

Memorandum of Law In Support of West Virginia Writ of Habeas Corpus Submitted Under Article 4 @ 53-4A-1

COMES NOW THE PETITIONER: Thomas David Deegan Who is unschooled in law and speaks only in guttural vernacular to apply his right to the Writ of Habeas Corpus to inquire as to the Nature and Cause of His detention in: North Central Regional Jail.

1. No meaningful hearing before a Court of Record has occurred prior to incarceration.
2. No explanation of the Nature of the Action has been explained to petitioner prior to incarceration.
3. No explanation of the Cause of Action has been explained to petitioner prior to incarceration.
4. No assistance of Counsel was afforded petitioner.
5. Subject Matter Jurisdiction was not established prior to incarceration.
6. This petitioner demands immediate implementation of this Writ.
7. All findings of fact and conclusions of law regarding the Writ shall be in writing.

Respectfully Submitted,

Date 09/25/2015



EXHIBIT "A"

Memorandum of Law
In Support of Federal Writ of Habeas Corpus
Submitted Under Title 28 USC, Part VI, CHAPTER 153, §§ 2241-2256
[FRCP RULE 81]

VERIFIED WRIT OF HABEAS CORPUS

COMES NOW THE PETITIONER THOMAS DAVID DEEGAN

Who is unschooled in law and speaks only in guttural vernacular to apply his right to the

Writ of Habeas Corpus to inquire as to the Nature and Cause of His detention

in NORTH CENTRAL REGIONAL JAIL.

- 1. No meaningful hearing before a Court of Record has occurred prior to incarceration.**
- 2. No explanation of the Nature of the Action has been explained to petitioner prior to incarceration.**
- 3. No explanation of the Cause of Action has been explained to petitioner prior to incarceration.**
- 4. No assistance of Counsel was afforded petitioner.**
- 5. Subject Matter Jurisdiction was not established prior to incarceration.**
- 6. This petitioner demands immediate implementation of this Writ.**
- 7. All findings of fact and conclusions of law regarding the Writ shall be in writing.**

Respectfully Submitted,

Date 10 / 02 / 2015

Deena Miller

EXHIBIT "B"

Expatriation Act

CHAP. CCXLIX – *An Act concerning the Rights of American Citizens in foreign States.*

July 27, 1868.

Rights of
American
citizens in
foreign states.
Preamble.

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle, this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendents, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed; Therefore,

Right of
Expatriation
declared.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government.

Protection to
naturalized
citizens in
foreign states.

Sec. 2. *And be it further enacted, That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances.*

Release of
citizens
imprisoned by
foreign
governments
to be
demanded.

Sec. 3. *And be it further enacted, That whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.*

Facts to be
communicate
d to Congress.

Approved, July 27, 1868.

EXHIBIT "C"

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT WEST VIRGINIA

COPY - The original was filed in
the Clerk's Office at Charleston on

OCT - 2 2015

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

THOMAS DAVID DEEGAN

Plaintiff

Vs.

STATE OF WEST VIRGINIA ET AL

Defendant

Case # 2:15-CV-13638

Federal Writ of Habeas Corpus @ Title 28 USC, Part VI,
Chapter 153 SS 2241-2256 **COMPLAINT**

1. Thomas David Deegan was arrested on/or about 9/23/2015
2. Thomas David Deegan was thrown into state prison on/or about 09/24/2015
3. Writ of Habeas Corpus was served on/or about 09/25/2015 to warden of North Central Regional Jail (Exhibit A)
4. Thomas David Deegan has not been taken before a state court judge
5. To date, Thomas David Deegan is being held in limbo at North Central Regional Jail, in Greenwood, West Virginia.
6. No meaningful hearing before a Court of Record has occurred prior to incarceration.
7. No explanation of the Nature of the action has been explained to petitioner prior to incarceration.
8. No explanation of the Cause of Action has been explained to petitioner prior to incarceration.
9. No assistance of Counsel was afforded petitioner.
10. Subject Matter Jurisdiction was not established prior to incarceration.
11. Petitioner demands immediate implementation of this Writ.
12. All findings of fact and conclusions of law regarding this Writ shall be in writing.

EXHIBIT "D"

13. Thomas David Deegan has no other remedy or redress of grievance except through a Federal Writ of Habeas Corpus.
14. Thomas David Deegan has to follow through procedure of filing the state Writ of Habeas Corpus and Federal Writ of Habeas Corpus prior to invoking the Provost Marshal.
15. Thomas David Deegan has no other recourse except under the Expatriation Act of 1868, as he has rights in foreign territory's, and will be petitioning the President of the United States through the Provost Marshal, to invoke the U.S. Military to adjudicate the above stated issues. (Exhibit C)
16. Dana Miller originally served the state Writ of Habeas Corpus at the North Central Regional jail in Greenwood, West Virginia to warden.
17. Thomas David Deegan is protected by the amendments of the U.S. Constitution against the actions of West Virginia and their officials.
18. Thomas David Deegan is protected by their oaths of office of the West Virginia officials.
19. Thomas David Deegan's civil rights are being violated, by the action(s) of West Virginia officials as it relates to the state and federal constitutions.
20. Thomas David Deegan's civil rights are being violated under 42 USC 1983, 42 USC 1985, 42 USC 1986, 42 USC 1987.
21. Thomas David Deegan's rights are being violated in foreign territories (West Virginia) by their officials, thus violating the Expatriation Act of 1868 (exhibit C).

THOMAS DAVID DEEGAN

Date: 10/02/2015

BY: /s/ Dana J. Miller

Memorandum of Law In Support of West Virginia Writ of Habeas Corpus Submitted Under Article 4 @ 53-4A-1

COMES NOW THE PETITIONER: Thomas David Deegan Who is unschooled in law and speaks only in guttural vernacular to apply his right to the Writ of Habeas Corpus to inquire as to the Nature and Cause of His detention in: North Central Regional Jail.

1. No meaningful hearing before a Court of Record has occurred prior to incarceration.
2. No explanation of the Nature of the Action has been explained to petitioner prior to incarceration.
3. No explanation of the Cause of Action has been explained to petitioner prior to incarceration.
4. No assistance of Counsel was afforded petitioner.
5. Subject Matter Jurisdiction was not established prior to incarceration.
6. This petitioner demands immediate implementation of this Writ.
7. All findings of fact and conclusions of law regarding the Writ shall be in writing.

Respectfully Submitted,

Date 09 / 25 / 2015



EXHIBIT "A"

**Memorandum of Law
In Support of Federal Writ of Habeas Corpus
Submitted Under Title 28 USC, Part VI, CHAPTER 153, §§ 2241-2256
[FRCP RULE 81]**

VERIFIED WRIT OF HABEAS CORPUS

COMES NOW THE PETITIONER THOMAS DAVID DEEGAN

Who is unschooled in law and speaks only in guttural vernacular to apply his right to the
Writ of Habeas Corpus to inquire as to the Nature and Cause of His detention

in NORTH CENTRAL REGIONAL JAIL.

1. No meaningful hearing before a Court of Record has occurred prior to incarceration.
2. No explanation of the Nature of the Action has been explained to petitioner prior to incarceration.
3. No explanation of the Cause of Action has been explained to petitioner prior to incarceration.
4. No assistance of Counsel was afforded petitioner.
5. Subject Matter Jurisdiction was not established prior to incarceration.
6. This petitioner demands immediate implementation of this Writ.
7. All findings of fact and conclusions of law regarding the Writ shall be in writing.

Respectfully Submitted,

Date 10 / 02 / 2015

Gene J. Miller

EXHIBIT "B"

Expatriation Act

CHAP. CCXLIX – *An Act concerning the Rights of American Citizens in foreign States.*

July 27, 1868.

Rights of
American
citizens in
foreign states.
Preamble.

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle, this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendents, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed; Therefore,

Right of
Expatriation
declared.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government.

Protection to
naturalized
citizens in
foreign states.

Sec. 2. *And be it further enacted,* That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances.

Release of
citizens
imprisoned by
foreign
governments
to be
demanded.

Sec. 3. *And be it further enacted,* That whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

Facts to be
communicate
d to Congress.

Approved, July 27, 1868.

EXHIBIT "C"

EXHIBIT "E"

Form Prescribed by Department of State Tax Commissioner for Inspection and Supervision of Public Offices, etc.

KANAWHA COUNTY SHERIFF'S DEPT.

LEGAL PROCESS DIVISION

10/2/15

1109

\$ 50.00

20

DOLLARS

RECEIVED OF THOMAS DEEGAN

FIFTY DOLLARS xx/100

IN PAYMENT OF SUMMONS

CA# 13 CV-1310-100

FIFTY DOLLARS xx/100

THOMAS DEEGAN of THOMAS DEEGAN & SONS

KEVIN WILLIAMS of THOMAS DEEGAN & SONS

FOR ROBIN WATERS

JOHN D. RUTHERFORD

SHERIFF AND TREASURER

BY Olivia Cummings

DEPUTY

FUND

THE PERSON PAYING MONEY INTO THE TREASURY SHALL FORTHWITH FILE ONE OF THESE RECEIPTS WITH THE COUNTY CLERK