

Tuesday, November 06, 2007

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RE: Immediate Partial Payment in amount of \$12,240.48.

Dear Kent Sullivan, in Official and Personal Capacity

Your Secretary, Lucy, told me on Friday that you would be available to speak with me today, Tuesday. I am looking forward to this opportunity. It is my hope that we can prevent damage to your personal reputation, the potential loss of your privilege (license) to practice law, the potential loss of your privilege to hold a position of public trust (government employment – see §3, 14th Amendment, US Const.), and the potential of personal financial loss in a suit for malice or gross negligence.

I am being injured by a conspiracy to Obstruction of Justice. The conspirators are Cynthia Alexander, and her supervising Lawyers, Karen Matlock and David Talbot. You, as First Attorney General of our Office of the Attorney General, have a duty to know of the wrongs they have conspired to be done, and have the power to prevent or aid in preventing the commission of the same. Lack of knowledge as a defense is not a viable defense where there is a duty to have knowledge. Knowledge of the acts, and a failure to prevent the acts, is malice. Lack of knowledge of the acts is gross negligence. Either way, you are liable in your personal capacity, and your respondeat superior that is your employing entity, is jointly and severally liable for what your personal finances cannot remedy.

As a citizen of the United States, and of this State, I have the Right to enjoy monetary compensation as recovery for my Property taken, damaged, or destroyed by the government of my State (§17, Art. I, Tex. Const., see also 5th Amendment, US Const.) and/or compensation for Wrongful Imprisonment I suffered by errors or omissions of State Actors (Chapter 103, TX Civ. Prac. & Rem. Code, and pursuant to International

Treaty, as part of the supreme Law of our Land pursuant to Art. VI of our US Const., ratified by Congress in 1992). I am being deprived of this enjoyment, deprived of this Justice I am entitled to by well established facts and law of public record, and injured by this deprivation, by a conspiracy of Lawyers you have a duty to supervise.

My entitlement to this recovery (monetary compensation) is well established by the facts of public record. These are Facts that the lawyer(s) under your supervision, assigned to the case, has/have a duty to know. My entitlement to this recovery is an adjudicated fact, not subject to further judicial review. It stands as TRUTH. The Lawyers under your supervision have duty to know the law limiting the jurisdiction of our courts, and a duty to NOT abuse the pleading process. The lawyer(s) under your supervision, assigned to the case, cannot claim ignorance of the facts of public record, the judgments of public record on the facts, and the well established laws that apply to these facts.

The intent of their conspiracy is obvious to any who are fair and rational. The want to injury me for enforcing, or attempting to enforce, my rights, and the rights of others who are not of the class of professionals licensed to practice law, for enforcing or attempting to enforce my rights, and theirs, to equal protection of the law.

I again ask you to approve partial payment of the recovery I am entitled to while we await the conclusion of the currently pending issues that remain subject to review. This will prevent, or aid in preventing, the commission of the wrongs (the injury) they have conspired to have done to me, as well as aid or aid in preventing the wrongs (the injury) to my people, the people of Texas, and to my State (government of my State) caused by their Obstruction of Justice.

There is no reasonable question of my entitlement to compensation. The only question now subject to review is the exact amount. The Final Judgment of record established my entitlement to a minimum of \$660,606. In response to an appeal initiated by lawyers under your supervision, without factual grounds as there is no evidence in the trial record to support an assertion I am entitled to any lesser amount, I cross appealed for a higher amount.

Meaning no disrespect or insult, I provide you with the following notice:

NOTICE of the LAW

Title 42 USC § 1986. Action for neglect to prevent;

Every person who, having knowledge that **any** of the wrongs conspired to be done, and **mentioned in section 1985** of this title, are about to be committed, and **having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do**, if such wrongful act be committed, **shall be liable to the party injured**, or his legal representatives, for **all** damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and **any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action;**

Title 42 USC Sec. 1985. Conspiracy to interfere with civil rights

(2) Obstructing justice;

or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

In *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000), the Supreme Court recognized an equal protection claim based on a "class of one." [Taken from Opinion released by the US 5th Circuit Court of Appeals, November 5, 2007, No. 06-50305, Dr. Stotter v. UTSA, Bailey & Johnson]

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire ...on the premises of another, for the purpose of depriving, either directly **or indirectly**, any person or class of persons of the **equal protection of the laws, or of equal privileges and immunities under the laws;** or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws;

or cause to be done, **any act in furtherance of the object of such conspiracy**, whereby another is injured in his person or property, **or deprived of having and exercising any right** or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

The Supreme Court later clarified that if the deprivation was authorized by the state and the state had an opportunity to provide some type of pre-deprivation remedy, failure to do so implicates the due process

clause. *Zinermon v. Burch*, 494 U.S. 113, 127-30 (1990). [Taken from Opinion released by the US 5th Circuit Court of Appeals, November 5, 2007, No. 06-50305, Dr. Stotter v. UTSA, Bailey & Johnson]

Endnote and Attachment

I am attaching to the email of this letter an exact copy of the Act of April 9, 1866. The Act that provides me with standing in our United States District Court to have the conspirators arrested by US Marshals. Note that this Act, codified in Title 42 of the USC followed the 11th Amendment ratified in 1795. An amendment modified or reformed as applied to States, by the Fourteenth Amendment ratified in 1868. My prior condition of servitude, as a result of an **unduly** conviction, a reversed conviction, does not deprive me of Remedy and Recovery even if the color is considered White. See also the Act that followed in 1871 titled the An Act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes. April 20, 1871. This insurrection against the Laws of our State of Texas, by these conspirators, must be put down. You have a duty to do so, and to protect me from it.

Ed Heimlich, one of the people of Texas, Texas & US citizen

Delivered via fax, w/ 3rd party digital signature, and email

Act of April 9, 1866: *An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States

Relevant Portion of *An Act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes*. April 20, 1871.

Side Note to Act – It’s spirit and intent; *What to be deemed a denial by any Stats to any class of It’s people of their equal protection under the laws.*

SEC. 3. That in all cases where insurrection, domestic violence, unlawful combinations, or conspiracies in any State shall so obstruct or hinder the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such