

IN THE City Court

City of New Boston
Bowie County, TEXAS

FILED JAN 12 2023

State of Texas)
Plaintiff)

vs.

) Motion to Dismiss
)

Michael James)

Defendant.)

COMES NOW, the defendant Mr. Michael James hereby Motion the Court to Dismiss the City ordinance traffic citation.

Defendant received a letter in the mail from the Municipal Court of the City of New Boston, Texas at my residence on December 31, 2022 in Chattanooga, Tennessee

Stating "Notice is Hereby given" that a "Show cause hearing" of the above-captioned numbered case has been scheduled for Thursday January 12, 2023 at 1:30 pm. Further stating that i'm required to appear in person at the City Council chambers on or before the aforementioned Court date of January 12, 2023.

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Which i the Defendant had to take off time from work and get 2 wks notice to my Employer Cargo Solutions Express Company and seek approval from my Manager of operations which cost me to lose earned income money.

Because i had to leave home in Chattanooga, Tennessee and drive to New Boston, Texas to appear in court or a warrant would be issued for my arrest. So i drove over 600 miles to appear in court as the Municipal Court letter said to do.

Arriving in New Boston, TX Wednesday morning and i called the City Court clerk Ms. Lori Hancock just to be told and hollered at by her, with her saying something has come up and there isn't going to be No show cause hearing and that i would have to reschedule another Court date.

I advised, the clerk that i'm already here in town that i had to lose my earning income from work and drive over 600 miles from Tennessee to New Boston, Texas to appear in court the letter i received from Municipal Court.

Ms. Lori Hancock hollered at me again and said i told you there isn't going to be No Court hearing tomorrow on Thursday and abruptly hung up the phone.

I the Defendant was Not given proper sufficient notice AS i WAS the one who called the Court Clerk Lori Hancock on Wednesday January 11th, 2023 at approximately 10:37 AM C.S.T. which i'am also present here in town.

She said Judge Young had something come up and that if i needed to see or talk to Judge

Young that i would need to reschedule another Court date. I advised Lori that my Employer is Not going to let me turn back around in 2 wks and come back to New Boston, Texas the Company my Employer and i are losing Production and financial income Not generating Money profits and to much time off of work during production Week days supposed to working during the Week days and some Weekends.

Insufficient notice is a violation of my Constitutional Rights to receive Adequate-Sufficient notice by legal and lawful standards would be 7 to 14 days before an ordered Court date to be given to an Defendant whom the Municipal Court and Clark knows i live "out of state" in Chattanooga, Tennessee.

Also it would be a "Due Process" ^{rights} violation of the Defendant protected Rights and if Not Dismissed Defendant has Merit to Appeal if i'am Abused unlawfully by the Municipal Court and Clerk.

I was ordered to appear in Court in person on Thursday January 12, 2023 at 1:30 pm which i did. This was a "Show Cause" hearing for the Police Cop to also appear and show and prove if i intentionally violated the City Ordinance sign, which i did NOT intentionally do and that's why i also came to appear in person to dispute the city ordinance charge as one is unlawful and Not given Sufficient notice being i'am from "out of state Tennessee and there's No previous or current criminal record of me with the New Boston Police department of previously violating that sign ordinance and the Officer should have given me a WARNING.

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A traffic ^{ordinance} ticket is Not a charging instrument and therefore Defendant Legally moves the City Court to grant his "MOTION to Dismiss".

Wherefore for all the reasons stated herein the Defendant Motion to Dismiss prays that the Court dismisses the charge for all the fore going reasons stated within the City Court to protect the Defendant guarantee "Constitutional and Due Process Rights" As protected in the TEXAS Constitution and the U.S. Constitution.

Certificate of Service

I Mr. Michael James hereby certifies that on this 12th day of January, 2023, I hand delivered in person my MOTION TO DISMISS to both parties below.

Mr. Michael James
2201 Park Dr.
Chattanooga, TN 37421
(423) 394-1470 Cell phone

Municipal Court
City of New Boston
301 East North front St.
New Boston, TX 75570

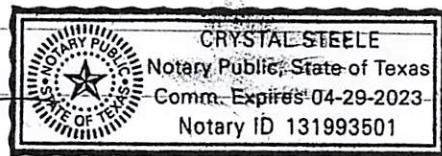
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c New Boston Police Dept.
108 N. Center St.
New Boston, TX 75570

Notary Public

STATE OF TEXAS, County of Bowie
I, the undersigned Notary Republic, do hereby
affirm that Mr. Michael James was present
(before me on this 12th day of JANUARY,
2023, and signed this document MOTION To
Dismiss as his free and Voluntary Act and deed.

X Crystal Steele
(Notary Public)



X Mr. Michael James
1-12-23

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