

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

FILED

April 21, 2017



Board of Disciplinary Appeals

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

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§  
§

CAUSE NO 52457

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SECOND 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-OCDC<sup>1</sup>

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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 through an illegal monopoly union 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:

I.

INCORPORATION OF ALL PREVIOUSLY FILED PLEADINGS

1. Barnes hereby incorporates by reference the same as if fully set forth verbatim herein all previously filed pleadings, response, supplemental responses, motions, and documents. Subject to the previously filed objections to jurisdiction, legal capacity, and standing and while still maintaining and standing on the fact that BODA has no

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<sup>1</sup> 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.

jurisdiction over Barnes or this matter as it is proper only in a district court with a jury trial and full panoply of constitutional rights as dictated by the organic natural law and common law of Texas and the United States as secured and protected by the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> amendment to the United States Constitution and the Texas Constitution, Art. 1, §§ 1-29 and Art. 2, § 1. Further, Respondent has no legal capacity or standing in Texas because it is a product and subsidiary of an illegal and unconstitutional monopoly union acting in restraint of free trade and engaging in unfair trade practices, racketeering, and contrary to the open courts doctrine, separation of powers, equal rights, and the due course of law. Respondent has been harassed, disfranchised, and significantly harmed, economically, professionally, and personally by Petitioner and all the entities set up by the SUPREME COURT OF TEXAS to cover and conceal the operation of an unconstitutional enterprise in Texas in violation of the Texas Constitution, which enterprise is engaged in racketeering and other illegal restraint of trade and unfair trade practices with a discriminatory impact in this State, obstructing justice and free and fair access to the court, and ubiquitous disfranchisement of the people of this State.

## II.

### ILLEGAL MONOPOLY UNION

In willful violation of the Texas Constitution and organic natural and common laws of this State, the SUPREME COURT OF TEXAS has been acting illegally in restraint of trade and free enterprise since 1939 and has systematically set up an illegal monopoly union which is arbitrary, capricious, and oppressive. Monopolies have no legal capacity or standing in this State and any tribunal recognizing and aiding, abetting, assisting, and advancing the financial interests of this illegal and unconstitutional

monopoly enterprise are acting *ultra vires* and are engaged in acts of racketeering in restraint of free trade and fair business practices against the public policy of this constitutional republic. The SUPREME COURT OF TEXAS has willfully, knowingly, intentionally, deliberately, and maliciously violated the Texas bill of rights and separation of powers with the intent to oppress the people of this State and to infringe upon the rights of lawyers like Barnes to practice their deeply held religious beliefs, earn a livelihood, and protect their clients from tyranny and abuse. The SUPREME COURT OF TEXAS knew that monopolies were unconstitutional and against the public policy of this State and the express will of the people, and knowing of the predictable harm, injury, and damages that would flow from a monopoly enterprise, proceeded nevertheless with a conscious disregard and deliberate indifference to the rights, safety, and welfare of the people of this State and the independent lawyers like Barnes.

### III.

#### RACKETEERING AND RICO VIOLATIONS<sup>2</sup>

1. The SUPREME COURT OF TEXAS, willfully and cognizant of the illegality and unconstitutionality of its actions in setting up a dictatorial racketeering enterprise in restraint of trade and undermining fair business practices and free competition, has established a tyrannical monopoly enterprise for profit and oppression to advance its own power and control over the people of this constitutional republic. The SUPREME COURT OF TEXAS has self-created superficial layers of commissions, boards, administrative agencies, and adopted strong arm enforcement tactics to perpetrate its criminal activity and advance its political, social, and religious agenda. Each layer of

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<sup>2</sup> RICO was enacted October 15, 1970, as Title IX of the Organized Crime Control Act of 1970 and is codified at 18 U.S.C. §§ 1961-1968.

deception has encroached more and more on the freedom, property, and independence of Barnes for over three decades and has resulted in a significant and serious loss of property, infringement of intellectual property rights, and impairment of deeply held religious beliefs.

2. This current totalitarian action is just one of a long series of oppressive tactics and dishonest acts to undermine Barnes' fundamental rights and subject Barnes to unequal treatment under the due course of law. This monopoly union advances the interests of its special and privileged members in their retaliatory acts against Barnes. The special and privileged members advance their own careers and profits at the expense of those who have deeply held religious beliefs that prevent them from bending the knee to a tyrant. Barnes has steadfastly refused to adopt the religious beliefs pontificated by this monopoly monolith and refused to kiss the rings of the self-serving megalomaniacs who serve as the high priests of this state religion.

3. This monolithic monopoly has strangled the peoples' courts and usurped the rights of the people to the free access to their courts and cut off the rights of the people to redress their grievances in a free and open court through a series of archaic and esoteric rituals and other rites of passage to obscure and block the access of the people to their own courts.

4. This unconstitutional monopoly power has advanced the infiltration of their members into the executive and legislative branches of government to facilitate their amassing of unconstitutional power in violation of the separation of power established by the people of this State. This amassing of monopoly power is against the public policy of this State and threatens the safety and security of the people of this State.

5. These acts of racketeering and profiteering at the expense of the people of Texas, and the lawyers who speak up for and defend the rights of the people of this State and who refuse to compromise their religious beliefs or lower their standards of ethical conduct, violate the RICO laws of this nation and the international treaties, conventions, and covenants signed by the United States of America, to which the SUPREME COURT OF TEXAS must abide and conform its conduct.

6. As previously stated in the motion to recuse and supplemental motion to recuse, this monolithic monopoly, and the megalomaniacs that self-promote and self-advance their way up the state religion, routinely deprive the people of their fundamental rights and due process, while subjecting them to unequal treatment and protection under the law.

7. Barnes has been deprived of due process, fairness, and equal rights, treatment, and protection under the law ever since 1988 and the retaliation, predatory practices, and tyrannical oppression has continued unabated. EVERY time the SBOT-OCDC has advanced the private agenda of the high priests or favored class of adherents to their state religion. Those members who will bend the knee, kiss the rings, and adopt the rites and rituals of the Supreme religion of the State receive special privileges, protections, and immunities in this profiteering-racketeering enterprise.

8. Barnes is entitled to civil equitable relief and a prospective injunction against the SUPREME COURT OF TEXAS and all its various layers of entities to enjoin them from these acts of tyranny and oppression in the future in restraint of trade, free enterprise, and fair business practices. Barnes seeks civil equitable relief under 18 U.S.C. § 1964(a), and will prove to the jury that: (1) the SUPREME COURT OF TEXAS and all its various agencies, commissions, boards, and other *alter egos* committed or intended to commit a

RICO violation; and (2) that there is a reasonable likelihood that they/it will commit a violation in the future. Barnes will establish that the SUPREME COURT OF TEXAS and its *alter egos* committed a violation of the RICO statute, and that such RICO violation was the proximate cause of injury to Barnes' business or property, including her vested interests in intellectual property rights and fundamental right to earn a livelihood and practice her deeply held religious beliefs.

9. The SUPREME COURT OF TEXAS and its alter egos and privileged members invested the proceeds of the pattern of racketeering activity into the enterprise (18 U.S.C. § 1962(a)); acquired or maintained an interest in, or control of, the enterprise through the pattern of racketeering activity (subsection (b)); conducted or participated in the affairs of the enterprise "through" the pattern of racketeering activity (subsection (c)); and/or conspired to do one of the above (subsection (d)). In essence, the enterprise is either the 'prize,' 'instrument,' 'victim,' or 'perpetrator' of the racketeers.<sup>3</sup>

10. The SUPREME COURT OF TEXAS and its alter egos and privileged members colluded to violate Barnes' fundamental rights and committed violent crimes in aid of that racketeering activity in violation of 18 U.S.C. § 1959. Barnes will prove that the SUPREME COURT OF TEXAS, its alter egos, and privileged members engaged in a criminal collusion and conspiracy or other pattern of activity in violation of RICO, which involved fraud, kidnapping, bribery, obstruction of justice, extortion, racketeering, and

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<sup>3</sup> "As the Supreme Court noted in *National Organization for Women, Inc. v. Scheidler*, 510 U.S. 249, 259 n.5 (1994), one commentator has used "the terms 'prize,' 'instrument,' 'victim,' and 'perpetrator' to describe the four separate roles the enterprise may play in § 1962." (citing G. Robert Blakey, *The RICO Civil Fraud Action in Context: Reflections on Bennett v. Berg*, 58 Notre Dame L. Rev. 237, 307-25 (1982). See page 32 of *RICO State by State: A Guide to Litigation under the State Racketeering Statutes*, John E. Floyd, Section of Antitrust Law, American Bar Association, Library of Congress Catalog Card Number 97-70903, ISBN 1-57073-396-1



other acts of terrorism<sup>4</sup> and torture in violation of federal and international law.<sup>5</sup> Barnes will show the jury far more than two such acts in the past 10 years. These acts committed by privileged and protected members of the enterprise were the result of direct collusion and conspiracy and with full knowledge and participation by the enterprise. The continuing acts of obstruction of justice to conceal the racketeering and RICO violations are a continuation of the criminal enterprise with willful, knowing, deliberate, and malicious intent. The acts of retaliation and retribution also show the criminal intent of this racketeering enterprise and its pattern of racketeering designed to maintain its monopoly control over the practice of law and access to the courts in this constitutional republic. This racketeering monopoly has completely usurped the natural right of the people to practice law in their own person. This racketeering monopoly has set up a system to ostracize, punish, and retaliate against the people who access the courts in their own person rather than through a monopoly union agent. This extortion of money from the people of Texas for access to their courts and fundamental right to redress of grievances violates the open courts doctrine, the bill of rights, and RICO.

11. Barnes will prove that the SUPREME COURT OF TEXAS and its *alter egos* and privileged and protected members conspired, colluded, and collaborated to concoct fictitious legal complaints solely in retribution and retaliation against Barnes for her

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<sup>4</sup> Terrorism is, in its broadest sense, the use of intentionally indiscriminate violence as a means to create terror or fear, in order to achieve a political, religious, or ideological aim. It is classified as fourth-generation warfare and as a violent crime.

<sup>5</sup> The Convention Against Torture (U.N. resolution 39/46) defines "torture" as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." CAT Art. 1, § 1. See also J. Herman Burgers and H. Danelius, *The United Nations Convention against Torture. A Handbook on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Dordrecht, Martinus Nijhoff Publishers, 1988.

advocacy, associations, and activism and to silence her speech and suppress her thoughts, beliefs, and opinions.

12. Barnes has been injured in her business and property by the violations of Section 1962 of RICO as a direct and proximate result of the monolithic monopoly union established by the SUPREME COURT OF TEXAS and its unwarranted acts of aggression, oppression, and suppression against Barnes for nearly three decades. Barnes is entitled to recover the civil remedies set forth in 18 U.S.C. § 1964(a), (b) and (c), and Barnes hereby seeks recovery of those civil remedies from a jury upon the transfer of these matters to the proper district court with jurisdiction.

#### IV.

##### STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION

13. Barnes will prove to a jury that the SBOT-OCDC has a practice of targeting certain attorneys for repetitive harassment solely to suppress free speech and independent thought. These targets are routinely peppered with false claims, concerns, and complaints. There is no deterrent to prevent these harassing lawsuits against public participation. They are always politically motivated and are filed by the more privileged and protected attorneys and there is no remedy for the target. JUDITH GRES DEBERRY and the SUPREME COURT OF TEXAS and its various *alter egos* and special privileged and protected members engaged in a series of strategic lawsuits and false claims against Barnes in an effort to suppress and silence her advocacy, activism, and associations and to infringe upon her deeply held religious beliefs, interfere with her right to earn a livelihood, and impair her right to free expression of thoughts, ideas, and opinions. These acts of violence and retaliation were designed and intended to intimidate, censor, and



silence a vocal critic of the corruption within the criminal justice system and the judicial branch in general, and within the State Bar of Texas and its OCDC specifically.

14. For nearly three decades the intent of the SBOT-OCDC has been to protect the monopoly union power for the select and special, privileged and protected members at the top—the politicians and high priests. JUDITH GRES DEBERRY and her co-prosecutor buddies continued this intent to burden Barnes with the cost of numerous legal defenses until she abandoned her criticism of or opposition to the corrupt practices of certain judges, prosecutors, and other high priests of this Supreme state religion.

15. The goals of this protectionism racket are accomplished if the lawyer targeted succumbs to fear, intimidation, mounting legal costs or simple exhaustion and abandons the criticism. These SLAPP actions have had a chilling effect on free speech among attorneys of this State and the people themselves because these retaliatory acts of oppression intimidate others from entering into or participating in a public debate. The high priests and politicians are allowed to strike at will against the target or her clients with impunity because they have shielded themselves with absolute immunity. This was a seditious act as well knowing that the people of this republic soundly rejected royal sovereignty, titles and privileges and made a clean break with the oppression and tyranny of a sovereign class—in the constitutional republic the people are the sovereign. Sovereign immunity was usurped from the people in violation of the clear intent of the people in the declarations of independence and in establishing their bill of rights. The only sovereignty lies with the people and all interloping usurpations are legal nullities.

16. When Barnes refused to be silenced, suppressed, and subjugated, JOHN BRADLEY, ROBERT MCCABE, TRAVIS MCDONALD, DOUG SHAVER, DEE

HOBBS, DALE RYE, GUILFORD JONES, JOHN DELANEY, JUDITH GRES DEBERRY and other special, privileged, and protected members of this racketeering enterprise colluded, conspired, and collaborated to file false and fraudulent charges against Barnes in tandem to divide her resources and distract her attention. These racketeers acted in concert and were joined by other high priests of the racketeering enterprise to perpetuate the criminal conduct, including political cronies all the way up the sacerdotal staircase. JEFF ROSE, BOB PEMBERTON, DAVID PURYEAR, GEOFFREY PURYEAR, JOSH RENO, CINDY BOURLAND, ALAN SCHREIBER, TODD DUDLEY, SHANNON HOOKS, and members of the THIRD COURT OF APPEALS and the COURT OF CRIMINAL APPEALS, and the SUPREME COURT OF TEXAS—all privileged and protected members of the racketeering enterprise and the local Republican Party—joined the malicious misogynous assault on Barnes in retaliation against her for her advocacy, associations, and activism. These special members of this illegal combination in restraint of trade were coalesced by religion and politics in opposition to Barnes' freedoms, liberties, and rights.

17. Currently, JUDITH GRES DEBERRY continues to engage in the same malicious abuse of process by filing an additional SLAPP in the wrong tribunal and making false and fraudulent accusations—this has been her habit, practice, policy, and procedure for seven years and her malicious abuses go unchecked and uncorrected because of the political cronyism within this criminal cabal of oppressors within the unconstitutional monopoly union. JUDITH GRES DEBERRY knew that the judgment was not final and that any action for disbarment must be filed in the District Court of Williamson County. However, in another illegal and unconstitutional act of summarily taking of property

without just compensation in violation of the Texas Constitution and 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> amendments to the United States Constitution, JUDITH GRES DEBERRY brings her false accusations before a tainted tribunal, knowing their own self-interests would cloud and improperly influence their decisions. Together this criminal subterfuge will attempt to use its own self-serving “internal rules” and other corrupting rituals to override and repeal the expressed will of the people of this State. These willful acts are all ultra vires, unconstitutional, and null and void *ab initio*. It does not matter to JUDITH GRES DEBERRY and the criminal cabal that she represents because her intent and design is to continue to divide Barnes’ resources and distract her from the important matters at hand. These continuous SLAPPS by the SBOT-OCDC are designed and intended to advance the object of the conspiracy announced by JOHN BRADLEY, ROBERT MCCABE, TRAVIS MCDONALD, and other corrupt co-prosecutors at the inception of this criminal conspiracy.

## V.

### TAKING OF PROPERTY WITHOUT JUST COMPENSATION

18. The SUPREME COURT OF TEXAS and all its various alter egos and co-conspirators have engaged in willful, unjust, and unfair competition in restraint of trade for three decades and have willfully violated RICO, and as a direct and proximate result of this unconstitutional activity have infringed upon, impaired, and interfered with Barnes’ vested intellectual property rights and interests, Barnes’ contractual rights and obligations, and Barnes’ inherent rights to liberty, freedom, and economic welfare resulting in a taking of property without just compensation. Barnes hereby asserts her

claims for just compensation for this illegal and unconstitutional taking upon transfer of this case to a court of proper jurisdiction.

## VI.

### MOTION TO DISMISS UNDER CHAPTER 27

19. Barnes hereby asserts a Motion to dismiss under Chapter 27 as additional grounds to dismiss because this action in the improper tribunal is seeking to impose the punishment of summary disbarment without due process and in violation of the due course of law for speech only conduct and for exercising my right to petition for redress of grievances. The SUPREME COURT OF TEXAS and all its various *alter egos* and special interest groups of politicians, prosecutors, and juridical officers have colluded, conspired and collaborated to frame Barnes as a criminal, lunatic, vexatious litigant, and guilty of moral turpitude per se as a means to oppress, suppress, and punish Barnes' right of free speech, right to petition, and right of association. Framing an innocent person through acts of violence and torture, imposition of cruel and unusual punishment pretrial, and summary confiscation of their right to be heard, right to a jury trial, right to confront, right to cross-examine, right to call witnesses, right to introduce evidence, right to a jury trial, right to allocution, and right to appeal, while suspending habeas corpus, the rule of law, and the bill of rights is a crime of violence. The actions of the SUPREME COURT OF TEXAS, and its various alter egos, political cronies, and special interest groups including the THIRD COURT OF APPEALS and the COURT OF CRIMINAL APPEALS has violated State, federal, and international law.<sup>6</sup> Barnes is entitled to

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<sup>6</sup> Universal Declaration of Human Rights (1948); International Covenant on Civil and Political Rights (ICCPR) (1966); International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1981); Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading

dismissal of this legal action and other relief set forth in Tex. Civ. Prac. & Rem. Code and Barnes seeks dismissal of this legal action under that provision, in addition to the motion to dismiss as a result of the lack of jurisdiction, lack of legal capacity, lack of standing, and election of remedies bar to prosecution.

## VII.

### ELECTION OF REMEDIES BARS RECOVERY

20. The SUPREME COURT OF TEXAS, and all its various *alter egos*, including the Commission for Lawyer Discipline, SBOT-OCDC, and BODA are acting ultra vires without legal capacity, standing, or authority to act. The Commission for Lawyer Discipline has no authority to act in a disbarment proceeding pursuant to State Bar Act 81.076. It has no authority to act like a pretend client of the SBOT-OCDC because it is just a standing committee of the state bar. The SUPREME COURT OF TEXAS cannot promulgate “internal rules” and grant more powers to the Commission for Lawyer Discipline or to the SBOT-OCDC than those delegated by the Legislature—especially when the voting members of the Legislature had a serious conflict of interest in registering their votes during the passage of the State Bar Act at a time when they were active members in good standing in the State Bar within the judicial branch.

21. Further, these unconstitutional entities made its/their election to proceed pursuant to their own “internal rules” self-created by the SUPREME COURT OF TEXAS rather than under the delegated authority of Legislature as reflected in the State Bar Act Gov’t Code, Title 2, Subtitle G, Chapter 81, Sec. 81.001 et. seq. Everything that has been done

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Treatment or Punishment (1975); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984); Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, and Convention on the Rights of Persons with Disabilities (CRPD) (2009)

has been accomplished illegally, ultra vires, and unconstitutionally and is therefore a legal nullity without any force and effect—it is all null and void ab initio and this tribunal has no jurisdiction, the alleged client has no authority to act or legal capacity or standing, and the SBOT-OCDC has no authority to act, legal capacity, or standing as a monopoly union.

22. The actions undertaken by the SUPREME COURT OF TEXAS and prominent members of its monopoly union on May 11, 2010, and at all times thereafter, willfully infringed on Barnes' fundamental rights, impaired the obligation of contracts, encroached upon her intellectual property rights, abrogated her civil liberties, and interfered with her economic freedom and right to earn a livelihood. The actions undertaken by the SUPREME COURT OF TEXAS and its special privileged class of members on February 28, 2011 suspending Barnes' license to practice law without any semblance of due process, without her consent, and by usurping her fundamental right to liberty and freedom clearly violated the State Bar Act, Gov't Code, Title 2, Subtitle G, Chapter 18, Sec. 81.077 and Sec. 81.078 (a); constituted a governmental taking without just compensation; violated 18 U.S.C. §§ 241, 242 and 42 U.S.C. §§ 1983, 1985; violated international law; and nullified Barnes' fundamental rights to economic freedom, right to earn a livelihood, right to speak, right to associate, right to petition for redress of grievances, right to be left alone; right to live free; right not to be framed; and right to practice her deeply held religious beliefs. The subsequent conviction was obtained willfully, deliberately, and knowingly with malice in violation of the State and federal bill of rights. These entities knew that Barnes' fundamental rights were being violated; her license to practice law had been summarily suspended in violation of law; her right to

be heard was repealed; and the court had no jurisdiction due to the defective indictment following the *nolle prosequi* and DOUG SHAVER had no oath of office.

23. JUDITH GRES DEBERRY proves her unethical and dishonest *modus operandi* again in her response disingenuously arguing the application of Sec. 81.078. She and her alleged clients have already waived any rights she/they may have had under the State Bar Act by failing and refusing to comply within the bounds of the law and consistent with the delegated authority. By electing to proceed illegally under the “internal rules,” they have waived, forfeited, and lost any authority, standing, or capacity to invoke the remedies under the State Bar Act. These entities are precluded and barred by election from now bringing an action under the State Bar Act.

24. Disbarment proceedings are controlled by Section 81.077 and Section 81.078 and the SUPREME COURT OF TEXAS has no delegated authority to exceed the limits of 81.077 in disbarment proceedings and had no authority to suspend Barnes from the practice of law without her consent. The attempt to adopt “internal rules” that permit a summary disbarment of a licensed attorney without due process is a legal nullity. By electing to proceed under its “internal rules” rather than under Section 81.077 and by acting in direct violation of Section 81.078 (a), the SUPREME COURT OF TEXAS, the SBOT-OCDC, and BODA made their election and cannot now attempt to jump back into Section 81.078 as the dishonest JUDITH GRES DEBERRY now advocates in her frivolous response.

25. Barnes cannot be disbarred because there is no conviction in a court of competent jurisdiction because these dishonest entities know that DOUG SHAVER never had an oath of office and was acting *ultra vires* throughout his reign of terror; Barnes had a right



to object to his assignment, which she did immediately; and the indictment failed to stand a felony. Further, the alleged misdemeanor was not a crime involving moral turpitude per se and no amount of dishonesty by licensed attorneys hell-bent on not honestly demeaning themselves in the practice of law and who are continuing to advance a fraud on the courts will change that legal fact. The courts are not free to fabricate jurisdiction when there is none; to fabricate a crime when none is contained within the indictment; and to secure a conviction based on fraud by discarding the burden of proof, grossly misrepresenting the law, and suborning perjury, tampering with the witness and evidence, and suspending *habeas corpus* and the bill of rights.

26. The SUPREME COURT OF TEXAS has disrupted the appeal, blocked discovery, and obstructed justice willfully and dishonestly acting by itself and through its various alter egos, including BODA, SBOT-OCDC, and the THIRD COURT OF APPEALS. The actions by these entities has clearly violated the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> amendments to the United States Constitution, for which Barnes seeks relief from a court of competent jurisdiction. Barnes is entitled to the dismissal of this fraudulent action; and/or transfer of all these matters in dispute to the District Court in Williamson County for disposition by summary judgment or by jury pursuant to the rule of law and due course of law.

## VIII.

### CONTINUING COURSE OF CONDUCT WITHOUT REMORSE

27. The responses filed by JUDITH GRES DEBERRY on behalf of all the monopoly interests she represents proves the dishonesty, deceit, and willful conduct involving moral turpitude per se that these entities routinely engage in to protect their monopoly power and special entitlement. DEBERRY's response to Barnes' motion to dismiss proves the

overreaching scheme of the monopoly union to repeal the Texas Constitution and disrupt the separation of powers by overriding the Legislature and routinely suspending the laws and Constitution of this State. DEBERRY resorts to the same self-protecting rules and mere opinions of other tainted members to support her intent to abrogate the bill of rights in response to the motion to recuse.

28. There is simply no end to the dishonesty of JUDITH GRES DEBERRY, the SBOT-OCDC, the Commission for Lawyer Discipline, and the Supreme Court of Texas. There are no lengths to which they will not go to protect their monopoly power over the courts and the practice of law in this State. This racketeering subterfuge is a legal nullity *per se* under the Texas Constitution and their malicious abuse of process is a testament to their oppressive, regressive, and suppressive regime.

29. The criminal conduct of anti-competitive racketeering in restraint of trade undertaken with misogynous malice is a violation of federal and international law. Texas is a constitutional republic and a right to work State. Monopolies have no legal standing or legal capacity in Texas and the SUPREME COURT OF TEXAS cannot create deceptive layers of interlocking directorates, committees, agencies, and other subterfuges to hide, protect, and promote their own illegal monopoly union. These seditious acts have completely undermined the separation of powers in this State.

30. Monopolies like those set up by the Supreme Court of Texas are unconstitutional *per se* and they have no lawful authority to act in this State. The members of this monopoly union who act in furtherance of these acts of sedition and fraud on the people of this State are engaging in conduct involving moral turpitude *per se*.

31. The SBOT, the SBOT-OCDC, the Commission for Lawyer Discipline, and BODA are all legal nullities without authority to act, standing in the courts, or any legal capacity in this State. Their collusive collaboration and anti-competitive conduct in restraint of trade, as exhibited by the judicial branch of this State over the past seven years, violates 18 U.S.C. §§ 241, 242 and violates Barnes' fundamental rights protected by the Texas Constitution, United States Constitution, and the 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.

32. The current state of racketeering by the judicial branch is antithetical to a constitutional republic, conducted in a manner contrary to the best interest of the people of this State, operated against the public policy of this State, and unconstitutional *per se*. The acts of the political members of this monopoly union are seditious *per se*.

33. DEBERRY, the Commission for Lawyer Discipline, and the SUPREME COURT OF TEXAS elected to proceed under their own "internal rules" and operate outside the lawful parameters of the delegation of power from the Legislature when they sought and obtained from BODA the summary suspension of Barnes' license by fraudulently claiming and finding that Barnes was convicted of a crime involving moral turpitude *per se* knowing it was not true and pursuant to an additional fraud on the courts. This was an unconstitutional, illegal, and unlawful act of malice, anti-competition, and monopoly

restraint of trade that has significantly infringed upon Barnes' substantial rights and interfered with her intellectual property rights.

34. These State actors made the conscious and deliberate choice to proceed under their own "internal rules" and "Part VIII of the Texas Rules of Disciplinary Procedure" and act outside the law and with full knowledge that these seditious acts exceeded the delegated authority from the people. These actions were intentionally and willfully undertaken with the intent to deprive Barnes of fundamental rights protected by the Texas Constitution, United States Constitution, and international law, including the right to a jury trial and due process. This was a continuation of the malicious scheme started on February 28, 2011 and it has continued without abatement for over six years with malice and deliberate and willful forethought and intention.

35. The seven-year racketeering, anti-competitive, restraint of trade engaged in by members of this unconstitutional monopoly union involved successive seditious conduct involving dishonestly, deceit, fraud, and moral turpitude *per se*. The SBOT OCDC, JUDITH GRES DEBERRY, and the Commission for Lawyer Discipline engaged in more than two distinct acts in violation of RICO. First, in making the election under the compulsory discipline rules to seek a summary suspension rather than file a petition for disbarment in the district court by claiming the conviction was for a crime involving moral turpitude *per se* because this was an act of dishonesty and fraud involving moral turpitude *per se*. Then, after entering the summary suspension, these State actors continued in their fraudulent subterfuge in restraint of trade by attempting to obtain a summary judgment on a motion for disbarment knowing it was unconstitutional and illegal.

36. Barnes will also prove to the jury in a court of proper and competent jurisdiction and venue that the SUPREME COURT OF TEXAS, the COURT OF CRIMINAL APPEALS, the THIRD COURT OF APPEALS, and the 368<sup>th</sup> Judicial District Court *each* engaged in more than two distinct acts in violation of RICO. These courts willfully, knowingly, intentionally, deliberately, and with malice, acting on political cronyism rather than consistent with the due course of law, suspended habeas corpus and blocked Barnes' appeals knowing that she was being subjected to pretrial torture,<sup>7</sup> denied her right to be heard, deprived of her right to a speedy trial and effective assistance of counsel, and stripped of her license to practice law without any due process. Thus, the SUPREME COURT OF TEXAS and several of its seditious subterfuges committed at least two acts of racketeering activity in the past three years and numerous acts of racketeering over the past seven years.

37. The Supreme Court of Texas has set up layers of artifices to carryout the racketeering enterprise—the State Bar of Texas, the Commission for Lawyer Discipline, the SBOT-OCDC, the BODA—and has used the courts, prosecutors, and deputies of this State, extorted funds from the forced membership, and usurped power in violation of the separation of powers, to maintain and operate the racketeering enterprise and to retaliate against any lawyer who speaks out against this anti-competitive monopoly or who does not kow-tow or cater and crater to its abuses. *See* 18 U.S.C. § 1961 *et. seq.* 1961-1968. The SUPREME COURT OF TEXAS has set up the SBOT-OCDC to run a protection and enforcement racket for abusive judges and prosecutors and other special, privileged, and protected members of the monopoly. The SUPREME COURT OF TEXAS is responsible for the conduct of JUDITH GRES DEBERRY, and the various prosecutors and judges

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<sup>7</sup> *See* FN 5.

who joined forced with her to “take away [Barnes] bar card and get rid of her” simply because she was exposing and reporting the criminal, racketeering, and profiteering activity in Williamson County, Texas within the judicial branch.

38. Barnes will show a conscious indifference and deliberate disregard by this monopoly racketeering enterprise towards Barnes, her children, and her clients, as well as toward the people of this State in general because they continue to proceeded nevertheless knowing that their actions are illegal, unconstitutional, and extremely harmful to others. Through acts of barbarity, unfair competition, bribery of and kickbacks to elected officials or themselves and others, extortion under color of authority, fraudulent schemes and artifices, false pretenses, promises and representations and deprivation of the right of citizens to the honest services of their elected local officials, these entities have participated in a nearly 80-year old racketeering scheme to enrich themselves through the corruption of the courts and criminal justice system. Barnes will prove that the monopoly enterprise engaged in racketeering and that the “prize,” “instrument,” “victim,” and “perpetrator” are the four separate roles the enterprise played under § 1962 terms.

39. Barnes will prove through testimony and evidence at the jury trial that these entities have repeatedly committed honest services fraud in the courts for over 80 years and continuing unabated.<sup>8</sup> Barnes will prove that the main function and purpose of the State Bar is to prevent competition and fair trade practices and to ensure that any agent practicing law has sworn and shown allegiance to the SUPREME COURT OF TEXAS

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<sup>8</sup> Honest services fraud is a crime defined in 18 U.S.C. § 1346 (the federal mail and wire fraud statute), added by the United States Congress in 1988,<sup>[1]</sup> which states: "For the purposes of this chapter, the term *scheme or artifice to defraud* includes a scheme or artifice to deprive another of the intangible right of honest services."

and its judicially-sponsored and judicially-established state religion where the justices are the high priests and their rules and opinions are edicts, which prevail over the will of the people as that will has been expressed in the Constitution and laws passed by their representatives in the Legislature. The SUPREME COURT OF TEXAS has utilized the monopoly power over the courts to create a state religion for the sole purpose of usurping the rights of retained by the true sovereign—the people of Texas—and to establish complete control and domination over the courts to restrict and monitor the people's access to and use of their own courts. This has significantly impinged on the open courts doctrine and seriously deprived the people of their right to petition the courts and redress their grievances in a fair and impartial tribunal.

40. These entities made its/their election to proceed under their own private “internal rules,” which are null and void, so they are now precluded from filing a new action in district court. These unlawful entities are now precluded from seeking a petition for disbarment under Section 81.078 as unethically and dishonestly argued by DEBERRY in her response because they violated that Section by electing to obtain the summary suspension, rather than follow the mandates of Section 81.078 (a). If Section 81.078 (a) had not been violated on February 28, 2011 and had the appellate courts not suspended habeas corpus and illegally blocked all of Barnes' appellate rights and remedies, no conviction would have occurred. The courts are not free to violate fundamental rights to commit repeated frauds on the court. Having elected not to proceed under Section 81.077 and 81.078 for disbarment, they are foreclosed from seeking that remedy now. Further, the “internal rules” cannot be constructed to abrogate fundamental rights or to suspend or repeal the bill of rights or to lead to a summary disbarment as these entities now



dishonestly advocate. Disbarment must proceed, if at all, under Sections 81.077 and 81.078. It did not—it was obtained in summary fashion without due process or any remedial or corrective action on February 28, 2011 and the summer of 2013. Thus, it is too late to proceed under Sections 81.077 and 81.078. This is the dishonest, manipulative, and unethical pattern of racketeering exhibited by DeBERRY and the Commission for Lawyer Discipline for the past seven years.

41. The SUPREME COURT OF TEXAS and its various monopoly interests have acted illegally for seven years by suspending Barnes license to practice law for the sole purpose of wrongfully interning Barnes without due process, engaging in malicious pretrial punishment and torture without recourse, and securing the wrongful conviction for the benefit of political cronies. DEBERRY, the Commission for Lawyer Discipline and BODA have all acted *ultra vires* and in an unconstitutional, unlawful, dishonest, and unethical manner for three years and willfully, intentionally, and deliberately infringed upon, abrogated, and interfered with Barnes substantial rights, fundamental rights, and vested intellectual property interests without lawful authority and in violation of the separation of powers. These State actors have acted in a gross restraint of trade with anti-competitive malice. Barnes has already stated that DEBERRY was directly involved in the conspiracy, collusion, and criminal combination with JOHN BRADLEY, ROBERT MCCABE, TRAVIS MCDONALD, DEE HOBBS, DALE RYE, GUILFORD JONES, JOHN DELANEY and other State employees who were members of this illegal and unconstitutional monopoly union. Barnes has already stated that the actions, statements, and knowledge of and by DEBERRY is attributable to the Commission for Lawyer Discipline and the SUPREME COURT OF TEXAS. Barnes has already stated that they

are precluded from proceeding in this dishonest manner and that Barnes is entitled to a dismissal and/or transfer to the proper district court; yet, these entities still persist in their illegal, unlawful, and unconstitutional behavior in restraint of trade and fraud on the court in violation of RICO.

42. This continuing course of conduct proves the willful nature and intent of the racketeering enterprise and the knowledge that its monopoly union operation is illegal and unconstitutional. Barnes therefore seeks declaratory judgment with respect to the rights, duties, and obligations of the parties and seeks prospective injunctive relief to prevent these abuses, infringements, and crimes of moral turpitude *per se* in the future by these monopolistic interests, dictators of state religion, and oppressive tyrants. The actions of the SBOT-OCDC and the racketeering by the local Republican Party of Texas within the judicial branch 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 in a court of competent and proper jurisdiction acting pursuant to the delegation of power by the people of Texas. Respondent demands due process consistent with the rule of law and due course of law before a fair and impartial tribunal and fair jury in order to prove the truth and to obtain the declaratory judgment and prospective injunction relief and to recover damages, both special and general, whether actual, consequential, or exemplary, to which she is entitled. 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. These monopoly union interests in acts of revenge, retaliation, and pure misogynous malice suspended by license to practice law on February 28, 2011 and then disbarred me without an semblance of due process in a summary fashion and denied me any right to appeal or seek habeas corpus. The judicial branch has been acting willfully *ultra vires* since 2010 with direct involvement and participation by JUDITH GRES DEBERRY and a group of prosecutors and judges of this State who were all joint members of the monopoly union and Republican Party of Texas. Their religious practices pursuant to their state religion with its forced dogma, rites, rituals, and rules infringed upon my deeply held religious beliefs. Their political propaganda undermined my fundamental rights and deprived me of my freedom, liberty, and intellectual property rights.

“These monopoly union entities know that there is no final judgment from a court of competent jurisdiction wherein a jury found me guilty of a crime involving moral turpitude per se. The high priests of this monopoly union and state religion have established internal rules and issued edicts in the form of opinions to protect their best interests and preserve their monopoly power and control that are summarily disfranchising Barnes and subjecting her to cruel and unusual punishment and violating double jeopardy protections of the bill of rights. These high priests of the state religion and monopoly union have repeatedly suspended the laws of this state and habeas corpus in direct violation of the Texas bill of rights and they have usurped power from the people and the Legislative branch in direct violation of the Texas Constitution. The continued existence of this monopoly union is a threat to the safety, security, and best interests of the people of this State. The monopoly union and state religion are against the public policy of this State.

“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. Any and all opinions are based on her knowledge and legal education and over 30 years of experience and training as a trial lawyer in both civil and criminal matters. Barnes knowledge is more extensive than the combined knowledge and experience of the monopoly oppressors combined in matters that are pertinent to these proceedings. Barnes has also relied upon the top experts in this field for effective counsel and Barnes is confident that these are crimes against the safety and security of the people and crimes of moral turpitude *per se* in violation of international law and the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments to the United States Constitution.

“FURTHER, this Affiant sayeth not.”

Executed this 20<sup>th</sup> 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 20<sup>th</sup> day of April 2017.