



Apr 5, 2017

Board of Disciplinary Appeals

BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT OF TEXAS

IN THE MATTER OF	§	
CAROLYN BARNES	§	CAUSE NO 52457
STATE BAR CARD NO. 01761550	§	

SUPPLEMENTAL RESPONSE TO MOTION FOR ENTRY OF JUDGMENT OF
DISBARMENT, AND
COUNTERCLAIM FOR DECLARATORY JUDGMENT AND PROSPECTIVE
INJUNCTIVE RELIEF
AGAINST THE COMMISSION FOR LAWYER DISCIPLINE,
THE SUPREME COURT OF TEXAS,
JUDITH GRES DEBERRY, LINDA ACEVEDO, AND SBOT-OCDC¹

TO THE BOARD OF DISCIPLINARY APPEALS:

Now comes, Carolyn Barnes, Respondent, and files this response, special exceptions, and objections to the attempt by JUDITH GRES DEBERRY to continue acting pursuant to an illegal combination in restraint of trade with the intent to infringe upon, interfere with, threaten, and willfully destroy Respondent's free expression and speech rights; economic, religious, and association freedom; right to earn a livelihood and provide for her family; and enjoyment of the benefit of her intellectual property rights. In support hereof, Respondent will show as follows:

OBJECTION TO JURISDICTION

1. The Board of Disciplinary Appeals, (hereinafter referred to as "BODA"), has no jurisdiction over this matter or over Respondent. The State Bar Act and the Government Code enacted by the Legislature provides that a licensed attorney in this State cannot be disbarred without due process. The enactments and statutes of this State do not permit summary disbarments, as the judiciary has practiced and imposed against Respondent

¹ All references to the SBOT-OCDC indicate the Office of Chief Disciplinary Counsel of the State Bar of Texas, an unconstitutional monopoly established and maintained by the Texas Supreme Court.

since February 28, 2011. Respondent has been illegally and continuously disbarred in a summary and vicious fashion ever since February 28, 2011, without due process or standing, as a result of a monopoly combination in restraint of trade within the judicial branch in violation of Respondent's fundamental rights protected by the Texas bill of rights and statutory law, the U.S. Const. amends. I, IV, VIII, and XIV, and international treaties and conventions signed by the U.S. The procedure established by the Legislature requires that Respondent be provided the full panoply of substantive and procedural due process rights in a District Court, including a jury trial. Only a District Court in Williamson County has jurisdiction to try a case of disbarment against Respondent.² The judiciary/judicial branch³ has acted illegally, unlawfully, and unconstitutionally by engaging in summary disbarments without due process and a jury trial. The judiciary first summarily disbarred Respondent on February 28, 2011 and was acting pursuant to an illegal combination in restraint of trade, criminal conspiracy, and collusion to obstruct justice and willfully violate the fundamental rights of Respondent and the laws of this State and country, including international treaties and conventions signed by the United States.⁴ This pattern of oppression and tyranny has been routinely exhibited by this monopoly union for the thirty-year period in which Respondent has been coerced into

² Govt. Code Sec. 81.077. DISBARMENT PROCEEDINGS. (a) The supreme court may not adopt or promulgate any rule abrogating the right of trial by jury of an accused attorney in a disbarment action in the county of the residence of the accused attorney.

³ These terms are used interchangeably to include the Supreme Court of Texas, Third Court of Appeals, Court of Criminal Appeals, 368th Judicial District Court, the District Courts of Williamson and Travis Counties and other counties recruited by members of the monopoly union, and all the deceptive layers created by the Supreme Court of Texas in an effort to conceal its violation of the Texas Constitution, such as the State Bar of Texas, SBOT-OCDC, Commission for Lawyer Discipline, and BODA—these are all just cloaks created by the Supreme Court of Texas and they are wholly owned subsidiaries of the Supreme Court of Texas to conceal its usurpations, interloping, and formation of monopoly power in restraint of trade and in violation of the separation of powers.

⁴ Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Declaration on the Rights of Disabled Persons and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

membership and payment of dues in order to access and exercise her intellectual property rights, practice her deeply held religious beliefs, and secure her economic freedom through a right to earn a livelihood and support her family. Monopolies have no standing in Texas courts as they are unconstitutional *per se*. Petitioner and BODA are acting on behalf of a monopoly union acting in restraint of free trade and infringing upon Respondent's economic and religious freedoms without due process or equal protection under the law. The monopoly has clearly acted for the exclusive, private, and political benefit of a handful of its select and privileged members in restraint of trade and with anti-competitive motives against a targeted member in retaliation against her for the exercise of fundamental rights protected by the 1st, 4th, and 14th amendments to the United States Constitution and the Universal Declaration of Human Rights and other international law.

OBJECTION TO UNCONSTITUTIONAL DELEGATION OF REGULATORY
AUTHORITY IN VIOLATION OF SEPARATION OF POWERS
AND LACK OF STANDING BY MONOPOLY UNION

2. The State Bar Act of 1939 and all subsequent efforts by the Legislative branch to abdicate its regulatory role and transfer it or delegate it to the judicial branch is unconstitutional *per se* because it violates Tex. Const. Art. II, § 1. This broad and unfettered delegation of power is a violation of the separation of powers, which has resulted in the unconstitutional disfranchisement of Respondent by members of the unconstitutional monopoly union created, maintained, and financed by the Supreme Court of Texas from extorted funds in restraint of trade and in anti-competitive restriction on speech, expression, association, and economic and religious freedoms.

3. Monopolies are unconstitutional *per se*. The State Bar is an unconstitutional monopoly and cannot be recognized as a legal entity in this State. The State Bar and its OCDC have no legal standing in this State. The State Bar of Texas and the OCDC cannot bring or maintain an action in this State as monopolies are not recognized under the law and not allowed to operate within the State of Texas. The anti-competitive activities of this monopoly within the State are oppressive restraints on free trade and infringe upon Respondent's economic and religious freedoms, right to earn a livelihood, and freedom of expression through advocacy, associations, and activism.

4. Coerced membership in a monopoly union in a right to work State is unconstitutional *per se* especially when it infringes upon economic freedom and right to earn a livelihood, and interferes with a person's right to practice their deeply held religious beliefs and express their individual personality, thoughts, ideas, or redress their grievances in a court of law.

5. Coerced extraction or extortion of funds from persons forcing them to support and finance causes and advance policies contrary to their deeply held religious beliefs is unconstitutional *per se*.

OBJECTION TO CHARADE OF DISHONESTY THAT UNDERMINES THE INTEGRITY OF THE COURTS

6. The Supreme Court of Texas has created a web of deception knowing that its members were not honestly demeaning themselves in the practice of law and knowing that it was violating the delegation of authority contained in the Texas Constitution and knowing it was undermining the republican form of government and robbing the people of their fundamental rights. The Supreme Court of Texas has unconstitutionally created a monopoly on the courts, which has obstructed the inherent right of all people to be heard

in a court of law. The courts were created by the people for the people. However, the Supreme Court of Texas has usurped all power and consolidated it within various layers of cloaking devices to conceal the monopoly power amassed over the courts through the “regulation” of the “practice of law.” This monopoly power has elevated the license of its members to the denigration of the rights of the free people. The people’s rights are routinely usurped and transferred over to the licensees of the monopoly for destruction, waiver, and forfeiture. The rights of the people have been treated as a license in these monopolized courts and those forever inviolate rights are routinely confiscated and disposed of in the very branch that the people entrusted to protect them. These monopolized actions, where the people are forced to be escorted and “represented” by an agent of the monopoly in order to access their courts and be heard, are forms of tyranny and oppression because the people are disfranchised without due process, fully informed consent, and any recourse. The union members are engaged in racketeering for profit and the monopoly allows the union members to extinguish the rights of the people as if the union member were the agent. Yet, the courts still bar and punish the people for the misconduct, negligence, willful neglect, dishonesty, incompetence, and slothfulness of their union members. The monopoly has even established a “vexatious litigant” system which only applies to those who are not escorted and “represented” by a union member when they access the courts. The “vexatious litigant” trap is sprung by members of this monopoly union on those who are not represented or escorted through the courts in an ex post facto manner to summarily impose a civil death sentence. The monopoly has unconstitutionally restricted the number of times that an unrepresented or unescorted person can access the courts. A represented and escorted person is provided a blanket of

special privileges and immunities for supporting the monopoly union and paying for access to the courts, while others are treated in a disparate manner with discriminatory impact to favor the monopoly union and its members. A represented or escorted person can file hundreds of vexatious litigations each year and never have the civil death sentence imposed. So, the machination is not concerned with vexatious litigation; it is designed only to unilaterally punish those who are not supporting and paying the monopoly union machinery. The people who access the courts under their own forever inviolate fundamental right are limited to only five perceived losses within a seven year period. Essentially, they are limited to less than one case a year because the monopolized courts favor the monopoly union members over the people they were intended to serve. The derogatory term “pro se” is slapped on the people to denigrate and disfranchise them. A person labeled “pro se” is subjected to degrading, demeaning, harassing, and ill-treatment in the monopolized courts of this State. Monopoly union members are able to merely accuse a “pro se” of “losing” five cases over a seven year period, and based on the mere ipse dixit of the union member and without any evidentiary hearing, testimony, or admissible evidence, the monopolized courts will ban the “pro se” from the courts for life, which essentially disfranchises the people and repeals the bill of rights and all statutory and legal protections under the law—they are outlawed in violation of the bill of rights and the judicial branch has unconstitutionally suspended the laws of this State. The vexatious litigant statute is unconstitutional *per se* and it is being used to punish, oppress, and disfranchise the people of this State by the unconstitutional monopoly. Respondent will show that when she filed a declaratory judgment action in State court challenging the constitutionality of this statute, the monopoly then used the vexatious litigant statute to

summarily impose the civil death sentence on her based upon further false, fraudulent, and dishonest accusations by monopoly union members and these same abusive tyrants blocked her right to appeal. The monopoly will not tolerate any member speaking out against its monopolization of the courts and oppression of the people through arbitrary and capricious abuse of monopoly power.

7. The State Bar of Texas (the Texas Bar) is a monopolized agency of the monopolized judiciary under the administrative control of the Texas Supreme Court. State Bar Act, Texas Government Code §81.011 et seq. The Texas Supreme Court is a dictatorship over its agencies because it appoints and controls all members in power.

8. The Commission for Lawyer Discipline is a monopolized committee of the monopolized State Bar. State Bar Act, Govt Code Section 81.071 and Section 81.076. The Texas Supreme Court is a dictatorship over its committees because it assigns and appoints and controls all members.

9. The state bar is a public corporation and an administrative agency of the judicial department of government.⁵ A monopoly corporation cannot conduct business in Texas and it is an unconstitutional act of the judicial department to form and operate a monopoly corporation in this State under its protective arm as an administrative agency. It is an act of deception for the monopolized hybrid State Bar corporation-administrative agency to set up the OCDC to use oppressive strong-arm tactics against the forced membership, and then form a committee to act as a “client” of the OCDC to carry out the racketeering practices under the guise of juridical licensing. There can be no judicial licensing in this State because it creates a monopoly on the courts and infringes upon the people’s free and unfettered access to their courts and undermines the integrity, fairness,

⁵ Govt. Code Sec. 81.011. GENERAL POWERS. (a).

and equality of the people's courts. This deceptive subterfuge allowed JUDITH GRES DEBERRY to harass, oppressive, and abuse Respondent and to serve as the complainant, investigator, and prosecutor in a series of groundless, frivolous, and dishonest accusations made against Respondent acting in tandem with JOHN BRADLEY and ROBERT MCCABE and other licensed male competitors beginning in May 2010. In an exercise of arbitrary and capricious power that far exceeded her capabilities, JUDITH GRES DEBERRY worked with a series of unethical and dishonest licensed attorneys and did not care one bit about the lack of fairness, honesty or truth in their concerted accusations, did not conduct a good faith investigation, refused to speak with any of Barnes' witnesses to ascertain the truth, and maliciously pursued a course of action as a private henchmen for select members of the State Bar monopoly who were granted special privileges, protections, and immunities. The State Bar ODCD has at all relevant times acted as a private enforcement arm for this criminal cabal and for these private interests motivated by politics, malice, and misogyny. JUDITH GRES DEBERRY utilized funds that were coercively extorted from members to advance these private interests of this monopolized criminal cartel.

10. Every willful act by JUDITH GRES DEBERRY and every negligent act of the COMMISSION FOR LAWYER DISCIPLINE, and/or the State Bar ODCD, and/or the BODA is directly attributable to the Supreme Court of Texas. The godfather in charge of this racketeering ring in restraint of free trade is the Supreme Court of Texas. At the hearing on April 3, 2017—another hearing set ex parte without consultation, conference, or consideration of Respondent—BODA informed Barnes for the first time that the Supreme Court of Texas had enacted a rule requiring Respondent to file a verified denial

of the willful and intentional acts of deception by JUDITH GRES DEBERRY, SBOT-OCDC, and the Commission for Lawyer Discipline. It is doubtful that the Commission for Lawyer Discipline authorized JUDITH GRES DEBERRY's latest acts because she has acted like a dictatorial tyrant who has allowed the slightest hint of power to fill her head with delusions of grandeur. The passage of such a repressive rule is further evidence of the intent of the Supreme Court of Texas to erect dictatorial, tyrannical, and oppressive punishment meted out in summary fashion without due process and outside the legitimate parameters of the due course of law. The passage of these repressive rules by an unlawful and unconstitutional monopoly is intended to willfully override, repeal, or infringe upon the Texas Constitution and United States Constitution. The Supreme Court of Texas has set up a juridical monopoly and usurped the powers of the legislative and executive branches through layers of deception and disguise.

11. The judiciary branch has engaged in criminal conduct because it willfully delegated to, approved of, and protected JUDITH GRES DEBERRY, JOHN BRADLEY, ROBERT MCCABE, TRAVIS MCDONALD, DOUG SHAVER, ALAN SCHREIBER, DEE HOBBS, DALE RYE, JOSH RENO, GEOFFREY PURYEAR, JEFF ROSE, BOB PEMBERTON, DAVID PURYEAR, CINDY OLSON BOURLAND, and the members of the COMMISSION FOR LAWYER DISCIPLINE, BODA, STATE BAR OCDC, LINDA ACEVEDA, and the SUPREME COURT OF TEXAS. This same juridical monopoly had its lawyers pay the illegal and unconstitutional bribe to the false accuser to frame Respondent and then had its lawyers act unethically to block, conceal, and cover-up the crime of paying a bribe from misappropriated State funds and tampering with the witnesses. This same juridical monopoly used its retained private-sector charlatans to

frame Respondent as a lunatic in order to deprive her of all fundamental rights protected by the Texas Constitution, United States Constitution, and international treaties and covenants signed by the United States. The Supreme Court of Texas, the Third Court of Appeals, the SBOT-OCDC, and various members of the State Bar acted in concert to willfully violate the Texas Health & Safety Code, Title 7, Subtitle C; Tex. Const. Art. I, §§ 3, 3a, 6, 8, 9, 10, 11, 12, 13, 14, 15, 15-a, 16, 19, 20, 23, 26, 27, 28, 29, and 31; Tex. Const. Art. II, § 1; Tex. Const. Art. XVI, § 1; U.S. Const. amends. I, IV, V, VI, VIII, and XIV; 18 U.S.C. §§ 241, 242; 42 U.S.C. §§ 1983, 1985. The attorneys for the Supreme Court of Texas and the Third Court of Appeals, who paid the bribe from misappropriated State funds and concealed the crime, who falsely accused and framed Barnes for additional punishment post-conviction to conceal criminal activity by the courts, also failed and refused to performed their duty under law to prosecute the crimes committed in violation of Tex. Health & Safety Code, Title 7, Subtitle C as requested by Respondent in 2014. The Supreme Court of Texas, the Third Court of Appeals, and the SBOT-OCDC (knowledge imputed to Commission for Lawyer Discipline and BODA) all knew that Respondent's fundamental rights protected by the Texas Constitution, United States Constitution, and international law were being trampled by a cabal of licensed attorneys with misogynous malice in retaliation against Barnes for the exercise of fundamental rights protected by the 1st amendment, Tex. Const., international covenants, and the Tex. Religious Freedom Restoration Act. The delegation of broad powers to the State Bar and the establishment of the State Bar as a monopoly public corporation and administrative agency of the Texas Supreme Court is unconstitutional *per se*. As shown in this case, this monopoly power undermines free trade, fair business practices, and is anti-competitive in

all its acts to coerce membership, coerce conformity to dictated norms of behavior, coerce compliance with expected speech, and coerce cooperation with the ideas, dogma, and beliefs expounded by the tyrannical, oppressive, dictatorial, patriarchal, special, privileged, immunized self-proclaimed wielders of this usurped monopoly power. All of the members of this monopoly union who advanced upon, assaulted, disfranchised, and framed Barnes as a criminal and lunatic in order to marginalize, suppress, oppress, and ostracize her were granted special privileges, protections, and immunities. The juridical monopoly allowed this prosecutorial cabal to summarily censor, impose disfranchisement, and inflict punishment on Respondent through a series of significant frauds on the court, illegal conduct, and dishonest manipulation, without any semblance of due process in violation of the Constitution and laws of this State, Nation, and international community. The Supreme Court of Texas was well-aware of the criminal conduct and constitutional violations because JUDITH GRES DEBERRY and the SBOT-OCDC were actively involved from the inception, but the Supreme Court of Texas, and all its various and sundry subterfuges, proceeded nevertheless with a conscious disregard and deliberate indifference towards the rights, safety, and welfare of Respondent, her children, and her clients. The Supreme Court of Texas acted for purely political reasons when it chose to overthrow the rule of law and the legitimate government of this State, which is a constitutional republic with only three branches of government and a separation of powers between those three branches. The monopoly members of the Supreme Court of Texas violated their respective oaths of office to “preserve, protect, and defend the Constitution and laws of the United States and of this State.” This juridical monopoly is actively undermining the Constitution and laws of the United States and this State.

12. The Supreme Court of Texas sent a congratulatory email to the prosecutors knowing that the conviction was obtained by criminal means, fraud on the courts, and acts of moral turpitude *per se*. The conviction was obtained because the Supreme Court of Texas failed and refused to appoint an honest judge with an oath of office; failed and refused to allow Respondent equal rights under the law to an expedited appeal; failed and refused to hear the petition for writ of *habeas corpus*, failed and refused to protect Respondent's right to a fair and speedy trial, failed and refused to allow Respondent access to her funds to pay her retained attorneys or access effective assistance of counsel, failed and refused to grant Respondent her right to call witnesses and confront aggravated perjury and fabricated "evidence," failed and refused to allow Respondent to preserve and present her own defense, and failed and refused to allow Respondent to be heard in a timely, meaningful, and reasonable manner in both the trial and appellate courts. The Supreme Court of Texas congratulated itself for the rank violation of international law and the obstinate obstruction of justice and suspension of *habeas corpus* and the repeal of the bill of rights on an *ad hoc* basis. JUDITH GRES DEBERRY, the SBOT-OCDC, the Commission for Lawyer Discipline, acting on behalf of the Supreme Court of Texas, before BODA, another incantation of the Supreme Court of Texas, has falsely alleged that the conviction is final when it is not. On April 3, 2017, BODA informed Respondent that she only had 10 days to file a verified denial of this false claim. This is a denial of the due course of law, deprivation of due process, and denigration of equal rights, protections, and treatment under the law. The Supreme Court of Texas, in an act of intentional and willful defiance of the Constitution of the United States and Texas has arbitrarily and capriciously, with a punitive and oppressive intent, significantly shorten

the traditional and usual time period for responding to false claims filed against a person in the courts of this State.

13. The State Bar Act of 1939 was enacted under a false pretense of a perceived “emergency” and at all times, the State Bar Act was an unconstitutional delegation of broad, unfettered regulatory power to the Texas Supreme Court, which violated Tex. Const. Art. II, § 1. There was no “emergency” that warranted the expedited passage and truncated public notice of this act in violation of the Texas Constitution, which has undermined this republic and irreparably harmed the people of this State. The unconstitutionality of this broad and unfettered grant of regulatory power by the Legislature and the usurpation and overreaching by the judicial branch to broaden that grant of power far beyond the original grant is unconstitutional and against the principles of this republic.

SPECIAL EXCEPTIONS

14. Since 1939, the State Bar Act has provided that no licensed attorney in the State of Texas may be summarily disbarred. On March 2, 2017, JUDITH GRES DEBERRY caused Carolyn Barnes to be served with pleadings seeking her summary disbarment. Respondent specially excepts because disbarment proceedings may only be filed in District Court, where Carolyn Barnes is entitled to an evidentiary trial before a jury with due process protections. Respondent specially excepts because Petitioner and BODA are not following the applicable Rules of Internal Procedure established by the Supreme Court. Further, at the hearing on April 3, 2017, BODA incorrectly cited to “Rule 804” claiming that Respondent had somehow defaulted under their internal rules. The

referenced matter is contained in Rule 8.05 of the Texas Rules of Disciplinary Procedure enacted by the juridical monopoly to maintain their power. Rule 8.05 specifically states:

If the motion is supported by affidavits or certified copies of court documents showing that the conviction has become final, the motion shall be granted without hearing, unless within ten days following the service of the motion pursuant to Rule 21a of the Texas Rules of Civil Procedure, upon the attorney so convicted or his or her attorney of record, the attorney so convicted files a verified denial contesting the finality of the judgment, in which event the Board of Disciplinary Appeals will immediately conduct a hearing to determine the issue. If no Disciplinary Action is pending at the time the conviction becomes final, disbarment shall be initiated by filing a Disciplinary Action.

This is another example of the oppressive, dictatorial, and abusive practices of the Supreme Court of Texas and its wholly owned and controlled subsidiaries. BODA knew that JUDITH GRES DEBERRY's malicious motion was not "supported by affidavits or certified copies" and yet, pretended the motion was so supported in order to bully and attempt to intimidate Respondent. Respondent specially excepts to the lack of affidavits and certified copies and all the preceding and ensuing bullying, tyrannical, oppressive, and abusive tactics employed by the Supreme Court of Texas and all its various sundry subterfuges, especially the bad faith litigation tactics JUDITH GRES DEBERRY and other licensed attorneys representing the Supreme Court of Texas and Third Court of Appeals, Jeff Rose, and the SBOT-OCDC, and conduct unbecoming a judicial officer by these various courts and tribunals, who have been entrusted by the people "to preserve, protect and defend the Constitution and laws of the United States and of this State."

15. Respondent further specially excepts to paragraphs 3, 4, 5, and 6 of the Motion because the malicious and retaliatory actions by DOUG SHAVER and JEFF ROSE, both acting pursuant to the criminal conspiracy with malice, are null and void *ab initio* because they are the result of gross and willful violations of Respondent's fundamental

rights, constitutional rights, civil liberties, and basis human rights. JEFF ROSE, in his efforts to advance the objects of the criminal conspiracy for political reasons and with misogynous malice willfully ignored clearly established law when he abated and blocked all appellate rights and suspended *habeas corpus* for over five years to aid, abet, assist, and advance the object of the criminal conspiracy. JEFF ROSE and the judicial branch were aware that DOUG SHAVER had no oath of office and was acting clearly outside the law and in an oppressive, abusive, and unconstitutional manner; and that ALAN SCHREIBER was not “representing” Respondent and was nothing more than a criminal subterfuge erected by the prosecutors to confiscate and destroy all fundamental “forever inviolate” rights fully vested in and inherent to Respondent. The courts have no inherent discretion or delegated authority to ignore the will of the people as that will has been declared in the Constitution and laws enacted by the Legislature. *See Queen v. State*, 842 S.W.2d 708 (Tex.App.—Houston [1st Dist.] 1992); *Ex parte Elliott*, 950 S.W.2d 714 (Tex.App. — Fort Worth 1997, pet. filed); *Houston Chronicle Pub. v. Edwards*, 956 S.W.2d 813(Tex. App. 1997). JEFF ROSE, BOB PEMBERTON, and DAVID PURYEAR, whose son was one of the prosecutors, acted to block all appeals filed by Respondent and to suspend all her rights in violation of the Texas Constitution Art. I, §§ 3, 3a, 6, 8, 9, 10, 11, 12, 13, 14, 15, 15-a, 16, 19, 20, 26, 27, 28, and 29; United States Constitution Amends. I, IV, V, VI, VIII, and XIV; *Faretta v. California*, 422 U.S. 806 (1975); *O'Connor v. Donaldson*, 422 U.S. 563 (1975); *Vitek v. Jones*, 445 U.S. 480, 490 (1980) (citing *Humphrey v. Cady*, 405 U.S. 504, 509 (1972), and *Addington v. Texas*, 441 U.S. 418, 425 (1979)); Texas Health & Safety Code, Title 7, Subtitle C; Texas Religious Freedom Restoration Act in Chapter 110 Tex. Civ. Prac. & Rem. Code; Texas Code of

Criminal Procedure; Texas Rules of Appellate Procedure; and 42 U.S.C. § 1983, 18 U.S.C. §§ 241, 242. After the wrongful conviction was secured, DAVID PURYEAR recused, but JEFF ROSE merely solicited the services of CINDY OLSON BOURLAND,⁶ a long-time competitor of Respondent's and an active member of the same political party that had targeted Respondent—the same local political party for all these offenders. The dishonest and unconstitutional acts of the licensed attorneys serving in deceptive roles as prosecutors, judges, appellate justices, and defense counsel constituted crimes involving moral turpitude *per se*. These willful criminal acts of dishonesty and oppression render all orders, opinions, and judgments legal nullities because they were all loyal to the local Republican Party, JOHN BRADLEY, RICK PERRY, and the Republican appellate justices, including all those named herein and the majority of the justices who obstructed Barnes appeals and suspended habeas corpus had close ties to the attorneys for the JEFF ROSE, the Third Court of Appeals, and the

⁶ Another political appointee of Rick Perry's based on political party affiliation and other irrelevant criteria rather than on judicial experience. Like Jeff Rose, Cindy Olson Bourland had no judicial experience prior to the political appointment by Rick Perry based solely on political party affiliation and not on what was best for the people of this State, which is to have an experienced, tested, and proven juridical officer at the Third Court of Appeals. Justice Bourland was also married to a DPS officer in Williamson County and it was a DPS officer, Mike Scheffler, who was the instigator in the frame-up and gave the deputies directions to Barnes' residence on May 8, 2010. After the malicious misdirection by Mike Scheffler, the deputies were no longer attempting to locate a woman who came out of the pasture near an old condemned house, but solely focused on framing Barnes. They admitted at trial that they had no probable cause to suspect Barnes when they surrounded her residence with their weapons drawn and crouching down and peering and listening in at her open windows in violation of the 4th amendment and Texas law. This was a malicious frame-up from the inception and JUDITH GRES DEBERRY and the SBOT-OCDC were solicited by JOHN BRADLEY and his political cronies from the inception in May 2010 and immediately joined the conspiracy. JOHN BRADLEY and ROBERT MCCABE stated the object of the conspiracy immediately "to get rid of [Barnes] and take away her bar card." JUDITH GRES DEBERRY immediately began working in tandem with JOHN BRADLEY and company to frame Barnes for numerous and sundry false, frivolous, and groundless "complaints" by political cronies and licensed attorneys, including oral complaints made by JUDITH GRES DEBERRY when she had absolutely no personal knowledge of her corrupt accusations—she was clearly repeating hearsay, gossip, rumor, and false innuendos being spoon-fed to her from the dark shadows of political corruption. All members of this criminal cabal were members of the local Republican Party and of the SBOT; thus, they were all licensed attorneys who were also employed by the State of Texas in some capacity. Rick Perry assisted JOHN BRADLEY in this frame-up of Barnes by placing political cronies in key areas to aid, abet, assist, and advance his cause. Those who obstructed justice in this case and issued false and fraudulent orders, judgments, and opinions were all political appointees of the local Republican Party.

Supreme Court of Texas who paid the bribe to the false accuser and concealed the evidence of the crime. No order, judgment, or opinion issued by this criminal cabal has any legal effect when it is a legal nullity from inception. All orders, judgments, or opinions by DOUG SHAVER and JEFF ROSE are null and void *ab initio* because both these misogynous men willfully violated Texas, U.S., and international law and both acted *ultra vires* and neither had properly executed an oath of office—DOUG SHAVER did not ever have an oath of office, defective or otherwise. The juridical officers of this State have no inherent discretion to war against the laws and Constitution of the United States or this State. To willfully ignore the law, suspend *habeas corpus*, and suspend the bill of rights on an *ad hoc* basis as DOUG SHAVER and JEFF ROSE did, is conduct unbecoming an officer of the court, warring against the Constitution and laws of this State, not honestly demeaning oneself in the practice of law, and knowingly violating the oath of office, if any there be. It is undisputed that DOUG SHAVER had no oath of office and it is undisputed that JEFF ROSE's opinion to the contrary was an willful act of intentional juridical dishonesty and deliberate obfuscation.

PETITION FOR DECLARATORY JUDGMENT AND FOR
PROSPECTIVE INJUNCTIVE RELIEF

16. Barnes seeks a declaratory judgment declaring the rights, duties, and responsibilities of the parties hereto, including the foundational facts set forth in her original response, which are all incorporated herein by reference the same as if set forth at length.

RELIEF REQUESTED

Respondent, Carolyn Barnes, request that BODA refrain from taking any further action in this matter and direct the SBOT-OCDC to either cease and desist as they are an illegal

monopoly in violation of the Texas Bill of Rights; or, alternatively, direct the Legislature or appropriate authority to file an action in the District Court of Williamson County if someone thinks they can prove these frivolous and groundless accusations by JUDITH GRES DEBERRY. *See* Case No. 12-0966 filed in the Texas Supreme Court in 2012. *See* also Cases No. 12-0960, 12-0962, 12-0963, 12-0964, and 12-1216 on file in the Texas Supreme Court. Respondent will show the jury over seven years of harassment and frivolous barratry by JUDITH GRES DEBERRY on behalf of the judicial branch. Respondent has steadfastly made the judicial branch aware of the collusion and violation of rights and steadfastly requested a fair and impartial tribunal, to no avail. The judicial branch had allowed JUDITH GRES DEBERRY to continue to carry out her malicious part of the conspiracy. The judicial branch knows that JUDITH GRES DEBERRY has been involved with this criminal cabal since May 2010 and she has aided, abetted, and assisted the criminal conduct by licensed attorneys with impunity. Further, Respondent, Carolyn Barnes, requests that this tribunal to conduct a court of inquiry or appoint a fair and impartial master to conduct evidentiary hearings and enter findings of fact and conclusions of law. This tribunal has a constitutionally mandated duty to form a court of inquiry, appoint a special master, and conduct a full and thorough investigation into the corrupt practices employed by JUDITH GRES DEBERRY in this case. Respondent will show this tribunal, a jury in the District Court, and a special master or judge the evidence to prove the truth of the conspiracy, collusion, and combination in restraint of trade with the malicious anti-competitive motive to harm, injure, and damage a competitor and other despicable crimes involving moral turpitude, dishonesty, deceit, and fraud on the court. Respondent is entitled under the law to a jury trial to determine the facts in dispute and

for a jury to determine if Respondent is the one guilty of crimes involving moral turpitude or if it is her continuous criminal accusers who are guilty of immoral, vile, and evil acts and malicious conduct in restraint of free trade with anti-competitive, discriminatory, and misogynous motives. Conduct that undermines the Texas Bill of Rights, the constitutional republic, and the rule of law are *malum in se*. Respondent is entitled to a jury trial and declaration of her rights and duties under the law, as well as the rights, duties, and responsibilities of the Supreme Court of Texas, BODA, Commission on Lawyer Discipline, State Bar of Texas, SBOT-OCDC, Linda Acevedo, Judith Gres DeBerry, and all the licensed attorneys who abused their positions of power to engage in acts of official oppression, unfair competition, restraint of trade, malicious prosecution, illegal internment, aggravated kidnapping, breach of contract, false imprisonment, burglary, theft, aggravated perjury, bribery, barratry, retaliation, malicious abuse of process, suborning aggravated perjury, tampering with witnesses, tampering with evidence, tampering with government documents, willfully framing an innocent person, defamation, disfranchisement, tortious interference with familial relations, tortious interference with contractual obligations, intentional infliction of emotional distress and mental anguish, and torture in captivity with misogynous malice. Respondent is further entitled to a declaratory judgment and prospective injunctive relief based on the finding of a jury that the State Bar of Texas is an unconstitutional monopoly union and that Respondent should not be forced to be a member of an organization and pay extorted funds to an organization that is not in alignment with her moral values and that acts contrary to her deeply held religious beliefs. Respondent has a fundamental right to economic and religious freedom; to earn a livelihood; to utilize her intellectual property

rights as she so desires; to be free from interference and oppression by a monopoly union acting in restraint of free trade with anti-competitive motives; to be left alone; to support and parent her children and care for her family unit free of tyranny; and to equal rights, treatment and protection under the rule of law. Respondent seeks a declaratory judgment based on all the facts set forth herein as found following a jury trial with the full panoply of rights extended to Respondent to prove the truth. Respondent seeks a prospective injunctive relief against the SUPREME COURT OF TEXAS, STATE BAR OF TEXAS, SBOT-OCDC, BOARD OF DISCIPLINARY APPEALS, COMMISSION ON LAWYER DISCIPLINE, LINDA ACEVEDO, and JUDITH GRES DEBERRY barring them from continuing to subject Respondent to unequal treatment under the law and to enjoin them from siding with the criminal elements within their membership—as they have done 100% of the time—in oppressing minority members for doing nothing more than expressing their deeply held religious beliefs, personalities, thoughts, ideas, and other expressions of beliefs in the form of advocacy, associations, and activism. It is a moral imperative that Respondent be freed from the tyranny and oppression of this unconstitutional monopoly union and that Respondent be allowed her fundamental right to economic freedom, religious freedom, right to earn a livelihood, right to free speech, and freedom from tyranny, oppression, torture, and internment in retaliation for the free exercise of fundamental rights protected by the First, Fourth, Eighth, and Fourteenth Amendments to the United States Constitution. Respondent seeks a declaration of rights from the jury with respect to the protections afforded by the Texas Bill of Rights and separation of powers and Respondent seeks prospective injunctive relief against all Petitioners and counter-respondents enjoining them from infringing upon, eroding,

abrogating, or interfering with these fundamental rights reserved to the people as “forever inviolate” in the Texas bill of rights. Respondent, Carolyn Barnes, is entitled to a jury trial, discovery, and an opportunity to be heard in the district court of the county of her residence and she hereby insists upon that right and stands on that right. Respondent, Carolyn Barnes is also entitled to a fair and impartial investigation by a regulatory body responsible for the fair administration of justice in this State and a court of inquiry so that no other minority lawyer has to suffer this official oppression and tyranny ever again. These assaults are capable of repetition, but always escape review because co-conspirators like Jeff Rose will always abate the appeals, suspend habeas corpus, and moot the appeals, while the Supreme Court will retain attorneys to manipulate the courts and obstruct the appeal and refuse to docket a Petition for Review when it is timely filed. This is clear obstruction of justice by the judicial branch. Respondent is entitled to declaratory and injunctive relief to protect her fundamental rights that she has been deprived of for the past seven years. Barnes seeks recovery from all the parties named herein, jointly and severally, for any and all monetary damages recoverable under law for all the losses, injuries, and costs incurred by Barnes as a direct and proximate result of the evil perpetrated on her by this criminal cabal of licensed attorneys and unethical competitors and their political cronies who acted to aid, abet, assist, and advance the criminal conspiracy and to deprive Barnes of fundamental rights. Barnes is entitled to the full measure of the damages sustained, whether special or exemplary, whether actual or consequential, together with the highest rate of pre-judgment and post-judgment interest allowed by law. Barnes seeks exemplary damages because all of these parties were aware of the significant injuries, damages, losses, and costs being inflicted on Barnes in

violation of the laws and Constitutions of the United States and this State, yet, they all proceeded nevertheless with a conscious disregard and deliberate indifference to the rights, safety, and welfare of Barnes, her children, and her clients. Barnes has a fundamental right not to be targeted and framed for a crime she did not commit or framed for lunacy to bolster the fabricated crime; but, more importantly, she had a fundamental right not to be betrayed by the judicial system who placed local party politics over the rules of law and the SBOT-OCDC, the unconstitutional monopoly that Barnes was forced to join and support, who then used her funds to collude with JOHN BRADLEY and his political cronies, including RICK PERRY and the attorneys who represented his fellow Republicans on the appellate courts, who paid the bribe to secure the sole evidence against Barnes. The actions of the SBOT-OCDC and the racketeering by the local Republican Party of Texas were pure evil in intent and design, and these acts were crimes involving moral turpitude *per se*. Respondent hereby demands her right to a jury trial to prove the truth and to obtain the declaratory judgment, prospective injunction, and damages. Respondent requests such other and further relief to which she may show herself justly entitled, whether at law or in equity.

Respectfully submitted,

Carolyn Barnes, J.D., Ph.D.
419 Indian Trail
Leander, Texas 78641
(512) 817-8014
Barnes.legalguidance@gmail.com

By: _____/s/ Carolyn Barnes_____
Carolyn Barnes, J.D., Ph.D.

Respondent, Barnes, Defendant demands a trial by jury pursuant to TEX. R. CIV. P. 216.

VERIFICATION AND JURAT

STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

Pursuant to Texas Civil Practices and Remedies Code Sec. 132.001, I, Carolyn Barnes, do hereby swear and affirm that the facts stated above are true and correct based on personal knowledge. I aver that

“My name is Carolyn Barnes, by date of birth is January 12, 1957, and my address is 419 Indian Trail, Leander, Texas 78641 in the United States of America. I declare under penalty of perjury that the foregoing is true and correct.

“Without discovery, it is impossible to present the defenses and counterclaims in this case. I am entitled to a jury trial and due process, which the Supreme Court of Texas has consistently deprived me of due to local political partisanship, which has undermined and suspended the rule of law and Texas Constitution. These acts are *ultra vires* and legal nullities.

“The contract sued upon has no consideration, the consideration has failed, or the contract is unenforceable because one of the parties cannot conduct business in this State and has no legal standing or existence. Monopolies are unconstitutional *per se* in Texas. Texas is also a right to work State. The State Bar of Texas is an illegal monopoly engaged in racketeering, deceptive trade practice, restraint of trade, and with anti-competitive practices that promote bigotry, misogyny, and political cronyism. The State Bar of Texas has set up an oppressive, repressive, and suppressive enforcement arm, the SBOT-OCDC, that is used as a private police force swayed by local party politics granting special privileges, and immunities to licensed attorneys who work for the State, while targeting and oppressing those who do not kow-tow, comply, conform, and cooperate with these corrupt practices. The State Bar of Texas purports to be a public corporation and an administrative agency of the Supreme Court of Texas. The Supreme Court of Texas is forbidden by the Texas Constitution from establishing monopolies, discriminating and granting special privileges, protections, and immunities to licensed attorneys who are state employees, including prosecutors and political cronies appointed to the judiciary. The wrongful conviction that was secured by fraud, dishonesty, deceit, bribery, barratry, suborning perjury, and other high crimes and felonies involving moral turpitude *per se* is not final and it is just another in a long line of gross misrepresentations of material fact and law made by JUDITH GRES DEBERRY in advancing, aiding, abetting, and assisting in the criminal conspiracy to “get rid of [Barnes] and take away her bar card.” The attorneys employed by the Supreme Court of Texas and who have represented and acted on behalf of the Supreme Court of Texas and the Third Court of Appeals over the course of this criminal conspiracy and obstructed justice for seven years are despicable and are not engaging in conduct becoming an officer of the court and are not acting in fulfillment of the attorney’s oath of office—they have repeatedly committed

malicious crimes and willfully concealed the evidence of their criminal and collusive conduct. The only crimes of moral turpitude per se that have been committed in this matter have been those committed by the members of this criminal cabal. They conspired and colluded to willfully, knowingly, deliberately, intentionally, and maliciously violate the Constitutional, statutory, and common law rights belonging to Barnes. They tortiously interfered with Barnes' familial relations, business and social contracts, and religious practices. Any duty Barnes may have owed to the licensed attorneys who continue to pursue her without just cause and based on fraud, dishonesty, and moral turpitude has long ago dissipated when these licensed attorneys and monopoly organizations breached their moral duty to society, to the people of Texas, and to Barnes. Barnes has an absolute fundamental right to practice her profession and engage in her religious practices free of the interference, oppression, and abuse by and from the Supreme Court of Texas and all its sundry layers of monopoly fraud. Barnes has a fundamental right to be left alone, to economic and religious freedom, and to earn a livelihood free from monopolistic dictatorial tyranny. All parties know that the judgment of conviction was secured by fraud and criminal conduct, signed by a licensed attorney who had no oath of office, entered dishonesty in violation of Barnes common law and statutory right of allocution, is unsupported by law and truthful facts, and is the result of willful violations of the rule of law and fundamental rights protected by the Texas Constitution and statutes, the United States Constitution and statutes, and international treaties, conventions, and covenants signed by the United States. All parties also know that they cannot summarily disbar Barnes and must file a lawsuit in the District Court of Williamson County and afford Barnes the full panoply of rights, including the right to a jury trial, discovery, the right to call witnesses, right to present evidence, the right to confront evidence, the right to cross-examine witnesses, and the right to expose the illegality, unconstitutionality, and anti-competitive monopoly practices of the State Bar of Texas and the corruption and criminal conduct within the State Bar of Texas Office of the Chief Disciplinary Counsel and its fraudulent "client" the Commission on Lawyer Discipline—another morphing of the Supreme Court of Texas, and the denial of due process in the Board of Disciplinary Appeals—also an alter ego of the Supreme Court of Texas. The Supreme Court of Texas has created an unconstitutional, oppressive, anti-competitive monopoly and Barnes should not be coerced to join and financially support a monopoly that engages in oppressive, totalitarian, dictatorial, and repressive fashion with unchecked bigotry and misogyny. The State Bar of Texas cannot be a public corporation operating a monopoly as an agency for the Supreme Court of Texas because monopolies cannot incorporate or practice, conduct business, or have standing in the courts of this State. The State Bar of Texas has no legal capacity and no standing and no right to recover in the capacity in which they are suing. Barnes pleads fraud, failure of consideration, illegality, duress, estoppel, waiver, statute of frauds, laches, and collateral estoppel. The State Bar already elected to have Barnes suspended pending appeal rather than waiting until the judgment was final. They are not now entitled to any summary disbarment and must bring suit, if at all, in the Williamson County District Court and provide Barnes with a fair and impartial tribunal, if any there be found, and fair jury trial, which cannot be had without a fair and impartial tribunal free from political cronyism and control by the Supreme Court of Texas or any of its sundry subterfuges, including membership in the same local Republican Party and SBOT.

“Barnes has read and reviewed the foregoing statements of fact and she has personal knowledge of the statements of fact and such statements are true and correct.

“FURTHER, this Affiant sayeth not.”

Executed this 4th day of April, 2017.

 /s/ Carolyn Barnes
Carolyn Barnes, J.D., Ph.D.

CERTIFICATE OF SERVICE

I hereby certify by my signature above that I have served a true and correct copy of the above and foregoing document on all counsel of record via electronic mail in accordance with the requirements of the Texas Rules of Civil Procedure, Rule 21a on this the 4th day of April 2017.