

United States District Court for the Eastern
District of Tennessee

Mr. Michael James

In Persona Propria

Plaintiff,

vs.

CASE NO. 1:21-CV-137-
CLC-CHS

City of Chattanooga,
Lance Hughes, Amanda Baldwin,
Jonathan Watkins SGT. Chris Palmer

Defendant.

NOTICE OF APPEAL

Notice is hereby given that Michael James, hereby appeal
(here name all parties taking the appeal)

to the United States Court of Appeals for the Sixth Circuit from U.S. District Court
(the final judgment) (from an

Memorandum Opinion And Order entered in this action on the 23rd day of
order (describing it))
September, 2022

(s) Mr. Michael James
Address: 2201 Park Drive
Chattanooga, TN 37421
(423) 394-1470

Attorney for In Persona Propria

cc: Opposing Counsel → Deputy City Attorney/ Mr. Phillip Noble
Court of Appeals → For the Sixth Circuit

FILED

OCT 17 2022

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

record, has a valid commercial driver license, clean MVR, valid car registration, valid car insurance, valid Legal and Lawful transporting of my legally registered unloaded firearm inside my beretta hard gun case inside my backpack in the “locked trunk” of my car. The Chattanooga police department officers, all 7 caucasian officers on the scene, knew I was a “Law Abiding Citizen” background checked by police dispatcher advising them all over radio dispatch transmission i heard, I had **NO** criminal record and knew I was the first “Law Abiding Citizen” to call 911 at 4:14 am requesting and directing the Police and E.M.T. to the crash scene for the safety and well being of the juvenile girls and for the safety and well being of anyone else that may have been injured in the business building they negligently on there own crashed into.

All C.P.D. officers and Judge Corker “abused their discretion” in NOT finding me, Mr. James, a Law Abiding Citizen, a “Good Samaritan” more CREDIBLE in analyzing the “Totality of the Circumstances” and ignoring the 4 essential elements facts regarding Tennessee Law of “Mens rea” or guilty mind, abuse and violation of my Due process Rights, Constitutional and Civil Rights of all C.P.D. officers on the scene and the Chief Magistrate Judge Lorrie Miller at the Hamilton County jail Chattanooga, Tenn. Trezevant v. Tampa 741 F.2d 336 ; 1984 U.S. App. LEXIS 18863 makes it clear that if one is under arrest and booked and humiliated even for a single minute “Outside of Due Process,” the state or its agent imposes “Irreparable Damage”

The U.S. district court under Judge Clifton Corker “abuses its discretion” in **NOT** taking “Judicial Notice and Review” of the “Genuine issue as to the essential material FACT” evidence of the lower court dismissal of both false charges, gives credible rise and merit to an “Genuine issue as to the essential material fact” evidence in the record that makes appellant “false arrest” a breach of my federal protected constitutional rights.

Overlooked or misrepresented facts

1. The district court “abuse its discretion” again and fails to answer the question of why the appellant a Good citizen, a Truck Driver with no criminal record and a Good Samaritan, threaten the two accusing juveniles with a pistol and, after they recklessly crash their stolen careening car into a business building causing thousands of dollars worth of damages, wait around appellant is first to call 911 at 4:14 am for police and EMTs. There could not reasonably be such a man who would commit a felony threat of assault and then call police to the scene. Appellant notes in his supporting 8 pages “Brief in Support of Motion to Dismiss” filed and litigated in the false criminal proceeding of year 2020, on page 7, “**MENS REA** is an essential element, and innocent intent is written all over this case, even through the eyes of Officer Hughes. His affidavit makes no hint of motive, and leaves the reader baffled as to why accused would commit a felony and moments later call police and EMTs to the scene and wait for their arrival with his report about witnessing the juvenile girls’ erratic and reckless driving and destruction of property and vehicle, causing thousands of dollars worth of damages.”
2. Appellant asks this Sixth Circuit Court to take “**Judicial Notice and Review**” of the fact in this case of dismissal of two false felony assault charges in Hamilton County, Chattanooga, Tenn., General Sessions Court, based partly on an incoherent Lying accuser narrative and partly on the failure of the officers and Hamilton County chief magistrate judge Lorrie Miller to obey state law that requires a sworn and signed affidavit by accuser in person before a magistrate pursuant to T.C.A. § 40-6-203(a), affiants, examination.¹ appellant false arrest is a

¹ (a) Upon information made to any magistrate of the commission of a public offense, the magistrate shall examine, on oath, the affiant or affiants, reduce the examination to writing, and cause the examination to be signed by the person making it.
TCA. 40-6-203(a)

felony assault, false imprisonment and a kidnapping under federal law Title 18 U.S.C §§ 242 and 241 against appellant by all of the 7 caucasian officers on the scene which 2 were supervisors with the rank of sergeant in what the press outlets in Southeast Tennessee dub the “911 call from hell.” See attached exhibits as evidence.

3. Deputy city attorney Phil Noblett in a deposition of appellant on May 20, 2022, OPENED the door to reference to the false criminal proceedings of chief magistrate judge Lorrie Miller UNLAWFUL assertion of probable cause violating my “Due Process Rights” pursuant to T.C.A. § 40-6-203(a), examination of affiant, hence informants violated Federal Due Process Rights, Constitutional and Civil Rights.
4. The U.S. district Court Judge Clifton Corker “abuses its discretion” again in NOT taking “Judicial Notice and Review” to account of the lower court order of dismissal of both false charges against appellant on September 4, 2020. The Honorable court at General Sessions found there was NO probable cause and violation of my Due Process Rights. Yet appellant was forced to endure the harm of false arrest that the constitution of the U.S. and Tennessee are designed to forbid. Had he been convicted of felony assault and sued for a civil rights violation, the court would dismiss on the spot. It is an authentic issue of material consequence that the “false arrest” lacks probable cause. Judge Corker “abuses his discretion” in following the lead of defendants, who work to imply that, somehow, the arrest had a lawful basis at some point. District court “abuses its discretion” to imply there is probable cause in appellant arrest. There is no probable cause. Sessions court dismisses the false criminal charges as having no legal substance or basis and in violation of State law and Federal law, as appellant respectfully argued and litigated before the Hamilton County, General Sessions Court in Chattanooga, Tenn.

5. (Appellants previous attorney Mr. Stephen Duggins was “Ineffective Assistance of Counsel” for failing to submit supporting filed documents as **EVIDENCE** I filed during the false criminal proceedings with the Hamilton County, General Sessions Court / The Honorable Judge Gerald Webb Jr. (1.) My sworn & notarized affidavit 6 pages, (2.) C.P.D. officer Lance Hughes # 826 perjured “Affidavit of Complaint” 3 pages, unsigned and unsworn by the alleged accuser, (3.) My notarized “Motion to Dismiss” 3 pages, (4.) My notarized “Brief in Support of Motion to Dismiss” 8 pages (5.) The General Session Court in Hamilton County, Chattanooga, Tennessee presiding over the case in the criminal proceedings titled the “Court Disposition of Case Property Evidence” Dismissal of both cases on September 4, 2020 1 page (6.) The Order of The Honorable Judge Gerald Webb Jr. II presiding General Session Court Judge ordering the Hamilton County criminal court clerk, “The Order for the Expungement of Criminal Offender Record” of Appellant Mr. Michael Bernard James on September 4, 2020 1 page).
6. The defendants cannot bring up probable cause now in civil proceedings when there was no probable cause found in the criminal proceedings. District court with Judge Corker “abuses its discretion” again and had a moral and ethical duty to inquire as to the basis for the dismissal of the criminal action, which inquiry would have been dispositive in favor of appellant cause and federal lawsuit claims.
7. The district court fails to justly exercise its discretion by failing to examine the dismissal of the criminal charges vs. appellant Sessions court Judge Gerald Webb Jr. dismisses the case on Sept. 4, 2020, in light of appellant’s pointing out “Due Process Rights” violations of the “false arrest” and the **VOID** nature of the case from its inception. “This Court lacks **“SUBJECT MATTER JURISDICTION”** in this case and has a **DUTY** to dismiss it Ministerially, because it is **VOID** from inception, there being no actionable instrument to ignite prosecution or

adjudication,” appellant litigates to the sessions judge, who agrees there was **NO** probable cause for his arrest and Court says appellant Pro Se motion and argument for dismissal “are very well written for a Pro Se litigant.” Judge Webb indicates the legal argument raised to clear himself was dispositive, just as these facts of appellant abuse by district Judge Corker should have been dispositive to get appellant a trial by jury on his federal claims. Hamilton County court system expunged the case.

8. The district court fails to take into account not just the reasons for the arrest and search of appellant’s car are **WITHOUT** probable cause, but facts that emerge in the audio recordings of the girls’ use of the homeowner’s phone to falsely make report to the C.P.D. dispatcher about appellant alleged threats. The district court errs on the facts on p. 2 of its order, stating, “The second call to 911 dispatch came in about the same time and was from one of the occupants in the Xterra [Doc. 32, ¶ 2; Doc. 30, 911 call from Juvenile].”

— Appellant called 911 first at 4:14 am. Eight minutes later the owner of the house, an elderly woman in a house to which the girls ran, fleeing the scene from responsibility of their reckless driving joyriding from a parent car they stole and with there own negligence crashed into a business building at 4:14am causing thousands of dollars worth of damages to property and vehicle damage — this elderly woman called 911.

The U.S. District Court and Judge Clifton Corker knowingly and intentionally “abuse its discretion” noticing that Ella Peters asks the other girl, did she see a gun? Here’s the dialogue with the dispatcher, showing that facts absolve appellant, and that the trial court again “abuse its discretion” intentionally ignoring the facts that give appellant basis for irreparable damages for false arrest, felony assault, false imprisonment, kidnapping, and the other valid federal claims made below.

Hey, ma'am. Me and my friend were getting ready to go and get something to eat and we was at a light and this man, he had flipped us off and we was at the stoplight. And we, he started chasing us. And then we tried to get away. And we ran into this building.

And the man was still following us, and he got a gun and he was trying to shoot us. *** Yes, we are inside this woman's house. *** No, he was a black male. He was in a brown car, and he is still out here waiting for us to come out here. *** Make sure that door, go lock that door. **** We was at a stoplight, and he's still in front of the house now.

The dispatcher asks, "Did you see a gun?"

Ella Peters, 14, the caucasian girl, asks her friend the older girl Kaija Anderson, 16 African-American girl in the open phone line: "Did you see a gun?"

"Ya."

This conversation with the dispatcher, in the realm of fact, clearly reveals juveniles concocting a story to extricate themselves from a car they stoled joy riding that ends with damage to family vehicle and a business building belonging to others. These juveniles were not charged, though police filled the scene. They were operating and driving a motor vehicle **WITHOUT** a valid driver license, no car registration, no car insurance, and without parental permission or supervision.

But there's **NO** Statement given at the scene of May 6, 2020, from Kaija Anderson mentioning anything about a gun, Ella Peters friend. Nor is it in Officer Hughes' perjured "Affidavit of Complaint" 3 pages narrative report of the same date.

"Yes. She saw a gun and we started running, and went into this woman house." This is also where **EVIDENCE** will show Ella Peters is also **LYING** on the 911 call.

Within seconds of this statement in the 911 call, Ella Peters says officers have arrived.

9. The defendants' time to allege or prove lawful cause and probable cause is not in the U.S. district court, but earlier, during the 121 days of the criminal proceedings in a "false arrest" and "Malicious Prosecution" of the appellant which case was dismissed by the lower court. This "Genuine issue as to the essential material facts" is knowingly and intentionally overlooked by judge Corker, and appellant sees district court judge Corker as overeager to accept defendants' ludacris false speculative assertions by state actors the WRONGDOERS perpetrating a fraud under the color of law knowingly and intentionally in **BAD FAITH**.

10. It is unjust for the judge to note that the criminal charges vs. appellant were dismissed and not ask as to the grounds. Appellant and his attorney Mr. Stephen Duggins parted ways because appellant attorney gave "Ineffective Assistance of Counsel" for not submitting the obvious supportive pertinent EVIDENTIARY documents of EVIDENCE on the MERITS of the Dismissal of the false criminal charges by the Hamilton County General Session Court The Honorable Judge Gerald Webb Jr. II findings of **NO** probable cause and violation of appellant's "Due Process Rights," With NO Objection or Appeal from the Hamilton County, Chattanooga, Tn District Attorney Office.

Errors of law in district court

— **Mens rea issue.** Appellant insists it is an error of law for a judge to ignore the mens rea requirement in an alleged crime. The U.S. District court Judge Clifton Corker presides in Greenville, Tennessee, ignores the requirement for the accused to act in such a way consistent with guilty mind and a criminal act.

The alleged criminal act in this case is not established in any way according to Tennessee law. The officers are not qualified to make a judicial determination that a crime indeed occurred, given the "totality of the circumstances" and what a fair reading and viewing of

the STAGED and ALTERED video and coerced testimony should indicate. They did NOT obtain a Sworn and Signed statement from either girl, before a magistrate, as required in Tennessee law pursuant Tenn. Code. Ann. § 40-6-203(a) Examination of Affiants, hence informants. Officer Lance Hughes, who makes the decision to arrest and charge, has NO credible accuser or witness, only hearsay, and **no Sworn or Signed statement from either Juvenile girl.**

The juvenile girls have every reason to lie. They are friends, not separate independent witnesses. They are recklessly “joyriding” in Ella Peter’s mother’s car, both of them knowingly and intentionally stoled. The juvenile delinquent girls have NO valid driver license, No valid car registration, No valid car insurance. And a crash for which Ella is responsible for, confronted by a mob of officers and cruisers and flashing lights. Ella has every reason to turn a bad event to the side, to blunt it and justify the high speeds and crash by ascribing it to flight and dread of another person — of appellant, who is a “Law Abiding Citizen and a Good Samaritan” who calls 911 first and foremost to report reckless driving, almost hit appellant car, possible intoxicated driver, possible stolen vehicle. Appellant testifies how young they looked. The law says a citizen can safely follow to get reckless driver car plate number and call authorities; that’s what I witnessed reckless driving and followed safely to get car plate number to report to police and then they crashed of their own negligence into a business building causing thousands of dollars of damages to Ella Mother vehicle and a business owner property, like a “Law Abiding Citizen” as soon as I seen they had crash I immediately called 911 at 4:14 am for the safety and well-being of the juvenile girls and for the safety and well-being of anybody else that may have been hurt or injured in the business building.

Each Juvenile girl Ella Peters 14 and her friend Kaija Anderson 16 each had their own cellphone, yet neither makes an emergency 911 call. If they were an innocent party, with no motive to lie, they would immediately have called police for rescue — but they do not. **The girls act as a party with mens rea, and appellant acts throughout this case as**

one who has no mens rea. His actions are consistent with not just lack of guilt from felony assault, but *actual innocence*.

Hughes' arrest report shows the problem of this case. The gap in the narrative as to why the 911 caller would place that call moments after alleged felony armed threats jumps out. Mr. James' actions immediately after the alleged display of a pistol belie the claim that he waved a gun. Mr. James, a professional Truck Driver, had just dropped off a fellow truck driver by the name of Kevin at approximately 4:00 am at 1409 E. 36th St. in Chattanooga so Kevin could pick up his truck. Appellant was traveling back to his house on 4th avenue when appellant came up upon E. 35th St. the car the juvenile stole driving recklessly almost hitting my car we both now traveling in the same direction on 4th ave about a half mile and come to a redlight by the Interstate I-24 bridge and both cars waited for the light to turn green. The Juvenile at the wheel is below legal age 14 to drive. Her friend, also a Juvenile in appearance.

Judge Corker abuses his discretion when he discounts the fact that the alleged felon is on the phone with police when he, the appellant, slips out of his car to stow his felony pistol back in the trunk of his car, to evade police whom he is calling to bring to the scene of his own felony. See Judge Corker's ruling, p. 13, which proposes that Mr. James, while having police on the phone to come to the scene, stowed the gun with which he'd just committed a felony. "He insists there was no way he could have remained on the phone and stowed a gun at the same time." That's not the issue. The issue is: No MENS REA can be calculated into appellant's person or actions, despite theorizings by the Judge Corker.

The judge sees "Trustworthy eyewitness statements" p. 10. The judge credits the girls because they are "witnesses [who] stuck to their stories." The judge says, "Based on trustworthy eyewitness statements endorsed by the mother, officers could reasonably infer that James likely had committed an aggravated assault with a firearm," p. 10.

The Judge Corker offers this analysis in reaching the “likely had committed” analysis of appellant, in abuse of his discretion.

Two eyewitnesses specifically claimed James displayed a firearm at them and was chasing them down the street, which they claimed ultimately caused the wreck. They claimed he was waiting for them outside the residence [Doc. 30, 911 call from Juvenile]. Far from contradicting each other, each witness’ story corroborated the other. When officers arrived, they found James *waiting outside the residence* and they found the wrecked Xterra [Doc. 23, L. Hughes 1 at 1:33–1:40].

Pp. 9, 10 (emphasis added)

The comment implies that Mr. James is “waiting outside the residence” so he can open fire on the girls, which theme has no basis in the facts.

The abuse of discretion by the court fails to see this: That appellant is waiting outside the resident lacking mens rea, but acting as a good citizen, waiting in his car with blinkers on for safety, on the phone with police, whom he has called to the scene. The court’s ruling is an exercise in retroactive interpretation of events with a prejudicial blue stripe down the middle of it.. The case’s “credible witnesses” would have officers and judge believe that a felon aggressor would “chase” the accusers and call police on himself while he is waiting outside the house, evidently (according to them) to shoot them.

Had appellant allegedly accused of waving a gun, Ella Peters 14 would not have jumped her car through the red light, made a U-turn **and come back past appellant**. She reasonably would have gone straight — to flee for safety. They claim he held a gun out the left hand window that was officer Hughes coercing the girls what to say. But appellant is right handed. Good citizen Mr. James appellant follows them safely at a distance less than 2 minutes to try to get their license plate number in the public interest,

not on their tail, but at a distance enough to witness them negligently crash into the business building, it is NOT illegal for a citizen to follow and get a license plate number of a reckless or drunk driver the law encourages law abiding citizen motorist to do so and call 911 once you get the plate number.

It is **not reasonable** for a man who has allegedly made an armed threat to two Juveniles would have called 911 when arriving at the crash scene. Appellant pulls to the side of the road to observe the situation, having seen the girls flee the accident scene for a nearby house. He places the 911 call at 4:14 a.m. to Police and E.M.T. as soon as he sees the crash. He sits in his car about 100 feet away, the whole time waiting for the police to arrive still on the phone with 911 dispatcher the whole time directing police to the scene. Appellant is a 54 year old man whose a “Law Abiding Citizen” commercial over-the-road Truck Driver by trade with a clean MVR and **NO** criminal record appellant has an interest in safe and proper use of the road: Consistently, I have my 4-way hazard blinker lights on waiting for police while still talking on the phone with the 911 police dispatchch giving them my full name, car description and the cross street where the juveniles crashed at, and the house the banged on the door to description to the 911 dispatcher.

Why would a man who had two minutes before — back at the red light intersection where the “flipping off” finger play initiated by the juvenile girls — have followed the juveniles in the car and called police had he committed an assaultive act? The case has **NO** guilty mind or **Mens rea** on the part of appellant, again a law-abiding citizen with NO criminal record. Appellant’s actions are consistent with those of an honorable citizen. The girls’ actions are entirely consistent with lying and fibbing to get out of a jam of their making. They violate the Tennessee false report act at § 39-16-502.

The key thing Judge Clifton Corker misses is the federal and state due process violation of there being no sworn witness. He makes no effort to take the girls to magistrate Lorrie Miller to swear out a complaint. Any swearing he does is not

dispositive and is legally insufficient. They refuse to sign and make a sworn statement of accusation before a magistrate, pursuant T.C.A. § 40-6-203(a), and so there is **no accuser in the case, with in Tennessee law police reports not being evidence and no officer a witness to what allegedly transpired.**

— **Court ignores Tennessee statute law requirements.** Tennessee law allows for warrantless arrest for felony at T.C.A. § 40-7-103. Arrest for felony, still, must allow for “Due Process”, including the right to a valid charging instrument and for a swearing and signing by an accuser or witness. The officer should have used his discretion, let the appellant go (since he knows his address, etc.), go to the magistrate, get the girl to swear out a warrant, and then come arrest appellant. That would have been best, given his protections to be free from arrest without a warrant. Given the questionable circumstances, Officer Hughes and his myriad colleagues should have done nothing to touch Mr. James’ person until he had a sworn statement by the pretended witness. Getting a sworn statement — given the lack of mens rea in the totality of circumstances — should have upheld constitutional rights and avoided injuring appellant.

An officer who has not witnessed an alleged crime cannot, on his own authority, create a criminal case. Video evidence of officers’ interactions with the two girls indicates no effort is made to take either or both before the magistrate. Law requires at the accuser reduce her accusation to writing and swear it is true.

(a) Upon information made to any magistrate of the commission of a public offense, the magistrate shall examine, on oath, the affiant or affiants, reduce the examination to writing, and cause the examination to be signed by the person making it.

Tenn. Code Ann. § 40-6-203

The video evidence indicates the officers gave no thought to taking either girl before the magistrate to swear out a warrant to secure appellant's rights to due process. Their allegations to the officer, who swears his report but is hearsay witness, are without substance and force until sworn, which step was not done.

The officers, in deference to state and federal constitutions, should have sought to secure justice in the matter while respecting the rights of the one they intended to accuse. They already had all of appellant's information, his valid CDL license, auto VIN, home address. They had a duty, since there was a cloud over the girls' allegations, to release him — just as the magistrate released him on his own recognizance. No arrest should have taken place, in light of the no probable mens rea visible in appellant in the “totality of the circumstances,” and suspicions voiced among the officers about the girls' miscreancy (see Hughes video no. 1, 38:00, where an officer says, “It sounds like the kids were fishing for an excuse for why they wrecked into that building”).

Had one or both girls appeared before the magistrate, who “shall examine” the girl “on oath” and with the affiant “reduce the examination to writing,” appellant could then have lawfully been arrested. The criminal case was **VOID** from inception, its voidness extended each day the girls absented themselves from relating their complaint and swearing before Hamilton County, Tn., chief magistrate judge Lorrie Miller or one of her three fellow judicial commissioners.

The dismissal gives merit to appellant's federal claims for a civil rights abuse. The district court of Judge Corker “abuses its discretion” again and again by making alive again the details of the arrest in a case determined as a “matter of law” to have been **VOID**, lacking any sworn witness statement.

The lower court ruling of **NO** probable cause is the lens through which the record should be reviewed by the district court Judge Clifton Corker. Instead of watching the STAGED

and ALTERED videos knowing that the girls would refuse to testify, the court abuses his plenary powers to create a different case than the one that went down in flames in Hamilton County, Tennessee General Sessions Court in a HONORABLE just judgment by Judge Gerald Webb Jr. based on Tennessee law's clear requirements for a sworn complaint by an accuser.

The district court overlooks the duty of police and the courts to not arrest a citizen without probable cause or a warrant. In Tennessee, as appellant explained and litigated to the General Sessions Court, the officer is required to strongly respect the right of the citizen to be free from arrest.

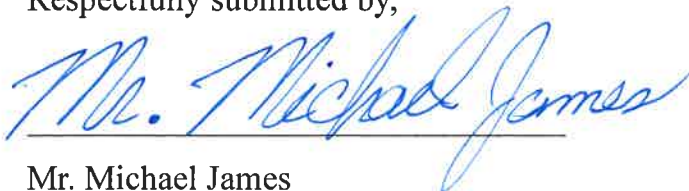
Federal issues

This petition is filed by an African-American, one for whose race the 14th amendment was ratified by the states on July 9, 1868. He claims his federal constitutional rights under this law, specifically under the protections that still remain for police abuse under 42 U.S.C. § 1983.

Relief sought

Appellant requests the U.S. Court of Appeals for the Sixth Circuit reverse district court Judge Corker order of dismissal and reinstate my federal claims for a Trial by Jury in the U.S. district court in Chattanooga, Tenn., NOT in Greenville, Tn.

Respectfully submitted by,


Mr. Michael James

Exhibits


- (1.) The Order for the Expungement of Criminal Offender Record, Sept. 4, 2020, 1 page
- (2.) Court disposition Dismissal of case property/evidence (returning Beretta handgun, and all other unlawfully seized property of appellant), 1 page
- (3.) Sworn and Notarized Affidavit of Michael James on August 24, 2020 6 pages
- (4.) Appellant "Motion to Dismiss", 3 pages
- (5.) Appellant "Brief in Support of Motion to Dismiss", showing Due Process violation, void case, 8 pages
- (6.) Officer Lance Hughes Perjured Sworn "Affidavit of Complaint" 3 pages
- (7.) Affidavit of Michael James, Encounter with Hamilton County Chief Magistrate Judge / Lorrie Miller on May 6, 2020, in false arrest case, 2 pages

CERTIFICATE OF SERVICE

Mr. Michael James certifies that a true and exact copy of his **NOTICE OF APPEAL** was hand delivered to the parties below on this 17th day of October, 2022.

Office of City Attorney
Deputy City Attorney Mr. Phillip Noblett
100 E. 11th St. Suite 200
Chattanooga, Tenn. 37402
(423) 643-8250

U.S. District Court, Eastern District
Of Tennessee, Chattanooga Division
900 Georgia Ave. Rm 309
Chattanooga, Tenn. 37402.



Mr. Michael Bernard James
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HAMILTON COUNTY
GENERAL SESSION COURT CLERK
VINCE DEAN
ROOM 108 COURTS BUILDING
600 MARKET STREET
CHATTANOOGA, TENNESSEE 37402

Exhibit # (1.)

FILED

OCT 17 2022

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

The Order for the Expungement of Criminal Offender Record

For Defendant Michael James

General Session Court Docket Number(s) 1802593 1802594

Has been applied for as of 9/4/20

When the court so grants the request for Expungement, it will then be ordered that all PUBLIC RECORDS relating to such above referenced be expunged. This process under Tennessee Law provides for sixty to ninety days from the date the Judge signs the court Order for the Expungement Process to be completed.

NOTE: IF A RECORDS CHECK IS CONDUCTED PRIOR TO THE COMPLETION OF THE EXPUNGEMENT PROCESS, IT IS POSSIBLE FOR THE CASE AND/OR DISPOSITION INFORMATION TO APPEAR.

LAURA COLLINS

GENERAL SESSIONS COURT

GENERAL CRIMINAL DIVISION

DEPUTY CLERK

THE FOLLOWING INSTRUMENT
IS A CORRECT COPY OF THE
ORIGINAL ON FILE IN THIS OFFICE
THIS 9/4/20

VINCE DEAN
CRIMINAL COURT CLERK
BY [Signature] DC



Chattanooga Police Department

COURT DISPOSITION OF CASE PROPERTY/EVIDENCE

DEFENDANT: Michael James VICTIM: MINORS (2) Parents: Tiffany, Peter
 Complaint No.: 20-043773 Property No.: Tiffany Andrus
 Court/Docket No.: 18 02593, 18 02594 Court Date: 9-4-20
 PROPERTY/EVIDENCE: Beretta HANDGUN, AND Any other
property seized All Ammunition, All Magazines.
STATUS OF PROPERTY/EVIDENCE

1. Property to be released by ORDER OF JUDGE to (specify TO
 WHOM and WHY): Michael James
Cases Dismissed

2. Continue to hold property for (duration) _____
 or until (date) _____ in case of appeal

FILED

3. Dispose of property per legal guidelines. Officer Unit: OCT 17 2022

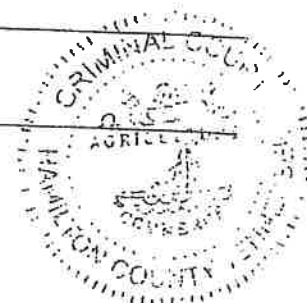
4. Property retained by D.A. or Court (specify which) for
 prosecution or other purposes: _____
 (receiver signature) (name of agency)

5. Other (explain): _____

JUDGE: [Signature]

ATTORNEY GENERAL: _____

DEFENSE ATTORNEY: _____

REPORTING OFFICER: Lance Hughes #826 DATE/TIME: _____

(COURT CLERK MUST CERTIFY BY SIGNATURE AND STAMP
 BELOW FOR COURT-ORDERED DISPOSITION OF PROPERTY)

Affidavit of Mr. Michael James of May 6, 2020, illegal arrest by Chattanooga police

1. Comes now Michael James, of 2201 Park Drive, Chattanooga, Hamilton County, Tenn. 37421, does attest the following account of his arrest to be true, accurate, complete, to the best of his recollection and ability.
2. On May 6, 2020, at 4:05 a.m., I was driving my car through a residential area on 4th Avenue in Chattanooga, Tenn., traveling east toward Interstate 24 bridge, going about my business, at 30 mph.
3. I noticed a black Nissan SUV on my left, driving up fast on East 32nd St. toward me. It ran the stop sign just as I passed by.
4. The car appeared to be speeding. It came up behind me quickly, tailgated my car closely for about 200 feet in the 2900 block on 4th Avenue.
5. The car then abruptly and erratically swerved left, crossing over the double yellow do-not-pass lines, came up beside my car very close, then cut me off coming into my lane, almost hitting my left driver's side front fender.
6. I slammed on my brakes to avoid the car hitting me.
7. The black Nissan continued speeding and driving, swerving left and right erratically. It crossed the double yellow lines on 4th Avenue, traveling at what I estimate to be 50 mph or 60 mph.
8. The Nissan was approaching a stopsign on East 28th street and 4th Avenue by The Salvation Army. It stayed stopped for about 25 seconds as I came up behind it.
9. The car continued driving down 4th Avenue, speeding up to the stop light on 4th Avenue by the Interstate 24 bridge. The light was red. The car was stopped in the left lane, and I was in the right lane, where I was intending to make a right turn on to the I-24 eastbound ramp.
10. I looked out my lefthand window and noticed the passenger-side window of the Nissan was rolled down three-fourths of the way. I observed a young black female sitting in the

FILED IN OFFICE:

DATE: 8-27-2020 TIME: 10:38

VINCE DEAN CLERK

BY [Signature] DEPUTY CLERK

FILED

OCT 17 2022

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

passenger seat. She made an obscene gesture with her middle finger and cursed at me. Meanwhile, the girl behind the steering wheel leaned forward. She was a Caucasian, and also flipped me off.

11. My window was down about 10 inches. I flipped them off in return.
12. I shouted, "You are driving recklessly, like an idiot, and almost hit my car back there."
13. The black girl used profanities such as "Fuck you" and "asshole" and kept cursing at me.
14. "I am calling police," I shouted.
15. While the light was red, the driver of the Nissan peeled out, making a U-turn in the intersection and then abruptly turned right on East 24th Street Place, the 2100 block, driving erratically and swerving.
16. Determined to get a registration plate number, I decided to follow, thinking also the car might have been stolen by my seeing how young the driver was and their bad juvenile behavior.
17. I turn right on East 24th street place in the 2400 block. The girls in the car were rushing away from me down the street toward the Barn Nursery complex, at approximately 45 to 50 mph.
18. I witnessed the car hit and jump the curb, where the road turns left and saw them crash into a business building.
19. Seeing the car crash, I immediately called 911 at 4:14 a.m. to get the police and emergency medical services on the scene for the well-being of the girls and for the safety and well-being of anyone who may have been in the building.
20. Within 10 seconds after the crash, the girls opened the doors, fled the scene as I was coming down the street in my car.
21. They ran through the back yard of a blue house on the corner of East 25th and Orchard Knob Street.
22. I was on the phone with 911, giving information about the whereabouts of the two girls, who were hiding near the house.

23. I continued driving my car around the curve and remained inside with my hazard lights flashing while I was on the phone with 911. I said that I was a witness of a car crash and erratic driving and that my name is Mike, and that I was in a car with its hazard lights on and to let the officer know "so that he doesn't get excited."
24. The first officer to arrive to my left came up East 25th Street to Orchard Knob. It was a female officer. Thirty seconds later, a male officer pulled up in another police car and parked behind me. He got out and walked past my car toward the house where the girls were apparently.
25. I got out of my car. That's the only time I got out of my car when the first two primary officers came on the scene.
26. I directed the officers to the house where the two girls had fled, a property at which an elderly woman lived, who had let them in after they had banged on the front door five minutes after they crashed.
27. The black girl called to the other girl "Ella," and the white female emerged from the bushes and entered the house through the front door.
28. The officers and the girls spoke for about a minute.
29. The male and female officers turned abruptly and came up to me as I stood on the curb in front of the house.
30. The male officer had his gun drawn and aimed in my direction.
31. "Put your hands up and turn around," he said twice.
32. I complied with the officer's command. He handcuffed me with my arms behind my back and did a search of my entire body.
33. "What's all this about?" I said. "I am the one who called 911 to report reckless driving and I witnessed them negligently crash into that building."
34. "You are not under arrest," the male officer said. "You are just being detained until we figure out what's going on."

35. I said, "What's going on? Why am I being handcuffed?"
36. The male officer asked me where I had been coming from. I told him, "Going about my business on 4th Avenue."
37. He said, "Oh, you are coming from your business?"
38. "No," I said, "I was driving about my business on 4th Avenue when the young girl driver almost hit my car, driving erratically."
39. A third officer in an SUV police cruiser arrived five minutes after the first two had arrived. They spoke among themselves.
40. Officer Lance Hughes, No. 826, arrived 15 minutes after the first two primary officers arrived. He walked up to me and started talking to me rudely and not respecting his department's Covid-19 rules and regulations requiring 6-foot distancing among people.
41. Officer Hughes was standing about 15 inches from my face and speaking very loudly. I asked Officer Hughes to please not yell at me and not to be so close to me because of the Coronavirus pandemic.
42. He got even closer, about an inch away from my face, pointing his finger several times, trying to provoke me to anger.
43. With all his rude yelling at me and interruptive questioning me, I requested to speak with a sergeant or his lieutenant. He continued bellowing at me, saying he is in charge of the investigation and "You're going to talk to me and answer my questions."
44. I've said "I believe the car is stolen." He scoffed at me as if I was crazy and repeated, "You think the car was stolen, huh?" "
45. Officer Hughes did not read me my Miranda rights beforehand.
46. Ten minutes into the interrogation, Officer Hughes pulls out a penlight and shined it into my face, telling me to follow the light with my eyes. I said, "This is uncalled for, and harassment. Am I not the one who called 911 about the crash? I don't appreciate you talking to me as if I was some kind of criminal, which I am not."
47. Officer Hughes was trying to do a DUI test on me for 10 minutes.

48. Officer Hughes became even more belligerent and aggressive, asking me questions that seemed to me tricks to incriminate me or entrap me. He was very aggressive in his conversation and accusatory instead of investigating the car crash.
49. Officer Hughes said, "I'm tired of you," he said. He put me in the back of his cruiser, still in handcuffs.
50. I sat in the back of the cruiser for about 25 minutes while he talked on a phone, asking what to do with me. Both back seat windows were open about 5 inches.
51. I kept asking Officer Hughes and the other male officer, "What is all this about?"
52. Officer Hughes asked me several incriminating trick questions while interrupting me several times where I couldn't understand his questioning.
53. Officer Hughes mentioned a gun 20 minutes after starting to question me. He said, "The girl said you pointed a gun at her."
54. "No, sir. I didn't point a gun at anybody."
55. While I sat in the cruiser, other officers searched the interior cabin of my car.
56. The police searched my car thoroughly.
57. Officer Hughes asked the Caucasian girl more than once, "Are you sure you saw a gun, because you can wreck this man's life." I didn't hear the girl answer.
58. The mother of the girl said, "If she saw a gun, then she saw a gun."
59. I watched a female officer go into my locked trunk of the car without my consent and without having obtained a search warrant.
60. She went through my personal belongings for about seven minutes. She yelled out, "Gun. I got a gun."
61. That's when officer Hughes started smiling. It appeared to me that it was a smile of satisfaction.

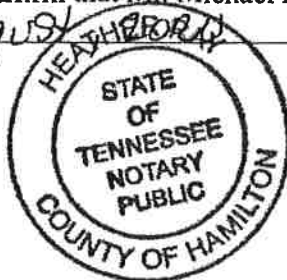
62. The two girls' parents appeared on the scene and had a conversation with Officer Hughes and a police sergeant.
63. It's approximately 5 o'clock in the morning.
64. The officers said the victims had to go downtown with their parents to press charges. I heard the mother of the black girl say they were not going.
65. I was taken to the jail for booking. The magistrate asked about my accusers and said, "Where is the officer?" Apparently the victims and the arresting officer made no appearance before the magistrate, as I did.
66. The girl's story that I waved a gun at them is a lie. The gun that was taken from me was in the locked trunk of my car in a locked gun case inside a backpack.
67. It was an unloaded Beretta .40-caliber.
68. The girls' names are Ella Peters and Kaliya Anderson. I was arrested because Officer Hughes believed their story although Ella Peters is the only one named in the complaint. Neither of the girls signed the affidavit of complaint before the magistrate.
69. The charges against me are false. I did not make threats. I did not have a gun in my hand. The search of my locked car trunk was done illegally without my consent and without a warrant. I am being falsely charged criminally by officer Lance Hughes, whose affidavit of complaint is based on his own word without a sworn and signed statement of my alleged accusers.

70. FURTHER AFFIANT SAYETH NAUGHT.

Mr. Michael Bernard James

Mr. Michael Bernard James

STATE OF TENNESSEE, COUNTY OF Hamilton — I, the undersigned notary public, do hereby affirm that Mr. Michael Bernard James personally appeared before me on the 24th day of August, and signed this affidavit as his free and voluntary act and deed.



Heather Ray exp 6/12/24

State of Tennessee

Case Numbers

1802593 , 1802594

Vs.

Mr. Michael James, Pro Se

MOTION TO DISMISS

1. **COMES NOW**, the Defendant Mr. Michael James Pro Se, Respectfully requests The Honorable Sessions Court Judge Gerald Webb to Dismiss the 2 alleged Aggravated Assault charges against me, for the State Violation of my "Due Process Rights" a "Lawful Void" and for want of "Subject Matter Jurisdiction".

Please take "**Judicial Notice and Review**" State v. Hughes, 371 S.W. 2d 445 (Tenn. 1963). That a Lawful accusation is an essential Jurisdictional element without which there can be NO Prosecution.

2. The accuser, Officer Lance Hughes # 826 of the Chattanooga Police Department, **ILLEGALLY** signed the "Affidavit of Complaint" without being either Victim or Witness to an alleged accusation.

The alleged victim, Ella Peters, is the **ONLY** named victim in Officer Hughes "Affidavit of Complaint". When asked, by Officer Hughes and/or other Officers on the scene to go with Officer's to see the Magistrate Judge to Swear an Oath of Affirmation and Write and Sign the Complaint before the Magistrate.

Ella Peters and her Mother and her friend in the "Stolen Car" passenger seat, identified as Kaliya Anderson and her Mother, **ALL 4** of them **REFUSED** Officers escort, to see the Magistrate Judge and press charges and Swear an Oath and Sign the "Affidavit of Complaint". Refusal to Swear an Oath of Affirmation or Sign a Complaint before a "Qualified Judicial Magistrate Judge" as **REQUIRED** by Tenn. Code. Ann. § 40 - 6 - 203 Informants; Examination, Hence, **NO** Lawful Complaint is before this Court. State v. Jones, 512 S.W. 3d 258 (2016) See also: Tenn. Code. Ann. § 40 - 6 - 205(a); Tenn. Rules. Crim. Procedure 3 & 4. **WHEREFORE**, the Complaint is "**VOID AB INITIO**".

3. In the alternative, the accused says **EVIDENCE will** show Officer Lance Hughes and other Officers on the scene. **ILLEGALLY** searched my car the morning of May 6, 2020, "**WITHOUT MY CONSENT**", "**WITHOUT PROBABLE CAUSE**" or an "**AUTHORIZED SEARCH WARRANT**".

Based on **HEARSAY**, from a "14 year old girl" driving a "Stolen Car" **KNOWINGLY** with **NO** Driver's License or Insurance, that due to her own "Bad Juvenile Delinquent Behavior and Negligence" Crashed into a Business Building causing

FILED

OCT 17 2022

Thousands of Dollars of Damage to the Building and to the "Stolen Car" as well.

With Officer Hughes and other Officers on the Scene Violating their Department Policy of Conducting a Thorough Background and Crash Investigation. Intentionally Neglecting to do an "Alcohol and/or Drug Test on the Unlicensed Underage Juvenile driver, but BIASLY focused on me wanting to incriminate me the one who called 911 Mr. James the "Good Samaritan".

4. Secondly in the alternative, the Officer's sworn statement is sufficiently accurate as to suggest that i could not have had "MENS REA" to have committed the alleged felony. I'm a Truck Driver of Good Character, a Law-Abiding Citizen and a Responsible Legal Firearms Owner. The charging instrument relates how I saw 2 Young Girls driving "Erratically and Recklessly" tailgating me and almost hitting my car speeding down the streets with no regard, witnessing them NEGLIGENTLY crash into a Business Building as my IMMEDIATE call to 911 to get the Police and EMTs here fast, for the Safety and the Well-being of the 2 girls and for the people also that may have been injured in the building.

5. Thirdly, the charging instrument contains PERJURY from Officer Lance Hughes # 826 in stating that upon Officer's arrival to the scene. Officer's observed, Michael James standing next to his vehicle flagging down Officers. That's a LIE.

I was in my car the whole time, while on the phone with 911, giving the Dispatcher information where the crash was at and where the 2 Juvenile girls fled the crash scene to a blue house on the corner of E. 25th St. and Orchard Knob St.

When the first 2 Primary Officers came on the scene. The Female Officer, was coming up E.25th St. to Orchard Knob St. then 30 seconds after her the Male Officer parked right behind me as he got out of his patrol car and walked towards the house on the corner.

Both Primary Officer's Patrol Car Camera's and there Body Camera's will VALIDATE and SHOW i was inside my car in the Driver's seat with the flasher on, when they both arrived on the scene and that's the only time i got out of my car as to when they arrived to give them information and direct them to the house.

6. **WHEREFORE**, in Dismissing this **VOID Complaint**, i Respectfully request this Honorable Court to ORDER the Chattanooga Police Department to immediately return ALL my SEIZED property to me.

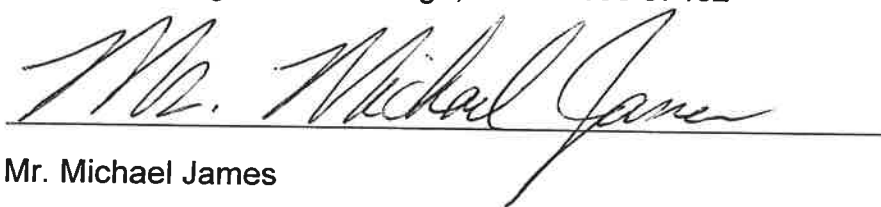
7. FURTHER ACCUSED SAYETH NAUGHT



Mr. Michael James

CERTIFICATE OF SERVICE

I Hereby Certify that the above Motion was served this 27th Day of August
2020 by Hand Delivery to Mr. Neal Pinkston / Chief General District Attorney, in the
Courts building in Chattanooga, Tennessee 37402



Mr. Michael James

FILED IN OFFICE:

DATE: 8-27-20 TIME: 10:38

VINCE DEAN CLERK

BY  DEPUTY CLERK

IN THE GENERAL SESSIONS COURT
OF HAMILTON COUNTY, TENNESSEE

FILED

OCT 17 2022

State of Tennessee

)
)

Case Numbers

1802593 , 1802594

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

Vs.

Mr. Michael James,
Pro Se

FILED IN OFFICE: **BRIEF IN SUPPORT**
DATE: 08/31/20 TIME: 8:12 **OF**
VINCE DEAN CLERK MOTION TO DISMISS
BY [Signature] **DEPUTY CLERK**

1. **COMES NOW**, the Defendant Mr. Michael James Pro Se, and respectfully explains why this Honorable Court should **DISMISS** the two alleged criminal charges of aggravated assault as improper and without Basis in Fact or Law.
2. This Court "**LACKS SUBJECT MATTER JURISDICTION**" in the case because there **HASN'T** been a proper charging instrument to evoke its authority to hear the merits of the claim against the accused. State v. Hughes, 371 S.W.2d 445 (Tenn. 1963)
3. Take "**JUDICIAL NOTICE AND REVIEW**" of Police Officer Lance Hughes # 826, Magistrate Judge Lorrie Miller and the Assistant District Attorney, appear to agree on a violation of T.C.A. § 40-6-203, informants; examination, that states the following:

§ 40-6-203. Informants; examination

(a) Upon information made to any magistrate of the commission of a public offense, the magistrate shall examine, on oath, the **AFFIANT OR AFFIANTS**, reduce the examination to writing, and **CAUSE THE EXAMINATION TO BE SIGNED BY THE PERSON** making it. (emphasis added)

See also Tenn. Code Ann. § 40-6-205(a); Tenn. Rules Crim.P 3 & 4.

3.1 Tennessee Rule of Criminal Procedure 3 note says the magistrate is not a mere paper pusher. "It is important that any clerk issuing an arrest warrant know and fully appreciate the legal significance of the fact that it is a judicial function which is being performed. The validity of the warrant depends upon the making of a probable cause determination; a warrant must never be issued as a mere ministerial act done simply upon application."

Essential facts of case

4. This case by the State of Tennessee was initiated on behalf of two **Questionable Girls**, Ella Peters, 14, and Kyaija Anderson, 16, neither of whom on May 6, 2020, made an appearance before the Magistrate at the Hamilton County Jail to be **EXAMINED** by the Magistrate, give Oath and have the cause "[reduced] *** to writing" by the Magistrate.
5. Ella Peters, is the **ONLY** named alleged victim in Officer Hughes "Affidavit Narrative". The Officer, Swears that both girls are "victims" and that Ella's mother, Tiffany Peters, is "witness." It's All a **FABRICATION** of **LIES** and **PERJURY**, also on Officer Hughes part, he **"INTENTIONALLY FALSIFIED"** the "Affidavit of Complaint" narrative report **"IN BAD FAITH"** to illegally incriminate me.
6. Tiffany Peters, wasn't even there or inside the car that early morning of May 6, 2020. The Parents' car was **"STOLEN"** by the 2 **"Bad Juvenile Delinquent"** girls who were up to No Good and by what I observed and **Witnessed**, how they were carry on acting like Fools, i believe they were **INTOXICATED** on **ALCOHOL** and/or **DRUGS**.
7. According to the Hughes' Affidavit and testimony of the accused, a Truck Driver with No Criminal Record, the accused observed the girls approximately at 4:05am. traveling in a car at **Dangerous Speeds**, driving Recklessly and Erratically almost hitting my car.
8. I called 911 about their **Dangerous Bad Juvenile Behavior**, and followed the car to get the License Plate Number to Report them to the Police. They **NEGLIGENTLY** Crashed into a Business Building and **INTENTIONALLY** fled the Scene of an Accident and ran to a nearby house trying to **HIDE** from **RESPONSIBILITY**.
9. The homeowner at 1901 E. 25th St. called 911 and talked to a dispatcher. Here are the girl's words from the **"Sound File"** from the girl's 911 call:
 - i. Hey, ma'am. Me and my friend were getting ready to go and get something to eat and we was at a light and this man, he had flipped us off and we was at the

stoplight. And we, he started chasing us. And then we tried to get away. And we ran into this Building

- ii. And the man was still following us, and he got a gun and he was trying to shoot us. *** Yes, we are inside this woman's house. *** No, he was a black male. He was in a brown car, and he is still out here waiting for us to come out here. *** Make sure that door, go lock that door. **** We was at a stoplight, and he's still in front of the house now.

10. The dispatcher asks, "Did you see a gun?"
11. Ella Peters asks the older girl Kaija Anderson in the open phone line: "Did you see a gun?"
12. "Ya." But there's **NO** Statement given at the scene of May 6, 2020, from Kaija Anderson mentioning anything about a gun, Nor is it in Officer Hughes' "Affidavit of Complaint" Narrative Report.
13. "Yes. She saw a gun and we started running, and went into this woman house." This is also where **EVIDENCE** will show Ella Peters is also **LYING** on the 911 call.
14. Within seconds of this statement in the 911 call, Ella Peters says officers have arrived.
15. Mr. James also on the phone with 911, calling to report the girls' **ERRATIC** driving and their crash into a Business Building belonging to the Fowler Bros. Furniture Business. He was sitting in his car with his hazard lights flashing when officers arrived, according to the affidavit in the record.
16. Officer Hughes came 15 minutes later after the first 2 "Primary Officers" were on the scene and launched a **BIASED** investigation into Mr. James, based on **HEARSAY** by a "Questionable, Bad Juvenile Delinquent" minor in a "STOLEN CAR" with **NO VALID DRIVER LICENSE AND/OR INSURANCE**.

Basic law

17. **HEARSAY**. Evidence not proceeding from the personal knowledge of the witness, **but from the mere repetition of what he has heard others say**. That which does not derive its value solely from the credit of the witness, but rests mainly on the veracity and competency of other persons. The very nature of the evidence shows its weakness, and it is admitted only in

specified cases from necessity. *State v. Ah Lee*, 18 Or. 540, 23 P. 424, 425. *Young v. Stewart*, 191 N.C. 297, 131 S.E. 735, 737. It is second-hand evidence, as distinguished from original evidence; **it is the repetition at second-hand of what would be original evidence if given by the person who originally made the statement.** Literally, it is what the witness says he heard another person say. *Stockton v. Williams*, 1 Doug., Mich., 546, 570 (citing 1 Starkie, Ev. 229). Evidence, oral or written, is hearsay when its **probative force depends in whole or in part on the competency and credibility of a person other than the witness.** *State v. Klutz*, 206 N.C. 726, 804, 175 S.E. 81. Hearsay is a statement made by a person not called as a witness, received in evidence on the trial. *People v. Kraft*, 36 N.Y.S. 1034, 1035, 91 Hun, 474. The term is sometimes used synonymously with "report", *State v. Vetter*, 76 Mont 574, 248 P. 179, 183; and with "rumor" — *Black's Law Dictionary* 4th ed. (emphasis added)

18. "Every person accused of a crime has a right to 'confront the accusers and witnesses' against him, and there is no surer safeguard thrown around a person of the citizen than this guaranty, contained in this one of our declaration of rights," *McCormick's Cases and Materials*, Charles McCormick, 1971, citing *State v. Hargrave*, 97 N.C. 457, 1 S.E. 774. In Tennessee, that would be in article 1, section 9, "that in all criminal prosecutions, the accused hath the right *** to meet the witnesses face to face[.]"
19. The prosecution is based on a sworn statement of Officer Hughes, who is neither eyewitness nor an aggrieved or injured party.
20. This Court lacks **"SUBJECT MATTER JURISDICTION"** in this case and has a **DUTY** to dismiss it Ministerially, because it is **VOID** from inception, there being no actionable instrument to ignite prosecution or adjudication.
21. But seeing that accused's Attorney, Bill Speek — whom he fired for Incompetence — failed to point out the obvious at **the first hearing** before this Court, **the second hearing before this Court or the third hearing** before this Honorable Court, accused asks leave to review the law.
22. The Tennessee Rules of Criminal Procedure provide that when a person is arrested without a warrant, he or she "shall be taken without unnecessary delay before the nearest appropriate magistrate" and that "[a]n affidavit of complaint shall be filed promptly."
23. Tenn. R.Crim. P. 5(a). Tennessee Rule of Criminal Procedure 3 defines an affidavit of complaint as follows:
 - i. [A] statement alleging that a person has committed an offense. It must:
 - ii. (a) be in writing;

- iii. (b) be made **on oath before a magistrate** or a neutral and detached court clerk authorized by Rule 4 to make a probable cause determination; and
- iv. (c) **allege the essential facts** constituting the offense charged. (emphasis added)

24. A narrative by a Police Officer, even though sworn before a magistrate, is not evidence and sets forth no **"ESSENTIAL FACTS."**

- i. Police reports are hearsay and are not admissible as evidence. The primary problem with the admissibility of police reports is that the report is hearsay made up of opinion or conclusion not based on personal knowledge. Paine, *Tennessee Law of Evidence* § 108 (1974); *McBee v. Williams*, 56 Tenn.App. 232, 238, 405 S.W.2d 668, 671 (1966):
 - a. Police reports based upon statements of witnesses are hearsay and are not admissible in evidence. The reasoning behind this rule is that if the officer is present he can testify as to his first hand knowledge. He cannot testify as to what was told to him and such matters could not be admitted with the report in any event. If the report is admitted, it may not contain material to which the author, had he been present, would be incompetent to testify. Burch, *Trial Handbook for Tennessee Lawyers* § 322 (1980) (citations omitted).

McDonald v. Onoh, 772 S.W.2d 913, 914 (Tenn. Ct. App. 1989)

25. *Trezevant v. Tampa* 741 F.2d 336 *; 1984 U.S. App. LEXIS 18863 makes clear that if one is under arrest and booked and humiliated even for a single minute **outside of due process**, the state or its agent imposes irreparable damage. The case turns on the fact that Mr. Trezevant being incarcerated rather than making bond.

- 1. Officer Eicholz escorted Mr. Trezevant to central booking and when [**5] they arrived he frisked Mr. Trezevant and took him through the door normally [*339] used by policemen with arrestees in custody. Officer Eicholz walked up to the central booking desk and presented the jailer on duty with Mr. Trezevant and with the citations that Mr. Trezevant had refused to sign.

2. The jailer took Mr. Trezevant's valuables and his belt and shoes and placed Mr. Trezevant in a holding cell until he could be processed. Mr. Trezevant was in the holding cell for a total of twenty-three minutes. Mr. Trezevant always had enough cash to bond himself out. **No one ever told Mr. Trezevant what he was being incarcerated for; he was not allowed to call an attorney before he was incarcerated; and, he was incarcerated with other persons who were under arrest for criminal violations.** Further, while he was being held in the holding cell, Mr. Trezevant suffered severe back pain and his cries for medical assistance were completely ignored.

In the case at bar, Mr. Trezevant's incarceration was the result of numerous mistakes which were caused by the policemen and deputies carrying out the policies and procedures of the City of Tampa and the HBCJ. There was certainly sufficient evidence for the jury to find, as it did, that pursuant to official policy Officer Eicholz escorted Mr. Trezevant to central booking where he was to be incarcerated until the HBCJ personnel could process the paper work for his bond. We cannot view [**10] the actions of Officer Eicholz and the jailer in a vacuum. Each was a participant in a series of events that was to implement the official joint policy of the City of Tampa and the HBCJ. 4

3. The failure of the procedure to adequately protect the constitutional rights of Mr. Trezevant was the direct result of the inadequacies of the policy established by these defendants. The trial court correctly denied the motions for directed verdict and submitted the case to the jury.

4. [T]here was sufficient evidence for the jury to find that **Mr. Trezevant's unconstitutional incarceration was the result of an official policy.** [**12] Officer Eicholz escorted Mr. Trezevant to central booking and the HBCJ deputies then processed Mr. Trezevant in the normal course of business and in accordance with what they considered to be governmental policy. The fact that no motorist prior to Mr. Trezevant had elected to not sign a citation but rather post a bond is hardly justification

for having no procedure. The record is devoid of any explanation as to why Mr. Trezevant was not allowed to use the entrance and [*341] window routinely used by attorneys and bondsmen.

Trezevant v. Tampa 741 F.2d 336 *; 1984 U.S. App. LEXIS 18863

26. The Trezevant court upheld damages of \$25,000, or \$1,086 per minute of false arrest. In that case, he was going to make his own bond before a magistrate. But he was jailed and damaged.

27. In the case against accused, without a proper charging instrument and no witness, an arrest is a tort, if not a crime, with accused in the jail and under arrest about seven hours.

28. With **NO LAWFUL ACCUSATION, NO LAWFUL CRIMINAL CASE** may proceed.

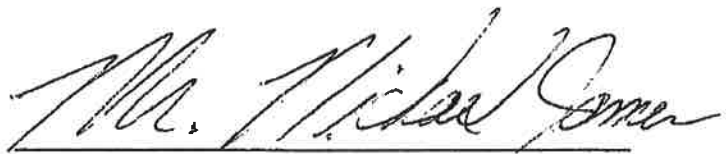
- i. A lawful accusation is an essential jurisdictional element of a criminal trial, without which there can be **no valid prosecution**. [citation omitted]
- ii. No valid conviction can be had upon a void warrant or indictment. Criminal prosecutions cannot be sustained by intendment, but everything necessary to constitute the offense must be charged. Church v. State, 206 Tenn. 336, 333 S.W.2d 799 (1960). (emphasis added)
- iii. *** "Conviction upon a charge not made would be sheer denial of due process." De Jonge v. State of Oregon, 299 U.S. 353, 362, 57 S.Ct. 255, 259, 81 L.Ed.2d 278 (1937).

State v. Morgan, 598 S.W.2d 796, 797 (Tenn. Crim. App. 1979)

29. If this court lets this prosecution survive this motion, how will state argue mens rea, not having alleged it in the charging instrument? And, on the face of it, how could it convince a jury of wicked motive? **MENS REA** is an essential element, and innocent intent is written all over this case, even through the eyes of Officer Hughes. His affidavit makes no hint of motive, and leaves the reader baffled as to why accused would commit a felony and moments later call police to the scene and wait for their arrival with his report about the girls' erratic driving and destruction of property and vehicle.

Argument

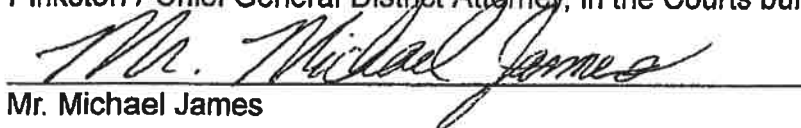
30. This Honorable Court has little option but to **DISMISS** this case because it has **NO PROPER CHARGING INSTRUMENT** allowing the accused to face his accuser. Officer Hughes is not a witness, and no accuser has come forth.
31. It is improper for accused to have been arrested, jailed for seven hours, all without a proper complaint. It is improper for him to not have been told, "Mr. James, seeing you have no accuser willing to swear a complaint before the magistrate, you are free to leave. Thank you for calling 911, and we are sorry for having troubled you with our questions for so long. You did the right thing, sir. Thank you for caring."
32. Accused is victim of a False Report and False Statement to a Police Officer in violation of Tenn. Code Ann. § 39-16-502. A hearing of Ella Peters' conversation with the 911 dispatcher shows she made up the story of a gun as she went. ***If she is the primary accuser, how is it that she alleges the accused waved a firearm then asks the older girl if the "black male" had a gun?***
33. This child, age 14, commits a crime, as it "is **unlawful** for any person to *** [i]nitiate a report or statement to a law enforcement officer concerning an offense or incident within the officer's concern knowing that *** [t]he offense or incident reported did not occur" and the "information relating to the offense reported is false" Tenn. Code Ann. § 39-16-502 (emphasis added).
34. **FURTHER ACCUSED SAYETH NAUGHT.**



Mr. Michael James

CERTIFICATE OF SERVICE

I Hereby Certify that the above **Brief in Support of Motion to Dismiss** was served this 31st day of August 2020 by hand delivery to Mr. Neal Pinkston / Chief General District Attorney, in the Courts building in Chattanooga, Tennessee 37402



Mr. Michael James

Exhibit # (6.)

CHARGE	DOCKET #	CHARGE	DOCKET #	CHARGE	DOCK
AGGRAVATED ASSAULT	1802593	AGGRAVATED ASSAULT	1802594		

AFFIDAVIT OF COMPLAINT In the General Sessions Court of Hamilton State of Tennessee vs. JAMES, MICHAEL B

The undersigned affiant, after being duly sworn according to the law, JAMES, MICHAEL B whose name is otherwise unknown
the affiant, committed the offense of AGGRAVATED ASSAULT in the above county at (Location)
1901 E 25TH ST on or about 5/6/2020 Further, affiant makes oath that the essential facts constituting
offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

ON 05-06-2020 AT 4:17 OFFICERS WERE DISPATCHED TO A CRASH AT 1904 E 24TH ST. THE FOLLOWING INFORMATION WAS GIVEN TO OFFICERS PRIOR TO THEIR ARRIVAL ON SCENE. A BLACK SUV WRECKED INTO A BUILDING AT THE ABOVE LOCATION AND THE DRIVER AND PASSENGER FLED THE SCENE TO 1901 E 25TH ST. UPON ARRIVAL TO THE SCENE OFFICERS OBSERVED THE CALLER MICHAEL JAMES STANDING NEXT TO HIS VEHICLE FLAGGING DOWN OFFICERS. AT THIS TIME OFFICERS WERE ADVISED THAT A DISORDER WITH A WEAPON CALL WAS COMING OUT AT 1901 E 25TH ST. OFFICERS WERE TOLD THAT A BLACK MALE WAS CHASING TWO FEMALES THAT RAN INTO THE CALLERS HOME. UPON KNOCKING ON THE DOOR AT 1901 E 25TH ST. TWO JUVENILE FEMALES IMMEDIATELY CAME TO THE DOOR AND STATED THAT MICHAEL JAMES WAS CHASING THEM WITH A GUN. ELLA PETERS STATED THAT WHILE DRIVING ON 4TH AVE. SHE PASSED A VEHICLE THAT WAS DRIVING SLOW. SHE THEN STATED THAT THIS VEHICLE STOPPED NEXT TO THEM AT A STOP LIGHT AND FLIPPED THEM OFF. SHE STATED THAT HERSELF AND THE PASSENGER KYALJA ANDERSON FLIPPED HIM OFF BACK. SHE STATED THAT AT THIS TIME THE DRIVER OF THE OTHER VEHICLE WAVED A GUN AT THEM. SHE STATED THAT SHE DROVE OFF AND THE OTHER VEHICLE CONTINUED TO FOLLOW HER. SHE STATED THAT SHE B - CONT. NEXT PAGE

"Waved a gun"

Michael James

5/6/20

Lance Hughes

CO-Defendants:

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

OCT 17 2022

FILED

Signature Arresting Officer/Affiant	Badge/ID
<i>[Signature]</i>	<i>[Badge]</i>
Signature Approving Supervisor	Badge/ID
NCIC/TIES Entries/Clear	Date

Sworn to before me this 5/6/20

Judge-Court Of General Sessions
Vince Dean, Clerk, Criminal Div.
General Sessions Court

VIN

☐ Parked and Locked

Vehicle can be located at:

☐ Towed

CHARGE

DOCKET #

CHARGE

DOCKET #

CHARGE

DOCKET

AGGRAVATED ASSAULT

1802593

AGGRAVATED ASSAULT

1802594

AFFIDAVIT OF COMPLAINT

In the General Sessions Court of Hamilton State of Tennessee vs. JAMES, MICHAEL B

The undersigned affiant, after being duly sworn according to the law, JAMES, MICHAEL B
the affiant, committed the offense of AGGRAVATED ASSAULT

whose name is otherwise unknown to
in the above county at (Location


1901 E 25TH ST

on or about 5/6/2020 Further, affiant makes oath that the essential facts constituting said
offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

EGAN DRIVING FASTER DUE TO THE OTHER PARTY HAVING A GUN AND FOLLOWING THEM. SHE STATED THAT SHE WRECKED INTO THE
BUILDING AT 1904 E 24TH ST. SHE STATED THAT HERSELF AND KYAIJA RAN FROM THE SCENE OUT OF FEAR FROM BEING CHASED
WITH A GUN. OFFICERS ASKED ELLA WHEAT THE GUN LOOKED LIKE. SHE STATED A BLACK OR GRAY GUN THAT COULD BE HELD IN
ONE HAND AND HAD A LONG PIECE ON IT. OFFICERS DETAINED MICHAEL JAMES AND CONTINUED THEIR INVESTIGATION INTO THE
CRASH. UPON SPEAKING WITH MICHAEL JAMES HE BECAME DEFENSIVE AND CONTINUALLY REPEATED THE SAME STORY. HE STATED
THAT WHILE DRIVING ON 4TH AVE., THE VEHICLE THAT CRASHED WAS DRIVING AT A HIGH RATE OF SPEED AND STOPPED NEXT TO
HIM AT A TRAFFIC LIGHT. HE STATED THAT HE YELLED OUT OF THE WINDOW AT THE OCCUPANTS THAT THEY ALMOST HIT HIS CAR.
HE STATED THAT AT THIS TIME THE OCCUPANTS OF THE VEHICLE FLIPPED HIM OFF AND MADE A U-TURN. HE STATED THAT HE
THEN BEGAN FOLLOWING THEM AND CALLED POLICE TO REPORT A RECKLESS DRIVER. HE STATED THAT HE THEN OBSERVED THEM
CRASH AND RUN INTO 1901 E 25TH ST. OFFICERS ASKED MICHAEL JAMES IF THERE WERE ANY WEAPONS IN HIS VEHICLE. HE
STATED NO MULTIPLE TIMES. OFFICERS SEARCHED MICHAEL'S VEHICLE AND DISCOVERED A BERET - CONT. NEXT PAGE

↳ no warrant

CO-Defendants:

Signature Arresting Officer/Affiant 	Badge/ID 826
Signature Approving Supervisor	Badge/ID
NCIC/TIES Entries/Clear Made By:	Date

Sworn to before me this

5/6/20

Judge-Court Of General Sessions

Vince Dean, Clerk, Criminal Div.

General Sessions Court

By: 

Arresting Officer: HUGHES, L 826

TN

VIN

☐ Parked and Locked

Vehicle can be located at:

☐ Towed

CHARGE	DOCKET #	CHARGE	DOCKET #	CHARGE
AGGRAVATED ASSAULT	1802593	AGGRAVATED ASSAULT	1802594	

AFFIDAVIT OF COMPLAINT In the General Sessions Court of Hamilton State of Tennessee vs. JAMES, MICHAEL B

The undersigned affiant, after being duly sworn according to the law, JAMES, MICHAEL B

whose name is otherwise

the affiant, committed the offense of AGGRAVATED ASSAULT

in the above county


1901 E 25TH ST

on or about 5/6/2020 Further, affiant makes oath that the essential facts of

offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

TA HANDGUN IN THE TRUNK THAT MATCHED THE DESCRIPTION OF THE FIREARM GIVEN BY ELLA. PARENTS OF BOTH JUVENILE PARTIES WERE CALLED AND RESPONDED TO THE SCENE. HAMILTON COUNTY EMS RESPONDED AND CHECKED ON BOTH JUVENILE PARTIES AT THE SCENE. OFFICERS TRANSPORTED MICHAEL JAMES TO HAMILTON COUNTY JAIL AND CHARGED HIM WITH AGGRAVATED ASSAULT

CO-Defendants:

Signature Arresting Officer/Affiant 	Badge/ID 8160
Signature Approving Supervisor	Badge/ID

Sworn to before me this

5/6/20

EX

Affidavit of Mr. Michael James

Exhibit # (7.)

Encounter with Chief Magistrate Judge / Lorrie Miller on May 6, 2020, in False Arrest case

Comes Now, Mr. Michael James, 2201 Park Drive, Chattanooga, Hamilton County, Tenn., being of sound mind and body, declaring the following facts true and correct to the best of my firsthand knowledge, reserving for a later date those injuries the expression for which escapes the Affiant today or as may develop to describe, as follows:

OCT 17 2022

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

1. On May 6, 2020, I was falsely arrested by Chattanooga Police Officer / Lance Hughes No. 826, and transported to the Hamilton County Jail, arriving there approximately at 5:45 a.m.
2. The Chief Magistrate Judge / Ms. Lorrie Miller, I assume arrived there at 7:30 a.m., because I was still sitting in the front main entrance lobby of the Jail, for at least 1½ hours, before I was strip-searched and made to put on Jail clothes at approximately 7:07am.
3. The Chief Magistrate Judge, when she arrived at the Jail, knew I was there, but had the Sheriff Jailer "UNLAWFULLY" process me first for booking by "UNLAWFULLY" taking my Picture, Finger Prints, and Illegal Search & Seizure of my D.N.A. before an actual "PROBABLE CAUSE" hearing, which was supposed to have been conducted first.
4. Ms. Miller violated my "DUE PROCESS RIGHTS and my CONSTITUTIONAL & CIVIL RIGHTS" by doing this "ILLEGAL CUSTOMS and USAGES" procedures of booking me first, then having the Sheriff Jailer, bring me before her, for a "PROBABLE CAUSE" hearing.
5. Chief Judge Miller did this UNLAWFUL act while in her Official and Personal Capacity as Chief Magistrate Judge, "Under the Color of Law, with Malicious disregard of my State and United States Constitutional Protected Rights in BAD FAITH."

6. When the Sheriff Jailer brought me before Ms. Miller, she asked, "Where is the Officer? And where is the Victim?" I replied, "I want to know where they are too. I am the one who called 911 to report the person for '**Reckless and Erratic driving**' that almost hit my car and they crashed into a Business building."
7. Instead of Ms. Miller's immediately dismissing the "**VOID COMPLAINT**" and releasing me immediately, seeing there was **NO** victim, witness and no Officer present at the "**PROBABLE CAUSE**" hearing to **LAWFULLY** go forward.
8. Ms. Miller advised me to get a lawyer because "These are 2 serious Felony Charges" and also said that she "normally doesn't do this on these type of 'Felony Aggravated Assault charges with a Gun,'" she O.R.'d me because she said I had **NO** Criminal Record.
9. It took them 4 to 5 hours to release me from the Jail.
10. My Legitimate Complaint against Chief Magistrate Judge / Lorrie Miller is she **Knowingly and Intentionally** violated my "**DUE PROCESS RIGHTS, CONSTITUTIONAL & CIVIL RIGHTS** Under the Color of Law, in her Official and Personal Capacity as a Chief Magistrate Judge on duty under oath with Malicious disregard for All my Protected Rights in **BAD FAITH**."

Further Affiant sayeth naught.

Mr. Michael James

Mr. Michael James

STATE OF TENNESSEE, COUNTY OF HAMILTON — I, the undersigned notary public, do hereby affirm that Mr. Michael James was present before me on the 9th day of December, and signed this affidavit as his free and voluntary act and deed.

Margaret Banks

(notary public)



My Commission
Expires :
12/05/2022

Exhibit # (8.)

FILED

OCT 17 2022

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

December 29, 2020
Respond within 21 days to:
Mr. Michael James
2201 Park Dr.
Chattanooga, Tn 37421
(423) 394-1470

Lance Hughes # 826
C/o Chattanooga Police Department
3410 Amnicola Highway
Chattanooga, Tennessee 37406

AFFIDAVIT OF
NOTICE/DEMAND FOR JURISDICTION/AUTHORITY
INFORMATION

I, Mr. Michael James, a Man, do Lawfully Affirm as follows this date: 12 / 29 /2020

1. I am a NATURAL-BORN, FREE adult Citizen of the California Republic by birth, thus of America, and all of the several state Republics joined as party to the Constitution of United States; thankfully endowed by our Creator with Inalienable Rights enumerated in America's founding organic documents, which I have never with knowingly intelligent acts waived; and I freely choose to obey all American Law and pay all Lawful taxes in jurisdictions applicable to me for the common good. I stand in Proper Person with Assistance, Special. The foregoing, including my STATUS and Unalienable Rights, are not negotiable. My Status, in accord, is stated for all in 1:2:3, 2:1:5, 3:2:1, and 4:2:1 of the U.S. Constitution. Also, article 1, section 1, Tennessee Constitution.
2. My STATUS is also affirmed by numerous decisions by the United States Supreme Court, such as;

"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public as long as he does not trespass upon their rights." Hale v. Henkel, 201 U.S. 43

1. On May 6th, 2020, at approx. 5:00 a.m. you seized by an **FALSE Arrest**, myself, and my property consisting of 1 automobile and all property contained within, from the roadside at East 25th Street and Orchard Knob Chattanooga, Tennessee.
2. **YOU**, Lance Hughes arrived upon an accident scene, and without cause, attempted a field-sobriety test on me.
3. I complied with your command, under **THREAT of VIOLENCE**. You placed me in a city police vehicle and against my will transported me to the Hamilton County Jail.
4. Your actions there and then, constitute an **UNLAWFUL Kidnapping / Aggravated Assault/False Imprisonment** upon me.

PLEASE TAKE NOTICE that I hereby Demand that you advise me, forthwith, as to each and every claim of Jurisdictional Authority you and/or your employer, **CHATTANOOGA POLICE DEPARTMENT**, or **CITY OF CHATTANOOGA**, enjoys and/or otherwise claims to have which provides Jurisdiction and/or Authority over me and/or my private property. This is to also include, but is not limited to, statutory, contract and/or merchant law(s).

Also, if you are claiming that I, in my proper person, or in my activities am "subject to" and/or "liable for" any action and/or **ARREST** under any law that would be applicable to me in my proper person or as to my **PEACEFUL** and **HARMLESS** activities as a rightful Citizen, I demand that I be presented with such law on which any such determination by you is based.

I am informed and believe that you are operating under a secret jurisdiction and, as such, is operating unlawfully in respect to Citizens of the several states of the union which are party to the Constitution.

In order to show Good Faith and ascertain your Jurisdiction/Authority with respect to me, in my proper/Lawful person, and my lawful ownership of private property, I require that you produce the following:

- 1.) The applicable law or judicial determination that declares that I am a "resident" of Tennessee, or that my lawful activities are "subject to" any Tennessee Statutes.
- 2.) The delegation of lawful authority or judicial determination that provides **YOU** and/or **CITY OF CHATTANOOGA**, with authority to, against my will and over my objections, seize my property and/or regulate or control my personal life, liberty, and property, or to keep records on me or my lawful and harmless activities as a Citizen.
- 3.) The applicable statute and code that imposes any obligation and requires me to perform,
- 4.) The implementing regulation that would give such code force of law,

5.) Copies of any documentation of contract, agreement, or other lawful obligation
On my part that would authorize you to seize myself or my property.

Should you claim contract/law jurisdiction, I do hereby demand to know what contract
(including, but not limited to, title, date, witness(es) thereto, and all parties thereto) I have
knowingly and willfully entered into to provide any such alleged jurisdiction. Also,
please take notice that should any contract(s) currently exist **I DO HEREBY REVOKE
MY SIGNATURE ON ANY AND ALL SUCH CONTRACTS AND DO
CHALLENGE THEM.**

"Silence can only be equated with fraud where there is a legal or moral duty
to speak or where an inquiry left unanswered would be intentionally
misleading ..." U.S. v. Tweel, 550 F.2d. 299-300 (1977)

Further Affiant Sayeth Naught.



Mr. Michael James -Sui Juris

STATE OF TENNESSEE, COUNTY OF Hamilton — I, the
undersigned notary public, do hereby affirm that Mr. Michael James was present before
me on the 26th day of Dec 2020, and signed this Affidavit as
his free and voluntary act and deed.


(notary public)

MEMORANDUM OF POINTS OF LAW

It is a principle of law that, once challenged, the person asserting
jurisdiction must prove that jurisdiction to exist as a matter of law.

See: Griffin v. Matthews, 310 F.Supp. 341, 423, F2d

272 McNutt v. G.M., 56 S.Ct. 789, 80 L.Ed. 1135

Basso v. U.P.L., 495 F2d 906

Thomson v. Gaskiel, 62 S.Ct. 673, 83 L.Ed. 111

Please Note: that jurisdiction / Authority has now been challenged. By this and the supporting documents, I await your written proof of jurisdiction.

Exhibit # (9.)

FILED

September 25, 2020

OCT 17 2022

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

Dear Mayor Berke,

I'm writing you in regards to my "**FALSE ARREST**" and **KIDNAPPING**" of May 6, 2020, by Chattanooga Police Officer Lance Hughes # 826, with him "**KNOWINGLY** and **INTENTIONALLY**" filing a '**PERJURED FALSIFIED**" "**Affidavit of Complaint**" with a Clerk of the Court, intentionally **AVOIDING** the Magistrate because he could **NOT** justify himself in arresting me.

I believe, this Officer should be "**EXAMINED** and **FIRED**" for the 120-day Ordeal which he put me through. He had, "**NO AUTHORITY**" to put even a hand on me, until he had a "**SWORN** and **SIGNED STATEMENT**" by my alleged accuser, a **QUESTIONABLE** 14 year old girl in a "**STOLEN CAR**" with "**NO VALID DRIVER LICENSE** or **CAR INSURANCE**".

Mayor Berke, this officer "**Perjured Himself**" at least 3 times in his "**False Affidavit of Complaint**" with "**LIES** and **DECEPTION, WHILE UNDER THE COLOR OF LAW**". Trying to biasedly incriminate me with 2 Felony Aggravated Assault Charges, which I can **DEMONSTRATE** and **SHOW**.

The Honorable Judge Gerald Webb, summarily dismissed these "**False Charges**", but not until the fourth hearing after I drafted a "**Motion to Dismiss**" and a "**Brief in Support**", showing the **VIOLATION** of my "**Due Process Rights** and **Constitutional and Civil Rights**, by your officers. The officers and County Chief Magistrate Lorrie Miller agreed to "**PRETEND**" there was probable cause to arrest me, when there **WASN'T**. My Brief, enclosed, explains that with "**NO SWORN** or **SIGNED STATEMENT**", there is **NO CASE**. Officer Hughes' "**Affidavit of Complaint**" is **HEARSAY**, as he was not a **WITNESS**.

That he, **KNOWINGLY** and **INTENTIONALLY FALSELY** arrested me, by apparent **ILLEGAL "Customs and Usages"**, appears to be a System of Prearranged Crimes against the Citizens of this great State and Residents of this city.

The **EVIDENCE** for my Claim is **OVERWHELMING** in my **Notarized Affidavit, Motion to Dismiss** and my **"Brief in Support of Motion to Dismiss."** Once I obtain, the Officer's **Patrol Car Dashcam Videos and Body Camera Videos** of the five officers involved, in what the Press has called the **"911 Call from Hell"** story.

I request, a meeting with you **IMMEDIATELY** and upon my showing you the **EVIDENCE** of my **Due Process Rights, Constitutional and Civil Rights** being Violated by Officers Lance Hughes # 826 and Officer Amanda Baldwin # 374 whom she **ILLEGALLY** went into my **Locked Trunk** of my car, **WITHOUT** an **AUTHORIZED JUDICIAL SEARCH WARRANT** or my **CONSENT**. She was one of the 1st C.P.D. employee on the scene of my **FALSE ARREST, WITHOUT PROBABLE CAUSE.**

Thank You, for your Time and Consideration in this important matter.

Sincerely,

Mr. Michael Barnard James
2201 Park Drive
Chattanooga, Tn 37421
(423) 394 - 1470 Phone
J_Michael38@ymail.com Email

Exhibit # (10.)

FILED

OCT 17 2022

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

Mr. Michael James
2201 Park Drive
Chattanooga, Tn 37421
(423) 394-1470
J_michael38@ymail.com

Dear Lt. Morton,

This letter is to apprise you of Lance Hughes, an officer candidate in the THP, a man who made a "Breach of Law" and imposed acts of violence upon me in his **"False Arrest"** of me and criminal charges against me on May 6, 2020.

Officer Hughes, acted belligerently against me and **"WITHOUT EVIDENCE"**, appeared to have racially profiled me in humiliating me in a search and seizure of my person without **"Probable Cause and/or a Warrant, and without any Sworn and Signed statement"**.

Mr. Hughes, spoke belligerently and harshly to me as an African American. As the facts of the matter indicate, I was the party who called 911 to report **"Erratic & Reckless"** driving and a car crashed into a **"Business Building"** by two minor girls, whom immediately fled the scene, to escape **RESPONSIBILITY** and **LIABILITY**. Yet I became a **"Criminal Suspect"** at the word of the perpetrators of the **"Erratic & Reckless"** driving and the crash, and these allegations were **NOT** under **OATH** and/or a **Signed** statement as required by Law.

Mr. Hughes' intolerance and low regard for members of the public are responsible for the way this miserable case unfolded. The felony criminal case was resolved by dismissal of his charges against me by the Sessions Court.

Enclosed is my Truthful **"AFFIDAVIT"** regarding my **"False Arrest"** and the **"ILLegal Search & Seizure"** of my car. The second document, is my brief in my **DEFENSE** as an **"Law Abiding Citizen"** before the Sessions Court, showing how Mr. Hughes **KNOWINGLY** and **INTENTIONALLY** violated my **"DUE PROCESS RIGHTS, U. S. CONSTITUTIONAL and CIVIL RIGHTS"**, while acting **"Under the Color of Law in his Official and Personal Capacity as Police Officer in BAD FAITH"**.

Respectfully yours,

s/ Michael James