

Report of Public Corruption

This report is made to describe what is believed to be corrupt practices in and around Jackson, Tennessee and other areas of Tennessee.

Irregular Creation and Keeping of Records

In 2019 I was surprised by being arrested and charged for driving on a suspended license in that I had never made application for or received the license allegedly suspended. At the time that the suspension occurred I was living in Texas. After some months of the matter not being resolved, I thought that perhaps I had been a victim of identity theft and made an Identity Theft Report, FTC Report Number 11164400, to the Federal Trade Commission.

Later, I discovered that in 2017, David W. Purkey, the Commissioner of the Tennessee Department of Safety and Homeland Security (TDOSHS), admitted in federal court that an individual's license may be revoked even if the individual has never had a driver's license. The Commissioner assigns a license number to the individual and notes the license as "revoked." **THOMAS and HIXSON vs. HASLAM, et.al., Case No. 3:17-0005 in the United States District Court for the Middle District of Tennessee, Document 64, ¶ 31.**

My supposed suspension was under different circumstances than existed in that case, but the same basic mechanism was used. I find no authority provided by the Tennessee Legislature for TDOSHS to make and keep records of non-licensees. The Legislature has given authority for TDOSHS to make and keep records for licensees and applicants and has mandated that copies be kept for all applications for license and all licenses as issued. **Tennessee Code Annotated (TCA) §55-50-204.** Court proceedings have shown that TDOSHS does not have copies of an application for license or a copy of the license for the suspended license in my case. Similar issues have been decided against Virginia in **Damian Stinnie v. Richard Holcomb, No. 21-1756 (4th Cir. 2022).**

By creating records of suspended licenses without legislative authority and without permission of the person identified in that record by way of an application for the license, the Tennessee Department of Public Safety and Homeland Security has committed acts of identity theft and tampering with governmental records.

Jackson Police Department

The Tennessee Legislature has provided, in the city charter, for the City of Jackson to have its own separate vehicle registration system and driver license requirement for vehicles operated within the city's jurisdiction. Such requirements have been established by ordinance and organized in the Jackson Municipal Code (JMC). **Chapter 15, MOTOR VEHICLES, TRAFFIC AND PARKING,** <https://www.mtas.tennessee.edu/system/files/codes/combined/Jackson-code.pdf>.

The city police have been charged with the duty of enforcing the traffic regulations of the City. The city police are thereby empowered to enforce the city's traffic regulations and are directed by the JMC to have violators taken to the City Court for trial. Many of the city's traffic regulations are essentially the same as the corresponding state law except that such cases are to be tried in the City Court rather than a state court.

Generally, by state law and municipal code, persons accused of traffic violations by city police are to be allowed to sign a citation and be released. **TCA §§ 7-63-101 — 104.** Otherwise, the city court judge or clerk is to take a bond from the accused person. **JMC §15-110.** The municipal code does not make provision for jailing a person accused of a traffic offense for failing to make a bond although this is permitted by the city charter and state law.

The city police appear to have a long-standing custom in traffic stops of checking driver licenses and vehicle registrations and charging alleged violations as state law violations rather city ordinance violations. However, state law concerning driver licenses is found in Chapter 50 of Title 55 of the Tennessee Code Annotated, which limits administration of that chapter to TDOSHS. **TCA § 55-50-201.** Also, requirements to provide registration documents is limited to officers of the Tennessee Department of Revenue. **TCA §§55-4-108 and 55-1-111(2).** Similar charges may be available as city ordinance violations, but that is often not used.

Often such alleged violators are taken directly to the jail without first taking the person before a magistrate for a probable cause hearing in violation of state law procedures requiring such hearing and in violation of requirements of the Tennessee and Federal Constitutions. The municipal code requires that “Upon the filing of such original citation in the city court, the citation may be disposed of only by trial in the court or by other official action of the court.” **JMC §15-111.**

The police appear to have an irregular procedure of invoking state law to make an arrest but fail to follow proper state prescribed procedures to jail someone and then revert to the procedures prescribed in the Jackson Municipal Code for processing an ordinary traffic citation, JMC §15-111, whereby no incarceration is involved.

The City of Jackson has been sued for acts of its police department, and agreed to settle with the payment of damages. **Cox V. City Of Jackson, Tennessee, Case No. 1-19-cv-01026 in the United States District Court for the Western District of Tennessee.** However, this police department continues the same practices.

The City of Jackson relies on revenues from the city court to the point that there is an item in the city budget for these revenues. While this is not a quota system per se, the employees in the city can see this expectation shown in the budget, measure their progress through the year in reaching such a goal, and encourage each other to work harder toward reaching that goal so as to not disappoint their employer.

Lack of Arrest Warrant, Affidavit of Complaint and Probable Cause Hearing

Allegations concerning acts committed in 2017 made in the federal case cited in the previous paragraph include, “Plaintiffs allege that the City violated their constitutional rights under the Fourth and Fourteenth Amendments by failing to obtain properly sworn arrest warrants and/or affidavits of complaint based upon a finding of probable cause prior to arresting and detaining them, and that the municipality had an ongoing practice, policy, or custom of doing so. Plaintiffs further aver that the Defendant failed to properly train its employees in the appropriate procedures to be utilized in obtaining arrest warrants and/or affidavits of complaint. In addition, the Plaintiffs allege conspiracy among City employees to deprive them of their constitutional rights.”

Personal observation has shown that every allegation stated in the previous paragraph continues today as routine practice. However, the conspiracy alleged extends well beyond the City employees.

In 2021 I was subjected to the same kind of treatment without an arrest warrant and probable cause hearing. This arrest took place June 25th around 10:30 am within the city limits of Jackson. Even though this occurred during business hours of the courts and several magistrates would be expected to be readily available, I was taken directly to the jail without any attempt to bring me before a magistrate for a probable cause hearing or take me before the city court judge or clerk to obtain a bond according to the municipal code.. This same process was used with me in 2019.

In addition, I have identified additional practices by others that facilitate this lack of due process.

Lack of Commitment Order or Mittimus

Upon making an arrest, officers of the Jackson Police Department take the arrested person directly to the Madison County Jail where the arrested person is given over to the custody of the jail personnel. Because no probable cause hearing took place, there is no commitment order or mittimus from a magistrate authorizing the jail to accept the prisoner.

This acceptance of prisoners without a magistrate's order facilitates continuation of the denial of due process, and appears to give officers who are delivering prisoners to the jail an impression that they are following proper procedure.

Pointed out to state auditors in December of 2021 in a report of fraud waste and abuse, there are financial incentives, in the form of various payments from the state for housing state prisoners, for the jail to accept additional prisoners. However, many of those prisoners should be classified as prisoners of the City of Jackson and their housing charged to the City. A copy of that report is included with this report.

Magistrate's Video Hearing from Jail

Individuals arrested by the city police are provided with a hearing before the city judge by way of a video conferencing system set up within a room of the jail. The judge and prisoners can see and hear each other. However, the operator of the system has a mute switch that can be used to keep things a prisoner might say from being heard by the judge and other people in the courtroom or from being recorded. This mute switch has been observed being used during one of these hearings.

The judge reads the rights that the prisoners supposedly have in the current and continuing proceedings and obtains the assent of everyone.

When a prisoner's case is called, the prisoner comes forward to sit in a chair in front of the camera. The judge reads the citation and sets the amount of bond. There are no witnesses, no questions and no pronouncement of a finding of probable cause.

Intermediate City Court Proceedings

Once a prisoner is released they are provided a date to appear at the city court. In this initial appearance, individuals are informed of various things that they might do to take care of the charges against them. These might include things such as signing up for and completing a driver training course to have their record cleared of the current charges. Different options are offered to different individuals depending on the particulars of their case.

Individuals for whom no offer is accepted or made available are given another date to return to the court for a preliminary hearing.

City Court Judge as State Magistrate at Preliminary Hearing

The magistrate at a probable cause hearing or preliminary hearing is expected to be neutral and unbiased. The city judge is the exclusive reviewer of the actions taken by the city police in charging a traffic offense. The city judge being an employee of the City of Jackson overseeing misconduct of other employees for which the City might be held liable can hardly be considered neutral and unbiased in that he also has a duty to protect his employer from liability.

To protect his employer from liability caused by other employees, the city court judge almost must find probable cause against any defendant brought before him.

Attorneys at Preliminary Hearing

Attorneys from the district attorney general's office and the public defender's office and perhaps even some private defense attorneys are found at the preliminary hearing. Witnesses are brought in to testify against the defendants and perhaps on behalf of the defendants. The attorneys for both sides question the witnesses, present any other evidence they may have, and argue the case.

The city judge pronounces his decision.

However at a later date no records have been found showing that this hearing took place. A city court clerk stated that once they send records off for the grand jury the city court no longer has any records for that case. The trial court file has no record indicating that the preliminary hearing took place. If any record exists indicating that this hearing occurred, then it must be held by the district attorney general's office since it is in charge of overseeing grand jury proceedings.

This supposed preliminary hearing was nothing more than a mock trial exercise in the form of a preliminary hearing wherein the defendants and observers in the courtroom are not informed of this and left to conclude that it was an official proceeding and that defendants had received some type of process because of their arrest.

The Indictments

Two Processes

In Tennessee there are two methods by which allegations may be brought before a grand jury to obtain an indictment. The one most often considered and discussed is where a person is arrested with a warrant for an offense after a finding of probable cause based on an affidavit of complaint sworn before a magistrate against the accused. The accused may be arrested prior to the warrant being issued provided the arrested person is brought immediately before a magistrate for the probable cause hearing.

The second method of obtaining an indictment is for a witness to testify before a grand jury, and, based on that testimony, an indictment may be issued. Once the indictment is issued, the named defendant may be arrested or summoned to the trial court.

This and Other Cases

In this and other similar cases the defendant was arrested in a manner requiring an arrest warrant, but none was issued. According to appellate decisions such a case must be dismissed, but this seems to never occur. Requests to be allowed to sign the citation and be released or to be taken immediately to a magistrate are ignored and characterized as sovereign citizen beliefs.

The Trial Court Record

The circuit court file should contain a finding of probable cause and an affidavit of complaint along with the indictment and original citation, but it doesn't. It only has a copy of the citation. However, there is a document in the file labeled "GRAN JURY WORK SHEET" showing the name of someone who was a witness heard by the grand jury. The connection of that person to the case is unknown to the defendant.

The lack of an arrest warrant plus the presence of the document showing that a witness went before the grand jury shows that the indictment was issued on the basis of a witness testifying before the grand jury as if the defendant had never been arrested.

Rather than an order of arrest or summons issued by the trial court, while still in the city court and before issuance of the indictment, the defendant was called on to sign a small document instructing him to appear in the circuit court of Madison County, Tennessee at a later date. On its face this document appears to be from the Circuit Court with no indication that it was presented to the defendant in the city court other than some hand-written initials that may have been made by a clerk of the city court. The defendant was given the signed original.

Also found in the trial court file is a form for certification of the disposition of the case in city court. No disposition was indicated and the certification was not signed.

In the file as well are various documents related to the bail bond made through the bonding company, but none of them indicate that the defendant was bailed from the jail rather than the city court. Plus the bond itself says that I was to go to the Criminal Court of the of the County on 6 July 2021, but other papers that I received from the city court clerk at the video hearing said to go, and I did go, to the Jackson City Court. Also, this document contains an area titled "QUALIFICATIONS AS TO SOLVENCY OF BONDSMAN" that has a signature line for the Circuit Court Clerk but is left unsigned.

Nothing in the court record shows definitely that the defendant was arrested. The citation has a notation "in custody", but it does not say arrested and this may be interpreted to mean taken to the city court for the taking of a bond in accordance with procedures provided in the municipal code. It becomes necessary that the defendant show that he was arrested by some other means such as jail records of intake and release.

The Prosecutors

There have been three different prosecutors in this most recent case. These prosecutors proceeded with the case based on the indictment and make no mention of an arrest or of a finding of probable cause. When such an issue is brought up in some motion, the prosecutors make a claim that any such problems are cured upon the issuance of the indictment. This is based on an appellate court decision where prosecutors in a case had taken extra measures to formally void the inadequate charging instruments and then proceed to obtain the indictment. Such actions were not taken in this case.

In an effort to show that the license allegedly suspended was never issued, a motion was made for production of exculpatory evidence to produce copies of the records of the application for license and of the copy of the license as issued, both of which the TDOSHS is required to keep. The prosecutor admitted that those records do not exist. The motion was denied on the basis that the records do not exist.

The prosecutor then indicated that the prosecution would continue on the basis of the privilege to drive had been suspended without any mention of the source of the privilege such as a license issued by another jurisdiction. The prosecutor was allowed to do so and additionally obtained an order forbidding that any mention of facts or argument related to the lack of the existence of those records be made at trial because it might confuse the jury.

Court Reporter

During a case begun in 2019, I wished to have a record of a particular court hearing. However, because of various actions in the court that I had observed, I was suspicious of the reliability of the court reporter as well as others. I contacted the court reporter to obtain a copy of the audio recording of that hearing rather than a written transcript. I was relying on Tenn. Supreme Court RULE 26: OFFICIAL ELECTRONIC RECORDINGS OF COURT PROCEEDINGS, which provides for ordering copies of officially recorded proceedings by any party to a court proceeding.

She replied, "I wanted to let you know I'm working on your request. It has always been policy audio recordings are not provided to anyone outside of myself and the clerk. I have forwarded the rule you sent me to the clerk, who has been out of the office this week. She is supposed to get back to me today and I will let you know what I find out." Subsequently, she provided, "The rule you've sent me does not apply to our Circuit Court, therefore I cannot give you the audio. I can only produce the transcript, if you should decide you need it."

In this later case I again requested a copy of the audio recording of a hearing, and she replied, "I can get you a copy of the paper transcript for \$110. We are not allowed to release the audio recording until your case is over. If you want the transcript let me know. You can send a money order or cashier's check to my address below."

I did order a partial written transcript where the judge was asking me some particular questions. She did provide this partial written transcript along with a signed certification of the truth and accuracy of the transcript. However, I have a distinct memory of certain statements that I made that I noticed had an effect on the judge. Those particular statements were omitted from this certified written transcript. This hearing was held until it was the last item on the docket, and the courtroom was empty except for myself and the usual courtroom personnel.

I have contacted this court reporter about correcting this error, but no response had been received at the time of making this report..

These exchanges were by electronic mail, copies of which can be provided upon request.

General Sessions Clerk

In the 2019 case, I became aware of what I considered unethical to criminal acts among various actors with one covering for another, so I wrote a number of affidavits of complaint against those actors charging various violations of state law. I brought these affidavits of complaint to the General Sessions

Clerk because she was authorized to take such charges, have them sworn to, and have them processed further. She said that I wasn't an officer and she couldn't have someone arrested on my say so. I said that was OK and that a summons to court would be satisfactory. She then indicated that she wasn't going to do it and gave the papers back to me.

Because she had received the documents and refused her duty to hear the reasons for each allegation and perhaps find lack of probable cause for each one and file the documents with her notations in the clerk's office and in stead caused all those documents to be removed from the clerk's office, I prepared a criminal affidavit of complaint against her for tampering with governmental records.

On May 11, 2020, I contacted the Clerk of the Tennessee Appellate Courts, about arranging an appointment for me to meet with a magistrate with state wide jurisdiction to take multiple affidavits of complaints against various officials in the 26th judicial district. I went on to explain that it was necessary to have an unbiased magistrate without connections within the 26th judicial district because these criminal complaints include allegations against most of those who ordinarily would be expected to take, investigate, prosecute and judge criminal allegations.

I never received a reply, so on June 15, 2020 I sent a certified letter to the chief justice of the Tennessee Supreme Court with the same basic information and asking to have an appointment with him for him to be magistrate for swearing me in and taking my affidavits of complaint or for him to direct me to some other magistrate who would perform those duties.

I never received a reply, and nothing seemed to come of these actions. However, this clerk did retire from the office at the next election.

Presumption of Regularity

A presumption is a substitute for evidence, *Siler v. Siler*, 152 Tenn. 379, 277 S.W. 886, 887; U. S. ex rel. *Scharlon v. Pulver*, C.C.A.N.Y., 54 F.2d 261, 263; but is not itself evidence, being rather an aid to legal reasoning applied to particular subjects; *Van Ausdall v. Van Ausdall*, 48 R.I. 106, 135 A. 850, 851. **Black's Law Dictionary 4th Ed. Rev., p. 1350.**

Presumption of Regularity is a legal principle applied in the US courts, and it falls in line with the idea that a person is innocent until proven guilty. According to the principle, unless proven otherwise, the procedures and transactions undertaken by a business, a corporate employee, a government department, or a government official in carrying out their official duties are presumed to have been carried out according to established policy. This presumes that the person entrusted with the responsibility of carrying out the procedure was trained and aware of the proper way to perform the job and that he or she acted with integrity and followed correct procedure. In other words, the integrity of official acts and documents is presumed unless evidence can be provided that proves the contrary.

"What is the presumption of regularity?" eNotes Editorial, 31 Aug. 2018, <https://www.enotes.com/homework-help/what-presumption-regularity-explain-286858>. Accessed 7 Sep. 2023.

The presumption of regularity supports the official acts of public officers and, in the absence of clear evidence to the contrary, courts presume that they have properly discharged their official duties. ***Merck Sharp & Dohme Corp. v. Albrecht*, 139 S. Ct. 1668, 1684 - Supreme Court 2019.**

Relator's Analysis

This relator's conclusion about the observations reported above is that various actors have devised a cooperative system of procedures and record keeping to intentionally violate the rights of individuals and then effectively conceal these violations under cover of the Presumption of Regularity.

The continuation of these practices even after the payment of damages in the Cox case indicates an attitude that the payment was just a cost of doing business and without regard to duties accepted upon the taking of oaths of office. The Cox case may have been a consideration of the previous mayor's decision to not seek reelection.

To this relator's best ability to identify the actors in this scheme are the City of Jackson and its police department, the city court, the office of the Madison County Sheriff and Jail, the office of the District Attorney General for the 26th Judicial District of Tennessee, the office of the local Public Defender, various personnel with the circuit courts in Madison County, Tennessee, and probably some unknown private defense attorneys.

Probable primary motivation is money. Everything seems to be geared toward having the victim-defendant make an agreement in the city court or circuit court wherein they confess to some offense, pay fines and costs plus perhaps for some additional service such as a driver training course or probation. The actors appear to have an attitude that an agreement cures every problem that might have existed before.


Although not observed by this relator, reports have come from other jurisdictions of actors in government having interests in auxiliary services associated with court actions such as private prisons. There are numerous auxiliary services associated with these courts. This relator has not had opportunity to observe whether similar practices are taking place in other areas of Tennessee, but he is aware of complaints about process made by individuals in other parts of the state.

Also, these methods create additional records kept by the Tennessee Department of Safety and Homeland Security and other agencies that can be used to "pad the numbers" used to justify applications for funds for various purposes such as additional personnel, building and maintenance of jails, housing and care of prisoners, and continuance or development of various needed programs.

This relator's estimation is that over the past few years these methods have been used to intentionally violate the rights of tens of thousands of individuals.

If called upon this relator will cooperate with investigations into these matters or give testimony to the best of his ability.

Your relator,


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