

CAUSE NO. 236-313994-19

glenn winningham; house of fearn	§	
a man, Demandant	§	IN THE DISTRICT COURT
vs.	§	<u>236th</u> JUDICIAL DISTRICT
Timothy C Graham, Euless Police	§	
Edgar L. Hurtado, Police Supervisor	§	TARRANT COUNTY, TEXAS
Michael R Collingwood, Euless Police	§	
Michael Brown, Euless Chief of Police	§	
Lacy Britton, Euless Magistrate	§	
Stacy White, Coward Prosecutor	§	
Echols-Kirksey, A, Euless Jailor	§	
V Nilson, Euless Jailor	§	
Linda Martin, Euless Mayor	§	
Ken Paxton, Texas Attorney	§	
with the rank of general	§	
Deer Park Cash Cow, LLC	§	
John Mc Bryde, (bought and paid for)	§	
Clerk masquerading as a Judge	§	
Erin Nealy Cox, US Attorney	§	
Tarrant County Sheriff's Office	§	
Sharen Wilson, Tarrant County DA	§	
GLENN WINNINGHAM FEARN,	§	
cestui que trust	§	
Wrongdoers	§	

Abuse of Official Capacity

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

As a direct descendant of the founders of the Constitution for the United States of America and as one of "the Posterity" found in the preamble, by right of blood, I hereby declare;

I have reason to believe and do believe that Edgar Hurtado, Euless Police Sergeant #357 engaged in abuse of Official Capacity in violation of Texas Penal Code 39.02
"(a) A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly: (2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment." Texas Penal Code Sec. 39.02 Abuse of Official Capacity

because he misused the Euless Jail, his police cruiser, the radios, communications equipment, when he stopped the Demandant for having a Republic of Texas plate on his automobile as evidenced in the Euless Police Department Narrative. Graham failed to have probable cause to stop the Demandant

Article Four in Amendment prohibits law enforcement officers from arresting citizens without probable cause (citations omitted); in cases Santiago v. City of

Vineland, 107 F.Supp.2d 512, 561-62, 564 (D.N.J. 2000); Hill v. Algor, 85 F.Supp.2d 391, 397-98 (D.N.J. 2000) **arrest made without probable cause violates the Fourth Amendment**; Rzayeva v. Foster, 134 F.Supp.2d 239, 248-49 (D.Conn. 2001) **holding involuntary civil confinement is a "massive curtailment of liberty", is tantamount to the infringement of being arrested and can be made only upon probable cause**, citing Vitek v. Jones, 445 U.S. 480, 491, 100 S.Ct. 1254, 63 L.Ed.2d 552 (1980); Schneider v. Simonini, 749 A.2d 336, 163 N.J. 336, 361-65 (2000)

The test for police officer's sufficient basis for probable cause -- did the officer have a sufficient basis to make a "practical, common sense" decision that a "fair probability of crime existed," -- once the officer's actions fail to satisfy this test, it may appear that no reasonably objective officer could have believed that probable cause existed to make an arrest; Allen v. City of Portland, 73 F.3d 232 (9th Cir. 1995), the Ninth Circuit Court of Appeals (citing cases from the U.S. Supreme Court, Fifth, Seventh, Eighth and Ninth Circuits) **held that "by definition, probable cause to arrest can only exist in relation to criminal conduct; civil disputes cannot give rise to probable cause**; Paff v. Kaltenbach, 204 F.3d 425, 435 (3rd Cir. 2000)

The so-called Warrants that they came up with were in fact capias' because they were for Class C Misdemeanors

"(e) An offense under this section is a Class "C" misdemeanor if the offense for which the actor's appearance is required is punishable by fine only." Texas Penal Code § 38.10 Bail Jumping and Failure to Appear [emphasis added]

"(c) Conviction of a Class C misdemeanor does not impose any legal disability or disadvantage," Texas Penal Code § 12.03 Classification of Misdemeanor

"An individual adjudged guilty of a Class "C" misdemeanor shall be punished by fine only, not to exceed \$500." Texas Penal Code § 12.23 Class (C) Misdemeanors

and Arrest Warrants may NOT be issued for Class C Misdemeanors

"(a) If the owner of the motor vehicle fails to timely pay the amount of the civil penalty imposed against the owner: (1) an arrest warrant may NOT be issued for the owner; & (2) the imposition of the civil penalty may not be recorded on the owner's driving record." Texas Transportation Code § 707.019 Failure to Pay Civil Penalty [emphasis added]

and a Class C Misdemeanor fails to be a crime

"(5) Crime means (A) a misdemeanor punishable by confinement (jail); or (B) a felony

(6) "DEFENDANT" means a person accused of a crime" Texas Government Code § 79.001 Definitions

and the Ninth Circuit Court of Appeals (citing cases from the U.S. Supreme Court, Fifth, Seventh, Eighth and Ninth Circuits) **held that "by definition, probable cause to arrest**

can only exist in relation to criminal conduct; civil disputes cannot give rise to probable cause; Paff v. Kaltenbach, 204 F.3d 425, 435 (3rd Cir. 2000)

and a traffic stop is an arrest

“A motorist stopped by a traffic officer for a traffic offense would be considered “arrested” . . . even if the motorist was not specifically informed that he had been arrested.” People ex rel. Winkle v. Bannan, 125 N.W.2d 875, 879, 372 Mich. 292

“Any restraint, however slight, upon another’s liberty to come and go as one pleases, constitutes an “arrest.” Swetnam v. W.F. Woolworth Co., 318 P.2d 364, 366, 83 Ariz. 189. [emphasis added]

and a capias fails to be a Warrant

“A capias is NOT a “Warrant of Arrest,”....” Knox v State, 586 S.W. 2d 504, 506 (Tex.Crim.App. 1979) [emphasis added]

On the roadside, the Demandant dialed 9-1-1 and demanded the Tarrant County Sheriff to the scene, several times, and the call went to the Euless switchboard and Graham’s supervisors Sgt Hurtado #357, and Collingwood #626, came to scene as his accomplices, and as evidenced by the police narrative, and the Tarrant County Sheriff refused to come to the scene. The Demandant read to Graham, Hurtado, and Collingwood, parts of Texas Penal Code 39.03 telling them they were engaged in Official Oppression. They are all required to know that the Euless military Police are not authorized to enforce the Texas Transportation Code as evidenced by the email from the Tarrant County Sheriff Public Information Officer, a true copies of the Police Narrative and the email from the Tarrant County Sheriff Public Information Officer are attached hereto, all of each of which are incorporated herein by reference in their entirety, all of which evidences Graham’s intent to Abuse his Official Capacity.

AGAINST THE PEACE AND DIGNITY OF THE STATE

VERIFICATION

I, glenn winningham; house of fearn, do affirm that all statements made herein are true and accurate, in all respects, to the best of my knowledge.

Date

L.S.
glenn winningham; house of fearn
with a Proper Mailing address (18 USC § 1342) of;
General Post Office, ZIP CODE EXEMPT
C/O 6340 Lake Worth Blvd., #437
Fort Worth, Texas [RR 76135]
Non-Domestic Mail, Without the United States, Inc.

As a Notary Public, I hereby certify that glenn winningham; house of fearn, who is known to me, appeared before me and after affirming, he executed the foregoing document on this the _____ day of February, in the year two thousand and twenty-two.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Notary Seal