

TEXAS JUSTICE OF THE PEACE
CAN NOT
ISSUE A “SEIZURE” WARRANT

As a matter of law, the “Warrant For Animal Seizure” issued by “layman non-lawyer” Justices of The Peace completely violates the constitutionally protected and guaranteed rights of Texas animal owners, especially under the Fourth Amendment of the United States Constitution and Article 1, Section 9 of the Texas Constitution. As a matter of law, “layman non-lawyer” Justices Of The Peace have NO “legal” power, authority, or jurisdiction to issue ANY “SEIZURE” warrant to obtain evidence of a criminal offense. As a matter of law, “layman non-lawyer” Justices Of The Peace have NO “legal” power, authority, or jurisdiction to issue ANY warrant to “search for or seize” any property or items of evidence of a criminal offense, especially when counties have District Court Judges, County Court At Law Judges, and County Judges who are “attorneys licensed with the state” from which criminal “SEARCH / SEIZE” warrants may be “legally” obtained.

LAYMAN NON-LAWYER JUSTICE OF THE PEACE
AND ISSUANCE OF A “SEIZURE” WARRANT

- (1) According to Texas Code of Criminal Procedure § 2.09, a “Justice Of The Peace” is considered a “**magistrate**”.¹
- (2) According to Texas Code of Criminal Procedure § 15.01, an **ARREST** Warrant is issued to “take” the **BODY** of a person.²
- (3) According to Texas Code of Criminal Procedure § 15.01, as a “**magistrate**”, a “layman non-lawyer” Justice of The Peace may issue an **ARREST** Warrant, as a matter of law. As a matter of law, there is no exclusion of a “Justice of The Peace” from issuing an “**ARREST**” Warrant,

1 Texas Code of Criminal Procedure § 2.09. WHO ARE MAGISTRATES. Each of the following officers is a magistrate within the meaning of this Code: “...the justices of the peace,...”

2 Texas Code of Criminal Procedure §15.01. WARRANT OF ARREST. A "warrant of arrest" is a written order from a magistrate, directed to a peace officer or some other person specially named, commanding him to take the body of the person accused of an offense, to be dealt with according to law.

to “take” the BODY of a person.

- (4) According to Texas Code Of Criminal Procedure § 18.02(10), a SEARCH / SEIZE Warrant is issued to “search for and SEIZE” PROPERTY and ITEMS constituting evidence of an offense, or constituting evidence tending to show that a particular person committed an offense.³
- (5) According to Texas Code Of Criminal Procedure § 18.01(c),⁴ a layman non-lawyer Justice of The Peace is NOT a Judge who is “**an attorney licensed with the state**” therefore can NOT issue ANY warrant to “search for and seize” ANY PROPERTY and ITEMS constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense. § 18.02(10).
- (6) Animals are the “evidence” of an offense of “Animal Cruelty” - which is a “criminal” offense according to Texas Penal Code § 42.09(c)⁵ – so a warrant to “search for and seize” an animal,

3 Texas Code of Criminal Procedure § 18.02(10) GROUNDS FOR ISSUANCE. A search warrant may be issued to search for and seize: (10) property or items, except the personal writings by the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense; (*bold and underline added.*)

4 Texas Code of Criminal Procedure § 18.01(c) “...Except as provided by Subsections (d), (i), and (j), **ONLY** a judge of a municipal court of record or a county court **who is an attorney licensed by the State of Texas**, a statutory county court judge, a district court judge, a judge of the Court of Criminal Appeals, including the presiding judge, a justice of the Supreme Court of Texas, including the chief justice, or a magistrate with jurisdiction over criminal cases serving a district court **may issue warrants under Article 18.02(10).** **A layman non-lawyer Justice of The Peace is NOT included as a “judge” who may issue a “warrant” under Article 18.02(10).**

(d) **ONLY the specifically described property** or items set forth in a search warrant issued under Subdivision (10) of Article 18.02 of this code or property, items or contraband enumerated in Subdivisions (1) through (9) or in Subdivision (12) of Article 18.02 of this code **may be seized**. A subsequent search warrant may be issued pursuant to Subdivision (10) of Article 18.02 of this code to search the same person, place, or thing subjected to a prior search under Subdivision (10) of Article 18.02 of this code only if the subsequent search warrant is issued by a judge of a district court, a court of appeals, the court of criminal appeals, or the supreme court.

(i) In a county that does not have a judge of a municipal court of record who is an **attorney licensed by the state**, a county court judge who is **an attorney licensed by the state**, or a statutory county court judge, any magistrate may issue a search warrant under Subdivision (10) or Subdivision (12) of Article 18.02 of this code. This subsection is not applicable to a subsequent search warrant under Subdivision (10) of Article 18.02 of this code.

(j) Any magistrate **who is an attorney licensed by this state** may issue a search warrant under Article 18.02(10) to collect a blood specimen from a person who:

- (1) is arrested for an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code; and
- (2) refuses to submit to a breath or blood alcohol test.

(capitals, bold and underline added.)

5 Texas Penal Code § 42.09.(c) An offense under Subsection (a)(2), (3), (4), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.092, or one time under this section and one time under Section 42.092. An offense under Subsection (a)(1),

which is the “evidence” of a criminal offense of animal cruelty, is **controlled** by Texas Code of Criminal Procedure § 18.02(10).

- (7) According to Texas Code of Criminal Procedure § 18.01(b) “**NO** search [**seize**] warrant shall issue **for ANY purpose** in this state unless sufficient facts are first presented **to satisfy the issuing magistrate** that probable cause does in fact exist for its issuance.”
- (8) According to Texas Code of Criminal Procedure § 18.01(c) a layman non-lawyer Justice of The Peace is NOT a Judge who is “**an attorney licensed with the state**”:
1. therefore is NOT a “**magistrate**” who can determine that probable cause exists for the issuance of a “Warrant” to “SEIZE” an animal.(§ 18.01(b)).⁶
 2. therefore is NOT a “**magistrate**” who can issue a warrant to “search for and **seize**” property or items of evidence of an offense (§ 18.02(10)).

AS A MATTER OF LAW

- (1) As a matter of “law”, in the state of Texas, a layman non-lawyer “Justice Of The Peace”, **MAY** issue an **ARREST** Warrant. (§ 15.01).
- (2) As a matter of “law”, in the state of Texas, a layman non-lawyer “Justice of The Peace”, **CAN NOT** issue **ANY SEARCH / SEIZE** Warrant to obtain evidence of a criminal offense, therefore they can NOT issue ANY “warrant” for the “seizure” of ANY animals, which are **the evidence** of an offense of animal cruelty. (§ 18.01(c); § 18.01(b); § 18.02(10)).

VIOLATION OF FOURTH AMENDMENT

“If the initial intrusion is bottomed upon a warrant that fails to mention a **particular object**, though the police know its location and intend to seize it, then there is a violation of the express constitutional requirement of "Warrants . . . **particularly**

(5), (6), (7), or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted two times under this section, two times under Section 42.092, or one time under this section and one time under Section 42.092.

6 Texas Code of Criminal Procedure § 18.01(b): **NO** search warrant shall issue **for ANY purpose** in this state unless sufficient facts are first presented to satisfy the issuing **magistrate** that probable cause does in fact exist for its issuance.

describing . . . [the] **things to be seized**." *Coolidge v. New Hampshire*, 403 U.S. 443, S.Ct. (1971).

Although layman non-lawyer Justices of The Peace have NO “legal” power, authority, or jurisdiction to issue ANY warrant to “seize” any animal in the state of Texas, layman non-lawyer Justices of The Peace have been signing and issuing “warrants for animal seizure” in complete violation of both the Constitution of the United States and the Texas Constitution, as well as codified law. Layman non-lawyer Justices of The Peace have been routinely signing and issuing “unconstitutional blanket warrants”⁷ which completely fail to “particularly describe” ANY particular “object” or thing (animal) to be seized, in direct violation of the protections and requirements set down by the Fourth Amendment to the United States Constitution:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and **particularly describing** the place to be searched, and the persons or **things to be seized**.”

1. **Particular:** “1. pertaining to a **single or specific** person, **thing**, etc. 2. considered separately from others; **specific**. 3. special; unusual. 4. exacting; fussy. 5. **an individual or distinct part, as an item of a list**.” (Random House Webster's Dictionary, second edition, 1996).
2. **Describe:** “1. To depict in words. 2. to pronounce or name. 3. to draw the outline of. (Random House Webster's Dictionary, second edition, 1996).
3. **Object:** 1. anything that is visible or tangible; 2. a thing or person to which thought or action is directed.” (Random House Webster's Dictionary, second edition, 1996).
4. **Thing:** “1. an inanimate object; 8. **a living being; creature**.” (Random House Webster's Dictionary, second edition, 1996).

These wrongfully issued “unconstitutional blanket warrants” also fail to particularly describe “**as near as may be**” ANY particular “object” or thing (animal) to be seized, in violation of the protections and requirements set down by Article 1, Section 9 of the Texas Constitution:

⁷ BLACK'S LAW DICTIONARY defines a “Blanket Search Warrant” as: “(1) a single search warrant that authorizes the search of more than one area; (2) an unconstitutional warrant that authorizes the seizure of everything found at a given location, without specifying which items may be seized.”

“Sec. 9. SEARCHES AND SEIZURES. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or **thing**, shall issue **without describing them as near as may be**, nor without probable cause, supported by oath or affirmation.”

Layman non-lawyer Justices of The Peace have wrongfully issued warrant after warrant to seize entire herds of livestock or collections of animals in cases all over Texas which display the complete disregard by layman non-lawyer Justices of The Peace for both the United States and Texas “CONSTITUTIONAL” directives for “legal” warrants. One of the most common phrases which the layman non-lawyer J.P.'s have used includes the generic terms “All Animals Alive, Dead, and Unborn”, which is obvious to even a grade-schooler that this statement does NOT particularly describe ANY specific animal. Justices of The Peace routinely use other generic terms such as “27 horses”, “57 Arabian breed studs and mares”, and other “unspecific” terms. Millions of dollars worth of TAXPAYER money has been wrongfully spent in wrongfully “taking” entire herds of livestock or collections of animals from longstanding owners, all at the hand of layman non-lawyer Justices of The Peace. These entire herds of livestock and collections of animals have been wrongfully taken OUT of the “tax-base” and put forever into “non-taxable” status, by layman non-lawyer Justices of The Peace, single handedly.

The language of the Animal Cruelty statutes found in Texas Health & Safety Code § 821.021 et seq., and Texas Penal Code § 42.09 et seq., directs ONLY for “**an**” animal [singular] and “**the**” animal [singular]. There is NOTHING in either § 821.021 et seq., or § 42.09 et seq., which provides directives to issue blanket warrants for entire herds of livestock or collections of animals. There is NOTHING in the codified “law” which states if one animal is found to be cruelly treated, you must take them all. The “LAW” is very clear that ONLY single animals can be considered on an individual basis. These unconstitutional blanket warrants fail to particularly describe any “specific” animal to which any “specific” allegations of animal cruelty can be attached. These warrants fail to describe the sex, approximate age, body coat color, markings, scars, brands, tattoos, or any other defining characteristic, which specifically defines ANY particular animal. These unconstitutional blanket warrants provide NO way for any reasonably minded person to determine “which” **particular** animal is the subject of any of these invalid “Warrants” in complete violation of the requirements of the Fourth Amendment and

Article 1, Section 9 of the Texas Constitution.

Justices of The Peace in the state of Texas have gotten completely out of hand in disregarding the very limited position they hold. It is time that you Justices of The Peace consider just what you have been accomplishing, under the “guise of law.”

In *Weeks v. United States*, 232 U.S. 383, S.Ct. (1914), through Mr. Justice Day, this court said: "The effect of the Fourth Amendment is to put the courts of the United States and Federal officials, in the exercise of their power and authority, **under limitations and restraints** as to the exercise of such power and authority, and to forever secure the people, their persons, houses, papers and effects **against all unreasonable searches and seizures under the guise of law**. This protection reaches all alike, whether accused of crime or not, and the duty of giving to it force and effect is obligatory upon all entrusted under our Federal system with the enforcement of the laws. **The tendency of those who execute the criminal laws of the country to obtain conviction by means of unlawful seizures** and enforced confessions, the latter often obtained after subjecting accused persons to unwarranted practices destructive of rights secured by the Federal Constitution, **should find no sanction in the judgments of the courts which are charged at all times with the support of the Constitution** and to which people of all conditions have a right to appeal for the maintenance of such fundamental rights. . . . The efforts of the courts and their officials to bring the guilty to punishment, praiseworthy as they are, **are not to be aided by the sacrifice of those great principles established by years of endeavor and suffering which have resulted in their embodiment in the fundamental law of the land.**"

CONCLUSION

Texas Justices of The Peace have sacrificed the principles of the fundamental law of the land, and the protections and guarantees of the Constitution far too long. Longstanding animal owners have been routinely raided and their entire herds of livestock and collections of animals “taken” in Nazi like conduct because of illegitimate warrants wrongfully issued by layman non-lawyers who have no “legal” power, authority, or jurisdiction to do so, as a matter of law.

According to Texas Penal Code § 42.09, Animal Cruelty is a criminal offense, therefore Texas Code of Criminal Procedure § 18.01 et seq., **controls** the issuance of ANY warrant to “search for and

seize” an animal, which is the “evidence” of an offense of animal cruelty.(§ 18.02(10)). Layman non-lawyer Justices of The Peace are NOT a “Judge” who is “**an attorney licensed with the state**”, therefore according to Texas Code of Criminal Procedure § 18.01(c) these layman non-lawyers have NO “legal” jurisdiction to issue ANY warrant to “search for and seize” ANY property or items of evidence. Layman non-lawyer Justices of The Peace are NOT a “Judge” who is “**an attorney licensed with the state**”, therefore they have NO “legal” jurisdiction to determine whether ANY probable cause exists for the issuance of a Warrant For Animal Seizure. (§ 18.01(b)).

It is time for layman non-lawyer Justices of The Peace to stop ignoring and intentionally disregarding the language of the law which defines the “limits” of their jurisdiction. It is time for layman non-lawyer Justices of The Peace to stop ignoring and intentionally disregarding the codified “legal” procedure for obtaining a “SEIZURE” warrant, according to Texas Code of Criminal Procedure § 18.01(c), §18.01(b), and § 18.02(10). It is time for layman non-lawyer Justices of The Peace to STOP violating the God given rights of animal owning citizens which are protected and guaranteed by the Constitutions of the United States and Texas.

Justices of The Peace are elected “officials” who have a duty and responsibility to abide by the “law” - especially the laws which define the very limited “legal” limitations of your position as a layman non-lawyer Justice of The Peace.

The Taxpayers of Texas are submitting this information to you to demand that you “elected” officials immediately stop issuing warrants for animal seizure that you have NO “legal” right, power, authority, or jurisdiction to issue. Stop “twisting” codified “law” to commit completely unconstitutional acts against Taxpaying animal owners. The Taxpayers of Texas now demand that you – as a collective body of Justices of The Peace – recall ALL the warrants that you have wrongfully issued for animal seizure, especially your unconstitutional blanket warrants that have “taken” entire herds of livestock and collections of animals from longstanding owners. These warrants were null and void at the moment they were issued, have no power or effect, and must be immediately recalled. The Taxpayers of Texas demand that you immediately issue recall of your illegitimate “warrants” without any delay or obstinate refusal. Taxpayers demand that you immediately recall your “warrants” on your own “order” without any delay and without any more cost to the Taxpayers – simply issue your “recalls” and be done with it. You layman non-lawyer Justices of The Peace have no excuse by which you can deny your duty to recall these unconstitutional blanket warrants. You all have records – or

should have as a course of proper court conduct - of the cases which you have wrongfully and unlawfully issued warrants for animal seizure, so there is no excuse for you to not go through your files and “clean up your house.” This is the time to listen to your “constituents – not the time to try to find a “lawyer” who will attempt to play legal gymnastics. The “Warrants” ALL speak for themselves.

It is also time for you Justices of The Peace to fully realize that your unlawful conduct has resulted in millions of dollars of Taxpayer money to be spent for ONLY the benefit of “private citizens.” NO significant governmental interest is shown in ANY of the hundreds of cases of your wrongful “taking” of entire herds of livestock or collections of animals, which is beyond ANY limit of your jurisdiction. The ONLY “interest” which has been served in any of these “animal” cases has been the interest of “private citizens” who are masquerading as animal “rescuers” to whom you have wrongfully “given” all the animals, all paid for by us, the Taxpayers. These “private citizens” routinely impersonate “investigators” when the real truth is that they have NO “official” authority, and ONLY have obtained 501(c)(3) non-profit status, which gives them ONLY the permission to operate “tax-free”. The “racketeering” activity of these groups of “private citizens” is now coming into much clearer focus each day. The FBI is investigating many of these wrongful “seizures” of entire herds of livestock and other collections of animals. Many of these groups of “private citizens” are now being made defendants in state and federal courts for their wrongful conduct including RICO violations.

HSUS (Humane Society of the United States) - which most “private citizens” acting under the guise of “animal rescue” are affiliated with - is reported by CNN to be under investigation for RICO violations. HSUS, along with ASPCA and several other animal “rescue” organizations are named as defendants in Fed. Dist. Courts for RICO and other violations. In December 2012, ASPCA paid Feld Entertainment (Ringling Brothers Circus) \$9.3 million as a settlement to avoid going to trial for RICO violations. SPCA is under U.S. Senate investigation for their funding practices and alignment with Quadriga Art. Several “private citizens” guised as animal “rescuers” are now defendants for their illegal and unconstitutional conduct, criminal trespass onto animal owner's property, and criminal theft of animal owner's personal property including images and video which they had no “legal” permission to obtain.

Justices of The Peace in Texas have intentionally used Taxpayers to “subsidize” literal “horse and animal theft.” The real truth about these cases - not the manufactured evidence presented to J. P.s by “private citizens”, who cloak themselves as animal “rescuers, who have a vested interest in being

“awarded” these herds and collections of animals – shows that these cases are clearly nothing less than the total miscarriage of justice, perpetrated by layman non-lawyer Justices of The Peace. Layman non-lawyer Justices of The Peace have engaged in nothing less than “**government sanctioned horse and animal theft**” clearly in the absence of any jurisdiction, leaving longstanding livestock and animal owners destroyed and the Taxpayers picking up the tab. Taxpayers of Texas now demand that this be immediately corrected, and stopped. Your conduct is illegal. You have cost the Taxpayers enough, and the costs are steadily rising, as victims of this unconstitutional conduct seek relief and restitution through the legal system. We do NOT want to be used to “subsidize” this abuse of your very limited power anymore. Recall your illegitimate “warrants” and let the Judges who are “attorneys licensed with the state” issue “legal” warrants, in the future. Let the courts of competent jurisdiction provide proper due process for ANY allegations of animal cruelty.

Longstanding animal owners have fought individually for their rights as a result of all of this unconstitutional conduct. They should never have had to endure this trampling of their protected and guaranteed rights. The Justices of The Peace must finally realize that the Taxpayers have finally figured out that you have NO “legal” right to continue to participate in ANY animal seizure case. The costs the Taxpayers are having to pay for all of this wrongful conduct is quite alarming, and is being published to the Taxpaying public. There is enough codified law which clearly shows that layman non-lawyer Justices of The Peace have no “legal” jurisdiction in animal cruelty cases, so there is no justifiable reason for the Justices of The Peace to force the Taxpayers to engage in costly legal battles to recall your illegitimate warrants, all at Taxpayer expense.

Texas Justices of The Peace – You are being asked to voluntarily excuse yourselves in any cases of alleged animal cruelty, and forward these cases to the District Attorneys, and District Courts – the courts of competent jurisdiction where they belong. Stop wrongfully intruding on the lives and rights of Texas Animal Owners and Taxpayers when you have no jurisdiction to do so:

“The government must PROVE a "significant governmental interest" in infringing on constitutional rights and even if there is found a significant interest to infringe on the rights of the person, the government will do so in the least intrusive manner.”
FW/PBS v. DALLAS 493 US 215, 110 S.Ct. 596, 107 L. Ed. 2d 603 - Supreme Court, 1990.”

Respectfully Submitted - “taxpaying” *Animal Owners for Justice*.