CLAIM FOR DAMAGE, INJURY, OR DEATH

INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.

FORM APPROVED
OMB NO.
1105-0008

1. Submit To Appropriate Federal Agency:
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATIONS
U.S. MARSHALS SERVICE
DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE
COURT OF APPEALS FOR THE SIXTH CIRCUIT

2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State and Zip Code)
Randall-Keith:Beane, Reg. #52505-07
FCI-Elkton
P.O. BOX 10
LISBON, OHIO (44432)

3. TYPE OF EMPLOYMENT	4. DATE OF BIRTH	5. MARITAL STATUS	6. DATE AND DAY OF ACCIDENT	7. TIME (A.M. OR P.M.)
☐ MILITARY ☒ CIVILIAN	09-29-1967	N/A	JULY 11, 2017 MARCH 15, 2022	AFTERNOON

8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.)

PLEASE SEE ATTACHED ADDITIONAL PAGES

9. **PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See Instructions on reverse side.)

FINANCIAL LOSS TO INCLUDE LOSS OF EMPLOYMENT, LOSS OF APARTMENT, ASSAULT AND BATTERY CAUSING SERIOUS BODILY INJURY, LOSS OF FREEDOM AND LIBERTY, THEFT OF MOTOR HOME WITHOUT A SEARCH OR SEIZURE WARRANT.

10. **PERSONAL INJURY/WRONGFUL DEATH**

STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT.

INJURY INCLUDES BUT IS NOT LIMITED TO PAST AND FUTURE EARNINGS, BODILY INJURY, THEFT OF PERSONAL PRIVATE PROPERTY, EMOTIONAL DISTRESS, AND LOSS OF FREEDOM AND LIBERTY AS A RESULT OF ASSAULT, BATTERY, FALSE ARREST, FALSE IMPRISONMENT, ABUSE OF PROCESS, IRREGULAR PROCESS, LIBEL, SLANDER, MISREPRESENTATION, DECEIT, AND TRESPASS.

11. **WITNESSES**

NAME	ADDRESS (Number, Street, City, State, and Zip Code)
PLEASE SEE ATTACHED ADDITIONAL PAGES	

12. (See instructions on reverse.) **AMOUNT OF CLAIM** (in dollars)

12a. PROPERTY DAMAGE	12b. PERSONAL INJURY	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights.)
$493,110.68	$3,080,357,683.00	0.00	$3,080,850,793.68

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.)	13b. Phone number of person signing form	14. DATE OF SIGNATURE
	(330) 420-6200	

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

The claimant is liable to the United States Government for the civil penalty of not less than $5,000 and not more than $10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

Fine of not more than $10,000 or imprisonment for not more than 5 years or both. (See 18 U.S.C. 287, 1001.)

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

15. Do you carry accident insurance? ☐ Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. ☒ No

16. Have you filed a claim on your insurance carrier in this instance, and if so, is it full coverage or deductible? ☐ Yes ☒ No

17. If deductible, state amount.

0.00

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts.)

N/A

19. Do you carry public liability and property damage insurance? ☐ Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). ☒ No

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item #12 of this form.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) **Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.**

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. *Authority:* The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. *Principal Purpose:* The information requested is to be used in evaluating claims.

C. *Routine Use:* See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. *Effect of Failure to Respond:* Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, D.C. 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

FEDERAL TORT CLAIMS ACT CLAIM

Randall-Keith:Beane, Reg. #52505-074
FCI – Elkton
P.O. Box 10
Lisbon, Ohio (44432)
(330) 420-6200

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1. Submit To Appropriate Federal Agency:

DEPARTMENT OF JUSTICE

Michael E. Horowitz (original blue wet-ink form)
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC (20530-0001)
USPS Priority #

Merrick B. Garland (original blue wet-ink form)
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC (20530)
USPS Priority #

Francis M. Hamilton III (original blue wet-ink form)
Acting U.S. Attorney
800 Market Street, Suite 211

Knoxville, Tennessee (37902)
USPS Priority #

Monty Wilkinson (original blue wet-ink form)
Director
Executive Office for U.S. Attorneys
950 Pennsylvania Avenue, NW
Washington, DC (20530-0001)
USPS Priority #

FEDERAL BUREAU OF INVESTIGATIONS

Christopher Wray (original blue wet-ink form)
Director of FBI
935 Pennsylvania Avenue, NW
Washington, DC (20535-0001)
USPS Priority #

U.S. MARSHALS SERVICE

Ronald L. Davis (original blue wet-ink form)
Director of U.S. Marshals Service
333 Constitution Ave NW
Washington, DC 20001
USPS Priority #

DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE

Travis R. McDonough (original blue wet-ink form)
Chief United States District Judge
Eastern District of Tennessee
Chambers Address
900 Georgia Avenue, Room 317
Chattanooga, TN 37402
USPS Priority #

COURT OF APPEALS FOR THE SIXTH CIRCUIT

Jeffrey S. Sutton (original blue wet-ink form)
Chief Judge
Sixth Circuit Court of Appeals
Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio (45202)
USPS Priority #

2. Name, Address of claimant

Randall-Keith:Beane
Reg. #52505-074, FCI - Elkton
P.O. Box 10
Lisbon, Ohio (44432)

8. Basis of Claim

It is important to first identify some of the government bad actors, and those hired by and working on behalf of the government, involved in the conspiracy to deprive rights (18 U.S. Code § 241) and the deprivation of Claimant's God-given rights under color of law (18 U.S. Code § 242) for the purpose, and with the intention, of kidnapping to false imprison Claimant, theft of Claimant's private property, assault and battery causing serious bodily injury, false arrest, abuse of process, irregular process, libel, slander, misrepresentation, deceit, trespass, and emotional distress.

The Bad Actors

The FBI

Parker Still, Esq. (**STILL**)	- FBI Special Agent - Knoxville, Tennessee
Jimmy Durand (**DURAND**)	- FBI Special Agent - Knoxville, Tennessee
Jason Pack (**PACK**)	- FBI Special Agent - Knoxville, Tennessee
Joelle Vehec (**VEHEC**)	- FBI Special Agent - Knoxville, Tennessee
Zach Scrima (**SCRIMA**)	- FBI Forensic Accountant - Washington, DC
Jaron Patterson (**PATTERSON**)	- Univ. of Tennessee Police Dept. and FBI Cyber Task Force Investigator
D.T. Harnett (**HARNETT**)	- FBI Task Force Office

The US Attorney Office

Nancy Stallard Harr (**STALLARD HARR**)	- United States Attorney – Knoxville, TN
James Douglas Overbey (**OVERBEY**)	- United States Attorney – Knoxville, TN
Cynthia F. Davidson (**DAVIDSON**)	- Asst. U.S. Attorney – Knoxville, TN
Anne-Marie Svolto (**SVOLTO**)	- Asst. U.S. Attorney – Knoxville, TN

United States District Court for the Eastern District of Tennessee

Thomas A. Varlan* (**VARLAN**)	- US District Judge (then chief judge/trial judge) Eastern District Tennessee
C. Clifford Shirley* (**SHIRLEY**)	- US Magistrate Judge (Retired), Eastern District Tennessee
Debrah C. Poplin (**POPLIN**)	- United States Magistrate Judge (then clerk) Eastern District of Tennessee
John Medearis (**MEDEARIS**)	- Court Clerk (Retired) (then chief deputy clerk) Eastern District of Tennessee

U.S. Marshals Service

Amanda Shields (**SHIELDS**)	- Arresting Officer, U.S. Marshal, Knoxville, Tennessee

Sixth Circuit Appellate Court

Jeffrey Sutton* (**SUTTON**)	-	Chief judge (then Circuit Judge), U.S. Court of Appeals for the Sixth Circuit
Deborah L. Cook* (**COOK**)	-	Senior Circuit Judge, U.S. Court of Appeals for the Sixth Circuit
Amul Thaper* (**THAPER**)	-	Circuit Judge, US Court of Appeals for the 6th Cir.
Deborah S. Hunt (**HUNT**)	-	Sixth Circuit Clerk
Ken Loomis (**LOOMIS**)	-	Sixth Circuit Administrative Deputy

Court Appointed Attorneys at Law

Stephen G. McGrath (**MCGRATH**)	-	Assigned by district court to be Randall-Keith:Beane's trial elbow counsel
Bobby Hutson, Jr. (**HUTSON**)	-	Public Defender appointed for Randall-Keith:Beane by US Magistrate C. Clifford Shirley
Stephen Louis Braga (**BRAGA**)	-	Univ. of Virginia, Appellate Litigation Clinic - appointed by appellate court to file unauthorized appellant brief for Randall-Keith:Beane

* While judges ordinarily enjoy judicial immunity that immunity is waived when the judge knowingly exceeds his/her power and authority. See:

1) ***Rankin v. Howard***, (1980) 633 F.2d 844, cert. den. Zeller v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.

When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost.

2) ***Cooper v. O'Conner***, 99 F.2d 133

"There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign."

3) ***Davis v. Burris,*** 51 Ariz. 220, 75 P.2d 689; 1938

"A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts."

4) In *Stoesel v. American Home,* 362 Sel. 350, and 199 N.E. 798 (1935), the court ruled and determined that, "Under Illinois Law and Federal Law, when any officer of the Court has committed **"fraud on the Court"**, the order and **judgment of that court are void and of no legal force and effect.**" In *Sparks v. Duval County Ranch,* 604 F.2d 976 (1979), the court ruled and determined that, **"No immunity exists for co-conspirators of judge. There is no derivative immunity for extra-judicial actions of fraud, deceit and collusion."** In E*dwards v. Wiley,* 374 P.2d 284, the court ruled and determined that, **"Judicial officers** are not liable for erroneous exercise of judicial powers vested in them, but they **are not immune from liability when they act wholly in excess of jurisdiction."** See also, *Vickery v. Dunnivan,* 279 P.2d 853, (1955). In *Beall v. Reidy,* 457 P.2d 376, the court ruled and determined, "Except by consent of all parties **a judge is disqualified to sit in trial of a case if he comes within any of the grounds of disqualification named in the Constitution.** In *Taylor v. O'Grady,* 888 F.2d 1189, 7th Cir. (1989), the circuit ruled, "Further, **the judge has a legal duty to disqualify, even if there is no motion asking for his disqualification.**" Also, when a lower court has no jurisdiction to enter judgment, the question of jurisdiction may be raised for the first time on appeal. See *DeBaca v. Wilcox,* 68 P. 922. **The right to a tribunal free from bias and prejudice is based on the Due Process Clause.** Should a judge issue any order after he has been disqualified by law, and **if the party has been denied of any of his/her property, then the judge has engaged in the crime of interference with interstate commerce; the judge has acted in his/her personal capacity and not in the judge's judicial capacity.** See *U.S. v. Scinto,* 521 F.2d 842 at page 845, 7th circuit, 1996. Party can attack subject matter jurisdiction at any time in the proceeding, even raising jurisdiction for the first time on appeal, *State v. Begay,* 734 P.2d 278. **"A prejudiced, biased judge who tries a case deprives a party adversely affected of due process."** See *Nelson v. Cox,* 66 N.M. 397.

Summary of events that led to Injury and Damage

On or about July 11, 2017 Claimant was illegally and unlawfully arrested and subsequently tried and convicted for fraud in the district court for the Eastern district of Tennessee.

November 4, 2021 Claimant filed a motion to vacate and set aside the conviction and sentence of the district court for the Eastern District of Tennessee for violation of Constitutional Amendments IV, V, VI and XIV, the Due Process Clause, Equal Protection Clause, Article I and

Article III, and violation of the International Covenant on Civil and Political Rights (ICCPR) Treaty.

Claimant and Heather-Ann:Tucci:Jarraf, co-defendants, were framed for a fraud and money laundering crime they did not commit. Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf were kidnapped in July 2017 and have been subjected to unlawful imprisonment and restraint, assault and battery, false arrest and false imprisonment in violation of the constitution and law. The case should never have been brought but after it was it should have been dismissed for witness, prosecutorial and judicial misconduct. Claimant is the victim of a Tennessee organized crime syndicate that involved the bad actors previously mentioned and others.

Upon arrest and trial, Claimant immediately challenged jurisdiction. SHIRLEY, a magistrate, was assigned by then chief judge and trial judge, VARLAN, to make a recommendation with regard to jurisdiction. However, as a magistrate, SHIRLEY was only authorized to handle misdemeanor cases – NOT felony cases. A magistrate not qualified to try a felony case certainly is not qualified to be the trier of fact to determine the jurisdiction of a felony case. No decision made by SHIRLEY regarding the alleged "felony" case is valid to include his jurisdiction recommendation. His involvement with the alleged "felony" case was trespass of the law. SHIRLEY's jurisdiction ruling is void given "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 clearly states on their website they are an Article III court.

Federal question jurisdiction is one of the two ways for a federal court to gain subject matter jurisdiction over a case - 28 U.S. Code § 1331. The other way is through diversity jurisdiction - 28 U.S. Code § 1332. Both pertain to **civil actions** – not criminal. The government perpetrators charged Claimant with violation of 18 U.S.C. § 1343 (Wire Fraud), § 1344 (Bank Fraud), § 1956 (h) (Conspiracy to Commit Money Laundering), and § 1957 (Engaging In Money Transactions in Property Derived from Specified Unlawful Activity). VARLAN and SHIRLEY said congress granted them jurisdiction authority in 18 U.S.C. § 3231 (original jurisdiction…of all offenses against the laws of the United States). The district court website makes it clear VARLAN and SHIRLEY are Article III judges. Congress does not have the power to grant judicial authority to an Article III court. Judicial power is outlined and limited in Article III.

The indictment cites the U.S. code which is evidence of the law. It does not cite actual law. 1 USC § 204 tell us **Codes** and Supplements **as evidence of the laws of United States** and 1 U.S. Code § 112 says "The United States Statutes at Large **shall be legal evidence of laws…**" Evidence of a law is not the law.

According to the Administrative Office of U.S. Courts, federal judges may interpret the law only through the judicial powers outlined in Article III of the Constitution, the plaintiff must have standing, and the district court must be authorized under Article III to hear a case brought by the plaintiff. Not one of the required criteria was met.

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. VARLAN and SHIRLEY did not follow the legal process that is dictated in

28 U.S. Code § 132(a). They did not operate a court of record. They exceeded their Article III jurisdiction.

Claimant was detained and taken into custody without due process using fraudulent arrest warrants. Claimant and Heather-Ann:Tucci:Jarraf were framed for a crime the government perpetrators manufactured as part of their conspiracy to false arrest and false imprison Claimant and Heather-Ann:Tucci:Jarraf.

July 11, 2017 Claimant was completing a private business transaction in his hometown at Buddy Gregg RVs and Motor Homes in Knoxville, Tennessee. Claimant purchased a Motor Home for the Randall Keith Beane Factualized Trust. As Claimant was looking over repairs that were made to the motor home a swarm of men and a woman dressed in suits blocked the motor home with their vehicles. Without warning, notice, or opportunity to respond STILL, DURAND, PACK, VEHEC, deputy sheriff Blaine (BLAINE) and others refused to identify themselves and proceeded to infringe on Claimant's fundamental liberties and rights, physically assaulted and caused Claimant serious bodily injury, stole Claimant's private property motor home without a seizure warrant and violated The Hobbs Act - extortion by force, violence, and fear. The men and woman demanded Claimant open the door to the motor home. They did not identify themselves. They told Claimant they had a Colorado arrest warrant for Claimant. Claimant responded he had never been to Colorado. By forcible entry the men and woman unlawfully and violently entered and took possession of the motor home by force and arms, without authority of law. It was a crime of violence designed to terrorize Claimant. They committed criminal trespass and entered the private property without consent and without a warrant. Upon entry they committed aggravated assault against Claimant causing serious bodily injury. Claimant asked to see the arrest warrant and they dragged Claimant out of the private

property motor home and began to assault Claimant by twisting his arm, throwing him to the ground and elbowing him to the back of the head until he bled, pushed Claimant's head/neck in the dirt cutting off Claimant's oxygen supply, gave Claimant a black eye, kicked and punched Claimant until his body was sore and bruised, handcuffed Claimant, pulled down Claimant's pants and made Claimant stand in the sun for 45 minutes to an hour handcuffed with his pants down and underwear exposed. Claimant later learned the individuals in suits that attacked Claimant, trespassed and stole private property were FBI. The FBI arrested Claimant without a valid arrest warrant and they seized Claimant's motor home without a seizure warrant.

The government perpetrators searched and seized the motor home without a search and seizure warrant in violation of constitution Amendment IV. The FBI arrested Claimant without a valid arrest warrant or probable cause and the Knoxville sheriff false imprisoned Claimant without jurisdiction or a valid arrest warrant. The FBI used a South Carolina statewide misdemeanor traffic related bench warrant that had been disposed of two years prior to arrest Claimant July 11, 2017. The government perpetrators did not bring Claimant before a judge or magistrate for a probable cause hearing. (Federal Rule 5 (a)(1)(A)) Sheriff Jimmy Jones (JONES) imprisoned Claimant without arresting Claimant. He did it for the FBI because the FBI did not have ground to put Claimant in the federal prison system.

The FBI did not have jurisdiction to intervene in a private commercial business transaction per 18 U.S. Code § 3052. There was no complaint against Claimant. There was no sworn affidavit of firsthand knowledge of a crime alleged to be committed by Claimant. The FBI had no lawful authority according to 18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation) which states – "...agents of the Federal Bureau of Investigation of the Department of Justice **may** carry firearms, **serve warrants** and subpoenas **issued under the authority of the**

United States and make arrests without warrant for any **offense against the United States** committed in their presence, or for any **felony cognizable under the laws of the United States**..." The perpetrators did not serve a warrant at all. They verbally said they had a warrant but would not show it to Claimant upon request. Claimant later learned they were referring to the two years prior disposed of South Carolina misdemeanor traffic warrant that was not issued under the authority of the United States – not within the United States geographical jurisdiction – not within the sheriff's geographical jurisdiction, and not in the FBI or sheriff's possession at the time of the arrest and imprisonment.

Knoxville sheriff JONES false imprisoned Claimant for the FBI and US Attorney from July 11, 2017 to July 27, 2017 – 17 days without a valid warrant. The Knoxville sheriff imprisoned Claimant July 11, 2017 without arresting him. On July 12, 2017 JONES had Claimant arrested using the same South Carolina misdemeanor traffic warrant that had been disposed of two years earlier and JONES called Claimant a fugitive from justice when there was no outstanding active warrant for Claimant.

On July 13, 2017 JONES was ordered to release Claimant by Magistrate Rowe of Tennessee's General Sessions Court. The sheriff ignored Magistrate Rowe's order and had Claimant re-arrested July 13th to continue unlawfully holding Claimant for the FBI using the same disposed of South Carolina traffic warrant.

FBI and US Attorney perpetrators, STILL, DAVIDSON, and SVOLTO knew they could not put Claimant in the federal system on July 11, 2017. They knew they did not have a lawful or legal probable cause case to present to a judge so they had to wait until July 18, 2017 for the alleged grand jury to hear the case and in the meantime they kept Claimant locked up with no warrant at all. DAVIDSON claimed to receive a grand jury indictment July 18, 2017.

However, the alleged indictment is questionable given they created fraudulent arrest warrants. Why create fake warrants if you have a real indictment?

The alleged indictment was the result of testimony from one FBI agent, STILL, and he committed aggravated assault against Claimant and caused Claimant serious bodily injury. He 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).

Perpetrators DAVIDSON and SVOLTO said they charged Claimant with a felony but the indictment did not reference a felony charge or felonious conduct. Without felonious conduct the indictment is defective. According to Bouvier Law Dictionary, Sixth Edition (Adapted to the Constitution and laws of the United States of America and of the Several States of the American Union), ***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**." STALLARD HARR and OVERBEY (US Attorneys) clearly knew what DAVIDSON and SVOLTO (Assistant US Attorneys) were doing in their name and they allowed it. Perhaps STALLARD HARR and OVERBEY suffered from look the other way government twisted neck syndrome.

Amanda Shields of the U.S. Marshals Service received the district court arrest warrant July 20, 2017 but she did not arrest Claimant until July 27, 2017 at the Knoxville county jail. SHIELDS was negligent and showed a complete disregard for Claimant's rights and his life. She should have known the arrest warrant was fraudulent. Perhaps DAVIDSON, SVOLTO, POPLIN, and MEDEARIS tricked her – maybe or maybe not. Regardless, it was her job to make sure she had a valid arrest warrant. Had she done her job and questioned the arrest warrant

Claimant would not be in prison today. Below are some cases which describe what SHIELDS lawful and legal responsibility was in arresting Claimant:

1) According to *1 Hil. Torts*, pp. 213-14, sec. 9 – "**Thus detainment in a jail for purposes of "booking" or fingerprinting or investigating the alleged crime, or interrogation of the prisoner is illegal**. From the earliest dawn of the common law, a constable could arrest without warrant when he had reasonable grounds to suspect that a felony had been committed; and he was authorized to detain the suspected party such a reasonable length of time as would enable him to carry the accused before a magistrate. And this is still the law of the land. The Court went on to state that the officer making the arrest is liable for **false imprisonment** if he arrests with the intent of only detaining, or if his unreasonable delay causes a detainment. It states: It cannot be questioned that, when a person is arrested, either with or without a warrant, it becomes the duty of the officer or the individual making the arrest to convey the prisoner in a reasonable time, and without unnecessary delay, before a magistrate, to be dealt with as the exigency of the case may require. **The power to make the arrest does not include the power to unduly detain in custody**; but, on the contrary, is coupled with a correlative duty, incumbent on the officer, to take the accused before a magistrate as soon as he reasonably can. **If the officer fails to do this, and unreasonably detains the accused in custody, he will be guilty of a false imprisonment no matter how lawful the original arrest may have been**. Thus, **where a person arrested is taken to a jail or sheriff's office and detained there, with no warrant issued before or after the arrest, it is false imprisonment**. **The one arresting has "a duty to immediately seek a magistrate**," and that the **failure to do so**, "**makes a case of false imprisonment** as a matter of law, is held by all the authorities."

2) 70 *American Jurisprudence*, 2d Ed., "Sheriffs, Police, and Constables," § 165, pp. 353-54

Process that is void on its face is no protection to the officer who executes it. If a warrant, order, or writ of possession shows lack of jurisdiction of the court, the officer is not protected in serving it. In fact, in so doing he becomes a trespasser.

3) Tiedeman, ***Limitations of Police Power***, p. 83, citing: ***Grumon v. Raymond***, 1 Conn. 39; Clayton v. Scott, 45 Vt. 386

The officer is bound to know if under the law the warrant is defective, and not fair on its face, and he is liable as a trespasser if it does not appear on its face to be a lawful warrant. His **ignorance is no excuse**.

4) *Greenwell v. United States*, 336 Fed.2d 962, 965 (1964)

"The law requires an arresting officer to bring an accused before a magistrate "as quickly as possible."

5) *Ulvestad v. Dolphin et al*, 152 Wash. 580, 278 Pac. 681, 684 (1929)

Nor is a police officer authorized to confine a person indefinitely whom he lawfully arrested. **It is his duty to take him before some court having jurisdiction of the offense and make a complaint against him**. Any undue delay is unlawful and wrongful, and renders **the officer himself and all persons aiding and abetting** therein **wrongdoers from the beginning**.

6) ***Garnier v. Squires***, 62 Kan. 321, 62 Pac. 1005, 1007 (1900)

The procedure is the due process of law to be followed in depriving one of his liberty. Thus a **failure or even a delay** in following this process **is an unlawful restraint or deprivation of liberty** and thus a **false imprisonment**. **The arresting officer has no authority to take a person to a jail and detain him there**. **His duty is to take the one arrested without delay to a court or magistrate**, as said by the Supreme Court of Kansas: The law contemplates that an arrest either by an officer or a private person with or without a warrant is a step in a public prosecution, and must be made with a view of taking the person before a magistrae or

judicial tribunal for examination or trial; and an officer even subjects himself to **liability** if there is an unreasonable delay after an arrest in presenting the person for examination or trial.

7) ***Muscoe v. Commonwealth***, 86 Va. 443, 447, 10 S.E. 534, 535 (1890)

It is a fundamental rule of procedure well grounded in the common law, that where an arrest is made the alleged offender is to be taken "before a magistrate to be dealt with **according to law**. This is not only to be done, but **done without delay**, or without unnecessary delay, **otherwise the arresting party is liable for a false imprisonment**.

8) Thomas Cooley, ***A Treatise on the Law of Torts***, Vol. I. § 114, p. 374

An officer,who has lawfully arrested a prisoner, may be guilty of **false imprisonment** if he holds him for an unreasonable length of time without presenting him for hearing or procuring a proper warrant for his detention.

Amanda Shields arrested Claimant and just left him sitting in the Knoxville county jail with no attempt to bring him before a magistrate.

The clerk and keeper of the records, Debrah Poplin, assisted in creating the fraudulent arrest warrants by allowing the warrants to be signed "A. Brush, Deputy Clerk." A. Brush does not exist. According to 18 a U.S. Code Rule 9 a warrant on an indictment must be signed by the clerk – not a deputy clerk – especially not a fictitious deputy clerk. POPLIN knew there were two prisoners involved in a case in which she did not issue warrants for their arrest as required by Rule 9. She allowed Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to be arrested without checking to see if the warrants were signed by a magistrate or judge since she knew she did not sign the warrants. POPLIN was obligated and responsible for making sure the documents filed with the court met legal requirements. She had a duty to the defendants, the Court, all Tennesseans, and the American people and she willfully and intentionally violated that

duty because she was part of the conspiracy. POPLIN, too, may have government twisted neck syndrome and she intentionally looked the other way or she may have been an active participant in the corrupt forgery and falsifying of two arrest warrants. Whichever the case may be she was hired to do a job because it was believed she had the ability and moral compass to do that job. POPLIN was not hired as U.S. district clerk of the court to look the other way and allow crimes involving moral turpitude, forgery, false arrest and false imprisonment to be committed on her watch. It sure does look like POPLIN was promoted from clerk to magistrate for a forgery, fraud and deceit job well done.

STILL, DAVIDSON, SVOLTO, JONES, VARLAN, SHIRLEY, AND POPLIN conspired to kidnap, frame and false imprison Claimant for a fraud and money laundering case they ALL knew was fabricated because they manufactured it. The government prosecutors knowingly lied to the grand jury. They knowingly made false claims and created and confirmed to the grand jury and trial jury false impressions that the government perpetrators knew was not true, like telling the grand jury and trial jury Claimant altered his social security account number by one digit, in violation of 31 USC § 3730 – False Claims – to secure an indictment.

There was no criminal complaint filed against Claimant with the Court under sworn oath. There was no sworn affidavit by a competent witness that provided probable cause to initiate an action against Claimant. The Plaintiff UNITED STATES OF AMERICA is a corporation and not the people's government. Claimant was denied the true name of the Plaintiff as required by the Supreme Court. (*Roe vs. New York*,(1970, SD NY) 49 FRD 279, 14 FR Serv 2d 437, 8 ALR Fed 670 - "Complaint must identify at least one Plaintiff by true name; otherwise no action has been commenced.")

While 18 U.S.C. § 1001 does not require an intent to defraud, the government perpetrators most certainly had an intent to defraud. They knowingly and willfully deprived Claimant of freedom, liberty, and property by means of deceit. They acted deliberately with full knowledge the goal was to kidnap and false imprison Claimant by whatever means necessary.

All that is necessary to establish false imprisonment is that Claimant was restrained of his liberty without legal cause or justification. The presence of malice, the presence of good faith, or the presence of probable cause do not affect the existence of the wrong when the detention is unlawful and in violation of due process. Claimant was forcibly deprived of his liberty. Any alleged good intent of the perpetrators, or the fact that they allege they believed they had probable cause for believing that a crime was committed, and allege to have acted in good faith, does not justify or excuse the trespass. The FBI and US Attorney intentionally did not investigate because they made it all up. They knew they did not have a sworn complaint or affidavit. They knowingly used a two-years prior disposed of misdemeanor traffic bench warrant located outside their geographic jurisdiction to false arrest Claimant. It is very clear they knew they were not acting in good faith and knew they did not have probable cause to present to a judge or magistrate.

The US Attorneys did not have jurisdiction to prosecute a case against Claimant. They did not act as prosecutors representing the people. They acted as attorneys-at-law representing the corporate UNITED STATES OF AMERICA in violation of 28 U.S. Code § 516.Conduct of litigation reserved to Department of Justice. The party/plaintiff was not the nation, an agency of the nation, or an officer. It was the corporation UNITED STATES OF AMERICA and it did not have standing. The UNITED STATES OF AMERICA was not a true party in interest. Moreover, according to 28 U.S. Code § 547 (Duties) United States Attorney shall prosecute **for**

all offenses against the United States; prosecute or defend for the government **all civil actions.** DAVIDSON and SVOLTO do not have criminal action duties.

The U.S. code regarding power of courts and magistrates, 18 U.S. Code § 3041, states "For any offense against the United States…" and "A United States judge or magistrate judge acts and orders shall have no effect beyond determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial or to discharge him from arrest." In violation of 18 U.S. Code § 3041 VARLAN and SHIRLEY denied Claimant due process and refused to release Claimant prior to trial under any circumstance.

Claimant did not commit an offense against the United States or UNITED STATES OF AMERICA. The case file reflects this fact. The government perpetrators made it clear their alleged "victim" was USAA Bank even though USAA Bank did not file a sworn complaint or affidavit against Claimant. Furthermore, the UNITED STATES OF AMERICA or United States did not have standing because Sean O'Malley of the New York Federal Reserve Bank testified under oath there was no loss to the US government. (Trial Transcript Volume 4, P.18, Line 12-13) The US Attorneys misled the jury into believing UNITED STATES OF AMERICA was the injured party and the nation. Neither UNITED STATES OF AMERICA (the corporation) nor USAA Bank suffered an injury that would give rise to a cause of action.

The United States Constitution prescribes what the jurisdiction of the Federal government is by the enumerated powers. This is the extent of the jurisdiction of the United States government. It is only in these 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 seventeen enumerated tasks. 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 territorial jurisdiction of the United States is that which is out of the jurisdiction of any particular state. (18 U.S. Code § 7 – Territorial Jurisdiction of the United States defined) According to the Constitution, Article 1, Section 8, Clause 17 the United States jurisdiction is ten Miles square. ("To exercise exclusive Legislation in all Cases whatsoever, **over such District [not exceeding ten Miles square]** as may, by Cession of particular States, and the Acceptance of Congress, become **the Seat of the Government of the United States.**")

As part of their conspiracy to claim jurisdiction, DAVIDSON and SVOLTO accused Claimant of violating the interstate commerce clause and FDIC. DAVIDSON and SVOLTO misrepresented to the grand jury and trial jury that sending a "signal" is affecting commerce. Affect interstate commerce is clearly defined in 7 U.S. Code § 1301 and 29 USC § 152 (7) as burdening or obstructing commerce or the free flow of commerce. With regard to the FDIC, there was no FDIC claim filed and the FDIC does not cover alleged "theft" or "stolen" funds.

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 Congressional act **pursuant to the U.S. Constitution**. There is no other source from which Congress can get authority to make law.

VARLAN and SHIRLEY knowingly took personal and subject matter jurisdiction by force. The government perpetrators did not have a lawful arrest warrant and Claimant did not consent to be detained, transported, and imprisoned. Claimant was kidnapped using a disposed of South Carolina traffic warrant and fraudulent fictitious signed district court arrest warrants.

Clearly referring to Claimant's motor home purchase, perpetrator and co-conspirator DAVIDSON admitted to the grand jury that Claimant was a "bona fide" purchaser. She said, **"Because that was a, you know, a bona fide purchaser."** (Grand Jury Transcript, Page 40, Line 11-15) A Bona Fide Purchaser is *one who acts without fraud or collusion*. (Black's Law Dictionary, 4th Edition, P. 224)

An arrest cannot be done except by the law of the land, or due process of law. The Fourth Amendment, which guarantees "'the people to be secure in their persons. houses, papers and effects, against unreasonable searches and seizures," generally does not apply to arrests made without warrants, but only those made with warrants. (I Am. Law Rep., Annotation, 586; 5 Amer. Juris. 2d, "Arrest," § 2, p.697). The provision regulates how warrants are to be issued: "**no warrant shall issue, but upon probable cause, supported by oath** ..." If an arrest is made with a warrant the officer must follow the criteria of the Fourth Amendment otherwise it is an unlawful arrest. FBI agent STILL said he had an arrest warrant when he arrested Claimant July 11, 2017 but he refused to show it. Here's some of STILL's testimony on the matter: Trial transcript, volume 1, page 69, line 8-17 – ***Question*** – "Okay. On July 11th, prior to or at any moment, did you ever present a warrant to Mr. Beane or the other unidentified male and unidentified female that you found in that vehicle? Did you ever present an actual paper warrant or electronic warrant to any of those three? FBI Agent Parker Still ***Answer*** – "No, ma'am. And I – I don't – I mean, that's – **I think that's some of TV stuff where we serve people, put a warrant in their hands. You know, that's – I don't – that's just not general practice where you would, you know, serve someone – hand someone a warrant**, generally." STILL admitted he refused to show the warrant to Claimant or give Claimant a copy of the alleged warrant. This government employee, STILL, who took an oath to the constitution, believes he

does not have to show or give a copy of the warrant to the person he is arresting because that's TV stuff that he can't be bothered with.

PATTERSON (employed by the University of Tennessee Police Department, deputized by the United States Marshals Service as a Special Deputy U.S. Marshal, and assigned to the FBI task force.) stated the following in his trial testimony with regard to the warrant: ***Question***—"Is there any reason why you guys didn't pull a copy of that alleged active outstanding warrant?" ***Answer*** – "That's not very common to take a copy." ***Question*** – "So it's not common to take a copy or to have a warrant to show someone that you were arresting?" ***Answer*** – " The original copy would have been with the issuing agency, so it was an out-of-state warrant. The original copy would have been in another state." ***Question*** – "So you're not sure if it was ever -- truly existed?" ***Answer*** – "No." PATTERSON, like STILL, knew the South Carolina traffic warrant was out of their jurisdiction and disposed of two years prior. They both knew an active outstanding warrant did not exist. It was their job to know. They both lied in furtherance of the conspiracy to deprive rights and deprivation of Claimant's rights.

VARLAN (Trial and then Chief United States District Judge), DAVIDSON, (Assistant United States Attorney), and SVOLTO (Assistant United States Attorney) failed to declare a mistrial or dismiss the case when FBI special agent Parker Still admitted under oath that he did not follow due process because due process is 'TV stuff.' (Trial Transcript, Volume I, P. 69, Line 13-17) The government's star witness bragged about denying due process and the trial judge, VARLAN, was ok with it.

STILL violated 18 U.S. Code § 2236 - Searches without warrant and § 2234.Authority exceeded in executing warrant and VARLAN was ok with this too. Federal Rule 4 (c) (3) (A) states "Upon arrest, an officer possessing the warrant **must show it to the defendant**," STILL

also violated Tennessee code § 40-6-103 (Probable cause and affidavit), and Tennessee code § 40-6-216 (Copies of warrants).

The arrest was not pursuant to legal form of the law and was therefore unlawful felony kidnapping and false imprisonment. The constitution is the "law of the land" which is due process of law. The common law is the due process of law followed, not a legislative statute, ordinance, or code and officers who do not abide by this law are trespassers and are guilty of false imprisonment. Here are some cases involving the issue:

1) "A court cannot acquire jurisdiction to try a person for an act made criminal only by an unconstitutional law, and thus, an offense created by an unconstitutional statute, is no longer a crime and a conviction under such statute cannot be a legal cause for imprisonment." State v. Benzel, 583 N.W.2d 434, 220 Wis.2d 588 (1998)

2) "A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of **depriving one of a constitutional right**, is an **excess of jurisdiction**." Wuest v. Wuest, 127 P2d 934, 937.

3) "Where a court failed to observe safeguards, it amounts to **denial of due process of** law, court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739.

4) A court may not render a judgment which **transcends the limits of its authority**, and a judgment is **void** if it is beyond the powers granted to the court by the law of its organization, even where the court has jurisdiction over the parties and the subject matter. Thus, if a court is authorized by statute to entertain jurisdiction in a particular case only, and undertakes to exercise the jurisdiction conferred in a case to which the statute has no application, the judgment rendered is **void**. The lack of statutory authority to make particular order or a judgment is akin to lack of

subject matter jurisdiction and is subject to collateral attack. 46 Am. Jur. 2d, Judgments § 25, pp. 388-89.

5) A judgment rendered by a court without personal jurisdiction over the defendant is **void**. It is a nullity. [A judgment shown to be **void** for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).

6) "A universal principle as old as the law is that a proceedings of a **court without jurisdiction** are a **nullity** and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732.

7) A judgment obtained without jurisdiction over the defendant is **void**. Overby v. Overby , 457 S.W.2d 851 (Tenn. 1970).

8) "Jurisdiction over a defendant requires both personal and subject matter jurisdiction." Boles v. State, 717 So.2d 877 (1998)

9) "Courts acquire authority to adjudicate matter if they have both subject matter and in personam jurisdiction." McKinney's CPL v. sec. 1.20 subd. 9. -- People v. Marzban, 660 N.Y.S.2d 808, 172 Misc.2d 987 (1997)

10) "Subject matter jurisdiction is determined from pleadings." Hall v. State, 933 S.W.2d 363, 326 Ark. 318, 326 Ark. 823 rehearing denied (1996)

11) "A judgment is **void** if the court acted in a manner inconsistent with due process. A **void** judgment is a nullity and may be vacated at any time." 261 Kan. at 862.

12) "In legal prosecution, all legal requisites must be complied with to confer jurisdiction on the court in criminal matters, as district attorney cannot confer jurisdiction by will alone." People v. Page, 667 N.Y.S.2d 689, 177 Misc.2d 448 (1998)

13) Where the court is without jurisdiction, it has no authority to do anything other than to dismiss the case." Fontenot v. State, 932 S.W.2d 185

14) The common law allowed arrests without warrant only for known felonies and breaches Of the peace. This is a required condition under **"due process of law"** in order to arrest someone. Thus it has been said that: **Arrest without warrant, where a warrant is required, is not due process of law; and arbitrary or despotic power no man possesses under our system of government**. *Muscoe v. Commonwealth,* 86 Va. 443, 10 S.E. 534, 536 (1890).

15) "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

16) **Void judgment under federal law is** one in which rendering court **lacked subject matter jurisdiction** over dispute **or jurisdiction over parties**, or **acted in manner inconsistent with due process of law** or otherwise **acted unconstitutionally** in entering judgment. ***U.S.C.A. Const. Amend. 5, Hayes v. Louisiana Dock Co.***, 452 N.E. 2d 1383 (Ill. App. 5 Dist. 1983

Government perpetrator STILL claimed to be working on an affidavit based upon a presumption or belief of a crime but belief does not give jurisdiction to the court to issue a warrant; and at common law, a **constable or sheriff cannot execute a warrant outside their jurisdiction**. Deputy sheriff BLAINE did not say he arrested Claimant. He was at the scene when the FBI falsely arrested Claimant. An arrest for felony based upon STILL's suspicion, belief or rumor is not justified. BLAINE participated in the kidnapping of Claimant and took Claimant to Knoxville jail without arresting him.

An illegal arrest is an assault and battery. The unlawful arrest, imprisonment and prosecution caused many damages, including bodily injury and pain, great physical

inconvenience and discomfort, loss of time, loss of employment and income, mental suffering, injury to reputation, distress and anguish, humiliation of mind, shame, public ridicule, invidious publicity, and public disgrace.

Claimant's detention was and is without proper legal authority. The arrest of Claimant was an abuse and misuse of legal process for the purpose of carrying out a conspiracy to deprive Claimant's rights. In interpreting what due process of law is, it has been held that "none of our liberties are to be taken away except in accordance with established principles." Thus the mode of arrest by which one can be deprived of his liberty is to be determined by the pre-existing common law principles and modes of procedure. A properly constituted warrant of arrest is a process at common law by which persons could lawfully be deprived of their liberty.

No one can make a lawful arrest for a crime, except an officer who has a warrant **issued by a court or magistrate having the competent authority**. The South Carolina warrant, even if it had been active, it was issued and signed by the Jasper county clerk. Her authority is not judicial and is limited to the geographical jurisdiction of South Carolina. The district court arrest warrants are fictitious signed and fraudulent. There is no deputy clerk A. Brush.

An American cannot be summarily deprived of his liberty because of an alleged infraction of some code or statute, unless at common law he was liable to arrest. The misdemeanor traffic statute involved in the South Carolina case did not allow for lawful or legal arrest of Claimant because Claimant did not contract through the driver's license and it certainly would not allow arrest without the formality of a warrant – a real warrant – not a piece of paper that has warrant written at the top left. Moreover, the South Carolina alleged misdemeanor traffic warrant had already been disposed of two years prior, in 2015, by the South Carolina Solicitor.

STILL, PACK, DURAND, VEHEC, BLAINE, JONES, DAVIDSON, SVOLTO, VARLAN, SHIRLEY, and POPLIN are guilty of false arrest and false imprisonment for arresting, detaining, and imprisoning Claimant without authority of law. The common law surrounding arrests was always recognized in this country and is thus a requirement for 'due process' in depriving Claimant of his liberty. It is the "law of the land." As such, these principles are constitutional mandates and cannot be abrogated by mere statutes. The **charging instrument** must not only be in the particular mode or form prescribed by the constitution 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. The indictment cites the U.S. code which is evidence of the law - 1 USC § 204 and 1 U.S. Code § 112. Again, evidence of the law is not the law.

SHIRLEY (magistrate), VARLAN (trial judge), DAVIDSON (asst. US attorney), SVOLTO (asst. US attorney), STILL (FBI agent), POPLIN (then clerk), SHIELDS (US Marshals Service) and other perpetrators and co-conspirators each violated the International Covenant on Civil and Political Rights Treaty (ICCPR) of which the United States of America is a signatory: **Article 1** recognizes the right of all peoples to self-determination. **Article 6** of the Covenant recognizes the individual's "inherent right to life" and requires it to be protected by law. **Article 9** recognizes the rights to liberty and security of the person. It prohibits arbitrary arrest and detention, requires any deprivation of liberty to be according to law. **Articles 9.3 and 9.4** impose procedural safeguards around arrest, requiring anyone arrested to be promptly informed of the charges against them, and to be brought promptly before a judge. **Article 11** prohibits the use of imprisonment as a punishment for breach of contract. **Article 14** recognizes and protects a right to justice and a fair trial.

On/about July 27, 2017, the same day U.S. Marshal SHIELDS served Claimant the fraudulent district court arrest warrant, Claimant was forced under duress to autograph a due process hearing waiver form in violation of FRCP Rule 12(h) -- Waiving and Preserving Certain Defenses – "Lack of Subject-Matter Jurisdiction is a defense that is never waived. If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action. Subject matter jurisdiction may not be waived and courts may raise the issue sua sponte." VARLAN and SHIRLEY knew they did not have subject matter or personal jurisdiction so they forced Claimant to sign a waiver in violation of 18 U.S. Code § 1951.(Interference with commerce by threats or violence) -- The Hobbs Act – "Extortion by Force, Violence, or Fear. Extortion is the obtaining of another person's property (autograph and rights are property—right of liberty) or money, with his consent when this consent is **induced or brought about through the use of actual or threatened force, violence or fear**."

SHIRLEY approved the "WAIVER OF DETENTION HEARING" denying Claimant a detention/bail hearing and due process in violation of Article I, Section 16 of the Tennessee Constitution which provides that "excessive bail shall not be required…" The prohibition against excessive bail includes the denial of all bail. US Constitution Amendment VIII states "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Complete denial of bail is most certainly cruel and unusual punishment.

Claimant was not given notice of a complaint because there was no complaint. There was no FBI or US Attorney investigation, interview or phone call because there was no complaint. There was only a plot, scheme and devious plan to false arrest and false imprison Randall-Keith:Beane.

"Limitations of Police Power" summarizes the following basic requisites needed to make a warrant valid: **a)** A warrant is to be issued by a judicial officer and signed by him, **b)** It must state the facts that show the matter to be within the jurisdiction of the judicial officer issuing it, **c)** It cannot be based upon belief or suspicion, but upon probable cause, **d)** **The warrant is to list a complaint** which is to state the offense committed and the facts that constitute a crime, **e)** **A warrant is to contain an affidavit of the person making the charge under oath.**

The detainment of a person after he is arrested is a judicial question. A judicial officer must decide if there are grounds for holding the person arrested, or whether he must be further examined by trial, or if he is to be bailed and released. (18 U.S. Code § 3041 – Power of courts and magistrates – A United States judge or magistrate judge…orders shall have no effect beyond determining, whether to detain or conditionally release the prisoner prior to trial or to discharge him from arrest.)

Government cannot encroach upon an American's liberty by ignoring due process. The rule of law requiring an officer or person arresting to bring the party arrested before a magistrate is the same in all states and cannot be abrogated by statute. The same rule has been upheld in Federal courts and is prescribed under Title 18 in the Rules of Criminal Procedure: An officer making an arrest under a warrant issued upon a complaint, or any person making an arrest without a warrant, shall take the arrested person without unnecessary delay **before the nearest available federal magistrate**, or in the event that a federal magistrate is not reasonably available, before a state or local judicial officer authorized by 18 U.S.C. § 3041 and Rule 5 - "Rules of Criminal Procedure."

The indictment is defective. There is no reference to a sworn complaint or affidavit. It did not charge or describe the offense charged in the indictment as having been committed

feloniously. There is no mention of Claimant committing a felony. The indictment accused Claimant of committing non-indictable colorable "offenses," not a felony crime. DAVIDSON and SVOLTO did not use the word felony or felonious in the indictment or warrants as required. They clearly do not believe a felony was committed by Claimant .

The U.S. code the government perpetrators used to determine jurisdiction and the codes charged in the indictment do not have an enacting clause. A Federal law requires an enacting clause to make it a law coming from the authorized source – Congress. The object of an enacting clause is to show that the act comes from a place pointed out by the Constitution as the source of power. The laws in the U.S. Code show no sign of authority; they carry with them no evidence that Congress or any other lawmaking power is responsible for them. They lack the essential requisites to make them a law authorized under Article 1 of the Constitution for the United States. The criminal jurisdiction of the United States exists only by acts of Congress pursuant to the Constitution. If the enacting authority is not "**on the face**" of the laws which are referenced in an indictment, then they are not laws. Title 18 U.S.C. § 7 specifies that the "territorial jurisdiction" of the United States **extends only outside the boundaries of lands belonging to any of the 50 states**. United States Constitution, Article I, Section 8, Clause 17 – clearly states congress is to exercise exclusive legislation in all cases whatsoever, over such district **not exceeding ten Miles square**.

Without a valid law there can be no crime charged under that law, and where there is no crime or offense there is no controversy or cause of action, and without a cause of action there can be no subject matter jurisdiction to try a man accused 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.

If there are no valid laws charged against a man, 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 fatally defective and insufficient, and **without a valid complaint** there is a lack of subject matter jurisdiction.

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

All of the government ministers/officials, public servants, have knowingly allowed Claimant to sit in prison knowing he is false imprisoned. Instead of being honorable VARLAN and DAVIDSON continue to seek ways to keep Claimant false imprisoned rather than admit to their criminal conduct and oath violation to lessen the damage. STILL, PACK, DURAND, VEHEC, BLAINE, DAVIDSON, SVOLTO, POPLIN, SHIRLEY, VARLAN, MCGRATH, HUTSON, BRAGA, SUTTON, COOK, THAPER, and all the other co-conspirators are caught and yet they continue to deceive rather than fess up and correct their illegal and unlawful actions. This is clear indication that every crime and offense they committed against Claimant was intentional and knowing.

These government perpetrators even faked an appeal. SUTTON (appellate judge), COOK (appellate judge), and THAPER (appellate judge) of the Sixth Circuit denied Claimant and Heather-Ann:Tucci:Jarraf the right to present their respective appeal. They appointed Stephen Braga (for Claimant) and Denis Terez (for Heather-Ann:Tucc:Jarraf) to each write a brief which was not authorized by Claimant or Heather-Ann:Tucci:Jarraf. Deborah S. Hunt (Sixth Circuit Clerk) and Ken Loomis (Sixth Circuit Administrative Deputy) were involved in

hiring BRAGA and TEREZ without Claimant's or Heather-Ann:Tucci:Jarraf's consent or authorization. HUNT and LOOMIS did not have authority to make that decision for Claimant especially given it was clear Claimant intended to present himself.

SUTTON, COOK, and THAPER did not analyze the issues and law of the case. They proceeded as though they were prosecuting the case. They used their appellate "opinion" to further build a case against Claimant and Heather-Ann:Tucci:Jarraf by knowingly regurgitating known lies presented in the trial about a military operation jail break, saying Heather-Ann:Tucci:Jarraf "...produced several faux-legal documents ..." (Appellate Opinion P. 2, ¶ 4) knowing Heather-Ann:Tucci:Jarraf is a trained lawyer and any document drafted and signed for lawful purposes is a lawful document. These judges accused Randall-Keith:Beane of being heavily in debt when there was nothing in the record that showed he was heavily in debt. They accused Claimant and Heather-Ann:Tucci:Jarraf of defrauding the United States of $31 million (Appellate Opinion, p. 2, first line) knowing Sean O'Malley of the New York Federal Reserve Bank testified under oath "there was no loss to the U.S. government." (Trial transcript, volume 4, p. 18, line 12-13) The appellate judges accused Claimant of defrauding the government when there was no charge of Claimant or Heather-Ann:Tucci:Jarraf defrauding the government.

SUTTON, COOK and THAPER ***DENIED*** Claimant his right to present his appeal even though it was clear it was Claimant's intention to present his own appeal. SUTTON wrote in the appellate opinion "...all defendants, whether lawyers or not, have a right to represent themselves—what amounts to the right to reject counsel and to confront the government alone," (United States Court of Appeals for the Sixth Circuit, Opinion, Sutton, Circuit Judge, P.5, ¶ 4) But that's not what they did in Claimant's case. They DENIED Claimant this right and handpicked BRAGA to write a brief without consent or authorization despite SUTTON noting

that Claimant had the right and capacity to present his own appeal. BRAGA never bothered to contact Claimant. There was an appeal but Claimant and Heather-Ann:Tucci:Jarraf had nothing to do with it. The appellate judges and their appointed attorneys-at-law reached a private agreement that excluded any input from Claimant or Heather-Ann:Tucci:Jarraf.

In addition, the appeals court judges focused their "opinion" on petty and irrelevant things like when Randall-Keith:Beane went to bed (P. 3, ¶ 3), and "...motor home that had two bathrooms, marble floors, and a fireplace." (P. 3, ¶ 4) They did little if any law/legal analysis because they were part of the conspiracy to keep Claimant and Heather-Ann:Tucci:Jarraf false imprisoned.

SUTTON wrote the appellate opinion but COOK and THAPER were part of it and signed off. COOK and THAPER may try to escape liability but the fact is they too are negligent if they did not review jurisdiction and read the case file and the opinion but allowed their name on the opinion. And of course if they did read the case file and allowed the opinion to proceed they are culpable and as much part of the conspiracy as SUTTON. Looking the other way is not a defense to negligence and clear criminal conduct. Because of COOK and THAPER's active participation with SUTTON in the conspiracy, or their looking the other way, Claimant has continued to be false imprisoned.

At trial DAVIDSON and SVOLTO offered no evidence Claimant defrauded anyone. In fact one of their jury instructions was for the jury to find fraud even if no one was defrauded. There was no evidence Claimant misrepresented the truth, or concealed a material fact, or tricked anyone, or deceived or damaged anyone. "Fraud gives no action without damage." (Black's Law Dictionary, Ninth Edition, Pg. 731)

The district court could have reversed this injustice and released Randall-Keith:Beane from false imprisonment but they chose not to act according to law and the constitution even though Randall-Keith:Beane confronted them with the following facts:

a) DAVIDSON, SVOLTO, STILL, VARLAN, SHIRLEY, POPLIN and others knowingly used a disposed of South Carolina traffic warrant to kidnap and false imprison Randall-Keith:Beane.

b) DAVIDSON, SVOLTO, STILL, VARLAN and SHIRLEY knowingly created a fraudulent indictment to arrest Randall-Keith:Beane and Heather-Ann:Tucci:Jarraf to put them in the federal prison system.

c) DAVIDSON, SVOLTO, STILL, VARLAN, SHIRLEY and POPLIN knowingly created fraudulent district court arrest warrants and had them signed with the name of a person that does not exist and with a title that is in violation of 18a U.S. Code Rule 9.

11. WITNESSES

The grand jury transcript, trial transcript, case file, and Assistant U.S. Attorney Cynthia Davidson's March 2022 response to Claimant's Emergent Motion to Vacate and Set Aside the conviction and Sentence (28 U.S. Code § 2255) provide the evidence to show the government plot and scheme to intentionally and knowingly injure and damage Claimant by creating forged fraudulent arrest warrants, unlawfully seizing private personal property without a seizure warrant, physically assaulting Claimant and causing serious bodily injury, abuse of process, irregular process, libel, slander, misrepresentation, deceit, trespass, false arrest and false imprisonment of Claimant.

12. AMOUNT OF CLAIM

12a – PROPERTY DAMAGE

The $493,110.68 (grand jury transcript, p. 7, line 18) property damage is for the FBI theft of the 2017 Integra Cornerstone Motor Home searched and seized without a search and seizure warrant. FBI Special Agents Jason Pack and Parker Still STOLE the motor home. Jason Pack was the driver and Parker Still was the passenger in the robbery theft. They trespassed upon private property and they stole said private property. They had no force of law. PACK and STILL found this heist quite pleasurable as Parker Still testified.

Randall-Keith:Beane Testimony
Trial Transcript, Volume V of VIII
P. 118, Lines 16-17

A. Right. That was -- while we were on the way is when I passed -- we came up behind the coach, and I said to Officer Blaine, I said, "That looks like my coach." And as we drove by, that's when **Mr. Pack and Mr. Still were laughing and – pointing at me and laughing**.
Q. They were driving your RV?
A. Yes, they were driving the RV.
Q. Who was driving? Mr. Parker?
A. Mr. Pack was driving and Mr. Parker was sitting in the passenger seat.
Q. And you now know Mr. Pack and Mr. Still and Mr. Duran to be with the Federal Bureau of Investigations?
A. Yes.

FBI Special Agent Parker Still Testimony
Trial Transcript, Volume I of VIII
P. 88, Line 6-9

A. I remember you driving by, and it was -- it was a stressful situation. **I do remember kind of like, laughing**,yeah, there he goes, he's in the back of the police car. This was one for the good guys. Yeah.

These are professional criminals working for the Federal Bureau of Investigations stealing private property under the guise of FBI authority. They had no authority according to 18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation). If there was an issue it would have been local police who would have jurisdiction and that's if a complaint was filed which it wasn't. Parker Still and Jason Pack were quite pleased with themselves and their successful and easy theft. They were not worried about the law because in their corrupt mind they are the law

with all the freedom and power they need to use their government issued weapon to rob and steal private property at gunpoint in broad daylight with passersby watching. They don't even have to draw their weapon because you know it's there and you know they're waiting for an excuse to shoot you if you don't give them what they want. Given FBI agents STILL, DURAND, PACK, VEHEC and sheriff deputy BLAINE bashed my head and inflicted a bleeding cut for no reason they more than likely would have found it acceptable, and perhaps even pleasurable, to shoot me if I tried to prevent them from stealing the motor home because they did not have a seizure warrant.

12b – PERSONAL INJURY

The compensatory damage was calculated based on Trezevant v. City of Tampa, 741 F.2d 336, Sept. 6, 1984 (case attached). Mr. Trezevant was jailed due to a traffic citation. The jailer took Mr. Trezevant's valuables and his belt and shoes and placed Mr. Trezevant in a holding cell until he could be processed. Mr. Trezevant was in the holding cell for a total of twenty-three minutes. Mr. Trezevant sued and the jury returned a verdict of $25,000 in favor of Mr. Trezevant for being falsely imprisoned for twenty-three minutes. That's $1,086.96 per minute for each minute of freedom and liberty unlawfully taken from Mr. Trezevant. The Eleventh Circuit found the verdict was not excessive and affirmed the judgment. The ruling has not been appealed.

Claimant was unlawfully jailed July 11, 2017 and remains so to date. That is approximately 2,833,920 minutes knowingly false imprisoned multiplied by $1,086.96 per minute (Trezevant formula) is $3,080,357,683.00. The minutes were calculated from July 11, 2017 through November 30, 2022 as that is the six month deadline for a response.

12d – TOTAL

(12a – property damage) $493,110.68 + $3,080,357,683.00 (12b – compensatory personal injury) = $3,080,850,793.68

The damage is ongoing as Claimant continues to be unlawfully and illegally forcibly confined with the full knowledge of the chief judge of the District Court for the Eastern District of Tennessee (Travis McDonough), the Director of the FBI (Christopher Wray), the Department of Justice Inspector General (Michael Horowitz), the acting US Attorney for the Eastern District of Tennessee (Francis Hamilton III), the Executive Office for U.S. Attorneys (Monty Wilkinson), and the Director of United States Marshals Service (Ronald L. Davis).

CONCLUSION

The case against Claimant was a scam and a sham from start to finish. Each public official involved in the plot and scheme used the power of their government office to bring the conspiracy to life and fulfill its goal of false imprisoning Claimant while defrauding the government and failing to account for the public money used to execute their plot and scheme. (18 U.S.C. § 643)

There are two or more entities operating as the government: the United States, UNITED STATES OF AMERICA, INC. and "THE" UNITED STATES OF AMERICA, INC. These entities are not our government. They are corporations impersonating the government. They operate in fraud and extend powers to themselves that do not exist. They harass, rob and terrorize Americans. The operators of these entities are criminals and are engaged in known criminal activities acting under color of law while pretending to be the people's government. They are not investigators, prosecutors or judges they are criminals impersonating investigators, prosecutors and judges.

The House of Representatives does not meet the requirements of Article I, Section 2, Clause 3 – "The number of Representatives shall not exceed **one for every thirty Thousand**..."

The senate is supposed to be selected by the state legislatures not voted by the people. And the U.S. code was authored by the Office of Law Revision Counsel, the Speaker of the House and the judiciary committee. The government perpetrators and co-conspirators used non-constitutional codes to kidnap, traffick and false imprison Claimant.

Claimant was not tried in an Article III court of record. VARLAN and SHIRLEY fraudulently concealed their jurisdiction under color of law. The FBI, US Attorney, District Court, Appellate Court and others were in on the fraud and concealment. They all knew there was no subject matter jurisdiction and no personal jurisdiction but they kept quiet in pursuit of the conspiracy.

They all know Claimant was kidnapped and false imprisoned. They all know FBI agent Parker Still, Jimmy Durand, Jason Pack, Joelle Vehec, FBI Cyber Task Force members D.T. Harnett and Jaron Patterson and sheriff Jimmy Jones and his deputies used a two-years prior disposed of South Carolina misdemeanor traffic warrant that was not even in their possession to arrest Claimant. They all know the indictment is fraudulent. They all know the arrest warrant served by the United States Marshals Service was signed by a non-existent person and is fraudulent. They all know VARLAN did not have subject matter or personal jurisdiction and therefore had no authority to adjudicate. They all know there was no complaint filed against Claimant. They all know the court clerk, Debrah Poplin, signature was not on the district court arrest warrant pursuant to Rule 9. In her March 2022 response to Claimant's lawsuit, Assistant US Attorney, Cynthia Davidson, did not deny the charging documents are fictitious and fraudulent. She did not deny the laws cited in the indictment are not valid laws. She did not deny the US code is non-constitutional. She did not deny violating the ICCPR Treaty. She did not deny lying to the alleged grand jury and trial jury about Claimant's social security account

number. She did not deny suborning perjury. She admitted to omitting the required felony/felonious reference in her fraudulent charging documents. With all of this knowledge, instead of immediately releasing Claimant, an innocent man, they continue to false imprison and hold Claimant captive and enslaved.

Claimant filed a motion to disqualify VARLAN and POPLIN to have the case heard before an impartial and honest judge but VARLAN is holding onto the case for dear life to keep Claimant false imprisoned and to prevent an honest judge from reviewing his work. VARLAN and POPLIN have yet to recuse or disqualify themselves as required by 28 U.S. Code § 455, or hold a hearing on the matter. VARLAN and POPLIN continue to intentionally delay the progress of the lawsuit that will free Claimant from unlawful and illegal imprisonment thereby increasing the damage and injury to Claimant on a daily basis.

Respectfully submitted,

Without Prejudice, All Rights Reserved

By: Randall-Keith:Beane Date: 6-19-22
Autograph of Claimant
Randall-Keith:Beane
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FCI Elkton
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(330) 420-6200
USPS Priority #9114 9012 3080 3100 8521 73

Copy: Ms. Crawford

Heather Ann Tucci-Jarraf
Former Reg. #86748-007
FCI Dublin
Address Unknown

Attachment: Trezevant v. City of Tampa, 741 F.2d 336, Sept. 6, 1984

741 F2d 336 Trezevant v. City of Tampa C Trezevant

741 F.2d 336

James C. TREZEVANT, Plaintiff-Appellant,

v.

CITY OF TAMPA, a municipal corporation, et al.,

Defendants-Appellees.

James C. TREZEVANT, Plaintiff-Appellee,

v.

CITY OF TAMPA, a municipal corporation, Hillsborough County Board of Criminal Justice, et al., Defendants-Appellants.

Nos. 83-3370, 83-3038.

United States Court of Appeals,
Eleventh Circuit.

Sept. 6, 1984.

Robert V. Williams, Tampa, Fla., for James C. Trezevant.

Chris W. Altenbernd, Tampa, Fla., for defendants-appellees in No. 83-3370.

Bernard C. Silver, Asst. City Atty., Tampa, Fla., City of Tampa.

Donald G. Greiwe, Chris W. Altenbernd, Tampa, Fla., for Hillsborough County Bd. of Criminal Justice.

Appeals from the United States District Court for the Middle District of Florida.

Before FAY, VANCE and HATCHETT, Circuit Judges.

FAY, Circuit Judge:

1

In Florida a motorist who receives a traffic citation may sign a promise to appear or post a bond pending court disposition. Mr. Trezevant elected to post a bond, had the necessary cash with him to do so, but found himself in a holding cell behind bars. Feeling that such a procedure deprived him of his civil rights (to remain at liberty), he brought this action. The jury agreed with his contentions and we affirm.

2

This matter was tried before the Honorable William J. Castagna, United States District Court, Middle District of Florida, beginning on October 20, 1983. The amended complaint then before the trial court contained four

counts. Count I charged that the City of Tampa and Officer Eicholz deprived Mr. Trezevant of his civil rights by improperly arresting him. Count II similarly charged the Hillsborough County Board of Criminal Justice ("HBCJ") and Deputy Edwards with improperly incarcerating Mr. Trezevant. Counts III and IV were included as pendent common law and state law claims against the same defendants. Count III was voluntarily dismissed by the plaintiff and Count IV was disposed of on a motion for directed verdict against the plaintiff.1 The jury returned a verdict of $25,000 in favor of the plaintiff and against the HCBJ and the City of Tampa. The individual defendants were absolved of all liability.

3

The case is now before this court on cross appeals pursuant to 28 U.S.C. Sec. 1291. Mr. Trezevant has appealed the amount of attorney's fees awarded to him and the City of Tampa and the HBCJ have appealed the judgment against them. The parties have raised multiple issues on appeal but we find that a determination of three is dispositive of the entire matter. These three issues are whether the evidence supports the verdict rendered by the jury; whether the amount of the verdict rendered is excessive; and whether the trial court erred in the amount of attorney's fees awarded pursuant to 42 U.S.C. Sec. 1988.

FACTS

4

On the morning of April 23, 1979, the plaintiff, James C. Trezevant, was en route from his home in northwest Hillsborough County to his office in central Tampa. When he reached the intersection of Habana Avenue and Columbus Drive he stopped for a red light, he was third in line at the intersection. When the light changed, Mr. Trezevant and the two cars in front of him proceeded through the intersection. Just south of the intersection the other two cars came to a sudden stop and turned into a parking lot. In order to avoid a collision, Mr. Trezevant came to a screeching halt. Having avoided an accident, he then proceeded on. Six or seven blocks later, Mr. Trezevant was stopped by Officer Eicholz of the Tampa police department and was issued a citation for reckless driving.2 Officer Eicholz explained to Mr. Trezevant that if Trezevant did not sign the citation he would have to post a bond. Mr. Trezevant elected to go to central booking and post a bond.

5

Central booking has two entrances. In 1979, one of the entrances was used by bail bondsmen and lawyers to post bail bonds. Through a series of halls, this entrance leads to a glass window adjacent to the central booking desk. The only other entrance was used by policemen who were taking arrestees to be booked. This second entrance opened into a large room adjacent to the booking desk. Officer Eicholz escorted Mr. Trezevant to central booking and when they arrived he frisked Mr. Trezevant and took him through the door normally used by policemen with arrestees in custody. Officer Eicholz walked up to the central booking desk and presented the jailer on duty with Mr. Trezevant and with the citations that Mr. Trezevant had refused to sign. The jailer took Mr. Trezevant's valuables and his belt and shoes and placed Mr. Trezevant in a holding cell until he could be processed. Mr. Trezevant was in the holding cell for a total of twenty-three minutes.

6

Mr. Trezevant always had enough cash to bond himself out. No one ever told Mr. Trezevant what he was being incarcerated for; he was not allowed to call an attorney before he was incarcerated; and, he was incarcerated with other persons who were under arrest for criminal violations. Further, while he was being held in the holding cell, Mr. Trezevant suffered severe back pain and his cries for medical assistance were completely ignored.

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7

Mr. Trezevant's complaint centers around the fact that he was incarcerated for a civil infraction. It is true that because Mr. Trezevant could not produce his vehicle registration he could have been arrested. However, it is also true that no one ever thought that Mr. Trezevant was not the owner of the car he was driving. The only reason that he was escorted to central booking was that he had elected to post a bond for the civil infraction of reckless driving. Officer Eicholz consistently maintained that he did not arrest Mr. Trezevant.

SUFFICIENCY OF THE EVIDENCE

8

The City of Tampa and the HBCJ contend that the trial court erred in failing to grant a directed verdict in their favor. A directed verdict decides contested substantive issues as a matter of law, thus we apply the same standard as was applied by the district court:

9

Courts view all the evidence, together with all logical inferences flowing from the evidence, in the light most favorable to the non-moving party....

10

"... [I]f there is substantial evidence opposed to the motions, that is, evidence of such quality and weight that reasonable and fair-minded men in the exercise of impartial judgment might reach different conclusions, the motion should be denied, and the case submitted to the jury."

11

Neff v. Kehoe, *708 F.2d 639* (11th Cir.1983) (quoting Boeing Co. v. Shipman, *411 F.2d 365* (5th Cir.1969)).

12

Applying this standard to the case at bar, the City of Tampa and HBCJ would have us find that there was no evidence of a policy that caused the deprivation of the plaintiff's rights. They would each have us look at their actions in this matter individually. The City of Tampa contends that Officer Eicholz properly escorted Mr. Trezevant to central booking and turned him over to HBCJ for processing. The City argues that once Officer Eicholz reached the booking desk and handed the citations to the deputy on duty, the City was absolved of all further responsibility. Even though Officer Eicholz was present and observed that Mr. Trezevant was being incarcerated, the City believes that Officer Eicholz had no responsibility to object to the incarceration.

13

The HBCJ, on the other hand, argues that it did nothing wrong because all that its personnel did was accept a prisoner from Officer Eicholz on citations that were marked for arrest.3 The HBCJ would have us hold that their deputy did not do anything wrong because he believed in good faith that Mr. Trezevant was under arrest and that the deputy had no obligation to make any inquiry of Officer Eicholz concerning Mr. Trezevant's status. We cannot agree with either the city or the HBCJ.

14

The United States Court of Appeals for the Fifth Circuit has recently dealt with a similar legal issue. In Garris v. Rowland, *678 F.2d 1264* (5th Cir.1982), a warrant was issued and Mr. Garris was arrested even though a follow-up investigation prior to Mr. Garris' arrest had revealed that the charges against Mr. Garris were without substance. The Court found that while the City of Fort Worth Police Department had a policy that required follow-up investigations by a second police officer, there was no policy to coordinate the follow-up investigations with the original investigation so as to prevent the arrest of innocent people:

15

There was no policy or method providing for cross-referencing of information within the department to prevent 'unfounded' arrests such as occurred here, nor was there a policy providing for the follow-up investigator ... to check with the original investigator ..., who in this case was aware of Rowland's intention to arrest Garris and could have prevented such action. In summary, the record establishes that during this entire police operation, leading up to Garris' unlawful arrest, numerous mistakes occurred, all of which resulted from various officers carrying out the policies and procedures of the Fort Worth Police Department.

16

Garris, 678 F.2d at 1275. We find this reasoning to be persuasive.

17

In the case at bar, Mr. Trezevant's incarceration was the result of numerous mistakes which were caused by the policemen and deputies carrying out the policies and procedures of the City of Tampa and the HBCJ. There was certainly sufficient evidence for the jury to find, as it did, that pursuant to official policy Officer Eicholz escorted Mr. Trezevant to central booking where he was to be incarcerated until the HBCJ personnel could process the paper work for his bond. We cannot view the actions of Officer Eicholz and the jailer in a vacuum. Each was a participant in a series of events that was to implement the official joint policy of the City of Tampa and the HBCJ.*4* The failure of the procedure to adequately protect the constitutional rights of Mr. Trezevant was the direct result of the inadequacies of the policy established by these defendants. The trial court correctly denied the motions for directed verdict and submitted the case to the jury.

18

In Gilmere v. City of Atlanta, 737 F.2d 894 (11th Cir.1984), this court explained that a municipality may be liable under 42 U.S.C. Sec. 1983 (1982) if unconstitutional action is taken to implement or execute a policy statement, ordinance, regulation or officially adopted and promulgated decision. Gilmere at 901. Liability may also attach where the unconstitutional deprivation is "visited pursuant to government 'custom' even though such custom has not received formal approval through the body's official decision making channels." Gilmere at 901 (quoting Monell v. Department of Social Services, *436 U.S. 658*, at 690-91, 98 S.Ct. 2018 at 2035-36, 56 L.Ed.2d 611, rev'g in part Monroe v. Pape, *365 U.S. 167*, 81 S.Ct. 473, 5 L.Ed.2d 492 (1961)). However, the "official policy or custom must be the moving force of the constitutional violation" before civil liability will attach under Sec. 1983. Gilmere, 737 F.2d at 901 (quoting Polk County v. Dodson, *454 U.S. 312*, 102 S.Ct. 445, 454, 70 L.Ed.2d 509 (1981)).

19

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In Gilmere, the plaintiff based her claim on the theory that the constitutional deprivation was the result of official custom; she made no claim that it was the result of official policy. However, our court found that the evidence conclusively showed that the municipal defendant had no official custom that caused the alleged constitutional deprivation. In the case at bar, however, there was sufficient evidence for the jury to find that Mr. Trezevant's unconstitutional incarceration was the result of an official policy. Officer Eicholz escorted Mr. Trezevant to central booking and the HBCJ deputies then processed Mr. Trezevant in the normal course of business and in accordance with what they considered to be governmental policy. The fact that no motorist prior to Mr. Trezevant had elected to not sign a citation but rather post a bond is hardly justification for having no procedure. The record is devoid of any explanation as to why Mr. Trezevant was not allowed to use the entrance and window routinely used by attorneys and bondsmen. The imposition of liability on these municipal defendants is in full compliance with the standards explained in Gilmere.

THE AMOUNT OF THE AWARD

20

The defendants have also challenged the amount of the award and contend that the amount is excessive. The standard for review of this issue was stated in Del Casal v. Eastern Airlines, Inc., *634 F.2d 295* (5th Cir. Unit B 1981):*5*

21

In order for an award to be reduced, 'the verdict must be so gross or inordinately large as to be contrary to right reason.' Machado v. States Marine-Isthmian Agency, Inc., *411 F.2d 584*, 586 (5th Cir.1969). The Court 'will not disturb an award unless there is a clear showing that the verdict is excessive as a matter of law.' Anderson v. Eagle Motor Lines, Inc., *423 F.2d 81*, 85 (5th Cir.1970). The award, in order to be overturned must be 'grossly excessive' or 'shocking to the conscience.' La-Forest v. Autoridad de las Fuentas Fluviales, *536 F.2d 443* (1st Cir.1976).

22

There was evidence of Mr. Trezevant's back pain and the jailer's refusal to provide medical treatment and Mr. Trezevant is certainly entitled to compensation for the incarceration itself and for the mental anguish that he has suffered from the entire episode. This award does not "shock the court's conscience" nor is it "grossly excessive" or "contrary to right reason." Finally, there is no indication that the jury considered this amount to be punitive as opposed to compensatory.

ATTORNEY'S FEES

23

Mr. Trezevant has challenged the trial court's determination to sever the time spent on the unsuccessful counts from the fee award and its determination not to enhance the fee award. In the order on fees, the trial court expressly considered the various factors delineated in Johnson v. Georgia Highway Express, Inc., *488 F.2d 714* (5th Cir.1974), and also found that the pendent claims had been "clearly without merit".

24

The United States Supreme Court has recently interpreted 42 U.S.C. Sec. 1988. It held:

25

[T]he extent of a plaintiff's success is a crucial factor in determining the proper amount of an award of attorney's fees under 42 U.S.C. Sec. 1988. Where the plaintiff has failed to prevail on a claim that is distinct in all respects from his successful claims, the hours spent on the unsuccessful claim should be excluded in considering the amount of a reasonable fee. Where a lawsuit consists of related claims, a plaintiff who has won substantial relief should not have his attorney's fee reduced simply because the district court did not adopt each contention raised. But where the plaintiff achieved only limited success, the district court should award only that amount of fees that is reasonable in relation to the results obtained.

26

Hensley v. Eckerhart, *461 U.S. 424*, 103 S.Ct. 1933, 1943, 76 L.Ed.2d 40 (1983).

27

The trial court correctly recognized that the fee award should exclude the time spent on unsuccessful claims except to the extent that such time overlapped with related successful claims. The court then excluded the time spent on the unsuccessful claims because those claims were clearly without merit. Finally, the court considered the award in light of the work performed in this case and found that the award was a reasonable fee for the services performed. We find that the trial judge correctly applied the law and did not abuse his discretion.

CONCLUSION

28

For the reasons stated, we find that the jury verdict was supported by sufficient evidence; the verdict was not excessive; and, the trial court did not abuse its discretion in setting the attorney fee award. Accordingly, the judgment of the district court is AFFIRMED.

1

This ruling has not been appealed

2

Officer Eicholz issued a total of three citations: (1) reckless driving, (2) failure to produce a motor vehicle registration certificate, and (3) refusal to sign a traffic citation. The parties agreed that the third citation was a nullity there being no such offense

3

Some confusion surrounds the three citations. The jury could have concluded that Officer Eicholz had not completed the citations until after Mr. Trezevant was placed in the holding cell. The check showing that Mr. Trezevant had been arrested was apparently a mistake

4

The City of Tampa was one member of the group that supervised the HBCJ

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5

Decisions of the United States Court of Appeals for the Fifth Circuit handed down prior to the close of business on September 30, 1981, are binding as precedent in the Eleventh Circuit. Bonner v. City of Prichard, Ala., 661 F.2d 1206 (11th Cir.1981). Del Casal was decided on January 16, 1981, and, so, is binding precedent in the Eleventh Circuit