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## PETITION FOR ABATEMENT

**TO:**

**Corpus Christi Municipal Court**  
120 N. Chaparral St.  
Corpus Christi, Texas, 78401

**2nd January 2020**

**FROM:**

**Colt Harmon**  
13561 Bullion Ct..  
Corpus Christi, Texas [78418]

**Regarding:**

(Complaint, demand of accusation, CCPD No. 1912030836 ) Attach copy hereto and thereby incorporated as an intrical part of this petition for Abatement.

Comes now Colt Harmon, to petition this court to abate the above-referenced (accusation, complaint) on the following grounds:

I am requesting that you abate the above referenced Texas Uniform Traffic Citation and Complaint Number #1912030836

I, Colt Harmon am a natural man, living on the land of Texas , I am not exercising my right to travel freely within this State to engage in commercial activity. As my travel is not commercial.

I am not subject to being detained or summoned to the court by Officers Unknown exercising the Police Power of the State to enforce it's statutes in commerce. Below are some of my reasons as to why I will not appear unless defects in the service of process are corrected.

## NOTICE OF ABATEMENT OF IMPROPER SERVICE

I am in receipt of a document titled in capital letters as Texas Uniform Traffic Citation and Complaint dated 12/20/2019.

I have received but have not accepted the Uniform Traffic Citation and Complaint and am hereby rejecting said document for cause without dishonor. I am returning said document marked "Without PreJudice" thereby retaining all my Rights in Law and Equity as I challenge the subject matter and personam jurisdiction of the court for the following causes:

Courts enforce mere statutes do not act judicially merely ministerial having thus no judicial immunity, and unlike courts of Law do not obtain jurisdiction by service of process nor even arrest and compelled appearance. **Boswell vs. Otis, 9 Howard 336, 348**

Service of traffic ticket on a motorist does not give the court jurisdiction over his person...Service of a traffic ticket imposes no compulsion on him, and no penalty attached for failure to heed it... Purpose of traffic ticket is to secure the motorist's voluntary appearance. **Colville vs. Bennett, 293 NYS 2d 685.**

If the Texas Uniform Traffic Citation and Complaint is a Summons requiring my appearance, the following defects must be corrected before I will submit to the court's jurisdiction.

The Mandate contained within Amendment Five of the United States Constitution requiring "due process," i.e., meaning initiatives through judicial courts with proper jurisdiction, precedes the imposition of administrative issued summonses, except where licensing agreement obligate assets. I have no knowledge of Colt Harmon having any licensing agreement(s) with the County of Nueces, or the United States, which obligates assets and I demand strict proof and evidence to the contrary.

The Police Officers Unknown, Texas Uniform Traffic Citation and Complaint, in issue does not meet the lawful definition of a judicial "Summons" as follows:

"Summons. Instrument used to commence a civil action or special proceeding and is a means of acquiring jurisdiction over a party. Writ or

process directed to the sheriff or other proper officer, requiring him to notify the person named that an action has been required to appear, on a day named, and answer the complaint in such action. Upon the filing of the complaint the clerk is required to issue a summons and deliver it for service to the marshal or to a person specially appointed to serve it. **Fed R Civil P. 4(a)**  
**“Black’s Law Dictionary, 6th Edition. P. 1436**

**Note:** There are no definitions for the terms “administrative summons” in Black’s Law Dictionary 6th Edition.

The Texas Uniform Traffic Citation and Complaint in issue neither indicates on its face that a lawsuit is pending, nor does it comply with the rules for “form and content” of civil summonses and is defective in the following ways:

- (a) The Texas Uniform Traffic Citation and Complaint does not bear the signature of the clerk of the court.
- (b) The Texas Uniform Traffic Citation and Complaint does not have the Seal of the Court placed upon it.
- (c) The Texas Uniform Traffic Citation and Complaint does not contain the name of the court upon it.
- (d) The Texas Uniform Traffic Citation and Complaint does not contain the names of the parties to the cause of action with their respective designations as plaintiff and defendant.
- (e) The Texas Uniform Traffic Citation and Complaint does not contain the name and address of plaintiff’s attorney or plaintiff’s address per se.
- (f) The Texas Uniform Traffic Citation and Complaint does not contain the Mandatory Notice to defendant / accused of the time and place in which the defendant is to appear and defend.
- (g) The Texas Uniform Traffic Citation and Complaint does not contain the proper default warning language to defendant.
- (h) The Texas Uniform Traffic Citation and Complaint does not have a copy of plaintiff’s complaint and probable cause affidavit attached.
- (i) Without an attached complaint and probable cause affidavit, Petitioners have no way of knowing what the nature and cause of the underlying complaint is about and what relief demanded by the plaintiff.
- (j) Officer Unknown himself “served” said Texas Uniform Traffic Citation and Complaint and is party who has an “adversarial interest” in the instant matter.

**Note:** “A Summons” may be served by any person who is at least 18 years of age and not a party to the action.” **Caldwell vs. Coppols, 219 Col App. 3rd, 859**

The prohibition of a personal service of process by parties is to discourage “fraudulent service by persons with adversarial interest in a lawful action.”

It appears from the returned document, that your organization is requesting my voluntary appearance, but threatening me with conviction and judgement for an undisclosed amount exceeding the base fine if I do not voluntarily comply.

Inlight of this case law cited above and that by voluntarily subjecting myself to your organization’s jurisdiction I would put my personal property at a substantial risk of loss.

Your organization’s coercive threats of retaliation for exercise of stewardship over my personal property seems inappropriate and unconstitutional in denying me due process of law. Especially inappropriate, in light of the facts that I am advised by a decision of the United States Supreme Court to pause, reflect and accurately ascertain your organization’s official capacity and authority.

Since “...whatever the form in which the government functions, anyone entering into an arrangement with the government takes the risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority.” **Federal Crop Insurance Corp. vs. Merrill, 332 U.S. 380 at 384 (1947).**

I have included within this communication a **Memorandum of Law** on the **Subject of my Rights to travel upon the public highways**. I think that I will enlighten you as to my position and give you ample evidence and reason to abate the Traffic Citation.

I expect your response to my Abatement and correction of the errors, by issuance of a proper summons or an Affidavit in rebuttal to the above lawful position, Signed by the appropriate judicial officer in Blue ink with the court seal of your organization and service of the summons by the County Sheriff. In addition a clarification of any errors you claim I have made in this Abatement along with all documents you offer in support of you position, within the reasonable time of (15) fifteen days of receipt of this **NOTICE OF**

**ABATEMENT.** If you need additional time please make your request in writing and it will be granted.

If I do not hear from you in (15) fifteen days, your lack of response will establish the presumption that the returned document was improperly served, that there exist no un-resolved material facts in issue or that a controversy between the parties exist. A **NOTICE OF DEFAULT** will be issued to you. By your acquiescence in the matter your organization will have accepted my position as being applicable in this instance, this closing the matter. Time is of the Essence.

**GOVERN YOURSELF ACCORDINGLY**

Respectfully,

\_\_\_\_\_ Date \_\_\_\_\_

**Colt Harmon, Sui Juris**

**13561 Bullion Ct.**

**Corpus Christi, Texas [78418]**

**Notary Public:**