

Objection to use of private law

Respondent objects to the use of unpublished cases. A cite to “WL” and “Lexis” is a reference to materials not publicly accessible. For such references even to begin to be meaningful, a full copy of the opinion for each “WL” or “Lexis” reference must be attached.

Respondent Contact information

Contact information for Respondent is as follows:

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Discussion

Respondent moves this court pursuant reasonable implications of Texas Constitution Article 1, Sec. 10, *infra*, Constitution of the United States of America Amendment VI, *infra*, and Texas Code of Criminal Procedure Art. 1.03(5), *infra*, “**To insure a fair and impartial trial**”, and demands the following as stated herein.

Judicial Notice

**Pursuant 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.*

This appearance is made solely for the purpose of claiming any and all of **Respondent**’s unalienable and constitutionally protected rights to due process, a fair and impartial trial, and an unbiased and/or unprejudiced magistrate.

*THE TEXAS CONSTITUTION
ARTICLE 1. BILL OF RIGHTS*

*Sec. 10. RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. **He shall have the right to demand the***

nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, **the Respondent and the State shall have the right to produce and have the evidence admitted by deposition,** under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

(Amended Nov. 5, 1918.)

Constitution of the United States of America
Amendment VI (1791)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
CHAPTER 1. GENERAL PROVISIONS

Art. 1.03. OBJECTS OF THIS CODE. This Code is intended to embrace rules applicable to the prevention and prosecution of offenses against the laws of this State, and to make the rules of procedure in respect to the prevention and punishment of offenses intelligible to the officers who are to act under them, and to all persons whose rights are to be affected by them. It seeks:

1. To adopt measures for preventing the commission of crime;
2. To exclude the offender from all hope of escape;
3. To insure a trial with as little delay as is consistent with the ends of justice;
4. To bring to the investigation of each offense on the trial all the evidence tending to produce conviction or acquittal;
5. To insure a fair and impartial trial; and
6. The certain execution of the sentence of the law when declared.

Respondent demands and moves this Court take judicial notice that **Respondent** is one of the People of Texas, a living breathing man. **Respondent** is not now, nor has **Respondent** ever been a “person”, “natural person”, “individual”, “corporation”, “association” or any other type of “legal entity” as defined in statute.

Respondent demands and moves this Court take judicial notice of Texas Constitution Article 1, Sec. 29, *infra*, and, thus, take judicial cognizance of the fact that any legislative enactments, judicial decisions, or executive functions brought forth under the general provisions/powers of government and violative of any provision or part of the Texas Constitution or the Bill of Rights therein, are of any force or effect upon **Respondent**, nor upon any of **Respondent**'s unalienable rights or property, as such laws are automatically void and of no effect, being specifically forbidden pursuant Texas Constitution Article 1, Sec. 29, to wit:

**Texas Constitution
Article 1**

Sec. 29. PROVISIONS OF BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT; TO FOREVER REMAIN INVIOLETE.
*To guard against transgressions of the high powers herein delegated, we declare that **everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.***

Respondent demands that the Judge of this Court take judicial notice of the full language of CANON 2(A) and CANON 3(B) of the Texas Code of Judicial Conduct, *infra*, and ensure that **Respondent** receives a fair and impartial trial as mandated by the respective constitutions and the laws of Texas, and that no appearance of unfairness or impropriety by either the prosecution, any witness, or said judge, be introduced or allowed, as any such appearance is immediate grounds for the disqualification, recusal, and/or sanction of the offending party:

CANON 2

Avoiding Impropriety and the Appearance of Impropriety In All of the Judge's Activities

A. *A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*

CANON 3

Performing the Duties of Judicial Office Impartially and Diligently

A. *Judicial Duties in General. The judicial duties of a judge take precedence over all the judge's other activities. Judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:*

B. *Adjudicative Responsibilities.*

(1) *A judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.*

(2) *A judge should be faithful to the law and shall maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.*

Respondent demands that the Judge of this Court uphold, follow, and obey, the Constitution of the United States of America.

Respondent demands that the Judge of this Court uphold, follow, and obey, the Constitution of the State of Texas.

Respondent demands that the Judge of this Court uphold, follow, and obey, his/her oath of office in its entirety.

Respondent demands that the Judge of this Court acknowledge that failure to abide by their sworn oath of office at anytime, while acting in their official capacity, constitutes the crime of official misconduct pursuant Texas Constitution Art. 1, Sec.5, *infra*, Art. 5, Sec. 1-a(6) and Article 15, Sec.(6), *infra*, as well as Arts. 37.02 AGGRAVATED PERJURY, *infra*, 39.02 ABUSE OF OFFICIAL CAPACITY, and 39.03 OFFICIAL OPPRESSION, pursuant Texas Code of Criminal Procedure and Texas Penal Code.

Respondent demands that the Judge of this Court take judicial notice of Texas Constitution Article 1, Sec. 5, which reads in pertinent part:

Texas Constitution
Article 1

*Sec. 5. WITNESSES NOT DISQUALIFIED BY RELIGIOUS BELIEFS;
OATHS AND AFFIRMATIONS. ...but all oaths or affirmations shall be
administered in the mode most binding upon the conscience, and
shall be taken subject to the pains and penalties of perjury.*

Respondent demands that the Judge of this Court take judicial notice of Texas Penal Code Sec. 37.03, which reads:

Sec. 37.03. AGGRAVATED PERJURY.

(a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement:

(1) is made during or in connection with an official proceeding; and

(2) is material.

(b) An offense under this section is a felony of the third degree.

Respondent asserts and alleges that the Judge's oath of office is made in connection with, and is ongoing during the term of, the respective duties and responsibilities of said Judge's public office, and therefore, is directly connected with, and material to, this official proceeding while acting in that capacity.

Respondent demands that the Judge of this Court ensure that **Respondent** is afforded all the rights, immunities, benefits, privileges and protections afforded any other accused in a criminal proceeding in accordance with Texas Constitution Article 1, Sec. 10, *supra*, Constitution of the United States of America Amendments IV, V, and VI, and adhere to and obey the Texas Code of Criminal Procedure at all times, in its entirety, as long as any relevant article of said code is not in conflict with the provisions set forth in the respective constitutions. And if such article is found to be in conflict with any article or provision therein, that said article be declared unconstitutional and void in the instant matter pursuant Texas Constitution Article 1, Sec. 29, *supra*, and/or Constitution of the United States of America Article VI, Section 2, to wit:

*Constitution of the United States of America
Article VI, Paragraph 2*

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.

Respondent demands that the Judge of this Court take judicial notice of Texas Code of Criminal Procedure Art. 2.03, *infra*, and asks said Judge to remind the Prosecutor that the only presumption allowed at the onset of any judicial proceeding is the presumption of innocence of the accused pursuant Texas Code of Criminal Procedure Art. 2.03(b), which reads in pertinent part:

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
CHAPTER 2. GENERAL DUTIES OF OFFICERS

Art. 2.03. NEGLIGENCE OF DUTY.

...
(b) It is the duty of the trial court, the attorney representing the accused, the attorney representing the state and all peace officers to so conduct themselves as to insure a fair trial for both the state and the Respondent, not impair the presumption of innocence, and at the same time afford the public the benefits of a free press.

Whereas, it is well settled that, it may not be presumed by either the court or the prosecutor that their opinion or interpretation of the law can bear more weight or credibility than that of the **Respondent** until such time as all arguments have been heard, testimony given, and evidence introduced, that pertains to the historical, legislative and judicial interpretations and opinions of the relevant law(s). To presume and/or proceed with an otherwise preconceived mindset denies the appearance of impartiality and the **Respondent's** vested right to a fair and impartial trial. Bias, as to a presumptive understanding, application, and intent of the law, absent proper in-depth study, and the availability of open debate and argument, tends to result in a preconceived notion and presumption of guilt of the accused, not their innocence. By operating under the common practice of presumption, rather than actual knowledge, study and understanding, the prosecution acts to prejudice the **Respondent** in the eyes of the court and the jury. By barring the presentment of the **Respondent's** understanding of the intent and applicability of the particular and related law(s) to the jury and/or court, and subjecting that understanding to open and honest presentation, dissertation and debate, the prosecution denies **Respondent** his vested right to due process of law and speaking in his/her own behalf and understanding. This has the effect of converting the courts into nothing more than prosecutorial rubber stamps and revenue generators in a revolving system engineered to remove any and all appearance and application of justice to those so accused. It is well settled law that any such use of the courts is nothing short of sedition and treason upon the People themselves.

Respondent demands and moves this Court recognize, and to also remind the Prosecutor, that the court room is the proper place for legal argument and debate as to the language, purpose, intent and effect of the laws of Texas or laws in general, and that the right to argue the intent or validity of either their construction, language, enforcement or

application by the People’s public servants is not reserved strictly to debates between attorneys/lawyers, but to all whom are presumed to be under the laws authority, whether that authority be real or imagined.

Respondent demands and moves this Court adhere to and obey the Texas Code of Criminal Procedure at all times, in its entirety, as long as any relevant article of said code is not in conflict with the provisions set forth in the respective constitutions, and if such article be found, that it be declared unconstitutional and void in the instant matter pursuant Texas Constitution Article 1, Sec. 29, *supra*, and/or Constitution of the United States of America Article VI, Section 2, *supra*.

Respondent demands and moves this Court require the prosecution to adhere to and obey the Texas Code of Criminal Procedure at all times, in its entirety, as long as any relevant article of said code is not in conflict with the provisions set forth in the respective constitutions, and if such article be found, that it be declared unconstitutional and void in the instant matter pursuant Texas Constitution Article 1, Sec. 29, *supra*, and/or Constitution of the United States of America Article VI, Section 2, *supra*.

Respondent demands and moves this Court be fair and impartial towards the Prosecutor.

Respondent demands and moves this Court be fair and impartial towards **Respondent**.

Respondent demands and moves this Court to remind the Prosecutor of Code of Criminal Procedure Article 2.01, *infra*, which defines the **primary duties** of all prosecuting attorneys as follows: “*It shall be the primary duty of all prosecuting attorneys, including any special prosecutors, **not to convict, but to see that justice is done.***”, to wit:

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
CHAPTER 2. GENERAL DUTIES OF OFFICERS

Art. 2.01. DUTIES OF DISTRICT ATTORNEYS.

Each district attorney shall represent the State in all criminal cases in the district courts of his district and in appeals therefrom, except in cases where he has been, before his election, employed adversely. When any criminal proceeding is had before an examining court in his district or before a judge upon habeas corpus, and he is notified of the same, and is at the time within his district, he shall represent the State therein, unless prevented by other official duties. **It shall be the primary duty of all prosecuting attorneys, including any special prosecutors, not to convict, but to see that justice is done. They shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused.**

Respondent demands and moves this Court remind the Prosecutor of Code of Criminal Procedure Article 2.01, *supra*, which states, in pertinent part, that “**They shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused.**”

Respondent demands and moves this Court to *fully* read all motions and petitions submitted by either party in their respective entirety prior to any proceedings to which said motion or petition is relevant.

Respondent demands and moves this Court require the prosecution to prepare proper *written* responses to each and every motion filed by **Respondent** in the instant matter requiring or expectant of a prosecutorial response, and to provide on-point rebuttals of the facts contained therein if the prosecution is in disagreement with said fact or citing of law.

Respondent demands and moves this Court prepare properly *written Findings of Fact and Conclusions of Law* for every motion denied in this case so that the record may be preserved for proper and timely appeal by either party if necessary.

Respondent demands and moves this Court not act on behalf of the prosecution and to the detriment of **Respondent** by performing blanket or out-of-hand denials of **Respondent**'s motions/petitions absent a proper written response and order by the prosecution rebutting said motions/petitions and moving the court to so deny. For the

Honorable Judge to so act in this manner removes any semblance of fairness, impartiality or propriety of said judge, and is grounds for disqualification, recusal and/or sanctions of the offending party(s).

Respondent demands and moves this Court take judicial notice of Texas Code of Criminal Procedure Art. 44.18, and require the presence of a court reporter to ensure a proper transcript of the proceedings in the instant matter so that said transcript may be certified and forwarded to the court of appeal pursuant Texas Code of Criminal Procedure Art. 44.18, to wit:

Art. 44.18. ORIGINAL PAPERS SENT UP. In appeals from justice and corporation courts, all the original papers in the case, together with the appeal bond, if any, and together, with a certified transcript of all the proceedings had in the case before such court shall be delivered without delay to the clerk of the court to which the appeal was taken, who shall file the same and docket the case.

Respondent demands and moves this Court transfer this matter to a higher court of record having jurisdiction if the court is either unable or unwilling to comply with **Respondent's** request for a court reporter for the purpose of properly preserving the record for appeal.

Respondent demands and moves this Court provide findings of fact and conclusions of law for all of **Respondent's** motions and petitions that are denied by said judge within the time allowed by law.

Respondent demands and moves this Court rule on each and every issue brought before the court, in accordance with the respective constitutions and the laws of Texas, leaving no issue unaddressed or motion/petition unanswered by the proper party.

Respondent requests the Honorable Judge of this Court remind the Prosecutor that the respective constitutions and the statutes themselves contain all the necessary exculpatory information to prove **Respondent** innocent of all charges.

Respondent requests the Honorable Judge of this Court take judicial cognizance of the fact that judicial expediency and cost effectiveness is not the lawful mandate of the court or the prosecution, but to ensure that justice is done and the rights of the Accused are fully protected at all times, and to remind the Prosecutor of the same.

LAWFUL DEMAND

Therefore, **Respondent** further moves the court to ensure that the Honorable Judge of the court hold the Prosecutor in contempt of court if the Prosecutor objects to, or makes a motion *in limine* to prevent, the introduction and argument of the law as it is written, the interrelation of the various codes and statutes relevant to that law, or any other exculpatory information or evidence on behalf of **Respondent**.

Respondent further moves the court inform the prosecutor that any such act would be in violation of the duties of his/her office, and harmful to the vested rights of **Respondent** pursuant Texas Constitution Article 1, Secs. 1-32, which are incorporated by reference in their entirety, and Texas Code of Criminal Procedure Art. 2.01, *supra*.

Whereas, **Respondent** demands that the Honorable Judge of this Court inform the prosecutor that s/he will be held in contempt if the prosecutor attempts to obstruct or prevent introduction of any relevant legal argument, statute, exculpatory information, or evidence, in violation of the duties of his/her office. The vested rights of **Respondent** pursuant Texas Constitution Article 1, Secs. 1-32, which are incorporated by reference in their entirety, and Texas Code of Criminal Procedure Art. 2.01, *supra*, may not be violated in the name of prosecutorial expediency or desire to expend as little time and effort as possible in seeing that justice is done.

Further, the **Respondent** moves the court to ensure that the Honorable Judge hold the Prosecutor in contempt of court if Prosecutor fails to respond as previously requested to motions and/or petitions filed, requests for discovery, and/or production of evidence in a timely fashion and as required by law in every other criminal proceeding.

Further, the **Respondent** moves the court to ensure that the Honorable Judge hold the Prosecutor in contempt of court if the Prosecutor fails to remain in compliance with the respective constitutions and the Texas Code of Criminal Procedure at all times in the instant matter.

Further, the **Respondent** moves the court to ensure that the Honorable Judge will accept and forward to the grand jury each of **Respondent**'s verified criminal complaints against any relevant party, in the event that any party fails to remain in compliance with the United States and Texas Constitutions and the Texas Code of Criminal Procedure at all times, in all pertinent parts, as long as any relevant article of said code is not in conflict with the provisions set forth in the respective constitutions. And if any such article be found unconstitutional, that it be declared unconstitutional and void in the instant matter, pursuant Texas Constitution Article 1, Sec. 29, *supra*, and/or Constitution of the United States of America Article VI, Section 2, *supra*.

Further, **Respondent** does not now, and will not ever, knowingly or willingly surrender a single one of **Respondent**'s vested rights and constitutional protections; wherefore, **Respondent** moves this court to so inform **Respondent** of any action performed by **Respondent** that will or would require the surrender or loss of any such right or protection *before* such surrender or loss occurs whether or not such it is attributable by or through the sharp practice of the prosecution or any other means.

Respectfully presented,

Eddie Eugene Craig
c/o 1313 Mockingbird Ln.
Nacogdoches, Texas 75964
Tel. 999-555-8989
Fax : None
Email someone@somemail.com

CAUSE NO. _____

THE STATE OF TEXAS,
Plaintiff,
v.

§ In the City of Nacogdoches Municipal Court,
§ Nacogdoches, Texas,
§ Nacogdoches County, Texas

Eddie Eugene Craig,
Respondent in error.

§
§
§ _____ Judicial District

§ Date: _____/_____/_____

**ORDER ON RESPONDENT’S MOTION
FOR FAIR AND IMPARTIAL TRIAL**

On _____, 20____, the court considered the Respondent’s Motion For Fair And Impartial Trial on the above listed cause(s). After considering the Respondent’s Motion For Fair And Impartial Trial

{CHOOSE APPROPRIATE STATEMENT}

- _____ (A) and the response, the court
- _____ (B) , the response, and the evidence on file, the court
- _____ (C) , the response, the evidence on file, and arguments of counsel, the court
- _____ (D) , the response, and arguments of counsel, the court
- _____ (E) , the response, and arguments of counsel, and after receiving evidence in open court, the Court

_____ GRANTS the motion (____) in full. / (____) in part; and

_____ DENIES the motion, (____) in full. / (____) in part, cause being:

NOTES: _____

SIGNED on _____, 20____

PRESIDING JUDGE

CERTIFICATE OF SERVICE TO COURT

I certify that a true and correct copy of the Respondent's Motion For Fair And Impartial Trial and proposed order was served on the court, through the office of the clerk of the court,

CITY OF NACOGDOCHES MUNICIPAL COURT
217 W. Hospital St.
Nacogdoches, Texas [75961]
Attn: JUDGE JUANITA SPRINGER

by

{CHOOSE APPROPRIATE STATEMENT}

____ (A) ____ *Certified* / ____ *Registered* U.S. Mail on ____/____/____,
certified mail #: _____.

____ (B) Telephonic document transfer to fax number (____) ____ - _____,
on ____/____/____, ____ *before* / ____ *after* } 5:00 p.m. local time of the
recipient.

____ (C) Personal delivery by ____ *me* / ____ *my agent* on ____/____/____.

____ (D) Courier receipted delivery by _____
{identify type of delivery service, e.g. Federal Express}
on ____/____/____.

Joe Somebody
c/o 1313 Mockingbird Ln.
Nacogdoches, Texas 75964
Tel. 999-555-8989
Fax : None
Email someone@somemail.com

CERTIFICATE OF SERVICE TO OPPOSING COUNSEL

I certify that a true and correct copy of the Respondent's Motion For Fair And Impartial Trial and proposed order was served on Plaintiff, THE STATE OF TEXAS, through counsel of record,

Office of County Attorney
Nacogdoches County
Nacogdoches, Texas [75964]
Phone: 936-560-7789
FAX _____

by

{CHOOSE APPROPRIATE STATEMENT}

_____ (A) _____ *Certified* / _____ *Registered* U.S. Mail on _____ / _____ / _____,
certified/registered mail #: _____.

_____ (B) Telephonic document transfer to fax number (_____) _____ - _____,
on _____ / _____ / _____, _____ *before* / _____ *after*} 5:00 p.m. local time of the
recipient.

_____ (C) Personal delivery by _____ *me* / _____ *my agent* on _____ / _____ / _____.

_____ (D) Courier receipted delivery by _____
{identify type of delivery service, e.g., Federal Express}
on _____ / _____ / _____.

Joe Somebody
c/o 1313 Mockingbird Ln.
Nacogdoches, Texas 75964
Tel. 999-555-8989
Fax : None
Email someone@somemail.com