

PAMELA M KNIGHT
by Pamela Marsha Knight
c/o 4401 Shoalwood Avenue
Austin, Texas usA 78756

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DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

Cause No. C-1-CV-05-001462

CITIBANK (SOUTH DAKOTA) N.A. § IN THE COUNTY COURT
 §
 § AT LAW #2
 §
PAMELA M KNIGHT § TRAVIS COUNTY, TEXAS

Verified Judicial Notice

**Pursuant under 201(d) of the Texas and Federal Rules of Evidence
MANDATORY**

Public Law 93-595: A Court shall take Judicial Notice if requested by a party and supplied with the necessary information.

Comes now Pamela Marsha Knight, American state Citizen, authorized representative for PAMELA M KNIGHT, alleged defendant (herein), in special appearance, in good faith defense of private property and serves this

LAWFUL AND VERIFIED NOTICE TO COURT:

COURT SET IN WRONG VENUE

Pursuant to and under United States Code, Title 4 Section 1, 2, 3 and Title 36, Section 173, 175 and 176, this Court can not be set while a Foreign Flag is present. Since, and as, the Presiding Judge and Plaintiff's alleged Attorneys have taken an Oath in which they purport to preserve, protect and defend the Constitutions for the United States of America and Texas, the possibility of Constructive Treason could be brought forth by anyone present within the Court room. Therefore the Defendant respectively protests the presence of a desecrated American Flag as indicated by United States Code, Title 4, Section 1, 2, 3 and Title 36, Section 173, 175 and 176. For edification the Codes are now brought forth and stated as follows:

United States Code

TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

THIS TITLE WAS ENACTED BY ACT JULY 30, 1947, CH. 389, SEC. 1, 61 STAT. 641

Chapter 1. The Flag

§ 1. Flag; stripes and stars on

The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field.

§ 2. Same; additional stars

On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

§ 3. Use of flag for advertising purposes; mutilation of flag

Any person **who**, within the District of Columbia, in any manner, for exhibition or display, **shall place** or cause to be placed **any** word, figure, mark, picture, **design**, drawing, or any advertisement of any nature upon **any flag**, standard, **colors**, or ensign of the United States of America; or **shall expose** or cause to be exposed to public view any such flag, standard, **colors**, or ensign upon which shall have been printed, painted, or **otherwise placed**, or to which shall be **attached, appended, affixed**, or annexed any word, figure, mark, picture, **design**, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to **public view**, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon **which shall** have been printed, painted, **attached**, or **otherwise placed a representation** of **any** such flag, standard, **colors**, or ensign, to advertise, call attention to, **decorate**, mark, or distinguish the article or substance on which so placed **shall be** deemed **guilty** of a misdemeanor and **shall be punished** by a fine not exceeding \$100 or **by imprisonment** for not more than thirty days, or both, in the discretion of the court. The words "flag, standard, **colors**, or ensign", as used herein, **shall include** any flag, standard, **colors**, ensign, or any picture or representation of either, or of **any** part or parts of either, made of **any** substance or represented on **any** substance, of **any** size evidently purporting to be either of said flag, standard, **colors**, or ensign of the United States of America or a picture or a **representation** of either, upon which shall be shown the **colors**, the stars and the stripes, in any number of either thereof, or of **any** part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, **colors**, standard, or ensign of the United States of America. (Emphasis added.)

United States Code

Title 36 (as may be found at: <http://www.usflag.org/uscode36.html>)

§ 173. Display and use of flag by civilians; codification of rules and customs; definition

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of title 4 and Executive Order 10834 issued pursuant thereto.

§ 175. Position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. **No such flag or pennant may be placed above the flag of the United States** or to the United States flag's right. (Emphasis added.)

§ 176. Respect for flag

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

(g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature. (Emphasis added.) [End expanded Code cites.]

Further, at no time or place does the United States Code allow an American Flag with yellow fringe to be displayed in a Court other than in a Military Court. This is found in ARMY REGULATIONS 260-10, OCTOBER 1990, CH. 8 and in; ARMY REGULATIONS 840-10, CH. 2-1(a, b) CH. 2-5 (a, b, c), CHAPTER 2-6.

Also, then President Dwight David Eisenhower by Executive Order No.10834, signed on August 21, 1959 and printed in the Federal Register at 24 F.R. 6865, pursuant to law, stated that: "A military flag is a flag that resembles the regular flag of the United States, except that it has a yellow fringe border on three sides."

"It may be said that, as the flag is an emblem of national sovereignty... One who loves the Union will love the state in which he resides, and love both of the common country and of the state will diminish in proportion as respect for the flag is weakened. Therefore a state will be wanting in care for the well-being of its people if it ignores the fact that they regard the flag as a symbol of their country's power and prestige, and will be impatient if any open disrespect is shown towards it. ... what is known of all, that to every true American the flag is the symbol of the nation's power, the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression." HALTER v. NEBRASKA, 205 U.S. 34 (1907)

Also, the **Law of the Flag**, International Law, which is recognized by every nation of the planet, is defined as: "... a rule to the effect that a vessel is a part of the territory of the nation whose flag she flies. The term is used to designate the RIGHTS under which a ship owner, who sends his vessel into a foreign port, **gives notice by his flag to all who enter into contracts with the ship master that he intends the Law of that Flag to regulate those contracts, and that they must either submit to its operation or not contract with him or his agent at all.**" Ref.: Ruhstrat v. People, 57 N.E. 41. (Emphasis added.)

Under Article IV, section 3, of the Constitution for the united States of America, no new State shall be formed or erected within the Jurisdiction of any other State.

Judicial Notice is given that Jurisdiction over a peaceful American Citizen on the land in the territory known as Texas has been challenged and Jurisdiction of this Court using a yellow fringed, desecrated, version of an American Flag will need to be proven by the Plaintiff. Not doing so, will be of risk of violating the "FOREIGN SOVEREIGN IMMUNITY ACT" of 1976, Pub. L. 94-583, 90 Stat. 2891, 28 U.S.C. Sec. 1330, 1332(a), 1391(f); and the following may be applicable, to wit:

Title 42 U.S.C. 1986: For neglect by not stopping and correcting a wrong.

Title 18 U.S.C. 3: Accessory after the facts.

Title 18 U.S.C. 242 Deprivation of Rights.

F.R.C.P. Rule 12(B) (7) = Joinder, the court must join with the jurisdiction of the case number, citizen in party before the court, and the subject matter of the case with knowledge in common law as by the contract of the filing fee and the oath and affirmation. Violation of the oath or breach of contract will cause a mistrial,

F.R.C.P. Rule 12(B) (3) Proper venue = the file heading must be conformed throughout the entire case time line, under the same jurisdiction at all times, by common law, under the Title 4 U.S.C. 1 American flag of the united States of America and supported by oath and affirmation.

F.R.C.P. 12(B) (2) = Must have jurisdiction over the citizen in party before the court = in the right geographical area of jurisdiction.

F.R.C.P. 12(B) (1) = Subject matter jurisdiction over the subject of the case with knowledge of the facts before the court. If the judge did not read the case and understand the contents of the file case before the court then a mistrial will be

declared and the judge impeached for the fraud against the due process of law of the U.S.C.A. 5 and 14.

F.R.C.P. Rule 10 (A) Name of Citizen in Party, in upper and lower case spelling. All upper case is for dead persons only or corporations.

F.R.C.P. Rule 9(B) = Fraud and condition of mind. = once a fraud always a fraud. All frauds are mistrials.

Title 18 U.S.C. 3 = Accessory after the fact, for conspiring by not stopping a wrong against u.S.A. constitutional violations.

Title 18 U.S.C. 1342 = Fictitious name of party, mail fraud. Nom De Guerre (Also see 1341). Use of name in all upper case spelling for denying rights.

Title 42 U.S.C. 1985, (1) Conspiracy, Civil Rights, (2) Obstructing Justice, Intimidation, Collusion. (3) Deprivation of Rights or Privileges, Racketeering.

Title 18 U.S.C. 241. Conspiracy under Color of Law = Corruption of the Flag.

Title 18 U.S.C. 242, Deprivation of Rights under Color of Law.

Title 18 U.S.C. 872, Extortion of Rights under Color of Law.

Title 18 U.S.C. 872, Extortion; Rico; Racketeering, by destroying beyond recovery.

Title 42 Chapter 21 U.S.C. 1983, Personal injury when U.S. Constitutional Rights are violated, also contempt for the Constitution.

Title 18 Chapter 79 U.S.C.A. 1621, Perjury of oath of office.

Title 28 Chapter 85 U.S.C. 1359, Collusion = Officers lose jurisdiction. When use of force by violating the Constitutional Rights of foreign States. Cross Ref.: (Title 18 Chapter 73 Sec 1512) Obstruction Of Justice.

Title 19 U.S.C. 1621, Perjury of oath and affirmation, allegiance.

Title 18 U.S.C. No site for Constructive Treason. Surrender Constitution into Foreign State/Power by titles of nobility, Attorney, Lawyer, Judges. Contempt of Constitution. Ref. Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257

(1821) "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it"

False Swearing = Texas Penal Code 37.02 Perjury, Texas Penal Code 37.03 Aggravated perjury

The necessary element by proving Will of Intent (criminal condition of the mind), of deprivation of rights. Violation = Perjury of oath of office, under color of law and violation of U.S. and Texas Constitutionally secured Rights. Placing foreign yellow fringe on Title 4 U.S.C. 1 Flag = Desecration of the flag Title 4 U.S.C. 3; Then yellow fringe Foreign Flag is placed in the sanctuary of the bar or court, before the case is called and with the Will of Intent by depriving the rights of all citizens who enter the bar/court. The jurisdiction under the rules of foreign yellow fringe flag, under law of the flag, is intended for causing deprivation of rights, on the road or the home. Accessory before the fact Title 18 U.S.C. 3.

... and the United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason. *see, U.S. v. Will*, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980) *and Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821) (*supra*).

The act of witnessing and not stopping or correcting the wrongs. Sued for the neglect of the law procedures. Title 42 U.S.C. 1986 Knowledge and neglect.

Abuse of official capacity, Texas Penal Code 39.02

Official oppression, Texas Penal Code 39.03 A. Official oppression, Texas Penal Code 39.03 B. Denying or impeding another in the exercise of rights.

Impersonating public servant. Texas Penal Code 37.11; engaging in organized crime Texas Penal Code 71.02 4.k

If no proper American and Texas flag is present in the Court room clearly no Venue or Nature of the Court can be recognized and this matter must be dismissed, then

Wherefore, premises considered, the Defendant respectfully demands judgment of the Court as follows:

Either the correct and proper flags be present during the course of any proceedings regarding this matter and the Constitutions and Laws and oaths thereof be adhered to by all parties. Or in the alternative, this action be **dismissed with prejudice** in accord with Defendant's Verified Amended Answer as found in the folder of this matter.

Respectfully submitted by order of PAMELA M KNIGHT.

DATED this 23rd day of June in the year A.D. 2006, the undersigned being first duly sworn deposes and says,

I, Pamela Marsha Knight, a competent woman, a peaceful American Citizen, verify the factual averments of the above and foregoing under penalty of perjury.



Pamela Marsha Knight, unrepresented
on the land Travis county Texas
c/o 4401 Shoalwood Avenue
Austin, Texas uSA

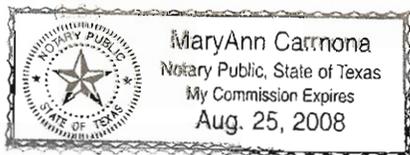


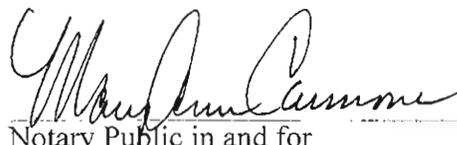
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State of Texas §
§
County of Travis §

VERIFICATION

Before me, a notary public, on this 23 day of **June, 2006** personally appeared the woman Pamela Marsha Knight, known to me to be the person whose name is subscribed to the foregoing and, being by me first duly sworn, affirmed and declared that she signed this instrument in the capacity designated and that she has read the foregoing and the statements therein contained are true and correct.





Notary Public in and for
the State of Texas

My Commission Expires 8-25-08

CERTIFICATE OF SERVICE

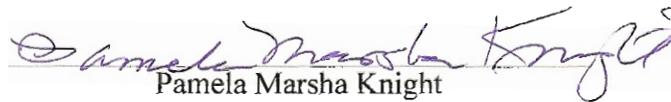
I hereby certify that a true and correct copy of the foregoing Judicial Notice regarding Foreign Flag was by me hand delivered on **June 23rd**, 2006 to the Travis County Clerk, 1000 Guadalupe, Austin, Texas for filing into **Cause No. C-1-CV-05-001462**, and then by me delivered to:

Allen Adkins, 00910050, MCCLESKEY, HARRIGER, BRAZILL & GRAF, L.L.P., P.O. Box 3340, Lubbock, Texas 79452-3340; via prepaid USPS Certified Mail, Article # 7005 3110 0001 7485 4615 Domestic Return Receipt PS Form 3811 used, and

MCCLESKEY, HARRIGER, BRAZILL & GRAF, L.L.P., 5010 University Avenue, Lubbock, Texas 79413; via prepaid USPS Certified Mail, Article # 7005 3110 0001 7485 4639 Domestic Return Receipt PS Form 3811 used; and to one

Jennifer J. Spencer, Fulbright & Jaworski L.L.P., 2200 Ross Avenue, Suite 2800, Dallas, Texas 75201; via prepaid USPS Certified Mail, Article # 7005 3110 0001 7485 4622 Domestic Return Receipt PS Form 3811 used.

No known registered agent (Texas) for **CITIBANK (SOUTH DAKOTA) N.A.**



Pamela Marsha Knight
Travis county Texas
c/o 4401 Shoalwood Avenue
Austin, Texas


no telecopier number