

## Chapter One

# PROLOGUE TO INJUSTICE

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

— *U.S. Constitution, First Amendment*<sup>1</sup>

*The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.*

— *Florida Constitution, Article 1 Section 5*<sup>2</sup>

Courtroom A of the Dixie County Courthouse was packed. The seats were filled with new and old friends, many of whom traveled that morning from all across Florida to not only support a man accused of violating some obscure and constitutionally-questionable statute which threatened him with up to seventy years in prison, but in support of the people of Dixie County who once again took a courageous stand for the First Amendment of the Constitution.

While we were happy to make the trip to this rural county, population 15,940, we were stunned at the injustice we had seen to

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<sup>1</sup> Fifth Amendment. (1789). In *United States Constitution*. Retrieved from <http://constitutionus.com/#x5>

<sup>2</sup> Florida Constitution Article 1 Section 5. (1968). In *Online Sunshine*. Retrieved from

[www.flcourts.org/Statutes/Article1/Section5/ModelConstitution&Submenu=3&Tab=statutes#A1S05](http://www.flcourts.org/Statutes/Article1/Section5/ModelConstitution&Submenu=3&Tab=statutes#A1S05)

date. Based on the arrest and absurd accusations, we weren't sure if things could get any worse.

In 2007, a man from North Carolina and member of the ACLU was purportedly considering a move to Dixie County. He filed a suit against the people to have their display of the Ten Commandments removed based on the oftentimes misunderstood and misused concept of "separation of church and state."<sup>3</sup>

The large granite display sits proudly in front of the courthouse and is an obvious sign that the people of Dixie County not only love their religious liberty, they also expect everyone entering their courthouse to acknowledge God's commands.

In August 2011, after a federal judge ruled that they had to take down their display of the Ten Commandments<sup>4</sup>, 1,500 people attended a rally in Dixie County in defense of the First Amendment and their right to the free exercise of their religion.

While that battle ended in February 2013 as the ACLU dropped their suit, another began the summer of 2014 where residents of Dixie County stood up once again for the First Amendment, this time for the right to peaceably assemble and petition their government for a redress of grievances. They called or and demanded an investigation into local government corruption.

Judge James C. Hankinson, Circuit Judge of the Second Judicial Circuit in Florida, met Terry at his first hearing twenty-four hours after being arrested on September 2, 2014. At that hearing, over closed circuit television, the judge admitted he was appointed by Governor Rick Scott for this specific case.

On October 9, 2014, Judge Hankinson walked into Courtroom A at 9:54 am as most of the people rose to their feet as ordered. Terry and I, however, were busy praying to the very

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<sup>3</sup> Curry, C. (2013, February 14). Ten Commandments stand at Dixie courthouse, after lawsuit is dismissed. *The Gainesville Sun*. Retrieved from <http://www.gainesville.com/article/20130214/ARTICLES/130219767?tc=ar>

<sup>4</sup> Wilmoth, K. M. (2011, July 18). Federal judge orders Ten Commandments removed from Dixie courthouse. *The Gainesville Sun*. Retrieved from <http://www.gainesville.com/article/20110718/ARTICLES/110719637>

God everyone acknowledged as they walked by the people's granite display just a few minutes prior.

We finished with a quiet 'Amen' and surprisingly; the judge gaveled the session to order at 9:55 am,<sup>5</sup> exactly five minutes *before* the scheduled start time of 10:00 am.<sup>6</sup>

The only hearing on the docket was Terry's arraignment.

Terry Trussell is a well-respected and engaged member of the community, a veteran of the Vietnam War and the very man asked to serve as the Foreman of the Dixie County Grand Jury for a six-month term from April to October 2014.

In July of his term he was notified by a member of the community that there may be criminal activity in his county government and not only did he perform his duty as he was instructed, he was proud to stand with the people of Dixie County as they attempted to blow the whistle and shine light on the matter.

Apparently, the powers-that-be didn't like where the spotlight was shining.

That morning in Courtroom A, oddly enough, Terry found himself facing an upcoming trial accused of several counts of "simulating a legal process" with a possible seventy-year prison sentence. After proudly serving his country at war and having sworn an oath to protect and defend the Constitution on multiple occasions, he couldn't believe the battle he was facing here at home.

Judge Hankinson began the session by asking for Terry George Trussell to present himself. Terry, at seventy years of age, rose to his feet and answered, "I'm here to speak on that matter."

"Are you Mr. Trussell?" asked the judge.

What happened next left everyone stunned, to say the least.

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<sup>5</sup> Page, B. (2014, October 9). Arraignment Proceedings Transcript. *Third Judicial Circuit*. Retrieved from

<http://www.jasonwhoyt.com/mediafiles/trussell-arraignment-transcript>

<sup>6</sup> Unknown. (2015, December 17). Case Court Events.

*MyFloridaCounty.com*. Retrieved from

<http://www.jasonwhoyt.com/mediafiles/trussell-arraignment-schedule>

As Terry began to reply, Judge Hankinson completely railroaded and steamrolled him after the third word into his response. The judge completely disregarded the very man whom he had met just a few weeks earlier during his first hearing where he admitted he was assigned to the case by the governor.

In a very awkward and uncomfortable scene, the judge asked the courtroom twice more for a Mr. Terry George Trussell while completely ignoring the only person standing in the courtroom gallery and replying to his questions.

"For the record, I am here to speak on that matter," Terry, with a noticeable height of 6 feet 4 inches, replied once again in a louder voice, still the only man standing.

"Let the record reflect that Mr. Trussell has not appeared," was the final response. Seconds later, at 9:57 am,<sup>7</sup> still 3 minutes prior to the hearing's scheduled start time, without hesitation, the judge ordered Terry to be arrested for "failure to appear."

Terry, in desperation, shouted, "I object, your honor. I am here!"

The deputies, who *know* Terry *personally*, didn't say a word to the Judge. They didn't make *any* attempt to intervene or step in to suggest cooler heads prevail, to make sure that the judge knew the only man standing and responding to his questions was, in fact, Terry George Trussell.

Instead, they just sat back like sheep and let it all happen.

Seconds later, as the judge slammed the gavel down to close the session, the deputies walked five feet over to Terry and escorted him out of the courtroom and out of the building in handcuffs.

Yes. You read that correctly. Terry Trussell was arrested *at* his arraignment — for "failure to appear!"

That morning in Courtroom A on October 9, 2014 will go down in history in Dixie County as one of the strangest things ever

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<sup>7</sup> Page, B. (2014, October 9). Arraignment Proceedings Transcript. *Third Judicial Circuit*. Retrieved from <http://www.jasonwhoyt.com/mediafiles/trussell-arraignment-transcript>

seen and one of the most egregious violations of due process any of us had ever encountered.

The worst part of it all is that Terry spent the next twenty-one days, including his seventy-first Birthday, in jail until he was given a second “first” arraignment.

At Terry’s second arraignment, the Judge didn’t even apologize.

One man captured the events succinctly, saying “They’ve got the Ten Commandments sitting outside in front of the courthouse but they’re doing the devil’s work inside.”

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I have included a section at the end of certain chapters throughout the book titled, “TWEET THIS!” where I invite you to tweet about what you’ve read, participate in a Twitter Poll, or provide some feedback.

My Twitter handle is @JasonWHoyt.

## **TWEET THIS!**

### **Tweet:**

I agree #DixieCounty needs to fight once again for the #FirstAmendment. #ConsentOfTheGoverned by @JasonWHoyt

A man in #DixieCounty was arrested IN the courtroom for #FailureToAppear! #JusticeForTerry #ConsentOfTheGoverned by @JasonWhoyt

### **Question:**

Did you hear about this story in your sources of news?

Tweet me @JasonWHoyt and be sure to include the hashtag #ConsentOfTheGoverned.

<http://educate-yourself.org/cn/terrytrussell20oct14.shtml>

<https://www.thepostemail.com/2014/10/17/terry-trussells-fight-for-common-law-justice-in-dixie-county-florida/>

<https://www.thepostemail.com/2014/09/18/florida-man-facing-ten-felony-counts-for-attempting-to-report-government-corruption/>

<https://law.justia.com/cases/florida/first-district-court-of-appeal/2018/16-3763.html>

**Video of Court Proceedings:**

[https://www.youtube.com/playlist?list=PLvskeEUqQSNZuTTx\\_DzuYTqpAbD4DaAPf](https://www.youtube.com/playlist?list=PLvskeEUqQSNZuTTx_DzuYTqpAbD4DaAPf)