

IN THE CIRCUIT COURT OF FULTON COUNTY, ARKANSAS
SIXTEENTH JUDICIAL CIRCUIT CRIMINAL DIVISION

Cause No.: 25CV-25-74

FILED
Office of the
Circuit Clerk
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Fulton County,
Arkansas
1:21 pm

Petitioner:

Dave Campbell, Pro Se

Defendant in Charge Numbers; CR24-541, CR24-542, CR24-543, CR24-544

440 Main Street, Mammoth Spring, AR, 72554-8800,

Blues24Seven@ymail.com

Vs.

Respondent:

Hon. Chaney Wes Taylor, State District Judge

549 W. Main, Batesville, AR, 72501

ChaneyT2000@gmail.com

16th Judicial District Court and 14th State Judicial District Court

File Copy % District Court, 455 N. Main ST, Salem, AR, 72576

PETITION FOR WRIT OF PROHIBITION

I. Statement of the Parties:

1. Petitioner is Dave Campbell, pro se "*Defendant*" and Respondent is Hon. Chaney Wes Taylor, 16th Judicial District and the 14th State Judicial District Court judge.

II. Relief Sought / Purpose of the petition:

2. This is a municipal case filed in the district court without lawful authority. (EX2 : EX8)
3. Petitioner is seeking a writ of prohibition to prevent the 14th State Judicial District

Court or the 16th Judicial District Court from proceeding with three misdemeanor charges of recklessly causing injuries and charge of disorderly conduct against him, because the charges themselves are legally insufficient and the prosecution never lawfully served Defendant with the prosecution's information, among other jurisdictional issues.

4. The basis for the writ is the court's lack of jurisdiction over the matter due to the absence of a key element of the charged offense of "*recklessly causing injuries*" when the MSPD's police report states the alleged injuries are "*None.*" MSPD's report falsely alleged the incident location is "*unknown*" (**Ex. 1, P. 1**) despite the location being a residence in charging "*disorderly conduct.* (**Ex. 3, P. 1, Last Par.**) The violation date is 07/22/24, according the District Court. (Ex. 11) According to Asst. Chief Barnett, the violation date is 07/16/24. (**Ex. 3, P. 1, Last Par.**)

5. On 10/10/24 City Notary Barbara Gann was reprimanded by Arkansas Secretary of State John Thurston's Office for not notarizing the 07/22/24 arrest affidavit according to the law. (**Ex. 4, P. 9-10**) The forged arrest affidavit is a criminal offense under § 5-37-201.

6. The lower court is in violation of A.C.A. § 16-17-138 for holding court in an unlawful jurisdiction due to the lack of an Ordinance authorizing Department of Mammoth Spring court proceedings in Salem. (**Ex. 5-6**)

7. The petition seeks a writ of prohibition to prevent the lower court(s) from exercising unauthorized jurisdiction over Petitioner's case(s) due to the forged affidavit, venue violation, and lack of proper service.

8. Petitioner lacks adequate alternative remedies. An appeal would not provide an adequate remedy in this situation, because the court's actions demonstrate a fundamental lack of jurisdiction and Arkansas does not authorize interlocutory appeals.

9. The lower court's actions are clearly outside the bounds of its authority and are causing a significant deprivation of Petitioner's rights.

III. Issues presented:

10. Lack of Probable Cause: Element for Injuries Not Met: The municipal court lacks jurisdiction to hear a charge of recklessly causing injury when the official police report clearly indicates no injuries resulted from the incident. **(Ex. 1)** The incident report's statement about "*no injuries*" demonstrates a lack of probable cause to support the charge, rendering the prosecution unlawful.

11. Lack of jurisdiction due to forged affidavit: On October 10, 2024, the Arkansas Secretary of State reprimanded City Notary Barbara Gann for failing her duties and Causing a forged affidavit.

12. Violation of Arkansas Code Annotated § 16-17-138 and lack of jurisdiction based on improper court location: The venue jurisdiction for all Department of Mammoth Spring court proceedings, pursuant to the Fulton County District Court Administrative Plan of the 16th Judicial District, Effective January 1, 2021, through December 31, 2024 (As amended) and signed by Hon. Larry Dean Kissee on June 29, 2023, "*All court sessions for the City of Mammoth Spring are scheduled to be held at the Mammoth Spring Police Station, 160 N. Main (sic) Street, Mammoth Spring, AR 72554.*" **(Ex. 2)** Salem,

Arkansas, is an unlawful jurisdiction for all Mammoth Spring cases, because 1) there is no administrative plan for 2025 and 2) The City of Mammoth Spring did not pass an ordinance pursuant to A.C.A. 16-17-138 to authorize a change of venue for 2024 or 2025.

13. There is no jurisdiction due to the lack of proper service of information to Petitioner by the prosecution: The prosecution failed to serve Defendant, resulting in Defendant being hindered and prejudiced in preparing a defense at arraignment.

14. The prosecution and court abused its discretion and authority. Hon. Taylor, with knowledge Defendant had not been served, still proceeded to schedule a bench trial for 02/17/25. Proceeding with the prosecution under these circumstances constitutes an abuse of discretion or an act beyond the court's lawful authority.

IV. Statement of Facts:

15. On July 16, 2024, Defendant was exercising self-defense against three assaulters who were trespassing.

i. Element for Injuries Not Met:

16. Defendant was arrested on August 2, 2024, stemming from the 07/16 incident and charged with three counts of recklessly causing injuries and disorderly conduct.

17. The charge of recklessly causing injury requires the element of "*injury*," which is directly contradicted by the official arrest report and a doctor's evaluation report on one of the alleged victims. (Ex1)

i. Forged affidavit:

18. The charges against Defendant were filed by the Department of Mammoth Spring in 16th Judicial District Court in Salem, Arkansas on July 22, 2024, in Charges: CR24-541, CR24-542, CR24-543, and CR24-544.

19. The arrest affidavit is forged, impacting the validity of the charges and the court's jurisdiction over the case. **(Ex. 3, P. 3)**

20. Around October of 2024, Defendant discovered Affiant Barnett (MS5) did not sign the arrest affidavit and instead Officer Hunter Crawford (MS7) signed the document. **(Ex. 3, P. 3 & 8)**

21. On October 10, 2024, the Arkansas Secretary of State's Office reprimanded City Notary Barbara Gann, at Defendant's request, for failing her duties to cause the forged affidavit. **(Ex. 4, P. 9)**

22. The forgery affects the probable cause for the arrest and the subsequent legal proceedings by undermining the basis for the arrest, in violation of the Fourth Amendment.

23. A valid arrest affidavit was required to establish probable cause for Defendant's arrest and subsequent charges.

24. The forged affidavit means the information presented to Magistrate Weaver, which formed the basis for issuing an arrest warrant, was false and fraudulently obtained.

25. The Fulton County Prosecutor's Office hoodwinked Judge Weaver with an erroneous signature and endorsement, which only occurred against Defendant Dave Campbell by the Department of Mammoth Spring. **(Ex. 3, P. 3)**

26. Without a legitimate affidavit, there was no probable cause to support the arrest, rendering it illegal.

27. The forged affidavit invalidated the warrant issued based on it.

28. The forgery undermines the entire legal foundation for Defendant's detention and the charges brought against him.

29. The use of a forged affidavit constitutes a violation of Defendant's due process rights.

30. Due process requires legal proceedings be fair and individuals have the opportunity to defend themselves against legitimate charges.

31. Relying on a forged document to initiate and pursue charges is fundamentally unfair and violates basic principles of justice.

32. The affidavit being forged by a law enforcement officer is evidence of official misconduct and criminal activity on the part of the police.

33. The forged affidavit and continuance to utter it suggests a pattern of disregarding legal procedures and fabricating evidence, which raises serious concerns about the fairness and integrity of the entire legal process.

34. The affidavit was forged by being signed by Officer Hunter Crawford when it was alleged to be sworn to by Assistant Police Chief John Barnett; the affiant's signature and oath are missing.

35. In the information, Affiant Barnett's signature on a separate document.

(Ex. 3, P. 7) Officer Crawford's statement in the information verifies it is Mr.

Crawford's handwriting on Mr. Barnett's alleged affidavit. **(Ex. 3, P. 8)**

36. In Hon. Hollie Meyer's court on 04/29/25, Asst. Chief Barnett testified he did not sign, swear to or submit his arrest affidavit used to cause Defendant's arrest. **(Ex. 10)**

37. The forgery undermines the court's authority to proceed with the case based on several legal grounds: Absence of probable cause; Forged affidavit renders arrest unlawful; Violation of the Fourth Amendment; Deprivation of liberty without due process; Intentional fabrication of evidence; Undermining the integrity of the judicial process; Proceeding without lawful basis; and Failure to conduct proper inquiry.

38. The use of the forged affidavit in a criminal case has severe consequences for Defendant's due process rights.

C. Violation of Arkansas Code Annotated § 16-17-138 and lack of jurisdiction based on improper court location

39. Based on the provisions of Arkansas Code § 16-17-138, which specifies the mandatory holding of court for departments of a district court. The specific department of the district court where all Mammoth Spring cases should be held is Mammoth Spring.

40. Petitioner has been charged in a specific department of the district court located in Mammoth Spring, Arkansas.

41. According to § 16-17-138, the court must be held in Department of Mammoth Spring unless there is a written agreement between the judge and the governing body of the city or town to waive this requirement and no such waiver exists.

Hon. Taylor is exceeding the court's authority:

42. Hon. Taylor is requiring the defendants of Mammoth Spring municipal

misdemeanor citations to travel to a location outside the specified department of the district court, and this action is unauthorized by law, because it violates the venue requirements established in § 16-17-138; however, convenient for Hon. Taylor.

Petitioner suffered injuries from Court's willful disregard of A.C.A. 16-17-138.

43. Defendant is prejudiced and irreparably harmed by the lower court's violation of statutory requirements by: 1) delay and deprivation of a speedy trial; 2) unnecessary inconvenience; 3) due process concerns; 4) disruption in Defendant's ability to effectively present his case; 5) inability to receive a fundamentally fair and orderly judicial proceeding; 6) impeded ability to present a defense; 7) impeded legal counseling; 8) impeded information gathering; 9) loss of key witness; 10) increased financial and time burden; 11) lengthy travel times; 12) court wait times; 13) cost of travel; 14) time away from working on important financial projects; 15) appearance of bias or unfairness; 16) concerns with public perception and confidence in the Judiciary; 17) deprivation of right to a public trial.

44. A.C.A. 16-17-138 concerns the mandatory holding of court sessions in departments of Arkansas district courts, requiring sessions to be held at least once a month, unless a waiver is mutually agreed upon by the district court judge and the relevant governing body. Defendant was arraigned outside the department without the mandatory agreement in place, because Hon. Taylor made an unlawful agreement with Chief Turnbough to benefit both parties.

45. On June 24, 2025, Hon. Chaney Taylor admitted in an email to Mayoral

Assistant Melissa Rogers, "*Chief Turnbough informed me earlier that hearing Mammoth cases in Salem would be fine, but apparently a written agreement/ordinance to that effect is needed for the Administrative Plan.*" (Ex. 5, Par. 4)

46. Hon. Taylor's 06/24 correspondence admitted, "*Mammoth Spring is a designated department of Fulton County Dist. Court, so I need an ordinance from the Mammoth City Council waiving the holding of court there once per month. The requirement comes from the following statute:*" (Emphasis. Added) (Ex. 5, Par. 2)

47. The municipal court is knowingly and willfully exceeding its jurisdiction by holding court outside of its designated department, in violation of Arkansas Code §16-17-138, which results in prejudice to defendants; including Defendant Dave Campbell.

48. This action is occurring without a written agreement or ordinance permitting such a venue change, as required by Arkansas Code §16-17-138. .

49. The requirement to hold court in each department at least once a month has not been waived through the proper channels and the venue jurisdiction is violated.

50. Arkansas Code Annotated § 16-17-138 specifies the location for holding municipal court proceedings in district court departments and mandates a district court must hold court in each department at least once a month unless mutually waived by the district court judge and the governing body of the city or town where the department is located, with the agreement in writing and adopted by ordinance.

51. The municipal court's failure to adhere to the location requirements of ACA § 16-17-138 impacts its authority to proceed with the case and the court is acting without or in excess of jurisdiction by failing to follow proper procedure.

52. Defendant is injured and prejudiced as a result of the improper location of the

court proceedings, due to difficulties in accessing the court, securing witnesses, and being able to adequately prepare his defense. Defendant is unconstitutionally and prejudicially **required** to wait hours to be heard in an overcrowded, distant courtroom. If jurisdiction requirements had been satisfied, the charges against Defendant would be resolved.

D. Lack of proper service of information

54. The prosecution failed to properly serve Defendant with any charging information before arraignment, violating Defendant's rights to due process and fair notice of the charges against him.

V. Legal Argument:

A. A writ should issue due to lack of probable cause due to element of "Injuries" and "Public" not met:

55. A writ of prohibition is appropriate due to Defendant facing charges, but the conduct alleged, even if proven, does not constitute a crime, because a fundamental element of the offense is missing. Defendant is charged with "*recklessly causing injury*," and the absence of a key element, such as proof of actual injury, leads to a lack of subject matter jurisdiction for the state district court, because for a defendant to be convicted of recklessly causing injury, the prosecution must prove the complainant suffered an injury and the accused caused this injury recklessly and without justification. The alleged injuries are "*None*." If the prosecution cannot establish the elements of the charged offense, which it cannot since there were never any injuries alleged, the court lacks the legal authority to proceed with that particular charge. The prosecution also cannot prove Defendant acted disorderly in public, because Defendant did not. The prosecution's information failed to charge an offense. An indictment or information which fails to

allege each material element of an offense also fails to charge that offense. This failure to properly charge an offense affect the court's jurisdiction. If a crucial element like injury cannot be proven, the court's subject matter jurisdiction over the offense of "*recklessly causing injury*" must be dismissed. In such a scenario, as here, the lower court would be acting without jurisdiction to proceed with the prosecution.

56. The prosecution's information is defective. An indictment or information must include all the essential elements of the charged offense. If a necessary element is omitted, the charge is legally deficient. A writ of prohibition is essential to stop the lower court from exercising jurisdiction, because it is acting beyond its legal authority, due to the fundamentally-flawed charges, due to the missing element of "*injuries*" in charging Defendant with "*recklessly causing injuries,*" and due to the missing element of a public location in charging Defendant with "*disorderly conduct.*" The lower court lacks jurisdiction, due to the fundamental flaws in the charging instrument.

57. In *United States v. Curtis*, the indictment was found defective, because it failed to provide enough detail about the nature or character of the alleged scheme, which was necessary to ensure the defendant could prepare a defense and prevent double jeopardy. Case No: 299 U.S. 304 (1936)

B. A Writ of Prohibition should issue due to the forged affidavit:

58. A valid arrest affidavit, supported by probable cause, is a fundamental prerequisite for a lawful arrest and the initiation of criminal proceedings. A forged arrest affidavit essentially means no valid affidavit was presented to establish probable cause, rendering the arrest unlawful and potentially stripping the court of jurisdiction over the

defendant.

59. Due process violations have been committed against Petitioner. The Fourth Amendment protects individuals from unreasonable searches and seizures, requiring probable cause for arrest warrants and searches. A forged affidavit directly violates these protections. Proceeding with a case based on a fabricated document constitutes a deprivation of liberty without the due process of law guaranteed by the Fourteenth Amendment. The forged affidavit is a fraud on the court. Presenting a forged document to the court amounts to a deliberate fabrication of evidence, which is considered a severe form of misconduct. Such fraudulent actions undermine the court's integrity and its ability to administer justice fairly.

60. Petitioner's arrest affidavit being forged by a third party and not properly sworn, raises serious questions about the validity of Petitioner's arrest and prosecution. The lack of a truthful and properly-sworn affidavit undermines a court's authority to hear the case, which affects subject matter jurisdiction. The absence of probable cause, due to a forged affidavit, creates a situation where the court lacks the legal authority to proceed and violates Petitioner's constitutional rights. The Fourth Amendment mandates an arrest requires probable cause, based on a truthful factual showing in the supporting affidavit.

61. Between 1979 and 1989, Trooper Fred Zain, a serologist for the West Virginia State Police crime laboratory, falsified test results in numerous cases. Multiple

defendants were sentenced to long prison terms based on Zain's fraudulent testimony, many of whom were later exonerated. A judicial inquiry concluded that any evidence offered by Zain in criminal prosecutions should be deemed invalid.

62. The case of Taylor vs. City of Chicago underscores the importance of ensuring due process and accountability within the criminal justice system. After spending more than 20 years in prison, Daniel Taylor's conviction was overturned due to evidence the city knew he was innocent back in 1992 but fought to convict him and then fought his innocence claim and his civil suit for almost 9 years. Taylor and three other men who were convicted with him had their charges cleared and won millions from the city. The case highlights a situation where police and prosecutors were aware of evidence that exonerated Taylor but actively suppressed it, leading to his wrongful conviction and imprisonment. Case: IL App (January 5, 2024)

63. A study found that in the Rampart and Tulia police scandals, wrongful convictions were almost exclusively a result of police perjury. The study highlighted how, unlike in other wrongful conviction cases, the innocent individuals in these scandals rarely contested their guilt at trial, with most pleading guilty. The Rampart scandal in Los Angeles and the Tulia scandal in Texas both involved egregious police misconduct, but with different focuses. The Rampart scandal involved widespread corruption within the Los Angeles Police Department's CRASH unit, including illegal arrests, planting

evidence, and excessive force. The Tulia scandal involved a police officer framing nearly 50 people, mostly Black, on fabricated drug charges. The scandal led to numerous lawsuits, overturned convictions, and significant reforms within the LAPD, including federal oversight.

64. In the 2023 case of State of New York v. Sheldon Thomas, Sheldon Thomas' murder conviction was overturned after nearly 19 years, when it was discovered, detectives had misled an eyewitness into identifying the wrong Sheldon Thomas using the wrong picture. The Brooklyn District Attorney stated that Thomas's case "*was compromised from the very start by grave errors and lack of probable cause to arrest Mr. Thomas*". The reinvestigation concluded that detectives were intent on arresting the defendant and used the faulty identification procedure as pretext. (Then-retired Det. Reedy was later disciplined following an investigation by the Internal Affairs Bureau.)

C. A writ of prohibition should issue due to the violation of Arkansas Code Annotated § 16-17-138 and lack of jurisdiction based on improper court location:

65. The unlawful Department of Mammoth Spring proceedings were discovered during the regular council meeting on July 07, 2025. **(Ex. 6)**

66. Arkansas law requires criminal cases be prosecuted in the venue where the alleged offense was committed. Arkansas Code § 16-60-101 addresses general rules and exceptions for venue in circuit courts. Petitioner found no Arkansas codes for exceptions in district courts. The Civil Justice Reform Act of 2003 significantly altered Arkansas'

venue landscape, allowing individual plaintiffs to file lawsuits in their county of residence for certain actions; however, it does not appear to have altered venue requirements for district courts.

67. The district court arraigned Defendant outside the department without a proper ordinance in place as required by A.C.A. 16-17-138, and without a Chief Justice assignment to hear cases outside the court's jurisdiction; therefore, the arraignment was unlawful. This statute required Defendant's arraignment be held in Mammoth Spring.

68. According to Arkansas Code § 16-17-138, a district court is required to hold court in each of its departments at least once a month unless there's a mutual, written agreement, adopted by ordinance, between the judge and the governing body of the city or town to waive this requirement. If there's no such agreement, as here, a judge's refusal to hold court in a specific department is a violation of the statutory requirement. Hon. Taylor is acting outside the bounds of the law and in excess of the court's jurisdiction, which impacts the court's jurisdiction over Department of Mammoth Spring cases. Judges do not have discretion to violate statutory requirements, such as Arkansas Code Annotated § 16-17-138. The fact Hon. Taylor required Mammoth Spring's municipal defendants to drive to Salem to save him time and money created an undue burden on the defendants and raises concerns about fairness of the proceedings and access to justice. Requiring defendants to travel long distances and wait for hours in an overcrowded courtroom, due to a judge's failure to hold monthly court in a Department of Mammoth Spring raises concerns about fairness and access to justice.

69. Venue rules are designed to ensure the case is heard in a location convenient for all parties, including the defendant. Requiring Defendant to litigate in an improper venue

caused unnecessary inconvenience and disrupted his ability to effectively present his case. While venue primarily focuses on location, due process concerns arise when a defendant's ability to receive a fundamentally fair and orderly judicial proceeding is compromised due to an incorrect venue choice, which is what occurred against Defendant. It was so disorderly, Hon. Taylor made an agreement with his bailiff to violate Defendant's constitutional rights by seizing Defendant's property from Defendant's hands before Defendant could finish reading it during the unlawful arraignment.

70. The lengthy travel times and court wait times hindered Defendant's ability for obtaining legal information, gathering evidence, and securing a key witness, who is no longer available to testify, due to death and could have if Defendant were not deprived by the lower court's defiance to comply with rules. The change in location negatively affects the availability of witnesses and complicates the process of presenting evidence. The lower court's violation affected Defendant's ability to properly present his defense. The costs of travel and time away from working on Defendant's property is a significant burden for Defendant, which impacted his ability to defend himself effectively and was likely done to pressure Defendant to accept an unfavorable plea bargain.

71. While Hon. Taylor's actions might be based on personal convenience, the perception of hardship imposed on defendants creates an appearance of impropriety and unfairness, which erodes public trust in the judicial process in many ways, including, but not limited to: 1) Forcing Defendant to travel farther and spend extra time in court placed an undue burden on Defendant, which impacted his ability to prepare for trial and caused

financial hardship; 2) the shift in court location impacted Defendant's ability to reference legal authorities, which prejudiced Defendant's right to effective legal representation.

72. A judge's disregard for statutory requirements erodes public trust and confidence in the fairness and impartiality of the justice system, especially when Hon. Taylor's actions appear to be motivated by personal motives and convenience rather than the interests of justice. Arkansas law ensures the right to a public trial, and relocating proceedings to a less accessible venue limits the public observation and scrutiny, which hinders transparency and public accountability. Defendant is prejudiced by the public from Defendant's jurisdiction being hindered from witnessing Defendant's legal proceedings. The fact Hon. Taylor required Defendant to drive to save him time and money is a factor impacting the fairness of the proceedings, especially since it created an undue burden on Defendant.

73. In the 2023 case of *United States v. Fortenberry*, from the 9th Circuit Court of Appeals, former congress member Jeff Fortenberry was indicted in the Central District of California for allegedly making false statements during interviews. The trial court denied Mr. Fortenberry's motion to dismiss based on improper venue and the Ninth Circuit reversed, finding: the location of the false statement determines venue, not the location allegedly making the statement "*material*." The Court reversed Mr. Fortenberry's conviction without prejudice to retrial in a proper venue. Proper venue proceedings of Petitioner's case, if there were a probable cause, would be 160 N. Main (sic) Street in Mammoth Spring, Arkansas. Case: No. 22-50144 D.C. No. 2:21-cr 00491-SB-1. (Ex., 2)

74. In *Smith v. United States*, the defendant, Timothy Smith, was indicted in the Northern District of Florida for theft of trade secrets. Mr. Smith argued, the trial was improperly venued, because he accessed the website from Alabama and the servers were in the Middle District of Florida. The Eleventh Circuit agreed venue was improper for the theft of trade secrets charge, because none of the essential elements of the crime had occurred in the Northern District of Florida. CASE: certiorari to the United States Court of Appeals for the Eleventh Circuit No. 21–1576. Argued March 28, 2023, Decided June 15, 2023

75. Arkansas law, dictates: if a defendant successfully argues a case was brought in an improper venue, the court must discontinue proceedings and transfer the case to the proper venue.

76. One example is in *DeSoto Gathering Company, LLC v. Hill*, which is an Arkansas Supreme Court case concerning DeSoto's motion to dismiss or transfer for improper venue. DeSoto argued the causes of action, sounding in trespass, nuisance, or personal injury, should have been filed where the real property (compressor stations in White and Van Buren counties) was located or where the injury occurred (in the context of personal injury), rather than in Faulkner County. This case highlights the importance of the specific venue statutes in Arkansas and how a defendant can successfully challenge a plaintiff's choice of venue based on these rules.

D. A Writ of Prohibition Should Issue due to the prosecution's failure of service of process:

77. Defendant's arraignment held in the wrong venue after nearly six months, and

without Defendant being served with the prosecution's information, raises several concerns regarding Defendant's arraignment's validity and the consequences for Defendant. (EX 12)

78. There are Arkansas cases where a court was found without jurisdiction due to the lack of proper service. Arkansas courts have a long-established principle: proper service of process is necessary for a court to obtain jurisdiction over a defendant. Failure to comply with the rules regarding service leads to dismissal of a case.

79. An example illustrating this point is *Jones v. Douglas*, where the Arkansas Supreme Court affirmed a circuit court's decision to set aside a default judgment due to a defective summons, as it failed to strictly comply with Ark. R. Civ. P. 4(b). The court noted: because service of process was insufficient, the circuit court lacked personal jurisdiction over the defendants. Case: 2016 Ark. 488, 470 S.W.3d 302

80. Arkansas Rule of Civil Procedure 4 outlines the requirements for issuance and service of summons in civil cases, and is relevant in criminal proceedings, because Arkansas Rule of Criminal Procedure 9.1 states, summonses or subpoenas are served in a manner provided by the Arkansas Rules of Civil Procedure for service of process. Defendant has never been lawfully served. Over 180 days had passed when Prosecutor Drew Smith finally responded to Defendant's repeated FOIA request and allegedly sent Defendant a copy of the prosecution's information and complete case. Mr. Smith initially withheld the forged affidavit from his FOIA response, which required Defendant to make another request for the forged affidavit. Arkansas Rules of Civil Procedure regarding the time limit for service, states: if service is not made within 120 days, the

action should be dismissed unless an extension is granted.

81. Another relevant case is *Meeks v. Stevens*, where the Arkansas Supreme Court held, when there is insufficient service, the court does not acquire jurisdiction over the defendant's person. Case: 301 Ark. 464, 785 S.W.2d 18 (1990)

82. In the case of *Diane M. Raymond v. Daniel A. Raymond*: This case emphasizes invalid service renders judgments void from the beginning (void ab initio), and actual knowledge of a proceeding doesn't validate defective process. The appellate court reversed the lower court's decision, emphasizing strict adherence to service requirements is crucial for due process and valid judgments. *Raymond v. Raymond*, 36 S.W.3d 733, 343 Ark. 480 (Ark. 2001)

83. In *Jones v. Douglas*, this case reinforces, failure to perfect service of a proper summons within 120 days after the complaint is filed results in the court lacking jurisdiction, rendering the default judgment void. This decision emphasizes the importance of strict compliance with service of process rules in Arkansas to ensure the court has proper jurisdiction. Case: 489 S.W.3d 648.

84. Arkansas courts stress the significance of strict compliance with the Rules of Civil Procedure governing service of process. The failure to properly serve a defendant results in the court lacking jurisdiction over that defendant, rendering any subsequent judgments void and potentially leading to the dismissal of the case with prejudice.

85. A defective service of process in a municipal misdemeanor case has significant consequences, rendering a challenged judgment void due to a lack of proper notice and jurisdiction. A judgment rendered in a municipal misdemeanor case where there was a defective service of process can be nullified, because proper service of

process is fundamental to establishing the court's jurisdiction over the defendant. Without proper notice through valid service, the court lacks the authority to hear the case and bind the defendant to its decisions. Proper service ensures the defendant receives proper notice of the charges against them and the opportunity to prepare a defense, which is a core tenet of due process. A defective service undermines this right. If a defendant is not properly served, they can challenge the judgment based on the defective service, leading to the judgment being vacated or dismissed, potentially forcing the prosecution to restart the process, if the statute of limitations has not expired. In this case, it has passed.

E. A Writ of Prohibition should issue due to abuse of discretion and authority:

86. Hon. Taylor's misconduct by disregarding a REQUIREMENT concerning venue jurisdiction and defendants' rights is grounds for discipline. Hon. Taylor displayed a willful violation of the Code of Judicial Conduct and conduct involving dishonesty or misrepresentation. Hon. Taylor admitted on 06/24, he is aware there is a requirement to hold court in Mammoth Spring and, the verbal agreement he made with Chief Turnbough is unlawful. Arkansas law allows for the disqualification of a judge if they have a conflict of interest or are otherwise unable to be impartial. A judge who ignores a "*requirement*" while depriving defendants of rights is a judge unable to be impartial. Hon. Taylor's actions in making an illegal agreement with Chief Turnbough, are serious enough to violate the Code of Judicial Conduct and demonstrate a lack of impartiality.

87. According to news reports and the Arkansas Judicial Discipline & Disability Commission (JDDC), Judge Chris Williams, a Seventh Judicial Circuit Judge in Arkansas, resigned effective March 30, 2024. Williams' resignation served as a removal

from office. The resignation came after four investigations by the JDDC into allegations of judicial misconduct related to the Arkansas Code of Judicial Conduct, dating back to 2022. The alleged misconduct was specifically related to rules outlined in Canons 1, 2, and 3 of the Arkansas Code of Judicial Conduct. These canons emphasize upholding judicial independence, integrity, and impartiality, performing duties impartially and diligently, and minimizing conflicts of interest in personal and extrajudicial activities. Due to the nature of the proceedings, the specific details of the misconduct allegations remain confidential, according to the Arkansas Times. Williams' resignation was part of an agreement reached with the JDDC to resolve the investigations and he is barred from future service and agreed not to seek or accept any other public office in the future.

88. Judge L.T. Simes faced two significant actions from the Arkansas Judicial Discipline and Disability Commission and the Arkansas Supreme Court related to judicial rules of conduct violations: 2009 Suspension: Simes was suspended without pay by the Arkansas Supreme Court from his position as a circuit court judge. This suspension was based on a recommendation from a disciplinary commission panel because he continued to work as a lawyer after becoming a judge. The panel initially sought permanent removal. The Supreme Court rejected removal and chose suspension which lasted until the end of his term in 2010. During this suspension, he successfully ran for re-election in 2010 and returned to the bench in January 2011. In 2010, the disciplinary commission again brought charges against Simes, alleging he improperly pressured a mayor and engaged in improper communications with a lawyer in a pending case. Simes countered with a civil rights action against the commission. While the commission recommended removal, the Arkansas Supreme Court ultimately issued a

reprimand in May 2011, finding that Simes's actions, while incorrect, did not constitute bad faith or a pattern of misconduct. The court noted his past ethical missteps but opted for reprimand rather than removal.

89. Judge Robin Carroll of the 13th Judicial Circuit in Arkansas faced disciplinary action from the Arkansas Supreme Court for misconduct, including breaching his duty to the public and undermining the fair administration of justice. The Supreme Court approved a recommendation for a 90-day suspension without pay, with 30 days held in abeyance for one year, following an agreement between Carroll and the Arkansas Judicial Discipline and Disability Commission. Carroll also agreed to remedial measures as part of the settlement. The disciplinary action stemmed from an investigation into complaints against Judge Carroll, which revealed instances of improperly dismissed cases, bias, failure to recuse, attempts to improperly influence other courts, and a lack of diligence in record-keeping and docket management. The Supreme Court found the initial recommended suspension insufficient due to a "*pattern of misconduct.*" Ultimately, Carroll resigned rather than face a public censure. The Arkansas Supreme Court also authorized interim suspensions for judges facing accusations of crimes or misconduct. Source: *Courthouse News Service*.

90. In 2018, former Monroe County District Judge T. David Carruth was admonished by the Arkansas Judicial Discipline and Disability Commission (JDDC) for creating the appearance of and later convicted of lying to the FBI about the incident and sentenced to federal prison. The JDDC had previously admonished him for his actions, citing that the number, times, and circumstances of his contacts created an appearance of impropriety.

91. The Arkansas Judicial Discipline and Disability Commission found, Judge Carroll breached his duty to the public and undermined the fair and impartial administration of justice by dismissing cases and failing to recuse himself from proceedings involving a deputy sheriff. The commission stated that *"the abuse of judicial office to benefit friends or 'connected' individuals is one of the most egregious types of judicial misconduct."*

92. Hon. Taylor has served as a district court judge in Independence County for almost 21 years. **(Ex.7, P. 1)** During the course of a JDDC investigation in 2023, it was confirmed: *"following a phone call from a third party, informing of him of the situation and a request for assistance, Taylor contacted an Arkansas State Trooper while the Trooper was transporting an individual charged with speeding and reckless driving. Taylor asked that the Trooper give the suspect a citation instead of transporting the suspect to jail. When the Trooper told Taylor that Arkansas State Police protocol for transporting the suspect to jail had been initiated, Taylor asked that the suspect be released on his own recognizance and given a court date."* **(Ex. 7, P. 1-2, Nos. 3-4)** The Judicial Discipline and Disability Commission determined the above-described behavior violated the Rules 1.1, 1.2 and 1.3 of the Code of Judicial Conduct and Hon. Taylor was admonished, due to his *"promise to avoid such behavior in the future."* **(Ex. 7, P. 1-2)** Hon. Taylor breached the promise he made to the JDDC by making an unlawful verbal venue agreement with Chief Turnbough and putting the act in writing.

93. Through Hon. Taylor, the court abused its discretion or acted in excess of

authority. A Court that knowingly or negligently proceeds with a case based on a forged affidavit is exceeding its' authority and abusing its' discretion. The court failed to conduct a proper inquiry into the validity of the arrest and the supporting documents.

94. Hon. Taylor and the municipal court lacks jurisdiction due to the illegal arrest and proceeding with the case would be an abuse of process.

95. The court is held in an unlawful jurisdiction. **(See Ex. 5)**

96. Fines are paid by defendants in and to an unlawful jurisdiction. **(Ex. 8)**

97. In 2015, Mammoth Spring passed conflicted Ordinance No. 2015-01.

98. The City of Mammoth Spring passed an ordinance in 2015 pursuant to Ark. Code Ann. 16-13-709 with a WHEREAS clause designating the City District Court Clerk as primarily responsible for fine collection, but the THEREFORE clause designates the Fulton County District Court Clerk the responsibility, which created a legal discrepancy and conflict within the ordinance itself. **(Ex. 8)**

99. Ark. Code Ann. § 16-13-709 (A)(i) & (ii) specifies the governing body or, if applicable, each governing body of a political subdivision which contributes to the expenses of a district court shall designate a county, town, or city official, agency, or department who shall be primarily responsible for the collection of fines assessed in the district courts of this state.. This section of Arkansas law allows either a city or county official to be designated, based on who contributes to the expenses of the District Court.

100. Ordinance No. 2015-01 is a discrepancy, because it designated the city and the county district court, which is improper and invalid. The ordinance's WHEREAS clause identifies the City District Court Clerk, but the THEREFORE clause names the

Fulton County District Court Clerk, creating an inconsistency regarding the designated official within the same ordinance.

101. Ordinance No. 2015-01's discrepancy leads to confusion about who is legally responsible for fine collection, which impacts the efficiency and legality of the process.

102. For lawful compliance to Arkansas Rules, the City of Mammoth Spring must clarify its intent through a new ordinance or amendment and clearly state whether the responsibility lies with the City District Court Clerk or the Fulton County District Court Clerk, based on the requirements of Ark. Code Ann. § 16-13-709.

103. Ordinance No. 2025-05 is an unlawful ordinance for failing to comply with Arkansas law, which compromises the court's administrative plan for 2026 and 2027.

104. On 07/07/25, the ordinance number was announced by Mayor Busch as being: Ordinance No. 05 B20 2505. **(Ex. 6, P. 2, L. 12 and cert. / video)** The Ordinance is No. 2025- -05. **(Ex. 9)**

105. In Arkansas, emergency ordinances are addressed under Arkansas Code Title 14. Local Government § 14-55-203 and § 14-14-908, which outline specific requirements and limitations for enacting emergency ordinances by cities and counties.

106. Emergency ordinances must declare and define the emergency, which Ordinance No. 2025-05 does not do. **(Ex. 9)**

107. Ordinance No. 2025-05 is not designated as "*emergency ordinance*," which is a requirement.

108. For an emergency ordinance, publication must begin within seven days of the county judge's approval. Mammoth Spring unlawfully excluded Hon. Crow and the Quorum Court.

109. Passage requires a two-thirds vote of the quorum court's justices, with yeas and nays recorded. This requirement is unlawfully excluded from Ordinance 2025- -05.

110. Ordinance No. 2025- -05 infringes on defendants' due process rights by changing the venue for municipal misdemeanor hearings. Emergency ordinances cannot pertain to a citizen's liberty. Therefore, Ordinance No. 2025- -05 cannot involve an emergency. Emergency clauses are required to relate to the health, safety, and welfare of the public; not eliminate their due process rights, as Ordinance 2025- -05 does.

111. Ordinance No. 2025- -05 deprives the public of due process rights.

112. For Mammoth Spring to pass a non-emergency city ordinance, three readings are required, unless a separate vote of two-thirds of its members is held to disregard this requirement, which Mammoth Spring City Council did not do on 07/07/25.

113. AR Code § 14-55-202 (a) requires: "*All bylaws and ordinances of a general or permanent nature shall be fully and distinctly read on three (3) different days unless two-thirds (2/3) of the members composing the municipal council shall dispense with the rule.*" The § 14-55-202 (a) rule was not dispensed on 07/07/25 and the three mandatory readings were read on the same night, which is unlawful. **(Ex. 6 video)**

Petitioner has no adequate alternative remedy on appeal to a Prohibition Writ:

i. The gravity of harm caused by exceeding power:

114. Petitioner has a lack of an adequate remedy through the normal appeal process for the following reasons, making the Writ of Prohibition the only effective means of relief:

A. The district court is acting wholly without jurisdiction. The information against

Petitioner explicitly states there were no injuries and the petitioner was not in a public place. These facts directly contradict the elements required for the charges of "*recklessly causing injuries*" and "*disorderly conduct*." Therefore, the district court lacks subject matter jurisdiction over these charges as the factual basis for the charges is absent on the face of the record. **(Ex. 1, P. 2-3 and Ex. 3, P. 1)**

B. The jurisdictional issue hinges on a legal interpretation of the criminal information and the statutory requirements for the charges, not a factual dispute the District Court needs to resolve. The court's jurisdiction depends on whether the alleged conduct, as described in the information, meets the legal definition of the charged offenses, which it clearly does not.

C. There are jurisdictional issues. The lower court is acting entirely outside its jurisdiction due to the forged arrest affidavit and the lack of proper service of process. This renders any subsequent proceedings invalid from the outset and highlights the futility of ordinary appeals. A writ of prohibition is designed to prevent courts from exceeding their jurisdiction.

D. The lower court lacks personal jurisdiction. The failure to serve Petitioner with the prosecution's information means the court lacks personal jurisdiction over Petitioner. This fundamental flaw cannot be effectively remedied through an appeal after a judgment, as any such judgment would be void.

E. The lower court violated a Statutory Mandate, which is A.C.A. 16-17-138. Hon. Taylor's refusal to hold court in the required department and instead force defendants to travel constitutes a clear violation of A.C.A. 16-17-138. Hon. Taylor's action demonstrates an abuse of the court's authority and further strengthens the jurisdictional

challenge.

F. There is a risk of irreparable harm to Petitioner. Allowing the proceedings to continue under these circumstances would result in irreparable harm to Petitioner, including reputational damage, financial burdens (to include travel expenses), and the emotional toll of an invalid prosecution. Ordinary appeals may not be able to fully compensate for these harms if the case proceeds.

G. A post-judgment appeal will be ineffective. An appeal after a conviction or adverse judgment would be an inadequate remedy. Petitioner would have to endure a trial based on faulty jurisdiction, potentially serving jail time or paying fines, before the matter could be fully resolved through the appellate process. This delay and the potential for a wrongful conviction underscore the inadequacy of the ordinary appeals process.

H. A Writ of Prohibition will prevent unnecessary litigation. Granting a Writ of Prohibition will prevent the lower court from conducting unnecessary and invalid proceedings, thus conserving judicial resources and ensuring a fair and just outcome.

I. The lower court's actions are so fundamentally flawed, the entire proceeding is void and waiting for an appeal to address these errors would inflict significant and irreversible harm on the petitioner.

J. While Arkansas law doesn't specify a precise timeframe for arraignment, it does require a first appearance or arraignment occur "*without unnecessary delay*" after arrest. The 16th District Court's failure to hold monthly court in Mammoth Spring caused unnecessary delay. Almost six months between arrest and arraignment in the wrong venue, coupled with the lack of service, is an unreasonable delay and violation of the Defendant's right to a speedy trial. Given the improper venue and failure to serve the

State's Information to Defendant, the arraignment is not valid or binding in a legal sense.

ii. The effectiveness of prohibition as a remedy:

115. A Writ of Prohibition is an effective remedy for the following reasons:

A. The district court is proceeding based on an arrest affidavit rendered suspect by the Secretary of State's reprimand of the notary, but the Secretary of State's office lacks the authority to determine the validity of the document itself. Only a court can make that determination.

B. A writ of prohibition is the appropriate remedy to prevent the district court from exceeding its jurisdiction by proceeding on a void foundation.

C. The reprimand raises a question of law regarding the validity of Petitioner's arrest and the subsequent charges, making prohibition an appropriate remedy where the jurisdiction of the lower court depends upon a legal rather than a factual question.

D. The district court's refusal to hold court in the required department, forcing Petitioner to travel, directly violates the mandate of A.C.A. 16-17-138, which requires district courts to hold court in each department at least once a month unless mutually waived in writing. This violation constitutes an act in excess of the court's authority and a blatant disregard for a clear statutory requirement, justifying the intervention of a higher court through a writ of prohibition to prevent the district court from proceeding improperly.

E. Prohibition is appropriate because there is no other adequate remedy to compel the district judge to follow this statutory mandate and ensure the court acts within its prescribed authority and procedure.

F. The prosecution's failure to serve Petitioner with the information directly

affects the court's jurisdiction over the person of Petitioner and Petitioner's right to due process. The information itself is inherently contradictory by charging Petitioner with recklessly causing injuries while simultaneously stating there were no injuries, and charging disorderly conduct while also stating the petitioner was not in a public place, raising questions about the court's subject matter jurisdiction to proceed with such baseless charges. A writ of prohibition is necessary to prevent the district court from proceeding with charges that appear to lack a proper jurisdictional basis and legal foundation.

G. A writ of prohibition is an extraordinary remedy specifically designed to prevent a lower court from exercising jurisdiction it does not possess or exceeding its authority. The circuit court has the authority to issue such a writ and intervene in this situation where the Petitioner faces clear jurisdictional and procedural defects in the district court proceedings.

H. Prohibition is the most direct and effective way to halt the proceedings in the district court and prevent further harm to Petitioner by forcing the district court to act within the bounds of its lawful authority and the Arkansas Code.

VIII. Reasons why the writ should issue:

116. Hon. Taylor turned a blind eye to truth and facts to aid his friend, Police Chief Turnbough, so Turnbough would agree to hold court in Salem, creating a mutual benefit to cover Taylor's judicial failures: therefore the writ should issue for this and the aforesaid and following reasons:

117. The Arkansas Secretary of State found misconduct surrounding the arrest

affidavit; the arrest affidavit is forged while suggesting Petitioner is the one with the valid complaint and authority to do so, as a result of the forged arrest affidavit.

118. To prevent the lower court from acting contrary to the principles of natural Justice: The municipal court's attempt to proceed with the case despite the clear lack of injury as an element of the charge is an exercise of power unauthorized by law.

119. Petitioner has no other adequate remedy at law and continuing with the prosecution would subject Petitioner to additional and unnecessary legal proceedings and potentially an unjust conviction.

120. Continued prosecution will result in more injuries to Petitioner, as he would be forced to defend against a charge demonstrably lacking an essential element and riddled with an abundance of fraud.

121. The statutes of limitations have passed for compliance with the Speedy Trial Act and defendant was not lawfully arraigned and objects to being arraigned in an unlawful legal jurisdiction. Defendant has not had a probable cause hearing, a plea hearing or an arraignment. Defendant was charged in the 16th Judicial District and the Administrative Plan states, "*For the City of Mammoth Spring, the Court hears ... Criminal and Traffic Plea hearings and arraignments on the 2nd Friday of the month at 10:00 A.M.*" Petitioner is prejudiced by being deprived of a plea hearing and a lawful arraignment. **(Ex. 2)**

122. The prosecution failed to serve Defendant with the prosecution's information prior to the 01/28/25 arraignment and Hon. Taylor set a bench trial for 02/17/25 after being notified Defendant has not been served with process.

123. Proceeding with the prosecution under these circumstances constitutes an abuse of discretion or an act beyond the court's lawful authority.

124. Petitioner lacks an adequate remedy at law, and appealing the final judgment would be insufficient to remedy for the immediate harm of Petitioner being subjected to an unlawful prosecution.

IX. Supporting documents / exhibits:

125. Exhibit One is the official police department incident report as evidence it states there were no injuries. Citation: (Mammoth Spring Police Department Incident Report, Incident Number 24-00025, p. [2-3]). **(Ex. 1)**

126. Exhibit Two is 2021/2024 Administrative Plan, which applies to Petitioner, who was charged 08/02/24. **(Ex. 2)**

127. Exhibit Three is the forged affidavit and information. **(Ex 3)**

128. Exhibit Four is the certified reprimand of Notary Barbara Gann by Arkansas Secretary of State. **(Ex. 4)**

129. Exhibit Five is Hon. Taylor's 06/26/25 email to City Secretary Melissa Rogers confirming his unlawful agreement with Chief Turnbough. **(Ex. 5)**

130. Exhibit Six is the July 07, 2025 Mammoth Spring City Council Meeting proving Ordinance 2025-05 was passed after three readings in one night and with a different Ordinance Number announced by Mayor Busch than the actual ordinance states. **(Ex. 6, P. 2, Line 12)**

131. Exhibit Seven is Hon. Chaney Taylor's 2023 Admonishment for violating Arkansas Code of Judicial Conduct Rule 1.1, 1.2 and 1.3. **(Ex. 7)**

132. Exhibit Eight is the 2015-01 conflicting Ordinance identifying roles to both: the city and county court clerk. **(Ex. 8)**

134. Exhibit Nine is alleged emergency Ordinance No. 2025-05. **(Ex. 9)**

135. Exhibit Ten is the 04/29/25 sworn testimony of John Barnett. **(Ex. 10)**

136. Exhibit Eleven is a page of the 01/28/25 District Court Docket and Exhibit 12 is Defendant's affidavit outlining facts. **(Ex. 11-12)**

VI. Other important considerations:

137. A writ of prohibition is a discretionary and extraordinary remedy granted when no other protection is available.

138. Petitioner hereby underscores the presence of undisputed jurisdictional facts, the municipal court's attempt to act without jurisdictional authority, and the lack of another adequate remedy.

139. There is no other adequate remedy available at law to address the jurisdictional errors, such as an appeal.

VII. Request for Relief:

140. Petitioner requests the higher court issue a writ of prohibition to prevent the lower court from proceeding with the case due to any or all of the aforesaid grounds.

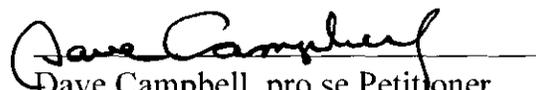
141. Petitioner requests the higher court issue an order to dismiss the charges against him due to any or all of the aforesaid grounds.

142. Petitioner requests the higher court issue a writ of prohibition, prohibiting Hon. Taylor, or anyone from the 16th District Court or the 14 State District Court from ordering any Department of Mammoth Spring defendant to travel outside the proper

venue of the Department of Mammoth Spring for court proceedings, or from enforcing any order or notice requiring any defendant to travel outside Department of Mammoth Spring until there is an ordinance in compliance with Arkansas laws.

143. Petitioner respectfully requests the Court find Asst. Chief Barnett's 07/22/24 arrest affidavit forged by Officer Hunter Crawford void.

Respectfully Submitted,

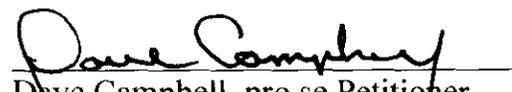

Dave Campbell, pro se Petitioner
440 Main ST
Mammoth Spring, AR 72554-8800
Blues24Seven@ymail.com
(870) 907-0572

Signed 08/01/25

CERTIFICATE OF SERVICE

I, Dave Campbell, certified to have mailed a copy of "*Petition for Writ of Prohibition*" Respondent addressed as follows and via the USPS and email and served on or before the 1st day of August, 2025:

1. Hon. Chaney Wes Taylor, State District Judge
549 W. Main, Batesville, AR, 72501
ChaneyT2000@gmail.com
2. 16th Judicial District Court and 14th State Judicial District Court
% Fulton County District Clerk Brandon Holder:
FultonCountyDC@gmail.com.


Dave Campbell, pro se Petitioner