold, if the witness be a false witness, and hath testified falsely against his brother; Then shall ye do unto him as he had thought to have done unto his brother: so shalt thou put the evil away from among you. And those which remain shall hear, and fear, and shall henceforth commit no more any such evil among you. And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot." Deuteronomy 19:15-21

CONCLUSION

) During World War II, Winston Churchill made a list of some 50 Germans declaring that upon confirmation of identification, summary execution was appropriate. President Roosevelt agreed. Stalin, on the other hand, declared that the men listed must have a trial. In the instant case, my adversaries oppose giving me a lawful trial and favor summary sentencing. In other words, they would not give me the consideration that Stalin, a reputed despotic tyrant, would give me.

) "If you are determined to execute a man in any case, there is no occasion for a trial; the world yields no respect to courts that are merely organized to convict."

Robert H. Jackson, United States Prosecutor at Nuremberg

) "An avidity to punish is always dangerous to liberty. It leads men to stretch, to misinterpret, and to misapply even the best of laws. He that would make his own liberty secure must guard even his enemy from oppression; for if he violates this duty he establishes a precedent that will reach to himself." Thomas Paine

) I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt hereof providing me with your counteraffidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father Yahvah, through the power and authority of the blood of his son Yahshua be done on Earth as it is in Heaven.

**Reserving ALL Natural God-Given Unalienable
Birthrights, Waiving None, Ever,**

28 USC § 1746(1)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed on this the _____ day of the _____ month in the year of our Lord and Savior two thousand ten.

**Robert James Fox, unrepresented
as in U.S. v. Fox, 766 F.Supp. 569,
a winning case that was cited at 18 USCA §1546(a),
a missionary in a Matthew 25 mission**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was hand delivered or sent by mail, postage prepaid, to opposing parties and/or shysters who have deliberately chosen to be CURSED throughout the Universe, and for all eternity, pursuant to Luke 11:45-54, as they fight against justice and the correct execution of the law, this the _____ day of the ninth month in the year of our Lord and Savior two thousand ten.

Robert James Fox