



AUG 02 REC'D

NOTICE OF CONSTITUTIONAL QUESTION

In re: Case No: 2024CT000401TTAXMX

"In the absence of a statutory definition, courts give terms their ordinary meaning." Bass, Terri L. v. Stolper, Koritzinsky, 111 F.3d 1325, 7th Cir. Apps. (1996).

"As the U.S. Supreme Court noted, "We have stated time and again that courts must presume that a legislature says in a statute what it means and means in a statute what it says there." See, e.g., United States v. Ron Pair Enterprises, Inc., 489 U.S. 235, 241 -242 (1989); United States v. Goldenberg, 168 U.S. 95, 102 -103 (1897); "The legislative purpose is expressed by the ordinary meaning of the words used." Richards v. United States, 369 U.S.1 (1962).

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties, and whenever the consul shall require any aid or assistance from our government, to enforce his decisions, it shall be immediately granted to him. 1787 U.S.A. – Moroccan Empire Treaty Art. 20.

Petitioner's tribal sovereign immunity and constitutionally protected rights are perpetual and inalienable basic rights enjoyed under Art. I of 1838 Florida Constitution and the 1787 / 1836 U.S.A. – Moroccan Empire treaty – Art. III, VI, XIV, XX, XXI; 1791 U.S.A. Constitution Art. I, III, IV, and VI; Bill of Rights: Amendment IX *"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."*

The enforcement of Fla.Stat. 901.02 and 901.04 in this matter is a violation of the constitutionally protected rights of the petitioner:

[1] to privacy and to attend to private affairs, especially emergencies regarding the health of himself and or loved ones, without being subjected to unreasonable pains and punishments; and

[2] to waive the benefit of a court appearance, especially in a pre-trial hearing for an alleged misdemeanor whereby his appearance was not required or ordered according to the law and could not be compelled, especially after a challenge of jurisdiction that was not properly resolved by the records of the court; and

[3] to due process when challenging the court's assumption of jurisdiction be it through a c(4) motion to dismiss or the oral tenis challenges at earlier appearances; and

[4] to enjoy the right to be identified as El Shanu Cazu Bey in accordance with his religious customs and supported by a court ordered adult name change under Florida law; and

[5] to be free from acts of peonage; and

[6] to the discharge of the claims and capias / warrant as matter of the instrument styled a *Challenge of Jurisdiction* and deposited against the obligation as of 06-17-2024, without any recorded objection, has granted to petitioner accord and satisfaction of the charges and claims against his person and body pursuant Fla.Stat. 673.3111(4); and

[7] to be secure in his home against unreasonable searches and seizures by agents of government and or under the color of law.

NOTICE OF AN ATTEMPT TO SECURE JUSTICE AND RELIEF FROM AN UNLAWFUL SEIZURE OF PROPERTY, LIFE, LIBERTY, AND HAPPINESS IN THE FACE OF EQUITABLE ESTOPPEL



Case No.: RKN-TRI-SC-CV-822245

The ORDER DENYING MOTION TO SET ASIDE CAPIAS in Case No: 2024CT000401TTAXMX in the Highlands County Court is VOID / VOIDABLE for being unconstitutional, vague, and an obviously identifiable attempt by the drafters to omit an obligation of any agent of the State to address the Writ of Quo Warranto and the issues of law as presented. This acceptance by the committing magistrate is evidence of omissions of their duty to dismiss the case in matters whereby the court does not have jurisdiction.

The plaintiff's attorney is not and cannot be representing the sovereign State whom is obligated to file in an Article III Court in any matter where they [State] may be a party. The ignorance of the law is no excuse but ignorance of a legal fact does excuse and it is a fact that the plaintiff's attorney knows better than to misrepresent the constitutional limitations of her client. Representatives for the State do not and cannot maintain an interest in this matter that suspends their obligations to file claims in an Article III Court of original jurisdiction and the committing magistrate cannot waive any defendant's constitutionally protected rights nor can the court enhance the State's authority beyond the Supreme law of the land.

Constitutional Questions:

Is STATE OF FLORIDA, acting as plaintiff party being represented by Christina Henry, Assistant State Attorney, in a lower court (Highlands County) Case No. 2024CT000401TTAXMX, a trespass upon the enumerated limitations under Article III of 1791 U.S.A. Constitution?

Is Christina Henry, Assistant State Attorney, abusing the public trust by using the name of the State to be a party in a non-Article III venue?

How is the contract that creates this dispute in lower court (Highlands County) Case No. 2024CT000401TTAXMX so lawfully binding upon the defendant in such a way that suspends the State's obligation when acting as a party to any matter to file in an Article III Court?

Is it violative of defendant's constitutionally protected rights to issue a capias or bench warrant for failure to appear at a hearing whereby subject-matter, territorial and personam jurisdiction were previously challenged and never substantiated on the record?

Is it violative of defendant's constitutionally protected rights to issue a capias or bench warrant for failure to appear at a hearing, whereby notification of the waiver of the right to appear was provided prior to the hearing?

Can a capias or warrant for failure to appear before the court be enforceable upon a defendant that was not shown upon the record any evidence of authority after several good faith, bona fide challenges to the court's exercise of jurisdiction?

Is the application of any statute authorizing a court to issue a warrant or capias for a defendant enforceable upon the accused in this matter, whom is of native American aborigine descent, exercising a freehold right of title in the lands of his ancestors, and vested with immunity from civil or criminal complaints that have no victim to attest to harm or damages as a result of his actions?

Do respondents' denials of due process regarding the claims for defense introduced by motion, affidavit, quo warranto, et al. constitutional challenges of jurisdiction on behalf of the accused constitute warring against the constitution and or grounds for high treason, especially considering that multiple agents of the United States are being made witness to their actions / inaction in maintaining these unlawful charge[s] against El Shanu Cazu Bey in a name that he never provided during the initial traffic stop, that he does not identify as and has corrected as a matter of religious right and tribal custom enjoyed by Moorish-Americans [sic. American Indians]?

Did respondents deny due process to El Shanu Cazu Bey by refusing to properly address him on the ticket[s] and in several court appearances even though he uses a Moorish-American Nationality Card and United States Passport as proof of identification?

Did respondents deny due process to the issuing agencies of the Moorish-American Nationality Card and United States Passport as proof of identification for El Shanu Cazu Bey?

By affixing my seal hereto, I, El Shanu Cazu Bey, formerly known as DERICK DEVON SMITH [Tradename / dba], a Moorish-American National, do hereby declare and affirm under the penalty of perjury under the laws of the Al'Maurii Khan Nation, that the foregoing statements and claims are true and correct to the best of my knowledge and belief and are not made for any illegal or unlawful reasons, nor to evade any duty or obligations established under the supreme law.

Date: 09-01-2025

El Shanu Cazu Bey
El Shanu Cazu Bey
Authorized Representative
All Substantive Rights Reserved

Certificate of Service

It is hereby certified that copies of this **NOTICE OF CONSTITUTIONAL QUESTION** have been forwarded to the proper parties according to the terms of the law on or about 9-01-2025.

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