Florida Supreme Court

Gary Hunt, on behalf of, and, Larry Mikiel Myers

Petitioners,

vs.

Russell Washburn, Warden; Corrections Corporation of America; Citrus County Detention Facility

Sheriff Bob Gualtieri, Pinellas County

Judge Steven Merryday,
U. S. District Court for the Middle District of Florida

John Ley, Clerk of Court,
U.S. Court of Appeals for the 11th Circuit

Respondents,

Case No. _____

USDC: 8:96-Cr-64-T-23TBM

MOTION FOR HABEAS CORPUS

STATEMENT OF FACTS

This Habeas Corpus is filed under the Common Law, as any statutory or administrative laws would dilute the intent of the Framers of both state and federal Constitutions.

Larry Mikiel Myers is a citizen of Florida.

August 18, 2011, Larry Mikiel Myers was booked into the Pinellas County, Florida, Jail.

Prior to January 27, 2012, Larry Mikiel Myers attempted service of his Demand for Habeas Corpus to at least two corrections officers (gaolers), who refused to accept service.

On January 27, 2012, Larry Mikiel Myers mailed, through the jail system, his Demand for Habeas Corpus to Sheriff Bob Gualtieri.

From February 6 through February 9, 2012, Larry Mikiel Myers stood trial in the United States District Court for the Middle District of Florida, Judge Steven Merryday presiding,

On February 9, 2012, Larry Mikiel Myers was convicted of violation of: 18 U.S.C. §371; 18 U.S.C. §372; 18 U.S.C. §876; and, 18 U.S.C. §1503.

On February 12, 2012, Sheriff Gualtieri, Judge Merryday, and the Clerk of the 11th District Court of Appeals were served Habeas Corpus.

Larry Mikiel Myers was released to the U. S. Marshall Service on February 18, 2012 and transferred to Citrus County Detention Facility, 2604 West Woodland Ridge Drive, Lecanto, Florida, where he is currently detained.

AUTHORITY AND ARGUMENT

With regard to Habeas Corpus (*habeas corpus ad subjiciendum*):

Florida Constitution, Article I, Declaration of Rights, Section 13:

> "*Habeas corpus.--The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable **without delay**, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety*.

United States Constitution, Article I, Section 9, clause 2:

> *The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.*

In order to establish a foundation from which this Court might answer and return this Habeas Corpus, we must visit both Florida Constitution and precedence established by the United States Supreme Court.

To the former, the applicable section of the Florida Constitution is Article V, Section 3(b) (6):

> *May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no controlling precedent of the supreme court of Florida.*

In this instance, since the United States Court of Appeals for the 11th Circuit has failed to answer and return the Demand for Habeas Corpus, it would appear that: (1) They do not recognize this Demand as within their jurisdiction; or, (2), the have failed to abide by the United States Constitution. Since it has not been answered and returned, that absence speaks clearly of either of the above. And, surely, there is no controlling precedence in this Court.

Further, Article V, Section 3(b) (7), (8), & (9):

> *May issue writs of prohibition to courts and all writs necessary to the complete exercise of its jurisdiction.*
>
> *May issue writs of mandamus and quo warranto to state officers and state agencies.*

May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

The issuance of the appropriate writ, to any officers or agencies of the state is the proper exercise under the circumstances set forth herein.

Regarding Precedence, there are three United States Supreme Court decisions that establish the extent of federal jurisdiction in such cases. The first is **Abelman v. Booth, 62 U.S. 506** (1858). Justice Taney, in the Decision of the Court, said, [at 519]:

> *The same purposes are clearly indicated by the different language employed when conferring supremacy upon the laws of the United States, and jurisdiction upon its courts. In the first case, it provides that 'this Constitution, and the laws of the United States* ***which shall be made in pursuance thereof****, shall be the supreme law of the land, and obligatory upon the judges in every State.'... **The sovereignty to be created was to be limited in its powers of legislation**, and **if it passed a law not authorized by its enumerated powers, it was not to be regarded as the supreme law of the land, nor were the State judges bound to carry it into execution**. ...*

Clearly, if it is not regarded as the "supreme law of the land", there is an absence of federal jurisdiction, at 520,521, he says:

> *This judicial power was justly regarded as indispensable, not merely to maintain the supremacy of the laws of the United States,* ***but also to guard the States from any encroachment upon their reserved rights by the General Government****. And as the Constitution is the fundamental and supreme law,* ***if it appears that an act of Congress is not pursuant to and within the limits of the power assigned to the Federal Government, it is the duty of the courts of the United States to declare it unconstitutional and void****. The grant of judicial power is not confined to the administration of laws passed in pursuance to the provisions of the Constitution, nor confined to the interpretation of such laws; but, by the very terms of the grant, the Constitution is under their view when any act of Congress is brought before them, and it is their duty to declare the law void, and refuse to execute it, if it is not pursuant to the legislative powers conferred upon Congress. . .*

The United States Supreme Court, then, is to judge the Constitutionality of any law. However, to do so, the must also hear the matter. Habeas Corpus being the proper means of challenging such jurisdiction; only by Habeas Corpus can such a challenge be made. However, in Abelman there is no record that Booth attempted to serve a Habeas Corpus in the federal courts. Had he done so, the decision of the Court would have been decided differently. However, the Wisconsin Supreme Court did see fit to challenge the constitutionality of the Fugitive Slave Act.

Clearly, the Fugitive Slave Act of 1850 has that nexus, for the Constitution states, in Art. IV, § 2, cl. 2, 3:

> *A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the*

State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Finally, as has been referred to by this Court, in Abelman, at 515,516:

> *There can be no such thing as judicial authority, unless it is conferred by a Government or sovereignty; and if the judges and courts of Wisconsin possess the jurisdiction they claim, they must derive it either from the United States or the State. It certainly has not been conferred on them by the United States; and it is equally clear it was not in the power of the State to confer it, even if it had attempted to do so; for no State can authorize one of its judges or courts to exercise judicial power, by habeas corpus or otherwise, within the jurisdiction of another and independent Government. And although the State of Wisconsin is sovereign within its territorial limits to a certain extent, yet that sovereignty is limited and restricted by the Constitution of the United States. And the powers of the General Government, and of the State, although both exist and are exercised within the same territorial limits,* ***are yet separate and distinct*** *sovereignties, acting separately and independently of each other, within their respective spheres.*

Here, we must ask where that line of distinction falls? Who is to determine that fine line, if not the judiciaries of both governments? And, absent involvement by the state government, is it to be left solely to the federal government to define just how far over that line they wish to reach?

Just thirteen years later, the same Court, the Wisconsin Supreme Court, saw fit, once again, to challenge the constitutionality of another detention by federal agents. However, the United States Supreme Court ruled that since he had enlisted and was a member of the Army, the Constitutional nexus was existent.

In **IN RE TARBLE** [80 U.S. 397 (1871)], deals with a Habeas Corpus filed in Wisconsin and upheld by the Supreme Court of the State of Wisconsin. So, once again, Wisconsin trod upon ground previously tread upon in Abelman, where they were overturned.

At 397,398:

> *This was a proceeding on habeas corpus for the discharge of one Edward Tarble, held in the custody of a recruiting officer of the United States as an enlisted soldier, on the alleged ground that he was a minor, under the age of eighteen years at the time of his enlistment, and that he enlisted without the consent of his father.*

Surely, this second decision by the Wisconsin Court was decided, as explained, because the youth, Tarble, was not yet 18 years of age, so the question arose as to whether the contract to enter the military service was valid. That would leave question, if the Wisconsin Court were

correct, as to the existence of the nexus directly to the United States Constitution. The decision, however, establishes the validity of that nexus.

That nexus to the Constitution is quite clear in Article I, Section 8, clause 12, and, Article II, Section 2, clause 1, to wit:

> *To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;*
>
> *The President shall be Commander in Chief of the Army and Navy of the United States...*

For Congress to raise and support Armies, there must be a degree of control over the resources and obligations of that Army. As the President, as Commander in Chief, there can be no doubt as to the implications of jurisdiction over the members of the Army, once they have enlisted and are still under that enlistment.

Though the Court opinion also implied that there was no circumstance where a state could grant Habeas Corpus, that was within the narrow confines of Tarble. Even so, the Chief Justice, in a dissenting opinion, stated [at 412]:

> ***I have no doubt of the right of a State court to inquire into the jurisdiction of a Federal court upon habeas corpus, and to discharge when satisfied that the petitioner for the writ is restrained of liberty by the sentence of a court without jurisdiction**. If it errs in deciding the question of jurisdiction, the error must be corrected in the mode prescribed by the 25th section of the Judiciary Act; **not by denial of the right to make inquiry**.*

Absent such ability of the states to challenge jurisdiction, at least when there is no direct Constitutional nexus, would result in the states and the people subjecting themselves to absolute federal despotism. This, clearly, was not the intent in either Tarble, or, the Constitution.

This, then, leads us to a consideration of the extent of federal legislative authority. This question of challenge of jurisdiction, based upon Constitutional authority, comes to us just four years later in **U S v. REESE, 92 U.S. 214** [1875]. Though this case does not deal with Habeas Corpus, it does address the matter of nexus to the Constitution and legislative authority. It will demonstrate that even with the nexus, absent explicit authority, the nexus is not sufficient to establish proper jurisdiction.

At 215, 216:

> *This case comes here by reason of a division of opinion between the judges of the Circuit Court in the District of Kentucky. It presents an indictment containing four counts, under sects. 3 and 4 of the act of May 31, 1870 (16 Stat. 140), against two of the inspectors of a municipal election in the State of Kentucky, for refusing to receive and count at such election the vote of William Garner, a citizen of the United States of African descent. All the questions presented by the certificate of division arose upon general demurrers to the several counts of the indictment. In this court the United States abandon the first and third counts, and expressly waive the consideration of all claims not arising out of the enforcement of the Fifteenth Amendment of the Constitution.*

Since the Fifteenth Amendment had been ratified prior to Reese, the nexus was created by that Amendment to the Constitution. The nexus exists, and, is confirmed by the decision of the Court, at 217,208:

> ***Rights and immunities created by or dependant upon the Constitution of the United States can be protected by Congress***. *The form and the manner of the protection may be such as Congress,* ***in the legitimate exercise of its legislative discretion****, shall provide. These may be varied to meet the necessities of the particular right to be protected.*
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> ***The Fifteenth Amendment does not confer the right of suffrage upon any one***. *It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, &c., as it was on account of age, property or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment, there was no constitutional guaranty against this discrimination: now there is.* ***It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress***. *That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by 'appropriate legislation.'*

However, in the decision, it is determined that the statutory enactment based upon the nexus, the Fifteenth Amendment, is to broadly written as to come within the authority granted by the Amednment. The decision brings into question whether Sections three and four of the Act of Congress [Act of May 31, 1870 (16 Stat; 140)] are within the authority of the Congress based upon the Fifteenth Amendment. At 218:

> *This leads us to inquire whether the act now under consideration is 'appropriate legislation' for that purpose. The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of art. 1, sect. 4, of the Constitution, in respect to elections for senators and representatives, is not now under consideration. It has not been contended, nor can it be,* ***that the amendment confers authority*** *to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized.*

And, at 219:

> *The statute contemplates a most important change in the election laws. Previous to its adoption, the States, as a general rule, regulated in their own way all the details of all elections. They prescribed the qualifications of voters, and the manner in which those offering to vote at an election should make known their qualifications to the officers in charge. This act interferes with this practice, and prescribes rules not provided by the laws of the States. It substitutes, under certain circumstances, performance wrongfully prevented for performance itself. If the elector makes and presents his affidavit in the*

form and to the effect prescribed, the inspectors are to treat this as the equivalent of the specified requirement of the State law. This is a radical change in the practice, and the statute which creates it should be explicit in its terms. Nothing should be left to construction, if it can be avoided. The law ought not to be in such a condition that the elector may act upon one idea of its meaning, and the inspector upon another.

And, at 220 - 222:

> *There is no attempt in the sections [of the Amendment] now under consideration to provide specifically for such an offence. If the case is provided for at all, it is because it comes under the general prohibition against any wrongful act or unlawful obstruction in this particular. We are, therefore, directly called upon to decide whether a penal statute enacted by Congress, with its limited powers, which is in general language broad enough to cover wrongful acts without as well as within the constitutional jurisdiction, can be limited by judicial construction so as to make it operate only on that which Congress may rightfully prohibit and punish. For this purpose, we must take these sections of the statute as they are.* ***We are not able to reject a part which is unconstitutional, and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not****. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there. Each of the sections must stand as a whole, or fall altogether. The language is plain. There is no room for construction, unless it be as to the effect of the Constitution. The question, then, to be determined, is, whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only.*
>
> *It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of the government. The courts enforce the legislative will when ascertained,* ***if within the constitutional grant of power****. Within its legitimate sphere, Congress is supreme, and beyond the control of the courts; but if it steps outside of its constitutional limitations, and attempts that which is beyond its reach, the courts are authorized to, and when called upon in due course of legal proceedings, must, annul its encroachments upon the reserved power of the States and the people.*

Therefore, in Reese, we see that though a nexus does exist between the Constitution and the matter before the Court, the authority of the Congress, to act within explicit grant of power, or authority, within the Constitution (15th Amendment), does not grant them legislative authority outside of that which was explicitly granted.

When we look at the history of Habeas Corpus, we can see the significance, and importance, of the writ as being a protection for the people from judicial misdeeds, even to the point of imposing severe penalties on those who did not answer the writ.

With the enactment of the **Habeas Corpus Act** [Act 31 Car. 2, c. 2, 27 May 1679], urgency of the Habeas Corpus was established. There appears to be a presumption that a Justice would grant the Writ and require appearance. Those holding the person detained risk severe penalties for failure to produce the "body".

*V. And be it further enacted by the authority aforesaid, That if any officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or deputy, **shall neglect or refuse to make the returns aforesaid**, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or person in his behalf, shall refuse to deliver, or within the space of six hours after demand shall not deliver, to the person so demanding, a true copy of the warrant or warrants of commitment and detainer of such prisoner, which he and they are hereby required to deliver accordingly, all and every the head gaolers and keepers of such prisons, and such other person in whose custody the prisoner shall be detained, **shall for the first offence forfeit to the prisoner or party grieved the sum of one hundred pounds**; (2) and **for the second offence the sum of two hundred pounds, and shall and is hereby made incapable to hold or execute his said office**; (3) the said penalties to be recovered by the prisoner or party grieved, his executors or administrators, against such offender, his executors or administrators, by any action of debt, suit, bill, plaint or information, in any of the King's courts at Westminster, wherein no essoin, protection, privilege, injunction, wager of law, or stay of prosecution by Non vult ulterius prosequi, or otherwise, shall be admitted or allowed, or any more than one imparlance; (4) and any recovery or judgment at the suit of any party grieved, shall be a sufficient conviction for the first offence; and any after recovery or judgment at the suit of a party grieved for any offence after the first judgment, shall be a sufficient conviction to bring the officers or person within the said penalty for the second offence.*

In 1768, **William Blackstone, Commentaries** [3:129--37] provides even more insight into the necessity and requirements associated with this Writ of Right.

> *But the great and efficacious writ in all manner of illegal confinement, is that of habeas corpus ad subjiciendum; directed to the person detaining another, and commanding him to produce the body of the prisoner with the day and cause of his caption and detention, ad faciendum, subjiciendum, et recipiendum, to do, submit to, and receive, whatsoever the judge or court awarding such writ shall consider in that behalf. This is a high prerogative writ, and therefore by the common law issuing out of the court of king's bench not only in term-time, but also during the vacation, by a fiat from the chief justice or any other of the judges, and running into all parts of the king's dominions: for the king is at all times intitled to have an account, why the liberty of any of his subjects is restrained, wherever that restraint may be inflicted. . .*

Clearly, whether jurisdiction is obvious, or in question, the Court is compelled to Answer.

> *In the court of king's bench it was, and is still, necessary to apply for it by motion to the court, as in the case of all other prerogative writs (certiorari, prohibition, mandamus, &c) which do not issue as of mere course, without shewing some probable cause why the extraordinary power of the crown is called in to the party's assistance. For, as was argued by lord chief justice Vaughan, "it is granted on motion, because it cannot be had of course; and there is therefore no necessity to grant it: for the court ought to be satisfied that the party hath a probable cause to be delivered." And this seems the more reasonable, because (when once granted) the person to whom it is directed can return no satisfactory excuse for not bringing up the body of the prisoner. So that, if it issued of mere course, without shewing to the court or judge some reasonable ground for awarding it, a traitor or felon under sentence of death, a soldier or mariner in the king's*

> *service, a wife, a child, a relation, or a domestic, confined for insanity or other prudential reasons, might obtain a temporary enlargement by suing out an habeas corpus, though sure to be remanded as soon as brought up to the court. And therefore Edward Coke, when chief justice, did not scruple in 13 Jac. I. to deny a habeas corpus to one confined by the court of admiralty for piracy; there appearing, upon his own shewing, sufficient grounds to confine him. On the other hand, if a probable ground be shewn, that the party is imprisoned without just cause, and therefore hath a right to be delivered, the writ of habeas corpus is then a writ of right, which "**may not be denied, but ought to be granted to every man that is committed, or detained in prison, or otherwise restrained, though it be by the command of the king, the privy council, or any other**."*
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> *In a former part of these commentaries we expatiated at large on the personal liberty of the subject. It was shewn to be a natural inherent right, which could not be surrendered or forfeited unless by the commission of some great and atrocious crime, nor ought to be abridged in any case without the special permission of law. A doctrine co-eval with the first rudiments of the English constitution; and handed down to us from our Saxon ancestors, notwithstanding all their struggles with the Danes, and the violence of the Norman conquest: asserted afterwards and confirmed by the conqueror himself and his descendants: **and though sometimes a little impaired by the ferocity of the times, and the occasional despotism of jealous or usurping princes**, yet established on the firmest basis by the provisions of magna carta, and a long succession of statutes enacted under Edward III. To assert an absolute exemption from imprisonment in all cases, is inconsistent with every idea of law and political society; and in the end would destroy all civil liberty, by rendering it's protection impossible: but the glory of the English law consists in clearly defining the times, the causes, and the extent, when, wherefore, and to what degree, the imprisonment of the subject may be lawful. This induces an absolute necessity of expressing upon every commitment the reason for which it is made; that the court upon an* habeas corpus *may examine into its validity; and according to the circumstances of the case may discharge, admit to bail, or remand the prisoner.*

Blackstone concludes his Commentary in the Sacred Writ in unequivocal terms:

> *This is the substance of that great and important statute: which extends (we may observe) only to the case of commitments for such criminal charge, as can produce no inconvenience to public justice by a temporary enlargement of the prisoner: all other cases of unjust imprisonment being left to the habeas corpus at common law. But even upon writs at the common law it is now expected by the court, agreeable to antient precedents and the spirit of the act of parliament, that the writ should be immediately obeyed, without waiting for any alias or pluries; otherwise an attachment will issue. By which admirable regulations, judicial as well as parliamentary, the remedy is now complete for removing the injury of unjust and illegal confinement. **A remedy the more necessary, because the oppression does not always arise from the ill-nature, but sometimes from the mere inattention of government**.*

As a soon to be Great Nation is founded, those who framed the Constitution saw fit to specifically carry forward, and secure rights against "inattentive government", as a part of the Constitution.

William Rawle, in "**A View of the Constitution of the United States** 117--19" [1829], provides us insight into the perception of the Writ just forty years after the Ratification of the Constitution, and, clearly, as it was envisioned at the time.

> *Reasons will be given hereafter for considering many of the restrictions, contained in the amendments to the Constitution, as extending to the states as well as to the United States, but the nature of the writ of habeas corpus seems peculiarly to call for this construction. It is the great remedy of the citizen or subject against arbitrary or illegal imprisonment; it is the mode by which the judicial power speedily and* ***effectually protects the personal liberty of every individual, and repels the injustice of unconstitutional laws or despotic governors****. After erecting the distinct government which we are considering, and after declaring what should constitute the supreme law in every state in the Union, fearful minds might entertain jealousies of this great and all-controlling power, if some protection against its energies when misdirected, was not provided by itself.*
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> *The national code in which the writ of habeas corpus was originally found, is not expressly or directly incorporated into the Constitution.*
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> ***If this provision had been omitted****, the existing powers under the state governments, none of whom are without it, might be questioned, and* ***a person imprisoned on a mandate of the president or other officer, under colour of lawful authority derived from the United States, might be denied relief****. But the judicial authority, whether vested in a state judge, or a judge of the United States, is an integral and identified capacity; and if congress never made any provision for issuing writs of habeas corpus, either the state judges must issue them, or the individual be without redress. The Constitution seems to have secured this benefit to the citizen by the description of the writ, and in an unqualified manner admitting its efficacy, while it declares that it shall not be suspended unless when, in case of rebellion or invasion, the public safety shall require it. This writ is believed to be known only in countries governed by the common law, as it is established in England; but in that country the benefit of it may at any time be withheld by the authority of parliament, whereas we see that in this country it cannot be suspended even in cases of rebellion or invasion, unless the public safety shall require it. Of this necessity the Constitution probably intends, that the legislature of the United States shall be the judges. Charged as they are with the preservation of the United States from both those evils, and superseding the powers of the several states in the prosecution of the measures they may find it expedient to adopt, it seems not unreasonable that this control over the writ of habeas corpus, which ought only to be exercised on extraordinary occasions, should rest with them. It is at any rate certain, that congress, which has authorized the courts and judges of the United States to issue writs of habeas corpus in cases within their jurisdiction, can alone suspend their power, and that no state can prevent those courts and judges from exercising their regular functions, which are, however,* ***confined to cases of imprisonment professed to be under the authority of the United States. But the state courts and judges possess the right of determining on the legality of imprisonment under either authority****.*

So, Rawles has explained to us that the federal government can, "*under colour of lawful authority*", imprison a person. And, that only the state court can provide a remedy for such unlawful detention. However, this does not seem to square with Abelman v. Booth [62 U.S. 506 (1858)], however, the context of Abelman does not dispute Rawle's conclusion.

There is another legal authority that can provide us with insight into the intention of Habeas Corpus, as per the Founding era and our legal heritage. The Honorable Justice **Joseph Story, "Commentaries on the Constitution**" [3:§§ 1333--36 (1833)] will provide that insight.

> *§ 1333.* ***In order to understand the meaning of the terms here used, it will be necessary to have recourse to the common law; for in no other way can we arrive at the true definition of the writ of habeas corpus****. At the common law there are various writs, called writs of habeas corpus. But the particular one here spoken of is that great and celebrated writ, used in all cases of illegal confinement, known by the name of the writ of habeas corpus ad subjiciendum, directed to the person detaining another, and commanding him to produce the body of the prisoner, with the day and cause of his caption and detention, ad faciendum, subjiciendum, et recipiendum, to do, submit to, and receive, whatsoever the judge or court, awarding such writ, shall consider in that behalf.* ***It is, therefore, justly esteemed the great bulwark of personal liberty; since it is the appropriate remedy to ascertain, whether any person is rightfully in confinement or not****, and the cause of his confinement; and* ***if no sufficient ground of detention appears, the party is entitled to his immediate discharge****. This writ is most beneficially construed; and is applied to every case of illegal restraint, whatever it may be; for every restraint upon a man's liberty is, in the eye of the law, an imprisonment, wherever may be the place, or whatever may be the manner, in which the restraint is effected.*

Can there be any doubt that absent the right of a citizen's to legal recourse, by Habeas Corpus, to remedy, is a denial of the most fundamental and sacred of all legal remedies? And, can there be any contemplation, at all, that we have somehow failed to carry to the present day this ultimate remedy against overreaching government?

As a final resource of competent legal authority, we will visit **Bouvier's Law Dictionary** [1856], from about the time of the Abelman decision [1858], in part:

> **HABEAS CORPUS**, *remedies A writ of habeas corpus is an order in writing, signed by the judge who grants the same, and sealed with the seal of the court of which he is a judge, issued in the name of the sovereign power where it is granted, by such a court or a judge thereof, having lawful authority to issue the same, directed to any one having a person in his custody or under his restraint, commanding him to produce, such person at a certain time and place, and to state the reasons why he is held in custody, or under restraint.*
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>
> *5. The habeas corpus act has been substantially incorporated into the jurisprudance of every state in the Union, and the right to the writ has been secured by most of the constitutions of the states, and of the United States. The statute of 31 Car. II. c. 2, provides that the person imprisoned, if he be not a prisoner convict, or in execution of legal process, or committed for treason or felony, plainly expressed in the warrant, or has not neglected wilfully, ...to pray a habeas corpus for his enlargement, may apply by any one in his behalf, ... to a judicial officer for the writ of habeas corpus, and the officer, upon view of the copy of the warrant of commitment, or upon proof of denial of it after due demand, must allow the writ to be directed to the person in whose custody the party is detained, and made returnable immediately before him. And ..., any of the said prisoners may obtain his writ of habeas corpus, by applying to the proper court.*

** * **

7. The Constitution of the United State art. 1, s. 9, n. 2, provides, that " the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it and the same principle is contained in many of the state constitutions. In order still more to secure the citizen the benefit of this great writ, ***a heavy penalty is inflicted upon the judges who are bound to grant it, in case of refusal.***

8. It is proper to consider, 1. When it is to be granted. 2. How it is to be served. 3. What return is to be made to it. 4. The bearing. 5. The effect of the judgment upon it.

9. - 1. ***The writ is to be granted whenever a person is in actual confinement, committed or detained as aforesaid, either for a criminal charge, or, ...under any color or pretence whatsoever****...*

10. - 2. ***The writ may be served by any free person, by leaving it with the person to whom it is directed, or left at the gaol or prison with any of the under officers, under keepers, or deputy of the said officers or keepers****...*

11. - 3. The person to whom the writ is addressed or directed, is required to make a return to it, within the time prescribed; he either complies, or he does not. If, he complies, he must positively answer, 1. Whether he has or has not in his power or custody the person to be set at liberty, or whether that person is confined by him; if he return that he has not and has not had him in his power or custody, and the return is true, it is evident that a mistake was made in issuing the writ; if the return is false, he is liable to a penalty, and other punishment, for making such a, false return. If he return that he has such person in his custody, then he must show by his return, further, by what authority, and for what cause, he arrested or detained him. ***If he does not comply, he is to be considered in contempt of the court under whose seal the writ has been issued, and liable to a severe penalty, to be recovered by the party aggrieved****.*

12. - 4. When the prisoner is brought, before the judge, his judicial discretion commences, and he acts under no other responsibility than that which belongs to the exercise of ordinary judicial power. The judge or court before whom the prisoner is brought on a habeas corpus, examines the return and Papers, if any, referred to in it, and if no legal cause be shown for the imprisonment or restraint; or if it appear, although legally committed, he has not been prosecuted or tried within the periods required by law, or that, for any other cause, the imprisonment cannot be legally continued, the prisoner is discharged from custody....

** * **

16. The habeas corpus can be suspended only by authority of the legislature. The constitution of the United States provides, that the privilege of the writ of habeas corpus shall not be suspended unless when, in cases of invasion and rebellion, the public safety may require it. Whether this writ ought to be suspended depends on political considerations, of which the legislature, is to decide...

****

Now, let us look in to the matter of jurisdiction. First, we might look at what the Framers of the Constitution, and others of that era, perceived as limitation on jurisdiction. In an Act of Congress, the protection of government property, only on land ceded in accordance with the Constitution, could be protected, by the authority of Congress, with an act imposing penalties for damage or destruction to that property

An Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes. (March 3, 1825)

> *"That if any person or persons, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is ceded to,* ***and under the jurisdiction of, the United States****, or on a site of any lighthouse, or other needful building belonging to the United States, the sight whereof is ceded to them [United States},* ***and under their jurisdiction****, as aforesaid, shall, willfully..."*

Article I, Section 8, clause 17 seems to have established severe limits on Congress in such enactments and authority:

> *To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;*

Moving ahead in time, we come to another momentous decision by Justice Taney (Abelman v. Booth) in **Dred Scott v. Sandford 60 U.S. 393** (1856). In this decision, notwithstanding the subject of the case, rather, with consideration of a rather obscure portion of the decision, we find that Scott had no standing. The Court decided to hear the case, anyway.

> *"That plea denies the right of the plaintiff to sue in a court of the United States, for the reasons therein stated. If the question raised by it is legally before us, and the court should be of opinion that the facts stated in it disqualify the plaintiff from becoming a citizen, in the sense in which that word is used in the Constitution of the United States, then the judgment of the Circuit Court is erroneous, and must be reversed. It is suggested, however, that this plea is not before us; and that as the judgment in the court below on this plea was in favor of the plaintiff, he does not seek to reverse it, or bring it before the court for revision by his writ of error; and also that* ***the defendant waived this defence by pleading over, and thereby admitted the jurisdiction of the court****."*

Absent a challenge to the Court's jurisdiction, the Court may assume jurisdiction.

Also, in considering jurisdiction, we must also visit **Twining v. State of New Jersey** 211 U.S. 78 (1908). In this case, the decision of the United States Supreme Court had to do with the extent of federal jurisdiction. The jurisdiction was based upon the Fourteenth Amendment to the Constitution.

Albert C. Twining and David C. Cornell were indicted by a Grand Jury, and, convicted of providing "false papers" to a state banking examiner. They were sentenced to prison terms, and Twining appealed the action of the New Jersey Court. He held that the requirement to turn over

papers to the examiner, absent a court order, denied him "due process" under the Fourteenth Amendment.

Since Twining and Cornel were both citizens of New Jersey, and there was no other qualifier for federal intervention, they retained their status as state citizens, dealing with the laws of that state, without "Federal right[s]" being conferred to them.

Justice Moody provided the decision of the court. In summing up the case, he posed the following [at 116]:

> *". . . whether such a law [state law] violates the 14th Amendment, either by abridging the privileges or immunities of citizens of the United States, or by depriving persons of their life, liberty, or property without due process of law. In order to bring themselves within the protection of the Constitution it is incumbent on the defendants to prove two propositions: First, that the exemption from compulsory self- incrimination is guaranteed by the Federal Constitution against impairment by the states; and, second, if it be so guaranteed, that the exemption was in fact impaired in the case at bar.* The first proposition naturally presents itself for earlier consideration. ***If the right here asserted is not a Federal right, that is the end of the case.*** *We have no authority to go further and determine whether the state court has erred in the interpretation and enforcement of its own laws.*

That last point, "If the right here asserted is not a Federal right, that is the end of the case", will lead to the final decision of the Court. Does it also hold that if no right is conferred, that there is an absence of jurisdiction, as well?

Finally, at 115:

> *We do not pass upon the conflict, because, for the reasons given, we think that the exemption from compulsory self-incrimination in the courts of the states* ***is not secured by any part of the Federal Constitution****.*

That suggests that there is, without a doubt, a limitation on the jurisdiction of the federal government. If the Constitution does not provide for it, they cannot assume to have jurisdiction.

Now, on to the separation of the judiciary into its dual function. Though Administrative Agencies had been in existence prior to, it wasn't until **Ashwander v Tennessee Valley Authority 297 U.S. 288** (1936) that we find a concise explanation of the "rules" adopted by the United States Supreme Court.

The case involves an effort by shareholders of the Alabama Power Company to annul a contract that was selling large portions of the operation, facilities, and franchises, of the Power Company to the Tennessee Valley Authority, a federal agency.

The outcome was based upon principles (rules?) developed in previous decisions, and the final decision was that the contracts were binding.

Justice Brandeis, in a concurring opinion, gave us the meat that is so necessary to understand what had eroded, over time, the limitations imposed on the federal government by the Constitution. At 346:

The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for decision. They are:

1. ***The Court will not pass upon the constitutionality of legislation in a friendly, nonadversary, proceeding, declining because to decide such questions 'is legitimate only in the last resort****, and as a necessity in the determination of real, earnest, and vital controversy between individuals. It never was the thought that, by means of a friendly suit, a party beaten in the legislature could transfer to the courts an inquiry as to the constitutionality of the legislative act.*

2. The Court will not 'anticipate a question of constitutional law in advance of the necessity of deciding it.' 'It is not the habit of the court to decide questions of a constitutional nature unless absolutely necessary to a decision of the case.'

3. The Court will not 'formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied.'

4. ***The Court will not pass upon a constitutional question although properly presented by the record, if there is also present some other ground upon which the case may be disposed of****. This rule has found most varied application. Thus, if a case can be decided on either of two grounds, one involving a constitutional question, the other a question of statutory construction or general law, the Court will decide only the latter. Appeals from the highest court of a state challenging its decision of a question under the Federal Constitution are frequently dismissed because the judgment can be sustained on an independent state ground.*

5. The Court will not pass upon the validity of a statute upon complaint of one who fails to show that he is injured by its operation. Among the many applications of this rule, none is more striking than the denial of the right of challenge to one who lacks a personal or property right. Thus, the challenge by a public official interested only in the performance of his official duty will not be entertained. In Fairchild v. Hughes, the Court affirmed the dismissal of a suit brought by a citizen who sought to have the Nineteenth Amendment declared unconstitutional. In Massachusetts v. Mellon, the challenge of the federal Maternity Act was not entertained although made by the commonwealth on behalf of all its citizens.

6. ***The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits****.*

*7. '****When the validity of an act of the Congress is drawn in question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided****. I am aware that, on several occasions, this Court passed upon important constitutional questions which were presented in stockholders' suits bearing a superficial resemblance to that now before us. But in none of those cases was the question presented under circumstances similar to those at bar. In none, were the plaintiffs preferred stockholders. In some, the Court dealt largely with questions of federal jurisdiction and collusion. In most, the propriety of considering the constitutional question was not challenged by any party. In most, the statute challenged imposed a*

burden upon the corporation and penalties for failure to discharge it; whereas the Tennessee Valley Authority Act (16 U.S.C.A. 831 et seq.) imposed no obligation upon the Alabama Power Company, and under the contract it received a valuable consideration. Among other things, the Authority agreed not to sell outside the area covered by the contract, and thus preserved the corporation against possible serious competition. The effect of this agreement was equivalent to a compromise of a doubtful cause of action. Certainly, the alleged invalidity of the Tennessee Valley Authority Act was not a matter so clear as to make compromise illegitimate. These circumstances present features differentiating the case at bar from all the cases in which stockholders have been held entitled to have this Court pass upon the constitutionality of a statute which the directors had refused to challenge. The cases commonly cited are these:

Given that the United States Supreme Court has found means to circumvent the concept of "judicial review", as established by Justice Marshall in **Marbury v. Madison** [5 US 137 (1803)], and established the principles which would be, for over a century, protecting the citizens from an overreaching government. He made clear what the nature of a government, created and bound by a constitution, was when he said, at 177:

> *Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that* ***an act of the legislature repugnant to the constitution is void****.*

However, in line with Ashwander Decision, the Congress enacted the **Administrative Procedure Act of 1946.**

The Bill, "Administrative Procedure Act", was submitted by Representative Pat McCarran, Democrat, Nevada, who gave us some insight into its purpose, when he said (from the Congressional Record, March 12, 1946):

> "*We have set up a fourth order in the tripartite plan of government which was initiated by the founding fathers of our democracy. They set up the executive, the legislative, and the judicial branches;* ***but since that time we have set up fourth dimension, if I may so term it, which is now popularly known as administrative in nature****. So we have* ***the legislative, the executive, the judicial, and the administrative****."*
>
> *"Perhaps there are reasons for that arrangement. We found that the legislative branch, although it might enact a law, could not very well administer it. So the legislative branch enunciated the legal precepts and ordained that commissions or groups should be established by the executive branch with power to promulgate rules and regulations. These rules and regulations are the very things that impinge upon, curb, or permit the citizen who is touched by the law, as every citizen of this democracy is.*
>
> *"This is not a Government of man. It is a Government of law; and this law is a thing which, every day from its enactment until the end of time so for is this Government is concerned, will touch every citizen of the Republic.*
>
> *"Senate bill 7, the purpose of which is to improve the administration of justice by prescribing fair administrative procedure, is a bill of rights for* ***the hundreds of thousands of Americans whose affairs are controlled or regulated in one way or***

another by agencies of the Federal government. *It is designed to provide guarantees of due process in administrative procedure.*

"The subject of the administrative law and procedure is not expressly mentioned in the constitution, and there is no recognizable body of such law, as there is for the courts in the Judicial Code.

"Problems of administrative law and procedure have been increased and aggravated by the continued growth of the Government, particularly in the executive branch.

So, the question arises as to whether the administrative branch of government, "the fourth diomension', extends to all people, or just "*the hundreds of thousands of Americans whose affairs are controlled or regulated in one way or another by agencies of the Federal government"?* Given that the estimated population of the United States in 1946 was over 141 million people, that would mean that less than one percent were among those "hundreds of thousands of Americans".

Later, on May 24 (Congressional Record), Representative John Gwynne of Iowa provides insight into what "rule making" is, when he said:

"*After a law has been passed by the Congress, before it applies to the individual citizens there are about three steps that must be taken. First, the bureau having charge of enforcement must write rules and regulations* ***to amplify, interpret, or expand*** *the statute that we passed; rulemaking, we call it. Second, there must be some procedure whereby the individual citizen who has some contact with the law can be brought before the bureau and his case adjudicated... Finally, there must be some procedure whereby the individual may appeal to the courts from the action taken by the bureau."*

"Amplify, interpret, or expand"? Was the intention of the Act to apply only to the hundreds of thousands, who were among that less than one percent?? Or, was the intention to circumvent the Constitution and establish a despotic regime that was no longer bound by the Constitution?

If we assume the latter, that it only applies to those who come under the Administrative Procedure Act of 1946, that leaves cause to wonder whether the remaining 99 percent have fallen under the influence of the Act by other means, or simple inattention.

If we recall what Taney said in Dred Scott v. Sandford, if one fails to challenge jurisdiction, the Court will assume that it has the authority to hear the matter before it. If so, then Habeas Corpus is the only means by which that overreaching government can be challenged as to the constitutionality of a law whereby they have sought to detain someone for a crime that is not within their jurisdiction.

Now, we come to the matter at hand, the detainment of Larry Mikiel Myers. The charges brought by the federal government are those that must be tested as to their constitutionality.

In each of these offenses, the burden falls upon the government to established jurisdictions; *in personam*; subject matter; and, territorial. This must also be in compliance with the Decisions cited above, as to whether they fall within federal or local jurisdiction.

The Charges, with comment:

18 U.S.C. § 371: Conspiracy to commit offense or to defraud United States

> *If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.*
>
> *If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.*

How can that be a crime that is only words (freedom of Speech) and there is no manifestation of a crime (act against a party causing injury, damage, or loss)? Is this not unlike many Hollywood and television movies, radio programs, band books, where a plot is laid out, for whatever purpose, though no action is taken, except words, to actually conduct some act? Where is the constitutional nexus?

18 U.S.C. § 372: Conspiracy to impede or injure officer

> *If two or more persons in any State, Territory, Possession, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof, or to induce by like means any officer of the United States to leave the place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined under this title or imprisoned not more than six years, or both.*

Though there is an implication that if this occurs in a state, it must be valid (a lawful or constitutional enactment), however, the legitimacy of any law enacted must meet the test of constitutionality and the recognition that jurisdictions cannot overlap -- separate and distinct jurisdictions do not allow for the federal government, absent a qualifier, to assume jurisdiction where the state has jurisdiction. As stated in Twinning, "*If the right here asserted is not a Federal right, that is the end of the case."* Where is the constitutional nexus?

18 U.S.C. § 876: Mailing threatening communications

> *(a) Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service or knowingly causes to be delivered by the Postal Service according to the direction thereon, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any demand or request for ransom or reward for the release of any kidnapped person, shall be fined under this title or imprisoned not more than twenty years, or both.*
>
> *(b) Whoever, with intent to extort from any person any money or other thing of value, so deposits, or causes to be delivered, as aforesaid, any communication containing any*

threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than twenty years, or both.

(c) Whoever knowingly so deposits or causes to be delivered as aforesaid, any communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than five years, or both. If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.

(d) Whoever, with intent to extort from any person any money or other thing of value, knowingly so deposits or causes to be delivered, as aforesaid, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined under this title or imprisoned not more than two years, or both. If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both

The Constitution, Art. I, Sec. 8, cl. 7, imposes an obligation on government, to wit

To establish Post Offices and post Roads

As we saw in **In Re Tarble**, the authority to enact laws has to be explicit. There is no presumption that laws can be enacted limiting what could be mailed through the postal system, whether that system is under federal mandate, or under the abrogated responsibility in the current privatized US Postal Service. Any limitation would have to be where such restriction was to prohibit immediate danger to the carriers of the mails. The privacy envisioned by the Framers was such that mail could not be opened. If the mail arrived at its destination without consequence, the mail system, at least, functions as it should. The assumption that those thoughts reduced to writing should be subject to criminal prosecution, because of their content, is absurd, without merit, and without constitutional nexus.

18 U.S.C. § 1503: Influencing or injuring officer or juror generally

(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b). If the offense under this section occurs in connection with a

trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(b) The punishment for an offense under this section is -

*(1) **in the case of a killing**, the punishment provided in sections 1111 and 1112;*

*(2) **in the case of an attempted killing**, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and*

(3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both.

The very wording of the Statute provides insight into the intention of the statue. It is to prohibit real acts that would influence a jury, not merely words. It states, in (b) (1) and (b) (2), that "*in the case of a killing*", and, "*in the case of an attempted killing*". Surely, only a threat to life, which minimally, would have to be beyond the very words in a letter, would have to be shown to provide substance to the crime. Perhaps, in this instance, a nexus can be demonstrated, since the integrity of the Judicial Process is at stake, though absent the elements of proof of the ability, the means, and, the intention, to commit the act, leaves the constitutional nexus deficient.

CONCLUSION

That the right and obligation, for this Court to issue the Writ of Habeas Corpus *ad subjiciendum,* surely exists, especially under the circumstance of the instant case.

That the burden of proof of the constitutionality of the charges lies squarely with the federal government.

That absent sufficient proof that the charges (statues) meet the test of constitutionality, and that all three jurisdictions (personam, subject matter, territorial) are met, without question, there can be no alternative other than freeing Larry Mikiel Myers from unlawful detention, to the extent that this Court has jurisdiction.

That those who have participated in the unlawful detention should received the full force of law (historical) so as to discourage future efforts to unlawfully detain and refuse to answer a return a Habeas Corpus; and the reduce the burden upon this Court to deal with flagrant violations of the United States Constitution.

That those who unlawfully detained Larry Mikiel Myers return to him all property that was taken upon his arrest; taken from him after arrest, and all property acquired after arrest, be returned to him immediately.

That he be returned to the location from whence his Liberty was denied, without cost or obligation.

Certificate of Service

I HEREBY CERTIFY that a copy hereof has been furnished by mail priority mail to the persons listed below this 9th day of May, 2012

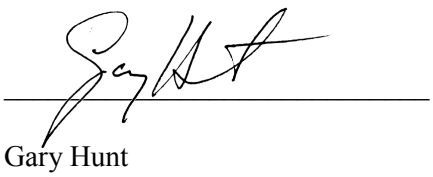
Russell Washburn, Warden
Citrus County Detention Facility
2604 West Woodland Ridge Drive
Lecanto. Florida 33461

Judge Steven Merryday
United States District Court for the Middle District of Florida
Sam M. Gibbons U.S. Courthouse
801 North Florida Ave.
Tampa, Florida 33602

Sheriff Bob Gualtieri
Pinellas County
10750 Ulmerton Road
Largo, Florida 33778

John Ley, Clerk of Court
U.S. Court of Appeals for the 11th Circuit
56 Forsyth St. N.W.
Atlanta, Georgia 30303

Petitioner



Dated: May 9, 2012

Gary Hunt

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Los Molinos, California 96055

Phone: (530) 384-0375

Email: hunt@outpost-of-freedom.com