

Avery v. Baddour; Hearst Communications, Inc.:

January 27, 2017 <http://PostWTC.com/avc.html>

Supreme Court of Texas Denies Avery's Motion for Rehearing:

FAKE LAW TO PROTECT FAKE NEWS FROM LIBEL CHARGES WHEN MAIN STREAM MEDIA CREATES FAKE TERRORISTS

The Supreme Court of Texas denied Avery's Motion for Rehearing on January 27, 2017 affirming the ruling of the 4th Court of Appeals in San Antonio finding that:

1. The ruling of the Trial Court dismissing the Avery v. Baddour and Hearst case is affirmed because:
 - 1.1. The articles written by Defendant Dylan Baddour were not defamatory as a matter of law found by the trial court and appellate judges applying the *ordinary average reasonable reader standard*. And that Plaintiff, Avery, is the only person that thought these articles were defamatory in spite of record evidence that 9 out of 23 comments left under the article on the Houston Chronicle website were public expressions hatred, ridicule and contempt, two of which said the Republic of Texas and Avery as a shown member should be rounded up and sent to GITMO to be given the enhanced interrogation (water-boarding).
 - 1.2. The articles written by Defendant Dylan Baddour stating and showing that Avery was a member of the Republic of Texas and that the Republic of Texas is a secessionist organization were *substantially true* in spite of record evidence that:
 - 1.2.1. Avery was not and never has been, a member of the ROT;
 - 1.2.2. and that the Republic of Texas is not now and never has been a secessionist organization.
 - 1.3. Avery filed a SLAPP (Strategic Lawsuit Against Public Participation) suit under the Texas Citizens Participation Act in an attempt to stop reporter Dylan Baddour from expressing his own freedom of speech regarding matter of public concern and Avery should be punished for doing so. This finding was made in spite of record evidence that the Houston Chronicle got Houston FOX news anchor, Scarlett Fakhar, fired for expressing her own freedom of speech on her facebook page yet the record shows the Houston Chronicle did not fire Dylan Baddour for expressing his freedom of Speech about the Republic of Texas and Ron Avery.
2. The ruling of the Trial Court denying mandatory attorney fees, costs, and expenses and *mandatory SANCTIONS* to punish and prevent Avery from ever filing a similar lawsuit again are reversed and remanded to the 2nd 25th District Court in Guadalupe County Texas for further proceedings.

Comment by Avery:

Avery made it clear to the Supreme Court of Texas that the Texas Citizens Participation Act coupled with bogus common law or case law rules of precedent entraps innocent people who have legitimate defamation causes of action. The false doctrine of the *ordinary average reasonable reader* that can only be applied by a judge or group of judges, regardless of the evidence that an article exposed them to public expressions of public hatred, ridicule or contempt, constitutes entrapment. Evidence that the public responded with expressions of public hatred can be made to appear or disappear using this false doctrine and even be reversed later by other judges or a majority of judges when they can't agree. No person injured by defamation can safely file a lawsuit in Texas for libel or slander without being entrapped and plundered by the mandatory attorney fees, costs and expenses and sanctions imposed by the Texas Citizens Participation Act, even if the Plaintiff has evidence meeting the statutory definition of defamation:

"Sec. 73.001. ELEMENTS OF LIBEL. A libel is a defamation expressed in written or other graphic form that *tends* to blacken the memory of the dead or that *tends* to injure a living person's reputation and **thereby expose the person to public hatred, contempt or ridicule**, or financial injury or to impeach any person's honesty, integrity, virtue, or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury." (Texas Civil Practice and Remedy Code) (bolding added)

A person cannot rely on the statute above even if they have evidence of public expressions of hatred, ridicule and contempt because the judge or judges can make it disappear. And notice that the statute merely says "tends" to blacken or injure a person's memory or reputation. This is not to require an absolute finding by every reader but simply bad enough to *tend* to blacken or injure thereby exposing the person to public hatred, contempt or ridicule. There is no doubt that the articles written by Baddour and published by the Houston Chronicle on the front page on the weekend of 9/11 2015 exposed Avery to public hatred as part of the "Growing Right-wing Terror Threat." 39 percent of the unsolicited real ordinary average reasonable readers that responded expressed hatred, ridicule or contempt. This percentage reflects the Gallop poll survey that still trust mainstream media¹. A judge should not have power to make that evidence appear or disappear. Avery had it and still has it. Baddour's article was *defamatory as a matter of statutory law*. And every judge involved Trial, 4th Court and Supreme Court Judges made it disappear to entrap and plunder Avery under the Texas Fake Mainstream Media Defense Act AKA the Texas Citizens Participation Act. That means the State of Texas has created **FAKE LAW to PROTECT FAKE MEDIA!**

But it's not bad enough to make evidence disappear! These same Supreme Court Justices have made lies into truth with the misuse of the so-called *Substantial Truth* doctrine. The Supreme Court Justices agreed with the 4th Court of Appeals Justices said that the articles were true even if:

¹ <http://www.breitbart.com/big-journalism/2012/09/21/gallup-60-of-americans-dont-trust-mainstream-media/>

"We conclude Avery did not satisfy his prima facie burden. Even if the captions incorrectly identified Avery as a secessionist, falsely implied Avery renounced his U.S. citizenship, incorrectly identified the Texians as secessionists, and falsely implied Avery was a member of a secessionist organization, the gist of the articles is substantially true: the Republic of Texas is a volunteer, non-violent organization premised on the belief that Texas is a sovereign nation and whose goal it is to legally extricate itself from the United States. No reasonable reader would conclude—as argued by Avery—that either he or the Republic of Texas is a “far-right fascist, neo-Nazi, part of the growing right-wing terrorist threat.” The only evidence of such a conclusion is Avery’s own allegations."

This statement is outrageous! The 4th Court statement that "the only evidence of such a conclusion is Avery's own allegations" is a barefaced lie. Here are statements of public expressions in writing made right under the article on the Houston Chronicle website²:

1. Terrence Steele said "Maybe these flks need to be sent to Gitmo."
2. Texian Blast said "Just a bunch of gun freak malcontents"
3. TSUJones said "this is the result of under-funded public education. I don't see a lot of MBA's in this photo. i saw laborers mentioned in the article. What happened to voting in change ? Texas already has the most effective voter suppression laws in effect. Minorities have no voice at the state level. States rights are in full effect. What more could these people want ? Of course they think their .223 assault rifles are going to hold off a nuclear superpower with armed drones. Whats going to happen to the cell phone towers ??"
4. OMG said "Their energy would be better suited into improving their communities and thus our state."
5. Sam58 said "These folks actually meet in person, a younger crowd will play this fantasy game online. It will probably be wildly successful...patriots can shoot illegal aliens, build border walls all while gathering tokens, er, money to get elected president."
6. Walter said "Inaccurate Headline. "Should read: Ever hopeful and DELUDED, Texas secessionists face long, long odds."
7. Scroggins said "what a sad and deluded bunch."
8. otimio said "They are traitors, terrorists wanting to harm the U.S.A., just like the Muslim terrorists, round them up and put them in GITMO, give them the "Enhanced Interrogation"
9. Rhymes With Right said "...Given that their advocacy of secession is completely peaceful and they are not acting violently, they cannot be viewed as making war against the United States. Nor are they adhering to or offering aid and comfort to any enemy. What they are instead doing is engaging in peaceful political advocacy on behalf of their crackpot cause."

² <http://www.houstonchronicle.com/news/houston-texas/houston/article/Ever-hopeful-and-determined-Texas-secessionists-6502332.php?t=63407b543c&cmpid=twitter-premium>

10. One of the comments has since been removed by the author most likely after he saw Avery's desire to file a libel lawsuit thinking they would be made a defendant.

The evidence of record above shows that the reputation of Avery tended to be injured exposing him to public expressions of hatred, ridicule or contempt and that was not the mere groundless allegation of Avery.

The Texas Judiciary made statutory matter of law evidence of defamation disappear and made lies into truth to protect fake news and entrap, plunder and punish Avery. This is called a barefaced wresting of the laws to protect and indemnify the violence or injuries of some men, or party of men in the mainstream mass media. The courts are to prevent an appeal to heaven as it should be unwanted by all and results in great harm as God obtains jurisdiction to intervene at any level He so chooses which is unknown to all and may simply remove his protective eye from those who are unjustly under it. This is not a new concept but one announced by John Locke in his Second Treatise of Government in 1689 made the foundation of our nation and states. Nor did Avery hide it from the Supreme Court but warned of it in his Motion for Rehearing³:

"where an appeal to the law, and constituted judges, lies open, but the remedy is denied by a manifest perverting of justice, and a barefaced wresting of the laws to protect or indemnify the violence or injuries of some men, or party of men, there it is hard to imagine any thing but a state of war: for wherever violence is used, and injury done, though by hands appointed to administer justice, it is still violence and injury, however coloured with the name, pretences, or forms of law, the end whereof being to protect and redress the innocent, by an unbiassed application of it, to all who are under it; wherever that is not bona fide done, war is made upon the sufferers, who having no appeal on earth to right them, they are left to the only remedy in such cases, an appeal to heaven."⁴

Dylan Baddour, Hearst Communications, Inc., the 2nd 25th District Court, Fourth Court of Appeals, and the Supreme Court of Texas have done violence against Avery and continue a state of war against him for which he has no more earthly appeal and has now made his first appeal to heaven to ask Christ Jesus the image of the invisible God who now reigns on his throne in heaven to judge between Avery and those who have harmed him and maintain their state of war against him.

This appeal to heaven made by Avery is beneficial to all people of Texas in that they are all subject to these fake laws to make them into terrorists without a way to repair themselves and protect them from misinformed and misguided law enforcement agents and fellow citizens. This is the age of fake and false news and it is the most powerful tool of tyrants and tyranny against the people to suppress and deceive them into following the agendas of spiritual wickedness in high places.

Respectfully Submitted to the People of Texas and the United States of America,

Ronald F. Avery

³ <http://www.postwtc.com/avb-sc-mreh-with-exhibits.pdf>

⁴ <http://www.constitution.org/jl/2ndtr03.htm>

2nd 25th District Judge W.C. (Bud) Kirkendall:



Forth Court of Appeals Panel: Chief Justice Sandee Bryan Marion, Justice Rebeca C. Martinez, and Justice Luz Elena D. Chapa. Martinez wrote the opinion in the Avery v. Baddour; Hearst case.



Supreme Court of Texas:



Back row left to right:

Justice John Phillip Devine; Justice Debra Lehrmann; Justice Don R. Willet; Justice Eva Guzman; Justice Jeffrey S. Boyd; Justice Jeff Brown.

Front row left to right:

Justice Paul W. Green; Chief Justice Nathan L. Hecht; Justice Phil Johnson.



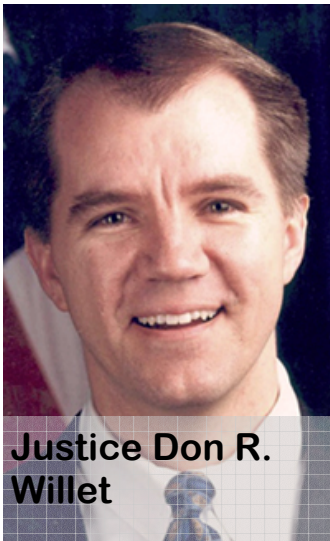
**Chief Justice:
Nathan L. Hecht**



**Justice Paul W.
Green**



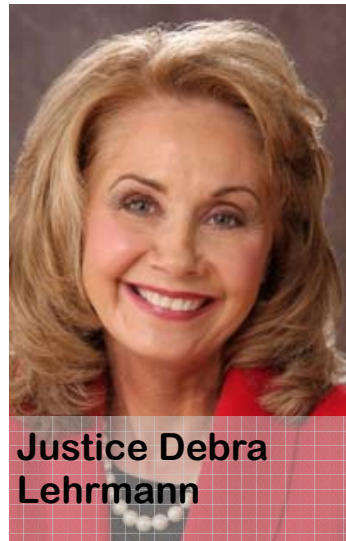
**Justice Phil
Johnson**



**Justice Don R.
Willet**



**Justice Eva
Guzman**



**Justice Debra
Lehrmann**



**Justice Jeffrey
S. Boyd**



**Justice John
Phillip Devine**



**Justice Jeff
Brown**

Meet the main people that pushed the crooked so-called "Texas Citizens Participation Act" through the Texas Legislature to protect FAKE NEWS from legitimate libel suits when they CREATE FALSE TERRORIST:

The Freedom of Information Foundation of Texas
www.FOIFT.org

You will not find ordinary average reasonable reader there! But you will find lots of professional news people and lots of lawyers.

These are a lot of smiling faces but when the media lies about you and makes you into a terrorist in the minds of their readers they will entrap you and plunder and punish you for using the courts for remedy which is your Texas Constitutional right under Article 1 Section 13. They will cheat you and deny you a remedy even though the doors of the court are open the just remedy under real law is denied by FAKE LAW.

NOW WE HAVE FAKE JUDGES THAT PROTECT FAKE LAW THAT PROTECTS FAKE NEWS IN TEXAS!