

**IN THE FEDERAL DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Application for Writ of Habeas Corpus

Steve Douglas, Gartin)	
c/o Seventeen Forty One Dallas Street)	
Aurora, Colorado Postal Code 80010	)	[#96CO7388]
In Propria Persona	)	[#96CO7387]
	)	[#95DR2718]
district court of the United States	)	Jefferson County Court [# 97M812]
district of Colorado	)	FRAUD: [#97M811]
Denver, Colorado	)	[#96CCO7386]
)	
Steve Douglas, Gartin,	)	FEDERAL CASE NOs: Inc. 97-N-1501 *
Petitioner)	
)	
vs.	)	APPLICATION FOR
	)	WRIT OF HABEAS CORPUS,
	)	ORDER TO SHOW CAUSE
	)	(ex parte)
EXECUTIVE WARPOWER AGENCIES)	
KNOWN IN LEGAL FICTION AS)	
DESCRIBED BELOW IN DEFENDANTS)	
And in Parties to this Action:)	

Estate of Robert V. Zehnder; Delores Jeanne Lynne Zehnder;]
Tamara Ann Zehnder; Markus Bernard Merritt; Alan E. Karsh;]
Larry Fulton; Seymour Joseph; J. Terry Wiggins; Fred Gabler;]
Antonio Troy Ciccarella; Valerie Krogman; Roy G. Olsen;]
Charles T. Hoppin; James C. Demlow; Henry E. Nieto;]
Ronald L. Miller; Judith Cherne; William Hayashi; Theresa Reilly;]
Mike Bestor; Beverly Koenig; Michael Moler; Ted Schnack; Lewis]
Shellenberger; Glenn Moore; Russell Cook; David Farley;]
Robert Tortora; William Killpatrick; Ronald Beckham;]
Raymond Flear; Sergeant Leybeda; Frank Lastoczy;]
Patricia Holloway; John P. Stone; Elizabeth Kiovsky; Richard]
McCormick; James Allison; Maurice Knaizer; Linda D. Donnelly;]
James Hollaway; Frank A. Loturco; Michelle Lawrence;]
Defendants]

I DECLARATION

1. I am Steve Douglas, Gartin. I am applying for an ex-parte Writ of Habeas Corpus and Order to Show Cause as presented in the attached proposal. I have personal knowledge of the following facts and am competent to testify as to the truth of these facts if called as a witness.

- A. I am a Child of the Everliving God, a Citizen upon the Soil of My Homeland, within the Continental united States of America and expressly "without" the UNITED STATES, the U.S., the DISTRICT OF COLUMBIA, and any and all military, martial, Executive, Admiralty or Administrative jurisdictions invoked by the EMERGENCY POWERS ACT of 1917 and 1933 and continued to present contrary to the Will of the People.
- B. I am at Peace with all de jure and de facto governments operating within the Geographic Boundries of the country of Colorado.
- C. I am NOT an Alien Enemy as defined by the EMERGENCY POWERS ACT or any other Manifesto or Executive Order of any President of the corporate government of the District of Columbia.
- D. The de facto government of JEFFERSON COUNTY, INCORPORATED has repeatedly committed "war crimes" upon this Plaintiff, viz; Armed Assault, Battery, Kidnapping, False Arrest, Unlawful Imprisonment, deprivation of Due Process, Fraud and intent to commit Fraud in conspiracy with other "warpowers" Departments of the Executive Branch of the Corporate Government of THE DISTRICT OF COLUMBIA, to include all de facto officials and quasi-officials enumerated herein and others to be appended upon Discovery.
- E. The de facto foreign Agents of JEFFERSON COUNTY, INCORPORATED will continue to wage war upon the Plaintiff without swift and equitable relief from the Honorable Court.

II. JURISDICTION

2. This court of record has jurisdiction because this action arises under the following Constitutional sections and laws of the United States: United States Constitution, Article III, Section 2; Title 42, United States Code, Sections 1983, 1985, And 1986, Title 28, United States Code, Sections 1331, 1333, And 1343; and Title 18, United States Code, Sections 241 And 242. The Constitutional sections and laws of the United States appear more fully below.

III IDENTIFICATION OF PARTIES

3. I, Steve Douglas, Gartin am a free sovereign Citizen on the Soil in the Continental united States. At all times mentioned herein I have resided in the united States of America. I am not a subject, and as such I am entitled to all rights, privileges, immunities and protections at common law as guaranteed in the Constitutions of Colorado and the united States of America and in the Corporate Compact Constitution for the DISTRICT OF COLUMBIA, INCorporated.

4. Respondents in this application are free sovereign citizens in the United States, solely responsible for their actions and do business in the County of Jefferson, State of Colorado. Respondents, for purposes of identification only, are identified as follows:

Defendants:

Estate of Robert V. Zehnder
5587 South Urban Street
Littleton, Colorado 80127

1., Pastor **Robert Victor Zehnder**, deceased
2., **Dolores Jean Zehnder**
Tamara Ann Zehnder, criminally
impersonating TAMARA A. GARTIN

3., **Tamara Ann Zehnder**

- **Markus Bernard Merritt**
5587 South Urban Street
Littleton, Colorado 80127
- 4., **Markus Bernard Merritt,**

- **Karsh & Fulton, P.C.**
Suite 710 Cherry Tower Office Building
950 South Cherry Street
Denver, Colorado 80222-2665
- 5., **Alan Karsh**
6., **Larry Fulton**
7., **Seymour Joseph**
8., **J. Terry Wiggins**
9., **Fred Gabler**
10., **Antonio Troy Ciccarelli**
11., **Valerie Krogman**

- **1st Judicial District**
100 Jefferson County Parkway
Golden, Colorado 80401
15. **Henry E. Nieto**
12., **Roy G. Olsen,**
13., **Charles T. Hoppin**
14. **James C. Demlow**

- **Golden Municipal Court**
911 10th Street
Golden, Colorado 80401
- 16., **Ronald L. Miller**
17., **Judith Cherne**

**City Attorney, City of Golden,
Incorporated**
911 10th Street
Golden, Colorado 80401
18., **William Hayashi,**

City of Golden, Incorporated
911 10th Street
Golden, Colorado 80401
19. **Theresa Reilly**
20. **Mike Bestor**

- **Golden Community Center,
Incorporated**
1470 10th Street
Golden, Colorado 80401
Golden Community Center, Inc. Staff
includes:

Beverly Koenig, Larry Rock and other Staff
employees responsible for general operation
of the facility.

21., **Beverly Koenig**

Golden Police Department, Incorporated
1470 10th Street

- Golden, Colorado 80401
- 22., **Michael Moler 1465**
23., **Ted Schnack 2011**
24., **Lewis Shellenberger 2031**
25., **Glenn Moore 1470**
26., **Russell Cook**
27., **Dave Farley**
28, **Robert Tortora**
29., **William Killpatrick,**

- **Jefferson County Sheriffs Department,
Incorporated**

Suite 200, 200 Jefferson County Parkway
Golden, Colorado, 80401

30. **Ronald Beckham,**
31. **Raymond Fleer,**
32. **Sergeant Leybede (sic),**
33. **Frank Lastoczy**

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- **U S West, Incorporated**
7800 East Orchard Road Suite 190
Englewood, Colorado 80155-6508

34. **Barbara Byers, .**
35. **Paula Anderson,**
36. **Elizabeth Kiofsky,**
37. **Richard McCormick,**

- **United States Attorney**
1961 Stout St., Suite. 1100
Denver, CO 80294
38. **James Allison**

- **Office of the Attorney General
(Colorado)**
1525 Sherman St.
Denver, Colorado 80203
39. **Maurice Knaizer**

- **Colorado Supreme Court Grievance
Committee**
600 Seventeenth Street Suite 510
Denver, Colorado 80202-5435
- 40., **Linda D. Donnelly,**
41. **James Hollaway,**

- **Federal Bureau of Investigation**

42. Frank A. Loturco

and Primary Actors involved in continuing persecution

- a. David J. Thomas, Esquire, District Attorney,
- b. Henry E. Nieto, Esquire, Chief Judge

The true names and capacities of respondents sued herein as DOE's 1 through 42 are unknown to petitioner at this time and therefor petitioner sues those respondents by such fictitious names. Petitioner will amend this application to allege their true names and capacities upon discovery.

Petitioner is informed, believes and thereupon alleges, that each of the respondents are responsible for the repeated restraints of petitioner.

IV ALLEGATIONS

5. I allege that **David J. Thomas**, the district attorney, and **Henry E. Nieto**, judge, have conspired and are conspiring with **Ronald L. Beckham**, sheriff, and other Executive Branch, WarPower Agencies and Actors, under color of law to restrain my liberty which is guaranteed by the U. S. Constitution.

6. They caused my restraint of liberty without any valid reason. They have never produced an injured party. I am apprehensive that they will cause me to be arrested again. The above enumerated WarPower Agencies and Actors have unlawfully arrested this Plaintiff on at least Eight separate occasions. There is substantial reason to believe that such unlawful acts against this Plaintiff will continue unabated without intervention by the Honorable Court.

7. The merits of the factual dispute were not resolved nor adequately developed in any of the hearings. Further, the state, as a party, lacks jurisdiction over my person--it does not qualify for original jurisdiction as required by U.S. Constitution, Article III, Section 2(2).

8. I am being prosecuted on information and supposed statutory (mere code) violation. In substance, the supposed violation is not a substantive (common law) crime, nor related thereto. In its forum, the state court was acting ministerially and did not establish jurisdictional facts or nexus. Courts enforcing mere statutes do not act judicially (THOMP. V. SMITH, 154 SE 579; cf. FRC V. GE, 281 US 464; KELLER V. PE, 261 US 428). This court, acting as in THOMPSON V. SMITH, has no discretion, but must grant the remedy of Habeas Corpus.

9. I have denied, and continue to deny the jurisdiction of the state nisi prius court. Respondents are estopped for failure to prove their position. A court which acts in want of jurisdiction can issue no judgment nor warrant of authority, and all of its acts are void ab initio, not just voidable; nor does such a court have any contempt powers; whereupon habeas corpus should issue (ILL V. SIMAN, 284 Ill. 28, ILL. V. BARRETT, 203 Ill. 99).

V CAVEAT

10. This is an action at law: proceedings will be pursuant to Rule 7(a), 7(c), FEDERAL RULES OF CIVIL PROCEDURE. Actions at law forbid titles of nobility. Titles of nobility must remain silent in a court at law. Should a title of nobility be allowed to speak in a court at law, it would no longer be a court at law, but a court in equity. A title of nobility corrupts the jury, therefore it is no longer a court at law. A court at law means: subject to a jury.

VI CAVEAT VIATOR

11. Respondents must enter the court at law, to answer the complaint. Answer to complaint must bear a proper court seal. A proper court seal is given by sovereign hand, pro se. Sovereign authority gives court jurisdiction to try accused by jury. Any proper answer to this action gives this

court and jury jurisdiction to consider the issues pursuant to proper civil and/or criminal laws. Any person who gives a proper answer to this complaint also gives the court jurisdiction to try him criminally if found guilty. Failure to answer results in civil process to be pursued against property and no Constitutional defenses exist until respondents takes issue.

VII ASSERTION OF LAW

12. The laws in this case are hereby asserted:

13. "In all cases...in which a state shall be party, the Supreme Court shall have original jurisdiction." from U. S. CONSTITUTION, ARTICLE III, SECTION 2(2).

14. "...all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution..." from U. S. CONSTITUTION, ARTICLE VI, CLAUSE 3.

15. "The right of the people to be secure....against unreasonable....seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation..." from U. S. CONSTITUTION, AMENDMENT IV.

16. "No person shall....be deprived of....liberty.... without due process of law...." from U. S. CONSTITUTION, AMENDMENT V.

17. "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." from U. S. CONSTITUTION, AMENDMENT IX.

18. "A freeman shall only be amerced for a small offense according to the measure of that offense. And none of the aforesaid fines shall be imposed save upon oath of upright men from the neighbourhood." from MAGNA CARTA, ARTICLE 20.

19. "No sheriff, constable, coroners, or other bailiffs of ours shall hold the pleas of our crown." from MAGNA CARTA, ARTICLE 24.

20. "Henceforth the writ which is called 'Praeceptum' shall not be served on any one for any holding so as to cause a free man to lose his court." from MAGNA CARTA, ARTICLE 34.

21. "No freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any way harmed--nor will we go upon or send upon him--save by the lawful judgment of his peers or by the law of the land." from MAGNA CARTA, ARTICLE 39.

22. "If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured--

"They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life." from UNITED STATES CODE, TITLE 18, Section 241.

23. "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, shall be fined not more than \$1,000 or imprisoned not more than one year, or both;" from UNITED STATES CODE, TITLE 18, Section 242.

24. "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." from UNITED STATES CODE, TITLE 28, Section 1331.

25. "(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

"(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

"(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

"(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States." from UNITED STATES CODE, TITLE 28, Section 1343.

26. "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." from UNITED STATES CODE, TITLE 42, Section 1983.

27. "... (3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators." from UNITED STATES CODE, TITLE 42, Section 1985.

28. "Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as respondents in the action;...." from UNITED STATES CODE, TITLE 42, Section 1986.

29. 18 USC 241 and 42 USC 1983 "must be construed in pari materia." from PICKING V. PENNSYLVANIA R. CO. (CCA 3) 151 F(2d) 240, rev'g 3 FedRDec 425.

30. "The individual owes nothing to the state, for he receives nothing therefrom...his rights are such as existed by the Law of the Land long antecedent to the organization of the antecedent to the organization of the accordance with the Constitution. Among his rights are...the immunity of himself and his property from arrest or seizure except under a warrant of the law." from HALE V. HENKLE, 201 U.S. 43.

31. "...an...officer who acts in violation of the Constitution ceases to represent the government." from BROOKFIELD CO. V. STUART, (1964) 234 F. Supp 94, 99 (U.S.D.C., Wash.D.C.)

32. "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual,' not his official capacity..." from 70 AmJur2nd Sec. 50, VII Civil Liability.

33. "Decency, security, and liberty alike demand that government officials be subjected to the same rules of conduct that are commands to the citizen. In a Government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law..." from OLMSTEAD V. U.S., 277 US 348, 485; 48 S Ct. 564, 575; 72 LEd 944.

34. **A writ of habeas corpus is a proper remedy if petitioner has reasonable apprehension of restraint of liberty by force.** To justify issuance of the writ of habeas corpus, constraint need not consist of actual physical force. Conduct inducing a reasonable apprehension of force may be sufficient to restrain one of his/her liberty (From In re Rider (1920) 50 CalApp 797, 802, 195 P 65).

35. Constructive Custody. The availability of the writ of habeas corpus does not depend on the actual detention of petitioner in prison. It is also available where petitioner is constructively in custody and subject to restraint (From In re Petersen (1958) 51 Cal2d 177, 181, 331 P2d 24).

VIII SUMMARY

36. The merits of the factual dispute were not resolved in any state court hearing (28 USC 2254(d)(1)).

37. The factfinding procedure employed by the state court was not adequate to afford a full and fair hearing (28 USC 2254(d)(2)).

38. The state court lacked jurisdiction over me in the state court hearing (i.e. no injured party was produced, and I was never properly within the court's jurisdiction) (28 USC 2254(d)(4)).

39. I did not receive a full, fair, and adequate hearing in any state court proceeding (28 USC 2254(d)(6)).

40. I was denied due process of law in the state court proceeding (28 USC 2254(d)(7)).

IX PRAYER

41. WHEREFORE, I pray judgment that a writ of habeas corpus issue and that I be released from any attendant restraint of liberty as a result of any and all Alleged Cases regarding Petitioner in any administrative court of Jefferson County, Colorado.

42. I verify that the foregoing is true and correct to the best of my knowledge and belief, and that this verification was executed in the state of Colorado, on the Sixth Day of the First Month in the year of our Lord Jesus, Nineteen Hundred and Ninety Eight, Ano Domini .



Steve Douglas, Gartin - Petitioner, in Propria Persona

*This is a True Copy of **Habeas Corpus** to the U.S. District Court VIA Facsimile - Jefferson County Case Numbers have been Added and Five Dollars in Federal Reserve Notes Included and Copies Mailed to the Clerk of the Court of the Federal District Court on this Sixth Day of the First Month in the Year of our Lord Jesus, Nineteen Hundred and *Ninety Eight, Ano Domini.**