

2006-09-0590

Judith Metcalf: Scott
living soul
LIBELEEE & VICTIM OF FRAUD

2nd DISTRICT CT

V

Craig Caldwell
Judge Teresa Phifer
Officer Fulton, DPS
✓ Sheriff James Campbell
Department of Public Safety
Judge David Childs

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CHEROKEE COUNTY

RUSK, TEXAS

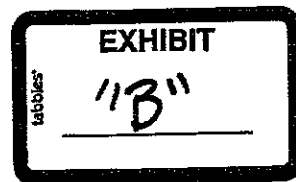
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2006 SP -5 PM 12:47
CLERK OF DISTRICT COURT
CHEROKEE COUNTY TEXAS
BY _____ DEPUTY

**ORIGINAL COMPLAINT
AS PRESENTED BY AFFIDAVIT OF
Judith Metcalf: Scott**

STATE OF TEXAS

CHEROKEE COUNTY

I, Judith Metcalf: Scott, am a sovereign, sui juris, free white female, 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 have personal knowledge of the matters stated herein, and hereby asseverate understanding the liabilities presented in Briscoe v LaHue 460 US 325.

DISCOVERY CONTROL PLAN

1) This suit is governed by a Level 2 discovery control plan under Rule 190.3

PARTIES

2) I, Judith Metcalf: Scott, living soul, am a Citizen of the Kingdom of Israel temporarily dwelling upon the land currently designated by cartographers as Van Zandt County, Texas, receiving service In Care Of: 1340 VZCR 2306, Canton post office, Canton, Texas, North America (Zip Exempt, postal Reg. 122.32). I am not representing myself Pro Se, I am myself, WHEREFORE any other designation, even the all capital letters idem sonans fraud, is falsification of the record and a tortious attempt to alter my status.

3) Craig Caldwell sued as a Texas resident in both personal and official capacity, receives service at Cherokee County Courthouse, 502 North Main Street, Rusk, Texas, 75785,

4) Judge Teresa Phifer, sued as a Texas resident in both personal and official capacity, receives service at P.O.Box 553, Alto, Texas, 75925,

5) Officer J. Fulton, of the Department of Public Safety, sued as a Texas resident in both personal and official capacity, sued in pursuit of unjust enrichment, receives service via 506 East Pine Street, Jacksonville, Texas, 75766,

6) Sheriff James Campbell, sued as a Texas resident in both personal and official capacity, receives service at Cherokee County Jail, Inwood at Highway 69, Rusk, Texas, 75785,

7) Texas Department of Public Safety, sued as an employee or agent of a foreign state or instrumentality thereof in pursuit of unjust enrichment, receives service via 5805 North Lamar Blvd, Box 4087, Austin, Texas, 78773,

8) Judge David Childs, sued as a Texas resident in both personal and official capacity, receives service at Cherokee County Courthouse, 502 North Main Street, Rusk, Texas, 75785.

JURISDICTION AND VENUE

9) The court has jurisdiction pursuant to Article 1, Sections 13 and 29 of the Texas Constitution. The court has jurisdiction over the tortfeasors because the tortfeasors are Texas residents. The court has jurisdiction over the controversy because the acts complained of involve violations of substantive, perfect, and unalienable rights protected from legislative, executive, or judicial usurpation by the Texas Constitution. The issues raised in this action are not matters of procedure and/or form, they

are matters of substantive, perfect, and unalienable hereditaments, corporeal and incorporeal, matters outside the public domain, matters of conscience, spiritual in character Romans 7:14 and 8:5, wherein he that is spiritual judgeth all things I Corinthians 2, personal under the testament of the right of the near kinsman Redeemer, Christ Yahshua and to deny the character of these hereditaments is to deny the power and authority of His Blood, the denial of which is unforgivable sin.

10) Venue is proper in Cherokee County, Texas, as events took place in the area currently designated by cartographers as Cherokee County.

NOTICE OF LAW

11) I, Judith Metcalf: Scott, hereby give notice of law including but not limited to, the laws of the Almighty Supreme Creator Yahvah pursuant to the Bible (as supported by Federal Public Law 97-280, 96 Stat. 1211). For the record, His Law, pursuant to Joint House Resolution 97-280, is not foreign to the forum, and is offered hereby and herein under adjudicative judicial notice, it is declared to be the foundation upon which the Republic rests, and without its foundation the whole Law fails. It is hereby and herein declared that the God of the Land is Yahvah and the Law of the Land is His Word as expressed in the King James version of the Holy Bible, any other law is false law Ezekiel 20:25. "...statutes that were not good, and judgments whereby they should not live."

12) "Again there was a day when the sons of God came to present themselves before the Lord, and Satan came also among them to present himself before the Lord." Job 2:1.

If I have in error concluded that the alleged official authorities designated herein are bloodless creations of the State, devoid of conscience; then I hereby and herein demand that they declare, on the record of this cause, who their master is, and that they be even higher than Satan himself and therefore exempt from the Word of the Almighty Supreme Creator of the Universe.

13) *“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

RULE 52 NOTICE

14) The presumption of corporate status pursuant to Texas Rules Of Civil Procedure, Rule 52, and Rule 301 of the Federal Rules of Civil Procedure is hereby denied by affidavit; I, Judith Metcalf: Scott, am a living, breathing, soul, sui juris, neutral “non-combatant” alien in exile, claimant of substantive, perfect, inalienable rights. I am NOT a juristic person; I am a living soul. I am a creation of, and have been granted life by, The Almighty Supreme Creator of the Universe, Yahvah. My rights are not subject to any: vote, as per West Virginia Board of

Education v. Barnette, 319 U.S. 624; I derive my unalienable rights from Yahvah and owe my allegiance to Him exclusive of any false sovereigns or gods, as per HIS FIRST COMMANDMENT, "Thou shalt have no other gods before me." (Exodus 20:3). I am circumcised into the contract pursuant to Leviticus 18:1-5; Deuteronomy 10:16; 30:6; Jeremiah 4:4; Romans 2:28-29. For me to trust in any contracts, agreements, constitutions, treaties etc. to protect me, would be Baal worship, the worship of gods of wood, paper, and stone; as for me and my house we will trust in Yahvah. Contracts, agreements, constitutions, treaties etc. are mentioned herein as they apply to the wards conserved who are hereby notified, whereas my freedom was paid for at a very high price by The Blood of The Messiah, Yahshua, my Savior. The scriptures direct me, "Thou shalt make no covenant with them, nor with their gods." (Exodus 23:32) "And I heard another voice from heaven, saying, Come out of her, my people, that ye be not partakers of her sins, and that ye receive not of her plagues." (Revelation 18:4) I am further forbidden from participating in any government, system, corporate body politic or forum that would force me to abrogate Yahvah's Divine Royal Law including but not limited to your system of voting, for I cannot vote for another leader since such an action would be in the nature of treason unto my King, Yahshua The Messiah, The Appointed Heir of Yahvah (Matthew 23, Mark 12, Hebrews 1:1-2, Ferrar Fenton translation). The power and principality known as the bankrupt and insolvent United States, and several states united, are trespassers and interlopers upon Yahvah's land, "The land shall not be sold for ever: for the land is mine; for ye *are* strangers and sojourners with me." (Leviticus 25:23). My position is supported by Federal Public law 97-289, 96 Stat. 1211;

reaffirmed in United States v. Seeger, 380 U.S. 163; "The law of God and The Law of the Land are all one; and both preserve and favor the common and public good of the land." (See Kellway's Reports, page 191); "Any law contrary to the Law of God is no law at all." (Sir William Blackstone), and the First Article in Amendment to the Constitution for the United States of America. As a matter of law, a fiction which is bankrupt and insolvent lacks the status and standing necessary to bring an action against an actual sovereign or his agent.

BACKGROUND

15) A. Background Facts

This case is a matter of religious free exercise and relentless religious persecution. I am somewhat different, like the Amish are different. I am a missionary who retains and exercises the rights I have from my Heavenly Father. I do not require Satan's permission to do God's work.

16) BAR TERRORISTS and associated quislings, Craig Caldwell, Judge Teresa Phifer, Judge David Childs, posed as officers of the court licensed by BAR TERRORISTS, and their BAR TERRORIST agencies, Texas Department of Public Safety, Officer J. Fulton of the DPS, and Sheriff James Campbell.

17) Craig Caldwell, Judge Teresa Phifer, Officer J. Fulton, Sheriff James Campbell, Texas Department of Public Safety and Judge David Childs know or should know that license is defined as:

“A permission, by competent authority to do some act which without such authority would be illegal, or would be a trespass or a tort.” (Blacks 4th revised page 1067)

18) Craig Caldwell, Judge Teresa Phifer, Officer J. Fulton, Sheriff James Campbell, Texas Department of Public Safety and Judge David Childs, having been educated, trained, paid, and SWORN to uphold the law, acted in collusion, all of whom failed and neglected to properly train subordinates whereby unlawful process was utilized despite my warnings, indeed the deliberate use of unlawful attack by force of arms occurred proceeding into an avalanche of criminal acts including but not limited to:

**Absent 4th Amendment Warrant/Seizure
5th Amendment Just Compensation
5th Amendment Due Process
5th Amendment Compel Witness by force
13th Amendment Involuntary Servitude
KIDNAPPING/MANSTEALING EX 21:16
28 CFR Chapter 11 Trafficking in Persons
VIOLATION OF PUBLIC TRUST
RETALIATION & EXTORTION
SIMULATING LEGAL PROCESS
18 USC §241/242
RICO 18 USC §1962
P.C.39.02 Abuse of Official Capacity
P.C.39.03 Official Oppression, p 728
P.C.39.04 Violation of Civil Rights in Custody
False arrest
False Imprisonment
Felony breach of oath
Breach of fiduciary duty
Conspiracy, SEDITION, & TREASON
Impairing the obligation of contract**

Violation of the International Covenant of Civil and Political Rights

19) **IGNORANCE OF THE LAW** fails to be an excuse for the negligence relative to the trespass, tort, or illegal acts wherein I, Judith Metcalf: Scott, was attacked by force of arms September 6, AD 2004 and held for three days of **TORTURE** by **BAR TERRORISTS** and associated International Monetary Fund lackeys and quislings protecting themselves by means of agents aiding and abetting the **BAR MONOPOLY**. It is plain and clear that the tortfeasors knew what they were doing, yet not one lifted a finger or addressed the issues of unlawful conduct on the part of my persecutors who appeared to enjoy their **RETALIATION** against me.

20) Notice to the agent is notice to the principal, notice to the principal is notice to the agent.

21) It is plain and clear that if I attacked the **BAR** members by force of arms, incarcerated them, to teach them a lesson, I would be in prison for the rest of my life.

22) Torture, as in the deliberate infliction of intense physical pain or mental distress, is a violation of law. Absent any statute which provides for summary brutality in lieu of the normal due process fines and imprisonment I was mentally brutalized in furtherance of the Racketeering Extortion Scheme. Once due process is denied **ALL** jurisdiction ceases **THE DENIAL OF DUE PROCESS** **VOIDS JURISDICTION PURSUANT TO YOUR OWN 5 USC §§556(d), 557, AND 706.**

23) "When officer's conduct violates clearly established law, his qualified immunity defense must ordinarily fail despite his good faith belief to the contrary because a reasonably competent public official should know the law governing his conduct." Babb v. Dorman, 33 F. 3d 47 (C.A. 5, Tex. 1994).

24) The warrantless seizure by force of arms, is a violation of both state and federal Constitutions. It is plain and clear that, Judith Metcalf: Scott cannot be lawfully compelled to participate in felonies being executed by unregistered foreign agents acting to secure information and contributions for foreign powers, especially noting the collection of information for the foreign terrorist organization established by the Nazi Gestapo as per attached exhibit made a part hereof, and known as INTERPOL with former SS officer Paul Dickopf as President 1968-1972, said information being transmitted via Maryland State Police as per page 351 of the 2002/2003 United States Government Manual, while said agents know or should know that being in the service of a foreign power voids citizenship as a matter of law; Judith Metcalf: Scott, was seized for the purpose of summary collection of information and contributions for a foreign power in violation of 18 USC §951; indeed an armed assault executed by unregistered foreign agents cannot be converted to a crime on the part of living soul Judith Metcalf: Scott when she is simply the victim of FRAUD; the persecutors in the courtroom and the tormentors outside the courtroom would have everyone believe they work for the STATE OF TEXAS or some political subdivision thereof, however they do not work for the STATE OF TEXAS. Are they paid in Constitutional gold, NO! Constitutional silver, NO! Warrants or checks, YES!

States are prohibited from emitting bills of credit and warrants or checks are clearly bills of credit. Furthermore, the State cannot do indirectly that which is prohibited directly. Article 1, section 10 of the Constitution for the United States has never been repealed. These characters are in fact and in law, unregistered foreign agents, an activity punishable by ten years in prison plus a seventy-five thousand dollar fine. Indeed, they would have the public believe that they are the STATE OF TEXAS subsidized by the United States Federal government; however, even the so-called federal agents are paid by the Secretary of the Treasury a/k/a governor of "The Bank" and "The Fund" 22 USC §286 as opposed to the Treasurer of the United States. John Snow is expatriated, has absolutely no allegiance to the United States of America, and enjoys diplomatic immunity and Ambassador status. John Snow is not paid by the United States and his agents do not work for the United States, they are working for the receiver in bankruptcy, as per 5 USC §903 Reorganization Plan #26, the alien Corporate Governor of the International Bank for Reconstruction and Development and the International Monetary Fund 22 USC §286(a). It is axiomatic that these alleged agents cannot serve two masters; reason alone would indicate that the principal is not the United States or any of the states united. The real party of interest is the International Monetary Fund and the Bank for Reconstruction and Development. 22 USC §611a. Anyone who chooses to go into the service of a foreign power automatically gives up his citizenship as a matter of law, as per 8 USC §1481 and 50 USC §781, verifiable by looking inside a United States passport. It is clear that the entire persecution causing suffering in this matter is a FRAUD in that nowhere has living soul Judith Metcalf Scott been apprised of the true nature and cause

of any accusation, the jurisdiction and authority under which unregistered foreign agents are proceeding, thereby prejudicing her defense and violating her perfect immemorial imprescriptible right. This may raise an issue of 18 USC §951 and much more. It is a clearly established principle of law that a corporation being incorporeal and a creature of the law must be represented by an attorney. An attorney representing an artificial entity must appear with the corporate charter and law in their hand. A person acting as an attorney for a foreign principal must be registered pursuant to the Foreign Agents Registration Act (22 USC §612 et seq.) See Victor Rabinowitz et. al. v. Robert F. Kennedy 376 US 605, 11 L. ed 2d 940, 84 S Ct. 919, and any persecutor and/or associates appearing on behalf of said international agents, failed and neglected to establish authority, and has acted in collusion to prosecute frivolous, false, and sham allegations in what can now be seen as a blatant extortion operation on behalf of the International Monetary Fund (IMF), utilizing abuse of process and whatever nefarious means available without regard to law, on an above the law basis. The United States and the STATE OF TEXAS are completely and totally bankrupt. There is no Constitutional authority for operating in bankruptcy. The legislative, executive, and judicial branches no longer exist as the alleged government has been dissolved and the entire country has been received in bankruptcy by the International Monetary Fund (IMF) through a series of emergency acts. Indeed, as for the three branches of government, there is a greater likelihood of the existence of Santa Claus, the Tooth Fairy, and the Man in the Moon because the entire operation is owned and operated by a multi-faceted organization whose principal is the IMF and The World Bank. I deny the false and fraudulent allegation that the De Jure "State of

Texas" is the real party in interest, and note for the record that the "State of Texas" as used by any unregistered foreign agent attorney or associates, is the alter ego of The Fund and The Bank, and as a voting share stockholder and corporator, 22 USC §286 (e), and while under numerous disabilities, and in fraud and contravention of and to the Supreme Law of the Land and forum State, has waived and relinquished sovereign character, see The Bank Of USA v. Planter's Bank Of Georgia, 6 L. ed 244. De facto foreign agents while acting under false and fraudulent pretenses and colors of authority were and are soliciting and collecting information, contributions, loans, money, or other things of value for or in the interest of their foreign principals (see Multilateral Economic Assistance Act of 1992, Public Law 102-391, 106 Stat. 1633), and being directly or indirectly subsidized, directed, controlled, or financed by said foreign powers, and while deceitfully and covinously agreeing to conceal their true character and principal were and are engaged in promoting and furthering the principles and doctrines of One World Government in direct violation of Public Law 471 Chapter 456, section 109:

"None of the funds appropriated in this title shall be used: (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of One World Government or One World Citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of One World Government or One World Citizenship."

25) Respondent/accusers, if in fact officers or employees of the De Jure State of Texas, are required to obey the law of the land and are liable to criminal prosecution for

criminal violation of the aforesaid laws of the United States Of America and Public Law 471 Chapter 456 Title VI § 601. The witnesses and evidence I have available in an offer of proof, including but not limited to all exculpatory evidence, is applicable due to information, constitutions of foreign organizations, secret agreements, rules, regulations and documents which will vindicate the accused and prove the unlawful acts and omissions of the respondent/accusers both preceding and during the commencement of this malicious persecution. See Constitution for the United States of America, Amendments IV, V, VI, VIII, IX, and X.

26) BAR terrorists are responsible for murder and general mayhem and anyone who would deny that is divorced from reality, having failed to consider the reality of 46 families devastated at Tulla Texas as 800 years of prison time was given to innocent people, 80 families devastated in Dallas with the fake drug cases, 270 innocent people arrested in the K Mart parking lot at Houston because they fitted the profile, they had one head, two arms, and two legs just like drag racers, unfortunately they were just K Mart shoppers!! Shyster shenanigans are responsible for countless thousands of people going to prison, indeed PBS showed 130 men exonerated by DNA evidence AFTER serving over 1500 years of prison time. What about the innocent people who have been executed, see attached cover of "In Spite of Innocence", isn't that MURDER ARRANGED BY BAR TERRORISTS!! I do not even recall any trial for the Branch Davidian children at Waco, prior to execution. It is plain and clear that this terrorism is the responsibility of Middle Temple of the Crown BAR members, prosecutors and judges who should know better despite

IGNORANCE OF THE LAW

27) Each of the Defendants knew or should have known of the acts of the other Defendants in support of the illegal acts of the enterprise and each defendant is culpable of the acts of misprision of a felony by the other Defendants and parties to the actions stated herein. Defendants have created damages for which they are responsible. The Defendants have exhibited such a pattern of nefarious conduct that Racketeering is a proper and reasonable description, especially those who were unregistered foreign agents as per 22 USC §612 et seq.

28) At various times when I filed lawsuits regarding the nefarious conduct, pettifogger shysters for filthy lucre, lacking a lawful defense, falsified the record in furtherance of the fraud thereby voluntarily acting in collusion with the impostors and tortfeasors in the RICO enterprise, in an attempt to overthrow the Constitution for the United States of America, including but not limited to Article IV, section 4, and do so in order to libel me. The seriousness of the matter is best stated in the Bible. The Bible is the "WORD OF GOD" as per Federal Public Law 97-280, 96 Stat. 1211, so according to the "WORD OF GOD" I suffered an Exodus 21:16 MANSTEALING EVENT and the punishment is DEATH!! 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.' The Framers created a government of limited power with this understanding of the rule of law – that it was dependent on

transcendent religious obligation." The Gideon Society assures us of DUE PROCESS, PUBLIC NOTICE and OPPORTUNITY; furthermore those involved in the MANSTEALING are trained, educated, paid and sworn to know the law, wherefore I see no excuse for the unlawful conduct. Is the "WORD OF GOD" adequate for the BAR terrorists and tortfeasors OR would the BAR terrorists and tortfeasors make a public declaration that they know better than GOD ALMIGHTY!!?? Forgiveness is available where there is repentance, wherefore I am praying for the BAR terrorists and tortfeasors because God's Law is just like gravity, it works whether you believe in it or not!!

29) According to the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed."

30) However, the BAR terrorists and tortfeasors are incompetent to act as a governmental authority, because they obviously do not understand that the purpose of government is to secure the rights of men rather than to negate them.

COUNT 1

31) Judith Metcalf: Scott re-alleges paragraphs 1 through 30 in support of an offer of proof that this count is a claim upon which relief can be granted.

32) FALSE IMPRISONMENT AS FOLLOWS: Absent Fourth Amendment warrant I was injured by the unlawful process, on September 6, AD 2004, on Highway 79 southbound from

Jacksonville, Texas. I was unlawfully and intentionally or knowingly restrained of my liberty by force of arms and handcuffs, under the pretended authority of James L. Fulton, and/or held against my will at the Cherokee County Sheriff's Office and in Cherokee County Jail, by unlawful process asserted by James Fulton and Sheriff James Campbell, who knew or should have known that acting in collusion in a warrantless seizure by force of arms is a violation of both state and federal Constitutions, as to which the Defendants are negligent and/or in breach of oath, facilitated by Cherokee County resources.

COUNT 2

33) Judith Metcalf: Scott re-alleges paragraphs 1 through 33 in support of an offer of proof that this count is a claim upon which relief can be granted.

34) WRONGFUL IMPRISONMENT AS FOLLOWS: Absent Fourth Amendment warrant. I was wrongfully and intentionally or knowingly imprisoned by being deposited in and held at the Cherokee County Jail against my will by force of arms and handcuffs by James Fulton, James Campbell, Terea Phifer and Craig Caldwell. It was James Fulton who determined it was necessary to take me to jail, and James Campbell and Teresa Phifer who all knew or should have known that acting in collusion in a warrantless seizure by force of arms, is a violation of both state and federal Constitutions, as to which the Defendants are negligent and/or in breach of oath, facilitated by Cherokee County resources.

COUNT 3

35) Judith Metcalf: Scott re-alleges paragraphs 1 through 34 in support of an offer of proof that this count is a claim upon which relief can be granted.

Incarceration on September 6, 2004, was used to coerce bond

Pulliam v. Allen, 466 U.S. 522 (1984) incarceration to coerce bond is unconstitutional, and cost the judge \$7,000.00 out of her own purse!!

COUNT 4

36) Judith Metcalf: Scott re-alleges paragraphs 1 through 35 in support of an offer of proof that this count is a claim upon which relief can be granted.

37) DENIAL OF DUE PROCESS AS FOLLOWS: The failure and neglect to comply with Texas Code of Criminal Procedure, Article 16 is a DENIAL OF DUE PROCESS; 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.

COUNT 5

38) Judith Metcalf: Scott re-alleges paragraphs 1 through 37 in support of an offer of proof that this count is a claim upon which relief can be granted.

39) TAKING ABSENT JUST COMPENSATION AS FOLLOWS: Absent Fifth Amendment restraint and acting in collusion, tortfeasors, James Fulton, James Campbell, Teresa Phifer, Craig Caldwell further aided and abetted in the scheme facilitated by Cherokee County resources, absent just compensation took private property fingerprints, photographs, and video footage against my will and over my objections by means of brutality, injuries and TORTURE in what was a criminal investigation thereby subjecting me to extreme emotional distress by so-called 'law enforcement'

COUNT 6

40) Judith Metcalf: Scott re-alleges paragraphs 1 through 39 in support of an offer of proof that this count is a claim upon which relief can be granted.

41) NEGLIGENCE AS FOLLOWS: Officer Fulton failed and neglected to verify that I had a valid Texas driver's license, even though he had access to the records. Prosecuting attorney Craig Caldwell also neglected to verify my license, relying solely upon the testimony of the Officer; Caldwell also had access to the records. Sheriff Campbell refused to acknowledge that he ever had me in his jail and therefore refused to send me the public information I requested. I copied the letter to the Texas Attorney General who replied that the sheriff was indeed negligent on several counts.

COUNT 7

42) Judith Metcalf: Scott re-alleges paragraphs 1 through 41 in support of an offer of proof that this count is a claim upon which relief can be granted.

43) FAILURE TO MAINTAIN DUE PROCESS OF LAW: Absent the Miranda warning, I was interrogated by force of arms while in shackles by Officer Fulton in the patrol car. (5th Amendment violation) The citation issued but not delivered to me until I demanded it, was finally given to me one full month after my release on bond from jail. Justice of Peace Phifer on 3 counts practiced law from the bench when she make a legal determination FOR ME as to my plea: as a sovereign, I said "innocent", she said "not guilty". This same Justice cleared the Courtroom in trial of jurors and spectators when I began to ask the court 4 basic questions—fair trial, etc. Neither at the trial nor subsequent hearing was I allowed allocution, even though I demanded it.

COUNT 8

44) Judith Metcalf: Scott re-alleges paragraphs 1 through 43 in support of an offer of proof that this count is a claim upon which relief can be granted.

45) BREACH OF PUBLIC DUTY AS FOLLOWS: The jury predicated its verdict in the felony breach of oath of office of Officer Fulton who testified and Prosecuting attorney Caldwell acted in collusion in willful deprivation of rights when neither he nor the officer presented any evidence whatsoever as to my valid driver's license. Teresa Phifer, the judge, was given a Mandatory Motion in Limini requiring her ruling during the trial; NO ACTION was taken, no paperwork was ever returned to me with or

without her ruling—it disappeared. At trial, under questioning, Officer Fulton was asked about the law; Craig Caldwell jumped to his defense and stated “he didn’t need to know the law”. Are we looking at “ultra vires” here? He can issue citations, put people in jail, and NOT know the law, in which he has been trained, experienced and even sworn to uphold?! Fulton had been instructed to copy my name ONLY in upper and lower case which until trial he did; then he changed it to all upper case, and rewrote the speeding charge, making it a different charge. However, I was tried for speeding and convicted without any evidence.

COUNT 9

46) Judith Metcalf: Scott re-alleges paragraphs 1 through 45 in support of an offer of proof that this count is a claim upon which relief can be granted.

47) DEBTORS’ PRISON: I was fined on two misdemeanors, remanded again to Cherokee County jail for not paying the debts. Prosecuting attorney told me it was a fine not a debt, and that “no matter what you call it, that only criminal procedure language had standing and that it overruled anything you say.” I spent another 48 hours in jail.

COUNT 10

48) Judith Metcalf: Scott re-alleges paragraphs 1 through 47 in support of an offer of proof that this count is a claim upon which relief can be granted.

49) DECEPTIVE TRADE PRACTICES AS FOLLOWS: Judge Childs and Craig Caldwell, facilitated by Cherokee County resources, having been educated, trained, paid, and SWORN to uphold the law, acted in willful or negligent deprivation

of law by means of discrimination in furtherance of the scheme to collect an unlawful debt, as in unjust enrichment by means of deceptive trade practice when a motion by Caldwell to dismiss both a Void Judgement and an Appeal was manipulated by both to collect an unlawful debt; Childs overruled any "substantive rights" rights that Haines v. Kerner present as "no matter how inartfully plead" and ruled in Caldwell's favor because there was money involved, using a 1911 case. Judge Childs stated that "substantive rights" means "the privilege of going to court, being and talking in court."

COUNT 11

50) Judith Metcalf :Scott re-alleges paragraphs 1 through 49 in support of an offer of proof that this count is a claim upon which relief can be granted.

51) Regards to Teresa Phifer, justice of the Peace, I hereby demand a declaratory judgement that declares all the ways that Teresa Phifer violated the law and injunctive relief to prevent her from ever abusing me in the future.

51) This is specifically a lawsuit for justice with mercy, as opposed to equity. Pursuant to the maxim of law "Laesione fidel suits pro" spiritual non-corporeal hereditaments cannot extend into equity since equity has no conscience, only the merchants scales and a false god, who being blind is unable to find justice anywhere. I hereby and herein invoke the law of agency and demand that if the alleged official authorities claim to take on the character of another and represent the principal(s) then the said agency and responsibility must be established by the mouth of said principal(s) as fact to be determined by a jury. I do not believe that the principal(s) are going to declare for the record that they actually inspired such nefarious conduct.

52) "And said to the judges, Take heed what ye do: for ye judge not for man, but for Yahvah who is with you in the judgment. Wherefore now let the fear of Yahvah be upon you; take heed and do it: for there is no iniquity with Yahvah our God, nor respect of persons, nor taking of gifts." II Chronicles 19:6 and 7

53) "Thus saith Yahvah; Execute ye judgment and righteousness, and deliver the spoiled out of the hand of the oppressor; and do no wrong, do no violence to the stranger, the fatherless, nor the widow, neither shed innocent blood in this place." Jeremiah 22:3

RELIEF AND REMEDY

54) I, Judith Metcalf: Scott, cry aloud as in, "Cry aloud, spare not, lift up thy voice like a trumpet, and shew my

people their transgression, and the house of Jacob their sins. Yet they seek me daily, and delight to know my ways, as a nation that did righteousness, and forsook not the ordinance of their God: they ask of me the ordinances of justice; they take delight in approaching to God.” (Isaiah 58:1 and 2) praying in the name of יהוה (Yahvah) through the authority of the blood of יהושע (Yahshua) the Messiah for the following remedy:

a) “For whom Yahvah loveth he chasteneth, and scourgeth every son whom he receiveth. If ye endure chastening, God dealeth with you as with sons: for what son is he whom the father chasteneth not? But if ye be without chastisement, whereof all are partakers, then are ye bastards, and not sons.” Hebrews 12:6-8. I would presume that I am dealing with sons and creations of God and not bastards, created under adultery, international affairs, foreign relations and intercourse, and the bloodless bastards created by said intercourse, wherefore if I am in error please correct me and identify your father on the record. Your character will ultimately be revealed on the record, by your own acts, and by the way you appear, and by what “mask” you wear, or don’t wear.

b) The alleged official authorities are hereby and herein given the opportunity to repent of their evil ways, to make restitution for the damages they have created, and to ask for forgiveness of Yahvah as opposed to suffering the judgment pursuant to HIS LAW.

c) That the Defendants be cited to appear and answer herein:

d) and, after a trial on the merits:

e) That I recover from the Defendants, jointly and severally, all actual costs and fees regarding this litigation and:

f) That I recover from the Defendants, jointly and severally, fifty thousand dollars per day, times the three days I was in false imprisonment; Three hundred thousand dollars for the extreme emotional distress caused by the negligence, false arrest, denial of due process, discrimination, retaliation, and other unspecified damages; damages being tripled as per RICO or Deceptive Trade Practices or retaliation or malice.

g) Five hundred thousand dollars each from defendants, jointly and severally, named in the Count for the reckless endangerment of my very life.

h) An ORDER from the court explaining wherein the complaint is deficient, how to correct it, and leave to amend the complaint.

i) An ORDER guaranteeing safe conduct to and from any court appearances or hearings required since INTERPOL, operating on contributions in excess of thirty million dollars from the United States, has utilized some one thousand agents in Operation Archangel, an assassination scheme.

j) An ORDER from the court compelling Cherokee County to cease and desist using summary pre-trial brutality or punishment in lieu of the normal due process fines and incarceration; particularly as this relates to the unlawful taking of fingerprints and photographs.

k) An ORDER from the court compelling return to me of any and all fingerprints and photographs within 72 hours of the final judgment and a compensation payable to me of 100 dollars per day for each party that retains either fingerprints or photographs beyond the 72 hour grace period.

l) An ORDER from the court, in the interest of justice and to make a good faith effort to purge the libel, declaring that 'Verdict Reporter' provide its readers with the truthful update acknowledging that the BAR TERRORISTS have violated so many laws in this case that they do not have enough years left in their lives to do the prison time they have so diligently earned; furthermore if prison sentences are not forthcoming that the update properly inform that it is because in this country we have an elite class of people with titles of nobility whereby they are above the law, which would go to show that Teresa Phifer, Craig Caldwell, State Trooper Fulton, Judge Childs and even the Department of Public Safety were falsifying the record of this case when they informed me that 'everyone had to be amenable to the law'.

m) An ORDER from the court compelling each and every Defendant to appear in court within thirty days of the final judgment and prove to the court that its judgment has been complied with; or in the alternative show cause why sanctions should not be applied and a civil contempt ORDER issue for incarceration of the Defendants and the parties responsible for the dereliction of duty pending compliance.

A TRIAL BY JURY IS HEREBY DEMANDED

55) I, Judith Metcalf: Scott invoke the Law of forgiveness pursuant to Ezekiel 3:15-21 WHEREFORE said forgiveness is available, I must assume that we are all sons of Yahvah the Almighty and that He will admonish us all as sons, and not as bastards, therefore we must all daily renew our minds, "I beseech you therefore, brethren, by the mercies of God, that ye present your bodies a living sacrifice, wholly, acceptable unto God, which is your reasonable service. And be not conformed to this world: but be ye transformed by the renewing of your mind, that ye may prove what is good, and acceptable, and perfect, will of God." Romans 12:1 & 2.

56) 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 twenty (20) 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

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 fifth day of the ninth month in the year of our Lord and Savior, Yahshua, two thousand six.

By: Judith Metcalf: Scott

Judith Metcalf: Scott
c/o 1340 VZCR 2306
Canton, Texas
North America