

Petitioner  
By Special Appearance Only  
Ambassador Michael Parsons of the sovereign Tsihqot'in Nation – Country of the Chilcotin,  
a live man under duress, without prejudice currently held against my will at the  
West Tennessee Detention Facility at Mason Tennessee

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From the 25<sup>th</sup> Judicial District Circuit Court for Tennessee at Covington

STATE OF TENNESSEE, an unknown and undisclosed corporation. Plaintiff	)	Demand as a Matter of Right
	)	Transfer to the Article III Section 2
	)	Constitutional Common Law Court of
	)	Original Jurisdiction in all cases
vs.	)	Affecting Ambassadors for a New Trial or
	)	ORDER an Acquittal, Arrest of Judgment
MICHAEL WAYNE PARSONS, an unknown and undisclosed corporation of trust. Defendant	)	and Release from Confinement.
	)	RD 9058

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**Notice**

**Demand as a Matter of Right, Transfer to the Article III Section 2 Constitutional Common Law  
Court of Original Jurisdiction in all cases Affecting Ambassadors for a New Trial or ORDER an  
Acquittal, Arrest of Judgment and Release From Confinement**

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**History of the case, Undisputed Facts and Offer of Proof:**

1. On January 12, 2017 Petitioner was arrested by an F.B.I. Swat Team for the alleged charge of Felony Failure to Appear from an illegal CAPIAS issued by MIKE FORBESS, CLERK OF THE CIRCUIT COURT OF TIPTON COUNTY on January 10, 2017. MIKE FORBESS not only issued the capias but is also listed as the witness to the alleged crime. The CAPIAS states, "Arrest **MICHAEL PARSONS** and bring him/her before the Circuit Court of Tipton County in answer to a presentment or indictment on the charge(s) of: **...FELONY FAILURE TO APPEAR.** Witness MIKE FORBESS, Clerk of Court **JANUARY 10, 2017.**" Then on March 30, 2017 Petitioner was taken before an unknown and undisclosed administrative tribunal later referred to as the Tipton County Court without any advance notice and was not provided a copy of the indictment until after the matter was over and Petitioner was being taken out of the unknown and undisclosed forum. Tennessee Rules of Criminal Procedure Rule 10(b)(1) requires a copy of the indictment be provided to the alleged defendant prior to the proceedings. From the time of the arrest for Felony Failure to Appear on January 12, 2017 until the arraignment March 30, 2017, no Preliminary Hearing was provided and no waiver for one was given. At the arraignment, Petitioners demand for dismissal of indictment due to failure to provide a preliminary hearing was denied. It is an undisputed fact that an arrests can not be made on a new charge of Felony Failure to Appear via a Capias when there was no indictment for said Felony Failure to Appear prior to the arrest for Felony Failure to Appear. Therefore, the Capias was void. Failure to provide a Preliminary Hearing for a new charge from an illegal capias not stemming from an indictment was a violation of Rule 5(e) and a gross violation of due process and fundamental fairness. Therefore, the said judge Walker denial of a Preliminary

Hearing on the new charge of Felony Failure To Appear in violation of Rule 5(e) requires immediate reversal. Additionally, the Tennessee Department of Correction Investigation Report provided in this matter at the Sentencing Hearing on September 01, 2017 states, "No affidavit of complaint was available in the clerks office." "Warrant for arrest of defendant was invalid when issued upon the basis of unsworn statements..." " Rules Crim. Proc., Rule 3,4; U.S.C.A. Const. Amend. 5. State v. Burtis, 1983, 664 S.W.2d 305.

2. The indictment did not state a cause by which relief can be granted. Whereas the indictment does not specify the identity of the alleged all capitol letter defendant MICHAEL WAYNE PARSONS or the all capitol letter plaintiff STATE OF TENNESSEE. This court will take judicial notice that the U.S. Printing Style Manual references U.S. Courts use of all capitol letters in a name only reference, "Non-human" entities such as corporations and trust. Therefore, the all capitol letter STATE OF TENNESSEE is an unknown and undisclosed corporation and as such could be one of many corporations listed with Dun & Bradstreet. And the all capitol letter MICHAEL WAYNE PARSONS would also be an unknown and undisclosed corporation or trust. It is an undisputed fact that Petitioner is a living flesh and blood man who has no contract, obligation or agreement with STATE OF TENNESSEE corporation requiring performance nor is Petitioner the trustee, surety or fiduciary for any MICHAEL WAYNE PARSONS corporation or trust. "The State has the burden of proving every element of the crime charged and this burden specifically includes the identity of the alleged defendant ." State v. Dotson, 2008, 254 S.W.3d 378. Furthermore, the indictment alleges that the all capitol letter MICHAEL WAYNE PARSONS "fail to appear... **as required** ... in violation of T.C.A. 39-16-609" However, T.C.A. 39-16-609 specifies that the person had to "fail to appear **as directed** by a lawful authority..." STATE OF TENNESSEE presented no evidence that the alleged defendant or Petitioner "failed to appear **as directed** by a lawful authority" as specified in T.C.A. 39-16-609 or that Petitioner had any contract, obligation or agreement with STATE OF TENNESSEE to appear. Therefore, the verdict must be set-aside and this matter dismissed for failure to state a cause by which relief can be granted, because the nature and cause of the matter are unknown, and the unknown alleged defendant should not have been charged whereas no such Statute or Law exist and no such plaintiff or defendant are identified. Rule 34. states, The court **shall** arrest judgment if: (1) the indictment, presentment or information does not charge an offense; "Although motion alleging defect in indictment was not presented before trial began, waiver did not apply when indictment failed to assert an essential element of the offense, in which case no offense had been charged and subsequent proceedings were a nullity. Rules Crim. Proc., Rules 12(b), (b)(2), 13(b), 34. State v. Perkinson, 1992, 867 S.W.2d 1. Additionally, this is in violation of the 6<sup>th</sup> amendment of the Constitution for the united States which states, "the accused shall... be informed of the nature and cause of the accusation."
3. The Tipton County Court lacks jurisdiction. The Constitution for the united States of America, Article III Section 2 states, "In all cases affecting Ambassadors... the supreme Court **shall** have original jurisdiction. This court will take judicial notice that all courts of the united States are bound to their treaties and as a signatory to the Vienna Convention on Diplomatic Relations Article 31 states "A diplomatic agent **shall** enjoy immunity from the criminal, civil and administrative jurisdiction of the receiving state." It was an undisputed fact at trial and evidence supported that Petitioner is the Ambassador of the Tsilhqot'in Nation - Country of the Chilcotin and Petitioner has never given jurisdiction to this court. At trial, the assistant District Attorney stipulated Petitioner is **not** a U.S. Citizen. Rule 34 (a) states that the court **shall** arrest judgment if "(2) the court was without jurisdiction of the charged offense. The fact is, this court has never had jurisdiction over Petitioner as he has maintained his immunity, has never consented to the court and from the beginning this court has refused to disclose the form of

court it is operating or how it claims jurisdiction over Petitioner without his consent. When originally asked the form of court the said judge Walker replied, "Google it!"

4. On May 22, 2017, Assistant District Public Defender David Stockton advised he was only meeting Petitioner to deliver documents and determine if he could help. However, he could not answer any of Petitioner's questions, including the ones Walker claimed an attorney could answer, specifically, what form of court Walker was operating, what rules Walker was under and who were the all capitol letter Plaintiff and Defendant listed in the indictment. Stockton also refused to recognize Petitioner's defenses of Diplomatic Immunity, no contract with STATE OF TENNESSEE, no directive to appear and the defense of Duress and Necessity to prevent another attempt on Petitioner's life at the order of a judge in Tipton County who could make deals with inmates as demonstrated by the attempted murder of Petitioner by inmate Jaron Toliver at the Tipton County Jail on May 29, 2016. (See trial exhibit, letter from Dr. Freeza regarding broken ribs and his warning not to go back into their operation where he references the obvious vendetta against Petitioner by the Law Enforcement Officials in Tipton County Tennessee and letter from Jeremy Shannon)
5. Petitioner was denied conflict free legal counsel. Stockton was appointed to counsel the undisclosed defendant but informed the court he had 2 conflicts of interest and Walker subsequently removed him from further counsel but then appointed him as "Elbow Counsel." If counsel has a conflict of interest, said conflicts do not magically disappear by reducing his responsibility to that of an unauthorized and undefined status of 'Elbow Counsel' which Petitioner gave Notice he did not consent to. Such manipulation and abuse of Petitioner's right to legal counsel denies Petitioner the right to effective and conflict free counsel and only serves to insulate Stockton from potential civil charges or reversal of any conviction in Walker's rigged trial for ineffective assistance of counsel. Walker ignored Stockton's undisclosed conflict that Petitioner exposed to him before trial. That being Stockton's active representation of inmate Bill Williams whose threats to rape and kill Petitioner's wife, burn down their home and kill all of their animals was reported to Walker before trial and a written statement was presented to Walker from an inmate Tommy Glover who witnessed the terroristic threats to Petitioner from inmate Bill Williams. "Conflict of Interest / Attorneys can not represent conflicting interest or undertake to discharge inconsistent duties; when an attorney has once been engaged and received the confidences of his client, he can not enter the services of those whose interest are adverse to that of his client or former client." *Mattress v. State*, 1977, 564 S.W. 2D 678. Stockton gave no counsel or assistance before, during or after trial other than to bring Petitioner a cup of coffee after Petitioner informed the court that at 56 years of age, 6'5" tall and 195 lbs upon entry to the Tipton County Jail and 170 lbs at the time of the trial, having been tortured via starvation and sleep deprivation with the lights left on 24/7, he was physically exhausted and barely able to stand, let alone perform at a trial. Walker denied a continuance due to Petitioner's physical exhaustion. Other than the coffee, Stockton's only efforts were to assist the court with finding a rule for witnesses that ultimately did not apply to Ambassadors. When Stockton went to retrieve a character reference Walker asked, (laughing) "Where is the courier going?"
6. Petitioner was denied the right to legal counsel and never waived his right to legal counsel. Petitioner argued he did not consent to the proceedings without legal counsel or counsel who had several conflicts of interest including, (1) Stockton was at that very moment representing Tipton County Jail inmate Bill Williams who had threatened to rape and kill Petitioner's wife, burn down Petitioner's home and kill all of Petitioner's animals. (See trial exhibit, witness letter of Tommy Glover) (2) Stockton's office represented an inmate Jaron Toliver who had attempted to kill Petitioner on May 29, 2016 in the Tipton County Jail resulting in Petitioner being taken to the hospital with several cuts bruises and 3 broken ribs. (See trial exhibit, June 12, 2017 letter from Stockton) (3) Stockton's office investigator Brent Chun posed as a sheriff's deputy giving

false testimony at a hearing against Petitioner, “with the objective of ensuring your return to prison.” (See June 12, 2017 letter from Stockton) And now at the trial in this matter Mr. Chun under oath testified he had in fact falsely testified in 2014 as though he was Tipton County Sheriff's Deputy Michael Green at a hearing against Petitioner.” Thereby confessing to perjury and impersonation of an officer at an Administrative Hearing under oath. (See exhibit, affidavit of Clete Webster) Before the trial, Walker refused to continue the matter despite knowing the attorney he appointed was listed as a subpoenaed witness which violates the principle that an attorney who will likely be called as a fact witness at trial may not participate as an advocate in the case. At trial, Stockton was a subpoenaed witness for Petitioner, who despite his statement to Petitioner referenced in a letter to Stockton from Petitioner dated June 14, 2017 confirming Stockton's statement that an attempt to arrest Walker was made by a fugitive recovery squad via an arrest warrant issued by the Universal Supreme Court of the Tsihqot'in. (See June 14, 2017 letter to Stockton from Petitioner) And despite Stockton's letter of June 12, 2017, under oath Stockton denied his investigator testified against Petitioner with the “objective of ensuring your return to prison.” As was expected, at the trial, Stockton offered no help other than to provide 1 cup of coffee for petitioner on both days of trial. “Where the record did not reflect whether trial judge made requisite inquiry and investigation to determine whether defendant intelligently, understandingly and willingly waived benefit of counsel and did not indicate whether the trial judge sought to have defendant sign written waiver of right to counsel..., reviewing court could not speculate on the matter but rather, would reverse conviction and order a new trial. T.C.A. 40-202, 40-203, 40-2015, 40-2016; Const. Article 1 Sect. 9; U.S.C.A. Const. Amend. 6. State v. Coleman, 1975, 519 S.W.2d 581.

7. Fundamental fairness demand that an adjudicator and jury be provided without even the appearance of impartiality, absent a malicious prosecutor in a court with jurisdiction. However, this was but another travesty of justice at the hands of said judge Joe Walker III whom I sued for Official Oppression in 2009, Parsons v. Walker, et al. U.S. District Court at Memphis and whom prior to this trial was made aware of an indictment and arrest warrant against him for his ordering the unlawful kidnapping of Petitioner and holding Petitioner hostage in the private for profit jail in Tipton County Tennessee. Denying recusal of himself and a change of venue for these reasons known prior to trial, followed by his refusal to provide a continuance to obtain conflict free legal counsel and to allow a subpoenaed material witness, Grand Chief Stanley Stump of the sovereign Tsihqot'in Nation to appear given the fact his country was literally engulfed with wildfires, (evidence provided prior to trial) clearly indicated the level of official oppression and abuse of discretion one would expect in a kangaroo court. Walker refused to allow all 5 subpoenaed Tipton County Jailers and inmates who witnessed physical and psychological abuse of Petitioner to testify. Petitioner's objections to Walker's hand picking the jury himself from his own stack of predetermined jurors and his refusal to dismiss the jury pool for cause when they unanimously refused to follow the Constitutions for the United States of America, Tennessee and all treaties thereto was denied. During voir dire jurors verbalized determinations as to their refusal to determine if Petitioner was an Ambassador and as such denied his right to the diplomatic immunity from the criminal, civil and administrative jurisdiction of STATE OF TENNESSEE. The entire jury viewed themselves as United States, Tennessee and Tipton County Citizens owing allegiance to those entities. They viewed me as a foreigner, given the fact I am **not** a U.S. Citizen. I am a live man of Cherokee Wolf Clan descent, adopted by and now a tribal member of the Tsihqot'in Nation, appointed Ambassador of the Tsihqot'in Nation and a non-resident alien. I am not subject to any corporate government statutes. However, I am protected by God given rights, including those recognized by the constitution for the United States of America, Tennessee and all treaties thereto. None of the jurors were of Native American descent nor were there any jurors of a minority ethnicity. None

had any friends, relatives or familiarity with Native Americans, Ambassadors, Amish nor Ministers whom were not subject to the jurisdiction of the corporate government entities. They viewed themselves as being “subjects,” and as such, viewed themselves as “STATE OF TENNESSEE,” and as such, “the victim,” and as such, “the Plaintiff.” Objections to jurors based upon general disqualifications such as **Alienage**... are within proffer defectum class. State v. Brock, 1996, 940 S.W.2d 577. Blacks Law Dictionary 5<sup>th</sup> addition defines “Alienage” as, “the condition or status of being an alien. During the trial, Walker was observed and challenged for his signaling the District Attorney when to object, clearly indicating he was prejudiced and rigging the trial. Walker ignored the 5 pre-trial notices Petitioner asked about before trial and he never replied to them. Whereas, Petitioner argued he was held for 6 ½ months without the assistance of counsel and had exercised his only option of submitting notice to the court via the jailers and hope they would deliver them to the court clerk. In this case, Walker set no date for pre-trial motions to be heard and refused to continue the matter to address them. Rule 21(a) Grounds for Change of Venue, “the court should order a change of venue when a fair trial is unlikely and for any other cause.” (d)(1) “if the same cause for change of venue exist in all other counties in the judicial circuit, the court **shall** change venue to the nearest county where the same cause for change of venue does not exist.” Given the fact I had sued the District Attorney Mike Dunavant in 2009 for Malicious Prosecution and he controls the 25<sup>th</sup> judicial district, transferring this matter to Shelby County would be the next closest county that he would not have any influence and or control over. Given the fact that Petitioner had not only sued Walker but also the Tipton County Executive Jeff Huffman over a rigged election in 2006 and whose appointed manager of the Election Commission Office selects the list of registered voters that make up the jury pool, the potential of rigging the jury was great and the appearance of fairness was impossible.

8. STATE OF TENNESSEE witness Mike Forbess gave false testimony that STATE OF TENNESSEE and COUNTY OF TIPTON were not corporations. However the court will take judicial notice that they are listed as corporations on Dun and Bradstreet, have a corporate charter and the Tennessee Rules of Civil Procedure states, “In suits against a county, Rule 4.04(7) provides for service upon the chief executive officer of the county...” clearly indicate they are corporations. STATE OF TENNESSEE witness Mike Forbess is also the Tipton County Court Clerk who processed this case during the trial and sentencing hearing creating a conflict of interest whereas he had a financial interest in the matter. STATE OF TENNESSEE witness Jailer John Weatherly also gave false testimony stating that the Tipton County Jail was not a private for profit jail despite the STATE OF TENNESSEE advising they have no jurisdiction over the jail because they are a private for profit operation. Weatherly also without being asked told jurors they paid for the transportation cost of bringing Petitioner to Tennessee, (implying a guilty verdict would reimburse them) rendering their verdict one of a financial interest. The Assistant District Attorney Walt Freeland demonstrated the discriminatory attitude of STATE OF TENNESSEE and his boss, D. Michael Dunavant by his national-origin discrimination statement, “Do you find the Tsihqot'in Nation Tribe on the internet or in a Cracker Jack Box?” Thereby prejudicing Petitioner before the jurors.
9. STATE OF TENNESSEE provided no evidence to support verdict and as such the verdict was not only against the weight of evidence but lacked legal sufficiency for a conviction. STATE OF TENNESSEE'S evidence presented at trial showed no Order, Summons, Directive, Agreement, Contract or Obligation for the Petitioner to appear on January 10 2017 at the Tipton County Court. Rule 33(d) requires a new trial where the verdict is against the weight of the evidence and upon request the New Trial **shall** be conducted by a different judge.
10. The Plaintiff failed to appear when Petitioner called it to testify. When the plaintiff failed to appear in court, there was no way to know the true party to the action and therefore no way to

know the true nature and cause of the action or if Plaintiff had standing to make a claim. Furthermore, the constitutional right to face the accuser is so fundamental to justice that denying this right renders this matter void and proof the proceeding was clearly prejudicial to Petitioner and essentially, "a rigged game."

11. Walker refused to charge the Jury with the Petitioners affirmative defenses of, (1) Diplomatic Immunity, (2) lack of a contract with STATE OF TENNESSEE corporation, (3) failure to State a cause by which relief could be granted due to the indictment for a charged element that does not exist in law, (4) undisclosed all capitol letter plaintiff and defendant, (5) duress and (6) Necessity. "The Statute requiring that additional instructions desired by counsel be presented in writing, while mandatory, is not applicable where omitted charge concerns certain fundamental defenses, and supreme court will reverse a trial court for its failure to give one of such fundamental charges even though no special request was made at the trial. T.C.A. 40-2517, Monts v. State. 1964, 379 S.W.2d 34. 18 McCanless 171, 214 Tenn. 171.

The Constitution for the united States of America Republic states that, "In all cases affecting Ambassadors, the supreme Court **shall** have original jurisdiction... all treaties made, or which **shall** be made under the authority of the united States **shall** be the supreme Law of the Land, and the judges in every state shall be bound thereby" and "judicial officers... of the several states, **shall** be bound by oath or affirmation, to support the Constitution." Therefore, the prejudicial and arbitrary acts of the said judge Walker and jurors denied my God given Rights and those guaranteed by the organic Constitution for the Republic including an Article III Section 2 supreme Court which has original jurisdiction for Ambassadors and where the Constitution and Treaties are the Common Law and therefore, the Law of the Land. Not the said judge Walker undisclosed form of court, the undisclosed Rules that regulate Walker or the undisclosed private corporate statutes Walker would apply or not apply as he liked to achieve his goal of denying Petitioner of his liberty. Petitioner never consented to any of them but they were forced upon him against his will. The fundamental fairness of the Law of the Land, the Common Law, requires a victim who is a live human being or a contract. This case has neither.

Therefore, by special appearance only, Petitioner, Ambassador Michael Parsons of the sovereign Tsihqot'in Nation – Country of the Chilcotin, a live man under duress, without prejudice currently held against my will at the West Tennessee Detention Facility at Mason Tennessee demands as a matter of Right this undisclosed administrative tribunal or court to ORDER transfer of this matter to the Article III Section 2 court for a new trial if STATE OF TENNESSEE desires or an Acquittal of the false conviction of Felony Failure to Appear. T.C.A. 39-16-609, Arrest of Judgment and immediate release from confinement and return of all property taken from Petitioner and his family.  
Under Duress Without Prejudice,

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Autographed September 29, 2017

#### **Certificate of Service**

Petitioner, Ambassador Michael Parsons of the sovereign Tsihqot'in Nation - County of the Chilcotin, hereby certify that the forgoing is true and correct to the best of my knowledge and that the forgoing has been given to the correctional officer for placement into the institutional mail system on this September 29, 2017 at the West Tennessee Detention Facility in Mason Tennessee and addressed to the 25<sup>th</sup> Judicial District Circuit Court for Tennessee at 1801 South College Street, Covington Tennessee [38019] and per Rule 49(d)(1) is deemed filed today September 29, 2017.  
Under Duress Without Prejudice,

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Autographed September 29, 2017