UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

UNITED STATES OF AMERICA	)	
v.	)	Case No. 3:17-CR-82
Randall-Keith:Beane Heather-Ann:Tucci:Jarraf	)	

EMERGENT MOTION TO VACATE AND SET ASIDE THE CONVICTION AND SENTENCE
And Restoration of Property
28 U.S. Code § 2255

Proposed Order Attached

"A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence…"

"The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for a law which violates the Constitution to be valid."

"All laws which are repugnant to the Constitution are null and void," Marbury vs. Madison, 5 US (2 Cranch) 137, 174, 176, (1803)

Randall-Keith:Beane (Reg. #52505-074), hereinafter Movant, is false imprisoned at the Federal Correctional Institution, Elkton, Ohio. July 11, 2017

Movant or Heather-Ann:Tucci:Jarraf regarding the case or the appeal. The appellate case number for HEATHER ANN TUCCI-JARRAF is 18-5752. The appellate case number for Movant is 18-5777. Movant has not filed a petition for certiorari in the United States Supreme Court.

In July 2021, Movant filed a Habeas Corpus and Void Judgment Petition of Remonstrance and Motion to Expunge the Case and Record with representatives of the Tennessee General Assembly and the United States Congress.

Movant, hereby claims the right to be released from the Federal Correctional Institution, Elkton based upon the grounds listed and that Movant and Heather-Ann:Tucci:Jarraf are the victims of a Tennessee organized crime syndicate that involved FBI investigators, federal prosecutors, federal judges, sheriff office and others. The trial, conviction and sentence were in violation of the Constitution and laws of the United States. Movant requests that which the court previously decreed be undone by vacating and setting aside the conviction and sentence of Heather-Ann:Tucci:Jarraf and Movant, Randall-Keith:Beane.

The District Court for the Eastern District of Tennessee was without personal and subject matter jurisdiction to try, convict and impose a sentence based upon the following:

GROUND ONE - As of March 2013 the District Court does not exist – Uniform Commercial Code (UCC)

SLAVERY SYSTEMS against the several states citizens, ...', and "Repossess all private money systems, tracking, transferring, issuing, collection, legal enforcement systems operating SLAVERY SYSTEMS..." "...all beings of the creator shall forthwith assist all Public Servants identified herein, to implement, protect, preserve and complete this ORDER by all means of the creator and created as stated herein, by, with, and under your full personal liability..."

The UCC filings are unrebutted and the cancellation was finalized in 2013. (UCC Filing #2012096794 – Order of Finding and UCC Filing #2013031779 – Eternal Essence Filing Unrebutted) In the uniform commercial code there is a rebuttable presumption. Facts are assumed to be true until they are rebutted. UCC § 1-206 provides that **"the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence."** Thomas A. Varlan (trial judge) and C. Clifford Shirley (magistrate) ignored this requirement and unlawfully and illegally proceeded to trial without jurisdiction.

GROUND TWO - The laws cited in the indictment and district court arrest warrants DO NOT EXIST – No Enacting Clause

There is no enacting clause in any of the codes charged. You cannot tell upon whose authority 18 U.S. Code § 3231, § 1343, § 1344, § 1956, and § 1957 was written. The U.S. code Varlan and Shirley used to determine jurisdiction (18 U.S. Code § 3231) and the codes the prosecutors charged in the indictment

not exist or **does not constitutionally exist**, or where the law is invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.

The July 19, 2017 district court arrest warrants for Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were not in legal form. They were not signed by the clerk as required under 18a U.S. Code Rule 9 - Arrest Warrant on an Indictment must be signed by the clerk. They are fraudulent arrest warrants.

GROUND FOUR - No FBI Jurisdiction, No US Attorney Jurisdiction, No District Court Jurisdiction

18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation), the FBI has the authority to serve warrants **issued under the authority of the United States**. The FBI does not have the authority in Tennessee to serve a South Carolina misdemeanor traffic related warrant that was disposed of two years prior in 2015.

28 U.S. Code § 547 United States Attorney shall prosecute **for all offenses against the United States**; prosecute or defend for the government **all civil actions**... There was no offense against the United States. Ihe "United States" was not the plaintiff. The plaintiff was the corporation "UNITED STATES OF AMERICA." Furthermore, during trial testimony, Sean O'Malley of the New York Federal Reserve Bank made it clear – "**there was no loss to the U.S. government**" (Trial Transcript Volume 4, P.18, Line 12-13) Without a loss there is

areas that a crime or offense against the United States can exist, and this is so only when Congress actually passes a law in one of the areas within their eighteen tasks enumerated. **An act committed within a State cannot be made an offense against the United States**, unless it has some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States. (United States v. Fox, 95 U.S. 670, 672 (1877)

The Federal Courts only have jurisdiction in matters involving an offense against the United States, and nothing can be an offense against the United States unless it is made so by lawful Congressional act pursuant to the U.S. Constitution. There is no other source from which Congress can get authority to make law.

GROUND FIVE - 1) The South Carolina misdemeanor traffic related bench warrant used to arrest Movant in 2017 was disposed of in 2015. It is also outside the territorial jurisdiction of Tennessee.

2) The Tennessee district court arrest warrants were signed by a fictitious deputy clerk.

The July 11, 2017 arrest was unlawful. The FBI, Knox Sheriff Deputy, and University of Tennessee police department used a 2015 disposed of South Carolina misdemeanor traffic related bench warrant to arrest Movant. They would not provide Movant a copy of the warrant. Arresting officer Parker Still (FBI agent) said handing someone a copy of the warrant so that they may inspect it to ensure it is authentic is TV stuff. (Trial Transcript, Volume I, P. 69, Line 13-17) When

only lists "codes" as "evidence of law" – NOT actual law. The prosecutors claimed USAA Bank was the victim but there was no affidavit from USAA Bank.

GROUND SIX - Denial of due process, No probable cause hearing, Denial detention/bail hearing, No formal sworn affidavit

The government and the trial judge did not follow the exact course of the law. There was no probable cause hearing – not before Movant was arrested and not while he was detained. In the case of an indictment, a grand jury determines whether there is probable cause to make an arrest or issue an arrest warrant. Movant was arrested July 11, 2017. The grand jury heard the case July 18, 2017. There was no probable cause for the July 11, 2017 arrest because the grand jury had not even heard the case.

In the case of a criminal complaint, a judge hears the evidence and makes the initial determination of whether probable cause exists. Movant has seen no evidence that a criminal complaint under sworn oath or a sworn affidavit that allegedly provided probable cause was filed against Movant and Heather-Ann:Tucci:Jarraf to initiate an action. Movant did not and does not have access to Parker Still's FBI Sentinel file. Movant was denied the right to defend against the alleged complaint or affidavit. The grand jury and trial jury were denied the right to see or know the content of the alleged sworn complaint and/or alleged sworn affidavit.

Clifford Shirley, Jr., Document. 40, 34 pages, p. 9, Line 11-14) C. Clifford Shirley knowingly and intentionally denied Movant a due process detention hearing. "Judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, **must be set aside**", Jaffe and Asher v. Van Brunt, S.D.N.Y.1994. 158 F.R.D. 278.

The indictment was the result of testimony from one FBI agent (Parker Still) who committed aggravated assault causing serious bodily injury against Movant during the July 11, 2017 arrest in Tennessee in which he used a 2015 disposed of South Carolina misdemeanor traffic warrant. Parker Still did not have firsthand knowledge of any wrongdoing. He did not investigate any wronging. And he did not have jurisdiction under 18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation). A formal accusation is essential for every trial of a crime. Without it the court acquires no jurisdiction to proceed, even with the consent of the parties, and **where the indictment is invalid the court is without jurisdiction**. Ex parte Carlson, 186 N.W. 722, 725, 176 Wis. 538 (1922) **Without a valid complaint any judgment or sentence rendered is "void ab initio**." (Ralph v. Police Court of El Cerrito, 190 P2.d 632, 634 84 Cal. App.2d 257 (1948)

There was no justiciable issue presented to the court through proper pleadings. No sworn complaint, no firsthand knowledge affidavit, and no plaintiff

Congress does not have authority over Article III judicial power. Furthermore, Article I, Section 2 of the constitution states "...The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one representative..." The US population count as of July 7, 2017 was approximately 325,184,468. If you divide 325,184,468 by 30,000 there should be approximately 10,839 house representatives. Article I, Section 5 of the constitution states "Each House shall be the Judge of the elections, returns and qualifications of its own members, and **a majority of each shall constitute a Quorum to do Business**..." There are currently 435 members of the House of Representatives. Since there is supposed to be approximately 10,839 as of July 2017 congress has never had a quorum to do business. They have never passed a valid law.

District courts are Article III courts of record. Thomas A. Varlan and C. Clifford Shirley did not operate a court of record. The district court was not in compliance with court of record requirements - 28 U.S. Code § 132. According to 28 U.S. Code § 132(a). Creation and composition of district courts – "**a district court shall be a court of record**." A court of record must proceed according to common law – not statute. In a court of record the judge does ministerial functions and has no discretion in a court of record. He's a referee. A **court of record** is a judicial tribunal having attributes and exercising functions independently of the

Clifford Shirley regarding the alleged "felony" case is valid. Furthermore, "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance" (Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409)

The district court unlawfully took personal jurisdiction by force. The Court did not have a lawful arrest warrant for Movant or Heather-Ann:Tucci:Jarraf. Movant and Heather-Ann:Tucci:Jarraf were kidnapped using fraudulent fictitious signed district court arrest warrants and Thomas A. Varlan and C. Clifford Shirley knew it.

There are two ways for a federal court to gain subject matter jurisdiction: (1) 28 U.S. Code § 1331 (federal question jurisdiction), and (2) 28 U.S. Code § 1332 (diversity jurisdiction). Both pertain to **civil actions**.

Stephen Louis Braga admitted there was no subject matter jurisdiction in the unauthorized appellate brief he filed for Movant in which he cited 28 U.S. Code § 1331 (federal question jurisdiction) as giving the court jurisdiction knowing it pertains to **civil actions** – not criminal.

The district court exceeded its alleged authority – 28 US Code § 132(a) – Creation and composition of district courts. All district courts are courts of record/common law courts, and 28 U.S. Code § 1331- Federal question – district

Thaper (Sixth Circuit) repeated the "planning military operations" in their opinion to affirm the verdict with no evidence Mrs. Tucci:Jarraf was planning a military operation jail break.

Thomas A. Varlan, trial judge, allowed the prosecutors and witnesses to accuse Movant of robbery and theft in front of the jury when there was no robbery or theft charge.

Thomas A. Varlan (trial judge) allowed Cynthia F. Davidson and Anne-Marie Svolto (prosecutors) to include a jury instruction in which they instructed the jury to find fraud even if no one was defrauded – "It is not necessary that the government prove all of the details alleged concerning the precise nature and purpose of the scheme **or** that the material transmitted by wire, radio **or** television communications was itself false **or** fraudulent **or** that the alleged scheme actually succeeded in defrauding anyone **or** that the use of the wire, radio or television communications was intended as the specific **or** exclusive means of accomplishing the alleged fraud **or** that someone relied on the misrepresentation **or** false statement **or** that the defendant obtained money **or** property for his own benefit." (UNITED STATES'S REQUESTED JURY INSTRUCTIONS)

Thomas A. Varlan allowed Anne-Marie Svolto to tell the jury in her opening statement that Movant robbed a bank. There was no robbery charge. (Transcript Volume I, P. 58, Line 4-7, 12)

No one from the FBI or US Attorney office conducted an investigation or contacted Movant to discuss his intentions regarding the motor home or anything else. Movant was not interviewed by the FBI or the US Attorney. Had they bothered to interview Movant they would have known Movant's intentions.

GROUND TEN - No Article III Standing

The plaintiff, United States of America, did not have Article III standing. They did not satisfy the standing doctrine's core requirement, as established in Lujuan v. Defenders of Wildlife (90-1424), 504 U.S. 555 (1992), that they allege personal injury fairly traceable to Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf. The United States of America is a piece of paper and can't establish anything. Again, Sean O'Malley of the New York Federal Reserve Bank made it clear – "**there was no loss to the U.S. government**" (Trial Transcript Volume 4, P.18, Line 12-13)

There was no cognizable cause of action against Movant or Heather-Ann:Tucci:Jarraf. There was no plaintiff with standing, no sworn complaint, and no injury or loss. (Charles v. Gore, 248 Ill App. 3d 441, 618 N.E. 2d 554 (1st. Dist. 1993)

GROUND ELEVEN - Treaty Violation

C. Clifford Shirley, Jr. (magistrate), Thomas A. Varlan (trial judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), Anne-Marie Svolto,

stand a chance of getting a fair trial because it was a major plot and conspiracy that involved the investigators, prosecutors, judges, clerk, and others.

GROUND TWELVE - Fraud upon the Court.

Thomas A. Varlan (judge), Cynthia F. Davidson (prosecutor) and Anne-Marie Svolto (prosecutor) committed fraud upon the court by stating Davidson and Svolto appeared as counsel for the corporate plaintiff (United States of America) while also representing The People as prosecutors.

Thomas A. Varlan (judge), Cynthia F. Davidson (prosecutor), and Anne-Marie Svolto (prosecutor) committed fraud upon the court when they failed to declare a mistrial or dismiss the case when the corporate United States of America plaintiff, its attorney, counsel or representative failed to appear.

The government and their witnesses knowingly made false claims and created and confirmed to the grand jury and trial jury false impressions that they knew was not true in violation of 31 USC § 3730 – False Claims. An example is saying Movant altered his social security account number by one digit.

Thomas A. Varlan (judge), Cynthia F. Davidson (prosecutor), and Anne-Marie Svolto (prosecutor) committed fraud upon the court by stating the plaintiff is United States of America, but the victim is USAA Bank. They knew the plaintiff did not have standing and therefore there was no jurisdiction. ("In this case, USAA is our victim."-- Trial Transcript, Volume I, P. 24, Line 19-20)

The case should have been dismissed for witness, prosecutorial and judicial misconduct.

Movant and Heather-Ann:Tucci:Jarraf were targeted by the government. The outcome of the trial was predetermined. Because there was no evidence that Movant or Heather-Ann:Tucci:Jarraf committed fraud the prosecutors had to fabricate a fraud case. They lied to the grand jury that Movant altered his social security account number by one digit, and that he used a 'fraudulent' 'fictitious' account number to access his treasury direct depository account. This is not true. Movant used his exact social security account number. The prosecutors told the grand jury Movant accessed a "**fictitious**" (non-existent, imaginary, make-believe unreal) bank account while at the same time saying Movant took $31,000,494.97 from said fictitious account. It can't be both.

The "fictitious account" lie continued after conviction. The government and USAA bank used that same lie in David True Brown's (USAA Bank Investigator) petition of third party interest to steal the RV motorhome, owned by the Randall Keith Beane Factualized Trust, which was unlawfully seized July 11, 2017 without a warrant. USAA Bank was not the plaintiff. USAA Bank did not make a complaint against Movant or file an affidavit outlining the injury they allegedly sustained as a result of Movant. USAA Bank just showed up after the conviction and made a claim against private Trust property without ever having to provide any

assessed the defendant's ability to pay." Where did he see Movant had $511,289.02? There could only be two sources from which Thomas A. Varlan was able to see $511,289.02 – Movant's treasury direct depository account which is at the center of this case, or the $31,000,494.97 that was in Movant's personal and private USAA Bank account that disappeared without a warrant.

Mr. Beane had the right to privacy and confidentiality free from unwarranted invasion. USAA Bank was obligated to adhere to the FDIC's regulations regarding privacy of consumer financial information -- 12 CFR § 332.10. The government was obligated to uphold the Privacy Act of 1974 and Tennessee Code Annotated (T.C.A). § 10-7-515 which prohibits placing social security numbers on documents. But they all intentionally violated Movant's privacy without a warrant and put Movant's social security account number on the trial transcripts un-redacted to be able to later access Movant's account once Movant was convicted.

Thomas A. Varlan's demand for $511,289.02 from Movant makes it clear Thomas A. Varlan knew the money was lawfully Movant's. Thomas A. Varlan certainly did not order Movant to give him $511,289.02 that he believed belonged to someone else.

Thomas A. Varlan knew the whole case was a government manufactured lie. He knew Movant and Heather-Ann:Tucci:Jarraf did not commit a crime. He

formal and sufficient indictment, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime. (Honomichl v. State, 333 N.W.2d 797, 798 (S.D. 1983).

DEFINITION

"FELONIOUSLY, pleadings. This is a technical word which **must be introduced into every indictment for a felony**, **charging the offence to have been committed feloniously**; no other word, nor any circumlocution, will supply its place. (**BOUVIER** -- A Law Dictionary Adapted to the Constitution and Laws of The United States of America Union by John Bouvier, Revised Sixth Edition, 1856, p. 764)

GROUND NINETEEN - Denial of Exculpatory Evidence

Cynthia F. Davidson (prosecutor) and Anne-Marie Svolto (prosecutor) violated their constitutional obligations by not turning over exculpatory Brady material to include the emails between Parker Still (FBI) and True Brown (USAA Bank Investigator and former FBI agent), the FBI Sentinel file, the disposed of South Carolina misdemeanor traffic bench warrant (bench warrant was not signed by a judge/bench – it was signed by the Ridgeland, SC clerk) to Movant. The jury was denied the right to see or hear the exculpatory evidence.

GROUND TWENTY - Counts 1-5 plus two more

MEMORANDUM OF LAW

I. The Nature of Subject Matter Jurisdiction.

The jurisdiction of a court over the subject matter has been said to be essential, necessary, indispensable and an elementary prerequisite to the exercise of judicial power. 21 C.J.S., "Courts," § 18, p. 25. A court cannot proceed with a trial or make a judgment without such jurisdiction existing.

It is elementary that the jurisdiction of the court over the subject matter of the action is the most critical aspect of the court's authority to act. Without it the court lacks any power to proceed; therefore, a defense based upon this lack cannot be waived and may be asserted at any time. Matter of Green, 313 S.E.2d 193 (N.C.App. 1984).

Subject matter jurisdiction cannot be conferred by waiver or consent, and may be raised at any time. Rodriguez v. State, 441 So. 2d 1129 (Fla.App. 1983). The subject matter jurisdiction of a criminal case is related to the cause of action in general, and more specifically to the alleged crime or offense which creates the action.

The subject matter of a criminal offense is the crime itself. Subject matter in its broadest sense means the cause; the object; the thing in dispute. Stillwell v. Markham, 10 P.2d 15, 16 135 Kan. 206 (1932)

The charging instrument must not only be in the particular mode or form prescribed by the constitution and statute to be valid, but it also must contain reference to **valid laws**. Without a valid law, the charging instrument is insufficient and no subject matter jurisdiction exists for the matter to be tried.

Where an information/indictment charges no crime, the court lacks jurisdiction to try the accused. People v. Hardiman, 347 N.W.2d 460, 462, 132 Mich.App. 382 (1984).

Whether or not the complaint/indictment charges an offense is a jurisdictional matter. Ex parte Carlton, 186 N.W. 722, 725, 176 Wis. 538 (1922).

An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the sheer fact that it fails to create a cause of action. "Subject matter jurisdiction is the thing in controversy." Holmes v. Mason, 115 N.W. 70, 80 Neb. 454, citing Black's Law Dictionary. **Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does not exist or does not constitutionally exist, or where the law is invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.**

If a criminal statute is unconstitutional, the court lacks subject matter jurisdiction and cannot proceed to try the case. 22 C.J.S. "Criminal Law," § 157, p. 189; citing People v. Katrinak, 185 Cal. Rptr. 869, 136 Cal.App.3d 145 (1982).

of violating said law. The court then has no power or right to hear and decide a particular case involving such invalid or nonexistent laws.

These authorities and others make it clear that if there are no valid laws charged against a person, there is nothing that can be deemed a crime, and without a crime there is no subject matter jurisdiction. Further, invalid or unlawful laws make the complaint/indictment fatally defective and insufficient, and without a valid complaint/indictment there is a lack of subject matter jurisdiction.

Movant asserts that the laws charged against him are not valid, or do not constitutionally exist as they do not conform to certain constitutional prerequisites, and thus are no laws at all, which prevents subject matter jurisdiction to the District Court for the Eastern District of Tennessee.

The indictment in question alleges that Movant has committed several crimes by the violation of certain laws which are listed in said indictment:

18 U.S. Code § 1343 – Fraud by wire, radio, or television

18 U.S. Code § 1344 – Bank Fraud

18 U.S. Code § 1956 – Laundering of monetary instruments

18 U.S. Code § 1957 – Engaging in monetary transactions in property derived from specified unlawful activity

Patterson, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statutes," § 65, p. 104; Joiner v. State, 155 S.E.2d 8, 10, 223 Ga. 367 (1967).

The enacting clause is to show the authority by which the bill is enacted into law; to show that the act comes from a place pointed out by the Constitution as the source of legislation. Ferrill v. Keel, 151 S.W. 269, 272, 105 Ark. 380 (1912).

To fulfill the purpose of identifying the lawmaking authority of a law, it has been repeatedly declared by the courts of this land that an enacting clause is to appear on the face of every law which the people are expected to follow and obey.

The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to identify it as an act of legislation by expressing **on its face the authority behind the act**. (73 Am. Jur.2d, "Statutes," § 93, p. 319, 320; Preckel v. Byrne, 243 N.W. 823, 826 62 N.D. 356 (1932).

For an enacting clause to appear on the face of a law, it must be recorded or published with the law so that the public can readily identify the authority for that particular law which they are expected to follow. The "statutes" used in the indictment against Movant have no enacting clauses. They thus cannot be identified as acts of legislation of congress pursuant to its lawmaking authority under Article I of the Constitution, since a law is mainly identified as a true and Constitutional law by way of its enacting clause. The Supreme Court of Georgia

parliamentary government, as old as king's decrees, and even they borrowed it. The decrees of Cyrus, King of Persia, which Holy Writ records were not the first to be prefaced with a **statement of authority**. The law was delivered to Moses in the name of the Great I Am, and the prologue to the Great Commandments is no less majestic and impelling. But, whether these edicts and commands be promulgated by the Supreme Ruler or by petty kings, or by the sovereign people themselves, they have always begun with some such form **as evidence of power and authority**. Commonwealth v. Illinois Cent. R. Co. 170 S.W. 171, 172, 175. 160 Ky. 745 (1914)

The "laws" used against Movant show no sign of authority on their face. They carry with them no evidence that congress, pursuant to Article I of the Constitution, is responsible for these "laws." Without an enacting clause the laws referenced to in the indictment have no official evidence that they are from an authority which anyone is subject to or required to obey.

When the question of the "objects intended to be secured by the enacting clause provision" was before the Supreme Court of Minnesota, the Court held that such a clause was necessary to show the people who are to obey the law, the authority for their obedience. It was revealed that historically this was a main use for an enacting clause, and thus its use is a fundamental concept of law. The Court stated:

In speaking on the necessity and purpose that each law be prefaced with an enacting clause, the Supreme Court of Tennessee quoted the first portion of the Sjoberg case cited above and stated:

The purpose of provisions of this character is that **all statutes** may **bear upon their faces a declaration of sovereign authority** by which they are enacted and declared to be the law, and to promote and preserve uniformity in legislation. Such clauses also import a command of obedience and clothe the statute with a certain dignity, believed in all times to command respect and aid in the enforcement of laws. State v. Burrow, 104 S.W. 526, 529 119 Tenn. 376 (1907).

The use of an enacting clause does not merely serve as a "flag" under which bills run the course through the legislative machinery. (Vaughn Ragsdale Co. v. State Bd. Of Eq., 96 P.2d 420, 424 (Mont. 1939). The enacting clause of a law goes to its substance, and is not merely procedural. Morgan v. Murray, 328 P.2d 644, 654 (Mont. 1958).

Any purported statute which has no enacting clause **on its face** is not legally binding and obligatory upon the people, as it is not constitutionally a law at all. The Supreme Court of Michigan, in citing numerous authorities, said that an enacting clause was a requisite to a valid law since the enacting provision was mandatory:

regarded as part of the law, and has to appear directly with the law, on its face, so that one charged with said law knows the authority by which it exists.

III. Laws Must be Published and Recorded with Enacting Clauses

1 U.S. Code § 101 (Enacting Clause) says "The enacting clause **of all Acts of Congress** shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." This means to be a law it must say "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." If this clause does not appear before a supposed law then it is not a law of the United States.

Since it has been repeatedly held that an enacting clause must appear "on the face" of a law, such a requirement affects the printing and publishing of laws.

It is obvious, then, that the enacting clause must be readily visible on the face of a statute in the common mode in which it is published so that citizens don't have to search through the legislative journals or other records and books to see the kind of clause used, or if any exists at all. Thus a law in a statute book without an enacting clause is not a valid publication of law. In regards to the validity of a law that was found in their statute books with a defective enacting clause, the Supreme Court of Nevada held:

The "codes" are not only absent enacting clauses, but are surrounded by other issues and facts which make their authority unknown, uncertain, and questionable.

The codes do not make it clear by what authority they exist. The codes have no enacting authority on their face. In fact, there is not a hint that congress had anything at all to do with these so-called codes. The codes are just words which carry no authority of any kind on their face.

The people's representatives have unlawfully given their Article I responsibilities to others. The Congress no longer declares war. They gave this job to the executive branch. The Congress does not coin money and regulate the value thereof. They gave this job to the private Federal Reserve corporation. The Congress does not lay and collect taxes. They gave this job to the private IRS corporation. The Congress no longer makes laws to carry out Article I. They gave this job to the Office of Law Revision Counsel, judiciary committee, and the Speaker of the House. The Congress is guilty of treason against the Constitution and the American people. It is clear the US Speaker of the House, his/her Office of Law Revision Counsel, and the judiciary committee wrote the US Code – NOT the people's representatives – the Congress as a whole.

2 U.S. Code Chapter 9A - OFFICE OF LAW REVISION COUNSEL:

The Law Revision Counsel shall be paid at a per annum gross rate **determined by the Speaker** not to exceed the greater of $173,900 or the rate of pay in effect for such position under an order issued by the Speaker…

The Office of Law Revision Counsel (OLRC) does not say the codes are the official laws. They say the code is evidence of the law – 1 US Code § 204 and 1 U.S. Code § 112 . There are confusing and ambiguous statements made by the OLRC as to the nature and authority of the codes. It is not at all made certain that they are laws pursuant to the Constitution. That which is uncertain cannot be accepted as true or valid in law.

Uncertain things are held for nothing. Maxim of Law. The law requires, not conjecture, but certainty. Coffin v. Ogden, 85 U.S. 120, 124

Where the law is uncertain, there is no law. Bouvier's Law Dictionary, vol. 2, "Maxims," 1880 edition

The purported codes do not make it clear by what authority they exist. The statutes therein have no enacting authority on their face. There is no indication Congress had anything at all to do with these codes. They clearly admit in 2 U.S. Code § 285b (3) that **the United States Code is prepared and published by the Office of Law Revision Counsel**. No one elected the Office of Law Revision Counsel for anything. The OLRC was created by statute. They are not

The failure to uphold the clear and plain provisions of the Constitution cannot be regarded as mere error in judgment, but deliberate USURPATION. "Usurpation is defined as unauthorized arbitrary assumption and exercise of power." State ex rel. Danielson v. Village of Mound, 234 Minn. 531, 543, 48 N.W.2d 855, 863 (1951). While error is only voidable, such usurpation is void.

The boundary between an error in judgment and the usurpation of judicial power is this: The former is reversible by an appellate court and is, therefore, only voidable, which the latter is a nullity. State v. Mandehr, 209 N.W. 750, 752 (Minn. 1926)

To take jurisdiction where it clearly does not exist is usurpation, and no one is bound to follow acts of usurpation, and in fact it is a duty of citizens to disregard and disobey them since they are void and unenforceable.

No authority need be cited for the proposition that, when a court lacks jurisdiction, any judgment rendered by it is void and unenforceable. Hooker v. Boles, 346 Fed.2d 285, 286 (1965).

To assume jurisdiction in this case would result in TREASON. Chief Justice John Marshall once stated:

> We judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be

constitutional U.S. code and trick the American people into believing it applies to them.

Through the creation of the Office of Law Revision Counsel, non-constitutional grounds and issues have been intentionally created to circumvent the application of constitutional law.

The legal entities, administrative agencies or bodies were created by statute and have no relationship to the people. The relationship to an entity determines the authority for the "law" it might make.

Creatures of the Constitution, like members of congress, do not have power to question the Constitution's authority or to hold inoperative any section or provision of it. Members of congress were not tasked with creating non-constitutional legal entities or corporate bodies that exist outside the restrictions and limits of the Constitution. Any non-constitutional law stemming from Constitutional creatures going outside or around the constitution is not a ticket for judges to make decisions on some ground other than a constitutional one. There is no issue that can be decided without reference to the Constitution as it relates to the American people.

A law is constitutional if it conforms to the written constitution of this nation; it is unconstitutional if it is repugnant to that constitution and this is based

The corrupt legal system arbitrarily formed codes and statute revisions. Complaints and indictments cite laws from these codes which contain no enacting clauses. Any law which fails to have an enacting clause is not a law of the legislative body to which we are constitutionally subject. The laws from the U.S. Code are from another legal entity, that being some commission, committee, or office.

Since there are no valid laws on the complaint/indictment, there legally is no issue before the court. But the court system creates an issue by asking the accused how he pleads to the charges. The plea causes an issue to exist because it creates a controversy. The controversy relates to what is on the complaint/indictment because the plea acknowledges that it is a genuine document. That is the way the plea is interpreted by the criminals running the system, but that is not what the plea means. The plea is forced – coerced – and the result of trickery and deception. It is not an agreement to charges or the existence of a controversy.

It is essential to a valid trial that in some way there should be an issue between the state and the accused, and without a plea, there could be no issue this is why deception, trickery, and coercion are used. Criminals within our system say that if you make a plea of "not guilty" to a charge of violating one of those OLRC's US codes you have admitted or acknowledge that the law used in the indictment is genuine, and that it has now been established that there exists an

In a still more restricted sense, it is a system of jurisprudence, or branch of remedial justice, administered by certain tribunals, distinct from the common-law courts and empowered to decree "equity" in the sense last above given.

Equity also signifies an equitable right, a right enforceable in a court of equity; hence, a bill of complaint which did not show that the plaintiff had a right entitling him to relief was said to be demurrable for want of equity; and certain rights now recognized in all the courts are still known as "equities..." (Black's Law Dictionary, Fourth Edition, p. 634-35)

A crime exists when a law exists which prohibits or commands an action. If there is no law, there can be no crime, and if there is no crime, there can be no subject matter jurisdiction of the court to hear a matter. A non-constitutional law has the same effect upon a complaint or indictment as does an unconstitutional law or a non-existent law. It renders the charging instrument void.

A non-constitutional law is not a law to which we are subject, so doing what it prohibits cannot constitute a crime. Thus if Ford Motor Company passes a law requiring all persons to show up for work by 6:00 am or they will lose their jobs, it is a non-constitutional law. Unless one is an employee of Ford Motor Company, he/she is not subject to that law and so cannot be charged for violating it. Because it is a non-constitutional law it has no force and effect as a law over you and the court lacks subject matter jurisdiction to try the matter.

The enacting clause acts as a sign or seal of constitutional authority of law. All things that bear the seal are recognized as existing by constitutional authority. The government has presented to the public a collection of codes claiming they are from the Congress, but the laws in the US code do not have the seal of authority upon them. They do not have the official enacting clause upon them to indicate they are laws from congress. They thus are laws which no one needs to respect or obey.

TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.

There is no statute of limitations for constitutional violations.

Randall-Keith:Beane, Movant, recently learned of the major conspiracy violating 18 U.S. Code § 241.Conspiracy against rights, and 18 U.S. Code § 242.Deprivation of rights under color of law and other Constitutional violations against Movant and Heather-Ann:Tucci:Jarraf by the government and others. This information was learned through the attached complaint received March 2021. The government acknowledged some of their wrong-doing and unlawful conduct following receipt of the March 11, 2021 complaint when they released Heather-Ann:Tucci:Jarraf to home confinement.

Movant has been false imprisoned and denied access to research and information by the government since July 11, 2017 to include denial of a detention

traffic related bench warrant to arrest Movant in Tennessee July 11, 2017, and creation of district court issued arrest warrants signed by a fictitious deputy clerk.

The government used trickery and deceit to hide the true facts of the case. The government used smoke and mirrors to create the illusion of a crime knowing there was no crime. The government manufactured evidence to support their illusion denying Movant every opportunity to exercise due diligence to discover the crimes committed by the government. The facts supporting Movant's claims made in this motion could not have been discovered before March 2021 as Movant was blocked from all files and records and it was through the filing of the March 2021 complaint that Movant learned of the Constitutional violations and crimes committed against Movant and Heather-Ann:Tucci:Jarraf by the government and others.

Movant did not know a 2015 disposed of South Carolina arrest warrant was used to arrest Movant July 11, 2017. The prosecutors hid this fraud from Movant.

Movant did not know the arrest warrant issued by the district court for the Eastern District of Tennessee was signed by a fictitious deputy clerk and not in legal form. The prosecutors hid this fraud from Movant and denied Movant the time and resources needed and required for Movant to make said discovery.

On or about March 2021 Movant received a copy of the complaint filed by S. Robinson and others which outlines the conspiracy and fraud orchestrated by the

C. Clifford Shirley	-	US Magistrate Judge (Retired), Eastern District, Tennessee
Debrah C. Poplin	-	United States Magistrate Judge (then clerk) Eastern District, Tennessee
John Medearis	-	Court Clerk (Retired) (then chief deputy clerk) Eastern District, Tennessee

New York Federal Reserve Bank

Sean O'Malley	-	New York Federal Reserve Bank Investigator, and New York Federal Reserve Bank -- New York

USAA Bank

David True Brown, Jr.	-	Director, Financial Crimes Investigation USAA Bank – Texas
Stuart Parker	-	USAA Bank Former CEO and President – Texas
Wayne Peacock	-	USAA Bank CEO and President – Texas
Dan McNamara	-	President USAA Bank – Texas
Michael Merwarth	-	Senior Vice President USAA Bank – Texas
Torben Ostergaard	-	Executive Vice President and Chief Risk Officer USAA Bank – Texas
Dana Simmons	-	Executive Vice President, CEO Chief of Staff USAA Bank – Texas
Laura Bishop	-	Executive Vice President and Chief Financial Officer USAA Bank -- Texas

Sixth Circuit Appellate Court

Jeffrey Sutton	-	Circuit Judge, U.S. Court of Appeals for the Sixth Circuit

C) I, Randall-Keith:Beane, claim trespass did cause wrong or harm to Heather-Ann:Tucci:Jarraf and require immediate restoration of her property. (Property refers not only to physical goods and the fruit of one's labor but also encompasses rights, life, liberty, and the pursuit of happiness.)

D) Movant requests any other relief to which Movant and Heather-Ann:Tucci:Jarraf may be entitled.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Without Prejudice, All Rights Reserved

By: Randall-Keith:Beane Date: Oct 11, 2021
Autograph of Movant
Randall-Keith:Beane
Reg. #52505-074
FCI Elkton
P.O. Box 10
Lisbon, Ohio (44432)

Attached to and made part of this motion:
1) June 30, 2021 Habeas Corpus and Void Judgment Petition of Remonstrance and Motion to Expunge the Case and Record

2) March 11, 2021 S.R. Complaint

Motion to: **LeAnna R. Wilson** (Original With Attachments/+ 2 copies of motion)
Clerk, U.S. District Court
800 Market Street, Suite 130
Knoxville TN 37902

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

UNITED STATES OF AMERICA	)	
v.	)	Case No. 3:17-CR-82
Randall-Keith:Beane Heather-Ann:Tucci:Jarraf	)	ORDER ON MOTION TO VACATE AND SET ASIDE THE CONVICTION AND SENTENCE

ORDER

Based on the motion and good cause appearing therefore,

IT IS HEREBY ORDERED AND ADJUDGED that:

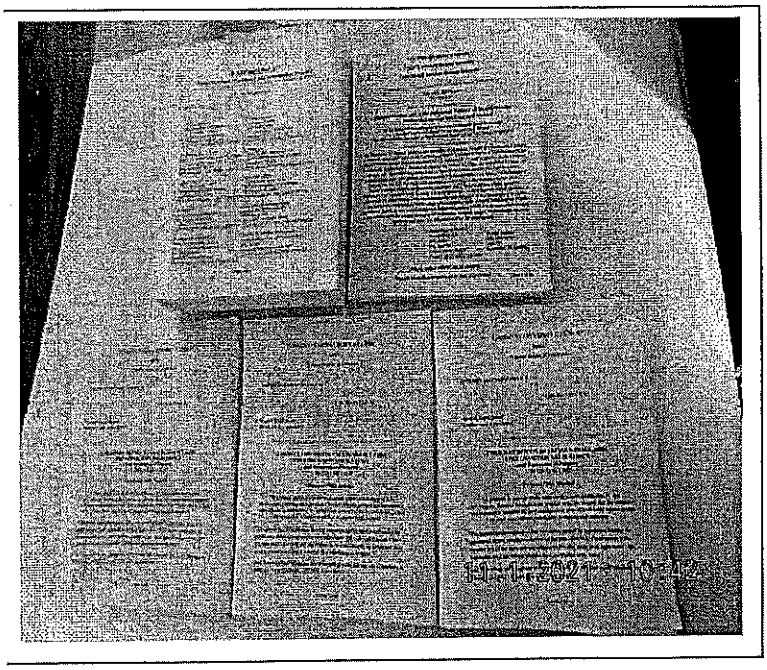
Movant's Motion to Set Aside the Conviction and Sentence is hereby GRANTED.

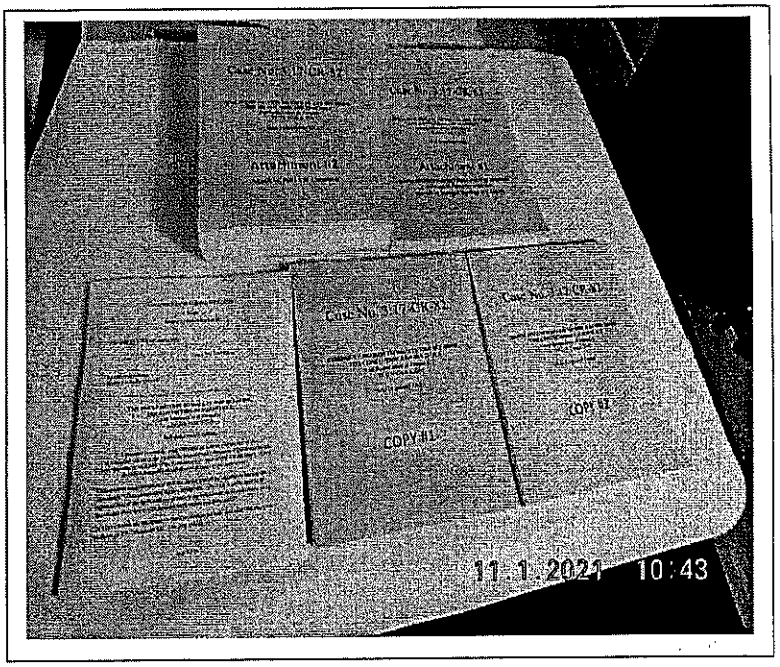
Movant is to be immediately released from confinement.

Movant and Heather-Ann:Tucci:Jarraf's property is to be immediately restored.

The case file and respective record is ordered expunged.

Judge Signature:

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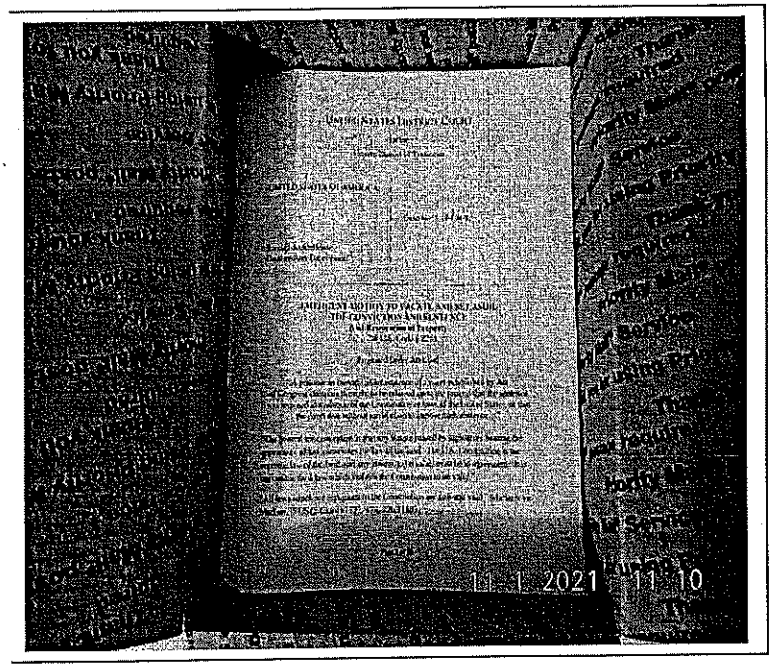

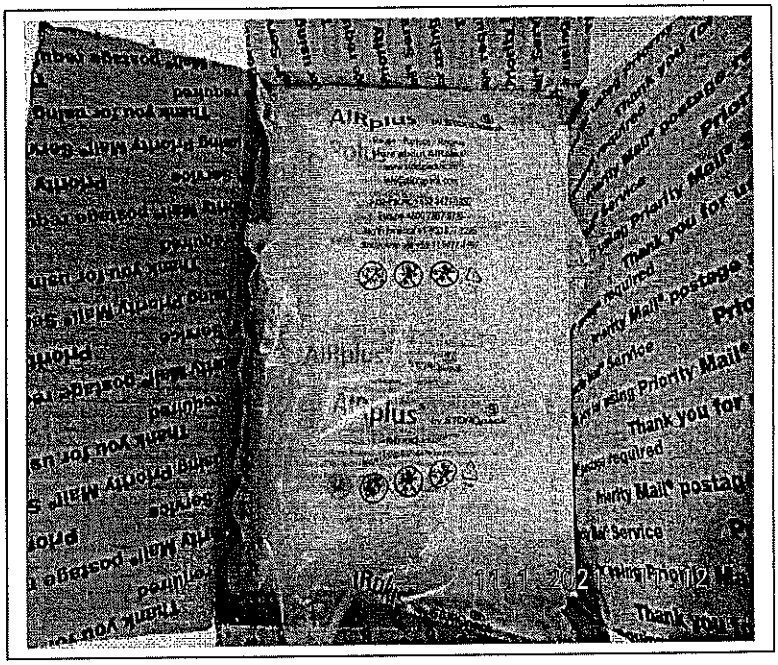
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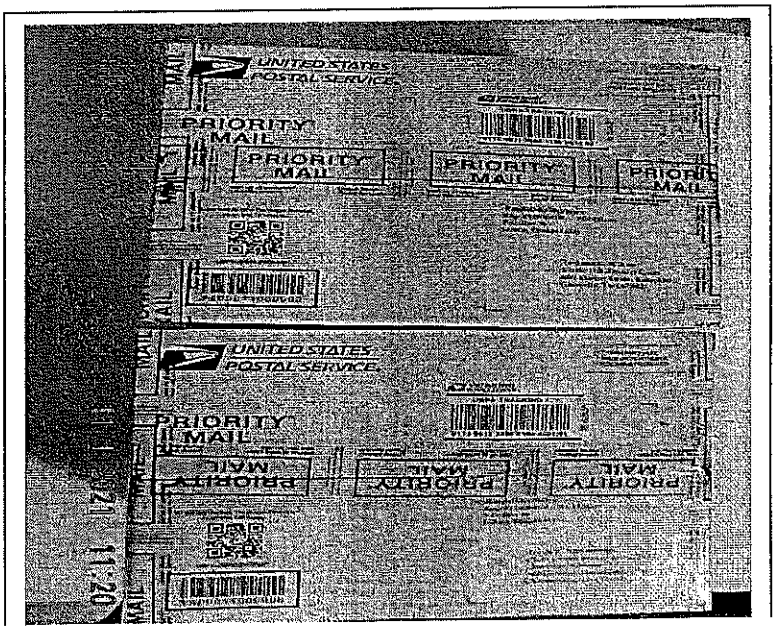
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Your item was delivered in or at the mailbox at 11:09 am on November 3, 2021 in KNOXVILLE, TN 37902.

Delivered, In/At Mailbox

November 3, 2021 at 11:09 am
KNOXVILLE, TN 37902

LeAnna Wilson
Clerk

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Your item was delivered in or at the mailbox at 8:15 am on November 3, 2021 in CHATTANOOGA, TN 37402.

Delivered, In/At Mailbox

November 3, 2021 at 8:15 am
CHATTANOOGA, TN 37402

Travis R. McDonough
Chief Judge

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Expected Delivery by

FRIDAY

5 NOVEMBER 2021 ⓘ

by **9:00pm** ⓘ

Ms. Crawford

Arrived at USPS Regional Facility

November 4, 2021 at 2:55 am
GREENSBORO NC DISTRIBUTION CENTER

Change Delivery Instructions ∨

Text & Email Updates ∨

Delivery Instructions ∨

Tracking History ∨

Product Information ∨

See Less ∧