

# Demand for Habeas Corpus

To the Pinellas County, Florida, Sheriff

I set forth this **demand for Habeas Corpus** (*habeas corpus ad subjiciendum*), in accordance with the Constitution for the United States of America (Article I, Section 9) and Constitution of the State of Florida (Article I, Section 13).

I set forth this demand for the following reasons:

**Nature and cause** (Sixth Article in Amendment to the Constitution for the United States and Article I, Section 16, Florida Constitution).

1. I cannot find an injured party, who, if he exists, must provide a sworn affidavit of the injury.
2. If this is civil rather than criminal, I cannot find the injured party, nor is he properly identified, and has he provided me with an original contract of which I am alleged to be party to and in violation of.
3. That I am being charged by information contained within the following documents, to wit:

That it appears that I am being held to answer based upon an "Indictment" signed by Carol (last name illegible), as Foreman, which indictment is undated and incomplete as to being attested to by the Clerk and absent a case number.

That it appears that I am being held to answer based upon an Indictment (unsigned) identified as from the United States District Court, Middle District of Florida, bearing Case No. 96-64-Cr-T-23(E), alleging Eighteen Counts, also undated and also not attested to by the Clerk.

That it appears that I am being held to answer based upon a subsequent Case No. 8:09-Cr-64-T-23MAP, though this document was offered as a "Plea Agreement" that identifies Counts One and Four of the above alleged Indictment as applicable to me.

4. That the documents identified in #3, above, do not indicate any injury or breach of contract.
5. That I am not a citizen of the United States, though I am a citizen of Florida.

## Jurisdiction

6. That this demand is set forth pursuant to an absence of jurisdiction over the party (me); the subject matter; and the venue.
7. That as to absence of jurisdiction over the party, I submit the following to your attention:
8. That in the Supreme Court decision in Dred Scott v. Sandford (60 US 393), the Court held that Scott had no standing to plea before that Court or a lower federal court, though his plea before a federal court was not challenged by Sandford, timely. That since the challenge was not brought timely, the Court could

hear the case as Sandford "waived his defense by pleading over, thereby admitted the jurisdiction of the court".

I do not waive, nor do I plead over, to admit to the above named federal court to assume jurisdiction over this party. Hence, an absence of jurisdiction over this party.

9. That the Fourteenth Article in Amendment to the Constitution for the United States, ratified in 1868, states:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States..."

That the qualifier in said Amendment, "and subject to the jurisdiction thereof", was limited in its application and does not apply to me or my ancestors, thereby leaving me not as a citizen of the United States, rather, a citizen of Florida, and not subject to federal jurisdiction. Hence, I am not subject to federal jurisdiction.

10. That the limitation on jurisdiction over citizens of a state, who were not citizens of the United States, was clearly laid out in *Twining v. State of New Jersey* (211 US 78), when the Supreme Court ruled that there was a distinction between a citizen of the United States and a citizen of New Jersey, and that federal law did not extent to the citizens of New Jersey (*Twining and Cornell*). Hence, I am not subject to federal jurisdiction

11. That locational jurisdiction (venue) was established by the Constitution (Article I, Section 8, clause 17) as to include only specific locations, which is supported by an Act of Congress, enacted March 3, 1825, which reads, in part:

***An Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes***

Section 1: *"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..."*

Clearly, to find acts to be criminal by federal law, even of damage to federal property, the act had to be committed on land described within the above said clause, AND, only when both land and jurisdiction were ceded to the federal government by the state. Hence, since the alleged crime in the Indictment was not alleged to have been committed on such ceded land and jurisdiction, the alleged crime is not subject to federal jurisdiction.

12. That this demand Habeas Corpus cannot be denied by any court, state or federal, under the series of rules explained by Justice Brandeis, in *Ashwander v. Tennessee Valley Authority* (297 US 288), which determine whether the Constitution may be applicable in any matter before that Court, and has been adhered to by lower courts, since that time.

a. That there is no other ground upon which this matter may be considered, except the specific reference to Habeas Corpus in both the federal and state constitutions, referenced above (Rule 4);

- b. That there is no doubt that my being denied my liberty is sufficient injury where such consideration must be made (Rule 5);
- c. That I have not availed myself to any statute referred to in the Indictment whereby I sought a benefit (Rule 6);
- d. That since the Habeas Corpus provisions of both Constitutions are not subject to statutory revision, nor by revision by any Rules of Court, there is no construction other than that which was intended by the Framers of the constitutions and those who ratified them.

13. Unless the alleged Plaintiff, United States of America, in the matter described above, can establish jurisdiction, over the party and the venue, it cannot have jurisdiction over the subject matter any more than England or Afghanistan would have jurisdiction, without jurisdiction over both the party and the venue.

That I set forth this demand to be released from custody by the Pinellas County Sheriff and returned to the location, Black Springs, Arkansas, where I was denied my Liberty in August 2011. And, that all property that was taken on that date and that I have acquired since, including paperwork, be returned to me, forthwith.

That said release and return be provided for within 48 hours of the receipt of this demand.

So demanded by Larry Mikiel Myers, on his own behalf.

\_\_\_\_\_ (SEAL)

That this Demand was served on the Sheriff above said, or his agent, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_:\_\_\_\_\_ M.