

Phillip Hudok; next friend
Phone (304) 940.9646
On behalf of
Thomas David, House of Deegan
being held under prisoner warehouse ID # 3559707
West Virginia North Central Jail
1 Lois Lane Greenwood, West Virginia 26415

**Wood County Circuit Court
Parkersburg West Virginia**

Thomas David House of Deegan
Petitioner

vs

Patrick Morrissey: esq
Representing the
Corporate STATE OF WEST VIRGINIA et al,
Respondent

and

West Virginia North Central Regional
Tim Bowen: warden
Respondent

and

Robin Waters: magistrate
Respondent

and

Jason Wharton: prosecuting attorney
Respondent

and

Kevin Williams: WEST VIRGINIA state trooper
Respondent

and

Jeffrey B. Reed: judge

) in the matter regarding
) **Case # 15-B-328** and
) **Case # 11F101**
) Judge : Jeffery B Reed
) **PETITION FOR WRIT OF HABEAS CORPUS**
) **Memorandum of Law**
) **in Support of West Virginia**
) **Writ of Habeas Submitted Under**
) **Article 4 @ 53-@ 53-4A-1**
) for the immediate release of
) **Thomas Deegan or in the alternative**
) **3 DAY ORDER TO SHOW CAUSE**
) **WHY WRIT SHOULD NOT BE GRANTED**
) Lawful grounds supporting jurisdiction
) must be stated and presented under sworn
) affidavit at time of show cause hearing if
) he is not immediately released
) Notice and demand for injunctive and declaratory
) evidence supported by sworn affidavit and
) exhibit evidence
) previously entered into the record as stated
) herein)
) **PLEASE FILE ON DEMAND**
) **Pursuant to US Constitution, laws and treaties**

) **28 U.S.C. § 2254, §2243,**
) **28 U.S.C. § 1361 (Mandamus)**
) **28 U.S.C. § 1331 (federal question)**
) **ORDER TO SHOW CAUSE**
) Re: Habeas petition to West Virginia State et al

Writ of Habeas Corpus

Affidavit of Writ of Habeas Corpus in support of the facts regarding **Case # 15-B-328** and **Case # 11F101** Habeas corpus relief from an unlawful West Virginia incarceration of Thomas David House of Deegan

Affirmati, non 'neganti incumbit probatio-the proof lies upon him who affirms, not on him who denies.

[illegible]

West Virginia State } the following text is affirmed and subscribed to
Wood County } in this de jure venue; to wit:

OFFICIAL NOTICE REQUESTED / JUDICIAL NOTICE REQUIRED

Notice to agent is notice to principal and notice to principal is notice to agent.

No authority to withhold this information from a grand Jury or Congress pursuant to Title 5 - USC - Chapter 5, sections 552 A.5 (c) (d)

Federal Rules of Evidence, which are otherwise restrictive, do not apply to a grand jury proceeding.

Exclusion provision at F.R.C.P.Rule 1101(d)(2), is found at 28 U.S.C. 2072

see: United States, 250 U.S. 273, 282 (1919), the grand jury retains common law powers and authority vested by common law

I, Phillip Hudok, hereinafter referred to as: Affiant, one of the people, comes now before all-the-World, and Affiant says to all- the-World the following:

1. Affiant's mailing location: RR#1 Box 11 Huttonsville, West Virginia 26273
2. Affiant is not aware of and has not seen any competent evidence from a competent fact witness with firsthand knowledge showing that Affiant is not of full legal age or of complete capacity and able to care for the needs of Affiant, or others.
3. Affiant is not aware of and has not seen any competent evidence from a competent fact witness with firsthand knowledge showing that THE STATE OF WEST OF VIRGINIA et al, Patrick Morrissey, Tim Bowen, Robin Waters, Kevin Williams, Jason Wharton hereinafter called respondents have not made an offer of proof in persona and political of subject matter jurisdiction for and on the record of a constitutionally compliant complaint claim under their own sworn affidavit when given the opportunity to rebut the constitutional violations and other injury claims stated for relief in the habeas corpus submitted on behalf of petitioner Thomas David Deegan and Affiant, believes they cannot.

Question of Jurisdiction.

Habeas Corpus stays all other proceedings.

There is no other plain, speedy, or adequate remedy at law.

- 4) Petitioner through his next friend Phillip Hudok hereby petitions this court under 18 U.S.C § 241, and 242 et seq., regarding deprivation of constitutional secured rights to issue a writ of Habeas Corpus ordering Petitioner's immediate release from custody from the jail of Custodian warden jailer, Tim Bowen or in the alternative Petitioner requests that the Court order Respondents to show lawful cause under their own sworn affidavit with penalties for perjury why petitioner should not be released within Three days pursuant to 28 U.S.C §2243 and other provisions of both State and Federal law.

5) Habeas Corpus is a Guarantee against any detention that is forbidden by law, State Punishment without the permission of a constitutional compliant and competent in the premise Grand jury is defined as ATTAINDER. The United States Constitution outlaws Bills of ATTAINDER.

6) Comes now, Phillip Hudok, Friend of Petitioner, Thomas David Deegan as next friend for and on behalf of the wrongfully imprisoned man Thomas David House of Deegan seeking his unconditional and immediate release from imprisonment under prisoner warehouse; ID # 3559707 at the North Central Regional Jail.

7) Phillip Hudok, herein after called Affiant the next friend has not seen any competent fact witness with firsthand Knowledge showing any documentary evidence that the Prosecution can prove that he has not in fact failed to rebut nor answer any of the notices and documents previously submitted by Thomas Deegan under his/their own sworn affidavit to the following instruments presented by Thomas David House of Deegan and on behalf of him regarding the current instant action.

8) Abatements regarding abuse of process and irregular on its face constitutionally defective process against him that has caused his imprisonment for being absent due process of law, constitutional compliant standing, and subject matter jurisdiction, valid contracts nor any lawfully presented claims.

9). Criminal Complaints, jurisdictional complaints and all other petition documents entered into the official record by Thomas David Deegan and Others regarding first amendment constitutional protected grievances Thomas and others seek to get redressed regarding what appears to be wrongful criminal behavior by people currently providing governmental services for the State of West Virginia. It should not be a crime to report what you have discovered that a crime being committed by public servants, whistle blowers are protected by federal and state law

10) As such his next friend Affiant, Phillip Hudok, Friend of Petitioner Thomas David House of Deegan petitions this court on behalf of the imprisoned Thomas David House of Deegan to immediately order the release of Thomas David of the house of Deegan immediately and vacate the instant action against him with prejudice that has caused his imprisonment and let him come home to his family for this Christmas.

Affiant respectfully presents this sworn petition and writ of habeas corpus for and on behalf of his Friend, Thomas David House of Deegan, who is wrongfully being held and imprisoned without due process of law and lawfully supported sworn affidavits in violation of constitutionally protected rights.

Affiant certifies this affidavit and petition for writ of habeas corpus under oath before a notary public to the best of his information and belief and not to do any harm to anyone as true correct and complete reserves all rights to amend this petition and complaint as necessary if any corrections need to be made.

All rights reserved; without recourse and without prejudice

Phillip Hudok

Phillip Hudok
Affiant and next friend

Date: December 15th, 2015

Notary Acknowledgment

STATE OF WEST VIRGINIA

§

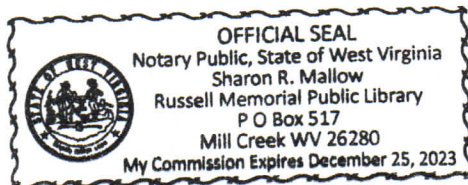
COUNTY OF RANDOLPH

On this 15 day of December, 2015, before me personally appeared Phillip Hudok, (whose identity has been proven on the basis of satisfactory evidence), and acknowledgment that he executed the same.

Sharon R. Mallow
Notary Signature

Date: December 15, 2015

SEAL



Declaration of Service

I, Phillip Hudok, do hereby assert, declare, proclaim and publish that I, under full liability and complete transparency, on the fifteenth day of December, in the Year of our Lord two thousand fifteen, caused to be served by USPS, certified mail number 7015 0640 0007 1592 5714 a true, accurate and complete amended copy of PETITION FOR WRIT OF HABEAS CORPUS for the immediate release of Thomas Deegan or in the alternative THREE DAY ORDER TO SHOW CAUSE WHY WRIT SHOULD NOT BE GRANTED to Wood County Circuit Clerk, Carole Jones, to wit:

Wood Co. Judicial Building
2 Government Square, Room 131
Parkersburg, WV 26101-5353

I, Phillip Hudok, do assert, declare, proclaim and publish, under full liability and complete transparency, that the foregoing is true, correct and complete, the truth, the whole truth and nothing but the truth, to the best of my knowledge and ability, so help me God.

Autographed on the fifteenth day of December, in the Year of our Lord two thousand fifteen.

Without Recourse and Without Prejudice

Phillip Hudok



Phillip Hudok; next friend
Phone (304) 940.9646
On behalf of
Thomas David, House of Deegan
being held under prisoner warehouse ID # 3559707
West Virginia North Central Jail
1 Lois Lane Greenwood, West Virginia 26415

Doddridge County Circuit Court
118 East Court Street
West Union, WV 26456

Thomas David House of Deegan) in the matter regarding
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) Case # <u>11F101</u>
vs) Judge : Jeffery B Reed
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Robin Waters: magistrate) evidence supported by sworn affidavit and
Respondent) exhibit evidence
) previously entered into the record as stated
and) herein)
) PLEASE FILE ON DEMAND
Jason Wharton: prosecuting attorney) Pursuant to US Constitution, laws and treaties
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and) 28 U.S.C. § 2254, §2243,
Kevin Williams: WEST VIRGINIA state trooper) 28 U.S.C. § 1361 (Mandamus)
Respondent) 28 U.S.C. § 1331 (federal question)
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Writ of Habeas Corpus

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West Virginia State Doddridge County

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Affiant respectfully presents this sworn petition and writ of habeas corpus for and on behalf of his Friend, Thomas David House of Deegan, who is wrongfully being held and imprisoned without due process of law and lawfully supported sworn affidavits in violation of constitutionally protected rights.

Affiant certifies this affidavit and petition for writ of habeas corpus under oath before a notary public to the best of his information and belief and not to do any harm to anyone as true correct and complete reserves all rights to amend this petition and complaint as necessary if any corrections need to be made.

All rights reserved; without recourse and without prejudice

Phillip L. Hudok

Phillip Hudok
Affiant and next friend

Date: December 15th, 2015

Notary Acknowledgment

STATE OF WEST VIRGINIA

§

COUNTY OF RANDOLPH

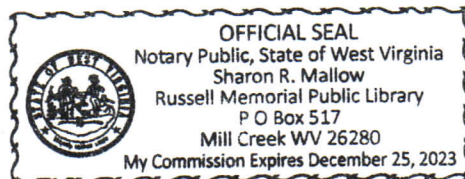
On this 15 day of December, 2015, before me personally appeared Phillip Hudok, (whose identity has been proven on the basis of satisfactory evidence), and acknowledgment that he executed the same.

Sharon R. Mallow

Notary Signature

Date: December 15, 2015

SEAL



Affidavit of Service


I, Phillip Hudok, do hereby aver, assert, attest and affirm that I, under full liability and complete transparency, on the fourteenth day of December, in the Year of our Lord Jesus Christ two thousand fifteen, caused to be served in hand PETITION FOR WRIT OF HABEAS CORPUS for the immediate release of Thomas Deegan or in the alternative THREE DAY ORDER TO SHOW CAUSE WHY WRIT SHOULD NOT BE GRANTED to the DODDRIDGE COUNTY CIRCUIT CLERK to be placed in the purported public record case file in care of the CIRCUIT CLERK to wit:

I, Phillip Hudok, do affirm, under full liability and complete transparency, that the foregoing is true, correct and complete, the truth, the whole truth and nothing but the truth, to the best of my knowledge and ability, so help me God.

Signed on the fourteenth day of December, in the Year of our Lord Jesus Christ two thousand fifteen.

Without Recourse and Without Prejudice

Phillip Hudok



DODDRIDGE COUNTY
CIRCUIT COURT

DEC 14 2015

DWIGHT E. MOORE
CIRCUIT CLERK

OFFICE OF THE CIRCUIT CLERK

RECEIPT #: 20647

Doddridge
118 East Court St.
West Union

DATE RECEIVED: 12/14/2015

RECEIVED FROM: PHILLIP HUDOK

TOTAL: \$200.00

STYLE OF CASE
THOMAS DAVID
VS.
PATRICK MORRISSEY

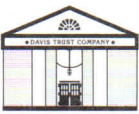
CASE #: 15-P-13

IN PAYMENT OF FILING FEE - WRIT OF HABEAS CORPUS
BY Cash

Dwight E. Moore
CLERK OF THE CIRCUIT COURT

BY





DAVIS TRUST COMPANY
227 DAVIS AVENUE
POST OFFICE BOX 1429
ELKINS, WEST VIRGINIA 26241-1429

262327

Remitter : Phillip Hudok

DATE

AMOUNT

120 DOLLARS AND 00 CENTS

December 15, 2015

\$120.00

Doddridge County

*Service of Writ of
Habeas Corpus*

NON-NEGOTIABLE

Jason Wharton
Wood County Prosecutor
317 Market Street
Parkersburg, WV 26101

Jeffrey B. Reed
Wood County Circuit Judge
Wood County Judicial Building
2 Government Square, Room 221
Parkersburg, WV 26101-5353

Kevin Williams
State Police Dept. Wood County
3828 Staunton Turnpike
Parkersburg, WV 26104

Tim Bowen
North Central Regional Jail Warden
1 Lois Lane
Greenwood, WV 26415

Robin Waters
Wood County Magistrate
401 2nd Street, Suite 12
Parkersburg, WV 26101

Patrick Morrissey
West Virginia Attorney General
Building 1 Room E-26
1900 Kanawha Blvd.
Charleston, WV 25305