

The continuing contempt for the "Rule of Law" and attempt to "Kill the Messenger" is evidenced in the statements and documents which follow. To see those who are affected, one need only look in the mirror. To see those whose future and whose children's future well-being is on the chopping block, look again!

DEC 14 2015

DWIGHT E. MOORE
CIRCUIT CLERK

Fact 1: Writ filed Dec. 14 Doddridge Circuit Court and amended on Dec. 15 via fax to D. Moore

Fact 2: Hearing Scheduled for Jan. 28.

Phil Ito Hudok; next friend
Phone (304) 940 9846
On behalf of
Thomas David, House of Deegan

CHAPTER 53. EXTRAORDINARY REMEDIES. ARTICLE 4. HABEAS CORPUS.

§53-4-1. When and by whom writ granted.

The writ of habeas corpus ad subjiciendum shall be granted forthwith by the supreme court of appeals, or any circuit court, or any other court given power by any particular statute to grant the same, or any judge of either court in vacation, to any person who shall, by himself or by someone in his behalf, apply for the same by petition, showing by affidavit or other evidence probable cause to believe that he is detained without lawful authority.

Fact 4: Tim Bowen: warden

West Virginia North Central Regional
Tim Bowen: warden
Respondent

) Thomas
) 3 DAY
) WHY W
) Lawful
) must be

§53-4-2. To whom writ directed; return of writ.

The writ shall be directed to the person in whose custody the petitioner is detained and made returnable as soon as may be. If the writ be ordered by any court or judge other than the supreme court of appeals or a judge thereof, it shall be returnable before the court or judge ordering it, if such court or judge be of the county wherein the petitioner is detained; otherwise, before a proper court or judge of the county wherein the petitioner is detained. If the writ be ordered by the supreme court of appeals or a judge thereof, it may be made returnable either before such court or before a proper court or judge of the county wherein the petitioner is detained.

Fact 5: Doddridge County Circuit Judge Timothy L. Sweeney

§53-4-3. Bond may be required of petitioner.

The court or judge granting the writ may previously require bond with security in a reasonable penalty, payable to the person to whom the writ is directed, with condition that the petitioner will not escape by the way, and for the payment of such costs and charges as may be awarded against him. It shall be filed with the other proceedings on the writ and may be sued on for the benefit of any person injured by the breach of its condition.

IS DETAINED!

Fact 6:

Receipt of Davis Trust Certified Check to
Doddridge Co. For Service to 6 People
Including Bob Bowen - Warden

§53-4-4. Service of writ.

The writ shall be served on the person to whom it is directed, or, in his absence from the place where the petitioner is confined, on the person having the immediate custody of him.

Fact 7:

§53-4-5. Penalty for disobeying writ. ← On Jan. 28, Warden Bowen Failed To Bring Thomas to Court!

If any person on whom such writ is served shall, in disobedience to such writ, fail to bring the body of the petitioner, with a return of the cause of his detention, before the court or judge before whom the writ is returnable, for three days after such service, he shall forfeit to the petitioner three hundred dollars.

Fact 8: There Has Been No Payment of \$300 by Warden Bowen to Thomas

§53-4-6. When affidavits may be read as evidence.

At the direction of the court or judge, the affidavits of witnesses taken by either party, on reasonable notice to the other, may be read as evidence.

Fact 9:

The Judge Heard No Evidence As The Petitioner, Thomas Was Not

§53-4-7. Judgment. Brought To Court In Defiance To the Law !

The court or judge before whom the petitioner is brought, after hearing the matter both upon the return and any other evidence, shall either discharge or remand him, or admit him to bail, as may be proper, and adjudge the costs of the proceedings, including the charge for transporting the prisoner, to be paid as shall seem to be right.

Fact 10:

The Person, Phil Hudok, On Whose Behalf The Writ Of Habeas Corpus Was Brought, Was Not Even Allowed To Address The Court And Instructed By Judge Sweeney That To Do So, He Would Be Guilty Of Practicing Law Without License, A Misdemeanor!

Fact 11:

I rescheduled another hearing date with the Doddridge Circuit Clerk's Office.

Because the earliest date I could get was near the end of February, I faxed Judge Sweeney twice and left a phone call requesting an earlier date. There was never any response. The Dec. 15th Writ was for 72 hrs. (3 days) not 3 months! On Feb. 8, Judge Sweeney transferred action to Wood County!

(Documents Listed Below)

IN THE CIRCUIT COURT OF DODDRIDGE COUNTY, WEST VIRGINIA

THOMAS DAVID DEEGAN,

Petitioner,

vs.

CASE NO. 15-P-13

PATRICK MORRISEY, West Virginia Attorney General;
TIM BOWEN, Administrator, North Central Regional Jail;
ROBIN WATERS, Magistrate;
JASON WHARTON, Wood County Prosecuting Attorney;
TROOPER KEVIN WILLIAMS, and
THE HONORABLE JUDGE JEFFREY B. REED,

Respondents.

ORDER

Pending before the Circuit Court of Doddridge County is a Writ of Habeas Corpus filed by Phillip Hudok, as next friend to Thomas David Deegan ("Mr. Deegan").

As the allegations and issues set forth in the Petition relate to matters involving the underlying cause for the defendant's incarceration and presumable were filed in this Court solely due to his incarceration in Doddridge County; the Court finds this matter would be more properly brought on before the Circuit Court of Wood County, wherefrom the Petitioner's charges originated.

Accordingly, this Court does hereby **ORDER** that the above-styled action be **TRANSFERRED** to the Circuit Court of Wood County and thereupon **STRICKEN** from the docket of this Court.

The Circuit Clerk of Doddridge County shall promptly transmit the above-styled Petition and all attachments and exhibits filed with the Petition to the Circuit Clerk of Wood County. The Clerk of this Court shall accomplish said transfer by mailing Mr. Deegan's file to the Wood County Circuit Clerk's Office, Wood County Judicial Building, 2 Government Square, Room 131, Parkersburg, WV 26101.

The Clerk of this Court shall submit certified copies of this **ORDER** to: the Petitioner, **THOMAS DAVID DEEGAN**, at North Central Regional Jail, #1 Lois Lane, Greenwood, WV 26415; **PATRICK MORRISSEY**, West Virginia Attorney General, Building 1, Room E-26, 1900 Kanawha Blvd., Charleston, WV 25305; **TIM BOWEN**, Administrator, North Central Regional Jail, at North Central Regional Jail, #1 Lois Lane, Greenwood, WV 26415; **HONORABLE ROBIN WATERS**, Magistrate, Wood County Magistrate, 401 2nd Street Suite 12, Parkersburg, WV 26101; **JASON WHARTON**, Wood County Prosecuting Attorney, 317 Market Street, Parkersburg, WV 26101; **KEVIN WILLIAMS**, State Police Department of Wood County, 3828 Staunton Turnpike, Parkersburg, WV 26104; **HONORABLE JEFFREY REED**, Wood County Circuit Judge, Wood County Judicial Building, 2 Government Square, Room 221, Parkersburg, WV 26101; **A. BROOKE**

FITZGERALD, Doddridge County Prosecuting Attorney; and to CAROLE JONES, Wood County Circuit Clerk.

ENTERED

2/8/18

TIMOTHY L. SWEENEY, CIRCUIT COURT JUDGE

I hereby certify that the annexed instrument is a true and correct copy of the original on file in this office.
Attest: DWIGHT E. MOORE
Circuit Court Doddridge County of West Virginia

Dwight E. Moore
Clerk

Refused for cause w/o Dishonor
On the eleventh day of February
in the year of my Lord Jesus Christ
two thousand six hundred
pursuant to and under, God's Law
Ezekiel 44:24, Acts 25, St Luke 16:13
Romans 8:16 & 17
w/o recourse, w/o prejudice
YDH/Dej

WV REGIONAL & CORRECTIONAL FACILITY AUTHORITY
PRIVILEGED MAIL RECEIPT

H18-13

Dorgan, Thomas

2-11-16

DATE:

TIME:

TO WHOM IT MAY CONCERN:

At the above date and time,

letter(s), package(s), from

Name

Title

was opened and inspected for

contraband in my presence. The correspondence was not read by the officer.

NOTE: Currency and money orders will be taken from the envelope(s) and deposited to the inmate's account.

INMATE'S SIGNATURE:

INMATE'S NUMBER:

EMPLOYEE'S SIGNATURE:

EMPLOYEE'S TITLE:

File: Inmate's Record File

Institutional File

NCF-4045 Dsk-91 10/26/06

RJCFA-23

February 3, 2016

To:

Judge Timothy L. Sweeney

Phone 304-684-3274

Fax 304-684-2651

From:

Phil Hudok

RR 1 Box 11

Huttonsville, WV 26273

Phone 304-335-2826

Cell 304-940-9646

Email hudok@hudok.com

Concerning Writ of Habeas Corpus hearing Doddridge County 1/28/16
for Thomas David House of Deegan:

Dear Judge Sweeney,

I wish to apologize for both me and Gene Stalnaker approaching the bench on January 28th. I was told that I could go up to the bench and was expecting the arrival and presence of Thomas David House of Deegan. Our intentions were to lay out the documents for Thomas to make his own case in court that day. It was not my intention to represent him as he is quite able to handle himself in court.

I have scheduled another hearing date for the 23rd. However, the Petition for Habeas Corpus was filed in Doddridge County on December 15, 2016 and we are now in February.

It is my understanding that by law, specifically 53-4-4 and 53-4-5, Mr. Bowen, who was served notice by the Doddridge County Clerk was to have Thomas David House of Deegan appear on January 28th.

§53-4-4. Service of writ.

The writ shall be served on the person to whom it is directed, or, in his absence from the place where the petitioner is confined, on the person having the immediate custody of him.

§53-4-5. Penalty for disobeying writ.

If any person on whom such writ is served shall, in disobedience to such writ, fail to bring the body of the petitioner, with a return of the cause of his detention, before the court or judge before whom the writ is returnable, for three days after such service, he shall forfeit to the petitioner three hundred dollars.

The Petition was a Three Day Order to Show Cause Why Writ Should Not Be Granted. I had requested a date earlier than 1/28/16 which was unavailable. Could you please look into this matter and schedule a hearing before Feb. 23?

Thank you,

Phillip Hudok

February 5, 2016

To:

Judge Timothy L. Sweeney

Phone 304-684-3274

Fax 304-684-2651

From:

Phil Hudok

RR 1 Box 11

Huttonsville, WV 26273

Phone 304-335-2826

Cell 304-940-9646

Email hudok@hudok.com

Concerning Writ of Habeas Corpus hearing for Thomas David House of Deegan and Feb. 3 fax:

Dear Judge Sweeney,

I am anxiously awaiting a response to my February 3, faxed request for an earlier Writ of Habeas Corpus hearing.

I am unable to receive faxes, but a phone message or an email at hudok@startmail.com would be greatly appreciated.

Thank you,

Phillip Hudok

Affidavit from Joe Sandy who was present and witnessed the scheduled January 28th Doddridge County Habeas Corpus hearing:

I, Joseph-James..Sandy, was present at the Habeas Corpus hearing that was supposed to be held January 28th, 2016 at the Doddridge county courthouse before Administrative clerk Timothy L. Sweeney, claiming to be a judge, who refused to require Thomas Deegan to attend his own hearing for Habeas Corpus violations.

Sweeney threatened Phil Hudok with a misdemeanor charge of practicing law without a license. Sweeney stated that only BAR attorneys were allowed to represent Thomas Deegan or file paperwork in his court.

I, Joseph-James..Sandy will testify that the above stated facts are true and correct.

It is a bright line violation of the Taft/Hartly Act and the Smith Act 1947, which forbids the operation of a closed union shop by BAR attorneys against the people of West Virginia.