

Motion

FILED
U.S. DISTRICT COURT
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In Accordance With The Fair Debt Collection Practices Act, United States Public Law 95-109 Effective March 20, 1978 5th Amendment, 8th, 13th Amendment, 14th Amendment, 6th, and 15th Amendment of The United States Constitution of America Testing Policy, Rules, Regulations and Laws In Texas To Standards

United States District Court
For The Eastern District Of Texas
Lufkin Division

Harry Fred Scott, et al
Plaintiffs

Civil Action 9:01CV 58

vs.

County Of Houston
State Of Texas
Defendants

United States District Judge John Hannah
Certificate of conference, No other attorney has
made any appearance
Rev. Harry Fred Scott pro se

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in written form from the sheriff or "his" desinee, together with each bondsperson? Does state law require a surety report per month? Did Houston County Bailbonding Board desinate Cindy Maria Garner to act independly, seperate and apart from both board and court to have standing to regulate the affair of Houston County Bailbonding Board from 1993 — 2001?

⑧
In a lawful meeting before a session of a regular or called meeting of Houston County Commissioner's Court was Cindy Maria Garner desinated

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the "official" non-criminal matter "investigator" for Houston County Bail Bonding Board with full approval to act secretly to investigate any bailbondsmen property?

⑨
When Cindy Maria Garner went into the public files of the County Clerk, Tax Assessor Collector, Appraisal District, and on the Bailbonding Board and acted in sending a copy of a cashier's check and property offered into surety as an increase of surety added to the \$100,000 of cash equivalence (in 1995) did that indicate that Harry

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Fred Scott met the minimum requirements to do business in bailbonding while the collection of the 10% "Settlement" was before Houston County Commissioners Court?

Was there a secret indictment of Rev. Harry Fred Scott by the grand jury, of a criminal matter, and that being probable cause for the City of Crockett to inherit the unsolicited assistance gained by the City (through the secret indictment) to inform the Court (United States District Court) that the

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"evidence" offered into exhibit by Cindy Maria Garner was a "courtesy" to the Court that Rev. Harry Fred Scott was "withholding" this specific evidence and ^{the court} would not find out that he lied about 17 abstract of judgments placed against a final judgment having the affect of qualifying him eligible for forma pauperis status filing "without" paying "any" fees to Sufkin Division of the United States Eastern District Court?

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Am I to believe that the action of Mrs Cindy Garner was approved by Texas?

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I submit to the Court, evidence that bears the signature of judicial status that signed 17 Abstracts of Judgments for Ms Cindy Maria Garner. Based on the duties, by statutory law, of County Bail Bonding Boards, the Regulation of transactions carries a Settlement and this is expressed.

The law does not address Abstract of Judgments prior to Settlement. Each Judge signing a document where the issue is seizing real property should be mindful of

- ① due process,
- ② equal protection
- ③ liberty
- ④ pursuit of happiness
- ⑤ fairness

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⑥ good faith, ⑦ duress, ⑧ abuse of the power of office ⑨ Usurp of power and the consequence of high crime and misdemeanor. ⑩ Standards established by precedent in similar cases when there has been a warning of the intent to put a civil rights protected class out of business by an unspecified fraud, force, intimidation, threat, or unconstitutional means. The actions on the parts of the ① District Attorney ② District Judges ③ Bailbonding Board Members ④ The County Judge, ⑤ The Commissioner Court and ⑥ The District Clerk and ⑦ The County Treasurer and Tax Assessor

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Collector brings about too many participants without anyone questioning the standard of Texas Law, the 5th, 13th, 14th or 15th Amendments of the U.S. Constitution after 1st considering the 1st Amendment standards!

I am innocents until proven guilty. I am not a slave.

I have a right to face my accuser. The need to Abstract the Judgments was not demonstrated.

I did not "Refuse" to pay the Cost of Court, nor the Rearrest Fees.

What is the preponderance of evidence to "Clearly Demonstrate the need to Abstract 17 Judgments?"

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Since Houston County is the 1st or oldest county in Texas and found that the laws, the rules, the statutes established by the State of Texas were not adequate and needed a Standard, as a County Bailbonding Regulatory Agency then, Houston County set aside the State Regulation Standards and replaced it with a Standard that provides Abstract of Judgment before "Settlement" the question is does it provide due process and or equal protection?

Where is a copy of Houston County Law being Authorized by Texas?

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In review, several facts stand out and are with weighty evidence.

1

Houston County's population is more than 80,000 in population number from the lawful standard requirement to have a mandatory bailbonding board as is the expressed law in Texas.

2

Counties with populations in numbers below 110,000 populations remains under County sheriffs who executes the duties of bailbonding regulating as Texas law provides with sole discretion by approval or denial of bailbonding even to include personal recognizance bonds.

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Houston County history reflects that for more than 150 years it's population has been less than 45,000 and at no time has it been a state regulatory bailbonding agency or body, or board separate and apart from the office of sheriff with state certified approval by issuing bonding license, making monthly reports and annual reports by December 31 each year.

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The number of bailbonding members to a bailbonding board is expressed by state law and rises to the defined minimum number to qualify as conspirators (2 or more) when a face in similar resemblance

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to a state approved board is in place to collect revenue, without rising to the standard of accountability clearly expressed, having the activity to violate equal protection and due process by it's own negligence, while depriving bonding persons to operate by using license renewal as a probable cause, to disqualify those persons who are qualified by the state law to continue in business by sheriff approval even though a debt is owed while settlement is being negotated and surety shows solvency. This is unfair debt collecting!

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The county judge " Chris VonDonhoff was the recognize examiner of surety in 2001,

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and the submitting of evidence of property owned out right or being purchase as an offer of additional surety by Reverend Harry Fred Scott, while "settlement" was ongoing met state law solvency rule and made mute claims by the board or commissioner court in denial of solvency to continue operating by sheriff approval because he had demonstrated good faith, by paying court cost, rearest fees and promised to satisfy indebtedness through "settlement" as a matter of history based on evidence of records prior to September 2000. All remedies to make settlement were exhausted before September 2000.

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#6

The filing of a lawsuit commenced after the conspiracy to deprive Reverend Harry Fred Scott of the use of property by violation of the 5th, 13th, 14th and 15th amendments was a matter of evidence in record as early as May 1999 through "passing" "settlement" step.

filing abstracts of nisi forfeiture judgments signed into nullifying "Liberty" and "pursuit of happiness" didn't apply as it relates to property because the "Standard" of "slavery" except for a punishment of "crime" was not established through a "conviction" with "due notice" for trial with "equal protection".

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by "a jury" afforded in "trial" to examine the indebtedness claim that would warrant "seizure" by the "magnet affect" through "Abstract" and the failure to service notice that the step to ignore "Settlement" would be bypassed "deprived" Reverend Harry Fred Scott the right to face the "accusers" who signed the abstracts into the engaging affect of "debt collection", before the use of the seized "real property" could be returned to pay the indebtedness timely. The refusal or negligence to "settle" was contrary to state standard procedure and abstract of nisi forfeiture judgments is "Not" a standard!

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Cindy Maria Garner knew of the \$100,000 equivalence set up for surety. She knew of the settlement procedure. The scorn she had for Reverend Harry Fed Scott became evident as disdain by her refusal to undo the placing of the 17 abstracts of judgments. The refusal to meet with the bailbonding board, or commissioner court, and serve notice of her action before May in 1999 demonstrates the Abuse, or Usurp of authority in placing the abstract before the 349th Judicial and defrauded Rev. Harry Fed Scott

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of the unrestricted use of his property and caused the Judges of the 349th District Court to become co-conspirators in the violation of his Civil Rights!

The question is; did she forge the names of the Judges who appeared to have participated in signing (debt documents) the abstracts of Judgments?

They were lawyers before they became district judges to the 349th Court.

Is it rationale to think that judges should be familiar with, or make themselves familiar with, the law and it's application when they are called on to sign documents that would violate one's civil rights?

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#8

What is involuntary servitude?
This section of the "Emancipation Amendment", or 13th Amendment of the United States included both the freeing of slaves and conditions of life, liberty and pursuit of happiness. It dealt with property. It dealt with working conditions and even payment of wages or the right to force labor without payment. The Proclamation, together with the 13th, 14th and 15th Amendments would not allow the Houston County Bailbonding Board to force Rev. Harry Fred Scott into the status of involuntary servitude.

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if the standards were tried, raised, or tested against the issues and the implementation of state law, or Houston County Law, except for a punishment of a crime. The placing of property into a state of uselessness, the demanding court cost, the demand of rearrest fees and demand of 100% face value of unfair debt payments of judgements, the removal from the membership of the bailbonding board, the refusal to allow employment in bailbonding would indicate that a "CRIME" had been committed and Rev. Harry Fred Scott would not have the liberty of his property, the freedom to continue in bailbonding business,

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not because the debt was refused to be paid, but because he had committed a crime. The evidence submitted by Ms Cindy Maria Garner proves that Rev. Harry Fred Scott was solvent. The evidence proves his williness to settle the debt. It did not prove that he could settle the debt without the "use" of his property. It does show that the paralysis of the use of property, the seizure affect of the property, was undeniably caused by Ms Cindy Maria Garner for, and as agent for the Lone Star State of Texas, and it adversely impacted the 4 members of Scott Bailbonding!

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#9

The Court received the evidence submitted by Mrs Cindy Maria Garner, and it was the "only" evidence considered, and ruled against Reverend Scott and in affect; ^①disregarded the Abstract of Judgments ^②disregarded his being without income sufficient to pay utilities and purchase food and "ruled" against the application of *ferma pauperis* filing. Disparity of treatment is clearly demonstrated.

Now, will the court make Rev. Harry Fred Scott whole by reversing the recommended decision, if the evidence addressing the issue through appeal carries the preponderance of weight to warrant a favorable ruling?

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The confidence that I have in the United States District Court is of highest regard. The trust that I have in justice being rendered is without doubt. I, Reverend Harry Fred Scott, submit that previous rulings against me was the results of false information given to the Court, and even failure to examine "my evidence" also a prevailing attitude that negro males sometimes are considered liars and or guilty until proven innocent; still I place myself at the mercy of the Court. I have the bloody head and must swallow much pride and humbly beg for help; still I am a man!

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The system, not Ms Cindy Maria Garner, is what I am attempting to put on trial. Ms Garner is just one of many overbearing prosecutors in the system. It is the system that failed to find and weed out it's bad apples. It is the system that has 29 youths whose crimes were committed at the age of 17 that's on death row. It is the Texas Criminal Justice System without adequate staff to guard the prison population. It is "The System" that underpays it's down line employees. It is the system that adversely uses the

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meaning of indigent to be interpreted as to be 95% without any resources to pay. The "Standard" refused to consider the bar of human possession to rise to the top and include the whole of human wealth at the billionaire top down to the poorest of the poor and circumstances that can render one eligible for indigent classification because of such things as ① abstract of judgment ② heirs property and ③ the deprivation of essential needs that would result from selling ones' possession to be a paying client. This case is about defining "Standards," it's about setting uniform standards

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and it's about having such uniform standards to reflect one nation under God, indivisible, with liberty and justice for all.

It is the Texas Criminal Justice System having incarcerated persons with communicable disease mixed in with those not yet affected.

It is about a system causing divorces through lengthy sentences for crimes with punishment targeting the minorities.

It is about a system insensitive to the institution of marriage and granting divorces at cost far less than what the traffic of society bears. It denies conugal visits to the

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thousands of families that have a chance to remain intact after the sentence is served. It clearly plays the role of placing unfair burdens on the institution of marriage by putting asunder those whom the institution of marriage has placed together. This law suit is about negligence on the part of the system to grant equality to those from slavery history whose lives are the high statistics of crimes in the urban and rural areas of Texas and The United States of America. When there is a foul in the game of basketball the adversely impacted :

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get a "free throw". It is shot by one player but the score will count for the "whole" team. The system has fouled the negro and either we should get the ball out or a free throw. If the foul be as flagrant as slavery, we should get both the shot and the ball even the the team causing the offense should lose the player doing such unsportsman activity to be ejected! Basketball is America game just as the advance of slavery to the degree that it was advance was. America's game in every state at one time. That time left the

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negro fouled. So many fouled resulted in strains, injuries and even death to those forced to do the will of the system. It's the system! Down through the years it has been Executive Orders, Legislation and Court Decisions that has given the negro what freedom we have and it has been Compromise after Compromise that has diluted this freedom. Interpretations of case law have varied from state to state and regions within states thereby establishing variances of standards from rural to urban and based on populations small from large.

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that results in at-large voting to single member district, also low wages in rural areas to higher wages in the cities. Standards in styles of houses to the amounts allocated to build the houses. We realize that the union is not perfect but a more perfect union expressed is what we strive to preserve and protect. Here we face state standards varying from county to county, regional government to regional and as such; we meet in schools and universities with noticeable difference in training.

The negro community is being dismantled and loans for property purchased or rented

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is varying from that in Anglo communities and we are basically having to rent houses in Anglo neighborhoods while our negro neighborhoods can not get adequate money for businesses or properties to the same standard as can be accomplished across town.

In addressing the issue of having "A" standard, it is almost reduced to rambling rather than being able to focus because the "many" standards causes out of focus perimeters.

We want our community! We want our people to be able to have good housing, good jobs and come back home

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from the cities. East Texans are everywhere primarily because we don't have good jobs, good housing and businesses needed to maintain and grow our communities. It is appalling and there is no concrete hope for the negro insight. Our negro churches are without family life centers and our organizations are decreasing in the Herons of Jericho, Court of Calanthe, Masons, Eastern Stars, Woodmens and we are void of the Elks, Moose and other fraternities just as we are of our hope for the culture that once was ours.

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The Abstracts of Judgments against my properties harmed me without being executed in several ways.

A

It's being set into placed immediately served notice that I was a bad paymaster.

B

My efforts to obtain \$140,000 to settle all indebtedness, purchase real estate from listed properties on San Jacinto at 9th St., Frankie Jones on Austin, La Belle at Rose St., Waller Funeral Home at 7th + Clark, The Beach Estate on Cottonwood, Leroy, at Howard, The Betty Curtis property on Sunset; The Myrick Estate at 210 Oak, pay off and make restoration to property

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C

The Abstract of Judgments caused a reduction from \$140,000 to 50,000. With the \$60,000 I paid off settlements, purchased the Myrick Estate lien free, purchased the Curtis Estate lien free, paid off the then Court Cost, Re-arrest fees, made improvements to the Myrick Estate, Betty Curtis Estate, the Williams Estate, and to the 204 Oak Scott "Home Stead."

D

The "Settlement" money at 10% was set aside into the Betty Curtis Estate and Myrick Estate. The Abstracts seized these properties without passing. I needed more money to finish restoration.

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on Lucy Hill and make the purchase of the Carter properties on Bell Street. All properties were or would be income properties. At the purchase time, I felt that Judge Chris Von Doenhoff could get the Abstracts of Judgments removed so that I could use the full 80% of the real estate "new value" for another 2 loans which would be 210 Oak and 214 Sunset in (1) and the Beach Estate and Carter Estate in (2). The list of at large fugitives was down to 2 being Bennett and Gamboa. To charge me on the rest, who were in custody would trigger

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the need for Houston County to show less. There was a saving during the time they were out of jail on bond of \$40,00 to \$60.00 per day plus they had received cost of court and re-arrest fees. Of the 17, all but 2 was in custody before I was forced out of business. The Bail jumping claims were filed and in place before I was wrongfully forced out of doing bailbonding. I never have had a license. I had paid the \$500 before I was placed out of business. All conditions were met to qualify except payment through "Settlement." I offered the additional property for surety through settlement.

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I was already qualified with 100,000.00 U.S. Postal "profit sharing" since 1995.

The hinder was a barrier beyond being wrong in making a settlement as a remedy after remedy had been exhausted through negligence.

My offer was in 2000 for a "settlement."

The 2001 "settlement" was after my offer had been made and had been either refused, or not consider to be

due me. The County Was After Money.

The State Was After Money. There

Were No Charges Alledging Any Spelled Out Bailbonding Regulation Up For Consideration.

The Attempt To Collect Money For A Debt

Before Settlement Is The Fair Debt Collection

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Issue of Fairness To Rev. Harry
Fred Scott Under The Fair Debt
Collection Practices Act, United
States Public Law 95-109
Effective March 20, 1978, Together
With The 5th Amendment, 13th
Amendment, 14th Amendment,
and 15th Amendment of The
United States Constitution of
America.

Order

The United States District Court
For The Eastern District of Texas
Lufkin Division

Harry Fred Scott, et al
Plaintiffs

Civil Action 9:01CV58

VS

County of Houston
State of Texas Department of
Correction Criminal Justice Division

Whereas, the Court considers the questions
of law to be a federal question under 1983
Class Action of Civil Rights and Constitutional Law

Whereas, the case is with former propra
motion of Consideration filed timely in the proper
jurisdiction together with other motions,

Now, therefore the Court Order this Motion
to be bound for status inclusive with the
full case upon review before the assigned
Magistrate or this Court.

United States District Judge

JOHN HANNAH

1 Complaint

The questions in the context are in place for the attorneys to focus on to see the total picture rather than the unilateral policy. It is intended on my part to demonstrate my perception that an assessment of policy will manifest needed reform. Over and over one will see the repetitious absence of bilateral consideration and clear cut failure of disrespect toward Scott Bailbonding. As Scott Bailbonding goes, so goes the similar pattern of punitive rather than corrective measures. The repetitious addressing criminal justice issues as patterns of disparity!

2
I was forced out of business through unjust debt collection.

I am alleging that the criminal justice prosecutor conspired with county elected official to put me and my family out of the bailbonding business in 2001. The action constitutes both criminal and civil violations. The conspiracy was a success.

In order for it to have been successful, both state and federal laws had to be violated.

My claims falls under violations of state bailbonding law, and violations of the 1st, 8th, 5th, 13th, 14th and 15th amendments of the U.S. Constitution; also Texas election code of conduct.

Can the usurp of power, or abuse of power of office apply as a violation beyond elected official (to private citizens) having

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a right to seek injunctive or court trial relief under the purview in the scenario? What is the state standard under Texas law? Now, how does it compare to the Federal? Does such an action be with restriction to "intent" needing to be demonstrated? When a prosecutor is blamed to be a culprit by others to have lost property or liberty in varied categories from City, County employ to criminal justice indigent defense, lack of equal protection, lack of due process, jury tampering, tampering with witness and the D.A.'s name

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surface at least once in every category; does such pattern establish intent? Is it possible to be relevant to both claims of criminal and civil, or limited to one or the other? When actual loss of liberty in the plaintiffs' loss of property, or the lack of the pursuit of happiness is incurred (allegedly) by the barrier presented is there because of the involvement in non criminal matters adversely impacting the plaintiff is (established by hard evidence) is mental anguish, punitive damages available? Does

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a county bailbonding board and/or the county commissioner court stand liable together with the prosecutor to restitution to make plaintiff whole? Are the boardmember and/or county commissioner held harmless as individuals to not be subject to any consequence under U.S. Constitution remedies? Where does accountability lie? Since there was not a ^①meeting of the mind, ^②a consideration, ^③exchange of or granting of a license, ^④rules set in place and given as a guide line to distinguish how the

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"new" regulations differs from Texas "old" Bailbonding Regulations are for counties with 110,000 population, ^⑤ and the absence of monthly meetings by the bailbonding board was a negligence that made void it's required purpose for withdrawal from the state, then in affect" There WAS NO Houston County Bailbonding Board before 2001. The board did not regulate the transactions!

In review, ^① The need to secede from the bailbonding established laws and do "new" regulations was not met by those forming the "Bailbonding Board" in a county of less than 30,000 population without compromise.

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(2)
What was the need to regulate the bail bonding business (as a board) through, or under Commissioner Court or oppose to under the County Sheriff?

(3)
It was not clear if the Houston County Bailbonding Board reduced the established load of responsibility to the state, held by the County Sheriff. under the state laws of Texas, was that a goal?

(4)
Since the state law required specific performances to qualify as a bailbonding board, did Houston County rise to the standard and maintain "this" standard from 1993 through 2000?

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(5)

Since the 3 established bailbonding businesses had made transactions approved of in bailbonding business by the Sheriff Department for the state of Texas, each over 8 years as of the "attempted" organizing in 1993, when neither paid the \$500, received a license from the "new" Houston County Bailbonding Board, neither responded with an annual financial reporting of yearly transactions to the state or "new" Houston County Bailbonding Board were they at anytime unlawful under state law?

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(6)

Since the Houston County Sheriff did not meet with Houston County Bailbonding Board after July 1995 nor before 2001 did that failure to meet, give report, furnish any type of information to "the new board" affect what it was being regulated by the board? Did the bondsmen ever exhaust surety?

(7)

Since the sheriff and or the "newly formed" Houston County Bailbonding Board" ① shall meet ② shall report ③ shall maintain records ④ shall offer settlement, ⑤ shall receive a fee of \$ 500.00 per license ⑥ shall

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issue license each 24 month, or 36 months to qualifying applicants seeking renewal of license (7) shall do its investigation of applicants to determine if the applicants rises to the standard, whose standard is fixed to be the indicator to reach? ^{#1} Is it the Houston County Bailbonding Board, or ^{#2} is it Houston County Commissioners Court, ^{#3} or is it the Criminal Prosecutor for the State in each county under 110,000 population? The County Judge did the investigation on applicants surety; was it his duty to have current monthly status reports

11

in written form from the sheriff or "his" desinee, together with each bondsperson? Does state law require a surety report per month? Did Houston County Bailbonding Board desinate Cindy Maria Garner to act independly, seperate and apart from both board and court to have standing to regulate the affair of Houston County Bailbonding Board from 1993 — 2001?

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