117th United States Congress

112th Tennessee General Assembly

124th South Carolina General Assembly

Randall-Keith:Beane
Of Tennessee

Habeas Corpus and Void Judgment Petition of Remonstrance Motion to Expunge the Case and Record

In the Matter of United States of America v. Randall Keith Beane and Heather Ann Tucci Jarraf – Case No.: 3:17-CR-82 and The State of South Carolina vs. Randal Keith Beane – Case No.: 2014A2720200234

The foundation for the right to redress are the rights of conscience and self-determination. The right to redress is secured at United States Constitution Article I, Section 9, Clause 2 "The Privilege of the Writ of Habeas Corpus shall not be suspended, Amendment I – "…and to petition the Government for a redress of grievances," Tennessee Constitution, Section 23, "That the citizens have a right…to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances…by address of remonstrance," Thomas Jefferson, A Manual of Parlimentary Practice, Section XIX Petitions, "A Petition prays something, A remonstrance has no prayer," Mason's Manual, Legislative Procedure: Section 148 (2), "A petition is a written document, addressed to the legislative body in which it is to be presented…embodying instructions, opinions or a request to a legislative body to exercise its authority with reference to any matter either of a public or private nature," and Section 795(2). Right of a Legislative Body to Make Investigations – "**The legislature has the power to investigate any subject regarding which it may desire information in connection with the proper discharge of its function to enact, amend or repeal statutes or to perform any other act delegated to it by the constitution.**"

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Habeas Corpus and Void Judgment Petition of Remonstrance
Motion to Expunge the Case and Record

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AUTHORITY

United States Constitution
Amendment I

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

Tennessee Constitution
Article I. Declaration of Rights Section 23

That the citizens have a right…to **instruct their representatives**, and to apply to those invested with the powers of government **for redress of grievances**, or other proper purposes, **by address of remonstrance**.

South Carolina Constitution
Article I. Declaration of Rights § 2

…the right of the people…**to petition the government or any department thereof** for a **redress of grievances**.

Ohio Constitution
Article I: Bill of Rights §3

The people have the right to…**to instruct their Representatives**; and **to petition the General Assembly for the redress of grievances**.

California Constitution
Article I, Declaration of Rights, Sec. 3

(a) The people have the right to **instruct their representatives**, petition government for **redress of grievances**…

Declaration of Truth and Material Facts
A Living Testimony in the form of a Remonstrance and Declaration

The undersigned, Randall-Keith:Beane, hereinafter "Remonstrant", does hereby certify and declare that Remonstrant is competent to testify and state the matters set forth herein and is willing to testify with firsthand knowledge, all contents herein are true and correct in accordance with Remonstrant's firsthand personal knowledge. Remonstrant is of sound mind and over the age of twenty-one. Remonstrant reserves all rights. Remonstrant knowingly and willingly declares:

1) Remonstrant is a man, living soul, sui juris, Principal, a son of Almighty God, an ambassador of Christ, a Creator of De Jure Government, who's status is well defined in Genesis 1:26-28, & 2:7, Job 32:21-22, Deuteronomy 1:17, Proverbs 28:21, Mathew 22:16, Galatians 2:6, in the Maccabees in Ecclesiasticus 4:22, 4:27, 10:5, 35:13. It is in any case a sin unto God to accept the Person. Therefore, it is absolutely against Remonstrant's beliefs and religion.

Remonstrant is NOT a legal person. Remonstrant's straw man is one of the persons. Remonstrant is one of the people with private rights that cannot be abrogated. Is Remonstrant the property of another man? No! Who claimed that Remonstrant is property? Who claimed to have a contract with Remonstrant on the private side, corporate side, or otherwise? One CANNOT administrate another man or woman's property without right and that right can only come from a valid contract.

LAW covers three areas of jurisdiction: **L**and, **A**ir, and **W**ater. God gave man dominion over the Land, Air, and Water. (Genesis 1:26-28) LAW is the Constitution and Treaties laid down by the American people. This is LAW. Law is common Law. "Common-law" is understood as contrasted with or opposed to "statutory," and sometimes also to "equitable" or to "criminal." (Black's Law Dictionary, 4th Edition, P. 346) All district courts are **Court of Record** (28 U.S. Code § 132(a). Creation and composition of district courts) and a court of record must proceed according to common law – not statute. The court of justice is not in the district or circuit court. It's not within the judicial branch. The legislature is where the court of justice is located and has been hidden from the people. "The common law of parliamentary procedure is founded upon well-established and reasonable usage. It does not rest upon mere custom but upon reasonable and equitable custom. 'What is not reason is not law' may be said with reference to the common law of order in deliberative bodies, as well as to the common law of the land." (Mason's Manual, Sec. 35, Pg. 29)

The land is common law – property equity and rights. The air is ecclesiastical or common law which is trust law. And the water is admiralty and maritime commerce which is contract law. Which law/juris were offenders Thomas A. Varlan and C. Clifford Shirley in? Article III, Section 2 of the US Constitution gives judicial power to all cases of admiralty and maritime jurisdiction. However, admiralty and maritime jurisdiction applies to courts exercising jurisdiction over admiralty and maritime **contracts** which arise in consequence of **acts done upon or relating to the sea**. There was no contract and there were no acts done relating to the sea. Offender Thomas A. Varlan's determination to include a UCC "good faith" jury instruction makes it obvious he was operating in admiralty jurisdiction (Exh.

#27.1 and #27.2)/contract law, which follows the uniform commercial code even though he did not have an actual contract to work with – nothing occurred upon or in relation to the seas – the United States was not a party – and there were no controversies to which the United States would have had standing. . Offender Thomas A. Varlan did not bring forth a contract which meets all eight elements of a valid contract – or any contract at all for that matter. The burden of proof was on the judge and prosecutor.

To have a valid contract all elements of a lawfully binding contract would have to be present, to include: (a) parties competent to contract, (b) free and genuine consent, (c) full disclosure, (d) sufficient consideration, (e) certainty of terms, (f) meeting of the minds, (g) signatures or autographs, and (h) privity of contract. If a contract is created without one's knowledge or consent, you have created an illegal and unlawful private contract which is clearly null and void the moment an objection is made. Throughout the trial process Remonstrant and Heather-Ann:Tucci:Jarraf made it clear they were not in agreement with any attempts to contract – period!

2) Remonstrant presents a habeas corpus and void judgment remonstrance. The facts, the Constitution, the codes contained therein establish that Remonstrant and Heather-Ann:Tucci:Jarraf have not engaged in any unlawful or illegal activity, but are, in fact, the victims of a major conspiracy to railroad and deprive Remonstrant and Heather-Ann:Tucci-Jarraf of their God-given Rights and Liberties.

3) Remonstrant asserts there shall not be any presumption of Remonstrant's status as it is Remonstrant's right of self-determination.

4) Remonstrant again asserts he has never knowingly or willingly made himself subject to any private law, "special" law, or invisible contracts.

5) Remonstrant, Randall-Keith:Beane, and Heather-Ann:Tucci:Jarraf are the victims of a conspiracy orchestrated by a corporate plaintiff posing as government – United States of America – with the help of Parker Still, Jimmy Durand, Jason Pack, Joelle Vehec, Zach Scrima, Jaron Patterson, and D.T. Harnett (of the Federal Bureau of Investigations), Mr. Blaine, Leah Spoone, Sara Andersen, and Terry Wilshire (of the Knoxville County Sheriff Office), Cynthia F. Davidson, Anne-Marie Svolto, Nancy Stallard Harr, and James Douglas Overbey (of the US Attorney Office), C. Clifford Shirley. Thomas A. Varlan, Debrah C. Poplin, and John Medearis (of the United States District Court for the Eastern District of Tennessee), Sean O'Malley (of the New York Federal Reserve), David True Brown, Jr., Stuart Parker, Wayne Peacock, Dan McNamara, Michael Merwarth, Torben Ostergaard, Dana Simmons, and Laura Bishop (of USAA Bank), Jeffrey Sutton, Deborah L. Cook, and Amul Thaper (of the Sixth Circuit Appellate Court), Jason Stone and twelve (12) others (of the Ridgeland South Carolina Police Department), Stephen G. McGrath, Bobby Hutson, Jr., Stephen Louis Braga, Denis G. Terez, (court appointed attorneys at law), and other unknown assailants and offenders in violation of 18 U.S. Code § 241.Conspiracy against rights, and 18 U.S. Code § 242.Deprivation of rights under color of law.

6) United States of America (plaintiff) vs. Randall Keith Beane and Heather Ann Tucci-Jarraf (defendants) involved fraud that permeated the entire conduct of the trial from beginning to end. The case was built upon FBI, prosecutorial and judicial fraud. The trial was infected with fraud in the presentation of the case to the jury that had substantial and

injurious influence in determining the grand jury's decision to indict and the trial jury's verdict to convict. The constitutional violations are so egregious there is no way they can be considered harmless. There was no competent fact witness. There was no complaint or affidavit. There was no damaged party. The plaintiff did not have standing which meant no jurisdiction – no just powers. No one came forward with a claim against Remonstrant or Heather-Ann:Tucci:Jarraf. Fabricated evidence was introduced to the grand jury and trial jury. The case was built upon fraud and judicial bias by design and everything done was in furtherance of the plot and conspiracy to deprive rights. The district court judge (Thomas A. Varlan) and magistrate (C. Clifford Shirley) exercised power they did not have. Remonstrant and Heather-Ann:Tucci:Jarraf were denied access to exculpatory evidence which is a denial of due process and prejudiced Remonstrant and Heather-Ann:Tucci:Jarraf's right to a fair trial. The jury had a right to hear the exculpatory evidence.

7) The district court and appeals court judges were biased and their judicial decisions reflect that bias:

- The test of jurisdiction is whether tribunal has power to <u>enter upon inquiry</u>, not whether its conclusion in course of it is right or wrong. (State vs. Phelps, 193 P.2d 921, 67 Ariz. 215 (1948) The Tennessee district court and appeals court (Sixth Circuit) both knew they did not have jurisdiction. They knowingly trespassed the law.
- The judge has the responsibility to make sure the complaint and warrant is in proper form. The judges knew the South Carolina warrant was disposed of two years earlier

and geographically outside Tennessee. They knew the Tennessee warrants were fictitious signed.

- With regard to the jurisdiction challenge, C. Clifford Shirley was the trier of fact as well as the trier of the law. He was supposed to examine the evidence that Mrs. Tucci:Jarraf presented regarding her UCC filings and then determine whether an event that she said occurred actually did occur. He didn't do that. Magistrate Judge C. Clifford Shirley denied Mrs. Tucci:Jarraf the opportunity to provide proof of the UCC foreclosure judgment. Mrs. Tucci:Jarraf's UCC filings foreclosed the United States corporation and other corporations disguised as government. Thomas A. Varlan and C. Clifford Shirley were both triers of fact. They both know that as the trier of fact they were obligated to find the existence of the UCC foreclosure judgment because no evidence was introduced to the contrary per § 1-206 (Presumptions) of the Uniform Commercial Code. They both understood given the United States corporation they represented did not exist there was no way they could possibly have subject matter jurisdiction and definitely not personal jurisdiction. They were obligated under UCC § 1-206 to dismiss the case. They had nothing disputing the UCC filings so they were obligated to accept the UCC filings. C. Clifford Shirley wrote the jurisdiction report. He was obligated under UCC § 1-206 to dismiss the case. UCC § 1-206 requires the "trier of fact," C. Clifford Shirley, to presume Heather-Ann:Tucci:Jarraf's UCC filings and perfected judgment foreclosing the US corporate government were true because they were not rebutted. UCC § 1-

206 states - **"the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence."** (Exh. #9) There was no judicial review of that administrative process. Offender C. Clifford Shirley could have and should have reviewed the administrative process to determine jurisdiction. He chose not to because the goal was to take jurisdiction regardless. The prosecutorial and judicial misconduct violated Remonstrant and Heather-Ann:Tucci:Jarraf's right to due process.

- Thomas A. Varlan (trial judge) took it upon himself to include a defective reasonable doubt instruction. §1343, §1344, §1956, and §1957 all have to do with **criminal intent** or **mens rea**, and yet Thomas A. Varlan, with the assistance of Stephen G. McGrath (Remonstrant's elbow counsel), pushed for a "good faith" instruction. Good Faith is a uniform commercial code (UCC) standard – not a criminal standard. (Exh. #10)
- Thomas A. Varlan (trial judge) denied Remonstrant and Heather-Ann:Tucci:Jarraf the right to challenge jurisdiction at the request of Cynthia F. Davidson and Anne-Marie Svolto (US assistant attorneys Motion in Limine to Prohibit Jurisdictional Argument – court document 78 and 90) (Exh. #11.1 and #11.2) The motion should have been denied but it wasn't.
- Thomas A. Varlan (trial judge) allowed FBI witness Parker Still to say "…I think that's some of TV stuff where we serve people, put a warrant in their hands…" (Trial Transcript, Vol. I, P. 69, Line 13-15) without dismissing the trial for denial of due

process. The star witness bragged about denying due process and the trial judge was okay with it. (Exh. #13.13)

- Offenders Jeffrey Sutton, Deborah L. Cook and Amul Thaper denied Remonstrant and Heather-Ann:Tucci:Jarraf the right to present their respective appeal. They appointed Stephen Louis Braga and Denis G. Terez to write the appeal which was not authorized by Remonstrant or Heather-Ann:Tucci:Jarraf.
- Offender Cynthia F. Davidson (assistant US Attorney) allowed offender Parker Still to speculate before the grand jury about Heather-Ann:Tucci: Jarraf "planning military operations" to break Remonstrant out of jail when there was no evidence of her "planning military operations" to remove Remonstrant from jail. (Grand Jury Transcript, P. 56-57, Line 25; 1-3)
- Offenders Jeffrey Sutton, Deborah L. Cook, and Amul Thaper (Sixth Circuit appellate judges) repeated the "planning military operations" in their appellate opinion (Exh. #17.1, #17.2) with no evidence of Mrs. Tucci:Jarraf planning a military operation jail break in the record. It was all based on Offender Parker Still's speculation to prejudice and inflame the grand jury and they knew it. Parker Still did not hide the fact that he was speculating. The appeals court judges used that speculation to help form their appellate opinion.
- Offenders Jeffrey Sutton, Deborah L. Cook, and Amul Thaper (Sixth Circuit appellate judges) 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 try to

further build a case against Remonstrant and Heather-Ann:Tucci:Jarraf by knowingly regurgitating known lies presented in the trial about a military operation jail break, saying Mrs. Tucci:Jarraf "...produced several faux-legal documents …" (Appellate Opinion P. 2, ¶ 4) knowing Mrs. Tucci:Jarraf is a trained lawyer and any document drafted and signed for lawful purposes is a lawful document. These offenders accused Randall-Keith:Beane of being heavily in debt when there was nothing in the record that showed he was heavily in debt. These offenders DENIED Remonstrant and Mrs. Tucci-Jarraf their right to present their appeal. They handpicked two officers of the court (Dennis G. Terez and Stephen L .Braga) without Remonstrant or Mrs. Tucci:Jarraf's consent or authorization. The two attorneys at law/officers of the court never bothered to contact Remonstrant or Mrs. Tucci:Jarraf. They wrote an appellate brief without ever consulting Remonstrant or Mrs. Tucci:Jarraf. The appeals court judges focused their "opinion" on the petty and irrelevant 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 absolutely NO law/legal analysis because they were part of the conspiracy to false imprison Remonstrant and Heather-Ann:Tucci:Jarraf.

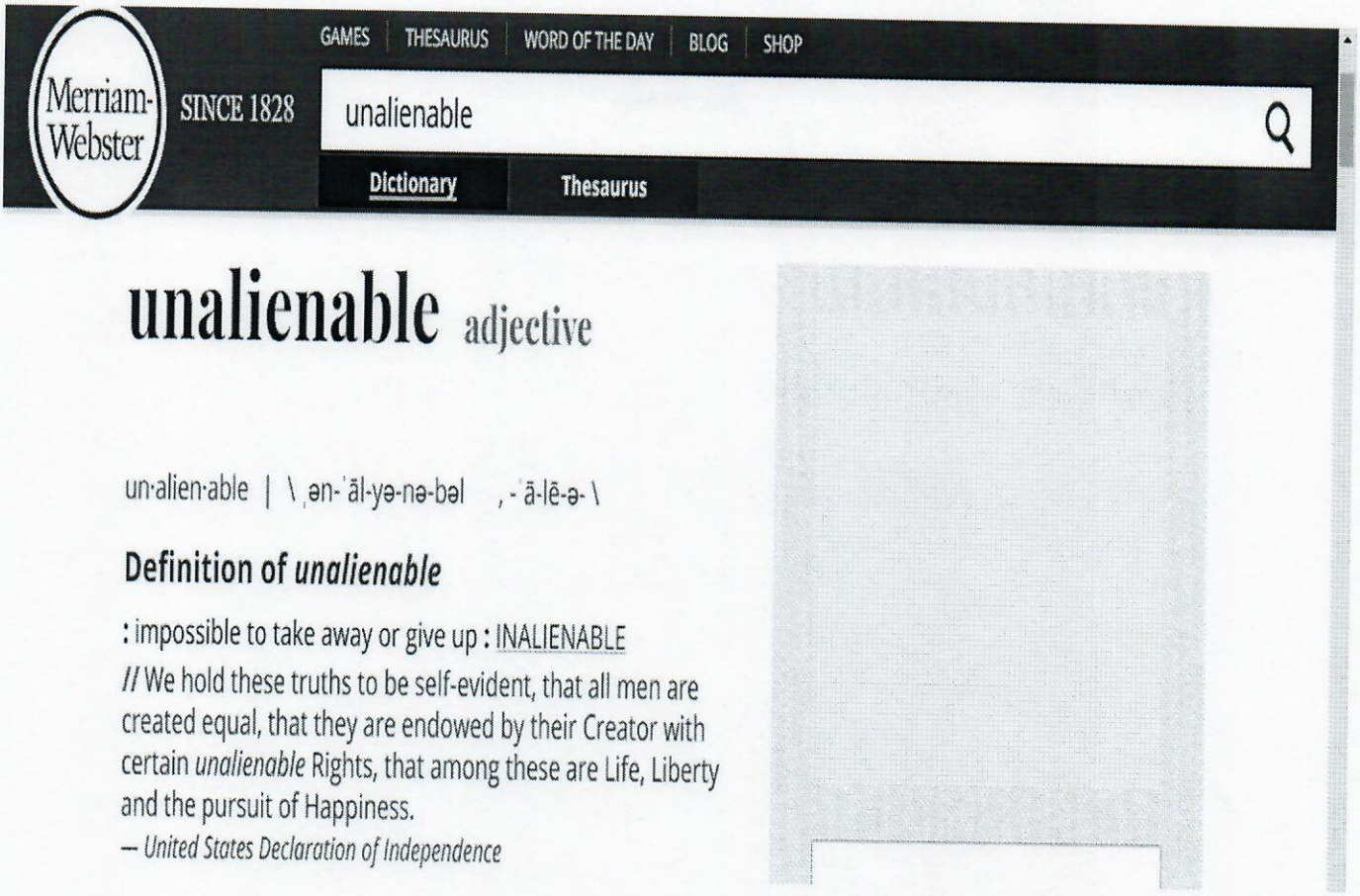
- Thomas A. Varlan (trial judge) allowed the prosecutors and witnesses to accuse Remonstrant of "robbery" and "stolen money" in front of the jury when there was no robbery or theft charge. (Exh. #13.2, #13.4, #13.5, #13.6, #13.7, #13.8, #13.9, #13.10, #13.11, #13.12)

- Thomas A. Varlan (trial judge) allowed Cynthia F. Davidson and Anne-Marie Svolto (US assistant attorneys) jury instruction – "It is not necessary that the government prove all of the details alleged concerning the precise nature and purpose of the scheme **or** that the material transmitted by wire, radio **or** television communications was itself false **or** fraudulent **or** that the alleged scheme actually succeeded in defrauding anyone **or** that the use of the wire, radio or television communications was intended as the specific **or** exclusive means of accomplishing the alleged fraud **or** that someone relied on the misrepresentation **or** false statement **or** that the defendant obtained money **or** property for his own benefit." Thomas A. Varlan (at the request of Cynthia F. Davidson and Anne-Marie Svolto – US assistant attorneys) instructed the jury to find fraud even if no one was defrauded. (Exh. # 18.1 and 18.2)
- All of the offenders **willfully and knowingly** violated Remonstrant's and Heather-Ann:Tucci:Jarraf's **inalienable rights** including the district court and appeals court judges who had a special responsibility to protect and preserve said rights.

The Declaration of Independence makes it clear to the offenders that **Rights are unalienable**:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain **unalienable** Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,"

Rights are "impossible to take away or give up." (Merriam-Webster)



The National Archives transcription of the Declaration of Independence says "**un**alienable" Rights.

Thomas Jefferson used Virginia's Declaration of Rights to write the opening paragraph of the Declaration of Independence. It says "**in**alienable." (Section 3)

The Thomas Jefferson Memorial Southwest Portico Inscription says:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain **inalienable** rights, among these are life, liberty, and the pursuit of happiness, that to secure these rights governments are instituted among men.

Bouvier's Law Dictionary, Blacks Law Dictionary and Noah Webster's Dictionary define "inalienable" as follows:

INALIENABLE. This word is applied to those things, the property of which cannot be lawfully transferred from one person to another. (Bouvier's Law Dictionary, Revised Sixth Edition, 1856, P. 915)

INALIENABLE. Not subject to alienation; the characteristic of those things which cannot be bought or sold or transferred from one person to another, such as rivers and public highways, and certain personal rights; *e. g.,* liberty. (Black's Law Dictionary, REVISED FOURTH EDITION, P. 903)

INA'LIENABLE, *adjective* Unalienable; that cannot be legally or justly alienated or transferred to another. The dominions of a king are *inalienable* All men have certain natural rights which are *inalienable* The estate of a minor is *inalienable* without a reservation of the right of redemption, or the authority of the legislature. (Noah Webster's 1828 online dictionary - http://webstersdictionary1828.com/Dictionary/regulate)

UNA'LIENABLE, *adjective* Not alienable; that cannot be alienated; that may not be transferred; as *unalienable* rights. (Noah Webster's 1828 online dictionary - http://webstersdictionary1828.com/Dictionary/regulate)

PARTIES

8) **Randall-Keith:Beane, Remonstrant,** is false imprisoned at the Federal Correctional Institution, Elkton, Ohio. July 11, 2017 Remonstrant was unlawfully arrested and detained,

and subsequently tried and convicted in the United States District Court for the Eastern District of Tennessee. The sentence consists of a term of 120 months as to each of Counts One through Five (18 U.S.C. § 1343 - Wire Fraud) and 155 months as to Count Six (18 U.S.C. § 1344 - Bank Fraud) and Seven (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering) with all counts to run concurrently. See case number: 3:17-CR-00082-TAV-DCP(1).

9) **Heather-Ann:Tucci:Jarraf** , co-defendant, was false imprisoned at the Federal Correctional Institution, Dublin, California. In July 2017 Mrs. Tucci:Jarraf was unlawfully arrested and detained, and subsequently tried and convicted in the United States District Court for the Eastern District of Tennessee. She was sentenced as to Count 7 (18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering) for a term of false imprisonment of 57 months. See case number: Case No. 3:17-cr-82-2.

10) **Respondent Mark Williams** is the Warden of the Federal Correctional Institution, Elkton, Ohio.

11) **Charleston Iwuagwu** is the Warden of the Federal Correctional Institution, Dublin, California.

SUMMARY OF FACTS

12) July 11, 2017 Remonstrant was conducting a private business transaction at Buddy Gregg RVs and Motor Homes in Knoxville, Tennessee. Remonstrant purchased a Motor Home for the Randall Keith Beane Factualized Trust. As Remonstrant 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. They demanded Remonstrant open the door. They did not identify themselves. They told Remonstrant they had a Colorado arrest warrant for Remonstrant. Remonstrant responded he had never been to Colorado. By forcible entry the FBI agents and Knox Sheriff deputies unlawfully and violently took possession of the motor home by force and arms, without authority of law. It was a crime of violence designed to terrorize Remonstrant. They committed criminal trespass and entered the private property without consent. Upon entry they committed aggravated assault against Remonstrant causing serious bodily injury. Remonstrant asked to see the arrest warrant (Exh. #1, #2, #3) and they dragged Remonstrant out of the private property motor home and began to assault Remonstrant by twisting his arm, throwing him to the ground and elbowing him to the back of the head until he bled, pushed Remonstrant's head/neck in the dirt cutting off Remonstrant's oxygen supply, gave Remonstrant a black eye, kicked and punched Remonstrant until his body was sore and bruised, handcuffed Remonstrant, pulled down Remonstrant's pants and made Remonstrant stand in the sun for 45 minutes to an hour handcuffed with his underwear exposed. Remonstrant later learned the aggravated assault was committed by approximately eight or nine FBI agents and a Knoxville Sheriff deputy. The FBI arrested Remonstrant and the sheriff deputy false imprisoned Remonstrant. The FBI did not have jurisdiction to intervene in a private business transaction per 18 U.S. Code § 3052 – Powers of Federal Bureau of Investigation. There was no complaint against Remonstrant. There was no sworn affidavit of firsthand knowledge of a crime alleged to be committed by Remonstrant. The FBI and Knox sheriff deputy used a South Carolina traffic related bench warrant with a disposition date July 17, 2015 - disposed of two years earlier –

to arrest Remonstrant. The assailants searched and seized the motor home without a search and seizure warrant. The assailants did not bring Remonstrant before a judge or magistrate for a probable cause hearing. The Knox sheriff deputy false imprisoned Remonstrant while one of the assailants, Parker Still of the FBI, waited until July 18, 2017 to appear before the grand jury to fabricate charges against Remonstrant to secure a fraudulent indictment. Once the fraudulent indictment was secured the assailants created fictitious signed district court arrest warrants (Exh. #4, #5, #6) to re-arrest Remonstrant and arrest Mrs. Tucci:Jarraf.

13) The offenders charged Remonstrant with affecting interstate commerce, fraud and money laundering. While the commerce clause in Article 1, Section 8, Clause 3 of the U.S. Constitution gives Congress the power to regulate commerce among the states, regulate does not mean if you hear, see, or use a signal you've interfered with commerce and the congress can regulate. Regulate means "to put in good order." (Noah Webster's 1828 online dictionary - http://webstersdictionary1828.com/Dictionary/regulate) If commerce is not in good order due to some problem the federal government can step in as a mediator or referee to get things back on track. The federal government only steps in if there is a problem. As long as commerce is moving between the states it's none of the federal government's business. 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). The offenders did not offer one example in which Remonstrant affected interstate commerce. The offenders violated the original intent of the constitution's commerce clause by pretending and misrepresenting to the grand jury and trial jury that sending a "signal" is burdening or obstructing commerce. It's not! 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.

14) The offenders offered no evidence Remonstrant defrauded anyone. In fact, they requested a jury instruction find fraud even if no one was defrauded. There was no evidence Remonstrant 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)

15) Offenders stated, "…and then to commit money laundering, which is in this case to transfer the money out of USAA to Whitney Bank for the purchase of this RV…" (Cynthia F. Davidson Questioning Parker Still, Grand Jury Transcript, P. 55-56, Line 23-25, 1-2) Transferring money from your personal bank account to a retailer for the purchase of an item is shopping. It is not money laundering.

16) The indictment is defective. It did not charge or describe the offense charged in the indictment as having been committed feloniously. (Exh. #21) There is no mention of Remonstrant or Heather-Ann:Tucci:Jarraf committing a felony. The indictment accused Remonstrant and Mrs. Tucci:Jarraf of committing non-indictable colorable "offenses," not a felony. The Constitution does not allow the creation of statutes and codes. They are an attempt to overthrow the government.

17) The most common felonies are murder, rape, kidnapping, sodomy, abortion, treason, arson and a breach of the peace. Otherwise you're talking about a tort. Remonstrant and Heather-Ann:Tucci:Jarraf did not commit any of these felonies or any torts.

18) Remonstrant and Heather-Ann:Tucci:Jarraf were framed for a fraud and money laundering crime they did not commit, and the case should have been dismissed for witness, prosecutorial and judicial misconduct.

19) Remonstrant and Mrs. Tucci:Jarraf are the victims of a Tennessee crime ring that involved the following offenders:

USAA BANK

David True Brown, Jr. (USAA Bank Director of Financial Crimes Investigation)

Stuart Parker (USAA Bank Former CEO and President – Texas)

Wayne Peacock (USAA Bank CEO)

Dan McNamara (USAA Bank President)

Michael Merwarth (USAA Bank Senior Vice President)

Torben Ostergaard (USAA Bank Executive Vice President and Chief Risk Officer)

Dana Simmons (USAA Bank Executive Vice President, CEO Chief of Staff)

Laura Bishop (USAA Bank Executive Vice President and Chief Financial Officer)

FBI

Parker Still, Esquire (FBI Special Agent)

Jimmy Durand (FBI Special Agent)

Jason Pack (FBI Special Agent)

Joelle Vehec (FBI Special Agent)

Zach Scrima (FBI Forensic Accountant)

Jaron Patterson (FBI Cyber Task Force Investigator, Univ. of Tenn. Police Dept.)

D.T. Harnett (FBI Task Force Office)

DEPARTMENT OF JUSTICE

Cynthia F. Davidson, Esquire (Assistant United States Attorney)

Anne-Marie Svolto, Esquire (Assistant United States Attorney)

Nancy Stallard Harr (United States Attorney)

James Douglas Overbey (United States Attorney)

DISTRICT COURT - Eastern District of Tennessee

Thomas A Varlan (Trial Judge)

C. Clifford Shirley, Jr. (Magistrate Judge Retired)

Debrah C. Poplin (Magistrate Judge - then Court Clerk),

John Medearis, (Court Clerk - then Chief Deputy Clerk)

KNOXVILLE COUNTY SHERIFF

Mr. Blaine (Sheriff Deputy)

Leah Spoone (Knoxville County Sheriff Deputy Arresting Officer)

Sara Andersen, Affiant (Knoxville County Sheriff Deputy Arresting Officer)

Terry Wilshire (Captain, Knox County Sheriff's Office)

NEW YORK FEDERAL RESERVE BANK

Sean O'Malley (New York Federal Reserve Investigator)

COURT APPOINTED - ATTORNEYS AT LAW

Stephen G. McGrath (Assigned by Court to be Randall-Keith:Beane's trial "elbow counsel.")

Bobby Hutson, Jr. (Tennessee Public Defender appointed for Randall-Keith:Beane by Magistrate Judge C. Clifford Shirley, Jr.)

Stephen Louis Braga, Univ. of Virginia, Appellate Litigation Clinic (Unauthorized Appellant Brief filed by Mr. Braga for Randall Keith Beane)

Dennis G. Terez (Counsel for Appellant Heather Ann Tucci:Jarraf)

SIXTH CIRCUIT APPELLATE COURT

Jeffrey Sutton (Circuit Judge, U.S. Court of Appeals for the Sixth Cir.)

Deborah L. Cook (Senior Circuit Judge, U.S. Court of Appeals for the Sixth Circuit)

Amul Thaper (Circuit Judge, US Court of Appeals for the 6th Circuit)

RIDGELAND, SOUTH CAROLINA POLICE DEPT.

Jason Stone, Ridgeland (South Carolina Police Officer)

Approximately 12 +/- other Ridgeland officers names unknown

UKNOWN ASSAILANTS

To be determined

20) The offenders conspired to frame Remonstrant and Heather-Ann:Tucci:Jarraf for fraud and money laundering by manufacturing and prosecuting a case they ALL knew was fabricated. The prosecutors, judges, and court appointed attorneys at law/officers of the court all showed a reckless disregard for the truth. They knowingly made false claims and created and confirmed to the grand jury and trial jury false impressions that the offenders knew was not true in violation of 31 USC § 3730 – False Claims. They failed to correct false impressions that offenders created and confirmed – 18 USC § 1341 – Frauds and Swindles. 18 USC § 514 – Fictitious Obligations, 18 USC §1951 – Robbery / motor home, 18 USC §1952 – Racketeering.

21) Remonstrant does not know who filled out the criminal complaint against Remonstrant and Heather-Anne:Tucci:Jarraf or if there was, in fact, a criminal complaint filed with the

Court under sworn oath. Remonstrant also does not believe there was a sworn affidavit by a competent witness that provided probable cause to initiate an action against Remonstrant and Heather-Ann:Tucci:Jarraf. Remonstrant does not have access to offender Parker Still's FBI Sentinel file.

22) The Plaintiff (United States of America) is not an official of the people's government. Remonstrant was denied the true name of the Plaintiff as required by the Supreme Court - **"Complaint must identify at least one Plaintiff by true name; otherwise no action has been commenced." Roe vs. New York,(1970, SD NY) 49 FRD 279, 14 FR Serv 2d 437, 8 ALR Fed 670.**

23) C. Clifford Shirley, Jr. (United States Magistrate), Thomas A Varlan (Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), Anne-Marie Svolto, Esquire (Assistant United States Attorney), Parker Still, Esquire (FBI special agent) and other offenders each violated the International Covenant on Civil and Political Rights Treaty 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.

24) C. Clifford Shirley, Jr. (United States Magistrate) committed fraud upon the court when, on or about July 27, 2017, he approved a "WAIVER OF DETENTION HEARING" denying Remonstrant 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.

25) Thomas A Varlan (Trial and Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all committed fraud upon the court by stating Davidson and Svolto appeared as counsel for the corporate plaintiff (United States of America) while also representing The People as prosecutors.

26) Thomas A Varlan (Trial and Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all committed fraud upon the court when they intentionally failed to declare a mistrial or dismiss the case when the corporate United States of America plaintiff, its attorney, counsel or representative **failed to appear**.

27) Thomas A Varlan (Trial and Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all committed fraud upon the court by not declaring a mistrial or dismiss the case when FBI special agent Parker Still stated under oath that he did not follow due process and said that due process is for TV. (Trial Transcript, Volume I, P. 69, Line 13-17 – Exh. #13.13)

28) Thomas A Varlan (Trial and Chief United States District Judge), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all committed fraud upon the court by stating the **plaintiff** is **UNITED STATES OF AMERICA**, but the **victim** is **USAA Bank**. They knew the plaintiff did not have standing (Exh. #12) and therefore there was no jurisdiction. ("In this case, USAA is our victim."-- Trial Transcript, Volume I, P. 24, Line 19-20 – Exh. #13.1, #13.2)

29) Remonstrant asserts Thomas A Varlan (Trial and Chief United States District Judge), C. Clifford Shirley, Jr. (United States Magistrate), Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) all violated Article I, Section 9, Clause 8 -- THE EMOLUMENTS CLAUSE -- of the Constitution: "No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State." The BAR (British Accredited Registry) is a foreign state and "Esquire" is a title of nobility. (Exh. #25.1, #25.2)

30) Cynthia F. Davidson, Esquire (Assistant United States Attorney), and Anne-Marie Svolto, Esquire (Assistant United States Attorney) violated their constitutional obligations by not turning over exculpatory Brady material to include the emails between Parker Still (FBI agent) and True Brown (USAA Bank Investigator - former FBI agent), the FBI Sentinel file, the disposed of South Carolina **bench warrant** (not signed by a judge – signed by the clerk), etc. until after the trial was over. The jury was denied the right to see the exculpatory evidence.

31) The United States of America/United States (28 U.S. Code § 3002 -- **(15)** "United States" means—**(A)** a Federal corporation), is a corporation pretending to be a government and it was used in the conspiracy to deprive Remonstrant and Heather-Ann:Tucci:Jarraf of their God-given rights through false imprisonment. (Exh. 20.1 and 20.2)

32) At no time has Remonstrant knowingly or willingly waived his rights, or knowingly, willingly, or voluntarily agree to any presumptions, assumptions, tacit agreements, or anything that would be detrimental to the exercise of Remonstrant's free will, freedom, and liberty.

33) July 11, 2017 the private property motor home, which Remonstrant is trustee and guardian, was illegally and unlawfully trespassed upon in violation of federal code 25 CFR § 11.411 - Criminal trespass and Tennessee code 39-14-405 - Criminal trespass - by offenders Parker Still, Jimmy Durand, Jason Pack, Joelle Vehec, Mr. Blaine and others unknown to Remonstrant.

34) July 11, 2017 Remonstrant was physically removed from the private property, thrown to the ground, physically assaulted, kidnapped and false imprisoned in a Knoxville Tennessee jail -- all without a valid warrant -- in violation of due process Constitution Amendments IV, V, VI and XIV; and 18 U.S. Code § 2236 - Searches without warrant and § 2234.Authority exceeded in executing warrant. The arrest was not pursuant to legal form of the law and was therefore unlawful felony kidnapping and false imprisonment.

35) July 11, 2017 the trespassers and assailants stated they had a warrant to arrest Remonstrant. Remonstrant requested to see the arrest and private property seizure warrant and it was not presented in violation of federal Rule 4 (c) (3) (A) – "Upon arrest, an officer

possessing the warrant must show it to the defendant," Tennessee code § 40-6-103 (Probable cause and affidavit), and Tennessee code § 40-6-216 (Copies of warrants)

36) An arrest warrant was not shown because they DID NOT have an arrest or seizure warrant. 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." (Exh. #13.13) And Jaron Patterson (employed by the University of Tennessee Police Department, deputized by the United States Marshal Service as a Special Deputy U.S. Marshal, and assigned to the FBI task force.) stated the following with regard to the nonexistent 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."

37) On/about July 27, 2017 Remonstrant was forced, under duress, to autograph a due process hearing waiver form in violation of Rule 12(h)3 -- Waiving and Preserving Certain

Defenses -- "*Lack of Subject-Matter Jurisdiction.* If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action," and 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 (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."

38) The Offenders deprived Remonstrant and Heather-Ann:Tucci:Jarraf of their God-given constitutionally protected right to life, liberty and the pursuit of happiness, They acted willfully with knowledge and understanding that they were engaged in a conspiracy to deprive Remonstrant and Heather-Ann:Tucci:Jarraf rights. The Offenders knew they committed their criminal felonious acts under color of law. They used their government issued weapons to threaten and intimidate Remonstrant. The Offenders kidnapped Remonstrant and Heather-Ann:Tucci:Jarraf. The Offenders used excessive force and strangled Remonstrant and caused other bodily injury. The Offenders knew what they were doing was wrong, but they decided to do it anyway. They intended to engage in the unlawful conduct and they did so knowing it was wrong and unlawful. It was a conspiracy so there clearly was no mistake, fear, misperception, or poor judgment. The offenders targeted Remonstrant and Heather-Ann:Tucci:Jarraf. Failing to do their job is a clear indication of their intent. All Offenders on the scene when Remonstrant suffered aggravated assault, purposefully participated and allowed fellow officers to violate Remonstrant's rights. They all were aware and had the opportunity to intervene and report their fellow officers but they chose not to. They failed to intervene to stop the Constitutional violations.

39) The case details are outlined and summarized in a March 11, 2021 grievance complaint filed by S. Robinson, and others. Please go to I-UV.com to read the 322 page complaint and 164 pages of attachments posted March 23, 2021.

SOUTH CAROLINA UNLAWFUL ARREST & FALSE IMPRISONMENT

40) On/about October 2014, Jason Stone and twelve other officers (of Ridgeland Police Department) unlawfully stopped Remonstrant as he travelled. Remonstrant did not contract for a driver's license or state tags because Remonstrant understands he has a fundamental right to travel down the roads so he did not consent to a law enforcement system that is contrary to that known at common law, the Bill of Rights, and most importantly the Rights granted by the Creator. Remonstrant did not consent to the rules and regulations of the "driver's license" system and he was punished for it. The common law drew a distinction between an arrest for misdemenors such as that which offender Jason Stone and his 12 fellow officers/offenders allegedly arrested Remonstrant upon, and arrests for felonies. When a felony was committed an arrest could be made without a warrant, but **no arrest could be made for a misdemeanor without a warrant unless it constituted a 'breach of the peace**.' The misdemeanor traffic violation was not a breach of the peace and thus Offender Jason Stone and his 12 fellow officers needed a warrant, a valid warrant, to make an arrest for such offense. A form with "Arrest Warrant" pre-written on it and pre-signed by a judge is not a valid warrant. The arrest warrant was signed by an "issuing judge" October 13, 2014. Offender Jason Stone states a copy of the arrest warrant was given to Remonstrant 10/13/2014. Both of these things could not have happened 10/13/2014 unless the issuing

judge was riding shotgun with the offenders and on the scene to issue a lawful arrest warrant. But without Remonstrant's participation in the license/tag system there was no lawful reason to stop Remonstrant regardless. Furthermore, offender Jason Stone and his 12 fellow officers knew Remonstrant did not contract through the driver's license as they took Remonstrant's American National ID. They had no lawful right to detain Remonstrant. The offenders tried to contract for jurisdiction using codes, rules, regulations and statutes but those apply to the employees of the corporation they were written for.

41) Remonstrant's travel was interrupted by Jason Stone and 12 other officers, all dressed in swat gear with body cams, while traveling in a 35 mph school zone. Remonstrant was behind an 18-wheeler who had just made a right turn when Remonstrant was pulled over. The thirteen (13) body cams certainly would have captured the entire incident.

42) Jason Stone and 12 others came running up to Remonstrant's truck. Remonstrant heard one of the officers yell to the officer closest to Remonstrant's truck 'get him to tell you he's a sovereign.' When Remonstrant heard him say that Remonstrant knew that it wasn't a normal traffic stop. The offenders' real interest was to get Remonstrant to tell them that he was a "sovereign citizen." Remonstrant made it clear he is a peaceful living man. The offenders were frustrated Remonstrant would not label himself a sovereign citizen.

43) All of the offenders expressed their anger at Remonstrant. They had a chrome bar drawn back to break Remonstrant's window. Remonstrant said "stop" and rolled down the window. The offenders stuck two tasers in the window and tased Remonstrant until Remonstrant got out of the truck and laid spread eagle on the road.

44) The offenders called an ambulance because they tased Remonstrant so hard they thought they had given Remonstrant a heart attack.

45) The offenders arrested Remonstrant. They did not inform Remonstrant why he was arrested. They took Remonstrant's American National ID and tag.

46) The offenders searched Remonstrant's truck without a warrant and without Remonstrant's consent. They couldn't find anything and that made the offenders angrier.

47) A black SUV pulled up and two men dressed in suits got out. They Told Remonstrant that they knew all about Remonstrant and how Remonstrant felt about "the government." Remonstrant responded you do not know how I think about the government.

48) One of the offenders then said, "Mr. Beane, we know everything about you." The offenders then put Remonstrant in the back of a cop car and took Remonstrant to jail.

49) They immediately instructed Remonstrant to get his clothes off and put on their jail clothes. They put Remonstrant in a cell where someone had defecated, urinated, and threw up and they left Remonstrant there for three days. After three days they put Remonstrant in population and false imprisoned Remonstrant for over 60 days.

50) It was two weeks before they took Remonstrant to court in a bus with over 30 other inmates. The judge ordered Remonstrant released.

51) The police offenders then took Remonstrant back to jail and a week later took Remonstrant to a different courthouse. The offenders were judge shopping. After an exchange between the judge and Remonstrant, the judge gaveled hard, grabbed his robe, jumped up and exclaimed the court will take a recess and he left the courtroom with Remonstrant standing there. The offenders then took Remonstrant back to jail laughing at

Remonstrant saying that the judge is going to throw Remonstrant under the jail. After a few more weeks of false imprisonment Remonstrant was released.

52) Remonstrant heard nothing else about the matter until July 11, 2017 when Parker Still, Jimmy Durand, Jason Pack, Joelle Vehec (of the FBI), Mr. Blaine (Knoxville sheriff office) and others kidnapped Remonstrant in Knoxville using a South Carolina traffic related bench warrant that had been disposed of two years earlier (July 17, 2015). The bench warrant was signed by the clerk of court not a judge or magistrate so it was not even a bench warrant. It was titled "bench warrant," but it was not signed by a judge. Moreover, "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).

AUTHORITIES—ARREST, ASSAULT and FALSE IMPRISONMENT

53) "A citizen of one state is to be considered as a citizen of every other state in the union." **Butler v. Farnsworth**, Federal Cases, Vol. 4, Page 902 (1821)

54) In a case in Tennessee, which involved a misdemeanor, a man was arrested while he was traveling in the state . The State Supreme Court laid down several principles of law, and related them to the American Revolution. It stated that "the stopping of a car by an officer for the inspection of a driver's license or for any purpose where it is accomplished by the authority of the officers, is in fact an arrest, even though it be a

momentary one in some cases," This is a true point of law and anyone can see that such a stop is an arrest. But **such an arrest is consented to by way of the driver's license**, as the court further stated: One of the few exceptions of the law relating to arrests without a warrant is the authority of highway patrol officers to stop a car and demand to see the license of the operator. This authority in itself is not known to the common law and is of statutory origin only. In fact, the authority is implicatively given in provisions of the laws relating to the issuance of licenses to drive automobiles. *Robutson v. S(au,* 198 S.W.2d 633, 635-36 (Tenn., 1947) Remonstrant **did not** consent by way of the driver's license.

55) An unlawful arrest is in itself an assault and a trespass, and the law regards such arrests as any other assault which may be resisted by the party being assaulted. The Supreme Court of South Carolina stated: "Common as the event may be, **it is a serious thing to arrest an American and it is a more serious thing to search his person**; and he who accomplishes it **must do so in conformity to the laws of the land**. There are two reasons for this; one to avoid bloodshed, and the other to preserve the liberty of the American. Obedience to law is the bond of society, and **the officers set to enforce the law are not exempt from its mandates**. (*Town of Blacloburg v. Beam.* 104 S.C. 146, 88 S.E. 441 (1916); *Allen v. State* 197 N.W. 808, 810-11 (Wis. 1924).

56) The law of self-defense does allow one to repel an attack or an assault upon them for self-preservation and to protect one's inalienable right to protect his life, liberty and property from **unlawful attack**. In a case in Maine a man had resisted an officer trying to arrest him, and both parties claimed that the other was the unprovoked aggressor and struck the first blow. The Supreme Judicial Court of Maine held: "**An illegal arrest is an assault and**

battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would have in repelling any other assault and battery. (*State v. Robinson,* 145 Me. 71, 72 Atl.2d 260, 262 (1950)

57) The Court went on to say that the person illegally arrested "cannot initiate the use of force." and that "words alone do not justify an assault." Thus a mere statement by an officer that a person is under arrest, even if there is no authority to arrest, "does not justify an attack by him on the officer before any physical attempt is made to take him into custody." This is basic law based on common sense which would apply to any two persons who would have a dispute between them. **But where the officer initiates the assault by physical contact, which is usually the case, and there is an unlawful arrest**, the citizen has the right to protect his liberty to the extent of killing the officer as stated by the Supreme Court of Appeals of West Virginia: **An arrest without warrant is a trespass, an unlawful assault** upon the person, and how far one thus unlawfully assaulted may go in resistance is to be determined, as in other cases of assault. Life and liberty are regarded as standing substantially on one foundation; **life being useless without liberty**. And the authorities are uniform that where one is about to be unlawfully deprived of his liberty he may resist the aggressions of the offender, whether of a private citizen or a public officer, to the extent of taking the life of the assailant. **if that be necessary to preserve his own life, or prevent infliction upon him of some great bodily harm**. (*State v. Gum,* 68 W.Va. 105, 69 S.E. 463, 464 (1910)

58) The Supreme Court of Washington held that: "It is the law that a person illegally arrested by an officer may resist that arrest, even to the extent of the taking of life **if his own**

life or any great bodily harm is threatened. Every man, however guilty, has a right to shun an illegal arrest by flight. The exercise of this right should not, and would not, subject him to be arrested as a fugitive. (*State v. Rousseau,* 40 Wash.2d 92, 241 P.2d 447, 449 (1952); *Porter v. State,* 124 Ga. 297, 52 S.E. 283, 287 (1905).

59) A Federal District Court held that there is "no right given [to government] by the common law to take finger prints." (United States v. Kelly, 51 Fed. 2d 263, 266 (1931)

60) In New Jersey, the Superior Court stated that the police cannot lawfully fingerprint an accused person against his will. (State v. Cerciello, 86 N.J.L. 309, 90 Atl. 1112, 1115 (1914)

61) Finger printing is an encroachment of the liberty of a person. It is justifiable, as is imprisonment, upon conviction for crime, in the exercise of the police powers of the state, for the purpose of facilitating future crime detection and punishment. **What can be its justification when imposed before conviction?** The very idea of booking and making a record of one's fingerprints, photographs etc. are acts commonly done to convicted criminals, and thus **implies one is a criminal**. A Federal District Court held that there is "no right given [to government] by the common law to take finger prints. (*United States v. Kelly,* 51 Fed.2d 263, 266 (1931) The principles of Anglo-Saxon government certainly would not have sanctioned such intrusive and oppressive measures.

62) The common law drew limitations upon how and when an arrest can be made, and so **all arrests have to be grounded on common law standards**. One limitation often transcended is the sufficient cause required for a felony arrest or breach of peace: No one, whether private person or officer, has any right to make an arrest without warrant in the absence of actual belief, based on actual facts creating probable cause of guilt. Suspicion

without cause can never be an excuse for such action. The two must both exist, and be reasonably well founded. (*People v. Burt,* 51 Mich. 199, 202, 16 N.W 378 (1883).

TENNESSEE UNLAWFUL ARREST and FALSE IMPRISONMENT

63) After completing a private purchase transaction July 11, 2017, at Buddy Greg RVs and Motor Homes in Knoxville, Tennessee, offenders Parker Still, Esquire, Jimmy Durand, Jason Pack, Joelle Vehec, Mr. Blaine and others physically assaulted and unlawfully arrested, detained, and false imprisoned Remonstrant.

64) The offenders used the South Carolina statewide misdemeanor traffic related bench warrant that had been disposed of two years earlier to arrest Remonstrant July 11, 2017. Knoxville County Sheriff used the same disposed of South Carolina statewide misdemeanor bench warrant to arrest and put Remonstrant in their system July 12, 2017 – calling Remonstrant a fugitive from justice.

65) Offenders Knoxville County Sheriff again used the South Carolina statewide misdemeanor traffic related bench warrant to re-arrest Remonstrant July 13, 2017 after magistrate Rowe ordered offenders to release Remonstrant. They ignored magistrate Rowe's order and continued to unlawfully detain Remonstrant for the FBI and US Attorney offenders.

66) FBI and US Attorney Offenders arrested Remonstrant July 27, 2017 and Heather-Ann: Tucci:Jarraf July 26, 2017 using a fraudulent fictitious signed district court arrest warrant.

67) All that is necessary to establish false imprisonment is that Remonstrant and Heather-Ann:Tucci:Jarraf were restrained of their liberty without any legal cause or justification. The

lack 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. Remonstrant was forcibly deprived of his liberty. The good intent of the offenders, or the fact that they believed they had probable cause for believing that an offense was committed, and may allege to have acted in good faith, does not justify or excuse the trespass. But we know they didn't believe they were acting in good faith or that they had probable cause because they used a two-years prior disposed of traffic related bench warrant from another geographical jurisdiction (South Carolina) to arrest Remonstrant July 11, **2017** in Knoxville, Tennessee. The Tennessee Knoxville County Sheriff used the disposed of South Carolina traffic related bench warrant to arrest Remonstrant July 12, 2017 and called Remonstrant a fugitive from justice knowing the South Carolina traffic warrant had a disposition date of July 17, **2015** – disposed of two years earlier – and it was outside their geographical jurisdiction. The Knox Sheriff re-arrested Remonstrant July 13, 2017 after Tennessee's General Sessions Court Magistrate Rowe issued an order to release Remonstrant July 13, 2017 which the sheriff ignored. They used fictitious signed district court warrants to arrest Remonstrant a fourth time July 27, 2017 and to arrest Heather-Ann:Tucci:Jarraf July 26, 2017. They knew exactly what they were doing. It was a planned conspiracy. It was their intent to deceive and induce belief in the falsity of their statements and to mislead the grand jury and trial jury. While 18 U.S.C. § 1001 does not require an intent to defraud, the offenders most certainly had an intent to defraud. They knowingly and willfully deprived Remonstrant and Heather-Ann:Tucci:Jarraf of freedom, liberty, and property by means of deceit. They acted deliberately with full knowledge the

goal was to false imprison Remonstrant and Heather-Ann:Tucci:Jarraf by whatever means necessary.

AUTHORITIES—ARREST and FALSE IMPRISONMENT

68) Any deprivation by one person of the liberty of another without his consent, constitutes an imprisonment, and **if this is done unlawfully, it is false imprisonment**, without regard to whether it is done with or without probable cause. (Mahan v. Adam, 144 Md. 355, 124 Atl. 901, 905 (1924)

69) It has been said that an unlawful detention or imprisonment does not become lawful because done out of ignorance of law. (35 Corpus Juris Secundum, "False Imprisonment," § 7, p. 630)

70) In Crosswhite v. Barnes, it was stated that the **arresting officer must have the warrant with him**, "**and must show it on request**." It cited a number of authorities in support of this such as the following: In the annotator's summary of a note in 42 L.R.A. at page 682, it is said: "An accused person, if he demands it, **is entitled to have the warrant** for his arrest shown to him **at the time of arrest**. (Crosswhite v. Barnes, 139 Va. 471, 124 S.E. 242, 245 (1924)

71) In a suit for false imprisonment where several officers arrested the plaintiff on grounds he committed a felony, the Supreme Judicial Court of Massachusetts held **the officers had no right to decide to detain the plaintiff to enable them to make a further investigation of the charge against him**. The Court declared that: But having so arrested him, it was their [the officers] duty to take him before a magistrate who could determine whether or not there

was ground to hold him. It was not for the arresting officers to settle that question. The arresting officer is in no sense his guardian, and **can justify the arrest only by bringing the prisoner before the proper court**, that either the prisoner may be liberated or that further proceedings may be instituted against him. (Keefe v. Hart, 213 Mass. 476, 100 N.E. 558, 559 (1913)

72) In a case where one was accused by another of stealing a watch, and subsequently arrested and put in jail for one hour and then released, **the sheriff was found guilty of false imprisonment** as he "failed to take the person arrested before a magistrate." The Supreme Court of Indiana upheld the conviction stating that: **The power of detaining a person arrested, or restraining him of his liberty, is not a matter within the discretion of the officer making the arrest**. (Harness v. Steele, 64 N.E. 875, 878 (1902); Stromberg v. Hansen, 177 Minn. 307, 225 N.W. 148, 149 (1929)

73) The Court stated that the sheriff cannot legally hold the person arrested in custody for a longer period of time than is reasonably necessary, under all the circumstances of the case, without possessing a proper warrant or taking him before a magistrate. **If he does it is false imprisonment**. Thus where a sheriff had arrested two prisoners and detained them for five hours without making any effort to take them before a magistrate, he was guilty of false imprisonment. In this case the Supreme Court of Idaho said: The rule seems to be that an officer arresting a person on criminal process who omits to perform a duty required by law, such as taking the prisoner before a court, **becomes liable for false imprisonment**. (Madsen v. Hutchison, Sheriff, et al., 49 Idaho 358, 290 Pac. 208, 209 (1930)

74) The law never allows an officer at his discretion to imprison the person arrested or detain him in a jail after arrest: We have no doubt that **the exercise of the power of detention does not rest wholly with the officer making the arrest**, and that he should, within a reasonable time, take the prisoner before a circuit, criminal, or other judicial court. •• -In a case where the arrest is made under a warrant, the officer must take the prisoner, without any unnecessary delay, **before the magistrate issuing it**, in order that the party may have a speedy examination, if he desires it; and in the case of an arrest without warrant the duty is equally plain, and for the same reason, to take the arrested party before some officer who can take such proof as may be afforded. (Simmons v. Vandyke, 138 Ind. 380, 37 N.E. 973, 974 (1894); citing: Ex parte Cubreth, 49 Cal. 436 (1875); Pratt v. Hill, 16 Barb, (N.Y.) 303, 307 (1853); et al.

75) **When officers assume the power to imprison without authority of law, or without any forms or processes usual and necessary to be employed, they become liable for false imprisonment**. The liberty of the citizen cannot be so far trifled with, that any constable in the land may of his own volition, commit and hold him in custody until it suits his convenience or pleasure to release him. (People v. McGurn, 341 Ill. 632, 173N.E. 754, 757 (1930)

76) Executive officers or clerks are not to determine if a person arrested is to be held or released upon bail, or fix the amount of bail, since the power to do so is judicial. (Bryant v. City of Bisbee, 28 Ariz. 278, 237 Pac. 380, 381 (1925); State v. Miller, 31 Tex. 564, 565 (1869)

77) The power of the executive officer over a person's liberty ends with the lawful arrest, and he **never has a discretionary power to detain the person without judicial authority**. Executive officers cannot hold a person in order to complete paperwork or make out reports. Thus where a man was arrested without warrant and confined in the county jail without a commitment, the sheriff could not justify the confinement of the man by awaiting the pleasure of a deputy, or anyone else, to file a complaint. (Bowles v. Creason et al, 156 Ore. 278, 66 Pac. (2d) 1183, 1188 (1937)

78) If the plaintiff was being detained for the purpose of arrest, it was the duty of the arresting officer to take him before an examining magistrate as soon as the nature of the circumstances would reasonably permit. **The power to arrest does not confer upon the arresting officer the power to detain a prisoner for other purposes**. (Geldon v. Finnegan et al.,213 Wis. 539, 252 N.W. 369, 372 (1934)

79) Just as "good faith does not excuse an unauthorized arrest," likewise, it does not "justify an unreasonable detention and deprivation of one's liberty" caused by a failure or delay in bringing one arrested "before a magistrate." (Oxford v. Berry, 204 Mich. 197, 170 N.W. 83, 89 (1918)

80) **The Supreme Court of Ohio stated: The delivery of the plaintiff, after his arrest, into custody of another person, to be by him taken to prison, could not, we think, absolve the arresting officers from the duty required of them to obtain the writ necessary to legalize his further imprisonment**. ••• If the arresting officers choose to rely on some other person to perform that required duty, they take upon themselves the risk of its

being performed; and, unless it is done in proper time, their liability to the person imprisoned is in no wise lessened or affected. (*Leger v. Warren* , 62 Ohio 5t. 500, 57 N.E. 506 (1900)

81) The accused has the right to be presented without delay, but the question of what is delay must be determined by all the facts and circumstances. Necessarily some time must elapse between the arrest and the presentment before the magistrate. (*Hicks v. Matthews,* 266 S.W.2d 846, 849 (Tex. 1954))

82) The Common Law principle is that an officer is to present the person arrested "without delay" to a magistrate. This means **no delay of time is allowed which is not incident to the act of bringing the accused to a magistrate**. The cause of this breach of duty arises from the officer's total failure to act, or failure to act timely. If he does not act diligently, he may not act timely. **A reasonable time is not when the officer has free time, but means promptly, immediately, and without delay**, as soon as the circumstances permit. It was stated in an earlier case in New York that: [**It was the duty of the officer making the arrest to convey the prisoner immediately before the nearest magistrate**. (*Green v. Kennedy,* 48 N.Y. Rep. 653, 654 (1871))

83) "It has been the practice of legislatures and courts to establish set times of 24, 36, or 48 hours for the delay allowed from the time of arrest until presented to a magistrate. Such measures are blatant acts of tyranny, as anyone can see that if such power exists to allow a delay of 24 hours, then the power also exists to delay in 72 hours or 168 hours. The Common Law Rule nullifies the exercise of such arbitrary power." (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 58)

84) A person confined in jail, by virtue of a void warrant, may lawfully liberate himself, by breaking the prison, using no more force than is necessary to accomplish this object. **A void process is no process**. The **complainant**, the **justice of the peace who ordered him to be committed**, **the sheriff who executed the pretended warrant**, and **the jailer who held him under it**, **are all liable for false imprisonment**. This is the undoubted doctrine of the common law from the time of the Marshalsea case, 10 Co. 68 to this day. (The State of Connecticut against Leach, 7 Conn. Rep. 452 (1829)

85) In a case involving a man arrested on a warrant which had an **insufficient affidavit**, the Supreme Court of Illinois stated: "The majority of the court are of the opinion that the affidavit being insufficient, **the prisoner was improperly deprived of his liberty**, and he was justified in asserting the right to his freedom, guaranteed to him by the constitution and the law, by refusing to submit to the warrant. In breaking away from the officer's custody, he committed no offense. The rule, as found in treatise upon criminal law, is, that whenever an imprisonment is so far irregular, that it is no offense in the prisoner to break from it by force, and it will be no offense in the officer to suffer him to escape. (Housh v. The People, 75 1LL. Rep. 487, 491 (1874)

LACK OF FBI JURISDICTION

86) The FBI did not have jurisdiction to arrest Remonstrant. The FBI has no lawful authority. It was not lawfully created. In addition, 18 U.S. Code § 3052.**Powers of Federal Bureau of Investigation** 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 offenders served a two years prior disposed of South Carolina traffic warrant not issued under the authority of the United States – not within their geographical jurisdiction – and not in their possession at the time of the arrest.

87) The South Carolina traffic related bench warrant the FBI offenders used as the predicate to arrest Remonstrant July 11, 2017 has a disposition date of July 17, 20**15**. It was disposed of two years earlier. It was outside the jurisdiction of the FBI. It was outside the territorial jurisdiction of the United States. It was not issued under the authority of the United States and there was no offense committed against the United States. The offenders did not use the word felony in the indictment or warrants so they clearly did not believe a felony was committed by Remonstrant or Heather-Ann:Tucci:Jarraf .

LACK OF US ATTORNEY JURISDICTION

88) The US Attorneys did not have jurisdiction to prosecute the case against Remonstrant and Heather-Ann:Tucci:Jarraf. They did not act as prosecutors representing the people. They acted as attorneys-at-law representing the corporate United States of America.

89) 28 U.S. Code § 516.**Conduct of litigation reserved to Department of Justice**

…the conduct of litigation in which **the United States, an agency, or officer thereof is a party**, or is interested… 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.

90) 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**… Remonstrant and Heather-Ann:Tucci:Jarraf did not commit an offense against the United States and the case file reflects that.

LACK OF SUBJECT MATTER and PERSONAL JURISDICTION

91) 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 eighteen tasks enumerated. An act committed within a State cannot be made an offense against the United States, unless it has some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States. (United States v. Fox, 95 U.S. 670, 672 (1877)

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

There are many reasons why the United States District Court for the Eastern District of Tennessee did not have subject matter or personal jurisdiction:

- Subject matter jurisdiction can never be presumed, waived, or granted by mutual

consent of the parties. The court did not have statutory or common law authority to hear the case. There was no competent fact witness. There was no complaint. There was no one to testify by affidavit or in person with **firsthand** knowledge of the facts.

■ The plaintiff (USA) did not have standing. Sean O'Malley of the New York Federal Reserve Bank made it clear – "**there was no loss to the U.S. government**." (Heather-Ann:Tucci:Jarraf Cross-examination of Sean O'Malley, Trial Transcript Volume 4, P. 18, Line 12-13 – Exh. #26.1, #26.2)

■ The US Attorney and FBI offenders said the "victim," was USAA Bank, but they misled and confused the jury into believing the United States of America was the injured party. Neither United States of America nor USAA Bank suffered an injury that would give rise to a cause of action.

■ Perpetrator and conspirator Cynthia F. Davidson admitted to the grand jury that Remonstrant was a "bonafide" purchaser. She said, "**Because that was a, you know, a bona fide purchaser**." (Grand Jury Transcript, Page 40, Line 11-15)

Bona Fide Purchaser - A purchaser in good faith for valuable consideration and without notice. **One who acts without** covin, **fraud, or collusion**. (Black's Law Dictionary, 4th Edition, P. 224)

■ District court Offenders took personal jurisdiction by force. The Offenders did not have a lawful arrest warrant and Remonstrant and Heather-Ann:Tucci:Jarraf did not consent to be detained, transported, and imprisoned. Remonstrant and Heather-Ann:Tucci:Jarraf were kidnapped using fraudulent fictitious signed district court arrest warrants.

■ The indictment was the result of testimony from one FBI agent who

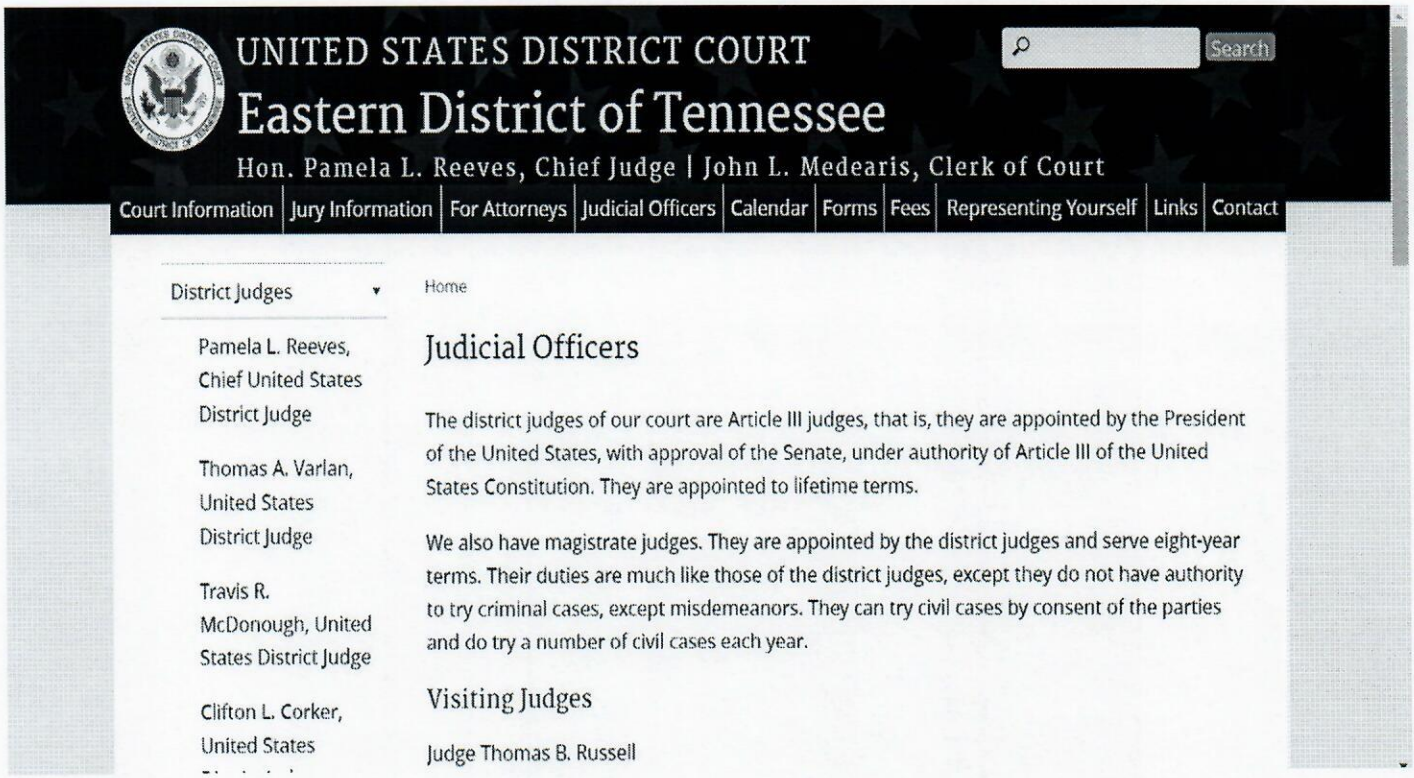
committed aggravated assault against Remonstrant. He did not have firsthand knowledge of any wrongdoing. He did not investigate any wronging. And he did not have jurisdiction under 18 U.S. Code § 3052 (Powers of Federal Bureau of Investigation).

- 18 U.S. Code § 3041.**Power of courts and magistrates**

"**For any offense against the United States**…" Remonstrant and Heather-Ann:Tucci:Jarraf did not commit an offense against the United States or United States of America. The case file reflects this fact. The offenders make it clear their "victim" was USAA Bank – not United States of America or United States. Sean O'Malley of the New York Federal Reserve Bank testified under oath there was no loss to the government which means no standing. (Trial Transcript Volume 4, P.18, Line 12-13)

- Offenders Cynthia Davidson and Anne-Marie Svolto said they charged Remonstrant and Heather-Ann:Tucci:Jarraf with a felony but the indictment does not reference a felony charge or felonious conduct. (Exh. #21)

- Offender C. Clifford Shirley was assigned to make a recommendation with regard to jurisdiction. However, C. Clifford Shirley was a magistrate judge and **magistrate judges handle misdemeanor cases – NOT felony cases**. If a magistrate judge is not qualified to try a felony case he/she certainly would not be qualified to make a jurisdiction determination regarding a felony case. No decision made by C. Clifford Shirley regarding the alleged "felony" case is valid to include: the detention hearing denial, temporary waiver, and denial again, the jurisdiction recommendation, and any other involvement he had with the alleged "felony" case was trespass of the law.



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) – a magistrate judge assuming power and authority the court does not have, and a magistrate judge would not otherwise have, is absolute trespass of the law. C. Clifford Shirley was not qualified to try a felony case so he was not qualified to determine or recommend the jurisdiction of a felony case.

■ Federal question jurisdiction is one of the <u>two ways for a federal court to gain subject matter jurisdiction over a case</u> - 28 U.S. Code § 1331. (Exh. #8, #23) The other way is through diversity jurisdiction - 28 U.S. Code § 1332. (Exh. #8, #24) Both pertain to **<u>civil actions</u>** – not criminal. Stephen Louis Braga (author of the unauthorized appellant brief for Remonstrant) inadvertently proved the district court did not have jurisdiction when he cited

28 U.S. Code § 1331 (Exh. #23) as the authority knowing it pertained to civil actions. He had nothing else to cite because he knew the district court he worked for and advocated for did not have jurisdiction.

- The offenders charged Remonstrant with violation of 18 U.S.C. § 1343, § 1344. § 1956 (h), and § 1957. They charged Heather-Ann:Tucci:Jarraf with violation of § 1956 (h). The offenders said their jurisdiction authority lies in 18 U.S.C. § 3231. Congress does not have the power to grant judicial authority to the district court. All district courts are Article III courts (Exh. #22) and judicial power is outlined and limited in Article III.

92) Article 1, Section 2 of the constitution states "…The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one representative…" The US population count as of July 7, 2017 was approximately 325,184,468. If you divide 325,184,468 by 30,000 there should be approximately 10,839 house representatives. Article 1, Section 5 of the constitution states "Each House shall be the Judge of the elections, returns and qualifications of its own members, and **a majority of each shall constitute a Quorum to do Business**…" There are currently 435 members of the House of Representatives. Since there is supposed to be approximately 10,839 as of July 2017 has congress ever had a quorum to do business? No. They have never had a quorum so nothing they "passed" is constitutional/lawful. Nothing!

93) The indictment cites 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.

94) 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. (Exhibit #7.1 and 7.2) Not one of the criteria was met.

95) **Court of Record** -- 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.

96) Thomas A. Varlan, trial judge, said the district court had original jurisdiction pursuant to 18 U.S.C. § 3231. Section 3231 talks about committing an offense against the law which is not possible. Section 3231 is also not one of the two ways (Exh. #8) a federal court gains subject matter jurisdiction. 18 U.S.C. § 3231 is intentionally vague. One cannot commit an offense against a law. (People v. Williams, 638 N.E. 2d 207 (1st Dist.(1994)

97) There was no petition of the alleged injured party in the record of the case. (Brown v. VanKeuren, 340 Ill. 118,122 (1930).

98) Fraud was committed in the procurement of subject matter and personal jurisdiction. The fraud and money laundering charges were fabricated and the arrest warrants were fabricated as well. (Fredman Brothers Furniture v. Dept. of Revenue, 109 Ill. 2d 202, 486 N.E. 2d 893(1985)

99) There was fraud upon the court. The offenders introduced fabricated evidence to the jury like the South Carolina traffic related bench warrant that had been disposed of two years earlier, Tennessee arrest warrants that were not in legal form, and lies about Remonstrant

altering the third digit of his social security account number. (Village of Willowbrook, 37 Ill, App. 3d 393(1962)

100) Offenders Thomas A. Varlan and C. Clifford 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. (Armstrong v. Obucino, 300 Ill 140, 143 (1921)

101) Offenders Thomas A. Varlan and C. Clifford Shirley engaged in unlawful activity in violation of the code of judicial conduct. They violated § 1-206 (Presumptions) of the Uniform Commercial Code. Canon 3 of the code of judicial conduct says: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently. The judge should perform those duties with respect for others, and should not engage in behavior that is harassing, abusive, prejudiced, or biased. Offenders Thomas A. Varlan and C. Clifford Shirley had an obligation under 3 A (4) (c) to obtain the written advice of a disinterested expert on the Uniform Commercial Code (UCC). They clearly chose to knowingly violate UCC § 1-206 Presumptions.

102) The court exceeded its alleged statutory authority (28 US Code § 132(a) – Creation and composition of district courts (All district courts are courts of record/common law courts.), 28 U.S. Code § 1331- Federal question (District courts have original jurisdiction of all **civil actions**…" – Exh. #23), 18 U.S. Code § 3041 – Power of courts and magistrates; and constitutional authority (Article III). (Rosenstiel v. Rosenstiel, 278 F. Supp. 794 (S.D.N.Y. 1967)

103) The Tennessee district court arrest warrants used to arrest Remonstrant 7/27/2017 and Heather-Ann:Tucci:Jarraf 7/26/2017 were not properly issued. The South Carolina traffic

related bench warrant used to arrest Remonstrant 7/11/2017 was disposed of two years earlier.

104) There was no justiciable issue presented to the court through proper pleadings. No complaint, no firsthand knowledge affidavit, and no plaintiff with standing. (Ligon v. Williams, 264 Ill. App 3d 701, 637 N.E. 2d 633 (1st Dist. 1994)

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

106) The local rules of the court regarding redaction of private identifying information (Remonstrant's social security account number) were not complied with. The judge did not act impartially. He wanted Mr. Beane's personal data exposed. (Bracey v. Warden, U.S. Supreme Court No. 96-6133(June 9, 1997)

107) The orders/judgments were based on a void order/judgment. (Austin v. Smith,312 F 2d 337, 343 (1962); English v. English, 72 Ill. App. 3d 736, 393 N.E. 2d 18(1st Dist. 1979)

AUTHORITIES - JURISDICTION

108) An indictment or complaint in a criminal case is the main means by which a court obtains subject matter jurisdiction, and is "the jurisdictional instrument upon which the accused stands trial." (Sate v. Chatman, 671 P.2d 531, 538 (Kan. 1983). The complaint is the foundation of the jurisdiction of the court. Thus if these charging instruments are invalid, there is a lack of subject matter jurisdiction.

109) Without a formal and sufficient indictment, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime. (Honomichl v. State, 333 N.W.2d 797, 798 (S.D. 1983).

110) A formal accusation is essential for every trial of a crime. Without it the court acquires no jurisdiction to proceed, even with the consent of the parties, and **where the indictment is invalid the court is without jurisdiction**. Ex parte Carlson, 186 N.W. 722, 725, 176 Wis. 538 (1922)

111) **Without a valid complaint any judgment or sentence rendered is "void ab initio**." (Ralph v. Police Court of El Cerrito, 190 P2.d 632, 634 84 Cal. App.2d 257 (1948)

112) Jurisdiction to try and punish for a crime cannot be acquired by the mere assertion of it, or invoked otherwise than in the mode prescribed by law, and if it is not so acquired or invoked any judgment is a nullity. 22 C.J.S., "Criminal Law," § 167, p. 202.

113) 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.

114) An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the sheer fact that it fails to create a cause of action. "Subject matter is the thing in controversy." (Holmes v. Mason, 115 N.W. 770, 80 Neb. 454, citing Black's Law Dictionary). Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does not exist or **does not constitutionally exist**, or where the law is

invalid, void or unconstitutional, there is no subject matter jurisdiction to try one for an offense alleged under such a law.

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

116) Where the offense charged does not exist, the trial court lacks jurisdiction. (State v. Chistensen, 329 NW.2d 382, 383, 110 Wis.2d 538 (1983)

117) Not all statutes create a criminal offense. Thus where a man was charged with "a statute which does not create a criminal offense," such person was never legally charged with any crime or lawfully convicted because the trial court did not have "jurisdiction of the subject matter," State ex rel. Hansen v. Rigg, 258 Minn. 388, 104 N.W.2d 553 (1960).

There must be a valid law in order for subject matter to exist.

118) In a case where a man was convicted of violating certain sections of some laws, he later claimed that the laws were unconstitutional which deprived the county court of jurisdiction to try him for those offenses. The Supreme Court of Oregon held: If these sections are unconstitutional, the law is void and an offense created by them is not a crime and a conviction under them cannot be a legal cause of imprisonment, for no court can acquire jurisdiction to try a person for **acts which are made criminal only by an unconstitutional law**. (Kelly v. Meyers, 263 Pac. 903, 905 (Ore. 1928).

119) 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.

120) 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.

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

122) There was no complaint or affidavit on July 11, 2017 when the offenders unlawfully arrested Remonstrant. Offenders jumped straight to an indictment and alleged that Remonstrant committed several crimes by iolation of certain codes:

18 U.S.C. § 1343 - Wire Fraud

18 U.S.C. § 1344 - Bank Fraud

18 U.S.C. § 1956(h) – Conspiracy to Commit Money Laundering

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

123) While the offenders accused Remonstrant and Heather-Ann:Tucci:Jarraf of violation of the above-mentioned codes, they never accused Remonstrant or Heather-Ann:Tucci:Jarraf of violating an actual law, committing a felony, or engaging in felonious conduct.

124) These "laws" used in the indictment against Remonstrant and Heather-Ann:Tucci:Jarraf are located in the U.S. Code and are evidence of the law – not the actual law. 1 USC § 204 -- **Codes** and Supplements **as evidence of the laws of United States**. 1 U.S. Code § 112. Statutes at Large -- **"The United States Statutes at Large shall be legal evidence of laws..."**

125) "As this court has often said: 'Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: **but, if it act without authority, its judgments and orders are regarded as nullities**. **They are not voidable, but simply void**.' Elliott v. Peirsol, 1 Pet. 328, 340; Wilcox v. Jackson, 13 Pet. 498, 511; Hickey v. Stewart, 3 How. 750, 762; Thompson v. Whitman, 18 Wall. 457, 467." IN RE SAWYER, 124 U.S. 200 *

126) "There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears **[legislation] is meant to apply only within territorial jurisdiction of the United States**" (U.S. v. Spelar, 338 U.S. 217 at 222)

127) "All legislation is prima facie territorial" (American Banana Co. v. U.S. Fruit, 213, U.S. 347 at 357-358)

128) "No sanction can be imposed absent proof of jurisdiction" (Stanard v. Olesen, 74 S. Ct. 768)

129) "Once challenged, **jurisdiction** cannot be 'assumed," it **must be proved to exist**." (Stuck v. Medical Examiners, 94 Ca2d 751.211 P2s 389)

130) "...Federal jurisdiction cannot be assumed, but must be clearly shown." (Brooks v. Yawkey, 200 F.2d 633)

131) "The law requires **proof of jurisdiction to appear on the record of the administrative agency** and all administrative proceedings" (Hagans v. Lavine, 415 U.S. 533)

132) "**If any tribunal finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed**." (Louisville R.R. v. Motley, 211 U.S. 149, 29 S. Ct. 42)

133) 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 - To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square)

134) For the government to punish a person because he had done what the law plainly allows him to do is a **due process violation** of the most basic sort. (US v. Guthrie, 789 F2d 356 (5th Cir. 1986)

135) **"Because Federal courts are limited in jurisdiction, the presumption is that it is without jurisdiction unless the contrary affirmatively appears."** (Grace v. American Central Insurance Co., 109 U.S. 278

136) **"Once jurisdiction is challenged**, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, **should dismiss the action."** Melo v. US, 505 F2d 1026.

137) "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court" OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

138) "There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

139) "Court must **prove on the record**, **all jurisdiction facts** related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

140) "The law provides that once State and Federal **Jurisdiction** has been challenged, it **must be proven**." Main v. Thiboutot, 100 S. Ct. 2502 (1980).

141) "Jurisdiction can be challenged at any time." and "**Jurisdiction**, once challenged, cannot be assumed and **must be decided**." Basso v. Utah Power & Light Co., 495 F 2d 906, 910.

142) "**Defense of lack of jurisdiction** over the subject matter **may be raised at any time**, even on appeal." Hill Top Developers v. Holiday Pines Service Corp., 478 So. 2d. 368 (Fla 2nd DCA 1985)

143) "The burden shifts to the **court to prove jurisdiction.**" Rosemond v. Lambert, 469 F2d 416.

144) "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.

145) "Jurisdiction is fundamental and a judgment rendered **by a court that does not have jurisdiction** to hear is **void ab initio**." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846.

146) "Thus, where a judicial tribunal has **no jurisdiction** of the subject matter on which it assumes to act, its **proceedings** are absolutely **void** in the fullest sense of the term." Dillon v. Dillon, 187 P 27.

147) "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.

148) "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.

149) "The fact that the petitioner was released on a promise to appear before a magistrate for an arraignment, that fact is circumstance to be considered in determining whether in first instance there was a probable cause for the arrest." Monroe v. Papa, DC, Ill. 1963, 221 F Supp 685.

AUTHORITIES - VOID JUDGMENT

150) "Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties." Wahl v. Round Valley Bank 38 Ariz, 411, 300 P. 955(1931), Tube City Mining & Millng Co. v. Otterson, 16 Ariz. 305, 146p 203(1914); and Millken v. Meyer, 311 U.S. 457, 61 S. CT. 339,85 L. Ed. 2d 278 (1940).

151) In proceedings before offender Magistrate Judge C. Clifford Shirley, Heather-Ann:Tucci:Jarraf stated "I do not have any sworn documented, verification, or validation that you legally exist, and have the authority to hold this court or to -- that this court even exists, because I've actually delivered proof to all of you, sworn, documented, verified, validated proof that they do not exist." (Proceedings Before C. Clifford Shirley, October 18, 2017, 9:30 am to 11:24 am, P. 19, Line 12-17) Magistrate Judge C. Clifford Shirley was obligated to have a copy of his oath of office on file in his chambers and his authority to rule in a "felony" case. He did not provide it to Remonstrant and Heather-Ann:Tucci:Jarraf so he had no proof that he was, in fact, a magistrate judge (5 U.S.C. § 3331 – Oath of Office). He did not comply so he was not a judge but a trespasser upon the court. As a trespasser upon the court – upon the law – not one of his judgments, pronouncements or orders are valid. All are null and void.

152) A void judgment is a simulated judgment devoid of any potency because of **jurisdictional defects** only, in the court rendering it and **defect of jurisdiction** may relate to a party or **parties**, **the subject matter**, **the cause of action**, **the question to be determined**, or relief to be granted, *Davidson Chevrolet, Inc. v. City and County of Denver*, 330 P.2d 1116, certiorari denied 79 S. Ct. 609, 359 U.S. 926, 3 L. Ed 2d 629 (Colo. 1958).

153) Void judgment is one **entered by court without jurisdiction of parties or subject matter** or that **lacks inherent power** to make or enter particular order involved and such a judgment may be attacked at any time, either directly or collaterally, *People v. Wade*, 506 N.W. 2d. 954 (Ill. 1987).

154) **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).

155) Void judgment is one that from its inception is a complete nullity and without legal effect, *Stidham v. Whelchel*, 698 N.E. 2d 1152 (Ind. 1998). **Relief from void judgment is available when trial court lacked either personal or subject matter jurisdiction**, *Dusenberry v. Dusenberry*, 625 N.E. 2d 458 (Ind. App. 1 Dist. 1993).

156) **Void judgment** is one which has no legal force or effect whatever, it is an absolute nullity, its **invalidity may be asserted by any person whose rights are affected** at any time and at any place and it need not be attacked directly but may be attacked collaterally whenever and wherever it is interposed, *City of Lufkin v. McVicker*, 510 S.W. 2d 141 (Tex. Civ. App. – Beaumont 1973).

157) A void judgment is one that has been **procured by extrinsic or collateral fraud**, or **entered by court that did not have jurisdiction over subject matter or the parties**, *Rook v. Rook*, 353 S.E. 2d 756 (Va. 1987).

158) Void judgments generally fall into two classifications, that is, judgments where there is **want of jurisdiction of person or subject matter**, and **judgments procured through fraud**, and such judgments may be attacked directly or collaterally, *Irving v. Rodriquez*, 169 N.E. 2d 145, (Ill. App. 2 Dist. 1960).

159) Decision is void on the face of the judgment roll when from four corners of that roll, it may be determined that at least one of the three elements of jurisdiction was absent: **(1)** jurisdiction over the parties, **(2)** jurisdiction over subject matter, or **(3)** jurisdiction power to pronounce particular judgment that was rendered, *B & C Investments, Inc. v. F & M Nat. Bank & Trust*, 903 P. 2d 339 (Okl. App. Div. 3, 1995).

160) A court must have jurisdiction of the subject matter and if it has not jurisdiction, court's judgment may be collaterally attacked, *Vargus v. Greer* (1943) 60 Ariz. 110, 131 P. 2d 818.

161) Lack of jurisdiction over the subject matter can be raised at any time, (1975) 24 Ariz. App. 582, 540 P. 2d 201. *Kelly v. Kelly.*

162) A void judgment is one which, from its inception, was a complete nullity and without legal effect, *Lubben v. Selevtive Service System Local Bd.* No. 27, 453 F2d 645 A.L.R. Fed. 298 (C.A. 1 Mass. 1972).

163) In order for a judgment to be **void**, there must be some **jurisdictional defect in the court's authority to enter the judgment**, either because the court lacks personal jurisdiction or because it lacks jurisdiction over the subject matter of the suit. Puphal v. Puphal, 105 Idaho 302, 306, 669 P.2d 191, 195 (1983); Dragotoiu, 133 Idaho at 647, 991 P.2d at 379.

164) A court may not render a judgment which **transcends the limits of its authority**, and a judgment is **void <u>if it is beyond the powers granted to the court by the law of its organization</u>**, 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.

165) "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.

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

ENACTING CLAUSE

167) Mason's Legislative Manual states – "The enacting clause, which also may be called the enacting authority or enacting style, follows immediately after a bill's preamble or title and precedes the body of the bill. **It is a statement of the words declaring enactment by the proper legislative authority which every bill must contain and which are requisite to the validity of a law**. The usual introductory formula is "Be it enacted by…"" (Mason's Manual of Legislative Procedure, 2010 Edition, Section 729, Page 503 – Exh. #19.5) There is no enacting clause in any of the codes listed below:

18 U.S.C. § 3231 does not have an enacting clause.

18 U.S. Code § 3231.District courts

U.S. Code Notes

The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.

Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

(June 25, 1948, ch. 645, 62 Stat. 826.)

18 U.S.C. § 1343 does not have an enacting clause

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

U.S. Code Notes

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

18 U.S.C. § 1344 does not have an enacting clause

18 U.S. Code § 1344 - Bank fraud

U.S. Code Notes

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

(1)to defraud a financial institution; or

(2)to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises;

shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

18 U.S.C. § 1956 does not have an enacting clause

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

U.S. Code Notes

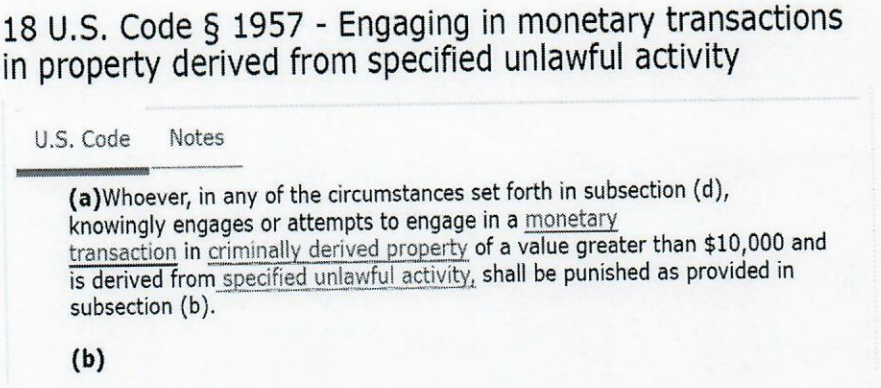
(a)

(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transactionwhich in fact involves the proceeds of specified unlawful activity—

(A)

(h) Any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

18 U.S.C. § 1957 does not have an enacting clause



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

U.S. Code Notes

(a) Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than $10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

(b)

168) Offenders Thomas A. Varlan and C. Clifford Shirley could not determine it was congress who granted them jurisdiction under 18 U.S. Code § 3231 just from looking at the code because there is no enacting clause. They had to make that determination by gossip, hearsay, or simply to further their conspiracy to deprive rights. You cannot tell upon whose authority 18 U.S. Code § 3231, § 1343, § 1344, § 1956, and § 1957 was written. The U.S. code the offenders 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. (Ferrill v. Keel 151 S.W. 269, 272, 105 Ark. 380 (1912)

169) Looking at the United States code there is no way to know they are public laws passed by Congress. They could be resolutions which carry no force and effect as laws. An enacting clause gives jurisdictional identity and constitutional authenticity to the law.

The enacting clause was first used by God Himself when He issued a command, directive or law. God gave Israel the Ten Commandments and Israel knew the source and authority for these laws. God said:

I am the LORD thy God, which brought you out of the land of Egypt, from the house of bondage.

This is the enacting clause for the Ten Commandments. God goes on to give those laws/commandments:

Thou shalt have no other gods before me.

Thou shalt not make for yourself any graven image.

Thou shalt not take the name of the LORD thy God in vain.

Keep the Sabbath day to sanctify it.

Honour thy father and thy mother:

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false witness against thy neighbour.

Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife…

The commandments and laws were not just something Moses made up. When additional laws were given by Moses he always made a statement of authority for the laws. Israel knew the authority behind the laws. (Exodus 20:2-8; Deuteronomy 5:6-12, Deuteronomy 6:1, Exodus 35:1, Leviticus 8:5)

170) The United States, Tennessee, and South Carolina Constitution have an enacting clause:

ENACTING CLAUSE -- **The Constitution of the United States**

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

You know exactly who the enacting authority is for the U.S. Constitution. It is We the People!

ENACTING CLAUSE – **Constitution of the State of Tennessee**

Whereas, The people of the state, in the mode provided by said Act, have called said convention, and elected delegates to represent them therein; now therefore,
We, the delegates and representatives of the people of the state of Tennessee, duly elected, and in convention assembled, in pursuance of said act of Assembly have ordained and established the following Constitution and form of government for this state, which we recommend to the people of Tennessee for their ratification: That is to say

You know exactly who the enacting authority is for the Constitution of the State of Tennessee.

ENACTING CLAUSE – **Constitution of the State of South Carolina**

We, the people of the State of South Carolina, in Convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same.

You know exactly who the enacting authority is for the Constitution of the State of South Carolina.

171) The laws in the U.S. Code are unnamed; they 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. The People are not expected or required to search through records or books for the enacting authority. If the enacting authority is not

"**on the face**" of the laws which are referenced in an indictment, then they are not laws. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman)

172) Congress knows there needs to be an enacting clause. They tell us here:

1 U.S. Code § 101. Enacting clause

1 U.S. Code § 101.Enacting clause

U.S. Code Notes

The enacting clause of all Acts of Congress shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled."

(July 30, 1947, ch. 388, 61 Stat. 634.)

AUTHORITIES – ENACTING CLAUSE

173) The Supreme Court of Arkansas, on several occasions, rules on the necessity of an enacting clause: As long ago as 1871, this court, in Vinsant v. Knox, 27 Ark. 266, held that the constitutional provision that the style of all bills should be, "Be it enacted by the General Assembly of the state of Arkansas," was mandatory, and that a bill without this style was void, although otherwise regularly passed and approved. (28 Ferrill v. Keel, 151 S.W. 269, 273, 105 Ark. 380 (1912))

174) In a case in Nevada a law passed the legislature without a proper enacting clause, raising the question of whether the constitutional enacting clause was a requisite to a valid law. The Court said it was because the provision was mandatory: The said section of the Constitution is imperative and mandatory, and a law contravening its provision is null and void. If one or more of the positive provisions of the Constitution may be disregarded as

being directory, why not all? And it all, it certainly requires no argument to show what the result would be. The Constitution, which is the paramount law, would soon be looked upon and treated by the legislature as devoid of all moral obligations; without any binding force or effect; a mere "rope of sand," to be held together or pulled to pieces at its will and pleasure. We think the provision under consideration must be treated as mandatory.

Every person at all familiar with the practice of legislative bodies is aware that one of the most common methods adopted to kill a bill and prevent its becoming a law, is for a member to move to strike out the enacting clause. If such a motion is carried, the bill is lost. Can it be seriously contended that such a bill. With its head cut off, could thereafter by any legislative action become a law. Certainly not. (Nevada v. Rogers, 10 Nev. 250, 255, 256 (1875); approved in Caine v. Robbins 131 P.2d 516, 518, 61 Nev. 416 (1942).

175) The Court of Appeals of Kentucky held a statute void for not having an enacting clause, holding that all constitutional provisions are mandatory: Certainly there is no longer room for doubt as to the effect of all provisions of the Constitution of this state. By common consent they are deemed mandatory.***No creature of the Constitution has power to question its authority or to hold inoperative any section or provision of it.***The bill in question is not complete, it does not meet the plain constitutional demand. **Without an enacting clause it is void**. (Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 175, 160 Ky. 745 (1914); Louisville Trust Co. v. Morgan, 203 S.W. 555, 180 Ky. 609 (1918).

176) The Supreme Court of Georgia said the use of an enacting clause is "essential," and that without it the Act they had under consideration was "a nullity and of no force and effect as law. (Joiner v. State, 155 S.E.2d 8, 10, 225 Ga. 367 (1967)

177) In 1967, the Supreme Court of Georgia held that a law without an enacting clause was null and void, even though their State constitution had no provision requiring one. They based their decision on the long standing custom of its usage. (Joiner v. State, 155 S.E.2d 8, 10, 223 Ga. 367 (1967)

178) The purpose of an enacting clause in legislation is to express **on the face** of the legislation itself the authority behind the act and identify it as an act of legislation. (Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932).

179) It is necessary that every law should **show on its face** the authority by which it is adopted and promulgated, and that it should clearly appear that it is intended by the legislative power that enacts it that it should take effect as a law. (People v. Dettenhaler, 77 N.W. 450, 451, 118 Mich. 595 (1898); citing Swan v. Buck, 40 Miss. 268 (1866)

180) The enacting clause, sometimes referred to as the commencement or style of the act, is used to indicate the authority from which the statute emanates. Indeed, it is a custom of long standing to cause legislative enactments to express **on their face** the authority by which they were enacted or promulgated. (Earl T. Crawford, The Construction of Statutes, St. Louis, 1940, § 89, p. 125)

181) Enacting clauses traditionally appear right **after the title** and **before the body of the law**, and when so printed, whether on a bill or in a statute book, it is then regarded as being on the **face of the law**. It cannot be in some other record or book, as stated by the Supreme Court of Minnesota: If an enacting clause is useful and important, if it is desirable that laws shall bear upon their face the authority by which they are enacted, so that the people who are to obey them need not search legislative and other records to ascertain the authority, then it is

not beneath the dignity of the framers of a constitution, or unworthy of such an instrument, to prescribe a uniform style for such enacting clause. (Sjoberg v. Security Savings & Loan Assn, 73 Minn. 203, 213, 75 N.W. 1116 (1898)

182) Supreme Court of Nevada held: Our constitution expressly provided that the enacting clause of every law shall be, "The people of the state of Nevada, represented in senate and assembly, do enact as follows." This language is susceptible of but one interpretation. There is no doubtful meaning as to the intention. It is, in our judgment, an imperative mandate of the people, in their sovereign capacity, to the legislature, requiring that all laws, to be binding upon them, shall, **upon their face**, express the authority by which they were enacted; and, since this act comes to us without such authority appearing **upon its face**, it is not a law. (State of Nevada v. Rogers, 10 Nev. 120, 261 (1875); cited with approval in: People v. Dettenhaler, 77 N.W. 450, 452, 118 Mich. 595 (1898); Kefauver v. Spurling, 290 S.W. 14, 15, 154 Tenn. 613 (1926).

183) The Supreme Court of Arkansas, in construing what are the essentials of law making, and what constitutes a valid law, stated the following: A legislative act, when made, should be a written expression of the legislative will, in evidence, not only of the passage, but of the authority of the law-making power, is nearly or quite a self-evident proposition. Likewise, we regard it as necessary that every act, thus expressed, should show **on its face** the authority by which it was enacted and promulgated, in order that it should clearly appear, upon simple inspection of the written law, that it was intended by the legislative power which enacted it, that it should take effect as law. These relate to the legislative authority as evidence of the authenticity of the legislative will. These are features by which courts of justice and the

public are to judge of its authenticity and validity. These, then, are essentials of the weightiest importance, and the requirements of their observance, in the enacting and promulgation of laws, are absolutely imperative, not the least important of these essentials is the style or enacting clause. (Vinsant, Adm'x v. Knox, 27 Ark. 266, 284, 285 (1871).

184) In a case in Kansas, a man was indicted for violating a law making it unlawful to print and circulate scandals, assignations, and immoral conduct of persons. He was arrested upon an indictment and applied for his discharge upon habeas corpus alleging that the act of **the legislature was not properly published**. The act had been published several weeks before the indictment, "which publication omitted an essential part of said act, to-wit, the enacting clause." The Court held that the act was not properly and legally published at the time the indictment was found against the petitioner, nor when the acts complained of therein were done, the petitioner could not have been guilty of any crime under its provisions, and is therefore, so far as this indictment is concerned, entitled to his discharge. (In re Swartz, 27 Pac. 829, 840 47 Kan. 157 (1891).

185) There was no question involved here of whether an enacting clause was used on the bill in the legislature. The fact that the law was published without one was sufficient to render it void and invalid. Thus a publication of an act omitting the enacting clause is not a valid publication of the act. If the required statement of authority is not **on the face** of the law, it is not a law that has any force and effect. Such a published law cannot be used on indictments or complaints to charge persons with a crime for its violation. This decision was upheld and affirmed by the Court in 1981, when it said: In re Swartz, Petitioner, 47 Kan. 157, 27 P. 839 (1891), this court found the act in question was invalid because it had been

mistakenly published without an enacting clause. We again adhere to the dictates of that opinion. Thus **whatever is published without an enacting clause is void**, as it lacks the required evidence or statement of authority. **Such a law lacks proof that it came from the authorized source spelled out in the constitution**, and thus is not a valid publication to which the public is obligated to give any credence. (State v. Kearns, 623 P.2d 507, 509, 229 Kan. 207 (1981)

186) In the law text, Ruling Case Law, is a section that deals with the requirements of statutes, and under the subheading, "Publication of Statutes," it says: The publication of a statute without the enacting clause is no publication. (Ruling Case Law, vol. 25, "Statutes," § 133, p. 884; citing L.R.A. 1915B, p. 1065)

187) When a law in Kentucky was claimed to be void because it was found to have no enacting clause, the Court of Appeals of Kentucky read the entire law (Chapter 68) from the statute book and then said: It will be noticed that the act does not contain an enacting clause. The alleged act or law in question is unnamed; it shows no sign of authority; it carries with it no evidence that the General Assembly or any other lawmaking power is responsible or answerable for it. (Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 175, 160 Ky. 745 (1914)

188) The Supreme Court of South Carolina said that in order for bills to "have the force of law," they "must have an enacting clause showing the authority by which they are promulgated." Thus the publication of a law must display its enacting authority. (Smith v. Jennings, 67 S.C. 324, 45 S.E. 821, 824 (1903)

DENIAL OF DUE PROCESS

189) On/about July 11, 2017 Remonstrant was completing a private purchase transaction in Knoxville, Tennessee when, without warning, notice or opportunity to respond Parker Still, Jimmy Durand, Jason Pack, Joelle Vehec, Mr. Blaine, and others infringed on Remonstrant's fundamental liberties and rights by physically assaulting and causing serious bodily injury to Remonstrant. The offenders arrested Remonstrant without a valid warrant. They did not have a sworn complaint or affidavit. They did not have witness firsthand knowledge of a crime. They unlawfully arrested Remonstrant based upon conversations with USAA Bank and used a South Carolina misdemeanor traffic bench warrant (not signed by a judge) with a disposition date of July 17, 20**15** to do it. The offenders illegally and unlawfully seized private property without a seizure warrant, false imprisoned Remonstrant, denied Remonstrant a probable cause hearing, and denied Remonstrant a detention/bail hearing. Remonstrant was denied due process of law by a proper court with a proper warrant. The Offenders violated the United States, Tennessee, and South Carolina Constitutions, ICCPR Treaty, codes and statutes.

190) Remonstrant requested a copy of the arrest warrant. The offenders did not have one. The requirement of having the warrant for arrest "in actual possession" is the common law rule and thus is part of due process of law – required under Tennessee and US law.

191) Offender Parker Still claimed to be working on an affidavit based upon a presumption or belief of 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**. An arrest for felony based upon suspicion, belief or rumor is not justified.

192) An illegal arrest is an assult and battery. The unlawful arrest, imprisonment and prosecution caused many damages, including bodily 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.

193) 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.

194) Remonstrant's detention was and is without proper legal authority.

195) The arrest of Remonstrant and Heather-Ann:Tucci:Jarraf was an abuse and misuse of legal process for the purpose of carryng out a conspiracy to deprivation of rights.

196) The constitution is the "law of the land" which is due process of law. 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. The common law on arrest without warrant recognized only certain specific and well defined cases wherby an American could be deprived of his liberty. This cannot be abrogated or changed by the legislature. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman)

197) 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 was issued and signed by the clerk and its authority is limited to the geographical jurisdiction of South Carolina. The district court arrest warrants are fictitious signed.

198) An American cannot be summarily deprived of his liberty because of his infraction of some ordinace or statute, unless at common law he was liable to arrest. The misdemeanor traffic statute involved in the South Carolina case is such that it did not alow the offenders to arrest Remonstrant because Remonstrant 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. The offenders are guilty of false imprisoment for arresting Remonstrant 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 Remonstrant of his liberty. It is the "law of the land." As such, these principles are constitutional mandates and cannot be abrogated by mere statutes.

199) The argument that officers are free to arrest because there is a warrant outstanding , is nullified by the requirement of law that one arresting under a warrant must show it if requested to do so, which is manifestly impossible unless he has the warrant in his possession.

AUTHORITIES – DUE PROCESS

200) Due process requires statute to be sufficiently clear so as not to cause persons of common intelligence necessarily to guess at its meaning and to differ as to its application.

(US v. Makowski, 120 F3d 1078 (9th Cir. 1997) Section 3231 (18 U.S.C. § 3231) cited as jurisdiction only addresses those who have committed an injury against the law. Is it possible to commit an injury against a law? No.

201) When government action deprives a person of life, liberty, or property without fair procedures, it violates procedural due process. (US v. Deters, 143 F3d 577 (10th Cir. 1998) Remonstrant's life was stolen without a probable cause hearing, without an investigation, and without so much as an attempt to contact Remonstrant to discuss the FBI's allegation.

202) Right to a fair trial is basic requirement of due process and includes right to unbiased judge. (Haupt V. Dillard, 17 F3d 285 (9th Cir. 1994)

203) "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.

204) **A judgment rendered in violation of due process is void.** "A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. Pennoyer v. Neff, 95 U.S. 714, 732 -733 (1878). **Due process requires that the defendant be given adequate notice of the suit,** Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 -314 (1950), and be subject to the personal jurisdiction of the court, International Shoe Co. v. Washington, 326 U.S. 310 (1945)." World Wide Volkswagen v Woodsen, 444 US 286, 291 (1980); National Bank v Wiley, 195 US 257 (1904); Pennoyer v Neff, 95 US 714 (1878). Remonstrant and Heather-Ann:Tucci:Jarraf were not given notice of a complaint. There was no FBI or US Attorney investigation, interview or phone call.

205) I do not think that a person is to take it for granted that another who says he has a warrant against him, without producing it, speaks truth. It is very important that, in all cases where an arrest is made by virtue of a warrant, the warrant (if demanded, at least) should be produced. (40 A.L.R. 67, citing, Hall v. Roche, 8 T.R. 187, 101 Eng. Reprint, 1337 (1799)

206) If the officer must show the warrant, if required, then it is plain that it must be in his actual possession. It would be absurd to construe this to mean that atfter making the arrest the officer must, if required, take the defendant to some other place and there show him the warrant. (People v. Shanley, 40 Hun 477, 478 (N.Y., 1886)

207) A warrant must have certain requisites in order to render it valid and available as a defense. Many unlawful arrests have been made due to warrants failing to meet such requisites. **"Whenever a warrant is invalid, the officer arresting the defendants will be liable in damages."** (51 L.R.A., 197, citing Frazier v. Turner, 76 Wis. 562, 45 N.W. 411; Carratt v. Morley, 1 Q.B. 18, 1 Gale & D. 45) The face of the South Carolina warrant clearly said 'of the said state – South Carolina,' and the Tennessee warrants were clearly fictitious signed – not signed by the clerk as required.

208) **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. (70 American Jurisprudence, 2d Ed., "Sheriffs, Police, and Constables," § 165, pp. 353-54)

209) Both a proper subject matter jurisdiction and geographical jurisdiction are necessary for a valid warrant. It **is generally held that where the court has no jurisdiction the officer executing a warrant will be liable in damages**. **The question of jurisdiction can**

be raised at any time, and since neither consent nor waiver can give jurisdiction , the court will not proceed where it appears from the record that it has no authority. (5 American Jurisprudence, 2d Ed., "Arrest," § 7, p. 700)

210) The common law requires that an arrest made on a warrant be issued only after a formal charge is made under oath. (Morrow v. State, 140 Neb. 592, 300 N.W. 843, 845 (1941) Thus **no arrest is valid unless based upon a sworn affidavit** which offender Parker Still admitted he did not have at the time he arrested Remonstrant.

211) An affidavit that does not appear to have been sworn before any judicial officer, and a warrant signed only by the officer who made the arrest and **not** dated or **authenticated,** afford **no lawful authority** for the arrest and detention of an accused. (Liberis v. Harper, 89 Fla. 47, 104 So. 853, 855 (1925). Also see 5 Am. Jur. 2d "Arrest," §12, p. 705)

212) In Minnesota, the State Supreme Court held that a statute **permitting clerks and deputy clerks** of the County Municipal Court **to** receive complaints and **issue warrants** in prosecutions under municipal ordinances **is unconstitutional**. The court said: "The United States Supreme Court has considered and disposed of a related problem in Camara v. Municipal Court, 387 U.S. 523 , 541. The majority in Camara nevertheless stressed the need for "individualized review" by a "neutral magistrate" to avoid the issuance of "rubber stamp" warrants. (State v. Paulick, 277 Minn. 140, 151 N.W. 2d 591, 596 (1967). Also Cox v. Perkins, 107 S.E. 863, 865 (Ga. 1921)

213) Since the taking of an affidavit in a criminal proceeding imposes a duty of a judicial nature, an affidavit taken before a clerk or prosecuting attorney is not sufficient as a basis for the issuance of a warrant. (Cox v. Perkins, 151 Ga. 632, 107 S.E. 863 (1921)

214) The complaint or charge on which a warrant is issued must set forth the facts constituting the offense **on the knowledge of the person making the complaint**, and if he does not know them **other witnesses must be examined who do know them**; and **no person can be arrested on the mere belief of the person making the complaint**. (2 R.C.L. "Arrest," § 17, p. 460; citing, Brown v. Hadwin, 182 Mich. 491, 148 N.W. 693 (1914)

215) A warrant issued for a matter that is not a criminal offense is no justification for a constable who arrests upon it. **A person cannot be lawfully arrested by a sheriff acting under a copy of a court order or warrant in the form required**. **Such copy is not valid**. (5 American Jurisprudence, 2d ed., "Arrest," § 7, p. 700; citing, Leighton v. Hall, 31 Ill. 108 (1863)

216) An affidavit based upon a presumption or belief of crime 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**. (61 American Law Reports, Annotated, pp. 377-379; Housh v. People, 75 Ill. 487 (1874)

217) "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**, **f)** It must truly name the person to be arrested or describe him

sufficiently to identify him. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman)

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

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

220) A Federal Circuit Court of Appeals held: We are of the opinion that **the law does not permit an American to consent to unlawful restraint**, nor permit such a claim to be made upon the part of the defendants. In Wharton on Criminal Law, vol. I, § 751e, it is said: "**No man has a right to take away another's liberty, even though with consent, except by process of law**. And the reason is, that liberty is an unalienable perogative of which no man can divest himself, and of which any divestiture is null. (Meints v. Huntington, 276 Fed. 245, 250 (1921)

221) The fundamental constitutional guaranties of personal liberty protect private individuals is the right of enjoyment of personal freedom without unlawful restraint, and it is universally recognized that **no one may be arrested except by due process of law**. (2 R.C.L. 463, § 21).

222) A breach of the peace is a public offense done by violence or one causing or likely to cause an immediate disturbance of public order. Breach of the peace is a common law offense, but it is not itself a specific offense. An alleged theft is not in its nature a breach of the peace. (Radloff v. National Food Stores, 20 Wis.2d 224, 123 N.W.2d 570 (1963)

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

224) **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. (Citing, 1 Hil. Torts, pp. 213-14, sec. 9) Remonstrant was arrested by the FBI and taken to Knox Sheriff office and detained with no warrant.

225) It is the undoubted right on the part of a prisoner, on being arrested by a public officer or private citizen, and unquestionably a corresponding duty on the part of the one making the arrest, **to take the prisoner before a court or magistrate** for a hearing or examination and this must be done without unnecessary delay. The object of this right and corresponding duty is that the prisoner may be examined, held, or dealt with as the law directs and the facts of the case require. **It is highly improper and an invasion of the lawful rights of the prisoner to take him to any other place than to a proper court or magistrate**. (Walter H. Anderson, A Treatise on the Law of Sheriffs, Coroners and Constables, Vol. I, § 179-80 (1941))

226) Coupled with the authority to arrest went an imperative obligation on the officer to **bring the arrested person before a magistrate** without unreasonable delay. Especially was this true where the arrest had been made without a warrant. When an officer makes an arrest, without warrant, it is his duty to take the person arrested, **without unnecessary delay, before a magistrate or other proper judicial officer having jurisdiction**, in order that he may be examined and held or dealt with as the case requires; **but to detain the person arrested in custody for any purpose other than that of taking him before a magistrate is illegal**. (Kominsky v. Durand, 64 R.I. 387, 12 Atl.2d 652, 654, (1940)

227) **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 (18 U.S.C.A. "Rules of Criminal Procedure," Rule 5)

228) The law requires an arresting officer to bring an accused before a magistrate "as quickly as possible." (Greenwell v. United States, 336 Fed.2d 962, 965 (1964)

229) **The requirement of bringing an arrested person directly to a court or judge is due process of law**, and as such this procedure cannot be abrogated by statute. (Judson v. Reardon, 16 Minn. 387 (1871); Long v. The State, 12 Ga. 293, 318 (1852); Moses v. State, 6 Ga. App. 251, 64 S.E. 699 (1909), Hill v. Smith, 59 S.E. 475 (Va.-1907); Folson v. Piper,

192 Iowa. 1056, 186 N.W. 28, 29 (1922); Edger v. Burke, 96 Md. 715, 54 Atl. 986, 988 (1903); Bryan v. Comstock, 220 S.W. 475)

230) It is a familiar rule of law that one who abuses an authority given him by law becomes a trespasser ab initio. That is, he becomes a wrongdoer from the beginning of his actions. (Leger v. Warren, 62 Ohio St. 500, 57 N.E. 506, 508 (1900)

231) Where one fails to take a prisoner he has arrested to a proper judge, or where he causes an unreasonable delay in doing so, the officer becomes a trespasser ab initio. **The unlawful confinement by an officer makes the entire transaction, including the arrest, unlawful and a trespass**. (Great American Indemnity Co. v. Beverly, 150 F.Supp. 134, 140 (1956)

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

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

234) The basis of the well established procedure in law of taking a person arrested directly to a judge or court, is to avoid having the liberty of the American unjustly dealt with by extra-judicial acts of executive officers. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 53)

235) **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. To allow the executive department such powers of decision making is the epitome of despotism. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 54)

236) The due process argument in **false imprisonment** cases will nullify the statutes, rules and ordinances that are contrary to the common law rule on arrest. **No legislative act can abrogate what is the law of the land**, Otherwise there is no such thing as due process. Government has encroached upon the citizen's liberty by ignoring due process. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 60)

237) 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).

238) The term "**due process of law**" had a well settled meaning when the constitution was adopted. The framers thereof intended to perpetuate and secure the many principles, laws and rights, all of which could not be listed, against abrogation. Subsequent legislation cannot change the meaning or effect of this constitutional provision, and thus

cannot change the procedure by which one is to be deprived of his liberty by way of arrest. **An arrest cannot be done except by the law of the land, or due process of law**. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 60)

239) 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 was made with a warrant, must follow the criteria of the Fourth Amendment otherwise it is an unlawful arrest, as the warrant would be illegal. But where there was no warrant, this provision is not applicable, rather we would apply the standards of due process of law. (A Treatise On Arrest and False Imprisonment, Charles A. Weisman, P. 61)

PREJUDICIAL STATEMENTS

240) Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript Volume I, P. 58, Line 4-7, 12 (Exh. #13.12)

> Q When a bank gets robbed, do you usually have a bank robber and a banker and a gun or some kind of weapon and cash? **You're talking about, per Ms. Svolto's opening statement, that he was robbing a bank?**
>
> A Yes, ma'am.

There was no robbery charge yet offender Anne-Marie Svolto, in her opening statement, accused Remonstrant of robbing a bank.

241) Cynthia F. Davidson Direct Examination of Parker Still, Trial Transcript, Volume I, P. 25-26, Line 24-25, 1-2 (Exh. #13.3 and 13.4)

A All of a sudden, we have information that Buddy Gregg is going to turn it over or he is going to leave in this motor home. So, yeah, it was similar to a **bank robbery**. I grabbed Special Agent Jimmy Durand. We literally run towards the door."

Offender Parker Still told the trial jury that being given the keys to a motor home lawfully purchased was similar to a bank robbery. There was no bank robbery charge.

242) Heather-Ann:Tucci:Jarraf Cross Examination of Parker Still, Trial Transcript Volume I, P. 57-58, Line 24-25; 1-3 (Exh. #13.11 and 13.12)

A I think we're getting a little off track here. I mean, you know, **when an FBI gets a call that a bank is getting robbed**, we don't sit there and say, "Hey, do you know" – I mean, we don't ask a million questions. We go. That's what we did today or did then."

Again, there was no bank robbery charge.

243) "We have subsequently learned that possibly, again, **speculating,** that that comment meant, "**Military Operations**," **to try to remove Mr. Beane from the Knox County Detention Center**. That's what, again, what I deduct." (Grand Jury Transcript, P. 56-57, Line 25; 1-3) While offender Parker Still said he was speculating, he knowingly made the statement to mislead the trial jury.

There is no evidence in the record of a military operation jail break. Offender Jeffrey Sutton repeated offender Parker Still's testimony about Mrs. Tucci:Jarraf "planning military operations" to remove Mr. Beane from the detention center in his appellate opinion – knowing offender Parker Still said he was speculating to the grand jury. (Appellate Opinion, P. 4, ¶ 2)

244) Heather-Ann:Tucci:Jarraf Cross-Examination of FBI Special Agent Parker Still – Trial Transcript, Volume I, Pg. 63, line 20-25

…Buddy Gregg, it's my understanding as a -- that Buddy Gregg provided that information to one of our task force officers who relayed that information to me that he was leaving in the motorhome. And you know what? When we got there, he was leaving in the motorhome. Pretty good information. **Stolen motorhome**.

There was no charge for a stolen motorhome. Buddy Gregg RVs & Motor Homes handed Remonstrant the keys because Remonstrant made a lawful purchase.

245) The offenders accused Mrs. Tucci:Jarraf of not being a "licensed" attorney' and therefore practicing law without a license when they knew Mrs. Tucci:Jarraf made no attempt to practice law before a court as a BAR attorney or attorney-at-law/officer of the court. They knew Mrs. Tucci:Jarraf cancelled her BAR membership and became a lawyer/attorney doing legal work outside the courtroom. They accused her of illegally practicing law without a license when they know there is no license requirement. (Grand Jury Transcript, P. 20, Line 2-9; P. 52, Line 6-8; Trial Transcript, Volume I, P. 37, Line 13-18) **"The practice of law cannot be licensed by any state/State."** (Schware v. Board of Examiners, United State Reports 353 U.S. pages 238, 239.)

246) They accused Remonstrant of having an "outstanding" and "active" South Carolina arrest warrant knowing South Carolina had disposed of the traffic related misdemeanor bench warrant two years earlier.

247) Offender Parker Still hinted Remonstrant may be involved in terrorist activity to inflame the jury. He stated – "We don't know anything else about, you know what his

ultimate intent with that. It's 45 feet. You know, you can imagine our – what, you know – the possibilities are unlimited." (Exh. #13.2 and #13.3) This statement was meant to be inflammatory. No one from the FBI or US Attorney office contacted Remonstrant to discuss intentions regarding the motor home or anything else. Remonstrant was not interviewed by the FBI or the US Attorney. Had they bothered to interview Remonstrant they would have known Remonstrant's intentions.

DENIAL OF APPEAL

248) Remonstrant and Heather-Ann:Tucci:Jarraf had the right to present their appeal. (Exh. #14, #15) While offender Jeffrey Sutton wrote in his 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 – Exh. #17.3) **he DENIED this right** to Remonstrant and Heather-Ann:Tucci:Jarraf and appointed two attorneys at law/officers of the court, Stephen Louis Braga and Denis G. Terez, without the consent of Remonstrant or Heather-Ann:Tucci:Jarraf. (Exh. #16.1, #16.2)

RELIEF SOUGHT

249) No man or woman can administrate property without right.

A) I, Randall-Keith:Beane, claim trespass did cause wrong and harm. (theft of property, serious bodily injury)

B) I, Randall-Keith:Beane, require the immediate restoration of property. (Property refers not only to physical goods and the fruit of one's labor but also encompasses rights, life, liberty, and the pursuit of happiness.)

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

D) Investigate, impeach, and criminally charge each of the offenders named and unnamed for felony kidnapping, trafficking, false imprisonment, and other violations.

CONCLUSION

250) July 11, 2017 Remonstrant, Randall-Keith:Beane, was engaged in a private business transaction at Buddy Gregg RVs & Motor Home in Knoxville, Tennessee when he was suddenly ambushed by FBI Special Agent Parker Still, Esq., FBI Special Agent Jimmy Durand, FBI Special Agent Jason Pack, FBI Special Agent Joelle Vehec , sheriff deputy Blaine, Jaron Patterson (FBI), D.T. Harnett (FBI), and other unknown assailants.

251) 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 imprisonment, and are in federal custody in violation of the law.

252) Remonstrant submits this habeas corpus petition of remonstrance to demand to be restored.

253) This habeas corpus petition of remonstrance is presented because Remonstrant and Heather-Ann:Tucci:Jarraf were taken into custody without due process using fraudulent arrest warrants. Remonstrant and Heather-Ann:Tucci:Jarraf were framed for a crime the offenders manufactured as part of their conspiracy to false imprison Remonstrant and Heather-Ann:Tucci:Jarraf.

254) District courts are Article III courts of record. Offenders Thomas A. Varlan and C. Clifford Shirley did not operate a court of record. The court acted under "codes" not law. Remonstrant and Heather-Ann:Tucci:Jarraf were not tried in an Article III court of record. Offenders Thomas A. Varlan and C. Clifford Shirley fraudulently concealed their jurisdiction under color of law. (Exh. #22) 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 jurisidiction and no personal jurisdiction but they kept quiet. "Silence can only be equated with fraud when there is a legal or moral duty to speak, or when an inquiry left unanswered would be intentionally misleading…We cannot condone this shocking conduct..If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately. (U.S. v. Tweel, 550 F.2d 297, 299-300 (1977)

255) Subject matter jurisdiction was fraudulently acquired through the FBI. The FBI did not have jurisdiction to investigate the matter and therefore could not pass jurisdiction on to the Department of Justice and the District Court.

256) Remonstrant delcares offenders Thomas A. Varlan and C. Clifford Shirley did not make it clear if they were addressing Remonstrant the man, or the all caps corporate legal fiction. Remonstrant is not a legal fiction or person. He is a man who is false imprisoned.

257) Remonstrant declares he has seen no sworn complaint or affidavit from a competent fact witness with firsthand knowledge to lawfully assert a charge against Remonstrant. The plaintiff is a corporation and did not prove injury, loss, or standing.

258) Because the employees of the FBI are required to record all activity and information in the Sentinel system case file from inception to conclusion, you are able to review the actions taken by the FBI agents – as well as the actions not taken.

259) Remonstrant instructs representatives to issue HABEAS CORPUS, investigate the reasons why Remonstrant and Heather-Ann:Tucci:Jarraf are unlawfully held in custody and under restraint, void the Tennessee district court judgment, and expunge the Tennessee and South Carolina case and record.

260) Please confirm the S. Robinson complaint and this habeas corpus remonstrance were forwarded to the insurance/bonding/liability company for each of the offenders/perpetrators/coconspirators. If not, please forward their contact information to me.

Without Prejudice, All Rights Reserved,

Randall Keith Beane

Autograph: Randall-Keith:Beane, Remonstrant
Living soul – A man – under God

CONTACT INFORMATION
Randall-Keith:Beane
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FCI Elkton
P.O. Box 10
Lisbon, Ohio (44432)
Phone: 330-420-6200

Copy to: (1) Randall-Keith:Beane

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FCI Elkton
P.O. Box 10
Lisbon, Ohio (44432)
USPS Priority #9114 9012 3080 3100 9033 63

(2) Heather Ann Tucci-Jarraf
Reg. #86748-007, FCI Dublin
Address Unknown

(3) Ms. Crawford

Attachment: The details of the case is summarized in a March 11, 2021 complaint. Please go to I-UV.com to read the March 11, 2021 322 page grievance complaint and 164 pages of attachments filed by S. Robinson and others – posted March 23, 2021.

MASON'S MANUAL 2010 (Exh. #19.1)

1. "A petition is a written document, addressed to the legislative body in which it is to be presented, containing a title or designation of the petitioner of the subject matter to be presented, statements upon which the petitioner substantiates a claim for desired action by the legislative body, the specific request, the prayer, in which the object of the petitioner is expressed and signed by the petitioner, embodying instructions, opinions or a request to a legislative body to exercise its authority with reference to any matter either of a public or private nature." (Sec. 148.2, Pg. 115)
2. "Being organic in character, constitutional provisions stand on a higher plane than statutes and are mandatory." (Sec. 7.1, Pg. 17 – Exh. #19.2)
3. "A legislature may enact any laws that state or federal constitutions do not prohibit." (Sec. 7.3, Pg. 18 – Exh. #19.3)
4. **"...an act will be invalidated where there is fraud or bad faith." (Sec. 16, Pg. 25 – Exh. 19.4)**
5. "The common law of parliamentary procedure is founded upon well-established and reasonable usage. It does not rest upon mere custom but upon reasonable and equitable custom. 'What is not reason is not law' may be said with reference to the

common law of order in deliberative bodies, as well as to the common law of the land." (Sec. 35, Pg. 29)

6. **"There must be no fraud or trickery or deception causing injury. As in other situations, a person is liable for damage or injury intentionally or negligently caused to another." (Sec. 43, Pg. 38)**
7. "is a part of the common law." (Sec. 44.1, Pg. 39)
8. "A public body cannot delegate its powers, duties or responsibilities to any other person or groups, including a committee of its own members." (Sec. 51, Pg. 46)
9. "The people of each state are vested with sovereign authority, expressed by their elected representatives serving in a legislature. Thus, legislative power is absolute and unlimited except as restrained by constitution." (Sec. 73, Pg. 62)
10. "A legislative body can ratify only such actions of its officers, committees or delegates as it had the right to authorize in advance. It cannot ratify or make valid anything done in violation of the constitution." (Sec. 443.2, Pg. 294)
11. "No motion or measure is in order that conflicts with the constitution of a state or the U.S. Constitution or with treaties of the United States, and if such a motion or measure be adopted, even by a unanimous vote, it is null and void." (Sec. 517.1, Pg. 353)
12. "The power of any legislative body to enact legislation or take final action requiring the use of discretion cannot be delegated to a minority, to a committee, to officers or members, or to another body." (Sec. 518.1, Pg. 354)
13. "The **enacting clause**, which also may be called the enacting authority or enacting style, **follows immediately after a bill's preamble or title and precedes the body of the bill**. It is a statement of the words declaring enactment by the proper legislative authority which every bill must contain and which are **requisite to the validity of a law**." (Sec. 729, Pg. 503 – Exh. #19.5)
14. The **legislature has the power to investigate any subject** regarding which it may desire information in connection with the proper discharge of its function to enact, amend or repeal statutes or to perform any other act delegated to it by the constitution. (Sec. 795.2, Pg. 561 – Exh. #19.6)

Emoluments Violations of Statutable Plunder

1) 18 U.S. Code § 241.Conspiracy against rights
2) 18 U.S. Code § 242.Deprivation of rights under color of law
3) 42 U.S. Code § 1985.Conspiracy to interfere with civil rights
4) 18 U.S. Code § 643.Accounting generally for public money
5) 18 U.S. Code § 1951.Interference with commerce by threats or violence
6) 18 U.S. Code § 2236. Searches without warrant
7) 18 U.S. Code § 1621. Perjury generally
8) 18 U.S. Code § 1623. False declarations before grand jury or court
9) 31 USC § 3730 – False Claims
10) 18 USC § 1341 – Frauds and Swindles
11) 18 USC § 514 – Fictitious Obligations
12) 18 USC §1952 – Racketeering
13) 18 U.S. Code § 1581 (a). Peonage; obstructing enforcement
14) 18 U.S. Code § 1583 (a)(1). Enticement into slavery
15) 18 U.S. Code § 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor
16) 18 U.S. Code § 1001. Statements or entries generally (Fraud upon the Court)
17) 28 U.S. Code § 4101 (1). Defamation
18) 28 U.S. Code § 453. Oaths of justices and judges – Breach of Oath of Office
19) 25 CFR § 11.411 – Criminal trespass
20) Tennessee Code 39-14-405 – Criminal trespass

International Covenant on Civil and Political Rights (ICCPR) Treaty signed by United States of America;

(a) Article 8 – Prohibits Slavery and Servitude

(b) Article 9 – Requires any Deprivation of Liberty to be according to law

(c) Article 9.3 and 9.4 – Restricts Pre-trial Detention

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