IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT AND IN FOR SAINT LUCIE COUNTY, FLORIDA

STATE OF FLORIDA)	CASE NO's: **98-823-CFB**
(Plaintiff/Respondent))	**562004CT005567**
VS.)	**2004CT0005567**
)	**2005CT002801**
)	**562007CF4217**
)	**2007TR043187 A1**
)	**2007TR043182 A1**
)	**2010MM001552 A**
)	
)	JUDGE: **DAN VAUGHN**
AMUNHOTEP EL BEY)	
(Petitioner/Secured Party/Affiant))	
_____)	

AFFIDAVIT: IN THE NATURE OF WRIT OF ERROR CORAM NOBIS & A DEMAND FOR DISMISSAL OR STATE THE PROPER JURISDICTION

COMES NOW, the petitioner/affiant/defendant/Secured Party Creditor, **Amunhotep El Bey**, in Propria Persona (my own proper self), formerly known as the artificial person, **Eugene James Williams**, is a Noble of the Washitaw Nation of Muurs (Moors), better known as, "Uaxashaktun de Dugdahmoundyah," also known as, "Amurru Washitaw de Dugdahmoundyah," which is an off branch of the Kushite Empire, the Ottoman Empire, and the Songhai Empire, which later became the Al-Moroccan Empire; to wit: North, South, Central America, and the including the adjoining Islands; upon his inherited Nobility, and upon his private Aboriginal/Indigenous, "In Full Life," status and commercial liability, I, Amunhotep El Bey, being duly affirmed under Consanguine Unity; pledge my national, political, and spiritual allegiance to my Moabite/Moorish Nation; being the archaic Aboriginals/Indigenes of Amexem/Ameru/Amurru/Al-Moroco/Amaru-Ka/Amen-Ra-Ka (the Americas), standing squarely affirmed upon my Oath to the 'Five Grounds of Light' - Love, Truth, Peace, Freedom, and Justice; pursuant to applicable rules of court and/or procedure; hereby, moves this honorable court to dismiss the above-styled cause. As grounds for this pleading, the petitioner/affiant/defendant/Secured Party Creditor will state as follows:

The affiant is not a lawyer and his pleadings cannot be treated as such. In fact, according to *Haines v. Kerner*, 404 U.S. 519 (1972), a complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Id., at 520-521, quoting *Conley v. Gibson,* 355 U.S. 41, 45-46 (1957).

"Indeed, no more that affidavits is necessary to make a prima facie case." (See United States v. Kis, 658 F. 2nd, 526, 536 (7th Cir. 1981): Cert Denied, 50 U.S.L.W. 2169; S. Ct. March 22, 1982.)

Let it be known that as the Secured Party Creditor and the authorized representative of the estate of Eugene James Williams, a corporation, Amunhotep El Bey is making a Special Appearance on the behalf of his client, Eugene James Williams. Amunhotep El Bey has power of attorney to represent his client, because he was formerly his client and he has filed an affidavit in order to do so (See Affidavit to Invoke Power of Attorney, in case number 11CA2316). In other words, I will be representing Eugene James Williams and I cannot be held accountable for any past actions, debts, liabilities, and obligations of Eugene James Williams, because I have been fully indemnified via indemnity Bond, UCC -1 Financing Statement, Security Agreement, and Affidavit in support of UCC-1 Financing Statement. All of the said documents are on file as public record (see Case Number, 11CA2316). Judge Dan Vaughn is fully aware of the fact that I have been fully indemnified, because he is the judge assigned to the said case. Judge Vaughn was also the Judge that proceeded over case Number 98-823-CFB, when my client Eugene James Williams was sentenced on February 14, 2001, to 70.25 months in state prison; therefore, the said judge is fully aware of both cases.

My client, the defendant, Eugene James Williams, has filed this pleading in order to give the State of Florida, due process, which is a chance to correct this foregoing injustice before going to Federal and/or World Court for relief. As his Secured Party Creditor/Authorized Representative I have US Diplomatic Status due to my nationality, which is Washitaw. Amunhotep El Bey is a Washitaw Moor. (See attached Affidavit of Nationally) Therefore, I am a US Diplomat. The Washitaw Moors are a Sovereign Nation. The Washitaw Moors are listed at the United Nations under the Indigenous People Organization Number 21593. This became effective in 1993. The seat number for the Washitaw at the United Nations is 215.

I'm just displaying the sovereign and international status of Amunhotep El Bey to take this case to the US Supreme Court and the World Court, a branch of the UN. The US Supreme Court is a true Article III Court by the US Constitutional and was given its original jurisdiction over Ambassadors/diplomats (See Article III, of the US Constitution). I sent copies of this action to all levels of government and internationally too, in order to serve as witnesses and to ensure that the lower court obeys the letter of the law and does not violate the sovereignty of the diplomat, Amunhotep El Bey. Let's give the lower court their due process, first, before any higher court intervenes, which is just a chance to correct all of the wrongs, because that is where all of the contracts were created.

All of the evidence and/or facts contained in this pleading constitutes newly discovered evidence, because affiant/petitioner/defendant was unaware of these facts and the facts could not be ascertained by him through due diligence. It's well established, common law, that newly discovered evidence will get any case reopened and/or reviewed.

Additionally, "Jurisdiction can be challenged at any time." Basso v. Utah Power & Light Co. 495 F 2d 906, 910. And the court cannot ignore lack of jurisdiction. "There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).

"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court", Old Wayne Mut. L. Assoc. v. McDonough, 204 U. S. 8, 27 S. Ct. 236 (1907).

"Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal." Hill Top Developers v. Holiday Pines Service Corp. 478 So. 2d. 368 (Fla 2nd DCA 1985)

"Jurisdiction, once challenged, cannot be assumed and must be decided." Maine v Thiboutot 100 S. Ct. 250.

"A universal principle as old as the law is that proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732.

"Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846.

"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon, 187 P 27.

If any Tribunal (court) finds absence of proof of jurisdiction over a person and subject matter, the case must be dismissed. (See Louisville v. Motley 2111 US 149, 29S. CT 42. “The Accuser Bears the Burden of Proof Beyond a Reasonable Doubt”.)

STATEMENTS OF THE CASE AND FACTS

On February 23, 1998, at approximately 5:40 PM, various offenses were allegedly committed at the Chan’s residence, located at 613 SW Pueblo Terrace in the City of Port Saint Lucie, Florida.

The above series of events lead to the arrest of my client, the defendant, on March 16, 1998, who was charged with Armed Home Invasion Robbery with a Firearm while wearing a mask; Armed Burglary of a Dwelling while wearing a Mask; Aggravated Assault with a Deadly Weapon while wearing a Mask; Battery on an Elderly Person while wearing a Mask; and Battery while wearing a Mask (See case number 98-823-CF).

On February 14, 2001, the defendant appeared in open court with Special Public Defender, Leatha Mullins. Assistant State Attorney Tracey Nemerofsky was present for the state of Florida. Defendant was sworn and entered a plea of no contest to count II- Home Invasion Robbery (lesser) F.S. 812.135F1, and count XVIII- Battery while wearing a mask, F.S 784.03M1.

The Presentence Investigation (PSI) was waived and the defendant was sentenced to count II – Seventy Ground Twenty-Five (70.25) months state prison with 1066 days jail time credit.

ASA, Tracey Nemerofsky announced a no process on counts VI – Burglary of Dwelling with an assault, X – Battery on an elderly Person While wearing a Mask, and XIV – Aggravated Assault with a Deadly Weapon.

The defendant was released from state prison on September 16, 2003, serving 5 years and ten months in state prison, 2,010 days to be exact, if you count every day of the defendant's illegal incarceration stemming from case number 98-823-CF. The arrest was illegal, because the State lack the jurisdiction and proper venue to do so, as the defendant will easily prove as the parties read on.

When the defendant was illegally arrested and charged with various crimes, the State of Florida committed a false arrest, kidnapping, false imprisonment and violated defendant's federally secured constitutional rights guaranteed by the 1st, 8th, 5th, 11th , and 14th Amendments under the US Constitution.

As a result of the illegal arrest, the defendant lost some of the best years of his life and the potential for a great deal of money too, as well as a felony conviction that makes it almost impossible to get a job and it bars the defendant from certain jobs.

On October 10, 2004, the defendant was arrested and charged with Driving under the Influence (DUI) at approximately 0213 hours.

The charge was dropped down to Reckless Driving, because defendant filed a Motion to Suppress evidence in case number 562004CT005567, and the defendant blew under the state legal limit.

The defendant accepted a plea agreement from the state which was 6 months probation and it included the DUI to be dropped down to a lesser included offense, which was Reckless Driving.

The defendant violated his probation with a driving while license suspended ticket, 8318-DRF, which created case number 2005CT002801.

On July 15, 2005, the defendant appeared in open court with court appointed counsel, Doreen Reagent.

The defendant accepted a plea agreement with the State for 90 days in the County Jail for the violation of Reckless Driving Probation in case number 2004CT005567, and 6 months probation for driving while license suspended in case number 2005CT002801. The sentences were run concurrent.

The defendant was released from the County Jail after serving 90 days in jail, illegally. The arrest was illegal, because the state lacked the jurisdiction and proper venue to try the defendant, as I will demonstrate this fact as the parties read on.

Altogether, the defendant served 2,100 days behind bars, illegally. For example, 2,010 days in case number 98-823-CF, and 90 days in case number 2004CT005567, which equals 2,100 days of illegal incarceration altogether.

The fee for illegal incarceration in Florida is roughly around $200.00 US Dollars per day; that is once Writ of Habeas Corpus is filed and the state continues its illegal incarceration. If this is the case, the State of Florida, the corporation of Florida, owes the defendant $420,000 US Dollars. I came to this conclusion by multiplying the total number of days defendant served behind bars with the going fee of $200.00 dollars per day.

However, in 2008, the Florida Legislature passed the Victims of Wrongful Incarceration Compensation Act, which set up a streamlined process to pay exonerees $50,000 per year of wrongful incarceration as well as provide them access to tuition-free education.

According to the Victims of Wrongful Incarceration Compensation Act, the State of Florida owes, the defendant $300,000 US dollars, for the 5 years and 10 months of illegal incarceration, which rounds out to 6 years, easily, when the 90 days the defendant spent in county jail, illegally, is added. The defendant would like a 4 year scholarship paid for by the state of Florida to attend Nova Southeastern University, because the Victims of Wrongful Incarceration Compensation Act, authorizes it.

The other case numbers mentioned in this pleading are illegal contracts as well, because the State of Florida lacked the jurisdiction, the proper venue, and etc, to try the defendant (See Grounds for Relief: Grounds I-VI, for further demonstration.)