

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

David George Baugh  
Plaintiff

V

CITY OF JACKSONVILLE ET AL  
DEFENDANTS

§ 6:08 cv 219  
§  
§ NOTICE OF OBJECTION TO  
§ CRIMINAL COVER UP  
§ PRESENTED BY AFFIDAVIT OF  
§ AMICUS CURIAE  
§ Robert James Fox

STATE OF TEXAS  
CHEROKEE COUNTY

I, Robert James Fox, am a sovereign, sui juris, free white man, a follower of Yahshua the Messiah in the laws of The Almighty Supreme Creator, Yahvah first and foremost and the laws of man when they are not in conflict (Leviticus 18:3,4). Pursuant to Matthew 5:33-37 and James 5:12, let my yea be yea, and my nay be nay, as supported by your Federal Public Law 97-280, 96 Stat. 1211. I have personal knowledge of the matters stated herein, am over the age of majority, and hereby asseverate understanding the liabilities presented in your Briscoe v LaHue, 460 US 325.

**I, Robert James Fox, IN GOOD FAITH do hereby and herein give notice of OBJECTION TO CRIMINAL COVER UP, OBSTRUCTION OF JUSTICE, RETALIATION, WITHHOLDING EXCULPATORY EVIDENCE, AND MORE as perpetrated by alleged magistrate John D. Love in this case, as follows:**

## **CONTEMPT – JUDICIAL NOTICE**

This court WILL take judicial notice that I hold the utmost respect for the courts of this state and of this nation; however, I do distinguish between the court and an officer of the court and as to the latter, neither my respect nor my contempt is freely given; it must be earned.

### **FACTS**

1) The so-called June 30<sup>th</sup> ORDER of John D. Love is contrary to law, and

EVIDENCES NEGLECT OF DUTY as per your own Texas Code of Criminal Procedure, as John D. Love knows or should know that Article 2.03 imposes a DUTY and pettifogger shysters groveling for filthy lucre, even incompetent shysters pretending to be working at the Federal Courts, are not at liberty to violate State law.

2) I filed affidavits which are a statement of truth, knowing that it is a criminal offense to file a false affidavit, and I am not being prosecuted for filing false affidavits, which stands as evidence that John D. Love purports to DENY THE TRUTH IN ORDER TO FALSIFY THE RECORD, AND IN THIS SUI GENERIS MATTER John D. Love has involved himself in a CRIMINAL COVER UP BY SPECIFIC INTENT WHILE ATTEMPTING TO WITHHOLD EXCULPATORY EVIDENCE, IN A DENIAL OF DUE PROCESS.

3) I am not an expert in the law, however I do know right from wrong and it is wrong to engage in a criminal cover up, especially a CRIMINAL COVER UP OF TREASON, IN FELONY BREACH OF FIDUCIARY DUTY!!

4) The so-called June 30<sup>th</sup> ORDER of John D. Love is FALSIFICATION OF THE RECORD, declaring, "...motions for leave to file amicus affidavits..." while in fact I filed NO MOTIONS WHATSOEVER. B.A.R. TERRORIST John D. Love is suffering from delusions if he believes that I am his SLAVE; I do not have any need to beg for permission to instruct a PUBLIC SERVANT, MY OWN SERVANT, drawing his attention to the error of his ways, although in the case of John D. Love, apparently I have made the mistake of crediting him with more intelligence than he actually has, wherefore I am now forced to refresh his memory, in large print for thick skulls, as follows:

**“Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by law; and, when that is discerned, it is the duty of the Court to follow it. **Judicial power is never exercised for the purpose of giving****

**effect to the will of the Judge; always for the purpose of giving effect to the will of the Legislature; or, in other words to the will of the law.” Osborn v. U.S. Bank, 22 U.S. 738 (1824)**

I defy pettifogger shyster groveling for filthy lucre John D. Love to show me where the legislative branch has delegated him the authority to participate in a criminal cover up, or for that matter where the Constitution provided him the authority to participate in a criminal cover up!!! Indeed, I defy pettifogger shyster groveling for filthy lucre John D. Love to show cause as to why he should not be prosecuted criminally for his criminal conduct, for which he has no immunity whatsoever!!!

5) Pettifogger shyster groveling for filthy lucre John D. Love cites a 1985 case out of the Fifth Circuit, neglecting the 1999 matter wherein I filed an Amicus Curiae at docket entry #12 as attached, independently notifying Fifth Circuit Justice Higginbotham, of facts and law, resulting in the immediate termination of the criminal case 3:99-mj-00077 as against Jeffrey Gene Sciba, arrest to case dismissed in fourteen days regarding the fact of a denial of due process, on a charge of threatening to murder a federal judge.

6) Years ago, at the SMU Law School, Dallas, Texas, I was present with United States Supreme Court justices and World Court justices wherein one of the items being discussed was the fact that the United States system of justice relies significantly upon Amicus Curiae input to broaden its scope of inquiry in order to arrive at the most appropriate decision. Clearly, as per the DENIAL OF THE TRUTH IN ORDER TO FALSIFY THE RECORD, B.A.R. TERRORIST, John D. Love, acting as a pettifogger shyster groveling for filthy lucre, in his vain imaginings has declared himself superior to the United States Supreme Court justices, as evidenced by the rejection of Amicus Curiae input!!! Some experts in law might tend to think that non-attorneys would have nothing to offer, however as an example, in World War II when Alaska was attacked by the Japanese at Attu Island, the experts at the Pentagon sent 15,000 American troops to overwhelm the 2,600 Japanese soldiers. The Pentagon experts disregarded advice from

native Alaskans, specifically Castner's Cutthroats, and the result was 2000 American troops succumbed to trench foot, hypothermia, and frostbite; while another 1600 died in combat. This was a result that could have been avoided had the experts at the Pentagon heeded the warning of Castner's Cutthroats, the non-experts native to Alaska. The non-experts knew one thing that the Pentagon experts failed to properly consider – the devastating effect of the weather. The 15,000 American troops did not overwhelm the Japanese, but were overwhelmed by the weather while they had only three days of rations, so even the simple matter of food became a survival issue thanks to the experts and their expert planning. The moral of the story is that it does not hurt to listen to another man's viewpoint and one might be surprised at the insights of a non-expert.

7) 28 USC §2072(b) further supports my contention that rules do not abridge rights, indeed according to 18 USC § 4 I have a DUTY to report criminal activity, so it is UTTERLY PREPOSETEROUS for John D. Love to REFUSE TO ADDRESS THE ISSUE OF CRIMINAL ACTIVITY, OBSTRUCT JUSTICE, WITHHOLD EXCULPATORY EVIDENCE IN A DENIAL OF DUE PROCESS, FACILITATE RETALIATION, ACT IN COLLUSION WITH TERRORISTS ENGAGED IN TREASON, AND EMBEZZEL A PAYCHECK FOR SUCH NEFARIOUS CONDUCT IN FELONY BREACH OF FIDUCIARY DUTY.

8) I had a winning case cited in the United States Code Annotated, at least until Congress changed the law; I wrote a Petition for Writ of Habeas Corpus that won by a unanimous decision at the Supreme Court of Texas; I filed an Amicus Curiae that won a Federal Felony case on the spot; I had over six hundred attorneys claiming that I, by myself, had them under siege in a civil case, wherefore I would most humbly suggest that simply being a non-attorney does not mean that I am unable to think, or that I lack the ability to file a meaningful Amicus Curiae, or that I am unable to make a criminal complaint before the grand jury when necessary. Indeed, it is plain and clear that every time that I won, there was a small army of attorneys who were on the losing side, attempting to justify their sycophant existence, and their absurd attempts to obstruct justice, with their pathetic drive!!!

9) Even though John D. Love appears to embrace fascist feudalism he may still be capable of making a new decision in favor of obeying the law, although I certainly cannot prevent him from committing criminal acts in collusion with hardened criminals, however the future acts of John D. Love

will go to show and verify his intent now that he has been placed on notice as to the criminal aspects of his own conduct should he deliberately choose to be indicted, as other judges at the Tyler Courthouse monitor his conduct.

## OFFER OF PROOF

10) Due to the fact John D. Love has declared that, "...the submission of affidavits, standing alone, is not the appropriate method of presenting evidence in a case." I have witnesses, evidence and testimony in an offer of proof that John D. Love, acting as an officer of the court a) is duty bound to address criminal activity, b) has negligently facilitated criminal activity in felony breach of fiduciary duty, c) has embezzled a paycheck, or is attempting to make his employer a co-conspirator in criminal activity, d) has falsified the record, while violating the rule of evidence, in order to avoid the truth being ascertained and proceedings justly determined, e) has made himself liable for sanctions by needlessly increasing the cost of litigation, f) is withholding exculpatory evidence in a denial of due process in order to facilitate said criminal activity, and g) has joined others acting in collusion to unlawfully retaliate against David George Baugh, thereby eroding public confidence in the justice system, besmirching the reputation of the judicial system, and causing the B.A.R. to be held in derision for inability to maintain some semblance of decency, or even a little competence.

11) The court cannot refuse an offer of proof.

12) Upon evidencing the essential facts, it will be plain and clear that John D. Love, as a menace to civilized society, must be indicted or provided with appropriate professional mental health care to curb his criminal tendencies.

13) *"Allegations such as those asserted by petitioner, (a pro se litigant), however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. Accordingly, although we intimate no view on the merits of petitioner's allegations, we conclude that he is entitled to an opportunity to offer proof."* *Haines v. Kerner*, 404 U.S. 519, 522

14) Pursuant to *Haines v. Kerner* I hereby **DEMAND A SHOW CAUSE HEARING** in order that the truth be ascertained and proceedings justly determined as per the RULES OF EVIDENCE, RULE 102.

15) I am not an expert in the law however I do know right from wrong. If

there is any human being damaged by any statements herein, if he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt hereof providing me with your counteraffidavit, proving with particularly by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father (Yahvah), through the power and authority of the blood of His Son (Yahshua) be done on Earth as it is in Heaven.

**Reserving ALL Natural God-Given Unalienable Birthrights, Waiving None, Ever,**

**28 USC §1746**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 28 USC §1746  
Signed on this the seventh day of the seventh month in the year of our Lord and Savior two thousand eight.

---

**Robert James Fox**  
**as in U.S. v. Fox, 766 F.Supp. 569,**  
**a winning case that was cited at 18 USCA §1546(a),**  
**a missionary in a Matthew 25 mission c/o 903-541-2482**  
**c/o house of Israel, 300 S. Main Street, Jacksonville, Texas**

## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was hand delivered and/or sent by mail, postage prepaid, to opposing parties this the seventh day of the seventh month in the year of our Lord and Savior two thousand eight.

---

Robert James Fox

Due to the fact I have endured three life threatening SWAT type attacks in less than a month, with NO END IN SIGHT DUE TO THE LAWLESS CONDUCT, whereby some four hundred FELONIES have been relentlessly created in an attempt to frame me for bogus misdemeanors, I am forced to give notice of Texas Code of Criminal Procedure, Article 2.03 IMPOSING A DUTY accordingly as to the life threatening corruption in Cherokee County, as further aided and abetted by hardened criminals, OR GROSS INCOMPETENTS in high office, in desperate need of professional mental health care.

cc:

Leonard Davis	CM RRR #7006 2760 0004 5805 1236
Michael Schneider	CM RRR #7006 2760 0004 5805 1243
Judith Guthrie	CM RRR #7006 2760 0004 5805 1250
12 <sup>th</sup> Circuit Court of Appeals	CM RRR #7006 2760 0004 5805 1267
Supreme Court of Texas	CM RRR #7006 2760 0004 5805 1274
Texas B.A.R. Association	CM RRR #7006 2760 0004 5805 1281
State Commission Judicial Conduct	CM RRR #7006 2760 0004 5805 1298

CLOSED

**U.S. District Court  
Northern District of Texas (Dallas)  
CRIMINAL DOCKET FOR CASE #: 3:99-mj-00077 All Defendants**

Case title: USA v. Sciba

Date Filed: 03/03/1999

Date Terminated: 03/16/1999

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Assigned to: Magistrate Judge Wm F Sanderson, Jr

**Defendant**

**Jeffrey Gene Sciba (1)**  
*TERMINATED: 03/16/1999*

represented by **Jeffrey Gene Sciba**  
33083-077  
FCI Seagoville  
PO Box 9000  
Seagoville, TX 75159-9000  
PRO SE

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

Threaten to assault and murder a U.S. District Judge; 18 USC 115

**Disposition**

Dismissed

---

**Plaintiff**

USA

represented by **Paul D Macaluso**  
US Attorney's Office  
1100 Commerce St  
3rd Floor  
Dallas, TX 75242

214/659-8647  
 Fax: 214/767-4104 FAX  
 Email: paul.macaluso@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/02/1999		ARREST of Jeffrey Gene Sciba (nbs) (Entered: 03/03/1999)
03/03/1999	1	COMPLAINT as to Jeffrey Gene Sciba (3) (nbs) (Entered: 03/03/1999)
03/03/1999	2	MOTION by USA as to Jeffrey Gene Sciba for pretrial detention (3) (nbs) (Entered: 03/03/1999)
03/03/1999		Initial appearance as to Jeffrey Gene Sciba held ; Preliminary Examination set for 2:00 3/5/99 for Jeffrey Gene Sciba ; Detention Hearing set for 2:00 3/5/99 for Jeffrey Gene Sciba (Defendant informed of rights.) (nbs) (Entered: 03/03/1999)
03/03/1999	3	ORDER OF TEMPORARY COMMITMENT as to Jeffrey Gene Sciba Preliminary & Detention Hearing set for 2:00 3/5/99 for Jeffrey Gene Sciba cc: all Page(s): 1 ( Signed by Magistrate Judge Wm F. Sanderson Jr ) (nbs) (Entered: 03/03/1999)
03/03/1999	4	Minute entry for Initial Appearance as to Jeffrey Gene Sciba : ; Held before Magistrate Judge Wm F. Sanderson Jr Court Reporter: Electronic (1) (nbs) (Entered: 03/03/1999)
03/05/1999		Preliminary Hearing as to Jeffrey Gene Sciba held: probable cause found. (nbs) (Entered: 03/12/1999)
03/05/1999		Detention hearing as to Jeffrey Gene Sciba continued to 11:00 3/8/99 for Jeffrey Gene Sciba (nbs) (Entered: 03/12/1999)
03/05/1999	5	Minute entry for preliminary hearing as to Jeffrey Gene Sciba : ; Held before Magistrate Judge Wm F. Sanderson Jr Court Reporter: Electronic (1) (nbs) (Entered: 03/12/1999)
03/05/1999	6	RESPONSE by Jeffrey Gene Sciba to [1-1] complaint (15+) (nbs) (Entered: 03/12/1999)
03/08/1999		Detention hearing as to Jeffrey Gene Sciba held: Bond set \$3,000.00 cash or surety w/special conditions. BOND STAYED pending disposition of Govt's appeal. (nbs) (Entered: 03/12/1999)
03/08/1999	7	Minute entry for detention hearing as to Jeffrey Gene Sciba : ; Held before Magistrate Judge Wm F. Sanderson Jr Court Reporter: Electronic (1) (nbs) (Entered: 03/12/1999)
03/08/1999	8	Administrative Notice Presented by Affidavit of Amicus Curiae Robert James: Fox (3) (nbs) (Entered: 03/12/1999)
03/08/1999	9	NOTICE OF APPEAL of Conditions of Release by USA as to Jeffrey Gene Sciba and MOTION TO STAY MAGISTRATE COURT'S

	ORDER (3) (nbs) Modified on 03/12/1999 (Entered: 03/12/1999)
03/08/1999	9 MOTION by USA as to Jeffrey Gene Sciba to stay (3) (nbs) (Entered: 03/12/1999)
03/08/1999	10 ORDER as to Jeffrey Gene Sciba granting [9-1] motion to stay magistrate court's order of release as to Jeffrey Gene Sciba (1) cc: all Page(s): 1 ( Signed by Judge Jorge A. Solis ) (nbs) (Entered: 03/12/1999)
03/09/1999	11 MOTION by USA as to Jeffrey Gene Sciba for revocation of order releasing defendant on bond (7) (nbs) (Entered: 03/12/1999)
03/11/1999	12 Administrative Notice and Demand Presented by Affidavit of Amicus Curiae Robert James: Fox (5) (nbs) (Entered: 03/12/1999)
03/16/1999	13 MOTION by USA as to Jeffrey Gene Sciba to dismiss government's motion for revocation of order releasing defendant on bond (2) (nbs) (Entered: 03/17/1999)
03/16/1999	14 ORDER as to Jeffrey Gene Sciba granting [13-1] motion to dismiss government's motion for revocation of order releasing defendant on bond as to Jeffrey Gene Sciba (1) cc: all Page(s): 1 ( Signed by Chief Judge Jerry Buchmeyer ) (nbs) (Entered: 03/17/1999)
03/16/1999	15 MOTION by USA as to Jeffrey Gene Sciba to dismiss notice of appeal and motion to stay magistrate court's order releasing defendant (2) (nbs) (Entered: 03/17/1999)
03/16/1999	16 ORDER as to Jeffrey Gene Sciba granting [15-1] motion to dismiss notice of appeal and motion to stay magistrate court's order releasing defendant as to Jeffrey Gene Sciba (1) cc: all Page(s): 1 ( Signed by Chief Judge Jerry Buchmeyer ) (nbs) (Entered: 03/17/1999)
03/16/1999	17 MOTION by USA as to Jeffrey Gene Sciba to dismiss complaint (2) (nbs) (Entered: 03/17/1999)
03/16/1999	18 ORDER as to Jeffrey Gene Sciba granting [17-1] motion to dismiss complaint as to Jeffrey Gene Sciba (1) cc: all Page(s): 1 ( Signed by Magistrate Judge Wm F. Sanderson Jr ) (nbs) (Entered: 03/17/1999)
03/16/1999	DISMISSAL of Count(s) on Government Motion as to Jeffrey Gene Sciba Terminated motions: terminating [2-1] motion for pretrial detention as to Jeffrey Gene Sciba (1) Complaint dismissed. (nbs) (Entered: 03/17/1999)

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